

1 Thursday, 31 August 2006

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 [The accused Pusic not present in court]

6 --- Upon commencing at 9.02 a.m.

7 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, could you call
8 the case number, please.

9 THE REGISTRAR: [Interpretation] Good day, Mr. President. Case
10 number IT-04-74-T, the Prosecutor versus Prlic et al.

11 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Registrar. On
12 the last day of August, 31 of August, 2006, I would like to greet everyone
13 present in the courtroom. I would like to greet Mr. Mundis and his
14 assistants, all the members of the Defence counsel, the accused.
15 Mr. Prlic [as interpreted] will be joining us soon. As far as I know he's
16 on his way, but he is assisted by his counsel, so he will be joining us
17 soon.

18 Yesterday, Mr. Karnavas posed two questions, one that concerned
19 article 71 -- Rule 71. Mr. Karnavas requested that we implement this
20 procedure for the witness who will be appearing on Monday. The Judges
21 have discussed the matter, and we won't grant this request, which means
22 that the witness who will be heard on Monday will appear as scheduled.
23 Having taken the solemn declaration he will answer the questions put to
24 him by the Prosecution with regard to his expert report, and he will also
25 be cross-examined.

1 And the second point Mr. Karnavas says as follows, and this is the
2 Chamber's position: You mentioned an Article 91(H) (ii). When the Defence
3 has a document that might contradict testimony of a witness, but the
4 question, the relevant question wasn't put to the witness by the
5 Prosecution, the question was, if the Defence doesn't present this
6 document or -- if the Defence doesn't mention the subject, does that mean
7 that they no longer have the right to return to that question.
8 Mr. Karnavas then said that there were two systems that one could follow.
9 There was the American system and the Australian one. In the Australian
10 and British system it is prohibited to return to such a subject. The
11 Judge is a lot more flexible, and in our opinion if the issue hasn't been
12 mentioned it may be mentioned, it may be referred to at a subsequent
13 date.

14 So, Mr. Karnavas, I want you to be reassured as far as that is
15 concerned.

16 Those are the two issues I wanted to mention.

17 JUDGE TRECHSEL: [Previous translation continues] ... had planned
18 and this would have been in the name of the Chamber also to comment on the
19 behaviour of Mr. Karnavas yesterday as found in the transcript on page 79
20 on lines 3 and 4 but I do not think it would be correct to make such an
21 observation in his absence, so I will postpone this.

22 JUDGE ANTONETTI: [Interpretation] Very well. Mr. Mundis, we have
23 a witness who is waiting. I see that we have some protective measures.
24 There's a blind there. Is there any issue you would like to debate?
25 We'll move into private session.

1 [Private session]
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11 Pages 5843-5846 redacted. Private session.

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20 [Open session]

21 THE REGISTRAR: [Interpretation] We're in open session,
22 Mr. President.

23 JUDGE ANTONETTI: [Interpretation] I'm waiting to see the little
24 symbol on the screen, the little rectangle. Yes. It's fine.

25 Sir, you will first have to answer the questions put to you by the

1 individuals you met yesterday. They will take one hour to put their
2 questions to you. We will then have a 20-minute break, after which you
3 will have to answer the questions put to you by Defence counsel. You
4 might think that there are a lot of them, but there is only one Defence
5 lawyer for each accused. They will put their questions to you. It's also
6 possible that two of the accused might intervene to put technical
7 questions to you. And the four Judges sitting before you might also put
8 questions to you in order to obtain more precise answers to some of your
9 testimony or in order to find out more about the events that you are a
10 witness of and events that are referred to in the indictment and that we
11 believe are important.

12 If you run into any difficulties, don't hesitate to inform us of
13 the fact, and rest assured things should run smoothly. This has always
14 been the case, so you have no reason for concern.

15 I'll now give the floor to the Prosecution.

16 MR. MUNDIS: Thank you, Mr. President.

17 Examination by Mr. Mundis:

18 Q. Good morning, Witness BL.

19 A. Good morning.

20 Q. In response to one of my questions earlier, sir, you told us that
21 you were there the village of Lapsunj. Can you tell the Trial Chamber
22 until what year you lived in that village?

23 A. I lived in that village up until the war.

24 Q. Can you tell the Trial Chamber, sir, about the background, that is
25 the ethnic background or composition of the village at the time the war

1 started?

2 A. Muslims and four or five Croatian households lived in the village,
3 whereas the neighbouring villages were Croatian.

4 Q. And approximately -- again, sir, focusing on 1991, 1992,
5 approximately Muslim households were there in the village of Lapsunj?

6 A. About 60.

7 Q. In which opstina is Lapsunj located?

8 A. In Prozor municipality.

9 Q. Can you describe for the Trial Chamber the relations between the
10 Muslims and Croats in the village of Lapsunj up until the spring of 1992?

11 A. The relations were excellent. We went to each other's marriages,
12 everything was fine. There were never any problems.

13 [The accused Pusic entered court]

14 MR. MUNDIS: Mr. President, for the record the Prosecution notes
15 that the accused, Mr. Pusic, has now entered the courtroom.

16 Q. Witness BL, can you please tell us what happened commencing in
17 April of 1992?

18 A. I worked in a company until 1992, until April, and then I was
19 mobilised by the TO, the Territorial Defence. I responded to the call-up
20 papers, and we went to Prozor, reported to them, and they sent us to the
21 hydroelectric power plant Rama in a vehicle. They distributed to weapons
22 to us and equipment. They took us then to -- they took us to Ravasnica
23 and that is where we had to establish positions. We stayed there for a
24 while because the shift was a 15-day shift, and I was a little late in
25 responding to the call-up, so I spent between 7 and 10 days up there.

1 Q. Let me interrupt you there, Witness BL. When you say that you
2 were on these positions near Ravasnica, who was at these positions? Who
3 were you manning these positions with, and against whom?

4 A. We were there with HVO, and we were facing the Serbs.

5 Q. And again, Witness BL, when you say "we," "We were there with the
6 HVO," to whom does the pronoun "we" refer?

7 A. We, the Muslims, most of the people who were there.

8 Q. Were the Muslims at this point in April, 1992, organised into any
9 type of military formation or structure?

10 A. They were in the form of the Territorial Defence. There was a
11 Joint Command.

12 Q. And again, Witness BL, for purposes of clarity, when you say there
13 was a Joint Command, what forces were part of this Joint Command?

14 A. At the time, it was the HVO and the army or, rather, the TO.

15 THE INTERPRETER: Armija, interpreter's correction.

16 JUDGE ANTONETTI: [Interpretation] When you were there against the
17 Serbs, did you have a uniform with insignia? What sort of insignia did
18 you have?

19 THE WITNESS: [Interpretation] I personally didn't have any
20 insignia at the time, but the HVO had provided me with a uniform.

21 JUDGE ANTONETTI: [Interpretation] And there was no insignia of any
22 kind on the uniform?

23 THE WITNESS: [Interpretation] No.

24 JUDGE ANTONETTI: [Interpretation] And did you have a commander?

25 THE WITNESS: [Interpretation] Well, at the time, yes, of course we

1 had a commander.

2 JUDGE ANTONETTI: [Interpretation] And did the commander have a
3 uniform with insignia?

4 THE WITNESS: [Interpretation] I don't know. I wouldn't see the
5 commander.

6 JUDGE ANTONETTI: [Interpretation] You don't know.

7 JUDGE TRECHSEL: If I may go on a little. You said you have not
8 seen the commander. Was there no one who gave orders that you have seen?

9 THE WITNESS: [Interpretation] No. I couldn't see the one at the
10 top. [French on English channel].

11 JUDGE TRECHSEL: I am not now referring to the man at the top but
12 the man or woman -- [French on English channel].

13 THE WITNESS: [Interpretation] When I went to Ravasnica, there was
14 a man I didn't know from the Rama Brigade.

15 JUDGE TRECHSEL: And was this service something you had been
16 trained for before together with those that you were together with there?

17 THE WITNESS: [Interpretation] As in the JNA, I had been in a -- in
18 a recoilless gun crew. They called on me, and we were setting up
19 recoilless guns there.

20 JUDGE TRECHSEL: Am I right to suppose that you were -- or to
21 understand you as saying that you were trained in the JNA previously?

22 THE WITNESS: [Interpretation] Yes, because I served in the JNA.

23 JUDGE TRECHSEL: Thank you very much.

24 Excuse me, Mr. Mundis.

25 JUDGE ANTONETTI: [Interpretation] Yes. There's another question

1 from the Judges and then we'll give the floor back to Mr. Mundis.

2 JUDGE MINDUA: [Interpretation] Witness BL following along -- BL.
3 Yes, BL. Following along from that stream of thought, with regards to
4 your military service, you said whether it was a battalion or company,
5 every day or every week after doing your service did you have a military
6 camp or did you go back to your own house with your weapons, taking your
7 weapons with you? Was there any military rule, a clear-cut military rule
8 that you had to follow in that respect, and were there any military
9 tribunals at the time for anyone who transgressed the rules? Could you
10 answer that, please? And of course when I'm talking about you, I mean
11 Muslims as HVO members. So I'm talking about where the military people
12 were put up and military rules as applied to that armed group and military
13 jurisdiction to give me an idea of the discipline that existed with
14 respect to these groups at the time.

