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THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

Case No. IT-97-25-T

IN THE TRIAL CHAMBER

Before: Judge David Hunt, Presiding  
Judge Florence Ndepele Mwachande Mumba  
Judge Liu Daqun

Registrar: Mr. Hans Holthuis

Date Filed: 13 July 2001

THE PROSECUTOR

v.

MILORAD KRNOJELAC

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**PROSECUTOR'S  
FINAL TRIAL BRIEF**

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<b>I. RELEVANT BACKGROUND FACTS</b>	<b>2</b>
<b>A. Political development</b>	<b>2</b>
<b>B. Existence of an armed conflict</b>	<b>5</b>
<b>C. Persecution of Muslims and other Non-Serbs</b>	<b>5</b>
1. Attacks and arrests	6
2. Imposition of restrictive and discriminatory measures	11
3. Deliberate destruction of Muslim homes, property and sacral sites	15
4. Beatings of Muslim civilians outside of KP Dom	17
5. Deliberate killings of Muslim civilians	18
6. Widespread acts of sexual assaults	19
7. Deportation and transfer of the remaining non-Serb population	19
<b>II. EVIDENCE OF CRIMES COMMITTED WITHIN KP DOM</b>	<b>21</b>
<b>A. Imprisonment</b>	<b>21</b>
<b>B. Torture and Beatings</b>	<b>32</b>
<b>C. Killings occurring at the KP Dom</b>	<b>46</b>
<b>D. Establishment and perpetration of inhumane conditions</b>	<b>49</b>
<b>E. Prolonged and frequent forced labour</b>	<b>58</b>
1. Type of work duties	58
2. Duration and working hours of the forced labour	61
3. Forced labour of Muslim detainees at the benefit of the Krnojelac family	61
4. Work was not voluntary	62
5. Physical consequences of the forced labour on the health of the detainees	64
6. The administration of the work assignments	64
7. Work by Serb convicts and military violators	65
<b>F. Selection of detainees from the KP Dom for deportation</b>	<b>66</b>
1. Dates of exchanges and deportation	66
2. The group of plum-pickers taken out in September 1992	67
3. Procedure involved	68
<b>III. BACKGROUND OF THE ACCUSED</b>	<b>70</b>
<b>A. Personal</b>	<b>70</b>
<b>B. Military</b>	<b>71</b>
<b>C. Political</b>	<b>72</b>
<b>IV. ACCUSED'S POSITION OF SUPERIOR AUTHORITY AT THE KP DOM 75</b>	
<b>A. Unitary Civilian/Military Power Structure</b>	<b>76</b>
1. Outside KP Dom - Fo~a Military Government	76
2. Within KP Dom	79
3. Pre-war structure	82
<b>B. Accused as Head of the Unitary Power Structure in KP Dom</b>	<b>86</b>
1. Documents Signed by the Accused as Warden	88
2. Statements of accused's authority	91
<b>V. ACCUSED'S PARTICIPATION IN AND KNOWLEDGE OF THE CRIMES</b>	<b>113</b>

<b>A.</b>	<b>The Accused's Presence at the KP Dom</b>	<b>113</b>
<b>B.</b>	<b>Prolonged and Routine Imprisonment and Confinement</b>	<b>117</b>
<b>C.</b>	<b>Repeated Torture and Beatings</b>	<b>121</b>
<b>D.</b>	<b>Prolonged and Frequent Forced Labour</b>	<b>124</b>
<b>E.</b>	<b>Establishment and Perpetration of Inhumane Conditions</b>	<b>128</b>
<b>F.</b>	<b>Selection of Detainees from the KP Dom for Deportation to Montenegro and other Places.</b>	<b>132</b>
<b>VI.</b>	<b>GENERAL CONSIDERATION REGARDING EVALUATION OF EVIDENCE</b>	<b>135</b>
<b>VII</b>	<b>LEGAL ARGUMENT</b>	<b>136</b>
<b>A.</b>	<b>Direct Criminal Responsibility under Statute Article 7(1)</b>	<b>137</b>
1.	Conduct	138
2.	Intent	143
3.	Common Purpose Liability/ Joint Criminal Enterprise	144
<b>B.</b>	<b>Criminal Responsibility as a Superior under Statute Article 7(3)</b>	<b>147</b>
1.	Superior-Subordinate Relationship	147
2.	Knowledge	150
3.	Actual knowledge	151
4.	Reason to know	153
5.	Necessary and Reasonable Measures	154
<b>C.</b>	<b>Article 3 - Common Elements</b>	<b>156</b>
<b>D.</b>	<b>Article 5 - Common Elements</b>	<b>157</b>
1.	"widespread"	157
2.	Systematic	157
3.	Knowledge of Context	157
<b>E.</b>	<b>Specific Crimes</b>	<b>158</b>
1.	Torture	158
2.	Beatings as Cruel Treatment	162
3.	Murder	162
4.	Imprisonment	163
5.	Slavery/Enslavement	164
6.	Persecution	173
7.	Deportation as an Act of Persecution	175
8.	Cumulative charging	175
<b>VIII</b>	<b>SENTENCING</b>	<b>176</b>
<b>IX.</b>	<b>CONCLUSION</b>	<b>189</b>

1. Pursuant to this Trial Chamber's Scheduling Order of 4 July 2001 and Rule 86(B) of the Rules of Procedure and Evidence ("Rules"), the Prosecutor files her Final Trial Brief. All references to "Indictment" are to the Third Amended Indictment filed 25 June 2001.<sup>1\*</sup>

## I. RELEVANT BACKGROUND FACTS

2. The city and municipality of Foča are located southeast of Sarajevo, in the Republic of Bosnia and Herzegovina ("Bosnia and Herzegovina"), and border Serbia and Montenegro.<sup>2</sup> According to the 1991 census, the population of the Foča municipality was 40,513 persons of which 51.6% were Muslim, 45.3% were Serbian, and 3.1% were listed as others.<sup>3</sup> Many areas within the Foča town and municipality were ethnically mixed, although individual neighbourhoods in Foča town and many villages throughout the municipality could be identified as Muslim or Serb settlements.<sup>4</sup>

3. In 1991, the population of Foča town was 14,335 of which 7,901 were Serbs and 5,526 were Muslims. Within the town, neighbourhoods of Donje Polje, Aladža, Šukovac and Prijeka Čaršija were predominantly Muslim,<sup>5</sup> whereas the Čerežluk area was predominantly Serb.<sup>6</sup> In addition to its importance in the Gornje Podrinje region, Foča is situated at a strategic location where four main roads meet, connecting Nikšić in Montenegro with Central Bosnia, especially Sarajevo, and Serbia with the Croatian coast at Dubrovnik.<sup>7</sup>

### **A. Political development**

4. Relations between all ethnic groups in Foča and the surrounding villages were good until the disintegration of the Socialist Federal Republic of Yugoslavia ("the

<sup>1</sup> *Prosecutor v. Milorad Krnojelac*, Prosecution's Second Motion to File Third Amended Indictment, Case No. IT-97-2—T, 25 June 2001.

<sup>2</sup> Exhibit P-10 and Exhibit P-12.

<sup>3</sup> Exhibit P-14; Exhibit P-15; Exhibit P-15 /1; See also Exhibit P-286 (Osman Subašić), p. 4099.

<sup>4</sup> Details of the ethnic composition are specified below and in Exhibit P-14 and Exhibit P-15 /1.

<sup>5</sup> Exhibit P-15; Exhibit P-15 /1. See also FWS-33 (Exhibit P-106), p.469; Safet Avdić (Exhibit P-123), p. 647; Osman Subašić (Exhibit P-286), p. 4047.

<sup>6</sup> Osman Subašić (Exhibit P-286), p. 4055.

<sup>7</sup> Exhibit P-10; Exhibit P-16.

SFRY”) in the early 1990s.<sup>8</sup> In particular, ethnic tensions rose between the Serbs and the Muslims in Foča during the so-called “Foča-Trans affair,”<sup>9</sup> a strike situation in the public transport company which caused an intervention of the police of the Republic against workers of Serb ethnicity.<sup>10</sup>

5. Tensions intensified with the establishment of nationalistic parties in 1990 and subsequent election rallies, during which references to World War II events caused fear among the ethnic groups in Foča.<sup>11</sup> Also, in the period shortly preceding the outbreak of the conflict in April 1992, nationalistic incitement and ethnic threats towards the other ethnic group were made.<sup>12</sup> During a speech at the founding meeting of the Serbian Cultural and Arts Society held in Foča High School, Vojislav Maksimović from Foča, at that time professor at the Faculty of Philosophy of the University of Sarajevo and leading SDS politician on the republic level,<sup>13</sup> said that the Muslims were the greatest enemy of the Serbs.<sup>14</sup> During the conflict, Vojislav Maksimović became a member of the Foča Crisis Staff.<sup>15</sup>

6. Radovan Karadžić, President of the SDS, during one of the Parliament sessions, openly threatened the Muslim population by saying that either Bosnia and Herzegovina would be divided along ethnic lines, or one of the nations would be wiped out from these areas, and that would be the Muslims.<sup>16</sup> High-ranking Serb officials in Foča, such as Vojislav Maksimović, Velibor Ostojić and Radovan Karadžić, said publicly on the radio and during public demonstrations, that there could be no life in common with the Muslims in Bosnia. They reiterated that Muslims were the greatest enemy of the Serb people.<sup>17</sup> SDS leaders also said that if they were

<sup>8</sup> FWS-33 (Exhibit P-106), p. 446.

<sup>9</sup> FWS-33 (Exhibit P-106), p. 447; Safet Avdić (Exhibit P-123), p. 793, 795, FWS-249 (Exhibit P-161), p. 2162-2163.

<sup>10</sup> FWS-249 (Exhibit P-161), p. 2072.

<sup>11</sup> FWS-33 (Exhibit P-106), p. 447-449, 536, 537, 540; Safet Avdić (Exhibit P-123), p. 641-642; FWS-86, T 1447-1448, 1549; FWS-69, T 4151-4153, 4155.

<sup>12</sup> Safet Avdić (Exhibit P-123), p. 643; FWS-33 (Exhibit P-106), p. 450; FWS-215, T 829; FWS-86, T 1448; FWS-182, T 1572-1573, 1663.

<sup>13</sup> FWS-33 (Exhibit P-106), p. 502; Safet Avdić (Exhibit P-123), p. 643.

<sup>14</sup> Safet Avdić (Exhibit P-123), p. 643.

<sup>15</sup> See Exhibit D-73.

<sup>16</sup> Exhibit P-21. See also FWS-33 (Exhibit P-106), p. 450.

<sup>17</sup> Safet Avdić (Exhibit P-123), p. 642-643; FWS-215, T 829; FWS-86, T 1448; FWS-182, T 1572-1573, 1663.

to reach power, the political and economic affairs of Foča would be run by Serbs only.<sup>18</sup>

7. Before the actual outbreak of the conflict in Bosnia and Herzegovina, preparations for war were already being made. The Serb population received arms and equipment from the Yugoslav People's Army ("the JNA") whereas parts of the Muslim population tried to buy weapons from various sources.<sup>19</sup> Therefore, when the conflict broke out, the Serb forces in Foča were better armed than the Muslims. The Serb forces, in particular, were equipped with heavy artillery weapons.<sup>20</sup>

8. By March 1992, the normal administrative bodies in Foča ceased to function jointly. The Serbs in Foča formed a separate local Serb political structure: the Serbian Municipal assembly of Foča with its president Josif Miličić.<sup>21</sup> In addition, separate Crisis Staffs along ethnic lines were created. The Serbs in Foča created a Crisis Staff as early as June 1991 focused on organising the Serb population and preparing for war.<sup>22</sup> Osman Subašić observed that this Crisis Staff operated from a location in the Serb settlement of Čerežluk near the Orthodox church in Foča.<sup>23</sup> According to the politician Miroslav Stanić, president of the SDS-Foča, chairman of the Crisis Staff-Foča<sup>24</sup> and "First War Commander" in Foča,<sup>25</sup> the local SDS formed eight battalions, and organized their equipment and military training in June 1991.<sup>26</sup> Following massive requests and pressure from the SDS leadership, on 7 April 1992, the local police were divided along ethnic lines and stopped functioning properly and neutrally.<sup>27</sup>

<sup>18</sup> Dževad S. Lojo, T 2519, 2522-2523.

<sup>19</sup> FWS-33 (Exhibit P-106), p. 575; Osman Subašić (Exhibit P-286), p. 4049, 4129-4131.

<sup>20</sup> Exhibit P-33. See the articles headlined "Looking at the sky" in the Serb military newspaper VINS, page 12, "Continuing their Forebears' Tradition," VINS page 13. FWS-33 (Exhibit P-106), p. 457; Safet Avdić (Exhibit P-123), p. 650, 660; Osman Subašić (Exhibit P-286), p. 4053-4054, 4130-4131. Safet Avdić observed that Foča was shelled when the conflict broke out, P-123, p. 650.

<sup>21</sup> Exhibit P-24, Request of the Serbian Municipality of Foča to the JNA General Staff in Belgrade for stationing a garrison in Foča, dated 17 March 1992.

<sup>22</sup> Exhibit P-33, article on Slavko Todović in the Serb military newspaper VINS, page 17, paragraphs 1 to 4 of the English translation.

<sup>23</sup> Osman Subašić (Exhibit P-286), p. 4055-4056.

<sup>24</sup> Exhibit D-73. On this document, Miro Stanić's name appears first on the list of the members of the Crisis Staff.

<sup>25</sup> FWS-33 (Exhibit P-106), p. 500.

<sup>26</sup> Exhibit P-23 and Exhibit P-23/1. See also Safet Avdić (Exhibit P-123), p. 650 and Osman Subašić (Exhibit P-286), p. 4057. Osman Subašić, in addition to describing the Serb Crisis Staff, mentioned that the Muslims had set up a Crisis Staff in the Donje Polje neighbourhood.

<sup>27</sup> FWS-33 (Exhibit P-106), p. 451,452; Osman Subašić (Exhibit P-286), p. 4050, 4054, 4058-4059.

9. The political and military take-over of the municipality of Foča started with the first military actions in the town of Foča on 8 April 1992.<sup>28</sup> Roadblocks were set up.<sup>29</sup> Shooting started on 8 August 1992, including artillery, and lasted for about 6 to 7 days.<sup>30</sup> Serb forces fired on Donje Polje from artillery positions in Kalinovik and Miljevina while the Muslim fighters had mostly infantry weapons and were concentrated in Donje Polje and Šukovac.<sup>31</sup> The Serb forces, supported by artillery and heavy weapons, proceeded to take over Foča, section by section. The take-over of Foča town was complete by 16 or 17 April 1992, at the latest. At that time, the Muslim fighters withdrew to Ustikolina in the direction of Goražde. According to Miroslav Stanić, Foča town was under Serb control after six days of fighting and the entire municipality was taken over by the Serb forces by 25 April 1992.<sup>32</sup>

## **B. Existence of an armed conflict**

10. It is undisputed that throughout the entire time relevant for this Indictment, an armed conflict took place in and around Foča municipality. It is also undisputed that the parties to this armed conflict were composed on the one side, of mostly ethnic Serb forces, and on the other, of mostly ethnic Muslim forces.<sup>33</sup> This armed conflict in and around Foča municipality was part of a much wider armed conflict in Bosnia and Herzegovina at that time. From June 1992 until February 1993, fighting took place, especially along the Foča/Goražde and Trnovo/Kalinovik frontlines.<sup>34</sup>

## **C. Persecution of Muslims and other Non-Serbs**

<sup>28</sup> FWS-33 (Exhibit P-106), p. 456; Safet Avdić (Exhibit P-123), p. 654, 656. *Prosecutor v. Kunarac, Kovač and Vuković*, Case IT-96-23-T & IT-96-23/1-T, Judgement, 22 February 2001, para. 21.

<sup>29</sup> FWS-33 (Exhibit P-106), p. 462

<sup>30</sup> FWS-33 (Exhibit P-106), p. 464-465. Osman Subašić mentioned that the fighting lasted from 8 April 1992 to 14 April 1992. Safet Avdić (Exhibit P-123), p. 660 observed that Foča was shelled.

<sup>31</sup> Osman Subašić (Exhibit P-286), p. 4061, 4131.

<sup>32</sup> Exhibit P-23 and Exhibit P-23/1. Safet Avdić testified that fighting in Foča stopped in mid-April 1992 and that by end of April/ beginning of May 1992 the Serb authorities announced publicly that they had established the normal run of local affairs and business. Safet Avdić (Exhibit P-123), p. 671-673, Osman Subašić mentioned that Foča fell on 15 April 1992 and by that time all Muslim fighters had left Foča town and withdrawn to Ustikolina, halfway between Foča and Goražde. Osman Subašić (Exhibit P-286), p. 4063-4064. Indictment para. 1.1.

<sup>33</sup> Pre-Trial Conference, T. 118.

<sup>34</sup> FWS-86, T 1456; FWS-182, T 1580 -1581; Dževad S. Lojo, T 2529-2530; Ekrem Zeković, T 3641.

11. After the Serb forces established control over Foča, a widespread and systematic attack on the non-Serb civilian population started including:

- military attacks on the Muslim villages throughout the municipality with rounding up of civilian inhabitants;
- imposing restrictive and discriminating measures on the remaining non-Serb population, especially Muslim civilians, designed to drive them out of the municipality;
- arrests of the non-Serb population, especially Muslim inhabitants in Foča town and municipality;
- unlawful confinement of non-Serb civilians in various short-term and long-term detention facilities;
- deliberate destruction of Muslim homes, property and sacral sites;
- arbitrary beatings of Muslim civilians;
- deliberate killings of Muslim civilians;
- widespread acts of sexual assaults by Serb soldiers and paramilitaries;
- deportation and transfer of the remaining non-Serb population, especially Muslim civilians, who were expelled from their homes and/or detained and later deported or transferred.

#### **1. Attacks and arrests**

12. As soon as the Serb forces had taken over parts of Foča town, military police accompanied by local and non-local soldiers started unlawfully arresting and detaining Muslim and Croat inhabitants.<sup>35</sup> On 14 or 15 April 1992, Muslims and

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<sup>35</sup> Indictment, para. 1.2.

Serbs living in the center of Foča, among them FWS-33 and her family, Zulfo Veiz, Munib Veiz and Murat Crneta were taken from their homes to the Territorial Defence (the "TO") military warehouses in the Livade settlement in Foča by Serb soldiers.<sup>36</sup> On their way to Livade, the Muslims among the inhabitants were insulted with the derogatory term "baliija" and threatened to be taken aside and killed.<sup>37</sup> In Livade, the Muslims and Serbs were registered on separate lists. While the Serb inhabitants were allowed to return to their homes after a brief period of one or two hours, the Muslim civilians, among them men, women and children, had to stay. Subsequently, the Muslim men were detained in several hangars belonging to the TO. They stayed in those warehouses for four days while, due to space constraints, women, children and some of the elderly were allowed to leave and move in with relatives or neighbours. FWS-33 fearing for the safety of her husband and her son remained with them in the Livade warehouse.<sup>38</sup> The hangars were not equipped for housing people; therefore, toilets and washrooms were not freely accessible for the detainees and there was not enough space. Beds were not provided so that the detainees had to sleep on the floor.<sup>39</sup>

13. In addition to the civilians brought in from the section of Foča where FWS-33 was living, Muslim civilians from other areas of Foča town were arrested between 14 and 17 April 1992 and also detained in the TO warehouses in Livade, among them several doctors and other medical staff from the Foča hospital.<sup>40</sup> During the arrest, several of the detainees were severely beaten up and injured.<sup>41</sup>

14. On 17 April 1992, all the Muslim civilians detained in the TO warehouses in Livade, among them FWS-33, were transferred to the Foča Kazneno-Popravni Dom ("KP Dom"), a facility which had been a large prison before the war. They continued to be detained there for various terms, from two weeks such as FWS-33 and her family, until two and a half years.<sup>42</sup> In the beginning, soldiers from the Užice Corps

<sup>36</sup> FWS-33 (Exhibit P-106), p. 471, 473, 474, FWS-142, T 1816-1818,

<sup>37</sup> FWS-33 (Exhibit P-106), p. 511.

<sup>38</sup> FWS-33 (Exhibit P-106), p. 474, 478.

<sup>39</sup> FWS-33 (Exhibit P-106), p. 480, 619.

<sup>40</sup> FWS-33 (Exhibit P-106), p. 478. Indictment, para. 1.2.

<sup>41</sup> FWS-33 (Exhibit P-106), p. 479; FWS-111, T 1195-1203; FWS-182, T 1583-1586.

<sup>42</sup> FWS-33 (Exhibit P-106), p. 483; FWS-249 (Exhibit P-161), p. 2110-2111. FWS-139, T 412; Safet Avdić (Exhibit P-123), p. 697; FWS-85, T 579; FWS-215, T 865, 917; FWS-198, T 957; FWS-66, T 1133; FWS-138, T 2110; FWS-71, T 2916; FWS-144, T 2311, 2323; FWS-146, T 3084; FWS-73, T 3343; Ekrem Zeković, T 3606; FWS-249, T 4438-4439, 4487; FWS-89, T 4710; FWS-250, T 5069.

from Serbia were dealing with the detainees at KP Dom; in the course of April 1992, local Serbs took over control of the detention facility.<sup>43</sup>

15. Besides the Muslim civilians previously detained in the TO warehouses in Livade, from 17 April throughout 1992, non-Serb citizens from Foča, mostly male Muslim civilians, were unlawfully arrested,<sup>44</sup> among them medical staff and patients from the Foča hospital,<sup>45</sup> and subsequently detained in the Foča KP Dom. Several of them arrived in the KP Dom severely beaten up and injured.<sup>46</sup>

16. Others such as Safet Avdić were arrested by military police while walking in the street. The witness had not committed any offences but was arrested according to a list.<sup>47</sup> Safet Avdić was taken to KP Dom and detained there until 5 October 1994.<sup>48</sup> FWS-249 and his 21 year old son, like many others, were arrested in his home, and along with two other Muslim neighbours, taken to the KP Dom by soldiers, including Zoran Vuković and "Zelja."<sup>49</sup> After the arrest, FWS-249 and his son were detained in KP Dom until 5 October 1994.<sup>50</sup> On 8 July 1992, FWS-58, who was 71 years old at the time, went to the SUP in Foča escorted by two Serb neighbours to pick up the permit to be able to leave. From there, he was taken to the high school in Aladža where he was kept for a week. On the seventh day a policeman took him to the KP Dom, along with two other elderly men.<sup>51</sup>

17. Ustikolina is situated about 12 km downstream of the Drina River in the direction of Goražde. Most Muslims, fleeing Foča after the initial attack, went in the direction of Goražde and stayed in Ustikolina where those with weapons tried to form

<sup>43</sup> FWS-33 (Exhibit P-106), p. 506-507; Safet Avdić (Exhibit P-123), p. 691.

<sup>44</sup> Muslims in Foča were arrested in their apartments: FWS-85, T 571-572, 574; FWS-54, T 729; FWS-215, T 856; FWS-66, T 1067; FWS-86, T 1453-1455; Rasim Taranin, T 1694; FWS-142, T 1816-1818; FWS-138, T 2043; FWS-3, T 2230-2231; Dževad S. Lojo, T 2525; Ekrem Zeković, T 3441-3442; R.J., T 3842-3843; FWS-89, T 4656-4715; FWS-137, T 4731-4732, 4783-4784. Other civilians were arrested at the Foča hospital while being treated for injuries: FWS-146, T 3061, Amir Berberkić, T 3729-3731, Nezir Cengiđ, T 4689-4691, 4693, FWS-111 was arrested at the medical center where he worked in Foča. FWS-111, T 1188-1189, 1195.

<sup>45</sup> Amir Berberkić, T 3729-3731; FWS-172, T 4546, 4553-4554.

<sup>46</sup> FWS-33 (Exhibit P-106), p. 481-482, 483.

<sup>47</sup> Safet Avdić (Exhibit P-123), p. 676, 757.

<sup>48</sup> Exhibit P-122; Exhibit P-122/1. See also Safet Avdić (Exhibit P-123), p. 696-697.

<sup>49</sup> FWS-249 (Exhibit P-161), p. 2102-2107; The soldier "Zelja" is the soldier Dragan Zelenović. He is an indictee in the Case No. IT-96-23 but still remains at large.

<sup>50</sup> FWS-249 (Exhibit P-161), p. 2110; Exhibit P-160 (under seal).

<sup>51</sup> FWS-58, T. 2679-2684.

a resistance.<sup>52</sup> On or about 26 April 1992, the villages of Paunci and Pilipovići, next to Ustikolina, were burnt down.<sup>53</sup> Serb forces attacked Ustikolina around 28 April 1992 after which the Muslims retreated in the direction of Goražde to Ošanica.<sup>54</sup> As soon as the Serb forces had taken over Ustikolina they started torching the Muslim houses.<sup>55</sup> From Ustikolina the Serb forces continued to attack and destroy Muslim villages along the Drina River in the direction of Goražde.<sup>56</sup>

18. Since FWS-104 heard that Serb troops were killing Muslims and Croats, he left Foča towards Goražde and stopped at a JNA Fuel Depot at Pilipovići. He together with many other Muslim civilians sought shelter there.<sup>57</sup> On 26 April 1992, the warehouse was captured by Serb military formations who burst in and separated Muslim men from Muslim women and children.<sup>58</sup> While searching the men, the soldiers found a SDA membership card. They then lined up the group of civilians and asked to whom did it belong. When they received no answer, they arbitrarily selected several men and, in addition, called out the names of several Muslim men from a piece of paper. Altogether nine men were separated and shot in the back, execution-style. Of the nine, one escaped and another survived.<sup>59</sup>

19. Miljevina, in the municipality of Foča, is a settlement approximately 18 kilometers away from Foča town in the direction of Kalinovik and Sarajevo. Immediately before the outbreak of the war in Foča, the Serb forces in Miljevina led by Pero Elez took over the police station in Miljevina and set up a roadblock near the Miljevina Motel so that the villagers from Miljevina could not reach Foča anymore.<sup>60</sup> After the fall of Foča, the Serb forces in Miljevina set the surrounding Muslim villages on fire and arrested male Muslim civilians.<sup>61</sup>

<sup>52</sup> Osman Subašić (Exhibit P-286), p. 4063-4064.

<sup>53</sup> Amir Berberkić, T 3726.

<sup>54</sup> Osman Subašić (Exhibit P-286), p. 4066.

<sup>55</sup> Osman Subašić (Exhibit P-286), p. 4067.

<sup>56</sup> Osman Subašić (Exhibit P-286), p. 4069-4070.

<sup>57</sup> FWS-104, T 2152, 2154-2155; FWS-120, T 3098.

<sup>58</sup> FWS-104, T 2155.

<sup>59</sup> FWS-104, T 2156-2157; Juso Taranin, T 3006-3009.

<sup>60</sup> FWS-249 (Exhibit P-161), p. 2078, 2079.

<sup>61</sup> FWS-144 saw Jeleč, Susješno, Budanj and Izbišno burning. FWS-144, T 2294-2296. FWS-69 saw the villages Govze, Podgaj, Banjine, Gradac and Ratina burning. FWS-69, T 4034, 4036, 4037, 4052. All of these villages were Muslim villages. Only above the village of Govze there were about ten Serbian houses that were not on fire. FWS-69 also saw the villages of Budanj, Miljevina, Daničići,

20. Rataja is a settlement a few kilometers away from Miljevina inhabited by Serbs and Muslims. On 17 August 1992, as 78 year old Nezir Čengić was going to feed his cattle, a soldier arrested him. Four other elderly people from this village, including his relatives and Fehim Čengić and Hilmo Čengić, were also arrested and taken to the police station in Miljevina. As soon as Nezir Čengić arrived to the Miljevina police station, several soldiers hit and kicked him until he fainted.<sup>62</sup> Nezir Čengić spent the night in the police station. The next morning, he was taken to his home by soldiers who looted his household. They then returned to the police station where they beat him relentlessly. Nezir Čengić was then transferred to the Foča hospital while his relatives were taken to the KP Dom.<sup>63</sup>

21. Jeleč is a Muslim settlement within the Foča municipality, situated about 22 kilometers away from Foča near Miljevina.<sup>64</sup> Jeleč had approximately 300 households. In April 1992, Serbs from Miljevina and Ratine requested the villagers from Jeleč to surrender their weapons. The villagers were afraid to turn in their weapons because they had observed that houses in the Muslim village of Kozja Luka had been burnt down. They tried to negotiate with the Serbs.<sup>65</sup>

22. Jeleč was attacked on 4 or 5 May 1992.<sup>66</sup> It was shelled from the direction of Kalinovik and then attacked by Serb infantry although the villagers did not put up any resistance. When the shelling of the village started, the entire population of the village fled into the nearby forest.<sup>67</sup> FWS-144 saw that Jeleč was burnt down, including the houses and the mosques: "everything that stood in their way was set on fire. They didn't leave anything."<sup>68</sup> Approximately 30 to 35 Muslim villagers who stayed behind were killed in their homes, among them 7 relatives of FWS-249, including his mother.<sup>69</sup> People who tried to escape were shot and killed.<sup>70</sup> Forty-seven male Muslim

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Hrmalusa, Kozja, Luka burning. Nezir Čengić saw Govze, Drace, Poljice, Banjine, Izbišno and Mrdjanovići burned. Nezir Čengić, T 4683, 4701.

<sup>62</sup> Nezir Čengić, T 4683-4685.

<sup>63</sup> Nezir Čengić, T 4685-4686.

<sup>64</sup> FWS-249 (Exhibit P-161), p. 2075, 2164.

<sup>65</sup> FWS-249 (Exhibit P-161), p. 2085, 2086.

<sup>66</sup> FWS-249 (Exhibit P-161), p. 2099-2101, 2165. FWS-144, T 2294-2296.

<sup>67</sup> FWS-144, T 2294-2296. Safet Avdić (Exhibit P-123), p. 684-685.

<sup>68</sup> FWS-144, T 2294-2296. By "they" the witness meant the paramilitary unit "White Eagles".

<sup>69</sup> Safet Avdić (Exhibit P-123), p. 684-685. On that matter, FWS-69 testified that when the people from Jeleč fled to the forest some old people stayed in Jeleč, amongst them the uncle of FWS-69, 89 years old. FWS-69 learned in the KP Dom that 35 people were killed in Jeleč and amongst them his uncle. This was later confirmed by the wife of FWS-69. On 6 May 1992, the wife of FWS-69 returned to Jeleč and when she came to FWS-69 uncle's house she found him dead lying in front of the house.

villagers were captured and first detained in the Kalinovik and Bileća barracks. From there, they were transferred to the KP Dom where they were kept together with the other detainees.<sup>71</sup>

23. On 3 July 1992, early in the morning, Mješaja/Trošanj, a Muslim village situated between Foča and Tjentište was attacked by Serb soldiers. During the initial attack, three villagers were killed.<sup>72</sup> One group of about fifty Muslim villagers, among them FWS-96, were captured. The seven men in this group, among them the two sons of FWS-96, were severely beaten, separated from the women and shot on the spot.<sup>73</sup> The women and children were taken to Buk Bijela, Foča High School and Partizan Sports Hall where they were detained until 13 August 1992. During this period, they were constantly sexually assaulted by Serb soldiers.

24. While these events in the municipality of Foča were taking place, the Bosnian Serbs tried to take over other municipalities of the Gornje Podrinje area. From July 1992 onwards the VRS (Bosnian Serb Army) unsuccessfully tried to conquer the municipality of Goražde but were not able to overrun the defence lines of the Army of Bosnia and Herzegovina around Goražde.<sup>74</sup>

## **2. Imposition of restrictive and discriminatory measures**

25. From April 1992 onwards, restrictions were imposed on the non-Serb population of Foča that had not been arrested. These included restrictions on movements and the prohibition to communicate among themselves or with persons of Serb origin. Non-Serbs lost their jobs and were expelled from their homes.<sup>75</sup> In April-May 1992, Muslims spent days in house arrest in various apartments in Foča either

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He had a gunshot wound in his chest that went through his back. One of his legs had gone when the house had burned. FWS-69, T 4043, 4046, 4048.

<sup>70</sup> Safet Avdić (Exhibit P-123), p. 684-685, FWS-69, T 4054.

<sup>71</sup> Safet Avdić (Exhibit P-123), p. 684-685.

<sup>72</sup> FWS-96 (Exhibit P-186), p. 2504-2505.

<sup>73</sup> FWS-96 (Exhibit P-186), p. 2511-2512.

<sup>74</sup> Osman Subašić (Exhibit P-286), p. 4076-4077, 4086. Osman Subašić described his position within the 1st Drina Brigade of the Army of Bosnia and Herzegovina stationed in Sadba, municipality of Goražde and the various attacks the VRS launched against Goražde throughout the war. He testified of events related to an attack in July 1992 and in July 1994. See also Exhibit P-25.

<sup>75</sup> Due to the unbearable living conditions in the Foča municipality, non-Serb inhabitants fled the area. Foča municipality had a pre-war population in 1991 of 40,513 inhabitants, 51.6% of whom were Muslim. By the end of the war in 1995, Foča had become an almost ethnically pure Serb town, with less than 10 Muslim inhabitants.

hiding or at the specific order of Serbs soldiers.<sup>76</sup> Muslim houses like “Planika’s” and “Šandal’s” were used as interim detention centre by the Serb military.<sup>77</sup> There was a Serb presence overseeing every block of Muslims flats.<sup>78</sup> Military checkpoints were established, controlling access in and out of Foča and its surrounding villages.<sup>79</sup> FWS-96 testified that the villagers from her particular hamlet (Trošanj) were even prohibited to go to visit their Muslim neighbours in Mješaja.<sup>80</sup>

26. From April 1992 onwards, movements of the Muslim population, especially the male population, was restricted. In early May 1992, there was a public announcement that Muslims were not allowed free movement around the town.<sup>81</sup> A few old or sick Muslims released from KP Dom in May 1992, among them the husband of FWS-33 and Juso Taranin, had to report every day to the police. On their way, they were humiliated and physically mistreated.<sup>82</sup> No Serbs had to report to the Foča SUP as Muslims did from May to July 1992.<sup>83</sup>

27. The restrictions in Foča for Muslims made it hard for them to buy food. In order to be able to buy food, Juso Taranin would give money to a Serb child who would go to the grocery store and buy the food for him.<sup>84</sup> Muslims were forbidden to see each other. Their telephone lines were cut off. Muslims could not bury their deceased in their cemeteries and did not receive death certificates.<sup>85</sup> The Muslims in Foča lived in constant fear, especially after it became known that Muslim civilians were deliberately murdered.<sup>86</sup> From April 1992 onwards, Serb soldiers and military police prevented Muslims to go to work in Foča.<sup>87</sup> The Muslims who had occupied

<sup>76</sup> Rasim Taranin, T 1693-1694; FWS-104, T 2198-2200; FWS-35, T 2718-2719, 2721-2722, 2730-2731, 2733, 2736; R.J., T 3840; Muhamed Lisica, T 4825-4827.

<sup>77</sup> Muhamed Lisica, T 4825-4827.

<sup>78</sup> Rasim Taranin, T 1692-1694.

<sup>79</sup> FWS-162, T 1342-1343; FWS-58, T 2673.

<sup>80</sup> FWS-96 (Exhibit P-186), p. 2500.

<sup>81</sup> FWS-139, T 316-317; FWS-3, T 2230-2231; FWS-35, T 2739; Juso Taranin, T 3036-3037; Ekrem Zeković, T 3437, 3440, 3519; R.J., T 3840; FWS-249, T 4520.

<sup>82</sup> Exhibit P-100 and P-94; Juso Taranin, T 3033-3035; FWS-33 (Exhibit P-106), p. 487-489, 491, 493; Safet Avdić (Exhibit P-123), p. 674. Although Safet Avdić, who went to the police to get a permit for moving around freely, was told that he could move around freely, the husband of FWS-33 and Juso Taranin could not.

<sup>83</sup> Juso Taranin, T 3035.

<sup>84</sup> Juso Taranin, T 3038.

<sup>85</sup> FWS-33 (Exhibit P-106), p. 487-489.

<sup>86</sup> FWS-33 (Exhibit P-106), p. 489, 491, 493.

<sup>87</sup> FWS-215, T 831-832; FWS-139, T 316; FWS-66, T 1061; FWS-35, T 2740; FWS-69, T 4030-4032.

managing positions before the war were all fired and replaced by Serbs.<sup>88</sup> For instance, Dževad S. Lojo, who was the director of the mine, was replaced by a Serb.<sup>89</sup>

28. Safet Avdić who reported to work at the Maglić Company, a big firm in Foča where the witness had been working as engineer in the timber section before the war, was sent home and told that he would be called if he was needed, which never happened. While on the premises of the company, the witness noticed that only Serb employees were present.<sup>90</sup> After her release from the KP Dom detention facility, FWS-33 returned to her work at the Foča hospital. Although she worked there until 20 May 1992, she received no salary, while her Serb colleagues were paid. From 20 May 1992, the Muslim hospital staff including FWS-33 were precluded from work and therefore deprived of earning their living.<sup>91</sup> Also in April 1992, the military took over the Foča hospital and interfered with the decisions of doctors as to whether Muslim patients could stay at the hospital.<sup>92</sup> R.J. explained that the “new” principal of the Veselin Masleša school<sup>93</sup> told him that because he was a Muslim, he should not come to the school for security reasons.<sup>94</sup>

29. Muslims who owned businesses in the Foča municipality had their properties looted or burned by Serbs.<sup>95</sup> FWS-249 stated that equipment from Muslim shops and businesses were confiscated.<sup>96</sup> Some of the Muslim businesses were taken over by Serbs from Foča. For instance, Božidar Krnojelac, one of the accused’s sons took over a shop which had previously belonged to a Muslim named Senad (“Šaja”) Šahinpašić.<sup>97</sup> Although the Serb authorities in Foča by the end of April/ beginning May 1992 declared publicly that life was back to normal and appealed to the

<sup>88</sup> R.J., T 3840; Dževad S. Lojo, T 2526.

<sup>89</sup> Dževad S. Lojo, T 2526.

<sup>90</sup> Safet Avdić (Exhibit P-123), p. 673.

<sup>91</sup> FWS-33 (Exhibit P-106), p. 485-486.

<sup>92</sup> FWS-172, T 4548-4549.

<sup>93</sup> Asked by the Prosecutor which ethnicity the former director of the school was, R.J. replied that the former principal was a Muslim and therefore was not “appropriate” for that position anymore. R.J., T 3839.

<sup>94</sup> Ekrem Zeković, T 3435-3436, 3515; R.J. T 3824-3825, 3825, 3823-3825, 3833, 3839.

<sup>95</sup> FWS-162, T 1340, 1346; FWS-182, T 1575; FWS-73, T 3188-3192, 3284.

<sup>96</sup> FWS-249 (Exhibit P-161), p. 2117, 2121.

<sup>97</sup> FWS-73, T 3226-3228.

inhabitants to return to preserve their property and to work, Muslims could not return to their jobs.<sup>98</sup>

30. In April and May 1992, Muslim households in Foča and its surroundings were searched by the Serb military police or soldiers, who were looking for weapons.<sup>99</sup> Juso Taranin, who was released in early May 1992 from KP Dom, testified that, while all the houses of his Muslims neighbours were searched, Serb houses were not.<sup>100</sup> Muslims were ordered to surrender their weapons while Serbs could keep theirs.<sup>101</sup> Serb soldiers confiscated hunting rifles of Muslims although their owners had permits and were not involved in fighting.<sup>102</sup> While they were conducting searches, soldiers and military police sometimes stripped Muslims of their valuables. For instance, the home of FWS-249 was looted.<sup>103</sup>

31. Serb soldiers in the Foča municipality referred to Muslims as “baliija”.<sup>104</sup> One of them told Amir Berberkić that they “were going to expel and slaughter all the baliijas from Foča.”<sup>105</sup> Also, Serb soldiers told Serb civilians in town not to be friendly with the Muslims.<sup>106</sup> R.J. received anonymous calls from Serbs, calling him a “baliija”, harrasing him and threatening him.<sup>107</sup> Many KP Dom detainees were insulted with ethnic slurs as they were arrested.<sup>108</sup> At the JNA fuel depot in Pilipovići, the soldiers cursed Muslims during the arrest.<sup>109</sup> On 3 July 1992, while about 530 Muslims were waiting to leave Foča by bus, Juso Taranin heard Serb soldiers cursing them and shooting above their heads.<sup>110</sup> FWS-71 remembered that the Serb soldiers at KP Dom “used foul language when beating Muslims as they got out of the bus to enter the KP

<sup>98</sup> Safet Avdić (Exhibit P-123), p. 672-673. FWS-249 was not able to work due to the restriction on the movement of Muslim men in Foča; he stayed in his home until his arrest on 25 May 1992. FWS-249 (Exhibit P-161), 2087.

<sup>99</sup> Safet Avdić (Exhibit P-123), p. 670; FWS-215, T 858; FWS-139, T 317; FWS-182, T 1579-1582; FWS-3, T 2229-2230; Dževad S. Lojo, T 2528; FWS-35, T 2729, 2731, 2736; Juso Taranin, T 3037; Ekrem Zeković, T 3438; FWS-86, T 1453, 1456; FWS-58, T 2675, 2677.

<sup>100</sup> Juso Taranin, T 3038.

<sup>101</sup> FWS-86, T 1448, FWS-182, T 1579-1582, Rasim Taranin, T 1692-1693, FWS-144, T 2327; FWS-69, T 4037-4040. See also FWS-66, T 1064-1065.

<sup>102</sup> Safet Avdić (Exhibit P-123), p. 670-671.

<sup>103</sup> FWS-249 (Exhibit P-161), p. 2095.

<sup>104</sup> FWS-35, T 2731; Muhamed Lisica, T 4834. “Baliija” is a derogatory term for Muslims.

<sup>105</sup> Amir Berberkić, T 3718.

<sup>106</sup> FWS-35, T 2730.

<sup>107</sup> R.J., T 3827-3828.

<sup>108</sup> Safet Avdić (Exhibit P-123), p. 679; FWS-73, T 3192-3193, 3209; Amir Berberkić, T 3730; FWS-69, T 4049.

<sup>109</sup> Juso Taranin, T 3005-3007.

<sup>110</sup> Juso Taranin, T 3040.

Dom after being arrested in Montenegro.”<sup>111</sup> On 2 October 1992, a soldier who came to the Foča hospital to see his wounded friend, yelled at the Serb doctor for treating “balija”.<sup>112</sup>

### **3. Deliberate destruction of Muslim homes, property and sacral sites**

32. During the first few months after the outbreak of the war, Muslim houses and shops were destroyed.<sup>113</sup> The old town neighborhood of Prijeka Čaršija, consisting of a market section built in an oriental-Islamic style, reminiscent of the Ottoman Empire, together with a mosque, were deliberately burnt down on or about 12 April 1992.<sup>114</sup> FWS-111 testified that Muslim houses were destroyed in the Granovski Sokak neighborhood.<sup>115</sup> FWS-215 stated that houses in Šukovać, a Muslim neighborhood to a large extent, were also set on fire.<sup>116</sup>

33. Witnesses especially remembered that Donje Polje, a Muslim neighborhood, was entirely burnt down.<sup>117</sup> Safet Avdić, while passing Donje Polje on 19 May 1992, when no fighting took place in Foča, observed a Muslim house burning. A vehicle of the fire brigade was then present, but did nothing to extinguish the fire. The fire workers only splashed water at the wall of a nearby apartment building.<sup>118</sup> This witness, until his arrest on 19 May 1992, saw that every day two or three Muslim houses burned, deliberately set on fire by Serb soldiers.<sup>119</sup>

34. FWS-249 who returned from Jeleč on 30 April 1992 saw that during that same night, many Muslim houses throughout the town were deliberately set on fire, mocking the local tradition of lighting bonfires during the night before the 1<sup>st</sup> of May.<sup>120</sup> During May 1992, FWS-249 observed that Muslim houses in Gornje Polje, a mixed neighbourhood within Foča, were deliberately burnt in the presence of vehicles

<sup>111</sup> FWS-71, T 2785.

<sup>112</sup> FWS-146, T 3063, 3065.

<sup>113</sup> FWS-111, T 1188-1189; FWS-66, T 1061; FWS-86, T 1457; FWS-8, T 1764; FWS-138, T 2020; Amir Berberkić, T 3728; R.J., T 3842; FWS-172, T 4600.

<sup>114</sup> Exhibit P-20. See also FWS-33 (Exhibit P-106), p. 466, 470, 527; Safet Avdić (Exhibit P-123), p. 661-662; FWS-215, T 833; Dževad S. Lojo, T. 2529.

<sup>115</sup> FWS-111, T 1191-1192.

<sup>116</sup> FWS-215, T 834.

<sup>117</sup> Exhibit P-20. See also FWS-33 (Exhibit P-106), p. 486-487; FWS-139, T 313, 315; FWS-54, T 727; FWS-111, T 1191-1192; Safet Avdić (Exhibit P-123), p. 661-664, 675.

<sup>118</sup> Safet Avdić (Exhibit P-123), p. 665.

<sup>119</sup> Safet Avdić (Exhibit P-123), p. 674-675.

<sup>120</sup> FWS-249 (Exhibit P-161), p. 2081-2082.

from the fire brigade, which would protect the Serb houses while Muslim houses next door were torched.<sup>121</sup>

35. On 8 May 1992, Osman Subašić observed Serb forces setting fire to the Muslim villages of Kosova, Ljubuša, Braljovići, Zebina Šuma, Trnoviće, Gajevi, Mrdželići, Obadi and Njuhe in the area between Ustikolina and Goražde.<sup>122</sup> On 25 or 26 May 1992, all the houses were burned in the Muslim village of Paunci.<sup>123</sup> Witnesses also testified that Muslim houses in the villages of Gudelj,<sup>124</sup> Jošanica,<sup>125</sup> Budanj, Miljevina, Daničići, Hrmaluša, Kozja Luka,<sup>126</sup> Jeleč, Govze, Podgaj, Banjine, Gradac, Ratine,<sup>127</sup> Susješno, Budanj, Izbišno,<sup>128</sup> Drace, Poljice, Banjine and Mrdjanovići,<sup>129</sup> were set on fire by Serb forces.

36. All mosques in Foča were destroyed.<sup>130</sup> FWS-249 saw that in May 1992, the Careva mosque was set on fire.<sup>131</sup> FWS-111 saw that the mosque in the Granovski Sokak neighborhood had been destroyed.<sup>132</sup> On 2 August 1992, the Aladža mosque, one of the oldest mosques in the former Yugoslavia and under UNESCO protection, was totally destroyed.<sup>133</sup> Moreover, FWS-69 and FWS-249 testified that the mosque in Jeleč had burnt down and the minaret was destroyed.<sup>134</sup>

37. Safet Avdić recounted 11 mosques in Foča, marked 10 of them in a city map and testified that they all had been destroyed.<sup>135</sup> While passing through Donje Polje on 15 May 1992, at a time when no fighting was taking place in Foča, he observed that the mosque in Donje Polje was burning. Instead of trying to extinguish the fire, fire workers only protected a haystack near the mosque from burning.<sup>136</sup> Similarly,

<sup>121</sup> FWS-249 (Exhibit P-161), p. 2098, 2099, 2166-2167.

<sup>122</sup> Osman Subašić (Exhibit P-286), p. 4069-4070.

<sup>123</sup> Juso Taranin, T 3009.

<sup>124</sup> FWS-58, T 2677.

<sup>125</sup> Amir Berberkić, T 3727.

<sup>126</sup> FWS-69, T 4034, 4036, 4037

<sup>127</sup> FWS-69, T 4052

<sup>128</sup> FWS-144, T 2294-2296.

<sup>129</sup> Nezir Čengić, T 4683.

<sup>130</sup> Safet Avdić (Exhibit P-123), p. 669; FWS-139, T 316; FWS-54, T 728; FWS-66, T 1061; FWS-111, T 1193; Rasim Taranin, T 1710, 1720; FWS-73, T 3187-3188.

<sup>131</sup> FWS-249 (Exhibit P-161), p. 2133.

<sup>132</sup> FWS-111, T 1191-1192.

<sup>133</sup> FWS-33 (Exhibit P-106), p. 487.

<sup>134</sup> FWS-69, T 4054; FWS-249 (Exhibit P-161), p. 2133.

<sup>135</sup> Exhibit P-19. See also Safet Avdić (Exhibit P-123), p. 667-669.

<sup>136</sup> Safet Avdić (Exhibit P-123), p. 665.

R.J. testified that, on 16 or 17 May 1992, he saw a mosque burning in Gorne Polje. The fire brigade stood by but did nothing.<sup>137</sup>

38. The Prosecution contends that the circumstances under which mosques and Muslim houses were destroyed, in particular the deliberate inaction of fire workers, show that the destruction of the cultural heritage and homes was part of a policy aiming to destroy all signs of Muslim life in Foča municipality.

#### **4. Beatings of Muslim civilians outside of KP Dom**

39. The non-Serb population, especially Muslims, were provoked and beaten in their neighbourhoods.<sup>138</sup> Some were beaten during their arrest and on their way to detention facilities.<sup>139</sup> They were also beaten in detention facilities such as Livade and Foča High School. Detainees leaving the KP Dom for another detention facility were beaten as well. The Prosecution submits that these beatings were part of the persecution campaign directed against the Muslims civilians.

40. On 26 April 1992, during an arrest at the JNA fuel depot in Pilipovići, soldiers beat Muslim civilians before taking them to KP Dom.<sup>140</sup> In the beginning of June 1992, Halim Seljanci and 7 other men from Marinkovići around Tjentište were badly beaten and forced to eat a kilo of salt. Halim Seljanci arrived in KP Dom all black and blue and could not move.<sup>141</sup> Zaim Čedić, a young lawyer from Tjentište was also badly beaten on his way to KP Dom.<sup>142</sup> Ibrahim Šandal was brought to KP Dom from Žavajt and was also beaten on his way there.<sup>143</sup> R.J. saw injuries on a man named Čedić from Pljevlja who was beaten on his way to KP Dom.<sup>144</sup> During their arrest in Jeleč, Muslims were lined up by soldiers and were beaten before entering the bus. The beating only stopped when the civilian bus driver intervened.<sup>145</sup> FWS-69 testified that

<sup>137</sup> R.J., T 3825.

<sup>138</sup> FWS-144, T 2315-2316; R.J., T 3901.

<sup>139</sup> FWS-215, T 854-856; FWS-66, T 1064-1066; FWS-182, T 1586.

<sup>140</sup> Juso Taranin, T 3004-3006, 3008, 3044.

<sup>141</sup> FWS-109, T 2359-2361, 2364; FWS-58, T 2701-2702, FWS-71, T 2820-2822.

<sup>142</sup> FWS-73, T 3216-3217, 3263.

<sup>143</sup> FWS-71, T 2824.

<sup>144</sup> R.J., T 3861.

<sup>145</sup> FWS-69, T 4054-4056.

in a school building the villagers were beaten by soldiers, among them Boro Ivanović. The beatings stopped after an outsider intervened.<sup>146</sup>

41. On 2 October 1992, a Serb soldier entered the Foča hospital and after learning that the patients lying in bed were Muslims, pointed his gun at the Serb doctor, insulting and threatening her. He then severely beat FWS-146, witness Nezir Čengić and another Muslim participant using chairs and kicking them. The doctor intervened and called the police.<sup>147</sup> On 31 October 1992, about 35 persons, including FWS-104, were transferred from KP Dom to Kalinovik. A military lorry was waiting for them outside KP Dom, in front of the administration building. On their way to the Kalinovik police station, the detainees were beaten. FWS-104 was seriously injured.<sup>148</sup> After his arrest in Kalcej, on 28 January 1993, witness FWS-159 was taken to the Bosnian Serb military headquarters in Jabuka. On his way and at the Jabuka military headquarters, FWS-159 was beaten and seriously injured.<sup>149</sup>

##### **5. Deliberate killings of Muslim civilians**

42. In addition to the already described murders, FWS-33 testified that in mid-June 1992, about 27 Muslim civilians, mostly women and children, were killed in the Čohodor Mahala neighbourhood, an ethnically mixed settlement opposite the Livade settlement.<sup>150</sup> The Muslims in Foča lived in constant fear, especially after it became known that Muslim civilians were deliberately murdered.<sup>151</sup>

43. Osman Subašić observed how villagers who could not flee Serb attacks on their villages were killed.<sup>152</sup> Muslims were also rounded up in Brod and 10-11 of them were killed in a field.<sup>153</sup>

44. Osman Subašić, in his capacity as former policeman and assistant commander of intelligence of the Army of Bosnia and Herzegovina, investigated the matter of

<sup>146</sup> FWS-69, T 4057-4059.

<sup>147</sup> FWS-146, T 3063-3065, 3074, 3089; Nezir Čengić, T 4688-4690, 4693, 4701-4703.

<sup>148</sup> FWS-104, T 2194-2197.

<sup>149</sup> FWS-159, T 2442-2446, 2508-2509.

<sup>150</sup> FWS-33 (Exhibit P-106), p. 493-494.

<sup>151</sup> FWS-33 (Exhibit P-106), p. 489, 491, 493.

<sup>152</sup> Osman Subašić (Exhibit P-286), p. 4069-4070.

<sup>153</sup> Ahmet Hadžimusić, T 1937, 1995. The witness based this part of his testimony on recent exhumations.

bodies in the Drina River and found in relation to 33 of them that the majority of the victims were Muslims.<sup>154</sup> In addition to the bodies that could be retrieved, many more were floating in the Drina River but could not be retrieved in Goražde.<sup>155</sup> Moreover, detainees who were assigned work duty at the Drina river bank found dead bodies lying just downstream from the bridge outside KP Dom. The bodies were dressed in civilian clothes and about 50 years old. When the guard Burilo saw them, he told Ekrem Zeković “to push this shit downstream.”<sup>156</sup> FWS-250 also had to push corpses stranded on the Drina bank downstream using planks and sticks.<sup>157</sup>

## **6. Widespread acts of sexual assaults**

45. FWS-96 testified about rapes occurring in Buk Bijela, Foča High School and Partizan Sports Hall from 3 July to 13 August 1992.<sup>158</sup> In this period, a group of Muslim women and girls were constantly raped by Serb soldiers. They were either raped in these detention facilities or taken to apartments and raped there. This evidence is confirmed by KP Dom detainees who were part of an exchange attempt in Čajniče. There they met several of the rape victims who told them about their ordeal.<sup>159</sup> The Foča authorities were aware of these constant sexual assaults. Particularly, Partizan Sports Hall was in the direct vicinity of the Foča police building and the Chief of Police, Dragan Gagović, took part in the rapes.

## **7. Deportation and transfer of the remaining non-Serb population**

46. When hostilities started, Dževad S. Lojo heard on Radio Sarajevo that Muslims were being expelled, locked up or killed in Višegrad, Čajniče, Rudo and Rogatica.<sup>160</sup> Ekrem Zeković testified that before May 1992, people from his street in Foča were deported to Montenegro by bus.<sup>161</sup> In May 1992, a Serb in Foča told Juso

<sup>154</sup> Exhibit P-287 (under seal); Exhibit P-288; Exhibit P-289; Exhibit P-290. See also Osman Subašić (Exhibit P-286), p. 4101 to 4110, 4140; Amir Berberkić, T 3809-3810. Dr. Berberkić testified that he spoke with Osman Subašić and he stated that he had buried some bodies that had floated down river. Subašić claimed to have buried the corpse of Munib Veiz, one of the detainees that went missing in late June 1992.

<sup>155</sup> Osman Subašić (Exhibit P-286), p. 4110.

<sup>156</sup> Ekrem Zeković, T 3545, T Schedule E57.

<sup>157</sup> FWS-250, T 5051 – 5054; Ex. P9/1.

<sup>158</sup> FWS-96 (Exhibit P-186), p. 2516, 2522, 2531, 2532, 2560, 2597, 2599-2600.

<sup>159</sup> FWS-86, T 1534.

<sup>160</sup> Dževad S. Lojo, T 2529-2530.

<sup>161</sup> Ekrem Zeković, T T 3440, 3615

Taranin that there would be buses for Muslims and that they would have to leave Foča.<sup>162</sup>

47. In July 1992, a group of about 20-25 detainees from KP Dom were taken to Čajniče for an exchange. They were joined by another group of women from Partizan Sports Hall. The exchange failed and the detainees were taken back to Foča where Dragan Gagović greeted them and sent them back to their respective detention places.<sup>163</sup> On 13 August 1992, the remaining Muslims in Foča, mostly women and children, were driven away to Rožaje, Montenegro.<sup>164</sup> Finally, on 23 October 1992, a group of 47 civilians mostly Muslim women and children were expelled to Goražde. Before Serb forces took these civilians to Goražde by bus, they had been living in various villages in Foča municipality. In September 1992, they were taken from their homes and for a month kept in Partizan Sports Hall in Foča, where they were beaten and sexually assaulted.<sup>165</sup>

48. The evidence proves that at the time relevant to the present case a well-organised widespread and systematic attack on the civilian Muslim and other non-Serb population in the municipality of Foča took place, aimed at achieving an ethnically pure territory, inhabited only by Serbs or persons loyal to the Serb cause.<sup>166</sup> This ultimate aim was eventually achieved. Except for a few non-Serbs married to Serb spouses and several detained Muslim men and women, only Serbs lived in Foča by the end of 1992, a fact that was celebrated in Foča.<sup>167</sup> Since 1994, when the last Muslim detainees at KP Dom were exchanged to Sarajevo, the ethnically mixed municipality of Foča ceased to exist. All Muslim villages and settlements were destroyed so that the Muslims have no means to return.<sup>168</sup> It is undisputed that Foča was renamed Srbinje which means "Serbian town" and is now within the territory of Republika Srpska, one of the entities in Bosnia and Herzegovina.

<sup>162</sup> Juso Taranin, T 3039.

<sup>163</sup> FWS-86, T 1533-1535; FWS-182, T 1640, 1644-1646; R.J., T 3904-3905, 3915-3916; FWS-172, T 4574.

<sup>164</sup> FWS-104, T 2198-2199.

<sup>165</sup> Exhibit P-291; See also Osman Subašić (Exhibit P-286), p. 4111-4112.

<sup>166</sup> Exhibit P-23; Exhibit P-23/1. The SDS politician Miroslav Stanić, president of the SDS in Foča and "First War Commander" of Foča, emphasised in his before mentioned speech that the river Drina would never become a border but a windpipe between two lungs, a notion clearly referring to the idea of Greater Serbia. See also Osman Subašić (Exhibit P-286), p. 4099.

<sup>167</sup> Osman Subašić (Exhibit P-286), p. 4113

<sup>168</sup> Osman Subašić (Exhibit P-286), p. 4099.

## II. EVIDENCE OF CRIMES COMMITTED WITHIN KP DOM

### **A. Imprisonment**

49. Throughout the war, starting on 18 April 1992 until October 1994,<sup>169</sup> the Foča KP Dom was the primary detention facility for non-Serb male civilians from Foča and the surrounding areas.<sup>170</sup> The layout of the KP Dom was discussed with both the Prosecution and Defence witnesses.<sup>171</sup> Regarding the composition of the KP Dom staff reference is made to Annex I.

50. Long-term detainees Safet Avdić and FWS-249 estimated that from 550 to 700 civilian detainees were confined in KP Dom at any one time.<sup>172</sup> Except for a few Croats, two or three Roma and one Albanian, all detainees were Muslims.<sup>173</sup> According to an official KP Dom document signed by the accused on 9 June 1992, 470 non-Serb detainees were held in the KP Dom at that time.<sup>174</sup> This same document refers to a further 550 non-Serb detainees processed through the KP Dom in the first 6 weeks after the establishment of this detention facility. By KP Dom staff's own admission,<sup>175</sup> their internment was based solely or primarily on their membership in

<sup>169</sup> FWS-139, T 412; Safet Avdić (Exhibit P-123), p. 697; FWS-85, T 579; FWS-215, T 865, 917; FWS-198, T 957; FWS-66, T 1133; FWS-138, T 2110; FWS-71, T 2916; FWS-144, T 2311, 2323; FWS-146, T 3084; FWS-73, T 3343; Ekrem Zeković, T 3606; FWS-249, T 4438-4439, 4487; FWS-89, T 4710; FWS-250, T 5069. The last 58 Muslims detainees regained their freedom only on 6 October 1994, when they were released at the Bratstvo-Jedinstvo Bridge, near Sarajevo after difficult negotiations or a short detention span at Kula camp. They were the last group of Muslim civilians detained at KP Dom.

<sup>170</sup> Safet Avdić (Exhibit P-123), p. 680; FWS-249 (Exhibit P-161), p. 2111. See also Exhibit D-29 on establishing penal and correctional institutions in the territory of the Serbian Republic in Bosnia and Herzegovina, 12 May 1992.

<sup>171</sup> Exhibit P6 (layout of KP Dom complex), Exhibit P6/1-P6/5 (KP Dom main complex floor plans), P88 (sketch of KP Dom main premises), P89 (sketch of bridge outside KP Dom), P90 (sketch of metal factory).

<sup>172</sup> Safet Avdić (Exhibit P-123), p. 686-687; FWS-249 (Exhibit P-161), p. 2113. Other witnesses confirmed that the number of prisoners at the KP Dom oscillated between 500 and 800 and peaked between May and July 1992. FWS-85, T 606; FWS-111, T 1218; FWS-162, T 1359; FWS-86, T 1531; FWS-109, T 2398-2399; R.J., T 3898; FWS-69, T 4163-4164.

<sup>173</sup> FWS-162, T 1359; FWS-86, T 1461; FWS-109, T 2359; Dževad S. Lojo, T 2537, 2560. The non-Serbs were mixed up with a small section of Serb convicts (between 10-20 people). Because of the predominance of Muslims as detainees, the non-Serb detainees are sometimes referred to collectively as "Muslim detainees".

<sup>174</sup> Exhibit P-445.

<sup>175</sup> FWS-250, T 5022.

those ethnic or religious groups.<sup>176</sup> The detainees were guarded by heavily armed guards.<sup>177</sup>

51. While the non-Serb male inhabitants of Foča town and Foča municipality were detained in KP Dom, Muslim women, children and elderly persons were detained in houses, apartments and motels in the town of Foča or in surrounding villages, or at short-term and long-term detention centers such as Buk Bijela, Foča High School and Partizan Sports Hall. Many of the detained women were subjected to humiliating and degrading conditions of life, to psychological and physical abuse and to sexual assaults, including rapes and sexual slavery.<sup>178</sup> The large majority of the non-Serb detainees were arrested in April and May 1992.<sup>179</sup>

52. Muslims from Foča and the surrounding villages were arrested by soldiers from Serbia and Montenegro accompanied by local soldiers.<sup>180</sup> The military police, the police and the military command were in charge of arresting the Muslims. Detainees identified Dragan "Čosa" Čosović and members of his unit as the military policemen who arrested them.<sup>181</sup> Witnesses testified that they were arrested in Foča town, while in their apartments,<sup>182</sup> hiding in a cellar,<sup>183</sup> in the street,<sup>184</sup> or at the

<sup>176</sup> FWS-33 (Exhibit P-106), p. 483; Safet Avdić (Exhibit P-123), p. 680-681; FWS-249 (Exhibit P-161), p. 2111; FWS-104, T 2193, 2200; FWS-73, T 3206-3207.

<sup>177</sup> Safet Avdić (Exhibit P-123), p. 691, FWS-249 (Exhibit P-161), p. 2115.

<sup>178</sup> FWS-96 (Exhibit P-186), p. 2516, 2522, 2528, 2531-2532, 2560, 2597, 2599-2600.

<sup>179</sup> Detainees arrested in April 1992: FWS-85, T. 570; FWS-54, T 729; FWS-215, T 856; FWS-198, T 943; FWS-66, T 1066; FWS-111, T 1195; FWS-86, T 1453; FWS-182, T 1580; Rasim Taranin, T 1694-1695 (Rasim Taranin testified that Nurko Nišić was arrested in Foča in May 1992); Ahmet Hadžimusić, T 1933; FWS-104, T 2154; Juso Taranin, T 3005; FWS-120, T 3114; FWS-73, T 3191-3192; Amir Berberkić, T 3729-3731; FWS-172, T 4553; FWS-89, T 4655, 4658-4659; FWS-137, T 4731-4732, 4783; FWS-250, T 5021. Detainees arrested in May 1992: FWS-139, T 317; Safet Avdić (Exhibit P-123), p. 697; FWS-162, T 1353; FWS-8, T 1762-1764, 1783, 1789-1790 (In the group of 22 people taken to the KP Dom from Montenegro on 25 May 1992, there was Enes Bićo, Alija Čardalkija, Sanin Krdalija and Mirsad Borovac); FWS-142, T 1816; FWS-138, T 2043; FWS-3, T 2231; FWS-144, T 2296-2299; Dževad S. Lojo, T. 2525; FWS-71, T 2774; Ekrem Zeković, T 3440; R.J., T 3828; FWS-69, T 4044; FWS-249, T 4411.

<sup>180</sup> Safet Avdić, T 556; FWS-85, T 572; FWS-54, T 729-730; FWS-215, T 856, 858; FWS-111, T 1195, 1198; FWS-182, T 1581-1582; FWS-182, T 1587-1588; FWS-86, T 1453-1455; Rasim Taranin, T 1695, 1697; Ahmet Hadžimusić, T 1935; FWS-138, T 2043; Amir Berberkić, T 3729; FWS-69, T 4049; FWS-89, T 4656-4659; FWS-137, T 4731, 4733; FWS-139, T 317-318; FWS-198, T 945; FWS-66, T 1067-1068; FWS-172, T 4553-4554; FWS-172, T 4554; FWS-3, T 2231; Dževad S. Lojo, T 2532-2533; Ekrem Zeković, T 3440-3441; R.J., T 3843. FWS-58, T 2679-2684; FWS-146, T 3063-3064, 3093; FWS-162, T 1353-1355; FWS-8, T 1761-1764, 1783, 1789-1790; FWS-109, T 2352, 2354, FWS-71, T 2775-2777, 2780-2782.

<sup>181</sup> FWS-85, T 572; FWS-104, T 2154; FWS-144, T 2296; Juso Taranin, T 3006-3007; FWS-120, T 3112; FWS-73, T 3192; Muhamed Lisica, T 4828, 4832-4833.

<sup>182</sup> FWS-85, T 574; FWS-54, T 729; FWS-198, T 943; FWS-137, T 4731-4732, 4783-4784; FWS-66, T 1067; FWS-86, T 1453-1455; FWS-142, T 1816-1818; FWS-138, T 2043; FWS-3, T 2230; Dževad S. Lojo, T 2525; FWS-73, T 3192; Ekrem Zeković, T 3441-3442; R.J., T 3842; FWS-89, T 4656, 4715.

<sup>183</sup> Rasim Taranin, T 1694.

hospital.<sup>185</sup> FWS-249 testified that in addition to the detainees brought in from Foča town, groups of detainees from Kalinovik, Miljevina, Mješaja, Trnovače, Goražde, Tjentište and Jeleč were brought to KP Dom.<sup>186</sup> Other witnesses added Zubovići,<sup>187</sup> Brod,<sup>188</sup> Karadžići,<sup>189</sup> Pilipovići,<sup>190</sup> Bileća<sup>191</sup> as other places where Muslims were arrested by Serb forces.<sup>192</sup> One group of Muslims, including residents of Foča and other municipalities<sup>193</sup> including Goražde,<sup>194</sup> who had fled to Montenegro before or at the outbreak of the war and were legally registered as refugees were arrested according to lists by the Montenegrin police, in co-operation with soldiers from Foča. On 25 May 1992 they were brought to be detained at the KP Dom.<sup>195</sup>

53. Immediately upon arrival within the premises, guards and soldiers (in April 1992) systematically searched all the Muslims who were going to be detained in the various rooms of the KP Dom,<sup>196</sup> and on some occasions stripped them of their identity cards and valuables.<sup>197</sup> The detainees arriving shortly after the establishment of the prison-camp were registered by soldiers from the Užice Corps who made a list of all inmates. Many detainees who arrived later were not formally registered by the KP Dom authorities, neither upon entering the premises nor at any other time.<sup>198</sup> This can be explained by the fact that arrests were usually made according to lists. Hence, there was no need to take the names of the incoming detainees since the prison authorities already had the lists. Those who were brought from Montenegro were not registered upon arrival. FWS-71 observed that the soldiers who arrested the Muslims

<sup>184</sup> Safet Avdić (Exhibit P-123), p. 676.

<sup>185</sup> FWS-111, T 1188-1189, 1195; FWS-146, T 3061; Nezir Cengić, T 4691-4693; FWS-172, T 4553-4554. See also Amir Berberkić, T 3729-3731.

<sup>186</sup> FWS-249 (Exhibit P-161), p. 2151-2152.

<sup>187</sup> FWS-182, T 1578.

<sup>188</sup> Ahmet Hadžimusić, T 1929; FWS-182, T 1578. FWS-182 was arrested at his sister's house at Zubovići, between Foča and Brod on the Drina river.

<sup>189</sup> Amir Berberkić, T 3729.

<sup>190</sup> Juso Taranin, T 3004-3008; FWS-120, T 3098, 3111.

<sup>191</sup> FWS-144, T 2297.

<sup>192</sup> Ahmet Hadžimusić, T 1929.

<sup>193</sup> FWS-162, T 1338; FWS-109, T 2346; FWS-71, T 2772.

<sup>194</sup> Exhibit P-408, FWS-8, T 1759.

<sup>195</sup> FWS-162, T 1352-1353; FWS-8, T 1761-1762; FWS-109, T 2352; FWS-71, T 2774-2775.

<sup>196</sup> FWS-8, T 1764-1765, 1767; FWS-86, T 1461; FWS-58, T 2684; FWS-71, T 2786; FWS-146, T 3066; R.J., T 3844; FWS-137, T 4734; Muhamed Lisica, T 4834.

<sup>197</sup> FWS-86, T 1461; FWS-71, T 2786; FWS-146, T 3066.

<sup>198</sup> FWS-139, T 320; Safet Avdić, T 557; FWS-54, T 775; FWS-215, T 861; FWS-182, T 1589; FWS-104, T 2160-2161; FWS-159, T 2449; FWS-109, T 2355; Dževad S. Lojo, T 2535; FWS-58, T 2684; FWS-71, T 2786; Juso Taranin, T 3011, 3013-3014; R.J., T 3910.; Amir Berberkić, T 3733; FWS-249, T 4417-4419; 4435-4437.

in Montenegro had an envelope containing their particulars,<sup>199</sup> which was most probably handed over to the KP Dom authorities upon arrival. Some detainees were registered by various KP Dom employees upon arrival<sup>200</sup> or shortly thereafter.<sup>201</sup>

54. Once they were inside the premises, KP Dom authorities closely kept track of the number of detainees in each particular rooms. As part of a general procedure throughout the detention of the Muslims, there was a roll-call around 8 p.m every evening during which the number of detainees was checked in all rooms by guards. The guards made notes and gave their findings to the duty guard at the KP Dom entrance.<sup>202</sup> During the day all movements of Muslim detainees out of and into the KP Dom were closely observed. FWS-249 testified that every time he passed through the metal door, there was a guard on duty who received and registered the number of detainees who were going out of the compound. This guard recorded all the information pertaining to the movements of detainees in a log book situated on a desk where he was standing guard. On the return of the detainees, the duty guard would be notified accordingly.<sup>203</sup> Detainees who were part of the work unit were registered in special lists. Lists of detainees to be interrogated existed as well.<sup>204</sup>

55. Once they got into the prison, usually Mitar Rašević,<sup>205</sup> Slavko Koroman,<sup>206</sup> or occasionally, the guard on duty at the gate assigned the Muslims to a specific detention room.<sup>207</sup> The detainees were moved from room to room during their detention.<sup>208</sup> FWS-71 was moved around so often that he felt as if he had stayed in every detention room in KP Dom over the course of his detention.<sup>209</sup> Guards moved the detainees to rooms.<sup>210</sup>

<sup>199</sup> FWS-71, T 2788.

<sup>200</sup> FWS-162, T 1359; FWS-86, T 1460; FWS-86, T 1550; FWS-142, T 1819; FWS-3, T 2231-2232; FWS-144, T 2299; FWS-146, T 3066; FWS-73, T 3209; FWS-137, T 4734; Muhamed Lisica, T 4834.

<sup>201</sup> FWS-85, T 603; FWS-198, T 948-949; FWS-111, T 1204.

<sup>202</sup> FWS-137, T 4746-4747, 4750; FWS-109, T 2378; Dževad S. Lojo, T 2576.

<sup>203</sup> FWS-249, T 4417-4419.

<sup>204</sup> FWS-109, T 2419; FWS-73, T 3296. FWS-249, T 4417-4419, 4435-4437. Savo Todović went around the dormitories and made list of people who were going to work. He carried that list around and gave it to guards; then, guards of the KP Dom would register the detainees from the work unit when they left and came back to the premises.

<sup>205</sup> Exhibit P3, Employee list, # 53.

<sup>206</sup> Exhibit P3, Employee list, #32.

<sup>207</sup> FWS-66, T 1071; Rasim Taranin, T 1699; FWS-142, T 1821; FWS-138, T 2045; FWS-109, T 2354-2355.

<sup>208</sup> FWS-111, T 1216.

<sup>209</sup> FWS-71, T 2815.

<sup>210</sup> FWS-139, T 330; FWS-54, T 747; FWS-182, T 1590; FWS-8, T 1765-1767; FWS-142, T 1821; FWS-159, T 2448; Dževad S. Lojo, T 2535; Juso Taranin, T 3011, 3016; FWS-120, T 3134; FWS-69,

56. The detainees were not given reasons for being taken to a particular room in the KP Dom. They were also not given a choice of where to go.<sup>211</sup> Detainees would sometimes be displaced after a disciplinary measure. In room 18, FWS-139 was responsible for keeping the discipline. On one occasion, the detainees in room 18 exchanged jewellery and valuables for cigarettes with detainees from room 19. Since the guards had decided that FWS-139 had failed in his duties, they put him in solitary confinement as a punishment for the trade.<sup>212</sup> For that reason, he was also later sent to room 21.<sup>213</sup>

57. According to the evidence given by the former detainees and the prison staff, Muslim detainees and other non-Serbs were first detained in rooms 11, 12, 13, 14 and 15 of the left wing of the prisoners' quarters (building 1). As the number of detainees increased, Muslim detainees were also placed in the rooms 18, 20, 22 and 23 of the right wing of the prisoners' quarters (building 2). Serb convicts and Serb soldiers detained in the KP Dom according to decisions of the military organs were first only kept in room 19 and as their number increased also in room 21. In 1993, when the number of detained Serbs increased further, all Muslim and non-Serb detainees were shifted into building 1, while the Serb inmates took over the entire building 2.

58. Besides the aforementioned rooms, non-Serb detainees and on rare occasions Serb prisoners who had gotten drunk were detained in the isolation and solitary confinement cells in building 2 below room 19 and in special isolation rooms such as a small room in building 1 next to room 12 and a cell in the left wing of the administration building behind the officer on duty.

59. Although the detainees were not given the reasons for their transfer within the institution, special events and remarks made the decisions of the KP Dom

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T 4061. FWS-137 stated that he was taken to his room by soldiers, but that was before the regular prison staff took over from the military. FWS-137, T 4734-4735.

<sup>211</sup> Safet Avdić, T 456; FWS-54, T 741; FWS-215, T 874; FWS-198, T 957, 973; Ahmet Hadžimusić, T 1939; FWS-138, T 2044-2045; FWS-3, T 2265; FWS-144, T 2325-2326; Juso Taranin, T 3034; Ekrem Zeković, T 3442; Amir Berberkić, T 3732; FWS-249, T 4468. R.J. was an exception to this rule. He was proposed to stay with the director of Maglić and Ekrem Selimović, the director of an insurance company. He stated that he was given that choice because he knew as many as 2/3 of the guards at KP Dom since he lived in an area where the KP Dom administration had built apartments for its guards before the war. R.J., T 3844.

<sup>212</sup> FWS-139, T 330.

<sup>213</sup> FWS-139, T 330.

administration apparent. According to the events described below, most of the victims of atrocities were detained in room 11, while Muslim detainees in room 16 were relatively safe. Mišo Koprivica, one of the interrogators, with whom witness FWS-182 was friendly, told the witness that he would be moved from room 11 to room 15 and that this new room would be "safer" for him.<sup>214</sup> Slavko Koroman, who knew witness FWS-66, approached him on his arrival at the KP Dom. He told the witness: "How come you're here?" When the witness answered that he had to make a statement, Koroman said, "This is no good. This is no good that they've brought you there." Then, Koroman said that the best would be to put him in room 15.<sup>215</sup> When Rasim Taranin arrived to the KP Dom, he was greeted by Risto Ivanović and Slavko Koroman. An unidentified guard said: "Mr. Risto, Rasim is a good man. Take him to where his director is, room number 15" and indeed he was taken to this room by Slavko Koroman.<sup>216</sup>

60. Dževad S. Lojo was not given any reason why he was detained in any particular room. However, he supposed that other educated people and himself were isolated from the other detainees so that they could not keep up the spirits of their fellow detainees. In addition, this group of prominent Muslim detainees was later hidden from the ICRC as described below.<sup>217</sup> Ekrem Zeković testified that he was previously in room 18 and was moved to room 16 without being given a reason. However, he found out later that workers were detained in room 16 to facilitate their movement to the place of work.<sup>218</sup> From these examples it is obvious that the prison staff was aware that the Muslim detainees in the KP Dom were endangered in their physical well-being. It is also obvious that not all Muslim detainees were treated the same but that a system of categorisation existed which divided the Muslim and other non-Serb detainees into three groups.

61. Mirko Kunarac, an influential person in Foča, and police interrogator Starović, told witness Muhamed Lisica at KP Dom that the Muslim detainees would be divided in three groups: honest, less honest and completely dishonest. The honest group would be spared, the less honest group would be punished, and by deduction,

<sup>214</sup> FWS-182, T 1591.

<sup>215</sup> FWS-66, T 1070-1071.

<sup>216</sup> Rasim Taranin, T 1699-1700.

<sup>217</sup> Dževad S. Lojo, T 2537.

<sup>218</sup> Ekrem Zeković, T 3442. Indictment, para. 5.1.

the dishonest group would be killed. Kunarac also told the witness that he would be released after about 7-10 days in the KP Dom because he was in the honest group.<sup>219</sup> Muhamed Lisica recalled signing a statement typed up by interrogator Vladičić including: "Muhamed Lisica is loyal to the Serbian state" or words to that effect.<sup>220</sup>

62. It was possible to intercede on behalf of someone who had been arrested if one had connections with the Serb military authorities. In that way, a man was pulled out of the Livade warehouse where beatings and killings occurred.<sup>221</sup> Also, at the beginning of April 1992, witness Muhamed Lisica was spared from detention in Planika's house because a local commander intervened on his behalf.<sup>222</sup> This witness also testified that while working at the Hotel Zelengora, a local Serb told him that a Serb committee in his neighbourhood had intervened on the witness' behalf and made sure that he would be in a favourable group in the KP Dom and would not be hurt.<sup>223</sup>

63. Until about June 1992, Muslim and other non-Serb detainees were interrogated upon arrival at the KP Dom.<sup>224</sup> The accused told R.J., FWS-73 and FWS-66 that they had to go through this process.<sup>225</sup> The KP Dom administration, though not conducting the interrogations, was informed about the fact that detainees had to be interrogated and therefore set up an in-house procedure to this effect. Rooms in the administration building were provided for this purpose. KP Dom guards would bring the detainees from their rooms to the interrogation rooms and return them.<sup>226</sup> For this purpose the guards had lists of detainees. The administration kept track of who was interviewed or not. During the interrogations, the detainees were then asked about weapons, their political beliefs, in particular their membership in the SDA, their involvement in military operation and their whereabouts before being arrested.<sup>227</sup>

<sup>219</sup> Muhamed Lisica, T 4830-4831. Similarly, Starović told the witness that the Muslims would be divided into categories: those who were loyal to the Serbian authority and would be released; those who were against the Serbian state would be punished, and so on.

<sup>220</sup> Muhamed Lisica, T 4937

<sup>221</sup> FWS-142, T 1817.

<sup>222</sup> Muhamed Lisica, T 4825-4827.

<sup>223</sup> Muhamed Lisica, T 4830-4832

<sup>224</sup> However, FWS-8, FWS-109, FWS-71 and FWS-249 were never interrogated during their detention at the KP Dom. FWS-8, T 1769; FWS-109, T 2372; FWS-71, T 2818; FWS-249, T 4468.

<sup>225</sup> R.J., T 3848, 3850; FWS-66, T 1112, 1114; FWS-73, T 3197, 3325.

<sup>226</sup> The interrogators were usually Zoran Vladičić, Mišo Koprivica, Vojislav Starović ( police officers) on occasions Boro Ivanović, Paprica and Petko Gašević. FWS-86, T 1464; Ahmet Hadžimusić, T 1951-52; FWS-162, T 1364; FWS-159, T 2450-2454, 2459-2460, FWS-69, T 4073-4074.

<sup>227</sup> Safet Avdić (Exhibit P-123), p. 682; FWS-139, T 346; FWS-85, T 636; FWS-215, T 865; FWS-198, T 988-992; FWS-66, T 1111; FWS-111, T 1260, 1263-1264; FWS-162, T 1353, 1364-1365; FWS-109, T 2374; FWS-86, T 1463-1464; FWS-182, T 1591, 1619, 1666; Ahmet Hadžimusić, T 1939,

64. Detainees were processed one after the other and were standing in line in the hall or next to the metal gate of the administrative building.<sup>228</sup> They waited with fear and anxiety for their interrogation because they knew that other detainees had been mistreated during the process as described below. When the detainee would not admit the information the interrogators insisted on, the military police or guards of the KP Dom who were in the room with the interrogators, might beat them.<sup>229</sup> Although the "official" interrogators did not do the beatings themselves,<sup>230</sup> they sometimes incited the beatings. Zoran Vladičić, one of the interrogators, was heard by Ekrem Zeković saying to an unidentified person inside the interrogation room: "Just hit him, do whatever, and he's going to admit whatever we ask him to."<sup>231</sup> The interrogators sometimes forced detainees to sign incriminating statements for crimes they never committed.<sup>232</sup>

65. Depending on who the interrogator was and whether the detainee knew the interrogator from before the war, the atmosphere during the interrogation was "proper".<sup>233</sup> But witnesses also testified that the interrogators threatened them and asked offending questions. They warned they would turn the witness over to the military police if they did not answer the questions to their satisfaction. An interrogator also told FWS-69 that the Crisis Staff would review his statement and since it was not "good enough", he would later be beaten.<sup>234</sup> When military police or soldiers did the interrogations, the detainees would usually be beaten.<sup>235</sup> Other detainees could hear cries of pain, screams, moans of fellow detainees being interrogated. Witness Safet Avdić remembered "the screams, the sobs, the shots, the sound of objects hitting those bodies, and that lasted for about one hour and that went

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1951-1952; FWS-138, T 2045, 2047, 2049, 2061, 2132; FWS-104, T 2190-2193; FWS-144, T 2308-2309; FWS-109, T 2372-2375, 2428; Juso Taranin, T 3018-3019; FWS-73, T 3249-3251; Ekrem Zeković, T 3468-3469; Amir Berberkić, T 3768; R.J., T 3849-3850; FWS-69, T 4068, 4070-4074, 4076; FWS-172, T 4557-4558; FWS-89, T 4663; FWS-137, T 4736, 4738-4739; Muhamed Lisica, T 4935-4938; FWS-250, T 5021-5022, 5106. Indictment, para. 5.1, 5.22.

<sup>228</sup> FWS-71, T 2829, 2837, 2845-2849.

<sup>229</sup> FWS-71, T 2862-2866.

<sup>230</sup> FWS-111, T 1260, 1263-1264; Ekrem Zeković, T 3469.

<sup>231</sup> Ekrem Zeković, T 3469. Indictment, para. 4.6.

<sup>232</sup> FWS-66, T 1116; FWS-138, T 2047; FWS-144, T 2309; Amir Berberkić, T 3771; FWS-69, T 4073- T 4074.

<sup>233</sup> Safet Avdić (Exhibit P-123), p. 682.

<sup>234</sup> FWS-111, T 1260, 1263-1264; FWS-162, T 1365; FWS-182, T 1591, 1619, 1666; Rasim Taranin, T 1720-1724; FWS-144, T 2309; FWS-138, T 2132.

<sup>235</sup> FWS-109, T 2376; FWS-69, T 4073-4074; FWS-172, T 4558-4559; FWS-137, T 4738, 4740.

<sup>236</sup> FWS-3, T 2237.

on in the administrative building of the penitentiary, sometimes in the left wing and sometimes in the right one.”<sup>236</sup> After the interrogation, the detainees were sometimes brought back to their room:<sup>237</sup> Sometimes they were taken to a different room or to the isolation cells.<sup>238</sup>

66. During the course of this trial, witnesses estimated that the number of detainees at the KP Dom was about 780 and peaked between May and July 1992.<sup>239</sup> The age of the non-Serb detainees varied from 7 to 80 years old.<sup>240</sup> Muslim males who were treated in the hospital were taken to the KP Dom directly from the hospital. Hence, there were many old, physically or mentally sick people amongst the detainees.<sup>241</sup>

67. The non-Serb detainees in the KP Dom were civilians<sup>242</sup> except for a few soldiers such as FWS-159 who stayed in the isolation cells.<sup>243</sup> The few Muslim soldiers who were captured at the Goražde frontlines arrived after winter 92/93. In May 1993, there were only about 80-100 Muslims left in KP Dom while more Serb military prisoners started being brought to the KP Dom.<sup>244</sup>

68. Contrary to the Serb military detainees, the non-Serb detainees at KP Dom were not charged with any crimes. They were simply unlawfully confined because of their ethnicity.<sup>245</sup> Dževad S. Lojo stated, “As far as I know, nobody was indicted there and there were no proceedings instigated against anybody who was there.”<sup>246</sup> None of the non-Serb detainees was ever indicted, convicted of any offences or had their

<sup>236</sup> Safet Avdić, T 489.

<sup>237</sup> FWS-73, T 3214-5

<sup>238</sup> FWS-73, T 3215

<sup>239</sup> FWS-85, T 606; FWS-111, T 1218; FWS-162, T 1359; FWS-86, T 1531; FWS-109, T 2398-2399; R.J., T 3898, 3903; FWS-69, T 4163-4164. Indictment, para. 1.2. FWS-69 came up with this very precise figure because he testified that he and other detainees counted the prisoners while they were queuing up at the canteen. Most of the other detainees estimated between 700 and 800.

<sup>240</sup> FWS-182, T 1595; FWS-109, T 2364; Nezir Čengiđ, T 4683, Exhibit P-424 birthdate of FWS-58.

<sup>241</sup> FWS-66, T 1076; FWS-86, T 1506; FWS-182, T 1595; Dževad S. Lojo, T 2549-2550; FWS-146, T 3061; FWS-71, T 2794, 2796-2798; FWS-69, T 4088-4089.

<sup>242</sup> Safet Avdić (Exhibit P-123), p. 683; FWS-54, T 731; FWS-215, T 825; FWS-66, T 1078; FWS-3, T 2226; FWS-8, T 1760; Dževad S. Lojo, T 2537, 2609; FWS-71, T 2773; FWS-139, T 319; FWS-142, T 1816; FWS-162, T 1338; FWS-182, T 1576; Amir Berberkić, T 3724. Indictment, para. 1.3, 4.7.

<sup>243</sup> FWS-66, T 1078; Dževad S. Lojo, T 2537.

<sup>244</sup> FWS-111, T 1225.

<sup>245</sup> FWS-33 (Exhibit P-106), p. 483; Safet Avdić (Exhibit P-123), p. 680-681; FWS-249 (Exhibit P-161), p. 2111.

<sup>246</sup> Dževad S. Lojo, T 2534.

detention reviewed.<sup>247</sup> Defence witness Ivanović, a guard in the KP Dom, confirmed this.<sup>248</sup> By the admission of the KP Dom guards, the only criteria for being imprisoned at the KP Dom was one's Muslim ethnicity.<sup>249</sup> When detainees complained to the prison staff that they should be released because they had committed no crime, they were told that a third party was "running the show" and that the guards could not do anything for them.<sup>250</sup>

69. The ICRC had difficulties contacting the detainees and when they did, they were under tight surveillance by the prison authorities like Mitar Rašević and the Accused. In fact, in April 1992 the ICRC visited KP Dom but were not allowed into the compound.<sup>251</sup> In summer 1992 an ICRC delegation in the company of a group of journalists was stopped by Slavko Koroman from speaking to the prisoners. An attempt to register the detainees on this occasion was interrupted by the prison staff.<sup>252</sup> On 23 June 1993, when most of the non-Serb detainees were finally registered by the ICRC, 12 intellectual and prominent Muslim civilians from Foča were hidden in the bakery from the ICRC.<sup>253</sup> The prison authorities hid detainees regularly over a six-week period in the bakery or on the farm.<sup>254</sup> Defence witness Šolaja, the head of the bakery confirmed this fact. He even remembered that witness FWS-111 was in this group.<sup>255</sup>

70. The evidence has shown that there were Muslim civilians unlawfully detained at the KP Dom from 18 April 1992 to 5 October 1994 when the last remaining 58 Muslim detainees were released in Sarajevo.<sup>256</sup> This last group of

<sup>247</sup> FWS-33 (Exhibit P-106), p. 483; Safet Avdić (Exhibit P-123), p. 680-681; FWS-249 (Exhibit P-161), p. 2111; FWS-54, T 731; FWS-215, T 865; FWS-86, T 1460, 1464; FWS-182, T 1587; FWS-142, T 1832; FWS-138, T 2043; FWS-104, T 2194; FWS-3, T 2265; Dževad S. Lojo, T 2534; FWS-71, T 2820; Juso Taranin, T 3034; Ekrem Zeković, T 3528; FWS-250, T 5022.

<sup>248</sup> Risto Ivanović, T. 6200-6204.

<sup>249</sup> FWS-104, T 2193, 2200; FWS-73, T 3206-3207; R.J., T 3835-3836; FWS-250, T 5022.

<sup>250</sup> FWS-73, T 3207.

<sup>251</sup> Ekrem Zeković, T 3553. Safet Avdić, T 530; FWS-182, T 1588.

<sup>252</sup> FWS-54, T 775. FWS-198, T 1023-1024; FWS-85, T 691; FWS-86, T 1544; Rasim Taranin, T 1751; Dževad S. Lojo, T 2627; Muhamed Lisica, T 4961.

<sup>253</sup> Amir Berberkić, T 4002.

<sup>254</sup> FWS-111, T 1267-1268; FWS-71, T 2896-2897; FWS-146, T 3078-3079; Rasim Taranin, T 1751; FWS-215, T 881-884; Amir Berberkić, T 4002. When FWS-71 asked why the prominent people of Foča were hidden, Gojko Jakanović answered that they were "being prepared for an exchange for big fish." FWS-71, T 2900. FWS-142, T 1833; FWS-73, T 3366-3367; Ekrem Zeković, T 3550.

<sup>255</sup> Slobodan Solaja, T. 5516.

<sup>256</sup> FWS-139, T 412; Safet Avdić (Exhibit P-123), p. 697; FWS-85, T 579; FWS-215, T 865, 917; FWS-198, T 957; FWS-66, T 1133; FWS-138, T 2110; FWS-71, T 2916; FWS-144, T 2311; FWS-144, T 2325; FWS-146, T 3084; FWS-73, T 3343; Ekrem Zeković, T 3606; FWS-249, T 4438-4439, 4487; FWS-89, T 4710; Muhamed Lisica, T 4987-4989; FWS-250, T 5069.

detainees released was accompanied by Mitar Rasević. However, their transfer was intercepted by soldiers from Miljevina after which they were taken to Miljevina where they heard they should be killed.<sup>257</sup> After interventions from the new warden Zoran Sekulović and the pre-war warden Radojica Tešović, the detainees were finally taken for exchange.<sup>258</sup>

71. In May 1992, a group of a few elderly or sick Muslim detainees was released from the KP Dom but had to report to the Foča police everyday.<sup>259</sup> Witness FWS-120 was only kept briefly in the KP Dom and then transferred to the JNA barracks where he was finally transported to Belgrade in May 1992.<sup>260</sup> On 30 August 1992, a group of 55 men was taken for exchange in Montenegro. On his way there, the bus was intercepted by Pero Elez from Miljevina who sent the group back to KP Dom. Soon thereafter, the younger men in this group (20) were taken out and never seen again. The other part of the group (35), which included R. J., FWS-54 and FWS-172, were taken to be exchanged in Rozaje, Montenegro the next day.<sup>261</sup>

72. On 15 January 1993, Nezir Čengić and two of his relatives were released from the KP Dom due to the intervention of Slobodan Milošević who was an acquaintance of a prominent relative of these detainees. Dževad S. Lojo testified that the detainees Čengić met with the accused in the presence of Colonel Marko Kovač. The accused confirmed this meeting. The next morning (15 January 1993), the detainees were taken to Belgrade.<sup>262</sup> Nezir Čengić, who was still sick and bed-ridden at the time, did not remember the details of these arrangements.<sup>263</sup>

73. On 4 April 1993, Dževad S. Lojo paid 80 000 DM for his release. Apparently, there was an agreement between the military leadership in Foča, the prison authorities and his wife to have him released. He was taken over by

<sup>257</sup> FWS-71, T 2916-2918; FWS-73, T 3293.

<sup>258</sup> FWS-71, T 2918; FWS-73, T 3291-3294.

<sup>259</sup> Juso Taranin, T 3031, 3034-3035.

<sup>260</sup> FWS-120, T 3152-3154

<sup>261</sup> FWS-54, T 783-785; FWS-66, T 1119-1120; FWS-86, T 1535-1542; FWS-8, T 1807; Amir Berberkić, T 3814-3816; R.J., T 3904, 3909; FWS-69, T 4095-4096; FWS-172, T 4575-4578, 4630; FWS-111, T 1266-1267; FWS-109, T 2425. FWS-109 added that Asim Hadžimuratović, Asim Logo, Ismet Ovčina, FWS-54, Hadžo Pašović and others were taken out for exchange in Montenegro. The Prosecutor believes he is referring to detainees who were part of this group of 20 exchanged in Rožaje on 30 August 1992.

<sup>262</sup> FWS-162, T 1436; Dževad S. Lojo, T 2601-2602; FWS-146, T 3079.

<sup>263</sup> Nezir Čengić, T 4694-4698, 4703-4704.

Montenegrin intermediaries and taken to the Hungarian border where the money was handed over.<sup>264</sup>

74. On 12 September 1993, Dr. Berberkić was exchanged alone in the Jewish cemetery in Sarajevo for three Serbs.<sup>265</sup> In May 1993, FWS-159 was taken to the police in Čajniče for exchange.<sup>266</sup>

75. FWS-162 and FWS-182 who left before October 1994 but during Sekulović's mandate as warden of the KP Dom, stated that they owed their release to his interventions.<sup>267</sup> R.J. testified that before his exchange he asked the Accused on several occasions to help him get released.<sup>268</sup> The Accused said he would try to convince the Crisis Staff that R.J. was sick and should be released.<sup>269</sup> The Accused told R.J. that Žarko Vuković was working hard on his behalf to secure his release and R.J. believed that he owes his early release to Vuković.<sup>270</sup>

76. Some detainees were released from the KP Dom and transferred to numerous other detention centres such as Kalinovik police station, Čajniče police station, Rudo camp or Kula camp. Some of the detainees spent many months detained there.<sup>271</sup>

## **B. Torture and Beatings**

77. A general pattern of beatings, torture and intimidation lasted throughout the period when Muslim civilians were detained at the KP Dom. Annotated Schedules A and B attached provide details of these beatings and torture. It is further highlighted in the attached schedules which particular incidents the Prosecution concedes are not supported by sufficient evidence and therefore not proven beyond reasonable doubt. Some incidents are not listed in the Schedules but in the body of the Indictment itself. These incidents, as well as others, are described below.

<sup>264</sup> Dževad S. Lojo, T 2621-2624.

<sup>265</sup> Amir Berberkić, T 3970.

<sup>266</sup> FWS-159, T 2441, 2458

<sup>267</sup> FWS-162, T 1409-1410; 1436; FWS-182, T 1654.

<sup>268</sup> R.J., T 3902.

<sup>269</sup> R.J., T 3851, 3902, 3905-3906, Schedule D14.

<sup>270</sup> R.J., T 3906.

