



Page 23752

1 Thursday, 6 March 2008

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 8.59 a.m.

5 JUDGE BONOMY: Good morning, everyone. We shall continue this

6 morning with the evidence of Mr. Damjanac.

7 [The witness entered court]

8 JUDGE BONOMY: Good morning, Mr. Damjanac.

9 THE WITNESS: [Interpretation] Good morning.

10 JUDGE BONOMY: The examination by Mr. Lukic will continue in a

11 moment. I have to remind you that the solemn declaration to speak the

12 truth which you made at the beginning of your evidence continues to apply

13 to your evidence today.

14 Mr. Lukic.

15 MR. LUKIC: Thank you, Your Honour.

16 WITNESS: PETAR DAMJANAC [Resumed]

17 [Witness answered through interpreter]

18 Examination by Mr. Lukic: [Continued]

19 Q. [Interpretation] Good morning, Mr. Damjanac.

20 A. Good morning.

21 Q. We'll try to proceed more quickly than yesterday because our time

22 is limited. You started telling us yesterday, but please be brief, what

23 was your position, was it in the interest of the police and the Army of
24 Yugoslavia for the Albanian civilians to move out?

25 A. There was not a single indication from any quarters nor was it

Page 23753

1 the intent of not only the state authorities but any other agency of the
2 former Federal Republic of Yugoslavia. All citizens were equal in our
3 eyes, and I would say that Albanians were even more privileged than any
4 other community.

5 Q. With the leaders, the elders of the Albanian community, did you
6 try to negotiate with agree and what did you achieve in these
7 negotiations?

8 A. After the well-known events in Likosane the liquidation of Adem
9 Jashari when the problems in that municipality got very complicated, when
10 there were daily demonstrations and meetings of all kinds of associations
11 and citizens unions, the elders of the village came to me offering a
12 handshake of friendship and the transparency of the Republic of Serbia
13 came to the fore and we managed to come to a gentleman's agreement,
14 namely, that all the elders of the community in the Pristina area - and I
15 have to say again that in the Glogovac municipality that my police
16 station covered there was not a single Serb, everybody was Albanian. So
17 for the sake of peace in the household, they undertook - and I'm talking
18 about the beginning of 1998 - they promised that they would not give
19 logistical support to Siptar terrorist gangs, extremists, and so on, that
20 we would be able to move around peacefully, at least move through the
21 centre of the village towards our base, and wherever they had any problem
22 we would come to their aid and we would try to accommodate them in every

23 situation. That was our mutual agreement.

24 Q. Thank you. Just give us the names of specific villages whose
25 elders came to you to talk.

Page 23754

1 A. Starting from Komorane village which is a junction on the
2 Pristina-Pec road, starting from Komorane we talked to Idriz Nishori, a
3 very loyal citizen, and the terrorists even tried to assassinate him. He
4 got out with multiple wounds, and then as you move on towards Glogovac
5 and make a turn from Donje Zabelj, and Koretica, we talked to Xhemajl
6 Rexhepi which is his real name, he owned a petrol station in Poklek, he
7 himself is from Koretica. Then there was Tuf Dina [phoen] in Koretica we
8 named him all communist, which was sort of a term of endearment. With
9 all of these people we came to a gentlemen's agreement and they all
10 together came to see me and there was the deputy director of Jukos in
11 Drenica, in Globare. You can find that on the map, his name is Skender,
12 I forget his last name, he was deputy director of that plant. They all
13 came together to see me and they asked for my word of honour that I would
14 meet them at the right time because you know how it is if anybody was
15 noticed coming into a police station or coming out that person would be
16 liquidated and their family would be targeted. So I had to organize
17 these meetings in the best possible way.

18 Q. Now in 1999, again in relation to the movements of population,
19 are you aware of the influence, if any, of the KLA on the movement of
20 civilian population; if you have such knowledge, tell us how.

21 A. In 1999, but even back in mid-1998, the KLA was very influential
22 in the area of the Glogovac municipality, not in the sense that they

23 enjoyed respect for their qualities, but they had spread fear among the
24 population by terrorist means and people had to obey them. In 1998, so
25 that you can understand the chronology, when the roads were being

Page 23755

1 deblocked, even then on the orders of Siptar terrorists individual groups
2 and tribes were very obedient to the KLA and followed the orders of the
3 terrorists, and all this was repeated in 1999. But this time it was not
4 individual groups and tribes but all of the people concerned by the
5 air-strikes started looking for shelters, for safe areas. The terrorists
6 asked them to create the appearance of a humanitarian catastrophe, and
7 the NATO air-strikes were a reality. So they were really in an
8 unenviable position. They moved from village to village, they moved out
9 to the woods into hilly areas where they thought they were safer.

10 Q. Did you try, did you make any personal efforts, to prevent the
11 civilians from leaving Glogovac municipality?

12 A. One of the purposes of our existence in Glogovac municipality,
13 and the orders from upstairs were to try to convince people to stay at
14 home to tell them they would enjoy every protection we are able to offer,
15 that we would share a common fate because together we are stronger, as
16 they say. And all the citizens who had any respect for us as human
17 beings and professionals went along with that, even those people who
18 belonged to families, some members of which were in the KLA but however,
19 most of them had to obey KLA orders and to create this humanitarian
20 catastrophe.

21 Q. Can you give us the names of some villages where you offered your
22 protection and tried to persuade people?

23 A. With my colleagues, commanding officers, the CO of the operative
24 personnel, we visited every village we had access to from Trstenik and
25 Globare towards Strbulovo, Domenik and the road from Glogovac, Komorane.

Page 23756

1 There are several villages there, Donje Poklek, Gornje Poklek, Donje
2 Zabelj, Koretica, Komorane. On many occasions we would run into people,
3 women, children, the elderly, moving ahead like headless chicken, and I
4 knew those people well. Hamza Hajra was one of the elders, one of the
5 renowned people of that community I met; then there was the former
6 policeman, late policeman, his name eludes me at the moment. We talked
7 directly to those who didn't know a word of Serbian and he gave them his
8 word of honour that they would be safe. We did have some success and I
9 can tell you for a fact that there was not a single case of migration in
10 the residential areas in Glogovac. In all the time I was in the Glogovac
11 municipality, I don't know of a single case that somebody moved out from
12 that area, except for extremist villages, Trpeza, Kisna Reka, and the
13 area in lower Drenica, that is, from Poluze towards Banjica. Those were
14 extremist villages in the hilly areas where we had much less influence.

15 Q. Do you remember the incident in Trstenik when the people started
16 leaving, when was that?

17 A. On two occasions, once it was during a joint action of the army
18 and the police, I believe it was in September 1998; and then on two
19 occasions the same thing happened in 1999 in the area between Trstenik
20 village and over there towards Strbulovo we ran into larger groups,
21 hundreds, I would say, of people who didn't even know where they were
22 going. They would spend some time in one village and then the local

23 residents would tell them, We've had enough, we don't have enough food to
24 share with you to keep you here any longer, plus you are increasing the
25 danger for us. And we managed, even my humble self, I don't want to

Page 23757

1 indulge in any false modesty, we managed to persuade those people to go
2 back home.

3 Q. Were there any reports saying that the police were driving
4 civilians out of Glogovac municipality?

5 A. I'm telling you again with full responsibility, I guarantee with
6 my life and with my honour that nothing like that happened during my
7 tenure and we value our word highly, at least those of us with
8 patriarchal upbringing in that area. God as my witness, even young
9 people came to my station, to my office, I offered them coffee and juice.
10 We talked in a very friendly way, they were very concerned, very afraid.
11 I watched my police officers carefully, trying to discern any signs of
12 violation of the usual rules of treatment of the Albanian community, and
13 I can say with full responsibility that our police officers acted with
14 dignity and fairness, like true ambassadors of our country.

15 Q. Are you aware that any police units turned back large groups of
16 civilians trying to leave?

17 A. You know, there were many actions to suppress terrorism in the
18 broader area of Glogovac, so the PJP sometimes ran into large groups of
19 civilian population on trucks, on trailers, whatever they had they would
20 bring those citizens. Then I would assign a police patrol to escort them
21 back to the place where they lived normally or to another place where
22 they had family and they felt safe.

23 Q. Now those units on the ground, apart from the fact that they
24 turned back civilians and told them to go home, did they also bring large
25 groups of people for you to question?

Page 23758

1 A. The PJP, according to their work-plan and programme, in those
2 places that held strongholds of terrorists that's where they were the
3 most active, that's the area of Cicavica, Mount Cicavica on one side, and
4 on the other side Likovac, Gornje Obrinje, Donje Obrinje, Ovcarevo, up to
5 Banjica, Negrovac, and so on. In that initial period already in 1998,
6 those two months when we were deblocking roads, once or twice they
7 brought larger groups like dozens of people who were found in the area of
8 those so-called combat actions. We used our police methods to establish
9 whether any of those people brought in had really participated in any
10 terrorist attacks or not. For that purpose our colleagues from SUP
11 Pristina who are specially trained for that, expert teams from the crime
12 police and scenes of crime officers, because as I said yesterday our
13 personnel was limited in that way, we did not have such expert teams
14 ourselves. They checked, verified, questioned, used forensic methods
15 such as the paraffin glove test to establish which among those people
16 might have shot previously at police officers. And in each such group of
17 between 10 and 20 people, there were some who were identified as
18 participants in terrorist attacks, that is, members of the KLA, and they
19 would be taken into custody and transferred to SUP Pristina. I don't
20 know whether it was to the public security or the state security sector
21 there, I don't know that part. And they were prosecuted and I don't know
22 what later happened to them, but I believe they were all amnestied when

23 that amnesty was in 2001.

24 Q. And where did you hold those large groups of citizens and where
25 did you question them?

Page 23759

1 A. I don't know whether in my examination yesterday I explained in
2 greater detail about our premises and the conditions in which we worked
3 in Glogovac because our police station was a make-shift building, it was
4 a pre-fab building. The largest office in there was my office, it was
5 upstairs. The other offices were really very small, 3 by 3 or 3 by 2,
6 and there was a classroom on the ground floor, it was about 5 by 4
7 metres. So it was a pre-fab building and the conditions did not exist
8 there to hold larger groups of people. In those exceptional
9 circumstances that we faced when large groups of people would be brought
10 in, maybe up to 200 people following the police and military actions, so
11 groups would be between 200 and in some cases, as far as I can recall,
12 there were up to 500 people, people who would be brought in in a single
13 day applying the methods that I just described. And since the
14 municipality building is right next door to the police building and there
15 is the culture hall right next door, it is a big hall, it used to be --
16 it used to be used as a cinema, and it was a large room that could
17 accommodate about 600 people in the audience, there were chairs there,
18 there was the scene. So the conditions there were excellent. On those
19 occasions when larger groups of people would be brought in, we would put
20 them there temporarily and the interviews would be held in the official
21 premises of the OUP Glogovac, we would do it group by group because it
22 was the only place where it was possible to conduct such interviews.

23 Q. Could you just tell us, were there any cases when the military
24 would bring in these terrorist suspects?

25 A. Yes, yes, there were such cases.

Page 23760

1 Q. But you treated them in the same way?

2 A. Yes, the treatment was the same, regardless of whether it was the
3 police or the army, they would bring in those larger groups by truck,
4 they would hand them over to us, and this was the system that I put in
5 place. I think that there is -- there are records of it somewhere,
6 unless of course some of them have been destroyed because of the war. I
7 always demanded that a list, an exhaustive list of all the people who
8 were brought in be made with all their personal details. I wanted the
9 exact time when they were handed over stated there and the exact time
10 when they were released, because at that time, before the state of war
11 was declared, we applied the Law on Criminal Procedure and we had a right
12 to detain them for three days. And in that time, regardless of the
13 number of persons in custody, we had to do our job, we had to finish our
14 job. And with the assistance of the -- our colleagues from the state
15 security sector and the Pristina SUP there were limited numbers of the
16 former, but we managed to complete this job within two or three days to
17 do the paraffin glove or gun-shot residue tests and to release all of
18 those people to their homes, with the exception of those who had been
19 proven to be members of the KLA, and then they were handed over to
20 Pristina, to the SUP Pristina. I don't know whether they were handed
21 over to the public security sector or the state security sector, this is
22 not something of my concern.

23 Q. Let's try to do some yes-and-no answers now. Were there any
24 volunteers in your OUP?

25 A. No.

Page 23761

1 Q. Were there any paramilitary or parapolice forces in your area?

2 A. No, none.

3 Q. What security forces were deployed in your OUP area?

4 THE INTERPRETER: Interpreter's note: Could the speakers please
5 not overlap.

6 THE WITNESS: [Interpretation] Exclusively members of the police
7 and of the Yugoslav Army, nobody else.

8 MR. LUKIC: [Interpretation]

9 Q. Do you know how many VJ troops were deployed in the area of your
10 secretariat?

11 A. Well, I couldn't really count them and that was not my duty, but
12 they were moving around that area. First of all, as they say, based on
13 my experience because I held that ground there, after the NATO
14 aggression, after the air-strikes began, the angel of mercy, as they
15 called it, that day or the next day the first troops that arrived arrived
16 from the direction of Srbica, and I think those were the units from
17 Raska, and I couldn't really give you the designation of those units
18 because I might be wrong and I don't want to make mistakes. So they held
19 the Srbica-Glogovac road. At the beginning the staff command for the
20 Glogovac municipality was located in the village of Trstenik, and I
21 talked, as far as I can recall, on several occasions with
22 Lieutenant-Colonel, I believe, Dikovic, who was there with a group of his

23 associates, so I talked to him several times. And later on the
24 headquarters was moved to Globare, closer to the centre of Glogovac. And
25 those units all gravitated to the town, the units went there and their

Page 23762

1 headquarters was in Globare and in Trstenik. And on the other side, in
2 the direction of the border, those units that were from Raska or whatever
3 you want to call it, and from the level crossing in the direction of
4 Poklek and Zabelj, this area was covered by personnel from the Pristina
5 Corps. And they were deployed -- they were billeted in houses, various
6 buildings in that area. So the military forces from the Raska area were
7 up to Globare, up to one side of Glogovac; and on the other side, just to
8 make things clearer, from Poklek towards Komorane, the Pristina-Pec road,
9 that area was held by the Pristina Corps troops. I was able to observe
10 that every day, that's why I know that.

11 Q. Were any anti-terrorist actions carried out in your area?

12 A. Well, as I testified yesterday and here today, this was the very
13 epicentre of terrorism in the whole of Kosovo and Metohija, in particular
14 the area around the Cicavica and below Cicavica, the village of
15 Gradica -- well, it is a well-known fact that there were all those tribes
16 and the families of Mehmet Gradica and Jusufi who used to be a well-known
17 collaborationist with Germany and there was also a --

18 JUDGE BONAMY: I wonder if you would please answer the question,
19 were any anti-terrorist actions carried out in your area?

20 THE WITNESS: [Interpretation] Well, that's what I was about to
21 say, the most --

22 JUDGE BONAMY: Please do not respond in that way to me. You were

23 clearly not answering the question. Please now answer the question.

24 THE WITNESS: [Interpretation] Yes, in a word, yes.

25 MR. LUKIC: [Interpretation]

Page 23763

1 Q. Thank you. The police officers from your OUP, did they
2 participate in those actions?

3 A. No.

4 Q. First of all, do you know whether any PJP members participated in
5 anti-terrorist actions?

6 A. Yes.

7 Q. You as the chief of the OUP, were you able to order anything to
8 the PJP personnel when they were in combat mission?

9 A. No.

10 Q. Did PJP members report to you about the course of the action?

11 A. No.

12 Q. In relation to those actions, did you receive any reports or any
13 information about anything?

14 A. No.

15 Q. Were there any attempts on the part of the VJ personnel to
16 subordinate all OUP Glogovac personnel to them?

17 A. Yes.

18 Q. Who came to see you and what did this look like?

19 A. I cannot give you a yes or no answer to that, so if I'm allowed
20 to give you a broader description. I was issued an order by a military
21 patrol sometime in spring to go to the command post in Trstenik and to
22 report to Lieutenant-Colonel, well, Dikovic, yes, my brain blocked for a

23 while, for a meeting that would be held in the morning at about 8.00
24 about the resubordination to the army command in accordance with the
25 rules that were in force. In the morning I and my colleague, inspector

Page 23764

1 Milutin Tomcic, went there, we complied with the summons. I expressed my
2 gratitude and I greeted Lieutenant-Colonel Dikovic and his colleagues
3 from the military; but at the same time I explained to them that this was
4 an OUP that's dealing with administrative issues and that we have a
5 limited number of police officers, and that I cannot independently make
6 any such decisions about any subordination, that this had to be done at a
7 higher level.

8 They heard what I had to say, they understood my views, they
9 thanked me, and I went back the same day. I didn't even sit down, I went
10 back to the Glogovac OUP.

11 Q. So did you subordinate yourself to the Army of Yugoslavia?

12 A. No.

13 Q. Did the army officers talk to you and give you any requests
14 regarding the clear-up operations of the terrain?

15 A. Yes, a man by the name of Rade Krsmanovic, as far as I can
16 remember, came down to see me, I was in contact with him. He was a
17 captain, and there was another colleague of his, they came to see me
18 about the clear-up operations. I really respect them but I can't recall
19 all of their names. I think that this other man was a Muslim. I don't
20 know his name. They were very correct in their behaviour. I listened to
21 them and I explained to them what the situation was like. I told them
22 that in the area of operations of the army, that this was something that

23 was within the jurisdiction of the officer in charge of the operation and
24 not of the local police station, which is what we were. On the other
25 hand, I explained to them - and I hope that they understood - that the

Page 23765

1 local government, the Glogovac municipality, had stopped functioning at
2 the time when terrorist actions escalated, and it closed down at the time
3 when NATO air-strikes began and all the way up to mid-April when at the
4 request of their superior some of the people from the municipality came
5 back. So we did not have the utilities, we didn't have the Crisis Staff
6 in our municipality, we didn't have civilian protection, we didn't have
7 any assets to put at their disposal. And the OUP Glogovac did not have a
8 single truck at its disposal. So we were limited in terms of our
9 equipment, we couldn't provide any assistance of this sort.

