

## Prosecutor vs. Dražen Erdemović

### Testimony of Mr Jean-René Ruez, witness of the prosecution

(pp. 127-155, pp. 156-177 and pp. 205-218 of original court transcripts on Nov. 19<sup>th</sup>, 1996, English version)

Mr HARMON [*Prosecutor*]: The purpose of calling Mr Ruez is three-fold; the first is to have Mr Ruez summarise the events relating to the takeover of the UN safe area of Srebrenica in July 1995. The second purpose is to have Mr Ruez describe to this Trial Chamber two events, two massacres that occurred, one at Pilica farm, and the other that occurred at a cultural centre in the village of Pilica - two events which Mr Erdemović brought to our attention. The third purpose of having Mr Ruez testify is to have him describe to this Trial Chamber the substantial co-operation of Mr Erdemović with the Office of the Prosecutor. Prior to having Mr Ruez testify, I have asked that the Registrar office premark 15 exhibits. I would now ask that usher pass from the Registrar's Office to Mr Ruez a set of those exhibits. [...] Mr Ruez, [...] [w]ould you describe your duties and responsibilities since arriving at the Office of the Prosecutor?

A. Yes. I have worked at the Office of the Prosecutor investigators since April 1995 and at the time I participated in the investigation in connection with the siege of Sarajevo. Since July '95 I have been in charge of investigating the fall of the Srebrenica enclave.

Q. Mr Ruez, [...] would you please summarise for the Court what your investigation has shown with regard to the events in Srebrenica? [...]

A. Now, the events fall into a general context following the fall of the enclave in July '95. [...] Now, when the Bosnian-Serb Army took Srebrenica, the people there had two possibilities, one was to flee towards Potočari, the second option (which is the option followed by most of the men) that was to escape towards Tuzla through the countryside. The men who stayed at Potočari and the women and children there were deported to Kladanj. That was on the borderline, as it were, with the Serb Republic. A lot of murders were committed in respect of the men at Potočari. That is here on the chart. Now, on the way to deportation, a number of men did manage to get on buses. They were all removed from the convoys at various points. The final point of their separation was at Tisca and from there they were also taken and executed nearby. Now, those who fled through the woods had to, on account of the action

taken against them, either to surrender or they were taken prisoners. Now, in a great number of situations that we were told about, the people who surrendered were executed on the spot. Most of them were grouped together in the following days, that is to say, on 12th and 13th July 1995. [...] Most of the men were grouped in the city of Bratunac. That is true of those who stayed in Potočari as well as those who had tried to escape through the woods. Now, from Bratunac the prisoners were taken to various places. [...] the men from Potočari were grouped together at Bratunac, except those who managed to get on buses and then they were separated out later at some checkpoints between Bratunac and the confrontation line. Now, when all of the survivors were brought together at Bratunac, further crimes were committed against them, including at Bratunac itself. But subsequently they were all transported to various other points more to the north of the enclave. Several of these places have been identified, in particular, the school at Grbavci [...] The prisoners were grouped together at that school at Grbavci and were executed at a site called Lazete [...] Others were taken to the Pilica school. Now, on the basis of what was said, it was at the Branjevo farm that the executions take place which is nearby. [...] Then, lastly, others were grouped in a public building in Pilica and they were executed there. So that is the general overview of the events subsequent to the fall of the enclave.

Mr HARMON: Mr Ruez, I would like you to describe to the Court what occurred at Pilica farm [...]

A. Here again I will sum up the statements made by Dražen Erdemović on this matter on several occasions. 16th July, in the morning, when he was at Drašnica(?) at the base of his Unit, Dražen Erdemović went as part of a group of eight individuals at Zvornik. The head of the Unit was in touch with the Lieutenant Colonel who was coming out of a building that was occupied by the military police - was identified on that by Dražen Erdemović in a photo. It is part of the Drina Corps, the Unit involved. Now, not informed of the day's mission, they followed this Lieutenant Colonel who took them to the farm, the farm referred to as the Branjevo farm where the Lieutenant Colonel gave orders to the head of the Unit to leave, and Dražen Erdemović was informed by this individual that buses would be coming with prisoners from Srebrenica. He had understood then what the purpose of operation was and that he would be involved in the execution of these people. The buses started arriving at 10.00 in the morning, approximately. On the whole, some 60 buses were seen, according to Mr Dražen Erdemović, by the 20 buses, excuse me, these buses had about 60 prisoners in them and until 3.00 in the afternoon the executions took place at that farm. Now, thanks to the information provided by Mr Erdemović, we could go to the site in question. [...] Now, when we went here near the site we found some clothing, shoes, human debris, in other words, things indicating that a mass grave might be located nearby. Now, a subsequent mission

