

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

KEMAL MEHINOVIC,)	
)	DOCKET NO.
)	1:98-CV-2470-MHS
VS.)	
)	ATLANTA, GEORGIA
NIKOLA VUCKOVIC,)	OCTOBER 23, 2001
)	10:00 A.M.
DEFENDANT.)	
_____)	

TRANSCRIPT OF NON-JURY TRIAL PROCEEDINGS
BEFORE THE HONORABLE MARVIN H. SHOOB
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF:	PAUL HOFFMAN
	GERALD WEBER
	JOSHUA SONDEHEIMER
	ATTORNEYS AT LAW

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT
PRODUCED BY C.A.T.

1 THE COURT: CALL YOUR NEXT WITNESS, PLEASE.

2 MR. SONDEHEIMER: THE PLAINTIFFS CALL DIANE PAUL.

3 YOUR HONOR, IF I COULD ASK FOR A CLARIFICATION. AS
4 YOU KNOW, WE HAVE SUBMITTED PREPARED TESTIMONY FOR MS. PAUL, AND
5 WE WOULD REQUEST TO HAVE A CLARIFICATION AS TO WHETHER THAT
6 PREPARED TESTIMONY WILL BE ADMITTED INTO THE RECORD IN ADDITION
7 TO HER TESTIMONY.

8 THE COURT: IT WILL BE.

9 MR. SONDEHEIMER: THANK YOU, YOUR HONOR.

10 DIANE PAUL

11 PLAINTIFF'S WITNESS

12 SWORN

13 DIRECT EXAMINATION

14 BY MR. SONDEHEIMER:

15 A. MY FULL NAME IS DIANE WILLIAMS PAUL.

16 Q. GOOD MORNING, MS. PAUL.

17 A. GOOD MORNING.

18 Q. YOU'VE BEEN ASKED TO TESTIFY IN THIS CASE AS TO YOUR EXPERT
19 OPINIONS REGARDING ISSUES RELATED TO WHAT HAS BEEN REFERRED TO
20 AS ETHNIC CLEANSING IN BOSNIA AND HERZEGOVINA IN THE 1990'S; IS
21 THAT CORRECT?

22 A. THAT IS CORRECT. YES.

23 Q. AND HAVE YOU REACHED OPINIONS REGARDING THE ETHNIC CLEANSING
24 PROGRAM AS THEY PERTAIN TO SOME OF THE LEGAL ISSUES PRESENTED IN
25 THIS CASE?

1 A. YES, I HAVE.

2 Q. OKAY. I AM JUST SHOWING TO YOU WHAT HAS BEEN MARKED
3 PLAINTIFF'S EXHIBIT 37. AND DO YOU RECOGNIZE WHAT THAT IS?

4 A. YES, THIS IS MY RESUME.

5 Q. OKAY.

6 Q. AND IS THERE AN ATTACHMENT AS WELL TO THE RESUME?

7 A. YES, THERE IS AN ATTACHMENT OF THE VARIOUS PUBLICATIONS THAT
8 I HAVE WRITTEN.

9 Q. AND IS THAT RESUME CURRENT?

10 A. YES, IT IS.

11 MR. SONDEIMER: YOUR HONOR, THE PLAINTIFFS WOULD
12 MOVE FOR EXHIBIT 37 TO BE ENTERED INTO EVIDENCE AT THIS TIME.

13 THE COURT: IT'S ADMITTED.

14 BY MR. SONDEIMER:

15 Q. MS. PAUL, THE COURT WILL HAVE YOUR CV, BUT I WOULD LIKE TO
16 ASK IF YOU COULD BRIEFLY, VERY BRIEFLY, REVIEW YOUR BACKGROUND
17 QUALIFICATIONS TO EXPRESS OPINIONS ABOUT THE ETHNIC CLEANSING
18 PROGRAM IN BOSNIA.

19 A. OKAY. FIRST I SHOULD SAY I AM A LICENSED CLINICAL SOCIAL
20 WORKER, AND I SPENT 11 YEARS WORKING WITH CHILD VICTIMS OF
21 SEXUAL ASSAULT AND PHYSICAL ABUSE, AND WITH WOMEN AS WELL. I
22 THEN WAS DIRECTOR OF THE AMERICAN RED CROSS HOLOCAUST AND WAR
23 VICTIMS TRACING INFORMATION CENTER FOR OVER THREE YEARS, AND
24 DURING THAT PERIOD OF TIME VOLUNTEERED TO GO TO THE FORMER
25 YUGOSLAVIA TO HELP SET UP MENTAL HEALTH PROGRAMS FOR WAR

1 TRAUMATIZED PERSONS IN REFUGEE AND INTERNALLY DISPLACED PERSONS
2 CAMPS IN CROATIA. AT THAT TIME I MET MANY MANY REFUGEES FROM
3 BOSNIA.

4 I THEN BEGAN TO WORKING FOR A MAN NAMED FRED CUNY WHO
5 WAS A DISASTER EXPERT FROM DALLAS, TEXAS WHO HAD BEEN IN MORE
6 THAN 30 WAR ZONES, AND WORKED WITH FRED. FRED WAS LATER KILLED
7 BY THE WAY CETSANIA (PHONETIC) IN '95, BUT I WORKED CLOSELY WITH
8 FRED TO LOOK AT THE KINDS OF ABUSES THAT MINORITIES ALL OVER
9 BOSNIA WERE EXPERIENCING, BUT WE PARTICULARLY FOCUSED ON THE
10 AREA OF NORTHERN BOSNIA, AND I WAS ABLE TO GET INTO THE AREA
11 WHEN MANY JOURNALISTS WEREN'T ACTUALLY, AND I WAS ABLE TO MAKE
12 CONTACT WITH PERSONS UNDER THREAT AS WELL AS UNHCR OFFICIALS,
13 THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES COMMISSIONERS,
14 THE MEMBERS OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS, ET
15 CETERA.

16 FOLLOWING THAT EXPERIENCE, BECAUSE OF MY KNOWLEDGE OF
17 THE AREA, HUMAN RIGHTS WATCH RECRUITED ME AS A SENIOR RESEARCHER
18 TO WORK ON THE GROUND IN BOSNIA HERZEGOVINA IN DOCUMENTING
19 VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS LAW AND INTERNATIONAL
20 HUMANITARIAN LAW, AND I BEGAN THAT WORK IN LATE 1995; ALTHOUGH I
21 HAD BEEN WORKING UP UNTIL THAT TIME DOCUMENTING MANY ABUSES, BUT
22 I BEGAN WORKING WITH THEM SPECIFICALLY INVESTIGATING THE
23 ACTIVITIES OF SERBIAN PARAMILITARIES WORKING WITH LOCAL BOSNIAN
24 SERB AUTHORITIES AND FORCES IN A PARTICULAR AREA OF BOSNIA, AND
25 CONDUCTED A FULL INVESTIGATION OF THE ACTIVITIES OF THOSE

1 PARAMILITARIES AND LOCAL FORCES IN CONDUCTING ETHNIC CLEANSING.

2 Q. AND YOU'VE WRITTEN PUBLISHED MATERIALS RELATING TO THAT
3 CLEANSING PROGRAM?

4 A. YES, I PUBLISHED -- I WROTE -- I WAS A PRIMARY AUTHOR ON A
5 NUMBER OF REPORTS FOR HUMAN RIGHTS WATCH. I ALSO WROTE ARTICLES
6 FOR A NEWSPAPERS AND MAGAZINES. I HAD ONE APPEAR IN THE
7 WASHINGTON POST AND IN NEWS DAY, NEWSPAPERS. I ALSO TESTIFIED
8 BEFORE CONGRESSIONAL COMMITTEES, AND BEFORE THE HELSINKI
9 COMMITTEE IN WASHINGTON. AND I TESTIFIED OR ACTUALLY DEBATED
10 THE ISSUE OF WAR CRIMES AND RELATED ISSUES IN FRONT OF THE
11 COUNSEL ON FOREIGN RELATIONS WITH GENERAL WILLIAM NASH, WHO WAS
12 THE FIRST AMERICAN COMMANDER UNDER NATO FORCES AFTER THE DAYTON
13 ACCORDS WERE SIGNED.

14 MR. HOFFMAN: YOUR HONOR, I MOVE THAT MS. PAUL BE
15 QUALIFIED TO EXPRESS OPINIONS AS AN EXPERT ON THE ETHNIC
16 CLEANSING PROGRAM IN BOSNIA.

17 THE COURT: SHE IS WELL-QUALIFIED.

18 MR. SONDEIMER: THANK YOU, YOUR HONOR.

19 BY MR. SONDEIMER:

20 Q. IN ADDITION TO YOUR EXPERIENCE, MS. PAUL, IN PREPARING FOR
21 GIVING YOUR TESTIMONY, IS IT NOT CORRECT THAT YOU HAVE REVIEWED
22 WHAT YOU CONSIDER TO BE RELIABLE SECONDARY SOURCE MATERIALS
23 RELATING TO THE ETHNIC CLEANSING PROGRAM?

24 A. YES, I HAVE BOTH IN PREPARATION FOR THIS TRIAL AND OVER THE
25 LAST ALMOST TEN YEARS NOW IN FACT. BUT IN PARTICULAR, I WOULD

1 LIKE TO MENTION A FEW DOCUMENTS THAT I THINK WERE PARTICULARLY
2 IMPORTANT; OF COURSE HUMAN RIGHTS WATCH REPORTS. AND I WOULD
3 LIKE TO STATE THAT HUMAN RIGHTS WATCH REPORTED ON THE VIOLATIONS
4 OF THE LAWS AND CUSTOMS OF WAR AND HUMAN RIGHTS VIOLATIONS
5 ACROSS THE FORMER YUGOSLAVIA, SO THAT WE WERE FOCUSED ON WHOEVER
6 WAS COMMITTING ABUSES AGAINST ANY CIVILIAN POPULATION OR
7 SOLDIERS WHO LAID DOWN THEIR WEAPONS AND SURRENDERED BUT WERE
8 SUMMARILY EXECUTED, ET CETERA.

9 SO I WOULD LIKE TO RELY VERY HEAVILY, FOR EXAMPLE, ON
10 TWO VOLUMES THAT WERE VERY IMPORTANT IN TERMS OF THE HUMAN
11 RIGHTS COMMUNITIES GETTING A GRASP ON WHAT WAS HAPPENING IN
12 BOSNIA, WAR CRIMES IN BOSNIA AND HERZEGOVINA. THAT IS ONE
13 EXAMPLE. AND THEN NUMEROUS SHORTER REPORTS AFTER THAT. ALSO
14 REVIEWED THE COMMISSION OF EXPERT'S REPORT. THAT COMMISSION WAS
15 LED BY THE ESTEEMED PROFESSOR SHARIF BOSARUNY. AND DEPAUL
16 UNIVERSITY ALSO ASSISTED AND MANY EXPERTS PARTICIPATED IN THAT
17 COMMISSION'S WORK. THEY WERE SORT OF A PRECURSOR TO THE
18 INTERNATIONAL CRIMINAL TRIBUNAL FOR THE FORMER YUGOSLAVIA, AND I
19 CONSIDER THEIR FINDINGS EXTREMELY RELIABLE AND CREDIBLE.

20 AND I ALSO REVIEWED STATE DEPARTMENT REPORTS AND, OVER
21 THE YEARS, I HAVE OBVIOUSLY KEPT UP WITH THEIR REPORTS AND
22 CONSIDERED THEIR REPORTING, PARTICULARLY BECAUSE I KNOW, HAVING
23 MET WITH PEOPLE AT THE EMBASSY, AND SO I READ ON A NUMBER OF
24 OCCASIONS THAT THEY ACTUALLY INTERVIEWED WITNESSES THEMSELVES,
25 THAT I FIND THEIR REPORTS TO BE CREDIBLE AND RELIABLE AS WELL.

1 AND IN ADDITION, THERE WERE NUMEROUS, OBVIOUSLY, BOOKS
2 AND OTHER ARTICLES THAT I REVIEWED.

3 Q. THANK YOU. I WOULD LIKE TO ASK YOU IF YOU CAN BRIEFLY
4 IDENTIFY WHAT IS MEANT WHEN THE TERM "ETHNIC CLEANSING" IS
5 USED. WE HAVE USED IT ALREADY, AND APPRECIATE IT IF YOU COULD
6 GIVE US AN UNDERSTANDING OF WHAT IS ENCOMPASSED WITHIN THAT
7 TERM.

8 A. THE TERM ETHNIC CLEANSING ITSELF IS IN FACT NOT A SPECIFIC
9 LEGAL TERM; HOWEVER, IT IS FREQUENTLY USED TO DESCRIBE A
10 COLLECTION OF ACTS OR A SERIES OF ACTS THAT WERE COMMITTED WITH
11 THE INTENT TO REMOVE A POPULATION FROM A PARTICULAR AREA USING A
12 VARIETY OF METHODS, BUT USUALLY SEEING A VERY SYSTEMATIC PATTERN
13 IN THOSE METHODS BEING USED.

14 AND WITHIN ETHNIC CLEANSING, WITHIN THE PROCESS OF
15 ETHNIC CLEANSING, VIOLATIONS OF THE LAWS AND CUSTOMS OF WAR AS
16 WELL AS VIOLATIONS -- AS WELL AS CRIMES AGAINST HUMANITY, AND IN
17 CERTAIN CASES AS IN THE CASE OF BOSNIA, GENOCIDE AS WELL. SO
18 ETHNIC CLEANSING IS COMPOSED OF A NUMBER OF ACTIVITIES OR
19 ELEMENTS OFTEN THAT FALL INTO A SPECIFIC PATTERN. AND EVEN
20 THOUGH IT IS NOT A LEGAL TERM ITSELF, IT ENCOMPASS -- THE ACTS
21 ENCOMPASS CLEAR VIOLATIONS OF THE LAW, OF INTERNATIONAL LAW.

22 Q. AND THOSE PATTERNS AND PRACTICES WERE AIMED AT THE REMOVAL
23 OF CERTAIN ETHNICITY OR RELIGIOUS GROUPS FROM CERTAIN AREAS IN
24 BOSNIA; IS THAT CORRECT?

25 A. THAT IS CORRECT. YES.

1 Q. AND IS IT YOUR OPINION THAT ETHNIC CLEANSING OCCURRED IN
2 BOSNIA DURING THE 1990'S? IT WAS DIRECTED AGAINST, AMONG
3 OTHERS, THE MINORITY MUSLIM POPULATION IN WHAT BECAME SERB
4 CONTROLLED AREAS OF BOSNIA AND HERZEGOVINA?

5 A. YES. MOST DEFINITELY. IN FACT, I WOULD GO SO FAR AS TO SAY
6 THERE IS NO DISPUTE, INTERNATIONALLY, THAT ETHNIC CLEANSING DID
7 INDEED OCCUR.

8 Q. NOW, IS IT YOUR OPINION THAT THE ETHNIC CLEANSING PROGRAM
9 WAS CONSTITUTED A WIDESPREAD AND SYSTEMATIC ATTACK AGAINST A
10 CIVILIAN POPULATION?

11 A. YES. MOST DEFINITELY. AND THAT WAS DOCUMENTED IN A NUMBER
12 OF DIFFERENT WAYS.

13 Q. IS IT PART OF YOUR OPINION THAT -- PART OF THE BASIS OF YOUR
14 OPINION THAT THE ETHNIC CLEANSING PROGRAM WAS PLANNED IN
15 ADVANCE?

16 A. MOST DEFINITELY.

17 Q. CAN YOU EXPLAIN THAT?

18 A. YES. ONE OF THE THINGS THAT IS KNOWN IS THAT EVEN BEFORE
19 BOSNIA AND HERZEGOVINA DECLARED INDEPENDENCE IN 1992, IN MARCH
20 OF 1992, PREPARATIONS HAD BEEN MADE IN THE FALL OF 1991 AND THEN
21 THROUGHOUT THAT WINTER AND THEN INTO THE EARLY SPRING TO CREATE
22 WHAT ONE MIGHT CALL PARALLEL INSTITUTIONS TO THE ACTUAL
23 LEGITIMATE INSTITUTIONS, FOR EXAMPLE, MUNICIPAL ORGANS, ET
24 CETERA. THE MUNICIPALITIES HAD CITY COUNSELS, ESSENTIALLY, ONE
25 MIGHT SAY, THAT WERE MULTI-ETHNIC IN CHARACTER, ET CETERA, AND

1 THAT THERE WERE PREPARATIONS MADE AND THERE STARTED, IN EARLY
2 1992, PARAMILITARIES FROM SERBIA PROPER -- AND I CAN EXPLAIN
3 LATER HOW IT WAS KNOWN THAT THEY WERE FROM SERBIA PROPER. AND
4 THOSE MEMBERS OF THE JUGOSLAV NATIONAL ARMY WHO HAD BECOME A
5 PART OF THE SERBIAN NATIONALIST FORCES COMING FROM SERBIA IN
6 MONTENEGRO, ALSO SOME PEOPLE FROM KOSOVO AS WELL, ARE JNA
7 FORCES, JUGOSLAV NATIONAL ARMY FORCES, WHO HAD BEEN FIGHTING
8 ALREADY CROATIA IN 1991, ENTERED INTO BOSNIA. AND THAT, VERY
9 IMPORTANTLY, IS WHAT STARTED TO HAPPEN IN PALE WHERE THE BOSNIAN
10 SERB ASSEMBLY MET VERY EARLY ON. AND THERE WAS A DECLARATION
11 ALSO IN FACT IN JANUARY OF 1992 BY THIS ASSEMBLY THAT THEY WERE
12 DECLARING AN INDEPENDENT SERBIAN REPUBLIC IN BOSNIA CALLED THE
13 REPUBLIKA SRPSKA.

14 Q. WHAT WAS THE SIGNIFICANCE THAT THERE WERE PARALLEL
15 GOVERNMENT STRUCTURES BEING ESTABLISHED BY A PARTICULAR ETHNIC
16 GROUP IN BOSNIA AT THAT TIME?

17 A. WHAT WAS THE SIGNIFICANCE OF THAT?

18 Q. YES.

19 A. WELL, IT WAS HIGHLY SIGNIFICANT IN, FIRST OF ALL, THESE
20 PARALLEL STRUCTURES, THEY WERE NOT MADE UP OF DULY ELECTED
21 OFFICIALS. AND WHAT HAPPENED WAS, AS ORCHESTRATED FROM PALE,
22 WHERE SOMEBODY WAS DESIGNATED AS THE PRESIDENT OF THE REPUBLIKA
23 SRPSKA AND WAS HEAD OF THE SDS, WHICH WAS THE PRIMARY BOSNIAN
24 SERB PARTY, POLITICAL PARTY, ORDERED THE CREATION OF THESE
25 MUNICIPAL COUNCILS, AND THEN ORDERED THE CREATION OF WHAT WERE

1 CALLED KRIZNI STAB OR, IN ENGLISH, CRISIS COMMITTEES OR CRISIS
2 COUNCILS. AND IN ADDITION, THERE WERE OTHER BODIES IN EACH
3 MUNICIPALITY.

4 THIS WAS THE EVIDENCE THAT THIS WAS WIDESPREAD, ALSO
5 WAS THAT THIS WAS ORDERED TO OCCUR; IN OTHER WORDS THE ORDERS
6 CAME FROM PALE, AND WERE CARRIED OUT BY LOCAL AUTHORITIES, OR
7 QUASI-AUTHORITIES, I MIGHT SAY. BECAUSE, AGAIN, I WANT TO
8 STRESS THAT SOMETIMES THE DULY ELECTED MAYORS OF THE TOWN, THE
9 DULY ELECTED OFFICIALS, WERE REMOVED, EITHER KILLED, SUMMARILY
10 EXECUTED, OF WHICH WE CAN TALK ABOUT LATER. BUT THE POINT IS
11 THAT THESE PATTERNS -- THIS OCCURRED THROUGHOUT BOSNIAN SERB
12 CONTROLLED TERRITORY.

13 Q. PRIOR TO THE TIME THAT THIS BOSNIAN SERB ASSEMBLY WAS
14 CREATED, THE GOVERNMENT OF BOSNIA AND HERZEGOVINA WAS MIXED
15 ETHNICALLY; ISN'T THAT CORRECT?

16 A. YES. VERY MUCH SO.

17 Q. AND SO THE CREATION OF A BOSNIAN SERB ASSEMBLY INDICATED A
18 SHIFT TO -- WOULD HAVE INDICATED, WOULD IT NOT, THAT THE
19 BEGINNING OF A MOVEMENT TO BECOME SEPARATE FROM OTHER
20 ETHNICITIES IN THE AREA?

21 A. WELL, AND VERY CLEARLY I THINK AFTER THE WAR, WELL, FIRST
22 STARTED IN HERZEGOVINA AND THEN SPREAD TO CROATIA. AND IT WAS
23 CLEAR TO THE SERBS BOTH SERB NATIONALISTS, I SHOULD SAY, I LIKE
24 TO MAKE A DISTINCTION BECAUSE NOT ALL SERBS BELIEVED IN THIS
25 IDEA OF WHAT WAS A GREATER SERBIA.

1 BUT SERB, THE SERB NATIONALIST LEADERSHIP INCLUDING
2 SLOBODAN MILOSEVIC OF SERBIA AND OF THE FEDERAL REPUBLIC OF
3 YUGOSLAVIA, THE RUMP STATE WHICH CONSISTED OF SERBIA,
4 MONTENEGRO, THEY DID NOT WANT TO LOSE SECTIONS OF CROATIA AND
5 BOSNIA AND HERZEGOVINA, AND THEY HAD A VISION OF WHAT THEY
6 CALLED THE GREATER SERBIA. AND THAT VISION INCLUDED UNITING
7 AREAS WHERE SERBS LIVED. BUT THEIR PROBLEM OR ISSUE, IF YOU
8 WILL, WAS THAT THERE WERE MANY MANY MANY NON-SERBS WHO LIVED IN
9 THOSE AREAS. AND THEIR VISION WAS THAT THEY WOULD CREATE A
10 PURE, ETHNICALLY PURE, SERB STATE. AND IN BOSNIA, THEIR VISION
11 WAS, I BELIEVE, TO LATER COMBINE THE, AT THAT TIME, SO-CALLED
12 REPUBLIKA SPRSKA WITH AREAS OF CROATIA AND SERBIA PROPER.

13 Q. IT MIGHT BE HELPFUL I PUT IN FRONT OF YOU WHAT I HAVE MARKED
14 AS PLAINTIFF'S EXHIBITS 31 AND 32. DO YOU RECOGNIZE WHAT THESE
15 DEPICT?