10 Q. Thank you.

11 MR. LUKIC: [Interpretation] Could we please have 5D1031 up in
12 e-court.

13 Q. I think you have it in your binder, 5D1031. Yes, we have it on
14 our screens now. Tell me now, in the Glogovac OUP area, who patrolled
15 the area?

16 A. Just a moment, let me just read this order.

17 Q. This pertains to check-points, and now I'm asking you whether you
18 know about patrols.

19 A. Oh, I do apologise. As far as patrols are concerned, we from the
20 Glogovac OUP patrolled the road that we could use at that time and that
21 was the road from Globare towards Komorane, to the left and to the right,
22 the Pec-Pristina main road, and all the way to the border of the Glogovac

23 municipality. So from Kijevo or Gornje Koretica, towards Kosovo Polje
24 and up the road to Djurdjica which is closer to Kijevo, that's the border
25 with the Klina municipality and the main, or rather, the local road from

Page 23766

1 Komorane to Fustica in the direction of the municipality of Lipljan, and
2 in the depth towards Srbica, this was more an area where the VJ was in
3 charge because this is where their Main Staff was and this was the area
4 that they patrolled. And we couldn't move into the depth and they could,
5 they had the appropriate assets.

6 Q. In 1999 on the road from Pristina to Glogovac were there any
7 check-points; and if so, whose check-points?

8 A. There were some, for instance, in Slatina itself, there was a
9 check-point at the intersection forking off towards the airport held by
10 the army; then on the roads towards farms from Krivovo towards Komorane
11 there were chicken farms there and there was another check-point, also
12 military in Komorane. Up until the air-strikes there was a police
13 check-point, that was one that was -- had been in existence for years
14 held by the police. And there was another one in the area jointly
15 military and police check-point. After the roads were deblocked and that
16 clash with the terrorists in Lopusnik after that place was liberated from
17 the large number of terrorists who had held it, there was another
18 check-point of the police held, manned, by the PJP. That's what I know.
19 Now, further inland towards Domenik and from Globare towards Srbica, that
20 was the responsibility of the army because only the army was equipped to
21 hold that area.

22 Q. Thank you.

23 JUDGE BONOMY: Is your reference to PJP check-point after the
24 liberation of Lapusnik a reference to 1999?

25 THE WITNESS: [Interpretation] From September, from end September,

Page 23767

1 when Lapusnik was already liberated, from that time onwards. Let's say
2 from October.

3 JUDGE BONOMY: Thank you.

4 Mr. Lukic.

5 MR. LUKIC: [Interpretation]

6 Q. When you say "October," which year?

7 A. October 1998, that was the time when our forces already
8 controlled Lapusnik.

9 Q. Thank you. That's enough. I now would like to know about the
10 uniforms worn by the police who worked in OUP Glogovac in 1998 and 1999.

11 A. All police officers, and I as the chief, had to wear exclusively
12 blue camouflage uniforms.

13 Q. What villages in your territory held the best fortified
14 strongholds of the KLA?

15 A. I'll describe it by naming roads or routes. That borderline from
16 Glogovac -- between Glogovac and Srbica, from that point towards Likosane
17 and then again deeper inland towards Grabovac, and on the right side
18 looking from Glogovac towards Obrinje, Trdevac, Likovac, and then from
19 that point towards Glogovac another terrorist stronghold was in Trstenik,
20 Sakici brothers, five of them, were a separate terrorist group that shot
21 at the police frequently, including myself; however, I survived and I'm
22 still here to tell you about it today. In Banjica there were larger

23 terrorist units because it's a wooded, hilly area providing good hiding
24 places. There was Mount Kosmaca was where Selman Selmani, nicknamed
25 Sultan, held a sway and held everyone in fear. He was practically the

Page 23768

1 ruler of that area, and then there was Jakup Krasniqi, at that time he
2 was the spokesperson and now he's the Speaker of the Parliament of
3 Kosovo, he had organized the entire village population to do the digging,
4 guards duty, and in that village Shaban Shala was another self-styled
5 commander I believe, old, experienced illegal politician who was in
6 charge of Obrovac, whereas Jakup Krasniqi moved to Malisevo to the KLA
7 headquarters, where he was in the Main Staff with the current prime
8 minister of Kosovo, Hashim Thaqi, and he commanded that area.
9 Now, across the road from there towards the Pristina-Pec road
10 from Komorane towards Kisna Reka and Trpeza all the villages there were
11 terrorist villages and their centres were Novo Selo and Berisa. They
12 tied in with that Crnoljevo mountains across Fustica and Sedlare, that's
13 the locality of Klecka, those are all the strongholds I think that's
14 enough.

15 Q. Yes, it is. Thank you. If a policeman were responsible for a
16 disciplinary infraction, would he be subject to disciplinary proceedings
17 and who would conduct these proceedings before the air-strikes and after
18 the beginning of the air-strikes?

19 A. In order to maintain good discipline among the police, we had to
20 raise the level of liability. Every infraction, every violation, was
21 subject to punishment. For minor infractions it was the chief of
22 secretariat who would decide what measures to take, it was Boriko Pekic

23 [phoen] at the time, being late for work, unkempt in appearance, et
24 cetera. More serious violations such as theft, violation of
25 combat-readiness or anything else, especially where arson and theft were

Page 23769

1 concerned, disciplinary proceedings would be held within the framework of
2 the secretariat where we have a disciplinary court, that is the
3 first-instance court. And then in the second instance there was the
4 disciplinary court at the Ministry of the Interior of the Republic of
5 Serbia. You can find more details from documentation. I cannot tell you
6 more about it offhand.

7 Q. Thank you. I would now like to ask you about Abdullah Salihu,
8 who had testified here before. Was there a person in Glogovac, a police
9 officer named Momo Peljevic [Realtime transcript read in error
10 "Begovic"]?

11 A. Well, I have been working since 1994 [as interpreted], and I have
12 worked in OUP Lipljan and SUP Pristina and Glogovac, and I held for a
13 while the area of Podujevo. I can say with full responsibility that
14 there was no police inspector of that name, and such -- we don't have
15 anyone by that name. It must be somebody's fabrication.

16 Q. Just for the transcript was it 1994 that you started working or
17 earlier?

18 A. 1984.

19 JUDGE BONOMY: What about the broader question, does the name
20 Momo Begovic mean anything at all to you --

21 MR. LUKIC: I'm sorry, it's also wrong then I see, it's not
22 Begovic, it's Peljevic.

23 JUDGE BONOMY: Does that mean -- that name mean anything to you?

24 THE WITNESS: [Interpretation] Maybe I wasn't quite clear in my

25 answer. That name means nothing to me because there was no such person

Page 23770

1 in SUP Pristina ever.

2 JUDGE BONOMY: Do you know Abdullah Salihu?

3 THE WITNESS: [Interpretation] It's the first time I hear that

4 name.

5 JUDGE BONOMY: Thank you.

6 Mr. Lukic.

7 MR. LUKIC: [Interpretation] Thank you, Your Honour.

8 Q. At that time did you hear about the killing in Glogovac of Rahman

9 Topilla?

10 A. That name doesn't ring a bell either, and of course if I haven't

11 heard of the man I haven't heard of the killing either.

12 Q. Thank you. You tried several times yesterday to tell us and I

13 interrupted you every time, promising that we would come back to it.

14 MR. LUKIC: [Interpretation] Could we call up in e-court 6D112,

15 and we need page 2 in English and page 3 in Serbian. I'm sorry, we need

16 first pages to begin with to see what this document is all about. Can we

17 get in Serbian the first page too. Thank you.

18 Q. Do you see what document this is, although some letters are

19 missing in Serbian, but it's a document of the OSCE.

20 A. Yes, I can see that, dated 12th March 1999.

21 Q. It's an OSCE report.

22 MR. LUKIC: [Interpretation] And now can we have page 2 in English

23 and page 3 in Serbian.

24 Q. Could you read the first line.

25 A. "On the 4th of March, the KLA informed OSCE verifiers that they

Page 23771

1 would not accept a police presence in the territory that they control
2 between Srbica and Glogovac and that they would attack any police convoy
3 attempting to pass through the area. KLA reinforcements were observed in
4 that area. The tension was reduced when the police announced that they
5 had postponed an intended convoy."

6 Q. Do you remember?

7 A. I remember, I remember, and I explained I think yesterday that
8 the OSCE representative warned me personally, among others, that I should
9 by no means send my forces there because a conflict was inevitable if I
10 did and he had been given that message by Sami Lushtaku, the commander
11 for the broader area of Drenica. And indeed, following the cue of the
12 OSCE, we did not send our forces to that area along that route, we
13 avoided it even before; but now after this word from the OSCE and this
14 confirmation --

15 JUDGE BONOMY: Just one -- yesterday you told us that that was on
16 the 17th of November, 1998. Is that correct? I'm not misunderstanding
17 your evidence from yesterday?

18 THE WITNESS: [Interpretation] I just tied it in with this issue
19 that even before the OSCE had made such suggestions, but this item
20 confirms why we were not able to and why we didn't dare, to be frank, to
21 patrol there.

22 JUDGE BONOMY: Perhaps I should ask you a different question.

23 When was it the KVM representative spoke to you and told you to stay away
24 from the road between Glogovac and Srbica?

25 THE WITNESS: [Interpretation] Just after they arrived in Glogovac

Page 23772

1 from October. In November there were more frequent --

2 JUDGE BONOMY: I've understood you correctly. That's fine.

3 Thank you.

4 Mr. Lukic.

5 MR. LUKIC: Thank you, Your Honour.

6 Q. [Interpretation] Could you read paragraph 3 then, beginning with
7 the words: "On 5th March ..."

8 A. "On 5th March there was an explosion" -- sorry.

9 "On the 5th of March, approximately 15 to 20 KLA members ambushed
10 a police patrol in an area south-west of Pristina airport. According to
11 police sources, 11 policemen were wounded, six of them seriously, and two
12 police vehicles were destroyed by rocket-propelled grenades."

13 Q. Was it in the area of your secretariat?

14 A. Yes, that's the Vasiljevo group that belonged to the brigade of
15 Fehmi Lladrovci, actually it belonged to one of the battalions, one of
16 them -- several battalions within that brigade, 114th Brigade of Fehmi
17 Lladrovci, that's the group that mounted this attack that caused
18 fatalities, as we can see. It's not an isolated case. This happened in
19 March. They escalated later all the way up to the Rambouillet
20 negotiations, but I'm not going into politics now.

21 Q. After mid-April --

22 JUDGE BONOMY: Can I just -- before you move off this if you're

23 moving onto a different subject, there's another event referred to there
24 which you presumably have knowledge of -- in fact, there are two.
25 There's one on the 7th of March where policemen were killed and a third

Page 23773

1 was wounded. You see that? Are you familiar with that event?

2 THE WITNESS: [Interpretation] Your Honour, what is referred to is
3 a suburb of Pristina --

4 JUDGE BONOMY: So that's outwith your area, yeah. Sorry. Thank
5 you.

6 Mr. Lukic.

7 MR. LUKIC: Thank you, Your Honour.

8 When we are on this subject, we have 21 terrorist attacks in the
9 area of Glogovac, but since the police officers killed in those actions
10 are not from Glogovac OUP, we didn't ask this witness about these
11 actions. So I would kindly ask your guidance how to proceed in this
12 matter. Should I just list the evidence we have on these issues or just
13 in writing submission?

14 JUDGE BONOMY: Are these all attacks reflected in the -- in this
15 report as --

16 MR. LUKIC: No --

17 JUDGE BONOMY: -- occurring between the talks?

18 MR. LUKIC: No, no, it's attacks since August until May, since
19 August 1998 until the end of May 1999.

20 JUDGE BONOMY: These are all reflected in documents, are they?

21 MR. LUKIC: Yes.

22 JUDGE BONOMY: And are these documents already exhibited?

23 MR. LUKIC: Yes.

24 JUDGE BONOMOY: In what context were they exhibited?

25 MR. LUKIC: It's our famous 6D614 document, and we have other

Page 23774

1 documents as well, but when -- the gentleman's told us yesterday that he
2 didn't register police officers killed in his area unless they are from
3 his OUP. So he was aware of killings of other police officers, but they
4 admitted that they didn't register those police officers coming from
5 other SUPs.

6 JUDGE BONOMOY: Are you saying he has personal knowledge of these
7 various events however?

8 MR. LUKIC: It would take too much time I think.

9 JUDGE BONOMOY: No, but does he have personal knowledge of these?

10 MR. LUKIC: I know that he knows about one for sure.

11 JUDGE BONOMOY: This is exactly the sort of situation which should
12 be dealt with in a 92 ter statement.

13 MR. LUKIC: We started --

14 JUDGE BONOMOY: Because it saves all the time and it allows him to
15 confirm his personal knowledge and it enhances the value of the
16 documentary record.

17 MR. LUKIC: We'll have it the next week, but with this witness we
18 missed the chance to go that way.

19 JUDGE BONOMOY: Just give us one moment.

20 [Trial Chamber confers]

21 JUDGE BONOMOY: Mr. Lukic, if there is one that the witness knows
22 about for sure, you may be well-advised to at least put that one to him.

23 I'll think further about the others and if there is any guidance that we
24 think can usefully be given to you we'll give it to you after the break.
25 MR. LUKIC: Thank you, Your Honour.

Page 23775

1 [Interpretation] Could we please have 6D614 put up in e-court,
2 page 704. We need item 601 -- I apologise, 600.

3 Q. Mr. Damjanac, do you recall the killing of these six policemen?

4 MR. LUKIC: [Interpretation] Page 704, item 600.

5 THE WITNESS: [Interpretation] I remember this incident
6 exceptionally well, even until present. I remember it so graphically
7 since I never saw anything like it, not even in the horror movies I saw.
8 It says here the 1st of April, 1999, in the village of Trstenik, which is
9 along the road between Globare and Trstenik, closer to Trstenik itself.

10 MR. LUKIC: [Interpretation]

11 Q. I wanted to ask you whether these were members of your OUP.

12 A. No.

13 Q. Where were they from?

14 A. From the secretariat in Kragujevac. They were in a freight
15 vehicle, it was an official vehicle, and they were patrolling the stretch
16 between Globare and Trstenik. Since it is a bad road, it's a regional
17 motorway, and just prior to that there was heavy rain, in one of the
18 puddles in the middle of the road the terrorists planted an anti-tank
19 mine. It was a Niva vehicle. It went over the anti-tank mine, and we
20 found pieces of their bodies 1 to 200 metres away, a fist, parts of the
21 skull, and so on. There was so many deaths in just a single day, this
22 was not the only case. By sheer circumstance I was also witness to this

23 particular incident. I can go into details if you wish.

24 MR. LUKIC: In English version it's completely different.

25 JUDGE BONOMOY: Mr. Lukic, have we got the right page?

Page 23776

1 MR. LUKIC: Not in English.

2 JUDGE BONOMOY: Not in English.

3 [Trial Chamber and registrar confer]

4 JUDGE BONOMOY: Sorry, he said page 704, is that in B/C/S. What

5 is the English page, Mr. Lukic?

6 MR. LUKIC: 704, all pages in this document are the same.

7 JUDGE BONOMOY: I'm sorry?

8 MR. LUKIC: 704, all pages are the same in this document. I was

9 just informed that this page might not be translated.

10 JUDGE BONOMOY: So there only is the B/C/S version?

11 MR. LUKIC: Yes.

12 JUDGE BONOMOY: Thank you.

13 Are you saying you were an eye-witness to this, Mr. Damjanac?

14 THE WITNESS: [Interpretation] Yes, yes. We were collecting the

15 body parts in the fields nearby, hands, fists, legs --

16 JUDGE BONOMOY: After the event. Yes. Thank you.

17 THE WITNESS: [Interpretation] Yes.

18 JUDGE BONOMOY: Mr. Lukic.

19 MR. LUKIC: [Interpretation]

20 Q. Mr. Damjanac, in the territory of your secretariat after the 15th

21 of April, 1999, did you have occasion to see the police and military

22 sporting any ribbons?

23 A. There was a binding instruction in place since terrorists were
24 introduced in the area. Several of our colleagues' uniforms were seized
25 by them, and under such circumstances they could pretend to be someone

Page 23777

1 else. That's why we were obliged to wear ribbons on our left shoulder.

2 I think we used three colours, red, blue, and yellow, and then daily we
3 would be informed which colour, and we used those for the purpose of
4 identifying our members.

5 As far as I recall in that period as of mid-April, the military
6 usually wore only a single ribbon and not three like we did. If I
7 remember correctly, they were wearing red ribbons.

8 Q. While in Glogovac did you ever see or hear that the police at
9 check-points manned together with the Army of Yugoslavia tolerate the
10 behaviour of other policemen, killing, looting, and doing similar things?

11 A. I guess it's a fair question on your part, but it is -- it has
12 nothing with common sense. There were no such events. I never heard of
13 it and I wouldn't be able to comprehend it. Imagine two institutions,
14 two bodies, at the same check-point and one of the sides not reacting to
15 such behaviour of the other. That would be highly inappropriate. I have
16 never heard of such cases and I don't believe that would have been
17 possible, to put it briefly. And I never received such information
18 either orally or in written form.

