

1 Tuesday, 8th July 1997

2 (10.00 am)

3 (In open session)

4 JUDGE KARIBI WHYTE: Good morning, ladies and gentlemen.

5 Can we have the witness now?

6 (Witness enters court)

7 JUDGE KARIBI WHYTE: Let him take the oath, please.

8 Witness P (sworn)

9 Examined by MS. McHENRY

10 JUDGE KARIBI WHYTE: Can we have the appearances of counsel
11 now?

12 You can take your seat.

13 A. Thank you.

14 MS. McHENRY: Good morning, your Honours. I am Teresa
15 McHenry, trial attorney for the Office of the
16 Prosecutor. I'm here with my co-counsel, Mr. Giuliano
17 Turone, and our case manager, Ms. Elles van Dusschoten.

18 JUDGE KARIBI WHYTE: Now appearances for the defence,
19 please.

20 MS. RESIDOVIC (in interpretation): Good morning, your
21 Honours. My name is Edina Residovic, defence counsel
22 for Mr. Zejnil Delalic. With me is Professor Eugene
23 O'Sullivan, Professor from Canada.

24 MR. OLUJIC (in interpretation): Good morning, your
25 Honours. I am Zeljko Olujic, defence counsel of

1 Mr. Zdravko Mucic. With me in the defence team is my
2 learned colleague Mr. Michael Greaves, attorney from the
3 United Kingdom.

4 MR. KARABDIC (in interpretation): Good morning, your
5 Honours. My name is Salih Karabdic. I am defence
6 counsel for Mr. Hazim Delic. With me in the team is
7 Mr. Thomas Moran, attorney from Houston, Texas.

8 MR. ACKERMAN: Good morning, your Honours. I am John
9 Ackerman, representing Esad Landzo. With me is Cynthia
10 McMurrey. Thank you.

11 JUDGE KARIBI WHYTE: Thank you very much. Ms. McHenry?

12 MS. MCHENRY: Thank you, your Honours.

13 Sir, am I correct that you have requested that
14 your name not be made public as part of your testimony
15 here today and that your face not be shown publicly?

16 Can you hear me, sir? You don't have to do
17 anything. You can just answer and I believe the ...

18 A. (In interpretation): yes.

19 Q. You will be referred to as Mr. P here today; is that all
20 right?

21 A. Yes.

22 Q. Sir, showing you what has been marked on a piece a
23 paper, a name, can you just confirm that this is your
24 name and then I'll give it to the Registrar so that the
25 record is clear? Is that your name, sir?

1 A. Yes.

2 Q. I'll just ask that it be given to the Registrar. I
3 don't know if defence counsel wants to see it, but they
4 have already been advised of the name.

5 Sir, how old are you?

6 A. I'm 42. I will be 43 shortly.

7 Q. How are you employed?

8 A. Yes.

9 Q. Sir, how are you employed? What kind of work do you do?

10 A. I'm working as a doctor specialist of
11 otolaryngology in a medical centre.

12 Q. Is otolaryngology -- is that also an ear, nose and
13 throat specialist?

14 A. Yes.

15 Q. Could you just briefly summarise your education?

16 A. I completed elementary and secondary school in Konjic,
17 the School of Medicine in Sarajevo. I attended three
18 semesters of post-graduate studies at the Department of
19 Surgery with anaesthesia and re-animation. Due to the
20 war I was unable to continue my education, my
21 specialisation. I also completed specialisation in
22 Sarajevo.

23 Q. What is your ethnic background?

24 A. I am a Serb.

25 Q. Where were you living in the beginning of 1992?

1 A. I was living in Konjic.

2 Q. Did there come a time when you left Konjic, Konjic town?

3 A. Only during my specialisation and during the war
4 operations.

5 Q. During the war operations can you just tell us when it
6 was that you left Konjic town and where you went, just
7 briefly, sir?

8 A. I cannot recall the exact dates, but I think I left
9 Konjic in the second half of April, somewhere perhaps
10 around 25th. Up till then somewhere between 10th and
11 17th April 1992 the director of the medical centre,
12 Dr. Ahmed Jusufbegovic called us Serbs doctors and there
13 was a lawyer amongst us who was also Serb, a lady, and
14 he warned us to seek shelter for our families, because
15 allegedly he was being threatened by Serbs.

16 I proposed that I would be prepared to act as his
17 personal guard. I didn't take this seriously.
18 However, upon the arrival of the HOS forces in the motel
19 in Konjic I realised that the situation was serious and
20 I should try and seek shelter for my family. I do not
21 remember the exact date when I left. It could have
22 been 20th, 21st or 22nd, I'm not sure. I headed in the
23 direction of the village of Bradina.

24 In the meantime, before I left and before I
25 decided to leave for Bradina, in the office in the

1 medical centre Miroslav Stenek arrived. He was my
2 former maths teacher. For the last ten or fifteen days
3 -- years, I'm sorry, years, he was working in the SUP,
4 in the police. What kind of job he did I don't know.
5 He advised me to seek shelter. He proposed I go to
6 Lake Boritz or Bijela. I asked: "How am I going to get
7 through when there are checkpoints on the outskirts of
8 Konjic?" He said the least I should do was to go to
9 Bradina. I consider this to have been his friendly
10 advice.

11 MS. McMURREY: We have to object at this time. This is
12 non-responsive to the question and I would like to ask
13 that the witness just answer the question asked by the
14 Prosecutor. Thank you.

15 JUDGE KARIBI WHYTE: Carry on with your statement. Carry
16 on.

17 A. I went to fetch my family by car and in Pozaraz I came
18 across barricades. I couldn't pass. I had to go
19 back. Then the telephone rang in my apartment. I
20 answered and they told me that I was free to cross the
21 barricades. There would be no more difficulties.
22 I was allowed to pass through the barricades. I
23 reached Bradina.

24 I learned later that in Bradina at the checkpoint
25 a group of Muslims who were going from Konjic in the

1 direction of the Podbitolje villages -- Repovci,
2 Stojkovici, Bulatovici -- had been stopped at the
3 barricades. I spent the day there and I think maybe it
4 was the next day, most probably the next day, I went
5 back to Konjic again to work. This went on for several
6 days. I don't know exactly for how many. I think
7 somewhere up to 5th or 6th May, because there was a bus
8 going from Repovci via Bradina to Konjic, and it was
9 transporting workers, and I used that bus.

10 In the meantime it happened on several occasions
11 that I could not reach my work post and I called
12 Dr. Jusufbegovic to inform him that I was unable to reach
13 the centre. On one occasion he gave me approval.
14 When he was going to Repovci he visited me at my home.
15 He talked to me and my father and said: "If you don't
16 manage to come in a couple of days, there will be no
17 problems." That was the oral advice that he gave me.

18 Q. Sir, can I just ask you: during the time that you were
19 in Bradina, living in Bradina, was there any organised
20 armed defence?

21 A. Regarding the military organisation and defence, all I
22 know is that the people organised themselves. It was
23 self-organisation. I had no weapon. I was working in
24 an out-patient clinic, and I was arrested in my white
25 coat, together with the wounded in my surgery. Two had

1 gela (sic) wounds. One had --

2 MS. McMURREY: I am going to have to object right now. The
3 question was: "In Bradina was there any organised
4 defence?" I am asking the court to please ask the
5 witness to answer the question the prosecution is asking
6 him.

7 JUDGE KARIBI WHYTE: Please kindly interfere less. Let
8 her lead the witness the way she wishes.

9 MS. MCHENRY: Sir, let me ask you: you have indicated that
10 you yourself were not armed. Were you any part of the
11 organisation of the defence of Bradina?

12 A. If one can describe it as participation, I was working
13 in the out-patient clinic. Therefore, if I had any
14 duty and if anybody wanted to ask me such a question as
15 a provocation, my answer would be that I worked as a
16 doctor in my surgery.

17 Q. Okay. So is it a fair summary that, although some
18 people had organised themselves and some people were
19 armed, am I correct that you were not armed and you were
20 not part of that organisation, the defence organisation
21 I'm referring to?

22 A. Yes.

23 Q. Sir, were you part of any political organisation?

24 A. No. I did not belong to any political organisation, nor
25 did I participate in the Republic elections in November

1 1991. This was my personal sign of protest, because I
2 did not agree with the political parties.

3 Q. Sir, were you part of any negotiations going on between
4 persons from Bradina and persons from Konjic about the
5 various defence concerns that the various communities
6 had?

7 A. Yes.

8 Q. Sir, I don't at this point -- I'm not going to ask you
9 any specifics about that. I just wanted to clarify
10 that you were part of that. Let me go forward, sir.
11 Was there any military action in Bradina in May of 1992
12 that resulted in your capture or arrest, and, if so, can
13 you please tell us when this was and what happened to
14 you specifically?

15 A. Yes. Before the major offensive there was some exchange
16 of fire along the confrontation lines. I don't know
17 exactly where those lines were, because I wasn't there,
18 so I cannot say, but on 25th May 1992 somewhere around
19 1 o'clock in the afternoon the shelling of Bradina
20 started.

21 Q. Where exactly were you, sir, when the shelling started?

22 A. I was in the surgery. Next to me was my colleague,
23 Edhem Seper, and for a time Risto Zuza was there too.
24 We were sitting on logs in front of the surgery under an
25 apple tree.

1 Q. At some point were you captured or arrested?

2 A. Yes. On 26th May 1992 I was arrested in my surgery,
3 wearing my white doctor's coat. There were some locals
4 with their hands behind their heads heading towards the
5 dispensary, and behind them were soldiers wearing
6 camouflage uniforms. I saw that they had the insignia
7 of the HVO and the TO. I was searched in front of the
8 clinic and then taken to a collection point in front of
9 the cafe in Bradina. A column had already been formed
10 and just behind the school on the road, the local road,
11 heading towards Ivan Sedlo on the road near the school,
12 women and children had been gathered together. Then
13 they -- after making us line up in twos to form a
14 column, we went on foot forwards Konjic. We covered
15 about 1 or 1.5 km., because the tunnel had already been
16 blown up, that is the tunnel leading from Bradina
17 towards Konjic on the main highway.

18 As we went, they beat us with rifle butts, they
19 kicked us and they forced us to sing Ustasha songs. It
20 was horrible to see them beating old people and forcing
21 them to sing Ustasha songs. I remember one of them:
22 "The star shines above Metkovic and bring back our Ante
23 Pavelic". That was the song.

24 Then near the tunnel they loaded us onto trucks.
25 As far as I can recall, I was in a truck of brand name

1 Tam, T-A-M, 2001. I don't know whether it belonged to
2 the electrical distribution firm of Konjic or the
3 company Sipad of Konjic. I'm not sure.

4 Q. Sir, where were you taken after you were arrested?

5 A. After our arrest we were taken in vehicles to the sports
6 hall in Konjic. As we came out of the vehicle there
7 was a double line of soldiers wearing camouflage
8 uniforms, and as I came down, somebody hit me hard on
9 the head. I lost my glasses. I tried to pick them
10 you. Somebody trod on them and then the beatings
11 started. They beat us with metal rods filled with
12 sand, which we saw later on. They were the kind they
13 used in the camp later on. Then they used rifle
14 butts. They kicked us. Rifle magazines were used.

15 Then we were led into the corridor of the sports
16 hall. I know that I had to go on my knees to the
17 dressing room. We had to bend our heads. If anyone
18 were to look sideways, he would be beaten additionally,
19 though the beatings went on all the time.

20 Q. Sir, how long did you spend in the sports hall?

21 A. We weren't there for long. We were kept in the
22 dressing room. These are my estimates. I'm not sure,
23 but I know they were kept there 20, 30, 40 minutes on
24 the outside. Then they picked us up again and they
25 told us that they were going to take us towards Grude,

1 that it was by mistake that we had been brought there.

2 Then they loaded us onto trucks. I was in a van
3 which had the words "Oslobodjenje" on it which means it
4 belonged to the Oslobodjenje publishing house. They
5 brought us to Celebici. There were two or three men
6 there. I think that they were not wearing camouflage
7 uniforms. They beat us during the ride there. With
8 me in the van was Slavko Zelenovic, Milan Zivak, his son
9 Dragan, Milan Zuza. How many more of us were there
10 I can't recall at this point.

11 Q. Sir, would this have then been on 26th May that you
12 arrived in Celebici?

13 A. Yes.

14 Q. You've indicated that your glasses were broken. Just
15 can I ask, going ahead a little bit, at some point were
16 you able to get replacement glasses, or did you never
17 have your glasses again while you were in Celebici?

18 A. I got glasses when I was transferred from the health
19 centre in Konjic, and I can tell you how this happened,
20 in the elementary school called Third May.

21 Q. Sir, I just wanted to establish that you got some
22 later. Can you please tell us what happened when you
23 arrived at Celebici?

24 A. As we got off the small van or bus there was again --
25 there were two lines of soldiers again. They beat us

1 and they forced us to climb a truck, on to the body of
2 the truck. As I didn't have any belt my trousers
3 slipped a little, so I found it difficult to climb.
4 They kept beating me all the time. Next to me was
5 Jasmin Guska, Chief of Department of SUP, and Sevko
6 Niksic, chief of the Konjic police station.

7 Q. Sir, let me just clarify. When you say next to you
8 were Mr. Guska and Mr. Niksic, do you mean that they were
9 also being detained, or do you mean that they were there
10 but not part of the people being detained or beaten?

11 A. They were not detained. They were officials belonging
12 to the authorities at the time.

13 Q. Okay. Thank you. Just please continue with what
14 happened to you.

15 A. So, as I was saying, I passed through this double line,
16 and whatever they asked, I had to answer, and with every
17 new question the beatings intensified. I managed
18 somehow to climb onto the truck. There was a boy in a
19 camouflage uniform on top. He pushed me down again so
20 I had to climb up again and be beaten again. When we
21 managed to climb onto the truck, it moved maybe a couple
22 of metres only and they told us that they were taking us
23 to Grude.

24 Then again they ordered us to come down. We did
25 and we had to line up against a small wall in front of

1 the entrance to Number 9. It must have been some kind
2 of a nuclear shelter of the former military barracks in
3 Celebici. We had to raise our hands up. They took my
4 -- personally they took my wallet, my bank card, a
5 signed cheque, money, and they didn't see my watch so
6 they didn't take my watch. They were beating us all
7 the time.

8 I asked Mr. Guska: "Should I take off my white
9 coat?" "No", he said, "you have to be like that".
10 Then I had to take my shoes off. I entered Number 9,
11 but I begged Milan Zuza to hold my hand, because I
12 couldn't see very well. It was very dark as you
13 entered. I somehow felt my way and entered Number 9.

14 The other prisoners entered as well. I believe
15 they went through the same procedure as myself, and
16 about half an hour later Rale Musinovic came. I can't
17 remember just now what his proper name was. He was a
18 driver in the transportation company of Konjic. He
19 introduced himself as the camp commander. He said that
20 a number of military policemen had violated orders and
21 that they would be punished. We begged him to bring us
22 water. A guard brought some water. We drink. In
23 the meantime he called me out and told me to go with him
24 to work in the health centre in Konjic.

25 Coming out of Tunnel Number 9 Marko Ruzic was

1 waiting for me. I think he was a soldier in a
2 camouflage uniform -- no, there was another soldier in
3 camouflage uniform, Ulas. I'm afraid I don't know his
4 name. I don't even know his parents, because I knew
5 the parents of many others, the families, wives and
6 mothers. So we sat in a car and they took me to the
7 house of Zejnil Delalic.

8 Q. Sir, can I stop you for one moment? Let me go back for
9 a minute. When you stated for you your wallet and
10 money was taken as well as identification, were any of
11 these items ever returned to you, the money or the
12 identification?

13 A. The driver's licence was not returned. The signed
14 cheque was not returned. The bank card was not
15 returned. Later when I was practically released into
16 house arrest I asked Zeljko Buric, the driver, if he
17 could find those documents for me. He only brought me
18 back my personal ID and he asked me whether I had been
19 wounded. I told him: "No". Then he said, "Where is
20 the blood from? Were you beaten? Where were you
21 injured?" "In my head." Then on my personal ID he
22 said: "This is probably your own blood on this card."

23 Q. Sir, was your money ever returned to you?

24 A. No, never and I wouldn't even want it back.

25 Q. Sir, you indicated that you were brought into Tunnel

1 9. How long did you stay in Tunnel 9 before you were
2 taken out and brought somewhere else; in other words,
3 was it an hour, was it over the night? Can you just
4 tell us how long you spent in Tunnel 9 before you were
5 taken out again?

6 A. About one hour. I was brought to the house of
7 Mr. Delalic and I waited there for a few minutes. They
8 went in to announce me. I went up to Mr. Delalic.
9 Mr. Delalic was sitting. I think that he was wearing
10 his morning coat. Across from him was Dinko Zebic. I
11 think he was a commander of the HVO. We exchanged
12 greetings. He asked me --

13 Q. Let me stop you for a minute. Can I just go back? So
14 when you say Mr. Delalic was wearing his morning coat,
15 was this in the morning that you met Mr. Delalic or in
16 the afternoon of 26th?

17 MR. OLUJIC (in interpretation): (Not translated).

18 JUDGE KARIBI WHYTE: The interpretation is not coming
19 through.

20 THE INTERPRETER: Could counsel please repeat the question
21 -- the objection?

22 MR. OLUJIC (in interpretation): Yes, your Honours. We
23 have an objection. The witness did not mention the
24 hour and the date about when this happened, and so it is
25 suggestive and leading, the question that the Prosecutor

1 is asking.

2 JUDGE KARIBI WHYTE: Are you on the same objection too?

3 MS. RESIDOVIC (in interpretation): No. The objection is
4 putting the -- the witness said that Mr. Zejnil Delalic
5 was wearing a morning coat and not a suit.

6 JUDGE KARIBI WHYTE: The question was: at what time did you
7 go there? A morning coat, does it suggest he went there
8 in the morning or the afternoon? I don't think counsel
9 talked about any suit.

10 MS. McHENRY: I think there may have been an interpretation
11 issue. Sir, maybe this could clarify: am I correct
12 that you went to Celebici on May 26th?

13 A. 26th May.

14 Q. And if you remember, sir, can you tell us the day and
15 the approximate time, if you know, that you were brought
16 to Mr. Delalic's apartment?

17 A. I was brought at night. That was the night of 26th,
18 27th, and I think it was about 4.00 am. I found
19 Mr. Delalic at his house and he asked me whether I was
20 hungry. I told him I was not.

