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1 Thursday, 22 January 2004

2 [Open session]

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

4 [The accused entered court]

5 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could you call  
6 the case number, please.

7 THE REGISTRAR: Case number IT-01-47-T, the Prosecutor versus  
8 Enver Hadzihasanovic and Amir Kubura.

9 JUDGE ANTONETTI: [Interpretation] Thank you. Could we have the  
10 appearances for the Prosecution.

11 MR. WITHOPF: Good morning, Your Honours. Good morning, Counsel.

12 For the Prosecution, Chester Stamp and Ekkehard Withopf, and the case  
13 manager, Kimberly Fleming.

14 JUDGE ANTONETTI: [Interpretation] Thank you.

15 And the appearances for the Defence.

16 MS. RESIDOVIC: [Interpretation] Good day, Mr. President. Good  
17 day, Your Honours. My name is Edina Residovic, counsel; Stephane  
18 Bourgon, co-counsel; and our legal assistant, Muriel Cauvin, a lawyer  
19 from Paris, represent General Hadzihasanovic.

20 JUDGE ANTONETTI: [Interpretation] Thank you.

21 And could the other Defence team represent itself.

22 MR. IBRISIMOVIC: [Interpretation] Good day, Your Honours.

23 Mr. Kubura is represented by Fahrudin Ibrisimovic, Mr. Rodney  
24 Dixon, and our legal assistant, Mr. Mulalic.

25 JUDGE ANTONETTI: [Interpretation] Thank you.

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1 The Trial Chamber would like to greet the Prosecution, the  
2 Defence, and the accused. We will resume the proceedings today, and  
3 we'll be hearing a witness.

4 Before we hear this witness, I would like to inform everyone that  
5 next week a hearing has been scheduled for Monday, Tuesday, Thursday, and  
6 Friday morning. With regard to the hearings on Tuesday and Wednesday in  
7 Courtroom III, it's possible that these hearings might be held in this

8 courtroom, in Courtroom II, since according to the schedule a hearing  
9 should be in Courtroom II which relates to another case. But as it  
10 appears that is there might be public people present and there are only  
11 four places in this gallery, we have to take this into account. We will  
12 have more details in the near future, but please bear this in mind. Next  
13 week on Tuesday and Wednesday, we might be back in this courtroom;  
14 whereas, according to the schedule, we should be in Courtroom III.  
15 Are there any comments to be made at this time by either of the  
16 parties before we have the witness called into the courtroom? No  
17 comments. Very well, then. Could the usher, who has disappeared - I  
18 think she's gone to look for the witness - I'm going to ask the usher to  
19 call the witness into the courtroom.  
20 MR. STAMP: Well, while we're awaiting the witness, may I just  
21 indicate to the Court that although the 65 ter summary in respect to the  
22 witness Kruno Rajic indicates, I think by some error, that it's going to  
23 be a half hour, he might take just a little bit longer than that. The  
24 time there clearly was put there in error. Thank you, Mr. President.  
25 JUDGE ANTONETTI: [Interpretation] Very well. As we have some

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1 time, take all the time you need; and naturally, the Defence will have  
2 all the time it needs at its disposal.  
3 [The witness entered court]  
4 JUDGE ANTONETTI: [Interpretation] Good day, Witness. Can you  
5 hear the interpretation? Can you hear what I'm saying being interpreted  
6 into your own language?  
7 THE WITNESS: [Interpretation] Yes.  
8 JUDGE ANTONETTI: [Interpretation] Thank you. Could you tell me  
9 your first and last name.  
10 THE WITNESS: [Interpretation] My name is Kruno Rajic.  
11 JUDGE ANTONETTI: [Interpretation] What is your date of birth?  
12 THE WITNESS: [Interpretation] The 1st [as interpreted] of  
13 January, 1960.  
14 JUDGE ANTONETTI: [Interpretation] And your place of birth?  
15 THE INTERPRETER: The interpreter did not hear the answer.  
16 JUDGE ANTONETTI: [Interpretation] What is your address in the  
17 city you live in at the moment?  
18 THE WITNESS: [Interpretation] Now or where I lived before?

19 JUDGE ANTONETTI: [Interpretation] At the moment.  
20 THE WITNESS: [Interpretation] At the moment, in Zagreb.  
21 JUDGE ANTONETTI: [Interpretation] So you live in Zagreb now.  
22 What are you by profession?  
23 THE WITNESS: [Interpretation] I'm a driver.  
24 JUDGE ANTONETTI: [Interpretation] So you're a driver.  
25 You've been called as a witness for the Prosecution to testify

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1 with regard to the events that you witnessed. Before you testify, you  
2 have to read out the solemn declaration that the usher is going to show  
3 you. Please read it out in your own language.  
4 THE WITNESS: [Interpretation] I solemnly declare that I will  
5 speak the truth, the whole truth, and nothing but the truth.  
6 JUDGE ANTONETTI: [Interpretation] Thank you. You may sit down.  
7 WITNESS: KRUNO RAJIC  
8 [Witness answered through interpreter]  
9 JUDGE ANTONETTI: [Interpretation] As I have said, you've been  
10 called as a witness for the Prosecution. You will be asked some  
11 questions by the representatives of the Prosecution first of all; they  
12 are to your right. Once they have concluded their examination, the  
13 Defence, who are to your left, can ask you some questions too. And if  
14 necessary, the three Judges who are before you can also ask you  
15 questions. Please try to answer the questions put to you as extensively  
16 as possible. Avoid answering by just saying yes or no. Try to elaborate  
17 when answering questions. And if there are any questions that you don't  
18 understand, ask the person who has asked you to question to put it to you  
19 again. If there are any problems of any kind at any time, do inform the  
20 Trial Chamber.  
21 Having said that, the Prosecution may now proceed with its  
22 examination-in-chief.  
23 MR. STAMP: Thank you very much, Mr. President, Your Honours.  
24 Examined by Mr. Stamp:  
25 Q. Good morning, Mr. Rajic. When did you say your date of birth is?

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1 A. Good morning. The 2nd of January, 1960.  
2 Q. And where were you born?  
3 A. I was born in Zenica.

4 Q. In which village and municipality did you grow up?

5 A. In Lasva, the village of Lajici --

6 THE INTERPRETER: The village of Rajici, interpreter's  
7 correction.

8 MR. STAMP:

9 Q. Did you do national service in the JNA?

10 A. Yes, I did.

11 Q. And after that, did you take up some form of employment?

12 A. Yes.

13 Q. Which was?

14 A. I worked in a steel mill.

15 Q. Now, up to 1992, were you working in that steel mill?

16 A. Yes.

17 Q. And in about autumn 1992, were you mobilised into any particular  
18 organisation or unit?

19 A. The military police, the reserve police force.

20 THE INTERPRETER: In the BH Army. The interpreter thinks the  
21 witness said "in the BH Army."

22 MR. STAMP:

23 Q. The military police is a part of which organisation?

24 A. The BH Army.

25 JUDGE ANTONETTI: [Interpretation] The Defence has something to

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1 say. Yes.

2 MS. RESIDOVIC: [Interpretation] The first answer I heard was that  
3 he was a member of the reserve police force, the MUP; whereas, in the  
4 transcript, it says he was in the army. Could the witness either clarify  
5 this or could the transcript be corrected to correspond to his previous  
6 answer.

7 JUDGE ANTONETTI: [Interpretation] Yes, of course. I was going to  
8 intervene, in fact, to clarify this matter.

9 Please ask the witness the question again so that we know exactly  
10 which part of the police he belonged to. Was it the active-duty police,  
11 the reserve police, the civilian or the military police? We don't know.  
12 So it would be better to start from the beginning so that the witness can  
13 tell us what his duty was in fact.

14 MR. STAMP: [Microphone not activated]

15 Q. Very well. Mr. Rajic, you heard what was being said just now.

16 Can you just tell us which organisation or which unit --

17 THE INTERPRETER: Microphone for the Prosecution, please.

18 MR. STAMP: Oh, sorry. I beg your pardon.

19 Q. Having heard the exchange just now, Mr. Rajic, could you please

20 just tell us which unit you were mobilised in in 1992.

21 A. The BH Army; the reserve police force, the civilian police force.

22 Q. And where were you based?

23 A. In Lasva.

24 Q. Which police station did you report to?

25 A. Raspotocje.

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1 Q. And where is that?

2 A. It's in Zenica.

3 Q. Now, where did you carry out your duties while you were a member

4 of this reserve police?

5 A. In Lasva.

6 Q. Now, at the beginning of 1993, where were you living?

7 A. I moved to Zenica.

8 Q. And did you move with your family?

9 A. Yes.

10 Q. So you were living in Zenica in 1993, and you were carrying on

11 duties as a reserve police officer in Lasva; is that correct?

12 A. Yes.

13 Q. Now, did anything happen in respect to you or your property in

14 Lasva in April of 1993?

15 A. I don't know. Do you mean when Lasva fell or before that?

16 Q. Did Lasva fall in April 1993? Fall to whom? Or what do you mean

17 by that?

18 A. Until the conflict broke out, no one touched anything. I was on

19 night duty, and I -- I was at home there. But before April, until the

20 conflict broke out between the 7th Muslim and the HVO ...

21 Q. Well, tell us what happened in April when that conflict broke

22 out.

23 A. About 2.000 members of the 7th Muslim Brigade came to Lasva. And

24 then conflicts started on -- in Dusina, and then they moved from Dusina

25 to the hill. And in the Lasva local commune, the people went to the

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1 local commune.

2 Q. When the 7th Muslim Brigade came to Lasva, were you there?

3 A. Yes.

4 Q. Later on, did you receive any information in respect to your  
5 personal property or documents?

6 A. Yes. When I left prison. Because while I was in detention, I  
7 took my documents.

8 Q. Okay. Very well. In April, did you receive any information in  
9 respect to your documents at Lasva? And I'm speaking about April 1993.

10 A. No. As far as I'm concerned, nothing was touched until the  
11 conflict broke out.

12 Q. Very well. Let's move on.

13 Can you recall the 22nd of April, 1993?

14 A. On the 22nd, I was on the night shift in Lasva. I then went  
15 home. That was the night between the 22nd and 23rd. On the 23rd, at  
16 about 9.00 or 10.00 in the morning, the 7th Muslim arrived. They came to  
17 the flat in which I lived, Bratusa [phoen]. My child was in front of the  
18 building, and at that moment they asked him where I lived. The child  
19 said he'd take them up there. I lived on the first floor.

20 When the child rang the bell and I opened the door, the two from  
21 the 7th Muslim, who were pointing a rifle at the child, they then told me  
22 that I should go to speak to them for about five minutes. That's how I  
23 got to the music school where -- with the 7th Muslim.

24 Q. The two persons who came to your flat, why do you describe them  
25 as being members of the 7th Muslim Brigade?

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1 A. Because they had a patch on their left arm. But it was the 7th  
2 Muslim Brigade, the MOS, and it said "the BH Army" just above.

3 Q. Can you describe how they were dressed.

4 A. They had camouflage uniforms and a patch on the left arm, and  
5 they had a police-style belt.

6 Q. They told you that you should go to speak to them for about five  
7 minutes. Did you leave with them and go anywhere?

8 A. Yes.

9 Q. Where did you go to?

10 A. To the 7th Muslim Brigade in the music school, which is by the

11 theatre, the MUP, and the Privredna Bank.

12 Q. How did you travel to the music school?

13 A. In a blue Renault, a sports car. It was similar to an estate.

14 Q. Can you say who drove that car?

15 A. Well, a third person who was in the car, from the 7th Muslim  
16 Brigade.

17 Q. Why do you say that third person was from the 7th Muslim Brigade?

18 A. Because he was with them.

19 Q. How was he dressed?

20 A. Identically.

21 Q. Did you observe anything about the car itself, any markings or  
22 anything like that?

23 A. It said "The 7th Muslim Brigade" on the door. That had been  
24 inscribed.

25 Q. How did you know this place that you called the music school

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1 before? Did you know of it before?