19 Q. Thank you, Mr. Damjanac. I have no questions for you at the
20 moment. Thank you.

21 JUDGE BONOMY: Thank you, Mr. Lukic.

22 Mr. Aleksic.

23 MR. ALEKSIC: [Interpretation] Thank you, Your Honour.

24 Cross-examination by Mr. Aleksic:

25 Q. [Interpretation] Good morning, Mr. Damjanac. A few questions

Page 23778

1 only.

2 MR. ALEKSIC: [Interpretation] Could we please have 6D579 in

3 e-court, page 2, please -- excuse me, this page. Could we please zoom in

4 in the B/C/S version so that the witness can see.

5 Q. Mr. Damjanac, a few moments ago you said that the army wore red

6 ribbons as far as you can recall during 1999. This is an instruction to

7 the police for wearing identification bands in May. Please have a look.

8 I believe it says on certain days police members were supposed to wear

9 red bands as well.

10 A. Well, you seem to misunderstand me. I was very precise. We had

11 three colours. I used to wear them on a daily basis, red, yellow, blue,

12 and we changed them. On one day we would have red, on the next day

13 yellow, and on the third day blue. I don't know how you interpret this,

14 but I think it's simply enough.

15 Q. I understood you, Mr. Damjanac.

16 MR. ALEKSIC: [Interpretation] Could we please zoom out in the

17 B/C/S version and could we please see the bottom of the page. I'm

18 interested in the remark at the bottom.

19 Q. Please read it out.

20 A. "Remark: The Yugoslav Army does not have identification

21 ribbons."

22 MR. ALEKSIC: [Interpretation] Thank you, Your Honours, I have no

23 further questions of this witness.

24 THE WITNESS: [Interpretation] If I may, Your Honours ...

25 JUDGE BONOMY: Mr. Aleksic, in English on the document, that has

Page 23779

1 been translated differently, it's translated as "identification bands."

2 Is there any significance in that at all or is the word in Serbian a word

3 that could mean either ribbon or band?

4 MR. ALEKSIC: [Interpretation] Your Honours, in Serbian literally

5 it would be band. The title says: "Instruction to the police for

6 wearing identification bands in May." And in the remark it says VJ did

7 not have identification bands. In Serbian it is the same.

8 JUDGE BONOMY: But yet when the witness read it, it was

9 translated as "identification ribbons." All right. Thank you very much.

10 If -- Mr. Damjanac, if Mr. Lukic wants to explore the matter

11 further with you then that will be open to him when he has an opportunity

12 to ask you further questions at the end of your evidence.

13 Mr. Cepic.

14 MR. CEPIC: Thank you, Your Honour.

15 Cross-examination by Mr. Cepic:

16 Q. [Interpretation] Mr. Damjanac, good morning. My name is Djuro

17 Cepic and I represent General Lazarevic as his Defence counsel, and I

18 have just a few questions for you. Yesterday and today you told us about

19 many cases of those brutal terrorist attacks on citizens and military and

20 police personnel. What I'm interested in is whether those attacks

21 escalated significantly once the OSCE mission pulled out of Kosovo and

22 Metohija. Just very briefly, please.

23 A. Well, the mission pulled out I think immediately before the
24 air-strikes, less than a week, five or six days before the air-strikes,
25 and this was an indication that the bombing would start and we all

Page 23780

1 expected that to happen. And there was an escalation definitely,
2 although this fact was quite well-known, that we were to expect the angel
3 of mercy quite soon.

4 Q. So you will agree with me that the terrorist attacks did escalate
5 in that period?

6 A. Well, if you allow me to say --

7 Q. Please do not go to any length.

8 A. Let me just tell you, on the 15th of March it had already been
9 made clear by the NATO Alliance that we would be bombed, and the OSCE
10 mission withdrew at that time. We knew what was going on and the
11 terrorists attacked everything that belonged to the Serbian people and to
12 the Serbian state with all they had, it was an all-out attack.

13 Q. Thank you. My colleague Mr. Lukic asked you about the
14 resubordination, and you described the situation, the events with
15 Colonel -- Lieutenant-Colonel Dikovic in your contacts and I want to know
16 what you yourself did regarding the resubordination. Did you receive any
17 orders from your superiors in the MUP regarding this issue?

18 A. No. Let me just tell you very briefly, this is what I pointed
19 out to Lieutenant-Colonel Dikovic, that I as such and as a member of the
20 police force in an ethnically pure area, that I would be happy for us to
21 operate in this manner but that I had not received any orders to that
22 effect and as a professional I had to comply with the orders and rules of

23 my service, so it was immaterial. And I explained in the previous
24 question that apart from the uniformed part of the police I also had the
25 auxiliary services that served the needs of the local population, issuing

Page 23781

1 ID cards, passports, and so on.

2 Q. So you did not receive any orders about the resubordination?

3 A. No, I did not receive any orders.

4 Q. Thank you.

5 A. Fine.

6 Q. In this courtroom we've seen a lot of documents from the Army of
7 Yugoslavia about the humanitarian aid delivered to the population in the
8 Glogovac area. Did you together with the army personnel take part in
9 this and did you provide humanitarian assistance to civilians?

10 A. Yes, that's what we did, definitely. We had extraordinary
11 cooperation in this regard, and this is something that I'm proud of to
12 this day. Lieutenant-Colonel Dikovic organized everything on behalf of
13 the army, gathering aid. I don't know in what way we did that, but he
14 did gather the supplies and he delivered it to the people, to the people
15 who had fled, the people that we and the army were trying to turn back to
16 their homes and we did receive an instruction that was an obligation in
17 effect from the Pristina SUP that we had to -- we had to provide any kind
18 of assistance to the civilians, logistic support, food-supplies,
19 accommodation, and that's what we did. And let me stress once again, our
20 assets were limited. We didn't have enough food for ourselves and we
21 made do in all kinds of ways. We wanted the Pristina SUP to get more
22 food-supplies to us and we also used some local sources for food. And

23 through some people that we trusted, we put in place this distribution
24 system and the army did the same under the leadership of
25 Lieutenant-Colonel Dikovic.

Page 23782

1 Q. Thank you.

2 MR. CEPIC: [Interpretation] Could we please have 5 -- P1996 up in
3 e-court.

4 Q. Mr. Damjanac, to speed things up, you see here on the screen the
5 minutes of the meeting held at the MUP staff in Pristina, the police --
6 senior officers in the police. And now I will go to the words of Obrad
7 Stevanovic.

8 MR. CEPIC: [Interpretation] I need page 9 in Serbian or in B/C/S
9 and that would be page 11 in English.

10 Q. So regarding the clear-up operations, let's deal with that issue.
11 Could you please look at paragraph 3: "Configuring the battle-field:
12 Continue clearing up the terrain ..."

13 A. If I can understand this as a question.

14 Q. I will ask you the question, if you allow me. You will agree
15 with me that the clear-up operation of the terrain was in the
16 jurisdiction not only of the local authorities but also of the police,
17 but that you did not have sufficient resources to actually do it, you
18 personally, as the chief of the Glogovac OUP?

19 A. If I may comment on this to say that this is the minutes of the
20 7th of May, and at that time I was not at the Glogovac OUP anymore and I
21 think that any comments that I might make might be superfluous. On the
22 other hand, as far as I know regarding the period while I was there at

23 that post, the regulations in force stipulated that the officer in charge
24 of the combat operation was the one who was also charged with doing the
25 clear-up operation. So as far as I know, on the 7th of May, because I

Page 23783

1 did go back to Glogovac from time to time to return some of the
2 equipment. So I did have some knowledge, I learned at the Pristina SUP
3 that my colleagues did go out into the field to do the clear-up
4 operation. I don't know the details. I don't know how far they went,
5 but I'm sure that they did comply with what is stated here in the minutes
6 of the 7th of May.

7 Q. Mr. Damjanac, you will agree with me that the control of public
8 law and order, safety of persons and property, control of the roads were
9 among the key tasks of the MUP even during the war?

10 A. Well, in peacetime and in wartime the police always takes care of
11 that to save the life and limb of the people, the property. So these
12 were the basic competences. This was what the police is for, but force
13 majeure is force majeure.

14 Q. Mr. Damjanac, you will agree that the territory of Glogovac, or
15 rather, the control of the territory was carried out by two PJP
16 detachments that were not under your jurisdiction, the 36th and the 86th
17 Detachment of the PJ, is that correct?

18 A. Yes, that's correct. If I may elaborate were headquartered --

19 JUDGE BONOMY: If he wants more information, he'll ask for it.

20 Mr. Cepic.

21 MR. CEPIC: [Interpretation] Thank you, Your Honour.

22 Can we please see 5D -- 5D1417 on our screens, please.

23 Q. Could you please read the title because we don't have the English
24 translation.

25 A. "The disposition of the PJP in the territory" -- just a moment.

Page 23784

1 The image is moving. "The disposition of the PJP in the area on the date
2 of the 17th of April, 1999, and the secretariat in Pristina, and then it
3 says 1st Company Banja Malisevo --

4 Q. Could you just read out the companies?

5 A. Yes, fine, 1st Company Banja Malisevo, 2nd company Gornja and
6 Donja Fustica; 3rd Company Kriva Reka, Nekovc -- could you please scroll
7 down a little bit.

8 MR. CEPIC: Scroll down.

9 THE WITNESS: [Interpretation] No, no, yeah, that's fine.

10 1st Company, Banja Malisevo --

11 MR. CEPIC: [Interpretation]

12 Q. We're talking about the 36th PJP Detachment?

13 A. Yes, the 36th PJP Detachment. 1st Company Banja Malisevo, 2nd
14 Company Gornja Fustica and Donja Fustica, 3rd Company Kriva Reka,
15 Nekovc --

16 JUDGE BONAMY: Mr. Cepic, we're not going to go through a
17 cut-price translation of documents in this way. What is your question?

18 MR. CEPIC: [Interpretation] Your Honour, I received the answer.

19 I just wanted to get the confirmation for the axis where the forces of
20 the 36th and the 86th Detachment were deployed, whether they were
21 deployed in those axes in the municipality of Glogovac as read out by the
22 witness right now.

23 JUDGE BONOMY: Has he given you that answer?

24 MR. CEPIC: [Interpretation] Yes, he did say that they controlled
25 them, but I can speed everything up with just one question and the

Page 23785

1 witness can give us a yes or no answer.

2 Q. Well, Mr. Damjanac, lest we should waste anymore time. The 36th
3 and the 86th Detachment, all those axes that are listed here are in the
4 Glogovac area?

5 A. Yes, yes.

6 Q. Thank you very much. Mr. Damjanac, now regarding the
7 check-points, you probably know that the Army of Yugoslavia provided
8 direct security in the areas of deployment of its units in order to
9 prevent any unauthorised personnel from entering those areas?

10 A. Well, that's quite logical.

11 Q. Thank you. You will agree with me that at those joint
12 check-points the military police personnel were in charge of checking
13 military vehicles and military personnel, while the police was in charge
14 of checking other persons and other vehicles?

15 A. Yes, that's how it is according to the establishment.

16 Q. Thank you very much, Mr. Damjanac. I don't have any further
17 questions.

18 MR. CEPIC: [Interpretation] Thank you, Your Honours.

19 JUDGE BONOMY: Thank you, Mr. Cepic.

20 Mr. Damjanac, you'll now be cross-examined by Prosecutor,

21 Mr. Oren.

22 Mr. Oren.

23 [Trial Chamber and registrar confer]

24 MR. OREN: Thank you, Your Honour.

25 Cross-examination by Mr. Oren:

Page 23786

1 Q. Good morning, Mr. Damjanac.

2 A. Good morning.

3 Q. When you told us about your career in the beginning of your
4 testimony yesterday, I don't think you told us which position you had in
5 the OUP of Glogovac, but during your testimony I understand that you were
6 the chief of the OUP in Glogovac. Is that correct?

7 A. Yes, that's correct. I may have omitted that, but -- because I
8 assumed that it was something that everybody knew in advance, so I didn't
9 stress that.

10 Q. And you also told us that you worked in Glogovac until the 1st of
11 May, 1999. Why did you resign as chief of OUP in Glogovac?

12 A. Well, for the simple reason, as I indicated there, because of the
13 physical and the mental burden of the previous leadership, a replacement
14 had to be made and it is up to the superior officers to decide and to
15 assess who might be appointed to that position in such a tricky
16 situation, which is definitely not a laudable one. And I was familiar
17 with the mentality of the people there and that's why they decided to
18 appoint me.

19 Q. But my question was: Why did you resign at the 1st of May, 1999?

20 A. I think that you're wrong as our brothers, Croats, would say. I
21 did not resign. I was pulled out of Glogovac and that was the decision
22 of my superiors.

23 Q. So it was your superior's decision, it was not the result of a
24 prior incident or anything in Glogovac?

25 A. That's right, yes.

Page 23787

1 JUDGE BONOMY: Mr. Fila.

2 MR. FILA: [Interpretation] I just wanted to say that we got the
3 wrong interpretation twice, and that's why we're now having these
4 problems because my colleague said why did he left this position and the
5 interpretation was why he was appointed. And then the question was: Why
6 did you resign? And the interpretation was: Why did you resign. So we
7 get a wrong interpretation in Serbian, which is what we are listening to.

8 JUDGE BONOMY: Thank you.

9 Do you know why you were removed from Glogovac?

10 THE WITNESS: [Interpretation] I really don't know that.

11 JUDGE BONOMY: Well, were you promoted?

12 THE WITNESS: [Interpretation] Quite the contrary.

13 JUDGE BONOMY: Were you demoted?

14 THE WITNESS: [Interpretation] Well, it was quite acceptable in
15 the Serbian armed forces at any time.

16 JUDGE BONOMY: Well, can you answer the question. Were you
17 demoted?

18 THE WITNESS: [Interpretation] That's right.

19 JUDGE BONOMY: Did you ask why?

20 THE WITNESS: [Interpretation] Yes.

21 JUDGE BONOMY: What was the reason?

22 THE WITNESS: [Interpretation] But I did not get a fair answer.

23 JUDGE BONOMY: Is that acceptable?

24 THE WITNESS: [Interpretation] Well, as they say in our parts,

25 everybody gets -- everybody answers for their own honour. I don't know

Page 23788

1 what the interpretation of this proverb is going to be.

2 JUDGE BONOMY: Well, it's certainly not an answer to my question.

3 Is that acceptable, that you get no answer when you ask for a reason?

4 THE WITNESS: [Interpretation] It was not acceptable, but the

5 then-chief did not deign to provide me with a proper answer.

6 JUDGE BONOMY: Are you not able to challenge that?

7 THE WITNESS: [Interpretation] Well, I act as a professional

8 soldier.

9 JUDGE BONOMY: Very well.

10 [Trial Chamber confers]

11 JUDGE BONOMY: You did say that you did not get a fair answer.

12 What was the answer that you got?

13 THE WITNESS: [Interpretation] Well, the answer that I got was

14 that allegedly I had not punished my "komandir," because according to

15 what my chief said he had been getting drunk every day and that had

16 resulted in some conflicts with the police officers. The only thing that

17 I managed to say to this superior of mine is that this was not true

18 because the "komandir" that he labelled as a drunk, he was actually -- he

19 actually suffered from diabetes, a very serious case of diabetes, and he

20 had never drank a drop of alcohol and that was the question and that was

21 the answer and this was the end of the whole story.

22 JUDGE BONOMY: Thank you.

23 Mr. Oren.

24 MR. OREN: [Microphone not activated]

25 THE INTERPRETER: Microphone, please.

Page 23789

1 MR. OREN:

2 Q. Yesterday you told us that you sent daily reports to your
3 superiors in SUP Pristina, informing them of all important issues. Could
4 you be more specific about name and rank of the person you reported to?

5 A. As far as I can remember, I was quite precise yesterday.

6 According to the chain of command Bosko Petric as chief of the
7 secretariat was above me; and his absence it was Bozidar Filic. So these
8 were the only people that I reported to and nobody else. And the other
9 sections were connected laterally with some other services in the
10 secretariat of the interior in Pristina according to their areas of work.

11 Q. And when you started at Glogovac, how did you know whom to report
12 to? Were there written orders or instructions regarding who to report
13 to?

14 A. The way that the service was set up to function indicated there
15 existed the subordination. I report only to the officer who is my
16 superior, and those who are under me report to me. So I submit reports
17 to the leadership of the secretariat, and they provide information to me
18 through the channels, appropriate channels, about the actions and so on
19 depending on the actual situation. So I would provide proposals in some
20 cases, but I could not decide. The chief of the secretariat was the one
21 who decided, very briefly.

22 JUDGE BONOMO: Mr. Oren, can you find a suitable point to --

23 MR. OREN: Yeah, just one more question and I'll be there. Thank
24 you.

25 Q. And you also said that you informed your superiors about all

Page 23790

1 important issues; and the nature of that information that you were to
2 report, was that specified to you in any way, either written or orally?

3 A. Well, I was liberal in deciding what was important and what was
4 not important for the secretariat, so if my cleaning lady doesn't come in
5 today and the place is a mess I'm not going to report to the chief about
6 that. But if there are any demonstrations, unrest, any murders, this is
7 something that the secretariat would be informed about and we would seek
8 feedback from them as to what to do in any such case.

9 Q. But my question, Mr. Damjanac, was whether they were specified to
10 you in any way, were there like written orders, instructions, or similar?

11 A. As a rule, no -- well, the question is not really clear to me but
12 I say no. I used my discretion to decide that because it was left up to
13 the chief to decide, but I really didn't understand your question. You
14 have to be more specific. Tell me about some problems and then I will
15 tell you whether it was reported now that we're talking about this
16 communication system.

17 JUDGE BONAMY: The question was whether there were any rules or
18 guide-lines determining on what matters you had to report.