21 Q. Sir, can I just go back for one minute just so I can
22 clarify? So am I correct if it was 4.00 am, it would
23 have been the early morning hours of 27th May, just so I
24 can clarify?

25 A. Yes.

1 Q. Can I also -- when you say you met with Mr. Delalic at
2 his apartment, can you tell us, if you know, the first
3 name of Mr. Delalic and where this apartment was?

4 A. The apartment was across the street from the gas station
5 in Konjic. Mr. Delalic used to have an auto-mechanic
6 shop and carwash shop and then that didn't work out.
7 Then he opened a disco there. I was only once in his
8 disco, not after that.

9 Q. Sir, when you say Mr. Delalic, do you know the first name
10 of the Mr. Delalic that you are referring to?

11 A. I do know. Zejnil.

12 Q. Going back now, could you please tell us exactly -- I
13 know you have been trying to -- could you please tell us
14 exactly what happened when you went to Mr. Zejnil
15 Delalic's apartment? Please continue with exactly what
16 happened?

17 A. Mr. Delalic offered me a dinner. He offered me a
18 drink. I refused that and he offered me coffee.
19 I had coffee. He offered me a cigarette. We lit
20 up. Then he said to Dinko Zenic: "Look what your
21 Ustashas have done to him", because I was all covered in
22 blood. Then he offered me to go and wash up in his
23 bathroom. I went there and I told him -- I could see
24 all the black and blue marks on my face at that time.
25 I returned. He asked me if I knew where the

1 machine-gun nests were and I told him only that I knew
2 that there was a point at the entrance and I only knew
3 that there was something at Mico's cafe. He said: "How
4 did you know that because there was no electricity
5 there?" Mico had a generator there, so I was trying to
6 use that and at that time when I went, I could see the
7 stacked sleepers. Then he called doctor Ahmed
8 Jusufbegovic on the phone and I heard -- in fact, he
9 spoke to someone from the emergency centre. I heard
10 him say: "He has to come right away, even if necessary
11 in his pyjamas. He won't sleep. Let him call me
12 again." Ahmed Jusufbegovic, he called him again and
13 told him: "Relja is here and he's coming your way."

14 Q. Let me just make sure that it's clear. When you went
15 to Mr. Delalic's house, did he initially call and speak
16 directly to Dr. Ahmed Jusufbegovic or not; when he first
17 called trying to get hold of the doctor who did he
18 speak to or what?

19 A. He called the emergency service, and because after 3.00
20 pm the phone exchange is switched over to them and I
21 don't know who he was talking to, but he was asking for
22 Dr. Ahmed Jusufbegovic.

23 Q. I see. Who is Dr. Ahmed Jusufbegovic? Did he have any
24 relation with the health services in Konjic?

25 A. Yes. He was the director of the Health Centre and

1 Mr. Delalic told him -- he saw my wounds and he said:
2 "Treat this and he should work. If there's a soldier
3 need to protect him, then let a soldier protect him."
4 Then we said goodbye and his secretary gave me a box of
5 cigarettes and some matches, because he demanded that
6 she bring me this. Then I went to the Health Centre.

7 Q. Sir, let me go back a minute. During this conversation
8 in addition to telling Dr. Ahmed Jusufbegovic that you
9 were supposed to work, was there any other discussion,
10 even if it wasn't about you, that you heard Mr. Delalic's
11 side of? Did they discuss anything else?

12 A. Yes. He asked them why people from Repovci did not take
13 part in the attack on Bradina. I don't know what
14 Dr. Jusufbegovic told him, but I heard again: "Check on
15 that, and if they are not there tomorrow morning, they
16 should return all the weapons to Bradina."

17 Q. Who was it who said if the people from Repovci weren't
18 there the next morning --

19 MR. O'SULLIVAN: Objection, your Honour. He doesn't know
20 who said that.

21 MS. MCHENRY: I'm clarifying. I think there's just a
22 clarification issue.

23 JUDGE KARIBI WHYTE: Delalic was speaking to someone on the
24 other side.

25 THE INTERPRETER: Microphone, please.

1 MS. McHENRY: I am not asking him what the person on the
2 other side said. I am trying to clarify what he heard
3 Mr. Delalic say. I am not sure the record is clear.

4 Sir, when you indicated -- who was it, if you
5 know, who said: "Check on this or the people from
6 Repovci and if they're not there tomorrow, they have to
7 return the weapons"?

8 A. Mr. Delalic. Can I continue?

9 JUDGE KARIBI WHYTE: You have answered the question. You
10 have answered it.

11 MS. McHENRY: Okay. Sir, after your conversation with
12 Mr. Delalic, where were you taken?

13 A. I was taken to the Health Centre in Konjic, to the
14 emergency ward. He told me to take off my coat and
15 really it was all bloodied and dirty, and I did that.
16 I was -- I had it over my arm, and Dr. Vjekoslav Mandic
17 met me there. There was a nurse there. Her name was
18 Jadranka Kovacevic. They told me to lie down. Vjeko
19 looked at my wounds and I told him: "No, there is
20 nothing wrong here". I said: "I don't need to be sewn
21 up or anything". They gave me my coat back.

22 Dr. Ahmed Jusufbegovic came at that point. I
23 won't forget this. Vjeko and Jadranka treated my
24 wounds. They put Band-Aids and together with Ahmed
25 Jusufbegovic I went to the Maternity Ward. There Ahmed

1 Jusufbegovic asked me whether people from Repovci took
2 part. I said I did not know. I was in the
3 dispensary. He said that this was madness.

4 JUDGE JAN: How is it all relevant for us? You can expand
5 your direct examination to any extent. Let's have
6 something which is relevant for us.

7 MS. McHENRY: Yes, your Honour. I believe much of what has
8 been said has been relevant, but let me go forward,
9 sir. Sir, did you -- without getting into the details,
10 how long did you spend working in Konjic hospital? Just
11 tell me how long?

12 A. I spent the night, so that is that morning and the next
13 night, the following day, so that means two days, that
14 morning, the next night, and then the following day I
15 went to the Third March Elementary School.

16 Q. Sir, let me ask you: at that time was the Third March
17 School being used as a school or being used as something
18 else?

19 A. There were no classes. They were interrupted. When I
20 came to the Third March, I found there some wounded, who
21 had been brought back from Celebici, which means that
22 somebody had looked at them and gave them medical help
23 in Celebici. I don't know when, at what time that
24 happened. Subsequently I heard that Dr. Rusher and
25 Dr. Vjeko had come and I think also Dr. Jusufbegovic, but

1 I'm not sure about this. I only heard about it.

2 Q. Sir, was there a period of time that you worked at the
3 Third March School treating the injured persons from
4 Celebici?

5 A. Yes.

6 Q. Just tell me approximately how long was that? How long
7 did you work at the Third March School?

8 A. I think up to ten days. I don't know exactly but I
9 think up to ten days.

10 Q. How did you know that these injured persons that you
11 were treating -- how did you know that they were from
12 Celebici?

13 A. They told me that themselves. Some had been arrested
14 at the same time that I was. For instance, Srda
15 Gligorevic was arrested at the same time when I was.
16 Marko Mrkajic was also arrested at the same time as
17 I was.

18 Q. Let me go forward. In addition to telling you they
19 were from Celebici, did any of these persons tell you
20 how or where they obtained their injuries? You don't
21 have to tell me the specifics of what people told you.
22 Can you just tell me if any of the persons told you how
23 they obtained their injuries or where they obtained
24 their injuries?

25 A. While being beaten, when they were being beaten, that's

1 when they received those injuries. There were
2 fractures of arms, of the pelvis, of --

3 Q. Sir, let me just go forward. Did any of these persons
4 tell you whether or not they received these injuries
5 while being beaten in Celebici?

6 A. In Celebici

7 Q. Can you just please estimate how many persons there were
8 with significant or severe injuries from Celebici?

9 A. There were about 20 of them, 25, and after that it
10 climbed up to about 30 injured.

11 Q. Sir -- I'm sorry. Can we have the translation for
12 that?

13 A. I think we had there -- I believe ...

14 Q. Okay. Sir, was one of the persons you treated
15 Mr. Slobodan Babic?

16 A. In the Third March Elementary School no -- yes. Yes.
17 Slobodan Babic, yes.

18 Q. Was Mr. Babic himself able to say anything about how he
19 received his injuries?

20 A. No. He was unconscious.

21 Q. What happened to Mr. Babic?

22 A. I was told by the prisoners that he had been beaten
23 up. However --

24 Q. I'm sorry, sir. Let me clarify. In terms of his
25 medical condition what was the course of Mr. Babic's

1 medical condition?

2 A. When we got there we didn't have any medicine, and after
3 a couple of days Dr. Zrinko Brekalo came with Mihajlo
4 Magazin, who was a technician. They came to look, to
5 treat the injured, and Zrinko in the end said: "Do it
6 yourself and write down what you need of medicine". I
7 wrote down. I asked for analgesics, antibiotics, a lot
8 of different medicine.

9 Q. Sir, can I just direct you more specifically, can you
10 please tell us exactly what you observed about
11 Mr. Babic's injuries and what, if anything, happened to
12 Mr. Babic as a result of the injuries you observed?

13 A. There were haemorrhages throughout the body. I put a
14 Foley's catheter there and I saw that the urine had
15 blood in it. I tried to put something on his mouth and
16 some water, but everything kept coming back through his
17 nose. I wanted to see what had happened inside and
18 part of his palate had been injured, both the soft
19 tissue and hand.

20 JUDGE JAN: Is he a cousin of Mirko Babic that appeared
21 before us?

22 MS. MCHENRY: I don't know. There were so many people of
23 the same name.

24 Do you know if Mr. Mirko Babic and Mr. Slobodan
25 Babic are related?

1 JUDGE JAN: Because Mirko Babic has told us where Slobodan
2 Babic received his injuries?

3 A. I don't know this.

4 MS. McHENRY: I believe a number of witnesses have testified
5 about Mr. Slobodan Babic, including that he was injured
6 in several locations, including in Celebici. So that's
7 why I'm asking this. I'm sorry. The witness doesn't
8 know if there's any relation --

9 JUDGE JAN: I was just asking you.

10 MS. McHENRY: Sir, please continue with what you observed
11 about Mr. Babic and what happened to him. You were
12 saying that the inside of his mouth was injured?

13 A. Yes. Some of the prisoners told me that they were
14 giving him -- that they had put the barrel of the rifle
15 inside.

16 Q. Sir, at this point I'm just asking you to tell us what
17 you yourself observed about his injuries and what
18 happened to Mr. Babic as a result of his injuries?

19 A. He was unconscious. I managed to look inside his mouth
20 and the soft tissue of his palate and part of the hard
21 part, and I put a bag over Foley's catheter, and the
22 urine came out bloody.

23 Q. What happened to Mr. Babic as a result of his injuries,
24 if anything?

25 A. He died within two days.

1 Q. Sir, are you able to say whether or not he died from his
2 injuries that you observed and have described?

3 MR. ACKERMAN: Your Honours, I have an objection that I need
4 to make for the record. That is that this witness is
5 now being asked to testify as an expert and was not
6 listed by the prosecution in accordance with the court's
7 order as an expert, but simply as a fact witness. So I
8 would at this point object to this witness giving any
9 opinions as an expert witness regarding cause of death
10 and things of that nature, since he has not been
11 properly designated by the prosecution as an expert.

12 MS. MCHENRY: If I may respond just briefly?

13 JUDGE KARIBI WHYTE: Yes.

14 MS. MCHENRY: Your Honours, I think we have had this
15 discussion before. The Prosecution believes and
16 certainly interpreted the court's order about expert
17 witnesses to not include witnesses such as this witness,
18 who was really a mixed fact -- potentially an expert
19 witness.

20 I still can't say that he has been called here as
21 an expert witness. His statement which was part of the
22 supporting material and given to the defence at the time
23 that their clients made their first appearance contains
24 in detail what this witness says, which includes the
25 fact that he was a doctor and treated people. It's

1 also the case that earlier in May after the prior --
2 when it became clear that there was potentially some
3 disagreement between the defence and the prosecution
4 concerning what was meant by the court's order about
5 expert witness, we supplied the defence counsels with
6 the curriculum vitae of this witness and another witness
7 and specifically told them that these witnesses would be
8 testifying consistent with their statement.

9 So I don't believe that there can be any argument
10 that the defence has been unfairly prejudiced and, in
11 fact, we plead that -- and I can find case law that in
12 cases where someone is a mixed fact/expert witness,
13 without necessarily being called expert witnesses, they
14 are permitted to testify about what they observed and
15 their conclusions.

16 MR. MORAN: Your Honour, back in April I believe I filed a
17 written objection to Dr. N testifying as an expert
18 witness, and I'm sure the Tribunal recalls it and is
19 familiar with it. I just adopt those arguments as an
20 objection here to save everybody some time.

21 MR. ACKERMAN: So it is clear for the record, the CV
22 presented to the defence is less than one half-page and
23 contains virtually no information. So to the extent
24 that the court might have believed that we were supplied
25 with something significant, we were not. The

1 proposition that if an expert has also some factual
2 knowledge and can be designated as a fact witness that
3 they somehow lose their character as an expert witness
4 is simply incorrect. An expert witness is someone who
5 is called for the purpose of giving opinions to the
6 court based upon their expertise. The difference is
7 between relating what you observe and what your opinion
8 is about what you have observed.

9 To the extent that this witness is being asked to
10 give medical opinions based upon his observation, he is
11 clearly an expert witness, and we should clearly have
12 been advised that he was being called as an expert
13 witness and given all the material that went along with
14 the court's order in that regard, and therefore giving
15 us the opportunity to conduct the kind of background
16 investigation and things of that nature that that would
17 give us.

18 JUDGE JAN: Slobodan died in the hospital?

19 MS. McHENRY: He died in the Third March School --

20 JUDGE JAN: That was converted into a hospital?

21 MS. McHENRY: A makeshift hospital infirmary.

22 JUDGE JAN: That I think he can depose. He was very
23 seriously injured and he died in the hospital.

24 MS. McHENRY: Yes, your Honour. I believe that this
25 witness can and should be permitted to give his

1 observations about whether or not there is any relation
2 between the injuries he saw and his death. I think in
3 cases where someone is a mixed fact and expert witness,
4 someone may be permitted to gave their opinion, and it's
5 a matter for the court to determine the weight to give
6 that. This has been in the supporting material and it
7 includes this witness's observations, including why
8 someone died. As soon as there was any question, we
9 provided all the material to the defence, and this is
10 the first we've heard that they are going to object to
11 this. So I believe that this court should allow this
12 witness to give his observations. You may give it what
13 weight you deem appropriate and the defence may
14 cross-examine about it.

15 JUDGE KARIBI WHYTE: Let us hear you.

16 MR. OLUJIC (in interpretation): Thank you, your Honour.

17 First of all, it is true that the witness should convey
18 all he knows, all that he is familiar with, and there is
19 no objection to that, but both in common law and
20 continental law an expert witness is an assistant of the
21 court. Therefore, he has to have certain references.

22 I fully respect the witness and I do believe that
23 he is a nose, ear and throat expert, but on the basis of
24 half a page of a CV I cannot assess whether he is
25 qualified to give opinions on injuries. So let the

1 witness limit his remarks to the observations he made.
2 If he saw certain injuries he may say so, but to make
3 any opinions about them is impermissible, unless he
4 acquires the status of an expert witness in this
5 courtroom.

6 JUDGE KARIBI WHYTE: I'm not too sure what your objection
7 is that you have. Is it the brevity or the quality of
8 his qualification? Is it because the CV is too short or
9 that he is, in fact, not a doctor or did not work in
10 that place as a doctor?

11 MR. ACKERMAN: Well, your Honour, to the extent you are
12 asking what my objection is, it is that he was -- that
13 this court entered an order that the Prosecution had
14 within a certain period of time to designate any expert
15 witnesses as experts, that they were going to call, and
16 supply significant information to the defence about each
17 of those witnesses. That has not been done with regard
18 to this witness, and for Ms McHenry to say she had no
19 idea we were going to make this challenge is
20 incomprehensible, because they did this before with
21 Dr. O, who they said they didn't think was an expert
22 witness, that he was just a fact witness, and we
23 challenged that and the court essentially agreed that he
24 should have been designated as an expert and was not
25 permitted to give expert opinions, but only to testify

1 as to his lay person kinds of observations and the
2 things that people told him that had happened to them.

3 So I'm not objecting to this witness saying:
4 "Slobodan Babic had a cut on his arm", or, "Slobodan
5 Babic was bleeding from his nose", or things that any of
6 us could observe. My objection is to: "Give us your
7 opinion as to his cause of death." That is something
8 none of us can do. It requires expertise to do it. I
9 am not sure there has been an establishment of the
10 qualifications of this expert sufficient for this court
11 to accept him as an expert on pathology specifically.
12 There is no indication that he did any kind of an
13 autopsy with regard to this particular individual. I
14 am not just objecting to that particular question but
15 any questions that ask for an opinion about any of these
16 injuries. I don't have any problem with him describing
17 the injuries that he observed.

18 JUDGE JAN: I think you have got sufficient material. He
19 treated him. He knows what his injuries were. The
20 fact that he died within two days in the hospital, that
21 should be sufficient. We can draw our own conclusion
22 whether he died as a result of injuries or bad treatment
23 or whatever it is.

24 MS. McHENRY: Your Honours, I believe you can, but I argue
25 that even if he is not an expert pathologist, this

1 witness can and should be allowed to give his opinion.

2 There is much case law which says things such as:

3 "If a witness possesses special skills and
4 experience, even if he is not classified as an expert,
5 is a matter for the Tribunal. It is reasonable that
6 the ..." -- excuse me.

7 JUDGE KARIBI WHYTE: That a person is died is one of common
8 knowledge. You don't have to take a doctor to tell us
9 that a person has died. Anybody can say that. If he
10 is dead, he knew of the event and he can say so as a
11 person who was there.

12 MS. MCHENRY: Your Honours, I certainly agree with that and
13 I don't understand the objection. I certainly agree --

14 JUDGE KARIBI WHYTE: The objection is that you are putting
15 forward an expert opinion.

16 MS. MCHENRY: That's right, your Honour. With respect to
17 that, I don't believe that his opinion has to be
18 considered an expert opinion. I believe that to the
19 extent that this objection is a technical objection
20 about exactly how the defence was notified, I think it's
21 not appropriate. There was and there continues to be
22 disagreement about whether or not this witness is
23 considered an expert witness, which is why he was not on
24 the list.

