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1

Monday, 23 February 2009

6

The next witness is K90. He is a protected witness, and has
next

7

to the pseudonym image and voice distortion, Your Honours.

8

JUDGE PARKER: Thank you very much.

9

The witness is about to come in, so we'll move into closed

10

session to enable that.

11

[Closed session]

12

(redacted)

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19 (redacted)

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22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

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1 (redacted)

2 [Open session]

3 THE REGISTRAR: We're in open session, Your Honours.

4 MR. NEUNER: With the assistance of the usher, could I have
the

5 pseudonym sheet distributed first to the witness.

6 Examination by Mr. Neuner:

7 Q. And, Witness, just read it and -- read it silently. Don't
read

8 it out aloud, please, and tell us whether you agree with it.

9 A. Yes.

10 MR. NEUNER: Could you please show it to the Defence as
11 well. I

12 would ask that this be tendered. The 65 ter number is 2631. And I
13 would

14 ask that it be tendered under seal, Your Honours.

15 JUDGE PARKER: It will be received under seal.

16 THE REGISTRAR: That will be P00319, under seal, Your Honours.

17 MR. NEUNER: Could we now please have 65 ter 2646 being
18 displayed

19 to the witness.

20 Q. Witness, it is correct you gave initially a statement in
21 December 2002, didn't you?

22 A. I can't remember the month, but that may be the case, yes.

23 Q. And when you came ...

[Trial Chamber and registrar confer]

24 MR. NEUNER: Maybe it is advisable to move into closed session
25 because the first page of this statement which is being displayed may

24 reveal the witness's name, Your Honour.

25 JUDGE PARKER: We have just arranged not to display the
statement

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1 beyond this courtroom.

2 MR. NEUNER: Okay. Thank you very much, Your Honours.

3 Q. When you gave this statement, Witness -- if you have a look at
4 it, it is displayed in front of you on the screen. We see the date is
5 31st of January, 2007. This is the last day of your testimony in the
6 Milutinovic case. Is it correct that you made some changes already
7 during the Milutinovic case to your statement?

8 A. Yes.

9 Q. And when you came a few days ago, you had some additional
10 changes; is that correct?

11 A. Correct.

12 Q. I want to walk you briefly through these changes, which we are
13 doing here just on the record.

14 MR. NEUNER: Could we go in English and B/C/S to page 6,
please.

15 Q. And I'm referring you to paragraph 29. You told us in the
second

16 sentence that you wanted to have the word "Brigade" changed to "within
my

17 battalion." Is this correct?

18 A. Correct.

19 MR. NEUNER: If we could go in English to page 7 and B/C/S to
20 page 8, please, and I'm referring now, if it comes, to paragraph 42,
the

21 fifth sentence. Actually, in English we need --

22 THE WITNESS: [Interpretation] I don't have that.

23 MR. NEUNER: One moment. In English we need to go to the next
24 page, please. It's page 8, then. Yes. If we could maybe focus here
in

25 English on paragraphs 42 to 43, if I could impose my goodwill on the

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1 usher. I think that's enough. Yeah.

2 Q. I'm referring to the fifth sentence here. The word which is
used

3 there is "expel" and is it correct that you told us that you wanted to
4 have the word "expel" changed to "relocate" in the fifth sentence?

5 A. Yes.

6 MR. NEUNER: And I'm now moving on to paragraph 43, the first
and

7 the third sentence, and I'm more or less referring here only to the
B/C/S

8 version because the English appear to be correct.

9 Q. You told us that you wanted to have the verb "proterivanje,"
10 which means expel in English, be replaced with the word "prelestiti"
11 which means relocate; correct?

12 A. Yes, Correct.

13 MR. NEUNER: And this would -- if we could swap in B/C/S to
the

14 next page, please, paragraph 44.

15 Q. This same change you told us would also apply to the first

16 sentence in paragraph 44.

17 MR. NEUNER: Sorry, we have only English versions now. We
would

18 need the B/C/S version here, yeah. Correct.

19 JUDGE PARKER: Mr. Djurdjic.

20 MR. DJURDJIC: [Interpretation] Thank you, Your Honour. I'm
21 following the changes that are being made now, in accordance with the
22 supplementary information that I received.

23 Under Roman numeral I, the last paragraph is 43. Mr. Neuner
now

24 moved on to 44. That's why I rose to ask what was this all about. I
25 simply don't know. There is no such paragraph under Roman numeral I
in

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1 this information. Thank you.

2 MR. NEUNER: I can clarify this very briefly. If you look, my
3 learned colleague, if you look at the fourth hyphen, it starts with
4 paragraph 43, the first and third sentences which I have just
corrected,

5 and paragraph 44, first sentence.

6 MR. DJURDJIC: [Interpretation] I do apologise, but in the
7 translation provided to me by the OTP - I don't know about the English
8 version; I'll have a look now - I do not have a paragraph 44, just
9 paragraph 43. I do apologise. Could I please just have a look. I've
10 found the English version, too, Your Honour. Roman numeral I, you
don't
11 have paragraph 44 either. Well, let's see what the witness is going
to
12 change and then -- well, let's see, rather, what he's going to state,
and
13 then we'll proceed, will we? What do you say to that?

14 JUDGE PARKER: The Chamber doesn't have these corrections at
all,
15 but what Mr. Neuner had indicated is that the same change would be
made
16 in paragraph 44 which had been made in paragraph 43, so it's the same
17 change repeated.

18 MR. NEUNER: Yeah. We have ERNed our supplementary
information

19 sheet, and I believe the ERN version has been communicated to you. I
20 have the English version in front of me, which, in the fourth hyphen,
21 contains these references to paragraph 43, first and third sentence;
and
22 paragraph 44, first sentence.

23 JUDGE PARKER: Would you move on to deal with 44, then, and
we'll

24 see if there's still a problem.

25 MR. NEUNER: Yeah. It is, as Your Honour has pointed out,
indeed

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1 the same change.

2 Q. If you look at paragraph 44, the first sentence, in B/C/S you
3 wanted to have changed the word "proterivanje" to "promestiti."

4 A. That's right.

5 Q. Yeah. In English it means basically from -- we change from
6 "expel" to "relocate." And if we could go back to your last change,

7 which is paragraph 43, the third sentence.

8 MR. NEUNER: In the B/C/S version we'd need to go back now,
9 please, one page. If you could highlight this, yes.

10 Q. The third sentence, you wanted to have the phrase "sve
primoramo"

11 replaced by "im naredimo."

12 A. Yes.

13 Q. With these changes being undertaken, can I take that the
14 statement now adequately reflects what you have stated and observed in
15 1999, in April?

16 A. Yes.

17 MR. NEUNER: Could I ask, Your Honours, with this explanation
18 given, that 02646, the statement of the witness, could be tendered
under

19 seal, and we have also prepared for public version 02652, which
contains

20 some redactions, Your Honours. Could I ask that both statements be
21 tendered.

22 JUDGE PARKER: The statements will be received with the
23 redactions in one version, and the unredacted version, under seal, for
24 the other.

25 THE REGISTRAR: The under-seal version, Your Honours, will be

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1 assigned P00320, under seal. And the redacted version will be under
2 P00321, Your Honours.

3 MR. NEUNER:

4 Q. I now would like to move on to your testimony, which has the
65
5 ter number 5118. As I mentioned earlier, it was given on three days
from
6 the 29th to the 31st of January, 2007, in the Milutinovic case. Would
7 you agree that the statements we just tendered, together with this
8 testimony, accurately reflect what you would have -- what you would
say
9 if you give your testimony orally before this Court today?

10 A. For the most part, yes.

11 Q. The testimony is the protocol, verbatim protocol. That's why
12 I

13 believe it's exactly what you have said. So I hope you agree that it
14 doesn't only reflect for the most part but that it, indeed, reflects
15 everything you said.

16 A. The interpreter said "zapitnik," and I don't understand that.
17 What was meant by that, "zapisnik"? I don't know.

18 Q. What I wanted to ask, and I'll rephrase, did the testimony
19 from

20 the Milutinovic case reflect precisely and accurately what you have
21 testified to in 2007 about the incidents in April 1999?

22 A. Yes.

23 MR. NEUNER: With this explanation given -- I see my learned
24 colleague on his feet.

25 JUDGE PARKER: Yes, Mr. Djurdjic.

MR. DJURDJIC: [Interpretation] Your Honour, I do apologise.

26 Perhaps the time is not right, but I believe it is. There is a
27 problem

1 in relation to 92 ter statements that are being admitted. What we get
2 from the OTP is a list of exhibits that will be used, or, rather,
3 exhibits that they will introduce through the witness, but they don't
4 provide us with the 92 ter statement. So now we are admitting the
5 Milutinovic transcript and the statement.

