

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 22, 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

LORI BURGESS, OFFICIAL COURT REPORTER  
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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY, TRANSCRIPT  
PRODUCED BY C.A.T.

1 (THE INTERPRETER IS SWORN)

2 THE COURT: WE CALL THE CASE OF MEHINOVIC VERSUS  
3 VUCKOVIC.

4 MR. HOFFMAN: PAUL HOFFMAN APPEARING FOR THE  
5 PLAINTIFFS. WITH ME IS JOSHUA SONDEHEIMER, GERALD WEBER, AND  
6 ROBERT TSAI ALSO FOR THE PLAINTIFFS. TWO OF THE PLAINTIFFS ARE  
7 PRESENT IN COURT TODAY, KEMAL MEHINOVIC AND HASAN SUBASIC. WE  
8 ALSO HAVE A FEW INTERPRETERS SITTING WITH THEM, WITH THE COURT'S  
9 PERMISSION, TO INTERPRET FOR THEM WHAT OTHERWISE WOULD NOT BE  
10 INTERPRETED FOR THEM.

11 THE COURT: THAT WILL BE FINE WITH THE COURT.

12 MR. HOFFMAN: YOUR HONOR, DOES THE COURT WISH AN  
13 OPENING STATEMENT OR --

14 THE COURT: WELL, I DO. I THINK WE SHOULD HAVE AN  
15 OPENING STATEMENT. BEFORE THAT I BELIEVE THE RECORD SHOULD  
16 REFLECT THAT THERE HAS BEEN NO RESPONSE BY THE DEFENDANT. THE  
17 CASE WAS SPECIALLY SET FOR TRIAL TODAY, OCTOBER 22ND, AND MR.  
18 PANKY, THE ATTORNEY FOR THE DEFENDANT, PREVIOUSLY ADVISED THE  
19 COURT THAT THE DEFENDANT WOULD NOT BE HERE. I BELIEVE HE SAID  
20 HE HAD LEFT THE COUNTRY. AND MR. PANKEY WAS PERMITTED TO  
21 WITHDRAW. THE COURT ENTERED AN ORDER TO THAT EFFECT.

22 SO THE DEFENDANT, HAVING FAILED TO APPEAR, THE COURT  
23 WILL GRANT THE PLAINTIFF'S MOTION TO AMEND THE PRETRIAL ORDER,  
24 AND WE'LL STRIKE THE DEFENDANT'S ANSWER AND HIS REQUEST FOR A  
25 JURY TRIAL AS REQUESTED, AND I WILL DIRECT THE ENTRY OF THE

1 DEFENDANT'S DEFAULT.

2 THEN WE WILL PROCEED WITH THE BENCH TRIAL, AS YOU HAVE  
3 ASKED, AND WE WILL ACCEPT EVIDENCE, BOTH AS TO LIABILITY AND  
4 DAMAGES.

5 MR. HOFFMAN: THANK YOU, YOUR HONOR. WITH THE COURT'S  
6 PERMISSION, I WOULD LIKE TO MAKE A BRIEF OPENING STATEMENT.

7 THE COURT: ALL RIGHT.

8 MR. HOFFMAN: AND I HAVE OUR FIRST WITNESS. I WOULD  
9 JUST -- I THINK THE COURT MAY BE AWARE OF THIS, BUT WE HAVE MADE  
10 ARRANGEMENTS TO HAVE TWO OF THE PLAINTIFFS TESTIFY BY MEANS OF  
11 TELEPHONE FROM EUROPE. AND WE SET CERTAIN TIMES FOR THAT, AND  
12 WE HOPE, WITH THE COURT'S PERMISSION, WE CAN WORK THE SCHEDULE  
13 AROUND THAT. ONE OF THE CALLS IS AT 11 O'CLOCK WITH A WITNESS  
14 WHO IS NOW TESTIFYING IN THE HAIGE IN A RELATED CASE, AND THE  
15 OTHER CALL IS AT 2:00 P.M. TO BELGIUM. SO WHAT WE WOULD DO,  
16 WITH THE COURT'S PERMISSION, IF WE STARTED WITH A WITNESS, WE  
17 WOULD LIKE TO INTERRUPT THAT.

18 THE COURT: YOU JUST LET ME KNOW AND WE WILL INTERRUPT  
19 THE CASE AND THEN WE CAN TAKE THE CALL.

20 MR. HOFFMAN: THANK YOU VERY MUCH, YOUR HONOR.

21 YOUR HONOR, THE CASE, AS SET FORTH IN OUR TRIAL BRIEF,  
22 AND IN THE COMPLAINT ITSELF, IS ABOUT ETHNIC CLEANSING THAT  
23 OCCURRED IN NORTHERN BOSNIA IN 1992 AT THE BEGINNING OF A WAR  
24 THAT LED TO THE KILLING OF AND DESTRUCTION OF THOUSANDS OF  
25 PEOPLE IN BOSNIA. ONE OF THE MOST HORRENDOUS PATTERNS OF HUMAN

1 RACE ABUSE -- (INTERRUPTION).

2 MR. HOFFMAN: -- ONE OF THE WORST PATTERNS OF HUMAN  
3 RIGHTS VIOLATIONS SINCE WORLD WAR II.

4 THE COURT: GO AHEAD.

5 MR. HOFFMAN: YOUR HONOR, THE PLAINTIFFS ARE FOUR  
6 BOSNIAN MUSLIM VICTIMS OF THAT ETHNIC CLEANSING OCCURRING IN THE  
7 TOWN OF BOSANSKI SAMAC, WHICH IS A SMALL TOWN OF ABOUT 30,000 OR  
8 SO PEOPLE, ABOUT HALF OF WHOM IN 1992 WERE CROATS AND MUSLIMS  
9 AND ABOUT HALF WERE SERBS. PRIOR TO THE WAR STARTING IN APRIL  
10 OF 1992, IN THAT PLACE, BOSNIANS, MUSLIMS, SERBS, AND CROATS  
11 LIVED TOGETHER IN PEACE. THEY INTERMARRIED. THERE WERE NOT THE  
12 KIND OF TENSIONS THAT ONE WOULD HAVE THOUGHT WOULD LEAD TO  
13 ANYTHING OF THIS KIND.

14 BUT BECAUSE OF A RESURGENCE OF NATIONALISM, SERB  
15 NATIONALISM, ORCHESTRATED BY SLOBODAN MILOSEVIC FROM SERBIA, NOW  
16 INDICTED AND ON TRIAL IN THE HAIGE; RADOVAN KARADZIC, THE LEADER  
17 OF THE BOSNIAN SERBS WORKING WITH HIM. THERE WAS A MILITARY  
18 OPERATION THAT INVOLVED THE FORMER YUGOSLAVIAN ARMY. AS YOU  
19 KNOW, YUGOSLAVIA SPLIT UP IN THE 1991-1992 TIME PERIOD. IT  
20 INVOLVED SERBS THAT CAME TO FORM A MILITIA THAT OPERATED WITH  
21 THAT ARMY IN THIS PART OF BOSNIA AND OTHER PARTS OF BOSNIA, AND  
22 POLICE FORCES THAT WERE CONTROLLED BY SERBS. THE GOVERNMENT  
23 BECAME CONTROLLED BY SERBS IMMEDIATELY AFTER THESE EVENTS WHICH  
24 STARTED IN BOSANSKI SAMAC ON APRIL 17, 1992.

25 WHAT THE PLAINTIFFS WILL TESTIFY ABOUT, IN TERMS OF

1 THEIR OWN PERSONAL EXPERIENCE, IS REFLECTED, AS OUR EXPERT  
2 WITNESS, DIANE PAUL WILL TESTIFY, REFLECTS A MUCH BROADER  
3 PATTERN THAT OCCURRED THROUGHOUT THE NORTHERN PART OF BOSNIA AND  
4 CERTAINLY WITHIN BOSANSKI SAMAC WHERE THE CROATS AND MUSLIMS  
5 WERE ROUNDED UP FROM THEIR HOMES, PARTICULARLY THE MEN, WERE  
6 ROUNDED UP FROM THEIR HOMES, AND TAKEN TO DETENTION CENTERS OF  
7 VARIOUS SORTS; TO MILITARY BARRACKS, TO POLICE STATIONS, TO A  
8 WAREHOUSE THAT HAD BEEN USED BY WHAT WOULD BE THE BOSNIA  
9 EQUIVALENT OR YUGOSLAVIAN EQUIVALENT OF RESERVE OFFICERS IN THE  
10 ARMY, CALLED A T.O. WAREHOUSE. YOU WILL HEAR A GREAT DEAL ABOUT  
11 THAT.

12 AND SOME WERE HOUSED IN A GYMNASIUM OF THE LOCAL  
13 ELEMENTARY SCHOOL. THESE ARE THE PLACES WHERE MANY OF THE  
14 EVENTS THAT WILL BE DESCRIBED TO YOUR HONOR OCCURRED. AND THE  
15 ACTIONS THAT YOU WILL HEAR DESCRIBED FROM THE PLAINTIFFS ARE  
16 TRULY HORRIFIC. THEY ARE THE KINDS OF ACTIONS THAT ONE WOULD  
17 THINK YOU WOULD READ IN DANTE'S INFERNO OR IN THE WORST  
18 CONCEIVABLE FICTIONALIZED ACCOUNT OF THE MOST HORRIFIC THINGS  
19 THAT COULD HAPPEN; REALLY SADISM IS THE ONLY WORD ANYONE COULD  
20 APPLY TO IT. AND IT WAS SADISM FOR A PURPOSE. THE PURPOSE  
21 BEING CLEANING OUT THIS PART OF BOSNIA OF ALL OF ITS MUSLIM AND  
22 CROAT INHABITANTS SO THAT THE SERBS COULD CONTROL THAT PART OF  
23 BOSNIA.

24 AND YOU WILL HEAR OF HORRIFIC BEATINGS, BEATINGS  
25 ACCOMPANIED BY THE MOST EXTREME FORMS OF HUMILIATION IN TERMS OF

1 ANTI-MUSLIM STATEMENTS, PEOPLE BEING FORCED TO UNDERTAKE ACTIONS  
2 THAT HUMILIATED AND DEGRADED THEM, AT THE CORE OF THE MEANING OF  
3 THOSE WORDS.

4           FOR EXAMPLE, THE PLAINTIFFS HAD THEIR TEETH  
5 EXTRACTED WITHOUT ANESTHESIA. PEOPLE COMING IN THE NIGHT TO  
6 TAKE OUT MOLARS WITH PLIERS. PEOPLE BEING BEATEN WITH BASEBALL  
7 BATS, WITH STICKS, WITH FISTS, WITH BOOTS, BEING FORCED TO LICK  
8 THE BLOOD OFF WALLS AND BOOTS. THESE ARE THE KINDS -- THIS IS  
9 THE KIND OF TESTIMONY THAT YOU WILL HEAR. AND IT'S A VERY  
10 DIFFICULT -- IT WILL BE VERY DIFFICULT, I BELIEVE, FOR THE  
11 PLAINTIFFS TO RECOUNT THESE EVENTS FOR THEM. I THINK IT WILL BE  
12 A TRAUMA, IN AND OF ITSELF, TO GO BACK TO THOSE DARK DAYS WHEN  
13 THEY WERE IN CAPTIVITY IN THIS PLACE.

14           YOU WILL HEAR TESTIMONY ABOUT THE DEFENDANT'S  
15 DIRECTED INVOLVEMENT IN MANY OF THESE ACTS, AND HIS INDIRECT  
16 INVOLVEMENT IN TERMS OF AIDING AND ABETTING AND ENCOURAGING THE  
17 ACTIONS OF OTHERS LIKE HIM THAT WERE COMMITTING THESE ACTS  
18 AGAINST THE PLAINTIFFS AND THOSE WHO WERE IN CAPTIVITY WITH  
19 THEM.

20           AND YOU WILL HEAR TESTIMONY ABOUT THE TRULY SO  
21 SADISTIC ACTS THAT VUCKOVIC HIMSELF PERPETRATED AGAINST EACH OF  
22 THESE PLAINTIFFS, AND PERPETRATED AGAINST OTHERS IN THEIR  
23 PRESENCE. AND THEY WILL DESCRIBE FOR THE COURT THE IMPACT THAT  
24 THOSE ACTS HAD ON THEM AT THE TIME THAT THEY OCCURRED AND HAVE  
25 HAD ON THEM SINCE.

1           IT MAY BE EXPECTED THAT WHEN ONE IS FORCED TO LIVE  
2 IN THAT KIND OF ENVIRONMENT, IS FORCED TO SUFFER THOSE KINDS OF  
3 BEATINGS AND HUMILIATIONS, THAT THAT WOULD HAVE A LASTING IMPACT  
4 ON ONE'S LIFE. AND THE PLAINTIFFS WILL TESTIFY DIRECTLY ABOUT  
5 THE LASTING IMPACT THAT THESE EVENTS HAVE HAD ON THEIR LIVES.  
6 AND THEY WILL TESTIFY ABOUT THE SURROUNDING CIRCUMSTANCES AS  
7 THEY OBSERVED IT AT THE TIME ABOUT HOW THESE THINGS HAPPENED,  
8 ABOUT HOW THE CITY WAS TAKEN OVER, ABOUT WHO WAS CONTROLLING  
9 THEM, AND HOW THAT WORKED.

10           NOW, THAT IS ESSENTIALLY OUR PRESENTATION IN THE  
11 CONTEXT OF THE ORDERS THAT THE COURT HAS JUST MADE, IN TERMS OF  
12 STRIKING THE ANSWER.

13           AND THE LEGAL CLAIMS IN THE CASE, AND I WILL JUST BE  
14 BRIEF ABOUT THAT, SINCE WE HAVE BRIEFED FOR THE COURT THAT, AND  
15 I BELIEVE THE COURT HAS GIVEN US PERMISSION TO SUBMIT FINDINGS  
16 OF FACT AND CONCLUSIONS OF LAW AT A LATER TIME. AND SO WE WOULD  
17 BE VERY HAPPY TO DO THAT IN DETAIL.

18           THE COURT: WILL THE PLAINTIFFS IDENTIFY THE  
19 DEFENDANT -- EVEN THOUGH THE ANSWER IS STRICKEN AND LIABILITY OF  
20 COURSE IS ASSUMED, BUT I WOULD LIKE THEM TO IDENTIFY THE  
21 DEFENDANT.

22           MR. HOFFMAN: YES, YOUR HONOR. ONE OF OUR  
23 DIFFICULTIES, TO BE CANDID WITH THE COURT, IS THAT BECAUSE THE  
24 DEFENDANT IS NOT HERE, THEY CAN'T IDENTIFY HIM HERE. BUT THE  
25 PLAINTIFFS KNEW THE DEFENDANT VERY WELL. AND ONE THING I WOULD

1 CALL TO THE COURT'S ATTENTION IS THAT THERE ARE STIPULATED  
2 FINDINGS OF FACT THAT WERE AGREED UPON PRIOR TO THE TRIAL BY  
3 BOTH SIDES WHEN MR. VUCKOVIC WAS REPRESENT BY COUNSEL, IN WHICH  
4 HE ADMITS THAT HE WAS FROM THAT PART OF THE WORLD, THAT HIS  
5 WIFE'S NAME WAS MIRSA DA, THAT SHE WAS A BOSNIAN MUSLIM.

6 OUR PLAINTIFFS KNOW THE WIFE -- IN SOME CASES THEY  
7 HAVE KNOWN THE WIFE FOR THEIR ENTIRE LIVES. THEY KNEW  
8 MR. VUCKOVIC FOR A PERIOD OF TIME PRIOR TO THIS. THEY WILL  
9 TESTIFY ABOUT THOSE CONTACTS ABOUT THE FAMILY CONNECTIONS, ABOUT  
10 ALL OF THOSE THINGS. THEY CAN IDENTIFY, THROUGH PICTURES,  
11 MR. VUCKOVIC.

12 MR. VUCKOVIC HAS APPEARED -- HIS PICTURE HAS APPEARED  
13 IN THE MEDIA, BOTH THE BROADCAST MEDIA AND THE LOCAL MEDIA.  
14 THEY CAN IDENTIFY HIM AS BEING THE SAME PERSON THAT HAS APPEARED  
15 IN THAT WAY. BUT MAINLY THEY CAN ESTABLISH THE CONNECTION BY  
16 THE FACT THAT OF THESE PERSONAL CONNECTIONS AND THE ADMISSIONS  
17 THAT THE DEFENDANT HAS ALREADY MADE ABOUT HIS WIFE AND ABOUT  
18 THAT BACKGROUND.

19 WE ALSO HAVE A WITNESS WHO FIRST IDENTIFIED  
20 MR. VUCKOVIC HERE IN GEORGIA, AND THAT'S WHAT LED TO THE  
21 LAWSUIT. HE WILL TESTIFY ABOUT KNOWING MR. VUCKOVIC IN NORTHERN  
22 BOSNIA, ABOUT SEEING HIM AND SPEAKING TO HIM IN GEORGIA, AND  
23 ALERTING THE PLAINTIFFS TO THE FACT THAT HE WAS HERE.

24 AND SO THAT IS THE WAY WE WOULD TEND TO SHOW TO THE  
25 COURT TO SATISFY THE COURT THAT, NOTWITHSTANDING THE DEFAULT,



1 YOUR ARE IN FACT BEING ASKED TO PASS JUDGMENT ON THE RIGHT  
2 PERSON. SO THAT IS HOW WE INTEND TO PROCEED ON THAT. AND WE  
3 WOULD BE HAPPY TO PRODUCE ANY ADDITIONAL EVIDENCE ON THAT SCORE  
4 THAT THE COURT --

5 THE COURT: WITH WHAT YOU STATED, I THINK YOU WILL  
6 HAVE SUFFICIENT EVIDENCE.

7 MR. HOFFMAN: WE WERE HOPING THAT WAS TRUE, YOUR  
8 HONOR.

9 IN TERMS OF THE LEGAL CLAIMS, I WOULD -- THE HEART OF  
10 THE PLAINTIFF'S CASE IS THAT THE DEFENDANT VIOLATED  
11 INTERNATIONAL HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW.  
12 AND WE THINK THAT IS QUITE IMPORTANT. AND THAT THE CONGRESS OF  
13 THE UNITED STATES, IN BOTH THE ALIEN TORT ACT OF 1789 AND THE  
14 TORTURE VICTIM PROTECTION ACT OF 1992 HAS SAID, FROM THE  
15 BEGINNING OF THE REPUBLIC, AND NOW MORE RECENTLY IN THE LAST TEN  
16 YEARS, THAT THE COURTS OF THE UNITED STATES ARE OPEN WHEN PEOPLE  
17 FIND HUMAN RIGHTS VIOLATORS WITHIN OUR BORDERS, WHICH IS EXACTLY  
18 WHAT THE PLAINTIFFS DID IN THIS CASE.

19 AND WE HAVE ALLEGED AND WE BELIEVE THE EVIDENCE WILL  
20 PROVE THAT THE DEFENDANT ENGAGED IN TORTURE, CAUSING SEVERE  
21 SUFFERING, MENTAL AND PHYSICAL, TO THE PLAINTIFFS, AND CRUEL,  
22 INHUMAN, AND DEGRADING TREATMENT OR PUNISHMENT. AND THAT THEY  
23 WERE ARBITRARILY DETAINED IN VIOLATION OF INTERNATIONAL LAW.  
24 NONE OF THEM WERE BROUGHT BEFORE A JUDGE WHO HAD AN ARREST  
25 WARRANT. THEY WERE JUST THROWN INTO DETENTION.

1            THAT THEY COMMITTED CRIMES AGAINST HUMANITY. AND IN  
2 THAT REGARD, OUR EXPERT WITNESS WILL BE ABLE TO PROVIDE THE  
3 COURT WITH MORE TESTIMONY ABOUT HOW SYSTEMATIC AND WIDESPREAD  
4 THESE VIOLATIONS WERE AND HOW ANYBODY LIVING IN BOSANSKI SAMAC  
5 WOULD KNOW OF THAT. MR. VUCKOVIC HAD TO KNOW, FROM THE  
6 TESTIMONY YOU WILL HEAR FROM THE PLAINTIFFS AND THE EXPERT  
7 WITNESS, WHAT HIS ACTIONS WERE A PART OF AT THE TIME.

8            AND IN ADDITION TO THAT, HE COMMITTED WAR CRIMES IN  
9 THE SENSE OF WHETHER THIS WAR IS VIEWED AS AN INTERNATIONAL WAR  
10 CONFLICT, WHICH THE HAIGE, THE INTERNATIONAL COURT FOR THE  
11 FORMER YUGOSLAVIA, TRIBUNAL FOR THE FORMER YUGOSLAVIA HAS FOUND,  
12 THAT THIS WAR WAS AN INTERNATIONAL WAR CONFLICT, THAT THE GENEVA  
13 CONVENTIONS APPLIED. AND EVEN IF IT DIDN'T, THE LAWS OF WAR,  
14 EVEN IN NON-INTERNATIONAL CONFLICTS, PREVENT THE KINDS OF  
15 ILL-TREATMENT AND TORTURE THAT THIS COURT WILL HEAR TESTIMONY  
16 ABOUT DURING THE COURSE OF THIS TRIAL.

17            AND WE ALSO BELIEVE THAT THE TESTIMONY WILL ESTABLISH  
18 THAT MR. VUCKOVIC IS GUILTY OF GENOCIDE, OF BEING PART OF A  
19 PATTERN OF ETHNIC CLEANSING, WHICH WAS DESIGNED TO CAUSE SERIOUS  
20 PHYSICAL AND MENTALITY HARM TO A PARTICULAR ETHNIC GROUP; IN  
21 THIS CASE, BOSNIAN MUSLIMS AT THE TIME.

22            IN FACT, I THINK THAT THE EVENTS IN NORTHERN BOSNIA  
23 AND OTHER PARTS OF BOSNIA ARE AMONG THE CLEAREST EXAMPLES OF  
24 GENOCIDE SINCE THE GENOCIDE CONVENTION ITSELF WAS APPROVED BY  
25 THE GOVERNMENTS OF THE WORLD IN 1949.

1           IN ADDITION, WE HAVE PRESENTED CLAIMS UNDER STATE  
2 LAW. IT IS OUR POSITION THAT BASICALLY BOSNIAN LAW AND GEORGIA  
3 STATE LAW ARE ROUGHLY THE SAME WITH RESPECT TO THESE KINDS OF  
4 ACTS, AND SO WE WOULD URGE THE COURT TO APPLY GEORGIA STATE LAW  
5 BECAUSE OF THE FAMILIARITY OF THAT TO THE KINDS OF TORTS THAT  
6 ACCOMPANY THE INTERNATIONAL HUMAN RIGHTS VIOLATIONS THAT WE ARE  
7 TALKING ABOUT; THINGS LIKE ASSAULT AND BATTERY, AND FALSE  
8 IMPRISONMENT, AS WE HAVE STATED THEM.

9           AND AT THE END OF THE TRIAL, AND OUR SUBMISSIONS AFTER  
10 THE TRIAL, WE WOULD URGE THE COURT TO ISSUE A SUBSTANTIAL  
11 JUDGMENT AGAINST THE DEFENDANT, BOTH FOR COMPENSATORY DAMAGES  
12 THAT THE COURT WILL HEAR THE TESTIMONY ABOUT FROM OUR CLIENTS,  
13 AND FOR PUNITIVE DAMAGES WHICH ARE ALLOWABLE UNDER ALL OF THE  
14 BODIES OF LAW THAT WE CITED. AND WE THINK THAT THOSE PUNITIVE  
15 DAMAGES SHOULD ALSO BE QUITE SUBSTANTIAL TO BE COMMENSURATE WITH  
16 THE VENALITY OF THE ACTS THAT THE COURT WILL HEAR ABOUT. AND  
17 YOU WILL HEAR TESTIMONY ABOUT MR. VUCKOVIC, MR. VUCKOVIC'S  
18 STATEMENTS SHOWING HIS INTENT AND SHOWING HIS RELIGIOUS  
19 PERSECUTION OF THE PLAINTIFFS IN PARTICULAR, AND OF THE  
20 DETAINEES THAT THEY WERE DETAINED WITH GENERALLY, ALL OF WHOM  
21 WERE BOSNIAN AND CROATS OR BOSNIAN MUSLIMS AT THE TIME.

22           AND SO THAT IS REALLY OUR PRESENTATION, THAT IS OUR  
23 OPENING STATEMENT TO THE COURT. AND WE WOULD BE HAPPY TO START  
24 WITH OUR FIRST WITNESS, UNLESS THE COURT HAS ANY QUESTIONS.

25           THE COURT: NO. I READ YOUR TRIAL BRIEF VERY

1 CAREFULLY, SO I AM FAMILIAR WITH THE CONTENTIONS OF THE  
2 PLAINTIFFS. SO YOU MIGHT PROCEED WITH THE WITNESSES.

3 MR. HOFFMAN: THANK YOU, YOUR HONOR. WHAT WE WOULD  
4 LIKE TO DO AT THIS TIME IS START WITH THE PLAINTIFF, KEMAL  
5 MEHINOVIC, AND GO UNTIL A AN APPROPRIATE PERIOD OF TIME BEFORE  
6 THE 11 O'CLOCK CALL WITH MR. BICIC, WHO WILL BE AT THE HAIGE.  
7 SO I WOULD ASK MR. MEHINOVIC TO COME UP. AND I BELIEVE THAT  
8 MR. MEHINOVIC AND THE OTHER PLAINTIFFS WILL AFFIRM.

