

Before: Judge Alphons Orié, Presiding
Judge Uldis Ķiniš
Judge Elisabeth Gwaunza

IT-06-90-T
01 September 2010

Registrar: Mr. John Hocking, Registrar

Public Order

The Prosecutor
v.
Ante GOTOVINA
Ivan ČERMAK
Mladen MARKAČ

**Order to Redact the Public Transcript
and the Public Broadcast of a Hearing**

The Trial Chamber

(At the request of the Prosecutor / Defence and with the agreement of the parties)

ORDERS that the following blacked-out text be omitted from the public transcript of the hearing dated 31 August 2010 and be edited from the public broadcast of this hearing.

The screenshot shows a transcript window with a menu bar (File, Edit, Transcript, Search, Annotate, Issue, Report, Options, Window, Help) and a toolbar. The transcript content includes:

- 415:11:36 Court yesterday. I'm going to take the essential propositions from the
- 515:11:44 Prosecution final brief as the best way of dealing with what, in itself,
- 615:11:49 is a complicated matter.
- 715:11:54 First of all, turning to paragraph 433 of the Prosecution final
- 815:12:01 brief, Mr. Cermak's knowledge of the incident in Grubori on the 25th of
- 915:12:13 August. And it's asserted that Mr. Cermak told Markac he had received
- 1015:12:20 "reports that people were killed and houses were burning prior to 5.00
- 1115:12:26 p.m. on the 25th of August."
- 1215:12:30 In our submission, that is not the case. Unlike the local
- 1315:12:36 police, Cermak did not receive reports of deaths on the 25th of
- 1415:12:42 August and neither did the garrison. The garrison was reported to only
- 1515:12:48 once at about 4.00 and told that there were fires at village. Nothing
- 1615:12:56 more, nothing less, and that matter was then received by Mr. Dondo, and
- 1715:13:12 he later on informed Mr. Cermak of it.
- 1815:13:12 It is it contended through the testimony of Witness CW-3,
- 1915:13:50 footnote 1563, in fact, that the police duty service informed him of the
- 2015:13:50 deaths around that time and therefore that is how he knew of the matter.
- 2115:13:50 it was not Mr. Cermak that informed him of such detail. There is no link
- 2215:13:51 between the knowledge of the police on that day, the 25th of August, and
- 2315:13:52 Mr. Cermak's knowledge on the 25th of August. They, in our submission,
- 2415:13:58 received independent reports.
- 2515:14:03 Mr. Cermak's interview is quoted at footnote 1564, in which he
- 104:115:14:11 said: They were telling me there were killings, there were burnings in
- 215:14:23 Grubori."
- 315:14:24 And that reference there at Exhibit P2532, pages 66 to 67, is a
- 415:14:29 clear reference to the UNTV interview on the 26th of August, not the 25th
- 515:14:39 of August. And, in fact, what happened when there was contact between
- 615:14:51 General Markac and General Cermak, information was sought from Mr. Cermak
- 715:14:58 on what had occurred, and so he supplied the information that was passed
- 815:15:06 to him through Dondo, and from him, he'd received it from the
- 915:15:14 international. If you see paragraph 215 of our final brief, that is
- 1015:15:19 where that matter is set out.
- 1115:15:25 In fact, some of the evidence within the footnotes ^ cited by
- 1215:15:32 the Prosecution, footnote 1557 of paragraph 432 concerning Mr. Flynn's
- 1315:15:42 testimony, he only informed Mr. Cermak, apparently, of burnings, not
- 1415:15:49 deaths. And that is a reference there to his evidence.
- 1515:16:02 Let's turn now to what was the central thrust of the allegations
- 1615:16:08 yesterday that Cermak somehow prevented an investigation by the knin
- 1715:16:17 police.
- 1815:16:19 Markac specifically dispatched Mr. Sacic to find out what was
- 1915:16:28
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A large black rectangular redaction box covers the text from approximately 19:15:16:28 to 25:15:16:28.

Any person or organization, including media organizations, which has possession or the public recording of all or the relevant portion of the proceeding containing the confidential information is hereby enjoined from disclosing it to any other person(s) or organization(s) as of the date and time this order is received. The failure to conform may result in contempt charges being issued by the Tribunal against the disclosing person or organization.

Alphons Orié
Presiding Judge