



1 Tuesday, 4 December 2007

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.00 a.m.

5 JUDGE BONOMY: We're very grateful to everyone for accommodating
6 the change to the sitting schedule at short notice, and can now confirm
7 that this week we will sit from 9.00 to 3.30 each day.

8 [The witness entered court]

9 JUDGE BONOMY: Good morning again, Mr. Delic.

10 THE WITNESS: [Interpretation] Good morning, Mr. President.

11 JUDGE BONOMY: We will continue with examination-in-chief from
12 Mr. Cepic in a moment. Please bear in mind the effect of the solemn
13 declaration continues throughout your evidence.

14 Mr. Cepic.

15 MR. CEPIC: Thank you, Your Honour. But before I start I owe one
16 document which is related to the incident from 14th of the April, 1999,
17 and bomb attacking on column of civilians. That is the exhibit 5D1158,
18 and actually this is the combat report from 52nd Artillery Brigade from
19 the Djakovica. That report is described bomb attack on column of
20 civilians between Djakovica and Prizren.

21 JUDGE BONOMY: Very well. Please continue.

22 MR. CEPIC: Thank you, Your Honour.

23 WITNESS: BOZIDAR DELIC [Resumed]

24 [Witness answered through interpreter]

25 Examination by Mr. Cepic: [Continued]

Page 19394

1 Q. [Interpretation] Good morning, General.

2 A. Good morning.

3 Q. We stopped when we were discussing places of worship. I would
4 like to continue now. In the places where members of your units were,
5 were the places of worship preserved?

6 A. Places of worship were preserved, you knew that the headquarters
7 of my brigade was at Prizren, and while my unit was in Prizren all the
8 places of worship were fully preserved. Among them is the most important
9 Muslim religious building, Sinan Pasha's mosque and another 30 mosques in
10 Prizren. There's also the Catholic church, several Orthodox churches, and
11 monasteries.

12 Q. Thank you, General. While we're waiting for the technical
13 conditions for the video clip to be played to be made ready, I will ask
14 you something else. What was the ethnic composition of your units and the
15 units that were resubordinated to you?

16 A. As far as the professional soldiers are concerned, the ethnic
17 composition was mixed. The officers were of all the ethnic backgrounds
18 from all the communities that lived in the Federal Republic of Yugoslavia,
19 and as for the units the ethnic composition was also mixed. But in the
20 reserve force all the ethnic groups living in Kosovo and Metohija were
21 represented, Turks, Muslims, Goranis, Albanians, and naturally Serbs and
22 Montenegrins, a small number of Macedonians, and so on.

23 Q. Were there entire detachments made up of people of Muslim faith?

24 A. Yes. The 68 Military Territorial Detachment was composed of

25 Goranis, they're Muslims, and there was also a unit from Recani, it had a

Page 19395

1 Muslim majority. There was another unit where Turks were in the majority.

2 Q. Thank you, General. Now, regarding the military territorial

3 detachments, can inhabited areas also be part of the defence system in

4 accordance with the military doctrine?

5 A. Yes. In accordance with the military doctrine, yes. But in our

6 particular situation, given the total air supremacy of the enemy and given

7 that the ground aggression had not started yet, the inhabited areas were

8 not part of the defence system yet.

9 Q. Is that the reason why military territorial detachments were moved

10 out of the inhabited areas?

11 A. Yes, that was one of the reasons, to prevent the concentration of

12 troops in the inhabited areas, in towns and villages, which would make

13 those inhabited areas targets for air-strikes on the one hand; and on the

14 other hand the relocation of the military territorial detachments ensured

15 greater security for the territory where there were inhabited areas, towns

16 and villages, because they guarded certain territories and roads around

17 those inhabited areas. And in my zone they also guarded the border

18 itself.

19 Q. Thank you, General. We will go back shortly to the town of

20 Prizren. Can you please tell me, during the war what was the situation

21 like in the town of Prizren. Did people move out of that town?

22 A. There was some small-scale moving out of people from Prizren, but

23 people moved into Prizren too, especially from the surrounding villages so
24 that Prizren -- well, I can't tell you now specifically because nobody did
25 any censuses during the war, nobody was counting the population, but it

Page 19396

1 may have had more inhabitants than in peacetime. I concluded this on the
2 basis of a report I received from some of my officers whose families faced
3 a problem: They couldn't buy bread. And then I inquired about the
4 quantity of bread being baked in the town of Prizren, and they told me
5 that the wartime capacity was about 30 per cent larger than in peacetime.

6 Q. Thank you.

7 MR. CEPIC: Could we see now 1242,5D; actually, 5D1242, document
8 related to Prizren.

9 [Videotape played]

10 MR. CEPIC: [Interpretation] Thank you.

11 Q. General, do you recognise this footage?

12 A. Yes, I do, because at that time I was in Prizren. This is the
13 13th of June. I was there until the 14th of June. I left Prizren on the
14 14th of June.

15 Q. Let us just look at one brief excerpt from this footage.

16 [Videotape played]

17 THE WITNESS: [Interpretation] This mosque that you can see here in
18 the background, that is Sinan Pasha's mosque.

19 MR. CEPIC: [Interpretation]

20 Q. General, we've seen white-and-blue vehicles in this column of
21 vehicles, we saw some civilian vehicles. What was this all about? Do you
22 know? What were those vehicles?

23 A. I do know because I watched this column as it left. These are the
24 Serb civilians leaving and the police units leaving, the police and their
25 families.

Page 19397

1 Q. Thank you.

2 JUDGE BONOMY: Mr. Cepic, are these two separate video clips that
3 we have seen?

4 MR. CEPIC: No, this is one video just to speed up procedure I cut
5 it.

6 JUDGE BONOMY: You see, one of them had a date -- the first one
7 had a date along the bottom, and then this one has the letters "N & N" at
8 the top. Are they actually the same video?

9 MR. CEPIC: We received this video as one video clip, but probably
10 it is made from separate views or sources -- separate sources. There is
11 the same title on all -- during all clip "N & N."

12 JUDGE BONOMY: Thank you.

13 Mr. Hannis.

14 MR. CEPIC: And we can clarify with the witness if it's necessary.

15 MR. HANNIS: And, Your Honour, last week we had two other video
16 clips that also have this exhibit number. This exhibit number, I think,
17 has actually 30 separate video clips, some of them completely unrelated,
18 and I have a concern about how we're going to handle that because there's
19 nothing to distinguish the video clip from Exhibit P1242 [sic] we played
20 last week, and the second one we played last week and this one today. We
21 need to have some way to identify them.

22 JUDGE BONOMY: Is your office the source of these?

23 MR. HANNIS: No.

24 JUDGE BONAMY: Well, Mr. Cepic, I think there may be a question of
25 authentication of these and clarification. I'm not suggesting that's a

Page 19398

1 fundamental problem; it's, I think, a technical problem that you have to
2 resolve so that we can disentangle one from the other. These essentially
3 show two separate things. One showed very jubilant celebrations and the
4 other shows, you say, Serb civilians and police leaving.

5 MR. CEPIC: With your leave, Your Honour, I can clarify with the
6 witness.

7 JUDGE BONAMY: All right. Thank you.

8 MR. CEPIC: Thank you.

9 Q. [Interpretation] General, I showed you those clips during the
10 proofing and you've just seen them now in court. Could you please explain
11 to us. We've seen the markings in the upper left-hand corner "N and N."
12 Could you explain what this is.

13 A. This marking in the upper left-hand corner, it is the name of a
14 photo shop in Prizren. It was close to the army hall. The person who
15 recorded this is a Muslim, and I know that I received the whole cassette
16 in 2001, but it was for my personal use. At that time I knew the name of
17 this man. He owns this photo shop and he used to do some work for the
18 army. He would record some of the activities we had, and on this occasion
19 he filmed everything that happened in Prizren when KFOR troops arrived,
20 it's a German brigade, and at the same time the Serb civilians and the
21 police, the military, were leaving. So these were two simultaneous
22 actions.

23 Q. Thank you.

24 JUDGE BONOMOY: Can we just -- can you just play a short part of
25 the first section, Mr. Cepic?

Page 19399

1 MR. CEPIC: Yes, Your Honour.

2 [Videotape played]

3 JUDGE BONOMOY: All right. It has the "N & N," but there was a
4 part of it where the date showed, the 13th of June appeared on the screen.

5 MR. CEPIC: The next part of video is marked with the date.

6 JUDGE BONOMOY: You can stop there then.

7 Mr. Delic -- yes, this part, this is done by the same person, is
8 it? It has the initials at the top.

9 MR. CEPIC: He didn't hear the question.

10 JUDGE BONOMOY: Sorry.

11 Mr. Delic, is that by -- is this part produced by the same
12 photographer?

13 THE WITNESS: [Interpretation] Yes, yes. This is a tape that's
14 more than two hours long, and you can see my troops here.

15 JUDGE BONOMOY: Thank you, Mr. Cepic, these --

16 THE WITNESS: [Interpretation] They -- on this cassette you can see
17 the arrival of the German soldiers.

18 JUDGE BONOMOY: Thank you.

19 MR. HANNIS: That takes care of this immediate clip, but I still
20 have the problem about Exhibit 5D1242. On Thursday we watched a segment
21 about a bombing or a bomb in Nogavac, that also has this exhibit number,
22 and I don't know how we're going to distinguish these clips.

23 JUDGE BONOMY: Just hold on a second.

24 Mr. Delic has just mentioned two hours of filming. Is that two
25 hours 5D1242 or is 5D142 -- 1242 the two hours plus other things?

Page 19400

1 MR. CEPIC: No, Your Honour. We have one video exhibit which is
2 almost more than one hour, and the content of that video is related, as my
3 learned friend mentioned, Nogavac and some other places. We just have
4 couple minutes related to Prizren on this exhibit, 5D1242.

5 JUDGE BONOMY: So what you have is a small extract from the two
6 hours that Mr. Delic mentioned?

7 MR. CEPIC: Exactly.

8 JUDGE BONOMY: Yeah, okay. Well, it looks as though you ought to
9 at some stage produce a filing which identifies the make-up of 5D1242 so
10 that there is no doubt that -- about the areas of the film or clip which
11 relate to different episodes along the way.

12 MR. CEPIC: Thank you, Your Honour. May I continue with your
13 leave?

14 JUDGE BONOMY: Yes.

15 MR. CEPIC: Could we see the third part of the film. Yes.

16 [Videotape played]

17 MR. CEPIC: [Interpretation] Thank you.

18 Q. General, do you recognise this monument?

19 A. It's the monument to Czar Dusan because otherwise Prizren was
20 called a Czar city because the Serb Czar Dusan for a time had his capital
21 city there and because the Archangel Gabriel with Czar Dusan's church is
22 to be found in the vicinity of Prizren and it is from the stones of that

23 church that Sinan Pasha's mosque was actually built.

24 JUDGE BONOMO: I think, Mr. Cepic, the filing will have to specify
25 the footage so that we can relate it to the evidence. At the moment it

Page 19401

1 would be very difficult to relate what you've played to the questions that
2 have been asked, but you can do that later by reference back to the
3 transcript. Whoever has compiled the video clip should be able to do that
4 for you. Thank you.

5 Please continue.

6 MR. CEPIC: Thank you, Your Honour.

7 Q. [Interpretation] General, we'll move on to another area. We heard
8 testimony in this courtroom that after the beginning of the NATO bombing,
9 in the vicinity of Prizren, there was shooting at the army, at the troops,
10 and that your soldiers then from the rear battalion found a local Albanian
11 who was interrogated and executed. Was something like that possible?

12 A. This is the first time that I'm hearing of anything like that, and
13 something like that is just not possible. I know that in the town of
14 Prizren itself - and we're already talking about the month of May - that
15 right next to my logistics unit an Albanian was captured and he owned up
16 to being a member of the KLA, and he also told us where he had left his
17 rifle and showed us his rifle and all his other equipment; but later on he
18 was handed over to the military police authority, and he was sent up for a
19 court-martial.

20 Q. Thank you, General.

21 JUDGE BONOMO: Do we have a name or any way of identifying this
22 person?

23 MR. CEPIC: Your Honour, we have exhibit related to that matter,
24 and I think that during the break we will tender it. Thank you.

25 Q. [Interpretation] General, we heard testimony to the effect that

Page 19402

1 there was an order that the police and army were taking ID cards at the
2 border crossings and setting fire to them in order to prevent the
3 Albanians being able to claim that they originated from Kosovo. Did such
4 an order ever exist?

5 A. Such an order did not exist and no normal person could have issued
6 an order like that, because everybody has their documents with their
7 personal identification numbers, there are records of various sorts. And
8 as far as the army is concerned, it was never at the border crossings at
9 all because the border crossings were guarded by the border police and
10 that's where the customs office is. The army seized the rest of the
11 border. However, as I say, nobody could have issued an order like that,
12 nor have I ever heard of any such order being issued.

13 Q. We'll deal with something related to orders and authorisation,
14 but, General, tell me something, General, without permission from the
15 superior command, can you arrange actions with MUP?

16 A. No. Without permission from the superior command, no activities,
17 either independent activities or activities in conjunction with MUP, would
18 be possible. For any such action, you would have to have permission from
19 the superior command. And we've had occasion, and I've said this earlier
20 on in my testimony, that there was several situations like that where I
21 asked permission from the superior command, and pursuant to their request
22 I sent out my concept for carrying out an action and then I would receive

23 the okay from my commander.

24 Q. Thank you, General. Now, the command of your brigade or the
25 subordinate units, did they combine any combat papers or maps on decisions

Page 19403

1 for MUP action?

2 A. I saw no need for that. At the level of the brigade, I compiled
3 documents for my own brigade, I drafted them, and those documents are
4 well-known. My subordinate units would, for example, take battalions.
5 They would see to the lesser documents but they would compile documents
6 and maps just for themselves. I don't want to enumerate all the things
7 necessary for the different levels, the different documents for the
8 different levels.

9 Q. Thank you. Did you exercise control of the MUP units? Did you
10 check their work, control them in any way?

11 A. That was just not possible because everybody is in charge of his
12 own units. I controlled all my subordinate units, but the MUP units were
13 not subordinate to us. So I had no authority as far as they were
14 concerned, and ultimately it wouldn't have been proper to do so. It
15 wouldn't have been proper for the army to control the MUP, and the same
16 would be true vice versa, it would be quite out of place. And all this
17 has to be regulated first and foremost by some orders for activities like
18 that to take place, so that kind of thing never happened.

19 Q. Did the MUP units send you reports?

20 A. No. The MUP units have their own chain of reporting towards their
21 own officers and commanders, just as I do. I have my chain of reporting
22 toward -- up the chain to my superiors. It is true, but this was more to

23 help out my colleagues. I knew when the MUP units had suffered losses and
24 when they were faced with a difficult situation, and especially in town.
25 We would learn when some of the MUP units were killed, just as people knew

Page 19404

1 when a soldier was killed and especially when a commander was killed.

2 Q. Thank you, General.

3 MR. CEPIC: Could we have on our screens P2077, please.

4 Q. [Interpretation] General, is this an order of yours?

5 A. Yes, this is an order from my brigade.

6 Q. Would you explain point 1 to us. You don't have to read it out.

7 We can all see it and read it, but explain it to us, please.

8 A. Among other things, in this order it says that a large number of
9 soldiers and officers were doing their job in the best possible way, but
10 that a lesser number were violating regulations, and that is why this
11 order was issued, which forbids military personnel to stop civilians or
12 civilian vehicles, that they forbid them to steal, carry out ID checks.
13 And then it is underlined that ID checks are allowed only in the combat
14 operations area, which is quite normal.

15 Q. What was the object of an order of this kind?

16 A. Well, once again, officers were cautioned and told that everyone
17 within their area of defence should take care of the behaviour of every
18 soldier and every officer under his command, and that one and all were
19 requested to work lawfully. And the military police company that is
20 mentioned here and in the title, in the heading, as well, it is being
21 issued the assignment of organizing patrols and to take into custody all
22 violating of this order and regulations that hold true in the army

23 generally and that the perpetrators should be taken to court.

24 Q. Thank you.

25 JUDGE BONAMY: Can we take it that prior to this document being

Page 19405

1 issued there were examples of each of the categories listed, that's 1, 2,
2 and 3, that you were aware of?

3 THE WITNESS: [Interpretation] I've already said that there were
4 individual cases. I said that in my earlier testimony, especially with
5 soldiers along the roads, because the entire communication line, the roads
6 that civilians passed by in order to cross the Vrbnica border crossing and
7 enter Albania, goes through the defence zone. And so some soldiers were
8 standing along the roads to prevent civilians and people from going into
9 the minefields. And in one of the documents we looked at earlier on, we
10 were able to see how many soldiers violated those regulations; and this
11 order, roughly speaking, and the report was roughly at the beginning of
12 April, which means there were individual cases where money was taken away
13 from civilians and vehicles were taken away from civilians.

14 JUDGE BONAMY: Thank you --

15 THE WITNESS: [Interpretation] Theft, and so on.

16 MR. CEPIC: Thank you, Your Honour.

17 Could we have on our screens 5D892, please.

18 Q. [Interpretation] General, what does this document represent?

19 A. This is a criminal report which the military police of my brigade
20 raised against a soldier, and the subject is: "Theft under Article 165 of
21 the Criminal Code of the FRY," and then we have an explanation as well of
22 what the soldier did, the act he committed. There were a number of such

23 criminal reports. This is probably just one such example. For every
24 case, for every offence that we learnt of, either in the unit, through the
25 military police, or whether it was reported by civilians or by the police,

Page 19406

1 all those cases were investigated and criminal reports filed with the war
2 courts.

3 MR. CEPIC: Could we see 5D893, please.

4 I'm sorry, Your Honour, we have one error in transcript, page 14,
5 line 9, I think that witness said "war courts," not law courts.

6 MR. CEPIC: [Interpretation].

7 Q. General, this seems to be similar. Would you explain briefly what
8 it is.

9 A. It's a criminal report once again filed by the -- from my military
10 company, the authorised person, but -- and under the same article against
11 a different soldier. And it is the same day, the 16th of April.

12 Q. Thank you.

13 MR. CEPIC: Could we see P962, please.

14 Q. [Interpretation] General, is this document familiar to you, the
15 one we have on our screens?

16 A. Yes.

17 Q. Could you explain it to us, what it's about.

18 A. Well, this is a list of filed criminal reports against
19 perpetrators of criminal acts in the zone of my brigade from May 1998 to
20 July 1999.

21 MR. CEPIC: Could we see the number 44 in this list, please.

22 Q. [Interpretation] General, can you look at number 44, please.

23 A. Yes.

24 Q. It says Zeljko Jokic?

25 A. Yes.

Page 19407

1 Q. Are you familiar with this case?

2 A. Yes, I am. This was the only case of rape that took place in my
3 brigade, although my police company did arrest some other persons for rape
4 from another unit. But as far as my unit is concerned from the 2nd
5 Motorised Brigade from Djakovica, in fact, this was the only one, and the
6 rape was committed in Prizren.

7 Q. Will you just explain briefly how you detected the identity of the
8 said person.

9 A. He committed the rape in end April during the night. The next day
10 those civilians called the police, the police carried out an on-site
11 investigation, took witness statements, invited the military police
12 because it was said the person who committed the rape was wearing a
13 military uniform, but there was no other information except that the other
14 soldier who was protecting him had used the nickname Brzi to refer to him.
15 Then we sent a telegram to all units asking everyone to check whether they
16 had a soldier nicknamed Brzi in their unit, but we expected to find that
17 someone in a unit in Prizren and it took us more than ten days to find out
18 that there is a soldier by that nickname in the 2nd Motorised Battalion in
19 Djakovica. Then we took him into custody and brought him before a war
20 court.

21 MR. CEPIC: Could we see Exhibit P2010, in B/C/S page 17, in

22 English page 34.

23 Q. [Interpretation] General, I have already shown you this document
24 during proofing.

25 MR. CEPIC: Could we have the right-hand side, please, in B/C/S.

Page 19408

1 Q. [Interpretation] Could you explain in the upper part of the page
2 we see 20th May 1999. In English there is a mistake, unfortunately, it's
3 not the 10th of May, it's the 20th of May.

