



Page 19980

1 Tuesday, 11 December 2007

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 2.16 p.m.

5 [The witness entered court]

6 JUDGE BONOMY: Good afternoon, Mr. Dikovic.

7 THE WITNESS: [Interpretation] Good afternoon, Your Honour.

8 JUDGE BONOMY: Your cross-examination by the Prosecutor will

9 continue in a moment. Please bear in mind that the solemn declaration to

10 speak the truth which you gave at the beginning of your evidence continues

11 to apply to your evidence until it's completed.

12 Ms. Carter.

13 MS. CARTER: Thank you, Your Honour.

14 WITNESS: LJUBISA DIKOVIC [Resumed]

15 [Witness answered through interpreter]

16 Cross-examination by Ms. Carter: [Continued]

17 Q. We were discussing at the end of yesterday what the specific

18 operations of the 37th combat unit was involved in around March 24th of

19 1999. You directed us to the combat reports that were a part of this

20 operation. The first combat report that we have is P2045 and I'd like to

21 pull that up on e-court.

22 Sir, I'd first like to direct your attention to number 4, in which

23 you indicate what the situation in the territory is and then you go on to  
24 say that the unit was carrying out its scheduled activities. You can  
25 finish that page. There's page 2 in the English, that again only gives at

**Page 19981**

1 number 8 main tasks for the day continue with the planned activities in  
2 line with the decision to smash and destroy the STS in the Drenica sector.  
3 I would ask you what specifically were the planned activities in  
4 that sector?

5 A. Ms. Carter, may I correct you. It's not the 37th combat unit but  
6 the 37th Combat Group, and it's a lot smaller. Combat groups are made up  
7 of about 250 to 300 men.

8 Now, the activities that we were engaged in on the 27th of March  
9 were pursuant to an order from the command of the Pristina Corps, and as  
10 far as I remember the operation, it was Operation Drenica as far as I  
11 remember.

12 Q. What weapons systems were used in that operation?

13 A. In this operation, the weapons systems that were used -- well, the  
14 weapons of the soldiers were used, automatic rifles which the soldiers  
15 were generally armed with. The soldiers had the following weapons:  
16 Automatic rifles, the 7.62-millimetre type; the machine-guns,  
17 7.62-millimetres, light machine-guns, that is; then they had the  
18 30.2-millimetres of the self-propelled type; we had 82-millimetre mortars;  
19 and we had the 120-millimetre mortars; and we had tanks as well. So that  
20 is the basic type of weaponry that we had. Perhaps I've left some weapon  
21 out, but I don't think that is essential.

22 Q. How were artillery targets selected during the operation?

23 A. It was like this: Artillery targets were selected on the basis of  
24 the deployment and placement of the terrorist forces, and when we saw them  
25 in the region, in the area, the locality where the Siptar terrorist forces

**Page 19982**

1 were located. Now, if they were engaged in firing at the unit, if they  
2 were shooting at the unit, then the unit would begin to neutralize them,  
3 not only by using artillery weapons. They were well-fortified, trenches  
4 and bunkers, which could not be neutralised in any other way but required  
5 the use of the system and type of equipment able to deal with these firing  
6 points that were so well-fortified and could then neutralize them.

7 Q. How was the fire directed?

8 A. The artillery fire was directed in the following manner: From the  
9 vantage points and observation points, and in front of the artillery  
10 pieces in its direct vicinity, in front, behind, to the left or to the  
11 right, an observation point is selected where there is a commanding  
12 officer who is in charge of the firing, and that observation point is  
13 there in order to enable the men to see clearly where the shells are  
14 falling in order to correct the fire, adjust the fire, firing.

15 Now, the distance from the firing position - and when I  
16 say "firing position," that is when the artillery pieces and the crew are  
17 located, and the distance can be up to 2 kilometres away in principle of  
18 course - and so from that position you observe where the projectiles are  
19 landing and then you can correct and direct the fire.

20 Q. Were the firing positions in populated or unpopulated areas?

21 A. They have to be outside populated areas, when I'm referring to  
22 artillery firing positions, that's the only way you can function, you can

23 fire from these weapons. And according to the rules and regulations,  
24 there is a provision which states that firing positions can be set on  
25 large areas, boulevards, squares, large squares, and you can't find that

**Page 19983**

1 kind of urban location in villages. So the firing positions were always  
2 outside the villages for them to be able to function properly.

3 Q. So you never ordered any firing positions to be placed in  
4 populated areas; is that correct?

5 A. I never ordered any artillery pieces, that is to say howitzers,  
6 cannons, should be positioned in built-up areas, in populated areas. Now,  
7 in the vicinity of populated areas, to the left, to the right, behind, and  
8 in front, yes; but in a populated area itself, no, I never issued orders  
9 for the artillery to be positioned there because that was not in keeping  
10 with the rules and regulations for the use of that type of artillery  
11 support.

12 Q. This operation appears to continue on in P2046 from 28 March and  
13 it's also given combat report number 1115, which is following 1114. That  
14 is the report that you indicated that you expected a large number of  
15 civilians at number 3. Why would you expect there to be a large number of  
16 civilians in that populated -- or in that area?

17 A. Ms. Carter, it was a populated area. It was not unpopulated. So  
18 in that area there were a lot of villages, and around about them many  
19 houses which in that area were termed hamlets, a group of houses making a  
20 hamlet, that is to say the hamlet not belonging to the actual village but  
21 near a village and that's what we term "hamlets." And so there were a lot  
22 of villages and hamlets along that axis. Now, why did I report that way,

23 that I said that I expected civilians to appear in the area? When I was  
24 speaking yesterday about the way in which the terrorists functioned, I  
25 emphasised that very frequently what happened was that they use civilians

**Page 19984**

1 as a human shield and would let them through the area where combat  
2 operations were being -- were evolving because they knew that people  
3 were -- that they wouldn't be targeted.

4 Q. Thank you at page 19890 at line 5 you indicated that with regard  
5 to -- you had spoken with somebody at the Pristina Corps to discuss what  
6 to do in the event you came upon civilians, and somebody from the Pristina  
7 Corps was sent to you on the spot in the event that you had to stop  
8 operations. Can you please tell me who that person was and how common it  
9 was for somebody from the Pristina Corps to come down to answer that type  
10 of question.

11 A. Ms. Carter, I did send a request asking what we should do, and  
12 instead of a response, as far as I remember - and I do underline that, to  
13 the best of my recollections - instead of a response through the radio  
14 systems communication or written document, an officer arrived from the  
15 Pristina Corps. I think that his surname was Okolanski or something like  
16 that, I'm not quite sure, but I am sure that his surname ended in s-k-i,  
17 ski. Anyway, he arrived and explained to me how I should act. Now, I  
18 knew how I should act, I did know, but I waited for confirmation, for  
19 confirmation that the knowledge I had was correct; and that was from the  
20 command of the Pristina Corps, because I did not wish to make a mistake in  
21 my conduct towards the civilians. And, if you're interested, I can tell  
22 you what he told me, what this officer told me.

23 Q. Please do.

24 A. As far as I remember, the officer told me the following, he said  
25 that for the movement of the population and care and attention of the

**Page 19985**

1 population and public law and order generally, that it was the other  
2 structures that were in charge of that and that I as a soldier and my unit  
3 were not in charge of that --

4 Q. [Previous translation continues]...

5 A. -- That I should stop.

6 Q. What were the people -- who were the people?

7 A. Specifically the police for public law and order and the  
8 establishment and the implementation of public law and order, it was the  
9 MUP that was responsible, or the police units in other words.  
10 Now, in talking to him, we came to the following conclusion: That  
11 if any civilians were to appear how we should act, and the conclusion was  
12 that we should stop our activities, stop the firing, and send the  
13 civilians along a secure axis, in a safe direction, towards a safe area.  
14 So that is what I had to do. That was my duty if any civilians should  
15 appear. And of course if the civilians needed any assistance, then they  
16 should be assisted, and that's something that everybody knows and  
17 realizes.

18 Q. I'd like to follow-up with that. Did you come across any MUP who  
19 actually did assist civilians or did guide them out?

20 A. I did not come across any specific example. I can't tell you of a  
21 specific example where a MUP member said, Go this way. It was in my area,  
22 along my axis, we stopped our firing and took people out. I think in

23 front of me there was some -- or before me there was some MUP members.

24 Q. This is in the general area of Izbica; is that correct?

25 A. Could you repeat that? I didn't understand the interpretation.

**Page 19986**

1 Q. Is this in the general area of Izbica?

2 A. Yes, yes. That was in the general area of Izbica. I don't know

3 what you mean when you say "the general area," but as far as I remember it

4 was actually in Izbica itself.

5 Q. And did you take part of the investigation by the VJ when 101

6 bodies were found in and near Izbica in graves later on?

7 A. No, no, I did not conduct any investigation nor am I authorised to

8 do so, to engage in any investigation or investigative activities, no, I'm

9 not authorised to do that and I did not conduct an investigation, no.

10 Q. So although your unit was directly involved in that area, no one

11 from the VJ ever called upon you to answer for any of those operations or

12 to provide any information when mass graves were found?

13 A. Well, I don't know which mass graves you actually mean. At the

14 time that I was there I did not come across any mass graves, no mass

15 graves at all. Let me repeat that. I did not come across any mass graves

16 in that area --

17 Q. [Previous translation continues]...

18 A. -- and in the village of Izbica, I did not personally enter that

19 village myself.

20 Q. Specifically the concern is that the graves weren't there until

21 you already arrived, and it was the activities by the VJ and the MUP in

22 that area that placed those people in the graves; and you were never

23 questioned on that?

24 A. Ms. Carter, please, I can understand this as an accusation against  
25 me personally. The army had nothing to do with civilians in that area, no

**Page 19987**

1 contact at all. Those graves, the graves that you are referring to, did  
2 not come into being because of me or members of the army --

3 Q. [Previous translation continues]...

4 A. -- so I would like to ask you when you ask your next questions  
5 you -- yes.

6 Q. [Previous translation continues]... operation. On 29 March 1999  
7 at P2047 --

8 JUDGE BONAMY: Mr. Dikovic, could you help me with one matter. We  
9 earlier in this case had a witness who were very concerned to make sure we  
10 did not confusion operations with actions. You've described this as  
11 Operation Drenica. Is it an operation in fact?

12 THE WITNESS: [Interpretation] Your Honour, I, with my combat  
13 group, did not launch an operation at all; that was an action. The combat  
14 group, a combat group, does not engage in operations. Operations are  
15 something that are done by the army corps and higher units. So this was  
16 not Operation Drenica that I engaged in; it was an action to destroy the  
17 terrorist forces in that area.

18 JUDGE BONAMY: Thank you.

19 Ms. Carter.

20 MS. CARTER: Thank you, Your Honour.

21 Q. And before we actually move on to P2047, I have a question. We  
22 understand that volunteers began being placed within units sometime around

23 March 24th. Were any volunteers placed with the 37th on or around that  
24 time?

25 A. As far as my unit is concerned, there were no volunteers who

**Page 19988**

1 arrived, or rather, I did not call them volunteers because they were part  
2 of the unit, within the composition of the unit, they were in the  
3 platoons, companies, and battalions, and they were treated exactly the  
4 same as all other members of the unit. So I did not refer to them as  
5 volunteers; I called them soldiers. They were probably volunteers because  
6 they came forward on a voluntary basis. They wanted to take part in the  
7 combat against terrorists, but once they arrived in my unit they were no  
8 longer volunteers, they were soldiers, soldiers governed by all the laws,  
9 rules --

10 Q. [Previous translation continues]...

11 A. -- and regulations that a soldier is governed by.

12 Q. Thank you, sir. You indicated before when you arrived on 7 March,  
13 you arrived with approximately 200 to 300 individuals. How many  
14 volunteers supplemented that number by the time you get to these  
15 operations?

16 A. Ms. Carter, they were not operations, they were actions.

17 Q. Sir, how many volunteers were added to your group after the 24th  
18 of March?

19 A. Which period do you have in mind specifically?

20 Q. On the 24th we have indication that volunteers began pouring into  
21 Kosovo. Did that happen in your unit; and if so, how many?

22 A. As far as I remember, and I think that that's something I said in

23 my report as well, that one man reported to the unit. I think it  
24 says "reported." He wasn't sent, he reported, one volunteer; and I think  
25 that I stated his first and last name there. Now, what was this about?

**Page 19989**

1 This volunteer came of his own free will --

2 Q. [Previous translation continues]...

3 A. -- he came to the unit alone, himself.

4 Q. So on 24 March did any other volunteer report to your unit between  
5 the 24th of March and the 2nd of April when the remainder of the 37th  
6 arrived?

7 A. From the 24th of March until the 2nd of April, as far as Combat  
8 Group 37 is concerned, not a single volunteer turned up; and even if they  
9 did, we sent them back.

10 Q. After the 2nd of April did you receive any volunteers?

11 A. After the 2nd of April, I received soldiers. Let me repeat that  
12 word, soldiers. I did not receive volunteers nor did I treat them that  
13 way, it was soldiers. Soldiers came in an organized fashion and they were  
14 deployed in the unit.

15 Q. Sir, we can --

16 JUDGE BONAMY: Mr. Zecevic.

17 MR. ZECEVIC: Sorry, Your Honour, page 10, 12, and 13, the witness  
18 said that the one volunteer that had shown up, they returned him back,  
19 not: "Even if they did, we sent them ..."

20 I mean, it's basically the same meaning. He specifically said  
21 about this one volunteer that he mentioned that came, and he said that  
22 even that one we sent back and there were no other volunteers in that

23 period.

24 JUDGE BONOMY: Is that what you said, Mr. Dikovic?

25 THE WITNESS: [Interpretation] Your Honour, I said that one

**Page 19990**

1 volunteer came to us by the 2nd of April and that that one volunteer I  
2 sent back from the unit up until the 2nd of April, in the period from the  
3 24th of March to the 2nd of April. One volunteer came himself. He wasn't  
4 sent by anyone, he came of his own free will, but I sent him back, this  
5 soldier. He wasn't even wearing a uniform; he was wearing civilian  
6 clothes.

7 JUDGE BONOMY: Thank you.

8 Ms. Carter.

9 MS. CARTER:

10 Q. Sir, you took great pains to say what you would do with a  
11 volunteer, that he would be called a soldier, he would be treated as a  
12 soldier, that he would have all soldierly duties. You also indicated at  
13 page 9, at line 9: "They were probably volunteers because they came  
14 forward on a voluntary basis."

15 Who were those people, when did they arrive, and how many were  
16 there?

17 A. Ms. Carter, perhaps I misunderstood you again. Now, the period  
18 from the 24th of March to the 2nd of April, as I said, one single - and I  
19 wrote that in my report - one single man reported to the unit and he was  
20 sent back from the unit.

21 Q. After the 2nd of April, did any volunteers, or as you call them  
22 soldiers, report to your unit?

23 A. I call them by their true name, Ms. Carter. Volunteers did not  
24 arrive. It was soldiers who arrived, dressed in military uniforms --  
25 Q. Sir --

**Page 19991**

1 A. -- They looked decent.

2 Q. We can play games with semantics or you can tell me how many  
3 members who volunteered to serve in the VJ appeared in your unit?

4 MR. CEPIC: [Interpretation] Your Honour.

5 JUDGE BONOMOY: Mr. Cepic.

6 MR. CEPIC: [Interpretation] Your Honour, I do apologise but with  
7 your permission I do think the witness should be allowed to answer the  
8 question he is asked because in the past few examples Ms. Carter has  
9 interrupted the witness in his answer, in the middle of his answer. Thank  
10 you.

