

1 Thursday, 3<sup>rd</sup> February, 2000

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.36 a.m.

6 THE REGISTRAR: Case number IT-95-14/2-T.

7 The Prosecutor versus Dario Kordic and Mario Cerkez.

8 JUDGE MAY: Yes, Ms. Somers.

9 MS. SOMERS: Thank you.

10 WITNESS: MIRSAD AHMIC, Resumed

11 Examined by Ms. Somers:

12 Q. Mr. Ahmic, yesterday when we left off, just  
13 to assist you in catching up, we discussed the issue of  
14 Mr. Vujica and his affiliation in special units. You  
15 indicated that he was wearing a Jokers patch and, in  
16 fact, there was no attempt to hide that. Continuing  
17 from that point, did you spend any time at all with  
18 Mr. Vujica for any reason while you were at Kratine?

19 A. Yes, I spent the whole night with him,  
20 because when we reached the Kratine, we were asked to  
21 dig trenches, and we did until nightfall. However, as  
22 I wear contact lenses, I can't see very well at night.  
23 So I asked him to release me of this duty during the  
24 night, so that I shouldn't hurt myself or something  
25 like that. And then he said that was okay, and that I

1 could stay with him. So we spent the whole night  
2 together.

3 Q. Did you know Mr. Vujica from any previous  
4 time, or did any member of your family know  
5 Mr. Vujica?

6 A. Actually, when we got there, he recognised  
7 me. I didn't recognise him immediately, because he  
8 knew my wife, who is from Busovaca. And so they knew  
9 each other. I don't know exactly whether they went to  
10 school together or worked together. And since I would  
11 go there often, he recognised me.

12 Q. In the course of your discussions with him  
13 during the night, did you discuss any aspect of Ahmici?

14 A. In the course of our conversations, which  
15 focused on some very general questions, I mentioned  
16 that I didn't know what had happened to our house down  
17 there. And his answer, when I -- when he asked me to  
18 explain where the house was situated, I did so, and he  
19 said that the house was most certainly destroyed, that  
20 I shouldn't count on it, because it no longer existed.

21 Q. Now, this discussion took place approximately  
22 one week after the incident at Ahmici; is that correct?

23 A. Yes, roughly so. Yes.

24 Q. Did you have any conclusions or fears --  
25 excuse me -- any conclusions about the level of

1 Mr. Vujica's knowledge after that conversation,  
2 knowledge relative to the attack on Ahmici?

3 A. Well, judging by the way he told me what had  
4 happened to our house, my conclusion was that either he  
5 had been there at the time or immediately afterwards.  
6 I do believe that he had relevant data about the event.

7 Q. Returning to the discussion about Miroslav  
8 Bralo, whom you also heard called Cicko. Did Bralo  
9 force any of the persons in your company or yourself to  
10 do anything which contravened your own religious  
11 practices?

12 A. Yes. When we got there, when we had been  
13 brought to Kratine, Cicko said something like, "You  
14 can't begin working until you cross yourself. Those  
15 are our customs." And he asked who of us knew how to  
16 make the sign of the cross. I happened to know. And  
17 he told me that I should teach all the others, because  
18 those who didn't know would be killed.

19 Q. Now, were the others also all Muslims, as far  
20 as you knew?

21 A. Absolutely all of them. At least the group  
22 of five or six of us who came there together.

23 Q. Did Bralo have any weapons that suggested  
24 that he might, in fact, carry out his threat to kill?

25 A. At the time, that is while we were there, he

1 didn't have any weapon on him, except an axe, and he  
2 threatened with this axe. And he threatened to kill us  
3 with an axe. He would wave this axe about.

4 Q. Can you describe the conditions under which  
5 you were forced to dig trenches at Kratine, including  
6 the number of days and whether or not you were provided  
7 with rest?

8 A. The group I was in stayed for about four  
9 nights, as far as I can remember. We worked during the  
10 night and the day, with occasional rests for about half  
11 an hour, and then during the night perhaps for two or  
12 three hours we were allowed to rest.

13 The conditions under which we worked were  
14 such that we were on the front line. There was  
15 crossfire, so that we were in a situation in which we  
16 were exposed to danger. But luckily no one in the  
17 group was hurt.

18 Q. One last quick question on this point. Where  
19 was the Kuber feature relative to the front line?

20 A. The Kuber feature was slightly above; that  
21 is, at least they said it was Kuber. And between us  
22 and Kuber, there was a valley of some 300 metres, and  
23 Kuber was just above. That is the positions from where  
24 the fire came at us.

25 Q. On or about the 25<sup>th</sup> of April, did you

1 observe any violence by Bralo upon detainees?

2 A. Yes, I did. We were in a trench which was  
3 just behind the house in which HVO soldiers rested, and  
4 I think it was one afternoon when I saw Cicko with  
5 three young men, and he ordered them to run around a  
6 stable, to lie down, to get up, to crawl and things  
7 like that.

8 Q. Do you know their fate?

9 A. I don't know exactly, but this HVO soldier  
10 who was in the trench where we were, he said, "The fool  
11 is bound to kill them."

12 Q. Moving on to your time after release from  
13 Kratine, which occurred approximately the 26<sup>th</sup> -- I'm  
14 sorry, when you were visited by the Red Cross at  
15 Kratine, which was about the 26<sup>th</sup> of April, when did  
16 you actually leave Kratine and where were you returned  
17 to?

18 A. This might have been -- though I'm not sure  
19 of any dates, but it was some four or five days after  
20 we had been taken there. We were brought back late at  
21 night, about midnight, to the SDK building from where  
22 we had been taken in the first place.

23 Q. And then from there, did you go anywhere for  
24 final registration before being released?

25 A. Yes. We were in the SDK building for a

1 couple of days, and then the guards who were guarding  
2 us said we could go home, as if we had been released.  
3 But before that, we had to go to the cinema building,  
4 where we were registered for the Red Cross, and on the  
5 way out, we were also registered by the HVO.

6 Q. Do you know who registered you, and what was  
7 the type of questioning that was addressed in that  
8 registration? What were you asked about?

9 A. Yes, I know. A young woman was there. I  
10 knew her by sight from town. Her name was Badrov, her  
11 surname, rather. I know because she had a brother who  
12 played basketball, so I knew the family. She was  
13 wearing a camouflage uniform. And apart from the  
14 essential data like name, date and so on, the question  
15 was whether we wanted to stay in Vitez or to leave in  
16 the direction of Travnik or Zenica.

17 Q. Was Ms. Badrov wearing any HVO patches, if  
18 you recall?

19 A. Yes. HVO, I think she had on her sleeve, or  
20 a badge on her pocket. I can't remember exactly.

21 Q. If you were to go to either Zenica or  
22 Travnik, how did the HVO propose to get you there?

23 A. As we were leaving the cinema building, buses  
24 were already parked in front, and those who were ready  
25 to go could leave immediately. This option was

1 available on a daily basis. If I recollect well, I  
2 think there were a couple of buses leaving in both  
3 directions around 11 every day.

4 Q. And those buses were provided by the HVO; is  
5 that correct?

6 A. I suppose so, because I don't see anyone else  
7 doing it at that time.

8 Q. And what decision did you make about staying  
9 or leaving Vitez?

10 A. My family and I had spent some 25 or 24 years  
11 in Vitez, so we just couldn't conceive of the idea of  
12 leaving. We could never imagine having to leave  
13 Vitez. So we thought -- we were all persuaded that  
14 this wouldn't last long and that we should endure for a  
15 couple of days and that things would settle down.

16 JUDGE MAY: Perhaps we can speed things up.  
17 You decided to stay in Vitez, did you, Mr. Ahmic?

18 A. Yes.

19 JUDGE MAY: Just help me with this: You  
20 mentioned the SDK building. What was it used for  
21 before the war?

22 A. It was a building of the institute for  
23 payments, public auditing, so that various payments  
24 were made in the premises; for instance, if you took  
25 your driver's test, and also for any transfer of

1 payments from one company to another.

2 JUDGE MAY: So it was an office, office  
3 building?

4 A. Yes, yes.

5 JUDGE MAY: Yes.

6 MS. SOMERS:

7 Q. When you returned to your apartment building,  
8 do you recall any conversations you had with an HVO  
9 soldier by the name of Ivica from Zenica?

10 A. Yes. Quite by chance, I met him. He would  
11 come to visit the area occasionally, and he would enter  
12 the basements where most of us were. He would help  
13 some people by giving them some cigarettes or medicine,  
14 so obviously he was in charge of that particular  
15 district. One day, we were in my apartment, having  
16 coffee, and again we had a general discussion.

17 Q. Did the discussion turn to the morning of  
18 April the 16th, and if it did, what was said by Ivica?

19 A. Yes, quite by chance. I can't remember the  
20 context of the conversation, but I do remember that he  
21 said that he was woken up at 2 in the morning, on  
22 the 16<sup>th</sup>, that there was an alarm, and that they had to  
23 go into action. And then, having realised that he had  
24 revealed more than he wanted, he said -- he added, "We  
25 were expecting an attack."



1 Q. Where was Ivica's unit based? Where was he  
2 housed at the time, in Vitez?

3 A. In the hotel.

4 Q. Is that the Hotel Vitez?

5 A. Yes. Yes. That's what he said.

6 Q. Moving on to about the 15<sup>th</sup> of May. Do you  
7 recall an incident in which a Golf vehicle with  
8 soldiers approached your apartment building? HVO  
9 soldiers, if I may add that, please.

10 A. Yes, I do remember. Of course, I don't  
11 remember the exact date. But I remember the vehicle.

12 Q. Were any or all of the soldiers wearing any  
13 patches which may have suggested they were in special  
14 units?

15 A. Let me see. Since they was some 20 or 30  
16 metres away, I did not see the insignia on their  
17 uniforms. But as my wife and I were on the balcony at  
18 the time, she did see it, and she even recognised an  
19 old acquaintance of hers.

20 Q. And who was that?

21 A. I think she told me that the guy's name was  
22 Oliver Petrovic. They went to the same elementary  
23 school together.

24 Q. And did she at that moment describe to you  
25 the type of patch which she saw?

1           A.    Yes.  She said they were Jokers.  And that's  
2 what she said, "The Jokers had come, and I recognised  
3 Oliver."

4           Q.    I would like to ask the usher to please show  
5 to the witness a piece of paper bearing a name which  
6 should not be read out loud, if he identifies it, and  
7 should remain under seal after shown to the bench and  
8 counsel.  Please do not comment out loud.

9                    Mr. Ahmic, with reference to the name which  
10 you have seen, do you recognise that name, again  
11 without mentioning it?

12          A.    I do.

13          Q.    Connected with the incident of the HVO  
14 soldiers, at least one of whom was wearing a Jokers  
15 patch that day, what happened with the woman whose name  
16 is on that piece of paper, if you can recall?

17          A.    The soldiers who came in that vehicle, I  
18 think there were five of them -- four or five soldiers;  
19 two or three of them entered the building.  And just  
20 then my wife and I went to the other room, because it  
21 wasn't a good idea to be seen when soldiers were around  
22 the building.  So we went to the other room and we  
23 peeped out behind the curtain.  And we saw them take  
24 this person out, the person whose name was on this  
25 piece of paper.  They put her in the car and drove

1 off. I don't know where.

2 Q. Did you know this person? Had she been a  
3 long-time resident of that building?

4 A. Yes, as far as I can remember -- for as long  
5 as I can remember, she had been there.

6 Q. If you recall, were any of her family members  
7 with her at the time, without giving names?

8 A. As far as I know, there were two members of  
9 the family, two children, and I think that the husband  
10 was not in Vitez at all at that time.

11 Q. Moving on to the 8th or 9th of June. Was  
12 your apartment entered by any HVO soldiers in the early  
13 hours of the morning, and if so, for what purpose?

14 A. Yes, that's right. It was sometime late in  
15 the evening, perhaps after 12, or around about 1  
16 a.m., we were getting ready to go to bed. Somebody  
17 knocked on the door. I opened the door, and a soldier  
18 stormed in, carrying a pistol. He came into our  
19 apartment. And I saw two other men, because the  
20 candlelights were on in the corridor. The other stood  
21 in front of the door, and the other one was by the  
22 staircase. But just one of them went into our  
23 apartment. He pushed me into the bathroom  
24 straightaway. And he said: What are we waiting for?  
25 Why are we still there? And that he would be back the

1 next day, and he didn't want to see us there when he  
2 came back. He hit me once in the region of my  
3 stomach. He kicked me with his leg.

4 Q. Was the weapon drawn and pointed at anyone in  
5 particular?

6 A. Yes, it was. It was pointed at me. When he  
7 came in, when I opened the door and he stormed in, he  
8 pushed me into the bathroom with his pistol, and that's  
9 how it was.

10 Q. Between the time you returned to your  
11 apartment, after being released from detention, and  
12 that incident, had you observed much expulsion activity  
13 of Muslims in Vitez?

14 A. Well, let me put it this way. At that time  
15 certain things were heard, and rumours as well. But  
16 what happened was that people who were in the other  
17 part of town began leaving their apartments first; that  
18 is to say, not in the area we lived in, but in the  
19 other part of town. So that it was our turn somewhere  
20 towards the end. But up until then, perhaps -- well, I  
21 don't know. Maybe all the people, or very few  
22 families, actually, remained in Vitez.