25 After the defence brought this up with respect to

1 Dr. O, we immediately gave them their CVs, which they
2 have had for well over a month. If they are
3 dissatisfied with the quality of the CVs, they certainly
4 could have brought that up before, or they can
5 cross-examine the witness about it. So I just believe
6 as a legal matter that this witness should be allowed to
7 give his opinion about what he observed and his
8 reasonable conclusions, drawing on his special skills.
9 This court may give it the weight it deems relevant, and
10 certainly he was not a pathologist. Certainly he did
11 not have the ability to do autopsies. Certainly your
12 Honours also may be able to, even without any evidence,
13 make your own conclusions about likely causation, but
14 the issue is: should this witness be permitted to give
15 his observations for the court's consideration?

16 The prosecution believes he should be able to and
17 that there can be no prejudice to the defence. The
18 argument is a technical argument, on which they cannot
19 be prejudiced, and we, in fact, still disagree about the
20 merits, but to the extent that there was any issue about
21 his qualifications, they were given his CV a significant
22 time ago, and if they were dissatisfied, they have could
23 have asked us, or they can cross-examine about it.

24 MR. MORAN: Your Honours, the long and the short of my
25 objection to Dr. O's testimony, which is the same as it

1 is here, is that this Trial Chamber entered an order
2 saying: "We'll do something if the prosecution does
3 something, if the defence does something to designate
4 these folks, and if you have to designate one late, go
5 ahead and do it and we will look at it if there is good
6 cause". Presumably the decisions of this Trial Chamber
7 are more than ink on paper. They ought to mean
8 something. It was the middle of April that I filed my
9 objection to Dr. O. That's, what, ten weeks ago now.
10 The prosecution has made no attempt to designate this
11 man as an expert witness. Ten weeks is plenty of time
12 to sit down, do a CV, write a motion to the Trial
13 Chamber saying: "We want to designate this guy as an
14 expert."

15 JUDGE JAN: Which count relates to Slobodan Babic's ...

16 MS. McHENRY: I believe it's counts 13 and 14, your
17 Honour. Let me ... yes, your Honour, counts 13 and
18 14.

19 JUDGE JAN: Cecez, Slobodan Babic ... okay.

20 JUDGE KARIBI WHYTE: The witness is not testifying as an
21 expert.

22 MS. McHENRY: Your Honour, the witness is testifying as a
23 fact witness, which necessarily encompasses the fact
24 that he had special skills and experience.

25 JUDGE KARIBI WHYTE: I think that's a different matter.

1 When he has such special skill and in respect of which
2 he can pronounce opinions based on those skills, then
3 you regard him as an expert, but in these circumstances
4 that is not what he is doing.

5 MS. MCHENRY: I'm sorry. So in that case may I ask him the
6 question? I'm not sure that I understand your Honour.

7 JUDGE KARIBI WHYTE: You are leading him to say exactly
8 what happened to the person he was dealing with.

9 MS. MCHENRY: Yes, and I have asked him for his conclusion
10 about whether or not --

11 JUDGE KARIBI WHYTE: That is why the defence objects. It
12 is not his conclusion. What actually happened is what
13 counts, not whether that was his conclusion. What
14 happened was that the person died. The conclusion is
15 what he draws from what happened.

16 MS. MCHENRY: That's right, your Honour. We believe that
17 he should be allowed to give this, and in this case the
18 defence has been on notice from the date of the initial
19 appearance about the substance of this witness's
20 testimony, and after the issue with Dr. O, although we
21 stated that we continued to believe he was not being
22 called as an expert witness within the meaning of this
23 court's order, we immediately gave them the CV, so that
24 there could be no argument about it. The situation
25 with Dr. O, who was not a detainee in the camp, and whom

1 the defence did not have the CV of in advance is an
2 entirely different matter.

3 So if your Honours were to disagree with the
4 prosecution and find that he is an expert witness, we
5 would be seeking permission to ask him -- to designate
6 him both as an expert and fact witness and as grounds we
7 would state because he is a mixed fact/expert witness.
8 He wasn't in it. But the defence has not been prejudiced
9 because they have had the statement for over a year and
10 they have had the CV for six weeks, so that there can be
11 no argument that the defence is not prepared for this.
12 In that regard we specifically sent them a letter with
13 the CVs and said: "We will seek to have him testify
14 consistent with his statement."

15 JUDGE KARIBI WHYTE: I think you can ask him the
16 question.

17 MR. GREAVES: I wonder whether I might offer a contribution?
18 It's a short one.

19 JUDGE KARIBI WHYTE: Yes.

20 MR. GREAVES: My learned friend Ms McHenry has described
21 this gentleman as a man with special skills who is going
22 to give his opinion about things. Surely the English
23 language means that that is an expert. I put that
24 proposition to your Honours.

25 JUDGE KARIBI WHYTE: He wasn't brought in for that

1 purpose. If he was --

2 MR. GREAVES: No, but --

3 JUDGE KARIBI WHYTE: If he was, the normal procedural
4 background would have been laid for it.

5 MR. GREAVES: The fact of the matter is that the prosecution
6 admit he is an expert in the terminology of the English
7 language. Someone with special skills who gives his
8 opinion means he is an expert.

9 JUDGE KARIBI WHYTE: Actually an expert doesn't necessarily
10 jump into the expertise. There is a foundation for the
11 expertise and that foundation is the facts on which the
12 opinion is based. So this is the normal route. You
13 just don't come in and pronounce that this is your
14 conclusion. Those conclusions are based on certain
15 facts. He is able to make a pronouncement because of
16 his special skill.

17 MR. GREAVES: Yes.

18 JUDGE KARIBI WHYTE: Which others cannot. Now where
19 perhaps one has some difficulties whether the rules have
20 been complied with, probably they have been, definitely
21 he could now go on and give his opinion as it should
22 be. That is your main problem, whether you have
23 actually complied with the rules. There is no point
24 talking about the person being a mixed fact and
25 expert. Either you are an expert or you are not. If

1 you are an expert, definitely you must base your opinion
2 on that, so it definitely follows, but for you to be
3 able to show that you have complied with the provisions,
4 then that should be sufficient to accept him as an
5 expert witness for the purpose.

6 MS. McHENRY: Do I understand then that I may ask the
7 witness this question?

8 JUDGE KARIBI WHYTE: Yes, you can, provided you can satisfy
9 the objections that you made the proper -- complied
10 with the proper conditions of the rules.

11 JUDGE JAN: In effect you have already got enough
12 material. The man was very seriously injured and he
13 died two days later. Now if you want to ask him about
14 the cause of the death, then it opens a very wide
15 field. Did you get a pathological test done? Did you
16 see his heart condition? So many things come in. Why
17 do you want to open that field? . He was very
18 seriously injured. He dies two days later. That
19 should be sufficient for you.

20 MS. McHENRY: Your Honour, I agree it is sufficient and if
21 this witness is not permitted to make this --

22 JUDGE KARIBI WHYTE: You need the provision of expertise
23 because he was there, he was dealing with him and he
24 died.

25 MS. McHENRY: Your Honour, if I'm not permitted to ask this

1 witness whether or not he observed or he concludes that
2 there's any relation between the injuries and the death,
3 certainly the prosecution believes that we have
4 nonetheless -- the circumstances are such that the court
5 can itself draw its own conclusions. So I agree with
6 your Honour in that.

7 JUDGE JAN: That is what he said fifteen minutes earlier.

8 MS. MCHENRY: Your Honour, that's right. I believe his
9 conclusion, because he was there and did have special
10 skills and experience, is relevant, even though it may
11 not be -- certainly the prosecution sometimes asks
12 questions which may not be in every case necessary but
13 it believes are relevant and of assistance to the
14 Chamber, and that's why I would ask that I be permitted
15 to ask this question.

16 JUDGE KARIBI WHYTE: You can ask this question but you are
17 not relying on his skill. This is what we are saying.

18 MS. MCHENRY: Okay. Sir, what, if anything, are you able
19 to say about Mr. Babic's death and any relationship it
20 might have had with respect to the injuries that you
21 observed and have testified to.

22 JUDGE JAN: You see, this may lead to another question.
23 Did he have the pathological tests with him? Did he
24 have -- he might have died from some other cause. He
25 might be suffering some other disease also in addition

1 to the injuries. That I said opens a very wide
2 field. Why do you ask him this?

3 MS. McHENRY: Because the prosecution, with all due respect,
4 believes that it's relevant, around certainly the fact
5 that there was no pathological examination, but, your
6 Honour, I believe with respect to everyone who was
7 killed in Celebici, the circumstances were not such that
8 they were immediately brought and an autopsy was done
9 and we have the report. So we have to rely on --

10 JUDGE JAN: Not only the pathological test; what his past
11 medical history is also. He might have a heart or
12 other problem also. You have opened up a very wide
13 field.

14 MS. McHENRY: I believe all those things go to weight. The
15 circumstances were such that the people at Celebici, we
16 may not have their entire medical histories --

17 JUDGE JAN: Did he carry out a post mortem examination?

18 MS. McHENRY: We can ask that, your Honour, and I believe
19 the answer will be no.

20 JUDGE JAN: So how will that help you?

21 MS. McHENRY: Because I believe these matters are relevant
22 to weight rather than to admissibility, and the fact is
23 in this case we are not going to and in this war
24 situation and certainly in Celebici the fact that those
25 in authority did not take appropriate measures such that

1 we can just easily give your Honours --

2 JUDGE KARIBI WHYTE: Actually we have wasted too much time
3 on a very simple issue. Here is a person who was
4 looking after him. He died. He can say he died. He
5 doesn't have to be an expert to say that. It's not
6 necessary. Don't tie it to his special skill because
7 you have not established that he has those special
8 skills.

9 MS. MCHENRY: Well, in that case, your Honour, again if I
10 understood you correctly, sir, without going into your
11 skills as a pathologist or lack of skills as a
12 pathologist, as a person who was there treating
13 Mr. Babic, are you able to say anything about the
14 relationship between the injuries you saw and cause of
15 death.

16 JUDGE KARIBI WHYTE: You are going back to the same thing.

17 JUDGE JAN: Same question.

18 JUDGE KARIBI WHYTE: That is not the issue.

19 MS. MCHENRY: If your Honours tell me that I'm not allowed
20 to ask --

21 JUDGE KARIBI WHYTE: What happened to the gentleman after
22 his injury, just that; what happened?

23 MS. MCHENRY: Okay. Your Honour, I have asked that, so I
24 will move forward with this. If the prosecution
25 believes it necessary, we may file a legal brief on

1 this, but I will move forward for now, because I
2 understand your Honours to have upheld the objection.

3 JUDGE KARIBI WHYTE: Yes, I do.

4 MS. MCHENRY: Okay. Thank you. Sir, just so your Honours
5 know the next question is presumably -- well, can you
6 just -- I was just going to say it was a long one in
7 terms of your timing, but I will just move forward.

8 Sir, can you please tell us how your stay at the
9 Third March School ended? What happened such that you
10 left the Third March School and where were you taken?

11 THE INTERPRETER: Microphone, please. Microphone.

12 MS. MCHENRY: I'm sorry. Can I ask that the witness's
13 microphone be placed on.

14 THE INTERPRETER: It's all right now.

15 MS. MCHENRY: Sir, will you continue, please?

16 A. I think we stayed there about ten days -- I do not know
17 exactly how long -- in the Third March Elementary
18 School. Then one evening Mr. Pavo Mucic arrived and he
19 called me out into the corridor outside the classroom
20 where we were working and he told me for security
21 reasons we needed to be moved. He read out the names
22 of some people who were taken away, and I later learned
23 that they went to the Musala sports hall. Dr. Milan
24 Zuza went with them. We were taken back to Celebici,
25 to building Number 22.

1 Q. Okay. Prior to the war did you know Mr. Pavo Mucic?

2 A. Yes, I did. I knew Mr. Mucic before the war. His
3 brother's wife went to elementary and secondary school
4 with me and we were quite close while we were studying
5 in Sarajevo. He came to visit me, to the surgery on
6 several occasions. I granted him (sic) leave. We
7 would get together occasionally downtown. So I did
8 know him.

9 Q. Before the time he came and talked to you and directed
10 that certain people go to Musala and certain people go
11 to Celebici, had you seen Mr. Pavo Mucic at the Third
12 March School?

13 A. Before that he did come. Mr. Mucic came on a number of
14 occasions to the school. I know once he sat with me in
15 the corridor. He asked me what had happened to my face
16 and head. I said: "Well, you see the bruises". I
17 showed him my back. He said: "Your back is broad
18 enough so they resisted the beatings. Your back
19 resisted the beatings".

20 Q. During any of these prior occasions did Mr. Mucic say
21 anything to you about his role with respect to the
22 Celebici camp?

23 A. Yes. He told me that he was being forced actually to
24 take over command of the Celebici camp, and that he
25 should become commander shortly.

1 Q. Approximately how many days was it before Mr. Mucic told
2 you that he was taking over the command and the time
3 when Mr. Mucic came, separated those persons going to the
4 Sports Hall and Celebici?

5 MR. OLUJIC (in interpretation): Your Honour, objection.
6 The witness did not say to take over command of the
7 Celebici camp. That was said by my learned colleague,
8 the Prosecutor. At least that's how the interpretation
9 came out.

10 JUDGE KARIBI WHYTE: I suppose if that's the interpretation
11 ... What the witness said and I heard was that Mucic
12 said he was being forced to take over. He was being
13 forced to take over. That is why the question: "How
14 long from the time he said this to the time he actually
15 took over?" That is why that question, and I think it's
16 quite appropriate.

17 MS. MCHENRY: Sir, you are permitted to answer the
18 question. Will you please tell us how long the period
19 was?

20 A. Perhaps a couple of days before we were moved from
21 there.

22 Q. Thank you.

23 JUDGE JAN: Can he recall the month when he came and told
24 him he was being forced?

25 THE INTERPRETER: Microphone, please.

1 MS. McHENRY: Yes, your Honour, I'll ask him, but given that
2 he was in -- sir, am I correct that from the
3 calculations that you were moved from the Third March
4 School to Celebici approximately ten to twelve days
5 after you were first arrested or ten to fourteen days
6 after you were first arrested on 26th May?

7 A. The last version I think is correct. I spent about two
8 days in the Health Centre, then about some days -- ten
9 days in the Third March School, and then we were moved
10 to Celebici.

11 Q. Okay. So it would have been somewhere around 10th June
12 that you were moved to Celebici approximately, and it
13 was a couple of days before that that Mr. Mucic told you
14 that he would be taking over the -- taking over as
15 commander of Celebici camp; is that correct?

16 A. Yes, that he was being pushed into taking over command
17 of the camp.

18 JUDGE KARIBI WHYTE: I think we'll have a break here and
19 come back at 12 o'clock.

20 (11.30 am)

21 (Short break)

22 (12.00 noon)

23 JUDGE KARIBI WHYTE: I think you can continue.

24 MS. McHENRY: Thank you, your Honours. Sir, you have
25 indicated that some time around June 10th you were

1 brought to Celebici. Now I'll ask you more questions
2 later about the details of when you were released from
3 Celebici, but just for now to give the judges an
4 overview such that they can understand your answers, can
5 you just tell us how long you stayed as a prisoner in
6 Celebici, meaning that you were detained there 24 hours
7 a day? Just tell us when it was that you stopped being
8 a prisoner there, meaning you stopped being kept there
9 24 hours a day. Just the date, please, if you know.

10 A. 22nd July 1992.

11 Q. After that time, 22nd July, when you were released, did
12 you continue to go to Celebici during the day to treat
13 injured detainees?

14 A. Yes.

15 Q. Again, just for the overview, when was it then that you
16 stopped going to Celebici during the day? When was that
17 that you stopped having any contact with Celebici at
18 all?

19 A. Maybe about six or seven days before my escape.

20 Q. When was your escape? When you say "escape", do you
21 mean escape from Konjic?

22 A. From Konjic. I can talk about that later, if I am
23 permitted but after my release on 22nd July 1992 I
24 remained in Konjic for three or maybe around three days
25 and then I went to Ostrozac and then I escaped from

1 Ostrozac.

2 Q. When was it that you have left Ostrozac and the entire
3 Konjic area?

4 A. From Ostrozac from the Konjic area, that is the
5 Jablanica Municipality, that was 16th October 1992.

6 Q. So am I correct that around 6th October you would have
7 ceased having any contact with Celebici?

8 A. I think around 10th October.

9 Q. I'm sorry. You're right. I'm not a mathematician
10 either. Sir, going back to when you were brought to
11 Celebici some time in early to mid-June and kept as a
12 prisoner, can you just describe where you stayed in
13 Celebici?

14 A. I was put in the Building Number 22, which was a storage
15 room for water pumps and that was in the former barracks
16 of the JNA.

17 Q. When you first came to Building 22, was it being used to
18 store water pumps?

19 A. No, no. The building -- when we were brought in there
20 in this Iveco van -- I think that the
21 Auto-transportation Company of Konjic was the owner --
22 the beds had already been brought in there and they were
23 made up, so that we would move the injured people
24 straight to those beds that were already there.

25 Q. When you were at Celebici, was Building 22 then used as

1 a kind of infirmary or makeshift infirmary?

2 A. That is what it was called, yes. It was called the
3 infirmary. However it was just Building Number 22.

4 Q. Could you describe it, including its functioning as an
5 infirmary? In other words, can you explain what kind of
6 facilities were there, the equipment, medicine? Can you
7 give us an idea of how this infirmary exactly worked?

8 A. Concrete floor underneath, then there were two small
9 windows there, maybe 30 by 20 cm. The roof was made
10 of tin. The door was metal. They opened outwards.
11 Around the walls -- the beds were placed against the
12 walls and in the middle just a plain -- that is an
13 office desk. There we had a drum with gauze. We had
14 one pincers. We had one scissors, and I think that was
15 all as far as the equipment was concerned, and some
16 medicine. A good part of the medicine that we received
17 -- I said that Dr. Zrinko Brekalo came and Mihajlo
18 Magazin, who was the technician, they visited us, and
19 after that they brought the medicine with them and they
20 said it was a donation by Caritas. This really helped
21 us a lot. We brought that to Celebici and we used that
22 quite a bit.

23 Q. During the time that you were in Celebici, was there any
24 procedure for requesting additional medicine? Were you
25 ever able to request additional medicine from people in

1 the camp and, if so, how did that work?

