

1 Tuesday, 30 July 2002

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.03 a.m.

6 JUDGE MUMBA: Please call the case.

7 THE REGISTRAR: Good morning, Your Honours. Case number
8 IT-95-9-T, the Prosecutor versus Blagoje Simic, Miroslav Tadic, and
9 Simo Zaric. Thank you.

10 JUDGE MUMBA: Yes, Mr. Pisarevic. Cross-examination.

11 MR. PISAREVIC: [Interpretation] Thank you, Your Honour.

12 WITNESS: WITNESS P [Resumed]

13 [Witness answered through interpreter]

14 Cross-examined by Mr. Pisarevic:

15 Q. [Interpretation] Good morning.

16 A. Good morning.

17 Q. I am Borislav Pisarevic, attorney at law, from Samac, and I appear
18 for Mr. Simo Zaric before this Court. Before I put some questions to you,
19 I would like, on behalf of Mr. Simo Zaric, to express his regrets for
20 everything that you have personally experienced and suffer through during
21 these unfortunate events in the territory of the municipality of Samac.

22 I haven't got many questions for you, so please just give me yes
23 or no answers, or "I don't know." If some question is not clear enough to
24 you, please feel free to ask me to repeat the question concerned. After I
25 put my question, could you please pause for a second or two, because my

1 objective is that my question, and by all means, your answer, be
2 interpreted, and thereby in the transcript as well.

3 Have you understood this?

4 A. Yes.

5 Q. Thank you. Yesterday you testified here that you were the first
6 commander of the military unit in Gornji Hasici and that after 40 days you
7 resigned that post.

8 MR. WEINER: I'd object to that, Your Honour.

9 JUDGE MUMBA: Yes.

10 MR. WEINER: That was a civilian protection unit. That was not a
11 military unit. He's misquoting --

12 JUDGE MUMBA: Yes. Yes.

13 Yes, Mr. Pisarevic.

14 MR. PISAREVIC: [Interpretation] First and foremost, Your Honour, I
15 did not hear the man say that this was a civilian protection unit at all.
16 If it was not a military unit, then I really do have some questions for
17 this witness with respect to the establishment of this unit. I'm going to
18 ask the witness, after all.

19 Q. Can you tell us, please, can you tell the Honourable Trial
20 Chamber, what kind of unit this was, the unit that you headed, as its
21 commander?

22 A. Yes. I shall answer. This was not a military unit from any point
23 of view. This was 30 to 40 men, 50 at the most -- I don't know the exact
24 number any more, but it could not have been more than 50 men, able-bodied
25 men, because the war in Croatia was in full swing by then, and people were

1 saying that the war might spread to Bosnia-Herzegovina. The council of
2 the local commune passed a decision to organise such a unit that would
3 help the population of the village, or rather, the weak, the old, the
4 infirm, and also to protect livestock and property. So this was a unit
5 attached to the civilian protection.

6 Mr. Pisarevic and everybody else knows that every village in the
7 former Yugoslavia had civilian protection. This was in accordance with
8 the law and let us say in accordance with the laws of that Yugoslavia.

9 Q. Let us conclude, then. You say that this was a civilian defence
10 unit?

11 A. Yes.

12 Q. However, you stated to the investigators of the OTP, on the 29th
13 of November and 2nd of December, 1994, the following:

14 "In January 1992, in my village, a reserve unit of the Territorial
15 Defence was established."

16 Do you know that that is what you said to the investigators of the
17 OTP?

18 A. Look, I could not have said any such thing like Territorial
19 Defence. Allow me to say this. I think that this must have been an
20 interpretation mistake. As for Territorial Defence, everybody knows where
21 its headquarters were and what the Territorial Defence was, and you know
22 that full well.

23 Q. Also, you said yesterday that that unit, whose commander you were,
24 was armed, for the most part with hunting weapons. The question is the
25 following: In that unit, were there any men who had automatic rifles?

1 JUDGE MUMBA: Mr. Weiner.

2 MR. WEINER: I'll withdraw my objection.

3 A. No.

4 MR. PISAREVIC: [Interpretation]

5 Q. Has your answer entered the transcript? Oh, I see.

6 You know what civil protection is. Is it customary for members of
7 the civil protection to be armed with hunting weapons and automatic
8 rifles?

9 A. Lest there be any misunderstanding: I said a minute ago this was
10 not civilian protection. This was attached to the civilian protection.
11 That's what I said. These same people were already doing guard duty
12 throughout the village that I already referred to. That is to say that
13 they had to have something. They couldn't go around just like that.

14 Q. That was precisely my next question. Yesterday you talked about
15 patrols, and now you said guard duty. Can we agree that these were not
16 patrols, that this was guard duty at various points in the village of
17 Gornji Hasici?

18 A. I would prefer saying that these were patrols, patrols. They were
19 patrols. They moved around, they did not stand in stationary positions.

20 JUDGE WILLIAMS: Excuse me, Mr. Pisarevic. If I could ask the
21 witness a question. This is just to clarify something from yesterday.
22 Can you tell me whether I'm correct in remembering, when you talked about
23 the patrols that went on from January to the 17th of April, 1992, am I
24 correct in remembering that you said these were voluntary patrols,
25 voluntary patrols?

1 THE WITNESS: [Interpretation] Please, I haven't got any
2 interpretation.

3 MR. PISAREVIC: [Interpretation] Your Honours, the witness has no
4 interpretation.

5 A. Yes.

6 JUDGE WILLIAMS: [Previous translation continues]... test? Can
7 you hear me now? Do you have interpretation now?

8 THE WITNESS: [Interpretation] Yes.

9 JUDGE WILLIAMS: Fine. Now. Good. Now that we have
10 interpretation, my question was quite simple. I would just like you to
11 tell me whether I'm correct in remembering: Yesterday when you talked
12 about the patrols in the village that was set up from January to 17th of
13 April 1992, these patrols, were they, as I think you said yesterday,
14 voluntary patrols?

15 THE WITNESS: [Interpretation] Yes. That was a unit that we've
16 been talking about, consisting of some 50 men, and that was the sole
17 purpose. Well, yes. That's what I'm saying. It was a voluntary patrol.
18 Because nobody was forced to go. Nobody had a finger pointed at them and
19 saying, "You have to go."

20 JUDGE WILLIAMS: Thank you.

21 THE WITNESS: [Interpretation] You're welcome.

22 MR. PISAREVIC: [Interpretation]

23 Q. As commander, or perhaps this person who took over from you after
24 40 days, did you say who would be on those patrols?

25 A. Yes. There was a list of men, and of course we had to work on the

1 basis of some kind of list.

2 Q. Does that mean that there was a schedule of patrols and who would
3 be assigned to what, and [redacted]?

4 A. I don't know what reference is being made to, but if I have a list
5 in front of me and I have a number of people, and then I say number
6 so-and-so will go to patrol post number 1 and some other men will go to
7 patrol post number 2, I don't know what else that could mean.

8 THE INTERPRETER: Microphone, please.

9 MR. PISAREVIC: [Interpretation]

10 Q. [redacted]?

11 A. No.

12 THE INTERPRETER: The interpreter did not hear the question
13 because Mr. Pisarevic's microphone was not on.

14 JUDGE MUMBA: Mr. Pisarevic, can you repeat your question?

15 MR. PISAREVIC: [Interpretation]

16 Q. Who replaced you? Or rather, were you replaced by [redacted],
17 [redacted]?

18 A. No.

19 Q. Can you tell the Trial Chamber who replaced you?

20 A. [redacted].

21 Q. After that, did the number of members of that unit go up?

22 A. I don't know. After my resignation, I was not in contact with
23 them any more.

24 Q. But sir, did you not stay as platoon commander in that unit?

25 A. No.

1 Q. Does that mean that you were not a member of that unit at all any
2 more?

3 A. No.

4 Q. Do you know the name of Mr. Marko Bozanovic?

5 A. Yes.

6 Q. And do you know that Mr. Marko Bozanovic, who was a reserve
7 captain of the Yugoslav People's Army, was appointed commander of all
8 units that were established in the villages with a Croat population?