6 The Defence does not prepare in the same way if only one
7 statement is admitted or both. If the Trial Chamber believes that my
8 proposal is appropriate, could the Prosecution please mark the
statements
9 that they are going to introduce as 92 ter statements. Thank you.

10 JUDGE PARKER: I'm not sure that I fully understand the
problem.

11 Do you, Mr. Neuner?

12 I gather that Mr. Djurdjic is saying he hasn't received a copy
of
13 the statements and of the transcript of evidence which you're now
14 tendering.

15 MR. DJURDJIC: [Interpretation] I do apologise, Your
Honour. You

16 didn't quite understand me. What we get is a list of exhibits that
the

17 Prosecutor is going to use, but the Prosecutor does not mark the

18 statement that will be tendered through Rule 92 ter. It's not marked.

19 They give us four or five statements that will be used, but they don't

20 say which one is going to be tendered as a 92 ter statement, whether
it's

21 going to be one, two, three, or four statements. For example, we had
one

22 statement of Witness Nike Peraj that was a 92 ter statement, but there

23 were two or three others one there as well.

24 Thank you. I think that you have understood what I'm saying

25 right now.

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1 JUDGE PARKER: And I think Mr. Neuner now does as well.

2 MR. NEUNER: I wish to reply briefly. Because I'm aware about

3 the time, and I'm almost afraid I can't make it within one hour now
with

4 all these objections.

5 On the point, we have submitted a list and the 65 ter number,
6 which I've also read out this morning, 2646, contained the following
7 description: "Amended Rule 92 ter statement of K-6," it said in the
8 description. We also provided the dates, including the date 31st of
9 January, 2007, to this one.

10 This is a Rule 92 ter witness, Your Honour. We have notified
the
11 Court in our filings about the fact that the status of this witness is
a
12 92 ter witness, and we believe this, in itself, is self-explanatory.

13 JUDGE PARKER: The important thing for the future, Mr. Neuner,
14 and I'm sure that you and Mr. Stamp with Mr. Djurdjic and
15 Mr. Djordjevic, can get a system that is clear and simple working, but
16 the Defence seeks to be able to know which of the exhibit statements
you

17 provide is going to be the actual 92 ter statement. So if we can just
18 leave it with you and Mr. Djurdjic to be sure that in future that is
19 clear to the Defence.

20 MR. NEUNER: Okay.

21 JUDGE PARKER: And now move on with speed, Mr. Neuner.

22 MR. NEUNER: Thank you.

23 Have I asked that the testimony with the 65 ter number 5118 is
24 being tendered into evidence.

25 JUDGE PARKER: It will be received, and that will need to be

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1 under seal?

2 MR. NEUNER: Yes, please, Your Honour.

3 THE REGISTRAR: That will be P00322, under seal, Your Honours.

4 MR. NEUNER: I will briefly read out the summary.

5 "The witness, K90, is a VJ insider who was stationed in
Djakovica

6 in spring 1999. He was a military policeman in the 2nd Battalion of
the

7 549th Motorised Brigade. His unit ordered Albanian villagers from
8 villages around Djakovica to leave their homes based on his
commander's
9 order to relocate them.

10 "The witness relates that in late April 1999 the VJ secured
the

11 area around the villages of Korenica and Meje. Around 400 additional
PJP

12 policemen arrived. The witness also saw some Frenki soldiers. The

13 police entered the villages and fired randomly into houses. The
witness

14 saw burnt homes. As a result, large columns of refugees formed along
the

15 roads to Djakovica.

16 "The witness observed that policemen separated Albanian men
from

17 women and led the men to a nearby yard. He saw several groups led to
his

18 house and heard shots -- led to this house and heard shots. Once he

19 approached this yard where he was told by policemen that they were

20 slaughtering Siptars. In a small house on the yard, he saw bodies
21 covering the ground. Before leaving the police set fire to houses
within
22 the yard where Albanians had been killed.

23 "The witness also accompanied some wounded VJ soldiers and a
24 column of Albanian civilians towards Djakovica."

25 If we could briefly move to private session, Your Honours.

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1 JUDGE PARKER: Private.

2 [Private session]

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 [Open session]

21 THE REGISTRAR: We're in open session, Your Honours.

22 MR. NEUNER:

23 Q. Among the command line, to whom did Mr. Nenad Nesovic report
24 to?

24 A. In the battalion, Major Vukovic. As for the security line,

25 someone in Prizren. I don't know who.

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1 Q. And Mr. Vukovic, what was his exact position?

2 A. The commander of the 2nd Battalion of the 549th Motorised
3 Brigade.

4 Q. And Mr. Vukovic reported to whom?

5 A. To then Colonel Delic, Bozidar Delic.

6 Q. And he was holding which position?

7 A. Commander of the 549th Motorised Brigade.

8 Q. And to whom did Mr. Delic report to in 1999?

9 A. The corps commander.

10 Q. Of which corps and what is it --

11 A. The Pristina Corps. The Pristina Corps, the commander was
12 General Lazarevic.

13 MR. NEUNER: I want to now have a map, 615.04 being displayed,
14 please. And while this is being done, could we move to private
15 session

15 briefly.

16 JUDGE PARKER: Private.

17 [Private session]

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

25 (redacted)

Page 1342

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11 Page 1342 redacted. Private session.

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2 (redacted)

3 (redacted)

4 (redacted)

5 (redacted)

6 (redacted)

7 [Open session]

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

9 MR. NEUNER:

10 Q. You mention in your statement that the police arrived. When
11 roughly, that day when you were at the command post, did the police
12 arrive?

13 A. Some police were already there, but others arrived around
14 7.00.

14 I don't know exactly what time it was, but thereabouts, 7.00, 7.30.

15 Q. In the morning or in the evening?

16 A. In the morning.

17 Q. And how did these additional policemen arrive?

18 A. They arrived on buses.

19 Q. How many buses?

20 A. About ten, plus or minus. Around ten, as far as I could see.

21 Q. And how many persons were in each of these ten buses?

22 A. Well, I cannot really claim with any certainty, but about 40
of

23 them. If they also had weapons and equipment with them, it would have

24 been around 40 -- 35 to 40 men.

25 Q. Thirty-five to 40 men per bus? Could you clarify, please.

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1 A. That's correct. That's right.

2 Q. And where did you see these buses going to? Could you mark
that

3 on the map.

4 A. Well, yes. From Djakovica, headed towards Korenica, that was
one

5 group; whereas the other one was somewhere from this area, but I
couldn't

6 go any further up because I'm not sure. But it's approximately how
far

7 the buses could actually reach. Further on they couldn't go anymore.

8 Q. Could you mark on both arrows which you have just drawn a 2.

9 A. [Marks]

10 Q. In paragraph 48, the second sentence of your statement, you
talk

11 about the police, and you say, I quote, "They entered into villages
and

12 randomly fired into homes." Which villages are you referring to here?

13 A. I'm referring to Korenica primarily because that's what I did

14 see. But it's possible that the other villages were also involved,
but I

15 was speaking of Korenica specifically.

16 Q. And you're stating "they randomly fired." What do you mean by

17 "randomly"?

18 A. Well, they stopped the vehicle, and then they would fire at
the

19 house which was there. They would fire with a machine-gun. This was
not

20 a classic combat vehicle, military vehicle, but it was like a jeep, an
21 all-terrain vehicle, and they had a machine-gun mounted on it at that
22 point.

23 Q. Could you describe the colour of the vehicle?

24 A. It was the green military drab, camouflage. I can't describe
it
25 precisely.

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1 Q. And who was operating the machine-gun?

2 A. The policeman who was on the vehicle, so the policeman fired
from

3 the vehicle.

4 Q. At that moment was there any outgoing fire from Korenica
village

5 proper?

6 A. No.

7 Q. The whole morning, did you see any outgoing fire coming from

8 Korenica, being directed outside, outwards?

9 A. No.

10 Q. In paragraph 53 of your statement, you state, "Houses were
11 burning all around." Could you describe where you saw burning houses
12 that morning?

13 A. It was on the approaches to Korenica village, the first part,
the
14 area that you can see here. All the houses were burning, including
the
15 one that was right here, the first house, up to this line here, which
is
16 as far as I went.

17 Q. You have marked now at the eastern border of Korenica some
bold
18 stricken line. Could you mark below that bold line a number 3,
please.

19 A. [Marks]

20 Q. How far away from the burning houses was the command post
where

21 you were?

22 A. I cannot say with certainty, but about 120, 130 metres, maybe
23 less. If we look at the first house that was here toward the command
24 post, that house would have been around 100 metres from the command
post,
25 and the other houses were about 120 to 150 metres away.

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1 Q. After the houses burned that day, did you ever at a later
point

2 in time return to Korenica?

3 A. Yes, a few days later, five, six, maybe ten days later, I did
4 return. I don't know exactly what the date was.

5 Q. And how did the houses you saw in the village of Korenica, how

9 Q. What do you mean by "livable"?

10 A. Well, that means that they were with no roof; there were no
11 windows or doors. Everything that could be consumed in a fire was
12 consumed.

