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1 Monday, 10 December 2007

2 [Open session]

3 [The accused entered court]

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

5 JUDGE BONOMY: Good morning, everyone. Judge Chowhan is this
6 morning engaged in other business of the Tribunal. We have decided it's
7 in the interests of justice to continue in his absence.

8 Can I clarify the position about the witness this morning, what is
9 happening?

10 [The witness entered court]

11 MR. CEPIC: [Interpretation] Good morning, Your Honour. Our next
12 witness is General Ljubisa Dikovic. We have talked to our colleagues from
13 the Prosecution and from other Defence teams. This general has to travel
14 back to Belgrade already tomorrow, so we will do our very best to finish

15 with his testimony in the course of the day.

16 JUDGE BONOMOY: Thank you.

17 Good morning, Mr. Dikovic.

18 THE WITNESS: [Interpretation] Good morning, Your Honour.

19 JUDGE BONOMOY: Would you please make the solemn declaration to

20 speak the truth by reading aloud the document which will now be shown to

21 you.

22 THE WITNESS: [Interpretation] I solemnly declare that I will speak

23 the truth, the whole truth, and nothing but the truth.

24 JUDGE BONOMOY: Thank you. Please be seated.

25 THE WITNESS: [Interpretation] Thank you.

1 JUDGE BONAMY: You will now be examined by Mr. Cepic on behalf of
2 Mr. Lazarevic.

3 Mr. Cepic.

4 MR. CEPIC: Thank you, Your Honour.

5 WITNESS: LJUBISA DIKOVIC

6 [Witness answered through interpreter]

7 Examination by Mr. Cepic:

8 Q. [Interpretation] General, good morning.

9 A. Good morning, Mr. Cepic.

10 Q. For the record, please tell me your full name.

11 A. My name is Ljubisa Dikovic.

12 Q. Date and place of birth?

13 A. 22nd May 1960 in Uzice.

14 Q. Thank you. What were the most important positions you occupied
15 during your career?

16 A. Several, such as commander of platoon, company commander,

17 battalion commander, brigade commander, Chief of Staff of the corps,
18 deputy chief of operations, deputy commander of the combined command for
19 the operations of the army, and I'm currently --

20 THE INTERPRETER: Could the witness please repeat, he said it too
21 quickly.

22 JUDGE BONOMOY: Just one moment. The very last part of your answer
23 was not picked up by the interpreter. You said: "I am currently ..."

24 Can you give us the post you hold?

25 THE WITNESS: [Interpretation] Your Honours, I am currently acting

1 as commander for training of the General Staff of the Army of Serbia.

2 JUDGE BONOMOY: Thank you.

3 Mr. Cepic.

4 MR. CEPIC: Thank you, Your Honour.

5 Q. [Interpretation] What is your current rank?

6 A. Major-general, with two stars.

7 Q. What military schools did you complete so far?

8 A. I gratitude from the secondary military school, the military
9 academy, the command staff school, and the General Staff school.

10 Q. Thank you. What position did you occupy in 1999?

11 A. In 1999 I was brigade commander.

12 Q. Which brigade?

13 A. Commander of the 37th Motorised Brigade.

14 Q. Thank you. When did the first part of the 37th Motorised Brigade
15 arrive in the area of Kosovo and Metohija in 1999?

16 A. The first part of my brigade arrived in Kosovo and Metohija in the

17 beginning of March 1999.

18 Q. On whose orders?

19 A. I came there on the orders of my superior command, and at that

20 moment it was the command of the Uzice Corps of the 2nd Army of the VJ.

21 Q. What activities was your unit engaged in in Kosovo and Metohija

22 before the war started?

23 A. Before the beginning of the war, my unit carried out intensive

24 combat training, focusing on drills in order to increase the level of

25 combat-readiness.

1 Q. During the exercises, were you under attack from terrorists?

2 A. Yes.

3 Q. Just before the war started, did you have an anti-terrorist

4 operation?

5 A. We carried out our exercise activities in the field, and while

6 performing those regular combat activities we suffered attacks from

7 terrorists, unfortunately.

8 Q. Thank you.

9 MR. CEPIC: [Interpretation] Could we call up in e-court P2039.

10 Q. General, what you see on the screen, is it your combat report --

11 sorry, is it your operational report, operative report?

12 A. Can I see the last part of this report because I can't see all of

13 it?

14 MR. CEPIC: Could we have the second page, please.

15 THE WITNESS: [Interpretation] Yes, yes, that is my report.

16 MR. CEPIC: Could we have again the first page, please.

17 Q. [Interpretation] Would you please look at the first paragraph

18 marked 5.3.

19 A. Yes.

20 Q. Does it describe the activities you just mentioned?

21 A. Yes. Those are the activities listing the various groups of the

22 Combat Group 37.

23 Q. To save time, just look at para 8.4. We see that an

24 operational-- operation is carried out to combat terrorism.

25 MR. CEPIC: Could we scroll down in English a little bit, 8.4.

1 Q. [Interpretation] Is that the operation we just referred to, the
2 anti-terrorist one, and did you suffer any losses?

3 A. Yes, Mr. Cepic. 8.4 I can see. I said a moment ago that in the
4 course of performing our regular combat activities there was a totally
5 unprovoked attack by the terrorists.

6 Q. Were any of your soldiers injured during this anti-terrorist
7 operation?

8 A. Yes, two soldiers were wounded, as far as I can recall. If you
9 can show me the whole report, maybe it's written somewhere in it.

10 MR. CEPIC: Could we have --

11 Q. [Interpretation] Look at the last paragraph on that page.

12 MR. CEPIC: [Interpretation] In English that's on the next page, I
13 believe.

14 Q. You see in Serbian the last paragraph on this page?

15 A. Yes. Two soldiers were wounded by mortar fire, I think, by Siptar
16 terrorist forces.

17 Q. When did the brigade itself, because until now you've told us
18 about one part of the unit that had arrived in Kosovo and Metohija, when
19 was the brigade itself resubordinated to the Pristina Corps?

20 A. The exact date when the brigade was resubordinated to the corps I
21 cannot recall now, but I know that in the beginning of April we arrived in
22 the territory of Kosovo and Metohija, that is to say the whole brigade
23 arrived in early April.

24 Q. Thank you, General.

25 MR. CEPIC: [Interpretation] Your Honours, to speed up this

1 examination, the document on resubordination is P1473. It's a document
2 from the Supreme Command Staff, P1473. We also have a document of the 3rd
3 Army, that's P1946.

4 JUDGE BONOMOY: When you said earlier, Mr. Dikovic, that you first
5 arrived in Kosovo at the beginning of March, were you referring to a part
6 of the brigade or have we -- have I misunderstood the situation? It was
7 simply a part of the brigade that arrived in March, I think that's in fact
8 what you said.

9 THE WITNESS: [Interpretation] Your Honour, part of the brigade
10 arrived in early March in Kosovo, one combat group from my brigade, one
11 combat group from my brigade came in early March; and the whole brigade
12 arrived in early April.

13 JUDGE BONOMOY: Thank you. It was my mistake.

14 Mr. Cepic.

15 MR. CEPIC: [Interpretation] By courtesy of Mr. Riaz, we see now on
16 the screen the document from the Supreme Command Staff ordering

17 resubordination, and we also have in e-court a similar document from the
18 3rd Army, P1946. In order to move more quickly through the documents, can
19 we now have 5D1027.

20 Q. General, do you have it on your screen?

21 A. Yes, this is a marching order.

22 Q. Is it a document of your brigade?

23 A. I'd like to see the last page again, just to check. Yes, yes,
24 this is a document of the command of the 37th Motorised Brigade.

25 MR. CEPIC: Could we have the first page, please.

1 Q. [Interpretation] Would you look at para 4: "I hereby decide ..."

2 Third line from the bottom: "Protect the civilian population and
3 prevent the occurrence and strengthening" --

4 A. "Prevent the emergence and strengthening of terrorist groups."

5 Q. Thank you, that's enough.

6 Was the protection of the civilian population a priority along
7 with defends the country?

8 A. Yes, and I think we can see clearly from this what assignment we
9 received and what assignment we issued to the brigade at that time.

10 Q. General, pursuant to this document, did the 37th Motorised Brigade
11 arrive in early April in the area of Drenica?

12 A. Mr. Cepic, from this document we can see that it contains in one
13 of its parts the assignment to bring in the troops in the area of Kosovo,
14 that is, marching orders; and in the second part, it deals with the battle
15 order of the brigade and the assignments it is supposed to perform in that
16 territory.

17 Q. Can we just look at the heading to see the date.

18 Could you just read the date.

19 A. 1st April 1999, 2200 hours.

20 Q. Tell me about the area of Drenica where your forces were deployed.

21 What was particular to this area, what was characteristic?

22 A. The area of Drenica was the main base, the stronghold of Siptar

23 terrorist forces. You know our history as well as I do, you know that the

24 first -- that the Second World War finished in May 1994 [as interpreted],

25 and in the area of Drenica which is a hornet's nest fighting continued

1 against terrorist gangs until 1947.

2 MR. CEPIC: Excuse me, we have an error in transcript, page 8,
3 line 1, I think that witness 1945.

4 JUDGE BONOMOY: Not 1944? In this area it was 1945, was it?

5 MR. CEPIC: Yes, Your Honour, correct.

6 JUDGE BONOMOY: Okay.

7 Mr. Dikovic, you've been recorded in English as saying that the
8 Second World War finished in May 1994. Can you correct that for us,
9 please, and give us the date that you did say.

10 THE WITNESS: [Interpretation] Your Honours, that's not what I
11 said. The Second World War ended on 9 May 1945, and our national
12 liberation units continued fighting until 1947 with gangs and the vestiges
13 of fascism in the area of Drenica, and that's recorded in history. That's
14 all I said for the time being.

15 JUDGE BONOMOY: Thank you.

16 Mr. Cepic.

17 MR. CEPIC: Thank you, Your Honour.

18 [Interpretation] Can we call up in e-court P2030.

19 Q. General, can you see this document?

20 A. Yes.

21 Q. Who did you get it from?

22 A. I received this document from the command of the Pristina Corps,

23 and at that time it was my superior command.

24 Q. Thank you. From this document can we see the assignment the unit

25 was given?

1 A. Yes, yes.

2 Q. Thank you, General.

3 MR. CEPIC: [Interpretation] Next document, please --

4 Q. But let's go back for a moment. Could you just read out the task,

5 what it says, what the task actually was that the unit was given?

6 A. According to this document you can see that the commander of the

7 Pristina Corps issued the following order: That in coordinated action

8 with the 252nd Armoured Brigade and the forces of the Republic of Serbia,

9 the MUP, that we should carry out vigorous attacks to crush and destroy

10 the Siptar terrorist forces, and if possible secure the main roads and

11 gain combat control of the territory.

12 So I had several tasks, and that is clearly stressed here, to

13 crush and destroy the Siptar terrorist forces in the area, in the zone,

14 and there were many of them there, and to secure the main roads, main

15 communication lines, and to gain complete combat control of the territory.

16 I'd like to emphasise that this task was received or orders for this task

17 were received on the 2nd of April, and on the 25th of March the state of
18 war was proclaimed. So at this time there was intensive air force
19 aggression by NATO.

20 Q. Thank you. Now we see the second paragraph. It says that there
21 should be combat-readiness to ensure the defence of the assigned zone.
22 Could you tell me were there some echelons of defence; and if so, which
23 echelon were you in?

24 A. Yes. Mr. Cepic, one of the tasks was that the brigade should be
25 prepared to launch a defence in the area in question, because there was

1 the realistic threat and danger from a NATO force aggression on the
2 ground, partly from the territory of Albania and partly from the territory
3 of Macedonia. So what needed to be done was to prepare to defend the
4 zone.

5 Now, within the frameworks of our battle order or combat
6 deployment of the Pristina Corps, we were in the second combat echelon.

7 Q. Thank you.

8 MR. CEPIC: [Interpretation] May we have on e-court Exhibit 5D384
9 now, please.

10 Q. General, did you receive this document sent by the Pristina Corps
11 command?

12 A. I think I received this document, and I think you can see that on
13 the basis of the lower right-hand corner. In the square stamp it says
14 that the document was received in the 37th Motorised Brigade.

15 Q. Thank you. Now, would you take a look at paragraph 1, please, and
16 it says there that an officer of the 37th Motorised Brigade was in a

17 passenger vehicle that got stuck in a brook. Did you perhaps -- were you

18 perhaps that officer?

19 A. No, I wasn't. It wasn't me.

20 Q. Thank you, General.

21 A. If you want me to explain what this refers to, I'm reading the

22 document now --

23 Q. No, that's not necessary. All I need to know is your answer that

24 you weren't there.

25 MR. CEPIC: [Interpretation] Now next on e-court, please, 5D385 [as

1 interpreted]. [In English] I'm sorry, mistake in transcript, not 3D,

2 5D385, please. 5D385. Yes, thank you.

3 Q. [Interpretation] General, did you receive this order from the

4 Pristina Corps command?

5 A. Yes, yes.

6 Q. Thank you. Now, on the basis of this document, did you later on

7 compile a document of your own?

8 A. Mr. Cepic, I think I did. I think I did.

9 Q. Well have a look now.

10 A. Well, the Pristina Corps commander --

11 MR. CEPIC: Could we have 5D1020, please. It is the wrong

12 document. I think that I said 5D1020. That's correct. Thank you.

13 Q. [Interpretation] General, was this perhaps that order?

14 A. Just a moment. May I take a moment, please?

15 Q. Yes, go ahead.

16 A. Yes, yes, I think that's the order, and I see here that mention is

17 made of Lozica, that a large group and technical equipment was ..., or
18 rather, were caught grouped in Lozica village.

19 MR. CEPIC: And could we have the second page, count 6, please. I
20 think that in English also is on the second page. Yes.

21 Q. [Interpretation] General, without having to read paragraph 6, we
22 can see what it says on our screens, but will you tell me what this point
23 means, what does item 6 refer to?

24 A. You mean point 6?

25 Q. Yes, energetically prevent all crime, et cetera, what actually

1 does that mean?

2 A. Well, it means what it says, that energetically all crime,
3 looting, and abuse of the civilian population shall be prevented; and if
4 any perpetrators are caught that criminal reports should be filed. I
5 looked at the order as a whole, and I think that the basic sense of this
6 order is to strengthen law and order, to increase discipline generally and
7 the combat capabilities of the unit. Because what happened in Lozica, for
8 instance, was something that could be a target from the air on a small
9 group of people, it's an excellent target, this group of people.

10 Q. Thank you. General, we'll now move on to another area. In
11 preparing for my examination, I looked at document -- a document which on
12 e-court is P2031, which I'd like to see, and it says "Joint Command for
13 Kosovo and Metohija," and it was an order to rout and destroy the Siptar
14 terrorist forces at the 22nd -- I think we have it on our screens now.

15 Anyway, did you receive this order of the 22nd of March, 1999?

16 A. Yes, yes, I think I received that order.

17 Q. Now, could you tell me, documents like this, how did you receive
18 them and who did you receive them from?

19 A. Mr. Cepic, at this period - and we're talking about the 22nd of
20 March, 1999 - all correspondence and documents of the Pristina Corps were
21 sent by courier service mostly. That is to say a liaison officer would be
22 sent or a courier to take them over, to take over the order and other
23 documents of course, or a liaison officer would come from the Pristina
24 Corps, he would be sent from the Pristina Corps to hand over the documents
25 to the unit.

1 Q. Now, this particular document and similar documents as well with
2 the heading "Joint Command for Kosovo and Metohija, KiM," whose documents
3 were they? What did they represent as far as you were concerned?

4 A. Well, it really does seem to say Joint Command for KiM here. Now,
5 I never saw this Joint Command. As far as I'm concerned, to me this
6 represented an assignment, a task, from the command of the Pristina Corps,
7 to whom I was subordinated. I was subordinated to the Pristina Corps. So
8 that's what it says unequivocally, no Joint Command of any kind for Kosovo
9 and Metohija. So when I read this, well this command as far as I'm
10 concerned did not exist, it really did not.

11 Q. Thank you. Now --

12 JUDGE BONAMY: Can -- just -- are you continuing on this
13 particular document?

14 MR. CEPIC: Not really, but something related to that document.

15 JUDGE BONAMY: No.

16 Can we see the end of the document, please. Can we have the

17 English final page as well. Thank you.

18 You say that's clearly a document from your commander, unsigned?

19 THE WITNESS: [Interpretation] Your Honour, as far as I'm

20 concerned, this is a document from my commander, but while I'm looking at

21 it now I'm trying to remember the details of it, Your Honour. I think

22 that upon receiving this document I called up the command of the Pristina

23 Corps, General Lazarevic, and asked him -- I said, General, sir, are you

24 issuing this order or is it some sort of Joint Command that's issuing it

25 that I don't know about? And I think that that's the lines our

1 conversation took, and I'm sure the General will remember the
2 conversation. And the answer I was given was that my command was
3 subordinated to the Pristina command and that he was commanding me, he was
4 the command of the Pristina Corps and that he was my commanding officer,
5 because this was new for me, as far as I was concerned.

6 JUDGE BONAMY: Did he explain to you what the Joint Command was?

7 THE WITNESS: [Interpretation] No. No, Your Honour.

8 JUDGE BONAMY: Thank you.

9 Now, if you are -- if you're still on this subject, please
10 continue, but I'd like to know when you get to the end of this little
11 section because I want to go back to an earlier exhibit.

12 MR. CEPIC: Thank you, Your Honour.

13 Q. [Interpretation] General, did anybody from the corps come to see
14 you, any of the officers, and did you talk to them if they did? Did you
15 discuss this order with them?

16 A. Mr. Cepic, I think that Colonel Radojko Stefanovic came by at that

17 period and that I discussed this with him, and I think that during that
18 discussion he told me the following: He said that this Joint Command was
19 written up there because of cooperation and coordination with the MUP
20 forces, and I think that was the key to it, why it said "Joint Command" in
21 the first place there. In other words, so that I would know that it was a
22 combined operation with the MUP, and probably in order for members of the
23 MUP to know that it was a combined operation with the army and that the
24 army was cooperating in that action. I think that that was the key to our
25 discussion.

1 MR. CEPIC: Yeah, I'm sorry.

2 JUDGE BONOMOY: Can I go back then to an earlier exhibit now.

3 Could we see on the screen, please, 5D1020. Can we go now to the

4 second page, paragraph 6. Yeah. Thank you very much.