2 A. I was told to write down the request for the medicine,
3 and we did that, and we would give it to Mr. Delic for
4 the most part, and he would go and then whatever he
5 would bring back. I don't know what the procedure was
6 for him, how he went and acquired those medicines. I
7 don't know about that.

8 Q. When you requested medicine, were you able to always get
9 what you had requested?

10 A. No. No, we did not. A very small portion of the
11 medicine is what we would normally get. For the most
12 part these were analgesics. There were some
13 antibiotics. We also requested -- because there were
14 elderly people there we asked for diuretics and those
15 are generally what we were requesting.

16 Q. Did you have any diagnostic equipment? Were you able to
17 perform surgery? Were you able to send persons to the
18 hospital? Can you give us an idea of how those things
19 worked?

20 A. We could not send people. In fact, once I requested
21 when I was in the Third March School -- Doko Kuljanin
22 needed to go to the oculist but he was not taken
23 there. When I got back from the Health Centre Marko
24 Mrkajic, Srdo Gligorevic came with me. In other words
25 they were already given some medical help in the Health

1 Centre because Gligorevic had a fracture and he was
2 placed -- a splinter was placed on his forearm.

3 Q. While you were in Celebici were you ever able to send
4 anyone to a real hospital?

5 A. No. No.

6 Q. Okay. Can you tell us something about the kind of
7 files that were kept? Were there medical files for the
8 prisoners? Did you have any prior medical history
9 records? What kind of records were you able to keep?

10 A. The medical -- we did not have the previous medical
11 records on the detainees' health conditions, but we
12 requested to be given a protocol. So that would be
13 just a notebook where we would enter the data, the last
14 name and the therapy we were giving and the nature of
15 the injuries. I don't know if it was Mr. Delic or
16 Mr. Mucic who brought this, but they did bring this to us
17 and we were also given a pencil so we were able to write
18 with that.

19 Q. Were you in a position to be complete and accurate in
20 this notebook in the records you kept and, if not, why
21 not?

22 A. I could keep an accurate record of the name and last
23 name and date of birth, but as far as the diagnosis was
24 concerned, I was afraid that somebody may check on what
25 I was writing down. So I was really writing down a

1 very light diagnosis. In other words, I did not dare
2 write "a fracture of the forearm". I would just say it
3 was a blow to the forearm. That's how I did it.

4 Q. Do you know what happened to this notebook?

5 A. I don't know exactly what happened to it. However, I
6 know that later when I would come from my house arrest I
7 saw that parts of this notebook were used as cigarette
8 paper, because the detainees had already started -- this
9 was several days before I did -- before I was released
10 that they were given food, and then they had also some
11 tobacco but did not have any cigarette paper. So they
12 used this as cigarette paper.

13 Q. Am I correct that you don't have this notebook now?

14 A. No. I wouldn't be allowed to take it with me either.
15 That is a medical record that could have cost me my
16 life.

17 Q. Besides you, sir, was there any other doctor who worked
18 in the infirmary?

19 A. Yes. Yes. There was another one. There was another
20 doctor.

21 Q. You don't have to give their name now?

22 A. Yes. Yes.

23 Q. Sir, were you ever interrogated while you were a
24 prisoner in Celebici?

25 A. Yes, yes. I gave a statement. I think his name was

1 Pajic. He was an active sergeant in the JNA before the
2 war, and I gave the statement to him. It was
3 approximately -- it was approximately half a page
4 long. That was the A4 size.

5 Q. Approximately when was it that you were interrogated?

6 A. I don't know exactly. Maybe four or five, maybe even
7 seven days but I'm not exactly sure. I don't know
8 exactly the date when I was interrogated but I did give
9 a statement and I did sign it.

10 Q. I'm sorry. Is this maybe between four and seven days
11 after you were brought to the camp?

12 A. Yes. Yes.

13 Q. Were you ever told anything about why you were being
14 imprisoned or if you were placed in any particular
15 category?

16 A. Yes. On one occasion talking to Mr. Mucic I found out
17 that there were about ten categories there, and I asked
18 him to tell me what category I was in, and he said:
19 "According to some criteria you belong to number one
20 and according to some, to none."

21 Q. Thank you. Sir, as part of your work in the makeshift
22 infirmary, did you have occasion to treat any injured
23 prisoners?

24 A. It came out that way, that I did treat, which is normal,
25 because I would give them medicine, I would listen to

1 them -- on them with my stethoscope. I could measure
2 their blood pressure. I could see if this was
3 bronchitis, if it was an asthma attack, if it was
4 inflammation and whatever medicine I had, I could give
5 them so it would relieve -- bring them some relief, but
6 it wouldn't be a real full type of treatment, not at
7 all.

8 Q. Did any of the -- did any persons die while they were in
9 the infirmary, and, if so, would you please just tell us
10 their names?

11 A. Yes. They were Pero Mrkajic. I think he was born in
12 1927, 1928, maybe up to 1930. Bosko Samoukovic. They
13 died in the infirmary.

14 Q. Besides those two who died actually in the infirmary,
15 was there any other person in the camp that you examined
16 their corpse or had occasion to see the corpse?

17 A. I had an opportunity to see a corpse of Cedo
18 Avramovic. He was a teacher. He arrived in the
19 morning. In fact, Broceta arrived in the morning to
20 see me -- I can't remember his first name -- and
21 Hebibovic -- I think his first name is Ismet, the first
22 name. I'm not sure. Duko Dutic -- it was a Duko
23 Jelo. I went to Hangar Number 6 with him.

24 Q. Where was it that you saw the body of Mr. Avramovic?

25 MR. O'SULLIVAN: Your Honour, I have to object to the

1 relevancy of questions on this individual. I'm asking
2 what the relevancy of these questions about Mr. Avramovic
3 has to do with the indictment. It's not in the
4 indictment.

5 MS. McHENRY: Well, your Honour, in general we would -- I
6 would first state for the record that the indictment
7 charges superior responsibility for murders, including
8 some named individuals, but that evidence of other
9 murders would be relevant to this charge. In fact, for
10 this I would also state that certainly any evidence
11 about how corpses were treated, what kind of
12 investigations there were after people died, is relevant
13 to the general conditions at the camp, and it's for that
14 reason that I'm asking it. I don't plan on getting
15 into much detail about these people.

16 JUDGE KARIBI WHYTE: Are you satisfied?

17 MR. O'SULLIVAN: With all due respect, your Honour, the
18 indictment lists specific names. This name is not
19 among them. It's not in the indictment. It's not
20 relevant in this case, your Honour.

21 JUDGE KARIBI WHYTE: It is not completely irrelevant if it
22 shows a pattern of behaviour. Yes, you can continue.

23 A. The corpse was in Hangar Number 6 in the far part of
24 it. Somewhere in the middle, midway on the right side
25 of it, there was a metal pillar there and I looked at

1 the corpse. I saw a laceration and contusion on the
2 head and the chest. There was a bruise on the chest.
3 I don't know more about that. Then I was told to carry
4 out the corpse and then we did that. Broceta demanded
5 that we did it, that we perform religious ritual on
6 it. I didn't know that.

7 Q. Okay. Do you know what happened ultimately to the body
8 of Mr. Avramovic?

9 A. No, I do not know. I know that Broceta told me that he
10 attended the funeral, but where and when the body was
11 taken I don't know that.

12 Q. Going back to Mr. Mrkajic, can you please tell us what
13 you yourself observed about Mr. Mrkajic and his
14 condition, what you observed?

15 A. I looked at Pero Mrkajic. I examined him, and he had
16 haematomas on his back and on his legs, the upper part
17 and the lower part, and I think on the one hand he had
18 -- I checked for inflammation. There was no
19 inflammation. I know that Pero Mrkajic had -- this was
20 before the war -- he had a latent -- that means
21 diabetes. That would be typical for the elderly
22 people, which he controlled by diet. I know that when
23 Mr. Pavo Mucic came, he asked me what was going on with
24 him, and I told him that he was a diabetic, and then he
25 pulled out from his pocket insulin and he had an

1 extended effect, and he said that I knew the laboratory
2 results and also there was no smell of acetone (sic).
3 It is not acetosis and it could be treated with insulin.

4 Q. Haematomas, are they contusions or bruises?

5 A. Yes. Yes.

6 Q. I'm sorry. I am not sure if I fully understood. Did
7 you treat Mr. Mrkajic for his latent diabetic condition?

8 A. Pero died the next day after he had been brought to the
9 infirmary.

10 Q. Can you give any more description or tell us how
11 extensive the haematomas that you saw were?

12 A. Fairly large haematomas on the back and on both upper
13 legs and lower legs. I couldn't tell you the exact
14 size.

15 Q. Okay. I'm sorry. Did you -- I'm not sure I
16 understand. Did you give Mr. Mrkajic any insulin? If
17 not, why not?

18 A. I did not give the insulin to him, because he had not
19 used it before, and you start using it after the
20 laboratory analysis, and it is easy to cause diabetic
21 complications. However, I did not have an opportunity
22 to check on the laboratory results, and I could not
23 smell the acetone. So he had not suffered any. The
24 diabetes did not enter into its complications. So it
25 is a visual method to work out laboratory analysis.

1 Q. Tell me if I have understood you correctly, sir. You
2 did not treat him for his diabetes because you did not
3 smell acetone, which would have indicated that he was in
4 severe need of insulin, and you were afraid to give him
5 anything absent that, because you didn't have laboratory
6 results. Is that a fair summary of what you have
7 stated?

8 A. Yes. Yes, it is. Then there is imbalance of minerals
9 occurring at that time and I would not like to belabour
10 this. I don't want to now give a lecture in medicine
11 to the Trial Chamber. I just did it in a very brief
12 way, that I explained this.

13 Q. Did you explain to Mr. Mucic that you should not give
14 insulin without laboratory exams?

15 A. Yes, and he told me to do as I thought was best.

16 Q. Can you tell us approximately when this was that
17 Mr. Mrkajic died?

18 A. In July.

19 Q. With respect to Mr. Avramovic, if you can, can you give
20 us an approximate time period when Mr. Avramovic died?

21 A. I think it was about the end of June.

22 Q. I'm sorry. Going back to Mr. Mrkajic for a minute --
23 I'm sorry. Now going to Mr. Bosko Samoukovic, please,
24 can you tell us with respect to him what you observed,
25 how he came into the infirmary, who brought him and what

1 you were able to observe about his condition?

2 A. It was a sunny day. It must have been after midday,
3 and I first heard some blows and screams. I think that
4 this beating went on for a long time, 20 or 30 minutes,
5 but shortly he was brought in. He was being carried by
6 the inmates into the infirmary. They were followed by
7 Mr. Esad Landzo, a guard, and when I asked, because it is
8 common medical practice to ask about an amnesia, and
9 when I asked they said that he was suffering from a
10 disease and he was placed on the second bed to the
11 right. We laid him down and I asked him: "Bosko, what
12 happened?" He said that he had been beaten by
13 Mr. Landzo. I measured his pulse. It was very low,
14 very weak breathing. I started to examine his chest.
15 It was very painful. Then I could feel that a rib had
16 been fractured. Whatever I had as therapy I
17 administered to him, and after 15 or 20 minutes he
18 passed away, he died.

19 Q. I'm sorry. Can you explain exactly what you mean when
20 you asked about amnesia and they said he was suffering
21 from a disease? Can you explain exactly in some more
22 detail what happened there? I'm not sure I understand?

23 A. An amnesia means to enquire what -- means he had --
24 whether he had suffered any traumas, whether you had
25 lost consciousness. Can he reconstruct the event

1 fully, and suchlike questions. Usually the injured
2 would be carried in and when we would ask them what was
3 happening, the guards would say that they were
4 epileptic, that they had fallen in an epileptic attack
5 and had got injured, but as I knew Bosko from before the
6 war, I knew that he was not suffering from epilepsy.
7 He was a railway worker and they had regular annual
8 check-ups. He was working at the rail junctions, so
9 they would not have been assigned such a responsible
10 post if they were epileptic.

11 Q. Sir, did you have any conversation with Mr. Landzo when
12 he accompanied the prisoners bringing Mr. Samoukovic in?

13 A. No. He said to me: "If he's not ready by 6.00, you get
14 ready."

15 Q. What did you understand that to mean?

16 A. It meant that I should get ready to be beaten, for a
17 beating.

18 Q. What did you understand that: "If he's not ready by
19 6.00", to mean, "he" meaning Mr. Samoukovic -- what did
20 you understand by that?

21 A. I expected that they would come back to fetch him again
22 to beat him again.

23 Q. In addition to noticing that his chest was painful and
24 that a rib had been broken can you just tell us what, if
25 anything, you were able to observe about how

1 Mr. Samoukovic appeared?

2 A. His condition was poor. He could hardly breathe. He
3 was fighting to catch his breath. I'm not competent to
4 qualify the injury, because only a pathologist can -- is
5 fully qualified to assess the injury, but on the basis
6 of my clinical examination and palpations I made, I was
7 able to establish that there was a fracture. I was
8 unable to do any X-rays. That was not allowed, because
9 I too was a detainee, and if I asked for anything, I
10 would get beaten more, so that I had to protect myself
11 too.

12 Q. Sir, in addition to your clinical examination, were you
13 able to see anything about how he appeared, without
14 going into technical examination? Were there any other
15 signs on his person indicating injuries? For instance,
16 was there any blood? Were there any bruises or
17 abrasions?

18 A. I was not able to observe. As far as I can remember
19 now, I could not observe anything more at that time, but
20 he just told me that he had been beaten up.

21 Q. When he stated that Mr. Landzo had beaten him, can you --
22 did he use the exact phrase "Mr. Landzo"?

23 A. No. "I was beaten by Zenga", he said, and he kept
24 saying: "I'm choking. I'm choking."

25 Q. I'm sorry. Approximately when did this happen, if you

1 know, that Mr. Samoukovic died?

2 A. You see, I'm linking this to an important date, an
3 important event that happened there, July 12th. So it
4 was maybe four, five to six days possibly after the
5 12th. So maybe 15th July or 16th, 17th, 18th.
6 I can't tell exactly. Anyway it was in the second half
7 of July.

8 Q. Thank you. Had you seen Mr. Samoukovic at the camp at
9 any time prior to the time that he was brought to the
10 infirmary?

11 A. Yes. I think a few days before that I was going to
12 Building Number 6 and I don't know who I was supposed to
13 examine, but he didn't complain of anything. His
14 appearance was quite decent, quite okay.

15 Q. What happened to Mr. Samoukovic's body?

16 A. I don't know what happened with his body. I can't
17 remember now how much time he was left in the infirmary,
18 nor where he was taken, nor how he was buried. I don't
19 know the details.

20 Q. Were you asked to fill out a death certificate for
21 Mr. Samoukovic?

22 A. I'm really doing my best to give you an accurate account
23 of what happened. The rule was under normal conditions
24 for a death certificate to be filled out and a
25 certificate for the burial, but what kind of death

1 certificate could I write? What kind of injuries could
2 I describe? What kind of a permit could I give? I beg
3 you not to ask me these things, because I was not in a
4 position to write anything, nor did I dare to write
5 anything. That would mean writing out my own death
6 warrant.

7 Q. Sir, did anyone ever ask you -- anyone from the camp,
8 not another prisoner, or anyone from outside the camp
9 but not another prisoner, what happened to
10 Mr. Samoukovic?

11 A. I think on one occasion his daughter came to Ostrozac
12 and asked me. I didn't want to give her any details.
13 I just said that he had died.

14 Q. Sir, do you know whether or not anyone associated with
15 the camp ever did any kind of investigation or
16 questioned you or asked you any questions as part of any
17 kind of investigation into what happened to
18 Mr. Samoukovic?

19 A. I'm not aware of it.

20 Q. With respect to Mr. Avramovic or Mr. Mrkajic, were you
21 aware of whether or not there was any kind of
22 investigation into their deaths, or were you questioned
23 about their deaths?

24 A. Yes, I was asked about Cedo, what he had died of. I
25 simply said, to expose myself to the least risk, as well

1 as the other prisoners -- they kept asking who had
2 killed him -- I said it was an infarction and things
3 settled down immediately but later on an elderly man,
4 somebody called Jovanovic -- I can't remember his name
5 for a moment -- yes, Milovan, he was saying that he was
6 climbing up this metal pole and he hit his head against
7 the concrete floor.

8 Q. Sir, you mentioned with respect to describing what
9 happened to Mr. Samoukovic Mr. Landzo, named Zenga, and
10 that he was a guard at the camp. Did you know Zenga's
11 real name at the time that you were in the camp?

12 A. No. Mr. Landzo lived in the same street as me. I think
13 he was living in the basement. I knew him as a boy who
14 liked sports, and that is how I viewed him always. I
15 never knew his name, nor did I know his surname, because
16 I know that around the area of Glavaticevo there are
17 three surnames to which he could belong: Lavic, Lulic
18 and Landzo, three families in other words.

19 Q. Did you ever learn what his real name was?

20 A. Yes.

21 Q. Was this after you left the camp?

22 A. No, no. I fled from the territory of the municipality
23 of Konjic on 16th October and later where I went there
24 were no prisoners. So I really had no-one to talk to
25 about this, but when I went to -- attended case courses

1 in Belgrade, there were former inmates there, and then
2 they started talking about these things, which, of
3 course, was very painful to me, and it was then that I
4 learned his real name.

5 Q. Now, sir, I'm not going to ask you to give their names,
6 but I just want to know whether or not while you were at
7 the camp you were ever informed that other persons had
8 died in the camp, even if you yourself did not treat the
9 person or see the corpse?

10 A. Yes.

11 Q. I'm going to ask you rather than for you to tell
12 everything that you heard from others, I'm just going to
13 ask you specifically about a Mr. Petko Gligorevic. Can
14 you tell us what, if anything --

15 MR. O'SULLIVAN: Objection, your Honour. These questions
16 require second-hand hearsay. The question itself says:
17 "Have other people told you about things?" To answer
18 these questions he will not be relying on his personal
19 knowledge at all.

20 MS. McHENRY: That is correct, but, as I understand the
21 jurisprudence of this Tribunal, hearsay may be permitted
22 where it is reliable. I will bring out the facts such
23 that this Chamber will be able to determine whether or
24 not what is referred to in some systems as hearsay is
25 reliable.

1 MR. O'SULLIVAN: Your Honour, the foundation has to be laid
2 before we get into whether or not it is reliable. You
3 can't get into it before you decide whether or not the
4 foundation is reliable.