13 Q. In paragraph 63, the second sentence of your statement, you're

14 mentioning "I travelled with an ambulance," and you say, and I quote,
15 "On

16 the way I recall seeing some bodies on the side of the road near the
17 entrance of Korenica." Could you mark for us the location where you
18 saw

19 these bodies by drawing a circle.

20 A. Not on the side of the road. They were in the first house
21 that I

22 mentioned earlier, next to this fence here, in this part, at the very
23 --

24 by the very entrance or approach to the village, maybe some 50 metres
25 from the village itself. So the bodies were next to a fence there.

26 Q. Could you -- I know it's already relatively populated, the
27 map,

28 but could you try to mark it with a circle next to which you please
29 add

30 the number 4.

31 A. Well, there's a blot here, but let me try and draw it. It's

1 right here.

2 Q. And could you roughly mark a circle. Because you haven't
marked

3 a circle yet.

4 A. Well, I did mark a circle. You can see it here.

5 Q. Okay. What type of clothes wore the dead persons, the four
dead

6 persons, that day?

7 A. I can't recall the colour or what clothes they had on, but
they

8 were civilians, that's for sure. They didn't have uniforms on.

9 Q. Did you see any weapons lying next to the dead persons or in
the

10 hands of the dead persons?

11 A. No. No.

12 Q. You also talk in your statement about two soldiers which were
13 wounded and which you had to retrieve that day. Could you mark with a
14 circle, adding the letter Q to it, where these two wounded soldiers
were.

15 A. Well, as there's a big blot here, I'll try to draw it. It
should

16 be on this thick line here, but I will mark it here, and it's
17 approximately right there.

18 MR. NEUNER: Just for the explanation, because it's getting

19 fuller and fuller, the witness has, below the road leading from
Djakovica

20 to Korenica, below the arrow which he has indicated with number 2,
marked

21 another circle and added below that circle the letter Q.

22 Q. With regard to paragraph 52 of your statement, you state that
500

23 displaced Albanian people from Korenica were proceeding in a column.

24 Could you indicate by drawing an arrow in which direction the column
of

25 people from Korenica was moving.

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1 A. I didn't say that there were 500 people in one column. I said

2 they were in several groups of 10, 20, or 30 people, and this was on

3 several occasions. So they weren't all coming at once, together. And
4 here, where I drew this house, well, let me draw this line here, so it
5 was there. And also from this other side.

6 Q. Can you -- can you, taking the arrow coming from Korenica, can
7 you, at the beginning of the line leading to the arrow, mark the
8 letter B, please, because there is some space left. The map is
getting
9 fuller.

10 A. [Marks]

11 Q. Thank you. And this second arrow, I will just describe for
the
12 record. You have marked a line coming from Orize, hitting the main
road
13 from Korenica towards Djakovica. Is that accurate?

14 A. That's correct.

15 Q. Could you, maybe in the vicinity of the word "Orize" mark a C
16 next to that line, if it's possible.

17 A. Orize.

18 MR. NEUNER: Actually, maybe could I impose the goodwill of
the

19 usher, I wanted to make it 1:1, as the witness had marked it in his
20 statement, but the letter C is so far away now. The map is too full.
21 Could I ask the usher to remove the C, because it's too far away.

22 It's not possible?

23 Q. Okay, If it's not possible, could you from the letter C draw
an
24 arrow towards the direction in which the column was moving.

25 JUDGE PARKER: Mr. Djurdjic.

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1 MR. DJURDJIC: [Interpretation] Your Honour, I did not want to
2 intervene earlier, regardless of what these markings looked like. The
3 witness wrote and marked what he said, and he marked it, and I think
that
4 there is no reason to delete it, although the Prosecutor considers it
5 necessary. Thank you.

6 JUDGE PARKER: The C is remaining and something further is
being

7 marked, as I understand it.

8 MR. NEUNER:

9 Q. If it is possible, could you -- could you just explain what
you

10 mean by C. What -- you were talking about two columns. The column of
11 Korenica we had. What did you want to indicate what you meant by the
12 letter C? Could you just explain for the record.

13 A. C is the Orize village. That's where the column was moving
from

14 the crossing in Orize towards the main road that was leading to
Korenice

15 and Junik.

16 Q. Okay. Then in paragraph 54 and 55 of your statement, you

17 mentioned that there were 30 policemen at the crossroad A who
separated

18 men from women and took them to the yard. Could you, first of all,

19 indicate where you believe the crossroad A was?

20 JUDGE PARKER: Mr. Neuner, we have now got a map marked with
so

21 many things that it's going to be extremely difficult to make sense of
22 it. If you want other positions marked, I think you need to start
afresh
23 on a new map.

24 MR. NEUNER: I would ask that the map is then being tendered
25 right now, Your Honours.

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1 JUDGE PARKER: It will be received.

2 THE REGISTRAR: That will be P00323, Your Honours.

3 MR. DJURDJIC: [Interpretation] Your Honour, I just want to
make

4 sure we don't get into a problem. My colleague Neuner began
describing

5 some letters referring to a map that is not this map but the map
attached

6 to the statement, and we had no opportunity to see that exhibit. And

7 also the witness did not reply to that question because of Your
Honour's

8 intervention, and I just wanted to point out that if he were to answer

9 the question relating to paragraphs 54 and 55, then we should see the
map

10 where those letters are marked, and I think this is in statement 4626
11 that was adopted or, rather, tendered as a 65 ter document.

12 JUDGE PARKER: Thank you for that, Mr. Djurdjic, but what I
13 believe Mr. Neuner is about to do is to start with a clean map and
have

14 the position of those policemen at crossroad A marked on the new map,
so

15 I think that that should make it clear.

16 MR. NEUNER: Could I just ask that after -- this map is
obviously

17 being tendered now, that we have the same map and the same enlargement
18 again, please. It could even be a much broader enlargement. Just --
we

19 don't need Djakovica, no. I think that's perfectly suitable.

20 Q. Could you mark again with a circle the location of the VJ
command

21 post and add a "VJ" to the circle.

22 A. [Marks]

23 Q. Thank you.

24 Could you now mark the crossroad where you saw 30 policemen by
25 drawing a circle around the crossroad and adding a letter A south of
it.

Page 1351

1 A. [Marks]

2 Q. Could you mark a letter A below the circle.

3 A. [Marks]

4 Q. Thank you.

5 And could you now mark with the letter E, for Emil, where you
6 believe the yard was to which the policemen took the separated men.

7 A. [Marks]

8 MR. NEUNER: The witness, for the record, has marked east of
the

9 crossroad a circle with a letter E on top of it. The letter E is not
10 very legible.

11 Q. How many groups did you see being taken there at the end of
April

12 that day, 1999?

13 A. And it wasn't that far.

14 Q. Okay. But could you answer my question: How many groups did
you

15 see being led to this yard, which was not far away from the crossroad,
at

16 the end of April 1999?

17 A. If we bear in mind that I was there three or four times, that
18 means that this one group that came -- that arrived the latest, I
can't

19 tell you exactly how many men there were. But as they came, they
would

20 release some men, and some they would bring in. And what I could see
was

21 that they had brought at least three to four groups there. Well, some
22 were going in one direction; others in another. In any case I wasn't
23 really watching this because that wasn't my job. But there were

24 certainly three to four **groups, including the last group of which I'm**

4 general commotion there at the crossroads, so I can't really tell you
how

5 many people were there, how many men. But I'm sure, and I'm certain
for

6 this last group, because I ran across -- I came across them as I was

7 returning, there were about eight to ten men in the group.

8 JUDGE PARKER: Mr. Djurdjic.

9 MR. DJURDJIC: [Interpretation] Your Honour, the witness said

10 "three to four groups," that's what I saw, and then my learned
colleague

11 Neuner says, "So you saw at least three to four groups." I think
that's

12 inappropriate. If we heard the witness's answer, we should just move
on,

13 and I don't think anything can be accomplished by this kind of
wording.

14 JUDGE PARKER: I think it was an attempt by Mr. Neuner to
reflect

15 language which had been used earlier, which was "certainly three to
four

16 groups," and earlier than that it had been "at least three to four

17 groups." They were the words of the witness, and that appears at line
2

18 of page 22, so I don't think we can be at all critical of that,

19 Mr. Djurdjic.

20 Yes, Mr. Neuner.

21 MR. NEUNER: But I will just clarify the point raised by my
22 learned colleague.

23 Q. Witness, how many groups do you, today, remember having seen
24 being led to that house?

25 A. At least four. So if I went there on three occasions and one

Page 1353

1 group that I met on the way, so that's four groups, so at least four.

2 Q. You say you went there on three occasions. What do you mean?

3 Where did you go on three occasions?

4 A. The crossroads. I meant being at the crossroads, going from
the

5 command post to the crossroads that was marked with the letter A.