23 Q. When you say they were leaving their  
24 apartment, were they leaving voluntarily?

25 A. Absolutely not, because I know some people

1 who thought the same as we did. That is to say, they  
2 wouldn't -- they didn't want to leave their homes at  
3 any price. But everything was done under force,  
4 absolutely. So a large number were directly forced to  
5 leave and, of course, some of the other people probably  
6 saw the first people leave, so they decided to leave as  
7 well. And it was the HVO soldiers which entered all  
8 the apartments later on, which is indicative.

9 Q. Do you know someone named Slaven Kraljevic?

10 A. Yes.

11 Q. Is he related to Darko Kraljevic?

12 A. It's his brother.

13 Q. Did you go to him for any assistance in this  
14 interim period?

15 A. Yes, I did. At that time, the command post,  
16 Darko's command post, was in a building which was at  
17 the other part of town, and they spent a lot of time in  
18 the Benz Cafe. And I went there and found Slaven and  
19 asked him to help me, if possible. That is to say, to  
20 help me remain in my apartment.

21 Q. Did you know him?

22 A. Yes. We are of the same generation, and we  
23 went to primary school together. We went and did eight  
24 years of primary school together.

25 Q. Did he help you?

1           A.    Well, conditionally speaking, yes.  But he  
2 helped me, and I use inverted commas when I say the  
3 word "help," he helped me in the following way.  He  
4 said, if I really wished to stay, then we'll try and  
5 put his name and surname on the door of my apartment,  
6 and that that should have some effect on any people  
7 coming to evict us.  Which is what I did, in fact.

8           Q.    Did that have the desired effect of  
9 preventing your eviction?

10          A.    Well, as I said a moment ago, regardless of  
11 that, we were thrown out of the apartment.

12          Q.    Who assisted you, if anyone, in leaving  
13 Vitez?

14          A.    As we saw that night that there was nothing  
15 to be done, we made a decision and we decided to go  
16 towards Zenica, because some of our family members are  
17 there, quite a large number, and so we tried to find a  
18 way to do this.  And I also asked another of my  
19 colleagues who lived there.

20          Q.    Who was that and what nationality?

21          A.    His name was Miroslav Pavlovic, and he was a  
22 Croat from, well, Stari Vitez, who was in that part of  
23 town because several days prior to that, he too had  
24 taken up residence in somebody else's apartment.

25          Q.    Moving quickly, can you tell us what, if any,

1 possessions you took with you and how you left Vitez  
2 physically, what the means were?

3 A. Well, as we knew the crossing was to take  
4 place in a place called Safradini, which is the old  
5 road towards Zenica, we just took what we could carry  
6 with us, because we had to cross on foot some 400 or  
7 500 metres. So we had two bags or plastic bags; I  
8 don't know. But I asked Miroslav to transfer us from  
9 Vitez down to the railway station and the crossroads,  
10 the junction towards Zenica, from which point we were  
11 to go on foot and cross over to the territory which was  
12 held by the BiH Army at the time.

13 Q. Did Mr. Pavlovic take you to that point he  
14 said he would, and did he assist you further?

15 A. He said that he would have to go down there  
16 first to see whether there was any possibility of  
17 leaving at the time because there was some shooting,  
18 and when the alarm was sounded, no crossings were  
19 possible. So he went down there and allegedly had  
20 checked out the situation. He came back very quickly,  
21 10 to 15 minutes later, and he said that everything was  
22 okay, that he had asked and that we could start.

23 So we put our things into the car, we packed  
24 them in his car, and he took us to the crossroads and  
25 left us down there and came back himself. We had to

1 wait for a while for some soldiers to come up and tell  
2 us when we could cross.

3 Q. Did soldiers come and tell you, and were they  
4 HVO soldiers?

5 A. The soldiers were HVO, and from time to  
6 time -- we stood there for some 40 minutes, perhaps an  
7 hour; I don't quite remember. But a soldier would come  
8 up to us from time to time to tell us we couldn't cross  
9 yet because an alarm had sounded or something like  
10 that.

11 In about an hour's time, a man turned up;  
12 whether by chance or not, I don't know. But he knew my  
13 father, and he said that he would give us a lift in his  
14 car and take us to the Krizancevo Selo area,  
15 thereabouts, from where we would have less to walk and  
16 we would pass the demarcation line.

17 Q. Is Krizancevo Selo in Vitez, and was it a  
18 military base for any particular group?

19 A. Well, yes, it's in Vitez, it's situated in  
20 Vitez. We were brought to a place which they called a  
21 command or something like that, although it didn't look  
22 much like a headquarters from outside. It was a house  
23 belonging to a man, and together with this -- next to  
24 this house was a sort of cafe, or a shop, or something  
25 like that, a facility like that. So that's where he



1 took us.

2 Q. And who is Vlado Krizanac?

3 A. Vlado Krizanac was a man, that is to say,  
4 whose house that was, and as far as I was able to  
5 notice, he was a sort of Commander over there. I don't  
6 know what his function was. He belonged to the  
7 Vitezovi. That's a fact that I know for sure. The  
8 soldiers would come up to him from time to time to ask  
9 him something, and he would give out some orders, issue  
10 some orders or information, something of that kind.

11 Q. Did Vlado Krizanac have any patches that  
12 suggested he was with the Vitezovi, as you believe?

13 A. Yes, he did. He had the Vitezovi patch on  
14 his shoulder, and he didn't hide that fact, at least  
15 from the conversation I had with him. He said that at  
16 the beginning of the war, he was one of the founders of  
17 HOS in Vitez and that Darko Kraljevic would come  
18 frequently while we were there, that -- Darko Kraljevic  
19 visited him. I didn't hear their conversation, they  
20 didn't talk in the house, but that's that.

21 Q. Excuse me. Did you personally observe Darko  
22 Kraljevic visiting Vlado Krizanac?

23 A. Yes, yes. He would come there. They would  
24 sit around in that sort of cafe. It was some five  
25 metres in front of us.

1 Q. Did Mr. Krizanac use any other name?

2 A. Well, everybody in his family and the other  
3 people that came to him called him Sidi, as far as I  
4 was able to hear. That's what he was called, Sidi.

5 Q. Where did you stay while you were in  
6 Krizancevo Selo, and for how long?

7 A. In Krizancevo Selo, well, we stayed there --  
8 that is to say, the day we thought we would cross over  
9 to the other side, they told us that we couldn't cross  
10 on that particular day. And then Sidi's wife, because  
11 she knew my mother, suggested we go into their house  
12 and have a cup of coffee and a rest. But we stayed  
13 there, in fact, for about four days or four nights.  
14 Four to five days was the time we spent in that house  
15 in a sort of -- in a house-detention capacity.

16 Q. How, ultimately, were you able to go to  
17 Zenica. Were you able to do so unconditionally?

18 A. For the first two days, roughly -- well, the  
19 first day, that is, the day after we had arrived, the  
20 same story repeated itself. We asked whether we could  
21 cross over. They said we couldn't. They said the  
22 alarm had sounded again or something of that kind.  
23 However, later on Sidi's brother came by, and another  
24 man wearing a uniform, and they told my father that he  
25 ought to cross over to Zenica and to bring -- they gave

1 him a piece of paper which had some names and surnames  
2 and addresses on it and, I think, some telephone  
3 numbers as well of people whom he ought to find in  
4 Zenica. And only when he had brought these people from  
5 Zenica, he said, would we be able to leave. So they  
6 would only let us go after my father had done this for  
7 them.

8 Q. Were these people in Zenica Croats, Muslims,  
9 or Serbs?

10 A. They were Croats, members of -- family  
11 members of that particular man who had come to us. His  
12 daughter, two children, and her husband. I think there  
13 were two aunts as well of this Sidi person and his  
14 brother, and the daughter and son as well.

15 Q. Just to clarify, then, your father was to go  
16 alone, you were to remain behind with your mother and  
17 wife, and if, in fact, he could bring back some or all  
18 of these people, then possibly you would be exchanged.  
19 Is that a correct understanding?

20 A. Yes, that's right. That's what they said.

21 Q. And what was the result of your father's  
22 search?

23 A. Well, he found all the people that he was  
24 asked to find except one man who was, at the time, at  
25 the KP in Zenica, a member of the HVO, and he was a

1 prisoner in the house of correction, and he wasn't able  
2 to get him out of the prison. And one -- the daughter  
3 of this other man gave -- made a statement in writing  
4 on a piece of paper that she did not wish to leave  
5 Zenica, and I think she gave a brief explanation, so  
6 that my father came back with two aunts and the  
7 daughter of one of those aunts, something like that.

8 Q. Then you were released, and where did you go  
9 after you were released?

10 A. Well, yes, on that day, it was sometime  
11 around 10.00 in the morning, my father, first of all,  
12 came with one of the aunts, and he told Sidi and the  
13 other one, "There's another aunt and her daughter up  
14 there," and that we should be released. And that's  
15 what happened. They put us in a car and took us off to  
16 near the demarcation line. We crossed over the line to  
17 the side -- the territory that was under BiH control,  
18 and we were temporarily put up in the village of  
19 Poculica, which is two or three kilometres off.

20 Q. Did something happen to you physically  
21 there?

22 A. Would you clarify where you mean?

23 Q. Were you injured while you were in the  
24 Poculica area?

25 A. Yes, I was injured, probably by a sniper. My

1 right arm and chest, lungs.

2 Q. Did you ever come to learn what happened with  
3 your apartment in Vitez, after you were forced out?

4 A. Yes, we learnt what had happened. A young  
5 man took up residence in our apartment, whom I knew  
6 from town previously, with his wife and, I think, two  
7 children. And he is in the flat until this very day.

8 Q. Are you making efforts to try to get your  
9 flat back? Just yes or no.

10 A. Yes.

11 Q. Shortly after you were released from  
12 detention in Vitez, did you return to Ahmici, the  
13 village where your house was?

14 A. Yes.

15 Q. Did you observe the condition of Croat houses  
16 in Ahmici?

17 A. In that part, that is to say the road we take  
18 in order to reach our own house, there are houses on  
19 both sides, so we had to pass through that part of the  
20 village. And you could clearly see. Of course, I  
21 didn't know all the houses, and who all the houses  
22 belonged to, but the houses belonging to our family,  
23 the Muslim houses, the ones I knew about, all of them  
24 had been burnt. Whereas, as to the Croatian houses  
25 belonging to our Croat neighbours, I didn't see a

1 single burnt down house. So this was indicative.  
2 And in that part of town, for example, two houses were  
3 burnt, and then one wasn't burnt, then one would be  
4 burnt, and three would not be burnt. So it was  
5 selectively done. The burning was selectively carried  
6 out.

7 Q. Your dealings, whether in person or verbally,  
8 with Dario Kordic. Looking back to 1992, did you ever  
9 personally come in contact with Dario Kordic?

10 A. I couldn't say that I had any personal  
11 contact with him. I didn't know him, personally. I  
12 knew who he was, of course, and things like that. But  
13 we were very close by, on one occasion, so that I was  
14 able to see him, because we were standing close by.

15 Q. Can you, very briefly, describe the  
16 circumstances of that occasion?

17 A. Well, it was on the day the attack was  
18 launched by the JNA, the Yugoslav People's Army on  
19 Busovaca. And at the time we were sitting around on  
20 the terrace of a cafe, and we saw the shelling down  
21 there. And we were just thinking where it would be  
22 best to take shelter, because it was a terrible thing  
23 to have happened for us. We'd never encountered  
24 anything like that. So we rushed to premises below the  
25 post office, which was the information and alert

1 centre. That was what it was called. And we knew  
2 there was a basement there that was safe and was secure  
3 against shelling.

4 We thought we would get information as to  
5 what was going on. We were interested in what was  
6 going on. So myself and some of my friends went down  
7 there, as we knew some of the young men, some of the  
8 guys that worked there. And I think that it was in  
9 one -- one or two hours later that Mr. Kordic turned  
10 up with -- escorted by two or three soldiers, I think,  
11 and he entered this premises. So that was the occasion  
12 on which I met him.

13 Q. This was, if bombings were involved, in 1992,  
14 and you were in Vitez; is that correct?

15 A. Yes.

16 Q. How was Mr. Kordic dressed, when you saw him  
17 at that time?

18 A. He was wearing a camouflage uniform, had a  
19 cap on his head. He didn't have any long-barrelled  
20 weapons. I didn't see if he had a pistol or not.

21 Q. Was he alone or was he escorted?

22 A. He was escorted. He was escorted by two or  
23 three soldiers who came in with him, also wearing  
24 uniforms. And he went into the information centre, as  
25 it was called, and I think that the guys with him

1 said -- that is to say, I saw a person in uniform, and  
2 I think they said his name was Filip Filipovic. I  
3 didn't know him, to be frank, but I did see him later  
4 on on the local television. And Mr. Kordic went into  
5 an office with this person and they talked there.

6 Q. On the issue of television, did you ever see  
7 Mr. Kordic and any of the either members of the BiH or  
8 TO in any discussions, particularly at the end of 1992  
9 or 1993?

10 A. Well, Mr. Kordic was a guest on television  
11 very frequently, so that we were able to see him almost  
12 daily; if not live, then they would be repetitions of  
13 some programmes he had taken part in. And one  
14 particular programme would be, perhaps, interesting,  
15 and that was one I myself took part in. There was a  
16 call-in type of programme, an open programme inviting  
17 questions from viewers, and I myself asked a question.

