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1 Wednesday, 30 January 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.17 p.m.

5 JUDGE BONOMY: While the witness is coming in, Mr. Cepic, can I

6 ask you about one aspect in the statement. If you look, please, at

7 paragraph 50 there's a reference there to Exhibit 5D383 just over halfway

8 down. That exhibit has nothing to do with the civilian population, it's

9 to do with exhumation.

10 [The witness entered court]

11 MR. CEPIC: Precisely, Your Honour. It is the mistake --

12 actually, it has to be 5D838.

13 JUDGE BONOMY: Well, that one is understandable. Thank you.

14 MR. CEPIC: Thank you.

15 JUDGE BONOMY: We shall alter the statement to reflect the Exhibit

16 Number 5D838, paragraph 50.

17 Good afternoon, Mr. Vukovic.

18 THE WITNESS: [Interpretation] Good afternoon.

19 JUDGE BONOMY: Your examination by Mr. Cepic will continue in a

20 moment. Please -- sorry, by Mr. Ivetic, your cross-examination by

21 Mr. Ivetic will continue in a moment. Please bear in mind that the solemn

22 declaration to speak the truth which you made at the outset continues to

23 apply to your evidence today.

24 Mr. Ivetic.

25 MR. IVETIC: Thank you, Your Honour.

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1 WITNESS: VLATKO VUKOVIC [Resumed]

2 [Witness answered through interpreter]

3 Cross-examination by Mr. Ivetic: [Continued]

4 Q. Good afternoon, Mr. Vukovic. I have spent the night trying to  
5 simplify a lot of my examination, and towards that end I would ask the  
6 assistance of the court usher to give you a copy of your statement, 5D1401  
7 in Serbian so that you can follow along, and that way I can ask shorter  
8 questions and perhaps even finish sooner than I had anticipated.

9 And when you receive your statement the first question I'll have  
10 to ask you deals with Cafa Prusit and I would direct you to paragraph 43  
11 of your statement.

12 MR. CEPIC: Your Honour, with your leave, just --

13 JUDGE BONOMO: Yes.

14 MR. CEPIC: If the usher can pass this statement, one copy of  
15 statement, to interpreters, please, it would be much more easier.

16 JUDGE BONOMO: Mr. Cepic, what will happen is that it will be  
17 broadcast within the courtroom in e-court but not outwith the courtroom.

18 MR. CEPIC: Oh.

19 JUDGE BONOMO: Thank you.

20 Now, your --

21 MR. CEPIC: Thank you, Your Honour. I just heard that

22 interpreters requested the copy of statement, that was the reason why I --

23 JUDGE BONOMY: Well, they have access to it if it's in e-court.

24 Now, Mr. Ivetic, your question.

25 MR. CEPIC: Thank you.

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1 MR. IVETIC: Thank you.

2 Q. The question I have for you, sir, is: Here in the statement it  
3 says that the road was blocked in anti-armour sense and impassable. I  
4 would like you to explain what this means. Was the road mined or in some  
5 other way made impassable?

6 A. Well, the road was not impassable only for armoured vehicles but  
7 for all types of vehicles, and any kind of civilian traffic as well. That  
8 is to say that at the Cafa Prusit crossing itself, there was an  
9 anti-armour minefield and anti-armour barriers made of concrete. The road  
10 itself from Cafa Prusit to the village of Zub was prepared for  
11 destruction, as we military men say. That is to say that mining wells  
12 were dug and a certain amount of explosives was placed in these wells  
13 depending on the type of destruction involved, from 50 to 150 kilogrammes.  
14 It was all linked up, so that would be about it as far as the road is  
15 concerned.

16 Q. I take it then, sir, that the Cafa Prusit border crossing could  
17 only be undertaken on foot; is that correct?

18 A. No could not even cross that border crossing even on foot. I  
19 don't know from when, but I'm sure that from August 1998 it was closed  
20 even for border crossings within that immediate area. That is to say it  
21 was not operational. If you're asking me whether it could be crossed on  
22 foot, no, it could not because at the border itself, at the border

23 crossing to the left and right of the road there were also minefields,  
24 here specifically mixed minefields, anti-armour and anti-personnel.

25 Q. And did this situation remain the same for the entire duration of

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1 the war as far as the Cafa Prusit border crossing and the road leading to  
2 it is concerned?

3 A. I am sorry, but I did not hear this right. Could the volume  
4 please be turned up a bit. I can't hear it right, and I can't hear the  
5 interpretation. Just a bit louder, please.

6 Q. Sir, my question was --

7 A. It's better now.

8 Q. My question was: Did this situation remain the same for the  
9 entire duration of the war as far as the Cafa Prusit border crossing and  
10 the road leading to it is concerned?

11 A. As far as the road is concerned, yes, but in order to enable  
12 civilians to cross on orders from our superior command we had to construct  
13 a passageway through the minefields so that the groups of civilians that,  
14 if I'm not mistaken, were on the move between the 28th of March and the  
15 4th of April could go this way to the Republic of Albania.

16 Q. And is it correct that persons who travelled and wished to cross  
17 the border by vehicle would leave their vehicles at Zub before proceeding  
18 through this path that you prepared for their own safety?

19 A. Well, those who insisted that they leave and go to Albania,  
20 precisely through this border crossing, had to leave their motor vehicles  
21 behind, tractors and whatever else they used to get there, because I've  
22 already said that we did not use that road, we the military, for our own

23 traffic.

24 Q. Thank you, sir. I'd like to move on to another topic, and to make  
25 that easier for you I would ask the usher's assistance to hand to you

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1 P1981, which is an order dated the 23rd of March, 1999, for destroying the  
2 STS in the wider region of Retimlje and for deblockade communications from  
3 the command of the 549th Motorised Brigade of the VJ. Now, sir, if you  
4 could take a moment to look at this document, and since you have it in  
5 front of you, you can actually leaf through the pages if need be, but I'd  
6 like to ask you if in fact this is -- if in fact the actions that you  
7 testified about in and around Celina and Orahovac that involved your --  
8 Combat Group 2 and elements of the 23rd PJP, that joint action is a  
9 realization of this order. Is that correct?

10 JUDGE BONOMOY: Which paragraph of the statement are we looking at?

11 MR. IVETIC: It was the testimony relating to Bela Crkva, and one  
12 moment I can give you that paragraph, Your Honour.

13 JUDGE BONOMOY: From 27 onwards, but is there a particular one?

14 MR. IVETIC: No, there's not a particular paragraph but it's in  
15 that range. I'm saying whether that time-period and that joint action is,  
16 in fact, the one that this order outlines, that's the question I have.

17 THE WITNESS: [Interpretation] I've had a look at this. This is an  
18 order as in "zapovest," not order as in "naredjenje" to destroy the Siptar  
19 terrorist forces in the general sector of the village of Retimlje and to  
20 lift the blockade of a road. As far as I know, but I'll have a look once  
21 again, this order regulated this -- yes, exactly, the tasks of the units  
22 of the 549th Motorised Brigade that took part in this anti-terrorist

23 action. If you're asking whether in addition to our unit a MUP unit took  
24 part as well, my answer is yes.

25 MR. IVETIC:

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1 Q. If I can perhaps direct your attention to item 5.5 in this order  
2 on page 3 of the Serbian and I believe it's also page 3 of the English,  
3 although I'm -- seem to have misplaced my English translation. Let me  
4 start with a simple question. Is this -- was the activity in Celina and  
5 Orahovac a realization of this "zapovest," order -- Bela Crkva, I  
6 apologise. I mentioned Orahovac. I meant to say "Bela Crkva."

7 A. Yes, in 5.5 that is precisely the task that is referred to, the  
8 assignment, given to my battalion, that is to say my unit. From a  
9 military point of view this is a classical way of issuing a task for  
10 anti-terrorist struggle.

11 Q. And now just to -- well, I have a question I hadn't anticipated  
12 on, but I see the English translation is incorrect. So could you please  
13 read the first sentence of 5.5, sir, so that we could have the complete  
14 translation of the Serbian text.

15 A. "BG-2 of the 549th Motorised Brigade (consisting of: The command,  
16 the communications squad, the tank platoon, motorised company, platoon  
17 BVP, platoon PAT 30/2 platoon PAT 20/3, platoon MB 120-millimetres and the  
18 medical squad) in cooperation with the 4th Company of the PJP Djakovica."

19 Q. Thank you, sir. Now, yesterday you mentioned that, in fact, the  
20 23rd PJP Detachment had gone alongside your forces in this anti-terrorist  
21 action. Do you know if, in fact, the 23rd PJP Detachment is from outside  
22 the province of Kosovo and Metohija, from elsewhere in Serbia?

23 JUDGE BONOMY: Mr. Cepic.

24 Just a moment, Mr. Vukovic.

25 Mr. Cepic.

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1 MR. CEPIC: [Interpretation] Your Honour, by your leave, I think  
2 that this is not right, "set out together," I don't think that my  
3 colleague Mr. Ivetic stated it precisely the way it is stated in the  
4 statement. I think that his interpretation is somewhat different. Thank  
5 you.

6 JUDGE BONOMY: Mr. Ivetic.

7 MR. IVETIC: One moment. I have a response to that. I believe  
8 today at page 5, line 25, through 6, line 2, the witness testified that in  
9 addition to his unit a MUP unit took part as well, so if -- I'm talking  
10 about this same action, there's no confusion I don't think. I mean, if  
11 the witness is confused he could say so, but I'm just trying to find out  
12 whether in fact the PJP unit that yesterday he defined as the 23rd--

13 JUDGE BONOMY: There's a difference between acting along with you  
14 in some capacity and going along side with your forces. The English is  
15 translated. And it must have been the same in Serbian, so if you can put  
16 it in a vaguer way, I think there will be no objection.

17 MR. IVETIC: Okay.

18 Q. Sir, you identified the PJP Detachment in the Orahovac action as  
19 being the 23rd Detachment. Am I correct that the 23rd PJP Detachment  
20 comes from outside the province of Kosovo and Metohija?

21 A. I really don't have that information. I did not know what  
22 detachment came from where.

23 Q. With respect to this PJP detachment, the 23rd that you identified  
24 yesterday, am I correct that prior to this engagement in the Retimlje  
25 region, this detachment of the PJP had been in the municipality of

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1 Djakovica?

2 A. I cannot give a precise answer to that question, as I've said, but  
3 the knowledge I had then was that this 4th Company of the 23rd Detachment  
4 of the PJP was from the area of Djakovica. But as I've been saying, I did  
5 not have a document whereby I would establish that specifically.

6 Q. But you did have this "zapovest," order, from your commanding  
7 officer, you did have that which identified them as the 4th Ceta, the PJP  
8 from 4th Ceta or squad I believe the English translation?

9 A. That's precisely what is written here, the 4th Company of the PJP  
10 of Djakovica. I know that on the decision map it said 4/23rd Detachment  
11 of the PJP, so I assume that that's the one, but ...

12 Q. Fair enough. So on the map for this action all the -- all the PJP  
13 units involved and their locations and assignments were depicted. Is that  
14 what you're telling us?

15 A. As far as I can remember, given this time distance, yes, they are  
16 depicted.

17 Q. Sir, now if I can direct you again to your written statement and  
18 paragraph 21 of the same, and I'll give you a moment to review it so  
19 you're familiar with its text, and then I'll ask you a question about it.  
20 And I think we could perhaps even finish with Bela Crkva shortly. The  
21 question I have for you, sir: Am I to understand from this paragraph that  
22 your head security commander was advancing together with the PJP or was he

23 following right behind the advancing PJP?

24 A. It seems to me that we're not looking at the same paragraph

25 because in this paragraph I do not refer to any security commander, and

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1 I'm not saying that they went anywhere together. Perhaps there is some  
2 mistake involved, I don't know.

3 Q. [Previous translation continues] ... translation issue. Let me  
4 look at the Serbian. If I may revert to Serbian, this is notification for  
5 the translators --

6 JUDGE BONAMY: Please let -- if you want something retranslated,  
7 ask the witness to read it, please.

8 MR. IVETIC:

9 Q. If you could read for us, sir, the first sentence of paragraph 21  
10 of your statement, that's what I'm referring to.

11 A. "Upon exiting the village of Zrze by the silos, I waited for our  
12 unit from Prizren to pass and that is where I was contacted by the  
13 commander of the forward security and he verbally informed me that he had  
14 not searched the village of Bela Crkva because parts of the 23rd PJP  
15 Djakovica had already been in the village."

16 Q. Thank you, sir. Now, with respect to the commander of the forward  
17 security, am I to understand that he was advancing together with the PJP  
18 or was following behind after the PJP had advanced through Bela Crkva?

19 A. I cannot answer that question. I just know that I gave him the  
20 assignment to go ahead of the bulk of Combat Group 2, that is what their  
21 purpose is according to the rules, to secure the unit on the march and in  
22 this case to ensure unhindered and safe passage as well as taking up the

23 line of blockade. For this anti-terrorist action, it was to the east of  
24 the road between Zrze and Orahovac. If I'm provided with a map I can  
25 indicate that specifically.

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1 Q. I think that's enough for that -- for our purposes right now. If  
2 anyone else needs a map I can have them call it up. I have one more  
3 question for you regarding Bela Crkva and two more questions relating to  
4 Celina. With respect to Bela Crkva, did you at any time while in Kosovo  
5 hear credible reports from any of your subordinates that either VJ or MUP  
6 units had killed 54 Kosovo Albanian civilians allegedly on the 25th of  
7 March, 1999, in the area of the railway bridge in the Bela Crkva sector?

8 A. At that time I did not receive such information, but I repeat that  
9 I could receive information exclusively for my own unit not for the MUP  
10 unit. I heard of that alleged crime at a different trial here in  
11 The Hague.

12 Q. And based on your knowledge and the reports that you received, you  
13 don't believe that occurred, do you, without somebody noticing?

14 A. As for the 25th of March, 1999, I am convinced that what at least  
15 was conveyed to me is something that did not happen because I was there  
16 personally in that area.

17 Q. Thank you, sir. Now, looking down at paragraph 24 of your  
18 statement it talks about going through Celina. Am I correct that before  
19 you personally passed through this village the PJP police and parts of the  
20 VJ had already passed through the village?

21 A. Again it seems that we are not speaking about the same paragraph.

22 As for the village of Celina I can answer you. From this village the

23 first actions came against my unit and the MUP unit that morning. You  
24 asked if they had already passed through before I arrived, the police had  
25 searched the village, and before that the terrorists were neutralized in

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1 their entrenched houses and trenches. The police searched the village,  
2 they passed through the village, and a part of my unit passed through  
3 together with me, if I remember correctly, sometime around 10.00. That  
4 would be my answer.