15 THE WITNESS: [Interpretation] Of course there was a military
16 institution there on the side of the HVO, but the shifts lasted 15 days.
17 We spent the nights at Zahum near Ravasnica. After the 15-day shift we
18 would go home. There would be a shift change.

19 JUDGE MINDUA: [Interpretation] So you would go home, and would you
20 take your weapons with you?

21 THE WITNESS: [Interpretation] Yes, we did. The light weapons, not
22 the heavy ones.

23 JUDGE ANTONETTI: [Interpretation] Did you belong to the Rama
24 Brigade in fact?

25 THE WITNESS: [Interpretation] Yes, I did at that time. At that

1 time, I was attached from the TO brigade to the Rama Brigade.

2 JUDGE ANTONETTI: [Interpretation] Thank you. Mr. Mundis, thanks
3 to those questions. We're much clearer now.

4 MR. MUNDIS:

5 Q. Witness BL, during the time period 1992, 1993, did you hold any
6 military rank or command responsibility at any level?

7 A. I was a private. I didn't have any rank or any important duty.

8 Q. Witness BL, I would like to turn your attention now to the period
9 in late June, 1993. Late June, 1993. At that point in time, did you
10 continue having any military duties or responsibilities?

11 A. The question is not clear to me. Could you please explain it a
12 little bit.

13 Q. Witness BL, where were you on June 26th, 1993?

14 A. We were at Idovac. I was at the line at Idovac with the HVO
15 facing the Serbs, and we were up there, and it was the end of the shift.
16 We were doing 7/7, then. Sometimes it was 7/15. And the end of the shift
17 arrived and news came that some lads from the village of Lapsunj had fled
18 through Drasevo towards Gornji Vakuf, and then they told us that we should
19 go home. We handed in our weapons, and they said we would no longer be
20 coming to the front line because they didn't trust us, because they
21 thought that we had let those lads pass through the line.

22 Q. Sorry. Witness BL, let me interrupt you there to ask some
23 questions of clarification.

24 Where is Idovac?

25 A. Idovac is between Kupres, Gornji Vakuf, and Prozor at the meeting

1 of the three border lines.

2 Q. In which opstina is Idovac locate the?

3 A. Prozor.

4 Q. Approximately how far is Idovac from Lapsunj?

5 A. I don't know. I only have eight years of primary school, of
6 elementary school. I can't tell you how many kilometres.

7 Q. Now, sir, you mentioned, "We were doing 7/7 then. Sometimes it
8 was 7/15." And that's page 14, line 14. Can you tell the Trial Chamber
9 what you mean by 7/7 or 7/15?

10 A. We were at the lines. Sometimes we would spend seven days at the
11 line and seven days at home, or 15 days at the line and seven days at
12 home. It depended. It changed with time.

13 Q. In response just a few moments ago to a question from
14 Judge Mindua, you told him that you kept your weapons, you small arms. On
15 this day, however, you told us that you handed in your weapons. Was that
16 the normal procedure in June, 1993?

17 A. Well, no, because in June, on the 26th, we gave that back. But
18 after the attack on Prozor, then weapons began to be handed back to the
19 HVO.

20 Q. Now, sir, can you tell the Trial Chamber where you went on the
21 26th of June, 1993, after handing in your weapons?

22 A. When we handed in our weapons, we went to Prozor in trucks. They
23 put us in the firemens' club, in a small room in the basement. It was 2
24 by 4 metres, something like that. It couldn't have been bigger. And we
25 stayed there, and they said we would just have to make some kind of

1 statement.

2 Q. Okay. Witness BL, again let me interrupt you. When you say, "We
3 handed in our weapons," who is "we"?

4 A. We the Muslims who were up there.

5 Q. And how -- who was driving these trucks? You say, "We went to
6 Prozor in trucks." Who was driving the trucks?

7 A. Members of the HVO from the civilian protection. I have no idea
8 who was driving.

9 Q. Where is this firemen's club that you've made reference to?

10 A. It's -- coming from Jablanica, it's just when you enter Prozor.

11 Q. How many of you were in the group that were taken to the firemen's
12 club?

13 A. There were about 25 of us in the fire station.

14 Q. And how long did you remain in the fire station?

15 A. We only spent the night there. And in the morning, one or two, or
16 I don't know how many soldiers came in, and they said they needed a few
17 men to do some work. And then they put us on trucks and took us in the
18 direction of Uzdol.

19 Q. Let me -- sorry, Witness BL.

20 MR. MUNDIS: I would ask, Mr. President, with the assistance of
21 the usher that the witness be shown a photograph, which we have a hard
22 copy of here. Or it's also in e-court. It bears Exhibit number P 9683.
23 This is one of the photographs that was in the site visit book. 9683.

24 Q. Witness, do you see a photograph on the screen in front of you?

25 A. Yes, I do. That's the photograph -- the building.

1 Q. What building do you see on the screen in front of you?

2 A. It's the fire station.

3 Q. And this is the fire station where you were kept overnight?

4 A. Yes.

5 Q. Thank you, Witness. Now, you told us at the point when I
6 interrupted you, said at lines 15 and 16 of page 6, "They put us on trucks
7 and took us in the direction of Uzdol."

8 Who put you on trucks when you say, "They put us on trucks"?

9 A. The HVO soldiers, because the military police was there in the
10 fire station, and they were the only ones who had contact with us there,
11 and they allowed these soldiers to take us off to work in Uzdol.

12 Q. Now, Witness BL, when you say the military police was there in the
13 fire station, how do you know that?

14 A. Because we saw them. They were the only ones who had contact with
15 us.

16 Q. Well, let me ask you this: How do you know they were military
17 police?

18 A. We saw their belts and their uniforms.

19 Q. Was there anything distinctive about their belts and uniforms?

20 A. Well, it was a camouflage uniform with white military police
21 belts.

22 Q. These military police that you saw in the fires station, did they
23 have any insignia on their uniforms?

24 A. I don't remember well. It wasn't easy for us to approach them and
25 look at their insignia. We weren't at a country fair so that we could go

1 and inspect people's insignia. We were in prison.

2 Q. Which -- with which military force were these military police
3 affiliated?

4 A. The HVO.

5 Q. How do you know that?

6 A. Because at that time there was no BH army in Prozor, nor were
7 there any uniforms either in the TO or anywhere. After the fall of
8 Prozor, it was only the HVO that existed. The HVO ruled.

9 Q. Witness BL, to go back to the subject you were telling us about,
10 how many people were among the group that was taken to Uzdol or in the
11 direction of Uzdol?

12 A. There were 20 something. Only the chief person among us Muslims
13 stayed behind, only one, so that they could talk to him, and all the rest
14 of us went to work in the direction of Uzdol.

15 Q. And where were you taken on this day, in the last few days of
16 June, 1993? Where did they take you?

17 A. They took us to Uzdol, and we slept or spent the nights in the
18 primary school. During the day we went to work at the line in Komin near
19 Kapela.

20 Q. Now, Witness BL, when you say, "We went to work at the line in
21 Komin near Kapela," what type of work are you referring to?

22 A. We dug trenches, fortified the line, did channels. Everything
23 that was needed.

24 Q. And how long did you remain on the line in Komin near Kapela in
25 the area of Uzdol?

1 A. We went there to work, and we stayed at the prison in Uzdol for 12
2 days. But every day we went to work at Komin.

3 Q. And after this period of 12 days when you were in Uzdol and Komin,
4 where did you go?

5 A. Our wives were asking around to find out where we were, and then
6 they sent us back home, and then every morning we had to report in the
7 centre of Lapsunj village. We reported there for several days, and after
8 that we went from home to work at Crni Vrh. After a while, this sent us
9 back to the primary school in Prozor. When we were coming back from work,
10 they accept us there in trucks.

11 Q. Okay. Again --

12 JUDGE TRECHSEL: May I just ask a question which may appear stupid
13 to you. I am aware of this, but I have to ask. Did you get any pay for
14 the work you performed?

15 THE WITNESS: [Interpretation] No. No.

16 JUDGE TRECHSEL: Thank you.

17 MR. MUNDIS:

18 Q. Witness BL, let me go back to the previous answer. During this
19 time period when you were back home, you told us, "Every morning we had to
20 report in the centre of Lapsunj village," lines 4 and 5, page 19. What
21 did you do after you reported in the centre of Lapsunj village?

22 A. It's not clear to me. Could you clarify your question, please?

23 Q. You told us, Witness BL, that you would report in the
24 morning. "Every morning we had to report in the centre of Lapsunj
25 village." What happened after you reported? Did you go home? Did you go

1 somewhere else? What did you do after you reported in the morning during
2 this period you were at home?

3 A. For two or three days or I don't know how long we would rest, and
4 then we would go to work at Crni Vrh. They took us there.