16 A. YES. VERY WELL. THIS FIRST MAP DEPICTS THE AREA OF THE
17 BALKANS IN RELATION TO EUROPE. AND ALSO THIS LINE -- AND
18 PERHAPS, YOUR HONOR, I CAN STAND SO YOU CAN SEE IT A LITTLE
19 BIT.

20 Q. I WILL ASK SOME QUESTIONS.

21 A. OKAY.

22 Q. IF YOU CAN PERHAPS EXPLAIN TO THE JUDGE, WE'VE JUST BEEN
23 REFERRING TO A NUMBER OF GEOGRAPHIC REGIONS, AND IF YOU CAN
24 EXPLAIN FOR THE COURT THE DIFFERENT REGIONS THAT WE'VE BEEN
25 REFERRING TO, THAT WOULD HELP.

1 A. YES. OKAY. SO THIS IS BOSNIAN HERZEGOVINA HERE. SERBIA IS
2 HERE. PALE IS HERE, WHICH WAS THE SEA OF POWER FOR THE BOSNIAN
3 SERBS. AND THIS IS AN AREA OF -- THIS IS CROATIA HERE, AND THIS
4 AREA ALONG HERE IS CALLED THE KRAJINA, WHICH MEANS REALLY
5 FRONTIER. AND THERE WAS BOTH THE LJESKOVICA (PHONETIC) KRAJINA,
6 WHICH WAS THE BOSNIAN KRAJINA REGION, AND THEN THE CROATIAN
7 KRAJINA REGION AS WELL. SO THE SERBS HAD, BY THE TIME THE WAR
8 STARTED IN BOSNIA, TAKEN CONTROL OF THIS AREA ALONG HERE IN THE
9 UKRAINE AND CROATIA.

10 Q. IF I MAY, IF YOU COULD INDICATE THE AREA OF THE FORMER
11 YUGOSLAVIA.

12 A. YES. THE FORMER YUGOSLAVIA WOULD INCLUDE MONTENEGRO, KOSOVO
13 AND MONTENEGRO, WHICH YOU CAN'T SEE ENTIRELY HERE, BUT HAVE
14 THROUGH VOJVODINA THROUGH HERE AND SLOVENIA. AND SO THIS, THEN
15 CROATIA GOES HERE, ALONG IN THIS ENTIRE AREA HERE, DOWN TO
16 DUBROVNIK.

17 Q. SO THESE AREAS THAT YOU'VE BEEN REFERRING TO, CROATIA,
18 SERBIA, WERE FORMER REPUBLICS OF THE FORMER STATE OF
19 YUGOSLAVIA?

20 A. CORRECT. AND THERE WERE TWO PROVINCES IN ONE IN POSAVINA
21 AND ONE IN HERZEGOVINA ITSELF. YES.

22 Q. AND ALSO IF YOU COULD LOOK ANOTHER PLAINTIFF'S EXHIBIT 31,
23 AND IF YOU COULD IDENTIFY WHAT THAT DEPICTS.

24 A. THIS IS A CLOSE-UP ESSENTIALLY OF THE AREA THAT INCLUDES
25 BOSANSKI SAMAC, WHICH IS LOCATED RIGHT HERE.

1 Q. CAN I ASK, MS. PAUL, YOU TO INDICATE ON THE OTHER MAP WHERE
2 THIS WOULD BE A BLOW-UP OF?

3 A. YES. IT WOULD BE IN THIS AREA.

4 Q. I BELIEVE BANJA LUKA, THE CITY OF BANJA LUKA IS SHOWN ON
5 BOTH MAPS?

6 A. YES.

7 A. WELL. YES. BANJA LUKA IS HERE. SO WE ARE LOOKING AT THE
8 AREA ON THIS MAP, FROM THIS AREA OVER TO POSAVINA AND BRCKO,
9 BIJELJINA OVER IN THIS AREA.

10 Q. AND ONCE AGAIN, BOSANSKI SAMAC, WHERE THE EVENTS OCCURRED
11 HERE, IS SHOWN THERE ON THE MAP?

12 A. YES.

13 Q. AND WHERE IS THAT IN RELATION TO THE BORDER OF CROATIA?

14 A. IT IS QUITE NEAR THE BORDER OF CROATIA. IN FACT, RIGHT
15 ACROSS THE RIVER, THE SAVA RIVER.

16 Q. THANK YOU. WE WERE DISCUSSING SOME OF THE PLANNING AND THE
17 FANNING OF THE FLAMES FOR ETHNIC CLEANSING THAT OCCURRED BEFORE
18 THE WAR BROKE OUT IN BOSNIA HERZEGOVINA IN 1992. CAN YOU
19 EXPLAIN THE ROLE OF THE JNA IN RELATION TO THE TERRITORIAL
20 DEFENSE STORES IN THAT ADVANCED PLANNING PROCESS?

21 A. YES. AND WE HAD ALREADY SEEN THIS PATTERN DEVELOP EARLIER
22 IN CROATIA. BUT AGAIN, AS I MENTIONED, EVEN BEFORE BOSNIA
23 HERZEGOVINA DECLARED ITS INDEPENDENCE, SERBIAN PARAMILITARIES
24 FROM SERBIA PROPER BEGAN TO ARRIVE IN THE AREA. THE WAY WE
25 COULD TELL THAT WAS BECAUSE OF THE UNIFORMS AND ACCENTS THAT

1 THEY WERE WEARING. AND ONE OF THE FUNCTIONS OF THE JUGOSLAV
2 NATIONAL ARMY, OR THE JNA, DURING THAT PERIOD OF TIME, THOSE WHO
3 HAD JOINED, ESSENTIALLY THE SERB NATIONALS'S VISION OF GREATER
4 SERBIA, MANY OF THOSE WHO HAD BEEN FIGHTING CROATIA THEN ENTERED
5 INTO BOSNIA HERZEGOVINA, AND THE GOVERNMENT OF SERBIA ARGUED
6 THAT THESE WERE PEOPLE WHO WERE IN FACT FROM THAT REGION, BUT IN
7 FACT WE BELIEVE THAT MANY OF THE PEOPLE WERE NOT, IN FACT, THEY
8 DID NOT ORIGINATE FROM BOSNIA.

9 THERE WERE APPROXIMATELY 80,000 TROOPS. ONE OF THEIR
10 PRIMARY ROLES WAS, BESIDES CERTAIN MILITARY ACTIONS, WHICH I CAN
11 DESCRIBE LATER, BUT WAS TO SEIZE WEAPONRY. IN THE FORMER
12 YUGOSLAVIA, THROUGHOUT ALL OF THE REPUBLICS, THEY HAD WHAT WERE
13 ESSENTIALLY CIVIL DEFENSE SYSTEMS WITHIN EACH TOWN OR AREA WHERE
14 THEY HELD WEAPONS TO PROTECT THEMSELVES FROM OUTSIDE, FROM
15 EXTERNAL THREATS. AND THESE WERE CALLED THE T.O.'S, OR
16 TERRITORIAL ODBRANA, WHICH MEANS TERRITORY DEFENSE UNITS.

17 THE T.O.'S WERE MEANT TO BE USUALLY HANDLED MUCH LIKE
18 WE WOULD HAVE DONE HERE DURING WORLD WAR II WHERE EACH TOWN HAD
19 A CIVIL DEFENSE STRUCTURE AND EVERYONE PARTICIPATED SOMEHOW, OR
20 THE LEADERSHIP OF THE TOWN PARTICIPATED IN DEVELOPING THAT.

21 ONE OF THE FIRST THINGS THAT HAPPENED WAS THEY
22 SEIZED -- THE JNA, THE MEMBERS OF THE JNA, SEIZED THE WEAPONS
23 WHICH INCLUDED BOTH LIGHT ARMS AND HEAVY ARTILLERY, HEAVY
24 WEAPONS, MORTARS, RPM'S, ROCKET PROPELLED GRENADES, RTPGO,
25 ROCKET PROPELLED GRENADES, ET CETERA, FROM THE T.O. WAREHOUSES.

1 AND IN FACT, AT ONE POINT, IZETBEGOVIC, WHO WAS PRESIDENT OF
2 BOSNIA HERZEGOVINA, GAVE PERMISSION TO THE JNA TO SEIZE SOME OF
3 THESE WEAPONS IN THE HOPES, WE THINK, TO STAVE OFF WAR IN BOSNIA
4 HERZEGOVINA. HE WAS HOPING THAT THE JNA WOULD NOT IN FACT
5 PROCEED WITH WAR; PERHAPS WASN'T READING THE FUTURE VERY WELL AT
6 THAT POINT, BUT WAS TRYING TO STAVE OFF CONFLICT.

7 Q. NOW, ANOTHER HALLMARK OF THE SYSTEMATIC NATURE OF THE ETHNIC
8 CLEANSING PROGRAM WAS THE COORDINATION BETWEEN MILITARY AND
9 CIVILIAN AUTHORITIES; ISN'T THAT CORRECT?

10 A. YES.

11 Q. AND THE CRISIS COMMITTEES THAT YOU'VE REFERRED TO PLAYED A
12 SIGNIFICANT ROLE IN THAT AS WELL; IS THAT CORRECT?

13 A. THAT IS CORRECT.

14 Q. CAN YOU EXPLAIN HOW THE CRISIS COMMITTEES WERE -- WHAT
15 COMPRISED THE CRISIS COMMITTEES AND HOW THEY OPERATED?

16 A. THERE WAS A SLIGHT VARIATION BETWEEN MUNICIPALITIES OR TOWNS
17 AND HOW THE CRISIS COMMITTEE -- WHO WAS ON THE CRISIS COMMITTEE
18 AND, IN PART, DEPENDED ON YOUR POSITION IN THE COMMUNITY. BUT,
19 GENERALLY SPEAKING, THERE WAS ALWAYS A PARTY MEMBER FROM THE SDS
20 IN CHARGE.

21 Q. AND THE SDS IS?

22 A. THE MAIN SERBIAN PARTY. WHO WAS PRESIDENT WAS RADOVAN
23 KARADZIC FROM PALE. AND SO THE SDS WAS INVOLVED, LOCAL POLICE
24 WERE INVOLVED, THE CHIEF OF POLICE WOULD HAVE BEEN AUTOMATICALLY
25 ON THE CRISIS COMMITTEE, CITIZENS OF INFLUENCE IN SOME CASES,

1 AND THE MILITARY AS WELL.

2 SO THIS WAS A COMMITTEE FORMED TO -- AND I SHOULD ALSO
3 MENTION SPECIAL POLICE OR RESERVE POLICE WHO KIND OF WENT BACK
4 AND FORTH BETWEEN MILITARY-TYPE AND POLICE-TYPE ROLES. BUT THE
5 CRISIS COMMITTEES WERE RESPONSIBLE FOR NOT ONLY ORCHESTRATING,
6 PLANNING THE ETHNIC CLEANSING IN THEIR PARTICULAR MUNICIPALITY,
7 IN THE PARTICULAR TOWN, BUT ALSO ALL OF THE VILLAGES AROUND THAT
8 TOWN. AND I THINK THAT IS VERY SIGNIFICANT, BECAUSE SOME OF
9 THOSE VILLAGES WERE MADE UP OF SOLELY ONE ETHNIC GROUP IN SOME
10 CASES, WHICH MEANT THAT THE ENTIRE VILLAGES WERE DESTROYED. BUT
11 THEY PLAYED -- THEIR ROLE WAS TO CARRY OUT THE ORDERS FROM PALE
12 IN A VERY SYSTEMATIC WAY.

13 THEY WERE SET UP WELL BEFOREHAND. THEY HAD AT THEIR
14 DISPOSAL THEN ALSO THE WEAPONS THAT THE JNA HAD TAKEN FROM THE
15 T.O.'S.

16 Q. AND THOSE CRISIS COMMITTEES, WHICH HAD BEEN FORMED
17 EXTRA-GOVERNMENTALLY YOU COULD SAY, PRIOR TO THE WAR FUNCTIONING
18 AS THE LOCAL GOVERNMENTS PRIOR TO THE OCCUPATION OF SERB
19 CONTROLLED AREAS IN BOSNIA HERZEGOVINA?

20 A. YES. OR DURING THE ACTUAL OCCUPATION IN FACT. YOU CAN SEE
21 HOW IT WAS PRE-PLANNED IN THE SENSE THAT WITHIN -- WELL, THE
22 CASE OF BOSANSKI SAMAC, FOR EXAMPLE. THE TOWN WAS TAKEN ON THE
23 17TH. THAT CRISIS COMMITTEE WAS FUNCTIONING RIGHT AWAY. THERE
24 WAS NO DELAY, IN OTHER WORDS, AND IN THE VAST MAJORITY OF CASES
25 IN TOWNS, THROUGHOUT SERB CONTROLLED AREAS, THERE WAS NO ARMED

1 RESISTANCE. IN OTHER WORDS, THESE WERE TOWNS WHERE THE PRIMARY
2 TARGETS WERE CIVILIANS, WHERE THERE WAS NO RESISTANCE OR VERY
3 LITTLE RESISTANCE. IT WASN'T AS IF IT WAS A BATTLE GROUND.

4 SO BASICALLY THESE CRISIS COMMITTEES HAD PLANNED WELL
5 IN ADVANCE, YOU COULD TELL BY HOW QUICKLY THEY TOOK OVER THE
6 ADMINISTRATION AND HOW THE LEGITIMATE AUTHORITIES OF THE TOWN,
7 AND IN SOME CASES THE SERBS ON THE COMMITTEES WERE -- HAD BEEN
8 ELECTED, BUT IN MANY CASES THEY HADN'T BEEN. AND THEY SHARED
9 THE RESPONSIBILITIES WITH BOSNIACS OR BOSNIAN MUSLIMS, CROATS,
10 AND OTHERS. BUT IT WAS VERY CLEAR THAT THEY IMMEDIATELY HAD
11 EVERYTHING PLANNED IN TERMS OF THE TAKE-OVER OF THE TOWN. IT
12 WAS VERY PRECISELY CARRIED OUT.

13 Q. AND THERE WAS COORDINATION BETWEEN GOVERNMENTS OF THE FORMER
14 YUGOSLAVIAN REPUBLICS AS WELL; IS THAT CORRECT?

15 A. YES.

16 Q. IF YOU COULD BRIEFLY EXPLAIN.

17 A. OKAY. WELL, IN TERMS OF PARTICULARLY THE JNA COMING IN AND
18 SEIZING THE WEAPONS AND THEN WORKING TOGETHER AND BEING SEEN
19 TOGETHER, HUNDREDS AND HUNDREDS OF TESTIMONIES WHERE THE JNA
20 FORCES AND THE SERBIAN PARAMILITARIES WHO HAD SPECIAL UNITS
21 OFTEN NAMED BY -- NAMED FOR THEIR COMMANDERS, ARKANOVCI, AFTER
22 RAZNATOVIC, WHO WAS A WELL-KNOWN SUSPECTED WAR CRIMINAL BY THE
23 NAME THAT WENT BY ARKAN. SO THESE UNITS WORKED WITH THESE MEN
24 AND GAVE, IN ESSENCE, KIND OF PLAUSIBLE DENIABILITY TO THE
25 GOVERNMENT OF SERBIA IN THE SENSE THAT THEY COULD SAY, WELL,

1 IT'S NOT OUR TROOPS DOING THESE THINGS, THESE ARE PEOPLE WHO ARE
2 JUST FREELANCERS COMING IN. BUT IT WAS VERY CLEAR THAT THAT WAS
3 ORGANIZED ALONG WITH THE CRISIS COMMITTEES.

4 IN FACT, WHAT WE LEARNED, AND WHAT I LEARNED ON MY OWN
5 INVESTIGATIONS, WAS THAT OFTENTIMES THERE WERE -- THERE WAS
6 PRE-PLANNING ABOUT THIS, AND THAT SOMETIMES THESE PARAMILITARY
7 GROUPS WERE ACTUALLY PAID BY THE LOCAL AUTHORITIES TO COME INTO
8 THE TOWN TO CONDUCT THE KIND OF -- TO KIND OF ACT AS THE SHOCK
9 TROOPS, SIMILAR IN SOME WAYS TO THE ON-SITES GROUP THAT OPERATED
10 DURING WORLD WAR II IN THAT THEY WERE THE ONES THAT CAME IN AND
11 CONDUCTED THE DIRTY BUSINESS OF THE ETHNIC CLEANSING, BUT THE
12 LOCAL AUTHORITIES WERE ALWAYS NEXT TO THEM POINTING OUT WHO WAS
13 WHO, AND WHICH HOUSES WERE BELONGED TO NON-SERBS. AND IN THE
14 CASE OF TOWNS, WHICH BUSINESSES BELONG TO NON-SERBS, ET CETERA.
15 SO THEY VERY MUCH WORKED HAND IN HAND.

16 Q. AND THE USE OR THE PARTICIPATION OF THE JNA FORCES INDICATED
17 COORDINATION BETWEEN OTHER GOVERNMENTS, BECAUSE AT THAT TIME THE
18 JNA WAS BEING CONTROLLED OUT OF THE GOVERNMENT OF SERBIA; IS
19 THAT CORRECT?

20 A. OH, VERY CLEARLY IT WAS AN INTERNATIONAL ARMED CONFLICT IN
21 NATURE BECAUSE OF THAT, BECAUSE OF THE PARTICIPATION. AND
22 PARTICULARLY, YOU KNOW, ONCE CROATIA AND BOSNIA HERZEGOVINA HAD
23 BEEN RECOGNIZED BY THE INTERNATIONAL COMMUNITY AS INDEPENDENT
24 STATES, AT THAT POINT, I MEAN, IT IS CLEARLY AN INTERNATIONAL
25 ARMED CONFLICT.

1 Q. AND CROATIA WAS RECOGNIZED AS AN INDEPENDENT STATE BY THE
2 INTERNATIONAL COMMUNITY?

3 A. YES, IT WAS.

4 Q. AT WHAT TIME?

5 A. IT WAS 1992, I BELIEVE. YEAH. I'M SORRY. 1991.

6 Q. AND BOSNIA HERZEGOVINA?

7 A. 1992.

8 Q. NOW, ANOTHER HALLMARK OF THE ETHNIC CLEANSING CAMPAIGN THAT
9 INDICATED ITS SYSTEMATIC NATURE IS THE CLEAR PATTERN AND
10 METHODOLOGY THAT WAS USED THROUGHOUT THE COUNTRY TO CARRY IT
11 OUT; IS THAT CORRECT?

12 A. YES.

13 Q. I WOULD LIKE TO ASK IF YOU CAN VERY BRIEFLY JUST IDENTIFY
14 AND BRIEFLY EXPLAIN WHAT SOME OF THE HALLMARKS OF THE ETHNIC
15 CLEANSING PROGRAM WERE IN TERMS OF THE ACTIVITIES THAT WERE
16 CARRIED OUT.

17 A. AS I NOTED BEFORE, WHAT WE'VE FOUND IN THE HUMAN RIGHTS
18 WATCH AND MANY OTHER ORGANIZATIONS, AS I HAVE NOTED, HAVE ALSO
19 FOUND, INCLUDING THE INTERNATIONAL CRIMINAL TRIBUNAL FOR THE
20 FORMER YUGOSLAVIA, WAS THAT THERE WAS A VERY CLEAR PATTERN OF
21 ETHNIC CLEANSING. NOW, IT DIDN'T HAPPEN NECESSARILY IN THIS
22 ORDER IN EVERY PLACE, BUT GENERALLY SPEAKING THERE WAS INITIALLY
23 A MILITARY-TYPE ASSAULT ON A TOWN IN ORDER TO TERRORIZE AND
24 FRIGHTEN THE RESIDENTS; THAT THEY WERE ESSENTIALLY UNDER SIEGE,
25 THE NON-SERB RESIDENTS, THAT IS, BY MEMBERS OF THE BOSNIAN SERB

1 FORCES TOGETHER WITH MEMBERS OF THE JNA, AND THE PARAMILITARY
2 FORCES AS WELL. AND THE IMPORTANT THING HERE IS THAT THERE WAS
3 NO BATTLE PER SE. THERE WAS NO ARMED RESISTANCE.

4 SO IT WOULD BEGIN PERHAPS WITH SHELLING OF THE TOWN,
5 AND THEN THE ENTRANCE INTO THE TOWN OF TANKS AND TROOPS, ET
6 CETERA. THEN THAT WAS FOLLOWED ALSO -- I WILL TRY TO BE BRIEF
7 HERE. THAT WAS FOLLOWED BY OFTEN THE IMMEDIATE
8 IDENTIFICATION -- LISTS WERE PREPARED IN ADVANCE OF MANY
9 CASES -- OF THOSE INDIVIDUALS -- THEY WANTED TO BREAK THE BACKS
10 ESSENTIALLY OF THE NON-SERB COMMUNITY, AND THE WAY THAT THEY DID
11 THAT WAS THEY IDENTIFIED THE LEADERSHIP WITHIN THE COMMUNITIES.
12 SO --

13 THE COURT: LET ME ASK YOU A QUESTION. I DON'T QUITE
14 UNDERSTAND WHY IT WAS NECESSARY TO SHELL THE TOWNS, AS YOU'VE
15 DESCRIBED, IF THE JNA WAS WORKING WITH THE LOCAL AUTHORITIES.

16 THE WITNESS: WELL, THEIR PURPOSE WAS TO TAKE OVER
17 THE TOWN. AND THEN THEY ALSO, I THINK, TRY TO ARGUE WITH THE
18 INTERNATIONAL COMMUNITY THAT THERE WAS SOME KIND OF BATTLE, WHEN
19 IN FACT THERE REALLY WAS NO BATTLE. BUT THE PRIMARY REASON I
20 BELIEVE WAS TO TERRIFY -- THEY WOULD IDENTIFY CERTAIN
21 NEIGHBORHOODS, FOR EXAMPLE, THAT WERE PREDOMINANTLY MUSLIM, OR
22 PREDOMINANTLY CATHOLIC, WHATEVER, AND IDENTIFY THE RESIDENTS OF
23 THE TOWN AND FRIGHTEN THEM INTO FLEEING, THAT THEY BELIEVED THEY
24 WERE UNDER SIEGE AND, THEREFORE, WERE BEING ATTACKED. AND THAT
25 WAS THE FIRST STEP TOWARD GETTING PEOPLE TO FLEE FOR THEIR

1 LIVES.

2 THE COURT: SO THE SHELLING WOULD BE OF THOSE AREAS,
3 NOT OF AN ENTIRE TOWN NECESSARILY?

4 THE WITNESS: RIGHT. CORRECT. THEY DIDN'T SHELL
5 THEIR OWN, RIGHT. THEY HAD A PLAN OF HOW THEY WOULD SHELL.
6 PRECISELY.