5 Q. [Microphone not activated]

6 THE INTERPRETER: Microphone, please.

7 MR. IVETIC:

8 Q. [Microphone not activated]

9 THE INTERPRETER: Microphone, please.

10 JUDGE BONOMOY: Mr. Ivetic, your microphone.

11 MR. IVETIC:

12 Q. That suffices for me, sir. Now, if I could ask you my last  
13 question relating to Celina. When passing through the village did you see  
14 anyone, including elements of your forces or the police, burning houses,  
15 destroying mosques, or looting in the village?

16 A. No.

17 Q. Thank you, sir. I have no further questions for you.

18 MR. IVETIC: Thank you, Your Honours.

19 [Trial Chamber and registrar confer].

20 JUDGE BONOMOY: Mr. Vukovic, you will now be cross-examined by the

21 Prosecutor, Mr. Hannis.

22 Mr. Hannis.

23 MR. HANNIS: Thank you, Your Honour.

24 Cross-examination by Mr. Hannis:

25 Q. Good afternoon, Colonel.

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1 A. Good afternoon.

2 Q. I want to talk about that exhibit that Mr. Ivetic was just showing  
3 you, which is Exhibit P1981, which includes a task for your Battle Group 2  
4 in item 5.5 and the English translation I had said the task was to carry  
5 out an energetic attack and search the village of Bela Crkva. That's  
6 correct, isn't it?

7 A. Yes, that's what it says in the task.

8 Q. And in the war diary or the war log for the 2nd Motorised  
9 Battalion you'll probably recall from your testimony in the Milosevic case  
10 that there is an entry in that document saying that's what happened, that  
11 Bela Crkva was blocked and cleared on that day; correct?

12 A. Yes, that's what it says in the war diary.

13 Q. And as I recall your testimony in that case, you explained that  
14 even though that was written in the diary that was not accurate or  
15 correct. Is that your position?

16 A. Yes, that is what I said and explained.

17 Q. And could you explain for these Judges here today why that entry  
18 in your war diary is not accurate?

19 JUDGE BONOMY: Which paragraph of the statement should we be  
20 looking at, Mr. Hannis?

21 MR. HANNIS: Your Honour, that's not in the statement. I was  
22 referring to his testimony in Milosevic. I don't have a page citation

23 but --

24 JUDGE BONOMY: No, I understand that, but this matter's not dealt

25 with in the statement?

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1 MR. HANNIS: No, I don't believe so, Your Honour.

2 JUDGE BONOMY: Thank you.

3 MR. HANNIS: And the war diary is Exhibit P2019 and --

4 MR. IVETIC: Your Honour --

5 MR. HANNIS: It's an entry for the 25th of March and I think 0130

6 hours.

7 MR. IVETIC: Your Honours, if I can assist, paragraph 23 of the

8 statement does appear to address this. I don't know if that helps any,

9 but it --

10 JUDGE BONOMY: Thanks, I thought I had read this.

11 MR. HANNIS: Oh, I stand corrected, Your Honour.

12 JUDGE BONOMY: Yeah, it is there. So you want to formulate the

13 question differently?

14 MR. HANNIS:

15 Q. Well, Colonel, it may assist if you could look at paragraph 23 of

16 your statement, where there is a reference to that entry in your war

17 diary. Now, you said at the end of the day you radioed your command post

18 and provided the information about what had happened that day. What time

19 of day did you pass this message on?

20 A. That day the combat actions were completed at about 1800 hours,

21 and then when I gathered all the formations it was probably around 1900

22 hours. But I'm really unable to give you an exact time. It was

23 definitely not before 1800 hours and it was probably half an hour to an  
24 hour after that.

25 Q. What was the name of your deputy who made that entry in the diary?

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1 A. My deputy was captain first class Dragisa Milenkovic.

2 Q. Now, we've seen similar war diaries and combat reports where often  
3 there's a reference simply saying: The assigned task was completed. Is  
4 that a phrase that you might use when reporting about what you had done in  
5 connection with assigned task?

6 A. Well, the most important activities are entered into the war  
7 diary, the most important activities of the unit for that day, the most  
8 important orders received, and there was such a term as well and it was in  
9 accordance with the order of the commander, strictly confidential such and  
10 such a number. So it is possible that such information was entered.

11 Q. Well, in this particular case what did you say to your deputy, if  
12 you recall now?

13 A. I do recall that, of course. These were just brief communications  
14 for a number of reasons that I can talk about, but basically I just  
15 informed him about the axis where we were at the time, the unit, and from  
16 what I can remember, I told him that everything was proceeding according  
17 to plan precisely because that first day we didn't have any losses. It  
18 was just a short piece of information or exchange of information that took  
19 perhaps a minute.

20 Q. So do you know why he didn't simply write: Everything proceeded  
21 according to plan, and instead wrote specifically that: The village of  
22 Bela Crkva had been swept and blocked or blocked and swept?

23 A. My deputy at the basic command post had this "zapovest" of the  
24 brigade commander which Mr. Ivetic showed me a little bit earlier. He  
25 received information from me that we had reached a certain line, he had a

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1 map in front of him, he had the "zapovest" where the task was noted, and  
2 that entry that you are quoting from the war diary is something that he  
3 practically copied from the actual item 5.4 of the assignment; and I would  
4 say he did this automatically because at that point in time he didn't have  
5 any more information.

6 Q. When did you first become aware that what he had written was not  
7 accurate or not consistent with what you tell us actually happened on that  
8 first day?

9 A. I found out about it in preparation for my previous testimony when  
10 the legal advisors of President Milosevic showed me that particular  
11 document and that's when I read it thoroughly. So this was in early 2005,  
12 but please don't hold me to that. It was definitely in 2005 sometime.

13 Q. You didn't notice or become aware of that in 2003 when you were  
14 giving statements to the VJ Commission For Cooperation with the Tribunal?

15 A. Sir, at that time I did not have my war diary available. It was  
16 archived at the time from what I know -- actually, I don't know. I wasn't  
17 involved in the archive keeping, but it definitely was not accessible to  
18 me at that time.

19 Q. And as the commander is it ultimately your responsibility for the  
20 accuracy of the war diary or that somebody else's job?

21 A. From formal, legal aspect the commander of the unit is responsible  
22 for everything that is going on in the unit including this war diary.

23 Q. Okay. Thank you. In your statement I think there's one  
24 typographical error in paragraph 2 it says you assumed your duty as  
25 commander of the 2nd Motorised Battalion on 4 August 1989. I assume that

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1 should be 1998? Maybe the English is wrong. I don't have the B/C/S in  
2 front of me.

3 MR. CEPIC: With your leave --

4 THE WITNESS: [Interpretation] It's evidently a mistake.

5 MR. CEPIC: [Previous translation continues] ...

6 JUDGE BONOMY: Yes, Mr. Cepic.

7 MR. CEPIC: There is an error in the statement in paragraph 2

8 because I just heard from my learned friend it is marked -- the year is  
9 1999, it is not; it is 1998 in the B/C/S version.

10 MR. HANNIS: Thank you.

11 MR. CEPIC: Paragraph 2.

12 MR. HANNIS: Thank you.

13 Q. In paragraph 16, Colonel, you mentioned being dispatched to a  
14 motorised company -- or dispatching a motorised company to Kramovik  
15 village to be included in Combat Group 4. And then in the second half of  
16 October 1998 that company was integrated by Combat Group 3 of the 549th  
17 until the war started. My question is: What group were you in command  
18 of? Were you in command of Battle Group 2 in 1998 or 1999 or both? I'm  
19 not clear on when it came into existence.

20 A. Battle Group 2 - and this is something you can find also in  
21 paragraph 6 - was formed on the basis of the "naredjenje," order, of the  
22 Chief of the General Staff on permanent measures of raised

23 combat-readiness, and on the basis of that order, my command drafted its  
24 own order before I came to Djakovica to that battalion, in 1998 thus.

25 Q. Okay --

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1 JUDGE BONOMY: Does that -- that doesn't answer the question. The  
2 question was: Were you in command of Battle Group 2?

3 THE WITNESS: [Interpretation] Yes, yes, I was the commander of  
4 Combat Group 2.

5 JUDGE BONOMY: And what was the date from which you were the  
6 commander?

7 THE WITNESS: [Interpretation] From the 4th of August, 1998, when I  
8 assumed the -- my duties in that unit.

9 JUDGE BONOMY: Did you -- or did you also serve then as commander  
10 of the battalion?

11 THE WITNESS: [Interpretation] Yes, of course. I was appointed  
12 commander of the battalion and Combat Group 2 was part of the battalion  
13 that was in the theatre so that the commander of the battalion was the  
14 commander of that combat group.

15 JUDGE BONOMY: I had difficulty with that when I was reading the  
16 statement. I don't think it's clear in the statement, but it may be I'm  
17 missing something. Please continue, Mr. Hannis.

18 MR. HANNIS: No, I am too, Your Honour. Let me follow-up for my  
19 own purposes.

20 Q. I'm not clear, Colonel, on the difference between Combat Group 2  
21 and the 2nd Motorised Battalion. Is Combat Group 2 a smaller part of the  
22 battalion?

23 A. Precisely. Combat Group 2 is a smaller part of the battalion  
24 strengthened with some formations from outside the battalion.

25 Q. Okay. So all of the components of the battle group -- or Combat

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1 Group 2 don't necessarily come from the 2nd Battalion. Some of them come  
2 from some other battalion?

3 A. In this case they were not only from the 2nd Battalion, they were  
4 specifically also from the 552nd Artillery Rocket Brigade of the PVO, so  
5 there was a battery of anti-armour guns of 30-millimetre, and part of the  
6 rear platoon because in its peacetime composition the battalion did not  
7 have its own rear.

8 Q. Okay. And when they are attached to that combat group then they  
9 fall under your personal command as opposed to their normal brigade  
10 commander; is that right?

11 A. It's always like that. When resubordination -- when a unit is  
12 resubordinated, then in -- they are responsible or answer in every aspect  
13 to the commander of that unit.

14 Q. Okay. And those components or individuals or subordinate units in  
15 your 2nd Motorised Battalion which were not part of the combat group, were  
16 they parts of any other combat group?

17 A. I'm sorry, but I really didn't understand what you are asking me.

18 Q. Well, if I understood correctly, some parts of your battalion were  
19 included within Battle Group 2, right so far?

20 A. Yes.

21 Q. Okay. The remaining parts of your battalion, were they simply in  
22 the battalion or did some of them become parts of other battle groups,

23 like the 1st or the 3rd through the 7th?

24 A. Now it's clear. A part of the battalion was in the barracks the  
25 whole time performing its regular duties and assignments, training,

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1 security of the facilities, and so on, and I wrote here that one company  
2 from that battalion, the 2nd Battalion of mine, I sent to another combat  
3 group, Combat Group 4 to the Kramovik sector. I assume, since I didn't  
4 draft the order, that when there was no longer any need for that unit to  
5 be in that area; it was transferred to some other location.

6 Q. And what happened to that company that went to Combat Group 4, did  
7 it ever come back to your battalion?

8 A. I wrote here that it moved to Damjane from Kramovik to Combat  
9 Group 3, and then once the aggression began I received the order on the  
10 3rd of April, 1999, if I remember correctly, and that unit or that company  
11 was again returned to my force. Or if you would rather that I put it in  
12 this way, from that point on it was again under my command.

13 Q. Okay. Thank you.

14 MR. HANNIS: I don't know if that assists Your Honour.

15 JUDGE BONOMO: Yes, thank you.

16 MR. HANNIS: All right.

17 Q. Now, can you tell us -- in paragraph 19 you tell us that your  
18 battle group consisted of 186 personnel; is that right?

19 A. Either I didn't understand you or there was a mistake. Paragraph  
20 18 -- well, let me just take a look. That paragraph doesn't mention my  
21 unit.

22 JUDGE BONOMO: It's paragraph 19.

23 THE WITNESS: [Interpretation] Not that one either. It talks about  
24 this anti-terrorist action -- oh, excuse me, yes, but this number, 186 men  
25 refers to the execution of the task to destroy Siptar terrorist forces in

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1 the broader area of Retimlje, and then there is the blockade of the  
2 communications or the roads that go through that territory.

3 MR. HANNIS:

4 Q. All right. Thank you. We'll come to one of those orders later.

5 Let me ask you --

6 JUDGE BONOMOY: How does this formation of Combat Group 2 fit in  
7 with the creation of Combat Group 2 in paragraph 6?

8 THE WITNESS: [Interpretation] Well, this doesn't really fit with  
9 what I know. My unit was the 2nd Motorised Battalion. Any specific  
10 assignment involving -- that I send a unit from my battalion, it would  
11 always bear the markings BG 549 MTBR, so that way you would know exactly  
12 which unit was involved. However, combat groups were temporarily forces  
13 that were formed for the execution of a specific task.

14 MR. HANNIS: May I -- oh.

15 JUDGE BONOMOY: But Combat Group 2 referred to in paragraph 6 was  
16 formed with the object of providing in-depth security of the state border,  
17 which was a constant task in the circumstances that prevailed. Was it  
18 subsequently disbanded?

19 THE WITNESS: [Interpretation] No. That group existed until we  
20 started to organize the defence, but if we look carefully I assigned a  
21 certain number of forces from that group or units, as you say, and then  
22 the brigade commander sent some reinforcements to me. So then this newly

23 formed combat group went to this area on this assignment according to  
24 this "zapovest" that was issued. Specifically for this assignment it was  
25 strengthened by a tank platoon which I did not have under my command

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1 previously.

2 JUDGE BONOMOY: Thank you.

3 Mr. Hannis.

4 MR. HANNIS: Thank you.

5 Q. So in March this combat group was reconstituted in light of the  
6 new task, and you told us that a tank platoon was added. One other  
7 difference I see it looks like a mechanised platoon was added to what you  
8 had listed in paragraph 6 when you were doing in-depth security. Is that  
9 right?

10 A. I'm afraid you didn't understand me. This Combat Group 2 that was  
11 set up as early as 1998 was not transformed into this new Combat Group 2,  
12 which is what you call it. I'm talking about the assignment, the specific  
13 mission that was to be carried out between the 25th and the 28th of March,  
14 1999. It was only an element of Combat Group 2 that now became part of  
15 this newly established group, and there was another component that was  
16 dispatched at the time by the brigade command by way of a reinforcement.  
17 As for the mechanised platoon, I don't have any specific information about  
18 that but it was sometime in late March that they joined my unit, and I'm  
19 afraid I can't be more specific than that but it was another  
20 resubordinated unit.