enabled us to gather from the field where the execution took place a number of cartridges. Only 61 cartridges were found because the soil had been worked on. There was still agricultural activity there, so we found the cartridges that were on the surface. There were only 61 of them, but that certainly does not indicate that not many more were fired than that there. [...] The basis of Dražen Erdemović's information, the relevant services could look and in the archives could find pictures which had been taken near the time the events took place, so we could have access to these pictures. This was from 17th July 1995. This is a bird eye's view of the farm, and you can see a number of bodies scattered over the field and there is a probable mass grave there in the process of being dug. [...] Now, using these kind of images, we were also able to find some traces of what is an attempt to destroy evidence at the Branjevo farm. Now, this is a photo dated 27th September 1995 and there are some traces of work underway at the site. This is as of 27th September '95. Now, the acts as reported by Dražen Erdemović are confirmed by the findings here, in particular, by the shell cases where they were found. There has been an exhumation that took place in late August and early September, exhumation work, and despite the work seen here [...] 153 bodies were found in this area. About half of those bodies had their hands tied. There were some further cartridges that were found as well as some ID. It was Bosnian Muslims from the Srebrenica area who were involved. [...] Now, it is worth mentioning that the events as set forth by Dražen Erdemović about this farm were not known to the Prosecutor at the time. There are a large number of victims involved and that is significant because Dražen Erdemović said some 1,200 people were killed there and the site is 70 kilometres north of Bratunac which, of course, does have a significant impact for the investigation in terms of the logistics that were involved for this execution to be carried out.

Mr HARMON: Mr Ruez, let me turn your attention, because I think you are getting into an area that I would like to reserve, that is, how Mr Erdemović has assisted the Prosecutor's Office in its investigation, to the cultural hall in Pilica and ask you to describe and summarise what occurred at that location? [...]

A. Now, this is still on 16th July (and I will be summing up Dražen Erdemović's statements made in the course of a number of hearings), now about 3.00 in the afternoon when the executions were over at the Branjevo farm, the Lieutenant Colonel who had been there, been in charge since Zvornik, he asked the Unit Dražen Erdemović belonged to participate in the execution of 500 prisoners who were locked in a public building at Pilica. Dražen Erdemović states that he refused to participate in the second execution and his colleagues did likewise. The Lieutenant Colonel, all the same, gave the execution squad a meeting in a cafe in the village of Pilica. Other individuals who were there and who were involved in the execution along with Dražen Erdemović's Unit immediately went there. While Dražen Erdemović was

still at the Pilica farm, he could already hear the firing and the explosions taking place - it sounded like grenades exploding - and the firing was taking place near the farm. [...] Now, along with the members of the firing squad, they went to the aforementioned café which was opposite a building, in the building which the people were held prisoners, and he could see that other members of the Bosnian-Serb armed forces were in the process of the executing people who were locked inside that building. He did not have access to the building. He did not see what was going on inside the building, but he could hear the firing. He saw the individuals throwing grenades and he saw some prisoners who were trying to escape and who were shot down outside the building. Now, when that execution was over, the group that had carried it out went into the café and the group Dražen Erdemović belonged to immediately left. Now, a number of conclusions could be made subsequent to Mr Dražen Erdemović's statements about the acts as described. [...] Inside the [*Pilica*] building there were traces of bullet impacts which can be seen on all the walls, on the ground and on the platform. [...] traces [...] can be seen on the walls, the walls of the room. These are traces of blood with bits of hair as well.

Q. Did you see anything on the ceiling of the building as well, Mr Ruez, when you were at the site?

A. Yes, the ceiling which is about four metres high was also splattered with all kind of substances probably from human beings, but for which the analysis has not yet been completed. [...] A later mission for analysis of the site was carried out in September and a complete study of the place was done by the crime technicians. We do not yet have the results, but we can already state that all of the statements made by Dražen Erdemović have been confirmed by the observations which we were able to carry out on site. [...]