19 THE WITNESS: [Interpretation] No.

20 JUDGE BONAMY: Thank you.

21 We have to have our break at this stage, Mr. Damjanac. Could you
22 leave the court with the usher, please, and we'll see you again at 11.15.

23 [The witness stands down]

24 --- Recess taken at 10.47 a.m.

25 --- On resuming at 11.17 a.m.

Page 23791

1 [The witness takes the stand]

2 JUDGE BONOMY: Mr. Oren.

3 MR. OREN: Thank you, Your Honours.

4 Could I please have P1991 in e-court, and if we could have page 4

5 of the English version and page 3 of the B/C/S version.

6 Q. Now, Mr. Damjanac, this is a record from the meeting of the

7 ministry staff of the Ministry of the Interior of the Republic of Serbia,

8 that's what it says on the first page, and it's of 21st December 1998.

9 On page 3 in the B/C/S version at the very top could you please read that

10 paragraph to me?

11 A. "Bosko Petric, Pristina SUP, briefly stated that the security

12 situation -- briefly said that the security situation had worsened to a

13 small extent especially in Glogovac and Podujevo municipalities, that

14 they had drafted a plan to combat terrorism and that it was mostly being

15 implemented."

16 Q. And Bosko Petric, that was your superior, right?

17 A. That's right.

18 Q. I would like to ask you about this plan he refers to, to combat

19 terrorism, and that it was mostly being implemented. Do you have

20 knowledge of such a plan?

21 A. According to the system, according to the obligations and the

22 instructions that we have to comply with, we always do an annual plan

23 depending on the crime growth trends in some areas. So there definitely
24 was a plan to fight terrorism because we do annual plans to fight
25 ordinary crime, fraud, economic crime. But there definitely was the plan

Page 23792

1 to fight crime too because we're a serious service.

2 Q. And did you take part in the drafting or planning of such a plan
3 that Mr. Petric refers to?

4 A. If you were to be so kind and to show me this plan, I could give
5 you a definite answer, but otherwise I would have to speculate. I would
6 like to see what the plan is.

7 Q. Certainly, Mr. Damjanac.

8 MR. OREN: If I could have P3116 up in e-court.

9 Q. And if I can have the assistance of the usher I can give you a
10 hard copy of this. We don't have this in English translation, so I'm
11 afraid you have to read out a bit from it. If you go to the first page,
12 could you please read the first page to us.

13 A. "The plan of the internal affair -- department of the interior in
14 Glogovac to combat terrorism."

15 Q. And if you go to the last page, and could you read from -- I
16 guess there is a line where there is a date included. Could you read
17 from there and the rest of the page, please.

18 A. In Glogovac, 11 number, there is no log number or protocol
19 number, but at any rate the date is the 4th of December, 1998. "The plan
20 was drafted by OUP chief Major Petar Damjanac, and the plan was approved
21 by the secretariat chief, Colonel Bosko Petric."

22 Q. And that's the same Bosko Petric as we have been talking about

23 before?

24 A. Yes, yes.

25 Q. And when it says the 4th of December, 1998, and the previous

Page 23793

1 document that you saw, minutes from the meeting of 21st December 1998, do

2 you agree with me that most likely it's this plan that Bosko Petric

3 talked about and stated that it was mostly being implemented?

4 A. If you allow me, I can only make claims from my area of

5 jurisdiction. I assume that he presented this plan at the meeting where

6 he was present. I was not present. And I am not familiar with the

7 minutes and I am not familiar with the entire situation regarding the

8 staff, so to be quite specific.

9 Q. But after the 4th of December this was being implemented, right?

10 A. That's right, that's fine, but I don't know about the procedure

11 from then on; but up to that time, everything is okay.

12 Q. But do you agree with me that when you look at those dates, 4th

13 of December and 21st of December, 1998, could it be this plan he was

14 referring to?

15 A. Well, probably among other things. I say "among other things,"

16 he had to go to any meeting well-prepared, that's what we all did and

17 that's what we all do, and he had to have this plan at hand in order to

18 be able to present the whole situation in the Glogovac municipality.

19 Q. And you drafted this plan yourself; is that correct?

20 A. That's correct.

21 Q. Were you alone or did somebody else work on this plan as well?

22 A. Well, I can't type, I can't use the new technology, so I had to

23 get a police officer to type it up and "komandir" Radovan Laskusic was
24 with me as an experienced "komandir" with over 40 years of experience.
25 So we drafted this whole plan, we made the draft, and then we submitted

Page 23794

1 it to the secretariat chief in its final version for his approval.

2 Q. But concerning the content of the plan, was that only you or was
3 it also your colleague that you mentioned?

4 A. I'm saying that the OUP is a small work community and we in the
5 leadership, we consult and we work together, all of us together; but I as
6 the chief of the OUP, I decide. I drafted it, but I did that in
7 consultation with my "komandir" because we had to plan the use of the
8 uniformed police in the OUP and that is something that was closer to his
9 purview because he was in command of the uniformed police in the OUP. I
10 don't know if I'm being concise enough.

11 Q. Now, who ordered you to draft this plan?

12 A. The orders, "nalog," come from my superior, in this case it was
13 Bosko Petric, the security assessment in the Glogovac municipality. That
14 was the question that I received. Please provide a security assessment
15 of the situation in the Glogovac municipality, and that was what I was
16 required to do and all the other chiefs and all the other OUPs in the
17 municipality, and that's what I did.

18 Q. Do you remember when you were ordered to do this?

19 A. Well, probably a few days before this, and it was probably
20 conveyed over the special telephone line, dedicated telephone line. It
21 must have been at least a week because that was the time that would be
22 needed to put all this together to prepare everything because it requires

23 a lot of work and effort and it was not an urgent matter. It would not
24 be something that would have to be dealt with in one day or two. Maybe
25 it was about a week before this.

Page 23795

1 Q. Do you remember why you were ordered to do this?

2 A. This was in accordance with the Rules of Service. Let me say
3 once again, any problems that pertained to the work of the service had to
4 be regulated in a plan, the so-called security assessment. Since the
5 burning issue in Kosovo was terrorism, I was merely told to do the plan
6 to suppress or combat terrorism, just as I had been told to do plans to
7 combat drug addiction, car thefts, we had all kinds of actions. I don't
8 have to enumerate all of them or to tell you what their names were. But
9 other plans were made analogous to this plan and they were submitted for
10 approval of the superiors, and in my case the superior was Bosko Petric.

11 Q. Now, if we go to page 2, could you please read out the two first
12 paragraphs.

13 A. "Bearing in mind the current security situation in the territory
14 of the autonomous province of Kosovo and Metohija, and in particular in
15 the municipality of Glogovac, where in the town itself all the major
16 facilities of the local administration are located as well as the
17 premises of the OUP, the PTT -- the Serbian PTT buildings, the train
18 station, the health care centre, and other facilities in this area, such
19 as the DD Feronikel, the DD Jukodrenica," that would be limited company
20 just for --

21 JUDGE BONOMO: Mr. Zecevic.

22 MR. ZECEVIC: I'm sorry, for the benefit of our clients, if we

23 could have that particular part of the -- on the e-court, I'm sorry,
24 because it is not what --

25 JUDGE BONOMO: Where -- why is there no --

Page 23796

1 MR. ZECEVIC: It is page 2, first and the second paragraph but
2 this is not --

3 JUDGE BONOMO: Why is there no English of this?

4 MR. OREN: [Microphone not activated].

5 THE INTERPRETER: Microphone, please.

6 MR. OREN: I just came across it a couple of days ago and there
7 were no time for an English translation.

8 JUDGE BONOMO: How do you mean you just came across it a couple
9 of days ago?

10 MR. OREN: Well, Your Honour, I wasn't aware of it until that
11 when we assigned on this witness and that's all the information I have
12 regarding that, Your Honour.

13 JUDGE BONOMO: But you've had it translated, have you?

14 MR. OREN: I have had one from the people assisting me to go
15 through it and what is said, but I have not like an English translation
16 in paper of it.

17 JUDGE BONOMO: Do we now have on the screen the part that's being
18 read, Mr. Zecevic?

19 MR. ZECEVIC: Well, it was there when I last checked. It's been
20 moved again, so it has to be the second page of the document, first and
21 the second paragraph. That is what my learned colleague was -- that's
22 it. Thank you very much. I'm sorry for the interruption.

23 JUDGE BONOMY: Please continue, Mr. Oren.

24 MR. OREN:

25 Q. Mr. Damjanac, could you continue reading that, please.

Page 23797

1 A. I mentioned those facilities such as the Feronikel joint-stock
2 company, Jukodrenica joint-stock company, Kosmetrans transport company
3 and the Grmija department store. Certain security measures are hereby
4 proposed.

5 And then should I continue, those measures are now listed?

6 Q. Yeah, could you read the second paragraph, please.

7 A. "When all those facilities are being protected, it is necessary
8 to organize the -- to organize coordinated action of our forces with the
9 members of the state security sector and the Army of Yugoslavia
10 personnel, lest they should be occupied by the so-called KLA which so far
11 has strong strongholds in the entire territory of the OUP and in
12 particular in several villages around Glogovac and the broader area. The
13 OUP buildings are in the very centre of Glogovac and it is very difficult
14 to organize the defence of those buildings because they can be accessed
15 from all directions, and in particular from the privately owned homes,
16 houses, that are located next to the very building and in the broader
17 area."

18 Q. Excuse me, Mr. Damjanac, are you on paragraph 3 now?

19 A. Yes.

20 Q. Only the second paragraph I told you to read, so thank you.

21 Regarding the second paragraph, you are mentioning the VJ and the state
22 security sector. Now, who were you in contact with within these units

23 when you drafted this plan?

24 A. Let me say once again, this is a plan that I personally drafted,
25 I and my immediate circle of associates, "komandir" -- in fact, I and the

Page 23798

1 "komandir" drafted this plan, and this plan, as any other plan, depending
2 on the situation, the assessment, and so on, we propose something. Now,
3 whether this would be accepted or not, this is outside of our
4 jurisdiction. We don't make decisions. We only make proposals, the
5 valid proposals, and the only valid proposals are the ones that we made
6 because with 25 or 30 police officers we could not defend the Drenica
7 region or the state of Serbia for that matter and to protect the
8 integrity of the country, as they say.

9 Q. So your answer is that you were not in contact with any members
10 of the VJ or the state security sector; is that it?

11 A. That's precisely what I say.

12 Q. Now, if we go to page 4 of this document, and if you could please
13 read out the penultimate paragraph.

14 A. I'm sorry. That's where it says forces and equipment and
15 materiel that are being proposed?

16 Q. That is correct.

17 A. "In the conditions of a direct attack, we consider that it would
18 be sufficient to engage the existing forces with all of their weapons
19 with the use of light artillery weapons and armoured fighting vehicles
20 with the full coordination with artillery units of the Army of Yugoslavia
21 that are currently stationed in the broader region of the Krivovo village
22 and Gornja Korotica village, and next to the quarry near the Vasiljevo

23 village."

24 Q. And the assessment of using light artillery, was that also your
25 assessment?

Page 23799

1 A. That was all a matter of assessment, nothing outside of the
2 assessment, and in fact the name of this plan is the assessment. Nothing
3 can be done outside of the assessment, because the army was a respectable
4 force and with their assistance we could save ourselves in case of an
5 attack and we could save that part of the territory. That was the
6 essence of our assessment, nothing outside of that.

7 Q. And you -- or the plan is mentioning certain VJ units; is that
8 correct?

9 A. Well, I'm saying here that with the assistance of the Army of
10 Yugoslavia, because as I said we were very small and we couldn't defend
11 the police station and our lives in that area, and much less to protect
12 all the facilities in that area and to defend the integrity of our
13 country. So in case of an attack on the integrity of our state, then it
14 was our or my assessment, if I may say so, it would be necessary to
15 engage some of the units of the army deployed near the municipality of
16 Glogovac or in the territory of the Glogovac OUP, and I mention here the
17 sector of the Krivovo village where there are some army groups. That's
18 all I say. The village of Krivovo, Gornja Korotica, and near the quarry
19 by the village of Vasiljevo. So they were concentrated in a narrow area.
20 Those were groups of troops that were located there. I don't know if I
21 was clear.

22 Q. If we go to the next page --

23 JUDGE BONOMOY: One thing I'm not clear about. You said that --
24 something about in the case of an attack on the integrity of our state it
25 would be necessary to engage some of the units of the army. Now, that

Page 23800

1 sounds rather different from an assessment of the security situation with
2 a view to dealing or combatting terrorism.

3 THE WITNESS: [Interpretation] That was my interpretation. I
4 consider that to be an attack on the state. That's my personal
5 interpretation.

6 JUDGE BONOMOY: Yeah, but your -- it says, according to the
7 English translation: "In the case of an attack on the integrity of our
8 state ..." and we commenced this section of the evidence by reference to
9 the minutes of a meeting on the 21st of December, where your superior was
10 reporting on this plan being implemented.

11 THE WITNESS: [Interpretation] I apologise. Right at the
12 beginning I said that I couldn't comment on the meeting of the staff that
13 I didn't know anything about.

14 JUDGE BONOMOY: Just ignore the fact --

15 THE WITNESS: [Interpretation] And --

16 JUDGE BONOMOY: Ignore the fact that you were not at the meeting.
17 We want to know what you experienced, and the question is: Were you
18 aware of this plan being successfully implemented in the month of
19 December, the same month as it was drafted?

20 THE WITNESS: [Interpretation] This plan was probably used only by
21 Chief Petric at that meeting for the purpose of that meeting. It was
22 implemented to the extent possible, the capabilities of the OUP Glogovac

23 and its cooperation with other state authorities. So it was implemented,
24 but to what degree, that's now ...

25 JUDGE BONOMY: That's now what?

Page 23801

1 THE WITNESS: [Interpretation] Well, you know yourself from what
2 we've said so far, that the terrorists at one period held 90 per cent of
3 the territory in the municipality of Glogovac up until the 25th of July,
4 when in the period from the --

5 JUDGE BONOMY: This is December, Mr. Damjanac. Please do not
6 sidetrack the issues that we're dealing with at any given time in your
7 evidence by referring to other events, which simply causes confusion in
8 everyone's mind. Let's deal with December 1998. We've got -- you
9 almost -- well, we've got an opportunity here to deal with a specific
10 period of time.

11 Now, in your --

12 THE WITNESS: [Interpretation] If you allow me, I simply went back
13 in time of up until the time when the OSCE arrived. After the arrival of
14 the OSCE, the terrorist forces went back to their --

15 JUDGE BONOMY: Please stop. No, no. I've asked you, as has
16 Mr. Oren, a very specific question. Was the plan that you drafted being
17 successfully implemented in the month of December?

18 THE WITNESS: [Interpretation] This plan was being implemented,
19 but this plan envisages that in case of an attack on the police station
20 how to fight back, how to save all this. In case of a frontal attack, or
21 rather, there was no frontal attack by the Siptar terrorists on the
22 police station in this period of time, frontal attack from -- a full-on

23 attack from the axis that was assessed as the major risk. So the army
24 units were not engaged. This was just a hypothesis, a hypothetical plan
25 if something happens what should be done. Some things did not happen,

Page 23802

1 and then those measures were not implemented. I don't know if I'm clear
2 now.

3 JUDGE BONOMY: All right. Thank you.

4 Mr. Oren.

5 MR. OREN: Thank you, Your Honour.

6 Q. Now, if we could go to the next page, that would be page 5.

7 Could you please -- have you found it, Mr. Damjanac?

8 A. Yes.

9 Q. Could you please read the first whole paragraph.

10 A. "In the event of major hostile actions directed at Glogovac, it
11 is to be expected that the main action would come from the direction of
12 Banjica village. In that case it would be necessary to engage the
13 artillery unit or an artillery unit of the VJ which would from its
14 current position open fierce fire targeting the positions and strongholds
15 in that direction and more broadly in the area of Globare, Trstenik, and
16 Poluze villages."

17 Q. When you said that it would be necessary to engage the artillery
18 unit or an artillery unit of the VJ, were you capable of making such an
19 assessment on when to use artillery?

20 A. It is said very precisely here: "In the event of major enemy
21 actions, hostile actions, in the -- targeting Glogovac," that is, when it
22 becomes indispensable, it's the last resort when they are threatening to

23 kill us, we cannot just go bare-chested against their machine-guns and
24 the most sophisticated equipment that they had procured by that time from
25 the NATO Alliance and others supplies, whereas our weaponry was reduced

Page 23803

1 to 7.9-millimetre calibres. We can only go against birds with that.

2 Q. So your answer to my question is that you are capable of making
3 such an assessment of when to use artillery; correct?

4 A. I don't know how to interpret your words. I'm saying again, only
5 in the event of major enemy action targeting Glogovac, only in that case,
6 in case there are major enemy actions we would request that an artillery
7 unit of the Army of Yugoslavia be engaged because without that we would
8 all be destroyed, we would just be killed off like sitting ducks. That
9 is our request, it's more of a request than anything.

10 Q. Okay. The last paragraph I want you to read out is the next one.
11 Could you please read that one to us?

12 JUDGE CHOWHAN: Excuse me, now in this he's not merely suggesting
13 that there will be need of the army artillery, he's also proposing what
14 they would be doing. So how does he appropriate to himself a position
15 like that, he said they'll be firing from this side and so on and so
16 forth. I mean, that is something you wanted to ask him.

17 MR. OREN: Your Honour, my question to him was if he was capable
18 of making such an assessment that this paragraph states, and -- because
19 he said that he did not have communication with the VJ when he compiled
20 or drafted this plan. So my question was merely on his competence on
21 this specific topic.