4 A. This is a telegram sent from the command of the 2nd Battalion to
5 the command of the 2nd Motorised Company of that battalion, requesting
6 that urgent information be submitted about volunteer soldier nicknamed
7 Brzi. It says he's probably on the border post Liken. After identifying
8 the said soldier, bring him back to the 2nd Motorised Company where the
9 organs of the military police would arrive.

10 MR. CEPIC: Could we have Exhibit 5D1367, please. 1367. In
11 B/C/S, page 24, in English page 32, please. In B/C/S we need lower corner
12 of left side, please.

13 Q. [Interpretation] General, please look at the bottom left corner
14 and explain.

15 A. The commander of the 2nd Motorised Company of the 2nd Battalion
16 informs on the same day the commander of his battalion that Zeljko Jokic,
17 nicknamed Brzi, speedy, indicating birth date, is in his unit and will be
18 brought to the command of the company on the 21st of May, 1999.

19 Q. Thank you.

20 MR. CEPIC: Could we see Exhibit Number 5D1367, please -- I'm
21 sorry, 1351, please.

22 Q. [Interpretation] General, is this your document?

23 A. Yes. This is a report sent to all the units of my brigade
24 concerning some criminal offences, criminal actions, and negative
25 currencies.

Page 19409

1 Q. Look at the third paragraph, please.

2 A. Yes. This is a description of the incident we discussed. There's
3 a description of the whole epilogue.

4 Q. General, was anyone else arrested besides Jokic for the same
5 incident?

6 A. His helper was also arrested. He was found in the same battalion
7 and arrested, plus some other soldiers who were not from my unit were also
8 arrested for the same criminal offence.

9 Q. Is the co-perpetrator Zlatko [as interpreted] Krsmanovic from the
10 2nd Battalion?

11 A. Yes.

12 MR. CEPIC: Your Honour, just for the reference, the name of that
13 soldier is also in the Exhibit 5D1367, in B/C/S page 33, English page 43,
14 co-perpetrator for -- in this -- in that incident, described incident.

15 JUDGE BONOMY: Thank you.

16 MR. CEPIC: Thank you, Your Honour.

17 And in transcript is a small error, page 17, line 17, Vlatko
18 Krsmanovic, not Zlatko.

19 Could we see 5D889, please.

20 Q. [Interpretation] General, in the upper left corner do we see an
21 indication to your company of the military police?

22 A. Yes. This is another criminal report from the military police

23 company of my brigade dated 17 April. This is precisely what I referred
24 to. Three soldiers, one of whom committed the rape while the others are
25 accessories. They are from the 52nd Brigade of the anti-aircraft defence

Page 19410

1 in Djakovica, whereas my military police company was covering the
2 territory of Metohija, so that the civilian police who first found out
3 about the incident reported it to the military police. The perpetrators
4 were found, the injured parties were found, and this entire procedure
5 followed -- was followed from a medical examination of the injured
6 parties, taking witness statements. And these three soldiers were
7 immediately arrested and turned over to the wartime court. I reported
8 about this to the corps commander, and I also -- in fact, the commander of
9 the 52nd Brigade whose soldiers these persons were also reported it.

10 MR. CEPIC: Could we see again P962.

11 Q. [Interpretation] General, in this overview I counted last night
12 around 65 names of persons against whom criminal reports were filed for
13 the criminal act of ordinary and aggravated theft, and nine persons were
14 charged for seizing motor vehicles. Did you also include criminal reports
15 for the most serious crimes?

16 A. Yes. These include criminal reports for all criminal offences
17 committed in my brigade or in the area of responsibility of my MP company
18 that I learned about in any way whatsoever.

19 MR. CEPIC: Could we see the number 60, 6-0.

20 Q. [Interpretation] Look at number 60, Slavoljub Topalovic.

21 A. Yes.

22 Q. Will you explain briefly.

23 A. It's a soldier, private, from the military police company who
24 killed a civilian.

25 Q. Was he immediately arrested and handed over to the authorities?

Page 19411

1 A. I'm not sure if he was arrested on the same day of the
2 perpetration or the next day, but he was immediately turned over to the
3 wartime court.

4 MR. CEPIC: [Interpretation] Number 84, please.

5 Q. General, do you see number 84, Vujadin Stekovic?

6 A. Yes.

7 Q. Tell us, first of all, what rank he held.

8 A. Captain first class.

9 Q. What was he responsible for?

10 A. In one combat action when he ran into a terrorist ambush, after
11 another unit lent them assistance, he found three civilians in the
12 vicinity. He ran into three civilians and killed them. He was arrested
13 the next day, and he was taken before a wartime court.

14 MR. CEPIC: Could we see numbers 103, 104, 105, and 106, please.

15 Q. [Interpretation] Do you see these names, Mancic, Tesic, Seregi,
16 Radojevic, what are these cases about?

17 A. We have a major, Mancic; privates Tesic and Seregi and captain
18 Radojevic. Similarly, in a combat action against the terrorist group they
19 killed two civilians.

20 Q. Were charges filed against them?

21 A. We did not find out about this immediately. We learned about it
22 after the war was already over so that criminal reports were filed after

23 the war.

24 Q. Thank you.

25 MR. CEPIC: Could we see number 131, please, same exhibit.

Page 19412

1 Q. [Interpretation] General, while we're waiting, is it the case that
2 even on the most difficult circumstances in terms of movement you did send
3 your suspects to appear before a wartime court?

4 A. Yes. We would take and keep perpetrators in custody in the unit
5 for no longer than one day, and that's according to regulation, and after
6 that we would escort them to Pristina to appear before a wartime court.

7 Q. Would you look at number 131, something about kidnapping.

8 A. This is the 11th of April. Five persons were kidnapped,
9 Captain Tanaskovic was the leader. He was a member of the reserve force
10 of the military police. He was a leader of this group, and he was
11 escorting two persons to wartime court. He was accompanied by
12 Dragoljub Cvetkovic and their driver was Dragan Vucetic. The persons who
13 were under arrest were Zarko Filipovic and Zivota Todorovic. They had
14 been arrested for theft. They were kidnapped between Prizren and Pristina
15 on the road, more precisely in the area of Suva Reka.

16 Q. Did you have any further information about them?

17 A. They were killed and decapitated. Their heads were torn off and
18 there was reporting about that in Serbia as well.

19 JUDGE BONAMY: This is two soldiers killed by their colleagues?

20 THE WITNESS: [Interpretation] No, no.

21 JUDGE BONAMY: Well, I'm not understanding it, sorry.

22 THE WITNESS: [Interpretation] Two out of these five soldiers had

23 perpetrated a criminal offence; the others were taking them to the wartime
24 court. The captain was the leader of the group, there was also the
25 driver, and another person as an escort, and they were killed by

Page 19413

1 terrorists, terrorists who kidnapped them in the vicinity of Suva Reka.
2 They stopped their van and took them towards Budakovo, and we found the
3 van at a later stage -- actually, it was in May. And finally we learned
4 about the fate of those soldiers because the terrorists took photos of
5 themselves with those soldiers whose heads had been severed.

6 JUDGE BONOMY: Thank you.

7 Mr. Cepic.

8 MR. CEPIC: Thank you, Your Honour.

9 I have two photos related to that matter, but actually those
10 photos are not permitted.

11 Q. [Interpretation] Let us just clarify one thing. How many of those
12 were killed, all five of them or just two?

13 A. All five of the soldiers, and there was another case when just one
14 soldier was kidnapped. So a total of six soldiers were kidnapped. The
15 fate of the five is known, they were killed, but as for the sixth, his
16 fate remains unknown to this day. He was also being taken to the wartime
17 court.

18 Q. Thank you, General. My last question: In the period while
19 General Lazarevic was your superior officer, did you ever receive any
20 orders that would be aimed against the civilians or any orders that would
21 ask that you commit a criminal offence, either in writing or orally?

22 A. I never received any such orders. General Lazarevic always

23 insisted on lawful conduct and he insisted in particular on the protection
24 of civilians. The Rules of Service envisage that an officer cannot issue
25 such an order and the Rules of Service also bind any person who receives

Page 19414

1 such an order not to carry it out. At any rate, soldiers and officers
2 alike are not allowed to commit any criminal offences and they do not face
3 any sanctions if they refuse to obey such an order. In fact, they must
4 not obey such an order.

5 Q. Thank you very much, General. This was my last question.

6 MR. CEPIC: Thank you, Your Honour, no further questions.

7 JUDGE BONOMY: Thank you, Mr. Cepic.

8 Mr. Fila.

9 MR. FILA: [Interpretation] Thank you, Your Honours.

10 Cross-examination by Mr. Fila:

11 Q. [Interpretation] Good morning, General.

12 A. Good morning.

13 Q. I will be dealing with paragraphs 24 and 48 of the indictment,
14 that is the favourite topic of my colleague, the Joint Command. This will
15 be very brief, and let us achieve some results. When Mr. Cepic asked you,
16 you showed the envelope in which you received the orders from the Pristina
17 Corps. From time to time there would be the orders from the Joint Command
18 for Kosovo and Metohija in that envelope, and you said that after the
19 mission was completed a combat report would be sent to the Pristina Corps
20 command, because you thought that this had been a task issued to you by
21 the Pristina Corps.

22 My question to you is: Where did you hand in this combat report,

23 to whom and where?

24 A. Well, combat reports, as usual, would be handed in my command, the
25 Pristina Corps.

Page 19415

1 Q. Where was the headquarters of the Pristina Corps command during
2 the war?

3 A. During the war, when we're talking about combat reports, they're
4 not handed in directly, they're -- they are sent in an encrypted form to
5 the Pristina Corps command using communications equipment.

6 Q. Thank you. Could you please tell me, just a brief question. In
7 addition to you, the Pristina Corps and MUP, did the air force and air
8 defence have their officers in the Pristina Corps and perhaps even in your
9 brigade?

10 A. Yes, this is envisaged by the Rules. During the war I had an air
11 force liaison officer, and at the corps command there was a group of those
12 officers.

13 Q. They were part of what chain of command?

14 A. In addition to being in touch with me, they were also in touch
15 with their own command.

16 Q. So despite the fact that they were also part of the Army of
17 Yugoslavia, they represented the forces of the Army of Yugoslavia, but
18 their chain of command was separate from yours?

19 A. Yes.

20 Q. Thank you.

21 A. And if I had any requests vis-a-vis them, they had to talk to
22 their command to get an approval.

23 Q. Can I then conclude that in the operations during the war you had
24 three independent commands: Your own command, the MUP command, and the
25 third one, the air force and air defence; is that so?

Page 19416

1 A. Well, yes, at that level.

2 Q. Fine. Now I would like to ask you the following: You've seen
3 those orders from the Joint Command for Kosovo and Metohija. A general
4 question for you: They have a specific role in the indictment which is
5 not quite clear to me, but it will become clear to me once I see the
6 judgement. In this text, in those three or four pages, were any orders
7 issued that would have anything to do with ethnic cleansing, for instance,
8 an order for you to kill, rape, burn mosques, conduct ethnic cleansing,
9 anything that would be in contrary with the Rules? Is there anything of
10 the sort in there?

11 A. Quite the contrary. They are professionally drafted orders, and
12 it appears that the only problem is the heading.

13 Q. Fine. So if we were to replace this heading with the one that is
14 contained in normal orders, so instead of it saying "Joint Command for
15 Kosovo and Metohija," we have, for instance, the Pristina Corps command,
16 and then the same text. Is there anything dishonourable, anything
17 unlawful in those orders?

18 A. No, this is a proper, professional military order, there are no
19 omissions, no deficiencies in it.

20 Q. My second question: If you look at the text in its entirety, does
21 it deal specifically with the orders issued to the army, to the elements
22 of the Pristina Corps, telling them what to do?

23 A. Yes, exclusively.

24 Q. Are any orders issued to the MUP or to the air force and air

25 defence in this order?

Page 19417

1 A. No. Orders are issued only to the subordinate units of the

2 Pristina Corps, to us, giving us tasks in a specific action.

3 Q. Thank you. Let us now look at something in those orders, the

4 orders that pertain to your unit, there are seven, eight, five, six,

5 whatever, I will not be showing all of them to you, that's not important.

6 But I would like you to look on your screen at P2015, that's one of them.

7 I selected this one at random, believe me. And while we're waiting for

8 this to show up, can I ask you: Where was the headquarters of the

9 Pristina Corps in peacetime and in wartime?

10 A. In peacetime the HQ was in the Pristina Corps command building,

11 it's in the centre of Pristina. And during the war, the command post

12 moved about every few days.

13 Q. We heard testimony from Colonel Filipovic, who said that the

14 command post of the Pristina Corps never moved back to the four-storey

15 building during the war. Do you agree with that?

16 A. Yes, I do agree with that. My commanders are not amateurs,

17 they're professionals. They will not -- they would not allow themselves

18 to make such a mistake.

19 Q. In all those orders of the Joint Command, there are 15 or 16 of

20 them and a couple of them refer to you, or rather, six or seven refer to

21 you.

22 Could we please look at item 11, that's on the last page in

23 Serbian and probably in your language, or rather, in English. Item 11,
24 and could we please zoom in.

25 General, as you can see, in paragraph 48, General, it is stated

Page 19418

1 that command was exercised through Joint Command, and these papers serve
2 to corroborate that, they are evidence of that. No, I'm referring to 24
3 and 48 of the indictment.

4 In item 11 it says: "Command and communications." According to
5 the indictment, the corps, MUP, and the air force and the air defence, all
6 the forces, were under the command of the Joint Command, and could you
7 please read the first line in item 11.

8 A. "Command post of the Pristina Corps in the building of its
9 peacetime location" --

10 Q. And what does it say afterwards?

11 A. "The communications with the Pristina Corps command and the
12 subordinate units is to be maintained in accordance with the existing
13 communications document with obligatory use of the general encryption
14 documents."

15 Q. Thank you. General, I heard what you said, all of us heard what
16 you have said about all those papers so far. Is it possible -- so we're
17 not talking about whether it's true or not, because we can either place
18 our trust in you or in what the Prosecutor says, we have the indictment on
19 one hand and what over a hundred witnesses said on the other. Is it
20 possible that things operated in this way, during the war, in a wartime,
21 as it is described here?

22 A. No, it is impossible --

23 MR. HANNIS: Your Honour, if I may, I think we need to note that
24 this document is dated the 23rd of March, before the war started.

25 JUDGE BONOMO: Not only that, at the moment the question is

Page 19419

1 incomprehensible to me, and it sounds like an argument rather than a
2 question.

3 If you could reformulate this question, if there is a serious
4 question in there rather than a submission, then let's have it clearly
5 formulated so that we can understand clearly the answer.

6 MR. FILA: [Interpretation] Mr. President, in item 11, in the lines
7 that we've just read, it is indicated how command would be exercised had
8 this been an order exercising command.

9 Q. My question is: Is it possible in wartime conditions to exercise
10 command in this manner from this post?

11 A. It is impossible. As I've already said, that would you be a total
12 disaster to be in a peacetime location and to exercise command from there.

13 Q. So that was my question: Was there anyone there in the peacetime
14 location?

15 A. As far as I know, the Pristina Corps building was empty.

16 JUDGE BONOMO: How does this -- a moment ago you said that all of
17 these orders were written in a very professional way. How does that fit
18 with this reference here?

19 THE WITNESS: [Interpretation] In my opinion, this actually fits in
20 because probably whoever was drafting this order, that was the operations
21 organ of the corps, had in mind that if this order or any parts of this
22 order were to fall into the hands of any person who is not supposed to

23 have it, that then that person would get a wrong -- would get wrong
24 information about the location of the command because there was danger
25 that the command might be bombed.

Page 19420

1 JUDGE BONOMY: Mr. Fila.

2 MR. FILA: [Interpretation]

3 Q. The Prosecutor objected, saying that this was a document dated the
4 23rd of March, the day -- that was on the eve of the air-strikes. When
5 was this order actually carried out?

6 A. It was carried out on the 25th, a day after the air-strikes began.

7 Q. So much for the Prosecutor's objection. So among other things --

8 MR. HANNIS: Your Honour, I move to strike that.

9 JUDGE BONOMY: Yeah, that should have come from me.

10 [Defence counsel confer]

11 MR. FILA: It's okay.

12 Q. [Interpretation] Let us move on to item 13 of the same document.

13 It says here -- could you please read the last sentence.

14 A. "The Joint Command for Kosovo and Metohija shall command and
15 control all forces during combat operations from the Pristina sector."

16 Q. Fine. So first of all we can conclude that "all forces," refers
17 to the MUP, to air force and air defence, and to the Pristina Corps. Now,
18 this Joint Command for Kosovo and Metohija involved civilians, the
19 Prosecution alleges, three or four at the beginning, but at any rate --

20 THE INTERPRETER: The interpreters couldn't hear the counsel.

21 MR. FILA: [Interpretation]

22 Q. While you received any orders or -- did you notice any civilians

23 exercising command over you, MUP, or air force and air defence?

24 A. Well, naturally I didn't notice anything of the sort. I was in

25 the field with my unit, but in all combat operations that I carried out I

Page 19421

1 would be in touch with my commander from time to time, General Lazarevic.

2 I would report to him in certain situations, and he was the only person

3 that I was talking to because he was my commander.

4 Q. Was the forward command post of the 3rd Army there at the command

5 post of the Pristina Corps, where General Lazarevic was?

6 A. Yes. General Pavkovic was at the forward command post of the 3rd

7 Army. I know that because General Lazarevic and General Pavkovic would

8 visit my unit, the former more often than the latter.

9 Q. Did you ever see Nikola Sainovic during combat operations anywhere

10 in any function, and in particular exercising command over Pavkovic,

11 Lazarevic, you, air force, MUP, or whoever?

12 A. I never saw Mr. Sainovic in any combat operations. I think I saw

13 him on one occasion in Pristina when I received a decoration.

14 Q. That would be all.

15 MR. FILA: [Interpretation] Thank you, Your Honours.

16 JUDGE BONAMY: There are two matters you would perhaps clarify for

17 me, Mr. Delic. You made it clear that you had an air force liaison

18 officer in your command. Are you also saying that you had MUP officers or

19 a MUP liaison officer in your command?

20 THE WITNESS: [Interpretation] No.

21 JUDGE BONAMY: I didn't think so, but it was the impression of

22 pushing them all together that changed my earlier understanding.

23 The second question is -- that I need clarification on is this:
24 What does that last sentence in the order mean, "the Joint Command for
25 Kosovo from the Pristina section shall command and control all forces

Page 19422

1 during combat operations"?

2 THE WITNESS: [Interpretation] As far as I'm concerned,

3 Mr. President, it doesn't mean anything to me.

4 JUDGE BONOMY: So -- but let me stop you there. How does that fit
5 in with this idea of a professionally written order that you were dealing
6 with?

7 THE WITNESS: [Interpretation] I've already said how I, a
8 commander, at lower levels and other brigade commanders, how we understood
9 the term "the Joint Command" in the first place. We understood it, or
10 rather, we felt that "Joint Command" needed to be written because of the
11 coordination between the MUP and the army. Had it said on this order "the
12 Pristina Corps" in the heading and had it been signed by the command of
13 the Pristina Corps, had it said that, then the order would have been quite
14 all right; but it would have been quite all right as far as I'm concerned
15 as the commander from the army. It would not have been acceptable for the
16 command of the MUP detachment, for instance, because, quite simply, he did
17 not want his units and he personally to be commanded by the army because
18 until resubordination this is an order that was issued before the order on
19 resubordination was issued.