11 JUDGE BONOMOY: Mr. Fila.

12 MR. FILA: [Interpretation] With all due respect, may I be of  
13 assistance, Ms. Carter.

14 I'm afraid, Your Honour, that we're moving in two different  
15 directions, at cross-purposes, that Ms. Carter is asking one thing and the  
16 general is answering something else because the general understood it  
17 whether anybody came in civilian clothes as a volunteer, that means this  
18 person walking on the street suddenly comes to report, and as far as I  
19 understand it, Ms. Carter is asking about volunteers coming to his unit if  
20 I've understood you correctly, Ms. Carter, and quite obviously I have so  
21 these are two different things -- do you understand me and that's why  
22 we're spending so much time about this one man who happened to be passing

23 and came by.

24 JUDGE BONOMY: Ms. Carter, do you have a line reference for the

25 quote that you were giving?

**Page 19992**

1 MS. CARTER: Yes, Your Honour, it was page 9 at --

2 JUDGE BONOMY: No -- he said this today?

3 MS. CARTER: Yes.

4 JUDGE BONOMY: Page 9, line 9.

5 MS. CARTER: If you start running at 4: "As far as my unit is

6 concerned, there were no volunteers who arrived, or rather, I did not call

7 them volunteers because they were of the unit," et cetera, et cetera, "so

8 I treated them as volunteers, I called them soldiers. They were probably

9 volunteers because they came forward in a voluntary basis."

10 That is the group I am interested in.

11 JUDGE BONOMY: So, Mr. Dikovic, could you concentrate on that

12 group of people and tell Ms. Carter what she wants to know in relation to

13 them.

14 THE WITNESS: [Interpretation] Your Honours, I was only referring

15 to the period when the 24th of March and the 2nd of April, and that's what

16 the question was about, wasn't it? A single man. After that, soldiers

17 were arriving at the unit, soldiers, in an organized manner. Those people

18 reported on a voluntary basis and they were trained before they came to my

19 unit.

20 JUDGE BONOMY: Now, they're the ones she's interested in. So

21 could you answer the questions she asks you, please, about these people.

22 Ms. Carter.

23 MS. CARTER:

24 Q. From the 24th of March until the 2nd of April, how many of this

25 group appeared with the 37th?

**Page 19993**

1 A. Ms. Carter, between the 24th of March and the 2nd of April, as far

2 as my combat group was concerned, there was a single man, no more than one

3 person, who reported who wanted to join the action, and he was turned away

4 from my unit, turned away from the combat group.

5 Q. Thank you --

6 JUDGE BONAMY: Mr. Dikovic, I'm referring to your own answer now

7 where you said that: "... there were no volunteers ... I did not call

8 them volunteers because they were members of the unit, they were in the

9 platoons ... they were probably volunteers because they came forward on a

10 voluntary basis. They wanted to take part in the combat against

11 terrorists ..."

12 Now, who are you referring to there?

13 THE WITNESS: [Interpretation] Your Honours, specifically what I

14 have in mind is Combat Group 37 because the question was about the action,

15 were there any volunteers involved.

16 JUDGE BONAMY: Yes. And --

17 THE WITNESS: [Interpretation] And the period, the period, between

18 the 24th of March and the 2nd of April in relation to Combat Group 37 at

19 the time the remaining part of the 37th Brigade was in Raska at a distance

20 of 100 kilometres --

21 JUDGE BONAMY: Mr. Dikovic --

22 THE WITNESS: [Interpretation] -- outside the area --

23 JUDGE BONOMY: Mr. Dikovic, do you want to go home today or do you  
24 want to come back and finish your evidence tomorrow? You gave this  
25 answer: "They were probably volunteers because they came forward on a

**Page 19994**

1 voluntary basis."

2 Now, I think I understand what you're talking about as confirmed  
3 by Mr. Fila. What I want to know is: Your description of who these  
4 people were, why were you calling them volunteers, and how many of them  
5 were there? Could you deal with that, please, and stop the verbal  
6 semantics, as Ms. Carter invited you to do.

7 THE WITNESS: [Interpretation] Your Honours, it is certainly my  
8 intention to deal with that.

9 JUDGE BONOMY: Well, you've been asked several times. Please now  
10 do it.

11 THE WITNESS: [Interpretation] Your Honours, from the day the war  
12 began to the day it ended, the day it ended, please allow me to explain  
13 briefly about those people. In order to be able to explain this, I have  
14 to tell you briefly about what the situation was. So on the 24th of  
15 March --

16 JUDGE BONOMY: I'm afraid, Mr. --

17 THE WITNESS: [Interpretation] -- combat group --

18 JUDGE BONOMY: -- Mr. Dikovic, I'm afraid I don't agree with you.

19 Now gave us this answer. Now, you tell us how many people you were  
20 referring to when you gave us that description. "They were probably  
21 volunteers because they came forward on a voluntary basis."

22 How many of them were in the 37th?

23 THE WITNESS: [Interpretation] Your Honours, in the 37th Brigade  
24 there were about 100, 150 such people, between 100 and 150 there were.  
25 JUDGE BONOMY: Now Ms. Carter will continue. She may want to

**Page 19995**

1 break that down into different groups, I do not know, but she will now  
2 focus the questions for you. And please bear in mind we now are clear  
3 what we're talking about.

4 Ms. Carter.

5 MS. CARTER: Thank you, Your Honour.

6 Q. When did these 100 to 150 volunteers arrive?

7 A. As far as I remember, they came while the brigade was still  
8 outside Kosovo and Metohija, as far as I remember, outside the area, while  
9 it was still in its original area, and that was Raska, the distance from  
10 Kosovo and Metohija being about 70 kilometres.

11 Q. We've had indication that the triggering event for volunteers to  
12 enter these units is at the time war is declared. How were these people  
13 coming into your unit?

14 A. Ms. Carter, at this time I am in Kosovo. Now, what do I know  
15 about how they were coming? That's what I know based on reports coming  
16 from my subordinates. They were coming following their training, and the  
17 training occurred at Bujanj Potok near Belgrade and in Medja near Nis,  
18 this was in an organized manner --

19 Q. Thank you. So you're saying these 100 to 150 people were attached  
20 to the remainder of your brigade that was left at Raska that entered on  
21 April 2nd; is that correct?

22 A. Yes --

23 Q. Thank you.

24 A. -- that is correct.

25 Q. Now we'll move back to P2047. This document purports to be

**Page 19996**

1 another combat report of you from the 29th of March, 1999, on the  
2 continuation of that operation that we were discussing earlier. Did any  
3 tasking or anything change from the last report to this one or did the  
4 operation continue status quo?

5 A. As far as I remember, this operation was completed on the 29th, on  
6 or about the 29th, completed, this action, action, was completed.

7 Q. However, there is an amendment to this combat report at P2048; is  
8 that correct?

9 JUDGE BONOMO: Mr. Cepic.

10 One moment.

11 Mr. Cepic.

12 MR. CEPIC: [Interpretation] My apologies. A simple question. If  
13 we look at the number and that alone, I don't think the witness has a  
14 proper reference point. Perhaps the witness should be handed a hard copy  
15 of the document or perhaps we should have it in e-court, thank you.

16 JUDGE BONOMO: It's on the screen.

17 MS. CARTER:

18 Q. So 2047 was at 11-16; 2048 is 11-16-1, that is an amendment to  
19 your original combat report or a supplement. Is that correct?

20 A. This is an interim combat report, mine, yes, that's right,  
21 interim.

22 Q. At 5.1 it indicates that: "Pursuant to an oral order of the

23 Pristina Corps commander received at around 9.30 hours to take over the  
24 assignment and order for further engagement of the unit, the 125th  
25 Motorised Brigade commander was contacted and it was agreed with him that

**Page 19997**

1 the commander of the Combat Group 37 set off to sector 119 and then to  
2 Srbica, where only an order was received without any other documents."

3 Can you please tell me, what is the relationship between the 37th  
4 and the 125th that's contemplated by this combat report?

5 A. At the time those were adjacent units, neighbouring units, but no  
6 more. There was no other special relationship between them.

7 Q. When it indicates that it was to take over the assignment and  
8 order for the further engagement, did the 37th take in the 125th? Did the  
9 125th take in the 37th? Or does that mean something completely different?

10 A. Ms. Carter, it's not that a brigade was taking over from another  
11 brigade. This is a different thing altogether. If you care, I could  
12 perhaps explain.

13 Q. Please do, because it's my understanding that the two groups then  
14 went on to Srbica; is that correct?

15 A. No, no, not correct.

16 Q. Then please explain.

17 A. At this point in time, at this point in time, on the 29th of  
18 March, the 125th, or rather, its components are, as far as I remember, in  
19 the general Srbica area and they are closer to the Pristina Corps command.  
20 It is probable that the commander of the Pristina Corps used a liaison  
21 officer from the 125th Motorised Brigade to forward documents to me, and  
22 since he was closer to me, since he was closer to me, our liaison officers

23 would join up and my liaison officer would take charge of these documents  
24 from the liaison officer of the 125th Motorised Brigade.

25 Q. Thank you --

**Page 19998**

1 A. Therefore, in this specific case we are looking at documents, a  
2 simple handover of documents.

3 Q. Thank you, sir. And without having to go back to P2047, it  
4 indicates at number 8 that it's going to link to -- an order that's going  
5 to be started on the next day is 455-90. If you can take my word for it,  
6 I would then direct you to P1969, which is that document, 455-90. If you  
7 prefer for me to go back, I can, but that is the document it's indicating.

8 A. Ms. Carter, you mean what I'm looking at on my screen? Is that  
9 the document you have in mind that comes up on the screen right now?

10 Q. No, I apologise. P1969, please. And I would hold out to you that  
11 this is the order that engaged you once you received -- were received in  
12 Srbica starting on March 28th of 1999. Does that seem correct?

13 A. No, not correct, Ms. Carter. I wasn't involved in this operation,  
14 Malisevo. I had received an assignment on the 29th, possibly the 28th,  
15 but not about this action in the Malisevo sector. I wasn't involved  
16 there.

17 Q. Then, unfortunately, we'll go back to P2047 at number 8. As we're  
18 bringing it up in English I'll read out to you number 8: "Focuses of the  
19 unit for tomorrow. Tomorrow, the unit will act in accordance with order,  
20 strictly confidential, number 455-90," which you were just shown, "of 28  
21 March 1999. The task will be completed on 30 March, 1999."

22 Are you telling me that not only was your combat report wrong but

23 P1969 did not engage you?

24 A. Ms. Carter, for the sake of precision can you bring back the order  
25 by the Uzice Corps commander so that I can see where the task is in

**Page 19999**

1 relation to my brigade to see whether it's there, in that order, the  
2 previous document; so I can see if there's any reference to my brigade in  
3 that document, if you can.

4 Q. [Previous translation continues]...

5 A. You just showed me -- yes, yes, a while ago, the one you were  
6 showing me a while ago. You showed me the front page, title page of the  
7 document that was about the Malisevo document, but you didn't show me what  
8 the document was about in the pages after that.

9 Q. For ease so we don't have to flip between documents I'll present a  
10 hard copy of P1969 to the witness?

11 JUDGE BONOMO: Could the usher please collect that and give it to  
12 the witness.

13 THE WITNESS: [Interpretation] Thank you.

14 MS. CARTER:

15 Q. The document on the screen indicates that you are to be engaged at  
16 455-90, and the document you are holding in front of you is number 455-90.

17 Were you given orders under this?

18 A. Yes, Ms. Carter, now that I've seen it, yes, item 5.5, paragraph  
19 5.5.

20 Q. And in 5.5 you have a couple of tasks and it also notes that your  
21 command post is going to be in the area of Srbica and it's going to be in  
22 a factory. What factory was that?

23 A. That was a part of a factory -- well, I can't quite put my finger  
24 on it now, I can't remember the name, but it was out of operation, and I  
25 can't for the life of me remember its name.

**Page 20000**

1 Q. Was it in a populated area?

2 A. No, no, no, no, no, it was outside Srbica. I think this was a  
3 facility belonging to the compound of the ammunition factory. That's what  
4 I think. I think it was some sort of an ammunition factory, but it was  
5 not operating at the time.

6 Q. So it was a civilian facility; is that correct?

7 A. Well, you could subsume it under that heading, yes. This was  
8 disused facility. It was a factory that wasn't operating and there was  
9 certainly no civilians around. Now the factory inside this one single  
10 facility inside this entire compound, the factory compound that wasn't  
11 operating, no civilians around.

12 Q. Was the stock cleared out? Was this just an empty building or was  
13 it a functioning factory at some point?

14 A. Well, I didn't go into any of the production halls at all or the  
15 factory building itself, I didn't go there. I didn't access these  
16 buildings, therefore, I can't say if it was empty or not really.

17 Q. Can you please describe the operations that began on 28 March  
18 1999.

19 A. I was not involved in those operations, if you mean Malisevo. You  
20 see, specifically my role was to reach the Srbica sector, the general  
21 Srbica sector, Donje Prekaze and Krusevac to secure the Srbica-Glogovac  
22 and Srbica-Klina road and to make sure there was absolute combat control

23 over that territory, and then --

24 Q. Excuse me, how did you establish full combat control of the  
25 territory?

**Page 20001**

1 A. I arrived in this sector that I had been ordered to go to. I  
2 deployed my unit there. I set up a security system, and that was that.

3 Q. Now, this operation, it was to end according to P2047 on the 30th  
4 of March. Did it, in fact, end at that time?

5 A. Yes, yes, as far as my unit was concerned. I can't talk about  
6 anyone else since there were other units referred to in that order.

7 Q. There are a gap of available documents from the 30th of March  
8 until the 19th of April, 1999, when you began operations in Cicavica. Can  
9 you please tell me what was your unit doing -- because actually the  
10 remainder appeared on April 2nd. What operations were you involved in  
11 between the 30th of March and the 19th of April?

12 A. Between the 30th of March and 19th of April, the focus was on the  
13 implementation of the following tasks. The remaining part, the best part  
14 of the 37th Motorised Brigade was received and deployed, and the Drenica  
15 sector was occupied. The defence sector was occupied; companies,  
16 battalions, and other units did that.

17 Q. Can you please tell me when the remainder of your brigade arrived,  
18 what was the manpower available?

19 A. The numerical strength of my unit was about 4.500 men.

20 Q. You already had six tanks when you came in with just the smaller  
21 group. Did any further tanks or heavy weaponry enter on the 2nd of April?

22 A. Yes, yes, yes. That's right. The entire brigade arrived.

23 Q. Can you please advise the Court what materials were available to  
24 you after the 2nd of April, 1999.

25 A. I had rifles, light machine-guns, machine-guns, mortars, artillery

**Page 20002**

1 weapons, anti-aircraft weapons, tanks; those were the most substantial  
2 weapons that we had.

3 Q. Let's focus on the last three. How many artillery weapons were  
4 available to you and what specifically were they?

5 A. I had a division, a team artillery pieces and artillery battalion,  
6 those were 105-millimetre howitzers.

7 Q. As to the anti-aircraft, how many pieces and what were they?

8 A. I had two self-propelled rocket batteries, 30/2; one 20/1 battery;  
9 and one battery known as Strela, Strela 2.

10 Q. How many tanks did you have available to you?

11 A. In the brigade a total of 31 tanks.

12 Q. So now you've indicated that until the 19th of April you were  
13 deploying and occupying that sector. What was happening? You were just  
14 going into your post and sitting there or were operations continuing?

15 A. You see, for a unit to enter a sector and take control of a  
16 sector, the sector first has to be made safe. Unfortunately, the sectors  
17 weren't safe because the terrorists were coming back to the villages yet  
18 again, taking up positions, attacking columns, and inflicting losses. At  
19 the time, NATO's air force carried out a number of severe strikes on  
20 certain targets, and this took some time --

21 Q. So, sir --

22 A. -- so bit by bit --

23 Q. So is it correct to say you were continuing the operations to  
24 smash and destroy the terrorist forces in the Drenica region while the  
25 remainder of your unit was being deployed; is that correct?

