



Page 41627

1 Friday, 1 July 2005

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.04 a.m.

5 JUDGE ROBINSON: Mr. Nice, you have a matter to raise?

6 MR. NICE: Three very short matters. The Court was good enough

7 to indicate last -- yesterday afternoon that it would make rulings about

8 the admissibility of certain documents subject to any objections. I have

9 no objections to make; although, I obviously may ask questions of the

10 witness about the source of intelligence material and why we haven't been

11 provided with original materials, and depending on the answers, I might

12 have further submissions to make later. But subject to that reservation,

13 I don't object to the production of these documents.

14 The second point that I think it prudent to mention now, rather

15 than later, is that we're going to be -- we've been provided informally

16 and you're going to be provided, I think, formally with an up-to-date

17 witness list for the accused. The next three witnesses include one of

18 whom we've been given notice and a 65 ter, but also two other witnesses,

19 who although they appeared on the accused's witness list, appeared by

20 pseudonyms with, in reality, no 65 ter of any value. We received their

21 names for the first time yesterday, and accordingly provision of names

22 that late and in these circumstances without any 65 ter makes it difficult

23 for us to perform our task adequately, and there's no explanation for why  
24 they've been interposed at this late stage, and the Chamber may wish to  
25 consider that.

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1 We observe that preparations have been in hand for months now to  
2 call another witness, Bulatovic, who we were expecting to be coming and  
3 for whom, I think, all documents are now available and those documents  
4 being less in quantity than was originally expected.  
5 The reason I raise these matters now rather than at any later  
6 stage is that personally it would be of great assistance to me to be able  
7 to leave the courtroom today at half past 1.00. If the Court doesn't --  
8 assuming that it's still examination-in-chief, which I think it will be,  
9 I'm, of course, content to ensure that there's somebody here to continue  
10 the process of listening to the evidence and taking a note, unless the  
11 Court thought in all the circumstances it would be appropriate to rise at  
12 half past 1.00. But I'm in your -- in the Court's hands as to that.

13 JUDGE ROBINSON: We think you should have somebody on hand.

14 MR. NICE: I'll have somebody.

15 JUDGE ROBINSON: Mr. Nice, yes.

16 MR. NICE: But because I could see that procedural matters might  
17 arise at the end of the day in the way that they sometimes do and then  
18 stretch, I thought it better to raise these matters now.

19 JUDGE ROBINSON: Yes. And you are right that we are going give a  
20 ruling on the admission of some Delic documents. These are documents  
21 which were dealt -- which were dealt with in evidence but in respect of  
22 which no application was made for their admission. And I am to say that

23 firstly these relate to tabs of Exhibit D300. The tabs for which  
24 translations have been provided are admitted into evidence. The tabs for  
25 which translations have not been provided are marked for identification

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1 pending translation and further order of the Trial Chamber, and these are  
2 tabs 64 to 92, tab 204, tab 216, tabs 251 to 253, tab 256, tabs 258 to  
3 260, 292 to 295, 297 to 340, and 343 to 358. And the Prosecution is put  
4 on notice that it may make any submissions it wishes.

5 But I understand no opposition is being offered.

6 MR. NICE: No, subject obviously to anything that arises in  
7 cross-examination.

8 JUDGE ROBINSON: Yes. Yes, okay.

9 Very well. Let the witness be brought in.

10 THE ACCUSED: [Microphone not activated]

11 JUDGE ROBINSON: Yes, Mr. Milosevic.

12 THE ACCUSED: [Interpretation] Perhaps there's some  
13 misunderstanding involved, but it was my understanding that as far as all  
14 the tabs so far are concerned, those that are included in your binder that  
15 we've dealt with, I asked for all of them to be admitted into evidence in  
16 groups, following your instructions that we should move faster through the  
17 tabs, and that is why I tendered them in groups on several occasions,  
18 groups of tabs that pertained to work with the verification mission,  
19 asking the witness only to deal with them very quickly. But all of these  
20 documents are valid documents, and I think that they should all be  
21 admitted into evidence, up to 359, the one that we've reached.

22 JUDGE ROBINSON: Yes, Mr. Milosevic, you are right, and we have

23 admitted them. You are right that you -- you had indicated that you are  
24 going to deal with them in groups, and I had approved that method of  
25 proceeding.

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1 The ruling which we have given is to clarify the -- the matter.

2 Yes, please proceed.

3 Let the witness be brought in.

4 [The witness entered court]

5 [Trial Chamber confers]

6 JUDGE ROBINSON: Mr. Milosevic, let me make it clear. We have

7 admitted all the documents, in case you're not clear. But there was some

8 confusion, I think, arising from dealing with them in groups, but we have

9 admitted the -- the documents. So we have marked for identification those

10 which were not translated.

11 Yes, you may begin, Mr. Milosevic.

12 WITNESS: BOZIDAR DELIC [Resumed]

13 [Witness answered through interpreter]

14 Examined by Mr. Milosevic: [Continued]

15 Q. [Interpretation] General, yesterday we broke off at the document

16 marked 359. Could you please find it, because I'd like to put a few

17 questions to you with regard to that document.

18 A. I have found it, Mr. Milosevic.

19 Q. General, I am going to dwell on a few elements of this analysis

20 because it goes to this entire operation that you have described already.

21 You showed us the working maps. You told us what it represented. So this

22 is an analysis of activities of the forces under your control from the

23 25th until the 29th of March, 1999, when many parts of the territory were  
24 operated on; that is to say, where the terrorist forces were. Is that  
25 that analysis of yours?

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1 A. Yes, Mr. Milosevic.

2 Q. In point 1 of your analysis, you say -- or rather, you refer to  
3 many villages. I draw your attention to these villages because many of  
4 them appear in different testimonies and in the indictment, so we will  
5 deal with them in greater detail later. But you say here that "During the  
6 operations, the overall strength of the Siptar terrorist forces was  
7 estimated at 1.500 terrorists." Is that what you establish in your  
8 analysis?

9 A. Yes, that was our estimate.

10 Q. So you had against you about 1500 of them.  
11 Then you refer to the position of the command, that is to say, in  
12 the village of Retimlje, set up barracks, a clinic ready to admit 500  
13 persons. And then in the next paragraph, you're dealing with something  
14 else, and I want to ask you about that. You say: "Within the context of  
15 the defence organisation, it is typical that there was no civilian  
16 population in the villages of Retimlje, Studencani and Opterusa, only  
17 members of the Siptar terrorist forces." That is what you established.

18 A. Yes.

19 Q. And then you say that "The Siptar terrorist forces during the  
20 operations did not abandon weapons and combat equipment until the crucial  
21 moment when they would change into civilian clothes and attempt to break  
22 through in the direction of," et cetera, et cetera. So what happened

23 there? What was this all about? Can you explain this a bit better?

24 A. I've already said yesterday that there were several units there  
25 from my brigade, that there were two lines of blockade: One along the

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1 asphalt road Prizren-Djakovica and the other one here, the village of  
2 Srbica, then east of Mamusa, Lestane, Trnje, towards Suva Reka. The  
3 operations were from Amovac, then the direction of Orahovac, Velika Hoca,  
4 and the direction of Suva Reka -- or rather, the village of Rastane in  
5 order to link up these two units and in order to deal with the Siptar  
6 terrorist forces that were throughout the region.

7 I already said that we could not do that in the morning because  
8 the villages of Studencani and here the village of Avdelsa [phoen] there  
9 were forces, terrorist forces that were putting up strong resistance and  
10 other terrorist forces too, from Dobrodeljan and Grab and here from the --  
11 slopes of Mount Milanovac. We thought that these were terrorists forces  
12 that came to their assistance from the direction of Malisevo, so it took  
13 us three days to link up our forces.

14 During the operations that started on the 25th, that is to say,  
15 in these directions, the first resistance was put up in these combat  
16 groups, as you can see here on the map. It was given from this line here,  
17 Brestovac, Nogovac, Celine, Velika Krusa, Mala Krusa. And as for the  
18 direction of Suva Reka, resistance was put up immediately. On the exit of  
19 the village of Rastane, Studencani. And in that direction, our units did  
20 not manage to advance at all on that day, only about 500 metres.

21 It is characteristic that in these areas there was very strong  
22 resistance. Even the OSCE established in their reports that the terrorist

23 forces fortified their positions there at the third level. "The third  
24 level" means that they have trenches that are totally dug in, which  
25 enables long-term fighting. As for Velika Krusa, Mala Krusa, Nogovac and

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1 Brestovac, our forces managed up to around 12.00 to take this area and to  
2 get out of the built-up areas.

3 In all these operations and even when moving through these  
4 villages, there weren't any civilians there. The civilian population was  
5 not there. And as we can see here in these reports, on the 25th of the  
6 afternoon -- or only on the 26th the civilian population was observed here  
7 in the area where these brooks were. And as for Velika Hoca, already on  
8 the previous day or perhaps in the early morning hours the population went  
9 in the direction of Mamusa -- or rather, in Mamusa on the 28th there was  
10 already a big concentration of the population. Mamusa probably has a  
11 population of -- well, it's a predominantly Muslim population but the  
12 regular population is between four and five thousand persons, but there  
13 were two times as many people there at that point in time. The civilians  
14 had doubled by then.

15 Q. Did your forces enter Mamusa?

16 A. Only on the 28th in Mamusa.

17 Q. Was there any fighting there, any clashes?

18 A. No, not in Mamusa. To the west of Mamusa, that is, where the  
19 crushed groups were of 10 to 15 people, and also here in the area of  
20 Neprebiste, but in Mamusa itself there hadn't been any fighting.

21 JUDGE BONOMY: Can I ask you: Was that an answer to the question  
22 that was asked? Because if it was, I fail to understand it. The question

23 related to a passage in your analysis about the Siptar terrorists not  
24 abandoning weapons and combat equipment until the crucial moment when they  
25 changed into civilian clothing and attempted to break through. Now, that

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1 was the question. Did you deal with that?

2 THE WITNESS: [Interpretation] This statement is something to

3 which I have nothing to add. I abide by it.

4 JUDGE BONAMY: Have I misunderstood the question, Mr. Milosevic?

5 Because we've just spent almost five minutes on an answer that didn't seem  
6 to have anything to do with the question. Or do you not intend to follow  
7 this up?

8 THE ACCUSED: [Interpretation] It did have a lot to do with the  
9 question because in this passage, we can conclude that the resistance was  
10 very persistent, and the general explained that the fighting went on for a  
11 long time as you can see, from the 25th to the 29th, because of the  
12 persistent resistance. They gave up only when it was quite clear they had  
13 lost, and that's what he explained.

14 MR. MILOSEVIC: [Interpretation]

15 Q. And, General, you go on to say here that you estimate the Siptar  
16 terrorist losses to be about 85.

17 A. Yes. As I said, that's our estimate according to the commander's  
18 reports, the intensity of the fighting, and so on; although, the  
19 terrorists, as they had done before, pulled out most of their dead with  
20 them. Later on in the fighting that followed later in the area of  
21 Pagarusa we found 30 fresh graves where the terrorists were buried, and we  
22 assumed that these were men killed in this fighting.

23 JUDGE ROBINSON: [Previous translation continues] ... what was  
24 the extent of your losses, if any?

25 THE WITNESS: [Interpretation] On our side, as for my own units,

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1 three killed and eight wounded. The MUP units also had losses, but I  
2 cannot say with certainty. I think there were five killed.

3 THE ACCUSED: [Interpretation] Mr. Robinson, let me draw your  
4 attention to page 2 near the bottom in the Serbian version, where it  
5 says: "In the course of carrying out the tasks, three of our men were  
6 killed and eight wounded." It's contained in this analysis, the answer of  
7 General Delic to your question, that is.

8 JUDGE ROBINSON: May I ask you, General, for a comparison between  
9 your weaponry and the weaponry of the -- of the KLA.

10 THE WITNESS: [Interpretation] Yes, we can draw a comparison. As  
11 for artillery weapons, we had almost the same weapons. They were even  
12 made in the same way. It was the Kalashnikov type and theirs were made in  
13 China. The most recent ones were made in Albania. As for sniper weapons,  
14 the terrorists had more modern and better weapons than the army had.  
15 As for hand-held launchers, the terrorists had RPG-7, which is  
16 the Chinese version of the Russian RPG-7 system. It's extremely good.  
17 It's used all over the world, even today.

18 As for rocket launchers, they had German Armbrust ones. We had  
19 the domestic ones, Zolja.

20 As for mortars, they had the same kind we had, 60, 82  
21 millimetres, and 120 millimetres.

22 They had recoilless guns of American origin, 76 millimetres,  
23 which were both recoilless guns and could be used as support weapons  
24 because they had some kind of device. And --  
25 JUDGE ROBINSON: If you had an advantage, it would have been in

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1 numbers. Would that be correct?

2 THE WITNESS: [Interpretation] The advantage was not in numbers;  
3 it was only in anti-armour means and artillery. Artillery was used  
4 selectively, and they did not have such -- so much of an advantage.  
5 The greatest advantage they had was in the anti-armour weapons.

6 JUDGE BONOMY: It may be in the -- the translation that there are  
7 distinctions between what's on the document and what you've said, but your  
8 document indicates you had 21 tanks. Did the Albanians have tanks?

9 THE WITNESS: [Interpretation] Well, that's what I've been saying.  
10 They -- or rather, they did not have tanks. They did not have armoured --  
11 weapon armour. Tanks belong to armour.

12 JUDGE BONOMY: The next item referred to is what's called  
13 Howitzers. Now, have you used a different expression for a Howitzer, or  
14 did they have the equivalent of what's here described as a Howitzer?

15 THE WITNESS: [Interpretation] No, they did not have an equivalent  
16 of that calibre, but they did have support weapons. Our Howitzers are 122  
17 millimetres. They had 76-millimetre weapons for support. These were the  
18 American recoilless guns which have a range when they are used for support  
19 up to 7.100 metres.

20 JUDGE BONOMY: Are these -- well, the next category described  
21 here is what's called 30-millimetre PATs, anti-aircraft guns. Did they

22 have these?

23 THE WITNESS: [Interpretation] No. No. As for such weapons, they  
24 had 127-millimetre machine-guns and they had Brownings, DSK Brownings.

25 JUDGE ROBINSON: You were much better equipped than they were, in

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1 terms of weapons.

2 THE WITNESS: [Interpretation] We were a state army. They were  
3 terrorists and rebels. Of course, we had all the equipment our state  
4 could provide. But as for manpower levels, we were inferior in manpower  
5 levels. They had twice as many men as we did.

6 JUDGE ROBINSON: In that particular area?

7 THE WITNESS: [Interpretation] It's well known that in that area  
8 there was only my brigade. At the beginning of the war, it had somewhere  
9 around three and a half to four thousand. It's in the reports. The  
10 numbers were three and a half to four thousand men. On the territory,  
11 only in the area of Suva Reka, in the areas of Budakovo and Studencani,  
12 there were about 3.000 terrorists. If we add to this the remainder of my  
13 area, the terrorist forces had twice as many men. If we add to this the  
14 local village guards, which varied in numbers from 30 to 50 men, depending  
15 on the village, then we arrive at a number which shows that the terrorists  
16 had a considerable advantage.

17 JUDGE ROBINSON: Yes, Mr. Milosevic.

18 MR. MILOSEVIC: [Interpretation]

19 Q. I asked you about this estimate of the number killed, where you  
20 say about 85, because in Mr. Nice's allegations there are various numbers  
21 pertaining to some sort of victims among the civilian population and the

22 numbers are roughly similar. So I'll ask you this, General: Did you have  
23 any knowledge of victims among the civilian population?

24 JUDGE ROBINSON: Don't answer yet.

25 Mr. Milosevic, point us to the allegations so that we can look at

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1 the indictment where 85 is --

2 THE ACCUSED: [Interpretation] I'll come to that specifically. I

3 am just now approaching this analysis in general terms, and you will see

4 there are mentions of 12 or 60, but we'll come to that. We'll come to

5 specific issues. But these are in general numbers that correspond. But

6 you can see from the General's report here that these were terrorists.

7 JUDGE ROBINSON: Very well. But we -- but if you are dealing

8 with a specific allegation in the indictment, then you must bring that to

9 our attention so we can look at the indictment.

10 THE ACCUSED: [Interpretation] Yes, Mr. Robinson. I assume that

11 Mr. Kwon can assist you. In the South Korean elite division, which is

12 considered to be the best in their army, managed to achieve losses of 1

13 to 150. Here it's less than 1 to 30.

14 JUDGE ROBINSON: See, you have now enlisted Judge Kwon to assist

15 you. Is this 66 --

16 THE ACCUSED: [Interpretation] I suggested that he give you this

17 information so that you can gain an impression of this because I have the

18 impression that you're surprised by certain figures, which should not be

19 surprising.