78. Detainees were beaten on their arrival in the KP Dom. FWS-86 was hit by a Yugoslav officer with a Montenegrin accent, who said "If they are fundamentalists, kill them immediately; if they are not, let them go home." After this blow, FWS-86 could not use his right hand to eat.<sup>272</sup>

79. On 25 May 1992, FWS-71 and a busload of Muslims and Serbs arrested in Montenegro were lined up against the wall of the KP Dom and beaten with rifle butts, kicked and hit by soldiers.<sup>273</sup> The soldiers also insulted the victims with ethnic slurs.<sup>274</sup> Guards of the KP Dom were present but did not react.<sup>275</sup> FWS-71 suffered bruises which were visible for 5-10 days. In addition, he felt pain in his back, the shoulder area and around the rib cage.<sup>276</sup> (Indictment paragraphs 5.4 and 5.5).

80. It is conceded that the incident listed in Indictment, para. 5.4 and 5.6. is not proven beyond reasonable doubt. Witness FWS-69 described several beatings he suffered after his arrest, however none of these beatings occurred in or near the KP Dom.<sup>277</sup>

81. On a number of other occasions, soldiers would enter the compound and go to the canteen or the yard and beat the Muslim detainees.<sup>278</sup> Entrance to the KP Dom was restricted. Each person from the outside had to get authorisation to do so. The soldiers could get into the compound because the guards of the KP Dom admitted them. These soldiers were led through the administration building via the metal door into the compound.<sup>279</sup> Some KP Dom guards would join in the beatings delivered by the soldiers while others watched without interfering.<sup>280</sup> It is contended that ruthless soldiers had unfettered access to the premises granted to them by the prison

<sup>271</sup> FWS-111, T 1283; Rasim Taranin, T 1700, 1735-1740; FWS-8, T 1767, 1794-1795; Ahmet Hadžimusić, T 1983; 1985; FWS-104, T 2197; FWS-109, T 2355; FWS-159, T 2458. Rasim Taranin, T 1736.

<sup>272</sup> FWS-86, T 1459. This incident is not specified in the Indictment.

<sup>273</sup> FWS-71, T 2785-2786. Among the group of 8-10 "uniformed individuals", FWS-71 recognized Radomir Matović who was wearing a military uniform and had a rifle. Guards Slavko Koroman; Zoran Mijović and Milenko Elečić were present at the entrance of KP Dom. Indictment, para. 5.4, 5.5.

<sup>274</sup> FWS-71, T 2785.

<sup>275</sup> FWS-71, T 2788.

<sup>276</sup> FWS-71, T 2782-2788.

<sup>277</sup> FWS-69, T 4054-4061.

<sup>278</sup> For instance, Ekrem Zeković testified that he saw soldiers in the evening, at the gate where some of the beatings were done. Ekrem Zeković, T 3480.

<sup>279</sup> FWS-138, T 2089-2090.

authorities and for this reason, they participated in the beatings and killings of Muslims detainees, along with the KP Dom guards. The Prosecution submits that this evidence covers the paragraphs 5.1, 5.7 and 5.14 of the Indictment.

82. On 30 October 1992, some members of the military police<sup>281</sup> from Trebinje who had arrived in the KP Dom to take several detainees for an exchange<sup>282</sup> severely beat several detainees from room 18, including Nihad Pašović and FWS-215,<sup>283</sup> who were lining up in the yard to get their lunch. Mitar Rašević observed the incident from his window but did not intervene. The guards in the compound did not stop the soldiers either. The beating continued for a while, then everyone was ordered to lie on the ground.<sup>284</sup> It is submitted that this evidence supports incident 5.13 of the Indictment.<sup>285</sup>

83. In or around June 1992, at the canteen, when Edhem Gradišić complained about the food, he was beaten by the guards Perišić,<sup>286</sup> Vladičić,<sup>287</sup> and Kunarac<sup>288</sup> who in addition, took him to the solitary confinement cells.<sup>289</sup> Mr. Gradišić was a handicapped man, who in addition suffered from epilepsy. It is submitted this evidence supports incident 5.9 of the Indictment.

84. On one occasion at lunchtime, when detainee "Pace" Pašović did not comply with an order of a guard to carry his tray in a certain manner, the guard Predag Stefanović<sup>290</sup> slapped "Pace" in the face and beat him. The other guards present remained passive.<sup>291</sup> (Incident paragraph 5.10 of the Indictment)

<sup>280</sup> FWS-73, T 3286-3289.

<sup>281</sup> FWS-71, T 2891.

<sup>282</sup> The witness said 31 October but, in light of Exhibit D-43, the witness is wrong by one day since the exchange of detainees to Konjic occurred on 30 October 1992.

<sup>283</sup> FWS-215, T 913-916.

<sup>284</sup> FWS-71, T 2891-2893, 2980. Indictment, para. 5.8. The Prosecution wishes to point out that, in the Indictment, the date of this incident is placed in August 1992 whereas FWS-71 stated that it happened on 31 October 1992. He testified that he made a mistake in his statement and that this incident really happened in October 1992. It seems that this incident is the same as the incident described in the Indictment, para. 5.13. FWS-215 also mentions an incident where soldiers assaulted detainees who were on their way to the canteen on 30 October 1992. FWS-215, T 913-916.

<sup>285</sup> This incident is the same incident as alleged in 5.8.

<sup>286</sup> Exhibit P-3, #50.

<sup>287</sup> Exhibit P-3, #65.

<sup>288</sup> Exhibit P-3, #21.

<sup>289</sup> FWS-69, T 4088-4092. Indictment, para. 5.9.

<sup>290</sup> Exhibit P-3, #22.

<sup>291</sup> FWS-69, T 4093-4094. Indictment, para. 5.10.

85. In the first months of his detention, when FWS-137 was coming from breakfast or lunch, soldiers present in the yard would sometimes hit him and other unknown detainees. FWS-137 got hit a couple of times. FWS-137 testified that regular prison guards were present when that happened. Some guards would tell the detainees to hurry into the rooms, while others just stood there, passively. FWS-137 did not know what the soldiers were doing in the yard.<sup>292</sup> (Incident paragraph 5.11 of the Indictment)

86. In the autumn of 1992, when detainees, including Dr. Berberkić and Dževad S. Lojo, were leaving the canteen<sup>293</sup> two soldiers approached them and ordered the detainees to bow their heads. When Dr. Berberkić and Dževad S. Lojo did not obey immediately, they were hit several times. Dr. Berberkić remembered that one of the soldiers who hit him wore a very unusual hat. From their accent, he surmised that they were probably from Eastern Herzegovina, probably Bileća or Gacko. Guard Milovan Vuković from Jošanica<sup>294</sup> and several other guards were present but did not intervene.<sup>295</sup> (Incident 5.12 of the Indictment).

87. In June or July 1992, when the prisoners were coming back from lunch, Džemo Balić (Z.B.) was severely beaten by a certain Cicmil<sup>296</sup> while guard Burilo was watching. FWS-69 heard blows and screams coming from the direction of the visitor rooms on the ground floor in the administration building when this happened. Džemo Balić told FWS-69 afterwards that the reason Cicmil gave him for this beating was, "you are the one who had promised to Alija eight kilos of Serbian eyes." Due to the beating, Džemo Balić became deaf on one ear and had pain in his ribs. After the beating his was kept a period in a solitary confinement cell before he was returned to room 18.<sup>297</sup> (Incident 5.15 of the Indictment)

<sup>292</sup> FWS-137, T 4742-4745, 4787.

<sup>293</sup> FWS-113 in the Indictment, para. 5.12.

<sup>294</sup> Exhibit P-3, #45.

<sup>295</sup> Amir Berberkić, T 3763-3765. The incident is confirmed by FWS-8, T 1778-1780 and Dževad S. Lojo, T 2554, 2565. Indictment, para. 5.12.

<sup>296</sup> He was the son of the guard from the hospital gate. FWS-69, T 4081. He is not mentioned in the Exhibit P-3. He is mentioned by other witnesses as a local soldier who participated in the arrests of the Muslim civilians and brought them to the KP Dom.

<sup>297</sup> FWS-69, T 4081-4084. Indictment, para. 5.14, 5.15.

88. On 11 July 92, after lunch, FWS-71 was arbitrarily beaten in the corridor, in front of Room 11, by guards Dragan Obrenović and Zoran Matović,<sup>298</sup> who on this day, wore camouflage military uniforms. The beating lasted about 15 minutes and FWS-71 was kicked in the chest, around the kidneys, and slapped on the face. FWS-71 was in pain for 10-15 days after the beating and had bruises around his kidneys.<sup>299</sup> (Incident paragraph 5.16 of the Indictment)

89. Muslim detainees who worked in the kitchen were ordered not to give any extra food to fellow detainees. Rasim Taranin and witness FWS-54 disregarded this order and were locked into solitary confinement as punishment. Witness FWS-54 who had given an extra slice of bread to a detainee in addition was beaten and kicked by the guard.<sup>300</sup> (Incident paragraphs 5.18 of the Indictment)<sup>301</sup>

90. In June 1992, the guards Obrenović and Milenko Elčić<sup>302</sup> beat Avdo Muratović, Fahrudin Malkić, Murad Musić and Fnu Sačić after guard Elčić had seen Sačić passing a message to Muratović and Malkić from window to window. The beating took place on the ground floor of building 2 of the prisoners' quarters where the guards had an office.<sup>303</sup> (Incident paragraph 5.19 of the Indictment)<sup>304</sup>

91. FWS-71, Dževad Cošović, FWS-8 and FWS-76 were punished in October 1992 for having stolen bread. For that reason, they were sent to the solitary confinement cells where they were beaten by the guards Marić, Zoran Matović and Obrenović.<sup>305</sup> (Incident paragraph 5.20 of the Indictment)<sup>306</sup>

<sup>298</sup> FWS-71, T 2807.

<sup>299</sup> FWS-71, T 2807-2809. The Prosecution wishes to point out to the Trial Chamber that this paragraph of the Indictment describes FWS-71 as being beaten with various objects and then fainting. However, in his testimony FWS-71 claims that no objects were used in this beating and he does not mention fainting.

<sup>300</sup> Rasim Taranin, T 1716; FWS-54, T 740, 745-748.

<sup>301</sup> See also Schedules A13 and E52.

<sup>302</sup> Exhibit P-3, # 34.

<sup>303</sup> FWS-69, T 4096-4100, 4181-4184. This incident is referred to in the Indictment, para. 5.19. However it seems that the beating of the cousin of FWS-69, who is also listed in the indictment (H.T.) as being involved in this incident is not connected to this incident. Murad Musić, who is not mentioned in the Indictment was the other detainee punished in relation to this incident.

<sup>304</sup> Rasim Taranin, T 1716; FWS-54, T 740, 745-748. The incident that relates to FWS-54 is mentioned in the Indictment, para. 5.18.

<sup>305</sup> FWS-71, T 2812-2813. Indictment, para 5.20.

<sup>306</sup> See also Schedules A5 and A9.

92. Muslim detainees were also locked up in the solitary confinement cells as punishment because they communicated with other detainees,<sup>307</sup> washed down a pill with tea,<sup>308</sup> tried to make clothing to keep themselves warm,<sup>309</sup> looked out the window,<sup>310</sup> hid a transistor radio and listened to it,<sup>311</sup> played cards,<sup>312</sup> took a chair from another room for a fellow detainee,<sup>313</sup> wanted to save a piece of bread for a fellow detainee,<sup>314</sup> queued two times for lunch,<sup>315</sup> tried to make a water heater,<sup>316</sup> asked for some hot water to wash,<sup>317</sup> refused to work,<sup>318</sup> or smuggled in medicine from the hospital.<sup>319</sup>

93. The interrogators also had the power to order that the detainees be sent to the isolation cell if they did not want to confess<sup>320</sup> or refused to sign an incriminating statement.<sup>321</sup> A few detainees who were accused of having fought against the Serbs were sent to solitary confinement.<sup>322</sup> Some of them spent months in the isolation cells.<sup>323</sup> It was common for detainees to be beaten by guards of the KP Dom whilst in the isolation cells.<sup>324</sup> The duration of the punishment in the isolation cells ranged from 3 days to four and a half months.<sup>325</sup>

94. In the initial period at the KP Dom the Serbian soldiers would work in co-operation with local Serb KP Dom staff from the pre-war period in supervising and ill-treating the Muslim detainees. FWS-111 testified that on about 19 April 1992 he was taken from Room 11 after a local Serb KP Dom medical technician identified this

<sup>307</sup> FWS-139, T 330; Safet Avdić (Exhibit P-123), p. 690, 693, 694; Safet Avdić, T 460-461.

<sup>308</sup> FWS-139, T 373.

<sup>309</sup> Safet Avdić, T 466; Dževad S. Lojo, T 2562-2563; FWS-71, T 2815-2816; Amir Berberkić, T 3746-3748.

<sup>310</sup> Safet Avdić (Exhibit P-123), p. 686; FWS-109, T 2412; FWS-69, T 4099.

<sup>311</sup> FWS-215, T 875; FWS-182, T 1612; FWS-109, T 2356, 2358; Ekrem Zeković, T 3544; FWS-250, T 5023.

<sup>312</sup> Amir Berberkić, T 3748.

<sup>313</sup> FWS-138, T 2067.

<sup>314</sup> FWS-249, T 4412-4413.

<sup>315</sup> FWS-172, T 4571.

<sup>316</sup> FWS-71, T 2805; Amir Berberkić, T 3748.

<sup>317</sup> FWS-111, T 1222-1225.

<sup>318</sup> FWS-198, T 982-985.

<sup>319</sup> Muhamed Lisica, T 4880-4881.

<sup>320</sup> FWS-198, T 990; FWS-109, T 2376; FWS-162, T 1365-1369.

<sup>321</sup> Ekrem Zeković, T 3474.

<sup>322</sup> Ekrem Zeković, T 3474.

<sup>323</sup> FWS-66, T 1078; FWS-159, T 2457-2458; FWS-198, T 950. FWS-198 testified that when he was placed in solitary confinement, he noticed 18 people in his cell.

<sup>324</sup> FWS-111, T 1207-1212; 1235; FWS-182, T 1613-1614; FWS-182, T 1614; Ahmet Hadžimusić, T 1941-1942, 2000; Ekrem Zeković, T 3591, 3595.

<sup>325</sup> FWS-182, T 1611-1613; FWS-66, T 1078; FWS-198, T 950; FWS-159, T 2457-2458.

witness to a Serbian soldier. After his removal from the room and before being placed in solitary confinement he was badly beaten. FWS-111 believed this incident was incited by this local Serb who knew the witness before the war commenced.<sup>326</sup>

95. The conditions in the isolation cells were atrocious. Ahmet Hadžimusić testified that during his first 4 days in KP Dom, he was put in isolation cells with some 15 inmates. Because of it, he could neither lie down nor sleep properly.<sup>327</sup> He said, "At night they provoked us and beat us and by day we slept from fear and exhaustion".<sup>328</sup>

96. On 8 July 1993, Ekrem Zeković escaped from the KP Dom.<sup>329</sup> As a consequence, all Muslim detainees did not get food for two days.<sup>330</sup> On the days following the capture of Zeković, the rations of food of the Muslims detainees were cut in half.<sup>331</sup> All Muslim detainees were locked in their rooms or in the solitary confinement cells.<sup>332</sup> The prison authorities banned medical care. Even Dr. Berberkić was prohibited to attend to his fellow detainees.<sup>333</sup> All the detainees that worked with Zeković in the metal workshop were locked into a solitary confinement cell. Fifteen of them were locked into one cell together and it was so crowded they could only stand. Many of them were beaten and threatened in the isolation cells by Savo Todović, Boro Ivanović and guards while being questioned about the escape.<sup>334</sup> (Incident paragraph 5.21 in the Indictment)

97. In addition to the members of the work group, FWS-73 who was the detainee in charge of Zeković's room was badly beaten as well, especially by Savo Todović

<sup>326</sup> Schedule A11, FWS-111, T 1204, 1207-12, 1235.

<sup>327</sup> Ahmet Hadžimusić, T 1941-1942.

<sup>328</sup> Ahmet Hadžimusić, T 2000.

<sup>329</sup> FWS-66, T 1122.

<sup>330</sup> Amir Berberkić, T 3950-3952. The detainees were tortured and threatened ruthlessly until Zeković was caught. See FWS-66, T 1122; FWS-73, T 3240-3246; Muhamed Lisica, T 4926-4927.

<sup>331</sup> FWS-139, T 374; FWS-66, T 1122; FWS-8, T 1781-1782; FWS-138, T 2095; Ekrem Zeković, T 3587-3588; Amir Berberkić, T 3950-3952; FWS-250, T 5066.

<sup>332</sup> FWS-66, T 1122.

<sup>333</sup> FWS-66, T 1122; Ekrem Zeković, T 3587-3588; Amir Berberkić, T 3950-3952.

<sup>334</sup> Rasim Taranin, T 1731, 1734; FWS-8, T 1781-1782; Ahmet Hadžimusić, T 1982; FWS-138, T 2095; FWS-73, T 3242-3246; FWS-249, T 4414, FWS-249, T 4445, 4471, Muhamed Lisica, T 4926-4927. Muhamed Lisica described the general atmosphere in the isolation cell: "They were beating people. I was looking ahead and there was lots of panic, and you could not really look around and see who was beating whom. Everybody was beaten."

who hit him with brass knuckles and kicked him on the head with boots while he was lying on the ground.<sup>335</sup> As a result of the beatings, FWS-73 urinated blood.<sup>336</sup>

98. Ekrem Zeković was re-captured on 9 July 1993. He was taken back to KP Dom by prison guards. One of them, the Defence witness Miladin Matović,<sup>337</sup> punched him.<sup>338</sup> They arrived at the KP Dom<sup>339</sup> in the early afternoon.<sup>340</sup> The accused was present when guard Burilo severely beat Zeković as he was dragged into the premises and past the guard on duty. Zeković was beaten so violently that guard Milić and the accused intervened. After the beating, the accused and Milić lifted Zeković from the concrete and threw him into the isolation cell next to the guard on duty booth.<sup>341</sup> Milenko Burilo was not punished for beating Zeković although the accused witnessed the beating.<sup>342</sup>

99. While in the isolation cell near the front gate of the KP Dom, Zeković was interrogated by Savo Todović, Boro Ivanović and Dr. Mandić and beaten by Todović.<sup>343</sup> He was then transferred to another isolation cell and beaten relentlessly in the hall of the administrative building on the way. He spent about 27 or 28 days in this isolation cell of the new wing of the administrative building.<sup>344</sup> There, he was handcuffed, tied to a metal ring<sup>345</sup> and relentlessly beaten by guards including Burilo inside and outside this second isolation cell.<sup>346</sup>

<sup>335</sup> FWS-73, T 3240-3246. Soon after Zeković's escape, a guard told FWS-73 to go downstairs and they proceeded to beat him straight away. Whilst he was being beaten by guards, Savo Todović questioned him and said that he would "slay all of us balijas" and "that we did not even deserve all we were getting there (at the KP Dom)." FWS-73 along with the others were then taken downstairs to the ground floor in building one, into a passageway, where they were beaten by several guards: "They stood in a circle. One hit you from this side, another one from the other side, and so on. FWS-73 remembered that one of the worst beaters was Savo Todovic. Todovic beat FWS-73 with brass knuckles: "When I fell down, when I lost all strength, then they hit me as I was lying down, mostly around the head or the lower back, but it was with the boots. And after he beat me and beat me and questioned and beat me, and I was saying "I don't know, I don't know" Then Savo Todović ordered one of the guards to take him to the isolation cell.

<sup>336</sup> FWS-73, T 3243-3246.

<sup>337</sup> Exhibit P-3, #47.

<sup>338</sup> Ekrem Zeković, T 3555-3565. Miladin Matović admitted that he shoved him a bit.

<sup>339</sup> Ekrem Zeković, T 3567.

<sup>340</sup> Ekrem Zeković, T 3568, 3577.

<sup>341</sup> Ekrem Zeković, T 3563-3569.

<sup>342</sup> Ekrem Zeković, T 3570, T 3616.

<sup>343</sup> Ekrem Zeković, T 3568, 3577, 3579, 3583-3587, 3593-3594. See also Exhibit D73.

<sup>344</sup> Ekrem Zeković, T 3568.

<sup>345</sup> FWS-139, T 374-375. Likewise, FWS-139 testified that Ekrem Zeković was chained in the isolation cell after his capture.

<sup>346</sup> Ekrem Zeković, T 3568, 3575-3576, 3582, 3591, 3595.

100. Most of the beatings committed in the KP Dom occurred in relation to interrogations. The Prosecution distinguishes between incidents committed during daytime and those during night-time. On 24 May 1992, immediately after his arrest in Foča with Halim Dedović and Harjo Šabanović, FWS-3 was taken into the administration building where he had to wait in the entrance area. The three of them were told that they were going to be interrogated. While witness FWS-3 was waiting to be interrogated, Halim Dedović was beaten. The witness heard screams and moans coming from the room to the left from the entrance on the ground floor and recognised the voice of Halim. A few minutes later, Harjo Šabanović was also taken to this room and beaten. FWS-3 heard the screaming and moaning as Šabanović was interrogated. When FWS-3 was taken into the interrogation room, he saw Halim Dedović in the same room.<sup>347</sup> His face was all swollen and bruised. In the presence of FWS-3, the military policemen asked the injured Dedović whether the witness was an SDA activist. When Halim Dedović replied that he was, they started to beat him again.<sup>348</sup> FWS-3 also saw Harjo Šabanović lying on the floor in bloody clothes. They splashed water on him and continued to beat him when he regained consciousness. Then FWS-3 was interrogated by military policemen who while doing so beat him on the back, around the kidneys and on his arms with an object.<sup>349</sup> (Incident paragraph 5.23 of the Indictment)<sup>350</sup>

101. The Prosecution concedes that the incident 5.24 of the Indictment has not been proven beyond a reasonable doubt.

102. Witnesses FWS-66 and FWS-71 testified that Ibrahim Šandal died in March or April 1994 as a result of the brutal beatings he suffered inside and outside the KP Dom and the lack of health care for the injuries caused by these beatings.<sup>351</sup> The Prosecution does not hold the accused responsible for the death of the detainee as such. (Incident paragraph 5.25 of the Indictment)

<sup>347</sup> Zliko Drakul, "Pikolo" Miletić and Dino aka "Gira", military policemen, were there. FWS-3, T 2237-2238.

<sup>348</sup> FWS-3, T 2238-2239. Halim Dedović (Schedule A6) also told FWS-3 that as he was led to the isolation cell, Burilo hit him.

<sup>349</sup> FWS-3, T 2234-2243.

<sup>350</sup> See also Schedule B13, B49.

<sup>351</sup> FWS-66, T 1088; FWS-71, T 2824-2825.

103. After the usual roll call around 8:00 p.m. every evening,<sup>352</sup> a guard would come from the administrative building with a piece of paper listing the non-Serb detainees to be interrogated. This list was given to the guard on duty in the prisoners' quarters.<sup>353</sup> This guard, sometimes accompanied by a soldier, would then go from room to room and call out the names of the individuals on the list. The selected detainees were brought to the metal gate of the administration building and lined up there. One by one, they were taken past that door. While taken out from their rooms, those detainees were told they had to make a statement, but in reality they were to be interrogated and beaten in rooms in both wings on the ground floor of the administration building. Most of the detainees were beaten in the visitor rooms in the right wing of the administration building (as seen from the street entrance into KP Dom) below the warden's office. Some were beaten in the hall immediately behind the metal door leading from the compound into the administration building. Others were beaten in the left wing of the administration building in the room immediately behind the booth of the guard on duty. Finally some were beaten in the same wing in either the room that is marked "TEL" (the Telephone Room) in Exhibit P 6/1 or in the room next to the "TEL" room (both facing room 11 of the prisoners' quarters).<sup>354</sup> On occasion beatings were done in a small anteroom near room 11.<sup>355</sup> Whenever they came back to their rooms immediately after the beatings, the other detainees could see their injuries.<sup>356</sup>

104. Once the victims were past the metal door, the detainees who witnessed the incident could not clearly see what was happening.<sup>357</sup> Those who were involved in SDA activities, had worked for the municipal authorities or for the police were selected for beatings more often and beaten more cruelly.<sup>358</sup> Those detained in room 11 could observe what happened to the victims beaten in the "TEL" room or the

<sup>352</sup> FWS-137, T 4746-4747, 4750; FWS-109, T 2378; Dževad S. Lojo, T 2576.

<sup>353</sup> Safet Avdić, T 486-488, 514; FWS-182, T 1623; FWS-3, T 2250-2254, 2260-2261; FWS-144, T 2301-2303; Dževad S. Lojo, T 2574; FWS-73, T 3331. Indictment, para. 5.1, 5.22.

<sup>354</sup> FWS-139, T 352-354; Safet Avdić, T 489, 492; FWS-86, T 1520; FWS-182, T 1623; FWS-138, T 2086; FWS-104, T 2173-2174; FWS-3, T 2250-2254, 2260-2261; Dževad S. Lojo, T 2584-2587; FWS-71, T 2829, 2837, 2845-2849; 2865-2866, 2875, 2880-2881, 2886; Juso Taranin, T 3015, 3021, 3025, 3047; FWS-73, T 3214; Ekrem Zeković, T 3475; FWS-3, T 2250-2254, 2260-2261; Ekrem Zeković, T 3475; R.J., T 3860; FWS-69, T 4110; FWS-249, T 4486, 4513, 4534-4535; FWS-137, T 4748-4750, 4754, 4794; Dževad S. Lojo, T 2584-2587. Indictment, para. 5.1, 5.22, 5.26

<sup>355</sup> FWS-73, T 3214-3215.

<sup>356</sup> Juso Taranin, T 3025; FWS-73, T 3214-3215; Muhamed Lisica, T 4958. When the beatings were particularly severe, the detainees were usually not returned to their room but instead sent to the isolation cells.

<sup>357</sup> FWS-104, T 2173-2174; FWS-144, T 2301-2303.

adjacent room. However, because their view was partly blocked, they could only observe parts of the victims and parts of the perpetrators and movements indicating beatings. For the most part, they recognised the victims or the beaters through their voices or the names and terms used during the interrogations. Those detained in rooms 12, 14, 15, 16, 18, 20 and 22 heard the sounds of the beatings conducted in the visitor rooms or the hall behind the metal door. In addition, they could occasionally see the shadows of persons in these rooms making movements.<sup>359</sup>

105. The majority of the beatings were done after 7:00 p.m.<sup>360</sup> and lasted up to an hour, sometimes longer.<sup>361</sup> Some of the witnesses who saw or heard the sounds of the beatings stated that several persons were engaged in the beatings.<sup>362</sup> Witnesses testified that the aim of the beatings in the administration building was to obtain confessions.<sup>363</sup> FWS-142 heard people interrogating Nurko Nišić asking him, just before he was shot: “Nurko, do you know what happened to my Bota.”<sup>364</sup> Similarly, FWS-86 heard Rajko Čičmil, a soldier, shout at an unidentified detainee during a beating in the administration building: “Own up better or we’ll kill you. ... Tell us where it is or we’ll kill you.”<sup>365</sup>

106. The period during which the greatest number of detainees was taken out to be beaten and killed was between May and August 1992. During this time, detainees were taken out almost every day. These episodes of beatings and killings reached a critical stage between 12 and 28 June 1992.<sup>366</sup> When FWS-146 arrived at the KP Dom at the beginning of October 1992, he was told by a guard that, although people had been taken away to be beaten in the past, that would not happen again.<sup>367</sup>

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<sup>358</sup> FWS-86, T 1530; FWS-182, T 1611-1612. Indictment, para. 5.22, 5.26.

<sup>359</sup> Reference is made to Annex II.

<sup>360</sup> FWS-138, T 2068, 2084; Rasim Taranin, T 1724; FWS-3, T 2250-2254, 2260-2261; FWS-144, T 2303-2304; FWS-109, T 2396; Dževad S. Lojo, T 2584 –2587; FWS-71, T 2829; Ekrem Zeković, T 3476; Amir Berberkić, T 3811; R.J., T 3861; FWS-69, T 4110; Muhamed Lisica, T 4957.

<sup>361</sup> FWS-182, T 1634; FWS-144, T 2301-2303; FWS-104, T 2179; Safet Avdić, T 489; FWS-71, T 2839; Ekrem Zeković, T 3475.

<sup>362</sup> FWS-139, T 352-354; FWS-138, T 2068; FWS-71, T 2853; Amir Berberkić, T 3774.

<sup>363</sup> FWS-182, T 1623, 1624; Rasim Taranin, T 1724. Indictment, para. 4.6, 5.22.

<sup>364</sup> FWS-142, T 1824.

<sup>365</sup> FWS-182, T 1623, 1624.

<sup>366</sup> Safet Avdić (Exhibit P-123), p. 692-693, Safet Avdić, T 483-484; FWS-86, T 1519; FWS-86, T 1520; FWS-182, T 1622; FWS-138, T 2069; FWS-3, T 2250-2254, 2260-2261; FWS-144, T 2301-2303; FWS-71, T 2820, 2822, 2829, 2862, 2889, 2981; FWS-69, T 4112; FWS-172, T 4559-4560; Muhamed Lisica, T 4946. Indictment, para. 5.1.

<sup>367</sup> FWS-146, T 3081.

107. Most of the beatings were done by soldiers coming from outside of the KP Dom. Guards like Milenko Burilo, Zoran Matović, Dragomir Obrenović, Vlatko Pljevaljčić, Pedrag Stefanović and Radovan Vuković who also participated were never punished for this by the KP Dom administration.<sup>368</sup> On the contrary, the “tolerant guards were sent away from work”.<sup>369</sup>

108. In June or July 1992, Muhamed Lisica had to clean bloodstains in the isolation cell. This was after a night when beatings had taken place, so he assumed that it was human blood.<sup>370</sup> Around 8 August 1992, FWS-71 and Mujo Dudić had to clean a room used for beatings in the administrative building and encountered traces of blood on the walls and on metal and wooden batons.<sup>371</sup> Witness Ekrem Zeković observed bloodstains on the Zastava car, a KP Dom pickup vehicle from the metal workshop, the morning after he heard it drive away from the KP Dom immediately following beatings in the administration building the previous night.<sup>372</sup> That morning, witness Muhamed Lisica, was requested to wash the bloodstains from this vehicle.<sup>373</sup>

109. In June 1992, KP Dom guards, on at least two occasions, severely beat Nurko Nišić, a former officer from the municipality administration and an SDA member,<sup>374</sup> Zulfo Veiz<sup>375</sup> and Salem Bičo,<sup>376</sup> both former policemen, and Krunoslav Marinović,<sup>377</sup> a Croat reporter, and returned them to their rooms bruised, bloody and seriously injured. (Incident paragraph 5.27 of the Indictment)

<sup>368</sup> Exhibit P-3, #56; Exhibit P-3, #48; Exhibit P-3, #46; Exhibit P-3, #35; Exhibit P-3, #22; Exhibit P-3, #52.

<sup>369</sup> Ekrem Zeković, T 3570, 3616.

<sup>370</sup> Muhamed Lisica, T 4963-4965. Indictment, para. 5.26.

<sup>371</sup> FWS-71, T 2845-2849, 2858. Indictment, para. 5.26. See also Schedule E15.

<sup>372</sup> Ekrem Zeković, T 3482-83.

<sup>373</sup> Muhamed Lisica, T. 4898-900. Lisica describes it as a Zastava 101 also called a Kedi. He testified that it was a small delivery truck owned by the KP Dom.

<sup>374</sup> 22 witnesses confirmed that Nurko Nišić was beaten many times (Amir Berberkić said more than five times) in the administrative building before being shot dead. For a complete account of the evidence on Nurko Nišić beatings and murder, see Schedule C19.

<sup>375</sup> FWS-73, T 3270, 3400; 16 witnesses confirmed that Zulfo Veiz was beaten many times in the administrative building before being shot dead. For a complete account of the evidence on Zulfo Veiz beatings and murder, see Schedule C29. Indictment, para. 5.27.

<sup>376</sup> FWS-73, T 3269, 3400; 13 witnesses confirmed that Salem Bičo was beaten many times in the administrative building before being shot dead. For a complete account of the evidence on Salem Bičo's beatings and murder, see Schedule C2 and B5.

<sup>377</sup> 12 witnesses confirmed that Krunoslav Marinović was beaten many times in the administrative building before being shot dead. For a complete account of the evidence on Salem Bičo's beatings and murder, see Schedule C17. Indictment, para. 5.27.

110. In June 1992, the KP Dom guards tortured and beat detainee Salko Mandžo having mistaken him for another detainee with the same name, who was on the list of detainees selected for interrogation and torture. The perpetrators beat and cut Salko Mandžo with a knife in his face. They threatened to take out his eye. While he was being beaten, Mitar Rašević appeared,<sup>378</sup> discovered the mistake, and ordered the guards to stop beating Salko Mandžo. The victim was returned to his cell, seriously injured and covered in blood.<sup>379</sup> (Incident paragraph 5.28 of the Indictment)

111. Between May and July 1992, on at least two occasions, KP Dom guards and military policemen tortured and beat detainees Džemal Vahida, a former policeman,<sup>380</sup> Enes Uzunović, an SDA member,<sup>381</sup> Aziz Šahinović<sup>382</sup> and Elvedin “Ekinda” Čedić.<sup>383</sup> As a result of the torture and beatings, Aziz Sahinović suffered three broken ribs and Džemal Vahida had his jaw broken and lost several teeth.<sup>384</sup> Three fingers of Elvedin “Ekinda” Čedić’s hand were broken and his body was bruised.<sup>385</sup> After the beatings the victims were kept in solitary confinement for several days and then returned to their cells severely injured. (Incident paragraph 5.29 of the Indictment)

<sup>378</sup> FWS-138, T 2078. It appears that paragraph 5.28 of the Indictment referring to the accused as the one stopping the beating is incorrect. In fact, FWS-138 stated that it was Mitar Rašević, the commander of guards who actually stopped this beating because of the mistake in the identity of the Mandžo that they wanted to torture.

<sup>379</sup> FWS-66, T 1104-1105; FWS-111, T 1246-1247; FWS-142, T 1830; Amir Berberkić, T 3930-3931; Ekrem Zeković, T 3473-3474; FWS-172, T 4570; FWS-89, T 4665. Indictment, para. 5.28.

<sup>380</sup> Nine witnesses confirmed that Džemal Vahida was taken out many times between May and August 1992 for the purpose of interrogations and torture in the administration building. For a complete account of the evidence on Džemal Vahidas beatings and disappearance, see Schedule C27 (Annotated). Indictment, para. 5.29.

<sup>381</sup> Thirteen witnesses confirmed that Enes Uzunović was taken out many times between May and August 1992 for the purpose of interrogations and torture in the administration building. For a complete account of the evidence on Džemal Vahidas beatings and disappearance, see Schedule C26 (Annotated). Indictment, para. 5.29.

<sup>382</sup> Aziz Sahinović was an employee of the Privredna Banka. He told FWS-71 that he had been beaten in the KP Dom but did not specify the exact location. He did not reveal who beat him but said he was beaten because 36.000 DM was missing from the Bank and they accused him of having stolen it. See also FWS-139, T 359; FWS-142, T 1826; Ekrem Zeković, T 3469-3470; Amir Berberkić, T 3926 who confirmed that Aziz Sahinović was badly beaten in the KP Dom and then sent to one of the isolation cell. FWS-142 and Amir Berberkić testified that they learned from Sahinović that Jovo Savić (Exhibit P-3, #55) was involved in one of the beatings he suffered. Indictment, para. 5.29.

<sup>383</sup> FWS-54, T 753-756; FWS-111, T 1252; FWS-3, T 2251-2253, 2259; Muhamed Lisica, T 4957. Misa Koprivica, inspector of the Secretariat of the Interior, was mentioned by FWS-54 as one of the perpetrator of torture during an interrogation involving Aziz Sahinović, Elvedin Čedić and Džemal Vahida and also the Soro brothers (Schedule B53 to B55). Indictment, para. 5.29.

<sup>384</sup> FWS-137, T 4758.

<sup>385</sup> FWS-54, T 754; Muhamed Lisica, T 4957.

112. FWS-159 spent about four months in the isolation cells. During that period, he was beaten countless times by Zoran Matović, which led to an ear impairment and a broken rib. He also developed speech and psychosomatic problems while at KP Dom, which were visible to all present in the courtroom during the witness' testimony.<sup>386</sup>

113. All detainees who suffered beatings specified in the Indictment paragraphs 5.17 to 5.29 experienced severe pain from the heavy blows and had bruises all over their bodies.<sup>387</sup> The injuries are specified above and in Schedule B. Some such as Ibrahim Šandal or Omer Kunovac never recovered.<sup>388</sup> Due to the beatings Ekrem Zeković suffered after his escape, he could not raise his arms and could barely stand. His shoulder is still dysfunctional to the present day.<sup>389</sup> Ahmet Hadžimusić explained that his fingers became numb because of the number of baton blows he received.<sup>390</sup> The Prosecution submits that all the described beatings caused pain and suffering of such gravity that the treatment amounts to torture in all such cases. The amount of human suffering can easily be deduced from the screaming, crying and moaning that accompanied the beatings.

114. The sounds of the suffering victims was so extraordinary that the other detainees could hardly bear listening to it and were terrified thinking that they would be the next victims.<sup>391</sup> Ekrem Zeković testified that he remembers, to this day, the distinctive sound of the infamous metal gate, which usually meant that some of his fellow detainees were being taken to be interrogated and beaten.<sup>392</sup>

115. There was, therefore, an atmosphere of humiliation, intimidation, exhaustion and anxiety in the KP Dom caused by the beatings and disappearances that all the non-Serb detainees experienced.<sup>393</sup> FWS-162 stated that testifying to the Court about

<sup>386</sup> FWS-159, T 2493-2499, 2508-2509. See also Schedule B57.

<sup>387</sup> FWS-3, T 2240, 2243.

<sup>388</sup> Indictment, para. 5.25.

<sup>389</sup> Ekrem Zeković, T 3588.

<sup>390</sup> Ahmet Hadžimusić, T 1941.

<sup>391</sup> FWS-139, T 367-368; FWS-54, T 774; FWS-215, T 901-902; FWS-66, T 1111; FWS-111, T 1259; FWS-162, T 1391-1392; Rasim Taranin, T 1724,1753; FWS-104, T 2182; FWS-3, T 2261; FWS-144, T 2326-2327; FWS-109, T 2377-2379, 2383, 2385; Dževad S. Lojo, T 2590; Amir Berberkić, T 3932; FWS-69, T 4119. Safet Avdić, T 494; FWS-215, T 902; FWS-66, T 1111; FWS-86, T 1527- 1528; FWS-86, T 1520; ; FWS-58, T 2694-2695; FWS-58, T 2706-2707; FWS-71, T 2889.

<sup>392</sup> Ekrem Zeković, T 3477.

<sup>393</sup> Safet Avdić, T 537; FWS-109, T 2377, 2385; FWS-109, T 2377-2378, 2401; Amir Berberkić, T 3932; FWS-249, T 4468, 4470.

the beatings at KP Dom still traumatises him.<sup>394</sup> Rasim Taranin expressed that he had suicidal tendencies and suffered long-term depression during his detention.<sup>395</sup>

116. The widespread beatings created an everyday challenge to the sanity of all the non-Serb detainees.<sup>396</sup> Rasim Taranin described how he was so afraid that he lost control and urinated in his pants when he heard the sounds of the beatings.<sup>397</sup> FWS-71 remembered that the father of Refik Čankušić,<sup>398</sup> who was in Room 11 with FWS-71, collapsed when his sons were taken away. He had a pre-existing heart condition and was in a coma for 2-3 hours afterwards.<sup>399</sup>

117. For these reasons, the Prosecutor submits that the beatings that the detainees saw or heard in combination with the general living conditions led to mental and physical suffering of all the non-Serb detainees in the KP Dom. For details the Prosecution makes reference to its annotated Schedule D attached to this final trial brief.

### **C. Killings occurring at the KP Dom<sup>400</sup>**

118. Between 12 and 28 June 1992 (St. Vitus' Day, a Serb holiday) the number of detainees taken from the rooms after dinner reached its peak.<sup>401</sup> Most of the people who were taken out for beatings during this period never returned.<sup>402</sup> On at least four occasions,<sup>403</sup> groups of 7 or 8 Muslim men were taken out and were severely beaten.

<sup>394</sup> FWS-162, T 1392.

<sup>395</sup> Rasim Taranin, T 1743. Indictment, para. 5.38. See also Schedule D23.

<sup>396</sup> FWS-86, T 1520, 1530. Indictment, para. 5.38.

<sup>397</sup> Rasim Taranin, T 1724.

<sup>398</sup> Schedule C3.

<sup>399</sup> FWS-71, T 2864.

<sup>400</sup> The Prosecution refers the Trial Chamber to the Schedule C/Exhibit P-55 (Annotated), which reports all the evidence given by witnesses on 29 persons killed at the KP Dom.

<sup>401</sup> Safet Avdić (Exhibit P-123), p. 692-693, Safet Avdić, T 483-484; FWS-86, T 1519; FWS-86, T 1520; FWS-182, T 1622; FWS-138, T 2069; FWS-3, T 2250-2254, 2260-2261; FWS-144, T 2301-2303; FWS-71, T 2820, 2822, 2829, 2862, 2889, 2981; FWS-69, T 4112; FWS-172, T 4559-4560; Muhamed Lisica, T 4946.

<sup>402</sup> Safet Avdić, T 495, 514; FWS-182, T 1621; FWS-3, T 2250-2254, 2260-2261; Ekrem Zeković, T 3477; Muhamed Lisica, T 4939. Indictment, para. 5.26.

<sup>403</sup> (Group I) FWS-71, T 2829-2830, 2837-2840, 2845-2849, 2853-2858. The first group taken out between 12-28 June 1992 to be beaten and shot included: Nurko Nišić (Schedule C19), Munib Veiz (Schedule C28), Mustafa Kuloglija (Schedule C15); Zaim Rikalo (Schedule C23); Mithat Rikalo (Schedule C22); Halim Konjo (Schedule C13); Kruno Marinović (Schedule C17); Nail Hodžić (Schedule C10); Esad Kiselica (Schedule C12); Kemo Dželilović (Schedule C7);

Two of the groups were beaten in the “TEL” room or the room adjacent to it which could be observed from room 11.<sup>404</sup> The victims in the other two groups were beaten in the visitor rooms which could be heard by all detainees.<sup>405</sup> The victims died during the beatings or immediately afterwards in an isolation cell. One group of six detainees was shot and the bodies were transported away. Witnesses heard this car, which had a faulty exhaust pipe, in front of the KP Dom<sup>406</sup> (a red Zastava-Kedi)<sup>407</sup> and saw its headlights on the Drina bridge near the KP Dom.<sup>408</sup> Witnesses testified that at the same time, they could hear splashes as if someone were throwing sandbags into the water.<sup>409</sup>

119. Witness FWS-144 and Safet Avdić, who were housed in room 23, and also FWS-58, testified that they saw the headlights of the Kedi being switched off at the bridge, before it came back to the KP Dom.<sup>410</sup> This vehicle was familiar to most of the detainees because it was regularly used by KP Dom staff and detainees who worked in the metal workshop had to repair and wash it.<sup>411</sup> Those detainees saw traces of blood in the trunk and on the side of the vehicle the next morning.<sup>412</sup>

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(Group II) FWS-71, T 2862, 2864-2866, 2875. The second group taken out between 12-28 June 1992 to be beaten and shot included: Ševal Šoro (Schedule C24), Mate Ivančić (Schedule C11), Zulfo Veiz (Schedule C29), Kemal Tulek (Schedule C25), Refik Čankušić (Schedule C4), Husein Rikaló, Salem Bičo (Schedule 2).

(Group III) FWS-71, T 2868, 2879-2883. The third group taken out between 12-28 June 1992 to be beaten and shot included: Džemal Vahida; Alija Altoka (Schedule C1); Miralem Altoka, Fuad Mandžo (Schedule C16), Abdurahman Čankušić (Schedule C3), Enko Čedić (Schedule C5), Adil Granov, Adil Krajčin (Schedule C14), Enes Uzunović (Schedule C26), Nermin Hadzimusic, Adnan Pašalić.

(Group IV) FWS-71, T 2880, 2886, 2956-2960. The fourth group taken out between 12-28 June 1992 to be beaten and shot included: Ismet Karahasanovic, Suad Islambasic, Ramo Džendusić (Schedule C8), Ismet Paco, Mehmed Sofradzija, Hasan Džano, Alija Dzelil, Zaim Cedić and Rasim Kajgana.

<sup>404</sup> FWS-54, T 758, T 760-761; FWS-71, T 2841, T 2852-2853

<sup>405</sup> Safet Avdić, T 495, 514, FWS-182, T 1621, FWS-3, T 2250-2254, 2260-2261, Ekrem Zeković, T 3477, Muhamed Lisica, T 4939. Indictment, para. 5.32.

<sup>406</sup> FWS-142, T 1825-1825, 1841.

<sup>406</sup> FWS-86, T 1527-1528, Safet Avdić, T 493, FWS-144, T 2301-2303, FWS-58, T 2694-2695, Amir Berberkić, T 3809-3810, FWS-69, T 4087.

<sup>407</sup> Witnesses testified on the brand of this vehicle and stated that the car with no exhaust pipe often seen in and around the KP Dom, that used to transport fish, was a Zastava Lada Kedi 101. FWS-86, T 1562; FWS-142, T 1825-1825, 1841; FWS-138, T 2088, FWS-249, T 4423-4426, 4524-4527, 4539.

<sup>408</sup> Safet Avdić, T 493, 509, FWS-144, T 2303-2304, FWS-58, T 2695, 2698-2699, 2715.

<sup>409</sup> Safet Avdić, T 494, 555, FWS-182, T 1635; FWS-182, T 1635, 1683, FWS-138, T 2088, FWS-86, T 1527-1528, FWS-58, T 2694, FWS-58, T 2694, FWS-58, T 2713, 2715, FWS-71, T 2837-2739, 2883, Amir Berberkić, T 3811, FWS-69, T 4125, 4191-4192, FWS-137, T 4792.

<sup>410</sup> Safet Avdić, T 493, 509; FWS-144, T 2303-2304; FWS-58, T 2695, 2698-2699, 2715.

<sup>411</sup> FWS-144, T 2306, 2337-2338; Muhamed Lisica, T 4899-4903; FWS-249, T 4423-4426, 4524-4527, 4539.

<sup>412</sup> Safet Avdić, T 496; FWS-142, T 1825-1825, 1841; FWS-138, T 2088; Amir Berberkić, T 3809-10; FWS-249, T 4423-4426, 4524-4527, 4539. However, on one occasion, FWS-249 noted that while the

120. The details of the victims are given in the annotated schedule C attached to this final brief. The accused was aware that Halim Konjo<sup>413</sup> had died. He himself told R.J. about this incident.<sup>414</sup> R.J. also asked the accused about the fate of people who were taken away, and he answered, "R.J., just don't ask me anything."<sup>415</sup>

121. In relation to the victim Juso Džamalija, the evidence has shown that this detainee was kept in an isolation cell throughout his detention because his son was allegedly a member of a special unit of the police in Sarajevo.<sup>416</sup> Ekrem Zeković testified that Juso Džamalija committed suicide in a solitary confinement cell after being tortured.<sup>417</sup> FWS-250, a detainee who shared the solitary cell with Juso Džamalija, discovered his body with a belt around the neck, when he awoke. FWS-250 along with the two other detainees in this solitary cell took the body to an awaiting car in the compound.<sup>418</sup> It is reasonable to conclude from the evidence that this victim expected additional beatings and committed suicide in order not to have to endure it further.

122. The Prosecution contends that, besides the evidence presented above, various indicators support the allegation that numerous killings were committed at the KP Dom from May 1992 onwards.<sup>419</sup> For instance, FWS-71 heard sounds akin to a truck being unloaded on the same night after he heard shots and sounds of beatings.<sup>420</sup> FWS-249 saw bullet holes in the walls of the hall behind the metal door.<sup>421</sup> After a beating involving Musafa Kuloglija,<sup>422</sup> Munib Veiz,<sup>423</sup> Kemo Dželilović<sup>424</sup> and fnu Pašović, during which shots were heard, witnesses saw guard Burilo going up the stairs, bringing down a blanket, and moving in such a way that the witness concluded he was carrying something heavy, like a body.<sup>425</sup>

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detainees from the metal workshop would always service the vehicles of the KP Dom the car with no exhaust pipe that used to transport fish had been freshly washed by someone other than the detainees.

<sup>413</sup> Schedule C13.

<sup>414</sup> R.J., T 3866-3867. Indictment, para. 3.1.

<sup>415</sup> R.J., T 3868.

<sup>416</sup> FWS-69, T 4129.

<sup>417</sup> Ekrem Zeković, T 3499 and T 3614.

<sup>418</sup> FWS-250, T 5026-30, 5033, 5039, 5082 and Exhibit P-18/80.

<sup>419</sup> Indictment, para. 5.32.

<sup>420</sup> FWS-71, T 2838-2839, 2879, 2883.

<sup>421</sup> FWS-249, T 4534.

<sup>422</sup> Schedule B34 and C15.

<sup>423</sup> Schedule B59 and C28.

<sup>424</sup> Schedule B19 and C7.

<sup>425</sup> Muhamed Lisica, T 4948-4949; FWS-54, T 758-762. FWS-54 also testified that he saw guard Zoran Matović carrying a dead body in a blanket on 25 June 1992, after beatings and shots were heard.

## D. Establishment and perpetration of inhumane conditions

123. The living conditions for non-Serb detainees at KP Dom were brutal, characterised by overcrowding, poor hygiene, insufficient food and isolation. In contrast, Serb convicts or the Serb soldiers who had violated the military laws were kept under considerably better conditions.<sup>426</sup> The Serb convicts were mostly housed on the farm, and the Serbs military detainees were released after very brief detentions.<sup>427</sup> The Serb inmates were afforded the regular prisoners' rights, which were denied to the Muslims detainees.<sup>428</sup>

124. In 1992, the prison cells were overcrowded with not enough beds available for non-Serb detainees.<sup>429</sup> Although the KP Dom had a capacity of more than a thousand inmates in peacetime, the rooms were overcrowded, particularly during the time when the detainees were cramped into only a few rooms in building 1.

125. Those non-Serb detainees who arrived first in the detention room could sleep in metal beds used by the former convicts.<sup>430</sup> Those who arrived later had to sleep on tables put together, sponge mattresses, or even on the bare floor.<sup>431</sup> In particular, those who were kept in the isolations cell experienced unbearable conditions.<sup>432</sup>

126. The hygienic conditions were insufficient. Although cold water and toilets were available, the non-Serb detainees did not receive products for personal hygiene

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He actually saw "Zoka" Matović turning over Kemal Dzelilović's head with his foot to see whether he was still alive. Then he saw "Zoka" going upstairs and bringing several blankets. Then, guards wrapped the bodies with the blankets and carried them away. See also Ekrem Zeković, T 3483. Indictment, para. 5.32.

<sup>426</sup> FWS-138, T 2062; FWS-159, T 2467-2469; FWS-73, T 3219-3221, 3352; Ekrem Zeković, T 3527; Amir Berberkić, T 3749; FWS-69, T 4065-4066; FWS-89, T 4661-4662.

<sup>427</sup> FWS-109, T 2368.

<sup>428</sup> FWS-182, T 1616; FWS-8, T 1804; Ekrem Zeković, T 3621. FWS-33 (Exhibit P-106), p. 483; Safet Avdić (Exhibit P-123), p. 680, 681; Dževad S. Lojo, T 2534FWS-249 (Exhibit P-161), p. 2111, FWS-104, T 2193, FWS-104, T 2200, FWS-73, T 3206-3207, FWS-73, T 3207, R.J., T 3835-3836, FWS-250, T 5022. FWS-138, T 2063

<sup>429</sup> Safet Avdić (Exhibit P-123), p. 685; FWS-249 (Exhibit P-161), p. 2139. FWS-249 was locked up in a room with 90 to 100 detainees.

<sup>430</sup> FWS-54, T 802; FWS-111, T 1226; Rasim Taranin, T 1700; Juso Taranin, T 3015.

<sup>431</sup> FWS-198, T 952; FWS-139, T 339; Safet Avdić (Exhibit P-123), p. 685; Safet Avdić, T 455; FWS-66, T 1076; FWS-159, T 2460-2462; FWS-58, T 2710; Juso Taranin, T 3013, 3015.

<sup>432</sup> Safet Avdić (Exhibit P-123), p. 455-456, 685; FWS-86, T 1461; Ahmet Hadžimusić, T 1941-1942; Ahmet Hadžimusić, T 2000; FWS-104, T 2162; FWS-3, T 2241-2244; Juso Taranin, T 3013, 3015; FWS-73, T 3212-3213; FWS-159, T 2469. Indictment, para. 5.1, 5.37.

such as soap or toothbrushes. In addition, they received no change of clothing. In the winter 1992/1993, the detainees did not have heating or hot water. Non-Serb detainees did not have the possibility to have a regular bath or a shower. They had their first bath and haircut in August 1992 when journalists and the ICRC first came to the KP Dom.<sup>433</sup> They could wash in their rooms.<sup>434</sup> However, in winter 1992, pipes froze in the KP Dom so that the detainees had no access to water whatsoever.<sup>435</sup> The hygienic conditions were so poor that the detainees caught lice.<sup>436</sup> In the yard, a cauldron with hot water was kept but the non-Serb detainees were denied access. Instead, they resorted to putting water in plastic bottles heating them in the sun.<sup>437</sup> In addition, hygiene necessities were also not available for non-Serb detainees.<sup>438</sup>

127. The non-Serb detainees were locked in their cells except when they were taken for meals or forced labour. They were forbidden to have contacts with detainees in other cells and from May 1992 onwards did not have any visits or news from their families.<sup>439</sup>

128. The food for the non-Serb detainees was absolutely insufficient and of such poor quantity and nutritious quality<sup>440</sup> that many detainees had severe health problems.<sup>441</sup> Dr. Berberkić found that the detainees suffered from classic symptoms of malnutrition such as fainting, dry and parched skin, swollen hands and feet and loss of hair.<sup>442</sup> All the detainees lost a significant amount of weight during their detention,

<sup>433</sup> Ekrem Zeković, T 3594; FWS-69, T 4066-4067.

<sup>434</sup> FWS-66, T 1076; FWS-86, T 1506; FWS-182, T 1595; Dževad S. Lojo, T 2549-2550; FWS-146, T 3061; FWS-71, T 2794, 2796-2798; FWS-69, T 4088-4089.

<sup>435</sup> Rasim Taranin, T 1750; FWS-159, T 2450; FWS-89, T 4724-4725.

<sup>436</sup> Dževad S. Lojo, T 2564, 2628; Amir Berberkić, T 3756.

<sup>437</sup> FWS-198, T 954; FWS-139, T 341; FWS-215, T 876; FWS-198, T 954; FWS-182, T 1616; FWS-159, T 2450; FWS-73, T 3422; FWS-250, T 5117.

<sup>438</sup> Safet Avdić (Exhibit P-123), p. 686; FWS-215, T 876; FWS-182, T 1616; FWS-73, T 3423; T 3424.

<sup>439</sup> Safet Avdić (Exhibit P-123), p. 689 and 697; FWS-249 (Exhibit P-161), p. 2114, 2120.

<sup>440</sup> FWS-162, T 1361; FWS-182, T 1614; FWS-111, T 1228-1229; Rasim Taranin, T 1715; FWS-58, T 2689; FWS-58, T 2712; Juso Taranin, T 3027; R.J., T 3859-3860; FWS-172, T 4596, 4607. For most of their detention period, the detainees could only get one slice of bread but, in May 1993, a second slice was added. Indictment, para. 5.37.

<sup>441</sup> FWS-139, T 341; Safet Avdić (Exhibit P-123), p. 686; FWS-85, T 667-668; FWS-54, T 750; FWS-215, T 874; FWS-198, T 955; FWS-66, T 1083-1084; FWS-111, T 1228-1229; FWS-86, T 1507; Rasim Taranin, T 1715; Ahmet Hadžimusić, T 1981-1983; FWS-138, T 2065; Juso Taranin, T 3027; Amir Berberkić, T 3756; R.J., T 3859-3860; FWS-69, T 4068; FWS-250, T 5060-5062, 5067, 5116. Indictment, para. 5.37.

<sup>442</sup> Amir Berberkić, T 3756. FWS-139, T 343; Rasim Taranin, T 1728-1729; FWS-182, T 1618; Rasim Taranin, T 1716; FWS-144, T 2326-2327. All these witnesses testified to that effect.

ranging from 14 to 41 kilos.<sup>443</sup> A large number of witnesses pointed out that the food was better for those who worked; they received an additional snack.<sup>444</sup> FWS-86 illustrated the lack of food by testifying that “he could not pass stool” for 22 days as there was nothing to pass.<sup>445</sup> This lack of food in particular affected sick detainees. FWS-182 almost died and became suicidal.<sup>446</sup> He said, “it seems that I’m hungry until the present day. I can never have enough bread.”<sup>447</sup> Detainees who had personal contact with the accused complained to him about the starvation rations.<sup>448</sup>

129. Food rations were deliberately kept low for the Muslims. Serb inmates and the staff members had better food and could get second helpings. The food for the non-Serbs detainees, the Serb convicts and the staff may have been prepared in the same cauldron; however, the non-Serb detainees ate first, and the food in the cauldron was then supplemented with meat and spices.<sup>449</sup> While the non-Serbs got only one slice of bread per meal, the Serb convicts and staff got as much as they wanted. Serb detainees had so much food that they could stock bread in their room.<sup>450</sup> Some even threw food away.<sup>451</sup> Muslims who collected the remains of food from the Serb detainees were punished for that reason.<sup>452</sup> Serb convicts and military detainees also received additional food from their relatives.<sup>453</sup>

130. Food may have been limited due to the war conditions; however, while the non-Serb detainees were starving, the Serb cooks threw away leftovers in the garbage

<sup>443</sup> Safet Avdić, T 536; FWS-139, T 343; FWS-85, T 666; FWS-54, T 750; FWS-215, T 874; FWS-198, T 956; FWS-66, T 1084; FWS-111, T 1226-1227; 1229; 1287; FWS-162, T 1361; FWS-86, T 1506; FWS-182, T 1599, 1618, 1685; FWS-8, T 1764, 1767, 1772; FWS-142, T 1832; FWS-104, T 2197-2198; FWS-109, T 2370-2371; FWS-159, T 2464; Dževad S. Lojo, T 2627; FWS-58, T 2706; FWS-71, T 2805; Juso Taranin, T 3027; FWS-146, T 3075; FWS-73, T 3237, 3239; Ekrem Zeković, T 3607; Amir Berberkić, T 3756; FWS-69, T 4068; FWS-172, T 4599; FWS-249 (Exhibit P-161), p. 2113 to 2115.

<sup>444</sup> FWS-85, T 667-668; FWS-215, T 878-879; FWS-58, T 2689-2690; FWS-58, T 2691-2692; FWS-89, T 4726; Muhamed Lisica, T 4861-4862.

<sup>445</sup> FWS-86, T 1507.

<sup>446</sup> FWS-182, T 1599.

<sup>447</sup> FWS-182, T 1618.

<sup>448</sup> FWS-250, T 5061-5062, 5067, 5116; R.J., T 3859.

<sup>449</sup> FWS-111, T 1229. FWS-8, T 1772; FWS-142, T 1840-1841; FWS-138, T 2063-2066; FWS-71, T 2945, 2952.

<sup>450</sup> FWS-162, T 1361.

<sup>451</sup> FWS-162, T 1361; FWS-182, T 1616; FWS-8, T 1773-1777, 1799.

<sup>452</sup> FWS-8, T 1773-1777, 1799; Amir Berberkić, T 3749. Indictment para. 5.20.

<sup>453</sup> FWS-66, T 1083-1084.

cans.<sup>454</sup> Even lamb meat was roasted within the compound and consumed by military staff visiting the KP Dom.<sup>455</sup>

131. The KP Dom administration could draw on the large food reserves in Foča. The KP Dom got deliveries of canned food that the Muslim detainees had to unload, however, it was not distributed to them.<sup>456</sup> Food produced by the KP Dom farm reached the KP Dom only in small part. First it was distributed to the Serb army and sold to civilians in town.<sup>457</sup> Slobodan Šolaja, the city baker, testified regarding bread distribution that KP Dom's priority was fourth. He stated "I had to give bread to those who had priority, and then if we ran out of bread, we ran out of bread. That's it."<sup>458</sup>

132. For months, the ICRC pressured the prison authorities for improvements of food. Once FWS-73 overheard the accused answering to the ICRC that they would not improve the food. He also heard the ICRC saying that they would send food to the detainees, which never reached them.<sup>459</sup>

133. The hygienic conditions for non-Serb detainees placed in solitary confinement were even worse. During four and a half months, FWS-159 had only one bath. It occurred after three months.<sup>460</sup>

134. Detainees did not get a change of clothing whilst at KP Dom. FWS-159's clothes, for instance, were all bloodied from beatings he suffered.<sup>461</sup> Edhem "Bunda" Gradišić, a schizophrenic and epileptic patient who was not able to clean himself, was left in some kind of dirty porch in between the rooms by the guards.<sup>462</sup> While the detainees did not have a change of clothes or receive clean bed linen and towels while

<sup>454</sup> FWS-162, T 1361, 1380; FWS-08, T 1773-1777, 1799; Amir Berberkić, T 3757.

<sup>455</sup> R.J., T 3877-3878.

<sup>456</sup> Dževad S. Lojo, T 2537, 2563-2564; FWS-71, T 2800-2802.

<sup>457</sup> Muhamed Lisica, T 4876-4877. Muhamed Lisica worked in two shops belonging to the KP Dom, in town. On their behalf, he sold milk and other agricultural products produced by the KP Dom farms to the Serb villagers

<sup>458</sup> Slobodan Solaja, T. 5512.

<sup>459</sup> FWS-73, T 3236-3239.

<sup>460</sup> FWS-159, T 2457, 2462-2463.

<sup>461</sup> FWS-73, T 3424. Indictment, para. 5.37.

<sup>462</sup> FWS-111, T 1218-1219, 1238-1243, 1253, 1255; 1257-1258, FWS-69, 4088-89.

the accused was warden,<sup>463</sup> after he was replaced as warden, bed linen was changed every 10 to 15 days.<sup>464</sup>

135. At the same time, the hygiene conditions for the Serbs were much better. They had access to the bathroom and the hot water cauldron. They got clean bed linen and towels.<sup>465</sup>

136. In 1992-1993, there was no heating in the rooms for the non-Serb detainees and the isolation cells.<sup>466</sup> At the same time, Serb inmates had stoves to keep themselves warm and could bring coal and wood in their rooms.<sup>467</sup> The administration building was also kept warm with firewood and coal.<sup>468</sup> Muslim detainees had been ordered to make the furnaces for the administration building and the military on the front lines. Ekrem Zeković stated that Muhamed Lisica and he made a dozen metal stoves and could easily have made more for the Muslims detainees, "but the administration didn't allow that. We spent the winter of 1992-93 without any heating at all."<sup>469</sup>

137. In particular, the isolation cells were very cold. Some detainees got sick while detained in one of them because of the cold.<sup>470</sup> Dr. Berberkić testified that he was freezing but was not provided with blankets.<sup>471</sup> Also, because of the cold in the premises, the detainees' extremities stiffened.<sup>472</sup> FWS-71 and FWS-249 suffered pneumonia at the KP Dom.<sup>473</sup>

138. The medical care at KP Dom was inadequate for the needs of the non-Serb detainees, in particular in the light of the fact that there were many old, physically or

<sup>463</sup> FWS-250, T 5068, 5118.

<sup>464</sup> FWS-250, T 5067.

<sup>465</sup> Dževad S. Lojo, T 2562.

<sup>466</sup> FWS-139, T 339-341; Safet Avdić, T 534; FWS-85, T 665; FWS-111, T 1226; FWS-182, T 1616; FWS-159, T 2450; FWS-71, T 2948; Ekrem Zeković, T 3604; Nezir Cengiđ, T 4703. Indictment, para. 5.37.

<sup>467</sup> Dževad S. Lojo, T 2557.

<sup>468</sup> Muhamed Lisica, T 4906-4907.

<sup>469</sup> Ekrem Zeković, T 3604, 3691.

<sup>470</sup> FWS-215, T 877; FWS-71, T 2805-2806; FWS-249, T 4431, 4446, 4536-4537.

<sup>471</sup> Amir Berberkić, T 3747-3748. See also the section on "Punishment".

<sup>472</sup> FWS-139, T 339-340; Safet Avdić, T 534-535; FWS-66, T 1084; FWS-111, T 1226-1227, 1229, 1287; FWS-182, T 1618.

<sup>473</sup> FWS-71, T 2805-2806; FWS-249, T 4431, 4446, 4536-4537.

mentally sick and injured people amongst the detainees.<sup>474</sup> Clearly, the conditions at the camp worsened the condition of those who already had health problems.<sup>475</sup> The accused was aware of the inadequate health care.<sup>476</sup>

139. Only one Serb male nurse, Gojko Jokanović, was available at the KP Dom for health problems on a daily basis. He handed out medicines and gave injections, but could not give proper treatment. Although he had medicines available, he was not allowed to hand them over to Muslim detainees freely.<sup>477</sup>

140. Throughout the relevant period, doctors from the Foča hospital visited the KP Dom and received patients in the KP Dom clinic. However, they never visited a detainee in a room.<sup>478</sup> The non-Serb detainees did not have free access to these doctors. They had to sign up on a list made by guards. The waiting period was between 10 and 15 days and the detainees could only put their name down depending on the goodwill of the guards.<sup>479</sup> Detainees often only had recourse to treatment by other detainees who were doctors.<sup>480</sup>

141. In order to get the appropriate medicines, detainees had to resort to illegally smuggling in medicines from family members and the hospital, or stealing them from the KP Dom infirmary.<sup>481</sup> Gojko Jokanović tolerated the latter. He said the administration of the KP Dom did not allow him to help more than he did. If he was caught helping the detainees, he told Berberkić that he “could have had, awful problems.”<sup>482</sup>

<sup>474</sup> FWS-66, T 1076; FWS-86, T 1506; FWS-182, T 1595; Dževad S. Lojo, T 2549-2550; FWS-146, T 3061; FWS-71, T 2794-2798; FWS-69, T 4088-4089. Indictment para. 1.3, 5.35.

<sup>475</sup> FWS-111, T 1221; FWS-8, T 1806-1807; FWS-109, T 2366; FWS-71, T 2797; Amir Berberkić, T 3756; FWS-69, T 4062-4064.

<sup>476</sup> R.J., T 3867, 3901.

<sup>477</sup> FWS-109, T 2422; FWS-138, T 2127-2128; FWS-8, T 1799; FWS-86, T 1500, 1502; FWS-146, T 3084, 3086-3087; FWS-73, T 3361-3362; FWS-69, T 4063-4064.

<sup>478</sup> FWS-138, T 2127-2128; FWS-3, T 2273; FWS-109, T 2243; Ekrem Zeković, T 3617- 3619; FWS-69, T 4063-4064; FWS-172, T 4607.

<sup>479</sup> FWS-86, T 1502, 1505, 1551; Ekrem Zeković, T 3617.

<sup>480</sup> FWS-146, T 3075.

<sup>481</sup> Ekrem Zeković, T 3619; R.J., T 3901; FWS-172, T 4596; Muhamed Lisica, T 4878; Amir Berberkić, T 3738-3739.

<sup>482</sup> Amir Berberkić, T 3738-3739.

142. In any event, no medical care was ever given to detainees who suffered injuries from beatings.<sup>483</sup>

143. Ibrahim Šandal, about 75 years of age, was seriously beaten and injured during his arrest.<sup>484</sup> Although he could hardly breathe, he did not receive any treatment for his sickness and died as a result.<sup>485</sup>

144. The guards ignored emergency situations.<sup>486</sup> Edhem Gradišić would scream during the night because of his epilepsy and also mutilated himself. On one occasion witness FWS-69 asked the guard Obrenović to give Edhem some kind of tablets for his epilepsy. As a reply Obrenović raised his automatic rifle, pointed at FWS-69 and said “these are the tablets for you”.<sup>487</sup>

145. Enes “Eso” Hadžić had a bleeding ulcer. FWS-109 alerted the guard on duty, Milić, of this serious condition. Instead of helping, Milić said “Stop banging on the door, because if I come in, you’ll die too.” Hadžić died the following day.<sup>488</sup>

146. Additional cases are given in the annotated Schedule D attached to this final trial brief.

147. Dr. Torlak and FWS-111 wrote letters to the warden and deputy warden asking them to secure the release of some extremely sick detainees for health reasons. Their calls were left unanswered.<sup>489</sup> In winter/spring 1993, Ekrem Zeković saw a doctor protesting in the hall about the administration of the KP Dom overriding his direction that certain detainees be given sick leave.<sup>490</sup>

<sup>483</sup> FWS-3, T 2273; FWS-159, T 2449; Juso Taranin, T 3023-3026; FWS-146, T 3084; Nezir Čengić, T 4698, 4704.

<sup>484</sup> FWS-162, T 1395.

<sup>485</sup> FWS-69, T 4064-4065; FWS-111, T 1230-1234.

<sup>486</sup> FWS-8 T 1782-1783; FWS-109, T 2374-2375; FWS-109, T 2366; FWS-69, T 4088-4089.

<sup>487</sup> FWS-69, T 4088-4089.

<sup>488</sup> FWS-109, T 2366; FWS-8 T 1782-1783. FWS-8 testified to a similar desperation call involving Enes Hadžić but another guard (Jovo Savić): “When he found out why we were calling him, he was not interested. He swore at us and slammed the door.” Nevertheless, FWS-8 thought that some kind of help would arrive, but none did. The next day, around noon, again they sought intervention. The man was half-dead. The guards told the detainees to carry him, and four of them did. We put him on a blanket and four of us carried him out to the yard, where the ambulance from the hospital was waiting, and they took him to the Foča hospital. We heard that he died the same day and that he was buried there. Indictment, para. 5.37.

<sup>489</sup> FWS-146, T 3076.

<sup>490</sup> Ekrem Zeković, T 3617-3618

148. Many detainees testified that before entering the KP Dom, they were healthy but in KP Dom and even now, they suffer all kinds of illnesses and pains related to the prison conditions and beatings they were subjected to during their detention.<sup>491</sup>

149. Communication amongst the non-Serb detainees was restricted. Detainees could only communicate within their own rooms, en route to the canteen, or while working together, when no guard was watching.<sup>492</sup> FWS-159 had contacts only with the two persons who joined him in the isolation cell.<sup>493</sup> Family members were split into different rooms.<sup>494</sup>

150. The Muslims detainees at the KP Dom were forbidden to communicate with the Serb inmates.<sup>495</sup> The non-Serb detainees could not communicate with the outside world.<sup>496</sup> Transistor radios were forbidden.<sup>497</sup> It was also forbidden to talk to the guards,<sup>498</sup> although some detainees managed to secretly talk to guards who were their former friends and neighbours, and some guards, especially in 1993, secretly passed on information to the detainees.<sup>499</sup> All family visits were forbidden after 15 May 1992.<sup>500</sup> Hence, Muslim detainees did not know what had happened to their close family, which amplified their psychological suffering.<sup>501</sup> The detainees who were not registered with the ICRC could not receive mail. It was only possible to receive mail

<sup>491</sup> FWS-66, T 1086; FWS-198, T 1025; FWS-162, T 1361; FWS-162, T 1411; FWS-86, T 1499, 1504-1505, 1542; FWS-8, T 1799; Ahmet Hadžimusić, T 1941, 1985; FWS-138, T 2120; FWS-71, T 2806; FWS-73, T 3298; FWS-172, T 4599; FWS-137, T 4772-4773. See also Schedule D (Annotated).

<sup>492</sup> Safet Avdić, T 546; FWS-111, T 1238, 1249; Ahmet Hadžimusić, T 1996; FWS-109, T 2358; FWS-71, T 2953; FWS-172, T 4605.

<sup>493</sup> FWS-159, T 2470-2471.

<sup>494</sup> FWS-73, T 3414; FWS-66, T 1109; Amir Berberkić, T 3928-3929, 3932; FWS-58, T 2683

<sup>495</sup> FWS-139, T 334; Safet Avdić, T 470-471; FWS-138, T 2065; Ekrem Zeković, T 3527; Muhamed Lisica, T 4851-4852; FWS-215, T 885. From these communications FWS-215 learned that Serb detainees were allowed to watch TV and listen to the radio, got better food and could be visited by their relatives.

<sup>496</sup> Safet Avdić, T 536; FWS-215, T 874; FWS-159, T 2467; Ekrem Zeković, T 3541, 3544; FWS-250, T 5025, 5093-5094.

<sup>497</sup> FWS-215, T 875; FWS-182, T 1612; FWS-109, T 2356, 2358; Dževad S. Lojo, T 2653; FWS-73, T 3234, 3346, 3424.

<sup>498</sup> FWS-3, T 2261-2262.

<sup>499</sup> FWS-73, T 3203, 3234, 3351-3352, 3377-3378; Ekrem Zeković, T 3555, 3558.

<sup>500</sup> FWS-139, T 345; FWS-54, T 751; FWS-215, T 873; FWS-66, T 1090, 1114; FWS-182, T 1616;

FWS-146, T 3065-3066; FWS-172, T 4607.

<sup>501</sup> FWS-66, T 1090; FWS-66, T 1090; Safet Avdić, T 537; FWS-162, T 1391-1392

after June 1993.<sup>502</sup> This total blockade of information was one of the reasons why detainees “volunteered” to work.<sup>503</sup>

151. In contrast to these limitations, Serbs, no matter which category, could move around freely within their building. They had easy access to the yard and were allowed to play sports.<sup>504</sup> They were also allowed to watch TV, listen to the radio<sup>505</sup> and have frequent family visits.<sup>506</sup>

152. These living conditions demoralised the non-Serb detainees.<sup>507</sup> In addition, the guards intimidated the detainees by telling them they did not belong in Bosnia<sup>508</sup> or that they would never get out of KP Dom.<sup>509</sup> Some detainees wrote farewell letters to their friends and family because they were certain they would die at KP Dom.<sup>510</sup> On one occasion, a detainee, Mate Ivančić<sup>511</sup>, was taken out of his room in the evening but before leaving he left his watch to a co-detainee to pass onto his son if he did not survive.<sup>512</sup>

153. Safet Avdić observed that the individual difficulties of all the detainees added up and created increasingly unbearable mental pressure on the entire group.<sup>513</sup> Witnesses said they felt they had lost the best years of their life at the KP Dom.<sup>514</sup> Many succumbed to depression, were (and still are) traumatised, or had suicidal tendencies because of the hardships of the prison conditions.<sup>515</sup> Many detainees described that they still have nightmares or need to receive psychological treatments because of their detention in KP Dom.<sup>516</sup>

<sup>502</sup> FWS-139, T 345.

<sup>503</sup> Muhamed Lisica, T 4860-4863; Ekrem Zeković, T 3572-3574, 3583-3589

<sup>504</sup> FWS-139, T 330; FWS-162, T 1360-1361; FWS-109, T 2369; Dževad S. Lojo, T 2557, 2562;

Ekrem Zeković, T 3528, 3621; FWS-69, T 4066; FWS-89, T 4662.

<sup>505</sup> FWS-215, T 885; FWS-162, T 1360-1361; FWS-69, T 4066.

<sup>506</sup> FWS-215, T 885; FWS-182, T 1616; FWS-8, T 1772; FWS-138, T 2065; Dževad S. Lojo, T 2562; Ekrem Zeković, T 3528.

<sup>507</sup> FWS-111, T 1219-1220.

<sup>508</sup> FWS-182, T 1652.

<sup>509</sup> FWS-182, T 1652; FWS-142, T 1833

<sup>510</sup> Amir Berberkić, T 3932.

<sup>511</sup> Schedule C No. 11.

<sup>512</sup> Ekrem Zeković, T 3504, 3694-3695.

<sup>513</sup> Safet Avdić, T 535-537.

<sup>514</sup> Ahmet Hadžimusić, T 1985; FWS-250, T 5069.

<sup>515</sup> FWS-215, T 919-920; Rasim Taranin, T 1743; FWS-182, T 1618; FWS-146, T 3080; FWS-146, T 3081; FWS-249, T 4432, 4437-4438, 4498.

<sup>516</sup> Safet Avdić, T 538; FWS-54, T 786; FWS-66, T 1137; FWS-111, T 1287-1288; FWS-86, T 1542; Ahmet Hadžimusić, T 1985; FWS-138, T 2120; FWS-109, T 2372; FWS-58, T 2706-2707; FWS-71, T 2919; FWS-73, T 3298; Ekrem Zeković, T 3626; FWS-69, T 4149-4150.

## E. Prolonged and frequent forced labour

### 1. Type of work duties

158. During the 30 months that Muslims were unlawfully detained at KP Dom, they were forced to do various tasks primarily according to their manual skills and age. Whenever there was need for a task to be done for the KP Dom and for the Drina Economic Unit, the detainees were called upon to work for free. Many detainees worked beyond the period charged in the Indictment, but the Prosecution, of course, does not attribute that period of time to actions of the accused.

159. Some Muslims detainees started to work as soon as they arrived at the KP Dom, in April-May 1992.<sup>517</sup> In June 1992, a permanent group of workers was established. By the end of 1992 and throughout 1993, everyone somehow participated in the labour duties. Witnesses estimated that the number of detainees in the "work unit" varied from 50 to 100.<sup>518</sup> The detainees were chosen by Savo Todović in coordination with the heads of the Drina Economic sections and the accused who made lists of detainees to be taken for labour duties according to their qualifications and manual skills.<sup>519</sup> The accused approved these lists.<sup>520</sup>

160. In addition, Muslim detainees were asked to do various cleaning tasks within the compound and to work in the kitchen washing dishes, slicing bread, distributing food and clean the kitchen.<sup>521</sup>

161. Besides these duties which could be categorised as regular prisoners' duties, Muslim detainees were ordered to participate in activities that earned money for the KP Dom or at least had economic value. Such jobs included working at the various

<sup>517</sup> FWS-215, T 856; FWS-86, T 1487; Rasim Taranin, T 1701; FWS-73, T 3222; FWS-172, T 4572, FWS-172, T 4596-4597; FWS-250, T 5050-5051; FWS-249, T 4414,4523, 4534.

<sup>518</sup> FWS-85, T 679; FWS-86, T 1489; FWS-58, T 2689; Muhamed Lisica, T 4859-4860.

<sup>519</sup> FWS-144, T 2316-2317; FWS-109, T 2419; FWS-73, T 3296.

<sup>520</sup> Muhamed Lisica, T 4910-4913.

<sup>521</sup> FWS-215, T 879; FWS-86, T 1486; FWS-182, T 1647; FWS-142, T 1831; FWS-71, T 2896; FWS-249, T 4415-4417, 4441, 4452-4455, 4457, 4459; Muhamed Lisica, T 4907-4908; Safet Avdić (Exhibit P-123), p. 689; FWS-54, T 746-747; FWS-86, T 1487; Rasim Taranin, T 1712, Rasim Taranin, T 1717; FWS-182, T 1647; FWS-73, T 3222-3225, 3415-3416; Ekrem Zeković, T 3449; FWS-249, T 4450. The Prosecution does not wish to charge these particular tasks as part of the incidents described in paragraph 5.41 to 5.46 of the Indictment.

departments to the Drina Economic Unit: Detainees had to work at the KP Dom farm, doing agricultural work<sup>522</sup> such as piling firewood<sup>523</sup> and cutting grass.<sup>524</sup> About 10 detainees worked permanently at the furniture factory.<sup>525</sup> Detainees had to work at the metal workshop, doing welding or working in the heating room.<sup>526</sup> At any given time, there were between 7 and 15 detainees<sup>527</sup> working in the mechanical workshop.<sup>528</sup> Detainees also had to work at the KP Dom garage, fixing military and other vehicles and cleaning vehicles (including the warden's).<sup>529</sup> Detainees worked at the KP Dom bakery.<sup>530</sup> On one occasion, about 15 or 20 detainees were taken to unload flour from Ustikolina to various locations in the Foča area, including the KP Dom bakery.<sup>531</sup> Detainees also had to work at the KP Dom fish farm before it was destroyed.<sup>532</sup>

162. There was also a group of masons, house painters and carpenters who had to work on fixing houses, including the house of the accused.<sup>533</sup>

163. Some Muslims detainees were forced to help the Serbs in their military activities against the Muslims. Dževad S. Lojo was sent to make military dugouts in Goražde.<sup>534</sup> Witnesses testified that at least six KP Dom detainees were forced to drive lorries in front of other Serb army vehicles to clear mines.<sup>535</sup>

<sup>522</sup> Safet Avdić (Exhibit P-123), p. 689; FWS-215, T 879; FWS-71, T 2896; FWS-73, T 3223; FWS-249, T 4433; FWS-89, T 4671-4672.

<sup>523</sup> FWS-198, T 976-981; FWS-66, T 1125; FWS-71, T 2896; FWS-73, T 3223; FWS-249, T 4415-4417, 4441, 4452-4459.

<sup>524</sup> FWS-73, T 3223; FWS-249, T 4415-4417, 4441, 4452-4459; FWS-89, T 4672.

<sup>525</sup> FWS-85, T 672; FWS-215, T 879; FWS-198, T 976-981; FWS-66, T 1125; FWS-86, T 1487; FWS-71, T 2896.

<sup>526</sup> FWS-89, T 4660.

<sup>527</sup> FWS-86, FWS-144, FWS-58, Ekrem Zeković, FWS-249, Muhamed Lisica, Sefko Kubat, FWS-250.

<sup>528</sup> FWS-86, T 1487; FWS-144, T 2313-2314, 2331; FWS-58, T 2689; Ekrem Zeković, T 3449; FWS-249, T 4414, 4423-4425, 4524; Muhamed Lisica, T 4859-4860, 4888; FWS-250, T 5117.

<sup>529</sup> Muhamed Lisica, T 4903-4904.

<sup>530</sup> FWS-71, T 2896; FWS-73, T 3225; Ekrem Zeković, T 3443.

<sup>531</sup> FWS-86, T 1487; FWS-182, T 1647; Rasim Taranin, T 1701-1702; FWS-58, T 2689; FWS-73, T 3225; FWS-172, T 4597; Muhamed Lisica, T 4873-4874.

<sup>532</sup> FWS-172, T 4596. The witness remembered that this was in April or early May 1992, just before the fish pond was shut down.

<sup>533</sup> FWS-58, T 2689.

<sup>534</sup> Dževad S. Lojo, T 2607. Indictment, para 5.45.

<sup>535</sup> FWS-86, T 1496-1497; FWS-182, T 1647-1648; FWS-109, T 2404; FWS-73, T 3234-3235; Ekrem Zeković, T 3535-3536; FWS-249, T 4440-4450.

164. Šaban Karup had to drive the Muslim detainees who went to cut hay in mined areas back and forth from KP Dom.<sup>536</sup> Another driver, Muhamed Alikadić, was made to drive a truck, tied to his seat, back and forth between Serb and Muslim positions in order to attract enemy fire and therefore reveal Muslim positions.<sup>537</sup> Murid Islambašić was also used as a “minesweeper”. He had to drive ahead of Serb convoys to detect mines.<sup>538</sup>

165. On 13 September 1992, guard Vuković called out FWS-109 and other Muslims from a list for an exchange. Savo Todović then informed FWS-109 and his colleague (G.K.) that they would not be exchanged but serve as drivers. FWS-109 and G.K. were then handed over to the military police and taken to the Kalinovik police station where they remained for 6 months during which time they were used as drivers to detect mines. FWS-109 was used about 5-6 times but his colleague (G.K.) was used more often as he was younger. To detect mines, FWS-109 and G.K. would be given the oldest truck to drive in front of a Serb convoy.<sup>539</sup> FWS-109 once asked the colonel in charge of the Kalinovik area not to use him for these purposes. The colonel replied that he had asked for two drivers and that is why the two of them had been sent.<sup>540</sup>

166. Several detainees were taken to do various tasks around Foča, for example at the Foča hospital.<sup>541</sup> Muhamed Lisica fixed the water pipes for the heating there.<sup>542</sup> Lisica also worked in two shops belonging to the KP Dom, which sold milk and other agricultural products produced at the KP Dom farms.<sup>543</sup> Furthermore, he worked on a cauldron used for cooking at the Hotel Zelengora. The accused once saw him there working and nodded to the witness as he passed by.<sup>544</sup> FWS-249 was taken to work in a metal workshop in Foča, to repair cars at the mine in Miljevina and to Brod.<sup>545</sup> At a later stage during his detention, FWS-73 and three other detainees had to dig a grave to bury a Muslim mechanic.<sup>546</sup>

<sup>536</sup> FWS-73, T 3234-3235; FWS-249, 4441-4442.

<sup>537</sup> FWS-249, T 4446-4450.

<sup>538</sup> FWS-249, T 4441-4450.

<sup>539</sup> FWS-109, T 2407.

<sup>540</sup> FWS-109, T 2399-2408, 2420.

<sup>541</sup> Ekrem Zeković, T 3443; FWS-250, T 5023; Muhamed Lisica, T 4870.

<sup>542</sup> Muhamed Lisica, T 4870.

<sup>543</sup> Muhamed Lisica, T 4876-4877.

<sup>544</sup> Muhamed Lisica, T 4873.

<sup>545</sup> FWS-249, T 4419; 4427-4428, 4433-4435, 4530, 4532.

<sup>546</sup> FWS-73, T 3224.

## **2. Duration and working hours of the forced labour**

167. The detainees worked between five and seven days a week, depending on the nature of the work. The working hours of the metal workshop were from 7:00 a.m. to 3:30 p.m., but elsewhere, at the accused's house for instance, the working day extended until 5:00 p.m. or 5:30 p.m.<sup>547</sup> Besides, detainees sometimes had to work at night according to the needs of the KP Dom authorities. FWS-249 and Muhamed Lisica were taken out on such occasions.<sup>548</sup> Muslims were assigned to work duties until the last group left, in October 1994.<sup>549</sup>

168. In relation to work in the Miljevina mine the Prosecution conceded that it was performed after the accused had left KP Dom.<sup>550</sup>

## **3. Forced labour of Muslim detainees at the benefit of the Krnojelac family**

169. Around November 1992, about ten detainees,<sup>551</sup> mainly from the metal workshop, and FWS-73 were sent to work on the Krnojelac family properties.<sup>552</sup> Detainees had to make a metal staircase with metal railings<sup>553</sup> and two doors and build them into the house. They had to fix the roof<sup>554</sup> and do other work as needed. FWS-73 and a detainee who was a plumber were taken by the accused himself to his house to repair pipes in the café located in his house.<sup>555</sup> Witnesses testified that the accused would be present and would give clarifications and instructions about the work.<sup>556</sup>

170. The detainees were transported to the accused's house in a black Maria, in the company of a guard.<sup>557</sup> They were guarded and supervised by Spomenko Krnojelac,

<sup>547</sup> Muhamed Lisica, T 4867; FWS-250, T 5058.

<sup>548</sup> Muhamed Lisica, T 4867; FWS-249, T 4419-4420.

<sup>549</sup> FWS-139, T 375; FWS-85, T 672; FWS-144, T 2311; Muhamed Lisica, T 4855.

<sup>550</sup> Indictment, para 5.44.

<sup>551</sup> The group included: Ekrem Zeković (Schedule E57), Muhamed Lisica (Schedule E40), FWS-144 (Schedule E39), FWS-73 (Schedule 47), Mustafa Telo (Schedule E54), Aziz Telo (Schedule E55), Hajrić aka "Zanga" and Atif Jašarević (Schedule E30).

<sup>552</sup> Safet Avdić (Exhibit P-123), p. 664; FWS-85, T 677; FWS-66, T 1056; FWS-144, T 2317; FWS-73, T 3225-3226, 3230, 3420; Ekrem Zeković (Schedule E57), T 3444, 3446; Muhamed Lisica (Schedule E40), T 4881-4883; FWS-250, T 5055-5057, 5118.

<sup>553</sup> Muhamed Lisica, T 4882.

<sup>554</sup> FWS-250, T 5121, 5126.

<sup>555</sup> FWS-73, T 3225-3226, 3230, 3420; FWS-250, T 5106-5107.

<sup>556</sup> Muhamed Lisica, T 4884, FWS-144, T 2317-2320.

<sup>557</sup> FWS-250, T 5058.

the accused's son, who was armed and in camouflage uniform.<sup>558</sup> They worked longer than the usual working hours.<sup>559</sup>

171. Muhamed Lisica was asked to go collect paint for the renovation of the apartment (formerly belonging to a Muslim) which had been allocated to Božidar Krnojelac, the son of the accused. Detainees from the KP Dom did the painting work.<sup>560</sup> Muhamed Lisica and FWS-144 also had to build racks and shelves at the metal workshop for the use of Božidar Krnojelac in the store taken over from Šaja Šahinpasic.<sup>561</sup> Workers at the metal workshop had to work on an exercise machine for Božidar Krnojelac so he could exercise his arms after the landmine accident.<sup>562</sup>

172. The accused did not pay for the labour costs to the Muslim detainees for the work done on his house. He testified "This work on that house, I did not pay. Nobody sent me a bill for that work."<sup>563</sup> However, as is custom in Bosnia and Herzegovina, meals, food, drinks and cigarettes were provided to the workers while they worked.<sup>564</sup>

#### **4. Work was not voluntary**

173. The work in the KP Dom was not voluntary. Some witnesses testified that they volunteered, however they did so to get some additional food and to have an opportunity to get information. Muhamed Lisica explains it best:

"Well, perhaps you could call it voluntary in a sense, but ..... I'll give you an example. If you're locked up in an area out of which you cannot get at all, and if somebody offers you work, then it's always better for you to get outside and work, because you can expect to get some things like food, cigarettes, even contacts with Serbs and find out something. It's better than staying in the room. So in a way you can call it voluntary, although in another sense it is quite ridiculous."<sup>565</sup>

<sup>558</sup> FWS-144, T 2319; FWS-73, T 3226-3230; Muhamed Lisica, T 4884-4886.

<sup>559</sup> FWS-250, T 5058.

<sup>560</sup> Muhamed Lisica, T 4887.

<sup>561</sup> FWS-144, T 2319-2320, 2326; Muhamed Lisica, T 4886.

<sup>562</sup> Muhamed Lisica, T 4860.

<sup>563</sup> Testimony of the Accused, T 7699.

<sup>564</sup> Testimony of the accused, T. 8057-8058; Slavica Krnojelac, T 7524-7525.

<sup>565</sup> Muhamed Lisica, T 4860.

174. Ekrem Zeković confirmed this and testified “staying indoors all the time, without doing anything, that’s very difficult; it’s tormenting.”<sup>566</sup> The accused himself acknowledged the hardship suffered from being detained. He told investigators, “I myself would prefer to be out there doing some work rather than sitting here, let alone being in a detention unit.”<sup>567</sup> “A bird doesn’t like being in a cage, let alone people in a room, cells of that kind.”<sup>568</sup>

175. The detainees were not paid for their work.<sup>569</sup> Their only reward was a few cigarettes<sup>570</sup> or an extra meal, usually a slice of bread with margarine and some water.<sup>571</sup>

176. To be a member of the work group also guaranteed survival.<sup>572</sup> Once while Lisica was working at the Hotel Zelengora, he met Slavko Ivanović, a Serb soldier, whom he knew from before the war as his neighbour and friend. Ivanović told Lisica that he had received a positive assessment from the company where he worked and all the detainees who were working were protected.<sup>573</sup>

177. Once a member of the work unit, a detainee could not refuse any task given to them. In any event, it would have been risky to turn down an “offer” to work.<sup>574</sup> FWS-249 stated that he “would never have thought of refusing in any case.”<sup>575</sup> In fact, detainees who dared to refuse to work were sent to solitary confinement or beaten.<sup>576</sup> On one occasion, FWS-73 refused to work and Savo Todović came to the room where he slept and kicked him all the way to work.<sup>577</sup> Safet Avdić heard Savo Todović tell sick detainees, “What physician? What are you talking about? I’m your physician.

<sup>566</sup> Ekrem Zeković, T 3496.

<sup>567</sup> Exhibit P50, #16.

<sup>568</sup> See also testimony of the accused, T 7820-7821.

<sup>569</sup> FWS-85, T 680-681; FWS-86, T 1498; FWS-144, T 2322; FWS-73, T 3224; FWS-249, T 4420, 4430; FWS-89, T 4707.

<sup>570</sup> Muhamed Lisica, T 4860-4861. Even that reward, stated Lisica, was arbitrary. He stated: “depending on the day, depending on the month, depending on the goodwill of those who gave us cigarettes....”

<sup>571</sup> FWS-86, T 1498; FWS-182, T 1647; FWS-144, T 2311; FWS-109, T 2403; FWS-73, T 3224-3225; Ekrem Zeković, T 3496; FWS-249, T 4420, 4430; FWS-172, T 4618;

<sup>572</sup> Muhamed Lisica, T 4860.

<sup>573</sup> Muhamed Lisica, T 4862-4863. Muhamed Lisica also knew Slavko Ivanović’s whole family.

<sup>574</sup> FWS-85, T 680-681; Rasim Taranin, T 1701-1702; FWS-249, T 4523.

<sup>575</sup> FWS-249, T 4523

<sup>576</sup> FWS-198, T 982-985; FWS-73, T 3224.

<sup>577</sup> FWS-73, T 3224

You're off to work."<sup>578</sup> On one occasion witness Lisica refused to work in the hospital and was punished with solitary confinement.<sup>579</sup>

## **5. Physical consequences of the forced labour on the health of the detainees**

178. Due to illness and the effects of beatings and hard work, fewer and fewer KP Dom detainees were fit to work as their detention carried on for months and years.<sup>580</sup> Also, detainees testified that, because of how little they were fed, they almost fainted during their work duties.<sup>581</sup> FWS-249 suffered physical exhaustion and developed a spine problem from which he still suffers today. He explained that work was harder for him during the war than before because the KP Dom lacked the proper tools. When FWS-249 left Bosnia as a refugee, he was treated for his back problems. The doctors explained to him that his back problems were the consequence of hard and intensive physical work.<sup>582</sup>

## **6. The administration of the work assignments**

179. At the KP Dom, Savo Todović was the clerk in charge of assigning the work duties of the Muslim detainees.<sup>583</sup> Todović went around the prisoners' quarters and made lists of people who were going to work. He carried that list around and gave it to guards.<sup>584</sup> Guards of the KP Dom and other KP Dom staff supervised the working detainees,<sup>585</sup> although FWS-249 worked at Miljevina where he was supervised by the local military commander,<sup>586</sup> and Muhamed Lisica and other detainees worked at the Hotel Zelengora where the military police guarded them.<sup>587</sup>

180. The supervisor of the metal workshop was Relja Goljanin. However, the accused, as the warden, had the authority to overrule his instructions, which in fact he

<sup>578</sup> Safet Avdić, T 475.

<sup>579</sup> Ekrem Zeković, T 3447-3448; Muhamed Lisica, T 4880.

<sup>580</sup> FWS-142, T 1831; FWS-144, T 2313; FWS-71, T 2913.

<sup>581</sup> FWS-182, T 1647.

<sup>582</sup> FWS-249, T 4430-4433, 4538.

<sup>583</sup> Safet Avdić, T 559; FWS-85, T 672; FWS-54, T 748; FWS-198, T 969; FWS-86, T 1499; Rasim Taranin, T 1728; FWS-142, T 1831, 1834; FWS-144, T 2316-2317; FWS-109, T 2410; FWS-71, T 2912; FWS-73, T 3222; FWS-89, T 4679; Muhamed Lisica, T 4982.

<sup>584</sup> Safet Avdić, T 475; FWS-198, T 969; FWS-86, T 1486; FWS-144, T 2316-2317.

<sup>585</sup> Rasim Taranin, T 1702, 1706, 1712, 1755; FWS-250, T 5054; Ekrem Zeković, T 3545. Ekrem Zeković confirmed that he was taken to the Drina bank and had to push dead bodies downstream while supervised by Burilo.

<sup>586</sup> FWS-249, T4437.

<sup>587</sup> Muhamed Lisica, T 4873-4874.

did.<sup>588</sup> Relja Goljanin was not consulted in relation to exchanges. On one occasion several of his workers were taken away for a so-called exchange. In early summer 1992, Serb soldier Pero Elez was present when a group of detainees were taken away, among them several workers from the metal workshop. Relja Goljanin complained to the accused that he did not want his workers to be taken away again. Following this complaint, a list of the metal workers, including Muhamed Lisica, was posted in the hallway in the administration building,<sup>589</sup> and these workers were not taken for exchange until all Muslims were released.