9 A. I found out about that when I came back from camp.

10 Q. And are you aware of the fact that in other villages with a Croat
11 population, like Kornica, Donji Hasici, Hrvatska Tisina, Domaljevac, et
12 cetera, there were the same type of units like the one [redacted],
13 [redacted]

14 A. I don't know, but I can assume that that's the way it was.

15 Q. Can you tell me when it was that you took your family out of your
16 village?

17 A. The date? I cannot give you the specific date, but I took them
18 perhaps ten or fifteen days before Samac fell.

19 JUDGE MUMBA: Mr. Weiner?

20 MR. WEINER: Your Honour, yesterday, when we discussed this, and I
21 apologise. This has been my fault. I didn't recognise this earlier. We
22 were in closed session.

23 JUDGE MUMBA: Yes.

24 MR. WEINER: Because there's been discussion concerning --
25 actually, even for this, could we go into closed session, for my own

1 comments here?

2 JUDGE MUMBA: So we'll go into private session.

3 MR. LAZAREVIC: Yes, Your Honours. And I have an information from
4 our clients. They cannot receive translation. Actually, on channel 6,
5 they can hear witness in B/C/S, and on channel 8 they don't have a
6 translation from English. So they cannot follow what the Trial Chamber
7 and the Prosecution say.

8 JUDGE MUMBA: Maybe we can look into that as well

9 [Trial Chamber and registrar confer]

10 THE REGISTRAR: We're now in private session, Your Honours. Thank
11 you.

12 [Private session]

13 [redacted]

14 [redacted]

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12 [Open session]

13 MR. PISAREVIC: [Interpretation]

14 Q. You mentioned here your arrest. Were you arrested by a member of
15 the police, Boban Radulovic?

16 A. It is true that Boban Radulovic arrested me. Whether he was a
17 member of the then police or not, I don't know. I know that before the
18 war, Radulovic was a policeman in Odzak, I think.

19 JUDGE MUMBA: Mr. Pisarevic, yesterday you indicated that you need
20 only five minutes.

21 MR. PISAREVIC: [Interpretation] Your Honours, I need only two
22 minutes more.

23 JUDGE MUMBA: All right.

24 MR. PISAREVIC: [Interpretation]

25 Q. Let us try to clarify this. You said yesterday that on the 8th,

1 Savo Cancarevic came to Crkvina, as well as Savo Popovic and Savo Jurkic
2 [as interpreted].

3 A. Yes.

4 Q. Perhaps you made a mistake, or perhaps you've forgotten. Was it
5 Ranko Popovic rather than Savo Popovic who was there?

6 A. If Ranko Popovic was a policeman before the war, then it was him.
7 I think it was Savo, but at any rate, it was Popovic. It's either Ranko
8 or Savo. It's Popovic's son, at any rate.

9 Q. Do you agree that it was the one who was a policeman before the
10 war?

11 A. Yes.

12 JUDGE WILLIAMS: Mr. Pisarevic, just for the sake of my
13 understanding, could you indicate to me what the relevance is, whether
14 it's the father or the son Popovic, because I'm unclear what difference it
15 makes.

16 MR. PISAREVIC: [Interpretation] Your Honours, it's not father and
17 son at all. These are two brothers. One is Savo Popovic and the other
18 one is Ranko Popovic. Ranko Popovic was a policeman before the war, a
19 member of the police force in Samac. Now, why did I raise this question?
20 In all of this witness's statements, he spoke of Ranko Popovic, and
21 yesterday was the first time that he mentioned Savo Popovic. So I just
22 wanted to clarify that.

23 THE WITNESS: [Interpretation] I really do apologise.

24 MR. PISAREVIC: [Interpretation] I really wanted to do a favour to
25 the OTP and to the Trial Chamber, of course, I mean, for the benefit of

1 this trial, I don't want there to be any confusion.

2 JUDGE WILLIAMS: I thank you for that, Mr. Pisarevic.

3 MR. PISAREVIC: [Interpretation]

4 Q. You're aware of the fact that many of your fellow citizens who are
5 Croats from the municipality of Samac live in Kostajnica momentarily, in
6 Kostajnica, in the Republic of Croatia; is that right?

7 A. Yes.

8 Q. Are you aware of the fact -- or rather, Croats, our fellow
9 citizens, when they came to populate that area, did they ask the Serbs for
10 permission to move into their houses?

11 A. No.

12 Q. Do you know whether they pay rent to the Serbs there because they
13 live there?

14 A. Yes. Yes. There are cases when people do pay rent.

15 Q. Are these recent cases?

16 A. These are cases that were won through court proceedings. Owners
17 of houses asked for this through court proceedings, and that is how rent
18 came to be paid.

19 MR. PISAREVIC: [Interpretation] Your Honours, I have no further
20 questions.

21 JUDGE MUMBA: Very well. Mr. Pantelic.

22 MR. PANTELIC: Yes, Your Honour. Thank you. And good morning.

23 Cross-examined by Mr. Pantelic:

24 Q. [Interpretation] Good morning, Witness.

25 A. Good morning.

1 Q. Let us clear up some technical matters. In your statement given
2 to the Office of the Prosecutor - it's an unofficial, unsigned statement -
3 on the 8th of July, 2000 [as interpreted], in paragraph 7 -- or rather,
4 8th of June, when you were describing the property you had in your
5 village, you discussed this with the Prosecution already. There is one
6 sentence which you actually pronounced, and I would like to know whether
7 you stand by it. It has to do with your house:

8 [In English] "My house had been inhabited by Serb refugees."

9 [Interpretation] Do you stand by this statement given to the
10 Prosecution, the Office of the Prosecutor, in June 2000 [as interpreted]?

11 A. Yes. They had moved in. But whether it was in June, I don't
12 know.

13 Q. Maybe it's a misunderstanding. I said your statement dated back
14 to June 2000 [as interpreted]. I didn't mention when they had moved in,
15 if at all. I was just quoting from your statement made in June.

16 MR. PANTELIC: Yes, Your Honour. Just a clarification to
17 transcript. Page 13, lines 2, then line 13, it should read, instead of
18 2000, 2002, 8 June, 2002.

19 JUDGE MUMBA: Very well. It will be corrected.

20 MR. PANTELIC: [Interpretation]

21 Q. So, Witness P, did you find that out first-hand from those people
22 or did your fellow townsmen and friends tell you perhaps where those
23 refugees who had moved into your house had come from originally?

24 A. No, I didn't know that.

25 MR. LAZAREVIC: Your Honours, I need to inform the Chamber that

1 our clients still have the same technical problems. They cannot follow
2 the translation on channel 8. So when they're on channel 6, I will just
3 tell what I have just received as information. They can hear everything
4 except the witness on channel 6. But when they're on channel 8, they
5 cannot reach the interpretation.

6 JUDGE MUMBA: Perhaps this is one system where again they have to
7 change channels, depending on who is speaking, I think. Can we get the
8 instructions from the registry assistant?

9 [Trial Chamber and registrar confer]

10 JUDGE MUMBA: So I think they should find the channel which is
11 open when either counsel is speaking and when the witness is speaking.
12 They have to use two different channels.

13 [Trial Chamber confers]

14 JUDGE MUMBA: And if I may advise both Mr. Pantelic and Witness P:
15 This makes it even more important for both of you to be pausing before the
16 question and before starting to answer.

17 MR. PANTELIC: Yes. Yes, Your Honour, absolutely.

18 Q. [Interpretation] I want to pick up a subject raised by my
19 colleague Mr. Pisarevic, and I will read out to you -- it's not really
20 very important. It's just for the purpose of clearing up the transcript,
21 the record. I will read out to you from paragraph 64, page 12 of your
22 statement dated 8th June, 2000, [as interpreted] -- or rather, 8th June of
23 this year.