5 Please continue, Mr. Cepic.

6 MR. CEPIC: Thank you, Your Honour.

7 Could we have Exhibit P2042, please.

8 Q. [Interpretation] General, is this your report?

9 MR. CEPIC: Yes, second page, please.

10 THE WITNESS: [Interpretation]

11 Yes, it is my report sent to the command of the Pristina Corps.

12 MR. CEPIC: [Interpretation]

13 Q. Thank you. But if we look at item 15 it says: "Pursuant to the

14 decision of the Joint Command for Kosovo and Metohija, strictly

15 confidential number 455-54 of the 22nd of March, 1999," why in that

16 document do you say: "Pursuant to a decision of the Joint Command ..."?

17 A. Mr. Cepic, I didn't write the document personally. I think that's
18 the main reason, I didn't write this document personally. It was my
19 operations clerk who wrote it and he by inertia, if I can put it that way,
20 he said "pursuant to the decision of the Joint Command." Now, I sent this
21 to the command of the Pristina Corps. I didn't send it to any Joint
22 Command, and let me repeat once again, please, that I -- now, this -- as
23 to the existence of this organization that was commanding, I didn't know
24 about anything like that. The only person in command of me was
25 exclusively and only the command of the Pristina Corps. He was my

1 commanding officer, so I'm sending him the report. I'm not sending it to
2 any sort of Joint Command. So as far as I am concerned, he was my
3 commanding officer and that was the superior unit.

4 Q. Thank you. General, during the proofing I showed you document
5 P1968. It's another document bearing the same heading, and it's an order
6 for support to the MUP forces in breaking up and routing the Siptar forces
7 in the Drenica area.

8 MR. CEPIC: Could we have on our screen [Interpretation] 1968.

9 Q. In item 5 orders are issued, or rather, tasks to the units of the
10 37th Brigade.

11 MR. CEPIC: 5.1, please.

12 Q. [Interpretation] Did you receive this document? Because I see
13 here tasks for your unit.

14 A. Mr. Cepic, could you please show me the document from the
15 beginning to the end.

16 MR. CEPIC: Could we have the first page again. [Interpretation]

17 And can we -- [In English] Can we have the second page.

18 Q. [Interpretation] Can we go on, General?

19 A. Yes.

20 Q. You see here in item 5, tasks for the units, and a task is

21 assigned to the 37th?

22 A. Yes, 5.1, that's right.

23 Q. Has this refreshed your memory? Do you remember whether you

24 received this document?

25 A. Yes, yes, I did receive it.

1 Q. Thank you.

2 MR. CEPIC: Can we have Exhibit P2045, please.

3 Q. [Interpretation] Do you see the document before you on the screen?

4 A. Yes, I do.

5 Q. Is this a daily combat report sent from your unit?

6 A. Yes, it's the daily or regular combat report for the 27th of

7 March, 1999.

8 Q. Does it refer to the action carried out pursuant to the previous

9 order?

10 A. Yes, I think that's the action.

11 Q. Thank you. Could you please look at item 4. We can see here that

12 the STS opened fire from various kinds of weapons, mostly from the

13 Popova Glava, Izbica, and Kaludjerica, I assume, sectors. Would you tell

14 me if the area mentioned in your combat report was a strong terrorist

15 stronghold?

16 A. Yes, yes. This was the area of north-west Drenica, as far as I

17 can recall the features mentioned in item 4. In this area there was a
18 large number of terrorists, and I think that they controlled this entire
19 area.

20 Q. Thank you. To whom did you address this report?

21 A. Mr. Cepic, please, I did not send any reports to anybody else but
22 the command of the Pristina Corps. So this one also was sent to the
23 command of the Pristina Corps.

24 Q. Below that we see to the command of the 2nd Army and UK for
25 information. Can you explain what UK stands for and what "for

1 information" means.

2 A. Well, to the UK command, that's abbreviated for Uzice Corps, and I
3 was resubordinated from the Uzice Corps to the Pristina Corps. So here
4 I'm sending this report for the information of that corps because that was
5 my home unit. So I was resubordinated to the Pristina Corps, but after
6 the resubordination was over I would return to my main or home unit and
7 that was the Uzice Corps. Mr. Cepic, the Uzice Corps was part of the 2nd
8 Army, the 2nd Army of the Army of Yugoslavia, as it was then called.

9 Q. Thank you, General. Let's go back to the opening of fire from
10 that axis. Can you tell us who opened fire from that axis?

11 A. Well, it was the terrorists who opened fire from that axis.

12 Q. Thank you.

13 MR. CEPIC: Could we have Exhibit IC105, please. Could we have
14 zoom in area which is marked with letter E. A little bit more, please.

15 Thank you.

16 Q. [Interpretation] General, can you recognise on this map the

17 village of Izbica?

18 A. Yes, Mr. Cepic, it says here Izbica between these lines,

19 representing probably some sort of zone or area of the Izbica village.

20 It's in the upper left-hand -- on the upper left-hand edge of this area.

21 Q. We heard in this courtroom that this zone marked E -- can you

22 please underline the village of Izbica.

23 A. Excuse me.

24 Q. Thank you. We heard the claim in this courtroom that this zone

25 marked E bordered in orange was a zone under the control of the KLA.

1 Would you tell me whether this entire area was under their control or is
2 your view of events different?

3 A. Mr. Cepic, this was certainly under the control of the Siptar
4 terrorist forces, but I would like to broaden this area.

5 Q. Can you mark where, according to your information and experience,
6 this zone was.

7 A. I think that this is the area. Please don't hold it against me if
8 it's not perfectly precise, but that's how I see it.

9 Q. General, on what basis are you saying that this zone was wider,
10 broader, than the one marked on the map?

11 A. Mr. Cepic, I think that in my report of the time to the command of
12 the Pristina Corps, it explains it. In the village of Leocina.

13 Q. Would you underline it, please?

14 A. Yes, in the village of Leocina, a non-commissioned officer of mine
15 was seriously wounded. He couldn't have been wounded just like that.

16 That was a terrorist stronghold. He was seriously injured. He was

17 wounded. That was the second or third case, and I remember it well.

18 MR. CEPIC: Thank you. Can we have an IC number for this document,
19 please?

20 JUDGE BONOMOY: Yes.

21 THE REGISTRAR: That will be IC156, Your Honours.

22 MR. CEPIC: [Interpretation]

23 Q. General, we saw the previous document, tasks in action; we saw a
24 combat report of yours. Could you please tell me what axis you moved
25 along in that action.

1 A. Mr. Cepic, it's in the task issued by the commander of the
2 Pristina Corps, Vitak, Kladernica, Vocnjak, I think that was the general
3 axis, the general axis of movement.

4 Q. Thank you. Can you draw a line to mark that axis and where were
5 you overlooking the village of Vocnjak, that's my next question to you, it
6 concerns Vocnjak.

7 A. To the best of my recollection, Mr. Cepic, and please let's take
8 into account the amount of time that has elapsed, so I cannot be a hundred
9 per cent precise, I would like to say that I'm not absolutely sure --

10 Q. Well, can you say where Vocnjak was, how far you were, how far
11 away from it you were, and what the axis of movement was?

12 A. Just a moment. On this map I can't find the village of Vocnjak.
13 I don't know whether you can see it.

14 Q. No, it's not on this map.

15 MR. CEPIC: Could we try with 6D228, please. [Interpretation] It
16 seems I'll have to put my question without a map.

17 THE WITNESS: [Interpretation] Well, Mr. Cepic, I can tell you
18 approximately where Vocnjak is on this map.

19 MR. CEPIC: [Interpretation]

20 Q. Well, that's what I'd like to know. It doesn't have to be
21 absolutely precise, just to give us a general idea, please. We have to
22 use our time rationally. Just mark it with a dot.

23 A. Well, I think that the Vocnjak is about here.

24 Q. Can you draw a line to indicate your movement?

25 A. [Marks]

1 Q. And where you stopped, draw a circle at the place you stopped.

2 A. Well, I spent several days in this area. I think it was here.

3 Q. I'm interested in Vocnjak, overlooking Vocnjak.

4 A. I think it was around here, in this area.

5 Q. Thank you.

6 A. Well, that's to the best of my recollection.

7 MR. CEPIC: Could we have an IC number, please.

8 THE REGISTRAR: That will be IC157, Your Honours.

9 MR. CEPIC: Thank you.

10 Could we have Exhibit P2046, please.

11 Q. [Interpretation] General, is this your combat report?

12 A. Yes, yes, it is. It's a report from my combat group.

13 Q. Would you look at the last paragraph, please. "In the forthcoming

14 operations in the area of Vocnjak village we expect several thousand

15 civilian refugees."

16 General, could you please explain to us why you were expecting

17 civilian refugees.

18 A. Mr. Cepic, at that time we were engaged in intensive
19 anti-terrorist activity in this area, the one that was marked here a
20 little while ago and a bit broader than that. Before these actions and
21 before the use of the unit, certain assessments have to be made about the
22 composition and strength of the Siptar forces, their intentions, methods,
23 any possible minefields, obstruction, where they are fortified, and so on
24 and so forth, obstacles. And one has to assess everything the unit might
25 run into during the course of combat, and there was certainly civilians in

1 the area. That's why I was expecting there to be civilians in the area.
2 I was expecting them to turn up. And here, preventively I'm raising the
3 issue and asking for advice as to what to do with the civilians if they
4 turn up in this zone. I don't say here that I'm certain they'll turn up.
5 I'm just expressing the possibility, my assumption, that it's possible
6 civilians might turn up in the zone of combat activities.

7 Q. Did terrorist forces have a certain tactic regarding the civilian
8 population?

9 A. Mr. Cepic, I told you about the assessments that I made before
10 combat activities, and of course these assessments include the method of
11 action of terrorists. When carrying out their own activities and actions
12 and making strikes, they often used unarmed population, that is,
13 civilians, as cover. That's where their strongholds were. They kept
14 civilians as a shield, because they probably [as interpreted] knew that my
15 forces would not open fire on civilians. So they used civilians as cover.

16 Q. Thank you. We see in this same paragraph towards the bottom,

17 where you are asking instructions and orders how to treat them because you
18 have no resources to block refugee columns and escorting refugees outside
19 the zone of combat operations.

20 MR. CEPIC: Excuse me, we have an error in transcript. Page 22,
21 line 21, I think that witness said "they knew," not probably knew in
22 relation to terrorist forces.

23 JUDGE BONAMY: That will be checked by reviewing the tape, and if
24 it has to be corrected then you'll be notified.

25 MR. CEPIC: Thank you, Your Honour.

1 Q. [Interpretation] General, you are asking for instructions and
2 orders?

3 A. Yes.

4 Q. Did you contact anyone from the Pristina Corps?

5 A. I believe at that time one officer was sent from the Pristina
6 Corps to give me those instructions on the spot. I believe one officer
7 was sent from the command of the Pristina Corps.

8 Q. Did you have any further actions on this axis after this document?

9 A. Maybe movements in the battle order, forward but very little in
10 order to take up a more favourable position vis-a-vis the terrorists. But
11 there were no major shifts, no major movements. I believe I had received
12 instructions, and I needed confirmation from the officer of the Pristina
13 Corps to stop our activities in case civilians appear in our zone. I
14 received an assignment where I should stop, which line I have to reach.

15 Q. Where in regard to that map? Was the direction the same? Was it
16 changed?

17 A. No, the direction didn't change. I was moving in the assigned
18 direction towards Vocnjak village.

19 Q. Were you supposed to continue further on from the village of
20 Vocnjak?

21 A. We were supposed to reach the Klina-Pristina road and face the
22 forces there.

23 Q. Did you continue moving towards that communication, to the south?

24 A. No, no, no.

25 Q. Where did you go on from that area?

1 A. From that area I moved towards the area of Srbica; I believe it's
2 in the reports.

3 Q. Thank you. General, during this entire operation did you have any
4 contact whatsoever with the civilians?

5 A. No. I don't know what kind of contact you mean.

6 Q. Any contact whatsoever.

7 A. No.

8 Q. General, if you had known that somewhere a crime had occurred,
9 what would you have done?

10 A. Mr. Cepic, in case a crime had been committed, I would have acted
11 in accordance with my authority, my powers, and pursuant to the law; that
12 is, if I had learned of a crime having been perpetrated somewhere, I would
13 have ordered a proper investigation, the perpetrators to be arrested and
14 prosecuted, as the law requires, and there's no dilemma there. The
15 procedure is prescribed very clearly.

16 Q. Thank you, General. Was anyone arrested for serious crimes in

17 your unit?

18 A. Yes, yes.

19 Q. Thank you.

20 MR. CEPIC: [Interpretation] Could we call up P1969.

21 Q. Look at the heading, the number, and the date. Did you maybe

22 receive this order as well?

23 A. I really need to see the last page again.

24 MR. CEPIC: Can we have count 5, probably, 5.5, please.

25 [Interpretation] The page before, please.

1 Q. We see here the assignments given to your units -- to your unit?

2 A. Yes.

3 Q. Did you receive this order?

4 A. Yes.

5 MR. CEPIC: Can we have P2049, please.

6 Q. [Interpretation] Would you look at 5.1, activities; you refer to
7 the order of the command of the Pristina Corps, strictly confidential
8 number 455-90, dated 28th March 1999, the same number we saw on the
9 previous document. Why are you referring to it in this way?

10 A. I don't understand. I always referred to the orders of the
11 commander of the Pristina Corps, which way?

12 Q. Well, it was earlier indicated, pursuant to the order of the Joint
13 Command; now we have the order with the same heading but you are referring
14 to the order of the command of the Pristina Corps, not the Joint Command.

15 A. Mr. Cepic, please. For me there was no Joint Command. I was
16 commanded exclusively and only by the commander of the Pristina Corps.

17 Upon learning about this Joint Command, I requested clarification from the
18 commander of the Pristina Corps. We have gone through this, Mr. Cepic,
19 please.

20 Q. Thank you. We've heard that already. Let us go back to that
21 area, that zone that you drew on the map, the north-western part of
22 Drenica. To the best of your knowledge, was there any fighting there
23 throughout the war?

24 A. Did I understand you well, Mr. Cepic? You're asking me --

25 Q. The area of north-west of Drenica, Izbica, Vocnjak, Leocina

1 village, to the best of your knowledge was there fighting with the
2 terrorists throughout the war there?

3 A. What I know for a fact is that my right-hand neighbour, upon
4 taking control of the zone and my neighbour was the 7th Light Infantry
5 Brigade and they were in that area. During the war they acted in
6 coordination with me and we performed certain actions jointly, and I
7 believe in their own zone they also carried out actions against Siptar
8 terrorist forces, like I did in mine, and I know that we had coordinated
9 action in some operations.

10 Q. General, did you also carry out independent operations during the
11 war?

12 A. Yes.

13 MR. CEPIC: Could we have Exhibit Number P1503, please.

14 Q. [Interpretation] We see an order here from the command of the
15 Pristina Corps. Can you identify it or should we go through the document?

16 A. I just need that page where my brigade is.

17 MR. CEPIC: Could we have the fifth or actually the fourth page in

18 B/C/S, please. Count 5.5, please, the previous page, please.

19 Q. [Interpretation] We see para 5.1, your brigade is mentioned as

20 having to carry out the assignment. 5.1, please.

21 Are you familiar with this?

22 A. Yes.

23 Q. General, did you perform this action with the MUP?

24 A. As far as I remember, it was planned that we should do it with the

25 36th Detachment of the PJP, but I believe we didn't carry out this

1 operation together.

2 Q. Did you then do it alone, independently?

3 A. Yes, independently. The MUP did not take part in this operation
4 for I don't know which reason. They just didn't show up where they were
5 supposed to show up. It's the Prekaze operation I think from this
6 document.

7 MR. CEPIC: [Interpretation] Your Honours, in e-court we have an
8 order for defence for the 37th Brigade marked 5D1029, but to save time I
9 just want to mark it with a proposal that it be admitted.

10 [In English] Could we have ...

11 [Trial Chamber and registrar confer]

12 JUDGE BONOMOY: Ms. Carter, any objection to that?

13 MS. CARTER: No objection, Your Honour.

14 JUDGE BONOMOY: Very well, Mr. Cepic, we shall admit that document.

15 MR. CEPIC: Thank you, Your Honour.

16 Could we have in e-court system Exhibit Number 5D1080, please.

17 Could we have in B/C/S, please.

18 Q. [Interpretation] General, is this your document?

19 A. Yes, yes, it's a document of the 37th Brigade.

20 Q. We see para 2, third bullet point. You stress here that MUP units
21 had not resubordinated to you yet. I want to ask: Did they resubordinate
22 to you at any time later during the war?

23 A. Mr. Cepic, MUP units did not resubordinate to my brigade at the
24 beginning of the war, in the middle of the war, or at the end of the war;
25 in other words, in my zone, in my brigade, there was no resubordination of

1 units of the Ministry of the Interior. I stressed that on numerous
2 occasions and I requested assistance in this matter from my superior
3 command, and I indicate here as well that MUP units did not resubordinate
4 to the brigade command.

5 Q. Thank you.

6 A. Not under my command, that's what I'm saying. At -- there was
7 just the relationship with MUP forces of cooperation and coordination. No
8 other relationship in my area of resubordination or anything with the MUP
9 forces.

10 Q. Thank you.

11 MR. CEPIC: Could we have Exhibit Number 5D1062, please.

12 Q. [Interpretation] Take a look at the heading and the date, please.

13 A. Yes.

14 Q. Is this a document compiled towards the end of the war?

15 A. It says the 7th of June, 1999, so yes.

16 Q. Thank you.

17 MR. CEPIC: [Interpretation] Item 9, please.

18 Q. Here you urgently ask the MUP in Kosovo to put into effect the
19 plan of engagement in your area, in your zone. So what does this request
20 represent? What were you in fact requesting on the basis of this item, 9?

21 A. Mr. Cepic, a number of times during the war - and I stressed this
22 earlier on - the brigade commander -- as brigade commander I requested and
23 called for the forces of MUP, the Ministry of the Interior, which were
24 located in the area covered by my brigade should be subordinated to me so
25 that I could use those forces and to -- that I could have executive

1 command over those forces in my area of responsibility.

2 Now, that is something I never achieved and that is something that

3 never happened. The area of the 37th Brigade, motorised brigade, was

4 about 900 square kilometres, the surface area of it. It was an area with

5 a lot of space, and it cannot be covered with the troops I had; so I

6 needed more troops in order to establish complete control over such a

7 large area so that there were no spaces and gaps allowing the terrorists

8 to take me by surprise from the rear. And I suffered heavy casualties.

