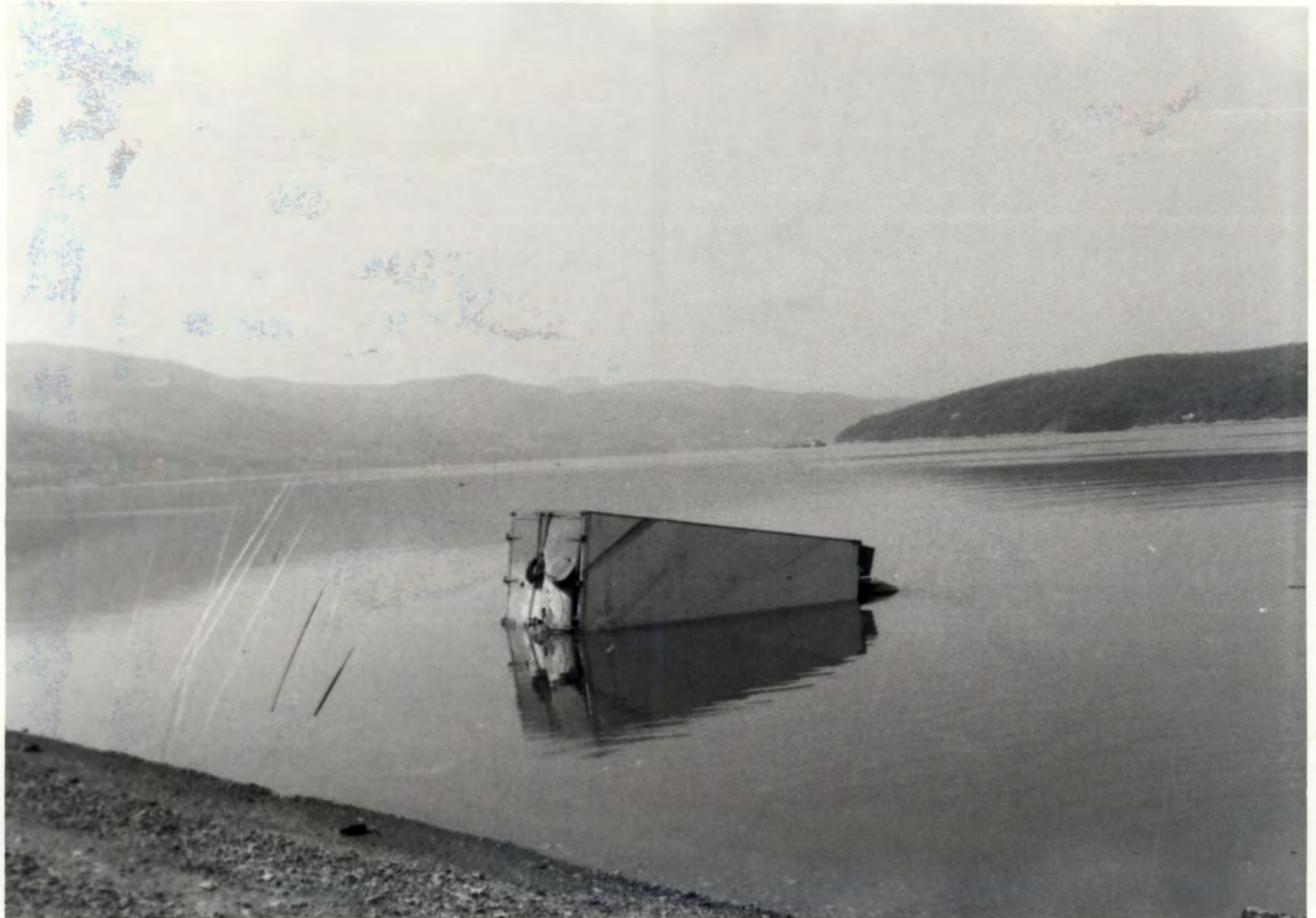


PHOTOGRAPH JZ-1

K0226128



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-1"

Signed.....

Witness.....

PHOTOGRAPH JZ-2

K0226129



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-2"

Signed.....

Witness.....

PHOTOGRAPH JZ-3

K0226130



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-3"

Signed.....

Witness.....

PHOTOGRAPH JZ-4

K0226131



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-4"

Signed.....

Witness.....

PHOTOGRAPH JZ-5

K0226132



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-5"

Signed.....

Witness.....

PHOTOGRAPH JZ-6

K0226133



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-6"

Signed.....

Witness.....

PHOTOGRAPH JZ-7

K0226134



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-7"

Signed.....

Witness.....

PHOTOGRAPH JZ-8

K0226135



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as **“PHOTOGRAPH JZ-8”**

Signed.....

Witness.....

PHOTOGRAPH JZ-9

K0226136



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-9"

Signed.....
Dragan Karleuša

Witness.....
Zoranic

PHOTOGRAPH JZ-10

K0226137



This is a copy of the photograph mentioned in the statement of Captain Dragan KARLEUŠA and referred to as "PHOTOGRAPH JZ-10"

Signed.....

Witness.....



Page 8296

1 Monday, 22 July 2002

2 [Open session]

3 [The accused entered court]

4 [The witness entered court]

5 --- Upon commencing at 9.05 a.m.

6 JUDGE MAY: Mr. Milosevic, you have half an hour to 40 minutes

7 left with this witness.

8 THE ACCUSED: [Interpretation] I wanted to ask you, Mr. May, to

9 extend my time a little bit, because in the meantime, I received some

10 information, because people have been reacting to this testimony, and it

11 can be easily shown that this witness absolutely is not telling the

12 truth.

13 JUDGE MAY: Let us see how we get on. But at the moment, it's 30

14 to 40 minutes.

15 WITNESS: WITNESS K32 [Resumed]

16 [Witness answered through interpreter]

17 JUDGE MAY: I should say this: The transcript is not working at

18 the moment. A transcript is being taken, but it's not running on our

19 screens, and that's why you're getting it blank. It will apparently be

20 repaired, it's hoped, by the break. We don't want to hold up the trial.

21 Yes, Mr. Milosevic.

22 Cross-examined by Milosevic: [Continued]

23 Q. Since you presented inaccurate information regarding the

24 activities of your unit, I have several questions in connection with

25 that. Do you know that in your unit during 1998 and 1999, 63 members of

Page 8297

1 this unit were killed and 300 were wounded?

2 A. I know about a small number who got killed, not a number that big,

3 no. And the troops were getting killed for no good reason whatsoever on

4 our side. And as for the KLA, I don't know about that.

5 Q. I don't know what this means that "the troops were being killed

6 for no good reason whatsoever." What does that mean?

7 A. How do I explain this to you? For example, I know of a particular

8 case when soldiers were driving in a military vehicle and then one soldier
9 got killed by another soldier. His rifle went off and killed him by
10 hitting him in the head.

11 Q. All right. You explained that, that soldiers were being killed
12 because of the poor organisation.

13 A. Yes, that's it.

14 Q. And I'm telling you that 63 were killed and 300 were wounded. Are
15 you trying to say that these were not casualties due to combat but that it
16 happened due to poor organisation, that they killed each other and wounded
17 each other?

18 A. As for this figure that you've given, it's not correct.

19 Q. All right. There are official data to prove this. However, do
20 you know that in the area that this unit was in, that is to say Prizren,
21 Suva Reka, Orahovac, and Djakovica, 230 soldiers and 72 members of the
22 police got killed in combat with the KLA and in the bombing, and 538 were
23 wounded?

24 A. That's not correct.

25 Q. All right. And do you know, in connection with those lootings,

Page 8298

1 and you said that you took part in them as well because you were seizing
2 goods from shops without paying these goods. You said that you did that
3 too; right?

4 A. Yes.

5 Q. Do you know that proceedings are under way before the military
6 court in Nis against 45 members of your unit and the entire brigade? As
7 for the entire brigade, it's over 300. And two are being tried for
8 murder.

9 A. I don't know about that.

10 THE ACCUSED: [Interpretation] Please, there is a list here, a list
11 of persons submitted to the Court in relation to what this witness has
12 been speaking about. This testifies to the fact that he has not been
13 saying the truth, and I would like to have this admitted into evidence, if
14 you want to take it, of course.

15 JUDGE MAY: Very well. Let the list be produced. Yes. It can be
16 shown to the Prosecution. Yes, we'll go on and the Prosecution can have a
17 look at that.

18 Mr. Usher, if you'd like to sit down.

19 THE ACCUSED: [Interpretation] All right.

20 MR. MILOSEVIC: [Interpretation]

21 Q. In relation to the two prisoners, do you know that in addition to
22 having civilian trousers that they had KLA uniforms on the upper part,
23 also flak jackets and automatic rifles, vests and also ammunition?

24 A. I did not see that. They had jackets on.

25 Q. All right. What you did see or what you did not see is something

Page 8299

1 that we explained last time.

2 Do you know that the house that was hit by a tank in the village
3 of Mece, as you described it, was not in the village of Mece at all? It
4 was at the entrance into the village of Granovik.

5 A. I showed the house and they said it was the village of Mece.

6 Q. Who said that to you? How come? Where's the house? How do you
7 know about all of this?

8 A. I was there. I've been telling you that very nicely.

9 Q. Is it true that this house was turned into a bunker and on the
10 northern side it had sandbags?

11 A. That's not correct.

12 Q. And on the other side it had a trench that was dug and from that
13 house the KLA kept under fire the police checkpoint and the bridge. Is
14 that right or is that not right?

15 A. That's not right.

16 Q. What was that?

17 A. It is not right.

18 Q. But that's what it says in the official reports, Mr. K32?

19 A. It seems to me that you've got everything, don't you.

20 Q. Is it correct that the fighting in the village of Mece went on for
21 three days and that the KLA attacked from position 385 from Rakovina?

22 A. I don't know, but I do know that we were there for three days.

23 Q. Do you remember that anybody got killed? For example, a
24 policeman.

25 A. I know that a policeman was wounded. Whether he was killed, I

Page 8300

1 really don't know.

2 Q. The name of the policeman is Lilic. He's from Belgrade?

3 A. I don't know whether he got killed, but anyway --

4 JUDGE MAY: You must pause, both of you, between question and
5 answer. Yes. Next question.

6 MR. MILOSEVIC: [Interpretation]

7 Q. All right. Since you claim that you were listening to various
8 communications, how were these communications upheld?

9 A. By radio transmitters, the small ones.

10 Q. Oh. And I have information here stating that radio communications
11 were forbidden and that communications were only going through the local
12 PTT cable and the relay.

13 A. Then -- well, I was only blind and deaf.

14 Q. I don't believe that because you look very healthy to me. It must
15 have been a different reason?

16 A. Well, of course I saw it.

17 JUDGE MAY: Mr. Witness K32, now, you may find it irritating to be
18 asked these questions, but nonetheless, can I remind you you're in a
19 court. Just answer them. If you disagree or if it's not true what is
20 being put to you, just say it's not true.

21 THE WITNESS: [Interpretation] Yes.

22 MR. MILOSEVIC: [Interpretation]

23 Q. All right. What was the code that the brigade commander used when
24 you listened to him speaking? You said that it was by way of a radio
25 transmitter, whatever. What was his code? Did he use his name and

Page 8301

1 surname or did he use a code name?

2 A. A code name. A code name. There is also a password for this but
3 I can't remember the password.

4 Q. What was that?

5 A. I cannot remember the password.

6 Q. So you can't remember what he used but you remember what he was
7 saying.

8 A. Well, so many years have gone by. I can't remember every little
9 detail.

10 Q. Is it correct that your father who came to visit you in Nis and
11 who then took you to the army was involved in transferring Albanians to
12 Plav and then towards Italy?

13 A. No.

14 Q. And he took money for this endeavour?

15 A. No.

16 Q. There is information about this, data to prove it. And is it
17 correct, Mr. K32, that the main link was a certain Bujevic, sorry, Rujevic
18 with a "R," Rujevic, a tinsmith from Pec whose nickname was Bajo?

19 A. No.

20 Q. And he was staying with you during the NATO address while his
21 brother was in Pec throughout and later on got a job with the UNMIK police
22 in Kosovo.

23 A. No.

24 Q. Is it correct that they tried to get you to testify here in order
25 to settle your accounts and so that they would forgive you your debts?

Page 8302

1 A. No.

2 Q. It is precisely this Rujevic --

3 A. No, no, no.

4 Q. Oh, no. Right. Okay. You said that the terrorists were not very
5 well-armed and that they had hunting guns for the most part.

6 A. Well, I did see one hunting gun.

7 Q. All right. Please take a look at the information contained here,
8 what was seized at the state border, May 1998, December 1998. I'm going
9 to submit this into evidence. It only refers to this unit. Let me just
10 quote a few items from this list. Automatic rifles, 762, Chinese made,
11 418 of them. Semi-automatic rifles, Chinese made, 453. Ammunition, for
12 example. There are different items here. There are a hundred items. But
13 ammunition, 114.550 pieces. Then in boxes in crates, how many hundreds of
14 crates. Albanian ammunition of different calibres. 111.152, et cetera,
15 et cetera. Mortar mines, 60 millimetre, 117 cumulative mines, Chinese
16 made, 271, et cetera, et cetera. Bullets for 127 heavy machine-gun
17 Browning, and then another heavy machine-gun, 10.000, et cetera.

18 JUDGE MAY: Let the witness answer, Mr. Milosevic.

19 Witness K32 --

20 Just a moment.

21 Witness K32, do you know anything about this list which is being
22 read out or anything about these type of arms for the KLA?

23 THE WITNESS: [Interpretation] I know that we found weapons. What
24 Mr. Milosevic mentioned, as a matter of fact.

25 THE ACCUSED: [Interpretation] Could you please take this into

1 evidence and also as proof that the witness is not telling the truth.

2 JUDGE MAY: That is matter of comment and that will be for us to
3 decide, but we will certainly take the document. Show it, please, to the
4 Prosecution.

5 Yes.

6 MR. MILOSEVIC: [Interpretation]

7 Q. Tell me, how many times in March and April 1999 were you at
8 Vrbnica, the Vrbnica border crossing, and what business did you have
9 there?

10 A. At the Vrbnica border post?

11 Q. Yes, yes.

12 A. A few times. A few times. I can't remember exactly.

13 Q. All right. We were talking about the village of Mece. And tell
14 me now, you say that your combat group was the second combat group and
15 that it was in the village of Damjane; is that correct?

16 A. Yes. Yes, yes.

17 Q. And do you know that in the village of Damjane was the 3rd combat
18 group, not the 2nd combat group?

19 A. As far as I know it was the 2nd combat group.

20 Q. All right. Where were the troops put up in the village of
21 Damjane?

22 A. In houses, in abandoned houses and in the schools too.

23 Q. In houses?

24 A. Yes, yes.

25 Q. In the village of Damjane?

1 A. Yes, yes.

2 Q. And as far as I know, it is correct that the army were staying in
3 the cooperative building outside the village and also in metal containers
4 that were placed to the north.

5 A. Yes, yes. In those containers, too.

6 Q. What was that?

7 A. They were also put up in containers.

8 Q. I asked you were they were put up in containers and you said it
9 was in the school and houses, and now you're saying, yes, in the
10 cooperative and in the containers the way I put it. So this is completely

11 different?

12 A. It was in the schools and in the houses and in the containers.

13 Q. All right. All right. Since you say that the army was in

14 Albanian territory, two kilometres into Albanian territory, were you ever
15 at the border?

16 A. No, no. I was nearby.

17 Q. Were the border buildings in front of you?

18 A. Well, yes. I was they border post myself.

19 Q. Well, if these buildings, these huts at the border were right in
20 front of you and if you were facing Albania, how were you then in the
21 territory of Albania itself?

22 A. I know that soldiers told me that they got into Albanian
23 territory, two kilometres into Albanian territory.

24 Q. Oh, somebody got in.

25 A. Yes.

Page 8305

1 Q. That's what you're claiming?

2 A. No, it's not that what I'm claiming. That's what I know.

3 Q. How many persons got killed from the ranks of this 3rd combat unit
4 in the village of Damjane, from your unit in particular?

5 A. One person got killed.

6 Q. What was the name of that soldier?

7 A. I don't know.

8 Q. Do you remember Petar Markovic?

9 A. No.

10 Q. And do you remember the other two soldiers who also got killed?

11 A. No. I know, as concerns one of them, that a container fell,
12 toppled, and killed him that way.

13 Q. All right. Did you see Colonel Delic while the fighting was going
14 on near Retimlje and Mamusa?

15 A. No.

16 Q. Because there was no fighting in your area.

17 A. No.

18 Q. So you do not have information about the soldiers who were
19 killed. You have no information about the members of the MUP.