181. Authorities within the KP Dom had independence to appoint workers and did not have to get permission from military authorities about which detainee worked in the KP Dom.<sup>590</sup> Nevertheless, the KP Dom administration acted in concert with the military authorities in Foča regarding the use of Muslim detainees for forced labour outside the KP Dom.<sup>591</sup> The military command provided security for the detainees when they were in town on labour duties. Detainees sometimes had to perform some tasks directly for the military command, such as repairing military vehicles and driving ahead of military convoys.<sup>592</sup>

## **7. Work by Serb convicts and military violators**

182. Serb convicts also worked in various sections of the Drina Economic units in KP Dom, mostly on the prison farm. In relation to the Serbs working in other sections it is not always clear whether they were convicts or had violated military rules.

183. Witness Božo Drakul, KP Dom accountant, testified that convicts, before the war, were paid for their work.<sup>593</sup> Although convicts did not receive wages during the initial period of the war, personal accounts were kept as to their work done in the KP Dom and they received some payment at the end of their term.<sup>594</sup> In contrast, no such

<sup>588</sup> WS-249, T 4417, 4421-4524; Muhamed Lisica, T 4982; Ekrem Zeković, T 3444, 3446. The accused also concedes Gojanin was his subordinate, T 8117-8118.

<sup>589</sup> Muhamed Lisica, T 4973-4976; FWS-249, T 4454-4455, 4472-4473, 4476-4478, 4481-4482, 4516.

<sup>590</sup> FWS-139, T 376; Safet Avdić, T 475; FWS-198, T 982-985; FWS-86, T 1499; FWS-182, T 1647; Rasim Taranin, T 1701-1702; Rasim Taranin, T 1710, 1728; FWS-142, T 1831, FWS-144, T 2311, 2313; FWS-71, T 2896; FWS-73, T 3224; FWS-249, T 4414, 4572; Muhamed Lisica, T 4860; FWS-250, T 5056-5057.

<sup>591</sup> FWS-249, T 4417-4419.

<sup>592</sup> FWS-182, T 1487, T 1496-1497, FWS-73, T 3234

<sup>593</sup> Božo Drakul, T 7237.

<sup>594</sup> Božo Drakul, T 7266, 7281-7283.

records were kept for the work done by Muslim detainees. Božo Drakul testified he did not keep records for them as it was not in his competence. Moreover, no invoice was provided by the military for their labour which he believed would have been the normal procedure.<sup>595</sup> Zoran Vuković, another Serb military detainee, did not work because he was kept in the KP Dom only briefly.

184. Short-term Serb detainees did not have to work.<sup>596</sup> In reference to Exhibit D34<sup>597</sup> it is submitted that this document does not relate to Muslim detainees or any other inmates. Dated 26 April 1992, it refers to the work obligations of staff members not engaged in the army units, who were permitted to return to work at the KP Dom as part of their wartime assignment.

185. Serb convicts who worked in the KP Dom, worked together with the non-Serb detainees. They also got their assignments through Savo Todovic and the supervisor of the respective Drina Economic section. All working inmates, no matter which group or ethnicity, were treated the same except that the Serbs received compensation in the form of parcels.<sup>598</sup>

## **F. Selection of detainees from the KP Dom for deportation**

### **1. Dates of exchanges and deportation**

186. The evidence has shown that non-Serb detainees from the KP Dom were deported to neighbouring Montenegro and other locations.<sup>599</sup> In addition, detainees were transferred to other prison camps within Republika Srpska. In all, the evidence supports the finding that 266 detainees, taken out of KP Dom allegedly for the purpose of an exchange or for a work duty, disappeared and are presumed dead.<sup>600</sup> The details of these deportations and transfers are given in Annex IV attached to this final trial brief.

<sup>595</sup> Božo Drakul, T 7283-7284.

<sup>596</sup> Exhibit D85.

<sup>597</sup> point 3.(c) of the Trial chamber's letter dated 5 July 2001

<sup>598</sup> Božo Drakul, T 7342.

<sup>599</sup> Indictment, para. 5.1.

<sup>600</sup> Exhibit P240/5.

187. The departure of a group of 55 detainees to Montenegro is already described above. A day or two after the departure of this group of 55 people towards Montenegro, FWS-69 remembered that the accused was present in the yard during the gathering of the detainees for an alleged exchange of 75 other detainees. FWS-69 testified that ordinary guards began moving about all the rooms in the compound, calling people out and assembling them in the yard where they were lined up. FWS-69 could also see the accused together with Mitar Rašević walking about. The detainees were assembled and lined up directly in front of the gate through which they were to be released from the KP Dom. FWS-69 could not say exactly how long the accused stayed in the yard but estimated that it was about two to five minutes.<sup>601</sup> Given the timing and description of this incident, the Prosecution believes that this observation relates to the so-called plum-pickers.<sup>602</sup> However, it could also relate to an exchange at the end of August/beginning of September 1992 as listed in Annex IV.

188. FWS-249 testified that when Pero Elez escorted a group of detainees out of KP Dom in summer 1992, he said that they were supposed to go work in the mine at Miljevina in order for it to begin operating again. They were never seen again.<sup>603</sup> Also, during the summer, R.J. noticed that a group was taken away and the guards did not call out their names as they normally did. He testified that it was as if they had vanished into air. They were never heard of again.<sup>604</sup>

189. Witness FWS-111 testified that, in the month of September 1992, a list of the prisoners' illnesses was made under the pretext that the sick people would be exchanged. But the opposite happened. Ironically, those sick people remained behind in KP Dom while the healthy ones were taken out.<sup>605</sup>

## **2. The group of plum-pickers taken out in September 1992**

190. In September 1992, about 65 people, divided in two groups were taken out on a plum-picking work duty.<sup>606</sup> The guards selected the detainees from their rooms

<sup>601</sup> FWS-69, T 4132-4139.

<sup>602</sup> The Montenegro exchange occurred on 31 August 1992, while the "plum-pickers" were taken out on 17 September 1992. See discussion in the next section.

<sup>603</sup> FWS-249, T 4477-4479, 4483-4484.

<sup>604</sup> R.J., T 3868.

<sup>605</sup> FWS-111, T 1266-1267.

<sup>606</sup> FWS-104, T 2209.

according to a list.<sup>607</sup> When detainees tried to volunteer, they were told by guards they could not go because their name was not on the list or that plum-picking was “not a job for them.”<sup>608</sup> While the “plum-pickers” were lined up in the yard in front of the administration building, some of them were beaten.<sup>609</sup>

191. Murat Crneta,<sup>610</sup> and Halid Konjo,<sup>611</sup> were among the plum-pickers. Rumours spread through the KP Dom that these detainees were actually taken to dig trenches near Goražde.<sup>612</sup> Although there remain uncertainties as to where the group of plum-pickers were taken, the fact remains that the members of the plum-pickers group did not return to the KP Dom, and are still missing today.<sup>613</sup> A mass grave was found near the Goražde frontline near Previla containing the bodies of Murat Crneta and Halid Konjo.<sup>614</sup> When FWS-182 asked investigator Koprivica what had happened to the group of plum-pickers, he answered, “Don’t ask me that.”<sup>615</sup> Muhamed Lisica was later informed by a Serb neighbour that he saw the corpses of Suljo Šoro and a large number of people from the Čohodor Mahala neighbourhood in the Previla region.<sup>616</sup>

192. The accused himself stated that no-one was ever actually taken to pick plums, as that would have been within his admitted authority as director of the Drina Economic Unit.<sup>617</sup> *CITE*

### **3. Procedure involved**

193. Just as for the beatings during interrogations, the process leading to the removal of Muslims detainees for so-called exchanges involved a guard inside the

<sup>606</sup> Ahmet Hadžimusić, T 1971-1975; FWS-139, T 371; Safet Avdić, T 524-525; FWS-182, T 1628; FWS-8, T 1790; FWS-109, T 2401; FWS-86, T 1531; FWS-182, T 1639; FWS-8, T 1791-1792; FWS-138, T 2094; FWS-104, T 2209; FWS-104, T 2184-2185; Ekrem Zeković, T 3496, 3513; FWS-69, T 4085-4086; FWS-137, T 4770, 4810; Muhamed Lisica, T 4978, FWS-250, T 5080.

<sup>607</sup> FWS-138, T 2094; Ahmet Hadžimusić, T 1971-1975; FWS-69, T 4085-4086.

<sup>608</sup> FWS-182, T 1639; FWS-104, T 2210; FWS-8, T 1792; FWS-69, T 4085-4086; FWS-137, T 4770.

<sup>609</sup> Ahmet Hadžimusić, T 1973-1975.

<sup>610</sup> Ekrem Zeković, T 3497-3498, 3513. Exhibit P-55/2, Section 6, which relates to Murat Crneta and the discovery of his body in a mass grave in Previla.

<sup>611</sup> FWS-182, T 1628; Ekrem Zeković, T 3497-3498, 3513. Exhibit P-55/2, Section 3, which relates to Halid Konjo and the discovery of his body in a mass grave in Previla.

<sup>612</sup> FWS-69, T 4122; Ekrem Zeković, T 3497-3498, 3513. Indictment, para. 5.45.

<sup>613</sup> Safet Avdić, T 525; FWS-182, T 1628; FWS-109, T 2402; Dževad S. Lojo, T 2584, 2598-2599; FWS-137, T 4770; FWS-250, T 5080.

<sup>614</sup> See the aforementioned footnote, Masović, T 4235 and the map Exhibit P240/1

<sup>615</sup> FWS-182, T 1640.

<sup>616</sup> Muhamed Lisica, T 4978.

<sup>617</sup> Testimony of the accused, *T XXXX*.

prisoners' compound getting a piece of paper from a guard at the gate of the administrative building. The guard inside the prisoners' quarters would then go into the rooms to call out the detainees for alleged exchanges<sup>618</sup> or, in the one incident, for plum-picking duty.<sup>619</sup>

194. The detainees, under the impression that these were real exchanges, hoped that their turn would soon come.<sup>620</sup> When they asked the guards on what basis they could be exchanged, the guards answered that they had a list provided by the prison authorities and they were only following orders and knew nothing about it.<sup>621</sup> However, the guards obviously knew about the fake exchanges. They advised Ekrem Zeković and Muhamed Lisica to refuse any exchange proposition. Following that remark, Zeković and Lisica wrote a request to Savo Todović asking not to be exchanged.<sup>622</sup> Even persons remotely connected to the KP Dom knew about appearances. FWS-111 was told by Čedomir Dragović (the doctor in charge at KP Dom from April to September 1993) that it was very dangerous to be at KP Dom because for each Serb killed, three to five Muslims would disappear.<sup>623</sup>

195. On three occasions, Ekrem Zeković saw detainees being taken out for exchanges with their hands tied. He saw them being beaten by KP Dom and military staff after which they were taken in vehicles and never seen again.<sup>624</sup>

196. Aware of the growing suspicions of the detainees about the alleged exchanges, Savo Todović and Mitar Rašević went around the rooms and told the detainees not to worry about the fate of their fellow-detainees being exchanged.<sup>625</sup> However, the evidence showed that detainees had every reason to worry, and that Rašević and

<sup>618</sup> Safet Avdić, T 522; FWS-215, T 899; Ahmet Hadžimusić, T 1970; FWS-159, T 2472-2473; FWS-146, T 3078; Ekrem Zeković, T 3490; R.J., T 3899; FWS-69, T 4095, 4121; FWS-172, T 4574; FWS-137, T 4746, 4750.

<sup>619</sup> FWS-8, T 1807; FWS-139, T 371; Safet Avdić, T 524; FWS-86, T 1531.

<sup>620</sup> FWS-162, T 1391-1392.

<sup>621</sup> FWS-111, T 1260; FWS-215, T 899. FWS-215 confirmed this and added that the list of people that were to be taken for alleged exchanges was provided by the administration of the KP Dom. This list was compiled from a record that the guards had taken from a roll-call of the detainees in each room.

<sup>622</sup> Ekrem Zeković, T 3490.

<sup>623</sup> FWS-111, T 1266.

<sup>624</sup> Ekrem Zeković, T 3489.

<sup>625</sup> FWS-109, T 2419.

Todović, knowing the situation full well, purposefully lied to the detainees to maintain order.<sup>626</sup>

197. Detainees verified that those taken out of KP Dom and described by the Prosecution as “never heard from or seen again” are still missing. Many have talked to the missing persons’ family members, who have confirmed that they are still searching for their loved ones.<sup>627</sup> Some detainees also confirmed this information with other former KP Dom detainees when they met again years after the conflict.<sup>628</sup> Some described trying through the ICRC to find their relatives, allegedly taken for exchange but with no results.<sup>629</sup>

198. The Prosecution submits that although the military authorities decided which detainees were to be taken out of the KP Dom for exchanges, the KP Dom administration headed by the accused, could influence these decisions, as described more fully below.<sup>630</sup> The KP Dom administration executed the decision of the military authorities by selecting the detainees and handing them over. The KP Dom administration under the authority of the accused could have protected the detainees, as the new warden actually did in 1994 (such as accompanying the transport vehicles), but chose not to.

### **III. BACKGROUND OF THE ACCUSED**

#### **A. Personal**

199. It is undisputed that the accused was born in Birotići, 12 kilometres from Foča town, and that in April 1992, he lived in Foča in the Donje Polje neighbourhood.<sup>631</sup>

<sup>626</sup> In fact, almost all of the Prosecution witnesses detained at KP Dom testified that amongst the fellow detainees they saw being taken out, allegedly for an exchange or to pick-plums, many of them disappeared. See FWS-54, T 775; FWS-215, T 899; FWS-182, T 1639; FWS-8, T 1785-1790; Ahmet Hadžimusić, T 1970; FWS-104, T 2187; FWS-144, T 2311; FWS-109, T 2377 –2378; Dževad S. Lojo, T 2592-2593; FWS-146, T 3078; Ekrem Zeković, T 3489; Amir Berberkić, T 3816; R.J., T 3868, 3900; FWS-69, T 4121, 4127, 4139; FWS-172, T 4574, 4616; FWS-172, T 4577, 4586-4588; Muhamed Lisica, T 4977; FWS-250, T 5080.

<sup>627</sup> Safet Avdić, T 524; FWS-104, T. 2216-2217; FWS-159, T 2472, T 2507; Dževad S. Lojo, T 2592-2594, 2659-2666; R.J., T. 3868.

<sup>628</sup> Dževad S. Lojo, T. 2592; R.J., T. 3868.

<sup>629</sup> FWS-144, T. 2311.

<sup>630</sup> Exhibit D 42, D 43, D44, D45, D46

<sup>631</sup> FWS-142, T. 1822-23; FWS-104, T. 2189; FWS-109, T. 2352.

Other than a few Serb residents surrounding the accused's house, the residents in the area were predominantly Muslim. The accused was a mathematics teacher at the primary school Veselin Masleša in Foča from December 1973 until 17 April 1992. On 9 August 1994, the accused returned as headmaster or director of the school where he remained until his arrest in 1998.<sup>632</sup>

200. According to his own account, immediately before the war in 1992, the accused was married with four sons named Spomenko, Dubravko, Bogdan and Božidar. All of his sons were soldiers during the war. On 22 June 1992 in the area of Tjentište, Spomenko and Božidar were seriously injured when the bus they were in hit a landmine. As a result, Božidar had to have both legs amputated, and Spomenko received head injuries; several other Serb soldiers were killed or wounded.

201. Although the wife of the accused is of Croat ethnicity, it is clear that the identity of the family was predominantly, if not exclusively, Serb. Božidar Krnojelac testified that his mother celebrated “her” Christmas,<sup>633</sup> and upon outbreak of hostilities, both Spomenko and Božidar volunteered to stand guard with Serb forces at a reservoir.<sup>634</sup>

202. According to the accused’s testimony, which the Prosecution does not dispute, he studied at teaching school until 1962 after which he was sent “by decree” to work in the village of Žavajt and then Toholj. From 1963 until 1964, he was forced “by decree” “against his own wishes” to undertake his military service. In 1965, he was again “ordered” to study mathematics and physics in Sarajevo at a school of pedagogy. Upon completion of his further studies, he was sent to work at the primary school in Foča.<sup>635</sup>

## **B. Military**

203. While the Defence concedes that the accused held the rank of reserve Captain First Class, they contend that he held this position in the Territorial Defence

<sup>632</sup> Prosecutor v. Krnojelac, Prosecutor’s Submission Related to Rule 65ter (E)(ii) and (iii), 16 October 2000, Annex A, para. 2.

<sup>633</sup> Božidar Krnojelac, T. 7377.

<sup>634</sup> Božidar Krnojelac, T. 7406-7407.

<sup>635</sup> Testimony of the accused, T 7559, 7563-7564.

only until 1984.<sup>636</sup> However, the evidence shows that the accused held this position throughout the time relevant to the Indictment, first with the JNA and then with the VRS. Witnesses saw him taking part in military training exercises in Foča as late as 1990.<sup>637</sup> FWS-71 testified that in September 1990, he saw the accused in a captain's uniform, having lunch at the Hotel Zelengora during the course of a military exercise being held in Preljuca.<sup>638</sup> Furthermore, FWS-71, who was commander of the telephone squad and head of the communications station of the Territorial Defence in 1990, testified that the accused's name was listed in his military phone book of "persons that were supposed to be called in the greatest emergencies."<sup>639</sup> He testified, "I secured communications for commanders only, and [the accused] was absolutely on the list of the commanding staff."<sup>640</sup>

204. Witnesses saw the accused wearing a reserve army uniform which had several stars on it during military exercises three or four years before the war.<sup>641</sup> When the war commenced, the accused was only 51 years old, and therefore, still subject to military obligations and the right to be trained for national defence.<sup>642</sup> Furthermore, even during the war, the accused was listed as a Captain First Class in a document which he himself signed in November 1992.<sup>643</sup>

### C. Political

205. By his own admission, the accused was a member of the League of Communists from 1973 until 1990.<sup>644</sup> Although a member of the orthodox church, the accused became a member of the strongly atheistic League of Communists at a time when membership in this party was a prerequisite for career advancement.

<sup>636</sup> Prosecutor v. Krnojelac, Prosecutor's Submission Related to Rule 65ter (E)(ii) and (iii), 16 October 2000, Annex A, para. 3.

<sup>637</sup> Safet Avdić, T. 502-504.

<sup>638</sup> FWS-71, T. 2903, 2933.

<sup>639</sup> FWS-71, T. 2936.

<sup>640</sup> FWS-71, T. 2935, 2904-5.

<sup>641</sup> FWS-144, T. 2351; FWS-73, T. 3200.

<sup>642</sup> **Exhibit P 457, The Law on National Defence, Article 19.** The maximum age for military obligation was 55. The Defence concedes that the accused was born on 25 July 1940. See Prosecutor v. Krnojelac, Prosecutor's Submission Related to Rule 65ter (E)(ii) and (iii), 16 October 2000, Annex A, para. 1.

<sup>643</sup> Exhibit P 446.

<sup>644</sup> Testimony of the accused, T. 7584-7586. See also FWS-215, T. 862, R.J., T. 3914, FWS-66, T. 1046.

Psychological experts described the accused as a conformist and confirmed the inter-relation between party membership and career.<sup>645</sup>

206. Consistent with this approach to political party membership, the evidence shows that the accused associated himself with the newly formed nationalist SDS party. While witnesses could not clarify the exact role of the accused in the SDS, they reasonably concluded from seeing him and hearing the talk around town that he was a member and had political connections. FWS-138 testified that he saw the accused a year or two before the war at an SDS election rally, sitting in front of the stage in the stands.<sup>646</sup> He further testified that before the war, he saw the accused in the company of Velibor Ostojić and Vojislav Maksimović, high-level SDS leaders.<sup>647</sup> Defence witness Žarko Vuković also testified that the accused was “sometimes” in the company of these two politicians.<sup>648</sup> FWS-139 also testified to seeing the accused at an SDS rally on stage in 1988/89.<sup>649</sup> FWS-71 testified that the accused was in the company of high-level SDS members at the Ribarski Restaurant, where SDS politicians and their followers used to meet.<sup>650</sup> Other witnesses also stated that the accused was politically connected with the SDS.<sup>651</sup>

207. Further confirmation of the accused's affiliation with the nationalist views of the SDS can be seen by his facilitation or at least tolerance of anti-Muslim sentiment at his own house. FWS-86 testified that from the end of 1991 until the beginning of 1992, he heard anti-Muslim songs being sung in the accused's son's café, attached to the accused's house.<sup>652</sup> This café was patronised mainly by Serbs.<sup>653</sup>

208. Many witnesses reasonably concluded that only a person with highly nationalistic views could be entrusted with the position of warden of KP Dom during the war.<sup>654</sup> Even R.J., a sympathetic friend and former colleague who testified that the accused was not an “utter extremist, nationalist,” also admitted that the post of

<sup>645</sup> Ana Najman, T. 8018 (a conformist personality would most likely be a member of a political party when it was common to be in such a party, but it is only one trait of membership)

<sup>646</sup> FWS-138, T. 2042.

<sup>647</sup> FWS-138, T. 2042-43.

<sup>648</sup> Žarko Vuković, T. 6803.

<sup>649</sup> FWS-139, T. 379.

<sup>650</sup> FWS-71, T. 2902.

<sup>651</sup> FWS-139, T. 378; FWS-85, T. 629; Ekrem Zeković, T. 3699, L. 8-14.

<sup>652</sup> FWS-86, T. 1493, 1495, 1554.

<sup>653</sup> FWS-86, T. 1493, 1495.

<sup>654</sup> FWS-54, T. 779, 780; FWS-111, T. 1271.

warden could only be given to someone from the SDS hierarchy who was a nationalist, because it was a “very high position, perhaps the second or third highest in the municipality.”<sup>655</sup>

209. While the Prosecution does not allege that the accused was a leader or visible activist within the SDS, it does contend that only someone who strongly supported SDS policies would have been an attractive or suitable candidate for warden at the KP Dom during the war.

210. Defence witnesses who testified that the accused was not politically active and did not have nationalistic views were not in a position to know the extent of his political involvement. Žarko Vuković testified that the accused did not attend any of the rallies organized by the political parties.<sup>656</sup> However, since he also did not attend the rallies, he had no way of knowing whether the accused was in fact there. Witnesses C and D testified that the accused did not join any party;<sup>657</sup> however, neither of these two witnesses was in Foča during the relevant time. Furthermore, if indeed the accused shared Žarko Vuković’s political views, then the descriptions by Vuković of the “liberation” of Foča by Serb forces,<sup>658</sup> and description of Muslims as “Ustasha”<sup>659</sup> even so many years after the conflict, are certainly indicative of the accused’s nationalist views.

211. The Prosecution contends that the fact that the accused was married to a Croat wife and on one occasion may have helped two Muslim women to leave Foča are only aberrations in an otherwise strict nationalistic attitude.

212. The accused denied any involvement in any political parties after the fall of communism or any membership in the SDS.<sup>660</sup> The accused claimed to have little knowledge of the main functionaries of the SDS.<sup>661</sup> Nevertheless, when shown a list of Crisis Staff members, the accused showed a remarkable familiarity with the

<sup>655</sup> R.J., T 3834, 3835.

<sup>656</sup> Žarko Vuković T. 6748.

<sup>657</sup> Witness D, T. 7150; Witness C, T. 7138 (“I don’t think he did”)

<sup>658</sup> Žarko Vuković, T. 6751, 6784.

<sup>659</sup> Žarko Vuković, T.6784, 6787.

<sup>660</sup> The accused denied being present at any SDS rally or socialising with SDS politicians. Testimony of the accused, T 7746.

<sup>661</sup> Exhibit P 46a, Transcript of accused’s OTP Interview, 5 June 2000 (English), p. 12.

individuals listed and their functions.<sup>662</sup> Furthermore, his contention that the teachers agreed not to be politically active is undermined by the fact that Cedo Zelović, Slavko Todović, Vojislav Maksimović and Radojica Mladenović were also teachers as well as Crisis Staff members and politically active in the SDS. In addition, Boro Ivanović was also a teacher.<sup>663</sup> Finally, the reason given by the accused for the teachers' apolitical stance, that they could be accused of political bias by parents, supports his reluctance to be *openly* political, rather than any true disagreement with extremist views.<sup>664</sup>

#### **IV. ACCUSED'S POSITION OF SUPERIOR AUTHORITY AT THE KP DOM**

213. The evidence has established that the accused was warden at the Foča KP Dom and in charge of all the employees that worked within it, and as such, superior to everyone else within the KP Dom.

214. The Defence claims that KP Dom was divided into two separate and mutually exclusive sections: a civilian part and a military part. The accused claims that his function as head of the civilian part, under the jurisdiction of the Ministry of Justice, was merely to preserve the property of the KP Dom, run the Drina Economic Unit within the KP Dom, and to be responsible for Serb civilian convicts. On the other hand, the accused claims, military authorities under the Ministry of Defence were in charge of the Muslim detainees and Serbs who had violated military rules. Since all the crimes alleged in the Indictment occurred in the so-called "military section," the accused argues that he had no responsibility for any of them, and that he in fact was not even aware of such crimes.

215. The prosecution submits that the KP Dom operated as one organisation with one superior in charge, the accused.

<sup>662</sup> Testimony of the accused, T. 7770-7774. Exhibit D73.

<sup>663</sup> Cedo Zelović was a gym teacher, T. 7772; Slavko Todović was a teacher at Godijeno primary school, T. 7774; Vojislav Maksimović was a professor at Sarajevo University, T. 7770; Radojica Mladenović was a biology teacher, testimony of the accused, T 7741; Boro Ivanović was a teacher at Godijeno primary school, Ekrem Zeković, T 3579.

<sup>664</sup> Testimony of the accused, T.7738. Defence Exhibit D 76/1, a certificate issued by the Srbinje SDS Municipal Board on 20 October 1998, stating that the accused has never been a member of the SDS of Republika Srpska should be given no weight since it was prepared long after the events, without any basis in complete or contemporaneous documents.

## A. Unitary Civilian/Military Power Structure

216. From the commencement of the war until the time the accused left the KP Dom, the civil and military organs of government in Foča worked as a single, unified body, and provided a single source of authority under which the KP Dom operated. At the very least, the military and civilian bodies co-operated so extensively that it was often difficult to distinguish between the two. The KP Dom itself was run by a unified staff, under a single administration, headed by the warden Milorad Krnojelac.

### 1. Outside KP Dom - Foča Military Government

217. Before the war, the SDS formed separate Serb organs parallel to the existing town organs that continued to function after the outbreak of the war. On 24 January 1992, the Executive Committee of the Assembly of the Serbian People in the Foča Municipality ("Executive Committee") was formed at the First Session of the Assembly of the Serbian Municipality of Foča.<sup>665</sup> The Executive Committee consisted of Chairman **Radojica Mladenović, Vojislav Bodiroga, Predrag Laković, Gojko Davidović, Milojica Miletić and Vukadin Perišić.**<sup>666</sup> Milojica Miletić was designated the Secretary of National Defence.<sup>667</sup>

218. On 3 April 1992, the Crisis Staff of the Serbian Municipality of Foča was formed by decision of the Assembly of the Serbian Municipality of Foča.<sup>668</sup> The Crisis Staff consisted of all six members of the Executive Committee, as well as President of the SDS **Miroslav Stanić, Josif Milić, Vojislav Maksimović, Petko Čančar, Čedo Zelović, Mitar Šipčić, Dr. Radovan Mandić, Dragan Gagović and Slavko Todović.**<sup>669</sup> According to this Decision, during a state of war or an imminent threat of war or state of emergency, the Crisis Staff shall take decisions falling within the competency of the Assembly where it is not possible to convene a session of the Assembly of the Serbian Municipality Foča.<sup>670</sup> Accordingly, as soon as war broke out

<sup>665</sup> Exhibit D 73, Article 2 of the Decision on the Establishment and Election of the Executive Committee of the Assembly of the Serbian People in Foča published in the Official Gazette of the Serbian Municipality of Foča, Number 1, Year 1, 17 September 1992.

<sup>666</sup> Exhibit D 73, Article 2.

<sup>667</sup> Exhibit D 73, Article 3.

<sup>668</sup> Exhibit D 73.

<sup>669</sup> Exhibit D 73, Article 1.

<sup>670</sup> Exhibit D 73, Article 2. The Serb Crisis Staffs were established according to a decision of Dr Branko Derić, Prime Minister of the Serbian Republic of Bosnia and Herzegovina Government, 26 April 1992, regarding the Instructions for Work of Crisis Staffs of the Serbian People in Municipalities,

and the pre-war town organs ceased to exist, the Crisis Staff took over. For example, as of 20 April 1992, two members of the Crisis Staff were exercising powers allowing freedom of movement.<sup>671</sup> All municipal organs were thus firmly in the hands of the SDS through the Crisis Staff.

219. The Crisis Staff was not a purely civilian entity. Members of the Crisis Staff were present and involved in the planning of the Bosnian-Serb military campaign in Foča. FWS-120 testified that after his arrest, while in the Velečevo headquarters on 27 April 1992, he saw members of the Foča Crisis Staff co-operating with the military personnel.<sup>672</sup>

220. Miroslav ("Miro") Stanić, President of the SDS and head of the Foča Crisis Staff, also saw himself as the first "War Commander" in Foča. In his own words, "We liberated the town in six days. By 25 April, we managed to liberate the whole Foča municipality, the largest municipality in Republika Srpska. I submitted my war report to the Ministerial Council, as it was then called. At that time, at the beginning of June, we were active in the Crisis Staff and, later, in the Army Command. I turned over the command to eleven officers, headed by Colonel Marko Kovač. Our organisation name changed, it was called Tactical Group, then the Garrison."<sup>673</sup> Indeed, the document sent from the Foča Territorial Defence to the KP Dom on 8 May 1992, requesting the use of facilities, is signed by Miro Stanić as the commander.<sup>674</sup>

221. The Crisis Staffs were renamed War Presidencies on 31 May 1992.<sup>675</sup> However, their functions remained the same. Article 3 of the Decision establishing the War Presidencies states "A war presidency shall: *organize, co-ordinate and adjust*

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which states "1. In wartime conditions the Crisis Staff shall take over all prerogatives and functions of municipal assemblies, when they are unable to convene." Exhibit D25.

<sup>671</sup> On this date, Ismet Pašović personally asked Miroslav Stanić and Radojica Mladenović for permission to travel to Herzeg Novi, which was granted. See Exhibit D 66 /1.

<sup>672</sup> FWS-120, T 3119-3125. Exhibit D73. Decision on the Establishment of the Crisis Staff of the Serbian Municipality of Foča (3 April 1992) published in the Official Gazette of the Serbian Municipality of Foča, Number 1, Year 1, 17 September 1992.

<sup>673</sup> Exhibit P 23, Translation of Video Interview with Miroslav Stanić Three Years after Liberation, p4.

<sup>674</sup> Exhibit P4, D38. The accused contends that the document was signed by Stanić *for* the commander. Stanić himself refers to his position as war commander; nevertheless, even under the accused's formulation, Stanić had authority to sign on behalf of a military organ.

<sup>675</sup> Exhibit D26, "Decision on the Formation of War Presidencies in Municipalities in Time of War or the Immediate Threat of War" issued by the Presidency of the Serbian Republic of Bosnia and Herzegovina.

*activities for the defence of the Serbian people and for the establishment of legal municipal authorities; - perform all the duties of the assembly and the executive organ until those organs are able to convene and commence work; - create and ensure conditions for work of military organs and units defending the Serbian people; carry out the other tasks of state organs if they are unable to convene.”* (emphasis added)<sup>676</sup> Laypersons continued to use the names “Crisis Staff” and “War Presidency” interchangeably, and indeed, the members did not change. The War Presidency simply continued the joint civilian and military functions in Foča.

222. For example, on 18 June 1992, Miro Stanić as Chairman of the War Presidency in his decision regarding the movement of people and property out of Foča states, “the present civilian and military authorities of the Serbian Municipality of Foča have so far been preventing both Serbs and Muslims from leaving the Foča territory....the War Commission has concluded.....the civilian and military authorities shall allow all loyal citizens .....to leave....”<sup>677</sup>

223. Further exemplifying the unified military and civilian government structure was the power of the Executive Committee of the Serbian Municipality of Foča to grant temporary permits for free movement. These permits bore the signature of Radojica Mladenović, a Crisis Staff member.<sup>678</sup> Similarly, a certificate of release from detention, dated 12 October 1992 was issued at the military police station by the War Presidency, with a stamp “military post 7141 Foča”, further evidence of the central authoritarian military government that existed in Foča during 1992.<sup>679</sup>

224. All governmental organs in Foča worked hand in hand at this time, under the co-ordination of the Crisis Staff/War Presidency. It was, therefore, difficult for ordinary citizens to know with which specific organs they dealt. Even those Defence witnesses receiving wartime assignments could not tell which organ gave them the assignment although most assumed that it was military.

<sup>676</sup> The War Presidency was still operating as of 1995. In a press interview in 1995, Miro Stanić stated, “We shall carry out the orders of the War Presidency, of which I am a member... The War Presidency is functioning well.” Exhibit P 23, Translation of Video Interview with Miroslav Stanić Three Years after Liberation, pp. 6-7.

<sup>677</sup> Exhibit D 40.

<sup>678</sup> Exhibit D 113.

<sup>679</sup> Exhibit D 49.

225. The evidence thus supports the Prosecution's contention that the government structure in Foča, during at least 1992 and 1993, was a unitary one, with little or no distinction between civilian authorities and military command under the direction of the Crisis Staff/ War Presidency.

## **2. Within KP Dom**

226. The accused does not dispute that when he arrived at the KP Dom on 18 April 1992, the military was already present and using the facilities to confine Muslim civilians.<sup>680</sup> In fact, from the very beginning of his tenure, the military and civilian authorities worked hand in hand at the KP Dom and were barely distinguishable from each other.

227. On 26 April 1992, the Executive Committee passed a decision authorizing the Foča KP Dom to impose work obligations on persons fit for work who are not engaged in the Yugoslav Army units.<sup>681</sup> The decision required that a "work obligation should be imposed on workers according to the list submitted by the Foča KP Dom, which has been approved by the Crisis Staff of the Serbian Municipality of Foča." "If necessary, the Crisis Staff of the Serbian Municipality of Foča and the Command of the Yugoslav People's Army unit shall engage workers mentioned in the previous item, depending on the circumstances."<sup>682</sup> Such authority indicates co-operation and co-ordination between the KP Dom and both military and civilian organs in Foča. The KP Dom administration exercised this authority. Defence witnesses Milan Pavlović and Miloslav Krsmanović testified that they were transferred from their army units to the KP Dom due to interventions by the accused and Mičun Jokanović (See annotated list of staff members from Exhibit P-3 attached to this brief).

228. The fact that the KP Dom was placed under the jurisdiction of the Ministry of Justice does not exclude a close working relationship between the accused and military authorities. On 12 May 1992, after the accused had already been at the KP Dom for 24 days, and after he had authorised the leasing of KP Dom facilities to the

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<sup>680</sup> Testimony of the accused, T. 7610.

<sup>681</sup> Exhibit D 34.

<sup>682</sup> The decision was signed by the Chairman of the Executive Committee, Radjica Mladenović, and has a Serbian Democratic Party, BH, Foča Municipal Board stamp on it.

Foča Tactical Group for their use,<sup>683</sup> the Assembly of the Serbian People in BH confirmed the “Decision on Establishing Penal and Correctional Institutions in the Territory of the Serbian Republic of BH,” taking over all penal and correctional institutions in the territory of the Serbian Republic of BH, and continuing to operate them as organs of the state administration of the Republic.<sup>684</sup> The Decision specifies, *inter alia*, that the KP Dom “shall be managed by the warden and deputy warden appointed, and dismissed, by the Minister of Justice.”<sup>685</sup> Furthermore, the warden was directed to issue “rules on internal organisation” with the agreement of the Minister of Justice.”<sup>686</sup> The establishment of business units was also permitted “in order to reform the inmates and enable them to acquire, maintain and improve the skills, work habits and qualifications that would make them useful citizens upon their release.”<sup>687</sup> Regarding the status of KP Dom personnel, the Decision stated that “KP Dom personnel of Serbian nationality and other interested personnel...shall be taken over and given temporary posts and assignments until the rules on internal organisation are adopted.”<sup>688</sup> This Decision was finally implemented on 17 July 1992, when the Ministry of Justice formally appointed the accused as warden of the Foča KP Dom, converting his status from that of “Temporary Warden” to “Warden.”<sup>689</sup> Until that date, he was clearly under the authority of the Ministry of Defence.<sup>690</sup>

229. It is submitted that such regulations regarding the Ministry of Justice, did not preclude the ongoing function that the Foča KP Dom and its staff had been performing in detaining Muslim detainees. Because it was wartime no institution was completely exempt from military involvement. Thus, while in general, the KP Dom premises and staff were under the jurisdiction of the Ministry of Justice, they were also called upon to participate in the war effort through their confinement and treatment of Muslim “prisoners of war”.<sup>691</sup>

<sup>683</sup> Exhibit P5, D 38/1.

<sup>684</sup> Exhibit D29, Official Gazette of the Serbian People in BH, 12-17 May 1992, Article 1.

<sup>685</sup> Exhibit D29, Official Gazette of the Serbian People in BH, 12 - 17 May 1992, Article 11.

<sup>686</sup> Exhibit D29, Official Gazette of the Serbian People in BH, 12-17 May 1992, Article 4.

<sup>687</sup> Exhibit D29, Official Gazette of the Serbian People in BH, Tuesday, 12 - 17 May 1992, Article 6.

<sup>688</sup> Exhibit D29, Official Gazette of the Serbian People in BH, Tuesday, 12 - 17 May 1992, Article 10.

<sup>689</sup> Exhibit D 77, “Decision” of the Ministry of Justice of the Serbian Republic of Bosnia and Herzegovina in Sarajevo, dated 17 July 1992, appointing the accused warden of Foča KP Dom.

<sup>690</sup> See Exhibit P3, line 3.

<sup>691</sup> The term “prisoner of war” was used by the Serb authorities as a subterfuge. See Exhibits P-4 and P-5. The accused does not contest that the Muslims confined at KP Dom were civilians.

230. Miladin Matović, a KP Dom guard, testified during cross-examination that both before and during the war, his supervisor, Mitar Rasević, was "duty bound" to report to the Ministry of Justice if an offence was committed at the KP Dom.<sup>692</sup> Although Miladin Matović knew Mitar Rasević was not in charge of the KP Dom he was not aware of who he reported to within it, during the war, if anyone.<sup>693</sup> However, as regards to the Serb convicts detained during the war he testified that Mitar Rasević reported to the warden.<sup>694</sup>

231. The release documents of some witnesses who were detained at the KP Dom reflect that the detention of Muslim civilians at the KP Dom was a joint responsibility of the Army, Police and Crisis Staff, and that the co-ordination among these three entities was so great that they operated as one detaining authority.<sup>695</sup>

232. The Muslim detainees who were confined in the KP Dom for up to two and a half years never observed any evidence of dual authority within the prison. One witness testified, "Inside the KP Dom, which I saw as one house, it was administrated by the boss of that house."<sup>696</sup> Another witness described as "absolutely incorrect" any assertion that the accused was only responsible for the economic administration.<sup>697</sup> Witness FWS-66 testified, "But he was warden for the entire complex. Everybody knows that and everybody will confirm it."

233. Even Defence witnesses testified that within the prison-camp, there was no distinction made between the Serbs, whether serving civilian sentences or temporarily detained for violating military rules, and Muslims. The Muslim and Serb detainees were housed in the same two buildings (albeit in different rooms), ate in the same canteen (at different times) and were escorted to and from meals by the same prison staff. In addition, the supplies of food and toiletries were not separated or separately accounted for based on any civilian/military distinction. Serb civilian prisoners and

<sup>692</sup> Miladin Matović, T 6496-97. In re-examination, the witness testified that in the pre-war period reports would be submitted from the guards to the chief of the guards to the warden and then onto the Ministry of Justice. However, contrary to the answers he gave in cross-examination he stated that during the war, the Ministry of Justice was not functioning, so he did not know who he Mitar Rasević submitted his reports to. T 6599-6000.

<sup>693</sup> Miladin Matović, T 6496-6497.

<sup>694</sup> Miladin Matović, T 6600.

<sup>695</sup> Exhibit P 100 & 100A, Exhibit P 94 & 94A, Exhibit P 65 & 65A and Exhibit P 418 & 418A, ranging in time from 26 April 1992 to 7 July 1992.

<sup>696</sup> Safet Avdić, T. 483.

<sup>697</sup> Ekrem Zeković, T. 3622, L. 4-7

Muslim detainees also worked side by side at the farm and in the furniture factory. There is no evidence that the civilian prisoners or military detainees of Serb ethnicity were treated any differently from one another, except that the short duration of the military detainees made it impossible to assign them to work within the KP Dom.

234. Defence witness Matović, a guard, testified that the military secured the area from the metal workshop to outside the administration buildings from April 1992 until the middle of May when the paramilitary units left. Some of the soldiers assigned by the army remained and continued to patrol KP Dom, although the greatest part of the work was turned over to the policeman (guards) who also controlled the external security.<sup>698</sup> Matović stated that Mitar Rašević was his supervisor and he had authority to discipline all guards.

### **3. Pre-war structure**

235. The Defence argues as support for a dual power structure in the KP Dom, the document signed by the accused on 10 May 1992 as the temporary warden deciding to temporarily allocate the premises of the Foča KP Dom “for the accommodation of prisoners-of-war and detained persons,”<sup>699</sup> This was a result of a request by the Foča TG Command of 8 May 1992.<sup>700</sup>

236. However, no authority was ceded in either the request or decision. The “use” of the KP Dom premises did not bring with it any clear division of physical space, staff, supplies, or authority. The Prosecution contends that notwithstanding this decision, the accused maintained control over the entire KP Dom. The decision only reflects the fact that, in addition to the convicts usually housed in a state-run prison, the KP Dom received detainees arrested and detained on behalf of the military. Instead of establishing a separate detention facility the military authorities were allowed to “use” the KP Dom facilities insofar as their detainees were admitted to the KP Dom and kept there during their time of detention. Technically, it meant that the military would make decisions regarding arrest and release, pay the costs these detainees incurred,<sup>701</sup> and have input whenever these detainees were to be removed

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<sup>698</sup> Miladin Matović, T 6538.

<sup>699</sup> Exhibit D 38-1, P5.

<sup>700</sup> Exhibit D 38, P4.

<sup>701</sup> See Exhibit D107 directly addressing this matter.

from the KP Dom premises for whatever reason. The decision does not imply that a separate staff other than the regular prison staff and administration would run a part of the KP Dom. Exhibit D107 explicitly states "... the Foča KP Dom holds Muslim detainees and Serbian offenders from the ranks of the Republika Srpska Army." "Holds" can only be understood as having authority over the mentioned detainees as long as they are on the KP Dom premises.

237. The alleged division between independent civilian and military authorities inside the KP Dom is further disproved by the fact that the prison was run by a single, co-mingled staff. The "List of persons under work obligation at the Srebrenica Penal and Correctional Facility between April 1992 and the end of October 1994," provided by the Ministry of Justice of the Republika Srpska, lists 145 staff members without making any distinction between the security staff and the staff working in the economic facilities or administration.<sup>702</sup> The compilation of the details of both the security and the other staff in the same document reflect a common administration governing their employment. Only the accused in his interview with investigators claimed that certain members with security function were not under his command but part of the alleged military.

238. Similarly, the document signed by the accused on 23 November 1992,<sup>703</sup> entitled "List of men liable for Military Service, Members of the KPD Unit", also makes no distinction between allegedly civilian and military staff; everyone is listed as a soldier, except the accused who is listed as "Captain 1<sup>st</sup> Class."

239. Even Defence witnesses who worked at KP Dom during this time stated that they performed functions involving both the alleged military detainees (Muslim detainees and Serbs who violated military rules) and the civilian Serb convicts. The cook, for example, cooked for everyone, and the medical technician Gojko Jokanović administered to everyone, regardless of which "part" of KP Dom they belonged to.<sup>704</sup>

240. Inside the KP Dom there was only one security force which was used jointly for the Muslim detainees, Serb military detainees, Serb convicts and for the protection of property. All guards reported to one superior, the guard commander Rašević, no

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<sup>702</sup> Exhibit P 3.

<sup>703</sup> Exhibit P 446.

matter where they worked within the prison. Miladen Matović, a KP Dom guard, testified that in June 1992 he worked at the furniture factory and guarded Muslim detainees and Serb convicts working in the factory.<sup>705</sup> He was never told by his supervisor Mitar Rašević to treat any of the prisoners differently, regardless of whether they were Muslim detainee, Serb convict or Serb military prisoner. Matović knew that Rašević reported to the warden.<sup>706</sup> Zoran Mijović, another KP Dom guard, testified that he was tasked with external security at the KP Dom until the middle of July 1992 when he was reassigned to the KP Dom farm.<sup>707</sup> Both Serb convicts and Muslim detainees worked on the farm. The accused admitted that the guards at the farm guarded both Serb convicts and Muslim detainees.<sup>708</sup> A Serb military detainee, Zoran Vuković, also testified that the same guards accompanied the Serb civilian convicts and the Serb military prisoners to meals.<sup>709</sup>

241. The accused, as warden, had detailed knowledge of the security measures in place at the KP Dom, including personnel, requirements, and weapons. In a document to the War Presidency, which he signed, dated 9 June 1992, the accused requested land mines to be placed inside the KP Dom because there was information that detainees might be planning an escape, and he requested weapons replacement for more efficient weapons for the guards.<sup>710</sup> Although the Prosecution does not contend that the accused wrote the document himself, his responsibility regarding the document is clear: the accused admitted that he read the document before he signed it, and that it was most likely prepared by Savo Todović, who brought it to him for his signature.<sup>711</sup> This document makes clear evidence that authority to provide security was never delegated to the army but remained with the accused.

242. Inside the KP Dom there was only one transport unit which served of all the needs of the institution. Witness Milosav Krsmanović, a KP Dom driver for the Drina Economic Unit<sup>712</sup>, testified that "the transport unit functioned across the board."<sup>713</sup>

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<sup>704</sup> Radomir Dolas, T. 5928, Lazar Divljan, T. 6022, Drago Vladičić, T. 6316.

<sup>705</sup> Miladen Matović, T. 6433.

<sup>706</sup> Miladen Matović, T. 5497-6499, 6600. Matović also testified that he did not know whom the warden reported to, as the Ministry of Justice was not functioning during the war.

<sup>707</sup> Zoran Mijović, T.6222.

<sup>708</sup> Accused Krnojelac, T. 7958.

<sup>709</sup> Zoran Vukovic, T. 5795.

<sup>710</sup> Exhibit P445.

<sup>711</sup> Testimony of the accused, T 8183-8184.

<sup>712</sup> Milosav Krsmanovic, T 6634.

Vehicles in which detainees were transported were registered in the name of the KP Dom and driven by KP Dom policemen except for buses. Despite this special assignment of vehicles for the use by police, this witness, a driver for Drina Economic Unit, drove Muslim detainees to sites to collect firewood and work on the accused's house.<sup>714</sup>

243. Inside the KP Dom there was only one food service and kitchen for the all detainees, no matter which category. Both Prosecution and Defence witnesses confirmed that all inmates and staff ate there. Krsto Krnojelac testified that he was mobilised by the army as a cook. He worked at the Livade military installation for 17 days before the military command ordered him to go to the KP Dom to be the cook there.<sup>715</sup> He was the only cook at KP Dom. In a request for food for the Muslim detainees at the KP Dom and other military prisoners, addressed to the Military Post 7141 Foča Garrison, dated 3 March 1993, the accused wrote, "Pursuant to the agreement of making KP Dom premises available for the accommodation of detained persons, the Foča KP Dom holds Muslim detainees and Serbian offenders from the ranks of the Republika Srpska Army. For the purposes of feeding them please approve the allocation of the following food supplies.....These quantities are sufficient for a month's food requirements. We count on your understanding and help."<sup>716</sup> The accused was clearly involved in providing food for even the "military" detainees.

244. Inside the KP Dom there was only one health service for all Muslim detainees, Serb military prisoners and convicts. Milovan Dobrilovic testified that when he worked at the KP Dom as a doctor, he did not differentiate between Muslim and Serb patients. He saw Muslims, Serbs and Croats and was unaware who was detained by the military and who was civilian.<sup>717</sup> He testified that he went to the KP Dom twice a week on request of the military command. He showed a guard the order from the military command and hospital director and the guards would bring the detainees to the infirmary. His colleague Drago Vladičić testified likewise.<sup>718</sup>

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<sup>713</sup> Milosav Krsmanovic, T 6635.

<sup>714</sup> Milosav Krsmanovic, T 6690-6691.

<sup>715</sup> Krsto Krnojelac, T 5920-5921.

<sup>716</sup> Exhibit D107A.

<sup>717</sup> Milovan Dobrilović, T 6344, 6352-6353.

<sup>718</sup> Drago Vladičić, T 6305, 6323-6325.

245. Inside the KP Dom there was only one supply store for the Muslim detainees, Serb military prisoners and convicts. Lazar Divljan, warehouse worker, testified that with regard to the distribution of goods, "the guard in charge of the compound asked me to give him so many blankets, bed linen sheets for dormitories, and I gave them to him." Regarding food, he stated that the cook would specify how much food he would require for the day. If it was not in stock, he would give him something else instead.<sup>719</sup> Lazar Divljan testified that he did not receive written requests for supplies, did not make a distinction regarding supplies, and did not have to seek approval for requests for equipment or food.<sup>720</sup>

246. Inside the KP Dom, staff were assigned between the guards and other services in a flexible "in house" manner reflecting a single unified administration. Lazar Divljan testified that he reported to the KP Dom as part of his war assignment.<sup>721</sup> The accused assigned him the task of warehouse clerk, but according to Exhibit P3, the witness also functioned as security which he strongly denied. The same applies to witness Bozo Drakul who functioned as both chief of bookkeeping and guard.<sup>722</sup>

247. Muslims, Serb convicts and Serb detainees were housed in building 2. Within the building there was no separate section visible. All Muslims and Serbs used the same auxiliary sections, as specified above.

248. The accused admitted that he had a responsibility to report the intrusion of any outsiders to the military command. He stated, "if there was somebody there and I saw them I would have had to immediately report it, on it to the command or to someone, because in the compound there were other things that were the property that I was in charge of protecting, such as the furniture factory and other facilities."<sup>723</sup>

## **B. Accused as Head of the Unitary Power Structure in KP Dom**

<sup>719</sup> Lazar Divljan, T. 5981.

<sup>720</sup> Lazar Divljan, T 6023, T 6040.

<sup>721</sup> Lazar Divljan, T. 5977.

<sup>722</sup> Exhibit P3, para. 19.

<sup>723</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p.5.

**De Jure Powers - Existence and Scope**

249. It is undisputed that the accused was warden of KP Dom Foča from 18 April 1992 until at least 1 July 1993.<sup>724</sup> The only defence challenge is to the scope of the accused's authority within this title.

250. The accused's *de jure* power derives from his position as warden of KP Dom<sup>725</sup> and encompasses the type and extent of powers normally possessed by prison wardens in the former Yugoslavia, namely, the authority to organise and control all matters affecting the operation of the prison and those working and imprisoned within it. This is clear from the Decision Establishing KP Doms, in which the warden was directed to issue "rules on internal organisation" with the agreement of the Minister of Justice."<sup>726</sup> That same document also grants the warden formal powers to manage the internal organisation of the Foča KP Dom, provide security and establish business units to reform inmates.<sup>727</sup>

251. The accused himself confirmed that he provided these internal rules to the Ministry of Justice at a meeting where such rules were requested.<sup>728</sup> His testimony that he merely brought the former rules rather than making any new rules himself makes no difference in establishing the scope of his formal powers.<sup>729</sup> Rather, they tend to support the continuity between the organisation of the KP Dom before and during the war.

252. Veselin Čančar, a Bosnian Serb TO member who was involved in the Livade camp in April 1992 was offered the job of the Warden of KP Dom. In his statement he said "In the morning, (Date Unknown) at Livade "Miro Stanić and Slavko Todović who were members of the SDS Crisis Committee tried to talk me into taking up the

<sup>724</sup> See also, documents signed by the accused, statements by family, guards, prison staff, detainees, military officials, acquaintances, family members and announcers on Bosnian Serb Radio. The Prosecution contends that the accused remained warden until the end of July 1993.

<sup>725</sup> Prosecutor's Pre-Trial Brief, para. 76.

<sup>726</sup> Exhibit D29, Official Gazette of the Serbian People in BH, 12-17 May 1992, Article 4.

<sup>727</sup> Exhibit D29, Official Gazette of the Serbian People in BH, 12 - 17 May 1992, Articles 11, 5, 6.

<sup>728</sup> Exhibit D89, Request from the Serbian Republic Ministry of Justice and Administration, 5 September 1992, requesting all wardens of penal and correctional facilities to attend a meeting in Bijeljina on 16 September 1992 to discuss the present situation in the judicial field and certain current issues regarding the functioning and work of judicial organs and correctional facilities. "Wardens of penal and correctional facilities are required to bring to the meeting the rules of internal organisation for approval."

<sup>729</sup> Testimony of the accused, T. 8135.

post of the KP Dom Warden. I refused and even had an argument because I told them of the events at Livade, saying that I did not agree with that, and they said. "Why are you in a lather over that?"..... When I returned to Foča, Lazo Kunarac had a talk with me. When I gave him my reasons he told me I did not have to be the director by that I was going to be taken to the field as a quartermaster, to which I agreed."<sup>730</sup> It is submitted that Čančar's refusal to take the job as warden of the KP Dom and the reasons he gave for it provide a significant indicator that the job being offered entailed having responsibility for the Muslim detainees. If it did not, as the accused claims, it is less likely that Čančar would have refused the job on the basis of the reasons he gave.

### 1. Documents Signed by the Accused as Warden

253. Documents signed by the accused as warden clearly indicate his position of authority at the prison. The documents in evidence show that from 7 May 1992 until at least 6 May 1993, the accused signed documents relating to the activities of the Foča KP Dom as "acting warden,"<sup>731</sup> "temporary warden"<sup>732</sup> and after 17 July 1992, "warden."<sup>733</sup> For the details reference is made to Annex V. By the accused's own testimony, he continued to sign documents and perform all the functions of warden until the end of July 1993.<sup>734</sup>

254. There has been no documentary evidence at trial to support the accused's contention that his powers as warden at the KP Dom were in any way limited or restricted. On the contrary, the documents signed by the accused deal with all aspects of prison life, including security. In the request for landmines,<sup>735</sup> the accused complained that the number of guards was inadequate to guard the prison population of 488 which included 470 Muslim detainees, 10 Serb detainees and 8 convicted persons from before the war. The reason stated in the request, that there was information of an attempt to escape, is confirmed by Prosecution witness FWS-172, who stated that, in the morning of June 1992, Mitar Rasević told detainees that he

<sup>730</sup> Exhibit P 36 A, statement of Veselin Čančar to the Sarajevo Investigating Judge on 5 June 1996, page 00412381.

<sup>731</sup> Exhibit P 5.

<sup>732</sup> Exhibit P 445.

<sup>733</sup> Exhibit P 446 and D39.

<sup>734</sup> Testimony of the accused, T. 8081. See also Božo Drakul, T. 7341.

<sup>735</sup> Exhibit P 445.

believed that an escape was being planned.<sup>736</sup> Furthermore, this request was clearly not the first which the accused made. The document refers to a previous request of 1 June 1992, which did not result in adequate action by the military command. It is clear from these requests that the accused exercised his responsibility for security within Foča KP Dom, including that related to Muslim detainees.

255. The accused's responsibility for the supervision of Muslim detainees at the KP Dom can be further inferred from Exhibit D39. On 6 May 1993 in a report entitled "Report on the Foča KP Dom regarding the order of the Herzegovina Corps Commander on the relocation of the prison from Bileća to Foča" sent to the Herzegovina Corps and the Command of the Foča TO he stated that in order to implement the order of the Herzegovina Corps Commander and transfer the detainees the security should be improved. With explanation, in this document the accused requested more security for the KP Dom if the prisoners arrived.<sup>737</sup> In the report specific reference is made to the Muslim detainees that were in the KP Dom at that time.

256. Similarly, Exhibit P 446 further shows the scope of the accused's *de jure* power over the whole of the KP Dom including the guards whom he claims were part of the military and therefore not under his command. This document prepared by Savo Todović<sup>738</sup> and signed by the accused on 23 November 1992, as warden, "Lists of men liable for military service, members of the Foča KPD Unit (as of) 30 October 1992", refers to 58 names of which the accused appears as name number one with the rank of Captain First Class. Savo Todović and Mitar Rašević appear as names number two and three respectively<sup>739</sup>. All the men on the list, except the accused, are listed as soldiers.<sup>740</sup> From this document, it is clear that the accused is working as part of a military authority. The accused has the highest military rank compared to that of the other staff at the KP Dom who appear on the list, including Mitar Rašević and

<sup>736</sup> FWS-172, T. 4591-4593.

<sup>737</sup> D 39A.

<sup>738</sup> Accused testimony, T. 8184-8186, 8189-8190, although the accused testified that Savo Todović brought the document to the accused to sign, he did not know whether Todović prepared it as he did not see him do it. He stated "it was written by a person .... who knew the situation at the KP Dom very well."

<sup>739</sup> This ordering of names in this manner may be indicative of the hierarchy of positions at the Foča KP Dom (BS).

<sup>740</sup> In light of the evidence, this appears to be regardless of whether they performed any active service in 1992. It appears that time spent working at the KP Dom is considered as time spent serving in combat. See the "number of days for combat allowance column". (BS)

Savo Todović. From this document, it is also clear that the accused is not only in charge of the KP Dom staff because of his position as warden but at the same time in charge of the staff in KP Dom from the military viewpoint. He is the only military officer in the KP Dom, and as such the de jure commander of the soldiers present. This applied not only to the soldiers listed in the document P446 including Todović, Rasević and the guards at the KP Dom, but also to the soldiers from the Foča Tactical Group who visited the KP Dom.

257. Several Defence witnesses claim that Exhibit P 446 was created for the sole purpose of enabling those on the list to receive packages that the army distributed to its members,<sup>741</sup> to be on the army's payroll,<sup>742</sup> or to receive salaries.<sup>743</sup> Even if this were the only purpose, the list shows the clear military hierarchy of the accused at the top, with an officer's rank, and all the other employees, including guards, as soldiers subordinate to him. From this evidence it can be concluded that the document was actually sent to the military command in order to receive the military allowance and therefore reflects reality. The Prosecution contends that according to this document in Foča the military conscripts working in the KP Dom were considered members of a unit entitled to combat allowance. This argument is supported by the fact that several members of the prison staff were occasionally shifted to combat units at the frontline.

258. The Prosecution contends that this list may also have been created for forming a distinct KP Dom military combat unit, should the need arise, with the accused as battalion commander. The fact that the need never arose and the unit was never used in combat does not affect the message of this document regarding the accused's superior authority over everyone at the KP Dom, including the guards and those whom he claimed were actually in charge of the so-called military section.

259. The military or quasi-military position of the accused is supported by the fact that he frequently wore a military uniform while at KP Dom.<sup>744</sup> Witnesses saw him in camouflage military uniform,<sup>745</sup> reserve officer's uniform of the former Yugoslav

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<sup>741</sup> Bozo Drakul, T. 7239.

<sup>742</sup> Radomir Dolas, T. 5837.

<sup>743</sup> Milosav Krsmanovic, T. 6663..

<sup>744</sup> FWS-82, T.1708; FWS-120, T 3143, L. 24; FWS-58, T. 2692; FWS-58, T 2693; FWS-162, T. 1403.

<sup>745</sup> FWS-85, T. 631.

army,<sup>746</sup> military dress, standard military clothes that were olive-grey military army colour or “SMB,”<sup>747</sup> the uniform of noncommissioned officers or officers, with a distinct yellow military belt and pistol,<sup>748</sup> or wearing a “Titovka or Partizanka” cap.<sup>749</sup> Several witnesses also saw the accused carrying a pistol at the KP Dom.<sup>750</sup> In September or October 1992, FWS-69 saw the accused come out of the administrative building carrying an automatic rifle and a backpack in what appeared to be an alert of a drill.<sup>751</sup>

260. The accused does not dispute that he occasionally wore military clothes while in the KP Dom. However, he claims that he wore all kind of clothes because he had not enough civilian clothes since his house burnt down along with all his clothes. He therefore had to wear clothes which he found in the warehouse of the KP Dom or which he got from relatives or friends. In particular, he claims that he sometimes wore a special-occasion SMB olive green JNA officer’s uniform with no rank, which he found at his brother’s flat.<sup>752</sup> The accused admits, however, that he had several changes of civilian clothes, which would not necessitate his wearing military clothing unless he had a military purpose. In fact, the accused himself testified that whenever he traveled to Montenegro for work, he was required to wear civilian clothes, a rule with which he was apparently able to comply.<sup>753</sup> Furthermore, the accused agreed with his son’s testimony that there was a shortage of uniforms, so that even soldiers had to wear parts of civilian clothes.<sup>754</sup>

## **2. Statements of accused’s authority**

261. Witness FWS-120, a Muslim JNA officer who was arrested in Pilipovići, testified that the accused and two other staff members were at the entrance of the KP Dom when he was taken there on 27 April 1992 at 03:10 a.m. along with a bus full of

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<sup>746</sup> FWS-66, T. 1126.

<sup>747</sup> FWS-86, T. 1490.

<sup>748</sup> FWS-69, T. 4130, witness states it was “most probably a military belt since it was a military uniform. I don’t know what kind of belt it was”.

<sup>749</sup> Amir Berberkić, T 3945-3946.

<sup>750</sup> FWS-249, T. 4497 FWS-172, 4590, 4627.

<sup>751</sup> FWS-69, T. 4130-4131.

<sup>752</sup> Exhibit P 43a, Transcript of accused’s OTP Interview, 5 June 2000 (English), p. 22.

<sup>753</sup> Accused testimony, T. 7750-7758.

<sup>754</sup> Accused testimony, T. 7412.

Muslim civilians from the compound at Pilipovići.<sup>755</sup> The witness was taken into the accused's temporary office in the censorship room where the accused ordered that he be taken into one of the visitor rooms.<sup>756</sup> The witness was taken back to the warden's office at approximately 06:00 a.m. and was offered coffee. The accused identified himself and also admitted at trial that he had coffee with the witness that morning.<sup>757</sup>

262. The accused later assured FWS-120 that the refugees would be allowed to go during the day, that he knew nothing about him or the soldiers, and "that the Lieutenant Colonel (Ivancic) would try to settle the matter."<sup>758</sup> The accused's statement shows that the accused knew who would deal specifically with military personnel brought to the KP Dom. Witness FWS-120 also noticed that the accused was at the highest level compared to those two KP Dom employees because he saw that they obeyed his orders.<sup>759</sup> He also concluded that the accused was one of the "main chiefs in the KP Dom," because he had the authority to admit the Muslims arrested in Pilipovići into the KP Dom.<sup>760</sup>

263. The accused told FWS-250 in November 1992, "as long as I am warden, nothing will happen to you."<sup>761</sup> This conversation occurred whilst the witness and other detainees were waiting for a vehicle to return them from working at the accused's house to the KP Dom. The accused said, "I can't do much. I'm trying to help you survive although many things are running out of my control. The food is awful, I know that, but we don't get much better."<sup>762</sup> He further stated that all the rest was at the orders of the command, obviously referring to the military command.<sup>763</sup>

264. In June 1992, witness R.J. told the accused that he could hear the sounds of people being beaten in the administrative building.<sup>764</sup> The accused answered that he

<sup>755</sup> FWS-120, T. 3127, 3129, 3130. The witness' mistake regarding the name Krnojevac instead of Krnojelac makes no difference, as the accused himself admits to having contact with this witness on this occasion.

<sup>756</sup> FWS-120, T. 3131, 3132- 3133.

<sup>757</sup> FWS-120, T. 3129, 3134, 3135; Testimony of the accused, T. 7896.

<sup>758</sup> FWS-120, T. 3145, L. 5-10.

<sup>759</sup> FWS-120, T. 3134, L. 9-10.

<sup>760</sup> FWS-120, T. 3137, L. 6-9.

<sup>761</sup> FWS-250, T. 5064.

<sup>762</sup> FWS-250, T. 5061 – 5062.

<sup>763</sup> FWS-250, T. 5062 – 5064.

<sup>764</sup> R.J., T. 3860.

did not have control over the administrative building, as it was “territory controlled by the investigators.” However, he stated that “from the metal door up to inside, I can do something.”<sup>765</sup>

265. The fact that the accused became the warden at the KP Dom was inevitably well known in the town of Foča. Witness FWS-138 testified that he heard it announced on Serb radio Foča mid or late April 1992.<sup>766</sup> Witness R.J. testified that he learned about the appointment when he returned from Montenegro in mid-May 1992 when a female acquaintance said that her husband was detained at KP Dom, where the accused had been appointed warden.<sup>767</sup>

266. Detainees also learned about the accused’s position after arriving at the KP Dom.<sup>768</sup> Detainees in the metal workshop would address the accused as “Mr Warden” when he visited,” and the accused accepted this address.<sup>769</sup>

267. The accused’s brother, Arsenije (“Arso”) Krnojelac, a driver at KP Dom during the war,<sup>770</sup> criticised his brother for accepting the position as warden. In autumn 1992, he told Ekrem Zeković that the accused had accepted this post from the SDS, and that he was “an asshole, an idiot” for accepting it.<sup>771</sup> Witness Muhamed Lisica confirmed that Arso said that the accused “was an asshole, that he had really had it for having taken that job and that he would be held accountable for that at some point.”<sup>772</sup> In summer 1993, while unloading a barrel in Žavajt, witness FWS-73 also heard Arso say to a villager from Žavajt that he had told his brother “not to take that duty.”<sup>773</sup>

<sup>765</sup> R.J., T. 3862, 3864.

<sup>766</sup> FWS-138, T. 2040-41.

<sup>767</sup> Ekrem Zeković, T. 3834.

<sup>768</sup> FWS-58, T. 2692; FWS-58, T. 2693; FWS-03, T. 2262-2263. Indictment para. 3.1.; FWS-15, T. 3029; FWS-15, T. 3029; Safet Avdić, T. 477; FWS-69, T. 4129; FWS-08, T. 1770; FWS-119, T. 1978, L.24.; FWS-104, T. 2187, 2189; FWS-66, T. 1112; FWS-69, T. 4129; FWS-03, T. 2262. Indictment para. 3.1.; FWS-89, T. 4679; FWS-172, T. 4590.

<sup>769</sup> Ekrem Zeković, T. 3444, L. 18-19; Muhamed Lisica, T. 4872.

<sup>770</sup> Ekrem Zeković, T. 3459, L. 16-17.

<sup>771</sup> Ekrem Zeković, T. 3458, L. 22-25.

<sup>772</sup> Muhamed Lisica, T. 4982.

<sup>773</sup> Ekrem Zeković, T. 3205.

268. The commander of guards at the KP Dom Mitar Rašević told detainees that the accused was the warden and was the only one who could improve conditions.<sup>774</sup>

269. Guards told detainees that the accused was warden.<sup>775</sup> Guards Milenko Elcic, Maric, and others openly discussed their knowledge that the accused was appointed warden of KP Dom prison on 18 April 1992.<sup>776</sup> Guards referred to the accused as warden and told detainees that if they wanted to see the warden they should write a letter to the accused.<sup>777</sup> The guard Milic told FWS-08 that if he wanted an interview he should write to the warden, the accused. The witness did this five times but without result.<sup>778</sup>

270. Whenever detainees, including R.J., Safet Advić and FWS-111, asked to see the warden, guards took them to the accused.<sup>779</sup> The guards also indicated to detainees that the accused was the one responsible for them and that he was the one who could improve the conditions.<sup>780</sup> Witness FWS-137 heard guards mention the accused as the person who would solve problems.<sup>781</sup>

271. Witness FWS-137 testifies that when visits were allowed in the first month, in April, his daughter and wife came to visit him.<sup>782</sup> When FWS-137 saw his daughter she was crying. He asked her "why are you crying?" and she said that when she said she wanted to see her dad the warden wouldn't let her come through. The guard on duty, Risto Ivanovic, a neighbour, then said "come on, the warden is only joking".<sup>783</sup> The daughter of FWS-137 mentioned the name of the accused and that she knew him from school.<sup>784</sup>

272. Managers of the various economic units at the Foča KP Dom indicated to detainees that the accused was the warden of the KP Dom. Relja Goljanin, head of

<sup>774</sup> FWS-139, T. 395, 396. FWS-113, T. 2617. Amir Berberkić, T. 3965.

<sup>775</sup> FWS-249, T. 4492-4493; see also 4506, 4501-4504; FWS-54, T. 778; FWS-215, T. 863; FWS-250, T. 5056-5057; FWS-82, T. 1704, 1709; FWS-109, T. 2409.

<sup>776</sup> FWS-111, T. 1324; Witness FWS-109, T. 2418, 2419; FWS-111, T. 1213.

<sup>777</sup> FWS-142, T. 1821-1822.

<sup>778</sup> FWS-08, T. 1769-70, 1771, 1804.

<sup>779</sup> FWS-139, T. 390. Safet Avdić, T. 480.

<sup>780</sup> Amir Berberkić, T. 3947.

<sup>781</sup> FWS-137, T. 4767, 4768, 4769

<sup>782</sup> FWS-137, T. 4764.

<sup>783</sup> FWS-137, T. 4764, T. 4766

<sup>784</sup> FWS-137, T. 4766

the metal workshop, told FWS-144 to make three metal doors for the warden, which were later installed in the accused's house.<sup>785</sup> Witness FWS-109 was told by the director of his working place that the accused was the warden of KP Dom.<sup>786</sup> Guards Jovo Dokić and Milomir Marić, told a detainee that the warden was the accused and the deputy was Savo Todovic." Metal workshop employee, Milan Pavlović, told witness Lisica that the accused was the man through whom the command sent its orders as to what was to be done at the KP Dom.<sup>787</sup>

**(a) Ordered and Supervised Guards and Prison Affairs**<sup>788</sup>

273. The accused ordered and supervised the guards, along with their superior Mitar Rašević.

274. The accused ordered guards to bring detainees to him at his request and authorized guards to remove and return detainees from the KP Dom. Witness FWS-86 testified that on 20 April 1992 while he was being interrogated,<sup>789</sup> the accused entered the interrogation room and ordered the guard to escort the witness to his office in the censorship room.<sup>790</sup> During this meeting, FWS-86 observed a heated argument between the accused and a commander from the Užiće Corps involving the removal of two detainees.<sup>791</sup> The accused said, "I am responsible here inside, in the KP Dom," and refused to let anyone take out detainees unless he received a written confirmation giving full signatures and full names.<sup>792</sup> In addition, the accused gave authorisation for FWS-86 to leave KP Dom to check on his elderly uncle, although he had to convince the commander of the Užiće Corps to agree, on the proviso that one of the soldiers from Uzice, along with the accused's son, escort the witness.<sup>793</sup> The accused and his son Božidar Krnojelac, who was serving as his bodyguard at the time, confirmed this.<sup>794</sup>

<sup>785</sup> FWS-144, T 2317.

<sup>786</sup> Confidential Exhibit P420. FWS-109, T. 2348, 2409.

<sup>787</sup> Muhamed Lisica, T 4984. Pavlović denied this conversation.

<sup>788</sup> Prosecutor's Krnojelac Pre-Trial Brief, para. 77.

<sup>789</sup> FWS-86, T. 1463.

<sup>790</sup> FWS-86, T. 1466.

<sup>791</sup> FWS-86, T. 1469 - 1473.

<sup>792</sup> FWS-86, T. 1472.

<sup>793</sup> FWS-86, T. 1473, 1474-5, 1478, 1480.

<sup>794</sup> Accused testimony, T. 7611; Božidar Krnojelac, T. 7369.

275. Sometime at the end of April 1992, FWS-86 was taken by the guard Obrenovic for his second meeting with the accused, upon request of the accused to receive a telephone call from his brother.<sup>795</sup> FWS-86 was taken again by Obrenović sometime at the end of June or beginning of July 1992, to see the accused in the administrative building about his uncle.<sup>796</sup> FWS-86 asked the accused, “What do you need this for? Why don’t you go and do your own job?” The accused merely promised to do what he could for the uncle.<sup>797</sup>

276. Witness FWS-66 testified that in early May 1992,<sup>798</sup> he asked the warden for leave to check on his mother. Thereafter, Slavko Koroman, a senior guard, took the witness by car to his mother’s house.<sup>799</sup>

277. Witness FWS-66 further testified that on approximately 3 May 1992,<sup>800</sup> he came across the accused who was in the compound with a guard and his son Božidar who was wearing a camouflage uniform and carrying an automatic rifle.<sup>801</sup> Witness FWS-66 approached the accused and asked why he had not been called for interrogation.<sup>802</sup> The accused responded, “We’ll see.” Thirty minutes later, FWS-66 was taken by a guard to the administration building to give a statement.<sup>803</sup>

278. Witness FWS-111 testified that after several days in the isolation cell in late April 1992, he asked the guard standing outside the room to be released. The guard told him that he would convey the request to the warden.<sup>804</sup> He was later released. He requested to see the warden and a guard took him to the censorship office. The accused was wearing a camouflage uniform and accompanied by his son Božidar. The accused justified the whole situation due to the war and allowed the witness to call his

<sup>795</sup> FWS-86, T. 1475, 1477, 1478-1479.

<sup>796</sup> FWS-86, T. 1479, 1480.

<sup>797</sup> FWS-86, T. 1481 –1482, 1490.

<sup>798</sup> FWS-66, T. 1113.

<sup>799</sup> FWS-66, T. 1113.

<sup>800</sup> The witness testified that he was brought to KP Dom on 23 April 1992, and this occurred 10 days later. FWS-66, T. 1111, 1113.

<sup>801</sup> FWS-66, T. 1112, 1114.

<sup>802</sup> FWS-66, T. 1111-1112.

<sup>803</sup> FWS-66, T. 1111.

<sup>804</sup> FWS-111, T. 1212-1213.

wife in Sarajevo.<sup>805</sup> Božidar Krnojelac confirmed the account of witness FWS-111 but stressed that he did not pay that much attention to the conversation.<sup>806</sup>

279. Witness R.J. testified that on 19 May 1992, within an hour after his arrival in KP Dom, he saw the accused passing by in the yard. The witness, who at that time was at the canteen, knocked on the window<sup>807</sup> and Krnojelac made a gesture to signify that he would have further communications with the witness, pointing his finger towards the administrative building.<sup>808</sup> Either that day or the next morning, a guard took R.J. to the censorship office where he met Krnojelac.<sup>809</sup> Witness R.J. noticed that the guards who took him to meetings treated the accused with respect.<sup>810</sup>

280. Safet Advic testified to having met with the accused after being at KP Dom for 15 days and having requested the guard in charge of his room, to meet the warden. The witness asked the accused for soap for the detainees to wash, and for an improvement in the quality of the food. The accused did not deny that he had the competency to meet the requests but said "I'll see what can be done".<sup>811</sup>

281. Lazar Stojanović, a Serb military prisoner, testified that whilst he was at the KP Dom between 18 June and 4 October 1992 he was detained in Room 19 where other Serbs who broke military rules were detained. A guard took him to the visitor room in the administration building where the accused was waiting for him. This witness knew that the accused was the warden of the KP Dom.<sup>812</sup>

282. Witness Amir Berberkić testified that the guards feared the accused. He testified that he apparently had the power to punish the guards, in particular send them to the front line. The witness observed that whenever the accused was present, the guards' behaviour towards the detainees would toughen. The guards who were "less brutal" towards the detainees "were unpopular with the warden."<sup>813</sup>

<sup>805</sup> FWS-111, T. 1213; 1271-1275

<sup>806</sup> Božidar Krnojelac, T. 7436.

<sup>807</sup> Despite other detainees' warning that he should not do that. R.J., T 3846.

<sup>808</sup> R.J., T. 3846.

<sup>809</sup> R.J., T. 3847, 3879.

<sup>810</sup> R.J., T. 3879-3880.

<sup>811</sup> Safet Advic, T.478-480

<sup>812</sup> Lazar Stojanović, T. 5742.

<sup>813</sup> Amir Berberkić, T. 3950-3953.

283. In addition to ordering and supervising guards, the accused's authority over the whole prison is evidenced by his ability to employ his son for his personal security from 21 April until 15 May 1992.<sup>814</sup> Božidar Krnojelac confirmed that on 21 April, he obtained permission from his military commander to accompany his father to the KP Dom everyday for about 20 days from 7:00 a.m. to 3:00 p.m. He only stopped doing so when he was sent to fight at the front.<sup>815</sup>

284. According to the guard Mladen Matović, the accused was in the same chain of command as Mitar Rašević, the Commander of Guards. Mladen Matović testified that although he did not know who Mitar Rašević's supervisor was, Rašević would submit his reports to the Minister of Justice.<sup>816</sup> Matović stated, "Before the war, I know that reports were submitted, for instance I as a policeman submitted reports to my chief, my superior. My superior submitted reports to his chief, the warden, and the warden would forward that report to the Ministry of Justice. However, in this case, Mitar Rašević, I don't really know to whom he could have submitted his reports because at that time the Ministry of Justice was not functioning. As regards those Serb convicts, I think he reported to the warden."<sup>817</sup>

285. Matović stated that soldiers had been sent in to supplement the reduced staff of guards. According to the witness, the guards had the duty to work in the compound, to provide external security, take care of the day to day work, take detainees and prisoners to their meals, tour the rooms, maintain law and order, take people out to work, and ensure that they had permits.<sup>818</sup> Matović stated that the military conscripts were in charge of the Muslim detainees and brought them in, took them away, and escorted them.<sup>819</sup> The Prosecution does not dispute the fact that outside soldiers took Muslim detainees to KP Dom and away. However, whilst in KP Dom, all inmates including the Muslims were handled by the regular prison guards including those serving their wartime assignments as conscripts.

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<sup>814</sup> FWS-73, T. 3233.

<sup>815</sup> Božidar Krnojelac, T. 7429-7431.

<sup>816</sup> Miladin Matović, T. 6497.

<sup>817</sup> Miladin Matović, T. 6600.

<sup>818</sup> Miladin Matović, T. 6524-6525. The witness did not specify the nature of the permits.

<sup>819</sup> Miladin Matović, T. 6528.

**(b) Release of Detainees**<sup>820</sup>

286. The Prosecution does not dispute that the military command had power to release prisoners,<sup>821</sup> nor does it dispute that the military command had power to authorize visits to a Muslim detainee.<sup>822</sup> In addition, it is not disputed that commanders of the military units had the authority to release prisoners and authorize the military police to conduct an exchange.<sup>823</sup> The Prosecution contends, however, that the accused did have influence in these decisions, had he chosen to exercise it.

287. It is normal even during peacetime that a prison warden does not have the competence to release prisoners. Pre-trial and post-conviction custody depends on outside judicial bodies. The Prosecution contends, therefore, that the fact that the accused could, not on his own, regulate the release of detainees is not dispositive of his lack of effective control.

288. Pursuant to the take-over of penal and correctional institutions on 12 May 1992 and the delegation of power to the Ministry of Justice,<sup>824</sup> it is undisputed that that Ministry of Justice supervised the execution of sentences by convicts from before the war. It appears further that military courts and organs ultimately made decisions regarding the detention of the Muslim detainees and Serb soldiers, who were either serving sentences of military courts, such as Defence witness Lazar Stojanović, or detained for violating military discipline such as Defence witness Zoran Vuković. Nevertheless, the evidence shows that the accused could influence the release of detainees as well.

289. As warden, the accused made recommendations for the early release of Serb convicts based on their behaviour and work at the farm.<sup>825</sup> The accused concedes that he never prepared such documents for the Muslim detainees.<sup>826</sup>

<sup>820</sup> Prosecutor's Krnojelac Pre-Trial Brief, para. 77.

<sup>821</sup> Exhibits D42, D43, D45 and D46.

<sup>822</sup> Exhibits D50 and D51.

<sup>823</sup> Exhibit D 53 (21 February 1994), D 52 (25 October 1993) and D 44 (29 October 1992).

<sup>824</sup> Exhibit D29.

<sup>825</sup> Exhibit D85.

<sup>826</sup> Testimony of the accused, T. 8109-8111.

290. Several witnesses testified about discussions with the accused regarding their release during which he appeared to have some influence.

291. Witness FWS-69 testified that on 18<sup>th</sup> June 1992, R.J. told him that he had had coffee with the accused<sup>827</sup> on that day and that R.J. asked the warden what would happen to them (the detainees). The accused answered that the KP Dom would be closed down, disbanded and taken over by the army, that some people would be released to the free territory, that others would be exchanged and yet others would be transferred to other camps where the regime was even stricter.<sup>828</sup> Regarding the results of the accused's answer witness FWS-69 stated that people were exchanged, a group of people was set free in Rozaje, Montenegro, but that as far as he knows the camp stayed there, where it was and it was never disbanded and the army never came.<sup>829</sup>

292. Witness FWS-85 testified that in mid-June 1992 at his first meeting with the accused in the censorship room, he and his brother tried to discuss if it would be possible for them to leave KP Dom to go through Montenegro to Macedonia where their families were waiting. Shortly after this conversation, a group of detainees including witness FWS-85 and his brother were taken to Cajniče for exchange.<sup>830</sup> However, the exchange did not take place and the detainees were returned to KP Dom.<sup>831</sup> A few days later, the accused again met FWS-85 and discussed the reasons for the failure of the exchange. The witness told the accused that the Muslims in Goražde did not want to exchange Serb prisoners of war from the front for a group of civilian detainees. On this occasion, the accused and the witness also spoke about the poor quality of the food.<sup>832</sup>

293. Witness FWS-113 testified that on 15 January 1993 three detainees from the Čengič family met with the warden and a high ranking military officer to discuss their release as a result of an intervention by Slobodan Milošević. The following day the

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<sup>827</sup> FWS-69, T. 4115.

<sup>828</sup> FWS-69, T. 4114.

<sup>829</sup> FWS-69, T. 4115.

<sup>830</sup> FWS-85, T. 621-627.

<sup>831</sup> FWS-85, T. 627-628.

<sup>832</sup> FWS-85, T. 628-629. On that topic see also T. 703 (Cross Examination).

Čengičas were released and taken to Belgrade.<sup>833</sup> The accused confirmed that Marko Kovač came to the KP Dom in relation to the Čengičas.

294. Witness Lisica testified that he had several talks with the accused at Brioni farm and the accused's house around the end of 1992 or beginning of 1993, during which the accused stated that he had no influence in the release of detainees.<sup>834</sup> The accused said, " I don't decide these things....it is the command who is deciding...."<sup>835</sup> Yet on witness Lisica's own observations when working in the accused's office at the KP Dom, it appears that the accused was concerned about the identity of each of the Muslim detainees either for exchange or for work programs. Witness Lisica testified that at the end of 1992 or the beginning of 1993,<sup>836</sup> he occasionally had to work in the accused's office. The accused was in the room, on and off, while the witness was working.<sup>837</sup> The witness did not talk to him at that time, but on the accused's desk he saw a list with names of detainees, including the witness' own name which was fourth on the list.<sup>838</sup>

295. The accused claims that he had no influence on the release process and even claims that he did not know which organ was involved. However, documents provided by the Defence show that the accused did know who decided about the release of detainees. On 15 May 1992 the accused forwarded a request for the release of Enes Zeković to the Foča Crisis Staff<sup>839</sup>, and on 30 July 1992 he notified the Foča Tactical Group of requests for release for Ismet Pašović<sup>840</sup> and Sadik Demirović.<sup>841</sup> The accused also had the telephone number of the Crisis Staff and gave it to Fikret Abdić in relation to securing the release of R.J.<sup>842</sup>

296. An order from Colonel Marko Kovač of the Foča Tactical Group dated 7 September 1992 to "regulate the arresting of suspects and their release from custody," stated that "2. A person may be released from custody after on-site investigation. The

<sup>833</sup> FWS-113, T. 2601, 2602.

<sup>834</sup> Muhamed Lisica, T. 4892, 4894.

<sup>835</sup> Muhamed Lisica, T. 4889.

<sup>836</sup> Muhamed Lisica, T. 4905, 4906.

<sup>837</sup> Muhamed Lisica, T. 4907.

<sup>838</sup> Muhamed Lisica, T. 4908.

<sup>839</sup> Exhibit D67, **Ekrem Zeković, T. 3606, released 6 October 1994.**

<sup>840</sup> Exhibit D 66 / 1 and Exhibit 66, **on Masović's list as missing from KP Dom No. 191 on P240/5.**

<sup>841</sup> Exhibit D 66 / 2 and Exhibit 66, **no details when taken out.**

<sup>842</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p.7. The accused denied ever making the statement that he received the telephone number of the Crisis Staff. T. 778.

VP Company Commander and the Chief of Security are authorized to release persons from custody or prison. 3. Inform the warden of the Foča KP Dom of this Order.”<sup>843</sup> Thus, the accused, as warden, was very much involved in the detention or release of even those under military responsibility.

297. The accused himself testified that he requested a guard to bring a Serb military detainee who he saw crying in the compound into his office. The man was brought and the accused offered him coffee whereby the man told him he was placed in jail as he had to go to the front. The accused consoled him by saying he was in jail as well. After the guard returned this man to the compound the accused received a phone call from the military police accusing him of having released this Serb and that he had no right to release him.<sup>844</sup>

298. This episode relates that the accused had access and did access military detainees. He was in charge of the military detainees as long as they were in his sphere of authority, that is the KP Dom, but he could not release them without approval of the military command.

**(c) Present when Muslim Detainees were Punished.**

299. The accused's presence at the punishment of the entire Muslim detainee population after the attempted escape of Ekrem Zekovic indicates that the accused was responsible for Muslim detainees at the KP Dom. After Ekrem Zekovic was captured, the accused was present in the prison yard with Mitar Rašević and Savo Todovic when all the Muslim detainees were lined up. Numerous witnesses testified that the accused was present while Todovic warned the detainees against trying to escape, and that he approved this speech by body language, such as nodding.<sup>845</sup>

300. The accused admits that he was present, but described it as accidental. He claims that he was on his way to the furniture factory and had to ask a guard about what was taking place.<sup>846</sup> This claim is untrue.

<sup>843</sup> Exhibit D 54.

<sup>844</sup> Testimony of the accused, T 8064.

<sup>845</sup> FWS-73, T 3246, 3248, 3249; Ekrem Zeković, T. 3587, 3588; Amir Berberkić, T 3950-3952; FWS-250, T 5065-5066; FWS-198, T. 965; FWS-66, T. 1122; FWS-142, T. 1822-1823; FWS-82, T.1731; FWS-182, T. 1605; FWS-138, T. 2095, 2096.

<sup>846</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English).

301. Although the military command was the primary organ to allow visits for the Muslim detainees and Serb military detainees, the accused in relation to witness R.J., organised visits for this detainee on three occasions.<sup>847</sup>

**(d) Intervened in the ill-treatment of detainees and displayed ability to improve conditions**<sup>848</sup>

302. The accused's power to intervene when soldiers and guards were ill-treating Muslim detainees in his presence is convincing evidence of his effective control over them within the KP Dom. Similarly, his power to improve conditions (even if not carried out) at the KP Dom can also be seen as his ability to effectively control all those that work in it.

303. Witness Ekrem Zeković testified that the accused intervened when members of the White Eagles unit provoked him while he was working at the KP Dom restaurant. The accused told the soldiers to go away and they obeyed.<sup>849</sup> Another example is already described above in relation to aggressive behaviour of a soldier against witness FWS-120.

304. Witness Lisica testified that at the end of 1992 or the beginning of 1993, the accused was walking by with Todović and Rašević when the witness complained that he was hungry and faint. The accused went away and came back with two pieces of bread for the witness, saying: "I'm giving you this one and the command is giving you the other. That's all I can do to help you." The accused also remarked that the command ordered that a loaf of bread be cut into 15 slices, but that he was cutting 12 slices.<sup>850</sup>

305. When witness Safet Avdić asked the warden to increase the amount and quality of the food in early June 1992, the accused did not reply that he could not do anything about it. Rather, he said "I'll see what can be done." These meetings were

<sup>847</sup> R.J., T. 8903.

<sup>848</sup> Prosecutor's Krnojelac Pre-Trial Brief, para. 77.

<sup>849</sup> Ekrem Zeković, T. 3450, L. 5-9 "He simply acted with authority and they went away. There was no problem because they knew who he was" (T. 3450, L. 17-18) "That shows that they respected him" (T. 3450, L. 25)

<sup>850</sup> Muhamed Lisica, T. 4889, 4892, 4894, 4895.

arranged through the guard in charge of the room witness Avdic was housed in and took place in the visitor rooms near the censorship office.<sup>851</sup>

306. Witness FWS-111 met the accused on several occasions. Late April 1992, the accused allowed FWS-111 to phone his wife and discussed with him the importance of providing medical care.<sup>852</sup> At their second meeting on 10 June 1992<sup>853</sup> they talked about witness FWS-111's exchange but the accused told him that he could not do anything because this was decided by a Superior Command, meaning the Commander Colonel Marko Kovac. On one occasion, witness FWS-111 met the accused in the censorship office where they talked about the conditions in the prison. With regard to the conditions in the camp the accused said that nothing could be done to improve the conditions because it was war time and there was a camp in each municipality. In fact, the accused talked about a meeting on the conditions in these camps held in Bijeljina some days before.<sup>854</sup> According to exhibit D90 and D90/1 a meeting in Bijeljina took place on 15 September 1992. However, it is possible that more than one meeting took place in Bijeljina.

307. The accused confirmed his conversations with witness FWS-111 at the KP Dom and stated that the witness had asked to see him to improve the living conditions. However, he claimed that the witness did not complain about treatment of detainees. Nevertheless, the accused confirmed that witness FWS-111 addressed the food situation and that the food should not be thrown away, that it should be preserved for the following day. The accused said that he replied "Doctor, if the food is preserved for the following day, it's going to rot, it's going to be spoiled; and one should not give such rotten, spoiled food to people to eat." and that the witness said "it won't hurt them."<sup>855</sup>

308. Witness FWS-182 met the accused to ask for medical treatment in June 1992. The witness made a written request to the guard Milenko Elčić and was taken to the accused in the censorship room, where the accused stated he would see what he could

<sup>851</sup> Safet Avdić, T. 478-479, 492-493. The witness was brought to the KP Dom on 19 May 1992 and the incident occurred 15 days later.

<sup>852</sup> FWS-111, T. 1271-1275.

<sup>853</sup> FWS-111, T. 1276.

<sup>854</sup> FWS-111, T. 1276-1278.

<sup>855</sup> Testimony of the accused, T. 8097-8098, Exhibit P46a Transcript of accused, OTP interview, 13 July 2000 (English), p. 35.

do.<sup>856</sup> However, the witness was not taken to the Foča hospital for further treatment as required.

309. Conditions improved only when the accused was replaced as warden. The fact that the new warden could improve conditions supports the Prosecution view that the accused had the ability to improve conditions for Muslim detainees but chose not to do so. Witness FWS-182 testified that when the accused was replaced in mid-1993 by Zoran Sekulovic, the conditions got drastically better.<sup>857</sup> Witness FWS-250 testified that the attitude of the guards changed significantly when the accused was no longer the warden of KP Dom. The witness described the guards as "much softer" and that "you could reach agreement with them. We worked together so life became more bearable."<sup>858</sup>

310. Documents tendered by the Defence and signed by the accused over the period of October 1992 until March 1993 in relation to the requisitioning of food and fuel for the needs of the Muslim detainees clearly show that the accused as warden was responsible for the care of these detainees. These documents also show that the accused had an ability to improve the conditions at the KP Dom.

311. On 21 October 1992, the accused requested from the Red Cross in Foča the allocation of aid packages for captured and detained persons.<sup>859</sup> On 7 December 1992, the accused requested from the Ministry of Economy of the Republika Srpska oil for all detained at the KP Dom. The document states "in order to maintain the required level of security, their rooms need to be lit at night, for which we use the generator."<sup>860</sup> This again, proves that the accused was in charge of security.

312. On 19 February 1993, the accused requested from the Foča Tactical Group and the Executive Committee of Foča food for all detainees, no matter whether they were Muslims or Serbs.<sup>861</sup> The request states "the Foča KP Dom holds Muslim prisoners-of-war and Serbian detainees who committed offences in the Army of Republika Srpska (in keeping with the agreement of 8 May 1992 on renting part of the KP Dom

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<sup>856</sup> FWS-182, T. 1596-1599.

<sup>857</sup> FWS-182, T. 1653. See also Ekrem Zeković, T. 3600, L.21-T.3604, L. 16.

<sup>858</sup> FWS-250, T 5067 -5068.

<sup>859</sup> Exhibit D 106.

<sup>860</sup> Exhibit D 83.

premises for the accommodation of these persons). The costs for food and accommodation for these persons were mostly borne by this institution. The assistance provided by the military organs consisted of occasional help in foodstuffs which was insufficient to cover the aforementioned costs." It is then requested that the regular allocation of foodstuffs be approved for their needs.<sup>862</sup> In this document it states that "we are unable to meet even the most minimum food and accommodation requirements of these persons."

313. On 3 March 1993, the accused requested from the Military Command food for the detainees at the KP Dom. The request states "Pursuant to the agreement of making the KP Dom premises available for the accommodation of detained persons, the Foča KP Dom holds Muslim detainees and Serbian offenders from the ranks of the Republika Srpska Army. For the purposes of feeding them please approve the allocation of the following food supplies.....These quantities are sufficient for a month's food requirements. We count on your understanding and help."<sup>863</sup> This document confirms that the accused was in charge of the conditions of all inmates in the KP Dom.

314. The accused himself did not make any distinction between the detainees and those who were serving prison sentences. "I did not make any distinction between persons who were there serving their prison sentences or detained persons."<sup>864</sup>

315. Zoran Vuković, a Serb military detainee, testified that in his prior statement he said "the warden managed to procure some of these means that were periodically distributed to both Muslims and to us according to the order of military authorities." He further testified that by "means" he was referring to small amounts of toiletries.<sup>865</sup>

**(e) Conducted or was Present at Interviews of Detainees**<sup>866</sup>

316. The evidence shows that interrogations at the KP Dom were conducted in a systematic manner. Although the accused was generally not present during these

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<sup>861</sup> Exhibit D 105.

<sup>862</sup> Exhibit 105.

<sup>863</sup> Exhibit 107.

<sup>864</sup> Testimony of the accused, T. 7669.

<sup>865</sup> Zoran Vuković, T. 5787.

interviews, some witnesses testified that the accused had the ability to influence who would be interrogated and when it would be conducted.<sup>867</sup>

**(f) Communicated daily with high level KP Dom staff**<sup>868</sup>

317. The accused admits that he had morning meetings on a daily basis with the heads of the business sections.<sup>869</sup> Detainees often saw the accused walking around KP Dom or in his office with Mitar Rasević and Savo Todović.<sup>870</sup> Witness FWS-250 saw the accused having breakfast regularly at the canteen with Savo Todović and Mitar Rašević.<sup>871</sup>

**Communicated with military and political authorities from outside the prison and other visitors**

318. Detainees also saw the accused inside KP Dom with Boro Ivanović, a member of the military who was closely associated with the detention of Muslim detainees and Serb military prisoners.<sup>872</sup> When the prison compound was mined, the accused accompanied the platoon of soldiers doing this.<sup>873</sup> Witness FWS-69 testified that he saw the accused walking with two military men, Milos Dragicević<sup>874</sup> and Mitar Šipčić (a member of the Crisis Staff)<sup>875</sup> who wore military uniforms with a yellow bag across the shoulder like officers.<sup>876</sup> The accused walked across the compound with these men and stood outside the kitchen talking.<sup>877</sup>

319. In 1993, the accused was seen in the compound with a commission of the Ministry of Justice from Republika Srpska.<sup>878</sup> Witness FWS-249 also saw the accused with a man who presented himself as the Minister of Justice.<sup>879</sup>

<sup>866</sup> Prosecutor's Pre-Trial Brief, para. 77.

<sup>867</sup> FWS-215, T. 863. A few days after he asked the accused, the witness and another prisoner (FWS-66) were taken to give their statements.

<sup>868</sup> Prosecutor's Pre-Trial Brief, para. 77.

<sup>869</sup> Testimony of the accused, T 7912-7919.

<sup>870</sup> FWS-138, T. 2097; FWS-139, T. 382; Ekrem Zeković, T. 3457; FWS-249, T 4498; Amir Berberkić, T 3959.

<sup>871</sup> FWS-250, T. 5056, 5069.

<sup>872</sup> FWS-69, T 4141; Ekrem Zeković, T. 3459; FWS-139, T. 388.

<sup>873</sup> FWS-249, T 4498.