**Page 20003**

1 A. As we were taking up these positions, our primary task was to  
2 defend from any air-strikes, to engage in the fighting with the Siptar  
3 terrorist forces, and to take up our defence sector. According to our  
4 assessments, the attack would have been carried out by ground forces in  
5 addition to air-strikes, obviously. So we gradually entered these sectors  
6 and we were engaging the terrorists whenever we came across them.

7 Q. At any time before the 19th were you supporting the MUP in any  
8 operations?

9 A. I can't remember specifically. There must have been joint  
10 operations. We probably coordinated our activities. I'm not sure which  
11 particular operation you have in mind, but there were some joint  
12 operations, as we fought the Siptar terrorist forces, and the MUP forces  
13 too took part alongside with us in some of those actions.

14 Q. And you actually enter an order for defence which is 5D1029, and I  
15 would ask for that to be brought up on e-court, which was given an  
16 operative number of 125-2. When it comes up on the screen, if you can  
17 confirm that it is your document.

18 A. Just one thing, can I see the last page, please --

19 Q. Since many pages will be --

20 A. -- just to be on the safe side.

21 MS. CARTER: Many pages will be referred to, so I think it might  
22 be easier to provide a hard copy for the witness.

23 THE WITNESS: [Interpretation] Yes.

24 MS. CARTER:

25 Q. Thank you. And you indicate this is going to be a two-phase

**Page 20004**

1 operation. The first phase was going to last for four to six days, as  
2 found at page 2 in both the -- in the English and page 1 in the B/C/S; and  
3 the second phase is going to take five to seven days. Is that correct?

4 A. If you mean the enemy, yes.

5 Q. And within this document you provide placement of your individual  
6 units; is that correct?

7 A. Yes, yes, yes, where they should be in those terms.

8 Q. I'd like to direct you to 5, tasks of the unit, and just briefly  
9 confirmed that the 1st Motorised Battalion, and the 2nd motorised  
10 battalion, and the 3rd motorised battalion, numbered 5.1, 5.2, and 5.3 all  
11 three indicate that they're going to be supported by the 37th artillery  
12 group. Is that correct?

13 A. Yes, the man was that the artillery group should lend them  
14 support, if necessary, but this didn't necessarily in the case according  
15 to this order. It says should the need arise, so this was a plan.

16 Q. And as a side note, the 1st Motorised Battalion was going to be  
17 placed in a school. Is that correct?

18 A. No, no. This just relates to the command post for the battalion,  
19 not the entire battalion, just the command post; that is to say the group  
20 that is in command of the battalion.

21 Q. So the military was using a school in order to command the 1st  
22 Motorised Brigade -- or Battalion; is that correct?

23 A. Well, if it was empty, the old school, yes; but here it says in  
24 the village of S -- the Orlate village. I cannot say whether the  
25 battalion commander was in that school or not. I can't remember, but in

**Page 20005**

1 the area of Orlate village, certainly.

2 Q. Now I want to direct you to 5.7 which is on page 6 of the English.

3 This is indicating that the 37th air defence shall protect the 37th  
4 Brigade artillery groups for the duration of the tasks. Is that correct?

5 A. Ms. Carter, I apologise, but 5.7, you're asking me the question  
6 but may I have just a moment to find para 5.7 first before you go on with  
7 your question?

8 Q. Certainly.

9 A. The artillery rocket battalion defends the artillery during the  
10 duration of the entire task, yes.

11 Q. Correct. What I'd like to direct your attention to is actually  
12 the second paragraph of that 5.7, where it indicates that: "During the  
13 day and in conditions of good visibility, keep the firing positions in  
14 populated areas ..."

15 Sir, I asked you before: Did you ever place firing positions in  
16 populated areas, and you indicated not only that you did not but it would  
17 be against the rules to do so. Why are you placing firing positions in  
18 populated areas under this order?

19 A. Please, let me just find para 5.7 first and that part of it,  
20 paragraph 2. "Firing positions in populated areas, valleys, and in  
21 sectors with wooded areas obscured from view and" --

22 Q. Yes.

23 A. -- "good visibility," and so on. Not exclusively in populated  
24 areas, Ms. Carter. It says valleys and sectors with wooded areas and  
25 obscured from view and air-strikes and only --

**Page 20006**

1 Q. Based on your prior answers, firing positions in populated areas  
2 should never been option, not even a choice of several. Why were you  
3 placing in your orders that you can keep the firing positions in populated  
4 areas and who were they populated by?

5 A. Ms. Carter, they should never be in populated areas for the  
6 artillery, I was telling you about the artillery, that's what I was  
7 referring to; but here we're dealing with systems for anti-air defence,  
8 air defence systems, and a moment ago we were discussing artillery. So  
9 this is an artillery battalion for air defence, intended for combat with  
10 targets in the air-space; and it can be found in populated areas, only in  
11 populated areas where there is no population because they shoot up above,  
12 straight up. So we're dealing with the PVO artillery -- artillery  
13 battalion. A moment ago we were talking about artilleries, and this is  
14 quite a different system.

15 Q. Sir, even --

16 A. Artillery is one thing, this is another.

17 Q. Even taking in your distinctions, isn't placing firing positions  
18 in populated areas when you know that NATO is conducting strikes, don't  
19 you believe that that places that populated area in danger?

20 JUDGE BONOMO: Mr. Cepic.

21 MR. CEPIC: [Interpretation] I'm not objecting to the question.

22 I'd just like to stress that the time --

23 JUDGE BONOMOY: Sit down and let the witness answer the question.

24 THE WITNESS: [Interpretation] Ms. Carter, we did not set up in  
25 populated areas. My units did not take positions in populated areas.

**Page 20007**

1 There was no population, no people, in the areas, so when I  
2 say "unpopulated," what I mean is there are no inhabitants there.

3 JUDGE BONOMOY: Ms. Carter, could you now try to bring your  
4 cross-examination to an end, please?

5 MS. CARTER: Hopefully very quickly, Your Honour.

6 Q. Just briefly discussing the Cicavica operations, there's a series  
7 of documents that place you in that area 5D1023, 5D1056, P2005, 5D1036,  
8 5D220, and P2591, all of these place you in operations going on through  
9 almost May in Cicavica. Is that correct?

10 JUDGE BONOMOY: Mr. Cepic.

11 MR. CEPIC: [Interpretation] I think that that's a large number of  
12 documents enumerated there. I don't think that the witness can refer to  
13 all these documents and have them in his head. He doesn't know the  
14 contents of those documents either.

15 JUDGE BONOMOY: You surely can't expect the witness to know what's  
16 in documents with particular numbers.

17 MS. CARTER: No, Your Honour, actually that was direction for both  
18 the Court and I'm asking the witness with regards to time that if the  
19 Court would choose to look at these documents, that were going to refer to  
20 Cicavica operations.

21 JUDGE BONOMOY: We shall of course, but the question for the  
22 witness is that he was involved in action in Cicavica into May.

23 MS. CARTER: Yes, yes and specifically --

24 JUDGE BONOMOY: Almost to May.

25 MS. CARTER: Yeah.

**Page 20008**

1 Q. Is that correct?

2 A. I did not take part in the Cicavica action until May. I took part  
3 in Cicavica action for a short period of time, and I just took up the  
4 blockade line, just the blockade line. I didn't move towards Cicavica.  
5 The blockade line had the task of not allowing the terrorists to pull out  
6 of the area, so just the blockade line, and it did not go on for such a  
7 long period of time, as you said.

8 MS. CARTER: Your Honour, given the -- this answer as well as the  
9 length of time that it took trying to suss out the volunteers question, I  
10 would ask for more time with this witness.

11 JUDGE BONOMOY: Did the witness in his examination-in-chief deal  
12 with Cicavica and restrict the time that he said he was involved there?

13 MS. CARTER: He certainly gave it a much shorter period than what  
14 the Prosecution believes his involvement was.

15 JUDGE BONOMOY: In his examination-in-chief?

16 MS. CARTER: I believe so, Your Honour, yes.

17 JUDGE BONOMOY: What did he say? Remind me. Do you have that?

18 MS. CARTER: Not handy, Your Honour. Mr. Hannis will assist.

19 JUDGE BONOMOY: Do you recollect, Mr. Cepic?

20 MR. CEPIC: [Interpretation] I don't think we mentioned Cicavica.

21 JUDGE BONOMOY: That's what I thought.

22 MS. CARTER: He placed Cirez is going to be involved in the

23 Cicavica operation, so another enumerated villages and hamlets.

24 JUDGE BONOMY: You see, you can't artificially extend your

25 cross-examination by asking questions you don't need to ask and then

**Page 20009**

1 getting unsatisfactory answers. If it's not an issue for the Defence,

2 then it doesn't make much sense for you to have asked that question.

3 MS. CARTER: Then I can break down into the discrete issues

4 that --

5 JUDGE BONOMY: Why when there's no challenge to the documents

6 you've referred us to and you could have relied on them but for the fact

7 that you asked that question?

8 MS. CARTER: Again, as to Cirez there was a indication that the

9 involvement with that ended sometime in late March 23rd to the 25th is the

10 time-period I recall. I would like to discuss the operations that were

11 taking place because Cirez is back into play in April, and given what

12 occurred at Cirez as well as the criminal activity that was brushed upon

13 by the Defence when discussing the 37th Motorised Brigade, I need to place

14 them in that area in order to make 5D726 have sense.

15 JUDGE BONOMY: What's the relationship between Cirez and Cicavica?

16 MS. CARTER: Specifically at number -- if the Court look to

17 5D1023, which is a document that I asked to be brought up initially, it

18 indicates at number 4 that the brigade is in Cirez for joint operations.

19 I need to determine when specifically they got there.

20 [Trial Chamber confers]

21 MS. CARTER: And respect fully, Your Honour, the document P2591

22 where he describes this entire operation as being like an elephant to kill

23 a fly is also in regards to these Cicavica operations and I'd like to have  
24 the ability to explore this with the witness.

25 [Trial Chamber confers]

**Page 20010**

1 JUDGE BONOMY: I'm sorry, Ms. Carter, we made it clear yesterday  
2 what arrangement you should try to adhere to. We're not satisfied there's  
3 good cause to continue with the cross-examination in this instance, it may  
4 be different in other cases. So that is the end of it unless there is  
5 something absolutely crucial you would like to ask to complete it.

6 MS. CARTER: Certainly, Your Honour, if I can have a few moments  
7 to address 5D726, that's based on the murders that were addressed  
8 yesterday and specifically speak to -- unfortunately it's only a B/C/S  
9 document.

10 JUDGE BONOMY: Mr. Cepic.

11 MR. CEPIC: [Interpretation] Your Honour, with your permission,  
12 it's our Defence document, and it contains the names of people who were  
13 prosecuted against whom there was suspicions that they had perpetrated  
14 certain crimes. Now, the Prosecutor on Saturday told me that the document  
15 wasn't translated; second, that it doesn't have a signature and stamp, and  
16 they questioned its authenticity. So we didn't object to that kind of  
17 objection. Thank you.

18 MS. CARTER: And, Your Honour, that was -- the Court directed a  
19 question directly to me with regard to this document when it was stated in  
20 court that I had no objection to it. There is a concern of it having no  
21 B/C/S translation and receiving it on a weekend when language staff is not  
22 available; however, we were fortunate enough in order to have OTP staff

23 that was available, actually another lawyer who provided at least a  
24 summary for me.

25 JUDGE BONOMOY: I'm not following this, I'm sorry. This -- is this

**Page 20011**

1 document admitted?

2 MS. CARTER: Yes, Your Honour, it was admitted yesterday.

3 [Trial Chamber and registrar confer]

4 JUDGE BONOMOY: So what is your objection, Mr. Cepic? I'm not --

5 was it admitted at your instance or at the instance of the Prosecution?

6 MR. CEPIC: [Interpretation] I don't think this document was

7 admitted, no, it wasn't, Your Honour -- [In English] I'm sorry.

8 JUDGE BONOMOY: It was marked for identification yesterday.

9 MS. CARTER: Yes, Your Honour, based on the -- not having an

10 English translation and --

11 JUDGE BONOMOY: Yes, but who presented it, Ms. Carter?

12 MS. CARTER: That would be the Defence.

13 JUDGE BONOMOY: Yeah, so you've introduced this document yesterday

14 and now you're objecting to the Prosecution cross-examining on it. That

15 can't be right, can it?

16 MR. CEPIC: [Interpretation] No, I'm not questioning that, Your

17 Honour; however, the Prosecutor on Saturday made the objection that the

18 document does not have a signature and stamp, that was their basic

19 objection, and therefore they questioned its authenticity. But I did not

20 object it to be used in the cross-examination or have it admitted, of

21 course. [In English] -- This interruption or confusion. We do not object

22 for admit -- for that document in relation to be admitted, very simple.

23 JUDGE BONOMY: All right. So you made a mistake, did you?

24 MR. CEPIC: Probably.

25 JUDGE BONOMY: All right. Please sit down.

**Page 20012**

1 Please continue, Ms. Carter.

2 MS. CARTER: Thank you.

3 Q. Sir, you indicated you had some brief knowledge in regard to some  
4 of the defendants that were noted in 5D726, specifically you indicated you  
5 were aware of a man by the name of Stevan Jekic; is that correct?

6 A. Yes, Jekic, yes, Jekic.

7 MS. CARTER: And if I can provide a hard copy to the witness.

8 Q. I direct you to page 18 [sic] where it's discussing incident 19.

9 Stevan Jekic was a -- it appears to be a volunteer commander, is that  
10 correct; and if so, what does that mean?

11 A. Page 11, I don't seem to have page 11, Ms. Carter.

12 Q. Page 8.

13 JUDGE BONOMY: Have we not already had evidence about Jekic?

14 MS. CARTER: The name was mentioned, Your Honour; however, the --  
15 the crimes that are in this document I believe need to be brought to the  
16 attention of the Court, especially given the number of them before he was  
17 actually removed, because failure to prevent and punish obviously features  
18 quite strongly here. The concern is there are multiple crimes by the same  
19 person, very vicious and sadistic crimes.

20 JUDGE BONOMY: And is that not obvious from the document?

21 MS. CARTER: Unfortunately, the document does not give indication  
22 of specific dates of each one of these crimes --

23 JUDGE BONOMY: All right. Well, let's concentrate on what the  
24 document doesn't contain.

25 MS. CARTER: Certainly, Your Honour.

**Page 20013**

1 Q. Stevan Jekic was a volunteer commander, is that correct, and he  
2 joined up with your unit on the 24th of March; is that correct, per that  
3 document? Is that a yes? I have to hear you.

4 A. You mean when Jekic joined my unit, I don't know the exact date,  
5 but Jekic was part of my brigade, that's correct.

6 Q. Now, his designation is a volunteer commander. How did you  
7 have "volunteer commanders" in your unit?

8 A. No.

9 Q. What was Jekic?

10 A. Jekic was not a commander. He was not the commander.

11 Q. So that document is incorrect in that aspect; is that right?

12 A. What is correct is that Jekic committed serious crimes; it is not  
13 correct that he was a commander.

14 MR. ZECEVIC: I'm sorry, Your Honours, if I may be of assistance,  
15 we don't have the English translation right now in front of us but --

16 JUDGE BONOMY: There isn't one.

17 MR. ZECEVIC: I'm sorry?

18 JUDGE BONOMY: There is not an English translation.

19 MR. ZECEVIC: Therefore, it's obvious that there is some confusion  
20 because it says "the volunteer Stevan Jekic was" in the Serbian original  
21 it says the volunteer, not the volunteer commander that's what I wanted  
22 to --

23 JUDGE BONOMOY: That answers your question. Please continue,  
24 Ms. Carter. We cannot allow this continue indefinitely, please bring it  
25 to an end.