2 A. Yes.

3 Q. Well, as a member of the reserve police, what did you know about  
4 the Zenica music school at that time?

5 A. I knew that when Lasva fell, a relative of mine and the  
6 neighbours who were down there, Viktor Rajic, Jozo Kristo, Srecko Kristo,  
7 Rados Perica, and Batinic - I can't remember his first name - they were  
8 in the music school.

9 Q. They were in the music school in -- in what capacity? What were  
10 they doing there?

11 A. They were being held there as detainees.

12 Q. So when you arrived at the music school on the 23rd of April,  
13 what happened? You can start by telling us first where were you taken to  
14 when you arrived.

15 A. When I got to the music school, as soon as I entered I was taken  
16 into a big room, a hall. I waited there. They told me to wait there. I  
17 waited there. While I was waiting, I phoned my brother on my mobile  
18 telephone. I asked him what I was doing there. And then this person --  
19 one of the persons hit me and took me down to the basement.

20 Q. While you were waiting there, could you just repeat for us what  
21 you said about this telephone.

22 A. In that room, when I got there, while I was waiting, my phone  
23 from the house, from Lasva, and my brother's one, they were there. When  
24 I said, "What's my telephone doing here," one person hit me and then took  
25 me down to the basement.

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1 Q. When you went into that hall, were there other persons there?

2 A. Yes. I saw Dragan Jonjic, my uncle, Ivo Rajic, and Franjo  
3 Strbac.

4 Q. Okay. Where did you see Dragan Jonjic, Ivo Rajic, and Franjo  
5 Strbac?

6 A. Down in the basement, which is where we spent 50 days. We were  
7 there all the time.

8 Q. You were there until what date? Do you recall? And when I say  
9 "there," I mean at the music school.

10 A. From the 10th of June, 1993.

11 Q. When you arrived there on the 23rd of April, 1993, can I take it  
12 that you remained there until the 10th of June, 1993?

13 A. Yes.

14 Q. How long did you remain in the basement before any other persons  
15 who had taken you there spoke with you?

16 A. I was down there all the time. I wasn't anywhere else.

17 Q. Okay. When you saw Dragan and Ivo, did you observe anything  
18 about their physical condition?

19 A. Only the uncle. They beat him. But the other two, no.

20 Q. After you were put down in the basement on the 23rd of April,  
21 what next happened to you?

22 A. On the 23rd, about 10.00 at night, a policeman came and took me  
23 up to the second floor, when Jasmin Isic came to be questioned.

24 Q. The policeman who took you upstairs, how was he dressed?

25 A. He was dressed in black. He had a black uniform, the one who

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1 came to fetch me.

2 Q. Did that uniform have any markings or insignia which would  
3 indicate the unit that that person belonged to?

4 A. No. The only thing it had was a white belt.

5 Q. So you said he took you to the second floor. Did he take you to  
6 a room on the second floor?



7 A. Yes.

8 Q. When you went into that room, was there anyone inside the room?

9 And if so, who?

10 A. Yes. There was another guy in a black uniform, and there was

11 also Jasmin Isic, whom I knew personally.

12 Q. Who was Jasmin Isic?

13 A. He was a guard who was interrogating there.

14 Q. Well, what did you know of him before that?

15 A. I knew that he was my wife's former teacher, and he lived in the

16 area where my wife was from. He had a shop. I would go there. And

17 while he was still in the Patriotic League, I used to drive him from

18 Busovaca to his house.

19 Q. When you arrived in that room where you saw him that night, how

20 was he dressed?

21 A. He had a camouflage uniform.

22 Q. And did you notice any insignia or markings on that uniform?

23 A. No, I didn't.

24 Q. Can you say which unit he belonged to?

25 A. Yes.

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1 Q. Which unit was that?

2 A. The 7th Muslim.

3 Q. Why do you say that?

4 A. Because I had known that from before, because his sister worked

5 in the same bank as my wife. And when I tried to arrange things for my

6 cousins, he would not hear of that.

7 Q. Did you notice any writing on his uniform that night?

8 A. No.

9 Q. Now, when you arrived in the room, did he or anybody say anything

10 to you?

11 A. When I entered the room, I asked him, "Jasmin, why am I here?"

12 And he said, "You Ustasha beast, I don't know you. You don't know me."

13 And when I said that, the guy who was standing behind me hit me on the

14 head with a baseball bat.

15 Q. How many times did he hit you?

16 A. Every time I opened my mouth to say something, he would hit me.

17 Q. Well, I'd like you to just describe in your own words what

18 happened in that room with Jasmin Isic while you were there that night.

19 A. He interrogated me. He asked me about a guy from Lasva called

20 Tarabica. I didn't know what to say about this person. Every time he

21 would ask me things, I would say, "I don't know," and then the guy who

22 was standing behind me hit me every time.

23 Q. How long did this interrogation and beating last for?

24 A. I was up there for some ten minutes, and then as I was going back

25 downstairs to the basement, on the staircase there were policemen

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1 standing every 2 or 3 metres, and they had truncheons in their hands.

2 And they would they would beat me all the way down to the basement. In

3 front of the basement, there was a grid, and there I stopped. They beat

4 me there. Once I was well beaten over, I was allowed to go back into the

5 basement.

6 Q. About how many policemen participated in this beating?

7 A. A dozen, ten or so.

8 Q. And what weapons or implements did they use to inflict this

9 beating?

10 A. Shovel handles and a cable, the length of which was about 1 metre

11 and its diameter was 50.

12 Q. The diameter was 50 what?

13 A. It was about a metre long and it was 50 -- the diameter was

14 50 millimetres.

15 Q. So what condition were you in? Just describe that to us that

16 day, when you arrived at the floor of the basement.

17 A. I was black and blue. My nose was broken. I was bleeding. I

18 was protecting my head. I was holding my hands on my head, protecting my

19 head, so they were beating me on -- on the face and on the back.

20 Q. Were you eventually locked into the basement after that?

21 A. Yes. There was an iron gate which was locked.

22 Q. Now, during your sojourn at the music school, was this the only

23 time you were beaten?

24 A. No. I went upstairs for interrogation five times or so, and

25 every time I was taken for interrogation the same thing happened. And

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1 during the night, between midnight and 1.00 in the morning, a policeman

2 would come, and they would take us out to the first floor one at a time

3 to teach us how to sing. And as we entered that room, the light was out  
4 and there were policemen standing in two rows. And they also had shovel  
5 handles and they were beating us. We had to run this gauntlet. We had  
6 to run the gauntlet, and all the time they were beating us.

7 Q. Can you just elaborate briefly on what you mean when you say they  
8 took you to teach you how to sing.

9 A. Yes. When they said, "We're going to teach you how to sing,"  
10 they meant We are going to hear you cry and -- and shout as we are  
11 beating you.

12 Q. Now, when you arrived at the basement in April, you said you saw  
13 three persons in the basement. Did the population of the basement remain  
14 the same, or did it change over the period of time that you were  
15 imprisoned there?

16 A. No. The three of us were there all the time. And every three or  
17 four days other people came. And there were some 20 of us in there  
18 altogether. As many as were taken to the KP Dom, the same number would  
19 come to the music school. So our number remained the same all the time.

20 Q. And that number was approximately how many, did you say?

21 A. About 20 of us were there at all times. The only thing is some  
22 would be taken away and then others would be brought in to replace them.

23 Q. Can you recall the names of some of the persons who were there  
24 while you were there and who were beaten? You have told us three names.  
25 If you could recall any other names, I'd like you to tell us very, very

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1 slowly so we could note them.

2 A. Last names --

3 JUDGE ANTONETTI: [Interpretation] Yes, Madam Residovic.

4 MS. RESIDOVIC: [Interpretation] Your Honour, I object to this  
5 question as a question which is leading, because in the previous answers,  
6 the witness stated that only his uncle had been beaten, whereas the other  
7 two had not been beaten. And now in -- the Prosecutor in his question  
8 says that in addition to these three who were beaten, who else was  
9 beaten? I believe that the Prosecution has based this question on  
10 something that the witness did not previously say in any of his answers,  
11 so he is leading the witness.

12 MR. STAMP: I am not leading the witness. But for what it is  
13 worth, to save time, if we can deal with it another way. But I'd --

14 perhaps it's a matter of translation, but the record of the English  
15 transcript makes it clear, in my humble view, that there is no element of  
16 leading here, according to the literal meaning of the words used;  
17 however, it would be easy to ask him.

18 Q. Can you remember the names of persons who were at the music  
19 school while you were there who were beaten? If you can, please tell us  
20 those names quite slowly.

21 A. Only when I arrived in the music school there were three people  
22 in addition to me, so there were four of us. My uncle had been beaten,  
23 and the other two had not been beaten. So that was on day one. That was  
24 the situation on day one.

25 Later on we were all beaten. Everybody who came downstairs was

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1 beaten. There was this guy called Jerkovic. They cut off half of his  
2 ear. There was another guy, Slavko, I can't remember his family name.  
3 They broke his arm. And I'm going to give you other names. Badrov,  
4 Gelic, Strbac, Jerkovic, Viskovic, Vrvilo was the chief of the security  
5 station in Zenica. There was also a Serb whose name I can't remember who  
6 was also there, and his father-in-law as well, he was also there. It was  
7 very difficult to remember all of their names. They would only stay  
8 there for two or three days, and we didn't dare talk because they were  
9 listening to what we were saying.

10 JUDGE ANTONETTI: [Interpretation] Continue, Mr. Stamp.

11 MR. STAMP: Thank you, Mr. President.

12 Q. You said your uncle was there? Did you say that?

13 A. Yes. Yes.

14 Q. Can you remind me of his name, please.

15 A. Ivo Rajic. There were some other uncles of mine there. There  
16 was another uncle of mine, but that was later on. The first uncle that I  
17 mentioned, I found him there when I first came. There was another uncle  
18 of mine that was my father's uncle and his son, who is mentally  
19 handicapped. There is also my father's uncle who was a Serb, because my  
20 father's sister was married to him. They arrived later, five days after  
21 I arrived there. My father was also there, but he was up there at the  
22 reception. He was on work obligation. He worked in the theatre across  
23 the road. They didn't take him downstairs. They, rather, let him go.

24 Q. Your uncle, the one who had the son who was mentally handicapped,

25 what was his name?

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1 A. Marko Rajic.

2 Q. And what was the name of the son who was mentally handicapped?

3 A. Marko Rajic.

4 Q. And what was the name of the uncle -- or his father, I beg your  
5 pardon?

6 A. Franjo Rajic.

7 Q. Did the guards at the music school do anything or play any games  
8 in respect to this father and his mentally retarded son?

9 A. No.

10 Q. Did they tell Franjo to do anything, in respect to his son?

11 A. One evening a policeman came with another person. He gave Franjo  
12 Rajic a club, ordering him to hit his son. He refused to do that. Then  
13 he ordered him to do it again. He ordered him to do it, and he said if  
14 he didn't do it that he would hit him. Marko's father didn't want to hit  
15 his son.

16 And then this policeman ordered Dragan Jonjic to hit Franjo.

17 When Dragan hit Franjo, he told him that he didn't do it properly and  
18 that he should repeat it. Dragan repeated the hit, and then the  
19 policeman again said that he didn't hit him properly. And then the  
20 policeman took the club and hit Slavko, whose family name I can't  
21 remember. I only know that his arm had already been broken and he didn't  
22 have a proper balance. He couldn't keep himself straight up.

23 Q. Now, was the -- was this the only time when something like that  
24 happened, where a guard ordered one prisoner to beat another?