24 MR. PANTELIC: Just a short advice to the interpreters. I'm using
25 only two witness statements. One is from 1994 and the other from 2002.

1 And really, it makes me certain problem to make this kind of corrections
2 every second. So to be very clear: 1994 statement and 2002. And then I
3 can be focused on my work here, not to check whether the interpreters are
4 doing their job.

5 JUDGE MUMBA: Yes. Very well. You can go ahead.

6 THE INTERPRETER: Interpreters apologise. We have only the 1994
7 statement.

8 JUDGE MUMBA: Yes. The interpreters have said that they haven't
9 got a statement of the 2002 statement. That's why perhaps there's a
10 problem.

11 MR. PANTELIC: It's very easy. It's two. When I'm trying to -- I
12 mean, two years, very simple. Okay. Let's go.

13 Q. [Interpretation] So in your statement from year 2002, in paragraph
14 64, you told the OTP the following.

15 [In English] "Around 1000 a.m. the next morning, Savo Cancarevic,
16 Ranko Popovic, and Savo Jerinic came to the warehouse. Ranko and
17 Savo Jerinic were policemen before the war."

18 [Interpretation] Let me remind you: This was after the tragic
19 event, the crime in Crkvina. You say that's when they came the next
20 time. Do you agree with what I read out?

21 A. Yes.

22 Q. There's no need for me to read the same thing from the other
23 statement. You said the same thing in 1994.

24 Now that we have cleared this up, let us move on. Yesterday,
25 during your examination-in-chief, you told the Prosecutor that there had

1 been three Serb families in your village. Do you remember that?

2 A. Yes.

3 Q. Can you tell us their last names of those Serb families?

4 A. Yes. Djuric.

5 Q. At a later point, when the Prosecutor was asking you about that
6 unit that you had over there, you said that one of the Serb locals,
7 villagers, was also in that unit. Can you tell us who it was? Because
8 there were very few Serbs there at all, and you must have known them well.

9 A. They were younger men, around 30 years old. I don't have to
10 mention their names. In fact, I wouldn't like to.

11 Q. You have nothing to fear. It's just normal procedure before this
12 Court, and I would like you to tell us who, to the best of your knowledge,
13 was a member of that unit.

14 JUDGE MUMBA: Mr. Weiner.

15 MR. WEINER: Your Honour, assuming it's relevant, and he should
16 answer, we should go once again into private session, I request.

17 JUDGE MUMBA: Yes. We'll go into private session.

18 MR. PANTELIC: Yes. Of course.

19 MR. WEINER: And could an explanation be made to the witnesses
20 what --

21 JUDGE MUMBA: Yes.

22 MR. WEINER: -- by the Court what it means --

23 JUDGE MUMBA: Yes.

24 MR. WEINER: -- and -- thank you.

25 [Private session]

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16 [Open session]

17 THE REGISTRAR: We are in open session, Your Honours. Thank you.

18 MR. PANTELIC: [Interpretation]

19 Q. Another thing you said during examination-in-chief was in response
20 to a rather unclear question from the Prosecution. We did not pick it up
21 yesterday, but we do have to clear it up now. The Prosecutor asked you
22 the following --

23 MR. PANTELIC: For the benefit of my friends, it's page 17, line 3
24 of the working version, draft version, of yesterday's transcript, because,
25 as usual, we were not provided with the regular version where are the four

1 digits, so it's just this kind of version that we have.

2 Q. [Interpretation] Sir, the question was as follows --

3 MR. WEINER: Your Honour --

4 JUDGE MUMBA: Yes, Mr. Weiner.

5 MR. WEINER: For the record, no one is provided with the regular
6 version for at least a few days until all corrections are made. I don't
7 want the record indicating that counsel -- that Prosecution has some
8 benefit and is receiving -- immediately receiving the regular version of
9 the transcript and Defence counsel aren't. We have the exact same version
10 in front of us, the draft version.

11 JUDGE MUMBA: Yes. That is a procedure. That is well known, that
12 everybody gets a rough version first and the correct ones comes after 24
13 hours, I think.

14 MR. WEINER: Thank you.

15 MR. PANTELIC: Again, for the record, I disagree with this, Your
16 Honour.

17 JUDGE MUMBA: Mr. Pantelic, can you just go ahead with your
18 cross-examination.

19 MR. PANTELIC: Yes, of course.

20 Q. [Interpretation] So the question was.

21 [In English] "[Previous translation continues]... troops in those
22 small villages."

23 [Interpretation] And your answer was yes.

24 Bearing in mind that you were a man who had changed a number of
25 posts, you had been in the army, you were awarded various ranks, and you

1 were more acquainted with procedure than a regular soldier, so could you
2 please explain: Why did you tell the Prosecutor yesterday that in 1992
3 and in end 1991, while war was raging in that region, I mean Croatia and
4 all that, why was it unusual, in your mind, to see JNA troops in that area
5 where the small villages were? What can we do about it? The villages
6 were small. So what was unusual about it?

7 A. I was responding to questions relating to my own village and the
8 surrounding villages, because in my own village and nearby villages, I had
9 never seen the regular army before that.

10 Q. This brings me to my next question. There were paramilitary units
11 in those villages, weren't there?

12 A. Yes, there were.

13 Q. Since these were villages with a majority Croat population, there
14 were elements of the Croatian National Guard and components of the
15 Croatian army and volunteers --

16 A. There were no Croatian National Guard or volunteers. What I
17 mentioned was --

18 JUDGE MUMBA: Mr. Weiner?

19 A. -- when I talked about the army that I described, I said exactly
20 whose troops those were and to whom they belonged.

21 MR. WEINER: Your Honour, I think there's some confusion in the
22 record. The first question concerned troops in certain villages. And
23 then the next question concerned there were paramilitaries. In his
24 statement, he mentioned Serbian paramilitaries in those same villages.
25 Then the question apparently that counsel is asking is asking about a

1 different set of villages, not the Serbian villages, the Croatian
2 villages, and I just thought it's confusing for the transcript -- in fact,
3 the witness himself answered that there were no Croatian paramilitaries.
4 The question is just too general. It's vague. And which villages is he
5 talking about? Is he talking about the villages where they saw the JNA
6 troops or is he talking about Croatian villages? If we could have some
7 specificity here.

8 JUDGE MUMBA: As to the areas where those troops or paramilitaries
9 were seen.

10 MR. WEINER: Yes.

11 JUDGE MUMBA: Yes.

12 Yes, Mr. Pantelic.

13 MR. PANTELIC: Yes, I can help to my friend. It's very clear.
14 It's page 20, line 11, and everything is in my question. It's very clear.

15 Q. [Interpretation] Witness P, is it the case that those village
16 units that you mentioned in your village and other villages with a
17 majority Croat population had some sort of uniforms worn by their members?

18 A. No.

19 Q. Before 1992, when, as a member of the JNA reserve force, you took
20 part in military drills, I suppose those drills took place in the area
21 around your village, or at least in the vicinity. Is that correct?

22 A. As far as I'm concerned personally, I never took part in any
23 drills near my village. Most of the military drills where I was involved
24 took place in the area of Doboje.

25 Q. How far away is Doboje away from your hometown?

1 A. Around 70 kilometres.

2 Q. In response to a question from the Prosecutor, you said that
3 before the war you heard on the radio in Samac -- you specified you didn't
4 know whether it was a recording or a live show when my client,
5 Blagoje Simic, was discussing the political circumstances at the time.
6 Can you tell me whether this Radio Samac, before the 17th of April, 1992,
7 had a combination of mixed staff, mixed journalistic teams?

8 A. I really cannot tell you that, because I don't know what the
9 management was like at the time and who took part and who occupied senior
10 positions.