20 THE ACCUSED: [Interpretation] I am going to tender a list of
21 soldiers who were killed in this area that this protected witness of

22 yours, K32, has been testifying about. There's also a list of members of
23 the Ministry of the Interior who got killed.

24 JUDGE MAY: Yes.

25 THE ACCUSED: [Interpretation] Also in that territory.

Page 8306

1 MR. MILOSEVIC: [Interpretation]

2 Q. Tell me, you stated that an NCO, together with his soldiers,
3 killed about 15 civilians?

4 A. Something like that.

5 Q. What was the name of this non-commissioned officer and what unit
6 did he come from?

7 A. I mentioned that in my statement.

8 Q. I can't hear you.

9 A. I mentioned that in my statement.

10 Q. Tell me what his name was if you mentioned his name in your
11 statement.

12 A. Rajko.

13 Q. His name was Rajko? And do you know that everybody wants to
14 testify about the fact that you lied about this killing of a civilian and
15 that that is a notorious lie?

16 JUDGE MAY: Mr. Milosevic, that is a comment, as you know. Now,
17 you can put to him, if you want, that his evidence isn't true and then he
18 can answer it, but running comments of that sort do not help and are not
19 permissible.

20 THE ACCUSED: [Interpretation] All right, Mr. May.

21 THE WITNESS: [Interpretation] Mr. Milosevic --

22 JUDGE MAY: What's suggested is that you haven't told the truth
23 about the killing of the civilian by the NCO. Now, you can answer that.

24 THE WITNESS: [Interpretation] That is the truth about the murder
25 of those civilians. That's the truth. And there are more witness who is

Page 8307

1 can testify to that, people who were together with him.

2 MR. MILOSEVIC: [Interpretation]

3 Q. You, Mr. K32, explained that approximately in this way, if I
4 remember correctly and if I made correct notes on Wednesday, they killed a
5 mother and her baby and 13 or 15 civilians, that all soldiers were
6 shooting, that you were there and that everybody was shooting except for

7 you. You were the only one who wasn't shooting.

8 A. I was shooting too, but not at the civilians.

9 Q. All right. All right. You were everywhere and you heard Delic
10 everywhere?

11 A. I didn't hear Delic then.

12 Q. And then you said that on orders, you set a house on fire. Is
13 that correct? And then you were asked how you set that house on fire. Do
14 you know that you disappointed them a great deal when you said you used a
15 lighter, because we have heard here many times that there were special
16 rifles for that purpose.

17 A. I used a lighter to torch that house.

18 Q. So you claim that you saw that murder, this assassination of the
19 15 civilians.

20 A. I didn't see it, but I was close by. However, I saw another five
21 persons who were killed.

22 Q. Wait a second. You claim that you took part in this killing of
23 those 15 civilians with a proviso that you were not shooting at them. You
24 say that you were shooting at the roof.

25 A. That's not what I said. I didn't say that I was there.

Page 8308

1 Q. You didn't?

2 A. No. I said I was close by, and I was shooting.

3 Q. Look, did you see the murder of those 15 civilians or not?

4 A. I saw dead civilians.

5 Q. What did you say?

6 A. I saw dead civilians.

7 JUDGE MAY: Yes.

8 MR. MILOSEVIC: [Interpretation]

9 Q. You say you saw dead civilians, which means you didn't see their
10 killing. How can you claim then that you know who killed them? You know
11 the name of the sergeant when you didn't see the incident.

12 A. I saw the sergeant and his soldiers there, so it means that it was
13 them.

14 Q. So it's your conclusion based on that -- I see. Could then
15 somebody else come to the conclusion that it was you who killed them since
16 you were there and you were seen?

17 A. If I happened to be there, somebody could conclude that I killed

18 them.

19 Q. But you didn't kill them.

20 A. I didn't say they killed them. I saw they were there.

21 Q. They were close by?

22 A. No, that they were exactly there where those people were.

23 Q. All right. I see -- I think that this matter is now clear. Let's

24 go on.

25 You said on the 4th of March you were quartered in the village of

Page 8309

1 Trnje; is that correct?

2 A. Not on the 4th.

3 Q. I can't hear you.

4 A. On the 24th.

5 Q. Oh, I see, on the 24th. I had heard you saying the 4th.

6 A. No.

7 Q. Until the 25th of March, in the area of Trnje village, there was

8 no police or army units.

9 A. There were on the 24th. Oh, I'm sorry. On the 24th, the bombing

10 started, which means we left our barracks on the 24th, and on the 25th we

11 went there.

12 Q. So now you agree with what I'm saying.

13 JUDGE MAY: The witness said on the 25th of March, in his

14 evidence, about Trnje that he received an order to go there to cleanse the

15 village.

16 MR. MILOSEVIC: [Interpretation]

17 Q. And in the operation near Retimlje and Studencane when you were in

18 Trnje village, did somebody from your brigade get killed?

19 A. No.

20 Q. And did you hear about the deaths of three soldiers, Slobodan

21 Gasparic, Bojo Jovanovic, and Vladimir Mirkov, and eight other soldiers

22 who were wounded?

23 A. No, I didn't hear about that.

24 Q. You didn't? Did you hear about two MUP members that were killed,

25 Ivica Spasic and Zeljko Kirkner, and seven wounded policemen?

Page 8310

1 A. I didn't hear about that either.

2 Q. All right. Tell me, you were a soldier. Are you familiar with

3 the rules of the service of the army of Yugoslav, being a soldier?

4 A. What do you mean?

5 Q. As a soldier, during your training you had to be familiarised with
6 the rules of your service.

7 A. Yes, yes.

8 Q. Do you know that those rules of service set out very clearly that
9 a soldier must not execute an order which constitutes a crime, a criminal
10 offence, and must instead inform his superior officer about such orders,
11 somebody superior to the person who issued the order in the first place.
12 Do you know about this rule?

13 A. I don't quite understand your question.

14 Q. All right. Since you were constantly in the vicinity of Delic --

15 A. I wasn't all the time.

16 Q. Since you were a driver, who were the drivers? What were the
17 names of the drivers who served Delic in 1998, 1999?

18 A. One of them was from Bijelo Polje, and I don't know his name.

19 Q. Okay. What was the name of the driver of Delic's who was wounded
20 during the attack of Albanian terrorists on the vehicle? Do you remember
21 at least that? He was a colleague of yours.

22 A. That the driver was -- was wounded while I was on record as a
23 deserter. That was the first driver who was wounded.

24 Q. All right. Tell me, how come that your unit was able to shoot at
25 Jeskovo village when from their position, they couldn't even see the

Page 8311

1 village?

2 A. They could. They could. It's a village situated in a
3 depression. There are no more than 15 houses in it.

4 Q. Here you have a map indicating those positions, including a
5 legend. You can see Jeskovo village there and you can put it also on the
6 ELMO, if you wish, of course, to use it.

7 Do you have any idea how much ammunition you spent when you were
8 shooting for half an hour?

9 A. No.

10 Q. You don't, do you?

11 JUDGE MAY: Let's go back to this map. If it goes on the overhead
12 projector, we can all see it.

13 Yes. Mr. Milosevic, what's the point about this map, what it

14 shows?

15 THE ACCUSED: [Interpretation] I wanted to say that the position of
16 his unit was such that they were unable to even see the Jeskovo village
17 from it. And secondly -- but I'll ask him about it anyway.

18 MR. MILOSEVIC: [Interpretation]

19 Q. Since all the terrorists were wearing uniforms and were
20 well-armed, where did you see civilians?

21 A. I saw them moving around the village.

22 JUDGE MAY: Well, now --

23 THE WITNESS: [Interpretation] At 8.00 in the morning.

24 JUDGE MAY: Let's stay with this map for a moment. We've got it
25 here. Mr. Milosevic, where does it come from?

Page 8312

1 THE ACCUSED: [Interpretation] I got it from my associates or,
2 rather, through my associates from Belgrade over the weekend. I got it
3 this morning, rather, because I can't see my associates during the
4 weekend, according to your rules. I got this map this morning, and it was
5 drafted by competent people who have in their position official data about
6 the events concerned. And all data indicate that this witness is not
7 telling the truth.

8 JUDGE MAY: Yes. You said that. Now, we can see a marking with
9 "Delic" on it. Is that where the unit was supposed to be?

10 THE ACCUSED: [Interpretation] As it is described on the map, that
11 is the real situation. That is the reality concerning the positions of
12 units.

13 JUDGE MAY: We can see the village above where Delic is supposed
14 to be, Jeskovo.

15 Now, can the witness help us with this: Does that set out the
16 position as you remember it or not?

17 THE WITNESS: [Interpretation] No. This map is inaccurate.

18 JUDGE MAY: Can you help us what the real position or not?

19 THE WITNESS: [Interpretation] The real position -- that was --
20 that was it, not here.

21 JUDGE MAY: Where were you?

22 THE WITNESS: [Interpretation] That was where Delic was, and we
23 were around here.

24 JUDGE MAY: Yes. And did you go into the village?

25 THE WITNESS: [Interpretation] We did. We did.

Page 8313

1 JUDGE MAY: Yes. Well, let that also be exhibited. It may be
2 sensible to have some numbers. I will ask the Registrar to deal with
3 that.

4 MR. RYNEVELD: If I just might at this point: We've been shown a
5 series of some three other sets of documents and then this map. No
6 problem with the map, but with the other documents, I want to point out
7 that, A, they're not translated; B, they were not shown to the witness.

8 JUDGE MAY: Well, we'll admit them subject to objection in due
9 course.

10 MR. RYNEVELD: Could they perhaps be marked for identification?
11 Especially the first document. It appears to be something that should be
12 shown during the part of the Defence case. I mean, I don't really object
13 to them, I just don't know what they are. And they weren't shown to the
14 witness. Their probative value certainly has not been established.

15 JUDGE MAY: Just a moment --

16 THE ACCUSED: [Interpretation] Well, show them, please.

17 JUDGE MAY: We'll mark them for identification, and the map we'll
18 mark as an exhibit. In due course they can be established or not. I
19 don't think there's much point showing them to the witness; they're simply
20 lists. Yes, let's go on in that way.

21 THE REGISTRAR: The first list, Your Honours, will be marked for
22 identification as Exhibit D23, the second list will be marked for
23 identification as D24, and the third list will be marked for
24 identification as D25, and the map will be marked as D26.

25 MR. MILOSEVIC: [Interpretation]

Page 8314

1 Q. Very well. So I assert that all the terrorists were wearing
2 uniforms and were well-armed. And I'm asking you, where did you see
3 civilians, in view of the fact that, according to my information, the
4 civilians were located in villages Lodja, Zagradaska, Biluca and Pociste
5 and nobody ever touched them?

6 A. I never -- I don't remember ever saying that.

7 Q. I'm not saying you stated that. I'm saying that that is my
8 information, whereas you say that you had seen civilians there.

9 A. Yes, I did see civilians.

10 Q. And was the entire event monitored by OSCE representatives?

11 A. They couldn't monitor it because we didn't allow them to.

12 Q. Do you know that three OSCE vehicles were present there from 9.00
13 a.m. to 7.00 p.m.?

14 A. They were at the entrance to the village and the army didn't let
15 them go any further.

16 Q. You mean they were not on the site where the immediate shooting
17 took place?

18 A. That's what I mean.

19 Q. But how did you see them?

20 A. When we were withdrawing, retreating, Mr. Milosevic, we saw them
21 parked as an intersection far away from the village, and the army wouldn't
22 let them pass further.

23 Q. How do you know the army didn't let them pass any further?

24 Because in my report it says that the precise event that you describe was
25 attended by three OSCE vehicles and representatives from 9.00 a.m. to 7.00

Page 8315

1 p.m.

2 A. I know more about it, Mr. Milosevic, than you do because I was
3 there, and what your report says is not true. I understand that you are
4 defending yourself.

5 Q. Let's not go into whether you understand me or not. It's quite
6 obvious that you don't -- you're not telling the truth.

7 A. This is the truth and the whole truth. Let those people confirm
8 that the army wouldn't let them pass through.

9 Q. You claim, on page 6, in paragraph 2 of your statement that you
10 were ordered, when the NATO bombing started, to mop up Albanian villages
11 and to order everyone to leave Kosovo and go to Albania. That is what you
12 write. But you say in essence most of those people were actually killed.

13 A. I didn't state that.

14 Q. What?

15 A. I didn't state that, but that's what it was like. That's what
16 happened. Unless you did something.

17 Q. I didn't add anything to your statement. On page 6, it says: "We
18 were told that an order had been issued to mop up, to clear out Albanian
19 villages and tell everyone to leave Kosovo and go to Albania, but in
20 practice, most of those people were killed."

21 So were you or were you not telling the truth when you said that?
22 A. I don't know what they actually noted, but what I said was that
23 villages which were evacuated where people were expelled in Kosovo -- how
24 shall I explain this? Everybody was driven out, told to go to Albania.
25 We had orders to expel all civilians and drive them towards Albania.

Page 8316

1 Q. Did you get an order to the effect that you should drive everyone
2 out and tell them to go to Albania?

3 A. We did have such orders. I didn't receive them personally, but
4 the army did.

5 Q. I understand, but you were part of that army.

6 A. Yes. I took part in that.

7 Q. Did you hear the order being issued to drive people out to
8 Albania?

9 A. I did.

10 Q. Who issued the order?

11 A. Those NCOs of ours.

12 Q. Do you know that at the given your statement you said: "Delic
13 said that those people should be removed from the village and that he's
14 not interested in where they were going to go.

15 A. Mr. Milosevic, you are now using the statement about the period
16 before the bombing or about the period during the bombing, and you are
17 confusing me by jumping from one to the other.

18 Q. I don't understand what you're saying?

19 JUDGE MAY: The point that he makes, so you can understand it, is
20 this: that Delic's order was given in an earlier period. The period that
21 you were asking him about is the period of the NATO bombing, and what he
22 complains of is that by jumping from one to the other you're confusing
23 him. The Court can understand that.

24 THE WITNESS: [Interpretation] Yes, that's right.

25 MR. MILOSEVIC: [Interpretation]

Page 8317

1 Q. Fine. So your NCO told them to drive them out to Albania?

2 A. Yes.

3 Q. Did you do that?

4 A. We did.

5 Q. So you expelled them and saw them off too?

6 A. I was an eyewitness to an incident where a woman was told to go to
7 Albania, and we killed her father, her grandfather, and her brother. I
8 know that for sure.

9 Q. So you escorted those villagers from the village to the Albanian
10 border?

11 A. No, we didn't escort them. We just told them to go away.

12 Q. You just told them to go.

13 A. Yes. We had no need to escort them because they had company.

14 Q. You are saying that basically most of those people were killed,
15 that's what you said. So who went to Albania if most of them were killed?

16 A. Honestly, when the bombing started, Mr. Milosevic, the first five
17 days, killings took place in villages where I was. And later, I would run
18 into columns of people who were forced to go to Albania. They didn't go
19 there of their own free will.

20 Q. Okay. I understand now. Columns of people filed away to
21 Albania. How could they have formed columns if you said you killed most
22 of them?

23 A. We didn't kill all of them. We didn't kill all of them. A small
24 part of them was killed in the first five days.

25 Q. But it is your assertion that most of them were killed and a small

Page 8318

1 number were sent to Albania.

2 A. That's not my assertion. I said something different.

3 Q. What did you say?

4 A. You keep confusing me.

5 JUDGE MAY: Mr. Milosevic, you've now had the 40 minutes
6 allotted. We will give you another ten. If you ask too many questions of
7 a witness, he will become inevitably confused, particularly if you put
8 confusing things to him. So keep it separate, these questions, and keep
9 them clear.

10 THE ACCUSED: [Interpretation] I thought I was asking very clear
11 questions, Mr. May.

12 THE WITNESS: [Interpretation] No, you were not being very clear,
13 you know.

14 MR. MILOSEVIC: [Interpretation]

15 Q. On page 6, in paragraph 2, you say -- however, before that, you
16 said that you had said something different. Those were your words. What

17 was it you said actually?

