



1 Monday, 18 July 2005

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.18 p.m.

5 JUDGE ROBINSON: I should say at the outset, in light of Judge

6 Kwon's unavoidable absence, Judge Bonomy and I sit pursuant to the

7 provisions of Rule 15 bis.

8 Mr. Caric.

9 MR. CARIC: Yes, Your Honour.

10 JUDGE ROBINSON: I see you have come armed with assistants.

11 MR. CARIC: Yes. On my left side is Mr. Igor Oljuic. Igor Oljuic

12 is legal counsellor. Second on my left side is Mr. Svetislav Rabrenovic.

13 He is a counsellor in the National Council for Cooperation with the

14 Tribunal. Today we represent the government of Serbia and Montenegro in

15 this trial.

16 JUDGE ROBINSON: Yes. Mr. Nice.

17 MR. NICE: I have nothing to add save to say that the translation

18 service has provided bundles of papers in translation, each bundle an

19 excerpt from one of the various files, and the selection being made

20 according to the pages identified by Serbia and Montenegro.

21 I see we are in open session. I assume that's what the applicant

22 wants, but I'm not sure.

23 JUDGE ROBINSON: We are in open session at the outset, but I think
24 for the purposes of the hearing from Serbia and Montenegro we would be in
25 closed session, I presume. Yes, in private session.

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1 [Private session]

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11 Pages 42365-42396 redacted. Private session.

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5 [Open Session]

6 JUDGE ROBINSON: Mr. Nice, you may continue.

7 WITNESS: BOZIDAR DELIC [Resumed]

8 [Witness answered through interpreter]

9 Cross-examined by Mr. Nice: [Continued]

10 Q. Last week we diverted from chronological exploration of what

11 happened scene by scene to ask you some questions about your colleagues

12 all writing statements that indicated the book "As Seen, As Told" had been

13 written by or produced by Natasa Kandic. You didn't offer an explanation

14 for how it could be that those statements could all make the same mistake.

15 Have you been able to think about that any more?

16 A. As far as I personally am concerned, the contents of the book for

17 the most part it seems that the book was published by the Humanitarian Law

18 Fund headed, as far as I know, by Natasa Kandic.

19 Q. Who you all dislike because she forces Serbs to confront their own

20 history, doesn't she? She brooks no denial.

21 A. Well, my personal attitude to Ms. Kandic is irrelevant here. I

22 don't know the lady. I have never met her.

23 Q. Well, you have produced statements, and it's you who is producing
24 these statements, from your colleagues that express strong, virulent views
25 on her, saying they're disgusted by her and that's why they didn't read

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1 the book. You've chosen to produce that material. Am I not right that
2 Natasa Kandic is loathed by the Serbs because she forces them to confront
3 their own history when they would rather avoid it?

4 A. You are wrong. You're asking me to tell you what all Serbs think.
5 I can only tell you what I think. I can only be held responsible for what
6 I think and say.

7 MR. NICE: Mr. Nort, please. If you would be good enough to take
8 my copy of "As Seen, As Told" and just lay it on the overhead projector.
9 Your Honours will appreciate I observed yesterday -- last week
10 that we didn't have the Serbian version, and we still don't. My
11 understanding is it was simply translated. This is in English. Mr. Nort,
12 stay by the machine, please, and we'll turn over a few pages.

13 Q. If we look at the first page in English, it says: "An analysis of
14 the human rights findings of the OSCE Kosovo Verification Mission."

15 MR. NICE: Next page, please, Mr. Nort. End of the contents.

16 Pass over from the contents, please. Then there's an introduction. "This
17 report is the outcome of the tireless efforts of many people committed to
18 the cause of human rights and justice. First, the women and men of the
19 OSCE Kosovo Verification Mission, and so on.

20 Next page, please. Executive Summary. Pass on beyond the

21 Executive Summary, please. Turn over a few pages. Get to the end of the

22 Executive Summary, please. Just keep going. Turn it over. Keep going,

23 keep going. And then Introduction. We'll stop at the Introduction.
24 "In developing this report, the analytical methodologically and
25 reporting strategy applied by the OSCE Office for Democratic Institutions

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1 and Human Rights was driven by the data collection of the OSCE Kosovo
2 Verification Mission."

3 Q. Now, in English that's the opening pages of this document. You've
4 said in your statements you read it, thinking it was written by Natasa
5 Kandic. Please tell us, did you actually read it or did somebody else
6 draft these statements for you?

7 A. Mr. Nice, what you're saying is absolutely ridiculous. The book
8 that I read is not this book. The cover is quite different. It's red.
9 And I read the book, especially the parts relating to my area and also
10 parts relating to other areas in Kosovo and Metohija.
11 Let me just see if it's organised by region.

12 Q. Yes, it is. Well --

13 A. Yes. Yes. The book is organised by region, more or less, but the
14 cover of the book I read is quite different; and as for the beginning, I'm
15 not sure it was the same. What is important is that I read everything
16 that relates to my area, and each of my commanding officers read it as
17 well.

18 Q. And --

19 A. Therefore, your statement that it was somebody else who wrote
20 these statements or that people did not read this book is absolutely
21 untrue. We did not have many copies of the book, so each officer asked to
22 photocopy that part of the book which relates to his area.

23 Q. Well --

24 A. And that was possible while I still had my copy of the book.

25 Q. Tell me, please, this, because we need to understand the fairness,

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1 the objectivity, the neutrality of the process whereby those of you
2 sitting round the table, as you've described, prepared statements. Who
3 was it amongst your number who explained that this book was Natasa
4 Kandic's work? Somebody must have done it, mustn't they? Who did that?

5 A. In view of the fact that the book was published by the Fund for
6 Humanitarian Law, people drew their own conclusions. I never put it into
7 anyone's mouth that it was Natasa Kandic's book, but it was the
8 Humanitarian Law Fund that had the book translated and published.

9 Q. [Previous translation continues] ... another topic. You've
10 produced as part of your materials that you ask the -- that the accused
11 asked through you that the Court should rely on, a number of clips from
12 RTS, and you will recall that when I raised queries --

13 A. Yes.

14 Q. -- questions about the journalists concerned, you were able to
15 name them without any further reference. How, if at all, are you able to
16 vouch for the reliability of the RTS material?

17 A. I can guarantee for these materials a hundred per cent, because
18 they were made in my area --

19 Q. Let me explain what I mean a little bit more by "vouch." Let's
20 break it down. Were you present with the journalists when they conducted
21 the interviews that we have seen?

22 A. Well, I've told you: Every time when I was present you could

23 actually see me in some of these material, that I was there on the spot.

24 Q. We've seen a lot of material and we'd like to know. You tell us

25 which ones you were present at, because sometimes you won't be seen by the

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1 camera. Which ones were you present at?

2 A. I was present, and you can see me in the footage with the

3 verifiers at Krbos, which was on the 3rd or 4th of December. I was

4 present on the 14th of December, also in 1998, then --

5 Q. We won't necessarily be able to remember the place names, but I'm

6 sure the Judges and I would all readily remember the images. Some of them

7 are quite memorable, like the trench diggers and others. You tell us

8 which ones you were present at because you'll remember.

9 A. Of course I remember. I was present when the column was targeted.

10 I was there on the spot. I was present at Pastrik when that large

11 quantity of weapons was found. I was present a few days before that at

12 Pastrik again when a smaller quantity of weapons was found and when eight

13 terrorists were killed.

14 Q. Any others? What about the trench digging?

15 A. What do you mean?

16 Q. What about the trench diggers. Were you present there?

17 A. No, I was not present there.

18 Q. Or the village of Zjum. Were you present there?

19 A. Well, no. It's not the job of a brigade commander to accompany a

20 TV crew. But --

21 Q. You might have been there. You were often at the front line.

22 Forgive my asking you the question. There was another one as well, I

23 think, wasn't there, one of a mother and her daughter. It was the mother
24 talking, actually, but we saw a daughter or son standing there. Were you
25 present at that one?

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1 A. No, I was not present.

2 Q. Let's take the ones where you weren't present, Mr. Delic, and you
3 tell us how you can vouch for those, because you're presenting that as
4 evidence on which this Chamber can rely. You tell us why we should rely
5 on that material.

6 A. I brought the video footage that was filmed by the TV studio in
7 Prizren. I know the editor who was always present. I know the cameraman
8 who was always present too. The editor's name is Borivoje Ugrinovic.

9 Q. Very well --

10 A. To this day he works at TV --

11 Q. Is it your account that Mr. Ugrinovic was present at all of these
12 clips? And I have in mind the woman and her daughter, the trench diggers,
13 and the video involving the doctor. Think back and be careful with your
14 answers, please. Was Mr. Ugrinovic present at all of these?

15 A. The footage should be played because his voice can be heard very
16 often, but without him there could be no filming. I think he was present
17 at all the filmings. He was present whenever I was present.

18 Q. But we're now dealing with the ones where you weren't present.

19 Now, the other journalist you say was present apart from

20 Mr. Ugrinovic was who?

21 A. Sanjevic was the other journalist. I cannot remember his first
22 name. To this day he is employed in Radio-Television Serbia but in

23 Belgrade, whereas Ugrinovic is in Radio-Television Serbia but in Nis.

24 Q. Now, Radio-Television Serbia was a loathed television programme by

25 many people, wasn't it, because it put out hate on behalf of this accused

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1 throughout these unhappy events; correct?

2 A. Well, that's just your opinion.

3 Q. There were many programmes after the downfall of this accused

4 setting out how RTS had been used as a wicked weapon of propaganda;

5 correct?

6 A. Listen, Radio-Television Serbia is a professional institution. It

7 has a very rich professional history. So professionals cannot allow any

8 politician --

9 Q. How do you know --

10 A. -- to jeopardise their professional integrity.

11 Q. How do you know that so well, General as you are?

12 A. Well, I certainly know it better than you do because I watched

13 that television, and also from time to time I had the opportunity to watch

14 CNN or the BBC. During the war, it is certain that this radio television

15 reported more truthfully than CNN did or Jamie O'Shea as the NATO

16 spokesperson. After all, that TV was bombed, and all its repeaters

17 throughout the country, so it would not disseminate the truth rather than

18 lies, as you put it.