20 Now, had the situation been the reverse, had it said in the
21 heading that the MUP issued this order and had MUP signed it, then it
22 would not be acceptable to me because I did not want and it was impossible

23 in actual fact pursuant to our rules and regulations for me to be
24 commanded by somebody from the MUP. So this is some intermediate solution
25 and when it says in the heading the Joint Command, then the same order is

Page 19423

1 sent to the MUP and sent to me in the army. So then it is acceptable for
2 me too and for the man in the MUP and then we can coordinate in the field
3 because he knows that he has to report back to his command, that is to say
4 the MUP command; and I know I have to report back to my command, which is
5 the command of the Pristina Corps. So that is the only way in which I can
6 explain this and interpret it. Coordination and joint activities in any
7 other way could not be decided upon in the field. There might -- there
8 could have been perhaps some other term used instead of "Joint Command,"
9 but something as I say that would have been acceptable to one and all,
10 that is to say to the MUP units and to the army units, because they are
11 units which belong to different state institutions.

12 JUDGE BONOMO: Thank you.

13 Mr. Visnjic -- sorry, Mr. Fila.

14 MR. FILA: [Interpretation] I apologise. Can we clarify something
15 because quite obviously your first question came out of a question that I
16 did not put clearly enough. You asked him whether he had a liaison
17 officer from MUP, and he said he did not. But I asked him about the time
18 when there was joint activity with MUP officers, if you remember, and he
19 said the day before yesterday that the two commanders were together.

20 THE WITNESS: [Interpretation] But that was not a liaison officer.

21 I was there and the commander was there in the same place, so that he did
22 not send me his representative nor did I send him my representative. He

23 was in command of his own troops and I was in command of my troops. We
24 were in the same location, nearby, for us to be able to organize the joint
25 activities.

Page 19424

1 JUDGE BONOMOY: I think we all now understand each other.

2 Mr. Visnjic.

3 MR. VISNJIC: [Interpretation] Thank you.

4 Cross-examination by Mr. Visnjic:

5 Q. [Interpretation] Good morning, General.

6 A. Good morning, Mr. Visnjic.

7 Q. General, let's go back for a moment to the period prior to the
8 beginning of the war and war conflict. Can you tell me, on the basis of
9 the knowledge you have about the events that took place in your area of
10 responsibility and linked to the KLA forces, something more precise about
11 what weapons the KLA had in the first half of 1999 until the beginning of
12 the war? And to help you out, we've already had a witness and I'm going
13 to tell you something that he told us they had, that the KLA had. So if
14 you have anything to add or any comments to make, I would invite them.

15 First of all, let's take artillery weapons -- infantry weapons,
16 rifles, AK-47, Kalashnikovs, semi-automatic rifles --

17 JUDGE BONOMOY: Is there an issue over this, Mr. Hannis, how
18 well-armed the KLA were?

19 MR. HANNIS: Not really, Your Honour.

20 JUDGE BONOMOY: What's the real problem with this? Is this -- are
21 you trying to get information we don't already have or ...?

22 MR. VISNJIC: [Interpretation] No, Your Honour. I'm trying to get

23 information from the witness that we have not heard thus far.

24 JUDGE BONOMO: Oh, very well, if it's new information --

25 MR. VISNJIC: [Interpretation] And in order to shorten the

Page 19425

1 procedure, I'm already giving him a list of what the other witness said so

2 as not to waste time and have this witness tell us the same thing.

3 JUDGE BONOMO: Very well, please continue.

4 MR. VISNJIC: [Interpretation] Thank you.

5 Q. As we were saying, rifles, AK-47s, Kalashnikovs, semi-automatic

6 rifles, light machine-guns, heavy machine-guns, that is as far as infantry

7 weapons are concerned. General, among the ranks of the KLA, to your

8 knowledge, was there anything else that they had, any other infantry

9 weapons?

10 A. Certainly. Of the infantry weapons what was left out was the

11 snipers. Terrorist forces had the most up-to-date sniper weapons. Of the

12 sniper rifles manufactured in Yugoslavia, they had the M-76,

13 7.9-millimetres, then the sniper rifles, Soviet produced of the 7.62

14 calibre, then they had sniper rifles of a western manufacture, but

15 state-of-the-art, the most sophisticated in the world, I quote the

16 SIG Sauer one and then there were large numbers of those. Then there was

17 the sniper rifles of the 12.7-millimetre type of Yugoslavia manufacture

18 there was the Crna Strela, black arrow, then US-manufactured ones, and I'd

19 like to stress the American military rifle Barrett of the 12.7-millimetre

20 calibre because the terrorists had large numbers of those as well. And

21 let me just mention the Kalashnikovs were manufactured mostly by China,

22 but there were also Albanian-manufactured ones pursuant to a licence and

23 there were a certain number of Kalashnikovs which were manufactured in
24 Yugoslavia.

25 Q. Just a short question linked to this. What was the range of the

Page 19426

1 sniper rifles, especially these special, sophisticated ones you've just
2 mentioned?

3 A. The special rifles had a 2-kilometre range.

4 Q. Thank you. Now, my next group of questions also relates to
5 weapons, anti-tank weapons, a 500-metre range Zoljas, mortars, the
6 recoilless guns, recoilless cannons, grenade guns, and anti-tank mines --
7 grenade launchers and anti-tank mines. That's what the witness -- the
8 other witness told us. May we have your comments, please.

9 A. As far as the hand-held launchers manufactured in China, they're
10 called the 150 type and 500 type, that is to say their ranges are 150
11 metres and 500 metres. Then we had our own hand-held hand -- rifles, 600
12 metres. And in addition to the Zolja there were the Osas of the
13 90-millimetre calibre also produced in Yugoslavia. Then there were the
14 Russian type hand rocket-launchers -- hand-held rocket-launchers as well
15 as the German ones, sophisticated ones in any case, anti-aircraft and
16 anti-armour weapons. I can't remember their names just now, Armbrust,
17 yes.

18 Now, in my area we seized a number of these weapons Armbrust
19 which were packed as they had been sent out from the factory and far more
20 numerous than our army had. As far as the mortars are concerned the
21 60-millimetres ones were the most frequent and in my zone alone, we seized
22 about 40 such launchers [as interpreted]. And then we had the

23 82-millimetre launchers [as interpreted] and 120-millimetre ones as well.

24 Now, as far as the recoilless guns are concerned, the

25 characteristics of those guns are the following: They were manufactured

Page 19427

1 according to an American licence, 76-millimetre calibre, but they were not

2 only intended to hit armoured targets where the range was up to 800

3 metres, they could also be used as artillery support, because they had

4 special fugue grenades, and a particular device which allowed them to have

5 a range of up to 7.100 metres, these high explosives. So that, generally

6 speaking, is what the terrorists were usually equipped with, but after the

7 war broke out they also used heavy artillery and tanks from the territory

8 of the Republic of Albania.

9 MR. CEPIC: Your Honour, with your leave, just one error in

10 transcript. I think that page 35, seventh line, witness mentioned

11 mortars, not launchers, also in 8 line, not launchers, but mortars.

12 JUDGE BONOMOY: Do you mean to distinguish launchers from mortars,

13 Mr. Delic?

14 MR. CEPIC: Of course, Your Honour, but I think that witness could

15 clarify for us.

16 JUDGE BONOMOY: Well, I've asked the witness, not ...

17 MR. CEPIC: Thank you.

18 JUDGE BONOMOY: Do you mean in this to distinguish launchers from

19 mortars?

20 THE WITNESS: [Interpretation] Yes.

21 JUDGE BONOMOY: Because the -- I find the whole answer quite

22 confusing since it's not been done in a -- you haven't been asked the

23 questions briefly enough to give us clear answers to it, but -- these
24 questions just asking the witness to comment on a whole series of things
25 you say, Mr. Visnjic, don't help to make the job of final adjudication

Page 19428

1 here easy, and this is just an example of the sort of confusion that can
2 arise when you ask the witness just to comment in general. He's being
3 asked to comment on evidence we have already as well, so one wonders what
4 the value of that is.

5 Please continue, though, as quickly as you can.

6 MR. VISNJIC: [Interpretation] Your Honour, I can give you a
7 partial answer to your question. On pages 5879 and 5980, that's the
8 reference, that's the testimony of the previous witness. And what the
9 General confirmed, or rather, added here was precisely what's going to be
10 our reference, and that is the range, what the range was of the weapons
11 that the KLA had in its possession. So I think that will be important
12 later on during our further analysis.

13 JUDGE BONAMY: Just to give you an example. The first ones that
14 were referred to which were Chinese with numbers 150 and 500, which
15 related to the range, I don't know what these weapons are in light of his
16 answer. I don't know if they're mortars or rocket-launchers or Zoljas or
17 what they are, but we just have an amalgam of material that we're going to
18 have to go away and work with and try to make sense of.

19 MR. VISNJIC: [Interpretation] Your Honour, yes, I'll check the
20 interpretation later on. What I heard from the witness was clear enough.

21 Q. General, these weapons, or rather, let me put it this way: The
22 KLA organization in your area of responsibility -- well, I have a separate

23 question linked to the role of the village staffs. Now, can you tell me
24 to the best of your knowledge whether the village staffs were included in
25 the KLA; and if so, in what way?

Page 19429

1 A. In 1998 there was a KLA organization, so it was just from mid-1998
2 that the operative units of the brigade appeared, but the village staffs
3 remained. The situation was similar in 1999, the brigades existed but
4 there were also village staff -- guards or village staffs.

5 Q. General, the village staffs, were they a component part
6 establishment-wise of the KLA units or were they separated from them with
7 separate commands?

8 A. They had the same command, but they were the territorial
9 component, whereas the brigades were the operations component which moved
10 from one territory to another. The village watches or village staffs
11 stood in defence of their own village.

12 Q. Thank you. Now, General, at the beginning of 1999, how would you
13 describe the activities of the KLA with respect to planning actions and
14 the training of terrorists, if we compare it to the previous period in
15 1998?

16 A. Well, in 1999 there was a noticeably better type of organization
17 and the terrorists were noticeably better trained as well, and in planning
18 their actions too they were better -- although in 1998 and 1999 the
19 actions had a terrorist character right up to the beginning of the war.
20 There were ambushes and that was the most frequent way in which the
21 terrorist forces acted against the MUP forces and against the forces of
22 the army as well as rapid attacks, surprise attacks on MUP check-points

23 along the roads. So sudden attack inflicting casualties and then a speedy
24 withdrawal from the location.

25 Q. Thank you, General. Now, during this period --

Page 19430

1 JUDGE CHOWHAN: I'm sorry, I just have a question for
2 clarification.

3 I'm sorry, General, to bother you with this. Now, what were the
4 areas in which these people were getting training, particularly in 1999, I
5 mean the KLA?

6 THE WITNESS: [Interpretation] The KLA trained on the territory of
7 Kosovo and Metohija, but also throughout 1998 and 1999 in Albania.
8 Massive training took place in Albania. I can name some centres Tropolja,
9 Sahan, Vucedol, Kukes and a string of other places. I'm talking only
10 about the period of war.

11 JUDGE CHOWHAN: If the training grounds in Kosovo were accessible
12 to you and your intelligence, why was there a lapse on the part of the
13 intelligence and the Pristina Corps not to nip it in the bud then? Why
14 did you not make efforts or what were the reasons for not making efforts,
15 allowing this training to continue right under your nose if it was at all
16 taking place?

17 THE WITNESS: [Interpretation] Those places were not accessible to
18 us, and that is especially true of the territory of Drenica, Mount
19 Milanovac and the Drenica area, especially in 1998. Now, as a soldier I
20 cannot tell you why measures had not been taken in 1998 to stop that
21 activity in a drastic way. In the beginning, we as soldiers we reported
22 about it. Some of my reports from 1998 were mentioned here with exact

23 references to training locations and the number of terrorists there, but I
24 suppose that even the superior command to me could not take these steps.
25 It had to be ordered from a much higher level, and our country at the time

Page 19431

1 was under great political and diplomatic pressure and I believe that could
2 be the reason why it had not taken that step, being under embargo to nip
3 these activities in the bud. It was expected through political measures,
4 through negotiations with Albanian leaders outside of the extremist KLA
5 wing an agreement would be reached to resolve this in a peaceful way, and
6 that is why the mediation of the international community was accepted.
7 All the time in 1998 there was a wish to resolve the crisis in Kosovo and
8 Metohija peacefully.

9 JUDGE CHOWHAN: We also find that you've given us names of various
10 brands of weapons with which the KLA or the other people whom you called
11 as terrorists were equipped. I mean, it seems they had all the brands
12 from the world, and here too we find an inaptitude or a lack of efficiency
13 on part of the Pristina Corps or those involved with security to check
14 that coming in. And now you also tell us that geographically that area
15 may have been inaccessible but there the training was taking place. No
16 area is inaccessible geographically, and you had all the sources to
17 control it at the relevant time and particularly before the embargo. So I
18 was wondering if there can be any explanation to that, but being a soldier
19 who -- you have to tell us, and you were quite in charge of things, who
20 else is going to tell us, in case you can, sir. Thanks a lot.

21 THE WITNESS: [Interpretation] Right. Let me just tell you one
22 thing about the embargo. It lasted for about ten years continuously in

23 our country throughout the crisis in the former Yugoslavia, and we were
24 under political pressure all the time. I don't know the name of one of
25 the documents that Mr. Cepic read during the previous day of my testimony,

Page 19432

1 but from that document you can see that I as commander reported to
2 General Pavkovic at the time where the terrorists were in my zone, where
3 they train, and how many they were. And I asked for an order to be issued
4 to my unit to execute certain military drills from that territory, to be
5 present constantly on the roads, and to prevent the expansion of
6 terrorists from that area. But even General Pavkovic could not order me
7 that; he had to seek approval at a higher level.

8 As an army, we had our hands tied to a great extent in terms of
9 the measures we were able to take against the areas we knew as terrorist
10 locations. It would have been much easier for me, it would have been
11 really easy for me to do that. I wouldn't even have needed the support of
12 another unit. That area within my zone included a location where there
13 were no more than 200 terrorists. If I had received that order at the
14 time, the terrorism wouldn't have spread from my zone; but it was the
15 political framework that decided at the time what the army could or
16 couldn't do. If we had done it, we would have been subjected politically
17 and diplomatically to even more pressure, threats, and condemnation,
18 because it was already being said that we were violating the human rights
19 of Albanians.

20 Now, as for the state border across which arm smuggling took
21 place, we had the right to deal with that. My border units and my own
22 units engaged in a large number of clashes and skirmishes on the border,

23 trying to stop it.

24 JUDGE CHOWHAN: And then my -- another question, sir, I'm sorry to
25 bother you with another question. Then we -- I would be very anxious, if

Page 19433

1 possible -- if possibly you could tell us, then what was your mandate
2 there? I mean, there were restrictions doing this, restrictions doing
3 that. I'm not talking about the humanitarian aspect because that is
4 something we are all supposed to observe, but what was your mandate then?
5 And if you can answer now or after the break, whatever. Thank you.

6 THE WITNESS: [Interpretation] Right. Of course I can answer.

7 There were only a few things we could do, one, to conduct combat training
8 within our unit; to protect our military installations, second; and three,
9 to protect the state border. During 1998 we received another assignment,
10 to defend roads, and no more than that.

11 JUDGE CHOWHAN: Now, when you talk of protecting roads and
12 protecting borders, that is a defensive duty of course. But then weren't
13 you given the mandate to fight people whom you thought were militants?

14 THE WITNESS: [Interpretation] We could only respond if our unit
15 was attacked, and after July 1998 when the terrorists attacked and
16 captured, took control, of a town numbering 30.000 people, that's the town
17 of Orahovac, then at state level a decision was made to engage in a
18 five-stage plan. It was only then that we received orders to develop
19 plans for certain areas holding terrorists, to neutralise them, disarm
20 them, rout them, to kill those who refused to surrender their weapons, but
21 that was only in the end of July 1998. By that time the terrorists held
22 about 90 per cent of the territory of Kosovo and Metohija and most of the

23 roads.

24 JUDGE BONOMY: We will have our break now and resume at 11.20.

25 Mr. Delic, could you again leave the courtroom with the usher.

Page 19434

1 [The witness stands down]

2 --- Recess taken at 10.51 a.m.

3 --- On resuming at 11.20 a.m.

4 [The witness takes the stand]

5 JUDGE BONOMY: Mr. Visnjic.

6 MR. VISNJIC: [Interpretation].

7 Q. General, let us go back to the KLA. Did you have first-hand

8 experience with the assistance given to the KLA by the official

9 authorities of the Republic of Albania before or during the combat

10 activities?

11 A. Yes, certainly. The very fact that on the territory of the

12 Republic of Albania, even close to Tirana itself, but especially in places

13 close to the border terrorists were able to train in 1998 and 1999 speaks

14 volumes. All this was done with the knowledge of the Albanian state, the

15 Albanian government, the Albanian army.

16 Q. General, did your troops have direct fire contact with the units

17 of the Albanian army in the course of 1999?

18 A. Yes, in 1999, sometime in the middle of May, on the route going

19 across Kunara mountain, a tank company attempted to launch an attack on

20 our border, that was one incident; and during the Strela 2 operation from

21 the 26th of May approximately until the 8th of June.

22 Q. Thank you. How did KLA forces communicate between themselves on

23 your territory, what kind of communications equipment did they use?

24 A. For their own internal communication they used radio devices,
25 small-powered radio devices, up to 5 watts, similar to those we used.

Page 19435

1 They had communications similar to ours, but they also used one kind of
2 telephone, especially in 1998. It's the kind of telephone where the
3 receiver is portable and has a range of several kilometres where the base
4 is kept in a house. That was typical for Kosovo and Metohija, and of
5 course they had hand-held radios, Motorolas, Midland, Jessica [phoen], and
6 other types.

7 Q. Thank you. Do you know how they communicated with units outside
8 your zone with their commands abroad?

9 A. In addition to ordinary communications, they had satellite phones.
10 On one occasion in December from a group that was crossing over from
11 Albania, it was between the 14th and the 15th of December, we seized two
12 satellite phones, complete with laptops and encoding equipment.

13 Q. At that time it was state-of-the-art communications equipment,
14 wasn't it?

15 A. Yes, it was state-of-the-art because between our units we did not
16 have that type of communication.

17 Q. Thank you.

18 MR. VISNJIC: [Interpretation] Could we now pull up Exhibit P2447
19 in e-court, please.

20 Q. This is a map of Kosovo marked.

21 MR. VISNJIC: [Interpretation] Could we zoom in the lower half
22 where the letters A and B can be seen. Once again, please. Could we zoom

23 in once again. Thank you.

24 Q. General, this map shows a large part of your area of

25 responsibility. One of the Prosecution witnesses drew on it in orange the

Page 19436

1 territory held by the KLA, including the defence positions. Before I put

2 my question, could you draw in the roads that were off limits to the Serb

3 army and police in the second half of 1998 and 1999, roads that Serb

4 forces couldn't use except escorted by the UNPROFOR. I believe you've

5 said something about this, but since it's technically possible to do

6 electronically could you draw that. I'm talking about the period before

7 the war, and when I said "UNPROFOR," I meant KVM, the Kosovo Verification

8 Mission.

9 A. The road that was completely off limits to us is the road from

10 Djakovica across Mrasor and could be used to go further on to Srbica or

11 fork off to Pristina. Then another road from Orahovac via Malisevo, also

12 to Pristina. The road from Orahovac to Suva Reka was completely cut off,

13 closed. The road from Suva Reka to Stimlje was also critical.

14 Q. Could you draw it in a dotted line, please, then.

15 A. Because convoys had to be accompanied, escorted, and maybe I

16 should show some other roads that are outside my zone, such as the road

17 from Decani to Pristina. The road from Malisevo to Banja was completely

18 cut off, as was the road from Malisevo to this road that in turn leads to

19 Pristina. The other roads here, these roads here, were sometimes under

20 threat, and in this area here from Djakovica to Prizren one had to be

21 extra careful.

22 Q. Thank you, General. Can we stop here. Let me just explain that

23 markings made in bright red and in a solid line designate the roads that
24 were completely cut off and off limits, and bright red dotted line
25 indicates the roads that were -- that were critical. Did I understand you

Page 19437

1 correctly, General?

2 A. Yes, yes.

3 Q. Thank you. And my colleague has just alerted me to the fact, what
4 was the situation with this road to Prizren, this little part there?

