

**UNITED  
NATIONS**

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International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
former Yugoslavia since 1991

Case No.: IT-09-92-T

Date: 2 May 2013

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**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Bakone Justice Moloto  
Judge Christoph Flügge

**Registrar:** Mr. John Hocking

**THE PROSECUTOR**

v.

**RATKO MLADIĆ**

*Public*  
*with Public Annexes A and B*

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**PROSECUTION 92<sup>TER</sup> MOTION: RM235 (DRAŽEN ERDEMOVIĆ)**

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**The Office of the Prosecutor:**

Mr. Dermot Groome  
Mr. Peter McCloskey

**Counsel for Ratko Mladić:**

Mr. Branko Lukić  
Mr. Miodrag Stojanović

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-09-92-T**

**THE PROSECUTOR**

**v.**

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**PROSECUTION 92<sup>TER</sup> MOTION: RM235 (DRAŽEN ERDEMOVIĆ)**

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**I. INTRODUCTION**

1. Dražen Erdemović (RM235) is currently scheduled to testify during the week of 3 June 2013.<sup>1</sup> As explained below, the Prosecution seeks leave to adduce his prior testimony provided in the Rule 61 proceedings in the case of *Prosecutor v. Radovan Karadžić and Ratko Mladić* (25 pages in total) (“*Karadžić and Mladić* Rule 61 Transcript”)<sup>2</sup> and in the case of *Prosecutor v. Popović et al* (19 pages in total) (“*Popović* Transcript”)<sup>3</sup> (together, the “Tendered Transcripts”), pursuant to Rule 92<sup>ter</sup> of the Rules of Procedure and Evidence (“Rules”). The admission of these portions of the Tendered Transcripts will allow for the streamlined, efficient and focused presentation of his evidence.

2. The Prosecution acknowledges the Chamber’s strong preference to receive written statements rather than previous testimony pursuant to Rule 92<sup>ter</sup>, and is mindful of the purpose of the Chamber’s guidance, namely “to achieve a focused presentation of evidence and ensuring that the Chamber is not flooded with evidence

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<sup>1</sup> This witness is testifying with image and voice distortion, but not with a pseudonym. The 65<sup>ter</sup> summary for this witness currently incorrectly states that this witness will be testifying with a pseudonym: see *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T (*Mladić*), Prosecution Witness List dated 10 February 2012, p. 451.

<sup>2</sup> *Prosecutor v. Radovan Karadžić and Ratko Mladić*, Case No. IT-95-18-R61 and IT-95-5-R61, 5 July 1996 (“*Karadžić and Mladić* Rule 61 Hearing”).

<sup>3</sup> *Prosecutor v. Popović et al.*, Case No. IT-05-88-T (“*Popović*”) Transcript of Evidence, 4-5 May 2007 (T.10922 – 11005).

that the parties anyway do not intend to rely on in the end.”<sup>4</sup> The Prosecution further notes the recent re-emphasis by the Chamber of this strong preference.<sup>5</sup> In the particular circumstances attendant to this witness however, the admission of Tendered Transcripts merits a departure from the Chamber’s preference, and best achieves the Guidelines’ stated purposes.

3. Attached at **Public Annex A** is a Summary Chart of Erdemović’s evidence. **Public Annex B** identifies and attaches the portions of the Tendered Transcripts for which admission is sought.

## II. APPLICABLE LAW

4. The Prosecution incorporates by reference its summary of the applicable law set forth in paragraphs 5 to 6 of its Prosecution 92ter Motion: RM505.<sup>6</sup>

## III. DISCUSSION

### A. The Chamber should admit the Tendered Transcripts pursuant to Rule 92ter

5. Erdemović’s Tendered Transcripts satisfy all of the admissibility requirements of Rules 89 and 92ter(A). The witness will attest to the accuracy of the Tendered Transcripts; he will be present in court; and he will be available for cross-examination by the Defence. The Tendered Transcripts are thus admissible under the Rules and permissible under the Chamber’s Guidelines.

6. Having carefully reviewed Erdemović’s voluminous prior statements<sup>7</sup> and testimony<sup>8</sup>, the Prosecution has selected the Tendered Transcripts as the most appropriate written evidence to present in this case. In view of the Chamber’s guidance, the Prosecution has selected the 25-page *Karadžić* and *Mladić* Rule 61

<sup>4</sup> *Mladić*, T.526.

<sup>5</sup> *Mladić*, T.10003 and T.10301.

<sup>6</sup> *Mladić*, Prosecution 92ter Motion: RM505, 2 April 2012.

<sup>7</sup> Statement provided to RS MUP, 3 March 1996 (ERN Y004-1367-Y004-1370); Statement provided to RS MUP, 5 March 1996 (ERN Y004-1375-Y004-1377); OTP Interview Statement, 24 April 1996 (ERN 0086-1003-0086-1051); OTP Interview Statement, 25 June 1996 (ERN 0051-0366-0051-0373); OTP Witness Statement, 16 September 1996 (ERN 0042-9827-0042-9830); OTP Interview Statement, 6 November 1996 (ERN 0086-0303-0086-0334); OTP Witness Statement, 27 June 1998 and 12 August 1998 (ERN 0063-0390-0063-0402); OTP Witness Statement, 21 December 1998 (ERN 0067-6034-0067-6037); and OTP Witness Statement dated 3 November 2001 (ERN 0212-2402-0212-2407).

<sup>8</sup> *Prosecutor v. Erdemović*, Case No. IT-96-22, 28, 29 and 31 May 1996, 19 and 20 November 1996, and 14 January 1997; *Karadžić and Mladić Rule 61 Hearing* on 5 July 1996; *Prosecutor v. Krstić*, Case No. IT-98-33-T, 22 May 2000; *Prosecutor v. S. Milošević*, Case No. IT-02-54-T, 25 August 2003; *Popović*, 4 and 7 May 2007; *Prosecutor v. Perišić*, Case No. IT-04-81-T, 6 and 7 July 2009; *Prosecutor v. Tolimir*, Case No. IT-05-88/2-T, 17 May 2010; and *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T (“*Karadžić*”), 27-28 February 2012.

Transcript on the basis that this provides the most focused and relevant evidence of this witness.<sup>9</sup>

7. In addition to this, the Prosecution has selected 19 pages of excerpts of the *Popović* Transcript that describe and contextualise 11 associated exhibits. These associated exhibits comprise (in their entirety) photographs and video stills that, *inter alia*, identify VRS individuals and key locations referred to by the witness in his testimony. A number of these exhibits add context and detail to the Prosecution's Srebrenica Trial Video<sup>10</sup> and the Srebrenica Trial Video Stills Book<sup>11</sup>. Each of these exhibits forms an inseparable and indispensable part of the *Popović* Transcript and meets the requirements for admission as an associated exhibit.<sup>12</sup> Tendering of these exhibits in this way will save valuable court time with this witness and obviate the need to create a new photo book exhibit with this witness during in advance of his testimony in the present case. Furthermore, the admission of these associated exhibits is fully consonant with the Chamber's guidance.

8. In July 1995, Erdemović was a member of the VRS Main Staff's 10<sup>th</sup> Sabotage Detachment. On 11 July 1995, together with other members of the Detachment and other VRS units, he participated in the takeover of Srebrenica. On 16 July 1995, he and seven other members of the 10<sup>th</sup> Sabotage Detachment participated in the execution of approximately 1,200 Muslim men from Srebrenica at the Branjevo Military Farm (near Pilica). He will also testify about the execution of approximately 500 Muslim men from Srebrenica in a hall in Pilica. The witness will also testify about sabotage operations by VRS forces conducted against the ABiH in Srebrenica in 1995.<sup>13</sup> Furthermore, the witness will testify about events subsequent to the executions in Srebrenica in 1995, including his being issued with new identification

<sup>9</sup> Please note that the Prosecution has redacted lines T. 846: 12-13 of the *Karadžić* and *Mladić* Rule 61 Transcript due to the speculative nature of this evidence.

<sup>10</sup> *Mladić*, Prosecution Exhibit P01147.

<sup>11</sup> *Mladić*, Prosecution Exhibit P01148.

<sup>12</sup> See *Karadžić*, Decision on Prosecution's Submission regarding Additional Transcript Pages from Momčilo Mandić's *Stanišić & Župljanin* Testimony for Admission into Evidence, 8 September 2010, para.5; *Prosecutor v. Lukić & Lukić*, Case No. IT-98-32/1-T, Decision on Confidential Prosecution Motion for the Admission of Prior Testimony with Associated Exhibits and Written Statements of Witnesses pursuant to Rule 92ter, 9 July 2008, para.15. See also *Karadžić*, Decision On Prosecution's Fifth Motion for Admission of Statements *In Lieu* of *Viva Voce* Testimony Pursuant to Rule 92bis (Srebrenica Witnesses), 6 March 2012 (admitting the proposed associated exhibits) and *Karadžić* Transcript of Proceedings, 27 February 2012, T. 25333 (admitting the associated exhibits now proposed).