9 THE COURT: ALL RIGHT.

10 KEMAL MEHINOVIC  
11 PLAINTIFF'S WITNESS  
12 AFFIRMED  
13 DIRECT EXAMINATION

14 BY MR. HOFFMAN:

15 A. KEMANL MEHINOVIC.

16 Q. GOOD MORNING, MR. MEHINOVIC.

17 A. GOOD MORNING.

18 Q. CAN YOU TELL THE COURT HOW OLD YOU ARE?

19 A. FORTY-TWO.

20 Q. AND WHERE WERE YOU BORN?

21 A. BOSANSKI SAMAC.

22 Q. WHERE IS BOSANSKI SAMAC LOCATED?

23 A. THE RIVER, NEAR THE RIVER OF SAVA.

24 Q. AND WHERE IS THAT LOCATED?

25 A. IN BETWEEN CROATIA AND BOSNIA IN BOSNIA.

- 1 Q. IS IT NEAR THE SERBIAN BORDER?
- 2 A. FIFTY-SIX KILOMETERS AWAY FROM SERBIAN BORDER.
- 3 Q. AND IS IT CLOSE TO THE BORDER OF CROATIA?
- 4 A. YES.
- 5 Q. HOW CLOSE?
- 6 A. JUST ACROSS THE RIVER.
- 7 Q. ARE YOU A MUSLIM, MR. MEHINOVIC?
- 8 A. YES.
- 9 Q. ARE YOU MARRIED?
- 10 A. YES.
- 11 Q. FOR HOW LONG?
- 12 A. TWENTY-FOUR YEARS.
- 13 Q. AND DO YOU HAVE CHILDREN?
- 14 A. TWO.
- 15 Q. AND HOW OLD ARE THEY?
- 16 A. MY SON 23 YEARS OLD, MY DAUGHTER 20.
- 17 Q. FOR HOW LONG DID YOU LIVE IN BOSANSKI SAMAC?
- 18 A. SINCE THE DAY FROM MY BIRTH UNTIL 1992.
- 19 Q. AND DID YOU COME TO THIS COUNTRY AS A POLITICAL REFUGEE?
- 20 A. NO.
- 21 Q. WHEN DID YOU COME TO THE UNITED STATES?
- 22 A. 4TH DAY OF JULY, 1995.
- 23 Q. AND ARE YOU A RESIDENT IN THE UNITED STATES NOW?
- 24 A. YES.
- 25 Q. AND WHERE DO YOU LIVE?

- 1 A. SALT LAKE, UTAH.
- 2 Q. WHEN YOU LIVED IN BOSANSKI SAMAC WHAT WAS YOUR OCCUPATION?
- 3 A. A BAKER.
- 4 Q. AND DID YOU OWN A RESTAURANT?
- 5 A. YES.
- 6 Q. FOR HOW LONG?
- 7 A. SINCE 1981.
- 8 Q. AND WHAT KIND OF RESTAURANT WAS IT?
- 9 A. FOOD. FOOD INDUSTRY.
- 10 Q. DID YOUR FATHER OWN A BAKERY IN BOSANSKI SAMAC?
- 11 A. YES.
- 12 Q. FOR HOW LONG?
- 13 A. APPROXIMATELY 30 YEARS.
- 14 Q. DID YOU WORK IN THAT BAKERY FOR A TIME?
- 15 A. YES.
- 16 Q. FOR HOW LONG?
- 17 A. SINCE MY EARLY CHILDHOOD, SINCE I WAS 13, I WAS WORKING WITH
- 18 MY FATHER IN THE BAKERY.
- 19 Q. SINCE OWNING A RESTAURANT IN 1981, DID YOU HAVE ANY OTHER
- 20 BUSINESSES THAT YOU OWNED?
- 21 A. YES. I WAS WORKING IN A FIRM NAMED MABOC (PHONETIC).
- 22 Q. AND WHAT WAS THAT?
- 23 A. I WAS LIKE A MAIN INSPECTOR YOU MIGHT SAY.
- 24 Q. AND WAS THAT A FULL TIME JOB?
- 25 A. YES.

1 Q. AND NOW, WHEN DID YOU WORK AT THAT JOB?

2 A. SINCE 7:00 IN THE MORNING UNTIL 3:00 IN THE AFTERNOON.

3 Q. AND THEN DID YOU WORK AT YOUR RESTAURANT AFTER THAT?

4 A. YES.

5 Q. DID YOU OWN THE RESTAURANT WITH SOMEBODY?

6 A. YES.

7 Q. WHO WAS THAT?

8 A. MY BROTHER.

9 Q. AT SOME POINT DID YOU SERVE IN THE YUGOSLAVIAN ARMY?

10 A. YES, SIR.

11 Q. FOR HOW LONG?

12 A. FOR 15 MONTHS.

13 Q. AND WHAT PERIOD OF TIME DID YOU SERVE?

14 A. SINCE DECEMBER 1975 TILL MARCH OF 1977.

15 Q. AND WAS THAT THE FORM OF MILITARY SERVICE THAT ALL YOUNG MEN

16 IN YUGOSLAVIA HAD TO PERFORM?

17 A. YES.

18 Q. DID YOU KNOW A MAN NAMED NIKOLA VUCKOVIC IN BOSANSKI SAMAC?

19 A. YES.

20 Q. AND HOW DID YOU KNOW -- HOW LONG HAVE YOU KNOWN HIM?

21 A. I KNEW HIM SINCE 1970'S. BECAUSE HE WAS A CUSTOMER VISITING

22 MY FATHER'S BAKERY.

23 Q. DID A RELATIVE OF MR. VUCKOVIC WORK AT YOUR FATHER'S

24 BAKERY?

25 A. YES, HIS BROTHER-IN-LAW.

- 1 Q. WHAT IS HIS BROTHER-IN-LAW'S NAME?
- 2 A. HRVOJE KOVACEVIC.
- 3 Q. WAS HE CROATIAN?
- 4 A. I THINK HE WAS MIXED.
- 5 Q. DID YOU KNOW MR. VUCKOVIC'S SISTER AT THAT TIME?
- 6 A. YES.
- 7 Q. WHAT IS HIS SISTER'S NAME?
- 8 A. NADA.
- 9 Q. AND DID YOU SEE NADA FROM TIME TO TIME AT YOUR FATHER'S
- 10 BAKERY?
- 11 A. YES.
- 12 Q. AND HOW FREQUENTLY?
- 13 A. ALMOST EVERY MORNING.
- 14 Q. AND DID YOU SEE MR. VUCKOVIC FREQUENTLY IN THE 1970'S?
- 15 A. YES. BUT SPORADICALLY. NOT AS OFTEN AS HIS SISTER.
- 16 Q. YOU KNEW WHAT HE LOOKED LIKE AND YOU EXCHANGED GREETINGS
- 17 WITH HIM WHEN YOU SAW HIM; IS THAT RIGHT?
- 18 A. YES.
- 19 Q. DID YOU KNOW MR. VUCKOVIC'S WIFE?
- 20 A. YES.
- 21 Q. WHAT WAS HER NAME?
- 22 A. MIRSADA.
- 23 Q. AND HOW LONG HAVE YOU KNOWN MR. VUCKOVIC'S WIFE?
- 24 A. SINCE MY BIRTH.
- 25 Q. SO YOU HAVE KNOWN HER ALL YOUR LIFE?



1 A. YES.

2 Q. IS SHE FROM THE MUSLIM COMMUNITY IN BOSANSKI SAMAC?

3 A. YES.

4 Q. DO YOU KNOW HER FAMILY?

5 A. YES.

6 Q. AND HOW LONG HAVE YOU KNOWN HER FAMILY?

7 A. FOR QUITE SOME TIME BECAUSE THEY LIVED VERY CLOSE BY, A FEW

8 STREETS, SINCE MY BIRTH, SINCE QUITE SOME TIME.

9 Q. DO YOU RECALL A TIME WHEN MR. VUCKOVIC MARRIED MIRSADA?

10 A. NOT REALLY.

11 Q. YOU DON'T REMEMBER EXACTLY WHEN THEY MARRIED?

12 A. NO.

13 Q. DO YOU RECALL THAT THEY WERE MARRIED BEFORE THE WAR CAME IN

14 APRIL OF 1992?

15 A. YES.

16 Q. DID YOU SEE THEM TOGETHER IN BOSANSKI SAMAC?

17 A. YES.

18 Q. DID YOU GREET THEM WHEN YOU SAW THEM IN BOSANSKI SAMAC?

19 A. YES.

20 Q. AND WHEN YOU SAW THEM PRIOR THE APRIL OF 1992, DID YOU KNOW

21 THAT THEY HAD GOTTEN MARRIED?

22 A. YES.

23 Q. ARE YOU AWARE OF ANYBODY NAMED NIKOLA VUCKOVIC IN BOSANSKI

24 SAMAC WHO IS MARRIED TO A BOSNIAN MUSLIM WOMAN NAMED MIRSADA

25 OTHER THAN THE NIKOLA VUCKOVIC THAT YOU KNOW?

1 A. NO.

2 Q. DO YOU RECALL THAT THERE WAS A PROGRAM ON TELEVISION NEWS ON  
3 THE PROGRAM CALLED 20/20 ABOUT THIS CASE?

4 A. YES.

5 Q. AND DID YOU SEE THAT PROGRAM?

6 A. YES.

7 Q. AND DID YOU SEE MR. VUCKOVIC PICTURED ON THAT PROGRAM?

8 A. YES.

9 Q. WERE YOU ABLE TO IDENTIFY HIM AS THE NIKOLA VUCKOVIC THAT  
10 YOU KNEW IN BOSANSKI SAMAC PRIOR TO THE WAR?

11 A. YES.

12 Q. AND IS HE THE SAME MAN THAT SUBJECTED YOU TO BEATINGS AS YOU  
13 HAVE ALLEGED IN THE COMPLAINT?

14 A. YES.

15 MR. HOFFMAN: YOUR HONOR, I WOULD LIKE, IF WE CAN, TO  
16 INTRODUCE A COUPLE OF PICTURES OF MR. VUCKOVIC AND HAVE THE  
17 WITNESS IDENTIFY THEM. WE HAVE IDENTIFIED TWO MAPS AS EXHIBITS  
18 31 AND 32, SO I WOULD LIKE TO IDENTIFY THESE AS EXHIBITS 33 AND  
19 34, WITH THE COURT'S PERMISSION. SHOULD I WRITE THAT NUMBER OR  
20 SHOULD --

21 (PAUSE).

22 MR. HOFFMAN: MAY I APPROACH THE WITNESS, YOUR  
23 HONOR?

24 THE COURT: CERTAINLY.

25 MR. HOFFMAN, IN THE INTEREST OF TIME, YOU ARE NOT

1     REQUIRED TO ASK PERMISSION TO APPROACH THE WITNESS.  YOU MAY DO  
2     SO.

3                   MR. HOFFMAN:  THANK YOU, YOUR HONOR.  I APPRECIATE  
4     YOUR GUIDANCE ON THAT.  IN LOS ANGELES, I WOULD BE REQUIRED TO.

5                   THE COURT:  SOME JUDGES HERE REQUIRE THAT ALSO.  
6     BY MR. HOFFMAN:

7     Q.  MR. MEHINOVIC, I HAVE PLACED BEFORE YOU PLAINTIFFS EXHIBITS  
8     33 AND 34, AND I WOULD ASK YOU TO STATE WHETHER THE PERSON  
9     PICTURED IN EXHIBITS 33 AND 34 ARE NIKOLA VUCKOVIC?

10    A.  YES.

11    Q.  AND IS THAT THE MAN THAT COMMITTED THE ACTS AGAINST YOU THAT  
12    YOU'VE ALLEGED IN THE COMPLAINT?

13    A.  YES.

14    Q.  AND IS THAT THE MAN THAT IS MARRIED TO MIRSADA?

15    A.  YES.

16    Q.  AND THAT IS THE MAN THAT YOU KNEW IN BOSANSKI SAMAC PRIOR TO  
17    THE WAR?

18    A.  YES.

19    Q.  THANK YOU.  MR. MEHINOVIC, I WOULD LIKE TO DRAW YOUR  
20    ATTENTION TO THE EVENTS OCCURRING IN BOSANSKI SAMAC AROUND APRIL  
21    17TH, 1992.  AND BEFORE I DO THAT, CAN I ASK YOU, BEFORE APRIL  
22    1992, CAN YOU DESCRIBE, IN GENERAL, THE WAY THAT MUSLIM, CROATS,  
23    AND SERBS INTERACTED WITH EACH OTHER IN BOSANSKI SAMAC?

24    A.  WE HAD A PLEASURABLE AND WONDERFUL LIFE.  NOBODY WOULD SAY  
25    ANYTHING BAD TO OTHER PERSONS OR NOBODY WOULD CARE ABOUT OTHER

1 PERSONS'S LIVES. THE YOUTH DID NOT CARE ABOUT NATIONAL ORIGIN  
2 OF THE PERSONS THAT THEY WOULD MARRY; THEREFORE IN SUCH  
3 WEDDINGS, INTERRACIAL WEDDINGS, PEOPLE BECAME FRIENDS.

4 Q. WAS INTERMARRIAGE BETWEEN THE ETHNIC COMMUNITIES AND IN  
5 BOSANSKI SAMAC A COMMON OCCURRENCE?

6 A. YES.

7 Q. DO YOU RECALL THAT ON APPROXIMATELY APRIL 17TH, 1992 THAT  
8 WAR CAME TO BOSANSKI SAMAC?

9 A. YES.

10 Q. AND CAN YOU DESCRIBE WHAT HAPPENED ON APRIL 17TH, 1992?

11 A. AT 3:00 A.M. I HEARD SOME FIRE, AND I WENT ON MY BALCONY. I  
12 SAW MASKED SOLDIERS WAS RUNNING ACROSS THE STREET AND WAS FIRING  
13 BULLETS ACROSS THE ROOFS OF THE HOUSES.

14 SOMEWHERE AROUND 6:00 A.M. IN THE MORNING THERE WERE  
15 MILITARY TRUCKS, JEEPS, SAYING THAT THE CITY OF SAMAC WAS  
16 LIBERATED. THAT THE CITIZENS OF SAMAC SHOULD FREELY WALK  
17 OUTSIDE AND GO TO THEIR PLACES OF WORK. MANY OF THEM DID THAT.  
18 AND AT THAT TIME MOST FIRMS, COMPANIES IN TOWN, THEY WERE  
19 CLOSED.

20 AFTER SOME TIME WHOEVER WALKED FREELY THROUGHOUT THE  
21 CITY HAD TO HAVE A WHITE STRIP OF CLOTH ON THEIR RIGHT HAND SO  
22 THAT SOMEONE WOULD RECOGNIZE WHO IS WHO.

23 THE COURT: JUST A MINUTE. WILL YOU SPEAK JUST A  
24 LITTLE LOUDER?

25 BY MR. HOFFMAN:

- 1 Q. FROM WHOM DID YOU GET THE WHITE STRIP?
- 2 A. FROM SERBIAN POLICE.
- 3 Q. DID YOU BECOME AWARE OF WHO HAD TAKEN OVER BOSANSKI SAMAC?
- 4 A. YES. WE KNEW RIGHT AWAY FROM THE SIGN OF THE UNIFORMS THAT
- 5 THEY WORE, AND THE NUMBER 40 THAT THEY WORE ON THEIR RIGHT
- 6 SHOULDER.
- 7 Q. WHAT DID THAT SIGNIFY?
- 8 A. ACCORDING TO SERBIAN BELIEF, ST. SAVA WOULD SAVE SERBS.
- 9 FOUR S'S
- 10 Q. WAS THAT THE INSIGNIA OF SERBIAN MILITIA AT THE TIME?
- 11 A. YES.
- 12 Q. DID YOU SEE UNITS OF THE YUGOSLAVIAN ARMY AT THE TIME?
- 13 A. YES.
- 14 Q. DID YOU RECOGNIZE THEIR UNIFORMS FROM YOUR OWN TIME IN THE
- 15 MILITARY SERVICE?
- 16 A. THIS TIME UNIFORMS WERE A LITTLE DIFFERENT. FOR EXAMPLE,
- 17 THE FLAGS ON THE UNIFORM DID NOT HAVE THE STAR THAT THEY
- 18 FORMERLY HAD.
- 19 Q. DID THE CIVILIAN GOVERNMENT OF BOSANSKI SAMAC CHANGE HANDS
- 20 IN APRIL 1992?
- 21 A. YES.
- 22 Q. NOW, DID YOU KNOW IN APRIL OF 1992 THAT BOSNIAN MUSLIMS WERE
- 23 BEING DETAINED IN BOSANSKI SAMAC?
- 24 A. YES.
- 25 Q. WERE YOU DETAINED THE FIRST DAY?

1 A. NO.

2 Q. NOW, WERE YOU ASKED TO -- WERE YOU REQUIRED TO PERFORM ANY

3 SERVICE FOR THE SERBIAN TROOPS THAT HAD TAKEN OVER THE TOWN?

4 A. YES.

5 Q. WHAT WERE YOU FORCED TO DO?

6 A. I HAD TO GO ON THE FRONT LINES TO DIG ROWS.

7 MR. HOFFMAN: TO DIG WHAT?

8 THE INTERPRETER: DIG DITCHES.

9 MR. HOFFMAN: TRENCHES?

10 THE INTERPRETER: TRENCHES. YES.

11 BY MR. HOFFMAN:

12 Q. AND FOR HOW LONG DID YOU PERFORM THAT SERVICE?

13 A. SINCE 21ST OF APRIL UNTIL ABOUT 27TH OF MAY.

14 Q. WERE YOU PERMITTED -- COULD YOU REFUSE TO PERFORM THAT

15 WORK?

16 A. NO. I COULDN'T BE ABLE TO NOT LISTEN TO THEM.

17 Q. AND WHAT WOULD HAVE HAPPENED TO YOU IF YOU HAD REFUSED TO

18 DIG THE TRENCHES?

19 A. THEY WOULD PROBABLY TAKE ME AWAY AND BEAT ME.

20 Q. DID THERE COME A TIME IN MAY WHEN YOU WERE YOURSELF

21 ARRESTED?

22 A. YES.

23 Q. AND WHEN WAS THAT?

24 A. 27TH OF MAY, 1992.

25 Q. AND WHERE WERE YOU ARRESTED?

- 1 A. I WAS AT HOME IN THE HOUSE.
- 2 Q. AND WHO ARRESTED YOU?
- 3 A. TWO SERBIAN POLICE ARREST ME.
- 4 Q. DID YOU KNOW THESE MEN?
- 5 A. YES.
- 6 Q. HAD THEY BEEN POLICEMEN PRIOR TO THE TIME THAT THE TOWN WAS
- 7 TAKEN OVER IN APRIL?
- 8 A. NO.
- 9 Q. WERE THEY WEARING UNIFORMS?
- 10 A. YES.
- 11 Q. DID THEY HAVE AN ARREST WARRANT?
- 12 A. NO.
- 13 Q. DID THEY TELL YOU THAT YOU WERE CHARGED WITH ANY PARTICULAR
- 14 CRIME?
- 15 A. NO.
- 16 Q. NOW, WHERE DID THEY TAKE YOU?
- 17 A. THE POLICE STATION.
- 18 Q. FROM THE TIME THAT THEY ARRESTED YOU AT YOUR HOME TO THE
- 19 TIME THAT YOU REACHED THE POLICE STATION, DID THEY MISTREAT YOU
- 20 IN ANY WAY?
- 21 A. YES. SINCE THE STEPS OF MY HOME, THEY STARTED BEATING ME
- 22 UNTIL THEY PUT ME IN THEIR CARS.
- 23 Q. HOW DID THEY BEAT YOU?
- 24 A. WITH WOODEN STICKS.
- 25 Q. DID THEY BEAT YOU IN ANY OTHER WAY?

1 A. WITH FISTS, BUT THEY HAD A METAL FIST ON.

2 Q. HOW FAR IS THE POLICE STATION FROM YOUR HOME?

3 A. AROUND 300 METERS.

4 MR. HOFFMAN: YOUR HONOR, IF I MAY, I WOULD LIKE TO  
5 HAVE A COUPLE MORE EXHIBITS MARKED.

6 THE COURT: MR. HOFFMAN, AFTER THESE EXHIBITS ARE  
7 IDENTIFIED BY THE DEFENDANT, OR ANY OTHERS THAT ARE IDENTIFIED,  
8 YOU CAN THEN OFFER THEM INTO EVIDENCE, AND WE'LL ACCEPT THEM AS  
9 WE GO ALONG.

10 MR. HOFFMAN: THANK YOU, YOUR HONOR. WE'LL BE HAPPY  
11 TO DO THAT.

12 (PAUSE).

13 BY MR. HOFFMAN.

14 Q. MR. MEHINOVIC, COULD YOU TAKE A LOOK AT EXHIBIT 35, AND CAN  
15 YOU TELL ME WHAT THAT IS A PICTURE OF?

16 A. POLICE STATION.

17 Q. AND IS THE POLICE STATION THE STATION THAT IS AT THE MIDDLE  
18 OF THE PICTURE?

19 A. YES. RIGHT HERE.

20 Q. IT IS THE WHITE BUILDING WITH THE BROWNISH ROOF?

21 A. YES.

22 Q. AND IS -- COULD YOU TAKE A LOOK AT EXHIBIT NO. 36, AND CAN  
23 YOU IDENTIFY WHAT THAT IS A PICTURE OF?

24 A. I SEE ROOF OF T.O.

25 Q. CAN YOU EXPLAIN TO THE COURT WHAT T.O. IS?



1 A. THAT'S A WAREHOUSE FOR TERRITORIAL DEFENSE.

2 Q. AND WHAT IS TERRITORIAL DEFENSE?

3 A. FOR CIVIL DEFENSE. THAT'S SERB.

4 Q. IS IT AN OFFICIAL BUILDING?

5 A. YES.

6 Q. AND IS THAT THE BUILDING THAT IS KIND OF SILVER BUILDING IN

7 THE UPPER LEFT-HAND CORNER OF EXHIBIT 36?

8 A. YES.

9 Q. AND PRIOR TO APRIL OF 1992, WHAT WAS THE T.O. WAREHOUSE USED

10 FOR?

11 A. WAREHOUSE OF WEAPONS.

12 Q. AND THAT IS WEAPONS FOR WHO?

13 A. THE NATIONAL ARMY, FOR RESERVES.

14 Q. AND IS THE T.O. WAREHOUSE ONE OF THE PLACES THAT YOU WERE

15 DETAINED IN 1992?

16 A. YES.

17 Q. AND NOW THE POLICE STATION THAT IS IN EXHIBIT 35, IS THAT

18 THE POLICE STATION THAT YOU WERE TAKEN TO AFTER YOUR ARREST ON

19 MAY 27TH?

20 A. YES.

21 MR. HOFFMAN: YOUR HONOR, WE WOULD MOVE EXHIBITS 33,

22 34, 35, AND 36 WITH THE COURT'S PERMISSION.

23 THE COURT: ALL RIGHT. THEY ARE ADMITTED.

24 MR. HOFFMAN: YOUR HONOR, I NOTICE IT THAT IT IS FIVE

25 MINUTES TILL 11:00, WHEN WE HAVE THE CALL. AND I WONDER IF THIS

1 MIGHT NOT BE AN APPROPRIATE STOPPING POINT TO BE READY FOR THAT  
2 CALL.

3 THE COURT: ALL RIGHT.

4 MR. HOFFMAN: I DON'T NOW HOW THE COURT WANTS TO  
5 HANDLE WHERE WE TAKE THE CALL FROM.

6 THE COURT: I THINK WE ARE SET UP TO TAKE THE CALL  
7 HERE.

8 MR. HOFFMAN: IT IS GOING TO BE RIGHT HERE?

9 THE COURT: RIGHT. DO YOU NEED ANY PREPARATION TIME  
10 FOR ACCEPTANCE OF THE CALL?

11 MR. HOFFMAN: I WAS THINKING WE SHOULD TAKE A SHORT  
12 BREAK, HAVE THE CALL SET UP, THEN WE CAN JUST GET STARTED.

13 THE COURT: WE'LL TAKE A TEN MINUTE RECESS AND  
14 HOPEFULLY BY THAT TIME WE CAN HAVE IT READY. THANK YOU. WE'LL  
15 BE IN RECESS FOR TEN MINUTES.

16 MUHAMED BICIC

17 PLAINTIFF'S WITNESS

18 AFFIRMED

19 DIRECT EXAMINATION

20 BY MR. HOFFMAN:

21 (TESTIMONY IS GIVEN TELEPHONICALLY)

22 A. MUHAMED BICIC.

23 Q. MR. BICIC, WHERE WERE YOU BORN?

24 A. I AM BORN 8TH OF JANUARY 1956 IN BOSANSKI SAMAC.

25 Q. FOR HOW LONG DID YOU LIVE IN BOSANSKI SAMAC?

1 A. SINCE MY BIRTH UNTIL I EXITED FROM THE CONCENTRATION CAMPS.

2 Q. AND FOR HOW LONG HAS YOUR FAMILY LIVED IN BOSANSKI SAMAC?

3 A. MY FAMILY IS ONE OF THE FAMILIES WHO MADE THE CITY OUT,  
4 BOSANSKI SAMAC.

5 Q. MR. BICIC, ARE YOU A MUSLIM?

6 A. YES, I AM A MUSLIM.

7 Q. AND WHEN YOU, BEFORE THE WAR CAME TO BOSANSKI SAMAC, WHAT  
8 DID YOU DO FOR YOUR LIVING?

9 A. MYSELF, MY BROTHER, AND HIS WIFE WERE PRIVATE BUSINESSMEN  
10 OWNERS OF MANY LOCAL -- I OWNED WITH MY BROTHER A LARGE PIZZA  
11 SHOP. PIZZARIA. I WAS ALSO AN OWNER OF A GAME PARLOR WHERE YOU  
12 HAVE DIFFERENT GAMES TO BE PLAYED.

13 Q. ANY OTHER BUSINESSES?

14 A. ONE CLOTHING BOUTIQUE. I STARTED BUILDING ANOTHER BUSINESS  
15 BY THE SIDE OF MY HOUSE WITH MY FAMILY, BUT I WAS UNABLE TO  
16 COMPLETE THE PROJECT DUE TO THE WAR.