9 Mr. Cepic, during the war in the space of 78 days lost 61 men and over 200

10 others were wounded. So, Mr. Cepic, we didn't kill ourselves down there;

11 the terrorists killed us, and I had more losses than the Siptar terrorist

12 forces -- from the Siptar terrorist forces double the amount of casualties

13 than I did from the NATO strikes. So I -- and this is the 6th of June

14 here, so I'm asking them again to send MUP forces to control my flanks and

15 the gaps where I did not have any men deployed in order to reduce my

16 casualties and my losses. There were a lot of casualties and a lot of

17 fatalities, and we can see quite clearly here, Mr. Cepic, once again that
18 up until that date, the 6th of June - and now I'm telling you not even
19 later - never were the MUP units subordinated to me. Had they been, I
20 wouldn't have asked MUP forces to be sent in to me on the 6th of June,
21 whereas I suffered heavy losses from all sides, from the air-strikes from
22 the air and from the Siptar terrorist forces. It was hell down there,
23 Mr. Cepic, let me tell you, when you have an enemy encircling you when you
24 have an enemy in the air and an enemy all around you, when you can't
25 deploy your technical equipment, you can't move --

1 JUDGE BONOMO: [Previous translation continues]... the interpreter
2 have time to translate what you're saying. Please continue but at a more
3 reasonable pace, please.

4 THE WITNESS: [Interpretation] Yes, Your Honour. Thank you.

5 As I was saying, Mr. Cepic, I once again am calling here for these
6 forces.

7 MR. CEPIC: [Interpretation]

8 Q. We've already heard that but just to save time --

9 JUDGE BONOMO: I'm not entirely understanding.

10 You are asking for MUP forces to cover your flanks; is that right?

11 THE WITNESS: [Interpretation] Your Honour, what I asked for is
12 this: I asked the forces of the Ministry of the Interior to be
13 subordinated to me so that I should be their commanding officer in my own
14 area of responsibility. That's what I was asking for, and here I'm
15 emphasising that I'm going to use them according to the engagement plan,
16 in line with what they were capable of doing.

17 JUDGE BONOMOY: Thank you.

18 Mr. Cepic.

19 MR. CEPIC: Thank you, Your Honour.

20 Q. [Interpretation] I forgot a detail. We saw a report for the 27th
21 and for the 28th here, March, of course, 1999. Could you tell me whether
22 your forces on the 29th of March or the previous days in the area around
23 Cirez village, and perhaps did they enter the village of Kozica on that
24 day, and I'm talking about the 29th of March here?

25 A. Mr. Cepic, as far as I remember, on the 29th of March my forces

1 were not in Cirez and in Kozica village. I think in one of the reports it
2 states exactly where my troops were on that date, the 29th of March. So
3 we can take a look at that.

4 Q. Thank you. There's no need for us to go back to that. Thank you.

5 Now, General, with respect to the problems of resubordination and other
6 problems, did you have direct contacts with General Lazarevic in the
7 second half of May 1999?

8 A. Mr. Cepic, General Lazarevic was my commanding officer. I had
9 daily contact with him, and I always had the possibility whenever the need
10 arose, when I considered it necessary to contact him, I could always do
11 so. I could always reach him so that I really cannot enumerate exactly
12 how many times I was in contact with General Lazarevic during the war, but
13 quite a few times, that is certain.

14 Q. Did you happen to go to Pristina especially because of the
15 problems of resubordination so that you could have a meeting with
16 General Lazarevic?

17 A. Yes, I did go to Pristina, the general would come to my command
18 post too. So as I say, those contacts were mostly either in Pristina or
19 at my command post or in the area of my brigade, and since the corps
20 commander was not linked to Pristina strictly speaking, he toured all the
21 units in Kosovo, he toured my unit too.

22 Q. Thank you. Now, as we're on the subject of touring units let me
23 ask you this: Did other commanding officers from the Pristina Corps come
24 to see you, to visit you?

25 A. Yes, and they did so on several occasions.

1 Q. Could you give us some names who came to visit you.

2 A. Colonel Novak Paprica, Colonel Radojko Stefanovic,

3 Colonel Momir Stojanovic, Colonel Vicentic and a series of other

4 commanding officers from the Pristina Corps, I can't remember their names

5 now. I can't give you all the names, but there were officers from all

6 levels, from corps commander level to the staff officers in the Pristina

7 Corps command.

8 Q. Right. Now, did you have visits perhaps from the command of the

9 3rd Army?

10 A. Yes, from the 3rd Army command too in -- at my command post in the

11 area of responsibility of the brigade.

12 Q. Thank you, General. Now, General, we were talking about your

13 relationship and ties with MUP, and obviously there was cooperation and

14 collaboration and support, but that there was no resubordination. Now, we

15 saw one action in Prekaze. Did you launch other independent actions

16 without MUP except for this one?

17 A. Yes, yes. There were other actions too that we engaged in
18 independently, that my units launched independently in that area in order
19 to rout and destroy the Siptar terrorist forces.

20 Q. Thank you, General.

21 MR. CEPIC: Could we have 5D1031, please.

22 Q. [Interpretation] We're now going to move on to another area and
23 discuss check-points, and here we can see a document, it is of the 37th
24 Motorised Brigade.

25 MR. CEPIC: [Interpretation] Second page, please.

1 Q. General, is this one of your documents?

2 A. Mr. Cepic, I just have item 8 in front of me with my signature and
3 stamp, but yes it is my document.

4 MR. CEPIC: Excuse me, could we have the first page, please.

5 Q. [Interpretation] We can see an order here for establishing
6 check-points, and we can see that -- well, if we look at point 2,
7 paragraph 2, we saw -- see that there were mixed ones together with --
8 together with the MUP forces and there were independent check-points as
9 well. Now, could you tell me what authorisation the army had over the
10 check-points? What control did they exert?

11 A. Mr. Cepic, each and every unit in an area where it is located -
12 and I'm emphasising this, each and every unit in the area it is found in -
13 had to provide security for itself, had to ensure that its area was
14 secure, the area that it was located in. Now, among other things, other
15 combat operations that were taken to implement that task, one of the
16 elements for providing security for the area is a check-point, to set up a

17 check-point. So check-points were used to secure the area of deployment
18 of that particular unit.

19 Q. Tell me, please, in other situations, if the check-point wasn't in
20 the area in which the unit was deployed, or rather, were all check-points
21 in the vicinity of deployed units or not?

22 A. All check-points which my unit set up and just my unit were within
23 the set area of the unit's deployment. It can't be -- a check-point can't
24 be established within a unit. We wouldn't need a check-point in a unit,
25 so it can't provide security for the unit if it is set up inside; it must

1 be at the approach roads to the unit's area. So in addition to the
2 check-points set up by my own unit there were other joint check-points
3 too, manned by the army and the Ministry of the Interior, for example, but
4 not to provide security for that immediate unit. They had other
5 intentions.

6 Q. What were the intentions at these -- what was the purpose of these
7 jointly manned check-points?

8 A. The purpose of the jointly manned check-points depended on the
9 competence and authority of the army members and the competence and
10 authority of the Ministry of the Interior. The control of movement, the
11 passage of civilians, civilian vehicles, that came under the MUP. So the
12 MUP forces at the check-point would see to that, and then the control of
13 military vehicles, combat vehicles, non-combat vehicles, the passage of
14 soldiers and members of the army, that came under the remit of the army
15 part of the mixed check-point, the mixed check-point manned by the
16 soldiers and the others.

17 Q. Thank you.

18 MR. CEPIC: Could we have Exhibit Number 5D1032, please.

19 Q. [Interpretation] General, did the work of the check-points follow
20 these guide-lines and instructions?

21 A. Yes, these are -- this is a set of instructions and the
22 check-points functioned according to those instructions.

23 Q. Thank you.

24 JUDGE BONOMOY: Ms. Carter.

25 MS. CARTER: Your Honour, we would like some verification of

1 authenticity of this document. It bears no signature or seal. It's a bit
2 problematic.

3 JUDGE BONOMOY: Mr. Cepic.

4 MR. CEPIC: [Interpretation] Your Honour, this is not an order,
5 it's an instruction. It's just enclosed with the order.

6 JUDGE BONOMOY: Let's find out from the witness a bit about this
7 document.

8 MR. CEPIC: Thank you, Your Honour.

9 Q. [Interpretation] General, these instructions, do they have to have
10 a seal and a signature or can they be without those?

11 A. Instructions do not have to contain a seal and a signature -- a
12 stamp and a signature because they do not have the force of an order.
13 However, along with this document, these instructions, there is an
14 accompanying order containing a stamp and a signature, which says
15 something like this, Please find enclosed instructions for work at the
16 check-point, and brief guide-lines concerning the application of the

17 instructions. And that document would then bear the stamp and the
18 signature of the commanding officer. The instructions were meant to tell
19 those manning the check-point what to do at every moment.

20 Q. Where did such instructions emanate from?

21 A. They emanated from the brigade command. That was the lowest
22 level, brigade level, and then above that would be the corps and higher
23 up. I can't really tell you from which unit these particular instructions
24 came from, but it was brigade, corps, army, General Staff, that was the
25 hierarchy.

1 Q. Thank you.

2 JUDGE BONOMOY: Are you saying you do not recognise this particular
3 document?

4 THE WITNESS: [Interpretation] Your Honour, I do recognise this
5 document. I do, absolutely.

6 JUDGE BONOMOY: Tell us what this particular one is. I know it's
7 instructions, I know it's for operating a check-point, but did it relate
8 to a particular order or particular check-points? Did it come from a
9 particular brigade command or what? Tell us more about it.

10 THE WITNESS: [Interpretation] Your Honour, this is a binding
11 document for procedures to be undertaken by people manning a check-point.
12 They had to comply with this document. This document can only be coming
13 from my brigade or the command of the Pristina Corps. At the moment I
14 cannot tell right now whether it came from the brigade or from the command
15 of the Pristina Corps.

16 JUDGE BONOMOY: Did these instructions vary from order to order or

17 were the instructions standard?

18 THE WITNESS: [Interpretation] These were standard instructions for
19 any check-point. All our check-points had these same instructions as to
20 procedures to be followed.

21 JUDGE BONOMOY: Well, our procedure in relation to exhibits is
22 well-known. The document has been explained by the witness as one he
23 recognises as a standard form that was issued by -- in association with
24 orders establishing check-points. So we will admit this document, but as
25 with all other documents we will assess it in light of all the evidence

1 that bears upon it.

2 We have to have a break at this time, Mr. Dikovic, that will be
3 for half an hour. Could you leave the courtroom with the usher and we'll
4 see you again at 11.15.

5 THE WITNESS: [Interpretation] Thank you.

6 [The witness stands down]

7 --- Recess taken at 10.45 a.m.

8 --- On resuming at 11.15 a.m.

9 [The witness takes the stand]

10 JUDGE BONAMY: Mr. Cepic.

11 MR. CEPIC: Thank you, Your Honour.

12 Q. [Interpretation] General, did you make requests for sanitization
13 of the terrain to be carried out?

14 A. Yes, I did.

15 Q. Thank you. Who carried out sanitization?

16 A. Sanitization of the battle-field was carried out by units of the

17 civil protection according to the rules of instructions.

18 MR. CEPIC: Could we have 5D1039, please. 5D1039, please.

19 Q. [Interpretation] General, is this your document?

20 A. Yes, that's my document.

21 Q. Is this a request for sanitization or clearing the ground?

22 A. Yes, Mr. Cepic. In items 1 and 2 and 3, or rather, throughout the

23 document.

24 Q. Thank you.

25 MR. CEPIC: [Interpretation] Your Honour, we have some other

1 documents concerning sanitization, so I ask that they all be admitted now
2 PD1035 [as interpreted] an order of the 37th Motorised Brigade dated the
3 30th of April, 1999, concerning sanitization; further, P, or rather,
4 5D1051 as evidence of sanitization. [In English] Just one error in
5 transcript, I have to repeat, 5D1035 from 30th of April, 1999, this is the
6 order from 37th Motorised Brigade; then 5D1051; and 5D1060 in relation to
7 cluster bombs and their destroying in the area.

8 JUDGE BONOMOY: Any problem with any of that, Ms. Carter?

9 MS. CARTER: Your Honour, I have no objection to 5D1035 or 5D1060;
10 however, 5D151 [sic] I'd like a little more clarification on. It purports
11 to be a record of burial of military persons, but its describing a
12 civilian very clearly so if there's going to be argument made on that
13 later on, I'd like some context of this witness.

14 JUDGE BONOMOY: Mr. Cepic, you'll need to deal with that one if
15 you're going to continue to seek its admission.

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

17 [In English] Thank you, Your Honour, but I have to speed up right

18 now.

19 Could we have 5D1033.

20 JUDGE BONAMY: Well, the effect of that is that 1051 is not

21 admitted.

22 MR. CEPIC: Thank you, Your Honour.

23 Q. [Interpretation] General, is this an order emanating from your

24 brigade?

25 A. Yes, this is an order from my brigade dated the 20th of April,

1 1999.

2 Q. We see here that you state that there were large population
3 movements because of the NATO air-strikes. Will you tell us, please, what
4 were the living conditions at that point in time in that area.

5 A. Mr. Cepic, the movement of the population was caused not only by
6 NATO air-strikes. It was also caused by acts of terrorism. The
7 terrorists wanted that to happen. They wanted to have as many civilians
8 moving through the area as possible for their own protection. Not
9 infrequently there were terrorists in the groups with weapons concealed
10 under civilian clothing, and then they fired on the units. We have
11 examples of that to this day. Even today you will not see terrorists in
12 uniform carrying out acts of terrorism. Terrorists wear civilian clothes.
13 They strap explosives to their bodies underneath their clothing and they
14 perform acts of evil and we experienced that in 1999.

15 Q. Can you tell us what the living conditions were?

16 A. When I arrived in the Glogovac area, I found a very difficult

17 situation. The civilian authorities were not functioning because they
18 were practically non-existent. There were food shortages, not enough, or
19 rather, there was no electricity, there were large numbers of people in
20 Glogovac, large numbers of civilians. There was a threat of infectious
21 diseases, there was no water, and if you observe such a situation you have
22 to do something about it, you have to take steps to improve life for the
23 civilian population in the area.

24 Q. Thank you. Would you tell me, please, we've mentioned NATO
25 air-strikes. There's just one thing I'd like to know: How often was that

1 area targeted? Do you have this information?

2 A. Yes, I do. We kept records. Over 700 projectiles were fired in
3 the, or rather, were fired at the brigade area of responsibility from the
4 air at various targets.

5 Q. Was a factory hit?

6 A. Yes, the Feronikel factory in Glogovac. It was hit, to the best
7 of my recollection, in early May. And then there was a hunting ammunition
8 factory in Srbica hit in early April during the air-strikes.

9 Q. Were there any civilian casualties in Srbica due to this
10 air-strike?

11 A. Yes.

12 Q. And this factory called Feronikel, what did it manufacture, what
13 was it known for, and what was the danger when a factory of that nature
14 was hit?

15 A. Well, Mr. Cepic, I think you know Feronikel is an ore and you know
16 what is made from it. That factory was the main employer for the

17 population of Glogovac. Most of the population had links to that factory,
18 that's where they were employed, that's where most of them earned their
19 living. And I wish to point out that in that factory there was not a
20 single soldier nor was there any military equipment there which might be
21 considered to be a military target.

22 Q. Thank you. Were there any ecological problems?

23 A. Yes, yes. From the moment the factory was hit over the following
24 three days, it was on fire and this was not an ordinary fire. The flames
25 went up as high as a hundred metres. There was black smoke issues from

1 the fire all the time, and that had to have consequences on the -- on the
2 surroundings.

3 MR. CEPIC: Could we have 5D1034, please.

4 Q. [Interpretation] General, is this your document?

5 A. Yes, that's my document from April 1999.

6 Q. We see that here you're asking for humanitarian aid, and in the
7 second paragraph you state that food stocks are running out, that the
8 shops and markets are closed, and what document do you refer to in this
9 document here?

10 JUDGE BONAMY: Just one moment.

11 Ms. Carter.

12 MS. CARTER: Your Honour, I would object to the leading form of
13 these questions. I know we're trying to keep short on time, but simply
14 reading out documents to the witness just to confirm yes or no is I think
15 an inappropriate use of direct examination.

16 MR. CEPIC: Okay. --

17 JUDGE BONOMOY: Well, it's not really necessary anyway, Mr. Cepic,
18 once the witness has confirmed that this is his document, then obviously
19 we can read it for ourselves and see what it says. If there's something
20 you want to ask him following on the document, please do so, and you have
21 done so I think, you say that he's referring to another document.

22 MR. CEPIC: Thank you, Your Honour.

23 JUDGE BONOMOY: So can you deal with that question now, please,
24 Mr. Dikovic, which other document were you referring to?

25 THE WITNESS: [Interpretation] This document of mine was addressed

1 to the command of the Pristina Corps, and in the first sentence in
2 paragraph 1, I mentioned that, where it says:

3 "Reference your order, confidential number 28-199/1, dated the
4 16th of April, and in accordance with item 3 of the said order, we are
5 forwarding a request for humanitarian aid."

6 From what I read, I conclude that item 3 of the corps commander's
7 order told me to secure humanitarian aid. Could I see that document,
8 please, and then I could clarify further.

9 MR. CEPIC: Your Honour, that document from the Pristina Corps is
10 in our e-court system with number P1306, but I think that is not necessary
11 right now to tender that document.

12 JUDGE BONOMOY: Very well.

13 MR. CEPIC: It is already admitted in the system. Thank you, Your
14 Honour.

15 Q. [Interpretation] General, could you tell us the ethnic composition
16 of the population of Glogovac at that time?

17 A. As far as I know, at the time this document was written in April
18 when I arrived in the area of Glogovac with some of my units, the
19 population was Albanian.