<sup>13</sup> Please note that this detail of the witness' testimony is not contained in the Rule 65ter witness summary for this witness, or the Tendered Transcripts.

documentation in 1996, his interview with an ABC journalist about events in Srebrenica, and a March 1996 entry in the notebook of *Mladić* relating to the same.<sup>14</sup>

9. Thus, Erdemović's evidence is highly relevant to and probative of salient and material issues arising under the Indictment in relation to the Srebrenica events, in particular Scheduled Incidents E.9.2 and E.10.1.

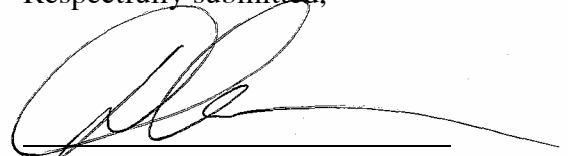
10. The Prosecution also analyzed the Tendered Transcripts in view of the relevant Adjudicated Facts.<sup>15</sup> Although Erdemović's evidence overlaps with some adjudicated facts, the overlap is incomplete. Moreover, his evidence provides additional details and context relating to adjudicated facts, obtained through personal observations and experience.

#### **IV. Relief Requested**

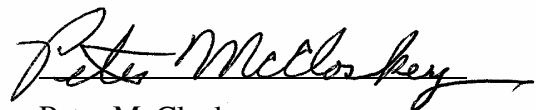
11. For the foregoing reasons, the Prosecution requests that the Chamber grant the Prosecution leave to present, and to admit the Tendered Transcripts of witness Dražen Erdemović (RM235) pursuant to Rule 92*ter*, together with 11 associated exhibits attendant thereto.

Word Count: 1,315

Respectfully submitted,



Dermot Groome  
Senior Trial Attorney



Peter McCloskey  
Senior Trial Attorney

Dated this 2<sup>nd</sup> day of May 2013  
At The Hague, The Netherlands

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<sup>14</sup> Please note that these details of the witness' testimony are not contained in the Rule 65*ter* witness summary for this witness, or the Tendered Transcripts.

<sup>15</sup> See Adjudicated Facts 1596, 1597, 1598, 1599, 1600, 1601, 1604, 1605 and 1606.

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**ANNEX A**

**TO**

**PROSECUTION 92 *TER* MOTION: RM235 (DRAŽEN ERDEMOVIĆ)**

**92 *TER* SUMMARY CHART: RM235**

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<b>RM235</b>				
<b>Previous Testimony to be Admitted Pursuant to Rule 92ter</b>				
<b>Transcript</b>	<b>Date</b>	<b>ERN/Transcript Page</b>	<b>Closed Session/ Under Seal</b>	
Testimony of RM235 in Rule 61 Hearing in Case No. IT-95-5 and IT-95-18	5 July 1996	T. 831:01 - 846:11 T. 846:14 - 855	No	
Testimony of RM235 in <i>Prosecutor v. Popović, et al.</i> , Case No. IT-05-88-T	4 May 2007	T.10953:22 - 10960:05 T. 10964:15 - 10968:05 T. 10976:01 - 10981:13	No	
<b>Associated Exhibits (to the testimony of RM235 in <i>Prosecutor v. Popovic, et al.</i>)</b>				
<b>Description</b>	<b>Transcript Page Number</b>	<b>65ter Number</b>	<b>ERN (Eng / BCS)</b>	<b>Under Seal</b>
Video still of Milenko ŽIVANOVIĆ, Ratko MLADIĆ and a third man called Cico from the 10th Sabotage Detachment	T.10953-5	<b>05194</b> <i>(Popović - 01966)</i>	0119-0083-0119-0083	No
Video still of one man called "Bujo" from the 10th Sabotage Detachment	10956	<b>05206</b> <i>(Popović - 01979)</i>	0219-1392-0219-1392	No
Video still of two men from the 10th Sabotage Detachment: (a) member of Signals Unit; and (b) Cico	T.10957	<b>05205</b> <i>(Popović - 01978)</i>	0219-1393-0219-1393	No
Video still of a man on a bicycle called Zoran Stupar, a member of the Vlasenica Platoon of the 10th Sabotage Detachment, with Radislav KRSTIĆ on the far right	T.10957	<b>05204</b> <i>(Popović - 01977)</i>	0219-1394-0219-1394	No
Video still of three men belonging to the 10th Sabotage Detachment: (a) Pujo / Bujo; (b) a member of Signals Section; (c) Tito, a member of the Vlasenica platoon	T.10957	<b>05207</b> <i>(Popović - 01980)</i>	0219-1391-0219-1391	No
Video still of Radislav KRSTIĆ with three men from the 10th Sabotage Detachment: (a) Velimir Popovic from the Bijeljina Platoon; (b) a man from the Vlasenica Platoon; and (c) Stanko Savanović from the Bijeljina Platoon	T.10958, 10959	<b>05208</b> <i>(Popović - 01981)</i>	0219-4148-0219-4148	No
Photo of the Zvornik Brigade HQ (with a car parked in front), marked by RM235 on 4 May 2007	T.10964, 10965	<b>13616</b> <i>(Popović - 01915)</i>	0545-1494-0545-1494	No
Photo of "Bandana Man", marked by RM235 on 4 May	T.10976	<b>13634</b>	0545-1497-0545-1497	No

RM235				
2007		<i>(Popović - 01919)</i>		
Photo of “Bandana Man” who came from Bratunac and took part in the Branjevo Farm executions (shown on extreme left of photo) and refugees	T.10976	<b>05160</b> <i>(Popović - 01918)</i>	0051-1638-0051-1638	No
Aerial image of the Branjevo Military Farm dated 17 July 1995, marked by RM235 on 4 May 2007	T.10977	<b>13615</b> <i>(Popović - 01799)</i>	0545-1498-0545-1498	No
VRS Field Dress Insignia, indicating ranks of Major, Lieutenant Colonel and Colonel	T.10980	<b>05623</b> <i>(Popović - 02804)</i>	0608-3824-0608-3824	No

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**ANNEX B-1**

**TO**

**PROSECUTION 92<sup>TER</sup> MOTION: RM235 (DRAŽEN ERDEMOVIĆ)**

**TENDERED TRANSCRIPTS**

***KARADŽIĆ AND MLADIĆ RULE 61 TRANSCRIPT***

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1 hearing has been continued to a further date yet to be decided.

2 THE PRESIDING JUDGE: If Mr. Drazen Erdemovic could be given a head set  
3 and please do that whenever we have a witness. Do you hear me, Mr.  
4 Erdemovic? Can you hear me? Fine. Can you hear me?

5 THE WITNESS [In translation]: Yes, yes.

6 THE PRESIDING JUDGE: Can you hear me in your language? You can hear me  
7 in Serbo-Croatian, sir? Can you hear me, Mr. Erdemovic?

8 THE WITNESS: No, I cannot hear the interpretation.

9 THE PRESIDING JUDGE: Let us see if we can straighten out these technical  
10 details. Do you hear me?

11 THE WITNESS: Yes.

12 THE PRESIDING JUDGE: You hear me in Serbo-Croatian?

13 THE WITNESS: Yes, yes, I do.

14 THE PRESIDING JUDGE: Please read the declaration.

15 THE WITNESS: I solemnly declare that I will speak the truth, the whole  
16 truth and nothing but the truth.

17 (The witness was sworn)

18 THE PRESIDING JUDGE: Please be seated. Mr. Drazen Erdemovic, you  
19 accepted the summons to appear as a witness in the case against  
20 Messrs. Karadzic and Mladic and that was at the request of the  
21 Prosecution. You reiterated your willingness to testify at a recent  
22 review of your status. I would like things to be quite clear.

23 The sentencing procedure has been deferred because we have  
24 asked for some further medical information. But now you are here as a  
25 witness for the Prosecution. You have indicated that you are willing

1 to testify. Your counsel, with your agreement and with your interests  
2 at heart, also wished you to testify. There are some very specific  
3 Rules within our Rules of Procedure and Evidence that state that an  
4 accused may, of course, testify and that might be taken into  
5 consideration in future deliberations. The presentencing procedure,  
6 as I said, the sentencing procedure was deferred. Now we are going to  
7 hear what Mr. Harmon has to say. Please proceed, counsel.