18 A. In which paragraph?

19 Q. Not in any paragraph, but when I asked you whether it was your
20 assertion that most of those people were killed and a small part of them
21 was expelled to Albania, so those are two versions --

22 A. Those are not versions, Mr. Milosevic. In the first -- we are
23 talking now about the time of the bombing. In the first five days, there
24 were killings of civilians in villages. Five days later, we retreated to
25 our barracks, and it is common knowledge who issued orders to people to

Page 8319

1 leave their villages and go to Albania. That's the PJP, the special
2 police units. You know that.

3 Q. Okay. You say that when you entered the village, you split up
4 into teams. Give me the names of the soldiers who were in your team.

5 A. The names of the soldiers?

6 Q. In your team, yes.

7 A. I can't give you their names. I can't give you their names. They
8 will come here and sit in this chair.

9 Q. You say that in every house certain groups of soldiers killed
10 people.

11 A. Naturally.

12 Q. What did you say?

13 A. Naturally. They didn't come there for no purpose at all.

14 Q. What do you mean?

15 A. The army killed people, Mr. Milosevic.

16 Q. That means that all the inhabitants of the village of Medevce were
17 killed.

18 A. That's correct, all of them, all that we found there.

19 Mr. Milosevic, one thing; I meant Trnje village in the context of what
20 you've just said.

21 Q. So you mean all the locals of Trnje village were killed?

22 A. Yes, all who were there when we got in.

23 Q. And that happened when you split up into groups and killed them?

24 A. Yes. They tried to run across the fields and run away.

25 Q. But when you talk about dead bodies, you say that you saw five

Page 8320

1 dead bodies which you went somewhere to bury.

2 A. No, not above the village but away from the village.

3 Q. You say five people?

4 A. No, not five people, five women.

5 Q. Five women? You said that they were buried precisely by those who
6 killed them.

7 A. They were with us.

8 Q. What?

9 A. They were with us. They were watching us bury them.

10 Q. Let me just check this in your statement, because this is the
11 first time I hear you mention five women. I want to see if that's what
12 you wrote.

13 A. Five women.

14 Q. Here you say on page 7: "We drove to the far end of the village."
15 The captain ordered you to collect the bodies of women and children and
16 the elderly. "However, the bodies of the children and most of the women
17 were no longer there."

18 A. Yes.

19 Q. And then you mention these five bodies. So if that was indeed the
20 way it happened, how come you had only five people killed? If that was
21 such a mass killing with teams romping around the village and killing
22 people all day, how come there were only five?

23 A. Because we only found there three elderly men and five women. And
24 before we came, somebody took away the rest.

25 Q. Don't you think this -- please look at this part of your

Page 8321

1 statement. It is good for the public to hear this, although they can't
2 see your face.

3 You say on page 6: "There were no incidents of rape..." You say,
4 "There were no incidents of rape, but only because there was no time for
5 that. Had there been time, that would have occurred too."

6 A. It surely would.

7 Q. Do you know about rapes? Had there been any rapes?

8 A. No, there weren't any, but if we had had time, there would have
9 been rapes.

10 Q. Now, please explain. How did you come to the conclusion that
11 something that never happened would have happened had there been time?

12 JUDGE MAY: We'll just pause one moment. Yes.

13 THE WITNESS: [Interpretation] Mr. Milosevic, a soldier who killed
14 a young girl in that same village, one soldier whose last name was
15 Milosevic --

16 MR. MILOSEVIC: [Interpretation]

17 Q. You mean to say I was there too?

18 A. No. He was from Kosovo himself. He moaned and cried because he
19 had killed her.

20 Q. You mean he cried because --

21 A. Because "I didn't get to rape her first." He killed her before
22 she was raped.

23 Q. You say that some soldiers were with you from Montenegro. Tell me
24 the names of those soldiers from Montenegro so that we can hear from
25 them.

Page 8322

1 A. I can't tell you the names.

2 Q. Do you know them or do you know --

3 A. I know, but I don't want to tell you.

4 Q. It's your obligation.

5 A. It's not my obligation, because one of those soldiers is supposed
6 to come here and sit in this chair too.

7 Q. Well, tell us at least his name, the one who is coming to
8 testify.

9 A. No. I don't have to say it.

10 JUDGE MAY: The witness declines to do so.

11 Now, Mr. Milosevic, you've got about a minute more, so that's time
12 for two questions.

13 THE ACCUSED: [Interpretation] All right. All right, Mr. May.

14 MR. MILOSEVIC: [Interpretation]

15 Q. At the end, you were saying, and I have to skip a lot of questions
16 here, but ultimately it doesn't really matter because everything is pretty
17 obvious here. You were asked towards the examination-in-chief about your
18 discussions with the commander whom you drove to various meetings. And in
19 response to that, you answered that you really didn't talk to him.

20 A. Well, I didn't talk to him much, but I'm not deaf, and from what
21 he did say I could get an inkling into his thinking.

22 Q. If you didn't talk to him, how could you make any conclusions?

23 Did he talk to himself?

24 A. At one point he said all of those people should be driven out of
25 this country.

Page 8323

1 Q. You heard him say that?

2 A. Yes, he did say that. And in reply to that, I said, "Yes. Yes,
3 of course."

4 Q. And whom did he mean?

5 A. Albanians.

6 Q. Okay. Tell me, did you discuss that with other soldiers?

7 A. No.

8 Q. You didn't?

9 A. No.

10 JUDGE MAY: Yes. Have the amicus any questions?

11 MR. KAY: No, Your Honour.

12 MR. RYNEVELD: Just a couple, if I may.

13 Re-examined by Mr. Ryneveld:

14 Q. Witness, it's been suggested that you've been lying to this
15 Court. Would there be any benefit or any gain to you for coming here to
16 testify?

17 A. Can you put that in clearer terms? I didn't really...

18 Q. Why are you here to testify? How did you come to come to the
19 Court?

20 A. How I did it? Well, let me tell you concretely first and
21 foremost. These women I buried, that we buried, until I spoke of this, I
22 could not get any peaceful sleep. Do you see what I'm saying? That was
23 my objective. And to say all the rest. So that means, you know, these
24 five women that we buried, this tortured me for a long time.

25 Q. All right. Is there any benefit, any gain to you personally for

Page 8324

1 coming here to testify? Did anyone promise you anything?

2 A. No. No, I have no benefit. The only benefit is that my
3 conscience is clear.

4 Q. Thank you, Witness.

5 Questioned by the Court:

6 JUDGE KWON: Witness K32, thanks to the summary offered by the
7 Prosecutor, I notice that you took some investigators to the place where
8 you took the bodies of five women. Did you take them also to the place

9 where you buried them?

10 A. No. No.

11 JUDGE KWON: Why was that?

12 A. Because when we set out, they told me that they had found that

13 immediately and that there was no need for that. So we went elsewhere.

14 The man who was there, he knew about it already. He just asked me to tell

15 him which house they were from.

16 JUDGE KWON: Thank you.

17 JUDGE MAY: Witness K32, that concludes your evidence. Thank you

18 for coming to the International Tribunal to give it. You are free to go.

19 [The witness withdrew]

20 JUDGE MAY: Yes. Wait for the blinds to be drawn up. Yes.

21 MR. NICE: Your Honour, there are a number of administrative

22 matters that it would be convenient to address now, given that we lost

23 time last week and that presently we're scheduled to include sittings on

24 this Friday. I have to make it plain that we have more evidence available

25 for this week than can sensibly be accommodated within the week, and

Page 8325

1 indeed one of the things I'm going to ask the Chamber to at least consider

2 is the possibility of extending the sittings into next week should that

3 be --

4 JUDGE MAY: No. Arrangements have already been made. That is to

5 be part of the preparation time for the next part of this case.

6 MR. NICE: So be it. Then if we can start -- to help the Chamber

7 with its understanding of the decisions I have to make about evidence to

8 be called, if we can start with K34, for whom particular arrangements

9 have, of course, been made. It's very desirable that he should be

10 concluded this week. Indeed, I make that something of a priority. If we

11 allow two days and perhaps one session for him, then that would mean we

12 should start his evidence in the last session on Wednesday. Advancing

13 that notional start time, if there's any matters that have to be taken on

14 Thursday or Friday.

15 The other most substantial witness listed for this week, of

16 course, was K33. He's here.

17 The Chamber has had submitted by him a paper drafted, I think, by

18 his lawyer and with a translation, and I think that the amici have just

19 recently --

20 JUDGE MAY: We haven't had that. Nothing from him.

21 MR. NICE: It came directly to Your Honour on the 19th of July in

22 a letter --

23 JUDGE MAY: I'm sorry. Yes, I have you. Yes.

24 MR. NICE: That identifies an issue that he wants to raise.

25 Really it's an issue between him, I think, and the Chamber, given that

Page 8326

1 he's a witness here under subpoena.

2 JUDGE MAY: If I'm thinking of the right matter, we've made an

3 order in relation to it. But we may be talking elliptically.

4 MR. NICE: The letter of the 19th of July, or the document of the

5 19th of July from K33 explains his difficulties in giving evidence in the

6 absence of the lifting of restrictions on his speaking about state and

7 federal secrets. If you haven't seen it, then you obviously should see

8 it. It has a Registry number on it.

9 JUDGE MAY: It has got lost in the system. It's somewhere in the

10 system. No doubt it's going around the building, but it hasn't come to

11 us.

12 MR. NICE: I'm alarmed that this has happened. Let me explain the

13 position, and K33 knows that I'm going to explain the position and to do

14 so publicly.

15 K33 is the pseudonym for Mr. Lilic, the former president of

16 Yugoslavia, who is here under a subpoena to give evidence and is happy

17 that his name should be known. Happy that it should be known once the

18 time came for him to give evidence, although I gather, as has been

19 happening from time to time, the local newspapers have published this

20 information and indeed published his pseudonym in breach of all sorts of

21 obvious orders of this Court.

22 His concern, and he would like to address the Chamber about it

23 directly himself, is that he is at present in the position of not being

24 able to give evidence about facts or about documents that constitute state

25 or federal secrets without being at risk himself. And his document

Page 8327

1 submitted on the 19th of July deals with this.

2 JUDGE ROBINSON: At risk from whom, Mr. Nice? At risk from --

3 MR. NICE: Prosecution in Serbia --

4 JUDGE ROBINSON: By the national authorities.

5 MR. NICE: Yes, the national authorities. Various steps have been
6 taken since he was first in contact with the Office of the Prosecutor.
7 Various steps have been taken to relieve him of that risk, and it's been a
8 long process and it is only just coming to some conclusion now. But it is
9 not completely resolved, and until it is completely resolved, there would
10 be severe limitations on the evidence that Mr. Lilic can give if he is to
11 be free of the liability and risk that understandably concerns him. And
12 so that's his position.
13 And with a witness who is here under subpoena, it's a position
14 that he should probably identify himself to the Chamber. Indeed, he might
15 even, in certain circumstances, be allowed to be represented by a lawyer,
16 although he has no lawyer with him today, his lawyer having drafted the
17 document that I would invite you in due course to read.
18 That's part of the problem so far as Mr. Lilic is concerned.
19 There is another part of that problem reflected in a filing that I think
20 you have all seen. That comes from another party, that party wishing to
21 have that matter dealt with in closed session, at least at this stage.
22 And I would invite the Chamber, so far as Mr. Lilic is concerned and in
23 order to plan ahead - and I think planning ahead is what's going to be
24 required - to hear from Mr. Lilic so that you can understand his position,
25 and then to hear from the other party.

Page 8328

1 So far as that other party is concerned, I haven't yet seen the
2 document filed here because I think the Chamber made a decision over the
3 weekend to delay serving it on the Prosecution and the amici until this
4 morning. I have to say that I've seen a draft of it having been in
5 discussion with the party concerned on Friday. In discussion with but
6 having no part in the drafting of the document save to suggest to them
7 that if they wanted the matter to be dealt with in closed session, they
8 should put that on top of the document so it shouldn't be missed.
9 So I would be grateful for the opportunity of seeing the document
10 as finally filed, and I would suggest that once the Chamber is acquainted
11 with Mr. Lilic's position and then acquainted with the up-to-date position
12 of the other party, we can plan more confidently how to deal with that
13 very important evidence.
14 JUDGE MAY: But before we go on, there's a more general matter
15 which concerns the Pre-Trial Conference which didn't take place last week

16 and must take place this week.

17 MR. NICE: Indeed.

18 JUDGE MAY: And that must be taken into consideration. That will
19 have to take place on Friday, I would anticipate, at the last possible
20 moment of the week. I don't know if there's any extra time available for
21 sitting this week. I suspect there isn't going to be.

22 The other matter -- I mean, is Mr. Lilic going to tell us anything
23 more than you've told us?

24 MR. NICE: Possibly -- possibly a little more, but I'm concerned
25 that because it is in part a matter between him and the Tribunal, that he

Page 8329

1 should set his position out. It's the witness coming in answer to a
2 subpoena, saying -- well, not I want to set the subpoena aside but, "At
3 present, I can't answer the full terms of a subpoena or the implied terms
4 of this subpoena because of these problems that are outstanding." And of
5 course, although the authorities are cooperating - and I'm delighted that
6 they're cooperating, I'm delighted that they're now indeed prepared to be
7 represented here and to send, later this week, I think, lawyers to assist
8 the Chamber - Mr. Lilic may be require, or alternatively, we on his behalf
9 may be assisted by the Chamber's observations or orders, if it's able to
10 make them, in relation to Mr. Lilic's problem.

11 I can tell you this, that the --

12 [Trial Chamber confers]

13 JUDGE MAY: Let's hear the witness and we'll then consider the
14 matter further.

15 MR. NICE: Your Honour, thank you very much. Although he has been
16 in -- will Your Honour just give me a minute.

17 [Prosecution counsel confer]

18 MR. NICE: Your Honour, although I'm asking that the witness be
19 allowed to speak to you directly, I should say that he's been, of course,
20 with the Office of the Prosecutor over the last few days, preparing the
21 proof of evidence that we hope will reflect evidence he can give in due
22 course. It is by no means finally completed, and I'm quite sure that it's
23 not going to be possible, given all the constraints of time, for his
24 evidence to be started and completed this week. That's clear. So I would
25 ask that his addressing you about his role as a witness doesn't in any way

Page 8330

1 trigger the moment when he can no longer be in touch with us about the
2 substance of his evidence for it will still be necessary for us to deal
3 with him on those issues.

4 JUDGE MAY: So you're saying that even if we do start his
5 evidence, we can't complete it this week.

6 MR. NICE: Not given the time constraints that there are and not
7 given the priority that I have put on K34 being completed this week, for
8 other reasons of which the Chamber will be aware, practical reasons, that
9 I judge must have priority.

10 JUDGE MAY: Yes. We will hear Mr. Lilic on this narrow point. He
11 need not be under any form of declaration for this. He won't be treated
12 as a witness.

13 I suppose one thing we'll have to consider is whether it's worth
14 calling him at all in those circumstances.

15 MR. NICE: I beg Your Honour's pardon?

16 JUDGE MAY: Whether it's worth calling him at all.

17 MR. NICE: Well, Your Honour, we're in Your Honour's hands, of
18 course, but I know that he would like to make his position plain.

19 JUDGE MAY: Well, we'll certainly hear him on that point.

20 MR. NICE: Yes. And I think that one of the problems is that the
21 document which has been submitted on Friday -- and I am truly concerned
22 that it hasn't found its way to you --

23 JUDGE MAY: It has now.

24 MR. NICE: Oh, good. It is translated, but actually the
25 translation, for whatever reason, is itself not entirely easy to follow in

Page 8331

1 parts. And for my part in particular, the discrimination that's made in
2 the document between the various state bodies and federal bodies concerned
3 is not entirely clear. I'm sure this isn't the fault of the original
4 document; it may be a consequence of the translation, I just don't know.
5 It will probably be easier to hear from him.

6 JUDGE MAY: Yes. Well, we'll hear Mr. Lilic, then.

7 MR. NICE: While he's being brought in, to save time, so far as
8 the other party is concerned who wishes to be heard in closed session, my
9 information is that they have a representative here to address you today
10 in respect of their filing, should you wish it, but he -- he may or may
11 not be a lawyer, but he's not the lawyer that they would wish to have

12 address you for purposes of full legal argument. And the paper that
13 they've submitted, or the submission that they've made contains
14 interesting arguments which require a little research, particularly the
15 topic of state dignity, which you will have seen referred to. And they
16 told me yesterday that they intend to send a lawyer possibly Tuesday or
17 Wednesday so that that matter could be more fully ventilated with the
18 assistance of their legal representations later in the week.