19 Q. Well, your judgement of RTS, is that informed by your watching the

20 programmes that followed the downfall of the accused which described it as

21 an instrument of hate, or did you not bother to watch these programmes?

22 MR. NICE: Your Honours, you'll find them mentioned extensively in

23 Mr. de la Brosse's report.

24 A. Of course I watched television before and afterwards. Others
25 came, different people who support different political views, but after

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1 all, every person has his own views. I think that to this day
2 Radio-Television Serbia reports professionally about everything that goes
3 on in the country, as it did earlier too.

4 Q. A few more general points about RTS and the media of communication
5 generally. It's right, isn't it, that shortly after the start of NATO
6 bombing a noted journalist, Slavko Caruvija, was assassinated for no
7 reason whatsoever, in the company of his wife as he was at the time?

8 A. Yes but I didn't have that information at that time, but later on
9 a lot was written in the country about that journalist and his killing.

10 Q. He was killed by the MUP?

11 A. Well, it seems that you know this better than the MUP in Serbia
12 does. It hasn't been proven and his killer has not been found yet, at
13 least not while I was still in Belgrade. These are insinuations on your
14 part fully.

15 Q. No other candidate for the killing of Slavko Caruvija but the MUP
16 of Serbia, is there?

17 A. You are absolutely presenting inaccuracies. The MUP of Serbia is
18 working on solving this case, especially now, this MUP that you are
19 talking about that changed after the departure of this accused person,
20 after he was no longer in power. Had there been additional information
21 about this, we would have known about it, we in that country. We are
22 certainly more interested in that than you are. This is yet another

23 unresolved murder.

24 Q. Koha Ditore, the Albanian language newspaper, was compelled to
25 stop printing on the 23rd of March, wasn't it?

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1 A. This is a fact that I'm not aware of.

2 Q. Very well.

3 A. Albanian newspapers -- yes.

4 Q. And were you aware of the staged appearance on RTS between Ibrahim
5 Rugova and this accused? Do you remember that happening when you were in
6 Kosovo? You will have had an interest in it.

7 A. Well, you have to give me the date when this happened.

8 Q. Towards the end of the period of the bombing, but this is the way
9 -- I haven't got the exact date and I'm not even sure that Mr. Rugova
10 gave us the exact date, but this is the way paragraph 99 of the expert's
11 report on propaganda, that it's expressed: "He was taken from his
12 monitored residence in Pristina and the main purpose for this strange and
13 surrealistic meeting was to make people believe that the Serbs wanted to
14 relaunch negotiations at a time when ethnic cleansing in the field was
15 increasing."

16 Is it right as I suggest to you -- well, first of all, did you see
17 on television a broadcast of this meeting between Ibrahim Rugova and this
18 accused?

19 A. Well, no one could see that broadcast because you destroyed all
20 our repeaters. NATO destroyed all our repeaters. I know from later on
21 that this meeting had actually taken place, but Ibrahim Rugova is alive
22 today precisely because during the war he was provided with security by

23 the security forces. Otherwise, the KLA would have killed him.

24 Q. You see, and I'll come back to the press and television tomorrow,
25 but the reality is that you were operating - you the army - in a police

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1 state which was supported by a propaganda machine, weren't you?

2 A. You are completely wrong, and you are terribly ignorant of the
3 situation in our country, and if you wish I can prove that to you, because
4 you're just telling stories, and I am saying let's look at what the
5 evidence is. Let us see what papers say, what documents say, and you
6 certainly don't want to see that.

7 Q. I should ask you, because you've had some time to think about last
8 week's questions and I must do it before I forget: Have you brought any
9 further papers with you or have you unearthed from wherever you're staying
10 any further papers contemporaneous with these events that you're going to
11 say are relevant to the matters we're inquiring into?

12 A. It all depends on the questions that you put. I certainly have,
13 if I can put it this way, hundreds of answers to your questions, and I
14 also have the required number of documents too.

15 Q. We've been asking you about this since you started answering my
16 questions: Have you now got the war diary with you?

17 A. I've already said that I used my documentation when you mention a
18 certain period or a certain event, because I don't want to engage in empty
19 talk here. I want to corroborate things I want to support my own answers.

20 Q. [Previous translation continues] ... war diary with you? Yes or
21 no.

22 A. I do have my war diary with me.

23 Q. This is the war diary we've been seeking, for how many years is
24 it? Two or three, I can't remember. Where was it last week, for example?
25 Was it in your hotel room?

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12 Blank page inserted to ensure pagination corresponds between the French
and

13 English transcripts.

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1 A. My war diary was always with me, and you see it's always here,

2 right by me.

3 Q. What period does it cover?

4 A. Well, I think it's not necessary for me to explain the same thing

5 to you ten times. If one says "war diary," it covers the war, period.

6 Everyone knows when the war started and when it ended.

7 Q. What other documents have you got that are contemporaneous apart

8 from that? You described it, I think, actually differently from "war

9 diary" last time, but I might be wrong. What other documents have you got

10 that are contemporaneous?

11 You see, my recollection, and it may be Mr. Coe's and the Court's

12 is the same, that last week you told us about your possession here of a

13 personal notebook. You didn't tell us that you had your brigade's formal

14 war diary. Which is the document you've got here?

15 A. If I said that I had a notebook, then this is it. That's where I

16 started taking notes in the hotel over here before I started giving

17 testimony. I've already said it's no secret. I said that on day one, and

18 you can have a look at it.

19 Q. May I have a look at the war diary, please? Well, the document

20 you've now described as the war diary, may I please see it?

21 A. You can.

22 Q. All right. Would you like to take it out of your briefcase and
23 hand it over. We'll have it looked at. Thank you.

24 MR. NICE: The witness produces a bound photocopied document
25 written in Cyrillic covering the period 24th of March and until -- at the

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1 moment I can't find the last date, but as the witness isn't using it, with
2 his leave and the Court's leave, I'll keep it on the Prosecution's bench
3 against -- so that I can refer to it or refer him to it. We'll deal with
4 its destination perhaps at the end of the day.

5 Q. When that document was prepared, copied --

6 A. Let me just say something. You do not have my permission. After
7 all, let the Trial Chamber decide on this. I brought this document for
8 other purposes; if the Defence requests it. So you can take this document
9 and the Trial Chamber can so decide, but without my permission. That is
10 to say, you can take it by force.

11 Q. [Previous translation continues]... this. You brought a prepared,
12 copied, nicely bound document that contains what you tell us is a
13 contemporaneous record of yours, but you were only prepared to make it
14 available to the Defence, not voluntarily to the Court or the Prosecution.
15 Is that really your position?

16 A. So far we did not touch upon my war diary in a single word or a
17 single sentence. First of all, you don't understand what a war diary is.
18 These are not my own notes. First of all, these are not my own notes.
19 These are notes of the officer who kept the war diary, and in a certain
20 period of time during a particular day was the duty officer by the
21 telephone. I did not enter a single word in that diary by myself

22 personally. It is a war diary of the unit.

23 Q. Well, then, where last week you appeared to be talking about a
24 personal notebook that covered the same period, may I have a look at that,
25 please?

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1 A. I have not got a personal notebook that covers that period, and I
2 never said that.

3 Q. All right. Let's move on. My last question on the RTS, to which
4 we'll return tomorrow, is that - you must correct me if I'm wrong,
5 Mr. Delic - you present the material from RTS on the basis that these
6 journalists whom you know are of such integrity that anything they produce
7 must be reliable. Would that be a fair summary of what you're seeking to
8 explain to the Court?

9 A. Certainly. These are very professional and responsible persons.

10 Q. Very well. Let's now look at another question, but as we come to
11 it, you do understand, don't you, that the material you're presenting,
12 statements of your subordinate officers, statements of people being
13 interviewed, and documents all have to have about them integrity. That
14 is, they have to be clearly documents that the Court can rely on. Do you
15 understand that?

16 A. Yes, yes, fully.

17 Q. And if we now turn briefly to documents, perhaps you'd take what
18 in the English version is binder 6, and it's tab 444.

19 Before we look at it -- by all means open it, open it, and then
20 I'll come to my question with one preparatory question for you.

21 You have shown us, have you not, by various entries in various

22 documents, that you were able to report or --

23 A. What was the tab number you said?

24 Q. 444. Now, before we look at the document, you can confirm,

25 really, that your reporting system, up to you and then from you up to the

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1 Pristina Corps, enabled a very full picture of any event on the ground to

2 be logged, recorded, and transmitted, would that be correct? Any

3 important event on the ground.

4 A. Yes, certainly.

5 Q. And indeed it was your duty, you, perhaps to some degree

6 collectively with the police, but it was your duty to record things that

7 affected the security position of Kosovo at that time. Would that be

8 correct?

9 A. I'm responsible for my area. When I report to my superior, I

10 report about my own zone.

11 Q. And it's only because, although we haven't seen the underlying

12 material, that there's a wealth of such material that you and your

13 subordinate officers, were able to prepare these various statements

14 explaining what you say happened in the matters complained of in the

15 indictment against this accused.

16 A. When these materials were elaborated, they were made in accordance

17 with what the National Commission for Cooperation with the ICTY requested

18 it. This accused is not aware of it nor anybody else. This was done in

19 order to elucidate certain events that are referred to in the indictment.

20 Q. Well, then let's turn our attention, if we may, Mr. Delic, to the

21 question of population movement. If you look at this document, which

22 comes from your materials, the 30th of March, a few days after things
23 started, we see this from Lazarevic, under Order, Mr. --

24 A. What tab is that?

25 Q. 444.

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1 A. That's an order. That's not Lazarevic's document.