5 MS. MCHENRY: If I may just briefly respond, I believe it is
6 entirely appropriate and, in fact, the most efficient
7 way and sometimes the only way to get out the
8 information. The circumstances under which a person
9 learns something will usually show the circumstances,
10 and that it is almost impossible with respect to -- or
11 if it's possible, it's unnecessary to try to in some
12 sort of artificial or technical way bring out all the
13 circumstances, because in general that will then also
14 relate it. I think your Honours can hear the
15 circumstances, including what was said, and determine if
16 it's reliable, and then if you find it's not reliable,
17 you can, of course, disregard it, but I think this
18 continued objection to information and saying: "You must
19 do A, B and C" is not necessary and it's not helpful for
20 these proceedings. I think it's up to your Honours.

21 JUDGE JAN: You are laying down a very general rule. If
22 he says: "I heard about some sort of particular person,
23 about the death of that man", I can understand that that
24 person can be examined. Merely saying "I heard other
25 persons died"; that can be called not reliable or not

1 relevant.

2 MS. McHENRY: I agree with your Honour. I believe that in
3 asking the questions the circumstances in which the
4 witness learned this and from whom will be brought
5 out. If not, I'll then ask any follow-up questions.
6 So I'm not suggesting that your Honours should not hear
7 the circumstances, including from whom. I'm just
8 suggesting that the objections to the exact way it is
9 done are not appropriate or necessary.

10 MR. MORAN: Your Honour, I think that the Tadic Decision is
11 pretty clear on that, and says that once there's an
12 objection, the proponent of the evidence has to show
13 reliability. Until there's an objection, anything
14 comes in.

15 JUDGE JAN: It has to pass the test of reliability.
16 Reliability has to be the source from where he receives
17 the information so we can find out. Reliability is
18 related to the source.

19 MS. McHENRY: I absolutely agree with your Honour and I
20 agree with what Mr. Moran says but there's nothing in the
21 Tadic Decision which says there is some sort of
22 technical or exact way by which it is done, and I
23 believe that normally when a witness describes
24 something, the circumstances under which he received the
25 information will come out, and that that is the most

1 efficient way and the appropriate way to do this.

2 JUDGE KARIBI WHYTE: Ask your question.

3 MS. McHENRY: Sir, can you tell us -- can you tell us from
4 whom you learned something about Petko Gligorevic and
5 the circumstances under which you learned it?

6 A. I learned from the inmates that Petko Gligorevic on
7 27th, I think, in the morning died in prison, but --

8 MR. ACKERMAN: Excuse me. Your Honour, who -- the
9 question "who" is not answered by saying "from the
10 inmates". The foundation requirement is the reliability
11 of the source. I don't think that source can just be
12 "inmates", but has to be someone who can be
13 identified. I therefore object.

14 JUDGE KARIBI WHYTE: Actually some of our problems here is
15 you wouldn't even allow the whole thing to be
16 disclosed. When he might have finished, we would know
17 exactly where he's going to. If it's not admissible,
18 we will rule it out and it will not be accepted.

19 MS. McHENRY: Thank you, your Honour. I would ask counsel
20 not to interrupt the witness during his answer.

21 Sir, would you please continue with your answer.

22 MR. ACKERMAN: Well, I'm going to rise to that. I'm
23 entitled to object any time I want to, whether it is in
24 the middle of a witness' answer or not, whether or not
25 it is responsive to the question.

- 1 JUDGE KARIBI WHYTE: Thank you very much. Will you
2 continue with your answer? . Thank you. Let's have
3 your answer.
- 4 A. However, while I was under house arrest a member of the
5 HVO came. He was known as Garo. I think his surname
6 was Blazevic. I don't know his first name. He said:
7 "Will you come with me to visit my parents?", who were
8 in Donje Selo. I found Koviljka Mrkajic, and I saw
9 that she was wearing black, and I asked what had
10 happened, though I had learned that her husband had died
11 in prison, Scepko Mrkajic. Then she said: "Yes, both my
12 husband and my brother, Petko."
- 13 Q. Do you have any relatives who are also related in any
14 way to Mr. Petko Gligorevic?
- 15 A. Koviljka Mrkajic is my uncle (sic) and she's Petko
16 Gligorevic's sister, and she told me she had attended
17 his funeral.
- 18 Q. Thank you. Sir, on another subject, let me ask you
19 whether or not there was a detainee at the camp named
20 Mr. Slavko Susic?
- 21 A. Yes, there was. Yes, there was.
- 22 Q. Can you please tell us what, if anything, you observed
23 concerning the treatment of Mr. Slavko Susic?
- 24 A. I saw Slavko Susic twice, once from Building 22. On
25 those beds we had slightly raised heads, so we could see

1 through the window. I was looking through and I saw
2 Mr. Delic and Mr. Landzo beating Susic, Slavko Susic.
3 The second time I saw him was when I was asked to
4 examine Sreten Zelenovic. I examined him and told him
5 he had to take penicillin. He was taken out of
6 building Number 9. He lay down on the concrete. I
7 gave him a penicillin shot. I noticed that Slavko
8 Susic was perhaps the third from the entrance. He was
9 sitting on the left-hand side. I think he had beige
10 trousers and mining boots rolled down, and his
11 appearance was very bad. He was in very bad shape.

12 Q. Which of these two occasions happened first? Did you
13 first see Mr. Delic and Landzo beating Mr. Susic and then
14 see him in Tunnel Number 9?

15 A. The first time I saw him when he was being beaten, and
16 the second occasion was maybe a day later, when I was
17 giving the shot, the penicillin shot.

18 Q. Okay. Let me go back then to the first occasion you
19 saw Mr. Susic. When you say that you saw Mr. Delic and
20 Mr. Landzo beating him, can you tell us more specifically
21 what exactly you saw? For instance, did anyone have any
22 sort of instrument with them? Can you just please tell
23 us what you saw and what you heard yourself at that
24 time?

25 A. I heard a moan, but I didn't dare appear on the window,

1 because if anybody were to see me, that would be the end
2 of me. It was just a glance that I managed to catch.

3 Q. During your glance were you able to observe if anybody
4 -- if there was any -- if either of Mr. Delic or
5 Mr. Landzo had any kind of instrument?

6 A. Yes. Yes, Delic had.

7 Q. Had you please just tell us what exactly you saw
8 Mr. Delic had and what, if anything, he was doing with
9 the instrument?

10 A. I saw him waving this blunt object. What it was
11 I can't tell. Actually I don't recollect.

12 Q. When you say "waving it", was he waving it far away from
13 Mr. Susic or close to Mr. Susic? Can you just give it --

14 JUDGE KARIBI WHYTE: Can you ask him whether he does --

15 A. (Not translated).

16 JUDGE KARIBI WHYTE: He ended his last sentence by "he did
17 not recollect". Is it the whole incident or what he
18 was waving?

19 MS. MCHENRY: Sir, when you say you "don't recollect", is it
20 you don't recollect what happened or you don't recollect
21 exactly what this blunt instrument was?

22 A. I can't exactly remember what kind of blunt object it
23 was, because they had baseball bats and they had -- we
24 called them electric poles. Then there were the legs
25 of chairs, the backs of chairs and tables, planks,

1 shovel handles and all kinds of things. So I can't
2 recollect exactly. Those were the objects that were
3 used for beating.

4 Q. Sir, I'm not sure whether -- you started to answer this
5 and it wasn't translated or what. Are you able to say
6 anything about what you mean when you say you saw
7 Mr. Delic waving this blunt instrument? For instance,
8 how close he was to Mr. Susic. Did it appear that he
9 was waving it towards Mr. Susic or just waving it in the
10 air? Can you just tell us --

11 JUDGE KARIBI WHYTE: When somebody has already told you he
12 merely had a glance, I don't know what you want him to
13 say here.

14 MS. MCHENRY: Okay. Let me be more specific. Sir, how
15 far away, if you can say, was Mr. Delic in relation to
16 Mr. Susic when you saw him waving this blunt instrument?

17 A. Close to him, close.

18 Q. Okay. Then you stated you saw Mr. Susic later and that
19 he was in a bad condition. Can you, if you can, tell
20 us anything more specifically about what you observed
21 such that you say he was in a bad condition?

22 JUDGE KARIBI WHYTE: I think let us end here for lunch.
23 We will come back to obtain the long statement after
24 lunch.

25 MS. MCHENRY: Thank you.

1 (1.00 pm)

2 (Luncheon adjournment)

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1 (2.30 pm)

2 JUDGE KARIBI WHYTE: Good afternoon, ladies and
3 gentlemen. You can continue with your ...

4 MS. McHENRY: Thank you, your Honour.

5 Sir, immediately before the lunch break you
6 were -- we were discussing Mr. Slavko Susic. Could you
7 please explain what you -- when you say you saw him in
8 Tunnel 9 and he was in bad condition, what you were able
9 to see with respect to his condition?

10 A. He had an aspect of exhaustion and just of very bad
11 condition, somebody -- a prisoner who was very drained
12 and exhausted.

13 Q. Were you able to see any sort of marks or abrasions or
14 contusions on his body?

15 A. No, I did not. I could not see that.

16 Q. Okay. Did you subsequently learn from anyone working
17 in the camp anything about what happened to Mr. Susic?

18 MR. O'SULLIVAN: Objection, your Honour. That question
19 requires a hearsay answer.

20 MS. McHENRY: May I continue, your Honour?

21 JUDGE KARIBI WHYTE: Did you hear anything --

22 MS. McMURREY: Your Honour, the objection is he has no
23 personal knowledge. He has already testified what he
24 saw happened to Slavko Susic. What she is asking now
25 is what he heard from no one particular person, just in

1 general, which is what we covered earlier on our
2 objection. So he's not going to be testifying through
3 personal knowledge.

4 MR. MORAN: Your Honour, under the Tadic Decision, I think
5 she has to prove the reliability of the second-hand
6 testimony.

7 MS. McHENRY: Your Honour, I believe his answers will
8 describe the circumstances under which -- about how he
9 learned what he heard, and your Honours can decide
10 whether or not you believe that's reliable. The
11 prosecution believes the circumstances will indicate
12 that it is reliable.

13 JUDGE KARIBI WHYTE: The way you put the question,
14 I think --

15 MS. McHENRY: In fact, thus far all I've asked him is if he
16 learned anything. I haven't even yet asked him what,
17 if anything, he learned. So certainly to the extent
18 I was obligated to do it in some sort of specific way,
19 the question before the witness right now is: did he
20 ever learn anything from anyone working in the camp
21 about what happened to Mr. Susic?

22 JUDGE KARIBI WHYTE: I think you can put such a question.

23 MR. ACKERMAN: Your Honour, I think there needs to be some
24 resolution with regard to this issue. I will remind
25 the court that before lunch when a similar kind of

1 question was asked, Ms McHenry informed the court that
2 she would be able to show that it came from a reliable
3 source. That source turned out to be the wife of a
4 cousin of the person that we were talking about, who was
5 never at Celebici, and who knows where she might have
6 heard it from and who she might have heard it from? So
7 I think the only way that this court is going to be able
8 to judge the reliability of the source is for the
9 prosecution to first identify the source and whether it
10 is direct knowledge or whether it's gone through half a
11 dozen people before it got to this witness.

12 I think it is totally improper, as the Prosecutor
13 suggests, that we first elicit the evidence and then try
14 to convince you that it's reliable. I think the cart
15 is before the horse. I think the horse has to come
16 first, that is the foundation that it is reliable.
17 Then the evidence can come in if you are satisfied with
18 reliability. That seems to me to be the logical way to
19 do this.

20 JUDGE KARIBI WHYTE: I think for me or the Trial Chamber to
21 rule before hearing what the witness is saying is also
22 putting the cart before the horse. We should know what
23 is being suggested before we talk about the reliability,
24 because it's not enough merely to say that he cannot say
25 any particular thing because you think he cannot say

1 such things. When he volunteers whatever the question
2 is, we will be able to know. If it is not acceptable,
3 we will say it should not be.

4 JUDGE JAN: But why don't you first ask: did anyone talk to
5 him about the condition of Susic?

6 MS. McHENRY: Okay. Your Honour, I'm happy ...

7 Sir, soon after you saw Mr. Susic, did you overhear
8 guards at the camp discussing what happened to
9 Mr. Susic? Sir, if you could just now indicate whether
10 or not you did overhear guards discussing what happened
11 to Mr. Susic soon after you saw Mr. Susic?

12 A. I first found out that Susic died and I found that out
13 from Zarko Mrkajic, who is a detainee, because we
14 together went to collect food. Sometimes I would go to
15 get the food; sometimes he would go. When we would
16 meet to take over the food, then I heard that he had
17 died. Only later did I hear the guards laughing and
18 one of them said: "Macic finished him off because of the
19 goats". That's all I heard.

20 Q. Can you tell us with respect to your overhearing the
21 guards, approximately, if you know, how long after you
22 had seen Mr. Susic in the tunnel was -- did you hear this
23 conversation between the guards?

24 JUDGE JAN: Just a moment --

25 A. Most probably within two days.

1 JUDGE JAN: He has to say the entire conversations which he
2 overheard, because he might have heard just a passing
3 sentence, which will not be explainable, the whole
4 situation.

5 MS. McHENRY: Okay.

6 JUDGE KARIBI WHYTE: Not even the connecting bit, what has
7 happened.

8 MS. McHENRY: Sir, can you recollect -- can you tell the
9 Chamber exactly everything that you recollect about what
10 you overheard the guards saying?

11 A. I already said that. I said what I heard and who I got
12 information from that Slavko had died.

13 Q. Thank you.

14 JUDGE KARIBI WHYTE: Now how -- did that person from whom
15 you had the information see him die? Did they see him?

16 JUDGE JAN: You see, once you get into this hearsay, then
17 you have to do other things then.

18 MS. McHENRY: Your Honour, I believe -- I'm sorry.

19 A. Zarko Mrkajic was also a detainee in Number 9 where
20 Slavko Susic was staying.

21 JUDGE KARIBI WHYTE: It is possible he has also heard it
22 the way you have heard it from him. We need somebody
23 who actually was involved and knew that he had died and
24 saw it, because, you know, hearsay upon hearsay upon
25 hearsay will lead us nowhere. We want to have somebody

1 whose evidence must be reliable, to hear from him.

2 A. Zarko Mrkajic was also in Number 9, where Slavko was, so
3 he was there, and he passed on this information to me.

4 That was the person who was there.

5 MS. MCHENRY: Okay. Thank you. Sir, going on, you
6 have -- you previously described seeing Mr. Delic with a
7 blunt instrument standing close to Mr. Susic. Was there
8 any other occasion when you saw Mr. Delic with any kind
9 of instrument?

10 A. I saw Mr. Delic some time -- I think it was August 3rd,
11 1992. On that occasion Risto Zuza was brought. He
12 was a mental patient, a very difficult case. Then he
13 had something in his hand, and he had a stick in his
14 hand, something that we called the electric stick.

15 Q. I am going to try to go a little slowly. You stated
16 that Risto Zuza was a mental patient, a difficult
17 case. Was Risto Zuza also a detainee at the camp?

18 A. Yes, he was, only he was at Musala, in the Sports Hall
19 in Musala, Konjic.

20 Q. Did you ever see Mr. Zuza at Celebici?

21 A. Yes. He came that day.

22 Q. Okay. Let me also just clarify before we go forward,
23 sir. When you say he had something you called the
24 electrical stick, who was it who had this electrical
25 stick in their hand?

1 A. Mr. Delic. I can describe that. It's about two packs
2 of cigarettes big and there was a button somewhere, and
3 he would approach Risto, and when he would push this
4 button, there would be some clonic spasms, and Risto
5 would sort of be thrown into the corner.

6 Q. How many times did you see Mr. Delic use this instrument
7 on Mr. Zuza approximately, if you remember?

8 A. Twice.

9 MR. MORAN: Your Honour, I'm going to object to this entire
10 line of questioning. I can't find this man's name
11 anywhere in the indictment. I don't think it's
12 relevant to anything.

13 MS. MCHENRY: Your Honours, his name is not specifically in
14 the indictment, but it is a specific count in the
15 indictment: inhumane acts involving the use of an
16 electrical device. Mr. Delic is charged with using this
17 device on many detainees.

18 MR. MORAN: Your Honour, I think that they list two in these
19 counts by name, 42 and 43, and -- I could be wrong, and
20 I do stand to be corrected, but this, I think, is the
21 first I've heard about, one, this person, and two,
22 I think -- and again I stand to be corrected -- I think
23 this is the first I've heard about this electrical
24 device. If you're going to have evidence of other bad
25 acts, maybe you ought to have some evidence first of bad

1 acts that are alleged in the indictment. I understand
2 that the Rules of Evidence of the Tribunal allow
3 evidence of --

4 JUDGE KARIBI WHYTE: I don't know whether we can exhaust
5 inhumane acts?

6 MR. MORAN: Pardon me, your Honour.

7 JUDGE KARIBI WHYTE: I am saying I don't know whether we
8 can exhaust acts that are inhumane. It's infinity.

9 MR. MORAN: Yes, your Honour, I understand.

10 JUDGE KARIBI WHYTE: Because we never know what devices
11 could come.

12 MR. MORAN: Counts 42 and 43 specifically allege inhuman acts
13 involving an electrical device.

14 JUDGE KARIBI WHYTE: It is a specific one.

15 MR. MORAN: It is a specific allegation involving two
16 specific people.

17 JUDGE KARIBI WHYTE: Your objection is that the name now
18 did not appear in that indictment?

19 MR. MORAN: My objection is there is no legal or logical
20 relevance on Mr. Zuza. Surely there is no legal or
21 logical relevance until the Prosecutor introduces some
22 proof that the acts charged in the indictment were
23 committed. Like I say, I understand that the Rules of
24 the Tribunal allow for evidence of a pattern of serious
25 violations to bolster the prosecution's case but first

1 I think the prosecution has to have a case to bolster.

2 JUDGE KARIBI WHYTE: I see your argument is that the name
3 there is not a name in the indictment.

4 MR. MORAN: Your Honour --

5 JUDGE KARIBI WHYTE: This is all, that the act is
6 inhuman. It is not what you are arguing.

7 MR. MORAN: Your Honour, what my argument is: is while it may
8 be possible and the Trial Chamber may in its discretion
9 admit evidence of patterns to bolster the Prosecutor's
10 case, I don't think we start bolstering the Prosecutor's
11 case until such time as the Prosecutor has introduced
12 some evidence to prove the count in the indictment that
13 we are trying to bolster. It would be -- until such
14 time as the Prosecutor presents some evidence that
15 Milenko Kuljanin and Mr. Dordic were -- had this machine
16 used on them, I don't think that there is anything
17 relevant to evidence that it occurred at some other
18 occasion. The only reason that the Rules of Evidence
19 allow evidence of pattern is to show that -- to help
20 prove the allegations in the indictment, to help the
21 Prosecutor or allow the Prosecutor to do that. Until
22 we've had some proof of the allegations in the
23 indictment, this extraneous acts evidence is just not
24 relevant to anything.