19 All these -- all these matters, of course, mean that the start
20 time for K34 may have to be accelerated or advanced if other matters are
21 going to have to happen before the end of the week.

22 [Mr. Lilic entered court]

23 JUDGE MAY: Mr. Lilic, we're not going to ask you to make a
24 declaration. If you'd like to take a seat.

25 Mr. Nice, since this is a Prosecution witness, you may want to

Page 8332

1 start the proceeding.

2 MR. NICE: Yes, thank you, Your Honour.

3 Mr. Lilic, you're not being invited to take the solemn declaration
4 at the moment because you're here simply to explain your position to the
5 Chamber so far as giving evidence generally is concerned. I have to tell
6 you that the filing of yours dated the 19th of July - last Friday - did
7 not find its way to the Judges before this morning's hearing so they have
8 not yet had an opportunity to consider it, and it may be the easiest
9 course for you to explain your position as to giving evidence generally
10 and the constraints that you believe exist on giving evidence and how
11 those constraints may, in due course, be lifted. If you could explain
12 your position briefly to the Chamber, that would assist.

13 MR. LILIC: Thank you very much, Mr. Nice.

14 Mr. May, by your leave, may I inform you at least in a few
15 sentences about the core of this problem?

16 JUDGE MAY: Yes.

17 MR. LILIC: Mr. May, Your Honours, according to your order of the
18 5th of July that was handed over to me on the 11th of July through the
19 District Court in Belgrade, I am before the Prosecution of the Tribunal as
20 a witness. I wish to point out that my presence in The Hague is an
21 expression of my respect for a UN institution, for the Trial Chamber, and
22 for you personally, and my objection to the Trial Chamber is a product of

23 the need to protect myself and my family from the very serious sanctions
24 stipulated by the Criminal Code of Yugoslavia, due to the fact that the
25 Federal Ministry of Justice, the Federal Government, and the Supreme

Page 8333

1 Defence Council of the Federal Republic of Yugoslavia did not act in
2 accordance with the recommendations that were handed over to Mr. Markovic,
3 the federal Minister of Justice, by Mr. Nice on behalf of the Prosecution
4 on the 4th of July, 2002 and about which there is an official document,
5 and I'm sure that Mr. Nice can interpret that.

6 I wish to avail myself of this opportunity to point out that I
7 have no objections with regard to the work of the investigators and the
8 prosecutors of the Tribunal. On the contrary, the understanding of the
9 prosecutors of the seriousness of the situation that I happen to be in
10 because of the rather strange, I would say, behaviour of the government of
11 Yugoslavia, the authorities of Yugoslavia, and also the effort made by the
12 Prosecution in order to redress every possible misunderstanding make it
13 incumbent upon me to thank them for their understanding.

14 The core of the problem is that, from Belgrade, there are no
15 concrete or clear decisions with regard to the testimony or giving
16 evidence or against it. At least, I'm not aware of any such decisions and
17 no such decisions have been made available to me. Therefore, I have been
18 compelled to address the Trial Chamber for these reasons. I personally
19 believe that it is in the interest of my country and the people that I
20 belong to that the truth be presented in public before this Trial Chamber
21 regardless of whether it will bring personal benefit to someone or
22 personal disadvantage to someone. I believe that the truth is beneficial
23 to all. And motivated by that principle, I am going to testify before
24 this Trial Chamber, publicly, without any special protection, so that it
25 would be made available to all, and this would eliminate the possibility

Page 8334

1 of any speculation. And I believe that in the future, this would
2 encourage other witnesses to speak before this Trial Chamber.
3 In order for this to happen, two decisions have to be made by the
4 authorities in the Federal Republic of Yugoslavia. First and foremost,
5 that the Federal Republic of Yugoslavia should express their approval of
6 my testimony, that they should agree to it. That prerequisite has been
7 met, in my opinion, because your subpoena, your order was handed over

8 through the District Court in Belgrade. And the Court is in charge of
9 that, according to article 5 on the law on cooperation with The Hague
10 Tribunal. And secondly, what is was even more important for me and which
11 is the core of the problem that I'm facing, it is also necessary for the
12 competent authority - I underline this - the competent authority in the
13 Federal Republic of Yugoslavia should free me from keeping a state secret
14 and military secret and also to make it possible to have the necessary
15 insight into documents from that period. This is simply required by the
16 special position that I was in from 1993 until the year 2000.

17 I wish to inform you of the following as well: Last week in
18 Belgrade, meetings of the National Committee for Cooperation with the
19 Hague Tribunal were held and also the government of the Republic of
20 Serbia, the government of the Federation, and also the Supreme Defence
21 Council of the Federal Republic of Yugoslavia. Except for the sessions of
22 the government of the Republic of Serbia that were held, one was on the
23 9th of July and the other one was on the 18th of July, where this
24 particular subject matter was looked into, not from a single other level
25 of authority do I have any decision in writing, because it was not handed

Page 8335

1 over to my lawyer.

2 The decisions that were reached do not meet the necessary
3 requirements for two reasons. First of all, they pertain only to the
4 field of Kosovo and Metohija and only in part; and secondly, they were
5 given by the institutions that are not really in charge in my particular
6 case. The Supreme Defence Council, at their session of the 19th of July,
7 did not even look into the possibility of freeing me from keeping a state
8 and military secret, and that is the only competent authority in my
9 particular case.

10 The Supreme Defence Council only passed a decision that certain
11 documents that were required by the OTP could be made available to the
12 Office of the Prosecutor, and in view of the very clear consequences
13 stemming from the Criminal Code of the Federal Republic of Yugoslavia,
14 practically the Federal Republic of Yugoslavia rejected the previously
15 given approval for me to testify when your subpoena was handed over.
16 This assertion of mine can be seen the best from the following
17 fact: In Article 40 of the law on cooperation between the Federal
18 Republic of Yugoslavia and The Hague Tribunal, it is explicitly stipulated

19 that as regards all questions pertaining to my position as a witness, it
20 is the Criminal Code of the Federal Republic of Yugoslavia, rather, it's
21 Article 97 that are relevant, and this article reads as follows: "A
22 witness who would by his or her statement infringe upon the duty of
23 preserving a state secret, a military secret, or an official secret until
24 the competent authority --" and in my case it is the Supreme Defence
25 Council of the Federal Republic of Yugoslavia -- "frees him of keeping

Page 8336

1 such a secret, cannot be heard as a witness."
2 Or rather, Mr. May, if anybody in the Federal Republic of
3 Yugoslavia were to file a report against me, if I did not have an
4 appropriate decision of the Supreme Defence Council of the Federal
5 Republic of Yugoslavia, whose president I was when these documents were
6 conceived of and the use of these documents before this Trial Chamber has
7 to be approved by the Supreme Defence Council, then I would be accused of
8 revealing state secrets, military secrets, or official secrets, and there
9 are serious speculations in this regard already in the Federal Republic of
10 Yugoslavia in certainly daily newspapers and in certainly weekly
11 publications.

12 MR. NICE: If I can just invite you to pause there, because some
13 of this comes fresh to the Chamber, they not having had the chance, for
14 administrative reasons, of seeing your paper in advance.
15 Can I just summarise the position, and you'll correct me if I'm
16 got it wrong and then add anything that you still need to add.
17 The processes for freeing individuals of liability for revealing
18 state secrets are in place and are being worked through in respect of your
19 case and in respect of documents to which you may refer and we simply
20 don't know at the moment the final position from the authorities on
21 whether you're going to be free of liability in respect of particular
22 documents. But regardless of that, you take the view that the only
23 authority that can free you ultimately from liability is the Supreme
24 Defence Council and its president, which is Mr. Kostunica. And therefore,
25 what you are seeking and what you have so far not been able to obtain is

Page 8337

1 an express approval by that body or by him to your giving evidence, and
2 you are concerned for your vulnerability if that approval is not
3 forthcoming; is that correct?

4 MR. LILIC: Yes, precisely, Mr. Nice.

5 MR. NICE: And so that there can be no doubt about the efforts

6 that have been and the time over which efforts have been made, this was

7 the subject of correspondence between you and President Kostunica as long

8 ago as the beginning of February of this year; is that correct?

9 MR. LILIC: To be more precise, on the 22nd of January this year.

10 MR. NICE: Thank you. Now, your having explained your position

11 and I having summarised the position about your need for the approval

12 of -- approval of the Supreme Defence Council or the president, and the

13 Chamber now knowing that the mechanisms are in place and we are working

14 our way through the procedures to deal with particular documents - we

15 don't have a final view on particular documents from anybody yet - is

16 there anything else that you feel you should add to the statement you've

17 already made to clarify your position?

18 MR. LILIC: [Interpretation] With your permission, only a few more

19 sentences. I would not like the impossibility for me to testify about

20 these matters that relate to state and military secrets be considered as

21 contempt of court. This is my basic human right not to expose myself to

22 criminal Prosecution in the forthcoming period. It is precisely for that

23 reason that I kindly ask you, Mr. May and Their Honours the other Judges,

24 to look into this matter. We have given a detailed explanation of this

25 obviously quite complicated procedure.

Page 8338

1 Bearing in mind the fact that I do believe that the institution of

2 a witness before an international Court enjoys the highest standards of

3 human rights and, according to Sub-rule 90(E), should make it possible for

4 the competent authorities of Yugoslavia to make the appropriate decisions.

5 Why do I insist on the signature of the president, Mr. Kostunica,

6 and an appropriate decision of the Supreme Defence Council? Precisely

7 because that is the highest body that adopted most of these documents that

8 will possibly be discussed here. As far as I know, that is the authority

9 that can free a person from keeping such a secret, and in my situation,

10 this is a rather special thing. The document that I have filed with you

11 gives a detailed explanation, and I thank you for your attention on this

12 occasion. Thank you.

13 JUDGE MAY: Yes, thank you, Mr. Lilic.

14 Mr. Nice, the witness rightly referred to Rule 90(E) which, of

15 course, is a privilege against self-incrimination. The witness would
16 certainly have that. But I'm not sure that I by any means follow what
17 you're asking the Trial Chamber to do. Practically, this is a matter
18 which has to be sorted out by others and not, I would have thought, by the
19 Trial Chamber. We would, of course, hear, if it was proposed to call
20 witness now, as was proposed, we would hear the witness. We would, of
21 course, have to inform him that he wasn't obliged to answer any questions
22 which might incriminate him, although we would have a power to compel him
23 to do so, but I suspect we would be more likely to tell him he didn't have
24 to incriminate himself, and then we would see how we got on. But that
25 might not be the most efficacious way of hearing the evidence. It may be

Page 8339

1 more practical, it seems to me, speaking for myself, to adjourn the matter
2 for it to be resolved elsewhere.

3 MR. NICE: Your Honour, what I had in mind -- in a sense this is
4 perhaps a happy fit with the reduced time we now have as a result of the
5 loss of time last week. What I have in mind is that, the Chamber now
6 knowing from his own lips the witness's position and having other material
7 before it and the potential to hear legal argument later in the week when,
8 incidentally, Mr. Lilic will still be present in the building, I think the
9 Chamber at the end of that exercise, perhaps Wednesday or Thursday, may be
10 in a position to make orders or, alternatively, to set a timetable within
11 which the whole process of Mr. Lilic's obtaining release from liability
12 may be considered in order that sooner, rather than later, he can give the
13 maximum possible evidence, evidence that will be of extreme value to this
14 Tribunal and will touch on documents of very great value. So I think --

15 JUDGE ROBINSON: Mr. Nice, when you applied for the issuance of a
16 subpoena, all of these matters were not laid before the Chamber. I have
17 no recollection of being privy to all of these matters.

18 MR. NICE: When we applied for a subpoena, we were at an earlier
19 stage in our understanding of the position, both with the witness and with
20 the authorities, and of course the position in relation to the authorities
21 is and always has been that we are making the best possible efforts at all
22 times in an unfolding position so far as their cooperation is concerned.

23 JUDGE ROBINSON: Speaking for myself, I don't see why this witness
24 should be subject to the regime of a subpoena at this stage. I think it
25 is essentially a matter between the Prosecution and the witness and his

1 authorities, and I rather resent having been, I think, used in this way.

2 MR. NICE: If I may say so, there's two entirely different issues
3 there.

4 JUDGE ROBINSON: I'm not sure that they're entirely different at
5 all.

6 MR. NICE: I'm saying I --

7 JUDGE ROBINSON: Had all of these matters been laid before me, I
8 would not have agreed to the issuance of a subpoena in relation to this
9 witness.

10 MR. NICE: All the matters that could be laid before the Chamber
11 were laid before the Chamber. I think it was His Honour Judge Kwon who
12 eventually dealt with it on the day in question. And as the witness
13 himself I think will make plain, a subpoena was necessary to secure his
14 attendance and thus it was applied for and granted. And there's certainly
15 no question of material not being made available. Everything that was
16 known to us at the time, and material, was laid before the Chamber. And
17 the final position of the witness in relation to documents that he could
18 or could not deal with only became finally plain in the course of the last
19 week. Negotiations have been pressed ahead with at the maximum possible
20 rate. Without a subpoena, the witness could not have been here. And that
21 is quite clear. And this is a witness of the very greatest of
22 importance. And if this Chamber is to have the best evidence before it,
23 it needs this witness and, therefore, the subpoena that brought him here.
24 But in any event, the matter was dealt with by His Honour
25 Judge Kwon, as I recall. And indeed I recall the event, but I can't

1 remember the hour of the day. I think it was getting towards the end of
2 the normal working day, and His Honour Judge Kwon very kindly remained
3 available to assist, and we remained available to assist and provide all
4 information to him.

5 JUDGE MAY: The upshot is this: that we can't deal with the
6 witness now. We will make time available to consider this matter in the
7 rest of the week. There's no point, I would anticipate, hearing the other
8 matter which we were to hear and from the other party until later in the
9 week. We will consider that over the adjournment.
10 Meanwhile, you've got other witnesses here, have you?

11 MR. NICE: Yes. I will alert the other party to that and come
12 back to you with their estimated time of arrival, as it were, by lawyer.
13 JUDGE MAY: Yes.
14 MR. NICE: And providing we're all provided, that is, provided the
15 amici and we are provided with their filing as is, which I think is
16 probably possible now, and we will be able to do the necessary research
17 into that.
18 The remaining evidence, I think, will probably conveniently fill
19 the balance of the time, is the witness Mr. Karleusa who will come next
20 and who will take a session or so at the very least.
21 JUDGE MAY: And we have a matter to resolve about the documents.
22 MR. NICE: Indeed we do. He's followed by another witness on the
23 same topic. There are then two crime base witnesses. One way and
24 another, I think those witnesses will take probably four sessions, which
25 will take us well into tomorrow.

Page 8342

1 So providing we keep an eye on the necessary start time to
2 conclude 34 -- K34 by the end of the week, I think there is time for
3 another session devoted to the issues of Mr. Lilic's evidence generally
4 and associated issues and also to deal with the so described pre-trial
5 hearing.
6 May I respectfully suggest that when one thinks about the problems
7 that Mr. Lilic's evidence raises, they may not be wholly unconnected with
8 the problems that arise in relation to Rule 70 in respect of which
9 decisions are awaited. They are not Rule 70 issues, but I can see myself
10 that there's a connection, and it seems --
11 JUDGE MAY: We have noted that.
12 MR. NICE: Therefore, since we want to move forward with this
13 witness and any other witnesses who will raise similar or whose evidence
14 may raise similar difficulties, it might be desirable to try and have all
15 that in mind at the same time.
16 JUDGE MAY: Mr. Lilic, we'll consider your statement, of course,
17 and as you've heard, during the latter part of the week we'll have a
18 hearing about it, and obviously you'll be informed.
19 We'll rise now.
20 Mr. Milosevic, we'll hear you in due course. We're going to
21 adjourn now. This is really a matter between the Prosecution and the

22 Trial Chamber and the witness.

23 We're adjourned now. Five past eleven we'll be back.

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

25 --- On resuming at 11.05 a.m.

Page 8343

1 JUDGE MAY: Yes, Mr. Milosevic.

2 THE ACCUSED: [Interpretation] You did not give me an opportunity
3 to voice an objection regardless of the fact that you didn't know what I
4 wanted to object to.