17 Q. MR. BICIC, WERE YOU A WELL-KNOWN PERSON IN THE BOSANSKI  
18 SAMAC COMMUNITY?

19 THE INTERPRETER: AS INTERPRETER, I ASKED THE  
20 PLAINTIFF TO SPEAK IN TWO OR THREE SENTENCES SO I CAN INTERPRET  
21 FULLY?

22 A. I WAS FAMOUS, VERY FAMOUS, IN THE COMMUNITY OF BOSANSKI  
23 SAMAC WITH MY FAMILY. I WAS OWNER OF MANY BUSINESSES. AND  
24 EVERYBODY KNEW ME VERY VERY WELL.

25 Q. MR. BICIC, DID YOU KNOW NIKOLA VUCKOVIC PRIOR TO THE TIME

1 THAT THE WAR CAME?

2 A. NOT PERSONALLY I DID NOT KNOW HIM BEFORE THE WAR, BUT  
3 MR. VUCKOVIC'S SISTER WAS LIVING NEARBY MY BUSINESS.

4 Q. DID YOU KNOW WHO NIKOLA VUCKOVIC WAS PRIOR TO THE WAR?

5 A. I JUST KNEW THAT A MAN WHOSE WIFE WAS WORKING IN A LOCAL  
6 BUSINESS OF MY BROTHER IN BOSANSKI SAMAC IN THE RESTAURANT.

7 THE COURT: WE'VE GOT SOME HEADS SHAKING BACK THERE.

8 MR. HOFFMAN: WHAT WAS SAID IS THAT WHAT THE WITNESS  
9 SAID WAS THAT HE WAS MARRIED TO SOMEONE THAT WORKED AT HIS  
10 RESTAURANT?

11 THE WITNESS: MR. VUCKOVIC'S WIFE WAS WORKING FOR  
12 FIVE TO SIX YEARS IN A RESTAURANT THAT ME AND MY BROTHER WERE  
13 OWNERS OF.

14 THE COURT: JUST A MINUTE. THERE ARE SEVERAL OF THE  
15 PEOPLE BACK THERE, I ASSUME WITNESSES, ARE HAVING TROUBLE  
16 HEARING HIM. IF THEY WANT TO MOVE A CHAIR UP CLOSER, THEY CAN.  
17 I AM TALKING ABOUT THE SECOND TABLE.

18 MR. HOFFMAN: THANK YOU, YOUR HONOR.

19 BY MR. HOFFMAN:

20 Q. MUHAMED, DID YOU KNOW MIRSADA VUCKOVIC PRIOR TO THE WAR?

21 A. YES. JUST LIKE I HAVE SAID, I KNEW HER FIVE, SIX YEARS  
22 BEFORE THE WAR. HER MAIDEN NAME WAS KIKIC, K-I-K-I-C.

23 Q. DID SHE WORK AT A RESTAURANT THAT YOU AND YOUR BROTHER  
24 OWNED?

25 A. YES. SHE WAS WORKING LIKE A COOK ASSISTANT IN OUR

1 RESTAURANT.

2 Q. AND DID MR. VUCKOVIC'S SISTER LIVE IN A HOME NEAR YOUR  
3 PIZZARIA?

4 A. YES. JUST ACROSS MY PIZZARIA.

5 Q. AND WHAT WAS MR. VUCKOVIC'S SISTER'S NAME?

6 A. NADA.

7 Q. AND DID YOU SEE MR. VUCKOVIC VISIT HIS SISTER BEFORE THE WAR  
8 CAME?

9 A. YES. HE WAS VISITING HIS SISTER NUMEROUS TIMES AS HE WAS  
10 PASSING WITH HIS WIFE NUMEROUS TIMES ACROSS MY BUSINESS.

11 Q. AND WHEN YOU SAW MR. VUCKOVIC AND HIS WIFE PRIOR TO APRIL OF  
12 1992, DID YOU EXCHANGE GREETINGS WITH THEM?

13 A. YES. WE INTRODUCTIONS, JUST GOOD MORNING OR AFTERNOON,  
14 DEPENDING ON THE TIME OF THE DAY. JUST NO HAND SHAKES. JUST  
15 VERBAL GREETINGS.

16 Q. AND IS NIKOLA VUCKOVIC WHO MARRIED MIRSADA THE SAME MAN WHO  
17 COMMITTED ACTS AGAINST YOU THAT ARE ALLEGED IN THE COMPLAINT IN  
18 THIS CASE?

19 A. YES.

20 Q. MR. BICIC, I WOULD LIKE TO DIRECT YOUR ATTENTION TO THE TIME  
21 THAT THE WAR CAME TO BOSANSKI SAMAC IN APRIL 1992.

22 A. RIGHT.

23 Q. WERE YOU ARRESTED IN APRIL OF 1992?

24 A. YES, I WAS ARRESTED 18TH OF APRIL, 1992.

25 Q. AND WHO CAME TO ARREST YOU?

1 A. YES. THERE WERE FOUR PEOPLE WITH UNIFORMS OF YUGOSLAV  
2 NATIONAL ARMY, SERBIAN POLICE, AND SERBIAN SOLDIERS.

3 Q. MR. BICIC, DID YOU PERFORM MANDATORY MILITARY SERVICE IN THE  
4 YUGOSLAVIAN ARMY?

5 A. YES, I WAS IN MANDATORY YUGOSLAV NATIONAL ARMY FROM THE  
6 PERIOD OF 12TH OF APRIL 1974 UNTIL 7TH OF JULY 1975.

7 Q. DID THE PEOPLE WHO CAME TO ARREST YOU ON APRIL 18, DID THEY  
8 HAVE AN ARREST WARRANT FOR YOU?

9 A. NO, THEY DID NOT HAVE ANY WARRANT WHATSOEVER. THEY JUST  
10 BROKE INTO MY HOME, BEAT MYSELF AND MY BROTHER, AND DRAGGED US  
11 FROM OUR HOUSE INTO THEIR POLICE STATION ON THE STREETS.

12 Q. WAS HE BEATEN DURING THE ARREST?

13 A. YES. YES, BOTH MYSELF AND MY BROTHER.

14 Q. WHEN YOU WERE TAKEN TO THE POLICE STATION, HOW LONG WERE YOU  
15 KEPT AT THE POLICE STATION?

16 A. THEY HAVE TAKEN US THAT MORNING, APRIL 18TH, 1992, AND KEPT  
17 US IN POLICE STATION UNTIL 10:00, 11:00 P.M., AND THEN TOOK US  
18 TO THE T.O. WAREHOUSE.

19 Q. WERE YOU MISTREATED DURING THE TIME YOU WERE KEPT IN THE  
20 POLICE STATION?

21 A. YES. THEY BEATEN US. YES, FOR ALMOST 10, 12 HOURS THAT WE  
22 WERE KEPT IN POLICE STATION, NOT JUST MYSELF, THEY WERE BRINGING  
23 OTHER PEOPLE, AND THEY WERE BEATING US, BEATING US HARD.

24 Q. CAN YOU DESCRIBE TO US HOW THEY WERE BEATING THEM?

25 A. WE WERE BEATEN WITH DIFFERENT OBJECTS RANGING FROM POLICE

1 BATONS, LEGS, CHAIR LEGS, FISTS, BOOTS, AND SOLDIERS WEAPONS AS  
2 WELL.

3 Q. WHEN YOU WERE TAKEN TO THE T.O. WAREHOUSE, HOW LONG WERE YOU  
4 KEPT THERE?

5 A. WE WERE HELD THERE FOR EIGHT TO TEN DAYS.

6 Q. AND WHO WAS HOLDING HIM THERE?

7 A. SERBIAN SOLDIERS, SERBIAN POLICE, SOLDIERS OF YUGOSLAV  
8 NATIONAL ARMY, AND SOME SPECIAL SERBIAN UNITS WERE KEEPING US  
9 AND OTHER PEOPLE IN T.O. WAREHOUSE.

10 Q. DID YOU RECOGNIZE ANY OF THESE PEOPLE AS BOSNIAN SERBS FROM  
11 BOSANSKI SAMAC THAT YOU KNEW FROM BEFORE THE WAR?

12 A. YES, OF COURSE.

13 Q. WHO WERE THE OTHER PEOPLE THAT WERE BEING DETAINED WITH  
14 YOU? WERE THEY ONLY CROATS AND MUSLIMS?

15 A. YES. BOSNIANS AND CROATS FROM BOSANSKI SAMAC.

16 Q. WERE YOU MISTREATED AT ALL DURING THE TIME THAT YOU WERE  
17 DETAINED AT THE T.O. WAREHOUSE?

18 A. YES. WE WERE MISTREATED FOR ALMOST TEN HOURS DURING THE  
19 DAY, AND AT NIGHT AS WELL WE WERE LAYING ON THE SLABS OF THE  
20 WAREHOUSE. THEY WERE LAYING DOWN THERE. A GROUP OF 45 TO 50  
21 BOSNIANS AND CROATS WAS PUT IN A ROOM FIVE BY FIVE METERS.

22 Q. CAN YOU DESCRIBE THE KIND OF FOOD AND WATER YOU GOT?

23 A. YES. WE RECEIVED SOME FOOD CANS THAT THEY PROBABLY WERE  
24 STOLEN FROM LOCAL SHOPS AND SUPERMARKETS BY THE SOLDIERS.

25 Q. WERE YOU BEATEN DURING THE TIME YOU WERE AT THE WAREHOUSE

1 PERSONALLY?

2 A. YES. I WAS ONE OF THE PERSONS THAT WAS BEATEN THE MOST IN  
3 ALL OF THE CAMPS AND DETAIN CENTERS WHERE I WAS KEPT.

4 Q. CAN YOU DESCRIBE FOR THE COURT THE KIND OF BEATINGS YOU  
5 RECEIVED WHEN YOU WERE DETAINED AT THE T.O. WAREHOUSE?

6 A. A GROUP OF SPECIALISTS, SERBIAN UNITS FORCES SOLDIERS WOULD  
7 TAKE ME OUTSIDE, BEAT ME WITH THEIR FISTS, LEGS, WEAPONS, UNTIL  
8 I WOULD FAINT OR FALL IN COMA.

9                   THEY BROKE MY BROTHER'S FINGERS. THEY KILLED ONE  
10 GENTLEMAN, ONE DETAINEE, WITH THE CHAIR LEGS. THEY WERE BEATING  
11 US.

12 Q. AFTER THE PERIOD OF DETENTION IN THE T.O. WAREHOUSE, WHERE  
13 WERE YOU TAKEN NEXT?

14 A. SINCE ONE OF THE SPECIAL SERBIAN SOLDIERS BEATEN WITH CHAIR  
15 LEGS ONE OF THE DETAINEES, BROKE HIS HEAD OPEN, BLOOD  
16 EVERYWHERE, HE KILLED HIM, AND SHOT HIM TWICE.

17                   ONE GENTLEMAN, THEY STICK A KNIFE IN HIS HAND. WHILE  
18 THEY WERE BEATING ONE, THE OTHER DETAINEES WERE FORCED TO SING  
19 CETNIK SONGS. THEY BROKE FINGERS ON MY BROTHER'S HANDS. WHILE  
20 THEY WERE BREAKING MY BROTHER'S FINGERS, THEY WERE HITTING ME  
21 WITH THE STICK ON MY HEAD AND FORCE ME TO LAUGH, AND ASKED ME  
22 WHY I AM NOT LAUGHING WHILE I AM WATCHING MY BROTHER'S FINGERS  
23 BEING BROKEN. MY BROTHER AND MYSELF WERE THE TWO PERSONS THAT  
24 WERE MOST BEATEN SINCE WE WERE COMING FROM RICH FAMILY IN  
25 BOSANSKI SAMAC. THEY ASKED US FOR GOLD AND MONEY.



1 Q. HOW DID YOU FEEL WHEN YOU OBSERVED YOUR BROTHER AND OTHERS  
2 BEING MISTREATED AS YOU'VE DESCRIBED THEM?

3 A. HOW WOULD I FEEL? TERRIBLE. I DON'T KNOW HOW TO ANSWER  
4 THAT QUESTION. SO BAD WHILE I AM SPEAKING RIGHT NOW.

5 Q. DID THERE COME A TIME WHEN YOU WERE MOVED FROM THE T.O.  
6 WAREHOUSE TO ANOTHER PLACE?

7 A. YES. AT THAT NIGHT THEY PUT US IN MILITARY TRUCKS AND TOOK  
8 US TO BRCKO.

9 Q. WHO TOOK YOU TO BRCKO?

10 A. UNITS FROM THE 4TH UNIT OF YUGOSLAV NATIONAL ARMY.

11 Q. WERE YOU TAKEN TO BRCKO IN MILITARY TRUCKS?

12 A. YES. WE WERE TAKEN IN BRCKO WITH MILITARY TRUCKS AND THEY  
13 TOOK US TO MILITARY JAILS IN BRCKO.

14 Q. WERE YOU BEATEN IN THE MILITARY BARRACKS IN BRCKO?

15 A. YES. WE WERE BEATEN BUT VERY LITTLE COMPARING TO WHAT WE  
16 HAD TO LIVE THROUGH IN T.O. WAREHOUSE. ALMOST WE WERE NOT  
17 BEATEN, COMPARING TO THE BEATINGS THAT WE SUFFERED IN  
18 WAREHOUSE.

19 Q. WERE ALL OF THE DETAINEES AT THE MILITARY BARRACKS IN BRCKO  
20 CROATS OR MUSLIMS?

21 A. YES.

22 Q. WERE YOU MOVED TO ANY OTHER MILITARY BARRACKS AFTER BEING IN  
23 THE BARRACKS IN BRCKO?

24 A. YES. AFTER THE WAR STARTED IN BRCKO, THEY MOVED US IN  
25 MILITARY BARRACKS IN BIJELJINA.

1 Q. WHO TOOK YOU TO THE MILITARY BARRACKS IN BIJELJINA?

2 A. THE MILITARY POLICE TOOK US AND DRAW THE CURTAINS IN THE  
3 VEHICLES THAT WE WERE DRIVEN TO BRCKO.

4 Q. WERE YOU BEATEN IN THE NEW MILITARY BARRACKS THAT YOU WERE  
5 MOVED TO?

6 A. YES.

7 Q. AND HOW BADLY WERE YOU BEATEN IN COMPARISON TO THE BEATINGS  
8 THAT YOU SUFFERED AT THE T.O. WAREHOUSE?

9 A. FIRST TWO DAYS WE WERE BEATEN ABOUT THE SAME FORCE AS WE  
10 WERE BEATEN IN THE WAREHOUSE FOR THE FIRST FEW DAYS.

11 Q. AFTER THAT DID THE BEATINGS SUBSIDE?

12 A. YES. WE WERE BEATEN SIGNIFICANTLY LESS BECAUSE ONE OF THE  
13 OFFICERS IN BIJELJINA ORDERED THEM NOT TO BEAT US THAT MUCH.

14 Q. DID THERE COME A TIME WHEN YOU WERE RETURNED TO BOSANSKI  
15 SAMAC?

16 A. YES, THEY RETURNED US THE 13TH OF MAY IN THE SAME BUSES  
17 WITH THE CURTAINS BEING DRAWN ON THE WINDOWS.

18 Q. WHEN YOU ARRIVED BACK IN BOSANSKI SAMAC, WHERE WERE YOU  
19 TAKEN?

20 A. YES. WE WERE TAKEN IN A LOCAL GYMNASIUM IN ELEMENTARY  
21 SCHOOL WHERE WE WERE PUT IN A GYM ALONG WITH FRESH NEW ARRIVEES,  
22 DETAINEES. AND BEFORE WE WERE PUT IN THAT GYM, THOSE SOLDIERS  
23 SHOWED THOSE NEW DETAINEES TO THE EMPER (PHONETIC) FORCE AND  
24 OTHER U.N. UNITS.

25 Q. DID YOU SPEND ANY TIME IN THE HIGH SCHOOL GYMNASIUM BEFORE

1 THEY PUT YOU IN THE ELEMENTARY SCHOOL GYMNASIUM?

2 THE INTERPRETER: WOULD YOU REPEAT THE QUESTION,  
3 PLEASE?

4 BY MR. HOFFMAN:

5 Q. DID YOU SPEND ANY TIME IN A HIGH SCHOOL GYMNASIUM BEFORE  
6 BEING TRANSFERRED TO THE ELEMENTARY SCHOOL GYMNASIUM?

7 THE INTERPRETER: CORRECTION OF THE INTERPRETER.

8 MR. BICIC SAID EARLIER HIGH SCHOOL GYMNASIUM.

9 MR. HOFFMAN: OKAY.

10 BY MR. HOFFMAN:

11 Q. AND HOW LONG WERE YOU IN THE HIGH SCHOOL GYMNASIUM?

12 A. WE WERE IN HIGH SCHOOL GYMNASIUM FOR TWO DAYS UNTIL THEY  
13 MOVED US TO ELEMENTARY SCHOOL GYMNASIUM. AND THE WHOLE BUILDING  
14 WAS BURNED DOWN EXCEPT THE GYMNASIUM AND THE HALLWAYS AROUND  
15 IT.

16 Q. THAT IS THE ELEMENTARY SCHOOL GYMNASIUM THAT WAS BURNED  
17 DOWN. IS THAT RIGHT?

18 A. YES. THAT WAS THE ELEMENTARY SCHOOL.

19 Q. CAN YOU DESCRIBE THE WAY THAT YOU WERE TRANSFERRED FROM THE  
20 HIGH SCHOOL GYMNASIUM TO THE ELEMENTARY SCHOOL GYMNASIUM?

21 A. THEY WOULD TAKE US ONE BY ONE BEING FORCED TO HAVE OUR HANDS  
22 OVER THE HEAD, AND THEY WERE BEATING US AND HURRYING US. ON  
23 BOTH SIDES OF WHERE WE WERE BEING TAKEN IN THE COLONY, THEY WERE  
24 BEATING US AND HURRYING US THAT WE RUN FOR FEW HUNDRED, HUNDRED  
25 FIFTY METERS WHILE THEY WERE BEATING US AND TELLING US TO

1 HURRY.

2 Q. WAS IT CAME THAT THE HIGH SCHOOL GYMNASIUM WAS ABOUT 150  
3 METERS FROM THE ELEMENTARY SCHOOL GYMNASIUM?

4 A. YES. THAT IS CORRECT.

5 Q. AND YOU WERE BEATEN AS YOU WERE BEING TRANSFERRED FROM ONE  
6 PLACE TO THE OTHER?

7 A. YES.

8 Q. WERE ANY WEAPONS USED DURING THE BEATINGS?

9 A. YES. AND THEY WERE HITTING US MAINLY WITH THE RIFLES THAT  
10 THEY WERE CARRYING. MAINLY WITH THE RIFLES.

11 Q. WERE THE MILITARY PEOPLE OR THE POLICE OFFICERS THAT WERE  
12 BEATING THEM SAYING ANYTHING TO THEM AS THEY WERE BEING  
13 TRANSFERRED?

14 A. THEY WERE CURSING --

15 THE INTERPRETER: THE PLAINTIFF IS REFERRING TO A  
16 SLANG, BALIJA, MOTHER.

17 Q. THEY WERE CURSING CROATS'S AND MUSLIMS'S MOTHERS.

18 Q. DOES HE REMEMBER THE WORDS THAT WERE USED?

19 A. YES. WOULD YOU LIKE ME TO SAY?

20 Q. YES.

21 A. HURRY UP. RUN YOU MUSLIM MOTHERS, YOU CROATS MOTHERS.

22 Q. WERE YOU SUBJECTED TO THOSE KINDS OF STATEMENTS FROM YOUR  
23 GUARDS FOR THE WHOLE TIME YOU WERE IN DETENTION?

24 A. WILL YOU REPEAT THE QUESTION OR REPHRASE IT?

25 Q. I WILL GO ON TO A DIFFERENT QUESTION AND COME BACK TO THAT.

1 FOR HOW LONG WERE YOU DETAINED AT THE ELEMENTARY SCHOOL  
2 GYMNASIUM?

3 A. I DON'T REMEMBER. QUITE SOMEWHERE. AROUND THREE AND A HALF  
4 MONTHS.

5 Q. AND APPROXIMATELY HOW MANY OTHER PEOPLE WERE DETAINED WITH  
6 YOU?

7 A. SOMEWHERE AROUND 50 TO 55 PEOPLE, BECAUSE THEY WERE TAKING  
8 SOME TO OTHER CAMPS AND BRINGING NEW ONES IN.

9 Q. AND WHO WERE THE PEOPLE THAT WERE THE GUARDS AT THE  
10 ELEMENTARY SCHOOL?

11 A. SERBIAN POLICE AND SERBIAN SOLDIERS.

12 Q. AND DID YOU KNOW SOME OF THE PEOPLE THAT WERE GUARDS AT THE  
13 ELEMENTARY SCHOOL GYMNASIUM AS PEOPLE WHO HAD BEEN YOUR  
14 NEIGHBORS IN BOSANSKI SAMAC BEFORE THE WAR?

15 A. YES. I KNEW QUITE MANY OF THEM.

16 Q. AND WERE THERE OTHER PEOPLE THAT CAME INTO THE ELEMENTARY  
17 SCHOOL GYMNASIUM TO ENGAGE IN BEATINGS OF THE PRISONERS?

18 A. YES. CIVILIANS AS WELL AS SERBIAN SOLDIERS, SERBIAN  
19 CIVILIANS OF SERBIAN ORIGIN, AND OTHER SERBIAN FORCES AND UNITS  
20 THAT HAD THE MARKS AND UNIFORMS ON IN THE SERBIAN ARMY.

21 Q. DID THE DEFENDANT, NIKOLA VUKOVIC, COME INTO THE ELEMENTARY  
22 SCHOOL DURING THE TIME THAT YOU WERE DETAINED THERE?

23 A. YES. HE WAS MANY TIMES PRESENT WITH MILITARY UNITS OR  
24 SOLDIER UNITS BECAUSE HE WAS LIVING BY THAT SCHOOL.

25 Q. AND HOW DID YOU KNOW THAT HE WAS LIVING BY THE ELEMENTARY

1 SCHOOL?

2 A. IN FRONT OF THE GYMNASIUM THERE WERE ROOMS WHERE OF COURSE  
3 MEN COULD GO CHANGE THE CLOTHES WHEN THEY WERE PRACTICING IN THE  
4 GYMNASIUM. IN ONE OF THOSE ROOMS THERE WAS A WINDOW WITH THE  
5 BARS, IRON BARS ON IT. IN THOSE ROOMS WE WERE ALLOWED TO SMOKE  
6 IF WE WERE ABLE TO GET A SMOKE FROM SOMEBODY THAT WOULD HIDE IT  
7 AND BRING IT IN, OR IF THEY OFFERED US ANY.

8 Q. WAS HE ABLE TO SEE WHERE MR. VUKOVIC LIVED FROM THAT  
9 WINDOW?

10 A. YES. THAT WAS JUST ACROSS THE BASKETBALL COURT, OR HANDBALL  
11 COURT. THAT WAS ABOUT 50 METERS AWAY.

12 Q. AND WHAT DID HE SEE?

13 A. OTHERS AND MYSELF SAW HIM -- OTHERS AND MYSELF SAW HIM WHILE  
14 WE WERE SITTING IN SUCH ROOMS THAT HE WAS ENTERING THE HOUSE  
15 THAT WAS ACROSS THE STREET.

16 Q. DID HE ENTER AND LEAVE THAT HOUSE ON A REGULAR BASIS TO HIS  
17 KNOWLEDGE?

18 A. I AM NOT SURE IF HE BROKE INTO THAT HOUSE, YES, BUT I SAW  
19 HIM ON A REGULAR BASIS ENTERING THAT HOUSE WITH HIS CHILDREN AND  
20 HIS WIFE.

21 Q. DO YOU KNOW WHO LIVED IN THAT HOUSE PRIOR TO THE WAR  
22 STARTING IN APRIL 1992?

23 A. YES. THERE WAS LIVING ONE MUSLIM WHO HAD A CAKE SHOP THERE  
24 AND LATER ALCOHOLIC SHOP. THAT WAS HIS HOUSE.

25 Q. HOW FREQUENTLY DID MR. VUKOVIC COME INTO THE ELEMENTARY

1 SCHOOL GYMNASIUM WHERE THE DETAINEES WERE?

2 A. VERY OFTEN WHILE THE CHILDREN PLAYED AT THE HANDBALL COURT,  
3 AND HE WAS ENTERING THE FACILITY, GYMNASIUM, WHENEVER NEW  
4 SOLDIERS WOULD BRING NEW DETAINEES, TO OVERSEE THEIR BEATINGS.

5 Q. DID HE COME MORE THAN ONCE A WEEK?

6 A. YES. SOMETIMES MORE OFTEN.

7 Q. WHEN HE CAME DID HE WEAR MILITARY FATIGUES OR A MILITARY  
8 UNIFORM?

9 A. YES. HE WAS MAINLY IN CIVILIAN CLOTHES, BUT YES, HE WAS  
10 ENTERING WITH MILITARY UNIFORMS, AND HE WAS ALWAYS WEARING A BIG  
11 BUCKLED BELT.

12 Q. DID HE WEAR A WEAPON?

13 A. YES. HE WAS ALWAYS CARRYING A BIG REVOLVER AROUND HIS  
14 WAIST.

15 Q. NOW, DURING THE THREE TO THREE AND A HALF MONTHS THAT YOU  
16 WERE DETAINED IN THE ELEMENTARY SCHOOL GYMNASIUM, COULD YOU  
17 DESCRIBE FOR THE COURT WHAT KIND OF BEATINGS OR OTHER  
18 MISTREATMENT THAT THE DETAINEES IN THE ELEMENTARY SCHOOL  
19 GYMNASIUM SUFFERED?