5 A. That's a dotted line. One could travel there during the day but
6 not during the night; during the night it was prohibited.

7 Q. Thank you, General. General, could you just --

8 MR. VISNJIC: Can you give the General the other colour of the
9 pencil, blue.

10 Q. [Interpretation] General, I think that you can actually see that,
11 but could you tell us, based on your knowledge, what territory was held by
12 the KLA in your zone before the war started. And let me just tell you
13 that the Prosecution witness drew in -- marked the territory that was held
14 by the KLA in his opinion, and these markings are made in orange. Do you
15 have any corrections to make?

16 A. Well, a correction should be made here. Celina should also be a
17 part of it and then it would be fine, and here we should include the whole
18 part just Malisevo. So this entire territory should also be inside this
19 area to link up with this line that was drawn by this witness, and then if
20 we were to leave my zone then some other areas should also be included.
21 But as far as the rest of my zone is concerned, I think that this was done
22 quite properly with the amendments that I just made.

23 MR. VISNJIC: [Interpretation] Let me just stress for the record
24 that the witness marked in blue two semicircles, indicating the territory
25 that should be added to the area marked in orange, designating the area

Page 19438

1 held by the KLA in the critical period during the war.

2 Q. General, in the zones marked as A and B on this map, which KLA
3 brigades were deployed there to your knowledge?

4 A. In area A where it says "Reti," that would be Retimlje. That is
5 where the command of the 124th Brigade was, and in this area where it
6 says "Samodreza," that's where 122nd Brigade was located to my knowledge.
7 That's as far as the A and B areas are concerned. Further up to Malisevo
8 in the Dragobilje-Marali-Janciste areas, in Dragobilje there was the
9 General Staff.

10 Q. Thank you.

11 A. And that's where the 121st Brigade was located. In Budakovo there
12 was the 123rd Brigade, that is according to what I knew.

13 Q. And Budakovo, for the record, is in the area marked B on this map,
14 that's on the right-hand side of this drawing.

15 General, were there any KLA units in Orahovac?

16 A. In the town itself, the town of Orahovac in 1999, there were none.
17 But in the villages south of the village of Brestovac, there were
18 terrorist forces and to the west the village of Potocani, Gratotine
19 [phoen], Drenovac, Zatric, Poluza, Poznik, that's where they were. So
20 Orahovac was in some kind of an encirclement, although it was possible to
21 move in and out with a certain risk from Orahovac to Prizren and
22 Djakovica. As for Malisevo, it was impossible to go in that direction.

23 In March already it was impossible to go there, in February only police
24 patrols went there escorted by the OSCE.

25 Q. Thank you. General, could you tell me what was the situation like

Page 19439

1 in Suva Reka. Were there any KLA units in the town itself?

2 A. No.

3 Q. And how far were the closest units from the town itself?

4 A. Well, the village right next to Suva Reka, it's now covered by the
5 red line so you can't see it, but it's the village of Rastane it's on the
6 outskirts of Suva Reka in the direction of Orahovac. That's where the
7 first check-point was set up there at the bridge, check-point of the
8 terrorist forces. So it was impossible to go any further down that road.

9 Q. I apologise. How far is that bridge from the centre of Suva Reka?

10 A. Well, I think it is 1 or 2 kilometres away from the centre of
11 Suva Reka.

12 Q. Thank you. It's continue on the other side.

13 A. On the other side the village of Recani, Bukos, and this whole
14 territory that is encircled by this colour, by the markings made by the
15 previous witness. And then on the other side in the direction of Prizren,
16 the villages of Djinovci, Lesane, Spinadija, Lutoglava, Ljubizda, they
17 were free. There were no terrorists there, but there were terrorists in
18 Grejkovce, as close as in Grejkovce and Selo Gradiste. In Musitiste there
19 were none. In Delovce there were none, that's because there was a mixed
20 population there, half Serbs, half Albanians.

21 Q. General, when you say that the KLA was in a village, that doesn't
22 mean that there was a KLA presence. But as far as I was able to

23 understand from earlier testimony that means that there were some
24 fortified areas there, fortified positions held by the KLA; am I right?

25 A. Yes. That means that such a village could not be entered without

Page 19440

1 fighting, you had to fight your way in.

2 Q. Thank you. When you launched this action on the 25th of March,
3 1999, let us not now go into detail because you've already explained all
4 that in your examination-in-chief. What knowledge did you gain about the
5 movements of the civilian population within the areas or zones covered
6 that included the KLA positions?

7 A. In this zone marked A, I was close to Orahovac. I was in -- on
8 the high ground about 300 metres above this area here. I personally was
9 able to observe columns moving down the roads that had been constructed in
10 1998, and they were moving to Nепrebiste, Mamusa, and further on to
11 Studencane, Doberdolan, and Pagarusa. Those columns could be seen on the
12 26th and the 27th. On the 25th, according to the reports that I received
13 from my commanders, in this area here, the area of Nogavac there was a
14 small group of about 200 civilians who were instructed to go back to their
15 village of Nogavac after the army had passed through it and I think to
16 Celina. And according to a report from the commander of combat Group 1,
17 some of the population from the Pirane area went from Pirane and from Ram
18 Dubrava towards Medvece and Ramus, that's in area A. When I went to area
19 B later on the road leading from Orahovac through Ostrozub to Malisevo, I
20 personally saw columns being formed in the villages of Janciste,
21 Kravoserija and Moralija; but the columns that were formed in the village
22 of Janciste and Moralija were heading in my direction towards Ostrozub and

23 the columns from Pagarusa and Kravoserija were heading towards Belanica.

24 Q. General, when you say that you saw the columns being set up if I

25 understand you correctly and heading in various directions, am I right if

Page 19441

1 I say that at the time when those columns were being formed, in order to

2 move out there were no combat activities in the territory of their

3 villages?

4 A. No. In fact, when I observed these areas from a distance of about

5 2 kilometres, this is what I saw.

6 Q. Thank you. The way I understand you, some of the population moved

7 towards you, towards the army, and the other one was moving in the

8 opposite direction, away from the army, moving in the direction opposite

9 to the movement of your forces. How do you explain that?

10 A. I did not give it much thought at the time because the important

11 thing was for the people moving in my direction to be able to pass through

12 safely and not to be fired on in any way. But now that I think about it,

13 when these people appeared on the main road they were supposed to slow

14 down the advance of my unit because I and my equipment, we were using this

15 road to move forward, and they were also supposed to slow down the MUP

16 unit because, after all, they had to check, they had to verify, whether

17 there were any terrorists among those people moving in our direction

18 because we had had such instances in the past. So I have no other

19 explanation apart from that one.

20 Q. Thank you, General. General, were there any movements of the

21 population in the villages of Retimlje and Studencane before the start of

22 the conflict in March 1999?

23 A. Yes.

24 Q. To your knowledge was that organized by the KLA?

25 A. As far as I know, the people from Retimlje were moved as early as

Page 19442

1 in February because the KLA was in Retimlje, this entire brigade, with its
2 command, its hospital, and the population was in Opterusa, Studencane,
3 Samodreza, those areas. On several occasions when my columns were moving
4 from Prizren to Orahovac and from Orahovac to Velika Hoca, they attempted
5 to go to Velika Hoca, it was immediately observable that the villages of
6 Opterusa, Studencane would get organized, that civilians would gather
7 there, and that tractor columns would be set up, and that they would get
8 ready to move in the opposite direction.

9 Q. Thank you, General. For the transcript, General, on page 50, line
10 6, the villages mentioned there should be Retimlje, Opterusa, and
11 Studencane.

12 JUDGE BONAMY: Thank you.

13 MR. VISNJIC: [Interpretation].

14 Q. Thank you, General. Just a few more questions. General, you were
15 a brigade commander and later on you were promoted to higher posts in the
16 military and your last post was the head of the operations -- chief of the
17 operations administration in the General Staff of the Army of Yugoslavia,
18 if I'm not mistaken. In light of the posts that you held and the
19 experience that you have from exercising command at lower levels to
20 processing information at the highest level, I would like to ask you the
21 following: The kind of action that was carried out in the period from the
22 25th of March until the 24th of April that you described in your

23 examination-in-chief -- I apologise, not the 24th but the 4th, the 4th of
24 April.

25 So this kind of action, as far as I understand it, in the sense of

Page 19443

1 military technology covered in a number of reports heading: To the higher
2 levels of command. In your opinion, bearing in mind the number of levels
3 involved below the level of the General Staff, what kind of information
4 would reach the General Staff that might be relevant for this level of
5 decision-making at the General Staff? So what kind of information would
6 be needed at General Staff level for the decision-making there? To be
7 more specific, we saw your report about one of your actions there. It has
8 a couple of pages. Then we have a corps report that contains even less
9 information, and then we have the army report that contains even less
10 information. So in light of this -- if we bear in mind this operation in
11 Malisevo, what kind of information would actually reach the General Staff
12 that would be relevant for the decision-making?

13 JUDGE BONOMY: Are you in a position to answer that question from
14 your own personal knowledge?

15 THE WITNESS: [Interpretation] Mr. President, I was the acting
16 chief of the operations administration that brings together all the
17 information at the General Staff level for the General Staff and for the
18 state leadership; that is why I am in a position to answer this question.

19 JUDGE BONOMY: No, no, what was that, Mr. Delic?

20 THE WITNESS: [Interpretation] That was from 2002 until the end of
21 2004.

22 JUDGE BONOMY: So your answer is based on your experience then, is

23 it?

24 THE WITNESS: [Interpretation] Based on my experience after the
25 war, when I was serving in the operations administration.

Page 19444

1 JUDGE BONOMY: How is that going to help us, Mr. Visnjic?

2 MR. VISNJIC: [Interpretation] Your Honour, it would help us to get
3 the witness's opinion on that, and I have -- I have the exhibit containing
4 the analysis of this information that I can proffer later. So maybe in
5 light of those two things, the opinion of the witness about what kind of
6 information would be needed at the General Staff and what was actually
7 contained in the report, perhaps it could give us some idea about what
8 kind of information is expected at the General Staff level.

9 [Trial Chamber confers]

10 JUDGE BONOMY: We're agreed that we would not be assisted by
11 knowing Mr. Delic's opinion based on what happened when he was acting
12 chief of the operations administration. What we want to know is what
13 actually happened during the war. So please move to something else,
14 Mr. Visnjic.

15 MR. LUKIC: If I may, Your Honour, just interrupt for a second.

16 Are you telling us now that inferences are not possible? Then all the
17 inferences that the Prosecutor is trying to draw from 1998 cannot be
18 applicable in 1999. I ask kindly for the clarification of this matter,
19 please.

20 JUDGE BONOMY: This particular issue is what we're addressing, and
21 Mr. Delic's experience was between 2002 and 2004 when -- now, we're not --
22 it's not part of the -- it's not part of the job of this trial explore

23 what the circumstances were like in 2002 and 2004, and only then could we
24 see what happened then had any bearing on what was actually happening in
25 1999.

Page 19445

1 MR. LUKIC: We have to establish first whether the rules of
2 procedure changed at all or not, and if it's established that it has never
3 changed then we can draw references.

4 JUDGE BONOMY: Well, let's have the Rules of Procedure; if they
5 haven't changed them -- if we look at them, we don't need to look at 2002.

6 MR. LUKIC: Let's -- please let Mr. Visnjic to clarify with the
7 witness whether these rules have changed or not.

8 JUDGE BONOMY: We've made our decision.

9 Please move on, Mr. Visnjic.

10 MR. VISNJIC: [Interpretation] Your Honour, I have no further
11 questions for this witness, and perhaps it was a misunderstanding. What I
12 wanted to have through this witness is in relation to the chain of
13 information -- the flow of information, how much information would reach
14 the top. There was no intention to use this to prove what was necessary
15 in this particular case, in 1999, or rather, what was actually needed --
16 necessary, so --

17 JUDGE BONOMY: Mr. Visnjic, we've already heard evidence from
18 virtually every senior general in the Supreme Command Staff, all of whom
19 could have told us specifically - and indeed in some instances have told
20 us specifically - what the information available was. So it -- we do not
21 understand how on earth what a man who was not involved in the General
22 Staff at that time could tell us based on his experience in 2002 and 2004

23 that would not require us to explore in detail differences in the
24 circumstances in these two distinct periods of time. You've had every
25 opportunity to deal with this through witnesses who were there at the

Page 19446

1 time.

2 I should also say to you that we've now had fairly significant,
3 what has been effectively evidence in chief, from both Mr. Fila and you
4 from a witness who is not listed as one of your witnesses. If this is
5 going to be a regular feature of the presentation of the Defence case we
6 will have to review the order in relation to the distribution of the
7 remainder of the time because there's probably been a significant chunk of
8 time taken today in what effectively adds to the examination-in-chief that
9 we've provided for Mr. Cepic.

10 Now, that will make the presentation of the Defence case
11 exceptionally long beyond what is proportionate to the Prosecution case.
12 So if that is a practice that's going to be followed, we will insist now
13 in having notification in advance to the extent to which you envisage
14 examining in chief witnesses for other parties, giving notice of what that
15 examination-in-chief will be so that we can consider it, and then we would
16 have to review the allocation of time so that it accurately reflects the
17 proper distribution of the 240 hours for the presentation of the Defence
18 case.

19 So please consider that carefully, bearing in mind all the
20 evidence we've had already on these areas.

21 MR. VISNJIC: [Interpretation] Your Honour, I don't know how you
22 were able to reach this conclusion on the basis of my cross-examination

23 because this is the only witness that I examined -- cross-examined for
24 more than 20 minutes, so I really can't see how you were able to reach
25 this conclusion on the basis of this witness, that I went beyond the scope

Page 19447

1 of -- beyond what was allotted to the Prosecution. This was the only
2 witness that I questioned for more than 20 minutes. This has not been my
3 practice so far. Of course it is up to you to reach conclusions.

4 JUDGE BONOMO: I'm only indicating to you, Mr. Visnjic, so that
5 there can be no misunderstandings later that extensive
6 examination-in-chief by other counsel of another accused's witness does
7 tip the balance, and I entirely accept that so far that has not been your
8 practice. And therefore, there's no need at this point in time to take
9 any decision based on what's happened today. I'm simply observing that
10 these are circumstances of which we have to take account of, bearing in
11 mind the opportunities that you've had earlier to raise, for example, the
12 particular question that's given rise to this controversy.

13 The -- I also anticipate, although Mr. Cepic will no doubt correct
14 me if I'm wrong, that Mr. Delic is one of the most important witnesses
15 that will be led by the Lazarevic Defence and possibly the one that will
16 be here the longest, and therefore he is exceptional in that sense and not
17 the basis on which we would make any specific order. There would be to be
18 a practice developing before it would be appropriate for us to review the
19 position further. Thank you.

20 MR. VISNJIC: [Microphone not activated]

21 JUDGE BONOMO: Oh, yes.

22 THE INTERPRETER: Microphone, Mr. Visnjic.

23 JUDGE BONOMY: We will give an IC number to this exhibit.

24 THE REGISTRAR: That will be IC152, Your Honours.

25 JUDGE BONOMY: Thank you.

Page 19448

1 MR. VISNJIC: [Interpretation] I have no further questions. Thank
2 you.

3 JUDGE BONOMY: Thank you.

4 Mr. Lukic.

5 MR. LUKIC: Thank you, Your Honour.

6 Cross-examination by Mr. Lukic:

7 Q. [Interpretation] Good afternoon, General.

8 A. Good afternoon.

9 Q. My name is Branko Lukic, and I represent the Defence of
10 General Lukic before this Tribunal. I am going to ask you some questions
11 that will try to throw more light on certain issues, principally with
12 relation to the police force.

13 MR. LUKIC: [Interpretation] May we have on e-court to start off
14 with Exhibit 5D1351, please, and my colleague used it earlier on today
15 during his examination. May we zoom in, please, the first part of
16 paragraph 3.

17 Q. General, in line 7 it says here - and you explained this case -
18 you said that you had prosecuted this soldier and his name is Zeljko
19 Jokic - and in line 7 it says: "Jokic Zeljko went from flat to flat
20 introducing himself as a policeman or as the police and throwing out all
21 the residents from their flats."

22 Now, this one of the reasons that slowed down his detection,

23 because first of all you didn't know whether he was a policemen or a
24 soldier?

25 A. No. If you look at the criminal report filed, we did know that he

Page 19449

1 was a soldier because he wore a military uniform; however, since he didn't
2 give anyone his name, all we knew was his nickname, which was Brzi, or
3 speedy, and we thought he was from some unit located in Prizren, whereas
4 he was from the 2nd Motorised Battalion, which was otherwise in Djakovica
5 in peacetime, and was in the 2nd Company as well, which provided security
6 for the -- of the defence area facing the Likane border crossing to
7 Radanovici border hut. So that's what slowed it down.

8 Q. Thank you.

9 MR. LUKIC: [Interpretation] May we have P1995 on e-court next,
10 please. And may we have the last page, or rather, let's have the first
11 page first and then we'll go on.

12 Q. Can you see what the document is? You discussed it today. Are
13 the letters too small for you?

14 A. I don't think we discussed it today but last time, during the last
15 sitting. And could we zoom in a bit, please? Yes, I can see it now and I
16 do know the document.

17 Q. Now let's look at the last page of this document in the B/C/S and
18 English. In the first paragraph, the second sentence reads as follows:
19 "The command of the forces was by the combined command of the MUP
20 and the Army of Yugoslavia."

21 You explained to us today that at the command post there was
22 someone from the MUP and someone from your command, usually you and the

23 commander of the detachment --

24 MR. HANNIS: I'm sorry, Your Honour --

25 JUDGE BONOMOY: Mr. Hannis.

Page 19450

1 MR. HANNIS: -- I think we may have to go back one page in the
2 English.

3 JUDGE BONOMOY: Yes.

4 Mr. Lukic.

5 MR. LUKIC: Thank you, Your Honour.

6 Q. [Interpretation] My question to you, General, is this: In this
7 document, this combined command of MUP and the Yugoslav Army was mentioned
8 as you described it, right --

9 THE INTERPRETER: Sorry, Joint Command, interpreter's correction.

10 THE WITNESS: [Interpretation] We looked at this the previous day,
11 and, yes, I did say that in most of my documents where it says that there
12 was a combined command and that I as brigade commander or commander of the
13 military unit and the command of the MUP detachment, that we were at the
14 same place because in this way it was easiest to coordinate action in the
15 fighting. And as to this specific case, the one you're asking me about,
16 in the region of Suva Reka there was the MUP detachment commander with my
17 deputy, and I was in the Orahovac area with the deputy commander of the
18 MUP detachment.

19 MR. LUKIC: [Interpretation]

20 Q. In order to clarify this situation, is it true and correct that in
21 that location there were no civilians or no politicians?

22 A. Well, there was combat, that would be risky business and

23 absolutely not permitted. There was only the MUP commander with a few of
24 his men, and I myself from the army with a few of my men which were there
25 for that command post, the security detail, the driver, and that was it.

Page 19451

1 So that was the same on the MUP side.

2 Q. Thank you, General.

3 MR. LUKIC: [Interpretation] Now on e-court may we have Exhibit
4 6D677. May we zoom in to the left part of the map. We're interested in
5 the 549th Motorised Brigade -- [In English] Move back two steps. That's
6 fine.

7 Q. [Interpretation] General, looking at this map, can you explain by
8 telling us and also by drawing on to the map in red, using a red pen, what
9 the area of responsibility of your brigade was. Could you tell us and
10 draw it in.

11 A. The area has already been drawn in.

12 Q. Yes, but for the Trial Chamber to gain a better understanding.

13 A. [Marks]

14 Q. Thank you. I think that you also mentioned that a difference
15 exists between the area of responsibility in peacetime and in wartime.
16 Now, can you explain using this map what the difference is?

17 A. Yes. There is a difference between areas of responsibility in
18 peacetime and in wartime. In peacetime the area is far broader, the
19 surface area is much larger.