25 JUDGE KARIBI WHYTE: I'm not so sure, but my reading of

1 that count is that it was not limited to just those two
2 persons mentioned in there. It was not limited to the
3 two persons mentioned in there. It's broader than
4 that.

5 JUDGE JAN: "Many detainees".

6 JUDGE ODIO BENITO: "Many detainees".

7 JUDGE KARIBI WHYTE: Yes.

8 MR. MORAN: Your Honour, recalling that I did not join the
9 defence team until some time right before the trial,
10 I would suggest that this doesn't give him the written
11 notice that the Statute and the Rules require if you say
12 "and it could happen to anybody".

13 JUDGE KARIBI WHYTE: I suppose there are very many and if
14 you keep on indicating each of them, perhaps the whole
15 indictment might be filled with those who have been
16 treated that way. What was done was just to give
17 specific names, and others.

18 MR. MORAN: Yes, your Honour. I understand that. I would
19 just suggest that --

20 JUDGE KARIBI WHYTE: You would have objected to that type
21 of formulation of the count.

22 MR. MORAN: Well, your Honour, I would suggest, if they can
23 just prove what happened to any old person in there to
24 prove that count, that we're not getting the kind of
25 notice of the charges that the Statute and the Rules

1 require that we be given.

2 JUDGE KARIBI WHYTE: Yes. None other than those names
3 there should be added.

4 MR. MORAN: Your Honour, I think when the Prosecutor, what,
5 a year and a half ago formulated this indictment, they
6 should have said who they said that these people
7 injured, who the victims were. This is not
8 Auschwitz. There is a limited number of people here.

9 JUDGE KARIBI WHYTE: If it had been challenged on the basis
10 of vagueness, then one would have understood, but
11 I think it's not vague now. At least there are two
12 specific persons indicated there.

13 MR. MORAN: I have no problem, your Honour, with the two
14 specific persons indicated there, the two named persons.

15 JUDGE KARIBI WHYTE: The point of your argument is that no
16 other person should be added other than the two specific
17 persons indicated in the count.

18 MR. MORAN: Yes, your Honour, if we are going to have the
19 notice of -- the Statute and Rules require that we be
20 given the notice of what we have to defend against.

21 JUDGE JAN: The charge against you was he was in possession
22 of an electrical device and he was using it against the
23 detainees. That is the gravamen of the charge and that
24 is what she is trying to prove by this witness.

25 MR. MORAN: The gravamen of the charge is he used it against

1 these two people.

2 JUDGE JAN: Other detainees.

3 MR. MORAN: We have been given notice of two people; put it
4 that way.

5 MS. McHENRY: Your Honours, if I may just say one thing:
6 certainly it is very clear it is on many detainees, and
7 that's what the defence has notice of. It is also the
8 case, and had the defendant wished to challenge this,
9 the indictment, it would have had to be with preliminary
10 motion, and, in fact, there were preliminary motions
11 filed by the Delic defence challenging the indictment
12 and they were rejected. So whatever argument was made
13 or should have been made, I think the indictment is very
14 clear as "many detainees", and I think the witness
15 should be allowed to continue his answer.

16 JUDGE KARIBI WHYTE: Let him continue.

17 MS. McHENRY: Thank you, sir. I believe you were -- if my
18 memory serves me correctly, you were describing this
19 device?

20 A. Yes.

21 Q. Can you please continue with your description and what
22 you observed?

23 A. As I said, this is a device, size about two packs of
24 cigarettes, with a button on the side. Later I was
25 told by some people that this was used for -- when the

1 cattle was slaughtered, and I saw that this was causing
2 the tonic and clonic spasms and Risto fell into the far
3 corner of this room.

4 Q. You indicated that you believe this happened
5 approximately around August 3rd. Can you tell us how
6 it is that you are able to remember that approximate
7 date and what the ...

8 A. On 2nd August -- that is the celebration of my father's
9 Christian name and so I remember this date -- my father
10 was still in prison and my brother was still in
11 prison. My relatives were still imprisoned, but
12 I think it was on 3rd August that Mr. Mucic's birthday
13 was.

14 Q. Was Mr. Mucic present on August 3rd in Celebici?

15 A. It was his birthday and he was there on his birthday.
16 He even talked to me. He have even invited me to sit
17 down at the table. He offered me a drink and something
18 to eat. There was roast lamb that was being offered
19 then.

20 Q. Do you know whether or not anyone was filming any part
21 of the birthday celebration?

22 A. Yes. Mr. Mucic had a camera and part of it was filmed,
23 of this celebration.

24 Q. Was Mr. Mucic present when Mr. Delic was using this
25 electrical device against Risto Zuza?

1 A. No. No.

2 Q. Okay. Was -- what else, if anything, did you observe
3 on this day concerning what happened to Mr. Zuza?

4 A. Then later Risto was forced to sing some folk songs and
5 after that there was nothing in particular with Risto.

6 Q. Were you present during the entire birthday celebration,
7 or did you leave at the end of your -- at the end of the
8 day?

9 A. I left at the end of the day. They drove me off.

10 Q. Thank you. Sir, was there -- at Celebici was there a
11 detainee named Zeljko Milosevic?

12 A. Yes, there was. There was Zeljko Milosevic. He was
13 in Building Number 9.

14 Q. Can you please tell the Chamber what, if anything, you
15 yourself observed about the treatment of Zeljko
16 Milosevic?

17 A. I saw in the same way through the window of Building
18 Number 22. I climbed and I saw Delic and Mr. Landzo
19 kicking -- I saw them kicking Mr. Milosevic.

20 Q. Was anyone else present at the time they were with
21 Mr. Milosevic?

22 A. No, I did not see anyone.

23 Q. Can you please describe just in more detail exactly what
24 you saw happen, for instance where it was, if there was
25 anything besides feet being used, how long it lasted?

1 Will you please just give us everything you remember
2 about this incident?

3 A. I keep repeating that I did not dare stay at this
4 window. Sometimes we would see prisoners from Number 9
5 when they would bring them out to wash up, and then
6 later when we would hear moans, we would look up. We
7 did not dare stay there, because if somebody would see
8 us at the window, somebody of the guards, we knew what
9 would follow. So this is what I saw. I saw him being
10 kicked.

11 Q. Can you please tell us where it was that he was being
12 kicked, I mean in other words what part of the camp now?

13 A. Behind Number 9, Building Number 9.

14 Q. Thank you. Again without getting into what exactly was
15 told to you, did anything ever happen to Mr. Milosevic?

16 A. Yes. Later we learned, because detainees from Number 9
17 would come for examination to us in Building Number 22,
18 and when they would sit down to be examined, some of the
19 injured would always ask: "What is happening up there in
20 Building Number 9?", and then they would respond. They
21 responded: "Milosevic died."

22 Q. Do you remember any specific person who reported that
23 Mr. Milosevic had died?

24 A. Yes. Dragan Mrkajic. He was a detainee in Building
25 Number 9.

- 1 Q. Did Mr. Mrkajic see the body of Mr. Milosevic?
- 2 A. We didn't discuss that.
- 3 Q. How soon after you saw the beating of Mr. -- the beating
4 of Mr. Milosevic did Dragan Mrkajic report that
5 Mr. Milosevic had died, approximately?
- 6 A. After two or three days.
- 7 Q. Now previously, sir, you mentioned Mr. Hazim Delic.
- 8 A. I knew Mr. Delic very well, and especially his father,
9 his mother, because I often came to treat his mother and
10 father at home. They were decent people. He would
11 come to see me to ask for sick leave, because he was
12 helping his father, who had retired rather early. They
13 had a carpenter's shop and in order to earn some money
14 he would ask for sick leave. I always satisfied his
15 request.
- 16 Q. What was Mr. Delic's role at the camp, if you know?
- 17 A. I know he was deputy commander of the camp.
- 18 Q. How do you know that?
- 19 A. Well, I know. All the guards would always address him
20 for anything. He would take from us lists of
21 medicines. He would bring us whatever he did bring
22 in. Then he would bring in a detainee to Building
23 Number 22. I know that he brought by car Branko
24 Gotovac, an old man who had been beaten up. He had an
25 enormous hernia, incarcerated hernia on the right-hand

1 side, and I know he drove him over. Then he brought
2 another elderly man, Milorad Jovanovic also by car.

3 Q. Sir, when you first came to the Celebici camp in June,
4 did you notice anything about Mr. Delic's physical
5 condition?

6 A. Yes. Mr. Delic was limping on one foot. I don't
7 exactly remember which one, but he was limping anyway.

8 Q. Thank you.

9 A. About twice --

10 Q. I'm sorry, sir. Please continue.

11 A. About twice he called me into his office, because he was
12 having pain in that leg, and I told him which of the
13 analgesics he should use, and he would lie down.

14 Q. Sir, was there a detainee named Mr. Simo Jovanovic at the
15 camp?

16 A. Yes, there was. He's an elderly man. He was in
17 Number 6.

18 Q. Did you have occasion to ever see Mr. Jovanovic and his
19 physical condition?

20 A. Yes, I was -- I did have the occasion to see
21 Mr. Jovanovic. He was in poor condition. He had been
22 beaten up. He had some broken ribs. His general
23 condition was very poor.

24 Q. Can you estimate approximately when this was that you
25 saw Mr. Jovanovic?

- 1 A. I'm not quite sure of the dates.
- 2 Q. Do you know if it was --
- 3 A. But --
- 4 Q. Do you know if it was when you were a prisoner or when
5 you were under house arrest going to the camp for work?
- 6 A. While I was a prisoner. It happened while I was a
7 prisoner.
- 8 Q. Were you able to treat Mr. Jovanovic?
- 9 A. When I examined him, all I had on me was some
10 painkillers, and I informed Mr. Delic that he should be
11 transferred to Building Number 22.
- 12 Q. What happened after you requested that Mr. Jovanovic be
13 transferred to Building 22?
- 14 A. After a few days Mr. Jovanovic died.
- 15 Q. Was he ever -- before he died, was he transferred to
16 Building 22, as you had requested?
- 17 A. No, he was not transferred.
- 18 Q. Sir, are you able to remember at this time every
19 prisoner and every injury you treated?
- 20 A. A good share of those prisoners, some of those names I
21 don't remember because I saw them for the first time in
22 prison. Some of them I cannot remember.
- 23 Q. With respect to the ones you do remember, sir, do you
24 remember whether or not you ever treated any prisoners
25 who had suffered burns?

1 A. Yes. I did have occasion to see. They were Nedjelko
2 Draganic, a boy of some 19 years of age, 18 or 19. He
3 had burns on his lower legs and partly his upper legs.
4 They were in -- blisters were infected. I treated them
5 and he came for bandaging a couple of times. Then
6 Spaso Miljevic came too. He showed me his burns on his
7 lower legs, partly above the knee too. He had blue
8 jeans rolled up -- no, not jeans -- a track suit that was
9 rolled up about his knees.

10 Then Momir Kuljanin who also had burns, and he was
11 lying in Building Number 22. He had burns on his
12 palms, on the palms of his hands. Momir came in the
13 infirmary twice, on two occasions. Then he had an
14 ulcer in his stomach, an ulcer that was bleeding. Then
15 also Mirko Dordic came for burns. You could see his
16 lips were burned, his tongue, and pincers had been
17 placed in his ear, heated pincers and there was pus
18 coming out of the ear.

19 Q. Sir, were there any women in the camp?

20 A. Yes, there were women in the camp. Let me see. There
21 was Grozda Cecez, Milojka Antic....

22 Q. Sir, I'm not going to ask you for the names of all the
23 women. Let me just ask you again without saying what
24 you heard, can you please tell us whether or not you
25 received any information at the camp suggesting that any

1 of the women at the camp had been sexually assaulted?

2 A. Yes.

3 Q. Let me go forward. From whom did you receive this
4 information?

5 A. On one occasion I was in the office and a secretary was
6 working there. That was after my release. I was
7 under house arrest. That was when I learned about
8 this. In the command building the secretary was Ismeta
9 Posder and she told me that Mr. Delic was keeping Milojka
10 Antic for himself and that Milojka Antic was a virgo
11 intacta. That is a medical term. The traditional
12 term is a virgin.

13 Q. Did you ever hear Mr. Delic have any conversation with
14 anyone about the women?

15 A. Yes. I heard. I was present in the room. This was
16 also from the period from I was under house arrest, and
17 when I came on certain days. It wasn't every day that
18 I came to Celebici. Standing in the room, together
19 with somebody -- I think he was called Nurko -- I can
20 describe the man, what he looked like -- and there were
21 another one or two people in uniform there, and they
22 were talking in disguised terms of a lady whom they had
23 taken to the hairdresser's, where she had a shower, and
24 later, on the basis of their conversation, I deduced
25 that it must have been Grozda Cecez.

1 Q. Can you please tell us exactly what you can remember
2 about this conversation, in other words who said what as
3 best you can recollect?

4 A. "How did you like the lady?" In that sense was the
5 question put to Mr. Nurko. Nurko was working -- was a
6 person looking after the weapons, and I saw him for the
7 first time in the command building.

8 Q. Who was it who said: "How did you like the lady?"

9 A. Mr. Delic.

10 Q. Was anything else said about how it was that the guard
11 Nurko was able to be with this lady? Was anything said
12 about that and, if so, please tell us exactly what was
13 said?

14 A. I can't recall any other details, nor did I really
15 overhear the rest of the conversation, I think.

16 Q. Was there anything said about whether or not Mr. Delic
17 had any contact with this particular woman that was
18 being talked about?

19 A. No.

20 Q. Thank you, sir. Sir, were you -- while you were at the
21 camp, were you permitted to treat whoever you believe
22 needed treatment, or did you have to ask permission to
23 treat certain detainees?

24 A. I was not able to extend treatment. Sometimes I was
25 taken there to see a particular person in Building

1 Number 6. Once I know I went to Number 9, and later
2 the guards of the camp would select individual injured
3 prisoners and bring them for treatment.

4 Q. Besides Simo Jovanovic, whom you have already testified
5 about, was there any other occasion where you were not
6 permitted to treat or transfer a detainee that you
7 specifically requested be treated or transferred?

8 A. Yes. Once I was taken to examine Milovan Kuljanin,
9 Mici. I may be wrong with the first name. He was
10 lying there beaten up and he had defecated in his --
11 fully dressed. He had urinated too. I asked Mr. Delic
12 to have him transferred to Building Number 22. After
13 some time -- it may have been an hour or an hour and a
14 half -- Pavo Mucic came and asked: "Why didn't you
15 transfer Mici to Number 22?" I said I had asked
16 Mr. Delic to do it. Then I can't remember whether he
17 was brought over by car or whether he was carried to
18 Building Number 22. He spent quite some time in
19 Building Number 22.

20 Q. Do you remember when this incident was, what month or
21 whether or not this was during the time you were a
22 prisoner or under house arrest?

23 A. Yes. I was in the camp at the time.

24 Q. As a prisoner?

25 A. As a prisoner, yes. As a prisoner.

- 1 Q. Besides what you have already testified to, do you have
2 any -- excuse me. What was Mr. Mucic's role in the camp?
- 3 A. We all called Mr. Mucic "Commander". I don't know
4 anything more about his function, but I know that we all
5 called him "Commander"; both the guards and we did.
6 I did hear, that's true, on two occasions when I went to
7 visit Mr. Delic in the command building saying that his
8 leg hurt -- I saw the scar but no external signs of the
9 trismus, that is the lower leg, and Music was sitting
10 there helping to lift his leg and massage it, but we
11 called him "Mr. Commander". This applies to Mr. Mucic.
- 12 Q. Is it the case -- was this true the entire time you were
13 at the camp, or only a portion of the time?
- 14 A. While I was in the camp and later. It was roughly the
15 same -- it was the same later too.
- 16 Q. Both when you were a prisoner and when you were under
17 house arrest; is that correct?
- 18 A. Yes. Yes. Yes.
- 19 Q. How frequently did you see Mr. Mucic at the camp? Let me
20 first ask you about the time that you were a prisoner in
21 the camp.
- 22 A. We didn't meet often. We maybe saw each other once in
23 seven days, twice, maybe twice in a week, sometimes
24 three times.
- 25 Q. And how about during the time that you were under house

1 arrest? How frequently would you see Mr. Mucic at the
2 camp?

3 A. Then I saw him I think a little more often, because
4 Mr. Mucic, after I was transferred to house arrest, he
5 came once ; I think this must have been 1st or 2nd
6 September. He invited me to his office and he told me
7 that I should write a list of the elderly and weaker or
8 sick people, but he warned me. He said: "Be careful as
9 to what you put down as the diagnosis, because both you
10 and me could suffer consequences." Don't put for a young
11 man of 18 that he has chronic prostate infection. You
12 put down an appropriate diagnosis." So that is what
13 I did. I was with Mr. Mucic when it was his birthday.
14 I think twice he was in the vehicle when his driver was
15 taking me back to Ostrozac.

16 Q. Let me go back. Is it the case that Mr. Mucic ever came
17 to Building Number 22 while you were there?

18 A. Yes. Mr. Mucic I remember well. I should like to tell
19 you a rather funny story. We found it funny, both of
20 us. I think it was on that occasion that he brought to
21 Building Number 22 the mother of injured Miroslav
22 Kuljanin who had been wounded during the shelling of the
23 Sports Hall in Konjic, and with him was Zoran Cecez.
24 They went out, Zoran and Miroslav's mother, and he asked
25 whether I needed anything, and I didn't pay attention.

1 When Miroslav Kuljanin was being admitted on the back
2 part of the gluteal area there were large abscesses.
3 They were shrapnel wounds, punctured wounds and I needed
4 a scalpel. Then Mr. Mucic said: "How on earth am I
5 going to get you a scalpel? What can you do?" I said:
6 "I need to make an incision."