20 Q. In what percentage?

21 A. 100 per cent.

22 Q. What about Srbica?

23 A. Almost 100 per cent. I'm really not aware of exact figures, but
24 almost 100 per cent Albanian.

25 MR. CEPIC: Could we have Exhibit Number 5D1059, please.

1 Q. [Interpretation] Look at the top of the document, the heading.

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

3 THE INTERPRETER: Counsel asked for page 2.

4 [Trial Chamber confers]

5 MR. CEPIC: Thank you.

6 Q. [Interpretation] General, is this your document?

7 A. Yes.

8 MR. CEPIC: Can we have the first page, count number 4, please.

9 Q. [Interpretation] What were you doing in Glogovac, General?

10 A. What do you mean specifically?

11 Q. Para 4, the second sentence: "The population in Glogovac ..."

12 A. We distributed 22 sacks of flour, 50 kilos each, to the population
13 in Glogovac, and this flour we had gathered in the area of responsibility
14 of the brigade, thus we distributed humanitarian aid to the population in
15 that area, and they were really short of food and something had to be done
16 to get food for them because the situation in Glogovac was really very

17 difficult. And just one more thing, I want to stress that we were doing
18 all this at the height of combat activities, before the Siptar terrorist
19 forces were destroyed under air-strikes and 134 of our men were disabled
20 and it was not possible to use vehicles to distribute humanitarian aid and
21 I had to risk the lives of my troops to help the civilian population.
22 That's what I wanted to emphasise.

23 Q. Thank you. All these documents of yours that we have seen, do
24 they faithfully reflect the situation on the ground?

25 A. Yes. It could only have been worse than we described in this

1 paper at that moment, and urgent steps needed to be taken.

2 MR. CEPIC: Could we have Exhibit 5D1037, please.

3 Q. [Interpretation] General, is this your report on the state of
4 affairs in Glogovac?

5 A. Yes, from early May about the situation in Glogovac and there was
6 more than one such report, if I remember well.

7 Q. After such reports, did you receive any aid?

8 A. Yes, I did. The command of the Pristina Corps whom I had
9 contacted had, in cooperation with the civilian authorities and the Red
10 Cross in Pristina, made available a certain amount of humanitarian aid
11 that was distributed to the populace, and I believe that is also covered
12 in our combat reports. In this specific document I ask that
13 representatives of the Red Cross be sent to the Glogovac to assess the
14 situation because that's not my primary job at that moment. I was looking
15 for a specialised organization who would assess the situation and provide
16 basic aid. My primary task was not to provide assistance to the civilian

17 population. There are other agencies in charge of that, but when you see
18 a situation like that, as a human being and a commander of a unit you
19 cannot do nothing, and this correspondence I had with the command of the
20 Pristina Corps is a result of that.

21 MR. CEPIC: Could we have 5D1086, please.

22 MS. CARTER: Your Honour, it appears that 5D1037 was not on the
23 list for documents for this witness, and so we'd just like to bring that
24 to the Court's attention --

25 MR. CEPIC: It's a mistake.

1 MS. CARTER: Okay.

2 MR. CEPIC: I'm sorry for interrupting.

3 Your Honour, with your leave, I requested 5D1086, please.

4 JUDGE BONOMOY: Yes, but the reference -- the concern being
5 expressed is in relation to your previous document, which was 1037.

6 MR. CEPIC: I think that I requested it --

7 JUDGE BONOMOY: However, you got lucky, there was no objection
8 taken, and all we're being asked to do is to give you one penalty point.

9 MR. CEPIC: I have to suffer that. Thank you, Your Honour, I have
10 to say.

11 Q. [Interpretation] General --

12 MR. CEPIC: Can we scroll up, please.

13 Q. -- is this your document?

14 A. Can I see the top of the document?

15 MR. CEPIC: Thank you.

16 THE WITNESS: [Interpretation] Yes, that's my document from May

17 1999.

18 MR. CEPIC: [Interpretation]

19 Q. Look at item (b).

20 A. Which one?

21 Q. (B), in fact 3(b).

22 A. The health problem, the local doctor fled, the military doctor is

23 taking charge.

24 Q. Who, who is that military doctor?

25 A. The military doctor of my brigade, and we have evidence of that in

1 the protocol of work of my military doctor who provided assistance to many
2 civilians, several dozen, in fact.

3 Q. Look at item (e).

4 A. There were attempts at theft by military conscripts (jewellery,
5 money) but we responded and the looted items and money were returned.

6 Q. Can you explain?

7 A. There were individual cases of attempted theft, but we took very
8 serious and rigorous steps, perpetrators were found in this case, the
9 looted items were taken away from them, returned to the rightful owners,
10 and perpetrators were subject to the required steps.

11 MR. CEPIC: [Interpretation] Your Honour, I have a number of
12 documents, but I would like to suggest 5D1083, it speaks of the way of
13 providing supplies and medical assistance; 5D1023, expressing the
14 expectation that humanitarian aid will arrive; and with your leave I
15 would, having said this, move on to another subject.

16 MS. CARTER: I would disagree with the categorization of the

17 documents, but I have no objection to the documents.

18 JUDGE BONOMY: Very well. Thank you.

19 Mr. Cepic.

20 MR. CEPIC: Thank you.

21 Could we have Exhibit Number 5D1041, please.

22 Q. [Interpretation] General, is this your document?

23 A. Yes, it's a document of the 37th Brigade, 22nd May 1999.

24 Q. Thank you. Do you know approximately how many persons were

25 arrested in your unit and charged with the most serious crimes, such as

1 murders and war crimes?

2 A. There is a clear documentation, Mr. Cepic. As far as I remember
3 for such cases, more than 30 people in the brigade were prosecuted; that
4 is, bad treatment of civilian population and some of them crimes against
5 civilian population. Several dozen members of my brigade were held
6 responsible. That was -- we really made sure to take every step
7 prescribed by our legislation and the international humanitarian law and
8 laws of warfare.

9 MR. CEPIC: Could we have Exhibit 5D1057, please.

10 THE INTERPRETER: The exhibit requested was 5D1057.

11 MR. CEPIC: Could we have --

12 Q. [Interpretation] Look at the heading, please.

13 MR. CEPIC: Could we have the second page, please, count 10, also
14 in English probably the second page.

15 Q. [Interpretation] While we are waiting for the translation of this
16 document, is it your document?

17 A. Yes.

18 Q. Look at para 10. Why were these five persons taken into custody?

19 A. Mr. Cepic, these five members of the brigade were taken into

20 custody because there was a well-grounded suspicion that they had

21 committed a series of criminal offences and crimes against the civilian

22 population in Glogovac.

23 MR. CEPIC: Could we have 5D1061, please.

24 JUDGE BONAMY: What were these crimes in this one?

25 THE WITNESS: [Interpretation] Your Honours, those were crimes that

1 resulted from bad treatment of the civilian population, which specific
2 crimes I cannot remember now, but there are records. At this moment I
3 cannot recall the specific crime that these five members of my brigade
4 committed, but it is obvious that they had committed a crime. In fact,
5 there was a well-grounded suspicion that they had and that's obvious from
6 my report.

7 JUDGE BONOMOY: So clarify something you said earlier, were there
8 in fact examples of charges of murder against anyone in your brigade?

9 THE WITNESS: [Interpretation] Your Honour, yes, there were members
10 of my brigade charged with murder. I don't know whether this case is one
11 of them, I cannot see that from this report, and I cannot say with
12 certainty whether this is the crime of murder; but there are records of
13 steps taken for murders of civilians and steps were taken of that kind
14 against several members of the brigade.

15 JUDGE BONOMOY: Mr. Cepic.

16 MR. CEPIC: Thank you, Your Honour.

17 Q. [Interpretation] We saw a document from April. Now I would like
18 to call up 5D1061.

19 General, is this a document of your brigade? Let's look at the
20 second part [In English] and then again first.

21 Q. [Interpretation] We see the stamp and the signature now?

22 A. Yes, that's an act of my brigade.

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

24 THE INTERPRETER: Para 5 was requested.

25 MR. CEPIC: [Interpretation]

1 Q. Take a look at item 5, paragraph 2, it begins: "On the 19th of
2 May, 1999," and then some names follow. Can you tell us whether these are
3 members of your unit?

4 A. Mr. Cepic, yes. I stressed a moment ago that there were crimes,
5 and this is one such crime, serious crime, committed against the civilian
6 population. On the 19th of May at around 1800 hours, three brigade
7 members, and the names are stated, wilfully abandoned the unit, went to
8 Kosovo Polje, and killed two civilians. The perpetrators were uncovered
9 and arrested and handed over to the military investigating court in
10 Pristina. According to our information, Bulatovic, who was probably the
11 perpetrator of that act, was remanded in prison and a criminal report
12 filed for murder, and that's what it says in para 5, titled: "Security
13 situation."

14 Q. General, does the name Dusan Mladenovski mean anything to you, is
15 it familiar?

16 A. Yes, he was a member of my brigade, who as far as I remember was

17 also prosecuted for serious crimes against the civilian population, and I

18 think that he -- his name is on the records as having been prosecuted.

19 Q. Thank you. Stevan Jekic is the next person?

20 A. Yes, yes, Stevan Jekic was also a member of the 37th Brigade and

21 prosecuted for serious crimes, and there's information of individual

22 cases, but I remember this particular case because it was a serious crime.

23 I think that he killed several civilians, a large number of civilians, and

24 the area was in the Gornja Klina-Prekaze-Srbica area, that's where the

25 crime took place.

1 JUDGE BONOMOY: Is there a document relating to that, Mr. Cepic?

2 MR. CEPIC: Your Honour, we have some documents, we actually have

3 5D726, but I spoke with my learned friend before the first session, and I

4 hope that we haven't got any objection now in relation to that document.

5 MS. CARTER: Your Honour, the document is only in B/C/S, however I

6 have received a summary from some of our own staff, so I have no objection

7 for it to be used today in court.

8 JUDGE BONOMOY: And this confirms the killing of a large number of

9 civilians, does it, Ms. Carter?

10 MS. CARTER: Quite sadistically, yes.

11 MR. CEPIC: Your Honour, with your leave, also in Exhibit Number

12 P955, all those names are marked. This is the report from

13 General Vojovic.

14 JUDGE BONOMOY: All right. Thank you.

15 MR. CEPIC: Actually, in that report one name missing, and I will

16 clarify right now.

17 Q. [Interpretation] General, to get through this procedure quicker, I
18 won't open the document, but anyway Slobodan Stosic, Oto Palinkas Igor
19 Mijatovic, Miskic Miodrag, and Bozidar Sudarski, those names?

20 A. Yes.

21 MR. CEPIC: I have to repeat again. [Interpretation]

22 Slobodan Stosic.

23 THE WITNESS: [Interpretation] Yes, a member of my brigade.

24 MR. CEPIC: [Interpretation].

25 Q. And what post did he occupy in your brigade?

1 A. Lieutenant-Colonel Stosic was the commander of the logistics
2 battalion of the 37th Motorised Brigade, and he was directly subordinated
3 to me.

4 Q. Oto Palinkas and Igor Mijatovic?

5 A. Oto Palinkas and Igor Mijatovic were members of the logistics
6 battalion of my brigade.

7 Q. Miodrag Miskovic is the next one?

8 A. Also a member of my brigade.

9 Q. Bozidar Sudaski?

10 A. Yes, a member of the brigade.

11 Q. And why were they suspects, General?

12 A. Mr. Cepic, I said that some dozen men were prosecuted. Now, I
13 can't remember the details of each particular case but they were all
14 serious crimes; and I remember the prosecuting of Colonel Stosic,
15 Lieutenant-Colonel Stosic for the killing of civilians in the
16 Srbica-Klina-Prekaze area for a number of crimes of killing of civilians

17 and the battalion commander was prosecuted.

18 Q. And these other people, the other names I mentioned?

19 A. Yes, these other people also committed a series of crimes and
20 offences against the population. They were uncovered and prosecuted,
21 which shows - and I'd like to stress that - that my brigade paid
22 particular attention to that and something like that wasn't allowed to
23 pass -- go unpunished.

24 Q. How about Marko Petric, the next name?

25 A. I think he was a member of the 37th Brigade.

1 Q. Milan Rakic?

2 A. Yes, Milan Rakic was a member of the 37th Brigade. He was
3 prosecuted for a killing in the village near Tica, I think the name of the
4 village was Tica.

5 Q. Were there -- was Dejan Djokic there to?

6 A. Yes.

7 Q. And Mico Racic?

8 A. Yes, that was the group of persons prosecuted.

9 Q. Miodrag Stosic, was he in the same group?

10 A. Yes.

11 Q. Thank you and a member by the name of Miodrag Adzic?

12 A. Yes, I think he was a member of the 37th Brigade too. And,
13 Mr. Cepic, you have the information and details in front of you. It's
14 easier for you, I really don't have them, so I'm just relying on my memory
15 and of course it's been eight years since then. I do recall that they
16 were members of my brigade, but you mustn't hold it against me if I waiver

17 a bit and take time to think if they were or not.

18 Q. How about Tomislav Milenkovic, the next name?

19 A. Yes.

20 Q. Do you happen to remember which crime he was up for?

21 A. I think it was killing, murder I think.

22 Q. All right. Thank you.

23 MR. CEPIC: [Interpretation] Your Honour, the name

24 Tomislav Milenkovic is in Prosecution Exhibit 955 for crimes of rape under

25 number 2.

1 Q. General, were there other crimes committed, the confiscation of
2 vehicles, theft?

3 A. Mr. Cepic, yes, there were such crimes too in my brigade, and I
4 did emphasise that for all the crimes we learnt about or if we learnt that
5 anybody had committed crimes or offences against international war law and
6 that they behaved badly towards the civilian population were prosecuted.
7 There are a series of documents in the brigade testifying to that. Nobody
8 was allowed or permitted to act in that type of way.

9 Q. Thank you.

10 MR. CEPIC: [Interpretation] Your Honours, in looking through
11 General Gojovic's testimony and to gain time, P9594, 119, 132, 137, 142,
12 and 144 are persons from the 37th Brigade who committed crimes against
13 property, and also in the other case files, 5955, under number 81.

14 JUDGE BONOMOY: Mr. Cepic, the exhibit number is P95 --

15 MR. CEPIC: The first exhibit number is P954 and the second one is
16 P955.

17 JUDGE BONOMOY: Thank you.

18 MR. CEPIC: Thank you, Your Honour.

19 Q. [Interpretation] General, we've heard about

20 Lieutenant-Colonel Stosic, who was immediately subordinated to you. What

21 about other officers, were they replaced for working badly?

22 A. Yes, Mr. Cepic, there were cases like that too.

23 Q. Could you give us some specific examples of those, please.

24 A. For failing to implement orders and for the bad situation in the

25 unit, I replaced from duty the commander of the artillery battalion

1 Major Milanovic, as I did -- I also replaced the commander of the 3rd
2 Motorised Battalion, Major Mico Vasic. And I support this once again,
3 Mr. Cepic, and state again that in the brigade strict attention was paid
4 to the functioning of command, and nobody would remain unpunished if they
5 committed bad things. In my brigade, the security chief of the Pristina
6 Corps came by for a time and the corps commander came to visit, as did the
7 army commander, and one of the obligatory questions they asked me during
8 their stay was the soldiers' attitude towards the population and
9 guide-lines and instructions that if there were any transgressions the
10 perpetrators should be punished. And my security organ constantly
11 informed me about the situation in the units, focusing on these issues.

12 Q. Thank you very much, General. That was my last question, in fact.

13 JUDGE BONAMY: Thank you, Mr. Cepic.

14 MR. CEPIC: Thank you, Your Honour.

15 Any Defence counsel have questions? Mr. Lukic.

16 MR. LUKIC: Thank you, Your Honour. I was a bit caught by

17 surprise, but I'll try to organize myself as soon as possible.

18 Cross-examination by Mr. Lukic:

19 Q. [Interpretation] Good morning, General. My name is Branko Lukic.

20 A. Good morning, Mr. Branko Lukic.

21 Q. I am Defence counsel for Mr. Sreten Lukic before this Tribunal. I

22 just have a few questions for you. You answered questions about

23 check-points asked -- when my colleague Mr. Cepic asked you and it's

24 Exhibit 5D1031 that I'd like us to look at. It will come up on our

25 screens.

1 And we can see here that mention is made of two mixed
2 check-points. Of the six, four were purely military check-points and
3 under item 3 we can see that an order is being issued within the area of
4 responsibility of each battalion check-points be set up at the entrance
5 and exit to the zone, to the area. I don't know whether this was
6 explained, but I'd like to ask you this: All these check-points are on
7 roads, are they, on communication lines?

8 A. Mr. Lukic, no, that's not quite true. They weren't all on the
9 roads.

10 Q. Well, that's what I was not clear about. So could you explain the
11 situation to us.

12 A. Mr. Lukic, the check-points - and from this order we can see
13 that - the check-points are set up -- are being set up and then it
14 says "mixed check-point" too. So let me differentiate between those two
15 concepts. A check-point means that you have an element of combat
16 deployment for a battalion, for lower units, by which immediate security

17 is provided, that is to say it provides the elements needed for its
18 deployment. It need not be an a communication line, on a road, but it
19 must be along the combat deployment line of a battalion in order to
20 provide security.

21 Now, mixed check-points are set up on important roads and
22 communication lines which enter the zone or exit the zone, so approach
23 roads or exit roads, and those need not be directly linked to the unit.
24 At these mixed check-points, you are able to control the movement of the
25 population and the movement of soldiers and anybody else in the area; and

1 that's how they were conceived in the first place. And manning the mixed
2 check-points you would have members of the military police, the army, and
3 members of the Ministry of the Interior, with clearly defined powers and
4 authorisations. The members of the Ministry of the Interior would control
5 civilians and everything that did not belong and come under the army,
6 whereas the members of the military police of the army would exert control
7 over military personnel, soldiers, NCOs, commanding officers, vehicles,
8 and so on and so forth. I don't know if I've managed to explain it
9 properly to you.

10 Q. Yes, General, you have. Thank you. Now, you also spoke about
11 Izbica. I don't know what the witness scheduling is for
12 General Lazarevic, the Lazarevic Defence, but I'd like to take advantage
13 of your knowledge and experience for those moments when you were in the
14 Izbica area and ask you about that. Your neighbour to the west was the
15 7th Infantry Brigade; is that right?

16 A. Yes.

17 Q. Now, do you know that this infantry brigade in the area of Izbica
18 village engaged in anti-terrorist actions on the 12th of April, 1999; for
19 example, on the 15th of April, 1999; the 10th and 11th of May, 1999; as
20 well as the 28th of May, 1999?

21 A. Mr. Lukic, the 7th Infantry Brigade was my neighbour on the right,
22 but as of the time when it arrived in Kosovo it was to my right. And I
23 emphasised previously, I think we dealt with this matter earlier on, that
24 they were engaged in action. We even acted together in certain actions.
25 I don't remember the dates that you quoted, but I do know that activities

1 were undertaken in their area and that was their area.