<sup>874</sup> FWS-69, T 4141.

<sup>875</sup> Exhibit D73.

<sup>876</sup> FWS-69, T. 4141, T. 4142.

<sup>877</sup> FWS-69, T. 4142.

<sup>878</sup> FWS-138, T. 2098.

320. The accused was also seen in the company of prominent SDS politicians inside the KP Dom. Witness FWS-162 testified that he saw the accused in the company of Petko Čančar (president of the municipality) and Vojislav Maksimović (SDS politician), both members of the Crisis Staff.<sup>880</sup> Similarly, witness Ekrem Zeković testified that he saw the accused together with Vojislav Maksimović, Miro Stanić (chairman of the Crisis Staff) and other members of the SDS party.<sup>881</sup>

321. The accused also communicated with the ICRC. Exhibit D64 is a report to the Herzegovina Corps Command by the Assistant Commander Colonel Milko Bozović of the Foča Tactical Group regarding a request of the ICRC to visit and interview detainees on 13 May 1993. However, after hearing of the ICRC's unsuccessful attempts to visit Serbs detained in Goražde, Milko Bozović reported "In view of the above facts, the position of the Command and the civilian authorities that were present at the meeting that the (ICRC) request could not be met." An alternative offer was made to the ICRC, which was rejected.

345. The ICRC's mandate relates to the treatment of prisoners of war and not the Serb civilian detainees who had been convicted before the war. The accused's involvement with the Red Cross at least in relation to the living conditions of the detainees clearly shows that his responsibility as a warden covered the responsibility to maintain humane conditions for the Muslim detainees. The accused told investigators that he talked with the ICRC about "the diet, the food, hygiene and toiletries and the problems of food provisions."<sup>882</sup>

346. Witness FWS-73 testified that approximately six months after his detention in KP Dom,<sup>883</sup> he saw the accused in the KP Dom kitchen with an ICRC representative.<sup>884</sup> He overheard the ICRC representative request the accused to improve the food; however, the accused replied: "No, we're not going to do that."<sup>885</sup>

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<sup>879</sup> FWS-249, T 4498-4499.

<sup>880</sup> FWS-162, T. 1404., Exhibit D73.

<sup>881</sup> Ekrem Zeković, T..3459-3460.

<sup>882</sup> Exhibit P48a, Transcript of the accused's OTP interview, 13 July 2000 (English), pages 13-15. In his interview, the accused states he met the ICRC twice in his office in June 1993. However, in his testimony at trial he states "Believe me, I cannot remember, but ... I think it was only once, but I cannot remember the year or anything. This is the fourth year I am here and 1992 was a long time ago." T. 7707.

<sup>883</sup> FWS-73, T. 3236.

<sup>884</sup> FWS-73, T..3236- 3237.

<sup>885</sup> FWS-73, T. 3237.

The accused states that in 1993, the ICRC came to his office twice to discuss the food situation. The accused claimed he heard they may have come one other time without calling on him. He states he was only told that the detainees should be given more fruit.<sup>886</sup> In addition to these contacts with the ICRC, the accused had numerous contacts with the local Red Cross in relation to food and hygiene for all inmates of the KP Dom.

347. At the end of July or the beginning of August 1992, the accused was seen inspecting the compound together with Mitar Rašević and other outside civilians (4 or 5) in suits (including two women). They filmed building number one with the detainees who had crowded around the windows.<sup>887</sup> The accused was in an olive green/grey military uniform. A few days prior to this the detainees were bathed and given haircuts seemingly in readiness for this inspection.<sup>888</sup>

348. The Defence claims that the accused was not in charge of the guards who looked after the Muslim detainees and had no jurisdiction over them. Rather, they claim that within the KP Dom, Savo Todović and Mitar Rašević were responsible for the Muslim detainees as representatives of the military command. As such, they were not under the supervision of the accused but would get their orders directly from the military command in Velecevo, mainly the military commander Marko Kovač who was the “main person in charge” of the military part of the KP Dom.<sup>889</sup>

349. It is generally known that the warden of a prison is rarely in contact with inmates. His subordinates handle the daily affairs. In a practical day-to-day sense, Todović and Rašević had more contact with the detainees than the accused. However, the evidence made clear that Todović and Rašević were in the same chain of command as the accused and were actually his subordinates.

350. The Defence called several witnesses to support the accused’s contention that he was only tasked to preserve the KP Dom property, run the Drina economic unit and

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<sup>886</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p. 14.

<sup>887</sup> Exhibit P22. Videotape of CBS news item on conditions in Foča KP Dom, showing detainees and the prison.

<sup>888</sup> FWS-69, T. 4067.

<sup>889</sup> (Closed Session), T. 7688.

take care of the convicts from before the war. However, these witnesses either lacked sufficient basis for their conclusion or were not reliable.<sup>890</sup>

**(g) Role of Savo Todović**

351. Despite the accused's assertion to the contrary, the evidence shows that Savo Todović was subordinate to the accused. Even the accused testified that Todović prepared documents for his signature because he had a better knowledge of the details of the KP Dom.<sup>891</sup> The contents of at least two documents, which the accused admitted that Todović brought for his signature as warden, go to the very heart of the treatment and confinement of the Muslim detainees.<sup>892</sup>

352. Witness Lisica saw Todović consulting the accused about some papers, although he could not be sure what was contained in them.<sup>893</sup>

353. It is quite natural that some detainees perceived Todović to be the obvious face of authority based on his closer proximity to the day-to-day life of the detainees.<sup>894</sup> For example, witness FWS-138 testified that Todović was responsible for assigning jobs both to Muslims and Serbs.<sup>895</sup> The accused admitted Todović's role in putting together the lists of workers for the Economic Unit.<sup>896</sup>

354. However, even witnesses who saw the prevalence of Todović's role testified to the accused's superior authority in the KP Dom. Witness FWS-82 testified, in

<sup>890</sup> Zoran Vuković, a Serb military detainee, testified that it was common knowledge the accused had a work order as Warden of KP Dom. However, he did not have personal knowledge of the internal command structure. **Zoran Vuković, T. 5722, 5770.** The accused's wife testified that her husband told her that he was only supposed to take care of the building, make repairs, maintain the economy and get the furniture factory started up again. However, she maintained that they never discussed the accused's work and that she never went to the KP Dom herself. **Slavica Krnojelac, T. 7502-7332.** Lekso Vasiljevic, not related to the KP Dom, testified that he heard that the accused was working in the KP Dom in charge of the Drina Economic Unit, in particular the farm. The witness testified that he never went to KP Dom nor did he speak to the accused about his situation or what other staff members such as Savo Todović did. **Lekso Vasiljevic, T. 6737.** Vitomir Drakul also testified that the accused had told him that he had been assigned to work at the KP Dom to look after property there. **Vitomir Drakul, T. 5666.** Milovan Dobrilovic, a doctor who occasionally treated those at KP Dom, testified that he did not know what the accused's exact position at the KP Dom was but he "heard from others that he was warden of the Drina Economic Unit." He claimed that he never spoke to the accused about his work or the health of the inmates, although in a prior statement to Defence investigators, he said that he talked with the accused "on two or three occasions." **Milovan Dobrilovic, T. 6372.**

<sup>891</sup> The accused claims that this was with regard to the so-called "military part."

<sup>892</sup> Exhibits P445, P446. Testimony of the accused, T. 8177-8184.

<sup>893</sup> Muhamed Lisica, T 4913.

<sup>894</sup> See, e.g., FWS-71, T 2927, 2956; FWS-86, T. 1543; FWS-82, T. 1709.

<sup>895</sup> FWS-138, T. 2103

answer to a question asking who told him that the accused was warden “All the guards, all the guards in the compound and the policemen. I mean whenever anything had to be done [all the guards] said that they had to ask Krnojelac.”<sup>897</sup> Detainees could not help noticing that the relationship between the accused and Todović was that of superior-subordinate. Witness Berberkić testified that Todović was the person in the prison hierarchy who had the task to handle “everything that had to do with the detainees”.<sup>898</sup> Berberkić testified “He was the one who decided who would be in the workgroup, who would go out, who would work inside .... he was basically the operations man.... [he] decided who would go into solitary confinement ... and probably who would be beaten, and other things that had to do with prisoners.”<sup>899</sup> However, he noticed that the accused was the superior of Todović and that Todović carried out the accused's orders.<sup>900</sup>

355. Likewise, witness Lisica testified that when he gave him a request for release, Todović told him that he would pass it onto the warden to pass onto the command.<sup>901</sup>

356. Defence witness Matović stated that Savo Todović was in charge of the Muslim detainees and that he had been appointed by the military. However, Matović failed to mention Todović in his previous statement and admitted that he reached this conclusion based on what he heard from colleagues and Defence witnesses testifying at the Tribunal.<sup>902</sup>

357. Radomir Dolas testified that before the war Savo Todović was in charge of prisoner affairs. He dealt with their sentences. During the war he dealt with the detainees. As far as he knew he had nothing to do with the convicts that happened to be there when the war broke out. The witness testified that he socialised with Todović as they lived in the same building. However, he did not actually see what Todović did. He claimed that Todović himself told the witness about his

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<sup>896</sup> Testimony of the accused, T. 7192.

<sup>897</sup> FWS-82, T.1704.

<sup>898</sup> Amir Berberkić, T. 3959.

<sup>899</sup> Amir Berberkić, T. 3959-3960.

<sup>900</sup> Amir Berberkić, T. 3960.

<sup>901</sup> Muhamed Lisica, T. 4856. But note that Todović also told the that everything they were doing there was on the orders of the command, the Crisis Staff. T 4858.

<sup>902</sup> Miladin Matović, T. 6439-6440, 6590-6591.

competence.<sup>903</sup> The witness also claimed that he even saw documents while working in the military command that confirmed Todovic's leading role in the KP Dom. This claim is not believable because in his previous interview with the Defence investigator, the witness neither mentioned the conversation with Todovic nor the documents related to Todovic's role.<sup>904</sup>

358. Defence witness Milan Pavlovic testified that he did not know whether Savo Todović was in the military command.<sup>905</sup> While he testified that "some of the papers that had to do with the detainees - or rather people who worked with me had the signature of Savo Todović on them," he was not interested in what his role was.<sup>906</sup> Defence witness Lazar Divljan testified that Savo Todović was the man in charge of the military prison within the KP Dom. However, he only learnt this from "relationships that prevailed within the KP Dom and also from conversations that took place within the KP Dom" and he "wasn't really interested in that."<sup>907</sup> The accused's brother, Arsenije Krnojelac testified he did not know Savo Todović's exact position.<sup>908</sup> Defence witness Milosav Krsmanovic testified that Micun Jokanović told him that the accused was managing the economic unit and the convicts of Serbian ethnicity, and that Savo Todović and the army were in charge of the Muslim detainees.<sup>909</sup> However, the witness did not mention this in his statement to Defence investigators. Lazar Stojanović, a Serb military detainee, testified that Todovic gave him his work task and told him not to meet with Muslims. Lazar Stojanović did not know Todovic's actual position other than he was a "kind of boss."<sup>910</sup> Zoran Vuković, also a Serb military detainee, testified that he saw Savo Todović almost everyday, but he did not know whom the military appointed to be in charge of detained Muslims.

**(i) Role of Mitar Rašević**

359. The evidence shows that Mitar Rašević was the commander of guards, as discussed above. The accused stated he saw Mitar Rašević at times when they arrived together at the KP Dom. They lived in the same building and sometimes came to

<sup>903</sup> Radomir Dolas, T. 5818.

<sup>904</sup> See e.g., Kunarac Judgement, para 603.

<sup>905</sup> Milan Pavlovic, T. 6850.

<sup>906</sup> Milan Pavlovic, T. 6890.

<sup>907</sup> Lazar Divljan, T. 5984.

<sup>908</sup> Arsenije Krnojelac, T. 6985-6986.

<sup>909</sup> Milosav Krsmanovic, T.6616.

<sup>910</sup> Lazar Sojanovic, T. 5752.

work together. The accused claims that he spoke with Rašević about what happened in Foča “who was killed yesterday, who was killed today, who is being buried, etc.,” but that they never discussed occurrences in the KP Dom.<sup>911</sup>

## V. ACCUSED'S PARTICIPATION IN AND KNOWLEDGE OF THE CRIMES

### **A. The Accused's Presence at the KP Dom**

360. The accused admits that he was present on a daily basis at the KP Dom from April 1992 to end of July 1993 except for some temporary absences.<sup>912</sup> He also admits that his regular working hours were from 7:00 a.m. until 3:00 p.m. and that he usually ate breakfast in the canteen. This is consistent with the testimony of detainees,<sup>913</sup> who saw him frequently in the KP Dom compound.<sup>914</sup>

361. The offices which the accused used also gave him a view of what was happening inside the KP Dom. At the beginning of his tenure, he used as an office the former censorship room on the ground floor of the administration building directly next to the metal door leading into the KP Dom yard and the prisoners' quarters. This office had a view onto the prison compound. He later moved into the Warden's office on the second floor of the administration building, whose windows faced onto both the street and the yard with the prisoners' quarters. The accused testified that when he stood in his office he could see the prisoners' quarters.<sup>915</sup> Detainees saw him standing at the window observing what was going on in the yard.<sup>916</sup>

362. Ekrem Zeković also saw the accused on numerous occasions daytime and night-time sitting in his office, sometimes with guards.<sup>917</sup> Similarly, witness FWS-71 saw the accused at the window of his office 2-3 times in the late evening.<sup>918</sup> The accused also admits that on one occasion, he stayed at the KP Dom until 9:00 p.m. in

<sup>911</sup> Testimony of the accused, T 8070.

<sup>912</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p. 28.

<sup>913</sup> R.J., T 3892; Ekrem Zeković, T. 3451.

<sup>914</sup> Witness FWS-139 saw the accused twice a week at the compound, usually in the morning. FWS-139, T. 381; FWS-111, T. 1276; FWS-162, T. 1403; FWS-69, T. 4130; FWS-172, T. 4590; FWS-249, T. 4497-4498.

<sup>915</sup> Testimony of the accused, T. 8102.

<sup>916</sup> FWS-71, T. 2908; FWS-162, T. 1402-1403; Ekrem Zekovic, T. 3455.

<sup>917</sup> Ekrem Zeković, T. 3451-3452, 3455.

the evening, in order to start up the furnace for the KP Dom bakery.<sup>919</sup> The fact that he was able to stay after working hours without special permission also indicates his level of control over the premises.

363. The accused claimed that he never was present during beatings. He also claimed that soldiers from outside the KP Dom did not go into the canteen. "No, never. Because of the social property that was in the compound, you couldn't enter there."<sup>920</sup> Nevertheless, the KP Dom cook, Krsto Krnojelac, a defence witness, testified that soldiers did enter the KP Dom freely in order to eat.<sup>921</sup> This witness further testified that soldiers mistreated Muslim detainees by slapping them.<sup>922</sup>

364. The accused visited the canteen frequently whilst at the KP Dom. Numerous Prosecution witnesses testified that they saw the accused in the canteen<sup>923</sup> or walking to the canteen<sup>924</sup> for breakfast<sup>925</sup> or lunch.<sup>926</sup> The accused claimed that he ate at the canteen rarely although he admitted that the staff, guards and detainees all ate there.

365. Witness FWS-250 saw the accused at the canteen when FWS-250 was working in the kitchen, cleaning tables and doing other tasks. Throughout 1992 and 1993, FWS-250 also saw the accused in the compound and outside the compound, usually at the entrance as witness FWS-250 passed through to the metal workshop of the KP Dom.<sup>927</sup> Witness FWS-250 saw the accused having breakfast regularly at the canteen with Savo Todović and Mitar Rašević. The witness testified that he usually saw Savo Todović, Mitar Rašević and the accused together.<sup>928</sup>

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<sup>918</sup> FWS-71, T. 2908.

<sup>919</sup> The accused testified that it was at the end of May (T. 7658) but in his statement to investigators (Exhibit P43a, Transcripts of accused's OTP Interview, 5 June 2000 at p. 42) he stated that it was probably at the end of June or the beginning of July 1992. On cross-examination the accused stated he did not remember saying the end of June, beginning of July "... I did not change [the date] on purpose for sure, but it is possible that I made a mistake." (T. 8089).

<sup>920</sup> Exhibit P48a, Transcript of Accused's OTP interview, 13 July 2000 (English), p.18.

<sup>921</sup> Krsto Krnojelac, T. 5910, 5921, 5957-5962.

<sup>922</sup> Krsto Krnojelac, T. 5957-5960.

<sup>923</sup> Rasim Taranin, T. 1706; Ahmed Hadzimusic, T. 1981; FWS-249, T. 4497-4498.

<sup>924</sup> FWS-138, T. 2096-2097; FWS-71, T. 2905; FWS-69, T. 4130; FWS-54, T. 777; FWS-142, T. 1822-1823; FWS-104, T. 2189; FWS-109, T. 2409-2410.

<sup>925</sup> Rasim Taranin, T. 1706; FWS-138, T. 2096-97; FWS-71, T. 2905; FWS-104, T. 2189.

<sup>926</sup> FWS-109, T. 2409-2410; R.J., T. 3892; FWS-138, T. 2096-2097; FWS-249, T. 4497-4498; FWS-119, T. 1981; FWS-109, T. 2409-2410.

<sup>927</sup> FWS-250, T. 5068- 5069.

<sup>928</sup> FWS-250, T. 5056, 5069.

366. By his own admission, the accused was in charge of the furniture factory, the metalwork shop, and the farm. Thus, he does not dispute that he was often present in those places. Detainees confirm seeing him in all three places. Detainees testified that the accused toured the furniture factory on a regular basis, either alone or with delegations.<sup>929</sup> In one case, the accused went to the furniture factory with Crisis Staff Member Vosislav Maksimovic who took away furniture.<sup>930</sup> The accused admits that he would occasionally go to the furniture factory and remembered going there twice with officers from Herzegovina Corps regarding KP Dom's stockpile reserves relating to pigs and furniture.<sup>931</sup>

367. Detainees saw the accused in the metal workshop,<sup>932</sup> where his car, a red Yugo, was serviced.<sup>933</sup> Witness FWS-249 saw the accused drive this car, which the accused does not dispute.<sup>934</sup> In addition, he went there to check on work being done on metal doors and a frame for a staircase for his house as described already above.

368. Witness FWS-89 testified that he saw the accused touring the farm, near Brod and Kopilovi,<sup>935</sup> as the witness was cutting grass, chopping wood and loading it onto trucks.<sup>936</sup>

369. The accused claims that he was often absent from KP Dom for reasons relating to his work with the Drina Economic Unit and his family for a day or more. He claims to have to accompany the driver to Serbia and Montenegro quite often, and in addition, would often go to the farm and tour the local companies to sell or get supplies.<sup>937</sup>

370. The accused stated that he went to Belgrade on 24 June 1992 after his son had been injured and treated at the Foča hospital. He claimed that he spent 10 to 15 days in Belgrade, returning on approximately 6 July 1992.

<sup>929</sup> FWS-66, T. 1114; FWS-198, T. 964.

<sup>930</sup> FWS-73, T. 3208.

<sup>931</sup> Exhibit P 43a, Transcript of accused's OTP Interview, 5 June 2000 (English), pp. 42-43.

<sup>932</sup> Ekrem Zeković, T. 3444, L. 18-19, 22-23; FWS-249, T. 4493.

<sup>933</sup> FWS-249, T. 4426.

<sup>934</sup> FWS-249, T4426-4427; testimony of the accused, T. 7628.

<sup>935</sup> FWS-89, T. 4707.

<sup>936</sup> FWS-89, T. 4679-4680.

<sup>937</sup> Exhibit P43a, Transcript of accused's OTP Interview, 5 June 2000 (English), pp. 40-41.

371. Several Defence witnesses testified in support of the accused's contention that he went on several business trips. Bozo Drakul, the KP Dom accountant, testified that the accused travelled frequently with him and Micun Jokanović to Serbia and Montenegro, as they were all involved in the sale of goods.<sup>938</sup> Milosav Krsmanovic, a driver for the KP Dom, confirmed that he sometimes travelled with the accused, who made trips to Yugoslavia to negotiate major transactions.<sup>939</sup>

372. However, according to exhibit D86, a list Drakul himself prepared and explained during his testimony, only a very few business transactions were done from mid-May until mid-August 1992. Therefore until mid-August, there should have been very few opportunities for business trips of the kind the accused describes. This is confirmed by the two drivers Krnojelac and Krsmanovic who each during their testimony only remembered 3 trips with the accused. Krnojelac described one trip to Kragujevac for 2 to 3 days at the end of May or beginning of June 1992, and another time to Nikšić for 2 nights, either in 1992 or 1993.<sup>940</sup> The actual travel documents presented by the Defence<sup>941</sup> relate only to trips conducted from late August to December 1992. They provide no support for the claim of the accused that he was not present in the KP Dom from 24 June until about 6 July 1992.

373. Exhibit D92 confirms only that the accused was authorized to travel to Belgrade for an unspecified amount of time on 24 June 1992. Furthermore, the travel authorization document and the attached form with the facts regarding the actual execution of the trip, the trip details and the cost specifications are missing.<sup>942</sup> Exhibit D92 does not show whether the accused actually traveled to Belgrade on 24 June 1992, and it certainly does not indicate that he was absent for a long period, despite Božo Drakul's testimony that the accused traveled to Belgrade on the 24 June 1992 with his family and was away for to 10 to 12 days.<sup>943</sup> Document D92/1 also does not confirm that the accused traveled to Belgrade on that particular day. The document refers to a travel authorization no. 55/92 while the number of the travel authorization D92 is 37/92.

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<sup>938</sup> Bozo Drakul, T. 7199.

<sup>939</sup> Milosav Krsmanovic, T. 6619.

<sup>940</sup> Arsenije Krnojelac, T. 6921, 7120.

<sup>941</sup> Exhibits D90, D90-1, D93, D94, D95, D96, D97, D98, D99.

<sup>942</sup> See Exhibit D90 as an example.

<sup>943</sup> Bozo Drakul, T. 7225.

374. In addition, it is unlikely that payment claims would have been settled two months after the trip, particularly in light of the fact that employees were required to prepare their claims 3 days after the execution of the travel.<sup>944</sup> The contents of both documents are therefore doubtful and should not be given any weight.

375. Several family members, including his wife, brother and son, testified that the accused was present in Belgrade from 24 June until at least 3 July 1992. These witnesses are not reliable. Slavica and Božidar Krnojelac described themselves as devoted family members who were eager to help the accused.<sup>945</sup> Božidar Krnojelac testified that on 23 June 1992 he was transported from the Foča hospital to the military hospital in Belgrade where he stayed until 31 July 92.<sup>946</sup> He testified that when his father and other members of his family visited, he saw them only through a glass window because contact was not allowed at that time. Furthermore, he was in and out of consciousness during this time and did not even notice that his brother Dubravko was there with him. Nevertheless, he testified with certainty that his father stayed until the 6<sup>th</sup> of July 1992.<sup>947</sup> His testimony should not be given any weight. The Prosecution contends that the accused was present in the KP Dom during the second half of June 1992, a fact even confirmed by the Defence witnesses Desanka and Svetozar Bogdanovic.<sup>948</sup>

## **B. Prolonged and Routine Imprisonment and Confinement**

376. The accused admitted that he knew that there were Muslims and other non-Serb civilians imprisoned at the KP Dom<sup>949</sup> and knew their number through the cook and the warehouse keeper. In document P445, dated 9 June 92, to the War Presidency of the Serbian Municipality of Foča, the accused in his capacity as temporary Warden of the KP Dom, stated that currently 470 “captured persons” and 10 Serbs were in the KP Dom, and that in addition 550 “captured persons” were processed through the KP Dom within the past month and a half. According to this letter, the accused is also

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<sup>944</sup> Exhibit D93.

<sup>945</sup> Slavica Krnojelac, T. 7503-7504; Božidar Krnojelac, T. 7480-7481.

<sup>946</sup> Exhibits P92, P91-1, P91-2.

<sup>947</sup> Božidar Krnojelac, T. 7452.

<sup>948</sup> Desanka Bogdanovic, T. 7009, 7013, 7040; Svetozar Bogdanovic, T. 7076, 7079.

<sup>949</sup> Testimony of the accused, T 7777-7779.

fully aware of the staff situation and complains that the number of 42 conscripts is inadequate in relation to the number of inmates.

377. Files were kept on the convicts from before the war, as can be seen from the detailed report submitted to the Ministry of Justice.<sup>950</sup> But there were also files kept on the Muslim detainees and the Serb military prisoners.<sup>951</sup> The accused obviously had clear information on the Serb military detainee Stojanović with whom he had a conversation. The accused also knew that Serb military conscripts were detained at the KP Dom for minor offences. He knew that they would be kept for "several days a week for whatever infractions."<sup>952</sup>

378. A report by the accused dated 24 November 1992 named "Information on convicted persons serving sentences in Foča KP Dom", addressed to the Ministry of Justice of Republika Srpska in Pale, states that the KP Dom was used for the accommodation of Muslim prisoners of war and as a military detention facility for Serbs. In this report, the accused states that during the seven months from the commencement of the war, there were 6 convicted persons at the KP Dom, not at the farm, because they could not adjust to their living conditions due to their alcohol and drug addictions. He states that when the war broke out, there were 60 convicted males and females who remained on the farm, of whom only 25 remained there at the time of the report.<sup>953</sup> From this report, it is clear that the accused knew the number of detainees at the KP Dom at that time as he states that "there is a high detainee turnover rate between the commencement of the war and 19 February 1993". He states "Since the detainee turnover is rather high from 18 April 92 to 18 February 1993 a total of 308 Serbs were brought into custody of whom 45 between 16-18 February this year who could not be used for work due to the short duration of their sentences, and we are unable to meet even the most minimum food and accommodation requirements of these persons."<sup>954</sup> This report shows that the accused did indeed have responsibility for the care of the Serb military prisoners which he otherwise denies.

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<sup>950</sup> Exhibit D85.

<sup>951</sup> Otherwise the accused could not have given the exact numbers in the documents already discussed or described below.

<sup>952</sup> Exhibit 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 20.

<sup>953</sup> Exhibit D85.

379. The accused could check which Muslim detainee had not yet been interrogated. When detainees addressed him in this regard he facilitated their interrogation. Lists of Muslim detainees were kept by Savo Todović.<sup>955</sup> FWS-137 testified he asked the guard Ivanovic about his not being interviewed and was told that he, Ivanovic, would check the books. Risto Ivanovic returned to FWS-137 and told him he would be transferred.<sup>956</sup>

380. Defence witness Radomir Dolas referred to lists of Muslim detainees. He testified when asked about the presence of Kemal Dzelilović that he did not see him at the KP Dom. He stated "No, I'm not aware of that because I didn't see him because the lists were not accessible to me." The witness then questioned regarding the lists corrected himself by stating "Oh, I just said this automatically. There weren't any lists. I just didn't see him, that's all."<sup>957</sup>

381. The accused knew that Serb military prisoners received convictions during their detention in KP Dom. They were convicted in a military court in Bileća of "murders, robbery attempts, killings for no reasons, all kinds of things."<sup>958</sup>

382. Given the fact that the accused as the warden had access to all files in the house, and was present in the KP Dom on a daily basis, his stated uncertainty about whether the non-Serb detainees were ever convicted of any offences is not believable.

383. Within the KP Dom, a system was in place that enabled the KP Dom administration to keep track of the movement of the inmates. Whenever a Muslim detainee left the compound, his movement was registered into a log kept at a desk within the administration building right after the metal door from the yard into the administration building. Witness FWS-249 described the procedure for getting in and out of the KP Dom in detail.<sup>959</sup> This overall tracking procedure was confirmed by the Defence witness Zoran Mijovic and Risto Ivanovic.<sup>960</sup>

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<sup>954</sup> Exhibit D85.

<sup>955</sup> Risto Ivanović, T. 6135.

<sup>956</sup> FWS-137, T. 4736.

<sup>957</sup> Radomir Dolas, T. 5876.

<sup>958</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 30.

<sup>959</sup> FWS-249, T. 4418-4419.

<sup>960</sup> Zoran Mijovic, T. 6259-6260; Risto Ivanovic, T. 6140.

384. Milan Pavlovic testified about the paperwork that was required when he worked with the Serb convicts during his initial assignment to the KP Dom. He stated "every convict or rather every person who went out through the gate of the KP Dom had to have a pass in order to pass through the gate and then that pass would remain at the gate with the person who had that job." The witness did not know who signed for Serb convicts, but before the war, he knew there was a man that would appoint them for work.<sup>961</sup> Whenever a detainee would return, the duty guard would be informed as well. Had any Muslim detainee been taken to a court for either a trial or review of his detention it would have been entered into the log and would have been known.

385. However, no guard ever took a Muslim detainee to such a procedure.<sup>962</sup> None of the former detainees who testified was ever indicted or convicted for any offences. None of them had their detention reviewed or heard of any such procedure. The accused admitted that there were no such review procedures.<sup>963</sup>

386. The accused knew many of the Muslim detainees from his contacts with them from before the war. He knew them as honourable citizens and knew that their confinement was illegal. In his OTP interview he stated accordingly "as I told you before, if I had any authority. If I could, I would release all of them. They would not spend 24 hours in the prison, if I had any authority over them. I could say that I was a good friend with Muslims and with my colleagues in school."<sup>964</sup>

387. Regarding the Čengiċ's detention, the accused stated they were about 70 years of age maybe a couple of years older. He stated he did not know why they were in prison but knew that they were somehow related to the Assembly Deputy, Mohamed Čengiċ, a Muslim politician.<sup>965</sup>

388. In requests for release received by the accused and which he forwarded either the Crisis Staff or the Foča Tactical Group, the accused was made aware of the illegality of particular Muslim detainees' detention. In these requests, Enes

<sup>961</sup> Milan Pavlovic, T. 6891.

<sup>962</sup> Risto Ivanovic, T. 6201-6202.

<sup>963</sup> Testimony of the accused, T. 7845-7846.

<sup>964</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 33. See also Exhibit P48a, Transcript of the accused's OTP Interview, 13 July 2000 (English), p.30, where the accused expresses the same views.

<sup>965</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 31.

Zeković<sup>966</sup>, Ismet Pašović<sup>967</sup> and Sadik Demirović<sup>968</sup> all gave full details of their circumstances of their arrest which would have led to the accused knowing they were detained unlawfully.

### C. Repeated Torture and Beatings

389. During the months of June and July 1992, ill-treatment of Muslim and other non-Serb detainees was particularly notorious. The sounds of beatings and killings could be heard in all places in the prison compound and were therefore also heard by the accused, whose office was above the rooms in which the beatings occurred during daytime. In addition, detainees alerted the accused to the beatings that were occurring in the administration building.

390. Generally, the accused claimed that the military were in charge of the prison quarter while he was in charge of the right wing of the administration building. However, when witness R.J. told him that beatings occurred in the administration building in particular the rooms below the accused's office, he suddenly denied his authority for just this part.<sup>969</sup>

391. Ekrem Zeković testified that the accused and guard Milivoj Milić were present when Milenko Burilo beat Zeković after his re-capture and actually intervened.<sup>970</sup>

392. Before August 1993, on one occasion, witness FWS-119 testified that he asked to see the warden to complain about his sons' disappearances.<sup>971</sup> The accused told the witness that his sons were sentenced and went to serve their term in Bileca, although the accused never gave any specifics as to what his sons were sentenced

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<sup>966</sup> Exhibit D 67.

<sup>967</sup> Exhibit D 66/1.

<sup>968</sup> Exhibit D 66/2.

<sup>969</sup> R.J., T. 3860-3866. Under this formulation, R.J. understood that the accused would have had authority over beatings in the canteen. T. 3862, 3865-3866.

<sup>970</sup> Ekrem Zeković, T. 3569, L. 14-20.

<sup>971</sup> FWS-119, T. 1979-81.

for.<sup>972</sup> When the witness asked him why the sons had been beaten so much, the accused replied that it was in order to have them confess.<sup>973</sup>

393. Witness R.J. informed the accused about a specific beating involving the disabled man.<sup>974</sup> The accused did not tell R.J. that the occurrence of this beating was outside of his jurisdiction. On the contrary, he stated that he would look into it. However, the assailants were never punished.<sup>975</sup> The accused, in his discussion with R.J. his former friend, claimed ignorance of the crimes described to him by the witnesses. He even claimed not to know how the Muslim detainees were treated. On at least two occasions he asked the witness to provide him details of how the detainees were being treated.<sup>976</sup> This behaviour can only be interpreted as an attempt to disguise his role from a person whom the accused knew well and is consistent with his character as someone who wishes to please, as described by the expert psychology witnesses.

394. The accused's claim that whilst he was at the KP Dom he never heard any sounds of ill-treatment and never saw any Muslim detainees who had visible injuries on their bodies, is not believable given his close proximity to the crime scene. The accused knew that three SUP investigators, Vladicic, Starovic, and Koprivica conducted the interrogations of non-Serb detainees at the KP Dom. They conducted their interviews in the administration building one floor below the accused's office, on the other side.<sup>977</sup> The accused stated that he had coffee with the SUP investigators or walked with them home, but claimed that he was never present during interrogation.<sup>978</sup> Asked what the discussions at coffee were or whilst walking home he stated "Believe me, we never talked about our jobs, not their job, not my job. We only talked about the general war situation in the whole area..."<sup>979</sup> The Prosecution submits that it is only natural for co-workers in such a situation to discuss their work.

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<sup>972</sup> FWS-119, T. 1980.

<sup>973</sup> FWS-119, T. 1979-81.

<sup>974</sup> R.J. does not remember his name but remembered he was from a village near Ustikolina. R.J., T. 3865-3866. However, the Prosecution believes the person referred to by R.J. is E.G. (see para. 5.9 of the Indictment) or Omer Kunovac (schedule B number 35).

<sup>975</sup> R.J., T. 3866.

<sup>976</sup> R.J., T. 3866.

<sup>977</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 28.

<sup>978</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 28-30.

<sup>979</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), pp. 29-30.

395. As for the guards who committed the atrocities, the accused stated he knew the guard Burilo. He denies that this guard had a reputation to be brutal. To the contrary he claimed that Burilo was a peaceful person.<sup>980</sup> Prosecution witnesses, FWS-139 and FWS-138 however, described Burilo as “treating the inmates in the penitentiary the worst” and the one “who beat people the most”.<sup>981</sup> Witness R.J. testified that Burilo’s had “no respect in the community” before the war, that he was a “laughing stock”.<sup>982</sup> Given the witness’s accounts of Burilo’s conduct during the time relevant to the Indictment, the accused’s remark is patently false.

396. The accused denied all knowledge of any detainees being killed at the KP Dom. However, the accused stated that he heard of the suicides of two detainees namely Halim Konjo and Juso Džamalija from the nurse Gojko Jokanović. He also claimed that Jokanović had told him that a commission had come to investigate both cases but that he himself did not have contacts with this commission.

397. According to witness FWS-138<sup>983</sup> in a case of suicide, the warden would have been informed immediately. The claim is therefore not believable that he only learned of the fact after the commission had investigated. In particular, regarding the death of Halim Konjo, the accused was fully aware of when and where this victim died. He admitted informing witness R.J. accordingly.<sup>984</sup>

398. Although the accused stated he knew a few detainees from Schedule C he claimed that he did not see them at the KP Dom.<sup>985</sup>

399. The Prosecution contends that the accused not only knew about the beatings and killings, he facilitated them by providing rooms to the police staff and military staff for these purposes, by granting them access to the building, and by instructing

<sup>980</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p. 40.

<sup>981</sup> FWS-139, T. 406; FWS-138, T. 2116.

<sup>982</sup> Witness R.J., T. 3885.

<sup>983</sup> FWS-138, T. 2030-2031.

<sup>984</sup> Exhibit P46, p. 38.

<sup>985</sup> Exhibit P50a, Transcript of accused's OTP Interview, 27 July 2000 (English), pp. 7-9. When being asked if the accused knew people contained in Schedule C of the Indictment he stated that there are many people with the same first and last names, including people of Muslim ethnicity. The accused knew number 2 Salem Bico, coffee shop owner (did not see him at the KP Dom), number 6 Juso Džamalija, municipal judge, number 7 Kemal Dželilović, professor, number 8 Ramo Džendušić, military office, number 10, Nail Hodžić driver in *Maglić*, number 11, Mate Ivančić, former student,

the guards to bring the detainees requested by these outsiders to them. The guards were ultimately subordinated to the accused, as discussed above, and could not have permitted access or brought detainees out of the prisoners' quarters without express orders.

#### **D. Prolonged and Frequent Forced Labour**

400. The evidence proves that the accused participated in the commission of the forced labour programs at the KP Dom by organising and authorising it in concert with Savo Todovic and the heads of the Drina business sections. Furthermore, he personally benefited from the work of the detainees. The accused claims that work was voluntary. However, he admits that work was preferable to being locked up all day and that those who worked received an extra meal. The accused stated "because I myself would prefer to be out there doing some work rather than sitting here, let alone being in a detention unit."<sup>986</sup> "Because also I think that these people preferred to stay on longer there [working on his house] because the food that they were getting there was better than the food that they could find in the KP Dom, because my wife would select things that were good food and offer to them."<sup>987</sup>

401. The details of the work performed at the KP Dom are described in detail above. The organisation of the work is also detailed above.<sup>988</sup>

402. The accused was fully informed of all details of the work by detainees. Although his subordinates were responsible for the execution of the work program, the accused was directly involved. On 24 November 1992 the accused acknowledged in a report, sent to the Ministry of Justice of Republika Srpska in Pale, that Muslim detainees were used for labour at the KP Dom. It states that detainees were engaged in repair work of the KP Dom, such as "roofing of the furniture factory, overhaul of the boiler-room, general inspection and partial repair of the heating system, construction of three kiosks, repair of cars, delivery vans, tractors, TAM trucks and

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number 13, Halim Konjo, restaurant owner. Number 15, Mustafa Kuloglija, educator, Number 19 Nurko Nišić, municipality employee.

<sup>986</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 16.

<sup>987</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p.14.

<sup>988</sup> FWS-144, T. 2319; Muhamed Lisica, T. 4881, 4882, 4885; Ekrem Zeković, T. 3447, L. 3-4, T. 3447, L. 1.

other regular maintenance services."<sup>989</sup> "We used detainees to organise partial production of semi-finished products (wall units, suites and settees) which we put on the market and traded for raw materials and semi-finished goods and foodstuffs."<sup>990</sup> The accused also personally gave instructions to detainees working in the metal workshop at times at odds with that given by Relja Golijanin, the immediate supervisor.<sup>991</sup>

403. The accused admits that Muslim detainees did work for the Drina Economic Unit. The accused testified that he did not make the decision to use detainees for work but requested from Mladenović to provide people to start the furniture factory and other units which was actually granted. He claims that Savo Todović came to the accused with a list and stated he was told by the command to compose a list of persons according to their trades who "will do some work when necessary within the Drina Economic Unit of the KP Dom." The accused therefore claims that he was not involved in the work program at all. He blames Savo Todovic as the one organising it together with the heads of the business sections and claiming that he had no saying in the matter at all.

404. He even claims that he was particularly concerned about the voluntariness and cited a conversation with Todovic regarding this matter. The accused stated that Todovic had meetings with the heads of the Drina business section to arrange for the number of workers needed. However, it was the accused who had regular meetings with the heads of the factory, metal workshop, farm, commercial department, and accountant.<sup>992</sup> Todović did not attend these meetings but simply conveyed the information about the list.<sup>993</sup> The Defence witnesses who worked in the Drina Economic Unit did not have dealings with Todović.

405. The accused admits that he knew that about 4 to 6 people worked at the metal workshop, 5 to 7 at the furniture factory and about 12 to 15 at the Brioni farm from time to time. He knew they were collecting hay and cut grass. Detainees also cleared

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<sup>989</sup> Exhibit D 85.

<sup>990</sup> Exhibit D 85.

<sup>991</sup> Ekrem Zeković, T. 3446, L.2-6.

<sup>992</sup> Testimony of the accused, T. 7692-7693.

<sup>993</sup> Testimony of the accused, T. 7912, 7912-7914.

the old school and cleaned buildings near the school. The accused was aware that FWS-249 went to Miljevina to do some work.<sup>994</sup>

406. The accused testified that the detainees mainly made preparations for production and finished off products that there were previously not completed. He knew about the detainees' working hours and was aware that they got a fourth meal, a snack.

407. The accused stated that Relja Goljanin was in charge of the metal workshop where skilled workers worked. The accused claims that he was unaware that a group of Muslim detainees including some skilled workers were taken out for exchange and disappeared in May or June 1992. However, both witnesses FWS-249 and Muhamed Lisica<sup>995</sup> testified that Relja Goljanin immediately involved the accused in this matter and that as a result, a list of skilled workers was made and placed on a board in the hall leaving from the compound into the administration building so that the guard on duty knew that these detainees were not to be taken out for exchanges.

408. In addition, the accused admits that several Muslim detainees worked at his house during November and December 1992.<sup>996</sup> The Prosecution does not dispute that the detainees were given food and drink while at the accused's house. However, even the accused admits that he never paid for their work "I did not pay. Nobody sent me a bill for that work".<sup>997</sup>

409. The accused admits that Muslim detainees worked on his house, working on the roof of the house, cleaning up the rubble in and around the house and building in a staircase and doors. The accused claims that he did not make this decision to have the detainees there. He claims to have requested assistance from the municipality and the detainees were somehow sent to him. Regarding the metal staircase and the metal doors the accused stated that he provided the material. He testified "So it was only the manual work involved in making the staircase and those doors was performed at the KP Dom, and according to the bill, it was paid to the Foča KP Dom."<sup>998</sup>

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<sup>994</sup> Testimony of the accused, T. 7694.

<sup>995</sup> FWS-249, T. 4481-4482; Muhamed Lisica, T. 4870-4871.

<sup>996</sup> Testimony of the accused, T.7698-7699.

<sup>997</sup> Testimony of the accused, T. 7699.

<sup>998</sup> Testimony of the accused, T. 7700.

410. The accused testified that he paid for the labour costs of the Muslim detainees and paid it at the cashier's office of the KP Dom. However, he could not provide any details regarding the amount nor explain the unavailability of the bill. Defence witness Bozo Drakul testified that he did not get any bills addressed to the accused.

411. The accused admits that his son Spomenko was together with the detainees throughout the work on the house. However, although it was obvious that the son was guarding the detainees, the accused claims that he did not know that. "I don't know whether he was assigned to guarding them or not." This claim is illogical. The accused was aware that security had to be provided while the detainees were working on the house.<sup>999</sup> The accused does not recall seeing soldiers or prison guards there.<sup>1000</sup> That leaves only his son Spomenko who at that time was a soldier.

412. Lekso Vasiljevic testified that he saw witness FWS-250 and witness FWS-73 working in the house. This witness heard that the army made it possible for them to be there. He stated that Spomenko guarded the Muslim detainees while they worked and wore a military uniform.<sup>1001</sup> The remark of the involvement of the army in the work at the house is a logical consequence of the structure of the KP Dom and the rules governing the detention of the Muslim detainees. For their removal from the KP Dom premises, the KP Dom administration needed the permission of the authority that had requested the detention of the Muslims as such. That is the logical consequence of the fact that these detainees were kept in the KP Dom on behalf of the military organs.

413. The accused claims that he was unaware that some detainees were taken to the frontlines to dig trenches, build barracks or act as human mine sweepers from Kalinovik.<sup>1002</sup> However, as described above, the administration kept records on the movements of the detainees. That some detainees were taken for front line duties and the knowledge of the KP Dom administration thereof is proven by the fact that these detainees were kept apart from the other Muslim detainees. That the KP Dom

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<sup>999</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 14.

<sup>1000</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 14.

<sup>1001</sup> Lekso Vasiljevic, T. 6737.

<sup>1002</sup> Exhibit P46a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 17.

administration knew that witness FWS-109 and his colleague G.K. were planned to be abused as human mine detectors is apparent from the fact that Savo Todovic separated them from the other detainees and told them about their special task.<sup>1003</sup>

414. Insofar as detainees worked on the house of the accused and performed some other work for him, the accused benefited directly from the fact that he was the warden of the KP Dom. KP Dom detainees worked only on his and no other privately owned house.<sup>1004</sup> Driver Milosav Krsmanovic also got involved in the work on the house and used a KP Dom truck for transporting materials and rubble.<sup>1005</sup>

415. From summer 1992 until his arrest, the accused lived in the apartment of the Muslim Dr. Izmet Šošević, a former employee of the KP Dom. Here the accused benefited again directly from his position. This apartment was owned by the KP Dom. To get such an apartment assigned, a KP Dom employee would have joined a special KP Dom fund. According to the length of the membership in this fund employees would receive apartments.<sup>1006</sup> The accused received the apartment although he had never been a member of this fund. This can only be explained with the fact that the accused was in a privileged position.

## **E. Establishment and Perpetration of Inhumane Conditions**

416. Most of the inhumane conditions were clearly visible, namely the overcrowding, insufficient bedding and hygiene facilities, starvation, no change of clothes, no heating during winter, and the bad health of detainees. Moreover, the accused was told directly by detainees that the living conditions were bad and he promised to improve them. In addition to the contacts already described earlier, witness FWS-119 once asked the accused to improve the food and the accused replied "I distribute everything I receive".<sup>1007</sup> In November 1992, FWS-250 testified, whilst he was working on the accused's house, that the accused said, "I can't do much. I'm trying to help you survive although many things are running out of my control. The

<sup>1003</sup> FWS-109, T 2046-2047.

<sup>1004</sup> Bozo Drakul, T. 7263-7264; Savo Obrenović whose house also burned down, made repairs with a loan from his employer Telekom Foča in 1992; Miladin Matović, T. 6522.

<sup>1005</sup> Milosav Krsmanovic, T. 6628.

<sup>1006</sup> Bozo Drakul, T. 7262-7264.

food is awful, I know that, but we don't get much better."<sup>1008</sup> In addition, the accused knew from his staff, in particular the warehousekeeper, witness Divljan and the cook Krnojelac, that supplies were not sufficient.

417. The accused claims that the living conditions in particular regarding food, hygiene and heating were equally bad for all inmates and all staff. He described them as a consequence of the war conditions and claimed that the food was not worse than the food the refugees had. He stated that the food was served for both staff and inmates from the same cauldron and that the quantity of food was the same for all. He further claimed that he did not notice any weight loss of the Muslim detainees.<sup>1009</sup>

418. Witnesses Radomir Dolas and Krsto Krnojelac confirmed the accused's claim that the food was the same for the staff and all the inmates.<sup>1010</sup> A Defence witness even stressed that the food for the Muslim detainees was better than the food that the local population and the army had. These claims are patently false.<sup>1011</sup>

419. On 14 May 1992 the accused knew that at least one detainee at the KP Dom was losing dangerous amounts of weight. In a request for release forwarded to the accused on 14 May 1992<sup>1012</sup> Enes Zeković stated he lost about 10 kilos in the last month and that was having serious effects on his health. By forwarding this request onto the Crisis Staff with a specially prepared cover letter, the accused is presumed to know its contents.<sup>1013</sup> Furthermore, even the Serb Defence witnesses who were convicts at KP Dom testified that they lost only insignificant amounts of weight, if any.<sup>1014</sup>

420. The accused testified that he was told by Gojko Jokanović and other individual workers from the administration that on every floor in the prisoners' quarters there was a bathroom and there was water. Regarding hot water, the accused testified that there was a cauldron with hot water that was equally accessible to

<sup>1007</sup> FWS-119, T. 1981, L.12

<sup>1008</sup> FWS-250, T. 5061-5062, 5062-5064, 5064, 5056.

<sup>1009</sup> Exhibit P 50a, Transcript of accused's OTP Interview, 27 July 2000 (English), p. 11.

<sup>1010</sup> Radomir Dolas T. 5820; Krsto Krnojelac, T. 5930.

<sup>1011</sup> Miladin Matovic, T. 6451-6452.

<sup>1012</sup> Exhibit D 67/1.

<sup>1013</sup> Exhibit D 67.

<sup>1014</sup> Lazar Stojanovic, T. 5749.

detained and convicted persons no matter which ethnicity. However, the accused was aware that necessities for personal hygiene were scarce. He admits that the detainees had lice at one point.

421. Regarding winter 1992, the accused stated he presumed wood was being used to heat the rooms in both prisoners' quarters after the generator went down. He stressed that he did not know the details because he never entered the rooms but that he would see that the smoke was coming out of the chimneys. Regarding beds and blankets the accused said he assumed that beds and bedding was available for all inmates.<sup>1015</sup>

422. The accused knew that the Muslim detainees needed medical treatment that they did not get. He received requests from detainees which he forwarded onto either the Foča Tactical Group<sup>1016</sup> or Crisis Staff<sup>1017</sup> on 30 July 1992 and 15 May 1992 respectively regarding the need for medical treatment of the three detainees.

423. The accused knew that the heart patient R.J. needed medicines that he did not get. He himself allowed medicine to be brought in from the family of R.J.

424. Although the accused claims that the KP Dom clinic was rented out to the military he admits that this clinic was used by Serb convicts as well as the Muslim and Serb detainees. Jokanović kept the accused informed about the medicines in the pharmacy. Jokanović would inform the accused when medicines ran out and inquired for replacements.<sup>1018</sup>

425. The accused stated that "the medicines and the health centre were the property of the KP Dom. And so the medical person who was in charge of medical things always contacted me in regards to the medicines....."<sup>1019</sup> The accused admits that Gojko Jokanović had to consult the accused before providing medicines. He claims that he always gave authorisation for providing medicine. When the medicine

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<sup>1015</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p. 23.

<sup>1016</sup> Exhibit D 66, 66/1 ad 66/2.

<sup>1017</sup> Exhibit D 67 and 67/1.

<sup>1018</sup> Testimony of the accused, T. 7668.

<sup>1019</sup> Exhibit P 48a, Transcript of accused's OTP Interview, 13 July 2000 (English), p. 22.

was not available he, the accused would try to get it from humanitarian aid and the hospital.

426. This claim is false. The witnesses Dr. Berberkic, FWS-111 and Muhamed Lisica described that Gojko Jokanović had told them that he was forbidden to distribute medicine to Muslim detainees. Therefore the witnesses had to steal medicine from the pharmacy (which Jokanović tolerated) or smuggle them in from the hospital.

427. Dr. Milovan Dobrilovic testified that whilst he worked at the KP Dom at the beginning of 1993 he did not notice traces of physical violence or abuse. He further noticed serious signs of malnutrition and exhaustion "perhaps with one or two patients" namely FWS-182 and Sefko Kubat. He stated that both received medical treatment. However, this witness was not present in the KP Dom during the period of notorious ill-treatment of the Muslim detainees. In addition, the doctor could only see and treat the detainees that were taken to him by the guards. Omer Kunovac (a deaf mute) who needed stomach surgery due to beatings and who died in summer 1993, was not taken to the doctor. The same applied to Ibrahim Šandal.<sup>1020</sup>

428. The accused was aware that Muslim detainees were punished for violation of prison rules. He himself as the warden had installed these rules and had taken them to a meeting with the Ministry of Justice for approval.

429. His subordinates Todović and Rašević were in charge of prison discipline. While Todović occasionally meted out punishments, Rašević checked on the punished Muslim detainees in the isolation cells.

430. The accused was actually physically present when a collective punishment took place as described in detail above.

431. In addition, witness Ekrem Zeković testified that on 9 July 1993, a day after his escape, the accused came to the solitary confinement cell where he was held and said that Zeković had acted foolishly and that he had ruined his chances for exchange.

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<sup>1020</sup> Milovan Dobrilovic, T. 6330, 6362.

The accused was angry and upset as the escape jeopardised his position as warden and called his and his staff's trustworthiness into question.<sup>1021</sup>

432. The accused admits that he was present when Zekovic was brought in after the escape and confirms his conversation with Zekovic. The accused stated that he thought that the policemen may have beaten him up and wanted to comfort him, by offering him a cigarette and that Zeković then told him about details of his escape.<sup>1022</sup>

However, even this account of events makes clear that the accused's real purpose in speaking with Zeković was to obtain information.

433. The Prosecution contends that the accused continued working as warden even after the letter removing him from office. The accused himself testified that he did not receive the letter until the end of July, and that his duties remained unchanged since he wanted to "resolve everything and leave everything behind in good order."<sup>1023</sup> When asked, "What you did during the month of July (1993) was no different from what you did in the earlier months in terms of your job at the KP Dom; right?" the accused answered, "No, there was no difference."<sup>1024</sup> He continued to act as if he were still warden, "signing papers, coming to work, continuing to supervise people."<sup>1025</sup> In fact, the day of Zeković's escape, the accused testified, he had asked the supervisor of the metal workshop to accompany him to Brod on KP Dom business.<sup>1026</sup>

## **F. Selection of Detainees from the KP Dom for Deportation to Montenegro and other Places.**

434. The accused was aware about the arrest and release of detainees. Exhibit D54, an order from Colonel Marko Kovač of the Foča Military Post dated 7 September 1992 was made to "regulate the arresting of suspects and their release from custody". In this order related to the arrest and release of prisoners, it is mentioned that the warden of the Foča KP Dom had to be informed. From the Defence exhibits

<sup>1021</sup> Ekrem Zeković, T. 3555, 3574-3576.

<sup>1022</sup> Testimony of the accused, T. 7683, 8122.

<sup>1023</sup> Accused T 7870

<sup>1024</sup> Accused T 7872.

<sup>1025</sup> Accused T 7871.

D42, D43, D45, D46, D54 and D55 it is also clear that Colonel Marko Kovac had power to arrest Muslims and Serbs or release them. Defence Exhibits 50 and 51 show that he had power to authorise visits to detainees. The fact that the military authorities made the decision of the arrest of persons and also decided about their final release is not disputed by the Prosecution. It is the Prosecution's argument that this is the usual prison organisation. However, what becomes clear from exhibit D54 is that the warden was informed of each of the decisions of the outside authorities, because he and his staff had to receive the arrested persons, take care of them during their detention and had to execute the release or exchange decisions.

435. The accused's claim that he was not involved in the exchanges and was usually informed after the fact<sup>1027</sup> itself, is clearly false. The military command and their staff did not select the detainees from their rooms themselves. They simply sent their decisions and lists of detainees to the KP Dom administration where they were processed. It was obviously Savo Todovic who processed the lists because he was in charge of the files of inmates. The lists were then handed to the guards who selected the detainees from the rooms and handed them over to the military personnel. This procedure followed a pattern set forth in prison rules that were known and approved by the warden. Furthermore, it is already described that the accused has some influence in the decision over the fate of the Muslim detainees. He also had had the possibility to protect the detainees on their way after leaving the KP Dom. He could have decided to send guards on the transport as his successor did to ensure the security of the detainees. However, he chose not to do so.

436. That he could have protected the detainees on their way out of KP Dom and could have prevented their disappearance so indicated by the fate of the 58 detainees who left the KP Dom on 5 October 1994. These detainees were accompanied by prison staff. When the transport was intercepted by the Serb soldiers of Miljevina, then-warden Zoran Sekulovic went to Miljevina and negotiated the release of the detainees and guaranteed their safe passage.

437. The accused admitted in his testimony that he was aware of the failed exchanges to Cajnice. The accused also testified that he was aware of the group of

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<sup>1026</sup> Testimony of the accused, T 8116. See also Božo Drakul, T. 7341.

<sup>1027</sup> Exhibit P 46a, Transcript of accused's OTP Interview, 6 June 2000 (English), p. 23.

detainees that was intercepted by Pero Elez and returned from Montenegro. The accused was therefore on notice that transport of detainees was problematic and that he had reason to ensure the safety of the detainees after they left the compound. The accused admits that he was aware of the internal procedure regarding the exchanges. He knew that a list would arrive and the detainees selected by the prison staff accordingly. He also admits that this list came from the military command.

438. In general, the accused testified that he knew that people were taken out on the basis of lists from the outside.<sup>1028</sup> The claim of the accused that the lists from the command were handed to the officer on duty who would then assign guards to bring those detainees without involvement of the administration<sup>1029</sup>, is not believable. According to the observation of the detainees, it was Savo Todovic who handled this matter.

439. As chief administrator of KP Dom, the accused saw the orders, lists and other parts of the "paper trail" connected with the beatings, interrogations, murders, deportations and unlawful confinement. Radomir Dolas testified regarding exchanges it was "the exclusive jurisdiction of the head of the compound and the head of the building, and there was at the gate the officer in charge, the man on duty for the KP Dom. It was their task to turn over people of Muslim ethnicity to soldiers according to a list made by Savo Todovic, whereupon - where after they would be exchanged."

<sup>1030</sup>

440. Radomir Dolas testified that in October 1992 he saw a guard taking about 20 detainees out of the compound toward a military truck with camouflage uniforms. He cannot remember the detainees but stated Savo Todović was present as he was in charge of the exchanges.<sup>1031</sup> Detainees were called out according to a list made by Savo Todović however he did not see Savo Todović make the list.<sup>1032</sup> The fact that KP Dom employees guards and Savo Todović were involved in the taking out of

<sup>1028</sup> Testimony of the accused, T. 7930.

<sup>1029</sup> Exhibit P 46a, Transcript of accused's OTP Interview , 6 June 2000 (English), pp. 23-24.

<sup>1030</sup> Radomir Dolas, T. 5824.

<sup>1031</sup> Radomir Dolas, T. 5823-5824, 5876-5877

<sup>1032</sup> Radomir Dolas, T. 5878-5879.

detainees confirms that the accused participated in the taking out of these detainees and had knowledge of them.<sup>1033</sup>

441. As described above, the accused personally was present when a larger group of detainees were selected for exchange. The Prosecution believes that it was the group of plum-pickers.

## **VI. GENERAL CONSIDERATION REGARDING EVALUATION OF EVIDENCE**

442. The Prosecution submits that the detainees who were witnesses in this case, like those in *Kunarac*, were subjected to overall traumatic conditions for a long period of time and they “cannot reasonably be expected to recall the minutiae of the particular incidents charged, such as the precise sequence, or the exact dates and times of the event they have described.”<sup>1034</sup> Furthermore, the Trial Chamber in *Kunarac* took into account the fact that witnesses were “detained over weeks and months without knowledge of dates and access to clocks, or without the opportunity to record their experiences,” and the length of time between the events and the testimony as factors in determining “whether any minor discrepancies should be treated as discrediting their evidence as a whole.”<sup>1035</sup> Furthermore, minor discrepancies between the testimony of various witnesses or between the testimony of a particular witness and previous statements provided by that witness were not taken to discredit the witness’s testimony “where that witness has nevertheless recounted the essence of the incident charged in acceptable detail.”<sup>1036</sup> The Prosecution submits that instead of weakening the evidence, such minor discrepancies indicate “truthfulness and the absence of interference with witnesses.”<sup>1037</sup>

443. Notwithstanding the detainees’ limited access to insider information because of their subjugated status, what information they did provide was generally credible and reliable. The Prosecution submits that the detainees were keen observers of their

<sup>1033</sup> Radomir Dolas, T. 5876-5877.

<sup>1034</sup> *Prosecutor v. Dragoljub Kunarac, et. al.*, Judgement, Case No. IT-96-23-T & IT-96-23/1-T, 22 February 2001 (“*Kunarac* Judgement”), para. 564, citing *Prosecutor v. Furundžija*, Case No. IT-95-17/1-T, Judgement, Trial Chamber II, 10 December 1998 (“*Furundžija* Judgement”), para. 113.

<sup>1035</sup> *Kunarac* Judgement, para 564.

<sup>1036</sup> *Kunarac* Judgement, para 564.

<sup>1037</sup> *Furundžija* Judgement, para. 113.

surroundings. Most of the detainees were kept idle during their detention and had little else to occupy their time than to watch and listen. They worried about their fates and had a vital interest in every bit of information they could obtain. It was clearly important for them to know, for example, who was responsible for their detention and their conditions so that they might try to effect some change. Many of them, in fact, did obtain information from guards who were sympathetic or whom individual detainees knew from before the war. It would have been impossible, as the accused speculates in his statement to investigators, for the entire prison staff to “play games” behind his back or maintain a consistent fiction.<sup>1038</sup>

444. Furthermore, some witnesses provided consistent testimony, which corroborated each other. Such corroboration strengthens the credibility and reliability of each witness.

445. The Prosecution witnesses also exhibited no bias against the accused. In many instances, the testimony of the accused’s involvement cast the accused in a positive light, such as his driving an individual detainee to his house for work, or giving leftover food to a detainee. (RJ) Such even-handed treatment of the accused’s actions tends to lend credibility to the witness’s account of his role.

446. In contrast, the Defence witnesses, including friends, family and former colleagues at the KP Dom, all admitted a desire to help the accused and refused to offer any balanced or critical view of his actions. Furthermore, Defence witnesses held fast to the conclusory premise that the accused was merely head of the economic unit with no control over the so-called “military” part of the KP Dom, notwithstanding his undisputed title as “Temporary Warden” and after 17 July 1992, “Warden” of KP Dom. Such an approach led to answers which reflected deductions flowing from this fabrication, rather than facts, such as “Why would he?” instead of stating whether he did or not.

## **VII LEGAL ARGUMENT**

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<sup>1038</sup> Exhibit P46, interview, p.7.

## A. Direct Criminal Responsibility under Statute Article 7(1)<sup>1039</sup>

447. The Trial Chamber may make findings of guilt based upon whatever parts of Article 7(1) it finds relevant, notwithstanding the Prosecution's identification of a different basis, or even if the Prosecution fails to identify a precise basis for conviction.<sup>1040</sup> The Prosecutor has charged in the Indictment that the accused incurs individual responsibility under Article 7(1) for "committing, planning, ordering or otherwise aiding and abetting in the planning, preparation or execution of any acts or omissions" as specified further in the Indictment. The Prosecution has not charged instigation as one of the relevant acts.

448. An accused may incur criminal responsibility under Article 7(1) through positive actions, or through culpable omissions when there is a legal duty to act.<sup>1041</sup>

449. Regarding the application of Article 7(1) rather than 7(3) with regard to the culpability of a superior, the Trial Chamber in *Kordić* held that where "a superior would not only have been informed of subordinates' crimes committed under his authority, but also exercised his powers to plan, instigate or otherwise aid and abet in the planning, preparation or execution of these crimes, the type of criminal responsibility incurred may be better characterised by Article 7(1)."<sup>1042</sup>

<sup>1039</sup> Prosecutor's Pre-Trial Brief, paras. 26-63.

<sup>1040</sup> *Prosecutor v. Dragoljub Kunarac, et. al.*, Judgement, Case No. IT-96-23-T & IT-96-23/1-T, 22 February 2001 ("*Kunarac* Judgement"), paras. 387-389.

<sup>1041</sup> *Prosecutor v. Zlatko Aleksovski*, Case No. IT-95-14/1-A, 24 March 2000 ("*Aleksovski* Appeals Judgement"), paras. 157, 169 and 172 (criminal liability for failure to take available measures to stop prisoners at prison camp from performing forced labour in dangerous and brutal conditions); *Prosecutor v. Tadić*, Judgement, IT-94-1-A, 15 July 1999 ("*Tadić* Appeals Judgement"), para. 188; *Kunarac* Judgement, para. 390; *Prosecutor v. Kordić & Čerkez*, Judgement, Case No. IT-95-14/2-T, 26 February 2001 ("*Kordić* Judgement"), para. 375, note 509. This position is consistent with national criminal statutes, legal doctrine, and the case law arising out of the Second World War. For example, See Section 13 of the German Penal Code, Section 2 of the Austrian Penal Code, Article 25 of the Penal Code of the Republic of Croatia, Article 30 of the Criminal Code of the Federal Republic of Yugoslavia, Article 40 of the Italian Penal Code, Bassiouni, *A Draft International Criminal Code and Draft Statute for an International Criminal Tribunal*, 1987; Morris/Scharf, *The International Criminal Tribunal for Rwanda*, 1998, p. 241; Stuart, *Canadian Criminal Law – A Treatise*, 1995, p. 83, Dressler, *Understanding Criminal Law*, 2<sup>nd</sup> edition, para. 9.06 and Fletcher, *Rethinking Criminal Law*, 1978, p. 611, Andenaes, *The General Part of the Criminal Law of Norway*, p.133, Romano, *Commentario Sistematico del Codice Penale*, Volume 1, 1995, Art. 40 paras. 50; *Essen Lynching Case*, United Nations War Crimes Commission, Law Reports of the Trials of War Criminals (hereafter "UNWCC"), Volume I, 1947 p. 90.

<sup>1042</sup> *Kordić* Judgement, para. 371, citing *Prosecutor v. Karadžić and Mladić*, Review of the indictments Pursuant to Rule 61 of the Rules of Prosecute and Evidence, Trial Chamber I, Case No. IT-95-5-R61/IT-95-18-R61, 11 July 1996, para. 83.

450. Likewise, omissions by a superior may constitute Article 7(1) responsibility if “omissions of an accused in a position of superior authority contribute (for instance by encouraging the perpetrator) to the commission of a crime by a subordinate.”<sup>1043</sup>

## 1. Conduct

### “committed”

451. The Trial Chamber in *Kunarac* held that several perpetrators may “commit” the same crime if each individual fulfills the requisite elements of the substantive offence.<sup>1044</sup>

452. The use of the word “committed” does not necessarily imply that the accused physically perpetrated all the elements of the crimes. Rather, the Prosecution contends that an accused commits a crime when, along with those who plan, order or instigate a crime, he can be identified as a principal, rather than an aider and abettor. The Prosecution urges this Trial Chamber to use caution in dividing the acts listed under Article 7(1) too rigidly into physical perpetrators, on the one hand, and aiders and abettors, on the other. The types of crimes charged in this Tribunal often entail broad acts taken over an extended period of time or a pattern of action and omission. Yet, for example, to identify the cook in a prison-camp who physically gives detainees starvation rations as perpetrating the crime of inhumane acts while regarding the warden who approves of this action as merely an aider and abettor, would seem to reverse the intent of the Statute. The civil law principle to which the Trial Chamber in *Brđanin* made reference, that sentencing may be greater for a perpetrator rather than an aider and abettor,<sup>1045</sup> reflects this hierarchy of culpability. Indeed, the Appeals Chamber appears to make no distinction between physical perpetrators and aiders and abettors in its analysis of Article 7(1): “Any act falling under one of the five categories contained in the provision may entail the criminal responsibility of the perpetrator or whoever has participated in the crime in one of the ways specified in the same provision of the Statute.”

<sup>1043</sup> *Kordić* Judgement, para. 371.

<sup>1044</sup> *Kunarac* Judgement, para. 390.

<sup>1045</sup> *Prosecutor v. Brđanin & Talić*, Decision Varying Decision on Form of Further Amended Indictment, Trial Chamber II, Case No. IT-99-36-PT, 2 July 2001 (“*Brđanin & Talić* Varying Decision”), para. 2.

453. In the present Indictment, the Prosecution contends that the accused directly engaged in the commission of the crimes of persecution (Count 1), imprisonment (Count 11), inhuman treatment and cruel treatment (Counts 13 and 15), and enslavement and slavery (Counts 16 and 18).

454. Being the prison camp commander, the accused should be held liable under Article 7(1) for the crimes of persecution (Count 1). The prison camp was an instrument of persecution against Muslims and other non-Serbs in eastern Bosnia and Herzegovina. While the accused might be seen as aiding and abetting the larger persecution campaign, his role in the KP Dom, which functioned as a part of this campaign, was significant and he must be considered a principal who actually committed the persecution within the KP Dom.

455. Like the prison-camp commander in *Čelebići*, the accused should be held liable under Article 7(1) for the crime of imprisonment (Count 11). The accused willingly occupied a position at the top of an institution whose sole purpose was the unlawful imprisonment and persecution of non-Serb civilian men. Within this system, he had the ability to affect the continued detention of civilians, yet he neither sought their release nor implemented any system to review their detention. While by his own admission, he wrote letters recommending reductions in sentence for convicted Serb prisoners,<sup>1046</sup> he never wrote any such recommendations for nor did he arrange any review of the detention of the non-Serb detainees. The accused was not merely a co-ordinator who provided logistical support for the various formations of the armed forces (such as food, equipment, transport of refugees).<sup>1047</sup> Rather, the accused was the warden at the top of the hierarchy within the KP Dom who had the ability to affect the procedural rights of the detainees and chose not to exercise it.

456. Likewise, for the counts involving inhuman conditions, the accused directly committed these crimes by creating or perpetrating a system whereby non-Serb detainees received sub-human treatment at the KP Dom. The accused was the person

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<sup>1046</sup> Exhibit D 85.

<sup>1047</sup> Cf., *Čelebići* Appeals Judgement, paras. 355-360. The Appeals Chamber declined to conclude that the Trial Chamber's findings of fact underlying an acquittal were so unreasonable that no reasonable trier of fact could have reached it. The Trial Chamber found that the accused Delalić, as co-ordinator, did not sign orders for the classification and release of detainees in his capacity as co-ordinator, but rather, he signed them "for" the Head of the Investigating Body of the War Presidency. Furthermore,

with the authority to arrange for food, hygiene, medical and other conditions for all the prisoners and detainees in the KP Dom. By deliberately denying the non-Serb detainees adequate care while the Serb prisoners and detainees had access to good food, warm blankets, hot water, exercise, and communications with the outside world, the accused created inhuman conditions.

457. The accused also committed the crimes of enslavement and slavery by requesting and using the forced labour of Muslim detainees in his work with the Drina Economic Unit. By his own admission, there was a labour shortage and he used the labour provided by detained Muslims in order to maintain the functioning of the furniture factory, metalworkshop and farm. By his own admission, he continued to use their labour even after he learned that they were Muslim detainees. He also used their labour for personal gain when he used Muslim detainees to work on his house and his son's apartment and store. Through his direct, personal, and physical use of the forced labour, the accused committed slavery.

#### **“planning”**

458. The Trial Chamber in *Blaškić* concurred with the finding of the ICTR Trial Chamber in *Akayesu* that planning implies that “one or several persons contemplate designing the commission of a crime at both the preparatory and execution phases.”<sup>1048</sup> The existence of a plan can be proven through circumstantial evidence.<sup>1049</sup>

459. In the present case, the evidence shows that the accused planned the commission of the crimes of persecution (Count 1) imprisonment (Count 11), inhuman treatment and cruel treatment (Counts 13 and 15), and enslavement and slavery (Counts 16 and 18).

460. The Prosecution contends that the numbers of non-Serb men who were systematically arrested and detained at KP Dom indicate the existence of a plan to illegally imprison them. While the Prosecution does not contend that the accused was

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the Trial Chamber found that his contacts with the ICRC and interviews with journalists in which he justified the purpose of the camps did not have a substantial effect on the commission of the crime.

<sup>1048</sup> *Blaškić* Judgement, para. 279.

<sup>1049</sup> *Blaškić* Judgement, para. 279.

the original “mastermind” behind this plan, he certainly participated in its execution, which itself required planning in his position as warden. Indeed, the request which the accused signed requesting the laying of land mines shows his involvement in planning the security to ensure against detainees escaping from their confinement. He, in addition, was involved in the establishment of prison rules. According to his own admission, he brought the rules of internal organisation to the Ministry of Justice during a meeting in Bjijelina.<sup>1050</sup>

461. Furthermore, the accused as warden had to plan for provisions for those inside the KP Dom, including all detainees and convicts. This kind of planning is evident from documents signed by the accused requesting food supplies. The accused was involved in plans involving securing and distributing food, toiletries, blankets, and other supplies. Based on his knowledge of the number of detainees and convicts, it would have been clear that the amounts he obtained were inadequate.

462. Regarding slavery and forced labour, the accused participated in the plans to use Muslim detainees in the economic enterprises of the KP Dom. By his own admission, the accused supervised the furniture factory, metalwork shop and farm, which all used Muslim detainee labour. Savo Todović prepared a list of workers, which the accused approved for use by the heads of the different economic units. The preparation and approval of these lists, and the transportation of the detainees to and from their workplace (including to the house of the accused) all entailed co-ordination and planning, in which the accused participated.

### **“ordering”**

463. “Ordering” under Article 7(1) requires first, that the accused give an express or implied order to a subordinate or other person over whom the accused was in a position of authority, upon which the direct perpetrator(s) acted in execution; and second, that the accused either intended that the crime be committed or was aware of the substantial likelihood that the crime committed would be a consequence of carrying out the order.

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<sup>1050</sup> Testimony of the accused, T. 8135.

**“aiding and abetting”**

464. The Prosecution contends that the accused aided and abetted the crimes of torture, cruel treatment (with regard to beatings) and murder. In addition, aiding and abetting is charged as an alternative to all the crimes with which he has been charged as a principal in the previous sections.

465. While not physically perpetrating the acts of beatings (constituting torture and cruel treatment) or murder, the accused aided and abetted the soldiers and other non-KP Dom staff who participated in those actions by providing the means to perpetrate the crimes. While the evidence does not show beyond reasonable doubt that he was actually present during the commission of any of those crimes at night, it is highly unlikely that he would not have been informed of such ongoing and egregious activities whenever he came to work in the daytime. His tolerance of the activities gave encouragement to the principal perpetrators and constitute aiding and abetting.

466. No *formal* superior-subordinate relationship is required for a finding of “ordering” as long as it is established that the accused possessed the authority to order.<sup>1051</sup> While this form of participation under Article 7(1) requires that the accused actually gave an order, the giving of an order may be proved circumstantially, and there is no requirement of direct evidence that it was given.<sup>1052</sup> Furthermore, there is no requirement that the order be in writing or in any particular form.<sup>1053</sup> An order to commit a crime within the jurisdiction of the Tribunal may be express or implied, *i.e.*,

<sup>1051</sup> *Kordić* Judgement, para. 388. The *Kordić* Trial Chamber disagreed with the *Blaškić* and *Akayesu* Chambers in this respect. See *Blaškić* Judgement, para. 281, citing *Akayesu* Judgement, para. 483.

<sup>1052</sup> See, International Military Tribunal for the Far East, Judgement: “During a period of several months the Tribunal heard evidence, orally or by affidavit, from witnesses who testified in detail to atrocities committed in all theatres of war on a scale *so vast, yet following so common a pattern* in all theatres that *only one conclusion is possible*- the atrocities were either secretly ordered or wilfully permitted by the Japanese Government or individual members thereof and by the leaders of the armed forces”, quoted in *Law Reports of Trials of War Criminals*, Volume XV, London, 1949, p. 65, emphasis added by the commentator. As stated in the commentary therein, the decision deals with circumstantial evidence as a basis for the conclusion that “a superior *must be taken to have* ordered or connived at offences on the parts of his subordinates” (emphasis in the original).

<sup>1053</sup> See, *Trial of Brigadeführer Meyer (the Abbaye Ardenne Case)* IV Law Reports 97, at 108: “There is no evidence that anyone heard any particular words uttered by the accused which would constitute an order, *but it is not essential that such evidence be adduced. The giving of the order may be proved circumstantially*; that is to say, you may consider the facts you find to be proved bearing upon the question whether the alleged order was given, and if you find that the only reasonable inference is that an order that the prisoners be killed was given by the accused at the time and place alleged, and that the

an accused may be held responsible for ordering the commission of a crime if the conduct of the accused *vis-à-vis* his or her subordinates is intended to be, and understood as, an implicit order.<sup>1054</sup>

467. The *mens rea* requirements of “ordering” are met if the accused is aware of the substantial likelihood that a crime within the jurisdiction of the Tribunal will be committed as a result of the execution of the order, even if the crime that was committed was not the actual purpose of the order. It is unnecessary to prove that the subordinates who executed the order shared the *mens rea* of the accused.

468. In the present case, the Prosecution has proven through circumstantial evidence that the accused ordered the KP Dom staff, including guards, to enforce a system of abuse and terror. Exhibit D 29, establishing the KP Doms throughout the Serbian Republic of Bosnia and Herzegovina, expressly directs the wardens to “issue rules on internal organisation,” which the accused admitted doing.<sup>1055</sup> As the warden was also in charge of “managing” the KP Dom, he had authority to issue orders to his subordinates. The consistent execution of ill-treatment of the detainees could only occur if the guards and other staff were acting under co-ordinated orders from the person in charge of the institution, or someone to whom he delegated authority. In addition, the Prosecution contends that the accused ordered guards not to intervene in the beatings and killings committed by those inside and outside KP Dom. No reports were ever made of these abuses, nor was anyone ever punished for them. While no written orders were produced in evidence, and there was no direct evidence of the accused actually issuing oral or written orders to the guards, the circumstantial evidence supports a finding the staff acted upon orders issued by the accused on all these matters.

## **2. Intent**

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prisoners were killed as a result of that order, you may properly find the accused guilty” (emphasis added).

<sup>1054</sup> *Blaškić* Judgement, para. 281.

<sup>1055</sup> The accused testified that when he was called to a meeting in Biljelina on 19 September 1992, he brought with him the internal rules, which were unchanged from before the war.

469. The *Kordić* Trial Chamber endorsed the finding of the *Blaskić* Trial Chamber and found that “an accused will only be held responsible for planning, instigating or ordering a crime if he directly or indirectly intended that the crime be committed.”<sup>1056</sup>

470. The Prosecution contends that the evidence proves intent beyond a reasonable doubt. The accused went to work at the KP Dom every workday from 7:00 a.m. until 3:00 p.m., and sometimes later. Through his consistent actions, it is clear that he intended that his orders be carried out and that the institution be run according to his leadership. The accused met regularly with members of the Crisis Staff and the Ministry of Justice, and did such a good job that he was, in effect, promoted from temporary to permanent warden on 17 July 1992. All these actions to further his standing within a repressive regime indicate a clear intent to commit the crimes.

### 3. Common Purpose Liability/ Joint Criminal Enterprise<sup>1057</sup>

471. The Prosecution contends that the common purpose in which the accused participated was to confine and enslave non-Serb civilians in the KP Dom under inhumane conditions.<sup>1058</sup> Under the second category regarding joint criminal enterprises (acting pursuant to a concerted plan) set out by the Appeals Chamber analysis in *Tadić*, the accused can be held criminally liable if he actively participates in the enforcement of a system of repression, knowing the nature of the system and intending to further the common design to ill-treat inmates.<sup>1059</sup> The Trial Chamber in *Brđanin* agreed that this category, relating to so-called concentration camp cases, was really a variant of the first category (same criminal intention), but it went further to state, “The role of the accused in the second category is enforcing the plan by aiding and abetting the perpetrator.”<sup>1060</sup> While the Trial Chamber also recognised that the state of mind in relation to joint criminal enterprise must be greater than in a case based solely on aiding and abetting,<sup>1061</sup> the Prosecution wishes to emphasise that an accused found guilty under this theory of joint criminal enterprise can also be a co-

<sup>1056</sup> *Kordić* Judgement, para. 386.

<sup>1057</sup> Prosecutor’s Pre-Trial Brief, paras. 42-63. This Trial Chamber has stated its preference for the nomenclature “joint criminal enterprise” to that of “common purpose.” *Prosecutor v. Brđanin & Talić*, Decision on Form of Further Amended Indictment and Prosecution Application to Amend, Trial Chamber II, Case No. IT-99-36-PT, 26 June 2001 (“*Brđanin & Talić* Decision”), para. 27.

<sup>1058</sup> Prosecutor’s Pre-Trial Brief, para. 49.

<sup>1059</sup> Prosecutor’s Pre-Trial Brief, paras. 51-56.

<sup>1060</sup> *Brđanin & Talić* Decision, para. 27.

perpetrator or principal, rather than “merely” an aider and abettor. To hold otherwise would unnecessarily diminish the role of the prison camp commander in a common plan to confine and enslave non-Serb civilians. It cannot be said, for example, that the warden in charge of a prison-camp created for the very purpose of abusing detainees is merely an aider or abettor. He is a co-perpetrator.<sup>1062</sup> While there certainly could be other participants in the joint criminal enterprise who are indeed aiders and abettors, the warden should not be regarded as one of them.

472. The Appeals Chamber discussed the holdings of courts in the “so-called ‘concentration camp’ cases” after World War II in which “the accused, when they were found guilty, were regarded as *co-perpetrators* of the crimes of ill-treatment, because of their objective ‘positions of power’ within the concentration camp system and because they had ‘the power to look after the inmates and make their life satisfactory’ but failed to do so.” (emphasis added)<sup>1063</sup> Furthermore, the Appeals Chamber cited without comment the findings of courts in those cases that participants in the concerted plan of ill-treatment were *not* the same as aiders and abettors. Citing the Auschwitz concentration camp case, the Appeals Chamber summarised its finding as follows: “Although the court reached the same result, it nevertheless did not apply the doctrine of common design but *instead* tended to treat the defendants as aiders and abettors as long as they remained within the framework provided by their orders and as principal offenders if they acted outside this framework.” (emphasis added)<sup>1064</sup> The implication is that a theory of basic joint criminal enterprise makes all participants (sharing the same common purpose) co-perpetrators rather than aiders and abettors.

473. Furthermore, the Appeals Chamber found that the *actus reus* in this second category of joint criminal enterprise was the *active* participation in the enforcement of a system of repression and the simultaneous *failure* to care for the inmates, thus furthering the common plan to ill-treat them. Thus, this category explicitly envisions that occupying such an “objective position of authority” creates a duty of care, the

<sup>1061</sup> *Brđanin & Talić* Decision, para. 27, note 108.

<sup>1062</sup> Such a distinction between principal perpetrators and aiders and abettors becomes important in light of the civil law principle mentioned in *Brđanin & Talić* Varying Decision, para. 2; cf., *Brđanin & Talić* Decision, para. 25, note 97 (Trial Chamber characterised as “beg(ging) the question” the Appeals Chamber description of participants in a joint criminal enterprise sharing the same criminal intention as “co-perpetrators”).

<sup>1063</sup> *Tadić* Appeals Judgement, para. 203 (footnotes omitted).

failure of which constitutes criminal conduct entailing individual criminal responsibility under Article 7(1).

474. In respect of joint criminal enterprises falling within the third category, the Trial Chamber in *Brđanin* interpreted the *Tadić* Conviction Appeal Judgement as requiring the Prosecution to establish:

- (i) that the crime was a natural and foreseeable consequence of the execution of that enterprise, and
- (ii) that the accused was aware that such a crime was a *possible* [rather than probable] consequence of the execution of that enterprise, and that, with that awareness, he participated in that enterprise.<sup>1065</sup>

475. The Trial Chamber was satisfied that the Prosecution did not need to prove that the accused intended the foreseeable crime to be committed or that the accused shared the state of mind of the perpetrator required for that foreseeable crime.<sup>1066</sup>

476. Thus, the Trial Chamber in *Brđanin* found that the *mens rea* of the accused required for the crimes falling within the object of the joint criminal enterprise is that the accused shared with the other perpetrators of the crime the state of mind required for that crime. On the other hand, if the crime is beyond the object of the joint criminal enterprise, then the accused need only be aware that the crime committed was a possible consequence in the execution of that enterprise and that, the accused, being so aware, participated in the enterprise.<sup>1067</sup>

477. In the present case, the Prosecution contends that the accused acted as a co-perpetrator in the joint criminal enterprise of running the illegal prison-camp, and as such, is directly responsible for the actions that were part of the common purpose. In addition, even if the murders and beatings committed by soldiers and other individuals coming from outside KP Dom were found to be outside the common purpose, they were nevertheless natural and foreseeable consequences of the regime at the KP Dom which permitted soldiers access to the detainees through the guards.

<sup>1064</sup> *Tadić* Appeals Judgement, para. 203, note 254.

<sup>1065</sup> *Brđanin & Talić* Decision, para. 30. See also *Čelebići* Judgement, para. 345 (endorsing the finding by the *Tadić* Appeals Chamber that the accused must have foreseen the possibility that a further crime would result and accepted the risk thereof); *Tadić* Appeals Judgement, para. 192.

<sup>1066</sup> *Brđanin & Talić* Decision, para. 30.

<sup>1067</sup> *Brđanin & Talić* Decision, para. 31.

## B. Criminal Responsibility as a Superior under Statute Article 7(3)<sup>1068</sup>

478. Both the Appeals Chamber in *Čelebići* and the Trial Chamber in *Kunarac* affirmed the three elements set out in the Prosecutor's Pre-Trial Brief for superior responsibility.<sup>1069</sup>

### 1. Superior-Subordinate Relationship

479. The *Čelebići* Appeals Chamber confirmed that "effective control" is the accepted standard for determining superior responsibility.<sup>1070</sup> The Appeals Chamber held, "In determining questions of responsibility it is necessary to look to effective exercise of power or control and not to formal titles."<sup>1071</sup> Within contemporary conflicts, where there may only be *de facto* governments with subordinate *de facto* groups,<sup>1072</sup> courts would be "powerless to enforce humanitarian law" if it only accepted as proof of command authority formal documents establishing clear responsibilities; rather, they must consider the *de facto* powers of commanders and superiors.<sup>1073</sup>

480. Similarly, the status of subordinates may also be of a *de facto* and not a *de jure* character. The Appeals Chamber agreed with the Trial Chamber in *Čelebići* that the relationship of subordination may be direct or indirect, given the breakdown of previous formal structures and the interim period when "new, possibly improvised, control and comand structures may be ambiguous and ill-defined."<sup>1074</sup> It held that "references to concepts of subordination, hierarchy and chains of command must be read in this context, which makes it apparent that they need not be established in the sense of formal organisational structures" so long as there is effective control.<sup>1075</sup> The Trial Chamber in *Kunarac* also held, "The relationship between the commander and

<sup>1068</sup> Prosecutor's Pre-Trial Brief, paras. 64-99.

<sup>1069</sup> *Kordić* Judgement, para. 401; *Kunarac* Judgement, para. 395.

<sup>1070</sup> *Prosecutor v. Čelebići et al.*, Judgement, IT-96-21-A, 20 Feb. 2001, ("*Čelebići* Appeals Judgement"), para. 196.

<sup>1071</sup> *Čelebići* Appeals Judgement, para. 197.

<sup>1072</sup> *Čelebići* Appeals Judgement, para. 193.

<sup>1073</sup> *Čelebići* Appeals Judgement, para. 193.

<sup>1074</sup> *Čelebići* Appeals Judgement, para. 254, quoting *Čelebići* Trial Judgement, para. 354.

<sup>1075</sup> *Čelebići* Appeals Judgement, para. 254.

his subordinates need not have been formalized; a tacit or implicit understanding between them as to their positioning *vis-à-vis* one another is sufficient.”<sup>1076</sup>

481. Furthermore, “Both those permanently under an individual’s command and those who are so only temporarily or on an *ad hoc* basis can be regarded as being under the effective control of that particular individual,” as long as the acts were committed during the time when those subordinates were under the effective control of that particular individual.<sup>1077</sup>

482. In determining effective control, the Trial Chamber should begin with an accused’s official position.<sup>1078</sup> While such *de jure* power alone is not conclusive of effective control, “a court may presume that possession of such power *prima facie* results in effective control unless proof to the contrary is produced.”<sup>1079</sup>

483. Other factors relevant to a finding of effective control by a superior over *de facto* subordinates may include, but are not limited to, the capacity to sign orders, the substance of the orders and whether they were acted upon;<sup>1080</sup> formal procedures for appointment to office;<sup>1081</sup> the position of the accused in the overall institutional, political and military organisation;<sup>1082</sup> the actual tasks performed, such as the high public profile of the accused, his overall behaviour towards subordinates and his duties.<sup>1083</sup> The Trial Chamber in *Čelebići* considered, and the Appeals Chamber accepted, the following factors in concluding that a camp commander had *de facto* authority: the accused’s acknowledgement of his authority for part of the relevant time period, the accused’s use of his “limited” authority to prevent crimes and mistreatment, evidence that offenders tried to conceal offences from him, that when the accused was at the camp there was “far greater” discipline than when he was absent, the deputy commander’s statements to detainees that the accused was commander, the accused’s arranging for transfer of detainees, his classifying detainees for continued detention or release, control of guards and authority to release

<sup>1076</sup> *Kunarac* Judgement, para. 397.

<sup>1077</sup> *Kunarac* Judgement, para. 399.

<sup>1078</sup> *Kordić* Judgement, para. 418.

<sup>1079</sup> *Čelebići* Appeals Judgement, para. 197.

<sup>1080</sup> *Kordić* Judgement, para. 421.

<sup>1081</sup> *Kordić* Judgement, para. 422.

<sup>1082</sup> *Kordić* Judgement, para. 423.

<sup>1083</sup> *Kordić* Judgement, para. 424.

prisoners.<sup>1084</sup> In addition, the giving of orders, the exercise of powers generally attached to a military command,<sup>1085</sup> the submitting of reports to competent authorities in order for proper measures to be taken,<sup>1086</sup> and “sanctioning power”<sup>1087</sup> may also be considered.

484. In *Čelebići*, the Appeals Chamber declined to decide whether a civilian leader’s responsibility contained identical elements to that of military commanders.<sup>1088</sup> It defined the powers of a military superior as “command,” while stating that “‘control,’ which has a wide meaning, may encompass powers wielded by civilian leaders.”<sup>1089</sup> With regard to both military and civilian superiors, the standard of effective control applies.<sup>1090</sup>

485. In the present case, the accused Krnojelac's *de jure* superior authority derives from his position as warden of KP Dom. It is undisputed that he was appointed as temporary warden of KP Dom on 18 April 1992. It is also undisputed that on 17 July 1992, the Ministry of Justice appointed him warden of KP Dom. In addition, the accused’s *de jure* superior authority derives from his position as Captain First Class, the only military officer in the prison camp. The accused tried to minimise his *de jure* authority by calling it “red tape,” or “paperwork.”<sup>1091</sup> “I was not in direct contact with the military in that respect (regarding food). It was only paperwork, and that is not a direct contact. Resolving things through paperwork is not direct contact for me.”<sup>1092</sup>

486. The accused exercised powers and duties consistent with his superior position and had "effective control" over his subordinates. The accused ordered and supervised guards and other prison staff, took part in the admittance and release of detainees, intervened in the ill-treatment of detainees or improved conditions, allowed particular detainees to leave the prison camp, communicated with military and

<sup>1084</sup> *Čelebići Appeals Judgement*, para. 206.

<sup>1085</sup> *Kunarac Judgement*, para. 397.

<sup>1086</sup> *Blaškić Judgement*, para. 302.

<sup>1087</sup> *Aleksovski Judgement*, para 78. Sanctioning power is defined as “the possibility of transmitting reports to appropriate authorities suffices once the civilian authority, through its position in the hierarchy, is expected to report whenever crimes are committed, and that, in the light of this position, the likelihood that those reports will trigger an investigation or initiate disciplinary or even criminal measures is extant.” *Id.*

<sup>1088</sup> *Čelebići Appeals Judgement*, para. 240.

<sup>1089</sup> *Čelebići Appeals Judgement*, para. 196.

<sup>1090</sup> *Čelebići Judgement*, para. 378.

<sup>1091</sup> Testimony of the accused, T 7906, 7963.

political authorities from outside the prison, represented the KP Dom administration in meetings in Republika Srpska and Yugoslavia, including meetings with the Ministry of Justice, met with ICRC representatives when they visited KP Dom, and organised visitors for selected detainees. In addition, guards reported to the accused in daily briefings. Krnojelac's daily communications at the facility with other high level staff, including the deputy commander and the commander of the guards, further support his de facto superior authority at KP Dom.

## 2. Knowledge

487. The Prosecution submits that military and civilian commanders have the same knowledge requirements for the purposes of Article 7(3). That is, it must be established that they "knew or had reason to know" that the subordinate was about to commit a prohibited act or had done so. "Knew" means "actual knowledge, established through direct or circumstantial evidence" and "had reason to know" means the accused had "information... available to him which would have put him on notice of offences committed by subordinates."<sup>1093</sup> This approach has been endorsed in the *Čelebići Appeals Judgment*<sup>1094</sup> as consistent with the customary law standard of mens rea existing at the time of the offences charged in the indictment.

488. The Prosecution notes that the *Čelebići Appeals Chamber*<sup>1095</sup> did not resolve the issue of whether or not civilian commanders have the same knowledge requirements for the purposes of Article 7(3) as military commanders. The Prosecution submits that military and civilian commanders have the same knowledge requirements because:

489. First, existing case law does not suggest there are different knowledge requirements; Article 7(3) of the Statute also does not itself suggest there are different knowledge requirements;

490. Article 86(2) of Additional Protocol I, which the *Čelebići Appeals Chambers* appear to regard as reflective of customary law for all conflicts, does not suggest that

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<sup>1092</sup> Accused T 7906.

<sup>1093</sup> *Prosecutor v. Delalić et al*, Case No. IT-96-21-T, Judgement, 16 Nov. 1996, (*Čelebići Trial Judgement*), para 383.

<sup>1094</sup> *Čelebići Trial Judgement*, para 241.

<sup>1095</sup> *Čelebići Appeals Judgement*, para 240.

there are different knowledge requirements. The *Čelebići* Appeals Chamber decided that Article 87 of Additional Protocol I, which imposed specific duties on military commanders, was not relevant to determination of the customary law knowledge standard for military commanders.<sup>1096</sup> By necessary implication, therefore, the knowledge standard is the same for both military and civilian commanders;

491. The rationale for the doctrine of superior or command responsibility is that the commander may be held liable because he exercises effective control over subordinates. Neither military nor civilian commanders may be held responsible under Article 7(3) unless they exercise effective control. There is no logically necessary reason why civilian commanders should benefit from a different knowledge standard than that applicable to military commanders; and

492. The Prosecution notes that that ICC Statute, adopted by the Rome Conference in 1998 distinguishes in Article 28 between (a) military commanders and persons (civilians) effectively acting as military commanders, and (b) other civilian superiors and assigns different knowledge requirements to each group. The Prosecution submits, however, that this distinction is new law specifically applicable to the ICC. It is not customary law at present and most certainly was not customary law when the offences charged in the indictment were committed.

493. The Prosecution submits the accused was a military commander or, if he was a civilian, he was a civilian effectively acting as a military commander, or at the very least, a quasi-military commander.

### **3. Actual knowledge**<sup>1097</sup>

494. The Trial Chamber in *Kordić* affirmed that actual knowledge can be established through both direct and circumstantial evidence.<sup>1098</sup> Circumstantial evidence allows for an inference that the superior “must have known” of subordinates’ criminal acts.<sup>1099</sup> The Trial Chamber also held that the actual knowledge of a military commander may be easier to prove “considering the fact that

<sup>1096</sup> *Čelebići* Appeals Judgement, para 237.

<sup>1097</sup> Prosecutor’s Pre-Trial Brief, paras. 79-83.

<sup>1098</sup> *Kordić* Judgement, para. 426-427.

<sup>1099</sup> *Kordić* Judgement, para. 427.

he will presumably be part of an organised structure with established reporting and monitoring systems.”<sup>1100</sup> On the other hand, “In the case of *de facto* commanders of more informal military structures, or of civilian leaders holding *de facto* positions of authority the standard of proof will be higher.”<sup>1101</sup>

495. In the present case, the evidence has shown that as warden, the accused had actual knowledge of the crimes being committed inside KP Dom. The accused was present during regular working hours every day and on occasion, even at night and weekends. He saw detainees arrive in the prison camp and saw them depart. He could see the detainees being taken to and from meals, as well as whenever they worked in the economic units. Therefore, the Trial Chamber can infer that the accused knew about the poor living conditions for Muslim detainees at KP Dom. Furthermore, the beatings and torture during interrogations occurred partly in rooms directly downstairs from the accused’s office; therefore, he could hear the sounds of such beatings. The accused also signed requests to the military for food, so he was fully aware that what was being provided to detainees was inadequate. The accused also signed documents indicating his knowledge of the number of detainees and prison staff, and Defence witnesses testified that roll call was taken daily, with lists being kept in the entrance to each prisoners’ quarters; therefore, the accused was aware that the numbers of detainees decreased as they were taken out for exchange or simply disappeared.

496. Moreover, the evidence has proven that the accused learned about the inhuman living conditions from detainees, with whom he admitted speaking. Although the accused denies discussing these matters, the detainees described their conversations in detail and testified that on occasion, the accused even promised to improve conditions but didn’t.

497. The Trial Chamber may also infer knowledge by the accused by virtue of his superior position. The accused admits being in charge of the physical premises of KP Dom, including the prisoners’ quarters. Therefore, the Trial Chamber can infer that the accused knew of the inhumane conditions, such as the lack of heating during the winter. Because of his superior position regarding food and other provisions, he also

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<sup>1100</sup> *Kordić* Judgement, para. 428.

<sup>1101</sup> *Kordić* Judgement, para. 428.

knew that there were insufficient supplies provided to the Muslim detainees. The Trial Chamber can also infer that he received reports from his subordinates regarding the disappearances of detainees as well as the beatings and murders occurring even during his absence. Based on all these factors, the Trial Chamber can conclude that the accused knew of the crimes being committed by his subordinates.