7 BY MR. SONDHEIMER:

8 Q. THEN TYPICALLY THOSE ATTACKS WERE FOLLOWED BY ROUNDING UP OF
9 POLITICAL AND OTHER PUBLIC LEADERS, BUSINESS LEADERS --

10 A. YES.

11 Q. -- OF THE MUSLIM RELIGION? CATHOLIC RELIGION?

12 A. BUSINESS LEADERS, CLERGY. ANYONE WHO HELD AN OFFICIALLY
13 ELECTED POSITION. THE POLICE WERE IMMEDIATELY REMOVED FROM
14 THEIR POSITIONS AND OFTEN DETAINED -- NON-SERB POLICE THAT IS.
15 SO THAT THERE WAS DEFINITELY -- AND SOMETIMES IN SOME CASES,
16 SUCH AS THE CASE THAT I WORKED ON, ONE OF THE THINGS THAT WE
17 DOCUMENTED WAS PRE-PLANNING TO THE EXTENT THAT THEY DISAPPEARED,
18 SOME LEADERS OF THE COMMUNITY, OR DETAINED THEM BEFORE THEY
19 BEGAN THIS PATTERN THAT I AM DESCRIBING.

20 SO THAT A COUPLE OF WEEKS AHEAD OF TIME SOME MEN MIGHT
21 SHOW UP IN A BLACK MERCEDES WITHOUT PLATES AND KNOCK ON A
22 DOOR -- I KNOW IN THE CASE OF A MAN NAMED NEDA FLEMPAVIC
23 (PHONETIC) IN KLJUC, WHICH IS A TOWN IN BOSNIA-CONTROLLED
24 TERRITORY, A COUPLE OF WEEKS BEFORE THE ACTUAL PUSH FOR ETHNIC
25 CLEANSING IN THAT AREA, THEY SHOWED UP AT HIS DOOR, AND THEY

1 JUST TOOK HIM AWAY, AND HE WAS NEVER SEEN AGAIN.

2 AND IN ANOTHER CASE, A CATHOLIC PRIEST AND HIS PARENTS
3 WERE PLACED UNDER HOUSE ARREST. THEY WERE VISITED BY THE
4 INTERNATIONAL COMMITTEE OF THE RED CROSS, AND IN THE MIDDLE OF
5 THE NIGHT ONE NIGHT PEOPLE CAME AND JUST TOOK THEM AWAY. THIS
6 PRIEST HAD BEEN SOMEWHAT OUTSPOKEN ON THE ISSUE OF HUMAN RIGHTS,
7 AND WAS THE LAST REMAINING PRIEST IN THIS PARTICULAR AREA. SO
8 THERE WAS A LOT OF "MOUTHS AFORETHOUGHT" ONE MIGHT SAY. BUT,
9 YES, IT WAS TO ROUND THEM UP, TO BREAK THE LEADERSHIP UP; JUST
10 IN CASE SOME RESISTANCE COULD BE ORGANIZED THEY CAN DECREASE THE
11 POSSIBILITY OF THAT.

12 AND ALSO TO TERRORIZE FURTHER THE POPULATION BECAUSE,
13 IF YOU SEE YOUR LEADERS, YOUR CLERICS, YOUR BUSINESS OWNERS,
14 ANYONE OF INFLUENCE BEING SUMMARILY EXECUTED OR TAKEN AWAY TO
15 DETENTION, THIS CREATES NATURALLY, WITHIN THE POPULATION, A
16 GREAT FEAR OF WHAT IS GOING TO HAPPEN NEXT, AND HOW CAN WE
17 POSSIBLY REMAIN HERE, THAT OUR COMMUNITY IS BEING DESTROYED.

18 Q. I WILL ASK YOU ABOUT THIS LATER, BUT WE HAVE HEARD QUITE A
19 BIT ABOUT THE USE OF DETENTION OF MUSLIM CIVILIANS AND ABUSES
20 THAT WERE CARRIED OUT, IN LEAST IN THIS CASE, IN BOSANSKI
21 SAMAC. AND WAS THAT A PATTERN ALSO THAT WAS REPEATED THROUGHOUT
22 BOSNIA HERZEGOVINA AS PART OF THE ETHNIC CLEANSING CAMPAIGN?

23 A. YES. IT MOST DEFINITELY IS A VERY SIGNIFICANT PART OF THE
24 ETHNIC CLEANSING CAMPAIGN, IS THAT PARTICULARLY FIRST LEADERSHIP
25 THAT DRAFT-AGE MALES WERE IMMEDIATELY OFTENTIMES EITHER

1 SUMMARILY EXECUTED OR TAKEN INTO DETENTION, SEPARATED FROM THEIR
2 FAMILIES. AND WOMEN AND CHILDREN WERE THEN OFTEN TAKEN AWAY AND
3 PLACED INTO WHAT WE CALLED VILLAGE GHETTOS WHERE THEY WOULD THEN
4 BE GUARDED AND PREVENTED FROM LEAVING.

5 IN OTHER CASES THEY WERE ACTUALLY BUSSED OUT OF THE
6 TERRITORY OR, IN SOME CASES, FORCED TO CROSS THE FRONT LINES,
7 DEPENDING ON WHERE THEY WERE LOCATED. SO IT WAS A VERY CRITICAL
8 COMPONENT OR ELEMENT, YOU MIGHT SAY, OF ETHNIC CLEANSING.

9 Q. AND ANOTHER ESSENTIAL ELEMENT, WAS IT NOT, THAT THE CIVILIAN
10 POPULATIONS IN CERTAIN AREAS WERE CONFINED TO ESSENTIALLY
11 GHETTOS?

12 A. YES.

13 Q. VERY BRIEFLY EXPLAIN THAT.

14 A. YES. WHAT THEY TRY TO DO WAS TO -- THIS WAS PARTLY TO
15 TERRORIZE THE COMMUNITY FURTHER; BUT ALSO TO SEPARATE THE
16 DRAFT-AGE MALES FROM THE REST OF THE POPULATION SO WOMEN,
17 CHILDREN, AND THE ELDERLY WERE OFTEN FORCED FROM THEIR HOMES AND
18 THEN CONFINED TO ONE AREA, ONE VILLAGE. THEY WOULD USUALLY
19 CHOOSE A VILLAGE, THEN SURROUND IT AND PREVENT FREEDOM OF
20 MOVEMENT. OCCASIONALLY THEY WOULD LET WOMEN GO AND BUY BREAD
21 FROM THE BAKERY OR SOMETHING LIKE THAT. BUT THESE VILLAGE
22 GHETTOS WERE VERY FRIGHTENING PLACES BECAUSE OFTEN YOUNG WOMEN
23 WERE TAKEN FROM THESE VILLAGES AND WERE RAPED, PEOPLE WERE
24 ENTERING -- FORCES WERE ENTERING THE VILLAGE AND TAKING YOUNG
25 WOMEN AWAY OR, IN SOME CASES, YOUNG MEN, BOYS, SOMETIMES TAKEN

1 OUT.

2 AND THEN THERE WAS A PROCESS OF ORGANIZATION OF HOW TO
3 REMOVE THE PEOPLE FROM THE TERRITORY ALL TOGETHER, TO FORCE THEM
4 FROM BOSNIAN SERB TERRITORY. SOMETIMES VERY ORGANIZED WITH
5 BUSES, FORMAL TRANSPORT ORGANIZED, OTHER TIMES THERE WERE
6 CONVOYS WHERE PEOPLE WERE FORCED OUT OF TOWNS IN CONVOYS, WHERE
7 THEY WERE PUSHED, AND THEN SOMETIMES TAKEN TO THE FRONT LINES
8 AND FORCED TO WALK ACROSS THE FRONT LINES. BUT THESE GHETTOS
9 WERE STRICTLY CONTROLLED AREAS.

10 Q. AND FORCED DISPLACEMENT WAS ALSO A COMMON FEATURE OF -- --

11 A. YES.

12 Q. -- A PATTERN THAT WAS USED TO CARRY OUT THAT ETHNIC
13 CLEANSING?

14 A. YES. THEY CONCENTRATED THE PEOPLE, ESSENTIALLY, IS WHAT
15 THEY DID, AND THEN DEPORTED THEM. AND ONE THING THAT IS
16 IMPORTANT ABOUT THIS IS, IN TERMS OF ESCAPE, SOME PEOPLE WERE
17 ABLE, DEPENDING ON WHERE THEY LIVED IN THESE TERRITORIES, WERE
18 ABLE TO ESCAPE OR TO PAY SOMEONE TO GET THEM TO THE BORDER OR
19 WHATEVER. BUT THE VAST MAJORITY OF PEOPLE, THE ROADS WERE ALL
20 CONTROLLED BY THE BOSNIAN SERB, WERE JNA FORCES. AND SO THERE
21 WAS NO WAY TO GET OUT UNLESS YOU COULD SWIM ACROSS THE SAVA
22 RIVER. PEOPLE WERE LITERALLY DOING THAT. OR TRYING TO FIND
23 WAYS. BUT THERE WERE FEW METHODS OF ESCAPE, SO NON-SERBS WERE
24 GENERALLY REALLY CAUGHT WITHIN THE TERRITORY.

25 Q. THE SAVA RIVER IS THE RIVER THAT BORDERS --

1 A. CROATIA.

2 Q. BORDERS BOSANSKI SAMAC?

3 A. YES. AND OTHER TOWNS.

4 Q. WOULD YOU MIND INDICATING THAT ON THE MAP FOR THE COURT?

5 A. THE SAVA FLOWS HERE.

6 Q. THANK YOU. AND THEN AGAIN, VERY BELIEF, THERE WAS A PATTERN

7 OF TERRORIZATION OF THE CIVILIAN POPULATION AS WELL AND

8 ESSENTIALLY ENSLAVEMENT THROUGH SEXUAL ASSAULT AND FORCED LABOR,

9 PATTERNS OF DISCRIMINATION? IF YOU COULD EXPRESS YOUR ANSWER

10 VERBALLY.

11 A. YES. YES.

12 Q. DISCRIMINATION AGAINST THE MUSLIM POPULATION THAT REMAINED

13 IN THE AREA?

14 A. AND CROAT AND OTHER NON-SERBS TOO. FOR EXAMPLE ROMA,

15 COMMONLY KNOWN AS GYPSIES, BUT MORE CORRECTLY ROMA.

16 Q. AND WAS THE PILLAGE AND DESTRUCTION OF CIVILIAN PROPERTY AS

17 WELL AS A COMMON FEATURE OF ETHNIC CLEANSING AS WAS CARRIED OUT

18 THROUGHOUT THE COUNTRY?

19 A. VERY COMMON. IN FACT, I THINK OFTEN THAT WAS PART OF THE

20 MOTIVATION, WAS TO EXPROPRIATE THE PROPERTY OF NON-SERBS, DOWN

21 TO THE FURNITURE IN PEOPLE'S HOUSES. AND SOMETIMES WE EVEN

22 DOCUMENTED WHERE THERE WERE SO-CALLED HUMANITARIAN LEADERS

23 APPOINTED FOR EACH VILLAGE AREA, FOR EXAMPLE, AND THEY WERE

24 ACTUALLY WORKING FOR THE AUTHORITIES, AND PART OF THEIR JOB WAS

25 IN FACT TO IDENTIFY WHAT PEOPLE HAD IN THEIR HOUSES;

1 REFRIGERATORS, TELEVISIONS, FURNITURE, JEWELRY, CASH, THIS TYPE
2 OF THING, SO THAT THEY KNEW WHEN THEY WENT INTO A VILLAGE WHO
3 HAD WHAT. AND SOMETIMES YOU EVEN HAVE PEOPLE COMING WITH VANS
4 TO TAKE THINGS AWAY A COUPLE OF DAYS AHEAD OF TIME BEFORE THEY
5 ACTUALLY ETHNICALLY CLEANSED THE VILLAGE.

6 BUT THE EXAPPROPRIATION OF NON-SERB OWNED PROPERTY, IT
7 WAS A HIGHLY LUCRATIVE METHODOLOGY, ETHNIC CLEANSING, BECAUSE --
8 AND THIS IS SOMETHING I HAVE WRITTEN EXTENSIVELY ABOUT. THERE
9 WAS OFTEN AN ECONOMIC MOTIVATION AS WELL, AND THAT THE POLITICAL
10 AGENDA WAS THERE, BUT ALL THE SERBS, NON-SERBS, WERE STRIPPED OF
11 THEIR PROPERTY, EVERYTHING FROM PERMANENT BUSINESS OWNERS, THEIR
12 BUSINESSES JUST TAKEN AWAY IMMEDIATELY AND TAKEN OVER BY SERBS,
13 DOWN TO WOMEN WHO HAD REMOVED THEIR WEDDING RINGS AND WHO WERE
14 LITERALLY STRIP-SEARCHED AND THEIR BODY CAVITIES SEARCHED ON THE
15 WAY OUT TO SEE IF THEY HAD ANY JEWELRY OR CASH. AND THIS WAS
16 PART OF THE WAY, TOO, THAT THESE PARAMILITARIES WERE PAID FOR
17 WHAT THEY WERE DOING. IN ESSENCE, THAT THERE WAS A DEAL BETWEEN
18 THE LOCAL AUTHORITIES AND THE PARAMILITARIES THAT LOOTING WOULD
19 BE CONDUCTED, THAT THAT COULD CARRY OFF A LOT.

20 BUT IN FACT, THERE WAS EVEN AN ORDER ISSUED THAT HUMAN
21 RIGHTS WATCH OBTAINED, I THINK IT WAS THE BOSANSKI SAMAC, WHERE
22 ANYTHING THAT WAS TAKEN HAD TO BE TURNED OVER TO THE CRISIS
23 COMMITTEE. SO THERE -- IT WAS VERY CLEARLY THAT THERE WAS AN
24 ECONOMIC MOTIVE OF SHEER ROBBERY AND MISAPPROPRIATION.

25 Q. SO THE LOOTING OF PROPERTY WAS FORMALIZED IN SOME WAY IN

1 BOSANSKI SAMAC?

2 A. YES. AND IN OTHER AREAS WHERE WE ACTUALLY DOCUMENTED THAT
3 IN BANJA LUKA, FOR EXAMPLE, WHERE -- AND I HAVE AN ORIGINAL COPY
4 OF THIS, BY THE WAY, WHICH THE HAIGE HAS RIGHT NOW. I DON'T
5 HAVE IT HERE WITH ME. BUT THEY CONDUCTED A FORMAL SURVEY OF
6 PROPERTY DOWN TO THE LIVESTOCK THAT YOU HAD, THE FURNITURE THAT
7 YOU HAD, ET CETERA, AND ONLY NON-SERBS HAD TO FILL OUT THESE
8 FORMS. AND THEN YOU HAD TO TURN IN THE FORMS TO THE MUNICIPAL
9 AUTHORITIES SO THAT THEY WOULD BASICALLY KNOW WHO HAD WHAT.

10 AND THEY ALSO TOOK OVER, I THINK THIS IS IMPORTANT,
11 BECAUSE FOR CENTURIES THERE WERE AREAS OF LAND WITHIN SOME OF
12 THE TOWNS THAT BELONGED TO THE MUSLIM COMMUNITY, FOR EXAMPLE, OR
13 BELONGED TO THE PEOPLE AS A KIND OF COMMONS AREA, I GUESS YOU
14 COULD SAY. AND THAT THESE LANDS WERE TAKEN. AND SO THAT WASN'T
15 RESPECTED EITHER. WHEREAS FOR CENTURIES PEOPLE HAD NOT
16 DISTURBED THOSE AREAS.

17 Q. AND AGAIN, VERY BRIEFLY, IF YOU CAN IDENTIFY THE ROLE THAT
18 FORCE LABOR PLAYED IN ETHNIC CLEANSING AS WAS CARRIED OUT
19 THROUGH BOSNIA.

20 A. I WILL TRY TO BE BRIEF ABOUT THIS. THIS IS SOMETHING THAT I
21 PERSONALLY FEEL IS VERY IMPORTANT BECAUSE IT WAS SERIOUSLY
22 UNDER-DOCUMENTED, I THINK, IN MY OPINION, DURING THE WAR. AND
23 IT AFFECTED BOTH MEN AND WOMEN AND, IN SOME CASES, CHILDREN.
24 BUT MEN IN PARTICULAR, WHEN THEY WERE SEPARATED FROM THEIR
25 FAMILIES, WERE TAKEN INTO THE DETENTION, WERE USED AS FORCE

1 LABORERS TO PERFORM MANY FUNCTIONS, MOST DANGEROUS OF WHICH WAS
2 TO DIG TRENCHES UNDER VERY HARSH CONDITIONS AT THE FRONT LINES
3 IN THE LINE OF FIRE. IN OTHER WORDS, THEY WERE BEING USED AS
4 HUMAN SHIELDS FOR THE SERB FORCES.

5 SO THAT IN SOME CASES MEN REPORTED THAT THEY WERE ABLE
6 TO TALK TO THE OTHER SIDE AND SAY, HEY, YOU KNOW, I'M A MUSLIM.
7 DON'T SHOOT ME. OKAY. THEY WERE THAT CLOSE TO THE FRONT LINE
8 SOMETIMES. BUT THEY WEREN'T GIVEN PROPER GEAR. SOMETIMES THEY
9 WERE TAKEN LITERALLY OFF THE STREET. THERE WERE VANS THAT WERE
10 ROAMING AROUND, OR POLICE VEHICLES WERE ROAMING AROUND, AND THEY
11 WOULD STOP PEOPLE ON THE STREET AND ASK FOR IDENTIFICATION. AND
12 IF YOU WERE NON-SERB YOU COULD BE JUST TAKEN OFF THE STREET LIKE
13 THAT, AND YOUR FAMILY NEVER NOTIFIED. AND YOU COULD DISAPPEAR
14 FOR DAYS, WEEKS, OR EVEN MONTHS AT A TIME.

15 ALSO THERE WERE ALL KINDS OF FORCED LABOR, WHAT THEY
16 CALLED WORKING OBLIGATIONS. BUT UNDER THE GENEVA CONVENTIONS
17 THEY WERE VIOLATIONS BECAUSE YOU ARE NOT PERMITTED, UNDER THE
18 GENEVA CONVENTIONS, TO FORCE PEOPLE TO PERFORM LABOR THAT IS
19 DISCRIMINATORY IN NATURE, OR WHERE YOU ARE NOT BEING PAID FOR
20 YOUR LABOR, OR WHERE YOU ARE NOT BEING ASKED TO DO SOMETHING
21 THAT IS CONSISTENT WITH YOUR NORMAL OCCUPATION. BUT FORCED
22 LABOR WAS USED BOTH TO TERRORIZE A POPULATION, ALSO TO HUMILIATE
23 PEOPLE. SO UNIVERSITY PROFESSORS, FOR EXAMPLE, WOULD BE FORCED
24 TO CLEAN THE STREETS. WOMEN, CHRISTMAS DAY DURING MASS, IN
25 FACT, IN ONE CASE IN A TOWN NEAR BANJA LUKA, A TRUCK PULLED UP,

1 WOMEN WERE ON THEIR WAY TO MASS, THEY WERE LITERALLY PUT ON THE
2 TRUCK. THEY WERE DRESSED FOR MASS. AND TAKEN TO A FIELD TO DIG
3 POTATOES WITH THEIR BARE HANDS.

4 PEOPLE WERE FORCED TO WORK IN A FISH HATCHERY IN A
5 RIVER, IT WAS FREEZING COLD, THEY WERE WEREN'T GIVEN THE PROPER
6 BOOTS.

7 THE CONDITIONS AT THE FRONT LINES WERE PARTICULARLY
8 DIFFICULT. SOMETIMES THE SERB SOLDIERS WOULD SHARE THEIR FOOD
9 WITH THE DETAINEES, THE FORCED LABORERS, OTHER TIMES NOT. AND
10 AS LATE, AFTER THE DATE AN AGREEMENT WAS SIGNED, AND I WILL
11 NEVER FORGET THIS, I WAS NEAR BANJA LUKA, WHICH HAD BY THEN
12 BECOME PART, AS PART OF THE DAYTON AGREEMENT, REALLY PART OF THE
13 REPUBLIKA SRPSKA, AND I WAS THERE, AND I WAS CONTACTED BY THE
14 DIOCESE, THE CATHOLIC DIOCESE, AND FOUND OUT THERE WERE STILL
15 MEN BEING HELD IN FORCED LABOR IN APRIL OF 1996, WHICH IS MORE
16 THAN FOUR MONTHS AFTER THE DATE THE AGREEMENT WAS SIGNED.

17 AND I PERSONALLY HAD TO HELP ONE CROAT MAN GET OUT OF
18 THE TERRITORY, BECAUSE HE WAS SO TERRIFIED STILL, AND HE HADN'T
19 SEEN HIS FAMILY IN EIGHT MONTHS. HE HAD BEEN HELD IN FORCED
20 LABOR. AND IN FACT, WE HAD INTERVIEWED THAT SAME FAMILY,
21 IRONICALLY, EIGHT MONTHS BEFORE. AND SO I TOOK HIM TO HIS HOME,
22 AND HE WAS REUNITED WITH HIS WIFE AND EIGHT-MONTH-OLD DAUGHTER.

23 SO IT WAS JUST KIND OF ASTOUNDING THAT -- BUT MANY
24 PEOPLE DESCRIBED THE FORCED LABOR AS BEING ONE OF THE WORST
25 EXPERIENCES OF THE ENTIRE PROCESS. THEY WERE TERRIFIED OF BEING

1 PICKED UP OFF THE STREET, OF BEING KILLED AT THE FRONT LINES,
2 AND THE FACT THAT THEIR FAMILY HAD NO IDEA WHAT HAD HAPPENED TO
3 THEM. THEY JUST SIMPLY DISAPPEARED, AND MANY OF THEM NEVER CAME
4 BACK.

5 Q. THANK YOU. YOU'VE EXPLAINED THESE FEATURES OF ETHNIC
6 CLEANSING WERE REPEATED THROUGHOUT THE COUNTRY. CAN YOU EXPLAIN
7 HOW YOU'VE BEEN ABLE TO COME TO THAT CONCLUSION?

8 A. YES. WELL, BY REVIEWING A NUMBER OF THE REPORTS, AS I
9 MENTIONED PREVIOUSLY, BUT ALSO THROUGH THE WORK OF HUMAN RIGHTS
10 WATCH AND THE MANY REPORTS THAT HAVE BEEN DONE. ONE REPORT I
11 DID IN PARTICULAR WHERE I DOCUMENTED I THINK IT WAS SEVERAL
12 MUNICIPALITIES AND AT LEAST 13 OR 14 VILLAGES WHERE I PERSONALLY
13 DOCUMENTED, WENT TO EACH VILLAGE AND DOCUMENTED, AND FOUND THAT
14 THE PROCESS DESCRIBED BY PEOPLE WAS THE SAME.