11 Q. Apart from what you allegedly heard, namely, you allegedly heard
12 Blagoje Simic speaking on the radio, did you hear perhaps Filip Evic,
13 president of the HDZ, or Sulejman Tihic, president of the SDA, or any
14 other local politician, before the 17th of April, 1992? Were you able to
15 hear over the radio shows featuring other politicians giving their
16 opinions on the political situation?

17 A. I just want to say that even this speech by Mr. Simic is something
18 that I heard by pure chance. As far as politics were concerned, as
19 discussed on radio and television, I don't listen to or watch that kind of
20 thing, and it was only by chance, I repeat, that I heard this show at that
21 time.

22 Q. Can you remember perhaps any more details, if I can jog your
23 memory? Was any reference made to the efforts invested by all three
24 ethnic groups in calming down the situation and relaxing the tensions in
25 the area?

1 A. I don't know whether it was the topic of that radio programme, but
2 I know that there was a lot of talk and discussions about efforts to
3 resolve the whole thing in a peaceful manner.

4 Q. Since you heard only bits and pieces of this programme, you allow
5 the possibility that it had to do with some of those efforts?

6 A. Yes.

7 Q. Another thing the Prosecutor asked you yesterday, it's also a
8 technical issue, to set the record straight, page 22, line 2. The
9 question was:

10 [In English] "[Previous translation continues]... you heard was
11 then the major or was now the major of Bosanski Samac?"

12 [Interpretation] And your answer was Dr. Blagoje Simic. And you
13 were talking about the 17th of April or around that time. That's
14 something you heard on the radio again. And would you be so kind as to
15 tell me now -- perhaps it's also a matter of interpretation.

16 JUDGE MUMBA: We were just wondering about the word "major." It
17 was the mayor.

18 MR. PANTELIC: Yes. Yes. I do apologise. I do apologise, Your
19 Honour. Because I was in the army issue, so I make this mistake. Thank
20 you. Thank you for correcting me.

21 Q. [Interpretation] Yes. We were talking about the mayor. That's
22 another thing you heard over the radio. But what I would like to ask you
23 now is the following: Do you know at all that it was only 1993 that
24 Dr. Blagoje Simic practically became president of the Municipal Assembly,
25 not the mayor of Samac? Are you aware of that?

1 A. No.

2 Q. Let me try to refresh your memory some more. When was it exactly,
3 or roughly, that you heard this on the radio?

4 A. Well, after I was set free, after I was exchanged.

5 Q. Because in this part when you were responding to a question from
6 the Prosecutor, you said it was around roughly the 17th of April, and now
7 I heard you saying that this particular piece of information about
8 Dr. Blagoje Simic occupying a post in the town is something that you
9 learnt later, after you were released.

10 A. Yes.

11 MR. WEINER: I'd object, Your Honour.

12 JUDGE MUMBA: Yes.

13 MR. WEINER: Counsel is confusing two different phrases. I
14 referred to him as mayor Blagoje Simic.

15 JUDGE MUMBA: Yes.

16 MR. WEINER: And did you hear mayor Blagoje Simic on the radio?
17 And I used that as an intro to bring in what he heard on the radio on or
18 about the 17th.

19 Now he's asking: When did you hear he was mayor? And he says he
20 was hearing after. So now he's saying: You didn't hear that conversation
21 that Blagoje Simic made on or about the 17th at that time, but after?
22 You're confusing my, if you want to call it, characterisation of
23 Blagoje Simic, with the conversation itself. Those are two different
24 issues.

25 JUDGE MUMBA: Yes. I think the witness can answer this, as to

1 when he heard the radio broadcast and as to when he heard that
2 Blagoje Simic was the mayor.

3 MR. WEINER: Yes.

4 THE WITNESS: [Interpretation] I heard the speech before. As for
5 mayor, I heard about that only when I got out of camp.

6 MR. PANTELIC: [Interpretation]

7 Q. Further on, you spoke of some restrictions when the Prosecutor
8 asked you about restrictions imposed on known Serbs. You said there were
9 some posters signed by Stevan Todorovic and so on?

10 MR. PANTELIC: Could I have the assistance of the usher and the
11 registrar. Could the witness be shown Exhibit P40, please, and "ter."
12 P40, 4-0.

13 THE REGISTRAR: Yes, Mr. Pantelic. Is it/1 or/2?

14 MR. PANTELIC: It's P.

15 THE REGISTRAR: Oh, P. Sorry, so sorry.

16 MR. PANTELIC: To be honest, I don't know whether it was
17 Mr. Weiner or Gramsci.

18 [Interpretation] While the registrar is looking for this paper,
19 let's clarify one thing.

20 Q. When speaking about the mayor, since this is not customary like in
21 the English-speaking world, you think that the mayor is actually the
22 president of the municipal assembly; isn't that right? That's what it was
23 called in our parts?

24 A. Yes. Until the war we did not use the word "mayor." And now
25 whether it is translated as president of the assembly, and if it is

1 president of the assembly, then that's that.

2 MR. PANTELIC: Mr. Usher, please, could you put the English
3 version of this document on the ELMO.

4 Q. [Interpretation] Witness P, a brief question: You read that
5 document; right?

6 A. Yes.

7 Q. Is that what you saw as the poster that was signed by
8 Stevan Todorovic when you talked about the prohibition of assembly and
9 things like that when the Prosecutor asked you about this?

10 A. Yes.

11 Q. Again, let me ask you, as a man who has some information with
12 regard to military matters, in a certain domain, that is, and of course
13 you may recall from your very own knowledge what it was like in the HVO
14 when you were in Orasje, et cetera.

15 The question is as follows: Do you agree with me that usual
16 procedure, when there is a war going on, is that there is a certain
17 restriction on the movement of persons and that this movement of persons
18 has to be accorded by way of certain permits? Do you agree with this
19 thesis?

20 MR. WEINER: I object, Your Honour.

21 JUDGE MUMBA: Yes, Mr. Weiner.

22 MR. WEINER: Are we talking about some sort of legal restrictions
23 that are placed? Are we talking about military restrictions? What are
24 these usual procedure during war? This isn't an expert on war
25 procedures. I don't know what sort of expert you would even bring in for

1 something like that. The usual procedure during war.

2 JUDGE MUMBA: I thought that he was asking the witness as an
3 ordinary member of the community he had been in the army and his own
4 observations as an individual.

5 MR. WEINER: Yes, but he says: "Do you agree with me that the
6 usual procedures, when there is a war going on, is that certain
7 restrictions in the movement of person and that this movement of persons
8 has to be accorded by way of permits?" How would he know that? You would
9 need someone who is some sort of specialist in logistics during war --

10 JUDGE MUMBA: No. I think you can answer that as a member of the
11 community who has been in a war community. If he doesn't know, say so.
12 Let the witness answer.

13 THE WITNESS: [Interpretation] I would not agree with that. This
14 is the way I would answer this: If movement is allowed, why is movement
15 allowed to the Serb population and the others, or rather, the non-Serbs,
16 have their movement restricted? So in fact more than two people cannot
17 assemble. That was not clear to me. I don't know what was meant by
18 that. So some, in fact, do have freedom of movement and others do not
19 have freedom of movement.

20 MR. PANTELIC: [Interpretation]

21 Q. Let's clarify matters a bit. You are now referring to the
22 decision of Stevan Todorovic and the order of Stevan Todorovic; isn't that
23 right?

24 A. Yes.

25 Q. That subject is something I'm not interested in. We have already

1 dealt with that. I'm talking about something completely different. I'm
2 asking you the following now: While you were a member of the
3 104th Brigade of the HVO, and when you wanted to visit some other place
4 and to leave the place where your brigade, the 104th Brigade, was
5 stationed, did you have to ask the headquarters of your brigade whether
6 you could get permission to travel from that place to the other place?