7 Then he took out of his pocket a knife and gave it
8 to me and said: "It's very sharp. Use it if you can."
9 I said I didn't need it, that I would do it with some
10 scissors. In fact, that is what I did, and we laughed,
11 because Mr. Mucic said: "A Cetnik doctor can't function
12 without a knife."

13 Q. When Mr. Mucic came to the hangar, did you ever ask, you
14 or any of the prisoners, how they had received their
15 injuries?

16 A. Only if I was asked how I had got my injuries. This
17 was two or three days after I had arrived at the
18 elementary school the Third of March. Then some people
19 in uniform appeared from Split. They were speaking
20 with a Dalmatian dialect. They asked me: "And what's
21 wrong with you?" So I said I had fallen from a car.
22 Then they shouted at me: "Why don't you tell the
23 truth?" I repeated that I had fallen from a car.

24 These people in uniform, one of them was tall,
25 dark, and he had the letter "U" on the upper part of his

1 camouflage uniform, and he said that the military police
2 of the HVO would protect us. However, after they left,
3 we heard that the HVO policemen were talking amongst
4 themselves and saying that nothing should happen to us
5 because they wanted to change -- exchange us for their
6 own people who had allegedly been captured at Kupres.

7 Q. Sir, let me go back to the Celebici camp. Was there
8 ever a period when there was no food for a sustained
9 amount of time at the camp?

10 A. Yes. I think that was from 12th July 1992. At that
11 time I don't know exactly whether it was seven or nine
12 military policemen from the territorial defence who had
13 been killed, military policemen of Bosnia-Herzegovina,
14 and then we didn't receive food. Some people said that
15 they got food but I know that we didn't get it for four
16 or five days, not even a piece of bread. We had water,
17 though.

18 Q. Sir, do you know whether or not anyone at the camp made
19 efforts at some point to get food for the camp and, if
20 so, would you please describe that?

21 A. Yes. I remember well. This was in the morning,
22 somewhere around 10.00, 10.30. There was a red
23 telephone outside the window and Mr. Mucic was speaking
24 loudly. I was sitting opposite that, and I heard him
25 calling Major Kevric -- Sefik Kevric, asking him to

1 deliver food. However, I know I heard him say: "I
2 don't care what the command is saying. I want food to
3 be brought to the people. It would be honest either to
4 kill these people or to feed them."

5 Q. Did Mr. Mucic indicate that he had any fear for himself
6 if food was not obtained?

7 A. Yes. Yes. He said: "I'll not be held responsible for
8 this."

9 Q. Was food obtained after this period of time?

10 A. I think in a day or two food arrived, and I know that
11 they called me and I and my colleague went out, and
12 there were loaves of bread, and a loaf was given for
13 each detainee, and about 100 grams of liver-paste.
14 I carried the loaves of bread, my colleague the
15 liver-paste. However, when I entered, I told the
16 detainees: "Be careful. We won't eat it all. We will
17 share it among three detainees, one liver-paste among
18 three and one loaf of bread among two."

19 Then Mr. Delic appeared behind my back and said:
20 "No, you have to eat up everything." Of course we
21 did. We ate up the whole loaf and the whole
22 liver-paste. Of course then we were thirsty. We were
23 constantly knocking on the door. Mr. Macic, he did
24 indeed let us go out and bring as much water as we
25 needed.

1 Q. Your Honours, I am going to go to a new area. I don't
2 know if you would like to take your break now or if you
3 want to continue and take your break later. I just
4 wanted to advise you of that fact.

5 JUDGE KARIBI WHYTE: If it is convenient --

6 THE INTERPRETER: Microphone, please.

7 JUDGE KARIBI WHYTE: We should have our break at
8 4 o'clock.

9 MS. MCHENRY: I'm sorry, your Honour. My memory is
10 wrong. We can go to 4.00. I just didn't want to ask
11 more questions and then have the break.

12 JUDGE KARIBI WHYTE: You can carry on.

13 MS. MCHENRY: Okay. Sir, you have indicated previously
14 that on 22nd July you were permitted to leave the camp;
15 is that correct?

16 A. Yes, that is correct.

17 Q. Sir, I am going to ask you to describe exactly what
18 happened when you were released, and I'm going to ask
19 that you go slowly, and so if something is not clear
20 about who you are talking to, I can ask. Please tell
21 us what happened such that you were released.

22 A. On 22nd July some time around 10 o'clock -- around
23 11 o'clock a guard Fodil -- I don't know his last name;
24 we called him Focak -- entered into Number 22. He had
25 a piece of paper in his hands and he said to my

1 colleague and myself: "Please collect your things. You
2 will pay me a round for this, because you're going
3 home." However, I would like to say that we had some
4 indications that we could be released on that day. At
5 first I did not believe my colleague, but he said that
6 Mr. Delalic would send a car for us at 10 o'clock. This
7 happened at 11 o'clock, and we --

8 Q. I'm sorry. Let me just be clear. When this person
9 Focak said: "You are going to pay me a round for this",
10 was he indicating that you were going to buy him a drink
11 because you were being released?

12 A. I think he said it jokingly.

13 Q. Right.

14 A. As if we owed him a drink because of this.

15 Q. Yes. That's what I just wanted to clarify. Now when
16 you say your colleague, do you mean the other doctor who
17 was working in the infirmary?

18 A. Yes.

19 Q. Was it that same morning that he told you that he
20 believed Mr. Delalic would be sending a car for you?

21 A. Yes, yes.

22 Q. I'm sorry. Please continue, sir.

23 A. We left the building. It was a white jeep-type of
24 vehicle. We went to the house belonging to Mr. Delalic.

25 Q. When you say "we", do you mean you and the other doctor?

1 A. Yes. Yes. That's what I have in mind. We entered into
2 the room where Mr. Zejnil Delalic was, Mr. Dzemal Delalic,
3 his brother, and in the other part of the room somebody
4 was sleeping. Actually they were snoring. Later
5 I was told by my colleague that this was the older
6 brother of Zejnil.

7 Mr. Zejnil offered us dinner. We told him we had
8 eaten. He offered us drinks and I accepted a coffee,
9 and my colleague sort of nudged me and he said: "Well,
10 it will take a long time for it to be made and drunk, so
11 why don't you take something alcoholic?" I said: "Okay.
12 I will take a cognac."

13 Mr. Delalic was wearing a camouflage uniform. He
14 had just come back from Glavaticevo from the front.
15 Mr. Zejnil Delalic then told the two of us to report to
16 Mr. Ahmed Jusufbegovic for work. However, I think the
17 next day I did not report to Dr. Ahmed Jusufbegovic, and
18 the day I did report to him -- I think it was a Sunday
19 -- I called on the phone. I used the phone of a
20 Muslim person, because the Serb -- the phones of the
21 Serbs in Konjic were disconnected at that time.
22 I asked whether Mr. Jusufbegovic was at work. He said
23 that -- I was told that he was. Then I went to the
24 Health Centre and I found him there in front of the
25 dentistry. Outside there was Dr. Jusufbegovic Sead

1 Hajduk, who was a dentist, and Dr. Rif Sarajlic.

2 He called me off and he told me to follow him to
3 his office, which at that time was on the premises of
4 Hygienic Service. We were followed by Dr. Hajduk, and
5 Dr. Jusufbegovic told me at that time there is no way
6 that I could start working again because colleagues do
7 not want to have anything to do with me, not even to
8 have to look at me. Then he offered to have me go back
9 to the Celebici camp, and I started crying, and I said:
10 "Don't even mention this." I said I would stay in
11 Konjic. So at that I left and went back to my
12 apartment, which had already been occupied also by a
13 colleague, who was a Muslim, and several days later
14 I asked Fadil Spago, the Commander of the police
15 station, whether I could move to the village of Ostrozac
16 in Jablanica Municipality, and he allowed me. He gave
17 me permission to do that.

18 Q. Sir, let me go back for a moment. When you stated that
19 you were at Celebici on July 22nd and the guard Focak
20 came in with a paper, were you given that paper and, if
21 so, what was it?

22 A. Yes, I did receive a piece of paper, where it was
23 written that I was not a member of the SDS, that is
24 I guess the political party. I don't want to be
25 reminded of this paper. That I was not a member of a

1 terrorist organisation, and I showed this paper to
2 Mr. Delalic at his apartment. He took this paper and he
3 wrote on it. He added: "He continues to care for the
4 injured prisoners." Then he asked me where I would be
5 and I asked him not to write in the direction in which
6 I would be moving, because Mr. Delalic knew where my wife
7 was from, and he -- and I asked him not to do that so
8 I could go and visit her occasionally. He agreed to
9 that, and then I had this piece of paper when I escaped.

10 Q. Now whose signature -- whose name appears on this piece
11 of paper as authorising your release?

12 A. Yes. On this piece of paper it is written "Zejnil
13 Delalic" and Mr. Delalic accommodated me at that time and
14 he -- I also know that once when the television of
15 Bosnia came, they filmed a conversation with me.

16 Q. Sir, let me stop for a minute.

17 JUDGE JAN: Just a minute. You are talking about the
18 contents of a document.

19 MS. McHENRY: Yes.

20 JUDGE JAN: Where is that document?

21 MS. McHENRY: That's my next question. May I ask the help
22 of the Registrar? May I ask that this be marked for
23 identification purposes? I have extra copies of the
24 document and a translation. This document has
25 previously been provided to all defence counsel.

1 (Handed). So the record is clear, the witness is being
2 shown a document marked for identification purposes as
3 Prosecution Exhibit 154.

4 Sir, I ask whether or not you recognise what that
5 document is and, if so, if you'll please tell us what it
6 is.

7 A. The release document on the basis of which I was
8 released from the prison. In the lower left corner it
9 says: "Continues to care for the injured prisoners".
10 This is what Mr. Delalic wrote later on when we were in
11 his apartment. Here it says "29th May", as if I had
12 been captured -- that's "arrested" there, but it was
13 26th when I was actually arrested, but here it states
14 29th.

15 Q. Sir, is this the document you have been testifying about
16 that you were given at the camp, and then Mr. Delalic
17 later added to it in his apartment?

18 A. Yes, yes, that's correct.

19 Q. Your Honour, at this time I would move into evidence
20 Prosecution Exhibit 154?

21 JUDGE KARIBI WHYTE: Yes, you can tender it.

22 MS. MCHENRY: Thank you. I don't have any further
23 questions about this document. Thank you.

24 JUDGE JAN: "Chief of Investigating Body"; who would that
25 be?

1 THE INTERPRETER: Microphone, please.

2 JUDGE JAN: Delalic is cited as chief of the investigating
3 body.

4 MS. McHENRY: I think it says hand-written "for Chief of the
5 Investigating Body". I believe that some of the prior
6 testimony indicates that this refers to this
7 investigative commission, which was present in the first
8 couple of weeks of the camp's existence.

9 Sir, did you ever see Mr. Zejnil Delalic at the
10 Celebici camp?

11 A. Yes. I saw Mr. Delalic about two or three weeks after
12 I had been released into the house arrest.

13 Q. Okay. Could you please describe the circumstances
14 under which you saw Mr. Zejnil Delalic at the camp, and
15 again I will ask that you please go slowly so if I want
16 to clarify who you are talking about or anything, I may.

17 A. One morning when I was brought in a vehicle to the
18 Celebici camp from the house where I was under house
19 arrest I saw in front of the command building a guard,
20 who told me to come into the command building, and my
21 colleague and myself were in this room, and together
22 with us there there was Mr. Zejnil Delalic, Mr. Sefik
23 Delalic and I cannot recall -- yes, there was Jandranka
24 Milosevic, and a man who introduced -- presented
25 himself as Zvonko Maric. They were the journalists of

1 Bosnia and Herzegovina.

2 Q. May I just clarify, sir? Is it the case that Mrs.
3 Milosevic and Mr. Maric were the journalists from the
4 Bosnian television?

5 A. That's right.

6 Q. Please continue, sir, with what happened.

7 A. Mr. Zejnil Delalic offered us to sit down. Then he
8 asked what we would like to drink, coffee, juice or
9 something alcoholic. They had real home-made plum
10 brandy. I think we only took coffee and I think I have
11 may have taken juice as well. He asked about the
12 conditions of prisoners and I said: "At this moment it's
13 not so bad, given the previous condition." He said --
14 "given what their previous condition was". He said
15 would I restate that in front of the camera. I did
16 that and so did my colleague.

17 Q. Sir, did you feel that you were able to tell the truth,
18 the entire truth about what was happening in Celebici
19 when you were being interviewed?

20 A. No. I felt very awkward. It was very difficult for me
21 because I had to measure every word. Otherwise it was
22 clear what would have happened to me, but to a degree
23 I did say some things about the conditions. Well, you
24 see these prisoners, as I already said, what conditions
25 we were living in, what equipment we had and for them to

1 recover, everybody would want a doctor who was teaching
2 at the military medical school. Let me just tell
3 you -- let me mention just some of the procedures that
4 are recommended in the book about how to care for the
5 victims of war, and it was -- which was issued by the
6 Red Cross, which I received in February and March of
7 1993.

8 Q. Sir, let me just ask you: is it correct that -- rather
9 than have you get into detail about the procedures -- is
10 it correct that -- is it a fair summary that the
11 procedures that were recommended were not carried out in
12 the Celebici camp?

13 A. Please clarify that question a little bit for me.

14 Q. Sir, when you -- actually if you -- with you -- if
15 I may, let me just go forward again, sir. Other than
16 the occasions that you have testified to, did you ever
17 have -- excuse me. Let me go forward. You indicated
18 before, sir, that at some point you created a list
19 pursuant to Mr. Mucic's request with the prisoners who
20 were in the worst state of health; is that right?

21 A. Yes, I put together a list and this list was later taken
22 by Mr. Mucic, and he took this list. On one occasion
23 I was in his private vehicle with him when we stopped by
24 Mr. Delalic's house and then he took that list upstairs
25 to him.

1 Q. Was everybody on the list that Mr. Mucic took to
2 Mr. Delalic's house put on the list by you because they
3 were in bad physical condition?

4 A. No. There were people there whom I put down, but there
5 were ten categories, as I already said, and persons in
6 the first three categories could not be released. From
7 the other categories they could be released, and some of
8 those -- and I don't know what was the criteria and
9 whether it was personal, the choice -- but they were put
10 on the list by Mr. Mucic and he told me to put them down
11 for some -- Mr. Delic also told me to put them down.
12 This only worked for two or three days. Following that
13 they were released without any examination or based on
14 personal choice of Mr. Delic and Mr. Pavo Mucic or their
15 own standards.

16 Q. Sir, while you were working in the camp, was there ever
17 a time when conditions at the camp got noticeably
18 better?

19 A. Yes. In fact, sometimes -- four or five days before my
20 release you could sort of notice a difference, because
21 the families were allowed to bring in food. However,
22 I did see -- there was a metal door -- there was a metal
23 door at Building Number 22 and there was a crack
24 underneath about 5 cm. So we -- so the ones of us who
25 felt a bit better would sort of lie down and look out,

1 and so we called it a look-out. So the guards would
2 take this food that was being brought to the gate. It
3 was put into a car, a Fiat make, and I saw that -- I saw
4 these plastic bags. A lot of them would just go
5 straight into the garbage container, but I saw some of
6 them, and again I don't know if there were some personal
7 connections or personal -- some of the people would get
8 these plastic bags with food.

9 Q. Sir, I'm sorry. Am I correct in understanding you that
10 it was in the middle part of July that people were
11 sometimes allowed to receive food from outside?

12 A. As I said, four or five days before I was released
13 I noticed that it started little by little, that it was
14 permitted that the food could be brought in, but this
15 food for one part would end up in containers, and what
16 we would end up with would be dry bread. When I would
17 smell it, you could see that there was a piece of roast
18 meat there, but we would only get some bread, maybe an
19 onion. No cigarettes could come through. Some pieces
20 of clothing, no underwear. Later somehow it passed
21 through.

22 Q. Sir --

23 A. So people would get something.

24 Q. Is it the case that Celebici was ever visited by the Red
25 Cross?

1 A. Yes. The Red Cross came I think on 12th August 1992.

2 Q. Can I ask you, sir, was there any change -- did you
3 notice anything about conditions in the camp after the
4 Red Cross came?

5 A. Yes. That was a huge difference. I know when I came
6 the first time, when I first came to the camp, I greeted
7 a tall gentleman. He had a beard, he had glasses on.
8 I think he was Dutch. That was the first day and I was
9 with him in building Number 6.

10 Q. Can I just clarify: when you -- is this the first time
11 the Red Cross came to the camp or the first time that
12 you came to the camp that you saw this gentleman with
13 glasses? I'm just trying to clarify. I think there
14 may have been a translation issue.

15 A. I think it was the first time when the Red Cross came.
16 I know that there was a woman there. She introduced
17 herself as a nurse, a medical nurse. The next day
18 I was given a letter through the Red Cross where people
19 were enquiring about me from where I live now, people
20 who lived there.

21 Q. Were there any beatings in the camp after the Red Cross
22 came?

23 A. When I came the next morning, I saw that the prisoners
24 were dejected, and I asked them what it was, and they
25 told me that they were beaten and that they would not

1 talk to the Red Cross representatives any more. I told
2 them not to do that, because they would just be doing
3 damage to themselves and this was an international
4 organisation and they should co-operate. Then they
5 agreed to that.

6 Then later, that's the day after they departed
7 from the Celebici camp, the conditions in the camp
8 improved considerably. There was no beatings like
9 before. Sporadically there were still some beatings,
10 but not like before.

11 Q. Sir, you indicated that you worked at the camp until
12 some time in October. Were you going to the camp daily
13 at this time and why was it that you stopped working in
14 the camp completely?

15 A. At first I would go almost every day, including
16 Saturdays and Sundays. Mr. Zeljko Buric would come to
17 get me, who was the personal driver of Mr. Pavo Mucic,
18 and later maybe he was coming every other day, and later
19 even less frequently, so that maybe I would go there
20 once every seven days.

21 Q. Did you stop working at Celebici completely when you
22 escaped from the area?

23 A. No. I think about four to seven days I was not going to
24 Celebici, and that was an excellent opportunity for me
25 to flee.

1 JUDGE KARIBI WHYTE: Mrs. McHenry, I think we will stop here
2 and come back at 4.30.

3 (4.00 pm)

4 (Short break)

5 (4.30 pm)

6 JUDGE KARIBI WHYTE: Ms McHenry, you can continue.

7 MS. McHENRY: Thank you, your Honours, and I am almost
8 finished. Sir, after you left the Konjic area and
9 escaped in October 1992, have you ever had any contact
10 with Mr. Mucic again?