5 Q. And, Witness BL, what type of work did you do at Crni Vrh?

6 A. Dug trenches and fortified the lines and whatever else was
7 necessary.

8 Q. You told us on lines 6 and 7 of page 19, "After a while they sent
9 us back to the primary school in Prozor." Do you recall approximately
10 when it was you were taken to the school in Prozor?

11 A. It was to the secondary school in Prozor. I am semi-literate. I
12 can't remember every date or time. I can't remember hours and minutes.
13 I'm not comfortable with that.

14 Q. Do you recall the approximate month and year when you were taken
15 to the secondary school in Prozor?

16 A. As far as I can recall, it was in July, 1993, but I really don't
17 know the precise date.

18 MR. MUNDIS: Now, again, Mr. President, with the assistance of the
19 usher I would ask that the witness be shown photograph P 9685. That's P
20 9685. Again, this is one of the photos from the site visit material.

21 THE WITNESS: [Interpretation] That's the secondary school.

22 MR. MUNDIS:

23 Q. Again, for the record, sir, this photo that you're looking at, can
24 you tell us what it is and where it is?

25 A. I don't understand what you mean. Could you repeat your question.

1 Q. Sorry. You just mentioned that's the secondly school. I take it
2 from that that this photo depicts the secondary school?

3 A. Yes.

4 Q. And in what town is that school located?

5 A. In Prozor, at the top of the town under Makljen hill.

6 Q. Now, Witness BL, how long did you stay in the secondary school in
7 Prozor?

8 A. I stayed there until the 31st of July, 1993.

9 Q. Do you recall approximately how many days or how many nights you
10 stayed in the secondary school in Prozor?

11 A. I don't, because every morning I was taken to work, and every
12 evening I would just come there to spend the night. I didn't have a piece
13 of paper and a pencil to note down dates, years, months, or the number of
14 people.

15 Q. Can you recall or can you give us any approximate number with
16 respect to the amount of people that were in the secondary school in
17 Prozor during the time period you were there in July, 1993?

18 A. I can't say exactly, but roughly there might have been about 10
19 classrooms and several people in them. About 500 people, I would say.
20 But as I said a moment ago, I didn't count all the time there. I was in
21 prison, and I was doing work.

22 Q. Now, you said on page 21, line 11, "Every morning I was taken to
23 work." Who took you to work?

24 A. Well, the HVO soldiers.

25 Q. And were you the only one that was taken to work?

1 A. There were others too. A group would come and they would need 10,
2 and then another group needed 20. Some groups would need 15. But as I
3 was young at the time, and I'm not too old now, thank goodness, either, I
4 was the first one they would take for work.

5 Q. Now, Witness, you told us on line 24 of page 21 that the HVO
6 soldiers took you to work. How do you know they were HVO soldiers?

7 A. Because they had insignia.

8 Q. Witness BL, during this time period that you were in the -- that
9 you were sleeping in the secondary school in Prozor in July, 1993, where
10 were you taken to work?

11 A. Sometimes they would take us to Crni Vrh and at other times to
12 Jurici, and once I myself went to Pisvir towards Jablanica.

13 Q. And when you were taken to Crni Vrh or Jurici or Pisvir towards
14 Jablanica, what type of work were you performing?

15 A. Would were just digging all the time. We dug communications
16 trenches, that sort of thing.

17 Q. And to follow up on a question by Judge Trechsel, at any time were
18 you paid for this labour that you did?

19 A. No, of course not, people. I never received a dinar. Never saw a
20 dinar from 1992 until the war ended.

21 Q. Now --

22 JUDGE TRECHSEL: Excuse me. You said you were picked because you
23 were young. Were those that were picked asked whether they were prepared
24 to go? Did you have a choice?

25 THE WITNESS: [Interpretation] No, we did not have a choice.

1 Nobody asked us whether we wanted to go or not. They would just point a
2 finger at us and say, "You," and that would be it.

3 JUDGE TRECHSEL: Have you ever witnessed an incident where someone
4 refused to go or made problems, and what happened, if that happened at
5 all?

6 THE WITNESS: [Interpretation] In my classroom, in the classroom
7 that I was in, that kind of thing didn't happen.

8 JUDGE TRECHSEL: Thank you.

9 JUDGE ANTONETTI: [Interpretation] In that secondary school, when
10 you spent the night there did they give you anything to eat?

11 THE WITNESS: [Interpretation] As far as food was concerned, the
12 women and children would bring us food from home. So they let them do
13 that. And anybody who didn't have anyone to bring them any food, they
14 would give them some bread and some tins.

15 JUDGE ANTONETTI: [Interpretation] Could you flee?

16 THE WITNESS: [Interpretation] No, we couldn't, because there
17 was --

18 THE INTERPRETER: Could the witness repeat his answer, please.

19 JUDGE ANTONETTI: [Interpretation] During the night when you were
20 asleep, you were under the supervision of armed soldiers, were you? Were
21 you locked in, in the classrooms?

22 THE WITNESS: [Interpretation] I don't know. There was a guard at
23 the door, at the entrance to the school building, but nobody locked the
24 classrooms, because we had to go to the toilet, for example.

25 JUDGE ANTONETTI: [Interpretation] You said there was a guard and

1 there were 500 of you. You couldn't overpower the guard and escape?

2 THE WITNESS: [Interpretation] Well, we weren't armed and the guard
3 was armed.

4 MR. MUNDIS:

5 Q. Witness BL, at this point in time in July, 1993, what armed force
6 controlled the town of Prozor?

7 A. In 1993, you mean?

8 Q. Yes, July. July, 1993, the period you were at the secondary
9 school. What force, military force, controlled the town of Prozor?

10 A. The HVO army controlled Prozor.

11 Q. Now, the -- during the time that you were in the secondary school
12 in Prozor in July, 1993, what were the ages of the men that were taken to
13 work?

14 A. They were the young men, and when they used up all the young men
15 then what was left also came in handy.

16 Q. Can you give us an approximation of what you mean by "the young
17 men," or what was left? When you say "what was left," can you give us an
18 approximate range of ages?

19 A. Well, they were young people of 20, 30. They were the strongest
20 and youngest, the 20-year-olds and 30-year-olds.

21 Q. Witness BL, you told us earlier that you were at the secondary
22 school in Prozor until 31 July, 1993. What happened on that day?

23 A. On the 31st of July, 1993, early in the morning two or three
24 shells fell. One fell near the school building. Another one fell round
25 about Viteks, and another about Unis, which is in the same area more or

1 less. And the shell, and this is something we learnt from them, came from
2 the BH army position.

3 Q. Sorry, Witness BL. When you say, "This is something we learned
4 from them," who do you mean by "them"?

5 A. Those people there. Those who were there with us. They said the
6 armija had shelled. The guards and the other people there said that.

7 Q. So you were told this by the guards --

8 A. Yes.

9 Q. -- That it was -- okay.

10 A. Yes.

11 Q. Now, after these shells or grenades fell in the vicinity of the
12 secondary school in Prozor, what did you do?

13 A. Two or three soldiers entered, I don't know exactly how many, and
14 went round the classrooms, and one of them came to my classroom and he
15 said, "We need people to work, 70 people." And then they selected one,
16 two, three. They would say, "You, you, and you." They would single out
17 the people, and then we'd go out. And at the entrance to the school, at
18 the gate there, there was a man who made a list.

19 I stepped out, and when I came up to him I knew him a little bit,
20 so I asked him -- well, I knew his -- I didn't know his name and surname,
21 but I knew him by sight. We would meet in Prozor. Anyway, I asked him
22 where we were going, and he said, "I don't know."

23 And we boarded the trucks. There were 20 to a truck and sometimes
24 50 to a truck. Twenty if one truck and 50 in the other. And I was in the
25 truck with the 50 men.

1 Q. And where were you taken?

2 A. They took us in the direction of Makljen. And when we arrived at
3 Makljen, they stopped a while, and there's a cafe called Baba Janja's
4 cafe at Makljen and the truck stayed there with the 20 people, where
5 always the 50 of us were driven off towards Crni Vrh.

6 Q. How far is it, Witness, from Makljen to Crni Vrh?

7 A. Well, I really don't know. How do you expect me to know that? I
8 never measured the distance. I really don't know.

9 Q. Can you tell us what happened after you were driven off towards
10 Crni Vrh?

11 A. We drove towards Crni Vrh as far as they were able to go with the
12 vehicles, and then they stopped the truck and told us to get out, and they
13 ordered us to move two by two, to march in a column two by two on foot,
14 and that's what we did. We continued walking. And then you could hear a
15 lot of noise and shouting in the woods, but we didn't dare turn round to
16 see what was going on, because we were ordered to look down at ground, not
17 to look up. And when we arrived, we got to a meadow, a small one. They
18 ordered us to take our shoes and socks off and to throw all that onto a
19 heap away from us, to the side of us, and that's what we did.

20 Q. After you did this, Witness BL, after you took off your shoes and
21 socks and threw them in a heap, did you go anywhere else?

22 A. Then we continued walking towards the front line, and we learnt at
23 the time that the BH army had taken control of positions -- this taken
24 control of HVO positions at Crni Vrh. So we moved towards the -- towards
25 where we were going. When we came close to, they stopped us and told us

1 to look at the sun. So we stood there looking at the sun. And then they
2 started mistreating us.