21 JUDGE BONOMOY: Mr. Vukovic, please read aloud paragraph 19,  
22 please.

23 THE WITNESS: [Interpretation] "The Siptar terrorist forces sealed  
24 off the Suva Reka-Orahovac road and the Orahovac-Malisevo-Pristina road.  
25 There was the danger that the Djakovica-Prizren road might be blocked as

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1 well. For that reason, on the 23rd of March, 1999, the brigade commander  
2 gave me the assignment of setting up Combat Group 2 in the following  
3 structure: Command, signals" --

4 JUDGE BONAMY: I don't understand it, Mr. Hannis, but I don't know  
5 that it matters very much. Please continue.

6 MR. HANNIS: Thank you.

7 Q. In the next paragraph of your statement, paragraph 20, you tell us  
8 you made a decision and for Battle Group 2 to begin its march for carrying  
9 out the task, and you mentioned that you assigned a reinforced rifle squad  
10 led by Lieutenant Radojevic to secure the movement. How many men were in  
11 the rifle squad, that reinforced rifle squad?

12 A. Under the establishment, a platoon would have comprised up to 20  
13 men, 20 soldiers. I don't have my own order handy that I issued at the  
14 time. I probably dispatched a combat vehicle to reinforce that platoon  
15 because you use whatever a platoon has in order to reinforce a squad.  
16 That was the rule. About 20 men I'd say.

17 Q. Okay. From that answer I'm not clear. I understood a squad to be  
18 a smaller -- a smaller unit than a platoon; is that right?

19 A. Yes, yes, that's right. A squad is always smaller than a platoon.

20 Q. Okay. So about 20 men and if I understood correctly they were to  
21 go ahead of the main body of your Battle Group 2 to sort of reconnoitre  
22 and check the way before the rest of you went?

23 A. That is true to some extent, but checking the road was not the  
24 only thing they had to do. They were also checking for mines and  
25 obstacles although their principal task was to search the area to make

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1 sure there was no terrorist presence. We had reliable information at the  
2 time indicating that new operations groups had been set up at the time by  
3 the Siptar terrorist forces, the Poduvica [phoen] Pastrik operation zone  
4 specifically, and we knew that there were individual attacks being  
5 launched along that road, especially in the Zrze sector. So that was  
6 their principal assignment.

7 Q. And let me ask you this --

8 JUDGE BONOMY: Just a moment, Mr. Hannis.

9 MR. HANNIS: Yes.

10 [Trial Chamber confers]

11 JUDGE BONOMY: Please continue, Mr. Hannis.

12 MR. HANNIS:

13 Q. Are you able to hear us okay?

14 A. Well, I think I'm actually better able to hear you directly as  
15 opposed to listening to the interpretation through my headset.

16 Q. Okay. Let us know if you have a problem with --

17 A. I can hear the Presiding Judge, I can hear you, but the earphones  
18 are not working properly for some reason -- oh, it's fine now.

19 Q. All right. Thank you. And then you tell us -- well, let me ask  
20 you this: Who passed through Bela Crkva first among the VJ personnel that  
21 were involved in this whole action? What unit or what individuals passed  
22 through Bela Crkva first that morning, if you know?

23 A. I do know and how. As for the army, my forward security passed  
24 through. That was their assignment. They were expected to be moving  
25 ahead of the mainstay of the combat group as far as the blockade line.

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1 Q. Let me ask you: What about General Delic or then-Colonel Delic,  
2 did he not go through the village before you did?

3 A. No. That morning General Delic and I met. He had just arrived  
4 from Prizren with some of his units. We met in the silo sector near Zrze  
5 village. It could have been about 4.00, perhaps half past 4.00 that  
6 morning. As far as I know, General Delic did not cross Bela Crkva at all.  
7 He didn't go through it. He continued to march on with those units from  
8 Prizren. He even took part of my unit as far as Brnjaca, and then he sent  
9 them on their way to Kosi Brod. I'm not sure about this. A map would be  
10 handy, actually. But as far as I know, General Delic on that particular  
11 morning was never in Bela Crkva village at all.

12 Q. Maybe a map would be helpful for us. Let me show you P95, 095,  
13 and hopefully, Colonel, and here you can see most of the area that we're  
14 talking about.

15 MR. HANNIS: If we could zoom in on that, keep Bela Crkva near the  
16 middle.

17 Q. Now, what direction were you coming from? Were you coming from  
18 Zub; is that correct?

19 A. May I use the pen to indicate that on the screen?

20 Q. Yes, you may. You can mark on this map. Can you -- I don't know  
21 if it shows on there where you started out from, but can you show us where  
22 you started at about 1.00 or about 1.30 on that morning, what direction

23 you travelled.

24 A. Well, one can't really see the Zuba sector here, but this is the  
25 road to Djakovica, and I was moving along this main road over here.

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1 Q. All right. And can you indicate to us where you waited at the  
2 silos and had contact with your security commander? Would you mark with a  
3 number 1 and draw a circle around it in its approximate location.

4 A. Well, the silo is actually marked on the map so it's this circle  
5 over here. I'm not sure if the interpretation I am receiving is accurate.  
6 It's not a security officer or a chief of security. This was the  
7 commander of the forward security detail, so this may be a case of  
8 inaccurate interpretation.

9 Q. That's Lieutenant Radojevic? Is that who we're talking about?

10 A. Lieutenant Radojevic, yes.

11 Q. And you also said in paragraph 21 that you personally informed the  
12 brigade commander as he passed by with part of the unit towards Orahovac.  
13 Did that happen at that same location, by the silos, or is that some other  
14 location?

15 A. Yes. It was right there that I had to wait up for those units  
16 from Prizren to pass by in order to go back to my own axis. I had to wait  
17 for them because it was more difficult to take that road that they were  
18 supposed to take and get as far as the blockade line. This is a military  
19 thing, nothing more, and that was where I met up with the brigade  
20 commander; and I told him about the situation that prevailed on the  
21 ground. Among other things, I also told him about Bela Crkva.

22 Q. Okay. Before we leave this map, then after that conversation with

23 Colonel Delic, he went on ahead and took some of your people with him; is  
24 that correct?

25 A. Yes, precisely. As far as I remember -- I should go back to the

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1 original order and read it, but I think Combat Group 6 joined him on the  
2 way and some components from his command and then he took one of my  
3 platoons, no more than a single platoon, and they headed down this road.  
4 I might as well mark it for you: Brnjaca, it's right over here, and they  
5 went as far as the blockade line. May I just remind you that this person  
6 was actually a native of Kosovo and Metohija and he knew the area  
7 exceptionally well. It was night-time, so it was only logical that he  
8 should be the one to take those units to certain locations.

9 Q. And are you referring -- to whom are you referring there, the  
10 person that was the logical one to take those units?

11 A. You mean the commander of my unit?

12 Q. No, you said -- it's translated here as: "May I just remind you  
13 that this person was actually a native of Kosovo and Metohija, and he knew  
14 the area exceptionally well. It was night-time, so it was only logical  
15 that he should be the one ..."

16 Are you referring to Delic?

17 A. Yes, yes, I was referring to Colonel Delic.

18 Q. Could you put a number 2 above that second circle you drew on the  
19 map to the north-east of Bela Crkva?

20 A. [Marks]

21 Q. And can you draw a line between number 1 and number 2 to indicate  
22 the route that Delic travelled to get to where you spoke to him to number

23 2. Did he travel along that main road there?

24 A. [Marks]

25 Q. All right. Thank you.

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1 MR. HANNIS: Could we give this an IC number, Your Honour, please.

2 Q. And, I'm sorry, you started to say something?

3 A. You asked me -- and, yes, this is the main road. It's the main  
4 regional road between Djakovica and Orahovac.

5 Q. Okay. And later when you went through or past Bela Crkva, did you  
6 travel along that same road with the remaining parts of your combat group?

7 A. To some extent, yes. As far as as this -- to some extent, yes.

8 As far as a junction where the road forks off to Bela Crkva, and then I  
9 passed through Bela Crkva with some of my forces.

10 Q. Okay. Could we show you now Exhibit P93. This is an aerial --  
11 actually, I think I have two aerial photographs, Colonel, of Bela Crkva --

12 THE REGISTRAR: Before we proceed, Your Honours, this would be  
13 IC175. Thank you.

14 JUDGE BONOMY: Thank you.

15 MR. HANNIS: Thank you, Mr. Haider.

16 Q. Colonel, next on the screen hopefully you'll see an aerial  
17 photograph of the Bela Crkva area, and maybe you can help us. I don't  
18 know if you'll recognise it or not. How many times were you in the  
19 vicinity of Bela Crkva? Was this is only time, on the 25th of March?

20 A. I took this road once in 1998.

21 MR. HANNIS: It's page 8 of this exhibit, I believe.

22 Q. I'm sorry, I interrupted you.

23 A. But it has been a long time, and as far as I remember I took the  
24 road once in 1998; and as far as I remember, and I think the document says  
25 that somewhere, on or about the 1st of April, 1999. But this is the only

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1 road, or rather, the only time I was in Bela Crkva was on the 25th of  
2 April, 1999.

3 Q. You're translated as the 25th of April. I think you mean the 25th  
4 of March, right?

5 A. Yes, yes, that's right. I apologise.

6 Q. That's okay.

7 A. I misspoke.

8 Q. So on this exhibit -- do you recall seeing the mosque in  
9 Bela Crkva when you were there?

10 A. No. I passed through the village while it was still dark.

11 Q. All right. Can you tell from this map which road you would have  
12 travelled on in passing through the village, from this aerial photograph I  
13 mean?

14 A. Well, to be quite honest, I can hardly be certain that what I'm  
15 looking at is Bela Crkva. I'm hardly an expert when it comes to  
16 photographs taken from a plane. I know that as soon as we'd entered the  
17 village we'd crossed a bridge spanning a creek, and then just outside the  
18 village there is some sort of a slope. If you can hand me a topographic  
19 map I'm sure that I can point it out for you, but there is no way I can be  
20 positive that what I'm looking at in this photograph is actually Bela  
21 Crkva, and I'm not familiar with any of the features.

22 Q. All right. Does --

23 A. I'm not sure if we're facing north in this photograph. If the  
24 photograph offered a broader view, perhaps I'd be able to help you more.

25 Q. I'm afraid I don't have a broader photograph ready to hand. The

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1 map that we were looking at before, would you be able to do anything on it  
2 or is it too small?

3 A. The previous map, yes, I think so. If you need another map that  
4 is larger, I actually happen to have one in my bag.

5 Q. Well, let's try with the one I have first and then we'll see.

6 MR. HANNIS: Could we pull up P095 once more.

7 Q. This is the same map we looked at earlier and you drew some  
8 markings on for me. We'll bring up a clean copy again. And would it help  
9 if we zoom in on Bela Crkva and enlarge it for you. We can go one more  
10 time if that's better.

11 A. This is fine.

12 Q. Okay. Can you draw on this one the route you took in going  
13 through Bela Crkva, because it sounded like you may have travelled a  
14 different route than Delic did from what you were saying earlier.

15 A. I'm afraid you got me wrong. There was this place where I entered  
16 Bela Crkva with a part of my unit, and the same place was used as a point  
17 of entry by Colonel Delic and I can mark that for you.

18 Q. Please show us the route you took on your way through Bela Crkva.

19 A. [Marks]

20 Q. All right. That was on your way to the blockade line that you  
21 participated in?

22 A. Yes, that's right. The blockade line starts around here where my

23 red line ends. This is a very good map and it's crystal clear.

24 Q. Okay. And looking at this and recalling what you marked for

25 Colonel Delic, it looks like in Bela Crkva you took a right turn, whereas

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1 he went straight on down the bigger road. Is that right?

2 A. Right.

3 Q. And from this map can you recognise where the railroad line runs

4 outside Bela Crkva?

5 A. Sure. It's actually marked on the map quite clearly. You can see

6 the railroad on the map.

7 Q. And you're aware that there is a stream that flows between

8 Bela Crkva and, I don't know, down towards Rogovo that crosses the railway

9 line? Were you familiar with that?

10 A. Yes, I am. I see that stream. I think it's called Belaja. It

11 goes towards Rogovo, or rather, as far as Beli Drim, that line over there.

12 Q. Do you recall approximately what the distance is, for example,

13 between the silos where you were waiting and Bela Crkva where you turned

14 right to continue on your journey? That's a fairly short distance, isn't

15 it, 2 kilometres or less?

16 A. I'm not sure what the scale is for this map, but yes, roughly

17 speaking, 2 kilometres or perhaps 3 but no more than 3.

18 Q. All that land between Bela Crkva and then to the south and the

19 south-west and the west/south-west, that's a very flat, level plain or

20 valley, isn't it?

21 A. Yes, it's quite flat, as you say, a valley.

22 Q. I'm not sure, but in 1999 were those fields, farm fields in that

23 area?

24 A. Yes. The locals were working their fields, that year as well. I  
25 think in this area mostly they were growing vegetables, but I'm really

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1 unable to say. This was sometime in March --

2 Q. But -- thank you, Colonel. The point I'm trying to make is that  
3 you can see a long way in that area because it's flat and there are no  
4 tall buildings or forest or anything else in that area, right? You have  
5 an unobstructed view when looking from Bela Crkva in the -- to the south  
6 or the south-west or the west/south-west?

7 A. You do have an unobstructed view if the visibility is right and  
8 during day-time, of course. You need natural light.

9 Q. Okay. Thank you.

10 JUDGE BONOMOY: Mr. Hannis, could you find a time to interrupt.

11 MR. HANNIS: Yes, could we give that an IC number and take a break  
12 now, please.

13 THE REGISTRAR: That will be IC176, Your Honours.

14 JUDGE BONOMOY: Thank you.

15 Mr. Vukovic, we need a break at this point. Could you again leave  
16 the courtroom with the usher, please.

17 [The witness stands down]

18 JUDGE BONOMOY: We'll resume at five past 4.00.

19 --- Recess taken at 3.45 p.m.

20 --- On resuming at 4.07 p.m.

21 [The witness takes the stand]

22 JUDGE BONOMOY: Mr. Hannis.

23 MR. HANNIS: Thank you, Your Honour.

24 Q. Colonel, approximately what time that morning did you pass through

25 Bela Crkva, to the best of your memory?

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1 A. Well, to the best of my memory, I passed there between 5.00 and

2 5.30 because I remember that already by 6.00 I had informed my commander

3 that the blockade line had been taken up.

4 Q. And approximately how many men and how many vehicles were in your

5 group that passed through Bela Crkva that morning? I know you told us

6 some of your guys had gone with Delic. How many were with you?

7 A. Well, I don't have precise information about that, perhaps about

8 40 men went that way. I know that the tank platoon went in that direction

9 because in the village of Bela Crkva across the brook there is a bridge,

10 and we were not sure whether it will be -- it would be able to carry the

11 weight of a tank, say 120, something like that.

12 JUDGE BONOMO: Well, that doesn't mean anything to me, Mr. Hannis.

13 I think you asked how many men and how many vehicles, and I don't know

14 what the 120 relates to.