11 A. Yes.

12 Q. On how many occasions?

13 A. Once he called. I was not at home. My daughter
14 answered. Once he also called my wife's family and he
15 called a third time and I answered the telephone.

16 Q. When was it approximately that Mr. Mucic called you?

17 A. Before the signing of the Dayton Accords.

18 Q. What was the subject matter of the conversation, and in
19 particular let me ask you whether or not Mr. Mucic
20 indicated during the conversation that he was being
21 investigated for war crimes?

22 A. He said that he had been charged by the Muslims for some
23 murders and that he had been proclaimed a Cetnik
24 supporter.

25 Q. Did he indicate anything about whether or not there were

1 any current investigations into his activities?

2 A. No, he didn't say anything.

3 JUDGE KARIBI WHYTE: Do you really need this evidence?

4 MS. MCHENRY: Your Honour, I believe that his relationship
5 with Mr. Mucic, including the phone call and the letter,
6 are very relevant, and I'm going to just briefly -- I'm
7 just about finished with the phone call -- I'll be
8 asking him about them.

9 Sir, when Mr. Mucic called you --

10 JUDGE JAN: Just a minute. Are you talking about the
11 contact more than a year after he had left the Celebici
12 camp. How would that be relevant in the context of
13 what happened at Celebici camp?

14 MS. MCHENRY: I believe that it's relevant to show --

15 JUDGE JAN: I can understand conduct immediately or soon
16 after.

17 THE INTERPRETER: Microphone, your Honour.

18 JUDGE JAN: I can well understand if something happens
19 immediately after he leaves the Celebici camp. How is
20 it relevant, unless you want admissions from him?

21 MS. MCHENRY: I believe that the nature of the relationship
22 between Mr. Mucic and this witness is relevant to
23 evaluating the witness's credibility.

24 JUDGE JAN: But has he taken the position that Mucic is his
25 friend?

1 MS. McHENRY: No, I don't believe that.

2 JUDGE JAN: How would that help us in determining the
3 charges in relation to the Celebici camp?

4 MS. McHENRY: I believe, among other things, it could be
5 evidence of the consciousness of guilt.

6 JUDGE JAN: That is too long a jump.

7 MS. McHENRY: Your Honour, I only have one other question,
8 which will not have to do with the substance of what was
9 said.

10 Sir, during this conversation was anyone -- did
11 you hear anyone else who was present with Mr. Mucic?

12 A. Yes. Present with Mr. Mucic was Petar Blazevic and his
13 brother, Jerko.

14 Q. Petar Blazevic, did he have any role in the Celebici
15 camp?

16 A. I heard that Petar Blazevic before I came to Celebici
17 had been a guard in the camp.

18 MR. GREAVES: Your Honour, this is hearsay evidence for
19 which the foundation has not been properly laid by my
20 learned friend. She must do so, in my submission.

21 MS. McHENRY: I am sorry. I don't believe it is hearsay
22 evidence. I believe this witness heard Mr. Blazevic --

23 MR. GREAVES: If you read what the answer was, it says: "I
24 heard that..." I think that's hearsay.

25 MS. McHENRY: That's fine, sir. Sir, going forward, when

1 was the second time that you had contact from Mr. Mucic?

2 A. A month ago I received a letter.

3 Q. Okay. With the assistance of ...

4 A. Yes.

5 Q. This is, for the record, I believe Prosecution Exhibit

6 155. Sir, is that the letter you received from

7 Mr. Mucic?

8 A. His signature is there and it was given to me by another

9 person.

10 Q. So am I correct, sir, it did not come to you through the

11 mail?

12 A. No, it did not.

13 Q. Your Honours, I would ask that this Prosecution Exhibit

14 155 be admitted into evidence, and I have no further

15 questions.

16 MR. ACKERMAN: Your Honour, I have an objection to that

17 letter being admitted as against my client, Mr. Landzo.

18 If it is to be admitted at all, I would ask that the

19 admission be restricted solely to an admission against

20 Mr. Mucic. I'm not even sure it's admissible against

21 Mr. Mucic, but certainly not against Mr. Landzo. It

22 contains language in it about other defendants in this

23 case that I think has no relevance, is inflammatory. I

24 think perhaps --

25 MS. MCHENRY: I'm sorry to interrupt. The prosecution has

1 no objection and would only be seeking to introduce it
2 against Mr. Mucic, if that helps any.

3 JUDGE KARIBI WHYTE: I am not too sure even how it would be
4 admissible against Mr. Mucic, because the witness claims
5 that he received it through someone.

6 MS. McHENRY: That's right, your Honour. He received it
7 through someone and I believe, though, that when you
8 read the contents of the letter, as well as look at the
9 signature, there is more than enough evidence for your
10 Honours to --

11 JUDGE KARIBI WHYTE: I don't see the signature. All I see
12 here is "Pavo".

13 MS. McHENRY: Your Honour, I believe "Pavo" is all it says,
14 but I believe when you read the contents of the letter,
15 it is clear because of the nature of what is discussed
16 that it was written by Mr. Mucic, and if your Honours
17 have -- and that there is more than enough evidence for
18 you to find that it is reliable, and prima facie case
19 was introduced against Mr. Mucic. If there is any
20 evidence and your Honours want more, I would ask that
21 Mr. Mucic be asked to provide handwriting samples so they
22 can be compared with the letter.

23 JUDGE KARIBI WHYTE: A good fiction writer, a good novelist
24 can write the same.

25 MR. GREAVES: Your Honours are being invited to be

1 handwriting experts as well as judges of the
2 International Tribunal. That is an interesting
3 proposition, isn't it?

4 JUDGE JAN: We have to do that many times. In order to
5 see if a document has been written by a particular
6 person is always a matter for the court to decide.

7 MR. GREAVES: Yes, but upon evidence. There has to be
8 evidence before you can come to the conclusion.

9 JUDGE JAN: Is it the case that this letter has not been
10 written by your client.

11 MR. GREAVES: I make no admissions whatever. I
12 respectfully submit before you can make the leap between
13 someone simply proffering it to you and saying it is a
14 fact there has to be some evidence to prove it. There
15 is not such evidence and the prosecution cannot, in my
16 respectful submission, force Mr. Mucic to do anything
17 such as providing handwriting samples. It's their
18 case. They must prove it.

19 JUDGE KARIBI WHYTE: What about the person who gave it to
20 the evidence, through who he has received it.

21 MS. MCHENRY: Your Honour, I'm happy to ask. Did the
22 person who delivered this identify themselves or did you
23 -- do you know who it was?

24 A. No, she did not introduce herself.

25 Q. Your Honour, I believe when you look at the contents of

1 the letter that although you can say that fiction
2 writers can write anything, the issue is: is there
3 prima facie evidence that it is written by him, and I
4 believe when you look at the specific information, they
5 are things that are peculiarly within the knowledge of
6 Mr. Mucic in their relationship, and I believe that is
7 enough.

8 If not, I would ask that your Honours direct
9 Mr. Mucic to provide handwriting samples, because I find
10 it inconceivable that a witness -- that an accused would
11 be able to write such letters with material such as in
12 here and then say: "And I refuse to give handwriting
13 samples." I certainly believe, and we are happy to
14 provide your Honours with legal authority, if you think
15 it's necessary, that the accused be permitted -- be
16 directed to provide handwriting samples, and if he
17 refuses, that adverse inferences be drawn as a result of
18 that.

19 JUDGE JAN: But, Ms McHenry, you are using it as an
20 admission on the part of the accused, this letter?

21 MS. McHENRY: That is correct, your Honour.

22 JUDGE JAN: Admission of what?

23 MS. McHENRY: Well, among other things, that, for instance,
24 Mr. Mucic was present at the time that the prisoners were
25 moved from the Third of March School to Celebici. That

1 would be, for instance --

2 JUDGE JAN: Is that an admission of guilt or what? When
3 you talk about admission, you talk about something which
4 has --

5 THE INTERPRETER: Microphone, your Honour.

6 JUDGE JAN: It has some incriminating content. Is it
7 incriminating in any way?

8 MS. MCHENRY: Yes, your Honour. I believe certainly that
9 is incriminating. It contains significant
10 corroboration for what this witness has said. I also
11 see that in there at another point the accused admits
12 that he was commander at least as of 3rd August. I
13 believe that also is an admission. I don't believe
14 it's the case that an accused has to say: "I'm guilty; I
15 did it", for it to be an admission.

16 JUDGE KARIBI WHYTE: Your argument is that if you make an
17 allegation, it is for the accused person to refute it.

18 MS. MCHENRY: No, your Honour.

19 JUDGE KARIBI WHYTE: This is what you are suggesting. You
20 should now prove to a handwriting expert that he did not
21 write it when you have not even shown sufficiently that
22 he did.

23 MS. MCHENRY: I believe on the face of this and the contents
24 of this are such that it was written by Mr. Mucic because
25 of --

1 JUDGE KARIBI WHYTE: What makes it clear? What makes it
2 clear?

3 MS. McHENRY: For instance, his discussion about what
4 happened on 3rd March; for instance, his discussion
5 about what's happened in trial. I think, for instance,
6 his discussion about what he did with respect to this
7 witness. So I don't -- I believe that that is
8 sufficient evidence, and if it's not, I --

9 JUDGE KARIBI WHYTE: You think this witness cannot write
10 that?

11 MS. McHENRY: Well, your Honour, I believe that's a matter
12 --

13 JUDGE KARIBI WHYTE: These are some of the things you have
14 to have in mind when it's ambiguous. It can come from
15 either side.

16 MS. McHENRY: Your Honour, I believe that this court can use
17 its common sense and make reasonable inferences. To
18 the extent that your Honours disagree, I believe that
19 the prosecution is entitled to ask your Honours to give
20 -- for the accused to give a handwriting exemplar, and
21 for you to find otherwise is to give all the accused
22 carte blanche to do what they wish, including writing
23 threatening letters, that are of no evidence
24 whatsoever.

25 JUDGE KARIBI WHYTE: I hear you. The Trial Chamber -- I

1 don't know if a prima facie -- I don't know. I find
2 it difficult to accept this as sufficient evidence that it
3 is written by him. I don't think so, because there's
4 nothing which links him with it, other than the name
5 "Pavo", because all the contents are contents which are
6 not a monopoly of his. All the indications, all you
7 have said are transactions he had with other people.

8 MS. MCHENRY: For instance, your Honour, I would also point
9 out the fact that -- your Honour, I believe that there
10 are many facts in there which --

11 JUDGE KARIBI WHYTE: Which only he can know.

12 MS. MCHENRY: That's right. If your Honours disagree, then
13 I'm asking under -- excuse me. I'm sorry, your
14 Honours. The Rules which indicate that your Honours
15 can make orders to direct the accused to give a
16 handwriting sample -- I'm sorry, your Honours, for my
17 delay. I would be referring to Rule 54 and I would ask
18 that your Honours direct the accused to provide a
19 handwriting sample.

20 MR. GREAVES: This is monstrous, absolutely monstrous.
21 Does your Honours -- do your Honours recall Article
22 21(4)(G), which requires this man not to be compelled to
23 testify against himself or to confess guilt? Are your
24 Honours seriously going to take the pretty general
25 wording of Rule 54 and say that he can be forced to

1 provide evidence against him? In my submission this is
2 the most monstrous suggestion I have heard in this court
3 to date. I invite your Honours to reject it.

4 MS. MCHENRY: If I can briefly respond, it is well settled
5 law in many jurisdictions, including the United States,
6 including the United States Supreme Court cases, that
7 the provision of handwriting exemplars does not violate
8 the ban against self-incrimination or the right not to
9 incriminate yourself. If your Honours wish legal
10 briefs on that, I'm happy to do that. I don't believe
11 it's necessary. I believe it is well-established law
12 in many jurisdictions that an accused can be directed to
13 provide handwriting exemplars without violating the ban
14 against self-incrimination, and if the accused refuses
15 to do so, then adverse inferences can be drawn.

16 MR. GREAVES: There is no such rule in the Rules of Evidence
17 and Procedure or the Statute. Again I invite your
18 Honours to reject that submission.

19 JUDGE KARIBI WHYTE: The Trial Chamber will rise and come
20 back in the next fifteen minutes.

21 (4.55 pm)

22 (Short break)

23 (5.10 pm)

24 JUDGE KARIBI WHYTE: The Trial Chamber has just casually
25 looked at this matter, but we find it difficult to come

1 to a decision at the moment. We think the decision to
2 admit it or not -- this letter or not, should be
3 deferred until actually argument is gone into as to its
4 admissibility because, as we have all observed, the
5 relevance in the letter which suggests pointing some
6 accusing finger, but at this stage is still a wavering
7 pointer, and until the wavering settles, it is not
8 possible to accept that it is that of the accused.
9 There is a substantive argument about not incriminating
10 himself.

11 On the side of the prosecution is the argument
12 that there is prima facie evidence, but I suppose that
13 is not enough for admissibility. So we will defer the
14 admission until parties have actually submitted good
15 written and oral arguments in support of the
16 proposition.

17 MS. MCHENRY: Thank you, your Honours. Maybe just in
18 connection with that, the letter refers to a newspaper
19 article. Just so that the record is clear, I would ask
20 that this be shown to defence counsel and then shown to
21 the witness, and then I'll just admit this in case it
22 later becomes relevant as part of this. Again we will
23 not be seeking to admit it now. We will just be
24 seeking to have it as an attachment to the extent it
25 becomes relevant. I'll also advise your Honours that

1 there is no translation of this article, but we will
2 request that one be prepared by the translation section
3 as soon as possible.

4 MR. ACKERMAN: Again, your Honours, I assume there is no
5 effort by the prosecution to have this document admitted
6 against anyone but the defendant Mucic.

7 JUDGE KARIBI WHYTE: How could it when it's not an
8 admission by anyone?

9 JUDGE JAN: You have finished with your
10 examination-in-chief, apart from this letter?

11 MS. McHENRY: Yes, your Honour. I will just show the
12 witness this article and ask if this is the article
13 attached with the letter and then the prosecution is
14 finished with examination-in-chief.

15 Sir, I'm just going to ask if you recognise what
16 that is?

17 MS. RESIDOVIC (in interpretation): Your Honour --

18 A. Yes.

19 MS. RESIDOVIC (in interpretation): We would first like to
20 know how the Prosecutor gained possession of these
21 newspapers. To be able to offer them for
22 identification, the Prosecutor would need to explain how
23 they gained possession of this article, as I know the
24 language and it has not been translated, and this
25 article mentions the names of other people, and I don't

1 know on what grounds the Prosecutor is offering this
2 newspaper to the court.

3 JUDGE KARIBI WHYTE: I thought you said it was attached to
4 the letter.

5 MS. MCHENRY: That's correct. I believe that's what the
6 witness will testify to. The prosecution got this
7 exact -- this exact thing was given to the witness along
8 with the letter and, in fact, the letter refers to a
9 newspaper article, and for the present purposes we are
10 just having it identified to the extent that it sheds
11 any light on this or later becomes relevant.

12 MR. GREAVES: The witness is not going to find it very
13 difficult to give that evidence now that the Prosecutor
14 has just told him what evidence he is going to give.

15 JUDGE KARIBI WHYTE: It is fairly difficult. You could
16 have, at the time you were tendering the letter,
17 included the newspaper excerpt.

18 MS. MCHENRY: Your Honour, five minutes ago, when I offered
19 it, I suppose I could have, but because I didn't think
20 that -- because I believed what was relevant was the
21 letter and that had -- which contained the admissions,
22 rather than the newspaper article, that it was
23 unnecessary.

24 Now if there's going to be some discussion about a
25 deferred admission, then, your Honours, I think at the

1 minimum we should have on the record what the newspaper
2 article is. I mean, I, in fact -- I haven't seen a
3 translation of this, so at this time, to the extent that
4 what's at issue is what did this witness receive and
5 what was attached to it, it may become relevant later.
6 Obviously if it turns out to have no evidentiary value
7 whatsoever, your Honours can disregard it, but since the
8 witness is here now and all that is being done is the
9 witness is identifying whether or not this is the
10 article referred to in the letter, I don't see that
11 there can be any prejudice, and, your Honours, if it is
12 later determined that this is of no assistance
13 whatsoever and of no relevance whatsoever, then your
14 Honours can disregard it.

15 JUDGE KARIBI WHYTE: The document is not in, so the thing
16 which came with it can still be attached to it. It's
17 not in yet.

18 MS. MCHENRY: Thank you. Yes, your Honour, I do understand
19 that.

20 Sir, can you tell us if you recognise what else
21 been given to you as -- marked as 156 -- do you
22 recognise that, sir?

23 A. Yes.

24 Q. Can you please tell us what it is and when you received
25 it?

1 A. At the same time as the letter.

2 Q. Sir, I notice that there is some highlighting and a
3 little bit of writing on that. Can you just tell me
4 whether when you received that article it had the
5 highlighting and the writing on it, or is that something
6 that you yourself did?

7 A. It was there when I received it.

8 Q. Okay, your Honour. We would be -- we will defer
9 tendering this until the subsequent proceeding.

10 JUDGE KARIBI WHYTE: Yes.

11 MS. McHENRY: That concludes the prosecution's
12 examination-in-chief. Thank you.

13 JUDGE KARIBI WHYTE: Any cross-examination of this
14 witness?

15 MR. O'SULLIVAN: Yes, your Honour. We have worked out the
16 order. We will proceed in the following way: first,
17 counsel for Mr. Delalic; second, counsel for Mr. Mucic;
18 third, counsel for Mr. Delic; and, fourth, counsel for
19 Mr. Landzo.

20 Cross-examination by MS. RESIDOVIC

21 MS. RESIDOVIC (in interpretation): Thank you, your
22 Honours. We have been working for quite some time
23 today. I am ready for the cross-examination, but, as
24 my cross-examination will take much longer than these
25 fifteen minutes, I would be very grateful if the court

1 would agree that we begin with the cross-examination
2 tomorrow morning. I think the witness has been exposed
3 to a fire of questions all day.

4 JUDGE KARIBI WHYTE: Thank you very much for your
5 indulgence. I think we can break off here and start
6 tomorrow morning. I think 10.30. We will start at
7 10.30.

8 MS. RESIDOVIC (in interpretation): Thank you, your
9 Honours.

10 (5.20 pm)

11 (Hearing adjourned until 10.30 tomorrow morning)

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