3 Q. What do you mean, Witness BL, by mistreating you?

4 A. Well, one of them seemed to recognise me and said to me -- am I
5 under protection now, under protective measures?

6 Q. Yes, but if you need, Witness BL, to mention name, then we need to
7 go into private session.

8 A. Yes. Let's go into private session.

9 JUDGE ANTONETTI: [Interpretation] Mr. Registrar.

10 [Private session]

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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4 (redacted)

5 [Open session]

6 THE REGISTRAR: [Interpretation] We're back in open session,

7 Mr. President.

8 MR. MUNDIS:

9 Q. Witness BL, on this day when you were up on Makljen and Crni Vrh,
10 in that area, was your brother part of the group that was with you?

11 A. Yes, he was.

12 Q. Now, after you were put at the front or towards the front of this
13 line, can you tell us what happened?

14 A. I'm not clear what you mean.

15 Q. Well, just a moment ago you told us, and this is line 25 of page
16 27, "He ordered me to go to the head of the column, and I assumed that
17 that meant at the front of the column to be killed." Did you in fact go
18 to the head of the column?

19 A. Yes. I had to abide by every order.

20 Q. And, Witness BL, after you got to the front of the column, tell us
21 what happened.

22 A. They provoked us. They told a man to call out, "Allahu Akbar,"
23 and he did that. He said that. And then they would abuse him and
24 say, "Why are you saying things like that when this is Croatian land?"
25 And then they would tie us up. They tied us up with a wire, with a

1 telephone wire. It's a strong wire. They tied us up. They tied our hands
2 behind our backs like they do to prisoners. And I can't explain this, but
3 they tied us round our next, too, so that if we were to fidget, the wire
4 would pull tight. So we had to stand in line one by one, shoulder to
5 shoulder, piled up like that.

6 Q. Witness BL, just so that the record is clear, you've described
7 being tied up. Who tied you up?

8 A. The HVO soldiers?

9 Q. And again, sir, how do you know they were HVO soldiers?

10 A. Well, because we saw their insignia. There was nobody else there
11 at that time. Who else could it be? Who else would tie us up? Nobody
12 else came. Nobody else came from some other part of the world.

13 Q. And, Witness BL, approximately how many of you were tied up in
14 this fashion on this day?

15 A. Well, the group of 50 men arrived there, and the other group, the
16 group of 20 men, stayed at Makljen. I don't know where these 20 went in
17 that truck, because they -- as I said, they loaded us up into two trucks.

18 MR. MUNDIS: Mr. President, with your leave I would ask that the
19 witness be provided with a piece of paper, a blank piece of paper and a
20 pen. I'm going to ask him if he can perhaps draw us a picture of how
21 these -- these people were tied together.

22 If that could please be put on the ELMO.

23 Q. Now, Witness BL, I would ask if you could to please give us -- or
24 make a drawing for us of the way in which the men that you were -- that
25 were tied together were put in a line.

1 A. [Marks].

2 Q. Okay. Now, sir, if you could -- thank you for that. Could you
3 please just describe for us what it is you've drawn. What does this
4 picture depict?

5 A. On this picture you can see exactly -- well, you can see the upper
6 line with the arrow. That's how our necks were tied. And the lower line
7 is how our hands were tied behind our back. And the arrow represents the
8 head of the column. And I was one of the first three men, or four. I was
9 second or third. I'm not quite sure.

10 Q. Now, sir, can you tell us in which direction this line was moving?
11 And again, you'll need to draw on the piece of paper, sir, if you could.
12 Draw on the paper the direction the line was moving.

13 A. [Marks].

14 Q. Now, sir, next to the arrow -- next to the arrow in the direction
15 the column was moving, could you please -- could you please place the
16 number 1.

17 A. [Marks].

18 Q. Now, Witness BL, if you could, please, could you indicate
19 approximately where on your drawing the front line that you were moving
20 towards was located.

21 A. [Marks].

22 Q. Now, next to the front line that you've drawn, sir, if you could
23 please place -- well, let me ask you this. What military force was on
24 that front line?

25 A. At that front line the BH army had that night taken control, and

1 now the object was to regain positions lost.

2 Q. Could you please, sir, place the letters ABH along the front line
3 that the ABiH was holding on this day at the end of July, 1993.

4 A. [Marks].

5 Q. Now, Witness BL, at this point in time when the line was moving or
6 the column was moving towards the ABiH line, where were the HVO forces
7 that were guarding the column?

8 A. [Marks].

9 Q. Now, again, sir, this column that you've drawn where the prisoners
10 were, approximately how many people were in that column?

11 A. There were 50 of us prisoners. I've already said that.

12 Q. Could you please, sir, put the number 50 next to the little stick
13 people that you've drawn so that we can all remember that there were 50
14 figures or 50 people along that column.

15 A. [Marks].

16 Q. Thank you. Now, sir, I would ask if you could please put the
17 letters BL on the bottom right of that sheet and today's date, which is
18 31/8/2006, please. On the lower right-hand corner.

19 A. [Marks].

20 Q. Thank you, sir.

21 JUDGE ANTONETTI: [Interpretation] We have a question from the
22 Judges.

23 JUDGE MINDUA: [Interpretation] Witness, just an explanation with
24 respect to your picture. You drew the column with the people, and you
25 said that there were about 50 people. Now, the others behind that first

1 line that I see there, were they behind or were they along the same
2 column? Because if I understood you correctly, this line was facing the
3 front line of the BH army, and behind these people you had the HVO. So at
4 one point you said that you were two by two, in a column of two by two,
5 but were you one behind each other or two by two or what?

6 THE WITNESS: [Interpretation] We were moving along here one by one
7 in a column. You can see the arrow denoting the direction we were moving
8 in. And -- but until we were tied up, we moved two by two. But once
9 they'd tied us up, we were moving one by one.

10 MR. MUNDIS: I note the time, Mr. President. This would be an
11 appropriate spot for the break. I don't have much longer, perhaps 10 or
12 15 minutes after the break and we'll be completed.

13 JUDGE ANTONETTI: [Interpretation] Very well. We're going to take
14 the break. It's 10.30. We reconvene at 10 to 11.00.

15 --- Recess taken at 10.30 a.m.

16 --- On resuming at 10.52 a.m.

17 JUDGE ANTONETTI: [Interpretation] We'll now resume.

18 Mr. Mundis.

19 MR. MUNDIS: Thank you, Mr. President.

20 Q. Witness BL, right at the time we were taking the break I believe
21 you'd completed drawing the diagram. Once the group of prisoners was tied
22 together with the telephone wire, can you tell us what happened once the
23 line was all tied together? What happened next?

24 A. We moved forward, as you can see in the sketch. We moved forward
25 in the direction of the armija line, whereas the HVO soldiers killed the

1 men one by one, killed the men who were lined up with us. And when
2 someone fell down to the ground, the wire round our neck would be
3 tightened and we would all fall down. We could not remain standing
4 because we couldn't breathe.

5 And then one of the HVO soldiers ordered one of the prisoners who
6 was tied up in the line to do something. He untied him, and he ordered
7 him to remove the dead bodies and to carry them about a hundred metres
8 away behind us and behind the HVO soldiers. He was then to return to the
9 end of the column and then stand there with his hands behind him. That's
10 how things proceeded for a while, and we moved forward in this way.

11 As we moved forward, the HVO soldier established a sort of line.
12 At one point in time they dispersed to the side, and this soldier, one of
13 the soldiers, turned us around himself so that we noticed that there was
14 only one man in the vicinity, and this young man who was untying the dead
15 and wounded jumped on the HVO soldier from behind. He took his rifle from
16 him, pointed it at his throat. That's what I saw. I didn't see anything
17 else.

18 I don't know how I managed to untie my hands, but I used my hands
19 to untie the wire around my neck. I don't know about how I managed to
20 untie my hands. Perhaps I cut the wire. But anyway, I ran towards the BH
21 army line. And in the meantime, they were no longer there. They must
22 have already withdrawn from those positions, because there were relatives
23 of ours, brothers of ours, of the men who were in the line. And later we
24 find out that they had withdrawn. Everyone called out to their own. They
25 recognised some of us, in fact. And I then went on, because there was a

1 Croatian village down below, the village of Dobrasin, and there was a
2 village the village of Boljkovac next to that village, and there was a
3 demarcation line between those two villages.

4 I went through the woods, and while fleeing I broke my left arm
5 when I -- I then fell to the -- I broke my left arm when I fell to the
6 ground. Finally I reached the village of Voljavac, and we were taken to
7 the primary school in Voljavac. That's where we were received. On the
8 following day we were seen by a doctor there, and he sent me to the
9 military hospital in Jablanica. He referred me to that hospital.

10 Q. Witness BL, I'm -- let me interrupt you here. I have some
11 follow-on questions from what you've just described for us.

12 You told us on page 33, line 12, 12 and 13, you said, "At one
13 point in time they dispersed to the side." Can you tell us, at that point
14 in time what the HVO soldiers were doing? The ones who had been behind
15 you, what were they doing?