### **Cross-Examined by MR BABIĆ**

THE WITNESS: I will have to broaden the framework somewhat. The first point having to do with these witnesses is that the statements of Dražen Erdemović allowed us to show the connection between what had taken place as described by the witnesses and the only thing which - at the time the only thing that we knew for sure is that they had been shut up in the Pilica school. Had we had not the information from Dražen Erdemović, we would not probably have been able to make the connection between the place of the detention and the place of their execution which was close by. As regards the way the execution took place and the way that Dražen Erdemović explained the facts, in fact, both of the statements in general confirmed one another. [...]

Mr BABIC: I have understood the answer. There have been several witnesses and testimonies of those witnesses who were concordant to the testimony given by the accused Dražen Erdemović. My next question would be, Mr Ruez said that at the very site of the crime after the testimony of Erdemović certain traces were found, shoes, body parts, parts of clothes and so on, and that the exhumation established the existence of 153 bodies whose hands were tied and some other traces, such as bullet cases and so on. I would like to know whether Mr Ruez or his team who worked on the site of the investigation have composed some kind of a report from their on-site investigation. Has there been any photo documentation, photo file or video file that was established after the investigation? Has there been any kind of technical expertise, technical analysis, of the traces found on the spot in the cultural hall that we saw on the monitor? If, yes, what are the results of their analyses? What we have heard here, has it been confirmed in their analyses? This concludes my questions.

THE WITNESS: All the operations about which we are now speaking, all the technical operations, all those that were carried out recently, today no report has yet been given to us by the experts who may be responsible for carrying out this work. The only thing that can be stated right now, having to do with the results, is that in general they confirm the events as they were described by Dražen Erdemović, but no detailed conclusion can yet be drawn. [...]

**JUDGE ODIO BENITO:** Mr Ruez, I would like to be sure about what you said here. You talked about Pilica school killings and you talked about Pilica farm killings. Could you explain to me the link between the Pilica school killings and the Pilica farm killings and the role played by Mr Erdemović in both situations? Thank you.

THE WITNESS: In order to be clear, I mentioned three situations. The first has to do with the events which took place in the Branjevo farm; facts, acts, rather, in which the accused has been a participant and for which he has pleaded guilty; then those that took place in a public building in Pilica, acts that he was a witness of which he reported to us and, last, acts which took place in the Pilica school about which Dražen Erdemović does not know anything, which was a collection point for prisoners, where in fact there were murders committed, but which I did not mention at this point which made the made connection - in order to make the connection between this school and the Branjevo farm, which was also the point of execution for those prisoners that had been locked up in that school, had we not had Dražen Erdemović's testimony, we would not have been able to discover through the investigation alone the place of the execution of those prisoners who had been locked up in the Pilica school.

**JUDGE RIAD:** Mr Ruez, I heard you say, and I quote you, "Mr Erdemović was required to go to the Branjevo farm without knowing the nature of his mission". This statement is based on what? Is this your own judgment or are there any witnesses or is this the result of something he said to you?

**THE WITNESS:** When I explained the situation that took place on the Branjevo farm, I was only giving a summary of these statements which Dražen Erdemović made during the various discussions that we had together. I am only repeating his own words. At this point I have no way of confirming the correctness or the incorrectness of what he has said. [...]

**JUDGE RIAD:** Another question I would like to ask is that you stated that there were 500 prisoners locked up in the public building in Pilica, and then Mr Erdemović along with others refused to participate in their execution. Could you tell us what you are basing your statement on, which would allow you to say that he refused to do what he had been told to do or to go there?

**THE WITNESS:** The first point has to do with the number of the prisoners. At this point we would have no way of checking or knowing independently what was the exact number of those persons locked up in that building. The only information that we do have about this has to do with something which was given to us by Erdemović himself after the declarations that the Lieutenant Colonel on the Branjevo farm said who had told him to come and be a part of that execution. He is the one who told us the number of the people who were involved in this plan to execute people, about which during his declarations, during the discussions we had together, he states that he refused to participate in this. He says that he was the first to have opposed participating in that execution and that he was immediately followed by a certain number of his colleagues.

**JUDGE RIAD:** This was stated by some of his colleagues as well?

**THE WITNESS:** He was followed then, some of his colleagues refused after he did to participate in the execution. Now I am only repeating the statements that he made in the statement during the discussions that he had with us.