22 JUDGE CHOWHAN: What I was thinking was that he make -- could

23 make a request because of the impending danger, but could he also suggest
24 what they were supposed to do? I mean, that's what he's done. That's --
25 [Microphone not activated].

Page 23804

1 MR. OREN:

2 Q. Well, I guess you heard what the -- what His Honour said, what
3 the Judge said. Do you see this as a request or is it an assessment from
4 your side?

5 A. This is just an evaluation which is very customary in police
6 work. I was not entitled to make requests, I was not entitled to issue
7 orders. I had no influence over the personnel up the chain of command in
8 the secretariat of the interior, and even less so on the Army of
9 Yugoslavia which is independent, has its own place in the constitution,
10 and has its own rules and coordination. I from my viewpoint have the
11 right to propose what can be done to combat regular crime as well as
12 terrorism in the area of Glogovac municipality. Whether anyone would
13 acknowledge it or take it into account -- I mean, I could say anything.
14 I could say that it's a good idea to film it all from a spaceship, make
15 precise pictures, and then come up with our own plans --

16 JUDGE BONOMOY: You've answered --

17 THE WITNESS: [Interpretation] That would give them a good laugh
18 but --

19 JUDGE BONOMOY: You've answered the question. There's no need for
20 frivolity in here. It's a serious business we're engaged in.

21 Mr. Lukic, you have some comment to make?

22 MR. LUKIC: Yes, because with this translation we have his answer

23 that he could not make request and he could make the request. The reason
24 why we have this confusion is the two Serbian terms were translated with
25 "request." "Moliti" and "zahtevati." He was telling us that he could

Page 23805

1 "moliti" kindly ask, I would rather translate it, he could not request.

2 So the second time when he said "we couldn't request" is actually
3 request. The first time it wasn't request, it was only to ask for
4 something, if possible, in that sense.

5 JUDGE BONOMO: All right. I think the sense of this is clear.

6 Mr. Damjanac, the matter that's concerning the Bench is that you
7 in your capacity as a senior police officer can actually write in a
8 report how the VJ would be engaged, what they would actually do, without
9 ever speaking to them, and that notion seems very strange to us. Would
10 you like to comment further on it?

11 THE WITNESS: [Interpretation] With your leave, I'll try to make
12 it clear once again. If it were a report, I couldn't say any such thing,
13 but in a contingency plan where I can propose what we should do if they
14 move forward to kill us all and endanger the territory of the state, it's
15 just my proposal. I would not retreat from this then or now. It's just
16 a plan, my initiative. It was not within my competency to make an
17 application for or demand or decide. This is just a work product, a
18 working material, background material forwarded to my superior that was
19 used at a meeting of the staff. He just used passages from this to
20 explain how serious the security situation was in the area of Glogovac
21 and its environs, and I don't see in this plan that it was even approved,
22 I don't even see my signature. Maybe it was just -- this is just a

23 print-out from the computer. I'm not denying that I wrote this. I could
24 sign it now, but it's just my personal view, my proposal. Whether
25 anybody would acknowledge it or not is beyond me. There's no signature

Page 23806

1 of Bosko Petric, so if you look at this from a legal standpoint, this is
2 not a legally valid document. It was not even registered properly.

3 Anybody can play with a computer and print out whatever they want, but my
4 proposal was to act --

5 JUDGE BONOMY: So are you suggesting somebody's played with a
6 computer and printed this out. Is that your serious suggestion here?

7 THE WITNESS: [Interpretation] I don't rule out that possibility.

8 I'm saying this is a working draft.

9 JUDGE BONOMY: So this was not the final version; is that what
10 you're saying? I mean, let's be clear about what exactly you are saying.

11 THE WITNESS: [Interpretation] It may be a working version. What

12 I'm saying is I don't see the final format of the text, I don't see the
13 registry number, I don't see the signature. The way it looks now, it's
14 not a document, I'm just commenting on this paper, on the wording, on the
15 language, I am not commenting on the document. We are all lawyers here
16 and we know what a document is as opposed to a text. It could be a love
17 letter.

18 [Trial Chamber confers]

19 JUDGE BONOMY: It may be my omission, Mr. Damjanac, but did you
20 say that you were a lawyer?

21 THE WITNESS: [Interpretation] Yes.

22 JUDGE BONOMY: And have you practiced as a lawyer?

23 THE WITNESS: [Interpretation] Only in the police. I worked
24 mainly to combat economic crimes, white-collar crime.
25 JUDGE BONOMY: Mr. Oren, do you have any further part of this

Page 23807

1 that you seek to have read?

2 MR. OREN: Only the next paragraph, Your Honour.

3 JUDGE BONOMY: Well, please do that and then I'll come back to
4 something else.

5 MR. OREN: Thank you, Your Honour.

6 Q. Mr. Damjanac, could you please read out the next paragraph on
7 page 5?

8 A. "The weaponry and other combat assets currently at the disposal
9 of the PJP which are at this moment located on the premises of
10 joint-stock company Feronikel in Glogovac and the police station of the
11 OUP are sufficient to defend the facilities where units are quartered and
12 to inflict at the initial stage considerable losses on the terrorists in
13 case they attack -- in case of attack on the terrorists."

14 THE INTERPRETER: Interpreter's correction: In case of attack on
15 the terrorists.

16 MR. OREN:

17 Q. So this rule says the --

18 MR. LUKIC: I would -- I'm sorry. I think that the meaning of
19 this is attack on the facilities of police, not on the terrorists, the
20 last part of the para that was read.

21 JUDGE BONOMY: Could you read the paragraph again, please,

22 Mr. Damjanac.

23 THE WITNESS: [Interpretation] "The weaponry and other combat
24 assets currently at the disposal of the PJP which are at this moment
25 located on the premises of joint-stock company Feronikel in Glogovac and

Page 23808

1 the police station of the OUP are sufficient to defend," I repeat,
2 "defend the facilities where units are quartered and to inflict in the
3 initial stage large losses on the terrorists in case they are attacked,"
4 meaning the facilities.

5 THE INTERPRETER: The interpreter apologises. Mr. Lukic is
6 right.

7 JUDGE BONOMY: That clarifies it. Thank you.

8 Mr. Oren.

9 MR. OREN: Thank you, Your Honour.

10 Q. So this means that the PJP had weaponry and other combat assets
11 in the Feronikel factory, right?

12 A. They are policemen, not fishermen, of course they have the
13 necessary light weapons to defend themselves and the facilities where the
14 units are accommodated. The police station of Glogovac where we are and
15 the other facility, that is a part of the Feronikel installation where
16 the other policemen are.

17 Q. Do you know what weaponry and combat assets the PJP stored in the
18 Feronikel factory?

19 A. In the Feronikel factory there was the weaponry envisaged by the
20 Holbrooke-Milosevic Agreement, nothing more, that means light infantry
21 weapons of the 7.9-millimetre calibre and certain, let me say
22 conditionally speaking, combat armoured vehicles that would protect

23 personnel as they tour the terrain or they use roads that are under
24 siege, nothing more than that.

25 Q. And it was your assessment that this weaponry was sufficient to

Page 23809

1 defend the facilities, as it's stated in this paragraph? You were not in
2 contact with the PJP when you wrote this?

3 A. No, I was not, and to the first part of your question I would
4 also like to answer. As you remember, we were attacked by 50 terrorists
5 the previous day, the 11th November, and we managed to defend ourselves
6 with our light weapons. You think they were a very brave, strong army?
7 Even now we could defeat them with those weapons and drive them to
8 Tirana.

9 Q. Now, yesterday you stated that from May 1998 when started to use
10 this factory to accommodate some of the forces, you said. Now, was it
11 these PJP units you referred to then?

12 A. From end May, yes, I mean precisely those units. They rotated
13 every month, maybe two months, I'm not sure. At the beginning it was two
14 months, later on they rotated every month.

15 Q. As you used the word "forces," were there also other units
16 accommodated in this factory?

17 A. When I say "forces" I mean pejoratively and adequately. Forces
18 are both police and army troops. That's what I meant by forces. I don't
19 know what other terminology I could use. That's what I meant. I don't
20 know if I was precise in using the word "forces," but that's what I
21 meant, units of the police, units of the army, they are some kind of
22 forces as long as they are uniformed and both of them are and they have

23 weapons. Even the hunting associations are a force of some kind.

24 Q. Okay. Let me rephrase my question then. As you said from May

25 1998 until the 1st of May, 1999, when you left Glogovac, were there other

Page 23810

1 than the PJP units that used the Feronikel factory or was located there?

2 A. No one, save for the personnel that was properly accommodated

3 there, those units from the Kragujevac area, from the broader area of

4 Sumadija region in Serbia. Nobody else had the ability or the right to

5 use the premises of Feronikel.

6 MR. OREN: Your Honours, I don't have more questions for this

7 document. You said you had another.

8 JUDGE BONOMOY: Can we go, please, to the very beginning of this

9 document.

10 Could you please, Mr. Damjanac, read the first paragraph that you

11 see in front of you.

12 THE WITNESS: [Interpretation] "In view of the current security

13 situation in the territory of the autonomous province of Kosovo and

14 Metohija, and especially in the area of Glogovac municipality, where all

15 the most important facilities of local self government are in the town

16 itself as are the quarters of the OUP, the postal services of Serbia, the

17 railway station, the health centre and other facilities in this area such

18 as joint-stock company Feronikel, joint-stock company Jukodrenica,

19 Kosmetrans business and the department store of Grmija, the certain

20 security measures are hereby proposed."

21 JUDGE BONOMOY: And then could you go to -- in fact, just read the

22 beginning of the next paragraph, first of all.

23 THE WITNESS: [Interpretation] "In protecting all the
24 aforementioned facilities, it is necessary to organize coordinated action
25 of our forces with the members of the state security sector centre and

Page 23811

1 the Army of Yugoslavia so that these would not be occupied by the
2 so-called KLA" --

3 JUDGE BONOMY: You read that before.

4 Now, could we go to the very end of the document, please. Not
5 that page, the very end of the document.

6 Can you read the last paragraph, that's the one before the space
7 for the date, the one above that, it's three lines.

8 THE WITNESS: [Interpretation] "This plan is subject to change and
9 amendment depending on the security situation on the ground. Any
10 amendment hereto requires approval from the staff of the secretariat in
11 Pristina."

12 JUDGE BONOMY: Thank you.

13 Mr. Oren.

14 MR. OREN: Thank you, Your Honour.

15 Q. Yesterday you told us that in July 1998 it was launched an
16 anti-terrorist action, a joint action by the army and the police and that
17 for the first time between mid-July and September, as you said, all the
18 roads were now cleared and all the strongholds of the Siptar terrorists
19 were crushed throughout the Drenica territory and the area was finally
20 liberated.

21 Now, I guess that during these actions a number of detainees were
22 brought into Glogovac OUP for interrogation, right?

23 A. Correct.

24 Q. Were there any investigations or cases in Glogovac against
25 members of the MUP regarding mistreatment of persons taken into custody

Page 23812

1 in this relation?

2 A. We need to all understand one thing. It was a time when the
3 state of war had not been proclaimed yet. We acted exclusively under the
4 law --

5 JUDGE BONOMY: Mr. Damjanac, please answer the question.

6 THE WITNESS: [Interpretation] I am not aware of a single case of
7 mistreatment, if that's what you mean, that would require investigative
8 action, although we are not the ones who would take such action.

9 JUDGE BONOMY: Mr. Oren.

10 MR. OREN: Thank you, Your Honour.

11 Q. And to your knowledge was that the situation for the whole of
12 1998 and up until the 1st of May, 1999, when you left Glogovac?

13 A. Completely correct.

14 Q. And you never received reports, information, or even heard
15 rumours that such things had happened?

16 A. Never. There was not a single report in any form of that kind,
17 either written or oral, and unless I am informed of something I cannot
18 know it, unless it's reported, at least if not to me, to the service
19 where I'm working.

20 Q. Yeah, because as a chief of the OUP you will of course receive
21 information if such incidents had happened, wouldn't you?

22 A. Certainly. If that was registered in the log-book, I would know

23 unless it would be a sabotage by my own policemen. There's order and
24 discipline. If there was an incident that was registered, we should have
25 acted upon it. I should have been notified to see what the issue at hand

Page 23813

1 is and if there is a crime of lesser importance, so to say, it will be
2 forwarded to the inspectors to follow it up. As the chief, I couldn't
3 have controlled each such case involving certain elements of a crime; I
4 had administrative tasks to attend to for the most part.

5 Q. Are you aware that members of the security service sent
6 information to the VJ security administration stating that unidentified
7 members of MUP units carrying out combat operations in Gornje Obrinje in
8 September 1998 executed persons taken into custody? Are you aware of
9 that?

10 A. I was never notified of that case. I wasn't informed. Some
11 Finnish pathologists and the Pristina SUP told us that some people should
12 go to Gornje Obrinje, including an investigative judge. What was
13 mentioned that a family had been killed, that was the first time I got by
14 some general information; otherwise, I wasn't specifically privy to any
15 such case. I only remember that initiative taken by the Finnish
16 pathologists, and again that was under the purview of the Pristina SUP
17 and not for Glogovac to do anything about it. They were supposed to be
18 taken up to the location, and we were not notified of any further
19 details.

20 Q. But I guess you were aware of the operations going on in Gornje
21 Obrinje in late September 1998, right?

22 A. Let me tell you this: It is a large municipality and we had no

23 physical contact with the area of Gornje Obrinje. It includes Gornje and
24 Donje Obrinje, Likovac, and so on and so forth and it was a KLA
25 stronghold. The actions undertaken by the PJP and the military, well

Page 23814

1 only they knew about it and they wouldn't let the local regional police
2 stations know about what their intentions were.

3 JUDGE BONOMY: Did Gornje Obrinje not fall within your area?

4 THE WITNESS: [Interpretation] Only Gornje. It is a border area.

5 Administratively speaking, Gornje Obrinje was in Glogovac municipality
6 and Donje Obrinje was a part of the municipality of Srbica and then we
7 have Likovac nearby, but it was a single area for the KLA. It was their
8 stronghold and many of our forces didn't even dream about entering that
9 area until it finally took place in what was it? July or August.

10 JUDGE BONOMY: I'm only trying to be clear about this. If Gornje
11 Obrinje falls within your area, why was this not a matter that fell
12 within your responsibility?

13 THE WITNESS: [Interpretation] For security reasons. We could not
14 get to the inner part of Glogovac. That is the essence. The centre of
15 the KLA zone for the area of Démonica [phoen] was precisely in Likovci
16 and Obrinje. With 25 to 30 policemen we couldn't against thousands of
17 them, we couldn't go there. Even before you reach that, there must have
18 been at least 20 check-points, trenches, communicating trenches, and so
19 on and so forth. As the head of some 25 or 30 men, my primary concern
20 was to take care of their lives.

21 JUDGE BONOMY: When do you say that you first learned of this
22 event?

23 THE WITNESS: [Interpretation] When the Finnish pathologists - I'm
24 talking now without consulting any documents, I can't tell you exactly
25 when it was, I do believe you have that in the documents, at least the

Page 23815

1 Prosecution does - it was when the Finnish pathologists tried to reach
2 Gornje Obrinje together with an investigative judge and the police. I
3 remember --

4 JUDGE BONOMY: Thank you. That helps. You told us yesterday, I
5 just can't find the note at the moment, though, about another event in
6 Gornje Obrinje. Do you remember the other incident you referred to
7 yesterday?

8 THE WITNESS: [Interpretation] You mean murders?

9 JUDGE BONOMY: Yes.

10 THE WITNESS: [Interpretation] Yes, I remember. And I will
11 repeat, if you wish.

12 JUDGE BONOMY: If you could, please, I would be grateful.

13 THE WITNESS: [Interpretation] It was in January 1998, Mustafa
14 Kurtaj who was a PTT employee of their office in Glogovac was shot, he
15 was killed --

16 JUDGE BONOMY: Is this a forest worker, forestry worker, yeah.

17 THE WITNESS: [Interpretation] No, no, he worked for the postal
18 office, he was a postman. Sejdi Musa was the forest worker, but that
19 took place afterwards.

20 JUDGE BONOMY: Was that also Gornje Obrinje?

21 THE WITNESS: [Interpretation] Sejdi Musa was killed in Gradica.

22 In Gornje Obrinje a father and son were killed. Nobody talked about the

23 father since the case wasn't reported, but I do know that Rexhep Kurtaj
24 who was the father of the late Mustafa Kurtaj was killed a week later.
25 JUDGE BONOMY: Now, it does appear that on the 26th of September

Page 23816

1 a number of people were killed in Gornje Obrinje. You say that at that
2 time you knew absolutely nothing about it?

3 THE WITNESS: [Interpretation] Can I please have the document to
4 see who the persons killed were. Ten years later my memory's failing.
5 There were 32 policemen killed in the area of Glogovac. The number of
6 those that were injured or the combo was twice as much and I won't even
7 go into any other figures. Some were kidnapped too.

8 JUDGE BONOMY: Members of the Delijaj family.

9 THE WITNESS: [Interpretation] What was interpreted to me was
10 Delijaj. That last name doesn't exist I think either among the Serbs or
11 Albanians. It is probably an interpretation error.

12 JUDGE BONOMY: That is the name we have. D-e-l-i-j-a-j.

13 THE WITNESS: [Interpretation] That's a different matter, Your
14 Honour, it has to do with the Finnish pathologists, that particular case,
15 that's it, that is the case.

16 JUDGE BONOMY: Indeed. My question to you is: Had you heard
17 absolutely nothing at all about that prior to being told by the Finnish
18 pathologists?

19 THE WITNESS: [Interpretation] No, never, none of us at the
20 Glogovac OUP --

21 JUDGE BONOMY: Thank you.

22 Mr. Oren.

23 MR. OREN: Thank you, Your Honour.

24 Q. Now, in connection with these operations in Gornje Obrinje were
25 there people brought into Glogovac police station for interrogation?