20 A. USUALLY THEY WERE ENTERING GYMNASIUM WITH WEAPONS READY TO  
21 FIRE IN THE GROUPS OF TEN. YES. THEY WOULD TAKE US SOMETIMES  
22 IN THE GROUPS, TWO TO THREE, DEPENDING ON HOW MANY OF THEM THERE  
23 WERE, AND THEY WOULD KICK US AND THREW US OUT OF THE GYMNASIUM  
24 IN ANOTHER BUILDINGS.

25 Q. AND WHAT DID THEY DO TO YOU?

1 A. BECAUSE THE SCHOOL WAS BURNED DOWN, THERE WERE MANY OBJECTS,  
2 METAL AND WOODEN STICKS, CHAIR LEGS, METAL PIPES THAT WE WERE  
3 BEATEN MANY TIMES. THEY ALSO BEAT US WITH THOSE OBJECTS ON OUR  
4 HEADS, AND BEAT OUR HEADS AGAINST THE WALLS, SO THE WALLS OF THE  
5 GYMNASIUM WERE COVERED AND DIRTIED UP WITH A LOT OF BLOOD.

6 Q. HOW FREQUENTLY DID THE BEATINGS OCCUR?

7 A. IT DEPENDS ON THEIR MOOD, BUT MAINLY EVERY DAY THERE WERE  
8 NEW GROUPS OF SOLDIERS COMING IN AND TAKING US RANDOMLY AND  
9 BEATING US UP.

10 Q. HOW FREQUENTLY WERE YOU BEATEN?

11 A. ONE MAN THAT WAS A DETAINEE IN THE GYMNASIUM BY ME NAMED  
12 ESAD SASAC (PHONETIC), WHILE I WAS DETAINED THERE IN THE PERIOD  
13 OF 10 TO 13 DAYS, HE COUNTED THAT I WAS BEATEN APPROXIMATELY 130  
14 TIMES.

15 Q. HOW PAINFUL WERE THE BEATINGS?

16 A. BEATINGS WERE SUCH PAINFUL THAT I HAVE HAD EIGHT RIBS  
17 BROKEN, NUMEROUS SCARS ON NOSE, HEAD, ABOVE THE EYEBROWS AND ALL  
18 OVER THE BODY.

19 THE COURT: MR. HOFFMAN, I WOULD LIKE YOU TO DEVELOP  
20 THE ROLE OF MR. VUKOVIC.

21 MR. HOFFMAN: YES, SIR. I WILL GET TO THAT.

22 BY MR. HOFFMAN:

23 Q. MR. BICIC, COULD YOU -- WERE YOU BEATEN BY MR. VUKOVIC  
24 DIRECTLY?

25 A. YES.



1 Q. AND CAN YOU DESCRIBE THE BEATINGS THAT YOU RECEIVED DIRECTLY  
2 FROM MR. VUKOVIC?

3 A. HE WOULD LOOK FOR MYSELF AND MY BROTHER, ON A COUPLE OF  
4 OCCASIONS. BECAUSE MY BROTHER WAS ALREADY EXCHANGED 4TH OF  
5 JULY. VUKOVIC ALSO THOUGHT THAT I WAS IN EXCHANGE, MUSLIM  
6 EXCHANGE OF PRISONERS, BECAUSE OTHER DETAINEES DID NOT WANT TO  
7 INFORM VUKOVIC THAT I WAS STILL PRESENT IN GYMNASIUM.

8 SINCCE WE DID NOT BATHE FOR MONTHS AND MONTHS, NOR WERE  
9 WE ABLE TO SHAVE OR CUT OUR HAIR, MAYBE MR. VUKOVIC WAS UNABLE  
10 TO RECOGNIZE ME BY THE AMOUNT OF WEIGHT THAT I LOST AND MY  
11 APPEARANCE DUE TO UNBATHING AND BEING ABLE TO CUT MY HAIR AND  
12 SHAVE.

13 Q. COULD HE DESCRIBE -- COULD YOU DESCRIBE FOR THE COURT THE  
14 TIMES THAT MR. VUKOVIC DID DIRECTLY BEAT YOU?

15 A. SIMPLY IN THE BEGINNING I WAS WITH THE FEW DETAINEES IN A  
16 GROUP JUST IN FRONT OF THE ENTRANCE OF THE GYMNASIUM. SO THOSE  
17 SOLDIERS WOULD TAKE THOSE PEOPLE THAT WERE FIRST IN GROUP, AND  
18 BEATEN THEM, AND THEY SUFFERED THE MOST BEATINGS AS THEY WERE  
19 ALWAYS PUT FIRST IN THE GROUP.

20 MANY OCCASIONS MR. VUKOVIC WOULD TAKE TWO OR THREE  
21 PEOPLE DOWN ON THE FLOOR, THREW THEM ON THE FLOOR, WOULD BEAT  
22 THEM WITH HIS BOOTS MANY MANY TIMES, AND VERY OFTEN WITH HIS  
23 WEAPONS. EITHER IT WOULD BE A REVOLVER OR RIFLE, DEPENDING ON  
24 WHAT HE WOULD CARRY. HE WOULD ABUSE US VERBALLY AND CUSSING OUR  
25 MUSLIM AND CROATS MOTHERS.

1 Q. DID MR. VUKOVIC ACTUALLY BEAT YOU PERSONALLY DURING ANY OF  
2 THOSE OCCASIONS?

3 A. YES. ON MANY OCCASIONS HE WOULD ENTER IN GROUPS WITH OTHER  
4 SOLDIERS AND WOULD USUALLY PULL PEOPLE, DETAINEES THAT THEY ARE  
5 FIRST IN GROUP, AND TAKE THEM AND BEATEN THEM, AND ONE OF THOSE  
6 DETAINEES WAS MR. HADZIALIJAGIC AS WELL.

7 Q. I WANT TO MAKE SURE THAT IT'S -- WHAT I AM ASKING HIM TO DO  
8 NOW IS TO TESTIFY ABOUT ANY BEATINGS THAT MR. VUKOVIC DID TO HIM  
9 SPECIFICALLY. AND THEN I WILL --

10 A. YES, I SAID HE BEATEN ME MANY MANY TIMES.

11 Q. AND CAN HE -- HOW DID HE BEAT -- WHAT DID HE BEAT HIM WITH?  
12 ANYTHING? WITH BATONS, OR BATS, OR ANYTHING LIKE THAT, THAT HE  
13 CAN DESCRIBE?

14 A. MAINLY HE DID NOT CARRY POLICE BATONS, HE WOULD BEAT US WITH  
15 REVOLVER OR RIFLE, DEPENDING ON WHICH HE CARRIED. MAINLY WITH  
16 REVOLVER, BECAUSE HE CARRIED THAT MORE OFTEN THAN THE RIFLE.

17 Q. HOW SEVERE WERE THE BEATINGS THAT MR. VUKOVIC GAVE YOU  
18 PERSONALLY?

19 A. HOW SEVERE THE PAIN WOULD BE IF YOU TRIED TO IMAGINE A  
20 WEAPON BEING AROUND SIX, SIX, SEVEN KILOGRAMS ITSELF, AND IF YOU  
21 WERE BEATEN WITH SUCH A WEAPON, HOW WOULD YOU FEEL. IMMENSE  
22 PAIN WAS FELT.

23 Q. DID THE PAIN LAST FOR A LONG TIME AFTER THE BEATINGS?

24 A. YES. FOR MANY DAYS. AND THEN OTHER PEOPLE COME AND BEAT US  
25 AGAIN.

1 Q. WAS MR. VUKOVIC PRESENT WHEN OTHER GUARDS BEAT YOU?

2 A. YES.

3 Q. AND DID THE OTHER GUARDS BEAT YOU IN THE SAME WAY THAT YOU  
4 HAVE JUST DESCRIBED MR. VUKOVIC BEATING YOU?

5 A. YES. THEY WOULD BASICALLY COMPETE AMONGST THEMSELVES WHO  
6 WOULD CARRY OUT MORE ABUSE TO THE DETAINEES.

7 Q. DID MR. VUKOVIC MAKE ANY ANTI-MUSLIM STATEMENTS OR TRY TO  
8 HUMILIATE YOU IN ANY OTHER WAY DURING THE TIME HE WAS BEATING  
9 YOU?

10 A. YES. IT'S HARD TO DESCRIBE. YES, HE BEAT US. BUT WITH OUR  
11 APPEARANCE, WITH THE LONG BEARDS AND LONG HAIR, BEING DIRTY, WE  
12 HARDLY RECOGNIZED EACH OTHERS, SO MR. VUKOVIC DID NOT KNOW WHO  
13 WAS BOSNIAN AND WHO WAS CROAT. HE WOULD JUST BEAT US ALL  
14 EQUALLY.

15 Q. WERE YOU EVER RIDDEN LIKE A HORSE BY THE GUARDS?

16 A. YES. AND ON ONE OCCASION MR. VUKOVIC, WITH A GROUP OF  
17 SOLDIERS, MILITARY POLICEMEN, WAS MAKING ME PRETEND LIKE I WAS A  
18 HORSE WHILE ONE OF THE SOLDIERS STOOD UP ON MY BACK AND WAS  
19 BEATING ME WITH A POLICE BATON ON MY HEAD. AND THEY WERE MAKING  
20 ME CRAWL WHILE BALANCING THE SOLDIERS BEATING ME ON MY BACK.

21 Q. HOW DID THAT EVENT MAKE YOU FEEL? DID YOU FEEL HUMILIATED  
22 BY THAT?

23 A. MAYBE YOU CAN FEEL BY THE TONE OF MY VOICE HOW I AM SPEAKING  
24 TO YOU NOW THAT IT WAS VERY DIFFICULT FOR ME TO SUFFER THROUGH  
25 ALL OF THE HUMILITY THAT I HAD TO LIVE THROUGH.

1 Q. I AM SORRY THAT THESE ARE PAINFUL QUESTIONS.

2 WERE YOU EVER FORCED TO PLAY RUSSIAN ROULETTE DURING  
3 THE TIME THAT YOU WERE DETAINED IN THE ELEMENTARY SCHOOL  
4 GYMNASIUM?

5 A. THERE WAS AN OCCASION WHERE MR. VUKOVIC WAS PLAYING RUSSIAN  
6 ROULETTE, MYSELF AND MR. HADZIALIJAGIC AS WELL, HE SUPPOSEDLY  
7 PUT A BULLET IN REVOLVER AND PLAYED WITH MOCKING RUSSIAN  
8 ROULETTE, AND POINTING THE WEAPON, NOT ONLY AT ME AND  
9 MR. HADZIALIJAGIC, BUT OTHER DETAINEES AS WELL.

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

11 A. OF COURSE. HOW I WOULD NOT BE SCARED AFTER ALL THE ABUSES I  
12 HAD RECEIVED, SUFFERED. I WAS AFRAID THAT I MIGHT BE INSTANTLY  
13 SHOT.

14 Q. WAS THERE AN ATMOSPHERE OF FEAR IN THE ELEMENTARY SCHOOL  
15 GYMNASIUM AMONG THE DETAINEES? AND IF THERE WAS, COULD YOU  
16 DESCRIBE THAT FOR THE COURT?

17 A. THE FEAR WAS SO MUCH PRESENT IN ALL OF US. YES. OF COURSE  
18 THE ATMOSPHERE OF FEAR WAS IMMENSE AND PRESENT IN ALL OF US,  
19 ESPECIALLY THROUGH ALL OF THE BEATINGS THAT WE BEEN THROUGH IN  
20 T.O. WAREHOUSE, PLAYING THIS MOCKING RUSSIAN ROULETTE GAMES,  
21 BEING ALMOST BEAT ALMOST TO DEATH, AND THE CURSING AND  
22 PHYSICALLY AND ABUSE, THE ATMOSPHERE OF FEAR WAS VERY VERY WITH  
23 US.

24 Q. CAN YOU TELL US HOW MR. VUKOVIC CONTRIBUTED TO THE  
25 ATMOSPHERE OF FEAR THAT YOU FELT?

1 A. MAINLY ALL THE DETAINEES WERE FORCED TO SING PRO-SERBIAN  
2 SONGS, CETNIK SONGS, WHILE WE WERE BEATEN. MR. VICKOVIC, ALONG  
3 WITH OTHER SOLDIERS WHO WERE BEATING US RANDOMLY, YOU NEVER KNEW  
4 WHO HE WAS GOING TO BEAT NEXT. SOMETIMES IT WAS JUST A LITANY.  
5 WE WERE BEATEN RANDOMLY, AND TAKEN -- AND WHILE ONE GROUP WAS  
6 BEING BEATEN, THE OTHERS WERE FORCED TO SING THE SONGS, AND VICE  
7 VERSA.

8 Q. CAN YOU TELL US HOW YOU FELT WHEN YOU SAW YOUR FELLOW  
9 DETAINEES BEING BEATEN BY THE SOLDIERS?

10 A. VERY SORRY AND UNABLE. MAINLY WE SERVED AS THE VICTIMS FOR  
11 ABUSE FOR THOSE PEOPLE, IF I CAN CALL THEM, INDIVIDUALS OR  
12 PEOPLE.

13 Q. DO YOU RECALL AN INCIDENT IN WHICH MR. VUKOVIC WAS INVOLVED  
14 IN BEATING SAFET HADZIALIJAGIC, WHO IS ALSO A PLAINTIFF IN THE  
15 CASE?

16 A. YES. SAFET WAS STANDING A METER IN FRONT OF ME, OR BETTER  
17 SAID, HE WAS LAYING DOWN ON THE FLOOR OF THAT GYMNASIUM.

18 Q. AND CAN YOU DESCRIBE WHAT MR. VUKOVIC DID TO SAFET?

19 A. SIMPLY HE ARRIVED WITH A FEW OF THOSE SOLDIERS OR POLICEMEN  
20 AS A GROUP.

21 Q. AND WHAT DID HE DO TO SAFET?

22 A. STARTED BEATING HIM, CURSING HIM, THEN OTHER SOLDIERS JOINED  
23 MR. VUKOVIC. THEY MAKE A CIRCLE AROUND SAFET AND BEAT HIM FOR  
24 AROUND HALF AN HOUR CONSTANTLY.

25 Q. AND HOW DID THEY BEAT HIM?

1 A. WHILE THEY MADE THE CIRCLE IN BEATING SAFET WITH MILITARY  
2 BOOTS AND WEAPONS, MAINLY I WAS CLEARLY ABLE TO SEE WHEN  
3 MR. VUKOVIC HIT WITH HIS MILITARY BOOT SAFET'S HEAD IN AREA  
4 AROUND THE MOUTH.

5 Q. WAS SAFET FORCED TO LICK THE BLOOD OFF HIS BOOTS?

6 A. YES. YES, MR. SAFET WAS FORCED TO LICK VUKOVIC'S BLOOD  
7 WHILE MR. VUKOVIC WAS CURSING SAFET'S MUSLIM MOM WHY HE DIRTIED  
8 UP HIS FLOOR AND HIS BOOTS AS WELL.

9 Q. COULD YOU SEE WHETHER SAFET WAS IN PAIN?

10 A. OF COURSE. OF COURSE I WAS ABLE TO SEE CLEARLY WHILE HE WAS  
11 LAYING DOWN AND BEING BEATEN, BLOOD EVERYWHERE, CRYING FOR HELP  
12 FOR AROUND HALF AN HOUR.

13 Q. DID YOU HAVE TEETH EXTRACTED DURING THE TIME YOU WERE AT THE  
14 ELEMENTARY SCHOOL?

15 A. YES. ONE NIGHT THERE WERE 10 OR 15 OF THE SOLDIERS, ALONG  
16 WITH VUKOVIC, THAT CAME. YES. THREE OR FOUR SOLDIERS WOULD  
17 RAISE DOWN ONE OF THE DETAINEES AND THEN TAKE HIM IN THE HALLWAY  
18 WHERE A MAN'S RESTROOM WAS, OR A ROOM FOR CHANGING CLOTHES, AND  
19 THEY WOULD BEAT HIM THERE IN THOSE HALLWAYS.

20 Q. DID YOU PERSONALLY HAVE ANY OF YOUR TEETH EXTRACTED?

21 A. YES.

22 Q. AND HOW WAS THAT DONE?

23 A. TWO OF THEM TOOK ME BY MY HANDS AND PUT THEM ON MY BACK AND  
24 HOLDING ME THERE. THOSE TWO THAT WERE HOLDING MY HANDS AGAINST  
25 MY BACK FORCED ME TO KNEEL DOWN WHILE A THIRD WAS RAISING

1 TOWARDS -- TERRIBLE EXPERIENCES, I AM UNABLE TO EVEN DESCRIBE IT  
2 APPROPRIATELY. WHILE TWO WERE FORCING ME DOWN TO KNEEL, THEN A  
3 THIRD ONE WOULD JUMP ON MY BACK WHILE I SCREAM FROM PAIN OR FOR  
4 HELP, THEY WOULD STICK WOODEN OBJECTS IN MY MOUTH. HARD  
5 EXPERIENCE TO DESCRIBE.

6 Q. DID THEY PULL THE TEETH OUT OF YOUR HEAD?

7 A. YES.

8 Q. HOW PAINFUL WAS THAT?

9 A. SO PAINFUL THAT I'M UNABLE TO DESCRIBE. SO PAINFUL, BUT I  
10 GUESS THE WISH FOR LIFE I NOW WAS ABLE TO ENDURE ALL THAT PAIN.

11 Q. MR. BICIC, I WANT TO ASK YOU TO TELL THE COURT ABOUT THE  
12 PHYSICAL AFFECTS OF THE BEATINGS AND MISTREATMENT THAT YOU  
13 RECEIVED DURING YOUR DETENTION, WHAT THOSE CONTINUING PHYSICAL  
14 AFFECTS ARE BETWEEN 1992 AND TODAY.

15 A. SOME OF THE PERMANENT EFFECTS, FOR EXAMPLE, WHEN I ENTERED  
16 THE POLICE STATION, WHEN THEY FIRST JOINED ME THERE, I WAS ABOUT  
17 A 150 KILOGRAMS. AND AFTER ALL THE BEATINGS AND AFTER I WAS  
18 RELEASED, I WAS WEIGHING ABOUT 63 KILOGRAMS. I HAD EIGHT BROKEN  
19 RIBS, BROKEN FINGER ON THE RIGHT HAND, BIG INJURY TO MY BROKEN  
20 NOSE, BIG SCARS ON THE HEAD. I WAS URINATING BLOOD FOR A MONTH,  
21 MONTH AND A HALF, WHILE I WAS IN THE CAMPS. THANK GOD AFTER  
22 EXITING THE CAMPS THAT HEALED DOWN.

23 MY FAMILY, DURING THE TIME THAT WE EXCHANGED FOR  
24 ANOTHER PRISONER, MY FAMILY WAS UNABLE TO RECOGNIZE ME, EVEN  
25 THOUGH I WAS FEATURED ON T.V.

1 Q. DID YOU CONTINUE TO HAVE PAIN LONG AFTER THE TIME OF YOUR  
2 DETENTION?

3 A. YES. I HAVE IMMENSE PAIN ALL OVER THE BODY, HEADACHES,  
4 ESPECIALLY WITH THE WEATHER CHANGES, FROM THE TIME I WAS  
5 DETAINED IN 1992, EVEN NOWADAYS.

6 Q. DO YOU STILL HAVE ANY EMOTIONAL OR PSYCHOLOGICAL EFFECTS  
7 FROM THE TIME OF YOUR DETENTION AND WHAT YOU EXPERIENCED?

8 A. I SLEEP VERY LITTLE NOWADAYS. VERY OFTEN I HAVE BAD DREAMS  
9 OCCURRING TO ME OF THE EVENTS THAT WERE HAPPENING IN CAMPS.

10 Q. HOW FREQUENTLY DOES THAT HAPPEN?

11 A. YES. THOSE TERRIBLE NIGHTMARES OCCURRING ONE TO TWO TIMES A  
12 MONTH. I SMOKE A LOT AND AS A CONSEQUENCE OF MY INJURIES  
13 SUFFERED WHILE I WAS DETAINED TO MY RIGHT KIDNEY, I AM UNABLE TO  
14 TAKE ANY SEDATIVES TO CALM DOWN. AND THE DOCTORS RECOMMEND I  
15 NOT TAKE ANY SEDATIVES THAT CAN INJURE MY RIGHT KIDNEY ANYMORE.

16 Q. DOES WHAT HAPPENED AFFECT YOUR RELATIONSHIP WITH YOUR FAMILY  
17 AT ALL?

18 A. YES. IT AFFECTED MY FAMILY GREATLY. BUT I STILL HAVE A  
19 FINE RELATIONSHIP WITH THEM LIVING IN A COUNTRY, AS A FOREIGNER,  
20 LET'S SAY, IN A COUNTRY.

21 Q. DID THESE EXPERIENCES CHANGE YOUR PERSONALITY IN ANY WAY  
22 THAT YOU CAN THINK OF?

23 A. NOT SIGNIFICANTLY. BUT CONTROL -- LIKE IT IS DISTURBING TO  
24 TALK ABOUT THEM, ESPECIALLY SINCE I AM SERVING AS A WITNESS IN  
25 THE HAIGE, THESE RECOLLECTIONS ARE DISTURBING.



1 Q. DID YOUR DETENTION AND EXILE IN BOSNIA AFFECT YOU  
2 FINANCIALLY?

3 A. AT FIRST AT BEGINNING BEFORE THE SUFFERING I WANTED TO GET  
4 OUT AND ESCAPE FROM ALL OF THOSE ATROCITIES BEING DONE TO MYSELF  
5 AND OTHERS PERSONALLY IN MY HOME TOWN AND HOME COUNTRY, BUT  
6 NOWADAYS I HAVE A GREAT FEELING OF NOSTALGIA FOR THE LIFE THAT  
7 IT USED TO BE, AND FOR MY NEIGHBORS, AND NORMAL LIFE THAT I  
8 LIVED BEFORE.

9 Q. IS THERE ANYTHING ELSE YOU WOULD LIKE TO SHARE WITH THE  
10 COURT ABOUT HOW THE DETENTION AND THE EXPERIENCE OF DETENTION  
11 HAS AFFECTED THE QUALITY OF YOUR LIFE?

12 A. HOW DID IT AFFECT IT? IT AFFECTED ME IN SUCH A WAY FROM A  
13 NORMAL PERSON BEING ABLE TO SUSTAIN MYSELF, NOW I AM LIVING IN A  
14 COUNTRY ON THEIR HELP AND RELIEF AS A REFUGEE.

15 MR. HOFFMAN: YOUR HONOR, CAN I HAVE A MINUTE? I  
16 THINK WE MAY HAVE A COUPLE OF TRANSLATION ISSUES THAT WE NEED TO  
17 CLEAR UP. MR. BICIC, COULD YOU JUST HOLD ON ONE SECOND? WE ARE  
18 TAKING JUST A SHORT BREAK FOR A MINUTE TO CHECK OUR NOTES.

19 (PAUSE).

20 MR. HOFFMAN: YOUR HONOR, THERE ARE JUST A COUPLE OF  
21 THINGS WHERE THERE IS A LITTLE UNCERTAINTY ABOUT WHETHER THE  
22 TRANSLATION WORKED, AND SO I JUST WANT TO -- THANKS.

23 BY MR. HOFFMAN:

24 Q. MR. BICIC, DID YOUR DETENTION AND THE FACT THAT YOU WERE  
25 FORCED TO LEAVE BOSNIA AFFECT YOU FINANCIALLY?

1 A. HOW DID IT AFFECTED ME AS BEING ONE OF THE RICHEST FAMILIES  
2 IN THAT TOWN, I BECAME A PERSON WITH NOTHING.

3 Q. NOW, ONE OTHER THING IS THAT YOU TESTIFIED ABOUT A BEATING  
4 THAT SAFET HADZIALIJAGIC SUFFERED FROM VUKOVIC, AND WE WERE NOT  
5 CLEAR ABOUT THE TRANSLATION. IT WAS SAFET'S OWN BLOOD THAT HE  
6 WAS FORCED TO LICK OFF VUKOVIC'S BOOTS; IS THAT RIGHT?

7 A. SAFET WAS LICKING HIS BLOOD FROM THE BOOTS OF MR. VUKOVIC.  
8 WHEN VUKOVIC HIT HIM IN THE HEAD, HE TOLD HIM THAT HE WAS  
9 CURSING HIS MUSLIM MOTHER WHY HE RUINED AND DIRTIED UP HIS  
10 BOOTS. BOOTS WERE COVERED WITH SAFET'S BLOOD BECAUSE HE WAS  
11 BEATEN BADLY WITH VUKOVIC'S BOOTS, AND BLOOD WAS COMING FREELY  
12 FROM HIS MOUTH AND NOSE.

13 MR. HOFFMAN: YOUR HONOR, I THINK THOSE ARE THE ONLY  
14 QUESTIONS THAT WE HAVE OF THIS WITNESS.

15 THE COURT: ALL RIGHT. HE MAY BE EXCUSED.

16 MR. HOFFMAN: THANK YOU, MUHAMED, AND THANK YOU FOR  
17 GOING THROUGH THIS WITH US.

18 THE WITNESS: THANK YOU ALSO.

19 THE COURT: WE'LL BE IN RECESS UNTIL 2:00 P.M.

20 (BREAK FROM 12:30 P.M. UNTIL 2:00 P.M.)

21 MR. WEBER: THE PLAINTIFFS CALL SAFET HADZIALIJAGIC.  
22 THIS IS JERRY WEBER?

23 THE WITNESS: GOOD AFTERNOON.

24

25

SAFET HADZIALIJAGIC

1  
2  
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PLAINTIFF'S WITNESS

AFFIRMED

DIRECT EXAMINATION

BY MR. WEBER:

(TESTIMONY IS GIVEN TELEPHONICALLY)

A. HADZIALIJAGIC SAFET.

Q. WHERE ARE YOU CURRENTLY?

A. IN BELGIUM.

Q. WERE YOU BORN IN RAISED IN BOSANSKI SAMAC?

A. YES.

Q. WHAT DID YOU DO IN BOSANSKI SAMAC BEFORE THE WAR?

A. I WAS THE HEAD OF MUNICIPAL WATER SYSTEM.

Q. HOW MANY EMPLOYEES DID YOU OVERSEE?

A. THE NUMBER VARIED FROM 10 TO 20.

Q. HOW DID YOU OBTAIN THAT POSITION?

A. I BECAME HEAD OF MUNICIPAL WATER SYSTEM DUE TO MY BUSINESS EXPERTISE, AND ALSO PLAYED NATIONAL SPORT FOOTBALL, AND I FINISHED SCHOOL AS A WATER INSTALLER.