**JUDGE RIAD:** Thank you. Mr Ostberg, just a clarification: if you remember, you mentioned – I quote you - that the Prosecutor had no knowledge of the events prior to the confession of Mr Erdemović.

**Mr OSTBERG:** Yes.

**JUDGE RIAD:** Which events are you referring to exactly?

Mr OSTBERG: I am referring to the events that took place on the farm, on the killings, and from that we got also the information of the school and information about these killings in the town. As far as I recall from our investigation of what we have done in this case, the foundation for this information is the things we were told by Erdemović. That is the only source.

JUDGE RIAD: You had no clue when you were investigating the case of Srebrenica?

Mr OSTBERG: No, none whatsoever about this place. The name of the city or the environment of the city was not known to the Prosecutor as a site for execution before Erdemović gave his statements.

JUDGE RIAD: Thank you much.

THE PRESIDING JUDGE: Mr Ruez, I would like you to explain a bit more about the Sabotage Unit to which Dražen Erdemović belonged. Did it consist of volunteers? Was it a militia group? What is its status?

THE WITNESS: This kind of Unit is found within each division of the Bosnian-Serb Army. The one Dražen Erdemović belonged to is the 10th Sabotage Unit. It seems to be particular in the reports right back to central headquarters. So that is of direct relevance to our investigation, because it means that Dražen Erdemović's information about events when it comes to the execution sites that they are so far north of the enclave shows the extent of the logistics necessary to carry out this kind of extermination operation as took place in July '95. Given the fact that these were sites, these were schools, it goes to show the organisation involved, the planning that was required for these executions. The Unit that Erdemović belonged to gives an idea as to how the command was organised and how the executions were planned following the taking of Srebrenica. So that is something that is quite relevant in connection with his belonging to the Sabotage Unit.

THE PRESIDING JUDGE: I had asked you whether it consisted of volunteers. Was this an elite Corps, these men specially trained or, in military terms, how would you assess it?

THE WITNESS: All I can tell you about this unit is based on Dražen Erdemović's statements. I do not know whether it is made up of volunteers or whether people were compelled to join it. Dražen Erdemović only told us about his own situation. He said that he was driven to join the army with needing a salary and feeding his wife and child. He chose that Unit in so far as he said it consisted of elements, men, who were not all of Serb nationality. So, given his situation, that made life a little easier in that Unit because, on the basis of what he said, he

was constantly worried about his safety because of his Croatian origin. So there were Serbian and Croats in this 10th Sabotage Unit, so he felt more at ease there than he would have in a Bosnian-Serb Unit.

THE PRESIDING JUDGE: So what you are saying then is that he volunteered to be part of that Unit?

THE WITNESS: On the basis of his statements, when he was on Republika Srpska territory for reasons he could best explain himself, he did volunteer to join the army. There was not a wide choice, but he did opt for the possibility of joining that Unit which, according to what he said, was a Unit that carried out sabotage operations in enemy territory. [...]

Mr HARMON: Thank you very much. Mr Ruez, has the Office of the Prosecutor identified two survivors from the massacre at Pilica farm on July 16th 1995?

A. Yes, that is right.

Q. Could you please summarise for the Trial Chamber what they have informed the Office of the Prosecutor?

A. On the basis of the statements by these two persons to the Office of the Prosecutor, these two persons were amid the people in the Srebrenica enclave on 12th July 1995 when they were trying to get on to a bus that was evacuating them and their families towards the confrontation line, that is to say, towards Bosnian territory. They were separated. They were placed in a building in Potočari and from there they were evacuated with a group of prisoners towards Bratunac where they were locked up in what is referred to as the old Bratunac school which is a school that is behind the Vuk Karadžić school at Bratunac. While they were there they described the acts of violence that were perpetrated there against the other prisoners held. A lot of prisoners were beaten. Some of them were probably executed outside in so far as they could hear them yelling for help. Then they were shots that were heard and then there was silence. That went on for several days. Everyone was waiting for their own turn to be executed. Finally, on 15th July the prisoners who had not been killed near that school were evacuated, cleared from the building. They were loaded on to buses and the buses headed northwards, past Zvornik and they went to a school at the end of a dirt road. They gave a description of the place which enabled us subsequently, with further details they provided, to pinpoint the Pilica school as being the last place of their detention. When they reached the Pilica school there is the same treatment as the Bratunac school,