8 Examiné by MR. HARMON

9 MR. HARMON: Yes, your Honour. Thank you very much. (To the witness):  
10 Mr. Erdemovic, can you hear me?

11 A. Yes.

12 Q. Would you please state your name and spell your last name for the  
13 record?

14 A. Yes, my name is Drazen Erdemovic, E-R-D-E-M-O-V-I-C. I was born on  
15 25th November 1971 in Tuzla and I am Croat by origin.

16 Q. Mr. Erdemovic, before joining the Bosnian Serb Army were you a member  
17 of the JNA?

18 A. Yes.

19 Q. How long did you serve in the JNA?

20 A. For a year, that was my regular service, and four months on the  
21 reserve.

22 Q. Mr. Erdemovic, if you could move just a little closer to the  
23 microphone, that would be helpful. Thank you. What were your duties  
24 and responsibilities in the JNA?

25 A. I was with the military police.

1 Q. When did you leave the JNA?

2 A. In March 1992.

3 Q. Did you eventually join the Bosnian Serb Army; is that correct?

4 A. No.

5 Q. Did you eventually join the army of the Republika Srpska?

6 A. No, when I left my military service the war had begun in the Republic  
7 of Bosnia-Herzegovina, and I was called up sometime in July 1992 to  
8 join the army of Bosnia-Herzegovina and I did.

9 Q. OK. I was getting ahead of that part of your testimony, but please  
10 you can explain that part as well. Please explain the sequence of  
11 events that led you to join ultimately the Bosnian Serb Army?

12 A. As I have just said, in July, I was called up and I went to join the  
13 army, the army of Bosnia-Herzegovina. In the army of  
14 Bosnia-Herzegovina I spent some three months. After that, in Tuzla,  
15 the Croat Defence Council was formed and I also received summons and I  
16 went to the Croat Defence Council and I was assigned to police, to a  
17 police station, in the place called Breske near Tuzla. In the Croat  
18 Defence Council, in there, I was on sometime I believe until 3rd  
19 November 1993.

20 On 3rd November 1993, I moved from Tuzla to the Republika  
21 Srpska. Since I have moved from Tuzla with my wife and found myself  
22 in the Republika Srpska, I needed a man whom I had already helped and  
23 who is of Serb ethnicity, I needed his help to get to Switzerland  
24 because he had sons there who had worked there for a long time.

25 However, the man did not keep his word and because I needed a

1 status of some kind, since I was a Croat in the Republika Srpska, so  
2 as to be eligible to qualify for some accommodation, I had to join the  
3 army of the Republika Srpska.

4 Q. When did you join that army?

5 A. I joined that army some four times later after my arrival in the  
6 Republika Srpska or, to be more precise, sometime in April 1994.

7 Q. To what unit were you assigned?

8 A. I reported to the military command in Bijeljina and I was offered two  
9 possibilities or, rather, two units. I went to a unit which already  
10 included some Croats and Muslim, Muslims and Slovene.

11 Q. Ultimately, what unit did you join?

12 A. That unit had no name at the time. It was attached to the Chiefs of  
13 Staff and General headquarters of the army of Republika Srpska and  
14 later on it was named the 10th Sabotage Unit of the army of the  
15 Republika Srpska.

16 Q. What type of unit was that and what types of activities was it  
17 engaged in?

18 A. It was a reconnaissance unit responsible for the reconnaissance in  
19 the territories held by the army of Bosnia-Herzegovina, and we went  
20 into the depths of their territory.

21 Q. What were your duties and responsibilities in that unit?

22 A. At the outset, I engaged in reconnaissance in the territory familiar  
23 to me, that is, in the direction of the town of Tuzla. Later on after  
24 that, I became the Sergeant. I was the Commander of the 1st Sabotage  
25 group in Bijeljina.

1 Q. Ultimately, when you left that unit, was the highest rank that you  
2 achieved the rank of Sergeant?

3 A. Yes, I only wish to say that I spent two -- that for two months I was  
4 the Commander of the group and I had the rank of a Sergeant, but I  
5 ended up being demoted because I disagreed with some decisions of my  
6 superiors. They demoted me and I was also no longer the Commander of  
7 the 1st Sabotage group. After some disagreements, after a mission  
8 which I had said I did not want that mission accomplished because it  
9 concerned, because it would involve human casualties, human victims.

10 Q. At the time of the Bosnian Serb attack on Srebrenica, who was the  
11 commanding officer of the 10th Sabotage unit?

12 A. Its Commander was Milorad Pelemis.

13 Q. To whom in the Bosnian Serb Army chain of command did Lieutenant  
14 Pelemis report?

15 A. He accounted to Colonel Salapura of the army of Republika Srpska.

16 Q. Where was Colonel Salapura assigned?

17 A. I thought I said he was reconnaissance officer in the headquarters of  
18 the army of Republika Srpska.

19 Q. When you say the "headquarters", are you saying that he was assigned  
20 to the intelligence centre of the main staff at Han Pijesak?

21 A. Yes.

22 Q. So, as I understand it, Mr. Erdemovic, your particular sabotage unit  
23 was directly subordinate to the main staff of the Bosnian Serb Army in  
24 Han Pijesak; is that correct?

25 A. Yes, yes, it is.

1 Q. Was your reconnaissance unit the only one of its kind that was  
2 attached to the main staff of the Bosnian Serb Army?

3 A. As far as I know, it was, I believe so.

4 Q. Now at the time of the attack in Srebrenica in July 1995, how many  
5 men were assigned to your unit?

6 A. Our detachment had 60 people or thereabouts, I would not know  
7 exactly, but during the attack of Srebrenica there were, I think, 35  
8 men participated in that others were on another mission, I think.

9 Q. Mr. Erdemovic, on 10th July, did your unit receive orders to  
10 participate in the Bosnian Serb operation against the enclave of  
11 Srebrenica?

12 A. Yes.

13 Q. What were your orders?

14 A. On 10th July we arrived in the barracks and we had briefings between  
15 1815 and we were told then to get ready because a few hours later we  
16 were to set off towards Zvornik. When we arrived in Zvornik, we were  
17 told to go on to Bratunac and await further orders there.

18 Q. Did you receive additional orders, Mr. Erdemovic?

19 A. We received further orders. We left Bratunac in the direction of  
20 Srebrenica and there we stayed on a hill, on an elevation, and there  
21 we spent the night, on 10th July. Then our Commander, Milorad  
22 Pelemis, told us we will spend the night there and he would come in  
23 the morning with new orders.

24 Q. Did he do so?

25 A. Yes.

1 Q. When he arrived with new orders, was that on the morning of 11th  
2 July?

3 A. Yes.

4 Q. What were your new orders?

5 A. He said that being a unit attached to the main staff, our task was to  
6 enter the town of Srebrenica.

7 Q. Did you follow those orders?

8 A. Yes.

9 Q. When you entered into the town of Srebrenica did you encounter any  
10 resistance?

11 A. No.

12 Q. Were there any civilians in Srebrenica when you entered?

13 A. Yes, there were civilians, most of them of an advanced age.

14 Q. Approximately, how many civilians did your unit encounter when you  
15 came into the town of Srebrenica?

16 A. Not very many, not very many civilians. I would not know exactly,  
17 but not many.

18 Q. What did you do with those civilians?

19 A. I personally and others who were with me, we told the civilians what  
20 we had been told to tell them, that they were to go to the soccer  
21 playground in Srebrenica.

22 Q. Did you also run into a young man who was approximately 30 years old?

23 A. Yes.

24 Q. Let me back track one moment. Had you received any orders with  
25 regard to what you were supposed to do with civilians that you

1 encountered in the city of Srebrenica?

2 A. Yes, we had been told not to touch them, explicitly told.

3 Q. Who told you that?

4 A. Milorad Pelemis.

5 Q. Were those orders followed in respect to this young man who was about  
6 30 years old?

7 A. This Lieutenant Milorad Pelemis ordered again another man to kill  
8 that man.

9 Q. To whom did he issue that order?

10 A. I know only his first name and it is Zoran. I do not know his family  
11 name.

12 Q. Did Zoran obey Lieutenant Pelemis' order?

13 A. Yes.

14 Q. What did he do to the young man?

15 A. He slit his throat.

16 Q. This was a deviation from the orders, the general orders, that you  
17 had received previously from Lieutenant Pelemis; is that correct?

18 A. Yes.

19 Q. Was this man who was killed by Zoran the only civilian, male, of  
20 military age, that you encountered in Srebrenica?

21 A. Yes.

22 Q. Where in the town of Srebrenica did that killing take place?

23 A. I think it was in the centre of the town, but I do not know exactly  
24 because that was the first time that I had entered Srebrenica, so I  
25 would not know exactly.