7 A. I have to give a more extensive answer.

8 Q. Please go ahead.

9 A. Until I was arrested, I was not a member of the 104th Brigade, so
10 I could not ask the 104th Brigade for permission, nor could I get it. I
11 became a member of the 104th Brigade only after I was released.

12 After my release, there was no war in the territory of the
13 municipality of Bosanski Samac by then, so in fact there was no one that I
14 could ask. I could not ask the Serb authorities for any kind of
15 permission, nor could anybody from the Croat side, any Croat citizens, ask
16 for this kind of permission, because all the Croat population had left the
17 territory of the municipality of Bosanski Samac. So I think that you are
18 confusing matters if you're putting this kind of question, I think. I
19 don't know. Because the question pertains to the period until my arrest.

20 Q. On the contrary -- no, no. Listen to me very carefully. The
21 question pertains to the period after you were exchanged, that is to say
22 [redacted]
23 Brigade. You remember that?

24 A. Yes.

25 Q. Now I'm asking you the following: At that time, while you were a

1 driver, an ambulance driver, as a member of that unit, the 104th Brigade,
2 did you require, if you wanted to travel to Croatia or to some other
3 location that was held by the HVO, in order to leave Orasje, did you
4 require a military permit, a military pass? That's the only thing I'm
5 talking about, nothing else. It's quite simple.

6 A. Yes.

7 Q. And when military policemen, or civilian policemen, arrested you
8 and brought you in, in Osijek, in Croatia, at the bus station, one of the
9 grounds for bringing you in and for transferring you to your own state,
10 which is Bosnia-Herzegovina, was the fact that you did not have any kind
11 of permit to move about. Do you agree with me?

12 A. I did have a permit to move about. I had my own ID. But how
13 should I put this? From a military point of view, I had not joined any
14 unit -- let me put it that way -- because I was a citizen of
15 Bosnia-Herzegovina.

16 Q. That's quite understandable. So you had your personal ID at the
17 time, your identity card, but you did not have another document that would
18 show that you were a soldier on leave or whatever, and that is why the
19 Croat police brought you in and that is why you were transferred to
20 [redacted]

21 [redacted] Do I understand that right?

22 A. Yes, that's it.

23 Q. Witness P, let us go back to another topic and to a different
24 period of time, the end of 1991 and beginning of 1992, in the region of
25 Bosanski Samac. Will you agree with me if I say that because the front

1 line in Croatia was nearby and because of certain political tensions in
2 Bosnia-Herzegovina, this interethnic tension was on the rise among the
3 members of the three groups: Muslims, Croats, and Serbs? I'm referring to
4 the municipality of Bosanski Samac. Do you agree with this thesis of
5 mine?

6 A. Yes.

7 Q. And due to that tension, practically every village started
8 organising itself in some way. They made these patrols, they started
9 guarding themselves, if I can put it that way. Isn't that right?

10 A. Yes.

11 Q. Bosanski Samac and Posavina, which is a peaceful area, where
12 industrious people live, farmers - how should I put this - who were never
13 conflict prone; isn't that right?

14 A. Yes.

15 Q. However, the unfortunate fact of this war and these tensions led
16 to having every village in that area being apprehensive of other ethnic
17 groups towards the end of 1991 and beginning of 1992; isn't that right?

18 A. Yes.

19 Q. In Donje and Gornji Hasici, do you know perhaps, before 1992,
20 approximately, or rather, if you do know at all, since I heard that there
21 was quite a bit of this, but do you know about this: Percentage-wise, how
22 many guest workers were there, that is to say ethnic Croats who were
23 employed abroad? Can you give me an approximate percentage? If not,
24 that's no problem.

25 A. I don't know.

1 [redacted]

2 [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 A. Yes.

7 Q. You knew Mr. Ivo Katic too, didn't you?

8 A. Yes.

9 Q. And Mr. Luka Blazanovic; isn't that right?

10 A. Yes.

11 Q. What was the name of Brandic? Was his first name Jozo?

12 A. I don't know. There are several Brandics. I don't know who is
13 being referred to.

14 Q. Mr. Katic and Mr. Blazanovic were in this council of the local
15 commune of Donji Hasici; isn't that right?

16 A. I don't know.

17 MR. PANTELIC: Could the witness be shown, please, Exhibit P18 and
18 P18 ter, please -- and sorry, and also P18A.

19 Q. [Interpretation] While we are waiting for documents, Witness P,
20 can you confirm to me that some bunkers were dug around your village by
21 way of protection?

22 A. I heard about bunkers being dug, but I personally did not take
23 part in this, nor did I know about it. I found about it only much later.

24 Q. Please take a look at this document. This is a document about
25 funds that were collected abroad?

1 MR. PANTELIC: [Previous translation continues]... English version
2 of document P18 on the ELMO.

3 Q. [Interpretation] So, Witness P, you see this is a document dated
4 the 10th of March, 1992. Ivo Katic, Luka Blazanovic, Pavo Brandic, et
5 cetera. They are members of the council of the local commune?

6 MR. WEINER: Your Honour, objection.

7 JUDGE MUMBA: Yes, Mr. Weiner.

8 MR. WEINER: How is this relevant? This is not from his village.

9 JUDGE MUMBA: What, the list showing the witness?

10 MR. WEINER: Donji Hasici.

11 JUDGE MUMBA: Yes.

12 MR. WEINER: It's not his village.

13 MR. PANTELIC: Maybe we should take a look on the map, my dear
14 friend, because Donje and Gornji Hasici is something like - I'm not so
15 familiar with Boston, but I would say it's something like Queens and
16 Bronx. It's the area, it's the same village, in fact, upper and I
17 will clarify that with the witness. And finally, he knows, he knows these
18 two persons who signed that, and I would like to clarify certain personal
19 knowledge of him about the details from this document.

20 MR. WEINER: But they're two separate areas.

21 MR. PANTELIC: No. It's one area, as I said. We can take a look
22 on the map. Why not? I mean --

23 JUDGE MUMBA: Why don't we ask the witness?

24 MR. PANTELIC: Yes. We can ask the witness.

25 Q. [Interpretation] Witness P, is my understanding correct that Donje

1 and Gornji Hasici are essentially one village that is linked? There is a
2 road, and the houses are practically next to each other. These are just
3 different names, but for all practical purposes this is one village.

4 A. Let it be quite clear. Donji Hasici is a separate village,
5 Gornji Hasici is a separate village. Everything that you have shown me
6 has [redacted]. Please take this. I don't
7 want to discuss this at all. This is the first time I see this document
8 and these people who are on this list.

9 As for the fact that I said that I knew the two men that were
10 mentioned previously, I've known them since I was born, because it's only
11 natural that I pass through Donji Hasici, and it's natural that they [redacted]
12 [redacted] And it's only natural that I visited public places
13 in their village and they visited public places in our village. And this
14 is the first time I've ever seen this, and I really don't want to discuss
15 it.

16 Q. Let me just ask you: If you go along the road, how many metres is
17 there [redacted]? Or let me help you. Aren't these
18 two villages brought together within a single village? Can you explain
19 this to the Trial Chamber?

20 A. Yes [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24 [redacted]

25 [redacted]

1 [redacted]

2 [redacted]

3 [redacted]

4 Q. You knew him, didn't you?

5 A. Yes.

6 Q. Do you know that this man, Anto Vuckovic, had -- was in the
7 possession of an automatic rifle? Yes or no.

8 A. I don't know.

9 Q. Do you know --

10 MR. WEINER: Whether or not he knows these people and whether they
11 had weapons, how is any of this relevant?

12 JUDGE MUMBA: Mr. Pantelic?

13 MR. PANTELIC: Of course it's relevant, Your Honour, because
14 that's a way of questioning of the Defence, and we have certain
15 information that a significant number of the villagers were armed with all
16 these weapons, and I just want to clarify his personal knowledge about
17 that fact, just a couple of questions about that issue, because we --
18 let's see what the answers will be and then we should -- otherwise, you
19 know, I will discover the issue. I mean, allow me. It's
20 cross-examination. Just to have --

21 JUDGE MUMBA: Mr. Weiner, I just wanted to say that perhaps the
22 issue here is that some of the people who were arrested were actually
23 combatants and not civilians. Perhaps it is going to that direction.