20 MR. MILOSEVIC: [Interpretation]

21 Q. General, please bear this analysis in mind because we might need

22 it when dealing with certain specific issues. But in order to proceed as  
23 expeditiously as possible, we shall now deal with the village of  
24 Bijela Crkva, which is in the Orahovac municipality as well, to see what  
25 the army did in Bijela Crkva.

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1 You have a map in document number 360.

2 THE ACCUSED: [Interpretation] I assume, Mr. Robinson, that you  
3 understand I'm asking this analysis to be tendered into evidence. I  
4 mean, 359.

5 [Trial Chamber confers]

6 JUDGE ROBINSON: [Microphone not activated] Yes, it will be  
7 admitted.

8 MR. MILOSEVIC: [Interpretation]

9 Q. Document 360 is a map of Bijela Crkva. What does the map  
10 represent and could you please explain it.

11 A. Let me tell you right away that this is a map showing my  
12 decision, which was created when preparing to carry out this task. As for  
13 this map, this map was created later, in 2000. It was created in --

14 THE INTERPRETER: 2002, interpreter's apology.

15 THE WITNESS: [Interpretation] -- when the Commission for  
16 Cooperation with The Hague Tribunal summoned all the commanders and took  
17 from the indictment all the villages mentioned, not just on my territory  
18 but throughout Kosovo and Metohija. They gave us such excerpts from maps,  
19 like this one, and asked for an explanation of each particular event. And  
20 this was sometime in 2002 or early 2003. This map clarifies the work of  
21 my unit, Combat Group 2, which from Djakovica -- or rather, Babaj Boks

22 arrived to Bijela Crkva area. From this axis, they were to carry out a  
23 blockade and then proceed to launch an attack on the terrorist forces of  
24 the 124th Brigade.

25 On the map, you can see the column of this unit, which around

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1 4.30 was in the village of Zrze and --

2 MR. MILOSEVIC: [Interpretation]

3 Q. Can you put it on the ELMO, this map, when you're explaining so  
4 that we can see exactly what you are talking about.

5 In the meantime, while we are waiting for the map to be put on  
6 the ELMO, can you just say what the purpose of all these detailed analyses  
7 was that were carried out in 2002 and 2003.

8 A. The purpose of all these analyses, I don't know whether it was  
9 done at the request of the legal advisors, but it was done pursuant to  
10 orders from the General Staff. The commission, which numbered around 40  
11 people at the time and comprised several academicians and people with  
12 Ph.Ds and they were to explain the situation in Kosovo and Metohija on the  
13 basis of the documentation, and they were to interview all the commanders  
14 who could provide information about the places mentioned in the  
15 indictment. So this includes all the places we will talk about,  
16 Bijela Crkva, Landovica, Celine, and so on.

17 In early 2003, pursuant to a decision by the new minister, this  
18 commission was disbanded. It was dissolved. And through the National  
19 Council it presented documentation for the needs of the OTP.

20 Q. Very well. Through this commission, documents were sent for the  
21 needs of Mr. Nice's office; is that right?

22 A. Yes. Later on there were only five technical staff left in that  
23 commission after the first half of 2003.

24 Q. In paragraph 66(b) of the indictment, it is alleged that: "On or  
25 about the 25th of March, 1999 forces of the FRY and Serbia surrounded and

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1 attacked the village of Bijela Crkva, Orahovac municipality." That's what  
2 it says here. And then we'll -- I'll ask you the following:

3 General, you have just explained this map. On the 18th of  
4 December, 2002 you made a statement to the commission you have just  
5 mentioned, and this statement is in tab 361, and it refers to information  
6 about the alleged crimes in Bijela Crkva. And you signed this statement.  
7 Could you say something about this statement, General?

8 A. On that day, on the 25th, I passed through Bijela Crkva because I  
9 had set out sometime after 4.00 a.m., perhaps after 0430 hours, on the  
10 direction of Landovica, Zrze and so on. I passed through Bijela Crkva,  
11 where I saw my unit that had arrived from Djakovica. It was already  
12 passing through Bijela Crkva. And I immediately went on to Orahovac.  
13 From Orahovac, I continued on towards Velika Hoca and arrived at  
14 my command post, that is, the feature of Krasta [phoen], overlooking  
15 Velika Hoca. You can see it on this map.

16 By virtue of my decision, Bijela Crkva was not encompassed by the  
17 blockade, because it was my estimate that there were no terrorists in  
18 Bijela Crkva. That means that there were no terrorists from Bijela Crkva  
19 but they were in other locations.

20 This can also be seen on this map. In Bijela Crkva, there was a  
21 standing police post. There was one in Zrze village, and near

22 Bijela Crkva there was a police checkpoint, so you could safely reach  
23 Bijela Crkva and travel on. Police units that had come a bit earlier had  
24 already passed through Bijela Crkva.  
25 When I was passing through, it was completely quiet. The

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1 population was probably still there. You could only hear the dogs barking  
2 because the army was passing through the village, but the army was not  
3 passing through in combat columns. It was passing through in its  
4 vehicles. In the Bijela Crkva village itself, not a single bullet was  
5 fired at the army and there was no need for the army to return fire, and  
6 the army marched through.

7 JUDGE BONOMY: General, is Bijela Crkva on the map which is on  
8 the board?

9 THE WITNESS: [Interpretation] Yes. Yes. It is on the big map.

10 JUDGE BONOMY: So what's the purpose of referring to this other  
11 one?

12 THE WITNESS: [Interpretation] This is the so-called decision map.  
13 It was created two years prior to the operations.

14 JUDGE BONOMY: It's the one that matters for -- for our purpose  
15 of investigating what happened, isn't it? We can see from it that  
16 Bijela Crkva was not included in the -- in the areas which you required to  
17 be examined.

18 THE WITNESS: [Interpretation] Correct. Correct. That's  
19 precisely what I'm saying. And you can see this on this map.

20 JUDGE BONOMY: Yes. Well, this is really distracting me. I'm  
21 trying to fit it into the overall pattern, and I think the other map is a

22 better one to refer to.

23 What is the exhibit number of the map which is on the board? Do

24 you know?

25 THE ACCUSED: [Interpretation] I will tell you. It's 360. And

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1 that is a detailed map, a detailed section of the map of a larger scale  
2 than the map itself.

3 JUDGE KWON: Excuse me. The map on the board is 359.

4 JUDGE BONOMY: 359. Thank you.

5 JUDGE KWON: Sorry, 358. And the map on the ELMO is 360.

6 JUDGE BONOMY: Thank you.

7 THE WITNESS: [Interpretation] This commission, this team of  
8 experts, was in possession of this map but this map shows the entire  
9 operation and all the activities.

10 This map here is of a larger scale, and they wanted us to show  
11 the activities of the unit on this smaller map. The decision map shows  
12 how it was designed to conduct the operation, and this larger scale  
13 section was demanded so that we show how the operation actually happened,  
14 at various hours, ending with 1800 hours. So you can use these two maps  
15 to compare what the plan was with the actual operation.

16 THE ACCUSED: [Interpretation] This other microphone switched  
17 itself off. I hope it can be turned back on.

18 Yes, it's turned on again.

19 MR. MILOSEVIC: [Interpretation]

20 Q. General, you have just explained - and that is also recorded in

21 your statement given to the Commission for Cooperation with the ICTY -  
22 that the army passed through in a marching column and there was no  
23 fighting. In the second of two paragraphs, you say that you, having  
24 received this assignment, asked for information again and you were  
25 informed again that there were no problems in this village, that they

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1 passed through peacefully and there was no fighting. So from all this  
2 knowledge -- and we are talking about your unit.

3 A. Yes.

4 Q. What it says here in the indictment; namely, that "On or about  
5 25th of March, 1999 forces of the FRY and Serbia surrounded and attacked  
6 the village of Bijela Crkva"; is that correct?

7 A. Absolutely not correct. Bijela Crkva was never surrounded or  
8 attacked, as you can see from this map. My unit was there only on  
9 the 25th. After that, it continued operations along other axes. I  
10 continued passing through Bijela Crkva after the 25th of March up to the  
11 4th of April. I passed through Bijela Crkva when I travelled to Orahovac  
12 and later on towards Malisevo.

13 Q. Did you notice any changes in the situation on those days in  
14 Bijela Crkva?

15 A. As far as I can say, there was nothing. Just as on the first  
16 day, I passed through quite normally. I didn't notice anything.

17 Q. Very well. Who is Colonel Vlatko Vukovic?

18 A. Colonel Vlatko Vukovic is my commander, commander of the  
19 2nd Motorised Battalion from Djakovica. He was in command of Command  
20 Group 2, the one that is marked in these two places on the map. That is

21 the only combat group out of my brigade that passed through these  
22 populated areas.

23 Q. We also have his statement in tab 362. That is therefore a  
24 statement made by the unit commander from the same force that passed  
25 through this village.

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1 A. Yes. All combat group commanders, up to Combat Group 7, were  
2 required to give statements and in the course of two months in 2002 they  
3 did give statements. As far as Vukovic is concerned, because Bijela Crkva  
4 and Celine were along his axis, his company commanders were asked to give  
5 statements too.

6 Q. He says here in the penultimate paragraph of his  
7 statement: "There was no search conducted in Bijela Crkva village. He  
8 was informed that in Mirna village -- he was informed that the village was  
9 quiet and the forward security had been deployed to the east of the road  
10 coming out of the village. Combat Group 2 vehicles passed through the  
11 village from 500 hours to 0530 hours."

12 A. That was in accordance with our estimate. Our estimate was that  
13 there was going to be no resistance put up against the army and that we  
14 would be able to pass peacefully.

15 Q. Thank you, General.

16 THE ACCUSED: [Interpretation] I kindly ask these exhibits to be  
17 admitted too, Mr. Robinson.

18 MR. NICE: Your Honour, of course an entirely new issue arises  
19 for your consideration because it's clear, although it got obscured along  
20 the way, that the map, 360, and the statements, 361 and 362, are not

21 material produced in the course of a contemporaneous inquiry of the kind  
22 we were looking for, for example, with Racak and never found. Were  
23 prepared specifically in respect of inquiries in the allegations into this  
24 indictment.  
25 They are material we haven't seen before today -- I mean, subject

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1 to the day or so we've had sight of them in advance -- and I have yet to  
2 be able to establish whether they are -- they would constitute material  
3 that we should have received as responsive to our RFAs. I'll -- it will  
4 take some time to tie that down, and I'm in the middle of trying to do it  
5 at the moment. In all probability, the breadth of the request for  
6 assistance being what they were, this is material that should have been  
7 provided to us by the authorities, and the suggestion that either the  
8 commission or the National Council were here to provide material to us is  
9 one that's a characterisation about which we have to be very careful.  
10 Now, material produced for the purpose of this litigation is  
11 material that under the Chamber's own rulings is material that may not be  
12 admitted and certainly not necessarily for the truth of its content. So  
13 that when we look at, for example, not only the witness's own statement  
14 but also the statement of the other officer concerned, this is an attempt  
15 to produce significant evidence by hearsay when it was actually  
16 specifically prepared for the purposes of these cases.  
17 JUDGE BONOMY: But it's only the one document, Mr. Nice. 360 the  
18 witness was given and used, and is here to speak about, and it relates to  
19 the -- the other one, 358. 361 is his own statement and he's here to  
20 adopt -- he has adopted it. So it's neither here nor there. There may be

21 a issue between you and -- and Serbia about the disclosure, but that  
22 wouldn't affect the issue, as far as I'm concerned, with the witness here.  
23 But 362 falls into a completely different category.

24 MR. NICE: Just dealing with the first two points, I'm not  
25 sure -- I tried to look up both passages of questioning about the map 360,

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1 and I'm not sure whether it is merely a copy of an earlier map or whether  
2 it is actually a re-drawing of a map in detail, and I suspect it's the  
3 latter and not the former.

4 So far as his own statement is concerned, statements made for the  
5 purposes of litigation in these trials can indeed be produced when they're  
6 produced by 92 bis or 89(F). And the fact that these statements existed  
7 and weren't served until these exhibits were served on us is yet another  
8 matter of regret when considered beside the proposition that all this  
9 material should have been dealt with in advance by documents that could  
10 have set out the witness's position.

11 Your Honour is quite right as to 362; it falls into an entirely  
12 different category -- not an entirely different category. It has a  
13 different potential danger about it in that it's relied on the truth, it  
14 comes from a witness, prepared for the litigation, and the witness isn't  
15 going to be here.

16 I'm not -- my policy throughout has not been to be particularly  
17 restrictive because I know that the Chamber is -- or at least I always  
18 assumed that the Chamber wanted to be inclusive rather than exclusive.  
19 But it does seem to me here we've met a category of material about which  
20 the Chamber may wish to make different decisions from the normal course.

21 JUDGE ROBINSON: Mr. Kay.

22 MR. KAY: [Microphone not activated]

23 THE INTERPRETER: Microphone for Mr. Kay, please.

24 MR. KAY: I'm sorry. I keep on forgetting. It's because the

25 table has been moved.

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1 On the issues expressed by His Honour Judge Bonomy concerning the  
2 matters up to 362, those documents, I don't think those create a  
3 particular problem in terms of admissibility in relation to the map and  
4 indeed his own brief statement. Let's -- let's look at the realities of  
5 this. This is a -- a very brief explanation that was given to some sort  
6 of commission in relation to the indictment. Perhaps we ought to hear a  
7 little bit more about the -- the commission.

8 362 does fall into a -- a different category, but we have to know  
9 whether the Prosecution is objecting or not to its admission, and it  
10 seemed to me on the one hand Mr. Nice was raising a matter but not  
11 actually going for the full hog of an -- an objection. And to clear the  
12 decks, let's find out whether they want it in or not. There may be  
13 reasons why they want this material in, looking at it myself. But let's  
14 be explicit about it and not waste time taking points, if -- if that can  
15 be avoided.

16 JUDGE ROBINSON: That's 362?

17 MR. NICE: Well, as a matter of fact, my objection is -- my

18 observations about the first two documents remain.

19 But as to 362, I haven't yet had an opportunity fully to

20 investigate it or to consider it in relation to the answers of this

21 witness. Now, the Chamber's moved to the position where it wishes - and I  
22 understand this - for good order to deal with admissibility as documents  
23 are produced. At an earlier stage we from time to time dealt with  
24 documents on the basis of marking them for identification and dealing with  
25 them conclusively at the end.

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1 I don't want to exclude a document that I might then find their  
2 value in for the purposes of cross-examination when all this material is  
3 analysed before cross-examination starts more fully. And it may be that  
4 the appropriate course is to mark it for identification.

5 But if you want to know whether I object to it, do I object to it  
6 for the truth of its content, absolutely, yes, I do. Because this is a  
7 hearsay statement of a significant kind and it's produced for the purposes  
8 of this litigation and it hasn't been served properly.

9 JUDGE BONOMY: So what's the point of marking it for  
10 identification?

11 MR. NICE: Well, because if -- if -- well, I suppose if we mark  
12 it for identification for and I choose to cross-examine on it because  
13 there's material of benefit in it for the Prosecution, or interest to the  
14 Prosecution, then at least I'm not, as it were, being inconsistent. If I  
15 had it excluded and then want to bring it back for the purposes of  
16 cross-examination, it might be thought to be a bit odd. That's all.

17 JUDGE BONOMY: There are actually a number of them. It's just  
18 one of a series of five or six.

19 JUDGE KWON: It's 372 or 3.

20 JUDGE BONOMY: So even more in fact.

21 MR. NICE: Yes. So that I certainly object to the production of  
22 this material for the truth of its content. But that's my position.

23 JUDGE ROBINSON: We'll consider it.

24 [Trial Chamber confers]

25 JUDGE ROBINSON: We'll admit the witness's statement -- we'll

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1 admit the witness's statement 361. That's his statement. He has adopted  
2 it. As well as his map 360. And the other statements produced for the  
3 purposes of this -- of the proceedings, 362. And we are trying to  
4 determine how far that goes to.

5 Mr. Kay.

6 JUDGE KWON: It seems to go to the end of this binder, 395 --

7 394. And I notice that 381 is this witness's report.

8 MR. KAY: I --

9 [Trial Chamber confers]

10 THE WITNESS: [Interpretation] May I say something?

11 JUDGE ROBINSON: Yes.

12 THE WITNESS: [Microphone not activated]

13 THE INTERPRETER: Microphone for the witness, please.

14 THE WITNESS: [Interpretation] As for each and every one of these  
15 events -- may I proceed now?

16 JUDGE ROBINSON: Yes.

17 THE WITNESS: [Interpretation] I don't think that this was done  
18 for the purpose of this Court and directly for this Court. This is what  
19 the expert team requested from us. The General Staff commission for  
20 cooperating with the Tribunal for the former Yugoslavia. There are

21 several tabs here that pertain to one specific event. Then there is yet  
22 another event. For each and every one of them, there is a statement of  
23 mine or of my officers who were in that direction or at that particular  
24 location. So practically there are several maps here and along with each  
25 map there is a statement of mine.