5 JUDGE MAY: No, because it's nothing to do with you. But if you
6 want to address us you can, very briefly.

7 THE ACCUSED: [Interpretation] As far as I know, everything that's
8 going on here has to do with me, as I understand it.

9 JUDGE MAY: Not this. It's a dispute -- it's a dispute involving
10 the Prosecution and its witness. Now, we need to get on, but you can
11 address us for a few minutes and explain to us why it's to do with you.

12 THE ACCUSED: [Interpretation] Allow me, please, to point out
13 something very illogical, a disparity between what Mr. Nice has indicated
14 and what Judge Robinson said. It was a matter of issuing a subpoena. Mr.
15 Nice said that the subpoena was necessary for the witness to come here,
16 which is absolutely incorrect, because it is written in the witness
17 statement that he is ready to testify before The Hague Tribunal, so that a
18 subpoena was not necessary for him to come here since he himself expressed
19 this readiness in writing and signed it.

20 Secondly, regarding the revelation of state secrets, if such a
21 problem exists and is still unresolved, then how is it possible for this
22 witness to make a statement to the other side in which all that is
23 contained in the statement is written? Therefore, the whole matter is
24 completely illogical.

25 And third, this is not the first time that the other side is

Page 8344

1 keeping witnesses under protection until the very last moment in order to
2 limit the possibility of gathering facts and evidence in practice and
3 then, immediately before their testimony, they disclose their names and
4 statements as if nothing had happened before at all. So the regime of
5 protecting the witnesses proves that for the umpteenth time before this
6 Trial Chamber, this protection was totally unnecessary.

7 All these are things that you should bear in mind not only in this
8 case but also in future cases when the other side attempts to repeat this
9 practice.

10 JUDGE MAY: If there was any suspicion of bad faith in the
11 applications which the Prosecution make for protection, they would be
12 rejected. What we have done in this case, if such applications are made
13 and granted, is to ensure there is adequate time for the Defence to be
14 prepared, and it is the avoidance of prejudice to you that we have in
15 mind.

16 Very well. We will now move on to Mr. Karleusa. There was an
17 objection to some of the documents. The question is what will be a
18 convenient way to deal with that. It was made in a very general way.

19 MR. NICE: Your Honour, Mr. Shin is dealing with this witness.
20 He's at your disposal. As to a convenient way of dealing with arguments,
21 he's certainly in a position to deal with them either ahead or as we come
22 to the individual document at its time in the evidence.

23 JUDGE MAY: Mr. Kay, what would be convenient?

24 MR. KAY: Your Honour, it's probably convenient if we outline the
25 issues for concern. For those purposes, it would probably be best to have

Page 8345

1 the index of exhibits to be tendered through the witness which sets out
2 the documents.

3 There's no objection to him being a witness. He's quite capable
4 of being a witness before this Tribunal; it's the exhibits that he
5 produces that we say should be of concern to the Trial Chamber.

6 The first two documents in the list, Annex 1 and Annex 2, are
7 newspaper articles which the witness produces and exhibits. They were
8 written by a journalist and concern the matters surrounding the discovery
9 of this truck in the river.

10 In relation to that matter, it's not material from that -- from
11 those articles that has anything to do with this witness. They are
12 articles written by a completely separate journalist. And in relation to
13 that, we remind the Trial Chamber of the observations made by the Judges
14 during the evidence of the witness Tanic concerning journalistic comment.

15 JUDGE MAY: That was in cross-examination, as I recollect, and
16 there is a distinction in this: That we admit hearsay here, and certainly
17 in my experience we've admitted newspaper articles. What we don't admit

18 is comment by journalists and journalists' opinion. If they are reporting
19 facts, well, that's matter we will have to consider, but it's in a
20 different category to the journalistic opinion and comment which was the
21 -- I suspect which was the -- objected to in Tanic.

22 MR. KAY: Yes. Your Honour, within these two articles, there is
23 comment by the journalist over the issues that the Court is trying. He
24 makes, in the first article, Annex 1, conclusions about knowledge and
25 responsibility concerning the refrigerator lorry incident. The opening

Page 8346

1 paragraph of the article is phrased this way: "The following story will
2 show that the police, district, and municipal public prosecutors,
3 investigating judge, and the police, top officials of the Serbian MUP knew
4 about the incident and later took part in covering up the crime." And
5 it's in relation to that proposition and the matters that he reports
6 within that article that we point out to the Trial Chamber that go beyond
7 reporting factual events as they happened within the Kosovo region.
8 Article 2, which is found at tab 2, is again written in very much
9 the same terms, concluding at the end with: "Nevertheless, we believe
10 that the authorities, above all, the police, the prosecutor, or somebody
11 else must go public and explain whether this event occurred or not and
12 thus put a stop to dangerous rumours that are spreading at lightning speed
13 and disturbing the public."

14 So it's hearsay and hearsay that recognises that it's hearsay.
15 And in relation to the information within those articles, there's nothing
16 within it that Mr. Karleusa, in his evidence, doesn't give. And of course
17 he is reporting directly as the witness who had a responsibility to
18 investigate the matter. It's making the distinction in that way that for
19 those purposes, Annexes 3 and 4, which are communiques from his working
20 group, we cannot raise any objection to. They're working documents. He
21 was charged with the job of investigating the matter. Under the Rules of
22 the Tribunal, that would be probative evidence, and the Tribunal can give
23 such weight as it feels fit in assessing the evidence at the end of the
24 trial. But what those annexes do is provide the relevant material at
25 which the newspaper articles are purely surplusage.

Page 8347

1 The next body of evidence to be considered is from tabs 5 to 24,
2 which are witness statements produced to the working group of which Mr. --

3 Major Karleusa was the commander, of statements made by people to him when
4 he was investigating the matter.

5 So far as I can determine from the documents, and I would be
6 corrected if I'm wrong, but they're not signed by the makers of those
7 statements. Let's take, for example, at tab 5, the witness Golubovic. We
8 have in this file his statement in B/C/S followed by an English
9 translation, and the final note is, "Note compiled by the working group."
10 So it's notes of Major Karleusa's working group in speaking to this
11 potential witness during his investigation of the lorry in the water.
12 All those series of statements up to 24 are in exactly the same
13 form. So 5 to 24, we raise this issue, that these are unsigned statements
14 to an investigator. If put into evidence, the accused doesn't have an
15 opportunity to cross-examine the makers of those statements and to put his
16 case on the matter. To reflect language we've used elsewhere during our
17 oral -- during our written responses and observations to the Court, it's a
18 back-door route, as we would see it, of getting evidence in before the
19 Tribunal through an investigator that doesn't have the opportunity of
20 being challenged.

21 These were statements that were produced not from what appears to
22 be judicial proceedings and therefore taken before a juge d'instruction
23 with a declaration of the truth, in that form. It appears to have been a
24 working group commission, as the witness describes himself, that was
25 charged with the duty of investigating the matter, but beyond that, for no

Page 8348

1
2
3
4
5
6
7
8
9
10
11
12 Blank pages inserted to ensure pagination corresponds between the French
13 and English transcripts. Pages 8348 to 8356.

14
15
16
17
18
19
20
21
22
23
24
25

Page 8357

1 further purpose.

2 If I move on to the last group of documents, which is 25 to 28,
3 these are notes of the working group whilst charged with this particular
4 duty, and they are documents arising within the course of that, would be
5 probative under the Rules of Evidence of the Tribunal in the usual form.

6 JUDGE MAY: Is there any summary in the other papers of what these
7 witnesses say? Does the communique do that or is it on different matters?

8 MR. KAY: The communique is on more general matters. If we go to
9 3 and 4 -- let's go to 3 first. It recites -- yes. It doesn't summarise
10 each of the statements. It is an overview of the total mass of the
11 paperwork. So Your Honours won't find a summary of witness 5, a summary
12 of Witness 6 or 7, but an overview.

13 JUDGE MAY: It does, looking at 3, appear at least to summarise
14 the conclusions which were reached.

15 MR. KAY: Yes. In following the cases and authorities of the
16 Tribunal, that sort of report has been admitted in evidence and the Judges
17 have decided what weight they will give it. The position with the witness
18 statements from 5 to 24 is that is actually taking the statements of those
19 other people that aren't created within a judicial process. They're
20 unsigned in this particular indication, in this particular -- as indicated
21 to me from our documents, and take it a step further. The accused there
22 is deprived from cross-examination of the makers of those statements.

23 It's a self-evident fact that Major Karleusa, in reporting what
24 he's reporting in his witness statement and how one anticipates that he

25 will give evidence, is giving evidence in relation to a matter with which

Page 8358

1 he was not personally involved other than what he saw and the photographs
2 he saw and what he can tell the Court about that. So it inevitably has a
3 limited use about it.

4 JUDGE MAY: Thank you. Yes, Mr. Shin.

5 MR. SHIN: Your Honours, if I could respond to the points raised
6 by my learned colleague and also make a suggestion. I'll address first
7 the issue relating to the newspaper articles.

8 With regards to the newspaper articles, the Prosecution does not
9 intend to tender those exhibits for the truth of the matter asserted in
10 the articles. Rather, the Prosecution will seek to tender the articles as
11 evidence of the genesis of the investigation, basically to explain how it
12 is that the investigation came about.

13 Indeed, the witness's testimony will indicate that to a large
14 extent his job in fact was to test the allegations in those newspaper
15 articles, and it is actually the publication of those articles and at the
16 times that they were published that is the important matter there.

17 With regards to the statements, the -- Mr. Wladimiroff had raised
18 last Wednesday two issues; authentication and inability to cross-examine
19 the persons interviewed in those documents. Addressing first the point of
20 authentication, the statements referred to by the amici curiae are not in
21 fact statements. More precisely, they're official notes of interviews
22 conducted by police investigators, and that is indicated on the documents
23 themselves.

24 As a technical matter, there are actually 22 of such interview
25 notes in addition to tabs 25 to 24 [sic], and that's including two

Page 8359

1 documents within tab 7. As Your Honours will have noted, there's also tab
2 28, which is a document of a similar nature. In addition, of course,
3 there are signed statements within the binder of documents.

4 As has been pointed out, the official notes of interviews are not
5 signed. What they bear is a signature block, if you will, of the working
6 group itself. The witness will be able to explain what the significance
7 of that is.

8 The witness will also be able to explain what these -- how these
9 interview notes were made, what the format used was and why that format

10 was used. Basically the witness will be in a position to authenticate
11 these documents, and of course the witness will be available for
12 cross-examination on those matters.

13 The Prosecution submits that these documents are analogous to
14 documents that have previously been admitted in this case by -- prepared
15 by the organisations Human Rights Watch and the Organisation for Security
16 and Cooperation in Europe. The Prosecution submits that these matters
17 should go to the weight and credibility of the documents rather than to
18 their admissibility.

19 The Prosecution notes also that these documents constitute a body
20 of raw material that was available to the witness in the course of
21 carrying out his investigations. In that light, the Trial Chamber would
22 be in a better position to assess the witness's testimony with these
23 documents.

24 The second point that had been raised last week was that of the
25 inability to cross-examine, and the point was touched upon again by my

Page 8360

1 learned colleague just now. The Prosecution submits again that this is a
2 matter that should not be a bar to the admission of these documents, and
3 again I'm speaking of tabs 5 through 24 and tab 28, those 22 documents,
4 but, rather, would go to -- these are -- I'm sorry. These are matters
5 that would go to the weight and credibility to be assigned to these
6 documents.

7 The witness is, of course, available for cross-examination on
8 these documents, as just noted. As noted, he will explain the methodology
9 behind the creation of these documents and is available for
10 cross-examination on that. Furthermore, with these documents, the Trial
11 Chamber and the accused and the amici as well will themselves be in a
12 position to assess consistencies and inconsistencies, if any, among the
13 interview notes. And of course, cross-examination could be conducted on
14 that.

15 The amici have accepted that the communiqués can be the subject of
16 cross-examination, and the Prosecution submits the same should be held for
17 the interview notes.

18 Finally, the Prosecution submits that the accused or the Trial
19 Chamber, with these interview notes, would be in a position, if it so
20 chose, to hear further from these witnesses to the working group, and in

21 that way would be in a position, where appropriate, to cross-examine some
22 of the people who had provided information to the working group in the
23 course of its investigations.

24 As to my suggestion, it may be preferable, perhaps, to hold off on
25 making a decision as to the admissibility of these documents until we get

Page 8361

1 to them with the witness's testimony in that at that point, the -- we may
2 all be in a better position to understand the documents and put in a
3 better light some of the issues that have been raised with regards to
4 them.

5 Thank you.

6 JUDGE MAY: Thank you. Mr. Milosevic, do you want to say anything
7 about this?

8 THE ACCUSED: [Interpretation] It is completely -- it is abundantly
9 clear that the other side, through this witness Karleusa, who said himself
10 he had not seen any of it himself, starting with the refrigerator lorry
11 and ending with the rest, is trying to introduce through him another 20
12 witness statements which have been marked as annexures and consist of
13 notes and interviews. And as Mr. May himself said, those are not even
14 witness statements.

15 THE INTERPRETER: Interpreter's correction. Mr. Kay said those
16 were Prosecutor's notes made during interviews in the course of which
17 certain instructions are issued.

18 THE ACCUSED: [Interpretation] And in addition to that, according
19 to the Law on Criminal Procedure which was governing this procedure at the
20 time when the interviews were conducted, such statements cannot be used in
21 a court of law.

22 I am just trying to explain what the crux of the matter is,
23 although the amicus from Yugoslavia, who is a professional in these
24 matters, can better explain it than I can.

25 So these notes are now annexed to the witness statement of

Page 8362

1 Mr. Karleusa, and Mr. Karleusa himself is not a prosecutor, or a Judge,
2 nor could he have been authorised in any way officially to take statements
3 which could be used in investigative or court proceedings. He is a police
4 officer who collected information from various people and was part of a
5 working group which made these notes. So it is very arguable, from the

6 legal point of view, and he is appearing here as an informer about certain
7 interviews which were conducted.

8 On the other hand, the testimony of investigators has already been
9 challenged and disputed here, although those investigators had taken
10 statements themselves in person. So this matter is very much disputable
11 and disputed, and I believe Mr. Kay is completely right. And from the
12 aspect of the law on criminal procedure, these statements are completely
13 devoid of any value.

14 JUDGE MAY: Yes, Mr. Shin but very briefly.

15 MR. SHIN: Your Honour, if I may very briefly. The accused has
16 raised several points that I will address. First, the Prosecution would
17 submit that Mr. Karleusa is in a situation entirely distinguishable from
18 that previously addressed with the Office of the Prosecutor investigators
19 in that he is not in any way in any form of relationship with the Office
20 of the Prosecutor and is indeed here in response to a subpoena.
21 Secondly, I would just point out that Mr. Karleusa himself will be
22 able to explain his degree of involvement in the creation of these
23 interview notes.

24 And finally, I would just state that of course given the time
25 constraints under which we're operating, one can only imagine the amount

Page 8363

1 of time that would be necessary to hear all of the witnesses from this --
2 regarding this very important evidence of notorious events. It's a very
3 complex area, and we will actually have the witness who has conducted the
4 investigations into these complex matters and be questioned as to how
5 those investigations were questioned and what the findings of that working
6 group were. Thank you.

7 JUDGE MAY: Yes. We'll consider this.

8 [Trial Chamber confers]

9 JUDGE MAY: We will admit these documents apart from the newspaper
10 articles which we think add nothing, which we'll not admit. But we will
11 admit the official notes on this basis: We do not admit them as exhibits
12 in the sense that they are evidence of the truth of what is contained in
13 them. They are admitted as part of the working papers on which the
14 witness relied, who can be cross-examined about his investigation.
15 They're admitted as part of the investigation, but the Trial Chamber will
16 not take them into consideration when deciding as to the truth of what

17 they contain. It will be the evidence of the witness which will be the
18 subject of consideration by the Trial Chamber, but he can refer to the
19 statements when giving his evidence if he wishes, if he's asked about
20 them, and they will be admitted, as I say, as part of his investigation.
21 I would add this: The witness is in a different position to those
22 of the Prosecution investigators. The witness is not part of the
23 Prosecution. He's not an investigator of the Tribunal. So to that
24 extent, he's independent. In addition to which this investigation was not
25 conducted as part of the investigation in this particular litigation. It

Page 8364

1 was conducted for other purposes, national purposes, and therefore, it has
2 that degree of independence about it.