15 AND THEN I WENT TO THE AREA WHERE A LOT OF PEOPLE HAD
16 FLED, BUT THEN IT HAD BEEN TAKEN BACK BY THE BOSNIAN ARMY FROM
17 SARAJEVO, SO THAT IS HOW I WAS ABLE TO GET INTO THE AREA
18 IMMEDIATELY AFTER THE ETHNIC CLEANSING HAD OCCURRED AND GET
19 PRETTY FRESH TESTIMONIES.

20 BUT THEN I ALSO WENT INTO CENTRAL BOSNIA, AND I
21 INTERVIEWED PEOPLE WHO HAD BEEN EXPELLED FROM THE AREA DURING A
22 KIND OF FINAL PUSH OF ETHNIC CLEANSING, AND THEIR STORIES
23 CORROBORATED VERY MUCH THE STORIES THAT I RECEIVED. BUT HUMAN
24 RIGHTS WATCH PRODUCED NUMEROUS REPORTS OF THE ONGOING, BECAUSE
25 AFTER THE CAMPS WERE CLOSED, SOME OF THEM WERE OPENED LATER FOR

1 REUSE FOR CERTAIN PERIODS OF TIME. BUT AFTER THE MEDIA
2 ATTENTION ON THE DETENTION CAMPS WANED AND THE SERBS KIND OF GOT
3 WISE TO THE IDEA THAT JOURNALISTS WERE GOING TO BE EXPOSING
4 ABUSES, SO THEY STOPPED ALLOWING JOURNALISTS TO COME INTO THESE
5 AREAS. SO IT WAS VERY DIFFICULT SOMETIMES TO GET DOCUMENTATION.

6 BUT THROUGH INTERVIEWING REFUGEES AND THROUGH GETTING
7 INTO THE AREAS WHERE WE COULD, WE WERE ABLE TO CONTINUE TO
8 DOCUMENT THE PATTERN, AND DOCUMENTED THIS PATTERN REPEATEDLY.
9 THAT THE TOWNS JUST LISTED IN THESE TWO VOLUMES, AND THEN IN ALL
10 OF THE ADDITIONAL REPORTS THAT WE PRODUCED, MANY DOZENS OF
11 EXAMPLES. AND THESE ARE SUPPORTED ALSO BY THE DEPARTMENT, THE
12 STATE DEPARTMENT REPORTS, THE COMMISSION OF EXPERTS, THE
13 INTERNATIONAL CRIMINAL TRIBUNAL, ET CETERA.

14 Q. IN ALL OF THOSE TOWNS, THE NEARLY IDENTICAL PATTERN OF
15 ETHNIC CLEANSING WAS CARRIED OUT FROM WHAT YOU'VE DESCRIBED?

16 A. YES. AND I DID FAIL TO MENTION SEXUAL ASSAULT, WHICH I
17 THINK PROBABLY, YOUR HONOR, AND THE COURT IS FAMILIAR WITH MANY
18 OF THE MEDIA REPORTS THAT CAME OUT PERTAINING TO THE RAPE OF
19 WOMEN, THAT THAT WAS A VERY COMMON PART. BUT ONE THING THAT
20 HASN'T GOTTEN A LOT OF ATTENTION WAS THE SEXUAL ASSAULT OF MEN,
21 AND PARTICULARLY IN DETENTION.

22 SEXUAL ASSAULT WAS A COMMON FEATURE OF MISTREATMENT IN
23 DETENTION, EITHER BY FORCING DETAINEES TO PERFORM SEXUAL ACTS
24 UPON ONE ANOTHER, AND PARTICULARLY IN SOME CASES FAMILY MEMBERS,
25 BROTHERS, FOR EXAMPLE, IN ORDER TO PARTICULARLY HUMILIATE

1 PEOPLE.

2 THIS IS SOMETHING THAT IS VERY HARD, OBVIOUSLY, FOR
3 WOMEN AND MEN TO TALK ABOUT BECAUSE OF THE STIGMA THAT IS
4 ATTACHED. AND SO I THINK NOT AS MANY STORIES WERE PUBLICIZED
5 ABOUT MEN. BUT WITH SOME OF THE THINGS THAT WERE DESCRIBED BY
6 THE PLAINTIFFS IN TERMS OF WHAT THEY OBSERVED OR -- AND HUMAN
7 RIGHTS WATCH ALSO DOCUMENTED, AND SPECIFICALLY IN BOSANSKI SAMAC
8 IN DETENTION, SEXUAL ASSAULT OF MEN IN DETENTION.

9 Q. SO THAT WAS A COMMON FEATURE, NOT ONLY IN BOSANSKI SAMAC,
10 BUT LIKEWISE CARRIED OUT THROUGHOUT THE COUNTRY?

11 A. YES.

12 Q. AND HOW DID DETENTION AND THE ABUSES IN DETENTION OF
13 CIVILIANS FIT IN WITH THE ETHNIC CLEANSING CAMPAIGN?

14 A. WELL, IT WAS PART AND PARCEL THE ETHNIC CLEANSING CAMPAIGN
15 IN THAT THE SENSE WAS TO EITHER FRIGHTEN PEOPLE INTO LEAVING OR
16 TO ACTUALLY PHYSICALLY FORCE THEM TO LEAVE, TO PUSH THEM OUT.
17 AND SO THIS TERRORIZATION WAS ALL PART OF THE IDEA TO CREATE AN
18 ETHNICALLY PURE TERRITORY BY WHATEVER MEANS NECESSARY.

19 Q. DID DETENTION HELP FACILITATE CONTROL OF THE AREAS THAT WERE
20 TAKEN OVER AS WELL?

21 A. WELL, MOST DEFINITELY. BECAUSE IT, AGAIN, BROKE THE
22 COMMUNITY, IT SEPARATED FAMILIES, WHICH WAS HIGHLY HIGHLY
23 TRAUMATIZING, OBVIOUSLY, FOR EVERYONE CONCERNED. SO THAT
24 EVERYONE GOT THE SENSE OF AS MUCH AS THEY WANTED, AND THERE WERE
25 PEOPLE WHO STEADFASTLY WANTED TO REMAIN IN THEIR HOMES. THEY

1 DIDN'T WANT TO GO. AND YOU TALK TO A LOT OF PEOPLE NOW, THEY
2 STILL WANT TO GO BACK. THIS IS THEIR HOME. AND YET THEY GOT TO
3 THE POINT WHERE, FIRST OF ALL, THAT THE TERRORIZATION IN THE
4 BEGINNING AND EVERYTHING THAT HAPPENED IN THE BEGINNING WAS
5 ENOUGH TO MAKE A LOT OF PEOPLE WANT TO GO, OR THEY DIDN'T HAVE
6 ANY CHOICE AND THEY WERE FORCED OUT, THEY WERE PHYSICALLY TAKEN
7 OUT.

8 BUT THE DETENTION WENT ON AFTER THE CAMPS WERE CLOSED,
9 AFTER 1992. THERE WAS STILL ARBITRARY RESIDENT DETENTION
10 HAPPENING ALL THE TIME. AND THERE WERE PERIODIC, IT EBBED AND
11 FLOWED BASICALLY, WHEN THE BOSNIAN SERB ARMY, AIDED BY THE
12 SERBIAN PARAMILITARIES AND JNA, WHEN THEY DECIDED NOT ENOUGH
13 PEOPLE WERE LEAVING FAST ENOUGH, THEY WOULD UP THE TERROR,
14 BASICALLY; INCREASED THE PRESSURE ON PEOPLE TO FORCE THEM TO
15 LEAVE.

16 AND THEN AT OTHER TIMES, IRONICALLY, THEY WOULD HOLD
17 PEOPLE BACK FROM LEAVING. THEY WOULD PREVENT THEM FROM
18 LEAVING. IN SOME CASES THIS WAS TO USE THEM FOR FORCED LABOR.
19 IN OTHER CASES IT WAS TO USE THEM IN EXCHANGES. AND THIS IS A
20 VERY SERIOUS VIOLATION OF INTERNATIONAL LAW, THE HOLDING OF
21 HOSTAGES. AND CIVILIANS, WOMEN INCLUDED, BUT OFTENTIMES
22 DRAFT-AGE MALE CIVILIANS WERE BEING HELD SPECIFICALLY SO THAT
23 THE SERBS WOULD HAVE BARGAINING CHIPS, OR WOULD HAVE PEOPLE TO
24 EXCHANGE FOR SERB SOLDIERS WHO HAD BEEN CAPTURED AND WHO WERE
25 BEING HELD BY THE OTHER SIDE. SO THAT WAS SOMETHING THAT WAS

1 CONSTANTLY ONGOING. AND THE PRACTICE OF EXCHANGING LIVE PERSONS
2 FOR DEAD BODIES WAS QUITE COMMON. VERY VERY DIRTY BUSINESS
3 INDEED.

4 Q. AND WAS IT YOUR VIEW THAT THE TERRORIZATION OF DETAINEES,
5 CIVILIAN DETAINEES, WAS CONSISTENT WITH OTHER METHODS OF TERROR
6 THAT WERE USED IN PERPETRATING ETHNIC CLEANSING IN ORDER TO
7 DISSUADE PEOPLE EVENTUALLY FROM RETURNING TO BOSNIA?

8 A. YES. MOST DEFINITELY IN GENERAL, AND ALSO SPECIFICALLY IN
9 THE SENSE THAT OFTENTIMES WHEN PEOPLE WERE BEATEN OR MISTREATED
10 IN DETENTION OR TORTURED, SEXUALLY ASSAULTED, THEY WERE CHOSEN,
11 THEY WERE SELECTED. SO THAT THEY WOULD COME INTO A ROOM AND
12 CALL A PARTICULAR NAME. BUT THEN YOU NEVER KNEW WHETHER YOU
13 WERE GOING TO BE SAFE OR NOT, SO YOU TRIED TO MAKE YOURSELF AS
14 INCONSPICUOUS AS POSSIBLE. YOU TRIED TO FOLLOW WHATEVER RULES
15 HAD BEEN LAID OUT AS WELL AS YOU COULD JUST TO SURVIVE.

16 THE THING WAS, IT CAN HAPPEN ANY TIME IN THE DAY OR
17 NIGHT THAT SOMEONE CAN COME IN, SOMEONE CAN START SHOOTING
18 AROUND A ROOM IN A DETENTION AREA, OR TAKE SOMEBODY OUT IN THE
19 YARD AND BEAT THEM, OR FORCIBLY REMOVE THEIR TEETH, OR SEXUALLY
20 ASSAULT THEM, HUMILIATE THEM, FORCE THEM TO PERFORM CERTAIN
21 KINDS OF LABOR THAT WERE HUMILIATING, DUNKING THEIR HEADS INTO
22 BUCKETS FILLED WITH EXCREMENT, ALL KINDS OF METHODOLOGIES MEANT
23 TO TERRORIZE THEM.

24 AND AS I SAID EARLIER, PART OF WHAT WAS GOING ON WAS
25 THAT THEY WERE SEPARATING DRAFT-AGE MALES SO THAT THEY COULDN'T

1 IN ANY WAY RESIST. BUT IN ADDITION, THERE WAS THIS PURPOSE OF
2 REALLY, THE WAY I CAN THINK OF, IS COMPLETELY DEMORALIZING AND
3 TERRORIZING AND SUBJUGATING THE POPULATION.

4 Q. AND THAT FURTHERED THE GOALS OF ETHNIC CLEANSING BECAUSE ON
5 THESE PRISONERS'S EVENTUAL EXCHANGE AND RELEASE TO OTHER AREAS,
6 THEY WOULD LIKELY NOT WISH TO COME BACK TO THE AREAS WHERE THESE
7 ABUSES HAVE TAKEN PLACE?

8 A. YES. ALTHOUGH A LOT OF TIMES THEY DID VERY MUCH WISH TO
9 COME BACK, BUT THE SITUATION HAD BEEN MADE SUCH THAT THEY REALLY
10 COULDN'T GO BACK, BECAUSE NO RULE OF LAW EXISTED. AND, IN
11 ADDITION, THEIR HOMES HAD BEEN TAKEN FROM THEM OR DESTROYED.
12 MANY TIMES I TRAVELLED THROUGH PARTS OF BOSNIA WHERE A VILLAGE
13 THAT WAS PREDOMINANTLY OF ONE ETHNIC GROUP OR ANOTHER HAD BEEN
14 SO DESTROYED, LITERALLY HOUSE BY HOUSE BY HOUSE, WHICH TAKES A
15 GREAT DEAL OF AMMUNITION TO ACCOMPLISH SOMETHING LIKE THAT. IT
16 IS NOT SOMETHING THAT IS NORMALLY PRUDENT, IF YOU ARE RUNNING A
17 REAL MILITARY CAMPAIGN SO TO SPEAK, YOU DON'T WANT TO USE ALL OF
18 YOUR AMMUNITION BY CONDUCTING THIS. BUT LITERALLY YOU COULD
19 SEE, GO HOUSE TO HOUSE AND SEE HOW THEY HAD TAKEN --
20 METHODICALLY GONE WITH RPG'S OR TANKS OR WHATEVER AND DESTROYED
21 EACH HOUSE. EVERY SINGLE HOUSE.

22 THE COURT: HOW WERE YOU PERMITTED TO TRAVEL
23 THROUGHOUT BOSNIA DURING THIS PERIOD?

24 THE WITNESS: I WASN'T OFFICIALLY PERMITTED
25 OFTENTIMES. I WAS ABLE TO GET INTO CERTAIN AREAS, BUT WHEN I

1 WENT IN IN 1994 I WENT IN ESSENTIALLY -- I DIDN'T HAVE OFFICIAL
2 PERMISSION. I MADE ARRANGEMENTS TO GET IN ON A CONVOY, AND I
3 HAD SOME LETTERS OF INTRODUCTION JUST IN CASE. I GAVE AN
4 EXPLANATION TO THE SERB AUTHORITIES, WHO I KNEW WOULD KNOW THAT
5 I WAS THERE BECAUSE THEIR INTELLIGENCE WAS SO GOOD, WITHIN THE
6 FIRST FIVE MINUTES. I EXPLAINED THAT I WAS VERY CONCERNED ABOUT
7 WHY THERE WEREN'T MORE INTERNATIONAL NONGOVERNMENTAL
8 ORGANIZATIONS WORKING ON THE SERB SIDE, WHICH IN FACT I WAS
9 CONCERNED ABOUT THAT ISSUE PARTLY BECAUSE SERB ELDERLY AND
10 CHILDREN WERE SUFFERING BECAUSE OF THEIR OWN AUTHORITY'S
11 PRIORITIES. BUT ALSO BECAUSE I FELT THAT THE PRESENCE OF
12 INTERNATIONAL ORGANIZATIONS MIGHT MITIGATE SOME OF THE ABUSES.

13 BUT I TRAVELLED ALONE USUALLY. I USED INTERPRETERS,
14 BUT I HAD TO BE VERY CAREFUL HOW TO USE INTERPRETERS BECAUSE, IF
15 YOU TAKE THE WRONG INTERPRETER INTO A PARTICULAR AREA, YOUR
16 INTERPRETER COULD BE KILLED. AND SO I OFTEN TRAVELLED ALONE
17 AND VERY QUIETLY CONDUCTED A LOT OF THESE ACTIVITIES.

18 NOW, IN AREAS WHERE WHAT IS NOW CALLED THE FEDERATION,
19 WHICH IS CONTROLLED BY NON-SERB, THE BOSNIAN GOVERNMENT OUT OF
20 SARAJEVO OR BY CROATIAN FORCES, I WAS ABLE TO MOVE AROUND MORE
21 FREELY, BUT I ALWAYS WAS KIND OF LYING LOW. AND WHEN I WENT IN
22 MYSELF A LOT OF THE INTERVIEWS THAT WERE CONDUCTED WERE
23 CONDUCTED IN REFUGEE CAMPS, WHICH WERE IN RELATIVELY SAFE AREAS,
24 SO IT WAS POSSIBLE THEN TO MOVE AROUND.

25 BUT THERE WERE CASES WHERE I -- IT WAS DIFFICULT TO

1 MAKE CONTACT WITH NON-SERBS, PARTICULARLY WHEN I WENT IN IN
2 1994, I HAD TO BE VERY CAUTIOUS BECAUSE, JUST BY TALKING TO ME,
3 SOMEONE COULD BE KILLED; WOULD LIKELY BE ARRESTED IMMEDIATELY,
4 IN FACT. SO I HAD TO SET UP HOW I CONDUCTED MY INVESTIGATIONS
5 IN A VERY CAREFUL MANNER SO AS NOT TO PLACE SOMEONE ELSE AT
6 RISK.

7 THE COURT: AND WERE YOU FREQUENTLY STOPPED FOR
8 QUESTIONING?

9 THE WITNESS: I WAS INTERROGATED. YES. OFTENTIMES
10 STOPPED AND ASKED WHAT I WAS DOING THERE, ET CETERA. WHEN I
11 WENT IN IN 1994, I WAS LIMITED TO THE CITY OF BANJA LUKA, BUT I
12 WAS ABLE TO MAKE CONTACT WITH THE CATHOLIC DIOCESE AND WITH THE
13 IMAM. THE IMAM PENOVIC, WHO HAS SINCE DIED. AND, BY THE WAY,
14 THEY WOULDN'T ALLOW HIS BODY TO BE BURIED. THIS IS AFTER THE
15 DATE OF AN AGREEMENT. HE SURVIVED THE WAR TO DIE OF A HEART
16 ATTACK AFTERWARDS, AND THEY WOULDN'T ALLOW HIS BODY TO BE BURIED
17 IN HIS HOME TOWN.

18 BUT WHEN I WAS IN BANJA LUKA I WAS INTERROGATED AT 10
19 O'CLOCK AT NIGHT IN MY HOTEL BY MILITARY INTELLIGENCE ABOUT WHAT
20 I WAS DOING THERE, ET CETERA. AND I DIDN'T EXACTLY LIE, BUT I
21 DIDN'T EXACTLY EXPLAIN THAT I WAS CONCERNED ABOUT THE SITUATION
22 FOR NON-SERBS EITHER. BUT THEY WERE VERY SUSPICIOUS OF ME.
23 THEY ACTUALLY BELIEVED I WAS A JOURNALIST. AND THEY WERE
24 CONCERNED THAT I WAS GOING TO BE DOCUMENTING ABUSES. AND THEY
25 THREATENED ME. THEY SAID, WE'LL COME BACK ON FRIDAY. WE'LL GO

1 FOR A LITTLE WALK. WE DON'T BELIEVE YOU ARE WHO YOU SAY YOU
2 ARE. WHO ARE YOU REALLY WORKING FOR? WHAT ARE YOU REALLY DOING
3 HERE? ARE YOU COLLECTING FACTS? SO ON AND SO FORTH.

4 THE MAYOR ALSO INTIMIDATED ME, ATTEMPTED TO INTIMIDATE
5 ME. AND I HAD, IN FACT, ARRANGED A MEETING WITH HIM RIGHT
6 AWAY. I HAD SOME CONNECTIONS WITH SOME ORTHODOX GROUPS WHO
7 HELPED ME. I DON'T WANT TO IDENTIFY THEM, BUT THEY HELPED ME
8 SO THAT I HAD A LETTER OF INTRODUCTION. SO THAT BECAUSE I KNEW
9 THAT THEY WOULD KNOW IMMEDIATELY, AN AMERICAN BEING THERE, THAT
10 I HAD TO BE UP TO SOMETHING, BECAUSE I WASN'T WITH A PARTICULAR
11 ORGANIZATION.

12 I CERTAINLY DIDN'T IDENTIFY MYSELF -- AT THAT TIME I
13 WAS WORKING FOR FRED CUNY. BUT THE MAYOR SAID TO ME, HE HAD
14 SEVERAL MEETINGS WITH ME, AND THE LAST ONE HE SAID, WE HAVE
15 DECIDED TO ALLOW YOU TO LEAVE. SO THERE WERE SUBTLE THREATS.
16 AND THEN I WAS ESCORTED, WAS MADE SURE THAT I DEPARTED THE
17 AREA.

18 BY MR. SONDEHEIMER:

19 Q. MS. PAUL, YOU HAVE NOTED THE ROLE OF THE MILITARY FROM THE
20 FORMER -- THE EXCUSE ME, JNA, THE YUGOSLAVIAN MILITARY, NOW
21 SERBIA, THE ROLE OF PARAMILITARIES IN THIS INTERNATIONAL ARMED
22 CONFLICT THAT YOU'VE DESCRIBED. CAN YOU IDENTIFY THE ROLE OF
23 THE SECOND POSAVINA BRIGADE IN THAT CONFLICT?

24 A. YES. IT WAS HEADED UP BY A MAN NAMED SIMO ZORIC. AND IT
25 WAS PART OF -- I HAVE HERE AN ORDER OF BATTLE WHICH SHOWS THAT

1 THE 2ND POSAVINA BRIGADE WAS PART AND PARCEL OF THE ENTIRE
2 STRUCTURE OF THE BOSNIAN MILITARY, AND AT THE TOP IS GENERAL
3 RATKO MLADIC, WHO HAS BEEN TWICE INDICTED BY THE INTERNATIONAL
4 TRIBUNAL OF THE FORMER YUGOSLAVIA. BUT THE POSAVINA BRIGADE
5 APPEARS IN THE FORM OF BATTLE AS PART OF THE PARAMILITARY
6 STRUCTURE OF THE SO-CALLED BOSNIAN SERB ARMY.

7 Q. AND WHAT ROLE DID THEY PLAY IN THE BOSANSKI SAMAC AREA?

8 A. THEY WERE PART OF THE -- THEY WERE THE FORCES THAT -- THEY
9 FOUGHT OUTSIDE THAT AREA AS WELL ALONG THE POSAVINA CORRIDOR,
10 WHICH WAS IMPORTANT TO THE BOSNIANS AND THE SERBS TO TRY AND
11 CONTROL THAT CORRIDOR, BECAUSE IT LINKED PARTS OF CROATIA THAT
12 WERE UNDER CONTROL OF THE SERBS, WHERE THERE WAS FIGHTING FOR
13 CONTROL WITH BOSNIAN SERB TERRITORY, AND THEN AGAIN WITH SERBIA
14 PROPER. SO PARTS OF THE BRIGADE WERE FIGHTING OUTSIDE, OR IN
15 THE AREA, THE POSAVINA CORRIDOR AND OTHER POSSIBLY OTHER PLACES
16 AS WELL.