16 A. I have or already told you, but I don't know whether you've
17 understood me. The line they were taking as we were advancing was being
18 established extended to the side, and they then dispersed, and only one
19 soldier remained with us. We're not talking about kilometres. It was 50
20 metres or so. I didn't take a metre to measure the distance, but the
21 ground is very difficult. It's not flat ground.

22 Q. Again, sir, perhaps I've misunderstood or it's not clear to me,
23 but where at this point in time were the rest of the HVO soldiers who had
24 been behind you? Where did they go, if you saw where they went? Can you
25 tell us, please?

1 A. The men behind us would leave and take up positions to the side.

2 Q. Now, sir, you've told us about this lone HVO soldier that was
3 overpowered. What was the reaction, if any, from the other HVO soldiers
4 in the area as this lone HVO soldier was overpowered?

5 A. They didn't react at that point in time, but at the point we
6 started running they fired at us. But since the ground is very difficult,
7 since it's not accessible, we ran down the hill and there was a forest
8 there so they couldn't do anything to us. Twenty-seven of us fled at that
9 point in time. Twenty-three remained behind us. Some of them were dead,
10 some wounded. We didn't know exactly what the situation was. We weren't
11 doctors, so this wasn't possible for us.

12 Q. Now --

13 JUDGE TRECHSEL: I'm sorry. Could the witness -- could you
14 explain why you can give this figure so precisely?

15 THE WITNESS: [Interpretation] Well, because when we arrived in the
16 village, we made a count of the men who about there. We made a list, and
17 we knew each other. And as there had been 50 of us, it was possible for
18 us to determine who was present and who was absent. Whereas the young men
19 who untied the men and put them to the side knew approximately how many
20 people he had left up there.

21 JUDGE TRECHSEL: Hvala Lepa.

22 THE WITNESS: [Interpretation] Thank you.

23 JUDGE ANTONETTI: [Interpretation] You say there were 50 of you
24 tied up to each other. There was this telephone line that had been used
25 to tie you up. It was around your necks and around your legs and your

1 hands were tied up, and at one point in time the HVO opened fire, and 27
2 of you fled. Fifty minus 27 means that when fire was opened at the
3 beginning there were 23 of your comrades who were shot or were killed.
4 Could you provide us with any more precise information? Since there were
5 50 of you initially, in fact how many survivors were there?

6 THE WITNESS: [Interpretation] Twenty-seven of us survived, whereas
7 23 men had been hit at various points in time. It didn't all happen at
8 the same time. They weren't all killed at the same time.

9 JUDGE ANTONETTI: [Interpretation] Thank you for that explanation.

10 JUDGE TRECHSEL: You have just spoken of the time element. Do you
11 have an idea? Can you tell us how long it took between the moment your
12 line was set into motion towards the enemy or towards the armija and the
13 time that you managed to flee? How long was that, a quarter of an hour,
14 five minutes, an hour?

15 THE WITNESS: [Interpretation] Well, we set off from the school in
16 the morning. We headed for the hill. And in the evening, at 7.00 p.m.,
17 approximately, well, that's the time we fled.

18 JUDGE TRECHSEL: Excuse --

19 THE WITNESS: [Interpretation] That was just prior to the aksa, as
20 they say.

21 JUDGE TRECHSEL: Excuse me. I have not expressed myself clearly
22 enough. I am only wondering about the time when you were first exposed to
23 the fire of the other side, when the line that you have drawn started
24 moving towards ABiH.

25 THE WITNESS: [Interpretation] I don't know. We didn't have any

1 watches on us. I don't know whether it was at noon or at some other time.
2 I couldn't really say.

3 JUDGE TRECHSEL: Thank you.

4 THE INTERPRETER: Interpreter's correction: The witness didn't
5 say prior to the action. He said prior to the aksa, which is the Bosnian
6 term -- or Bosniak term for evening prayer.

7 MR. MUNDIS:

8 Q. Witness BL, you mentioned again, and for the purpose of everyone
9 in the courtroom, page 33, lines 2 and 3 -- or 1, 2, and 3 on page 33, you
10 said, "We moved forward in the direction of the armija line, whereas the
11 HVO soldiers killed the men one by one, killed the men who were lined up
12 with us." How do you know, Witness BL, that it was the HVO soldiers who
13 killed the men that were in the line or in the column with you?

14 A. Well, people I'm telling you that they killed the mean one by one.
15 They weren't all killed at the same time. But I know the man who was next
16 to me. He was killed. This young man untied him. I saw him with my very
17 own eyes. I saw the bullet hit him from behind. He wasn't hit from the
18 front.

19 Q. At any point in time, sir, did you actually see the ABiH soldiers
20 on the line that you were advancing towards?

21 A. No, we didn't see them.

22 Q. Did you hear any gunfire coming from the direction in front of
23 you?

24 A. As we arrived there, no, there was no gunfire in front of us.

25 MR. MUNDIS: Perhaps, Mr. President, if we could briefly move into

1 private session.

2 [Private session]

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11 Pages 5878-5882 redacted. Private session.

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8 [Open session]

9 THE REGISTRAR: [Interpretation] We're in open session,
10 Mr. President.

11 JUDGE ANTONETTI: [Interpretation] Very well. Now that we're in
12 open session, the cross-examination will now commence, and I'll give the
13 floor to the first Defence team now.

14 MS. TOMANOVIC: [Interpretation] The Defence of Dr. Prlic has no
15 questions for this witness. Thank you.

16 JUDGE ANTONETTI: [Interpretation] Thank you. For the parties'
17 information, the Prosecution has used up one hour, 15 minutes.

18 Mr. Murphy?

19 MR. MURPHY: [Previous translation continues] ... No questions for
20 this witness thank you.

21 JUDGE ANTONETTI: [Interpretation] Thank you, Mr. Murphy.

22 Mr. Kovacic.

23 MR. KOVACIC: [Interpretation] Your Honour, I do have some
24 questions for this witness. I believe I can get through them in 15 or 20
25 minutes depending on the answers.

1 Cross-examination by Mr. Kovacic:

2 Q. [Interpretation] Good morning, Mr. BL. Unfortunately, I have to
3 use these initials.

4 JUDGE ANTONETTI: [Interpretation] Before I give you the floor, we
5 forgot or, rather, Mr. Mundis forgot to ask to tender the drawing or for
6 it to be assigned a number.

7 MR. MUNDIS: Thank you, Mr. President. I believe that would be IC
8 00033. We would ask that that be admitted into evidence. We would also
9 ask for the record that the two photographs shown to the witness, P 9683
10 and P 9685, be admitted into evidence as well.

11 JUDGE ANTONETTI: [Interpretation] Thank you. So those three
12 documents have been admitted and recognised by the witness.

13 Mr. Registrar, would you tell me whether IC 00033 has been
14 admitted?

15 THE REGISTRAR: Yes, Your Honour, it has been admitted.

16 JUDGE ANTONETTI: [Interpretation] As well as P 9684 [as
17 interpreted] and P 9685?

18 THE REGISTRAR: Yes, Your Honour, they have all been admitted, P
19 09683, P 9685, IC 32, and IC 33.

20 JUDGE ANTONETTI: [Interpretation] Thank you.
21 Counsel Kovacic.

22 MR. KOVACIC: [Interpretation] Thank you, Your Honour.

23 Q. Good morning, Mr. BL. I regret I have to address you with these
24 initials, but that's the procedure. My name is Bozidar Kovacic. I am an
25 attorney-at-law, and am acting for one of the accused, General Praljak. I

1 will put a few questions to you.

2 Let me first tell you that we both speak the same language, so I
3 must ask you to always pause a little and leave time for the
4 interpretation after my question, and I will do the same after your
5 response. You'll see how this works.

6 First let me put a few introductory questions to you to put this
7 whole situation in context, the situation in July, 1993, when you were
8 imprisoned and when you were digging trenches.

9 Mr. BL, you told us that your family came to visit you in the
10 school, brought you food, that there was some 500 men there, so you did
11 get some information about what was going on. Isn't that correct?

12 A. No. We couldn't get any information because they would just come
13 to the door where there was a guard and handover what they had brought.

14 Q. But did you men discuss among yourselves the rumours you had
15 heard?

16 A. Well, the only rumours we could hear was from HVO members while we
17 were working.

18 Q. At that time did you know or did you learn that in the last few
19 days of July, 1993, Bugojno had fallen and that as a consequence of the
20 fall of Bugojno about 20.000 refugees from the Bugojno area arrived in the
21 area of Prozor, the area where you lived? Did you hear anything about
22 this?

23 A. No, I didn't. I couldn't have. Who could I hear it from? We
24 didn't have any radio or television.

25 Q. But you said you talked to the HVO soldiers.

1 A. Well, yes, a little. They told us what they could, but we didn't
2 discuss politics.

3 Q. Did any of these HVO soldiers tell you he was a refugee from
4 Bugojno?

5 A. I don't know. They didn't say that to me.

6 Q. Mr. BL, in response to His Honour's question, you said that you
7 recognised one of the escorts on the truck. You said that he was in
8 Bosnia. Is Bugojno part of Bosnia according to the way you say that?