2 Q. Well --

3 A. Oh, I see.

4 Q. I hope so. There we are. "I hereby order:

5 "Enable free passage for the entire population leaving the
6 threatened areas on the exit axes from Kosovo and Metohija towards the
7 Republic of Albania and Macedonia."

8 Now, this is a reference to the movement of refugees, and it says
9 basically let them out. Do you remember that order?

10 A. Of course I remember that order. It's right here in front of me.

11 Q. Its effect is to say let them go, isn't it?

12 A. What is referred to here are the measures that units should take
13 in order to protect this population and to make it possible for them to go
14 in the direction where they wished to go.

15 Q. Just let them go in the direction they wish to go, is it?

16 Now, I'd like you to look at another document. One of the things
17 -- you're not a policeman, Mr. Delic, but one of the things about people
18 who commit crime is that in laying -- in covering their tracks they
19 sometimes forget to set out what they would do if they were innocent.

20 Shall we look at this document, please. This is dated the 20th.

21 MR. NICE: Coming your way, Your Honours. Your Honours, this is a

22 new document provided by the government.

23 Q. Now, this is a document from Pavkovic. You didn't produce it, but
24 never mind. It's dated the 20th of April. Take your time to review it.
25 We'll only look at one part of it at the moment, maybe two.

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1 It describes the enemy for the period of 19th to the 20th of
2 April, and now this document of the 20th of April, three paragraphs in,
3 says: "There are 6.000 to 8.000 members of the so-called KLA in
4 north-west Macedonia..." Do you see that?

5 A. Yes, yes.

6 Q. Does it I think also deal elsewhere with the movement of
7 individuals, or is that it? No. It deals with NATO forces in the
8 paragraph before.

9 MR. NICE: Your Honour, just give me one minute.

10 Q. And then if you go over the page, under 2, just towards the top,
11 Mr. Nort, it says: "On the 19th and 20th of April, through the area of
12 the 3rd Battalion of the 78th Motorised Brigade... around 3.000 people
13 left the territory escorted and organised by the Presevo MUP."

14 So here's an order, or a report, rather, and this time it's from
15 Pavkovic, I think, detailing 3.000 people.

16 Keep the document with you for another reason, but I just --

17 A. I haven't found that portion.

18 Q. It's under -- it's under 2, and then you go to 2.1, and it's under
19 the 19th and 20th of April. All right? See it there?

20 A. Yes, yes, I've found it.

21 Q. I want to look at this document for one other reason, so just keep

22 it by you. But help me with this, please: Where else can we find in all
23 your documentation reference to the plight of, the problem of, or the
24 number of refugees?

25 A. Well, there are many documents regulating the relationship of the

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1 army towards refugees, the attitude of the army, and a similar order as
2 written by General Lazarevic is one that on the basis of his order I wrote
3 myself.

4 Q. No. Where do we find reference to their numbers, their plight,
5 and how to deal with them? We saw Pavkovic's order, which is let them go.
6 These are your fellow countrymen. Where do we find --

7 A. In my area, in my zone, there -- they didn't have any particular
8 problems, so if any medical assistance was needed, it was provided.
9 Pursuant to General Pavkovic's order, they saw whether the population
10 leaving had enough food, and the conclusion was that they did have enough
11 food.

12 Q. Where do we find the documents discussing whether they should be
13 encouraged or discouraged, how they should be helped, where they should be
14 sent, why they should be sent through narrow funnels created by mines to
15 the south-west and not back to areas where it might be safer for them to
16 stay? Where do we find that?

17 A. Well, in various documents.

18 Q. These are your documents, all eight binders of them, and of course
19 we may have missed something, but were there any documents,
20 contemporaneous documents, that dealt with the plight of the refugees?

21 A. The refugees were not the army's problem. They were the problem

22 of the civilian authorities which functioned, and the refugees just passed
23 through the zone under army control, and it was up to the army to
24 provide --

25 Q. No need, no duty on you to record the thousands of refugees

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1 escorted by your officers off the premises, as it were? No need to record
2 that, Mr. Delic, or is the truth that because you wanted them to go you
3 didn't want to record their --

4 A. That's your opinion.

5 Q. No, I'm asking you. It's not my opinion. I don't have an
6 opinion. I'm here to ask questions, and I want you to tell us, please.
7 We may have missed the documents. It may be in your war diary. Well --
8 what are you looking at now, please?

9 A. Well, yes, indeed you do not have your opinion, but very often you
10 speak off the top of your head. I'm looking at the war diary of my
11 commander who was at the border crossing.

12 Q. Another contemporaneous document that you have produced from your
13 bag that we haven't seen that would have been covered by one of our
14 requests. What period does it cover?

15 A. This document does not come under your request for assistance. It
16 is a battalion document. And since you asked me some things now, may we
17 place this on the overhead projector and read it?

18 Q. Not immediately because I'm still asking questions, and it's not,
19 I think, responsive -- well, it may be responsive, I suppose, but better
20 tell me what it covers first and then we'll see if we're going to look at
21 it. What does it cover and what is it? What does it cover?

22 A. The war diary of my commander, and along that axis there was a
23 border crossing, and he recorded who was leaving, how many refugees were
24 leaving on what day, what the problems they were having were, and what the
25 army was doing.

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1 Q. Uh-huh. We'd like to have a look at that in a minute. Have you
2 got any other war diaries of battalion commanders in your bag?

3 A. No, I do not.

4 Q. Well, let's go above your battalion commander to your level. Why
5 is it that your documents don't record the plight and the problems and the
6 numbers of the refugees, for you as a senior army officer reporting to the
7 Pristina command owed a duty to inform them of what was happening.

8 A. It certainly does. Problems that NATO had bombed the refugees and
9 what the unit did. So all of that is recorded in those diaries.

10 Q. Well, you recall no other document, is that the position, that
11 deals with the plight of the refugees? Is that right?

12 A. I remember every document, and there are documents which write
13 about that.

14 Q. Let's have a look at the one that you may temporarily have
15 forgotten. 474, please, in binder 7. If you'd like to find that.

16 Do you remember my earlier questions a few minutes ago about the
17 necessary integrity of documents, radio broadcasts, and the statements of
18 your colleagues? Do you remember what I asked you about that?

19 A. Yes, yes, I remember.

20 Q. [Previous translation continues] ... ask you questions about the
21 integrity of this document which you don't seem to have remembered, but

22 let's have a look at it. It's dated the 3rd of April, 1999, just a week
23 after the start of the bombing. Do you remember this document?

24 A. Certainly I do.

25 Q. Then without looking at it any further, tell us why did you

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1 prepare it, for whom, and what was its purpose?

2 A. The document speaks about the situation in the area of
3 responsibility and was sent to the command of the Pristina Corps.

4 Q. Let's look at the top of the document, shall we? It's got a
5 reference number in hand, 1334-3. Yes? Can you explain to us the
6 numbering system, please.

7 A. When the document is recorded in the office, then it receives the
8 next number in line in the logbook, the next number in line, and this
9 logbook is kept in the brigade office.

10 Q. So, one of the problems about creating a false document, if this
11 were ever to have been done, is that you'd need to be able to give it an
12 apparently genuine number, wouldn't you, because otherwise there's always
13 a chance people will be given access to a logbook and be able to look for
14 the preceding and the immediate following document.

15 A. This logbook is kept for a period of one year, so this is the 1999
16 logbook, and it goes up to the end of 1999.

17 Q. When you say that the documents are sequential, which number
18 changes? Is the number -- is the document before 1334-3, 1333-3, or is it
19 1334-2?

20 A. Well, it's like this: In front of this 1334-2, 1334-1. Those are
21 the ones in front, before. So that would be the order, the sequence. And

22 after this, perhaps it was 1334-4 or perhaps a new number.

23 Q. So what does 1334 mean, in case we ever need to pursue this
24 further?

25 A. 1334 is that number in the logbook. The previous number was 1334,

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1 that number of documents. So at the beginning of the year, from January,
2 starting with January, we start with number 1. That's the first number in
3 the sequence, on the 1st of January, which means that before this
4 particular document there were more than 1.334 other various documents,
5 orders, et cetera.

6 Q. [Previous translation continues] ... understand why it's broken
7 down. It could easily have been just numbered 1334, 1335, 1336. Why have
8 we gone through a sequence of 1334 apparently 1 to 3? Just help us with
9 it. It's your system, so we've got to do our best to understand it with
10 your answers, you see?

11 A. Yes, yes. This would be it: If you receive a document from the
12 Pristina Corps, for example, which, for example, has to do with this
13 situation, then the document, if it is under 1334-1, recorded in that way,
14 then the next document could be a response or reply, and that would be
15 1334-2, for example. Or if there was an addition, an attachment, it would
16 also be 1334-3. So you can give one number to all the documents in -- on
17 one subject.

18 Q. Well, this certainly isn't a reply. It's not even sent to anyone.

19 It's just been created for some reason for the record, hadn't it? It's
20 sent to somebody at the end, but it's not addressed to anyone. Delivered
21 to the commander of the Pristina Corps and the archives.

22 You see -- but it's not actually addressed to anyone. Let's just
23 have a look at it.

24 290.000 people crossed the border at Vrbnica, plus another 20.000
25 to 25.000 at Cafa Prusit, and then this: "The very incidence of refugees,

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1 especially in that number, came as a surprise." Why did you write that
2 when it was completely untrue?

3 A. How do you mean that it was untrue?

4 Q. Remember we went through your Ph.D. thesis and saw at several
5 places how refugees were an absolute inevitability of situations like
6 this? Do you remember that?

7 A. In all wars refugees are an inevitability. The only thing is that
8 it was a surprise that these refugees took off for Albania. There were
9 refugees in 1998 as well, but they were internally displaced persons or,
10 rather, they remained on the territory of Kosovo and Metohija.