17 BUT ON APRIL 17TH THERE WAS AN ASSAULT ON BOSANSKI
18 SAMAC WHICH IT IS BELIEVED THAT THE SECOND POSAVINA BRIGADE
19 PARTICIPATED AS PART OF THE MILITARY STRUCTURE.

20 Q. CAN YOU INDICATE FOR THE COURT ON THE MAP THE POSAVINA
21 CORRIDOR AREA THAT YOU'VE BEEN REFERRING TO?

22 A. YES. IT IS PROBABLY THIS AREA -- THE OBJECT WAS BOSANSKI
23 SAMAC, ORASJE TO AN EXTENT. THE AREA BASICALLY THAT -- AND THEN
24 ALL ALONG THE SAVA HERE WHERE THIS WAS CONTROLLED BY THE BOSNIAN
25 SERB MILITARY.

1 THE ISSUE WAS, THE CORRIDOR WAS, PRIMARILY
2 CONCENTRATED AROUND BOSANSKI SAMAC. BUT THE ISSUE WAS THAT
3 THERE WAS A LINKAGE WAY TO GET WEAPONS AND TROOPS INTO THE AREAS
4 CONTROLLED BY SERBS IN CROATIA FROM SERBIA PROPER, THAT THAT
5 CORRIDOR REMAINED OPEN. AND SO THERE WAS A LOT OF FIGHTING
6 AROUND THE CORRIDOR BECAUSE, OF COURSE, NATURALLY THE OTHER
7 FORCES INVOLVED IN THE CONFLICT WANTED TO PREVENT THE SERBS FROM
8 CONTROLLING THE CORRIDOR.

9 Q. IS IT YOUR UNDERSTANDING THAT THE DEFENDANT IN THIS CASE,
10 NIKOLA VUCKOVIC, SERVED AS A MEMBER OF THAT BRIGADE?

11 A. I UNDERSTAND THAT HE ADMITTED TO SERVING IN THAT BRIGADE. I
12 DON'T HAVE PERSONAL KNOWLEDGE OF THAT. BUT ACCORDING TO THE
13 ALLEGATIONS, THAT HE SERVED IN THAT BRIGADE. YES.

14 Q. IS IT YOUR OPINION THAT THE ETHNIC -- ETHNIC CLEANSING
15 CAMPAIGN THAT YOU DESCRIBED WAS INTENDED TO DESTROY IN WHOLE OR
16 IN PART AN ETHNIC OR RELIGIOUS GROUP?

17 A. YES.

18 Q. AND IS THE FACTUAL BASIS FOR THAT ESSENTIALLY WHAT YOU HAVE
19 ALREADY TESTIFIED TO IN DESCRIBING THE SYSTEMATIC PATTERN AND
20 THE TARGETS OF ETHNIC CLEANSING?

21 A. YES. AND THAT IN ESSENCE, THE GOAL WAS TO CREATE AND
22 ETHNICALLY PURE TERRITORY, WHICH MEANT THE DESTRUCTION IN WHOLE
23 OR IN PART OF THE ENTIRE NON-SERB POPULATION THROUGH VARIOUS
24 METHODS.

25 Q. NOW, ONE FEATURE AS WELL OF THE ETHNIC CLEANSING PROGRAM

1 THAT WE HAVEN'T DISCUSSED PREVIOUSLY IS THE DESTRUCTION OF
2 RELIGIOUS PROPERTY AND PERSECUTION OF RELIGIOUS FIGURES; IS THAT
3 CORRECT?

4 A. YES. AND JUST AS AN EXAMPLE, IN BANJA LUKA, BISHOP
5 MARIZZA. WHO WAS THE BISHOP FOR THE BANJA LUKA DIOCESE, ROMAN
6 CATHOLIC DIOCESE, WAS HELD UNDER HOUSE ARREST FOR A GREAT DEAL
7 OF THE WAR; AND THE IMAM, HALILOVIC, WAS WHO I MET WITH ON A
8 COUPLE OF OCCASIONS, WAS PERSONALLY, PSYCHOLOGICALLY, WAS PRETTY
9 DEVASTATED BY WHAT HE SAW AS THE DESTRUCTION OF THE ENTIRE
10 COMMUNITY. NEITHER HE NOR BISHOP MARIZZA NOR MANY OF THE
11 PRIESTS AND MEMBERS OF THE ISLAMIC COMMUNITY AS WELL WHO ARE
12 REPRESENTING -- WHO WERE WORKING WITH THE IMAMS, WERE NOT
13 PERMITTED TO TRAVEL AROUND THE AREA AT ALL TO CHECK ON THE
14 MEMBERS OF THEIR CONGREGATION. SO THAT WAS ONE VERY IMPORTANT
15 ISSUE. A NUMBER OF PRIESTS AND NUNS WERE KILLED.

16 BUT I WANTED TO POINT, IN PARTICULARLY, TO BOSANSKI
17 SAMAC. AND THIS INFORMATION COMES FROM A MAN NAMED ANDRE
18 SHEDAMA (PHONETIC) WHO IS THE WORLD AUTHORITY ON ISLAMIC
19 ARCHITECTURE AND ON THE DESTRUCTION, PARTICULARLY OF CULTURAL
20 AND RELIGIOUS OBJECTS, THROUGHOUT THE FORMER YUGOSLAVIA, AND HAS
21 SPENT THE ENTIRE PERIOD OF THE WAR AND IS CONTINUING TO WORK AT
22 HARVARD UNIVERSITY ON DOCUMENTING AS BEST THEY CAN WHAT WAS
23 DESTROYED, AND TO COLLECT MANUSCRIPTS, ARTIFACTS, AND BOOKS,
24 OTHER RELIGIOUS OBJECTS AND CULTURAL OBJECTS, TO COLLECT THEM TO
25 PRESERVE THEM. BUT WHAT HE SAID IS THAT THE MOSQUE IN BOSANSKI

1 SAMAC AS WELL AS THE TOWN'S ROMAN CATHOLIC CHURCH, WERE BOTH
2 COMPLETELY DESTROYED, THE RUINS RAZED WITH A BULLDOZER AND THE
3 SITES LEVELED. ALL THE RUBBLE REMOVED TO DUMPS OUTSIDE THE
4 TOWN.

5 THIS WAS NOT UNUSUAL. THIS OCCURRED IN ALMOST EVERY
6 OTHER TOWN. IN BANJA LUKA, WHICH I SEEN WITH MY OWN EYES, ALL
7 16 MOSQUES WERE DESTROYED, INCLUDING THE 400 YEAR OLD FERDAHIJA
8 DZAMIJA MOSQUE, AND THE RUBBLE REMOVED. I SAW A CATHOLIC CHURCH
9 AND A MOSQUE WHERE THERE WAS SIMPLY A GATE AROUND A BIG YARD
10 WHERE THERE WAS ONCE A CHURCH, AND THERE WASN'T A SINGLE STONE
11 REMAINING.

12 BUT TO CONTINUE WITH BOSANSKI SAMAC, THE SIGHTS IN
13 THE CENTER OF TOWN WHERE THE MOSQUE AND THE ROMAN CATHOLIC
14 CHURCH ONCE STOOD ARE NOW EMPTY LOTS COVERED WITH WEEDS.
15 ACTUALLY I HAVE A PHOTOGRAPH OF BEFORE AND AFTER OF THAT. THE
16 MERAKMED (PHONETIC) MOSQUE, THE ISEZYA (PHONETIC) MOSQUE WAS
17 BUILT IN 1869, AND THE ADJACENT ISLAMIC COMMUNITY BUILDING WHERE
18 THE IMAMS LIVED WERE BOTH DESTROYED BY SERB EXTREMISTS ON APRIL
19 27TH, THAT IS TEN DAYS AFTER THE TAKEOVER OF THE TOWN, OF 1992.
20 THE SITE COMPLETELY LEVELLED WITH A BULL DOZER, THE RUBBLE
21 REMOVED TO A DUMP SITE OUTSIDE THE TOWN.

22 THE ROMAN CATHOLIC CHURCH OF THE SACRED HEART OF JESUS
23 BUILT IN 1926 WAS ALSO COMPLETELY DESTROYED, THE RUINS REMOVED
24 FROM THE SITE, LEVELLED BY SERB EXTREMISTS. ALL 17 CATHOLIC
25 CHURCHES IN THE BOSANSKI SAMAC AREA, THE ECCLESIASTICAL DISTRICT

1 WERE DESTROYED OR SEVERELY DAMAGED BETWEEN THE YEARS OF 1992 TO
2 1995, AND IN ALL OF BOSNIA SERB FORCES TOTALLY DESTROYED 106
3 ROMAN CATHOLIC CHURCHES, AND FIVE CATHOLIC MONASTERIES, AND
4 INFLICTED SERIOUS DAMAGE ON 122 CATHOLIC CHURCHES AND EIGHT
5 MONASTERIES.

6 FOR TOTALS OF ISLAMIC RELIGIOUS BUILDINGS, BASICALLY
7 WHAT I CAN TELL YOU IS THE REMAINS OF ONE MOSQUE IN ALL OF --
8 AND WE ARE TALKING I BELIEVE IT'S OVER 600 MOSQUES WERE
9 DESTROYED.

10 THE COURT: WHAT WAS THE RELIGIOUS AFFILIATIONS OF THE
11 BOSNIAN SERB FORCE?

12 THE WITNESS: THE BOSNIAN SERBS ARE PREDOMINANTLY
13 ORTHODOX CHRISTIANS.

14 THE COURT: AND YET THEY WERE DESTROYING THE
15 CHURCHES?

16 THE WITNESS: THEY WERE DESTROYING THE ROMAN CATHOLIC
17 CHURCH. CORRECT.

18 THE COURT: THEY WERE NOT CATHOLIC?

19 THE WITNESS: NO, THEY ARE NOT CATHOLIC. CORRECT.
20 THE ORTHODOX CHURCH SEPARATED FROM THE CATHOLIC CHURCH SOME
21 CENTURIES AGO, AND THEY DO NOT RECOGNIZE THE POPE'S AUTHORITY.
22 AND THE SERBIAN ORTHODOX CHURCH IN FACT WAS VERY CLOSELY ALIGNED
23 WITH THE POLITICAL LEADERSHIP, NOT SO MUCH NOW BECAUSE OF THE
24 CHANGES IN GOVERNMENT. THEY EVENTUALLY CAME TO REALIZE MILJOVIC
25 WASN'T VERY POSITIVE FORCE TO HAVE IN SERBIA.

1 BUT THE SERBIAN ORTHODOX CHURCH WAS VERY ACTUALLY
2 CLOSELY ALIGNED WITH THE ETHNIC CLEANSING CAMPAIGNS. IN FACT,
3 AND BISHOP MARIZZA TOLD MYSELF THEY SHOT UP HIS CHURCH AND HIS
4 BELL TOWER, AND THE ORTHODOX BISHOP LIVED RIGHT NEXT DOOR,
5 BISHOP YEFRAM, AND YEFRAM NEVER APOLOGIZED OR SPOKE TO HIM ABOUT
6 IT, AND YET THEY HAD BEEN CLERGY COLLEAGUES FOR THEIR WHOLE
7 LIVES. AND NEVER ONCE DID HE SPEAK TO HIM ABOUT WHAT WAS
8 HAPPENING TO HIS -- AND 50 PERCENT OF THE CHURCHES IN HIS
9 DIOCESE WERE DESTROYED, AND HE LOST AT LEAST SEVEN PRIESTS AND
10 AT LEAST TWO NUNS WHO WERE KILLED.

11 BY MR. SONDEIMER:

12 Q. AND I THINK YOUR TESTIMONY DEMONSTRATES THAT THE ETHNIC
13 CLEANSING CAMPAIGN WAS NOT ONLY CARRIED OUT AGAINST THE MINORITY
14 MUSLIM POPULATION IN THE BOSNIAN SERB CONTROLLED AREAS, BUT ALSO
15 AGAINST CATHOLICS AND OTHER NON-SERB GROUPS?

16 A. MANY ROMA OR GYPSY VILLAGES WERE ALSO DESTROYED, BUT AT ONE
17 POINT WHEN WE SAY MINORITY, THAT I WOULD LIKE TO MAKE CLEAR TOO,
18 IS IF YOU LOOK AT THE 1991 CENSUS THAT WAS CONDUCTED IN BOSNIA,
19 MANY OF THE TOWNS WE'VE BEEN TALKING ABOUT ACTUALLY HAD A
20 MAJORITY MUSLIM POPULATION OR A MAJORITY CROAT POPULATION. SO
21 THEY WERE NOT MINORITIES, IN FACT, IN MANY PLACES. THEY BECAME
22 MINORITIES. AND AT THE END OF THE WAR, I DON'T KNOW IF IT IS
23 USEFUL TO KNOW HOW MANY PEOPLE REMAINED IN THE TERRITORY, BUT
24 JUST IN THE BOSANSKA KRIJNA ALONE, WHICH IS SORT OF THE
25 NORTHWESTERN PART OF BOSNIA OUT OF 536,000 NON-SERBS, FEWER THAN

1 20,000 REMAINED AS OF 1995.

2 AND IN BOSANSKI SAMAC, WHICH HAD A POPULATION OF
3 17,000 NON-SERBS, THERE WERE ONLY 300 NON-SERBS REMAINING AS OF
4 1995. AND MANY OF THE PEOPLE REMAINING WERE ELDERLY, WHO SIMPLY
5 COULDN'T FLEE.

6 Q. AND WITH RESPECT TO THE REMAINING MUSLIM POPULATION, CAN YOU
7 IDENTIFY THE PERCENTAGE OF THE PRE-WAR POPULATION THAT REMAINS
8 IN BOSNIA SERB CONTROLLED AREAS OF WHAT IS NOW THE REPULIKA
9 SRPSKA?

10 A. IN THE BOSANSKA KRIJNA I THINK IT IS FEWER THAN FIVE
11 PERCENT. I THINK IT IS MORE LIKE 3 PERCENT. ALTHOUGH THERE
12 HAVE BEEN, IN SOME POSITIVE DEVELOPMENTS, SOME FEW RETURNS.
13 I'VE SEEN ESTIMATES THAT I CONSIDER RELIABLE THAT FEWER THAN
14 FOUR PERCENT OF NON-SERBS WHO WERE ETHNICALLY CLEANSED HAVE
15 ACTUALLY RETURNED. AND THE REMAINING AREAS, BESIDES THE
16 BOSANSKA KRIJNA, THAT REGION, THAT I WOULD ESTIMATE WELL UNDER
17 TEN PERCENT OF NON-SERBS REMAIN, IF NOT UNDER FIVE PERCENT.

18 Q. CAN YOU LOCATE ON THE MAP THE AREAS THAT ARE NOW UNDER SERB
19 CONTROL?

20 A. YES. HERE ON THIS MAP OF BOSNIA HERZEGOVINA, YOU SEE A
21 DOTTED LINE. THIS DIVIDES THE TWO ENTITIES OF THE COUNTRY OF
22 BOSNIA AND HERZEGOVINA.

23 BY THE WAY, YOU LOOK AT THE REPUBLIKA SRPSKA WEB SITE,
24 THEY DON'T EVEN REFER TO BOSNIA HERZEGOVINA, SO THEY BEHAVE AS
25 IF THEY WERE IN FACT A SEPARATE STATE AND, IN FACT, THEY ARE ONE

1 ENTITY. AND THIS WOULD BE THE BOSNIAN SERB ENTITY CALLED THE
2 REPUBLIKA SRPSKA, AND THIS IS THE FEDERATION, WHICH IS A JOINT
3 MUSLIM CROAT GOVERNMENT.

4 THERE IS A CENTRAL GOVERNMENT FOR BOSNIA AND
5 HERZEGOVINA, WHICH IS MULTI-ETHNIC IN CHARACTER; HOWEVER, FOR
6 MANY MANY YEARS FOLLOWING THE WAR, THE SERBS AND OTHERS,
7 PARTICULARLY BOSNIAN CROAT, REFUSED TO PARTICIPATE FULLY. THERE
8 HAVE BEEN A LOT OF EFFORTS TO PREVENT THE CENTRAL GOVERNMENT
9 FROM ACTUALLY OPERATING EFFECTIVELY. AND WHAT THAT HAS MEANT
10 ACTUALLY IS THAT THE RULE OF LAW HAS BEEN VERY DIFFICULT TO
11 ESTABLISH, BECAUSE THERE IS NO COOPERATION BETWEEN THE COURTS ON
12 ONE SIDE OR THE OTHER, EVEN IN SOME CITIES THAT ARE DIVIDED,
13 BETWEEN ONE SIDE OF THE CITY AND THE OTHER. SO THE PROSECUTORS
14 WON'T TALK TO EACH OTHER AND THE JUDGES WON'T TALK TO EACH
15 OTHER, OR THE JUDGES HAVE ISSUED OPINIONS WHICH WERE CLEARLY NOT
16 CONSISTENT WITH THOSE WHO WERE OBSERVING THE TRIALS. IN OTHER
17 WORDS, THERE HAVE BEEN VERY FEW FAIR TRIALS WHERE DUE PROCESS
18 WAS FULLY RESPECTED.

19 THAT'S GOTTEN BETTER IN SOME AREAS, BUT STILL IN TERMS
20 OF REDRESS, PARTICULARLY FOR ABUSES SUFFERED DURING THE WAR,
21 THERE IS VERY LITTLE CHANCE, PARTICULARLY IN REPUBLIKA SRPSKA,
22 OF OBTAINING REDRESS.

23 Q. CAN YOU -- WELL, IS IT CORRECT THAT THE TREATMENT OF
24 RETURNEES TO RETURNING TO AREAS IN THE BOSNIAN SERB CONTROLLED
25 AREAS DEMONSTRATES OR HELPS DEMONSTRATE THE INTENT BEHIND THE

1 ETHNIC CLEANSING -- LET MY STRIKE THAT.

2 DOES THE TREATMENT OF ATTEMPTED RETURNEES HELP
3 DEMONSTRATE THE INTENT BEHIND ETHNIC CLEANSING TO KEEP THOSE
4 POPULATIONS OUT OF THAT AREA?

5 A. MOST DEFINITELY. AND AGAIN, ALTHOUGH I WOULD SAY THAT THIS
6 HAS OCCURRED IN MANY AREAS ACROSS BOSNIA, WE'VE DOCUMENTED MANY
7 PROBLEMS WITH RETURNEES. BUT IN THE RETURN TO REPUBLIKA SRPSKA
8 THAT THERE WERE FEWER RETURNEES TO. AND THERE WERE METHODS
9 USED, FOR EXAMPLE, MANIPULATION OF PROPERTY LAW OR THE PROCESS
10 OF REGAINING ONE'S PROPERTY THAT IS IMPROVING VERY VERY SLOWLY,
11 AND THERE HAVE BEEN FINALLY, OVER THE PAST YEAR AND A HALF OR
12 SO, SOME RETURNS TO REPUBLIKA SRPSKA, BUT IT IS VERY DIFFICULT.

13 BOSANSKI SAMAC, THERE HAVE BEEN VERY FEW RETURNS.
14 VERY DIFFICULT, BECAUSE WHERE DO YOU FIND A JOB? WHO IS GOING
15 TO HIRE YOU? CAN YOUR CHILDREN GO TO SCHOOL SAFELY? ET CETERA.
16 PLUS THERE IS SOME EVIDENCE -- FIRST, WE KNOW THAT MANY OF THE
17 PEOPLE WHO WERE INVOLVED IN WAR CRIMES ARE STILL LIVING IN A LOT
18 OF THESE TOWNS, MANY OF THEM INDICTED BY THE INTERNATIONAL
19 CRIMINAL TRIBUNAL AND THE HAIGE WHO ARE STILL AT LARGE. AMONG
20 THEM, RADOVAN KARADZIC. AND KARADZIC IS BELIEVED TO HAVE
21 CONTINUED TO WIELD SOME INFLUENCE. CERTAIN TOWNS ARE MORE
22 HARD-LINED THAN OTHERS. SO THERE ARE SOME MORE MODERATE AREAS.

23 BUT THE INTERNATIONAL CRISIS GROUP, WHICH PRODUCED
24 SOME EXCELLENT REPORTS ON BOSNIA, BOTH ON THE POLITICAL AND
25 HUMAN RIGHTS SIDE, AND KIND OF LOOKING AT THE TWO PARTS

1 TOGETHER, DID AN ASTOUNDING REPORT LAST YEAR, AND IT'S CALLED,
2 "WAR CRIMINALS IN REPUBLIKA SRPSKADO. DO YOU KNOW WHO YOUR
3 NEIGHBORS ARE?" AND THEY GO THROUGH A LIST OF TOWNS, AND THEY
4 NAME PEOPLE WHO WERE HEAVILY IMPLICATED IN WAR CRIMES DURING THE
5 WAR WHO STILL HOLD OFFICIAL POSITIONS.

6 AND I MYSELF HAVE HAD MANY BATTLES WITH THE OFFICE OF
7 THE HIGH REPRESENTATIVE, WHO IS NOW THE OFFICIAL BODY,
8 INTERNATIONAL BODY, THAT IS OVERSEEING THE DAYTON ACCORDS IN
9 BOSNIA OVER THE POLICE TASK FORCE, WHO MANY OF THE POLICE WHO WE
10 BELIEVE COMMITTED ABUSES REMAIN ON THE POLICE FORCE.

11 AND IN ONE CASE, IN THE TOWN OF PRNJAVOR, I BELIEVE IT
12 WAS IN 1996, A BOSTON GLOBE REPORTER DISCOVERED THAT FOUR POLICE
13 OFFICERS ALREADY INDICTED PUBLICLY BY THE TRIBUNAL CONTINUED TO
14 SERVE ON THE POLICE FORCE. IN ADDITION, ICG, VERY DISTURBINGLY,
15 INDICATED THAT THERE WAS, THEY BELIEVE, A DEGREE -- AND THEY'VE
16 BEEN WORKING THROUGHOUT THE ENTIRE PERIOD SO THE REPORTS ARE, IN
17 MY VIEW, CREDIBLE -- THEY BELIEVE THERE IS A HIGH DEGREE OF
18 ORGANIZATION, AND THERE IS ACTUALLY SOME PARAMILITARY-TYPE
19 GROUPS WORKING TO PREVENT RETURNING TO PLACES.