**Page 20014**

1 MS. CARTER: Certainly.

2 Q. Sir, there are a number of crimes that are noted by Stevan Jekic,  
3 first that he forced a civilian to serve as a human target; second that he  
4 killed a mentally retarded man; third that he ordered his men to remove  
5 several women from a refugee column, took them to an unknown location, the  
6 same column soldiers looted. How long was Stevan Jekic committing his  
7 atrocities against these civilians? When was the first incident and when  
8 was the last incident when he report was finally filed?

9 MR. CEPIC: We haven't got interpretation in B/C/S, Your Honour,  
10 it's the problem.

11 JUDGE BONOMOY: No interpretation so you'll need to go through all  
12 that again.

13 MR. CEPIC: The question is --

14 MS. CARTER: Sir --

15 JUDGE BONOMOY: Can I ask the question, please.

16 There are a number of crimes alleged against Jekic; over what  
17 period did he commit them?

18 THE WITNESS: [Interpretation] Your Honour, I think that it's a  
19 period -- well, the first half of April, around the first half of April,  
20 and all the crimes are listed.

21 JUDGE BONOMOY: Ms. Carter.

22 MS. CARTER:

23 Q. When you say "the first half of April," are we discussing a few  
24 days? A few weeks?

25 JUDGE BONOMO: Please don't answer that question.

**Page 20015**

1 MS. CARTER: All right.

2 JUDGE BONOMO: Please move to something else. If half a month  
3 isn't good enough for you, I'm afraid the time is too late for you to  
4 explore it.

5 MS. CARTER:

6 Q. I will turn you now to incident 20 at page 9 this is a issue of  
7 five volunteers committing multiple crimes. They were arresting -- they  
8 arrested six men then liquidated them then threw their bodies down the  
9 well. Two unknown civilians were liquidated and thrown down a well. One  
10 unknown civilian was killed and then buried. During an ordered operation  
11 at Gornje Prekaze, 20 civilians were liquidated; four men were taken off a  
12 refugee column and liquidated. These five men, how long were they allowed  
13 to commit these crimes?

14 A. Ms. Carter, I do apologise, but these are five idiots who  
15 committed serious crimes, five complete idiots which we managed to capture  
16 and prosecute --

17 JUDGE BONOMO: Mr. Dikovic --

18 THE WITNESS: [Interpretation] -- and prevent them from carrying  
19 on --

20 JUDGE BONOMO: Answer the question you've been asked. Over what  
21 period of time did they commit crimes?

22 THE WITNESS: [Interpretation] It says between the 10th and 15th of

23 April.

24 JUDGE BONAMY: Does it actually say that on the document?

25 MR. CEPIC: Yes, Your Honour.

**Page 20016**

1 JUDGE BONAMY: This is the end of your cross-examination, Ms.

2 Carter.

3 Mr. Cepic.

4 MR. CEPIC: Thank you, Your Honour.

5 Re-examination by Mr. Cepic:

6 Q. [Interpretation] General, my colleague of the Prosecution asked  
7 you about Izbica, and on the map you explained to us your axis, the  
8 direction you moved along. Did you enter the village of Izbica during  
9 that critical occasion?

10 A. Mr. Cepic, my unit did not enter the village of Izbica.

11 Q. Thank you. Did you enter the village of Vocnjak?

12 A. My unit did not enter the village of Vocnjak, it did not.

13 Q. Did you continue your movements further, as shown in the order,  
14 towards the village of Brocna?

15 A. No.

16 Q. Where did you go then?

17 A. I stopped the action because civilians appeared in the area, and  
18 then I went back. I returned to the area of Srbica. So the action was  
19 completed, I went back to the area of Srbica, and took on the rest of the  
20 brigade.

21 Q. Thank you, General. Just to go back to the village of Izbica for  
22 a moment. Did you ever open fire at the village itself, General?

23 A. From the village of Izbica, there was large-scale resistance put  
24 up by the terrorists; that is the truth of it. Now, my units, my units I  
25 say, did not open fire at the village, no.

**Page 20017**

1 Q. Thank you, General. How long -- how far away from the village  
2 were you?

3 A. I stopped my unit at least one kilometre away from Izbica, that's  
4 where I stopped, and I did not see it with my own eyes either, not as  
5 people have been trying to say that my forces did that. That's just not  
6 true.

7 Q. Thank you. General, the Prosecutor mentioned something about  
8 schools and said that the soldiers were there. May we have 5D1062 [as  
9 interpreted], please, document put up on e-court.

10 MR. CEPIC: Could we have in English, please.

11 Q. [Interpretation] Would you take a look at item 4, second  
12 paragraph, please, but before you do that just tell me whether this is one  
13 of your documents?

14 A. Yes. At the beginning -- it's the beginning of June, the 7th of  
15 June, 1999.

16 MR. CEPIC: Could we scroll down, please. [Interpretation]  
17 Paragraph 4, please. [In English] Unfortunately it is wrong number. I  
18 need 5D1084, please.

19 MS. CARTER: Your Honour, I would object to the use of that  
20 document; it was not on the original advice list in regards to this  
21 witness.

22 JUDGE BONOMO: Mr. Cepic.

23 MR. CEPIC: I think that it was on original list, and also this is  
24 the question which is from cross-examination, so --

25 JUDGE BONAMY: Well, we've been told it's not on the list, so you

**Page 20018**

1 cannot use the document unless you can demonstrate that it's on a list;  
2 and if you can't, then you'll need to ask the question without the  
3 reference to the document.

4 MR. CEPIC: Just one second, please.

5 [Defence counsel confer]

6 MR. CEPIC: In the meantime could we have IC158, please.

7 Q. [Interpretation] General, on our screens we're going to see a map  
8 now, and you drew in the positions of the army roughly on that map. Now,  
9 would you take a look at the map again, and to the best of your knowledge  
10 could you draw in the positions of the terrorist forces, if you can  
11 remember where they were.

12 A. Mr. Cepic, can we zoom in, please.

13 MR. CEPIC: [Previous translation continues]... In the blue  
14 colour, please.

15 THE WITNESS: [Interpretation] Your Honour, I'm a little nervous  
16 now, to be honest, because you're all watching the general draw and  
17 drawing was never my strong point.

18 Mr. Cepic, this is along the axis of my unit. As to the other  
19 units, do you want me to draw in that because I don't really know?

20 MR. CEPIC: [Interpretation]

21 Q. No, thank you, General, that will do. Just your line.

22 THE REGISTRAR: That will be IC160, Your Honours.

23 MR. CEPIC: Thank you.

24 Could we have an IC number, IC159, please.

25 Q. [Interpretation] While we're waiting for the document to appear on

**Page 20019**

1 our screens, General, in your combat reports did you perhaps report that

2 you did not have any units deployed in school facilities after the 15th of

3 May, or rather, mid-May 1999?

4 A. Yes, Mr. Cepic, I did receive an order from the corps commander,

5 and as of that date, as I reported on this, that we did not have any

6 forces in any school buildings.

7 Q. Thank you, General. Could you please use this other map, and you

8 know what I'm talking about, my learned friend from the OTP asked you to

9 draw something yesterday, so the same question in relation to your unit

10 but the deployment of the terrorist forces.

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

12 JUDGE BONOMOY: What do the blue lines on this map represent?

13 MR. CEPIC: [No interpretation]

14 JUDGE BONOMOY: I'm sorry, that's not been translated. What do the

15 blue lines represent?

16 MR. CEPIC: [Interpretation] Your Honours, the lines that were

17 reached, as far as I remember, but --

18 THE INTERPRETER: The interpreter didn't understand the last

19 portion of counsel's question.

20 THE WITNESS: [Interpretation] The lines reached, the lines that I

21 eventually reached, in that action. That is what I marked in blue

22 yesterday. That's what the OTP asked me to do, wasn't it?

23 JUDGE BONOMY: You're now being asked to mark where the terrorists  
24 were.

25 THE WITNESS: [Marks].

**Page 20020**

1 MR. CEPIC: [Interpretation]

2 Q. General, just for the sake of the record, can you tell us what  
3 these lines that you've just drawn mean and what about the blue circles  
4 you just drew there?

5 JUDGE BONOMY: The two blue lines were there before, Mr. Cepic,  
6 and they were the point that he reached; and the circles are now where the  
7 terrorist forces were deployed, as you asked him.

8 MR. CEPIC: Thank you, Your Honour.

9 JUDGE BONOMY: All right. So --

10 MR. CEPIC: Thank you, Your Honour -- I'm sorry.

11 JUDGE BONOMY: So this can have an IC number, can it?

12 MR. CEPIC: Thank you one more time.

13 THE REGISTRAR: That will be IC161, Your Honours.

14 JUDGE BONOMY: Now, I think it's time for our break and time for  
15 the end of your re-examination.

16 MR. CEPIC: Exactly, Your Honour, just one question with your  
17 leave.

18 JUDGE BONOMY: Very well.

19 MR. CEPIC: [Interpretation]

20 Q. General, my final opinion [as interpreted]: What was your opinion  
21 of General Lazarevic?

22 JUDGE BONOMY: Well, that did not arise out of cross-examination.

23 MR. CEPIC: Okay. Thank you, Your Honour.

24 JUDGE BONOMOY: So you cannot ask that question.

25 MR. CEPIC: No more questions.

**Page 20021**

1 [Trial Chamber confers]

2 JUDGE BONOMOY: Mr. Dikovic, that completes your evidence; thank

3 you for coming to the Tribunal to give it. You're now free to leave the

4 courtroom.

5 THE WITNESS: [Interpretation] Thank you, too, Your Honours. It

6 was an honour for me to present my point of view.

7 MR. CEPIC: [Interpretation] Your Honours, if I may, just one

8 thing. My learned friend from the OTP and I agreed. I have two exhibits

9 to tender, 5D1026 and 5D1087.

10 [The witness withdrew]

11 MS. CARTER: No objection, Your Honour.

12 JUDGE BONOMOY: You're presenting these by agreement or -- are

13 these documents that are not already yet exhibited?

14 MR. CEPIC: [Interpretation] No, Your Honour, they're not

15 exhibited. We didn't actually use them during our chief, and they had

16 been announced.

17 JUDGE BONOMOY: Well, you're both agreed that the Trial Chamber

18 should consider the contents of these in their deliberations?

19 MS. CARTER: Respectfully, Your Honour, all we are agreeing is

20 that there is no question about their authenticity, and we would assume

21 that they're going to be brought in here either through a bar table

22 motion, and so for ease of the Court we have no objection.

23 JUDGE BONOMOY: It's unsatisfactory to start chopping and changing  
24 the arrangements. When you make your next motion for admission of  
25 documents from the bar table, assuming these are not spoken to by any

**Page 20022**

1 other witness, then these should be included in your motion because that  
2 will focus for us the matters to which they relate and give the OTP the  
3 opportunity of responding if they think it's appropriate. So we will deny  
4 them admission at this stage.

5 We shall resume at ten past -- in fact, we'll resume at quarter  
6 past 4.00.

7 --- Recess taken at 3.50 p.m.

8 --- On resuming at 4.16 p.m.

9 MR. BAKRAC: [Interpretation] Your Honours.

10 JUDGE BONOMOY: [Previous translation continues]... Return to  
11 Mr. Stojanovic.

12 MR. BAKRAC: [Interpretation] I would like to use this opportunity  
13 as we're waiting for the witness. Last Friday I still had to give you the  
14 number of that video clip that we showed on Friday, the 7th of December,  
15 to witness Stojanovic. Just for the sake of the record, if I may say,  
16 this is 5D1378, so that's the number that I still owe you.

17 JUDGE BONOMOY: Thank you.

18 [The witness entered court]

19 JUDGE BONOMOY: Good afternoon, Mr. Stojanovic.

20 THE WITNESS: [Interpretation] Good afternoon.

21 JUDGE BONOMOY: Your cross-examination by Mr. Stamp will continue  
22 in a moment. Please remember that the solemn declaration to speak the

23 truth which you gave at the beginning of the evidence continues to apply  
24 throughout your evidence.

25 Mr. Stamp.

**Page 20023**

1 MR. STAMP: Thank you, Your Honours.

2 WITNESS: MOMIR STOJANOVIC [Resumed]

3 [Witness answered through interpreter]

4 Cross-examination by Mr. Stamp: [Continued]

5 Q. Good afternoon, General. When we left off last --

6 A. Good afternoon.

7 Q. -- we were speaking about what witness K-83 had to say about the  
8 involvement of his military police unit in certain crimes at Meja. We've  
9 also had evidence before the Court from a former member of the technical  
10 company of the logistics battalion of the 549th Motorised Brigade that  
11 during an operation at Ljubizda Has in December 1998 his unit was ordered  
12 along with the military police to expel people from that village, and the  
13 military police in fact were involved in expulsions of people from that  
14 village at that time. Were you, as a commander of the military police in  
15 the Pristina Corps, aware of the operation in Ljubizda Has in December  
16 1998?

17 A. First of all, I never said that I was the commander of the  
18 military police. The military police, if it's the 52nd Battalion of the  
19 military police you have in mind, had their own commander, it was  
20 Major Stevo Kopanja. In terms of command, the military police battalion  
21 was always subordinated to the --

22 JUDGE BONOMY: Mr. Stojanovic, we have your evidence about that.

23 Please deal with the specific point here, about whether you personally  
24 knew of the operation at Ljubizda Has.

25 THE WITNESS: [Interpretation] No, I personally did not know about

**Page 20024**

1 that operation.

2 MR. STAMP:

3 Q. Did you at any time become aware of any investigations into the  
4 conduct of the military police in those operations after the operation was  
5 completed?

6 A. No.

7 Q. Very well. Let's move on. There are a couple other things I  
8 would like to clarify. Last time you were here you said that you were not  
9 aware of any drastic problems in respect to the cooperation between the  
10 forces of the Ministry of the Interior and the VJ, apart from a dispute  
11 that arose at Glogovac in respect to a mopping-up operation there and --

12 A. I said there were no problems in terms of the cooperation between  
13 members of the military security service, members of the MUP, and members  
14 of the State Security Service in terms of exchanging information and  
15 carrying out activities. That's what I said the last time around.

16 Q. You were asked by Mr. Visnjic whether or not you or any group  
17 associated with the Pristina Corps had reported that the MUP members were  
18 committing crimes on the ground, serious crimes, against the civilian  
19 population and attributing them to units of the VJ; and you said you did  
20 not make any such reports. Do you recall that question and your answer?

21 A. I said there were some problems in terms of the cooperation  
22 between members of the MUP of the Republic of Serbia --

23 Q. Yes --

24 A. -- and commanders of units on the ground. It was in that context  
25 that I referred to the problem of cooperation in the area of Drenica, or

**Page 20025**

1 rather, Glogovac.

2 Q. Very well. You're returning to the question I asked before that.

3 May I just read to you the question Mr. Visnjic asked you and your answer.

4 MR. STAMP: If I may have a moment, please.

5 [Prosecution counsel confer]

6 MR. STAMP:

7 Q. While I try to find it. Are you aware that General Pavkovic had  
8 reported to General Vasiljevic and General Ojdanic that there were some  
9 800 bodies, that is, cadavers, that is, deceased persons that the MUP was  
10 making claims of against the VJ?