20 Q. So what area is this, the one that you've drawn in, is that a
21 peacetime or a wartime area?

22 A. This is a wartime area.

23 Q. Thank you. You also said that during the war, during the state of
24 war, from the Pristina Corps you received an excerpt from a map defining
25 the zone or area of defence of your brigade. Now, can you use a blue ink

Page 19452

1 to indicate the area of defence using this map.

2 A. As far as the width is concerned, it is the same as you can see
3 here, and here you can see that -- you can see my troop deployment here.
4 So I can just draw in where my units were to emphasise that. This is the
5 plan of defence showing the different stages. You wanted me to use a blue
6 pen, so I'm going to highlight my units, where my units were deployed,
7 that is to say the 2nd Motorised Battalion. This is one of the companies
8 of that battalion, this one here, the 1st Motorised Battalion; the 3rd
9 Motorised Battalion; the 108th Detachment in the later period. And you
10 can't see it here, but towards the Macedonian border, that's where the
11 68th Detachment was and that is where the 354th Detachment was. Here you
12 can see that this was my artillery, in fact. And here, once again, right
13 close to the town is the anti-armoured artillery battalion, and that would
14 be it as far as my forces go, as far as I can see. So those would be the
15 areas of deployment of the units. There are some other small details
16 here, but I can't read it on the map. The map is just a basis. I use it
17 to compile my own map for the plan of defence and battle.

18 Q. Thank you. We see that the area of defence has been defined by
19 four points, and you can see the breadth and the length of the area; am I
20 right?

21 A. Yes.

22 Q. And the depth. Now, what is the defence area or region and how is

23 that determined?

24 A. The defence regions are determined by lower tactical units,
25 platoons, companies, and battalions, and they are determined by using

Page 19453

1 three points. Two points, as you can see here, in front and one in-depth.

2 And the sector of the platoon company or battalion is the immediate sector
3 which is taken up by this unit and in which lower units have their defence
4 positions.

5 Q. Do you agree that the -- that all these defence sectors taken
6 together of these lower units and all the units together make up the area
7 of defence of the brigade?

8 A. Yes. The area and gaps in between and the distribution of command
9 posts and the distribution of logistics units all together make up that
10 area, the area of defence. And of course in that area you also have other
11 units, if I can use the term.

12 Q. Thank you.

13 JUDGE BONOMY: Mr. Lukic, you asked a question there: "We see
14 that the area of defence has been defined by four points and you can see
15 the breadth and length of the area." What are the four points?

16 MR. LUKIC: I think that we cannot see other two points on this
17 map, Your Honour, but there are -- actually, we can see probably two and
18 two are close to the Albanian border.

19 JUDGE BONOMY: But what are you meaning by points? We've got six
20 areas that were drawn on the map by Mr. Delic.

21 MR. LUKIC: If we can ask the witness to clarify this. I'm not
22 willing to testify. I'm not an expert, actually.

23 JUDGE BONOMY: Well, that's the trouble. You see, you were
24 testifying because you simply say: "We see the area of defence has been
25 defined by four points," and he says: "Yes." And I assume you would know

Page 19454

1 what the four points were and I was hoping you would tell me and make it
2 easy.

3 MR. LUKIC: I think my question was whether the zone of
4 responsibility is defined by four points.

5 JUDGE BONOMY: All right.

6 MR. LUKIC: But I can clarify with the witness in the next
7 question.

8 Q. [Interpretation] General, is it true and correct - I apologise,
9 but we have to go back to this - the area of responsibility of the
10 brigade, is it defined by four points?

11 A. No, the area of responsibility is defined by many more points, but
12 the area of defence is defined by these -- the four points.

13 Q. My mistake. You're quite right. Yes, the area of defence is
14 defined by four points. Now, defence, is that a type of combat activity?

15 A. Yes. Defence is a form of combat activity.

16 Q. Can we then agree that the area of defence of a brigade is also
17 the area of combat activity?

18 A. Yes, with the proviso that in the area of defence of a brigade you
19 can also have other units present outside the organic composition of the
20 brigade as defined by the order from the superior command.

21 Q. Thank you. Do you agree that you organized and put into effect
22 the regime on the ground and the civilian population in taking care of the

23 population, how they moved around, the exit and entry regime, and you all
24 coordinated that with the civilian authorities, such as MUP and other
25 civilian authorities, and in keeping with Article 193 of the rules

Page 19455

1 governing the brigade?

2 A. When we're dealing with the border belt - and it is a belt that
3 was 5 kilometres to begin with and later on 10 - then I have authority
4 over the area contacting and regulating the security regime, especially in
5 the areas in blue here in the border belt, when it comes to the gaps too,
6 the spaces in between. But if you look at the entire area and as concerns
7 the entire area, everything linked to the civilian population in that area
8 was done by the local self government and they coordinated their efforts
9 with me. When it came to the road going from Prizren to Vrbnica which the
10 civilian population used to leave our territory. There was certainly
11 coordination there principally with the MUP because the MUP held control
12 of the Vrbnica border crossing. The customs and border police would check
13 people leaving, but since that whole road until the place of Zur had been
14 mined, there had to be coordination with my own unit because I first had
15 to demine part of the road at the border itself and then later on with my
16 men to ensure that there were no -- to provide security and ensure that
17 there were no casualties if anybody entered a minefield because -- and of
18 course daily communication existed with the chief of the secretariat with
19 respect to the problems that existed in the area itself. And if anything
20 untoward were to happen or if the civilian population were intersected, if
21 there was any theft or seizing of vehicles and that this was noticed by
22 the MUP members, by the MUP force, that was certainly reported to my

23 military police company, and the check-points of the army that were
24 located along the roads coming in and going out of town - or in certain
25 situations they would be reported to me personally for me to be able to

Page 19456

1 take measures and steps.

2 Now, in a similar way we would inform the MUP if we were to notice
3 anything untoward happening on the territory which did not come under our
4 competence and something that the MUP should see to and resolve; or if
5 there was something linked to the members of the police force generally
6 speaking.

7 Q. And not only the police force but the civilians too?

8 A. Yes.

9 Q. Because the MUP was in charge of civilians too. Thank you. Now,
10 I have just one more question from this group of questions related to
11 areas. Is it true that the brigade command organized and implemented
12 security in the area of combat activities, or rather, the area of defence
13 coordinating its actions with other subjects in defence pursuant to
14 Article 227 of the brigade's rules?

15 A. Yes. In the border belt itself the army deals with these issues
16 on its own outside the border belt, however, it coordinates with the
17 authorities for whom this is their main job, their main purview. However,
18 the army has full authority over its own members in the border belt, but
19 as far as the civilian population is concerned it had to be coordinated
20 with the authorities, the local self government, but primarily with the
21 secretariat of the interior in Prizren, Djakovica, and so on.

22 Q. Thank you. I would now like to ask you about terrorism in 1998.

23 You have already told us about terrorist attacks in 1998 --

24 JUDGE BONOMY: Just hold on. I'm not sure the English can be

25 right on this last answer.

Page 19457

1 In the border belt -- Mr. Delic you said: In the border belt

2 the army deals with security on its own and outside the border belt

3 however it coordinates with the authorities for whom this is their main

4 job.

5 You then went on to say, according to the English: "The army has

6 full authority over its own members in the border belt, but as far as the

7 civilian population is concerned it had to be coordinated with the

8 authorities, the local self government, and primarily with the secretariat

9 of the interior in Prizren, Djakovica, and so on."

10 Is that what you said?

11 THE WITNESS: [Interpretation] No, no.

12 JUDGE BONOMY: Could you give us the answer, please.

13 THE WITNESS: [Interpretation] What I was trying to say was that

14 the army always, regardless of whether it's a border belt or any other

15 area in its zone, has full responsibility for any measures it takes

16 towards its own members. In the border belt it has responsibility for

17 controlling others as well, primarily the civilian population; outside the

18 border belt it coordinates, when civilians are concerned, with the local

19 self government and other state authorities, but primarily the Ministry of

20 the Interior.

21 JUDGE BONOMY: Thank you. That makes much more sense.

22 Mr. Lukic.

23 MR. LUKIC: Thank you, Your Honour. I'm not following English
24 translation, so I'm sorry that I missed this one. Before we move on, I
25 kindly ask for this map on the screen to get IC number.

Page 19458

1 JUDGE BONOMY: Yes.

2 Before we leave the subject, Mr. Delic, and before it disappears
3 from the screen, what are the four points defining the area of defence?

4 THE WITNESS: [Interpretation] In the north there was one point on
5 the state border; in the west -- to the west of border post
6 Mitar Vojinovic, that's this brook here, I can't read the name, that's the
7 first point. The second point, I think it's the village of Crmljanje
8 possibly here. In the south we cannot see that on the map unless we can
9 move the map, it's a peak on Mount Sara, Peskovi peak, 2.551 altitude, so
10 there are two points to the south-west and two points to the south-east.

11 JUDGE BONOMY: Well, again it may be a problem with English
12 translation, but there's only three points mentioned in the English.

13 MR. LUKIC: [Interpretation]

14 Q. General, since we are all interested apparently in these four
15 points, could you take a pen, a green pen preferably, to mark the points
16 you see on this map and use numbers 1, 2, 3, 4, if you can see all the
17 four points; if not, just tell us where they are.

18 [Trial Chamber and registrar confer]

19 THE WITNESS: [Interpretation] This is the south-east cannot be
20 seen --

21 JUDGE BONOMY: Please make this as simple as possible. I don't
22 know whether it's important or not. It's only because Mr. Lukic has

23 raised the matter. There's no point in raising it and then not
24 understanding it. There are two points in the north and two in the south;
25 is that the position?

Page 19459

1 THE WITNESS: [Interpretation] Yes, but in the south we cannot see
2 the point. The map is -- we don't see that section of the map.

3 JUDGE BONOMY: But can you mark the two in the north on the map as
4 you see it at the moment? Just mark them.

5 THE WITNESS: [Interpretation] Yes, I marked them with number 1 and
6 2.

7 JUDGE BONOMY: And you gave us a name for one of the ones in the
8 south, that was a peak on Mount Sara called Peskovi peak; is that right?

9 THE WITNESS: [Interpretation] Yes, yes.

10 JUDGE BONOMY: And what was the other one?

11 THE WITNESS: [Interpretation] It's Prevalac, it's a pass on the
12 road from Prizren.

13 JUDGE BONOMY: Well, that's enough for me. Thank you.

14 Mr. Lukic, we'll give you a number.

15 THE REGISTRAR: That will be IC153, Your Honours.

16 JUDGE BONOMY: Thank you.

17 MR. LUKIC: [Interpretation]

18 Q. General, we said we would be talking about terrorism in 1998. To
19 what extent this terrorism had an effect on the confidence people had in
20 state authorities, do you know that from personal experience?

21 A. In my reports that were shown during my testimony last week, you
22 can find one passage where it says in the beginning of 1998 citizens were

23 very dissatisfied. Comments such as, What is the police doing and what is
24 the army doing, were common because terrorists from day to day, from month
25 to month kept taking up more and more territory and more and more roads so

Page 19460

1 that citizens could no longer move freely.

2 Q. I would now like to show you 2D372, it's a letter from the
3 Municipal Assembly -- to the Municipal Assembly of Orahovac. 8th July
4 1998 is the date. As we can see, this document says that among Serb
5 citizenry there is confusion, fear, and despair because they're totally
6 unprotected and in danger. With every passing day the terrorists move
7 their lines closer to these villages, which are in fact surrounded.

8 Do you remember that the misgivings expressed in this letter
9 turned out to be justified very soon afterwards?

10 A. Yes, nine days after this letter.

11 Q. What happened nine days after this letter?

12 A. Nine days later, on the 17th of July, terrorists captured
13 Orahovac, Zociste, Opterusa, and Retimlje. From Opterusa and Retimlje
14 they kidnapped a large number of civilian Serbs and a large number of them
15 were recorded as missing for a long time. We know nowadays that those men
16 were killed, and it was through the mediation of international
17 representatives based in Pristina that a number of women and children from
18 these villages were later released. Orahovac was in the hands of the
19 terrorists on the 17th and 18th of July, before it was liberated on the
20 19th and recovered as our territory under the control of MUP forces and
21 army forces.

22 Q. Thank you. Did your unit, together with the MUP, participate in

23 the deblocking of Orahovac and pushing back of the terrorists?

24 A. My unit was the only one that participated in providing support to
25 the MUP in this anti-terrorist operation, it was one of the first

Page 19461

1 anti-terrorist operations in which a large settlement, a town practically,
2 of 20 to 30.000 population had to be freed.

3 Q. Is it true that the KLA forces and the resistance they put up made
4 it impossible for the MUP to solve this problem on its own, alone?

5 A. I believe that this was too large an assignment for the MUP units
6 that were on that territory at that time, and that they needed the support
7 and the assistance of the army. That's the gist of the order I received
8 from my commander, to support MUP forces that moved free this town again.

9 Q. I would now like to move to another subject, the sector of state
10 security as part of the MUP of Serbia. We heard already that you had good
11 cooperation with SUP chiefs in 1998 and 1999. In 1998 it was
12 Colonel Zekavica, and in 1999 it was with Colonel Vojnovic. Let me ask
13 you, do you remember who was the chief of the centre of RDB, state
14 security sector, and what was your relationship with that sector?

15 A. That sector was headed by Colonel Savic. We did not have frequent
16 contacts. Our contacts were, in fact, rare. It was my security officer
17 who was in touch with him more frequently.

18 Q. Let me now ask you, did you notice that between the SUP and the
19 state security sector one of them is subordinated to the other, or were
20 they sectors on an equal footing within one and the same ministry?

21 A. As far as I know, there was no subordination between them;
22 however, the state security sector was rather special and that's why I

23 communicated more with the superior officers and chiefs of secretariats
24 who were in charge of public security.

25 Q. Thank you. Let me now move to the next area, also rather brief.

Page 19462

1 The reason is that we are trying to refute evidence given by K-79. When
2 you spoke about anti-terrorist operations of the army and the police, you
3 said that tanks were used selectively. My question might seem ridiculous
4 to you, but I have to put it. Who was the tank crew, policemen or
5 soldiers?

6 A. Well, of course it was always soldiers who formed a tank crew. It
7 could never be policemen, and I have never heard that in any situation
8 whatsoever policemen manned a tank.

9 Q. Thank you. Could a chief of the police order a tank gunner to
10 target a certain objective or not?

11 A. No. This request had to go through a -- from a lower-ranking
12 policemen on the spot to the detachment commander; from the detachment
13 commander to me; and the executive order had to be given by me, going down
14 to the unit to which the tank belonged. And the commanding officer next
15 to the tank had to size-up the target and decide whether it was necessary
16 to open fire or not.

17 Q. Thank you, General. Let's move on to our next topic. We have
18 another five minutes before the break. I would like to discuss the
19 civilians leaving the country. When you testified on Thursday you spoke
20 about the laying of mines and you mentioned it earlier today --

21 THE INTERPRETER: The interpreter didn't catch the page number.

22 MR. LUKIC: [Interpretation]

23 Q. -- you said ground leading to the border was mined, and one lane
24 was free for passage. You mentioned an incident when a police vehicle and
25 one passenger vehicle entered the area that was mined and people were

Page 19463

1 killed or injured. In connection with I would like to show you a Defence
2 exhibit, 5D891, it's an exhibit of the Lazarevic Defence. We'll have it
3 on the screen soon. It's your document. I'd like to ask you, that lane,
4 was it mined up to the border crossing itself?

5 A. Both lanes were mined in the beginning, and then the right lane
6 was demined later. The lanes were mined on a stretch of 20 metres close
7 to the border only. The rest of the road was not mined except in the area
8 of the bridge and in the area of Zur village, where the road was mined but
9 the entire road because the explosive was laid in mine drill-holes next to
10 the road, so from the border to Zur village.

11 Q. Thank you. This is true of Vrbnica border crossing. What about
12 Cafa Prusit?

13 A. The same.

14 Q. Do you agree that anyone who was leaving Serbia to go to Albania
15 via Kosovo and Metohija could do it only through border crossings, Vrbnica
16 and Cafa Prusit, they were official state border crossings?

17 A. Yes. These two border crossings, however, there was some attempts
18 to cross the border outside these border crossings, but those were
19 attempts by armed groups who sometimes had civilians with them. And they
20 tried to cross the border in other places to go to Albania, but these were
21 the two official border crossings and civilians crossed the border legally
22 according to their own wishes.

23 Q. Thank you. If army units engaged in the defence of the border
24 should see civilians trying to cross the state border, they would direct
25 them to official crossings, wouldn't they? We're talking only about

Page 19464

1 civilians.

2 A. Of course they would be stopped because other sections of the
3 border were also mined, such as gaps between units. If they were in the
4 border belt, they would be stopped, their papers would be checked, their
5 personal details noted down, and if they were ordinary civilians they
6 would be directed back to the roads leading either to Prizren or to
7 Djakovica.

8 Q. Thank you, General. It's time for the break. We'll have to
9 continue.

10 JUDGE BONOMY: Mr. Delic, could you again please leave the
11 courtroom with the usher, and we will resume at 1.45.

12 [The witness stands down]

13 --- Luncheon recess taken at 12.45 p.m.,

14 --- On resuming at 1.47 p.m.

15 [The witness takes the stand]

16 JUDGE BONOMY: Mr. Lukic.

17 MR. LUKIC: Thank you, Your Honour.

18 [Interpretation] Could we please have in e-court Exhibit 5D885.

19 Q. General, as you can see, this is a document from the command of
20 the 549th Brigade. In the first paragraph under number 1, the third
21 sentence, or rather, the third line right there at the middle of it, it
22 says: According to our information, between the 24th of March and the 2nd

23 of April, around 290.000 people crossed the border at Vrbnica village and
24 plus another 20.000 to 25.000 at Cafa Prusit. My question is: Did you
25 have any information about the general number of people leaving after that

Page 19465

1 date?

2 A. Not precise information, but I did have some information. This is
3 the information that was obtained from MUP, because at the border crossing
4 itself there was the border police and the customs officials so that I did
5 have the approximate figure for the people who crossed.

6 Q. Thank you. Thank you. The next topic that I would like to ask
7 you about has to do with the military territorial detachments. When you
8 were talking about military territorial detachments, you said that once
9 they were resubordinated to you they were sent to the border. These
10 military territorial detachments, who were they subordinate to before they
11 were resubordinated to you?

12 A. The military territorial detachments were linked with the military
13 departments. In my case it was the military department in Prizren. The
14 Prizren military department was in turn subordinate to the Pristina
15 military district.

16 Q. And who was the Pristina military district subordinated to?

17 A. The military district in Pristina was subordinated to, as were all
18 the others, it was subordinated to the Ministry of Defence.

19 Q. I think that there was a mistake. Is it correct that the military
20 district in Pristina was subordinated to the 3rd Army Nis, so we are not
21 talking about civilian defence we are talking about the military
22 territorial detachments?

23 A. Yes, yes. The Pristina Military District was subordinated to the
24 Nis army.

25 Q. Thank you. I will now read you -- read some numbers to you and I

Page 19466

1 will ask you if these military territorial detachments were in the area of
2 your responsibility. So 108th Military Territorial Detachment Prizren?

3 A. Yes, it was in my area of responsibility.

4 Q. The 70th Military Territorial Detachment Suva Reka?

5 A. The 70th Military Territorial Detachment was subordinated only at
6 the end of the war, as the war drew to the -- its close.

7 Q. We will come to the date of their resubordination. I just want
8 you to confirm whether they were in your area. 101st Orahovac Military
9 Territorial Detachment?