11 Q. Mr. Delic, apart from what you said in your thesis, you said the
12 same thing last week. In every war, regardless of where it's going on,
13 there are refugees. And you'll remember that we saw records of refugees
14 from international organisations going back to 1998. And what you wrote
15 was "The very incidence of refugees ... came as a surprise." Why?

16 A. You didn't read it correctly.

17 Q. I read it fully --

18 A. The phenomenon of refugees themselves in that number, in that
19 large number, was a surprise. That was the surprise. So don't just read
20 a half a sentence. Read the whole thing.

21 Q. Mr. Delic --

22 A. So the surprise was that long enormous columns of refugees should
23 appear quite suddenly.

24 Q. You see, it is a technical point in one sense. I read the
25 sentence quite fully to you the first time and I read it to you in extract

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1 intentionally the second time because the sense of your sentence is "The
2 very incidence of refugees came as a surprise." Was this a document by
3 which, whenever it was written, you were trying to cover your tracks of
4 irresponsibility for refugees?

5 A. As to my irresponsibility or responsibility was something that my
6 superiors decided about. All you're stating is your own opinion. So I
7 was completely responsible towards the refugees because not a single
8 inhabitant leaving Kosovo and Metohija was killed while he was in my area
9 of responsibility. All of them left the area safely and went in the
10 direction they desired.

11 Q. How is a letter like this prepared? Did you dictate? Did you do
12 your own word processing? Did somebody draft it for you?

13 A. Well, if you turn to page 2, then you can see that it's not the
14 commanders, you know, who type out documents. That's not their job. But
15 anyway, you can see that this was typed out by a typist of the brigade and
16 her name was Vera Veljanovski. You can see that at the end.

17 Q. Very well. Did she type it to your dictation or did she type it
18 to a handwritten draft, or what?

19 A. Most probably it was -- she typed out what I had written in my own
20 handwriting.

21 Q. Is she a good typist?

22 A. She was an excellent typist, and we refer to typists like that as
23 first-class typists.

24 Q. Then we see how in that first paragraph, if you'll return to it,
25 that you deal with the ever greater numbers coming from remote parts of

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1 Kosovo, how they were allowed to enter Albania unhindered, whereafter they
2 were refused entry into Macedonia, and then into Albania, huge numbers
3 standing on the road. You then say: "At our insistence, only a small
4 number of persons returned to their place of residence." Could you just
5 read that sentence in the original Serbian, and if we could have it
6 translated, interpreted. There's a potential ambiguity in it. Could you
7 just read that sentence for us, please.

8 A. "At our insistence, only a smaller number of persons returned to
9 their place of residence."

10 Q. Very well. Are you saying that you insisted that they return
11 generally but only a small number of them did, or are you saying that it
12 was your dictate, your order that only a small number went back? It's not
13 quite clear.

14 A. This is quite clear: At our insistence a smaller number of
15 individuals returned to their place of residence. The rest waited for
16 them to -- waited to receive permission to go to the Republic of Albania,
17 and this break lasted two or three days when entry into Albania was
18 interrupted, and it was interrupted on the Albanian side.

19 Q. Now, let's look at the subparagraphs under the next paragraph,
20 where you say, based on your talks, the following conclusions could be
21 made. Why so swiftly after the start of the NATO bombing were you

22 conducting a questionnaire or questioning these people?

23 A. I did not compile any kind of questionnaire. It was just talking

24 to people quite freely who were leaving the country.

25 Q. Is there any record of the conversations with these people?

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and

13 English transcripts.

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1 A. No, no record because I had these conversations directly. So
2 there was no need for me to keep any records.

3 Q. Everything in this document comes from your own discussions with
4 people at various exit routes; is that right?

5 A. With people, with the police, with the local authorities.

6 Q. Not just with the refugees. Because you see, under A we have
7 "fear of major fighting between our forces, the KLA and NATO..." And
8 then the last sentence: "In response to our offer to go to Serbia they
9 say that it is realistic to expect a less than warm welcome there," and
10 then this, "because it is their fellow countrymen who have caused the
11 war."

12 Are we to take it from this that Kosovo Albanians leaving Kosovo
13 said to you, "It's all our fellow countrymen's fault, and therefore we
14 think it would be dangerous for us to go to Serbia"?

15 A. They probably thought along the lines that they stated, and there
16 was this offer that they shouldn't go to Albania but to go to Serbia. So,
17 yes, part of them said that, put it that way.

18 Q. And these are all your personal conversations, are they?

19 A. Yes, all based on my personal conversations.

20 Q. Just out of a matter of interest, why did you say "based on the

21 talks we had"?

22 A. As I say, this was based on my own conversations, but I also
23 talked to members of the MUP, as I've already said, and with the local
24 authorities as well.

25 Q. Well, let's move on because this document, I must suggest to you

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1 -- well, let's have a look at it a little bit further. Then you say
2 B, they're leaving to avoid forced mobilisation into the KLA ranks. You
3 then observe under B a low number of young men. C, you say a large number
4 of refugees say they fear Arkan's troops but this is probably KLA
5 psychological propaganda. Why did you say that? Wasn't Arkan there or
6 weren't Arkan's troops there?

7 A. I never saw a single member of this -- these Arkan's troops there,
8 and since 1998 the Albanians kept mentioning Arkan's troops or army,
9 whereas in my area of responsibility there was never a single member of
10 that army or those troops. I didn't see them, nor would I allow them to
11 be in my area of responsibility. And this was certainly psychological
12 warfare which already in 1998 was geared towards this kind of thing, to
13 have villagers join up with the Kosovo Liberation Army because they --
14 fear was instilled in them about Arkan's troops, and there's a document
15 testifying to that.

16 Q. And fearing of NATO bombing, subparagraph D, and then they go on
17 to say "Although there may not have been many strikes on civilian targets
18 in these first days, mostly military, we believe that the fear is
19 realistic, though perhaps not to the extent to which the Siptars emphasise
20 it."

21 You then deal with carrying sufficient supplies of food, flour and
22 oil, and then you say this: "The attitude of the police and army to the
23 persons in the columns was generally proper. According to the reports of
24 commanding officers and the MUP, a small number of VJ troops tried to take
25 property away from refugees ... All such cases were efficiently dealt

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1 with, so that eight persons ... were disciplined."

2 What I'm interested to know, Mr. Delic, is why in the crisis that
3 you were facing, when you'd shown so little interest in recording anything
4 about refugees throughout 1998 and 1999, you suddenly wrote this down, as
5 you will tell us, on the 3rd of April.

6 You see, you couldn't have had the indictment that identified what
7 the army had done by then. Hardly time for you to pick up international
8 complaint of what you'd done by then. So tell us, why did you write this
9 down?

10 A. These details speak to the fact that the army was efficient in
11 working against all those who violated regulations and who had engaged in
12 some unauthorised activities vis-a-vis people in the column.

13 Q. Why did you write this down? It's not sent anywhere. It's sent
14 somewhere but it's not addressed to anyone so that we can't find someone
15 who can say he received it or he requested the report. You say it's in
16 the course of the series, but we don't have the rest of the series. Why
17 did you write it?

18 A. How can you say that it wasn't addressed to anyone, sent to
19 anyone? It was addressed to the Pristina Corps command, the people it was
20 supposed to be addressed to; the superior command, that is.

21 Q. In reply to a request from them?

22 A. Well, there was no special request. There was just interest on
23 the part of the corps commander via the telephone as to what the situation
24 with the refugees was and whether they needed any assistance.
25 As to the question of why measures taken were reported on or,

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1 rather, the errors committed by certain soldiers, that is the most
2 important question which the corps command was interested in. They were
3 most interested in that.

4 Q. Finally, let's look at the last page, paragraph 3, where you set
5 out problems that have occurred: Making available personnel for work in
6 communal services, "... interesting to note the views of local
7 self-administration on why Siptars are leaving... In addition to the
8 reasons we've stated, we underline the following:
9 "They're leaving the country in line with the pre-arranged
10 scenario of 'humanitarian catastrophe' in order to justify the bombing and
11 aggression." Where did you get that from?

12 A. It says everything in the previous portion. I said that it was
13 interesting to note the views of the bodies of local self-government, for
14 example, on the reasons why Siptars were leaving for Albania.

15 Q. Where did you get this information from about a pre-arranged
16 scenario of humanitarian catastrophe? Or the next bit, "Siptars are
17 leaving and abandoning the territory so that 'NATO alliance' can bomb all
18 targets indiscriminately ..."? Where did you get that from?

19 A. Well, you see, you're reading the questions but you're not reading
20 the introduction. It says: "It is interesting to note the views of the

21 bodies of local self-administration ..." That means people from the local
22 authorities to whom I spoke about this question, discussed the issue.
23 They were people, Serbs and other ethnicities as well, which I contacted,
24 and I was in contact, daily contact with them, in fact.
25 Q. You see if we then turn, if we look at the next part of the

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1 document, from all this material to something totally different. "We are
2 of the view that, in the coming period, the following needs to be done to
3 resist the NATO aggression successfully.
4 "Reinforce the units in the border belt ... Speed up the works on
5 the mounting of obstacles ... In as short a time as possible, smash STS in
6 the territory... You need to reinforce us with unit of anti-aircraft
7 capability..." and so on. Do you see that? A complete change of topic,
8 isn't it?

9 A. This is a completely new point. These are problems I raise which
10 existed in my unit.

11 Q. [Previous translation continues] ... curiously -- I don't know if
12 you can help us with this: Rather curiously, your first-class secretary
13 who on paragraph 1 used subparagraphs A to whatever it was, D, in
14 subparagraph 3 appears suddenly and inexplicably to have changed her
15 subparagraph numbering system to 1 and 2, which had the consequence that
16 the last paragraph was originally numbered 3 and then had to be corrected
17 in hand to 4 to make sense of the document. So at exactly the same point
18 in the document as the topic suddenly changes from refugees, the format
19 changes.