6 Q. And whom did you see at the crossroads from the Serbian side?

7 What persons from the Serbian side did you see at this crossroad?

8 A. I do not understand your questions, but if you mean policemen,
9 yes, I did see policemen at the crossroads. I don't know what you
mean

10 by "the Serbian side."

11 Q. I meant policemen, but I didn't want to lead you.

12 MR. NEUNER: I want to now move into private session for a
13 moment.

14 JUDGE PARKER: Private.

15 [Private session]

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

24 (redacted)

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Page 1354

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11 Page 1354 redacted. Private session.

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Page 1355

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 [Open session]

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

24 [Trial Chamber and registrar confer]

25 THE REGISTRAR: That will be P00324, Your Honours.

Page 1356

1 MR. NEUNER: Could we now have Exhibit -- 65 ter number 1326
on

2 our screens, please.

3 Q. I want you now to give us some description about the policemen
4 which you saw in and around Korenica and at the yard. We have here a
5 photo-board containing several uniforms for you. Could you please by
6 looking at this, and you see the numbers here, tell the Court which
type

7 of uniform wore the policemen that arrived in the ten buses that
morning?

8 JUDGE PARKER: There's a first question before that one,

9 Mr. Neuner, whether the policemen who arrived that morning in the
buses

10 were wearing any of the types of uniforms shown on this photo-board.

11 MR. NEUNER: Okay, yeah. I will proceed as suggested.

12 Q. Could you, first of all, tell me whether the policemen were

13 wearing any type of uniform, who arrived -- the policemen who arrived

14 this morning.

15 JUDGE PARKER: Mr. Djurdjic.

16 MR. DJURDJIC: [Interpretation] Your Honour, I think that it
would

17 be proper for the witness to first describe the uniforms and then to
have

18 the uniforms displayed so that he could then indicate which ones he

19 recognises. That would be the right procedure to follow, if something
is

20 to be recognised. Thank you.

21 THE WITNESS: [Interpretation] May I answer?

22 JUDGE PARKER: That would be a correct procedure, Mr.
Djurdjic,

23 but the one I've suggested, I think, will suffice in the
circumstances.

24 The question, though, to be asked is whether the uniforms depicted on
25 this board, whether any one of those was the type being worn that day.

Page 1357

1 MR. NEUNER:

2 Q. Could I go now step by step? Did you see any of the policemen
3 wearing uniforms that morning? And I'm talking to the policemen in
the
4 bus?

5 A. Yes.

6 Q. Could you describe what you saw, what colour of the uniform
they
7 had.

8 A. Yes, classical blue uniform with vests, combat vests, on which
it

9 said "PJP," special police unit. That was on the back. Well, you
can't

10 really see it here.

11 Q. I would now, just for -- to get the first questions in, move
on

12 to the policemen which you saw three or four times at the crossroads.

13 You marked the crossroad as A on the map. Did you see these policemen

14 wearing any uniform, and how would you describe it?

15 A. Yes, just like a minute ago, but it is these under number 6
that

16 are the closest to the type of uniform that those people wore.

17 Q. I don't want you to touch for the time being the photo-
board. I

18 want to now move on to the main policemen to whom you spoke in the
yard

19 of the house you marked as E, for Emil. Did this man wear a uniform,
or

20 didn't he? And how would you describe it?

21 A. Yes. Yes, like the previous ones. Classical police uniform
with

22 a combat vest.

23 Q. Okay. Could you now look at the photo-board in front of you,

24 and, as far as I understood you, you had summarised that they all
looked

25 similar, meaning the policemen in the bus, at the crossroad, A, and in

Page 1358

1 the yard, E --

2 MR. NEUNER: I can withdraw that if my learned colleague has

...

3 JUDGE PARKER: Mr. Djurdjic.

4 MR. DJURDJIC: [Interpretation] If my colleague is withdrawing
his

5 question, then there's no reason for me to object.

6 MR. NEUNER: I with --

7 JUDGE PARKER: Thank you.

8 MR. NEUNER: I withdraw it.

9 Q. Witness, I start afresh.

10 Could you, looking at this photo-board, please tell us which
of

11 the uniform types, if any, resemble the closest the policemen who
arrived

12 in the buses that morning?

13 JUDGE PARKER: Yes, Mr. Djurdjic.

14 MR. DJURDJIC: [Interpretation] Your Honour, perhaps I'm a bit
of

15 a bore, but now my learned friend, the Prosecutor, is trying to gear
the

16 witness's clear answers in the direction that he wants them to be
geared

17 towards. The witness said three times what kind of uniforms the

18 policemen wore, and now my colleague is trying to deal with the
policemen

19 one by one, yet again, to ask what kind of uniforms they wore. I
don't

20 think that's right. Thank you.

21 JUDGE PARKER: Mr. Neuner.

22 MR. NEUNER: I have now followed, I believe, a proper
procedure,

23 as suggested, and I have asked some founding questions relating to
this

24 photo-board, and I'm now trying to finally move towards the photo-
board

25 itself.

Page 1359

1 On this photo-board there are ten different uniforms
depicted. I

2 believe I'm now authorised to ask the witness to pick, if he can, one
or

3 several of the pictures which resemble the persons I'm talking about.

4 [Trial Chamber confers]

5 JUDGE PARKER: Continue, please, Mr. Neuner.

6 MR. NEUNER: Thank you, Your Honours.

7 Q. Now, my question was: The policemen who arrived that morning
in

8 buses, if you look at the photo-board in front of you, which one of
the

9 pictures, if any, resembles the closest the uniforms worn by the

10 policemen in the bus?

11 A. The one on the photograph that is marked number 6.

12 Q. If I now move on to the about 30 policemen who were stationed
13 that day at the crossroad you marked as letter A on the map a minute
ago,

14 which one of the ten pictures, if any, resembled the closest the
uniform

15 worn by these 30 policemen?

16 A. Photograph number 6.

17 Q. If I then move on to the policemen you spoke to in the yard of
18 the house you marked as letter E on the previous map, which one of the
19 ten uniforms, if any, resembled the closest the uniforms worn by these
20 policemen?

21 A. Photograph number 6.

22 Q. And the other nine policemen you also saw in the yard of the
23 house marked as E, how would you describe this uniform, if you look at
24 the pictures here in front of you.

25 A. Again, photograph number 6.

Page 1360

1 MR. NEUNER: I would ask that the picture is being tendered,
2 Your Honour, the photo-board.

3 JUDGE PARKER: The photo-board will be received.

4 THE REGISTRAR: That will be P00325, Your Honours.

5 MR. NEUNER:

6 Q. And could I ask you what weapons the 30 policemen wore at the
7 crossroad A, when you passed by that day?

8 A. Automatic rifles that regular police officers have.

9 Q. And the weapons worn by the policemen in the yard you
described

10 with the letter E on your map.

11 A. Again, the same.

12 Q. Would you be in a position to pick the type of weapon out of a
13 photo-board, if I show you one, a photo-board of weapons?

14 A. Yes.

15 MR. NEUNER: If I could ask that the 65 ter number 1323 is
being

16 shown to this witness. It has two pages. We would go for the first

17 page, and after a few seconds I would ask that it be -- the page is
being

18 flipped. I'm sorry, it was 1324. If we could, now that we have had a

19 few seconds, move to the second page. Yes, please.

20 THE WITNESS: [Interpretation] Photograph number 1. I beg your

21 pardon, weapon number 1.

22 MR. NEUNER:

23 Q. So we are now on the second page with the ERN number K0218271,

24 and you believe that the policemen at the crossroad and in the yard
wore

25 weapon number 1, is it?

Page 1361

1 A. Yes.

2 Q. What type of weapon, if you can recall, is this?

3 A. Automatic rifle. M-84 -- no, no, wait a minute. I can't

4 remember now. I've forgotten. I know, but at this moment I've
forgotten

5 totally, because I had one just like it.

6 Q. So you, being a member of the VJ, you also had a similar
7 weapon;

7 yeah?

8 A. I'm saying the same.

9 MR. NEUNER: Could I ask that this exhibit is being tendered,
10 Your Honours.

11 JUDGE PARKER: It will be received.

12 THE REGISTRAR: That will be P00326, Your Honours.

13 MR. NEUNER:

14 Q. Did you observe any insignia worn by the policemen at the
15 crossroads or at -- in the yard?

16 A. Well, it's just what they have on their sleeves and what it
17 says

17 on the combat vests, if that's what you meant. Yes.

18 Q. Could you describe what was on this insignia depicted?

19 A. Well, "Police" on the sleeve and then on the combat vest where

20 the ammunition clips in the back, where that little bag is, up there
it

21 says "Posebne jedinice," or something like that. At any rate, there
is

22 big white letters, Cyrillic letters.