18 Q. What was the question you asked, and why did  
19 you ask it? And of whom did you ask it?

20 A. I think Mr. Kordic was a guest on the  
21 programme, together with Sefkija Djidic, I think it  
22 was, and they were speaking on current affairs,  
23 relations between the Army and BiH and the Croatian  
24 Defence Council and things like that. And I didn't  
25 like a statement made by Mr. Kordic, in which he said



1 that the Croats should solve their own national  
2 question, both territorially and nationally. And this  
3 was -- I didn't think he finished off what he was --  
4 what he meant to say. So I phoned the telephone number  
5 up and asked Mr. Kordic directly: What, in that case,  
6 would happen to the Muslims? What should be done with  
7 the Muslims, if he was to go ahead with what he said?  
8 And this was read out on television, along with my name  
9 and surname. They said who had asked the question.  
10 However, I did not receive an answer, because it was --  
11 they were very -- they politically side-stepped the  
12 issue, if I could put it that way.

13 MS. SOMERS: No further questions. Thank  
14 you.

15 MR. STEIN: With the Court's permission, we  
16 would like to reverse the order of cross-examination.

17 JUDGE MAY: Very well.

18 MR. KOVACIC: Thank you, Your Honours.

19 Cross-examined by Mr. Kovacic:

20 Q. [Interpretation] Good morning, witness, my  
21 name is Bozidar Kovacic, and together with my  
22 colleague, Mr. Mikulicic, I represent  
23 Mr. Mario Cerkez. I have a few questions for you, so I  
24 appeal to you for patience. Also, we speak the same  
25 language, and you know that we have simultaneous

1 interpretation, so we must speak slowly and make a  
2 pause between the questions and answers.

3 Tell me, please, at the beginning you told us  
4 about your career and how you joined the Territorial  
5 Defence. If I understood you correctly, you were  
6 mobilised to work in the Territorial Defence in June,  
7 1992. Is that correct?

8 A. Yes.

9 Q. Mr. Ahmic, please be kind enough and tell me,  
10 when you were mobilised, there were virtually no Croats  
11 left in the Territorial Defence, were there? Could you  
12 tell me that?

13 A. There were, as far as I can remember, maybe  
14 two guys.

15 Q. Can it be said, then, that, in fact, at the  
16 time there was a kind of ethnic grouping along ethnic  
17 lines, generally speaking at least, within Vitez  
18 municipality?

19 A. From the military standpoint, yes.

20 Q. So there was already a separation between the  
21 two groups that was quite visible?

22 A. Yes.

23 Q. Thank you. You said, on the day the conflict  
24 started, on the 16<sup>th</sup> of April, 1993, you said that you  
25 heard the sounds of explosions in Stari Vitez. In view

1 of the position of your building, you couldn't really  
2 see it; it was just your conclusion on the basis of  
3 what you heard. Is that correct?

4 A. May I give a brief explanation?

5 Q. Yes, indeed.

6 A. The building I lived in is about 150 to 200  
7 metres away from the line of attack against Stari  
8 Vitez, so if shells are falling at a distance of 150 to  
9 200 metres, you can hear them very well.

10 Q. Quite. Does that mean that your building is  
11 in the first row of buildings behind the hotel, in the  
12 opposite direction from Stari Vitez; Stari Vitez, the  
13 hotel, and then your buildings?

14 A. No. It is the row in front. My building is  
15 the second building next to Stari Vitez.

16 Q. I see. So after the 16<sup>th</sup> of April, your  
17 building was virtually on the front line, or on the  
18 line of separation forces, in Stari Vitez and in Vitez  
19 itself?

20 A. Not quite. About 100 metres away was the  
21 line, because the road behind the market, and the  
22 garages in Stari Vitez were actually on the line of  
23 separation. So my building is about 150 metres away  
24 from that line.

25 Q. Thank you. You mentioned the camouflaged

1 soldiers, whom you called Vitezovi. You mentioned a  
2 person called Robert Safradin, whom you had known from  
3 before. But let me ask you this: This surname,  
4 Safradin, is a frequent surname in that part of Central  
5 Bosnia; is it not?

6 A. I know there is a part, an area called  
7 Safradin, so in Vitez, perhaps, but for -- as for  
8 Busovaca, Novi Travnik, I don't know.

9 Q. So, in any case, there are quite a number of  
10 people called Safradin in Vitez?

11 A. One could put it that way.

12 Q. The other two who, with Safradin, who went to  
13 your apartment and removed their mask, you didn't  
14 recognise them as locals?

15 A. Let me make -- let me give you an  
16 explanation, if I may. I didn't recognise them as  
17 people I had seen in town. Since I have been in Vitez  
18 for 25 years, I knew everyone. It's a small town, as  
19 you probably know. I knew everyone living there in  
20 town and in the immediate surroundings. So these men  
21 were not from the town proper. They may have been from  
22 Vitez municipality, but I didn't recognise them.

23 Q. Or they may have come from outside the  
24 municipality?

25 A. They may have come from outside Vitez, but

1 they were certainly from Central Bosnia.

2 Q. Very well. Thank you. You told us that on  
3 the 19<sup>th</sup> of April, members of the Military Police  
4 appeared in front of your apartment, and explained to  
5 you that for security reasons there may be angry  
6 soldiers in town, so that, for the sake of your  
7 security, they were taking you to the SDK building.  
8 Did you accept their story as a truthful one, or did  
9 you consider this to be a mere excuse to take you away?

10 A. I think it was just an excuse.

11 Q. Very well. After spending a couple of days  
12 in the SDK, and after leaving, is it right to say that  
13 it was chaotic in town, that there were people who were  
14 quite furious, and that some people were killed for no  
15 proper reason?

16 A. There were incidents, but I wouldn't agree  
17 that they -- the cause were individuals who were quite  
18 out of control. At least not in all cases.

19 Q. Very well. So will you come to the point  
20 when you were in the SDK, as you told us. Did anything  
21 happen to any of the detainees in the SDK?

22 A. No.

23 Q. Can we agree, then, that in this place of  
24 detention in the SDK building, that the guards in that  
25 building treated the detainees quite correctly?

- 1           A.    In view of the prevailing conditions, yes.
- 2           Q.    There was no mistreatment?
- 3           A.    No, not in the classical sense.
- 4           Q.    You had enough to eat and drink?
- 5           A.    Yes.
- 6           Q.    Family visits were allowed?
- 7           A.    Yes.
- 8           Q.    Family members could bring you some
- 9   essentials?
- 10          A.    Yes.
- 11          Q.    Do you know that several people were taken to
- 12   see a doctor?
- 13          A.    Believe me, I can't remember that particular
- 14   detail, but probably -- you're probably right.
- 15          Q.    As for hygiene, as far as facilities allowed,
- 16   could you use the toilet, water and everything?
- 17          A.    Yes.
- 18          Q.    You said that occasionally this person
- 19   nicknamed Zabac, Kovac, would come in a vehicle clearly
- 20   marked as belonging to the Military Police?
- 21          A.    Markings of the Military Police? I do not
- 22   remember that there were any clear signs of that.
- 23          Q.    Were Military Police insignia clear on him?
- 24          A.    Yes. He wore the typical white belt worn by
- 25   the Military Police, and he carried a pistol, and on

1 his sleeve he had a patch saying "Military Police."

2 Q. Very well, thank you. You told us that  
3 personally -- sorry, let me scratch that.

4 You saw Cerkez on television, you said, and  
5 at the time you knew that he was an Officer in the  
6 HVO. Later on, you realised that Cerkez was obviously  
7 some sort of a Commander or, rather, a Brigade  
8 Commander. I think that is what you said.

9 A. Yes.

10 Q. Did you have occasion personally to see  
11 Cerkez as an HVO Officer formally communicating with  
12 other HVO members or any other event when he would act  
13 in his capacity of an HVO Commander?

14 A. With the exception of his appearances on  
15 television, I did not have occasion to see personally  
16 him issuing any orders. But as my building is in the  
17 immediate vicinity of the hotel, I saw him a couple of  
18 times coming out with an escort, getting into military  
19 vehicles, and so on.

20 Q. Are we talking about '92, the beginning of  
21 '93?

22 A. Yes, roughly so.

23 Q. Do you know exactly the name of the Unit of  
24 which Cerkez was the Commander at the time when the  
25 conflict broke out on the 16<sup>th</sup> of April?

1           A.    As far as I know, it was called the Vitez  
2 Brigade.

3           Q.    Quite correct, thank you.  And do you know  
4 whether that Brigade had its Command Headquarters in  
5 the building of the Workers' University, popularly  
6 known as the cinema building?

7           A.    I think that they were in the hotel.  How  
8 they were organisationally structured, I don't know.  
9 As far as my friends said, the headquarters was in the  
10 hotel.

11          Q.    Yes, we agree with that.  Does the name  
12 "Colonel Blaskic" mean anything to you?

13          A.    Yes.  It was a similar situation as with  
14 Mr. Cerkez.

15          Q.    Without going into any detail, we know from  
16 your previous statement that you knew that Blaskic held  
17 a superior position.

18                JUDGE MAY:  Now, just a moment.  What is the  
19 point of this cross-examination?

20                MR. KOVACIC:  The point is --

21                JUDGE MAY:  Just a moment.

22                MR. KOVACIC:  Your Honour --

23                JUDGE MAY:  Just a moment.  What is the point  
24 of the cross-examination?  We know the position, as far  
25 as authority was concerned, in the HVO.  This witness



1 can, with respect to him, add absolutely nothing on  
2 this particular topic.

3 Now, we are, I suspect, wasting time by going  
4 over the same points over and over again. Unless  
5 there's something knew which this witness can say, and  
6 you can point it out, let us move on.

7 MR. KOVACIC: There is nothing knew, Your  
8 Honour. It was just I was trying to establish what,  
9 really, the witness knows about the hierarchy and  
10 organisation of the HVO, since he mentioned a not  
11 really very defined relationship between Cerkez and  
12 Darko Kraljevic. And that is my only purpose, and if I  
13 may now conclude with that question and --

14 JUDGE MAY: Ask him about that relationship,  
15 yes.

16 MR. KOVACIC: [Interpretation]

17 Q. Mr. Ahmic, from what you told us about a  
18 possible relationship between Darko Kraljevic's unit  
19 and Cerkez, can you assert, on the basis of anything,  
20 that Cerkez was the superior to Darko Kraljevic's unit?

21 A. My statement about this matter is based on  
22 the following, and that is that the HVO was much, much  
23 better organised than the BH Army, and what we were  
24 able to conclude about the concept of the HDZ authority  
25 and the HVO was that they were highly organised, so

1 there was nothing loose in their relationship. If he  
2 was the Commander of the Vitez Brigade, he was the  
3 Commander of the town of Vitez.

4 Q. So that is your assessment?

5 A. I am sure you will realise I cannot have any  
6 document to confirm that.

7 Q. But that is just your conclusion on the basis  
8 of what you saw? You never saw any document, any  
9 assertion of somebody who knew about that for sure from  
10 the inside?

11 A. Of course, I didn't see any document, and  
12 these things were not being concealed at all at the  
13 time in Vitez, who was a member of which Unit, who  
14 commanded whom. This was nothing that was secret at  
15 the time in Vitez.

16 Q. Very well. You gave a statement to the  
17 investigators of this Tribunal earlier on. This was a  
18 year ago yesterday. On page 2, you said, in the first  
19 paragraph, that: "Everyone knew who was the Commander  
20 of the Vitezovi. I didn't have knowledge about the  
21 chain of command above Darko." Do you agree that that  
22 is what you said?

23 A. It's probably what I said. It was a year  
24 ago. I can't remember it. If you have a more concrete  
25 question, I shall answer it gladly.

1 Q. Very well. All you know about it is your own  
2 judgement, your own assessment, on the basis of general  
3 views?

4 A. Yes, one could put it that way.

5 Q. A detailed point in connection with the  
6 trench-digging that was not touched upon in your direct  
7 examination. You said that you were first taken to the  
8 positions at Vranjska and that you stayed there until  
9 about 2.00 or 3.00 that day; is that correct?

10 A. Yes.

11 Q. Then the Military Police took you again to  
12 this other location at Kratine; is that correct?

13 A. Yes.

14 Q. In your earlier statement, you said that from  
15 Vranjska you were first taken to the Bungalow, and from  
16 there, with another means of transport, to Kratine. Is  
17 that correct?

18 A. No. The Bungalow is on the way to Kratine,  
19 so we just stopped there and the members of the escort  
20 entered the Bungalow. I don't know what they were  
21 doing there. They told us we could get off the bus and  
22 light a cigarette, if anyone wanted to.

23 Q. So this first location where you were digging  
24 at Vranjska, that is a part of Rijeka, is it not?

25 A. Yes, the area where we were is a part of

1 Rijeka.

2 Q. And you said that there were no incidents  
3 there and no mistreatment; is that correct?

4 A. Yes, that is correct.

5 Q. So you worked at a normal rate, you had  
6 breaks, you could have a smoke, you got food and  
7 drinks?

8 A. I don't think we were given any food there,  
9 because we didn't spend much time there, but that was  
10 not the point.