#### **4. Reason to know**<sup>1102</sup>

498. The Appeals Chamber in *Čelebići* adopted part of the test set forth in the Prosecutor's Pre-Trial Brief, that a superior is criminally responsible if he deliberately ignores available information that would put him on notice of offences likely to be committed.<sup>1103</sup> However, the Appeals Chamber rejected the second part of the test, that criminal liability attaches when a superior "should have known" that a subordinate was about to commit or had committed an offence, but negligently failed to obtain such information, "amounting to serious personal dereliction and wanton disregard for the actions of subordinates."

499. Emphasising that it rejected any form of strict liability, the Appeals Chamber in *Čelebići* held that the phrase in Article 7(3) "had reason to know" required that the accused be "put on notice" of subordinate's acts by some information.<sup>1104</sup>

500. The superior need only have "*some general* information in his possession, which would put him on notice of *possible* unlawful acts by his subordinates." (emphasis added).<sup>1105</sup> Such information may be written or oral and does not need to provide specific information about unlawful acts committed or about to be committed. It may include reports addressed to the superior, the tactical situation, and the training, instruction and character traits of subordinate officers and troops.<sup>1106</sup> The Appeals Chamber cited as an example "a military commander who has received information that some of the soldiers under his command have a violent or unstable character, or have been drinking prior to being sent on a mission."<sup>1107</sup>

<sup>1102</sup> Prosecutor's Pre-Trial Brief, paras. 79, 86-92.

<sup>1103</sup> Prosecutor's Pre-Trial Brief, para. 87.

<sup>1104</sup> *Čelebići* Appeals Judgement, paras. 229, 241 (citing *Celebići* Judgement, para. 383).

<sup>1105</sup> *Čelebići* Appeal Judgement, para. 238.

<sup>1106</sup> *Čelebići* Appeal Judgement, para. 238 (citing the ICRC Commentary to Additional Protocol I).

<sup>1107</sup> *Čelebići* Appeal Judgement, para. 238.

501. The Trial Chamber in *Kordić* also found that the indicia listed in the United Nations Commission of Experts Report, referred to in the context of actual knowledge of specific crimes, were applicable to determining whether this general knowledge could be imputed to an accused.<sup>1108</sup> The Appeals Chamber cited as examples, the widespread nature of large-scale atrocities over a long period of time,<sup>1109</sup> and the opportunity of a business manager of a war-time enterprise during inspection of his concerns “to ascertain the fate meted out to his personnel, since he could not fail to notice the prisoner’s uniform on those occasions.”<sup>1110</sup>

502. The general information putting a superior on notice of possible crimes needs only to have been provided or available to or “in the possession of” the superior. “It is not required that he actually acquainted himself with the information.”<sup>1111</sup>

503. Moreover, in affirming the holding of the *Čelebići* Trial Chamber on its interpretation of “had reason to know”, the Appeals Chamber found that knowledge of a superior that his subordinates had committed or were about to commit offences “may be presumed if he had the *means* to obtain the knowledge but deliberately refrained from doing so.” (emphasis in the original)<sup>1112</sup> However, mere neglect of a duty to keep himself apprised of his subordinates’ actions or to obtain information of a crime will not necessarily result in criminal liability.<sup>1113</sup>

504. The evidence has shown that the accused had ample reason to know that his subordinates were committing crimes. As the detainee population decreased, he had reason to know that detainees were either killed or deported.

## **5. Necessary and Reasonable Measures**

<sup>1108</sup> *Kordić* Judgement, para. 437. The list of factors is cited in the Prosecutor’s Pre-Trial Brief at para. 80.

<sup>1109</sup> *Čelebići* Appeal Judgement, para. 228.

<sup>1110</sup> *Čelebići* Appeal Judgement, para. 229 (citing *The Government Commissioner of the General Tribunal of the Military Government for the French Zone of Occupation in Germany v. Herman Roehling and Others, Indictment and Judgement of the General Tribunal of the Military Government of the French Zone of Occupation in Germany, Vol. XIV, Trials of War Criminals Before Military Tribunals Under Control Council Law No. 10* (US Gov’t Printing Office: Washington), Appendix B, 1061).

<sup>1111</sup> *Čelebići* Appeal Judgement, para. 239.

<sup>1112</sup> *Čelebići* Appeal Judgement, para. 226.

<sup>1113</sup> *Čelebići* Appeal Judgement, para. 226.

505. The Trial Chamber in *Kordić* agreed with the *Blaškić* Trial Judgement that when a superior knew that crimes were being committed and failed to prevent them, he cannot exonerate himself from criminal responsibility simply by punishing the subordinates afterwards.<sup>1114</sup> Furthermore, a person assuming command after the commission of crimes by subordinates is also under an obligation to take all necessary and reasonable measures to punish the perpetrators of such crimes.<sup>1115</sup> “This duty includes *at least* an obligation to *investigate* the crimes to establish the facts and to report them to the competent authorities, if the superior does not have the power to sanction himself.” (emphasis added)<sup>1116</sup>

506. In the present case, the accused failed to take the necessary and reasonable measure within his material ability to prevent crimes or punish the crimes of his subordinate.

507. While claiming that he could not complain or punish a guard for failing to protect property, the accused testified that he “would somehow have to provide a person from among the work obligations to stand guard there.”<sup>1117</sup> Furthermore, he gave a detailed description of other measures he could have taken:

I don't know whether there would be any use from that or not, but I know that I naturally could send a letter of that kind to the Tactical Group or, rather, the military command saying that that kind of thing was happening. Or I would inform the police station and then let them use their own know-how as to what should be done and against whom proceedings should be initiated, that's what I meant. Because I would like it to be obvious that I had taken measures in order to stop the damage of property, and then, according to law, somebody else would investigate why such a person did such a thing or whether this person was attacked by someone else and he had no choice, things like that.<sup>1118</sup>

508. Furthermore, with respect to the farm, the accused testified specifically:

I had no rules of the procedure to punish anyone. I merely find out, investigate, and if an offence had been committed or if something that I didn't know what to do with it, then I would notify the ministry in writing as to what had been done, what had been found out, and they

<sup>1114</sup> *Blaškić* Judgement, para. 336, confirmed in the *Kordić* Judgement, para. 444.

<sup>1115</sup> *Kordić* Judgement, para. 446.

<sup>1116</sup> *Kordić* Judgement, para. 446.

<sup>1117</sup> Accused T 7954.

<sup>1118</sup> Accused T 7955.

would, I suppose, issue me with the guidelines as to what to do and how to resolve it. Whether I should be dismissed or the one who did that, they would decide as to what would need to be done next. Because I came from teaching, I couldn't really be familiar with all those mechanisms and laws and how these things were resolved. That is how I would have acted had something like that happened, but it didn't. ...I would have to initiate the investigation and notify the ministry of such an incident, and then they would tell me what I should do next, or perhaps they would take over the case. But I would have to do that.<sup>1119</sup>

The accused never took any of these measures available to him in carrying out his job.

509. Instead, the accused only helped the few individuals with whom he had a pre-existing relationship, such as R.J. He made those choices based on personal preferences, such as by his own admission that he would "habitually meet with more prominent people in town who were detained at KP Dom."<sup>1120</sup>

510. That the accused had other measure to prevent the crimes is indicated by the fact that as soon as the accused was replaced by a new warden, the conditions in the prison camp changed to the better drastically, in particular the behaviour of the guards toward the detainees improved considerably. The accused in addition failed even to report these abuses to his superiors.

### **C. Article 3 - Common Elements<sup>1121</sup>**

511. The nexus between the crimes and the armed conflict has been proven.<sup>1122</sup> The Muslim and other non-Serb detainees were arrested and brought to the KP Dom by soldiers. The accused himself admits the involvement of the military in their confinement and treatment. Furthermore, some of the crimes themselves, such as beatings and murders, were committed by soldiers, sometimes in revenge for battle results or other casualties.

<sup>1119</sup> Accused T 7962-7965.

<sup>1120</sup> Exhibit P48a, interview, p.26.

<sup>1121</sup> Prosecutor's Pre-Trial Brief, paras. 249-252.

<sup>1122</sup> The existence of an armed conflict between the Muslim and Serb population in Foča at the relevant time has been agreed upon by both parties. Pre-Trial Conference, T. 118.

## D. Article 5 - Common Elements<sup>1123</sup>

512. Regarding the element “attack”, the Trial Chamber in *Kunarac* concluded on substantially similar evidence that there was an extensive attack by the Serb forces targeting the Muslim and other non-Serb civilian population in the area of Foča, Gacko and Kalinovik municipalities.<sup>1124</sup>

513. The Trial Chamber also held that in the context of a crime against humanity, the term “attack” “may also encompass situations of mistreatment of persons taking no active part in hostilities, such as someone in detention.”<sup>1125</sup>

### 1. “widespread”

514. The attack on the Muslim population in and around Foča involved large numbers of victims and covered a broad geographic area, as discussed in the factual section above. Therefore, this element of Article 5 has been met.

515. Regarding the element “systematic”, the Trial Chamber in *Kunarac* held that a common expression of systematic occurrence is the pattern of crimes, that is, “the non-accidental repetition of similar criminal conduct on a regular basis.”<sup>1126</sup>

### 2. Systematic

516. The attack on the Muslim population in and around Foča was well-organised and prolonged. People were systematically rounded up and taken to central detention centers such as KP Dom. Such actions could not have occurred without coordination. In addition, the close workings of the municipal organs, with oversight from the Crisis Staff and later, War Presidency, show that the violence and intimidation which led to the expulsion of all Muslims (and other non-Serbs) from Foča was systematic.

### 3. Knowledge of Context

<sup>1123</sup> Prosecution’s Pre-Trial Brief and need not be repeated here. Prosecutor’s Pre-Trial Brief, para. 288.

<sup>1124</sup> *Kunarac* Judgement, para. 570.

<sup>1125</sup> *Kunarac* Judgement, para. 416.

517. For knowledge of the context, the trial chamber in *Kunarac* held that in order for an accused's actions to be part of the broader attack, the perpetrator needs to know that his acts comprise part of the attack or at least take the risk that his act is part of the attack. However, this does not require knowledge of the details of the attack.<sup>1127</sup>

518. Furthermore, regarding knowledge that the victims were civilians, the Trial Chamber held that at a minimum, "the perpetrator must have known or considered the possibility that the victim of his crime was a civilian." In cases of doubt, the Trial Chamber held, the person shall be considered to be a civilian. "The Prosecution must show that the perpetrator could not reasonably have believed that the victim was a member of the armed forces."<sup>1128</sup>

519. The accused testified that he knew the mosques in Foča were destroyed, that Muslims were being beaten in Foča, that Muslims were leaving in buses and that by the middle of August, most Muslims had left or been expelled from Foča.<sup>1129</sup> In addition, the accused knew, through his own experience helping Muslims leave Foča, that they often had to do so secretly.<sup>1130</sup> The accused also admitted knowing that prison-camps were set up in other municipalities in the Serbian Republic.<sup>1131</sup>

## E. Specific Crimes

### 1. Torture

520. The Trial Chamber in *Kunarac* held that the elements of torture were:

- (i) the infliction, by act or omission, of severe pain or suffering, whether physical or mental,
- (ii) the act or omission must be intentional, and
- (iii) the act or omission must aim at obtaining information or a confession, or at punishing, intimidating or coercing the victim or a third person, or

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<sup>1126</sup> *Kunarac* Judgement, para. 429.

<sup>1127</sup> *Kunarac* Judgement, para. 434.

<sup>1128</sup> *Kunarac* Judgement, para. 435.

<sup>1129</sup> Testimony of the accused, T 7887-7890.

<sup>1130</sup> Testimony of the accused, T 7892.

<sup>1131</sup> Testimony of the accused, T 7895.

at discriminating, on any ground, against the victim or a third person.<sup>1132</sup>

521. The Trial Chamber was “of the view that the presence of a state official or of any other authority-wielding person in the torture process is not necessary for the offence to be regarded as torture under international humanitarian law.”<sup>1133</sup>

522. Furthermore, the Trial Chamber declined to decide whether any other purposes have come to be recognised under customary international law, including humiliation.<sup>1134</sup> It agreed, however, with the Trial Chamber in *Čelebići* that “the prohibited purpose must simply be part of the motivation behind the conduct and need not be the predominating or sole purpose.”<sup>1135</sup>

523. While it is generally accepted that the degree of severity is one of the key features distinguishing torture from cruel or inhuman treatment,<sup>1136</sup> both the *Čelebići* and *Furundžija* Trial Chambers recognised, “it is difficult to articulate with any degree of precision the threshold level of suffering at which other forms of mistreatment become torture.”<sup>1137</sup> Thus, it is equally difficult to articulate the criteria for determining that the infliction of pain or suffering is of sufficient gravity as to amount to torture.<sup>1138</sup> Torture has been described by the ECHR in the *Selmouni v. France* case as “*particularly serious and cruel*” suffering.<sup>1139</sup> The Torture Declaration described torture as an “*aggravated and deliberate form of cruel, inhuman or degrading treatment.*”

<sup>1132</sup> *Kunarac* Judgement, para. 497 (citations omitted).

<sup>1133</sup> *Kunarac* Judgement, para. 496. Nevertheless, as discussed in the Prosecutor’s Pre-Trial Brief at paras. 188-190, the actions of the accused, his subordinates and co-perpetrators would constitute official involvement.

<sup>1134</sup> *Kunarac* Judgement, para. 485. See Prosecutor’s Pre-Trial Brief at para. 183.

<sup>1135</sup> *Kunarac* Judgement, para. 486.

<sup>1136</sup> Of the instruments dealing specifically with torture, only the Inter-American Convention, signed on 9 December 1985, refrains from specifying a threshold level of pain or suffering which is necessary for ill treatment to constitute torture. 2 provides: “... (t)orture shall be understood to be any act intentionally performed whereby physical or mental pain or suffering is inflicted on a person for purposes of criminal investigation, as a means of intimidation, as personal punishment, as a preventive measure, as a penalty, or for any other purpose. Torture shall also be understood to be the use of methods upon a person intended to obliterate the personality of the victim or to diminish his physical or mental capacities, even if they do not cause physical pain or mental anguish.”

<sup>1137</sup> *Čelebići* Judgement, para. 469 and *Furundžija* Judgement, paras. 163, 171.

<sup>1138</sup> Letter from Legal Officer, Trial Chamber II, 5 July 2001, para. (5).

<sup>1139</sup> Judgement of 28 July 1999, *Selmouni v. France*, ECHR Appl. No. 25803/94, para. 105. Likewise, in its decision in the *Northern Ireland Case*, the European Court found that the offence of torture was confined to ill-treatment resulting in “very serious and cruel suffering”.

524. Human rights bodies have similarly refrained from identifying the point at which another violation may amount to torture.<sup>1140</sup> The ECHR has stated that what satisfies the severity requirement depends on all the facts of the case, as well as the characteristics of the particular victim. In the *Selmouni* case, it stated: “*this severity is...relative; it depends on all the circumstances of the case, such as the duration of the treatment, its physical or mental effects and, in some cases, the sex, age, and state of health of the victim.*”

525. Moreover, what constitutes sufficient severity to rise to torture may change over time: “the Court considers that certain acts which were classified in the past as “inhuman and degrading treatment” as opposed to torture, could be classified differently in the future.”<sup>1141</sup>

526. Instead of formulating any specific criteria, the Trial Chamber cited the report of the Special Rapporteur on Torture, which contains some examples of acts that can be considered *per se* severe.<sup>1142</sup> One could add to this non-exhaustive list other obvious and analogous examples of acts that would inflict severe pain or suffering, such as being forced to watch or listen to someone else being beaten or killed. The Trial Chamber in *Kunarac*, for example, concluded that rape constituted severe mental and physical pain and suffering, stating simply, “Rape is one of the worst sufferings a human being can inflict upon another.”<sup>1143</sup> However, no specific criteria were articulated there either.

527. In reaching its findings that certain acts constituted torture, however, the Trial Chamber in *Čelebići* described being “appalled by the cruel nature” of an accused’s conduct,<sup>1144</sup> and it also considered the actual effects of the acts, such as that a particular rape victim lived “in a state of constant fear and depression, suicidal

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<sup>1140</sup> The ICRC submission to the ICC PrepCom on Elements of Crimes (presented as a formal proposal by the governments of Belgium, Costa Rica, Finland, Hungary, the Republic of Korea and South Africa and Switzerland, PCNICC/1999/WGEC.INF.2) notes that the human rights bodies specified have not defined torture, cruel treatment and other terms, nor delineated the boundaries between them” (“ICRC Submission”).

<sup>1141</sup> ICRC Submission, para. 101.

<sup>1142</sup> *Čelebići* Judgement, para. 467; Prosecutor’s Pre-Trial Brief, para. 176.

<sup>1143</sup> *Kunarac* Judgement, para. 655.

<sup>1144</sup> *Čelebići* Judgement, para. 976.

tendencies, and exhaustion, both mental and physical.”<sup>1145</sup> Furthermore, the Trial Chamber noted that a victim who was confined to a manhole for at least a night and a day without food or water described his condition when he emerged as “helpless.”<sup>1146</sup> The Trial Chamber noted, “It is evident that the victim suffered severely during the course of his confinement.”<sup>1147</sup> The Trial Chamber in *Čelebići* used both subjective and objective criteria to determine the level of severity of pain and suffering.

528. The Trial Chamber also found that single acts as well as a pattern of mistreatment could constitute torture, such as “burning his lips, tongue and ear with heated pincers, as well as subjecting him to more general mistreatment.”<sup>1148</sup>

529. The Prosecution maintains that acts of torture can inflict severe pain and suffering on victims other than the direct physical victim. For example, a perpetrator may inflict severe pain and suffering on a mother by raping her daughter. Likewise, openly beating a detainee can also inflict severe pain and suffering on those detainees who are not physically being beaten. In *Čelebići*, the Trial Chamber found that beatings “contributing to the atmosphere of terror” in the prison-camp<sup>1149</sup> can also constitute torture. While the Trial Chamber’s description focused on the prohibited purpose requirement, the Prosecution contends that such an atmosphere of terror could clearly claim as its victims all other detainees who suffered severely under those circumstances.

530. Therefore, in the present case, the specific acts of torture described in paragraphs 5.17 to 5.29 in the Indictment must be seen as not only inflicting severe physical pain and suffering but also severe mental suffering for the victims. These victims having been signaled out and ill-treated were already exhausted by the conditions and expected the worst to happen to them.

531. Even if a specific isolated act does not rise to the level of severity required to constitute torture, the Prosecution contends that the cumulation of those acts may indeed constitute torture. As several detainees testified, being subjected to a constant

<sup>1145</sup> *Čelebići* Judgement, para. 942; *see also* para. 964.

<sup>1146</sup> *Čelebići* Judgement, para. 1007.

<sup>1147</sup> *Čelebići* Judgement, para. 1007.

<sup>1148</sup> *Čelebići* Judgement, para. 998.

<sup>1149</sup> *Čelebići* Judgement, paras. 976 and 998.

regime of hearing fellow-detainees taken out and beaten (and sometimes killed) inflicted great pain and suffering on them. These beatings were designed not only to inflict punishment on the physical victims, but they also “contribut(ed) to the atmosphere of terror” in the prison-camp,<sup>1150</sup> thus fulfilling the prohibited purpose requirement as well. While one difference between inhumane acts/cruel treatment and torture can be the severity of the acts,<sup>1151</sup> the main difference is that torture requires a prohibited purpose.<sup>1152</sup>

## **2. Beatings as Cruel Treatment**

532. To date, Trial Chambers have held that severe beatings, sexual violence,<sup>1153</sup> sexual mutilations,<sup>1154</sup> inflicting burns, forced eating of grass, contribution to an atmosphere of terror<sup>1155</sup> and the use of human shields<sup>1156</sup> rise to the level of cruel treatment under Article 3 of the Statute. The breadth of acts that incur liability under cruel treatment, as under all types of inhumane treatment, are unlimited as long as the act results in serious mental or physical suffering or constitutes serious attacks against human dignity.

533. In a recent case before the Inter-American Court of Human Rights, the Court found that “prolonged isolation and forced lack of communication are in themselves cruel and inhuman treatment.”<sup>1157</sup> The case involved complete exclusion from the outside world for over a month, solitary confinement for one year; being forced to appear before judges or other authorities with head covered (“encapuchadas”).<sup>1158</sup>

## **3. Murder**

534. The Prosecution has proven the elements of murder beyond reasonable doubt. Evidence of the death of those detainees listed on Schedule C is not disputed. In addition, eyewitness testimony about how these individuals were beaten repeatedly

<sup>1150</sup> *Čelebići* Judgement, paras. 976 and 998.

<sup>1151</sup> *Čelebići* Judgement, para. 468 (“Mistreatment that does not rise to the threshold level of severity necessary to be characterised as torture may constitute another offence.”)

<sup>1152</sup> *Čelebići* Judgement, para. 1040 (“it is not a necessary element of the offence of wilfully causing great suffering or serious injury to the body or health that the harmful act be perpetrated for any particular purpose.”)

<sup>1153</sup> See e.g., *Čelebići* Judgement, para. 1066.

<sup>1154</sup> *Tadić* Judgement, paras., 197, 198 and 723.

<sup>1155</sup> *Čelebići* Judgement, paras. 975 and 976.

<sup>1156</sup> *Blaskić* Judgement, para. 700.

<sup>1157</sup> *Castillo Petruzzi y Otros*, Sentencia de 30 de mayo de 1999, Inter-Am.C.H.R. (series C) No. 52, para 192-199.

and then disappeared, all support the Prosecution's contention that they were killed at KP Dom. Juso Džamalija's suicide due to the inevitability of further beatings can also be considered "murder".

#### **4. Imprisonment**

535. The Trial Chamber in *Kordić* recognised imprisonment as a crime against humanity, holding that imprisonment of civilians will be unlawful where: (1) civilians have been detained in contravention of Article 42 of the Geneva Convention IV, *i.e.*, they are detained without reasonable grounds to believe that the security of the Detaining Power makes it absolutely necessary; (2) the procedural safeguards required by Article 43 of the Geneva Convention IV are not complied with in respect of detained civilians, even where initial detention may have been justified and (3) they occur as part of a widespread or systematic attack directed against a civilian population.<sup>1159</sup>

536. Thus, the Trial Chamber in *Kordić* interpreted imprisonment under Article 5(e) of the Statute as "arbitrary imprisonment, that is to say, the deprivation of liberty of the individual without due process of law, as part of a widespread or systematic attack directed against a civilian population."<sup>1160</sup>

537. The Prosecution does not contend that the accused was under a duty to release prisoners. In *Čelebići* the Appeals Chamber rejected any argument that a guard's omission to take unauthorised steps to release prisoners would suffice to constitute the crime of unlawful confinement. The Appeals Chamber held that such steps were not required "particularly in light of the fact that among the detainees there may be persons who are lawfully confined because they genuinely do pose a threat to the security of the State."<sup>1161</sup> In the present case, the Defence does not challenge the illegality of the initial confinement, nor do they appear to challenge the evidence that no procedures were in place to review the continued detention. The accused himself, as discussed above, stated that he would have released the Muslim detainees if he had the authority, because he knew there was no legal basis for their detention. In contrast to the Serb convicts serving their sentences, for whom the accused did prepare reports

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<sup>1158</sup> The Commission did not ask the Court, and the Court did not choose, to consider whether these measures amounted to torture.

<sup>1159</sup> *Kordić* Judgement, para. 303.

<sup>1160</sup> *Kordić* Judgement, para. 302.

<sup>1161</sup> *Čelebići* Appeals Judgement, para. 342.

and recommendations for reduction of sentence, no such procedures were in place even for non-Serb detainees who also worked.

## 5. Slavery/Enslavement<sup>1162</sup>

### **Slavery Under Article 5**

538. In *Kunarac*, the Trial Chamber found slavery to constitute a crime against humanity under Article 5 of the Statute.<sup>1163</sup> While not purporting to be an “exhaustive pronouncement on the law of enslavement,”<sup>1164</sup> the Trial Chamber considered international humanitarian law and human rights law in reaching its conclusion that “enslavement as a crime against humanity in customary international law consisted of the exercise of any or all of the powers attaching to the right of ownership over a person.”<sup>1165</sup>

539. The Trial Chamber held that this definition may be “broader than the traditional and sometimes apparently distinct definition” of slavery or forced labour found in other areas of international law.<sup>1166</sup> It considered and was in “general agreement” with the factors set forth in the Prosecutor’s Pre-Trial Brief as considerations in determining whether slavery was committed.<sup>1167</sup>

540. It found that an indicia of slavery could include “the exaction of forced or compulsory labour or service, often without remuneration and often, though not necessarily, involving physical hardship....”<sup>1168</sup> Although not *all* labour or service by protected persons is prohibited, “strict conditions are, however, set for such labour or service.”<sup>1169</sup>

<sup>1162</sup> Prosecutor’s Pre-Trial Brief, paras. 259-284.

<sup>1163</sup> *Kunarac* Judgement, para. 539.

<sup>1164</sup> *Kunarac* Judgement, para. 516.

<sup>1165</sup> *Kunarac* Judgement, para. 539.

<sup>1166</sup> *Kunarac* Judgement, para. 541.

<sup>1167</sup> Prosecutor’s Pre-Trial Brief, para. 268. *Kunarac* Judgement, para. 543. The Trial Chamber held that the mere ability to buy, sell, trade, or inherit a person or that person’s services was not insufficient, but that such actual actions could be a relevant factor.

<sup>1168</sup> *Kunarac* Judgement, para. 542.

<sup>1169</sup> *Kunarac* Judgement, para. 542. These conditions are discussed in the Prosecutor’s Pre-Trial Brief at paras. 281-283. This prohibition does not apply to forced labour consistent with customary international law. Geneva Convention IV makes a distinction between rules applicable to: (1) treatment of aliens within the territory of one party to the conflict, *i.e.* civilians of enemy nationality living in the territory of belligerent States when the hostilities break out (Geneva Convention IV, Article 40), (2) that of inhabitants of occupied territory (Geneva Convention IV, Article 51), and (3) the

### Enslavement Under Article 3

541. In addition to being a crime against humanity, the Prosecution contends that the prohibition against enslavement is also part of international *humanitarian* law, and therefore covered by Article 3.<sup>1170</sup> In order to be considered as a violation of the laws and customs of war under Article 3, the international humanitarian law which is violated must be based upon either custom or treaty.<sup>1171</sup>

### Enslavement as Violation of Customary International Humanitarian Law

542. The Prosecution contends that the prohibition against enslavement is part of customary international humanitarian law. As discussed in the Prosecutor's Pre-Trial Brief,<sup>1172</sup> this prohibition exists in many commonly accepted sources of international humanitarian law and human rights law,<sup>1173</sup> which the Trial Chamber extensively

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cases of internment (Geneva Convention IV, Article 95) in accordance with Geneva Convention IV, Articles 41, 42, 43, 68 and 78. For the first category, compulsory work to ensure the feeding, sheltering, clothing, transport and health of human beings and which is not directly related to the conduct of military operations is not prohibited. As for (2), while the Occupying power is forbidden to force protected persons to serve in its armed forces, work necessary for the needs of the army of occupation is permitted. Insofar as (3) is concerned, the principle is that internees can only do voluntary work, reserving the right to give up work, except work done on behalf of internees. Human rights instruments also set out exceptions to prohibited forced labour. According to Article 8(3)(c) of the 1966 International Covenant on Civil and Political Rights, prohibited forced labour shall not include, when "in consequence of a lawful order of a court," 1. Hard labour as punishment for a crime, 2. Work in detention, 3. Military and national service, 4. Duties in cases of emergency, 5. Normal civic obligations." Much in the same way, European Convention on Human Rights, article 4 para.3 : "For the purpose of this Article the term "forced or compulsory labour" shall not include: any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention; any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service; any service of a military character or , in case of an emergency or calamity threatening the life or well-being of the community; any work or service which forms part of normal civic obligations."

<sup>1170</sup> The term "international humanitarian law" is a shorthand reference to international humanitarian law *applicable in armed conflict*. Sandoz, Swinarski and Zimmermann (eds), *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (1987) ("ICRC Commentary to the Additional Protocols"), p. xxvii.

<sup>1171</sup> *Prosecutor v. Duško Tadić*, Case No. IT-94-1-AR72, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, 2 October 1995 ("*Tadić* Jurisdiction Decision"), para. 94. See Prosecutor's Pre-Trial Brief, para. 252.

<sup>1172</sup> Prosecutor's Pre-Trial Brief, para. 260.

<sup>1173</sup> These include important human rights and humanitarian law instruments, such as the 1926 Slavery Convention (which was nearly universally ratified, including by Yugoslavia on 28 September 1929) and the 1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, as well as in national legislation making slavery as a crime punishable under domestic law.

examined in *Kunarac*.<sup>1174</sup> Moreover, the International Law Commission, as well as leading doctrine,<sup>1175</sup> conclude that slavery rises to the level of a *jus cogens* norm, applicable in all circumstances, including times of peace and in armed conflict. There is no exception during armed conflict for such universally accepted peremptory norms. The jurisprudence of the ICJ also supports the proposition that the prohibition against enslavement forms part of general international law.<sup>1176</sup>

543. In addition, the sources specifically applicable to times of armed conflict are discussed in the Prosecutor's Pre-Trial Brief.<sup>1177</sup> The Lieber Code of 1863, applicable during armed conflict, prohibits enslavement in Article XXIII ("Private citizens are no longer murdered, enslaved, or carried off to distant parts...") and Article LVIII ("The law of nations knows of no distinction of color, and if an enemy of the United States should enslave and sell any captured persons of their army, it would be a case for the severest retaliation .... for this crime against the law of nations").<sup>1178</sup>

544. Both the Nuremberg Charter and Control Council Law No. 10 enumerate war crimes, which "include, but are not limited to,....deportation to slave labour or for any other purpose."<sup>1179</sup> The Prosecution contends that while these particular instruments of international humanitarian law combined deportation with slave labour in its definition of war crimes, the application of these laws indicate that these two elements can be separately determined to be war crimes. Under the section of the Nuremberg Judgement entitled "Slave Labour Policy," the legal basis of the prohibition of slave labour is substantiated by Article 52 of the Rules Annexed to Hague Convention IV of 1907, which prohibits "requisition in kind and services shall not be demanded from

<sup>1174</sup> *Kunarac Judgement*, paras. 518-538.

<sup>1175</sup> As set forth in Article 53 and Article 64 of 1969 Vienna Convention on the Law of Treaties. See also Jennings, R. and Watts, A., *Oppenheim's International Law*, 9<sup>th</sup> ed., vol.1, pp.7-8. Brownlie, I., *Principles of Public International Law*, 1990, 4<sup>th</sup> ed., p.513.

<sup>1176</sup> In the *Barcelona Traction* case, the Court stated in *obiter dicta* that obligations *erga omnes* exist with respect to the outlawing of acts of aggression and genocide, as also from the principles and rules concerning the basic rights of the human person, including protection from *slavery* and racial discrimination. Some of the corresponding rights of protection have entered into the body of general international law. *Barcelona Traction Case (Merits, 2<sup>nd</sup> phase)*, *ICJ Reports*, 1970, p.32 (emphasis added).

<sup>1177</sup> Prosecutor's Pre-Trial Brief, para. 261.

<sup>1178</sup> *Lieber Code* (1881).

<sup>1179</sup> London Charter for the Nuremberg Tribunal, Article 6(b); Control Council Law No. 10, 20 December 1945, Article II(1)(b) "War Crimes." In contrast, both list "enslavement" as a crime against humanity.

the municipalities or inhabitants” and does not require deportation.<sup>1180</sup> The Nuremberg Judgement, recognizing that the slave labour program was enforced in the occupied territories and, for some labourers, only after deportation to Germany, held:

the German occupation authorities did succeed in forcing many of the inhabitants of the occupied territories to work for the German war effort, **and** in deporting at least 5,000,000 persons to German industry and agriculture.<sup>1181</sup>

545. The accused Speer was found guilty of participating in the Nazi slave labour program even though he set up a system of blocked industries that did *not* require that the inhabitants be deported to Germany.<sup>1182</sup> The fact that the Tribunal dealt separately with deportation and with slave labour indicates that the two acts were not intractably intertwined.

546. Furthermore, the *Kunarac* Trial Chamber observed that the accused in *Milch*, prosecuted under Control Council Law No. 10, had been charged with the war crimes of slave labour and deportation of the civilian population to slave labour.<sup>1183</sup> The *Kunarac* Trial Chamber noted that these were two distinct war crimes, which also formed the basis for convictions under crimes against humanity.<sup>1184</sup> The Trial Chamber clearly recognised the possibility, as the court in *Milch* did as well, that slave labour and deportation are separable war crimes.

547. Article 5(b) of the Tokyo Charter, listing “Conventional War Crimes,” does not explicitly list any crimes, using only the general description “Namely, violations of the laws or customs of war.” However, the subsequent judgement makes clear that the war crime of slavery or slave labour served as a basis for conviction:

Having decided upon a policy of employing prisoners of war and civilians internees on work directly contributing to the prosecution of the war,... little or no distinction appears to have been made between these conscripted labourers on the one hand and prisoners

<sup>1180</sup> The 1899 Hague Convention II also contains an identical prohibition in its Article 52. Convention With Respect to the Laws and Customs of War on Land, The Hague, 29 July 1899. 26 Martens (2d) 949, 32 Stat. 1803, T.S. No. 403. Reprinted in 1 AJIL 129 (1907) (Supp.).

<sup>1181</sup> Reprinted in *Trial of Major War Criminals Before the International Military Tribunal*, Nuremberg, 14 November 1945 – 1 October 1946, Vol 22 (1947), p. 73 (rendered on 30 Sept and 1 Oct 1946) (“Nuremberg Judgement”).

<sup>1182</sup> Nuremberg Judgement, p. 164.

<sup>1183</sup> *Kunarac* Judgement, para. 525.

<sup>1184</sup> *Kunarac* Judgement, para. 525, note 1272.

of war on the other hand. They were all regarded as slave labourers to be used to the limit of their endurance.<sup>1185</sup>

548. The Tokyo Judgement does not articulate any factual nexus between deportation of civilians and slave labour. The *Kunarac* Trial Chamber held that the Tokyo Judgement did not distinguish between war crimes and crimes against humanity and furthermore that it “did not systematically distinguish between deportation to slave labour, slave labour and enslavement.”<sup>1186</sup>

549. The Prosecution contends that the explicit provision against slavery and slave trade during internal armed conflicts in Article 4(2)(f) of Additional Protocol II of the Geneva Conventions has also become part of customary law. While the wording of Article 4 seems grounded in neither common Article 3 nor other rules of Geneva Conventions I-IV,<sup>1187</sup> the prohibition against enslavement falls manifestly within the ambit of minimum protection set out by common Article 3. The Appeals Chamber in the *Tadić* Jurisdiction Decision held that common Article 3 represents the minimum standard that must be upheld in all wars.<sup>1188</sup> Therefore, while Article 4 may not *as a whole* reflect customary international law,<sup>1189</sup> certain provisions within Article 4 may reflect existing customary international law at the time that Additional Protocol II entered into force, including the prohibition against enslavement. In fact, the Commentary to Article 4(2)(f) states, “This sub-paragraph reiterates the tenor of Article 8, paragraph 1 of the ICCPR. It is one of the ‘hard-core’ fundamental guarantees.”<sup>1190</sup> Furthermore, Article 4(2)(f) reflects a peremptory norm in that violations under its provisions constitute a breach of a rule protecting important values, and involves grave consequences for the victim.<sup>1191</sup>

<sup>1185</sup> Reprinted in Pritchard, *The Tokyo Major War Crimes Trial, The Records of the International Military Tribunal for the Far East With an Authoritative Commentary and Comprehensive Guide*, Vol. 2, Section VIII (1988), p. 416.

<sup>1186</sup> *Kunarac* Judgement, para. 527.

<sup>1187</sup> It was upon submission in the drafts by the ICRC as well as by the Draft Committee I that this particular alinea was adopted. Bothe, M., Partsch, K.J. and Solf, W. A., *Commentary on Two Protocols*, pp. 645.

<sup>1188</sup> *Tadić* Jurisdiction Decision, paras. 102, 129.

<sup>1189</sup> Paragraph 3 of Article 4 in particular underwent many changes during the Conference. Bothe, M., Partsch, K.J. and Solf, W. A., *New Rules for Victims of Armed Conflicts, Commentary on the Two 1977 Protocols Additional to the Geneva Conventions of 1949*, Martinus Nijhoff Publishers, The Hague, 1982, p. 641 (“Commentary on Two Protocols”).

<sup>1190</sup> ICRC Commentary to the Additional Protocols, p. 1376, para. 4541 (“The prohibition of slavery is now accepted; therefore the adoption of this sub-paragraph did not give rise to any discussion.”)

<sup>1191</sup> The *Furundžija* Trial Chamber included the prohibition on slavery as being among a cluster of treaty and customary rules which have acquired a particularly high status in the international normative system, along with prohibitions on genocide, racial discrimination, aggression, torture, forcible

550. Article 5 of Additional Protocol II, for its part, sets out elaborated protection for persons whose liberty has been restricted by being detained or interned for reasons related to an armed conflict of a non-international character. Article 5(1)(e) specifically includes a prohibition of slave labour. As with Article 4, Article 5 is not in its entirety part of customary international law. However, Article 5 should be interpreted as fleshing out the minimum protective standards established in Articles 1 and 3 of the 1949 Geneva Conventions. In particular, Article 5(1)(e), because of its nature, forms part of customary international humanitarian law.

551. The Prosecution notes that customary law is an alternative basis to treaty law as grounds for the application of Statute Article 3. The Appeals Chamber examined the customary rules of international humanitarian law governing internal armed conflicts,<sup>1192</sup> concluding that:

The only reason behind the stated purpose of the drafters that the International Tribunal should apply customary international law was to avoid violating the principle of *nullum crimen sine lege* in the event that a party to the conflict did not adhere to a specific treaty.<sup>1193</sup>

### **Enslavement as a Violation of Treaty Law**

552. A rule of international humanitarian law may belong to treaty law, as long as the treaty (1) was “unquestionably binding on the parties at the time of the alleged offence,”<sup>1194</sup> and (2) does not conflict with or derogate from peremptory norms of international law.<sup>1195</sup>

553. The SFRY was a party to the two Additional Protocols to the Geneva Conventions at the time of the independence of Bosnia and Herzegovina, having ratified both of the Additional Protocols on 11 June 1979.<sup>1196</sup>

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acquisition of territory and the forcible suppression of the right of peoples to self-determination. *Furundžija* Judgement, para. 147.

<sup>1192</sup> *Tadić* Jurisdiction Decision, paras. 96-127.

<sup>1193</sup> *Tadić* Jurisdiction Decision, para. 143, citing to para. 34 of the Secretary General’s Report.

<sup>1194</sup> *Tadić* Jurisdiction Decision, para. 143.

<sup>1195</sup> *Tadić* Jurisdiction Decision, para. 143.

<sup>1196</sup> See ICRC web-site, <<http://www.icrc.org/>>, visited 3 July 2001, attached in Book of Authorities.

554. Subsequent to its independence, Bosnia and Herzegovina, including Republika Srpska, were bound by the terms of the 1977 Additional Protocols. Bosnia and Herzegovina proclaimed its independence on 6 March 1992 and was recognised by the European Community on 6 April 1992 and by the United States on 7 April 1992.<sup>1197</sup> Bosnia and Herzegovina submitted a notice of succession to the Additional Protocols to the Depository of the Geneva Conventions (the Swiss Federal Government) on 31 December 1992. However, in its notice of succession, Bosnia and Herzegovina indicated that this succession was retroactive to its date of independence, 6 March 1992.

555. In the *Čelebići Appeal Judgement*, the Appeals Chamber held that provisions of fundamental humanitarian rights treaties are binding on a State from the date it is established,<sup>1198</sup> holding:

In light of the object and purpose of the Geneva Conventions, which is to guarantee the protection of certain fundamental values common to mankind in times of armed conflict, and of the customary nature of their provisions, the Appeals Chamber is in no doubt that State succession has no impact on obligations arising out from these fundamental humanitarian conventions...<sup>1199</sup> For these reasons the Appeals Chamber finds that there was no gap in the protection afforded by the Geneva Conventions, as they, and the obligations arising therefrom, were in force for Bosnia and Herzegovina at the time of the acts alleged in the Indictment.<sup>1200</sup>

556. Technically, therefore, there is no need for a “new” State to formally notify its succession to this type of treaty.<sup>1201</sup> In explaining its reasoning, the Appeals Chamber held that the provisions of the 1978 Vienna Convention on Succession of States in Respect of Treaties was not applicable.<sup>1202</sup>

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<sup>1197</sup> The Prosecutor contends that Bosnia and Herzegovina became independent on 6 March 1992. The FRY was during the conflict disputed the claim of Bosnia and Herzegovina to independence. The Dayton Agreement may have laid this matter to rest, because by ratifying the Agreement, all parties agreed to recognise each other’s sovereignty. Only if such recognition has no retroactive effect under international law (a position which the Prosecutor rejects), would questions may remain as to the claim to Statehood in the period preceding Dayton.

<sup>1198</sup> *Čelebići Appeal Judgement*, para. 111.

<sup>1199</sup> *Čelebići Appeal Judgement*, para. 113.

<sup>1200</sup> *Čelebići Appeal Judgement*, para. 114. The relevant dates in *Čelebići* were May through December 1992. *Čelebići Trial Judgement*, Annex B, p. 462.

<sup>1201</sup> Bosnia and Herzegovina did, in fact, notify their Succession on 31 December 1992: See *Čelebići Appeal Judgement*, para. 109.

<sup>1202</sup> *Čelebići Appeal Judgement*, para. 111. The Appeals Chamber also accepted the Prosecution argument that Bosnia and Herzegovina became independent on 6 March 1992 (i.e., the date on which it proclaimed its independence – and not at a later date, such as 6 April 1992, when it was recognised by the EC). *Ibid.*, para. 110.

557. Thus, as long as the Additional Protocols protect “fundamental values common to mankind in times of armed conflict,” successor States (and their military personnel) are bound, regardless of whether they formally adhered to the Protocols, and regardless of the controversy that may surround the exact date on which they achieved independence. Additional Protocol I and Additional Protocol II have not (yet) been as widely adhered to as the main 1949 Geneva Conventions.<sup>1203</sup> However, as of 1 July 2001, Additional Protocol I had 158 Parties and Additional Protocol II, 150.<sup>1204</sup> Several ICTY Trial Chambers have accepted that major parts of both protocols reflect customary international law.<sup>1205</sup>

558. In addition, Trial Chambers have also found that the rules reflected in the Additional Protocols are of a binding nature. In both *Blaskić* and *Kordić*, the Trial Chambers decided that both the Republic of Croatia and Bosnia and Herzegovina are bound by Additional Protocol I as successor States of the Socialist Federal Republic

<sup>1203</sup> The 1907 Hague Conventions and the 1949 Geneva Conventions have been largely recognised as customary law (ICJ, *Advisory Opinion, Legality of the Threat or Use of Nuclear Weapons*, 8 July 1996, General List No. 958, para 81; ICJ., *Case concerning Military and Paramilitary Activities in and Against Nicaragua (Merits)* (1986) *I.C.J. Reports*, paras. 21, 172-190; paras. 218-220; T. Meron, “The Geneva Conventions as Customary Law”, 81 *American Journal of International Law*, vol. 81, 348 (1987).) Moreover, the Appeals Chamber in the *Čelebići Appeal*, confirmed that it “is indisputable that the Geneva Conventions fall within this category of universal multilateral treaties which reflect rules accepted and recognised by the international community as a whole. The Geneva Conventions enjoy nearly universal participation.” *Čelebići Appeal Judgement*, para. 112.

The Appeals Chamber found further support for this position in the *Tadić* Jurisdiction Decision, paras. 79-85. *Čelebići Appeal Judgement*, para. 113. The Appeals Chamber thus appears to have confirmed that the Geneva Conventions reflect customary law. The four 1949 Geneva Conventions are among the most widely ratified international instruments. As of 1 July 2001, 189 States were members of the UN. See UN web-site <<http://un.org>> (visited 3 July 2001), attached in Book of Authorities. However, by that date, the Geneva Conventions, had attracted 189 ratifications or accessions. See ICRC web-site <<http://www.icrc.org/>>, visited 3 July 2001, attached in Book of Authorities. Of the 189 Members of the United Nations, only the Marshall Islands and Nauru were not parties to the 1949 Geneva Conventions. Hence, all States of the international community are bound by the Geneva Conventions, regardless of ratification, accession or succession. Insofar as the 1949 Geneva Conventions are concerned, the question of the binding force of their provisions on the successor States (including the FRY) is moot. As stated by the UN Secretary-General in his report of 1993 on the establishment of the Tribunal: “The part of conventional international humanitarian law which has beyond doubt become part of international customary law is the law applicable in armed conflict as embodied in: the Geneva Conventions of 12 August 1949 for the Protection of War Victims; the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of 18 October 1907; the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948; and the Charter of the International Military Tribunal of 8 August 1945.” Report of the Secretary-General Pursuant to Paragraph 2 of Security Council Resolution 808 (1993), UN Doc. S/25704 (3 May 1993), para. 35.

<sup>1204</sup> See ICRC web-site: <<http://www.icrc.org/>>, attached in Book of Authorities.

<sup>1205</sup> *Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-PT, Decision on the Joint Defence Motion to Dismiss the Amended Indictment for Lack of Jurisdiction Based on the Limited Jurisdictional Reach of Articles 2 and 3, Trial Chamber III, 2 March 1999, paras. 30-31, 33-34; *Kupreškić* Judgement, para. 524.

of Yugoslavia, which had ratified the Protocol on 11 June 1979.<sup>1206</sup> The Trial Chamber in *Blaškić* held that Croatia and Bosnia and Herzegovina were “undisputedly” bound by Additional Protocol I as successor States to the SFRY through their instrument of succession dating respectively of 11 May 1992 and 31 December 1992. In *Kupreškić*, the Trial Chamber also accepted that Croatia and Bosnia and Herzegovina had formally succeeded to the Geneva Conventions and the Additional Protocols.<sup>1207</sup>

### Domestic Criminal Law

559. In addition to being grounded in customary international law (including international humanitarian law) and treaty law, slavery and forced labour were, at the relevant time, recognised as crimes by the applicable law within Bosnia and Herzegovina, including the Republika Srpska. During the time relevant to the Indictment, Bosnian authorities adopted a decree having the force of law,<sup>1208</sup> incorporating the 1977 SFRY Criminal Code, as amended in 1984, 1987, 1989 and 1990.<sup>1209</sup>

560. Article 142 of the Criminal Law of the Republic of Bosnia and Herzegovina,<sup>1210</sup> entitled “War Crimes Against the Civilian Population,”<sup>1211</sup> states:

Whoever, in violation of the rules of international law at the time of war, armed conflict or occupation, orders...coercion to compulsive labour...shall be punished by at least five years in prison or by the death penalty.<sup>1212</sup>

<sup>1206</sup> *Prosecutor v. Blaškić*, Case No. IT-95-14-PT, Decision on the Defence Motion to Strike Portions of the Amended Indictment Alleging “Failure to Punish” Liability, Trial Chamber I, 4 April 1997, para. 12; *Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-PT, Decision on the Joint Defence Motion to Dismiss for Lack of Jurisdiction Portions of the Amended Indictment Alleging “Failure to Punish” Liability, Trial Chamber III, 2 March 1999, para. 13.

<sup>1207</sup> *Kupreškić* Judgement, para. 536, note 796 (“Croatia succeeded to the four Geneva Conventions of 1949 and the two Additional Protocols on 11 May 1992 and Bosnia and Herzegovina on 31 Dec. 1992.”) The Trial Chamber did not elaborate on the question of the retroactive character of this succession, most probably because this question was not an issue.

<sup>1208</sup> 2 Official Gazette of the Republic of Bosnia and Herzegovina 98 Š11 April 1992Ć.

<sup>1209</sup> These amendments were undertaken primarily as the result of the devaluation of the dinar. As the dinar’s value decreased, the SFRY Criminal Code was amended to increase the amount of fines that could be levied against offenders.

<sup>1210</sup> Criminal Law of the Republic of Bosnia and Herzegovina/by Decree of Adoption of the Criminal Law of SFRY/ 2 **Official Gazette of the Republic of Bosnia and Herzegovina 98** (11 April 1992), attached in Book of Authorities.

<sup>1211</sup> Article 144 of the same act covers “War Crimes against Prisoners of War.” That article contains no specific provision prohibiting forced labour, although it does proscribe inhuman treatment of prisoners of war. See also Article 150, “Mishandling of the Wounded, Sick or Prisoners of War.”

<sup>1212</sup> The footnote to this article states, “This incrimination is in compliance with the 1949 Geneva Convention on Protection of Civilian Persons in Time of War, which was ratified by our country (žOfficial News of the FNRJ National Assembly Presidium, no. 6/50).”

561. Article 155 of the same law governs “Enslavement and Transport of Enslaved Persons” and sub-paragraph (1) provides:

Whoever enslaves another person or trades in enslaved persons, or instigates another person to sell his/her freedom or the freedom of the person in his/her custody, shall be punished by one to ten years in prison.<sup>1213</sup>

**Evidence of enslavement**<sup>1214</sup>

562. In the present case, the Prosecution has charged enslavement primarily in relation to forced labour. However, it submits that under the formulation accepted by the Trial Chamber in *Kunarac*, other factors can be taken into consideration in finding the accused guilty of this crime. Specifically, the accused participated in a system whereby non-Serb men were stripped of their personhood and treated like property. They were starved into submission and abused. They were used for exchange against soldiers like pawns, although they were themselves civilians. The KP Dom served as a holding pen or playing field upon which Serb soldiers and others from the outside could act out their anger and desire for revenge. By being rendered utterly helpless and used as objects, the detainees were effectively enslaved.

**6. Persecution**

563. The Prosecution submits that the elements of the crime of persecution under Article 5(h) of the Statute are: (a) the accused committed acts or omissions against a victim or victim population violating a basic or fundamental human right; (b) the accused intended to commit the violation; (c) the accused’s conduct was committed on political, racial or religious grounds; (d) the accused’s conduct was committed with discriminatory mental state; (e) the accused’s conduct was related to a widespread or systematic attack directed against a civilian population; (f) the accused had knowledge

<sup>1213</sup> The footnote to this provision states: “This is a new criminal offence as compared to the Criminal code up to now and ensued as an obligation of our country pursuant to the Geneva Convention from 1926 which proclaims the abolishment of slavery and trade in slaves, and to the supplementary convention on abolishment of slavery and trade in slaves and institutions and practices similar to slavery from 1956 which was ratified by our country (žOfficial Gazette FNRJ – International Contracts supplement, no. 7/58) and the Convention on Open Sea from 1958 which was ratified by our country (Official Gazette SFRJ –International Contracts supplement, no. 4/65).”

<sup>1214</sup> Prosecutor’s Pre-Trial brief, para. 269.

of the wider context in which his or her conduct occurred; and (g) there existed an armed conflict.

564. As regards element (a) above (the *actus reus*), the Trial Chamber in *Kordić* held that “consonant with customary international law, the crimes of persecution may indeed encompass crimes not enumerated elsewhere in the Statute,” but cautioned that there must be “clearly defined limits on the expansion of the types of acts which qualify as persecution” (emphasis in original).<sup>1215</sup> All the acts alleged as part of persecution in the Indictment are also enumerated under Article 5 as a crime against humanity, except forced labour. However, as discussed elsewhere in this Final Trial Brief, forced labour here was akin to slavery, which is enumerated under Article 5, and therefore, reaches the requisite level of gravity.

565. With regard to the mental state requirement for persecution under Article 5(h), the Prosecution submits that the accused, having knowledge of the context of a widespread or systematic attack (element (f)), must intend to commit the prohibited act against the victim (element (b)), due to the fact that the victim belongs to a particular group (element (d)). In other words, having knowledge of the context, the accused intends to commit the prohibited act with discriminatory intent. The mental state requirement for persecution therefore has three components which must be proven by the Prosecution.

566. In determining how to prove discriminatory intent, the Prosecution contends that two alternative categories of mental state satisfy the discriminatory intent requirement under Article 5(h): (i) consciously desiring discrimination; or (ii) knowing that one is in fact causing discrimination. To the extent the *Kordić* Judgement does not recognize these two categories, the Prosecution respectfully submits that the Trial Chamber erred. The second category refers to knowledge of actual discrimination or persecution caused by the accused him- or herself. It contains no element of probability as regards the causing of discrimination. Construing Article 5(h) narrowly by excluding category (ii) would undermine the object and purpose of the provision in a way not supported by its wording.

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<sup>1215</sup> *Kordić*, para. 194.

567. Furthermore, the *Kordić* Judgement suggests that the accused's discriminatory intent must be linked to a particular discriminatory "policy." The Judgement states that "the accused must have shared the aim of the discriminatory policy: 'the removal of those persons from the society in which they live alongside the perpetrators, or eventually from humanity itself'."<sup>1216</sup> The Prosecution contends that the *Kordić* Chamber erred in requiring a link between the discriminatory intent and a policy, and will appeal this part of the Judgement. None of the elements of persecution under Article 5(h) require proof of the existence of a policy.

568. It appears that the *Kordić* Trial Chamber may have attempted to describe the legal requirements in the situation where a campaign or policy of persecution constitutes a common criminal plan or design. The Prosecution respectfully asserts, however, that legal requirements relevant to a mode of liability such as participation in a common criminal enterprise under Article 7(1) of the Statute, should not be confused with the elements of the crime of persecution under Article 5(h). As stated above, Article 5(h) as such does not require proof of any policy.

## **7. Deportation as an Act of Persecution**

569. The Prosecution maintains its position as expressed in the Pre-Trial Brief.<sup>1217</sup>

## **8. Cumulative charging**

570. Applying the approach of the Appeals Chamber in *Čelebići*, the Trial Chamber in *Kunarac* found that there was no problem of cumulative charging between Articles 3 and 5 of the Statute because each Article has "at least one materially distinct element that does not appear in the other." Article 3 has a "nexus requirement, which holds that there must be a close link between the acts of an accused and the armed conflict," whereas Article 5 requires a widespread or systematic attack directed against a civilian population. "In other words, regardless of the enumerated or specific offences charged under Articles 3 and 5, convictions under both Articles based on the same conduct will be permissible."<sup>1218</sup>

<sup>1216</sup> *Kordić*, para. 220.

<sup>1217</sup> Prosecutor's Pre-Trial Brief, para 345-352.

<sup>1218</sup> *Kunarac* Judgement, para. 556.

## VIII SENTENCING

### Sentencing Principles

571. Regarding the deterrence as a sentencing principle, the *Kunarac* Trial Chamber<sup>1219</sup> was of the view that special deterrence (where the penalty aims at deterring the accused from committing similar crimes in the future)<sup>1220</sup> is generally of little significance and warned that general deterrence (detering others from committing similar crimes) may result in a sentence disproportionate to an accused's culpable conduct.<sup>1221</sup>

572. Retribution has likewise retained a central position in the emerging sentencing practice at the Tribunal, while recognising that "[r]etributive punishment by itself does not bring justice."<sup>1222</sup>

573. Accordingly, the Prosecution requests that, in assessing appropriate penalty for the accused, this Trial Chamber take into consideration deterrence, giving it the prominence necessary, and ensure that it express the outrage of the international community at the crimes for which the accused is responsible.

574. Article 24 of the Statute and Rule 101(B) of the Rules of Procedure and Evidence provide that, for the purposes of sentencing, the Trial Chamber shall take into consideration:

575. The general practice regarding prison sentences in the courts of the former Yugoslavia;

- (i) The gravity of the offence;
- (ii) The individual circumstances of the convicted person;
- (iii) Any aggravating circumstances; and

<sup>1219</sup> *Kunarac* Judgement, paras. 839-840.

<sup>1220</sup> *Kunarac* Judgement, para. 840 (special deterrence is considered an "unreasonable and unfair" consideration given the remote likelihood of persons convicted by the Tribunal ever again being faced with an opportunity to commit a crime under its jurisdiction.)

<sup>1221</sup> *Kunarac* Judgement, para. 840.

<sup>1222</sup> *Čelebići* Judgement, para. 1231.

- (iv) Any mitigating circumstances including the substantial co-operation with the Prosecutor by the convicted person before or after the conviction.<sup>1223</sup>

**576. An additional factor that may provide guidance is any previous Tribunal decision on sentencing "if it relates to the same offence and was committed in substantially similar circumstances."**<sup>1224</sup>

**9.**

577. While the Trial Chamber is not at liberty to disregard these factors, it enjoys considerable discretion as to the manner in which they are assessed.<sup>1225</sup> Similarly, it is within the Trial Chamber's discretion to decline to follow a previous decision on sentencing if, in its view, the facts of the two cases at issue are materially different and hence distinguishable.<sup>1226</sup> This discretion is founded on the Trial Chamber's "overriding obligation to individualise a penalty to fit the individual circumstances of the accused and the gravity of the crime."<sup>1227</sup> It follows that there is no pre-determined term of imprisonment that ought to be entered mechanically for a given offence.

578. The Trial Chamber is obligated to "have recourse to"<sup>1228</sup> and "take into account"<sup>1229</sup> the general practice regarding prison sentences in the courts of the former Yugoslavia. It is plain that the Trial Chamber is *not* bound by such practice.<sup>1230</sup> What is required of the Trial Chamber is to have *due regard* to the practice and, to provide explanations should the Chamber exercise its discretion to impose penalties different from the sentencing practice of the former Yugoslavia.<sup>1231</sup>

<sup>1223</sup> *Čelebići Appeals Judgement*, para. 716.

<sup>1224</sup> *Furundžija Judgement*, para. 250.

<sup>1225</sup> *Erdemović Sentencing Judgement*, para. 43; *Akayesu Sentence*, para. 4; *Furundžija Judgement*, para. 250; *Čelebići Appeals Judgement*, para. 717.

<sup>1226</sup> *Omar Serushago v. Prosecutor*, Case No. ICTR-98-39-A, *Reasons for Judgement*, 6 April 2000 ("Serushago Reasons for Judgement"), para. 27; *Čelebići Appeals Judgement*, para. 719-721, 756-759; *Prosecutor v. Goran Jelisić*, Case No. IT-95-10-A, *Judgement*, 5 July 2001 ("Jelisić Judgement"), paras. 97, 101.

<sup>1227</sup> *Čelebići Appeals Judgement*, para. 717; *Jelisić Judgement*, para. 101.

<sup>1228</sup> Article 24(1), ICTY Statute.

<sup>1229</sup> Rule 101(B)(iii), ICTY Rules of Procedure and Evidence.

<sup>1230</sup> *Tadić Sentencing Appeals*, para. 21; *Čelebići Appeals Judgement*, paras. 813-816, 820; *Serushago Reasons for Judgement*, para. 30; *Jelisić Judgement*, para. 117.

<sup>1231</sup> *Kunarac Judgement*, para. 829.

579. It is also not contrary to the principle of *nulla poena sine lege* that the Trial Chamber may impose on convicted persons terms of imprisonment that are at variance with, or longer than, the penalties imposed by the courts of the former Yugoslavia for similar crimes. The *Čelebići* Appeals Chamber ruled that "the accused must have been aware of the fact that the crimes for which they were indicted were the most serious violations of international humanitarian law, punishable by the most severe penalties."<sup>1232</sup> Moreover, under international law, the judgements rendered at Nuremberg and Tokyo and the other successor tribunals readily furnish the applicable law upon whose existence any sentence imposed by the Trial Chamber—up to and including the remainder of the convicted person's life—must be founded.<sup>1233</sup>

580. The indictment charges the accused with crimes against humanity and violations of the laws or customs of war, including persecution, inhumane acts, murder, beatings and torture, cruel treatment, imprisonment, enslavement and forced labour.

581. The relevant sentencing practice in the courts of the former Yugoslavia—statutory provisions and, where appropriate, court decisions<sup>1234</sup>—appear in Article 142 and Article 38 of the federal penal code of the Former Yugoslavia (SFRY). According to Article 142(1) it is a criminal offence, when committed during an armed conflict or occupation, to submit the civilian population to killing, torture, inhuman treatment, great suffering or injury to body and health; impose upon them measures aimed at inducing fear and terror; unlawfully transfer them to concentration camps or otherwise unlawfully deprive them of freedom or the right to a fair and regular trial; or subject them to forced labour. This article provides that a person convicted thereunder shall be punished by imprisonment of no less than five years or by death. Pursuant to Article 38, no term of imprisonment may exceed fifteen years—with the

<sup>1232</sup> *Čelebići Appeals Judgement*, para. 817.

<sup>1233</sup> *Čelebići Appeals Judgement*, para. 817. Also, see *ibid.*, f. 1401. For instance, the International Military Tribunal convicted 19 accused, of which 12 were sentenced to death by hanging and 7 to terms of imprisonment ranging from ten years to life. Similarly, the International Military Tribunal for the Far East found 25 accused guilty and sentenced 7 of them to death by hanging and 18 to between seven years and life in prison.

<sup>1234</sup> *Erdemović Sentencing Judgement*, paras. 36-37; *Prosecutor v. Duško Tadić*, Case No. IT-94-1-Tbis-R117, *Sentencing Judgement*, 11 November 1999 ("*Tadić Sentencing Judgement*"), paras. 7-8; *Čelebići Judgement*, para. 1195; *Prosecutor v. Dario Kordić et al.*, Case No. IT-95-14/2-T, *Judgement*, 26 February 2001 ("*Kordić Judgement*"), para. 849.

exception that, where the death penalty was provided, it may be replaced by twenty years of imprisonment.

582. Article 142 incorporates into the criminal law of the former Yugoslavia the "grave breaches" provisions of Geneva Convention IV. The *Tadić* Trial Chamber found that the customary norms contained in common Article 3 is "itself an extension in those Conventions to armed conflicts not of an international character of the fundamental provisions of the grave breaches regime" and its violations are "generally very similar to those covered by Article 142 of the SFRY Criminal Code."<sup>1235</sup> While crimes against humanity as such do not figure in the provisions of the SFRY penal code, Article 141 does criminalise genocide, "itself a specific form of crimes against humanity,"<sup>1236</sup> by providing for a punishment of imprisonment of not less than five years or by death. On this basis, the Trial Chambers in *Erdemović*, *Tadić*, *Kupreškić* and *Kunarac* all concluded that, in the former Yugoslavia, crimes against humanity would have similarly attracted severe penalties ranging from five years' imprisonment to the death penalty.<sup>1237</sup>

583. Accordingly, the Prosecution requests that the Trial Chamber duly take note of the highest degree of severity with which the criminal code and courts of the former Yugoslavia punished persons convicted of similar offences.

584. The gravity of the offence is "[b]y far the most important consideration, which may be regarded as the litmus test for the appropriate sentence"<sup>1238</sup> and thus the natural starting point in sentencing.<sup>1239</sup> In determining the gravity of the crime, the Trial Chamber must consider "the particular circumstances of the case, as well as the form and degree of the participation of the accused in the crime."<sup>1240</sup>

<sup>1235</sup> *Tadić* Sentencing Judgement, para. 8.

<sup>1236</sup> *Erdemović* Sentencing Judgement, para. 35; *Tadić* Sentencing Judgement, para. 8; *Kupreškić* Judgement, para. 845; *Kunarac* Judgement, para. 833.

<sup>1237</sup> *Erdemović* Sentencing Judgement, para. 35; *Tadić* Sentencing Judgement, para. 8; *Kupreškić* Judgement, para. 845; *Kunarac* Judgement, para. 833.

<sup>1238</sup> *Čelebići* Judgement, para. 1225; *Aleksovski* Appeals Judgement, para. 82; *Čelebići* Appeals Judgement, para. 731.

<sup>1239</sup> *Aleksovski* Appeals Judgement, para. 182; *Kordić* Judgement, para. 852.

<sup>1240</sup> *Kupreškić* Judgement, para. 852.

585. At issue here is the gravity *inherent* in the criminal conduct of the accused,<sup>1241</sup> rather than *relative* to different classes of crimes. In respect of the same acts, the gravity of offences in one class of crimes relative to those in another is irrelevant because "there is in law no distinction between the seriousness of a crime against humanity and that of a war crime."<sup>1242</sup> The same is true of penalties.<sup>1243</sup> This ruling in the *Tadić* sentencing appeal has since been confirmed in the *Furundžija* appeal<sup>1244</sup> and followed in the *Blaškić* and *Kunarac* trials.<sup>1245</sup>

586. In *Tadić*, the Trial Chamber stated that in determining penalties for the accused, "[t]he specific harm caused to victims and their families by [the accused] is of paramount importance."<sup>1246</sup> Such harm may be physical and/or psychological, and it may be caused before, during and (long) after the commission of the offence itself. In cases where victims were killed, the suffering of the bereaved must also figure in determining the gravity of the offence. Other factors that may be relevant include the circumstances surrounding the commission of each offence, such as the means by which it was committed and the attitude of the accused at the time.<sup>1247</sup>

587. The Prosecution submits that the crimes of which the accused is accused constitute crimes of the greatest gravity, including torture and killings.

588. An accused may be found criminally responsible for an offence under either Article 7(1), Article 7(3), both. There is no conclusive indication in the jurisprudence of the ICTY or ICTR that a Trial Chamber should attach different degrees of gravity to a given offence according to the different forms of participation enumerated in Article 7(1) on the basis of which it finds the accused guilty.<sup>1248</sup>

589. Alternatively, where the accused may be convicted of an offence only under Article 7(3), "the seriousness of a superior's conduct in failing to prevent or punish

<sup>1241</sup> *Kupreškić* Judgement, para. 852. In *Erdemović*, the expression "intrinsic" is used instead of "inherent". *Erdemović* Sentencing Judgement, para. 46.

<sup>1242</sup> *Tadić* Sentencing Appeals, para. 69.

<sup>1243</sup> *Tadić* Sentencing Appeals, para. 69.

<sup>1244</sup> *Furundžija* Judgement, paras. 240-243.

<sup>1245</sup> *Blaškić* Judgement, paras. 798-799, 801-802; *Kunarac* Judgement, paras. 851, 860.

<sup>1246</sup> *Tadić* Sentencing Judgement, para. 70; *see also*, *Prosecutor v. Dražen Erdemović*, Case No. IT-96-22-Tbis, *Sentencing Judgement*, 5 March 1998 ("*Erdemović* Sentencing Judgement II"), para. 20.

<sup>1247</sup> *Erdemović* Sentencing Judgement II, para. 20.

<sup>1248</sup> *cf.* *Kupreškić* Judgement, para. 862 (finding that an act of ordering to render "particularly grave [the accused's] participation in the offence committed.").

crimes must be measured to some degree by the nature of the crimes to which this failure relates."<sup>1249</sup> There are, in other words, two distinct criteria in determining the penalty for a person convicted under Article 7(3): (1) the gravity of the underlying crime committed by his subordinate; and (2) the gravity of his own conduct in failing to prevent or punish the underlying crimes.<sup>1250</sup>

590. It has been noted by the *Čelebići* Appeals Chamber that the superior's *sustained* failure to prevent or punish criminal acts committed by his subordinates would be of "significantly greater gravity" than would *isolated* instances of such a failure.<sup>1251</sup> Actions of subordinates, left unpunished by their superior's repeated failures, would thereby encourage them to believe that they could commit further crimes with impunity.<sup>1252</sup> The same Appeals Chamber ruled that the superior is no less responsible for the offence committed by his subordinate than the subordinate is himself for his criminal conduct.<sup>1253</sup> Nor does the gravity of the superior's responsibility diminish in any way even if he abstains from actively participating in the crimes himself.<sup>1254</sup>

591. Finally, the accused may be found guilty under a given count pursuant to both Articles 7(1) and 7(3). Admittedly, in such a situation, only one conviction can be entered. According to the *Aleksovki* Appeals Chamber, however, the Trial Chamber "must take into account the fact that both types of responsibility were proved in its consideration of sentence."<sup>1255</sup> The Trial Chamber may do so in three ways. First, it may elect to impose "punishment on the accused for two separate offences encompassed in the one count."<sup>1256</sup> Second, the Chamber may attach greater gravity to the accused's failure to prevent or punish crimes by virtue of his own direct participation therein.<sup>1257</sup> Third, the accused's responsibility as a superior under Article 7(3) may be held to increase the gravity of his parallel responsibility as a direct participant under Article 7(1).<sup>1258</sup>

<sup>1249</sup> *Čelebići* Appeals Judgement, para. 732.

<sup>1250</sup> *Čelebići* Appeals Judgement, para. 732.

<sup>1251</sup> *Čelebići* Appeals Judgement, para. 739.

<sup>1252</sup> *Čelebići* Appeals Judgement, para. 739.

<sup>1253</sup> *Čelebići* Appeals Judgement, para. 735.

<sup>1254</sup> *Blaškić* Judgement, para. 790; *Čelebići* Appeals Judgement, para. 737.

<sup>1255</sup> *Čelebići* Appeals Judgement, para. 745.

<sup>1256</sup> *Čelebići* Appeals Judgement, para. 745.

<sup>1257</sup> *Čelebići* Appeals Judgement, para. 745; *see also, Aleksovski* Appeals Judgement, para. 183.

<sup>1258</sup> *Čelebići* Appeals Judgement, para. 745.

592. It is submitted that where the Trial Chamber finds the accused guilty pursuant to Article 7(1) and 7(3), it must take into account the fact that both types of responsibility were proved in assessing the gravity of the offence. The Prosecution submits that where the accused is found liable under both Article 7(1) and 7(3), the Trial Chamber ought to attach greater gravity to the accused's failure to prevent or punish crimes as a superior by virtue of his direct participation therein. Where the Chamber finds the accused liable under Article 7(1) and 7(3), however, it ought to find that his participation as a superior increases the gravity of his parallel responsibility as a direct participant when assessing the gravity of the offence.

593. Under Article 7(3) the evidence establishes that there was a sustained failure on the part of the accused to prevent his subordinates from abusing or ill-treating the detainees. In addition, he never punished them for any of their repeated actions. It is submitted that this sustained failure to prevent or punish encouraged the further commission of such crimes and is therefore a factor that ought to be considered when assessing the gravity of the offences for which the accused is liable under Article 7(3).

**The individual circumstances of the convicted person**

594. The Trial Chamber may also consider the individual circumstances of the convicted person, including (1) his relative position in the overall hierarchy in the conflict, (2) aggravating circumstances and (3) mitigating circumstances. While mitigating circumstances may reduce the punishment of an accused, it must always be borne in mind that "the punishment assessed is not a proper criterion to be considered in evaluating the findings of the court with reference to the degree of magnitude of the crime"<sup>1259</sup> and, in particular, that "any reduction of the penalty stemming from the application of mitigating circumstances in no way diminishes the gravity of the crime."<sup>1260</sup>

595. An accused's relative position in the overall hierarchy in the conflict in the former Yugoslavia is not *per se* decisive in determining an appropriate penalty.<sup>1261</sup> Particularly, the fact that the accused is a lower-level perpetrator in no way alters the

<sup>1259</sup> *U.S.A. v. Wilhelm List (Hostage case)*, XI. T.W.C. 757, p. 1317, quoted in *Erdemović Sentencing Judgement*, para. 46.

<sup>1260</sup> *Erdemović Sentencing Judgement*, para. 46.

gravity of the offence for which he is to be punished. To hold otherwise would mean that "if the accused's place was by comparison low [*vis-à-vis* those at the highest level], a low sentence should automatically be imposed"<sup>1262</sup>—a proposition clearly incompatible with the Trial Chamber's "overriding obligation to individualise a penalty to fit the individual circumstances of the accused and the gravity of the crime."<sup>1263</sup> On the contrary, the Trial Chamber must be prepared to impose severe penalties if, despite the relatively low position of the accused within the entire political and military hierarchy nation-wide and all the mitigating circumstances taken into account, the extreme gravity of the crime so justifies.<sup>1264</sup> On the contrary, the accused in this case was high level in regard of the local hierarchy.

596. Conversely, the accused's position of relative prominence *may* constitute an aggravating circumstance or lead the Trial Chamber to give less weight to mitigating circumstances to the extent the accused is shown to have led others or otherwise abused his actual authority in connection with the crime at issue.<sup>1265</sup>

597. In the instant case, the accused was warden of KP DOM, the largest prison-camp in the Foča municipality and certainly one of the largest in eastern Bosnia & Herzegovina at a critical time in the armed conflict. He, therefore, held a prominent position in his immediate community and also facilitated the workings of the local military authorities and of the Ministry of Justice at the Serbian Republic level.

### **598. Aggravating Circumstances**

599. The very situation of continued captivity in which the crimes were committed against the victims should be considered in aggravation against the accused. The numerous acts of murder, torture, cruel treatment, and forced labour discussed above were committed not against ordinary civilians caught in the heat of armed conflict but against those rendered completely helpless and vulnerable by their being confined in a detention camp and stripped of all rights. The length of existence

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<sup>1261</sup> *Čelebići Appeals Judgement*, para. 847; *Kunarac Judgement*, para. 858; *Jelić Judgement*, paras. 108-110.

<sup>1262</sup> *Čelebići Appeals Judgement*, para. 847.

<sup>1263</sup> *Čelebići Appeals Judgement*, para. 717.

<sup>1264</sup> *Čelebići Appeals Judgement*, para. 847.

<sup>1265</sup> *Kambanda Judgement and Sentence*, para. 44; *Furundžija Judgement*, para. 283; *Blaškić Judgement*, paras. 765, 788-791; *Kupreškić Judgement* paras. 852, 862 as well as disposition on Zoran Kupreškić, Mirjan Kupreškić and Vladimir Šantić; *Aleksovski Appeals Judgement*, para. 184; *Kunarac Judgement*, para. 863; *Kordić Judgement*, paras. 853, 855.

of the prison camp stretching over 2 ½ years, of which the accused was warden for 16 months, itself should likewise be considered in aggravation against the accused.<sup>1266</sup> The Trial Chamber should consider in aggravation the repetitiveness with which the crimes were committed.<sup>1267</sup>

600. For all offences except persecution, which specifically requires discrimination as an element, discriminatory motives and ethnic hatred should also constitute an aggravating circumstance in respect of the accused.<sup>1268</sup>

601. The Trial Chamber should also consider in aggravation the accused's willingness and intent to participate<sup>1269</sup> as well as the motives for his conduct.<sup>1270</sup> Additionally, when an accused abuses his position of authority, the Trial Chamber may view such abuses as aggravation.<sup>1271</sup> In this instance case, the Prosecution submits that the accused acted primarily out of personal gain and a desire for social, political and career advancement. This complete selfishness exacerbates, not mitigates, the accused's actions. More often, evil is done by acts of unreflective selfishness than pure sadism.<sup>1272</sup>

602. Circumstances surrounding the victims are also factors that the Trial Chamber may take into consideration as aggravating the crimes of the accused for purposes of sentencing. Such factors include the number of victims,<sup>1273</sup> involvement of more than one victim,<sup>1274</sup> and the consequences for the victims.<sup>1275</sup> The Trial Chamber in *Kunarac* also found that "the youthful age of certain of the victims ... is considered as an aggravating factor."<sup>1276</sup> By analogy, the Prosecution submits that this Trial Chamber may also consider that victims who are elderly, sick or handicapped may be considered an aggravating factor. The Prosecution submits that the magnitude of the criminal activities and number of victims in the KP Dom ought

<sup>1266</sup> *Blaškić* Judgement, para. 784; *Kunarac* Judgement, paras. 865, 874.

<sup>1267</sup> *Prosecutor v. Ztako Aleksovski*, Case No. IT-95-14/1-T, Judgement, 25 June 1999 ("*Aleksovski* Trial Judgement"), para. 235; *Blaškić* Judgement, para. 784.

<sup>1268</sup> *Kunarac* Judgement, paras. 867, 874, 879.

<sup>1269</sup> *Blaskić* Judgement, para. 792.

<sup>1270</sup> *Blaskić* Judgement, para. 785.

<sup>1271</sup> *Celebići* Judgement, paras. 1220, 1268; *Kambanda* Sentencing & Judgement, para. 44.

<sup>1272</sup> cf. *Blaskić* Judgement, para. 785.

<sup>1273</sup> *Blaskić* Judgement, para. 784. This factor may also contribute toward assessing the gravity of the offence. *Id.*

<sup>1274</sup> *Kunarac* Judgement, paras. 865, 875

<sup>1275</sup> *Blaskić* Judgement, 784, 786-787

to be taken into account by this Chamber. The evidence has shown that at least 970 Muslim detainees had either passed through or were still confined at KP Dom as of 9 June 1992. The Trial Chamber should consider that the family of each victim was also victimised.

603. The Chamber has also heard witnesses describe their long-term physical, psychological and emotional suffering as a result of what they experienced in the camps as described above.

### **Mitigating Circumstances**

604. Pursuant to Rule 191(B)(ii) of the Rules of Procedure and Evidence substantial co-operation with the Office of the Prosecutor may be taken into account for purposes of sentencing.<sup>1277</sup> While the existence of “superior orders” may be taken as a factor in mitigation,<sup>1278</sup> the Prosecution contends that the accused had choices in his execution of those orders. He could have avoided them all together by leaving Foča, he could have requested a difference assignment or he could have alleviated the suffering of the detainees. He did none of these, thus indicating that he embraced the orders and their underlying basis.

605. The *Čelebići* Trial Chamber considered that lack of proper military training could be a mitigating factor. That is not the case here, however, since the accused received military training and held the rank of Captain First Class. The Prosecution concedes that the accused was of good personal character with no previous criminal record. However, the Trial Chamber in *Kordić* rejected this as a mitigating factor and the Prosecution submits that such a factor is of minor consideration.<sup>1279</sup> The fact that the accused assisted a few of his non-Serb friends inside and outside of the KP Dom, his selective use of influence in favour of certain victims merely indicates that he could have done the same for other victims *had he so wished*. Such good deeds can be

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<sup>1276</sup> *Kunarac* Judgement, paras. 864, 874, 879.

<sup>1277</sup> While the Prosecution admits that the accused co-operated with the Prosecution by giving a statement, the Prosecution is of the opinion that this statement was self-serving and does not rise to the level of “substantial co-operation.” See, Rule 101(B)(ii), Rules of Procedure and Evidence; *Blaskić* Judgement, para. 773; *Kunarac* Judgement, paras. 850, 868.

<sup>1278</sup> *Blaskić* Judgement, para. 767, 769; *Čelebići* Judgement, para. 1281.

<sup>1279</sup> *Kordić* Judgement, para. 848. See also, *Erdemović* Sentencing II, para. 16(i); *Čelebići* Judgement, para. 1270.

seen as aberrations in an otherwise relentless campaign against the protected group. The Trial Chamber in the WVHA Judgement<sup>1280</sup> found:

It is not an unusual phenomenon in life to find an isolated good deed emerging from an evil man. Because of convenience, caprice, or even a sudden ephemeral gleam of benevolence forcing its way through a callused heart, even a murder can help a child to safety.<sup>1281</sup>

606. There are no issues of physical or mental health relevant to sentencing. Even the expert psychologists regarded the accused as normal.

### **Comparison with the sentences imposed on in ICTY**

607. The *Čelebići* Appeal Chamber found that where cases involve similar factual circumstances and similar convictions, particularly where the sentences were considered in the Appeals Chamber, that there should not be substantial disparity in sentences “unless justified by the circumstances of particular accused.”<sup>1282</sup> The Prosecution acknowledges that the facts on the basis of which Milorad Krnojelac is charged are similar to those on which Zlatko Aleksovski and Zdravko Mucić accused in prior cases before the ICTY were convicted.

608. Zlatko Aleksovski, also a commander of a prison camp in which detainees were mistreated, was convicted for one count of outrages against personal dignity

<sup>1280</sup> *The United States v. Oswald Pohl* (“*The WVHA Judgement*”), V Trials of War Criminals Before the Nuremberg Military Tribunals Under Control Council Law No. 10, 958, p. 1054.

<sup>1281</sup> *The WVHA Judgement*, p. 1054 (finding that “the kind deed is not enough to obliterate his indifference to the wholesale suffering of which he could not but be aware, and to alleviate which, in spite of his protestations, he did little or nothing.”).

<sup>1282</sup> *Čelebići Appeals*, para. 758. A survey of World War II cases reveals that there was great disparity among the types of crimes for which camp commanders and personal were convicted and that their respective sentences varied accordingly. For instance, Article II of Control Council Law No. 10 provided for the penalties of death, imprisonment with or without hard labour, fines and imprisonment with or without hard labour, forfeiture of property, restitution or deprivation of some or all civil rights. Control Council Law No. 10, Article II, para. 3. In addition, most camp commanders were sentenced to death or in a few cases where the circumstances of the cases were different from to those in this case, convicted persons were sentenced to imprisonment plus hard labour. *See e.g.*, Law Reports of Trial of War Criminals, Vol. II, The Belsen Trial; Journal Officiel du Commandement en Chef Français en Allemagne, no 64, Mardi 15, Avril 1947, pp 653-666 (The trials of Rastatt). Moreover, in some cases involving camp commanders and camp staff no reasoning was given for the verdict or the sentences. *See, e.g.*, Pendaries Yveline, *Les Procès de Rastatt (1946-1954)*, pp. 155-163 (Work Camps of Neue Bremm). Thus, for purposes of comparison the Prosecution submits that a comparison between this case and World War II cases is of limited assistance to this Trial Chamber. *See e.g.*, *Čelebići Appeals Judgement*, para. 795-798 (finding that guidance in sentencing by comparisons with jurisprudence by other jurisdictions and the case of *Wilhelm von Leeb* are frequently of little assistance.)

under Article 3 of the Statute,<sup>1283</sup> encompassing liability under both Articles 7(1) and 7(3) for aiding and abetting the creation of an atmosphere of psychological terror and for not preventing the use of detainees as human shields and for trench digging. He was not, however, convicted of murder and torture, or of unlawful detention of civilians. The Trial Chamber sentenced him to two and half years imprisonment,<sup>1284</sup> which was revised on appeal on the basis that it was “manifestly inadequate”.<sup>1285</sup> The Appeals Chamber imposed a “revised sentence” of seven years, which took into account the mitigating factor of an “element of double jeopardy.” That element referred to the process whereby Aleksovski was required to appear for sentence twice for the same conduct, “suffering the consequent anxiety and distress” after having been released.<sup>1286</sup> According to the Appeals Chamber, if not for these considerations, then “the [revised] sentence would have been considerably longer”.<sup>1287</sup>

609. Zdravko Mucić was found to have been a commander of the Čelebići prison camp. The Trial Chamber found him guilty under Article 7(1) of cruel treatment and wilfully causing great suffering or serious injury to body or health by virtue of inhumane conditions and of unlawful confinement of civilians, and under Article 7(3) of wilful killing and murder, torture, cruel treatment and wilfully causing great suffering or serious injury, inhuman and cruel treatment, and cruel treatment and wilfully causing great suffering or serious injury to body or health by virtue of inhumane conditions and sentenced him to seven years imprisonment on each count to be served concurrently.<sup>1288</sup> Both the Prosecution and Mucić appealed his sentence. The Čelebići Appeal Chamber found that his failure to prevent or punish subordinate crimes was the relevant culpable conduct, that his lack of active participation in the crimes did not mitigate culpability<sup>1289</sup> and that his responsibility found under both Article 7(1) and Article 7(3) must be taken into account for purposes of sentencing.<sup>1290</sup> The Appeals Chamber also found that in comparing Aleksovski’s sentence to that of Mucić, there was a serious disparity given that Mucić was sentenced to only seven years imprisonment in respect of more numerous crimes committed in similar circumstances, including crimes of an “undoubtedly greater

<sup>1283</sup> *Aleksovski* Trial Judgement, paras 228-230.

<sup>1284</sup> *Aleksovski* Trial Judgement, para 244.

<sup>1285</sup> *Aleksovski* Appeal Judgement, para 187.

<sup>1286</sup> *Aleksovski* Appeal Judgement, para 190.

<sup>1287</sup> *Aleksovski* Appeal Judgement, para 190.

<sup>1288</sup> *Čelebići* Appeal Judgement, para. 727.

<sup>1289</sup> *Čelebići* Appeal Judgement, para. 737.

<sup>1290</sup> *Čelebići* Appeal Judgement, para. 745.

gravity.”<sup>1291</sup> Notwithstanding the fact that Mucić’s conviction for the counts under Article 3 were quashed on the basis of those acts being the same conduct for which he was convicted under Article 2, the Appeal Chamber opined that any adjustment in sentence may not necessarily be substantial.<sup>1292</sup> While the Appeals Chamber was free to consider and substitute its own sentence, it remitted the matter back to a reconstituted Trial Chamber for reconsideration of sentence, but stated that:

Taking into account the various considerations relating to the gravity of Mucić’s offences and the aggravating circumstances already referred to, as well as the mitigation circumstances referred to by the Trial Chamber and the “double jeopardy” element involved in subjecting Mucić to a revised sentence, the Appeals Chamber would have imposed on Mucić a heavier sentence of a total of around ten years imprisonment.<sup>1293</sup>

610. It in no way follows from *the foregoing alone*, however, that this Trial Chamber should impose upon the accused penalties identical to those received by Aleksovski and recommended on behalf of Mucić. In fact, quite the contrary is true. Despite the *contextual* commonality between the three cases at issue, the *individual* circumstances of the accused in the present case are such that it is just—indeed imperative—that this Trial Chamber sentence him to a term of imprisonment considerably longer than ten years.

611. First and foremost, the inherent gravity of the offences of the accused is much greater because of the length of time the accused was warden in the KP Dom and the number of victims.

612. Second, the Prosecution draws the attention of this Trial Chamber to the highly individualised set of aggravating and mitigating circumstances. In addition, the accused in this case is not subject to the mitigating “element of double jeopardy” as were both Aleksovski and Mucić.

613. The Prosecution will submit its recommendation for the appropriate sentence during its Closing Argument.

<sup>1291</sup> Čelebići Appeal Judgement, para. 759.

<sup>1292</sup> Čelebići Appeal Judgement, para. 854, note 1458.

<sup>1293</sup> Čelebići Appeal Judgement, para. 853, note 1458.

## IX. CONCLUSION

614. For the foregoing reasons, the Prosecution submits that the accused should be found guilty of all the charges in the Indictment.



Hildegard Uertz-Retzlaff  
Senior Trial Attorney

Dated this 13<sup>h</sup> July 2001  
At The Hague  
The Netherlands

# SCHEDULE A

## List of arbitrary beatings

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
1.	between 20 April 92 and June 92	BAČVIĆ, Smajo	night on numerous occasions	prisoners' quarters room 15	VUKOVIĆ, Dragomir	guard	
1. a)	May 1992	BAČVIĆ, Smajo	night on numerous occasions	prisoners' quarters room 15	VUKOVIĆ, Radovan	guard	FWS-66, T 1091
2.	between 20 April 92 and June 92	ČAUŠEVIĆ, Muharem	night on numerous occasions	prisoners' quarters room 15	SAVIĆ, Jovo	guard	
2. a)	May 1992	ČAUŠEVIĆ, Muharem	on numerous occasions	room 15	unknown	unknown	FWS-215, T 894-895
2. b)	May 1992	ČAUŠEVIĆ, Muharem	twice	in front of room 15	unknown	unknown	FWS-66, T 1092-1093
3.	25 May 92	FWS-03	morning	on the way from admin. buildg. To prisoners' quarters	BURILO, Milenko	guard	
3. a)	25 May 1992	FWS-03	daytime	on the way to the isolation cell	BURILO, Milenko	guard	FWS-03, T 2243-2244

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
4.	between 20 April 92 and June 92	ČOROVIĆ, Halim	night on numerous occasions	prisoners' quarters room 15	ELČIĆ, Milenko	guard	
4. a)	May 92	ČOROVIĆ, Halim	night on numerous occasion	Room 15	unknown	unknown	FWS-66, T 1091-1092.
4. b)	unknown	ČOROVIĆ, Halim	not specified	not specified	unknown	unknown	Ekrem Zeković, T 3469, 3510
5.	between 25 May 92 and 18 June 93	ČOŠOVIĆ, Dževad	unknown	in prisoners' quarters – room for intellectual group	MATOVIĆ, Zoran	guard	Charged under 5.20 of the Indictment
6.	25 May 92	DEDOVIĆ, Halim	morning	prisoners' quarters	BURILO, Milenko	guard	
6. a)		DEDOVIĆ, Halim	not specified	unknown	BURILO, Milenko	guard	FWS-85, T 656
6. b)		DEDOVIĆ, Halim	on several occasions during seven days	when he was locked up in the basement of the admin. building	unknown	unknown	Amir Berberkić, T 3817-3818
6. c)	25 May 92	DEDOVIĆ, Halim	not specified	on the way to the isolation cell	BURILO	guard	FWS-03, T 2243-44

17-97-277

17-97-25-T

6581

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
7.	unknown	<b>DURIĆ, Ahmet</b>	night	room in prisoners' quarters	unknown	guard	
7. a)	April 1992	<b>DJURIĆ, Ahmet</b>	night	isolation cell	unknown	soldier	Ahmet Hadžimusić, T 1942-1943
8.	between May 92 and October 92	<b>FWS-198</b>	unknown	corridor in prisoners' quarters	MARIĆ, fnu	guard	
8. a)	between May 92 and October 92	<b>FWS-198</b>	not specified	in front of the door of room 16	MARIĆ, fnu "Mara"	guard	FWS-198, T 1000-1002
9.	between 25 May 92 and 18 June 93	<b>FWS-08</b>	unknown	room for intellectual group in prisoners' quarters	MATOVIĆ, Zoran	guard	<b>Charged under 5.20 of the Indictment</b>
10.	between April and August 92	<b>KAJGANA, Kemo</b>	evening	prisoners' room near room 13	unknown	either guards or soldiers	
10. a)	between April and August 92	<b>KAJGANA, Kemo</b>	not specified	outside isolation cell	unknown	guards also inmates forced to beat each other	Ahmet Hadžimusić, T 1947-1950

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
11.	20 April 92	FWS-111	unknown	corridor in front of room 11	unknown	soldiers	
11 a)	April 92	FWS-111	not specified	cell outside room 11 underneath the stairs	unknown	guard from Užice	FWS-111, T 1207, 1211
12.	between April and August 92	KOVAČEVIĆ, fnu	evening	prisoners' room near room 13	unknown	either guards or soldiers	
12. a)	between April and August 92	KOVAČEVIĆ, Fikret	unknown	outside isolation cell	unknown	guards. They also forced inmates to beat each other	Ahmet Hadžimusić, T 1947-1950
13.	from May 92 onwards	TARANIN, Rasim	after meal on several occasions	on the way back from kitchen to prisoners' quarters	VUKOVIĆ, Radovan	guard	
13. a)	from June 92 to March 93	TARANIN, Rasim	a few times	on way back from kitchen To prisoners' quarters	VUKOVIĆ, Fnu	guard	Rasim Taranin, T 1695, 1700, 1717-1718

17-97-25-T

# SCHEDULE B

## List of beatings during interrogation

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
1.	between 26 June 92 and 14 July 92	ALJUKIĆ, (2 persons first names unknown (fnu))	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
2.	June or July 92	BABALIJA, Nedžib	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
2. a)	June or July 92	BABALIJA, Nedžib	not specified	not specified	unknown	not specified	FWS-69, T 4107- 4108
2. b)	June or July 92	BABALIJA, Nedžib	not specified	not specified	unknown	not specified	Ekrem Zeković, T 3511-3512
3.	between 26 June 92 and 14 July 92	BALIĆ, Šerif	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
3. a)	on or around 28 April 92	BALIĆ, Šerif "Babo"	evening, between 5:30 and 10 p.m.	admin. building, in a cell behind the reception area	unknown	not specified	Ahmet Hadžimusić, T 1956-1957
3. b)	May or June 92	BALIĆ, fnu (from Marinkovići)	during daytime	unknown	unknown	not specified	FWS-69, T 4087- 4088

17-97-25-T

6579

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
4.	28 June 92	<b>BALIĆ, fnu</b> (son of Serif probably Džemo)	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
4. a)	13 May 92	<b>BALIĆ, Džemo</b>	during the day	admin. building, on the ground floor.	unknown	not specified	FWS-142, T 1826- 1828
4. b)	May 92	<b>BALIĆ, Džemo</b>	between 1530 and 1900	gate of the admin. building	unknown	not specified	FWS-138, T 2068, 2129-2130
4. c)	June or July 92	<b>BALIĆ, Džemo</b>	After lunch	in the admin. building, visitors' room	CICMIL, fnu BURILO, Milenko was also present, but did not participate in the beating.	guard and soldier	FWS-69, T 4081- 4086
4. d)	20 May 92	<b>BALIĆ, Džemo</b>	not specified	not specified	unknown	not specified	Ekrem Zeković, T 3474
4. e)	between mid-July 92 to early Aug. 92	<b>BALIĆ, fnu</b> (son of Serif probably Džemo)	not specified	not specified	unknown	not specified	FWS-139, T 361
5.	Summer 92	<b>BICO, Hamed</b> (aka Salem)	afternoon or night	admin. building ground floor	<b>ZELENOVIĆ, Dragan</b> <b>BURILO, Milenko</b> <b>OBRENOVIĆ, Dragomir,</b> aka Dragan, aka Obren and unknown others	guards and soldiers including military police	<b>Charged under 5.27 of the Indictment</b>
6.	between 16 June 92 and 30 June 92	<b>BRČO, fnu</b>	5p.m.-9 p.m.	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
7.	before end of June 92	ČANKUŠIĆ, Abdurahman	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
7. a)	between 12 and 28 June 92	ČANKUŠIĆ, Abdurahman	Beatings started between 18:00- 19:00 and lasted until late through the night	In the central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2868- 2883
7. b)	mid-June	ČANKUŠIĆ, Abdurahman	taken out during night	In the admin. building	unknown	not specified	FWS-172, T 4559- 4560
7. c)	between 26 June 92 and 14 July 92	ČANKUŠIĆ, Abdurahman	Several occasions, day and night	admin. building	unknown	guards	FWS-139, T 352- 353, 357-358
7. d)	early/mid June 92	ČANKUŠIĆ, Abdurahman	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, T 2377- 2379, 2393, 2395, 2431
7. e)		ČANKUŠIĆ, Abdurahman	not specified	not specified	unknown	not specified	FWS-215, T 903
7. f)		ČANKUŠIĆ, fnu	not specified	not specified	unknown	not specified	FWS-69, T 4118

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
8.	between May 92 and Oct 92	ČANKUŠIĆ, Uzeir	after 19.00 p.m.	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	FWS-69, T 4118
8. a)	between May 92 and Oct 92	ČANKUŠIĆ, fmu	not specified	not specified	unknown	not specified	
9.	May or June 92	ČARDAKLJA, Adil	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
10.	between 26 June 92 and 14 July 92	ČEBO, Munib	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
11.	June 92 to mid-July 92	ČEDIĆ, Zaim	after lunch or dinner	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	FWS-71, T 2883- 2887
11. a)	between 12 and 28 June 92	ČEDIĆ, Zaim	beatings started between 18:00- 19:00 and lasted until late through the night	In the central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
8.	between May 92 and Oct 92	ČANKUŠIĆ, Uzeir	after 19.00 p.m.	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	FWS-69, T 4118
8. a)	between May 92 and Oct 92	ČANKUŠIĆ, fnu	not specified	not specified	unknown	not specified	
9.	May or June 92	ČARDAKLJA, Adil	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
10.	between 26 June 92 and 14 July 92	ČEBO, Mumib	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
11.	June 92 to mid-July 92	ČEDIĆ, Zaim	after lunch or dinner	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	FWS-71, T 2883- 2887
11. a)	between 12 and 28 June 92	ČEDIĆ, Zaim	beatings started between 18:00- 19:00 and lasted until late through the night	In the central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	

17-97-207

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
11. b)	June or July 92	ČEDIĆ, Zaim	daytime	taken to the gate towards the admin. building	unknown	not specified	FWS-104, T 2173- 2175.
11. c)	June 92	ČEDIĆ, Zaim	in the middle of the day	In the admin. building	unknown	not specified	FWS-249, T 4484- 4486
11. d)	June-July 92	ČEDIĆ, Zaim	beaten several occasions	While in solitary confinement	unknown	not specified	Amir Berberkić, T 3814
11. e)	between 26 <sup>th</sup> of May and 7 <sup>th</sup> of July 92.	ČEDIĆ, Zaim	daytime	admin. building	unknown	guards	FWS-03, T 2250
11. f)	not specified	ČEDIĆ, Zaim	daytime	not specified	unknown	not specified	FWS-73, T 3216- 3217, 3263
11. g)	between 20 May and 31 August 92	ČEDIĆ, fnu	daytime	behind the metal door (admin. building)	unknown	not specified	R.J., T 3861
12.	between May 92 and Oct 92	CRNETA, Murat	after 19.00 p.m.	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	Not enough evidence

1F97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
13.	June 92 to mid-July 92	<b>DEDOVIĆ, Halim</b>	after lunch or dinner	admin. building ground floor	<b>DRAKUL, aka Zihko KRNOJELAC, fnu MILETIĆ, fnu "Pikolo"</b> and unknown others	guards and soldiers including military police	<b>Charged under 5.23 of the Indictment</b>
14.	between 24 June 92 and beginning of August 92	<b>DELIC, (probably) Remzija</b>	evening	admin. building ground floor	unknown	military police including victim's neighbours	
14. a)	June or July 92	<b>DELIC, Remzija</b>	after lunch	admin. building next to the gate, where all the beatings took place	unknown	former schoolmates from the village of the victim	FWS-69, T 4103- 4105
14. b)		<b>DELIC, fnu</b>	during the day	an unknown cell	unknown	victim's neighbours	FWS-142, T 1828-1830

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
15.	June 92 to mid-July 92	DELIC, Nedžad	after lunch or dinner	admin. building ground floor	unknown	guards and/or soldiers including military police	Amir Berberkić, T 3772-3777
15. a)	mid-July 92	DELIC, Nedžad	in the afternoon; after lunch around 2 or 3	solitary confinement area in the admin. building, the three ground-floor windows left from the door on photo 7477	MATOVIC, Zoran VUKOVIC, Zoran and unknown others	guards, neighbours and former schoolmates	
16.	unknown	DURGUT, Mujo	evening	admin. building ground floor	unknown	unknown	Not enough evidence. He was beaten in Miljevina prior to being taken to KP Dom (FWS-69, T 4107)
17.	between May 92 and August 92	DŽAMALIJA, Juso	evening	admin. building ground floor	BURILO, Milenko, OBRENOVIC, Dragomir, aka Dragan, aka Obren, and unknown others	guards and soldiers including military police	
17. a)	June 92	DŽAMALIJA, Juso	unknown	solitary confinement cells	unknown	guards and soldiers	Amir Berberkić, T 3812-3813
17. b)		DŽAMALIJA, Juso	evening	not specified	unknown	not specified	FWS-66, T1086, 1106
17. c)		DŽAMALIJA, Juso	not specified	not specified	unknown	not specified	Ekrem Zeković, T 3499

17-97-25-7

6572

7

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
17. d)	June 92	<b>DŽAMALIJA, Juso</b>	not specified	not specified	unknown	not specified	FWS-250, T 5025-5030, 5039, 5082
18.	June 92 to mid-July 92	<b>DŽANO, Hasan</b>	after lunch or dinner	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
18. a)	between 12 and 28 June 92	<b>DŽANO, Hasan</b>	beatings started between 18:00-19:00 and lasted until late through the night	in the central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2883-2887
18. b)	unknown	<b>DŽANO, Hasan</b>	Between 12:00 and 1:00 p.m. before the lunch	Solitary confinement cell, in the admin. building	MATOVIC, Zoran and unknown others	guard and neighbours	FWS-104, T 2166-2167, 2169-2172
18. c)	mid-July 92	<b>DŽANO, Hasan</b> aka "Kabalic"	After Nedžad Delić (B15) was returned to his room.	admin. building: three ground-floor windows left (from the door on Photo 7477)	MATOVIC, Zoran VUKOVIC, Zoran and unknown others	guards, military police and neighbours	Amir Berberkić, T 3781-3784
18. d)	mid-June 92	<b>DŽANO, Hasan</b>	daytime	near the metal gate	unknown	not specified	FWS-142, T 1822-1824
18. e)	May-June 92	<b>DŽANO, Hasan</b> aka "Kabalic"	In the middle of the day	admin. building	unknown	not specified	FWS-249, T 4484-4486
18. f)	13 June 92	<b>DŽANKO, Hasan</b> aka "Kalabic"	daytime	ground floor, right side	fnu Ivanović	unknown, probably guard	Dževad S. Lojo, T 2570, 2574

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
18. g)	unknown	<b>DŽANKO, fnu</b>	not specified	not specified	taken out of the room by guards	not specified	FWS-73, T 3261- 3263, 3386-3388
19.	between end of May 92 and beginning of July 92	<b>DŽELILOVIĆ, Kemo</b>	evening	admin. building ground floor	BURILO, Milenko MATOVIĆ, Zoran OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
19. a)	Between 12 and 28 June 92	<b>DŽELILOVIĆ, Kemo</b>	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2829- 2862
19. b)	Between 12 and 28 June 92	<b>DŽELILOVIĆ, Professor</b>	evening	admin. building, the first floor above the ground floor, where the offices were	unknown	not specified	FWS-73, T 3251, 3255, 3257-3260
19. c)	Between 12 and 28 June 92	<b>DŽELILOVIĆ, Kemal</b>	at night	admin building, ground floor, on exhibit 6/1 the room marked "tel" or the room next to it	BURILO, Milenko was present and unknown others	guard was present; Perpetrators were soldiers in military uniforms	Muhamed Lisica, T 4939-4955
19. d)	Between 12 and 28 June 92	<b>DŽELILOVIĆ, Kemo</b>	evening	admin. building	PEJIĆ, Slobodan and unknown guards	guards	FWS-54, T 758- 762
19. e)	Between 12 and 28 June 92	<b>DŽELILOVIĆ, Kemo</b>	On several occasions	admin building	unknown	not specified	FWS-215, T 904

IT-97-257

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
19. f)	between 13 and 30 June 92	<b>ĐŽELILOVIĆ, Kemo</b>	evening	admin. building	unknown	not specified	FWS-111, T 1253
19. g)	25 to 28 June 92	<b>ĐŽELILOVIĆ, Kemel</b>	evening	admin building	unknown	not specified	FWS-69, T 4123- 4124
19. h)	25 to 28 June 92	<b>ĐŽELILOVIĆ, Kemo</b>	evening	admin. building	unknown	not specified	Safet Avdić, T 513-516
19. i)	early June 92	<b>ĐŽELILOVIĆ, Kemo</b>	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254; 2260-2261
19. j)	early/mid June 92	<b>ĐŽELILOVIĆ, Kemo</b>	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, 2377-2379, 2394-2395
19. k)	April 92	<b>ĐŽELILOVIĆ, Kemel</b>	taken out two or three times	admin building	unknown	not specified	FWS-137, T 4757, 4758, 4802
19. l)	End of June 92	<b>ĐŽELILOVIĆ, Kemel</b>	unknown	admin. building	unknown	not specified	Amir Berberkić, T 3802-3803
19. m)	June 92	<b>ĐŽELILOVIĆ, Kemel</b>	unknown	admin building	unknown	not specified	Ekrem Zeković, T 3499
20.	between May 92 and August 92	<b>ĐŽENDUŠIĆ, Ramo</b>	evening	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
20. a)		<b>ĐŽENDUŠIĆ, Ramo</b>	evening	At the entrance	unknown	military and camp personnel	Ekrem Zeković, T 3488, 3489, 3501
20. b)	mid-June	<b>ĐŽENDUŠIĆ, Ramo</b>	night-time	In the admin. building	unknown	not specified	FWS-172, T 4559, 4560
20. c)	June 92	<b>ĐŽENDUŠIĆ, Ramo</b>	evening	admin building	unknown	not specified	FWS-104, T 2184.