11 A. I'm not aware of that information. The information that I'm aware  
12 of is this: The commander of the Pristina Corps, General Lazarevic,  
13 informed the army command about cases of poor cooperation between army  
14 units on the one hand and MUP units on the other.

15 Q. Do you know that General Pavkovic said during the conflict that  
16 the MUP was blaming the VJ in respect to 800 -- the bodies of 800 deceased  
17 persons? Do you know that?

18 A. No. What I do know is this: The corps commander,  
19 General Lazarevic, complained about the fact that --

20 JUDGE BONOMY: Please stop. Please stop. You've answered the  
21 question. You've said: "No," you've answered it twice.

22 Let's move on, Mr. Stamp.

23 MR. STAMP:

24 Q. General Vasiljevic told us in evidence that you told him about the  
25 people or about two people who gave information over to the office -- to

**Page 20026**

1 the army regarding the number of 800 bodies alleged to be found in Kosovo.

2 Do you recall telling General Vasiljevic about 800 bodies alleged to be  
3 found in Kosovo?

4 A. No, I never said that to General Vasiljevic.

5 MR. BAKRAC: [Interpretation] Your Honours.

6 JUDGE BONOMY: Mr. Bakrac.

7 MR. BAKRAC: [Interpretation] I was waiting for the General to  
8 answer the question, but one thing that I'd like is for Mr. Stamp to  
9 provide a reference for Vasiljevic allegedly saying this, having heard  
10 from General Stojanovic about these 800 bodies.

11 MR. STAMP: I think that's at page 8760 of the transcript.

12 Q. In -- while we're finding this, in any context did you know about  
13 any investigations in respect to 800 bodies of deceased persons in Kosovo  
14 during the conflict?

15 A. No, never.

16 Q. In which case, General, it would be redundant to ask you about any  
17 inquiries or investigations that you conducted in that regard. You  
18 conducted no investigations in regard to this?

19 A. Members of the military security service were conducting  
20 investigations in relation to each and every case where they were  
21 indications that certain crimes had been committed by members of the Army  
22 of the Federal Republic of Yugoslavia in Kosovo and Metohija.

23 Q. I'm asking about 800 bodies for a specific reason because this is  
24 what -- this is the evidence we have and -- just a minute. What we have  
25 here is General Vasiljevic being asked this question: "Do you know where

**Page 20027**

1 this number, 800, came from," that's 800 bodies, "who had come up with  
2 that number and how."

3 And he said: "I don't know how they came up with that particular  
4 figure, but we have two persons according to what Colonel Stojanovic had  
5 told me handed that information over to the army," and this is at page  
6 8760 of the transcript.

7 Anyway, you have already said you know nothing about that.

8 A. Yes, fine.

9 Q. You were asked by Mr. Visnjic: "General, did you ever report -  
10 and when I say 'you,' I mean your organ or the corps command - the  
11 following: Acting independently on the ground a number of members of the  
12 MUP and entire small units are perpetrating grievous crimes within the  
13 Siptar civilian population within the villages or refugee camps, murders,  
14 rapes, looting, aggravated theft, and so on, and they are deliberately  
15 ascribing these crimes or appearing to ascribe them to units or  
16 individuals of the Army of Yugoslavia?"

17 And your answer was: "I never said anything to this effect."

18 What I'd like to ask you is this, go back to the question that  
19 Mr. Visnjic asked: Did any of your organs or any organ of the corps  
20 command, and not necessarily you personally, make that report?

21 A. And my answer to you is this: There are problems. I'll give you  
22 a direct answer to your question, that there were problems in the area of

23 Drenica and that the command of the 37th Motorised Brigade on several  
24 occasions stated that when his units arrived to these localities they came  
25 across individual or -- individual bodies or groups of bodies, and then

**Page 20028**

1 the corps command through the military police of the investigating organs,  
2 the security organs, they took on complete investigations, and that's what  
3 I reported to the corps command about.

4 Q. Yes. Listen, I just repeated precisely the question that  
5 Mr. Visnjic asked you. Mr. Visnjic asked you the question and he asked  
6 you if any organ of your security service, not necessarily you personally,  
7 made that report; and your answer was that: I did not make that report.

8 What I want to ask you is: Separate and apart from yourself, did any  
9 organ of your security service make a report that the MUP were committing  
10 serious crimes against the Siptar civilian population and ascribing those  
11 crimes to the VJ? Did -- was that report made?

12 A. No, it was not, but the subordinate organs --

13 Q. [Previous translation continues]...

14 A. Might I be allowed to finish?

15 Q. You've answered the question, thank you.

16 JUDGE BONAMY: When you refer to the command of the 37th Motorised  
17 Brigade, are you referring to Mr. Dikovic?

18 THE WITNESS: [Interpretation] Yes, yes.

19 MR. STAMP:

20 Q. We have had in evidence a report from the army commander,  
21 General Pavkovic, and this is Exhibit P1459, in which he says -- and I'll  
22 just read from the document I have.

23 "I has been established beyond doubt and we have already reported  
24 on it in regular and combat reports that due to noncompliance with the  
25 resubordination order some MUP members and to a considerable extent

**Page 20029**

1 smaller units which operate independently on the ground are committing  
2 seriously crimes on Siptar civilian population in settlements on refugee  
3 shelters, murder, rape, plunder, robbery aggravated theft, et cetera; and  
4 they purposely attribute or plan to attribute these crimes to units and  
5 individuals in the VJ."

6 This is precisely the same thing that Mr. Visnjic asked you about.

7 My question is this: Do you know which reports General Pavkovic would  
8 have gotten this from? Who reported this to General Pavkovic if not your  
9 security service?

10 A. I'll try and explain this to you again because quite obviously you  
11 don't understand me. We had in several locations, not to repeat them now,  
12 in the general Drenica area, and in three locations in the Lipljan  
13 municipality area, we had a situation in which the units when coming to  
14 the locality would either come across individual bodies or groups of  
15 bodies or the authorities of the Ministry of the Interior would inform  
16 unit commanders of the corpses. And we clarified all these situations  
17 operatively. Now, I don't know what Mr. Pavkovic had in mind, probably it  
18 was these situations.

19 JUDGE BONOMY: Are these civilian bodies you're talking about?

20 THE WITNESS: [Interpretation] Mr. President, the entire team of  
21 pathologists and investigating judges and crime workers established that  
22 there were civilian bodies in addition to the KLA bodies, at least that

23 was what the reports of the teams that spent time on the site said.

24 JUDGE BONOMY: And that's the same situation as Dikovic spoke to

25 you about?

**Page 20030**

1 THE WITNESS: [Interpretation] Yes, except that over there, there

2 was another unit, I mean in the area of responsibility of that other unit.

3 JUDGE BONOMY: Thank you.

4 Mr. Stamp.

5 MR. STAMP:

6 Q. With respect to these bodies that you are talking about, was -- or

7 were the deaths of these persons being ascribed, that is, the civilians,

8 being ascribed by the MUP to the VJ?

9 A. I don't know whether it was MUP, but I do know that both

10 commanders complained that there was the possibility that members of the

11 MUP ascribed this to the army and that they reported to their commanders

12 that on these localities the army did not perform combat activities or was

13 not in those locations at all.

14 Q. Very well. Let's move on to another topic. Just a couple

15 questions about this meeting on the 1st of June -- or early June, as you

16 put it, 1999, at the Grand Hotel. Before you spoke to General Pavkovic on

17 the phone, did you know of the plans to have a meeting at the hotel?

18 A. No.

19 Q. Up until that time, did you know of the topics or topic of the

20 meeting?

21 A. Absolutely not.

22 Q. Do you know that General Lazarevic and General Pavkovic were

23 present at the meeting?

24 A. No, I did not know. I was invited by General Lazarevic to attend  
25 the meeting, and I informed him that I had a team from the security

**Page 20031**

1 administration of the Supreme Command led by General Vasiljevic; and then  
2 he said that General Vasiljevic should come too, should go to the meeting  
3 with me -- I'm sorry, General Pavkovic I meant to say, not  
4 General Lazarevic. I don't know what I said.

5 Q. Yes. I think you made a mistake there.

6 MR. STAMP: But whether it is a mistake or not, can I just say,  
7 please, if such things arise it should not be corrected from counsel's  
8 row.

9 JUDGE BONOMO: Mr. Stamp, we'll deal with the propriety of any  
10 corrections that counsel seek to draw to our attention, and it's open to  
11 you to make any submission you wish in that context. It's not for you to  
12 run the court, though.

13 MR. STAMP: Very well. I'm sorry if that was the appearance.

14 Sometimes things are said aloud inadvertently and the Court might not  
15 hear --

16 JUDGE BONOMO: That's a different matter. That's not what I  
17 thought you were referring to. You're talking about stage whispers, are  
18 you?

19 MR. STAMP: Yes, Your Honour, and I think it was inadvertently,  
20 but it did correct the witness.

21 JUDGE BONOMO: I see. Thank you. Well, I agree with that  
22 comment.

23 MR. STAMP:

24 Q. So why -- well, you just said you are not aware that

25 General Lazarevic or General Pavkovic would be there. I thought you said

**Page 20032**

1 earlier that - and that is the last time you were here - that because of

2 the increased security conditions of wartime you would be aware through

3 the security service of the attendance of General Pavkovic and

4 General Lazarevic at meetings. Is that still your evidence or do you wish

5 to change that?

6 A. I once again state that I was not aware of any such meeting, I was

7 not invited to any such meeting, and I didn't know what that meeting was

8 about.

9 Q. Yes, but this is a slight side issue. You just said, you just

10 said, that you did not know that General Pavkovic would be attending a

11 meeting in -- that day at that place, you did not know that

12 General Lazarevic would be attending the meeting. Now, I recall that in

13 an answer to a question from the Bench you said that you would be aware of

14 their attendance at meetings in 1999 because of the added security, that

15 is, the security services would have to provide, during the war. Is that

16 still your evidence, that you would be aware of their attendance at

17 meetings in 1999 or do you change that?

18 A. I don't agree with your observation. First of all, when I said

19 that as chief of the security organ I would have been informed that

20 meetings were taking place, then the question was whether I was aware and

21 knew about meetings being held of some sort of Joint Command. And I said

22 on that occasion that in that sense, in the sense of providing security

23 for the place and the commander, I would have responsibilities.

24 Now, the second part of your question, of course I knew that at

25 this meeting that you're asking me about now, that General Pavkovic would

**Page 20033**

1 be attending because he invited me to attend that particular meeting; but

2 I did not know whether General Lazarevic would be present and whether

3 anybody else would be present at the meeting.

4 Q. Apart from yourself and General Lazarevic, who else was present,

5 if anybody, from the 3rd Army?

6 A. From the 3rd Army, except for the commander of the army,

7 General Pavkovic, nobody else was present.

8 Q. Did you send reports to this body that you heard of being referred

9 to as the Joint Command?

10 A. I'm sorry, but I didn't understand your question.

11 Q. You said that you heard from General Djakovic, I think, about this

12 body called the Joint Command. Did you at any time send reports to this

13 body that you heard about?

14 A. I said that I heard from General Pavkovic of the term "Joint

15 Command" for the first time and that -- well, Colonel Djakovic, he wasn't

16 a General, Colonel Djakovic told me there were meetings of coordination

17 and cooperation and mutual information between representatives of the

18 corps and members of the MUP in Kosovo, and let me answer your question.

19 May I finish? And I said that I kept a regular log-book or work book with

20 all the information, and it referred to the activities, the location, the

21 strength of forces, and the overall security situation in Kosovo and

22 Metohija that the security service had. And we sent this to

23 Colonel Djakovic and later on Colonel Radojko Stefanovic, who replaced  
24 Colonel Djakovic; and he in turn informed, I assume, the competent MUP  
25 authorities and the State Security Service about that information.

**Page 20034**

1 Q. I'll ask you the question again. Do you remember the question I  
2 asked you, General, do you?

3 A. Whether I sent any reports to this so-called Joint Command.

4 Q. Well, did you?

5 A. I personally did not send any. I just made my assessments and  
6 gave them to the head of the operative department, who then informed the  
7 Joint Command of those appraisals and assessments.

8 Q. Did your security service receive any reports from this  
9 so-called - to use your phrase - Joint Command?

10 A. Of the meetings that you call the Joint Command, when I would come  
11 back from the chief of the operations department, I would go down to see  
12 him and I would receive from him information and data which the MUP organs  
13 had at their disposal, as did the security services, with respect to the  
14 topical security situation in Kosovo and Metohija, first and foremost with  
15 respect to the terrorist activity there and the open roads, the  
16 communication lines, kidnappings, attacks against certain Serb enclaves in  
17 Kosovo, and that information, in addition to my own knowledge, I regularly  
18 incorporated that into my reports sent up to the superior organ of  
19 security.

20 Q. Again - and I'm not saying that you are being evasive, you just  
21 haven't answered my question - Joint Command, this is an expression that  
22 you have used, did you or your organs of security receive reports from the

23 so-called Joint Command?

24 A. I did not receive reports. I received notes setting out

25 information which the MUP of the SDB, the SDB organs in their exchange of

**Page 20035**

1 information presented their knowledge on terrorist activities. So if you

2 mean written reports, no, I did not receive those.

3 Q. No, I'm not asking you about the MUP, I'm not asking you about

4 civilian defence, I'm not asking you about the government; I'm asking you

5 about this body that General Djakovic referred to as the Joint Command.

6 And I ask you again, I'm not asking about you personally either, did

7 members or any part of your security service receive reports from the

8 so-called Joint Command?

9 A. No, they did not receive reports.

10 Q. Where were the forward command posts of the Pristina Corps located

11 or -- sorry, withdrawn.

12 When was the forward command post located of the Kosovo Heroes

13 Barracks in Pristina?

14 A. The forward command post of the barracks Kosovski Junaci from

15 Pristina, I have no information of that kind. The commanders of my

16 security organ might, but at a number of locations outside the barracks

17 because the barracks were never -- the barracks were emptied and evacuated

18 with the bombing.

19 JUDGE BONOMY: Mr. Bakrac.

20 MR. BAKRAC: [Interpretation] I don't think the interpretation was

21 correct, so let's not make a mistake. I don't want to put words into the

22 witness's mouth, but could Mr. Stamp ask the question again because the

23 interpretation of that question was different in our -- the one we got and  
24 I think has created some confusion. So could Mr. Stamp ask his question  
25 again so that he can be interpreted again.

**Page 20036**

1 JUDGE BONOMY: Mr. Stamp, could you do that, please.

2 MR. STAMP:

3 Q. When was the forward command post of the Pristina Corps located at  
4 the Kosovo Heroes Barracks?

5 A. The forward command post of the Pristina Corps was never located  
6 in the Kosovo Heroes barracks.

7 Q. I think you said that -- I mean, if you said that, that would be a  
8 mistake then, wouldn't it -- or never mind, withdrawn.

9 Could we have a look at 3D1004. Do you know who Slobodan Djindjic  
10 was or is?

11 A. Yes, it was Colonel Slobodan Djindjic, the deputy chief of the  
12 security department of the 3rd Army command.

13 Q. Did -- was he at any time subordinated or resubordinated to the  
14 Pristina Corps during the war?

15 A. Mr. Prosecutor, during the war in the security sector of the  
16 Pristina Corps, very often the assistant chiefs of security or the  
17 security department of the 3rd Army command were frequently there, and  
18 amongst them Colonel Slobodan Djindjic mostly. Now, he wasn't  
19 subordinated to me; he could only be my superior.

20 Q. Do we have 3D1004? That document at the top left, it indicates  
21 it's from the Pristina Corps command, security section, strictly  
22 confidential, dated the 21st of August, 1998. Could we scroll to the last

23 page, the last part of this document where there is the signature. Oh,  
24 there is none on -- well, it's not signed but are you familiar with this  
25 report? Is this a report that emanated from your section?