11 Q. So you were there for a couple of hours; is  
12 that right?

13 A. Yes.

14 Q. Were you able to identify the unit holding  
15 that position at Vranjska, at Rijeka?

16 A. I think it was, as there were local there,  
17 local guys, some of them -- I knew some of them, so  
18 they were probably local people from Rijeka.

19 Q. Very well. Let us agree regarding the  
20 position of Kratine. Do you know the rough borders of  
21 Vitez municipality? Do you know that Kratine is on the  
22 actual border towards Zenica?

23 A. Yes, as far as I know, that is so.

24 Q. Can we agree that the part of Kratine where  
25 you were digging is only some half a kilometre west of

1 the place called Loncari?

2 A. I've never been to Loncari, so judging by  
3 what the guy showed us, it could be there somewhere,  
4 roughly, yes.

5 Q. Tell us, Witness Ahmic, you were taken to  
6 that position at Kratine by the Military Police. Was  
7 that just one position or several linked positions  
8 along the edge of that plateau that you referred to?  
9 As far as you could see, of course.

10 A. I don't know, in military terms, whether they  
11 were separated or not. All I can testify about is the  
12 area where I was. It looked like a unified hold to me.

13 Q. Were you able to notice whether there was  
14 several military units, a single military unit?

15 A. To me personally, this was rather  
16 interesting, because I too was a member of the TO.

17 Q. Yes.

18 A. So what I found interesting was that the  
19 front-line soldiers were the Jokers. The gentleman I  
20 referred to earlier on, Ivica Vujica, was a member of  
21 the Jokers, and they called him the Commander of the  
22 Front Line. He would drive us from one trench to  
23 another and tell us where to dig trenches. He was  
24 there, I think, for two days. Later on, another  
25 gentleman came who was again a member of the Jokers.

1 Q. And you deduced from that that this area was  
2 under the Jokers' control?

3 A. Absolutely so -- absolutely no, I'm sorry.

4 Q. But who then controlled it?

5 A. The regular units of the HVO. And only for  
6 those four days, the Jokers held those lines for some  
7 reason. Those lines were under HVO control.

8 Q. And those that you referred to as regular HVO  
9 units, were they from Vitez or from elsewhere?

10 A. I think they were mostly local people, but  
11 there were quite a number of guys from Zenica and  
12 Busovaca. I learned this from their conversation, but  
13 they were all from Central Bosnia.

14 Q. Thank you. You mentioned a conversation with  
15 an HVO member in the hotel who somehow let himself go  
16 and said things he didn't intend to say. From that  
17 conversation, was it clear that this Ivica was also a  
18 member of the Military Police?

19 A. Yes. He would come occasionally wearing this  
20 white belt, and they had typical jackets at the time,  
21 the members of the Military Police.

22 Q. So it was clear from his story that his unit  
23 was quartered in the hotel?

24 A. Yes. He told me explicitly that he was in  
25 the hotel when the alarm was sounded.

1 Q. The woman you mentioned, whose name we are  
2 not allowed to divulge, who was taken out of the house,  
3 you watched all this, were there any signs that she was  
4 trying to resist being expelled? Could you notice  
5 anything like that?

6 A. No. Well, no characteristic signs, if I can  
7 use that term. Perhaps there were some, but it wasn't  
8 very noticeable, and I wasn't able to notice them.

9 Q. Very well. Thank you. You then spoke about  
10 how the soldiers stormed your flat and threatened you  
11 with a pistol and told you to get into the bathroom.  
12 You said you didn't recognise them; is that correct?

13 A. Yes.

14 Q. What kind of uniform was he wearing?

15 A. He was wearing a camouflage uniform with HVO  
16 insignia.

17 Q. But he didn't have any other insignia, did  
18 he?

19 A. I didn't notice any other ones, no.

20 Q. Can you tell us whether he was a local man or  
21 somebody from elsewhere? Were you able to assess that?

22 A. Could you tell me what you mean by local?

23 Q. When I say local, I mean people from Vitez or  
24 the villages surrounding Vitez and -- or anybody else?

25 A. Well, in that case he was a local.

1 Q. You think he was a local?

2 A. One hundred percent, yes.

3 Q. Can you tell us -- can you give us a  
4 description of his physique?

5 A. Well, he was a strongly built man, light  
6 skin, light hair, fair hair. He was rosy, had a rosy  
7 complexion. Maybe at that time he was under the  
8 effects of alcohol.

9 Q. What about his age?

10 A. Well, he was about 25 to 30 years old.

11 Q. From your communication with the others, you  
12 couldn't hear the name or the nickname that was used?

13 A. Well, the other men didn't enter my flat.

14 Q. But they didn't shout to each other across  
15 the hallway?

16 A. No. Just the man in front of the door at one  
17 point told him to hurry up, and said, "Hurry up, hurry  
18 up."

19 Q. Very well. Thank you. And although  
20 Kraljevic's name was written up on your front door, as  
21 Slaven Kraljevic told you to do, these men did not  
22 respect that, did they?

23 A. No.

24 Q. You will agree with me, when I say that the  
25 local people, regardless of the unit they belonged to,



1 knew exactly who the Vitezovi were?

2 A. Absolutely so, yes.

3 Q. And you think that some of the locals,  
4 despite the fact that you had put the name of Slaven  
5 Kraljevic out on your front door, that they would have  
6 gone against this -- that they knew him?

7 A. Well, sir, nobody can guarantee that Slaven  
8 had not actually sent them.

9 Q. So, although you thought that Slaven wanted  
10 to help you, you don't believe in his help?

11 A. I have no proof of that.

12 Q. As we mentioned Darko Kraljevic and his unit,  
13 could we say that they were the masters of the  
14 situation in the part of town called Kolonija, which is  
15 somewhere behind your particular area?

16 A. Well, that's a relative thing. To give my  
17 opinion, I haven't got any documents to back them up.  
18 So all I can say -- all I can do is repeat my own  
19 opinion, and that is that the HVO organisation itself  
20 was a very good one, and I think that the people  
21 sitting in the hotel were the masters of the  
22 situation.

23 Q. But we do agree that the Vitezovi were a  
24 recognisable force in town?

25 A. Well, you could put it that way. If it was a

1 force, well, I suppose they were a force then, yes.

2 Q. Were people afraid of them, SDK, the  
3 trench-digging? What did people say about them? Were  
4 they afraid? Was there a general sense of fear of  
5 them?

6 A. Well, I didn't notice anything that would be  
7 terrible. They did not stand out compared to the  
8 Jokers or some of the others. I didn't notice anything  
9 special about them in that way.

10 Q. I have two more things to ask you. The first  
11 is the following: The apartment from which you were  
12 evicted by force, and you say that a soldier is still  
13 living there, and that you have undertaken legal steps  
14 to get your apartment back. Your father had the right  
15 to live there as a tenant's right, a legal tenant's  
16 right for the utilisation of that flat with his family?

17 A. Yes, since 1968.

18 Q. So it wasn't owned property, actually  
19 property owned by your father, was it?

20 A. No.

21 Q. Thank you. And in keeping with the  
22 provisions, the steps you have taken, in the BiH  
23 Federation you have the right to get back your tenant's  
24 right to live there; is that correct?

25 A. As far as I know, yes.

1 Q. Tell me one more thing, please, witness, to  
2 avoid any misunderstandings. You were taken by the  
3 Military Police from your apartment to the SDK  
4 building?

5 A. Yes.

6 Q. From the SDK building to Zaselje, you were  
7 also taken by the Military Police. To Vranjska. I'm  
8 sorry.

9 A. Yes.

10 Q. From Vranjska to Kratine, once again you were  
11 conveyed by the Military Police?

12 A. Yes.

13 Q. And the Military Police took you back to the  
14 SDK building, didn't they?

15 A. Well, to tell you the truth, in view of the  
16 fact that it was very late at night, it was 12 or  
17 1 a.m., it was complete darkness, I didn't see them  
18 taking us back. That is to say, I didn't see their  
19 insignia. I saw nothing on the vehicle.

20 Q. And what about the SDK, they -- it was  
21 members of the Military Police that stood guard over  
22 that building?

23 A. Yes

24 MR. KOVACIC: Thank you very much.

25 JUDGE MAY: Mr. Kovacic, it may be that you

1 could help with a matter, while we are dealing with  
2 it. I wonder if we could have out the Exhibit D52/2.  
3 It's a map.

4 MR. KOVACIC: It's obviously with the  
5 Registrar. I don't have my copy here.

6 JUDGE MAY: You don't.

7 MR. KOVACIC: But I have a similar map, Your  
8 Honour. If you could give me 20 seconds, I have it  
9 here. I have quite the same. Shall we use a brand new  
10 one without those markings or --

11 JUDGE MAY: Yes. We've got it. Tell the  
12 usher there is no need to look for it any more. If you  
13 could put it on the ELMO, please.

14 What I would be grateful for assistance with,  
15 and it may be that the witness can deal with this, is  
16 Krizancevo Selo, it was referred to in his evidence,  
17 it's been referred to before. There was an action  
18 there, we heard at one stage of the proceedings. I  
19 can't see anything of that sort marked, although there  
20 is a Sivrino Selo. What I want to know is where  
21 Krizancevo Selo is? Is it the same as Sivrino Selo, or  
22 is it somewhere else?

23 MR. KOVACIC: If I may assist, Your Honour,  
24 and we certainly could be assisted by this witness, I  
25 will tell you that it is not surprising that you can't

1 find it, since it is not marked on the map.

2 JUDGE MAY: No.

3 MR. KOVACIC: Krizancevo Selo is a part of a  
4 village which is called in a broader sense Sivrino  
5 Selo, but part Dubravica. And I will ask the witness  
6 to show us on the map, and I can do that as well --

7 JUDGE MAY: Let the witness do it, first of  
8 all.

9 MR. KOVACIC: Usher, will you please move so  
10 to the centre, that Vitez is in the middle of the  
11 picture. Open the map. Open the map. All right. And  
12 now we need closer. Okay. That will do. Fine.  
13 Enough.

14 Q. [Interpretation] Could you, Mr. Ahmic,  
15 indicate to the Trial Chamber -- first find it on the  
16 map and then point it out to the Trial Chamber. Point  
17 out Krizancevo Selo. Which part of the village is  
18 referred to as Krizancevo Selo? And if I can help you,  
19 find Dubravica. Can you find Dubravica? It's lower to  
20 the left of Sivrino Selo.

21 A. I have it, yes.

22 Q. It is by the "B." The area called Krizancevo  
23 Selo is by the "B" of Dubravica. Do we agree?

24 A. Yes, it's around about here. That's where it  
25 is. I think some houses -- no, that isn't a house.

1 That's a peak, but around here [indicates]. That is  
2 where Krizancevo Selo is located.

3 Q. You are thinking of the peak?

4 A. No, not the peak. A little under, below the  
5 peak, around this area here, these houses that are  
6 drawn in here. Are they houses? I think they are. So  
7 not down here by the peak, but down here.

8 Q. Now, if you look at the road. Go down by the  
9 road. Where is the school?

10 A. The school is somewhere around here.

11 Q. So it means that it is in the lower part?

12 A. I think it's around here.

13 Q. That's where it is. So below the junction?

14 A. Yes, as far as I am able to point out with  
15 this pointer.

16 Q. As we are already there, shall we show the  
17 Trial Chamber, because this is also mentioned, where  
18 the railway station is?

19 A. The railway station is down here. It's the  
20 old railway station, but we keep referring to it as the  
21 railway station.

22 Q. And what about Novaci?

23 A. Novaci.

24 Q. Yes, because that name isn't on the map.

25 A. Novaci should be somewhere in this region

1 here.

2 Q. It's not relevant for this witness, but maybe  
3 we can also use opportunity -- the villages right from  
4 Sivrino Selo, which you can find on the map, Pirici and  
5 Vidovici. Later, perhaps, they will be relevant. They  
6 are mixed up. The names are switched.

7 JUDGE MAY: You say that the map is in  
8 error?

9 MR. KOVACIC: Yes.

10 JUDGE MAY: I'm not sure if that is going to  
11 be accepted.

12 MR. KOVACIC: That's well-known. I mean,  
13 even NATO knew that. We could check with the witness,  
14 if he knows, of course.

15 JUDGE MAY: Yes, we can ask the witness.

16 MR. KOVACIC: [Interpretation]

17 Q. Mr. Ahmic, take a look at the villages of  
18 Pirici and Vidovici, to the right of Sivrino Selo.

19 A. Yes, I see them.

20 Q. Do you agree that the names of the villages  
21 correspond, or have they been reversed? Do you know  
22 that area? You know it better than I do, I suppose.  
23 If you can tell us, do so. If not, we'll ask someone  
24 else.

25 A. Well, my opinion is that you are, perhaps,

1 right.

2 Q. So that you allow that a reversal has taken  
3 place?

4 A. There is that possibility, yes, but I'm not  
5 sure.

6 MR. KOVACIC: Thank you very much.  
7 Anything else, Your Honour?

8 JUDGE MAY: Thank you, Mr. Kovacic. We'll  
9 adjourn now till just after half past.

10 --- Recess taken at 11.04 a.m.

11 --- On resuming at 11.35 a.m.