Q. DID YOU ALSO OWN A STORE IN BOSANSKI SAMAC?

A. YES.

Q. WHAT KIND OF A STORE WAS THAT?

A. MIXED PRODUCTS. I WAS UNABLE TO EMPLOY MY DAUGHTER, AND MY WIFE RECEIVED A LAYOFF FROM HER JOB.

Q. DID YOU OWN A HOUSE OR LIVE IN AN APARTMENT?

A. I WAS LIVING IN A FLAT, APARTMENT SUPPOSEDLY. TWO BEDROOM

1 APARTMENT, FLAT.

2 Q. DO YOU HAVE ANY OTHER FAMILY IN BOSANSKI SAMAC, OR DID YOU

3 BEFORE THE WAR?

4 A. YES. BROTHERS.

5 Q. AND IS YOUR ETHNICITY MUSLIM?

6 A. YES.

7 Q. DID YOU KNOW THE DEFENDANT IN THIS CASE, NIKOLA VUKOVIC?

8 A. WELL, I KNOW HIM APPROXIMATELY.

9 Q. DID YOU KNOW NIKOLA VUKOVIC FOR A LONG TIME?

10 A. I WASN'T BEFRIENDING HIM, BUT I JUST KNEW HIM AS AN

11 ACQUAINTANCE.

12 Q. DID YOU SEE HIM OFTEN BEFORE THE WAR AROUND BOSANSKI SAMAC?

13 A. YES.

14 Q. DID YOU KNOW VUKOVIC'S WIFE MIRSADA?

15 A. YES.

16 Q. DID YOU ALSO KNOW VUKOVIC'S SISTER NADA?

17 A. YES.

18 Q. IS THE VUKOVIC WHO MARRIED MIRSADA AND THE SISTER NADA THE

19 SAME PERSON WHO COMMITTED ACTS OF TORTURE ON YOU THAT WE'LL

20 DISCUSS LATER?

21 A. YES.

22 Q. AND THE SAME PERSON THAT IS THE DEFENDANT IN THIS CASE, AS

23 YOU UNDERSTAND IT?

24 A. CORRECT.

25 Q. WERE YOU ALSO PROVIDED WITH PHOTOGRAPHS OF THE DEFENDANT IN

1 THIS CASE BY THE CENTER FOR JUSTICE AND ACCOUNTABILITY, AND DID  
2 YOU IDENTIFY THE PERSON IN THOSE PHOTOGRAPHS AS NIKOLA VUKOVIC?

3 A. YES.

4 Q. I WOULD LIKE TO TAKE YOU TO APRIL OF 1992 WHEN THE SERB ARMY  
5 INVADED BOSANSKI SAMAC. TELL ME WHAT YOU WITNESSED IN THOSE FEW  
6 DAYS HAPPENING IN THE CITY.

7 A. THAT WAS ABOUT 17TH APRIL. I WAS HOME WHEN I HEARD THE  
8 FIRE, SHOTS BEING FIRED ACROSS THE TOWN, AROUND MIDNIGHT.  
9 AFTERWARDS THE PANIC RESULTED. ALL THE NEIGHBORS THAT WERE  
10 LIVING CLOSE STARTED WAKING UP DUE TO THE SHOTS BEING FIRED IN  
11 TOWN.

12 Q. DID SOME PEOPLE TRY TO FLEE IN THOSE FIRST DAYS?

13 A. YES. WHOEVER WAS ABLE, SINCE PEOPLE WERE IN PANIC, THEY  
14 WERE TRYING TO FLEE.

15 Q. DO YOU HAVE ANY SENSE OF THE NUMBER OF PEOPLE WHO TRIED TO  
16 FLEE BOSANSKI SAMAC WHO WERE CROATS OR MUSLIMS?

17 A. SAMAC WAS A TOWN WHERE ALL THREE SIDES LIVED, BOSNIANS,  
18 SERBIANS, AND CROATS. AND WHEREVER THEY WERE FACING DANGER,  
19 THEY TRIED TO FLEE.

20 Q. DO YOU KNOW WHAT HAPPENED TO THE FAMILIES OF PEOPLE WHO  
21 TRIED TO FLEE?

22 A. THEY ARRESTED SOME PEOPLE ON THE SPOT. MANY PEOPLE WERE  
23 DETAINED, ARRESTED ON THE SPOT, TAKEN TO T.O. WAREHOUSE, IN  
24 BASEMENTS OR OTHER DETAINING CENTERS, AND THEY WERE BEATEN ALONG  
25 THE WAY.

1 Q. WERE PEOPLE YOU KNOW FORCED INTO LABOR BY THE SERB ARMY?  
2 A. YES.  
3 Q. IN THOSE FIRST DAYS WHEN THE SERB ARMY CAME TO BOSANSKI  
4 SAMAC, DID THEY -- DID THE ARMY MEMBERS COME TO YOUR HOME?  
5 A. YES.  
6 Q. WHAT DID THEY COME TO YOUR HOME FOR?  
7 A. TO SEE WHAT I AM DOING, TO LOOK FOR WOMAN, AND TO LOOK FOR  
8 THE HOUSE.  
9 Q. DID THEY HAVE A WARRANT?  
10 A. NO. NO. THEY JUST BROKE BY FORCE WITH THEIR FOOT THE DOOR  
11 IN AND ENTERED.  
12 Q. HOW WERE THEY DRESSED?  
13 A. IN MILITARY-TYPE UNIFORMS.  
14 Q. DID THEY HAVE ANY PAINT ON THEIR FACE OR WERE THEIR FACES  
15 ALTERED IN ANY WAY?  
16 A. YES. ON THEIR FOREHEADS AND CHEEKS THEY HAD BLACK COLOR.  
17 Q. DID THEY HAVE WEAPONS?  
18 A. YES.  
19 Q. WHAT HAPPENED WHEN THEY CAME TO THE HOME?  
20 A. I CONTACTED MY BROTHER-IN-LAW IN GRADACES, A PLACE NEARBY,  
21 AND TOLD HIM THAT WAR BROKE OUT IN SAMAC.  
22 Q. WERE YOU ON THE PHONE WHEN THESE SOLDIERS CAME INTO YOUR  
23 HOME?  
24 A. YES. ONE OF THE SOLDIERS TOOK A PISTOL SCORPION AND POINTED  
25 TO MY HEAD.

1 Q. DID HE SAY ANYTHING AS HE POINTED THE GUN TO YOUR HEAD?

2 A. TO STOP TALKING, OR HE WILL FIRE THE BULLET IN MY HEAD.

3 Q. DID HE SAY ANYTHING ABOUT YOU BEING A MUSLIM?

4 A. YES. RUDE REMARKS AND CURSES LIKE, MUSLIMS, THIS IS YOUR

5 END. THE END IS COMING TO MUSLIMS.

6 Q. WAS YOUR WIFE AND FAMILY THERE AT THAT TIME?

7 A. YES. AND MOTHER-IN-LAW. YEAH. MY MOTHER-IN-LAW.

8 Q. AND HOW DID THIS AFFECT YOU AND YOUR FAMILY, THIS FIRST

9 INCIDENT?

10 A. MY BODY HARDENED, BECAME A STONE. I COULDN'T MOVE.

11 Q. DID YOU GET A CALL IN THE NEXT FEW DAYS TO FIX THE WATER

12 SYSTEM FOR THE CITY?

13 A. YES. I WAS ORDERED BY BLAGOJE FINIC TO PERFORM SUCH TASK.

14 Q. AND WHO IS THAT?

15 A. HE WAS A DOCTOR BEFORE THE WAR BROKE OUT. THEN HE WAS THE

16 PRESIDENT OF SDS LEADING PARTY, PARTY LEADER OF SDS. THEN LATER

17 I FOUND OUT HE WAS HEAD OF THE CITY OF SAMAC, THAT HE BECAME ONE

18 OF THE HEAD OF THE CITY.

19 Q. AND WHAT IS SDS?

20 A. SERBIAN -- HE WAS MAIN PERSON OF SERBIAN DEMOCRATIC PARTY.

21 Q. WERE YOU ORDERED OR REQUESTED TO FIX THE WATER SYSTEM?

22 A. YES.

23 THE INTERPRETER: AND YOUR QUESTION WAS?

24 BY MR. WEBER:

25 Q. ORDERED OR REQUESTED?

1 A. I WAS CALLED BY SIMO ZARIC WHO TOLD ME I NEED TO CONTACT  
2 BLAGOJE SIMIC, FROM WHOM I WOULD TAKE FOR THE INSTRUCTIONS OF  
3 WHAT TO DO.

4 Q. DID YOU GO AND FIX THE WATER SYSTEM?

5 A. YES. ALONG WITH MY BROTHER-IN-LAW, MR. KROJIC (PHONETIC)  
6 SIMO TOOK US TO THE FACILITY, WATER FACILITY.

7 Q. A FEW DAYS LATER DID YOU GET A CALL FROM THE POLICE  
8 STATION?

9 A. YES. CHIEF OF POLICE STEVAN TODOROVIC CALLED ME TO COME TO  
10 POLICE STATION.

11 Q. AND WHAT DID TODOROVIC SAY?

12 A. HE TOLD ME THAT HE NEEDS TO COME TO SEE TODOROVIC SO HE CAN  
13 INSTRUCT HIM AND GIVE HIM SOME POINTERS OF HOW HE SHOULD BEHAVE.

14 Q. AND TODOROVIC WAS IN THE SERBIAN ARMY AS WELL OR THE SERBIAN  
15 CHIEF OF POLICE?

16 A. HE WAS, MR. TODOROVIC, IN SERBIAN GOVERNMENT, WAS PLACED AS  
17 CHIEF OF POLICE IN STATION.

18 Q. WERE YOU AFRAID TO GO TO THE POLICE STATION?

19 A. YES.

20 Q. WHY DID YOU GO TO THE POLICE STATION?

21 A. MY NEIGHBOR FOR SOME TIME WHO WAS A POLICE COMMANDER ALSO  
22 ADVISED ME IT WOULD BE IN MY BEST INTEREST TO GO TO THE POLICE  
23 STATION AND TAKE INSTRUCTIONS.

24 Q. WHAT DID YOU UNDERSTAND HIM TO MEAN WHEN HE SAID IN YOUR  
25 BEST INTERESTS?



1 A. FOR ME TO ACCEPT THEIR GOVERNMENT AND THEIR RULING ORDER.

2 Q. WHAT DID YOU DO WHEN YOU ARRIVED AT THE POLICE STATION?

3 A. AS SOON AS I CAME TO THE STATION, HE HIT ME TWO TIMES IN THE

4 HEAD.

5 Q. WHO WAS HE?

6 A. STEVAN. STEVAN TODOROVIC.

7 Q. WHAT HAPPENED NEXT?

8 A. THERE WAS ANOTHER SOLDIER JUST IN POLICE UNIFORM WHO HIT ME

9 AS WELL, AND PUT ME IN A CELL, AND THEY HIT ME ACROSS THE BACK.

10 Q. WERE YOU BEATEN AT OTHER TIMES WHILE YOU WERE AT THE POLICE

11 STATION?

12 A. THERE WAS A GUY WHO WAS THE LEADER OF THE GROUP IN SAMAC

13 CALLED SIDNEY, IN TRANSLATION BLACK, WHO TOOK ME FROM THE CELL

14 AND ABUSED ME.

15 Q. WAS A GUN EVER HELD TO YOUR HEAD AT THE POLICE STATION?

16 A. YES. A SCORPION GUN WAS PLACED IN MY MOUTH AND WAS MOCKING

17 RUSSIAN ROULETTE.

18 Q. DID THEY ACTUALLY CLICK THE TRIGGER WHILE THE GUN WAS IN

19 YOUR MOUTH?

20 A. YES. THEY DID PERFORM THAT FOR TWO TIMES WITH THE BLANKS

21 AND THEN THEY POINTED IN THE WINDOW AND BLASTED THE WINDOW WITH

22 THE BULLETS.

23 Q. DID YOU THINK YOU MIGHT BE KILLED?

24 A. YES, I THOUGHT THAT IT'S OVER.

25 Q. DID THEY SAY ANYTHING ABOUT YOU BEING A MUSLIM AS THEY WERE

1 DOING THIS?

2 A. YES. CURSES. VERY BAD CURSES FOR BOSNIANS, BALIJA.

3 Q. AND YOU WERE HELD AT THE POLICE STATION FOR HOW LONG?

4 A. UNTIL MIDNIGHT.

5 Q. AND THEN YOU WERE TRANSFERED TO A COUPLE OF DIFFERENT CITIES  
6 OVER THE NEXT 20 OR SO DAYS; IS THAT CORRECT?

7 A. YES. IN BRCKO AND BIJELJINA, AND THEN BACK AGAIN TO SAMAC.

8 Q. AND AT THOSE OTHER LOCATIONS OUTSIDE OF BOSANSKI SAMAC, YOU  
9 WERE ALSO YOU BEATEN OCCASIONALLY?

10 A. AT THE LESSER EXTENT WE WERE BEATEN IN SAMAC, AS FOR ME  
11 PERSONALLY.

12 Q. I WOULD LIKE TO TAKE YOU TO BOSANSKI SAMAC NEXT. WHERE WERE  
13 YOU FIRST BROUGHT WHEN YOU CAME BACK TO BOSANSKI SAMAC?

14 THE INTERPRETER: ARE YOU REFERRING TO CHILDHOOD OR  
15 AFTER --

16 MR. WEBER: AFTER THESE DETENTIONS IN OTHER PLACES.

17 THE WITNESS: IN TECHNICAL SCHOOL, IN GYMNASIUM OF  
18 TECHNICAL SCHOOL, I AM TRYING TO FIND THE NAME. MASINSKA  
19 TECHNICAL SCHOOL, THEY WERE PLACED IN GYMNASIUM.

20 BY MR. WEBER:

21 Q. IS THAT OTHERWISE KNOWN AS THE T.O.?

22 A. NO. NO. I WAS UNTIL MIDNIGHT IN THE POLICE STATION, THEN I  
23 WAS TAKEN TO T.O.

24 Q. AND FROM THE T.O. YOU WERE TAKEN TO THE ELEMENTARY SCHOOL?

25 A. FROM T.O. WE WERE TRANSFERRED TO BRCKO.

1 Q. WHEN DID YOU ARRIVE AT THE ELEMENTARY SCHOOL IN BOSANSKI  
2 SAMAC.

3 A. FROM BIJELJINA, WE WERE TAKEN TO MECHANICAL TECHNICAL SCHOOL  
4 IN BOSANSKI SAMAC.

5 Q. THEN WERE YOU ULTIMATELY TAKEN TO THE ELEMENTARY SCHOOL?

6 A. YES. THE SAME DAY, TWO OR THREE HOURS LATER.

7 Q. HOW MANY PEOPLE WERE BEING HELD IN THE ELEMENTARY SCHOOL?

8 A. SOMEWHERE AROUND 52, 54, 56.

9 Q. AND WERE THE PEOPLE HELD THERE CROATS AND MUSLIMS?

10 A. YES. THE REMAINING MUSLIMS AND CROATS, BUT THERE WERE ALSO  
11 TWO PEOPLE THAT WERE MIXED ETHNICITY SERBIAN AND MUSLIM.

12 Q. WAS THIS THE MOST VIOLENT PLACE YOU WERE HELD?

13 Q. WHAT I WOULD LIKE TO DO NOW IS TALK TO YOU A LITTLE BIT  
14 ABOUT THE CONDITIONS AT THE ELEMENTARY SCHOOL, THEN I WOULD LIKE  
15 TO TALK TO YOU ABOUT SPECIFICALLY SOME OF THE ACTS THAT WERE  
16 COMMITTED BY VUKOVIC.

17 A. OKAY.

18 Q. HOW OFTEN WERE YOU FED AT THE ELEMENTARY SCHOOL?

19 A. ONCE A DAY.

20 Q. AND DID YOU LOSE WEIGHT DURING YOUR DETENTION?

21 A. YES. A LOT.

22 Q. DID YOU LOSE ABOUT 52 KILOGRAMS?

23 A. SOMEWHERE AROUND 52 KILOGRAMS.

24 Q. AND WHEN YOU WERE RELEASED FROM DETENTION, YOU WEIGHED ABOUT  
25 65 KILOGRAMS?

- 1 A. 65, 67.
- 2 Q. SO YOU LOST ABOUT HALF OF YOUR WEIGHT WHILE YOU WERE IN  
3 DETENTION?
- 4 A. YES. SOMEWHERE AROUND THAT.
- 5 Q. HOW OFTEN WERE THE BEATINGS AT THE ELEMENTARY SCHOOL?
- 6 A. SOMEWHERE AROUND TEN TIMES PER DAY.
- 7 Q. TEN TIMES PER DAY THAT YOU EXPERIENCED?
- 8 A. YES.
- 9 Q. WOULD YOU HEAR AND SEE BEATINGS OF OTHERS?
- 10 A. YES.
- 11 Q. WHAT DID THEY BEAT YOU AND THE OTHER CAPTIVES WITH?
- 12 A. METAL PIPES, BASEBALL BATS, AND WOODEN STICKS.
- 13 Q. DID THEY BEAT YOU ALL ABOUT YOUR BODY?
- 14 A. YES.
- 15 Q. WOULD THEY BEAT YOU AT NIGHT?
- 16 A. YES.
- 17 Q. WOULD THEY WAKE YOU UP AND BEAT YOU?
- 18 A. YES. YES. THEY FLASH THE LIGHT IN YOUR EYES AND THEN BEAT  
19 YOU.
- 20 Q. COULD YOU ALWAYS SEE WHO IS BEATING YOU?
- 21 A. NOT ALWAYS.
- 22 Q. DID YOU SOMETIMES AWAKE TO HEAR THE BEATINGS OF OTHERS?
- 23 A. YES.
- 24 Q. DID YOU HEAR SCREAMING?
- 25 A. YES.

1 Q. HOW DID HEARING OTHERS BEING BEATEN IMPACT YOU?

2 A. I WAS SO AFRAID, I WAS SHAKEN. SHAKEN TO DEATH.

3 Q. DID YOU HAVE ANY BROKEN BONES FROM YOUR OWN BEATINGS?

4 A. YES.

5 Q. WHAT WAS BROKEN?

6 A. MY RIBS WERE BROKEN.

7 Q. HOW MANY RIBS WERE BROKEN?

8 A. ACCORDING TO THE DOCTORS OVER THERE IN SOME -- AND ACCORDING  
9 TO THE X-RAYS TAKEN IN BELGIUM, DOCTORS SAID ABOUT SIX RIBS WERE  
10 BROKEN AND THREE SUFFERED MAJOR INJURIES. A SERBIAN DOCTOR IN  
11 LASENICA MADE THAT STATEMENT. YES. SERBIAN DOCTOR IN  
12 LASENICA SAID THAT.

13 Q. DID THERE ALSO COME A DAY THAT THE SERB CAPTORS DECIDED THEY  
14 WERE GOING TO PULL SOME OF THE CAPTIVES'S TEETH?

15 A. YES. THEY WERE INSTRUCTED.

16 Q. HOW MANY OF YOUR TEETH WERE EXTRACTED?

17 A. THEY EXTRACTED FIVE OF MY TEETH, AND AT A LATER TIME I HAD  
18 TO TAKE THE OTHER TWO BECAUSE THEY WERE VERY PAINFUL.

19 Q. HOW DID YOU TAKE THE OTHER TWO TEETH?

20 A. JUST WITH MY FINGERS. THEY WERE SO LOOSE THAT I WAS ABLE TO  
21 TAKE THEM OUT.

22 Q. SO YOU PULLED THEM OUT WHILE YOU STILL WERE BEING HELD IN  
23 THE ELEMENTARY SCHOOL, YOU PULLED THEM OUT YOURSELF?

24 A. YES. THAT SAME DAY, WHEN EVERYTHING WAS HAPPENING. YEAH.  
25 THAT SAME DAY.

1 Q. AND THEY DIDN'T GIVE YOU ANY MEDICATION BEFORE THEY PULLED  
2 YOUR TEETH?

3 A. NO. NO. EXCEPT WHEN RED CROSS IS ABLE TO PASS SOME  
4 MEDICATION SECRETLY INTO THE CAMP.

5 Q. BUT WHEN IT HAPPENED, THEY GAVE YOU NO MEDICATION BEFORE  
6 THEY PULLED YOUR TEETH? ANESTHETIC?

7 A. NO.

8 Q. AND WHAT DID THEY USE TO PULL YOUR TEETH?

9 THE INTERPRETER: I NEED A CORRECT TRANSLATION. WITH  
10 THE CLIPPERS.

11 MR. WEBER: PLIERS?

12 THE WITNESS: WITH THE PLIERS, THEY ARE EXTRACTING OUR  
13 TEETH.

14 BY MR. WEBER:

15 Q. DID THEY TELL YOU WHY THEY WERE EXTRACTING YOUR TEETH?

16 A. NO. THEY WERE JUST, ACCORDING TO MY OPINION, THEY WERE JUST  
17 PLAYING WITH US. REALLY USING US.

18 Q. DID THEY MAKE --

19 A. ABUSING.

20 Q. DID THEY MAKE ANY STATEMENTS ABOUT YOU DESERVING WHAT YOU  
21 GOT BECAUSE YOU WERE A MUSLIM AS THEY WERE PULLING YOUR TEETH?

22 A. OF COURSE. THEY WERE ALWAYS -- THOSE WERE WORDS THAT WERE  
23 PRESENT WITH DEFAMATORY WORDS AND PHRASES AND CURSES TOWARDS  
24 MUSLIMS OR BALIJAS. YOU SHOULD BE KILLED.

25 Q. WOULD THEY DO THAT OFTEN AS THEY WERE BEATING YOU, REFER TO

1 YOU AS A DIRTY MUSLIM, THAT YOU DESERVED WHAT YOU GOT, SOMETHING  
2 ALONG THOSE LINES?

3 A. YES. THAT WAS HAPPENING ALWAYS. EVERY TIME WE WERE  
4 RECEIVING THE BEATINGS WAS DEFAMATORY PHRASES AND CURSES WERE  
5 USED AGAINST MUSLIMS.

6 Q. DO YOU KNOW HOW MANY PEOPLE LOST THEIR TEETH THAT DAY?

7 A. FROM ALL THE DETAINEES WHOSE TEETH WERE EXTRACTED, THERE  
8 WERE ABOUT 190 TEETH TAKEN.

9 Q. WERE YOU ABLE TO SCREAM AS THEY WERE TAKING YOUR TEETH OUT?

10 A. OF COURSE. NORMALLY. BECAUSE THE PAIN WAS IMMENSE.

11 Q. THE DEFENDANT VUKOVIC WAS INVOLVED IN SOME OF THE BEATINGS  
12 THAT YOU SUFFERED; RIGHT?

13 A. I DIDN'T SEE HIM PERSONALLY THAT HE WAS IN A GROUP OF PEOPLE  
14 FROM WHO WERE EXTRACTING -- THAT HE WAS PARTICIPATING IN THAT  
15 GROUP THAT WAS EXTRACTING TEETH FROM DETAINEES, BUT YES, HE BEAT  
16 ME PERSONALLY THE SECOND DAY I WAS THERE.

17 Q. I WANTED TO TALK A LITTLE BIT ABOUT SOME OF THE INCIDENTS  
18 WHERE THE DEFENDANT VUKOVIC BEAT YOU, AND I KNOW IT IS GOING TO  
19 BE DIFFICULT TO SORT OF RELIVE THESE EXPERIENCES. BUT THE COURT  
20 NEEDS TO KNOW AS MUCH AS YOU CAN GIVE US ABOUT SOME OF THESE  
21 INCIDENTS.

22 THE FIRST INCIDENT I WANT TO TALK ABOUT IS AN INCIDENT  
23 WHERE VUKOVIC AND OTHERS TIED YOU UPSIDE-DOWN WITH A ROPE. CAN  
24 YOU TELL US ABOUT WHAT HAPPENED

25 A. (UNINTELLIGIBLE).

1 MR. WEBER: TELL HIM THAT WE HAVE LOST HIS VOLUME.

2 THE WITNESS: YES. THERE WERE THREE TO FOUR PEOPLE  
3 IN A GROUP WITH VUKOVIC AS LEADER THAT CALLED MY NAME FROM  
4 GYMNASIUM. HE TOLD ME THAT I SHOULD KNEEL DOWN ON MY KNEES AND  
5 HANDS. THEN HE SAT ON MY BACK, SAT ON ME, AND I HAD TO CARRY  
6 HIM LIKE THAT ACROSS GYMNASIUM.

7 BY MR. WEBER:

8 Q. AS IF YOU WERE A HORSE?

9 A. YES.

10 Q. OR AN ANIMAL?

11 A. YES. YES.

12 Q. AND DID HE BEAT YOU AS HE WAS RIDING YOU LIKE THIS ANIMAL?

13 A. YES. HE WAS HITTING ME WITH A KNIFE HANDLE ACROSS MY BODY  
14 AND HEAD.

15 Q. AND HOW LONG --

16 A. AND THERE WERE TWO SOLDIERS ALONGSIDE WHO WERE HITTING ME IN  
17 THE AREA OF LEGS, THE LOWER PART OF LEGS AS WELL.