10 A. No, it was not subordinated to me.

11 Q. 68th Military Territorial Detachment Gora?

12 A. Yes, that territorial detachment was subordinated to me.

13 Q. 113th Military Territorial Detachment from Djakovica?

14 A. Just one company from the 113th Military Territorial Detachment.

15 Q. Is it correct that the strength of the military territorial
16 detachments ranged between 400 to 500 people?

17 A. Yes, that is correct.

18 MR. LUKIC: [Interpretation] Could we please have in e-court

19 Exhibit P1925.

20 Q. General, we can see here that this is a document from the General
21 Staff of the Yugoslav Army. It was sent to the command of the 3rd Army
22 where it says: "I hereby order," we have numbers 1.3 and 1.4. We can see

23 that this pertains to the 113th Military Territorial Detachment of
24 Djakovica and the military territorial detachment from Suva Reka. And in
25 item 3 we can see that the start of the mobilisation was set for the 25th

Page 19467

1 of March, 1999, at 0000 hours. In practice did this mobilisation begin
2 and was it carried out on that date, if you know; if you don't know --

3 A. Well, I don't know that because they were not subordinate to me at
4 that time, and I don't have any direct knowledge of that.

5 Q. Fine. Thank you. The Prizren Military Territorial Detachment and
6 the Orahovac Military Territorial Detachment were resubordinated to you on
7 the 9th of April, 1999; is that correct?

8 A. The Orahovac Military Territorial Detachment -- well, there are
9 several orders on resubordination. If I may be allowed to have a look at
10 them because it was first attached to another unit.

11 Q. Yes, yes, I'm sorry. It was resubordinated to the 252nd Brigade.

12 Well, lest -- there are several documents I can show you but
13 perhaps we can do it even without the documents. Do you agree with me
14 that the tasks of the military territorial detachments, MTDs, were first
15 of all to protect the population; second, to secure the buildings; third,
16 to establish combat control of the territory, to destroy and rout the
17 Siptar terrorist forces; and fourth, to counter any landing operations?

18 A. Well, these might be their tasks, but that would depend on the
19 territory where they actually were. Depending on that, some tasks came to
20 the fore. For instance, in my area, securing the state border on some
21 axes was their main task, that was for the 68th, the 113th, and the 108th
22 Military Territorial Detachment.

23 Q. Thank you. Is it true that the command of the military district
24 at the beginning of the war and until such time when those detachments
25 were resubordinated to other units in fact set the tasks for MTDs, that

Page 19468

1 you did not do that until such time when they were resubordinated to you?

2 A. Yes, that's quite natural. They were linked with the military
3 district, they reported to the military district, they received their
4 orders from the military district. And from the time when we were
5 actually resubordinated to me, I issued tasks to them.

6 Q. Can we agree then that most of these MTDs, up until the time when
7 they were resubordinated to other units, were actually located in
8 inhabited areas or next to some roads?

9 A. I do know that -- I know that that was the case in particular with
10 the 108th and the 68th MTD. The 68th MTD was mobilised in Dragas, and
11 immediately after the mobilisation it was resubordinated to me around
12 about that time. It was immediately tasked with manning a part of the
13 state border. As far as the 108th MTD is concerned, for a brief period of
14 time it was there close to Prizren on the Prizren-Brezovica road, and then
15 later on for the most part it manned the border with the Republic of
16 Macedonia and some smaller elements, including the command and the staff
17 units, secured the Prizren-Suva Reka road.

18 Q. Thank you. And do you know where the 70th MTD, the Suva Reka MTD
19 was located?

20 A. The 70th Suva Reka MTD, as I've already said, was resubordinated
21 to me at the very end of the war. I know that it was also in the area
22 around Suva Reka and that it was securing Suva Reka according to that map.

23 I don't know what roads, but from the direction of Budakovo, in those
24 areas where the terrorist forces were concentrated.

25 Q. Do you know where 101st Orahovac MTD was located?

Page 19469

1 A. As far as the 101st MTD is concerned, it was never resubordinated
2 to me. I don't know where it was actually stationed.

3 Q. Thank you. And what about 113th Djakovica MTD, the rest of it
4 except for the one company that was resubordinated to you?

5 A. Well, I know that the company that was resubordinated to me was
6 immediately sent to the state border, and it had its own defence sector on
7 the state border. As for the rest of this MTD, I don't have any
8 particular knowledge of that.

9 Q. Could you please assist us if you remember. What kind of uniforms
10 did members of the MTDs wear?

11 A. Members of the MTDs wore M-77 uniforms. Only the command and the
12 active element wore M-89 uniforms.

13 Q. And what was the age of the members in MTDs?

14 A. Well, their age was the same as the people who were sent to my
15 unit. It would be natural to expect the older people to be in MTDs and
16 the younger people to be in my unit, but they were mostly the same age
17 approximately.

18 Q. Well, can you tell us their age --

19 JUDGE BONOMO: Just before you do that. Your previous answer was
20 translated: "Members of the MTDs wore M-77 uniforms. Only the command
21 and the active element wore M-89 uniforms." Is that what you said?

22 THE WITNESS: [Interpretation] Yes, yes.

23 JUDGE BONOMY: What is the active element?

24 THE WITNESS: [Interpretation] Well, that would be the personnel
25 that was in the detachment in peacetime, or rather, not in the detachment,

Page 19470

1 but in the military department. Military department had about 20
2 personnel officers and so on, and they wore those newer uniforms and
3 everybody else wore the older uniforms.

4 JUDGE BONOMY: Thank you.

5 And you're being asked to tell us the age of the membership of the
6 MTDs.

7 THE WITNESS: [Interpretation] Well, between 25, so people who had
8 just done their national service, and up until the age of 40 for the most
9 part, maybe drivers and some other specialists or cooks, something like
10 that, they would be older than that.

11 MR. LUKIC: [Interpretation]

12 Q. Thank you, General. Could you please tell us what kind of weapons
13 the MTDs had.

14 A. As far as infantry weapons are concerned, they had the same
15 weapons as we did. In platoons, companies, they would have automatic
16 rifles, light machine-guns, machine-guns. Only as far as the support
17 weapons are concerned, they would have nothing heavier than 82-millimetre
18 mortars, nothing heavier than that.

19 Q. Thank you. Could you please tell us what kind of vehicles they
20 used.

21 A. They didn't have their own vehicles. Those were vehicles from the
22 list.

23 Q. Could you please explain to us, what does that mean, vehicles from
24 the list?

25 A. Well, just as the personnel, vehicles from some companies were

Page 19471

1 listed in mobilisation lists. And when you mobilise people, you mobilise
2 vehicles from those companies too, sometimes together with the drivers;
3 and they are then used up until the end of the war.

4 Q. Thank you. So these vehicles would not be marked as police or
5 military vehicles?

6 A. No. They had their normal licence plates and they only bore a
7 sign that was set in order to indicate that this vehicle had been
8 mobilised or requisitioned.

9 Q. Thank you. Did MTDs have their military police?

10 A. Military territorial detachments did not have a military police,
11 but the military department command did have a platoon of a military
12 police.

13 Q. Thank you for your clarification.

14 Members of the MTDs are members of the Army of Yugoslavia; is that
15 right?

16 A. Yes.

17 Q. Thank you. I'd now like to ask you something else, something
18 about the anti-terrorist actions. With regard to the one that began on
19 the 25th of March, 1999, Retimlje, that action, you said that you received
20 an order by courier from the Pristina Corps and that on the basis of that
21 order you issued your own order in turn. Now, the order, in addition to
22 the other documents, did you receive a decision map, or rather, a map by

23 which this action should be conducted?

24 A. Yes, I did receive part of that large map, the sector applying to
25 my brigade.

Page 19472

1 Q. Yes, I do apologise, my question was not precise enough. That's
2 what I meant. Anyway, did that map have the axis and deployment of the
3 MUP units that you received from your superior command?

4 A. Generally speaking, I think it did contain which MUP units would
5 take part in my area but without the details.

6 Q. You explained to us the way in which you coordinated with MUP with
7 respect to planning and executing the anti-terrorist actions in 1998 and
8 1999. First of all, with the example of Jeskovo for the 9th of March,
9 1999, and the document is P2067. We don't have to have it up on e-court,
10 but anyway it says that parts of the 37th Detachment and the Prizren
11 company took part PJP company took part jointly.

12 Do you remember where you conducted the coordination with the MUP
13 officers pursuant to your order to destroy the Retimlje STS, the terrorist
14 forces?

15 A. The coordination was done pursuant to the order [as interpreted],
16 or rather, we conducted coordination before I wrote the order and we
17 coordinated in the office of the chief of the secretariat of the MUP in
18 Prizren, where he called upon the commander of the 37th Detachment and the
19 commander of I think it was the 5th Company of the PJP of Prizren.

20 MR. CEPIC: Your Honour, with your leave, we have an error in
21 transcript, page 81, line 6, the coordination was done pursuant to an
22 order. Witness said completely opposite. That was not.

23 MR. LUKIC: That's what I heard as well, Your Honour.

24 JUDGE BONOMY: Thank you.

25 MR. LUKIC: [Interpretation]

Page 19473

1 Q. General, you had a meeting with the MUP representatives in the SUP
2 of Prizren before you wrote your order. Now, on that occasion at that
3 meeting, were the tasks of all the units precisely defined and indeed the
4 Army of Yugoslavia and the MUP?

5 A. To the extent -- in the extent to which that was necessary for
6 everyone to know what their assignment and task was.

7 Q. Thank you. And this anti-terrorist action, did it take place in
8 keeping with what you decided upon together with the representatives of
9 the MUP and your general coordination with them?

10 A. Yes, it was implemented within the planned time and as we had
11 planned it.

12 Q. Thank you. You've already testified about this, but we of course
13 are interested in seeing if anything can be added.

14 MR. LUKIC: [Interpretation] So may on e-court we have Exhibit
15 P1995, please. We need --

16 Q. Or rather, this is an analysis of you of the actions of the 549th
17 Motorised Brigade to destroy the Siptar terrorist forces in the
18 Retimlje-Suva Reka-Orahovac of the 30th of March, 1999, and we need page 2
19 in B/C/S, point 2, para 6. And it begins with the words: "During the
20 first day ..."

21 Can you see that, General?

22 A. Yes.

23 Q. You say that on that first day the immediate task was realized --

24 JUDGE BONOMY: I think it must be the next page for the English.

25 MR. LUKIC: Yes, Your Honour, I didn't have time because I planned

Page 19474

1 to do it this morning to find references in English.

2 JUDGE BONOMY: We have it now. Thank you.

3 MR. LUKIC: [Interpretation]

4 Q. You say that on that first day the immediate task was

5 realized -- "on the first day the immediate task was achieved and that the

6 forces of the 23rd PJP made a first break through from the village of Bela

7 Crkva and Brnjaca towards the village of Celina and Mala Hoca." Could you

8 please now show us on the map, or rather, draw in that axis, the PJP's

9 breakthrough. Have you remembered the axis, General?

10 A. Yes.

11 MR. LUKIC: [Interpretation] On e-court could we have the next

12 exhibit, it is P615, page 22. Can we zoom in. One more time, please.

13 Now can we see the lower portion of the map. Thank you. Fine.

14 Q. So that we can have a good overview, let's use different colours.

15 So for MUP would you please use the green pen. Do you need any

16 assistance?

17 THE INTERPRETER: Microphone, counsel.

18 MR. LUKIC: [Interpretation]

19 Q. Can you draw on the map the axis that we said the forces of the

20 23rd Detachment of the PJP took in their movement and when they broke

21 through, Bela Crkva-Brnjaca towards the village of Celina and Mala Hoca.

22 A. We have a slight problem here, there's no green pen.

23 Q. Well, then we can use the red one.

24 A. That's the area that you mentioned of the 23rd Detachment. It

25 started out from that direction. Now the second part of the 23rd

Page 19475

1 Detachment went this way.

2 Q. Thank you. You said that you arrived in Celina between 5.00 and

3 7.00 hours. There was no fighting in Bela Crkva, let's say that first?

4 A. No, there was no fighting in Bela Crkva.

5 MR. LUKIC: [Interpretation] My colleague Mr. Cepic would like to

6 say something.

7 MR. CEPIC: [Interpretation] Your Honour.

8 JUDGE BONAMY: Mr. Cepic.

9 MR. CEPIC: [Interpretation] We heard the assertion made here, or

10 rather, my colleague said that the general said that he entered at Celina

11 between 5 and 7 hours so may I have a reference for that kind of

12 statement. I don't think I've heard that so far.

13 MR. LUKIC: [Interpretation] I apologise.

14 Q. General, when did you enter Bela Crkva?

15 A. I entered Bela Crkva a little after 5.00.

16 Q. Did you go into Celina?

17 A. No. I passed by Celina along the asphalt road to Zrze and then I

18 entered Bela Crkva, saw my commander, the commander of the 2nd Motorised

19 Battalion, and then I continued on to Orahovac to my point at Mount

20 Milenica, the Kraz [phoen] facility, the Kraz feature.

21 Q. Thank you. That was my mistake. Now, along that axis you said

22 that your Combat Group 2 took the same direction. So use another colour

23 apart from red and draw that in, please. Show us with Combat Group 2
24 moved.

25 A. Combat Group 2 moved along this way, I'll draw it in blue, the

Page 19476

1 same way as the others.

2 Q. Now, at the Slobodan Milosevic trial, Vukovic, the commander of
3 Combat Group 2, said that the police entered Bela Crkva first and then
4 Combat Group 2 followed; is that correct?

5 MR. HANNIS: Your Honour, could we have a page reference for that
6 if possible.

7 JUDGE BONOMY: Mr. Lukic.

8 MR. LUKIC: No, I don't have the reference, but I can ask the
9 General.

10 Q. [Interpretation] Do you know who entered Bela Crkva first,
11 General?

12 A. When I arrived - and that was at around 5.00 --

13 Q. You said you just passed by Bela Crkva?

14 A. I saw my commander there and my soldiers were already passing
15 through Bela Crkva towards Amovac hill. I myself, I don't remember that I
16 saw the police in that part, the policemen that I had seen earlier on
17 along the road from Prizren towards Bela Crkva. I didn't see any police
18 there, possibly they came but later on, as far as I remember.

19 Q. When you were moving from Prizren -- well, you said you met them.
20 Had they already passed Bela Crkva because you were coming from the top
21 and they were coming from the bottom.

22 A. The 23rd Detachment was supposed to come from Djakovica.

23 Q. Oh, I see, Djakovica.

24 A. I came from Zrze myself, so it means Prizren, Zrze, and then I
25 moved towards Orahovac. Now, along the road, along the way, in Pirane I

Page 19477

1 saw my unit and along the communication line I also saw part of my forces
2 who had already arrived at the blockade line. They were up on the asphalt
3 road, and that's where I noticed that there was some police there, but I
4 don't know to which units they belonged. It is possible that it might
5 have been a detachment from the -- company from the 23rd Detachment.

6 Q. Thank you, General. I'm not going to ask you to do guess-work.

7 If you don't know, that's fine.

8 You didn't happen to see that in Bela Crkva somebody was setting
9 fire to any houses or anything like that taking place?

10 A. No. There was nothing, no activities, in Bela Crkva; there was
11 just the barking of dogs, that's all you can hear, and the army passed by,
12 quite normally, through Bela Crkva towards the eastern side where Amovac
13 hill is located, which we were -- they were supposed to take control of.

14 Q. Thank you, General. That completes my cross-examination.

15 MR. LUKIC: [Interpretation] I'd just like an IC number for the map
16 that's on e-court now, please.

17 JUDGE BONOMOY: Yes.

18 THE REGISTRAR: That will be IC154, Your Honours.

19 JUDGE BONOMOY: Thank you, Mr. Lukic.

20 [Trial Chamber and registrar confer]

21 JUDGE BONOMOY: Mr. Delic, you'll now be cross-examined by

22 Mr. Hannis for the Prosecution.

23 Mr. Hannis.

24 MR. HANNIS: Thank you, Your Honour.

25 Cross-examination by Mr. Hannis:

Page 19478

1 Q. Afternoon, General.

2 A. Good afternoon, Mr. Hannis.

3 Q. I'd like to fill in a little bit of your background that I don't
4 think we heard about on your direct testimony. Can you tell us just the
5 years that you were in the army, from when to when?

6 A. From the 20th of July, 1977, until the 31st of March, 2005.

7 Q. And what rank did you hold when you retired?

8 A. Major-general.

9 Q. You had something just under 30 years when you retired; is that
10 correct?

11 A. Well, if you calculate it, it is around about 30 years.

12 Q. Why did you retire at that time? Wasn't that a little bit early?

13 A. I did not retire of my own will. I was pensioned off.

14 Q. And who did that? Who pensioned you off? Who made that decision?

15 A. That decision was made by the Supreme Defence Council on the 24th
16 of December, 2004.

17 Q. And who were the members at that time?

18 A. The president of Serbia, Mr. Tadic; the president of the federal
19 state, Mr. Marovic; and from Montenegro, there was Mr. Vujanovic.

20 Q. You, I recall from reading your testimony in the Milosevic trial,
21 am I correct that you reached the rank of colonel at a very young age.

22 You were actually the youngest colonel in the VJ at the time you achieved

23 that rank, correct?

24 A. Yes, one of the youngest, certainly.

25 Q. And likewise, I think I read or heard it said that you were --

Page 19479

1 when you reached the rank of general, you were the youngest general in the

2 VJ?

3 A. Yes.

4 Q. To me as an outsider, it seems that you were on the fast track, if

5 I can use that term, and it's surprising to me that you were pensioned off

6 before your 30 years. Do you have -- can you help us with why that

7 happened. You said that that wasn't voluntary, that you didn't want to go

8 that soon. Do you know why?

9 A. Well, that was never explained to me, although I did ask for an

10 explanation, and before the Supreme Court of Serbia proceedings are still

11 underway because I appealed the decision to pension me off because it was

12 not done in a lawful manner.

13 Q. Okay. Do you have any theories yourself? You must have some

14 idea?

15 MR. CEPIC: Objection, Your Honour.

16 JUDGE BONAMY: Mr. Cepic.

17 MR. CEPIC: [Interpretation] I think that this question calls for

18 speculation on the witness's part because, if I may --

19 THE INTERPRETER: Counsel misspoke and said "client's part."

20 MR. CEPIC: [Interpretation] The witness explained that there were

21 legal proceedings under way so any imposition of an answer would be pure

22 speculation.

23 JUDGE BONOMO: We disagree with you, Mr. Cepic. We think the
24 witness is in a position to tell us if he is aware of anything or suspects
25 anything that may be the reason for this.

Page 19480

1 So could you answer the question, please, Mr. Delic.

2 JUDGE CHOWHAN: I'm sorry to also interfere, but he would be
3 having some plea before the Supreme Court and he can explain that plea. I
4 mean, if the matter is sub juris, it makes no difference. The plea that
5 you have taken before the Supreme Court as to why you were prematurely
6 with such a brilliant background.

7 THE WITNESS: [Interpretation] First of all, it was the Supreme
8 Court of Serbia and Montenegro; however, it didn't take up the legal
9 proceedings when the state community separated into two independent
10 states. Then the case came to the Supreme Court of Serbia, but to the
11 present day not a single sitting was held, no session was held, and it was
12 never discussed or has not been discussed to date. So through my lawyers
13 all I managed to do was to learn that the case was before the Supreme
14 Court, but no scheduling for any session has yet been made. The
15 pensioning off was certainly a surprise to me, came as a surprise to me,
16 because in that year, 2004, I had conducted the largest exercise in the
17 last 20 years in Serbia and Montenegro which was excellently reviewed and
18 it was with the Army of Romania, and I received a decoration that year. I
19 received all manner of commendations. And I asked for an explanation, and
20 I reached the minister of defence; however, he said that he did not have
21 the power to tell me the reason for my having been pensioned off.

22 JUDGE CHOWHAN: The question remains: What -- if you put in a

23 petition before the Supreme Court or an appeal before the Supreme Court,
24 you must have taken some grounds. I think that is -- that -- those become
25 important.

Page 19481

1 THE WITNESS: [Interpretation] Yes. I set out all the grounds, and
2 according to none of the legal grounds should I have been pensioned off.
3 There were no legal grounds to pension me off. I hadn't reached the age
4 required, I hadn't done my years of service necessary for a pension. I
5 had 35 years of service at the time, whereas the pension requires 40 years
6 of service, pensionable service. I was 48 years old at the time, and
7 generals with my rank are usually pensioned off when they're 57, so that
8 no -- none of those grounds had been fulfilled. And the real reason -- I
9 was never given the real reason because the President of Serbia,
10 Mr. Tadic, did not want to receive me, did not wish to talk to me.