that is to say, the prisoners were once again beaten. Some of them were taken outside by soldiers. They hear them screaming. They also hear the sound of gunfire shots. Once again, they think that their turn is coming. Then in the morning of 16th the soldiers who were guarding them tell them that they are going to be part of a prisoner exchange. They ask some of them to buy back their freedom, that if they have any money hidden on them to give it to them, and some prisoners do that. In the end all the prisoners have their hands tied behind their backs and by small groups they are loaded on the buses. The buses leave the Pilica school and take the dirt road that leads to a field that is just a few minutes away from where they were held. Once there the buses are guarded by two military policemen that is for each bus. The prisoners were unloaded from the buses in small groups and led to the field. They can see that there are already bodies there lying scattered around. There is an execution squad that is set up behind them. So they line up in front of it and the execution squad starts firing at them. They were so fortunate as to survive that event. They were there amongst the bodies for the remainder of the afternoon. They waited for sunset to crawl to freedom and they headed off to where they were intercepted by a patrol. Then they were taken to Zvornik and put into a prisoner camp. They were registered there by the Red Cross and subsequently exchanged. [...]

JUDGE RIAD: Mr Ruez, from what you have told us, if I have understood rightly, it is a school, it is an execution in the school that we are referring to. Do you have similar chronological information about what happened at the Branjevo farm where the accused was present as well?

THE WITNESS: Yes, with regard to the Branjevo farm events that have already been outlined, the scenario is quite similar to how the survivors said things happened and the details as to the violence there has also been set forth by Dražen Erdemović, the fact that those injured were left to suffer, that they were then executed individually if they gave any signs of life. So it was quite savage the way the perpetrators behaved. We have the same information from the survivors and Dražen Erdemović. So that goes for Banjevo farm as well.

JUDGE RIAD: Yes, but do you have any more detailed information, in particular as regards the participation of Erdemović?

THE WITNESS: None of the survivors were able to identify anyone. They had to look down. If they looked up they were beaten and subjected even to being executed right there if they tried to see what was going on around them. They cannot formally identify the farm for the same reasons, which makes it quite likely that these people survived the same events as described by Dražen Erdemović. It is the same date, 16th July. They were already there the

day before. If the executions did take place nearby, given the large numbers involved, they would have heard the events happening.

JUDGE RIAD: What about the measures taken before the executions, the torture, the means used? Do you have more information about how the prisoners were treated? [...]

THE WITNESS: Well, yes, as Dražen Erdemović has said, initially things were fairly well organised. The prisoners were brought before the firing squad. They were executed but, little by little, Dražen Erdemović's mates, as it were, start drinking. They do not have the patience. They cannot wait for the military police to unload people. They charged the buses. They hit the prisoners with iron bars and beat some of them. They humiliate their victims, they insult them. All of these acts have also been described by the survivors. Now individual executions, because after the process of execution the perpetrators checked to see whether anyone is still alive and there is then an individual killing, that is if anyone is alive, and what was said corresponds in both cases. The executions, the collective executions, that we have dealt with in the course of the investigation revealed a similar scenario. There is an execution, a general execution and then there is a check to see that everyone is indeed dead. Then there is a fairly quick execution of any survivors, etc.

JUDGE RIAD: So what the survivors have said and what Mr Erdemović has said is more or less identical?

THE WITNESS: There are no major differences and there is no reason, therefore, to believe that what has been said is untrue. So one can take it that both parties are sincere in what they said. [...]

17 THE PRESIDING JUDGE: Do you have the feeling that Erdemović minimised his own role or an approximately correct description of what happened? This is very important when it has to do with the attenuating or mitigating circumstances which are the central point of this hearing. It is easy, of course, to say that the others were drinking, that the others were hitting people with iron bars, that I did not do it, I did the minimum. I know you do not have any proof about this, but what is the feeling you have?

THE WITNESS: I do understand the essence of your questions. In order to answer it I would say that having to do with the points in his statement, there were many which we were able to corroborate and the verification that we carried out was what led to the confirmation of the events as they took place as they have been described. The details of how these things were done, as you said, we have no way of investigating this in order to be sure that these have been correctly related. My opinion, and this is to the credit of Dražen Erdemović,

is that he volunteered to come to state the facts before this Tribunal. Likewise, he took the risk of identifying the perpetrators to lead to their arrest and that possibly one day they would hear their version of the facts. My personal point of view is that this approach, that is the way he describes his role in the events, makes what he says credible. I repeat that we are still investigating this. So long as we do not have access to other perpetrators and to their version of facts as they might relate them, we are not in a position in order to give a definitive judgment about this point. [...]