12 JUDGE MAY: Yes, Mr. Stein.

13 MR. STEIN: Thank you, sir. We have no  
14 questions. Thank you very much.

15 JUDGE MAY: Any re-examination?

16 MS. SOMERS: One or two questions.

17 Re-examined by Ms. Somers:

18 Q. Mr. Ahmic, you were asked about, at the time  
19 of your mobilisation into the TO -- and I believe the  
20 time frame was roughly June of '92 -- if there were any  
21 Croats in the TO. Do you know whether or not, inasmuch  
22 as the HVO had been officially formed in April of '92,  
23 there were any Muslims from your area in the HVO?

24 A. Yes, I also know that, but not a large number  
25 of people.



1 Q. So there, in fact, was a second existing  
2 military force principally opened to the Croats at that  
3 time; is that correct?

4 A. Yes.

5 MS. SOMERS: Thank you.

6 JUDGE MAY: Mr. Ahmic, that concludes your  
7 evidence. You are released. Thank you for coming to  
8 the International Tribunal to give your evidence.

9 THE WITNESS: [Interpretation] Thank you,  
10 too.

11 [The witness withdrew]

12 JUDGE MAY: Mr. Nice, let me deal with one or  
13 two administrative matters.

14 Tomorrow we will sit, unless there's any  
15 submissions to the contrary, at 9, to finish at  
16 12.30.

17 As for the tapes which we were discussing  
18 yesterday, inquiries have shown that the translators  
19 can do the work of comparison, if they had the work  
20 now, by the 14th of February. But it does occur to me  
21 that if it's possible for the parties to agree on the  
22 matter, it wouldn't be necessary to trouble the  
23 translators with it. What is the feeling about that?

24 MR. NICE: The issue is not, of course,  
25 whether the translation of the other tape would match

1 the translation of the tape first produced but whether  
2 the sounds on the tapes are similar or identical. That  
3 is probably something that can be agreed by the Defence  
4 when they've listened to it, if that's the position.  
5 In each case, we would obviously like to listen to the  
6 tapes ourselves, preferably with a language speaker, I  
7 imagine, and that may resolve it.

8 JUDGE MAY: Yes. Well, can that be done in  
9 the next few days? I say that because if we are going  
10 to have to ask Translation to listen to it, then the  
11 sooner we do it, the better. But it does occur to me  
12 that it should be possible of resolution without  
13 troubling them.

14 MR. STEIN: The tape was to be given to us  
15 this morning. We don't have it as of yet. I would  
16 expect it would take -- over the weekend, we could get  
17 it done, report to the other side Monday. If there's  
18 an agreement Monday or Tuesday, we need not trouble the  
19 Translation Unit. If there's no agreement, we'll let  
20 them know.

21 JUDGE MAY: Yes. Well, I think that would be  
22 sensible. Where is the tape?

23 MR. STEIN: My understanding, if I may be  
24 helpful, is the registrar was working with the  
25 technical booth. We were to have it this morning.

1 It's somewhere there.

2 JUDGE MAY: Could that be handed over?

3 Perhaps I could ask the Registry if it could be handed  
4 over during the luncheon adjournment.

5 THE REGISTRAR: [Interpretation] The registrar  
6 will make sure that the problem will be resolved in  
7 agreement with the parties.

8 JUDGE MAY: Yes. We'll have the witness.

9 MR. NICE: Yes. Before that, my forecast is  
10 this witness will probably be concluded this  
11 afternoon.

12 The map was one of the topics we were  
13 planning to deal with tomorrow. Mr. Lopez-Terres, who  
14 has been dealing with that, discussed the matter with  
15 Mr. Kovacic and Mr. Stein, I think, and there is an  
16 agreement between them that it is likely to be or quite  
17 likely to be useful for a little more time to pass so  
18 that they can reach an agreement, and I don't think  
19 there's any intention on anybody's part to try and call  
20 any of the evidence of the map tomorrow; i.e., putting  
21 it off until later on. That leaves tomorrow free  
22 because of our loss of Stutt earlier in the week and  
23 our inability to replace him by a substantive witness.

24 I'm very anxious, of course, not to lose any  
25 time that can be properly used for purposes of our

1 case, and I've raised with the Defence whether some of  
2 the village binders could be considered tomorrow. I  
3 note theoretically they are down for determination on  
4 the 14<sup>th</sup> of February, but if we can get through some of  
5 them tomorrow, so much the better. I think the  
6 probabilities are that there are going to be a few of  
7 those binders that will be capable of being discussed  
8 tomorrow morning.

9 JUDGE MAY: We'll deal with that when we know  
10 how we get on with the witness, provided we know what  
11 binders you want to discuss.

12 MR. STEIN: Very good, sir.

13 MR. NICE: Jeremy Fleming, please.

14 [The witness entered court]

15 JUDGE MAY: Yes, let the witness take the  
16 declaration.

17 THE WITNESS: I solemnly declare that I will  
18 speak the truth, the whole truth and nothing but the  
19 truth.

20 WITNESS: JEREMY WARBURTON FLEMING

21 Examined by Mr. Nice:

22 Q. Your full name, please?

23 A. Jeremy Fleming.

24 Q. And, Mr. Fleming, were you in the army for 10  
25 years in the infantry, then a manager for British

1 Petroleum for some years, finally owning your own  
2 business, working in Afghanistan on de-mining, and  
3 then, or at least maybe in the meantime, but in 1992  
4 being an ECMM monitor, first in Croatia, and then in  
5 Central Bosnia?

6 A. That is correct.

7 Q. It's right, I think, that you made diary  
8 notes during your time as an ECMM monitor; correct?

9 A. That is correct. Yes.

10 Q. And they were provided to this institution  
11 some considerable time ago, probably for another team.  
12 They haven't been looked at, as it happens, by this  
13 team, but have you had an opportunity to review them  
14 this morning to refresh your memory with what they  
15 contain?

16 A. Yes, I have.

17 Q. Does it happen that the same document has  
18 also been used by you in relation to entirely different  
19 type of work, I think election monitoring work?

20 A. That is correct. I was an election  
21 supervisor for the OSCE, and the document was used  
22 jointly, as a daily note reminder.

23 MR. SAYERS: Mr. President, if the witness  
24 has used a diary to refresh his recollection, then he's  
25 using it somewhat as an aid to his testimony today. I

1 wonder if the Defence could request that a copy be made  
2 available for our review, less, of course, entries of a  
3 personal nature.

4 MR. NICE: Your Honour, I don't think that's  
5 the usual --

6 JUDGE MAY: What's the position about the  
7 diary? Have you seen it?

8 MR. NICE: I haven't seen it. Nobody in our  
9 team has. But -- and he's only looked at it this  
10 morning to refresh his memory. I don't think very much  
11 has been added to what was in the summary, save some  
12 confirmation of earlier recollection and some other  
13 details.

14 I know that the witness has no concerns  
15 himself about entries being seen, subject, of course,  
16 to entries about the other matter, obviously, not being  
17 made available and blocked to anyone else.

18 Can I suggest that we simply see how his  
19 evidence goes, and if and where he refers to particular  
20 pages, they can, of course, be made available to the  
21 Defence, because there is no objection by the witness  
22 to that happening.

23 JUDGE MAY: Yes.

24 MR. NICE: I haven't seen it, but I have tied  
25 it together with an elastic band, and perhaps he can

1 have it before him as an aide-memoire, if he seeks to  
2 refer to it.

3 Q. Did you first work in Split gathering  
4 information about military brigade headquarters, front  
5 lines of the HV, their discipline, morale, and so on?

6 A. I arrived in Zagreb as a monitor in February,  
7 1992, and it was only in May, 1992, that I was sent to  
8 Split to carry out those activities.

9 Q. The activities I've described were what you  
10 were engaged upon?

11 A. That is correct.

12 Q. In the summer of 1992, what was your  
13 judgement of the professionalism or otherwise of  
14 Croatian troops, their discipline and, so far as you  
15 could judge, their arms?

16 A. During the summer of 1992, when I was  
17 stationed in Split, a marked change in my perception of  
18 the professionalism of the Croatian forces took place.  
19 It was during at a time when the Vance-Owen Plan was  
20 being implemented, and in the town of Sinj there was a  
21 storage point for weapons which had been handed in by  
22 the forces, by the Croatian forces in a storage depot,  
23 and it was my job to track those weapons.

24 Travelling to and fro from Split to Sinj, we  
25 found marching troops from the depot at Sinj, where

1 they were being -- where the recruits were being  
2 trained as soldiers. And during that summer, it became  
3 noticeable that those bodies of troops were marching  
4 smartly, from their previous slightly untidy gait, and  
5 their uniforms were pressed and clean, their weapons,  
6 their personal rifles, AK-47s, seemed relatively new.  
7 And it was altogether matched by the off-duty manner in  
8 the town of Split as well, where they seemed to be  
9 walking around in uniform, but with much greater  
10 purpose.

11 Q. All right. I think that's all I want on  
12 that.

13 Mr. Fleming, did you, at some stage, write a  
14 memorandum to the head of mission of the ECMM in  
15 Zagreb, with a recommendation about the establishment  
16 of an ECMM presence in Central Bosnia? Just yes or  
17 no.

18 A. Yes, I did.

19 Q. Can you explain the sources of information  
20 that led to you making that decision?

21 A. Well, during my daily round of the activities  
22 that had been described already, there was a unit in  
23 between Sinj and Sibenik, which was in my area of  
24 responsibility. I noticed, and it had also been  
25 confirmed, that that unit was undergoing a change. And



1 I've forgotten the professional term, but they were  
2 being -- that area was being soldiered by a far less  
3 professional and, I dare say, part-time soldiery,  
4 because the full-time soldiery, I had gathered, had  
5 upped and progressed east from Split and the Sibenik  
6 area.

7 Q. We have to identify --

8 THE INTERPRETER: Microphone, please,  
9 Mr. Nice. Microphone. Microphone.

10 JUDGE MAY: Microphone.

11 MR. NICE: I'm so sorry.

12 Q. We have to identify the sources and the  
13 remoteness of your information. Did you have two  
14 sources; one connected to a translator?

15 A. Yes, I did. There was a translator in the  
16 hotel, Hotel Split where we were staying, and he was my  
17 translator for quite some time, a matter of months.  
18 His father commanded this Unit in or near Sinj and  
19 Sibenik, and that was the connection I had with that  
20 unit.

21 Q. Where did you learn of the movement of that  
22 Unit, then? From the son?

23 A. No, it wasn't. It was a perception, and  
24 later it was -- I had a meeting with a colleague in  
25 Zenica, who had confirmed that he had seen the father

1 of the translator in Bosnia.

2 Q. You say it was a perception of movement. Did  
3 the son have nothing to do with this, in terms of  
4 telling you anything?

5 A. None whatever.

6 MR. NICE: The two photographs that are at  
7 the top of the witness pile, it may be the witness can  
8 have a pile himself, as should the Defence, of course,  
9 and the Judges. No, give them out in -- yes. Can the  
10 witness have a whole pack? It's much easier. Please.  
11 The photographs can just be placed on the ELMO. The  
12 first photograph -- well, put in the one with two  
13 people.

14 Q. That, I think, shows the father concerned.  
15 Is that correct?

16 A. The father is on the right.

17 Q. The father is on the right?

18 A. Yes, as you look at it.

19 Q. The second photograph with the three people  
20 shows the son -- this is just for identification  
21 purposes -- the son in the middle; correct?

22 A. That is correct.

23 Q. Are you, at this stage, able to remember  
24 their names?

25 A. I fear not, I fear not.

1 Q. But, in any event, these were Croatian  
2 troops?

3 A. Yes.

4 Q. Thank you. Did you then come to be sent to  
5 establish a co-ordination centre for the ECMM in Zenica?

6 A. Yes, I was.

7 Q. Learning, at your briefing, what of the roles  
8 of Blaskic and Kordic?

9 A. Part of our remit was to liaise with, among  
10 other people, the military representatives of the area  
11 where we were in. And clearly Colonel Blaskic was a  
12 key figure in the military setup in the area, and Dario  
13 Kordic I was less convinced about as a military figure.

14 Q. What was his described position at your  
15 initial briefing, if you can recall?

16 A. Well, it didn't actually -- his name didn't  
17 come up in an initial briefing. He was described as a  
18 senior figure in the HDZ. But just quite what the HDZ  
19 was supposed to do in that militaristic situation, it  
20 was never revealed.

21 Q. Did you at any time attend meetings where  
22 both Blaskic and Kordic were present?

23 A. I'm trying to remember. I don't think so. I  
24 don't think they were ever present together, although  
25 they were invited.

1 Q. From the information coming your way  
2 generally, did Kordic's role ever become completely  
3 clear or did it remain, to some degree, uncertain? You  
4 describe the position, please.

5 A. Well, it was certainly unclear. Referring to  
6 the pack of the entitled "HVO Key Military  
7 Personalities" --

8 Q. Which is Exhibit Z283.3.

9 A. If you look on the left, there's the  
10 organigramme --

11 MR. SAYERS: Mr. President, may we know the  
12 source of this document? We've not seen this before,  
13 it's unfamiliar to me, and I think a proper foundation  
14 is to be laid for its admission into evidence, if it is  
15 going to be offered.

16 MR. NICE:

17 Q. This is the chart referred to in paragraph 6  
18 of the summary. Can you tell us who provided you with  
19 this chart and on whose intelligence, as you  
20 understood, it was based?