3 Accordingly, the Trial Chamber will admit 5 to 28 as documents as
4 part of the investigation.

5 We'll have the witness, please.

6 MR. SHIN: Excuse me, Your Honour. Prior to the arrival of the
7 witness, may I raise one point with regards to those tabs?

8 JUDGE MAY: Yes.

9 MR. SHIN: I would just point out that tab numbers 25, 26, and 27
10 are, of course, of a different nature, those documents, and are in fact
11 signed statements. The first is an official note signed by a police
12 officer, and the second two are also statements signed by the person
13 making the statement and, therefore, are in fact of a different nature
14 from tabs 5 through 24 and 28.

15 JUDGE MAY: Well, we'll have that in mind. We've admitted them.

16 We will have it in mind when we consider what weight, if any, to give
17 them.

18 MR. SHIN: Thank you.

19 [The witness entered court]

20 WITNESS: DRAGAN KARLEUSA

21 [Witness answered through interpreter]

22 JUDGE MAY: Yes. Let the witness take the declaration.

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

25 JUDGE MAY: If you'd like to take a seat.

Page 8365

1 Examined by Mr. Shin:

2 Q. Good morning, Witness. Would you please provide us your full
3 name.

4 A. I am Dragan Karleusa, born on the 1st of January, 1947, in
5 Belgrade. I am a professional policeman, a member of the Ministry of the
6 Interior of the Republic of Serbia.

7 Q. You are by ethnicity a Serb?

8 A. Yes.

9 Q. And by religious profession you are Eastern Orthodox Christian?

10 A. That's right.

11 Q. Mr. Karleusa, did you lead a police working group investigating
12 allegations of a refrigerator truck containing corpses found in the
13 Danube? Just yes or no, please.

14 A. Yes.

15 Q. Before -- before we get to questions about that investigation, I'm
16 going to ask you some background questions. You mentioned -- you
17 mentioned that you were a police officer. What is your current
18 occupation?

19 A. I am deputy head of the crime -- the organised crime
20 administration. The administration for combatting organised crime. I am
21 a captain by rank.

22 Q. How long have you been in that position?

23 A. I have been in this position since October 2001.

24 Q. And what city do you work in?

25 A. I beg your pardon. I have to correct myself. Let me just

Page 8366

1 remember. Since October 2001. Yes, that is right.

2 I work in Belgrade.

3 Q. Thank you. Before that, what position did you hold?

4 A. I was deputy head of the administration for the crime prevention
5 police in the Ministry of the Interior.

6 Q. And was that also in Belgrade?

7 A. Yes.

8 Q. In that position as deputy head of crime police, how many -- how
9 many police officers did you supervise?

10 A. The crime police covers the entire territory of the Republic of
11 Serbia, all secretariats of the interior, that is, several hundreds of
12 people.

13 Q. And are those people that you supervise, are they all detectives?

14 A. Detectives, heads of departments, various other supervisors, et
15 cetera.

16 Q. Mr. Karleusa, how long have you been a police officer?

17 A. I have been with the police since 1975.

18 Q. And how many of those years have you spent doing detective work?

19 A. Since 1977.

20 Q. Mr. Karleusa, did you receive a subpoena, a kind of a court order
21 from this Trial Chamber, to attend to give evidence?

22 A. Yes. Yes. I got this subpoena through the Federal Ministry of
23 Justice, and it was handed over to me through the District Court in
24 Belgrade.

25 Q. When did you receive that subpoena?

Page 8367

1 A. I received it a few days before I departed to come here.

2 Q. Did that subpoena indicate what would happen to you if you failed
3 to comply with its terms?

4 A. Yes. I was cautioned in that subpoena that if I do not respond to
5 it, I would go through sanctions as envisaged by the statute of this
6 Tribunal, and that was specifically stated.

7 Q. And are you in fact here in response to that subpoena?

8 A. Yes. Yes. I responded to the subpoena in accordance with the law
9 on cooperation between the Federal Republic of Yugoslavia and this
10 Tribunal, and that is my duty as a citizen and as a professional.

11 Q. Mr. Karleusa, are you aware of an article published on the 1st of
12 May, 2001, in a magazine called "Timok Crime Review" regarding a
13 refrigerator truck found in the Danube River?

14 A. Yes. Yes, I'm aware of that.

15 Q. Did you read that article?

16 A. I did.

17 Q. Could you briefly tell us what the subject of that article was?

18 A. In the text, it was stated that sometime around the beginning of
19 April 1999, from the Danube in the area of Tekija near Kladovo, a
20 refrigerator truck was noticed, and it was taken out, and in it were many
21 human corpses.

22 Q. Mr. Karleusa, in May of 2001 when this article was published, what
23 was the reaction by the Ministry of Internal Affairs, the MUP, in reaction

24 to that publication?

25 A. The Minister of the Interior, Mr. Dusan Mihajlovic, gave

Page 8368

1 instructions to establish a working group, and I was appointed head of
2 that working group. Our mandate was specified, that is, to look into all
3 the related facts, that is to say, when all of this did exist or not.

4 Q. And who conveyed to you the instructions from the Minister to
5 create this working group and when was that?

6 A. The Minister's instructions were conveyed to me directly by
7 General Sreten Lukic in his office as soon as this was published and made
8 known. So this was the beginning of May 2001.

9 MR. SHIN: Your Honours, may I request to go into private session
10 very briefly regarding the identities of other persons in the working
11 group.

12 JUDGE MAY: Yes.

13 [Private session]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 [redacted]

20 [redacted]

21 [redacted]

22 [redacted]

23 [redacted]

24 [Open session]

25 MR. SHIN:

Page 8369

1 Q. Mr. Karleusa, did you indicate that you are the head of the
2 working group? I'm sorry, were you appointed the head of the working
3 group?

4 A. Yes. Yes.

5 Q. Mr. Karleusa, I'd like to ask you some questions about how the
6 working group functioned. Could you please tell us what specifically was
7 the mandate of the working group? You had alluded to it previously.

8 A. The working group was supposed to investigate the matter to see

9 what this was all about, to establish the relevant facts, whether this
10 indeed did exist or not. If so, then to investigate all the circumstances
11 under which this happened and to compile a report about this and provide
12 the necessary documents if all of this were correct.

13 Q. And, Mr. Karleusa, just very briefly, when you say the relevant
14 facts, that's with regards to this refrigerator truck found in the Danube;
15 is that correct?

16 A. Yes. Yes. That was the primary task. That is how these
17 activities started. That is to say, whether the event that was described
18 in the review we mentioned was actually something that did take place, and
19 if so, what actually took place.

20 Q. Mr. Karleusa, what actions generally did your working group take
21 to carry out that mandate?

22 A. The group carried out appropriate preparations, appropriate
23 operative preparations. We went to the area where it was alleged that the
24 refrigerator truck had surfaced. This is the area of the Secretariat of
25 Bor, the municipal office of the interior of Kladovo. And we went to see

Page 8370

1 where this possibly did take place.

2 Then we carried out many operative checks. We carried out over 30
3 interviews with official persons and civilians, that is to say persons who
4 then and later could have known something about these events or who
5 themselves participated in the events concerned.

6 Q. Mr. Karleusa, when you refer to "official persons," could you
7 explain a little, in brief, what you mean by that?

8 A. Well, this is only natural. First, we carried out an interview
9 with the then acting head of the SUP of Bor, Mr. Caslav Golubovic. Then
10 we talked to then investigating judges, the deputy public district
11 attorney, the district attorney, and other attorneys in Kladovo and also
12 policemen from the local police in Kladovo and in Bor.

13 Q. Mr. Karleusa, I'd like to turn now to the results of the working
14 group's investigations. First, in the course of the working group's
15 investigations, was it able to establish whether that May 2001 article was
16 the first public report of a refrigerator truck found in the Danube, in
17 Tekija more specifically?

18 A. No. According to the knowledge that we obtained then, it was
19 stated that there had been a previous article in the same crime review of

20 Zajecar published in September 1999.

21 Q. And the subject of that earlier September 1999 article, could you
22 briefly state what that was, please?

23 A. Approximately the text was similar. It was alleged then that
24 there had been a car accident, that a refrigerator truck had surfaced, and
25 that tens of human corpses had surfaced as well. Similar to what was

Page 8371

1 published later in May 2001.

2 Q. In September of 1999 when that earlier article was published, were
3 you aware of that article?

4 A. No. No. Neither I nor the members of the working group were
5 aware of the existence of that article.

6 Q. As far as you knew before the work of the working group proceeded,
7 did you have any knowledge of how the MUP reacted to that September 1999
8 article?

9 A. I was not aware and I did not know how the MUP had reacted.

10 Later, we did find out something about this, but at that time we did not
11 know a thing about it.

12 Q. Okay. Thank you. We'll get to that, what you found out later.

13 We'll get to that a little later on.

14 In September of 1999, who was the Minister of Internal Affairs in
15 Serbia?

16 A. It was the late Mr. Vljajko Stojiljkovic.

17 Q. Mr. Karleusa, you mentioned that the working group took over 30 --
18 I'm sorry, interviewed over 30 persons and took certain other actions in
19 carrying out its investigations. On the basis of that work by the working
20 group, was the working group able to identify facts and information that
21 it could and in fact did corroborate?

22 A. Yes.

23 Q. Let's -- let's turn to what some of those corroborated facts are
24 now. Did the interviews and other actions carried out by the working
25 group corroborate the existence of this refrigerator truck in April of

Page 8372

1 1999?

2 A. Yes. It was corroborated from several sources.

3 Q. Could you mention briefly what some of those sources are? Just
4 briefly and just some of them.

5 A. For the most part, these were policemen that we had talked to in
6 relation to this case. Most information was provided by the technician
7 who then carried out the on-site investigation. In addition to him, the
8 others we talked to as well.

9 Q. What specifically did the investigations of the working group
10 indicate about the truck, the physical refrigerator truck itself?

11 A. We established that the case had indeed occurred, that at the
12 mentioned time, in the area of the village of Tekija, a refrigerator truck
13 did surface and that tens of corpses were found in it - 86 to be precise -
14 that these corpses were afterwards transported by trucks to Belgrade, in
15 the direction of Belgrade, et cetera. That is all that was then stated by
16 the persons who took part in taking the bodies out of the refrigerator
17 truck.

18 Q. If we could just move back for a minute there, Mr. Karleusa. Was
19 -- did the investigations of the working group indicate any markings on
20 the truck that were indicia of where it may have come from?

21 A. On the site itself, it was established that on the door of the
22 refrigerator truck it says Progres Exporta Klanica Prizren, export
23 slaughterhouse Prizren. And on this basis, there could have been an
24 indication as to where the truck had come from, but we could not establish
25 that for sure.

Page 8373

1 Q. What did the investigations of the working group indicate about
2 where the bodies removed from the truck were taken?

3 A. The result of all the interviews was that we established that the
4 bodies that were taken out of the refrigerator truck were taken to the
5 area of Batajnica in the immediate vicinity of the 13th of May MUP
6 exercise centre.

7 Q. And what did the investigations of the working group indicate
8 about the final location of the refrigerator truck itself?

9 A. It was established that after the bodies that were taken out of it
10 were taken out, they were transported to Petrovo Selo, to the firing range
11 there, and that is where the lorry was actually torched and destroyed.

12 Q. Mr. Karleusa, did the investigations of the working group indicate
13 who, if anyone, in the MUP leadership coordinated or ordered these actions
14 that you've just described?

15 A. The activity of transporting the bodies taken out of the

16 refrigerator truck, according to the information we received from
17 officials that we talked to, and according to their statements, this
18 activity had been ordered by the then head of the public security sector,
19 General Vlastimir Djordjevic.

20 Q. Did the investigations also indicate who implemented those orders,
21 who actually removed the bodies and removed the truck?

22 A. The order of General Djordjevic went through the head of the SUP
23 of Bor, and then on the spot, the SUP of Kladovo. And the bodies,
24 according to their orders, were carried out by the policemen of Kladovo
25 and some of Bor with the assistant of civilians from the company called

Page 8374

1 Komunalac. They helped them carry the bodies physically.

2 Q. Mr. Karleusa, could you tell us, did the working group interview
3 the head of the SUP at Bor? Just yes or no, please.

4 A. Yes.

5 Q. And when you say the SUP, could you just explain, very briefly,
6 what administratively the SUP is?

7 A. SUP is an abbreviation for the Secretariat of the Interior. Bor
8 was the secretariat for that region, and it has a few OUPs under it, like
9 of Negotin, of Kladovo, et cetera.

10 Q. Did the working group in the course of its investigations speak to
11 the persons who had carried the bodies from the refrigerator truck and
12 moved them elsewhere?

13 A. Yes, it did. It talked to all the persons who were accessible at
14 all, both policemen and civilians.

15 Q. And with regards to the persons who had removed the bodies and
16 taken them elsewhere, did they acknowledge that those actions had been
17 undertaken by them when the working group spoke to them, or at least did
18 some of them acknowledge that?

19 A. Yes. All of them acknowledged that; those who were taking the
20 bodies out, those who were loading the bodies onto trucks and those -- I
21 mean, there were two trucks involved, and those who drove these two trucks
22 to Belgrade as well.

23 Q. So you had mentioned earlier policemen of Kladovo and the
24 civilians from the company Komunalac. These were among the people who
25 acknowledged that these events had occurred and they had taken part in

Page 8375

1 them; is that correct?

2 A. Not only them. This was confirmed by the head of the then SUP,
3 then also the deputy district attorney, the district attorney in Negotin,
4 the -- the public prosecutor of the municipal court in Kladovo, et cetera.

5 Q. Indeed, all the facts that you have just discussed now
6 investigated by the working group, have they been -- have witnesses told
7 you about all of them, either -- I'm sorry. Stop there.

8 I'm sorry, let me repeat that question. Indeed, all of the facts
9 that you have just discussed now, investigated by the working group, have
10 witnesses spoken about them or acknowledged their involvement in the
11 events to the investigators of the working group?

12 A. Yes.

13 Q. Mr. Karleusa, did the investigations of the working group indicate
14 how the removal of these bodies by civilian workers from Komunalac, how
15 they were paid?

16 A. Yes. That was established from their statements, from the
17 interviews they gave. Their statements coincide. For this job, they
18 received an adequate compensation. I believe it was 2.000 dinars per
19 person.

20 Q. What funds did these monies come from, as far as the investigation
21 of the working group were able to identify?

22 A. Based on the existing documents that we were able to collect at
23 the time, it was established that the funds used to recompense the work of
24 those people were taken for -- from the treasury for special purposes of
25 the MUP of Serbia, the Ministry of Interior of Serbia.

Page 8376

1 Q. Mr. Karleusa, did the working group's investigations indicate the
2 extent to which in April 1999 information about these events could be
3 publicly disseminated?

4 A. According to what the head of the Bor SUP said at the time and
5 what other people said, especially the public prosecutor from Negotin, we
6 found out that at the time, the entire case was proclaimed to be some sort
7 of secret, a state secret, namely, that it cannot be discussed and that it
8 should be and must be closed to the public, that all information should be
9 barred from the public, everything that had to do with the extraction,
10 with the removal of this truck from the water and with the removal and
11 transport of the bodies.

12 As far as I am aware, we also established that the entire
13 operation was given a working name, namely Depth 2, and that it was an
14 operative code name for the whole activity.

15 Q. Mr. Karleusa, just to go back for one minute to the funds used to
16 pay the workers loading the bodies. I believe - at least, I have in the
17 translation - that was based on documents available to you. Was that also
18 -- was the working group also -- did it obtain that information from
19 witnesses that it spoke to as well?

20 A. Yes. Namely it was the then deputy head of the office of
21 Mr. Djordjevic. And the man's name is Slobodan Borisavljevic.

22 Q. We'll get to that a little later. Thank you.

23 In addition to the facts that you have just discussed, were there
24 other facts that the working group was able to corroborate in the course
25 of its investigations?

Page 8377

1 A. We managed to establish where the bodies from the truck, that is
2 from both trucks, were eventually brought, and we found out the exact
3 location where they were buried.

4 Q. Were these facts and other facts that the working group was able
5 to establish, were they made available to the public in Serbia in a
6 document or documents?

7 A. Yes, they were. Everything that the working group was able to
8 establish in the course of its work was announced at a press conference in
9 the form of communique or a press release that was distributed to the
10 representatives of the press and the media.

11 MR. SHIN: Could I have the usher please show the witness the
12 binder of documents, in particular with reference to tabs 3 and 4.