**Page 20037**

1 A. There's no signature because it's a telegram. I assume it has a  
2 rectangular stamp because it was encrypted. I am familiar with this  
3 document, and Colonel Slobodan Djindjic is in the corps. Because if  
4 somebody from the security department of the 3rd Army would spend time in  
5 the security sector of the Pristina Corps, then as the most senior he  
6 would sign telegrams sent by the security sector.

7 MR. STAMP: Could we look at page 1 of the B/C/S, which is page 2  
8 of the English version, and at paragraph 3.

9 Q. Can you read paragraph 3 there, the first sentence at paragraph 3.

10 A. "From the operative report of the Joint Command for KiM, we would  
11 like to mention the following information submitted by the State Security  
12 Service, the SDB."

13 Q. And you will see it goes on to give three bits of information  
14 received from the Joint Command of KiM.

15 A. Yes.

16 Q. This document --

17 A. Yes.

18 Q. -- states on its face that your security section received reports  
19 from the Joint Command of Kosovo and Metohija. It is -- is it still your  
20 evidence that organs of the security section did not receive reports from  
21 any so-called Joint Command?

22 A. I still claim and state that the security organs of the Pristina

23 Corps did not receive any written reports from, as you call it, that  
24 coordination as you call it, the Joint Command. Now, with your permission  
25 I'd like to explain what you've just shown us on our screens.

**Page 20038**

1 Q. Very well. Proceed.

2 MR. BAKRAC: [Interpretation] Your Honour, if a document has been  
3 shown to the witness, or rather, mentioned to the witness, then I think  
4 the witness should be allowed to explain what it says there, if a document  
5 is put to him.

6 THE WITNESS: [Interpretation] With your permission,

7 Mr. President --

8 JUDGE BONOMY: As Mr. Stamp has invited him to do.

9 Please continue.

10 THE WITNESS: [Interpretation] High-ranking officers, I said a  
11 moment ago, are the military security service from the security department  
12 of the 3rd Army frequently went to visit the Pristina Corps command; and  
13 on that occasion they went to the forward command post of the 3rd Army,  
14 they also went to the MUP organs, the State Security Service, and they  
15 would go down to see the chief of the operations department to be informed  
16 of the information and data that that department had from the meetings of  
17 coordination and exchange of opinion and information. And here  
18 Mr. Djindjic states what information he received from the chief of the  
19 operative department of the Pristina Corps upon returning from those  
20 meetings of coordination and collaboration which took place.

21 JUDGE BONOMY: I'm afraid that baffles me. Why does he say: "From  
22 the operative report of the Joint Command for Kosovo and Metohija"? Why

23 are these words there?

24 THE WITNESS: [Interpretation] Mr. President, I really don't know.

25 He probably means operative information and not operative reports that the

**Page 20039**

1 Joint Command has, or rather, that organs of the MUP and the state

2 security have. That is always what the reference is about, but he

3 personally put together this telegram so --

4 JUDGE BONOMY: I understand the notion that you try to convey to

5 us, that it's the Pristina Corps command that actually does the

6 commanding, but here we're talking about a report. So why would a report

7 be by a Joint Command that doesn't exist? Can you help us understand

8 that?

9 THE WITNESS: [Interpretation] Your Honour, I'm afraid that in this

10 case Mr. Djindjic is entirely unfamiliar with the term, or rather, with

11 the function that these coordination meetings between the MUP and the army

12 had, and I think in a purely terminological sense he entirely misses the

13 mark here. I have no other remark to make. We received no reports, the

14 security organs of the Pristina Corps received no reports from the Joint

15 Command.

16 JUDGE BONOMY: So he has not only misunderstood Joint Command, but

17 he's also invented the idea of an operative report by the Joint Command?

18 Is that what you're saying? I want to understand just how far this goes.

19 MR. VISNJIC: [Interpretation] Your Honours, we have an

20 interpretation problem. Could the question be interpreted again, please.

21 JUDGE BONOMY: Well, I will give you the question again.

22 Are you saying that Djindjic not only misunderstood the idea of

23 the Joint Command but also invented, made up, the idea of an operative  
24 report by the Joint Command?

25 THE WITNESS: [Interpretation] Mr. Djindjic here shows information

**Page 20040**

1 that he received from the head of the operative section of the Pristina  
2 Corps command, but I think this is phrased in a very unfortunate way. I  
3 have no other comment. There is no operative report by the Joint Command  
4 that actually reached the security sector of the Pristina Corps.

5 JUDGE BONOMY: Mr. Stamp.

6 MR. STAMP:

7 Q. You told us that you were familiar with this document. At the  
8 time this document was sent, did you see that reference to the Joint  
9 Command?

10 A. Mr. Prosecutor, let me inform you of the following: Frequently,  
11 not so rarely - or to be more accurate - there were situations when I was  
12 on the ground when the most senior officer in this security sector of the  
13 3rd Army, representative of the 3rd Army, put together these telegrams. I  
14 didn't say that I saw him at the very moment he was typing it, sending it,  
15 but I'm familiar with the general format of these telegrams, I'm familiar  
16 with documents like that. But at the moment of the actual sending, I was  
17 not familiar with the substance of the document because I must have been  
18 aware somewhere on a mission.

19 Q. Okay. You said that you were familiar with this document that I  
20 showed you, that is why I asked you the question; but I take it that your  
21 answer now is that you were away and you are not familiar with that  
22 particular document. Very well.

23 Do you recall giving an interview to the press sometime in 2002,  
24 in which you discussed the events that occurred in Kosovo in 1999?  
25 MR. STAMP: Can we have P2945 brought up.

**Page 20041**

1 Q. Do you recall giving an interview?

2 A. I spoke several times and gave interviews to press agencies in my  
3 country. If you let me have a look, perhaps I can answer your question.

4 MR. STAMP: Is 2945 up? Perhaps I have the wrong number -- okay.

5 Q. That's you there in uniform, General?

6 A. Yes.

7 Q. You remember this interview that this news report refers to?

8 A. Yes. This is an interview that I gave to Nedeljni Telegraf, the  
9 Sunday telegraph. You asked me a while ago whether that was in 2000, I  
10 can't actually see if it was in 2002, actually I think it was in 2002, if  
11 you could let me have a look at the date, perhaps I can tell you. I can  
12 confirm that for you.

13 Q. I think the date --

14 A. I think it was 2000.

15 Q. So -- and your picture is there with a caption --

16 A. Yes.

17 Q. -- which says: "For everything, there are proofs and thousands of  
18 reports."

19 MR. STAMP: Can we look at page 2 of this document in B/C/S.

20 Q. Are these reports that you supplied in the course of the  
21 interview?

22 MR. STAMP: If we could expand the one or expand the page.

23 Q. Do you recall?

24 A. No need. These are documents that I gave the journalist of this  
25 magazine.

**Page 20042**

1 Q. And they are documents that were regularly issued from the  
2 security section of the Pristina Corps?

3 A. No. These are not documents that were regularly issued from the  
4 security section of the Pristina Corps. On the left-hand side is a  
5 document that occasionally, or rather, this is information that was  
6 submitted to the republican state security centre in Pristina. This was a  
7 regular exchange and this is the same kind that I received from the State  
8 Security Service. The other document is about my knowledge about the  
9 location of the activities and the plans of the Siptar terrorists, and it  
10 says: "To the Joint Command for KiM," Kosovo and Metohija. If you want,  
11 I can elucidate on both.

12 Q. Well, let us talk about the second one. The second one is one --

13 MR. STAMP: And, Your Honours, there is a translation of the  
14 second one at page 10 -- could we find -- page 10 of the English in  
15 e-court, please.

16 Q. Stamped and signed document dated the 11th of November, 1998,  
17 addressed in bold to the Joint Command for Kosovo and Metohija, signed  
18 with the stamp by yourself, in which you report on a variety of matters  
19 arising from operative intelligence. Before we begin to explain, is it  
20 still your evidence that you never sent reports to any organ, so-called  
21 the Joint Command for Kosovo and Metohija?

22 A. Mr. Prosecutor, you asked me whether I meaning as some sort of a

23 regular practice or form reports to any Joint Command, and I said no --

24 Q. No, I did not. I asked you three or four times before you

25 answered the question whether or not you sent reports to the so-called

**Page 20043**

1 Joint Command, and finally after the fourth attempt I think you answered

2 unequivocally: No. Do you wish to change that answer? Did you in fact

3 send reports to a body described as the Joint Command?

4 A. I'll answer that question if you allow me to.

5 Q. But -- yes, and I'll allow you to --

6 A. Yes, yes.

7 Q. So you did send reports to a body described as the Joint

8 Command --

9 MR. BAKRAC: [Interpretation] Your Honours.

10 JUDGE BONOMO: Mr. Bakrac.

11 MR. BAKRAC: [Interpretation] Mr. Stamp is saying: Yes, yes, I

12 will allow that, and then he's insinuating: So you did. Can he please

13 first wait for the answer to be given and then he can ask the new question

14 because the question hasn't been answered yet and yet we have a new

15 question already, so the witness is confused. He doesn't know which one

16 he's supposed to be answering, does he?

17 JUDGE BONOMO: The question you have been asked, Mr. Stojanovic

18 is: Did you, in fact, send reports to a body described as the Joint

19 Command?

20 THE WITNESS: [Interpretation] Mr. President, I sent no reports at

21 all to any body allegedly called the Joint Command. The document that is

22 now in front of me, and there must be less than a dozen other documents

23 like that, were documents that I submitted to the head of the operative  
24 affairs sector upon orders by General Pavkovic whenever he spoke at  
25 briefings, the collegium briefings, on the activities by the Siptar

**Page 20044**

1 terrorists. Once I was out of the collegium I asked Colonel Djakovic,  
2 saying that we should inform both the MUP and the state security, and then  
3 as soon as we would get up out of one of these meetings I said well: What  
4 format? And he said, Well just type up what you know. How should I type  
5 it up? And he said, Just put Joint Command there and I'll present this on  
6 your behalf including whatever information the military service happened  
7 to be in possession of.

8 Mr. Prosecutor asked me whether I ever sent or in a permanent form  
9 any reports to the so-called some sort of Joint Command, and my definite  
10 answer is: No.

11 MR. STAMP:

12 Q. Did you attend collegium briefings with General Pavkovic?

13 A. At the time that he was corps commander, yes.

14 Q. You said something about less than a dozen documents are the  
15 documents like this. How many reports or documents of this nature did you  
16 sign and stamp with a seal of your organ? How many?

17 A. I think the figure that I mentioned, ten, is far too big, it's  
18 less than that, very few documents, and they should be in the military  
19 security service archives and the same thing applies to all these other  
20 documents.

21 Q. You say about ten.

22 A. Far less than ten, a handful. I can't say. You're asking me to

23 say but I can't say. It's certainly far less than ten.

24 Q. When, can you recall, was the last one that you sent?

25 MR. BAKRAC: [Interpretation] Your Honours, the witness never said

**Page 20045**

1 he sent that. He even explained that he gave it to Djakovic. Again the  
2 Prosecutor is asking him: When did you send, and forth. I don't know  
3 whether using every single question my learned friend Mr. Stamp, why is he  
4 trying to trap this witness with each and every one of his questions. I  
5 don't think that's being fair to the witness.

6 MR. STAMP: If he handed it to General -- well, he handed one to  
7 General Djakovic, it certainly could be termed that he sent it, but just  
8 to avoid unnecessary argument.

9 Q. When was the last document of this nature that you signed, that  
10 you prepared and signed?

11 A. I can't remember exactly when the last one was, but I think it was  
12 sometime in late October, certainly by mid-November, that's how long I had  
13 been providing such information to General Pavkovic; and after that, to  
14 the extent I can remember, there was no more than that.

15 Q. Well, this one is dated the 11th of November, 1998. If this was  
16 not the last one, how long after this one was the last one sent?

17 A. I said I can remember, didn't I? But I'm sure that as of  
18 mid-November I never forwarded any such information again, and I went far  
19 less often to Colonel Djakovic in order to exchange information with him,  
20 to seek information that the MUP or the State Security Service had in  
21 their possession.

22 JUDGE BONOMO: Could I see the end of this document, please?

23 MR. STAMP: I'm sorry, that is the next page, page 11 of the  
24 English.

25 JUDGE BONOMOY: Where is there any indication on this document that

**Page 20046**

1 it was being copied to either the state security or the MUP?

2 THE WITNESS: [Interpretation] That is nowhere to be seen in this  
3 document, but I did explain a while ago that when Colonel Djakovic and I  
4 came out of General Pavkovic's room, he told me that I should write up  
5 this information. What title should I put, what addressee? And he said,  
6 Put Joint Command. I wrote it up and I handed it over to  
7 Colonel Djakovic.

8 JUDGE BONOMOY: Just the one copy?

9 THE WITNESS: [Interpretation] No, no, no, not just the one copy.  
10 There are rather -- yeah, just one copy of this kind because we processed  
11 this sort of information in our telegrams, otherwise, as you can see, this  
12 information is in relation to. I'm not sure if there is a translation of  
13 this, what I said about the activities of the Albanian terrorists and  
14 political players in Kosovo and Metohija. This information had been  
15 processed through the telegrams that the corps would send every day to the  
16 security sector, the army security sector.

17 JUDGE BONOMOY: Mr. Stamp.

18 MR. STAMP:

19 Q. The information -- and you're familiar with the document.  
20 Information in this document is comprised of various bits and pieces of  
21 intelligence reports about various activities that were occurring in  
22 Kosovo. Is it your evidence that you were getting, you as a chief of

23 security, was getting this information from your corps commander?

24 A. No, this is not the sort of information that I received from the  
25 corps commander. It was me who informed the corps commander of any

**Page 20047**

1 information that the service by using proper methodology, the prescribed  
2 methodology, had obtained.

3 Q. Very well. How often did General Pavkovic attend meetings of this  
4 so-called Joint Command?

5 A. Mr. President, I don't know how often General Pavkovic attended  
6 meetings, these meetings that you refer to as meetings of the Joint  
7 Command. But I was well familiar with the methodology of the command's  
8 work, and this is what it comprised. If I may, I will answer your  
9 question, but you need to allow me to do that.

10 Q. You have. You said you weren't aware of how many meetings of the  
11 so-called Joint Command he attended; that's all I asked.

12 JUDGE BONOMO: I think I would like to hear the rest of that --

13 MR. STAMP: Very well.

14 JUDGE BONOMO: -- answer, even if you don't want to hear it,

15 Mr. Stamp.

16 MR. STAMP: Very well.

17 Q. Go on, please.

18 A. Mr. President, during the war in Kosovo and Metohija, the  
19 situation was a very dynamic one. It was normal for the command to meet  
20 in small groups, and then there would be briefings by organs of the  
21 command. It was often my responsibility to track down the corps  
22 commander. We're talking about 1998 now. So those meetings were regular,

23 daily. When a meeting was over, normally about 1800 hours, the corps  
24 commander would then get the specific proposals on how to use certain  
25 units and reports on problems that a unit was encountering. He would go

**Page 20048**

1 to the forward command post of the 3rd Army and tell them there about what  
2 had been done, and he would propose a decision to be taken. And then  
3 after that, based on what information I had, he would go and meet the MUP  
4 organs in order to have coordination for this decision that had been  
5 obtained, and then this was verified by the 3rd Army forward command post.  
6 At these meetings, as far as I know, in addition to members of the  
7 MUP and the corps commander, there were also quite often - I'm telling you  
8 something that is second-hand knowledge now because I was never there  
9 myself - also people from the State Security Service who also shared their  
10 information, information which they had, which made it possible for me to  
11 adjust my own assessments or perhaps allow them to adjust their own  
12 assessments about the situation in Kosovo.