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1 THE ACCUSED: [Interpretation] Mr. Robinson.

2 JUDGE ROBINSON: Is there anything in what the witness is saying?

3 That -- he's making the -- a nice point that they were not prepared for  
4 the purposes of ICTY proceedings.

5 MR. KAY: I was checking this through because I had to go back to  
6 remind myself what was -- what was said.

7 The commission sent these documents to Mr. Nice's office, as --  
8 as was his evidence, and it was for cooperation with the Prosecution, if  
9 one looks at the terms of -- of his evidence. So it wasn't actually  
10 prepared for the Defence. They were documents that were prepared for the  
11 Prosecution and the commission that was established for cooperation  
12 between Serbia and the ICTY. So we seem to have not an issue of failure  
13 of notice of the Prosecution with these particular documents. They've  
14 obviously had them for some considerable time and have been able to  
15 consider them.

16 In this regard, the Defence is using materials that were prepared  
17 for the Prosecution. That's what's come about by -- by this, which is  
18 a -- a slightly different set of circumstances than we originally  
19 envisaged.

20 JUDGE ROBINSON: They were prepared for the purposes of ICTY  
21 proceedings, then they ought properly to have come through 92 bis or  
22 89(F).  
23 MR. KAY: 89(F) would be -- given the terms of the evidence, it  
24 would be 89(F), as I don't think there's been any Defence evidence to  
25 which this would be cumulative testimony. It would be an 89(F) statement

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1 that would be required to produce it. I have to consider that. I --  
2 Judge Bonomy looks quizzically at me at that.  
3 JUDGE ROBINSON: If they were prepared for the Prosecutor's  
4 Office, I mean, that's for the purpose of -- of ICTY proceedings.  
5 MR. KAY: Not these proceedings though. Not this litigation.  
6 And that's the definite -- that's the distinction I make, because as far  
7 as this accused is concerned, it's his litigation that is the point at  
8 issue in relation to the admissibility. This was -- this was produced in  
9 general terms for the assistance of the Prosecution, to cooperate with  
10 them. And it's quite clear that the commission of experts were -- were  
11 working on behalf of steps taken by the Prosecutor herself to encourage  
12 cooperation between the authorities in -- in Serbia and her own  
13 department.

14 JUDGE ROBINSON: Mr. Milosevic, briefly.

15 THE ACCUSED: [Interpretation] Well, a very brief remark indeed.  
16 I'm sure that all of those watching this are aware of this. All this  
17 cooperation that the present-day authorities in Yugoslavia have with this  
18 place here pertains to cooperation with the other side, not with me. And  
19 the assistance that is rendered is rendered to the other side, not to me.

20 Everybody knows that. I have had no assistance whatsoever. These are  
21 documents -- or, rather, statements of officers who were subordinated to  
22 General Delic. These are officers in his brigade, and they provided their  
23 own knowledge in detail as to what had happened there.  
24 THE WITNESS: [Interpretation] May I say something? But in closed  
25 session, please.

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1 JUDGE ROBINSON: I don't think you need to say -- you don't need  
2 to say anything else. We will be considering the matter.

3 JUDGE BONOMY: I wanted to ask Mr. Nice: The point has been made  
4 that these documents must have been in your possession all through and  
5 indeed they're such that they must have been -- there would be an  
6 obligation to disclose them under Rule 68. What has happened in these  
7 regards?

8 MR. NICE: The answer is at the moment I'm not in a position to  
9 give you a definitive answer one way or the other on whether we received  
10 all or any of this particular category of document. I'm certainly not  
11 aware that we have.

12 But there are two other points that ought to be made: One is  
13 that simply to attach the word "cooperation" to a body or to a commission  
14 doesn't mean that that's what it does. And it -- that's important. It's  
15 not unimportant. Because the flow of material from the authorities to the  
16 Prosecutor's Office is on particular terms. Indeed, I was going to raise  
17 them with the witness and probably will in due course -- which don't  
18 typically involve the wholesale and surrender of material of this kind.  
19 The material comes in answer to particular requests.

20 Now, having said that, there's another aspect of the history that  
21 the Court will learn about at some stage, and that is that this witness  
22 has indeed made a statement and to an extent cooperated with the Office of  
23 the Prosecutor in respect of activity of the KLA and material was provided  
24 in respect of that side of prosecution by or with his cooperation and  
25 assistance. Not necessarily through the commission. And so not

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1 untypically and not unusually you have a different -- potentially  
2 different response from either individuals or from bodies in respect of  
3 either KLA material or in respect of Serb-side material.

4 Within the provision of that material, I'm not at the moment  
5 aware that we've received these documents. I am checking it further.

6 JUDGE BONAMY: But the answer to this though would be -- to  
7 follow the course you suggest, which gives you time then to explore.

8 MR. NICE: It does.

9 JUDGE BONAMY: What has happened before a final decision is taken  
10 in relation to the documents and meanwhile the documents can be used.

11 MR. NICE: Can be looked at.

12 JUDGE BONAMY: I mean, are you taking the position that on the  
13 basis that they're marked for identification that the accused can explore  
14 them with the witness? Because it becomes a rather sort of unreal  
15 exercise, doesn't it, if we do that and then we decide not to admit them.

16 MR. NICE: It's not an unprecedented exercise because we've been  
17 looking at a lot of documents, the admissibility of which has been in  
18 issue. That's why I said at the beginning of this I'm don't -- I'm not  
19 disposed or wish to take a particular restrictive approach, but I do say

20 that these documents, given that they were clearly prepared with this  
21 litigation in mind - and I'll say a sentence about that - would be under  
22 your present rulings, I think, inadmissible, for the truth of their  
23 content. And the sentence I want to add is that the witness said that --  
24 and this is at page -- it reads as page 14 on the version I've got at the  
25 moment. It says: "When the Commission for Cooperation with The Hague

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1 Tribunal summoned all the commanders and took from the indictment all the  
2 villages mentioned, not just on my territory but throughout Kosovo and  
3 Metohija, and they gave us such excerpts from maps like this one." So  
4 that he was clearly explaining at that stage that the exercise that was to  
5 generate this material was in fact related to this indictment on an  
6 itemised village-by-village basis.

7 I can see the concern that His Honour Judge Bonomy has about the  
8 use of time that may be wasted, and the -- the accused could be invited to  
9 deal with these -- this category of documents in summary form because, of  
10 course, if in due course or in outline form -- if in due course they are  
11 admitted for any purpose, then the documents speak for themselves and the  
12 witness may have nothing much to add to them. If they're excluded, then  
13 they will be of no value.

14 JUDGE KWON: As for the map, my understanding is that the  
15 commission gave a clean map to the witness and it is the witness who  
16 marked -- who made the markings. Is it not the case?

17 Is it right, Mr. Delic?

18 THE WITNESS: [Interpretation] You're right.

19 MR. NICE: In which case, again -- Your Honour is right. In

20 which case then again the map of course similarly to the statements which  
21 were prepared for the purposes of commission is not an original document.

22 JUDGE KWON: But what would be the difference of 89(F)? The  
23 witness comes to the court and he testifies to the veracity of his  
24 statements?

25 MR. NICE: Absolutely indeed. I means that's what I've said --

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1 if you remember, what I said was this material simply makes it more  
2 regrettable that these processes weren't used when the material apparently  
3 was already in existence. It could have been served ages ago. It would  
4 have helped us all.

5 But in a difficult area, I would respectfully go back to my  
6 position and the one tentatively raised as appropriate by His Honour Judge  
7 Bonomy but encourage brevity with the handling of the documents at this  
8 stage.

9 [Trial Chamber confers]

10 JUDGE ROBINSON: Well, as indicated earlier, we'll admit the  
11 witness's statement and his map; that's 360 and 361. And we propose to  
12 mark for identification the statements made to the Commission for  
13 Cooperation with the ICTY.

14 Mr. Milosevic, we encourage you not to spend too much time on  
15 these statements. You should find a -- a summary way of dealing with  
16 them.

17 MR. MILOSEVIC: [Interpretation]

18 Q. General, please, could you just explain this to me: When you say  
19 that you were asked that all the events in Kosovo and Metohija should be

20 clarified and then you used the word "indictment," does it pertain to this  
21 indictment or all the indictments that were issued against officials of  
22 the FRY in Yugoslavia and the army in relation to Kosovo?

23 A. It pertains to all indictments.

24 Q. So all the questions that are raised in what Mr. Nice said were  
25 the subject of work of this commission. Did it understand you correctly?

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1 A. Yes.

2 Q. Thank you.

3 A. Could we just have a correction in the transcript to that effect?

4 It would not be a good thing to have what Mr. Nice said remain in the  
5 transcript, in view of the cooperation with the Tribunal that was sporadic  
6 and that it evolved out -- apart of this commission and the expert team.

7 I have been cooperating with this Tribunal, the office in Belgrade, since  
8 2002. That is a great many number of hours, over 3.000 hours of work for  
9 the Office of the Prosecution, and it went through the expert team. So  
10 every contact I had with the investigators of the Tribunal was in the  
11 presence of the members of the expert team as well.

12 JUDGE BONAMY: Yes. I think, Mr. Delic, you were given credit  
13 for your cooperation by Mr. Nice when he spoke. The point he is making  
14 was one about notification. It may all have happened as you say, but the  
15 question that's outstanding is how much of the material actually found its  
16 way to the Office of the Prosecutor. And because no notice was given  
17 until you were giving your evidence of these documents coming in, there  
18 hasn't been an opportunity to check that. And once it's been checked, the  
19 position will be resolved. And that's why we will mark these documents

20 meanwhile for identification. It will be resolved in due course.

21 THE WITNESS: [Interpretation] The basic problem is that in 2003

22 this entire team was dissolved on the basis of the decision of the

23 Minister of Defence. The first decision Minister Tadic made when he

24 assumed office --

25 JUDGE ROBINSON: Let us proceed with the case.

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1 Mr. Milosevic.

2 THE ACCUSED: [Interpretation] Mr. Robinson, have I understood

3 this correctly? Can I use these statements in putting questions to the

4 witness, or can I not use them when putting questions?

5 JUDGE ROBINSON: Yes, you may use them, but we have encouraged

6 you to be -- to be brief.

7 THE ACCUSED: [Interpretation] All right.

8 MR. MILOSEVIC: [Interpretation]

9 Q. Who is Major Janos Sel?

10 A. Major Janos Sel is a commander of a company in the 2nd Motorised

11 Battalion?

12 Q. Was he the leader of the unit that specifically went through

13 Bijela Crkva?

14 A. Yes, his unit went through Bijela Crkva.

15 Q. Did any other unit apart from his pass through Bijela Crkva?

16 A. Yes. Other parts of the 2nd Motorised Battalion, the mortar

17 platoon of 120 millimetres, and other units too, other platoons.

18 Q. All right. All the units that went through, were they under the

19 command of Colonel Vukovic, whose statement we saw a few moments ago, and

20 was Colonel Vukovic under your command?

21 A. Yes, yes. There were no other troops there except for my units.

22 They all belonged to the 2nd Motorised Battalion and they were under the

23 command of Colonel Vukovic.

24 Q. All right. So Major Janos Sel and Captain First Class Feta

25 Elifat whose statement we have in tab 364, and Seargent First Class Oliver

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1 Ilijevski --

2 A. Yes, he was platoon leader in that battalion.

3 Q. And Captain Milovan Zivkovic. So all of them are officers  
4 serving on units that passed there.

5 A. Yes. But Zivkovic was actually seconded only to that battalion.

6 He did not belong there organically. He was sent there during the war.

7 Q. I understand that, but at the moment he was on the ground and  
8 that is the basis on which he gave his statement about what he knew.

9 A. Yes.

10 Q. All these statements up to tab 366, do they confirm what you said  
11 in relation to Bijela Crkva and your experience and your knowledge from  
12 that time? Because I noticed that they have a common denominator. They  
13 all say they were there, that they were there at the time, that nothing  
14 had happened, and that they heard about the alleged crimes in the book as  
15 seen, as told?

16 A. They speak of that only more specifically because they went  
17 through town in another direction. I moved along the asphalt road when I  
18 went to Orahovac. So they only speak more specifically about one and the

19 same thing.

20 Q. So all the units that went through and all your knowledge from  
21 that time as well, because you said that later on all the way up to the  
22 first days of April you passed through Bijela Crkva and that there were no  
23 attacks on the village there, that there were no siege of the village or  
24 no such thing.

25 A. All the way up to the 4th of April, I passed along the same road

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1 when I was on different assignments; that is to say, the asphalt road from  
2 Bijela Crkva to Orahovac.

3 Q. And there were no traces whatsoever of fighting that might  
4 support the truth of the allegation in the indictment that I read out.

5 A. As you can see from the map, there were no combat operations  
6 whatsoever in Bijela Crkva.

7 Q. From these documents and from your personal knowledge of events,  
8 do you come to the same conclusion?

9 A. Yes.

10 Q. Thank you, General. So what it says here, that they surrounded  
11 and attacked the village of Bijela Crkva, you and your commanders say that  
12 this is not true.

13 A. It is absolutely untrue. Bijela Crkva was never encircled.

14 Q. The indictment goes on. I won't mention the paragraph number  
15 again because it's in the same paragraph. It says that "Many villagers  
16 from Bijela Crkva fled along the river to Bijelo Selo and that they were  
17 forced to hide under the railway bridge and coming closer to the bridge,  
18 the forces of the FRY and Serbia opened fire on a number of villagers,

19 killing 12 persons, including 10 women and children."

20 Do you know anything about this and can you comment on what the  
21 indictment states about Bijela Crkva? Are you familiar with any of these  
22 events?

23 A. No, I am not aware of any of this. I only heard about it in  
24 connection with the indictment. It says here: "They fled along the  
25 Belaja River. This is illogical. This small river does flow through

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1 Suva Reka but along the Belaja River that would mean that they were  
2 fleeing north, towards Orahovac and the shrubs and woods there.  
3 If anyone felt the need to flee, as far as I can see, nobody did,  
4 it says here "Belaja River" and then there's mention of a bridge. I'm  
5 very familiar with this territory. It is a plain which -- on which there  
6 is farmland and only vegetables are grown there. There are no shrubs  
7 there or anything of the sort, only vegetables, so that this in fact is  
8 one of the most fertile territories in Kosovo and Metohija. So if anybody  
9 wanted to flee, it would not be logical to flee out into the open; it  
10 would be more logical to flee in the other direction, where there were  
11 shrubs. So it's simply illogical.

12 Q. According to what you and your subordinate commanders say and the  
13 members of your unit, there were no combat operations. So was there any  
14 fleeing? Did you observe anybody fleeing the village? Or did any of your  
15 officers observe anybody fleeing?

16 A. From the statements made by my officers - and I have spoken to  
17 them - we were there. We passed through the village. The village was  
18 completely quiet. On the other side of the village, we went towards the

19 Amovac feature and then the village remained behind us. We did not see  
20 anybody fleeing.

21 JUDGE ROBINSON: [Previous translation continues] ... clarify  
22 this, General. You were actually in Bijela Crkva on the 25th of March  
23 with your men. You went through.

24 THE WITNESS: [Interpretation] Yes.

25 JUDGE ROBINSON: And there was no incident there, no fighting?

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1 THE WITNESS: [Interpretation] No fighting. No incident. The  
2 troops passed through not in combat formation but in a marching column.  
3 It stopped on the other side of Bijela Crkva after having passed through,  
4 and then it spread out facing the Amovac feature and the villages of  
5 Celine, Nogovac, and Brestovac, where we had reliable information that the  
6 terrorist forces were.

7 JUDGE ROBINSON: But do you recall the date of the 25th of March  
8 specifically as being the day when you were there?

9 THE WITNESS: [Interpretation] I recall everything I did on that  
10 day and all my activities later on. I did not linger in Bijela Crkva. I  
11 saw that my unit had arrived on time and had already left Bijela Crkva and  
12 that they were in their positions.

13 JUDGE ROBINSON: I asked that because the indictment is not  
14 specific as to the date. It says "on or about the 25th of March, 1999."

15 THE WITNESS: [Interpretation] I can tell you about all those days  
16 while my unit was in that area, ending on the 28th of March. After that  
17 date, my unit was in the broader area but further away from the village of  
18 Bijela Crkva. The units that passed through Bijela Crkva did not return

19 through Bijela Crkva. There -- the time they spent in Bijela Crkva was  
20 the amount of time they needed to pass through on trucks, several minutes,  
21 that is. On the other side of Bijela Crkva, they spent between half an  
22 hour and an hour there, until the beginning of the fighting, and then they  
23 proceeded towards the villages of Celine and Nogovac.