2 Q. Thank you. Now, do you know whether the terrorist forces in those
3 actions suffered any losses?

4 A. Certainly, yes, they did, certainly.

5 Q. Thank you. Now I'd like to ask you something else. A document
6 which is on e-court under 6D1473. We don't have a translation for this
7 one, so I will ask you to read for us three sentences and give us a brief
8 comment. In the first paragraph, the second line, could you begin with
9 the words: "Does on the day of ..."

10 A. Could you clarify that?

11 Q. In the first paragraph. You can read the whole first paragraph.

12 A. I see it.

13 "Does on the 14th of April, 1999, a group of two to three
14 terrorists disguised in VJ uniforms stopped a MUP vehicle on the road from
15 Orlate village towards Malisevo and killed one member of the MUP and
16 wounded another one, the commander of the police station in Malisevo."

17 MR. LUKIC: [Interpretation] Can we see the top of the document,

18 please, and the bottom of the document.

19 Q. It's a document of the 37th Motorised Brigade, right?

20 A. Yes.

21 Q. Do you know if there were other abuses of the VJ uniform by both

22 the police and the KLA?

23 A. Yes, this is not the first case, but it's a dramatic one.

24 Q. I will have to repeat the question; it is not recorded correctly.

25 I actually asked: Do you know that there happened abuses of police and VJ

1 uniforms by the KLA?

2 A. Yes.

3 Q. Thank you. In para 6 of this order, in response to the situation

4 on the ground, could you read that para 6?

5 A. "Provide for adequate 'marking' of brigade members with red bands

6 or armbands that will be requested and provided in the sufficient number

7 by the Pristina Corps logistics command. These bands will be worn in the

8 way that will be explained and ordered and occasionally changed. All

9 persons who do not have these or who do not wear them in the prescribed

10 way for that day shall be taken into custody to the command post of the

11 battalion or artillery battalion."

12 Q. [No interpretation]

13 A. [No interpretation]

14 Q. Those have been all my questions for you, General.

15 JUDGE BONOMOY: Mr. Lukic --

16 MR. LUKIC: Your Honour, just one intervention. I think that

17 there is no -- my question whether this order was enforced in practice,

18 and I think the witness answered yes.

19 JUDGE BONOMY: Thank you.

20 MR. LUKIC: Thank you.

21 JUDGE BONOMY: Ms. Carter.

22 MS. CARTER: May it please the Court.

23 Cross-examination by Ms. Carter:

24 Q. General, you indicated that you first came into Kosovo on 7 -- or

25 around 7 March of 1999; is that correct?

1 A. Yes, in the beginning of March 1999.

2 Q. The reason I ask is because there has been indication in this case
3 that there was a plan in 1998 by the name of Grom 98, and it was under
4 Exhibit 4D140, and specifically it engages your unit within the first
5 phases at point 3.2 in allegedly July of 1998. Was your unit in Kosovo in
6 1998?

7 A. No, my unit was not in Kosovo in 1998.

8 Q. Did you ever receive any sort of call-up order or any indication
9 that you were being contemplated for engagement in 1998?

10 A. I really don't remember receiving that kind of call-up or
11 indication. There certainly existed a plan of use of the army, and within
12 that plan, plans have been developed for using lower-ranking units. I had
13 no access to plans of high-ranking commands. It is possible that we had
14 been in the plan for being used in that area. I cannot tell you
15 specifically.

16 Q. All right. So it's safe to say that only in the few months in

17 1999 was the 37th Motorised Brigade ever in Kosovo; is that correct?

18 A. Yes, early in March 1999 we arrived in Kosovo.

19 Q. Okay. When you first arrived, what was your unit tasked to do
20 specifically?

21 A. Do you mean the beginning of March 1999? That period?

22 Q. Yes.

23 A. Ms. Carter, my unit in that period carried out combat training

24 intensively, focusing on drills in order to train as a unit for specific

25 tasks. It was intensive training. That's what we were engaged in in that

1 period.

2 Q. When you say you were in intensive training, where and in what
3 manner?

4 A. Part of the training took place within the barracks and another
5 part of the training was outside of the barracks. Those were mostly
6 exercises that cannot be organized and carried out within the barracks.

7 Q. Where were those barracks located?

8 A. The barracks was in Kosovska Mitrovica.

9 Q. At what time did your engagements change?

10 A. My engagements changed dramatically when the war was declared,
11 when the state of war was declared. I believe that's the period when it
12 changed, but I don't know which changes specifically do you mean.

13 Q. Let us call up Exhibit P2039, and specifically to the page 3 of
14 the English and page 2 of the B/C/S. This is an engagement order from 20
15 March of 1999 that you discussed with Mr. Cepic a bit, and you indicated
16 at that point that at page 5, line 4, that over the course of regular

17 combat activities there were unprovoked attacks on your unit. Is that
18 correct?

19 A. In the course of conducting exercises in the beginning of March,
20 in the area of exercise Siptar terrorists attacked my unit.

21 Q. However, I would indicate to you on number 14 that's in front of
22 you where it says the main tasks for the next day were for you to continue
23 to carry out the planned offensive action in accordance with the Pristina
24 Corps commander's order strictly confidential 455-44 that began on 19
25 March, 1999. If there were planned offensive attacks weren't you already

1 attacking the KLA?

2 A. While we performed these exercises, we were subject to attacks by
3 Siptar terrorist forces. We had two options: Not to engage in exercises,
4 to return to our barracks and do nothing; the other option was to defend
5 ourselves, that is, to remove the threat. And those activities were
6 geared at removing the threat posed by terrorists by fighting them.

7 Q. In the orders that you received from the Pristina Corps, were
8 exercises oftentimes quantified as planned offensive actions?

9 A. Ms. Carter, you are engaged in an exercise and you are being
10 attacked from all sides, you have to counter-attack. To move in to
11 counter-attack as a follow-up, it's no longer an exercise, you begin
12 fighting terrorists to survive; in order to survive, you have to fight.
13 We had no intention originally to fight terrorists in the beginning of
14 March. Our intention was to carry out military exercises and to improve
15 our combat-readiness, but from the moment when our unit was attacked, we
16 had to respond.

17 JUDGE BONOMOY: Ms. Carter, do we have the order 455-44?

18 MS. CARTER: No, Your Honour, not that I'm aware of, no.

19 Q. However, your exercises not only began a planned offensive
20 operation -- excuse me, actions on 19 March, it also produced a command
21 post in the general area of Galica village. How often did your combat
22 exercises require a command post?

23 A. Can we see the date when this command post was established in
24 Galica village?

25 Q. I possess only this document.

1 A. I would just like to see the top of the document.

2 MS. CARTER: If we can move to page 1, please.

3 THE WITNESS: [Interpretation] Well, that's already the 20th of

4 March.

5 MS. CARTER:

6 Q. Now we'll move to the --

7 A. So it -- sorry to interrupt you, Ms. Carter. To command the unit
8 there must be an organization exercising command, that organization has to
9 have a place from which it exercises command; that place is called command
10 post. It's a location from which the unit is commanded, both in peacetime
11 and in wartime.

12 JUDGE BONOMOY: When did you establish your command post,

13 Mr. Dikovic?

14 THE WITNESS: [Interpretation] Well, in this specific case on the
15 20th of March. We see that from the report. I'm informing the commander
16 of the Pristina Corps that I set up a command post in the area of Galica

17 village.

18 JUDGE BONOMOY: Are you saying, though, that from the 7th of March
19 you would require to have a command post outwith barracks?

20 THE WITNESS: [Interpretation] Your Honours, a command post is
21 positioned in the most favourable location for successful exercise of
22 command. Normally it is in the same place where the unit is. In smaller
23 units, it can be within the battle order. So to command units, a command
24 post has to be set up, from which units are commanded. The command post
25 consists of the commander, part of the staff or part of the operations

1 officer, depending on the specific command post, and the security, support
2 detail.

3 JUDGE BONOMOY: Between the 7th of March and the 20th of March, on
4 how many occasions did you establish a command post for the purpose of
5 your combat training exercises?

6 THE WITNESS: [Interpretation] I cannot recall exactly, but I
7 believe twice prior to this date, prior to the 20th of March.

8 JUDGE BONOMOY: Ms. Carter.

9 MS. CARTER: Thank you, Your Honour.

10 Q. I'd also like to direct your attention to item 8.4 in this same
11 order, that would be page 2 in the English and page 2 in the B/C/S. 8.4
12 indicates that combat group 37 is engaged in suppressing terrorism along
13 the Balinci village-Ljubovac village-Poljance village axis from 20 March
14 1999 on the orders the Pristina Corps commander strictly confidential
15 Number 445-44 of 19 March 1999.

16 MR. CEPIC: I'm sorry, could we have page 1 in B/C/S, please.

17 MS. CARTER: I'm sorry.

18 JUDGE BONOMOY: Sorry, what's your question, Mr. -- or your
19 submission, Mr. Cepic?

20 MS. CARTER: I believe I had the wrong page in the B/C/S, Your
21 Honour.

22 JUDGE BONOMOY: It looks like you have the right page, but
23 perhaps --

24 MR. CEPIC: Now.

25 JUDGE BONOMOY: All right.

1 MS. CARTER:

2 Q. Sir, I again pose to you if the 37th was engaged in suppressing
3 terrorism along this axis, how are you quantifying that as combat
4 exercises?

5 A. Ms. Carter, the 37th Brigade was not engaged in suppressing
6 terrorism at that moment on that axis. At that moment, on that axis, part
7 of the 37th Motorised Brigade was engaged in suppressing terrorism,
8 namely, Combat Group 37, not the brigade.

9 JUDGE BONOMOY: Now would you answer the question, please.

10 THE WITNESS: [Interpretation] Could you please repeat the
11 question, Ms. Carter.

12 JUDGE BONOMOY: Well, the question is how can you say that you were
13 engaged in exercises when your report is that you were engaged in
14 suppressing terrorism in accordance with an order from the Pristina Corps
15 command?

16 THE WITNESS: [Interpretation] Ms. Carter, in the area of Kosovo I

17 did not arrive with my combat group to fight terrorists; we were engaged
18 in exercises. However, from the moment when the terrorists attacked us,
19 when I reported to the commander of the Pristina Corps about these
20 attacks, I received orders from the Pristina Corps commander to fight
21 those terrorists.

22 MS. CARTER: And, Your Honour, I've had indication from our case
23 manager that, in fact, we do have the document that's referred to, that
24 455 order. Unfortunately, it is not in e-court as of now, it will be
25 shortly, if the Court would like to peruse that over the lunch break.

1 JUDGE BONOMOY: Thank you.

2 MS. CARTER: I'd now like to move on to P2031, that's the Joint
3 Command order 455-54.

4 [Trial Chamber and registrar confer]

5 MS. CARTER:

6 Q. I would ask you to familiarise yourself with this and orient
7 yourself because shortly I'll be asking you to use a map in order to
8 describe what the actions actually took place under this order. Please
9 tell me when you're ready.

10 A. Yes.

11 Q. All right.

12 MS. CARTER: I would like to bring up the Kosovo atlas Exhibit
13 Number P615, at pages 17 and 18, and for ease of the witness I do have

14 a --

15 MR. CEPIC: I'm sorry.

16 JUDGE BONOMOY: Mr. Cepic.

17 MR. CEPIC: The witness saw just the front page, nothing more than
18 the front page, so if my learned friend has got hard copy in B/C/S that
19 would be probably useful.

20 MS. CARTER: That is exactly what I'm tendering right now.

21 And if possible we'd like to focus in on column F, the bottom
22 three sectors on page 17; and column G, the bottom three sectors on page
23 18.

24 JUDGE BONOMOY: The other way, I think.

25 MS. CARTER: If we could match the resolutions. The bit to the

1 right has much larger grid lines than the one to the left in order to line
2 this up.

3 JUDGE BONOMOY: Now, don't change them anymore. Just leave them
4 the same size.

5 Now, is that too high, Ms. Carter? Is it further down you want to
6 be?

7 MS. CARTER: Yeah, it's the bottom --

8 JUDGE BONOMOY: It's the bottom row and that size is fine.

9 Still further to go. We should see the whole of the bottom one.

10 That's it. And do the same on the left. That's it.

11 I hope this is worth it.

12 MS. CARTER: Thank you, Your Honour.

13 Q. Sir, can you please tell me based on this Joint Command order
14 where both your unit as well as all of your coordinated and subordinate
15 units were placed on this grid, if you can mark that on the screen.

16 A. Just a moment. On this map the area is not shown. I cannot show

17 you because it's not seen here, it's not visible on this map.

18 [Prosecution counsel confer]

19 MS. CARTER: Your Honour, again, the map that's on the screen now
20 is enlarged a bit too much. I need the three bottom sectors in order to
21 show this entire operation.

22 MR. CEPIC: [Interpretation] Your Honours.

23 JUDGE BONOMOY: Yes, Mr. Cepic.

24 MR. CEPIC: [Interpretation] With your leave, while the map is
25 being looked for, it may be my oversight, but I believe the witness gave a

1 clear answer concerning orders with the heading "Joint Command." He said
2 that in his mind those were orders of the Pristina Corps; however, my
3 learned friend, Ms. Carter, says on orders of the Joint Command. It
4 sounds a bit different to me compared to the testimony of the witness.

5 JUDGE BONOMO: This is an area there's a dispute about, and the
6 Prosecution position is quite clear, that this says it's a Joint Command
7 decision and they are proceeding on the basis that it does what it says on
8 the tin. That's a matter we're going to have to resolve in due course
9 when you've made all your submissions.

10 MS. CARTER:

11 Q. General, are you now able to identify the locations at issue in
12 this order on the maps?

13 A. Ms. Carter, I'm trying to do my best, but I'm sorry that I can't
14 do it yet. Now, to help you out, provide me with the part of the map
15 showing Kosovska Mitrovica, please.

16 MS. CARTER: That should be the -- well --

17 JUDGE BONOMOY: That's in a different -- entirely different place.

18 We must be at --

19 MS. CARTER: No, Your Honour, actually --

20 JUDGE BONOMOY: -- cross-purposes here.

21 MS. CARTER: -- If we showed the fourth quadrant at the top of

22 page 18, that would show Kosovska Mitrovica. We're -- we've redacted that

23 in order to show the bottom three sectors.

24 Q. Do you see -- okay.

25 A. Yes.

1 MS. CARTER: And if I can move the map to match again. If we can
2 only move the right one. The right-hand one. We need the bottom three --

3 JUDGE BONOMOY: You're moving the left one. We need to move the
4 right one, apparently, although I'm finding it difficult to understand at
5 the moment.

6 Q. For assistance, if I were to hold out to you that on the left-hand
7 of your screen, if you were to look to the third box to the top, the one
8 at the very top, you have Runjak is almost in the middle of that quadrant.

9 A. You're talking about the left-hand side, are you?

10 Q. Yes.

11 A. Runjak.

12 Q. Yes.

13 A. I do apologise, but I can't find it on that left-hand side of the
14 map.

15 JUDGE BONOMOY: Is this -- this is a name we haven't had yet. Are
16 you talking about Vranjak.

17 MS. CARTER: No, Your Honour, I'm saying Runjak because it
18 actually is a position that's noted in this order. I just thought it
19 would be for ease of the witness.

20 THE WITNESS: [Interpretation] On the left-hand side of the map, I
21 really can't find that feature, and looking at the left-hand side of the
22 map again, I can claim that I wasn't there with almost absolute certainty;
23 and I'm talking about the left-hand side of the map, it's got Srbica,
24 Istok, and Klina, and in that area on the 22nd of March, I was not there.

25 MS. CARTER:

1 Q. If that is what you're seeing, then we clearly do not have the
2 correct page?

3 MS. CARTER: Your Honour, it is now 12.43, perhaps if we could
4 break a few minutes earlier and if I can work with the registry in order
5 to have this brought up immediately.

6 JUDGE BONOMOY: You can surely see what's on the screen just as --
7 I mean, they are pages 5 and 6 of the Kosovo atlas if that's what you
8 wanted to bring up.

9 MS. CARTER: Yeah.

10 JUDGE BONOMOY: However, we shall interrupt and let you try to sort
11 it out.

12 Mr. Dikovic, we have to have a break again at this stage. Could
13 you please leave the courtroom with the usher and we will see you again in
14 an hour at 1.45.

15 [The witness stands down]

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

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

18 [The witness takes the stand]

19 JUDGE BONOMOY: Ms. Carter.

20 MS. CARTER: Your Honour, in an effort to close out the topic of
21 the P2039, the orders from 20 March of 1999, Mr. Reid actually located the
22 document on our system and we have now uploaded in e-court P3049, that's a
23 Joint Command order for Kosovo and Metohija bearing the confidential
24 number 455-44, engaging the troops at the request of General Dikovic, and
25 we would like to use that document now.

1 JUDGE BONOMOY: Very well -- sorry, Mr. Cepic, do you have some
2 objection to that?

3 MR. CEPIC: [Interpretation] Your Honour, this is the first time
4 we've seen this document, so under Rule 68 my objection is that it should
5 have been disclosed to us earlier. It has to do with the activities of
6 the army in the period covered by the indictment or under Rule 66. Thank
7 you.

8 MS. CARTER: Your Honour, that was done on 18 January 2007.

9 JUDGE BONOMOY: We're told it has been disclosed almost a year ago.

10 MR. CEPIC: [Interpretation] I don't have this information, neither
11 do my colleagues, so I would like to express my reservations in that
12 sense. Thank you.

13 JUDGE BONOMOY: It is directly related to a document which arose in
14 your own examination-in-chief, and to fully understand it, it's clearly in
15 the interests of justice that we should see this document also, so we
16 shall allow it to be used in the cross-examination.

17 MS. CARTER: Thank you, Your Honour.

18 Q. General Dikovic, I would first like to draw your attention to the
19 introduction portion of this document, specifically that this is a
20 document from the Joint Command of Kosovo and Metohija dated 19 March of
21 1999, and it relates back to your combat report P2039. You had indicated
22 before that you believed you were only involved in exercises at that time;
23 however, I'd like to draw your attention to portion 4.3, which is on page
24 4 of the English and page 3 of the B/C/S.