Mr HARMON: Mr Ruez, during the course of your investigation into the events relating to Srebrenica, when did you first come into contact with the defendant in this case, Mr Dražen Erdemović?

A. The first contact I had with the accused was just after his arrival on 24th April of this year.

Q. On that occasion did he provide you with a statement relating to his knowledge of the events that he has testified about, today and previously?

A. Yes.

Q. I would like to focus on two brief points in his statement to you in April. Did he first of all ever inform you that he had tried to get to Switzerland, but that he had been unsuccessful in doing so?

A. Yes, that is true.

Q. On that same occasion did he inform you that he had been a member of the HVO, that he had attempted to assist people cross the lines, but that he was arrested, beaten as a result of those efforts?

A. Yes, absolutely. He said that he had helped a number of people to cross over to the Republika Srpska, that he was arrested by the Bosnian Muslim authorities and that he had been ill-treated by the HVO.

Q. Could you please explain to the Trial Chamber, Mr Ruez, the circumstances of how Mr Erdemović arrived in The Hague?

A. Well, at first, given his behaviour during the executions at the farm, Mr Erdemović indicated that he was afraid of retaliation against himself, primarily because of the fact that he was not all that co-operative during the executions. He also said there was an incident involving the leader of the group, the leader of the execution squad, in connection with the

use of a machine gun that people were merely being wounded and they were made to needlessly suffer. Now, the second thing he mentioned was his attempt to save the life of one of the prisoners. That did not work out because his group leader indicated that it was out of the question to leave any witnesses of that operation. Now, those views confirmed, according to him, since a few days later on the night of 22nd and 23rd July when he was in a bar, one of the members of the execution squad shot at him four times in a row wounding him seriously. He was helped by one of his mates and he could be evacuated to a hospital where he was given treatment, but subsequently heard about some rumours to the effect that people in his Unit were unhappy to hear that he had not been killed that night. He also made approaches to the Commanding Officer of his Unit to be given some help. For example, he wanted to buy some drugs but the help was refused by the head of the Unit. He also took advantage of the possibility to go to the Republic of Yugoslavia, to evacuate his wife and his child, to see to it that they could be brought to Tuzla and to safety. Thereafter, he made demarches to enter contact with the International Tribunal, which at the time there was not an office in Belgrade, which meant that via his comrades he was in touch with the press office that was in Belgrade at the time. Now, apparently, the press office was being monitored by the security service and his attempts gave rise to some suspicion. There was increased monitoring, and he was subsequently informed that the security services were aware that he was trying to make contact with the International Criminal Tribunal. Now, with regard to the statements Mr Erdemović wanted to make before the Tribunal, a few days prior to his arrest, were brought to the Office of the Prosecutor's attention. Now, this prior information allowed the Office of the Prosecutor to react quickly and to have him transferred quickly to The Hague. So it was at the Scheveningen prison that we had subsequent contacts on three occasions.

Q. Mr Ruez, has Mr Erdemović provided substantial assistance to the Office of the Prosecutor in the conducts of its investigations relating to Srebrenica?

A. Well, he mentioned a number of events. In fact, he mentioned four specific events that we were not aware of at the time he brought them to our notice. The first two - these are the main two - were already mentioned earlier today - I mentioned them - these are the events that took place at the Branjevo farm and in the Pilica building. But there is also the fact that when on 11th July he was at Srebrenica, when the people remaining there were not putting up any resistance, the officer who was commanding his Unit gave the order to one of the members of the Unit to execute a Bosnian Muslim prisoner who was in the town. Now, that prisoner had his throat cut at the order of the Commanding Officer of his unit. Now, the second act: after he returned to Bijeljina on 13th - so this is on 13th - the same Commanding Officer gave an order to two soldiers in the presence of all the other members of the Unit to

cut the throat of a prisoner who was used in reconnaissance missions by the unit. He had been taken prisoner by them three months before and was used for reconnaissance operations beyond enemy lines. He did not witness the execution, but the perpetrators did tell them that it took place and the individual had his throat cut in the woods near Vlasenica. [...]