25 A. No.

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1 Q. About how frequent --

2 A. Yes, that was just one time.

3 Q. One time what happened?

4 A. That was just one case when they ordered any of us to hit another  
5 prisoner. But there was another policeman -- or I think he was just a  
6 foot soldier -- who was there. He came downstairs with a shovel handle.  
7 He lined us up, and he started beating us. That was during one night.  
8 And then Jusuf, whose family name I don't know and who was the commander  
9 of the police there, came downstairs and told him that he shouldn't beat

10 us, and he kept this man downstairs for two days as a prisoner, together  
11 with the rest of us.

12 Q. Okay. Very well. We'll get back to you, sir. But just for  
13 clarification, was it one time or more than one time that you observed an  
14 incident where guards ordered prisoners to beat other prisoners?

15 A. No. While we were downstairs, no.

16 Q. No what? Could you just elaborate on your answer.

17 A. Nobody ever ordered anybody to beat us downstairs in the  
18 basement. When we were beaten, we were beaten upstairs in that big hall  
19 or when we were taken for interrogation. When we were beaten in that big  
20 hall, I suppose that their commanders were not aware of the fact that  
21 they were beating us.

22 Q. Very well. What I'm asking is this: You told us of an incident  
23 where a guard asked, or told, Franjo to beat his son and also told Dragan  
24 to beat Franjo. Do you recall telling us about that? Were there other  
25 incidents of the same nature, or was that the only time a guard told a

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1 prisoner to beat or hit another prisoner?

2 A. That was just the first time. No, that was just the first time.

3 MS. RESIDOVIC: [Interpretation] Your Honour.

4 JUDGE ANTONETTI: [Interpretation] Mrs. Residovic, you have the  
5 floor.

6 MS. RESIDOVIC: [Interpretation] Page 18, line 25. To a repeat a  
7 question by my learned friend, the witness answered clearly: "It was  
8 only one time that prisoners made any of us beat another prisoner." Why  
9 is the witness forced to give a different answer when his answer was  
10 already given?

11 JUDGE ANTONETTI: [Interpretation] Line 25, page 18, the English  
12 translation, "Yes, that was just one time." So the answer is given, and  
13 it is "just one time." It doesn't make sense to ask the same question  
14 all over again when it is clear that this incident happened only one  
15 time.

16 MR. STAMP: Just for the record, Mr. President - and I'm not in  
17 any case indicating that counsel is saying anything improper - but my  
18 reading of page 18, line 23 to 25 - and I think we should look at  
19 everything in context, really:

20 Q. "Now, was this the only time when something like that

21 happened, when a guard ordered one prisoner to beat

22 another?"

23 A. "No."

24 Q. "About how frequent?"

25 A. "Yes, that was just one time."

**Page 1808**

1 Q. "One time what happened?"

2 A. "That was just one case when they ordered one of us to hit

3 another prisoner, but there was another policeman --"

4 And then he goes into a situation where a policeman lined them

5 up.

6 So what we have, at the beginning he gives one answer, "no." In

7 the middle of a another question, he gives a different answer. And then

8 in the third answer, he answers one way again and goes on to elaborate in

9 a manner which clearly indicates that the witness is not following what

10 is happening. So there is not one equivocal answer to the question. The

11 answer to the question remains equivocal and remained equivocal until the

12 last question that he has just answered, and that is at line 19:25 when

13 he said that was just the first time, "No, that was just the first time."

14 So I think on a fair and reasonable and faithful reading of the

15 transcript - I'm not suggesting that counsel wasn't being faithful to the

16 transcript - there were matter which is were equivocal and which ought

17 properly to be cleared up.

18 But in any case, on the record, it has been clarified. He has

19 said it was not the first time.

20 JUDGE ANTONETTI: [Interpretation] Very well, then. Very well,

21 then. Let's clarify this ambiguity. I'm going to ask the witness.

22 The persons who guarded you, did they ask you to beat each other?

23 Did that happen?

24 THE WITNESS: [Interpretation] No. This incident happened just

25 once, when Franjo Rajic was ordered to ask Marko, his son. He wouldn't

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1 do it, and then Dragan was forced to beat Franjo. Dragan Jonjic hit

2 Franjo twice, and the policeman was not satisfied. He said this was not

3 enough. And then the second policeman who was with him took Slavko and

4 started beating him and -- to show him how the beating was done.

5 JUDGE ANTONETTI: [Interpretation] So you're saying that this

6 happened only once, such type of incident happened only once?

7 THE WITNESS: [Interpretation] Yes.

8 JUDGE ANTONETTI: [Interpretation] Then this has been clarified.

9 Please proceed, Mr. Stamp.

10 MS. RESIDOVIC: [Interpretation] Your Honour, sorry, I thought

11 that the answer was not recorded, but I can now see that it has been

12 recorded.

13 Thank you very much.

14 JUDGE ANTONETTI: [Interpretation] Proceed, Mr. Stamp, please.

15 MR. STAMP: Thank you, Mr. President.

16 Q. Do you recall a prisoner by the name of Pandza?

17 A. Yes.

18 Q. What ethnicity was he?

19 A. Croat.

20 Q. Can you recall his first name?

21 A. No. I only know that his family name is Pandza.

22 Q. Do you recall when he arrived at the music school?

23 A. I can't remember the date, but at about 2.00 in the morning they

24 brought him in. He was -- he had been beaten. They would beat people up

25 in the basement. We heard children and crying. And then two persons,

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1 two policemen, took him down to the basement and left him there. Jonjic

2 and I approached him, and Jonjic asked him what his name was. He said,

3 "Pandza," his surname. And he then said that they would be answerable to

4 God for having beaten him. And then those two policemen returned to the

5 basement again, because they hadn't yet left the basement, and they

6 continued to beat him. They had automatic rifles. They grabbed the

7 rifles by the barrel and they started beating him with the rifles.

8 After they had been beating him for ten minutes, they brought

9 another two men in, and they took him away. He wasn't showing any signs

10 of life any more.

11 Q. Did you ever see him again after that?

12 A. No. His mother would come after three days had passed -- or she

13 came every third day to the music school. She was looking for her son,

14 because people had told her that he had been taken there. But she never

15 found out anything about him.

16 Q. Do you know if his mother or if anyone has seen him alive since



17 that beating?

18 A. No. To this very day, nothing has been found out about him. The  
19 child was a minor.

20 Q. Who was a minor?

21 A. Pandza.

22 Q. And by that, you mean about how old was he?

23 A. 16 years old.

24 Q. You said there were about 20 prisoners at any one time in the  
25 basement. About how big was that basement? What was the size of it?

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1 A. About 4 metres wide and 13 metres long.

2 Q. If you had to sleep in that place, how did you manage to sleep?

3 What arrangements did you make to sleep or to lay down?

4 A. There were three or four benches, about four planks. Some slept  
5 on the planks, some on the benches, and some remained sitting.

6 Q. While you were there, in particular during the first few weeks,  
7 what -- how did they feed you, if at all?

8 A. Nothing. Tea. We weren't given anything. We were only given  
9 tea, and that's when we got to the basement. We had two 50-kilo bags,  
10 nylon bags, in which there was mouldy bread. That was downstairs. We  
11 couldn't live on tea alone, so we'd try and get the mould off the bread  
12 and dunk it in the tea and eat it.

13 Q. For about how long did that type of meal regime - if I could call  
14 it that - last?

15 A. Until Ante Viskovic was released from prison. When he left, when  
16 he was released, Jusuf came. He had come for Ante Viskovic, who was to  
17 leave. He was in a T-shirt. Jusuf asked him, "You didn't turn up like  
18 that, did you?" He said, "No, I had a leather jacket." He said, "Where  
19 is it?" He said, "Your policeman has taken it away." Jusuf then asked,  
20 "Has anyone else had things taken?" But no one dared raise a hand. He  
21 said, "Don't worry. Nothing will happen to you." He tried to persuade  
22 us. When we raised our hands, he made a list of the items that had been  
23 taken from various individuals, and he asked us whether we knew who had  
24 done this. We then gave a rough description of the policeman in  
25 question. Jusuf called a policeman and sent him to fetch this person.

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1 When he came, we said that wasn't the right person, that it was someone

2 else.

3 Jusuf then sent this policeman to the line in Kacuni to fetch  
4 this person. He knew where to go, which part of the line to go to, and  
5 he sent the second one home, near Kraljeva Sutjeska, near Kakanj, to  
6 fetch some things. All of the item that is the policeman had were in --  
7 were stored away in a freezer.

8 Q. So were these items recovered and returned to the prisoner who  
9 was being released?

10 A. Yes.

11 Q. Okay. About what time approximately, that is, what date was Ante  
12 Viskovic released from prison and Jusuf came to the prison?

13 A. About a month, I think, while I was down there.

14 Q. About a month after you'd been taken there?

15 A. Yes.

16 Q. When you were taken there, what was your weight?

17 A. 96.

18 Q. 96 kilos, I take it you mean? Kilograms?

19 A. Yes.

20 Q. And when you left there, what was your weight?

21 A. 65.

22 Q. And again, that means 65 kilograms?

23 A. Yes. When I left the prison.

24 Q. With 20 men more or less in that basement area, what provisions  
25 were made in respect to toilet facilities?

**Page 1813**

1 A. Not in the basement. We had a bucket we could use to urinate in.  
2 But when we had to go to the toilet, that was up on the ground floor.  
3 And whenever we went up there, you'd go into the toilet, someone would  
4 kick the door, and you'd be knocked over in the toilet. And on your way  
5 back, they'd beat you again. So we tried to hold on for as long as  
6 possible not to go to the toilet.

7 Q. Do you know the circumstances in which Ante Viskovic was  
8 released?

9 A. No. They didn't beat him.

10 Q. Do you know what arrangements were made in respect to his  
11 release?

12 A. Stjepan Siber came with us, and a relative of mine, a cousin of

13 mine, Vladimir Barac [as interpreted], who was the president of the HVO  
14 government in Zenica. They left. They got him out.

15 THE INTERPRETER: Interpreter's Correction: President of the HDZ  
16 in Zenica, not of the HVO.

17 MR. STAMP:

18 Q. Now --

19 MS. RESIDOVIC: [Interpretation] Mr. President, I think the  
20 translation of what the witness said is completely unclear with regard to  
21 how Mr. Viskovic was released. So perhaps it would be good to clarify  
22 this.

23 JUDGE ANTONETTI: [Interpretation] Yes. Mr. Stamp, it would be  
24 better to ask the witness the question again, the question about the  
25 circumstances under which Mr. Viskovic was released, since it might

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1 appear quite confusing. The witness could certainly provide  
2 clarifications.

3 MR. STAMP:

4 Q. Mr. Rajic, you heard what was said just now? Can you explain for  
5 the benefit of counsel on the other side the circumstances in which Ante  
6 Viskovic was released.

7 A. Stjepan Siber came from Sarajevo to Zenica. Vjekoslav Barac was  
8 the president of the HDZ in Zenica, and Viskovic had been the chief of  
9 security in the MUP before. And through the two of them they managed to  
10 get him out.

11 Q. Now, you said you moved with your family to Zenica in 1993. Did  
12 your family include a wife?

13 A. Yes.

14 Q. While you were there, did your wife --

15 A. But --

16 Q. While you were locked up in the music school, did your wife make  
17 any efforts to arrange for your release?

18 A. Yes.

19 Q. Did she speak with any person in particular in order to effect  
20 your release?

21 A. My wife went to where the army headquarters was and locked for  
22 Dzemo Merdan there. Because when my wife went there, when she went down  
23 there, she wanted to get to the 7th Muslim Brigade. She wanted the Red

24 Cross to come and register us. And as they didn't want to receive her,  
25 she didn't want to go away. There were long lines there. They then gave

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1 her Dzemo Merdan's telephone number, and they said she could phone about  
2 10.00 in the evening.