20 Is this document --

21 A. This numbering and what is written here in ballpoint pen was done
22 by me. The typist wrote what I told her to.

23 Q. Well, isn't this document which covers, as it were, or provides a
24 defence for the actions of the army at a time when the international
25 community knew and was able to evidence the refugee flow, isn't this

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1 documentation part of a cover-up, whenever it was written?

2 A. This document reflects very realistically the situation in the
3 period it refers to, and it has nothing to do with what you are saying.
4 It mentions the number of refugees based on data received from the MUP,
5 because it was not my job to count the refugees.

6 Q. Well, as I'm reminded, neither your job to count them nor to
7 interview them, was it?

8 A. That's what you think, that it was not my job. You say you have
9 no feelings about this. I had feelings about those people. I saved
10 hundreds of people. I saved --

11 Q. From what?

12 A. -- the lives of people in the columns bombed by NATO.

13 Q. I see. How did you do that? By funneling them through places
14 where there were mines on either side rather than directing them back to
15 areas where people were living in safety, perhaps to the east? Why did
16 you drive them out to the west?

17 A. Nobody drove them there. You're talking about driving them out.

18 I'm talking about a scenario that was created outside my country. You are
19 trying to find proof of that scenario, or you're saying that the evidence
20 is not relevant.

21 Q. How did you save them from the bombs of NATO?

22 A. Those who were killed could not be saved, but those who had been
23 wounded were all given assistance in my field hospital. No distinction
24 was made. We even organised supplies of blood to save those people. You
25 could have seen this on the videos but evidently that's not what you're

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1 interested in.

2 Q. Let's go back, then, now. Now, I must deal with crime scenes as
3 quickly as I can. I don't know what time the Court looks to rise in the
4 afternoon sessions.

5 Can we go back to tab 356.

6 JUDGE ROBINSON: Another ten minutes to the break.

7 MR. NICE:

8 Q. I don't think we've looked at 356 before. Perhaps we'll look at
9 it now briefly.

10 A. Yes, we have looked at it before.

11 Q. Joint Command that shows itself to come from the army. When we
12 look at Orahovac and thereabouts, and Celine, in summary -- I want to deal
13 with these things comparatively quickly -- your grounds for saying that
14 events in Celine -- the Chamber will have the aide-memoire if it finds it
15 helpful - and you'll see Celine identified, but I think you'll find that
16 part of the material is dealt with also in witnesses who deal with
17 Orahovac although it's a little bit further to the north.

18 Your grounds for saying that Celine evidence is incorrect is what,
19 please, Mr. Delic?

20 A. That I was there.

21 Q. And that everything that the witnesses say about Celine is untrue;
22 is that right?

23 A. Well, you have to say what your witnesses say one by one, or give
24 it to me in the Serbian version so I can read it.

25 Q. You will recall that the accused took you through some of this and

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1 you understand quite well that it's not possible to go through all of it
2 in detail in cross-examination, but the suggestion from a witness, K25, is
3 that you surrounded the village on the night of the 24th of March with
4 tanks and Pragas. Now, K25 is supported by a man called Agim and a man
5 called Isuf Jemini. It's also covered in "As Seen, As Told" and "Under
6 Orders." Can you point to any reason why these people should have made
7 this account up against you and your forces?

8 A. They did not invent anything against me. They don't even mention
9 me. But if you go back to this document which you first offered, tab 356
10 or 357 or the analysis in 359, you will see that this is absolutely
11 incorrect, that on the 24th of March there were no troops in that area. I
12 know that some kind of black uniforms were mentioned, long knives, and all
13 sorts of things, and this is absolutely untrue. The operations here began
14 on the 25th. On the 24th, there was nothing happening in that location,
15 so that everybody who says something was happening on the 24th are either
16 not telling the truth or they simply don't remember, they are mistaken
17 about the date. But I have a document.

18 Q. Perhaps we'll come to have a look at the document in a minute if
19 it's other than the ones we've looked at already.

20 The 25th of March it's been said as against your forces that the

21 shelling began at 6.00 in the morning, lasted until 8.00, a Praga firing
22 continuously towards the village during the day, with your forces in
23 conjunction with the police entering the village, as you say, in black
24 uniforms, tanks, and armoured vehicles around.
25 Now, that evidence has come from witnesses who have been called

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1 from Isuf Jemini and Reshit Salihi. There's other material available to
2 like effect.

3 Can you explain why these people could conceivably be mistaken in
4 what they've said?

5 A. If they're talking about constant shelling, I can say nothing else
6 but that they are not telling the truth, because it is absolutely untrue.
7 Had they said that the Pragas were there on the asphalt road all day but
8 not fired, that would probably have been true. But the reason they are
9 saying this is something I'm not aware of. That's their problem.

10 Q. So to identify narrowly the issues between you and the witnesses,
11 yes, the heavy weaponry was there, but when they say it was used,
12 completely untrue; is that right?

13 A. Weapons were used only for firing points according to the rules,
14 not to shell villages.

15 Q. And then we have the burning of the houses, including the mosque,
16 and the robbing and the looting. That comes from many witnesses; Agim
17 Zeqiri, Jemini, Reshit Salihi, Sabri Popaj, and so on. And many other
18 statements are available. But you're saying these people are all making
19 it up?

20 A. You're reading something about witnesses here. I want you to tell

21 me what each witness said and what was stolen. I'm telling you that my
22 troops did not loot from anyone. These were regular soldiers carrying
23 only their combat kits, only their ammunition and their daily ration and
24 their First Aid kit.

25 Q. Now, the man Agim Jemini who was, he has told us, in his own house

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1 hiding in the top floor because the MUP had set up base within his house
2 and then they moved to the other house, says he overheard the use of the
3 code 444. Codes were used, weren't they?

4 A. But this code, the one described by your witness, was never used,
5 and you can conclude from this that your witness is making things up,
6 because I told you last time, in addition to my own radio equipment I used
7 to communicate with my troops, I had other equipment for use with the MUP,
8 and I never heard the code 444 used in this way.

9 Q. There would have, of course, been a code book showing what codes
10 were what on what particular days. Do we have the code book?

11 A. As for the code books, they were unified and probably there is
12 such a code book, but that has nothing to do with this code here, because
13 this was supposed to be a call-sign for a unit or an individual, but
14 that's not how it was done either in the MUP or in the army.

15 Q. You see, this particular witness had the misfortune, he tells us,
16 to see his relations taken away and, although he didn't actually see the
17 killing, he heard the killing in front of him and in his compound. Now
18 his name is Agim Jemini. Your commission went to very considerable
19 efforts, didn't it, to provide material to help this accused; correct?

20 A. Absolutely not. What you say is absolutely incorrect.

21 Q. It's got statements from witnesses -- not witnesses, participants
22 in events. It's got television material, unless that's been produced by
23 the associates as opposed to the commission, and it's produced a number of
24 documents. Help me, please: Did it use its access, if any, to
25 intelligence to try and find out things adverse to witnesses in this case?

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1 A. What commission are you referring to? You keep mentioning some
2 sort of commission.

3 Q. [Previous translation continues] ... Commission for Cooperation
4 with the ICTY. The VJ Commission.

5 A. Yes. Yes. That commission received, through the Ministry of
6 Foreign Affairs, your requests. In this particular case-- not just this
7 case but in general -- with respect to the collection of these materials
8 that were done later, there is an order - I don't have it with me, but I
9 will get hold of it - ordering all commanders to explain certain places
10 and events.

11 Q. We've gone through that. Did it make efforts to find out things
12 adverse to witnesses in this accused's case, such as, for example, Agim
13 Jemini?

14 A. That was not the purpose of that commission. It only did work
15 connected with members of the army of Yugoslavia.

16 Q. And -- that's your answer. Just tell me this: Do you know
17 anything adverse to any one of the names of the witnesses on the Celine
18 matter that I've read out to you? Do you know anything adverse to any one
19 of them?

20 A. How can I know anything about people I don't even know exist,

21 people I have never met in my life? I don't know who these people are.

22 Q. Very well. It's your territory.

23 In the spring of 1999, 69 bodies were exhumed. Did you know that?

24 You can find it in "Under Orders," but 69 bodies were exhumed.

25 A. I'm not aware of that.

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1 Q. Now, do you remember how many people were killed in Racak,

2 roughly?

3 A. In Racak?

4 Q. Yes, in Racak.

5 A. A number is constantly being mentioned. Well, you say killed and

6 I say they died in the fighting, and it's about 44.

7 Q. It's about 40, isn't it? Sixty-nine isn't so far off as being

8 twice as big. Now, the witness Agim Jemini and Isuf Jemini between them

9 explained that they overheard a radio transmission saying that the event

10 here, or the matter here was twice as bad as at Racak. So at the time MUP

11 and VJ at Celine might well have thought it was about twice as bad or

12 twice as good, as they may have seen it, as in Racak. Did you hear radio

13 traffic? Did you hear discussions comparing Celine's number of dead to

14 Racak?

15 A. That is pure fabrication. I didn't hear anything of the sort.

16 Have you heard, Mr. Nice, that on Kosovo a man was found guilty of an

17 alleged crime in Celine and Bela Krusa and Mala Krusa and he was sentenced

18 and is still in prison? He was sentenced to 20 years.

19 Q. I will come back to that. Your last point about Celine was that

20 there was no woodland there. Can we look at this, please. This is not

21 and existing exhibit. The witness may be able to identify it as showing
22 Celine.

23 [Videotape played]

24 MR. NICE:

25 Q. I gather the footage was shot by the Dutch National Policy Agency.

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1 Now, just in general, taking your time, do you recognise this as

2 Celine?

3 A. No. This could be any one of those villages. It could be, for
4 example, Velika Krusa rather than Celine, I think, but we should see where
5 the road is.