9 A. I didn't say whether or not he was a refugee, but his accent gave
10 me that impression. However, he might have been a migrant or a refugee.

11 Q. Very well. Well, just to be sure that you know nothing about
12 this, maybe you will know something about the following: Did you hear
13 that after Bugojno fell about 3.000 HVO soldiers who had to leave that
14 area arrived in Prozor and some of them were armed? Did you hear anything
15 about that?

16 A. No. I had no media available to me. I couldn't hear anything
17 about that.

18 Q. Did you hear that in Prozor and the surrounding villages there was
19 quite a lot of chaos because of the loss of the HVO positions and the
20 large number of refugees?

21 A. I was in prison. I wasn't free, so how could I know about that?

22 Q. Witness BL, but you weren't completely isolated. You did get
23 news. That's what I'm putting to you.

24 A. Well, please explain to me how. How could I get news, do you
25 know?

1 Q. Well, I'm the one putting questions here, but I'll tell you. News
2 reached you because people from the village came to bring you food. Some
3 people were allowed to go home for various reasons. The guards talked to
4 you. You went to work, and some people did talk to you while you were
5 there. So little by little, news reached you, and it was quite natural
6 that the rumours should be passed around among you.

7 A. That's not correct as far as I'm concerned. Nobody talked to me,
8 nor did I know anything about this.

9 Q. So you say you knew nothing about this chaos and this huge number
10 of refugees; is that correct? Could you say whether it's correct that you
11 heard nothing about this?

12 A. No. I heard nothing about it.

13 Q. Very well. Later on when you returned to your village after all
14 the things you unfortunately experienced, did you hear about that?

15 A. Well, I still haven't gone back to my village.

16 Q. Did you go for a visit?

17 A. Maybe once in a year, but I never discussed those things.

18 Q. But you socialised with your relatives, with your fellow
19 villagers. You had contacts with them. Did you hear these things from
20 them later on?

21 A. Well, I'll tell you now. There were 60 households in my village.
22 There are only 15 or less now. So who could I have contacts with?

23 Q. Very well. I'll move on. But you're saying that neither in July,
24 1993, nor subsequently did you learn that this huge number of refugees
25 arrived in the area around Prozor and in Prozor itself, and that because

1 of the fighting there was chaos there in July. You're saying you never
2 learned that; correct?

3 A. No, I didn't learn that. Nobody told me anything about that.

4 Q. Very well. It's enough for you to say whether it's correct or
5 not.

6 You told us about the situation at Crni Vrh where you were taken
7 to dig trenches, and you yourself said that the BH army had taken Crni
8 Vrh; correct?

9 A. Yes. I heard that they had taken it that night. I didn't see it.

10 Q. Very well. You are a local man. You had seven military training.

11 In view of the training you received in the JNA before the war, can you
12 confirm whether or not it's correct that Crni Vrh is an elevation and that
13 the person or the army holding Crni Vrh is in control of Prozor? Is that
14 correct?

15 A. Yes.

16 Q. So in military terms it's an important elevation. Do we agree?

17 A. Yes.

18 Q. You said that you were taken to dig trenches at Pidris.

19 A. No, I never mentioned Pidris.

20 Q. I may have misunderstood. Was it Pisvir?

21 A. Pisvir, yes, in the direction of Jablanica.

22 Q. Can you repeat the name again?

23 A. P-i-s-v-i-r, Pisvir.

24 Q. Very well. You yourself said that Pisvir is in the direction of
25 Jablanica going from Prozor.

1 A. Yes.

2 Q. Do you agree that's 6 or 7 kilometres away from Jablanica?

3 A. It could be, I didn't measure the distance. If you go Gracac
4 along a macadam road up a hill the village of Gracac is there.

5 Q. And new trenches were dug there again; right?

6 A. Yes, that's right. Trenches were dug there.

7 Q. The HVO dug trenches?

8 A. We prisoners dug the trenches for the HVO soldiers.

9 Q. And what army were these trenches facing?

10 A. I assume the army of Bosnia-Herzegovina, because there were no
11 Serbs in the area.

12 Q. So this was in the operations for taking terrain towards the
13 south, towards Jablanica?

14 A. Correct.

15 Q. And it was the BH army that was conquering the territory, and the
16 areas of Jablanica and Prozor were to be put under the control of the
17 army.

18 A. No, the HVO, because the army was in Jablanica.

19 Q. But you said just a moment ago that the armija had taken them at
20 Crni Vrh overlooking Prozor?

21 A. Yes. Crni Vrh, yes, but that's a different period, Pisvir.

22 Q. When were the trenches at Pisvir dug?

23 A. We went to Jurici, we went to Crni Vrh. We went to Pisvir. I
24 should have carried down a notebook with me and noted down the days and
25 places where we were but we couldn't do that.

1 Q. Well, that's quite clear. Of course I'm not asking you that.

2 It's quite clear that I don't expect that, but we will agree that all this
3 took place in July, 1993?

4 A. Yes, in July while I was at the secondly school. That's correct.

5 Q. Very well. Thank you very much. You said that from the school
6 they took you to work in several places, and you said this was done by the
7 HVO and that you saw the insignia. Were these HVO insignia or HVO
8 military police insignia?

9 A. HVO. The police didn't go to the line. We all know what the
10 police does.

11 Q. While you were at these locations, especially Crni Vrh but also
12 the others you mentioned, did you see any additional insignia? Do you
13 know what HVO unit this was?

14 A. No. I don't understand these things. What was important to us
15 was that it was the HVO. That was the Croatian army, as far as we were
16 concerned, and whether they had a bird some other emblem or what kind of
17 brigade it was, we weren't interested in that.

18 Q. So you didn't see any additional insignia apart from HVO?

19 A. No. I don't know about that.

20 Q. It says in the record that it was the Croatian army. Did you ever
21 see the army that came from -- an army that came from Croatia there? You
22 mean the HVO?

23 A. Yes, I meant the HVO. That's what we say when we say that.

24 Q. And these HVO soldiers, let me ask you the following: Did you see
25 any people you knew by sight among them?

1 A. Well, when we were working we didn't dare look people in the eye,
2 look at them directly. Well, of course we knew some people, but I'd
3 rather avoid them if I can, because I was afraid.

4 Q. Is it correct, then, that some of them were local people? Yes or
5 no?

6 A. Yes.

7 Q. Thank you. Well, let's move on and go back to some other issues
8 you raised. I'm going back to the very beginning of your testimony with
9 regard to the existence of the Territorial Defence. You said that you
10 were mobilised by the Territorial Defence. I put an additional question
11 to you about that. Is it correct that the full and official name of that
12 institution was the municipal Territorial Defence Staff in Prozor?
13 Correct?

14 A. I think that's correct, but I don't know if it's the Municipal
15 Staff or not. I'm not that educated. I don't understand these things.

16 Q. In any case, you got the call-up papers in Prozor?

17 A. Yes, in writing. I got that at home, that I should report to the
18 TO. I reported, and they put me in a vehicle and they took me to the Rama
19 hydroelectric power plant, the dam on the lake, and there they gave me a
20 uniform and weapons.

21 Q. Very well. At the time while you were there, were all able-bodied
22 men from the municipality called up?

23 A. Well, they were. I don't know whether they all received the
24 call-up papers at the same time. I can't talk about the entire
25 municipality.

1 Q. Very well. Did Croats and Muslims alike receive call-up papers?

2 A. Well, of course they did. I know that we were up there and that
3 there were both Croats and Muslims there. I can't say anything different.

4 Q. Do you agree that in 1992 the Territorial Defence had that Joint
5 Command you mentioned?

6 A. That's what people said. I don't know. I don't know whether it
7 was joint at the top or not. We were told it was a Joint Command. I
8 don't know.

9 Q. Very well. You mentioned going to the lines after mobilisation
10 and that you were there in shifts. You said that in 1992 you worked in
11 shifts 15 days on, 15 days off.

12 A. Well, whether it was 15 or 7 days, it wasn't always the same. It
13 varied depending on the number of men.

14 Q. While we fully agree, and in 1993 when you were at Idovac, at the
15 positions with the HVO there were shifts there too; is that correct?

16 A. Yes.

17 Q. Before you were called up, just before you were called up, were
18 you employed?

19 A. Yes.

20 Q. Where did you work, if I may ask that?

21 (redacted)

22 Q. When you were mobilised did your employment cease?

23 A. Yes.

24 Q. So would spend 7 or 15 days on a shift. I'm speaking about the
25 period when you were in the Territorial Defence. And when you were off

1 duty, you went home; is that correct?

2 A. Yes.

3 Q. You didn't go to any barracks.

4 A. No. No, we didn't.

5 Q. When you were at home, you were a free man so to speak?

6 A. Of course.

7 Q. You had no military duties when you were off duty?

8 A. No.

9 Q. Do we agree that during those 7, 10, or 15 days when you were off
10 duty you were a civilian?

11 A. Well, yes. Yes, I was.

12 Q. And did you bring your rifle home from the front line?

13 A. Yes, until Prozor fell. Until the 23rd of October, 1992. After
14 that, we didn't.

15 Q. Very well. Mr. BL, is it correct or do you know that in early
16 1992 when many people felt that war was coming to Bosnia, that there would
17 a Serbian aggression, regardless of the fact that people had
18 different opinions, did many people buy weapons with their own money,
19 weapons to defend themselves from an impending attack from the Serbs?