3 Q. All right. Did she speak with Dzemo Merdan in order to try to  
4 get you released?

5 A. Yes, she did. She spoke to him and said they should go to the  
6 7th Muslim Brigade in the music school, and she was told the 7th Muslim  
7 Brigade isn't there.

8 Q. Who -- go on.

9 A. When Dzemo asked her why I had been imprisoned, my wife said  
10 because he's a Croat -- or rather, because his name is Kruno. He said,  
11 "There are other Krunos in Zenica." And my wife answered, "Haven't you  
12 managed to capture all of them?"

13 Q. All right. Very well. Just listen to what I'm asking you. I  
14 know that the President told you that you could elaborate, but if you  
15 could just for this -- this set of questions be as brief as you can. Who  
16 was Dzemo Merdan?

17 A. He was an officer for negotiations.

18 Q. An officer of what organisation or group?

19 A. Of the BH Army.

20 Q. Why did your wife want to speak with him?

21 A. Because he was from Merdan. And when the Lasva HVO fell, we were  
22 on duty at the time. UNPROFOR and Dzemo Merdan were in my house and  
23 persuaded me -- tried to persuade me to return to Lasva, so we knew him.

24 Q. Very well. Now, apart from knowing him, do you know if he had  
25 had any reason to do anything, in respect to any prisoner, at the Zenica

**Page 1816**

1 Music School?

2 A. I haven't understood the question.

3 Q. Okay. Do you recall somebody by the name of Ivan Borotinski?

4 A. Ivan Borotinski, yes. He was captured in Busovaca and taken to  
5 the KP Dom in Zenica. Dzemo Merdan got him out of prison and left him in  
6 his aunt's flat in Zenica. Jasmin Isic found out that he was in the  
7 aunt's flat and took him to the Music School, to the basement where we  
8 were.

9 MS. RESIDOVIC: [Interpretation] Mr. President.

10 JUDGE ANTONETTI: [Interpretation] Yes, please proceed.

11 MS. RESIDOVIC: [Interpretation] We have now heard a very detailed  
12 answer, but we don't know how the witness came to know these facts  
13 because the Prosecution hasn't informed us of the basis of his knowledge.  
14 So we are talking about hearsay information.

15 MR. STAMP: Well, isn't that a matter for cross-examination, if  
16 counsel thinks -- is this an objection? I don't understand why I'm being  
17 interrupted. Am I going to be told -- could it be explained to me what  
18 is happening here. I'm not sure I understand what is happening here.

19 JUDGE ANTONETTI: [Interpretation] Very well. I think that the  
20 problem is that if we have a look at lines 12 to 15 we've moved from a  
21 situation that relates to Merdan and someone called Ivan Borotinski. The  
22 Trial Chamber has just found out about the existence of these  
23 individuals. Within the framework of the examination-in-chief, the  
24 witness said of his own accord that this person had been captured, taken  
25 to the Zenica prison, and that Merdan got him released. So obviously it

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1 would have been necessary to ask him how he knew about this. Did he  
2 witness this event? Did he see Borotinski in the prison at the same time  
3 that he was there? So we don't know. It's quite confusing. But you'll  
4 have time to think about this matter before continuing with the  
5 examination-in-chief.

6 It is now half past 10.00, and we have to have our so-called  
7 technical break. So we will break for 25 minutes and resume at five to  
8 11.00.

9 --- Recess taken at 10.29 a.m.

10 --- On resuming at 10.58 p.m.

11 JUDGE ANTONETTI: [Interpretation] We resume, and I give the floor  
12 to the Prosecution, who are probably going to try and clarify the  
13 situation that arose on the last page of the transcript, starting with  
14 line 2 onwards.

15 We would like to know whether the events that the Defence [as  
16 interpreted] have mentioned are the events that he himself participated  
17 in or does this -- his knowledge arise from hearsay. Did he participate  
18 in these events personally, or were they described to him? So this is  
19 what the Trial Chamber would like to know.

20 THE WITNESS: [Interpretation] I heard all that from Ivan  
21 Borotinski. So this is the knowledge that I received from him. And he  
22 was a participator in the event.  
23 JUDGE ANTONETTI: [Interpretation] So the witness has told us that  
24 he learned about the events from Ivan Borotinski.  
25 The Prosecution, please proceed.

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1 MR. STAMP: Thank you.  
2 Q. Now, back to where we were. You said something about Jasmin  
3 Isic. Did Borotinski, was he taken to the Zenica Music School?  
4 A. Yes. From his aunt's apartment, he was transferred to the  
5 musical school. He was also a minor at the time.  
6 Q. Now, while he was there -- or while you were at the music school,  
7 was Borotinski released from the music school?  
8 A. Yes.  
9 Q. Do you know how arrangements were made for him to be released?  
10 A. I don't know how he was released. I only know that his aunt came  
11 to Jasmin to ask him about.  
12 Q. Did his aunt come alone?  
13 A. I don't know. We were downstairs. The iron gate was open, and  
14 we heard her looking for Jasmin Isic. The policeman asked her who she  
15 was, and then she said she was young Ivan's aunt. We heard all that  
16 while we were in the basement.  
17 Q. Very well. Do you know whether or not Dzemo Merdan did anything  
18 in this regard?  
19 A. I don't know. I don't know.  
20 Q. When Ivan's aunt went to the Zenica Music School, do you know if  
21 she spoke with him, Ivan?  
22 A. Yes. Ivan went upstairs to the landing.  
23 Q. And did he return to the basement?  
24 A. Yes, he did.  
25 Q. Did he tell you who he spoke with?

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1 A. Yes.  
2 Q. Who did he say he spoke with?  
3 A. With his aunt, who also brought us some food, for the rest of us.  
4 Q. Do you know how long after that he was released?

5 A. Three days later.

6 Q. Were you told who arranged this?

7 A. No. He went to be exchanged.

8 Q. Were you told -- I asked earlier if you were told who arranged

9 the release. Were you told who arranged the exchange?

10 MS. RESIDOVIC: [Interpretation] Your Honour, the witness has

11 already answered this question. I don't see a reason to insist on the

12 questions to which the witness clearly cannot give a more precise answer.

13 JUDGE ANTONETTI: [Interpretation] I would like to say to the

14 Defence that within their cross-examination they can address that. And

15 on the examination-in-chief, the Prosecution can ask all the questions

16 that prove the fact that they want to establish and during the

17 cross-examination, the Defence will have the opportunity to ask any

18 questions to contest the establishment of the facts by the witness if

19 they deem that they should be contested.

20 Also, if the witness has answered very precisely to a question,

21 it is not necessary to re-ask the question again, because that's how we

22 waste time. The question of the efficiency of the proceedings is at

23 stake, so we are not going to ask the same question if we have had a

24 precise answer. If the answer was not precise, then we have the right to

25 re-ask the question again.

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1 Having said that, let's proceed. Mr. Stamp, you have the floor.

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

3 Q. You said earlier that someone -- while your wife was making

4 efforts on your behalf, someone told her that the 7th Muslim Brigade were

5 not at the music school. Who -- how did you learn this?

6 A. Can you please elaborate. Can you explain what you mean.

7 Q. Your wife -- according to you, your wife had been making efforts

8 to effect your release from the music school. And in the course of doing

9 so, she was told that the 7th Muslim Brigade was not at the music school.

10 A. Yes. Dzemo Merdan claimed that there was no prison at the music

11 school. He said that to my wife.

12 Q. Subsequent to that, did Dzemo Merdan do anything in respect to

13 your wife's request that something be done about your imprisonment there?

14 A. No.

15 Q. Do you know if Dzemo Merdan ever went to the music school?

16 A. No.

17 Q. Very well. You said conditions improved when Jusuf came to the  
18 music school. Jusuf was a guard there.

19 A. No.

20 Q. What was he there?

21 A. I think he was the commander of the military police in the  
22 building.

23 Q. Did the Red Cross visit you while you were at the music school?

24 A. Yes.

25 Q. About when was the first time that they visited while you were

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1 there?

2 A. I don't know the date. They tried once to visit us. Strbac,  
3 Jonjic and I were taken to the first floor, to a room up there, and the  
4 rest of the detainees, some 17 of them, were taken to a van and  
5 transported to Bilmiste, to a school there. And that's where they stayed  
6 one whole day. And in the evening, after nobody had appeared, they  
7 returned those detainees to the basement. I think that on the 16th of  
8 May the Red Cross were successful at their second attempt. Again,  
9 identical steps were taken. The three of us were taken upstairs to the  
10 same room, and the rest were again transported by a van to Bilmiste.

11 Q. While you were there, do you know if the other persons, those who  
12 were transported away to Bilmiste, were ever visited by Red Cross  
13 personnel?

14 A. No.

15 Q. You were eventually transferred to the KP Dom; is that correct?

16 A. Yes.

17 Q. When was this?

18 A. On the 10th of June. I stayed in the KP Dom until the 19th of  
19 June.

20 Q. And thereafter, you were released from the KP Dom; is that  
21 correct? On the 19th of June, were you released from the KP Dom or were  
22 you transferred to somewhere else?

23 A. On the 19th, I was exchanged in Zenica. On my way from the Music  
24 School, Jasmin told me that I should not go anywhere, that I should stay  
25 in Zenica. Jasmin Isic knew that I had my two sisters-in-law in Germany.

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1 Two of my wife's sisters were living in Germany, and he knew that. And  
2 he asked me to pay him, to give him money to be released. I told him I  
3 didn't have any money. And then he told me that if I went to Busovaca he  
4 would detain my wife and my children.

5 Q. Okay. Mr. Rajic, when you were released from the KP Dom or  
6 exchanged, as you put it, were you given any document in respect to your  
7 release?

8 A. Yes. Yes.

9 Q. Tell us about that document. What document was it? And from  
10 whom did you get it?

11 A. It was from the BH Army, and it was a paper indicating when I was  
12 brought to the Music School and when I was released from the Music  
13 School. When I was being released, they gave me a paper indicating that  
14 my original documents had been retained by the 7th Muslim Brigade. And I  
15 still have that paper.

16 Q. And would you be able to recognise and identify a copy of that  
17 paper if you saw it again?

18 A. Yes.

19 MR. STAMP: With your leave, Mr. President, Your Honours, I  
20 propose to show to the witness a document and ask if he can tell us what  
21 it is.

22 JUDGE ANTONETTI: [Interpretation] Do we have a hard copy of this  
23 document for the Bench?

24 MR. STAMP: Yes. I propose to --  
25 [Prosecution counsel confer]

**Page 1823**

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13 English transcripts.  
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1 JUDGE ANTONETTI: [Interpretation] Now we can see the document on  
2 the screen.  
3 MR. STAMP:  
4 Q. On the left of the screen is the document that I want to show the  
5 witness. On the right is a translation of the document into English.  
6 Yes. What is that document you have in front of you, sir, or  
7 which is on the left-hand side of the screen?  
8 A. Yes, I can see it.  
9 Q. What is it?  
10 A. This is my discharge letter from the prison. And the date  
11 showing on the discharge letter are the dates of my imprisonment and of  
12 my release. And it says also that all my documents, the ID card, the  
13 driving licence, have been retained at the Music School.  
14 Q. There's a part of the document written in hand immediately above  
15 the stamp. Who wrote that?  
16 A. They did [Realtime transcript read in error "I did"].  
17 MR. STAMP: Could you put the document on the ELMO, Madam Usher,  
18 please. On the ELMO. The B/C/S. Thank you.  
19 Q. Have a look there to the document to your right, sir, to your  
20 right. Not the screen. To your right. Do you see the stamp near to the

21 bottom of the document?