20 Q. CAN YOU DESCRIBE HOW SOME OF THE RETURNEES HAVE BEEN
21 TREATED?

22 A. YES. SOME OF THE RETURNEES TRIED TO REGAIN THEIR HOMES,
23 FILE PROPERTY CLAIMS, ET CETERA, AND THERE WERE PEOPLE WHO HAD
24 MANAGED SOMEHOW TO HOLD ON, TO REMAIN IN THE AREA, BUT THEY HAD
25 BEEN FORCED OUT OF THEIR HOMES, AND THEY WENT TO THE COURTS AND

1 THE COURTS EVEN ISSUED DECISIONS REINSTATING TO THEM THEIR
2 PROPERTY, BUT THE POLICE REFUSED TO GRANT THE COURT'S OR TO
3 FOLLOW, RATHER, THE COURT'S ORDERS. BUT I BELIEVE THAT THIS IS
4 ALSO HIGHLY ORCHESTRATED.

5 OTHER, ALSO, JUST THE FEAR. WHAT IS GOING TO HAPPEN,
6 PARTICULARLY IF YOU HAVE CHILDREN. THE FEAR OF WHETHER YOU WILL
7 BE ABLE TO BE SAFE IN A TOWN, AND PARTICULARLY WHEN THERE ARE
8 STILL A LOT OF PEOPLE WHO WILL NOT BE INDICTED, FRANKLY, BY THE
9 TRIBUNAL BECAUSE THEY ARE NOT GOING TO GO AFTER, AS THEY SAY,
10 THE SMALLER FISH. THERE ARE A LOT OF PEOPLE WHO COMMITTED VERY
11 VERY SERIOUS EGREGIOUS VIOLATIONS OF INTERNATIONAL LAW WHO ARE
12 STILL RUNNING AROUND VERY OPENLY, AND WHO HOLD, IN MANY CASES,
13 POSITIONS OF AUTHORITY, AND HAVE BEEN ELECTED TO POSITIONS OF
14 AUTHORITY.

15 Q. TO YOUR KNOWLEDGE, AS OF 1998, HAVE THERE BEEN ANY
16 PROSECUTIONS OF ALLEGED WAR CRIMINALS RESPONSIBLE FOR ABUSES
17 AGAINST NON-SERB POPULATIONS IN BOSNIAN SERB CONTROLLED AREAS?

18 A. TO MY KNOWLEDGE, NOT A SINGLE PROSECUTION. NOT ONLY THAT,
19 BUT THERE WERE A LOT OF ETHNICALLY MOTIVATED MURDERS COMMITTED
20 AFTER THE DATE THE AGREEMENT WAS SIGNED, AND THERE MAY HAVE BEEN
21 BY NOW A COUPLE OF PROSECUTIONS, BUT WHEN I ASKED IN BOSNIA,
22 WHICH I THINK WAS EARLY 1999, THERE HADN'T BEEN ANY
23 PROSECUTIONS. AND, IN FACT, ALTHOUGH I HAVE TO SAY THAT WAS
24 TRUE IN OTHER AREAS OF WELL, WHERE ETHNICALLY MOTIVATED MURDERS
25 WERE GENERALLY NOT EITHER INVESTIGATED PROPERLY OR PROSECUTED,

1 AND SIMPLY WERE FORGOTTEN.

2 THE COURT: DO YOU HAVE ANY OPINION AS TO WHY THERE
3 WERE NO ADDITIONAL PROSECUTIONS OTHER THAN THE FEW THAT YOU'VE
4 MENTIONED?

5 THE WITNESS: YES. THAT THE POLICE DID NOT CONDUCT
6 PROPER INVESTIGATIONS, AND THAT THE PROSECUTION AND,
7 UNFORTUNATELY, THE JUDICIARY WAS NOT INDEPENDENT. THE
8 PROSECUTION WAS CORRUPT AND WAS PART OF THE POLITICAL MACHINERY,
9 IN ESSENCE. ALSO THAT THAT IS VERY DIFFICULT THAT EVEN THOSE
10 JUDGES AND PROSECUTORS, POLICE OFFICERS WHO WANT TO PROPERLY
11 CONDUCT THEMSELVES HAVE A VERY DIFFICULT TIME DOING SO BECAUSE
12 THEY WOULD BE UNDER CONSIDERABLE PRESSURE FROM POLITICAL FORCES.

13 ALSO THERE IS VIRTUALLY NO INTEREST IN THE REPUBLIKA
14 SRPSKA FOR ADMITTING THAT WAR CRIMES WERE COMMITTED THERE. AND
15 TO HOLD SUCH TRIALS WOULD BE TO ADMIT, ALTHOUGH UNDER
16 INTERNATIONAL LAW, THIS IS THEIR OBLIGATION, IN FACT, TO LOOK
17 FOR ARREST AND TRY THOSE INDIVIDUALS WHO COMMITTED ABUSES WHILE
18 UNDER THE COMMAND OF THE MILITARY.

19 THE COURT: BUT THERE IS NO PROSECUTION INITIATED BY
20 THE INTERNATIONAL COMMUNITY?

21 THE WITNESS: YOUR HONOR, THE INTERNATIONAL CRIMINAL
22 TRIBUNAL TO THE FORMER YUGOSLAVIA IS THE INTERNATIONAL BODY.
23 THERE ARE BODIES WITHIN THAT HAS INDICTED AND IS TRYING CASES.
24 IN FACT, IRONICALLY ENOUGH, THIS VERY WEEK, THE CASE OF A NUMBER
25 OF PERSONS FROM BOSANSKI SAMAC IS BEING HEARD BEFORE THE COURT

1 THERE. INSIDE BOSNIA THERE WERE CERTAIN MECHANISMS SET UP,
2 THERE HAS BEEN A LOT OF WORK BY SOME ORGANIZATIONS TO TRY AND
3 ESTABLISH RULE OF LAW TO CREATE AN INDEPENDENT JUDICIARY, TO
4 WORK TOGETHER WITH JUDGES AND LAWYERS, ET CETERA. BUT IT'S BEEN
5 A VERY DIFFICULT TASK. THERE ARE VERY FEW REMEDIES.

6 THERE IS A HUMAN RIGHTS OMNIBUS PERSON, BUT THE
7 REPUBLIKA SRPSKA HAS, IN ALMOST ALL CASES, AND SHE DOESN'T
8 NECESSARILY HAVE BINDING AUTHORITY ON DECISIONS AND CAN'T MAKE
9 CERTAIN DECISIONS, CAN'T TRY -- AND HER JURISDICTION IS ONLY
10 LIMITED TO THE POST-WAR PERIOD, BY THE WAY. BUT WHAT SHE TRIES
11 TO DO IS MAKE SURE THAT CASES ARE HEARD BEFORE AN IMPARTIAL
12 PANEL OF JUDGES. BUT IN MANY CASES THE REPUBLIKA SRPSKA
13 AUTHORITIES EITHER FAIL TO APPEAR AT ALL, FAIL TO RESPOND TO THE
14 ALLEGATIONS AND, IN ONE CASE IN PARTICULAR, THAT I WAS VERY
15 INVOLVED WITH THE DISAPPEARANCE OF A CATHOLIC PRIEST AND HIS
16 PARENTS, ELDERLY PARENTS, THEY OFFERED HIM FOR EXCHANGE AFTER
17 THE DATE AN AGREEMENT WAS SIGNED, BUT WE BELIEVE HE WAS ACTUALLY
18 KILLED, HE AND HIS PARENTS.

19 BUT THIS WAS THE FIRST CASE OF THE HUMAN RIGHTS
20 CHAMBER WHICH WAS ESTABLISHED UNDER THE DAYTON ACCORDS. BUT THE
21 SERBS DIDN'T -- BOSNIAN SERBS DIDN'T EVEN ACKNOWLEDGE THE CASE.
22 THEY KEPT CHANGING THE NAME OF THE REPRESENTATIVE. AND THEY
23 NEVER RESPONDED TO DEMANDS FOR PROOF OR INFORMATION ABOUT WHAT
24 HAPPENED TO FATHER THOMAS TONOVIC AND HIS PARENTS.

25 THE COURT: NOW, IN THIS CASE, THE DEFENSE HAS MADE A

1 POINT THAT THE DEFENDANT, MR. VUCKOVIC, HAS NEVER BEEN
2 PROSECUTED FOR THE CHARGES THAT ARE SET OUT IN THIS SUIT. HOW
3 WOULD YOU EXPLAIN THAT?

4 THE WITNESS: I WOULD EXPLAIN THAT NOBODY HAS BEEN
5 PROSECUTED BY THE REPUBLIKA SRPSKA AUTHORITIES. AND WHETHER HE
6 HAS BEEN INDICTED BY THE TRIBUNAL OR NOT, I DON'T KNOW. THERE
7 IS SEALED INDICTMENTS. IT'S LIKELY HE MAY HAVE BEEN SEEN AS A
8 SMALLER FISH IN TERMS OF SOME OF THE OTHERS WHO HAVE BEEN TRIED,
9 SUCH AS STEVAN TODOROVIC, WHO WAS THE CHIEF OF POLICE AND, BY
10 THE WAY, WHO HAS ENTERED A GUILTY PLEA AND HAS ADMITTED TO THE
11 BEATINGS OF ONE OF THE PLAINTIFFS IN THIS CASE.

12 THE COURT: DO YOU HAVE ANY IDEA AS TO HOW
13 MR. VUCKOVIC WAS, WITH THIS BACKGROUND, WAS PERMITTED TO COME
14 INTO THIS COUNTRY?

15 THE WITNESS: YES. THIS IS I GUESS, AN EDUCATED
16 GUESS. IF THE ALLEGATIONS ARE TRUE, THEN HE LIED ON HIS
17 APPLICATION. BECAUSE HE WOULD NOT HAVE BEEN ADMITTED INTO THE
18 UNITED STATES HAD HE ADMITTED THAT THE ALLEGATIONS ARE TRUE, HAD
19 HE ADMITTED TO PARTICIPATING IN MANY OF THOSE ACTIVITIES.

20 THE COURT: WOULD YOU LIKE TO TAKE A BREAK NOW?

21 MR. HOFFMAN: CERTAINLY.

22 THE COURT: WE'LL TAKE A 15 MINUTE RECESS AT THIS
23 TIME.

24 (BREAK FROM 11:35 A.M. UNTIL 11:55 A.M.)

25 BY MR. SONDEHEIMER:

1 Q. MS. PAUL, I WOULD LIKE TO ASK YOU ABOUT ONE ADDITIONAL
2 ISSUE. IN YOUR OPINION, ARE THE PLAINTIFFS'S ALLEGATIONS IN THE
3 CASE, THAT YOU'VE HEARD THEIR TESTIMONY YESTERDAY, CONSISTENT
4 WITH YOUR KNOWLEDGE ABOUT WHAT TOOK PLACE IN TERMS OF ETHNIC
5 CLEANSING IN BOSNIA, AND IN BOSANSKI SAMAC IN PARTICULAR?

6 A. YES. MOST DEFINITELY. ON A NUMBER OF -- ANY NUMBER OF
7 DIFFERENT LEVELS, BOTH IN TERMS OF THE SET-UP OF THE DETENTION
8 FACILITY, THE ABUSES AT THE POLICE STATION, THE WAY THAT PEOPLE
9 WERE COMING IN AND OUT AND ABUSING THE PRISONERS OR DETAINEES ON
10 MANY DIFFERENT LEVELS.

11 ALSO, I WOULD LIKE TO POINT OUT THAT IN APRIL OF 1994,
12 HUMAN RIGHTS WATCH PRODUCED A REPORT ON BOSANSKI SAMAC, AND MANY
13 OF THE TESTIMONIES CORROBORATE, I THINK VERY STRONGLY, THE
14 TESTIMONIES BY THE PLAINTIFFS IN THIS CASE.

15 Q. WERE THE PLACES OF DETENTION, THE ELEMENTARY SCHOOL AND THE
16 T.O. WAREHOUSE, WERE THOSE KNOWN TO BE USED BY AUTHORITIES?
17 WERE THOSE RECOGNIZED AS DETENTION FACILITIES THAT WERE USED IN
18 THAT AREA BY OBSERVERS OF THE SITUATION IN BOSNIA?

19 A. YES. IN MANY DOZENS OF INTERVIEWS THAT WERE CONDUCTED BY
20 HUMAN RIGHTS WATCH WERE PEOPLE WHO HAD BEEN IN THOSE DETENTION
21 FACILITIES, EX-DETAINEES AND ALSO REFUGEES FROM THE AREA. AND
22 THAT'S OUTLINED A LOT IN THIS REPORT. YES. VERY CONSISTENT.

23 AND ADDITIONALLY THE COMMISSION OF EXPERTS ALSO
24 DOCUMENTED THE SPECIFIC PLACES OF DETENTION. SO IN OUR -- IN
25 THE REPORT OF HUMAN RIGHTS WATCH, OSNOVNA SKOLA IS MENTIONED,

1 THE T.O. WAREHOUSE IS MENTIONED, THE ABUSES AT THE POLICE
2 STATION ARE MENTIONED, AND THE FACT TOO THAT MANY DETAINEES WERE
3 TRANSFERRED FROM PLACE TO PLACE AND WERE USED FOR FORCED LABOR,
4 ET CETERA. SO I WOULD SAY, YES, THAT WE CERTAINLY HAD
5 KNOWLEDGE, DETAILED KNOWLEDGE ABOUT THOSE PLACES OF DETENTION,
6 AS DID OTHERS.

7 Q. AND ARE YOU FAMILIAR WITH THE UNITED STATES'S DEPARTMENT OF
8 STATE ALSO IDENTIFIED THESE DETENTION FACILITIES AND SIMILAR --
9 AND PRACTICES TAKING PLACE THERE THAT WERE CONSISTENT WITH THE
10 ALLEGATIONS OF THE PLAINTIFFS?

11 A. YES. AND I KNOW THAT THE COMMISSION OF EXPERTS ALSO RELIED
12 ON THE DEPARTMENT OF STATE REPORTS AND CONSIDERED THEM TO BE
13 RELIABLE AND CREDIBLE.

14 Q. AND ARE THERE EVEN PARTICULAR INCIDENTS THAT PLAINTIFFS HAVE
15 TESTIFIED TO THAT WERE IDENTIFIED BY WITNESSES FOUND CREDIBLE BY
16 HUMAN RIGHTS WATCH?

17 A. YES. IN FACT, WE HAVE TESTIMONIES OF TEETH BEING FORCIBLY
18 EXTRACTED, AND ALSO NESKOLA (PHONETIC) THAT WERE COLLECTED, IN
19 FACT, WHILE SOME OF THE PLAINTIFFS WERE STILL IN DETENTION. SO
20 AND WE TAKE GREAT CARE TO NOT CROSS-CONTAMINATE WITNESSES, AS I
21 MENTIONED EARLIER. THE POLICY TO INTERVIEW PEOPLE INDIVIDUALLY
22 AND ALONE, TO TRY AND GET A STORY THAT IS NOT TAINTED BY THE
23 TESTIMONY OF OTHERS.

24 AND THERE ARE TESTIMONIES OF THIS EXTRACTION OF TEETH,
25 SEVERE BEATINGS, AND NUMEROUS OTHER ABUSES, INCLUDING SEXUAL

1 ASSAULT THAT OCCURRED IN DETENTION.

2 Q. AND YOU'VE IDENTIFIED THAT A GUILTY PLEA BY STEVAN
3 TODOROVIC, THE BOSNIAN POLICE CHIEF OF BOSANSKI SAMAC, HAS
4 IDENTIFIED -- THAT HE HAS RECOGNIZED ABUSES AGAINST ONE OF THE
5 PLAINTIFFS IN THIS ACTION AS WELL; IS THAT CORRECT?

6 A. THAT IS CORRECT. AND A NUMBER OF OTHER PLAINTIFFS AS WELL.
7 BUT HASAN SUBASIC IS MENTIONED BY NAME IN THE GUILTY PLEA. AND
8 HE, TODOROVIC, ADMITTED TO THE BEATING OF THIS PLAINTIFF, IN
9 ADDITION TO A NUMBER OF OTHERS.

10 Q. IN ONE OF THE DETENTION FACILITIES IN BOSANSKI SAMAC?

11 A. CORRECT.

12 MR. SONDHEIMER: YOUR HONOR, THE PLAINTIFFS DON'T
13 HAVE FURTHER QUESTIONS FOR MS. PAUL.

14 THE COURT: MS. PAUL, I HAVE HEARD ALL OF YOUR
15 TESTIMONY. YOU ARE A CREDIBLE AND CERTAINLY A VERY RESOURCEFUL
16 INFLUENCING PARTY. THANK YOU VERY MUCH.

17 MR. HOFFMAN: YOUR HONOR, OUR FINAL WITNESS IS THE
18 REMAINING TESTIMONY OF THE PLAINTIFF, KEMAL MEHINOVIC, AND WE
19 WOULD NEED THE INTERPRETER FOR THIS.

20 YOUR HONOR, WHILE WE ARE WAITING TO GET STARTED, WE
21 HAD PRESENTED TO THE COURT A NUMBER OF EXHIBITS THAT WERE
22 ASSOCIATED WITH MS. PAUL'S TESTIMONY, A LOT OF HUMAN RIGHTS
23 REPORTS, SOME OF WHICH SHE HAS TESTIFIED TO. WE WOULD LIKE TO
24 MOVE THE ADMISSION OF THOSE EXHIBITS THAT WERE PRESENTED TO THE
25 COURT IN ADVANCE IN A BINDER, AND I WONDER IF THIS WOULD BE THE

1 APPROPRIATE TIME.

2 THE COURT: THIS WOULD BE A GOOD TIME IF YOU CAN
3 IDENTIFY THEM BY NUMBER OR BY GROUP SO THAT WE CAN IDENTIFY
4 THEM.

5 MR. HOFFMAN: MAYBE WHAT I SHOULD DO THEN IS CONTINUE
6 WITH THE TESTIMONY, AND MY COLLEAGUE WILL BE READY TO DO THAT AS
7 SOON AS WE ARE DONE WITH THE EXHIBITS.

8 THE COURT: DO YOU PLAN TO PUT UP ANY EVIDENCE
9 CONCERNING ATTORNEYS FEES? YOU CAN APPLY FOR ATTORNEYS FEES
10 AFTER THE JUDGMENT.

11 MR. HOFFMAN: YES, YOUR HONOR. WHAT WE HOPED TO DO AT
12 THAT SCORE, TO MAKE OUT A FORM TO BE INCLUDED WITH THE FINDINGS
13 OF FACT AND CONCLUSIONS OF LAW.

14 KEMAL MEHINOVIC
15 PLAINTIFF'S WITNESS
16 PREVIOUSLY SWORN

17 DIRECT EXAMINATION (RESUMED)

18 BY MR. HOFFMAN:

19 Q. MR. MEHINOVIC, YOU'VE ALREADY GIVEN TESTIMONY ABOUT A
20 NUMBER OF MATTERS, AND I WOULD LIKE TO START BY ASKING YOU
21 QUESTIONS ABOUT YOUR ARREST. CAN YOU TELL ME WHEN YOU WERE
22 ARRESTED IN 1992?

23 A. 27TH OF MAY, 1992, AT 4:00 P.M. IN THE AFTERNOON.

24 Q. AND WHO ARRESTED YOU?

25 A. ZORAN POLIPSHA (PHONETIC), SLABODON RADOLOVIC (PHONETIC),

1 SERBIAN POLICEMEN.

2 Q. AND WERE THEY WEARING UNIFORMS?

3 A. YES. THEY HAD BLUE CAMO UNIFORMS. THEN I WAS TRANSPORTED

4 TO THE POLICE STATION.

5 Q. NOW, I WOULD LIKE TO ASK YOU QUESTIONS ABOUT YOUR ARRIVAL AT

6 THE POLICE STATION. WHEN YOU ARRIVED AT THE POLICE STATION, DID

7 YOU SEE MR. VUCKOVIC?

8 A. YES.

9 Q. WHAT WAS MR. VUCKOVIC WEARING, IF YOU CAN REMEMBER?

10 A. SAME POLICE, BLUE UNIFORM AND WEARING A REVOLVER.

11 Q. DID HE APPEAR TO BE PART OF THE MILITARY FORCES THAT WERE AT

12 THE POLICE STATION?

13 A. I DO NOT KNOW. I BELIEVE SO.

14 Q. DID YOU SEE OTHER PEOPLE WITH UNIFORMS LIKE HIS AT THE

15 POLICE STATION?

16 A. YES.

17 Q. DID HE SAY ANYTHING TO YOU WHEN YOU FIRST ARRIVED AT THE

18 POLICE STATION?

19 A. OH, YES. YOU ARE HERE. I WILL SEE YOU LATER.

20 Q. THIS WAS A STATEMENT THAT HE MADE DIRECTLY TO YOU?

21 A. YES.

22 Q. DID YOU SAY ANYTHING TO HIM?

23 A. NOTHING. I DIDN'T HAVE ANY RIGHT TO DO SO.

24 Q. WERE YOU TAKEN TO ANY ROOM WITHIN THE POLICE STATION WHEN

25 YOU FIRST ARRIVED?

1 A. YES. IN THEIR ROOM WHERE THEY USUALLY ACCEPT AND SEE
2 PEOPLE.

3 Q. CAN WE CALL THAT THE RECEIVING ROOM?

4 A. THAT'S TYPE OF INTERROGATION ROOM WHERE THEY ASK FOR
5 STATEMENTS.

6 Q. WE'LL CALL IT THE INTERROGATION ROOM THEN. WHEN YOU WERE
7 TAKEN INTO THE INTERROGATION ROOM, WERE THERE ANY OTHER
8 PRISONERS IN THERE WITH YOU?

9 A. NO.

10 Q. CAN YOU DESCRIBE WHAT THE ROOM LOOKED LIKE?

11 A. IT WAS A ROOM MAYBE FIVE METERS BY FIVE METERS. THERE WAS
12 ONE TABLE, TWO CHAIRS, AND ONE CLOSET. YES.

13 Q. DID ANYONE COME INTO THE INTERROGATION ROOM WITH YOU?

14 A. LATER STEVE ARRIVED WITH HIS BODY GUARDS.

15 Q. AND WHO IS STEVE?

16 A. STEVAN TODOROVIC, POLICE CHIEF. CHIEF OF POLICE.

17 Q. AND YOU SAY HE CAME IN WITH BODY GUARDS?

18 A. YES. HE CAME WITH HIS BODY GUARDS.

19 Q. AND WHEN HE CAME IN, DID HE INTERROGATE YOU?

20 A. FIRST HE STARTED BEATING ME WITH BATON. FIRST HE STARTED
21 BEATING ME WITH BASEBALL BAT. AND FOR ME TO ANSWER QUESTIONS
22 ABOUT BLAGOJE VITOVAVIC (PHONETIC) WHO WAS THE PRESIDENT OF SDS
23 IN BOSANSKI SAMAC.