24 MR. WEINER: I'll withdraw and give him some -- an opportunity.
25 That's fair. If he can tie it in, I'll withdraw it. As long as we can

1 see how it's relevant. That's all.

2 JUDGE MUMBA: Yes, Mr. Pantelic. You can go ahead and ask your
3 question.

4 MR. PANTELIC: [Interpretation]

5 Q. This Anto Vuckovic, nicknamed Drslo he was a company commander,
6 wasn't he?

7 [redacted]

8 [redacted]

9 Q. Do you know Anto Vuckovic, nicknamed Oroz?

10 A. Yes.

11 Q. Do you know -- or actually, let me ask you something else before
12 that. What does Sokac mean? Is that a nickname for Croats? Is that
13 right?

14 A. Yes, for a Croat from Slavonia.

15 Q. This Anto Vuckovic, nicknamed Oroz, did he have an automatic
16 weapon called Sokac?

17 A. I don't know.

18 Q. Do you know Mato Mikic, nicknamed Tuljo?

19 A. I know Mato Mikic, but I don't know whether they call him Tuljo.
20 This is what I've heard just now, Tuljo. Never heard of that nickname,
21 really.

22 Q. Do you know that this Mato Mikic had a hand-held launcher?

23 A. As far as I know about this Mato Mikic, I don't think he even did
24 his military service. I think he's an infirm man, and I don't know any
25 other Mato Mikic. Perhaps it pertains to someone in Donji Hasici, because

1 there were also Matos and Mikics there, but I really don't know.

2 Q. And do you know a certain Mato Pejic, nicknamed Suljo?

3 A. Yes.

4 Q. Did you know that he had an automatic rifle and a Zolja, a
5 hand-held rocket launcher?

6 A. No.

7 Q. This automatic weapon called Sokac it's actually the one called
8 Zagi; isn't that right?

9 A. I really don't know what a Sokac is. I've heard about it, but
10 I've never seen one.

11 Q. Did I ask you - correct me if I did - between the 16th and 17th of
12 April, 1992, on the road between Gornji Hasici, Lugovi, Donji
13 Hasici-Lugovi, was a lateral bridge blown up? Do you know about that?

14 A. Yes.

15 Q. Who blew it up?

16 A. I don't know, nor have I heard of who blew it up.

17 JUDGE MUMBA: Mr. Pantelic, your one hour is almost up.

18 MR. PANTELIC: Your Honour --

19 JUDGE MUMBA: How many more minutes?

20 MR. PANTELIC: Six and a half, Your Honour.

21 JUDGE MUMBA: All right.

22 MR. PANTELIC: [Interpretation]

23 Q. Can we agree, Mr. Witness P, that when handing over weapons a few
24 days after the 17th of April, 1992, from your village, various weapons
25 were handed in and the quantity was sufficient to fit into a truck? Do

1 you know about that?

2 [redacted]

3 [redacted]

4 [redacted]

5 [redacted]

6 MR. WEINER: Your Honour --

7 JUDGE MUMBA: Yes.

8 MR. WEINER: I'm not objecting. However, any time there is any
9 indication of a location or any description which could indicate where the
10 witness is from or who the witness is -- or who the witness is, could we
11 go into private session? Because we're sending notes back and forth
12 requesting deletions, and now it's --

13 JUDGE MUMBA: I see. Yes.

14 Yes, Mr. Pantelic. You be aware of that.

15 MR. PANTELIC: Yes. And that was actually my intention, Your
16 Honour. If you see, my question was framed "from your village." I didn't
17 mention -- it's line -- page 36. It's line 18. I was trying to put the
18 question to the witness, and I will clarify that with him for next further
19 questions. When I said "from your village," that it means his village,
20 his native village.

21 Q. [Interpretation] Witness P, due to protection and all these
22 details, when I say "from your village," that means -- you know which
23 village we are referring to. GH is the abbreviation.

24 Do you know that just after the conflict broke out in Samac, a
25 group of men, armed men, under the leadership of Stjepan Blazanovic,

1 practically broke through the front line, and under the command of
2 Stjepan Blazanovic, whose nickname is Blaco, this group of armed men went
3 to Domaljevac? Do you know about this particular action?

4 A. I heard that that had taken place, but I have no detailed
5 information. I don't even know who took part in it. But it is true. I
6 heard that Blaco, Blazanovic, was there, but this was a smaller group of
7 men.

8 JUDGE MUMBA: Can we take our break and resume our proceedings at
9 1100 hours.

10 --- Recess taken at 10.31 a.m.

11 --- On resuming at 11.00 a.m.

12 JUDGE MUMBA: Yes, Mr. Pantelic.

13 MR. PANTELIC: Mr. Usher, you can take these documents, these
14 exhibits, please.

15 Q. [Interpretation] Mr. Witness --

16 JUDGE LINDHOLM: Could I --

17 MR. PANTELIC: Yes, Your Honour.

18 JUDGE LINDHOLM: Could I ask you about the geography? According
19 to the map I have here, the village from which the witness is coming [redacted]
20 [redacted]

21 [redacted]

22 [redacted] You are

23 confusing us.

24 MR. PANTELIC: Not to mention, Your Honour, the names of these two
25 villages.

1 JUDGE LINDHOLM: Yes. Yes. Yes. Yes.

2 MR. PANTELIC: We know about which villages we are speaking.

3 JUDGE LINDHOLM: Yes.

4 MR. PANTELIC: Of course --

5 JUDGE LINDHOLM: But you gave the impression that they are one and
6 the same village. That's not true. I beg your pardon.

7 MR. PANTELIC: With all due respect, Your Honour, first of all --
8 because I was waiting, due to the translation, you know. If I may
9 respond. It was not impression, Your Honour; it was the fact, simple
10 fact, that these two villages are actually one village, confirming with
11 this witness. That's the first fact.

12 Second fact, Your Honour, if I may just finish. This map, with
13 all due respect, that you have in your hands is not an accurate map. The
14 accurate map that I'm operating with - unfortunately, I don't have it with
15 me. It was disclosed by the Prosecution - it's the military UNPROFOR map,
16 and I would be very happy to make a copy of this part of the map and to
17 provide the Trial Chamber with that. In the meantime, maybe during the
18 break I can check whether we have certain copies here.

19 So the bottom line, Your Honour, is that we have actually the best
20 source of information is this witness, and I'm very happy to announce the
21 possibility that I will respectfully remind this Honourable Trial Chamber
22 with our motion filed last year, in September, for one onsite mission of
23 this Trial Chamber to have all this --

24 JUDGE MUMBA: Yes.

25 MR. PANTELIC: But Your Honour, you can be rest assured, please, I

1 will provide the map, where you will see that actually this is one
2 village, with -- it's a very, very habitated [sic] I would say, village.
3 But I will clarify, no problem.

4 JUDGE LINDHOLM: But, Mr. Defence counsel, the witness said before
5 the break that the distance between his - not to name the name of the
6 village - and Donji Hasici is four kilometres.

7 MR. PANTELIC: From in fact, I must inform you, from his house,
8 which means that the house might be on the north or the south part of
9 eastern or western part of certain village, which is very, I would say,
10 uncertain kind of calculation. You know, the bottom line, Your Honour, is
11 that I will provide you with this map and --

12 JUDGE MUMBA: Yes. I think --

13 MR. PANTELIC: We are serious people. Defence is, you know --

14 JUDGE MUMBA: The map will answer all the questions.

15 MR. PANTELIC: Yes, and also onsite mission, of course.

16 JUDGE MUMBA: Can you proceed?

17 MR. PANTELIC: Thank you.

18 Q. [Interpretation] Witness P, will you agree with me that the
19 Croatian Crisis Staff was established in Domaljevac, near the house of
20 Josip Orsolic?