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
20. d)	June 92	<b>DŽENDUŠIĆ, Ramo</b>	several occasions	admin building	unknown	not specified	FWS-73, T 3277- 3279, 3406
20. c)	June 92	<b>DŽENDUŠIĆ, Ramo</b>	not specified	admin building	unknown	not specified	FWS-66, T 1107
20. d)	In June	<b>DŽENDUŠIĆ, Ramo</b>	not specified	admin building	unknown	not specified	FWS-69, T 4124
20. g)	June 92	<b>DŽENDUŠIĆ, Ramo</b>	not specified	admin building	unknown	not specified	Amir Berberkić, T 3809
21.	between 24 May 92 and 07 July 92	<b>FRAŠTO, Emir</b>	evening	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
21. a)	July 92	<b>FRAŠTO, Emir</b>	dinner time, around 6 p.m.	near room 18, which is on the second floor.	ZELENOVIĆ, Dragan aka "Zelja"	Soldier	FWS-162, T 1384, 1387-1388.
21. b)	mid-June	<b>FRAŠTO, Amer</b>	night-time	admin. building	unknown	not specified	FWS-172, T 4559, 4560
22.	between 26 June 92 and 14 July 92	<b>GRANOV, Adnan</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
22. a)	early/mid June 92	<b>GRANOV, Adnan</b> "Atko"	evening.	Admin. building, ground floor.	Unknown	not specified	FWS-109, T 2359- 2360, T 2377- 2379, 2392-2393, 2430-2431
22. b)	mid-June	<b>GRANOV Adnan</b>	taken out during night	admin. building	unknown	not specified	FWS-172, T 4559, 4560

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
23.	between 26 June 92 and 14 July 92	<b>GROŠONJA, Izet</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	FWS-139, T 352- 5
23. a)	between 26 June 92 and 14 July 92	<b>GROŠONJA, Izet</b>	afternoon and night-time	admin. building	unknown	guards	FWS-139, T 352- 5
23. b)		<b>GROŠONJA, Izet</b>	not specified	taken to the gate	unknown	not specified	FWS-69, T 4119
24.	unknown	<b>HADŽIMESIĆ, Resad</b>	evening	admin. building, ground floor	unknown	guards and/or soldiers including military police	FWS-104, T 2186
24. a)	17 September 92	<b>HADŽIMESIĆ, Resad</b>	About 1 p.m.		unknown	not specified	FWS-73, FWS-73, T 3285-3286
24. b)		<b>HADŽIMESIĆ, fnu</b>	several occasions		unknown	not specified	FWS-73, FWS-73, T 3285-3286
25.	prior to June/July 92	<b>HASANBEGOVIĆ, fnu</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	FWS-109, T 2359- 2362, 2377-2379, 2432
25. a)	Beginning of June 92	<b>HASANBEGOVIĆ, Latif</b>	evening	admin. building ground floor	BURILO, Fnu and MATOVIĆ, Zoran	guards	FWS-109, T 2359- 2362, 2377-2379, 2432

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
25. b)	In early June 92	<b>HASANBEGOVIĆ, Latif</b>	before lunch around 11:00 or 11:30 until 15:30	admin. building	unknown, but on the order of the members of the group of inspectors	not specified	FWS-71, T 2820- 2822.
25. c)	May or June 92	<b>HASANBEGOVIĆ, fnu</b>	During daytime	admin. building	unknown	not specified	FWS-69, T 4087- 4088
26.	prior to June/July 92	<b>HASKOVIĆ, fnu</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
26. a)	Beginning of June 92	<b>HASKOVIĆ, Aziz</b>	evening	admin. building ground floor	BURILO, Fnu and MATOVIĆ, Zoran	guards	FWS-109, T 2359- 2362, 2377-2379, 2432
26. b)	In early June 92	<b>HASKOVIĆ, Aziz</b>	before lunch around 11:00 or 11:30 until 15:30	admin. building	unknown, but on the order of one of the members of the group of inspectors	not specified	FWS-71, T 2820- 2822.
27.	August 92 or before	<b>HODŽIĆ, Abid</b>	around 9 p.m.	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence

11-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
28.	between May 92 and August 92	<b>HODŽIĆ, Nail</b>	evening	admin. building ground floor	BURILO, Milenko <b>OBRENOVIĆ,</b> Dragomir, aka Dragan, aka Obren, and unknown others	guards and soldiers including military police	
28. a)	Between 12 and 28 June 92	<b>HODŽIĆ, Nail</b>	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko <b>KOROMAN, Slavko</b>  and others	guards	FWS-71, T 2829- 2862
28. b)	unknown	<b>HODŽIĆ, Nail</b>	taken out several occasions	called to give a statement	unknown	not specified	FWS-137, T 4756- 4757
28. c)	summer 92	<b>HODŽIĆ, Nail</b>	not specified	admin. building	unknown	not specified	Muhamed Lisica, T 4960-4961
28. d)	mid-June	<b>HODŽIĆ, Nail</b>	night-time	admin. building	unknown	not specified	FWS-172, T 4559- 4560
28. e)	early/mid June 92	<b>HODŽIĆ, Nail</b>	evening.	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, T 2377- 2379, 2392, 2395
28. f)	unknown	<b>HODŽIĆ, Nail</b>	not specified	admin. building	unknown	not specified	FWS-69, T 4118
28. g)	unknown	<b>HODŽIĆ, Nail</b>	not specified	unknown	unknown	not specified	FWS-86, T 1516
28. h)	Before 26 April 92	<b>HODŽIĆ, Nail</b>	not specified	unknown	unknown	not specified	FWS-104, T 2163- 2164.
28. i)	unknown	<b>HODŽIĆ, Nail</b>	not specified	unknown	unknown	not specified	Ekrem Zeković, T 3503

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
29.	between 16 June 92 and 30 June 92	ISANOVIĆ, Atko	5p.m.-9 p.m.	admin. building ground floor	unknown	guards and/or soldiers including military police	Not enough evidence
30.	between 26 June 92 and 14 July 92	ISANOVIĆ, Kemo	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
30. a)	early June 92	ISANOVIĆ, Kemo	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254, 2258, 2260- 2261
30. b)	June 92	ISANOVIĆ, Kemo	not specified	small anteroom near room 11	A soldier accompanied by a guard took him out of room 11.	not specified	FWS-73, T 3200, 3214-3215, 3217
30. c)	June 92	ISANOVIĆ, Kemo	not specified	entrance of the KP Dom	unknown	not specified	Ekrem Zeković, T 3516
30. d)	June 92	ISANOVIĆ, Kemal	several occasions	unknown	unknown	not specified	Amir Berberkić, T 3927-3928
31.	June 92	KAFEDŽIĆ, Ibro	after lunch or dinner	admin. building ground floor	unknown	guards and/or soldiers including military police	
31. a)	June 92	KAFEDŽIĆ, Ibro	morning, before lunch, around 11.00 or 12.00	not specified	fnu Vladičić and unknown others	Member of the group of inspectors and unknown others	FWS-69, T 4077- 4079

17-97-20-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
31. b)	From approx. May 92	<b>KAFEDŽIĆ, Ibro</b>	not specified	not specified	unknown	not specified	Ekrem Zeković, T 3517
32.	between May 92 and Oct 92	<b>KAJGANA, Rasim</b>	after 19.00 p.m.	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
32. a)	Between 12 and 28 June 92	<b>KAJGANA, Rasim</b>	Beatings started between 18:00- 19:00 and lasted until late through the night	central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2883- 2887
32. b)	not specified	<b>KAJGANA, Rasim</b>	not specified	taken out alone from the upper room	unknown	not specified	FWS-73, T 3284, 3411
33.	between May 92 and August 92	<b>KONJO, Halim</b>	evening	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
33. a)	Between 12 and 28 June 92	<b>KONJO, Halim</b>	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2829- 2862

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
33. b)	end of June	<b>KONJO, Halim</b>	between 1700 and 2100 hours	unknown	BURILO, Milenko	guard	Dževad S. Lojo, T 2575, 2586, 2587.
33. c)	On 12 June 92	<b>KONJO, Halim</b>	around 8 or 9 pm	admin. building	MATOVIĆ, "Zoka"	guards	FWS-69, T 4110- 4116
33. d)		<b>KONJO, Halim</b>	not specified	offices of the admin. building	unknown	taken out of the rooms by guards.	FWS-73, T 3263- 3264, 3266
33. e)	Second half of June 92	<b>KONJO, Halim</b>	several occasions	taken out for "interrogation"	unknown	not specified	Amir Berberkić, T 3794, 3800
33. f)	early June 92	<b>KONJO, Halim</b>	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254; 2260-2261
33. g)	beginning of June 92	<b>KONJO, Halim</b>	not specified	admin. building, ground floor.	unknown	not specified	FWS-142, T 1826, 1827.
33. h)	early/mid June 92	<b>KONJO, Halim</b>	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, 2377-2379, 2383, 2431
33. i)	early/mid June 92	<b>KONJO, Halim</b>	not specified	admin. building	unknown	not specified	Safet Avdić, T 513-516
33. j)	early/mid June 92	<b>KONJO, Halim</b>	not specified	admin. building	unknown	not specified	FWS-54 T 771
33. k)	early/mid June 92	<b>KONJO, Halim</b>	few times	admin. building	unknown	guards	FWS-215, T 894, 906
33. l)	early/mid June 92	<b>KONJO, Halim</b>	not specified	admin. building	unknown	not specified	FWS-86, T 1514, 1557
33. m)	early/mid June 92	<b>KONJO, Halim</b>	not specified	admin. building	unknown	not specified	FWS-66, T 1101- 1102.
33. n)	between 13 and 30 June 92	<b>KONJO, Halim</b>	not specified	admin. building	unknown	not specified	FWS-111, T 1240-1241

17-97-257

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
34.	Between May 92 and Oct 92	<b>KULOGLIJA, Mustafa</b>	after 19.00 p.m.	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
34. a)	Between 12 and 28 June 92	<b>KULOGLIJA, Mustafa</b>	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2829- 2862
34 b)	25 June 92	<b>KULOGLIJA, Mustafa</b>	not specified	admin. building	PEJIĆ, Slobodan and several unknown guards	guards	FWS-54 T 758
34. c)	Between May and August 92	<b>KULOGLIJA, Mustafa</b>	night-time	admin building, ground floor, "tel room" or the room next to it	BURILO, Milenko was present unknown others	guard was present; Perpetrators were soldiers in military uniforms	Muhamed Lisica, T 4939-4955
34. d)	mid-June	<b>KULOGLIJA, Mustafa</b>	night-time	admin. building	unknown	not specified	FWS-172, T 4559- 4560
34. e)	mid-June	<b>KULOGLIJA, Mustafa</b>	several occasions	not specified	unknown	not specified	FWS-66, T 1103- 1104
34. f)	mid-June	<b>KULOGLIJA, Mustafa</b>	several occasions	not specified	unknown	not specified	FWS-85, T 646
34. g)	mid-June	<b>KULOGLIJA, Mustafa</b>	evening	admin. building	unknown	guards	FWS-54, T 758- 762
34. h)	Between 12 <sup>th</sup> and 30 <sup>th</sup> June 92	<b>KULOGLIJA, Mustafa</b>	not specified	taken to the gate	unknown	not specified	FWS-69, T 4124

11-97-257

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
34. i)	July 92	KULOGLIJA, Mustafa	unknown	Near the entrance of the second floor of the admin. building	COSOVIC, fnu	Commander of the military police	Ekrem Zeković, T 3479-3483, 3666
34. j)		KULOGLIJA, Mustafa	evening	admin. building	unknown	not specified	FWS-137, T 4758
34. k)		KULOGLIJA, Mustafa	evening	admin. building	unknown	a Serb Mustafa Kuloglija had hit before the war	Ekrem Zeković, T 3503, 3505
34. l)	Between mid-June and end of June 92	KULOGLIJA, Mustafa	evening	admin. building	unknown	not specified	Amir Berberkić, T 3803-3804
34. m)		KULOGLIJA, Mustafa	evening	admin. building	unknown	not specified	FWS-86, T 1513, 1557
35.	May or June 1993	KUNOVAC, Omer	unknown	admin. building	BURILO, Milenko	guards and soldiers including military police	
35. a)	beginning of June 93	KUNOVAC, Omer (a deaf and mute person from Ustikolina)	daytime	probably in a solitary confinement cell in the admin. building	Unknown  but Gojko Jokanović (nurse) said that it was "BURILO's handiwork"	guard	Amir Berberkić, T 3760-3763
35. b)	in 1993	KUNOVAC, Omer (deaf-mute)	Several occasions	not specified	unknown	not specified	FWS-66, T 1088
35. c)		A deaf-mute/ handicapped person.	daytime	on the stairs in front of the canteen	BURILO, Milenko PLVALJICIC, Fnu	guards	FWS-73, T 3289- 90
35. d)	Spring 93	KUNOVAC, Omer	daytime	In another building than #1.	unknown	guards	FWS-111, T 1230-1231

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
36.	mid May to July 92	MANDŽO, Fuad	evening.	admin. building ground floor	Unknown	guards and/or soldiers including military police	
36. a)	Between 12 to 28- June 92	MANDŽO, Fuad	Between 18:00- 19:00	admin. building	unknown	not specified	FWS-71, T 2878- 2883.
36. b)	Between mid-June and end of June 92	MANDŽO, Fuad	taken out on several occasions	admin. building	unknown	not specified	Amir Berberkić, T 3804-3805
36. c)	end of June 92	MANDŽO, Fuad	not specified	not specified	unknown	not specified	Dževad S. Lojo, T 2582
37.	June 92 to mid-July 92	MANDŽO, Emir	after lunch or dinner	admin. building ground floor	unknown	guards and/or soldiers including military police	
37. a)	mid-June 92	MANDŽO, Emir	daytime	near the metal gate which led from the compound into the admin. building.	unknown	not specified	FWS-142, T 1822- 1824
37. b)	mid-July 1992	MANDŽO, Emir	afternoon	Admin. building	VUKOVIĆ, Zoran	Soldier	Amir Berberkić, T 3784-3786
37. c)		MANDŽO, Emir	daytime	taken through gate 1, beaten at gate 1, and brought back to room	unknown, did not dare to tell who beat him	not specified	FWS-138, T 2078-2079

IT-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
37. d)		MANDŽO, Emir	Between 12:00 and 1:00 p.m, before the lunch	solitary confinement cell, in the admin. building	MATOVIC, Zoran and unknown others	guard neighbours	FWS-104, T 2166- 2167, 2169-2172
37. e)	before 25 May 92	MANDŽO, Emir	middle of the day	admin. building	unknown	not specified	FWS-249, T 4484- 4486
37. f)	sometime between 26 May and 7 July 92.	MANDŽO, fnu	daytime	admin. building	unknown	guards	FWS-03, T 2246- 2249.
37. g)		MANDŽO, Emir	daytime	admin. building	taken out of the room by guards	not specified	FWS-73, T 3261- 3263, 3386-3388
37. h)	between July 92 and August 92	MANDŽO, Emir	daytime	admin. building	unknown	not specified	FWS-139, T 360
37. i)	13 June 92	MANDŽO, Emir	between 10:30 and 12:30	ground floor, right side of admin building	IVANOVIĆ, Fnu	not specified	Dževad S. Lojo, T 2571-2574
38.	between 19 Aug. 92 and 29 April 92	MARTINČEVIĆ, Krešimir	after 1800 hrs on several occasions	interrogation rooms, admin. building	VLADIČIĆ, Zoran KOPRIVICA, Miso GAŠOVIĆ, Petko STAROVIĆ, Vojislav and unknown others	police and military policemen	Not enough evidence

17-97-25-T

6558

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
39.	between 24 May 92 and 07 July 92	<b>MATOVIC, fnu (Croat) (Mate) T</b> The correct name of this individual is <b>IVANČIĆ, Mate</b> a Croat male nurse	evening	admin. building ground floor	unknown	guards and soldiers including military police	
39. a)	June 92	<b>IVANČIĆ, Mate</b>	not specified	admin. building	unknown	guards	Ekrem Zeković, T 3504
39. b)		<b>IVANČIĆ, Mate</b>	on several occasions	not specified	unknown	not specified	FWS-73, T 3271
40.	between 19 Aug. 92 and 29 April 92	<b>MEHMEDSPAHIĆ, Avdo</b>	after 1800 hrs on several occasions	interrogation rooms, admin. building	<b>VLADIČIĆ, Zoran KOPRIVICA, Miso GASOVIĆ, Petko STAROVIĆ, Vojislav and unknown others</b>	police and military policemen	
40. a)	June July 92	<b>MEHMEDSPAHIĆ, Avdo</b>	early evening.	taken out of the isolation cell and "tortured, battered and then taken away."	unknown	not specified	FWS-73, T 3285, 3413
40. b)	July 92	<b>MEHMEDSPAHIĆ, Avdo</b>	several occasions	On his way to his interrogation with one of the inspectors.	unknown	not specified	FWS-85, T 657, 689
40. c)	July 92	<b>MEHMEDSPAHIĆ, Avdo</b>	not specified	ground floor of the correctional part of the admin. building.	unknown	not specified	FWS-111, T 1246-1247

IT-97-25-T

6552

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE	
40. d)	unknown	MEHMEDSPAHIĆ, Avdo	not specified	entrance to the isolation cell	unknown	not specified	Ektrem Zeković, T 3520, 3523	
40. e)	unknown	MEHMEDSPAHIĆ, Avdo	not specified	not specified	unknown	military police	FWS-86, T 1515 - 1516	
40. f)	end of June 92	MEHMEDSPAHIĆ, Avdo	not specified	not specified	unknown	not specified	FWS-172, T 4569- 4570	
41.	between 13 June 92 and 30 June 92	MEZBUR, Asim	night	admin. building ground floor	unknown	guards and/or soldiers including military police		
41. a)	beginning of June 92	MEZBUR, Asim	daytime	admin. building ground floor	unknown	military police	FWS-250, T 5040- 5042	
42.		MUJEZINOVIC, Omer	This person was killed in a car accident prior to the war. Witnesses have, however, referred to a Samir Mujezinovic who was at KP Dom and was taken out to "pick plums" in September 1992.					Not enough evidence
43.	June 92 to mid-July 92	PAŠALIĆ, Mehmet aka Meho	after lunch or dinner	admin. building ground floor	unknown	guards and/or soldiers including military police		
43. a)	early June 92	PAŠALIĆ, Mehmet	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254, 2258, 2260- 2261	
43. b)		PAŠALIĆ or PAŠOVIĆ Meho	not specified	taken to the gate	unknown	not specified	FWS-69, T 4124	
43. c)	End of June 92	PAŠALIĆ, Mehmet aka "Meha"	not specified	not specified	unknown	not specified	Amir Berberkić, T 3808	

11-97-21-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
44.	Summer 92	PAŠOVIĆ, Mensud	afternoon or night	admin. building ground floor	ZELENOVIĆ, Dragan and unknown others	guards and/or soldiers including military police	
44. a)	between May and August 92	PAŠOVIĆ, fnu aka "Pasko"	at night	admin building, ground floor, on exhibit 6/1 the room marked "tel" or the room next to it	BURILO, Milenko was present unknown others	guard was present; Perpetrators were soldiers in military uniforms	Muhamed Lisica, T 4939-4955
45.	June 92 to mid-July 92	RIKALO, Hidajet	after lunch or dinner	admin. building ground floor	unknown	guards and/or soldiers including military police	
45. a)	June 92 to mid-July 92	RIKALO Hidajet "Hido" the youngest brother	several occasions	taken to the gate	unknown	not specified	Amir Berberkić, T 3787-3791
45. b)	June 92 to mid-July 92	RIKALO, fnu	several occasions	admin. building	unknown	not specified	FWS-73, T 3267

11-97-267

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
46.	between May 92 and August 92	<b>RIKALO, Husko (Husein)</b>	evening	admin. building ground floor	<b>BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others</b>	guards and/or soldiers including military police	
46. a)	Late June 92	<b>RIKALO, Husko</b>	evening	near the metal gate which led from the compound into the admin. building.	unknown	not specified	FWS-142, T 1823- 1825
46. b)	May 92	<b>RIKALO, Husko</b>	around 9:00 and 11:00 p.m	Downstairs in the isolation cell, in the admin. building	unknown	not specified	FWS-104, T 2176- 2179
46. c)	unknown	<b>RIKALO Husein the eldest brother</b>	several occasions	taken to the gate	unknown	not specified	Amir Berberkić, T 3787-3791
46. d)	July 92	<b>RIKALO, Husko</b>	at dinner time, around 6 p.m.	near room 18, which is on the second floor.	<b>ZELENOVIĆ, Dragan aka "Zelja"</b>	soldier	FWS-162, T 1384, 1387-1388.
46. e)	mid-June	<b>RIKALO Husein</b>	taken out during night	admin. building	unknown	not specified	FWS-172, T 4559- 4560
46. f)	unknown	<b>RIKALO, Husko (Husein)</b>	evening	admin. building	unknown	not specified	FWS-111, T 1240, 1257-1258
46. g)	early June 92	<b>RIKALO, Husko</b>	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254; 2260-2261
46. h)		<b>RIKALO, Husein</b>	evening	gate and passageway	unknown	not specified	Ekrem Zeković, T 3508

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
46. i)	Between May 92 and August 92	<b>RIKALO, Husko</b> (Husein)	evening	admin. building	unknown	not specified	FWS-198, T 1010-1011
47.	between 26 June 92 and 14 July 92	<b>RIKALO, Nečko</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
47. a)	mid-June	<b>RIKALO Nečko</b>	taken out during night	admin. building	unknown	not specified	FWS-172, T 4559- 4560
47. b)		<b>RIKALO, fnu</b> (a waiter from Cohodor Mahala)	FWS-73 saw him with injuries on several occasions	unknown	unknown	not specified	FWS-73, T 3267
48.	May 92 to end of Aug. 92	<b>RIKALO</b> , the two brothers (probably Zaim and Mithat.	daytime	interrogation rooms, admin. building	<b>VLADIČIĆ, fnu</b>	police inspector	
48. a)	May 92 to end of Aug. 92	<b>RIKALO</b> , the two brothers (probably Zaim and Mithat)	evening	admin. building	unknown	not specified	FWS-111, T 1240, 1257-1258
48. b)	May 92 to end of Aug. 92	<b>RIKALO Zaim</b> the "middle" brother	On several occasions	taken to the gate	unknown	not specified	Amir Berberkić, T 3787-3791
48. c)	early/mid June 92	<b>RIKALO</b> , the two brothers	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, 2377-2379, 2383

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
48. d)		RIKALO brothers	FWS-73 saw them with injuries on several occasions	admin. building	unknown	not specified	FWS-73, T 3267
48. e)	after 13 June 92	RIKALO brothers	after lunch	admin. building	unknown	not specified	FWS-69, T 4117
48. f)	after 13 June 92	RIKALO, Mithat and Zaim	not specified	gate/ passageway	unknown	not specified	Ekrem Zeković, T 3508
49.	end of June 92	ŠABANOVIĆ, Hajro	evening on several occasions	admin. building ground floor	Drakul, aka Zliko KRNOJELAC, fnu MILETIĆ, fnu 'Pikolo'	guards and soldiers including military police	Charged under 5.23 of the Indictment
50.	between 26 June 92 and 14 July 92	SELIMOVIC, Haso	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
50. a)	early June 92	SELIMOVIC, Haso	after dinner time	admin. building	unknown	guards	FWS-03, T 2250- 2254, 2259-2261
50. b)	June or July 92	SELIMOVIC, fnu	lunchtime	dining room	VUKOVIC, fnu	guard	FWS-113, T-2568
50. c)	beginning of June 92	SELIMOVIC, Haso	not specified	admin. building, ground floor.	unknown	not specified	FWS-142, T 1826, 1827.
50. d)		SELIMOVIC, "Spona"	evening	admin. building	unknown	not specified	FWS-69, T 4119

17-97-207

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
51.	prior to June/July 92	<b>SELJANCI, Halim</b>	evening	admin. building ground floor	unknown	guards and/or soldiers including military police	
51. a)	Beginning of June 92	<b>SELJANCI, Halim</b>	evening	admin. building ground floor	BURILO, Fnu MATOVIĆ, Zoran	guards	FWS-109, T 2359-2362, 2377- 2379, 2432
51. b)	early June 92	<b>SELJANCI, Halim</b>	before lunch around 11:00 or 11:30 until 15:30	not specified	unknown, but on the order of the members of the Commission of investigators	not specified	FWS-71, T 2820- 2822.
51. c)	July 92	<b>SELJANCI, Halim</b>	not specified	not specified	unknown	not specified	FWS-58, T 2702
52.	between May 92 and Oct 92	<b>SOFRADŽIJA, Meša</b>	evening	admin. building ground floor	BURILO, Milenko OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and/or soldiers including military police	
52. a)	Between 12 and 28 June 92	<b>SOFRADŽIJA, Meša</b>	Beatings started between 18:00- 19:00 and lasted until late through the night	central part of the admin. building, Soba 1 and 2, (Exhibit 6/1)	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2883- 2887
52. b)		<b>SOFRADŽIJA, Mehmad, "Meša"</b>	It was dark, after dinner.	FWS-73 heard him being beaten when he was in the isolation cell.	unknown	not specified	FWS-73, T 3282, 3284, 3410
52. c)		<b>SOFRADŽIJA, Meho</b>	not specified	not specified	unknown	not specified	FWS-137, T 4760- 4761, 4800

17-97-25-7

6551

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
52. d)		SOFRADŽIJA, Meša	not specified	not specified	unknown	not specified	Ekrem Zeković, T 3524-3525
52. e)	July 92	SOFRADŽIJA, Mehmed, "Mesa"	not specified	not specified	unknown	not specified	Amir Berberkić, T 3929-3930
53.	April 92	ŠORO, Esad	during daytime	interrogation rooms, admin. building	KOPRIVICA, Miso	police inspector	
53. a)	April or May 92	ŠORO, Esad	daytime	admin. building	KOPRIVICA, Miso,	police inspector (secretariat of the interior)	FWS-54 T 751- 753
53. b)		ŠORO the taxi driver	after his brother Ševal.	admin. building	unknown	not specified	FWS-73, FWS-73, T 3271-3272, 3400-3402
54.	April 92	ŠORO, Ševal	during daytime	interrogation rooms, admin. building	KOPRIVICA, Miso	police inspector	
54. a)	April or May 92	ŠORO, Ševal	during daytime	admin. building	KOPRIVICA, Miso,	police inspector (secretariat of the interior)	FWS-54 T 751- 753
54. b)	Between 12 and 28 June 92	ŠORO, Ševal	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2862- 2866
54. c)	early/mid June 92	ŠORO, Ševal	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, T 2377- 2379, 2394-2397, 2432

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
54. d)	June 92	ŠORO, the electrician	Earlier than his other brothers who were also taken out for beatings	taken out from Room L, upper floor on the side of building 1.	unknown	not specified	FWS-73, FWS-73, T 3271-3272, 3400-3402
54. e)	mid-June	ŠORO, Ševal	night-time	admin. building	unknown	not specified	FWS-172, T 4559-4560
54. f)		ŠORO, Ševal	night-time	admin. building	unknown	not specified	FWS-137, T 4759-4760, 4797
55.	April 92	ŠORO, Sulejman	daytime	interrogation rooms, admin. building	KOPRIVICA, Miso	police inspector	
55. a)	unknown	ŠORO the taxi driver	later than his brother Ševal.	admin. building	unknown	not specified	FWS-73, FWS-73, T 3271-3272, 3400-3402
55. b)	April or May 92	ŠORO, Sulejman	daytime	admin. building	KOPRIVICA, Miso,	police inspector (secretariat of the interior)	FWS-54, T 751-753
55. c)	mid-June	ŠORO, Suljo	night-time	admin. building	unknown	not specified	FWS-172, T 4559-4560
56.	between 19 Aug. 92 and 29 April 92	SUBAŠIĆ, Habib	after 1800 hrs on several occasions	interrogation rooms, admin. building	VLADIČIĆ, Zoran KOPRIVICA, Miso GAŠOVIĆ, Petko STAROVIĆ, Vojislav and unknown others	police and military policemen	
56. a)	Between 8 July 92 and 31 August 92	SUBAŠIĆ, Habib	not specified	in KP Dom, exact location unknown	unknown	not specified	FWS-58, T 2679, 2681, 2686, 2700-2701

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
57.	Between February 1993 and May 1993	UHOTA, Huso	unknown on about 10 occasions	prisoners' quarters, isolation cell	MATOVIĆ, Zoran	guard	
57. a)	Between February and May 93	UHOTA, Huso	during daytime and evening hours before dark, on about 10 occasions	prisoners' quarters, isolation cell	MATOVIĆ, Zoran	guard	FWS-159, T 2479- 2486, 2505-2506
58.	between May 92 and August 92	VEHIDA, Munib	evening	admin. building ground floor	BURILO, Milenko  OBRENOVIĆ, Dragomir, aka Dragan, aka Obren and unknown others	guards and soldiers including military police	
59.	between 19 Aug 92 and 29 April 92	VEIZ, Munib	after 1800 hrs on several occasions	interrogation rooms, admin. building	VLADIĆIĆ, Zoran KOPRIVICA, Miso GAŠOVIĆ, Petko STAROVIĆ, Vojislav and unknown others	police and military policemen	
59. a)	early June 92	VEIZ, Munib	after dinnertime	admin. building	unknown	guards	FWS-03, T 2250- 2254, 2260-2261
59. b)	Between May and August 92	VEIZ, Munib	night-time	Admin building, ground floor, on exhibit 6/1 the room marked "Tel" or the room next to it	BURILO, Milenko Burilo was present  unknown others	guard was present; Perpetrators were soldiers in military uniforms	Muhamed Lisica, T 4939-4955

11-97-2-7

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
59. c)	Between 12 and 28 June 92	VEIZ, Munib	Beatings started between 18:00- 19:00 and lasted past 21:00	admin. building second window from the left; Exhibit 18-Photo 7474	BURILO, Milenko KOROMAN, Slavko and others	guards	FWS-71, T 2829- 2862
59. d)	around May 92	VEIZ, Munib	several occasions	admin. building	ELEZ, Radivoje aka "Mento"	guard	FWS-54, T 754, 773
59. e)	between 26 June 92 and 14 July 92	VEIZ, Munib	afternoon and during the night	admin. building	unknown	guards	FWS-139, T 352- 353, 357
59. f)	mid-June	VEIZ, Munib	taken out during night	admin. building	unknown	not specified	FWS-172, T 4559- 4560
59. g)	early/mid June 92	VEIZ, Munib	evening	admin. building ground floor	unknown	not specified	FWS-109, T 2359- 2360, T 2377- 2380, 2430
59. h)		VEIZ, Munib	several occasions	taken out of room 11 for questioning	unknown	not specified	FWS-85, T 641, 649
59. i)		VEIZ, Munib	evening	admin. building	unknown	not specified	FWS-66, T 1110
59. j)		VEIZ, Munib	several occasions	admin. building	unknown	not specified	FWS-111, T 1243
59. k)		VEIZ, Munib	evening	admin. building	unknown	not specified	FWS-162, T 1401
59. l)		VEIZ, Munib	evening	admin. building	witness believed it was the military police, Arkan's men, the White Eagles and some neighbours.	paramilitaries and neighbours	FWS-86, T 1511, 1556-1557.
59. m)	Before 26 April 92	VEIZ, Munib	evening	admin. building	unknown	not specified	FWS-104, T 2163- 2165

17-97-25-T

#	DATE	VICTIM (Name)	TIME (on one occasion unless otherwise specified)	LOCATION	PERPETRATOR (Name)	PERPETRATOR (Position)	TRANSCRIPT REFERENCE
59. n)	mid-June until end of June 92	VEIZ, Mumib	several occasions	admin. building	unknown	not specified	Amir Berberkić, T 3802
59. o)	Between 15-30 June 92	VEIZ, Mumib	evening	admin. building	unknown	not specified	Dževad S. Lojo, T 2578.
59. p)	June 92	VEIZ, Mumib	several occasions	admin. building	unknown	not specified	FWS-137, T 4760, T 4799
59. q)	April-May 92	VEIZ, Mumib	several occasions	admin. building	unknown	not specified	FWS-73, T 3276, 3405
59. r)	June 92	VEIZ, Mumib	evening	admin. building	unknown	not specified	FWS-69, T 4123, T 4127
59. s)	June 92	VEIZ, Mumib	evening	admin. building	unknown	not specified	Ekrem Zeković, T 3509

17-97-25T

## SCHEDULE C

No.	Name Evidence
1.	<b>Altoka, Alija</b>
1. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Alija Altoka was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Alija Altoka is still missing today. FWS-71, T 2868-2883
1. b)	Taken out from room 11 on 24 June 1992 by Slobodan Pejić and never seen again. FWS-66, T 766
1. c)	He was a young man, about 30 years old. He was in the same room as FWS-137. He was taken away. FWS-137, T 4759
1. d)	Alija Altoka was taken out of the room during the night sometime in mid-June, after Krnojelac's son and Bota were injured by a landmine. Four or five persons were taken at a time. FWS-172 heard screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, those detainees who were taken out, including Alija Altoka, did not show up. FWS-172, T 4559-4560
1. e)	Alija Altoka is from Aladža. FWS-73 testified that he was taken out of the room, beaten and killed. FWS-73, T 3273
1. f)	Taken out of the camp and until now there has been no trace of him. FWS-111, T 1249-1250
2.	<b>Bičo Salem</b>
2. a)	Between 12 and 28 June 92, a guard called 9 detainees out. Salem Bičo was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After, they were taken into the administration building, FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Salem Bičo is still missing today. FWS-71, T 2862-2866
2. b)	Salem Bičo was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's son and Bota were injured by a landmine. He was taken out of the room where FWS-172 stayed. Four or five persons were taken at a time. FWS-172 heard screams, yelling and footsteps from the administration building. FWS-172, T 4559-4560. In the morning when detainees from Room 12 went for breakfast, those detainees who were taken out, including Bičo Salem, did not show up. FWS-172, T 4559-4560
2. c)	Taken out of the dinner line on 27 or 28 June 1992 towards the exit gate. The witness then heard shots from the bridge and a sound similar as when you throw sand into the river. FWS-198, T 1017-1018
2. d)	Part of a group of 35 prisoners who disappeared between June 13-30 1992 after being severely beaten in the correctional part of the administration building. FWS-111, T 1239

No.	Name Evidence
2. e)	Was taken out for interrogation several times and mistreated. He disappeared after being taken to the administrative building a few times for interrogations and beatings. FWS-215, T 901
2. f)	In the beginning of June 1992, after lunch, FWS-142 heard moans and screams coming from the administration building (ground floor) after Salem Bičo was taken out. He never returned. FWS-142, T 1823-1824, 1826
2. g)	A policeman in Foča. He was isolated for a long time on the ground floor, then taken to the administrative building and never returned. FWS-54, T 769
2. h)	Taken away to the gate and did not return. Salem is Bičo's nickname. FWS-138, T 2081
2. i)	Taken out and FWS-109 heard shots fired indoors. He never returned. FWS-109, T 2382
2. j)	FWS-73 saw visible injuries on his head. He also had other injuries that were not visible. In late spring, around 4 or 5 p.m., he disappeared. FWS-73, T 3269, 3400
2. k)	Between the 12-13 June 1992 he was taken to the gate. He never returned. FWS-69, T 4123
2. l)	Salem Bičo was taken out and never returned. FWS-89, T 4668
2. m)	FWS-182 saw him at KP Dom, knows that he never came back. FWS-182, T 1636
<b>3.</b>	<b>Čankušić, Abdurahman</b>
3. a)	Before the war, he had worked for the Hidrogradnja Company. FWS-66 saw him at KP Dom until sometime in July or August 1992. At that time, FWS-66 heard the sound of Čankušić being beaten, and he never returned. FWS-66, T 1106
3. b)	Abdurahman Čankušić was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's son and Bota were injured by a landmine. Four or five persons were taken at a time, then FWS-172 heard screams, yelling and footsteps from the administration building. In the morning, when detainees from Room 12 would go for breakfast, those detainees taken out, including Abdurahman Čankušić did not show up. FWS-172, T 4559-4560
3. c)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Abdurahman Čankušić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Abdurahman Čankušić is still missing today. FWS-71, T 2868-2883
3. d)	The Čankušić brothers were taken out for beatings "right in the beginning." FWS-73 saw them taken out. The guards took them out "to ask them a few questions." Afterwards, they disappeared. FWS-73 communicated with their parents in Sarajevo after he was released. They are still missing. FWS-73, T 3271
3. e)	FWS-69 saw a young man called Čankušić being taken to the gate. He does not know the first name. FWS-69, T 4118

No.	Name Evidence
3. f)	Taken out of the camp and until now there has been no trace of him. FWS-111, T 1249-1250
3. g)	Was taken out from room 15 in an unknown direction through gate 1 and never returned. FWS-138, T 2074, 2145
3. h)	Was taken out, beaten and never returned, FWS-109, T 2393, 2395
3. i)	Around 13 July 1992, he was taken away in the afternoon and never came back. FWS-54, T 769
3. j)	He was taken away one day and never came back. FWS-215, T 903
<b>4.</b>	<b>Čankušić, Refik</b>
4. a)	Between 12 and 28 June 92, a guard called 9 detainees out. Refik Čankušić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Refik Čankušić is still missing today. FWS-71, T 2862-2866
4. b)	The Čankušić brothers were taken out for beatings "right in the beginning." FWS-73 saw them being taken out. Afterwards, they disappeared. FWS-73 communicated with the parents in Sarajevo after he was released. They are still missing. FWS-73, T 3271
4. c)	Refik Čankušić, nicknamed "Pepi", was taken out of the room during the night sometime in mid-June 92, after the injuring of Krnojelac's son and "Bota". Four or five persons were taken at a time. FWS-172 could hear screams, yelling and footsteps from the administration building. In the morning, when detainees from Room 12 went for breakfast those detainees taken out, including Refik Čankušić, did not show up. FWS-172, T 4559-4560
4. d)	Taken out of the camp and until now there has been no trace of him. FWS-111, T 1250-1251
4. e)	He was taken for a beating, which FWS-66 heard the sounds of, and never returned. FWS-66, T 1106
4. f)	A rather young man who had worked as a clerk at Maglić. He was in one of those groups of five or six men who were beaten in the administrative building of the KP Dom and then disappeared. Safet Avdić, T 513-516
4. g)	He was taken out from room 11 on 24 June 1992 by Slobodan Pejić and never seen again. FWS-54, T 766
4. h)	FWS-69 saw a young man called Čankušić being taken to the gate. He does not know the first name. FWS-69, T 4118
4. i)	Was taken out, beaten and never returned. FWS-109, T 2394, 2395
<b>5.</b>	<b>Čedić, Elvedin "Enko" "Ekinda"</b>
5. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 9 detainees out. Enko Čedić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Enko Čedić is still missing today. FWS-71, T 2868-2883

No.	Name Evidence
5. b)	The witness heard the sounds when he was beaten, and never returned. FWS-66, T 1106.
5. c)	He was taken out from room 11 on 24 June 1992 by Slobodan Pejić and never seen again. FWS-54, T 753, 766
<b>6.</b>	<b>Džamalija, Juso</b>
6. a)	FWS-69 was told that Juso Džamalija hanged himself in the solitary confinement cell. FWS-69 saw a lady doctor in a white uniform followed by a nurse coming out of the building where the solitary confinement cells were. He heard that they were the ones who determined the death of Juso Džamalija. After that, FWS-69 saw the guards dragging out a body wrapped in a blanket. They dragged the body all the way to the administrative building. FWS-69 could not recognize the body in the blanket, he only heard afterwards that it was Juso Džamalija. FWS-69 also heard a rumor that Juso Džamalija's son was a member of the special unit of the Muslim police force, and for that reason his father Juso was placed in solitary confinement and repeatedly beaten. FWS-69, T 4127-4129
6. b)	A salesperson. The witness knew him before war. He committed suicide in solitary confinement after "terrible torture". A "Commission" came into the KP Dom to confirm his death. Ekrem Zeković, T 3499, 3614
6. c)	FWS-250 was put into solitary confinement cell # 2. Juso Džamalija and two other Muslim men were already in the cell. FWS-250 knew Juso Džamalija from before the war. Juso Džamalija had been beaten, allegedly because his son was a police commander before the war (previously known as the militia). During the first night FWS-250 spent in the solitary confinement cell, he woke up to find Juso Džamalija hanging, with a belt around his neck, from a water pipe approximately one meter above the squat toilet. FWS-250 said that the squat toilet was a hole in the ground and that Mr Džamalija's body and legs were pushed through the toilet. He was dead when FWS-250 discovered him. FWS-250, Zaim Čedić and Suad Dervišević carried the body of Mr Džamalija, wrapped in a blanket, out to a car within 20 minutes of finding him dead. FWS-250, T 5025-5030, 5039. 5082
6. d)	Jusuf Džamalija was brought to the isolation cell. Several days after he came to the isolation cell, he was carried out in a blanket. FWS-137 does not know whether he had killed himself or he was killed. Rumor had it that he had killed himself. Through a small window, FWS-137 could see when guards carried him out of the isolation cells. FWS-137 could recognize Jusuf Džamalija, FWS-137, T 4762-4764
6. e)	Zaim Čedić, who had been locked up with Jusuf Džamalija told the witness that guards and soldiers came during the night to beat him on several occasions. He said that Juso was beaten up very badly, because his son was a policeman. Zaim Čedić also told the witness that Juso hanged himself on the bars above the door in June 1992. Amir Berberkić, T 3812-3813
6. f)	Before the war, he was a shop assistant. FWS-66 heard from others that Juso Džamalija was badly beaten the night that he hanged himself in an isolation cell. FWS-66, T 1086, 1106
6. g)	He was an elderly man who worked in a shop. The witness was told by a guard that he hanged himself in one of the rooms at the KP Dom. FWS-54, T 769

No.	Name Evidence
6. h)	He used to work in a shop and was brought to the KP Dom from the city hospital. He committed suicide in his cell at the KP Dom. FWS-215, T 904
6. i)	Heard that he hanged himself in the KP Dom, FWS-182, T 1637
7.	<b>Dželilović, Kemal</b>
7. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Kemo Dželilović was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Kemo Dželilović is still missing today. FWS-71, T 2829-2862
7. b)	Between May-August 1992, Kemo Dželilović along with Mustafa Kuloglija, Munib Veiz and fnu Pasović were beaten in the administration building. The witness was in Room 11, and could see men in military uniforms beating the victims; he could see the victims from their waist up facing in his direction, and the backs of the soldiers doing the beating. The guard Burilo was present but was not beating the victims. This took place in the room marked <i>Tel</i> or the room next to it on exhibit 6/1. Witness saw the victims being beaten, and after about two hours, he heard the sound of 4-6 gunshots going off. He then saw Burilo going up the stairs, bringing down a blanket, and moving in such a way that the witness presumed he was carrying something heavy, like a body. Muhamed Lisica, T 4939-4955.
7. c)	He was part of a group of 35 prisoners who disappeared between 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1253
7. d)	A teacher at the High School. The witness saw him being taken out several times and believed he was interrogated and beaten up. He saw "he could barely move". "One evening he was taken away and he has never been seen again." Ekrem Zeković, T 3499
7. e)	Kemo Dželilović was beaten up, choked, kicked and hit with fists and feet, then shots were heard. Ten or fifteen minutes after the incident, guards in olive green uniform came to that part of the administration building with buckets and mops to clean. After the beatings, witness heard a vehicle come and then disappear. FWS-54, T 758-762
7. f)	Kemal Dželilović was rather young. He was taken out with one of those groups of five to six men who were beaten in the administrative building of the KP Dom and then disappeared. Safet Avdić, T 513-516
7. g)	FWS-66 heard shots in relation to the beating of Kemal Dželilović. FWS-66, T 1100
7. h)	On 25 June 1992, Kemal Dželilović was taken out from room 11 by Slodoban Pejić with other 3 detainees who were beaten up and then shot by several guards in the administration building of the KP Dom. FWS-54, T 758
7. i)	Kemal Dželilović was taken out only once. He belonged to the group of people who went missing around the end of June 1992. Amir Berberkić, T 3802-3803

No.	Name Evidence
7. j)	A teacher from Novi Sad. He was taken out for interrogations several times where he was beaten and mistreated. He was allegedly taken out for an exchange and never returned. FWS-215, T 904
7. k)	FWS-138 saw him being taken away from room 15 to the gate. This was in the afternoon. He was beaten and then returned to the room. The witness saw bruises under his eyes. On the next day, he was taken out again and never returned. FWS-138, T 2084, 2145
7. l)	Kemal Dželilović was taken out, sometime in early June 1992, and was never seen again. The witness knew him before the war. He used to work as a teacher and was 35-40 years old. FWS-03, T 2251-2253, 2257
7. m)	Kemal Dželilović was taken out, beaten and never returned. FWS-109, T 2394, 2395
7. n)	He was taken to the gate and never returned. FWS-69, T 4123-4124
<b>8.</b>	<b>Džendušić, Ramo</b>
8. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 9 detainees out. Ramo Džendušić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Ramo Džendušić is still missing today. FWS-71, T 2883-2887
8. b)	Ramo Džendušić was taken away at 9 p.m. on 30 June 1992, and never returned. Dževad Lojo, T 2582
8. c)	Ramo Džendušić was in his underwear getting ready to go to bed in room 16 when he was called out by a guard. He just put his trousers and coat on, without taking any of his belongings never to return again. That was in June 1992. No one has seen him alive since. FWS-104, T 2183-2184.
8. d)	Before the war, Ramo Džendušić worked in the National Defence Secretariat. FWS-66 saw Ramo Džendušić being taken out for a beating, heard the sounds of the beating and testified that Ramo never returned. FWS-66, T 1107
8. e)	Ramo Džendušić worked in the military department in the military office, up in the police station. He was in charge of military matters. FWS-73 saw swellings on his face and his legs and feet were also swollen. On one occasion when he was taken out he did not return. FWS-73, T 3277-3279, 3406.
8. f)	Ramo Džendušić was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's son and Bota were injured by a landmine. Four or five persons were taken at a time. FWS-172 could hear screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, some people like Ramo Džendušić did not show up. FWS-172, T 4559-4560
8. g)	He was part of a group of 35 prisoners who disappeared between 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1253
8. h)	Ekrem Zeković saw Ramo Džendušić being taken out for exchange, and beaten at the entrance of KP Dom, together with Kemo Isanović and Mersud Pašović. They were never seen again. Ekrem Zeković, T 3489, 3501

No.	Name Evidence
8. i)	Ramo Džendušić was in Room 16. He was interrogated once. He belonged to the group of people who were taken out at the end of June 1992 and went missing. Amir Berberkić, T 3809
8. j)	Worked in the Secretariat for National Defence. One day he was taken outside the KP Dom building and went missing. FWS-215, T 905
8. k)	FWS-182 heard from other detainees that he was beaten overnight and then disappeared. FWS-182, T 1638
8. l)	He was taken out from building number 1 some time in June 1992. FWS-69, T 4124
<b>9.</b>	<b>Granov, Adil</b>
9. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Adil Granov was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Adil Granov is still missing today. FWS-71, T 2868-2883
9. b)	Worked in same company as the witness before the war. Detained under the staircase for 7-15 days in the old wing of the prison and interrogated about allegedly signing contracts in order to obtain weapons. Beaten badly several times. He was then taken away and has not been seen since. Ekrem Zeković, T 3501-3502
9.c)	He was part of a group of 35 prisoners who disappeared between 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1241
9. d)	In the beginning of June 1992, after lunch, FWS-142 heard moans and screams coming from the administration building (ground floor) after Granov had been taken out. Adil Granov never returned. FWS-142, T 1824, 1826
9. e)	Before the war, he was an electrical engineer. He was taken out and never returned. FWS-66, T 1107
9. f)	FWS-139 knew him. He was at KP Dom for a while and then he went missing. FWS-139, T 364
9. g)	Taken out for interrogations on several occasions. He was accused of having a radio transmitter in his possession, was beaten and taken away. FWS-215, T 905
9. h)	FWS-109 knew him. He was taken out, beaten and never returned, FWS-109, T 2392, 2395
9. i)	He was an engineer who worked in Zica. He was taken away. FWS-54, T 770
9. j)	He was taken to the gate, to the place where the people were beaten. He never returned. FWS-69, T 4120
<b>10.</b>	<b>Hodžić, Nail</b>

No.	Name Evidence
10. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Nail Hodžić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Nail Hodžić is still missing today. FWS-71, T 2829-2862
10. b)	Guard Boban Pejić came to the room where Muhamed Lisica and Nail Hodžić were, and took Hodžić out for interrogation. The witness heard Pejić tell the victim not to be afraid, that he would be interrogated and returned. Witness heard the interrogations: questions, answers, explanations. Later another detainee, Avdo LNU, told the witness that he had had to push the body of Nail Hodžić and others (unnamed) down the river. Muhamed Lisica, T 4960-4961
10. c)	FWS-69 saw Nail Hodžić being taken to the gate. He was quarreling for a long time. The witness heard beating and moaning could be heard from that direction. Nail Hodžić was not returned. FWS-69, T 4118
10. d)	Nail Hodžić was taken out of the room during the night sometime in mid-June, after Krnojelac's son and "Bota" were injured by a landmine. Four or five persons were taken at a time. FWS-172 could hear screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, those detainees taken out, including Nail Hodžić, did not show up. FWS-172, T 4559-4560
10. e)	Nail Hodžić was taken away by a guard. The guard said "Nail, come out to give a statement." When Nail said: "What are you doing? What have I got to do with statements," the guard told him that he would be right back. Nail was taken out two or three times and then he was taken away and never returned. FWS-137, T 4756-4757
10. f)	A Taxi driver before the war. Beaten many times. Ekrem Zeković saw injuries to his hand. Nail Hodžić had his name called out one night and he waved goodbye. He was never seen again. Ekrem Zeković, T 3503
10. g)	Before the war, he was a driver in an electrical company and a member of the SDA. He was taken out, beaten and then disappeared. FWS-66, T 1107
10. i)	FWS-182 saw him being taken away. He was part of a group of people who did not return. FWS-182, T 1630
10. j)	Was taken out, sometime in early June 1992, and was never seen again. FWS-03, T 2251-2253
10. k)	FWS-109 knew him. He was taken out, beaten and never returned. FWS-109, T 2393, 2395
10. l)	Nail Hodžić was taken out at the end of June. Dževad S. Lojo, T 2583
10. m)	He was taken out for beatings on several occasions. On one occasion, he disappeared. FWS-73, T 3267
10. n)	Could be in his sixties, a driver. He was taken out with one of those groups of five to six men who were beaten in the administration building of the KP Dom and then disappeared. Safet Avdić, T 513-516
10. o)	He was a driver and was taken out to the administration part of the building on 26 June 1992 and never seen again. FWS-54, T 766-767
10. p)	Taken out for interrogation and never came back. FWS-215, T 905

No.	Name Evidence
10. q)	Was a driver at Maglić and is among the persons being traced. FWS-85, T 644
10. r)	Taken out of room, beaten and never seen again. FWS-86, T 1516.
10. s)	FWS-250 saw Nail Hodžić at the KP Dom. He said that Hodžić had been taken out of the KP Dom for an exchange but was unable to give a timeframe. FWS-250, T 5078
<b>11.</b>	<b>Ivančić, Mate</b>
11. a)	Between 12 and 28 June 92, a guard called 9 detainees out. Mate Ivančić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Mate Ivančić is still missing today. FWS-71. FWS-71, T 2862-2866
11. b)	He was part of a group of 35 prisoners who disappeared between 13 and 30 June, 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1253
11. c)	A Catholic, Croat, male nurse. He was taken out of the compound on 28 June 1992 with a group of 37 detainees and never returned. FWS-54, T 767
11. d)	Croatian. Witness' next door neighbour before the war. He told witness that he had been beaten several times. One day, he was called out and was never seen again. Ekrem Zeković, T 3504
11. e)	He belonged to the group of people who went missing in June 1992. Amir Berberkić, T 3807
11. f)	Nurse who worked at the Foča Hospital. He was of Croat origin. Witness saw him at KP Dom in the beginning and then he went missing. FWS-139, T 366
11. g)	Croat medical worker. He was taken away from the KP Dom and nobody knows what happened to him. FWS-215, T 905-906
11. h)	Nurse. Taken for exchange and is still missing. FWS-85, T 645
11. i)	FWS-109 knew him. Was taken out, beaten and never returned. FWS-109, T 2393, 2395
11. j)	Brought from his workplace to KP Dom. Taken out and beaten in the last two weeks of June and then disappeared. Dževad S. Lojo, T 2579
11. k)	Mate Ivančić was taken out and beaten on several occasions. Once, he disappeared. FWS-73, T 3271
11. l)	He was a medical technician in a hospital. At the KP Dom, he was taken out and disappeared. FWS-66, T 1107
<b>12.</b>	<b>Kiselica, Esad</b>
12. a)	The witness testified that Esad Kiselica was in the group that disappeared sometime in July 1992. Esad Kiselica was in the same room with the witness. He was a farmer. Amir Berberkić, T 3812
12. b)	Employed with power distribution board in Foča. He was taken away at end of June 1992. Dževad Lojo, T 2584

No.	Name Evidence
12. c)	He was an electrician. There were power blackouts in the KP Dom and he was taken away to repair something but never returned to the KP Dom. FWS-215, T 906
12. d)	He was an electrician. The witness knew his father. He was at the KP Dom for some time and then disappeared. FWS-54, T 770
12. e)	He used to work for the electric company. The witness saw him at the KP Dom in the early days and then stopped seeing him. FWS-139, T 366
12. f)	FWS-109 knew him. Was taken out, beaten and never returned. FWS-109, T 2392, 2395
12. g)	He was 80% disabled. He was taken away and never returned. He is still missing. FWS-138, T 2072
12. h)	An electrician before the war. At KP Dom, he was taken out and never returned. FWS-66, T 1107
12. i)	Between 12 and 28 June 92, a guard called out the names of 9 men. Esad Kiselica was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Esad Kiselica is still missing today. FWS-71, T 2829-2862
<b>13.</b>	<b>Konjo, Halim</b>
13. a)	The younger Konjo (assumed to be Halid) asked R.J. to ask the warden about what had happened to his older brother Halim. Once, sometime before August 1992, R.J. was summoned to the warden's office because he had a visit from Žarko Vuković and a teacher Spomenka. As soon as he entered the room, he inquired about the fate of Halim Konjo. Krnojelac answered, "don't ask me anything, he's dead." R.J. remembered that Spomenka shuddered in reaction to that piece of news. He did not dare tell Halid that his brother had died but he told the other detainees about it. R.J., T 3870-3876
13. b)	On 12 June 1992, at around 8 or 9 p.m. when there was still light, Halim Konjo was taken out from building number 1 to the gate together with other detainees. FWS-69 heard screams. One person was crying "dear mother, help me. Please don't, Zoka." He also heard the sound of hard blows. and somebody was saying "we'll show you how Serbs beat". FWS-69 was watching through a hole in the paper covering the window facing the entrance door to the administrative building. Halim Konjo and the others did not come back into the compound. On 18 June, R.J. was taken to the gate. He told FWS-69 that he had had coffee with the warden and learned that Halim Konjo had died in solitary confinement. FWS-69, T 4110-4111, 4114-4116

No.	Name Evidence
13. c)	In mid-June 1992, as they were all returning to Room 12 from dinner FWS-172 saw the guard Obrenović tell Nurko Nišić and Halim Konjo that they should report to the administration building. At around 9.00-10.00 p.m. that night, the witness heard screams and yelling. He heard somebody calling out "Nurko" twice, in a very loud voice. After that there was no sound. Half an hour to an hour later, the witness heard five pistol shots. After those five shots the witness heard a car with a noisy exhaust pipe. The witness associates this car with detainees being taken away and going missing. Nurko Nišić and Halim Konjo never returned. FWS-172 T 4564-4565
13. d)	In the beginning of June 1992, after lunch, FWS-142 heard moans and screams coming from the administration building (ground floor). FWS-142 thinks he recognized Halim Konjo's voice. Halim Konjo never returned. FWS-142, 1824, 1826-1827
13. e)	Was taken out, sometime in early June 1992, and was never seen again. When Halim Konjo was taken, the witness heard screams and blows from the administration building. The witness recognized Halim Konjo's voice calling for help. FWS-3, T 2251-2254.
13. f)	FWS-73 saw Halim Konjo being taken out of the room. FWS-73 heard him screaming. The beating occurred in the offices of the administration building. He did not return. FWS-73, T 3263-3264, 3266.
13 g)	He was taken out. Allegedly he was killed immediately, on the spot, as he was being severely beaten. "We heard his cries, and he never returned". FWS-66, T 1101-1102.
13. h)	A rather young man. He had his own restaurant. He was taken out in one of those groups of five to six men who were beaten in the administration building of the KP Dom and then disappeared. Safet Avdić, T 513-516
13. i)	Taken out of the dinner line on 27 or 28 June 1992 and taken towards the exit gate. The witness then heard shots from the bridge and a sound similar as when you throw sand into the river. FWS-215, T 1017-1018
13. j)	Was placed in room 12. FWS-86 saw him "battered" and then never saw him again. FWS-86, T 1514, 1557
13. k)	Taken away from room 13 or 15 and did not return. His body was exhumed last year outside Ustikolina. FWS-138, T 2071, 2145
13. l)	Halim Konjo was taken out for "interrogations" several times. The witness saw him with bruises on his face and swelling under the eyes. He is one of the group who were taken at the end of June 1992. He never returned. Witness heard from other detainees in the work group that they had seen his corpse in the hospital morgue. Amir Berberkić, T 3794, 3800
13. m)	He was taken out for beatings and the witness does not think he was returned. FWS-85, T 645-646
13. n)	He worked in the catering business. He was taken out for interrogation a few times and beaten up by the guards. One day he was taken out and never returned. FWS-215, T 894, 906
13. o)	He and his brother "Halid" were taken out once and on a second occasion, they did not come back. He was part of a group of 35 prisoners who disappeared between 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1238-43

No.	Name Evidence
13. p)	On a Friday or Saturday, right at the beginning when the camp was just established, the witness head Konjo being beaten and interrogated. On Sunday, when he went out for work, he was told that Konjo had died due to a stroke. Witness was told by a guard that Konjo's body was in the morgue; witness later saw a body in the morgue and assumed it was Halim Konjo. Muhamed Lisica, T 4959-4960
13. q)	The son of Ahmed and Nusa Konjo. He had a private catering establishment. On 31 August 1992, the witness was told by R.J. that Konjo was found dead as a result of the beatings one morning. FWS-54, T 771
13. r)	At about 1 p.m., a guard named Sterenović (probably Stefanović, Predrag) came to the door and called out a group of about 18 people. Some volunteered "because people were hungry and they wanted to go outside." Altogether, the witness heard that about 35 to 40 people went to pick-plums. Halim Konjo was amongst those who were called out to go. FWS-104 said that he was never seen again. T 2184-2187
13. s)	The most maltreated of the group of detainees beaten in end June 1992. Dževad Lojo, T 2580, 2598, 2599
<b>14.</b>	<b>Krajčin, Adil</b>
14. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Adil Krajčin was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Adil Krajčin is still missing today. FWS-71, T 2868-2883
14. b)	He was called out and taken to the gate together with "Cener", Aljukić, the son of Suljo Aljukić and a Janković. Suljo Aljukić, the father, asked where they were going and they said that there was to be some exchange. They never returned. One day, a man called Gagović, came to the camp to visit the detainees and talk to them. Suljo Aljukić asked him if his son had been exchanged. Gagović replied that he had not been exchanged but that he was in Miljevina digging trenches. FWS-69, T 4121-4122
14. c)	Was in the same room as the witness. He was taken and did not come back. FWS-182. T 1638.
14. d)	Worked in the commercial section of the brown coal mine. Was in the same room with the witness. One afternoon he was taken out and never returned. FWS-215, T 906
14. e)	He was taken away with the two Džanko brothers and a fourth person on the 1 <sup>st</sup> or 2 <sup>nd</sup> of August. This was after some persons were killed during the fighting at the Trnovo front line. A guard took them away and they never returned. FWS-111, T 1255
14. f)	During his detention at KP Dom, Adil Krajčin was taken out for a particular beating and never returned. FWS-66. T 1064-1066, 1101.

No.	Name Evidence
<b>15.</b>	<b>Kuloglija, Mustafa</b>
15. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Kuloglija Mustafa was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Kuloglija Mustafa is still missing today. FWS-71, T 2829-2862
15. b)	Mustafa Kuloglija was among the first out of the room sometime in mid-June 1992, after Krnojelac's son and Bota were injured by a landmine. He was taken out of the room where FWS-172 stayed. Four or five persons were taken at a time. FWS-172 then heard screams, yells and footsteps from the administration building. FWS-172, T 4559-4560
15. c)	Mustafa Kuloglija was taken out from room 11 together with three other detainees on 25 June 1992, by guard Slodoban Pejić. They were beaten up by several guards, and then shot at the administration building of the KP Dom. FWS-54, T 758
15. d)	He was part of a group of 35 prisoners who disappeared between June 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111, T 1235, 1256
15. e)	Between May and August 1992, Kuloglija Mustafa along with Kemo Dželilović, Munib Veiz and fnu Pasović were beaten in the administration building. The witness was in part of Room 11, and could see men in military uniforms beating the victims; he could see the victims from their waist up, facing in his direction, and the backs of the soldiers doing the beating. The guard Burilo was present but was not beating the victims. This took place in the room marked <i>Tel</i> or the room next to it on exhibit 6/1. Witness saw the victims being beaten, and after about two hours, he heard the sound of 4-6 gunshots. He then saw Burilo going up the stairs, bringing down a blanket, and moving in such a way that the witness presumed he was carrying something heavy, like a body. Muhamed Lisica, T 4939-4955.
15. f)	Beaten up, choked, kicked and hit with fists and feet, then shots were heard. 10 or 15 minutes after the incident, guards in olive green uniform came to that part of the administration building with buckets and mops to clean. After the beatings, witness heard a vehicle come and disappear. FWS-54, T 758-762
15. g)	Before the war, he was a teacher in a primary school. While at KP Dom, he was beaten on several occasions. Twice he was brought back to the room beaten up. The third time he was taken away for another beating and he never returned. FWS-66, T 1103-1104
15. h)	He was beaten during interrogation by military police. Witness heard gunshots and Mustafa Kuloglija was never seen again. Ekrem Zeković, T 3487, 3505
15. i)	He was taken away with a group in the evening. He was in the room next door to FWS-137. He never returned. FWS-137, T 4758

No.	Name Evidence
15. j)	He belonged to the group of people taken away from mid-June 1992 until the end of June. The witness heard the sound of beatings and gunshots at the end of June. Amir Berberkić, T 3803-3804
15. k)	Taken out repeatedly and severely beaten, along with three other detainees. FWS-85 heard gun shots which he assumed were intended for them. FWS-85, T 646
15. l)	A teacher. He was taken out for interrogations and beatings on several occasions and on one of these, he went missing. FWS-215, T 908
15. m)	Taken out of the dinner line on 27 or 28 June, 1992, and taken towards the exit gate. The witness then heard shots from the bridge and a sound similar as when you throw sand into the river. FWS-198, T 1020
15. n)	Was taken out, beaten and never returned. FWS-109, T 2393, 2395
15. o)	He disappeared. FWS-73 spoke with one of his relatives who confirmed that he is still missing. FWS-73, T 3268, 3399
15. p)	He was taken to the gate and never returned. FWS-69, T 4124
15. q)	Teacher. He was taken away at end of June and is still missing. Dževad S. Lojo, T 2583
<b>16.</b>	<b>Mandžo, Fuad</b>
16. a)	They took Salko "Kelta" Mandžo for beatings instead of Fuad Mandžo. Mitar Rašević passed by when they were beating him and he noticed that they were beating the wrong Mandžo. The witness said "they intended to kill Fuad Mandžo". Fuad Mandžo was then taken out, and he never returned, FWS-138, T 2076, 2080
16. b)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Fuad Mandžo was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Fuad Mandžo is still missing today. FWS-71, T 2868-2883
16. c)	Salko Mandžo was taken instead of him and was beaten, but he returned. Then, they took Fuad Mandžo to the gate and he never returned. FWS-142, T 1830-1831
16. d)	Fuad Mandžo was born in 1958. He was beaten on several occasions. He belonged to the group of people taken in June 1992. Amir Berberkić, T 3804-3805
16. e)	They beat him up and he never returned. He was accused of being a member of the SDA party. FWS-66, T 1100, 1104
16. f)	Was taken out of the compound on 28 June 1992 with a group of 37 detainees and never returned, FWS-54, T 767
16. g)	FWS-86 knows he was taken away and never returned. FWS-86, T 1513
16. h)	25 years old; lived in Donje Polje; taken out and beaten in last two weeks of June 1992 then disappeared. Dževad S. Lojo, T 2582
16. i)	Fuad Mandžo was a young man, builder or mason by profession. He was taken out "right in the beginning" and beaten badly. FWS-73 saw him taken out of the room several times. On one occasion, he disappeared. FWS-73, T 3272, 3402.
16. j)	Knew him before war, beaten several times, called out and did not come back. Ekrem Zeković, T 3506

No.	Name Evidence
16. k)	He does not remember if he was with the group of 35 but he did disappear, FWS-111, T 1256
16. l)	He worked for a building company in Foča. He was the witness' age. Witness saw him at KP Dom in the early days and then he went missing. FWS-139, T 366-367
<b>17.</b>	<b>Marinović, Krunoslav</b>
17. a)	Between 12 and 28 June 92, a guard called out the names of 9 men, including Krunoslav Marinović. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Krunoslav Marinović is still missing today. FWS-71, T 2829-2862
17. b)	"In the early days," he saw him at the camp completely "battered." Then Krunoslav Marinović disappeared. FWS-73 spoke with one of his relatives who confirmed that there has been no trace of him since he was at KP Dom. FWS-73, T 3398-3399.
17. c)	He was beaten several times. His injuries were more or less similar to the injuries sustained by others, his face was swollen and bruised. He was part of one of the groups which was taken at the end of June 1992. He never returned after that. Amir Berberkić, T 3800-3801
17. d)	He was part of a group of 35 prisoners who disappeared between June 13-30 June 1992, after being severely beaten in the correctional part of the administration building. FWS-111 T 1235, 1242
17. e)	Owned a private television repair shop. FWS-66 heard from others that Krunoslav Marinović was beaten and never returned. FWS-66, T 1108
17. f)	Catholic Croat in a very poor state of health. He was injured from beatings, his cheekbone broken and body covered with bruises. He was taken out from room 11 on 24 June 1992 by guard Slobodan Pejić and never seen again. FWS-54, T 741, 766
17.g)	Was beaten by Ostojić's bodyguards on arrival on 19 <sup>th</sup> or 20 <sup>th</sup> April 1992. His injuries were so bad they changed his facial traits. Disappeared later on. FWS-86, T 1516, 1532
17.h)	Was taken out, sometime in early June 1992, and was never seen again. He was a radio and TV repairman, and a journalist for a Croatian newspaper. FWS-03, T 2251-2254
17. i)	FWS-109 knew him. Was taken out, beaten and never returned. FWS-109, T 2393, 2395
17. j)	Was a Croat who worked as a TV repairman. He was taken away from building 1 and did not return. FWS-138, T 2084-2085, 2146
17. k)	Croat who came to Foča and was a correspondent for a Croat newspaper; taken out and beaten in last two weeks of June 1992, then disappeared. Dževad S. Lojo, T 2579
18.	<b>Mujezinović, Omer – This person was killed in a car accident prior to the war. Witnesses have, however, referred to a Samir Mujezinović who was at KP Dom and was taken out to "pick plums" in September 1992 (FWS-111, T 1256-1259, 1282-1283; FWS-104, T 2220; FWS-69, T 4085; Amor Masović, T 4282, 4393-4394; FWS-54, T 771-772).</b>

No.	Name Evidence
<b>19.</b>	<b>Nurko Nišić</b>
19. a)	Nurko Nišić was regularly taken out to be interrogated and beaten. Once between mid-May to June 1992, around lunchtime, FWS-250 was at the door leading into the “searching room” at the entrance to the administration building, together with Mujo Dudić, a fellow detainee. He saw Asim Mezbur and Nurko Nišić together in the administration building. The military police began beating Nišić. Asim Mezbur was present during the beating of Nišić. Both men stood facing the wall, next to each other, in front of the water heater on the wall. FWS-250 watched the beating for approximately ten minutes. They passed within half a meter of the beating when they were taken back to the compound. FWS-250 testified that there were KP Dom guards present during the beating of Nurko Nišić. On another occasion, in the early evening hours, FWS-250 heard a guard yell, “Get up Nurko, that’s no way to defend Bosnia!” FWS-250 said that when the men in the room heard that, “we knew that it was Nurko Nišić”. He heard buckets of water being thrown and concluded that Nišić had lost consciousness. He also heard the sounds of beatings, and screams. The sounds came from the ground floor--the fourth window from the right on the ground floor of the administration building, immediately to the right of the first drainpipe that goes to the top of the building. After this beating, Nurko Nišić did not return and FWS-250 did not see Nišić again. FWS-250, T 5040-5050, 5104
19. b)	FWS-104 testified that he heard Nišić being beaten because it occurred 4 or 5 meters under him, in the isolation room. The witness heard the perpetrators say, “Stand up Nurko, stand up.” “But one could hear every blow as when somebody strikes an object.” After that night, the witness never saw Nurko Nišić again. FWS-104, T 2176-2177
19. c)	In early June 1992, FWS-172 saw Nurko Nišić when he was returned to Room 12 after interrogation. He saw that Nurko was black and blue all over his body, on his chest, legs and face. Nurko Nišić suffered very bad bruising from his beating. The other detainees collected food for Nurko for two to three days because he could not walk. In mid-June 1992, as they were all returning to Room 12 from dinner, FWS-172 heard the guard Obrenović tell Nurko Nišić and Halim Konjo that they should report to the administration building. At around 9.00 or 10.00pm that night, the witness went up to the window in Room 12. He heard screams and yelling. He heard somebody calling out “Nurko” twice, in a very loud voice. After that there was no sound. Half an hour to an hour later the witness heard five pistol shots. After those five shots the witness heard a car with a noisy exhaust pipe. The witness associates this car with detainees being taken away and going missing. Nurko Nišić and Halim Konjo never returned. FWS-172, T 4564-4566
19. d)	Nurko Nišić was taken out on several occasions (more than five times) in the second half of June 1992. The witness heard the guards calling “Nurko, Nurko”. These voices came from the rooms by the gate in the administrative building. The witness believes, but is not sure, that he heard the voice of guard Dragan Obrenović. The witness saw swellings and haematomas on the face of the victim after such beatings. Later, one of the guards informed the witness that Nurko died during a beating. Amir Berberkić, T 3791-3793

No.	Name Evidence
19. e)	Between May-August 1992, in the afternoon just before dark, the witness heard moaning and somebody calling out: "Nurko, Nurko, Nurko, wake up." The noises came from the hall behind the metal door. Muhamed Lisica, T 4956-4957
19. f)	He was taken away with a group of four or five others in late June 1992. He was taken near the gate leading to the administration building. Immediately afterward, the witness heard screams and shouts, which meant that the beating had started. He heard a shot after Nišić was interrogated about what had happened to the soldier "Bota" Banović. FWS-142, T 1824-1825
19. g)	After June 12 1992, FWS-69 saw Nurko Nišić being taken to the gate together with other detainees. FWS-69 could hear screams and they were all being beaten and screaming. FWS-69 thinks that Nurko was shouting all the time "Oh, mother, help me". FWS-69, T 4116
19. h)	He was repeatedly taken out of the room for beatings. FWS-73 once heard Nurko Nišić screaming. Later, FWS-73 heard shots, then a noise akin to something being thrown into the water. T 3254, 3264-3665.
19. i)	Between 12 and 28 June 92, a guard called out the names of 9 men. Nurko Nišić was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Nurko Nišić is still missing today. FWS-71, T 2829-2862
19. j)	Worked either for the KP Dom or the municipality. He was rather young. He was taken out with one of those groups of five to six men who were beaten in the administration building of the KP Dom and then disappeared. Safet Avdić, T 513-516
19. k)	A former policeman, he was taken out of the compound on 28 June 1992 with a group of 37 detainees and never returned. FWS-54 T 767
19. l)	FWS-89 was told that Nurko Nišić was taken out of his room. Once he was taken out and never returned. FWS-89 T 4665-4666, 4668
19. m)	Was taken out sometime in early June 1992, and was never seen again. FWS-03, T 2251-2253
19. n)	Taken out and then FWS-109 heard shots fired indoors. He was never returned. FWS-109. T 2379
19. o)	Taken out and beaten in last two weeks of June then disappeared. Dževad S. Lojo, T 2580.
19. p)	He was called out from his room and taken to the administration building to be beaten. FWS-139, T 358
19. q)	A lawyer who worked for the municipal assembly. He was among the people who were beaten and mistreated the most. The witness heard that he died as a result of the mistreatment. FWS-215, T 889, 908
19. r)	Was beaten several times and is still missing today. FWS-85, T 648
19. s)	He was in Room 11/12. He was beaten up by guards and on two occasions FWS-86 saw his. He later disappeared. FWS-86, T 1510-1511
19. t)	Taken out once or twice and the third time he was taken out he never came back. FWS-111, T 1238

No.	Name Evidence
19. u)	He was taken out and beaten on several occasions. FWS-66 saw Nišić swollen after one beating. On another occasion, he was taken out and never returned to his room again. FWS-66, T 1102
19. v)	Taken out, beaten by military police, witness heard gunshots and never seen again. Ekrem Zeković, T 3497
<b>20.</b>	<b>Ramović, Hamid</b>
20. a)	On 25 June 1992, Ramid Ramović and 3 other detainees were taken out from Room 11 by guard Slodoban Pejić. Ramović was beaten up, choked, kicked and hit with fists and feet, then shots were heard. 10 or 15 minutes after the incident, guards in olive green uniform came to that part of the administrative building with buckets and mops. After the beatings, the witness heard a vehicle come and then disappear in the night. FWS-54, T 758-762
20. b)	Was a farmer. He was repeatedly taken out and FWS-66 could hear him being beaten. He disappeared. FWS-66, T 1108
20. c)	He disappeared with one of the groups. FWS-111 does not know the exact date. FWS-111, T 1257
<b>21.</b>	<b>Rikalo, Husein</b>
21. a)	Husein Rikalo was the eldest brother of the Rikalo brothers who were detained at the KP Dom. He was beaten up the worst. The witness could clearly recognise his voice, saying "please don't, please don't beat me". He could also hear voices asking the victim "where did you bury it? Tell us. We'll kill you." Amir Berberkić, T 3787-3791
21. b)	Between 12 and 28 June 92, a guard called 9 detainees out. Husein Rikalo was one of them. They were lined up in front of the compound entrance to the KP Dom. They waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Husein Rikalo is still missing today. FWS-71, T 2862-2866
21. c)	FWS-142 saw a group of 40 to 45 being taken away towards the gate in late June 1992. They were taken away in groups of four or five. Husein Rikalo was one of them. Soon after, FWS-142 heard screams and shouts, which meant that the beatings had started. After the beatings, FWS-142 heard a car without an exhaust pipe leaving and after a while, the car came back. FWS-142, T 1824-1825
21. d)	Husein Rikalo was taken out of the room during the night sometime in mid-June 1992, after Krojelic's sons and Bota were injured by a landmine. He was taken from the witness' room. Four or five were taken at a time. FWS-172 then heard screams, yelling and footsteps from the administration building. FWS-172, T 4559-4560
21. e)	When FWS-69 was coming back from lunch some time after 13 June he saw two Rikalo brothers been taken out to the gate. They were beaten that night. They never returned. FWS-69, T 4117
21. f)	Husein Rikalo was part of a group of 35 prisoners who disappeared between 13 and 30 June 1992, after having been severely beaten in the correctional part of the administration building. FWS-111, T 1238-1243

No.	Name Evidence
21. g)	FWS-73 saw two Rikalo brothers and a waiter from Čohodor Mahala named "Rikalo" who was related to them. He saw their injuries from beatings several times, although he saw injuries on the brothers more often. The three of them disappeared. FWS-73, T 3267
21. h)	The three Rikalo brothers were taken out one day after lunch and never returned. The brothers were in building 1. FWS-138, T 2082, 2083, 2146
21. i)	Was taken out, sometime in early June 1992, and was never seen again. He was an electrician around 30-35 years old. FWS-03, T 2251-2253 and 2257
21. j)	Taken out and then FWS-109 heard shots fired indoors. He never returned. FWS-109, T 2383
21. k)	Ekrem Zeković saw him being taken out and heard screams from the front gate. Ekrem Zeković, T 3508
21. l)	He was beaten on two occasions and did not return after the second beating. FWS-66, T 1108
<b>22.</b>	<b>Rikalo, Midhat</b>
22. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Midhat Rikalo was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Midhat Rikalo is still missing today. FWS-71, T 2829-2862
22. b)	Part of a group of 35 prisoners who disappeared between June 13-30 after being severely beaten in the correctional part of the administration building. FWS-111 T 1238-1243
22. c)	FWS-73 saw two Rikalo brothers and a waiter from Čohodor Mahala named "Rikalo" who was related to them. He saw their injuries from beatings several times, although he saw injuries on the brothers more often. The three of them disappeared. FWS-73, T 3267
22. d)	When FWS-69 was coming back from lunch some time after 13 June 1992, and he saw two Rikalo brothers been taken out to the gate. They were beaten that night. They never returned. FWS-69, T 4117
22. e)	Witness saw him being taken out and heard screams from the front gate. Ekrem Zeković, T 3508
22. f)	He was beaten on two occasions and did not return after the second beating. FWS-66, T 1108
22. g)	Three Rikalo brothers were taken out one day after lunch and never returned. The brothers were in building 1. FWS-138, T 2082-2083, 2146
22. h)	Taken out and then FWS-109 heard shots fired indoors. He never returned. FWS-109, T 2383

No.	Name Evidence
<b>23.</b>	<b>Rikalo, Zaim</b>
23. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Zaim Rikalo was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the administration building. After he was taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Zaim Rikalo is still missing today. FWS-71, T 2829-2862
23. b)	FWS-73 saw two Rikalo brothers and a waiter from Čohodor Mahala named "Rikalo" who was related to them. He saw their injuries from beatings several times, although he saw injuries on the brothers more often. Once, the three of them disappeared. FWS-73, T 3267.
23. c)	When FWS-69 was coming back from lunch some time after 13 June 1992, he saw two Rikalo brothers been taken out to the gate. They were beaten that night. They never returned. FWS-69, T 4117
23. d)	On the 25 and 27 August, groups of men, including Zaim Rikalo, were taken out for an exchange and disappeared. FWS-172, T 4574
23. e)	Part of a group of 35 prisoners who disappeared between June 13-30 1992, after being severely beaten in the correctional part of the administration building, FWS-111 T 1240
23. f)	He was beaten on two occasions and never returned after the second beating. FWS-66, T.1108
23. g)	Three Rikalo brothers were taken out one day after lunch and never returned. The brothers were in building 1. FWS-138, T 2082, 2083, 2146
23. h)	Taken out and then FWS-109 heard shots fired indoors. He never returned. FWS-109, T 2383
23. i)	Witness saw him being taken out and heard screams from the front gate. Ekrem Zeković, T 3508
<b>24.</b>	<b>Šoro, Ševal</b>
24. a)	Between 12 and 28 June 92, a guard called 9 detainees out. Ševal Šoro was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Šoro Ševal is still missing today. FWS-71, T 2862-2866
24. b)	FWS-73 saw Šoro the electrician (probably Ševal) and Šoro the taxi driver being taken out of the room. Ševal Šoro was taken away earlier in the day than the others. FWS-73 was told that Ševal "was to take the vehicle somewhere but he didn't take anything anywhere." They both disappeared. FWS-73, T 3272, 3402.

No.	Name Evidence
24. c)	Ševal Šoro was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's sons and Bota had been injured by a landmine. Four or five persons were taken at a time. FWS-172 then heard screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, these detainees taken out, including Ševal Šoro, did not show up. FWS-172, T 4559- 4560
24. d)	He was in the room next door to the witness. He was told by other detainees that Ševal was taken during the night the same way as others. He disappeared. FWS-137, T 4759-4760, 4797
24. e)	Arrested, spent some time with the group and then disappeared. FWS-111, T 1258
24. f)	Was taken out of the compound on 28 June 1992 with a group of 37 detainees and never returned. FWS-54, T 767
24. g)	He attended secondary school with the witness and worked for the power distribution company in Foča. He disappeared. FWS-139, T 367
24. h)	He was in a cell for a long time and after spending a couple of days in room 15, he was taken out for an exchange and never seen again. FWS-215, T 911
24. i)	He was taken out from room 11, beaten and never returned. FWS-109, T 2394-2396
<b>25:</b>	<b>Tulek, Kemal aka "Kemo"</b>
25. a)	He was a former KP Dom guard. He was taken out in the early evening hours with one of those groups of five to six men who were beaten in the administration building and then disappeared. He was in Room 20, the same room the witness was in. Safet Avdić, T 513-516
25. b)	Between 12 and 28 June 92, a guard called 9 detainees out. Kemal Tulek was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a look from time to time. He did, however, hear the beatings and saw all the men lined up. Kemal Tulek is still missing today. FWS-71, T 2862-2866
25. c)	First taken for interrogation. He then returned to room 22 to pick up his belongings, and was then placed in solitary confinement. He was taken from that room and did not come back. He was beaten right at the entrance of the KP Dom as soon as he left. After this he was never seen again. FWS-144, T 2306-2307
25. d)	He spent a long time in an isolation cell. He suffered terrible torture and was beaten several times. Ekrem Zeković, T 3508
25. e)	He was a policeman from Foča. He was in solitary confinement in building 3. He was taken out several times for interrogation and was beaten. The witness saw the typical injuries of blows and haematomas in different stages. He was one of the group of people who were taken out at the end of June 1992. Amir Berberkić, T 3808-3809
25. f)	FWS-73 saw Kemal Tulek in an isolation cell on the ground floor of building 2 and he had been beaten up. He spent several months in a dungeon where they beat him." "All of a sudden, he wasn't there." FWS-73, T 3276-3277.

No.	Name Evidence
25. g)	Was in solitary confinement for three months. Witness later heard he had gone missing. FWS-85, T 648
25. h)	Worked for the police in the KP Dom. He was detained at KP Dom and then disappeared. FWS-139, T 367
25. i)	He was brought from Bileća, directly to an isolation cell. He was taken away from there. FWS-138, T 2075-2076, 2146
25. j)	He was at KP Dom for a time and then disappeared with one of the larger groups. FWS-111, T 1258
25. k)	He was a former policeman in KP Dom. He was taken away and disappeared. FWS-66, T 1109
<b>26.</b>	<b>Uzunović, Enes</b>
26. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Enes Uzunović was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. Enes Uzunović is still missing today. FWS-71, T 2868-2883
26. b)	He was beaten and taken out for interrogation several times. Signs of beatings and violence could be seen on him. He is one of the detainees from the group which was taken at the end of June 1992. When Uzunović was taken away, he left his coat behind and it was given to Dr. Berberkić. "His coat was all bloody." Amir Berberkić, T 3805-3807.
26. c)	He was in the same room as FWS-137. There was something wrong with him. He was pulling at his hair and crying for help all the time. The first months, in April 1992, when they were still allowing visits, he was returned from the gate and was not allowed to see his wife and daughter. He later disappeared. FWS-137, T 4762
26. d)	Enes Uzunović was taken out in the early days. FWS-73 saw him taken out of the room. When he was taken away the victim asked, "should I take something with me?" He was told, "No, nothing." Hence all his personal papers, and his clothes, all stayed behind. He then disappeared and has never been heard of since. FWS-73, T 3272-3273, 3403
26. e)	Beaten up, kicked and hit with fists and feet, then shots were heard. 10 or 15 minutes after the incident, guards in olive green uniform came to that part of the administration building with buckets and mops. After the beatings, witness heard a vehicle come and then disappear. FWS-54, T 758-762
26. f)	He was a medical technician and president of a youth association in Foča. The guards kept him in an isolation cell, on the ground floor of Building 1, and he was beaten several times. FWS-66 heard the cries of Enes Uzunović being beaten. He was taken away and is still missing. FWS-66, T 1109-1110
26. g)	Around the 13 or 14 June 1992, he was taken out from room 15. He was among the first people who were taken out and never returned. FWS-69, T 4124
26. h)	Enes Uzunović had bruises all over his body but he didn't dare talk about how he got them but he did sustain these injuries while he was at the KP Dom. FWS-172, T 4568

No.	Name Evidence
26. i)	President of the youth organization and a professional nurse, he was taken out for interrogation several times and transferred between rooms. He was very badly beaten and harassed. FWS-215, T 888-889, 912
26. j)	Was seen covered in blood after being given "priority treatment" by guards. FWS-86, T 1514
26. k)	A former neighbor of the witness. He was taken out from room 18 and did not return. He was allegedly taken out for exchange. FWS-138, T 2080, 2146
26. l)	Taken out and beaten in last 2 weeks of June then disappeared. Dževad S. Lojo, T 2580
<b>27.</b>	<b>Vahida, Džemal</b>
27. a)	Between 12 and 28 June 92, around 6 or 7 p.m., a guard called 11 detainees out. Džemal Vahida was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the central part of the administration building, Soba 1 and 2 (Exhibit 6/1). FWS-71 then heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. Finally, he heard a truck coming and sounds as if stones and freight were being unloaded. FWS-71, T 2868-2883
27. b)	Džano Vahida was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's sons and Bota were injured by a landmine. Four or five persons were taken at a time. FWS-172 then heard screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, those detainees taken out, including Džemo Vahida, did not show up. FWS-172, T 4559-4560
27. c)	A former policeman. He was taken out for beatings on several occasions around May 1992. He was covered with bruises and his teeth were broken. A guard named Radivoje Elez aka "Mento", swirled and kicked him so his teeth were broken. On 28 June 1992, he was taken out of the compound with a group of 37 detainees and was never seen again. FWS-54, T 754, 773
27. d)	He was a policeman. He was detained at KP Dom and then disappeared. FWS-139 T 367
27. e)	Between May-August 1992, Džemo Vahida was taken out and when he returned to room 11 the witness saw bruises and scars on the face of the victim. Muhamed Lisica, T 4957-4958
27. f)	He was taken out on several occasions. FWS-137 saw him when he was returned. He was holding his head with his hands. He said that he had been kicked in the head and that two of his teeth were broken. FWS-137, T 4758
27. g)	He was a former policeman. FWS-66 saw him waiting by the gate to be brought into the administration building for a beating. He never returned. FWS-66, T 1110
27. h)	He disappeared on 17 <sup>th</sup> of September 1992, with the group of plum-pickers. FWS-111 T 1258-1259
27. i)	Before July 1992, FWS-58 learned from the victim that his jaw had been broken and some of his teeth knocked out during a beating. FWS-58, T 2703-2704.