13 JUDGE MAY: The binder should be given an exhibit number.

14 THE REGISTRAR: Your Honour, that will be Prosecutor's Exhibit
15 274.

16 MR. SHIN:

17 Q. Mr. Karleusa, I would ask you to take a look at tab number 3 and
18 tab 4. Please take a moment to review those documents. And when you're
19 finished, I'll ask you some questions about them.

20 Mr. Karleusa, do you recognise those two documents?

21 A. Yes, I do recognise them.

22 Q. Could you please describe to us just very briefly what they are.

23 A. These are two communiques titled "Information," or "Briefing," and
24 they contain all the facts that we were able to gather with regard to the
25 refrigerator lorry case. From the contents, we can see what it is all

Page 8378

1 about. The working name is "The refrigerator lorry case." We described
2 how the working group was established, what was their primary reason for
3 it. We described the course of our work, where we had been, what we had
4 done, what interviews we had conducted, and so on and so forth.

5 Q. Mr. Karleusa -- if I could just check the transcript. You had
6 indicated that these contain -- these two documents contain all the facts
7 that your working group was able to gather with regards to the
8 refrigerator truck. Would it be correct to say all the facts you were
9 able to gather up to the time of the dates on those documents? In other
10 words, you were able to gather further facts after the dates -- the second
11 document; is that correct?

12 A. Yes.

13 Q. Mr. Karleusa, are there any inaccuracies in those two documents
14 that were revealed by current or subsequent investigations?

15 A. In the document called "Information number 2," there is one
16 inaccuracy, as we established at a later stage. Namely, it says that in
17 this refrigerator lorry, when the bodies were extracted, certain bodies
18 wearing KLA uniforms had been found. In the course of subsequent
19 interviews with witnesses, those witnesses stated that it was not true,
20 and we established that this particular piece of information was
21 incorrect.

22 MR. SHIN: Your Honours, the reference to the KLA uniforms is in
23 the English on the first page, at the very bottom of the first stage.

24 Q. As far as you know to this day, Mr. Karleusa, were there any other
25 inaccuracies in those two documents revealed by subsequent investigations?

Page 8379

1 A. No.

2 Q. You've mentioned that the working group undertook interviews. Did
3 the working group make a record of the interviews it conducted?

4 A. All the interviews that the working group conducted on the ground
5 were reflected in appropriate official records. These records were
6 drafted by the operative personnel of the working group. They are called
7 "Official Notes," and they reflect everything that was said during those

8 interviews.

9 Q. With regards to these interviews, how many did you personally
10 actually conduct?

11 A. I did not personally interview any of the witnesses or other
12 interviewees. This was done by several other members of the working group
13 and I participated in many of these interviews together with other members
14 of the working group.

15 Q. Mr. Karleusa, when you say that you participated, does that mean
16 that you were present during those interviews?

17 A. Yes. For the most part, I attended all interviews. There may
18 have been only a couple which I did not attend.

19 JUDGE MAY: Mr. Shin, the time has come when we should have an
20 adjournment. Is that a convenient moment?

21 MR. SHIN: Certainly, Your Honour.

22 JUDGE MAY: Mr. Karleusa, we're going to adjourn now for 20
23 minutes. Would you remember, please, in this adjournment and any others
24 there may be not to speak to anyone about your evidence until it's over,
25 and that does include the members of the Prosecution team.

Page 8380

1 THE WITNESS: [Interpretation] I understand.

2 --- Recess taken at 12.25 p.m.

3 --- On resuming at 12.45 p.m.

4 JUDGE MAY: Yes.

5 MR. SHIN:

6 Q. Mr. Karleusa, if we could return to the points where we had left
7 off. You had -- you had just indicated that you attended nearly all of
8 the interviews. As the leader of the working group, were you -- did you
9 review all of the interview notes made by the working group, including the
10 ones that you did not attend?

11 A. Yes. I am familiar with all of our documents, Official Notes, et
12 cetera.

13 Q. Mr. Karleusa, referring to the binder of documents in front of
14 you, could you please review tabs 5 through 24, and tab 28. If you could
15 look at them one at a time and just indicate when you have completed that
16 review, I will ask you some questions regarding those documents.

17 A. And 28 too.

18 Q. Yes, tab 28.

19 Mr. Karleusa, have you had an opportunity to review
20 those 22 documents?

21 A. Yes.

22 Q. Do you recognise those documents, Mr. Karleusa?

23 A. I do.

24 Q. Could you explain briefly, what are they? Just briefly, please.

25 A. They are Official Notes made by the working group relating to the

Page 8381

1 interviews we conducted with people on the ground or anywhere else,
2 persons we thought we should talk to. And as I said before, those were
3 people who knew or could have known something about these events.
4 These are summaries of what those people have said. You see that
5 it is not a traditional statement, it is a summary of what those people
6 told us.

7 Q. Mr. Karleusa, did you provide those documents to the Office of the
8 Prosecutor?

9 A. No.

10 MR. SHIN: Your Honours, the Office of the Prosecutor has received
11 these documents from Yugoslav authorities in response to a request for
12 assistance from the Office of the Prosecutor.

13 Q. Mr. Karleusa, I'd like to ask you some questions about the ways
14 and the manner in which those documents were prepared. Was there a
15 particular format used for these interviews in creating the document?
16 Just yes or no, please.

17 A. Yes.

18 Q. Are all those -- all 22 of those interview notes set out in that
19 format?

20 A. Yes. The format is very similar.

21 Q. Mr. Karleusa, I'll take you -- I'd like you to explain that
22 format, and perhaps the best way you could do that is if you looked at tab
23 5 as an example.

24 MR. SHIN: And if I could have tab 5 placed on the ELMO, please.

25 Q. Mr. Karleusa -- I'm sorry. Are you okay over there? Okay.

Page 8382

1 Mr. Karleusa, could you first explain to us what is written in the
2 upper right-hand corner of the first page of that document.

3 A. It says, "The refrigerator lorry case." That was the working name

4 of the operative and other activities of the working group.

5 Q. Thank you. Mr. Karleusa, now turning to the left hand at the very
6 top of that page, there are four lines, four brief lines. Could you
7 please explain to us the significance of those four lines.

8 A. That is the so-called heading. The first line says: "The
9 Ministry of the Interior of the Republic of Serbia." In the second line,
10 it says, "Crime investigation administration." Follows the date. In this
11 case it's the 12th of May, 2001. Belgrade. That is the base of the
12 Ministry of the Interior and the crime investigation administration.

13 Q. And below that you see, centred on the next line -- could you
14 explain to us what that says and what that means.

15 A. You see as a title that it's written "Official Note." I have just
16 explained what an Official Note denotes.

17 Q. Thank you.

18 A. It is a record of all that the persons we interviewed said.

19 Q. You had mentioned earlier the term "summary" in describing what an
20 Official Note was. Could you explain a little further? You had also
21 said, I believe, and please correct me if I'm wrong, that it contained
22 everything that the witness had said.

23 A. This is a record of all that is relevant from what the witness
24 said, because that constitutes the essence and the crux of his statement
25 or her statement, all that we believe to be important. We did not record

Page 8383

1 unimportant and irrelevant details because, as you know, in every
2 interview you hear a lot of things that are not really relevant or
3 important.

4 Q. Mr. Karleusa, turning to the first paragraph of this tab 5
5 document, could you briefly explain what the significance of the
6 information in that first paragraph is. Briefly, please.

7 A. This is an introduction which is common to all Official Notes. It
8 explains what triggered this operative and investigative work. It refers
9 to the communique of -- made by the district public prosecutor. It
10 explains the task of the working group and the findings that we eventually
11 obtained.

12 Q. And turning to the next paragraph below that, could you explain
13 what the significance of the information contained there is.

14 A. The principal detail you see here is on whose orders the working

15 group was working, at what time and with whom the interview was conducted,
16 and below that follows what the interviewee said.

17 Q. Turning now to the last page of that document, tab 5, could you
18 please explain what that -- the very last line in which a time is referred
19 to, what the significance of that is.

20 A. This is an indication of when this interview was completed. And
21 at the beginning, you can see when it started.

22 Q. Mr. Karleusa, below that you see, over on the right-hand side at
23 the very end of the document, some writing. What does that signify?

24 A. It indicates who compiled this Official Note. And in this case,
25 it says this was done by the working group.

Page 8384

1 Q. Mr. Karleusa, did the members of the working group individually
2 sign any Official Notes or were they all signed in this manner?

3 A. No. The members of the working group did not sign individually.
4 And this was the way it was signed on behalf of all of them together.
5 That was the way we determined that we would do this.

6 Q. Does this mean that all of the members of the working group were
7 present at each interview?

8 A. No, it does not necessarily mean that all the members of the
9 working group were present, but I know that the majority was. It was
10 always at least two or three and never one single member alone.

11 Q. Thank you.

12 MR. SHIN: Your Honours, if you're following along in the summary,
13 I'll return to paragraphs 8 and 9 later.

14 Q. Mr. Karleusa, I'd like to ask you some more questions about the
15 manner in which the working group carried out its investigations. Were
16 there senior MUP officials, past or present, whom the working group tried
17 to interview in the course of its investigations? Just yes or no, please.

18 A. Yes.

19 Q. Who was the most senior of these officials, past or present, that
20 the working group attempted to interview?

21 A. It was Mr. Vljajko Stojiljkovic, the then Minister of the Interior,
22 that is, in the year 1999.

23 Q. Was there any record made of this attempt to interview him?

24 A. Yes, there is such a record.

25 MR. SHIN: Your Honours, if we could go into private session very

1 briefly just to ask one question about one document.

2 [Private session]

3 [redacted]

4 [redacted]

5 [redacted]

6 [redacted]

7 [redacted]

8 [redacted]

9 [redacted]

10 [redacted]

11 [redacted]

12 [redacted]

13 [redacted]

14 [redacted]

15 [redacted]

16 [redacted]

17 [redacted]

18 [redacted]

19 [redacted]

20 [Open session]

21 MR. SHIN:

22 Q. Mr. Karleusa, we're now back in public session. Who was the next

23 in order or seniority by rank among senior MUP officials whom the working
24 group attempted to interview?

25 A. That was General Vlastimir Djordjevic.

1 Q. When was it attempted to interview him?

2 A. Immediately after the working group was set up and commenced its

3 activities according to its mandate, we attempted to interview

4 Mr. Djordjevic, and we had a preliminary, brief interview with him before

5 we obtained the relevant information as indicated here.

6 Q. What did General Djordjevic tell you when the working group

7 attempted to interview him?

8 A. It was a very brief preliminary interview. We emphasised that we

9 just wanted a brief word with him. And in response to the question what

10 he knew about these events, he said simply, "What happened, happened."

11 What can I tell you?"

12 Q. In the context of that preliminary interview, had you -- had the
13 working group made it clear to General Djordjevic what the subject matter
14 of the interview was?

15 A. Yes.

16 Q. And was his response in the context of that subject matter?

17 A. All that he said can be summarised in this one sentence I quoted
18 to you, with the proviso that we emphasised we would come back for a
19 longer interview with him. When we come back from the field, that we
20 would invite him for an interview again.

21 Q. And where was this preliminary that you've just discussed? Where
22 was that held?

23 A. This conversation took place in the building of the Ministry of
24 the Interior in Belgrade, in my office.

25 Q. Mr. Karleusa, you had just mentioned that your intent was to

Page 8387

1 interview him again. Did you interview him again?

2 A. When the decision was made to invite Mr. Djordjevic for an
3 interview, he was no longer within our reach. We could no longer access
4 him. We didn't know where he was. We tried various ways of locating him,
5 and when all this failed, an all-points alert was issued to the police.

6 Q. Was the working group subsequently ever able to locate General
7 Djordjevic?

8 A. No. No. The working group did not manage to locate him. There
9 were different stories going round, even in the press, but to the present
10 day, we do not know where Mr. Djordjevic is.

11 Q. Thank you. Mr. Karleusa, apart from this attempt at a preliminary
12 interview with General Djordjevic, were there other persons interviewed by
13 the working group who told you about General Djordjevic's knowledge of the
14 refrigerator truck or involvement in how it was dealt with afterwards?

15 A. Yes.

16 Q. Could you name just one or more of those persons? You don't need
17 to name them all.

18 A. Well, the statements of these persons are contained in this
19 material here. One of them is the then head of the SUP Bor, Mr. Caslav
20 Golubovic, Sloba Borisavljevic, et cetera.

21 Q. Thank you. In addition, did the working group receive a statement

22 from someone who was working with General Djordjevic regarding General
23 Djordjevic's knowledge or involvement in the refrigerator truck case?
24 A. Yes.

25 Q. Mr. Karleusa, could you please turn to tab 27 in the binder of

Page 8388

1 documents in front of you. Could you briefly review that document,
2 please.

3 Mr. Karleusa, do you recognise that document?

4 A. Yes.

5 Q. Could you explain, very briefly, what it is.

6 A. This is a statement given by Mr. Slobodan Borisavljevic, who was
7 then head of the office of the Minister of the Interior. He gave this
8 statement at my oral request, and he explains here, when all of that
9 happened, who informed him of it, how this information came through, what
10 happened to the refrigerator lorry, that it surfaced in the Danube, that
11 there were corpses in it of men, women, and children, et cetera, who
12 informed him thereof, et cetera. So this contains what he stated and how
13 General Djordjevic was informed about this.

14 Q. Thank you. Mr. Karleusa, apart from General Stojiljkovic and
15 General Djordjevic, were there other senior officials at the MUP, past or
16 present, whom the working group attempted to interview in this case?

17 A. Yes.

18 Q. Can you just briefly tell us who those persons were and what the
19 working group learned from them.

20 A. There were a few generals. General Petar Zekovic, General Stojan
21 Misic, Dragan Ilic, Obrad Stevanovic, and so on. In response to the
22 question what they knew about this and questions related to their possible
23 participation in this and what they could explain in this regard, they
24 denied having participated in any of this or knowing about any of this.

25 Q. Mr. Karleusa, were the materials gathered by the working group,

Page 8389

1 including these notes of interviews, were they provided by the working
2 group to other organs in the course of the investigations being carried
3 out?

4 A. We handed these materials only to the Prosecutor's office in
5 charge. Specifically in this particular case, the public prosecutor's
6 office in Belgrade.

7 Q. Let's turn now to what -- what resulted from the investigations
8 carried out by the working group. You've mentioned now that this material
9 was provided to the prosecutor's office in Belgrade. Were there other
10 prosecutors in Serbia to whom the working group provided materials it had
11 either gathered or created itself?

12 A. Yes. These were prosecutors' offices in Negotin and Uzice
13 respectively. They were in charge of their respective territories.

14 Q. Just as a point of clarification, when I referred to material
15 created by the working group, I'm referring specifically to the interview
16 notes. Does that change your answer?

17 A. We submitted our Official Notes to the district attorney's office
18 in Belgrade. And with the rest of the materials that pertained to the
19 refrigerator lorry case and the materials from the jurisdictions of
20 Negotin and Uzice, those public prosecutors' offices, we submitted
21 directly to them. That is to say for the cases that took place in their
22 respective territories.

23 Q. Mr. Karleusa, how often did the working group inform the
24 prosecutors of developments in the investigation?

25 A. We were in direct contact with the prosecutors and they were

Page 8390

1 informed about the course of our work. And when to a great extent the
2 compiling of Official Notes and other documents was completed, then
3 through an official document we submitted all of this specifically related
4 to the refrigerator truck case to the public prosecutor's office in
5 Belgrade.

6 Q. Specifically with regards to the material provided to the
7 prosecutors, did that material include indications as to the location of
8 an unmarked grave or unmarked graves? Just yes or no, please.

9 A. Yes.

10 Q. How many locations or sites, if more than one, did the material
11 indicate the location of unmarked graves?

12 A. Three.

13 Q. Could you please name those three places.

14 A. The first one is Batajnica, in the immediate vicinity of Belgrade.
15 The other one is Petrovo Selo, near Kladovo. And the third one is the
16 shore of Lake Perucac, near Bajna Basta.

17 Q. Were exhumations conducted at each of those sites?

18 A. Yes.

19 Q. Mr. Karleusa, have you yourself visited each of those three sites?

20 A. I did.

21 MR. SHIN: Usher, could the witness please be shown Exhibit 172.

22 My apologies. I should have mentioned that earlier to the usher.

23 Q. Mr. Karleusa, could you please take a look at the map there. Does

24 this map -- could you just point out the locations of those three places

25 that you've indicated, on that map.