20 A. Well, whoever could did.

21 JUDGE ANTONETTI: [Interpretation] Just a moment, please.

22 Mr. Murphy.

23 MR. MURPHY: [Previous translation continues] ... private session
24 for just a moment.

25 JUDGE ANTONETTI: [Interpretation] Very well.

1 [Private session]

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18 [Open session]

19 THE REGISTRAR: [Interpretation] We're back in open session,

20 Mr. President.

21 MR. KOVACIC: [Interpretation] I apologise for that slip, but I

22 didn't feel that it would indicate the witness's identity because it's a

23 large employer employing several hundred employees.

24 Q. Witness, let's carry on where we left off. You have understood

25 the reason for this interruption. It was so that your identity should not

1 be disclosed. Anyway, you confirmed and said that some people, although
2 you don't know their names and surnames, but you agree that many people
3 purchased weapons in early 1992 with their own money; is that correct?

4 A. I don't know if it's correct or not. Some people did, others
5 didn't. I did hear that people were buying weapons, but I didn't see it
6 myself, so I can't confirm whether it was actually correct.

7 Q. All right. Fine. Now, you yourself, you as BL, did you purchase
8 any weapons for defence?

9 A. No. I received an M-48 rifle and ten bullets. You know where.
10 I've already told you.

11 Q. Well, perhaps you are aware that that weaponry for the Territorial
12 Defence was procured, among others, by the HVO.

13 A. Perhaps, but I really couldn't say. I don't know.

14 Q. All right. Fine. Now, in 1993 when went to take up your shift at
15 Idovac, they issued weapons to you again there, did they not?

16 A. Yes.

17 Q. And you said that you left the weapons at the positions there when
18 you were off shift.

19 A. Yes. There was a shed there, and we would leave it there.

20 Q. And that was the rule for all people taking up their shifts except
21 for people who owned their own weapons.

22 A. I don't know. I don't know about that rule. I know that we
23 Muslims who had a special shed where we slept, we one hand over our
24 weapons. I don't know what other people did. We didn't spend the night
25 together, so I don't know.

1 Q. You don't know. You don't know whether the HVO soldiers or some
2 up at the line also left their weapons there?

3 A. No, I didn't know that. We didn't go to their part. We would go
4 to our part of the village and they would go to theirs.

5 Q. Thank you. Now, when your shift was completed and you went home
6 and left your weapons, another soldier came up to take up are position,
7 the other shift.

8 A. Yes, of course.

9 Q. So your replacement, if I can put it that way, who took up your
10 shift used the weapons left up at the line.

11 A. Well, I don't know. We would take it back to the warehouse. Now,
12 who would issue it out again, I don't know.

13 Q. And when you come back again, you were issued the weapon again?

14 A. Yes, that's right.

15 Q. Thank you. There was -- we had our interruption, and you were
16 saying that when you weren't on shift in 1992, when you weren't doing your
17 shift in 1992 in the village, did you engage in any other work? Because
18 the factory had closed down, did you do any other work to earn money?

19 A. Well, of course it was closed. It was shut down and we only had
20 farming.

21 Q. So they considered you to be a civilian. The Territorial Defence
22 didn't say you're soldier, you're not allowed to work?

23 A. Well, no, nobody prevented us from working. Of course not.

24 Q. I just have a very small question to ask. Witness BL, when you
25 said you were imprisoned in the school, you mentioned a man who made lists

1 of your named when you were loaded up onto trucks. You said you knew him
2 by sight, and you asked him whether he knew where they were taking you.
3 He said he did not know. Do you happen to know his name?

4 A. No, I said straight away he didn't happen to know his name. We
5 just knew each other by sight when passing, in passing. We would happen
6 to pass each other in town. We would say, "Hi, how are you?" That kind
7 of thing.

8 MR. KOVACIC: [Interpretation] Your Honour, may we go back into
9 private session for just one moment, please, because I'd like to put a
10 name to the witness and the name is on the witness list.

11 JUDGE ANTONETTI: [Interpretation] Mr. Registrar, private session,
12 please.

13 [Private session]

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20 [Open session]

21 THE REGISTRAR: [Interpretation] We're back in open session,
22 Mr. President.

23 MR. KOVACIC: [Interpretation].

24 Q. Witness BL, you said in your introduction that you had some
25 military training on a recoilless gun during the Yugoslav People's Army

1 days, the JNA.

2 A. I don't know what you mean. What does that mean?

3 Q. Well, I apologise. I wasn't precise enough. When you did your
4 service in the Yugoslav People's Army a long before this war broke out,
5 you were engaged in training for a recoilless gun; is that right?

6 A. Yes, that is right.

7 Q. So you do have some knowledge of weapons.

8 A. Yes.

9 Q. So as a soldier who knew this subject matter, would you agree that
10 if we only have mortars at Crni Vrh it is Prozor that is the target, or
11 within range, that Prozor is within range?

12 A. Yes.

13 Q. Do you know how long the line, demarcation line between the BH
14 army and the HVO, was maintained? When did the army -- when the army took
15 control of Crni Vrh, what happened to the HVO?

16 A. I don't know. I wasn't there. When we were brought there, there
17 were soldiers in the woods, and then we would move around. We would move
18 towards the front line where we had been digging trenches beforehand. So
19 when we reached those trenches, we fled. That's what happened. I don't
20 want to repeat everything that happened, the whole incident.

21 Q. So the HVO line had already fallen when you arrived up there.

22 A. Yes.

23 Q. The BH army was already in control of that area; is that right?

24 A. Yes.

25 Q. Thank you.

1 MR. KOVACIC: [Interpretation] That completes my cross-examination.

2 I have no further questions for this witness.

3 JUDGE TRECHSEL: May I just --

4 JUDGE ANTONETTI: [Interpretation] The Judges have some questions.

5 JUDGE TRECHSEL: Just one small question. I'm not sure that I
6 know what the recoilless gun is, the weapon you have been trained on.
7 What is that?

8 THE WITNESS: [Interpretation] Well, I don't know how to explain it
9 to you.

10 JUDGE TRECHSEL: Is it a gun you use to shoot at armoured
11 vehicles?

12 THE WITNESS: [Interpretation] It is an anti-armour gun, yes, an
13 anti-armour gun. I said when I testified a recoilless gun is used against
14 armoured vehicles, so I was in the anti-armour unit in the JNA.

15 JUDGE TRECHSEL: Is it mainly a tube in which you place a rocket
16 about a foot long and then shoot that?

17 THE WITNESS: [Interpretation] It's a tube which has two -- it's on
18 a stand with two vehicles, and it is manned by five individuals. Two
19 wheels, sorry. Two wheels, interpreter's correction.

20 The shells are placed in the rear end and they come out through
21 the front end.

22 JUDGE TRECHSEL: Thank you.

23 JUDGE ANTONETTI: [Interpretation] Very well. A follow-up
24 question. The Defence said that after Bugojno there was chaos. Now, when
25 you dug trenches and when you left the secondary school to the trenches,

1 and on the road along the route were there any HVO checkpoints? Did the
2 HVO stop the trucks you were in to see who was inside or not, or did you
3 go directly from the school building to the location where you were trench
4 digging, and you weren't stopped by anyone along the way?

5 THE WITNESS: [Interpretation] Nobody stopped us anywhere. We went
6 directly -- well, not quite directly, but as far as a vehicle could go and
7 reach the line where the digging was taking place.

8 JUDGE ANTONETTI: [Interpretation] Thank you. Now, the day you
9 were at Makljen and the day you left the secondary school in the morning
10 in order to be in that column of 50 men, Makljen is to the north of Prozor
11 and to go from Prozor to Makljen you have to take a winding road, and the
12 distance is approximately 10 kilometres. Now, along that road, on your
13 way there, did the truck keep going or did it stop at any point?

14 THE WITNESS: [Interpretation] No, nobody stopped it. It might
15 have stopped for a few minutes by the Baba Janja cafe. I don't know what
16 for. But we were under the canvas, under the tarpaulin, so I couldn't see
17 what was going on. But it just stopped for a short while there and
18 continued on its way.

19 JUDGE ANTONETTI: [Interpretation] Thank you.
20 Counsel Alaburic.

21 MS. ALABURIC: [Interpretation] Your Honour.

22 Cross-examination by. Ms. Alaburic:

23 Q. [Interpretation] Witness, my name is Vesna Alaburic. I'm an
24 attorney from Zagreb and I'm here as Defence counsel for General Milivoj
25 Petkovic.

1 I haven't prepared any questions to ask you but I would like to
2 ask you something with respect to your testimony here today, so I do have
3 a few questions because some of your statements are not quite clear to me,
4 and I can't paint a picture of everything you told us today.