22 A. Yes, I do.

23 Q. Do you see writing in hand immediately above the stamp?

24 A. Yes, I do.

25 Q. Could you point to it, please.

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1 A. [Indicates]

2 MR. STAMP: For the record, the witness points to handwriting

3 above the words -- above the typewritten words "Zenica, 17.6.1993." And

4 it's now highlighted on the -- highlight both lines please -- on the

5 Sanction technology.

6 Q. Who wrote that?

7 A. This is what I received as I was being released from the KP Dom.

8 Q. Yes. I asked you who wrote that earlier, and you told me "I

9 did." I just want to clarify. Who wrote that handwritten part that you

10 just pointed to. Point to it again, please.

11 A. They did. They did.

12 Q. Oh, I see.

13 MR. STAMP: Thank you very much. It could be removed now.

14 Q. When you said "persons" -- withdrawn. Let's start again.

15 While you were at the Music School, you said persons were

16 regularly taken upstairs and beaten. When they returned to the basement,

17 in what condition did you see or observe were they?

18 A. Every person who came downstairs first would go upstairs to that

19 room. They would be interrogated and beaten there. And then they would

20 return to the basement.

21 Q. Now, what I want to know is when they returned to the basement

22 after being beaten, what did you observe about their physical condition?

23 A. They were in poor shape.

24 Q. And by "poor shape," what did you see?

25 A. Let me give you Jerkovic as an example. Half of his ear was

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1 hanging. Slavko's arm was broken. Slavko couldn't control his

2 movements. As soon as he would stand up, he would fall down like a burnt

3 candle.

4 Q. And these things you could observe of them?

5 A. Yes.

6 Q. You said prisoners who had been beaten at the Music School were  
7 from time to time transferred to the KP Dom. Were they transferred in  
8 this condition from time to time?

9 A. No.

10 Q. Could you explain to us what you mean by that.

11 A. Firstly, those who were supposed to be transferred, they would be  
12 allowed to recover. They would not beat them prior to transfer. And  
13 then they would transfer them.

14 Q. Very well. Now, you said earlier that the commanders probably  
15 did not know of the beatings that took place. On what basis do you  
16 express that opinion?

17 A. Because Jusuf only learnt when Viskovic was being released.  
18 Viskovic told him that we had been beaten, and then Jusuf said, "While  
19 I'm here in command, no harm should befall you. When you are taken to be  
20 interrogated, nothing should happen to you while I'm here."

21 Q. Now, was anyone beaten after Jusuf came there?

22 A. No, not after that.

23 Q. How many times did you see Jasmin Isic at the Music School?

24 A. Five times.

25 Q. And apart from the first time you saw him, did you observe any

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1 writing on his attire when you saw him?

2 A. No.

3 Q. You said earlier that one prisoner had been asked -- withdrawn.

4 MR. STAMP: That's the examination-in-chief, may it please you,

5 Mr. President, Your Honours.

6 JUDGE ANTONETTI: [Interpretation] Before giving the floor to the  
7 Defence, I would like to ask the Prosecution whether the document that  
8 you have presented from the military in Zenica, do you want to tender  
9 this document into evidence? I'm asking the Prosecution whether this  
10 document, do you want to tender this document from the military district  
11 in Zenica into evidence?

12 MR. STAMP: Indeed, Mr. President. Now or at the end of

13 testimony, whatever pleases the Court.

14 JUDGE ANTONETTI: [Interpretation] It's up to you to make that  
15 choice.

16 MR. STAMP: We tender it and ask that it be received in evidence.

17 But the thing is when. Sometimes some Chambers prefer to do it at the  
18 end of testimony; sometimes some Chambers will do it in the middle of  
19 testimony. I will do it in any way that the Court finds it pleasing.

20 JUDGE ANTONETTI: [Interpretation] Very well. We are going to  
21 hear the cross-examination.

22 Just a brief remark: I have a copy which is in B/C/S, but it is  
23 not legible. There are some black stains. You're saying that there is  
24 also an original. I wonder whether the original is in the same state.  
25 If it isn't, then can I have a better copy. If your original is in

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1 better shape, then the Trial Chamber should not receive a copy which is  
2 hardly legible.

3 MR. STAMP: Very well. Very well.

4 JUDGE ANTONETTI: [Interpretation] The gentleman has just told us  
5 that he has an original in his hands. I'm showing you the copy that I've  
6 been given. There are black stains, making the copy illegible.

7 MR. STAMP: Very well.

8 JUDGE ANTONETTI: [Interpretation] In the future, please, if you  
9 want to tender a document into evidence, make sure that the copy that we  
10 receive is in as good a condition as possible so that there are no  
11 technical problems with reading the document that we are being given.  
12 The problem, I believe, arises from the copy that we have, rather than  
13 from the original that the gentleman has in his possession.

14 Having said this, before we give the floor to the Defence, I have  
15 two questions for the witness.

16 Questioned by the Court:

17 JUDGE ANTONETTI: [Interpretation] Sir, within the  
18 examination-in-chief, you have spoken about Jasmin Isic and about a  
19 person called Merdan. So you have mentioned two persons that you know.  
20 According to your knowledge, are these two persons still alive? Do they  
21 still reside in the area? Or are they maybe missing? What do you know  
22 about these two people? Have you ever seen them or have you ever heard  
23 being spoken of them since that time, since May 1993? What can you tell  
24 us about that?

25 A. Jasmin Isic worked in an elementary school in Gavrine Kuce.

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1 That's all I know about him. I personally saw him there.

2 JUDGE ANTONETTI: [Interpretation] The question I'm asking: These  
3 two persons at this moment in January 2004, are they still in the region  
4 or are they missing from the region?

5 A. I don't know. I reside in Zagreb. I'm living in Zagreb, so I  
6 wouldn't know.

7 JUDGE ANTONETTI: [Interpretation] You don't know. Very well.

8 And the second question that I want to put to you concerns  
9 Mr. Jusuf. You have mentioned Mr. Jusuf's name on several occasions. In  
10 your opinion, was he a member of the military or was he a civilian?

11 A. He was a soldier.

12 JUDGE ANTONETTI: [Interpretation] He was a soldier. Was he a  
13 local Muslim or was he a foreign Muslim?

14 A. He was local.

15 JUDGE ANTONETTI: [Interpretation] He was a local Muslim.

16 And was Mr. Jusuf performing his duties when you were imprisoned,  
17 or did you only find out about him afterwards? On the first day you  
18 spent in that school was he already there or was it only at a later date  
19 that you found out about him?

20 A. He was there all the time, but we didn't know who he was.

21 JUDGE ANTONETTI: [Interpretation] And that means that when you  
22 were taken to the school, on the day that you were arrested by two  
23 policemen - and there was a third one who was driving the vehicle -  
24 according to what you are saying, he was there, he should have been  
25 there, as someone who had duties to perform there.

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1 A. Yes.

2 JUDGE ANTONETTI: [Interpretation] Very well.

3 I can see that Mr. Stamp is standing. Is there anything that  
4 Mr. Stamp would like to add, perhaps with regard to the document before  
5 the Defence takes the floor? Very briefly.

6 MR. STAMP: My apology in respect to the difficulty in reading  
7 the document, the poor legibility thereof. We do try to tender to the  
8 Court the best copies of what we have in our evidence unit, but the  
9 witness has brought a copy. What I propose to do -- or brought what I  
10 can see and know is the original -- is to ask him if he's prepared to  
11 part with it. Or if not, if the registrar could be asked to take  
12 possession of it just for the purpose of trying to get the best possible

13 copy, a new photocopy of that document.

14 So may I just first ask: Is that the original of the document  
15 which I showed you earlier? Is it? Please answer. Is it the original?

16 THE WITNESS: [Interpretation] Yes.

17 JUDGE ANTONETTI: [Interpretation] Very well.

18 Madam Usher, could you show the original to the Defence so that  
19 everyone can see it. Show it to both the accused, show it to the  
20 Prosecution.

21 [Trial Chamber and registrar confer]

22 JUDGE ANTONETTI: [Interpretation] And we will have a look at the  
23 document.

24 [Trial Chamber confers]

25 JUDGE ANTONETTI: [Interpretation] On the basis of the original -

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1 and both parties have examined it - we have come to the conclusion that  
2 the document is the same. The difference between the copy and the  
3 original consists in fact that what has been handwritten is in blue,  
4 whereas the copy is in black. So the handwritten part is in blue in the  
5 original. The colour of the signature is the same. We can see that  
6 there is a stamp on the document. It appears to be an official stamp.  
7 And there is a mark in the centre, a coat of arms with three lilies in  
8 the upper-right part and two or three lilies to the left, and there is a  
9 white stripe in the centre of this coat of arms and there is something  
10 written in B/C/S. I can't translate it, as I don't know B/C/S.

11 The copy we have been provided with resembles the document we  
12 have mentioned. It's not necessary to make any copies. But the  
13 difference between the document that the witness has and the photocopy is  
14 that the photocopy contains his name and initials, and there is a date  
15 "30/7" and there is a "0."

16 Witness, on the copy, did you subsequently write down your name  
17 and initials?

18 Madam Usher, could you show the witness his document and the copy  
19 with his name and the date, and he'll explain to us why there is a  
20 difference between the two documents.

21 So, Witness, with regard to the documents that you have and the  
22 photocopy, your name and initials are on the photocopy; is that correct?

23 A. Yes. Because I handed over this document, I don't know. When I

24 was asking to go into a third country, to another country, on that  
25 occasion I put my signature on it.

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1 JUDGE ANTONETTI: [Interpretation] Very well. So you had to --  
2 you must have signed on the 30th of July, 2001 or 2002, because we can't  
3 read the date. You don't know the year?

4 A. Yes -- no. Because I have copies at home.

5 JUDGE ANTONETTI: [Interpretation] Very well. So you can't.

6 If the document is not contested, this copy -- the copy of the  
7 document will be tendered into evidence, but we will await for the  
8 conclusion of the cross-examination to do so.

9 Could you give me the copy, and you will keep your own document.

10 Having carried out this expert work, the Defence may now take the  
11 floor to proceed with their cross-examination.

12 MS. RESIDOVIC: [Interpretation] Thank you, Mr. President.

13 Cross-examined by Ms. Residovic:

14 Q. [Interpretation] And good day, Mr. Rajic. My name is Edina  
15 Residovic, and I am Defence counsel for General Hadzihasanovic. I'd be  
16 grateful if you could answer some questions that I'm going to put to you,  
17 and I will also ask you to wait for the end of the translation of my  
18 question and then answer. That will enable everyone to follow what we  
19 are talking about.

20 MS. RESIDOVIC: [Interpretation] Mr. President, in addition to the  
21 questions that fall within the scope of the examination-in-chief and in  
22 accordance with Rule 90(H)(ii), I'm going to ask the witness to answer  
23 several general questions about the situation in Zenica, because  
24 Mr. Rajic -- an examination of that situation is of general interest for  
25 my client.

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1 Mr. President, you will allow me to ask some questions of this  
2 general nature. Thank you.

3 Q. Mr. Rajic, you said that in 1992 you were living with your family  
4 in the local commune of Lasva, in the Rajici hamlet; is that correct?

5 A. Yes.

6 Q. The local commune -- or, rather, the village of Lasva is at the  
7 estuary -- is at the confluence of the Lasva River and the Bosna River,  
8 which is at the crossroads towards Sarajevo, Zenica, and Travnik. Or as



9 we say, it was at the so-called Lasva junction. Is that correct?

10 A. Yes.

11 Q. That junction is of great strategic importance, especially for  
12 the connection of Zenica to Sarajevo, Visoko, and Kiseljak; is that  
13 correct?

14 A. Yes.

15 Q. Because of the fact that the Serbian forces had occupied part of  
16 the main road which goes through the valley of the River Bosna towards  
17 Sarajevo, the road through the Lasva junction was the only connection of  
18 Zenica with other territory which was under the control of the BH Army  
19 and with the main routes of supply in Bosnia; is that correct?