25 MS. CARTER: I see Mr. Cepic on his feet.

1 JUDGE BONOMOY: Mr. Cepic.

2 MR. CEPIC: [Interpretation] Your Honour, my learned friend said
3 that the General said that he only participated in exercises, but when
4 asked directly by me whether he participated in the action he confirmed
5 that he had and we referred to the same paragraph that my learned friend
6 is referring to. Thank you.

7 JUDGE BONOMOY: Ms. Carter, is that your recollection of the
8 evidence?

9 MS. CARTER: No, Your Honour. Quite clearly we were discussing
10 how 2039 contemplated exercises, when it quite clearly contemplated
11 combat.

12 JUDGE BONOMOY: I think the question is in order in the
13 circumstances, so please proceed.

14 MS. CARTER: Thank you.

15 If we can show 4.3 in the English.

16 Q. Sir, this indicates that as of 19 March of 1999, that the 37th

17 Motorised Brigade with PJP units in Kosovska Mitrovica and Pec
18 participated in combat operations. How do you explain this Joint Command
19 order sending you into combat with your earlier testimony that you were
20 merely being brought in to do training and exercises?

21 A. Ms. Carter, I did not say that I thought I was participating in
22 exercises; I clarified up to what point the combat group carried out
23 exercises and from what point on combat with Siptar terrorist forces
24 began. I have no doubts in that respect.

25 Q. Sir --

1 JUDGE BONOMOY: Mr. Fila.

2 MR. FILA: [Interpretation] Let's understand one another. It may
3 be due to linguistic misunderstandings. This order which is of the 19th,
4 it says combat-readiness on the 20th and it refers to actions which were
5 to take place on the 20th of March. The Prosecutor, as far as I can tell,
6 in -- on page 72, line 3, she mentions the 19th of March; however, it's
7 not the 19th but the 20th of March.

8 JUDGE BONOMOY: The order is dated the 19th of March.

9 MR. FILA: [Interpretation] Yes, but in the previous document we
10 see combat-readiness on the 20th of March at 5.00 a.m. We can't have both
11 on the same day. So we are referring now to the 20th of March. That's
12 all I wanted to point out now. Thank you.

13 MS. CARTER: Respectfully, Your Honour, number 14 of 2039 it
14 indicates continued to carry out the planned offensive and with the order
15 of the 19th of March; that's where the date came in.

16 JUDGE BONOMOY: The document we're looking at, though, is P3049; is

17 that correct?

18 MS. CARTER: Yes, Your Honour.

19 JUDGE BONAMY: Then when is it then, Mr. Dikovic, you say that
20 your involvement changed from training to combat?

21 THE WITNESS: [Interpretation] Your Honour, in the course of
22 conducting exercises, there were attacks by Siptar terrorist forces,
23 fierce attacks, on the unit and in the area where I was conducting
24 exercises. I regularly informed the commander of the Pristina Corps about
25 these activities of the Siptar terrorist forces. He decided that combat

1 with the terrorist forces should be organized because there were really
2 strong terrorist forces in that area controlling the roads, launching
3 constant attacks on the unit, and there was no other option. The roads
4 had to be deblocked and the area had to be put under control.

5 JUDGE BONOMOY: So when were you given orders to engage directly in
6 combat rather than simply to respond in self-defence, if necessary, during
7 training operations?

8 THE WITNESS: [Interpretation] Your Honour, I cannot recall the
9 precise date, but in the documents, or rather, in the order issued by the
10 Pristina Corps commander the date exists, it has to be there precisely.

11 JUDGE BONOMOY: Well, we shall read your evidence obviously very
12 carefully to see if, in fact, that was the indication you gave us earlier.

13 Ms. Carter.

14 MS. CARTER: Respectfully, Your Honour, on that note I would point
15 both the Court as well as the witness to his response at 5.4 -- I'm sorry,
16 page 5, line 4 with regard to the original document P2039, he was

17 presented with a question by Mr. Cepic with response coming: "Yes,
18 Mr. Cepic, 8.4 I can see. I said a moment ago in the course of performing
19 our regular combat activities there was a totally unprovoked attack by
20 terrorists."

21 Q. And, Mr. Dikovic, what I would propose to you is: How can the
22 terrorists have an unprovoked attack when your unit was already involved
23 in combat operations directed at them?

24 A. Ms. Carter, an unprovoked attack took place while exercises were
25 being conducted by my unit in the general area of Kosovska Mitrovica. So

1 I was conducting regular activities on an area designated for such
2 activities, I was doing exercises, and I suffered an attack by terrorists.
3 I repeat, those first terrorist attacks on my unit were totally
4 unprovoked. What their aim was they know better than I do.

5 Q. And, sir, I would also like to question you about the title of
6 this document, that it's coming from the Joint Command for Kosovo and
7 Metohija. You spoke repeatedly during direct examination of how you do
8 not recognise this command body, yet you've had repeated orders starting
9 on 19 March 1999, when your combat operations began, from this body. How
10 do you explain that?

11 A. Ms. Carter, I denied the existence of a Joint Command because for
12 me, for my combat group, and for the 37th Brigade it did not exist because
13 I received orders exclusively from the commander of the Pristina Corps.
14 Why it says "Joint Command" on the document I don't know. I never saw
15 that command. I saw exclusively and carried out tasks exclusively under
16 the command of the Pristina Corps commander. I beg you to understand this

17 because I've had more than one question about this and there is no other
18 answer I can give. It was the Pristina Corps exclusively that was in
19 command of my unit.

20 Q. In 4.3 it's also contemplated that the PJP units will be involved
21 in the same operation. Would you agree with General Delic's assessment
22 that the reason these documents say "the Joint Command for Kosovo and
23 Metohija" is because it binds not only the Pristina Corps but also the MUP
24 forces?

25 A. I don't know, Mrs. Carter, what General Delic said this -- said

1 here, but I know that I personally asked General Lazarevic, Who is my
2 commander, you or this Joint Command, as written here? I received an
3 explicit answer, I am your commander and you are under the command of the
4 Pristina Corps. I got another confirmation of this, talking to
5 Colonel Radojko Stefanovic, who came from the command of the Pristina
6 Corps.

7 Q. When did these confirmations come?

8 A. As soon as I received an order with the wording "Joint Command for
9 Kosovo and Metohija." I got an explanation from Colonel Stefanovic that
10 this is because of the coordinated action and cooperation with MUP forces.
11 I was quite satisfied with that explanation and my mind was put at rest.
12 Finally when I heard from my commander, You are under my command. My
unit
13 was part of the Pristina Corps, and it was logical for me to ask: What
14 kind of Joint Command is this now? And I was persistent until I got a
15 satisfactory reply. From that moment on, only that command existed for
16 me, the command of the Pristina Corps.

17 Q. Now, you've indicated the Joint Command was in reference to joint
18 operations with the MUP, so are you saying that if it was an order that
19 only dealt with the VJ it was entitled "Pristina Corps"; and if it was an
20 order that involved both the police and the VJ, then it would say "Joint
21 Command"?

22 JUDGE BONOMOY: Mr. Cepic.

23 MR. CEPIC: [Interpretation] Your Honour, it's a misrepresentation
24 of what the witness said, because my learned friend says in the first part
25 of her question: "You've indicated the Joint Command was in reference to

1 joint operations with the MUP -- [In English] Joint operations with the
2 MUP," [Interpretation] Whereas he explained not about the Joint Command
3 but the what the document represents, that's in my humble opinion. I
4 don't believe this question is well-founded.

5 JUDGE BONOMOY: What is it you say that is an inaccurate
6 representation of what the witness has said?

7 MR. CEPIC: [Interpretation] Well, my learned friend says that the
8 Joint Command exists. She doesn't say, This is the wording on the
9 document; she says -- she uses the name of the Joint Command and that's
10 not how the witness answered.

11 JUDGE BONOMOY: It seems very difficult for you to understand,
12 Mr. Cepic, that when an expression which so many of your witnesses are
13 having difficulty in explaining clearly to the Court exists, that it's
14 appropriate for the Prosecution to test the issue of its definition with
15 all the witnesses who speak about it. I do not see any misrepresentation
16 in the question that's been asked, and it's not obligatory at this stage

17 for the Prosecution to accept that there was no such thing as a Joint
18 Command. It may be after the judgement's rendered, that remains to be
19 seen. But at this stage in time they have a basis for submitting to
20 witnesses that such a body existed, and that's what they are doing and
21 inviting comment on.

22 Ms. Carter.

23 MR. CEPIC: Thank you, Your Honour.

24 MS. CARTER: Thank you. And in order to provide General Dikovic
25 with a basis.

1 Q. Your answer when I asked you about confirmations was that: "As
2 soon as I received an order with the wording 'Joint Command for Kosovo and
3 Metohija,' I got an explanation from Colonel Stefanovic that this is
4 because the coordinated action and cooperation with MUP forces," so what
5 I'm asking you if it was an operation that dealt with VJ only, did that
6 bear the title "Pristina Corps," while joint operations with the MUP would
7 bear the moniker "Joint Command"?

8 A. I really could not distinguish quite well between the two. I
9 cannot make such conclusions, because in my mind the command of Pristina
10 Corps was my superior command at all times, and they commanded me, no
11 Joint Command, and I sent my reports to them.

12 JUDGE BONOMOY: I wonder if you'd think of it -- that question very
13 carefully. It's a very good question in the overall context of this case,
14 whether that might be the distinction, that it was an operation or action,
15 rather, where only the VJ were involved, the heading on the order or
16 decision might be different. Now, could you think about that. If you

17 can't answer it, obviously we understand because we're asking you to
18 remember a large number of documents. But is that a possible explanation?

19 THE WITNESS: [Interpretation] Your Honours, until the very end of
20 the war I received orders to cooperate with MUP forces and I performed
21 jointly with them some of my tasks throughout the war, regardless of
22 whether the heading read "command of the Pristina Corps" or "the Joint
23 Command." I did not understand that there was a clear distinction.

24 JUDGE BONOMOY: Well, you'll understand our anxiety about this
25 whole matter, that you cannot, in spite of being a member of a body whose

1 affairs are carefully regulated, cannot give any indication to us of the
2 circumstances in which the heading would be "Joint Command" in the
3 document and the circumstances in which the heading would
4 simply be "Pristina Corps command." It doesn't do just to dismiss it as
5 some sort of aberration because there is some sort of pattern to this and
6 that is what we're trying to find.

7 THE WITNESS: [Interpretation] Your Honours, I really did not
8 analyse these documents that would enable me to conclude "Pristina Corps"
9 covers such and such actions, whereas another type of actions goes
10 under "Joint Command," because in my mind there was always only one thing,
11 the command of the Pristina Corps. I did not have command in my area over
12 MUP forces; they were under the command of their own superiors along the
13 chain of command of the Ministry of the Interior. We often cooperated and
14 acted in coordination, but each body commanded its own forces. It never
15 occurred once that I commanded MUP forces or vice versa.

16 JUDGE BONOMOY: Ms. Carter.

17 MS. CARTER:

18 Q. Sir, can you please describe for us then, when you were tasked on
19 the 20th or the 19th of March, 1999, with this joint action with the PJP
20 units in Kosovska Mitrovica and Pec, can you please describe how those
21 operations worked.

22 A. Ms. Carter, could you phrase the question more specifically? What
23 do you mean how the operations worked?

24 Q. I'll direct your attention to paragraph 4.3 which is on your
25 screen and it's discussing this operation with PJP units. What I would

1 like to know is how that operation worked. Who was commanding? What were
2 the results? How did the reporting work? Can you please just describe
3 for us how that first operation worked.

4 JUDGE BONOMOY: Sorry, Mr. Fila.

5 MR. FILA: [Interpretation] I don't object to the question, but
6 something about the earlier question. It -- just [indiscernible] from
7 this English transcript that the operation was in Kosovska Mitrovica and
8 Pec, but if you read the document it says that the PJP companies are from
9 Kosovska Mitrovica and Pec. Just look at the first line of paragraph 4.3.
10 Mrs. Carter seems to read this as the operation taking place in Kosovska
11 Mitrovica and Pec, unless I'm mistaken. I just believe it's better to
12 clear this up, otherwise please forgive me, Ms. Carter.

13 JUDGE BONOMOY: Thank you, Mr. Fila.

14 I think, Ms. Carter, you'll find that the areas where the action
15 was undertaken was set out after that.

16 MS. CARTER: Yes, Your Honour, I'll be more precise in my

17 language.

18 Q. Sir, there's a specific axis that's noted in the third line of
19 this 4.3. Can you please describe when did your units as well as the PJP
20 units arrive to this axis?

21 A. Mrs. Carter, I really cannot remember the exact time, you'll find
22 it in my reports. I believe you have access to them. I really cannot
23 give you the exact time when they arrived. You must appreciate that I
24 can't remember. Do you recall what you had for breakfast seven days ago
25 or where you were sitting when you had breakfast?

1 Q. Sir, my breakfast is not relevant; however, you did testify quite
2 distinctly on P2039 which is your report, in which you said you continued
3 to carry out the planned offensive. If that offensive was ordered on the
4 19th I want to know when exactly did your units arrive along with the PJP
5 units for combat operations?

6 A. Yes, but --

7 THE INTERPRETER: Could the counsel please slow down for
8 interpretation.

9 THE WITNESS: [Interpretation] I'm sorry about mentioning
10 breakfast, but I hope you'll understand. At that time I had my report in
11 front of me; now I have the order of the commander of the Pristina Corps
12 before me. It's easier for me to look at my report.

13 MS. CARTER: I'd like to provide a hard copy of P2039 in B/C/S for
14 the witness's ease.

15 THE WITNESS: [Interpretation] Thank you.

16 MS. CARTER:

17 Q. Sir, when did your units arrive along with the PJP?

18 A. 20th and 21st of March.

19 Q. And when all of -- and when all of the forces arrived, who was
20 coordinating the operations on the ground?

21 A. Ms. Carter, everyone commanded their own forces, thus my combat
22 group commander commanded the Combat Group 37. Commanding officers of
PJP

23 units commanded their own units. In the field synchronization took place

24 between us and axes of attack were defined to determine exactly along

25 which axis which unit shall attack. That was necessary because I needed

1 to know where the attack is being launched by PJP units and so that they
2 should know along which axis we are going to attack. That step must be
3 taken in every operation because if that is not done friendly fire can
4 occur and result in great losses. Coordinated action, therefore, and
5 cooperation in terms of time, place, and method of carrying out the
6 assignment. Army units are commanded by the army; MUP units are commanded
7 by the MUP.

8 Q. And when you arrived with the PJP units and any other subordinated
9 units at the time, approximately how many terrorists were you fighting?

10 A. Ms. Carter, I can tell you this: There was a large number of
11 terrorists. I did not count them, but judging by the fire and by the
12 fierceness of the attack against my unit and police units, there must have
13 been many. I couldn't count them; if I could have, I wouldn't have been
14 able to fight them. They were in shelters, in trenches, in houses, and
15 they opened fire from everywhere --

16 Q. Sir, the reason I --

17 A. That's why I cannot tell you precisely --

18 Q. And the reason I ask that is I'm trying to figure out at what

19 point does it become appropriate to use six T-55 tanks? And this is your

20 unit alone.

21 A. If the terrorists fire from fortified [Realtime transcript read in

22 error "45"] buildings that they had prepared in advance and they used, in

23 particular, basements and lower floors because they provided the best

24 cover, if they were firing from trenches and bunkers previously prepared,

25 we could and we did use tanks to destroy those firing points. Only in

1 those cases when it was necessary to destroy terrorists who are fortified
2 and cannot be neutralised with rifle fire.

3 Q. However, nowhere --

4 JUDGE BONOMOY: Sorry, Mr. Cepic.

5 MR. CEPIC: I'm sorry, just one error in transcript, page 82, line
6 9, witness didn't say fortified buildings.

7 THE INTERPRETER: Interpreter's note: The witness did say
8 "fortified" buildings.

9 MR. CEPIC: In Serbian [B/C/S spoken].

10 JUDGE BONOMOY: "Fortified," but it has been --

11 MR. CEPIC: Exactly, exactly, fortified, yes.

12 JUDGE BONOMOY: But it's been transcribed as "45."

13 MR. CEPIC: Yes.

14 MS. CARTER:

15 Q. Sir, if the concern is that these were fortified buildings and
16 exist, would it be fair to say that oftentimes these were populated

17 villages?

18 A. In part, yes, yes. They were also in villages and how;

19 unfortunately, they were in villages and that was no accident, no

20 accident. They knew, they knew that the army would not shell villages,

21 that civilians were there, that civilians were a shield for them. I only

22 wish they were not positioned in villages, but they were and how.

23 Q. And we've heard many witnesses testify prior to you that in the

24 event that you're dealing with a populated place it was the duty of the VJ

25 and the MUP to remove the civilians from the area of combat prior to those

1 operations taking place. I want to know when or if you actually moved the
2 civilians out of these locations.

3 A. Ms. Carter, we did not move them, we did not move them. Civilians
4 left of their own accord. We did not move them. How would you move
5 civilians out of a village in which terrorists are positioned? How could
6 you approach the village and say, You civilians get out and you terrorists
7 stay so that we can fight you? It doesn't work that way.

8 Q. Six T-55 tanks would probably do it for me to leave. Do you not
9 account for the fact -- because you testified previously that you think
10 the only reason civilians were moving out of the area was because of the
11 KLA and NATO. NATO was not even involved at this point. The only people
12 that were involved is the VJ, the MUP, and the KLA. Do you not see how
13 six T-55 tanks might produce movement of the population?

14 A. Ms. Carter, if my memory serves me well, I said that but it was in
15 response to a question that related to the period after the 20th [as
16 interpreted] of March --

17 THE INTERPRETER: Interpreter's correction: After the 25th of

18 March --

19 THE WITNESS: [Interpretation] -- after NATO air-strikes started.

20 I said that in response to Mr. Cepic, who asked me about the 25th of March

21 and later.

22 MS. CARTER:

23 Q. However, the indictment period that's in issue begins in January

24 of 1999. What we're trying to find out is why these civilians were

25 already on the road. Can you explain to me what care was given to the

1 civilians when producing this Joint Command operation.

2 JUDGE BONOMY: Mr. Cepic.

3 MR. CEPIC: [Interpretation] I'm sorry, could we have a reference

4 to those civilians on the road.

5 JUDGE BONOMY: Well, I don't know that that's an inherent part of

6 this question. The question relates to what was done about the civilians

7 at the various villages where this action on the 20th and 21st of March

8 was being undertaken.