23 Q. And what colour?

24 A. Green. Green. The vests are green, and the uniforms are
blue.

25 Q. And the insignia, what colour?

Page 1362

1 A. The insignia are white on the sleeve and on the back of the
vest.

2 MR. NEUNER: Could we have a look at Exhibit 1323, please, 65
ter

3 number 1323.

4 JUDGE PARKER: Mr. Djurdjic.

5 MR. DJURDJIC: [Interpretation] I do beg your pardon, Your
Honour,

6 but again we have a problem. What is being displayed is something
that

7 is supposed to be recognised, and beforehand it has not been
described,

8 especially when we have this kind of exhibit in front of us where it
is

9 actually written what is what. I mean, if something is being
described,

10 then it should be described first and only then the witness can
recognise

11 what it is that he is supposed to recognise. I believe that that
would

12 be the only right course to take.

13 JUDGE PARKER: As I have understood it, there has been a
14 description. Whether that description is reflected in any of these
15 pictures is another question.

16 Carry on, please, Mr. Neuner.

17 MR. NEUNER:

18 Q. Could you indicate, among the 13 insignia here in front of
you,

19 which one of these 13 closely resembles, if any, closely resembles the

20 insignia you saw that day at the policemen at the crossroad A?

21 A. Seven. Seven. The rest is mostly military, as far as I could
22 see.

23 Q. Could I also ask you, within the yard, which of the insignia
worn

24 most closely resembled --

25 MR. NEUNER: We need to have the insignia back, please.

Page 1363

1 Q. -- the insignia worn by the policemen in the yard?

2 A. Again, number 7.

3 Q. Thank you. You are familiar with the other insignia. Could
you

4 explain for us if you know any other insignia here?

5 MR. NEUNER: We need, please, both.

6 THE WITNESS: [Interpretation] For the most part, those that
are

7 for the army. As for the others, well, I don't know. The military
ones,

8 for the most part.

9 MR. NEUNER:

10 Q. Which one do you recognise?

11 A. Photograph number 3, photograph number 1, photograph number 4,
12 the one that I had, too. I don't know about the others. Well, number
7,

13 as I've already said. As for the others, well, these are some --

14 MR. NEUNER: Can we have the first --

15 THE INTERPRETER: Microphone, please.

16 MR. NEUNER:

17 Q. Can you explain to us which unit wore insignia number 1,
please?

18 A. Oh, sorry. Of course you can see it written here, the
19 63rd Airborne. You can see it written there. The question is from
what

20 time this is.

21 Q. Do you know from which time it is?

22 A. No, no. Well, maybe I could remember, but it's still a

23 question -- well, all of it is -- I don't know, I don't know. I can't

24 remember.

25 Q. Could you explain to us what number 4, insignia number 4, is?

Page 1364

1 A. Military police insignia. I don't know if it's still the
same.

2 It was changed before that and after that every year, so now I really
3 don't know which ones -- well, I mean at that moment it was this one,
but

4 now I really don't know.

5 Q. "At that moment," which year are you referring to?

6 A. The war years. Well, that would be around, say, from the
1990s

7 up to 1999, 2000. It changed a lot. While I worked for the military,
at

8 least two or three insignia were changed. I can't even remember now.

9 Q. But in 1999, you, yourself, had insignia number 4?

10 A. Number 4, that's right. Yes, it's on the photograph there,
the

11 one that I gave you.

12 MR. NEUNER: I would seek this exhibit to be tendered,

13 Your Honours.

14 JUDGE PARKER: It will be received.

15 THE REGISTRAR: That will be P00326, Your Honours.

16 MR. NEUNER:

17 Q. You mention in paragraph 66 of your statement that the
policemen

18 withdrew an hour before the VJ troops. Could you explain how the
police

19 withdrew that day?

20 A. Got onto the buses and left.

21 Q. So how many buses did you see? Where did the buses pick them
up,

22 and where did they -- in which direction did the buses go?

23 A. Well, the same place that they had come from but in the
opposite

24 direction; the same number of buses, what I said, around ten, well,
give

25 or take one or two.

1 Q. And in which direction did the buses leave?

2 A. Some were going from Korenica towards Djakovica. Others
passed

3 by that crossroad where they collected those 30 or so. They also took
4 the road towards Djakovica. I don't know about after that, but they
took

5 the road leading to Djakovica.

6 Q. And what -- in what condition was the compound, you marked as
E

7 for Emil a moment ago, when the police left?

8 A. Well, they burnt the house, the little house there. The main
9 house in the yard was not set on fire. Only the little one that was
in

10 the yard. Actually, there was yet another one there, but it wasn't

11 really a little house. It was something like made of wood, but that
was

12 not torched.

13 Q. Did you at any point in time return towards the house -- I'll

14 stop. I withdraw that. When did you, yourself, leave?

15 A. Around 4.00 in the afternoon. Between 3.30 and 4.00, 4.30, it
16 would be that period of time, sort of.

17 Q. And did somebody leave with you, or you left everybody behind
at
18 the command post?

19 A. No. We all withdrew, at that point in time, that is, all of
us.

20 Q. And the house was still burning at this point in time?

21 A. Yes.

22 Q. Did you at any point in time return to that house?

23 A. Yes, the following day.

24 Q. And what did you observe?

25 A. Just the foundations, the other layer there, and nothing else.

Page 1366

1 Nothing else was there.

2 Q. Did you see any traces of bodies which you had seen lying in
the

3 small house?

4 A. No, nothing, absolutely.

5 Q. Did you see any ashes or any burned traces?

6 A. Nothing, absolutely nothing. Absolutely nothing, that is to
say,

7 absolutely nothing.

8 Q. Were there any troops in the area when you returned?

9 A. No.

10 MR. NEUNER: I note the time. I would just have one more map
11 which I hope to squeeze in. If we could have Exhibit 615.4, that's
the
12 map, being displayed again.

13 Q. And I just want you to mark one area.

14 You mentioned in your statement, in paragraph 44, that your
unit

15 was involved in the relocation of nine to ten villages and hamlets.

16 Could you explain to us - we don't need to have it enlarged - could
you

17 explain to us, where were these nine to ten hamlets and villages
located?

18 A. I said nine to ten hamlets, not villages. One of the villages
is

19 Zub; here it is. The other village is Brekovac, part of Brekovac,
20 rather, and the hamlets around there. Not villages, not nine or ten
21 villages, no. Do we understand each other now?

22 Q. We perfectly do. Could you roughly mark by drawing a broader
23 arrow the area where these hamlets were located, nine to ten hamlets?

24 A. Well, everywhere around here, sort of here, and then this
part,

25 and then here by the cemetery here, and here by the river.

Page 1367

1 MR. NEUNER: So the witness has marked some six, seven,
circles

2 where he believed that the villages -- or hamlets were.

3 THE WITNESS: [Interpretation] Three, four, five, six, seven,
4 eight.

5 MR. NEUNER: Yes, which were relocated.

6 Q. Could you tell me which time period the relocation was taking
7 place?

8 A. Well, I don't know. From the beginning of April onwards. I
9 can't remember exactly what the time was because, well -- in that
period,

10 I mean.

11 Q. In which year?

12 A. 1999.

13 MR. NEUNER: I would seek this -- to tender this map,
14 Your Honours, and at this point in time the Prosecution has no further
15 questions.

16 [Trial Chamber confers]

17 JUDGE PARKER: This will be received, and it should be 328.

18 THE REGISTRAR: Indeed, Your Honours.

19 JUDGE PARKER: Could we mention that at page 34, line 19, the
20 previous exhibit, I think, is incorrectly noted as P326. It should be
21 P327.

22 Mr. Neuner, that was an improvement over previous
performances,

23 but still not within time, so there is room for continued improvement.

24 MR. NEUNER: I got a couple of objections, Your Honour, which
25 needed time.

Page 1368

1 JUDGE PARKER: We are aware of that so we let you run on a
2 little, yes.

3 We now need to take the second break, and we'll resume at
12.30.

4 --- Recess taken at 12.01 p.m.

5 [The witness stands down]

6 --- On resuming at 12.33 p.m.

7 [Closed session]

8 (redacted)

9 (redacted)

10 [Open session]

11 THE REGISTRAR: We're in open session, Your Honours.

12 JUDGE PARKER: Thank you.

13 Mr. Djurdjic, you have some cross-examination?

14 MR. DJURDJIC: [Interpretation] Thank you, Your Honours.

15 Cross-examination by Mr. Djurdjic:

16 Q. [Interpretation] Mr. Witness, my name is Veljko Djurdjic, and
I'm

17 a member of the Defence team of the accused Vlastimir Djordjevic, and

18 Jelena Dzambazovic a member of the team is also with me, whereas

19 Mr. Djordjevic Dragoljub is absent, and his absence is excused.

20 Before we begin, since we are speaking the same language, in

21 order to be efficient, I would urge you to pay attention to the
questions

22 that I put to you, wait for me to finish, and then provide an answer
so

23 that the interpreters have an opportunity to interpret it in due time.