20 A. Yes.

21 Q. Would it be correct to say that the other supply route in this  
22 territory in which you lived and which you are familiar with went through  
23 Prozor, passed through Prozor, and Gornji Vakuf, but at the end of 1992  
24 and the beginning of 1993 the conflict between the BH Army and the HVO  
25 made it impossible to supply Central Bosnia via that route? Are you

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1 aware of this?

2 A. Well, not really.

3 Q. Naturally, Mr. Rajic, you will only tell me what you are aware  
4 of, so I thank you for that answer.

5 The local commune of Lasva, like most of Bosnia and Herzegovina,  
6 was a place of mixed ethnic composition, and the relations between all  
7 the ethnic groups were very good; is that correct? And I'm referring to  
8 the pre-war period.

9 A. Before the war, yes, that was so.

10 Q. You worked in a big factory in the Zenica ironworks, and the  
11 relations between all the ethnic groups before the war were very good; is  
12 that correct?

13 A. Yes.

14 Q. Would it be correct to say that soon after the elections held in  
15 1990, which were won by nationalist parties, you did not want to join any  
16 of the nationalist parties?

17 A. That's correct.

18 Q. But your cousin, Zvonko Rajic, at the beginning of the attack,  
19 directed at Bosnia and Herzegovina founded an HVO unit in Lasva; is that

20 correct?

21 A. Yes. But there were Croats and Muslims who were together.

22 Q. Lasva belonged to the municipality of Zenica.

23 A. Yes.

24 Q. This HVO unit didn't have any links with the Jure Francetic

25 Brigade in Zenica. It was connected to the HVO Brigade in Busovaca. Is

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1 that correct?

2 A. Yes.

3 Q. Would it be correct to say that in the autumn of 1992 Zenica had

4 been blocked by the Serbian forces and that the town was even bombed from

5 the air? Is that correct?

6 A. Yes.

7 Q. The wartime situation was the reason for which you, who worked in

8 the Zenica ironworks, were mobilised into the MUP reserve police force in

9 Zenica; is that correct?

10 A. Yes.

11 Q. The Zenica MUP is a civilian police force; isn't that right?

12 A. Yes.

13 Q. The civilian police and the BH Army were two parts of the BH

14 armed forces; isn't that correct?

15 A. Yes.

16 Q. However, the police had a separate line of command, so you were

17 subordinated to the BH MUP; isn't that correct?

18 A. Yes.

19 Q. At the beginning, you performed the duties of a reserve

20 policeman, but at the same time you worked in a factory; isn't that

21 correct?

22 A. No.

23 Q. Can you tell us when you started performing the duties of a

24 reserve policeman on a full-time basis.

25 A. When the Serbs died in Lasva, on Christmas -- Bozici. Sorry.

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1 Q. So from the autumn 1992, you were engaged as a reserve policeman

2 of the Zenica MUP at all time; is that correct?

3 A. Yes.

4 Q. At some time towards the end of 1992 and at the beginning of

5 1993, the relations between the HVO and the BH Army deteriorated; isn't  
6 that correct?

7 A. Yes.

8 Q. The HVO unit in Lasva would gather in front of the cafe that  
9 belonged to Zvonko Rajic's brother, and on some occasions these  
10 gatherings were rowdy. And on one occasion, they fired from firearms,  
11 and your son managed to avoid being hit by that bullet. Isn't that  
12 correct?

13 A. Yes.

14 Q. The checkpoint held by the HVO in Lasva, which was not far away  
15 from the station, the railway station, was in fact on the road between  
16 the Lasva junction and the pass to the Dusina village.

17 A. No. That was at the railway station, that pass towards that  
18 headed in the direction of Dolipolje.

19 Q. The reasons you have mentioned now, the increased tension with  
20 the HVO, the insecurity in Lasva itself, this is something I want to ask  
21 you about. You should tell me: This wartime situation, the lack of  
22 security, were these the reasons for which at the beginning of January  
23 1993 you decided to move to Zenica with your family?

24 A. Yes.

25 Q. As of that time, you performed your duties as a reserve policeman

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1 in Zenica.

2 A. I spent some time in Zenica and some time in Crkvice. There was  
3 -- the 5th Police Station was in Crkvice.

4 Q. At the time of the armed conflict that broke out in Lasva -- or  
5 rather, in Dusina on the 26th of January, you weren't in the area. At  
6 that time, you were performing your duties in Zenica. Isn't that right?

7 A. No. The night before that happened, I was on duty in Lasva.

8 Q. Yes. But on the day of the event itself, you weren't in Lasva.

9 A. No, no, I wasn't.

10 Q. After these events in Dusina sometime at the beginning of  
11 February, the Zenica MUP brought its contingent in Lasva up to strength  
12 in order to protect people and property; isn't that correct?

13 A. Yes.

14 Q. That contingent included 15 reserve policemen and you and your  
15 cousin, Vlado Rajic, were also part of the contingent; isn't that

16 correct?

17 A. Yes.

18 Q. The boundaries of your local commune, Lasva, the village of

19 Dusina and Brdo, are in fact on the front lines between the army and the

20 HVO; is that correct?

21 A. Yes.

22 Q. Mr. Rajic, I'm now going to ask you about what you know about the

23 work of the Zenica MUP itself. When working in the MUP, you know and you

24 saw that there were a lot of people who were in the MUP who worked for

25 the police before the war too; isn't that correct?

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1 A. Yes.

2 Q. Before the war, the Zenica MUP had good technical equipment and

3 good professionals; is that correct?

4 A. Yes.

5 Q. At the same time, at the beginning of 1993 they started forming

6 BH Army brigades in Zenica, and the 3rd Army Corps was established; isn't

7 that correct?

8 A. Yes.

9 Q. However, those units and the military police were joined by

10 mobilised people on the whole who didn't have much experience, as far as

11 police duties were concerned; is that correct?

12 A. Yes.

13 Q. That was the reason for which, quite frequently and at the

14 request of the BH Army, the MUP helped carrying out on-site

15 investigations, they helped carry out controls and provide expert

16 reports, et cetera; is that correct?

17 A. Yes.

18 Q. Quite frequently, at the request of the BH Army, joint patrols

19 were conducted and they performed certain duties together; isn't that

20 correct?

21 A. I don't know about that.

22 Q. Mr. Rajic, are you aware of the fact that before the 3rd Corps

23 was established, from the very beginning of the war they started forming

24 various military units in Zenica. For example, the Patriotic League, the

25 Green Berets, the Muslim forces, et cetera.

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1 A. Yes.

2 Q. Would it be correct to say that after the brigades had been  
3 formed and after they had been formally subordinated to those units, a  
4 large number of those units remained under the direct influence of the  
5 religious and political leaders who had founded them?

6 A. All I know is that the 7th Muslim Brigade was the main one in  
7 Zenica, whereas the 3rd Corps had no importance whatsoever.

8 Q. Would it be correct to say that some other centres had a lot of  
9 influence over various military formations in Zenica?

10 A. The 7th Muslim Brigade.

11 Q. At the same time as the corps and brigades were formed, you know  
12 that the army was involved in a conflict on a large front with the  
13 Serbian forces which weren't far from Zenica; isn't that correct?

14 A. Yes.

15 Q. At the beginning of 1993, as you have already said, a conflict  
16 broke out with the HVO too, first of all in Busovaca and Kiseljak, and  
17 later on in other areas too; is that correct?

18 A. First this occurred in Lasva and Krcine.

19 Q. However, in any event, throughout that period of time, in the  
20 spring of 1993, there were armed conflicts between these two formations  
21 in various places; isn't that right?

22 A. Yes.

23 Q. In the town of Zenica, there were also HOS and HVO units who were  
24 operational, and their lines of command were quite separate from the BH  
25 Army; isn't that correct?

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1 A. Yes.

2 Q. Mr. Rajic, is it correct to say that as of 1992 the situation in  
3 Zenica became more complicated because of the large number of refugees  
4 arriving in Zenica?

5 A. Yes.

6 Q. The first wave of refugees arrived from Krajina and from Eastern  
7 Bosnia and they'd been driven out by the Serbian forces; isn't that  
8 correct?

9 A. Yes.

10 Q. In the days following the fall of Jajce, several thousand  
11 refugees could enter Zenica in one day; isn't that correct?

12 A. Yes.

13 Q. Such a situation created enormous problems, as far as providing  
14 food and accommodation for the population is concerned.

15 A. Yes, that's right.

16 Q. After the beginning of the conflict between the army and the HVO,  
17 refugees from areas under the control of the HVO in Busovaca, Kiseljak,  
18 and Vitez started arriving in Zenica; is that correct?

19 A. Yes.

20 Q. Thank you very much.

21 After these general questions, I'm going to go back to the part  
22 that you testified about on the examination-in-chief concerning the  
23 difficult moments you had in Zenica.

24 On the 23rd of April, as you said, from your apartment you were  
25 taken to the Music School; is that correct?

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1 A. Yes, it is.

2 Q. Immediately prior to that, a few days before that, on the 19th of  
3 April, there was an armed conflict between the BH Army and Jure Francetic  
4 Brigade of the HVO in Zenica itself; is that correct?

5 A. There were no conflicts. Zivko Todic was stopped in Brist by  
6 armed Mujahedins and by foreign Mujahedins. They intercepted them. They  
7 killed his nephew. He was his bodyguard. And they took Zivko out to  
8 Arnauti.

9 Q. Were you in Zenica then?

10 A. Yes.

11 Q. That was on the 16th of April.

12 A. I was there when he was taken away, when this all happened.

13 Q. However, is it true that a few days after that a number of  
14 members of the Jure Francetic Brigade surrendered, whereas the rest of  
15 them left to the area under the control of the HVO via Ovnak? Is that  
16 correct?

17 A. Yes, it is.

18 Q. Both these things happened a few days before your incarceration;  
19 is that correct?

20 A. Yes.

21 Q. During those days, after the surrender of the Jure Francetic  
22 Brigade, a number of HVO and Croats from Zenica were brought to Zenica;

23 is that correct?

24 A. Yes.

25 Q. You were taken to the Music School, as you have already said, and

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1 they wanted to take your statement; is that correct?

2 A. Yes.

3 Q. Isic, who interrogated you, he asked you about who helped Ivica  
4 Kristo, a member of the HVO, to escape, who gave you the apartment in  
5 Zenica, and he wanted you to surrender the radio that you had in your  
6 possession; is that correct?

7 A. Yes, it is. However, I didn't have that radio set. It was not  
8 in my possession.

9 Q. I said allegedly you had it, and you said that when you answered  
10 that you didn't have it and that you didn't know anything about it they  
11 beat you up. I'm just reiterating your -- what you said in your  
12 examination-in-chief.

13 Although you are already spoken about that, I would still like to  
14 ask you once again: Is it correct that most of the persons who were  
15 brought into the Music School stayed there only for a brief period of  
16 time, two or three days, and then they would be either released or  
17 transferred to the KP Dom? Is that correct?

18 A. Yes, they would be brought in, and then they would be transferred  
19 to the KP Dom.

20 Q. Some people, like your father, and some other people stayed only  
21 a couple of hours and then they were released; is that correct?

22 A. People from Lasva were transferred from the Music School to the  
23 KP Dom, and then released after an hour or so. Those were people from  
24 Lasva.

25 Q. As a matter of fact, only you, Jonjic and Strbac remained

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1 incarcerated in the basement of the Music School throughout that period.

2 A. Yes, there were others as well, but we were there throughout this  
3 whole period.

4 Q. You have just mentioned that some of your relatives were  
5 incarcerated in the Music School.

6 A. Yes.

7 Q. Is it correct that after the conflict which broke out on the 26th

8 of January in Dusina and Lasva, your relatives were brought in at that  
9 time. Is that correct?

10 A. Yes, it is correct.

11 Q. Is it also correct that they were exchanged at the beginning of  
12 February and went to Busovaca from the KP Dom?