5 Now, to start off, you told us that your brother was in the truck
6 with the 50 men who were --

7 A. Can we go into private session, please?

8 JUDGE ANTONETTI: [Interpretation] Yes. Let's move into private
9 session.

10 [Private session]

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9 [Open session]

10 THE REGISTRAR: [Interpretation] We're in open session,

11 Mr. President.

12 JUDGE ANTONETTI: [Interpretation] We have another ten minutes

13 before the break. Ms. Tomic, you have the floor.

14 MS. TOMASEGOVIC TOMIC: [Interpretation] Thank you, Your Honour.

15 Cross-examination by Ms. Tomasegovic Tomic:

16 Q. [Interpretation] Good day, sir. My name is Dijana Tomasegovic

17 Tomic, and I remember Mr. Valentin Coric in this case.

18 I know it's difficult for you to look back to all of these events,

19 so I will try to be very brief. I will try to put brief and clear

20 questions to you by which you can answer yes or no.

21 Sir, today you told us that throughout the period of these events

22 the military police only spent one night with you in the fire brigade in

23 Prozor, whereas for the remainder of the time the HVO or other members or

24 soldiers of the HVO were with you.

25 A. That's correct.

1 Q. I'd now like to go back to the night spent in the fire station,
2 and I have a few questions about that. Were you beaten by the members of
3 the military police that night or were you abused in any other way?

4 A. I personally wasn't, but I didn't hear or see anything either.

5 Q. Thank you. Tell me, did the military policemen threaten you that
6 night?

7 A. I wasn't threatened.

8 Q. And I only have one more question for you. Did the military
9 policemen interrogate you that night?

10 A. No, nor did I see any interrogations.

11 Q. Thank you very much, sir.

12 MS. TOMASEGOVIC TOMIC: [Interpretation] At that concludes my
13 cross-examination. Thank you, Your Honours.

14 JUDGE ANTONETTI: [Interpretation] And the next member of the
15 Defence team, please.

16 MR. IBRISIMOVIC: [Interpretation] Thank you, Mr. President. I
17 don't have any questions.

18 JUDGE ANTONETTI: [Interpretation] Ms. Nozica, Mr. Murphy, no
19 questions?

20 MR. MURPHY: No, we have no questions, Your Honour. Thank you.

21 JUDGE ANTONETTI: [Interpretation] Very well. Everyone has put
22 their questions to the witness.

23 Mr. Mundis, any re-examination?

24 MR. MUNDIS: Just very briefly on one point, Mr. President, that
25 arose from the cross-examination by counsel for Mr. Praljak that I'm

1 referring to specifically page 54, line 12, and page 57, line 25.

2 Re-examination by Mr. Mundis:

3 Q. Witness BL, do you recall the specific date that you were
4 demobilised from the military?

5 A. Please repeat that question. I haven't understood it.

6 Q. You told us, sir, that at a certain time in April, 1992, you
7 received call non-papers and were, therefore, mobilised; is that correct?

8 A. Yes.

9 Q. Did you ever receive any type of official paper or documents
10 telling you that you were demobilised, that is, that you were released
11 from being a member of the Territorial Defence?

12 A. No, I didn't receive anything.

13 Q. Thank you.

14 MR. MUNDIS: We have no further questions.

15 JUDGE ANTONETTI: [Interpretation] Sir, this completes your
16 testimony, and on behalf of the Judges I would like to thank you for
17 coming to have testified at The Hague. I wish you a safe trip home.
18 Before you leave, I'll ask the usher to lower the blinds.

19 [The witness withdrew]

20 JUDGE ANTONETTI: [Interpretation] We have a few more minutes.
21 Perhaps we could conclude a little later, but, Mr. Mundis, as far as
22 Monday is concerned, our schedule is the schedule that was announced a few
23 days ago; is that correct?

24 MR. MUNDIS: That is correct, Mr. President. The witness that's
25 scheduled for Monday will be here and will commence what I believe the

1 Chamber has indicated would be five days of testimony.

2 JUDGE ANTONETTI: [Interpretation] Very well. As we have already
3 said, the witness will be examined over a two-day period by the
4 Prosecution, after which the Defence will have three days for their
5 cross-examination, and we hope, as I said yesterday, that Defence counsel
6 will manage to reach an agreement on how to use their time. If you fail
7 to reach such an agreement, inform us of the fact and we will decide on
8 how to deal with the matter, but we hope that you will reach a decision on
9 how to divide the time amongst yourselves.

10 Mr. Registrar, perhaps we could raise the blinds now as the
11 witness has left the courtroom.

12 Are there any issues that any of the parties would like to raise?
13 Mr. Mundis?

14 MR. MUNDIS: The Prosecution has nothing for today,
15 Mr. President.

16 JUDGE ANTONETTI: [Interpretation] Mr. Praljak. The computer, I
17 assume?

18 THE ACCUSED PRALJAK: [Interpretation] No. I still don't have a
19 computer, which is difficult to understand, but I don't want to go on
20 about this. It would show a lack of dignity, if I can put it in that way,
21 but there is something I wanted to say about testimony given in closed
22 session.

23 The UN Security Council established the Tribunal, and the purpose
24 of establishing it was to contribute to the establishment of peace in
25 Bosnia and Herzegovina and beyond, in the territory of the western

1 Balkans. It's not possible to attain such peace in the truth is no
2 determined able to get the peace unless truth is determined and we are
3 trying to determine the truth, here. It's important though in order to
4 establish truth that the witnesses who testify here accept the burden of
5 testifying. Bosnia-Herzegovina has -- peace has been present in Bosnia
6 and Herzegovina for a long time, and I don't think there are any more
7 risks, any more threats there. So I regret the fact that witnesses
8 testify in closed session or in private session because it is necessary
9 for what this witness has just said to be publicly accessible. It must
10 also be accessible in Rama, in Prozor, which is where he is from so people
11 could know exactly what happened, how these things happened, so they could
12 know the main actors so at that justice can function, so that indictments
13 can be issued if necessary, so that one could paint a coherent picture of
14 everything and realise who is responsible for what, so that the sense of
15 the events could be understood.

16 Thus having established what the truth is one could contribute to
17 the peace. But people are hiding behind their own cowardice and while
18 doing so they believe that they can also tell lies because they are
19 protected for -- if they hadn't testified in closed session these lies
20 would have come to light. If a witness is here and wants to testify
21 truthfully, then such witnesses have to accept the burden of giving such
22 testimony. Thank you very much.

23 JUDGE ANTONETTI: [Interpretation] It's according to the Rules of
24 this Tribunal that one has protective measures for witnesses and all the
25 Trial Chambers of the Tribunal act in this manner. If a witness requests

1 protective measures, whatever the reasons may be, personal, subjective, et
2 cetera, we decide to grant these measures or not to grant them.

3 In the previous case, you noted that the protective measures
4 granted weren't complete. We granted the previous witness partial
5 protective measures.

6 Mr. Mundis, I see that you're on your feet.

7 MR. MUNDIS: Thank you, Mr. President. Again for the record the
8 Prosecution objects to this type of argumentation and these types of
9 outburst by the accused Mr. Praljak. For him to suggest at this point
10 that a witness is lying because this Chamber has granted protective
11 measures is outrageous and also to suggest that it's cowardice that brings
12 these witnesses or is the source for these witnesses to request protective
13 measures is out of line with, all due respect to Mr. Praljak. It takes a
14 great deal of courage for these witnesses to come and testify in this
15 courtroom and for him to suggest otherwise is inappropriate.

16 JUDGE ANTONETTI: [No interpretation].

17 MR. KOVACIC: [Interpretation] Your Honour, since my client
18 mentioned this, I would like to inform the Chamber this computer story has
19 been going on since April. I've provided copies of the correspondence
20 exchanged. You have an idea of the problem. But over the last four days
21 I believe that I have exchanged two e-mails with the person responsible
22 within the registry and now questions have been raised about software.
23 They say that in about two weeks' time they might have the hardware but --

24 JUDGE ANTONETTI: [Interpretation] The legal officer has informed
25 me that next week your client will have doubled the memory of his computer

1 and the solution will be dealt with next week.

2 MR. KOVACIC: [Interpretation] If I may just say one sentence. I
3 understand the objection as a matter of principle that my colleague made,
4 but I don't see how one could interpret what my client said as saying that
5 the witness is a coward. I don't see how one could interpret his words as
6 meaning he had lied. He quite simply didn't say that.

7 THE ACCUSED PRALJAK: [Interpretation] I don't know what the
8 interpretation was but that is not what I said. I didn't say anything
9 like that, not at that point in time. I only mentioned things as
10 hypothesis or I put them in the conditional.

11 JUDGE ANTONETTI: [Interpretation] We take note of what you have
12 said.

13 JUDGE ANTONETTI: [Interpretation] I'd like to thank everyone, and
14 we will reconvene on Monday at 2.15. I wish you a good weekend, and I
15 will see you all on Monday.

16 --- Whereupon the hearing adjourned at 12.31 p.m.,
17 to be reconvened on Monday, the 4th day
18 of September, 2006, at 2.15 p.m.

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