24 MR. HOFFMAN: MR. INTERPRETER, HE SAID BEFORE
25 "BATON." AND HE SAID JUST NOW "BASEBALL BAT."

1 THE INTERPRETER: WITH BOTH. FIRST WITH BATON, THEN
2 WITH BASEBALL BAT.
3 BY MR. HOFFMAN:
4 Q. HOW SEVERELY WERE YOU BEATEN?
5 A. HE WAS BEATING ME CONSTANTLY AT THOSE MOMENTS FORCING ME TO
6 SPREAD MY LEGS APART AND BEATING ME IN MY GENITAL AREAS TELLING
7 ME YOU ARE NOT GOING TO NEED THAT ANYMORE.
8 Q. AND THIS WAS MR. TODOROVIC?
9 A. YES.
10 Q. WERE THE BODY GUARDS BEATING YOU TOO?
11 A. YES. THEY WERE SWITCHING FROM ONE ANOTHER.
12 Q. WERE YOU A MEMBER OF ANY POLITICAL PARTY AT THE TIME?
13 A. NO.
14 Q. WERE YOU INVOLVED IN POLITICAL ACTIVITIES OF ANY KIND?
15 A. NO.
16 Q. WERE YOU INVOLVED IN ANY MILITARY ACTIVITIES OF ANY KIND?
17 A. NO.
18 Q. DID YOU KNOW ANY PEOPLE THAT WERE INVOLVED IN POLITICAL
19 ACTIVITIES?
20 A. YES.
21 Q. AND WHO WAS THAT?
22 A. FOR EXAMPLE, MY FRIEND WHO I WENT TO SCHOOL TOGETHER, ALYA
23 (PHONETIC), I ASKED BY TODOROVIC, FOR EXAMPLE.
24 Q. DID MR. TODOROVIC TELL YOU THAT HE KNEW THIS PERSON WAS A
25 FRIEND OF YOURS?

1 A. YES.

2 Q. WAS HE ASKING FOR INFORMATION ABOUT WHERE THIS PERSON WAS?

3 A. YES. HE INTERROGATED ME WITH QUESTIONS ABOUT ALYA.

4 Q. AND WAS HE ASKING YOU THOSE QUESTIONS WHILE HE WAS BEATING

5 YOU?

6 A. YES.

7 Q. AND DID YOU KNOW WHERE THIS PERSON WAS?

8 A. NO.

9 Q. DID YOU TELL HIM THAT?

10 A. YES. BUT HE DIDN'T BELIEVE ME.

11 Q. AND HE CONTINUED BEATING YOU?

12 A. YES.

13 Q. FOR HOW LONG DID THE BEATING GO ON?

14 A. ABOUT TWO OR THREE HOURS WHILE HE WAS WITH HIS BODY GUARDS.

15 Q. WAS MR. VUCKOVIC THERE?

16 A. HE CAME AFTERWARDS. I AM NOT SURE ABOUT EXACT TIME. BY

17 LOOKING OUTSIDE, IT WAS DARK, SO PROBABLY AT NIGHT.

18 Q. AND DID HE COME INTO THE SAME INTERROGATION ROOM?

19 A. YES. BECAUSE HE KNEW THAT I WAS THERE.

20 Q. DID HE COME AFTER TODOROVIC HAD LEFT?

21 A. YES.

22 Q. DID HE COME ALONE?

23 A. YES.

24 Q. AND WHEN HE CAME INTO THE INTERROGATION ROOM, DID HE

25 MISTREAT YOU IN ANY WAY?

1 A. YES. SINCE I WAS ALREADY DOWN ON THE FLOOR FROM PREVIOUS
2 BEATINGS, HE HIT ME WITH HIS BOOT ON THE LEFT SIDE OF MY FACE.
3 Q. CAN YOU DESCRIBE HOW HARD HE KICKED YOU?
4 A. HE HIT ME SO HARD THAT THERE WAS A PHYSICAL CHANGE NOW IN MY
5 FACE FROM THE LEFT SIDE TO THE RIGHT SIDE.
6 Q. HOW HARD WAS THE KICK THAT YOU RECEIVED?
7 A. THAT WAS HARD TO SUSTAIN MY HEAD WAS SWOLLEN THAT SOME OTHER
8 DETAINEES THAT WERE BROUGHT THERE LATER COULDN'T RECOGNIZE ME.
9 Q. DID YOUR FACE SWELL UP?
10 A. YES. MY FACE WAS TOTALLY DEFORMED. I WAS UNABLE TO
11 RECOGNIZE MYSELF.
12 Q. HOW LONG WAS YOUR FACE DEFORMED AFTER THE KICK THAT YOU
13 RECEIVED FROM MR. VUCKOVIC?
14 A. FOR THE NEXT TEN DAYS.
15 Q. WERE YOU IN EXTREME PAIN FROM THE KICK FOR THE NEXT TEN
16 DAYS?
17 A. YES. IT CONSTANTLY HURT ME AND EVEN NOWADAYS I STILL HAVE A
18 PAIN PRESENT.
19 Q. WERE YOU ABLE TO EAT AFTER YOU RECEIVED THIS KICK?
20 A. NOT WHATSOEVER FOR THE NEXT TEN DAYS. I COULDN'T OPEN MY
21 MOUTH.
22 Q. DID MR. VUCKOVIC DO ANYTHING ELSE TO YOU IN THE
23 INTERROGATION ROOM WHEN HE CAME IN THAT NIGHT?
24 A. YES. HE LIFTED ME UP STARTING WITH DEROGATORY REMARKS THAT
25 WE WERE AN INVENTED NATION, AND WE DON'T NEED TO EXIST, WHILE

1 PERFORMING HIS KICKS TO THE GENITAL AREA.

2 Q. SO HE CONTINUED TO KICK YOU IN OTHER PARTS OF YOUR BODY
3 WHILE YOU WERE LYING THERE; IS THAT RIGHT?

4 A. YES.

5 Q. HOW PAINFUL WERE THE KICKS THAT, THE OTHER KICKS THAT YOU
6 RECEIVED?

7 A. IMPOSSIBLE PAINS TO SUSTAIN. SO STRONG THAT ALMOST YOUR
8 EYES WOULD FALL OUT.

9 Q. WHAT WAS YOUR MENTAL CONDITION DURING THE PERIOD OF THIS
10 BEATING BY MR. VUCKOVIC?

11 A. I WAS LOST ALL THE WAY FROM THOSE KICKS. I WAS UNABLE TO
12 OFFER ANY HELP FOR MYSELF.

13 Q. DID YOU FEAR THAT YOU WOULD BE KILLED THAT NIGHT?

14 A. THAT IDEA WAS CONSTANTLY IN MY HEAD.

15 Q. NOW, YOU SAID THAT HE MADE CERTAIN REMARKS ABOUT YOU BEING
16 PART OF AN INVENTED NATION. WAS THAT A REFERENCE TO THE FACT
17 THAT YOU WERE MUSLIM?

18 A. YES.

19 Q. DO YOU REMEMBER ANY OF THE OTHER REMARKS THAT MR. VUCKOVIC
20 MADE ABOUT YOUR RELIGION DURING THE BEATING?

21 A. MAINLY THAT WE WERE INVENTED NATION, THAT WE DO NOT EXIST
22 ANYMORE, WHILE CURSING OUR DEROGATORY TERM FOR MUSLIMS MOTHERS,
23 WHICH IS BALIJAS MOTHERS.

24 Q. AND HOW FREQUENTLY DID HE USE THOSE KIND OF REMARKS AS HE
25 WAS BEATING YOU?

1 A. CONSTANTLY WITHOUT STOPPING WHILE HE WAS BEATING ME, HE WAS
2 SAYING THOSE REMARKS.

3 Q. DID MR. VUCKOVIC DO ANYTHING ELSE DURING THAT SESSION TO
4 HUMILIATE YOU IN ANY WAY?

5 A. THAT NIGHT I WAS ALSO FORCED TO LICK BLOOD FROM THE WALLS OF
6 THAT ROOM.

7 Q. DID YOU DO THAT?

8 A. YES. I HAD TO. I DIDN'T HAVE A CHOICE.

9 Q. WHEN YOU SAY YOU DIDN'T HAVE A CHOICE, WHAT WOULD HAVE
10 HAPPENED TO YOU? WHAT DID YOU THINK WOULD HAPPEN TO YOU IF YOU
11 DIDN'T DO IT?

12 A. I BELIEVE HE WOULD EITHER CHOKE ME OR JUST CONTINUE BEATING
13 ME WITH WHATEVER OBJECTS HE WOULD FIND AROUND. I WAS TRYING TO
14 BE CAREFUL WITH HOW TO ACT AND RESPOND THAT I DON'T GET HIM MORE
15 ANGRY, MAD, SO THAT I DON'T HAVE TO SUFFER ADDITIONAL BEATINGS
16 AND TORTURE.

17 Q. HOW DID YOU FEEL WHEN YOU WERE LICKING BLOOD OFF THE WALLS?

18 A. VERY BADLY. FIRST OF ALL, FROM ALL OF THOSE BEATINGS, AND
19 MY MOUTH WAS SO DRY. AND IF YOU CAN TRY TO MENTION MY MOUTH WAS
20 SO DRY HOW I WAS -- HOW WOULD I BE ABLE TO LICK BLOOD FROM THE
21 WALLS THAT THEY STILL HAD PAINT ON.

22 Q. WERE PEOPLE SAYING THINGS TO YOU WHILE YOU WERE LICKING
23 BLOOD OFF THE WALLS?

24 A. NO. THEY WERE JUST -- NO. BUT THEY WERE BEING AMUSED AND
25 LAUGHING AT ME, AT MY ALSO SUFFOCATION WHILE LICKING BLOOD AND

1 PAINT FROM THE WALL.

2 Q. WERE YOU KEPT IN THAT INTERROGATION ROOM AFTER THAT FIRST
3 NIGHT?

4 A. YES.

5 Q. WERE YOU BEATEN AT ANY OTHER TIME WHEN YOU WERE IN THE
6 INTERROGATION ROOM AFTER THE FIRST NIGHT?

7 A. YES.

8 Q. WERE YOU BEATEN EVERY DAY?

9 A. YES. THAT'S THAT TYPE OF RECEIVING INTERROGATION ROOM WHERE
10 WHOEVER ENTERS WOULD BEAT YOU ALMOST EVERY DAY.

11 Q. HOW FREQUENT WERE THE BEATINGS THAT YOU RECEIVED?

12 A. LET'S SAY SUPPOSEDLY IT'S A CUSTOM EVERY TIME WE HAD
13 SUPPOSED BREAKFAST, LUNCH, AND DINNER.

14 Q. WELL, WOULD VUCKOVIC BEAT YOU AT ANY OTHER TIME WHEN YOU
15 WERE IN THE INTERROGATION ROOM?

16 A. OF COURSE WHENEVER HE WAS FREE FROM HIS DUTIES HE WOULD COME
17 BY AND BEAT ME.

18 Q. DID THAT HAPPEN ON A DAILY BASIS?

19 A. YES.

20 Q. AND HOW PAINFUL WERE THE BEATINGS THAT YOU RECEIVED FROM
21 VUCKOVIC AFTER THAT FIRST DAY WHEN YOU WERE IN THE INTERROGATION
22 ROOM?

23 A. THE BEATINGS WERE VERY VERY PAINFUL, IF YOU TRY TO MENTION
24 RECEIVING BEATINGS ON ALREADY SWOLLEN AREAS, IT HURTS EVEN
25 MORE. THAT WAY YOU LOSE YOUR BREATH AND CONSCIOUSNESS.

1 Q. DURING THE OTHER BEATINGS THAT MR. VUCKOVIC GAVE YOU, WHEN
2 YOU WERE IN THE INTERROGATION ROOM, DID HE CONTINUE TO MAKE
3 ANTI-MUSLIM COMMENTS TO YOU WHILE HE WAS BEATING YOU?

4 A. I BELIEVE SO, BECAUSE HE ALWAYS HAD THIS STRONG WISH TO USE
5 DEFAMATORY TERMS, WORDS, FOR MUSLIMS.

6 Q. WAS MR. VUCKOVIC PRESENT WHEN OTHER PEOPLE BEAT YOU IN THE
7 INTERROGATION ROOM?

8 A. YES.

9 Q. WAS HE PRESENT WHEN MR. TODOROVIC BEAT YOU IN THE
10 INTERROGATION ROOM AT ANY TIME?

11 A. YES.

12 Q. WAS THERE AN INCIDENT WHERE YOUR FINGER WAS DISLOCATED?

13 A. YES.

14 Q. AND WHEN DID THAT OCCUR?

15 A. THAT HAPPENED IN INTERROGATION ROOM WHEN TO TODOROVIC ASKED
16 ME WHICH FINGER DID I FIRE A WEAPON.

17 Q. CAN YOU EXPLAIN WHAT HAPPENED NEXT?

18 A. FIRST TODOROVIC DISLOCATED AND HIT ME IN THIS FINGER AND
19 RIPPED PART OF SKIN, DEEP SKIN, FROM THIS FINGER AROUND THIS
20 AREA, AND THEN HE PUSHED SO HARD MY FINGER AGAINST MY WRIST THAT
21 YOU CAN EVEN HEAR NOW THIS, AS I DEMONSTRATE IT TO YOU,
22 DISLOCATION OF MY BONES.

23 Q. HOW DID HE DISLOCATE YOUR FINGER?

24 A. MANY TIMES I HAVE A FEELING OF TINGLING AND STRONG --
25 STIFFNESS IN MY FINGER THAT I HAVE TO RELAX IT OR PULL IT OUT

1 THAT IT FEELS OKAY.

2 Q. WHAT -- THE QUESTION THAT I WANT YOU TO ASK HIM IS, HOW DID
3 MR. TODOROVIC DISLOCATE HIS FINGER TO BEGIN WITH?

4 A. HE HIT ME WITH THE RIFLE.

5 Q. HOW DID HE HIT YOU WITH THE RIFLE?

6 A. FIRST I WAS FORCED TO PLACE MY HAND WITH PALMS FACING UP
7 TOWARDS ON THE TABLE WHERE HE HIT ME WITH THE LOWER PART OF THE
8 RIFLE.

9 Q. THE RIFLE BUTT?

10 A. THE RIFLE BUTT. AND WHEN I TRIED TO TAKE MY HAND OFF THE
11 TABLE, NEXT TIME HE HOLD MY HAND IN THIS AREA.

12 Q. HOW PAINFUL WAS IT WHEN THAT ACTUALLY HAPPENED?

13 A. THE PAIN WAS SO IMMENSE AND INTENSE THAT I ALMOST LOST
14 CONSCIOUSNESS. I TAUGHT THAT MY FINGER IS TOTALLY BROKEN AND
15 DISLOCATED, IT'S NOT THERE ANYMORE.

16 Q. HOW LONG DID YOUR FINGER HURT YOU?

17 A. I'M NOT QUITE SURE, BUT SOMEWHERE AROUND TWO TO THREE MONTHS
18 MY WHOLE HAND WAS SWOLLEN.

19 Q. AND WERE YOU IN A LOT OF PAIN FROM YOUR FINGER FOR THAT
20 WHOLE TWO OR THREE-MONTH PERIOD?

21 A. YES.

22 Q. WAS MR. VUCKOVIC PRESENT IN THE ROOM WHEN MR. TODOROVIC
23 DISLOCATED YOUR FINGER?

24 A. YES. YES. HE WAS PRESENT.

25 Q. AND WHAT WAS HE DOING WHEN MR. TODOROVIC DID THIS TO YOU?

1 A. HE WAS JUST STANDING AND LAUGHING.

2 Q. WAS HE THERE WITH OTHER GUARDS?

3 A. YES.

4 Q. DID THERE COME A TIME WHEN YOU WERE MOVED FROM THE

5 INTERROGATION ROOM TO ANOTHER ROOM IN THE POLICE STATION?

6 A. YES. A ROOM THAT WAS ADJACENT TO THAT INTERROGATION ROOM

7 WHERE ALREADY DETAINEES WERE PRESENT.

8 Q. AND HOW BIG A ROOM WAS IT?

9 A. SOMEWHERE AROUND THE SAME CONFIGURATION, FIVE METERS BY

10 FIVE.

11 Q. WAS IT CROWDED?

12 A. YES. ONLY PEOPLE. THIRTY APPROXIMATELY.

13 Q. DID YOU RECEIVE FOOD?

14 A. ONCE A DAY WE RECEIVE FOOD.

15 Q. WHAT DID YOU RECEIVE?

16 A. WE RECEIVED JUST ONE SLICE OF BREAD THAT WAS SPREAD WITH

17 PORK FAT ON IT.

18 Q. DID YOU EAT THAT?

19 A. WELL, I HAD TO EAT THAT. I HAD NOTHING ELSE TO EAT.

20 Q. WAS THAT A VIOLATION OF YOUR RELIGIOUS PRINCIPLES?

21 A. YES.

22 Q. AND HOW DID THAT MAKE YOU FEEL TO HAVE TO EAT THAT?

23 A. I FELT REALLY BADLY AND UNEASY ABOUT HAVING TO BE FORCED TO

24 EAT SOMETHING THAT IS AGAINST MY RELIGIOUS BELIEFS, AND I NEVER

25 TASTED IT BEFORE SINCE I NEVER ATE IT BEFORE.

1 Q. FOR HOW LONG WERE YOU IN THAT ROOM?

2 A. SINCE THE DAY I WAS CAPTURED AND DETAINED APPROXIMATELY FOR
3 THREE MONTHS I WAS IN THAT ROOM TOTAL.

4 Q. IS THAT THE KIND OF FOOD THAT YOU RECEIVED FOR THAT WHOLE
5 PERIOD OF TIME?

6 A. YES.

7 Q. DID YOU RECEIVE ANY WATER?

8 A. ONCE A DAY.

9 Q. DID YOU RECEIVE ANY MEDICAL TREATMENT FOR ANY OF YOUR
10 INJURIES WHILE YOU WERE IN THE ROOM?

11 A. NO.

12 Q. WERE YOU ALLOWED TO HAVE VISITS FROM YOUR FAMILY?

13 A. NO.

14 Q. DID YOU SEE YOUR FAMILY DURING ANY OF THAT TIME?

15 A. NO.

16 Q. DID YOU TALK TO THEM?

17 A. NO.

18 Q. DID YOU HAVE ANY INFORMATION ABOUT THEM?

19 A. NO.

20 Q. WERE YOU BEATEN WHEN YOU WERE MOVED TO THE OTHER ROOM?

21 A. YES. BUT NOT SO OFTEN LIKE WHILE I WAS IN INTERROGATION
22 ROOM, BECAUSE THERE WAS 30 OF US. SO DEPENDING ON WHO THEY TAKE
23 OUT FOR THE DAY.

24 Q. CAN YOU DESCRIBE THE WAY THAT BEATINGS OCCURRED WHEN YOU
25 WERE IN THE ROOM WITH MORE PEOPLE IN IT?

1 A. ALL OF THOSE BEATINGS WERE DONE WITH INTENT TO HIT YOU AND
2 HURT YOU VERY PAINFULLY WITHOUT THINKING OF WHERE IT WOULD HURT
3 LESS. THEY WERE INTENTIONALLY BEING HIT WHERE IT WOULD HURT THE
4 MOST AND THEY WERE VERY PAINFUL.

5 Q. HOW FREQUENTLY WERE YOU PERSONALLY BEATEN WHEN YOU WERE KEPT
6 IN THAT ROOM WITH THE OTHER PRISONERS?

7 A. I WAS PERSONALLY BEATEN SOMEWHERE AROUND THREE TIMES WHILE I
8 WAS IN THAT ROOM. THEY JUST CALL YOU UP BY YOUR LAST NAME
9 RANDOMLY AND BEAT YOU. FOR SOME OTHER GUARDS, AS WELL AS FROM
10 VUCKOVIC TOO.

11 Q. DID VUCKOVIC PERSONALLY BEAT YOU WHILE YOU WERE HOUSED IN
12 THE ROOM WITH THE OTHER PRISONERS?

13 A. YES.

14 Q. AND CAN YOU DESCRIBE THOSE BEATINGS FOR THE COURT?

15 A. I WAS ALWAYS KIND OF HIDING IN A CORNER FROM HIS EYES
16 WHENEVER HE WOULD ENTER THE ROOM SO THAT HE WOULDN'T CALL UP ON
17 ME TO BE BEATEN. WHEN HE CALLED UP MY NAME, AND WHILE I WAS
18 PASSING THROUGH THE GROUP OF PEOPLE, HE HIT ME RIGHT AT THE
19 ENTRANCE OF THAT ROOM. I AM NOT SURE WITH WHAT. I WAS STILL IN
20 PAIN FROM PREVIOUS BEATINGS. HE HIT ME WITH SOMETHING IN THE
21 AREA OF THE BACK OF MY HEAD AND I FELL RIGHT AWAY. WHILE I WAS
22 FALLING DOWN, I HEARD HIS VOICE UTTERING, "LOOK AT THE ACTOR. I
23 DON'T KNOW WHAT HAPPENED TO HIM." AND THEN HE CONTINUED TO BEAT
24 ME WITH THE BATON AND WITH HIS LEGS.

25 Q. HOW HARD DID HE HIT YOU?

1 A. VERY STRONG INJURY I RECEIVED IN THE AREA OF MY RIBS THAT I
2 WOULD LOSE MY BREATH RIGHT AWAY.

3 Q. AND HOW EXTREME WAS THE PAIN?

4 A. I HAD SUCH AN IMMENSE PAIN. AND WITH MY SCREAMS, MY VOICE
5 COULD BE ECHOED THROUGHOUT THE WHOLE POLICE STATION.

6 Q. DURING THE TIME YOU WERE KEPT IN THE ROOM WITH THE OTHER
7 PRISONERS, CAN YOU DESCRIBE FOR THE COURT WHAT YOUR MENTAL STATE
8 WAS, WHAT YOU WERE THINKING ABOUT, WHETHER YOU HAD ANY FEARS?

9 A. OF COURSE IT CAME TO THE TIME WHERE I WAS THE SUBJECT BEING
10 MOST TORTURED AND BEATEN, AND MY EYES WERE ALWAYS FOCUSED ON THE
11 DOOR OF THE ENTRANCE OF THAT ROOM IN FEAR THAT THEY WOULD CALL
12 ME ESPECIALLY MYSELF, BECAUSE IT CAME TIME THAT VUCKOVIC AND
13 OTHERS REALLY PARTICULARLY LIKED TO BEAT ME.