13 Q. You said -- sorry.

14 [Trial Chamber confers]

15 MR. STAMP: May I -- I'm sorry. May I proceed?

16 JUDGE BONAMY: Yes, please.

17 MR. STAMP:

18 Q. You said when Colonel Djakovic told you about the Joint Command,  
19 he did not tell you where those meetings took place but you were able to  
20 learn this from persons who worked in the security detail for the corps  
21 commander and you told us where those meetings were held. Did you learn  
22 from these persons who reported to you about these Joint Command meetings

23 we are speaking of how often General Lazarevic attended those meetings, if  
24 at all?

25 A. In 1998, based on what I know, General Lazarevic spent virtually

**Page 20049**

1 most of his time at the corps forward command post in the Djakovica  
2 garrison.

3 Q. So do you --

4 A. I don't know whether and how many times he attended those meetings  
5 that you term the Joint Command meetings.

6 JUDGE BONOMY: Let us know when it's convenient to break,  
7 Mr. Stamp.

8 MR. STAMP: Perhaps we could take the break now, Your Honours.

9 I'm sorry --

10 JUDGE BONOMY: Very well.

11 Mr. Stojanovic, we have to break for half an hour, so could you  
12 please leave the courtroom with the usher.

13 [The witness stands down]

14 JUDGE BONOMY: We shall resume at 6.00.

15 --- Recess taken at 5.29 p.m.

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

17 [The witness takes the stand]

18 JUDGE BONOMY: Mr. Stamp.

19 MR. STAMP: Thank you, Your Honours.

20 Q. You said just before the break: "I'm telling you something that  
21 is second-hand knowledge now because I was never there myself. Also  
22 people from the State Security Service who also shared their information,

23 information which they had, which made it possible for me to adjust my own  
24 assessments or allow them to adjust their own assessments about the  
25 situation in Kosovo."

**Page 20050**

1 You're speaking about these meetings, these Joint Command  
2 meetings, that I was asking you about. How did you get information about  
3 or from the State Security Service that was discussed in these meetings?

4 A. In the course of 1998, I had regular contacts with the chief  
5 figures in the State Security Service, and we exchanged information, as  
6 provided by the rules, written information or oral information, through  
7 personal contact. But since the NATO aggression, this scope of  
8 information exchange was greatly reduced because the general security  
9 situation was quite exceptional, so very often I wasn't able to find their  
10 locations, nor were they able to find me because I was touring units and  
11 in the units on the ground.

12 Q. I was just referring to your answer in answer to questions about  
13 these Joint Command meetings you said also present were State Security  
14 Service people who shared their information at these meetings. Who  
15 informed you about the information shared by the state security at these  
16 meetings?

17 A. The chief of the operative department of the Pristina Corps  
18 command, General Djakovic, put to that me and then Radojko Stefanovic.

19 Q. Who is Radojko Stefanovic?

20 A. Colonel Radojko Stefanovic was from the beginning of 1999 -- well,  
21 he replaced Colonel Djakovic as chief of the department for operative  
22 affairs of the Pristina Corps command.

23 JUDGE BONOMY: When was that, Mr. Stojanovic?

24 THE WITNESS: [Interpretation] Mr. President, I think -- well, I

25 don't have the exact information, but as far as I remember it was as of

**Page 20051**

1 January, the month of January 1999.

2 JUDGE BONOMY: Thank you.

3 MR. STAMP:

4 Q. So he -- well, you also said earlier, and I think I should put

5 this to you before I ask you the next question, that the information that

6 the transmitted to you from the State Security Service or from what the

7 State Security Service shared with you at these meetings made it "possible

8 for me to adjust my own assessments or allow them to adjust their own

9 assessments about the situation in Kosovo."

10 Now, I take it from that that you were also transmitting to the

11 State Security Service at these meetings information about the situation

12 in Kosovo. Through whom did you transmit your information, the same

13 people, Colonel Djakovic and Stojanovic -- sorry, and Stefanovic?

14 A. Mr. Prosecutor, I think that you intentionally or unintentionally

15 are not understanding my answers in the way I gave them, so let me repeat.

16 During 1998 at a time when there wasn't a war on and when the situation

17 wasn't as complex in Kosovo and Metohija, I, through -- exchanged

18 information with the State Security Service, usually personally, through

19 my personal contacts, that is to say I would go to see them, or through

20 written information, which I sent to them or they sent to me. Now, during

21 the NATO aggression there were just a couple of contacts of this kind

22 because the overall security situation was such that, quite simply, we

23 were not able to meet or to share and exchange information.

24 Q. Yes. You keep, sir, reverting to various meetings you had with  
25 these people, and I keep telling you, I am only asking you about these

**Page 20052**

1 meetings described to you by General Djakovic as Joint Command meetings.

2 I'm not asking you about any other meeting. And in answer to my questions

3 about these meetings you said that you shared information or transmitted

4 information to the State Security Service which allowed them to adjust

5 their own assessments about the situation in Kosovo, and this was at these

6 meetings that I'm asking you about.

7 Did you transmit to the participants of these meetings any

8 information about the situation in Kosovo?

9 A. From time to time, when some important information for the

10 security situation in Kosovo and Metohija, I would inform, in addition to

11 the commander and pursuant to the commander sometimes from time to time

12 the chief of the department for operative affairs, who I assume most

13 probably sent that information on to the State Security Services. And

14 according to my information they would sometimes attend those plans,

15 meetings, and coordination meetings in the MUP in Pristina. Now, when the

16 chief of the operative department came back from these meetings, he

17 conveyed to me the state security's assessments and appraisals of the

18 situation, and on the basis of everything I knew I would correct my

19 opinions and knowledge or confirm what I knew about the situation in

20 Kosovo and Metohija using that information.

21 Q. As part of your responsibilities as chief of the security sector

22 for the Pristina Corps, did you report up to General -- sorry, to the

23 chief of the security section in Belgrade, that is, General Dimitrijevic  
24 and later on General Farkas, the activities of your commanders, that is,  
25 your commander, General Lazarevic and General Pavkovic?

**Page 20053**

1 A. According to the rules and regulations regulating the work of the  
2 security organs of the Army of the Federal Republic of Yugoslavia, I was  
3 not duty-bound to inform the chief of the security department about what  
4 the corps commander and army commander was doing, but I was duty-bound to  
5 inform him about all questions from the remit of the military security  
6 service, and within that framework about all the activities of the units  
7 and the security implications given those activities.

8 Now, during 1998, on a regular basis, pursuant to orders from the  
9 security department of the General Staff of the Army of the Federal  
10 Republic of Yugoslavia, I sent telegrams out with all the things I noticed  
11 about security and the security administration General Staff of Yugoslavia  
12 and the security section of the 3rd Army. And when the NATO aggression  
13 started, pursuant to an order from the chief of security of the 3rd Army,  
14 I just sent him telegrams and reports about all matters that the Pristina  
15 Corps security organs were engaged in.

16 Q. How many, if any, civilians attended these meetings that were  
17 described as Joint Command meetings to you by Djakovic?

18 A. I was informed by Colonel Djakovic that most often those meetings  
19 were attended by representatives of the staff of MUP for Kosovo and  
20 Metohija and also by individual representatives from the State Security  
21 Service and from time to time that Mr. Sainovic attended and various other  
22 politicians who happened to come by to be better informed about the

23 overall security situation in Kosovo and Metohija.

24 Q. Were you informed that Mr. Minic and Mr. Andjelkovic also attended  
25 these meetings?

**Page 20054**

1 A. I had information on several occasions that during his stay in  
2 Kosovo and Metohija, Mr. Minic did attend. As to Mr. Andjelkovic, he was  
3 the president of the Executive Council of the autonomous province of  
4 Kosovo and Metohija, and I don't have any knowledge about him attending  
5 those meetings.

6 Q. As chief of security for the Pristina Corps, wasn't it your duty  
7 to discover who attended these meetings that you were transmitting  
8 military secrets to? Because you indicated to us that you were  
9 transmitting information to them about what was happening in Kosovo.

10 A. No. I informed the competent authorities in the command, and  
11 where my commander was present, where my commander attended, I do not -- I  
12 had no reason to doubt who this information would be presented to because  
13 the commander was duty-bound to be informed of all information of a  
14 security character in the corps. So I don't know to what extent and how,  
15 but I assume that Colonel Djakovic, from information I provided, would  
16 inform the public security organs about certain issues. And finally, we  
17 were in charge of the overall security situation together. We had the  
18 same enemy, and that was Albanian terrorism. So it would seem logical,  
19 would it not, that we exchange and share information when it comes to  
20 discussing the same problem.

21 Q. Very well. You can't tell us precisely about the civilians in  
22 attendance at that meeting.

23 General Vasiljevic said that you told him that you were reporting  
24 to General Dimitrijevic about these meetings and the persons who attended  
25 these meetings. I take it from your evidence you are saying that what

**Page 20055**

1 General Vasiljevic said is not true?

2 A. What General Vasiljevic said is not true. I did not inform  
3 General Dimitrijevic ever about meetings of some kind of Joint Command or  
4 what you're asking me.

5 Q. You said you also received information about these meetings from  
6 General -- from Colonel Stefanovic, and he became head of the operations  
7 section in 1999. Did you at any time in 1999 become aware of any order  
8 issued by the corps commander purporting to emanate from the Joint  
9 Command?

10 A. During 1999, if that's what you're asking me about, so before and  
11 at all times, the corps commander issued all orders with respect to the  
12 deployment of the corps units, but in the corps command I saw several  
13 documents which had -- which were marked as -- or in the upper left-hand  
14 corner they were denoted as being the Joint Command for Kosovo and  
15 Metohija. That's what it said.

16 Q. This was in 1999, during the war, that is, after the 24th of  
17 March?

18 A. That was -- yes, after the 24th of March, thereabouts, yes.

19 Q. How many can you recall you saw from the corps commander after the  
20 24th of March? Because we're interested in the -- in that period here,  
21 the war. Approximately how many. I know you can't tell us exactly.

22 Approximately how many?

23 A. Two or three documents that I personally saw with something like  
24 that on them.

25 Q. Now, in all of this period of time you never, out of personal

**Page 20056**

1 curiosity or in the position of chief of security for the corps, inquired  
2 what this purported Joint Command was about? You never satisfied yourself  
3 as to what this body was that you were writing reports addressed to; is  
4 that your evidence?

5 A. No, there was no need for that. I don't know for what reasons I  
6 would look into that. I knew the chain of command.

7 MR. FILA: [Interpretation] I'd just like to ask you something.

8 No, don't be afraid. I'm not going to say what you think I'm going to  
9 say. When Mr. Stamp asked the question, he just now said he was asking  
10 him about 1999. Now I'd like to ask you to ask him to be very precise on  
11 what he means or what year he's asking about, because it's difficult for  
12 me to follow, jumping from one to the other. I'm not going to say another  
13 word, just that.

14 MR. BAKRAC: [Interpretation] Your Honour, let me add, my colleague  
15 Mr. Fila was on his feet before me, but the question was about documents  
16 dated 1999, and then in his question he returned, Mr. Stamp returned, to  
17 meetings in 1998. So we're not clear whether he's asking about the 1999  
18 documents or is he asking about the 1998 meetings. It's quite unclear.

19 JUDGE BONOMO: I disagree with that. I think the position's  
20 absolutely clear. The witness has been giving evidence about the  
21 situation during the war. We've had a lot of evidence already about the  
22 situation in 1998, and Mr. Stamp has clearly asked a question that relates

23 to both periods and is asking whether the witness ever inquired what this  
24 purported Joint Command was about. So that question may be answered.

25 MR. FILA: [Interpretation] I apologise. I don't think I was clear

**Page 20057**

1 enough. He spoke about -- he said the report where it said "Joint  
2 Command." That's what Mr. Stamp said, and that's the article, and we're  
3 dealing with 1998. That's the point. I understood just what you  
4 understood, that he moved on to 1999; but it says the report you tabled to  
5 the Joint Command. That's the article and the article is 1998. That's  
6 why.

7 JUDGE BONOMO: It must be some interpretation difficulty because  
8 the position's absolutely clear in English that in referring to the  
9 reports Mr. Stamp was simply using that as a description of this body, the  
10 Joint Command, whether it be 1998, when the reports were involved; or  
11 1999, when the witness says he had seen documents that relate to the Joint  
12 Command. It's a question that covers the whole period and asks the  
13 witness to say whether throughout 1998 and 1999, don't let's be  
14 side-tracked by detailed, at any stage he asked what this body, the Joint  
15 Command, was about.

16 Now, would you please answer that question.

17 THE WITNESS: [Interpretation] Mr. President, this body that the  
18 Prosecutor refers to as Joint Command, to the best of my knowledge and  
19 understanding, overall understanding from 1998, what this was about was -  
20 and I said this last time - an explanation from Colonel Djakovic, quite  
21 simply they were meetings between representatives of the army and the  
22 Ministry of the Interior at which they would, after having received orders

23 down their own chains of command to rout and destroy the terrorist groups,  
24 would sit down and coordinate and organize joint activities to perform an  
25 action on the ground. That's how I understand the term the Prosecutor is

**Page 20058**

1 referring to as Joint Command.

2 JUDGE BONOMOY: The question was more precise than that, and if

3 Mr. Stamp wishes to follow it up he may.

4 MR. STAMP: Yes.

5 Q. I think the question as put by the Court is pretty clear. In 1998

6 and 1999, having regard to all you heard about this so-called Joint

7 Command that you addressed reports to and that in 1999 the corps

8 commander -- you saw reports that the corps commander addressed reports

9 to, did you ever inquire --

10 JUDGE BONOMOY: Yeah, before we get bogged down.

11 Why do you need to complicate it?

12 MR. STAMP: Very well. Very well. Very well.

13 Q. Did you ever inquire as to what this so-called Joint Command was

14 all throughout 1998 and 1999?

15 A. Mr. Prosecutor, I'll be crystal clear. During 1998 from July

16 onwards, when I heard about this term at the beginning of July and right

17 up to the first half of November while this term was being bandied about,

18 I received information when I asked about it, it's the information that

19 I've already given you. Later on in 1999, I did not hear of this term

20 being used, nor was it used in the corps command, except for the fact that

21 I saw two or three documents which had this heading. So to the best of my

22 knowledge, in 1999 this coordination no longer existed except that a

23 commander would go perhaps to the chief of SUP on occasion over some  
24 specific issue [as interpreted].

25 Q. Well, this coordination no longer existed in 1999, yet you saw

**Page 20059**

1 after March 1999 documents issued by the corps commander with Joint  
2 Command in the top left-hand corner, indicating where they were emanating  
3 from. When you saw that, did you not inquire what this Joint Command was  
4 all about, having regard to what you understood, that it no longer  
5 existed?

6 A. Mr. Prosecutor coordination and cooperation between the MUP and  
7 the army was continuous throughout, and it was both the duty in 1998 and  
8 1999 and it evolved in 19 -- it took place, existed in 1998 and 1999.

9 Q. I'm asking about the expression "Joint Command." When you saw  
10 that in 1999 on documents issued by your corps commander, did you not  
11 inquire what he was referring to in those documents?

12 A. No, there was no need. It was clear to me. I knew that just as  
13 in 1998 it referred to, it was a message to the subordinate units, and it  
14 had been dovetailed -- dovetailed cooperation and coordination between the  
15 MUP and the army so there was no need for me to ask the same thing several  
16 times over.

17 JUDGE BONAMY: In the English version here you're recorded as  
18 saying to the best of your knowledge "in 1999 this coordination no longer  
19 existed, except that a commander would go perhaps to the chief of SUP on  
20 occasion over some specific issue."