21 A. As you can see, it's dated the 17<sup>th</sup> of  
22 November, 1992. It was provided to me by Bosnian High  
23 Commander, Kiseljak, which was the UNPROFOR  
24 Headquarters in that area. They had a unit which  
25 included the European Community Liaison Officer, ECLLO,

1 and these UNPROFOR Officers provided this chart. As I  
2 say, they believed it to be the situation as at the  
3 17<sup>th</sup> of November, '92.

4 Q. You were in the middle of answering my  
5 question about whether Kordic's role became clear or  
6 remained to a degree uncertain.

7 A. The relationship between Kordic and Blaskic  
8 was never clear. I asked numerous people, including  
9 the Chief Of Staff at Kiseljak, and it was never  
10 clear. It was always shrouded in a bit of mystery  
11 about what the relationship was, although referring to  
12 the chart again, it would appear that Kordic was  
13 Blaskic's superior. But I'm -- I wouldn't, as they  
14 say, put money on it.

15 Q. Thank you very much. Paragraph 7 of the  
16 summary, then, obviously speaking in your own words,  
17 Mr. Fleming, wherever you can. Don't follow the  
18 summary unless, for any reason, you wish to.

19 In December 1992, was your Zenica base  
20 relocated to Busovaca?

21 A. Mine was, personally, but the co-ordinating  
22 centre that had been established in Zenica remained,  
23 but with different personnel.

24 This new Unit called the Joint Commission was  
25 set up at the recommendation of the Chief Of Staff in

1 BHC Kiseljak, the then Brigadier Cordy-Simpson. The  
2 idea was to solve problems of either ethnic group, BiH  
3 or HVO, by forming a team consisting of myself as the  
4 ECMM representative, a Staff Officer appointed by  
5 3<sup>rd</sup> Corps Commander, and on the -- for the BHA side, and  
6 a similar Staff Officer from the HVO appointed by  
7 Blaskic. The three of us were given protection by a  
8 track vehicle and associated communications.

9           Those were the Units that were formed. There  
10 were about half a dozen of them at inception, but that  
11 increased, doubled almost, as time went on.

12           Q. When you say you were the ECMM  
13 representative, I think you were actually the Chairman  
14 of the Commission, is that the, or the first --

15           A. Oh, yes, I apologise. I was the ECMM  
16 representative in that particular team, but at the same  
17 time, yes, I was the Chairman of the Joint Commission,  
18 which was chairing all the activities of all these  
19 teams which were going around the area.

20           Q. Was there an incident at some stage, the end  
21 of '92, beginning of '93, where there was an explosion  
22 in front of your hotel?

23           A. Yes. Referring to the diary, it was sometime  
24 a day or two before the 10<sup>th</sup> of February, because the  
25 diary denotes that I, quote, "Wanted the remains of

1 that shell casing back."

2 From my military knowledge, it was from a  
3 piece of weaponry known as an MRLS, a multiple-launch  
4 rocket system, and it landed quite close to the hotel.  
5 I picked up the telephone and asked to see Kordic, and  
6 that was never responded to positively. But I did get  
7 the remains back, and it's now in my house.

8 Q. The gap, incidentally, Mr. Fleming, in our  
9 discussion reflects the need to wait for the  
10 interpreters to catch up.

11 A. Thank you.

12 Q. This explosion and the shell that you found,  
13 were you able to say anything about where it had come  
14 from?

15 A. No. The Dutch Battalion, with whom we were  
16 co-located in the hotel, took it away for some forensic  
17 analysis. They never revealed to me any further  
18 details or any details of that analysis. The only bit  
19 of intelligence I ever got was that there was a piece  
20 of weaponry called a Nora, N-o-r-a, and I have that on  
21 a map, but that is the only indication of where this  
22 came from.

23 Q. A Nora being weaponry of which side?

24 A. I hesitate to say both.

25 Q. Thank you. And the location that you're

1 referring to, you can describe it without necessarily  
2 turning to a map, because we may be aware of it  
3 already.

4 A. In my estimation, it was some 15 kilometres  
5 north-west of Busovaca.

6 Q. Located in what, if any, feature?

7 A. On a mountain top.

8 Q. Was there a meeting on the 30<sup>th</sup> of January of  
9 1993 of your commission?

10 A. Yes. That was in Vitez.

11 Q. The upshot of that meeting was what?

12 A. It was a large meeting attended by the  
13 Commander of the Cheshire Regiment, Colonel Bob  
14 Stewart, myself as Chairman of the Joint Commission,  
15 General Morillon who was commanding UNPROFOR from  
16 Sarajevo, and the Deputies of the Commanders of the HVO  
17 and 3<sup>rd</sup> Corps. Also in place were representatives from  
18 the ICRC and UNHCR.

19 It was a big meeting. It was there to  
20 express dissatisfaction with the way that the ceasefire  
21 was holding. It was expressed in such a way that no  
22 one side was blamed exclusively for this situation,  
23 that both sides are as bad as each other, and I said so  
24 in so many words. And from it there was -- it was  
25 designed to produce a further ceasefire agreement.



1 Q. Can we look, please, at the collective  
2 Exhibits 422 --

3 THE INTERPRETER: Microphone, please,  
4 Mr. Nice.

5 MR. NICE: Put the organigramme to one side.  
6 The Chamber may be interested in this small exercise,  
7 looking first at the English version, which is 422A,  
8 and then looking at the two documents that precede it  
9 for some clarification.

10 In translation, Mr. Fleming, was this  
11 agreement, as we can see -- have you got 422A there?

12 A. Yes.

13 Q. Paragraph 2, an urgent ceasefire to take  
14 effect. Paragraph 3, units on both sides to remain in  
15 their present positions, with withdrawal of units.  
16 Paragraph 4, opening of roads, particularised in  
17 paragraph 5. Exchange of prisoners, paragraph 6. And  
18 other provisions, including at 8, telephone  
19 communications, and so on.

20 Now, if we look at the first sheet of that  
21 document, on the right-hand side, we see that it is  
22 said to have been addressed to Colonel Tihomir Blaskic  
23 and Colonel Dario Kordic. Now, if you come back in the  
24 little collection of documents to the immediate  
25 preceding document, which is in B/C/S, and is a form of

1 original, and has the word "UNPROFOR" on the top in  
2 hand, we can see on this document that there is "puk,"  
3 which is, I think, the short form for Colonel Blaskic,  
4 and "puk" for Kordic. But at the next sheet we can see  
5 the signatories are simply typed in. So, in some way,  
6 this is a typed copy, although it is stamped with the  
7 Herceg-Bosna stamp. The Bosna stamp.

8           If you come back to the first document, we  
9 see, on the second sheet of it, that we now have the  
10 actual signatures: Merdan, Nakic, Stewart, Fleming, de  
11 la Mota and, and Wittwer, stamped with the United  
12 Nations stamp. And on the first sheet of that document  
13 we see simply at the top, in handwriting, Kordiccu and  
14 Blasskiccu, with no reference to the rank of Colonel.  
15 First of all, is the document, at least as you can  
16 recall matters, that reflects the agreement that was  
17 made?

18           A. You are referring to document number --  
19 typewritten 358?

20           Q. 422.

21           A. Wrong, but the two versions.

22           Q. Yes, that's right. There were two versions  
23 of it.

24           A. As far as I remember, what was signed was the  
25 one 422, and I would trust and hope that the 422A is an

1 accurate translation of it.

2 Q. Your Honour, there it is. The Court will  
3 observe that the Herceg-Bosna version is slightly  
4 differently headed from the United Nations one, and it  
5 is only the United Nations one that has the signature.

6 Paragraph 10. In your function -- yes. In  
7 your job as Chairman of the Commission, did you see  
8 Dario Kordic from time to time?

9 A. Yes, I did.

10 Q. When you saw him, how was he dressed, and was  
11 he accompanied, and where was it?

12 A. It was always in Busovaca, as far as I can  
13 remember. It was in a cellar of a brick building in  
14 the centre of Busovaca. We were always accompanied by  
15 members of his team and, of course, members of mine,  
16 mainly translators. Kordic was usually dressed in a  
17 military fashion. I put it no higher than that. That  
18 is to say, a camouflage T-shirt, no badges of rank, no  
19 unit insignia, no crest or flash mentioning HDZ or  
20 anything of that nature. Bare headed. And I got the  
21 feeling that I was facing somebody who shunned the  
22 limelight. The phrase I used at the time, and still  
23 use now, is bunker mentality.

24 And although he appeared, I felt, to get on  
25 personally, it was mainly because I was obviously a

1 soldier, although not dressed as one and, dare I say,  
2 it had a soldier's outlook.

3 Q. Two of the meetings that you had with him, on  
4 the 2nd or 3rd of February. If you wish to refer to  
5 the summary, you may do so, but at least let us know  
6 that you are doing so. But again, speak from memory,  
7 if you can, and if you recall whether there are any  
8 notes in your diary that you looked at from this  
9 morning, and you want to refresh your memory, then of  
10 course you can do that.

11 A. I am looking through the diary now, and also  
12 refreshing my memory on the summary. From what I  
13 remember, this is -- from what I remember, this is a  
14 meeting to follow through the meeting we had had on the  
15 30th of January, where I was given specific tasks by  
16 Colonel Stewart and General Morillon about brokering a  
17 ceasefire and maintaining that ceasefire in the area,  
18 together with the provisions also mentioned in the  
19 document 422A.

20 Q. Yes. Now, that's one of the meetings. Can  
21 you remember anything -- we haven't set it out in the  
22 summary. Can you remember anything of Kordic's  
23 reaction of that meeting or not? Whether reading your  
24 diary helps you at all, I don't know.

25 A. I'm looking at the diary now, and there is

1 little or no specific elaboration of that meeting which  
2 would be useful.

3 Q. Very well. The 3rd of February, did that  
4 relate to a mined landslide on the road from Vitez to  
5 Zenica?

6 A. I'm referring again to the summary. Yes,  
7 that is correct. The landslide had been caused, one  
8 assumed, by some explosion, and then booby-trapped with  
9 further mines to make the clearance a slow and painful  
10 business.

11 Q. Kordic's reaction or approach on this  
12 occasion?

13 A. I can't remember. I think he -- I can  
14 remember what is down in paragraph 12 of the summary.

15 Q. Well, you better tell us that, then, so that  
16 it's on the record.

17 A. Apparently, he was being hindered from  
18 clearing it by the presence of "outside soldiers."  
19 Quite who these outside soldiers were is not known.  
20 Various loose references were made about Mujahedins,  
21 various loose references were made about mercenaries.  
22 So one was given to understand that they would have  
23 been outside the official order of battle who remained  
24 in the area.

25 Q. The next exhibit in the little stack is 445.

1 If you would be good enough to take that. Can you tell  
2 us about this? It's a daily report for the 6<sup>th</sup> of  
3 February. Do you remember whether it was your creation  
4 or a document to which you contributed?

5 A. It would have been my creation and under my  
6 authorship.

7 Q. It says, "Regards from Joint Commission  
8 Bosnia."

9 A. That's correct.

10 Q. On the second page of this document, you set  
11 out at paragraph 6 the CJCB activities. That's your  
12 activities. You chaired a meeting that's been referred  
13 to above, and we'll come to that, perhaps, in a  
14 minute. You also deal with the release of prisoners  
15 from Katicic. Is that something overnight and, after  
16 the preparation of the summary, that you've remembered  
17 a little bit more about?

18 A. I'm looking at the summary again.

19 Q. I don't think it's in the summary. Is this  
20 something that you've recalled further detail about  
21 overnight, the release of prisoners from Katicic?

22 A. I'm looking at the diary now. Yes, referring  
23 to the diary, I have written that on the 3rd of  
24 February. It's the first time that Katicic gets a  
25 mention in the diary. And it concerned the movement of

1 civilians from Merdani to Katici.

2 Q. What can you actually recall of that  
3 incident, if it's the same incident as the one that you  
4 may have recalled something about overnight? What can  
5 you remember about it? Who were the prisoners, men or  
6 women; what happened to them, and so on?

7 A. The village of Katici -- the village of  
8 Merdani is some three or four kilometres to the east of  
9 Katici. My recollection is that some soldiers took men  
10 and women from Merdani to Katici, and the whereabouts  
11 of the men were never disclosed. And, as far as I was  
12 concerned, I never saw them again. I never saw them at  
13 all. The females and the children were housed in  
14 accommodation in Katici, and it was my understanding  
15 that they had to be moved to a place of their  
16 satisfaction, under the auspices of the ICRC.

17 Q. Were you able to trace responsibility for the  
18 separation of men from women, and for the movement of  
19 the men? And if the answer is yes, before you tell us  
20 to whom you traced it, you must tell us how. If the  
21 answer is no, we don't need to go further.

22 A. My Staff Officer on the BHA side, who was a  
23 member of the team, talked to a representative of the  
24 BHA on the ground who was guarding, I suppose, the  
25 civilians in the house. And it was under his auspices

1 that the negotiations started to release the women and  
2 children to a place of their choosing.

3 Q. The question was whether you learnt, and if  
4 so, yes or no. And if you learnt, from whom or how, of  
5 who was responsible for the action in the first place?  
6 I don't know if you can take that any further. If not,  
7 we'll move on.