18 Q. DID YOU FALL DOWN AS THESE PEOPLE WERE BEATING YOU WITH THIS  
19 MAN ON TOP OF YOU?

20 A. YES. I WOULD FALL DOWN, THEY WOULD FORCE ME TO GET UP WHILE  
21 BEATING ME.

22 Q. WERE YOU SCREAMING? WERE YOU CRYING?

23 A. NORMALLY. I CRIED.

24 Q. HOW LONG DID THIS HAPPEN WHERE THIS MAN WAS RIDING ON YOU  
25 LIKE AN ANIMAL AND THE OTHERS WERE BEATING YOU?



1 A. THEY WERE BEATING ME FOR TWO TO THREE HOURS, BUT THAT SEEMED  
2 TO ME LIKE AN ETERNITY.

3 Q. AND WHEN VUKOVIC WAS DONE RIDING YOU LIKE THIS ANIMAL, DID  
4 HE CUT YOU IN SOME WAY?

5 A. YES. I HAVE A SCAR ON MY FOREHEAD OF A HALF MOON AND A  
6 STAR.

7 Q. AND DID VUKOVIC SAY WHY HE WAS CARVING THIS HALF MOON AND  
8 STAR ON YOUR FOREHEAD?

9 A. HE USED THE DEROGATORY TERM FOR MUSLIMS, BALIJA, THAT WE  
10 DESERVED THIS.

11 Q. TELL ME HOW THIS IMPACTED YOU AT THE MOMENT. WHAT WAS  
12 GOING THROUGH YOUR MIND?

13 A. HOW WOULD I FEEL. I WAS FEELING IT LIKE IT IS THE END FOR  
14 ME. I WASN'T FEELING ABLE TO CRY FOR HELP. I JUST LAID  
15 HELPLESS.

16 Q. DID VUKOVIC ALSO PLAY RUSSIAN ROULETTE WITH YOU?

17 A. WELL, HE WAS MAINLY THREATENING ME. WELL, VUKOVIC WAS  
18 MAINLY THREATENING ME WITH THE KNIFE BUT SOMEONE WAS CLICKING  
19 WITH A REVOLVER ABOVE MY HEAD, AND I DIDN'T KNOW WHO.

20 Q. WHILE THIS WAS HAPPENING WHILE YOU WERE BEING RIDDEN BY  
21 VUKOVIC LIKE AN ANIMAL?

22 A. YES. DURING THE TIME THAT I WAS RIDDEN BY VUKOVIC AND THE  
23 OTHER TWO SOLDIERS WERE KICKING ME.

24 Q. AND YOU ALSO --

25 A. AT THAT MOMENT, I THOUGHT IT'S THE END FOR MYSELF.

1 Q. AND YOU WERE ALSO SURROUNDED BY VUKOVIC AND SOME OTHER  
2 SOLDIERS WHO WERE KICKING AND BEATING YOU TOO?

3 A. YES. I WAS ENCIRCLED BY A GROUP THAT WAS HITTING ME.

4 Q. AND DID VUKOVIC TELL YOU TO DO SOMETHING TO HIS BOOT --  
5 WELL, LET ME BACK UP. WERE YOU BLEEDING?

6 A. YES. YES. THEY WERE HITTING ME ACROSS MY HEAD, ACROSS THE  
7 MOUTH, AND MY NECK. AND MY FACE WAS DEFORMED AND BLEEDING A  
8 LOT.

9 Q. AND DID VUKOVIC AND THE OTHER SOLDIERS HAVE YOUR BLOOD ON  
10 THEIR CLOTHES AND ON THEIR BOOTS?

11 A. YES. THEY WERE COVERED IN BLOOD, THEIR UNIFORMS, THEIR  
12 BOOTS, AND I WAS ORDERED BY VUKOVIC TO LICK MY OWN BLOOD FROM  
13 HIS BOOTS AND FROM THE FLOOR AS WELL. WHEN HE ORDERED ME TO  
14 LICK MY OWN BLOOD, HE HIT ME VERY STRONGLY WITH THE HEEL OF HIS  
15 BOOT ACROSS MY FACE. I ASSUME TRYING TO DO IT FOR ME.

16 Q. WAS THIS ONE OF THE WORST EXPERIENCES YOU HAD HAD IN  
17 DETENTION?

18 A. YES. ONE OF THE WORST. THERE WERE VERY SIMILAR CASES, BUT  
19 THIS WAS THE WORST.

20 Q. AND THERE WAS ANOTHER INCIDENT WHERE VUKOVIC AND SOME OTHERS  
21 TIED YOU WITH A ROPE AND HUNG YOU UPSIDE-DOWN?

22 A. YES. THEY WERE HITTING ME AND BEATING ME REAL BADLY.

23 Q. TELL US SOME ABOUT WHAT HAPPENED. HOW LONG DID IT LAST?

24 A. FOR ME, IT LASTED ALMOST LIKE AN ETERNITY. I WAS LOSING MY  
25 CONSCIOUS BECAUSE I WAS LOSING A LOT OF BLOOD. FOR THOSE

1 MOMENTS, IT IS VERY DIFFICULT FOR ME TO RECALL THEM CLEARLY,  
2 BECAUSE I LOST MY CONSCIOUSNESS.

3 Q. DID THE SOLDIERS DECIDE TO DO SOMETHING TO TRY TO REVIVE  
4 YOU, SORT OF REALIZING THAT YOU WERE LOSING CONSCIOUSNESS?

5 A. YES. YES. WHEN THEY ALMOST NOTICED THAT I MIGHT BE PASSING  
6 OUT, THEY FORCE MY HEAD IN A TOILET BOWL WHILE THEY WERE LOOKING  
7 AT ME WITH THEIR COLD EYES.

8 Q. WAS THIS TOILET JUST SORT OF A BUCKET THAT THEY MADE ALL THE  
9 CAPTIVES USE AS THEIR RESTROOM?

10 A. YEAH. THAT'S CALLED THAT A BOWL FILLED WITH DIRTY WATER  
11 INSTEAD OF REGULAR TOILET.

12 Q. HOW DID THESE INCIDENTS THAT WERE VUKOVIC AND VUKOVIC AND  
13 OTHERS TORTURE YOU, HOW DID THEY IMPACT YOU AT THE TIME?

14 A. HOW WOULD I FEEL? I LOST A LOT OF CONSCIOUS AT THAT TIME.  
15 I FEEL DEEP INSIDE PAIN THAT I STILL FEEL TODAY FOR WHY I WAS  
16 GUILTY TO BE PERFORMED SUCH ACTS ON. WHY DID THEY DO THAT TO  
17 ME?

18 Q. WHEN YOU WERE FINALLY RELEASED AND GO TO BELGIUM, DID YOU GO  
19 TO SEE A DOCTOR?

20 A. YES.

21 Q. AND WHAT DID THE DOCTOR DO?

22 A. WELL, THEY WERE TRYING TO HEAL THE SORE SPOTS IN THE AREA OF  
23 MY LEGS AND BACK WHERE I WAS TIED UP AND BEATEN HEAVILY BY  
24 SOLDIERS, AND THEY PERFORMED NUMEROUS TESTS, SCANS, AND X-RAYS,  
25 PICTURES.

1 Q. DO YOU STILL HAVE --

2 A. I WAS ALSO UNDERGOING TREATMENT OF PHYSICAL THERAPY AND

3 MESSAGES.

4 Q. DO YOU STILL HAVE PERMANENT SCARS FROM SOME OF THOSE

5 INJURIES?

6 A. YES. ON MY HEAD I HAVE SCARS, AS WELL AS ON MY RIBS.

7 Q. ARE THE SCARS ON YOUR HEAD FROM THE TIME WHEN VUKOVIC TOOK

8 HIS KNIFE AND CARVED THE HALF MOON AND THE STAR? ARE THOSE

9 STILL THERE?

10 A. YES. IT'S STILL EASILY VISIBLE ON MY FOREHEAD.

11 Q. SO YOU CAN STILL SEE THE STAR AND THE MOON ON YOUR HEAD?

12 A. YES. CLEARLY.

13 Q. DO YOU HAVE CHRONIC, LONG-TERM, PAIN FROM THESE

14 EXPERIENCES?

15 A. MY HEAD STILL HURTS EVEN TODAY. PAIN FROM MY LEGS, FROM MY

16 ARMS, FROM MY BACK, RIBS. IT IS STILL VERY PRESENT.

17 Q. I WANT TO TALK TO YOU A LITTLE BIT NOW ABOUT SOME OF THE

18 EMOTIONAL IMPACT THIS HAS HAD ON YOU. YOU HAVE SEEN A

19 PSYCHOLOGIST?

20 A. YES.

21 Q. TELL US A LITTLE BIT ABOUT SOME OF THE EMOTIONAL IMPACT THIS

22 HAS HAD ON YOU. HAVE YOU HAD FLASHBACKS?

23 A. YES. I HAD OFTEN NIGHTMARES OF ABUSES THAT I RECEIVED. AND

24 I HAD -- THOSE NIGHTMARES WERE AWAKENING ME AT NIGHT, AND I WAS

25 SEEKING HELP FROM A DOCTOR WHO I WENT TO SEE.

1 Q. DID YOU HAVE TO TAKE MEDICATION TO HELP YOURSELF SLEEP?

2 A. YES.

3 Q. ARE YOU ABLE TO CONCENTRATE VERY WELL ON TELEVISION, ON

4 BOOKS?

5 A. YES.

6 Q. ARE YOU ABLE TO WATCH SCARY MOVIES? WHAT HAPPENS WHEN YOU

7 SEE THE SIGHT OF BLOOD? DO YOU HAVE FLASHBACKS TO THOSE

8 EXPERIENCES?

9 A. THOSE AFFECT -- THEY HAVE SO NEGATIVE EFFECTS ON ME THAT I

10 HAVE TO CHANGE THE CHANNEL RIGHT AWAY.

11 Q. DO YOU FIND YOURSELF MORE NERVOUS OR IRRITABLE NOW?

12 A. YES. I AM NERVOUS. VERY VERY NERVOUS.

13 Q. ARE YOU DEPRESSED? DO YOU HAVE ANY FEELINGS OF DEPRESSION?

14 TELL US ABOUT THOSE, IF YOU DO.

15 A. DEPRESSION HAD SUCH AN EFFECT OF ME WHERE I AM TRYING TO

16 ESCAPE FROM GROUPS OF PEOPLE WHERE I WOULD RATHER BE ALONE AND

17 LEFT ALONE, AND I AM SEEKING THAT PLACE, TRYING TO STAY AWAY

18 FROM PUBLIC AREAS.

19 Q. AND ARE YOU EMPLOYED NOW?

20 A. NO.

21 Q. AND HAVE YOU BEEN UNEMPLOYED FOR A LONG TIME?

22 A. FROM THE TIME SINCE I AM HERE, I HAVEN'T WORKED AT ALL.

23 Q. DO YOU FEEL LIKE IT WOULD BE A LONG TIME BEFORE YOUR LIFE IS

24 BACK TO NORMAL AGAIN?

25 A. YES. I BELIEVE THAT MY LIFE IS GETTING BACK TO NORMAL SINCE

1 THIS YEAR I WAS IN MY HOME CITY OF BOSANSKI SAMAC.

2 Q. SAFET, THANK YOU VERY MUCH. I KNOW IT WAS DIFFICULT TO  
3 RELIVE SOME OF THESE EXPERIENCES.

4 A. THANK YOU ALSO.

5 THE COURT: WOULD YOU LIKE TO PROCEED WITH YOUR NEXT  
6 WITNESS AT THIS TIME? UNLESS YOU NEED A BREAK.

7 MR. SONDEIMER: PLAINTIFFS CALL HASAN SUBASIC.

8 I WOULD ASK THAT THE WITNESS PROVIDE HIS PERSONAL  
9 BACKGROUND IN ENGLISH, AND THEN SWITCH TO BOSNIAN.

10 THE COURT: ALL RIGHT.

11 HASAN SUBASIC

12 PLAINTIFF'S WITNESS

13 AFFIRMED

14 DIRECT EXAMINATION

15 BY MR. SONDEIMER:

16 A. MY NAME IS HASAN SUBASIC.

17 Q. MR. SUBASIC, GOOD AFTERNOON. WHERE WERE YOU BORN?

18 A. I AM BORN IN ODZAK.

19 Q. AND ODZAK IS IN WHAT COUNTRY NOW?

20 A. ODZAK IS IN BOSNIA.

21 Q. AND DID YOU GROW UP? WHERE DID YOU GROW UP?

22 A. IN BOSANSKI SAMAC.

23 Q. WHEN DID YOU MOVE TO BOSANSKI SAMAC?

24 A. I MOVE TO BOSANSKI SAMAC LIKE THREE YEARS OLD.

25 Q. AND WHERE DID YOU GO TO SCHOOL AS A CHILD IN BOSANSKI

1 SAMAC?

2 A. ELEMENTARY SCHOOL IN BOSANSKI SAMAC.

3 Q. WHAT IS THE NAME?

4 THE COURT: MOVE UP A LITTLE CLOSER TO THE  
5 MICROPHONE, PLEASE.

6 THE WITNESS: NAME OF SCHOOL IS ... (UNINTELLIGIBLE).

7 THE COURT REPORTER: I HAVE NO IDEA WHAT THE WITNESS  
8 SAID.

9 BY MR. SONDEHEIMER:

10 Q. DID YOU GO TO SCHOOL AT THE OSNOVNA SKOLA?

11 A. YES.

12 Q. AND FROM WHAT AGES DID YOU GO TO SCHOOL THERE?

13 A. I MOVED FROM LIKE SEVEN YEARS OLD, START GOING IN SCHOOL  
14 TILL EIGHT YEARS, EIGHT GRADES IN SCHOOL.

15 Q. WERE YOU DETAINED AT SOME POINT AFTER THE WAR IN 1992 IN  
16 THAT SCHOOL?

17 A. YES.

18 Q. CAN YOU TELL THE COURT ABOUT YOUR WORK AFTER YOU LEFT SCHOOL  
19 IN BOSANSKI SAMAC?

20 A. I WORK, AFTER ELEMENTARY SCHOOL, I WORK LIKE THREE YEARS IN  
21 HIGH SCHOOL, AND AFTER THIS I WORK LIKE WELDER AT ONE COMPANY IN  
22 BOSANSKI SAMAC.

23 Q. OKAY. AND DID YOU SERVE IN THE ARMY AT SOME POINT?

24 A. YES. I BEEN IN THE JNA FOR LIKE ONE YEAR.

25 Q. WHAT IS THE JNA.

1 A. JNA IS, THIS TIME IT IS LIKE YUGOSLAVIAN ARMY. WHAT EVERY  
2 GUY, WHEN HE IS LIKE 18, YOU HAVE TO GO AND JOIN FOR ONE YEAR.  
3 Q. AND DID YOU SERVE IN THE JNA WITH PEOPLE FROM ALL DIFFERENT  
4 ETHNICITIES, ALL DIFFERENT RELIGIOUS BACKGROUNDS?  
5 A. YES. THAT'S FROM EVERY REGION, EVERY PART OF YUGOSLAVIA.  
6 Q. AND WHAT DID YOU DO AFTER YOU LEFT THE ARMY?  
7 A. I COME BACK AND I WORK WITH MY COMPANY.  
8 Q. AND TO THE SAME COMPANY WHERE YOU WORKED BEFORE?  
9 A. YES.  
10 Q. AND ARE YOU MARRIED?  
11 A. YES. I AM MARRIED.  
12 Q. WHEN DID YOU MARRY?  
13 A. I MARRIED IN 1991.  
14 Q. AND DO YOU HAVE ANY CHILDREN?  
15 A. I HAVE TWO CHILDREN.  
16 Q. WHEN WAS YOUR FIRST CHILD BORN?  
17 A. MY FIRST CHILD IS BORN FEBRUARY 20, 1992.  
18 Q. AND YOUR OTHER CHILD?  
19 A. MY OTHER CHILD IS BORN IN SALT LAKE IN 1997.  
20 Q. MR. SUBASIC, YOU WERE DETAINED -- WERE YOU DETAINED AT SOME  
21 POINT AFTER THE ATTACK BY THE SERBIAN MILITARY IN BOSANSKI  
22 SAMAC?  
23 A. YES.  
24 Q. WHEN WERE YOU FIRST DETAINED?  
25 A. ON APRIL 24TH, 1992.



1 Q. I SHOULD ASK IF WE CAN SWITCH TO THE BOSNIAN NOW. I KNOW  
2 THAT YOU MAY UNDERSTAND MY QUESTIONS, BUT IT WILL BE EASIER FOR  
3 THE COURT IF WE CAN SWITCH TO BOSNIAN. THANK YOU. WHAT  
4 HAPPENED ON APRIL 24TH?

5 A. I WAS WORKING THAT DAY, AND AROUND 4:00 -- IN BETWEEN 4:00  
6 AND 5:00 P.M. FOUR POLICEMEN, SOLDIERS, CAME AND TOLD ME I NEED  
7 TO FOLLOW THEM. THEY TOLD ME THAT I NEED TO GO INTO POLICE  
8 STATION TO GIVE SOME STATEMENTS. THAT THAT SHOULD LAST AROUND  
9 AN HOUR TO TWO. BUT THAT HOUR OR TWO LASTED AROUND SIX MONTHS.

10 Q. DID YOU KNOW ANY OF THE POLICEMEN THAT DETAINED YOU?

11 A. YES, I KNEW THEM.

12 Q. AND HOW DID YOU KNOW SOME OF THE POLICEMEN THAT DETAINED  
13 YOU?

14 A. ONE OF THOSE TWO IS FROM SAMAC. HE IS MUSLIM, HIS  
15 NATIONALITY. AND THE OTHER ONES WERE JUST AN ACQUAINTANCE.

16 Q. WHAT DID THEY TELL YOU ABOUT WHY THEY CAME TO SEE YOU?

17 A. THAT I NEED TO GO TO POLICE STATION TO MAKE SOME  
18 STATEMENTS.

19 Q. AND DID YOU FEEL LIKE YOU HAD ANY CHOICE BUT TO FOLLOW THEIR  
20 REQUEST?

21 A. I DIDN'T HAVE ANY CHOICE.

22 Q. DID YOUR FAMILY SEE WHAT HAPPENED TO YOU WHEN YOU LEFT WITH  
23 THE POLICE?

24 A. YES. THEY SAW IT.

25 Q. WHERE DID THEY TAKE YOU?

1 A. THE POLICE STATION.

2 Q. THE POLICEMEN THAT DETAINED YOU, WERE THEY WEARING ANY  
3 PARTICULAR UNIFORMS?

4 A. IN REGULAR POLICE UNIFORMS, BUT WITH SERBIAN PATCHES ON  
5 THEM.

6 Q. DID THAT INCLUDE THE PERSON THAT YOU KNEW?

7 A. YES.

8 Q. WHAT HAPPENED WHEN YOU GOT TO THE POLICE STATION?

9 A. AT WHAT TIME -- AT SOME TIME I TALK WITH CHIEF OF POLICE,  
10 WHICH LASTED ABOUT AN HOUR TO TWO, AND AFTERWARDS THEY MOVED ME  
11 INTO T.O. WAREHOUSE.

12 Q. AT ANY TIME WHEN YOU WERE AT THE POLICE STATION OR WHEN THE  
13 POLICEMEN CAME TO YOUR HOUSE, UNTIL YOU WERE AT THE T.O., DID  
14 ANY OF THEM ADVISE YOU OF ANY CHARGES, ANY CRIMINAL CHARGES  
15 AGAINST YOU?

16 A. THEY HAVEN'T TRIED TO TELL ME ANYTHING.

17 Q. DID ANY OF THEM, THE POLICEMEN OR ANY OF THE PEOPLE AT THE  
18 POLICE STATION, SHOW YOU A WARRANT FOR YOUR ARREST?

19 A. NO. NOBODY DID NOT SHOW ME ANYTHING.

20 Q. ANYONE ADVISE YOU THAT YOU COULD SEE A LAWYER?

21 A. NO.

22 Q. I WOULD LIKE TO ASK YOU, MR. SUBASIC, TO ADVISE THE COURT OF  
23 ALL THE PLACES THAT YOU WERE DETAINED UNTIL YOUR RELEASE, AS YOU  
24 SAID, ABOUT 26 MONTHS LATER. JUST TO, IF YOU COULD GO DOWN THE  
25 LIST. AND PERHAPS ALSO JUST APPROXIMATELY HOW LONG YOU WERE IN

1 EACH PLACE.

2 A. OKAY. FROM POLICE STATION I WAS TAKEN TO T.O. WAREHOUSE  
3 WHERE I WAS FROM 24 TO 26 OF APRIL. THEN WE WERE TRANSFERRED TO  
4 MILITARY STATION BARRACKS IN BRCKO. WE WERE THERE UNTIL FIRST  
5 OF MAY. AFTER THAT WE WERE TAKEN TO BIJELJINA WHERE WE WERE  
6 HELD UNTIL THE MIDDLE OF MAY.

7 AFTERWARDS THEY TOOK US THE FIRST PLACE IN BOSANSKI  
8 SAMAC IN HIGH SCHOOL. WE WERE THERE UNTIL THEY TRANSFERRED US  
9 TO ELEMENTARY SCHOOL.

10 Q. WERE YOU DETAINED IN OTHER PLACES OUTSIDE OF BOSANSKI SAMAC  
11 AFTER YOU WERE IN THE HIGH SCHOOL?

12 A. YES. AT THE END OF THE NOVEMBER WE WERE TRANSFERRED TO  
13 BAKOVIC. IN BAKOVIC THERE WERE MANY PLACES WHERE I WAS -- IN  
14 BAKOVIC WHERE THEY WERE PUT AND SENT TO MANY DIFFERENT PLACES  
15 WHERE THEY WERE BEING USED AS SLAVE LABOR.

16 Q. AND WAS BAKOVIC THE LAST PLACE YOU WERE DETAINED?

17 A. YES.

18 Q. AND DO YOU RECALL WHEN YOU WERE RELEASED?

19 A. I WAS EXCHANGED 9TH OF JUNE IN 1994.

20 Q. THANK YOU. YOU MENTIONED THAT YOU WERE TRANSFERRED AWAY  
21 FROM BOSANSKI SAMAC AFTER A COUPLE OF DATES AT THE T.O.  
22 WAREHOUSE. CAN YOU TELL ME, DID ANY INCIDENTS HAPPEN DURING  
23 THOSE TRANSFERS THAT PUT YOU IN FEAR FOR YOUR LIFE OR SAFETY?

24 A. YES. THERE WERE INCIDENTS.

25 Q. CAN YOU PLEASE DESCRIBE WHAT YOU RECALL HAPPENING?

1 A. WOULD YOU LIKE FOR EACH PLACE ME TO START WHAT HAPPENED?

2 Q. WELL, PERHAPS LET ME ASK THIS QUESTION. DID YOU SEE ANYONE  
3 KILLED DURING THE TIME THAT YOU WERE TRANSFERRED BETWEEN PLACES  
4 OF DETENTION?

5 A. YES. IN T.O. I WITNESSED THE KILLING OF ONE MAN AND ALSO IN  
6 MILITARY BARRACKS I SAW A KILLING OF A MAN IN BIJELJINA.

7 Q. LET'S TALK FIRST WHAT HAPPENED AT THE T.O. FIRST OF ALL,  
8 T.O. STANDS FOR WHAT?

9 A. TERRITORIAL DEFENSE.

10 Q. AND WHERE WERE YOU TAKEN AT THE T.O. WAREHOUSE WHEN YOU  
11 FIRST WENT THERE AS YOU MENTIONED BEFORE ON APRIL 24?

12 A. YOU ARE REFERRING TO THE CONFIGURATION AT THE ROOM AT THE  
13 T.O. WAREHOUSE?

14 Q. CORRECT.

15 A. A SMALL COMPACT AREA, FIVE BY FIVE METERS.

16 Q. WERE OTHER PEOPLE IN THAT ROOM?

17 A. YES.

18 Q. DID YOU KNOW SOME OF THE PEOPLE WHO WERE IN THAT ROOM?

19 A. YES. MOST OF THE PEOPLE THAT WERE IN THE ROOM I KNEW.

20 Q. WERE ANY OF THE OTHER PLAINTIFFS WHO HAVE TESTIFIED HERE  
21 TODAY IN THAT ROOM?

22 A. PRESENTLY THERE IS NO ONE HERE. FIRST TWO OR THREE DAYS  
23 WHILE I WAS BEING DETAINED IN T.O. WAREHOUSE, I DIDN'T RECOGNIZE  
24 NO ONE IN THE COURT TODAY, BUT AFTER THEY MOVED US FROM  
25 BIJELJINA TO T.O. WAREHOUSE, I SAW KEMAL BEING DETAINED IN THE

1 SAME ROOM.

2 Q. OKAY. DID YOU SEE MUHAMED MEHINOVIC OR SAFET HADZIALIJAGIC  
3 AT THE T.O. WAREHOUSE?

4 A. YES. THEY WERE DETAINED THE SAME.

5 Q. WHEN WAS THE FIRST TIME THAT YOU WERE BROUGHT TO THE T.O.  
6 WAREHOUSE THAT YOU COULD ACTUALLY SEE SAFET, MUHAMED, AND THE  
7 OTHER PEOPLE WHO WERE DETAINED THERE?

8 A. BECAUSE I WAS BROUGHT IN T.O. WAREHOUSE AT NIGHT, I WAS  
9 ABLE TO SEE THE NEXT MORNING WHO WAS DETAINED WITH ME.

10 Q. TELL ME THE CONDITION OF THE OTHER PEOPLE THAT WERE BEING  
11 HELD AT THE T.O. WAREHOUSE, AS YOU SAW IT THAT MORNING.

12 A. IT WAS DIFFICULT TO RECOGNIZE PEOPLE. THEY HAD BRUISES,  
13 THEIR FACE WERE DEFORMED, THERE WERE CUTS, AND THEY WERE  
14 BEATEN.