1 Q. Was the body left in plain view in the town of Srebrenica?

2 A. Yes.

3 Q. Later that same morning, Mr. Erdemovic, did you have an opportunity  
4 to see General Mladic in Srebrenica?

5 A. Yes, I was ordered by my Commander to go, to return to the entrance  
6 into the town where we had come in and to wait, me and two more  
7 friends, and when we would see General Mladic arrive, to let  
8 Lieutenant Pelemis know about that. I did that when General Mladic  
9 passed by.

10 Q. Then did Lieutenant Pelemis either have a conversation with General  
11 Mladic or did he do anything in relation to General Mladic?

12 A. I really do not know that because I did not see them. I was not  
13 present when they met and I do not know whether they met at all.

14 Q. When did your unit leave Srebrenica and return to Vlasenica?

15 A. On the 12th, around noon, sometime around noon.

16 Q. OK. Mr. Erdemovic, there is for your comfort there is a water  
17 pitcher and a glass of water next to you, if you feel you would like  
18 to have a glass of water. Are you prepared to proceed?

19 A. Just a moment, please, just a moment, just to calm down.

20 Q. Mr. Erdemovic, I now would like to turn your attention to 16th July  
21 and ask you whether on that day you and other soldiers in your unit  
22 received orders to participate in a special detail?

23 A. No, no. I was not conveyed personally any of those orders, but the  
24 Commander who was commanding at the time may have issued that order to  
25 somebody about that particular task.

1 Q. Did you receive orders at all that day from anybody in relation to a  
2 task or a mission that ultimately you went on?

3 A. Yes.

4 Q. From whom did you receive that orders?

5 A. From the group Commander, Brano Gojkovic.

6 Q. Was he of normal rank? I am sorry, let me rephrase that question.

7 Did he normally give your unit orders to perform certain missions or  
8 was this an exception?

9 A. Yes, it was an exception. First of all, our detachment was divided  
10 into two platoons of Vlasenica and Bijeljina. He was with the  
11 Vlasenica one and he issued no orders to the Bijeljina platoon. I do  
12 not know about Vlasenica.

13 Q. Mr. Erdemovic, where did your orders normally come from when? I say  
14 "your orders", I am talking about the orders that were directed to  
15 your unit.

16 A. They came from the intelligence centre of the main staff in Han  
17 Pijesak.

18 Q. In response to the orders that you received on 16th July, Mr.  
19 Erdemovic, where did you go next?

20 A. We went to Zvornik and Brano Gojkovic and the driver reported to a  
21 Lieutenant Colonel whose name I do not know.

22 Q. Do you know what military unit the Lieutenant Colonel was associated  
23 with?

24 A. Well, Lieutenant Colonel, well, the Drina Corps, I should say,  
25 because we were in Zvornik.

1 Q. Did you see that Lieutenant Colonel wearing any particular uniform  
2 with any particular insignia?

3 A. No, all he had were the insignia of his rank and that is how I knew  
4 that he was a Lieutenant Colonel.

5 Q. OK. Was the Lieutenant Colonel with anyone else?

6 A. No, he, Brano, and the driver, yes, yes, he was accompanied by two  
7 military policemen also from the Corps who had their insignia on the  
8 left arm, the insignia of the Drina Corps.

9 Q. After there were some conversations between Brano and Lieutenant  
10 Colonel, what happened next?

11 A. They told us to sit in the car and to accompany the vehicle with the  
12 Lieutenant Colonel and the two military policemen. We went from  
13 Zvornik in the direction of Bijeljina, and on the road we stopped at a  
14 farm that was at a place called Pilica.

15 Q. Mr. Erdemovic, I am going to show you two photographs. I am going to  
16 ask you if you recognise what is depicted in each of those  
17 photographs. If we could dim the lights and put them on the elmo?

18 Your Honours, we have copies of these as well which we will be  
19 submitting to the court. If I could give these to the usher?

20 Let me show you the first exhibit which will be Exhibit No.  
21 63, Mr. Erdemovic. It will be coming up on your screen in just a  
22 moment. Do you recognise what is depicted in that photograph?

23 A. Yes.

24 Q. What is it?

25 A. It is a farm -----

1 THE PRESIDING JUDGE: Lights, please?

2 MR. HARMON: I am sorry, Mr. Erdemovic. I asked you what is depicted in  
3 that photograph?

4 A. It is the farm where we were taken by this Lieutenant Colonel in the  
5 locality called Pilica.

6 Q. Mr. Erdemovic, let me show the next photograph which is Exhibit No.  
7 64. Let me ask you, Mr. Erdemovic, do you recognise what is depicted  
8 in this photograph?

9 A. Yes, I do it is the same farm.

10 Q. OK. If we could have the lights on once again, please? After you  
11 arrived at that farm, Mr. Erdemovic, did you receive additional orders  
12 from your superiors?

13 A. I personally did not, but I heard when Brano and the Lieutenant  
14 Colonel were talking, saying that buses would be coming to that farm.

15 Q. In relation to those buses did you receive any additional  
16 information?

17 A. Afterwards when the Lieutenant Colonel left, Brano said that buses  
18 would be coming with Muslims from Srebrenica.

19 Q. Did he say what you and the members of your unit were supposed to do  
20 regarding those Muslims from Srebrenica?

21 A. Yes.

22 Q. What did he say?

23 A. That we have to execute those people, to shoot them.

24 Q. When you say "he" told you you had to shoot them, for the record, who  
25 was that, if you could identify him by name?

1 A. Brano Gojkovic.

2 Q. You mentioned that members of your unit were present. Can you  
3 identify the other members of your unit who were present?

4 A. I can; Franc Kos was present; Goronja Zoran; Savanovic Stanko;  
5 Cvetkovic Aleksandar; Boskic Marko; Golijan Vlastimir, myself and  
6 Gojkovic Brano.

7 Q. Did buses with civilians from Srebrenica arrive at the farm?

8 A. Yes.

9 Q. Approximately, what time did the first buses arrive?

10 A. I do not know exactly, but I think it was between 9.30 and 10.00 in  
11 the morning a.m.

12 Q. Did the buses that arrive have any particular markings on them to  
13 indicate where they were from?

14 A. Yes, they were buses of Sarajevotrans and from Zvornik.

15 Q. When the first buses arrived, or when the first bus arrived, Mr.  
16 Erdemovic, was it filled with men?

17 A. I do not know exactly whether it was full, but there were men and  
18 they were wearing civilian clothes.

19 Q. Can you provide to the court the range of ages of these men?

20 A. I do not know exactly, but maybe between 17 and 60 or 70 years of  
21 age.

22 Q. On each of those buses carrying these civilians, were there armed  
23 escorts, were there people who were carrying guns who were escorting  
24 them on the buses?

25 A. Yes. In each bus, I think, I do not know exactly, but there were two

1 military policemen belonging to the Drina Corps.

2 Q. Did these buses arrive one at a time at the farm or did they arrive  
3 in large convoys?

4 A. One at a time.

5 Q. OK. What happened once a bus arrived at the farm? Could you  
6 describe what happened, please?

7 A. When the bus arrived at the farm, as I said, the Commander of the  
8 group, Brano Gojkovic, would tell us how to stand as an execution  
9 squad and two military policemen would bring out 10 people of Muslim  
10 nationality from Srebrenica at a time, and Brano Gojkovic and Golijan  
11 Vlastimir would bring them to the execution squad.

12 Q. Focusing your attention on the first bus, Mr. Erdemovic, were the  
13 civilian people who were brought off that bus blindfolded?

14 A. Yes, only in the first bus.

15 Q. How were their hands, were they free or were they tied?

16 A. In the first bus they were tied only.

17 Q. I take it in every other bus that came on July 16th the people, the  
18 civilians, had neither blindfolds nor were their hands tied; is that  
19 correct?

20 A. Yes.

21 Q. Once the civilians arrived and were taken off the buses, Mr.  
22 Erdemovic, where did they go?

23 A. They went to the meadow next to the farm.

24 Q. Where were you and other members of your squad in relation to where  
25 the prisoners were brought?

1 A. We were, I think, about 50 or 100 metres from the buses in the field.

2 Q. OK. When the men were brought in your presence, how far away were  
3 they from you when they stopped?

4 A. I think about 20 metres.

5 Q. Were they facing you or were they facing away from you?

6 A. They were turned with their backs to me.

7 Q. What happened to those civilians?

8 A. We were given orders to fire at those civilians, that is, to execute  
9 them.

10 Q. Did you follow that order?

11 A. Yes, but at first I resisted and Brano Gojkovic told me if I was  
12 sorry for those people that I should line up with them; and I knew  
13 that this was not just a mere threat but that it could happen, because  
14 in our unit the situation had become such that the Commander of the  
15 group has the right to execute on the spot any individual if he  
16 threatens the security of the group or if in any other way he opposes  
17 the Commander of the group appointed by the Commander Milorad Pelemis.