11 JUDGE BONOMOY: Mr. Hannis.

12 MR. HANNIS: Thank you.

13 Q. General, I share your surprise, and you mentioned speaking to the
14 minister of defence and being told that he didn't have the power to tell
15 you and trying to talk to President Tadic. But you must have talked to
16 some of your colleagues, your fellow generals, about it, did you not?

17 A. I looked at a document while I was still in active service when an
18 admiral from the US was visiting. At that time, after year 2000, the
19 so-called democratic forces came into power in Serbia, and one of the
20 demands was that all generals from Milosevic's time be pensioned off.

21 Q. So is that -- do you think that's the reason that you got
22 pensioned off, because of that demand?

23 A. I can only guess. All I know is that I was pensioned off
24 illegally. I had not reached a single limit for going into retirement. I
25 had requested an interview with the president of Serbia and with the

Page 19482

1 minister of defence, but I was received only by the minister. That
2 president of the state union of Serbia and Montenegro said that he had
3 voted for my pensioning off because the president of Serbia had asked him
4 to do so. A consensus is needed for that kind of decision. As for
5 Montenegrin generals, that was decided by the president of Montenegro.
6 And in such occasions he asked for the vote of the president of Serbia,
7 because as I said, the consensus was required in decisions like
8 promotions, demotions, et cetera, pensions. And there was a lot of
9 speculation about that, but I do not want to go into it.

10 Q. But not all of the generals from Milosevic's time were pensioned
11 off when you were, were they?

12 A. Most were, others were pensioned off the next year, the following
13 year.

14 Q. But hadn't most of those met the retirements for pensioning off,
15 unlike you?

16 A. When I was pensioned off, it was in a group of another 11
17 generals. Out of those 11, perhaps two or three had reached the age limit
18 and the maximum years of service. Others, apart from those three, had the
19 required years of service. I did not meet either requirement, age or
20 years of service.

21 Q. How about --

22 JUDGE BONOMO: That doesn't make sense in English again.

23 You said, according to the English, that out of 11, perhaps two or
24 three had reached the age limit and the maximum years of service. Others,
25 apart from those three, had the required years of service. So there were

Page 19483

1 three different bases on which they qualified for pension; is that what
2 you're saying?

3 THE WITNESS: [Interpretation] There are two in fact. Three met
4 both requirements, they had enough years of age and full years of service;
5 others had full years of service but not the age limit.

6 JUDGE BONOMY: Yes. Thank you.

7 MR. HANNIS: Thank you.

8 Q. General, it's my understanding that General Dikovic, who was
9 commander of the 37th Brigade during Kosovo, is still active duty,
10 correct? So he wasn't pensioned off?

11 A. I said all the generals who became generals under Milosevic were
12 pensioned off. Dikovic became a general later.

13 Q. Let me ask you: What have you done since you left the army in
14 2005? I understand you're now a member of the parliament or the National
15 Assembly, correct?

16 A. Yes, but in the Assembly of Serbia.

17 Q. And when did you get elected to that position?

18 A. I was elected an MP in January, or rather, the elections were in
19 January, and I became an MP in February when the Assembly was formed.

20 Later I was also elected vice-president of the Assembly.

21 Q. Yes, I understood that you were deputy speaker or vice-president.

22 How many deputy speakers are there? Is there only one? Are you the only

23 one or are there more than one?

24 A. No. The Assembly of Serbia has six vice-presidents.

25 Q. Okay. And I understand you're a member of the Serb Radical Party,

Page 19484

1 Mr. Seselj's party, correct?

2 A. Yes.

3 Q. And I take it you support the nationalistic views of that party?

4 A. First of all, it's a democratic party, the Serb Radical Party, and

5 I would like to hear from you what you mean by nationalist or

6 nationalistic. The Serb Radical Party is certainly a patriotic party that

7 loves its people, but nowadays, together with the Socialist Party of

8 Serbia, it is the only real democratic party that has national interests

9 at heart.

10 Q. Okay. Let me move on to military instead of politics. You took

11 up your command of the 549th as I understand in 1998; is that right? When

12 did you first take command of the 549th?

13 A. No, that was in 1997, in the month of August.

14 Q. And how did you get appointed to that position? Who put you

15 there?

16 A. In the 549th Brigade I was from the 6th of February, 1995, on the

17 position of Chief of Staff. From 2nd September 1996 until 26 July 1997, I

18 was in training at the School of National Defence; and after that training

19 I returned to the unit where, pursuant to an order of the Chief of General

20 Staff, I was appointed commander. And my predecessor, Colonel Kuzmanovic

21 was transferred to Belgrade because he had been commander for a long time

22 before that.

23 Q. All right. We'll talk about the School of National Defence in a
24 thesis you wrote there a little later on, but I want to ask you about some
25 of the answers you gave on Wednesday of last week, on your first day of

Page 19485

1 testimony. You mentioned that in 1998, when there were incidents at the
2 border - this is in the early part of 1998 - an investigative judge would
3 come to the scene and crime scene technicians would come. And at that
4 time there was a local mixed commission which would also be summoned from
5 our organs and from Albania. But you said: "Sometime in May, after that,
6 the contact ceased and the local mixed commissions from Albania refused to
7 come."

8 What happened that made that change? Do you know why the mixed
9 commission members from Albania stopped coming when incidents happened at
10 the border?

11 A. In May during the -- an incident when a local mixed commission
12 from the Yugoslav and the Albanian side, terrorists were firing from the
13 side of Albania and from the Albanian side, and they did not allow the
14 on-site investigation to proceed normally. The Albanian member of that
15 mixed commission said that he could not hold or keep those terrorists
16 under control and that he could not guarantee anybody's safety or security
17 while the on-site investigation was going on. At that time it is common
18 knowledge that the army and the police were in a state of chaos and
19 disintegration, in Albania. After that incident, on-site investigations
20 were only attended by our authorities. If anyone was killed, the
21 investigating judge from Nis would also come. And very often at an
22 on-site investigation, if it was taking place on the border, it was under

23 fire from Albanian territory and the persons performing the investigation
24 were jeopardized.

25 Q. All right. Thank you. I want to ask you about something that's

Page 19486

1 in one of your orders dated the 18th of June, 1998, this is Exhibit 5D859.

2 MR. HANNIS: If we could call that up.

3 Q. There's a reference to something that's been translated into
4 English as "indirectly recruited soldiers." And I don't see the English
5 on the screen to direct you to the point, but it's talking about the
6 preparedness of indirectly recruited soldiers. Can you find that,
7 General? I'm not sure which item it's in.

8 A. That term is absolutely inadequate. Could you just tell me which
9 paragraph to look at?

10 Q. I'm sorry, General, I don't have the English --

11 A. I see it, I found it, para 4. It says: "Soldiers from,"
12 literally "indirect," but in fact it's "emergency mobilisation." Those
13 were soldiers who were mobilised on the territory of Kosovo and Metohija
14 and attached to our unit.

15 Q. Okay. And when was this emergency mobilisation ordered, if you
16 know?

17 A. It's not about a mobilisation. If I am allowed to read the entire
18 paragraph, then it might be clear.

19 JUDGE BONOMY: Before you do, Mr. Cepic has an intervention.

20 MR. CEPIC: Your Honour, with your leave, error in translation.

21 No one mentioned "mobilisation," and we had that word on page 95, line 12.

22 JUDGE BONOMY: I think the best plan, Mr. Delic, is that you read

23 that paragraph, please.

24 THE INTERPRETER: Interpreter's note: We do not have

25 one-to-one equivalency between Serbian and English. This is a term that

Page 19487

1 is translated as "emergency recruitment" or "mobilisation."

2 THE WITNESS: [Interpretation] "In all units of the brigade,

3 continue with morale and psychological preparations, focusing on soldiers

4 from emergency recruitment. Unprepared soldiers from emergency

5 recruitment or mobilisation should not be assigned to independent

6 assignments or obligations."

7 MR. HANNIS:

8 Q. Well, General, there may be -- I understand from the interpreter's

9 comments that there's not a one-to-one translation between the term in

10 Serbian and the term in English. So if you could explain to me -- it

11 sounds like these are soldiers that are coming up not in the regular

12 course somehow. Could you explain to me when and how that happened.

13 A. Mr. Hannis, I have already said at the very beginning of my

14 testimony that perhaps until March 1998 we trained our own soldiers in the

15 territory of Kosovo and Metohija. After that, however, due to the

16 complexity of the situation, soldiers were trained in centres outside

17 Kosovo and Metohija, in Valjevo, in Pirot, and in Podgorica. After

18 completed training, they would come to my unit; that's why they were

19 called "indirectly recruited."

20 Q. All right. Thank you.

21 JUDGE BONOMY: Mr. Cepic.

22 MR. CEPIC: [Interpretation] If you allow me, my English is not

23 perfect, but I believe faulty interpretation caused part of this problem.

24 I think, however, this last answer explains more correctly what is meant

25 as opposed to "emergency recruitment."

Page 19488

1 JUDGE BONOMY: Thank you.

2 Mr. Hannis.

3 MR. HANNIS:

4 Q. Whatever term we use, is this some supplemental complement of

5 additional soldiers that you normally would not have had but for the

6 exceptional circumstances at the time?

7 A. No, Mr. Hannis. These are soldiers that would certainly belong to

8 me while they were doing their military service, but instead of serving

9 with me from day one they would complete their basic training outside of

10 Kosovo and Metohija and come to me to serve the rest of their term. They

11 were within the normal complement that my brigade should have.

12 Q. And why weren't they trained in Kosovo then? Was it because of

13 the circumstances existing in Kosovo, that it was not safe to be training

14 in there?

15 A. Precisely, it was not safe, because on their way to the training

16 grounds they could get into some sort of danger.

17 Q. All right, General, I want to ask you about what Mr. Fila told you

18 was one of my favourite topics, and that's the Joint Command. Do you

19 recall the first time you heard that term, "Joint Command", used in Kosovo

20 in connection with the VJ and the MUP?

21 A. Sometime in 1998, the summer of 1998.

22 Q. We have an exhibit, 5D841, which I believe there's not an English

23 translation in e-court.

24 MR. HANNIS: But, Your Honours, I would indicate to you it's my

25 understanding there is an English translation from the Milosevic case. It

Page 19489

1 was tab 66 of Exhibit D300. I don't know if we're going to be able to

2 find that.

3 Q. But, General, could you look at the --

4 JUDGE BONOMO: The existence of that means that the translation of

5 the exhibit does not need to be repeated, and that could be loaded into

6 e-court as the translation.

7 MR. HANNIS: I agree, Your Honour. I only found out about it

8 recently, and this was a 5D exhibit and I didn't know if it was going to

9 be used.

10 Q. General, this is dated the 7th of July, 1998. Do you recognise

11 it? This is an order from you.

12 A. Yes, yes. That's an order from my brigade.

13 Q. And the gist of it, as I understand, is you are ordering your

14 subordinate units that no action should be taken on the ground without

15 your prior knowledge; is that right?

16 A. Yes.

17 Q. And you issue this order based on order that you had received from

18 the Pristina Corps command, and I think that's the item number 1104-6,

19 dated the 6th of July, referred to in the first line of text, correct?

20 A. Yes, that's correct.

21 Q. Now, I believe that that document from the Pristina Corps actually

22 made reference to the Joint Command for Kosovo and Metohija. Do you

23 recall that? I don't have the document in front of me, but I have other
24 reason to think that and I'll show you in a minute. But I wanted to ask
25 you if you recall that.

Page 19490

1 A. I remember this order of mine very clearly; however, the order of
2 the Pristina Corps which served as a basis for mine I no longer remember,
3 although it must have arrived in my unit. Because I usually did not allow
4 for this Joint Command to be written to avoid confusing my COs. I always
5 used the heading "command of the Pristina Corps," regardless of their
6 heading. Maybe I was not around when my operations officer wrote this
7 order, so it went out like that.

8 Q. Well, if we could look at the bottom of the page or the last page
9 if it's more than one, that's your signature, isn't it?

10 A. Yes, yes. This order is on one page only.

11 Q. Okay. And it's signed by you. Could you go to the top and read
12 that line for me, because now I see the English and it does appear to make
13 a reference to Joint Command. Could you read that first line. "Pursuant
14 to the order ..."

15 A. "Pursuant to the order of the Joint Command for Kosovo and
16 Metohija, strictly confidential number 1104-6, dated 6 July 1998, and
17 bearing in mind past experiences in performing combat actions as well as
18 the damage suffered by units as a result of poorly prepared and poorly
19 performed actions, and with a view to increasing efficiency in the
20 execution of tasks at all levels and achieving better organization and
21 cooperation with units in the area of responsibility, I hereby order ..."

22 Q. Okay. Thank you, General.

23 MR. HANNIS: And, Your Honours, I see with the help of my case
24 manager we now have that in e-court and on the screen.

25 Q. So, General, I take it this may have been the first time that you

Page 19491

1 had seen that term, right, around July 6th, 1998?

2 A. That's written there and I absolutely am not trying to dispute
3 that I received this order of the Pristina Corps on the 6th, and somewhere
4 in that order it is written "Joint Command," I don't know exactly where --
5 or maybe I received it in the form of telegram.

6 Q. My question to you, though, is a similar question. I've asked
7 several other military witnesses here. It seems to me as a soldier the
8 word "command" has certain significance greater than it may have for a
9 non-military person. And as I understand it, Joint Command is not a body
10 that is provided for in the Law on Defence, et cetera. Didn't it arouse
11 your curiosity when you saw a document with this name in capital
12 letters "Joint Command for Kosovo and Metohija"? Didn't you wonder what
13 that was or who that was?

14 A. To me as a commanding officer, it is the contents that matters.
15 In terms of its essence and contents, this is a completely military order
16 that regulates some basic issues. Perhaps, as I said, at that moment I
17 didn't even notice this wording "Joint Command," but of course I had an
18 interest in it. I knew that in Pristina there was a forward command post
19 of the 3rd Army, that General Simic was there, that certain elements of
20 the air force and air defence were there as well, and my thinking went
21 along those lines, that it was written because -- because there are some
22 three army levels, part of the army command, part of the military command,

23 and part of yet another structure that does not belong to ground forces.
24 But from my viewpoint as a commander on a tactical level and for the
25 purposes of the order that I was supposed to draft, that was of absolutely

Page 19492

1 no consequence.

2 Q. Well, General, I beg to disagree with you. You said for you what
3 was important was the contents, but I say to you as a military man, it's
4 also important who the message comes from. Because if some sergeant had
5 sent you an order, you would certainly treat it differently than if you
6 had an order from your colonel or your general, right?

7 A. Well, it is defined in the army who is supposed to issue orders
8 and who is not. Of course I can receive orders only from my superiors.
9 This order came from my superior command, the Pristina Corps. It's just a
10 heading that I read out. The only part in dispute here is the
11 term, "Joint Command," but everything else that is listed in those items 1
12 through 7 is completely, completely clear and is absolutely not at dispute
13 at all.

14 Q. I don't disagree with you about that. It just strikes me as
15 strange that you would not inquire, that you wouldn't contact
16 General Pavkovic or his Chief of Staff and say, What's this Joint Command?
17 I never heard of it before. Where did that come from? Who is that? Why
18 is that my order? None of those questions came to your mind? You didn't
19 inquire?

20 A. Well, in those days I talked to General Pavkovic every morning,
21 and General Pavkovic came to visit my unit very frequently, but that may
22 be one of the rare orders where it says "Joint Command." In almost all or

23 the vast majority of the orders, it would say the Pristina Corps command.

24 And when I sent in reports or when General Pavkovic inquired after the

25 status of my unit, he never mentioned any Joint Command because there was

Page 19493

1 this direct relationship between me as his subordinate and

2 General Pavkovic as the commander or General Lazarevic as the Chief of

3 Staff, who also had the right to issue orders to me. And during that

4 time-period he was in Djakovica.

5 Q. And after the time that General Pavkovic got promoted to head up

6 the 3rd Army and later on became Chief of the General Staff, did you ever

7 have any conversations with him? Did you ever discuss Joint Command with

8 him?

9 JUDGE BONOMOY: Mr. Fila.

10 MR. FILA: [Interpretation] I do apologise, Mr. Hannis, but it is

11 something similar to your objection.

12 Your Honours, could you please bear in mind that this is the 6th

13 of July, this -- 1998, this is the time when there are no civilians,

14 according to the Prosecution evidence. And when I showed the document

15 from the 23rd of March, I was criticised for showing a document that

16 preceded the air-strikes. This is the 6th of July. This is the time

17 before the -- this period. So could you please bear that in mind. There

18 are no civilians on the 6th of July, and could you please look at the log

19 number, 1104. So I'm afraid that the Trial Chamber is being misled here.

20 Thank you very much.

21 JUDGE BONOMOY: Well, I don't think Mr. Hannis has mentioned

22 civilians in this context, have you?

23 MR. HANNIS: No, Your Honour, and actually we have a document
24 that's a response to an RFA that indicates that the Joint Command was
25 formed I believe earlier than the 6th or 7th of July, but that's not the

Page 19494

1 point I'm trying to make here.

2 JUDGE BONOMY: But what we're dealing with here is a document in
3 which the Joint Command is mentioned?

4 MR. HANNIS: Correct.

5 JUDGE BONOMY: Please continue.

6 MR. HANNIS:

7 Q. Now my question is, General, you mentioned speaking with
8 General Pavkovic on almost a daily basis in 1998, when he was commander of
9 the Pristina Corps, correct?

10 A. Those were daily reports that I was supposed to make every
11 morning. I was supposed to call the commander every morning and report to
12 him about the status of my unit.

13 Q. And during those daily reports, there was never any mention or
14 discussion of the Joint Command; is that your testimony?

15 A. No. Joint Command was never mentioned.

16 Q. At some point in time, though, you must have learned that Joint
17 Command was an important or a controversial issue here in The Hague
18 Tribunal. You were asked about it and questioned about it when you
19 testified in the Milosevic trial, correct?

20 A. Yes.

21 Q. Have you ever had any discussion with General Pavkovic about the
22 Joint Command?

23 A. I did not discuss this with General Pavkovic; I discussed it with
24 my colleagues at the same level. Again, I asked them when they heard
25 about it and whether they knew what this term, "Joint Command," actually

Page 19495

1 meant. But as I said in 2005 at the Milosevic trial, I did not change my
2 opinion. Had any kind of Joint Command existed, it would have had a
3 commander, and in those two years I would have seen this man, what he
4 looked like. I think that this is just an unfortunate term that was used
5 in order to organize the coordination between the MUP and the army, and
6 that this was its sole purpose. As a soldier, I do know what every kind
7 of command means. For any body to call itself a command, it has to have
8 certain elements.

9 To give you an example, I never saw a stamp of the Joint Command.

10 I never saw any log number in an order that would be a log number of a
11 command of this sort because it would have to have its office, it would
12 have to have its registry. The numbers were always those of the Pristina
13 Corps, they would also be in the Pristina Corps registry, and I was never
14 asked, nor did I do that on anyone's orders. I never reported to anything
15 called the Joint Command. If I had to, if I had to report to a Joint
16 Command, I would have been in a big difficult situation because it didn't
17 have an office, it didn't have a telephone number. I always reported to
18 my commander, the corps commander, or his Chief of Staff. And this whole
19 Joint Command quandary actually cropped up in 2005 when I first came to
20 the Tribunal to testify in the Milosevic case, where the Prosecutor,
21 Mr. Nice, asked me several times about the Joint Command; and my reply was
22 more or less the one I gave you now. I, as the brigade commander,

23 consider that the other units that participated in an action - and those
24 would be the MUP units - cannot get an order with the heading "the
25 Pristina Corps" because they would be unwilling to take part in that

Page 19496

1 activity, just as I would be unwilling to provide support to any MUP units
2 if I received an order from the MUP staff or anyone else for that
3 matter --

4 Q. So --

5 A. -- but when it says "the Joint Command, when I receive it from my
6 command, from the Pristina Corps command, when I get this from a courier
7 and when my commander informs me that I should participate in this action
8 and that I should prepare my unit, then there's nothing controversial
9 about it because I have only my commander above me and I am not interested
10 in anyone else.

