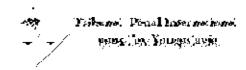
International Criminal Tribunal for the Appner Yuguskein



- 1 Friday, 24 September 2004
- 2 [Open session]
- 3 [The accused entered court]
- 4 --- Upon commencing at 9.04 a.m.
- 5 JUDGE ORIE: Madam Registrar, would you please call the case.
- 6 MR. STEWART: Your Honour, the microphones, I must always remember
- 7 microphones. I had a word with Mr. Margetts, who is dealing with this
- 8 witness, and Mr. Tieger as well. Your Honour --
- 9 JUDGE ORIE: Should we not first have the case called?
- 10 MR. STEWART: I'm sorry. I wasn't concentrating. I thought while
- 11 we were dealing with things, that had been done. I'll sit down
- 12 immediately, Your Honour.
- 13 THE REGISTRAR: Case number IT-00-39-T, the Prosecutor versus
- 14 Momcilo Krajisnik.
- 15 JUDGE ORIE: Thank you, Madam Registrar.
- 16 Mr. Stewart.
- 17 MR. STEWART: Your Honour, these time constraints -- I like to get
- 18 on with it, Your Honour. Yes, Your Honour. We had a brief word before
- 19 the case was called to -- it would probably be helpful, it would save time
- 20 if we were just to take a minute before the witness comes in to -- it's a
- 21 sort of housekeeping matter in relation to this witness. Goodness,
- 22 there's an echo this morning somewhere. About 25 in me in Court talking

- 1 next session.
- 2 JUDGE ORIE: Yes. The beginning of the next session. That would
- 3 be approximately 11.00. Would the Prosecution be in a position to call
- 4 its next witness and that we start examining the next witness, then
- 5 interrupt that for, well, say for approximately one hour, not more than
- 6 one and a half hours, and then continue with the present witness? Who is
- 7 going to take the next witness?
- 8 MR. MARGETTS: Yes, Your Honour. Mr. Gaynor will be taking the
- 9 next witness and he is ready to proceed.
- 10 JUDGE ORIE: Yes. Because we expected to start perhaps in an hour
- 11 and he could start now?
- 12 MR. MARGETTS: Yes, he could.
- 13 JUDGE ORIE: Okay.
- 14 [Trial Chamber confers]
- 15 JUDGE ORIE: Yes. Then if you please would be so kind to invite
- 16 Mr. Gaynor to come to the courtroom and call your next witness. Which
- 17 would be? First of all, no protective measures, as far as I understand.
- 18 MR. MARGETTS: That's Mr. Fejzija Hadzic.
- 19 JUDGE ORIE: And could then someone explain to Mr. Dzambasovic the
- 20 reason why he is not called at this moment but that he'll appear at
- 21 approximately 11.00.
- 22 MR. STEWART: Your Honour, could I just ask, just a very simple
- 23 guideline. From what Mr. Margetts said about the time needed on a fairly
- 24 informal understanding, if the Prosecution could please let me know, say,
- 25 by 10.00 what their position is in relation to these matters and then I

- 1 Q. Could you just say very briefly which relatives of your wife were
- 2 among those people.
- 3 A. There was my wife's mother, her two sisters, her aunt and their
- 4 families, aunts, uncles, their children, and so on.
- 5 Q. You said that on the 2nd of August, 1992, they continued setting
- 6 fire to Muslim houses in Jelasca [phoen]. Now, how did you know that
- 7 those were Muslim houses?
- 8 A. Well, I know that village. In addition to that, most of the
- 9 people imprisoned were from that village, so they would say, you know,
- 10 that house belongs to that person and that house belongs to that person.
- 11 I myself knew all of those houses. We could see that through the openings
- 12 in the steel door, through the bars, and also through the windows.
- 13 Q. Sir, I'd like to take you to the 5th of August of 1992. You've
- 14 described in some detail in your statements that you left in a convoy with
- 15 an escort of a police car, the ammunition magazine at Jelasacko Polje,
- 16 until you arrived at Ratine in Foca. Now, taking it up from the moment
- 17 that you arrived that the convoy stopped at Ratine what happened when that
- 18 convoy stopped?
- 19 A. When the convoy stopped, uniformed men who were in the convoy
- 20 escorting us got out and ordered us to descend the vehicles and not even
- 21 try to escape, otherwise they would shoot us. We were extremely exhausted
- 22 because we were not allowed to sit in the vehicle. We were just thrown
- 23 in. So we got off, and at that moment a soldier in a uniform came and
- 24 said that everything was ready. He had just gotten out of the stable.
- 25 And in front of that vehicle, I saw a relative of mine who was completely

- 1 bloody. He was not with us in a vehicle. He was in another vehicle. I
- 2 saw some prisoners there. I recognised some of them, and we headed
- 3 towards the stable in a column, one by one. When we got there, they
- 4 selected four young men and they told them to turn their backs to us, and
- 5 when they did that, they started shooting bursts of fire at us. I was hit
- 6 by a bullet below my knee and I fell down and pretended to be dead.
- 7 When they finished shooting, figuring that all of us were dead,
- 8 they untied the hands of those four young men and ordered them to throw us
- 9 into the stable and after that they would free them. The young men
- 10 started doing their job. They threw me into the stable. And since there
- 11 was some soil there on the ground, I was able to move as they were
- 12 throwing more people in, I was moving to the side so that these corpses
- 13 would not come on top of me.
- 14 When they finished throwing us dead people in there, they again
- 15 brought a man whom I believe to be that relative of mine whom I had seen
- 16 all bloody. They shot him, and then they killed three of the young men
- 17 who threw our bodies into the stable. And they left the fourth one alive.
- 18 They ordered him to pour petrol over our bodies. He refused to do that.
- 19 Then they shot him. And then they threw a rubber, burning rubber, into
- 20 the stable. And when they saw that the fire started, they left. They got
- 21 into their vehicles and left.
- 22 When I heard that they had left, I managed to get up, and I stayed $\,$
- 23 in the bottom of this stable, where there was an opening. And when I
- 24 figured out that I was safe, I escaped from the stable. I got to the
- 25 brook and I tried to untie my hands. I was unable to do that. But then I