18 Q. OK. Do you know how many buses were brought to Pilica farm on July  
19 16th?

20 A. I do not know exactly, but I think between 15 and 20 buses.

21 Q. Did the same thing that you have described just a moment ago happen  
22 to each one of those bus loads of civilian persons who came off the  
23 buses? In other words, were they executed at Pilica farm?

24 A. Yes.

25 Q. OK. What time, Mr. Erdemovic, did the last bus arrive at the Pilica

1 farm?

2 A. I really do not know exactly what time it was that the last bus  
3 arrived, but I know that before the last bus came a group of about 10  
4 soldiers from Bratunac came to the farm, so I cannot know exactly. I  
5 do not know what time it was, but maybe around 1530 or 16 hours.

6 Q. You say a group of soldiers from Bratunac also joined your unit at  
7 Pilica farm. Do you know what specific unit they were members of?

8 A. Yes.

9 Q. What unit did they belong to?

10 A. I do not know exactly what unit they belonged to, but I know that  
11 they came from Bratunac.

12

13

14 Q. Did they act in a way that was different to the civilians than the  
15 members of your unit acted?

16 A. Yes, they beat the civilians with bars. They said all kinds of  
17 things to them. They forced them to kneel and to pray in the Muslim  
18 manner, to bow their heads.

19 Q. Did it appear to you, Mr. Erdemovic, that they were attempting to  
20 humiliate some of these victims before they killed them?

21 A. Yes. I think even that some of them from Bratunac knew some of those  
22 victims from Srebrenica.

23 Q. You mentioned, Mr. Erdemovic, that once a bus arrived groups of  
24 prisoners, approximately 10, were moved from the buses, taken to a  
25 field and executed; is that correct?

1 A. Yes.

2 Q. Who was guarding the remaining civilians who were still on the bus at  
3 the time a single group of 10 were being executed?

4 A. Two military policemen.

5 Q. Do you know from which particular unit those military policemen were  
6 from?

7 A. Yes, they had the insignia of the Drina Corps.

8 Q. Mr. Erdemovic, in the course of your time spent at Pilica farm on  
9 July 16th, did you have an opportunity to talk one of the victims that  
10 day?

11 A. I did. It was an elderly man, I think between 50 and 60, and when  
12 he was coming out of the bus he started immediately to complain. He  
13 said that he had saved Serbs from Srebrenica who were now in the  
14 Federal Republic of Yugoslavia; that he had the telephone numbers of  
15 those people and he begged to be allowed to live.

16 Q. After listening to him what did you do, Mr. Erdemovic?

17 A. I said to Brano Gojkovic to let him live, I wanted to save that man.  
18 I was sorry for those people simply. I had no reason to shoot at  
19 those people. They had done nothing to me.

20 Q. What response did you get from Brano Gojkovic?

21 A. That he did not want to have any witnesses of that crime.

22 Q. Did he then lead that man away to the field?

23 A. Not he, but Golijan Vlastimir did. I quarrelled with them but there  
24 was nothing I could do.

25 Q. What was the attitude of other members of your particular unit who

1 participated in the executions?

2 A. Well, the attitude of individual members was almost like mine, that  
3 this should not be done, I do not know, whereas individuals did what  
4 they did with some kind of revenge.

5 Q. Were there some members of your unit who boasted about how many  
6 people they had killed on July 16th?

7 A. There were.

8 Q. Can you expand on that, please?

9 A. There was a man who allegedly or so he said that the Bosnian Muslims  
10 had killed his brother who was 17, and he said that he wants his  
11 revenge and that on that day he had killed 250 Muslims from  
12 Srebrenica.

13 Q. Did he say that he had counted?

14 A. Yes.

15 Q. Let me ask you, Mr. Erdemovic, what was the attitude of the bus  
16 drivers who drove the victims to Pilica farm?

17 A. They were horrified. I think those people, those men, did not know  
18 that they were being driven to the execution ground. They probably  
19 thought they were being led for exchange and that is what this man  
20 that I talked to, the one between 50 and 60, actually told me, that it  
21 had been promised them. However, Brano Gojkovic entered the bus and  
22 gave an automatic rifle, a kalashnikov, and ordered each driver to  
23 kill at least one of those Muslims so that they could not testify.

24 Q. To your knowledge, Mr. Erdemovic, did any of the military policemen  
25 who escorted the men on the buses participate in any of the

1 executions?

2 A. On that day, I do not know -- no, they did not.

3 Q. Can you estimate, Mr. Erdemovic, how many civilians were killed by  
4 your unit and members of the Bratunac unit on 16th July?

5 A. 16th, somewhere about 1,000, 1,200, I do not know. I estimated the  
6 number according to the arrivals of the buses.

7 Q. OK. Are you able to estimate how many people you killed?

8 A. I do not know exactly. I cannot estimate but, to be quite frank, I  
9 would rather not know how many people I killed.

10 Q. OK. Mr. Erdemovic, did you receive any information on 16th July  
11 about what was going to happen to the bodies of the victims that were  
12 lying in the field?

13 A. When the Lieutenant Colonel arrived at the end, one of the guards who  
14 was there on the farm who was watching the farm said that those  
15 victims would probably be buried there, and that trench diggers would  
16 come to dig them into the ground.

17 Q. Did he say when those trench diggers would come to the farm?

18 A. No.

19 Q. You mentioned, Mr. Erdemovic, that the Lieutenant Colonel who you had  
20 seen earlier that morning returned to the farm after or during the  
21 course of the executions; is that correct?

22 A. Yes, yes, he came at the end.

23 Q. In your opinion, did he see the dead bodies that were covering the  
24 field?

25 A. Of course, yes, he saw them.

1 Q. Did he make any comments about seeing those bodies?

2 A. No, no. He made no comments, but he said in the place of Pilica  
3 there were another 500 of those Muslims from Srebrenica and that we  
4 had to go to finish off that work. I said aloud that I would not,  
5 that I did not wish to kill anyone, that I was no robot for the  
6 extermination of people. Then I was supported by some individuals  
7 from my unit so we did not go, but the group from Bratunac went.

8 Q. Let me ask you, Mr. Erdemovic, could you name the other members of  
9 your unit who supported your refusal to participate in additional  
10 killings in the town of Pilica?

11 A. Yes, I can, Kos Franc, Boskic Marko and Goronja Zoran.

12 Q. Mr. Erdemovic, why did you refuse to follow that additional order?

13 A. Because I just could not take it any more.

14 Q. OK. You mentioned, Mr. Erdemovic, that other soldiers accepted to  
15 follow that order; is that correct?

16 A. Yes. The soldiers from Bratunac went immediately with the Lieutenant  
17 Colonel.

18 Q. Do you know where they went?

19 A. Yes, I heard when the Lieutenant Colonel said that in the hall in  
20 Pilica there were 500 Muslims who were trying to break through the  
21 door and get out of the hall.

22 Q. Did you eventually on that same day, Mr. Erdemovic, travel to Pilica?

23 A. Yes. Brano Gojkovic said that the Lieutenant Colonel had told him  
24 that he had to hold a meeting in Pilica later. We went where the  
25 Lieutenant Colonel said we should go, and it was not far from the hall

1 or actually across the street from it. When we got there, where we  
2 were told to report, I heard shots and, how can I put it, hand  
3 grenades which went off in the building.

4 Q. How far were you from that particular building, Mr. Erdemovic?

5 A. Some 70 to 100 metres, I think.

6 Q. Do you know, Mr. Erdemovic, if people were killed inside that  
7 building?

8 A. Probably they were killed, as soon as the shots could be heard and  
9 the explosion.

10 Q. OK. Mr. Erdemovic, after the events that you have just described in  
11 Pilica, did your unit eventually return to Bijeljina?

12 A. First, we went to Vlasenica, and they told us then that they were  
13 free and that our platoon, which was from Bijeljina, could go back to  
14 Bijeljina.

15 Q. Did you return to Bijeljina?

16 A. Yes.

17 Q. Then eventually did you return home?

18 A. Yes, I went home.

19 Q. Mr. Erdemovic, shortly after the killings of Pilica farm, and after  
20 you had returned home, were you shot by a member of the 10th Sabotage  
21 unit who had participated in the massacres at Pilica farm?

22 A. Yes.

23 Q. Did you suffer extremely serious injuries as a result of that  
24 shooting?

25 A. Yes, yes.

1 Q. Which of the members of the 10th Sabotage unit shot you?

2 A. The man who bragged that he had killed most Muslims, Savanovic  
3 Stanko.

4 Q. All right. Your Honour, I have concluded my examination of Mr.  
5 Erdemovic. Thank you, Mr. Erdemovic.

6 THE PRESIDING JUDGE: Do you have any questions? Mr. Erdemovic, the  
7 Prosecutor has done with his questions. The Judges might have a few  
8 questions. Would you rather that we have a recess before we address  
9 those questions?