Page 23817

1 A. To the police station of Glogovac, or rather, people were taken
2 in from the area of combat. They would be brought in in trucks and they
3 wouldn't tell us exactly who hailed from what village. They would simply
4 deliver them, literally speaking, and then we would register those
5 people. And it would be at that point that we would learn who came from
6 what area. That included all sorts of locations, not only around
7 Glogovac, but from, for example, the municipalities of Klina and Srbica
8 as well as Lipljan. As to what they were all doing in that area, I won't
9 go into commenting that. However, the fact is that they were found in
10 the area. Maybe they were shepherds and he may have been Klina and was
11 found in Glogovac. They were all found there. I don't know to what
12 extent you're familiar with it, but these were all able-bodied men. They
13 were not taken in in uniform, that's true, but usually under the uniform
14 they would wear sweat-suits and immediately when in danger they would
15 discard their weapons, their uniforms, and would turn civilian, and then
16 it would be up to us, the policemen, to try and establish whether they
17 were members of the KLA or not.

18 Q. And these persons that were brought there, they were detainees,
19 right?

20 A. I can't accept the term "prisoner" or -- we never declared war on
21 anyone. If there is no war, there is no prisoner --

22 MR. LUKIC: Just one second. I think that my learned friend used

23 the correct term in English, but translation was incorrect. I think that
24 it should be corrected "prিত্বorenici."

25 JUDGE BONAMY: Let's ask the question again, please, Mr. Oren.

Page 23818

1 MR. OREN: Thank you, Your Honour.

2 Q. These persons that were brought in, they were detainees, right?

3 A. I can accept that.

4 Q. Now, is it correct that some of the detainees were beaten during
5 interrogation?

6 A. According to what I know, no.

7 Q. Wasn't the engine of an armoured personnel carrier turned on in
8 order to drown out the screaming?

9 A. Your Honour, those are stories. It is absurd for me to even
10 consider those, whose screams, what screams, chicken, what? Let's see
11 who it was, let's see a document, who said what. Whose screams and what
12 sort of a vehicle it was that was revving outside. Our police station is
13 a pre-fab building, 10 by 5 metres inside. Please, you're confusing the
14 people and I have problems with my blood pressure. You want me to die
15 here today?

16 JUDGE BONAMY: I don't know the exact number, Mr. Damjanac,
17 offhand, but in the indictment in this case there are many people listed
18 who lost their lives in Kosovo, there are hundreds of them.

19 THE WITNESS: [Interpretation] Yes, in Kosovo. I'm only talking
20 about my area, of Glogovac. As for the rest of Kosovo, I cannot provide
21 any explanation. I told you beforehand that I had 32 policemen were
22 killed, twice as many seriously wounded. I won't even go into the

23 numbers of casualties among civilians --

24 JUDGE BONAMY: Mr. Damjanac, your flippancy here is not

25 appreciated. Please bear that in mind.

Page 23819

1 Mr. Oren.

2 MR. OREN: Thank you, Your Honour.

3 Q. Perhaps a question to lower your blood pressure. Yesterday you

4 told us that all questioning were done at the police station in Glogovac,

5 and then you were asked --

6 A. That is correct.

7 Q. And then you were asked whether your OUP questioned someone in

8 the Feronikel factory and then you answered the following: "The people

9 in that factory on the premises of that factory had their own supervisory

10 bodies and we had different jobs. We were in charge of regular police

11 work and their job was to provide security for certain installations,

12 buildings, and roads, so we did not coordinate mutually and we did not

13 use the premises of Feronikel for any official procedures."

14 Now, first, when you used that phrase did you have any unofficial

15 procedures in the Feronikel factory?

16 A. The question is imprecise, unclear. What do you mean unofficial?

17 Throughout my work in Glogovac, during that period I only went to the

18 Feronikel factory twice because of certain incidents which had taken

19 place, and once I was there because the electricity had been cut off.

20 There were no formal or informal meetings with them. I don't understand

21 your question.

22 Q. The question was simply when you use the term "official

23 procedures" if that was your intention, in relation to that you had
24 unofficial procedures in the Feronikel factory?

25 A. No unofficial procedures in our contacts with the Feronikel

Page 23820

1 factory.

2 Q. Do you know if other units than OUP Glogovac interrogated or
3 detained persons in the Feronikel factory?

4 A. As far as I know - and I'm convinced I know enough - no one was
5 using the Feronikel facility for any interrogation of any parties or to
6 detain them or anything in that regard.

7 JUDGE BONAMY: You referred yesterday, as Mr. Oren has pointed
8 out to you, to people who were providing security at Feronikel. Who were
9 they?

10 THE WITNESS: [Interpretation] The SJP [as interpreted], as I said
11 yesterday, and I repeat it today, they came from central Serbia, they
12 came there to assist, they came with their own leadership and were
13 responsible and answerable to them. Of course should they require and
14 need help, it would be normal that we would provide that and the other
15 way around if we were attacked. There is a distance of 1 kilometre
16 between the Feronikel factory and the police station in Glogovac.

17 JUDGE BONAMY: Tell me again who they were.

18 THE WITNESS: [Interpretation] People who came from Serbia
19 proper --

20 JUDGE BONAMY: No, the name you gave; the initials I'm not
21 familiar with.

22 THE WITNESS: [Interpretation] As the PJP, Posebne Jedinice

23 Policije, to provide security of facilities and they were the so-called B
24 version, they were not there to combat terrorists but to provide security
25 to facilities, to man check-points, to secure roads --

Page 23821

1 JUDGE BONOMY: Thank you.

2 THE WITNESS: [Interpretation] -- state buildings.

3 JUDGE BONOMY: Mr. Oren.

4 MR. OREN: Thank you, Your Honour.

5 Q. Now, yesterday you were asked when you were head of the Glogovac
6 OUP if there were any mass departures of civilians from the area of your
7 municipality and you stated that there was no such thing and people
8 didn't even think about it. Now, today we have heard about some people
9 leaving, I think that's what you meant. So my question is: When you
10 stated that no civilians left your municipality at all, is that really
11 what you mean or is that as you interpret the term no mass departure of
12 civilians took place?

13 A. Well, I'll tell you what, exceptions do not make a rule. I said
14 what I knew. I said that on my approval or my order or on the basis of
15 principles I used for the work of the OUP in the area, there was no need
16 or reason for the population to leave. Quite the contrary, they should
17 have stayed and shared our fate. I said that yesterday and I'm saying it
18 today. Of course there were individual cases. If I lived there, I would
19 have escaped with my family as well, but those were exceptions. I tried
20 to explain that yesterday. Members of the KLA who were members of their
21 families and immediate circle around their leaders, of course they wanted
22 to stay in the Drenica area. But I don't know of anyone going to Albania

23 or Macedonia while I was there --

24 JUDGE BONAMY: Mr. Damjanac, I've cut off your microphone.

25 You're not answering the question anymore. Please listen to the

Page 23822

1 questions and answer them.

2 Mr. Oren.

3 MR. OREN:

4 Q. Let me rephrase my question then. Say in March/April 1999, were
5 there civilians leaving Glogovac municipality?

6 A. To repeat, perhaps individually, not collectively.

7 Q. And those who did leave, how did they leave?

8 A. I'll give you an example, by your leave. Fadil Dervishi,
9 conditionally put, he was a loyal citizen of Glogovac municipality. He
10 had a bar in the centre of Glogovac --

11 JUDGE BONAMY: I've cut off your microphone again. The question
12 is: How did they leave? Could you answer that, please.

13 THE WITNESS: [Interpretation] I'm talking now about the
14 individual cases, but nothing collective --

15 JUDGE BONAMY: Is there no general way in which people left? Did
16 they walk? Did they go by vehicle? Where did they go? That's what
17 we're interested in. Now, there must be some -- is there a general
18 pattern or is there not a general pattern?

19 THE WITNESS: [Interpretation] I repeat it yet again, and I would
20 kindly ask the interpreters to interpret word for word. During the time
21 that I headed the OUP in Glogovac, there were no group departures of
22 Siptars --

23 JUDGE BONOMY: Mr. Damjanac, your answer was translated perfectly
24 well, that people left individually but not collectively. Couldn't be --
25 it's a nice simple answer, one of the few simple answers you've given us.

Page 23823

1 Now, the next question that follows from that is: How did they leave?

2 How, h-o-w in English, how did they leave? Could you help us with that?

3 THE WITNESS: [Interpretation] They would go to Pristina in their
4 private vehicles. People -- there were no buses there, no trains, no
5 city transport, nothing was working, only private vehicles.

6 JUDGE BONOMY: It's easy if you just listen to the question.

7 Concentrate your mind and answer the question you're asked.

8 We'll now break for lunch. Would you please leave the courtroom

9 with the usher and we'll resume again at 1.45.

10 [The witness stands down]

11 --- Luncheon recess taken at 12.44 p.m.

12 --- On resuming at 1.46 p.m.

13 [The witness takes the stand]

14 JUDGE BONOMY: Mr. Oren, please continue with your

15 cross-examination.

16 MR. OREN: Thank you, Your Honour.

17 Q. Just before the break you told us that while you were in Glogovac
18 you didn't know anybody going to Albania or Macedonia and you also said
19 that there were no buses in Glogovac. Are you aware that there are
20 reports claiming that residents in the centre of Glogovac was informed on
21 24 April 1999 that buses would be arriving to take them to Macedonia if
22 they wished to go?

23 A. I said from the beginning, and I have to repeat again, there was
24 no collective moving out from Glogovac municipality for as long as I was
25 the chief there. Whether a letter like that exists, a report, I don't

Page 23824

1 know, I had nothing to do with it and I don't know anything about it, but
2 there was no collective moving out because I was very much opposed to it.

3 Q. So you don't know anything about buses leaving Glogovac around
4 the time of 24 April 1999 heading for the Macedonian border?

5 A. No, I don't know.

6 Q. Did you ever advise people to leave Glogovac in this period of
7 time, around 24, 25, and 26 of April?

8 A. I'd just like to explain that by that time I had already started
9 to hand over my duties, and it never occurred to me, never crossed my
10 mind, to advise anybody to leave Glogovac. So my answer is no.

11 Q. Are you aware that there are reports claiming that the police on
12 the 26th of April went door to door in Glogovac, telling residents that
13 there were two buses going to Macedonia and that they were free to stay
14 or go? Are you aware of that?

15 A. No.

16 Q. Are you of the opinion that the police in Glogovac could
17 guarantee the safety of the Kosovo Albanian population in this
18 time-period?

19 A. As much as I could guarantee my own.

20 Q. So your 25 to 30 policemen in uniform was sufficient for this
21 purpose, right?

22 A. I'm telling you again from the standpoint of security of the

23 citizens we persuaded to stay, we guaranteed that we would defend them
24 till the last drop of blood and they could come to harm only over our
25 dead bodies. But ultimately, whether we would succeed in protecting

Page 23825

1 ourselves and them, only God could tell.

2 Q. But you were of the opinion that you and your 25 to 30 uniformed
3 policemen could guarantee the safety of the Kosovo Albanians, right?

4 A. Well, you are talking already about April, the time of
5 air-strikes, the situation when there were no longer any terrorists.
6 With the terrorists out of the picture, we could guarantee their regular
7 security, just as we did before the conflict, certainly.

8 Q. Was there any question of the military to take over the area of
9 Glogovac?

10 A. I don't know.

11 Q. You never told people that, that the army could take over the
12 area?

13 A. I did not say that nor did anyone say that to me. I'm hearing
14 this for the first time from you.

15 JUDGE BONAMY: At what date, Mr. Damjanac, had the terrorist
16 threat been removed from Glogovac?

17 THE WITNESS: [Interpretation] Well, practically, save for
18 constant air-strikes, they had already pulled out to other areas close to
19 the borders and Glogovac was not troubled by terrorism too much for those
20 two months during the bombing. There was much less aggression from
21 terrorists than before the air-strikes.

22 JUDGE BONAMY: Thank you.

23 Mr. Oren.

24 MR. OREN: Thank you, Your Honour.

25 Q. Are you aware that there are reports claiming that approximately

Page 23826

1 200 residents were told that their safety could not be guaranteed if they
2 remained and that they were given 15 minutes to decide whether they
3 wanted to leave?

4 A. I'm hearing this for the first time.

5 Q. Mr. Damjanac, thank you for answering my questions.

6 MR. OREN: Your Honours, I don't have any further questions for
7 this witness. Thank you.

8 JUDGE BONOMY: Thank you.

9 Questioned by the Court:

10 JUDGE BONOMY: I have a number of questions for you,

11 Mr. Damjanac. You said that once the OSCE arrived your police could only
12 move in 100 metres diameter. What did you mean by that?

13 A. It may sound strange, but it's true. Apart from the road from
14 Pristina and from the intersection at Komorane to the police station in
15 Glogovac, we could not move any further for the simple reason, as you
16 could see from the document shown some time ago, that Sami Lushtaku
17 prohibited us from using the road, which means that we couldn't do our
18 job properly, we couldn't send our patrols anywhere near. And I will
19 take the liberty to tell you, and it's up to you to judge. After this
20 representative of the OSCE, this German man aged around 55, insisted -- I
21 told you his name yesterday but I've already forgotten I'm afraid, it was
22 a bit provocative I think but he invited me to tour their premises --

23 JUDGE BONOMY: The point is it was not an official restriction,
24 it was a practical restriction; that's really what I wanted to be clear
25 about.

Page 23827

1 A. Precisely, that was the problem, because they came to me every
2 day and warned me against going.

3 JUDGE BONOMY: In Kosovo was there any system for recording the
4 ownership of houses?

5 A. No, because quite frankly, the area of Drenica is more than 97
6 per cent populated by Albanians. There was a very small number of Serbs.
7 We knew exactly which flats they occupied and the workers' hutment next
8 to the police station, the OUP. The only thing they didn't wear was the
9 yellow David star on the sleeve.

10 JUDGE BONOMY: I think you misunderstand my question. I'm
11 anxious to know whether when a person owned property, but in particular a
12 house, in Kosovo there was a register in which he was recorded as the
13 owner of the property.

14 A. The cadastre service exists, now that I understood your meaning,
15 it exists like in every other country in the world, it holds records of
16 titles to property everywhere, that's true, and this cadastre service is
17 attached to the municipality if I got your meaning correctly.

18 JUDGE BONOMY: So when houses were burned, why were you unable to
19 identify the owners?

20 A. In my time in the area where I was, I don't know which burned
21 houses -- I don't know whether any houses were burned during my tenure in
22 the area where I and my policemen were able to move. On the other hand,

23 we have to bear in mind another fact. It is true that the cadastre holds
24 records of titles to property, but 90 per cent of housing is built
25 illegally without proper permissions, and that's true unfortunately not

Page 23828

1 only in the Drenica area. It's the state of affairs throughout Kosovo
2 and Metohija to this day.

3 JUDGE BONOMY: You gave us evidence of groups of civilians being
4 escorted back to their homes. Is that something on which you submitted
5 reports to the chief of the SUP?

6 A. That was an obligation that required no particular procedure. It
7 didn't have to be reported specially. I remember escorting around a
8 hundred people in Karkas when the army brought them. It was found that
9 they were all ordinary citizens and they were all released --

10 JUDGE BONOMY: Well, could you just answer my question. Did you
11 report to the chief of the SUP or not when you were aware of your
12 policemen escorting large groups of civilians back to their homes?

13 A. Certainly, he was informed of everything. The chief of SUP was
14 informed of everything. I don't know whether all the documentation from
15 that time was preserved, but the courier took written reports every day
16 at 4.30 from Glogovac to Pristina and he carried documentation both ways.

17 JUDGE BONOMY: Well, it may be I've misunderstood what you were
18 saying a moment ago, but in the case of the hundred people in Kark as,
19 was that reported to the chief of the SUP?

20 A. I cannot claim with any certainty, but I think he was, he was
21 informed, and the unit that was there could confirm probably. I cannot
22 say with any certainty, it was too long ago. But I think everybody

23 knows, the citizens remember this, and I think I filed the report as well
24 but I can't know for sure. There were thousands and thousands of
25 reports.

Page 23829

1 JUDGE BONOMOY: In light of what you said a moment ago about the
2 drop in terrorist activity when the bombing began, why were the army in
3 your area?

4 A. Well, precisely to protect people, to protect buildings, roads,
5 and everything. They split into groups and they acted like guerilla
6 warriors in the hit-and-run fashion. They could hide easily after every
7 attack in the hills, in the woods. They had moved away from the urban
8 area of Glogovac, and that's why we were more at peace for a while. But
9 they remained there in mountainous positions.

10 JUDGE BONOMOY: I don't want to oversimplify the evidence in the
11 case, but the sort of activity you've just described is not activity we
12 have heard of the army handling in this case. My question is: Why were
13 the army in the area in the period after the bombing started?

14 A. Well, as I tried to explain, first they were there to finally
15 free all the roads, to break all the terrorist strongholds, to control
16 the broader area from and prevent incursions and attacks by terrorists
17 from all sides. Without their help, we would have been unable to do
18 anything. And there's one other thing, we were facing the NATO
19 aggression at the time.

20 JUDGE BONOMOY: I'm trying to avoid -- clear up any
21 misunderstanding from your answers, and one of the things you said to
22 Mr. Cepic was that when the OSCE pulled out, which is more or less

23 coincidental with the start of the war, the terrorist attacks escalated.

24 And a moment ago you told me that the terrorist activity decreased

25 substantially when the bombing started. I'm trying to understand these

Page 23830

1 two statements, if you can help me, because they don't seem to fit with

2 each other.