15 MR. HANNIS: Let me follow-up.

16 Q. Colonel, the first part of your last answer was: "About 40 men

17 went that way ..."

18 Do you mean 40 men in the tank platoon went to the direction Delic

19 had gone down the main road?

20 A. Well, I told you that I don't have specific information about

21 that, precise information. I know that the tank platoon went on, but

22 remember that three times four, there's only 12 people in that platoon,

23 and perhaps three or four vehicles. I really cannot tell you anything  
24 more specific than that because that's not exactly what I was dealing  
25 with. A lot of the technical equipment went the way that I drew on the

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1 map a few moments ago.

2 Q. Let me be clear about that. The tank platoon included how many  
3 tanks?

4 A. There are three tanks in the tank platoon.

5 Q. And did they go the way you went through Bela Crkva?

6 A. Well, the same road up until the intersection, then I turned  
7 right, Bela Crkva, and then they went on for perhaps a kilometre or two to  
8 the Brnjaca cellar. It's marked on this map.

9 Q. Okay. Could we go -- could we have another version of P95.

10 JUDGE BONOMY: We have to stay -- remain ignorant of how many men  
11 and vehicles were with Mr. Vukovic? You're content with that?

12 MR. HANNIS: No, I was going to follow that too, but I wanted to  
13 do something else.

14 Q. And, Colonel, how many -- approximately how many men went with you  
15 when you turned right and went on to the place where you took up the  
16 blockade line? Is that 120 approximately?

17 A. Well, I told you approximately 120, but that is really an  
18 approximation. I cannot give you any accurate figure.

19 Q. And which kind and how many vehicles went with you in that group  
20 of approximately 120?

21 A. Well, this is the way it was. As for combat vehicles there were  
22 three 30-millimetre guns; two guns or three of 20 millimetres, those are

23 mounted guns, mounted on vehicles; there were three combat vehicles of the  
24 infantry; and four or five motor vehicles.

25 Q. Okay. Thank you. So on this map again can you draw one more time

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1 for us where you and the 120 men and those vehicles you just described  
2 went -- show us how you went to Bela Crkva and where you went to where you  
3 took up the blockade line?

4 JUDGE BONOMY: Have we not had that, Mr. Hannis?

5 MR. HANNIS: Your Honour, we only had him going through --

6 JUDGE BONOMY: Yeah, but the blockade line was in the bottom  
7 right-hand corner of the rectangle as I understood it -- but okay, let him  
8 try again.

9 THE WITNESS: [Marks]

10 MR. HANNIS:

11 Q. And that's where you stopped to take up the line, correct?

12 A. Well, not exactly there. Already from here all the units got out  
13 of their vehicles and went to their respective lines. The blockade line  
14 was exactly from the crossroads here and then it went this way via trig  
15 440 along the road. I cannot see here Brod, approximately that's the  
16 line.

17 Q. Okay. You've drawn three lines sort of running from the  
18 south/south-west to the north/north-east, and in paragraph 27 you told us  
19 that about 7.00 in the morning you started sweeping the terrain along this  
20 axis on the -- in the direction of Celina and Brestovac; correct?

21 A. Yes, that is what is written in paragraph 27 and that's the way it  
22 was.

23 Q. All right. Thank you. And how long did it take you to reach  
24 Celina?

25 A. Well, look. To Celina it was roughly two hours because, as I have

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1 said, already at 7.30 fire was opened from Celina against my unit that was  
2 on the right flank and at the police unit. As far as I can remember, the  
3 terrorists from the broader area of Celina, or rather, it was around 8.30  
4 or 9.00.

5 Q. Okay. Before I mark this and leave this mark, if I understood you  
6 correctly, the tank platoon had continued on down the main road in the  
7 direction that General Delic or Colonel Delic and those with him had gone  
8 earlier; correct?

9 A. Correct, exactly. Later on, if you allow me to draw this, it's  
10 like Kosi Brod.

11 Q. Yes. Could you mark with a T where the tank platoon ended up  
12 along the blockade line.

13 A. In the broader area here, of course, together with parts of the  
14 infantry.

15 Q. Okay. And if you'll put a circle around that for me, we'll give  
16 this an exhibit number.

17 A. You want me to put a circle around the letter T or something else?

18 Q. Please.

19 MR. HANNIS: And if we can give that an IC number, Your Honour.

20 THE REGISTRAR: That will be IC177, Your Honours.

21 MR. HANNIS: Thank you.

22 Q. Now, Colonel, you are aware from your prior testimony in

23 Milosevic, are you not, that the allegation in this indictment is that  
24 dozens of Albanian civilians were killed in the vicinity of the junction  
25 of the stream that we talked about and the railroad track on that day,

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1 25th of March. You know that's the allegation in this indictment, right?

2 A. Yes, I know that that's the allegation in this indictment.

3 Q. And do you know also that the allegation is that houses were  
4 damaged and the mosque was damaged in Bela Crkva on that day?

5 A. Yes, I remember that too.

6 Q. And you're also aware that the victims of that killing included a  
7 number of children aged 10 and younger?

8 A. Well, I cannot remember all the individual details now, but I know  
9 that there was a reference to children who were killed.

10 Q. I'd like to show you Exhibit P98. This is one that you saw before  
11 in the Milosevic trial with a different number, but this is actually two  
12 aerial photographs from different dates put side by side. The photo on  
13 the left half is purported to be Bela Crkva on the 11th of March, 1999.  
14 That white building in the middle is the mosque. And the photograph on  
15 the right-hand half is dated the 2nd of April, 1999. You probably heard  
16 in Milosevic that that photograph is actually turned 180 degrees to what  
17 it should be to line up with the one on the left. Do you recall being  
18 shown these photographs in Milosevic?

19 A. As far as I can remember, there were some other ones, but I can  
20 say that I do not recognise the village of Bela Crkva here at all. Do you  
21 perhaps have a wider photograph, so to speak, of the broader area? I  
22 really am not an expert in aerial images. What I can say is that it seems

23 to me that this is not a photograph at all from that area, from that  
24 locality, or perhaps it's turned the wrong way. I don't know. As for  
25 this creek that you can see here -- I mean, I don't know. I cannot say

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1 whether this is the village of Bela Crkva or not.

2 Q. Okay. If you can't help us, I'll move on to another one and show  
3 you Exhibit P1792 --

4 JUDGE BONOMOY: I take it the heading on this,  
5 Mr. Hannis, "buildings intact" and "buildings damaged," is simply a  
6 heading and it's -- these are not labels of particular parts of the  
7 photographs?

8 MR. HANNIS: Yes, that's just a general heading for the entire  
9 photograph.

10 JUDGE BONOMOY: It's very misleading the way the two have been put  
11 together. The one on the right is the wrong way around.

12 MR. HANNIS: Yes.

13 JUDGE BONOMOY: The bottom is at the top. It's no wonder that  
14 witnesses have difficulty with these.

15 MR. HANNIS: Yes, Your Honour, and we tried to explain that on  
16 previous occasions in the trial when we showed it to witnesses that the  
17 one on the right should be rotated 180 degrees so that the bend in the  
18 river runs the same way.

19 MR. IVETIC: For the record, it looks like there's buildings that  
20 exist on the right-hand side that are not on the left-hand side, so that's  
21 more confusion to it.

22 MR. HANNIS: Well, Your Honour, I think that's something we'll

23 save for submissions, but if I could show P1792.

24 Q. You recognise that, don't you, Colonel? That's the mosque in Bela  
25 Crkva.

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1 A. Unfortunately, I cannot give you an answer because I don't know.

2 I really don't know whether this is a mosque at all or whether it was a  
3 mosque and whether this building is in Bela Crkva at all. I've never seen  
4 anything like this.

5 Q. Well, I would tell you we have evidence in this case from other  
6 witnesses that that is the damaged mosque in Bela Crkva, a photograph  
7 taken after -- some date after you passed through. I'd like to show you  
8 one more time Exhibit P93 at page 8.

9 In the centre or near-right centre do you see that white building  
10 there?

11 A. I see several white buildings. Could you please be more specific.

12 Q. Do you see the juncture of the road coming from the lower  
13 left-hand side of the photograph where it curves around and then joins the  
14 main road? Do you follow that?

15 A. Well, I can see several of these junctures.

16 Q. Well, I would tell you witnesses identify -- more than one witness  
17 have identified this as an aerial photograph of Bela Crkva and that's the  
18 mosque, the white building, with those domes like we saw in the last  
19 photograph is the mosque. And isn't the road that you told us you turned  
20 and followed through Bela Crkva, doesn't it go right past the mosque?

21 A. I told you a few moments ago, sir, that on this photograph I  
22 cannot identify the village of Bela Crkva at all. Would you have a

23 broader picture, so to speak, so that I could see the main roads? Then I  
24 could tell you whether this is the village of Bela Crkva at all or not. I  
25 never watched this from this vantage point. After all, when I passed

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1 through this village on the 25th, I practically passed along the outskirts  
2 of the village and it was night-time. So I could only see the first  
3 houses on the left and on the right. It's a typical village with narrow  
4 streets. As far as I can remember, it didn't look like this, at least not  
5 this part -- well, I don't know whether this photograph is in the  
6 direction of the north or not. You see, it doesn't really mean anything  
7 to me, so I cannot give you an answer to your question.

8 Q. Let me ask you one more question about this. General or  
9 Colonel Delic, now General Delic, told us that this road that you see if  
10 you go along the left edge of the photograph about two-thirds of the way  
11 up, you see a road running from the edge of the photograph in a  
12 north-easterly direction, he described that as the main road and the road  
13 that he took when he went by or through Bela Crkva. Does that help you?

14 A. Well, no, not as far as I'm concerned. However, in all fairness I  
15 did say that he is far more familiar with the terrain. Perhaps he did  
16 recognise it, but I cannot.

17 Q. Thank you. We'll move on then. You mentioned that later in that  
18 morning you were -- were you personally in Celina?

19 A. Yes, I passed through the village of Celina approximately -- at  
20 approximately 10.00.

21 Q. Okay. Did you not see the mosque in Celina that day?

22 A. As far as I know, I looked at the map, in the village of Celina

23 there was a bell-tower in the village of Celina not a mosque. I don't  
24 know if I saw it or not. I looked during the preparation phase at the  
25 topographical map and there is no mosque in the map in the village of

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1 Celina. I leave the possibility that the mosque was built after 1990 when  
2 the last modifications were made to the topographic maps.

3 Q. I'd like to show you Exhibit P2445. Celina was not a big village,  
4 was it? Do you have any idea of approximately how many houses were there  
5 or how many people lived there?

6 A. No, I don't have an idea. It's probably a small village and it's  
7 practically joined to the Velika Krusa village.

8 Q. Okay.

9 A. I really don't have an idea how many inhabitants there were in  
10 that village.

11 Q. And this photograph you see on the screen in front of you has been  
12 identified by other witnesses as the mosque in Celina in March of 1999.  
13 You didn't notice that building? It had to be the biggest, tallest  
14 building in that village, wasn't it?

15 A. Well, I cannot definitely say. At this point I really cannot say  
16 whether there was a mosque at all in the village and I don't recognise  
17 this photograph, it doesn't mean anything to me.

18 Q. Okay. Let's look at another photograph of it, P1800, 1800. What  
19 you saw was a before photograph. This is an after photograph. Did you  
20 see anything like that in Celina the day you were there? That's what the  
21 mosque looked like later.

22 A. I don't know, what do you mean "after"? But I don't know, it

23 doesn't mean anything to me. You're asking me if I saw any demolished or  
24 rubble during the war, yes, I did. I could say a lot about that. I have  
25 a lot of photographs too in case this Trial Chamber is interested.

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1 Q. I'm asking specifically about this rubble which has been  
2 identified as the remains of the mosque in Celina. Did you see this?

3 A. No, no, I didn't see this.

4 Q. Okay.

5 JUDGE BONOMY: When is it alleged this happened, Mr. Hannis?

6 MR. HANNIS: Your Honour, I don't have the witness testimony in  
7 front of me as to the specific date that this was alleged to have been  
8 destroyed.

9 JUDGE BONOMY: Thank you.

10 MR. HANNIS: It may be in Dr. Riedlmayer's report. I think  
11 there's also witness testimony about the approximate date, but I don't  
12 have it to mind.

13 Thank you.

14 Q. Now, in paragraph 30 of your statement, Colonel, you mention  
15 coming across -- and I take it this is still on the 25th of March -- about  
16 2.00 in the afternoon coming across a group of civilians, about 200 of  
17 them hiding in the Hoca river-bed. Do you recall that?

18 A. Yes, I remember that, but the name of the river is Hocanska Reka  
19 river.

20 Q. Where is that approximately where you came across these civilians?

21 A. It's approximately to the east in relation to the Celina village,  
22 some 500 metres to one kilometre. If you give me a map I could draw that

23 in for you precisely.

24 Q. Okay. I --

25 A. Maybe I made a mistake a little bit concerning the distance. I

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1 cannot really be precise without a topographic map.

2 Q. Let me move on because I'm using up my time fast. You said you

3 told them to stay there until the army passed and then go back to their

4 villages. First of all, do you speak Albanian?

5 A. No, I don't speak Albanian.

6 Q. And I take it, were these Kosovo Albanian civilians that were

7 hiding there?

8 A. Yes, they were Siptars.

9 Q. Did you have an interpreter that you were using to talk with them?

10 A. Of course, I had many soldiers in the unit who were from the area

11 of Kosovo and Metohija and they spoke Albanian, also a lot of Albanians

12 spoke the Serbian language. So if you're interested in the specific case

13 I can tell you how I communicated with them.

14 Q. Well, did you use one of your soldiers as an interpreter in

15 speaking to this group of 200?

16 A. In this case, yes, precisely.

17 JUDGE BONAMY: Just before moving on, you were asked there to

18 locate the river-bed and you gave the name Hocanska rather than the Hoca,

19 which is in your statement. And you said it's east of Celina. Now, east

20 of Celina appears to be a village called Nogavac. Is this river-bed

21 somewhere between the two or is it somewhere else?

22 THE WITNESS: [Interpretation] From what I remember, a little bit

23 farther away. If you give me a map this Hocanska river, that's the name  
24 of it, Hocanska Reka, but it's actually a brook that dries up  
25 occasionally. But for now what is important is that this brook made a

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1 large indentation or a drop in the land of some 10 to 15 metres in  
2 relation to the rest of the terrain. If -- perhaps if we bring back the  
3 map that I looked at earlier I can show that to you.

4 JUDGE BONOMY: Well, that's P95. Now, if we can enlarge the  
5 bottom right part.

6 Can you see it now?

7 THE WITNESS: [Interpretation] I think that I can see it and if you  
8 give me the pointer then I can show it. It's true that Bela Crkva, that  
9 writing, covers it up a little bit, but this is that brook or river.