11 Q. Well, I'll try and find the precise reference, but today I thought
12 you answered a question and said something in that regard that the use of
13 the Joint Command you thought was primarily so that MUP would go along
14 with what was being directed. Why would MUP follow an order that was
15 headed "Joint Command"?

16 A. Well, I don't fully agree with your statement. I, as a commander,
17 understood it in the following way. There in Pristina at the corps level
18 and at the level of the Pristina MUP, I don't know whether it was the MUP
19 staff or whatever, that was where the first coordination was done, and an
20 agreement was reached at that level that we at the lower levels, the
21 brigade commanders, should participate in a joint activity. And that --
22 to that end it was necessary for the same order because I as the brigade

23 commander get the same order as the secretariat chief or the commander of
24 a MUP detachment. So for this direct coordination to be carried out and
25 for us to be able to carry out this coordinated action, the only to do it

Page 19497

1 was to do it this way.

2 JUDGE BONOMOY: Mr. Delic, are you saying that you knew that the
3 MUP and the VJ were meeting in Pristina, or are you just speculating about
4 that?

5 THE WITNESS: [Interpretation] I was in Pristina maybe twice. It
6 was in July, or rather, in August, maybe August and September when we
7 received orders for some of those activities that were part of the
8 five-stage plan, so I was in Pristina on two occasions. And I know that I
9 received an order at that time and that the secretariat chief and the
10 detachment commander who participated with me in the coordinated action
11 received their orders on the same day.

12 JUDGE BONOMOY: But you've said a moment ago: "There in Pristina
13 at corps level and at the level of the Pristina MUP, I don't know whether
14 it was the MUP staff or whatever, that was where the first coordination
15 was done, and an agreement was reached at that level."

16 Now, if you have knowledge of that, can you tell us who were the
17 personnel reaching agreement at that level?

18 THE WITNESS: [Interpretation] I never attended those coordination
19 meetings. On that occasion where I was there to receive those documents,
20 Mr. Pavkovic was there and some other people from the corps command,
21 Mr. Lukic, and some other people from the MUP in Pristina. Some of the
22 brigade commanders that were part of the Pristina Corps, the commanders of

23 the MUP detachments, I can't tell you their number now, but I'm sure that
24 this man who took part in the same activity as I did was there. And the
25 chief of my secretariat in Prizren was also present there. But the

Page 19498

1 coordination had already been done. We just got there. I think that the
2 meeting was held in the MUP building in Pristina, and that's where we
3 received the documents. That's where I saw this colleague from the MUP
4 that would participate with me in that action. We got introduced to each
5 other and we agreed about where we would meet in Prizren once we got back
6 and where we would develop the coordination further.

7 JUDGE BONOMY: On the point that Mr. Hannis is exploring with you,
8 it would be helpful if you could give us a short, direct answer, because I
9 don't think we have any documents - I'll be corrected if I'm wrong - I
10 don't think we have any Joint Command-headed documents passing through the
11 MUP system. And his question to you is: Why would a MUP officer respond
12 better to a document headed "Joint Command" than he might otherwise do.
13 Can you give us a clear and simple answer to that? It was your
14 suggestion, after all.

15 THE WITNESS: [Interpretation] Yes, I can give you an answer. For
16 me it is completely acceptable. If I were a MUP officer it would be
17 completely unacceptable to me if it contained the words "Pristina Corps
18 command," but if it said "Joint Command," it would be acceptable because I
19 would consider that --

20 JUDGE BONOMY: But what I don't think you're hearing from me is I
21 don't think we have any such documents that say "Joint Command." So are
22 you telling us that there's a whole series of documents in the MUP system

23 with "Joint Command" on them that we've never seen?

24 THE WITNESS: [Interpretation] No, I cannot say that --

25 JUDGE BONOMO: They're all --

Page 19499

1 THE WITNESS: [Interpretation] -- I cannot claim that --

2 JUDGE BONOMO: I think they're all Pristina Corps documents.

3 Is that wrong, Mr. Hannis?

4 MR. HANNIS: Your Honour, all the ones that I'm aware of have the

5 Pristina Corps 455 series number. There is one from I think

6 General Lazarevic that is addressed to the head of MUP staff, but that's

7 it.

8 JUDGE BONOMO: So there don't seem to be any of the documents you

9 envisage, Mr. Delic, and we're left seeking an explanation for the use of

10 this expression within the Pristina Corps.

11 THE WITNESS: [Interpretation] Why am I saying this? You mentioned

12 some documents. There are 15 or more orders with the heading "Joint

13 Command." They are all from 1999. I know that at those coordination

14 meetings at MUP, or rather, when coordination was done with MUP, I know

15 that the MUP commander received the very same document in his envelope. I

16 had my own document that said the Joint Command with the very same number,

17 and he got his own document and he had the same part of the map that I

18 had, the same section of the map that I had. And that was the basis for

19 our coordination. I don't know what happened with those documents and

20 what is done with those documents in the MUP. Once the coordination

21 planning was done, I made my own decision map and my order for my own

22 units.

23 JUDGE BONOMY: Are you saying that he received a map which
24 said "Pristina Corps" on it?

25 THE WITNESS: [Interpretation] No. It doesn't say "Pristina Corps"

Page 19500

1 on the map; it said section of the map, for instance, detachment
2 so-and-so. And for me it would say section for 549th Brigade.

3 JUDGE BONOMY: But I understand your evidence to be that it would
4 get to him through his chain of command.

5 THE WITNESS: [Interpretation] Yes, definitely.

6 JUDGE BONOMY: Very well.

7 Mr. Hannis.

8 MR. HANNIS: Thank you.

9 Q. General, let me divide this up into two parts. First let me talk
10 about 1998 because we don't have any -- we don't have any Joint Command
11 orders with the 455 log-book number on them in 1998. But as I recall in
12 your testimony in Milosevic you talked about the five-phase plan for
13 combatting terrorism. Do you recall that? This is what I referred to as
14 the summer offensive in 1998 between July and September/October 1998. Do
15 you recall that five-phase plan?

16 A. Yes. I recall that I participated in a certain number of
17 activities that were part of that plan, not in all five stages because
18 they were not carried out in my territory, but in two or three of those I
19 did participate with my unit, providing support to the MUP units.

20 Q. And I'll have to try and find the specific reference. If you tell
21 me I'm wrong, I'll bring it in tomorrow. But I recall reading -- I think
22 you said that before each phase -- before each phase you would go to

23 Pristina and -- you and some of the other VJ commanders who were going to
24 be involved in that phase, and you met with your MUP counterparts and the
25 coordination was done then and there. Is that right? Is that what you

Page 19501

1 said or is that how it happened?

2 A. Well, approximately, yes. I've already said that I participated
3 in two or three activities that were part of the five-stage plan, and
4 that's how many times I actually went to Pristina, the number of times
5 that my unit was involved in this. But we were there not in order to
6 carry out the actual coordination but to receive our orders because the
7 coordination had already been completed in Pristina at a higher level, and
8 then we developed this coordination at my place in the field. Most often
9 we actually did it in the office of the MUP secretariat chief in Prizren.
10 He would invite the commanders of the units, the MUP units that were
11 supposed to participate in the activity, and I would go there as a
12 representative of the army. And we would coordinate our activities there
13 before I proceeded to actually draft the order for the activity. Because
14 pursuant to the conclusions that were reached at that coordination
15 meeting, I would draft my order and my operations officer would draw the
16 map.

17 Q. Okay. Let me be sure I understand the process. If some of your
18 troops were going to be involved in a part of one of these phases of the
19 plan for combatting terrorism in 1998, you and your MUP counterpart would
20 go to Pristina and receive the orders; is that right so far?

21 A. Yes, but it was not just the two of us because those stages
22 required the participation of other units. So other commanders, both from

23 the MUP and the army, would go there too.

24 Q. And who there in Pristina gave you those orders? Who handed them
25 out to you? Was that General Pavkovic? Was that somebody from the

Page 19502

1 operations staff? Was it -- do you recall?

2 A. Yes, I remember that. General Pavkovic was present, but some
3 officer from the operations department in the Pristina Corps would
4 distribute envelopes to us, envelopes containing the orders and the map
5 sections for our respective units.

6 Q. So is this similar to what you described in 1999, where we saw an
7 envelope as an exhibit where you had received an order and a map, et
8 cetera, except here you're in Pristina being handed it hand-to-hand. Is
9 that right so far?

10 A. Yes, yes, it's similar to that.

11 Q. So you get an envelope and it has the order, it has a map or an
12 excerpt of a map as well? Anything else in that envelope? You told us
13 about these sort of separate orders for the engineering and artillery.

14 A. For engineering and artillery, not always. It would depend on
15 where the artillery brigade was deployed and used. Sometimes you would
16 get an order for artillery too and, when necessary, for the engineers too
17 in the same envelope.

18 Q. And then was there a discussion then and there, in Pristina, about
19 what you and your counterpart were going to do or did you go back to
20 Prizren and work out the details there? How did that go?

21 A. Well, before the envelopes were distributed, General Pavkovic or
22 General Lukic would address us briefly. They would describe the

23 situation, the current situation on the ground vis-a-vis the terrorist
24 forces in a certain sector. And then they would say that on such and such
25 a date the activity should start. It was not termed "stage." There was

Page 19503

1 some other term. It was given the name of the location, Drenica,
2 Malisevo, or something of the sort. And then when the documents were
3 distributed to us, then it was said that my unit, for instance, should go
4 with a MUP unit, such and such a MUP unit. And the first time and maybe
5 the second time I was there, since I had not seen these people at all
6 before, I as the commander of my brigade would stand up and the man from
7 the MUP would stand up; and at the end of this meeting we would meet and
8 we would discuss -- because it would be indicated how much time we had
9 until the start of the activity, one, two, or three days. And depending
10 on that time-limit we would arrange a meeting at the secretariat chief's
11 office in Prizren, and to specify the details, or rather, to coordinate
12 this activity, how we should proceed on the ground in the area where we
13 were to take part in the combat operations because there were other units
14 there too. And I would talk only to the commander that my unit was
15 supposed to support. Sometimes you would have two MUP commanders, but I
16 was not interested in the others that were to be supported by other army
17 units. I was only interested in those that I was supposed to support in
18 this specific situation pursuant to that order.

19 Q. Thank you, General.

20 MR. HANNIS: Your Honour, would this be an appropriate time to
21 break for the day? I did have one procedural matter -- or actually two
22 very brief ones I'd like to raise.

23 JUDGE BONOMY: We can deal with these in a moment.

24 Mr. Delic, we need to bring today's proceedings to an end at this
25 stage. We will resume tomorrow at 9.00. We will see you then. Can you

Page 19504

1 please leave the courtroom with the usher.

2 [The witness stands down]

3 JUDGE BONOMY: Yes, Mr. Hannis.

4 MR. HANNIS: Thank you, Your Honour. There were two matters. On
5 the 29th of August there were two redactions made during the testimony of
6 a witness because I had some concerns there might be some national
7 security implications for one country or another. I've determined that's
8 not a problem and I would now move to open those up, it's the same name
9 mentioned twice, Mr. Haider knows where they are. So I'd like to make
10 that oral application.

11 JUDGE BONOMY: Thank you.

12 [Trial Chamber confers]

13 JUDGE BONOMY: Yeah, we shall recall the redactions so that these
14 now become part of the public transcript.

15 Mr. Hannis.

16 MR. HANNIS: Thank you. The second thing, Your Honour, relates to
17 Exhibit P950 --

18 JUDGE BONOMY: Just a moment.

19 [Trial Chamber confers]

20 JUDGE BONOMY: Yes, Mr. Hannis, sorry.

21 MR. HANNIS: The second relates to Exhibit P950, the interview of
22 General Lazarevic. We have now completed a transcript which contains both

23 the B/C/S and English. I would like to make an oral application to
24 substitute it into e-court for the one that we previous had which only had
25 English, and it's been disclosed to the Defence.

Page 19505

1 [Trial Chamber and legal officer confer]

2 JUDGE BONOMY: Yes. We will allow that also. So the effect of
3 that is that there is a transcript of the whole of what's recorded on the
4 videos, plus the videos, comprising that exhibit?

5 MR. HANNIS: Yes. The only thing that I have a concern about,
6 Your Honour, is that when we discussed it when we had English only, I made
7 a reference to page 73. Now with the inserted B/C/S the page number will
8 be different, but I think --

9 JUDGE BONOMY: Does that not mean we should retain both?

10 MR. HANNIS: Perhaps for ease of reference --

11 JUDGE BONOMY: So in other words this should be added to the
12 exhibit?

13 MR. HANNIS: Yeah, that's probably better.

14 JUDGE BONOMY: Very well. That's the order we shall make.

15 MR. HANNIS: Thank you.

16 JUDGE BONOMY: There are two other matters that I'd like to
17 address briefly.

18 [Trial Chamber confers]

19 JUDGE BONOMY: The first of these two other matters concerns the
20 translation of exhibits for the Lukic Defence. There has been an e-mail
21 exchange following the submission of the, I think, whole of the documents
22 requiring translation, but there does seem to be still an absence of a

23 priority list.

24 MR. IVETIC: That's not the case, Your Honour. Your Honour, we

25 submitted those documents now multiple times with dates. When I put a

Page 19506

1 date and I send a document, and I said that the date is in March, that

2 means that that document is less of a priority than the document I sent

3 for tomorrow or the next day. I don't see what kind of other list I can

4 prepare. If I give a date that implies the priority for the document. I

5 complied with the Court's order to submit all documents in this respect.

6 JUDGE BONOMOY: Give me an example of what you do that determines

7 its priority.

8 MR. IVETIC: Yes, Your Honour. For instance, documents that are

9 given a time-period of one to three days are documents that are going to

10 be used for cross-examination of upcoming witnesses. Documents that are

11 also considered to be high priority are pursuant to your Court's order

12 that all MFI documents that have been previously admitted need to be

13 submitted as high priority. Then we have-- so we have selected documents

14 from our 65 ter list that relate to military documents that we intend to

15 use with other military witnesses from the Defence -- from the other

16 Defence case. Those are submitted as documents that we need within the

17 next -- I think we have up to 1.5 months and then we have some documents

18 that we foresee for the first third of our witnesses that are in the 1.5

19 to two-month period, so on and so on. So we have broken down the

20 documents based upon what we foresee our Defence case is going to be. And

21 I cannot sit there with the resources and the limited time that we have --

22 JUDGE BONOMOY: That is an old refrain, Mr. Ivetic. We are

23 particularly conscious that everybody is affected by that problem. The
24 fact remains that these have to be put into a form that will enable them
25 to be translated according to priority. Now, it seems to me from what

Page 19507

1 you've said that there may be a breakdown in communication, and if that is
2 the case it will be resolved later today.

3 But you're saying that the priority is already clear in the
4 submissions you've made?

5 MR. IVETIC: That's correct, Your Honour. And every document that
6 we submit or most of the documents that we submit, especially those from
7 the 65 ter list we were very conscious to put in the reference section,
8 the request section, precisely why -- which category why the document is
9 being requested and if there was a possibility of moving the date if it
10 was perhaps a longer document we have always stated in there the end date
11 why that would be needed by for instance as Your Honour required the
12 inquiry the other day about motions to admit documents from the bar table
13 those documents have been bumped up in priority and have been specifically
14 stated in the request in the electronic system these are a priority
15 because of the need to have a motion to admit from the bar table sooner
16 rather than later and that's why we've given most of those documents a
17 date of no later than late January for translation which is what I
18 represented to Your Honour the other day when that issue came up.
19 So for each document I've signed a particular reason why it's been
20 given the due date that's it's been given, and we've invited CLSS to
21 change the date on their own prerogative given certain guidelines or
22 contact us ASAP if it's a matter where we need a document as soon as

23 possible for cross-examination or for other purposes that might need more
24 explanation with them So, so --

25 JUDGE BONOMOY: Now the other issue relating to these translations

Page 19508

1 is the absence of a selection of representative documents. Was it not to
2 be the case that you would try to select certain ones for translation?

3 MR. IVETIC: Your Honour, your order told me to put every
4 document --

5 JUDGE BONOMOY: The Prosecution were happy represented others.

6 MR. IVETIC: Again CLSS is mixing documents. Those documents that
7 we talked about in selection are not these documents we're talking about
8 now. The documents that I submitted were documents from our 65 ter list
9 of witnesses -- exhibits which Your Honours ordered me to do by the 30th.
10 They're talking about documents that are overviews and we have certain
11 other issues with respect to those given other rulings of the Chamber that
12 I've sent CLSS and OLAD information on and I'm working with to see how
13 we're going to handle some of the other documents --

14 JUDGE BONOMOY: You're speaking too quickly for me, Mr. Ivetic. I
15 thought that by now you were to have submitted everything for translation
16 by the 30th of --

17 MR. IVETIC: On the 65 ter list, yes.

18 JUDGE BONOMOY: Right. Have you submitted everything for
19 translation?

20 MR. IVETIC: I believe we have from the 65 ter list.

21 JUDGE BONOMOY: Have you then identified among those documents the
22 ones that don't actually need to be translated because there will be a few

23 translated that are representative of the others?

24 MR. IVETIC: I think we have in certain instances where we've

25 withdrawn exhibits, where we are no longer seeking those but I think for

Page 19509

1 the bulk of those the issue of doing a selective sample is relating to

2 particular exhibits not with respect to the 65 ter exhibits. It was with

3 respect to the one exhibit that we had that was 700 and --

4 THE INTERPRETER: Could counsel please slow down.

5 MR. IVETIC: And it was with respect to another exhibit which we

6 did withdraw as Your Honour might recall that was the log-book, so that

7 has been withdrawn completely from this case.

8 JUDGE BONOMO: So where you've got crime scene reports extending

9 to 2.096 pages you seriously want all of these translated?

10 MR. IVETIC: I have to sit down and look at -- I haven't had a

11 chance to look at the report that CLSS has generated on this, so I don't

12 know what particular exhibits they're talking about but we're talking

13 about talking about documents that might need to be brought in from the

14 bar table that might lead to respect to witnesses from particular

15 municipalities. So in that sense, Your Honour, you're catching me sort of

16 off guard on this since I didn't have a chance to prepare in advance to

17 this to see exactly what the issue is. But I have been working on it.

18 JUDGE BONOMO: You may wish to consider the e-mail that was sent

19 to you yesterday, yesterday evening, and tell us more tomorrow.

20 MR. IVETIC: I'll be happy to do so, Your Honour.

21 JUDGE BONOMO: The other matter which also relates to your case is

22 the expert report, Exhibit 6D668, where we asked you to file a revised

23 complete version of the report and annexes rather than a very large number
24 of corrigenda or additional bits that were to be placed into it. I think
25 it was to correct a number of minor errors. Now, there's been no response

Page 19510

1 to that request and it's not something we can particularly order at this
2 stage, but it could have implications later when you come to introduce it
3 into the evidence.

4 MR. IVETIC: All right, Your Honour. I will have to check on
5 that. I do recall we had submitted a form of a corrigendum and I thought
6 that everything else was undertaken but I will have to check with our
7 staff --

8 JUDGE BONOMOY: What we want to hear from you tomorrow is that a
9 preparation of a revised version including all these corrections is in
10 hand.

11 MR. IVETIC: I'll work on it, Your Honour.

12 JUDGE BONOMOY: And hopefully an indication of when that will be
13 available.

14 MR. IVETIC: I'll see what I can do on it, Your Honour, keeping in
15 mind that we are in court until this afternoon as well, so I'll try to get
16 ahold of the office during the pause to see what I can find out.

17 JUDGE BONOMOY: We shall resume tomorrow at 9.00.

18 --- Whereupon the hearing adjourned at 3.41 p.m.,
19 to be reconvened on Wednesday, the 5th day of
20 December, 2007, at 9.00 a.m.