No.	Name Evidence
<b>28.</b>	<b>Veiz, Munib</b>
28. a)	Between 12 and 28 June 92, a guard called out the names of 9 men. Munib Veiz was one of them. They were lined up in front of the compound entrance to the KP Dom and kept there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. From there, FWS-71 could see the entrance door and almost half of the room. Munib Veiz is still missing today. FWS-71, T 2829-2862
28. b)	Between May-August 1992, Munib Veiz, Mustafa Kuloglija, Kemo Dželilović and fnu Pašović were beaten in the administration building. The witness was in Room 11, and could see men in military uniforms beating the victims; he could see the victims from their waist up, facing in his direction, and the backs of the soldiers doing the beating. The guard Burilo was present but was not beating the victims. This took place in the room marked <i>Tel</i> or the room next to it on exhibit 6/1. Witness saw the victims being beaten. After about two hours, he heard the sound of 4-6 gunshots. He then saw Burilo going up the stairs, bringing down a blanket, and moving in such a way that the witness presumed he was carrying something heavy, like a body. Muhamed Lisica, T 4939-4955.
28. c)	Munib Veiz was brought to Room 18 after his son Zulfo Veiz has been taken out. He was wondering what had happened to his son but the other detainees did not want to tell him. He was also taken out. After, FWS-69 got out of the camp he heard rumors that the body of Munib Veiz was found around Goražde, on the banks of the Drina River. FWS-69, T 4123, 4127
28. d)	Munib Veiz was taken out of the room during the night sometime in mid-June, 1992, after Krnojelac's sons and Bota were injured by a landmine. Four or five persons were taken at a time. FWS-172 then heard screams, yelling and footsteps from the administration building. In the morning, when detainees from Room 12 went for breakfast, those detainees taken out, including Munib Veiz, did not show up. FWS-172, T 4559-4560
28. e)	Both Munib Veiz and his brother were taken out for questioning and severely beaten. The witness is almost sure that he was shot. FWS-85, T 649
28. f)	He was a salesman who weighed about 120 kilos. Sometime around 24 June 1992, he was taken to the administration building and went missing. FWS-215, T 854-856, 912
28. g)	Taken out of the dinner line on 27 or 28 June 1992 and taken towards the exit gate. The witness then heard shots from the bridge and a sound similar to sand being thrown into the river. The witness was told by Mujo Dudić that he had found Veiz's body floating near the bank in Goražde. FWS-198, T 1016-1020
28. h)	Killed the same night as Nurko Nišić after being interrogated and beaten. Ekrem Zeković, T 3509

No.	Name Evidence
28. i)	He was taken out several times for beatings. He wore a leather jacket. The witness can remember the characteristic sound of a baton hitting leather. The witness saw injuries on his face and lips. The victim belonged to the group of people taken out at the end of June 1992. He never returned. Amir Berberkić, T 3802
28. j)	He was in a neighbouring room. Once he returned so badly beaten that the other detainees had to feed him like a chicken. They brought him the little soup they could find and some bread. He was suffering terribly and they didn't dare ask him who had beaten him up. FWS-137, T 4760
28. k)	Munib Veiz was a shop owner before the war. He was taken out in the early days, in the spring. FWS-73 saw Munib Veiz being called out of the room on several occasions. He came back "all black from blows." Munib Veiz disappeared at the same time as Šoro the taxi driver. FWS-73, T 3276, 3405.
28. l)	Beaten up, kicked and hit with fists and feet, then shots were heard. 10 or 15 minutes after the incident, guards in olive green uniform came to that part of the administrative building with buckets and mops. After the beatings, witness heard a vehicle come and then disappear. FWS-54, T 758-762.
28. m)	Taken out two or three times and perhaps more. Later, he was taken out in an unknown direction. FWS-111, T 1243
28. n)	In relation to one particular beating of Munib Veiz at KP Dom, FWS-66 heard shots being fired. FWS-66, T 1064-1066, 1101
28. o)	He was a salesman in a shop in Foča. He was in one of those groups of five-six men who taken out in the early afternoon hours, beaten in the administration building of the KP Dom and then disappeared. Safet Avdić, T 513-516
28. p)	On 25 June 1992, Munib Veiz was taken out from room 11 by Slodoban Pejić with another 3 detainees who were beaten up and then shot by several guards at the administrative building of the KP Dom. FWS-54 T 758
28. q)	Taken out from room 15, building 1 and never returned. FWS-138, T 2074, 2147
28. r)	Was taken out, sometime in early June 1992, and was never seen again. FWS-03, T 2251-2253
28. s)	Taken out and FWS-109 heard shots fired indoors. He never returned. FWS-109, T 2379.
28. t)	Salesperson from Foča and friend of director of Fočatrans; taken out in the evening and beaten in last 2 weeks of June 1992. Dževad S. Lojo, T 2578
<b>29.</b>	<b>Veiz, Zulfo</b>
29. a)	During his detention at KP Dom, Zulfo Veiz was taken to the administration building on several occasions. On one occasion, FWS-66 heard the sounds of Zulfo Veiz being beaten. FWS-66 was in Room 15 when these beatings occurred. Zulfo Veiz was taken out of room 15 for one particular beating in July 1992 and never returned to his room. FWS-66, T 1064-1066, 1098-1099

No.	Name Evidence
29. b)	Between 12 and 28 June 92, a guard called 9 detainees out. Zulfo Veiz was one of them. They were lined up in front of the compound entrance to the KP Dom and waited there until they were individually taken into the administration building. After they were taken into the administration building, FWS-71 heard "noise, screams, painful cries, blows." After each separate beating, FWS-71 heard a single pistol shot. The room where the beatings took place was 10-15 meters from FWS-71's window in room 11. FWS-71 did not watch directly from his window apart from casting a glance from time to time. He did, however, hear the beatings and saw all the men lined up. Zulfo Veiz is still missing today. FWS-71, T 2862-2866
29. c)	On several occasion in the "late afternoon," Zulfo Veiz and Kruno Marinović were taken out of their room. On one occasion, Veiz and Marinović returned and VEIZ "was all black". FWS-73 managed to steal some onions and apply them to their wounds. They could not move after the beating they had suffered. One day, Zulfo Veiz disappeared. FWS-73, T 3270, 3400
29. d)	Zulfo Veiz was taken out of the room during the night sometime in mid-June 1992, after Krnojelac's sons and Bota were injured by a landmine. Four or five persons were taken at a time. FWS-172 then heard screams, yelling and footsteps from the administration building. In the morning when detainees from Room 12 went for breakfast, those detainees taken out, including Zulfo Veiz would not show up. FWS-172, T 4559-4560
29. e)	He was called in for interrogation. From Room 15, the witness heard him being tortured terribly. He fainted from the beatings. Then, he was killed that evening with another three persons who went for interviews that same evening. The witness believes that they were killed because that night he heard shots around 23.00. FWS-85, T 640, 653
29. f)	Was a policeman before the war. He was called out once and the sound of blows on his vest could be heard. He was taken out several times for beatings, and after a while he disappeared. FWS-182, T 1622, T 1626
29. g)	Zulfo Veiz, a policeman in Foča, was beaten several times. He had hematomas and his right eye was almost closed. He belonged to the group of people taken in June 1992. Amir Berberkić, T 3801-3802
29. h)	In the evening hours of 25 June 1992, he was taken to the administrative building and mistreated. Other detainees heard his name being called out by those who were torturing him, and afterwards they heard water being poured over him. FWS-215, T 855-856, 912-913
29. i)	Was taken out of the compound on 28 June 1992 with a group of 37 detainees and never returned. FWS-54, T 767
29. j)	Taken out from room 15 and never returned. FWS-138, T 2074, 2147
29. k)	He was a policeman. He was taken out, sometime in early June 1992, and was never seen again. FWS-03, T 2251-2253, 2257.
29. l)	He was taken out, beaten and never returned. FWS-109, T 2394, 2395
29. m)	Zulfo Veiz was a policeman before the war. FWS-73 saw Zulfo Veiz called out of the room on several occasions. He disappeared. FWS-73, T 3275, 3405
29. n)	Was taken out from either room 11 or 15 once or twice and then disappeared. FWS-111, T 1241-1212
29. o)	He was taken to the gate in the evening hours and never returned. FWS-69, T 4123

No.	Name Evidence
29. p)	He was in room 15. He was taken out by guard Obrenović, Pljevaljčić, "Kali" or Ivanović on 21 August 1992 at about 21.00 to the "sala" in the administration building. FWS-86 heard his screams and cries as well as blows and beatings. Later, FWS-86 heard a car's wheels, bursts of gunfire and the sound of something falling into the Drina. Veiz was never seen again, FWS-86, T 1517-1520, 1526, 1558-1559

## SCHEDULE D

Detainees who died or suffered physical and/or psychological results due to living conditions in KP Dom during Krnojelac's administration

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
1.	May 92 to August 93	<b>BERBERKIĆ, Amir</b>	Physical symptoms of malnutrition and Post Traumatic Stress Disorder.	yes	
1. a)	May 92 to August 93	<b>BERBERKIĆ, Amir</b>	He weighed 87 kg when he arrived at the KP Dom and at his lowest point, he weighed 62 kg. He could not sleep because his bones were aching. He frequently vomited because of stomach problems. He also had problems with his vision probably due to lack of vitamins. Suffered exhaustion and a drop in blood sugar, almost fainting on one occasion. He lived in constant fear that he would be beaten or killed. Once he wrote a farewell letter to his family in preparation for death. He still suffers from a form of post-traumatic stress syndrome, which causes a sudden mental block in his thought process. He still experiences fear when he sees a police uniform or a pistol, even here in the court building. He still suffers from flashbacks.	yes	Amir Berberkić, T 3755-3756, 3931-3932, 3971-3972

17-97-25-T

6518

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
2.	May 92 to August 93	<b>BUNDA, Edhem</b> (schizophrenic)	Self-mutilation due to lack of treatment and stress.		
2. a)	May 92 to June 92	<b>BUNDA, Edhem</b> (schizophrenic)	Edhem Bunda was a "very serious mental patient". He found a razor and cut off part of his own ear with it. Afterwards he cut off all his fingernails. Under detention he transferred his aggression upon himself. The guards were aware of his condition but did not take any action. He was later part of a group of 35 prisoners who disappeared between June 13-30, 1992.		FWS-111, T 1218-1220, 1238-1243
3.	May 92 to August 93	<b>FWS-66</b>	Diabetes, high blood pressure and stress, hardly able to walk - pain in legs and psychological effects due to trauma.	yes	
3. a)	23 April 92 to August 93	<b>FWS-66</b>	Since leaving KP Dom, FWS-66 is frequently ill and goes to see doctors often. He has diabetes and recurrent inflammation of the nerves in his legs and back. While at KP Dom, the witness lost 31 kilos. During the first year and a half, he did not know where his wife, children and mother were which devastated him psychologically. Even 8 years after the events, the witness often wakes up screaming and soaking wet.	yes	FWS-66, T 1066, 1084, 1086, 1090, 1133, 1137
4.	May 92 to August 93	<b>ČAVDAR, Smajo</b>	Physical symptoms of malnutrition, exposure to extreme cold and psychological effects due to trauma.	yes	Not enough evidence

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
5.	May 92 to August 93	<b>FWS-109</b>	Physical symptoms of malnutrition causing <i>inter alia</i> high blood pressure.	yes	
5. a)	23 May 92 to 21 March 93	<b>FWS-109</b>	FWS-109 lost 30 kilograms in four months. The removal and non-return of detainees in the evenings caused immense anxiety. FWS-109 was deeply affected by the "human screams" in the night. He still has nightmares and suffers from high blood pressure.	yes	FWS-109, T 2355, 2370-2372, 2377-2379, 2385, 2408
6.	May 92 to August 93	<b>FWS-71</b>	Physical symptoms of malnutrition. Exposure to extreme cold and psychological effects due to trauma. Kidney problems due to the living conditions and the beatings.	yes	
6. a)	25 May 92 to August 93	<b>FWS-71</b>	FWS-71 had pneumonia 3 times while detained at KP Dom. He continues to suffer from frequent headaches and cannot stand for more than 15 minutes. When FWS-71 has the slightest cold his lungs hurt and has pain in his bones accompanied by rheumatism. FWS-71 has undergone psychiatric treatment. When he left KP Dom he said his thinking capacity was at the level of a child.	yes	FWS-71, T 2782, 2806, 2916-2917, 2919
7.	May 92 to August 93	<b>ĆEMO, Enver</b>	Physical symptoms of malnutrition. Exposure to extreme cold and Psychological effects due to trauma. Gall stone problems due to living conditions	yes	Not enough evidence

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
8.	February 93	DURMIŠEVIĆ, Ejub	Physical results due to denial of medical help for injuries		
8. a)	March 93	DURMIŠEVIĆ, Ejub	The witness describes Durmišević's ear as being "cut open to a blood vessel" and "part of the ear was up and the other part was down". Durmišević, who was in a solitary confinement cell along with FWS-159, asked for first aid but nobody came to help him or to clean the wound or even give him a bandage for it. FWS-159 estimates that Durmišević was at least 75 years old. He was later taken away.		FWS-159, T 2470-2472
9.	May 92 to August 93	FWS-249	Depression due to living conditions.	yes	
9. a)	May 92 to August 93	FWS-249	The work was hard and physically exhausting. FWS-249 suffered from the poor nutrition and lack of vitamins as well as the extreme cold. He contracted pneumonia. After his release he suffered both mental and physical consequences. He suffers from severe back-pain. After his release he had nightmares. He would relive the traumas he had gone through. FWS-249 has received psychological treatment.	yes	FWS-249, T 4430-4433
10.	May 92 to August 93	HADŽIĆ, Ismir	Psychological effects due to conditions.	yes	Not enough evidence
11.	May 92 to August 93	FWS-139	Physical symptoms of malnutrition and psychological effects due to abuse.		
11. a)	May 92 to August 93	FWS-139	Witness lost about 20 kilograms in the first three months.		FWS-139, T 343

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
12.	May 92 to August 93	<b>FWS-162</b>	Physical symptoms of malnutrition.		
12. a)	27 May 92 to August 93	<b>FWS-162</b>	The witness lost 26 kg in a couple of months while he was detained. He suffers from back pain. He continues to be psychologically traumatised. He is very irritable and has to take medication.	yes	FWS-162, T 1361, 1410-1411
13.	April 92 to August 93	<b>FWS-182</b>	Malnutrition, victim had stomach problem which became worse during detention	yes	
13. a)	14 April 92 to August 93	<b>FWS-182</b>	His fingers were the most affected because of the cold. When his weight dropped to 50 kg he asked Milorad Krnojelac to have him transferred to the hospital. He was depressed, suicidal and thought he was dying. He always feels hungry and still can't get enough bread.	yes	FWS-182, T 1599, 1618, 1652
14.	May 92 to August 93	<b>R.J.</b>	Physical symptoms of malnutrition.		
14. a)	May 92 to August 92	<b>R.J.</b>	His wife had to provide medicine, which was relayed by Krnojelac. He was so hungry that he begged to Krnojelac to get bread leftovers. He left the KP Dom with a group of sick people.		R.J., T 3877, 3901, 3905
14. b)	May 92 to August 92	<b>R.J.</b>	Three of the people including the witness had undergone heart surgery prior to their detention. R.J had undergone double by-pass surgery before the war. He continued to require therapy, which could not be provided at KP Dom. As a result his physical condition worsened while detained.		FWS-111, T 1220-1221

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
15.	May 92 to August 93	FWS-111	Physical symptoms of malnutrition and Post Traumatic Stress Disorder.	yes	
15. a)	From 17 June 92 until 5 July 93	FWS-111	His blood circulation weakened due to the cold throughout the winter of 1992/93. He lost 20 kg. His legs swelled due to poor nutrition and he had difficulty moving due to an inflammation of the nerves in his right leg. His eyesight was also weakened during detention. Beatings combined with disappearances caused fear and anxiety of "When am I going to be next?" FWS-111 continues to suffer chronic sleeplessness and insomnia and cannot sleep without medication. He tires easily.	yes	FWS-111, T 1226-1227, 1259, 1287-1288, 1311
16.	May 92 to August 93	KUBAT, Šefko	Inadequate care caused ulcer to worsen and resulted in victim's death during detention in January 94.		
16. a)	At least a month after mid-93.	KUBAT, Šefko	He had had surgery whilst at KP Dom in 1994 and was brought back afterwards. Inadequate care caused ulcer to worsen. He would throw up everything he ate. One day, he died in his room.		FWS-85, T 668-669
16. b)	1994	KUBAT, Šefko	Died because he had some kind of narrowing of his intestines so that he would throw up everything he ate. He was not given intravenous or any other help.		FWS-111, T 1234

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
17.	23 June 93	<b>KUNOVAC, Omer</b>	Died after beating due to lack of needed surgery.		
17. a)	June 93	<b>KUNOVAC, Omer</b> (deaf-mute)	Dr. Berberkić testified that Kunovac suffered from internal bleeding. He consulted with Dr. Torlak about the injury. Believed to be internal injury to an organ based on the appearance of the skin, changes in color, and rigidity of the stomach. The witness is absolutely certain that the cause of his death is an injury to the stomach caused by a blow, "a blunt blow . . . to the stomach."		Amir Berberkić, T 3759-3763.
17. b)	Died in June 93	<b>KUNOVAC, Omer</b> (deaf-mute)	He was beaten a lot by the guards because he was deaf/mute and could not answer their questions. He died likely due to internal bleeding. The guards and medical technician were alerted by other detainees that he needed help but none was provided.		FWS-111 T 1230-1231
17. c)	Died in 93	<b>KUNOVAC, Omer</b> (deaf-mute)	Died as a result of beatings and lack of ensuing health care.		FWS-66, T 1088
17. d)	towards the end of June 1993	<b>KUNOVAC, Omer</b> (deaf-mute)	FWS-162 saw him die in his room. Dr. Aziz Torlak, a surgeon who was also in the same room, diagnosed that Kunovac should have surgery on his stomach. Dr. Torlak explained the situation to the medical technician of the KP Dom.		FWS-162, T 1393
18.	May 92 to August 93	<b>FWS-144</b>	Physical symptoms of malnutrition, exposure to extreme cold and unhygienic conditions; recurring nightmares.	yes	
18. a)	1 June 92 to August 93	<b>FWS-144</b>	Suffered fear and hunger.		FWS-144, T 2299-2300, 2311, 2326-2327

**# DATES VICTIM PHYSICAL OR MENTAL RESULTS LONG TERM RESULTS TRANSCRIPT REFERENCE**

19.	May 92 to August 93	<b>LOJO, Dževad</b> and other detainees	Physical symptoms of malnutrition and exposure to extreme cold, including swollen hands and knees.		
19. a)	19 April 92 to August 93	<b>LOJO, Dževad</b>	The witness lost more than 40 kilos.		Dževad Lojo, T 666
20.	May 92 to August 93	<b>FWS-104</b>	Physical and psychological symptoms due to malnutrition and abuse during detention	yes	
20. a)	Around 9 May 92 to 31 October 92	<b>FWS-104</b>	He lost 41 kilos during his detention at the KP Dom. Because of that, and injuries received outside KP Dom, he spent two and a half months at the hospital after his detention.	yes	FWS-104, T 2196-2198, 2200
21.	October 92 to December 92	<b>FWS-215</b>	Became sick due to the coldness experienced in the isolation cell.		
21. a)	December 92	<b>FWS-215</b>	Was sick for a week after being kept in solitary confinement; experienced emotional crisis.		FWS-215, T 856, 865, 875-877, 917, 919-920

17-97-25-T

#	DATES	VICTIM	PHYSICAL OR MENTAL RESULTS	LONG TERM RESULTS	TRANSCRIPT REFERENCE
22.	June 92 to August 93	<b>FWS-86</b>	Physical results including a heart attack in June 92 and psychological effects.	yes	
22. a)	19 April 92 to end of August 92	<b>FWS-86</b>	Lost 30 kg, suffered a heart attack, had a testicular inflammation and an inflammation of the left jaw while in KP Dom. FWS-86 presently has physical conditions related to his detention. He cannot walk very much, gets tired easily and has problems with his urinary tract. He also lost quite a few teeth at KP Dom due to a lack of vitamins, no hygiene or dental care. He is still under observation by psychology specialists.	Yes	FWS-86, T 1487, 1499-1506, 1535, 1546
23.	April 92 to June 93	<b>TARANIN, Rasim</b>	Suffered depression, became suicidal, developed kidney, hip and back problems due to the cold and malnutrition.	yes	
23. a)	April 92 to June 93	<b>TARANIN, Rasim</b>	Suffered long term depression and had suicidal tendencies during detention.	yes	Rasim Taranin, T 1743.
24.	summer 92	<b>TELO, Mustafa</b>	Symptoms of malnutrition.		Not enough evidence

## SCHEDULE E

Detainees who were forced to work

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
1.	July 92	October 92	AGANOVIĆ, Uzeir		
1. a)	1992	1993	AGANOVIĆ, Uzeir	Worked in the metal shop all the time.	Muhamed Lisica, T 4915
1. b)			AGANOVIĆ, Uzeir	He had to work all the time.	FWS-249, T 4451
2.	July 92	October 94	AHMETKADIĆ, Mustafa		
2. a)	1992	1993	AHMETKADIĆ, Muhamed	Was taken to do mine clearing work	Ekrem Zeković, T 3535-3536
2. b)	1993	1992	AHMETKADIĆ, Mustafa	He was in the working group.	FWS-249, T4451
3.	May 92	October 94	FWS-89		
3. a)	May 92	October 94	FWS-89	He worked in the boiler room stoking furnaces for the kitchen. From spring 1993 until September 1993 he worked at the KP Dom. From September to two months FWS-89 went to cut grass and collect hay.	FWS-89, T 4660, 4671-4672, 4676-4677, 4679, 4706-4707, 4721-4722, 4724
4.	June 92	October 94	AVDIĆ, Safet		
4. a)	May 92	October 94	AVDIĆ, Safet	He cleaned the dining area and prepared the firewood used for cooking food.	Exhibit P-123, p. 689, 697

1F97-25-T

6509

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
5.	June or July 92	October 94	<b>BAČVIĆ, Muharem</b>		
5. a)	1992	1993	<b>BAČVIĆ, Muharem</b>	He was in the working group.	FWS-249, T 4451
5. b)	1992	1993	<b>BAČVIĆ, Muharem</b>	He worked at the carpentry shop.	Muhammed Lisica, T 4915
6.	June or July 92	16 August 94	<b>BALIĆ, Adil</b>		Not enough evidence
7.	June or July 92	16 August 94	<b>BARINA, Mustafa</b>		
7. a)	1992	1993	<b>BARINA, Mustafa</b>	He was in the working group.	FWS-249, T 4452
8.	May 92	October 94	<b>BAVČIĆ, Omer</b>		
8. a)	1992	1993	<b>BAVČIĆ, Omer</b>	He was taken to do mine clearing work. Serb soldiers hung metal rings taken from hand-grenades on his ears to humiliate him.	Ekrem Zeković, T 3535-3536, 3624
9.	June or July 92	16 August 94	<b>BEČIRBAŠIĆ, Šufin</b>		Not enough evidence

11-97-25-T

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
10.	May 92	October 94	<b>BERBERKIĆ</b> (not Dr.), <b>fnu</b> (note: maybe Adnan, FWS-111, (T 1264)	worked, <i>inter alia</i> , on the property of Milorad Krnojelac.	
10. a)	1992	After July 93	<b>BERBERKIĆ, fnu</b> (not Dr.) or <b>BERBEROVIĆ</b>	He was a tin smith who worked in the metalwork shop along with Muhamed Lisica.	Muhamed Lisica, T 4915, 4930-4931
11.	June or July 92	October 94	<b>BOJANDŽIJA, Džafer</b>		
11. a)	1992	1993	<b>BOJANDŽIJA, Džafer</b>	He was in the working group.	FWS-249, T 4452
12.	May 92	October 94	<b>FWS-66</b>		
12. a)	May 92	October 94	<b>FWS-66</b>	His job was to pile firewood within the compound and to carry it to the canteen. Later he was assigned to the furniture factory.	FWS-66, T 1125, 1133
12. b)	mid June	unknown	<b>FWS-66</b>	Along with 6-8 other Muslim detainees he worked in the furniture factory which was guarded by Matović.	Miladin Matović, T 6433; 6559
13.	June or July 92	16 August 94	<b>ČAUŠEVIĆ, Izet "Zibac"</b>		
13. a)	1992	1993	<b>ČAUŠEVIĆ, Izet</b>	He worked within the compound and was one of the people that were pulled out to do odd jobs.	FWS-249, T 4452
13. b)	1992	1993	<b>ČAUŠEVIĆ, Izet</b>	He did not have a specific job. He was a jack of all trades.	Muhamed Lisica, T 4916

17-97-25-T

6507

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
14.	September 92	March 93	<b>FWS-109</b>	He worked, <i>inter alia</i> , as a driver on the front line	
14. a)	18 September 92	21 March 93	<b>FWS-109</b>	He was taken to the Kalinovik police station where he repaired police vehicles and was taken out as a lorry driver to detect mines in front of other vehicles on 5 or 6 occasions.	FWS-109, T 2366-2368, 2404-2408
14. b)	April 92	August 92	<b>FWS-109</b>	He was forced to drive a lorry to clear mines in front of other vehicles.	FWS-86, T 1495-1497
15.	May 93	October 94	<b>FWS-71</b>		
15. a)	January 93	December 93	<b>FWS-71</b>	He worked at the farm, in the bakery and furniture factory and as a groundskeeper. He was also taken to cut down trees in the forest.	FWS-71, T 2806, 2896, 2912-2913
16.	January 93	August 94	<b>ĆEMO, Enver</b>		
16. a)	1992	1993	<b>ĆEMO, Enver</b>	He did not have a specific job. He worked at the farm and in the compound.	Muhamed Lisica, T 4916
16. b)	1992	1993	<b>ĆEMO, Enver</b>	He worked.	FWS-249, T 4452-4453
17.	May 92	October 94	<b>DUDIĆ, Mujo</b>		
17. a)	1992	1993	<b>DUDIĆ, Mujo</b>	He was the main cleaner in the administration building, he also worked at the farm.	Muhamed Lisica, T 4916

11-97-25-T

6506

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
17. b)	1992	1993	DUDIĆ, Mujo	He worked as a cleaner in the administration building. He cleaned the offices of Savo Todović and Mitar Rašević.	FWS-198, T 1019
17. c)	1992	1993	DUDIĆ, Mujo	He worked mainly as a cleaner in the administration building and as a maintenance worker.	FWS-249, T 4453
17. d)	May 92	1993	DUDIĆ, Mujo	Together with FWS-250 and "Kelta" Mandzo he had to push dead human bodies and animal carcasses that were stranded on the banks of the Drina River back into the river using planks and sticks. The detainees were guarded by Burilo and by two other guards who took up positions on the bridge.	FWS-250, T 5051-5054
18.	July 92	October 94	DUDIĆ, Safet		
18. a)	1992	1993	DUDIĆ, Safet or his brother	He worked around the compound.	Muhamed Lisica, T 4916
19.	June or July 92	16 August 94	DŽUBUR, Rasim		
19. a)	1992	1993	DŽUBUR, Rasim	He worked.	FWS-249, T 4453
20.	July 92	unknown	GOGALJJA, Asim		
20. a)	1992		GOGALJJA, Asim or Kasim	There were two Gogalija's at KP Dom. Asim and Kasim. One of them worked in the carpentry shop and then was taken out.	Muhamed Lisica, T 4916

17-97-25-7

6505

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
21.	July 92	October 94	<b>FWS-138</b>		
21. a)	1992	1993	<b>FWS-138</b>	Along with 6-8 other Muslim detainees he worked in the furniture factory which was guarded by Matović. Matović and Hadžiahmetović worked together at KP Dom before the war.	Miladin Matović, T 6433, 6450, 6559
22.	October 92	October 94	<b>HADŽIĆ, Asim</b>		
22. a)	October 92	October 94	<b>HADŽIĆ, Asim</b>	His first job was to pile up firewood, for two or three months. In April 1993, he started to work in the furniture factory, for a few months.	FWS-198, T 959, 976-981
23.	July 92	October 94	<b>FWS-249</b>		
23. a)	1992	1993	<b>FWS-249</b>	He worked in the metalwork shop.	Rasim Taranin, T 1727-1729.
23. b)	July 92	October 94	<b>FWS-249</b>	He worked in the car repair shop, servicing, cleaning, repairing and lubricating cars and trucks and changing their tires. Once he was taken to Brod to get some spare parts for a car. He also worked on cars in Foča. About ten times he worked on the farm in the KP Dom. He was taken three or four times to work in Miljevina.	FWS-249, T 4339, 4414-4415, 4417, 4425-4430, 4433, 4435
23. c)	unknown	unknown	<b>FWS-249</b>	The witness worked with him in the metalwork shop.	Rasim Taranin, T 1727

17-97-25-T

6504

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
23. d)	1992	1993	<b>FWS-249</b>	He worked in the car repair shop. He was also sent to Miljevicina to repair mining machinery and some private cars. Krsmanović referred to FWS-249 as "the best repairman, the best mechanic in the entire area."	Milosav Krsmanović T 6689-6690
23. e)	1992		<b>FWS-249</b>	Krmojelac saw FWS-245 working in the metalwork shop and knew that he was taken to work in Miljevicina.	Milorad Krmojelac, T 7917-7918
24.	July 92	October 94	<b>HADŽIĆ, Ismir</b>		
24. a)	1992	1993	<b>HADŽIĆ, Ismir</b>	He worked in the kitchen, at the metalwork shop, in the forest and on the farm cutting grass.	FWS-249, T. 4450
24. b)			<b>HADŽIĆ, Ismir</b>	He worked with the witness in the kitchen. He was then sent to work in the laundry.	Rasim Taranin, T 1727
25.	July 92	unknown	<b>HADŽIĆ, Mumib</b>		
25. a)	unknown	Summer 92	<b>HADŽIĆ, Mumib</b>	He was in the working group until he was taken out in the summer of 1992.	FWS-249, T 4453-4454
25. b)	June-July 92		<b>HADŽIĆ, Mumib</b>	Worked at the metalwork shop. He was a member of the group of workers from the metalwork shop that were taken out without the knowledge of Relja Goljanin.	Muhammed Lisica, T 4917; 4972-4973

IF-97-25-T

6503

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
26.	beginning of 93	August 94	<b>FWS-182</b>		
26. a)	unknown	August 94	<b>FWS-182</b>	He was sent to Brod to unload flour. At the KP Dom, he cleaned up in the kitchen and around the compound.	FWS-182, T 1587, 1647
27.	July 92	unknown	<b>ISANOVIĆ, Fehim</b>	Prosecution witnesses did refer, however, to a Dedović, Fehim aka "the cowboy" who worked as a painter at KP Dom and for Milorad Krmojelac's son. (FWS-249, T 4454; Muhamed Lisica, T 4887; FWS-172, T 4635)	Not enough evidence
28.	June 92	November 92	<b>ISLAMBAŠIĆ, Murid</b>	He worked, <i>inter alia</i> , as a driver on the front line	
28. a)	1992		<b>ISLAMBAŠIĆ, Murid</b>	He was forced to drive an ammunition truck on the frontline. He was in the first truck so that if there was an ambush, he would be hit first	FWS-182, T 1647-1648
28. b)	unknown	at least until 18 September 92	<b>ISLAMBAŠIĆ, Murid</b>	He was forced to drive a lorry to detect mines.	FWS-109, T 2404-2408
28. c)	1992		<b>ISLAMBAŠIĆ, Murid</b>	He was forced to drive a lorry to detect mines.	FWS-249, T 4449-4450
28. d)	April 92	At least until August 92	<b>ISLAMBAŠIĆ, fnu</b>	He was forced to drive a lorry to clear mines in front of other vehicles.	FWS-86, T 1487, 1496-1497
28. e)	1992		<b>ISLAMBAŠIĆ, Murid</b>	He was a baker and a driver. He was taken out in the morning and returned in the evening.	Muhamed Lisica, T 4917

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
28. g)	1992		<b>ISLAMBAŠIĆ, Murid</b>	After his release FWS-144 heard from Islambašić himself that he was forced to drive a truck to detect mines.	FWS-144, T 2404
29.	July 92	unknown	<b>ISLAMBAŠIĆ, Suad</b>		
29. a)	June-July 92	end of summer 92	<b>ISLAMBAŠIĆ, Suad</b>	Worked at the metalwork shop. He was a member of the group of workers from the metalwork shop that were taken out without the knowledge of Relja Goljanin.	FWS-249, T4454-4455
29. b)	1992		<b>ISLAMBAŠIĆ, Suad</b>	Worked at the metal workshop. He was taken on an exchange one evening along with some other detainees who worked in the metalwork shop.	Muhamed Lisica, T 4918; 4972-4973
29. c)		late summer 1992	<b>ISLAMBAŠIĆ, Suad</b>	Witness worked with him in the metalwork shop. He was taken away in the summer along with other skilled workers without the knowledge of Relja Goljanin.	Ekrem Zeković, T 3490-3491; 3615
30.	July 92	winter 92/93	<b>JAŠAREVIĆ, Atif</b>	worked, <i>inter alia</i> , on the property of Milorad Krnojelac	
30. a)	November 1992	November 1992	<b>JAŠAREVIĆ, Atif</b>	Worked on the property of Milorad Krnojelac	FWS-250, T 5118
30. b)	1992		<b>JAŠAREVIĆ, Atif</b>	He did all sorts of things. He went out with the grass cutters and he did work related to the farm, like collecting hay.	Muhamed Lisica, T 4918
30. c)	1992		<b>JAŠAREVIĆ, Atif</b>	He did many jobs, among which was cutting grass and working in the forest.	FWS-249, T 4455

17-97-25-T

6501

DATE		DATE		VICTIM		COMMENT		TRANSCRIPT REFERENCE	
#.	From	To	DATE	To	VICTIM	COMMENT	TRANSCRIPT REFERENCE		
30. d)	1992	unknown	unknown		<b>JAŠAREVIĆ, Atif</b>	He worked on the farm. The witness heard from others that were present that on one occasion when they were building a wire bridge Zelenović ("Zelja) took a brush with lubricating oil and brushed it over Jašarević's face saying, "See? It is such people who are protecting you"	Ekrem Zeković, T 3615		
30. e)	1992	unknown	unknown		<b>JAŠAREVIĆ, Atif</b>	Milorad Krnojelac said that he saw him working on his house	Milorad Krnojelac, Exhibit 50a p. 13		
31.	June or July 92	unknown	unknown		<b>KARAHASANOVIĆ, fnu</b>				
31. a)	unknown	Summer 92	Summer 92		<b>KARAHASANOVIĆ, "Karas" or "Karasi"</b>	He was a haulier. Belonged to the working group in the beginning until he was taken for an exchange.	FWS-249, T 4455		
31. b)	unknown	late summer 1992	late summer 1992		<b>KARAHASANOVIĆ, Ismet</b>	Worked at the metalwork shop. He was a member of the group of workers from the metalwork shop that were taken out without the knowledge of Relja Goljanin.	Ekrem Zeković, T 3615		
31. c)	1992				<b>KARAHASANOVIĆ, "Karasi"</b>	Worked at the metalwork shop. He was taken on an exchange one evening along with some other detainees that worked in the metalwork shop.	Muhammed Lisica, T 4918; 4972-4973		
32.	June or July 92	16 August 94	16 August 94		<b>FWS-142</b>				
32. a)	19 September 93	16 August 94	16 August 94		<b>FWS-142</b>	FWS-142 worked in the compound.	FWS-142, T 1831-1832		

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
33.	July 92	October 94	<b>KARUP, Saban</b>		
33. a)	1992	1993	<b>KARUP, Saban</b>	Was working as a driver of the KP Dom vehicle and would drive detainees to the forest and to cut grass. FWS-249 heard that he was also sent through mined areas.	FWS-249, T 4441-4442
33. b)	1992	1993	<b>KARUP, Saban</b>	He drove one of the KP Dom FAP trucks. Along with fnu Jasarevic, he also gathered crops for cattle feed.	Muhamed Lisica, T 4918
33. c)	1992	1993	<b>KARUP, Saban</b>	Worked as a driver on the front line ahead of Serb soldiers to prevent them from stepping over a land mine.	FWS-73, T 3234-3235
33. d)	1992	1993	<b>KARUP, Saban</b>	He was taken to do mine clearing ahead of Serb army vehicles.	Ekrem Zeković, T 3535-3536
34.	July 92	August 92	<b>FWS-54</b>		
34. a)	5 Aug 92	8 Aug 92	<b>FWS-54</b>	Worked in the kitchen.	FWS-54, T 746-748
35.	July 92	October 92	<b>KRKALIĆ, Rasim or Asim</b>		Not enough evidence
36.	June or July 92	16 August 94	<b>KREČNIĆ, Faruk</b>		Not enough evidence

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
37.	July 92	December 93	KUBAT, Šefko		
37. a)			KUBAT, Šefko	He worked in the metalwork shop with FWS-249. He had a stomach ulcer and came to a stage where he could not work.	FWS-249, T 4431, 4443
37. b)	1992	1993	KUBAT, Šefko	Worked in the metalwork shop	Rasim Taranin, T 1727-1729.
37. c)	1992	1993	KUBAT, Šefko	Worked in the mechanical car repair shop which was part of the metalwork shop.	Milosav Krsmanović T 6689
38.	September 92	March 93	KUKAVICA, Goran, "Goša"	Worked, <i>inter alia</i> , as a driver on the front line	
38. a)	April 92	August 92	KUKAVICA, Goran, "Goša"	Forced to drive lorries to clear mines in front of other vehicles.	FWS-86, T 1487, 1496-1497
39.	July 92	October 94	FWS-144	Worked, <i>inter alia</i> , on the property of Milorad Krnojelac	
39. a)	August 92	10 October 94	FWS-144	He worked in the metal workshop. He had to make three metal doors for the warden. He then worked on the property of Milorad Krnojelac for three or four days.	FWS-144, T 2317-2320, T 2311-2313
39. b)	1992		FWS-144	Worked in the metalwork shop.	FWS-249, T 4413
39. c)	1992		FWS-144	Worked on the property of Milorad Krnojelac.	Muhamed Lisica, T 4882
39. d)	November 92	November 92	FWS-144	Worked on the property of Milorad Krnojelac.	FWS-250, T 5057

#.		DATE From	DATE To	VICTIM	COMMENT	TRANSCRIPT REFERENCE
40.		May 92	October 94	<b>LISICA, Muhamed</b>	Worked, <i>inter alia</i> , on the property of Milorad Krnojelac	Muhamed Lisica, 4865-4914
40. a)		Beginning of May 92	October 94	<b>LISICA, Muhamed</b>	Worked at the metal workshop of the KP Dom and in the hospital (fixing water pipes). At the Hotel Zelengora, he unloaded flour and worked in the kitchen. At the Velečevo women's prison, he built frames for a kiosk and had to fix a military vehicle. Lisica also worked in two shops belonging to the KP Dom, which sold milk and other agricultural products produced at the KP Dom farms. In autumn 1992 he worked for a total of 15-20 days on Krnojelac's house. There he did the "metal jobs" (staircase and metal railings). In addition, he had to make shelves in the metalwork shop for Krnojelac's son. He also had to collect paint for the renovation of this son's apartment. Finally, he worked in various places around the KP Dom, cleaning vehicles (including the warden's), working in offices in the administration building, also including Milorad Krnojelac's office.	
40. b)		1992		<b>LISICA, Muhamed</b>	Milorad Krnojelac said that he knew Muhamed Lisica and that he did work on his house.	Milorad Krnojelac, Exhibit 50a p. 16
40.c)				"Lija"	He worked in the metalwork shop. He would occasionally go to the car repair shop to weld something whenever necessary	Milosav Krsmanjović, T 6688

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
41.	August 93	October 94	LOJO, Dževad		
41. a)	mid-93	mid-94	LOJO, Dževad	Worked in the furniture factory.	FWS-85, T 672, 680-681
42.	May 92	October 94	MALJANOVIĆ, fnu	Worked, <i>inter alia</i> , on the property of Milorad Krnojelac	
42. a)	1992	1993	MALJANOVIĆ, Asim	Asim and Ramiz are two half-brothers; both of them worked. Asim worked together with the witness in the metal shop all the time.	Muhamed Lisica, T 4919
42. b)	1992	1993	MALJANOVIĆ, Asim	He had to work.	FWS-249, T 4456
43.	July 92	October 94	MALJANOVIĆ, Ramiz or Asim		
43. a)	1992	1993	MALJANOVIĆ, Ramiz	He had to work.	FWS-249, T 4456
43. b)	1992	1993	MALJANOVIĆ, Ramiz	Worked in the metal workshop.	Muhamed Lisica, T 4919
44.	July 92	October 94	MURATOVIĆ, Sacir		
44. a)	1992	1993	MURATOVIĆ, Sacir	Worked as a tailor at the carpentry shop and cut fabrics for upholstery.	Muhamed Lisica, T 4919
44. b)	1992	1993	MURATOVIĆ, Saban	Worked with 6-8 other Muslim detainees in the furniture factory—specifically in the tailor shop—which was guarded by Matović.	Miladin Matović, T 6433; 6559

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
45.	June or July 92	16 August 94	PECELJ, Junuz		Not enough evidence
46.	July 92	October 94	PIJADŽER, Suljo		
46. a)	1992	1993	PIJADŽER, Suljo	He was a member of the working group.	FWS-249, T4457
47.	May 92	October 94	FWS-73		
47. a)	May 92	October 1994	FWS-73	FWS-73 worked in the kitchen and in the bakery; inside and outside the KP Dom doing various agricultural tasks and occasionally on the front line. FWS-73, along with three other detainees, had to dig a grave for a Muslim mechanic. (Note: The witness placed this work in the wrong time-frame.)	FWS-73, T 3222-3227, 3230, 3234-3235, 3415, 3420
47. b)	1992		FWS-73	Worked on the property of Milorad Krmojelac	Muhamed Lisica, T 4882-4883
47. c)	In November 92	In November 1992	FWS-73	Worked on the property of Milorad Krmojelac	FWS-250, T 5057
48.	July 92	October 94	REKO, Taib		
48. a)	1992	1993	REKO, Taib	He was in the work platoon. He worked within the compound.	FWS-249, T4457, 4459
48. b)	1992	1993	REKO, Taib	He worked on the farm, was cutting grass and collecting hay.	Muhamed Lisica, T 4919

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
49.	June or July 92	16 August 94	ŠAHOVIĆ, Ilet		Not enough evidence
50.	June or July 92	16 August 94	ŠOŠEVIĆ, Dževad		
50. a)	1992	1993	ŠOŠEVIĆ, Dževad	He worked at the farm in Brioni, he went with the hay and grass cutters and those who were collecting hay	Muhamed Lisica, T 4920
50. b)	1992	1993	ŠOŠEVIĆ, Dževad	He was in the work platoon.	FWS-249, T 4457
51.	June 92	October 94	ŠUNDO, Ramiz		
51. a)	1992		ŠUNDO, Ramiz	He was in the work platoon.	FWS-249, T4457
52.	May 92	June 93	TARANIN, Rasim		
52. a)	May 92	June 93	TARANIN, Rasim	He loaded flour onto trucks going from Ustikolina to warehouses in Foča. He was taken with 7-12 others to demolish the "Šerif Lojo" school, near the Aladža mosque. He also worked as a mechanic in the metalwork shop.	Rasim Taranin, T 1701-1702, 1710, 1712, 1728-1729
53.	June or July 92	16 August 94	TELETOVIĆ, Nusret		Not enough evidence

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
54.	May 92	October 94	TELO, Aziz	worked, <i>inter alia</i> , on the property of Milorad Krnojelac	
54. a)	May 92	October 94	TELO, Aziz	Worked at the farm in Brioni, cutting grass and collecting hay for the cattle. He also worked on the property of Milorad Krnojelac.	Muhammed Lisica, T 4920, T 4882
54. b)	In November 1992	In November 1992	TELO, Aziz	Worked on the property of Milorad Krnojelac	FWS-250, T 5057
54. c)	1992	1993	TELO, Aziz	He did various jobs such as grass cutting.	FWS-249, T 4459
54. d)	1992		TELO, Aziz	Milorad Krnojelac said that he knew Aziz Telo and that he did work on his house.	Milorad Krnojelac. Exhibit P50a p. 17
54. e)	1992		TELO, son of Mustafa	Worked on Milorad Krnojelac's house	Milosav Krsmanović T 6628
54. f)	1992		TELO, son of Mustafa	Worked on Milorad Krnojelac's house with his father Mustafa Telo	Miladin Matović, T 6569
54. g)	1992		TELO, son of Mustafa	Worked on Milorad Krnojelac's house along with his father	Risto Ivanović, T 6211
55.	May 92	October 94	TELO, Mustafa	Worked, <i>inter alia</i> , on the property of Milorad Krnojelac	
55. a)	May 92	October 94	TELO, Mustafa	Worked at the farm in Brioni, cutting grass and collecting hay for the cattle. He also worked on the property of Milorad Krnojelac	Muhammed Lisica, T 4920, 4882
55. b)	November 1992	November 1992	TELO, Mustafa	Worked on the property of Milorad Krnojelac	FWS-250, T 5057
55. c)	1992	1993	TELO, Mustafa	He did various jobs.	FWS-249, T 4460

#.	DATE		VICTIM	COMMENT	TRANSCRIPT REFERENCE
	From	To			
55. d)	1992		TELO, Mustafa	Worked on the property of Milorad Krnojelac	Milosav Krsmanović, T 6628-6629
55. e)	1992		TELO, Mustafa	Milorad Krnojelac said that he knew Mustafa Telo and that he did work on his house.	Milorad Krnojelac. Exhibit P50a p. 17
55. f)	1992		TELO, Mustafa	Worked on Milorad Krnojelac's house	Milosav Krsmanović, T 6628; 6694
55. g)	1992		TELO, Mustafa	Worked on Milorad Krnojelac's house. He also worked at the furniture factory from time to time "for some things that were to be done on Milorad Krnojelac's house"	Miladin Matović, T 6461-6463; 6569-6571
55. h)	1992		TELO, fnu	Worked on Milorad Krnojelac's house	Risto Ivanović, T 6211
<hr/>					
56.	June or July 92	16 August 94	ZAMETICA, Ahmet		
56. a)	1992	1993	ZAMETICA, fnu	Was taken to the front line, and would return with frozen and swollen hands.	FWS-249, T4441
<hr/>					
57.	July 92	October 94	ZEKOVIC, Ekrem	worked, <i>inter alia</i> , on the property of Milorad Krnojelac and in the mine in Miljevina	
57. a)	mid-July 92	mid July 1994	ZEKOVIC, Ekrem	From mid-July 92 until 8 July 93 in the metal work shop, where he repaired cars, did locksmith jobs, worked in many places in Foča (hospital, bakery, on a staircase in the property of Milorad Krnojelac in summer 1992). He also worked in furniture factory in KP Dom	Ekrem Zeković, T 3443-3449, 3496

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	From	To			
57. b)	1992	1994	<b>ZEKOVIĆ, Ekrem</b>	He worked in the metalwork shop at the Hotel Zelengora and on the property of Milorad Krnojelac.	Muhamed Lisica, T 4873-4874, 4883
57. c)	1992	1993	<b>ZEKOVIĆ, Ekrem</b>	Was in the working group	FWS-8, T 1781- 1782

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**ANNEX I**  
**ANNOTATED EMPLOYEE LIST (Exhibit P3)**

**EMPLOYEE LIST MASTER DOCUMENT**

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
1.	VUJOVIĆ (Milovan) Milan		18 Apr 92	11 Aug 1992	Lawyer	
1. a)	Milan Vujović stood at the main gate, near the reception, and he took FWS-142's name and particulars. FWS-142, T 1819.					
1. b)	Milan Vujović was the lawyer at the KP Dom under work obligation until about August or September 1992. His office was down the hall from the warden, on the same floor. Vujović was replaced by Savo Todović. Vujović was a member of the commission tasked to assess the damage to the KP Dom. Milorad Krnojelac, T 8140-8141, T 7614-7615.					
2.	DOBNIK (Rudolf) Aleksandar		18 Apr 92	30 Apr 1992	Security	
3.	KRNOJELAC (Bogdan) Milorad		18 Apr 92	08 Sept 1994	Temporary acting warden, 18 Apr – 17 Jul 92, Ministry of Defence Decision	
3. a)	See section of the final trial brief on the "Role of the Accused"					
4.	KRNOJELAC (Arsenije) Momir		18 Apr 92	1 Oct 92  30 Dec 93 18 Sep 94	Procurement and security, manager of furniture factory	18 Apr 92 – 1 Oct 92 Decision by Ministry of Defence
5.	KUNARAC (Obren) Slobodan		18 Apr 92 02 Sep 93 12 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Farm Instructor	
6.	MILIĆ (Momčilo) Dragiša		18 Apr 92 02 Sep 93	30 Sep 92 16 Sep 94	Farm Psychologist	
6. a)	Dragiša Milić was a truck driver in the farm/ before the war, psychologist at KP Dom. FWS-138, T 2111					
6. b)	Dragiša Milić drove the FAP 1612 while Miloslav Krsmanović was on the front line." Miloslav Krsmanović, T 6634-6635.					
6. c)	He was a psychologist. Witness did not remember whether he was also a driver. Arsenije Krnojelac, T 6944					
7.	JEGDIĆ (Marijan) Radivoje		18 Apr 92 25 Aug 93	14 May 92 16 Sep 94	Warehouse worker	
7. a)	Radivoje Jegdić was in charge of the storage room where food supplies were kept, Safet Avdić, T 527					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
8.	DRAKUL (Miloš) Slavko		18 Apr 92	01 June 92	Farm –security, Employee of Maglić	
8. a)	Slavko Drakul was one of the military police men that came and took the witness to the KP Dom on the 24 <sup>th</sup> of May 1992. Drakul was one of the military policemen that questioned the witness in the interrogation room at the KP Dom on the 24 <sup>th</sup> of May 1992. The witness was beaten on the back, around the kidneys and on the arms, with some kind of an object, by Drakul. FWS-03, T 2231, 2237-2238					
8. b)	A guard (surname “Vuković”) took him to a room in the administration building where Slavko Drakul was standing behind the door. As soon as the witness opened the door, Drakul asked him: “Where’s your sniper.” He cursed his mother and said the witness was a sniper. He hit the witness about three times and told the guard to take him to a cell, which was a few metres away. Slavko Drakul was in military uniform and probably belonged to the town force. FWS-162, T 1366-1367					
8. c)	Possibly the DRAKUL who defended the workers in a conversation in the coffee shop relating to an allegedly sabotaged car. Ekrem Zeković, T 3463					
9.	IVANOVIĆ (Miloš) Risto (witness)		19 Apr 92 02 Sep 93	30 Feb 92 * 31 Oct 94	Security	
9. a)	Risto Ivanović was a guard. Safet Avdić, T 527					
9. b)	Risto Ivanović was one of the officers on duty when Rasim Taranin first arrived at KP Dom .Had worked at KP Dom before the war , described as having done the job “professionally” before the war. Wore Military Uniform. Rasim Taranin, T 1697, 1699					
9. c)	Possibly not the Ivanović that took out Zulfo Veiz. The witness is unsure if it’s Risto or Zdravko. FWS-86, T 1517-1520, 1526.					
9. d)	Witness only referred to Ivanović thus could also be employee number 25. Ivanović beat Hasan Dzanko on 13 June 1992 –Ivanović also beat Emir Mandžo on same day. Dževad S. Lojo, T 2570, 2572.					
9. e)	Guard at KP Dom during the entire time – “he was fair”. FWS-138, T 2112.					
9. f)	Treated the detainees well. FWS-144, T 2336.					
9. g)	Serb soldiers from Jabuka took witness FWS-159 to the isolation cell. They dragged him to the isolation cell; he could not walk because “I hurt too much”. Then, Risto Ivanović took him over and locked him up in the isolation cell. FWS-159, T 2448.					
9. h)	Risto Ivanović is from Josanica. In his statement, R.J. said he wouldn’t be surprised if Ivanović was punished for treating Muslims correctly. Asked about this comment in Court, R.J. explained, “anyone at that time who was protecting or in any way helping Muslims was considered to be an outcast.” Asked about that extra remark, R.J. said that those who would consider him an outcast considered themselves to be “the real guys, the good guys.” R.J. did not remember his first name but agrees that it’s possibly Risto. R.J. T 3917, T 3890-3892					
9. i)	Risto Ivanović searched FWS-69 at his arrival and took him to room 18. When FWS-69 was brought to his room, Risto said “you have no blankets, you have nothing, you just have a carpet there, try to use this as a blanket.” In cross-examination FWS-69 said that he was the best guard. FWS-69 T 4061, 4195					
9. j)	FWS-137 approached Risto Ivanović asking him to check why he had not yet been interrogated. They were on good terms as they were neighbors before the war. He was the best guard there. FWS-137, T 4736					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
10.	DIVLJAN (Krsto) Lazar (witness)		20 Apr 92	02 Aug 92	Warehouse worker and security	
10. a)	Lazar Diviljan was assigned as a warehouse worker in Drina Economic Unit where he remained until August 1, 1992. Lazar Diviljan stated he was in charge of the warehouse for "convicts, equipment, and food" (2 warehouses). Savo Todović and Mitar Rašević told the witness they did not need him. Then, he stated that Milorad Krnojelac asked him whether he could work with him at the warehouse and I said I could, and that's how I became the warehouse clerk at the KP Dom. Lazar Diviljan denies that he was a guard, as mentioned in the original Exhibit P-3. Lazar Diviljan, T 5977-5979, 6015- 6016.					
10. b)	Lazar Divljan was the warehouse keeper, and was entrusted with food and equipment for a while. While Milorad Krnojelac was responsible for the welfare of the convicts in the KP Dom, Lazar Divljan was responsible for their day to day welfare, and putting them to work. Milorad Krnojelac, T 7670, T 8108					
11.	TODOVIĆ (Vladimir) Savo		20 Apr 92	31 Oct 94	Assistant warden for legal and financial affairs since 1 July 93	
11. a)	Todović was the deputy warden of KP Dom. "He was the most active and seen most frequently by the detainees. He was in charge of work obligations and he assigned prisoners to various duties....He was also in charge of putting prisoners into solitary confinement." On one occasion, Todović forced sick prisoners to work. He told them, "What physician? What are you talking about? I'm your physician. You're off to work." On another occasion, in response to an attempted escape, Todović cut the rations of all the prisoners and confiscated all the medicines owned by prisoners. Safet Avdić, T 475, 559.					
11. b)	Todović was in charge of the work duties. "He's the one who carried out this selection, according to qualifications and skills, for various jobs. Often he would go into the prison compound; he would go to the various dormitories and make lists of various groups." The witness has earlier stated that Todović could "force even sick persons to work. Nobody could overturn his decision." When the witness was asked to explain what he meant with that he answered: "we had no possibility of refusing to go to work once he had said so, because that would have only worsened our position." The witness further explains that Savo Todović was a level lower than the camp warden. And the camp warden was Mr. Krnojelac from the time the witness was brought in, June 1992, until the end of 1993, when a certain Zoran became in charge of the camp. FWS-144, T 2316-2317					
11. c)	"In the words of his associates, some of whom were inmates in the camp, he stood out even then in maltreating former inmates. On the part of the command of the Serbian army, he was appointed the man in charge of Muslim detainees, which he constantly proved by his actions. He enjoyed this role, and every time he appeared in the compound, that was fatal for the majority of prisoners. He ordered people to be beaten, maltreated, and killed, and he frequently participated in this himself." He was also in charge of work assignments. He sometimes wore civilian clothes and other times a military uniform. He often wore some kind of military fur coat and carried a pistol. FWS-66, T 1132, 1145					
11. d)	Todović was second in command at the KP Dom. He did the organising. Detainees thought he was the one in charge of the work duties. He conducted interviews. The detainees concluded that he s the person who communicated between the inside and the leadership outside (SDS and the authorities in general). Dževad S. Lojo, T 2619.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
11. e)		<p>Todović questioned the witness on 31 August 1992 and sent him to solitary confinement for 5 days. FWS-215 also said: "...Todović is responsible for the suffering of many inmates. In addition to the role he had, he also had an intelligence role and many feared him for that reason; not only the inmates but also the prison officials." (...) "many suffered and spent their most difficult moments in solitary cells...due to Savo Todović methods of interrogation and his punishments." (...) "On his orders...inmates were hidden from the representatives of the International Red Cross ...He would bring Serbs into rooms where normally we would be detained in order to more easily persuade the ICRC that the people they were looking for were not there." FWS-215 T 877-878, 924, 925.</p>				
11. f)		<p>Todović started as a guard, became a clerk in charge of registry of convicts before the war. He was the responsible clerk assigning various jobs and task to us and also to Serbs; used same office as before the war, had a bed in his office; he threatened to death detainees after one tried to escape - "delivered a lecture" to detainees in prison compound - threatened the witness that they would have to work in the mine. FWS-138, T 2026, 2061, 2095-2096, 2102-2103.</p>				
11. g)		<p>Todović was in charge of work assignments. When a detainee tried to escape, he lined up all the detainees in the yard and spoke to them. One day, Savo Todović came to ask the witness whether he would work in the mine. When the witness replied that he had no strength and that it was too hard for him, Todović replied: "Well, there is nothing for us to discuss really." FWS-142, T 1831, 1834.</p>				
11. h)		<p>Before the war he was the officer for the division of labour at the KP Dom. His role was to assign prisoners various kinds of work. FWS-54, T 748, 783.</p>				
11. i)		<p>Todović was in charge of the labour needs for various jobs. He was also in charge of security inside and outside the facility, including people. FWS-86 called him the "de facto" person in charge of the camp with Rašević. FWS-86, T 1486, 1499, 1543, 1564.</p>				
11. j)		<p>Todović was the deputy warden. He instilled fear on the detainees. When Zeković escaped, he put the entire population of the working room in the solitary confinement and the witness heard from them that he beat them and threaten to kill them if they did not catch Zeković. Ahmet Hadžimusić, T 1982.</p>				
11. k)		<p>Todović interrogated the witness on a found radio; send him to isolation at the second time; hit the witness a few times and sent him to isolation a third time; once was asked by a former neighbour to help him, but he refused, that person soon afterwards died at KP Dom FWS-182, T 1612-1614, 1650.</p>				
11. l)		<p>Krnojelac's deputy and made lists for those going to be exchanged. FWS-109 does not know if he personally beat detainees. Told detainees that all persons taken out were only being exchanged. Assigned work and accommodation for detainees. Allocated 109 and his colleague the task of driving trucks to detect mines. Visited detainees and told them not to be afraid when exchanged and that lists for exchange came from the Crisis Staff. FWS-109, T 2399, 2406, 2410, 2419-2420.</p>				
11. m)		<p>Second in Command at KP Dom. FWS-111 talked to him a couple of times about the conditions of the camp. Todović answered that there nothing could be done. FWS-111, T 1280.</p>				
11. n)		<p>Todović appeared to have worked at KP Dom before the war. Deputy Warden. His role appeared to be the assignment of work to prisoners. Witness describes him as "running things" at KP Dom although admits unsure whether authorised to do so by Krnojelac. Rasim Taranin, T 1703, 1745</p>				
11. o)		<p>Todović was a responsible clerk assigning jobs both to Muslims and Serbs. FWS-138, T 2103.</p>				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
11. p)		FWS-146 testified that he heard that Savo Todović was the head of the KP Dom. He also testified that he thought that the requests for his exchange were addressed to Savo Todović but was unsure if Todović was addressed by name. However, Witness did not have any dealings with Todović or the warden. FWS-146, T 3077-3078.				
11. q)		Savo Todović lectured detainees in the compound of the KP Dom after the attempted escape of "Zeko" Ekrem Zekovic. Subsequently, there was collective punishment by way of food rations, beatings and solitary confinement handed out to detainees. FWS-8 testified that Zoran Matovic beat detainee FWS-8 and Dzevad Čošović in front of an isolation cell, whilst guard Dragomir Obrenović watched, Savo Todović released them on the same day from solitary confinement as new detainees were arriving. FWS-08 agreed that in a previous statement he said Savo Todović was the real commander of the KP Dom. FWS-8 also agreed that Todović was present when he was being transferred to Rudo. FWS-8, FWS-08, T 1776, 1781-1782, 1800-1801				
11. r)		Savo Todović had a reputation among the detainees for being cruel and abusive. He did not tell Krnojelac about that because he never heard that he beat anyone from room 16. He was never abusive to R.J.. The only time he saw him was when he was taken for an exchange and when Todović escorted him to Mićo's office. R.J., T 3881, 3915				
11. s)		Savo Todović was present and standing in front of the administration building when FWS-172 was exchanged. FWS-172, T 4575				
11. t)		Once Vojislav Maksimović came to visit the farm where FWS-89 worked. He was possibly shown around by Todović. Savo Todović was in charge of work assignment at the entire KP Dom, at the farm and at the mine in Miljevina. FWS-89 T 4679				
11. u)		Todović was seen "at times" by witness in Krnojelac's office, seen on weekends in KP Dom. His voice was heard by witness in the coffee shop. He made lists of people to be exchanged and work lists. He interrogated the witness three times after his recapture. Beat witness with a chain and hit him against the wall during interrogation. At an assembly of the inmates and KP Dom staff, Todović announced a 50% cut in rations and forbade work, medical examinations, the owning of any property, including medicines. Todović told the witness that he would return to work after his release from solitary confinement. Zeković stated that the attitude of Todović did not change after the new warden Sekulović started. Ekrem Zeković, T 3457, 3464, 3491, 3577, 3583, 3593, 3595, 3579-3580, 3587-3688, 3600, 3604.				
11. v)		Todović reprimanded Šefko Kubat, who had just had an operation, for resting instead of going to work. Todović threatened to kill Ramiz Milanović during the interrogation in relation to Ekrem Zeković's escape; on this occasion, he also meted out punishment to the detainees.. Todović appeared at the metal workshop one morning, following an exchange, to take down the remaining detainees' personal information. The Defence challenged him regarding one of his previous statements in which he said that he thought Todović was the one in charge at the prison, as well as another statement in which he said that Todović was the one who ordered the detainees to be put in solitary confinement in relation to Ekrem Zeković's escape. He once was called to talk to Todović. FWS-249, T 4431, 4467-4468; 4470-4472, 4482, 4500-4510				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
11. w)		Savo Todović was present in the yard when the local Serbs took over the KP Dom from the military. Later that day he also came to the prisoners' room. The witness asked Savo Todović whether he could write an application, sort of request, why he was here and if he could get out. He said yes and that he would hand it over to the command. After the escape of Ekrem Zeković Savo Todović was present for all the interrogations of the witness; he told the witness to lie down on the floor, he took his gun and pointed it against the back of the witness' head, and he said "Goddamn your father Hasan. Tell me where Zeković is." Then he took the witness back to the isolation cell and told him that he would be in solitary confinement for 2 months.. Witness thinks that Todović was in charge of the Muslims. He was completely authorised for the Muslims, because anything that concerned assignments for Muslims, who will work, where, and how people would be punished, all that was done by Savo Todović. Muhamed Lisica, T 4842-4843, 4849-4850, 4856-4859, 4933-4935, 4982				
11. x)		FWS-250 testified that Savo Todović was often in the company of Milorad Krnojelac and Mitar Rašević. In particular, following the apprehension of "Zeka", who had tried to escape, Todović was present and participated in bringing Zeka into the compound when the detainees were gathered together and warned about further escape attempts and informed that work privileges were cancelled and rations cut. FWS-250 testified that Savo Todović was in charge of assigning work and punishing prisoners. FWS-250, T 5056, 5066, 5069, 5106-5107				
11. y)		Savo Todović worked in the rehabilitation section before the war. He was the clerk for in-house records. Lazar Divljan, did not agree that he was the clerk assigning labour tasks to detainees. He says it was someone else (which he could not name) who did that. Savo Todović had nothing to do with the convicts at the KP Dom. He was only in charge of the prisoners of war. The witness explained that he got this information (about Savo Todović's position) from the procedures, from conversations he overheard by the guards and from things he himself (Todović) said. Lazar Divljan, T 5982-5984, 6052-6055, 6063-6064.				
11. z)		Savo Todović was a lawyer and worked in the rehabilitation centre. Arsenije Krnojelac, T 6985-6986				
11. aa)		Before the war, Savo Todović was the clerk for employment and rehabilitation of prisoners. At the beginning of the war, Todović was a soldier. Witness heard that Savo Todović was responsible for assigning work to the detainees in the Drina unit. Todović used the lawyer's office in the administration building. Božo Drakul, T 7322, T 7349				
11. bb)		Witness said that Savo Todović was in charge of the Muslim detainees and the Serb military offenders, and admitted in cross-examination that he had only heard this from the television broadcasts of the proceedings against Milorad Krnojelac. Miladin Matović, T 6440, T 6588-6592				
11. cc)		Witness did not know whether Savo Todović was within the military command. In 1993, the witness saw some work papers for Muslim detainees which had the signature of Savo Todović on them. Milan Pavlović, T 6896.				
11. dd)		Savo Todović was appointed by the military command as the person in charge of the Muslim detainees at the KP Dom. Savo Todović told Krnojelac that the military command had ordered him to assign detainees to work according to their skills. Krnojelac informed the heads of the work units about this. Savo Todović drafted P 446 (payroll list) and presented it to Milorad Krnojelac for signature. Savo Todović drafted P 445 (request for mines and weapons) and presented it to Milorad Krnojelac for signature. Milorad Krnojelac, T 7690, T 7692-7693, T 7712, T 7912, T 8183-8186				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
12.	MATOVIĆ (Radosav) Radomir		20 Apr 92 02 Sep 93	30 Sep 92 31 Oct 94	Cook	
12. a)	On 25 May 1992, when FWS-71 arrived at the KP Dom, he met Radomir Matović who was armed and in military uniform. He had been the cook at the KP Dom before the remained the head of the kitchen of the KP Dom from April 92 to October 94, FWS-71, T 2782-2783					
13.	DANILOVIĆ (Ljubo) Trivko		20 Apr 92 01 Oct 93 29 Apr 94	24 May 92 23 Mar 94 16 Sep 94	Tools operator	Ministry of Defence Decision
14.	MOJOVIĆ (Gojko) Danilo		20 Apr 92	31 Aug 92	Cook - security	
15.	PERIŠIĆ (Boško) Nikola		20 Apr 92 01 Sep 93 29 Apr 94	01 Oct 92 27 Mar 94 16 Sep 94	Farm - veterinary	
16.	DOLAŠ (Bogdan) Radomir (witness)		20 Apr 92	20 Jan 94	Printing office and security – retired	
17.	BLAGOJEVIĆ (Vukadin) Dragomir (witness)		21 Apr 92 02 Sep 93	10 Sep 92 31 Oct 94	Security	
17. a)	Dragomir Blagojević was a guard. He sent the witness to Milomir Marić to be placed in solitary confinement as a punishment for giving an extra slice of bread to FWS-115. He beat the witness and he lost a few teeth as a result. FWS-54, T 746-747					
17. b)	Dragomir Blagojević was a guard before and during the war at the KP Dom. FWS-138, T 2112.					
17. c)	Treated detainees properly. FWS-139, T 401.					
18.	KRNOJELAC (Lazar) Čedomir		21 Apr 92 11 May 92 02 Sep 93	10 May 92 30 Sep 92 31 Oct 94	Farm Procurement and security	
18. a)	Relative of Milorad Krnojelac. He worked at the KP Dom in the procurement service before the war. FWS-139, T 401.					
18. b)	The witness overheard a conversation between Čedo Krnojelac and Rašević concerning Sefko Kubat, who was sick. They talked about him and that he should be taken to hospital and then, Čedo said "We'll give him the brief procedure. Just take him to the bridge." Since Rašević knew that the witness and FWS-144 were sitting in the back of the car, Rašević got a bit red and said he should do his job as he was supposed to do it and that he has been doing his job for 20 years already, professionally, and that he has nothing to do with such things. They were sort of quarrelling and their voices were a bit angry. Muhamed Liscia, T 4968-4969					
18. c)	Čedomir Krnojelac was a member of the commission set up to assess the damage at the KP Dom. Božo Drakul, T 7181					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
19.	DRAKUL (Rade) Božo (witness)		21 Sep 92 02 Sep 93	31 Aug 92 31 Oct 94	Chief of bookkeeping- security Chief of accountancy	
19. a)	Possibly the Drakul who defended the workers in a conversation in the coffee shop relating to an allegedly sabotaged car. Ekrem Zeković, T 3463					
19. b)	Member of the commission tasked to assess the damage to KP Dom. Drakul was sometimes away on guard duty. Members of the military talked to Drakul about the supplies at the KP Dom. Milorad Krnojelac, T 7614-7615, T 7635-7636.					
20.	PERIŠIĆ (Vlado) Vasilije		22 Apr 92 02 Sep 93 01 Jan 94	30 Sep 92 17 Dec 93 31 Oct 94	Security	
20. a)	Vasilije Perišić was a guard. He came in later. FWS-138, T 2112.					
20. b)	Vasilije Perišić was a guard before and during the war. FWS-139, T 401.					
21.	KUNARAC (Savo) Slavko		22 Apr 92 16 Aug 93	30 Sep 92 31 Oct 94	Security	
21. a)	Slavko Kunarac worked at the farm. FWS-138, T 2112.					
21. b)	Slavko Kunarac was a guard before and during the war. FWS-139, T 401.					
21. c)	Slavko Kunarac assisted guard Perišić and probably Vladicić in the beating of Edhem Gradišić in the canteen. Together they dragged the man outside the canteen down the stairs to the yard and then put him into a solitary confinement cell. FWS-69, T 4090					
22.	STEFANOVIĆ (Jovo) Predrag		22 Apr 92 02 Sep 93 16 Jan 94	30 Sep 92 12 Jan 94 31 Oct 94	Security	
22. a)	Predrag Stefanović was one of the guards that beat up a group of prisoners and afterwards killed them on 25 June 1992 at the KP Dom. FWS-54, T 761					
22. b)	Predrag Stefanović was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096					
22. c)	Predrag Stefanović worked there the entire time. Once, he slapped "Pace" PASANOVIĆ twice after meal. In Aug. 92, he came in with a list and read out names, detainees were taken out and never returned; behaved inappropriately towards Muslims/ was beating them. FWS-138, T 2089, 2094, 2112-2113.					
22. d)	He was a guard before and during the war, who did not treat prisoners properly, was insolent and used foul language. FWS-139, T 401.					
22. e)	He was with Todović interrogating the attempt of the escape of Zeković; hit the witness with a rifle a few times; he was a guard at KP Dom; "senior guard", came once and called out Zulfo Veiz. FWS-182, T 1614, 1620, 1622.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
22. f)		When the prisoners were having lunch "Pace" Pasović took the tablet in one hand as he was going to the table. Guard Predrag Stefanović warned him and asked him why he was carrying the tablet in one hand. The guard told him that he would wait in the compound for him. When the prisoners went out in the compound they had to line up in two and next to the walnut tree some guards were sitting, amongst them Predo Stefanović. He called "Pace" to step out of the line, came up to him and then slapped him in the face there. The guard told the other prisoners not to watch but to bow their heads. He slapped Pace in the face and around, beat him. FWS-69, T 4093-4094				
22. g)		Predo took FWS-137 out of the room and escorted him to the administration building for his interrogation. FWS-137, T 4738, 4739				
22. h)		Pedrag Stefanovic kicked Ekrem Zeković with army boots when bringing him food in solitary confinement. Ekrem Zeković, T 3592				
22. i)		The witness and Predrag Stefanović guarded the Muslim detainees during their work at the Miljevina mine. Miladin Matović, T 6437				
23.	MILIĆ (Momčilo) Milivoje		22 Apr 92 02 Sep 93 16 Jan 94	30 Sep 92 12 Jan 94 31 Oct 94	Security	
23. a)		Milivoje Milić was guard who refused to give assistance as Eso Hadžić who died of an ulcer. FWS-109, T 2366.				
23. b)		Milivoje Milić worked at KP DOM the entire time. He came to call the witness for interrogations and took him to the admin building. He behaved inappropriately towards Muslims/ was beating them. FWS-138, T 2045, 2112-2113				
23. c)		Milivoje Milić was a guard before and during the war. He was correct. FWS-139, T 401.				
23. d)		Milivoje Milić allowed FWS-146 to open his window and brought a nurse to administer medical injections to the witness. In contrast, other guards told him to "jump off the third floor, you balija." FWS-146, T 3088.				
23. e)		Milivoje Milić was a guard that told witness FWS-8 to address his requests to be interviewed to "Warden Krnojelac". Milić took 5 requests from the witness addressed to Krnojelac. Milic told the witness he would see that Krnojelac gets his requests but he never received any reply. FWS-8 decided to give up as he finally realized nothing would come of these written requests. The witness started writing these requests 4 to 6 weeks after he arrived (arrived 25 May 92). 7 to 10 days passed before a new request was made. Milivoje Milić stated to the witness that he had taken the requests to the warden. The witness believes the guard's first name could have been Milorad or Milisav. FWS-8 T 1769-1771, T 1804				
23. f)		Milivoje Milić assisted other guards and possibly Milorad Krnojelac to lift the witness and take him to solitary confinement after his recapture and beating by Burilo. Present during the beating. He told Burilo to stop punching and kicking the witness as he beat him after his recapture. Ekrem Zeković, T 3567-3569				
24.	SEKULOVIĆ (Tihomir) Miro		22 Apr 92 16 Aug 93	13 Jun 92 31 Oct 94	Security	
24. a)		Guard, came in later. FWS-138, T 2112				
24. b)		Miro Sekulović was a guard before and during the war. He was not there from the outset but showed up later at the KP Dom. He was correct. FWS-139, T 401-402.				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
25.	IVANOVIĆ (Tadija) Zdravko		22 Apr 92	05 Nov 92	Security	
25. a)	Possibly the Ivanović that took out Zulfo Veiz. The witness is unsure if it's Risto or Zdravko. FWS-86, T 1517 – 1520, 1526					
25. b)	Worked at the farm. FWS-138, T 2112					
25. c)	He was a guard before and during the war. He was in the economic department. FWS-139, T 401, 402.					
26.	ČANČAR (Milan) Milenko		22 Apr 92 02 Sep 93 29 Apr 94	30 Apr 92 23 Mar 94 31 Oct 94	Security	
26. a)	Milenko Čančar was a guard. Safet Avdić, T 527.					
26. b)	Milenko Čančar came in later to KP Dom. He was present, when soldiers entered the compound and started beating prisoners in front of the kitchen, sent the prisoners to their room until the soldiers left KP Dom. FWS-138, T 2090, 2112, 2113.					
26. c)	Milenko Čančar was a guard before and during the war. Worked outside the compound FWS-139, T 401.					
26. d)	Milenko Čančar was present in the yard when the local Serbs took over the KP Dom from the military. Milenko was a guard before the war. He found a letter on the witness when he refused to go out for work. Čančar reported this and the witness was put in solitary confinement. Muhamed Lisica, T 4842, 4880					
26. e)	Milenko Čančar told Milorad Krnojelac that lists of names would arrive at the KP Dom, and that those persons listed would be taken away for exchange. Milorad Krnojelac, T 7930-7931					
27.	BOGDANIĆ (Jefto) Milan		22 Apr 92 02 Sep 93	30 Sep 92 31 Oct 94	Security	
27. a)	Milan Bogdanić worked at KP DOM the whole time. FWS-138, T 2113					
27. b)	Milan Bogdanić was at KP Dom before and during the war, he was among those who behaved the most properly towards the witness. FWS-139, T 402.					
28.	POPADIĆ (Janko) Momčilo		22 Apr 92 02 Sep 93 01 Jan 94	30 Sep 92 17 Dec 93 16 Sep 94	Warehouse worker - security	
28. a)	Momčilo Popadić worked in security. FWS-138, T 2113.					
29.	MITROVIĆ (Miladin) Mitar		22 Apr 92	31 Oct 94	Bookkeeper, Security, sales assistant	
30.	GOJANOVIĆ (Gavro) Risto		22 Apr 92	05 Jan 94	Security - retired	
30. a)	Risto Gojanović worked as guard in security, also as educator in KP Dom and at elementary school. FWS-138, T 2113.					

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			From	to		
1	2		4	5	6	7
31.	KRNOJELAC (Neda) Krsto (witness)		22 Apr 92	31 Oct 94	Cook – security	retired
31. a)	The witness described him as a professional cook who was in charge of him while he worked in the kitchen. Rasim Taranin, T 1704-1706.					
31. b)	Krsto Krnojelac worked as a cook at the KP Dom, relative of Milorad. FWS-139, T 402.					
31. c)	Krsto Krnojelac together with a "Raso" prepared the Serbs's food. He also supervised the Muslims detainees who prepared the food for the Muslims' detainees. FWS-142, T 1840-1841.					
31. d)	Krsto Krnojelac was in charge of the dining room and the kitchen by order of the military command. Milorad Krnojelac, T 7663					
32.	KOROMAN (Maksim) Slavko		22 Apr 92	11 Dec 92	Security	retired
32. a)	Slavko Koroman was a former guard at the KP Dom, the witness thought he was a retiree but he was in the camp all the time. On one occasion he wouldn't let a representative from the ICRC talk to the prisoners. The witness saw a guard named Slavko Koroman holding Saćir Smajkan under his arm. Saćir's T-shirt was bloody around the neck and he was barefoot and dirty. Koroman told the witness that Saćir was drunk but later on the witness was told by the victim that he was beaten up and then brought to the camp and handed to Koroman. FWS-54, T 775-776					
32. b)	One of the officers on duty when Taranin first arrived at KP Dom. Had worked at KP Dom before the war, described as having done the job "professionally" before the war. He was a senior officer. Wore Military Uniform, Rasim Taranin, T 1697					
32. c)	Guard that received FWS-109 into KP Dom. FWS-109, T 2354.					
32. d)	Slavko Koroman was the guard supervisor before the war/ retired before the war/ called back, but stayed only 1 or 1,5 months. FWS-138, T 2113.					
32. e)	Former colleague of the witness, he was decent but did not stay long at KP Dom. FWS-139, T 402.					
32. f)	Retired policeman from the KP Dom, sometime in May 1992 stopped the Red Cross and the BBC from doing their work and registering prisoners. FWS-215 T 879, 880.					
32. g)	Koroman (first name unknown) supervised the searching and admission of FWS-08 and 21 other Muslim detainees on their arrival at the KP Dom on the 25 May 2001. Witness learned from other detainees that Koroman was a former warden of the KP Dom in Foca. FWS-8 T 1764 -1765					
32. h)	Slavko Koroman was present in the yard when the local Serbs took over the KP Dom from the military. Slavko Koroman was also present when the witness spoke to the French journalists. Muhamed Lisica, T 4842, 4852-4853					
32. i)	Between 12 and 28 June 1992, around 7 p.m., Slavko Koroman participated in the beating of many Muslims detainees along with Milenko Burilo in the administrative building, FWS-71, T 2862-2866					
33.	KOSTIĆ (Miloš) Ivan		22 Apr 92 03 May 93	02 May 93 31 Oct 94	Farm Security	retired
34.	ELČIĆ (Vasilije) Milenko		23 Apr 92 28 Nov 92	05 Oct 92 31 Oct 94	Security	
34. a)	Milenko Elčić mistreated Muslims. FWS-138, T 2114.					
34. b)	Milenko Elčić treated the prisoners decently. FWS-139, T 403.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
34. c)	Milenko Elčić	was a schoolmate of the witness. He took him to see the warden. FWS-182, T 1596-1597.				
34. d)	Milenko Elčić	caught the fnu Sacić passing messages to other prisoners, took him as well as Muratović, Avdo, Malkić, Fahrudin and Musić, Murad to the guards room in building 1 and beat them. FWS-69, T 4096-4098				
35.	PLJEVALJČIĆ (Milo) Vlatko		23 Apr 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Security Ministry of Defence Decision 23 Apr – 15 May 92	
35. a)	Vlatko Pljevaljčić	was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096				
35. b)	The witness	was taken to Room 16 upon his arrival at KP Dom by Vlatko Pljevaljčić. Dževad S. Lojo, T 2535.				
35. c)	Vlatko Pljevaljčić	would often use foul language, yell at the prisoners and very often take them out from their rooms to the administration building to be beaten. FWS-139, T 403.				
35. d)	When FWS-182	asked this guard where did the people taken out for "plum picking" had gone, he answered that they had been taken to Bileca. FWS-182, T 1640.				
35. e)	Once, Vlatko Pljevaljčić,	came into the witnesses room and asked for volunteers to pick plums. He took down the names of some volunteers. Another guard whose nickname was Predo told Pljevaljčić that he should stop taking names and go to the command immediately. About half to an hour later, Vlatko Pljevaljčić came back and simply read out the names of men who should go to pick plums. The 18 year old boy whose name had been read out told Plevaljčić that he could not pick plums as he was not up to it. Pljevaljčić responded by saying "Well, you come downstairs, see what it's like and if you don't like it, then you can come back." The young boy went in the group. These detainees that were picked did not take their belongings unlike other groups who were told "Get your belongings ready. You've got about half an hour and you're off to be exchanged. Those plumpickers that were taken were never returned and FWS-8 has never heard of anyone knowing them to be alive since. FWS-8 T 1792				
35. f)	FWS-69	used to fish with him on the Drina. On his way to the interrogation room, FWS-69 saw a former colleague of his, Vide Filipović, in the entrance hall, who wanted to shake hands with him. FWS-69 only managed to say "hello", then the guard Vlatko Pljevaljčić hit him with the rifle in the back very badly and told him to turn left. In mid-September 1992, Vlatko Pljevaljčić came to Room 18 and read out the names of people from room 18 amongst them Džemo Balić. They were told to leave all their things behind, not to take their jackets or coats, as they wouldn't need them. Those people left the room and were lined up in front of the gate in the yard. The whole group that was taken away contained around 25 people. They never came back to the camp. FWS-69, T 4070 – 4071, 4076 –4077, 4085 – 4086				
35. g)	Vlatko Pljevaljčić	was among the guards present at the interrogation of the prisoners following Ekrem Zeković's escape. FWS-249, T 4463				
35. h)	Vlatko Pljevaljčić	beat a prisoner who had epilepsy. The witness is not certain but believes the name of this victim was Džafer Humić. Amir Berberkić, T 3933				
35. i)	After the escape of Ekrem Zeković,	Vlatko Pljevaljčić beat the witness in the metal shop and also when he was taken out several times from the isolation cell. Muhamed Lisica, T 4932-4933				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
36.	LALOVIĆ (Radovan) Zoran		22 Apr 92 29 Aug 93 31 Jan 94 29 Apr 94	24 May 92 18 Jan 94 23 Mar 94 31 Oct 94	Security Ministry of Defence Decision	
36. a)	FWS-138 has not heard anything bad about him. FWS-138, T 2114					
36. b)	Zoran Lalović treated prisoners decently. FWS-139, T 403.					
37.	MATOVIĆ (Anđelko) Risto		22 Apr 92 02 Sep 93 29 Apr 94	24 May 92 23 Mar 94 16 Apr 94*	Driver	Ministry of Defence Decision
37. a)	Risto Matović was a driver. FWS-138 did not see him at the KP Dom. FWS-138, T 2114.					
37. b)	Risto Matović was the warden's driver before the war. Arsenije Krnojelac, T 6950					
38.	MARKOVIĆ (Rade) Danilo		20 Apr 92	21 May 92		Ministry of Defence Decision
39.	KOVAČ (Milan) Veljko		23 Apr 92 02 Sep 93	30 Sep 92 31 Oct 94	Security Farm	
39. a)	Veljko Kovač was one of the supervisors at the farm where FWS-89 worked. FWS-89, T 4675-4676					
40.	GOLJANIN (Novica) Relja		23 Apr 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Chief of Metal workshop- Security	
40. a)	Relja Goljanin was the supervisor of witness' work group in metal shop. Ekrem Zeković, T 3444, 3625					
40. b)	Relja Goljanin used to be his neighbour and was his supervisor at the KP Dom because he worked in the metal workshop. He says Goljanin was surprised one morning to see how many people were missing from the metal workshop (after an exchange). After that, he came with Savo Todović and listed the name and particulars of the workers of the metal workshop to make sure that he would keep his workers. FWS-249, T 4417, 4421, 4495-4497, 4481-4482					
40. c)	Relja Goljanin was the head of the metal workshop. He was the witness' supervisor and told him which work to do. He was also the one who gave cigarettes to the witness as reward for his work. When the witness refused to go out for work Goljanin and Čančar searched him and found a letter on the witness. As a consequence, the witness was put in solitary confinement. Muhamed Lisica, T 4861, 4880					
40. d)	Miloslav Krsmanović stated that the drivers parked their vehicles at the metalwork shop for security. He also said there was a car repair shop there, of which Relja Goljanin was in charge of. Miloslav Krsmanović, T 6625.					
40. e)	Relja Goljanin was in charge of the metal workshop, and Muslim detainees who had certain skills were put to work there. Things being made at the metal workshop could be authorised by Relja Goljanin or Milorad Krnojelac. Goljanin and Milorad Krnojelac were together in Brod on the day when Ekrem Zeković escaped. Milorad Krnojelac, T 7915, T 7918-7919, T 8116-8118					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
41.	RISTANOVIĆ (Rajko) Momčilo		24 Apr 92 02 Sep 93	30 Sep 92 23 Mar 94	Security	
41. a)	Momčilo Ristanović worked in security, was fair. FWS-138, T 2114					
41. b)	Momčilo Ristanović beat witness after taking him from solitary confinement cell, told witness that he "knew" the witness had worked for UNIS and that he had "persecuted Serbs". Ekrem Zeković, T 3592					
42.	ŠIMOVIĆ (Matija) Josip		24 Apr 92	26 Jun 92	Ribnjak- Bukovica /fishpond/	
43.	JOKOVIĆ (Milan) Radivoje		25 Apr 92	21 Oct 92	Farm from 21 Oct 92 – sick leave	
44.	ZEČEVIĆ (Velimir) Aleksije		25 Apr 92 01 Aug 93	04 May 92 31 Oct 94	Farm Instructor	
44. a)	Aco Zečević was in charge of the convicts left in the KP Dom (8 or 9 Serbs in the whole prison). Lazar Diviljan stated he often took these convicts to do various chores for him. When they were supposed to be taken out, permits were assigned for me by Aco Zecevic." Aco Zečević worked in the corrections officers' service before the war, just like Savo Todović. Lazar Diviljan, T 5991-5992, 6052-6055.					
44. b)	Aleksije Zečević was a rehabilitation officer who was in charge of the Serb convicts. His task was to contact convicted, detained and imprisoned persons every day, and to assist them in their needs. Miladin Matović, T 6492-6493					
45.	VUKOVIĆ (Svetozar) Milovan		25 Apr 92 22 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Security	
45. a)	About 45 prisoners were taken out on 17 September 1992 under the pretext that they were going to pick plums in Ustikolina. Among them was Samir Mujezinović, Džemal Vahida and Gordan Huković. Dragomir or Mihajlo Vuković, a young, brown hair, tall man, was one of the guards who took the prisoners out. See also #52. FWS-111, T 1256-1259, 1262, 1283.					
45. b)	FWS-162 talks about a Dragoljub Vuković as the guard who took him to the administration building to be beaten. He wore a police camouflage uniform, but was wearing trainers. That is how the detainees recognized him. When asked if it could be Milovan Vuković, the witness replied he did not know. He said "there were two Vukovići. One of them was from Josanica and the other was from Zecevo, above Celikovo Polje." The guard FWS-162 is referring to was the neighbour of Mr. Ferid Sebanović. See also #52. FWS-162, T 1367, 1381, 1389.					
45. c)	Dževad S. Lojo refers only to guard Vuković. Vukovic beat Selimović in the dining room in June or July when the victim tried to get more food at lunch. It could also be #52. Dževad S. Lojo, T 2568.					
45. d)	Milovan Vuković is from Josanica. He was there when Dževad S. Lojo and Dr. Berberkić were assaulted by soldiers in the autumn 1992. Amir Berberkić, T 3763-3765.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
45. e)	Fnu Vuković was a young man, tall, with fair hair. He worked in both area of the KP Dom. He was a very arrogant person who confiscated the prisoners belongings and beat them in the administrative building and elsewhere. See also #52. R.J., T 3889					
46.	OBRENOVIĆ (Milosav) Dragomir		26 Apr 92 02 Sep 93	30 Sep 92 31 Oct 94	Security	
46. a)	Dragomir Obrenović was one of the guards that beat up a group of prisoners and afterwards killed them on 25 June 1992 at KP Dom. FWS-54, T 761					
46. b)	Dragomir Obrenović was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096					
46. c)	Dragomir Obrenović was the guard that FWS-86 used to access Krnojelac and possibly one of the guards that beat up Zulfo Veiz and called out the list of persons going to be exchanged. FWS-86, T 1475, 1479, 1517-1520, 1526.					
46. d)	Dragomir Obrenović greeted the 50 men who arrived on a bus to the KP Dom and took away their ID cards. Dragan Obrenović, a guard, took away Hasan Džano, Rasim Retko, and Emir Mandžo without giving them any reason. The three men did not return to the KP Dom. FWS-104, T 2160-2161, 2169-2171.					
46. e)	FWS-138 heard bad things about him. FWS-138, T 2114.					
46. f)	Dragomir Obrenović would usually be on the shift when prisoners would be taken out of their rooms to the gates. FWS-139, T 404.					
46. g)	Dragomir Obrenović was present as Zoran Matovic beat detainee FWS-08 and Dzevad Čošović in front of an isolation cell. FWS-08 T 1774					
46. h)	Once when the prisoners were coming back from lunch and lining up, everyone was trying to stay away from Edhem Gradišić as he smelled badly and guard Obrenović ordered them to get closer. FWS-69 asked Obrenović why they didn't give this man some kind of tablets for his epilepsy, as he was screaming during the nights. As a reply, Obrenović raised his automatic rifle, pointed at FWS-69 and said "these are the tablets for you". Obrenovic, nicknamed Triva, was a kind of a head guard, a sort of a senior guard. He wore a police uniform. He always carried an automatic rifle and a baton around as well as two hand grenades on his belt. He had a knife on his boot. He was the only guard who carried around a big wooden club, made at the carpentry shop out of some very hard wood. He also carried a rope in his hand. He liked to dress up that way. Obrenović also participated in the beatings of as Muratović, Avdo, Malkić, Fahrudin and Musić, Murad and Sacić. FWS-69 could recognise his voice on that occasion. In September 92, when a group of 55 persons was taken out for an exchange guard Obrenović told the detainees that they have been pardoned by Radovan Karadžić and that they were going to free territory. Part of that group has never been heard of since. FWS-69, T 4089, 4095-4098					
46. i)	In mid-June 1992 as they were all returning to Room 12 from dinner FWS-172 saw the guard Obrenovic tell Nurko Niksic and Halim Konjo that they should report to the administration building. At around 9.00pm or 10.00pm that night, the witness went up to the window in Room 12. He heard screams and yelling. He heard somebody calling out "Nurko" twice, in a very loud voice. After that there was no sound. Half an hour to an hour later the witness heard five pistol shots. After those five shots the witness heard a car with a noisy exhaust pipe. The witness associates this car with detainees being taken away and going missing. Nurko Nišić and Halim Konjo never returned. FWS-172 T 4564, 4565					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
46. j)	Ekrem Zeković,	was told by victim Rizvanović in isolation cell that when "Vuković and Obrenović are on duty, we are in deep trouble." Dragomir Obrenović was nicknamed "Rambo". Ekrem Zeković, T 3469-3470				
46. k)		He believes, but is not sure, that he heard the voice of Obrenović guards calling out "Nurko, Nurko" during the time Nurko Nisic was being beaten. Amir Berberkić, T 3792				
47.	MATOVIĆ (Tod) Miladin (witness)		26 Apr 92 02 Sep 93 16 Jan 94	30 Sep 92 12 Jan 94 31 Oct 94	Security	
47. a)		He was all right towards the witness. FWS-139 does not know how he behaved towards the prisoners. FWS-139, T 404.				
47. b)		Miladin Matović transported witness back to KP Dom when he was captured. He punched the witness in the head before he was taken to the Black Maria van that was waiting. Ekrem Zeković, T 3565				
47. c)		Miladin Matović was a tenant of Savo Obrenović, and moved to the Hotel Zelengora when the house burned down. Božo Drakul, T 7176				
48.	MATOVIĆ (Milija) Zoran		26 Apr 92 02 Sep 93 11 Jan 94 29 Apr 94	30 Sep 92 30 Dec 93 23 Mar 94 31 Oct 94		
48. a)		Zoran Matović was one of the guards that beat up a group of prisoners and afterwards killed them on 25 June 1992 at KP Dom. FWS-54, T 761.				
48. b)		Zoran Matović was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096				
48. c)		Zoran Matović beat Hasanbegović, Seljanci, Hašković in isolation. He was thin, with a beard, brown hair and medium height. FWS-109 called him "dangerous" as he would beat detainees in front of the room, using a cord, about ½ meter long, for simply looking out of the window. Sabanovic told FWS-109 that Matovic and Burilo were not very nice. Returned with injuries indicative of being beaten with a baton. FWS-109 saw injuries. FWS-109, T 2360, 2362, 2363, 2398.				
48. d)		Zoran Matović put witness into isolation cell because he took a chair- July 92. FWS-138, T 2067, 2114.				
48. e)		Zoran Matović was not decent, he was often in the same shift with Dragomir Obrenović. FWS-139, T 404.				
48. f)		The witness learned his name when a detained soldier said: "Zoran Matović, fuck your mother, when you lock me up as an Ustasha in this cell." FWS-159 was beaten approximately 10 times by Matović. On one occasion, he was hit, kicked on the chin and had a knife thrown at him. Matović cut his jacket into pieces and said: "Balija, I'm going to take your heart out." On other occasions, he would beat the witness with his feet, hands, etc. every three to five days. He was beaten on the kidneys, spine (where he suffered injuries from a beating in Jabuka) and around the heart (where he now has serious injuries) After a particularly severe beating, the witness defecated in his pants when he met with Zoran Matović in the isolation cell. He has a scar on his chin from a Matović beating, which he showed to the Court. FWS-159, T 2479, 2481, 2483-2484				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
48. g)	Zoran Matović	carried a baseball bat, which he used for beatings.			FWS-182, T 1652	
48. h)	Zoran Matovic	beat detainee FWS-8 and Dzevad Čošović in front of an isolation cell, whilst guard Dragomir Obrenović watched.			FWS-8 T 1774	
48. g)	Halim Konjo	and others were beaten FWS-69 could hear the screams. One person was crying "dear mother, help me. Please don't Zoka." And somebody was saying "we'll show you how Serbs beat". They could also hear the sound of blows and that the people who were beating, were hitting hard. Zoka is guard called Zoka Matovic.			FWS-69, T 4111	
48. h)	Zoran Matović	watched beating of witness by RISTANOVIĆ and MILUTINOVIĆ after taking him from solitary confinement cell.			Ekrem Zeković, T 3592	
48. i)	Zoran Matović	beat FWS-76, FWS-71, Dzevad Čošović and I.I. In front of the isolation cells near Room 20 on the ground floor in October 1992 because they had stolen bread from the canteen. Note: In the indictment, it says that this incident (5.20) happened in April or May 1993 and that the bread was stolen from the bakery.			FWS-71, T 2812-2813	
49.	PETKOVIĆ (Milovan) Ljubomir		27 Apr 92	06 Sep 92	Security	
49. a)	Ljubomir Petlović	worked in security. FWS-138 heard nothing bad about him.			FWS-138, T 2114	
50.	PERIŠIĆ (Milovan) Milan		24 Apr 92 22 Jul 93	20 Sep 92 24 Jul 93	Security – sick leave from 24 Jul 93	Ministry of Defence Decision
50. a)	Milan Perišić	got sick/ witness did not really see him.			FWS-138, T 2114.	
50. b)	He assisted guards Kunarac and probably Vladičić	in the beating of Edhem Gradisic in the canteen. Together they dragged the man outside the canteen down the stairs to the yard and then put him into a solitary confinement cell.			FWS-69, T 4090	
50. c)	Guard Perišić	beat a prisoner who had epilepsy. Amir Berberkić,			T 3934-3935	
51.	PRODANOVIĆ (Nedeljko) Miro		27 Apr 92 02 Aug 92 02 Sep 93	19 May 92 30 Sep 92 31 Oct 94	Security	
51. a)	Miro Prodanović	was another guard. The witness describes him as the man who came to fetch him before he was transferred to Rudo.			Rasim Taranin, T 1735-1736.	
51. b)	FWS-138	heard bad things of him/ supervisor throughout the war/ never left the KP Dom.			FWS-138, T 2114.	
51. c)	Miro Prodanović	was there when Todović interrogated the witness on the radio.			FWS-182, T 1612.	
51. d)	Miro Prodanović	was a guard who transported witness back to KP Dom when he was captured. Spoke to witness when he was in solitary confinement, apologised for cursing at the witness when he was returned to KP Dom and said "please try to understand I barely stayed alive yesterday" as he was guarding the detainees when the witness escaped. The witness believed that he was in charge of the rehabilitation of Serb detainees. He provided the witness with information before his interrogation.			Ekrem Zeković, T 3565, 3571-3574	
51. e)	Miro Prodanovic	was Rašević's deputy. Muhamed Lisica,			T 4974	