10 JUDGE BONOMY: And can you show us where it goes as it passes  
11 through the writing "Bela Crkva massacre site" or have you marked the area  
12 where the refugee were?

13 THE WITNESS: [Interpretation] I don't think that you can see it  
14 here, but on the map that I have there is a topographical sign for a  
15 crevasse or -- and so as soon as you pass the village of Nogavac these  
16 civilians were here in that section --

17 JUDGE BONOMY: And that's what you marked --

18 THE WITNESS: [Interpretation] -- although this --

19 JUDGE BONOMY: -- with an oval in red; is that correct?

20 THE WITNESS: [Interpretation] Yes.

21 JUDGE BONOMY: Thank you.

22 Mr. Hannis.

23 MR. HANNIS: Your Honour, I have no more questions about that.

24 Should we give it an IC number?

25 JUDGE BONOMO: Yes, please.

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1 THE REGISTRAR: That will be IC178, Your Honours.

2 MR. HANNIS:

3 Q. You say in paragraph 30 then that after telling these people to  
4 wait until the army went past and return to their villages, that you know  
5 they later went to Celina because the fire group commander told you about  
6 that. Who was that fire group commander?

7 A. I would like to ask the Trial Chamber that I not say his name in  
8 open session. He has a family in Kosovo and Metohija, and I would not  
9 want to jeopardize the safety of his family, if possible.

10 JUDGE BONOMO: Mr. Hannis.

11 MR. HANNIS: I have no objection if we go into private session  
12 just to hear the name.

13 JUDGE BONOMO: Yes, we shall take that in private session.

14 [Private session]

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 [Open session]

23 THE REGISTRAR: We are in open session, Your Honours.

24 MR. HANNIS: Thank you.

25 Q. Going on in your statement, in paragraph 32 you mention on -- at

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1 dawn, on the next day, the 26th of March, you got a report about a larger  
2 group of civilians, about 500, in the area of Sarap. You passed an order  
3 to the squad commander to direct that group towards Velika Krusa and  
4 Celina. Those were again Kosovar Albanian civilians?

5 A. Yes, these were Kosovo -- Siptars because in this broader area  
6 there were Serbs only in Mala Hoca and in Orahovac. The other villages  
7 were mainly inhabited by Siptars. It's true that in the village of Mamusa  
8 there were Turks, but the population mainly consisted of Kosovo Siptars.

9 Q. Colonel, how could you be certain that the direction in which you  
10 were sending these various civilians was a safe one in which to go; that  
11 is, how were you certain that there wasn't any combat going on either  
12 between VJ and the KLA terrorists or between MUP units and KLA or  
13 terrorists? You weren't in charge of this overall action. You didn't  
14 have the full picture, did you?

15 A. Well, you put several questions to me and I will try to answer  
16 them all. It's correct that I did not command this anti-terrorist action.  
17 This was done by then-Colonel Delic as far as the military units are  
18 concerned. I don't know who was in command of the MUP units because I  
19 don't have that information. As for the question about how did I know if  
20 I was sending them to a secure, I personally passed through the village of  
21 Celina. I knew the disposition of my unit, and I knew the disposition of  
22 neighbouring units. I saw some of that disposition myself as far as the

23 terrain permitted and according to my information there were no more  
24 actions in these sectors.

25 Q. Did you consult with or advise Colonel Delic or his staff about

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1 these civilians and what you were doing with them?

2 A. Now I really cannot say exactly if I did or did not, but his order  
3 specified precisely the unit's tasks; and if you look at it, there is also  
4 a part that has to do with civilians. So I was bound under the command to  
5 act in that way. As for whether I called him about that or not is  
6 something that I cannot remember.

7 Q. All right. And you didn't write about that in your combat report,  
8 did you?

9 A. As far as I remember, the combat report only contains a remark  
10 that a part of the unit, just like all the other documents, the combat  
11 report is drafted at the command post of the battalion in the village of  
12 Zub. So as far as I can remember, that combat report said for this day  
13 that a part of the unit was out executing combat assignments in accordance  
14 with a document by the brigade command, and the number is specified there.

15 Q. You mentioned in your statement in several paragraphs, 30, 32, 42,  
16 43, 46 about contacts with civilians, and you've explained to us that  
17 although you didn't speak Albanian you sometimes used your  
18 Albanian-speaking soldiers to help interpret. I want to ask you about in  
19 paragraph 46 you talked about speaking on April 4th, 1999, to some  
20 civilians who were leaving for Albania. You say they told you the main  
21 reason they were leaving was fear of NATO bombing. There also were some  
22 who said they were afraid of the terrorists. And you say -- in English it

23 says here you say: "They were probably frightened of the conflict between  
24 the army and the Siptar terrorist forces but they did not admit it  
25 openly."

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1 Now, I take it when you were talking to civilians you were in your  
2 VJ uniform and did you carry a side-arm?

3 A. Of course I had a uniform and a weapon. It was war. War had  
4 started.

5 Q. And you were accompanied by some of your fellow armed VJ soldiers  
6 during these conversations with the civilians?

7 A. Exactly. A soldier in combat always carries weapons.

8 Q. Would you agree with me that it's possible that some of those  
9 Kosovo Albanian civilians may have actually been leaving because they were  
10 afraid of either the VJ or the MUP but they didn't or wouldn't want to  
11 tell you that? That's possible, isn't it?

12 A. Well, if I were to say yes or no it would be an assumption or  
13 speculation, and this is something that I do not wish to do. I don't have  
14 the information. No one told me if they were afraid or not afraid. I  
15 simply stated an assumption of mine. The conversation with this group  
16 lasted for a while. I can also give you my reasons if you're interested.

17 Q. Let me ask you something else. In paragraph 41 --

18 JUDGE BONAMY: Do I understand you as saying that they didn't say  
19 in so many words why they were leaving, that you assumed the reason from  
20 the rest of the conversation?

21 THE WITNESS: [Interpretation] No. They explicitly said they were  
22 leaving because they were afraid of NATO bombing and terrorists who had

23 asked them there. And the second part of the sentence where I made the  
24 assumption, perhaps it was a bit unhappily formulated, they didn't  
25 explicitly respond to that. Well, it's not surprising that they were

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1 leaving because during those days the NATO air force was dropping flyers  
2 en masse in this area of Metohija, and the flyers were aimed at  
3 intimidating or frightening exclusively civilians, thousand bombs,  
4 horrible deaths, don't wait for me, and so on. These were the slogans.  
5 That had no effect on my unit at all. They were even silly to us. And I  
6 even dare say that I expected something more original from a serious  
7 military force. In any case, the civilians were frightened.

8 JUDGE BONOMOY: When you were speaking to Albanian civilians, did  
9 you refer to them as Siptars?

10 THE WITNESS: [Interpretation] Yes, this is how I always referred  
11 to Siptars, and in my unit as well I had an officer who was a Siptar. Of  
12 course I addressed him by his rank and first and last name, but he knew my  
13 position. There's nothing controversial about that. When I say "Siptar"  
14 it's not an insulting term in the same way that a Serb is a Serb, an  
15 Englishman is an Englishman.

16 [Trial Chamber confers]

17 JUDGE BONOMOY: Mr. Hannis.

18 MR. HANNIS: Thank you.

19 JUDGE BONOMOY: Sorry. Judge Nosworthy has a question.

20 JUDGE NOSWORTHY: At page 48, line 14, where the witness refers  
21 to: "The second part of the sentence where I made the assumption, perhaps  
22 it was a bit unhappily formulated, they didn't explicitly respond to

23 that."

24 I'm not quite certain what the witness is referring to. The

25 sentence in the paragraph?

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1 [Trial Chamber confers]

2 JUDGE NOSWORTHY: Could there be some clarification there. Thank

3 you.

4 THE WITNESS: [Interpretation] Let me just find that part. It's

5 the second sentence, line 4 of paragraph 46. I'm going to read it.

6 "Probably there were cases and fears of conflicts between the

7 army and the Siptar terrorist forces, but this was not something that was

8 publicly stated." This is the part that I meant, that this was not stated

9 explicitly by civilians, that we are afraid because of such and such a

10 thing. As for the rest, everything else I heard in person.

11 THE INTERPRETER: The interpreter's note we did not have the

12 original of the text.

13 JUDGE BONOMO: Thank you.

14 Mr. Cepic.

15 MR. CEPIC: [Interpretation] Your Honours, if you permit me, I

16 think that the witness misunderstood because Her Honour Judge Nosworthy

17 referred to the transcript and not to the statement.

18 JUDGE BONOMO: So are you saying the witness was talking about

19 something else?

20 MR. CEPIC: [Interpretation] Perhaps I misunderstood, Your Honour,

21 but when Her Honour Judge Nosworthy referred to the transcript page and a

22 specific line, this is what she meant; but actually the witness replied to

23 that so perhaps it was my misunderstanding.

24 [Trial Chamber confers]

25 MR. HANNIS: Thank you, Your Honour.

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1 Q. In paragraph 41, Colonel, you say: "Immediately after the start  
2 of the NATO aggression and bombing, residents of villages in the border  
3 area, including Deva, Guska several others abandoned their villages and  
4 moved towards Djakovica and Prizren."

5 You make that sound as though those people left voluntarily. I  
6 will tell you that a witness in this case Merita Deda, a young woman who  
7 lived in Guska has testified that on -- and I'm referring to transcript  
8 page 1340 from the 10th of August. Her statement is P2233.

9 That on the 29th of March an army commander came, a Serb army  
10 commander named Dragan, she didn't know the last name and:

11 "He told us that we had to abandon the village within an hour and  
12 that's what we did. At the beginning, at the start, we were told to go to  
13 Albania, but we got to Brekoc, they returned us, and we went to Korenica."

14 Are you aware that the army was forcing some of those villagers to  
15 leave their villages in late March 1999?

16 A. First of all, I never said that they were leaving of their own  
17 free will, quite the contrary, in fact. I stated exactly the opposite.  
18 Based on what I could tell, they left their homes precisely because of  
19 their fear of NATO air-strikes on the one hand and the terrorists on the  
20 other. That was what they indicated was the principal reason for them  
21 leaving. I'm not sure how I could possibly put this in more graphic  
22 terms --

23 Q. Well --

24 A. -- but, for example, a missile hits a fuel storage site in the

25 Djakovica barracks --

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1 Q. Let me stop you there --

2 A. -- the sound of this explosion can be heard from as far away as 20

3 kilometres. As for this person --

4 Q. That wasn't my question. Who was your source for this

5 information? You haven't told us anywhere else in your statement that you

6 talked with the residents of these villages.

7 A. My source for the fact that the residents of those villages were

8 leaving were as follows: The command of the 53rd Border Battalion; my own

9 deputy who was at the time in Zub village; the commander of my 1st

10 Motorised Company, who at the time was part of Combat Group 3 in the

11 Damjane sector. Therefore, I am only referring to those villages that at

12 a later stage ended up in my own battalion's defence sector, with the

13 exception of Babaj Boks. I'll just have a look. This one was outside the

14 sector. So I got this information from some of my subordinates and from

15 one of my neighbouring units.

16 Q. So this is just hearsay from other individuals, right? You didn't

17 have any written statements or recorded interviews of villagers from those

18 villages? This is just what some of your colleagues in the army told you,

19 right?

20 A. I'm afraid I'll have to clarify a little.

21 Q. No. Can't you just answer that question yes or no?

22 A. Well, I'm afraid I might end up confusing the Chamber. There is

23 no paper trail, no documents, because the army has no jurisdiction  
24 whatsoever over the civilian population. My unit arrived in the general  
25 area where those villages were no earlier than the 4th of April that same

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1 year, and we started setting up our defence. The command, as I said, was  
2 in Zub village. The locals there, the residents of that village, did not  
3 leave at the same time as those other groups, the groups that were the  
4 first to leave; rather, they left as soon as I had moved my command from  
5 Zub village.

6 JUDGE BONOMY: Mr. Vukovic --

7 THE WITNESS: [Interpretation] They saw what was happening and they  
8 followed the army.

9 JUDGE BONOMY: -- you are being asked for your source of this  
10 information, and Mr. -- in answer to that you clear -- gave clear evidence  
11 identifying army colleagues who gave you that information, and Mr. Hannis  
12 simply wanted you to confirm whether or not that was your only source of  
13 this information.

14 THE WITNESS: [Interpretation] In relation to these villages, that  
15 was the only source. There were other cases where I personally spoke to a  
16 number of civilians, but those weren't locals; they weren't people from  
17 that area.

18 JUDGE BONOMY: Mr. Hannis.

19 MR. HANNIS: Thank you, Your Honour.

20 Q. In paragraph 43 of your statement, Colonel, you talk about coming  
21 across a group of civilians at the entrance of the village of Zub, and the  
22 preceding paragraph makes reference to the 30th of March, 1999. So I'm

23 assuming paragraph 43 is also talking about the 30th of March; is that  
24 right?

25 A. Right.

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1 Q. And you tell us you explained to them it would be best for them to  
2 return to their villages as they were from the Pec area, but they were  
3 persistent in their intention to go to Albania. And you explained about  
4 the problem with the -- that area, the border crossing, being impassable.

5 You said:

6 "I ordered my deputy to organize a vehicle transportation of this  
7 group of civilians to the customs and to escort them safely to the  
8 territory of Albania."

9 What do you mean to the customs, to the physical building where  
10 the customs check-point was located?

11 A. Yes, I mean the customs building. There was no one there at the  
12 time. Part of that building was used by a detachment of the border  
13 police.

14 Q. And you say they were escorted to Albania by -- I take it by VJ  
15 soldiers under your command; right?

16 A. Not escorted. It reads: "Safely taken away to the Republic of  
17 Albania."

18 Let me remind you, for this particular purpose my soldiers had to  
19 clear a path through a minefield which is a very dangerous mission. My  
20 deputy and I had been ordered to allow them to leave, simply because they  
21 were adamant that they would not accept any of the solutions that I was  
22 offering --

23 JUDGE BONOMY: Mr. Vukovic, you've answered that question  
24 adequately. Thank you.

25 MR. HANNIS:

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1 Q. Well, something you just said there that I didn't get from reading  
2 your statement, you said: "My deputy and I had been ordered to allow them  
3 to leave ..."

4 Who ordered you to let them leave? Was that Colonel Delic?

5 A. I don't think it was Colonel Delic. At the time Colonel Delic was  
6 on that combat mission in the general Retimlje area. I'm not sure exactly  
7 who that order had come from, but I think it was the group command of the  
8 Pristina Corps, the one that was in Djakovica. I think that's where it  
9 came from.