13 A. Yes, that is true.

14 Q. You saw them when you arrived in Busovaca in January --

15 A. No, I was never in Busovaca.

16 Q. When you left Zenica.

17 A. No. When I left the prison, I returned to the police. I was  
18 there for six months. And then I paid 1200 marks to be able to move to  
19 Kiseljak.

20 Q. I apologise. Maybe we are talking at cross-purposes. I am  
21 talking about your release in January 1994. When you left Zenica, was  
22 that the first time when you saw your relatives who had been exchanged at  
23 the beginning of February and left for Busovaca?

24 A. Yes.

25 Q. So this was the first time. And you heard from then what had

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1 happened to them in the Music School; is that correct?

2 A. Yes, it is correct.

3 Q. Jusuf, who according to you was the commander of the music  
4 school -- police in the Music School, visited you some -- a month or so  
5 after you were first imprisoned.

6 A. He was there all the time, but we didn't know who he was. We  
7 didn't know who he was until the moment this other guy was released and  
8 complained that he had been beaten, and then he told us that he was in  
9 charge of us. We would see him up there, because us prisoners would be  
10 cleaning the toilets and we would be sweeping the floor and the  
11 corridors. We would see him, but we didn't know who he was.

12 Q. So neither you nor any other prisoners knew that he was the  
13 commander, and you never told him that you had been beaten by some of the  
14 guards before Viskovic was being released.

15 A. Yes, that is true.

16 Q. To the Prosecutor's question, you answered that when he saw one  
17 of the prison guards entering the basement to beat you, he disciplined  
18 that guard and put him into prison for two days; is that correct?



19 A. Yes, that is true.

20 Q. So after having listened to all of you, he investigated into the  
21 case of your lost property. He managed to locate the whereabouts of your  
22 property, and he returned your belongings to you. Is that correct?

23 A. Yes, it is.

24 Q. Is it true that he also found the person who had taken your  
25 belongings from you and from then on you never saw this guard in the

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1 Music School? Is that correct?

2 A. Yes, it is correct.

3 Q. Is it true that some guards enabled you to receive food and  
4 clothes from your families?

5 A. Yes, there was one.

6 Q. He enabled this to you and to other prisoners.

7 A. Yes, he helped us to receive food in the Music School from our  
8 families.

9 Q. You even sometimes had an opportunity to meet members of your  
10 family. You met with your wife.

11 A. Yes. I was the only one who was enabled such an encounter.

12 Q. To the Prosecutor's question, you have explained that the  
13 International Red Cross came to the Music School. Is that correct?

14 A. Yes, it is.

15 Q. Is it true that on one occasion even representatives of the  
16 international organisation in white uniforms visited the Music School?  
17 Is that correct?

18 A. Yes, it is.

19 Q. On both these occasions, together with two other prisoners, you  
20 spoke with these representatives; is that correct?

21 A. Yes, it is.

22 Q. On both these occasions, the other prisoners had been transferred  
23 from the Music School, and they were returned only when it was certain  
24 that the visitors had left; is that true?

25 A. Yes, it is true.

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1 Q. On these two occasions, you never told the representatives of  
2 these two international organisations about the bad treatment that you  
3 received in the Music School.

4 A. There was a microphone in the room where we were, so we were  
5 listened to on both these occasions.

6 Q. So you either knew or you suspected that there were microphones.

7 You therefore didn't tell the representatives of these two international  
8 organisations the truth about the treatment that you received there.

9 A. Yes, that's true.

10 Q. Basically you told them that you were treated well.

11 A. Yes, that's exactly what I told them.

12 Q. What did you tell them, actually? That you were not beaten?

13 A. Yes. They asked us whether we were beaten. I said sometimes.

14 And we did not mention anything about the treatment that we received  
15 downstairs.

16 Q. Thank you very much for your answers so far. Let me just consult  
17 my papers and see how far I've got with my questions.

18 On the 10th of June, 1993, according to your testimony, you were  
19 transferred to the KP Dom in Zenica; is that true?

20 A. Yes, it is.

21 Q. And the treatment there was good.

22 A. Yes, it was.

23 Q. You received food on a regular basis.

24 A. We received food three times a day.

25 Q. Your family could visit you.

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1 A. Yes.

2 Q. They could leave some food and clothes with you.

3 A. Yes.

4 Q. You were released from the KP Dom after 90 days; is that correct?

5 A. After 60 days.

6 Q. From the KP Dom.

7 A. After nine days. I was admitted on the 10th, and I was released  
8 on the 19th, so I stayed there for nine days.

9 MS. RESIDOVIC: [Interpretation] Can the usher assist me, please,

10 and show the witness the document that the Prosecution showed him a

11 little while ago. The document is held by the registrar. I can give him  
12 my copy. This is the letter of discharge.

13 Can you please put it on the ELMO, Madam Usher.

14 Q. Mr. Rajic, this is the document that you testified about a little

15 while ago. Both the Prosecution and the President of the Chamber had  
16 questions to ask you about this document, so I'm not going to ask you  
17 anything about this document. All I want to hear from you is to read  
18 what it says on the stamp which is on this discharge letter, the  
19 inscription on the stamp. Let me assist you. It says "The Republic of  
20 Bosnia Herzegovina" in the Latin script and in the Cyrillic script. And  
21 underneath "The District Military Court," again, in both scripts. Is  
22 that correct?

23 A. Yes, it is correct. I can see it much better on my original.

24 Q. You were given this paper by a judge of the district military  
25 court; is that correct?

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1 A. Yes, it is.

2 Q. Thank you.

3 MS. RESIDOVIC: [Interpretation] Your Honours, we do not have any  
4 objections to admitting this document into evidence.

5 Q. A little while ago you said that after being released from the KP  
6 Dom you continued working in the Zenica MUP. Is that correct?

7 A. Yes, it is.

8 Q. Your immediate superior in the Zenica MUP was Jasmin Jaganjac; is  
9 that correct?

10 A. Yes, it is correct.

11 Q. You received all your back salaries covering the time while you  
12 were absent from work; is that correct?

13 A. Yes.

14 Q. You never told anybody in the MUP officially what had happened to  
15 you in the Music School; is that correct?

16 A. Yes, it is correct.

17 Q. You did not report either to your MUP or the military police.  
18 You didn't file any criminal charges against the persons who had  
19 ill-treated you in the Music School; is that correct?

20 A. Yes.

21 Q. Throughout all this time while you worked in the Zenica MUP, you  
22 didn't hear of anybody else filing criminal charges against the people  
23 who had ill-treated them in the Music School.

24 A. That's correct. But I want -- I asked for my belongings to be  
25 returned. They had taken my car, my tractor, and they never gave me any

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1 receipt. And they -- when I asked for all these things, they chased me  
2 out of the rooms of the Territorial Defence. I was supposed to receive a  
3 receipt for my belongings, but they never wanted to give it to me. In  
4 the Territorial Defence; not in the Music School.

5 Q. In January 1994, according to your own wish and paying certain  
6 persons a certain amount of money, you managed to leave Zenica and go to  
7 Kiseljak; is that correct?

8 A. Yes, it is.

9 Q. It was then that for the first time you gave a statement to the  
10 HVO about what had happened to you in the Music School; is that correct?

11 A. I was first imprisoned by them for two days, and then in the  
12 prison I gave this statement about my prior whereabouts.

13 Q. So this was the first time that you gave an official statement to  
14 any organ about what had happened to you in the Music School; is that  
15 correct?

16 A. Yes, it is.

17 Q. After that, you joined the HVO.

18 A. Yes, that's right.

19 Q. Thank you very much, Mr. Rajic. I have no further questions for  
20 you.

21 JUDGE ANTONETTI: [Interpretation] Thank you.

22 The Defence of Mr. Kubura, do you have any questions to ask?

23 MR. IBRISIMOVIC: [Interpretation] Thank you, Your Honour. We do  
24 have a few questions for Mr. Rajic.

25 Cross-examined by Mr. Ibrisimovic:

**Page 1850**

1 Q. [Interpretation] Mr. Rajic, on behalf of Mr. Kubura, I'm going to  
2 ask you a few questions within the scope of what you have already told  
3 before this Trial Chamber today.

4 You have already confirmed that you were a member of the reserve  
5 police of the MUP; is that correct?

6 A. Yes, it is.

7 Q. You have also confirmed that the Ministry of the Interior also  
8 was part of the then-armed forces of the then-Republic of Bosnia and  
9 Herzegovina.

10 A. Yes, that's correct.

11 Q. As a member of the MUP, you also were a member of the armed  
12 forces of the Republic of Bosnia-Herzegovina; is that correct?

13 A. Yes, it is.

14 Q. On the 22nd of April, 1993, members of the 7th Muslim Brigade  
15 arrived and entered your apartment; is that correct?

16 A. First they came to my house in Lasva and then they came to my  
17 apartment.

18 Q. You recognised these soldiers because they had patches on their  
19 left shoulder; is that correct? Is that true?

20 A. Yes, it is.

21 Q. These soldiers did not have any insignia on their shoulders  
22 showing this they were members of the military police.

23 A. No, they didn't have any such patches. They had patches. They  
24 had patches on the shoulder, not on ...

25 Q. When you arrived in the Music School, you found Dragan Jonjic and

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1 Franjo Strbac there. They were members of the HVO. Is that correct?

2 A. Yes, it is.

3 Q. All the persons that you found in the Music School who -- and who  
4 arrived later were men; is that true?

5 A. Yes, it is.

6 Q. There were no women in the Music School.

7 A. No, there weren't.

8 Q. The person who interrogated you was Jasmin Isic, whom you knew  
9 from before; is that true?

10 A. Yes.

11 Q. He -- you said that he interrogated you five times and that he  
12 asked you questions that he wanted to know answers to.

13 A. Yes, that's correct.

14 Q. These interrogations were always at night; is that correct?

15 A. Yes, it is.

16 Q. At the moment when you were being interrogated, that is, during  
17 the night, the commander was not there; he was not in the Music School.

18 Is that correct?

19 A. Yes, it is.

20 Q. He was interested in the escape of Ivica Kristo, a member of the  
21 HVO; is that correct?

22 A. Yes, that's true.

23 Q. Ivica Kristo was being looked for because of the money and

24 because of the property he had; is that correct?

25 A. Yes, it is.

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1 Q. Jasmin Isic personally asked you to give him 50.000 German marks

2 to release you.

3 A. I didn't give him that, because my wife found two persons that I

4 could be exchanged for, but he wouldn't let me be exchanged. My uncle,

5 who had been released, resided in my apartment and then he was exchanged.

6 Through him my wife found two persons for whom I could have been

7 exchanged. Those persons were from the 17th Krajina Brigade from

8 Travnik. Jasmin Isic would not, however, let me be exchanged for those

9 two persons without the money.

10 Q. During your sojourn within the Music School, you had contacts

11 with other -- during your sojourn in the Music School, you had contacts

12 with other persons who were incarcerated there; is that correct?

13 A. Yes, with all the other detainees. Yes.

14 Q. And other persons confirmed to you that Jasmin Isic was

15 interested in their assets; is that correct?

16 A. Yes.

17 Q. One of those persons is Ivan Borotinski; is that correct?

18 A. Yes, it is.

19 Q. The reason for which Ivan Borotinski was able to leave the Music

20 School was that somebody paid for his release; is that correct?

21 A. I suppose so, yes.

22 Q. You have confirmed earlier today that your personal belongings

23 were returned to you when the commander of the military police

24 intervened.

25 A. I personally went to the Music School to fetch them.

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1 Q. I'm not referring to the period when you were released from the

2 KP Dom. I'm referring to the period when Commander Jusuf asked you about

3 your personal belongings.