24 JUDGE ROBINSON: You don't allow, then, for the possibility that  
25 forces of the FRY and Serbia might have gone through Bijela Crkva a day or

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1 two before the 25th or a day or two after the 25th of March and the  
2 incidents might have taken place as set out in the indictment?

3 THE WITNESS: [Interpretation] The units could certainly not have  
4 passed through earlier. And I guarantee that my units never passed  
5 through Bijela Crkva again after that.

6 In the month of May, which was about two months later, there was  
7 fighting in Bijela Crkva, but my unit did not participate in that.

8 [Trial Chamber and legal officer confer]

9 MR. KAY: Can I just raise a matter for you? Because it's  
10 obviously of interest to Your Honour and it's pertinent to the indictment.  
11 The evidence called by the Prosecution on this matter related to that date  
12 of the 25th of March, Isut Zhuniqi was the witness on the 6th of June.

13 JUDGE KWON: And Popaj and Jemini.

14 JUDGE ROBINSON: So it's clear we are talking about the 25th.

15 Mr. Milosevic, I think we'll just take the break now. It's time  
16 for the break. We'll adjourn for 20 minutes.

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

18 --- On resuming at 10.54 a.m.

19 JUDGE ROBINSON: Yes, Mr. Milosevic.

20 THE ACCUSED: [Microphone not activated]

21 MR. MILOSEVIC: [Interpretation]

22 Q. We're still dealing with Bijela Crkva, count 66(b) -- or rather,  
23 paragraph 66(b) of the indictment. Apart from what I've already quoted,  
24 it alleges the killing of 12 persons and goes on to say: "The forces of  
25 the FRY and Serbia then ordered the remaining villagers out of the

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1 stream-bed, at which time the men and older boys were separated from the  
2 elderly men, women, and small children. The forces of the FRY and Serbia  
3 ordered the men and older boys to strip and then systematically robbed  
4 them of all valuables. The women and children were then ordered to leave  
5 towards an adjacent village called Zrze. A doctor from Bijela Crkva  
6 attempted to speak with a commander of the attacking forces, but he was  
7 shot and killed, as was his nephew. The remaining men and older boys were  
8 then ordered back into the stream-bed. After they complied, the forces of  
9 the FRY and Serbia opened fire on these men and older boys, killing  
10 approximately 65 Kosovo Albanians."

11 THE ACCUSED: [Interpretation] That's the number, Mr. Robinson,

12 you asked me to give you a reference for. It's here.

13 "A number of men and older boys survived this incident and other  
14 persons hiding in the vicinity also witnessed this incident. In addition,  
15 forces of the FRY and Serbia also killed six men found hiding in an  
16 irrigation ditch in the vicinity. These persons killed, who are known by  
17 name, are set forth in Schedule B."

18 MR. MILOSEVIC: [Interpretation]

19 Q. What can you say about these allegations, General?

20 A. On the 25th, with regard to army and police units, something like  
21 this could not have happened. Up to 1200 hours my units were not in  
22 Bijela Crkva but in the direction of Celine. My subordinate commander and  
23 other subordinate commanders would have informed me had something like  
24 this happened.

25 As regards the units under any command, it's absolutely

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1 impossible for anyone of my officers to have done that without my  
2 knowledge.

3 Q. General, Mr. Nice's witness Isut Zhuniqi from Bijela Crkva  
4 testified that 16 policemen opened fire on 13 Kosovo Albanians, civilians,  
5 who were between the bridge and the police about 50 metres away from the  
6 witness.

7 THE ACCUSED: [Interpretation] Mr. Robinson, he testified on the  
8 6th of June, 1992, [as interpreted] and the transcript page is on 6442 and  
9 6443. I will read out a part of the transcript to you now.

10 MR. MILOSEVIC: [Interpretation]

11 Q. He says here, among other things -- the transcript is in  
12 English: "[In English] Some 700 villagers gathered in the stream and the  
13 witness and his family walked for about a kilometre in the direction of  
14 Rogovo."

15 [Interpretation] Then he goes on to explain, this representative  
16 of Mr. Nice, that he showed it on the map.

17 MR. NICE: Little matters, but the language is becoming quite  
18 carefully slanted at achieving an objective. He's not a representative of

19 mine. He's a witness I called. The accused knows that, and it's  
20 different.

21 JUDGE ROBINSON: Thank you, Mr. Nice.

22 Mr. Milosevic, you -- you may consider whether it's necessary to  
23 delve more into Bijela Crkva. I mean, the witness's evidence is a clear  
24 and unmitigated contradiction of the allegation in the indictment.

25 THE ACCUSED: [Interpretation] Yes. But --

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1 JUDGE ROBINSON: [Previous translation continues] ... then the --  
2 what is in the indictment is not -- is not substantiated.

3 THE ACCUSED: [Interpretation] But we are now dealing with  
4 testimony which has been copied into the indictment. And when I say "the  
5 representative of Mr. Nice," I say this because he's speaking in the third  
6 person singular. Mr. Nice's representative was quoting from the witness  
7 statement.

8 JUDGE ROBINSON: [Previous translation continues] ... any comment  
9 on that. He's not a representative of Mr. Nice. Let's move on.

10 THE ACCUSED: [Interpretation] Very well.

11 MR. MILOSEVIC: [Interpretation]

12 Q. So they walked for a kilometre in the direction of Rogovo. And  
13 then he says: "[In English] Minds [Previous translation continues] ...  
14 taking cover because appeared to be sniper firing in their general  
15 direction."

16 [Interpretation] Do you have any knowledge of snipers shooting at  
17 those people in that area, General?

18 A. If you look at this map, here you will see where part of my unit

19 was the whole time, which was in the blockade, and their one and only task  
20 was to prevent a possible breakthrough of the terrorists towards Drim and  
21 the Albanian border. The officer -- any officer who was there would  
22 certainly have observed anything going on in the area because it's only a  
23 kilometre or less than a kilometre away from him. As I was practically  
24 born in the area, I passed along this route thousands of times. I'm  
25 telling you this is a very flat area, a plain, with hardly any trees on

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1 it. The soil is used to grow only vegetables, peppers, tomatoes,  
2 watermelons and so on. If we're speaking of 600 men --

3 Q. He mentioned 700.

4 A. Not even 50 people could hide there, let alone 700. That's a  
5 huge mass of people. It's completely impossible.

6 If you look at the map, even someone who knows nothing of  
7 topography can see that this is a plain. As far as the River Drina, it's  
8 completely flat. Anyone moving in any direction on that plain would have  
9 been observed either from the road or from the areas of Bijela Crkva or  
10 Celine or the asphalt road near Drim. My officers who were here or the  
11 officers who were in the Celine area would have reported on everything  
12 that happened on the 25th, regardless of whether it was my forces or the  
13 MUP forces that were affected. Had I -- in other words, I never received  
14 any information to this effect.

15 Q. The same witness says: "About 9.30, they were observed coming  
16 along the same direction [Previous translation continues] ... [In English]  
17 There had come a squad of some 16 policemen dressed in camouflage wearing

18 armbands. They were all armed with AK-47 assault rifles and had foot-long  
19 knives in scabbards attached to their belts."

20 [Interpretation] And later he says that he saw 13 Kosovo Albanians  
21 who had still not reached the bridge but they were in front of them. The  
22 police was close by, and the police shot at them and only one two-year-old  
23 child survived. Can you comment?

24 A. Absolutely not. All this reference is to knives, the police was  
25 in their normal police uniforms carrying their establishment weapons. The

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1 only kind of police I saw were such policemen. I don't know what it  
2 means, "armed with long knives." The police have automatic rifles and  
3 they have knives, ordinary knives that serve for cutting barbed wire and  
4 similar activities. They are part of the combat set.

5 JUDGE BONAMY: Are these AK-47 rifles?

6 THE WITNESS: [Interpretation] They are domestically produced  
7 rifles, a model similar to Kalashnikov 47, but it is domestically produced  
8 in the Crna Zastava factory in Kragujevac. It is part of the  
9 establishment weaponry of both the army and the police. It is the same  
10 system as Kalashnikov.

11 JUDGE BONAMY: Did they have camouflage-style uniforms?

12 THE WITNESS: [Interpretation] The police did have their own kind  
13 of camouflage uniforms that were somewhat different from those of the  
14 army.

15 MR. MILOSEVIC: [Interpretation]

16 Q. And then he says that 65 people were killed, as I have read from  
17 the indictment. You have already commented on that.

18 He later goes on to say that he had found cover. And on page 6444  
19 he says he found 40 or some more villagers from Bijela Crkva also in  
20 hiding who informed him that the entire village can be destroyed with only  
21 some two houses not burnt down. Can you comment?

22 A. This is a blatant lie. I have already said there was no action,  
23 no operation in Bijela Crkva because there was no need to conduct any.  
24 The village was completely quiet and peaceful.

25 Q. And then he says that he was on his way to visit his family in

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1 Zrze on the 31st of March, and later he went to Nogovac. That's on  
2 page 6445.

3 JUDGE BONOMY: Are you, General, giving positive evidence that on  
4 all occasions when you went through the village there was no sign of any  
5 property having been burned?

6 THE WITNESS: [Interpretation] Yes. That evidence is in my  
7 statement. Precisely on the 25th of March in the evening in Velika Krusa  
8 I saw that some houses were destroyed and there had been action obviously  
9 against these houses. That is written in one of my statements.

10 MR. MILOSEVIC: [Interpretation]

11 Q. But, General, we are talking about Bijela Crkva now.

12 A. In Bijela Crkva, there was absolutely no operation whatsoever and  
13 there was no destruction in Bijela Crkva.

14 JUDGE KWON: General, would you exclude a possibility of a --  
15 paramilitaries, whether illegal or legal, paramilitaries could have  
16 perpetrated these kind of crimes after police and army had passed by?

17 THE WITNESS: [Interpretation] We are discussing the 25th here,

18 and I can testify to the entire period up to the 4th of April, which was  
19 the last time I passed through Bijela Crkva. Bijela Crkva as a village  
20 was completely fine. After that, I passed through only once more, in May.  
21 And as for the paramilitaries: In my own zone, I did not suffer  
22 and I did not allow any paramilitaries. They were regular police units  
23 and regular army units. This was an inter-ethnic conflict, and every  
24 inter-ethnic conflict is foul. What I don't exclude is that in some parts  
25 of my territory during the curfew and during the bombing something might

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1 have happened. But as for Bijela Crkva, this allegation that it was burnt  
2 down, destroyed, is absolutely not correct.

3 JUDGE BONOMO: Now, can I take it that that never happened at any  
4 stage, that the village survived and survives to this day, intact?

5 THE WITNESS: [Interpretation] I can talk only about what I saw  
6 myself. Up to the 4th of April, I passed through Bijela Crkva every day.

7 JUDGE BONOMO: And are you saying you know nothing about its fate  
8 after the 4th of April?

9 THE WITNESS: [Interpretation] Well, I have said that I passed  
10 through Bijela Crkva once more, in the month of May, going from Orahovac.  
11 And at that time, Bijela Crkva was in absolutely the same condition as  
12 before the 25th of March. After that, there were other units located  
13 there, but I know that there was fighting on several occasions in the area  
14 of Celine, in the area of Pirane, and I'm not quite so certain but I think  
15 there were no operations around Bijela Crkva.

16 JUDGE BONOMO: When you were dealing with the commission, which I  
17 think was 2003, did you go to the area?

18 THE WITNESS: [Interpretation] After 1999 and the 14th of June,  
19 when I left the territory of Kosovo and Metohija, it was impossible for me  
20 to return there, even if I had wanted to, because my property remains  
21 there.

22 JUDGE KWON: You said that there's an operation in Celine. Could  
23 gunshots or shellings, the sound of them could be heard in Bijela Crkva?

24 THE WITNESS: [Interpretation] These are two neighbouring villages  
25 only several hundred metres away. If you look at the map, you will see

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1 that. This map does not even reflect the current situation because many  
2 new houses were built in the meantime. These houses are very close by.

3 JUDGE KWON: It's true that tanks passed by Bijela Crkva and  
4 the -- the inhabitants of Bijela Crkva might have heard some gunshots and  
5 shellings, sounds of fighting in all the morning?

6 THE WITNESS: [Interpretation] Yes. But they could have noticed  
7 that the army had passed through their village and that there had been no  
8 activities in their village and the army had moved away, and throughout  
9 the day they could have heard operations growing more and more remote from  
10 their village.

11 JUDGE KWON: Thank you.

12 MR. MILOSEVIC: [Interpretation]

13 Q. General, this witness says that he went to Nogovac on foot, found  
14 shelter in a barn -- [In English] [Previous translation continues] ...  
15 When a low-flying plane bombed it or bombed the area, causing the roof to  
16 collapse." [Interpretation] And then he says --

17 MR. NICE: Your Honour, may we have the page number. Although

18 thus far I've found difficulty in tying up the page numbers --

19 JUDGE KWON: Shall I give you in electronic form?

20 MR. NICE: If you've got them.

21 JUDGE KWON: It's 6438, line 5.

22 THE ACCUSED: [Interpretation] 6445, transcript page.

23 JUDGE ROBINSON: Continue, Mr. Milosevic.

24 MR. MILOSEVIC: [Interpretation]

25 Q. What can you say about this low-flying plane that bombed Nogovac?

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1 Do you know anything about it?

2 A. Which day was it?

3 Q. He says here it was on the 31st of March when he went to Nogovac.

4 He says: "There were many people there whom the Serbs ordered to gather

5 in one place, that he himself was in a barn when a low-flying plane bombed

6 the barn, or that area, as he put it.

7 A. The witness is probably talking about the 31st. The bombing

8 happened in the night of the 1st, but it was the NATO aviation that bombed

9 the village. And on the 26th, NATO bombed my unit, which was in the area

10 of Opterusa. On the 26th with four aircraft and in the night of the 1st,

11 there was a bombing of Nogovac but by the NATO, and I believe the Prizren

12 Television made a film of the on-site investigation by the police. It was

13 absolutely impossible for our planes to fly at the time.

14 Q. I will no longer dwell on this witness, Isut Zhuniqi. But in any

15 case, if I've understood you correctly, all that I've read out is not

16 correct.

17 The video even shows the US rocket that hit the houses in

18 Nogovac, and you can see the destroyed village of Nogovac after the  
19 strikes by NATO aircraft.

20 Q. Thank you, General. We will now move to Celine village. Among  
21 these documents in tab 367 we have a map. Celine is, again, a village in  
22 Orahovac municipality. And I would kindly ask you to help us see what the  
23 army did in Celine. What can we see on this map in tab 367? The map is  
24 in the same format as the map you provided for Bijela Crkva.

25 A. Yes. We see the deployment of blockading forces of the army. We

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1 can see also the disposition of army units in Celine -- or rather, behind  
2 Celine at 1200 hours, and the deployment of army units at 1800 hours on  
3 that day, the 25th of March. We see the deployment of MUP units. And  
4 here we see the MUP unit that remained behind and continued to secure the  
5 Prizren-Djakovica road in the area of Mala and Velika Krusa.

6 Q. General, can we see on the map that the army had passed through  
7 Celine or by Celine, moving further on towards the east?

8 A. Well, roughly speaking, the army was moving towards Retimlje,  
9 which is east, north-east.

10 Q. Let me now read out to you what is written in paragraph 63(A).  
11 63(A), that regards my next question. It is part of the indictment  
12 related to alleged deportation. It says: "Orahovac column. In the  
13 morning of 25th March, 1999" -- so it deals specifically with the 25th of  
14 March. It doesn't say "on or around"; it says "on the morning of the 25th  
15 of March, 1999" -- "forces of the FRY and Serbia surrounded the village of  
16 Celine with tanks and armoured vehicles. After shelling the village,  
17 forces of the FRY and Serbia entered the village and systematically looted

18 and pillaged everything of value from the houses, set houses and shops on  
19 fire, and destroyed the old mosque. Most of the Kosovo Albanian villagers  
20 had fled to a nearby forest before the army and police arrived. On the  
21 28th of March, 1999, forces of the FRY and Serbia forced the thousands of  
22 people hiding in the forest to come out. After marching the civilians to  
23 a nearby village, the men were separated from the women and were beaten,  
24 robbed, and all of their identity documents were taken from them. The men  
25 were then marched to Prizren and eventually forced to go to Albania."

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1 I have read out to you this entire paragraph, 63(A).

2 Further below, there are references to Nogovac, et cetera, but we  
3 will dwell a bit on 63(A).

4 A. There was fighting in Celine. Even according to our estimate,  
5 Celine village was covered by the system of defence of the terrorist  
6 forces. It had been active many times before and many times after  
7 throughout the war. Under combat, police forces entered the village and  
8 later my units came from the direction of Bijela Crkva. My units did not  
9 stop in Celine for any length of time. But what is written here about  
10 looting and pillaging and taking valuables from houses, that is simply  
11 unimaginable. How could I imagine my own soldier taking the liberty in  
12 the presence of his platoon commander, company commander, and superior  
13 officers, going into -- of going into houses and taking something? He  
14 would have been punished immediately. And what would he have done with  
15 anything that he took from a house? My soldiers came from the entire  
16 Federal Republic of Yugoslavia. They were not locals. It was the regular  
17 army.