8 A. I'm referring to my diary, and it's -- I  
9 don't want to guess, so I better say I don't know.

10 Q. Very well. Let's return to the -- I'll slow  
11 down.

12 Let's return to paragraph 6 of the document  
13 we were looking at. Paragraph 6(c) deals with your  
14 meeting with Kordic in relation to clearance of the  
15 roadblock and release of prisoners. You see how he's  
16 described there or titled there. Can you just explain  
17 that, please?

18 A. No, I can't. I mean I -- he was known,  
19 generally speaking, as Colonel Kordic, and I suppose  
20 that nomenclature stuck.

21 Q. What was his position in this meeting?

22 A. I believe I am right in saying that he was  
23 positive in the business of clearing the roadblock,  
24 generally speaking.

25 Q. Yes. Was there non-attendance by the BiH, or



1 can't you remember?

2 A. No, I can't remember, I'm afraid.

3 Q. Very well. Do you recall one other meeting,  
4 in particular involving Victor Andreev and a man called  
5 Bozic?

6 A. Yes, I do remember that.

7 MR. NICE: Your Honour, I do note the time.  
8 We're not going to quite finish the witness by half  
9 past 12.

10 JUDGE MAY: Would that be a convenient  
11 moment?

12 MR. NICE: Rather than launch into it and  
13 hurry the witness, yes.

14 JUDGE MAY: Yes. We'll adjourn now until  
15 half past 2.

16 Mr. Fleming, we've got to take a slightly  
17 longer lunch break than usual. Could you be back,  
18 please, at half past 2.

19 I must remind you, as I remind all witnesses,  
20 not to speak to anybody about your evidence until it's  
21 over, and that does include members of the  
22 Prosecution.

23 THE WITNESS: Yes, Your Honour.

24 JUDGE MAY: We'll adjourn now until half past  
25 2.00.

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--- Luncheon recess taken at 12.30 p.m.

1                                --- On resuming at 2.36 p.m.

2                                JUDGE MAY: Yes, Mr. Nice.

3                                MR. NICE:

4                Q.    You were dealing or about to deal with a  
5 meeting of Kordic, Andreev and Bozic. Can you just  
6 tell us about that, please.

7                A.    This one you are referring to on the 7th of  
8 February?

9                Q.    Well, the date may be known to you better in  
10 the summary. It simply dealt with paragraph 14. If  
11 you think it is, or if you can tell us it's the 7<sup>th</sup> of  
12 February, tell us so.

13                A.    No, indeed it was before the 7<sup>th</sup> of  
14 February. And the meeting was attended, in fact, by  
15 Victor Andreev, who was looking after the civil police  
16 affairs in Kiseljak on behalf of UNPROFOR. And also  
17 Jean Jacques Bousseau, who was the regional -- he was  
18 the Regional Commander of ECMM in Split, and Zenica and  
19 Busovaca were in the Split area, as far as ECMM was  
20 concerned. And the Chief Of Police was there. If I  
21 can refer to my diary again. The meeting, essentially,  
22 was to push forward the activities of Interpol, as  
23 opposed to allowing the situation to become a purely  
24 military situation.

25                                I think it might be worth saying, at this

1 stage, that in order to understand the situation there,  
2 one needs to grasp three things. One, it was a  
3 situation which, more than any I've experienced, was  
4 dictated from the ground, the activities on the ground,  
5 especially in the early days.

6           The second thing was that the nature of the  
7 structure of the armed forces in the area was such that  
8 they were, by and large, defending their own domestic  
9 territory. Individual soldiers armed and defending  
10 their own domestic territory. And we, or I, was  
11 certainly beginning to feel, at that late-ish stage,  
12 that bits of paper signed by superiors were not given  
13 the respect and the seriousness which they deserved,  
14 perhaps. And it was therefore the situation, and quite  
15 a lot of situations, that houses were being damaged,  
16 families abused, and one expected an armed soldier to  
17 watch it without doing anything about it.

18           And, Your Honours, you might think,  
19 therefore, that that was an explosive situation which  
20 couldn't be resolved, unless there was a change in  
21 policy, to get soldiers off their own home ground.

22           Q. I'll come back to the meeting, you having  
23 explained your understanding of the position on the  
24 ground. How did you express this view at the meeting?

25           A. Much in the same way as I've just said. But

1 it also allowed me to believe that the situation was  
2 not a military one so much as a policing one, and it  
3 needed police presence on the ground, to use police  
4 methods to diminish criminal activities. There weren't  
5 so much military activities, there were criminal  
6 activities; burning, random shootings, and so on.

7 Q. What did Kordic say about this, once you  
8 expressed your view?

9 A. I think he was largely supportive. As a --  
10 the person I had to convince was Victor Andreev, the  
11 person who was in charge of civil affairs, and also my  
12 regional co-ordinator, Jean Jacques Bousseau, and to use  
13 Interpol to retrain policemen for activities --  
14 policing activities on the ground.

15 The excuse I was always given was all the  
16 able men had already been drafted into the armies, and  
17 there weren't sufficient left over to improve the  
18 training of the Police Force.

19 And the other thing, finally, was that it  
20 seemed to me, and I believe Kordic supported this,  
21 largely, the Police Force, the Ethnic Police Force in a  
22 police station should reflect the proportions of the  
23 population that it was designed and organised to  
24 protect. And that was another aspect that was thrown  
25 into the meeting. And it, by and large, got a good

1 reception.

2 Q. Did Kordic -- I'm so sorry. I must wait for  
3 the interpreters.

4 Did Kordic say he would speak to someone  
5 about this, and if so, who?

6 A. Yes, he did. The conversation, as I remember  
7 it, went on to the idea I had to neutralise the vehicle  
8 checkpoints or VCPs.

9 As Your Honours are aware, an HVO  
10 checkpoint begets a BHA checkpoint something like 300  
11 metres down the road, and they seem to sort of spring  
12 up in pairs. I put forward the proposal that we could  
13 neutralise these checkpoints by very gradually, over a  
14 period of months maybe, but moving them closer  
15 together, stripping them of their military uniforms and  
16 getting them to put on police uniforms, and then when  
17 the situation deemed right, swap one HVO man for one  
18 BHA man so that they get -- would start to talk to each  
19 other. You know for sure that these guys have been to  
20 school with each other and they talked with each other  
21 and they lived with each other, and it wouldn't be too  
22 much. And Kordic said that he would talk to the Chief  
23 Of Police in Mostar to get that Chief Of Police to  
24 provide the uniforms.

25 Q. On the 13<sup>th</sup> of February, was there a meeting

1 of your Chairmanship of the Busovaca Joint Commission,  
2 and as a result of the meeting, was an order signed by  
3 Blaskic and Hadzihasanovic in Kakanj?

4 A. Yes, there was.

5 Q. At that time, had the BiH received orders,  
6 apparently, to sign a ceasefire, the orders coming from  
7 Sarajevo, and --

8 A. Yes, they did.

9 Q. -- [inaudible] checkpoints?

10 A. Yes, I believe they had.

11 Q. And what was Blaskic's attitude?

12 A. It was difficult to say at the time, because  
13 a great deal of talking went on.

14 I was there, chairing the meeting. The  
15 UNPROFOR was represented by Cheshires. The European  
16 Community Liaison Officer, ECLO, from BHC Kiseljak was  
17 there, and a whole retinue of HVO and BiH. As soon as  
18 the proposals were put forward, based on the meeting  
19 that we already had and described in paragraph 14 of  
20 the summary, a great deal of discussion took place, and  
21 it was hammered out, an agreement was hammered out, and  
22 it was signed.

23 Q. Did Blaskic say anything in that meeting  
24 about outside forces? Just "yes" or "no."

25 A. I can't quite remember, but he was -- I

1 wouldn't be surprised if he had, because he was always  
2 mentioning these -- he was always mentioning these  
3 outside forces.

4 Q. There are a few remaining documents in the  
5 pile. I'm not sure that it's going to be necessary to  
6 look at more than two of them, and I'm sorry,  
7 therefore, if they are not exactly in chronological and  
8 in time chronological order.

9 May you look first at a document, 464A. It's  
10 not an order of yours, but it may be that there's one  
11 point on it that will help make some sense. 464A.

12 A. 464, so it's probably coupled with it, yes.

13 Q. That's right. 464A is the English version.  
14 If you look at the original of 464, is that a document  
15 of a type you saw when you were down there or not?

16 A. I don't recall, I don't recall.

17 Q. Well, the only point is this: The Chamber  
18 can see, to some degree, the document probably produces  
19 itself or may, in due course, be produced by others.  
20 But on the 13<sup>th</sup> of February at 12.30 hours, there was a  
21 an order from Blaskic and, one can see, to raise the  
22 level of combat readiness, and the reason I show you  
23 that document is just to ask you this:

24 At what time was the meeting that you've  
25 spoken of before or after that 12.30 hours order, your



1 meeting?

2 A. The meeting we had in Kakanj was late at  
3 night.

4 Q. Thank you. And then if we look at 463.1, as  
5 it's dated but -- it may be dated, I think.

6 A. Got it.

7 Q. Is that the document or one of the documents  
8 that arose from this meeting?

9 A. Yes.

10 Q. And this document is joint orders whereby --  
11 and then there's "withdrawal of troops, freedom of  
12 movement, prisoners and detainees," and so on all set  
13 out there, signed by whom?

14 A. That was Commander, 3<sup>rd</sup> Corps.

15 Q. Blaskic?

16 A. No.

17 Q. Hadzihasanovic?

18 A. Hadzihasanovic, and Blaskic, and myself as  
19 Chairman.

20 MR. NICE: Your Honour, conscious as I am of  
21 the enormous amount of material that has been produced  
22 by all sides, the remaining documents, which are now  
23 available to the Defence, are the documents of  
24 implementation. I'm not sure that they need be  
25 produced separately from the documents signed by this

1 witness. They are available, in any event.

2 Q. Mr. Fleming, after reviewing your diary this  
3 morning and, therefore, after the summary was prepared,  
4 was there one other event concerning Merdani that you  
5 can remember and something about some women from  
6 Merdani?

7 A. I don't recollect who told me or in --  
8 whether it was by telephone or on normal reporting  
9 procedures from Zagreb, but I got a report while I was  
10 in Busovaca about the fact that in the area of Merdani,  
11 some Muslims had been put up against a wall and shot.

12 My next action was to go to the headquarters  
13 of the HDZ, where I saw under guard and in a room maybe  
14 half this size -- I've forgotten -- but there were  
15 women and children inside that room in a state of some  
16 distress.

17 After some discussion with the most senior  
18 person I could find on the ground there, it was agreed  
19 that I should meet a representative of the HDZ the  
20 following morning outside the HDZ at half past 6. I  
21 was present, but there was a no-show by the other  
22 side. I therefore decided and went to Merdani to see  
23 if I could find any signs of people having been shot,  
24 and I talked to some villagers there who said they knew  
25 nothing and weren't going to say anything even if they

1 did.

2 I looked around for an hour or two and saw  
3 nothing that could have been signs of bloodshed or  
4 graves or anything of that nature. I had an inkling  
5 from somewhere that one or two of them had been  
6 transported to the hospital in Zenica, but I had no  
7 means to check on the veracity of that.

8 So that incident came out as a bit of a  
9 nonevent, as far as I was concerned. I merely reported  
10 what happened, but there was no follow-up.

11 Q. And what, if any, significance did you find  
12 in the fact that the women were complaining at the  
13 office of the HDZ, the political party?

14 A. My natural reaction was to find out where  
15 they wanted to go; do they want to go home, do they  
16 want to go find refuge in Zenica, were they going to  
17 fall on the mercy of UNHCR. But I didn't get very far  
18 in my conversations with them, and it adds weight to  
19 what I just said about it being a non-event.

20 MR. NICE: Yes. Thank you. Wait there,  
21 please. You'll be asked further questions.

22 THE INTERPRETER: Microphone, Mr. Nice,  
23 please.

24 MR. SAYERS: Mr. President, I had many  
25 questions prepared, but I believe the Trial Chamber has

1 heard most of these matters already. It seems there's  
2 no purpose in going over them again, and so Mr. Kordic  
3 has no questions for Mr. Fleming. Thank you very much,  
4 sir.

5 MR. KOVACIC: The same position for the  
6 Defence of Mr. Cerkez. We do not have any questions.

7 JUDGE MAY: Mr. Fleming, that concludes your  
8 evidence. Thank you for coming to the International  
9 Tribunal to give it. You are free to go.

10 THE WITNESS: Thank you, Your Honour.

11 [The witness withdrew]

12 THE INTERPRETER: Microphone, please,  
13 Mr. Nice.

14 JUDGE MAY: Mr. Nice, you seem to have  
15 forgotten your microphone.

16 MR. NICE: As the Court knows, we don't have  
17 any further witnesses today, or indeed for tomorrow.  
18 I've been planning how best to use the time, if use can  
19 be made of it, and I think a considerable amount of use  
20 can be made of the time.

21 There is, I think now, agreement between the  
22 parties that some three village binders can be  
23 discussed tomorrow, and Mr. Sayers will correct me if I  
24 am wrong, but I think it's Busovaca, Vares -- no, he'll  
25 correct me, as he has been discussing directly with

1 Mr. Scott.

2 MR. SAYERS: Mr. President, we've made  
3 arrangements with Mr. Scott and the Office of the  
4 Prosecution to discuss the Zenica binder, the Busovaca  
5 dossier and the Zepce dossier.