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
52.	VUKOVIĆ (Tod) Radovan		27 Apr 92	10 Sep 92	Security	
52. a)	FWS-54 said his first name is "Rade". He was one of the guards that beat up a group of prisoners and afterwards killed them on 25 June 1992 at KP Dom. FWS-54, T 761					
52. b)	Radovan Vuković was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. In room 15, where FWS-66 was housed, Radovan Vukovic beat Smajo Bacvić. Bacvic had only inquired to the whereabouts of his house but was beaten up in response. FWS-66, T 1091, 1096.					
52. c)	Rasim Taranin describes him as a guard who was involved in assaulting him and hurting others. Rasim Taranin, T 1717					
52. d)	Dževad S. Lojo refers only to guard Vuković. Vukovic beat Selimović in the dining room in June or July when the victim tried to get more food at lunch. See also #45. Dževad S. Lojo, T 2568.					
52. e)	FWS-138 heard bad things about him/ mistreated and beat people. FWS-138, T 2114					
52. f)	Radovan Vuković was an abusive guard, one of the worst in the prison. FWS-139, T 405.					
52. g)	FWS-162 talks about a Dragoljub Vuković as the guard who took him to the administration building to be beaten. He wore a police camouflage uniform, but was wearing trainers. That is how the detainees recognized him. When asked if it could be Milovan Vuković, the witness replied he did not know. He said "there were two Vukovića. One of them was from Josanica and the other was from Zecevo, above Celikovo Polje." He was the neighbour of Mr. Ferid Sebanović. See also #45. FWS-162, T 1367, 1381, 1389.					
52. h)	About 45 prisoners were taken out on 17 September, 1992 under the pretext that they were going to pick plums in Ustikolina. Among them was Samir Mujezinovic, Dzemal Vahida and Gordan Hukovic. Dragomir or Mihajlo Vukovic, a young, brown hair, tall man, was one of the guards who took the prisoners out. See also #45. FWS-111, T 1256-1259, 1262, 1283.					
52. i)	Fnu Vuković was a young man, tall, with fair hair. He worked in both area of the KP Dom. He was a very arrogant person who confiscated the prisoners belongings and beat them in the administrative building and elsewhere. See also #45. R.J., T 3889					
53.	RAŠEVIĆ (Đorđe) Mitar		28 Apr 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Chief of security Assistant warden for Security	
53. a)	Mitar Rašević was the chief of guards before the war and during the war. He was responsible for security at KP DOM; received the witness when arrested at the gate, sent him to room 18; used same office as before the war; came to see witness in isolation cell, interrogated him in July 92; stopped the beating of the "wrong" Mandžo. FWS-138, T 2025, 2045, 2060, 2067, 2078.					
53. b)	FWS-3 knew him before the war. He saw him the first time when he was in the isolation cell on the 26 <sup>th</sup> of May 1992, afterwards he would normally see him as he was passing through the compound of KP Dom. He then asked the witness why he was there, and the witness answered "Well, why do you ask me? I don't know". He was wearing a blue uniform like all the other guards. FWS-3, T 2263-2264.					
53. c)	Along with Slavko Koroman, on May 1992 he stopped the Red Cross and BBC from doing their work. FWS-215, T 879, 880.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
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1	2		4	5	6	7
53. d)	Mitar Rašević	was the guard supervisor. He assigned the guards duties. He treated FWS-109 fairly. They knew each other previously. FWS-109 asked him to intercede so he could see warden. Rasević declined, claiming that it was safer in KP Dom than outside it. Visited detainees and told them not to be afraid when exchanged and that lists for exchange came from the Crisis Staff. FWS-109, T 2400, 2412, 2418, 2419				
53. e)	Dževad S. Lojo	knew Rasević before the war. In June 1992, Mr. Lojo asked him what had happened to Tesović, the former warden and Rasević replied that Krnojelac was the warden now and that Tesović was temporarily at Velečevo at the KP Dom's farm. They did not talk about the structure of the KP Dom because there seemed to have some kind of secrecy involved. Dževad S. Lojo, T 2617-2618.				
53. f)	Mitar Rašević	was the chief of guards. FWS-66 never saw him beat anyone. FWS-66, T 1132-1133.				
53. g)	Mitar Rašević	was commander in chief of the guard and the "de facto" person in charge of the camp with Todović. FWS-86, T 1484, 1543, 1564.				
53. h)	Mitar Rašević	was the head of the guards. The witness was interrogated in his office (admin. Building, guards building, left wing first floor) by Inspector Koprivica, from the police in Foča. He was abused verbally during the interrogation. FWS-139, T 346-351.				
53. i)	Mitar Rašević	decided where he was going to be detained. FWS-142, T 1821.				
53. j)	FWS-144	stated that Mitar Rašević was always at the KP Dom together with Savo Todović. FWS-144, T 2323.				
53. k)	Mitar Rašević	was the commander of the guards, wearing a blue police uniform. FWS-182, T 1649.				
53. l)	Mitar Rašević	was a neighbor of R.J. He was the commander of the guards, in charge of assigning guards duty. After Krnojelac had proposed R.J. to work in the kitchen, Rašević came up to him and told him that he was going to start working in the kitchen the next day. In the meantime, R.J. was told that the Crisis Staff had overruled that decision and he could not work in the kitchen. This event happened at the latest in August 1992 because R.J. was released on 31 August 1992. R.J., T 3878, T 3903				
53. m)	Mitar Rašević	ordered journalists to stop taking pictures and took them away. He was present during the interrogation of FWS-69. FWS-69 does not know the exact position of Rašević, but the inmates knew that he was the commander of the guards. FWS-69 saw Rašević rather often. He wore a police uniform of the kind previously worn by policemen in the KP Dom. FWS-69, T 4067, 4071, 4143-4144				
53. n)	Mitar Rašević	was commander of the guards in the camp. He assigned duties. He also spoke to the detainees and informed them that he had some indications of an escape being prepared. FWS-172, T 4591-4595				
53. o)	Mitar Rašević	was the commander of the guards at the KP Dom. FWS-137 saw him a couple of times. Rašević would sometimes come on inspection tours, when roll-calls were made. He was together with a policeman on duty. Once in August 92, when a lot of people were taken out Rašević and a guard explained to the detainees that those people were going to pick some fruit. FWS-137, T 4769, 4770				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
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1	2		4	5	6	7
53. p)	Mitar Rašević	was seen "at times" by witness in Krnojelac's office. Ekrem Zeković also saw him during weekends in the KP Dom. He was overhead in coffee shop by Ekrem Zeković defending the Muslims against allegations of burglary of a store room and overheard on other occasions. He was organising work group to cut hay on weekends and asked witness where he was going (witness believed he suspected his escape) and told witness to return to his room. He allowed witness to have a pair of trainers delivered to the administration of KP Dom and was aware of his intention to escape. Zeković knew him before the war and said that Rašević had treated the workers well and had some degree of power. Zeković wanted to see Rašević to ask if he could be released from solitary confinement. Ekrem Zeković, T 3457, 3464-3465, 3551-3553, 3596, 3637, 3639				
53. q)	FWS-249	thinks Rašević may have been the one threatening the detainees during the interrogation in relation to Ekrem Zeković's escape. Rašević was also there when representatives of the ICRC visited the prison. FWS-249, T 4464, 4467, 4508				
53. r)	Mitar Rašević	was the commander of the guards. He told the witness that only the warden had the power to improve the conditions of the detainees. Amir Berberkić, T 3962, 3965				
53. s)	Mitar Rašević	was in charge of the guards. He was present in the yard when the local Serbs took over the KP Dom from the military. He wore a KP Dom uniform. Later that day, Rašević came to the prisoners' room and made a speech. He told them that they were isolated citizens, without any rights. When Rašević told the witness to start working, he asked the witness whether he had any Serb enemies; the witness assumed this was asked for the witness's own safety. Rašević would also visit Milorad Krnojelac at his property, where the witness was working at the end of 92, beginning of 93. The witness also overheard a conversation between Ćedo Krnojelac and Rašević concerning Sefko Kubat, who was sick. They talked about him and that he should be taken to hospital and then, Ćedo said "We'll give him the brief procedure. Just take him to the bridge." Since Rašević knew that the witness and FWS-144 were sitting in the back of the car, Rašević got a bit red and said he should do his job as he was supposed to do it and that he has been doing his job for 20 years already, professionally, and that he had nothing to do with such things. They were sort of quarrelling and their voices were a bit angry. Whenever a problem would appear, the Muslims detainees would always approach him, and they would always explain to him what had happened. Muhamed Lisica, T 4842-4843, 4849-4850, 4855, 4885, 4968-4969, 4983-4984.				
53. t)	FWS-250	testified that Mitar Rašević was often in the company of Milorad Krnojelac and Savo Todović. In particular, following the apprehension of "Zeka" (Ekrem Zeković) who had tried to escape, Rašević was present and participated in bringing "Zeka" into the compound when the detainees were gathered together and warned about further escape attempts. They were informed that work privileges were cancelled and rations cut. FWS-250, T 5056, 5066, 5069.				
53. u)	Mitar Rašević	was the guard commander. He returned to his old position after returning from transporting some convicts at the outbreak of the war, unlike Radojica Tešović. Miloslav Krsmanović, T 6653-6654.				
53. v)	Mitar Rašević	went with Radojica Tešević and Milutin Tijanin to take the Muslim prisoners to Tuzla. Witness does not know what position Rašević held at the KP Dom, but knows that he worked at the farm. Arsenije Krnojelac, T 6978				
53. w)	Mitar Rašević,	the commander of the guards, had a good relationship with Milorad Krnojelac. Zoran Mijović, T 6218				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
53. x)	Mitar Rašević	was appointed by the military command as the chief of security at the KP Dom. Guards from the KP Dom security were also assigned to the farm when detainees were working there. Rašević lived in the same residential block as Milorad Krnojelac, and sometimes they would arrive at work and leave work together. Krnojelac and Rašević never discussed things which were happening at the KP Dom. Milorad Krnojelac, T 7690, T 7958, T 8069, T 8072				
54.	NOVOVIĆ (Jovo) Aćim		28 Apr 92	04 May 92	Farm	
55.	SAVIĆ (Vukoje) Jovo		29 Apr 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Security	
55. a)	Jovo Savić	was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096.				
55. b)	Jovo Savić	was a guard at KP Dom/. FWS-138 heard bad things about him. FWS-138, T 2116.				
55. c)	Jovo Savić	worked as a guard before and during the war. He was crass and ill-behaved. FWS-139, T 406.				
55. d)	Jovo Savić	threatened the detainees. FWS-182, T 1652.				
55. e)	Jovo Savić	beat Aziz Sahinović. FWS-142, T 1826.				
55. e)	One evening, Enes Hadžić	started vomiting blood due to his ulcer. The detainees called for help. Guard Jovan Savic came and asked what the problem was. When the detainees explained what it was, he only closed the door and left. The detainees thought that some kind of help would arrive, but none did. The following day, Enes was carried out of the room "half dead" and taken to hospital where he subsequently died. FWS-08 T 1782-1783				
55. f)	Jovo Savić	was responsible for at least one of the beatings suffered by Aziz Sahinovic. The beatings were for the purpose of obtaining information about the location of Deutschemarks from a bank. Amir Berberkić, T 3926				
56.	BURILO (Srđan) Milenko		28 Apr 92 02 Sep 93	30 Sep 92 31 Oct 94	Security	
56. a)	Milenko Burilo	hit the witness twice on the nape of the neck on the way to the isolation cell on the 25 <sup>th</sup> of May 1992. The pain was severe, since the blows were unexpected. Burilo was wearing the guard uniform. FWS-03, T 2243.				
56. b)	Aziz Sahinović	was beaten up very badly by this guard. Milenko Burilo beat up a group of prisoners and afterwards killed them on 25 June 1992 at KP Dom. FWS-54, T 757, 761				
56. c)	Milenko Burilo	was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. "He would usually carry a wooden leg of a chair, and there was a leather band on it and he would put it around his wrist, and then he would go to the administration building and then all hell would break loose in those premises where they took the people." FWS-66, T 1096				
56. d)	Milenko Burilo	was one of the persons who beat the detainees the most along with Zoran Vuković and Dragan Zelenović. FWS-104, T 2179				
56. e)	Milenko Burilo	was a guard at the prison. He used a baseball bat to beat Hasković, Hasanbegović and Seljanci. He was a large man with reddish hair. FWS-109 saw him on several occasions carrying the bat around the compound. FWS-109, T 2360-2363.				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
56. f)	Milenko Burilo	used to hit prisoners on their way to the canteen. FWS-111, T 1264.				
56. g)	Milenko Burilo	beat Halim Konjo at the end of June 1992. Dževad S. Lojo, T 2587.				
56. h)	Nicknamed "Busi".	FWS-138 heard the worst things about him. He was one of those who beat the people the most. Eeverybody knew him, FWS-138, T 2116				
56. i)	Milenko Burilo	was one of the guards who treated the prisoners the worst. FWS-139, T 406.				
56. j)	Milenko Burilo	was a policeman before at the KP Dom. He was the most extremist policeman. The witness clarified that they called the persons in charge of them within the compound "policemen". The Prosecution uses the word "guards" generally to refer to the "policemen" of the KP Dom. FWS-162, T 1390-1391.				
56. k)	Milenko Burilo	loved beating people. He was very brutal, cruel and inhumane. R.J. can only say the worst about him. A prisoner that came back form the hospital told R.J. that he had received a rifle-butt blow by Burilo in the kidneys. It was common knowledge that Burilo beat people, before and after the war: "Nobody needs telling this." Before the war, it was not allowed to beat people but he did it anyway. "After the war, he assumed that he had the right, taking avail of the opportunity given to him to express all this violent side of him." R.J. did not know the reason why he did not mention to Krnojelac that Burilo was beating people because he did not have the opportunity. Before the war, in the neighborhood, everybody mocked him. He was always in drinking bouts. It was unclear why Burilo was allowed to do that job. R.J. said he did not see Burilo in the part before the metal door (prisoners' quarters). In the area that was used for visits before and in the search room, Burilo would often beat people there. R.J. saw him once when he was walking towards the canteen but the rest of the times, R.J. only saw him in the administrative building. Once, when Spomenka came to pay him a visit, she brought him some bread, strawberries and meat. Burilo slashed the bread in pieces to make sure nothing was hidden inside. He did the inspections and, "as required" the beatings. R.J., T 3882-3890				
56. l)	Milenko Burilo	was present when Dzemo Balić was beaten but did not participate in the beatings. FWS-69, T 4082				
56. m)	Hajro Šabanović	told FWS-172 that Burilo, a guard at the KP Dom, a full-time employee, beat him. FWS-172, T 4569				
56. n)	When FWS-137	was taken for interrogation, Milenko Burilo searched him in front of the gate and then hit him twice. Milenko Burilo called them "motherfuckers" and cursed them and their mothers. FWS-137, T 4739, 4741				
56. o)	Milenko Burilo	beat and kicked Ekrem Zeković at the entrance of KP Dom after his recapture. Milorad Krnojelac, Milivoj Milić and his wife stopped Milenko Burilo from beating Zeković after his escape, otherwise Burilo would have probably killed him, commented Milić's wife. Milenko Burilo pushed Zeković inside the administration building in KP Dom, hit his head; Zeković then passed out. Milenko Burilo was not punished for this beating that the warden saw. On the banks of the Drina, Burilo said to the witness, referring to bodies on bank, "Well, push this shit downstream. Let them flow to Goražde." Zeković stated that detainees accepted to push the bodies downstream "Because you could not refuse to carry out orders, especially not of that Burilo. That was inconceivable." He beat the witness badly over a two month period around July 1993. Ekrem Zeković, T 3545-3546, 3567-3570, 3588				
56. p)	Milenko Burilo	was present at the beating of Mustafa Kuloglija, Munib Veiz, Kemo Dželilović and fnu Pasović. After the beating the witness saw Burilo going up the stairs, bringing down a blanket, and moving in such a way that the witness presumed he was carrying something heavy, like a body. Muhamed Lisica, T 4948-4949				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
56. q)	FWS-250 identified Milenko Burilo as a KP Dom guard. FWS-250 testified that around June 1992, Burilo beat him for possession of a radio in the KP Dom in contravention of the camp rules. FWS-250 stated that he was beaten outside solitary confinement cell # 2 by Burilo. Burilo then put him into the solitary confinement cell where he was held for four days. Further, FWS-250 stated that Burilo did not inform him of the rule against radios, newspapers etc until after he had beaten him. FWS-250 testified that, around June 1992, Burilo supervised FWS-250 and other detainees in forced labour. He escorted them out of the KP Dom and down to the banks of the Drina River on four or five separate occasions whereupon they were required to push human and animal corpses off the river banks. FWS-250 testified that he personally pushed three or four male human corpses into the Drina River. FWS-250, T 5023-5025, 5034-5038, 5050 – 5054, 5081-5082					
56. r)	Milenko Burilo never carried a truncheon nor did he ever hit anyone at the KP Dom. Risto Ivanović, T 6179					
56. s)	Milenko Burilo was a policeman at the KP Dom during the war. Milorad Krnojelac, T 8121					
57.	NEŠKOVIĆ (Nedo) Dragan		28 Apr 92 02 Aug 94	16 Jun 92 31 Oct 94	"Motel Brioni"	
58.	STAROVIĆ (Vojo) Borka		28 Apr 92 11 Aug 92 14 Mar 93	05 Jun 92 11 Dec 92 31 Oct 94	Typist Sick leave until 14 Mar 93 Technical secretary	
58. a)	Borka Starović was the warden's secretary worked on the second floor of the administration building, in a small reception area, next to the warden's office. FWS-12, T 270.					
58. b)	Borka Starović was the warden's secretary before the war and also later on. She used the same office as before and the witness commented that she did the same job. She sat next to the office of the warden and the deputy warden. The witness knew her from prior the war but she did not acknowledge him. FWS-138, T 2061-2062.					
59.	KUJUNDZIĆ (Vaso) Radmila		28 Apr 92	31 Oct 94	Bookkeeper	
60.	MILIĆ (Ratko) Persa		28 Apr 92 01 Mar 93	8 Nov 92 31 Oct 94	Cook – sales assistant – Farm – Velčevo	
61.	ĐUROVIĆ (Pero) Duško		29 Apr 92	31 Apr 92	Metal workshop	
61. a)	FWS-249 saw "Dule" in the metal workshop. FWS-249, T 4417, 4423, 4523-4524					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
62.	PAVLOVIĆ (Spasoje) Milan (witness)		29 Apr 92	31 Oct 94	Metal workshop	
62. a)	Milan Pavlović worked at the metalwork shop. Muhamed Lisica often had discussions with him. Before the war Pavlović used to work at the KP Dom too, and he worked at the boiler room, which the witness maintained and tried to fix. He gave the witness instructions. Muhamed Lisica, T 4985					
62. b)	Witness was called for work assignment to the KP Dom by Relja Goljanin in May 1992 in order to fix the boilers. He was there for two weeks, and then was assigned to the front until October 1993. Milan Pavlović, T 6868-6896					
62. c)	Milan Pavlović was reassigned from the front-lines to work duty at the KP Dom boiler room after Milorad Krnojelac requested Radojica Mladenović. Milorad Krnojelac, T 7829-7830					
63.	IKONIĆ (Gojko) Miladin		29 Apr 92	31 Oct 94	Metal Workshop	
64.	ŠUŠNJEVIĆ (Dobrosav) Slobodan		30 Apr 92 1 Sep 93 01 May 94	30 Sep 92 23 Mar 94 15 Sep 94	Electrician – security	
65.	VLADIČIĆ (Uroš) Milenko		01 May 92 12 Jun 94	19 Sep 92 31 Oct 94	Security	
65. a)	Milenko Vladičić was one of the persons who signed the witness's release document. FWS-3, T 2266					
65. b)	Guard at prison. FWS-109, T 2427.					
65. c)	At the canteen the prisoners were passing by the area where they would get food. Edhem Gradisic said that he didn't want to take any food. He said to the male cooks "those women don't give me enough food and I am not going to eat it at all" and he demonstratively went to an empty table. Then a guard with the name of Vladičić ordered him to return and get his food, which he refused. Then the guard hit him and Edhem Gradisic fell across the canteen on his stomach. Guard Perisic and Kunarac came and together they took Edhem Gradišić by his feet and dragged him out of the room down the stairs to the yard. They took him to the solitary confinement cells on the right hand side of the building where room 18 was. FWS-69, T 4090-4091					
66.	MILUTINOVIĆ (Rajko) Milivoje		02 May 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Security	
66. a)	Milivoje Milutinović was a guard and FWS-138 heard bad things about him. He is from Miljevina FWS-138, T 2116.					
66. b)	Milivoje Milutinović was a guard before and during the war. He went with the prisoners to the mine and behaved all right. FWS-139, T 406.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
66. c)		FWS-162 was introduced by "Raso", the former warden of the KP Dom to Sekulović, the new warden of the KP Dom. Sekulović said he knew the witness and whispered him he would be exchanged within 15 days. "That was the happiest day for me." 18 days after Sekulović (the new warden had promised him he would be exchanged within 15 days), guard Milutinović told him to get ready because he was going to be exchanged. In cross-examination, the witness talks again about guard Milutinović who came to fetch the two detainees Čengić. FWS-162, T 1406-1408, 1436.				
66. d)		Milivoje Milutinović was a guard. He slapped the witness when he was in solitary confinement for two nights. Milutinović also slapped him as he was getting out of the cell. FWS-182, T 1621.				
66. e)		Possibly the Milutinović who beat Ekrem Zeković after confiscation of transistor. He also beat Ekrem Zeković with Ristanović after taking him from solitary confinement cell. Ekrem Zeković, T 3544, 3592				
67.	KUJUNDŽIĆ (Milosav) Anđelko		04 May 92	31 Oct 94	Security – instructor in the factory	Retired
68.	ZEČEVIĆ (Slavko) Jelica		08 May 92	30 Jun 94	Farm	Retired
69.	VILOTIĆ (Marko) Spomenka		08 May 92	31 Oct 94	Farm –sales assistant	
70.	MIJOVIĆ (Krstó) Zoran (witness)		07 May 92	04 Aug 92	Security	
70. a)		Zoran Mijović worked in security, for a very short time only. FWS-138, T 2116.				
70. b)		Zoran Mijović was a guard before the war. He treated prisoners all right. FWS-139, T 407.				
70. c)		Zoran Mijovic was a driver for the KP Dom before and after the war. During the war, the witness would see him drive a vehicle, but not all that often. FWS-71, T 2783 (LNT)				
71.	RAŠEVIĆ (Simo) Čedo		08 May 92 17 Sep 92	24 May 92 31 Oct 94	Security	retired
71. a)		Čedo Rašević was pensioned off before the war. He was a guard before the war, but he also went on working during the war. He was all right, FWS-139, T 407.				
72.	TEŠOVIĆ (Pavle) Radojica		08 May 92	31 Oct 94	Farm from August 93 appointed director of Farm unit	
72. a)		Radojica Tešović was the pre-war warden of KP Dom. He was replaced because he was a member of the SDP and not the SDS. He was in charge of furniture factory (Drina) during the war. FWS-182, T 1648.				
72. b)		In June 1992, Mr. Lojo asked him what had happened to Tešović, the former warden and Rašević replied that Krnojelac was the warden now and that Tešović was temporarily at Velečevo at the KP Dom's farm. They did not talk about the structure of the KP Dom because there seemed to have some kind of secrecy involved. Dževad S. Lojo, T 2617-2618.				
72. c)		Radojica Tešović was the warden of the penitentiary before the war. He ordered to break into the weapon's depot when war began to take out locks from the weapons to be thrown in the heating room. He toured the furniture factory in 1993 and 1994. FWS-138, T 2027, 2038, 2116.				
72. d)		Before war, Radojica Tešović was director of the economic unit Drina but he was demoted by the SDS when he disapproved of the extremist activities in Foča. When witness commenced work in the furniture factory, Tešović visited with Sekulović and said that conditions would be better under the new KP Dom administration. Tešović had then been reappointed director of the economic unit. Ekrem Zeković, T 3600, 3601, 3603				

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
72. e)		Radojica Tešović was present at the KP Dom only occasionally. He came at the beginning of the witness's detention together with a Serb delegation; most of them were in civilian clothes and they were making some plans for the KP Dom, Muhamed Lisica, T 4978-4979				
72. f)		Radojica Tešović took Muslim convicts to Tuzla in April 1992, Lazar Diviljan, T 6013-6014				
72. g)		Radojica Tešović, the former warden, came back in May 92 from a trip to Serbia, after deporting Muslims convicts. He was replaced by Krnojelac during that time. He returned sometime in May from Serbia. Miloslav Krsmanović testified that Radojica Tešović was not a nationalist and a good warden and that being warden in Foča was a highly respected position. The witness was not at KPD when Krnojelac was appointed. Miloslav Krsmanović does not know whether Tesović had any special assignment. He took care about food like Milorad Krnojelac, he used his friends in order to get food. Milosav Krsmanović, T 6618, 6645-6649.				
72. h)		Radojica Tešević was not a nationalist. Witness heard that Tešević and Milutin Tijanin took the Muslim prisoners from the KP Dom to Tuzla. Tešević became the president of the Executive Council of the Municipality of Foča around 1997-98. Arsenije Krnojelac, T 6975-6976, T 6978, T 7125				
72. i)		Radojica Tešević was the the warden of the KP Dom before the war. He was away for 15-20 days at the beginning of the war. When he came back he was assigned to the farm, and he became the director of the farm in 1993. Miladin Matović, T 6511				
72. j)		Radojica Tešević had served in a number of different positions at the KP Dom, which gave him the experience to be very good at his job. He was well respected in the community. During the war, he worked at the farm under the supervision of Milorad Krnojelac. Zoran Mijović, T 6251-6255, T 6398-6400				
76. k)		Radojica Tešević was the director of the Drina Economic Unit when the witness came to work at the KP Dom in October 1993. Milan Pavlović, T 6877				
76. l)		Radojica Tešević, the former warden of the KP Dom, was away at the beginning of the war. He returned to Foča sometime in late May 1992, and went to work at the KP Dom farm under the supervision of Novica Mojović. Milorad Krnojelac disputes 8 May 1992 (P3) as the date Mr. Tešević started working at the farm. Radojica Tešević was appointed Director of the Drina Economic Unit sometime after Krnojelac left the KP Dom. Milorad Krnojelac, T 7620-7621, T 7805				
73.	IVANOVIĆ (Risto) Milanka		10 May 92	31 Oct 94	Sales assistant	
74.	JEGDIĆ (Dragomir) Mirjana		10 May 92	31 Oct 94	Sales assistant and cashier	
75.	ČANČAR (Radovan) Jelica		10 May 92	31 Oct 94	Farm – sales assistant and cashier	
76.	SREDOJEVIĆ (Milan) Milada		10 May 92	31 Oct 94	Sales assistant – bookkeeper	
77.	BEGENIŠIĆ (Miloš) Radoje		11 May 92 01 Jun 92	24 May 92 31 Oct 94	Security Security, Farm - retired	
77. a)		Radoje Begenšic was one of the supervisors at the farm where FWS-89 worked. FWS-89, T 4675-4676				
78.	AVRAM (Nedo) Milenka		11 May 92	31 Oct 94	Farm – cook	

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
79.	GAGOVIĆ Rade (no info)		11 May 92	26 Mar 93	Security – worked in KPD Zenica	
79. a)	Rade Gagovic was a rehabilitation officer. FWS-138 saw him in military uniform. FWS-138, T 2116					
79. b)	Rade Gagovic received a group after failed exchange in July 92. He was introduced as deputy warden of KP Dom, FWS-182 saw him a few times, both in civilian clothes or in commander clothes. He was a youngish man, about 30; “he was like our boss”, had some executive power, could send people to isolation cell, he assigned people to do things, wore mostly civilian clothes FWS-182, T 1646, 1647, 1649.					
81.*	DRAKULIĆ (Miladin) Stana		14 May 92	27 Jan 93	General services and bookkeeping – sick leave from 27 Jan 93 and maternity leave	
82.	PERIŠIĆ (Novo) Vukica		15 May 92	31 Oct 94	Book keeper	
83.	ČALASAN (Miladin) Blagoje		16 May 92	31 Oct 94	Security and factory - retired	
84.	DAVIDOVIĆ (Jol) Slobodan		16 May 92	31 Oct 94	Security and factory - retired	
85.	MLAĐENOVIĆ (Rade) Milutin		16 May 92	31 Oct 94	Security and factory - retired	
86.	ANĐELIĆ (Rade) Nikola		18 May 92	31 Oct 94	Security and factory - retired	
87.	MILIĆ (Pero) VINKA		22 May 92	31 Oct 94	Café – cook –sales assistant	
88.	JOKANOVIĆ (Milivoj) Gojko		23 May 92	31 Oct 94	Medical orderly	Retired
88. a)	Gojko Jokanović was the male nurse available to detainees. He was at the KP Dom every day. FWS-86, T 1551					
88. b)	Gojko Jokanović was the medical assistant who visited detainees daily. FWS-109, T 2422.					
88. c)	Gojko Jokanović worked as a nurse at KP DOM, on a daily basis. FWS-138, T 2127-2128.					
88. d)	He was a pharmacist that issued medicines. FWS-182, T 1627, 1681					
88. e)	FWS-69 suffered from angina pectoris before the war and during the confinement. FWS-69 did not get any medical treatment for his angina pectoris from the doctor of the KP Dom. The doctor, Cedo Dragovic, only gave him a cream that sportsmen were supposed to use when they would get injured in any way or for massages. Later FWS-69 received two or three tablets for his angina pectoris from other prisoners that worked with Gojko, the male nurse from the prison. FWS-69, T 4062-4064					
88. f)	FWS-249 got pneumonia and Gojko was the one who administered the shots of penicillin to him. FWS-249, T 4536-4538					
88. g)	Gojko Jokanović was appointed by the military command to work at the pharmacy and clinic in the KP Dom. Milorad Krnojelac gave him the keys to the pharmacy. Jokanović told Krnojelac that there was a lice infestation among the detainees. Jokanović also told Krnojelac that a certain Konjo had committed suicide, and a certain Džamalija had hanged himself. Milorad Krnojelac, T 7666-7667, T 7676, T 7678					
89.	MATOVIĆ (Milorad) Branka		25 May 92	28 Jun 93	Bookkeeper – maternity leave from 28 Jun 93	

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
90.	DRAKUL (Đorđe) Milivoje		26 May 92	26 Mar 93	Driver	-26 Mar 93 – killed by a mine
90. a)	Possibly the DRAKUL who defended the workers in a conversation in the coffee shop relating to an allegedly sabotaged car. Ekrem Zeković, T 3549-3550, 3463.					
91.	PEJIĆ (Petar) Slobodan		31 May 92 22 Jul 93	19 Sep 92 31 Oct 94	Security	
91. a)	In 90% of the cases, in room 11, guard Slobodan Pejić took prisoners out to be beaten. He took out a group of prisoners to be beaten on 25 June 1992. FWS-54, T 756, 759					
91. b)	Slobodan Pejić was a guard before the war. He treated the prisoners all right. FWS-139, T 407.					
91. c)	Slobodan Pejić called a certain Celik at the entrance of the building and struck him three times with a baton. FWS-182, T 1621.					
91. d)	Boban Pejić came to the room where witness and Nail Hodžić were, and took Hodžić out for interrogation. The witness heard Pejić tell the victim not to be afraid, that he would be interrogated and returned. Muhamed Lisica, T 4960					
92.	KRNOJELAC (Bogdan) Arsenije (witness)		17 Aug 92	31 Oct 94	Truck driver	
92. a)	Arsenje Krnojelac was a truck driver and Milorad Krnojelac's brother. He drove the truck which transported the furniture. FWS-139, T 407.					
92. b)	Arsenje Krnojelac was a driver at KP Dom before the war. The brother of Milorad Krnojelac told Ekrem Zeković that his "idiot" brother (speaking of the accused) had accepted "this post" from the SDS. He had no authority and worked at KP Dom during witness' detention. Ekrem Zeković, T 3458-3459					
92. c)	"Arso" is the brother of Milorad Krnojelac. He worked in the mechanics' garage and was a driver. He often talked with the witness and once he said that his brother was an "asshole", that he had really had it for having taken that job and that he would be held accountable for that at some point. Muhamed Lisica, T 4981-4982					
93.	JOKANOVIĆ (Milivoj) Mićun		20 Apr 92 03 Jun 92 02 Sep 93	26 Apr 92 30 Sep 92 31 Oct 94	Procurement – Security Chief of branch	
93. a)	Mićun Jokanović told the FWS-138 (guard at the KP Dom until April 92) on the phone that he should not come to work again after war broke out. FWS-138, T 2040					
93. b)	Mićun Jokanović was the person in charge of the drivers at KP Dom and was under Milorad Krnojelac. He told the witness he was supposed to drive in cooperation with the warden Krnojelac after he had arranged Miloslav Krsmanović's demobilization from military duty to work at the KP Dom instead. Miloslav Krsmanović, T 6615, 6659-6663.					
93. c)	Arsenje Krnojelac reported first to Mićun Jokanović when he arrived at the KP Dom. Arsenje Krnojelac, T 6984					
93. d)	Member of the commission tasked to assess the damage to the KP Dom. Milorad Krnojelac, T 7614-7615					
94.	MARKOVIĆ Miško – no info		13 Jun 92	22 Oct 92	Security	Employed by Maglić
94. a)	Misko Markovic was a guard at the KP Dom. FWS-138, T 2117					

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			From	to		
1	2		4	5	6	7
95.	BOŠKOVIĆ Vide – no info		13 Jun 92	1 Jul 92	Security	Employed b Maglić
95. a)	Vido Bošković was a guard. FWS-138, T 2117					
96.	NOVOVIĆ Zoran – no info		13 Jun 92	29 Sep 92	Security	
96. a)	Zoran Novović was a guard. FWS-138, T 2117.					
97.	DAVIDOVIĆ Dojčilo – no info		14 Jun 92	03 Sep 92	Security	Employed by High School Centre
97. a)	Dojčilo Davidović was a guard. FWS-138, T 2117					
98.	MICEVIĆ Slobodan - no info		14 Jun 92	7 Nov 92	Security	Employed by Maglić
98. a)	Slobodan Micevic was occasionally seen at the KP Dom. He worked in security, either in compound or outside. He was a guard. FWS-138, T 2117.					
99.	KRUNIĆ (Ilija) Nebojša- no info		15 Jun 92	08 Jan 93	Security	
99. a)	Nebojša Krunic was seen occasionally , either in compound or outside . He was a guard. FWS-138, T 2117					
99. b)	Nebojša Krunic worked at the penitentiary before the war, but FWS-139 did not see him during the war. FWS-139, T 408.					
100.	JEGDIĆ Radivoje – no info		17 Jun 92	24 Aug 93	Security	
100. a)	Radivoje Jegdic was seen occasionally, either in compound or outside. He was a guard. FWS-138, T 2117.					
100. b)	Radivoje Jegdic worked at the penitentiary before the war, he was not at KP Dom in the early days but turned up later. He worked at the place where food supplies and toiletries were kept. FWS-139, T 408.					
101.	GAGOVIĆ (Tod) Petar		29 Jun 92	39 Sep 92	Cashier on the Farm	
101. a)	Petar Gagovic was a guard. FWS-138, T 2117					
102.	MARIĆ (Vaso) Milomir		01 Jul 92	30 Sep 92	Security	
102. a)	Nicknamed "Mara". Milomir Maric was the guard that locked up FWS-54 in the solitary confinement cell when he was punished. FWS-54, T 747					
102. b)	Milomir Maric was a guard at the KP Dom. He told FWS-109 in July 92 that the lists that determined exchanges came from the Crisis Staff. FWS-109 asked him a few times for favors which he was unable to give him. FWS-109, T 2400, 2427.					
102. c)	He was a guard. FWS-138, T 2117.					
102. d)	Milomir Maric was a guard before and during the war and was correct. FWS-139, T 408.					
102. e)	Milomir Marić nicknamed "Mara" placed FWS-08 in an isolation cell for taking an extra slice of bread at lunch or dinner. FWS-08 T 1777					
102. f)	Milomir Maric attempted to break down door of witness' solitary confinement cell, telling him that as the witness had escaped, the guards would be sent to the front line. He also assisted detainees to obtain more food and he had problems with the administration as a result of this. Ekrem Zeković, T 3577, 3617.					
102. g)	Amir Berberkić overheard a conversation between guards Marić, Ivanović, Obrenović and others on 6 January 1993. He could hear Marić clearly say: "What do I care? I didn't beat anyone or kill anyone; you did" and he also said "somebody will answer for this". Amir Berberkić, T 3953, 3957					

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1	2		4	5	6	7
102. h)	Milomir Marić	was present in the yard when the local Serbs took over the KP Dom from the military. After the escape of Ekrem Zeković, Marić was also involved in beating the detainees. Muhamed Lisica, T 4842, 4932-4933				
102. i)	FWS-250	joined his roommates when they had dinner and took a meal to which the guard did not believe he was entitled. He and Jasmin Sudar were beaten in the compound by two military policemen wearing large "RS" or Republika Srpska emblems. Further, when Mr Sudar and FWS-250 were taken to the solitary confinement cell, they were further beaten by a guard known to FWS-250 by his nickname, "Mara". FWS-250 was reluctant to identify Mara formally as he did not know his proper name. FWS-250 T 5031-5033, 5086, 5088-5090.				
103.	MATOVIĆ (Tadija) Zdravka		01 Jul 92	31 Oct 94	Tailor – sales assistant	
103. a)	Zdravka Matović was a guard at the KP Dom. FWS-138, T 2117.					
104.	BEBIĆ (Čedo) Rosa		1 Jul 92	31 Oct 94	Tailor –Velečevo	
104. a)	Rosa Bebic was a guard. FWS-138, T 2117					
105.	PEJOVIĆ (Nedo) Slavka		1 Jul 92	31 Oct 94	Tailor –Velečevo	
106.	DRAGIČEVIĆ (Mitar) Gojka		1 Jul 92	31 Oct 94	Tailor –Velečevo	
106. a)	Gojka Dragičević was a guard. FWS-138, T 2117					
107.	PAVLOVIĆ (Vlado) Mira		1 Jul 92	28 Nov 92	Tailor – 1 Dec 92 – maternity leave	
107. a)	Mira Pavlović was a guard, FWS-138, T 2117					
108.	KRUNIĆ (Borivoj) Jovanka		01 Jul 92	31 Oct 94	Tailor –Velečevo	
108. a)	Jovanka Krunic was guard. FWS-138, T 2117					
109.	IKONIĆ (Janko) Desa		01 Jul 92	31 Oct 94	Tailor –Velečevo	
109. a)	Desa Ikonic was a guard. FWS-138, T 2117					
110.	RADOVIĆ (Vlado) Ljiljana		01 Jul 92	31 Oct 94	Tailor –Velečevo	
110. a)	Ljiljana Radovic was a guard at KP Dom. FWS-138, T 2117					
111.	IVNOVIĆ (Nikola) Zorka		01 Jul 92	31 Oct 94	Tailor –Velečevo	
111. a)	Zorka Ivnovic was a guard. FWS-138, T 2117.					
112.	STEFANOVIĆ Branko- no info		11 Jul 92	28 Sep 92	Security	Teacher in Jabuka elementary school
113.	ĐOKIĆ (Mitar) Jeslisavka		16 Jul 92	6 Dec 92	Sales assistant – archive worker, maternity leave 6 Dec 92	
113. a)	Jeslisavka Đokic did not work at the KP Dom. FWS-138, T 2116					
114.	VUJČIĆ (Pešut) Miloš		23 Jul 92	31 Oct 94	Warehouse worker of commodities	
115.	PRODANOVIĆ (Milan) Slavica		27 Jul 92	31 Oct 94	Book keeper – analyst	

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
116.	PRODANOVIĆ (Milivoj) Slaviša – no info		30 Jul 92	13 May 93	Security	
116. a)	Slaviša Prodanović was a judge before the war. FWS-138, T 2094					
116. b)	Before the war, Slaviša Prodanović used to be a judge in the court in Foča. In the early days of the war he was a guard at the KP Dom. FWS-139, T 410.					
116. c)	Slaviša Prodanović was at a guard post outside KP Dom, gave the witness information about family members of detainees. He was not well regarded because he was not in favour of the hard line of the SDS. Ekrem Zeković lied about Slaviša's involvement in getting across some information to him during his interrogation on 10 July 1993, because he did not want him to have any more problems with the Serb hardliners. Ekrem Zeković, T 3572-3573, 3584					
116. d)	Slaviša Prodanović was a military conscript who provided external security at the KP Dom during the war. Miladin Matović, T T 6539					
117.	ADŽIĆ (Stojan) Milomir		01 Aug 92	15 Apr 93	Security	
117. a)	Milomir Adžić worked at the penitentiary before the war as the head of the building department, he was not around during the early days of the war. FWS-139, T 408.					
117. b)	Milomir Adžić, nicknamed Mišo, was the head of the work unit for construction. He was a civil engineer by profession. Božo Drakul, T 7181					
118.	PLJEVALJČIĆ (Bogdan) Vesna		1 Aug 92 21 May 94	25 May 93 31 Oct 94	Sales assistant – 25 May 93 – 20 May 94 Maternity leave Sales assistant - instructor	
119.	ĐOKIĆ (Milo) Jovo		11 Aug 92	31 Oct 94	Security	
119. a)	Jovo Đokic worked at the furniture factory before the war but in the early days of the war he worked at the KP Dom as a guard. FWS-139, T 410.					
119. b)	Jovo Đokic was a guard who took witness to the restaurant to repair door. He warned the witness about the White Eagles. Ekrem Zeković, T 3449					
120.	PLJEVAJČIĆ (Milosav) Vaso		20 Aug 92	26 Oct 93	Security	Retired
120. a)	Vaso Pljvajčić was possibly involved in taking Zulfo Veiz away. FWS-86, T 1517-1520, 1526.					
120. b)	Vaso Pljvajčić was at KP DOM throughout as a guard. FWS-138 heard bad things heard about him. FWS-138, T 2119					
120. c)	Vaso Pljvajčić was a chief of guards before the war and retired. He came to the KP Dom later and worked again as a guard. FWS-139, T 410.					
121.	MALIŠ (Milo) Ratko		21 Oct 92	19 Jan 93	Tailor – Velečevo – 19 Jan 93 maternity leave	
122.	BJELOGRLIĆ (Rade) Milena		21 Oct 92	28 Feb 93	Tailor - Velečevo leave without pay from 1 Mar 93	
123.	LALOVIĆ (Milivoj) Dragica		21 Oct 92	28 Feb 93	Tailor - Velečevo – waiting	
124.	TEŠOVIĆ (Krstó) Biljana		21 Oct 92	31 Oct 94	Bookkeeper	
125.	VLADIČIĆ (Milun) Rosa		24 Oct 92	31 Oct 94	Bookkeeper – cashier – personnel	
126.	VREČO (Svetozar) Sanja		03 Jan 93	25 Aug 94	Veterinary – Farm , maternity leave from 25 Aug 94	

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
127.	MASTILO (Đorđe) Sava		16 Mar 93	23 Mar 94	Chief of Velečevo shirt factory	
128.	MITRIĆ (Kristo) Sava		21 Apr 93	03 Aug 93	Cook, waiting from 4 Aug 93	
129.	SEKULOVIĆ (Vojislav) Zoran		09 Aug 93	31 Oct 94	Warden of KPD	
129. a)	Zoran Sekulović was the warden of the KP Dom from mid-1993 onwards. "The general opinion of us camp detainees is that with his arrival and with the arrival of a former director, and his deputy Milutin Tijanić, our situation improved significantly especially when it came to food. They spent more time within the prison, the kitchen, and in conversation with the detainees, but a measure of reservation was present probably due to the anxiety over the other military side. This division existed throughout." FWS-215, T 925, 926					
129. b)	FWS-162 was introduced by "Raso", the former warden of the KP Dom to Sekulović, the new warden of the KP Dom. Sekulović said he knew the witness and whispered him he would be exchanged within 15 days. "That was the happiest day for me." 18 days after Sekulović had promised him he would be exchanged within 15 days, Milutinović told him to get ready because he was going to be exchanged. In cross-examination, the witness talks again about a guard Milutinović who came to fetch the two detainees Cengić. FWS-162, T 1406-1408.					
129. c)	Zoran Sekulović replaced the accused in 1993. The replacement was allegedly a "change between the civilian and military authority i.e. the civilian authorities exceeded the military authority". FWS-138, T 2098, 2099.					
129. d)	Zoran Sekulović was the successor of Krnojelac in mid-1993. He helped the witness to get to the hospital. FWS-182, T 1653.					
129. e)	When witness started working at the furniture factory, on the second or the third day, this new warden came, Sekulović together with and Radojica Tešević, who was director of the economic unit. They talked to the detainees quite nicely. This new warden and Radojica Tešević said that they would do whatever they could, whatever was within their powers to improve the status of the detainees. They primarily meant the stay of the detainees there and food. The food got better, which was very, very important. Also, other conditions did improve: visits of the Red Cross became more frequent, hygiene and heating improved, detainees were able to move around more easily, "people were not taken out en masse any more, killed, and people weren't taken out for interrogations. Although these interrogations had stopped also towards the end of the term of this warden here, but the attitude towards us, our treatment, the climate in general, changed a lot" Ekrem Zeković, T 3600-3601					
129. f)	FWS-250 described an abrupt change in conditions in the KP Dom and drew a stark contrast between the conditions in the prison in 1992 compared to 1994 when a new warden, known to FWS-250 as "Zoran", became warden. 1994 was their golden year in comparison to 1992. FWS-250 was not registered until the new warden, known to FWS-250 as "Zoran", arrived in 1994. FWS-250, T 5067-5068					
129. g)	Zoran Sekulović told him he had replaced Krnojelac as warden of the KP Dom. FWS-249, T 4428, 4488, 4493					
129. h)	Zoran Sekulović replaced Milorad Krnojelac as warden in August or September, 1993. Miladin Matović, T 6592-6593					
129. i)	Zoran Sekulović took over as the new warden in late July 1993. Milorad Krnojelac helped Sekulović in the transition. Milorad Krnojelac, T 8081					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
130.	ŠOLAJA (Vaso) Boriša		20 Aug 93 29 Apr 94	23 Mar 94 31 Oct 94	Security	
130. a)	Borisa Šolaja was a guard before and during the war, treated prisoners quite decently. FWS-139, T 410.					
131.	LUČIĆ (Danilo) Borivoje		20 Aug 93 29 Apr 94*	23 Mar 94 16 Apr 94	Supervisor in the paint spraying room	
132.	MAŠIĆ (Simo) Dragan		24 Aug 93 29 Apr 94	23 Mar 94 31 Oct 94	Security	
132. a)	Dragan Mašić was a guard before and during the war. He did not treat prisoners particularly well but he was not the worst. FWS-139, T 410, 411.					
133.	TIJANIĆ (Vladimir) Milutin		01 Sep 93 29 Apr 94	23 Mar 94 31 Oct 94	Deputy warden of KPD	
133. a)	Milutin Tijanić was head of rehabilitation service before the war, but the witness never saw him during his detention. FWS-139, T 411.					
133. b)	Milutin Tijanić was the deputy warden of Zoran Sekulović at KP Dom. FWS-215, T 926.					
133. c)	After fnu Berberkić left, the post of deputy warden remained vacant: When Tijanić came back after the war, he took the office of the deputy warden. Prior to the war, he used to be a rehabilitation officer but he did not return to his position in the rehab section during the war because he was with the military, the witness thinks. Miloslav Krsmanović, T 6650-6655.					
133. d)	Milutin Tijanić was the head of rehabilitation in 1992, and is now the deputy warden of the KP Dom. Discipline improved when he became the deputy warden because security is the responsibility of the deputy warden. Miladin Matović, T 6593					
134.	VUJIĆIĆ (Gojko) Nebojša		1 Sep 93	31 Oct 94	Warehouse supervisor - sick leave 6 Apr 92 until 31 Aug 93	
135.	MIČEVIĆ (Gojko) Vitomir		21 Aug 92 02 Sep 93 29 Apr 94	30 Sep 92 23 Mar 94 31 Oct 94	Security	
135. a)	Vitomir Mičević was one of the ruthless guards that frequently beat detainees and that looked forward to beating detainees. FWS-66, T 1096					
135. b)	Vitomir Mičević was a guard. FWS-138 heard bad things about him how he treated people and behaved. FWS-138, T 2119.					
135. c)	Vitomir Mičević was a guard before and during the war. He treated prisoners properly in the beginning, but when his brother was killed in combat, he changed radically. FWS-139, T 411.					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
136.	KRSMANOVIĆ (Stevo) Milosav (witness)		02 Sep 93 29 Apr 94	23 Mar 94 16 Sep 94	Driver	
136. a)	Miloslav Krsmanović used to drive a freight vehicle which he serviced. FWS-249, T 4528					
136. b)	Miloslav Krsmanović travelled with Milorad Krnojelac to make deals for the Drina Economic Unit. Most of the time, Miloslav Krsmanović drove vehicles which travelled long distance. With his truck, the witness carried mostly fodder, maize et cetera, or would bring in raw materials and inputs needed for the furniture factory. Miloslav Krsmanović also transported goods from the Drina farm to the KP Dom. The witness never travelled alone, sometimes Milorad Krnojelac, Bozo Drakul usually Micun Jokanovic, and sometimes as well. The witness corrected that he started in Sept 92 not in September 1993 as Exhibit P-3 says. Milorad Krnojelac and Mićun Jokanović arranged to bring the witness from the Previla front-lines to KP Dom. Miloslav Krsmanović, T 6618-6624, 6660-6663,					
136. c)	Milosav Krsmanović was assigned to the front lines for the first months of the war. Arsenije Krnojelac, T 6942					
136. d)	Milosav Krsmanović was sent to work at the KP Dom after Milorad Krnojelac asked Radojica Mladenović to assign Krsmanović to the KP Dom as a driver. Krsmanović was at the front lines until this reassignment. Milorad Krnojelac, T 7829					
137.	PAPOVIĆ (Ante) Radomir		23 Sep 93	31 Oct 94	Security	
137. a)	Radomir Papović was wounded in the beginning of the war. He did turn up later and was quite decent. FWS-138, T 2119-2120					
138.	ANĐELIĆ (Panto) Nebojša		09 Nov 93 29 Apr 94	23 Mar 94 16 Sep 94	Driver	
139.	MITRIĆ (Milivoj) Radoman		16 Nov 93 01 Feb 94 29 Apr 94	17 Dec 93 23 Mar 94 16 Sep 94	Cook	
140.	RADOVIĆ (Stevan) Bosa		01 Dec 93	31 Oct 94	Typist	
141.	JEGDIĆ (Radivoje) Milanka		04 Dec 93	31 Oct 94	Tailor – Velečevo	
142.	MATOVIĆ (Nedo) Jela		04 Mar 94	31 Oct 94	Tailor – Velečevo	
143.	KRUNIĆ (Božo) Svetislav		12 Apr 94	31 Oct 94	Security	
143. a)	Svetislav Krunić came later to KP Dom. FWS-138 heard no complaints about him. He is still employed at the KP Dom as a senior guard and supervisor. FWS-138, T 2120					

No.	Surname, father's name and first name	ANNOTATION	Duration of work obligation		Tasks performed	Note
			From	to		
1	2		4	5	6	7
144.	MOJOVIĆ (Novica) Slavica		08 Jul 94	31 Oct 94	Agricultural engineer – Farm	
145.	BOZOVIĆ (Momir) Dragomir		23 Jun 94	31 Oct 94	Driver	

The list concludes with number 145 (one hundred and forty five)  
WARDEN

Zoran SEKULOVIĆ  
/signed/

**ANNEX II  
DETAINEE ROOMS**

Room number	Detainees
<b>Room 11<sup>1</sup></b>	<p style="text-align: center;">FWS-54 FWS-111 FWS-86 FWS-182 FWS-104 FWS-109 FWS-58 FWS-71 FWS-73 FWS-137 FWS-250 Ahmet Hadžimusić Juso Taranin Muhamed Lisica Dževad Lojo</p>
<b>Room 12<sup>2</sup></b>	<p style="text-align: center;">FWS-111 FWS-86 FWS-182 FWS-172 FWS-89</p>
<b>Room 13<sup>3</sup></b>	<p style="text-align: center;">Dževad Lojo FWS-66 Ahmet Hadžimusić FWS-249 FWS-89</p>
<b>Room 14<sup>4</sup></b>	<p style="text-align: center;">FWS-142 Ahmet Hadžimusić</p>
<b>Room 15<sup>5</sup></b>	<p style="text-align: center;">FWS-139 FWS-215 FWS-66 Dževad Lojo FWS-111 FWS-86 FWS-182 Rasim Taranin FWS-142 FWS-146</p>

Room number	Detainees
<b>Room 16<sup>6</sup></b>	<p style="text-align: center;"> FWS-198  FWS-66  Ahmet Hadžimusić  FWS-104  FWS-03  FWS-144  Dževad S. Lojo  FWS-71  FWS-73  Ekrem Zeković  Amir Berberkić  R.J.  FWS-249  FWS-89  FWS-250 </p>
<b>Room 18<sup>7</sup></b>	<p style="text-align: center;"> FWS-139  Safet Avdić  FWS-66  FWS-111  FWS-142  Ahmet Hadžimusić  FWS-138  Dževad S. Lojo  FWS-146  Ekrem Zeković  Amir Berberkić  FWS-69  FWS-249  FWS-137  Muhamed Lisica </p>
<b>Room 19<sup>8</sup></b>	<p style="text-align: center;">FWS-111</p>
<b>Room 20<sup>9</sup></b>	<p style="text-align: center;"> Safet Avdić  FWS-54  FWS-198  FWS-162  FWS-08  FWS-138  FWS-109  FWS-71  FWS-146  FWS-89 </p>

Room number	Detainees
<b>Room 21</b> <sup>10</sup>	FWS-139 Ahmet Hadžimusić Dževad S. Lojo
<b>Room 22</b> <sup>11</sup>	FWS-215 FWS-144 Muhamed Lisica
<b>Room 23</b> <sup>12</sup>	FWS-111 FWS-138

<sup>1</sup> Building 1, ground floor, above the left wing, over a warehouse. FWS-85, T 633; FWS-54, T 733; FWS-111, T 1204, 1207, 1216; FWS-86, T 1461-1462; FWS-182, T 1590; Ahmet Hadžimusić, T 1940; FWS-104, T 2161; FWS-109, T 2358-2359, 2396; FWS-58, T 2685, 2709-2712; FWS-71, T 2792; Juso Taranin, T 3015, 3017; FWS-73, T 3209-3110, 3212, Exhibit 18; FWS-137, T 4735; Muhamed Lisica, T 4834, 4836; FWS-250, T 5049, 5092.

<sup>2</sup> Building 1, ground floor. FWS-111, T 1215-1216; FWS-86, T 1461, 1557; FWS-182, T 1587; FWS-172, T 4556; FWS-89, T 4660, 4716.

<sup>3</sup> FWS-85, T 603-605; FWS-66, T 1075; Ahmet Hadžimusić, T 1950; FWS-249, T 4411; FWS-89, T 4717.

<sup>4</sup> FWS-142, T 1821; Ahmet Hadžimusić, T 1950.

<sup>5</sup> Building 1, top floor, right from the entrance of KP Dom. FWS-139, T 333; FWS-85, T 633; FWS-215, T 861; FWS-66, T 1071; FWS-111, T 1217; FWS-86, T 1475, 1479, 1557; FWS-182, T 1591; Rasim Taranin, T 1700; FWS-142, T 1821; FWS-146, T 3073.

<sup>6</sup> Described as the worker's room. FWS-198, T 952, 956, 993; FWS-66, T 1075; Ahmet Hadžimusić, T 1950; FWS-104, T 2164-2165; FWS-3, T 2244-2245; FWS-144, T 2300-2301; Dževad S. Lojo, T 2535; FWS-71, T 2815; FWS-73, T 3210-3213; <sup>6</sup> Ekrem Zeković, T 3442; Ekrem Zeković, T 3442; Amir Berberkić, T 3733; R.J., T 3845; FWS-249, T 4411; FWS-89, T 4660; FWS-89, T 4716; FWS-250, T 5025.

<sup>7</sup> FWS-139, T 322, 330; Safet Avdić, T 455; FWS-66, T 1071; FWS-111, T 1217; FWS-142, T 1821; Ahmet Hadžimusić, T 1950; FWS-138, T 2045, 2050; Dževad S. Lojo, T 2536; FWS-146, T 3093; Ekrem Zeković, T 3442, 3599, 3645; Amir Berberkić, T 3733; FWS-69, T 4062; FWS-249, T 4411; FWS-137, T 4735; Muhamed Lisica, T 4836.

<sup>8</sup> FWS-111, T 1216.

<sup>9</sup> Safet Avdić, T 456; FWS-54, T 734, 748; FWS-198, T 952, 956, 993; FWS-162, T 1359; FWS-8 T 1767, 1785; FWS-138, T 2050; FWS-109, T 2356; FWS-71, T 2789; FWS-146, T 3093; FWS-89, T 4717.

<sup>10</sup> FWS-139, T 330; Ahmet Hadžimusić, T 1950; Dževad S. Lojo, T 2536.

<sup>11</sup> FWS-215, T 873-874; FWS-144, T 2300; Muhamed Lisica, T 4836.

<sup>12</sup> FWS-111, T 1216-1217; FWS-138, T 2050.

### ANNEX III A

#### Detention Time-line of Prosecution Witnesses Listed According to Duration of Detention

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
FWS-35	Foča: April 1992 until 28 June 1992. (T 2718; T 2736)	Not applicable	Not applicable	Not applicable	Not applicable		1955	Not applicable	0
FWS-120		JNA Fuel Depot at Pilipovići (T 3098)	26-Apr-92 (T 3114)	05-May-92 (T 3152)	Sent to JNA base in Ustikolina (T 3154)	Ustikolina until 15-May-92 and then to Belgrade (T 3154)	1946	45	9
TARANIN Juso		JNA Fuel Depot at Pilipovići (T 3004-5)	26-Apr-92 (T 3114) (T 3005; 300; T 3031)	3-May-92 (T 3033)	Released with certificate (T 3033.)	Uncertain that certificate dates are correct (T 3033; T 3030)	1930	62	7
ČELIK Ibrahim		Foča (T 2230)	24-May-92 (T 2231)	7-Jul-92 (T 2265 2267)	Released based on a document obtained by his wife (T 2265-2267)		1966	26	43
FWS-58	08-Jul-92 Taken to High School in Aladža after seeking permit to leave. ( T 2679, 2681; T 2682)	At the School in Aladža (T 2682, 2684)	15-Jul-92 (T 2682, 2684, 2679, 2681)	31-Aug-92 (T 2686)	On a bus (T 2709)	Exchanged at the Bratstvo-Jedinstvo Bridge, Sarajevo 17-Aug-94 (T 1832)	1931	60	46
FWS-159		Kacelj near Foča (T 2441-2442)	28-Jan-93 (T 2441)	May-93 (T 2458)	Taken to Čajniće. Detained at Police station until 07-Jul-93 (T 2458)		1952	40	93

IT-97-25-T

6452

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP
R.J.		Foča (T 3842)	19-May-92 (3828)	31-Aug-92 (T 3903)	Left with a group of sick people to Rožaje, Montenegro (T 224)		1941	50	102
		17-Aug-92 Rataja near Miljevina Hospitalised for 50 days (T 4683-4684, T 4684, T 4687)	02-Oct-92, taken from the hospital, to the KP Dom (T 4689, 4703)	15-Jan-93 (T 4694)	Exchange in Belgrade (T 4697-4698)		1914	78	103
ČENGIĆ Nezir		Igalo, Montenegro (T 2352)	25-May-92 (T 2352)	18-Sep-92 (T 2355)	Taken to Kalinovik and then exchanged in Sarajevo 25-Mar-93 (T 2408-2409)		1937	54	113
FWS-109		Foča Hospital (T 4553-4554)	25-Apr-92 (T 4553)	End of August 92 (T 4576-4577)	Exchanged (T 4576-4577)		1929	62	126
FWS-172		Apartment in Foča (T 1453)	19-Apr-92 (T 1453)	29/30-Aug-92 (T 1535)	Exchanged (T 1540)		1937	54	130
FWS-86		Čohodar Mahala (T 729)	16-Apr-92 (T 729)	30-Aug-92 (T 783)	Left with a group of sick people to Rožaje, Montenegro (T 783, 784, 785)		1945	46	134
FWS-54		Careva/Foča (T 3192)	17-Apr-92 (T 3192)	October 92 (T 3291)	Taken by bus to Kula, amongst the last group of detainees (T 3291)		1940	51	164
FWS-73	13 Days in JNA Warehouse with 150 others (T 2154)	JNA Fuel Depot at Pilipovići (T 2154)	26-Apr-92 (T 2154)	Approx. 10 days prior to 09-Nov-92 (T 2197)	Kalinovik Police station, released 09-Nov-92 (T 2194-2197)		1936	55	185
FWS-104									

17-97-25-T

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP
FWS-69		Forest near Jeleč (T 4046)	4-May-92 (T 4045)	8-Dec-92 (T 4061)	Taken to Kalinovik and exchanged on 12-Dec-92 (T 4148)		1939	52	214
FWS-137	House of Hilmo Čelo when shooting started (T 4783)	House of Hilmo Čelo 13-Apr-92 Taken to House of Zahir Šandal then to KP Dom. (T 4732)	17-Apr-92 (T 4733)	November or December 92 (T 4770)	Taken to Kalinovik and exchanged 09-Feb-93 (T 4772)		1940	51	224
LOJO Dževad.S.		Foča (T 2516 and 2525)	23-May-92 (T 2525)	04-Apr-93 (T 2621)	Exchanged (T 2621)		1950	41	311
FWS-08		Montenegro (T 1762)	25-May-92 (T 1762)	18 June or July 93 (T 1767)	Taken to Rudo (T 1767, 1792 )	Held 9months at the Cultural Centre, then 5 months at Kula. Released 17-Aug-94 (T 1794, 1795)	1950	41	383
TARANIN Rasim		Foča (T 1695)	27-Apr-92 (T 1695)	May / June 1993 (T 1700)	Exchanged. Sent to Rudo to proceed to Gorazde (T 1733)	Held at Rudo for about 8-9 months, then taken to Kula and exchanged on the 6/7 October 1994 (T 1737; 1740; 1742)	1942	49	394
BERBERKIĆ Amir		Weekend cottage, outside the village of Karadžići, Taken to Foča Hospital for treatment (T 3729)	30-May-92 (T 3729)	12-Aug-93 (T 3969-3970)	Taken to Kula (T 3970)	Exchanged on 12 September 1993 (T 3970)	1958	34	432

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
FWS-111		Medical Centre where he worked. Taken to Livade 11-Apr-92 (T 1200-1203; T 1195)	17-Apr-92 (T 1200-1203)	05-Jul-93 (T 1204)	Kula Camp 05-Jul-93 to 15-Jun-94 then released (T 1283)		1945	47	438
FWS-162		Podgorica, Montenegro (T 1352-1353)	27-May-92 (T 1353)	15-Nov-93 (T 1410)	Taken to Kula Camp. Exchanged after approx. 7 months (T 1409, 1410)		1939	52	528
HADŽIMUSIĆ Ahmet		Brod, outside Foča (T 1929)	20-Apr-92 (T 1933)	23-Oct-93 (T 1983)	Kula Camp 23-Oct-93 to 17-Jul-94 (T 1983)	Exchanged at the Bratstvo-Jedinstvo Bridge, Sarajevo 17-Jul-94 (T1985)			543
FWS-146		Foča Hospital (T 3061)	02-Oct-92 (T 3061)	July 1993 (T 3079-3080)	Taken to Rudo for six months (T 3080, 3083)	Taken from Rudo to Kula Camp for three months. Eventually exchanged in Sarajevo. (T 3083)	1946	46	719
FWS-142		Foča Centre (T 1815, 1818)	13-May-92 (T 1816)	16-Aug-94 (T 1832)	Kula Camp (T 1832)	Exchanged at the Bratstvo-Jedinstvo Bridge 17-Aug-94 (T 1832)	1953	38	813
FWS-182		Zubovići, 14-Apr-92 (T 1578 and 1580)	17/18-Apr-92 (T 1586)	August 1994 (T 1653)	Released by new warden Sekulović (T 1643-1644)		1952	40	823
FWS-71		21-May-92 Montenegro (T 2774)	25-May-92 (T 2782)	5 or 6 Oct-94 (T 2916)	Taken by bus to Kula, amongst the last group of detainees (T 2916, 2918)	Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	1953	39	849

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest		Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom	
	House Arrest	Under								Dom	Dom
FWS-144	Around 05-May-92 for 3-4 days in the forest outside Jeleč (T 2294-2296)		Kalinovik, taken to Bileća for 25 Days (T 2299, 2296)	01-Jun-92 (T 2299)	10-Oct-94 (T 2311)	Taken by bus to Kula, amongst the last group of detainees (T 2311)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1944	47	849	
FWS-249				25-May-92 (T 4411)	4/5-Oct-94 (T 4439)	Taken by bus to Kula, amongst the last group of detainees released from KP Dom (T 4487-4489)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1946	45	850	
AVDIĆ Safet			On the way to his mothers house. Don Polje, Foča (Exhibit P-123 p. 676, 669)	19-May-92 (P-123 at p. 697)	05-Oct-94 (T 529)	Taken by bus to Kula, amongst the last group of detainees (T 529)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	Not in testimony	52	856	
ZEKOVIĆ Ekrem			Foča (T 3433, 3441)	20-May-92 (T 3440)	6-Oct-94 (T 3606)	Taken by bus to Kula, amongst the last group of detainees	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1953	38	856	
FWS-139			Pod Masala, Foča (T 317)	20-May-92 (T 317)	06-Oct-94 (T 412)	Taken by bus to Kula, amongst the last group of detainees (T 412)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1952	39	856	
FWS-138			Foča Centre (T 2043)	10-May-92 (T 2110)	6-Oct-94 (T 2110)	Taken by bus to Kula, amongst the last group of detainees (T 2110)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1955	36	866	
FWS-66			23-Apr-92 Foča (T 1066)	23-Apr-92 (T 1066-1068)	October 94 (T 1129)	Taken by bus to Kula, amongst the last group of detainees (T 1129)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1947	45	878	

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP
FWS-198		Rečica near Foča (T 943)	25-Apr-92 (T 943)	06-Oct-94 (T 957)	Taken by bus to Kula, amongst the last group of detainees (T 956-957)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1958	34	881
FWS-215		Foča (T 856)	23-Apr-92 (T 856)	05-Oct-94 (T 865, 912)	Taken by bus to Kula, amongst the last group of detainees (T 865, 912)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1946	45	882
LSICA Muhamed		House of Šandal 17-Apr-92 (T 4831-4833)	18-Apr-92 (T 4831-4833)	October 94 (T 4987-4989)	Taken by bus to Kula, amongst the last group of detainees (T 4987-4989)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1950	41	883
LOJO Dževad		Jovo Mološević's apartment.	19-Apr-92 (T 570)	06-Oct-94 (T 579)	Taken by bus to Kula, amongst the last group of detainees (T 579)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	Not in testimony		887
FWS-250		Place of arrested not in testimony. Taken to Livade until 17-Apr-92. (T 5021)	17-Apr-92 (T 5021)	06-Oct-94 (T 5021)	Taken by bus to Kula, amongst the last group of detainees	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1954	37	889
FWS-89		Relatives house, taken to the house of Avdo Muratović in Kameriči (T 4656-4657, 4715)	09-Apr-92 (T 4655)	05-Oct-94 (T 4710)	Taken by bus to Kula, amongst the last group of detainees (T 4710)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1948	43	896

## ANNEX III B

Detention Time-line of Prosecution Witnesses Listed in Alpha or Numeric Order of Witness Name or Code Number									
Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
AVDIĆ Safet		On the way to his mothers house. Don Polje, Foča (Exhibit P-123 p. 676, 669)	19-May-92 (P-123 at p. 697)	05-Oct-94 (T 529)	Taken by bus to Kula, amongst the last group of detainees (T 529)	Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	Not in testimony	52	856
BERBERKIĆ Amir		Weekend cottage, outside the village of Karadžići, Taken to Foča Hospital for treatment (T 3729)	30-May-92 (T 3729)	12-Aug-93 (T 3969-3970)	Taken to Kula (T 3970)	Exchanged on 12 September 1993 (T 3970)	1958	34	432
ČELIK Ibrahim		Foča (T 2230)	24-May-92 (T 2231)	7-Jul-92 (T 2265-2267)	Released based on a document obtained by his wife (T 2265-2267)		1966	26	43
ČENGIĆ Nezir		17-Aug-92 Rataja near Miljevina Hospitalised for 50 days (T 4683, T 4684, T 4684, T 4687)	02-Oct-92, taken from the hospital, to the KP Dom (T 4689, 4703)	15-Jan-93 (T 4694)	Exchange in Belgrade (T 4697-4698)		1914	78	103

IT-97-25-T

6446

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest		Begin Date KPD		End Date KPD		Release From KPD		Further Details		D.O.B.	Age at arrest	Approx. Days Held at KP Dom
	Place Arrested		Place Arrested		Place Arrested		Place Arrested		Place Arrested				
HADŽIMUSIĆ Ahmet		Brod, outside Foča (T 1929)	20-Apr-92 (T 1933)		23-Oct-93 (T 1983)		Kula Camp 23-Oct-93 to 17-Jul-94 (T 1983)		Exchanged at the Bratstvo-Jedinstvo Bridge, Sarajevo 17-Jul-94 (T1985)				543
LISICA Muhamed		House of Šandal 17-Apr-92 (T 4831-4833)	18-Apr-92 (T 4831-4833)		October 94 (T 4987-4989)		Taken by bus to Kula, amongst the last group of detainees (T 4987-4989)		Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	1950	41		883
LOJO Dževad		Jovo Mološević's apartment. Foča (T 2516 and 2525)	19-Apr-92 (T 570)		06-Oct-94 (T 579)		Taken by bus to Kula, amongst the last group of detainees (T 579)		Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	Not in testimony			887
LOJO Dževad.S.			23-May-92 (T 2525)		04-Apr-93 (T 2621)		Exchanged (T 2621)			1950	41		311
R.J.		Foča (T 3842)	19-May-92 (3828)		31-Aug-92 (T 3903)		Left with a group of sick people to Rožaje, Montenegro (T 224)			1941	50		102
TARANIN Juso		JNA Fuel Depot at Pilipovići (T 3004-5)	26-Apr-92 (T 3114) (T 3005; 300; T 3031)		3-May-92 (T 3033)		Released with certificate (T 3033.)		Uncertain that certificate dates are correct (T 3033; T 3030)	1930	62		7
TARANIN Rasim		Foča (T 1695)	27-Apr-92 (T 1695)		May / June 1993 (T 1700)		Exchanged. Sent to Rudo to proceed to Gorazde (T 1733)		Held at Rudo for about 8-9 months, then taken to Kula and exchanged on the 6/7 October 1994 (T 1737; 1740; 1742)	1942	49		394

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest		Place Arrested	Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
		House Arrest								
ZEKOVIĆ Ekrem			Foča (T 3433, 3441)	20-May-92 (T 3440)	6-Oct-94 (T 3606)	Taken by bus to Kula, amongst the last group of detainees	Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	1953	38	856
FWS-08			Montenegro (T 1762)	25-May-92 (T 1762)	18 June or July 93 (T 1767)	Taken to Rudo (T 1767, 1792)	Held 9 months at the Cultural Centre, then 5 months at Kula. Released 17-Aug-94 (T 1794, 1795)	1950	41	383
FWS-35	Foča: April 1992 until 28 June 1992. (T 2718; T 2736)		Not applicable	Not applicable	Not applicable	Not applicable		1955	Not applicable	0
FWS-54			Čohodar Mahala (T 729)	16-Apr-92 (T 729)	30-Aug-92 (T 783)	Left with a group of sick people to Rožaje, Montenegro (T 783, 784, 785)		1945	46	134
FWS-58	08-Jul-92 Taken to High School in Aladža after seeking permit to leave. (T 2679, 2681; T 2682)		At the School in Aladža (T 2682, 2684)	15-Jul-92 (T 2682, 2684, 2679, 2681)	31-Aug-92 (T 2686)	On a bus (T 2709)	Exchanged at the Bratstvo-Jedinstvo Bridge, Sarajevo 17-Aug-94 (T 1832)	1931	60	46
FWS-66			23-Apr-92 Foča (T 1066)	23-Apr-92 (T 1066-1068)	October 94 (T 1129)	Taken by bus to Kula, amongst the last group of detainees (T 1129)	Exchanged at the Bratstvo-Jedinstvo Bridge Oct-94	1947	45	878
FWS-69			Forest near Jeleč (T 4046)	4-May-92 (T 4045)	8-Dec-92 (T 4061)	Taken to Kalinovik and exchanged on 12-Dec-92 (T 4148)		1939	52	214

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest	Begin Date KPD			End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
		Place Arrested	Begin Date KPD	End Date KPD						
FWS-71		21-May-92 Montenegro (T 2774)	25-May-92 (T 2782)	5 or 6 Oct-94 (T 2916)	Taken by bus to Kula, amongst the last group of detainees (T 2916, 2918)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1953	39	849	
FWS-73		Careva/Foča (T 3192)	17-Apr-92 (T 3192)	October 92 (T 3291)	Taken by bus to Kula, amongst the last group of detainees (T 3291)		1940	51	164	
FWS-86		Apartment in Foča (T 1453)	19-Apr-92 (T 1453)	29/30-Aug-92 (T 1535)	Exchanged (T 1540)		1937	54	130	
FWS-89		Relatives house, taken to the house of Avdo Muratović in Kamerići (T 4656-4657, 4715)	09-Apr-92 (T I 4655)	05-Oct-94 (T 4710)	Taken by bus to Kula, amongst the last group of detainees (T 4710)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1948	43	896	
FWS-104	13 Days in JNA Warehouse with 150 others (T 2154)	JNA Fuel Depot at Pilipovići (T 2154)	26-Apr-92 (T 2154)	Approx. 10 days prior to 09-Nov-92 (T 2197)	Kalinovik Police station, released 09-Nov-92 (T 2194-2197)		1936	55	185	
FWS-109		Igalo, Montenegro (T 2352)	25-May-92 (T 2352)	18-Sep-92 (T 2355)	Taken to Kalinovik and then exchanged in Sarajevo 25-Mar-93 (T 2408-2409)		1937	54	113	

17-97-25-T

6443

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest		Place Arrested	Begin Date KPD		End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
				KPD							
FWS-111			Medical Centre where he worked. Taken to Livade 11-Apr-92 (T 1200-1203; T 1195)	17-Apr-92 (T 1200-1203)	05-Jul-93 (T 1204)	Kula Camp 05-Jul-93 to 15-Jun-94 then released (T 1283)			1945	47	438
FWS-120			JNA Fuel Depot at Pilipovići (T 3098)	26-Apr-92 (T 3114)	05-May-92 (T 3152)	Sent to JNA base in Ustikolina (T 3154)	Ustikolina until 15-May-92 and then to Belgrade (T 3154)		1946	45	9
FWS-137	House of Hilmo Čelo when shooting started (T 4783)		House of Hilmo Čelo 13-Apr-92 Taken to House of Zahir Šandal then to KP Dom. (T 4732)	17-Apr-92 (T 4733)	November or December 92 (T 4770)	Taken to Kalinovik and exchanged 09-Feb-93 (T 4772)			1940	51	224
FWS-138			Foča Centre (T 2043)	10-May-92 (T 2110)	6-Oct-94 (T 2110)	Taken by bus to Kula, amongst the last group of detainees (T 2110)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94		1955	36	866
FWS-139			Pod Masala, Foča (T 317)	20-May-92 (T 317)	06-Oct-94 (T 412)	Taken by bus to Kula, amongst the last group of detainees (T 412)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94		1952	39	856
FWS-142			Foča Centre (T 1815, 1818)	13-May-92 (T 1816)	16-Aug-94 (T 1832)	Kula Camp (T 1832)	Exchanged at the Bratstvo-Jedeinstvo Bridge 17-Aug-94 (T 1832)		1953	38	813

Witness Name / Pseudonym	Time Spent in Hiding / Under House Arrest		Place Arrested	Begin Date KPD		End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
FWS-144	Around 05-May-92 for 3-4 days in the forest outside Jeleč (T 2294-2296)		Kalinovik, taken to Bileća for 25 Days (T 2299, 2296)	01-Jun-92 (T 2299)	10-Oct-94 (T 2311)	Taken by bus to Kula, amongst the last group of detainees (T 2311)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1944	47	849	
FWS-146			Foča Hospital (T 3061)	02-Oct-92 (T 3061)	July 1993 (T 3079-3080)	Taken to Rudo for six months (T 3080, 3083)	Taken from Rudo to Kula Camp for three months. Eventually exchanged in Sarajevo. (T 3083)	1946	46	719	
FWS-159			Kacelej near Foča (T 2441-2442)	28-Jan-93 (T 2441)	May-93 (T 2458)	Taken to Čajniće. Detained at Police station until 07-Jul-93 (T 2458)		1952	40	93	
FWS-162			Podgorica, Montengro (T 1352-1353)	27-May-92 (T 1353)	15-Nov-93 (T 1410)	Taken to Kula Camp. Exchanged after approx. 7 months (T 1409, 1410)		1939	52	528	
FWS-172			Foča Hospital (T 4553-4554)	25-Apr-92 (T 4553)	End of August 92 (T 4576-4577)	Exchanged (T 4576-4577)		1929	62	126	
FWS-182			Zubovići, 14-Apr 92 (T 1578 and 1580)	17/18-Apr-92 (T 1586)	August 1994 (T 1653)	Released by new warden Sekulović (T 1643-1644)		1952	40	823	
FWS-198			Rečica near Foča (T 943)	25-Apr-92 (T 943)	06-Oct-94 (T 957)	Taken by bus to Kula, amongst the last group of detainees (T 956-957)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1958	34	881	

Witness Name / Pseudonym	Time Spent in		Begin Date KPD	End Date KPD	Release From KPD	Further Details	D.O.B.	Age at arrest	Approx. Days Held at KP Dom
	House Arrest	Hiding / Under							
FWS-215			23-Apr-92 (T 856)	05-Oct-94 (T 865, 912)	Taken by bus to Kula, amongst the last group of detainees (T 865, 912)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1946	45	882
FWS-249			25-May-92 (T 4411)	4/5-Oct-94 (T 4439)	Taken by bus to Kula, amongst the last group of detainees released from KP Dom (T 4487-4489)	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1946	45	850
FWS-250			17-Apr-92 (T 5021)	06-Oct-94 (T 5021)	Taken by bus to Kula, amongst the last group of detainees	Exchanged at the Bratstvo-Jedeinstvo Bridge Oct-94	1954	37	889

17-97-25-T

6440

7

## ANNEX IV EXCHANGES

Date	Brief Details
Summer 92	A <b>group of detainees</b> were escorted away from the KP Dom by Pero Elez. These detainees were supposed to go work in the mine at Miljevina to restart its operation. They detainees were never seen again. <sup>1</sup>
Summer 92	A <b>group of detainees</b> were taken out of the KP Dom, however, on this occasion the guards did not call out their names as they usually did. They were never heard of again. <sup>2</sup>
15 or 19 August 1992	Around <b>15-20 men</b> were taken out in groups including <b>Zaim, manager of the post office in Miljevina, with his son; one of the Džanko brothers and the Kibrić brothers from Miljevina,</b> <sup>3</sup> <b>Fehim Mulahasanović, Fnu Lagarija, Zaim Čedić, Rašid and Izet Pačo</b> were taken for exchange and have not been heard of since. <sup>4</sup>
22 August 1992	<b>Atif Pačo, Medin Tatarevac, Šaćir Smajkan; three men with the surname Dozo from Vitkovići, Fnu Krupo and Emir Fejzić</b> were taken away to be exchanged and have not been heard of since. <sup>5</sup>
25 August 1992 (on or about)	A group of around <b>25 men</b> , including <b>Nedžib Lojo, Ismet Pasović, Rešad Hadžimešić, Asim Mezbur and Safet Jakupović</b> <sup>6</sup> were taken away from their respective rooms in the KP Dom. <sup>7</sup> These men were meant to be used in a prisoner exchange. <sup>8</sup> These detainees were placed into a two-ton vehicle and taken away. R.J never saw them again. <sup>9</sup>
30 August 1992 (on or about)	A group of <b>55 men</b> were taken for exchange in Montenegro. Guard Obrenović told FWS-69 that Radovan Karadžić had pardoned them and they were going to free territory. On the way there, the bus was intercepted by Pero Elez who sent the group back to KP Dom. Soon after, the younger men of this group (20) were singled out, taken away and never seen again. The other part of the group (35), which FWS-54 and FWS-172 were part of, were taken to be exchanged in Rožaje, Montenegro. <sup>10</sup> Included in this exchange were <b>FWS-86, Hado Pašović, Hamdo Hadžimuratović and Salkija Rahman.</b> <sup>11</sup>
About 31 August – 2 September 1992	A day or two after the departure of this group of 55 people towards Montenegro, <b>71 to 75 detainees</b> were taken for an alleged exchange including <b>Hasan Džano or Džanko, Emir Mandžo and Sanin Kulelija.</b> <sup>12</sup> FWS-69 is not aware that anyone has been heard of since they were taken on that day. <sup>13</sup>
9 September 92	<b>34 men</b> from Jeleč were taken away and never returned. This group included FWS-44's son. These 34 men have not been heard of since. <sup>14</sup>
10 September 92	More than <b>forty</b> individuals were taken away. <sup>15</sup> They are still reported missing. <sup>16</sup> These people included <b>Fnu Čankušić, Fnu Kafedžić, Fnu Hadžimešić and Fadil Divjan.</b> <sup>17</sup>
12 September 92	A group including <b>Isanović - son of Fehim, Šefko Hodžić, Hidajet Srnja and Mezbur</b> (whose first name is unknown but is the brother of Asim) was taken for an exchange and never seen again. <sup>18</sup> Family members have confirmed this. <sup>19</sup> Ahmet Hadžimušić, who appeared to talk about the same group, noticed that <b>50 detainees</b> left in it. <sup>20</sup>

17 or 18 September 92	<p>About <b>65 people</b>, divided in two groups were taken out on a <b>plum-picking</b> work duty.<sup>21</sup> There was a list of people who were to be taken for plum-pickings and guards toured the rooms to call out the detainees.<sup>22</sup> When detainees volunteered, they were told by guards they could not go because their name was not on the list or that plum-picking was not a job for them.<sup>23</sup> At the specific request of guards, the selected detainees did not take their belongings.<sup>24</sup> Guards Stefanović, Pljevaljić and Vuković were mentioned by witnesses as involved in that incident.<sup>25</sup> At around noon, the plum-pickers were lined up in the yard by KP Dom guards.<sup>26</sup> Ahmet Hadžimusić testified that some of them were beaten in front of the administration building, before being taken away.<sup>27</sup> FWS-69 remembered that <b>Džemo Balić<sup>28</sup>, Samir Mujezinović, Murat Crneta<sup>29</sup>, Sulejman "Suljo" Šoro, Esad Murtodelajot, and fnu Cengiđ</b> were taken out from room 18.<sup>30</sup> Other witnesses added <b>Halid Konjo<sup>31</sup>, Ramiz Đano<sup>32</sup>, Sulejman Čelik,<sup>33</sup> Murto Deleut, Esad Šoro, Fnu Hadžimuratović,<sup>34</sup> Resad and Mirsad Hadžimesić,<sup>35</sup> Mensud Pasović, Hajro Klinac<sup>36</sup>, Edib Muminović<sup>37</sup>, Mirsad Hadžimesić<sup>38</sup>, Gordan Huković<sup>39</sup>, Nermin Pasović<sup>40</sup></b> and a large number of people from the Čohodor Mahala neighbourhood as people taken out on the plum-picking duty.<sup>41</sup> Rumors spread through the KP Dom that these detainees were actually taken to dig trenches near Goražde.<sup>42</sup> Although there definitely remains uncertainties as to where the group of plum-pickers were taken and on which duties, the fact remains that the members of the plum-pickers group did not return to the KP Dom, and are still missing today.<sup>43</sup> When FWS-182 asked Miso Koprivica what had happened to the group of plum-pickers, he answered, "Don't ask me that."<sup>44</sup> Muhamed Lisica was later informed by a Serb neighbour that he saw the corpses of Suljo Šoro and a large number of people from the Čohodor Mahal neighbourhood in the Previla region.<sup>45</sup></p>
September 1992	<p>FWS-111 testified that, in the month of September 1992, a list of the prisoners' illnesses was made under the pretext that the sick people would be exchanged. But the opposite happened. Ironically, the sick people remained behind and the people who were healthy left.<sup>46</sup></p>
8 December 1992	<p>A group of <b>Twelve detainees</b> were taken away.<sup>47</sup></p>
11 December 1992 (on or about)	<p><b>Fahrudin Malkić, Aziz Šahinović, Ekrem Čengiđ (from Cvilin), Halim Dedović, Ibrahim Kafedzić, fnu Lagarija (from Sutjeska), Alojz Krivigrad (Slovenian journalist)</b><sup>48</sup> were taken out for an exchange and they have not been seen ever since.<sup>49</sup></p>
Feb / March 1993 or July 1993.	<p>Dr. <b>Aziz Torlak</b> disappeared.<sup>50</sup> When he was taken out he had collected all his things and he never came back, nor has his body ever been found. His conclusion is that Dr. Torlak is dead.<sup>51</sup></p>
21 March 1993	<p><b>Šučrija Softić</b> from Miljevina, was taken out for exchange and has not been heard of since.<sup>52</sup></p>

- <sup>1</sup> FWS-249, T 4477-4479, 4483-4484.
- <sup>2</sup> R.J., T 3868.
- <sup>3</sup> P 215 at p.2.
- <sup>4</sup> Dževad S. Lojo, T 2592, 2593 and P 215 at p.2, p.5-6.
- <sup>5</sup> P 215 at p.2.
- <sup>6</sup> P 215 at p.3, p. 6.
- <sup>7</sup> R.J., T 3899. See also Dževad S. Lojo, T 2597. Dževad S. Lojo confirmed that on or about 26 August 1992, Nedžib Lojo, Ismet Pasović, Asim Nezbur and Safet Jakupovic also disappeared from the KP Dom never to be seen again; FWS-172, T 4574. FWS-172 also refers to three groups taken out on 25, 27 and 28 August 1992.
- <sup>8</sup> R.J., T 3899.
- <sup>9</sup> R.J., T 3898-3900. FWS-172 also refers to three groups taken out on 25, 27 and 28 August 1992, but could not remember any more details. FWS-172, T 4574
- <sup>10</sup> FWS-54, T 783-785; FWS-66, T 1119-1120; FWS-86, T 1535-1542; FWS-8, T 1807; Amir Berberkić, T 3814-3816; R.J., T 3904, 3909; FWS-69, T 4095-4096; FWS-172, T 4575-4578, 4630; FWS-111, T 1266-1267; FWS-109, T 2425. FWS-109 added that Asim Hadzimuratović, Asim Logo, Ismet Ovcina, FWS-54, Hadžo Pasović and others were taken out for exchange in Montenegro.
- <sup>11</sup> P 215 at p.7.
- <sup>12</sup> P 215 at p.3 and p.7. with the date listed as 29 August 1992.
- <sup>13</sup> FWS-69, T 4132-4139 and
- <sup>14</sup> FWS-144, T 2309-2311.
- <sup>15</sup> FWS-8, T 1785; Ahmet Hadžimusić, T 1969; Dževad S. Lojo, T 2597-2598.
- <sup>16</sup> Dževad S. Lojo, T 2597-2698, 2661-2663.
- <sup>17</sup> P 215 at p.3.
- <sup>18</sup> Dževad S. Lojo, T 2598 and P 215 at p.7.
- <sup>19</sup> Dževad S. Lojo, T 2597-2698, 2661-2663.
- <sup>20</sup> Ahmet Hadžimusić, T 1970, see also Ahmet Hadžimusić, T 2009
- <sup>21</sup> FWS-104, T 2209.
- <sup>21</sup> Ahmet Hadžimusić, T 1971-1975; FWS-139, T 371; Safet Avdić, T 524-525; FWS-182, T 1628; FWS-8, T 1790; FWS-109, T 2401; FWS-86, T 1531; FWS-182, T 1639; FWS-8, T 1791-1792; FWS-138, T 2094; FWS-104, T 2209; FWS-104, T 2184-2185; Ekrem Zeković, T 3496, 3513; FWS-69, T 4085-4086; FWS-137, T 4770, 4810; Muhamed Lisica, T 4978, FWS-250, T 5080.
- <sup>22</sup> FWS-138, T 2094; Ahmet Hadžimusić, T 1971-1975; FWS-69, T 4085-4086.
- <sup>23</sup> FWS-182, T 1639.
- <sup>24</sup> FWS-104, T 2210; FWS-8, T 1792; FWS-69, T 4085-4086; FWS-137, T 4770.
- <sup>25</sup> FWS-138, T 2094; FWS-8, T 1792; FWS-182, T 1640; FWS-69, T 4085- 4086.
- <sup>26</sup> FWS-69, T 4085.
- <sup>27</sup> Ahmet Hadžimusić, T 1973-1975.
- <sup>28</sup> Also listed in P 215 at p.3 and p.7.
- <sup>29</sup> Also listed in P 215 at p.3 and p.7.
- <sup>30</sup> FWS-69, T 4085
- <sup>31</sup> Also listed in P 215 at p.3 and p.7.
- <sup>32</sup> P 215 at p.7.
- <sup>33</sup> Ahmet Hadžimusić, T 1971-1973. Sulejman Čelik was amongst the detainees who didn't volunteer but had to go. The guards insisted on having him in the group.
- <sup>34</sup> FWS-109, T 2402.
- <sup>35</sup> Ekrem Zeković, T 3513 and P 215 at p.7.
- <sup>36</sup> P 215 at p.3 and p.7.
- <sup>37</sup> P 215 at p.3 and p.7.
- <sup>38</sup> P 215 at p.3 and p.7.
- <sup>39</sup> Also listed in P 215 at p.3. and p.7.
- <sup>40</sup> Dževad S. Lojo, T 2584 and P 215 at p.3.
- <sup>41</sup> Muhamed Lisica, T 4978.
- <sup>42</sup> FWS-69, T 4122; Ekrem Zeković, T 3497-3498, 3513. Indictment, para. 5.45.
- <sup>43</sup> Safet Avdić, T 525; FWS-182, T 1628; FWS-109, T 2402; Dževad S. Lojo, T 2584, 2598-2599; FWS-137, T 4770; FWS-250, T 5080.
- <sup>44</sup> FWS-182, T 1640.
- <sup>45</sup> Muhamed Lisica, T 4978.
- <sup>46</sup> FWS-111, T 1266-1267.
- <sup>47</sup> Ahmet Hadžimusić, T 1974.
- <sup>48</sup> Dževad S. Lojo, T 2557 and P 215 at p.7.

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<sup>49</sup> Dževad S. Lojo, T 2601; Ahmet Hadžimusić, T 1974. Ahmet Hadžimušić noticed that eight detainees were taken away for an exchange on 12 December 1992, but the Prosecution thinks he is talking about the same seven detainees referred to by Dževad S. Lojo and Nezir Cengiđ; Nezir Cengiđ, T 4694-4697; Nezir Cengiđ also testified about a group of 13 young people that were taken out for an exchange on 15 December 1992. Amongst them, he names Ekrem Cengiđ from Cvilin, fnu Malkić, fnu Lagarija from Sutjeska and others he cannot remember. He specified that they are still missing. He is certainly talking about the same exchange as Dževad S. Lojo and Ahmet Hadžimusić.

<sup>50</sup> FWS-146, T 3078.

<sup>51</sup> Amor Masović, T 4352-4353.

<sup>52</sup> P 215 at p.3 and p.7.

**ANNEX V**  
**DOCUMENTS SIGNED BY MILORAD KRNOJELAC**

<b>Exhibit</b>	<b>Document Date</b>	<b>Description of Document</b>
D80	7 May 92	Letter dated 07 May 1992 addressed to the Executive Committee of the Serbian Municipality of Foča signed by Acting Warden Milorad Krnojelac re: Procurement of metal sheeting for the needs of the KPD
D81	7 May 92	Letter No. 03-240-10/92 dated 07 May 1992 addressed to the Foča Serbian Police Station signed by Acting Warden Milorad Krnojelac re: vehicles stolen from the Foča KP Dom car pool by Muslim paramilitaries
D82	8 May 92	Letter dated 08 May 1992 addressed to the Foča Serbian Police Station type-signed by Acting Warden M. Krnojelac requesting the allocation of a passenger vehicle for the needs of Foča KP Dom
D38/1 P5	10 May 92 (Sunday)	Decision No. 03-240/92 signed by Temporary Warden Milorad Krnojelac temporarily allocating the Foča KP Dom premises for the accommodation of POWs dated 10 May 1992
D103	14 May 92	Drina Economic Unit Invoice No. 3/VIII dated 14 May 1992 for eggs signed by Chief of Finance M. Krnojelac
D67	15 May 92	Letter No. 03-240-12/92 signed by Acting Warden Milorad Krnojelac addressed to the Foča Crisis Staff enclosing a request from detainee Enes Zeković for release from detention.
D101	19 May 92	Drina Economic Unit Invoice No. 17/VIII dated 19 May 1992 for 2,520 eggs signed by Chief of Finance M. Krnojelac
D102	19 May 92	Drina Economic Unit Invoice No. 20/VIII dated 19 May 1992 for 1,440 liters of milk signed by Chief of Finance M. Krnojelac
D104	19 May 92	Drina Economic Unit Invoice No. 27/VIII dated 19 May 1992 for eggs signed by Chief of Finance M. Krnojelac
P445	9 Jun 92	Stamped Request No. 12/92 for mine laying and weapon replacements signed by Temporary Warden Milorad Krnojelac
D88	27 Jul 92	Letter dated 27 July 1992 addressed to Foča Tactical Group signed by Temporary Warden Milorad Krnojelac re: convicted persons of Serbian nationality serving prison sentences and wishing to be sent to Serbian army units. ((Note B/C/S refers to Krnojelac as Privremeni Upravnik-Temporary Warden whereas translation mistakenly refers to him as Temporary Administrator)
D66	30 Jul 92	Letter dated 30 July 1992 addressed to the Foča Tactical Group signed by KP Dom Warden Milorad Krnojelac enclosing requests for release from detention for POWs Ismet Pašović and Sadik Demirović

Exhibit	Document Date	Description of Document
D93	No date at top of document 31 Aug 92 (p. 2)	KP Dom Travel Authorisation No. 167 signed by Warden-Director M. Krnojelac for Milorad Krnojelac employed at KP Dom as Warden for a family visit to Podgorica on 25-27 August 1992. Also signed on page 2 by M. Krnojelac as Chief of Organisational Unit
D94	5 Sept 92	Drina Economic Unit Travel Authorisation No. 174/9 signed by Warden-Director M. Krnojelac for Milorad Krnojelac employed at KP Dom as Warden to travel to Podgorica on 07 September 1992 for the sale and procurement of goods. Also signed on page 2 by M. Krnojelac as Chief of Organisational Unit
D95	23 Sept 92	Drina Economic Unit Travel Authorisation No. 182 signed by Warden-Director Krnojelac for Milorad Krnojelac employed at KP Dom as Warden to travel to Podgorica on 24 September 1992 for the sale and procurement of goods. Also signed on page 2 by M. Krnojelac as Chief of Organisational Unit
D106	21 Oct 92	Stamped letter dated 21 October 1992 addressed to Foča Red Cross and signed by Warden Milorad Krnojelac requesting 130 aid packages for captured and detained persons
D96	2 Nov 92	Drina Economic Unit Official Travel Order No. 204 dated 02 November 1992 signed by Director M. Krnojelac for Milorad Krnojelac employed at KP Dom as Warden for a business trip to Belgrade.
D84	15 Nov 92 (Sunday)	Stamped cover letter dated 15 November 1992 addressed to the Ministries of Finance and Justice signed by Warden Milorad Krnojelac submitting a revised financial plan for required production equipment for KP Dom in 1992
P446	23 Nov 92	Stamped List of men liable for military service, members of the Foča KP Dom Unit, October 1992 signed by Warden Milorad Krnojelac
D85	24 Nov 92	Report dated 24 November 1992 addressed to RS Ministry of Justice signed by Warden Milorad Krnojelac Re: Convicted persons serving sentences in Foča KP Dom followed by a stamped, undated Report on the Situation at Foča KP Dom also signed by Warden Milorad Krnojelac (Note B/C/S refers to Krnojelac as Upravnik-Warden whereas translation mistakenly refers to him as Manager)
D83	7 Dec 92	Stamped letter dated 07 December 1992 addressed to the RS Ministry of Economy signed by Warden Milorad Krnojelac requesting 20 tons of oil and 3 tons of petrol for the functioning of KP Dom
D105	19 Feb 93	Stamped letter No. 6/93 dated 19 February 1993 addressed to Foča Tactical Group signed by Warden Milorad Krnojelac re: Regular allocation of foodstuffs
D107	3 Mar 93	Stamped letter No. 13/93 dated 03 March 1993 addressed to Foča Garrison signed by Warden Milorad Krnojelac requesting food supplies

Exhibit	Document Date	Description of Document
D87	30 Mar 93	Letter 27/93 dated 30 March 1993 addressed to the Executive Committee of the Municipal Assembly Foča signed by Warden Milorad Krnojelac re: Providing food and personal hygiene items to convicted persons working at KP Dom Farm
D39	6 May 93	Report signed by Warden Milorad Krnojelac addressed to Herzegovina Corps Command of the Foča TO re: their Order on the Relocation of Detainees from Bileća to Foča
D66	30 Jul 92	Letter dated 30 July 1992 addressed to the Foča Tactical Group signed by KP Dom Warden Milorad Krnojelac enclosing requests for release from detention for POWs Ismet Pašović and Sadik Demirović
D110	30 Jul 96	Republika Srpska Shelter Agency repair of individual residential facility damaged in war form dated 30 July 1996 filled out by Milorad Krnojelac along with an Estimate of Works form
D108	15 May 98	Letter No. 99/98 dated 15 May 1998 addressed to Srbije International Police Task Force signed by School Headmaster MK re: Pupils and teachers travelling to a competition through BH Federation