18 Q. What did they wear? What did they carry?

19 A. They only carried their combat rucksack, containing one or two  
20 hand-grenades, 150 rounds regular ammunition, his own dry ration, the  
21 barest necessities. That's why it's called a combat rucksack. We usually  
22 conducted inspections of our troops after operations because it was  
23 prohibited in the strictest way even to drink water from local sources to  
24 avoid contamination or diseases. All they had was what they received from  
25 their units.

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1 Q. So the forces came in, systematically looted and pillaged  
2 everything of value from the houses. What could, for instance, a soldier  
3 do with anything of any value? Where would he put it?

4 A. Let me tell you. That happened absolutely never. It was not  
5 something done in the army. And in some cases, whenever a soldier took  
6 something from a civilian, he ended up court-martialled or disciplined by  
7 me personally. As far as forest is concerned --

8 Q. It says here: "Most of the civilians ran to the nearby forest."

9 A. There are no forests in the area of Celine village. There is one  
10 here between Celine village and Nogovac village. It is what you -- what  
11 we call the Hoca River. In this territory, there are absolutely no  
12 forests. There is only shrubbery. That's this area.

13 I've already said that up to Bijela Crkva and Celine there is a  
14 field, and here the terrain is slightly hilly, and afterwards come a great  
15 many vineyards.

16 Q. General, I'm just reminding you that I have read out a quotation

17 to you. It says: "Thousands of people who were hiding in the forest, in  
18 the woods, that the FRY forces and the Serbian forces dealt with thousands  
19 of people hiding in the forest."

20 A. My -- an officer of mine told me that he found about 200  
21 civilians near the brook between the villages of Celine and Nogovac. They  
22 came from both villages. It's not thousands. He didn't count them. But  
23 it was about 200 people, and that's what he wrote in his report.

24 Q. What did he do? Did he force these 200 people to go somewhere,  
25 or what happened to them? What did he report to you?

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1 A. I've already said that they were all supposed to go to where they  
2 came from. In his statement, he said that they should remain where they  
3 were until the army passed, and after that, those who were from Celine  
4 should return to their own village and those who were from Nogovac are in  
5 the immediate vicinity too. Later on the commander of my mortar battery,  
6 Feta Elifat, noticed that too, so they obeyed their battalion commander  
7 and they did indeed go to their own villages. However, it could not have  
8 been thousands at any rate; it was about 200 persons, civilians, primarily  
9 women, children, and elderly men.

10 Q. It says here "thousands," in the plural, but let it be 200. It  
11 says that "Men were separated from women, beaten up, and robbed, and that  
12 all their identity documents were taken from them, and that they were then  
13 marched to Prizren and eventually forced to go to Albania." I'm not  
14 talking about the number involved now. I'm talking about the allegations  
15 contained here, that they were treated in this way.

16 A. Treatment of civilians was clearly prescribed and regulated

17 through several orders. All of those who violated these orders in any way  
18 were held accountable. So as far as this is concerned, I practically have  
19 nothing else to add. All civilians that were found were to wait for the  
20 army to pass by and then they would safely return to their own homes. The  
21 practice was that the army would not contact civilians, especially  
22 ordinary soldiers, that only officers should do that. No searches, no  
23 identification of civilians were carried out by the military if a police  
24 unit was nearby. That is police work, and they were allowed to do that.  
25 JUDGE BONOMY: General, were there any occasions when any of your

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1 officers or men violated these orders and had to be held accountable?

2 THE WITNESS: [Interpretation] Yes. Yes, it did happen. It  
3 happened later, that is.

4 MR. MILOSEVIC: [Interpretation]

5 Q. General, in relation to this question put by Mr. Bonomy, what did  
6 this violation of orders consist of?

7 A. Well, for the most part, it happened in the later period, when  
8 the border towards Albania was closed, because within the preparations for  
9 defending the country we laid mines five kilometres in the border belt,  
10 and even the road leading to Albania was mined. For a few days civilians  
11 could not go to Albania because they were not taken in by the Albanian  
12 side either, so there was this long column of civilians standing on the  
13 road for days. They didn't dare go off the road because everything had  
14 been mined. Soldiers had to stand next to them so that they would not  
15 have to keep saying that there were mines by the road all the time.  
16 A certain number of soldiers took money from the civilians then

17 and they were arrested and court-martialled.

18 Q. Do you have any cases of any of your soldiers killing any  
19 civilians?

20 A. I have had such cases too. I know practically of each and every  
21 specific case of this kind. They did not occur in this area here. They  
22 occurred later. My unit killed eight civilians: One in 1998, that was  
23 manslaughter in Opolje; and several civilians were killed during the war.  
24 Out of that total number, one civilian was killed by one soldier and he  
25 was arrested subsequently. I think that's contained in the documentation

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1 here. He was taken before a court-martial. Two officers and two soldiers  
2 killed two civilians. They were arrested later. And I think that in 2002  
3 or 2003 they were sentenced by the military court-martial. The total of  
4 their sentence was 35 years.

5 There was yet another officer who when ambushed in a village  
6 opened fire. So there were both terrorists and civilians there, people  
7 who were fleeing. He killed three civilians. He did not hit the  
8 terrorists. He was arrested after the war three days after this happened,  
9 and I think that he was sentenced but to a term in the prison hospital  
10 because of his medical condition.

11 Q. All right, General. But now that you're dealing with this, would  
12 something like that ever happen without measures being taken in accordance  
13 with the law towards the perpetrators later?

14 A. Whenever we received this kind of information - and it came down,  
15 or rather, up the chain of command and others came along the security  
16 chain - we always reacted when receiving such information. The security

17 organ, the military police company would arrest all perpetrators of  
18 crimes.

19 Q. Thank you.

20 A. And they were all sent further on to the war court in Pristina.

21 Q. Thank you, General. Let's go back to Celine. I quoted  
22 everything that you heard. You gave your own comment. In relation to  
23 Celine, there is a statement that you signed and it's dated the 18th of  
24 December, 2002. And it says: "What we know about the alleged crimes in  
25 the village of Celine. " The statement is submitted to the Commission for

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1 Cooperation, to this expert team. And then you refer to information made  
2 public in the indictment against the former president of the FRY, Slobodan  
3 Milosevic. And you say: "I first heard of crimes allegedly committed in  
4 the village of Celine on the 25th of March, 1999."

5 A. Yes.

6 Q. What is the essence of this statement of yours -- or rather, in  
7 paragraph 3 you say: "From my conversations with unit commanders, I  
8 learned that Combat Group 2 had gone through the village of Celine after  
9 it had been taken by MUP forces. The village was fought over but nothing  
10 unlawful took place. Later in the afternoon, the unit continued moving  
11 towards the village of Retimlje."

12 A. It's not stated here, but it says in another statement of mine, a  
13 comprehensive one, I was in the Celine in the evening -- or rather, I  
14 passed through Celine. The asphalt road is very close to the village of  
15 Celine. And I was in the village of Velika Hoca in the evening and in  
16 Nogovac and I passed by Brestovac to Velika Hoca. I was supposed to give

17 the police some assistance there, and then I returned to Nogovac where a  
18 police armoured vehicle had turned over, and there was an officer who was  
19 trying to get this combat vehicle out.

20 At that time, around 2000 hours, I was informed that my barracks  
21 had been bombed. Then I passed through the village of Celine, came out on  
22 the asphalt road, and that was probably about 2100 hours -- almost 2100  
23 hours when I passed through the village of Celine and went to Prizren to  
24 see the barracks that had been bombed that day.

25 JUDGE BONOMY: General, is the action in Celine something you

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1 would normally write an analysis about afterwards?

2 THE WITNESS: [Interpretation] Well, you see, this is not a  
3 separate action. An analysis is written about every event. We saw the  
4 previous analysis that has to do with this entire terrain. So  
5 specifically it's not written about Celine only.

6 JUDGE BONOMY: So do we have the analysis that includes reference  
7 to this action?

8 THE WITNESS: [Interpretation] Oh, yes, of course. We've already  
9 gone through it. Let me just see the tab number.

10 MR. NICE: Your Honour, while the witness is --

11 THE WITNESS: [Interpretation] It's tab 359.

12 MR. NICE: While the witness is doing that and before we lose the  
13 point, he spoke of "this tab" that we are currently looking at, 368, being  
14 a shorter version of a more comprehensive document. I'm sure it will help  
15 us all if we know if the comprehensive document has already been looked at  
16 or if it's within the papers or is it elsewhere.

17 THE WITNESS: [Interpretation] That is yet to come, later.

18 THE ACCUSED: [Microphone not activated] When document 359 was  
19 placed before the witness - that is an analysis of the brigade  
20 operations - I said that it includes all the events that follow later in  
21 the other documents. So it pertains to operations of the 549th Motorised  
22 Brigade in destroying Siptar terrorist forces in the wider area of  
23 Retimlje and the deblockade of Suva Reka-Orahovac. That is the time from  
24 the 25th of March until the 29th of March. And that is written already in  
25 line 1. What I quoted a few moments ago, what the analysis pertains to,

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1 that is the combat operations of the brigade in destroying the Siptar  
2 terrorist forces and deblocking facilities. So this analysis pertains to  
3 all these events.

4 JUDGE ROBINSON: Yes. I think I see the reference to 7 on page 3  
5 in --

6 THE ACCUSED: [Interpretation] Well, here already on page 2 it  
7 says: "During the first day, in Bijela Crkva, Brnjaca towards the village  
8 of Celine. Then Mala Hoca, then Velika Hoca-Brestovac-Osmanica and so on  
9 and so forth. So that is what is described. The entire work of the  
10 brigade is described during these few days between the 25th and 29th.  
11 It's all included in this analysis.

12 JUDGE KWON: Mr. Delic, you said the operation in Celine took  
13 place on the 25th of March.

14 THE WITNESS: [Interpretation] Yes.

15 JUDGE KWON: Would it be possible that on the next day, 26th of  
16 March, a group of people who looked like Arkan's men with long beards,

17 with shaved heads could be seen there?

18 THE WITNESS: [Interpretation] Arkan's men are often mentioned.

19 The Siptar terrorists mentioned them most of all so that they could  
20 intimidate their own population. I never saw them. I would not allow  
21 such men to be in my area of responsibility anyway. Quite simply, as for  
22 such persons with very short hair, very long hair, with knives, wearing  
23 beards, there were no such individuals in my zone. I'd never allow that.

24 JUDGE KWON: Very well. Thank you.

25 MR. MILOSEVIC: [Interpretation]

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1 Q. General, are you aware of the order of the Supreme Command not to  
2 allow any paramilitary formations and if any such people were to be seen,  
3 they were supposed to be disarmed and arrested?

4 A. Yes, I'm aware of that, and all officers were aware of that.

5 Q. General, in document 369 there is a statement of Colonel Vukovic,  
6 whose unit was precisely in that area. Is that correct?

7 A. Yes. That is the unit that passed through Bijela Crkva, through  
8 Celine, Nogovac, went by Velika Krusa. So they were moving along the  
9 west-east axis and towards Randubrava. That is where they were operating.

10 Q. In relation to that -- or, rather, what we commented upon a few  
11 moments ago, in the fifth paragraph of this statement of his, he says that  
12 "At about 1400 hours he came across a group of civilians with some women,  
13 children, and elderly males among them. The group was hiding in the  
14 Hocanska Reka river-bed. There were about 200 civilians in the group. I  
15 spoke with an elderly man, and he told me they were from the villages of  
16 Celine and Nogovac. I ordered them to remain there until the soldiers had

17 gone and then to go back to their villages. I know that the group of  
18 civilians went to the village of Celine later because I was informed about  
19 it by the commander of the fire support group, Captain Feta Elifat. I  
20 relocated the fire support group to the sector of Brinje. We did not go  
21 back to the village of Celine and I do not know what happened to this  
22 group of civilians."

23 So that's what you knew too.

24 A. It's not the valley of Hocanska Reka or the Hocanska Reka  
25 river-bed. It's a tiny little river, a brook. And there are very small

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1 shrubs around it.

2 Q. He says that the unit did not commit any crimes in the village of  
3 Celine or its surroundings and that he was not aware of some other unit  
4 having committed the alleged crime.

5 A. I was constantly in contact with that commander, as I was with  
6 the commanders of the other combat groups.

7 Q. For the most part, this is a response to what is alleged in the  
8 book "As Seen, As Told."

9 A. Even before that book was published, in the year 2000, when the  
10 corps commander summoned all the brigade commanders, he provided us with  
11 some excerpts. He said Bijela Crkva, Velika Krusa and so on, that's up to  
12 you to say what happened there, so that in the year 2000 the commander  
13 asked for explanations and brief statements. Those statements were about  
14 a page long. Later on in this book published by the humanitarian right  
15 fund of Natasa Kandic "As Seen, As Told," we read a lot of details which

16 resembled the allegations in the indictment.

17 Q. Tell me, who is Captain First Class Feta Elifat?

18 A. In my 2nd Battalion, he was the commander of the 125-millimetre  
19 mortar battery.

20 Q. His statement is in tab 370, and it says: "In the village of  
21 Celine, I did not open fire because there was no request."

22 A. The village of Celine was taken by the police units. If you look  
23 at the map, here is Bijela Crkva and here is the village of Celine. The  
24 mortar battery had taken up positions near Bijela Crkva, and the police  
25 were deployed from this main road in the direction of Celine. When the

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1 army arrived, Celine was practically already taken and fighting continued  
2 onward.

3 Q. But if you remember, although I quoted extensively, it says: "On  
4 the 25th of March, the forces from the FRY and Serbia surrounded Celine  
5 with tanks and armoured vehicles." "Tanks" refers to the army. It says  
6 here that: "After shelling the village, they entered the village and  
7 then" -- is this correct or not?

8 A. This is simply not correct. The term "to surround" means to  
9 encircle the entire village from all sides. And on each one of these  
10 maps, you can see that the police arrived from the south-west and that the  
11 army arrived from the west, in the west-east direction. The village was  
12 not surrounded at any point in time.

13 Q. It says here that you first surrounded it, then shelled it, and  
14 then went to burn, loot, and so on.

15 A. This is absolutely contrary to any kind of military logic. If

16 you surround a small village, you cannot shell it, because if you did, you  
17 would have losses among your own men from your own fire. So it would be  
18 completely illogical, and I know such things did not happen there. I was  
19 there.

20 JUDGE KWON: General Delic, in this tab, 370, which is a  
21 statement of Captain First Class of Feta Elifat, there's a passage which  
22 says that their observation post was at TT440. If you could tell me what  
23 that 440 is.

24 THE WITNESS: [Interpretation] That is a trig point. It's a term  
25 from topography. A trig point - I could find it on the map - means that

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1 it's an elevation. It's an elevation on the terrain and it's usually put  
2 on -- or if you want to observe, you usually do that on top of a  
3 hill. "TT" stands for "trig point" and it's a term from topography.

4 JUDGE KWON: Is it possible when the commanders communicate each  
5 other through radio they identify themselves with the numbers, such  
6 as 444, "commander 444"?

7 THE WITNESS: [Interpretation] They all have code names, so they  
8 all have a name. My name was "Poljanica" for example. After that, I had  
9 a number, so that whoever was listening to me would know it was me. For  
10 example, I was "Poljanica 319." All my commanders were also "Poljanica"  
11 but they had other numbers. Each had his own number.

12 JUDGE KWON: Does Commander 444 ring a bell to you? Is it  
13 possible that it is one of the code names?

14 THE WITNESS: [Interpretation] No. No. The situation was similar  
15 in the police units. They had to have a name, a code name of some sort.

16 I've told you what mine was. And that would be followed by a number. The  
17 number would designate the unit or the officer in question.

18 JUDGE KWON: Thank you.

19 Proceed, Mr. Milosevic.

20 MR. KAY: Just on the trig point. If Your Honour looks at the  
21 map, just to the right of the block.

22 JUDGE KWON: Thank you.

23 JUDGE ROBINSON: Continue, Mr. Milosevic.

24 MR. MILOSEVIC: [Interpretation]

25 Q. General, in connection with this area of Celine, in tab 371 there

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1 is a statement made by Warrant Officer First Class Oliver Ilijevski, and  
2 he says here that: "In the period from the 25th to the 28th of March,  
3 1999 my rifle platoon took part in the blockade." He was a platoon  
4 leader?

5 A. Yes. He was a platoon leader from the 2nd Motorised Battalion  
6 from the 2nd Company of the 2nd Motorised Battalion.