10 Q. Was there a written order or did you receive it orally?

11 A. I definitely know that there was no written order; rather, my  
12 deputy was given an oral order. There are probably combat documents  
13 reflecting that.

14 Q. Okay. Paragraph 44 you say that: "On the 28th, 29th, 30th, 31st  
15 of March and 1 and 4 April about 12.000 people passed through the border  
16 at that point."

17 Is that right?

18 A. Yes. I said in the roughest of terms, but we never actually  
19 counted them, and there is information to show otherwise as well.

20 Q. You don't mention the 2nd and 3rd of April. Did nobody cross on  
21 those two days or is there a typographical error and it's supposed to  
22 include all days between the 1st and the 4th?

23 A. According to my information, no civilians crossed there on the 2nd  
24 and 3rd of April.

25 Q. You mention in paragraph 61 about the locals in Jahoc village

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1 preparing to leave to Albania. They were afraid of the frequent bombing  
2 of the Cabrat object. What was the Cabrat object, was that a  
3 communications facility or what was that?

4 A. The feature would be military speak for this. In this case what  
5 we're looking at is a hill, it's called Cabrat stretching east-north west  
6 from Djakovica to Pec.

7 Q. And what is it about a hill that makes it a target for bombing.

8 Was there some VJ personnel there or military personnel? Why was it a  
9 target of frequent bombing?

10 A. As far as I know, there were no VJ units there at the time,  
11 needless to say. Earlier on, yes, there were a number but that hill  
12 certainly was targeted on a daily basis and their information was probably  
13 inaccurate. The village of Jahovci happens to lie on the very slopes of  
14 Cabrat hill.

15 Q. But again, I don't understand why a hill is a target for daily  
16 bombing unless there are some military equipment or facility or personnel  
17 there. Can you help us with that. Why was Cabrat hill targeted daily?

18 A. Well, I don't think it's my place to be answering a question like  
19 that. You should ask whoever it was who issued those orders for that hill  
20 to be targeted on a daily basis. My own barracks was targeted over 30  
21 times, although they knew --

22 Q. If you don't know the answer we'll move on to something else.

23 We're talking about late April 1999 now, and you told us in paragraph 68  
24 that on 26 April your brigade commander ordered you to report to the  
25 Pristina Corps forward command post, and there you received a task from

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1 the Chief of Staff to block a part of the Korenica region; right?

2 A. Yes.

3 Q. And you mention that the search of that terrain was performed by  
4 the MUP units. Do you recall, were there not also elements of the 63rd  
5 Parachute Brigade taking part in that sweep of the Reka area?

6 A. At the time I did not know that there was a unit like that in the  
7 area. However, as I was being proofed for my evidence the lawyer asked me  
8 that, and I told him the same thing. According to my information, there  
9 was a MUP unit that was searching the terrain at the time.

10 Q. You didn't know anything about any other VJ units participating in  
11 that part of the action, any units attached to or subordinated to the  
12 125th?

13 A. No, I don't know. I told you everything I knew about the 125th  
14 yesterday. It may sound brutal, but even that was pure speculation.  
15 There was simply no documents available to me that I could possibly have  
16 based my opinion on.

17 Q. All right. And is it your evidence that none of your soldiers  
18 were in either Korenica or Guska village on the 27th or 28th of April,  
19 1999?

20 A. No, no, that's not what I'm saying.

21 Q. Okay. Were they in Korenica?

22 A. In the cemetery area and the cemetery is just outside Korenica

23 near the Djakovica-Korenica road. They were there at about 8.30. At  
24 about 1800 hours that day the unit moved as far as the asphalt road, the  
25 Ponosevac-Djakovica road. That road also passes through Korenica village.

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1 Q. All right.

2 JUDGE BONOMY: Which day are we talking about?

3 THE WITNESS: [Interpretation] This was the 27th of April, 1999.

4 JUDGE BONOMY: Thank you.

5 MR. HANNIS: Your Honours, I would like to show the witness a  
6 map -- actually, this is from the Kosovo atlas, but because it involves  
7 overlapping pages I had Mr. Reid create for us a new map that joins the  
8 two pages at the seam; and it's Exhibit Number P3084, I believe. It was  
9 not on my notification list, but because it's part of the Kosovo atlas, I  
10 hope Mr. Cepic won't have an objection to my using that with the witness  
11 now.

12 MR. CEPIC: [Interpretation] I'm not opposing that, and I hope  
13 Mr. Hannis will not have any objections to raise in relation to the  
14 following witness and the subjects that we discussed.

15 The other thing I want to know is how much longer my learned  
16 friend Mr. Hannis intends to go on for with this witness because according  
17 to my rough calculations a lot of time has been used up already.

18 JUDGE BONOMY: You can certainly use the exhibit, Mr. Hannis.

19 On the other matter?

20 MR. HANNIS: Your Honour, I'm not -- I wanted to finish this  
21 witness before the end of the day, but I think I'm going to need a  
22 substantial part of the remaining session to do that, if Your Honours are

23 willing to give me that much time. He has a rather lengthy statement, he  
24 testified in Milosevic, he is a significant witness concerning a couple of  
25 crime sites; and I will try to expeditiously complete the rest of my

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1 examination within whatever time-limit you give me.

2 [Trial Chamber confers]

3 JUDGE BONOMY: At this stage, Mr. Hannis, you haven't really gone  
4 all that far over what would be permissible because Mr. Ivetic's  
5 examination was quite lengthy, although Mr. Cepic stayed within -- well  
6 within bounds. And as I think I indicated yesterday, it's obvious there  
7 are difficulties in dealing with the cross-examination of this witness  
8 within the normal time-scale because of the area of evidence that he  
9 covers plus the length of the statement. So we are content that you  
10 proceed as you indicate. If you were able to finish with 15 minutes to  
11 spare, that might enable everything to be dealt with but it might not. So  
12 judge as best you can whether that can be achieved without doing any  
13 injustice to your case, but at the very outside hopefully you will be  
14 finished this evening.

15 MR. HANNIS: Thank you very much, Your Honour.

16 If we could enlarge this with the focus on Djakovica and the  
17 quadrant directly to the west or to the left of it on this map. Perhaps  
18 one more time and then scroll down to have those two blocks in the middle  
19 of the map.

20 Q. Are you able to see Korenica and the surrounding villages on this  
21 map, Colonel?

22 A. Yes.

23 Q. Would you like us to enlarge it one more time?

24 A. I'm not sure what it is that you want me to indicate, but --

25 MR. HANNIS: Could we enlarge it one more time for my eyes, they

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1 may not be as good as the Colonel's. Okay. And if we could move the map  
2 to the right a little bit. The other direction. Thank you.

3 Q. Colonel, you see Korenica there on the map. Could you draw on  
4 this map for us the approximate location of your command post during the  
5 27th and 28th of April, 1999?

6 A. The command post at the time was in the broader area of Zub  
7 village.

8 Q. Okay. And I --

9 A. The battalion command post of course.

10 Q. All right. And in connection with the action that was going on in  
11 the area of Korenica, Meja, and north of there, I understood that you had  
12 some sort of command post for that action somewhere between Meja and  
13 Korenica on that Djakovica-Ponosevac road --

14 JUDGE BONAMY: What the witness said was that some of his men were  
15 at the cemetery outside Korenica, I think.

16 MR. HANNIS: That's correct, Your Honour, but I also understood --

17 JUDGE BONAMY: This is something else?

18 MR. HANNIS:

19 Q. Is that correct -- first, can you show us where you were located  
20 during that action approximately?

21 A. Well, that morning I was at my command post, and since there was  
22 only very small-scale involvement of forces I left at about 8.00 or 9.00.

23 There was an abandoned house there, I'll try to mark it for you, right  
24 here. It's on the Djakovica-Korenica road -- well, now I'm facing a  
25 problem here. This is no topographic map, and it's very difficult for me

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1 to be more accurate than this; but in very rough terms this would be the  
2 location.

3 Q. Okay. I see you put a red dot on the south side of the road  
4 between Korenica and Djakovica, right?

5 A. Well, truth be told, this house is to the north, but it's  
6 practically on the road itself. It's an old abandoned house owned by a  
7 Serb who had been expelled from the area as early as the 1980s. His  
8 surname is Vuckovic.

9 Q. Okay. And while you were at that location on the 27th and 28th of  
10 April, you saw, did you not, large numbers of Kosovo Albanian civilians  
11 travelling along that road towards Djakovica; right?

12 A. There were small groups of civilians passing through on the  
13 afternoon of the 27th and almost the whole day on the 28th. Early in the  
14 morning at about 8.00 in the cemetery area that I referred to a while ago  
15 there was one of the units blocking the area that observed a civilian  
16 group moving along. Again, I can't tell you whether those were large  
17 groups, whether this really was a crowd moving along, because our mission  
18 was not to monitor their movement.

19 Q. And I understand the cemetery was on the outskirts of the actual  
20 village of Korenica, right?

21 A. Yes, right. As any village cemetery, this one too is located  
22 outside the actual village. They have enough room. There's no shortage

23 of room in village cemeteries such as the sort of shortage you encounter  
24 in towns.

25 Q. All right. And how many men were in your unit that was located

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1 there? How big a contingent was that approximately?

2 A. Well, if you're asking me about this anti-terrorist action, I  
3 would say about 100 men at least [as interpreted].

4 Q. Is it your evidence none of those men went into the actual  
5 village, that they all remained in the cemetery during this entire time?

6 A. I never said that they were all in the cemetery. There was a very  
7 small component that was there. If you have more time, I can perhaps  
8 provide a detailed description of what it was like.

9 Q. Well, let's take the break now if --

10 JUDGE BONOMOY: Mr. Cepic.

11 MR. CEPIC: [Interpretation] Your Honours, if I may, just before we  
12 do, page 61, line 20, I think the witness said "under 100 men" and  
13 not "about 100 men at least."

14 JUDGE BONOMOY: Mr. Hannis.

15 MR. HANNIS:

16 Q. Witness, did you hear that? Can you tell us whether you said:

17 About 100 men at least or under 100 men?

18 A. I said "under 100 men." That was all I could afford because of  
19 the kind of trouble that we were facing on the border when the landings  
20 started.

21 MR. HANNIS: May we take the break now, Your Honour?

22 JUDGE BONOMOY: Yes.

23 Mr. --

24 [Trial Chamber and registrar confer]

25 JUDGE BONOMY: You wish this to have an IC number, Mr. Hannis?

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1 MR. HANNIS: Yes, let's do.

2 Thank you, Mr. Haider.

3 THE REGISTRAR: That will be IC179, Your Honours.

4 JUDGE BONOMY: Thank you.

5 Another break, Mr. Vukovic. Could you leave the courtroom,

6 please, with the usher.

7 [The witness stands down]

8 JUDGE BONOMY: And we shall resume at 6.00.

9 --- Recess taken at 5.32 p.m.

10 --- On resuming at 6.01 p.m.

11 MR. IVETIC: Your Honours, while we're waiting for the witness I

12 thought I could use the opportunity to bring to the Court's attention that

13 6D1004, that's a document that there was an issue over translation last

14 week. CLSS has prepared a corrected English translation that does, in

15 fact, reflect the error that was brought to the Court's attention in open

16 court. Since that was used as an exhibit, we would have to ask leave of

17 Court to exchange the translations, which is what I was told could be done

18 orally. So that would be our oral application to replace the original

19 translation from CLSS with the new original translation from CLSS.

20 [The witness takes the stand]

21 JUDGE BONOMY: Have you seen this, Mr. Hannis?

22 MR. HANNIS: I haven't yet, Your Honour.

23 [Trial Chamber and registrar confer].

24 JUDGE BONOMY: I quite agree with the approach that doesn't

25 require a written order; on the other hand, we need to know that everyone

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1 has seen it. Now, it has been filed, I take it?

2 MR. IVETIC: I received from CLSS -- or from -- CLSS has filed

3 something, I don't know to whom it's been sent. I don't know -- file is

4 not a proper word. CLSS has sent something.

5 JUDGE BONOMY: Well, you liaise with Mr. Hannis and make sure

6 there is no objection and tell me that, and we'll deal with it from the

7 Bench.

8 MR. IVETIC: Thank you, Your Honour.

9 JUDGE BONOMY: Mr. Hannis, please continue.

10 MR. HANNIS: Thank you. I'm told, Your Honour, that it has been

11 circulated to us. I haven't seen it yet. I'll take a look and advise you

12 and Mr. Ivetic.

13 THE INTERPRETER: Thank you.

14 MR. HANNIS:

15 Q. Colonel, when we broke we were talking about Korenica and

16 yesterday at page 21333, line 6, you were asked about whether your forces

17 entered the village on the 27th of April at 6.00 in the morning and did

18 they wear hats. Your answer was: "On the 27th in the morning at 6.00

19 part of my unit was located at the blockade going all the way down to the

20 river, which means that they were not in the village of Korenica."

21 That's a little unclear to me. Was there some other part of your

22 unit that was in the village because you say "part of my unit was at the

23 blockade"? Where was the other part?

24 A. Well, one part was between the village of Korenica and Erenik, and  
25 the other parts were to the left and right. I think that I made a drawing

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1 yesterday as well, that is to say of part of the deployment of this unit  
2 that participated in the blockade. At 6.00 in the morning not a single  
3 soldier of mine was in the village of Korenica.

4 Q. But some of them were in the cemetery on the outskirts of  
5 Korenica; right?

6 A. Not at 6.00. I've said around 8.30 the commander of this one  
7 platoon noticed a group of civilians in the area of the cemetery, and he  
8 sent two soldiers to tell this group of civilians that they should not be  
9 there; rather, they should return to their village. He did not have any  
10 information. Well, these first two soldiers around 8.30 as they were  
11 approaching this group of civilians -- obviously there were armed  
12 terrorists among these civilians and they opened fire and they threw a  
13 hand-grenade. That is where two of my soldiers were wounded, seriously  
14 wounded, Vuckovic Dragisa was seriously wounded, whereas Lapadatovic  
15 Miroslav has sustained lighter wounds. However, even then we were not in  
16 the village of Korenica because the cemetery is -- well, about half a  
17 kilometre out of the village approximately.

18 Q. Well, let me read you from the transcript of this trial a portion  
19 of the evidence of Lizane Malaj, who lived in Korenica. At page 12 --  
20 1309, I'm sorry, she says, regarding the 27th of April, at line 23 on that  
21 page: "It was 7.30 in the morning when this happened. We could hear  
22 shots being fired and the house was encircled by some 30 people," and they

23 were in the yard, they stopped her son and father, they were dressed in  
24 military uniforms, police uniforms, and paramilitary, three different  
25 uniforms she says.