24 Mr. Witness, may I address you in this fashion?

25 I would like to start by asking you about your evidence today.

1 You have made many statements, and there were many problems with all
2 those statements, but right now at the outset I would like to put a
few
3 questions to you, and please tell me why this is so:

4 First of all, can you -- do you have a recollection of the
events

5 that you are testifying about? Is your recollection better now or at
the
6 time when you made your statements in December 2002?

7 A. Well, the changes to my statements had to do with the wording,
8 mainly. Generally speaking, the events that I testified about --

9 Q. Please, listen to my question. I'm just asking you, is your
10 memory better today, as you are testifying, or in 2002 when you made
the
11 statement?

12 A. My memory and my recollection of the events is the same, both
now
13 and then.

14 Q. All right. Now let me ask you something else. You mentioned

15 several things today that you have not mentioned before, not in the
16 statements that you made to the Prosecutor on the 8th and -- 7th and
17 8th
18 of February, and I will point out those differences, and you tell me
19 why
20 these omissions.

21 The first thing that you mentioned for the first time in your
22 supplemental sheet of 19 February 2009, **was this vehicle with a mounted**

23 The second thing you mentioned for the first time is that you
24 went back to Korenice five or six days later and then you saw what you
25 saw in the village. And then toward the end of your evidence today,
you

Page 1370

1 said that you were also in Korenice the next day, the following day,
and

2 that's when you saw what you saw.

3 So how do you explain this, the first mention of these things
4 in -- on the 18th and 19th of February, 2009, and not having mentioned
5 that before?

6 A. Well, let me begin with the first thing. The house we are
7 talking about --

8 MR. NEUNER: I'm sorry, can I just interrupt before the
witness

9 is answering. I believe that this witness has not stated he went back
to

10 Korenica the next days. If I remember correctly, he stated in his
11 evidence he went back a couple of days, about a week later, to
Korenica.

12 JUDGE PARKER: That is not my recollection, Mr. Neuner. I
think

13 Mr. Djurdjic is quoting the evidence correctly. Thank you.

14 Carry on, please, Mr. Djurdjic. The witness was in the
process

15 of answering.

16 THE WITNESS: [Interpretation] May I?

17 JUDGE PARKER: Yes, please.

18 THE WITNESS: [Interpretation] So I'll start with the last
19 question.

20 The house that I mentioned -- that I marked on the map.

21 MR. DJURDJIC: [Interpretation]

22 Q. Mr. Witness, please just answer my questions. There is no
need

23 for you to repeat your evidence. I quoted your words. You said for
the

24 first time the things that you mentioned in the -- to the Prosecutor
on

25 the 18th and 19th, 2009. How come you said these things for the first

Page 1371

1 time now, without -- failing to mention them in 2002?

2 A. Probably no one asked me about these things.

3 Q. All right.

4 MR. DJURDJIC: [Interpretation] Your Honour, I take notes
during

5 the evidence in chief, and I put questions based on those notes, and I

6 can only make an error by omission. I'm just saying this for the
benefit

7 of my learned colleague Neuner.

8 (redacted)

9 A. You mentioned my name.

10 Q. I apologise.

11 [Trial Chamber confers]

12 JUDGE PARKER: Carry on, Mr. Djurdjic.

13 MR. DJURDJIC: [Interpretation] I apologise, Your Honours.

14 Q. Mr. Witness, speaking of the supplemental information sheet of
15 18th or 19th February, 2009, tell me, please, have you read in the
16 Serbian language the statement that was compiled and that is part of
17 the
18 evidence that was entered into evidence?

18 A. When do you mean have I read it?

19 Q. Well, on the 18th and 19th of February.

20 A. Yes, I read it.

21 Q. All right. Let's move on. You state that you were born on
22 the

22 date as stated. Just tell me, please, your mother and father, did you

23 live in the same household?

24 A. As of 1983 -- as of 1983, no, but we still have a joint
25 household. I still have a joint household with my brothers, but we
all

Page 1372

1 live in different areas. My brother lives in one town, my other
brother

2 in another, and I live in a third place, so that's about it.

3 Q. Could you tell me what schools you completed?

4 A. High school.

5 Q. Where and when?

6 A. In 1978, 1979, in Lebane.

7 Q. Could you tell me, did you serve in the army immediately after
8 your high school, or did you get a job?

9 A. Well, first I went to do my compulsory military service. Yes,
10 that was first.

11 Q. Could you tell me, sir, when and where did you complete your
12 military service, and what is your military specialty?

13 A. I was in Lebane. In 1981, I finished, I completed my military

14 service. I was serving on the border at the time. My military
specialty

15 at the time was 11-107. And when I was employed in the army, I was in
16 the military police, and my military specialty was VES-101, or 11-101,
I

17 think.

18 JUDGE PARKER: Mr. Djurdjic, we are getting a lot of
potentially

19 identifiable material. If you're pursuing this line, we should move
into

20 private session. The witness is protected and no identifying material
21 should be in the public record.

22 MR. DJURDJIC: [Interpretation] Your Honour, I understood, but
I

23 thought that these were general questions that cannot identify the

24 witness because every man who -- every healthy man of military age
serves

25 in the army. But I will be careful, and I will address Your Honours
with

1 a special request for a closed session if there are some details that
are

2 going to be revealed by the witness that could identify him.

3 Q. Now, Witness, please, you answered my question, but just tell
me

4 this: When you returned from the army, where were you -- where were
your

5 military records?

6 A. In Lebane.

7 Q. Thank you.

8 A. My military records are still in Lebane.

9 Q. Thank you.

10 In order to avoid mentioning details, I would like to ask you

11 this --

12 MR. DJURDJIC: [Interpretation] Your Honour, could we please
move

13 into closed session, just for this basic general information.

14 JUDGE PARKER: Private.

15

[Private session]

16 (redacted)

17 (redacted)

18 (redacted)

19 (redacted)

20 (redacted)

21 (redacted)

22 (redacted)

23 (redacted)

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Page 1374

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11 Pages 1374-1383 redacted. Private session.

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Page 1384

1 (redacted)

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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're in open session, Your Honours.

25 MR. DJURDJIC: [Interpretation] Thank you.

Page 1385

1 Q. Witness, do you know that NATO aircraft were guided in the

2 following way: On the Albania **side of the border, there would be fires;**

16 about it. There wasn't any direct combat.

17 Q. Thank you. Do you remember that there were incursions from
the

18 territory of the Republic of Albania **into our territory and that there**

23 remember now. Was it Planeja? I think that that would be right. I

24 don't think that I've made a mistake.

25 Q. Thank you. Tell me, did you have occasion to see tanks of the

Page 1386

1 Republic of Albania **and their participation in these incidents?**

3 they were. I don't know whose tanks they were, but I did see tanks

4 several times. And they consciously came to the border in order to

5 provoke a possible answer on the part of our army. I saw them

6 personally. At that time I was escorting Major Vukovic. I went to
the

7 border very often and practically on a regular basis I saw them there,

8 moving in the territory of Albania, **I mean towards the border, towards**

16 side there at all. There could be strikes that would come from NATO.

17 There might be a ground invasion. I mean, if there were to be initial

18 combat, well, I don't think that with that many people you could stop

a

19 land force that would be on the move with lots of equipment. But
perhaps

20 in terms of initial fighting, well, yes. I mean, have I clarified
this

21 now?

22 Q. Thank you, Witness. Now that you've mentioned Pastrok, I
would

23 like to ask you whether perhaps you were in Kosur?

24 A. Yes, I was, one day and one night.

25 Q. May I conclude that that was also with the 2nd Motorised --

Page 1387

1 A. Yes, yes.

2 Q. Thank you.

3 Tell me, am I right, and do you remember, that at the Cafa
Pruse

4 boarder crossing, sometime towards the end of March, there were quite
a

5 few civilians of Albanian ethnicity? And do you remember that your

6 commander went there, that part of the territory was de-mined so that

7 they could pass through that area? They insisted that they should
cross

8 over, and you helped them cross safely?

9 A. Would you give me a minute so I can explain how this went. A
10 group of Albanians that was coming from the direction of Suva Reka and
11 from areas around Djakovica, I simply don't know on whose orders, but
I

12 claim that none of us said that to them, they set out
for Albania. And

13 then there was this very unpleasant situation. There's aircraft that
14 keep bombing all the time. On the other side there are minefields,
and
15 they had almost entered the minefields.

16 The commander asked these people, I was there, to stay on --

17 JUDGE PARKER: Thank you. Please slow down.

18 THE WITNESS: [Interpretation] Oh, I really am sorry. I do
really

19 do apologise.