7 Q. Very well. He says: "I took part in the blockade and search of  
8 the terrain and the destruction of STS along the following axis: The  
9 village of Bijela Crkva, the village of Celine, the village of Randubrava,  
10 the village of Donje Ratinje, the village of Neprebiste, this whole  
11 axis."

12 A. Yes, he passed along this whole axis mentioned here.

13 Q. And he says: "After the march on the 25th of March, 1999 at  
14 about 0600 hours we took the line of blockade on the road near trig point  
15 440 south-east of the village of Bijela Crkva about one kilometre towards

16 the village of Celine. To my left was the platoon of Lieutenant Zivkovic,  
17 and to my right were parts of the special police unit detachment. At  
18 about 0730 hours my platoon came under fire from the village of Celine.  
19 We returned fire."  
20 And then he says that fighting lasted for about 40 minutes. And  
21 then: "The police entered the village and searched it. I presume that  
22 the routed STS retreated in haste towards the village of Randubrava and  
23 that the local population had withdrawn towards this village after the  
24 combat operations started. I went around the edge of the village and did  
25 not see any civilians. I then took a position on the Brdo sector" --

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1 JUDGE ROBINSON: What's the question?

2 MR. MILOSEVIC: [Interpretation]

3 Q. So he, too, says here that there were no civilians there and that  
4 he read about what is mentioned in the book "As Seen, As Told," that he  
5 read details about it but that he did not see this and that no other unit  
6 could have done this.

7 A. He was the commander of the platoon that passed along this axis.

8 JUDGE BONOMY: General, what was the role of Natasa Kandic in  
9 relation to the book?

10 THE WITNESS: [Interpretation] She is at the head of this fund for  
11 humanitarian -- human rights fund.

12 THE INTERPRETER: The Humanitarian Law Fund. Interpreter's  
13 apology.

14 THE WITNESS: [Interpretation] I referred to her yesterday because  
15 in her book she also quoted the OSCE sources.

16 JUDGE BONOMY: So this is a book which she wrote that's being  
17 referred to here, not the OSCE book, is it?

18 THE WITNESS: [Interpretation] This is a book published by the  
19 Humanitarian Law Fund. Natasa Kandic is the head of this fund.

20 MR. MILOSEVIC: [Interpretation]

21 Q. Is this the book "As Seen, As Told"?

22 A. Yes. This is book lists all the municipalities in Kosovo and  
23 Metohija and what allegedly took place there from village to village.  
24 When you read the book, you can see that most of the sources used were  
25 Albanian. Only Albanian sources were used and also OSCE sources in some

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1 parts.

2 THE ACCUSED: [Interpretation] Did I understand correctly,  
3 Mr. Robinson, that allegations -- or, rather, that it is said here that  
4 this is an OSCE book.

5 JUDGE ROBINSON: Where is that said?

6 MR. NICE: Your Honours, we -- we all know the book about the  
7 book "As seen, as told." At the moment I suspect we're only interested in  
8 what the witness's understanding of that book is and we can deal with the  
9 consequences of that later.

10 JUDGE ROBINSON: Proceed, Mr. Milosevic. And you were to try to  
11 go through these tabs as concisely as possible.

12 THE ACCUSED: [Interpretation] I'm trying, Mr. Robinson, to go  
13 through it as quickly as possible, but all this refers to the allegations  
14 made by Mr. Nice.

15 MR. MILOSEVIC: [Interpretation]

16 Q. General, the witness of the other side, Reshit Salihi from  
17 Celine, said here -- it's from the 19th to the 22nd of April, 2002, and  
18 the transcript is page 3542. He comes from Celine and he said: "On the  
19 24th of March, the Serb army was" -- it says elsewhere that they were  
20 wearing black uniforms, so this is not in the statement, "that they opened  
21 fire on houses and buildings, including the mosque in Celine, that on that  
22 occasion they set fire to houses, that the units of the Army of Yugoslavia  
23 on that day surrounded the village of Celine, shelled it, set it on fire,  
24 and then the Army of Yugoslavia entered the village and opened fire on  
25 houses and buildings. This is almost identical to what Mr. Nice says in

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1 paragraph 63(A), but this is a witness brought here called by Mr. Nice.

2 What can you say about this?

3 A. I can say that this is absolutely untrue. A date is mentioned,  
4 the 24th of March. And as can be seen in all the documents and orders, on  
5 the 25th of March in the morning, that's when the operation started.  
6 As for black uniforms, only the special units of the KLA had black  
7 uniforms and their military police. In our army, there are no black  
8 uniforms.

9 Q. Very well. Let's say he was mistaken in the date. But is any of  
10 this true, as far as the events go?

11 A. I've already said this.

12 Q. Yes. You did say that. It corresponds to paragraph 63(A) of  
13 Mr. Nice.

14 As you say that it does not tally with the truth, do you feel  
15 that this witness is lying?

16 A. This witness is not telling the truth.

17 MR. NICE: Your Honour --

18 JUDGE ROBINSON: Yes, that's an improper question.

19 THE ACCUSED: [Interpretation] Very well.

20 MR. MILOSEVIC: [Interpretation]

21 Q. What do you know about the attack on the old mosque?

22 A. In relation to houses of worship and religious buildings, they  
23 received special treatment because any firing on such buildings is banned.  
24 These buildings, however, do not enjoy the same protection if they are  
25 used as sniper nests or if fire is opened from them. I know about some

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1 other buildings in this area. I think the mosque in Nепrebiste, in  
2 Retimlje, in Landovica and in Pirane, I have information about those, but  
3 I don't have any information that there was fire opened from this mosque  
4 or that anybody fired on it.

5 Q. Very well. This witness says that the Serb forces ordered the  
6 men -- men to separate off from the women and children, that their  
7 valuables and documents were taken and burned. After that the men formed  
8 a line and were marched at gunpoint to Prizren, and that they stood at the  
9 checkpoint with their hands raised for six hours. Can you say anything  
10 about these allegations. That's page 3543 of the transcript in the  
11 testimony of this witness.

12 A. All I can say is, if you look at this map, this is where my units  
13 were in the blockade. My major, now lieutenant colonel, Radivoj Paravinja  
14 was here. I spoke to him personally when I was trying to find out about  
15 all this.

16 This could not have happened, for somebody to be marched at  
17 gunpoint or to be made to stand for six hours at a checkpoint, because my  
18 troops were from this crossroads as far as the village of Landovica.  
19 That's where they were deployed. And that's several kilometres. This  
20 could not have happened in this area without my receiving a report about  
21 it.

22 Q. This witness also says that on the 26th of March, at about 0700  
23 or 0800 hours in the morning, a group of over 40 policemen arrived at the  
24 Pisjak forest where five to six thousand refugees were hiding and  
25 threatening them with weapons, stole their money, jewellery, and personal

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1 documents. Is this true?

2 A. The pisjak forest -- as I said, on this territory, as far as the  
3 line you can see on the map here, up to the Orahovac-Velika Hoca-Suva Reka  
4 line, this whole area is devoid of any kind of forest where 6.000 people  
5 can hide. These are vineyards for the most part. From the Mala Krusa  
6 farm and Odrovino [phoen] of Orahovac and the privately owned vineyards  
7 from these villages, there are no forests here. There are various streams  
8 which have shrubs growing around them, and near Retimlje there is a very  
9 small wood. The forests go up from this line here, on Mount Milanovac. I  
10 was not able to find the term "pisjak" on the map. They call the forest  
11 pisjak.

12 Q. Yes, it says "pisjak."

13 A. On our maps, regardless of their scale, I was unable to find such  
14 a term or place name.

15 Q. General, another witness called by Mr. Nice, Agim Zeqiri from  
16 Orahovac, said that: "A column of refugees comprised of about 4.000  
17 people and that it was followed by the army and the police while on their  
18 way to Albania." Could you now explain. It's on pages 757-758 of the  
19 transcript. Were these people expelled towards Albania, as this witness  
20 says?

21 A. Yes. The allegation is that the army expelled and escorted  
22 somebody. Absolutely never did the army expel or escort anybody on their  
23 way to Albania. You cannot consider as escort the fact that there were  
24 soldiers standing along the asphalt road leading to the border. The  
25 soldiers had to stand there for several days until this area was sealed

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1 off by tape. The soldiers -- the troops had to stand along the road to  
2 prevent anybody stepping away from the road and into the minefield. So  
3 the troops were there to protect the civilian population, but the road  
4 section concerned is from the border up to Zur village and another  
5 village, which I believe is called Muradem. Those were the only places  
6 where you could see troops standing along the road. Here as well the  
7 troops were standing along the road.

8 I was informed by a commander of mine that on the 27th certain  
9 groups of civilians passed through going from different directions and  
10 they took the asphalt road, travelling in groups of several vehicles, but  
11 nobody stopped them, because they just passed through along the asphalt  
12 road.

13 Q. So this quotation, it's not true, is it?

14 A. No, it is not.

15 Q. Thank you. Another witness, Isuf Jemini from Celine says in his  
16 statement that "By radio communication" -- and here we see the figure  
17 mentioned by Mr. Kwon, code 444 -- "he heard the voice of a policeman from  
18 Celine saying that many people in Celine had been killed; whereas, another  
19 voice allegedly asked: Was it a larger massacre than in Racak? And the  
20 reply to that was, 'twice larger'." That's in the transcript page 8562  
21 and 8563. We heard this testimony on the 24th of July, 2002.  
22 Could you tell me first about this word "massacre" in Racak. Who  
23 used that word with regard to Racak?  
24 A. The first time I heard it was from Mr. Walker. I believe he was  
25 the first.

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1 Q. Was there anybody on our side, in our army, among our police who  
2 used the word "massacre," talking about Racak or any other place in  
3 Kosovo?  
4 A. I never heard anybody describing operations in Racak as a  
5 massacre.  
6 Q. Does it seem logical to you for our policemen to talk amongst  
7 themselves and to use the word "massacre" to describe events in Racak?  
8 A. I never heard of any such thing. I believe that is impossible.  
9 The communications that exist in the police are both vertical and  
10 horizontal, and they're our superiors. Such communications is not  
11 possible. At the end of the day, I had communications both with my units,  
12 and I had two communications -- communication devices that were used by  
13 the MUP and I could follow their communications as well. The reason that  
14 I was able to follow their communications was that they sometimes needed

15 assistance, and the only one who could decide that assistance be given to  
16 them was me. That is why I listened to communications effected using  
17 these hand-held radios among MUP troops; although, I primarily listened to  
18 communication between my commanders. But something of this kind is  
19 nothing like what you would expect from either the army or the MUP.

20 Q. You say you had two radio devices of the MUP that were constantly  
21 on. Did you ever hear a code 444?

22 A. No, never.

23 Q. Would you have had to hear yourself or anybody who listened to  
24 this radio traffic any such conversation, if it ever took place?

25 A. My subordinate commanders were not able to follow this radio

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1 traffic. I was the only one who could. My subordinate commanders could  
2 only communicate with me.

3 Q. This testimony says that the conversation was referring to the  
4 massacre in Celine and that according to this conversation the number of  
5 those killed was double that in Racak. Now, tell me, what do you know  
6 about the losses of the Siptar forces in Celine, where the fighting took  
7 place?

8 A. As for Celine, the fighting lasted for about 40 minutes.

9 Q. That is what your commander says -- your subordinate commander  
10 says in this statement.

11 A. Since the police was the first to come in the village of Celine,  
12 I have no information about the losses on the terrorist side.

13 Q. But do you have any idea how many were killed there?

14 A. In that prior analysis, it was stated that our estimate for this

15 entire area covered by the operations was 75 or 85.

16 Q. It was 85.

17 A. Yes, 85. So since we encountered organised resistance and since  
18 defences were put up in terms of engineering and certain routes were mined  
19 by the terrorists, we did not find a single wounded terrorist; we found  
20 blood-stains. In one place I even found a bloodied cap and remnants of a  
21 skull. But the terrorists who were wounded were obviously pulled back  
22 together with the terrorist units deeper into that area.

23 Q. In any case, would you have had to have known about anything that  
24 happened in Celine?

25 A. Well, my units were directly along the road, and you can see on

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1 the map the situation was the same for several years back. Here you see  
2 the intersection where the railroad diverts from the road. My forces were  
3 along here. They were blocking forces. Their only assignment was to  
4 prevent any possible breakthrough by the opposite forces, by the enemy,  
5 towards the Drim River. All these units were commanded by Major  
6 Paravinja. If anything had happened here directly near the road, either  
7 he or some other commanding officer would have had to see it, be it  
8 something involving the army or the MUP.

9 Q. Very well, General. Thank you. Now, my request, Mr.

10 Robinson --

11 JUDGE ROBINSON: Time for the break. But you had a point?

12 THE ACCUSED: [Interpretation] It has to do with the exhibits. I  
13 am asking for them to be admitted, those that we have already dealt with,  
14 and we have reached tab 372, that is, 371 inclusive.

15 [Trial Chamber confers]

16 [Trial Chamber and legal officer confer]

17 JUDGE ROBINSON: Yes. 367 and 368, admitted, his statements.

18 The others are marked for identification.

19 We'll adjourn for 20 minutes.

20 --- Recess taken at 12.18 p.m.

21 --- On resuming at 12.43 p.m.

22 JUDGE ROBINSON: Yes, Mr. Milosevic. Continue.

23 MR. MILOSEVIC: [Interpretation]

24 Q. General, in document 372 we have a map showing Landovica. We

25 have also a witness statement here, a statement by a Prosecution witness,

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1 referring to Landovica. But first of all let me ask you: What did the

2 army do in Landovica and what can you say about the map under tab 372,

3 showing Landovica?

4 In fact, we have two maps here, 26th of March at 0600 hours and

5 the same date 1200 hours.

6 A. The village of Landovica is situated close to the road

7 Prizren-Zrze-Djakovica. It is very close to Prizren, just a couple of

8 kilometres away from Dusanova [phoen] village. In this village -- or its

9 immediate vicinity, rather, is my command post during the war, and several

10 times during 1998 and 1999 my command post was occupied. This is the

11 village. Two to three hundred metres above it are artillery positions.

12 These positions were engineered during peacetime and positions were taken

13 there several times during military drills. The village is about 200 to

14 300 metres away.

15 There are also defended positions and shelters from my units, the  
16 reconnaissance company, and the communications company -- the signals  
17 company, rather. I'm saying this because very frequently at this time we  
18 were in the close vicinity of Landovica and we believed there could be no  
19 terrorists there simply because we were so close by. And when we were  
20 planning this activity, we excluded Landovica village from the operation  
21 precisely due to my own estimate and the estimate of my commanding  
22 officers that Landovica is two to three hundred metres away only and there  
23 could be no terrorists there. That is why we situated the line of  
24 blockade outside of that village.

25 JUDGE KWON: Just a minute. I'm afraid the -- the map we are

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1 looking at through the ELMO is different from what I have. Mine says it's  
2 dated 26th of April and does not have that markings.

3 [Trial Chamber confers]

4 JUDGE KWON: Yes, it's different -- 26th of March. Yeah.

5 THE WITNESS: [Interpretation] There are two maps. One is dated  
6 the 25th, showing the deployment of units on the 25th. And the second one  
7 is for the 26th. I have now placed on the ELMO the map showing deployment  
8 on the 26th.

9 THE ACCUSED: [Interpretation] I said, Mr. Kwon, that there are  
10 two maps in this tab. One is for the 25th at 0600 hours and the second is  
11 for the 26th. It's 1200 hours.

12 JUDGE KWON: We do not have the first one, dated 25th of March.

13 MR. MILOSEVIC: [Interpretation]

14 Q. General, can you explain both these maps? You can place the

15 first one on the ELMO and then the second one.

16 A. From the viewpoint of events in Landovica village, both maps are  
17 usable because the events took place on the 26th. We had better keep here  
18 the map referring to the 26th. The only difference is that on this map we  
19 can see the deployment of units -- other units.

20 MR. KAY: Tab 380 has the map for 25th.

21 JUDGE ROBINSON: Oh, yes. I see. Thank you, Mr. Kay.

22 JUDGE KWON: Maybe the first map was included in 380 by mistake  
23 or something like that.

24 THE ACCUSED: [Interpretation] Yes, it's probably been a mistake,  
25 because there's nothing in my tab 380 and both were placed in this

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1 tab 372. But the important thing is that you have both.

2 MR. MILOSEVIC: [Interpretation]

3 Q. Please explain, General.

4 A. This is the map of the 26th. This map shows where Landovica is  
5 and it shows the positions of the artillery battery of 122 millimetres,  
6 one of its parts, that is. And also the 128-millimetre rocket launchers  
7 battery. Then it also shows in front where the blockade forces are, and  
8 it also shows here where the units are further up, where the operations  
9 are taking place on the 26th.