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1 And at page 1311 she says they were heavily armed. In answer to  
2 the question: "Was it just your family that was being forced to leave?"  
3 She said: "They did that with all the village, the entire  
4 village."

5 And her husband and son were killed on that day; their bodies were  
6 later found in Batajnica. Now, are you telling me that your men just  
7 outside the village weren't aware that that was going on at 7.30 in the  
8 morning? That's a pretty small area. They didn't hear gun-fire? They  
9 didn't see women and children fleeing from the village? Is that your  
10 evidence?

11 A. Well, that's precisely what I've been telling you. To the best of  
12 my knowledge, the first fire in this area was at 8.30, the first firing or  
13 shooting. Of course, it is only natural if I said that the first conflict  
14 occurred then they could not have heard anything like that before that.

15 Q. All right. Let me read another one for you. This is another  
16 witness who testified at page 1400 in this trial, Merita Deda who was in  
17 Korenica on the 27th of April. Line 21 of that page says:

18 "On the 27th of April, at 6.30 in the morning, the army forces --  
19 Serb army forces entered the house and our courtyard and they ordered us  
20 to leave the house. We went out, the whole family, and they began to  
21 separate the men from the women. The men on one side and the women and  
22 children on the other. They started beating the men and robbing them,

23 demanding money," et cetera.

24 They lined them up, forced them to raise three fingers and

25 shout "Serbia, Serbia," and as the women were about 20 metres away she

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1 said they started shooting, and she turned back to see her uncle and

2 parents lying on the ground. She never saw them again and her father and

3 uncle and uncle's sons bodies were found in Batajnica some years later.

4 And it's still your position that none of your forces which you

5 say were in the cemetery just on the outskirts of Korenica were aware of

6 that happening in the village?

7 A. Well, you see, I've been saying to you all along that part of this

8 unit of mine only got to that cemetery at 8.30 in the morning. If we look

9 at the rest of the statement carefully, we will see that when this first

10 skirmish occurred, the firing incident with the terrorists, I ordered one

11 of my subordinate commanders to remain there at the blockade line, not to

12 move from there, only to get these two wounded soldiers out to bring them

13 to the asphalt road going from Korenica towards Djakovica, and that over

14 there he should wait for the ambulance that would transport the wounded to

15 the hospital in Djakovica. I repeat --

16 Q. No, don't repeat. You said -- well, are you telling us now that

17 your forces only got to the cemetery at 8.30 in the morning? They weren't

18 there before that?

19 A. Well, that's what I've been saying all the time.

20 Q. Okay.

21 A. And when I say "forces," at 8.30 it's those two soldiers, whereas

22 the commander needed about 10 to 15 minutes to approach the cemetery

23 because the terrorists had fled into the neighbouring houses and they  
24 opened fire from there. Of course they were firing at the ambulance too  
25 that I had sent in order to have the wounded men transported to the

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1 hospital. As far as the civilians are concerned, they were fleeing from  
2 the cemetery, but I have information in line with the report of the  
3 platoon commander that they were running towards the army not from the  
4 army, and that speaks in itself.

5 Q. Well, you don't know who was behind them, who they were running  
6 from, do you?

7 A. What do you mean behind them?

8 Q. Well, if they were running --

9 A. The village of Korenica --

10 Q. If they were running towards the army, then I suggest to you there  
11 was somebody behind them that they were running from. Do you know who  
12 that was?

13 A. Of course I know. I've been saying that to you right now. These  
14 were armed terrorists who were firing at my soldiers and they were doing  
15 that from within the group of civilians. The very fact that they threw a  
16 hand-grenade too, and now take into account the fact that this  
17 hand-grenade has two and a half thousand little particles. So I'm telling  
18 you they were fleeing from the people who were firing, who were shooting,  
19 and in this case it was armed terrorists.

20 Q. [Microphone not activated]

21 Let me show you Exhibit P2019, and I'll hand you a hard copy

22 because it's several pages. This is a handwritten document, but I believe

23 you've seen it before and you're familiar with this, right?

24 JUDGE BONOMOY: It's presently under seal, Mr. Hannis, but if

25 you're not going to be referring to passages identifying anyone --

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1 MR. HANNIS: No, other than --

2 JUDGE BONOMOY: -- it will be good enough if we don't broadcast it

3 outside the courtroom.

4 MR. HANNIS: I think that's right, Your Honour.

5 Q. Let me know when you've had a chance to review it and satisfy

6 yourself that you're familiar with it.

7 A. This is my document. After the war I saw it for the first time in

8 2005 while preparing for testimony in the case of President Milosevic.

9 Q. Okay. And if you would go to the entry for 27 April 1999, I think

10 it's in the page that has -- [Microphone not activated]

11 THE INTERPRETER: Microphone, please, for the Prosecutor.

12 JUDGE BONOMOY: Mr. Hannis, your microphone's been switched off.

13 MR. HANNIS: My microphone may have died --

14 JUDGE BONOMOY: [Microphone not activated]

15 THE INTERPRETER: Microphone for the Presiding Judge, please.

16 JUDGE BONOMOY: My book has been cutting you off. I'm sorry.

17 MR. HANNIS: Okay, Your Honour.

18 Q. Did you find page 11, the entry for 27 April --

19 MR. HANNIS: And, Your Honours, in English it's at the bottom of

20 page 11.

21 Q. Do you have that, Colonel?

22 A. Yes, I found it and I read it.

23 Q. It says: "0600 hours, the axis of Korenica village (trig point  
24 360) -cemetery-crossroads-Meja-Orize-Kodra e Kikes was blocked off."  
25 Doesn't that mean that your troops were in position at 0600?

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1 A. Well, that's not what it means. This is the axis. I don't know  
2 how to explain this to you. You have to link a position to a particular  
3 point on the terrain, on the land. I cannot write "meadow," for instance.  
4 If this is what you're asking me, what is closest to the position of this  
5 one platoon was precisely this cemetery, but it wasn't within the cemetery  
6 itself. I didn't say that. You have to relate the position of the unit  
7 to a specific feature. If you look at the map, there is no house there,  
8 there is no trig point, there is no elevation, so this is military  
9 terminology. It's quite --

10 Q. But there is a cemetery, isn't there?

11 A. Of course there is a cemetery. That's what I've been telling you.

12 Q. And that's one of the points named in the blockade. Doesn't that  
13 mean that you have some forces at the cemetery?

14 A. That's not what it means. I've been telling you just know that  
15 what is written here is what the line is. Please look at this. It  
16 says "on the line," because you have to give certain points. We are  
17 linking up points to what we see on the map.

18 Q. Okay.

19 A. And on the map I'm telling you there is no other feature.

20 Q. Okay.

21 A. Otherwise a war diary is not written for anyone else but a soldier  
22 who knows how to read a map, how to have a look at this, and establish

23 what it is that is written there.

24 Q. Well, you just told me this doesn't mean what it says. This is  
25 the second time you've told me that something in your war diary doesn't

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1 mean what it says. We talked about the other example where it said that  
2 Bela Crkva had been blocked and cleansed, and you told me this was wrong.

3 This is another example where the war diary is wrong?

4 JUDGE BONOMY: Mr. Cepic, you're on your feet.

5 MR. CEPIC: [Interpretation] I think that this suggestion made by  
6 my colleague Mr. Hannis is wrong because I think that the witness  
7 explained in rather clear terms what this is all about. He has just been  
8 explaining now what it is that is written there, not something that is not  
9 written there. Thank you.

10 JUDGE BONOMY: Well, if you understand it, then you'll be able to  
11 deal with it in re-examination, but for the moment it seems to me a  
12 perfectly fair proposition to make, that the diary doesn't mean what it  
13 says.

14 So let's proceed, Mr. Hannis.

15 MR. HANNIS:

16 Q. Well, maybe it will help you if we can look the map again.

17 MR. HANNIS: Could we have a clean copy of P3084.

18 And if we could pick Korenica as sort of our focus point, enlarge  
19 maybe three or four times. And then if we could scroll down so Korenica  
20 is near the middle of the page. Yes. And if we could move the page over  
21 to the right of the screen.

22 Q. Colonel, can you draw on this map then what is described in your

23 war diary as the axis of this blockade, approximately, Korenica village,  
24 trig point 360, cemetery, crossroads, et cetera.

25 A. Please, I did not understand. Am I supposed to mark the axis or

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1 the deployment of the unit that was along this axis?

2 Q. Well, first of all, I guess draw the axis for me.

3 A. If this is the axis, the centre of the village of Korenica is

4 somewhere around here -- I beg your pardon, a bit to the north, then the

5 cemetery is, say -- no, no, even closer to the road --

6 Q. Would you like a clean up to start over or is it okay as is?

7 A. It would be better to start with a clean one.

8 MR. HANNIS: Can we do that.

9 THE WITNESS: [Interpretation] Because I don't seem to be able to

10 mark what it is that I'm trying to indicate. So if we look at the axis

11 it's the centre of the village, then the cemetery would be somewhere

12 around here -- again it went way too low. What was the third point that

13 you mentioned?

14 MR. HANNIS:

15 Q. Sorry, I lost my page, Colonel. It's cemetery, crossroads.

16 A. Crossroads. At that time I certainly knew which one it was, and

17 now I assume that it's the crossroads on this road here --

18 Q. It does say crossroads -- yeah. It says crossroads Meja --

19 A. I think I got it a bit slanted, but I'm telling you this is not

20 the deployment of my unit.

21 Q. Wait, there's one more, it said Kodra e Kikes, is that also the

22 crossroads? Is that the whole name for the crossroads?

23 A. No, Kodra e Kikes is part of Cabrat, that is all the way here.

24 Let me just have a look. Approximately it's over here. I can't see the

25 village -- well -- oh, it went way too low. So it's roughly here.

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1 Q. Now, do you want to use a different colour to mark where you say

2 your units were deployed at 0600 hours on 27 April?

3 A. Well, if you give it to me, yes. I think that I drew that

4 yesterday too.

5 Q. I don't know if you can use a different colour. Yeah.

6 A. This is blue.

7 Q. Okay. Please continue.

8 A. Now, as I have been saying, I don't know what the scale of this

9 map is, but approximately this is it, and I've already said a platoon

10 here.

11 Q. All right. Thank you.

12 MR. HANNIS: Could we give that an IC number.

13 THE REGISTRAR: That would be IC180, Your Honours.

14 MR. HANNIS:

15 Q. And, Colonel, while you still have the war diary there, would you

16 agree with me that the next entry for the 28th of April and the 29th of

17 April both indicate that a part of the unit was blocking off or closing

18 off the Reka sector? That's what it says for both of those days, right?

19 A. If you're asking about the 28th, it wasn't cut off. It says here

20 quite clearly, part of the unit was in the blockade of the Reka facility,

21 which is the broader area there, and part of it was blocked by my unit

22 too.

23 Q. Maybe it was a translation matter, but I did say "blocking off."

24 And for the 29th?

25 A. As for the 29th, it says: "Part of the unit is in the blockade of

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1 the Reka sector."

2 I can explain about the 29th and the 30th. Again, there was a

3 reinforced platoon in the area. If you're interested, I can explain why.

4 Q. No, I'm sorry, I don't have time for that right now. I want to

5 ask you about another document from your battalion --

6 JUDGE BONOMY: Before you move then.

7 MR. HANNIS: Yes.

8 JUDGE BONOMY: What I would like to know is why this is described

9 as an axis beginning with Korenica when the deployment of forces starts at

10 a village called Duznje.

11 THE WITNESS: [Interpretation] I've said the broader area of

12 Korenica, that is what is written in one of my documents as well. What I

13 drew here, the axis -- well, I was asked by the Prosecutor to draw a line

14 along the axis from Korenica to the cemetery and to the crossroads. That

15 implies that when the axis is drawn, it starts from the centre of the

16 village and it goes along a straight line. I did not draw it very well

17 here because I don't have a ruler, but until now --

18 JUDGE BONOMY: Let me ask you a different question then. In view

19 of where the forces were, is the blockade which you actually mounted

20 according to your evidence accurately or inaccurately described in the

21 entry for 0600 hours?

22 THE WITNESS: [Interpretation] The blockade is just the way I

23 testified. The diary entry is in accordance with my testimony,  
24 corresponds to what I testified.

25 JUDGE BONOMY: Well, to a layman it doesn't. To a simple layman

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1 like me, it doesn't look as though that's the axis that you actually  
2 blocked off. And I'm wondering why it should be difficult for us to  
3 understand army terminology and we need assistance in that. You're  
4 actually saying that what you drew in blue is quite properly described as  
5 the axis of Korenica village-the cemetery-the crossroads-and Kodra e  
6 Kikes. Is that your evidence?

7 THE WITNESS: [Interpretation] If you allow me, I would like to  
8 clarify this. At my command post, I have a topographic map 1:50.000  
9 scale. My superiors know this terrain very well. For example, Djele  
10 Jordanovski, the senior sergeant had worked in Djakovica for 15 years. So  
11 when I issue an assignment I call them and tell them exactly, You will go  
12 from -- I'm just saying this as examples, from Krivo Drvalo [phoen] say  
13 to such and such a feature and then it's clear to him --

14 JUDGE BONOMY: I'm not satisfied you're actually trying to help me  
15 with this answer. Please try and confine yourself to the issue that we're  
16 dealing with here. What Jordanovski knows about other circumstances is  
17 not important for us.

18 THE WITNESS: [Interpretation] But I think it is important. He  
19 knows the terrain very well, I said that, and you asked me to explain it  
20 to you simply. So I am trying to explain. And if you don't understand  
21 military terminology that in the military this is quite the usual practice  
22 for a position and tasks to be linked to specific land features which are

23 drawn on the map.

24 JUDGE BONOMO: But, there's another village where your blockade is  
25 said to start. Why don't -- why doesn't the axis or why isn't the axis

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1 described as having been from that village, rather than Korenica which you  
2 were not in?

3 THE WITNESS: [Interpretation] Well, evidently I am not being clear  
4 enough or you are unable to understand me. The largest feature in this  
5 section is the village of Korenica. And when we say in the sector of the  
6 village of Korenica --

7 JUDGE BONOMO: But see, that's not true --

8 THE WITNESS: [Interpretation] it is not meant--

9 JUDGE BONOMO: -- the largest feature here is Djakovica.

10 THE WITNESS: [Interpretation] You are correct there, but in order  
11 to block off Djakovica you would need 2 to 3.000 soldiers, and I engaged a  
12 very small force here, even in relation to my own force. I said it was  
13 perhaps up to 100 soldiers, while my numbers at that time were over 2.000  
14 as far as manpower is concerned. So I don't know what other way I could  
15 explain this to you.

16 JUDGE BONOMO: Is there a written order that actually describes  
17 this axis or identifies this axis in advance of the action taking place?