10 THE WITNESS: No, I would rather your Honours gets this over with as soon  
11 as possible because I am finding it very hard.

12 THE PRESIDING JUDGE: That is what I thought, in fact. So, Judge Riad, do  
13 you have any questions?

14 Examiné by the Court

15 JUDGE RIAD: Mr. Erdemovic, when you entered Srebrenica, you said that you  
16 found a few number of people and mainly old people. Were there any  
17 armed people in Srebrenica when you entered and what was their  
18 percentage?

19 A. No, there was not a single armed man, nor was there any resistance  
20 when we entered the city.

21 Q. You mentioned the case of the man which has been butchered in front  
22 of your eyes. What was the reason for the choice of this man? Was it  
23 to give an example to the population, or did he commit something?

24 A. I really do not know why, why precisely this was done, but I think it  
25 was done because that man was able for military service.

1 Q. Did you during all this period see General Mladic or hear him cited  
2 by others?

3 A. I only saw him drive past in the car, as I said, when he entered the  
4 city of Srebrenica. I did not personally hear him issuing any orders  
5 and I heard from people that they had seen him.

6 Q. I am sorry to go back to the executions. Did you make sure, your  
7 troop, that everybody was executed before you left?

8 A. Personally, I did not and I do not think that most of those men would  
9 check because this was really something awful. I do not know. We did  
10 not check.

11 Q. This is my last question. You said that after you left Pilica farm  
12 you were shot at by this man called Stanko. Why did he shoot at you?

13 A. Well, my assumption is that someone, one of those men (and I think it  
14 was Gojkovic Brano), had conveyed to the Commander of my unit my  
15 behaviour at the farm and that probably they had reached the  
16 conclusion that I just could not stand it and that, perhaps, I do not  
17 know, that I might do what I am doing today, that is, testifying  
18 against it.

19 Q. Could you briefly tell us what happened to you after you were shot  
20 at?

21 A. Well, it was not just me that was shot at but two other colleagues  
22 who were also opposed to the orders of the Commander and some other  
23 people in our unit. What saved me, who saved me was a man who was  
24 Deputy Commander of our unit. He asked the doctors when they took me  
25 to the hospital to operate me immediately, but the operation in

1 Bijeljina did not succeed. Then he again begged the doctors and  
2 explained the circumstances under which I was wounded, and how it had  
3 happened and that he too had been wounded and another colleague of  
4 ours and that I be transferred to the Military Hospital in Belgrade  
5 and the doctors did so.

6 Q. Sorry to add this, you mentioned that in April 1994 you joined the  
7 army of Bosnian Serbs. You, being a Croat, what pushed you to join  
8 this army?

9 A. Your Honour, the war in Bosnia-Herzegovina was quite awful. First, I  
10 was in the army of the Bosnian Muslims, then of the Bosnian Croats and  
11 at the end of the Bosnian Serbs. I did not want to join the army, but  
12 I had no other choice. I had to join the army to have somewhere to  
13 stay, because I had my wife with me who was pregnant and that was the  
14 only motive, I did not have anywhere to go, to join the army.

15 JUDGE RIAD: Thank you very much.

16 THE PRESIDING JUDGE: Mr. Erdemovic, two questions: what weapon did you  
17 have on you at the time of the execution? Did you have a gun, a  
18 rifle, a machine gun?

19 A. An ordinary automatic rifle, a kalashnikov.

20 Q. So people were shot down by volleys of fire?

21 A. No, at least, no, I fired individual shots.

22 Q. My last question. Why did you want to testify? What feeling  
23 underlies that and what do you feel now that you are before the  
24 International Criminal Tribunal?

25 A. I wanted to testify because of my conscience, because of all that

1 happened because I did not want that. I was simply compelled to,  
2 forced to, and I could choose between my life and the life of those  
3 people; and had I lost my life then, that would not have changed the  
4 fate of those people. The fate of those people was decided by  
5 somebody holding a much higher position than I did. As I have said  
6 already, what really got me, I mean, it has completely destroyed my  
7 life and that is why I testified.

8 MR. HARMON: Your Honour, I have no further questions of Mr. Erdemovic and  
9 I would like to thank Mr. Erdemovic for testifying here today.

10 THE PRESIDING JUDGE: The court is going to adjourn until quarter past 5.  
11 (4.50 p.m.)

12 (The court adjourned for a short time).

13 (5.15 p.m.)

14 THE PRESIDING JUDGE: Counsel for the Prosecution, it is Friday, 5th July,  
15 1715 hours. What does the rest of the day look like, given the  
16 changes that have been made due to circumstances?

17 MR. HARMON: Your Honour, we have one additional witness to call and we  
18 have a statement that we would like to read into the record and we  
19 have a number of exhibits which we will tender. First of all, your  
20 Honour I would like to tender the two photographs that were identified  
21 by the previous witness Exhibits 63 and 64. Then I have a series of  
22 transcripts that I would like to tender but have not yet been given  
23 numbers and I will tender those at the conclusion, if that please the  
24 Court.

25 THE PRESIDING JUDGE: What transcripts are we talking about sir?

**THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA**

**Case No. IT-09-92-T**

**THE PROSECUTOR**

**v.**

**RATKO MLADIĆ**

*Public*

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**ANNEX B-2**

**TO**

**PROSECUTION 92<sup>TER</sup> MOTION: RM235 (DRAŽEN ERDEMOVIĆ)**

**TENDERED TRANSCRIPTS**

***POPOVIĆ* TRANSCRIPT (EXCERPTS)**

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**Not Official; Not Corrected**

Witness: Drazen Erdemovic (Open Session)  
Examination by Mr. McCloskey

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22 Q. All right. And I think I'll now ask you to -- you've seen, over  
23 the years, video and photographs. I want to go over some what were  
24 photographs from the Krstic exhibits that you had identified. And the  
25 first one, if we could have 65 ter 1966.

**Not Official; Not Corrected**

Witness: Drazen Erdemovic (Open Session)  
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1                   Now, these were from the Krstic trial, and so their quality is  
2 perhaps a little different than the quality that we've seen on the video,  
3 but have you had a chance yesterday to actually see the video that these  
4 stills were taken from to help your recollection and your confirmation of  
5 these stills?

6           A.    Stills?  Yes.

7           JUDGE AGIUS:  Before he answers the question, Witness, do you  
8 understand English?

9           THE WITNESS:  [Interpretation] Yes.

10          JUDGE AGIUS:  Anyway, it doesn't really make a difference, but  
11 before we show him these stills, I understand that at least one of these  
12 stills has got some yellow markings on it.

13          MR. McCLOSKEY:  Yes.  The first one has a yellow dot, but I don't  
14 think it really gives anything away or -- and it's something he's talked  
15 about before in the other trial.

16          JUDGE AGIUS:  Any objections on the part of the Defence teams?  
17 We hear none.  Okay, then we can proceed.  Thank you.

18          MR. McCLOSKEY:  Thank you, Mr. President.

19          Okay.  We now see this photograph.

20          Q.    Do you recognise the fellow with the -- well, it's obviously  
21 been -- we put on that yellow dot years ago.  Do you recognise that  
22 person?

23          A.    Yes.

24          Q.    And do you know what unit he's from?

25          A.    Yes.  He was from my unit, the 10th Sabotage Detachment, but he

**Not Official; Not Corrected**

Witness: Drazen Erdemovic (Open Session)  
Examination by Mr. McCloskey

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1 was in the Vlasenica platoon. I know his nickname, Cico. He would  
2 sometimes serve as the driver to our commander, Milomir Pelemis.

3 Q. All right. Let's go to the next one, 65 ter 1979.

4 JUDGE AGIUS: Before we do so, the gear that he's wearing there,  
5 the camouflage trousers and a kind of a T-shirt or vest, was that part of  
6 the uniform of the Vlasenica platoon or is he wearing casual -- partly  
7 casual clothes?

8 A. Well, first of all, from what I can remember, he never went on  
9 missions, he never went into action. He was always in the rear, and he  
10 was always dressed like that. And that's how he was dressed when he  
11 served as a driver to the commander of our detachment.

12 JUDGE AGIUS: Thank you.

13 Yes, go ahead, Mr. McCloskey.

14 MR. McCLOSKEY: Thank you, Mr. President.

15 Q. Those camouflage pants that he's wearing, are those like the  
16 camouflage pants you would have worn in your camo gear that you described?

17 A. Those uniforms were mostly in the Vlasenica platoon. It comes  
18 from the Greek army, and the Vlasenica platoon had most of them.

19 Q. All right. Do you see that helmet he's got in his left hand? Did  
20 you get a better look at that helmet in another picture from the video?