Q. Was the Office of the Prosecutor aware of any of those events prior to being so informed by Mr Erdemović?

A. No. None of these events were known to the Office of the Prosecutor before Mr Erdemović told us about them.

Q. Did Mr Erdemović also provide you with the identities of perpetrators in relation to each of those four events?

A. Each time the identity of the perpetrators was known to Mr Erdemović, he told us their identity. The officer in charge of the Unit who ordered the murder, Srebrenica is Lieutenant Pelemis who is in charge of the 10th Sabotage Unit. The members of the execution group who were involved in the incidents on 16th at the farm, their names were also given by Mr Erdemović; the head of that group being Brano Gojković. The other members being Aleksandar Cvetković, Marko Boskić, Zoran Goranja, Stanko Savanović, Vlastimir Golijan, Franc Kos, and he himself, Dražen Erdemović. Now, the 10th Sabotage Unit was under the command of Colonel Salapura.

Q. Mr Ruez, before being provided with the names of those perpetrators, were you or the Prosecutor's Office aware of the identities of those individuals?

A. No, we were not aware of any of these individuals at that point. With regard to the Pilica farm and the incidents there, Dražen Erdemović also mentioned the very active part played by a group of individuals belonging to the Bratunac Brigade. Now, on his own initiative, while he was in his cell and he was watching television, he happened to see a BBC report about the events at Srebrenica, and while watching that film he recognised some individuals involved in the execution. We subsequently showed him the video of that film and he pinpointed one of the individuals that is seen in that film which is Brano Gojković. We now have a photograph of him. He also recognised one of the members of the Bratunac Brigade who was among the most active, so to speak, during the events. We do not know his name, but we do have a picture of him now, thanks to Dražen Erdemović's help. Similarly, the general information he provided about the structure of his Unit and how it operated, these are very important, as I said, also in respect of the chain of command, because this Unit reports

directly to the central command, so this Unit was under the direct command of General Mladić.

Q. Mr Ruez, could you please summarise the value of Mr Erdemović's co-operation to the Office of the Prosecutor's investigations?

A. Of the information he provided us with was essential. I no longer here have with me Exhibit 1, that is to say, the map of the operations that ensued after the takeover of Srebrenica that we are acquainted with at this point. The main sites referred to by Dražen Erdemović are those that are northern most on the map. Similarly, the number of the victims, when it comes to Branjevo, the massacre there, and the executions thereafter, in Pilica, given the number of victims, these are among the most major events that have been identified during our investigation. As I said, the number of sites, the distance given, this is something we consider crucial when it comes to seeing what was involved in terms of organisation, logistics, the command structure, preparation, planning, everything. You absolutely have to see what the level of responsibility of the overall aspect of the operation was.

Q. Mr Ruez, as a result of your contacts with Mr Erdemović, have you been able to form an opinion as to whether or not he is remorseful for the crimes that he committed on 16th July 1995?

A. Remorse, that is difficult really to specifically define. One thing is sure, however, and that is in the course of the contacts I have had with him he expressed his sincere regrets to being involved in that situation. He has always had a tough time saying how things happened during these events. Bringing all these memories together was something very difficult for him and always has been. On every occasion whenever he would go into details in the course of hearings, he would say how sorry he was to have participated in those events. [...]

THE PRESIDING JUDGE: Turning to the Prosecutor, I would like to ask you whether you intend - you spoke about co-operation, you spoke about remorse. I understand co-operation. I suppose that Erdemović and his counsel will speak about his remorse. You did not speak about any possible aggravating circumstances. Should I therefore conclude along with my colleagues that you do not intend to raise the issue of aggravating circumstances in the commission of the crime recognised by the accused and in the way it was committed?

Mr HARMON: Your Honour, I believe that the crime itself, the magnitude of the crime and Mr Erdemović's role in it, is an aggravating circumstance. This is a crime where there is evidence that hundreds of civilians, innocent civilians, were killed. Mr Erdemović at various

times in various statements has admitted to killing between 10 and 100 civilians on this particular day. That, I believe, is a circumstance in aggravation, the magnitude of the crime and the defendant's role in it that has been explained by Mr Ruez and has been previously explained by Mr Erdemović as well. That will represent what, in the Prosecutor's view, are aggravating circumstances. We do not intend to present any additional evidence in regard to aggravating circumstances.