6 Q. You see, of course, burnt-out houses, though, can't we? How did
7 that all come about?

8 A. In what period were those houses burnt out?

9 [Videotape played]

10 MR. NICE:

11 Q. Tell me when you want us to stop it to check your bearings.

12 Pausing there a bit. Just pause.

13 Now, you can see various other features. Are you satisfied that
14 this is Celine?

15 A. This is an aerial view. It doesn't show the communication. It
16 doesn't show any roads. It could be anywhere between Prizren and Zrze.

17 Q. Well, wherever it is we can certainly see a patch of woodland in
18 the distance, can't we?

19 A. If you're calling this a wood. These are just clumps of trees by
20 the road. We might call it a small wood, but it's certainly not a proper

21 wood or a forest.

22 If what you are showing here is Celine, then this grove of trees

23 would be between Celine and Nogavac.

24 JUDGE ROBINSON: Yes. It's time for the break. We will adjourn

25 for 20 minutes.

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1 --- Recess taken at 5.33 p.m.

2 --- On resuming at 5.56 p.m.

3 JUDGE ROBINSON: Yes, Mr. Nice.

4 MR. NICE:

5 Q. Mr. Delic, before we return to another crime scene - I shan't be

6 able to deal with them all in the time I'll allow myself, but I will

7 return to some - I want to take you back to another bit of your evidence.

8 To get the Chamber familiar with the territory, if we can just look at the

9 atlas, please, Exhibit 83 on page 10, where marked with the red arrow.

10 This is Ljubizda. You can see it there, west of Prizren. Yes? Yes, this

11 is where Ljubizda is, isn't it? You can see it there, can't you? And

12 it's to the west of Prizren, as you told us it's under Mount Pastrik.

13 A. Yes.

14 Q. You produced a video and --

15 A. There are two places called Ljubizda in the Prizren area. Yes, I

16 can see it. This is the Ljubizda underneath Mount Pastrik.

17 Q. You produced and it's already been admitted as an exhibit, Exhibit

18 476. Perhaps we can just play an extract from it to remind ourselves what

19 it's all about.

20 [Videotape played]

21 MR. NICE: I'm not getting any translation, Your Honours.

22 THE INTERPRETER: "[Voiceover] Five days ago we were in the woods.

23 "How many of you were there?

24 "There were about 200 of us, women, children and men.

25 "Very well. Were the KLA armed?

Page 42437

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12 Blank page inserted to ensure pagination corresponds between the French
and

13 English transcripts.

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Page 42438

1 "Yes.

2 "Did they give you food and water?

3 "No.

4 "So you ate nothing for five days?

5 "Yes. Five days and longer than that.

6 "In the mountains they were holding you as hostages?

7 "Yes."

8 MR. NICE:

9 Q. You remember this exhibit, do you?

10 A. Yes, certainly.

11 Q. You remember I've asked you questions about the integrity of the

12 exhibits that you produce. Would I be right in thinking that you produce

13 this as an exhibit of integrity because of the unflagging integrity of the

14 journalists concerned?

15 A. I've already said that these were professional journalists from

16 Radio-Television Serbia.

17 Q. I want to know the basis upon which you're going to be inviting

18 the Judges to rely on this material. Because it's your exhibit and

19 therefore it's only on your answers that reliance can be placed, along

20 with the exhibit itself. You say this is a document we can rely on, this
21 video?

22 A. Certainly. You can get the video clip from Radio-Television
23 Serbia if you have any doubts about its authenticity or anything else in
24 connection with it.

25 Q. All right. Would you look next, please, at a photograph of two

Page 42439

1 people.

2 MR. NICE: The Chamber will remember that in this video there was
3 a child seen at the knees of the woman being interviewed at one stage.

4 Q. Anything happening in this area would be happening in your area of
5 responsibility, wouldn't it, Mr. Delic? Wouldn't it?

6 A. Are you saying that this is from this material? I don't recognise
7 this woman and this little girl.

8 Q. Let's deal with it question by question. Anything that happened
9 in this area would have happened in your area of responsibility, wouldn't
10 it?

11 A. I know what happened in my area of responsibility.

12 Q. And do you say that, remembering that you've taken a solemn
13 declaration, that nothing bad happened in Ljubizda? Do you?

14 A. In Ljubizda, if you're saying that something bad happened there,
15 you should say when it happened. In Ljubizda, troops entered the place
16 more than once during the clashes with the terrorists on the border, and
17 they were descending toward the village of Ljubizda. So it was checked
18 once or twice.

19 Q. What day do you say that Ljubizda was checked first? Because

20 we've got the diary. We'll check it on that, of course, and any other
21 contemporaneous documents you may have with you about Ljubizda. What day
22 was it entered first to be checked by your troops?

23 A. This was in 1998. The first time probably in September or
24 October.

25 Q. And then when was there any fighting or use of guns or

Page 42440

1 unpleasantness of any kind in Ljubizda, Mr. Delic?

2 A. Not directly in Ljubizda, but probably on the 27th and the 28th of
3 January when a group from Albania entered our country on the Ljubizda
4 axis, and also on the 14th of December.

5 Q. And what about the period leading up to April of 1999 when,
6 according to the sheet we have, this video that you've produced was taken?

7 A. As far as the army was concerned, at that time the troops were at
8 their positions and they did not cover Ljubizda directly. The border
9 units were at their positions overlooking the village of Ljubizda, but as
10 for the village of Ljubizda itself, I don't have any information that
11 soldiers entered that village, although they might have done on several
12 occasions.

13 Q. Well, you don't recognise the photograph in front of you as the
14 mother and daughter, as I must suggest to you it is. I'm going to give
15 you the chance to listen to an interview. The transcript, very
16 approximate transcripts, available in English. Time has been limited.

17 Now, this lady is --

18 MR. KAY: Should we just look to see where we're going with this.

19 It sounds to me as though it may be familiar material in the sense of

20 material that the Prosecution is seeking to introduce in cross-examination
21 of statements made by people. I hope I'm not anticipating anything out of
22 turn, but I see that it's dated the 11th of July, 2005, in the statement
23 here, and it looks as though it's a statement made by someone potentially
24 who is a witness, giving what would probably amount to rebuttal evidence,
25 which is very -- which is identical to the ground that we were on several

Page 42441

1 months ago when we were dealing with the Jasovic evidence.

2 JUDGE ROBINSON: Mr. Nice, is this territory that we have already
3 gone over?

4 MR. NICE: We have, and the Chamber's position has been quite
5 clear. Statements can be put to the witness --

6 JUDGE ROBINSON: Can be put, yes.

7 MR. NICE: And I don't wish to rehearse the witness any further,
8 but the statements can be put.

9 JUDGE ROBINSON: Yes. They can be put, yes.

10 MR. NICE: And therefore, I wish to put three passages of a tape
11 recorded interview, which is the best form of statement that I can make
12 available, and I will then seek his comments.

13 The Chamber has the -- I'm afraid it's not page numbered.

14 Q. But let me explain to you, Mr. Delic, that this woman whom -- with
15 whom -- beg your pardon. This woman a videotape of whom you have produced
16 seeks now [sic] anonymity. Her name is Mira Nerijovaj, born in 1962 in
17 Kalesiak, Tuzla. All right?

18 Your first question: Do you know anything about that woman
19 adverse to her?

20 A. No. I don't know anything. I don't know anything about that
21 woman.

22 JUDGE BONAMY: Mr. Nice, it's been suggested she seeks -- in the
23 transcript, seeks now anonymity, which is what I heard as well, but it's
24 no anonymity.

25 MR. NICE: No anonymity, certainly, Your Honour, as to the

Page 42442

1 generality of her evidence.

2 If the Chamber would be good enough in the transcript to turn over
3 to the fourth page, and the third line of the transcript, approximate
4 though it is, and I'd be grateful to the interpreters, if they're able to
5 either keep up -- or not keep up with, if they're able to provide a
6 transcript, and I hope they've got copies of the documents. The first
7 passage is a couple of minutes long.

8 Q. You see, Mr. Delic, this woman who is being interviewed has been
9 shown the interview that you produce and she acknowledges that it is her,
10 and then Ms. Dicklich will play from this part of the interview you'll see
11 the first of three extracts.

12 [Videotape played]

13 "I: Can you make comments about the content of the interview?

14 "W: Yes.

15 "I: Please tell us something more about this interview, how it
16 happened. What did you say to the journalist? Why did you say it?"

17 JUDGE ROBINSON: It's on page 4 at the top.

18 MR. NICE: Page 4.

19 "W: So we were captured in mountains and they brought us to

20 Tonaj.

21 "I: Who brought you?

22 "W: Serbs.

23 "I: What does it mean Serbs? Was it Serbian army, police?

24 "W: Army.

25 "I: Serbian army. And they were stationed in your village or

Page 42443

1 they came just for this very moment?

2 "W: No. Soldiers were not stationed, they just came and they
3 captured.

4 "I: How do you know about those people?

5 "W: They were approximately 30.

6 "I: Were they armed?

7 "W: Yes.

8 "I: Do you still remember what kind of weapons did they carry?

9 "THE INTERPRETER: So she can only remember that they had the --

10 "I: [Inaudible].

11 "W: Automatic.

12 "I: What can you tell us? You don't remember any other kind?

13 "THE INTERPRETER: For the moment she cannot remember.

14 "I: So it means they came to the village on 14 of April 1999?

15 "THE INTERPRETER: So they -- they were there on the 12th of

16 April 1999 and they questioned her, so they had the interview on the 14th

17 of April, 1999.

18 "I: 12th of April they came to your village. Did they interview

19 any other people on 12th of April?

20 "W: I cannot tell you. I don't remember.

21 "I: Okay. May I ask you what's happened, what is the reason

22 they came 12 April 1999, two days before the interview?

23 "W: So on the 12th of April, they captured us, and they divided

24 15 males from the group and then executed them in front of us.

25 "I: Where did they execute them, in the village?

Page 42444

1 "W: No, in the mountain Deli i Ujit.

2 "I: Were you present during execution?

3 "W: Yes.

4 "I: All your family?

5 "W: Yes.