21 A. Yes.

22 Q. Do you know where that helmet came from?

23 A. It's a helmet from the UN soldiers. It had been taken from one  
24 armoured vehicle that Cico and some other men from our unit appropriated  
25 for our unit.

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1 Q. All right. Let's go to the next photograph, 65 ter 1979.

2 Now, we see a UN vehicle off the side of the road and an  
3 individual. Before I ask you about the individual, do you know if you  
4 were on this particular road or was that not a place that you guys went,  
5 if you can tell at all where this road is?

6 A. To be quite honest, this place does not mean anything to me. I  
7 don't recognize it.

8 Q. So you never would have gone by this UN vehicle that's stuck on  
9 the side of the road?

10 A. I can't remember passing by. I did pass by the UN base that was  
11 located on the south side, but I didn't see a single vehicle.

12 Q. All right. Now, let me ask you about this man again who has a  
13 yellow dot that's been put on the photograph. Do you recognise the man in  
14 this picture?

15 A. Yes.

16 Q. And who is he?

17 A. He was the radio operator in our unit, but he belonged to the  
18 Vlasenica platoon. I know him by nickname. I don't know his real name.

19 Q. What's his nickname?

20 A. Bujo.

21 Q. Now, the uniform he's wearing, can you tell us about that?

22 A. That uniform belonged to our unit. It was the black one. And if  
23 I may just say, on the left arm he's wearing the insignia of our unit. I  
24 believe that's the one, because it's white.

25 Q. All right. I know that's not a great picture of the insignia, but

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1 can you just describe -- just describe the insignia, if you can. What's  
2 it of?

3 A. All I can remember is that it was written on it "10th Sabotage  
4 Detachment," and there was a white eagle. I cannot be sure now. It's  
5 been a long time since I last saw it.

6 Q. Okay. Let's go to the next one, 1978. Now, this is not a great  
7 quality, but having seen the video and seeing this shot, can you give us  
8 any help on who these people are?

9 A. The person who is closer to the UN armoured vehicle, it's my  
10 assumption, but I saw the photograph and I know that it is Cico, and the  
11 other one is also a signalsman who served with the Vlasenica platoon, but  
12 I cannot remember his name, nor even his nickname.

13 JUDGE AGIUS: Let's try to clarify this. The guy who is wearing  
14 what appears to be a blue helmet, who -- is that Cico?

15 THE WITNESS: [Interpretation] Yes.

16 JUDGE AGIUS: Thank you.

17 MR. McCLOSKEY: Okay. Let's go to the next shot, 65 ter 1977.

18 Q. This man in the forefront with the rifle stock in his back, do you  
19 recognise that person?

20 A. Yes. That's a person from the Vlasenica platoon. His name is  
21 Zoran Stupar. He was logistics man in the Vlasenica platoon.

22 Q. All right. Let's go to the next one, 65 ter 1980. This will be a  
23 photograph where three men are numbered in yellow, 1, 2, 3, that you have  
24 previously identified. I'll ask you, if you can by number, if you can  
25 recall, who they were.

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1           A.    Number 1 is Bujo, the signalsman in our unit, from the Vlasenica  
2    platoon. Number 2 was also a signalsman with our unit, also from the  
3    Vlasenica platoon. Number 3, from what I can remember, is Cico, who was  
4    also in our unit. He served as a driver to our detachment commander,  
5    and "Cico" was his nickname.

6           Q.    Number 2, had you seen him in the previous -- in one of the  
7    previous photographs?

8           A.    Yes.

9           Q.    Is he the person whose name you didn't know that was standing next  
10   to the person with the blue helmet?

11          A.    Yes.

12          Q.    Okay. Let's go to 65 ter 1981.

13                JUDGE AGIUS: One moment before you do so. We have seen a  
14   sequence of photos in which this Cico sometimes appearing either carrying  
15   or wearing a blue helmet, other times not. The witness said that he  
16   recalls this Cico having procured such helmet or helmets. Can he tell us  
17   whether the procurement of such helmets occurred before this instance or  
18   after?

19                MR. McCLOSKEY: Yes.

20          Q.    Do you know anything about how he procured -- how he got this  
21   helmet?

22                JUDGE AGIUS: In other words, would he have had it before this  
23   occasion already?

24          A.    I don't know where this is, which place this is where this is  
25   happening, but I assume that he most probably found the helmet in the

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1 vehicle.

2 MR. McCLOSKEY: Mr. President, we can play this segment of the  
3 video - it's lined up - if you would like. It may make more sense, but it  
4 would take some time. I don't know if you want to see it or not.

5 [Trial Chamber confers]

6 JUDGE AGIUS: Go ahead. For the time being, let's proceed. Thank  
7 you.

8 MR. McCLOSKEY: All right. I think I'd called up 65 ter 1981.

9 Q. Okay. Now, we see three people in what appear to be black  
10 uniforms, numbered 1, 2, 3. Number 1, do you know who that is?

11 A. Yes. That's a person from my unit. He belonged to the Bijeljina  
12 platoon.

13 Q. Do you recall his name?

14 A. Yes, Velimir Popovic.

15 Q. And number 2, he is a member of your unit?

16 A. Yes. He belonged to the Vlasenica platoon.

17 Q. Now, you have never given us his name; is that correct?

18 A. Yes.

19 Q. And can you tell us briefly why?

20 A. Because that person is quite -- how can I explain it? That person  
21 did not take part in anything that was not permitted, and because above  
22 all, he was very pleasant to me.

23 Q. All right. Well, I won't go any further than that.

24 Number 3, do you know who that was?

25 A. Number 3, yes, that's a person from my unit. He was in the

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1 Bijeljina platoon. His name is Stanko Savanovic.

2 Q. Now, the person on the far left in the camouflage uniform, at the  
3 time did you ever see that person around Srebrenica at all?

4 A. No. Now I know it's General Krstic. I even testified in his  
5 case. But I emphasise that I didn't have any contacts with that person.

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15 Q. Okay. If we could bring up 65 ter 1915.

16 Do you recognise what's depicted on this photo?

17 A. Yes.

18 Q. What is that?

19 A. These are the buildings, the compound with the buildings, where we  
20 went in on that day, the 16th of July.

21 Q. All right. If we could go to the next photo, which is a bit of a  
22 closer-up. It's 65 ter 1916. And I'm going to be asking him to make some  
23 markings on this. There's a new piece of equipment that will allow you to  
24 mark on this, this screen.

25 Looking at this photo that is up there, is that the place you're

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1 talking about?

2 A. Yes.

3 Q. And can you -- you said, I believe, that the vehicle, your  
4 vehicle, was allowed inside the gate. Is that correct?

5 A. Yes.

6 Q. And can you, roughly, remember where your vehicle parked when it  
7 went inside the gate?

8 A. When we passed through the gate, we parked immediately to the  
9 left.

10 Q. Do you see, roughly, where you were parked on this photograph?

11 A. No. It was a little bit further off to the left.

12 Q. All right. Well, I apologise. Let's go back to the last  
13 photograph, 1915.

14 Now, if you can, can you take this pen and just put a little  
15 bus-like rectangle where your minivan was parked? It should leave a  
16 mark.

17 A. [Marks]

18 Q. All right, and let's -- so did you ever get out of the vehicle  
19 when it was parked there?

20 A. No. Brano came up to the vehicle, and he just told Zoran to park  
21 there, and the two of them went together into this -- how can I explain  
22 it? For me, it was some kind of reception area or guard house.

23 Q. Can you put GH for guardhouse just on the building where you saw  
24 these guys go?

25 A. [Marks]

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1 Q. And tell us what happened next, what you saw.

2 A. Not long after that, Brano and Zoran came out with a military  
3 person, and from what I could see of his rank insignia on his chest, he  
4 was a lieutenant-colonel. And then another two policemen, military  
5 policemen, came out of the building together with him.

6 Q. Can you describe the person that you believed was a  
7 lieutenant-colonel?

8 A. He was quite tall, corpulent, greyish hair. His face had strong  
9 features in this area, and he was wearing a uniform of the Army of  
10 Republika Srpska.

11 Q. Do you remember any facial hair?

12 A. No, he didn't have a beard or a moustache.

13 Q. Do you remember any eyeglasses?

14 A. No, I cannot remember exactly, but I don't believe so.

15 Q. Okay. And you've also mentioned two military policemen came with  
16 him. How do you -- how did you know that they were military policemen?

17 A. They had the insignia of the military police. I didn't see it  
18 right away. I think that one of them had a white cross belt. I can't  
19 remember exactly, but I think that he did have a white cross belt.

20 Q. Do you remember seeing any patch or insignia that said anything on  
21 these two people that you've described as military police?

22 A. Yes, but I only saw that later. I couldn't see it there. I saw  
23 it later, once they came out of the vehicles at the Branjevo Farm.