15 Q. NOW, YOU MENTIONED THAT YOU OBSERVED ONE PERSON BEING KILLED  
16 AT THE T.O. WAREHOUSE. CAN YOU PLEASE DESCRIBE THAT INCIDENT?

17 A. YES. THAT HAPPENED THE 26TH OF APRIL, 1992. AT THAT TIME  
18 SLOBODAN MILJKOVIC, NICKNAMED LUGAR, AT THAT TIME PERSON THAT I  
19 MENTIONED EARLIER NICKNAME LUGAR, CALLED ANTO BRANDIC BY  
20 NICKNAME -- ANTO BRANDIC. HE CALLED HIM BY NICKNAME, DIKAN,  
21 AND STARTED BEATING HIM WITH A CHAIR LEG, LEG OF A CHAIR. HE  
22 WAS BEATING HIM SO HARD UNTIL HIS HEAD SPLIT OPEN AND THE BRAIN  
23 JUST -- AFTERWARDS HE TOOK HIM OUTSIDE AND SHOT HIM TWO MORE  
24 TIMES.

25 Q. HOW CLOSE WERE YOU TO MR. BRANDIC WHEN THIS HAPPENED?

1 A. ABOUT HALF A METER AWAY.

2 Q. NOW, WERE YOU ABUSED IN ANY WAY AT THE T.O. WAREHOUSE? WERE  
3 YOU MISTREATED AT THE T.O. WAREHOUSE?

4 A. YES.

5 Q. CAN YOU PLEASE DESCRIBE WHAT YOU RECALL?

6 A. EVERY NIGHT WE HAD TO GET UP AND SING WITH OUR HEADS BEING  
7 BOWED WHILE WE WERE BEING BEATEN. SOLDIERS WERE MAINLY TO HIT  
8 US WHERE IT WOULD HURT THE WORST, LIKE THE BONES AND THE HEAD,  
9 WITH THEIR WEAPONS, METAL PIPES, WHATEVER THEY WERE ABLE TO  
10 FIND.

11 Q. AND HOW OFTEN DID THESE BEATINGS OCCUR DURING THE FEW DAYS  
12 YOU WERE AT THE T.O. WAREHOUSE?

13 A. VERY OFTEN, BECAUSE THAT WAS THE BEGINNING OF THE WAR IN  
14 SAMAC, ESPECIALLY THOSE THREE DAYS, THE BEATINGS LASTED VERY  
15 VERY LONG.

16 Q. WHO WAS CARRYING OUT THOSE BEATINGS?

17 A. MAINLY SPECIAL SERBIAN POLICE UNIT. THOSE WERE FIRST THREE  
18 DAYS THEY WERE BEATING US MOSTLY.

19 Q. NOW, YOU SAID THAT YOU WERE -- THE NEXT PLACE YOU WENT AFTER  
20 THE T.O. WAREHOUSE WAS TO BRCKO. DO YOU KNOW HOW IT CAME ABOUT  
21 THAT YOU WERE TRANSFERRED TO BRCKO?

22 A. 26TH OF APRIL WHEN DIKAN WAS KILLED, HE CAME AND HE INFORMED  
23 US WHAT I AM GOING TO DO WITH YOU ALL. I HAVE AN ORDER TO KILL  
24 YOU. ALL OF YOU. AT THAT TIME ONE OF THE BETTER SERBS FOUND A  
25 WAY HOW TO TRANSFER US FROM T.O. TO BRCKO MILITARY BARRACKS.

1 TWO DAYS AFTERWARDS LUGAR CAME TO LOOK FOR US, BUT HE COULDN'T  
2 FIND US, SO HE WENT TO VILLAGE OF SERKINA (PHONETIC) AND KILLED  
3 ABOUT 20 PEOPLE -- 17.

4 Q. NOW, YOU RETURNED TO BOSANSKI SAMAC FROM BIJELJINA; CORRECT?

5 A. YES.

6 Q. WHEN YOU WERE TRANSFERRED BACK TO BOSANSKI SAMAC FROM THERE,  
7 WHAT -- DID YOU KNOW WHAT WAS GOING TO HAPPEN?

8 A. WE ALL FELT LIKE WE GOING TO BE RELEASED TO OUR HOMES.

9 Q. WERE YOU RELEASED TO YOUR HOMES?

10 A. NO.

11 Q. AND HOW DID YOU FEEL ON LEARNING THAT YOU WERE NOT GOING TO  
12 BE RELEASED?

13 A. BAD. BUT WE DIDN'T EVEN HAVE ENOUGH TIME TO THINK ABOUT THE  
14 EMOTIONS OR TO HAVE REASONABLE THINKING. WE WERE BEATEN MOST OF  
15 THE TIME ANYWAYS.

16 Q. NOW, WHAT HAPPENED WHEN YOU GOT BACK TO BOSANSKI SAMAC? YOU  
17 WERE DETAINED WHERE?

18 A. IN THE HIGH SCHOOL.

19 Q. AND HOW LONG WERE YOU THERE?

20 A. I BELIEVE WE JUST SPENT THE NIGHT THERE.

21 Q. AND WHERE DID YOU GO AFTER THAT?

22 A. TO ELEMENTARY SCHOOL.

23 Q. AND IS THAT THE SCHOOL THAT YOU HAD BEEN TO AS A CHILD?

24 A. YES.

25 Q. AND WHERE WERE YOU DETAINED AT THE SCHOOL? IN WHICH --

1 A. IN GYMNASIUM.

2 Q. WERE ANY OF THE OTHER PLAINTIFFS DETAINED WITH YOU AT THAT  
3 TIME?

4 A. YES.

5 Q. AND WHO WAS THAT?

6 A. SAFET AND MUHAMED.

7 Q. WERE YOU MISTREATED DURING YOUR TIME AT THE ELEMENTARY  
8 SCHOOL?

9 A. YES.

10 Q. AND DID YOU SEE OTHERS BEING MISTREATED?

11 A. YES. A LOT.

12 Q. HOW OFTEN DID YOU SUFFER -- DID YOU SUFFER BEATINGS FROM  
13 GUARDS OR OTHERS AT THE ELEMENTARY SCHOOL?

14 A. I WAS RECEIVING BEATINGS A LOT IN THE MORNING, EARLY  
15 AFTERNOON, IN THE EVENING, AT NIGHT.

16 Q. WHO CARRIED OUT THOSE BEATINGS?

17 A. GUARDS, MAINLY. CIVILIANS, CIVILIANS OF SERBIAN  
18 NATIONALITY. WHOEVER WANTED.

19 Q. DID YOU EVER HEAR GUARDS PLANNING TO CARRY OUT BEATINGS IN  
20 ADVANCE?

21 A. YES. MANY TIMES.

22 Q. DESCRIBE SOME OF THE THINGS THAT YOU HEARD.

23 A. YES. WE WERE DETAINED IN A ROOM AND WE HEAR VOICES FROM  
24 OUTSIDE LIKE WHO WOULD BE A GUARD LET'S SAY AT 10 O'CLOCK  
25 TONIGHT. AND AT THAT TIME THEY WERE TALKING ABOUT HOW MANY



1 PEOPLE THEY WILL TAKE OUT, HOW MANY THERE WOULD BE, HOW MANY OF  
2 FRESH NEW ARRIVALS COME.

3 Q. DID ANY OF THE PEOPLE THAT WERE BEATING YOU DO ANYTHING TO  
4 RIDICULE YOU BASED ON YOUR RELIGION?

5 A. YES.

6 Q. WHAT IS YOUR RELIGION, MR. SUBASIC?

7 A. MUSLIM.

8 Q. CAN YOU DESCRIBE SOME OF THOSE INCIDENTS?

9 A. ON ONE OCCASION THEY FORCED US TO KNEEL DOWN AND WE WERE IN  
10 THAT POSITION FOR ABOUT 20 HOURS.

11 THE COURT: JUST A MINUTE. MOVE THE MICROPHONE CLOSER  
12 TO YOU, IF YOU WILL. RAISE IT AND PULL IT TOWARD YOU.

13 THE WITNESS: YES. AT ONE OCCASION WE WERE FORCED TO  
14 KNEEL DOWN AND STAY IN SUCH A POSITION FOR AROUND 20 HOURS.

15 BY MR. SONDEHEIMER:

16 Q. AND DID THEY MAKE COMMENTS ABOUT YOUR POSITION KNEELING LIKE  
17 THAT?

18 A. BUT I WASN'T FINISHED WITH MY EARLIER ANSWER.

19 THE VERY NEXT DAY ONE OF THE GUARDS, THE NEW GUARDS,  
20 WHO JUST STARTED HIS SHIFT, CAME AND SAW US AND MADE THE  
21 STATEMENT, OH, I DIDN'T KNOW IT IS TIME FOR YOU GUYS TO  
22 PRAY NOW. SO KNEEL DOWN AND PRAY LIKE THE MUSLIMS DO. BUT HE  
23 WAS NOT AWARE THAT WE WERE FORCED TO --

24 THE COURT REPORTER: I'M SORRY, I DIDN'T UNDERSTAND?

25 THE WITNESS: THE NEW SHIFT OF THE GUARDS ENTERED AND

1 WE WERE KNEELED DOWN, AND ASKED THEM, I DIDN'T KNOW IT WAS TIME  
2 FOR YOU TO PRAY. HOWEVER, HE WAS NOT AWARE OF THE FACT THAT WE  
3 WERE FORCED EARLIER TO KNEEL DOWN FOR 20 HOURS WITHOUT PRAYING.  
4 BY MR. SONDHEIMER:

5 Q. DO YOU THINK THAT HE KNEW THAT YOU WERE BEING FORCED TO BE  
6 IN THAT POSITION EVENTUALLY?

7 A. OF COURSE HE KNEW WHAT WAS GOING ON, BUT HE WAS JUST  
8 PLAYING CRAZY.

9 Q. ARE THERE ANY OTHER INCIDENTS THAT YOU RECALL OF BEATINGS OR  
10 OTHER KINDS OF ABUSES WHERE THE GUARDS OR POLICE WOULD RIDICULE  
11 YOU BECAUSE OF YOUR RELIGION?

12 A. YES. MANY TIMES THEY WERE HITTING US IN THE LEGS AND IN  
13 BETWEEN LEGS SAYING YOU WON'T BE ABLE TO HAVE ANY MORE  
14 CHILDREN.

15 Q. AND WERE YOU -- WHAT WERE YOU GIVEN TO EAT AT THE SCHOOL?

16 A. ONCE A DAY WE WERE GIVEN LIKE OF LOAF OF BREAD TO SPREAD  
17 AMONG 20 PEOPLE, AND KIND OF A GLASS OF WARMISH TEA, AND BREAD  
18 WAS SPREAD WITH THE PORK GREASE.

19 Q. WHAT DID THAT MEAN TO YOU THAT THE BREAD WAS SPREAD WITH  
20 PORK GREASE?

21 A. SIMPLY LIKE HUMILIATION, BECAUSE IT WAS WELL-KNOWN THAT  
22 MUSLIMS DON'T EAT PORK. THEY WERE SAYING, LOOK AT THOSE  
23 MUSLIMS, DEFAMATORY PHRASE WAS USED, ABOUT HOW THEY EAT PORK.

24 Q. WHAT DOES THE TERM BALIJA MEAN?

25 A. IT'S A DEFAMATORY TERM FOR MUSLIMS.

1 THE INTERPRETER: I JUST CONFIRMED WITH THE PLAINTIFF  
2 THE INTERPRETATION OF BALIJA.

3 BY MR. SONDEHEIMER:

4 Q. DOES IT HAVE A PARTICULAR MEANING IN ENGLISH?

5 THE INTERPRETER: ARE YOU ASKING ME AS AN  
6 INTERPRETER?

7 MR. SONDEHEIMER: I AM ASKING MR. SUBASIC.

8 THE WITNESS: I DON'T KNOW.

9 BY MR. SONDEHEIMER:

10 Q. I WOULD LIKE TO ASK ABOUT SOME OF THE WORST INCIDENTS THAT  
11 YOU MAY RECALL FROM YOUR -- THE BEATINGS THAT YOU SUFFERED AT  
12 THE ELEMENTARY SCHOOL. WERE YOU FORCED TO KNEEL ON YOUR HANDS  
13 AND KNEES ON OCCASION?

14 A. YES. ON ONE OCCASION I WAS FORCED TO KNEEL DOWN AND SPREAD  
15 MY HANDS IN FRONT OF ME WHILE THREE TO FOUR GUARDS ENCIRCLED ME  
16 AND BEAT ME WHILE ONE OF THEM HIT ME ON THE RIGHT SIDE OF MY  
17 RIBS.

18 Q. AND WHAT KIND OF PAIN DID YOU EXPERIENCE WHEN YOU WERE --  
19 DID YOU SAY HIT ON THE RIBS?

20 A. YES.

21 Q. CAN YOU PLEASE DESCRIBE WHAT KIND OF PAIN YOU EXPERIENCED?

22 A. AT FIRST MOMENT I LOST MY BREATH. NEXT THREE DAYS I WAS  
23 UNABLE TO MOVE, PRACTICALLY.

24 Q. DO YOU KNOW PHYSICALLY WHAT HAD HAPPENED TO YOU?

25 A. YES. MY THREE RIBS WERE BROKEN AT THAT TIME.

1 Q. WERE YOUR TEETH EVER PULLED OUT WHILE YOU WERE AT THE  
2 ELEMENTARY SCHOOL?

3 A. YES. FOUR OF MY TEETH WERE EXTRACTED. AND THEN FIVE OR SIX  
4 OF THEM WERE JUST BROKEN.

5 Q. CAN YOU DESCRIBE WHAT HAPPENED WHEN YOUR TEETH WERE PULLED  
6 OUT?

7 A. IT WAS AT NIGHT WHEN GUARDS CAME AND INDIVIDUALLY SELECTED  
8 PEOPLE TO TAKE THEM OUTSIDE AND KICKED THEM ENOUGH WHERE THEY  
9 WERE PRACTICALLY FORCED TO OPEN THEIR MOUTH, AND THEN THEIR  
10 TEETH WERE EXTRACTED.

11 Q. I KNOW IT MAY BE DIFFICULT, BUT I WOULD LIKE TO ASK YOU TO  
12 EXPLAIN THIS THE BEST YOU CAN THE PAIN THAT YOU EXPERIENCED FROM  
13 HAVING YOUR TEETH EXTRACTED.

14 A. AT THOSE MOMENT, FEAR IS KIND OF SUBDUED YOUR PAIN. YOU  
15 FEEL MORE FEAR OF LOSING YOUR LIFE AND FEAR OF NOT KNOWING WHAT  
16 MIGHT HAPPEN NEXT INSTEAD OF FEELING PAIN FROM YOUR TEETH BEING  
17 EXTRACTED.

18 Q. AT SOME POINT DID YOU FEEL THE PHYSICAL PAIN?

19 A. YES. YES. I FELT A LOT OF PAIN.

20 Q. AND HOW OFTEN AT THE ELEMENTARY SCHOOL DID YOU FEEL WHAT YOU  
21 DESCRIBED, THE CONCERN ABOUT YOUR LIFE WAS IN DANGER?

22 A. EVERY DAY. EVERY HOUR OF EVERY DAY.

23 THE COURT: WHAT WAS MR. VUKOVIC'S ROLE IN CONNECTION  
24 WITH THESE VARIOUS INCIDENTS?

25 MR. SONDEIMER: THANK YOU, YOUR HONOR. I WAS JUST

1 ABOUT TO MOVE INTO THAT.

2 BY MR. SONDHEIMER:

3 Q. DID YOU KNOW VUKOVIC IN BOSANSKI SAMAC?

4 A. YES.

5 Q. DID YOU KNOW HIM PERSONALLY?

6 A. NO.

7 Q. DID YOU RECOGNIZE -- DID YOU RECOGNIZE HIM AS AN

8 ACQUAINTANCE?

9 A. YES. I KNEW HIM JUST AN ACQUAINTANCE FROM THE STREET, BUT

10 WE WERE NOT FRIENDS.

11 Q. JUST SHOWING YOU WHAT HAS BEEN MARKED AS EXHIBITS 33 AND 34,

12 DO YOU RECOGNIZE THE PERSON IN THOSE PHOTOGRAPHS?

13 A. YES. I RECOGNIZE HIM.

14 Q. AND WHO IS THAT?

15 A. NIKOLA VUKOVIC.

16 Q. DID YOU SEE NIKOLA VUKOVIC AT THE ELEMENTARY SCHOOL?

17 A. A FEW TIMES. SOMETIMES.

18 Q. DID YOU SEE HIM PARTICIPATE IN ANY BEATINGS?

19 A. YES. HE WAS BEATING MAINLY SAFET AND MUHAMED, BUT HE WAS

20 BEATING OTHERS AS WELL.

21 Q. DID MR. VUKOVIC EVER BEAT YOU?

22 A. TWO TIMES.

23 Q. WHAT DID YOU SEE WHEN MR. VUKOVIC BEAT SAFET HADZIALIJAGIC?

24 LET ME STRIKE THE QUESTION. THERE HAS BEEN TESTIMONY ABOUT THE

25 BEATING OF MR. HADZIALIJAGIC. DO YOU RECALL HOW LONG

1 MR. HADZIALIJAGIC WAS ABUSED BY MR. VUKOVIC?

2 THE INTERPRETER: ARE YOU ASKING HIM TIMES THE  
3 BEATINGS, OR HOW LONG THE BEATINGS LASTED?

4 MR. SONDEHEIMER: CORRECT.

5 THE INTERPRETER: WHICH QUESTION ARE YOU REFERRING TO,  
6 HOW LONG THE BEATINGS LASTED, OR HOW OFTEN?

7 MR. SONDEHEIMER: HOW LONG THIS INCIDENT WITH  
8 MR. HADZIALIJAGIC LASTED.

9 THE WITNESS: IF I REMEMBER CORRECTLY, AROUND AN HOUR  
10 TO TWO HOURS.

11 BY MR. SONDEHEIMER:

12 Q. DOES THAT INCIDENT STICK OUT IN YOUR MIND?

13 A. VERY WELL.

14 Q. WHY IS THAT?

15 A. YES, BECAUSE IT WAS VERY VERY BAD SITUATION.

16 Q. AND HOW DID THAT MAKE YOU FEEL TO OBSERVE MR. HADZIALIJAGIC  
17 BEING BEATEN BY MR. VUKOVIC?

18 A. I DIDN'T UNDERSTAND THE QUESTION.

19 Q. WHEN YOU OBSERVED THIS BEATING OF MR. HADZIALIJAGIC, HOW DID  
20 THAT MAKE YOU FEEL?

21 A. VERY BAD.

22 Q. CAN YOU EXPLAIN SOME OF YOUR EMOTIONS AS YOU OBSERVED THIS  
23 PERSON BEING BEATEN?

24 A. VERY DIFFICULT FOR ME TO DESCRIBE. I CANNOT DESCRIBE IT.

25 Q. AND IT'S HARD TO DESCRIBE. CAN YOU EXPLAIN WHY IT IS HARD

1 FOR YOU TO DESCRIBE THAT?

2 A. I DON'T KNOW WHICH WAY YOU WOULD LIKE ME TO EXPLAIN IT.

3 Q. WELL, LET ME ASK, IS IT -- IS THE PAIN THAT YOU EXPERIENCED  
4 AT THAT TIME MAKE IT DIFFICULT FOR YOU TO DESCRIBE?

5 A. IT'S VERY DIFFICULT TO DESCRIBE THOSE MOMENTS AND SITUATION  
6 BECAUSE IT MAKES A PERSON KIND OF HAVE LIKE HEART MURMURS.

7 Q. NOW, WHAT HAPPENED AFTER MR. VUKOVIC CONDUCT HIS BEATING OF  
8 MR. HADZIALIJAGIC?

9 A. SAFET SUFFERED ALMOST LIKE A HEART ATTACK WHILE VUKOVIC WAS  
10 BEATING HIM.

11 Q. WERE YOU ABLE TO DO ANYTHING FOR HIM?

12 A. WE ASKED THE GUARDS TO CALL FOR EMERGENCY VEHICLES. BUT HE  
13 TOLD US THAT HIS RADIO DOESN'T WORK. THEN I ASKED THE GUARDS IF  
14 I'M ABLE TO GO MYSELF TO THE AMBULANCE TO SEEK HELP FOR SAFET,  
15 WHICH HE APPROVED. I BELIEVE IT WAS VERY STUPID ACT OF MINE. I  
16 BELIEVE IT WAS A STUPID ACT BECAUSE AT THAT MOMENT IF ANY OF THE  
17 SERBS WAS ABLE TO SEE ME IN THE STREETS, THEY WOULD HAVE  
18 PROBABLY SHOT ME.

19 Q. AND WERE YOU ABLE TO GET AN AMBULANCE TO ASSIST  
20 MR. HADZIALIJAGIC?

21 A. YES.

22 Q. NOW, DID MR. VUKOVIC BEAT YOU DURING THAT SAME VISIT IN  
23 WHICH HE BEAT MR. HADZIALIJAGIC?

24 A. HE WAS BEATING ALMOST A LOT OF PEOPLE.

25 Q. AND YOU WERE ONE OF THOSE PEOPLE?

1 A. YES.

2 Q. AND WHAT DO YOU RECALL ABOUT WHAT HAPPENED ON THAT DAY?

3 A. AFTER HE FINISHED BEATING SAFET, HE CAME TO ME AND STARTED

4 HITTING ME WITH HIS FISTS AND LEGS.

5 Q. HOW DID THAT MAKE YOU FEEL AT THAT TIME? I KNOW IT IS A

6 VERY DIFFICULT QUESTION TO ANSWER. BUT I WOULD LIKE TO ASK YOU

7 TO EXPLAIN FOR THE COURT HOW IT FEELS TO BE BEATEN BY SOMEBODY

8 WHILE YOU ARE IN DETENTION IN THAT WAY.

9 A. YOU FEEL VERY VERY BAD AND TERRIBLE. AT THOSE MOMENTS LIFE

10 SEEMS THAT YOU MIGHT LOSE IT ANY MOMENT. AND YOU FEEL LESS THAN

11 AN ANIMAL.

12 Q. DID MR. VUKOVIC BEAT YOU ON ANY OTHER OCCASIONS?

13 A. YES. ONLY ONE OTHER OCCASION DID HE BEAT ME.

14 Q. AND WHAT DO YOU RECALL ABOUT THAT?

15 A. THE SAME LIKE THE FIRST TIME.

16 Q. DID HE EVER KICK YOU?

17 A. YES. WITH LEGS AND FISTS.

18 Q. AND HE DID THAT ON THAT OCCASION?

19 A. YES.

20 Q. WHAT WAS HE WEARING WHEN HE CAME TO THE ELEMENTARY SCHOOL?

21 A. HE HAD MASKED MILITARY PANTS, HE WORE A SHIRT WITH SHORT

22 SLEEVES, AND HE ALWAYS WORE A BELT WITH HIS REVOLVER AROUND THE

23 WAIST.

24 Q. YOU SAID MASKED PANTS, DO YOU MEAN CAMOUFLAGED MILITARY

25 PANTS?



1 A. YES.

2 Q. DO YOU RECALL OBSERVING MR. BICIC'S CONDITION WHILE YOU WERE  
3 AT THE ELEMENTARY SCHOOL?

4 A. HE WAS IN VERY BAD SHAPE.

5 Q. CAN YOU DESCRIBE WHAT YOU SAW?

6 A. WHEN YOU SEE A PERSON THAT WAS NORMALLY WEIGHING UP AROUND  
7 120 KILOGRAMS, HIS WEIGHT DROPPING DOWN TO 60 TO 70. AND LIKE  
8 MUHAMED'S TESTIMONY DESCRIBING BEING UNCLEAN AND UNCUT WITH LONG  
9 BEARD AND HAIR.

10 Q. DID YOU SEE BRUISES AND ANY KIND OF DEFORMITY?

11 A. YES. I SAW EVERYTHING.

12 Q. DID YOU SEE, APART FROM THE BEATING THAT YOU OBSERVED  
13 AGAINST MR. HADZIALIJAGIC, CAN YOU DESCRIBE WHAT HIS CONDITION  
14 WAS AT THE ELEMENTARY SCHOOL?

15 A. DID YOU ASK THE QUESTION AS TO MR. BICIC?

16 Q. MR. HADZIALIJAGIC.

17 A. AT THAT TIME HE WAS AN OLDER GENTLEMAN. HE WAS IN THE SAME  
18 CONDITION LIKE THE OTHER PERSON.

19 Q. DID YOU LOSE WEIGHT DURING YOUR DETENTION IN BOSANSKI  
20 SAMAC?

21 A. YES. MY WEIGHT ALSO DROPPED TO ABOUT 60 TO 70 KILOGRAMS.

22 Q. HOW MUCH DID YOU WEIGH BEFORE THE WAR?

23 A. SOMEWHERE AROUND 100 KILOGRAMS.

24 Q. YOU'VE DESCRIBED SOME OF THE PHYSICAL PAIN THAT YOU  
25 EXPERIENCED DURING BEATINGS. WAS THAT THE WORST PART OF YOUR

1 EXPERIENCE AT THE ELEMENTARY SCHOOL?

2 A. MOST OFTEN I FELT PHYSICAL PAIN BECAUSE I WAS THE FATHER OF  
3 A TWO MONTH OLD BABY. IT WAS VERY DIFFICULT FOR ME TO LOOK  
4 THROUGH THE WINDOW OF THE ROOM WHERE WE WERE DETAINED. MY WIFE,  
5 WALKING WITH MY TWO MONTH OLD DAUGHTER, AND SHE WAS UNABLE TO  
6 COME SEE ME, OR I WAS UNABLE TO COME SEE THEM AS WELL.