9 Can you deal with that, please, Mr. Dikovic.

10 THE WITNESS: [Interpretation] On the 20th until the 21st of March,

11 if my memory serves me well - and it should be in documents - on the axis

12 of attack of my forces there were no civilians. That's the 20th and the

13 21st of March. I didn't see any.

14 MS. CARTER:

15 Q. Then we'll move on to the next operation that was on the 22nd of

16 March, and that's at P2031. I had given you a copy of that order before

17 we broke, and then I would like to call-up Exhibit P3050.

18 MS. CARTER: And, Your Honour, I would like to make a note that

19 P3050 are two excerpts from the Kosovo atlas, which is P615 which was

20 shown in e-court previously, and it's pages 17 and 18 that have directly

21 been placed side by side. The first page shows a full view of the

22 original pages from the atlas and the second page shows a zoomed-in view

23 of the sectors and the centers we were trying to do before the break.

24 THE INTERPRETER: The counsel is kindly asked to slow down for the

25 translators.

1 MS. CARTER:

2 Q. Sir, under the Joint Command order P2031 of 22 March 1999, can you
3 please look at this map -- I've given you both hard copies for ease of
4 reference but we'll be doing some markings on the screen itself in order
5 to make notations of where you were located and how this operate
6 proceeded. Have you been able to orient yourself on to the maps?

7 A. Yes, yes, I see it. I see the maps and I have it, yes.

8 Q. And to begin, if the order was drafted on 22 March of 1999, at
9 what point did your units engage?

10 A. I did not understand you. At what point were they engaged? Could
11 you clarify?

12 Q. Well, there's been some confusion, if the order was drafted on the
13 22nd, when did you act on that order and go into this location?

14 A. As a rule, the order of the 22nd was not implemented on the same
15 day. Implementation took place over the following days. From the moment
16 an order is received until the commencement of implementation,

17 preparations were done. So receipt of an order from the superior command
18 does not immediately trigger implementation. The order probably specifies
19 at what time troops have to be ready. That's usually indicated in para 4,
20 and it is that moment that marks the commencement of implementation.
21 That's when I move.

22 Q. And as this is an action that was ordered just prior to the NATO
23 bombing campaign, I want to know what preparatory actions were taken at
24 that time.

25 A. You mean preparatory actions for this operation, that's what you

1 mean, Ms. Carter?

2 Q. Yes.

3 A. Upon receiving the order, upon receiving the order, the following
4 activities were carried out, if I remember well: Observing the objects of
5 attack, that is, assessing the Siptar terrorist forces at my own level
6 because before performing the assignment I had to determine where the
7 Siptar terrorist forces were located. I had to assess, at least
8 approximately, the strength of their forces and where they were. I had to
9 issue assignments to my units and I had to establish full cooperation with
10 the MUP, as I described earlier. Those are the preparations for carrying
11 out operations as a rule.

12 Q. And these operations were going to take place in Izbica, just near
13 Srbica, Padalista, and a number of other villages. What, if anything, was
14 done with the population who resided in those villages prior to the
15 commencement of the operation?

16 A. Ms. Carter, I cannot answer this question, Izbica, Padalista, and

17 the other villages because I believe my unit was not on that axis at the
18 time. If you look carefully at the order you will see that we were not
19 going towards Izbica or towards Padalista.

20 Q. What -- which villages was your company or your unit going to be
21 taking?

22 A. Ms. Carter, we were not supposed to capture any of the villages.
23 We were not supposed to attack the villages. It was not our task to take
24 control of villages. Our task was to destroy the Siptar terrorist forces.
25 Our objective was not the village; our objective were Siptar terrorist

1 forces, no villages. These villages are listed here as features for
2 easier orientation. If I tell you Padalista village, you will know
3 immediately where I am, in which area; it doesn't mean that I'm in the
4 village. So we were not attacking villages. We attacked Siptar terrorist
5 forces. And if they were in the village or put up resistance from the
6 village, inflicting losses and such things happened, such cases happened,
7 we had to neutralise that, because it was our objective, our target. If
8 he is putting up resistance from a building, it's a legitimate target; if
9 he's opening fire on me from a building, it's a legitimate target.
10 Ms. Carter, I cannot just put up my hands and say you are firing from a
11 building so I'll wait till you get out, and then we'll see, we'll fight
12 then, to put it literally.

13 Q. You said you've already done reconnaissance, you've checked the
14 area, then it's time to go in. Apparently your command post was in the
15 village of Krasalic; is that correct?

16 A. No, no, no, the village of Kraznic was not my command at the time.

17 Let me take you back to my report at the time where I said where I was.

18 I can't recall exactly where now, but I'm sure my command was not in the

19 village of Krasnic because I know approximately where that village is.

20 Q. I'm sorry my accent may be getting in the way. I said Krasalic

21 that is in section 5.2 of the joint command order, just before 5.3 which

22 indicates that your command post was going to be in the village of

23 Krasalic; is that correct?

24 A. I have to take you back to the order -- to the report again.

25 Whether it was in the village of Krasalic -- well, you see, it wasn't in

1 the village. For me to set up my command in the village of Krasalic, the
2 village would have to be abandoned. How could I do that in the midst of
3 civilians? It wasn't the village of Krasalic, the houses in the village,
4 it was only in the general area in the village of Krasalic, not in the
5 village itself.

6 Q. Sir, will you please go to 5.2 and read the final line that is
7 talking about your command post and will you please read it for the
8 record.

9 A. I don't have it before me.

10 Q. I'm sorry, it was apparently removed. It was P2031, look at 5.2
11 and look at where your command post was to be set up.

12 A. Yes, but in the area of the village of Krasalic. It doesn't say
13 in the village of Krasalic, I'm reading. It says a command post in the
14 area of the village of Krasalic, area, that's a broad concept, it has its
15 depth and its surface area --

16 Q. Sir, can you please just read the line as it's written on the

17 page.

18 A. "Command post in the area of the village of Krasalic."

19 Q. How close were you to the village?

20 A. I was close enough to be safe from the Siptar terrorist forces,

21 that's how close I was to the village. I was certainly in the area of the

22 village. Where was I in the area of the village? In the most favourable

23 place from which I could monitor the combat deployment of my units and to

24 see where they are. You couldn't do that from the village. When you get

25 into a village, you see 15 or 20 houses around you, you don't see the

1 terrain. You can't have a command post in a village. It has to be on the
2 ground.

3 JUDGE BONOMOY: Can you help Ms. Carter then by answering the
4 question. There's no secret about it now. It's a long time ago. How far
5 were you from the village?

6 THE WITNESS: [Interpretation] Your Honour, it's really hard for me
7 to say now, at least a kilometre away from the village, at least, because
8 we didn't approach any closer since it would have been dangerous because
9 of the armed terrorists that was --

10 JUDGE BONOMOY: All I wanted was the distance roughly, that's all
11 she wanted. She can ask you other questions once she gets the basic
12 information.

13 Ms. Carter.

14 MS. CARTER: Thank you.

15 Q. The reason you're being asked these questions which is because in
16 later orders which we'll discuss further on you indicate, such as on 4

17 April 1999 which is Exhibit 2813, it doesn't need to be pulled up right
18 now; but you're talking about the command post in the time of introduction
19 in the Grudic Mahala village in a school, the next command post will be in
20 Vrbovac also in a school, there's others that indicate they were in
21 factories and other positions. So how are you selecting if these are near
22 villages -- there are other times that you're directly in a village,
23 aren't you?

24 A. Ms. Carter, if that's what it says here, it doesn't mean I was
25 there, but if there was a living person in that village then we weren't

1 there; if it's a school, it can only be an abandoned school, an old
2 school, only that, by no means a school with students in it or pupils. So
3 if there was a single person in a village, there was no command post in
4 the village.

5 Q. And to follow-up on something that you discussed on direct
6 examination, wouldn't it be fair to say with items such as the Feronikel
7 factory and other items, at the point the VJ starts using schools,
8 factories, or any other civilian building as a command post or other
9 military usages, then they become legitimate targets, do they not?

10 A. No, unfortunately in this case you're wrong. I have to tell you,
11 I do apologise. In Feronikel, there was no so much as a military boot let
12 alone a soldier or military equipment, and yet it was targeted. Why it
13 was declared to be a legitimate target, I don't know. All I know is we
14 were not in Feronikel. Ms. Carter, would we enter Feronikel, this huge
15 facility, and stay there waiting there to be targeted? No. We were in a
16 safe place, certainly not in Feronikel.

17 Q. There has been evidence that contradicts you, however, we will
18 move on and go back to the original operation on 22 March. Can you please
19 on the screen mark for us where your brigade set up in order to produce
20 this operation.

21 A. Ms. Carter, please give me the report and I'll mark it there. A
22 long time has elapsed in the meantime --

23 Q. [Previous translation continues]...

24 A. -- and without the report I can't mark this.

25 Q. Sir, P2031 is the order we're discussing, it is in front of you.

1 A. What date did you mention, sorry?

2 Q. The operation that was ordered on 22 March. In P2031, your
3 tasking begins at 5.2.

4 A. Yes. I'm sorry, it will take a little time. The lettering is
5 quite small. I have to find the place where I was at the time.

6 Q. If it assists, the second map that you have is actually a blown-up
7 version of the six quadrants that are at issue, if it helps you orient.

8 A. I can't find it on this larger map, the area of the village of
9 Krasalic where I was supposed to arrive according to this order, but to
10 the best of my recollection I think I was -- I can't find the village of
11 Krasalic really, to tell you exactly where I was on this map. The village
12 of Krasalic is not marked on this map.

13 Q. What is the village of Krasalic near that is on the map?

14 A. I think it's in the area of Kraljica.

15 JUDGE BONOMOY: Mr. Zecevic.

16 MR. ZECEVIC: I'm sorry, Your Honours, I don't know if I may be of

17 assistance. I have found the village in the map and I don't know if you

18 would allow me to direct the witness in that respect and just --

19 JUDGE BONOMOY: I think all will be grateful for your assistance.

20 MR. ZECEVIC: Okay, the village of Krasalic is in the -- well, I

21 lost it now -- it's near Vucitrn on the map, just below Vucitrn in the

22 quadrant below Vucitrn.

23 [Interpretation] Witness, under Vucitrn, in this quadrant below

24 Vucitrn, that's where the village of Krasalic is.

25 THE WITNESS: [Interpretation] Yes, yes.

1 MR. ZECEVIC: [Interpretation] Have you found it?

2 THE WITNESS: [Interpretation] Yes, yes, I have, thank you very
3 much.

4 JUDGE BONOMOY: Thank you, Mr. Zecevic.

5 MS. CARTER:

6 Q. And if you can mark on the map a KM where the command post was.

7 A. The area, yes.

8 Q. Now, it also indicates that your forces will be along a certain

9 axis that is going to follow the village of Krasalic, the village of

10 Kozica, and a number of others. Can you then write Xs where those --

11 where your brigades were going to be set up.

12 A. Ms. Carter, not brigade, not brigade, Combat Group 37. Please, a

13 brigade has 5.000 men; a combat group has 250 to 300 men, so it's not a

14 brigade.

15 Q. Certainly.

16 A. This is the general axis. I can't be completely precise, but it

17 gives the general idea, yes.

18 Q. Were there any PJP or other units that were going to be working

19 with you on this axis?

20 A. Yes, there were PJPs, as one can see from the order issued by the

21 corps commander.

22 Q. Did they follow you in the exact same place or did they come from

23 a different place?

24 A. At the time when combat-readiness was ordered, they turned up in

25 this area, their forces turned up.

1 Q. Is the same true for the 125th Motorised Brigade and the 15th

2 OKBR?

3 A. I couldn't tell you that really. I don't know. But --

4 Q. 5.2 indicates that it's going to be coordinated action between the

5 37th Combat Group, the 125th, the 15th, and two PJP units. Were you all

6 starting at the exact same place or were other people dealing with

7 different sectors and you were going to meet up?

8 A. Each unit had its own task. Each unit started from its own area,

9 so we didn't all set out from the same place. We didn't say, for example,

10 let's all gather in the village of Krasalic and then all set out together,

11 no, no. And you can see that quite well in the order from which line

12 which unit was to go on the offensive.

13 Q. [Previous translation continues]...

14 A. -- The lines do not correspond. I got one axis --

15 Q. Sir, I understand this. If you would wait for the next question

16 that's precisely what I'm going to ask you. If you would mark on the map

17 where the 125th started and under what axis they were going to be working
18 and you will do the same with the 15th and the PJP units, and you will
19 mark where you have done a command post for you if you can mark where they
20 began with a 125, a 15, or a PJP respectively.

21 A. Ms. Carter, it's in the order. Really, for me to draw where they
22 started out from, I can --

23 Q. [Previous translation continues]...

24 A. -- enter it on the map but it's not my problem where they started
25 from. I can put it on the map.

1 Q. [Previous translation continues]... Mark it on the map. Can you
2 please mark where the 125th began and on what axis they were working.

3 A. I'll do it based on this order, but that's based on this order.

4 JUDGE BONOMOY: You can't do it based on your recollection of how
5 the action proceeded?

6 THE WITNESS: [Interpretation] Your Honour, it's a large area, a
7 large area. I was not able to see the 125th Brigade and where it was. It
8 was up to their commander to see that. I couldn't see where the 15th
9 Brigade; that was up to their commander. I know because it says in this
10 order from what line they were launching an attack, and I can find that on
11 the map. There was a map accompanying this order, so I was clearly able
12 to see where which brigade was.

13 MS. CARTER:

14 Q. Well, unfortunately that map is not here, so if you will please
15 mark on the map in front of you where the 125th began and on what axis
16 they worked.

17 JUDGE BONOMOY: Mr. Fila.

18 MR. FILA: [Interpretation] I don't want to interrupt, but we have
19 to draw a distinction between the questions. He can draw what he read in
20 the order, but that's no use; and he tells us he has no idea what actually
21 happened because he couldn't see it. So what's the use of something he
22 didn't see? It says so in the order, but whether it was actually like
23 that. When Your Honour asked him, he said he didn't know.

24 JUDGE BONOMOY: You're saying that even after the event you did not
25 learn on what axis the 125th proceeded?

1 THE WITNESS: [Interpretation] Your Honour, I knew on what axis
2 they proceeded because I read it in the order --

3 JUDGE BONOMOY: But did -- the question is: Did the action go to
4 plan?

5 THE WITNESS: [Interpretation] Well, I can't speak about the 125th
6 and the 15th. All I can say is whether with reference to my unit it went
7 according to plan. I cannot say that about other units for which I'm not
8 competent, but we knew what each unit's task was and where they were
9 supposed to end up because we were coordinating. I wasn't so interested
10 in the 15th or in the 125th; I was interested in my own unit, I was only
11 interested them insofar as --

12 JUDGE BONOMOY: Were you not aware of their reports after the
13 event?

14 THE WITNESS: [Interpretation] No, Your Honour, no. They sent
15 their reports to the corps commander to whom they were subordinated, just
16 as I did. They didn't send reports to me, and I didn't send reports to

17 them.

18 JUDGE BONOMOY: Now, Ms. Carter, what is it you wish Mr. Dikovic to
19 draw for you?

20 MS. CARTER: The coordinated action that he took with the 125th
21 and the 15th, especially given the fact that it's indicating in 5.2 that
22 the goal is to join up at the 15th and destroy the remaining fractions of
23 the STS and to ensure combat control of the territory. We would like to
24 be able to show where on the map these actions took place because in many
25 of these actions it's going to lay over witness testimony that we had

1 during the crime base and we want to know where the operations took place.

2 JUDGE BONOMOY: But he's telling you all he can do is draw what was
3 proposed on the plan; is that what you want him to do?

4 MS. CARTER: If he has indication that that's not what happened to
5 plan, then we would prefer what actually happened on the ground.

6 JUDGE BONOMOY: Well, he apparently has no indication to that
7 effect, so the best we can get is what was intended.

8 MS. CARTER: That will do, Your Honour.

9 JUDGE BONOMOY: Very well.

10 Please mark on the map the axis along which the 125th were
11 supposed to proceed. Mr. Dikovic, please mark on the map the axis along
12 which the 125th was supposed to proceed.

13 THE WITNESS: [Interpretation] Could I be given a little time,
14 please, because now I'm marking something that refers to another unit that
15 was not my responsibility. Just let me find it, please. I think
16 according to what I was able to read, that was the axis of that brigade.

17 MS. CARTER:

18 Q. Please mark that axis with a 125th, please.

19 A. Ms. Carter, I have.

20 Q. Yes. And if you can do the same for the 15th, please.

21 A. Please excuse me if this is not perfectly precise. I see it only

22 on paper, and I wasn't actually there. This would be a question for the

23 corps commander actually, but anyway here it is.

24 Q. And if you can mark that with a 15, please.

25 A. [Marks]

1 Q. Thank you. Now, your taskings indicate that the goal was to join
2 up with the 15th; did that occur?

3 A. Ms. Carter, to join up -- well, it doesn't mean to actually meet
4 with them. It doesn't mean my man coming up to his man and now we've met,
5 no. What it means is that we should come to a safe distance of each other
6 from where we can control the area before us with fire. It doesn't mean
7 us actually meeting and seeing each other eye to eye.

8 Q. Can you please describe for me which villages were involved in
9 this operation. What were you targeting or what areas? And if in blue
10 you can mark with Xs each of the villages that was at issue.

11 JUDGE BONOMOY: Mr. Cepic.

12 MR. CEPIC: [Interpretation] Your Honour, by your leave, I do
13 apologise for my frequent interruptions, but I feel I have to rise now
14 because my learned friend seems to be suggesting that the goal of the
15 action were villages, when we have heard the witness say that the goal
16 were actually the Siptar terrorist forces. Thank you.

17 JUDGE BONOMOY: I don't think it's being suggested that the goal
18 was the -- or the target was the villages. The question's quite clear,
19 which villages were involved in this operation, and -- or action, and the
20 question was left open: What were you targeting or what areas.

21 I see nothing wrong with that question, so please deal with it,
22 Mr. Dikovic.

23 THE WITNESS: [Interpretation] Our ultimate goal was to take
24 control of this line: Kunglari [phoen] the village of Likosane, that was
25 the ultimate goal set in the order issued by the Pristina Corps commander.

1 MS. CARTER:

2 Q. Can you mark that village with a blue X, please.

3 A. Could we zoom in because I can't read these letters? They're very

4 small.

5 Q. Unfortunately, sir, if we zoom in we will lose what you've already

6 done so if you could orientate yourself on the maps you have in front of

7 you and make your markings on the screen?