10 Q. The operations did not involve the village of Landovica.

11 A. No. The village of Landovica, according to my estimate and that  
12 of my superior officers, precisely because of this immediate proximity --  
13 or how should I put this? The fact that every year several times we were  
14 in the immediate vicinity of this village, my command post here, that is

15 underground, we thought that 200 or 300 metres away from our positions the  
16 terrorists would not be there, they would not be organised, and that's why  
17 we excluded this village from the blockade and it was not supposed to be  
18 searched, or quite simply, the army was not supposed to enter it at all.  
19 Q. All right. You wrote a statement about what happened in  
20 Landovica on the 26th of March. The event relates to the 26th of March,  
21 that is. And it's on the 18th of December, 2002 that you wrote your  
22 statement. This statement of yours is contained in document 373. And  
23 here in paragraph 2 it says: "No fire was ever opened from the village.  
24 We did not have any problems with the local people. That is why the  
25 village was outside the blockade line. Soldiers were forbidden to enter

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1 the village without officers or buy any items from the shops on the  
2 territory, especially food. The order was occasionally breached, however,  
3 with or without the knowledge of junior officers. Later interviews with  
4 soldiers revealed that soldiers from Landovacko Brdo occasionally went  
5 down to the shops in Landovica village to buy cigarettes, juice, sweets,"  
6 et cetera.

7 Now, there is a description here of what happened on the 26th.

8 What was this all about, actually? Can you tell us briefly? Or will you  
9 just quote what you have already written in your statement? It's all the  
10 same.

11 A. This is what I know from my conversations with the unit, the  
12 commander of the Howitzer unit, and that is my knowledge from that period  
13 of time. Although security organs also carried out their own

14 investigation, there were actually two soldiers who survived. One was  
15 wounded and the other one was not wounded. In the briefest possible  
16 terms, four soldiers from this unit, because they came beforehand as well,  
17 knew that there was a shop in the village. They went down into the  
18 village. They went to that shop. The shop was closed, which was unusual.  
19 What I knew, I wrote down in this statement. They broke into this shop.  
20 They used force to open the door, that is. They took a few small bags of  
21 potato chips and some juice from the shop and they set out to go back to  
22 the unit.

23 Fire was opened at them from the surrounding houses. Three  
24 soldiers were wounded. The soldier who was the first one in the column  
25 was not wounded. So since he could not help them because shooting was

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1 coming from several houses, he practically ran to his unit to say what  
2 happened.

3 They reacted from the units immediately. First the commander  
4 informed me that they had wounded or killed soldiers in the village. I  
5 immediately ordered that these soldiers had to be taken out of the village  
6 since they said that they could not get into the village now, that there  
7 was strong fire coming from the mosque and from several houses, and now  
8 even from the outskirts of the village. Then I ordered that a platoon  
9 which was on the reserve force move to the village straight away. I  
10 ordered the commander of this unit that was with the forces in the brigade  
11 to single out part of the forces, and I ordered Combat Group 1, which was  
12 closest, to set out a tank immediately and to give it to that group.  
13 As it says in my statement, the fighting went on until dark. As

14 soon as fire opened and before the army came in, the population which was  
15 in the village went in two directions, and with them part of the  
16 terrorists too. One group went through these vineyards here towards  
17 Gornja Srbica, the village of Gornja Srbica. And the others went to the  
18 area of the village of Atmadja, across the asphalt road.

19 When the units arrived, two soldiers were dead and one was  
20 wounded. Later, when speaking to this soldier, he actually said that they  
21 were all hit, all three of them, since gunfire was coming from the  
22 neighbouring houses, that the terrorists got out of the houses. These two  
23 soldiers were moaning because of their pain. The terrorists walked up to  
24 them and fired an entire clip into each -- into each one of them. The  
25 third soldier pretended to be dead. He just lay there. He was seriously

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1 wounded with several bullets. But the terrorists just walked up to him,  
2 took his rifle, and went back to the houses.

3 So the fighting went on there until nightfall. The terrorists  
4 who were withdrawing during the fighting towards the village of Gornja  
5 Srbica were practically assisted by a group that was behind the back, the  
6 village of Atmadja. Fire was coming at this unit from the back, so forces  
7 had to be engaged in order to neutralise that group too.

8 So on that day in that village two soldiers were killed and one  
9 was seriously wounded. Later on when the village was examined, it was  
10 established that near the shop the headquarters for that village were  
11 located with part of the weapons, communications devices, ammunition,  
12 these maps. Later on bunkers were found in the village near some houses.  
13 We hadn't noticed that before. And concrete pillars were used to fortify

14 these bunkers, those that are usually used in vineyards.

15 Q. General, you described that in your statement, and we see in  
16 document 374 -- your statement was document 373. And in 374, we see the  
17 statement of Lieutenant Colonel Radivoj Paravinja, who was in charge of  
18 that unit, I assume.

19 A. Yes. The dead soldiers came from his unit. At that time, he had  
20 a different assignment but he received orders from me to come to assist  
21 this unit with part of his forces.

22 Q. His statement matches what you said in your statement, the  
23 information that you have.

24 A. Yes, Generally speaking, it does.

25 JUDGE ROBINSON: Mr. Milosevic.

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1 THE ACCUSED: [Interpretation] Yes.

2 JUDGE ROBINSON: Will you be calling any of these persons who  
3 gave statements to the commission for cooperation?

4 THE ACCUSED: [Interpretation] Well, I can call them as witnesses.  
5 Some of them are on the witness list. It depends on the significance that  
6 is attached to these statements that they had already given, but some of  
7 them can certainly testify in far greater detail because General Delic  
8 commanded that entire unit. I assume it would be useful to hear the  
9 testimony of one of his commanding officers from his unit for the  
10 particular areas that they were in charge of so that the situation would  
11 be quite clear.

12 JUDGE ROBINSON: It's always a good strategy to get witnesses who  
13 are close to the action.

14 MR. MILOSEVIC: [Interpretation]

15 Q. General, a witness was here for the other side, Halil Morina  
16 about Landovica. He spoke about this event that you have just described  
17 and we also have a statement of Lieutenant Colonel Paravinja about what  
18 happened there. I'm going to quote a particular page of the transcript  
19 for you. 892 is the transcript page. I'm just going to quote a few words  
20 and then from some other pages as well.

21 MR. NICE: [Previous translation continues] ... give us the date.

22 I find that our page numbers don't match and sometimes the date's an  
23 easier method to track the transcript down.

24 JUDGE ROBINSON: Yes, Mr. Milosevic, will you assist in that way.

25 THE ACCUSED: [Interpretation] On the 21st of February, 2002.

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1 That's when he testified.

2 MR. KAY: I think maybe 25th.

3 THE ACCUSED: [Interpretation] What I have written here is  
4 the 21st. But possibly you're right, Mr. Kwon. At any rate, it is page  
5 892 of the transcript. I'm just going to quote a few things from there.

6 MR. MILOSEVIC: [Interpretation]

7 Q. He says -- he mentions a jeep: "[In English] A military vehicle  
8 came a few minutes after the shelling and I was with my brother and his  
9 wife. He came with me and there was shelling going on and firing into the  
10 air."

11 [Interpretation] Further on, on page 893: "[In English] I saw  
12 them when they were burning the village. They killed a gypsy. And when  
13 they came down, they killed Avdi Gashi, an Albanian. And a paralysed

14 woman, they set fire to her in her own home."

15 [Interpretation] And then there's a question: "[In English] How

16 long did the troops stay in your village? Until 7.00.

17 [Interpretation] On page 894 at the very beginning it says [In

18 English]: "Then we went to see what was happening, what had happened in

19 the neighbouring houses. Then I went to our home. We saw that it was

20 burnt."

21 [Interpretation] Later on, on page 894: "[In English] That late

22 afternoon, early evening, did you notice the condition of the mosque?

23 "No. It was on the next day that I noticed it. On the 27th."

24 [Interpretation] Then he says on page 895: "First I went to the

25 neighbouring house and [In English] there were 13 dead bodies lying on the

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1 floor. Then we went to search in other houses of the village to see if

2 there was anyone left. We didn't find anyone. And then we returned back

3 home. No, first we went to bury -- we went to search for our family. 39

4 members they were. We didn't find them. Until 11.00, we looked around in

5 the fields, in the brook, everywhere. We didn't find them. They had left

6 for Prizren."

7 [Interpretation] And then he's asked again [In English]: "I want

8 to be clear about the mosque. You told us you saw it the next day,

9 the 27th. We're on the 27th. Was it at this time you saw the mosque or

10 was it later?

11 "I saw it on 27th, at 11.00. We came from the field and went

12 back home. Then a group of soldiers came and examined the corpses, and

13 three of them went to the mosque. They entered the mosque. They had

14 white ribbons on their arms and they started to fire at the mosque, to  
15 shell it. In ten minutes, I heard the explosive, a blast, and the minaret  
16 fell."

17 [Interpretation] Then he says: "[In English] [Previous  
18 translation continues] ... they got down out of the car. They entered the  
19 mosque, they placed the mine, and I heard the explosion, and then I saw it  
20 toppling down. Nothing else."

21 [Interpretation] Then he explains on 897: "[In English]  
22 [Previous translation continues] ... cars, and there was a Zastava car.  
23 Before they shelled the mine, they came and examined the corpses. Then  
24 they shelled the mine. They came back and borrowed a private Zastava, on  
25 which they loaded the bodies of the dead people."

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1 [Interpretation] So you've heard this witness's statement. He  
2 says that the village was heavily shelled. He says that 13 dead people  
3 were found in a house. Not to repeat everything I've already quoted from  
4 this testimony, what can you say about this testimony?

5 A. This witness says that he was in the village all the time. In  
6 the village, from the 26th, when the shooting started, and onwards there  
7 was no one there and no one could return to that village because my unit  
8 was still on the position that is depicted here. They did not allow  
9 anyone to return to the village without reporting to the commander of the  
10 unit before that. So this story that somebody could be strolling around  
11 the village all the time is totally incorrect.

12 Q. Thank you, General. In document 375, there is a criminal report  
13 of the military police -- or rather, it says here: "Authorised official

14 of the military police in Prizren, the 27th of March, 1999, against Siptar  
15 terrorists unknown on the basis of the well-founded suspicion that the  
16 said persons committed the crime of terrorism from Article 125 of the  
17 Criminal Code of the FRY because on the 26th of March, 1999 around 1400  
18 hours in the village of Landovica near Prizren they launched an attack  
19 against four soldiers," and then the names of the soldiers are given, "and  
20 they were killed."

21 A. Yes, this report was submitted to the military prosecutor.

22 Q. Was this the regular way of proceeding in connection with such  
23 events?

24 A. When such events occurred, criminal reports were submitted  
25 against the perpetrators -- or rather, perpetrators unknown, because at

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1 that time we could not determine who had attacked those soldiers.

2 Q. General, in this event in Landovica you have precise information  
3 as to who the soldiers were who were killed and who was the wounded  
4 soldier. Do you have details of the KLA members who were killed who had  
5 attacked these soldiers?

6 A. There were several of them. Six or seven. I'm not sure about  
7 the exact number.

8 Q. When your forces arrived there, I understand that the civilians  
9 had already left the village.

10 A. Those civilians were in the village until fire was opened on the  
11 soldiers. After that, quite a lot of time elapsed before the units  
12 arrived and before the first aid arrived about half an hour ago [as  
13 interpreted]. The troops from the reserve and those who were supposed to

14 help arrived about one and a half hours later. The civilian population  
15 had left, and some of the terrorists had probably also left, and later on  
16 they fired at the reinforcing unit in the back, from the rear.

17 Q. Thank you, General. Tell us something about the Official Note  
18 provided in tab 376, bearing the date the 27th of March, 1999.

19 A. This is an Official Note issued by an authorised official of the  
20 military police who drafted the criminal report. He interviewed the  
21 soldiers in this unit. He was probably unable to interview the wounded  
22 soldier. I don't know. But he interviewed the soldiers who had been with  
23 them, and he drew up this note to describe what had happened and what the  
24 soldiers had been doing.

25 Q. In these Official Notes, in your statement, in the statement of

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1 your superior commander, the events described differ significantly from  
2 the description given by the witness Halil Morina here.

3 A. The witness spoke of shelling. As I have already explained, we  
4 considered the village of Landovica to be a friendly village in our  
5 immediate vicinity, and we were surprised when our soldiers got killed in  
6 that village. We contacted the villagers -- or rather, we had contacts  
7 with them. On more than one occasion, I had been in that village or its  
8 immediate vicinity when I was checking my command post, which was  
9 underground. On one occasion, I had contacts with the head man of the  
10 village because sometimes the children would damage the door and sometimes  
11 they would cut the electricity wires in that facility of mine, but there  
12 were no other problems, no special problems.

13 Q. And does he also say that the mosque was blown up, that  
14 explosives were placed there?

15 A. The mosque was hit in the minaret, the tower, and the rest of the  
16 damage occurred because of the firing on the minaret. The village of  
17 Landovica held a special position geographically. It was in a depression,  
18 in a small valley. And from the top of that mosque, you could have  
19 control over all the approaches to the village. So simply we could not  
20 come close to the soldiers until we had fired on the minaret.

21 Q. And had the minaret been fired from?

22 A. Yes. The minaret had been fired from. Fire was opened on our  
23 soldiers.

24 Q. Thank you, General. We will now go on to speak of Retimlje. Let  
25 us first look at the map in tab 377, and this refers to Retimlje.

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1 THE ACCUSED: [Interpretation] Let me just draw your attention:

2 In paragraph 63(B) here, Mr. Robinson, Donje Retimlje is mentioned. This  
3 reads as follows: "On the 25th of March, 1999, forces of the FRY and  
4 Serbia surrounded with tanks and various military vehicles this village.  
5 It was shelled. Several villagers were killed. After this, forces  
6 entered the house. The villagers were forced to leave and go to the  
7 neighbouring village. In the village of Landovica an old mosque was burnt  
8 and heavily damaged by forces of the SFRY and Serbia. Some of the Kosovo  
9 Albanians fleeing towards Serbia were killed or wounded by snipers.  
10 Forces of the FRY and Serbia then launched an offensive in the area of  
11 Srbica and shelled the villages of Donje Retimlje - that's the village we  
12 have on the map now - and Randubrava. It goes on to say how the Kosovo

13 Albanians were forced from their homes and sent to the Albanian border.

14 I won't read on because the rest is about Prizren and we'll deal

15 with that later because the General's command was in Prizren.

16 MR. MILOSEVIC: [Interpretation]

17 Q. General, was Retimlje a terrorist stronghold and were there

18 fortified facilities in the village and around the village? Please point

19 to the map and explain what this is about. It's the map in tab 377.

20 A. Retimlje was the centre of this territory held by the 124th KLA

21 Brigade. In Retimlje, there was also the headquarters of the 124th

22 Brigade. Their military hospital was there, and the other facilities they

23 needed. Donje Retimlje, which is also referred to as Gornje and

24 Randubrava were positions which were very well fortified from an

25 engineering point of view. In front of Randubrava and Donje Retimlje,

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1 mines were laid out with a -- special mines and these had been handmade.

2 More than one such mine had been laid.

3 Q. I asked you precisely whether Retimlje was a terrorist

4 stronghold.

5 A. Yes. It was one of the strongest enemy -- or rather, terrorist

6 strongholds.

7 Q. In Retimlje and the surrounding area, were there fortified

8 facilities?

9 A. The surroundings of both villages, Retimlje and Randubrava, were

10 fortified.

11 Q. Very well. In connection with Retimlje, you wrote a statement

12 about what you knew, and that's in document 37 --

13 JUDGE KWON: [Previous translation continues] ... before we move  
14 on, to better understand this map, could you read out the comments marked  
15 on this map, please. There's a legend and there's some comments on the  
16 markings.

17 THE WITNESS: [Interpretation] The legend says: "Disposition of  
18 forces at 1200 hours." That's shown in yellow.

19 Then it says: "Disposition of forces at 1800 hours." And this  
20 means forces in the blockade. So there are three different colours here.

21 JUDGE KWON: And the comments written in -- with the markings.

22 THE WITNESS: [Interpretation] Next to the markings are the names  
23 of the units. So these are not comments but simply the names of the units  
24 who were there.

25 JUDGE KWON: Thank you.

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1 Yes, proceed, Mr. Milosevic.

2 THE ACCUSED: [Interpretation] Thank you, Mr. Kwon.

3 MR. MILOSEVIC: [Interpretation]

4 Q. Could you please now take a look at the statement you made to the  
5 Commission for Cooperation, 18th of December, 2002. It's a statement made  
6 by you, is it, General?