20 The commander asked these people to stay there. We gave them

21 food and water until these minefields were removed. All these people
who
22 came from the interior of Kosovo, from any side, and who had passed
part
23 of the territory that was under the control of the 2nd Battalion of
our
24 unit, had water, food. We gave them everything that we could at that
25 moment. Now, whether they asked for that or not, I mean, that didn't

Page 1388

1 really matter. There were always people who gave them food and water.

2 I want to say that in Djakovica there was this kiosk where
there

3 were --

4 MR. DJURDJIC: [Interpretation]

5 Q. Thank you. Thank you. You have answered my question. Thank
6 you.

7 Witness, am I right that if I say that at the time when you
came

8 to Djakovica and to the border area, that due to NATO bombing the
locals

9 from Deva, Guska, Babaj Boks, Lepovac, Grcin, Rogovo, Kusnin, and
10 Damjanin, left their villages and went to Djakovica and Prizren?

11 A. Sir, when I arrived there and when I first went to that side,
I

12 mean facing the Deva border post, these people had already left. I
did

13 not see them. They had probably left while I was still in Zub, while
our

14 command most was still in Zub. They had probably left earlier on.

15 Q. Thank you. Am I correct in saying that the reasons why these
16 Albanian civilians left their villages in the border areas were the
fear

17 of bombing, the fear of expected fighting between the KLA and the
18 Yugoslav Army, and fear of the KLA itself?

19 A. It is quite possible that you are right. For those people
that

20 we helped -- that I know of who were transferred, as a soldier, as a

21 regular soldier --

22 Q. Please just answer whether I'm right or not. Just say yes or
no

23 so that we can move on, because, you know, our time here is
limited. We

24 cannot just chat here.

25 A. Well, it is very difficult to answer with a yes or no. If I
say

Page 1389

1 yes, then my answer is incomplete, and if I say no, my answer is again
2 incomplete.

3 Q. Well, if you can answer with yes, then others will continue on
4 with questions and ask you about it.

5 A. Yeah, but that's not the same thing.

6 Q. All right.

7 A. Well, there is that possibility.

8 Q. Mr. Witness, do you know that NATO aircraft fired on civilians
in

9 Gato [phoen], Meja, and the refugee centre on the Meje-Djakovica-Junik

10 road.

11 A. Not in Meje, I'm sure of that. As for the other places, I
don't

12 know. In Bistrazin, yes. In Meje, no.

13 Q. Thank you.

14 Are you aware that villagers from the bordering villages, on
the

15 borders with the Republic of Albania, in the villages of Vlahan, Dogra,

17 border with Serbia?

7 exactly how it went, but they had weapons, and they took care of the
8 civilians. But to make a long story short, they were there together
with

9 the civilians.

10 Q. Did you understand my question? I was asking you: Did
Albanian

11 civilians remain in -- at your command post throughout the war, there

12 together with you?

13 A. Yes, but not only Albanian civilians, sir. There were also
Serbs

14 from Prekovac and other villages who also withdrew to this area. Not

15 only Serbs but also Roma people, they all came there to be with us.

16 Q. Thank you.

17 Do you know whether your commander established a platoon for
the

18 protection of civilians? Please, if you do know, just don't mention
any

19 names.

20 A. If what you mean by that is a description of the houses where

21 people stayed and lived, maybe that's it.

22 Q. No. Listen to my question. Do you know whether your
commander

23 had established a platoon for civilian protection?

24 A. No, I don't know. Maybe.

25 Q. Thank you.

Page 1391

1 Do you know that in early April, during the transfer of the

2 command post to the Prekovac village, you found an old man who was

3 bed-ridden of Albanian ethnicity and that you called an ambulance to
4 transfer him to a hospital?

5 A. I participated in this -- in this operation.

6 Q. Thank you. Now I would have a new set of questions, and they
7 have to do with your statements to the Prosecutor.

8 Tell me, please, how did you get in touch with the
Prosecution?

9 A. It was very difficult. I actually reported to them. I was
10 really sorry that we withdrew from Kosovo, and then I contacted the
11 Prosecution because I wanted the whole thing to be clarified with the
12 late President Milosevic.

13 Q. Thank you. Now let's just clarify one thing. While you were
14 being proofed for today's evidence, were you shown any documents?

15 A. Only my statement, if you mean that by "documents."

16 Q. Other than that, any other documents, any maps or sketches?

17 A. No, no. Maybe the sketch that I made, that I drew when I was
18 here last, 1997, maybe. I don't know, maybe there was an error in
that

19 sketch but --

20 Q. Thank you. Thank you. That's enough. Let's move on.

21 According to our information, you gave your first statement on
22 the 7th and 8th of December, in 2002.

23 A. That's possible. I'm not quite sure.

24 Q. Tell me, please, when you gave that statement, who was present
25 during your giving of the statement?

Page 1392

1 A. I know who the Prosecutor and the investigator was, but I
don't

2 know who the interpreter was. I know there was this investigator
3 John Zdrilic, but I don't recall the name of the interpreter.

4 Q. How many days did this take, your witness interview?

5 A. I really don't remember.

6 Q. Was the same interpreter present throughout the interview?

7 A. Well, you're asking now that I remember something that
happened

8 ten years ago. I really would love to help, but I can't recall.

9 Q. Well, I'm asking you whether you can remember now because I'd
10 like to remind you of what you said while you were testifying in the
11 Milutinovic case.

12 A. I remember.

13 Q. Well, please do repeat what you can remember.

14 A. Well, I think it was not the same interpreter throughout who
was

15 present during this interview, but it does mean that it was not the
same

16 person. I think it wasn't the same woman, but I'm not absolutely

17 certain. I can only say yes or no, but I have no proof. I can't

18 remember the name of the interpreter, and that's it.

19 Q. Mr. Witness, do you remember anything else that you said
during

20 the proofing in the Milutinovic case, or would you like me to refresh

21 your memory by reading it to you?

22 A. Could you please read it.

23 Q. Thank you.

24 MR. DJURDJIC: [Interpretation] Your Honour, could we please
see

25 on the screens Exhibit -- a Prosecution Exhibit number 5118 on the 65
ter

Page 1393

1 list, and if it's easier, I can also quote the D number. I don't know
2 what is easier.

3 Mr. Registrar, what is the faster way?

4 [Trial Chamber and registrar confer]

5 JUDGE PARKER: This is a transcript from a previous trial.

6 You'll have to be careful in what questions you ask from that because
of

7 the content of some of it. It will not appear on the screens outside
of

8 this courtroom, but your questions could be disclosing some material
in

9 it that's important.

10 MR. DJORDJEVIC: [Interpretation] Your Honour, I took a look at
my

11 notes, and I think there are -- I think I have only two names, two
12 investigators, and the name of an interpreter. There are no other
names,
13 but I will be careful.

14 Q. Witness, please be careful. Do not mention any name. So this
15 was the 30th of January, 2007, page 9367, lines 13 through 25.

16 MR. DJURDJIC: [Interpretation] "Your Honour, when I made my
17 statement to the investigator, there was only one investigator and
this
18 woman. Not the woman who signed the woman but another woman. And
from
19 time to time a man would come in. He said what his name was, but I
can't
20 remember it. He was only there occasionally, not throughout the
21 interview."

22 In response to the Judge's question, whether it was true that
the
23 witness had been read back to you in your language, you said:

24 "I don't recall that it had been read back to me on that day,
but

25 when I signed it, it may have or may not have. But if that was the
case,

Page 1394

1 I'd like to correct it. And had been read back to me, I would have
2 corrected it. I'm certain of that. So I don't recall the statement
3 being read to me."

4 And then on page 9368, lines 14 through 23, in response to the
5 Judge's question:

6 "Is it possible that the statement was made on one day. On
the
7 following day it was read over to you, and you signed it."

8 So this is on page 9368, lines 13 to 14:

9 "No, no, no. Not the next day, I'm sure, because the
gentleman

10 who took the statement went back to his country, and then they came
back

11 again. It was the new year, and then we saw each other in January or

12 February, I don't know exactly when, in front of Hotel M or in a park;
if

13 it was the same day, in one of the parks in Belgrade, but certainly
not

14 in the Tribunal office in Belgrade. **I was there only once, and it was**

7 trial. Have I jogged your memory?

8 A. Yes.

9 Q. And let me put another thing to you. When, toward the end of
the

10 trial, Mr. Hannis told you the name of the first investigator and the

11 second investigator - and again I'm not going to mention their names

12 because they might identify you - could you tell me now in relation to

13 this, since I jogged your memory, could you explain how everything

14 happened and where you actually signed the statement.

15 A. The gentleman I'm referring to, and from you read, the man
that

16 you said could speak Serbian, that's the man I gave the statement to.

17 But as far as I can remember, I signed that statement where you said,

18 where you read that I had signed it. But now this was about seven
years

19 ago, so it's hard to remember. But I am sure that I signed the
statement

20 where you said, in the park.