3 A. I'm talking about the urban part of Glogovac, that is the point.

4 Because of police and army presence, they withdrew into hilly areas where

5 they have natural camouflage and hiding places. They were no longer in

6 the urban area of Glogovac and we could breathe a little. Until that

7 time we were unable to step out of our police station more than 50

8 metres. We couldn't effectively cover our territory. We didn't know

9 within a circle of 100 metres whether there were any terrorists out there

10 advancing on the OUP. With the arrival of the army, we could breathe a

11 little. The army had work to do. They had to fight, they had exchanges

12 of fire, skirmishes, but we could relax a little, we could go to work in

13 peace, go back home without being attacked. We could do our regular work

14 with citizens and the citizens were also able to breathe a sigh of relief

15 at that time. But in the mountains meanwhile fierce fighting went on

16 with terrorists.

17 JUDGE BONAMY: Thank you.

18 Mr. Lukic -- Mr. Cepic.

19 MR. CEPIC: [Interpretation] Your Honours, with your leave, two

20 questions arise from yours and I hope you will allow me to put them to

21 the witness. One of them has to do with the reason why the army came to

22 his area, and the second one relates to the units mentioned in the

23 document shown by the Prosecutor, that plan from December 1998.

24 JUDGE BONAMY: Very well.

25 MR. CEPIC: [Interpretation] Thank you.

Page 23831

1 Further cross-examination by Mr. Cepic:

2 Q. [Interpretation] Mr. Damjanac, it's me again. Could you tell me,
3 at the beginning of the war was there a threat of a ground invasion by
4 NATO into Kosovo from Albania and Macedonia?

5 A. It was common knowledge that a ground invasion was possible.

6 Unfortunately, you didn't ask me this before, I would have liked to
7 elaborate.

8 Q. Mr. Damjanac, in that document that was shown to you earlier
9 called the plan, the units of the Army of Yugoslavia were mentioned,
10 Krivovo village, or rather, the quarry near Vasiljevo village. My
11 question is: Is this close to Lopusnik?

12 A. No. As far as the quarry in Vasiljevo is concerned, that was a
13 stronghold of the KLA in Vasiljevo and then the army freed us of it and
14 secured the location.

15 Q. Another question, Mr. Damjanac: Do you know if a VJ unit was
16 there in that area to protect the road coming from Pristina under the
17 Milosevic-Holbrooke Agreement?

18 A. Correct.

19 MR. CEPIC: Thank you, Your Honour. No further questions.

20 JUDGE BONAMY: Thank you.

21 Mr. Lukic, re-examination?

22 MR. LUKIC: Just a few questions, Your Honour.

23 Re-examination by Mr. Lukic:

24 Q. [Interpretation] Mr. Damjanac, the end is now very near. My

25 colleague Mr. Aleksic showed you the document 6D579 regarding those

Page 23832

1 ribbons, and I would like another document --

2 THE INTERPRETER: Could counsel please repeat the name of the

3 document.

4 JUDGE BONAMY: Can you give the number again, Mr. Lukic.

5 MR. LUKIC: Yes, it's 6D1473. And we'll need point 6.

6 Q. [Interpretation] Do you see this on the screen, para 6?

7 A. I want it in Serbian because I'm not an Englishman.

8 Q. You have it in your binder, maybe it's easier to look it up

9 there.

10 A. Just tell me which one.

11 Q. 6D1473. Could you please read para 6.

12 A. "Ensure adequate marking of the member of the -- of the members

13 of the brigade by red ribbons that will be requested and supplied in

14 sufficient numbers by the assistant commander for logistics of the

15 brigade. The ribbons shall be tied and worn according to an explanation

16 to be provided in due course."

17 Q. Give us the date.

18 A. 16 September.

19 Q. And the signature is what?

20 A. Lieutenant-Colonel Ljubisa Dikovic.

21 Q. The one you told us about?

22 A. Yes.

23 Q. Did you see those ribbons in the field?

24 A. Yes.

25 Q. On page 3 -- we don't need this document anymore, you can close

Page 23833

1 the binder, on page 32, line 3, my learned friend Mr. Cepic asked you who
2 was responsible for enforcing the law and maintaining order. You
3 answered the police, and I would like to ask you if there were any areas
4 on the territory of your OUP that were not under the control of your
5 police. You said territories held by the KLA.

6 A. I was just about to say that the entire evidence I have given so
7 far indicates that we controlled effectively a very small part of the
8 territory of Glogovac municipality.

9 Q. Were there any areas in your -- in the coverage of your OUP that
10 were controlled by the army?

11 A. Well, in the areas where they had their quarters, where we didn't
12 go, the army held that and of course they controlled that area, such as
13 Domenik. We didn't need to pass by that way, that's where the army was
14 stationed, it was one of the units.

15 MR. LUKIC: [Interpretation] Now we will need 5D1417.

16 Q. You don't have that document, so you will see it on the screen.

17 We never really established who wrote this document, but here in the
18 handwriting it reads: Questions 4: The detachment commander, members of
19 the staff, chief of the SUP. Then 1: Deployment of MUP units: When
20 they arrived there, staying until when, on which locations.

21 MR. CEPIC: [Interpretation] Your Honours.

22 JUDGE BONAMY: Mr. Cepic.

23 MR. CEPIC: [Interpretation] With your leave, these notes in the
24 top right corner in handwriting, that's something that we wrote, our
25 Defence team wrote while preparing it. Unfortunately, this copy was

Page 23834

1 entered into evidence like this, although I have asked my assistant to
2 provide another clean copy. This is something that we used in our
3 preparations and it just went in by mistake like this.

4 JUDGE BONOMY: Does that clarify it for you, Mr. Lukic?

5 MR. LUKIC: Then I'm even more confused now, and I would ask at
6 this moment that use of this document is not allowed until it's corrected
7 and all questions posed based on this document would be withdrawn from
8 the record.

9 JUDGE BONOMY: Why do you say that?

10 MR. LUKIC: The document is confusing completely. I think that
11 we -- at some point was even this handwritten part discussed and it's
12 misleading, and if provided by the Defence of General Lazarevic, we would
13 kindly ask the source who compiled the document. We don't know yet what
14 this document is at all.

15 JUDGE BONOMY: The only matter raised was whether it showed the
16 presence of PJP detachments in the Glogovac area, which the witness had
17 already confirmed before the document was put before him. I don't think
18 anything else was asked, was it?

19 MR. LUKIC: I'm not sure now whether he -- at least we would like
20 to know the source of the document, who compiled it, when.

21 JUDGE BONOMY: Your comments will be noted and --

22 MR. LUKIC: I'll move on.

23 JUDGE BONOMO: -- we accept that it ought to be replaced, but
24 it's not possible to ignore what has been said in relation to it unless
25 you can show that that would give rise to some risk of injustice. And

Page 23835

1 while that could arise in other circumstances that hopefully will now be
2 avoided, it's not immediately clear that any injustice is likely from the
3 use that was actually made of the document. But you can return to it if
4 you wish once you've had a chance to think about it when you have a
5 chance to review the transcript. You can let us know if there's any
6 other action you would like to take.

7 Mr. Cepic.

8 MR. CEPIC: [Interpretation] Your Honours, if you allow me, we
9 found this document in the electronic disclosure suite.

10 JUDGE BONOMO: I don't think it's as simple as that, though,
11 Mr. Cepic. If you then decide to found on it, you're the man that has to
12 establish its authenticity. Since I've never been in the electronic
13 disclosure suite, I don't know if it also includes other items which are
14 there to ensure there's no accusation of withholding material, but in
15 relation to which there may be dubiety about the authenticity. So the
16 onus is on you now that you've decided to use it.

17 MR. CEPIC: [Interpretation] Thank you, Your Honour. This is
18 already the second witness who confirms the relevance of the information
19 given in the documents. Before him I asked Colonel Mijatovic, and he
20 gave the same answers regarding relevance. And I would like to get your
21 permission to replace in the electronic -- in the e-court this document
22 with a clean copy.

23 JUDGE BONOMY: Well, once you have one you can -- I think you
24 should make a written filing in this instance, and that would give
25 Mr. Lukic an opportunity to respond to it before we decide what to do.

Page 23836

1 But for the moment we're stuck with this one until there is a clear issue
2 for us to resolve.

3 Please continue, Mr. Lukic.

4 MR. LUKIC: Thank you, Your Honour.

5 [Interpretation] Can we now call up in e-court P3116.

6 Q. You have seen this plan of the department of internal affairs in
7 Glogovac to combat terrorism and you were asked whether it was in fact
8 implemented on the ground in whole or in part. How much territory at
9 that time in December 1998 was held by the KLA in Glogovac municipality?

10 A. Well, to go back to the beginning, it was practically in control
11 of let's say 90 per cent of the territory.

12 Q. And in which part of the territory -- you said the plan was
13 implemented. In which part of the territory were you able to implement
14 this plan in December 1998?

15 A. Well, I have to make this point again. This plan was made
16 towards the end of the year. We only applied it from Komorane until
17 Glogovac and Globare, and we controlled an area of a couple of villages.
18 That's what we could do. Stankovci; Komorane; Donje, Gornje Zabelj;
19 Poklek; Novi and Stari Strbulovo; Glogovac town; and Novo Cikotovo and
20 Staro Cikotovo, that's what we were able to do with the resources we had
21 at the time.

22 Q. Was terrorism envisaged as a crime by the penal code?

23 A. Yes, as one of the gravest crimes. A case file was made for each
24 incident, forwarded to the public prosecutor's office, and prosecutions
25 went on until the last day when all the case files were turned over to

Page 23837

1 UNMIK, whose duty it was according to the agreement to continue working
2 on all the cases.

3 Q. Was it part of your regular police work to detect all sorts of
4 crime, including terrorism?

5 A. Yes.

6 Q. Now, regarding this plan, do you know whether your chief, Petric,
7 actually did something about this plan. Did he do something about
8 coordinating with the Army of Yugoslavia?

9 A. To be quite honest, he did not inform me about that sort of
10 thing.

11 Q. Thank you. Do you know whether the PJP unit quartered in the
12 Feronikel factory was engaged to hold observation points along roads
13 according to the agreement with the OSCE?

14 A. Correct.

15 Q. Thank you, Mr. Damjanac. Thank you for coming here to testify.

16 [Trial Chamber confers]

17 JUDGE CHOWHAN: If we look at page 9, line 1 to 20, you talk
18 about people, detainees as you call them, who came to this police station
19 where they were screened, whether -- to check whether they were amongst
20 those who had targeted the police and you administered the paraffin
21 tests. Now, I was trying to inquire that did you -- was there anybody
22 supervising this activity or it was totally at the discretion of yourself

23 or anybody else you may have picked out for this purpose to declare that,
24 yes, this man is the one who should be sent to the security forces for
25 further action and for trials or -- and these are the people who should

Page 23838

1 be let off. Now, what was the -- what was the method of verification, so
2 that was a little anxiety I had in my mind. Thanks a lot.

3 THE WITNESS: [Interpretation] Yes, I understand, Your Honour.

4 Just one note, this document was not shown to me at all and I'm talking
5 off the top of my head --

6 JUDGE CHOWHAN: It's not a document. Please open up page 9 of
7 your testimony --

8 [Trial Chamber confers]

9 JUDGE CHOWHAN: Okay. Forget that, it's just a general question
10 then. I mean, you said --

11 THE WITNESS: [Interpretation] Well, as a general question I will
12 answer it. I think I already did, but let me repeat. The OUP in
13 Glogovac did not have this special service, the crime technician service
14 that would be finding physical evidence of crimes including the gun-shot
15 residue tests, which is known widely as the paraffin test. The expert
16 team was called from the Pristina SUP. This is not something that I
17 wanted or that I ordered. So from the service of the interior, a special
18 team specially trained, qualified team is engaged and on the basis of the
19 physical evidence they were able to ascertain that those people had
20 handled fire-arms, used fire-arms. And that made us process these people
21 further. They were taken to Pristina, and then somebody, the competent
22 service either from the state security or from the public security

23 sector, processed these people further, tried to establish facts, find
24 evidence to the effect that they were really members of the KLA, and then
25 if it were to be ascertained that they had committed any crimes, then

Page 23839

1 they were prosecuted. I don't know that, what happened to them. I know
2 that about 2.000 people were amnestied by our prime minister, including
3 the Mazreku brothers, and some people who were --

4 JUDGE CHOWHAN: I'm now aware of what you ...

5 JUDGE BONOMOY: Mr. Damjanac, that completes your evidence. Thank
6 you for coming here to give evidence. You may now leave the courtroom
7 with the usher.

8 [The witness withdrew]

9 JUDGE BONOMOY: Mr. Ivetic, your next witness?

10 MR. IVETIC: Your Honour, the Defence called Miomir
11 Bogosavljevic.

12 JUDGE BONOMOY: Thank you.

13 [Trial Chamber confers]

14 [The witness entered court]

15 JUDGE BONOMOY: Good afternoon, Mr. Bogosavljevic.

16 THE WITNESS: [Interpretation] Good afternoon.

17 JUDGE BONOMOY: Would you please make the solemn declaration to
18 speak the truth by reading aloud the document which will now be shown to
19 you.

20 THE WITNESS: [Interpretation] I solemnly declare that I will
21 speak the truth, the whole truth, and nothing but the truth.

22 JUDGE BONOMOY: Sit down, please.

23 You'll now be examined by Mr. Ivetic on behalf of Mr. Lukic.

24 Mr. Ivetic.

25 MR. IVETIC: Thank you, Your Honours.

Page 23840

1 WITNESS: MIOMIR BOGOSAVLJEVIC

2 [Witness answered through interpreter]

3 Examination by Mr. Ivetic:

4 Q. Good afternoon, Mr. Bogosavljevic. First of all, for purposes --

5 A. Good afternoon.

6 Q. Thank you. First of all, for purposes of the record I would like

7 you to give us a brief introduction and overview of your essential

8 biographical details.

9 A. My name is Miomir Bogosavljevic, I was born on the 18th of July,

10 1952, in Donje Petric, Klina municipality in Kosovo and Metohija. I'm

11 married, father of three, and I have three grandchildren.

12 Q. Thank you, sir. And at the beginning of my questioning I should

13 also caution you that there will be times when there will be a pause,

14 that's not because I don't understand your answer; it's just that we have

15 to wait for the transcript and the translation to catch up with us.

16 Now, could you very briefly give us an overview of your schooling

17 and educational background.

18 A. I completed elementary school in my place of birth and secondary

19 school of internal affairs in Sremska Kamenica. I graduated in 1971, and

20 then I completed school in 1986 -- actually, in 1971 I was enrolled.

21 Q. Thank you. And you've already mentioned the school of internal

22 affairs. Could you please briefly provide us with the details of your

23 work history within the Ministry of Interior of the Republic of Serbia.

24 A. After completing the secondary school of internal affairs, which
25 was in 1971, I started work as a traffic policeman in the traffic police

Page 23841

1 office of the provincial secretariat of the interior in Pristina. After
2 completing the college in 1986, I was appointed to the post of inspector,
3 carrying out the on-site investigations of traffic accidents. In 1992 I
4 was appointed the commander of the police station for railway security at
5 Kosovo Polje.

6 Q. And, sir, do you still work within the Ministry of Interior of
7 the Republic of Serbia?

8 A. No. After the police withdrew from Kosovo and Metohija in 1999,
9 I transferred to the MUP of the Republic of Serbia in Belgrade. And then
10 in 2005 I retired. It was a regular retirement.

11 Q. Thank you, sir. Now, just to be clear you did mention when you
12 became the commander of the police station for railway security at Kosovo
13 Polje. I'd like to ask you specifically about the years 1998 and 1999.
14 What specific position did you hold within the Serbian MUP at that time?

15 A. In 1998 and 1999 I was the commander of the station, commander of
16 the police station, for railway security.

17 Q. And within the line of work of the police station for the
18 security of the railway station at Kosovo Polje, to whom within the MUP
19 did you report; that is to say what structure within the Ministry of the
20 Interior was your superior to whom you were responsible?

21 A. I was responsible to the chief of the police department at the
22 Pristina SUP and his deputy.

23 Q. Could you tell us during the relevant time-periods of 1998 and
24 1999 who were these specific individuals from the SUP Pristina who were
25 your superiors?

Page 23842

1 A. At that time the chief of the police department was Zarko
2 Brakovic and his deputy was Vesko Petrovic.

3 Q. Thank you. Now, as far as the work of your police station for
4 security at the railway station in Kosovo Polje, did any entity called
5 the MUP staff or staff of the Ministry of Interior in Pristina have any
6 effect or role in your work at the Kosovo Polje police station for
7 security?

8 A. No, except for the police department in the Pristina SUP.

9 Q. So am I to understand your answer that the police department of
10 the Pristina SUP was your -- was the only entity that had any effect on
11 your daily work, is that -- am I reading what's reflected in the
12 transcript correctly, is that what your answer was?

13 A. Yes. I reported exclusively to them. I was responsible for my
14 work and work of my station, exclusively to them.

15 Q. We'll get to reports later on. First of all I want to ask you,
16 since you mentioned that you were appointed as commander of this station
17 in 1992, did you notice any change in the work of the station or of the
18 organs in the SUP that you had dealings with at any time after the
19 establishment in June of 1998 of a MUP staff that was headed or managed
20 by Sreten Lukic as the "rukovodilac" which again means head or manager,
21 that changed the work of your station or the SUP at all?

22 A. No.

23 Q. Thank you. Now, you indicated when you were appointed to the
24 position of station commander at the police station for security in
25 Kosovo Polje -- in the railway station in Kosovo Polje. Who within the

Page 23843

1 Ministry of Interior had the authority to appoint you to that position
2 and how did this occur?

3 A. I was appointed the commander of the police station for railway
4 security at Kosovo Polje at the recommendation of the Pristina SUP chief.