6 "I: Also your kids?

7 "W: Yes.

8 "I: So everybody was present at execution of 15 males from your

9 village?

10 "W: Yeah. They executed us in front of -- they executed them in

11 front of us.

12 "I: Did they execute anybody from your family?

13 "W: They executed my husband and my brother-in-law.

14 "I: You lost two members from your family?

15 "W: Yes.

16 "I: So this happened 12th of April, 1999.

17 "W: Yes.

18 "I: What's happening then after this execution?

19 "W: They wanted to take our children, our male children.

20 "I: Yes?

21 "W: So amongst those 15 there were three young males. So in

22 total it's 15 executed. So there were 12 in -- 12 males that were older

23 and then three that were younger, youngsters.

24 "I: Did you understand the reason why they were executed?

25 "W: No, I didn't understand the reason because at that moment I

Page 42445

1 was lost.

2 "I: Were they members of UCK, Ushteria Clirimtare te Kosoves?

3 "W: No, they were all civilians."

4 MR. NICE:

5 Q. Mr. Delic, I hope you followed that.

6 A. Yes, yes, I followed that.

7 Q. [Previous translation continues] ... is there a record in the

8 operation logs of your brigade of some 15 people dying in this village at

9 about this time?

10 A. Well, you have that book, so you can check.

11 Q. You have a very good memory, Mr. Delic. Please tell us, did 15

12 males die in that village at that time?

13 A. I do not have any such knowledge that 15 males died in that

14 village. What this woman told in 2005, I mean, you invite this woman to

15 come to Kosovo and you expect her to say something different from what she

16 said to you now? She can only speak in one single way, and you know that

17 full well because you cannot get a single witness from Kosovo who will

18 testify before this Court and then return to Kosovo unless they testify in

19 one single way.

20 Q. Let me see if I can understand what you're saying. First of all,
21 this woman you wish to say, do you, of this woman, Mari Nerijovaj, that
22 she must be lying; is that what you're prepared to say?

23 A. We watched the statement she gave for our television and then she
24 must have lied on that occasion. She could not have told the truth twice
25 because these are two completely different, divergent statements. She

Page 42446

1 explained why she gave the first one.

2 Q. Completely correct, Mr. Delic. Now, you were there. You tell the
3 Judges, under what circumstances people might tell untruths to RTS?

4 A. I wasn't there. People absolutely had no reason at that time not
5 to tell the truth, but they do have a reason now why they would not be
6 telling the truth, because if they say anything that does not suit the
7 current authorities in Kosovo and the KLA, there is no room for them in
8 Kosovo any longer. You know that very well.

9 Q. Is it your opinion, and you're of course entitled to it, that
10 there is no Kosovo Albanian who is disposed to tell the truth about these
11 matters if approached by the Office of the Prosecutor? Is that what
12 you're suggesting?

13 A. They can only tell one kind of truth, the kind of truth that suits
14 the general picture, as was portrayed here. Otherwise, if they were to
15 tell the truth and then go back to Kosovo, you know very well that you
16 could not get a single witness to testify about that unless you sent them
17 to Europe afterwards, and there were a few such cases. If anyone says
18 anything against the KLA, that person has no future in Kosovo and
19 Metohija.

20 Q. You're making this observation about a woman who lost her husband
21 and other family members. Think about it. Do you still stand by the
22 integrity of your RTS document, or do you think that it may be the RTS
23 film that is flawed?

24 A. I do not think that there is any problem whatsoever.

25 Q. Very well.

Page 42447

1 A. Since the persons who taped this footage can also appear before
2 this Court and testify about the footage, those who filmed it directly,
3 whether they took this statement under duress or whether this woman meant
4 what she said. I think it is this second video clip that was taken under
5 duress.

6 MR. NICE: Your Honours go on, please, two pages to the page which
7 starts about three quarters of the way down, where the interview is
8 continued at 12.20.

9 Q. Mr. Delic, do you remember from looking at your video how there
10 was a child with the woman when she was being spoken to?

11 A. Yes. Yes, there was a child.

12 Q. Now, before we look at this next part of the video, the truth that
13 it may be uncomfortable to recollect or to accept is that life had become
14 cheap by the time of NATO intervention and people could be killed and
15 threatened at ease, couldn't they, Mr. Delic?

16 A. In every war there are certain problems. That is precisely why
17 there is always insistence on discipline, so that individuals could not do
18 whatever they wanted to do but that they should all abide by the law and
19 carry out orders. That's what pertained in -- to my unit. But could I

20 please see that transcript in my own language, because you keep referring
21 to a transcript.

22 Q. Alas, no. We only had a limited amount of time to find this woman
23 whom you did not name, and we've done our best to get this material here
24 so that you can be free of attending here further this week.

25 MR. NICE: Can we play the second extract, please.

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1 [Videotape played]

2 "W: They took me to a field, and they told me that I have to talk
3 -- to say everything that they tell me. I was afraid. The moment they
4 focused the camera, my child came behind me. A civilian took my daughter
5 and said to her, 'Don't be afraid,' and he gave her two candies, and he
6 told me to continue those words that he said. He said to me two times,
7 but I couldn't do it. On the third time he asked me again, but at the
8 moment that the camera started, I couldn't say it. Again fourth time they
9 told me again, but I still couldn't do it because I was losing my breath.
10 Then they said to me, 'Will you start or we will kill your daughter.' I
11 didn't know what to do, I just looked at the side and saw what were they
12 doing with her. And they took the child close to them, and they put the
13 knife at her throat, and they said to me, 'Will you speak out or we will
14 take her head off.'

15 "I: Please, if you can't speak, we can make a break.

16 "W: No. I will speak what they did to me.

17 "I: Okay. Okay.

18 "W: I have to continue. They said to me that we were tortured by
19 KLA, but I didn't know what KLA is because I never saw their uniform. And

20 they said to me to say that we were tortured by KLA, they didn't allow us
21 to eat or drink. When the Yugoslav army arrived, they made KLA leave, and
22 then the Yugoslav army gave us aid. I -- I had to say that or they would
23 kill my daughter.

24 "I: All the time as she was giving this interview, did they keep
25 your child or they released her?

Page 42449

1 "W: So they kept my child, but at the moment when I started
2 speaking, they released her.

3 "I: Because on the video we saw your child with you.

4 "W: Yes, but at the beginning they took my child.

5 "I: But the child which one they kept when they made you speak
6 was [inaudible] passage. At this moment they took your child?

7 "W: At this moment they took my child.

8 "I: But they released her.

9 "W: So at the moment when I started speaking, they released her.

10 "I: So does it mean that they repeated five times what you had to
11 say? Is that correct?"

12 MR. NICE: And, Your Honours, to save time, I'll pause it there.

13 Q. Mr. Delic, the mother also names her child. We needn't name her
14 for the record.

15 What do you want to say about that that you've just seen?

16 A. I can say that you made a great effort, Mr. Nice. Since you're
17 making such an effort, it requires a very small effort to call people who
18 were on the other side to confirm whether what this woman is saying is
19 true. This does not look like my soldiers. This does not look like

20 Radio-TV Serbia cameramen.

21 I understand this woman. I understand what she's saying, because
22 she does not dare speak otherwise. She wants to continue living in
23 Kosovo.

24 Q. You'll say this about every Kosovo Albanian, and may I take it
25 that you're going to say that there's no one of them that can tell the

Page 42450

1 truth to this Tribunal if it contravenes your truth? Is that right?

2 A. Well, Mr. Nice, just give me the names of Albanians who will come
3 from Kosovo to testify against the KLA. Give me a single name if you can
4 now. If they're supposed to testify against Serbs, you will find any
5 number; 50, 100, whatever. I am aware of that problem that the Office of
6 the Prosecutor is facing. Any witness who would testify against the KLA
7 has to be relocated to Europe and to have their names changed, the witness
8 and their family, because they can only respond in one way, as dictated by
9 the KLA.

10 Q. In light of your last observation, I'm going to ask you a question
11 I've asked you before, and I'm going to preface it in this way: There's a
12 mass of material coming from the international community, from our own
13 investigators and elsewhere that go to show that Serbs oppressed Kosovo
14 Albanians, murdered them, and kicked them out of Kosovo. Can you point me
15 to many Serbs who have been prepared to come and tell us about that, can
16 you, since you make these allegations about Albanians? Can you?

17 A. I have certainly spoken about the killing of Kosovo Albanians too.
18 I mentioned the number of Albanians killed by my unit as well. I know
19 that there were similar situations in other units too. However, as far as

20 my unit is concerned, I said that it was eight persons, which means that
21 never at any point in time did I deny that there had been any killings.
22 Do you know, Mr. Nice, that many more Albanians were killed in the
23 period from -- in the period since the UN has come to administrate Kosovo
24 and Metohija rather than during the war itself? You're probably unaware
25 of that figure now. Now that there are no Serbs in Kosovo, a lot more

Page 42451

1 Albanians were killed than during the war.

2 Q. You've made a point of being personal and offensive, and just
3 carry on doing it as long as you think it's helpful, but can we now return
4 to the plight of this woman and her child.

5 MR. NICE: In private session, with Your Honour's leave.

6 JUDGE ROBINSON: Yes. Yes, private session.

7 [Private session]

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

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Page 42452

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11 Pages 42452-42455 redacted. Private session.

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Page 42456

1 (redacted)

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10 (redacted)

11 (redacted)

12 (redacted)

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14 (redacted)

15 (redacted)

16 (redacted)

17 [Open Session]

18 MR. NICE:

19 Q. So Mr. Delic -- Mr. Delic, you've now identified the 2nd Motorised

20 Battalion as the group that was present in this village on that occasion.

21 First --

22 A. The 2nd Motorised Battalion is not a group. A battalion has its
23 set number of men, it has its area in which it was located, therefore --

24 Q. [Previous translation continues] ... sure that's necessary to help
25 these proceedings. Just tell me this: Had you mentioned at any earlier

Page 42457

1 stage in producing this video that a group of soldiers or a battalion of
2 soldiers was there at the time? Had you? We know what the woman said
3 about it, but had you mentioned which group it was?