14 MY BODY STARTED SHAKING JUST BY ITSELF AND
15 CO-DETAINEES STARTED ASKING ME WHAT IS WRONG WITH YOU. MAYBE MY
16 BODY WAS SHAKING FROM SUCH A FEAR JUST BY HAVING THE THOUGHT
17 THAT SOMEBODY WOULD ENTER OR CALL ME UP TO BEAT ME.

18 Q. DID YOU SEE OTHER PRISONERS BEING BEATEN TOO?

19 A. YES.

20 Q. DID THE BEATING OF OTHER PRISONERS HAVE ANY EFFECT ON YOU?

21 A. YES. IT HAS.

22 Q. CAN YOU DESCRIBE THE EFFECT THAT HAS HAD ON YOU FOR THE
23 COURT?

24 A. THERE WAS AN INSTANCE WHERE I WAS FORCED TO CLEAN A HALLWAY
25 FROM BLOOD FROM THEIR BEATINGS, AND IN THAT HALLWAY THERE WAS A

1 POST, A GUARD POST. I SAW BY THE GUARD POST IN THE HALLWAY A
2 YOUNG MAN SOMEWHERE AROUND 35 YEARS OLD BEING SHAKING AND LAYING
3 DOWN ON THE FLOOR I BELIEVE FROM ALL THE BEATINGS THAT HE
4 SUFFERED. AFTER SOME TIME THEY CALLED TWO OR THREE OF US FROM
5 THE ROOM WHERE I WAS DETAINED AND HELD TO PUT HIM IN RUGS SO TO
6 TAKE HIM OUTSIDE BECAUSE HE HAD DIED FROM HIS INJURIES.

7 Q. AND WHAT IMPACT DID THAT HAVE ON YOU?

8 A. EXTREME FRIGHT RESULTED, AND ALREADY INTENSE FEAR WAS STILL
9 PRESENT THAT THE DAY WOULD COME FOR ME AS WELL.

10 Q. DID THE GUARDS THAT CAME IN TO BEAT THE PRISONERS IN THIS
11 LARGER ROOM, DID THEY ALSO MAKE ANTI-MUSLIM STATEMENTS AND
12 EPITHETS?

13 A. ALL OF THEM DID THE SAME THING, MAKING STATEMENTS AGAINST
14 MUSLIMS.

15 Q. AND HOW FREQUENTLY DID VUCKOVIC COME INTO THAT ROOM WHERE
16 THE 30 PRISONERS WERE BEING HELD?

17 A. WHILE I WAS BEING HELD IN THAT CAMP FOR THREE MONTHS,
18 PERSONALLY HE TOOK ME OUT FOR BEATINGS TWO TO THREE TIMES;
19 HOWEVER, I SAW HIM PASSING BY NUMEROUS TIMES BECAUSE THAT IS
20 WHERE HE WAS KIND OF PERFORMING DUTIES AS A GUARD IN THAT POLICE
21 STATION.

22 Q. DID YOU SEE HIM ALMOST EVERY DAY?

23 A. YES, YOU COULD SAY SO.

24 Q. DID THERE COME A TIME WHEN YOU WERE MOVED TO THE T.O.
25 WAREHOUSE?

1 A. YES.

2 Q. AND HOW LONG WERE YOU KEPT IN THE T.O. WAREHOUSE?

3 A. FROM AUGUST UNTIL NOVEMBER, I WAS HELD IN THE T.O.

4 Q. THAT IS AUGUST TO NOVEMBER OF 1992?

5 A. YES.

6 Q. AND BY THE WAY, THE PEOPLE THAT WERE BEING DETAINED WITH YOU

7 IN THE POLICE STATION, WERE THEY ALL CROATS AND MUSLIMS?

8 A. YES.

9 Q. AND WHEN YOU WERE TAKEN TO THE T.O. WAREHOUSE, WERE THE

10 PEOPLE THAT YOU WERE DETAINED WITH THERE ALL CROATS AND

11 MUSLIMS?

12 A. YES.

13 Q. HOW MANY PEOPLE WERE BEING DETAINED AT THE T.O. WAREHOUSE

14 WHEN YOU WERE THERE?

15 A. IN THE ROOM WHERE I WAS HELD, THERE WERE ABOUT 180.

16 Q. AND WHAT WAS YOUR PHYSICAL CONDITION LIKE AT THE TIME YOU

17 WERE FIRST TAKEN TO THE T.O. WAREHOUSE?

18 A. STILL UNDER SWOLLEN AREAS AROUND MY BODY FROM NUMEROUS

19 BEATINGS THAT I RECEIVED AND STILL UNDER PAIN.

20 Q. HAD YOU LOST A LOT OF WEIGHT BY THAT TIME?

21 A. YES.

22 Q. HAD YOU SEEN YOUR FAMILY BY THAT TIME?

23 A. NO.

24 Q. WERE YOU PERMITTED TO SEE YOUR FAMILY AT THE T.O.

25 WAREHOUSE?

1 A. NO.

2 Q. THROUGHOUT THE PERIOD OF TIME YOU WERE DETAINED, UP UNTIL
3 NOVEMBER OF 1992, DID YOU EVER GET TO SEE A LAWYER?

4 A. NO.

5 Q. DID ANYONE GIVE YOU AN ARREST WARRANT?

6 A. NO.

7 Q. WERE YOU EVER GIVEN ANY CHARGES THAT YOU HAD COMMITTED ANY
8 CRIMES?

9 A. NO.

10 Q. DID YOU EVER -- WERE YOU EVER TAKEN BEFORE A JUDGE?

11 A. NO.

12 Q. AT THE T.O. WAREHOUSE, WHAT WAS THE FOOD -- WAS THE FOOD ANY
13 DIFFERENT THAN IT WAS FROM THE FOOD THAT YOU RECEIVED AT THE
14 POLICE STATION?

15 A. SAME.

16 Q. THE SAME THING FOR WATER?

17 A. EVERYTHING WAS THE SAME.

18 Q. WERE YOU BEATEN AT THE T.O. WAREHOUSE?

19 A. YES.

20 Q. HOW FREQUENTLY?

21 A. FOR THOSE TWO OR THREE MONTHS THAT I WAS THERE, PROBABLY
22 FOUR TO FIVE TIMES.

23 Q. WERE THERE OTHER PRISONERS BEING BEATEN TOO?

24 A. YES.

25 Q. WERE THE BEATINGS SIMILAR TO THOSE THAT YOU RECEIVED AT THE

1 POLICE STATION?

2 A. YES.

3 Q. AND DID THEY BEAT YOU WITH ANYTHING?

4 A. BASEBALL BATS, METAL PIPES, WITH A WOODEN LEG.

5 Q. DID THE GUARDS ALSO USE ANTI-MUSLIM STATEMENTS AND EPITHETS

6 WHEN THEY WERE BEATING YOU?

7 A. YES.

8 Q. DID THE GUARDS DO ANYTHING TO HUMILIATE YOU WHILE YOU WERE

9 IN DETENTION AT THE T.O. WAREHOUSE?

10 A. YES. THAT WAS PRESENT ALL THE TIME WHOEVER WOULD COME TO

11 BEAT US, THOSE TERMS WERE ALWAYS USED.

12 Q. WHAT KINDS OF THINGS DID THEY DO TO YOU TO HUMILIATE YOU?

13 A. THEY WOULD TIE ME, HANG ME UP AGAINST THE WINDOWS WHILE

14 BEATING ME. I HAD TO LAY DOWN ON MY STOMACH ON THE FLOOR. I

15 RAISED MY FEET SO THAT THEY WERE ABLE TO HIT ME. AFTER THOSE

16 BEATINGS THAT I SUFFERED TO MY FEET, I WAS FORCED TO STAND UP

17 AND RUN LIKE CRAZY SO THAT WHERE I CAN GIVE THEM IMPRESSION THAT

18 I'M A CRAZY PERSON, TO RUN AROUND.

19 Q. DID THEY HIT YOU IN YOUR GENITAL ORGANS AGAIN?

20 A. YES.

21 Q. WERE YOU EVER SUBJECTED TO A MOCK EXECUTION OR RUSSIAN

22 ROULETTE?

23 A. YES.

24 Q. COULD YOU DESCRIBE THAT FOR THE COURT?

25 A. THEY WOULD TAKE US -- THEY WOULD TAKE US IN A CIRCLE AT THE

1 T.O. WAREHOUSE AND THEN WOULD PLAY WITH HIS REVOLVERS. AND
2 WHEREVER THE REVOLVER WOULD TURN, THAT IS THE DIRECTION WHERE
3 THEY WOULD SHOOT.

4 Q. DID THEY ACTUALLY SHOOT THE GUNS?

5 A. YES.

6 Q. WERE YOU AFRAID THAT YOU WOULD BE KILLED?

7 A. YES.

8 Q. HOW MANY TIMES DID THAT HAPPEN TO YOU?

9 A. ON ONE OCCASION WHEN VUCKOVIC WAS PERFORMING SUCH MOCK
10 EXECUTIONS.

11 Q. SO VUCKOVIC WAS ONE OF THE PEOPLE THAT DID THAT?

12 A. YES. HE LIKED THAT GAME VERY MUCH HIMSELF PERSONALLY.

13 Q. DID VUCKOVIC SHOOT AT YOU?

14 A. YES.

15 Q. HOW CLOSE DID HE COME TO HITTING YOU?

16 A. ABOVE MY HEAD.

17 Q. DID VUCKOVIC SAY ANYTHING AS HE WAS PLAYING THIS GAME?

18 A. LOOK AT THAT, HE IS LUCKY THAT LIKE HE IS SO LUCKY THE
19 BULLET WOULDN'T HIT HIM.

20 Q. DID YOU SUFFER ANY OTHER BEATINGS AT THE HANDS OF VUCKOVIC
21 AT THE T.O. WAREHOUSE?

22 A. YES. TWO OR THREE OF THE GUARDS WOULD FORCE US TO GO
23 OUTSIDE THE T.O. WAREHOUSE, FORCE US TO RUN IN A CIRCLE, AND
24 THEN THEY WOULD HIT US WITH BIG WOODEN PLATES, AND WHOEVER WAS
25 RUNNING NEARBY, THEY WOULD HIT HIM SO HARD HE WOULD FALL DOWN.

1 Q. WAS VUCKOVIC PART OF THAT?

2 A. YES. YES. THERE WAS ALWAYS THREE OF THEM. VUCKOVIC WITH
3 GUARDS.

4 Q. AND WERE YOU BEATEN DURING ONE OF THOSE SITUATIONS?

5 A. YES. OF COURSE. THEY WERE BEATING ALL OF US UNTIL WE WOULD
6 ALL FALL.

7 Q. HOW HARD DID THEY HIT YOU?

8 A. WELL, THEY WOULD HIT US SO HARD, WITH JUST ONE BLOW WITH THE
9 WOODEN PLATES, THAT YOU FALL DOWN AND CANNOT GET UP.

10 Q. HOW SEVERE WAS THE PAIN THAT YOU RECEIVED FROM THOSE BLOWS?

11 A. INTENSE PAIN. SO MUCH PAIN. UNDESCRIBABLE. UNDESCRIBABLE
12 PAIN, PAIN. PAIN. SO MUCH PAIN.

13 Q. WERE YOU IN PAIN THE ENTIRE TIME YOU WERE IN DETENTION UNTIL
14 NOVEMBER OF 1992?

15 A. YES.

16 Q. CAN YOU EXPLAIN TO THE COURT WHAT THE LASTING PHYSICAL
17 EFFECTS OF YOUR MISTREATMENT WHILE YOU WERE IN DETENTION HAVE
18 BEEN?

19 A. YES, OF COURSE I AM ABLE TO DESCRIBE ALL OF THOSE. I'M
20 STILL A YOUNG MAN. I AM 42 YEARS OLD. I STILL HAVE ENOUGH
21 YEARS AHEAD OF ME THAT SHOULD BE WORKABLE NORMALLY, BUT I AM
22 UNABLE DUE TO MY CONDITION. SINCE ARRIVAL IN UNITED STATES, DUE
23 TO THE BEATINGS THAT I SUFFERED IN DETENTION CAMP AND DETAINMENT
24 CENTERS, I ALREADY HAD THREE SURGERIES HERE IN UNITED STATES.
25 AND THE BIGGEST PROBLEM THAT I HAVE, WHICH X-RAYS SHOW I HAVE

1 DOCUMENTED PROOF, I HAVE A BIG HOLE ON IN THE BACK OF MY HEAD.
2 IT HURTS ME EVEN NOWADAYS. WHICH CAUSES ME TO BE EXTREMELY
3 NERVOUS AND UNABILITY TO FALL ASLEEP. WHICH CAUSES ME TODAY TO
4 NOT BE ABLE TO LEAVE WITHOUT MY MEDICATION TO RELIEVE MY PAIN.

5 AND I STILL HEAR AT TIMES VOICES AND HAVE FLASHBACKS
6 FROM THE BEATINGS. THOSE FLASHBACKS AND TERRIBLE NIGHTMARES
7 OCCUR VERY FREQUENTEDLY TO ME FROM ALL THE BEATINGS I HAVE
8 SUFFERED.

9 Q. CAN YOU DESCRIBE WHAT THE OPERATIONS ARE THAT YOU HAD AND
10 HOW THEY RELATE TO THE INJURIES YOU SUFFERED?

11 A. FIRST OPERATION I HAD, I HAD TWO MORE ON THE LARGE
12 INTESTINES, AND THE DOCTOR TOOK OUT ABOUT EIGHT CENTIMETERS OF
13 MY LARGE INTESTINES. TWO DAYS AFTERWARDS ON THE SAME SCAR WOUND
14 FROM PREVIOUS OPERATION, I ALSO HAD A SECOND OPERATION OF
15 ANOTHER EIGHT CENTIMETER PART OF LARGE INTESTINES THAT WAS
16 TOWARDS MY STOMACH. SIX DAYS AFTERWARDS, I HAD FINALLY A THIRD
17 OPERATION WHERE A DOCTOR HAD TAKEN OUT ALMOST HALF OF MY
18 STOMACH.

19 Q. IF YOU DON'T TAKE PAIN KILLERS, HOW BAD IS THE PAIN THAT YOU
20 STILL SUFFER FROM THE TREATMENT THAT YOU RECEIVED?

21 A. I WOULD BE UNABLE TO MOVE OR WORK, AND AT EVERY MOMENT I
22 WOULD HAVE CONSTANT PAIN WITHOUT MEDICATIONS.

23 Q. AND HAS THAT BEEN TRUE SINCE NOVEMBER OF 1992?

24 A. YES.

25 Q. WERE YOU IN GOOD HEALTH BEFORE YOU WENT INTO THE DETENTION?

1 A. I NEVER SAW A DOCTOR BEFORE MY DETAINMENT.

2 Q. IN ADDITION TO THE NIGHTMARES, WHAT IMPACT HAS THIS TORTURE
3 YOU SUFFERED HAD ON YOUR EMOTIONAL LIFE, YOUR PERSONALITY?

4 A. WELL, IT'S SO MUCH PAIN AND SO MUCH BAD FEELINGS ABOUT WHY
5 IT HAD TO HAPPEN EXACTLY TO ME, AND IT IS A LOT OF SUFFERING IN
6 MY MIND, PHYSICALLY AND EMOTIONALLY.

7 Q. DOES IT AFFECT YOU EVERY DAY?

8 A. YES.

9 Q. HOW DOES IT AFFECT YOU EVERY DAY?

10 A. WELL, LIKE I HAVE DESCRIBED AND SAID EARLIER, THAT IS MY
11 BIGGEST PROBLEM, BEING ONLY 42 YEARS OLD AND WISHFUL OF BEING
12 ABLE TO PERFORM ANY NORMAL WORK DUTIES, AND I'M UNABLE, SO
13 THEREFORE ALL OF THESE BAD THOUGHTS AND FLASHBACKS OCCUR TO ME
14 FREQUENTLY.

15 Q. AFTER NOVEMBER OF 1992, WERE YOU TRANSFERRED TO ANOTHER
16 PLACE?

17 A. YES. IN NOVEMBER WE WERE TAKEN TO CAMP PAKOVIC.

18 Q. AND WHAT KIND OF CAMP WAS THAT?

19 A. THAT WAS A SLAVE WORK CAMP. THEY DIDN'T BEAT US IN THAT
20 CAMP, HOWEVER, WE HAD TO WORK AS SLAVES.

21 Q. WHAT KIND OF WORK WERE YOU FORCED TO DO?

22 A. WE WOULD FILL THOSE POSITIONS, WHATEVER TYPE OF POSITION
23 THEY HELD BEFORE, AND WE WOULD PERFORM MAINLY ARCHITECTURAL TYPE
24 OF JOBS.

25 Q. WHEN WERE YOU RELEASED FROM THE CAMP?

1 A. OCTOBER 6TH, 1994.

2 Q. AND WERE YOU EXCHANGED IN AN EXCHANGE, PRISONER EXCHANGE?

3 A. YES.

4 Q. WHEN WAS THAT?

5 A. IN SARAJEVO, 6TH OF DECEMBER OF 1994.

6 Q. AND WERE YOU ABLE AT THAT TIME TO LEAVE BOSNIA?

7 A. VERY DIFFICULT.

8 Q. WHEN DID YOU LEAVE BOSNIA TO COME TO THE UNITED STATES?

9 A. I LEFT IN 1995. I WENT TO CROATIA, UNTIL 14TH OF JULY OF
10 1995, I RECEIVED PERMISSION TO GO FOR AN INTERVIEW IN ORDER TO
11 GO TO THE UNITED STATES.

12 Q. AND YOU HAVE BEEN IN THE UNITED STATES SINCE?

13 A. YES. IN SALT LAKE.

14 MR. HOFFMAN: IF I COULD JUST HAVE ONE MINUTE, YOUR
15 HONOR.

16 (PAUSE).

17 MR. HOFFMAN: YOUR HONOR, WE DON'T HAVE ANY FURTHER
18 QUESTIONS.

19 THE COURT: ALL RIGHT, SIR.

20 MR. HOFFMAN: THANK YOU, MR. MEHINOVIC.

21 THE COURT: YOU MAY STEP DOWN.

22 MR. HOFFMAN: YOUR HONOR, WE CAN DO THE EXHIBITS NOW,
23 IF THAT WOULD BE AGREEABLE. AND WE HAVE NO MORE WITNESSES TO
24 PRESENT.

25 THE COURT: ALL RIGHT.

1 THE INTERPRETER: PERMISSION TO BE RELEASED, YOUR
2 HONOR?

3 THE COURT: YES.

4 THE INTERPRETER: THANK YOU.

5 MR. SONDEHEIMER: YOUR HONOR, THE EXHIBITS THAT WE
6 REQUEST TO BE ADMITTED THAT WERE SUBMITTED WITH THE PRETRIAL
7 ORDER, SUBMITTED TO THE COURT SOME TIME AGO, ARE THE FOLLOWING
8 NUMBERS, AND I WOULD ASK THE COURT IF IT WOULD BE POSSIBLE,
9 THERE MAY BE SOME OF THESE EXHIBITS THAT WERE NOT INCLUDED WITH
10 THE BINDER THAT WAS SUBMITTED TO THE COURT. THESE WERE
11 SUBMITTED BY MY PREDECESSORS AT THE ORGANIZATION AND SOME OF THE
12 COPIES WERE MISSING. AND I BELIEVE WE HAVE IDENTIFIED -- WE
13 HAVE IDENTIFIED ALL BUT ONE OF THOSE THAT WERE MISSING FROM OUR
14 BINDER. AND I DON'T KNOW FOR CERTAIN IF THEY ARE MISSING FROM
15 THE COURT'S COPY, BUT I WILL BE HAPPY TO PROVIDE THOSE ONES THAT
16 WERE MISSING FROM OUR COPY ON THE ASSUMPTION THAT --

17 THE COURT: YOU SHOULD TO MAKE CERTAIN THAT THE
18 ONES --

19 THE CLERK: I DON'T HAVE ANYTHING.

20 THE LAW CLERK: WE DON'T HAVE A BINDER.

21 THE COURT: SUBMIT A BINDER OF THE DOCUMENTS, AND I
22 WILL ADMIT THOSE. NOW, IF YOU HAVE THE NUMBERS, A VERY LARGE
23 NUMBER, YOU CAN IDENTIFY THOSE AT THIS POINT.

24 MR. SONDEHEIMER: I CAN IDENTIFY THE NUMBERS FROM THE
25 BINDER AT LEAST AS THEY WERE IDENTIFIED IN EXHIBIT G-1 TO THE

1 PRETRIAL ORDER. AND BY NUMBERS IS ADEQUATE?

2 THE COURT: UNLESS IT IS VERY LARGE NUMBER. ELSE YOU
3 COULD JUST DO IT BY GROUP. JUST SAY ALL INCLUDED IN G-1 OR
4 WHATEVER THE EXHIBIT IS.

5 MR. SONDEHEIMER: IT'S MOST OF THEM, BUT THERE ARE SOME
6 THAT WE MAY NOT -- THAT WOULD BE PLAINTIFF'S EXHIBITS 1 THROUGH
7 3, THERE WERE SOME DIAGRAMS AND THINGS THAT WERE NOT PREPARED
8 ULTIMATELY. AND THEN THERE WOULD BE EXHIBIT 7 THROUGH 13, SOME
9 DOCUMENTS WERE IDENTIFIED AS EXHIBITS, YOUR HONOR, THAT WERE
10 PLEADINGS OR OTHER MATERIALS SUBMITTED ALREADY TO THE COURT
11 SEPARATELY. SO I WON'T MOVE FOR THE ADMISSION OF THOSE, SO
12 THERE WOULD BE EXHIBITS 20 THROUGH 28 BEYOND THAT.

13 THE COURT: NOW, IF THERE ARE ADDITIONAL EXHIBITS THAT
14 COME TO YOUR ATTENTION, AS YOU PREPARE YOUR FINDINGS AND
15 CONCLUSIONS, YOU CAN OFFER THOSE AT THAT TIME.

16 MR. SONDEHEIMER: THANK YOU, YOUR HONOR. AND WE WOULD
17 ALSO MOVE FOR THE ADMISSION OF EXHIBITS 38, 39 WHICH ARE THE
18 PREPARED TESTIMONIES OF DIANE PAUL AND VINCENT IACOPINO.

19 THE COURT: THEY ARE ADMITTED. ANYTHING FURTHER?

20 MR. HOFFMAN: NO, YOUR HONOR.

21 THE COURT: I WOULD LIKE TO MEET WITH COUNSEL IN
22 CHAMBERS FOR A FEW MINUTES. WE'LL STAND ADJOURNED.

23 (END OF HEARING.)

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REPORTER'S CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE
RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

LORI BURGESS
OFFICIAL COURT REPORTER
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA

DATE: NOVEMBER 21, 2001.