5 Q. You say upon recommendation of the Pristina SUP chief. Who in
6 fact was empowered to make the actual appointment based upon this
7 recommendation?

8 A. The chief of the public security sector of the Serbian MUP.

9 Q. And what about the other employees of the police security station
10 for the railway station in Kosovo Polje, would the procedure be the same
11 for them as it was for you?

12 A. No. For the deputy commander and the assistant commander, their
13 appointments were handled by the Pristina SUP chief, he appointed them.

14 Q. And are we to understand then that the Pristina SUP chief could
15 do that on his own without any higher authority within the MUP?

16 A. He could not do that for my appointment, but as far as the
17 appointments of my deputy and assistants are concerned, he could do that,
18 yes.

19 Q. Thank you. Now if we could just take a few moments to talk about
20 discharges -- potential discharges of duty. What would -- who could
21 discharge you as the commander of the police station for public security
22 at the railway station in Kosovo Polje? And while you're answering that

23 question if you could also tell us what -- whether -- whether the same
24 would be in effect for other employees of that station?

25 A. My discharge is done on the basis of the proposal of the Pristina

Page 23844

1 SUP chief, and it is done by the chief of the public security department
2 of the Serbian MUP. As far as my deputy and the assistants are
3 concerned, this could be done by the Pristina SUP chief.

4 Q. And if you could focus just on disciplinary matters for --
5 potential disciplinary -- potential disciplinary matters for any
6 employees of that police station for security at the Kosovo Polje railway
7 station. Who had authority for discipline?

8 A. There were minor and serious infractions of work duty. For minor
9 infractions, any sanctions were handled by the Pristina SUP chief; and
10 for those major ones, it was done by the disciplinary court.

11 Q. Thank you. Now could you tell us a little bit about the
12 structure of your police station for security at the Kosovo Polje railway
13 station, and including in your answer the manpower that was available for
14 you to use at that stage in conducting your duties.

15 A. According to the systemization, the station was supposed to have
16 66 police officers including the commander; but the staffing level was
17 only up to 50 or so per cent. We had 37 police officers.

18 Q. Now, you say you had 37 police officers. Did these police
19 officers work all at once or did they work according to shifts?

20 A. No, they worked in shifts.

21 Q. Did the number of police employed at this station change at all
22 during the course of the NATO attacks and the war with NATO?

23 A. No.

24 Q. Thank you. Now, if we could focus on these 37 police personnel.

25 I say "personnel" because I'm not sure that they are all men. Do you

Page 23845

1 recall if within the ranks of this -- your police personnel, the security
2 station of the Kosovo Polje railway station, if there were any members of
3 non-Serb ethnicity employed in 1999?

4 A. There were people of other ethnic backgrounds.

5 Q. Now, without yet telling us the exact names, did these same
6 persons stay on employed at the police station even during the time of
7 the NATO war?

8 A. Yes. At the beginning of the war they were still there, but they
9 left later on.

10 MR. IVETIC: Now, Your Honours, at this time to ask one
11 question -- ask one or two questions which have specific names of these
12 individuals, I would ask that we go into -- is private session the least
13 restrictive of the sessions? The reason being is these individuals are
14 of non-Serb ethnicity that worked for the police, if they are in Kosovo
15 could be subject to reprisals. We've heard evidence from other witnesses
16 in these proceedings of the measures that were taken against personnel of
17 non-Serb ethnicity that continued to work in the police and other
18 non-governmental organs. So for the potential safety of these third
19 parties, I would ask that we go into the lesser restrictive -- I believe
20 private is the lesser-restrictive session just for two questions.

21 JUDGE BONOMO: Mr. Hannis, is there any problem?

22 MR. HANNIS: No, Your Honour.

23 JUDGE BONAMY: Very well. We shall go into private session.

24 [Private session]

25 (redacted)

Page 23846

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 [Open session]

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

25 MR. IVETIC: Thank you.

Page 23847

1 Q. Now, sir, I'd like to ask you: Were there any members of the RDB
2 within the police security station at the Kosovo Polje railway station?

3 A. No.

4 Q. Okay. With respect to the work and duty or authority and
5 jurisdiction of your station, could you please explain what that was
6 during the relevant time-period so that we can understand the type of
7 work that you did.

8 A. The police station for railway security had its tasks - now I'm
9 talking only about trains - to ensure the safety and security of
10 passengers, to prevent any breaches of law and order, to prevent the
11 commission of any crimes, thefts, illicit trade, forcible stopping of
12 trains, and it was there to provide assistance to the railway personnel
13 on the train.

14 Q. Are we to understand from your answer then that police officers
15 would ride on the trains; and if so, approximately on average how many of
16 the 37 police officers you earlier stated you had in your station would
17 be on a given train at a given time?

18 A. On every train that would be one patrol consisting of two police
19 officers in the course of a single day.

20 Q. Now, what about the actual train station itself, under whose
21 jurisdiction and authority was the security of the train station itself?

22 A. All railway stations in the territory where the railway line

23 passed are in the jurisdiction of the appropriate, relevant police
24 stations and secretariats according to the territorial principle. So I
25 only had to secure the trains. The security on the train was within my

Page 23848

1 purview.

2 Q. Thank you. You earlier mentioned reporting. Could you explain
3 for us what types of reporting existed that your station had a duty and
4 obligation to undertake and to whom that reporting was sent?

5 A. There were urgent, daily, and periodic reports. I only reported
6 to the police department in the Pristina SUP.

7 Q. Thank you. And if we could just briefly jump ahead in time to
8 1999 and specifically the period of the NATO air war, how was the
9 reporting affected, how was it able to be undertaken at that time?

10 A. Urgent reports were sent by phone or by radio communications up
11 until the time when the air-strikes began -- or, in fact, up until the
12 time when the Pristina SUP building in Pristina was hit when the radio
13 relay station there was destroyed.

14 Q. How was your reporting with the police department in the SUP
15 Pristina undertaken at that point in time when all those other forms of
16 communication were curtailed by the NATO bombings?

17 A. After the building was hit, couriers were used to carry reports.

18 Q. Thank you. Now, specifically focusing on the work of your
19 station, would you receive plans for that work, how frequently, and from
20 what entity or source would you receive plans for the work of your
21 station?

22 A. Concerning the work-plans for my station, those were drafted

23 solely by myself based on the general guide-lines received from the chief
24 of the police department of the SUP in Pristina. That would be received
25 towards the end of the year in order to plan for the next year.

Page 23849

1 Q. Thank you. Now, with respect to the physical location of your
2 station, prior to -- could you please tell us, prior to the NATO bombings
3 where it was located and then whether that position remained the same
4 during the course of the NATO air war or if you were relocated somewhere.

5 A. The railway security police station was in Kosovo Polje itself,
6 in one of the buildings belonging to the railway company. At the
7 beginning of the NATO aggression we were relocated to a private home in
8 Kosovo Polje where we remained until the end of the war.

9 Q. Was your family with you during the NATO bombings or were they
10 elsewhere and for what reason?

11 A. On the 21st of March, 1999, my family went to Serbia because of
12 the fear of the NATO aggression once the KVM had left Kosovo.

13 Q. All right. We'll talk about some other persons who left a little
14 bit later. I'd like to focus now, according to the regular practice and
15 procedures relative to your police station, from whom would you be able
16 to receive orders?

17 A. I don't understand. Orders? Why? What orders?

18 Q. For the work of the station?

19 A. I think I've already replied to that. It came solely from the
20 chief of the police department at the SUP in Pristina.

21 Q. Did you have occasion to attend any meetings at the police
22 department in SUP Pristina during the period 1998 through 1999,

23 especially dealing with these orders or plans of work as being the topic
24 of discussion?

25 A. I frequently attended meetings at the police department of

Page 23850

1 Pristina SUP.

2 Q. And during these meetings were the persons there exclusively from
3 the SUP Pristina or did you have occasion to ever witness anyone from the
4 MUP staff in Pristina participating in any way in such meetings regarding
5 the functioning of your station and the SUP Pristina?

6 A. At the meetings at the police department that I attended, the
7 persons there were all commanders of other police stations. We would
8 meet with the chief of the police department, his deputy, and several
9 other officers working at the police department.

10 Q. Thank you. Now, could you please tell us which railway transport
11 routes and lines were covered by the policemen and women of your police
12 security station?

13 A. The routes we covered were as follows: Kosovo Polje-Kraljevo;
14 Kosovo Polje-Pec; Kosovo Polje-Prizren; Kosovo Polje-Djeneral Jankovic;
15 and Kosovo Polje-Kursumlija.

16 Q. And were you able to actually follow all trains on all these
17 aforesaid lines in all directions during the time-period 1998/1999; and
18 if not for any of them, why?

19 A. In most cases we covered all trains. It seldom happened that
20 there was a train without police escort, since on occasion we were short
21 of staff.

22 Q. And in the course of undertaking their duties, if a police

23 officer discovered that criminal act had been committed either by
24 eye-witnessing the same or receiving a report from someone of the same,
25 what was the normal and regular procedure followed by your police station

Page 23851

1 in reacting to such events?

2 A. If there was a crime committed on board the train and if someone
3 would report that to the policeman there, he would note that down, he
4 would record it officially and would also try to do something in order to
5 detect the perpetrator of the crime.

6 Q. Now, as commander of this station, do you recall receiving any
7 large -- any large number of complaints about mass theft from the
8 civilians that were boarding trains there in 1999 during the course of
9 the NATO bombing?

10 A. No. During 1999 I can state that not a single crime was reported
11 to me or any of my policemen.

12 Q. Now, did -- did you or anyone else at your police station have
13 any role or effect on either increases or decreases in the number of
14 passenger cars or wagons attached to the trains that passed through
15 Kosovo Polje?

16 A. No. An increase in the number of cars or the number of special
17 trains falls within the purview of the railway administration.

18 Q. And a related question based upon your many years of service,
19 generally speaking, if there was ever to be an irregular or
20 not-previously-scheduled train, how would you be advised of the same and
21 would you have any role -- would you have any authority to make such a
22 decision?

23 A. No. Concerning the arrivals of special or not previously
24 scheduled trains to Kosovo Polje, that's something I have never been
25 advised of.

Page 23852

1 Q. Thank you, and I forget if we asked you to briefly describe the
2 uniforms and weapons that the police -- that the police had when
3 conducting their duties and --

4 JUDGE BONOMOY: Could I just -- before you go on to, that's a
5 completely different subject, ask two questions. Is Kosovo Polje
6 effectively the main station for Pristina?

7 THE WITNESS: [Interpretation] Pristina has its own train station.

8 JUDGE BONOMOY: Thank you. And is the station -- or in 1999 was
9 the station in Pristina more important than the station in Kosovo Polje?

10 THE WITNESS: [Interpretation] No, it was not. Kosovo Polje is a
11 hub.

12 JUDGE BONOMOY: And from Kosovo Polje were there no trains which
13 crossed the border into Macedonia regularly?

14 THE WITNESS: [Interpretation] Yes, there were.

15 JUDGE BONOMOY: Well, the routes you gave us did not include any
16 route that went beyond the boundary of Kosovo itself I think -- no, no,
17 there were some but none went beyond the boundary of Serbia.

18 THE WITNESS: [Interpretation] Djeneral Jankovic --

19 JUDGE BONOMOY: But --

20 THE WITNESS: [Interpretation] -- that line goes to Macedonia.

21 JUDGE BONOMOY: Yes. But did the trains regularly run from Kosovo
22 Polje to Skopje?

23 THE WITNESS: [Interpretation] They did until the beginning of the
24 NATO aggression. My policemen and women only went as far as the train
25 station in Djeneral Jankovic.

Page 23853

1 JUDGE BONOMOY: Yes, I understand. Thank you.

2 Mr. Ivetic.

3 MR. IVETIC: Thank you, Your Honour.

4 Q. I forget if we had asked earlier, if you could please --

5 actually, let me just see whether -- yeah.

6 If you could describe for us the uniforms and weapons that your
7 police had or were given for purposes of conducting their work, and if
8 there were any reasons for the same.

9 A. Until May 1998 they wore only blue uniforms and side-arms. As of
10 May when Albanian terrorists began being active in the vicinity of the
11 railway going to Pec, the policemen began wearing blue camouflage
12 uniforms and long-barrelled guns on all routes.

13 Q. Were there instances of threats or interruption of service of the
14 trains by the KLA during -- at that period or any period thereafter?

15 A. Yes, on the route between Kosovo Polje and Pec on several
16 occasions they entered the train and mistreated the passengers. As of
17 May the train moved without police escort. I believe it was in May when
18 a policeman was kidnapped from the train.

19 Q. All right. You previously mentioned radio communications and the
20 lack of effect during the NATO bombings. The hand-held radio stations
21 that you did have, what was that equipment's range as used by your
22 policemen?

23 A. The radio devices used by my policemen had a very short range.

24 Probably because of the amount of metal on the train, radio communication

25 could only work close to SUP centres when a train would pass by and the

Page 23854

1 range would only be that of a couple of kilometres.

2 Q. Now, did you notice following the KVM withdrawal, which occurred

3 approximately the 20th of March, 1999, but before the NATO bombings when

4 it was already I think known in the media that the bombings would occur,

5 did you notice a change in the passenger traffic at the Kosovo Polje

6 train station?

7 A. Yes, I did. Once the verification mission left there was an

8 increase in the number of passengers in the direction of Macedonia and

9 Serbia.

10 Q. Thank you. Did you or the policemen working under you have

11 occasion to have any contact with some of the civilian travellers who

12 were leaving at this time and did you have occasion to talk with them

13 explicitly about the reasons for their departure and travel? And for

14 purposes of this if you could give us as much specifics as possible.

15 A. My policemen did have contact with the passengers and I had

16 contact with the passengers.

17 Q. Why don't you tell us about your personal contacts and the

18 specifics of that contact, if you can.

19 A. Should I mention the names of the people I spoke to or only the

20 details of the conversations?

21 Q. Well, I thought this person was no longer in Kosovo --

22 MR. IVETIC: But, Your Honour, for the safety of a third party

23 since this is one individual -- one individual and multiple other
24 individuals, I would have one question in private session. I apologise,
25 I would have done it earlier if I'd realized that there was the

Page 23855

1 possibility that some of these individuals might be back in Kosovo.

2 JUDGE BONOMY: Very well. We shall go privately -- briefly into

3 private session.

4 [Private session]

5 (redacted)

6 (redacted)

7 (redacted)

8 (redacted)

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 (redacted)

14 (redacted)

15 (redacted)

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 23856

1 (redacted)

2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 (redacted)

8 [Open session]

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

10 MR. IVETIC: Thank you.

11 Q. I will repeat the question. Could you describe for us some of
12 the targets and the intensity of bombing by NATO aircraft in the Kosovo
13 Polje region?

14 A. In Kosovo Polje, in addition to the freight railway station,
15 another building was hit with a projectile but it wasn't damaged
16 seriously and the lines remained intact. There's an airstrip in Slatina
17 which is 5 or 6 kilometres away from Kosovo Polje and it was targeted
18 daily as well as the barracks in the outskirts of Pristina in the
19 direction of Kosovo Polje.

20 Q. And as someone who lived in Kosovo Polje at the time, could these
21 explosions at the Slatina airport that occurred every day, could they be
22 heard and witnessed from Kosovo Polje itself?

23 A. As the crow flies, the distance between Kosovo Polje and the
24 Slatina airport is about 2.000 metres. One could see everything.

25 Q. Now, returning to your station, did your station ever receive any

Page 23857

1 type of order from your superiors in the police to participate in any
2 type of forced boarding of Albanian civilians onto trains for purposes of
3 deportation from the region?

4 A. No. My personnel was exclusively in charge of the train in
5 movement. As I said a moment ago, the authority of the policemen working
6 on railway security does not lie with the facility itself, the train
7 station, but rather with trains in movement.

8 Q. And if in fact -- strike that. If -- did you receive any orders
9 from superiors within the police to undertake theft or mistreatment of
10 civilians?

11 A. No.

12 Q. How would such behaviour on the part of policemen have been
13 reprimanded or reacted to by yourself as the commander of the police
14 station -- the police security station?

15 A. If someone reported such an act, that policeman would be arrested
16 and a criminal report submitted against him. He would also be suspended
17 from work.

18 Q. Did you during the time-period of 1999 during the NATO war have
19 any reports of any multi-ethnic conflicts between the civilians of
20 various ethnicities on the trains; and if so, what would have been your
21 response to that?

22 A. There were no inter-ethnic conflicts during that period. Had

23 there been any, I would have undertaken appropriate measures.

24 MR. IVETIC: Your Honours, I see we're at the 3.30 point. I have

25 about 10 to 15 more questions and will be brief in direct tomorrow.

Page 23858

1 JUDGE BONOMY: We can interrupt at this point then.

2 Mr. Bogosavljevic, we have to bring our proceedings for the day

3 to an end at this time, which means you'll have to come back tomorrow to

4 complete your evidence and that will be at 9.00 tomorrow morning in this

5 courtroom. Overnight, between now and then, it is a strict rule that you

6 have no communication with anybody at all about any aspect of evidence in

7 this case. You must confine your discussions with people to subjects

8 other than the evidence in this case.

9 Now, could you please leave the courtroom with the usher and we

10 will see you again tomorrow at 9.00.

11 THE WITNESS: [Interpretation] Thank you.

12 [The witness stands down]

13 --- Whereupon the hearing adjourned at 3.32 p.m.,

14 to be reconvened on Friday, the 7th day of

15 March, 2008, at 9.00 a.m.

16

17

18

19

20

21

22

23

24

25