21 A. I don't know about that.

22 Q. Are you aware of the fact that the bridge on the road from
23 Donji Hasici to Lugovi - you may have heard about it later - was actually
24 blown up by Jelisic Ilija and Vuckovic Ivica? Have you heard about this?

25 A. No.

1 Q. Do you have first-hand knowledge that these two men were in
2 Slavonski Brod on -- undergoing sabotage training?

3 A. I don't know that.

4 Q. I have only two more questions -- in fact, three questions.

5 Do you know that the anti-tank hedgehogs were set up around your
6 village in the direction of Crkvina and Kruskovo Polje on the 17th of
7 April, 1992?

8 A. Not that I know. Not at that time and not later.

9 Q. Do you know that in the direction of Kruskovo Polje, anti-tank
10 mines were planted on the road?

11 A. I don't know in which location. I don't know about mines really.

12 Q. We are talking about your village, the entrances and exits from
13 your village, towards Kruskovo Polje.

14 A. I wouldn't know.

15 Q. Witness P, before 1992, or rather, before April 1992, in the
16 former Bosnia and Herzegovina, you were convicted three times in criminal
17 proceedings?

18 A. No, never.

19 MR. PANTELIC: Your Honours, I've finished with my
20 cross-examination.

21 [Interpretation] Thank you, Witness P.

22 JUDGE MUMBA: Re-examination?

23 MR. PANTELIC: Excuse me, Your Honour. My mistake. I think I
24 have impression that witness would like to say for the record, I think he
25 recollect of these two names during the break, the other names of I

1 believe Serbian members of his village. So could he --

2 JUDGE MUMBA: We'll go into private session.

3 MR. PANTELIC: Yes, private session, please.

4 JUDGE MUMBA: The names.

5 THE WITNESS: [Interpretation] Thank you

6 [Private session].

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 [redacted]

20 [Open session]

21 THE REGISTRAR: We are in open session. Thank you

22 Re-examined by Mr. Weiner:

23 Q. Sir, you were shown a document by counsel that was signed by

24 Stevan Todorovic, relating to restrictions as to the number of people,

25 non-Serbs, who could meet at any time. When did you first see that

1 document?

2 A. After I was released from the camp, that is, after the 14th of
3 August.

4 Q. When did you first hear of this restriction?

5 A. After the fall of Samac.

6 Q. So we're talking --

7 A. From what I heard, information was issued to the effect that we
8 were not allowed to go out or assemble in public places.

9 Q. And so you say after the fall of Samac. You're talking about on
10 or about April 17th, 1992, you first heard of it?

11 A. Yes.

12 Q. Now, counsel also asked you about - counsel for Blagoje Simic -
13 hearing Mr. Simic on the radio. When you heard him, what position in the
14 SDS did he hold?

15 A. From what I know, he was the leader of that party. He was the
16 president.

17 Q. And when you heard him in the radio, when you heard about speeches
18 that he had made, was there any indication as to what position he had
19 held, whether it was president or leader of the SDS party?

20 A. I don't know. I never heard anything about that.

21 Q. Well, when you heard the radio programme that night, who was
22 speaking on behalf of the Serb population?

23 MR. PANTELIC: Objection, Your Honour. I don't recall that it was
24 night programme. Could counsel be more specific whether -- I haven't
25 heard that it was night.

1 JUDGE MUMBA: Whether it was day or night.

2 MR. WEINER: That day, whether it was day or night-time.

3 Q. Who was speaking on behalf of the Serb population?

4 A. Really, all I know about that occasion is that I heard a speech by
5 Dr. Blagoje Simic. As for other speeches and who was speaking on behalf
6 of the Serbian people, there was nothing on the radio about that.

7 Q. Well, on that programme that you heard with Dr. Blagoje Simic, who
8 did he say should be in control of Bosanski Samac?

9 A. He said that the Serb people and the SDS would not agree for the
10 Croats and other ethnic groups to have a majority power in Bosanski Samac.

11 Q. Who did --

12 MR. PANTELIC: Just a moment, please. Just an intervention to the
13 transcript. Interpreters didn't catch the word "HDZ" that witness just
14 mentioned, with Croats. He said: "Croats and HDZ."

15 JUDGE MUMBA: Mr. Weiner, you can clarify that with the witness.

16 MR. WEINER:

17 Q. Who did he say could not be in power in Bosanski Samac, for
18 clarification?

19 A. The gentleman didn't say who wouldn't be in power. He only spoke
20 about the majority rule and in whose hands it should be in the territory
21 of Bosanski Samac municipality.

22 Q. And who did he say -- in whose hands should be the majority rule
23 in the territory of Bosanski Samac?

24 A. The majority rule should be in the hands of the SDS.

25 Q. Now, if the majority rule should be in the hands of the SDS, did

1 he say what would happen to the Croats?

2 A. Yes.

3 Q. And what would happen to the Croats?

4 A. Croats should move out themselves from the territory of
5 Bosanski Samac municipality.

6 Q. Let's move on to a few more questions. Earlier you were
7 questioned by first counsel, on behalf of Miroslav Tadic, and you were
8 questioned about when you were exchanged, on or about August 14th, 1992,
9 and you were questioned -- or they asked you, when you were being
10 exchanged, if you ever asked -- if you wanted to cross over to the other
11 side at the time of the exchange. They asked you if you wanted to be
12 exchanged or if you wanted to cross over.

13 My question to you is: Did you want to stay in Serbia in August
14 of 1992?

15 A. No, I didn't want to stay.

16 Q. Had you ever wanted to be transferred from Bosanski Samac or from
17 Bosnia to Serbia, at that time when you were transferred to the prison in
18 Serbia. Did you want to be transferred there?

19 A. No.

20 Q. Did anyone ever tell you why you had been transferred from Bosnia
21 to Serbia?

22 A. No.

23 Q. Did anyone ask you if you wanted to return to your home in Bosnia?

24 A. No.

25 Q. And finally, sir, you were questioned by counsel for Simo Zaric,

1 the defendant Simo Zaric, and they asked you about the unit to protect the
2 village. In addition to the unit which was formed in January, were there
3 other units in the village as part of the government, such as, was there a
4 civilian protection unit in the village?

5 A. Yes.

6 Q. How long had there been a civilian protection unit in the village?

7 A. I suppose for the 15 years that preceded the war.

8 Q. And in your village, was there a Territorial Defence unit?

9 A. No.

10 Q. Where was the Territorial Defence unit?

11 A. The headquarters of the Territorial Defence was in Bosanski Samac,
12 that is, the units.

13 Q. Thank you very much, sir.

14 A. You're welcome.

15 JUDGE MUMBA: Thank you very much, Witness P, for giving evidence
16 to the Tribunal. You are now free. You can leave the courtroom.

17 [The witness withdrew]

18 JUDGE MUMBA: Yes, Ms. Reidy.

19 MS. REIDY: Your Honour, just while we wait for the next witness
20 to be brought in, I have, as is the practice, a document drafted with the
21 witness's pseudonym, his real name, and place and date of birth on it.

22 JUDGE MUMBA: Yes.

23 MS. REIDY: For him to be put to the witness. Perhaps I could
24 just take the opportunity to distribute it to my colleagues on the Defence
25 bench and the registrar.

1 JUDGE MUMBA: Yes.

2 MS. REIDY: Thank you.

3 MR. PANTELIC: If I may, Your Honour. Just for the record, I can
4 inform this Trial Chamber that we've been provided by the -- from the
5 Prosecution with the amended version of statement of the coming witness.