21 Q. Well, Mr. Witness, please, let's clarify this. Based on what
I

22 read to you, on the first day when you made your statement, you didn't

23 sign anything. Not only that you didn't sign anything, we also know
the

24 date on the statement. There were two dates, 7th and 8th of December,

25 and you said that you only -- that this interview was only on one day,

Page 1396

1 but that's irrelevant. But then you said that in January, February,
some

2 other men came and "then I signed the statement."

3 A. I really don't remember signing the statement on the first

4 occasion; I still think I didn't. But as for the second occasion,
that's

5 correct, that's true.

6 Q. But, Witness, you also said that you will speak the truth in
the

7 Milutinovic case, and I was just quoting what you said there. So you

8 said that at least two days later you signed the statement, but then I

9 will remind you of other words that you said. But is this correct?

10 First let me ask you this: Is what I read to you from the Milutinovic

11 trial correct?

12 A. Well, I don't remember what it was that I said.

13 Q. Well, it was on the screen right now, and I also read it out
to

14 you.

15 A. Well, it's possible that you read it to me, but I don't
remember.

16 I know that I did sign one statement, and it's possible that it was a

17 month or a month and a half later, that's what I said then. It's

18 possible that I signed the statement then.

19 Q. Is the -- is your evidence in the Milutinovic trial true and

20 accurate?

21 A. Yes.

22 Q. Thank you.

23 MR. DJURDJIC: [Interpretation] I move to enter this -- well,

24 actually, the entire transcript has already been tendered into
evidence,

25 so there is no need to propose its admission into evidence. Thank
you.

Page 1397

1 THE WITNESS: [Interpretation] Your Honour, could we just take
a

2 short five-minute break?

3 JUDGE PARKER: Yes. We will need to go into private session.

4 [Private session]

5 (redacted)

6 (redacted)

7 (redacted)

8 [Closed session]

9 (redacted)

10 (redacted)

11 (redacted)

12 (redacted)

13 [Open session]

14 THE REGISTRAR: We're in open session, Your Honours.

15 JUDGE PARKER: Thank you.

16 Yes, Mr. Djurdjic.

17 MR. DJURDJIC: [Interpretation] Thank you, Your Honours.

18 Q. Witness, please do not mention any names. Tell me, tell me
your

19 opinion about your commander, your war-time commander, as a commander
and

20 as a human being.

21 A. Well, what can I say? I can only say all the best. He's an
22 excellent man, an excellent superior. All the best. I can only use
23 superlatives.

24 Q. Thank you. Witness, is it true, is it correct, that when you

25 came to the town where you spent your war time, that the commander
told

Page 1398

1 you when you arrived that orders had to be complied with, that
discipline

2 has to be respected, and that everyone who engages in illegal actions
3 will be taken to disciplinary -- will be disciplined and that measures
4 will be taken against them?

5 A. While we were still on the buses we were told that.

6 Q. Thank you.

7 We will do this later because I have to mention a name, and I
8 don't want to go into closed session now. I'll skip this part.

9 Let's take a look at paragraph 35 of your statement. Let me
just

10 remind you, it's about the cafe in Brekovac where you were --

11 A. I was not sitting there.

12 Q. Well, I'm sorry, then, you'll have to correct me. But one of
13 your superiors was there and two inspectors?

14 A. Yes, and two other soldiers, but I wasn't there at the
time. I

15 was nearby but not at the cafe itself.

16 Q. While reading your statement in paragraph 35, one could

17 conclude - and I don't want to read it out because of the name
mentioned

18 there - but one can conclude that you were there, too, and the other

19 three and perhaps two or three other men. You mention also some other

20 names there. If you weren't there, would you tell us how all this

21 transpired and how you learnt about it?

22 A. Well, the cafe was here, and right next to it was another room

23 where I was, not in the cafe itself, but it was on the same premises,
in

24 the same building. I was just a wall behind them. So I had some
other

25 business to take care of, so I didn't sit with them. And I'm also --

I

Page 1399

1 don't drink, so that's why I wasn't with them.

2 Q. Well, I didn't say you were drinking --

3 A. I'm just saying I'm not a drinker, I don't drink alcohol, so I
4 wasn't sitting with them.

5 Q. Would you agree that that man and the two inspectors were
drunk

6 on that occasion?

7 A. Yes.

8 Q. Thank you.

9 Now I would be interested in the following: Who gave this
10 initiative to go and find the person who was being searched for?

11 A. The policemen.

12 Q. Thank you.

13 Am I right when I say that when you went to the third house in
14 Djakovica, that you were actually ambushed and that fire was opened at
15 you, and on that occasion one of these persons was injured?

16 A. It wasn't an ambush. It was a man. Now, was it the man we
were

17 looking for or not, but anyway, it was someone who was shooting.

18 MR. DJURDJIC: [Interpretation] Your Honour, I think that I can
19 mention the name of the witness -- or, rather, the name of the person,
20 the person who is suspected of having opened fire on that occasion.

21 Q. Witness, will you agree with me that this person was a member
of
22 the KLA, Chopi Albin [phoen]?

23 A. I really can't remember the name, but I don't rule that
24 possibility out. We were looking for a particular man, 20-something,
but
25 I cannot remember his name now.

Page 1400

1 Q. I know the name of the inspector who was injured on that
2 occasion. Would it mean anything to you if I were to give you his
name
3 and surname?

4 A. No, no.

5 Q. Thank you. And do you know that the investigating judge of
the

6 municipal court in Djakovica went out there and that a record was made
of

7 the on-site investigation with regard to the wounding of the
inspector?

8 A. When?

9 Q. The following day.

10 A. I'm sure that nothing like that took place that night. I
don't

11 know about the next day.

12 Q. Is it true that immediately after the wounding an air-strike
13 started?

14 A. Perhaps a minute or two later, so it was precisely that part
of

15 Cabrat that was being bombed, and we barely made it to down there
where

16 the church is. We took these streets and bombs were falling all over
the

17 place. So I don't know how many minutes had actually elapsed, but it
was

18 a very, very short time.

19 Q. Thank you.

20 I'd like to go back to paragraph 35 again. I'm not going to
21 mention the name and surname of that officer who proposed that you
22 immediately go to that address of that man that was known until then
and
23 to arrest him. Do you agree that this is incorrect in your statement?

24 A. What?

25 Q. The statement says the name and surname of that officer,

Page 1401

1 suggested that we go to the address of that person that was known
until

2 then and to arrest him straight away. It wasn't his initiative, and
the

3 statement seems to suggest that it was his initiative.

4 A. I cannot really find where that is written. Could you tell me
5 what paragraph that is.

6 Q. Paragraph 35, and the sentence is --

7 THE INTERPRETER: Please slow down for the interpreters.

8 MR. DJORDJEVIC: [Interpretation]

9 Q. In the fourth sentence, but the second part of it. Don't
mention

10 the last name, though.

11 A. I don't really understand this at all. What it says here, the
12 first three -- uh-huh, I'm sorry. It says here:

13 "The first three were fairly drunk when the conversation
turned

14 to the police attempts to locate an Albania man from Cabrat."

15 Q. Please read on.

16 A. "Very unprofessionally, and I think only because he was
17 drunk --"

18 Q. Don't mention the last name.

19 A. " [Previous translation continues] ... suggested that we
20 immediately attend the known addresses for this man and arrest him
..."

21 Uh-huh, now I understand your question.

22 I think that that is a consequence of what he had agreed to, I mean
the

23 policemen who were sitting with him beforehand.

24 Q. I'm putting the question to you: Did he suggest to you that
you

25 go there or somebody else?

Page 1402

1 A. The policeman suggested that, and he accepted.

2 Q. So it's not true that he's the one who suggested it. That's
3 what's written here.

4 A. Well, possibly, possibly it's incorrect. Well, if that's
what's

5 written there, yes, yes. Oh, yeah, here it says the name suggested --

6 oh, okay, so that's not correct. I mean, it should have said
"agreed."

7 Q. In relation to him that's quite a difference.

8 A. Oh, yes, a very important difference.

9 Q. Well, I think it's very important to be accurate.

10 A. "Agreed." "Agreed" would be the right word. I mean the

11 proposal, the suggestion, had come from the other side, so it would be
12 right to say "agreed." See, I read this statement so many times, and
13 I
14 simply -- well, this never really crossed my mind.

14 Q. Witness, there are going to be other occasions to correct your
15 statement --

16 MR. DJURDJIC: [Interpretation] But I'm afraid that our tapes
17 will
18 run out, Your Honours and ...

18 JUDGE PARKER: Thank you very much, Mr. Djurdjic. We now need
19 to
20 adjourn for the day. Our next sitting, I believe, is on Wednesday, in
21 the afternoon, so that we must adjourn until then.

21 I'm afraid we've got to adjourn now, and we continue on
22 Wednesday. The Court Officers will assist you in the time in between.

23 --- Whereupon the hearing adjourned at 1.46 p.m.,