7 A. Yes. Yes.

8 Q. One can see your signature here. And it's information about the  
9 fighting in the village of Donje Retimlje.

10 JUDGE KWON: [Previous translation continues] ... 379?

11 THE ACCUSED: [Interpretation] It's 379.

12 JUDGE KWON: We don't have a translation of that.

13 THE ACCUSED: [Interpretation] It's a very brief statement. I  
14 think it can be placed on the ELMO.  
15 JUDGE ROBINSON: Yes. Let it be placed on the ELMO.  
16 MR. NICE: There are quite a number of the forthcoming tabs that  
17 are not translated and it's going to be quite difficult to deal with them  
18 unless we do get translations by Monday or Tuesday at the latest.  
19 MR. MILOSEVIC: [Interpretation]  
20 Q. General, would you please read this out. It's very brief, the  
21 statement that you made.  
22 A. Yes. At the beginning of the statement it says: "Combat  
23 operation began on the 25th of March, 1999 in the area of  
24 Suva Reka-Orahovac-Velika Krusa with the following purpose: To establish  
25 control in that part of the territory, to secure that roads

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1 Suva Reka-Orahovac and Prizren-Djakovica be passable, and to crush and  
2 destroy the 124th Brigade of the KLA and other terrorist forces in the  
3 said area.  
4 "The target of attack was not the civilian population. The  
5 attack began from a circular base, circular axis. Not a single village  
6 was surrounded or attacked. Our forces reached Donje Retimlje on the 26th  
7 of March, 1999. The village was captured only on the 26th March around  
8 1700 hours. The village was defended by significant forces of the 124th  
9 Brigade of the KLA from favourable positions outside of the village and  
10 inside the village itself. The surrounding area of the village was  
11 completely well defended in terms of engineering and on southern axes to  
12 the village targeted action mines, improvised mines, were detected.

13 Artillery began to act on the trenches on the 26th of March.

14 "At the time of artillery action, there was no civilian  
15 population because they had left their homes earlier. Upon the capturing  
16 of the village, apart from the equipment of the terrorists and the  
17 facilities they used in the village, to the best of my knowledge not a  
18 single inhabitant was found nor did we hear any information, any reports  
19 that civilian -- that there were civilian casualties in the village."

20 Q. General, on the 17th of December, 2002 you wrote a more extensive  
21 statement referring to the activities of the 549th Motorised Brigade from  
22 the 25th to the 28th. You did so at the request of the Commission for  
23 Cooperation. It's in tab 381. What can you say about this statement?

24 A. This statement was written for each day. There was a statement  
25 for each day of the operations, not for particular villages. I as a

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1 brigade commander wrote a statement for the entire operation and every  
2 commander of every combat group wrote a statement about his own troops.  
3 And there was a statement for each of these dates: The 25th, the 26th,  
4 the 27th, and the 28th. And along with each statement, there was a map of  
5 all the operations on that day representing the situation at 6.00 a.m., at  
6 1200 hours, and at 1800 hours.

7 Q. Very well. Lieutenant Colonel Uros Nikolic made a statement  
8 which is in tab 382. Was he one of your subordinate officers?

9 A. Yes. He was my commander, the commander of the 1st Battalion,  
10 and his task was from the Mala Krusa-Pirane axis through the villages of  
11 Zojic, Medvedice to fire on -- in the direction of Mamusa, to the west of  
12 Mamusa.

13 Q. What is contained in his statement? Does it correspond to what  
14 you know about these events?

15 A. Yes. This commander kept me informed regularly from the  
16 preparations for action at regular time intervals about the events taking  
17 place on his axis. And he mentions this in his statement, that throughout  
18 the day, although our forces had already passed this area, a group of  
19 terrorists, probably from the village of Neprebiste, making sure of these  
20 streams here in the area of the village of Pirane, attacked our supplies  
21 unit. And in the area close to Pirane near the mosque in that part of the  
22 village there was combat and reserve forces had to be used.  
23 Reinforcements were sought in order to help this unit and break up this  
24 large terrorist group.

25 Q. What was the strength of these KLA forces in this area?

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1 A. It was a group numbering up to 20 men, and they probably planned  
2 to pull out from that axis and break through over the asphalt road and set  
3 out towards Albania.

4 Q. Colonel Vukovic, in document 383, also made a statement about  
5 these events. Does this statement correspond entirely to what you know  
6 from that time?

7 A. He moved along another route. His statement does correspond. It  
8 was his units that emerged at Retimlje and Randubrava villages and his  
9 subordinate commanders also gave statements in relation to this.

10 Q. Under tab 384, Colonel Stojan Konjlkovac also provided a  
11 statement describing all the main elements of these events, the actions,  
12 that is, of these units in the period the 25th to 28th March.

13 A. Yes. But he was on a completely different axis. We haven't  
14 mentioned him before. He was commander of Combat Group 4, which acted  
15 from Suva Reka towards Studencani along this road. His assignment was to  
16 link up with the forces of Combat Group 6 and to open up this road for  
17 traffic. At this time, he was in the area of Studencani and Suva Reka.

18 Q. Is there anything noteworthy in his statement regarding actions  
19 in this area?

20 A. Yes. On the 25th, due to the strong resistance put up to his  
21 forces, his unit did not manage to advance more than 500 metres and they  
22 practically stayed in the same positions up to the 26th.

23 Q. What was the strength of the KLA opposing them?

24 A. In addition to the forces which we had reckoned with, he was  
25 attacked by other forces from Dobrodeljane village, the Grab feature, and

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1 some other forces that came to back them up, from Malisevo and Pagarusa,  
2 so that the enemy forces were very strong and he was unable to advance  
3 before the 26th along his axis.

4 Q. In 385 - I'm trying to move through these documents as fast as I  
5 can - we have the statement of Lieutenant Zoran Zjakic [phoen].

6 A. His road was a bit different. Here in the area of  
7 Orahovac-Velika Hoca road, he with his combat group were striving to link  
8 up with Combat Group 5, under Commander Konjlkovac.

9 Q. Under tab 386, we have the statement of Colonel Vladimir  
10 Stojiljkovic.

11 A. He was my Chief of Staff and my deputy. And in the relevant  
12 period, he had formed Combat Group 7 as a temporary unit. And along this

13 same route, near Velika Hoca, between Combat Groups 6 and 2 was where he  
14 was active.

15 Q. In the penultimate paragraph of his statement, he says: "No  
16 movement of civilians was observed during combat. That is, there were no  
17 civilians in the village because the Siptar terrorist forces had evacuated  
18 them out of the village and dominant features earlier."

19 A. Civilians could not be seen. I, for instance, was situated at a  
20 very dominant -- dominating elevation, which gave me a very good view.

21 And I could see some columns.

22 THE INTERPRETER: Interpreter's correction: I was unable to see  
23 any columns of civilians either on foot or in vehicles.

24 MR. MILOSEVIC: [Interpretation]

25 Q. Under tab 387, we have the statement of Lieutenant Colonel

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1 Radivoj Paravinja. Is it also consistent with the previous statements,

2 and in 388 we have the statement of Major Sel Janos.

3 A. Paravinja intervened twice during the 25th, once towards

4 Landovica and the second when our supply column was attacked on the road.

5 He had no other particular combat assignment except to be on the blocking

6 line and to link up other forces and to command them.

7 Q. That is also the subject of the statement of Major Sel Janos

8 under tab 388 and also of the statement of Captain Feta Elifat in 389.

9 Are these statements also consistent with the other ones?

10 A. Elifat Feta was in command of some of these units and he -- or

11 rather, Sel Janos was in command of one of these units. He entered these  
12 units -- these villages. And Elifat Feta was backup and, according to the  
13 orders of the commander, he was behind the unit.

14 Q. In tab 390, we have the statement of Captain Milovan Zivkovic.

15 A. That is also one of the commanders from the 2nd Motorised  
16 Battalion. He was in command of an infantry platoon -- a rifle platoon,  
17 rather.

18 Q. Under tab 391, we have another statement of yours.

19 A. That is my statement for -- concerning the 26th, and there is  
20 also a map showing the operations of the 26th.

21 Q. Does this statement of yours also concern Landovica and the  
22 events of the 26th you have already spoken about?

23 JUDGE KWON: Let us clarify the number. Is it right that tab 391  
24 contains map and 39 -- tab 392 is statements? Since I have no translation  
25 of that statement, I cannot confirm that right now.

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1 THE ACCUSED: [Interpretation] Yes. 392 is a statement of General  
2 Delic, who is here in front of us.

3 MR. MILOSEVIC: [Interpretation]

4 Q. So what is the substance of this statement, in the briefest  
5 possible terms?

6 A. The statement describes all the developments as of the 26th,  
7 everything that was reported to me, what I was doing as the commander, and  
8 all the reports I received from my subordinate commanders. On the 26th, I  
9 arrived at my post because on the 25th, as I already explained, I went to  
10 see the barracks that had been bombed, to see if all the equipment had

11 been evacuated. And on the 26th at 0600 hours I returned to my command  
12 post.

13 I'm trying to be as brief as I can. I was informed of the  
14 problem in Landovica around 1700 hours. I ordered -- or rather, I was  
15 informed a little after 1000 hours. At 1300 hours there was an airstrike.  
16 First cluster bombs were used and then rockets were fired at my unit. Two  
17 of my soldiers were wounded, because my soldiers were using the trenches  
18 previously abandoned by the terrorists. Certain problems occurred in  
19 those units that suffered losses, so that I had to go to see that unit and  
20 leave my command post. I called one platoon from the reserve force. I  
21 pulled out one unit that had suffered casualties. I pulled out one unit  
22 from combat to give them time to rest. And I personally accompanied the  
23 reserve units when they continued operations along the road, trying to  
24 link up with Colonel Konjlkovac, who was attacking from Suva Reka, before  
25 dark.

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1 Q. So was this an instance of coordinated action between NATO Air  
2 Force and KLA on the ground?

3 A. You could put it that way. Although, we lived that a bit this  
4 way: The unit that was in actual contact was a couple of hundred metres  
5 away. This way only my forces were under strike. Otherwise, they would  
6 have been attacked by terrorists as well. But yes, you could call it  
7 coordinated action.

8 Q. Under 393 we have the statement of Lieutenant Colonel Uros  
9 Nikolic, but could you please explain this: He says in the fourth  
10 paragraph: "Because it was a clearing, most of the units were exposed to

11 sniper fire from the direction of Donje Retimlje."

12 Was this the usual way that our units would be targeted, from that  
13 distance?

14 A. Machine-gun fire and often mortar fire, and sniper fire.

15 Q. Very well. In 394, we have the statement of Colonel Vlatko  
16 Vukovic, referring to the same period. There are references to Retimlje,  
17 the farm in Retimlje, combat against terrorist forces that lasted until  
18 1700 hours, considerable resistance from the outskirts of the village and  
19 from the mosque. It says: "There was no civilian population in the  
20 village. Search detected a lot of weapons and ammunition."

21 A. With the deployment of forces that we had at the time, we could  
22 not cover this village because the forces commanded by Colonel Vukovic was  
23 constantly under fire by terrorists. And only when Major Sel managed to  
24 approach the village from the north, from a direction where they did not  
25 have fortified positions, and only when he attacked their flank did their

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1 resistance weaken, so that Colonel Vukovic was able to advance with his  
2 unit.

3 Q. It says: "There was no civilian population in the village at the  
4 time." Is that something that features in all of these events, where  
5 significant forces of the KLA were encountered? There was no civilian  
6 population. Is that some sort of rule?

7 MR. SAXON: That's a leading question. Perhaps it could be  
8 rephrased.

9 JUDGE ROBINSON: Yes, it is, Mr. Milosevic.

10 Oh, Mr. Saxon, I think he's -- he's citing something. It's a --

11 it's a reference to -- to what is in the statement.

12 Proceed, Mr. Milosevic.

13 THE ACCUSED: [Interpretation] Thank you, Mr. Robinson.

14 MR. MILOSEVIC: [Interpretation]

15 Q. Tell us, General, in the most general terms: As far as all of  
16 these events are concerned that your commanders were testifying about,  
17 that you testified about, to what extent was the civilian population  
18 present in these areas where there was fighting with members of the KLA?

19 A. As for these specific villages, since the command was there of  
20 this brigade and a hospital and all other structures, there was absolutely  
21 no civilian population there. They had already left in different  
22 directions. What was characteristic, though, was that where there were  
23 civilians, the civilian population, as in 1998, it never waited for the  
24 army. It was only later that we would find civilian population. We  
25 thought that the civilian population would follow the KLA and that then at

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1 convenient spots the KLA would go their own way leaving the civilian  
2 population behind. That is why we could not operate. Although, sometimes  
3 we would see them only a couple of hundred metres in front of us, the  
4 terrorists withdrawing from certain positions, but they would have the  
5 civilian population with them and in a way they were a human shield, in  
6 view of our operations.

7 Q. Did any of your unit ever fire at members of the KLA when there  
8 could be civilian casualties, when the civilian population could be hurt?

9 A. The orders from 1998, which were valid until the end of the war,  
10 absolutely prohibited that because, for example, if the artillery were to

11 fire, there would be a great many civilian casualties.

12 JUDGE ROBINSON: Never mind what the orders prohibit. What we're  
13 interested in is what actually happened. So the question was whether any  
14 of your forces ever fired on civilians. And I understand you to be saying  
15 no.

16 Mr. Milosevic, your case seems to be this: Where the indictment  
17 alleges crimes committed by forces of the FRY and Serbia, you're either  
18 saying that they were not involved at all in any incidents as alleged, as  
19 in Bijela Crkva, or if they were involved, then they were participating in  
20 a lawful exercise to root out KLA terrorists and that they used no more  
21 force than was reasonably necessary in doing so, and further, at no time  
22 did they ever target civilians. Would that be a summary of your case in  
23 relation to all these allegations in the Kosovo indictment where it is  
24 alleged that forces of the FRY and Serbia committed certain crimes?

25 THE ACCUSED: [Interpretation] Certainly. The witness can also

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1 answer that question, whether that was the case.

2 JUDGE ROBINSON: No. No. He's -- no, I'm asking you if that --  
3 if this is your case, if that is the defence you're putting forward, not  
4 the witness.

5 THE ACCUSED: [Interpretation] Well, that is what is true, and  
6 that is what is the entire body of knowledge about what had happened.  
7 That is true. That is correct. You defined it very well.

8 I asked the general not what the orders were. The orders are  
9 well known. I asked him whether any one of his units - and you can check  
10 that on the transcript - fired at forces if there were civilians there.

11 I'm asking him what happened in fact, what the orders were. The orders  
12 are well known. I asked him that question, seeking an answer.

13 MR. MILOSEVIC: [Interpretation]

14 Q. Can you answer that question, General?

15 A. As briefly as possible, the forces never opened fire. The  
16 artillery never opened fire on the terrorists, if civilians were with  
17 them, women, children, et cetera.

18 JUDGE ROBINSON: Thank you.

19 JUDGE KWON: But you mentioned in some cases where your soldiers  
20 shot civilians who were after prosecuted for that.

21 THE WITNESS: [Interpretation] But they did not use artillery  
22 pieces to open that fire. And artillery is being discussed now. These  
23 are soldiers who directly killed some civilians using their very own  
24 weapons at close range. Now we are talking about artillery support.  
25 Whether sometimes we used artillery, mortars to fire at areas where there

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1 were terrorists and civilians.

2 THE ACCUSED: [Interpretation] Mr. Robinson, please bear in mind  
3 that practically every description contained in Mr. Nice's accusations  
4 starts with the statement that "The forces of the FRY and Serbia shelled a  
5 village, surrounded a village, shelled it, and then entered the village,  
6 looted it, and burned it."

7 The General's area of responsibility is very big, as you can see,  
8 and he claimed that kind of thing never happened, that somebody  
9 indiscriminately shelled a village, that civilians were killed, and then  
10 that they barged into the village looting, killing, torching, et cetera.

11 His testimony is quite clear, and it is corroborated and supported by  
12 documents and statements by commanding officers from his unit.  
13 JUDGE ROBINSON: His testimony as I understand it is that in most  
14 cases these villages had KLA forces entrenched.  
15 THE ACCUSED: [Interpretation] His testimony was that in the  
16 villages where the army intervened there were KLA forces. You saw the  
17 example of Bijela Crkva. There were no KLA forces there, and the army  
18 went through Bijela Crkva. Where the army was fired at, where there were  
19 fortified positions on the outskirts of the village, then the army did  
20 fire at the KLA. That is what the General was explaining. So as far as  
21 villages where there was no action against the army were concerned, they  
22 were not touched. Villages that were used for firing at the army were  
23 treated in a selective manner, and it was only the firing positions that  
24 fired at the army that were engaged. That is completely legitimate  
25 action, as far as the military is concerned.

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1 JUDGE ROBINSON: Well, thank you.

2 We'll adjourn now and resume on Tuesday, the 5th at 9.00 a.m.

3 --- Whereupon the hearing adjourned at 1.53 p.m.,

4 to be reconvened on Tuesday, the 5th day of

5 July, 2005, at 9.00 a.m.