18 THE WITNESS: [Interpretation] I said that I had received an oral  
19 order from the Chief of Staff of the Pristina Corps, and he showed me on  
20 his map the disposition or the deployment of my units, what that should  
21 be. He did that more or less in the same way that I'm doing it now, but  
22 it was more precise because we were using the topographic map. But the --

23 I didn't receive a written order.

24 JUDGE BONOMOY: Mr. Hannis.

25 MR. HANNIS:

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1 Q. That's correct. You told us about that, and it's -- that's also  
2 in your war diary actually on page 10, I think you have to go back one  
3 page, for the 26th of April, so on page 11 of the English. It says:  
4 "We had a meeting with the Pristina Corps Chief of Staff at which  
5 we were informed of the military and political situation and given further  
6 tasks."

7 And then it says: "We were given the task of blocking off the  
8 general sector of Korenica village."

9 Korenica village, that's the primary area you're supposed to block  
10 off, right, and you're telling us you didn't have any forces in Korenica  
11 village or at Korenica village? Is that what your evidence is?

12 A. First of all, I don't have that page but I know what it says and  
13 you read it yourself. The area of the village of Korenica, when a soldier  
14 says "area" he doesn't mean one point --

15 Q. Let me stop you. You have the page. It's one page back, it's the  
16 entry for the 26th of April, so it's one page more toward the front from  
17 the one you had, the bottom of that file I think, the other side. It  
18 should be highlighted in orange --

19 JUDGE BONOMOY: Mr. Cepic.

20 MR. CEPIC: [Interpretation] If I may assist, and if I can just  
21 provide the whole document, a hard copy --

22 JUDGE BONOMOY: The witness has it. He already has a hard copy.

23 MR. CEPIC: I understood that he has got just a couple pages.

24 Thank you. I apologise.

25 MR. HANNIS:

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1 Q. Do you have it now, Colonel?

2 A. Yes, yes, and if you allow me I would like to read it.

3 Q. You want to read the same thing I just read, the first two  
4 entries?

5 A. Excuse me, but I didn't hear you read that correctly or the  
6 translation to me was not correct.

7 Q. All right. Read it again.

8 A. The first entry for the 26th of April, 1999, states: "Meeting  
9 held with the Chief of Staff of the Pristina Corps where we were informed  
10 about the military and political situation and received assignments for  
11 our further work this is -- assignments for our further work implies in  
12 general the organization of the defence.

13 JUDGE BONOMY: [Previous translation continues] ... that matters.

14 Please --

15 THE WITNESS: [Interpretation] The next sentence: "Assignment  
16 received to blockade the broader area of Korenica."

17 MR. HANNIS:

18 Q. How does that differ from the way I read it before?

19 A. The interpretation that I received led me to understand that you  
20 read out just the area of Korenica, but if it doesn't say "broader" in the  
21 military jargon it's implied that it doesn't mean just that area but a  
22 little bit around the area. But in any case, in order to place a line of

23 blockade in a village is something that is not done. In a fight against  
24 terrorism, according to our principle, the blockade is set up on a wider  
25 area. Here it seems that a mistake was made because we did not -- well,

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1 it was a mistake in our estimates because we didn't expect that there were  
2 any terrorists in the village of Korenica, but as it turned out there  
3 were.

4 JUDGE BONOMY: The -- when you read it you didn't use the  
5 word "village, Korenica village," but in the entry there does it not  
6 actually say "Korenica village"?

7 THE WITNESS: [Interpretation] Correct, it does say "S,"  
8 meaning "selo," village, the broader area of the village of Korenica.

9 JUDGE BONOMY: Thank you.

10 Mr. Hannis.

11 MR. HANNIS: Thank you.

12 Q. And among the people killed in the Korenica village area on that  
13 date there were women and children; did you know that?

14 A. As far as I can remember, I didn't have questions like this at the  
15 other trial, but it's been more than two years since then. I really  
16 cannot be certain if I had that question in the trial, but in any case I  
17 didn't have the information then and I don't have it now that civilians  
18 had been killed there, women and children to be more precise.

19 Q. In your statement at paragraph 74 you tell us that: "After  
20 finding out about the alleged crimes, I spoke with the officers who  
21 participated in the operation but also with several soldiers and I can  
22 state with certainty that neither I nor any member of the unit which I had

23 command of in this operation has committed any crime in those areas.  
24 Furthermore, I never got any information that any other unit had done so.  
25 I corroborate this with records entered in the war diary on the 27th and

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1 28th."

2 Now, are you telling us because there's no entry in your war diary  
3 that civilians were killed on that date that it couldn't have happened?  
4 We've already seen that your war diary was wrong at least once or twice,  
5 and that's not the kind of thing you would put in there anyway, is it?

6 A. Again, a lot of questions and assertions. I don't agree with you  
7 that there are erroneous entries in my diary, war diary. It's possible  
8 that there was a slip here and there, but I didn't go through the whole  
9 diary, that's the first thing. The other thing is that I don't claim that  
10 civilians were not killed in these sections because it doesn't say that in  
11 my diary, but the other way around. It does not say that in my diary  
12 because I don't have information about something like that happening. As  
13 I said, first information about that I received sometime in late 2001, but  
14 I did not have the war diary at my disposal then; and I couldn't make any  
15 corrections. And even then I would be writing on the basis of unreliable  
16 data that I had heard from someone that someone else in some sectors  
17 killed some civilians.

18 JUDGE BONAMY: It's not now clear to me whether -- when it was you  
19 discovered that civilians had been killed in this area.

20 THE WITNESS: [Interpretation] Your Honour, I didn't discover that.

21 I just said that the first time I heard about it was from a well-known  
22 book named "Kosovo: As Seen As Heard" that was published by the

23 Humanitarian Law Fund. I received that book --

24 MR. HANNIS:

25 Q. Thank you, Colonel.

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1 MR. HANNIS: That's in his statement, Your Honour, just right

2 above where I began--

3 JUDGE BONOMY: It's just there was an indication that he was just

4 first learning about this today, but that's now clear. Thank you.

5 MR. HANNIS: Thank you.

6 Q. Well, Colonel, it sounds that you're willing to concede the

7 possibility that some civilians were killed in that area on that date,

8 right? You're not disputing that, are you?

9 A. Well, I do not accept that. This is what I'm not agreeing with.

10 I keep telling you that I don't have such information, that I'm sure about

11 my own unit, and that I don't have information that anyone else did that.

12 So I don't know what you mean when you're saying to dispute something or

13 not to dispute something, but in any case any other answer would be pure

14 speculation.

15 Q. Well, we have evidence in this case. We have human remains that

16 were dug up in Batajnica which are the remains of the family members of

17 Merita Deda and Lizane Malaj, who came to this court and testified under

18 oath that their relatives were killed in Korenica on that date, 27th of

19 April. You still dispute that the killings happened or are you only

20 disagreeing about who might have done the killings?

21 A. A few questions again. I dispute that there were conflicts at

22 6.00 in the village of Korenica because my soldiers --

23 Q. Colonel, Colonel --

24 A. -- would have heard that, and they would have informed me.

25 Q. Between 6.30 and 7.30 is what I read to you. Let's not quibble

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1 about the time. Do you dispute that Kosovo Albanian civilians were killed  
2 in Korenica on the 27th of April, yes or no?

3 A. I cannot answer this question with a yes or a no. I am telling  
4 you definitely that these were not my soldiers, and I am stating that I  
5 have no information about if anyone else did that or not.

6 Q. Okay.

7 A. I don't want to speculate. It would be the same thing if you had  
8 asked me if a civilian had been killed on that day in Belgrade or  
9 Ljubijana, how should I know.

10 Q. Okay. Well then for purposes of my next question assume if you  
11 will for a minute that some of those Kosovo Albanian civilians were killed  
12 on that date, and you say it was none of your men, what other group of  
13 armed men wearing military uniforms or police uniforms or paramilitary  
14 uniforms speaking Serbian, what group of Serb-speaking uniformed men in a  
15 group of 25 or 30 or more would have been in Korenica village on that day  
16 if not somebody who was in the VJ or the MUP? You were in that area, you  
17 had forces in that area, wouldn't you be area of a group of that size  
18 roaming around?

19 A. If we're talking about the military, I'm sure that there was no  
20 other unit there in that broader area of Korenica except a part of my own  
21 unit. To my left the village was searched later, the village of Korenica.  
22 There was a MUP unit there but I cannot tell you exactly which one. But

23 I'm sure that in the morning, and I repeat, up to 8.30 no shot was heard  
24 from that area. I even think that in this entire anti-terrorist action  
25 that was the first fire in the area where, like I said, we didn't even

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1 think that there were any armed terrorists.

2 Q. Well, could you --

3 JUDGE BONOMOY: Are you saying, Mr. Vukovic, that if before 8.30  
4 any shots were fired you would have heard them?

5 THE WITNESS: [Interpretation] I would definitely -- or a part of  
6 my unit would have definitely have heard it if it was in the village of  
7 Korenica because it was some 3, 4, to 500 metres away from the village. I  
8 personally arrived at my command post some time at around 8.00 or 9.00  
9 when I finished my morning duties that had to do with the defence.

10 JUDGE BONOMOY: So I'm not understanding then how you can say that  
11 up to 8.30 no shot was fired in that area.

12 THE WITNESS: [Interpretation] I have just told you that my platoon  
13 commanders reported back to me about the situation in the field, and on  
14 the basis of their reports, I received information that the first fire was  
15 the one in the section of the cemetery in the village of Korenica.

16 JUDGE BONOMOY: So someone specifically said to you that was the  
17 first firing that had taken place in the whole of Korenica area, village  
18 area, that day?

19 THE WITNESS: [Interpretation] Not literally like that, but if you  
20 look at the map and my basic command post, it's not that far from the  
21 village as the crow flies. There was simply no fire. The commander of a  
22 unit has information based on his personal observation, the information

23 from the superior command, and reports from his subordinate units. So I  
24 am saying that this was the first fire on the 27th.

25 JUDGE BONOMOY: Mr. Hannis.

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1 MR. HANNIS: Thank you.

2 Q. While we still have the diary let me ask you something completely  
3 unrelated, and you should be able to find it at the page that's marked 23.  
4 It will be near the end. Every other page with odd numbers usually has a  
5 number on it. It's an entry for the 17th of June. Do you find that?

6 A. Just one moment, please. I found it.

7 Q. And you'll see the third entry.

8 MR. HANNIS: This is page 28 of the English, Your Honours.

9 Q. "At 1030 hours to 1400 hours an inspection was carried out by the  
10 corps command, Colonel Kotur. He made a series of stupid remarks."  
11 Do you recall what he said that you characterized as stupid  
12 remarks?

13 A. Well, I didn't say "stupid" but dumb or silly but that's more or  
14 less the same. But just to inform the Trial Chamber, on the 17th of June  
15 it was the second or third day that my battalion was relocated to the  
16 Medvedje Garrison Post. It's a place that had--

17 JUDGE BONOMOY: Mr. Vukovic, just answer the question.

18 MR. HANNIS:

19 Q. We know that, Colonel. Thank you.

20 JUDGE BONOMOY: Just tell us what the stupid remarks were.

21 THE WITNESS: [Interpretation] All that he said, all that he  
22 wanted -- he wanted me to line up the unit so that he could carry out a

23 review of the quartermaster supplies and equipment, and I at that moment  
24 was very angry when I wrote this down, but I, of course, have respect for  
25 Colonel Kotur from another time and may this Court forgive me. For me at

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1 that point in time it was just unacceptable to do that. I already had a  
2 company on the administrative border with Kosovo and Metohija because  
3 there was the justified threat of --

4 JUDGE BONOMOY: You've dealt with the question, thank you.

5 Mr. Hannis.

6 MR. HANNIS:

7 Q. The last sentence under the entry says: "During the tour of  
8 units, Colonel Kotur took a kit bag with tools from one of the vehicles."  
9 Are you saying that he stole some tools from one of the vehicles?

10 A. No, it doesn't say that here like that.

11 Q. Well, why is that an entry in your war diary? What's significant  
12 about the colonel taking some tools from one of the vehicles?

13 A. Yes, I allow for the possibility that I wrote this when I was in a  
14 kind of special state in order -- and in order to prove my previous  
15 assertion I also wrote that, but he didn't steal it, he took it while I  
16 was there, present, as well as in the presence of other senior officers  
17 who were in that team.

18 Q. Well, were those his own tools?

19 A. No. These were tools that were in one of the vehicles. To tell  
20 you the truth, I don't even remember that anymore. I am looking at it,  
21 but I cannot remember. I had much more important things to do at that  
22 time.

23 Q. Okay.

24 A. If you look on that day the last vehicle was returned from the  
25 battalion --

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1 Q. Thank you. You've answered the question --

2 A. -- so three days.

3 MR. HANNIS: Your Honour, I'm sorry, I wasn't able to finish. I  
4 have 15 or 20 minutes.

5 JUDGE BONOMO: [Microphone not activated]

6 THE INTERPRETER: Microphone, please, Your Honour.

7 JUDGE BONOMO: [Microphone not activated]

8 [Trial Chamber confers]

9 JUDGE BONOMO: How long is your re-examination likely to be,  
10 Mr. Cepic?

11 MR. CEPIC: Maybe half an hour.

12 JUDGE BONOMO: And we still have how many witnesses to complete?

13 MR. CEPIC: Five witnesses.

14 JUDGE BONOMO: Five?

15 MR. CEPIC: Five, Your Honour. I was hoping that I will finish  
16 with two during this day, but --

17 JUDGE BONOMO: I'm sorry, I didn't hear you.

18 MR. CEPIC: I apologise, probably I was not enough loud. I was  
19 hoping that I would at least finish with two witnesses during this day,  
20 but --

21 JUDGE BONOMO: During today?

22 MR. CEPIC: Yes, because Colonel Gergar has been waiting in

23 the room.

24 JUDGE BONOMO: Well, you will have to be selective, Mr. Hannis.

25 You get an absolute maximum of 15 minutes tomorrow.

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1 MR. HANNIS: All right, Your Honour. Thank you.

2 JUDGE BONOMO: We say that because we stressed with the Defence in  
3 their cross-examination they need to prioritize the inevitability that you  
4 cannot deal with absolutely everything in this area of work.

5 Mr. Vukovic, that completes our hearing for today I'm afraid, so  
6 you will have to come back tomorrow; and the words of the song, same time,  
7 same place. Please remember what I said to you last night, that you must  
8 have absolutely no communication with anyone about the evidence in the  
9 case. If you remain where you are just now, you can leave once we've left  
10 the bench, and we will resume at 2.15 tomorrow.

11 --- Whereupon the hearing adjourned at 7.03 p.m.,  
12 to be reconvened on Thursday, the 31st day of  
13 January, 2008, at 2.15 p.m.