6 MR. NICE: On top of that, Mr. Kovacic  
7 suggested, I think as recently as yesterday or the day  
8 before, that we might prepare a small table or schedule  
9 in relation to witnesses whose transcripts we would  
10 have adduced, and we've done that. It's only been  
11 served this afternoon, but it was only suggested a day  
12 or so ago. And I think there is a copy available for  
13 the Chamber.

14 Obviously, the box per witness available for  
15 filling in objections hasn't yet been filled in, but it  
16 would seem to us that by tomorrow it should be possible  
17 for the Defence to identify, I hope, a large number of  
18 those witnesses in respect of whom they have no  
19 objections to transcripts being read. Alternatively,  
20 to explain why, if it be the case, they are going to  
21 argue that transcripts should be read. That's another  
22 matter that can be dealt with tomorrow. I don't think  
23 it sensibly can be dealt with today, unless there's an  
24 alternative view from Mr. Sayers.

25 MR. SAYERS: I just make this point, Your

1 Honour. There are some 46 witnesses. You can imagine  
2 the sheer volume of trial transcript testimony that  
3 that requires us to review. It's not simply in some  
4 witness cases, just in one case, it's in several  
5 cases.

6           It seems that the best way, that I can think  
7 of anyway, to address this is to address the general  
8 principles of whether transcripts should be imported in  
9 a wholesale fashion from one case into another. I  
10 think that presents some serious problems and some  
11 legal issues as well, which we are prepared to discuss  
12 tomorrow.

13           Insofar as the 46 witnesses are concerned, we  
14 will just ask the Trial Chamber for a little time to be  
15 able to review the testimony and to come up with a  
16 reasoned and intelligent response, rather than just  
17 shooting from the hip in general terms.

18           JUDGE MAY: Look at the Aleksovski decision  
19 on that topic.

20           MR. SAYERS: That's precisely what I had in  
21 mind, Your Honour.

22           MR. KOVACIC: If I also, Your Honour, also  
23 very briefly. The discussion on the witnesses, whose  
24 testimony might be on a certain formal way introduced  
25 in this case, started between the parties and, indeed,

1 my idea was primarily to try to speed up that process  
2 since, by my opinion, it started rather late. And then  
3 we will be, I guess, pushed to answer as soon as  
4 possible, which is very difficult, because, as my  
5 colleague said, it is about 46 witnesses.

6           Of course we will do our best, and my  
7 suggestion to the Prosecution, which was welcomed by  
8 them, was at least to provide a summary of those  
9 witnesses like they used to in earlier outstanding  
10 lists, if you remember. So we may practically do --  
11 perform a classification, like, this is not important  
12 on the very first sight, there is no need to check our  
13 databases furthermore, or maybe just briefly. And  
14 those, whatever the ratio may be, are important, then  
15 we have to look at a little bit more carefully, those  
16 transcripts.

17           However, I am afraid that one of the  
18 problems, which will somehow cause difficulties  
19 reflected in time, in a matter of time, will be the  
20 translations. And I am not really insisting on the  
21 issue, to have all those witnesses' testimony from  
22 other cases translated. Of course I wouldn't do that.  
23 It is unnecessary. But there will be probably a  
24 certain number of the witnesses, I guess not too much,  
25 after this first screening, where we certainly do have

1 interest to analyse them in detail, and that I cannot  
2 do sometimes without the input of the client. And I  
3 don't think there is any doubt on his right to be  
4 informed, at least on the relevant matters. And here  
5 we are talking about relevant matters on the Croatian  
6 language.

7           So probably, in the next two or three days or  
8 so, I will be able to react on the proposition, with  
9 all the reserves which were pointed out by my colleague  
10 Sayers, legal issue. And I believe the mechanism  
11 probably will be one which you, Your Honour, mentioned,  
12 Aleksovski case. And then probably we'll be able to  
13 react, at least making a base, and tell them that this  
14 number of witnesses we will not oppose to have  
15 introduced, the transcripts as documentary evidence,  
16 but for certain number, I am not talking too many,  
17 probably eight, ten, something like that, we would need  
18 translation; translation of the testimony sent in  
19 within a reasonable time. We would be able to either  
20 consent or to oppose.

21           So I am just trying to warn the -- everybody  
22 here that we will have a problem of calendar.  
23 Everything started a little bit too late, by my  
24 opinion. I, of course, appreciated the effort which  
25 Prosecution did, and that was what I suggested them,



1 just in order to speed it up, and that it will  
2 certainly save a couple of days, I shall say.

3           Your Honour, if I may bring up another thing,  
4 while I am still standing. You gave us, by your  
5 timetabling order dated the 21<sup>st</sup>, you also put us  
6 certain terms to be respected. And if I may, Your  
7 Honour, we have two things to respect.

8           The first one is our response to admission of  
9 the documents concerning international armed conflict,  
10 and that date is defined as 15 February 2000, and we  
11 will surely do that. We are almost finished on this  
12 part of the job, even earlier probably. But then the  
13 other term is under item 3 of that order, which define  
14 that OTP will provide all exhibits by 28 January 2000,  
15 and then Defence will respond within 14 days.

16           Even though that majority, the greater part,  
17 almost 28 percent or 20 or something percent, almost  
18 everything was provided during that week, and on 28<sup>th</sup>,  
19 and provided through the week, and 29<sup>th</sup> and 30,  
20 physically, and some little, little elements which were  
21 either mistakes, or errors, or not clear or anything,  
22 were given to us subsequently. We are working on that  
23 very hard. And that is, Your Honour, really -- I still  
24 don't know how many documents. Believe me, it is a  
25 stack like this altogether. We, at least, have to have

1 every document in the hand and scan it and then divide  
2 them in a couple of categories. Like this one, we have  
3 to check a little bit more, this one is probably okay.  
4 But that really needs the time. And we don't have too  
5 much.

6           And I am kindly asking you if this term  
7 defined by item 3, which probably will be corrected to  
8 say that it is not -- if it is 14 days after the  
9 delivery of material, then it is probably 14 or  
10 something of February, or 13 of February, to give us at  
11 least until the middle of that week, which is sometime  
12 the 16, 17. Better to say by the end of that week.

13           Otherwise -- I mean, if I am forced, I will  
14 do it, but then I will be --

15           JUDGE MAY: Mr. Kovacic, what I suggest is  
16 see how you get on, and if you find yourself in  
17 difficulty, you can make a further application.

18           MR. KOVACIC: Thank you, Your Honour.

19           MR. NICE: Just a couple of points, I think.  
20 As to transcript witnesses, of course they have all  
21 been on the witness list, although not some of them, or  
22 many of them I suppose, particularised, because they  
23 come to be particularised in respect of the village  
24 binders. However, there were, of course, the 12  
25 witnesses served, for transcript purposes, on the 12th

1 of November, the revised summary or overview, and I  
2 think there's an outstanding order that the Defence  
3 should respond to those by tomorrow.

4           So that what I respectfully suggest is that  
5 those are given a priority, and should be capable of  
6 being dealt with tomorrow, in discussion or argument,  
7 and that thereafter, perhaps starting at the top of the  
8 list and working down would be the best way to deal  
9 with it. But in some such way as we can get as many  
10 done one, way or another, as possible.

11           I am otherwise quite happy to argue tomorrow,  
12 of course, the general issue of the adduction of  
13 transcripts. There may be another topic that falls for  
14 consideration tomorrow; that is videos. There are  
15 other videos which have been served, many videos  
16 produced themselves, if they are television broadcasts  
17 or videos of meetings of one kind or another. And I  
18 think there is an argument about whether these videos  
19 can be produced simply as exhibits and played, or  
20 whether, in some way, there has to be a witness who is  
21 material to the meeting. I'm not quite sure how that  
22 arises, but that, perhaps, can be considered tomorrow  
23 as well.

24           So one way or another, I think there is quite  
25 a lot of stuff that we can do tomorrow that will save

1 time later on.

2 JUDGE MAY: I invite the Defence to  
3 concentrate, as far as the transcripts are concerned,  
4 to those listed on the Prosecution's updated overview  
5 of witnesses on the 10<sup>th</sup> of November, which you have  
6 had since then, page 21, under the heading, "witnesses  
7 not to be called, transcripts." And I see, in fact, on  
8 that list, eight witnesses, one of whom has already  
9 given evidence.

10 MR. NICE: Yes.

11 JUDGE MAY: And we'll look at the same.

12 MR. NICE: One other --

13 [Trial Chamber confers]

14 JUDGE BENNOUNA: [Interpretation] Mr. Nice, I  
15 was just talking to my colleague, Judge May, regarding  
16 this question of transcripts. I was not at all aware  
17 of this problem of transcripts. I hear you speaking of  
18 45 witnesses who would have their transcripts  
19 produced. I don't know if these are transcripts that  
20 have nothing to do with the dossiers, or are those in  
21 the dossier included? But, in any event, the figure is  
22 an impressive one, 45. And especially so, when we are  
23 almost one month to the end of the Prosecution case.

24 So my question is the following: Do you  
25 intend to inform us about these transcripts, and to

1 justify the reasons for which you have asked to produce  
2 those transcripts at this stage, because for the  
3 present we have not been fully informed. I heard  
4 reference made to it in hearings, but nothing really  
5 happened, no proper argument. And that is why I had  
6 consulted with my colleagues, to see about this.

7 MR. NICE: The majority of them relate to the  
8 village binders and, therefore, it was always  
9 forecasted it would have to be decided at the stage  
10 that we were dealing with village binders. You'll also  
11 have the schedule prepared by Mr. Scott, responsive to  
12 Mr. Kovacic's request, which sets out the content, and  
13 thus identifies the reason for their being sought as  
14 transcript witnesses.

15 And, of course, as I think we are all aware,  
16 the Chamber has been reminding us, certainly in the  
17 early stages, of the potential value of transcripts in  
18 this case. And we've been responsive to that as well.

19 JUDGE MAY: We'll hear the argument about the  
20 transcripts tomorrow. Clearly, the more evidence that  
21 can go before us by agreement, the better.

22 As for the other, we'll have to consider it.

23 MR. NICE: A few more short points, if I can  
24 just make them. One, I hope that if we are going to  
25 now rise, I hope we can use the rest of the afternoon

1 to prepare ourselves by listening to the tapes for the  
2 balance of the tape argument tomorrow, because we have  
3 yet to hear the extent of the Defence argument, in  
4 light of the evidence. And of course resolution of  
5 that argument will have an impact on what, if any,  
6 other evidence needs to be called about the tapes.  
7 There's already some lined up, but I may be able to  
8 cancel that.

9           Alternatively, depending on how the argument  
10 goes, it may be necessary to call more.

11           The last point. Whenever it was when we  
12 dealt with the witness from Vares, and of course we  
13 don't name him publicly at the moment. When we dealt  
14 with the witness from Vares, the Chamber will remember  
15 that I said his name featured in a NordBat document,  
16 and was otherwise unknown to our team.

17                           [Trial Chamber confers]

18           JUDGE MAY: Yes.

19           MR. NICE: I caused further inquiries to be  
20 made and as much digging to be done as could be done,  
21 and we have located not only the document that the  
22 witness speaks of having provided -- been provided to  
23 him, but we've also dug up within the Nordbat documents  
24 an interview of the man by Nordbat, so that although I  
25 don't -- it deals entirely with another named person

1 and with Stupni Do itself, rather than with what went  
2 before. But nevertheless it seems to me appropriate to  
3 make it available to the Defence, and I'll serve it on  
4 them today or tomorrow.

5 JUDGE MAY: Are there any other matters  
6 anyone wants to raise?

7 Yes, Mr. Kovacic.

8 MR. KOVACIC: Probably it was better to  
9 remind my dear colleague that we also made some  
10 progress on the issue of the maps, and I think we ought  
11 just to inform the Court that we established a method  
12 and steps on how to proceed, because it would be better  
13 probably to narrow the possible gap on what we agree  
14 and what we don't agree on those maps. Those are very  
15 practical material and, I guess, a good approach, and  
16 it could save tremendous time, not only now but also  
17 later in the Defence case.

18 JUDGE MAY: Yes, yes.

19 MR. KOVACIC: So that is why we are really  
20 trying to use this opportunity and to do something.

21 We also -- I have a feeling that if we will  
22 do as it was agreed upon yesterday, that we may have a  
23 solution probably before the end of the week after this  
24 break which we have, because some details have to be  
25 studied, but then in that week anyway.

1 Thank you, Your Honour.

2 JUDGE MAY: Good. Well, we would encourage  
3 any such solution so the matter can be put clearly  
4 before us.

5 Yes, Mr. Sayers.

6 MR. SAYERS: Just one very brief matter, Your  
7 Honour. I wonder if we might request from the  
8 Prosecution a curriculum vitae for Mr. Elford, since we  
9 have absolutely no background information on him at  
10 all.

11 MR. NICE: I'm only too happy to tell them  
12 what I know about him. I'll find out.

13 JUDGE MAY: Thank you.

14 Very well. We'll adjourn now until 9  
15 tomorrow morning, please.

16 --- Whereupon the hearing adjourned at  
17 3.20 p.m., to be reconvened on  
18 Friday, the 4<sup>th</sup> day of February, 2000,  
19 at 9 a.m.

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