6 Initially he gave a statement to the Office of the Prosecutor in
7 1995, 1995, and this was done on 14th and 15th of June, 2002, which means
8 almost a month and a half ago, with a significant - I would like to
9 emphasise - significant number of changes and amendments to the initial
10 version. So just for the record, Defence would like to outline that we
11 are a little bit uncomfortable with this ambush approach, I would say.
12 Virtually on each page of total of -- and it's in English, I must say,
13 25 pages, minimum 50 per cent now is amended, comparing to the witness
14 statement that we had been provided well in advance, the witness statement
15 of 1995. Just for the record.

16 JUDGE MUMBA: The witness statement of 1995, that was a statement
17 taken by the investigators.

18 MR. PANTELIC: That's correct, Your Honour.

19 JUDGE MUMBA: Yes.

20 MR. PANTELIC: And now, after the break, this moment we were
21 provided of allegedly witness statement taken from this witness on 14th
22 and 15th June, 2002, which is a month and a half ago. I'm not
23 complaining. I'm not crying, Your Honour. It's just for the record. The
24 Defence would like to outline that. Am I speaking -- I believe I'm
25 speaking on behalf of all my colleagues. Thank you.

1 MR. LUKIC: [Interpretation] I completely subscribe to the words of
2 my colleague Mr. Pantelic, and I wish to add that the Defence team for
3 Mr. Tadic and Mr. Zaric, in the course of reciprocal disclosure, although
4 this is not a signed document from the Prosecution, it is obviously a
5 statement taken by a representative of the OTP on the 14th and 15th of
6 June, as Mr. Pantelic says, and it's an appendage to the original
7 statement, and we are being served with it at the moment when the witness
8 is entering the courtroom. I thought -- that is, I would have thought
9 that we had the right to receive this document at the time when this
10 interview with the witness took place, not now.

11 JUDGE MUMBA: Can we have a clear picture? Because some counsel
12 are talking of an amendment to the statement.

13 MS. REIDY: Yes, Your Honour. I have to say, I hesitated whether
14 I should take the step of giving this to my colleagues because I guess I
15 should have expected this reaction, when in fact -- let me explain the
16 full picture and I think they've jumped to their feet without assessing
17 the nature of the document that was given to them. This witness
18 Witness Q, was a witness who was originally -- who originally instructed
19 by the Trial Chamber to get a 92 bis statement from.

20 [The witness entered court]

21 [Trial Chamber confers]

22 JUDGE MUMBA: Yes, Ms. Reidy.

23 MS. REIDY: Thank you. So --

24 JUDGE MUMBA: The witness can sit down and wait. We resolve this
25 problem of the statements first before he takes the solemn declaration.

1 MS. REIDY: As I said, Your Honour, Your Honour was -- Witness Q
2 was a witness who was on the -- we were instructed to take a 92 bis
3 statement from. Following those instructions, we went down to Bosnia, and
4 using the old statement, went over this witness's testimony.

5 Upon arrival back, we were advised that the witness would not be
6 heard by way of 92 bis evidence but purely viva voce. I reviewed the
7 notes I had taken, which is essentially amounts to a proofing session now,
8 as we didn't proof this witness when he arrived, and there was no material
9 facts pertaining to these defendants which were added. There was changes
10 of phraseology, some details, nothing which is normally under the scope of
11 disclosure.

12 So I considered putting a document together which said this is
13 further proofing notes, although, as I said, there were no material facts
14 in it which required disclosure. Rather than go through all that process
15 of creating another document, I simply disclosed to Defence counsel what
16 is in essence my proofing notes. They are not a statement which this
17 witness has read. Mr. Pantelic says there's lots added.

18 If Mr. Pantelic was familiar with Microsoft software, he would
19 realise that every time you scissor and paste or do something to a
20 document, if you want, you can just highlight where there's been changes.
21 That's all it is; it's a scissor and pasting. There's no changes to
22 material facts. It's not a really new statement.

23 As I said, rather creating a new document entitled proofing notes,
24 which I'm not under an obligation to disclose, unless they're material
25 facts which we want to lead on, I just simply gave that so we don't get

1 into the confusion, as we have with other witnesses, about clarifying a
2 date or other details which do not pertain to material facts covered by
3 the indictment.

4 JUDGE MUMBA: So what the Prosecution is saying is that the latest
5 document are proofing notes?

6 MS. REIDY: His 1995 statement which the Defence have. It's
7 essentially notes that I took from the witness when I was speaking with
8 him. They're in that -- I gave them in that format because I was
9 originally preparing them as a 92 bis statement, but we didn't go any
10 further once this Court ruled and didn't want to engage any further the
11 time of interpreters, et cetera.

12 MR. PANTELIC: Your Honour, excuse me, if I may. The document
13 speaks for itself. It is a draft statement from 1995 with amendments.
14 Witness was not read this B/C/S -- [indiscernible] blah, blah. Can the
15 usher show the Trial Chamber this --

16 JUDGE MUMBA: No, no, no. The position is that -- Mr. Pantelic
17 the position is that those are proofing notes. Ms. Reidy has explained
18 what they are, and then we have the 1995 -- the original one is the 1995
19 statement?

20 MS. REIDY: The original is the 1995 statement, and as I
21 explained --

22 JUDGE MUMBA: That was the one taken by the investigators?

23 MS. REIDY: Absolutely, Your Honour. That's right. And I used
24 that 1995 statement to add in little bits from proofing session, and
25 that's it.

1 JUDGE MUMBA: So as far as the Trial Chamber is concerned, there
2 is the 1995 statement taken by investigators, and the proofing notes of
3 two -- of this year.

4 MS. REIDY: Absolutely, Your Honour, from June this year.

5 JUDGE MUMBA: So that is no Rule 92 bis statement at all.

6 MS. REIDY: Exactly, Your Honour.

7 JUDGE MUMBA: So we proceed with the witness because we had
8 cancelled that procedure because it wasn't followed according to the
9 procedures of the rule. We are going ahead with this witness viva voce.

10 MR. PANTELIC: Yes, Your Honour. Just for the record, we are in
11 possession of witness statement dated 14 and 15 June, 2000 --

12 JUDGE MUMBA: Yes, Mr. Pantelic. That has been explained by the
13 Prosecution. That is a combination of what the witness had given before
14 and what the Prosecution have put in. Those are proofing notes, as far as
15 the Prosecution is concerned.

16 MR. LUKIC: [Interpretation] I apologise, Your Honours. Everything
17 is completely clear, as explained by the Prosecution, and we have no
18 objection to that format. And I have to say, nevertheless, I just glanced
19 through this five minutes before we started this session. Compared to the
20 official statement of February 1995, where the witness does not mention
21 the exchange, in these new notes, proofing notes, the witness mentions it
22 twice.

23 If these proofing notes were made in June, they should not have
24 been served on us at all, or they should have been served on us earlier,
25 because this is information very important for my client. And this is not

1 additional information or a supplement. It is information which is very
2 relevant to our defence.

3 [Trial Chamber confers]

4 JUDGE MUMBA: Yes. The Trial Chamber is of the view that on the
5 exchange we all know that the witness was exchanged at one time or
6 another. We all saw him on the video. So that there is nothing which is
7 new, which is material in that line of submission by Mr. Lukic. The
8 witness is here. He's going to give his evidence viva voce, and we
9 proceed.

10 THE REGISTRAR: Your Honours, may I just reconfirm. The registrar
11 needs to know exactly how the testimony will be given. As per the Trial
12 Chamber's ruling yesterday, the oral ruling was said that the testimony
13 would be given in private session. The Prosecution is now requesting for
14 closed session. I just need clarification on this before we --

15 JUDGE MUMBA: The ruling was private session.

16 THE REGISTRAR: Thank you.

17 [Private session]

18 [redacted]

19 [redacted]

20 [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24 [redacted]

25 [redacted]

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13 Pages 11677-11715 - redacted - private session

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1 [redacted]

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--- Whereupon the hearing adjourned at 1.45 p.m.,

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to be reconvened on Wednesday, the 31st day of July,

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2002, at 9.30 a.m.

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