4 A. Well, that's quite obvious from the statement made by this woman.

5 We can see that there were soldiers there, but I didn't mention the 2nd
6 Battalion because there was absolutely no need to do so.

7 Q. Do we have any contemporaneous document showing the deployment of
8 the 2nd Battalion at that village on that day with an account of how 11
9 people, or whatever the number was - 15 - died? Do we?

10 A. Absolutely. I can't tell you now whether any documents exist, but
11 the village is mentioned specifically and all the documents do exist, and
12 all the documents are to be found -- are located in the archives. But I
13 stand by what I've already said.

14 Q. Well, will we find, for example, if we ever have the resources and
15 the cooperation to get it, that the documents accept the killing of a
16 number of people but assert that they were KLA members? Tell us.

17 A. Well, I know that my commander, the commander of that battalion,
18 will come in here to testify.

19 Q. Do we have one of his statements before us? Who was the

20 commander?

21 A. Yes, in the tabs. His name was Vlatko Vukovic, lieutenant
22 colonel.

23 Q. And is this the one that takes such a vile dislike to Natasa
24 Kandic? Have I got it right?

25 A. Possibly.

Page 42458

1 Q. The man who refused to read the material that he'd been provided
2 with by the commission, the VJ Commission for Cooperation, or by yourself
3 because he couldn't stand her? Is that the one, Vukovic?

4 A. Once again you're on the wrong track. The man read the material.
5 Now the fact that he disliked somebody personally is his own affair, but
6 he did read the material.

7 Q. I thought you said he couldn't finish reading it because he
8 couldn't stand her. Do you want me to find it for you? You bring this
9 material, Mr. Delic. You should know what it says. Do you want me to
10 find it for you?

11 A. No, you don't have to find it for me.

12 Q. All right. This man, then, is a man who could be sufficiently
13 easily persuaded by some means or other first to believe that "As Seen, As
14 Told" was written by Natasa Kandic and then to express strong views about
15 her in a statement for court purposes. The Court can find it, for
16 example, at 369, but there were two statements: "The author of this book
17 disgusts me and because of the lies presented I didn't read the book all
18 the way through." That's the one. Vukovic.

19 Do you think Vukovic is the sort of man who could have committed

20 these -- these killings that we've heard about? Do you think he is?

21 A. Absolutely not, never. He is a professional soldier, a family

22 man. Absolutely never.

23 Q. How was it, then, that of all places it was here in this remote

24 village that we find this woman apparently complying with RTS to tell such

25 an exculpatory version of events for the army? How did that come about?

Page 42459

1 Hmm?

2 A. Mr. Nice, would I bring before this Court any kind of story which

3 would turn out later on to be something quite different? I am asking

4 people to come to this Court who filmed this whole story and those who

5 were present. I am quite aware of your intentions and why you have gone

6 to such great lengths over this story, but I tell -- I can tell you the

7 types of stories going around Kosovo.

8 Q. Please tell us, Mr. Delic, because we don't want you to feel

9 restrained, what you mean by "the great lengths I've gone to." All you

10 know so far is that an investigator went down, located somebody who was

11 anonymous at your hands, and interviewed her. Now, if you want to suggest

12 that there's more to it than that, you'd better do it.

13 A. I say that in Kosovo you cannot talk to a person and hear that

14 person tell you something positive about the Serbs or the army if they

15 wish to live in Kosovo in future, and that is something that your

16 investigators are well aware of.

17 Q. Nothing else you want to add to make suggestions about impropriety

18 on the part of the Prosecution? You must feel free, because I'm not going

19 to tolerate its coming for the first time in re-examination. Anything

20 else you want to say?

21 JUDGE ROBINSON: He didn't go that far, Mr. Nice.

22 MR. NICE: Very well, Your Honour. Let's move --

23 JUDGE BONOMY: Well --

24 MR. NICE: Sorry.

25 JUDGE BONOMY: What do you say was the degree of pressure from the

Page 42460

1 KLA in 1999, in April 1999, upon a woman in that position?

2 THE WITNESS: [Interpretation] Is that a question for me? Well, at
3 the time when this programme was filmed, the KLA wasn't there. Our army
4 was there, that's obvious. Now, what pressure today, that's quite a
5 different matter. I state and claim that in Kosovo nobody can say nice
6 things about the army, the police, or the Serbs and still continue living
7 in Kosovo.

8 Today I mentioned a matter, I brought a matter up, and I'd like to
9 read it out now if I may, please. It's about how Albanian witnesses
10 testify.

11 JUDGE ROBINSON: What is it that you're going to read and from
12 what would you be reading?

13 THE WITNESS: [Interpretation] I'm reading from my notebook,
14 notepad, the one that I jotted things in here.

15 MR. NICE: With Your Honour's leave --

16 THE INTERPRETER: Microphone, please, Mr. Nice.

17 MR. NICE:

18 Q. May we know a little bit more, Mr. Delic, about the source of your
19 opinion that you've written down in your little notebook and brought here

20 to help the Judges with?

21 A. I'm the source, because I discussed this with the president of
22 Orahovac municipality who was in prison for six years himself, in Prizren
23 and Kosovska Mitrovica. And as to the man that I'm talking about, I saw
24 him on television when, from the prison in Kosovska Mitrovica, he was
25 transferred to the Kraljevo prison pursuant to an agreement reached that

Page 42461

1 he should serve out his sentence over there.

2 JUDGE ROBINSON: When did you make that note?

3 THE WITNESS: [Interpretation] I made this note five or six days
4 ago.

5 MR. NICE: Your Honour, I'm not going to stop this witness saying
6 what he wants to. It doesn't seem to me -- unless the Court wants to rule
7 it out. It doesn't seem to me that it qualifies. It doesn't seem to me
8 it's going to be very helpful.

9 JUDGE ROBINSON: Mr. Milosevic may deal with it in re-examination.

10 Judge Bonomy has a question.

11 JUDGE BONOMY: I was really wanting to finish the matter I raised
12 with you.

13 I didn't see it as an answer to my question for you to say that
14 the -- that your army was there for whatever reason they were there. I
15 wanted to know what was the degree of pressure on a Kosovo Albanian woman
16 in that position in April 1999, because she did exactly what you say no
17 Kosovo Albanian woman will now do.

18 MR. NICE: Your Honour -- I'm sorry.

19 JUDGE BONOMY: So --

20 THE WITNESS: [Interpretation] Mr. Bonomy, I don't understand what
21 you're actually asking me. I can't say what pressure was brought to bear
22 on this Albanian woman from the KLA. The KLA at that point in time wasn't
23 there when the material was filmed, and the woman had said precisely that
24 the KLA had been expelled from the area.

25 JUDGE BONOMY: So you're saying that that situation is a different

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1 one from the present one; that the KLA, if they were removed from her
2 area, would present her -- no threat to her and she would be happy to say
3 favourable things about Serbs, whereas today the position, you say, is
4 different. Am I understanding that correctly?

5 THE WITNESS: [Interpretation] Today the situation is completely
6 different. Do you want me to provide evidence, independent evidence and
7 proof from UNMIK, police, or somebody else to present them about what the
8 situation is like over there now?

9 JUDGE BONOMY: Well, at the moment it's not for me to make that
10 decision. That may eventually be the appropriate course to follow, but I
11 was just trying to be clear in my mind what the difference was for a woman
12 in her position now from the position in 1999.

13 MR. NICE:

14 Q. You understand the problem, Mr. Delic, don't you. In the absence
15 of the KLA applying any pressure and in the presence of just a good army,
16 why should a woman of Kosovo Albanian ethnicity be prepared to say all
17 those favourable things about the army that you say she did to RTS? Why
18 should she be prepared to do that?

19 A. She did not say any nice things. She said something that was

20 quite normal and usual.

21 Q. Tell me, who actually identified this bit of film as something
22 that you should be producing?

23 A. This footage -- well, from the legal advisors when I got certain
24 areas and subjects, I looked for video material, and I knew that in
25 Radio-Television Serbia there was material like this and I called up the

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1 editor to give me that footage, to give me the videos so that the legal
2 advisors could take a look at them.

3 Q. Who was there; Gojkovic?

4 A. No. Not Gojkovic. Gojkovic has nothing to do with that. He's
5 not a legal advisor to Mr. Milosevic at all. It is Mr. Tomanovic.

6 Q. So they selected it, you viewed it, and then what can you really
7 tell us about this footage? Nothing.

8 A. What I can tell you is what I've already said, what I said then,
9 and I do not step down from what I said. However, because you expressed
10 doubt about this footage, if these people exist, then I'm sure they would
11 be willing to come to this Tribunal and give you their opinion and tell
12 you what they think as to whether this footage was taken under duress or
13 not.

14 Q. [Previous translation continues] ... Motorised Brigade was the
15 brigade that was there and it was your area of responsibility. Just
16 explain that.

17 A. Not the 2nd Motorised Brigade. The 2nd Motorised Battalion or,
18 rather, parts of it.

19 Q. Right. Therefore, you as the officer in charge should have to

20 your hand, if you want it, records of what they were doing on the 12th,
21 13th, and 14th of April, shouldn't you?

22 A. Certainly. I can secure all the material, if it exists and if it
23 is linked to the 2nd Motorised Battalion.

24 MR. NICE: Your Honours, I don't know whether you want me to start
25 another topic or not.

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1 THE INTERPRETER: Microphone, please, Your Honour.

2 JUDGE ROBINSON: This might be a convenient time to adjourn for
3 the afternoon. We will adjourn until tomorrow morning at 9.00.

4 --- Whereupon the hearing adjourned at 6.58 p.m.,

5 to be reconvened on Tuesday, the 19th day of

6 July, 2005, at 9.00 a.m.