7 Q. WHERE DID YOU GO FOLLOWING YOUR DETENTION AT THE ELEMENTARY  
8 SCHOOL?

9 A. WILL YOU REPEAT THE QUESTION?

10 Q. WHERE DID YOU GO FOLLOWING YOUR DETENTION AT THE ELEMENTARY  
11 SCHOOL?

12 A. IN T.O. WAREHOUSE.

13 Q. AND HOW LONG WERE YOU THERE?

14 A. AROUND A MONTH AND A HALF. A MONTH TO TWO MONTHS.

15 Q. AND YOU'VE ALREADY MENTIONED THAT YOU WERE THEN TAKEN TO THE  
16 BAKOVIC CAMP?

17 A. YES. AT THE END OF NOVEMBER. YES.

18 Q. AND HOW DID YOUR EXCHANGE COME ABOUT? WHAT WERE THE  
19 CIRCUMSTANCES OF WHICH YOU WERE RELEASED FROM DETENTION?

20 A. WHAT DO YOU MEAN EXCHANGE?

21 Q. CAN YOU EXPLAIN WHAT AN EXCHANGE IS?

22 A. SIMPLY IT IS AN EXCHANGE WHERE THE OTHER SIDE WOULD BRING  
23 THEIR CIVILIANS, AND SERBIANS WOULD RELEASE THEIR CIVILIANS, AND  
24 THEY ALSO HAD ABOUT 300 WAR PRISONERS THAT WERE BEING HELD BY  
25 SERBIAN SIDE.

1 Q. OKAY. AND THAT WAS THE WAY -- THAT WAS THE CIRCUMSTANCE OF  
2 YOUR RELEASE IN 1994?

3 A. YES.

4 THE COURT: COUNSEL, UNLESS YOU ARE NEARLY FINISHED  
5 WITH THIS WITNESS, WE MIGHT TAKE A SHORT BREAK.

6 MR. SONDHEIMER: I DO INTEND TO FINISH, YOUR HONOR,  
7 IN -- OKAY. WE'LL TAKE A SHORT BREAK. I MEAN, THAT'S FINE IF  
8 YOU'D LIKE TO TAKE A BREAK, YOUR HONOR.

9 THE COURT: WE'LL TAKE TEN MINUTES. I APPRECIATE  
10 THAT.

11 (BREAK FROM 3:53 P.M. UNTIL 4:17 P.M.)

12 THE COURT: YOU MAY PROCEED.

13 MR. SONDHEIMER: THANK YOU, YOUR HONOR. MR. SUBASIC,  
14 I JUST WANT TO GO BACK TO THE INCIDENT WHERE YOU DESCRIBED THAT  
15 MR. VUKOVIC KICKED YOU. CAN YOU EXPLAIN MORE ABOUT WHAT  
16 HAPPENED DURING THAT INCIDENT?

17 A. BECAUSE VUKOVIC WAS A MAN, VERY PETITE MAN, SMALL IN HEIGHT,  
18 HE ASKED FOR ME TO KIND OF BEND DOWN SO HE COULD KICK ME AND HIT  
19 ME BETTER.

20 Q. WHEN YOU SAY PETITE, YOU MEAN SHORT?

21 A. YES.

22 Q. AND HE KICKED YOU WHEN YOU WERE KNEELING ON THE GROUND?

23 A. YES.

24 Q. AND WAS HE WEARING BOOTS?

25 A. YES. MILITARY BOOTS. HE WAS KICKING ME IN THE STOMACH, AND

1 THAT'S HOW I LOST THE BREATH. AFTER I LOST THE BREATH, HE  
2 KICKED ME MORE IN AREA OF MY RIBS AND STOMACH AS WELL.

3 Q. DID HE KICK YOU HARD?

4 A. YES.

5 Q. AND DID THAT CAUSE EXTREME PAIN FOR YOU, EITHER PHYSICALLY  
6 OR EMOTIONALLY?

7 A. AT THOSE MOMENTS I WAS FEELING MORE MENTAL PAIN THAN  
8 PHYSICAL PAIN.

9 Q. CAN YOU DESCRIBE THAT?

10 A. TEARS WERE COMING FROM MY EYES BECAUSE I WAS UNABLE TO DO  
11 ANYTHING TO DEFEND MYSELF.

12 Q. AND WAS THAT EMOTIONAL PAIN THAT YOU FELT VERY SERIOUS?

13 A. YES. NORMALLY SERIOUS.

14 Q. DID IT HURT TO BE KICKED IN THE STOMACH LIKE THAT?

15 A. OF COURSE IT HURT ME A LOT. BUT IN THOSE MOMENTS YOU FEEL  
16 INABILITY TO DEFEND YOURSELF.

17 Q. AND DID YOU SEE MR. VUKOVIC OUTSIDE THE SCHOOL?

18 A. A FEW TIMES WHEN HE PASSED BY WITH HIS MOTORCYCLE.

19 Q. WHERE WERE YOU ABLE TO SEE HIM FROM?

20 A. FROM WINDOW THAT HAD IRON BARS ON THEM, AND THAT WAS THE  
21 ROOM WHERE WE USE IN GYMNASIUM TO CHANGE CLOTHES.

22 Q. DO YOU KNOW WHERE HE WAS COMING FROM OR GOING TO WHEN HE  
23 PASSED BY THE SCHOOL?

24 A. WE KNEW WHERE HE WAS GOING. HOME OF A MUSLIM RESIDENT WAS  
25 THE RESIDENT OF THAT HOUSE, WE SAW HIM ENTER AND EXIT THAT

1 HOUSE.

2 Q. AND THAT HOUSE WAS NEAR THE SCHOOL?

3 A. YES. SOMEWHERE AROUND 80 METERS.

4 Q. MR. SUBASIC, HOW OLD WERE YOU WHEN YOU WERE DETAINED ON  
5 APRIL 24TH, 1992?

6 A. SOMEWHERE AROUND 24 YEARS OLD.

7 Q. AND HOW OLD WAS YOUR DAUGHTER AT THAT TIME?

8 A. TWO MONTHS.

9 Q. AND WERE YOU CONCERNED WHETHER YOU WOULD EVER SEE YOUR  
10 DAUGHTER AFTER YOU WERE DETAINED, EVER SEE HER AGAIN?

11 A. YES, I WAS WORRIED A LOT.

12 Q. DID THAT CAUSE YOU EXTREME EMOTIONAL ANGUISH?

13 A. YES. A LOT.

14 Q. DID YOUR DAUGHTER RECOGNIZE YOU WHEN YOU WERE RELEASED 26  
15 MONTHS LATER AFTER YOU WERE FIRST DETAINED?

16 A. YES, AFTER MY WIFE ASKED HER WHO IS, THAT. AND SHE SAID,  
17 OH, THAT'S MY DAD, FROM A PICTURE.

18 Q. SHE ONLY RECOGNIZED YOU FROM A PICTURE?

19 A. YES.

20 Q. DID YOUR DAUGHTER -- STRIKE THAT. HOW DID THAT MAKE YOU  
21 FEEL TO KNOW THAT YOUR DAUGHTER ONLY RECOGNIZED YOU FROM A  
22 PICTURE?

23 A. I FELT VERY BAD, AND IT RESULTED IN HAVING PROBLEMS WITH MY  
24 DAUGHTER NOT BEING USED TO BE AROUND ME ALONE AT HOME, SO SHE  
25 WOULD RUN AWAY. SHE TREATED ME LIKE I WAS A STRANGER TO HER.

1 Q. AND HOW DID THAT MAKE YOU FEEL?

2 A. VERY VERY BAD IT MADE ME FEEL.

3 Q. AND I WOULD LIKE TO JUST ASK A FEW QUESTIONS HOW THESE  
4 EXPERIENCES THAT MR. VUKOVIC AND OTHERS SUBJECTED YOU TO HAVE  
5 AFFECTED YOUR LIFE TODAY. DO YOU CONTINUE TO SUFFER ANY  
6 PHYSICAL CONSEQUENCES FROM THE BEATINGS THAT HE AND OTHERS  
7 SUBJECTED YOU TO?

8 A. WITH WEATHER CHANGES I HAVE INTENSE PAIN IN THE AREA WHERE  
9 MY TEETH WERE EXTRACTED, AND THE AREA WHERE I WAS HIT; KNEES,  
10 HANDS, STOMACH, RIB AREA, WHEREVER I WAS HIT. THE PAIN IS SO  
11 INTENSE THAT I AM UNABLE TO WORK FOR ALMOST FIVE DAYS.

12 Q. DID YOUR EXPERIENCE IN THESE DETENTION CAMPS AFFECT YOUR  
13 RELATIONSHIPS WITH OTHER PEOPLE?

14 A. WILL YOU REPEAT THE QUESTION?

15 Q. SURE. LET ME ASK YOU, DO YOU FEEL THAT YOU CAN INTERACT  
16 WITH OTHER PEOPLE IN THE SAME WAY THAT YOU DID BEFORE THE WAR?

17 A. SOME MORE THINGS THAT DIDN'T BOTHER ME FOR NOW ARE  
18 TROUBLESOME FOR ME. FOR EXAMPLE, I LOSE CONTROL MUCH QUICKER  
19 AND I GET NERVOUS EASIER.

20 Q. DO YOU FEEL MORE SUSPICIOUS OF OTHER PEOPLE?

21 A. NORMALLY. YES.

22 Q. DO YOU HAVE FLASHBACKS ABOUT YOUR EXPERIENCES? IN OTHER  
23 WORDS, DO CERTAIN THINGS THAT YOU SEE OR HEAR REMIND YOU OF YOUR  
24 EXPERIENCES WHILE YOU WERE IN DETENTION?

25 A. SOMETIMES WHEN I SEE SOME THINGS THOSE FLASHBACKS OCCUR TO

1 ME.

2 Q. IS THERE ANYTHING THAT HAS HAPPENED TO YOU AT YOUR WORK, AT  
3 YOUR CURRENT WORKPLACE, THAT HAS GIVEN YOU FLASHBACKS ABOUT YOUR  
4 EXPERIENCES?

5 A. YES, I WORK IN A FIRM WHERE WE HANDLE SYRUPS OF RED COLOR,  
6 AND WHEN WE HAVE THE SPILLS OF RED COLOR ASSOCIATES ME WITH THE  
7 EVENTS THAT HAPPENED, AND I HAVE TO GO HOME BECAUSE I WAS UNABLE  
8 TO PERFORM MY DUTIES AT WORK.

9 Q. WHAT ARE THOSE SYRUPS USED FOR?

10 A. SNOW CONES. LIKE ICE CREAM CONES.

11 MR. SONDHEIMER: YOUR HONOR, IF I CAN HAVE JUST A  
12 MOMENT TO CONFER WITH CO-COUNSEL.

13 (PAUSE).

14 MR. SONDHEIMER: THANK YOU. I HAVE NO FURTHER  
15 QUESTIONS.

16 THE COURT: YOU MAY STEP DOWN. THANK YOU.

17 MR. HOFFMAN: YOUR HONOR, WE HAVE ONE RELATIVELY SHORT  
18 WITNESS THAT WOULD TAKE ABOUT TEN MINUTES OR SO, IF YOU HAVE  
19 TIME FOR THAT THIS AFTERNOON.

20 THE COURT: WE HAVE TIME, AS MUCH TIME AS YOU WANT TO  
21 DO.

22 MR. HOFFMAN: THANK YOU, YOUR HONOR. WHAT WE WOULD  
23 PROPOSE TO DO IS PUT THIS WITNESS ON, AND THEN RETURN TOMORROW  
24 MORNING FOR THE REMAINING WITNESSES, IF THAT'S --

25 THE COURT: YOU HAVE ONE EXPERT TOMORROW?

1 MR. HOFFMAN: WE HAVE ONE EXPERT, AND WE HAVE THE  
2 REMAINDER OF MR. MEHINOVIC'S TESTIMONY. AND WE WOULD REQUEST  
3 THE GUIDANCE OF THE COURT ABOUT WHAT THE COURT WOULD BE MOST  
4 INTERESTED IN FROM THE EXPERT WITNESS, SINCE SHE HAS SUBMITTED  
5 HER WRITTEN TESTIMONY. IF THERE IS ANY PARTICULAR AREA THAT THE  
6 COURT IS MOST INTERESTED IN, WE WOULD LIKE TO FOCUS ON THAT.

7 THE COURT: NO, BUT I SUGGEST THAT YOU JUST LEAD THE  
8 WITNESS. IT WILL BE A LOT FASTER.

9 MR. HOFFMAN: LEAD THE EXPERT?

10 THE COURT: LEAD THE WITNESS. THE TESTIMONY. YOU  
11 DON'T HAVE TO GO INTO HER BACKGROUND IN ANY REAL DETAIL. YOU  
12 CAN JUST SUBMIT HER CREDENTIALS AND THE OTHER EXPERT'S STATEMENT  
13 WILL BE SUBMITTED; IS THAT CORRECT?

14 MR. HOFFMAN: YES. WE HAVE SUBMITTED BOTH STATEMENTS,  
15 ACTUALLY. AND WE CAN CERTAINLY TAKE HER THROUGH HER TESTIMONY  
16 TOMORROW IN THE WAY THAT THE COURT SUGGESTS.

17 THE COURT: ALL RIGHT. THAT WILL BE FINE.

18 MR. WEBER: THE PLAINTIFFS CALL KEMAL HALILOVIC

19 KEMAL HALILOVIC

20 PLAINTIFF'S WITNESS

21 SWORN

22 DIRECT EXAMINATION

23 BY MR. WEBER:

24 A. MY NAME IS KEMAL HALILOVIC.

25 Q. MR. HALILOVIC, WERE YOU BORN IN BOSANSKI SAMAC?



1 A. YES.

2 MR. WEBER: I THINK, YOUR HONOR, THAT THIS WITNESS  
3 DOES NOT NEED A TRANSLATOR. IT MAY BE THAT WE'LL NEED ONE, BUT  
4 I THINK THIS WITNESS --

5 THE INTERPRETER: THAT IS FINE, BUT HE ASKED ME TO  
6 COVER SOME QUESTIONS AND TO STAND BY IF HE NEEDED HELP. I CAN  
7 STEP DOWN IF YOU WANT ME TO, OR WOULD YOU LIKE ME TO STAY?

8 MR. WEBER: WHY DON'T YOU STAY JUST IN CASE?

9 THE INTERPRETER: OKAY.

10 BY MR. WEBER:

11 Q. AND WHEN WERE YOU BORN IN BOSANSKI SAMAC?

12 A. ALL MY LIFE.

13 Q. WHAT YEAR WERE YOU BORN?

14 A. 1960.

15 Q. AND WERE YOU MARRIED THERE?

16 A. YEAH.

17 Q. AND YOU HAD FAMILY THERE?

18 A. YEAH.

19 Q. DID YOU KNOW NIKOLA VUKOVIC?

20 A. YEAH.

21 Q. HOW DID YOU KNOW HIM?

22 A. I KNOW HIM ABOUT -- I SAW HIM 1988, 1989, BEFORE THE WAR.  
23 BECAUSE HE LIVE BEFORE THEN IN YUGOSLAVIA, AND I THINK SO HE  
24 COME TO BOSANSKI SAMAC LIKE SPY IN ONE AREA THAT IS NAMED  
25 CROATIA. WE CALLED HIS MIDDLE NAME.

1 Q. SO HE LIVED IN YOUR NEIGHBORHOOD?

2 A. RIGHT.

3 Q. DID YOU KNOW HIS WIFE MIRSADA?

4 A. YES.

5 Q. DID YOU KNOW HIS SISTER NADA?

6 A. YES.

7 Q. AFTER THE WAR BEGAN, AFTER THE SERBS TOOK OVER BOSANSKI  
8 SAMAC, DID YOU BEGIN TO SEE NIKOLA VUKOVIC WEAR A UNIFORM?

9 A. IN THE WAR OR AFTER WAR? BEFORE WAR?

10 Q. AFTER BOSANSKI SAMAC WAS TAKEN OVER BY THE SERBS, DID HE  
11 BEGIN TO WEAR A UNIFORM?

12 A. YEAH. YEAH. I SAW HIM.

13 Q. AND YOU ULTIMATELY CAME TO THE UNITED STATES AND LIVED IN  
14 GEORGIA?

15 A. ME?

16 Q. YES.

17 A. NO. I BEEN SOLDIER --

18 Q. NO. NO. AFTER THE WAR, YOU MOVED TO THE UNITED STATES?

19 A. YEAH. RIGHT.

20 Q. AND YOU LIVED IN GEORGIA?

21 A. YEAH.

22 Q. AND YOU HAVE SEEN SOME NEWSPAPER ARTICLES ABOUT THIS CASE?

23 A. YEAH.

24 Q. YOU SEEN SOME TELEVISION SHOWS ABOUT THIS CASE? A 20/20  
25 EPISODE?

1 A. YEAH.

2 Q. WHEN YOU SAW THOSE NEWSPAPER ARTICLES AND PHOTOGRAPHS, DID  
3 THEY SOMETIMES HAVE PICTURES OF THE DEFENDANT, NIKOLA VUKOVIC?

4 A. YEAH.

5 Q. IS THAT THE SAME NIKOLA VUKOVIC THAT YOU KNEW IN BOSANSKI  
6 SAMAC?

7 A. YES, SAME, JUST HE DON'T HAVE ANY HAIR.

8 Q. HE HAD LOST SOME OF HIS HAIR?

9 A. RIGHT.

10 Q. IF YOU WOULD LOOK AT -- I BELIEVE YOU HAVE THEM UP THERE.  
11 IF YOU COULD LOOK AT THESE PHOTOGRAPHS, THEY'VE BEEN IDENTIFIED  
12 AS PLAINTIFF'S EXHIBITS 33 AND 34. DO YOU KNOW THAT TO BE  
13 NIKOLA VUKOVIC?

14 A. YEAH.

15 Q. DID THERE COME A TIME WHEN YOU SAW NIKOLA VUKOVIC IN THE  
16 UNITED STATES IN GEORGIA?

17 A. YEAH. I SAW HIM IN CLARKSTON, IN DEKALB COUNTY.

18 Q. AND YOU WERE -- WHAT WERE YOU DOING IN CLARKSTON?

19 A. I BEEN WITH MY WIFE AND FRIENDS, I'VE BEEN SHOPPING, AND --

20 Q. WERE YOU IN A CAR, OR WERE YOU WALKING?

21 A. CAR. YEAH. HE WALK. HE WALK. I DRIVE CAR. AND MY WIFE  
22 SAID -- MY WIFE SAID, OH, LOOK, KEMAL, IT IS BATA. IT IS HIS  
23 NAME, MIDDLE NAME IN BOSNIA. EVERYBODY CALLED HIM BATA.

24 Q. OKAY, BATA WAS A NICKNAME WAS NIKOLA VUCKOVIC?

25 A. YES. AND I SAID, IT IS IMPOSSIBLE BATA HE CAN BE HERE.

1 AND I STOP CAR, I PULL OVER CAR AND PARK, AND I WAIT. AND HE  
2 COMING. AND HE COME. AND I SAW HIM. I SAID, REALLY THIS IS  
3 BATA. IT IS. AND I TURN ON CAR, AND I EASY DRIVE, AND I PULL  
4 OVER MY CAR ONE MORE TIME. AND I OPEN WINDOW AND I ASK HIM,  
5 "WHAT YOU DOING HERE?" AND HE SAID, "I COMING TO VISIT." HE  
6 SAID SOMETHING -- HE SAID. AND HE TOLD ME, "I COME TO VISIT MY  
7 FRIENDS." I DON'T KNOW HOW HE CAN BE HERE, EVERYBODY KNOW  
8 HE'S --

9 Q. SO YOU ARE DRIVING ALONG, RIGHT?

10 A. YEAH.

11 Q. AND YOU ARE DRIVING WITH YOUR WIFE, YOU'RE SHOPPING IN  
12 CLARKSTON; RIGHT?

13 A. YEAH.

14 Q. AND YOU SEE THIS MAN WALKING. WAS HE WITH HIS WIFE OR  
15 ALONE?

16 A. YES, HE WAS WITH HIS WIFE.

17 Q. HE WAS WITH MIRSADA?

18 A. YEAH.

19 Q. AND YOUR WIFE SAYS, ISN'T THAT VUKOVIC, OR HIS NICKNAME  
20 BATA?

21 A. YEAH.

22 Q. SO YOU DRIVE BY HIM; CORRECT?

23 A. YEAH. AND I PULL OVER CAR, AND I PARK IN A SUBDIVISION,  
24 BECAUSE I CAN STOP OVER ON STREET, LIKE YOU GO IN WHERE  
25 APARTMENTS PLACE, I PULL OVER CAR AND PARK, AND I WAIT ON HIM

1 ABOUT FIVE OR TEN MINUTES, AND HE COMING.

2 Q. AND THEN YOU ROLL DOWN YOUR WINDOW; RIGHT?

3 A. RIGHT. AND I ROLL DOWN THE WINDOW.

4 Q. AND THEN YOU HAVE THIS SHORT CONVERSATION WITH HIM?

5 A. YEAH. AND HE MAKE FRIENDS, HE GIVE ME HAND, AND I SAID, NO,

6 NO, JUST I WANT TO TELL YOU HI.

7 Q. AND HOW FAR AWAY WERE YOU FROM HIM? JUST ARMS LENGTH?

8 A. OH, ONE METER.

9 Q. AFTER YOU SAW THE DEFENDANT, NIKOLA VUKOVIC, IN CLARKSTON,

10 GEORGIA, DID YOU LET ANYONE KNOW?

11 A. NO.

12 Q. DID YOU CALL ANYONE?

13 A. NO. I CALL JUST KEMAL MEHINOVIC. AND I ASK HIM, I KNOW OF

14 THIS BECAUSE I TOLD YOU THAT THEY HAVE A SPY OVER THERE. PEOPLE

15 IN JAIL, EVERYBODY KNOW WHAT IS UP ON OUR SIDE.

16 Q. SO YOU KNEW KEMAL MEHINOVIC FROM BOSANSKI SAMAC?

17 A. RIGHT. I KNOW HIM MY WHOLE LIFE.

18 Q. SO AFTER YOU SEE NIKOLA VUKOVIC YOU CALL KEMAL AND LET HIM

19 KNOW?

20 A. RIGHT.

21 Q. WHAT DID KEMAL SAY?

22 A. I ASK HIM, MY FRIEND, I FORGOT -- BECAUSE -- BEFORE KEMAL

23 TOLD ME, BECAUSE HE BE WITH ME, SOLDIER, HE BE ABOUT ONE YEAR

24 BEFORE I GO IN THE UNITED STATES. AND WE TALK ABOUT EVERYTHING

25 HE SAY FROM NIKOLA VUKOVIC, WHAT IS HE UP AND DOING, OH, IN

1 POLICE STATION AND THE SCHOOL AND --

2 Q. SO YOU HAD HEARD ABOUT, FROM KEMAL, ABOUT WHAT VUKOVIC HAD  
3 DONE TO HIM?

4 A. RIGHT.

5 Q. SO YOU CALLED KEMAL AND TELL HIM THAT YOU'VE SEEN VUKOVIC?

6 A. YEAH. AND LATER HE, KEMAL, TOLD ME PLEASE DON'T ASK NOBODY  
7 ABOUT THIS. AND I NEED FIND PEOPLE -- I DON'T KNOW. HE KNOW  
8 SOMEBODY IN CALIFORNIA, I DON'T KNOW WHERE, IN SAN FRANCISCO,  
9 AND HE CALL. I DON'T KNOW.

10 Q. SO KEMAL CALLED SOME PEOPLE AFTER THAT?

11 A. RIGHT.

12 Q. BUT YOU INFORMED KEMAL THAT YOU HAD SEEN VUKOVIC?

13 A. YEAH. AND KEMAL TOLD ME THAT I BE A WITNESS? YES, I BE A  
14 WITNESS. AND I HAVE MORE WITNESSES, BECAUSE IT IS MY BROTHER.  
15 AND JUST HE SCARED, BECAUSE MY BROTHER SAW HE KILLED ONE GUY,  
16 AND MY BROTHER SCARED. AND HE GOT FAMILY AND, YOU KNOW.

17 Q. AND THE PERSON IN THOSE PHOTOGRAPHS IS NIKOLA VUKOVIC?

18 A. YES.

19 Q. IS THAT THE SAME PERSON YOU SAW IN CLARKSTON?

20 A. YEAH.

21 MR. WEBER: I HAVE NO FURTHER QUESTIONS, YOUR HONOR.

22 THE COURT: ALL RIGHT, SIR. YOU MAY STEP DOWN. YOU  
23 MIGHT TENDER THOSE EXHIBITS, 33 AND 34, IN EVIDENCE. THEY'VE  
24 BEEN IDENTIFIED, BUT I DON'T THINK THEY'VE BEEN ADMITTED.

25 MR. WEBER: WE MOVE TO HAVE THOSE ADMITTED INTO

1 EVIDENCE.

2 THE COURT: THEY ARE ADMITTED.

3 MR. WEBER: AS WELL AS THE OTHER PHOTOGRAPHS THAT  
4 WE'VE MARKED AS EXHIBITS.

5 THE CLERK: THEY'VE BEEN TENDERED AND ADMITTED  
6 ALREADY.

7 THE COURT: DO YOU HAVE ANYBODY ELSE YOU WANT TO USE  
8 THIS AFTERNOON?

9 MR. HOFFMAN: I DON'T THINK SO, YOUR HONOR. I THINK  
10 IT WOULD BE BEST IF WE HAD OUR REMAINING TWO WITNESSES IN THE  
11 MORNING, IF THAT'S --

12 THE COURT: LET ME SEE COUNSEL UP HERE FOR A MOMENT.

13 (OFF THE RECORD DISCUSSION BETWEEN COURT AND  
14 COUNSEL).

15 THE COURT: WE'LL BE IN RECESS UNTIL 10 O'CLOCK  
16 TOMORROW MORNING.

17 (COURT ADJOURNS AT 4:45 P.M.)

18 - - - - -

19 REPORTER'S CERTIFICATION

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

22 \_\_\_\_\_  
23 LORI BURGESS  
24 OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA

25 DATE: NOVEMBER 13, 2001.