21 Is that an accurate record of what you said?

22 A. No, Mr. President, what I said is this --

23 JUDGE BONOMOY: Just before you do, I want to make it clear that we  
24 would like the translation of that to be considered and the written  
25 version provided for us, that's the paragraph at page 80, the beginning of

**Page 20060**

1 page 80.

2 Now, what do you now want to say on that matter?

3 THE WITNESS: [Interpretation] What I wanted to say, Mr. President,  
4 is this, that many questions asked by the Prosecutor are, as far as I'm  
5 concerned, not understandable enough and imprecise. I wanted to give a  
6 precise answer, and that is that cooperation and coordination existed in  
7 1999 and in 1998 as well, but that during 1999 except for seeing on a few  
8 documents in the Pristina Corps this term "Joint Command," I no longer had  
9 information and data as to whether these meetings were being held on the  
10 subject of coordination and cooperation. But I do know that cooperation  
11 and coordination still existed between the MUP and the army because it was  
12 a state of war, when I was on the ground frequently and when conditions  
13 were not the same as they had been in 1998.

14 JUDGE BONOMOY: The problem that that creates is that it would  
15 appear that in 1999 the use of the expression in your mind meant something  
16 different from 1998.

17 THE WITNESS: [Interpretation] No, no, Mr. President. For me what  
18 this always meant is that there was coordination and cooperation between  
19 the MUP and the army.

20 [Trial Chamber confers]

21 JUDGE BONOMOY: Please continue, Mr. Stamp.

22 MR. STAMP: Thank you, Your Honours. If I may move on, having

23 regard to the time.

24 Q. You spoke about disciplining of commanders. Can you tell us

25 whether or not -- or can you tell us how many commanders were prosecuted

**Page 20061**

1 for serious offences committed against Kosovar Albanians alleged to have

2 been committed between 24 March to 10 June 1999.

3 A. What level of command are you referring to, brigade commanders or

4 the commanders at any level?

5 Q. Very well. I was referring to the -- to commanders at any level.

6 Let's start there.

7 A. No disciplinary measures were taken in relation to any brigade

8 commander for any violations of the international humanitarian law,

9 international law of war during the clashes. There was no information

10 indicated that anything like that had occurred, but disciplinary measures

11 were taken and charges were pressed for all sorts of other omissions that

12 happened across the units.

13 Q. This case is about offences that were committed against Kosovar

14 Albanians. Can you say how many commanders were prosecuted for offences

15 committed against -- for serious offences committed against Kosovar

16 Albanians between 24 March and 10 June 1999? I hope you understand the

17 question. I'm not asking you to tell us about prosecutions in general or

18 prosecution of brigade commanders only. I'm asking you about any

19 commander, but I restrict the question to offences committed against

20 Kosovar Albanian, Albanian, civilians.

21 A. No commander at any command level in the corps was ever prosecuted

22 for murder, whereas you say violations of international law of war and

23 international rules of war; but at corps level any officer who committed a  
24 crime was prosecuted and measures were taken against those persons. If  
25 measures were taken in relation to a commander, that would have meant that

**Page 20062**

1 his organizational unit, the unit over which he exercised command, the  
2 company, battalion, brigade, or platoon had collectively been involved in  
3 the commission of crimes. The last time when I gave evidence, I told you  
4 that these were individual incidents, individual violations, of the  
5 international humanitarian law, international law of war, and all those  
6 that we were aware of were criminally prosecuted.

7 Q. How many involved victims -- I'll just go back to the question I  
8 asked you. How many persons that exercised command functions in the  
9 Pristina Corps were prosecuted for offences committed against Kosovar  
10 Albanians? Can you give us an estimate?

11 A. Are you asking me about individual crimes? Measures were taken in  
12 relation to perpetrators, unit commanders, except, for example,  
13 unauthorised departure from the duty post, those persons were  
14 court-martialed. Some other measures were taken, but what you are  
15 implying, criminal measures, none were taken except those that were taken  
16 against perpetrators of crimes.

17 Q. What I'm trying to ask you is not about crimes in general. I'm  
18 asking you about crimes committed against Kosovar Albanians --

19 JUDGE BONOMY: Mr. Stamp, I think you need to distinguish between  
20 commanders who are prosecuted on the basis of command responsibility,  
21 which is what I think the witness thinks you're asking him, and commanders  
22 who are prosecuted because of the perpetration themselves directly of

23 crimes. And what he's saying is no one was prosecuted as a commander at  
24 all. The only people prosecuted were prosecuted because they were  
25 perpetrators. Now, if that's wrong, he'll tell us now, if that's a wrong

**Page 20063**

1 understanding of his evidence.

2 THE WITNESS: [Interpretation] You are entirely right,

3 Mr. President. As for those we actually prosecuted for crimes, they were

4 among those platoon commanders and company commanders who were involved in

5 crimes such as murder and the like. As I was testifying before this Trial

6 Chamber, I did share certain information about certain specific officers,

7 their ranks and their duties.

8 MR. STAMP:

9 Q. Very well. How many of these commanders that you just spoke of

10 were prosecuted for crimes committed against Kosovar Albanians, whether it

11 was by virtue of command responsibility or as perpetrators? Just how many

12 do you know were prosecuted for crimes against Kosovar Albanians?

13 A. Mr. Prosecutor, you're asking me to remember everything. Well

14 I'll do my best, but I think you need to go back to the archives of

15 appropriate military courts because they contain documentation in relation

16 to every single crime, the function that those people performed and which

17 specific officers you're looking at. I've told you this several times but

18 I'm going to tell you again. There is a security organ that was

19 criminally prosecuted, a major, because he had ordered two soldiers to

20 kill two Albanian civilians --

21 Q. I don't want to go over ground that I've covered. I just asked

22 you for a figure, an approximate figure, a number. How many

23 approximately? You can tell us if you know; or if you don't know, we can  
24 move on.

25 A. As far as I can remember, based on all the surveys, I think there

**Page 20064**

1 must have been around ten such officers, and I am talking about officers  
2 now.

3 Q. And these were charged for offences committed against Kosovar  
4 Albanians?

5 A. It was because of them that actions were instituted over crimes  
6 that they had either ordered or had been responsible for the commission  
7 of, and the crimes were perpetrated by their subordinates.

8 Q. Okay. Let's -- you indicate in a variety of the exhibits that we  
9 have before this Court that you were receiving information from various  
10 sources, some of them outside of Serbia, Europe, Switzerland, et cetera.  
11 So I take it that you must have become aware of the indictment in this  
12 case which was published on the 24th of May, 1999. Did you become aware  
13 of it and when?

14 A. Mr. Prosecutor, again you're putting to me something that I never  
15 said. I never said that I had received information from various sources  
16 from outside the country or whatever your figure of speech happened to be.  
17 I said that I obtained information by using the prescribed methodology of  
18 any military service, including the security service.

19 Q. Yes. I was referring to many of the documents that were tendered  
20 while you were testifying, many of them referred to information that you  
21 received from overseas. But be that as it may, when, if you did -- the  
22 question is this: Did you become aware of the indictment in this case for

23 these crimes committed in Kosovo and when?

24 A. Of course I became aware, as any other citizen of my country. I

25 was no longer a member of the security service at the time. Between 1999

**Page 20065**

1 and 2003 I was not a member of the State Security Service. I did learn

2 that an indictment was raised in this case, yes.

3 Q. When did you become aware? Is your evidence that you did not

4 become aware of this indictment in May 1999?

5 A. No, it was a little later, a little later.

6 Q. When did you become aware of this indictment?

7 MR. BAKRAC: [Interpretation] Your Honours, perhaps Mr. Stamp could

8 himself be a little more precise, since I don't think it is the same

9 indictment -- well, in part at least -- well, I'm not suggesting anything,

10 but more precise, yes, there. I can't speak more openly in front of the

11 witness, but I think you know what I have in mind. The question is: Is

12 this the same indictment we're looking at today.

13 JUDGE BONOMY: It's so frustrating the length of time it takes to

14 ask one simple question.

15 Mr. Stamp, the question you want to ask is: When did the witness

16 become aware of the indictment against, and you'll need to specify whom.

17 MR. STAMP: Very well, Your Honour.

18 Q. When did you become aware of an indictment issued by this Tribunal

19 for crimes allegedly committed by Serbian security forces in Kosovo in

20 1999?

21 A. Well, at one point it was published, the fact that the indictment

22 had been raised.

23 Q. Yeah, but when --

24 JUDGE BONAMY: Mr. Stojanovic, that indictment included among its  
25 number Slobodan Milosevic. When did you first learn of an indictment in

**Page 20066**

1 relation to him for offences committed by Serb forces in Kosovo?

2 THE WITNESS: [Interpretation] Mr. President, well I think that  
3 this was as early as 19 -- I really can't remember. I'm afraid I might  
4 get it wrong, but I think 1997, possibly 1996. I may be off the mark,  
5 it's a distinct possibility. Perhaps it might have been 1999 -- well, if  
6 you want me to remember as best as I can, but I don't think I can answer  
7 this question with a greater degree of accuracy than I have.

8 JUDGE BONAMY: Mr. Stojanovic, we're dealing with crimes which  
9 allegedly were committed in 1999 and with an anti-terrorist operation in  
10 1998, and we're confining our attention to Kosovo. So bearing in mind  
11 when these events took place and having been told already by Mr. Stamp  
12 that the indictment was issued on the 24th of May I think, is it, 1999,  
13 when did you first learn of it?

14 THE WITNESS: [Interpretation] Well, just after the indictment was  
15 published.

16 JUDGE BONAMY: That's taken about ten minutes, right, Mr. Stamp.

17 MR. STAMP:

18 Q. Did you or your service or anyone in your service in the Pristina  
19 Corps investigate any of the allegations of crimes mentioned in that  
20 indictment?

21 A. Mr. President, or rather, Mr. Prosecutor, we were responsible  
22 members of the security service, very much so in fact, and I know very

23 well that we immediately documented and prosecuted all crimes committed by  
24 members of the army, with the exception of individual crimes in relation  
25 to which it was impossible to establish because of the fact that the time

**Page 20067**

1 was short. I'm talking about three months --

2 JUDGE BONOMY: Mr. Stojanovic, that's not the question. The  
3 question is: Having seen this indictment, did you go off and investigate  
4 the allegations in the indictment?

5 THE WITNESS: [Interpretation] No, I did not investigate that  
6 because there was no reason for me to investigate that and I was not a  
7 member of the service after the indictment had been raised between 1999  
8 and 2003. I had no authority to launch any investigation or take any  
9 measures that authorised members of the security service were supposed to  
10 be taking.

11 MR. STAMP:

12 Q. This --

13 JUDGE BONOMY: When did you leave your position as chief of the  
14 security department in the Pristina Corps?

15 THE WITNESS: [Interpretation] In August 1999.

16 JUDGE BONOMY: Well, Mr. Stamp's asking you what you did between  
17 May, when you learned about the indictment, and August 1999. Did you  
18 investigate the allegations set out in the indictment?

19 THE WITNESS: [Interpretation] By all means, Mr. President,  
20 checking, collecting intelligence is one of the methods used by the  
21 security organ. We never stopped gathering this sort of thing and we  
22 certainly were not indifferent, and all the indications that we had at the

23 time after all our checks was that to a large extent, as General Geza had  
24 said, I would say to an even larger extent was we were successful in  
25 documenting and investigating all the crimes committed by members of the

**Page 20068**

1 army, with the exception of several crimes which we investigated and we  
2 started proceedings, but it was impossible to ascertain with full  
3 certainty that these crimes had been committed by members of the army.

4 JUDGE BONOMO: Mr. Stamp.

5 MR. STAMP:

6 Q. With respect, you have not unequivocally answered the question  
7 that the President asked you. Did you between May, when you learned of  
8 the indictment, and August 1999 investigate any of the allegations of  
9 crimes that were contained in that indictment? You have already told us  
10 you did not in respect to the Meja incident. I wish you just to answer:  
11 Yes, you did investigate; or no, you did not. Did you in that period, May  
12 to August 1999, investigate any of the crimes alleged in the indictment?

13 A. I did not launch an investigation, there was no reason for  
14 anything like that. I know with great certainty, and I knew exactly what  
15 I did, and I knew exactly what my subordinates did.

16 Q. Thank you.

17 MR. STAMP: May I make an inquiry of, I'm referring to the Court,  
18 having regard to the time he used, I don't think I'm up to that yet and  
19 there are a few questions more, not much, I would like to ask of the  
20 witness; however they are not the most important questions I want to ask.  
21 So if there is a need, because I understood there might be a need for him  
22 to leave today or tomorrow, then I would stop, but if there was no problem

23 in him returning --

24 JUDGE BONOMY: I thought it was Mr. Dikovic the problem related to

25 and that's why we interposed him.

**Page 20069**

1 MR. STAMP: I just --

2 JUDGE BONOMY: Mr. Bakrac, can you tell us. Is there any

3 particular reason why Mr. Stojanovic has to run away -- sorry, rush away.

4 MR. BAKRAC: [Interpretation] We were told by the VWS that they had

5 his flight booked and he probably should be on his way. I didn't myself

6 speak to General Stojanovic during his time under oath, but that's what we

7 were told from the VWS, that he should be on a flight tomorrow and perhaps

8 we should just ask him, but that's what we were told by the appropriate

9 section.

10 [Trial Chamber confers]

11 MR. STAMP: May I suggest --

12 JUDGE BONOMY: The flight today I understand was late -- I mean,

13 it is -- it's in the evening, is it not?

14 MR. BAKRAC: [Interpretation] Your Honours, I really don't know.

15 Colonel Dikovic was not flying Yugoslav airlines, he was flying Lufthansa

16 this afternoon, there were no JAT flights, but I believe the VWS people

17 said they booked General Stojanovic on a flight tomorrow.

18 JUDGE BONOMY: In one sense, Mr. Stamp, your question is

19 immaterial because it is finishing time tonight unless you were going to

20 rush something in if the pressure was on. Is that what you were going to

21 do?

22 MR. STAMP: If because it is my misunderstanding, I thought there

23 might have been a problem with this witness as well.

24 JUDGE BONOMY: It sounds like there is, the VWS have arrangements

25 for travel tomorrow, and we are sitting in the afternoon and we don't know

**Page 20070**

1 the time of that travel. That can all be checked when we rise, but just

2 in case there is a problem is there anything particular you wanted to ask?

3 Because you are still well within your time, but this evening we don't

4 have time to sit on. That's the problem.

5 MR. STAMP: Respectfully, I ask that the break be taken now.

6 JUDGE BONOMY: I'm sorry you --

7 MR. STAMP: If the break could be taken now and return to this

8 witness tomorrow. The misunderstanding is this: I thought that the

9 witness had a problem --

10 JUDGE BONOMY: No --

11 MR. STAMP: -- It appears the witness does not.

12 JUDGE BONOMY: No.

13 MR. STAMP: But I know the Victims and Witnesses Unit makes

14 arrangements that their return is flexible, so if that is the only issue

15 there is flexibility in that.

16 JUDGE BONOMY: All right. We shall adjourn now until tomorrow.

17 Mr. Stojanovic, I'm afraid you've got a little further to go

18 before you're finished, and we'll need to return here to complete your

19 evidence tomorrow. That will be at 2.15 again in this courtroom. So

20 would you please now leave the court with the usher and return here ready

21 to resume your evidence at 2.15 tomorrow.

22 [The witness stands down]

23 --- Whereupon the hearing adjourned at 6.59 p.m.,  
24 to be reconvened on Wednesday, the 12th day of  
25 December, 2007, at 2.15 p.m.