

International Criminal Tribunal
for the former Yugoslavia



Tribunal Penal International
pour l'ex-Yougoslavie

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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

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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

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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

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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