8 JUDGE BONOMOY: You can give this an IC number, then you can put

9 the IC number on the screen and you can magnify it.

10 MS. CARTER: Then we would ask for an IC number, Your Honour.

11 THE REGISTRAR: That will be IC158, Your Honours.

12 JUDGE BONOMOY: So that's the exhibit you would now like on the

13 screen?

14 MS. CARTER: Yes, Your Honour.

15 JUDGE BONOMOY: Well, you can magnify that now.

16 No, it's got to be the -- sorry. Here you are.

17 Can we have this magnified?

18 Does that help, Mr. Dikovic?

19 THE WITNESS: [Interpretation] That's better. That's better.

20 That's the line which we were supposed to reach. The scale of

21 this map, Your Honour, is much too large and those smaller features are

22 not visible, so I'm saying that's approximately the line we should then

23 reach.

24 MS. CARTER:

25 Q. Sir, I saw you marking something on the paper map. Were you

1 trying to indicate something else needed to be on the screen? Whatever
2 you're trying to write on the paper you have to point to the screen.

3 A. I did, Ms. Carter, but unsuccessful because I took the wrong pen
4 and there's nothing on the paper.

5 Q. All right. You've indicated that that's the line, in blue, that
6 you were trying to reach. Did you reach it; and if so, when?

7 A. I don't think we actually got there. I think we stopped 500 to a
8 thousand metres to the left or to the right of that line. This is just an
9 approximate line I have to stress. I can't be precise.

10 Q. As you were reaching that line, did you encounter civilians?

11 A. Yes.

12 Q. Where?

13 A. Cirez village.

14 Q. When did you arrive at Cirez?

15 A. We have to go back again to my report to see the exact date, but
16 it was between the 22nd or the 23rd. I'm not sure. It's written in the

17 report, my combat report.

18 Q. Okay. Now, if you've entered Cirez at around that time, you

19 testified at page 31, line 9 -- actually, it was in a question that you

20 were definitely not in Cirez on the 29th of March. Can you tell me how

21 long you were in that village or near that village?

22 A. Ms. Carter, I'm telling you for a fact I wasn't there on the 29th

23 of March in -- not in Cirez. We stayed in Cirez until the 24th. It's in

24 the report, it's actually rather well described. Because if you take that

25 report of the 25th you will see that by the 25th I was already in a

1 different area closer to Vucitrn. I believe that's in the report of the
2 25th, I'm not sure.

3 Q. So in regards to this initial order that began on the 22nd, what
4 villages in between where you began and the line that you were trying to
5 reach, which villages were involved outside of Cirez?

6 A. The village or the feature of Mikusnica, Galica, Kraljica
7 feature, Poljance village, that's all I can recall, Prekaze village, and I
8 believe that's it. I can't recall any more, but it was not our assignment
9 to reach those villages. They -- these villages remained in the area.
10 They were not indicated as the line we should reach. They were in the
11 area in which we carried out activities.

12 Q. Can you please mark to the top right corner of the screen P2031 so
13 we know which this map relates to.

14 A. In Cyrillic or Latinic script?

15 Q. Latin, please.

16 A. Could you repeat the numbers.

17 Q. P2031.

18 A. [Marks]

19 Q. Thank you.

20 MS. CARTER: I would ask for an IC number.

21 THE REGISTRAR: That will be IC159, Your Honours.

22 MS. CARTER: And, Your Honour, I have been told that apparently

23 I'm already at two hours, given that the Defence only took two and a half

24 hours, and I'm only at the 24th of March. I seek leave from the Court to

25 extend this time that mainly the witness, actually, it will mean the

1 witness will have to return. I don't think I can get through the entire
2 war in 30 minutes, especially with them yelling at me for slowing down
3 already.

4 [Trial Chamber confers]

5 JUDGE BONOMOY: Can you give us some estimation of how long you
6 envisage being?

7 MS. CARTER: Easily another hour to an hour and a half. I have to
8 cover both the operations as well as there's some pretty extensive
9 criminal activity that took place in this unit that we need to cover as
10 well as coordination with the MUP. The MUP features often within these
11 orders.

12 JUDGE BONOMOY: At the very outside, Ms. Carter, we will expect you
13 to finish within an hour of starting tomorrow.

14 MS. CARTER: My understanding is the witness cannot be here
15 tomorrow; if that's changed --

16 JUDGE BONOMOY: Sorry. Last week he was able to come back

17 tomorrow.

18 MR. CEPIC: [Interpretation] Your Honour, it's the unanimous
19 position of the Defence teams that we can stay longer today to finish with
20 this witness, that's one thing; and second, my assistant has been in touch
21 with the section. Since we are sitting in the afternoon tomorrow, my
22 assistant on the team is trying to secure a seat on the last flight to
23 Belgrade, but I think it is safer to finish today. Of course it's up to
24 you to decide. We are ready and willing to go on working.

25 [Trial Chamber confers]

1 JUDGE BONOMOY: Your problem will be how much re-examination you
2 have.

3 MR. CEPIC: Maybe ten minutes, not more than ten minutes, maybe
4 less.

5 [Trial Chamber and registrar confer]

6 MR. CEPIC: By now.

7 JUDGE BONOMOY: Well, please continue for the moment, Ms. Carter.
8 If we can make arrangements to sit, at the very outset, until 5.15, we
9 will sit from 4.00 until 5.15. You would have until 5.00 at the outside
10 and the rest would be for re-examination. However, if the interpreters or
11 others, security, whatever, cannot fit with that schedule, it will just
12 need to be tomorrow afternoon.

13 MS. CARTER: Certainly, Your Honour.

14 JUDGE BONOMOY: We'll find that out before 4.00 I imagine.

15 MS. CARTER: I would now like to bring up P1968.

16 JUDGE BONOMOY: There you have it, Ms. Carter, can we get to the

17 question.

18 MS. CARTER: Yes, certainly, and I'm going to provide a hard copy
19 to the witness for ease.

20 Q. Sir, this is the Joint Command order 455-73, number P1968, and
21 this appears to be operations beginning on or after 24 March 1999 in which
22 you were engaged. The specific taskings of the 37th is at 5.1. Can you
23 please tell me, outside of the 37th, who else, if anyone, is going to be
24 coordinated in this operation?

25 JUDGE BONOMO: Can we go to paragraph 5.1, please.

1 MS. CARTER:

2 Q. Sir, can you please tell me who outside of the 37th was going to
3 be coordinated in the operations that were taking place on or about 24
4 March 1999.

5 A. Ms. Carter, I have before me an order from the Pristina Corps
6 commander. In addition to routing and destroying Siptar terrorist forces,
7 I engage Combat Group 37, 125th Motorised Brigade, the 15th Armoured
8 Brigade, 243th mixed brigade -- sorry, Mechanised Brigade, and Tactical
9 Group 252. I've read all this from this document.

10 JUDGE BONOMOY: Well, it bears no resemblance to the English
11 translation then if we're looking at the right document.

12 MS. CARTER: Your Honour, I believe it does track 5.2 is
13 addressing the 125th, 5.3 is the --

14 JUDGE BONOMOY: Oh, sorry, I can only see 5.1, I thought that's
15 what we were reading.

16 MS. CARTER: No, Your Honour, he has a hard copy of the document.

17 JUDGE BONOMOY: If you know the answer, you don't need to ask the
18 question. So let's get to the crux of the issue.

19 MS. CARTER:

20 Q. Sir, where was your command post when taking part in this
21 operation? I would hold out to you that it's in Rudnik village; is that
22 correct?

23 A. Yes, for the area of the hamlet of Banja near Rudnik village.

24 Q. It's indicated that your deployment sector was to be on 25th March
25 1999; is that when you arrived in this location?

1 A. If I remember well, we did arrive then. It's in the reports of
2 the combat group.

3 Q. And, sir, what line were you trying to reach at the end of this
4 operation -- or actually, what line did you reach at the end of the
5 operation because there's listing two?

6 A. We were supposed to reach the line - again I'm reading from the
7 order - Cumursko hill, Okovici village, we were supposed to reach that
8 line.

9 Q. And where did you reach?

10 A. It's in my report again. I cannot tell you precisely now.

11 Q. Sir, can you tell me in that operation what villages were
12 encountered?

13 A. I, with my forces did not reach any of the villages. The villages
14 were to the left and to the right from me. And approximately speaking,
15 those were Vitas village, Leocina, Kladernica, Vocnjak -- Brocna, that is,
16 Kostrc, those were the villages in the area.

17 Q. Were the same six tanks that we were discussing earlier with your
18 combat group at the time?

19 A. Yes, they were.

20 Q. Were they used during this operation?

21 A. Again, you have a report listing ammunition expended, and from
22 those reports you can best see whether they were used or not.

23 Q. [Previous translation continues]... is my question unable to be
24 answered? Did you use the tanks?

25 A. Ms. Carter, in order to be certain when answering this question,

1 my report lists expenditure of ammunition for that day, and if the report
2 says "tank ammunition," then they were used; if there is no such entry,
3 then they were not used.

4 Q. Sir, we have had testimony indicating that from the positions in
5 which you're speaking of, tank fire came on any number of villages sending
6 the civilians into the fields around Izbica. I want to know if your group
7 was involved in that action. Can you tell me that?

8 A. In that operation my group supported MUP forces in routing and
9 destroying Siptar terrorist forces, and that's evident from the order.

10 Q. I know that's the wrote language that's used in these orders. Can
11 you tell me what actually happened. When you say you were supporting the
12 MUP in this area against terrorism, what did that entail?

13 A. Support to the MUP in combat operations involved destroying those
14 firing points that the MUP with its own forces was unable to destroy.
15 Furthermore, support to MUP forces also involved carrying out tasks on our
16 own axis of attack.

17 JUDGE BONOMOY: Are you saying that you don't remember what
18 happened and that we shouldn't rely on what you can tell us about this
19 event, that all we have is the report?

20 THE WITNESS: [Interpretation] Your Honour, precise information
21 that is numeric involves figures is something I can't recall now, that's
22 why I was relying on the report, it's about trig point 628, it's things
23 like that.

24 JUDGE BONOMOY: With all due respect to you, Mr. Dikovic, you were
25 asked whether the tanks were used or not, and that requires a yes or no

1 answer, simple; and if you can't tell us, just tell us because we'll then
2 know that we may have to rely on other evidence in this instance rather
3 than your personal recollection.

4 THE WITNESS: [Interpretation] Your Honour, do you allow me to look
5 that -- at that report from the 24th or 25th --

6 JUDGE BONOMOY: No, we want to know what you can remember without
7 the report. You'll get the opportunity of looking at it once you tell us,
8 first of all, what you can recollect.

9 THE WITNESS: [Interpretation] Whether tanks were used, Your
10 Honours, and to fire on what targets, I can't remember now, and I can't
11 tell you 100 per cent certainty how they were used and if.

12 JUDGE BONOMOY: Thank you.

13 Ms. Carter.

14 MS. CARTER: Thank you, Your Honour.

15 I would call up P2043 and present a hard copy for the witness.

16 Q. And I would direct you to number 4 which is on the first page of

17 each and which indicates that no Siptar terrorist forces were observed in
18 the course of introducing units to the scheduled redeployment area, yet it
19 goes on to say that you're going to provide support for the MUP in
20 smashing and destroying the STS. When or if did you encounter the STS at
21 that time?

22 A. While the unit was being brought into this area. There was no
23 fire from Siptar terrorist forces as far as I can see from the report.

24 Q. Sir, what type of -- because this is the report that refers back
25 to what you were asking about. There's no indication of your tanks,

1 there's no indication of fire. Did you guys just sit and wait or did you
2 actually become involved in actions based on that Joint Command order?

3 A. From this report it's obvious that we just brought in the combat
4 group on that day from the previous area of deployment into the new area.
5 Para 5.2 says: "By 1800 hours the unit has completed the bringing in of
6 forces, and with coordinated action with MUP took up the line of blockade
7 in keeping with the order and the assignment of the unit."

8 So we brought in troops from the previous area and took up
9 position on the line of blockade.

10 Q. [Previous translation continues]...

11 A. -- On the 25th of March.

12 Q. And if you'll answer the last part of the question that was at
13 page 106 at line 24: When or if did you encounter the STS under this
14 operation?

15 A. [No interpretation]

16 JUDGE BONOMOY: Just one moment. We're not receiving a

17 translation. Sorry, we're not receiving translation of this. Can the

18 interpreter confirm --

19 THE INTERPRETER: Can you hear now?

20 JUDGE BONAMY: Yes, thank you.

21 Can you start that answer again, please, Mr. Dikovic.

22 THE WITNESS: [Interpretation] In para 4 of this report we read

23 that in the course of bringing in of units in the area of deployment,

24 Siptar terrorist forces were not observed.

25 MS. CARTER:

1 Q. So you're telling me under the entire Joint Command operation that
2 we were just previously discussing, you had no involvement in the combat
3 operations?

4 A. Ms. Carter --

5 JUDGE BONOMOY: Mr. Fila, is there really any objection to that
6 question?

7 MR. FILA: [Interpretation] Again this Joint Command, look at this
8 wording. The man has repeated a hundred times that he received orders
9 from the commander of the Pristina Corps, that he was executing --

10 JUDGE BONOMOY: Mr. Fila, no, no, we've heard repeatedly this
11 objection. If the Joint Command name appears on the document, it's
12 perfectly legitimate to call it a Joint Command order or decision; and
13 that's all that's happened.

14 MR. FILA: [Interpretation] You didn't understand me. She said it
15 differently. So far Ms. Carter's mentioned the Joint Command several
16 times and I didn't react. This is a different wording, Joint Command

17 operation is something that I didn't see before. That's what I observed,
18 and before that she used wording "on orders of the Joint Command," the
19 witness answered it was an order from the Pristina Corps command. And
20 everybody was keeping to their own story, but I was interested in this
21 language.

22 JUDGE BONAMY: We overrule that objection and allow the witness to
23 continue his answer.

24 MS. CARTER:

25 Q. Sir, I'll repeat and using wording from the document that you have

1 in front of you, P2043, at number 7: "On 24 March after completing its
2 task and executing the order of the Joint Command for Kosovo and Metohija,
3 the unit withdrew."

4 What I want to know is: What operations, if any, were you
5 involved in under the Joint Command order that began on the 24th of March?

6 A. I was involved in the operation of the Pristina Corps which began
7 on the 25th of March, Ms. Carter, taking up the blockade line. That's in
8 the report of the 25th of March.

9 JUDGE BONOMOY: Mr. Dikovic, the simple question, laying aside this
10 semantic argument about how questions are posed, the simple question that
11 you're being asked to answer is what actual combat activity were you
12 involved in following upon this document. Are you saying there was none
13 at all, you just sat there as an apparent blockade and did nothing?

14 THE WITNESS: [Interpretation] Your Honour, before me I have a
15 document issued by the command of the 37th Motorised Brigade, it's a daily
16 combat report to the Pristina Corps command. I have no other document

17 before me.

18 JUDGE BONOMOY: So basically are you telling us you can remember
19 nothing unless you have a document in front of you?

20 THE WITNESS: [Interpretation] Your Honour, I can remember, I can
21 remember, but not with numbers, precise dates, and so on. I can't recall
22 numbers without looking at documents. What I can remember is the actual
23 operation, the actual activities that went on.

24 JUDGE BONOMOY: And that's what we would like you to tell us about
25 precisely. Tell us what actually went on.

1 THE WITNESS: [Interpretation] Your Honour, in what period of time,
2 please?

3 JUDGE BONAMY: Following up on your formation of the blockade on
4 the 25th of March.

5 THE WITNESS: [Interpretation] Your Honour, after setting up the
6 blockade on the 25th of March the unit supported the MUP forces to rout
7 the Siptar terrorist forces on the axis from the village of Rudnik, via
8 the village of Kladernica, to the village of Vocnjak. The operation to
9 destroy the Siptar terrorist forces in the Drenica area started pursuant
10 to orders issued by the Pristina Corps commander.

11 JUDGE BONAMY: Mr. Dikovic, what did your combat group actually
12 do? We know that you're there supposedly to support MUP forces routing
13 terrorists. We hear this repeatedly, repeatedly through all the documents
14 that come before us. Just tell us what you actually did.

15 THE WITNESS: [Interpretation] Your Honours, we supported the MUP
16 forces. We attacked in the designated area on the designated axis. We

17 destroyed Siptar terrorist forces on the axis of attack. We fought with
18 the Siptar terrorist forces. That's what we did, Your Honour.

19 JUDGE BONOMOY: But you don't remember if you used your tanks or
20 not?

21 THE WITNESS: [Interpretation] Probably the tanks were used, but as
22 for precise information if there were firing points established on the
23 axes of attack from which the terrorist fired, then means were used to
24 destroy those firing points and that would be tanks. Tanks would be used
25 for that.

1 JUDGE BONOMOY: You'll have to conclude for today now, so if
2 there's anything else on this subject you want to ask, please ask it.

3 MS. CARTER: There's a couple more documents that follow up.
4 There is individual combat reports but they can go tomorrow.

5 JUDGE BONOMOY: They can wait. If there's anything you want to do
6 before you place these documents before the witness?

7 MS. CARTER: No, Your Honour.

8 JUDGE BONOMOY: All right.

9 I'm afraid, Mr. Dikovic, it's not been possible to arrange to sit
10 any longer this afternoon, it cannot be done, and therefore you'll require
11 to return to complete your evidence tomorrow, and that will be at 2.15
12 tomorrow afternoon. I know that arrangements can still be made for you to
13 travel home tomorrow evening, even allowing for your attendance here
14 tomorrow. The Prosecution will have at the maximum an hour to complete
15 this cross-examination, and we are told that at the moment it's not
16 anticipated that any further re-examination will last long. So you should

17 be out of here within the first session of our evidence tomorrow.

18 Meanwhile, until tomorrow it is vital that you have no discussion

19 with anybody at all about any of the evidence in this case, that's

20 anything you say or will say or anything anyone else has said about the

21 case. Talk about anything you like with whoever you like as long as you

22 do not discuss any aspect of the evidence.

23 Now could you please leave the courtroom with the usher and we'll

24 see you again tomorrow at 2.15.

25 THE WITNESS: [Interpretation] Thank you, Your Honours.

1 [The witness stands down]

2 --- Whereupon the hearing adjourned at 3.37 p.m.,

3 to be reconvened on Tuesday, the 11th day of

4 December, 2007, at 2.15 p.m.

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