4 A. Yes, these belongings were returned.

5 Q. The belongings were also returned to other prisoners.

6 A. Yes, to all of them.

7 Q. Can you confirm that one of those person's names is Jusuf

8 Karalic?

9 A. Yes.

10 Q. You said that these belongings were held by a member of the 7th

11 Muslim Brigade who resided in Kakanj or near Kakanj.

12 A. Yes.

13 Q. Kraljeva Sutjeska near Kakanj is some 40 kilometres from the

14 Music School.

15 A. Yes, that's correct.

16 Q. I'm going to ask you one more question, sir: Are you aware of

17 the fact that Jasmin Isic is being tried before the cantonal court and

18 that you are one of the aggrieved persons in those proceedings?

19 A. I know that he was brought in before that court, but I didn't

20 know any other details.

21 MR. IBRISIMOVIC: [Interpretation] We have no further questions of

22 this witness. Thank you very much, Your Honour.

23 JUDGE ANTONETTI: [Interpretation] I would like to thank the

24 Defence.

25 Questioned by the Court:

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1 JUDGE ANTONETTI: [Interpretation] Witness, a little while ago I

2 asked you whether you knew the whereabouts of Jasmin Isic, and you said

3 that you didn't know. The Defence have just told you that there are

4 proceedings that the cantonal court against him. And now you've just

5 replied that you were aware that -- aware of these proceedings. Why

6 didn't you reply honestly a little while ago that you knew the

7 whereabouts of Jasmin Isic?

8 A. I only know that the person from the 7th Muslim Brigade who

9 helped me, that Jasmin Isic was at one point brought in. But I do know

10 not the current whereabouts of Jasmin Isic. I don't know where he is at

11 the moment.

12 JUDGE ANTONETTI: [Interpretation] Very well, then. Let's

13 regulate the issue of the document. Can you put your name on the

14 document that you have in front of you and also can you put today's date

15 on this document so that this document may be tendered into evidence.

16 A. [Witness complies]

17 JUDGE ANTONETTI: [Interpretation] Can you please show the

18 document to the Prosecution, to the Defence and the accused.  
19 Mr. Registrar, please give me a number for the document in B/C/S  
20 and the translation in English.  
21 THE REGISTRAR: Your Honours, the B/C/S version will be -- will  
22 have the exhibit number P41, and the English translation will have the  
23 exhibit number P41/E.  
24 JUDGE ANTONETTI: [Interpretation] Very well, then. Thank you.  
25 THE INTERPRETER: Microphone.

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1 JUDGE ANTONETTI: [Interpretation] Any re-examination from the  
2 Prosecution? We have a few minutes before the break.  
3 MR. STAMP: Briefly.  
4 Re-examined by Mr. Stamp:  
5 Q. Who is Jusuf Karalic?  
6 A. The commander who was in the 7th Brigade in the military police.  
7 Q. Is he the same commander who, so to speak, rescued your personal  
8 belongings? Is that the same person you referred to earlier as Jusuf,  
9 who managed to retrieve your belongings that had been taken by some  
10 guard?  
11 A. Yes. Yes.  
12 Q. When was the first time you saw him? Now, listen to me  
13 carefully, listen to the question: When was the first time you used your  
14 eyes and saw him at the Music School?  
15 A. Maybe the fifth time when I went upstairs to clean, but I didn't  
16 know who he was.  
17 Q. And you said you had been taken up for interrogation and beaten  
18 about five times.  
19 A. Yes.  
20 Q. The first time you saw him, was that after all the times that you  
21 had been beaten during interrogation?  
22 A. I used to see him in the room where we were beaten during the  
23 night. That's where I would see him.  
24 Q. Okay. You said the first time you saw him was about the fifth  
25 time that you went upstairs to clean. Now, can you just approximate for

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1 us about how long was that after you had been brought to the Music  
2 School.



3 A. Approximately on the seventh day.

4 Q. You said approximately a month after you were brought there  
5 conditions were improved when Jusuf -- withdrawn. Let me rephrase.  
6 I think you said that approximately one month after being brought  
7 to the Music School Viskovic was released and Jusuf intervened and  
8 thereafter the conditions improved. Did you say that and is that  
9 correct?

10 JUDGE ANTONETTI: [Interpretation] Very well.

11 Yes, Defence.

12 MR. IBRISIMOVIC: [Interpretation] Mr. President, my colleague has  
13 already asked this question in the course of the examination-in-chief,  
14 and these questions weren't matters that were raised when the witness was  
15 cross-examined.

16 JUDGE ANTONETTI: [Interpretation] Yes. The Trial Chamber notes  
17 that these questions have already been put to the witness, and in the  
18 course of the cross-examination his response didn't quite tally, so  
19 either he can no longer remember, as these events happened ten years ago  
20 and his memory might be faulty, and we can fully understand that. It's  
21 true that today we don't know whether he saw Jusuf seven days after he  
22 arrived there or one month after his detention period commenced.

23 Witness, on the basis of the questions put to you by the  
24 Prosecution and Defence, I think you have understood that what we want to  
25 know is when exactly you found out or -- that Mr. Jusuf was there or saw

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1 Mr. Jusuf. If you don't know, just say that you can't remember. And if  
2 you are sure of when this happened, tell us.

3 THE WITNESS: [Interpretation] I saw Jusuf immediately when I  
4 arrived, but I didn't know who this person was.

5 JUDGE ANTONETTI: [Interpretation] Very well. So we have a new  
6 piece of information. You saw Jusuf as soon as you arrived at the  
7 school, but you didn't know who he was.

8 THE WITNESS: [Interpretation] No.

9 JUDGE ANTONETTI: [Interpretation] So when exactly did you find  
10 out who he was? When did you realise that he was the commander?

11 THE WITNESS: [Interpretation] From the time that Viskovic left,  
12 because at that point in time he introduced himself. It's difficult to  
13 know at the time what their names were.

14 JUDGE ANTONETTI: [Interpretation] So you're telling us that you  
15 found out about this, you found out that he was the commander for sure  
16 when Viskovic was released; is that correct?

17 THE WITNESS: [Interpretation] Yes.

18 JUDGE ANTONETTI: [Interpretation] Very well.

19 Are there any other questions?

20 MR. STAMP: Just if I could be given ten seconds to try to digest  
21 what has been said.

22 JUDGE ANTONETTI: [Interpretation] It's true that we're moving  
23 fast.

24 MR. STAMP: I just want to make one thing absolutely clear.

25 Q. Jusuf, you saw Jusuf as soon as you arrived at the school. Can I

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1 take it from that answer that Jusuf was at the school from time to time  
2 from the 23rd of April, 1993?

3 A. He was there all the time, but we didn't know his name.

4 MR. STAMP: Nothing further.

5 JUDGE ANTONETTI: [Interpretation] Very well.

6 Yes, I can see that Defence counsel is getting up.

7 MR. IBRISIMOVIC: [Interpretation] Mr. President, having allowed  
8 the Prosecution to re-examine, would you allow me to just ask the witness  
9 one question which might help us clarify this matter?

10 JUDGE ANTONETTI: [Interpretation] Yes. Go ahead. To the extent  
11 that the question might clarify the matter, you are allowed to ask such  
12 questions.

13 Further cross-examination by Mr. Ibrisimovic:

14 Q. [Interpretation] Mr. Rajic, you have confirmed that your  
15 interrogation by Mr. Isic always took place at night. You said that that  
16 happened on five occasions.

17 A. Yes.

18 Q. While Mr. Isic was interrogating you at night, could you confirm  
19 that Mr. Jusuf Karalic, the commander of the military police at the time,  
20 was not present in the Music School?

21 A. Yes, that's correct.

22 MS. RESIDOVIC: [Interpretation] Your Honour, given that you have  
23 allowed us to ask questions that would clarify matters, I have one  
24 question that I would like to put to the witness.

25 Further cross-examination by Ms. Residovic:

**Page 1859**

1 Q. [Interpretation] There is something that is not clear, but I  
2 think you could help us understand this. You said that when on the fifth  
3 time you went to clean the room, you saw Mr. Jusuf Karalic on that  
4 occasion; is that correct?

5 A. Yes.

6 Q. After that, you said that that was the same room that you were  
7 taken to at night and it was room in which you were beaten.

8 A. Yes.

9 Q. But when you saw Mr. Karalic it was daytime and on that occasion  
10 you weren't tortured or interrogated; is that correct?

11 A. Yes. We would see him during the day, not at night.

12 Q. So the room was the same room, but the circumstances were  
13 different; isn't that correct?

14 A. Yes.

15 JUDGE ANTONETTI: [Interpretation] Very well.

16 Yes, the last question to clarify matters. Mr. Stamp.

17 MR. STAMP: If it pleases you, Mr. President, there were probably  
18 quite a few questions in -- in what I see described here as further  
19 cross-examination. I submit that I'm entitled to re-examination in  
20 respect to all of those questions. I think they did go a little bit  
21 overboard, but -- I didn't interrupt them, but I think I'm entitled to  
22 re-examine to any cross-examination that they have engaged in. I will be  
23 brief.

24 JUDGE ANTONETTI: [Interpretation] Go ahead. Go ahead.

25 Further re-examination by Mr. Stamp:

**Page 1860**

1 Q. This Jusuf that was there from the 23rd of April, was he in a  
2 position to observe the injuries on the prisoners, including yourself,  
3 that resulted from the beatings that all of you were receiving from the  
4 23rd of April and even before?

5 A simple question: Was Jusuf in a position to observe, as you  
6 observed, the physical results on your bodies from the beatings that you  
7 and all the -- and the other prisoners received from the 23rd of April  
8 and even before?

9 A. Yes.

10 JUDGE ANTONETTI: [Interpretation] Witness, your examination and  
11 cross-examination have been concluded. We thank you for having come to  
12 The Hague to testify. We wish you a good trip home. And the usher will  
13 now escort you out of the courtroom.

14 [The witness withdrew]

15 JUDGE ANTONETTI: [Interpretation] Before we adjourn, following  
16 the examination of this witness and the revelation by the Defence of  
17 Jasmin Isic, in order for the Trial Chamber to be fully informed, there  
18 are several possibilities: Either Prosecution will have this person come  
19 as a witness; or the Defence will reserve the right of calling this  
20 person as a witness. If neither party takes advantage of this  
21 possibility, the Trial Chamber will deliberate. On the basis of Rule 98,  
22 we can call this witness to the extent that this witness was present at  
23 the site in question. And we have been informed by the Defence that  
24 proceedings have been instituted against this person in Zenica. So this  
25 witness is a real witness; he exists. And we could call the witness to

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1 testify here in good time.

2 Is there -- are there any other matters to be raised? If not, we  
3 will resume tomorrow morning at 9.00.

4 Yes, Mr. Stamp.

5 MR. STAMP: I'm very happy for the interest in which -- that you,  
6 Mr. President, have shown in Jasmin Isic. I did up to yesterday make  
7 some inquiries about him, and I'm happy that you're of the same mind.  
8 I think, though, that there are certain mechanics or certain  
9 logistical procedure that would have to be put in place if either party  
10 or the Court will call him. So if the Court has expressed an interest in  
11 calling him - and it might well be something that will further our quest  
12 for the truth - then perhaps we could proceed from now to make inquiries  
13 as to -- to his whereabouts and what would be the best procedure to adopt  
14 to achieve what the Court has indicated might be in the interests of  
15 justice. So what I'm saying is that inquiry would have to be made as to  
16 the best methods to get him here. And if the Court wants him, we are  
17 prepared to assist in that regard.

18 JUDGE ANTONETTI: [Interpretation] Does the Defence have any  
19 comments? Very well.

20 In that case, the hearing is adjourned and we will resume

21 tomorrow at 9.00 in the morning. We have two witnesses scheduled for  
22 tomorrow, and I hope that they will both be present. So we will resume  
23 tomorrow at 9.00 with these two witnesses. Thank you.  
24 --- Whereupon the hearing adjourned at 12.45 p.m.,  
25 to be reconvened on Friday, the 23rd day of

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1 January, 2004, at 9.00 a.m.

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