24 Q. So the persons you saw come out of vehicles at the Branjevo Farm,  
25 were they the same two people you saw come out of the guardhouse?

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1           A.    Yes, they were the same people, plus this lieutenant-colonel was  
2    with them.

3           Q.    Okay.  And I'm skipping ahead a bit, but what were you able to  
4    make from their insignia or from their patch at that time, these people  
5    you've said were the military policemen?

6           A.    I could see that they were members of the military police of the  
7    Drina Corps.

8           Q.    What, precisely, do you remember seeing or reading?

9           A.    I can recall exactly reading "military police."  As for the rest,  
10   I'm not 100 per cent sure.

11          Q.    You have always said "Drina Corps."  Do you remember why you  
12   concluded Drina Corps?

13          A.    First of all, because the headquarters of the Drina Corps, I  
14   assumed it was in Zvornik, and that's why I always said that that was  
15   that.

16          Q.    Okay.  Let's go back to the guardhouse, when the two military  
17   policemen and the lieutenant-colonel come out.  Then describe to us what  
18   happens.

19          A.    They were accompanied by Brano Gojkovic and Aleksandar Cvetkovic,  
20   they came out together with him.  He drove our vehicle.  And Brano said  
21   that we were going to follow the vehicle in which these two military  
22   policemen and the lieutenant-colonel were.

23          Q.    Let me finish up this exhibit.  I'm sorry.  I of course noticed  
24   that as you walked away.  We need you just to date it.  It's the 4th of  
25   May.  And put your name on this I think in the -- yeah, down in the

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1 right-hand corner is fine.

2 A. The whole name or just my initials?

3 MR. McCLOSKEY: I think initials are fine.

4 JUDGE AGIUS: Yes, I think so.

5 THE WITNESS: [Marks]

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1 Q. All right. I'm going to go back to the man with the bandana and  
2 show you photos you've seen before.

3 If we could go to 65 ter number 1919, which is a video still.

4 All right. Now, this is not a good photograph, but did you see a  
5 much clearer picture of this person when you saw the video?

6 A. Yes.

7 Q. Do you recognise anyone in this photograph that you saw taking  
8 part in the killings at Branjevo?

9 A. Yes.

10 Q. I think -- can you just take the pen, if you could, and just mark  
11 an X over the person's head, just so it's absolutely clear which person  
12 we're talking about?

13 A. [Marks]

14 Q. And if you could just initial and date this one as well. Again,  
15 it's the 4th of May.

16 A. [Marks]

17 Q. All right. Now, let's go to the other one, which is 1918.

18 JUDGE KWON: Any idea when and where was this picture taken?

19 MR. McCLOSKEY: Yes, Your Honour. This is on -- this is Potocari,  
20 as they're walking into Potocari on the 12th. It's part of the trial  
21 video.

22 JUDGE KWON: Thank you.

23 JUDGE AGIUS: Can the witness tell us the name of the person he's  
24 marked or indicated?

25 MR. McCLOSKEY:

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1 Q. Do you know this person's name?

2 A. No.

3 JUDGE AGIUS: Okay, go ahead.

4 MR. McCLOSKEY:

5 Q. Okay. Now, looking at this photograph, there's a person on the  
6 far left of the screen with a bandana. Is this the same person, as far as  
7 your recognition is, as the one you saw in the previous photo?

8 A. Yes.

9 Q. And, again, so this was one of the men at the Branjevo Farm taking  
10 part in the executions?

11 A. Yes.

12 Q. And this was one of the men from -- that you've identified as  
13 being from Bratunac?

14 A. Yes.

15 Q. All right. I want to now go to 65 ter 1799. This is an aerial  
16 image that -- I want the unmarked version, if we can. Hold on.

17 MR. McCLOSKEY: I'm sorry, I think while the witness has used the  
18 marked version over the years, it's probably better that we use an  
19 unmarked version for these purposes, and if we could just put this on the  
20 ELMO.

21 JUDGE AGIUS: While that is being done, is there any objection  
22 from any of the Defence teams on using the other photo which has markings  
23 on it already and which the witness is familiar with?

24 Mr. Ostojic.

25 MR. OSTOJIC: Thank you, Mr. President.

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1                   Not with respect to specifically what you said, but we do have an  
2                   outstanding objection with respect to the markings on the photograph on  
3                   the top identifying specifically, and that issue still hasn't been  
4                   resolved as to who put that on the photograph. But with this witness, I  
5                   don't think it's necessary to repeat that objection.

6                   JUDGE AGIUS: Thank you. And in relation to the other issue that  
7                   Mr. Ostojic has raised, I think it's high time you come back with a  
8                   stipulation or an agreement so that we can have the evidence of Mr. Ruez  
9                   as soon as possible.

10                  Thank you.

11                  MR. McCLOSKEY: I think there's so many markings on that one with  
12                  the yellow, it might be just easier --

13                  JUDGE AGIUS: Up to you, Mr. McCloskey. I'm not going to  
14                  interfere in that.

15                  MR. McCLOSKEY: If we can just -- let's try with the ELMO, and if  
16                  we could zero in on that just a little bit more. Okay, that's fine.

17                  Q. Do you recognise this -- well, this place, first of all?

18                  A. I do, but this is an aerial photograph, so -- but I do recognise  
19                  the place, yes.

20                  Q. If you think you can, could you -- she'll give you a pen, and I  
21                  think we can mark right on this, right on this photograph. Can you mark  
22                  the area where the first bus with Muslims in it pulled up?

23                  A. What kind of a mark should I make?

24                  Q. If you can, just a rectangular, like a bus as if, you know, we  
25                  were putting it there. I know it's hard to get the scale, but ...

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1 A. [Marks]

2 JUDGE AGIUS: And if he could mark 1B on top of that line, please.

3 A. [Marks]

4 MR. McCLOSKEY:

5 Q. Okay. The other buses that arrived throughout the day, did they  
6 park in roughly the same place?

7 A. Yes.

8 Q. And can you -- if you can tell, can you mark with an X where the  
9 first group of prisoners were taken to be shot?

10 And I think we need -- we may need to pull out a bit from this  
11 close-up shot. Okay, okay.

12 A. [Marks]

13 Q. All right. You've made an X there. And you've described a  
14 building where soldiers were -- the lieutenant-colonel went in. Can you  
15 make out from this shot which building that was? Only if you can.

16 A. [Marks]

17 JUDGE AGIUS: Could he put an O next to that line, please, or just  
18 below.

19 A. [Marks]

20 JUDGE AGIUS: Okay, thank you.

21 MR. McCLOSKEY: And I think if we can just get an initial and a  
22 date, it's break time.

23 A. [Marks]

24 JUDGE AGIUS: Thank you, Mr. McCloskey.

25 We'll have a 25-minute break starting from now. Thank you.

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1 --- Recess taken at 12.32 p.m.

2 --- On resuming at 1.01 p.m.

3 JUDGE AGIUS: Mr. McCloskey.

4 MR. McCLOSKEY: Thank you, Mr. President.

5 If we could bring up 65 ter 2804.

6 Q. Mr. Erdemovic, you may recall yesterday we spoke briefly of  
7 insignias, VRS insignias, and I showed you a grouping of three insignias  
8 that had just been pulled up from the internet, and you -- do you recall  
9 identifying those insignias for us?

10 A. Yes.

11 Q. All right. And you saw our -- the interpreter wrote your answers  
12 to the questions relating to these insignias; is that correct?

13 A. Yes.

14 Q. Can you start with -- first of all, do you recognise those  
15 insignias on this document?

16 A. Yes. I just asked that the smaller insignia above the little  
17 plaques be crossed out.

18 Q. Okay. And why was that?

19 A. Because I wasn't sure. I know that these were small metal  
20 plaques, and I know the first one is major, the second one is  
21 lieutenant-colonel and the third one is colonel, but the insignia above, I  
22 was not familiar with. But then later I tried to see in a photo, and I  
23 could see that generals used these insignia.

24 Q. So as far as you know, those circular things above these ranks  
25 were not used at the time in July, 1995 for these ranks?

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1           A.    No.  What I know is that on the 16th, in the morning, when you  
2           asked me, "How could you tell he was a lieutenant-colonel," I answered  
3           that there was this insignia in the middle indicating that he was a  
4           lieutenant-colonel.

5           Q.    Where was the insignia that you saw on this lieutenant-colonel?

6           A.    It was on his left side, on the military blouse, shirt he was  
7           wearing that day.

8           Q.    All right.

9           A.    On the pocket.

10          Q.    All right.  And to be clear, there was no little, round insignia  
11          that you saw on his shirt at the time; that's why there's an X through  
12          this particular one; is that right?

13          A.    Yes.

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