Page 8391

1 A. The first locality is Batajnica, near Belgrade. The second one is

2 Petrovo Selo, near Kladovo. And the third one is on the banks of the

3 Drina River or, rather, the shore of Lake Perucac.

4 Q. Thank you. Mr. Karleusa, to help us understand the functioning of

5 the working group and how it interacted with the prosecutors' offices and

6 other organs, let's turn specifically to how events unfolded relating to

7 that first site, Batajnica. How did the working group learn that there

8 might be an unmarked grave there?

9 A. We learned about that from the statements of persons who knew

10 about this locality.

11 Q. And this was --

12 A. And their Official Notes are contained in this material here.

13 Q. After the interviews led to information identifying the location

14 of that site, what did the working group do next?

15 A. In order to carry out a preliminary check, or, rather, to

16 establish whether this is correct, whether the statements are correct and

17 the information we received, we carried out some preliminary excavations

18 on the spot and we engaged forensic experts from the appropriate centre of

19 our Ministry of the Interior.

20 Q. And did that preliminary check support the existence of human

21 remains at that site? Just yes or no, please.

22 A. Yes.

23 Q. What did the working group do next specifically?

24 A. On the basis of what we learned, we informed the district public

25 prosecutor in Belgrade.

Page 8392

1 Q. Did -- to your knowledge, did the prosecutor inform any other

2 person or organ about the material and information you had provided him?

3 A. Of course. He informed the investigating judge about this, and
4 the investigating judge, the district attorney, and all of us went to the
5 site itself, and the investigating judge gave instructions to have an
6 exhumation and an autopsy of the bodies carried out.

7 Q. What actions did the investigating judge and the prosecutor take
8 after receiving that -- after receiving that information? I believe
9 you've indicated these orders.

10 A. I have already answered in connection with that. The
11 investigating judge ordered an exhumation and autopsy to be carried out,
12 and he engaged forensic experts from the Institute of Forensic Medicine in
13 Belgrade, and the district public attorney ordered the collection of
14 further information about this in order to throw more light on this event.

15 Q. Did that first grave at that Batajnica site, did it have a
16 designation that was given to it?

17 A. Yes. The expert team, of forensic experts, that is, that were
18 carried out -- that were carrying out the exhumation, they designated this
19 as BA1. That was supposed to mean Batajnica 1.

20 Q. And were other graves also located at that site?

21 A. Yes.

22 Q. How many?

23 A. According to what we knew, there were about five.

24 Q. And how many of those five have been exhumed or are undergoing
25 exhumations?

Page 8393

1 A. During the course of last year, the summer of last year, two
2 graves were exhumed - that is to say BA1 and BA2 - and nowadays, the
3 exhumation of BA3 is under way. It is undergoing exhumation.

4 Q. And was the process by which those other sites were identified for
5 exhumation, was that similar to the process you've just described about
6 the way the working group worked in connection with the office of the
7 prosecutor and the investigating judge?

8 A. Yes. Roughly it was the same.

9 Q. Mr. Karleusa, what did the exhumations in Batajnica 1, BA1, what
10 did they yield?

11 A. According to the report of the expert team that was carrying out
12 the exhumation, and according to what we could find out by being present
13 there ourselves on the site, at least 38 bodies were exhumed, as experts

14 say. Other objects were found as well that were then presented for
15 further processing.

16 Q. And you've just indicated that you were present there at the site,
17 either you or other members of the working group.

18 A. Yes. We were present for quite awhile.

19 Q. At the Batajnica 2 site, BA2, what did the exhumations last summer
20 reveal?

21 A. According to the report of the experts who were carrying out the
22 exhumations, a total of about 270 bodies was exhumed. And in that mass
23 grave, some other identifying objects and documents were found.

24 Q. Mr. Karleusa, did the exhumations -- you've made a reference to
25 some objects. Did they yield indicia, whether among those objects or

Page 8394

1 others --

2 JUDGE MAY: Do we not have the evidence about this? Mr. Wilson
3 gave evidence, as I recollect, about these matters.

4 MR. SHIN: Mr. Fulton.

5 JUDGE MAY: Mr. Fulton I meant, yes.

6 MR. SHIN: And in his evidence, Mr. Fulton had indicated that this
7 witness, Mr. Karleusa, was a senior Serbian police officer present at the
8 time.

9 JUDGE MAY: Time -- you know, we are pressed for time. He's been
10 giving evidence for some time. This is a matter we've covered. So if
11 there's a relevant new matter, cover it. Otherwise, there's no need to go
12 over it again.

13 MR. SHIN: Certainly. If I could just conclude on this point
14 before moving on to the next, then.

15 Q. Mr. Karleusa, very briefly, did the exhumations yield indications
16 as to who was buried in those graves or where they were from?

17 A. From the interviews conducted with the persons who did this, who
18 transported the bodies and buried them, we conducted interviews with these
19 people, and we know who did that, at least in respect of what we just
20 referred to. There were indications where these corpses came from.

21 However, we are not certain of that because only personal identification
22 cards were found, and the personal identification cards found were in the
23 name of persons who were ethnic Albanians, so that was the only indication
24 of their possible origins.

25 Q. Very briefly on Petrovo Selo. What did the exhumations reveal

Page 8395

1 there? Very briefly, please.

2 A. In two mass graves, a total of 77 bodies were exhumed, and that is
3 where some documents were found as well.

4 Q. And very briefly on the Perucac Lake site. How many -- what did
5 the exhumations reveal there?

6 A. On the shore of Lake Perucac, at least 48 bodies were exhumed.

7 And it was the expert team of the Military Medical Academy from Belgrade
8 that was carrying out the exhumations.

9 Q. Thank you. Mr. Karleusa, in the course of your investigations,
10 did your working group learn of meetings during which the removal of
11 bodies from Kosovo was planned? Just yes or no, please.

12 A. Yes.

13 Q. How many such meetings were there?

14 A. Three.

15 Q. Taking the first meeting in chronological order, when did that
16 take place according to the information provided to the working group?

17 A. The first meeting in relation to this was held in the office of
18 the then president, Mr. Milosevic. It was held in the month of March
19 1999.

20 Q. And according to the information provided to the working group,
21 could you briefly mention who else was present at that meeting, as you can
22 recall.

23 A. According to the information we received, in addition to
24 Mr. Milosevic, the meeting was attended by the then head of public
25 security, Mr. Vlastimir Djordjevic, General, and General Radomir Markovic,

Page 8396

1 the then Minister Vljako Stojiljkovic, and some other persons.

2 Q. Very briefly, please, Mr. Karleusa. What was the subject of that
3 meeting as far as information --

4 A. The need was discussed to conduct a clearing operation, as it were
5 called, and also to eliminate any trace of anything that may fall within
6 the interest of The Hague Tribunal.

7 Q. Did the working group make this information that came into its
8 possession available to the public?

9 A. Yes. Yes, it did make it available to the public through a press

10 conference.

11 Q. And was that set out also in one of the communiques prepared by
12 the working group?

13 A. That is precisely what I've said. What we found out we made
14 public in our press release.

15 MR. SHIN: Your Honours, just in the interests of moving quickly
16 here, I refer you to tab 3. In the English that's page 4, the second full
17 paragraph.

18 Q. Okay. Mr. Karleusa, I'd like to move on, actually. Mr. Karleusa,
19 where did the working group learn at that March 1999 meeting? What was
20 the setting?

21 A. Towards the end of into 2001, I attended a meeting where I
22 reported on the proceedings of the investigation related to the
23 refrigerator truck when I was informed about the statement made by
24 Mr. Radomir Markovic. That is to say that he said this in his statement,
25 and that is roughly what we conveyed in our press release.

Page 8397

1 Q. When you say "statement made by Radomir Markovic," to whom did he
2 make that statement as far as you understood?

3 A. He made this statement to the members of the State Security
4 Service that discussed this matter with him.

5 Q. And when you say you attended a meeting where you learned about
6 this, what type of meeting was it?

7 A. It was a regular meeting where I also provided information as to
8 how far the investigation related to the refrigerator truck had gone.

9 Q. Who are what types of people were present at that meeting?

10 A. The leadership of the MUP.

11 Q. Mr. Karleusa, turning to the second meeting -- I'm sorry, the
12 second meeting of the three I mentioned earlier. When did that meeting
13 take place?

14 A. That meeting took place immediately after the first one we
15 referred to, in the office of Mr. Vlastimir Djordjevic.

16 Q. Who else was present according to the information available to the
17 working group at that meeting?

18 A. According to the information given by the same source, just like
19 the previous one, it is said that General Vlastimir Djordjevic also
20 attended this meeting, and Mr. Dragan Ilic, also a general.

21 Q. Very briefly, Mr. Karleusa, could you indicate what was discussed
22 according to the information available to the working group? What was
23 discussed at that meeting?

24 A. At that meeting, it was agreed how to carry out the instructions
25 they had received at the office of then president Mr. Milosevic. And

Page 8398

1 Mr. Vljako Stojiljkovic gave Generals Djordjevic and Ilic the direct task
2 of carrying this out.

3 Q. Mr. Karleusa, was this information that the working group
4 obtained, was that also made public in that -- in that communique?

5 A. It was not. I can't remember exactly. I don't think so. Perhaps
6 it is actually there, but I really need to take a look here.

7 Q. Could I direct your attention, Mr. Karleusa, to the last page of
8 tab 3.

9 MR. SHIN: Your Honours, that's the third paragraph, page 4 of tab
10 3 in English.

11 THE WITNESS: [Interpretation] Yes. I can see it here. That's
12 right. We did make it public.

13 MR. SHIN:

14 Q. Mr. Karleusa, in this paragraph and the paragraph above it, do
15 these two paragraphs accurately reflect what your working group learned,
16 or is it consistent with what the working group learned of these meetings?

17 A. Yes. According to the statement of Mr. Rade Markovic.

18 Q. Mr. Karleusa, turning to the third meeting, when did that third
19 meeting take place?

20 A. Somewhat later. It was held somewhat later. And there is an
21 appropriate document concerning that.

22 Q. Who was present in that meeting according to the information the
23 working group received?

24 A. General Djordjevic was present, General Dragan Ilic, and somebody
25 else. I don't know exactly.

Page 8399

1 Q. And was the subject matter at that meeting the same as the subject
2 matters of the two other meetings?

3 A. Yes.

4 Q. Mr. Karleusa, could you please turn to tab 26. What is that
5 document?

6 A. Yes.

7 Q. I'm sorry. Yes. Yes, tab 26. I'm sorry. Could you explain what
8 that document is.

9 A. Lieutenant Slobodan Borisavljevic, at my request, gave a statement
10 of his own. The statement was given on the 23rd of May, 2001. It says
11 here that in the building of the city committee of the SPS in Belgrade, a
12 meeting was held where General Djordjevic informed General Ilic that it
13 was decided that on the territory of the Kosovo and Metohija the terrain
14 was supposed to be cleared and that it was necessary to send expert
15 assistance to our people in the field. For this assistance, he designated
16 two police officers to go to Kosovo and to render assistance to the local
17 organs.

18 Q. Thank you. Mr. Karleusa, we've heard the term "cleansing" in the
19 cleaning of territory or of battlefield. That term in Serbian is, I
20 believe, "asanacija." What is the ordinary meaning of that term, as far
21 as you know?

22 A. As far as I know, "asanacija" is a normal term that means removing
23 victims, casualties from the battlefield, human remains, livestock
24 remains, chemical materials, et cetera.

25 Q. Based on the context in which your working group learned of this

Page 8400

1 term as it was used in these three meetings, does that appear to you to be
2 the meaning that term had in connection with those three meetings?

3 A. It seems that it was used in a different meaning.

4 MR. SHIN: Your Honours, I'll just be a few more minutes.

5 JUDGE MAY: Yes.

6 MR. SHIN:

7 Q. Mr. Karleusa, as far as you are aware, how did the public react to
8 the work of the working group? If you could briefly describe that,
9 please.

10 A. When the results obtained by the working group were made public,
11 the public in Serbia became divided. May I proceed?

12 JUDGE ROBINSON: Mr. Shin, you asked the witness if the term was
13 used in the same way in those three meetings, and he said it seems to him
14 that it was used in a different meaning. I think you should ask him what
15 was that different meaning.

16 MR. SHIN: Certainly.

17 Q. Mr. Karleusa, could you please explain your previous response when
18 you say the term was used in a different meaning? Could you explain what
19 you meant by that? What different meaning did it have? And we're
20 referring to the term "cleansing," which is "asanacija" in Serbian.

21 A. The very fact that according to the statement of Mr. Markovic, it
22 was said that a removal of all traces should be carried out that might be
23 subject of interest to The Hague Tribunal or, rather, that all bodies of
24 civilians should either be dug up or found in some other way and
25 transferred to a different locality means, as far as I'm concerned, it

Page 8401

1 seems to me the term "asanacija," "clean-up," cannot be used in its
2 regular, right meaning.

3 Q. Thank you. Mr. Karleusa, you were describing the reaction of the
4 public to the work of the working group. Did you personally have any
5 impact from the reaction of the public to the work of the working group?

6 A. Since the public has been divided in terms of their views on the
7 results of the investigation carried out by the working group and that the
8 majority of citizens know what this is about, but there is this other side
9 that does not approve of this, I personally had negative experience in
10 relation to this.

11 Q. Could you very briefly specify what you mean by negative reaction.

12 A. Since I was the one presenting the findings of the working group
13 to the public and, therefore, I appeared in public, I received several
14 letters with threats, very serious threats, including death threats.

15 Q. Mr. Karleusa, would you have attended to give evidence if you had
16 not received the subpoena?

17 A. No, I would not have come.

18 MR. SHIN: I have no further questions. Your Honours, I offer the
19 binder and the tabs within it, with the exception of tabs 1 and 2, into
20 evidence in accordance with the decisions of the Trial Chamber earlier.

21 JUDGE MAY: Yes. We've got an exhibit number for it which has
22 already been given, so it's been admitted.

23 Mr. Karleusa, if you'd be back, please, tomorrow morning for
24 cross-examination. If you'd be back at 9.00, we'll go on then. Thank
25 you.

Page 8402

1 We will adjourn now.

2 --- Whereupon the hearing adjourned at 1.49 p.m.,
3 to be reconvened on Tuesday, the 23rd day of July,
4 2002, at 9.00 a.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



Page 8403

1 Tuesday, 23 July 2002

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.05 a.m.

5 JUDGE MAY: Yes, Mr. Nice.

6 MR. NICE: Very briefly on timetable: After this witness, there's

7 a witness Radojkovic. On your list, that witness would be followed by K33

8 and K34. For reasons that we explored a little yesterday, K33 will have

9 to be put back until procedural issues are dealt with, and I understand

10 the lawyers for the Federal Republic are coming up tomorrow morning and

11 perhaps we'll be in a position to argue the matter on Thursday were that

12 otherwise to be convenient.

13 K34 is not in a position to start today. It simply isn't possible

14 for other reasons. Accordingly, were we to finish both those witnesses

15 whom I've named, it would be necessary to look beyond those K33 and K34.

16 We come to two witnesses, two crime-base witnesses. Jemini, although he's

17 gone through the 92 bis process here, we haven't yet made an application.

18 If I make a formal application now, the matter can at least be dealt with

19 although he's absolutely the sort of witness whose evidence should be

20 given live as to the very matter upon which he's being called here which

21 is conversations overheard. So it may be that he might be subject to 92

22 bis for part of his evidence.

23 Then there's Krasniqi, who is in a position to go ahead but we

24 have yet to have a ruling from you in relation to 92 bis.

25 I think the accused has been told this morning by the court

Page 8404

1 officer of the possibility of calling one or other of those crime-base

2 witnesses this morning, but I ought to put the matter on the record.

3 JUDGE MAY: The timetable will be this: The accused will have one

4 hour and three-quarters, up to that time, for cross-examination of this

5 witness.

6 We have considered Mr. Musa Krasniqi. He deals with new matter

7 which we haven't had evidence about, the prison, and therefore should give

8 evidence live.

9 The programme we have in mind is that on Thursday, we should hear
10 the submissions about Mr. Lilic. We should also bring forward -- it
11 seemed to us convenient to bring forward the Pre-Trial Conference. So we
12 don't deal with that in a rush, bring that forward to Thursday.

13 I don't know if you've seen the medical report on the accused yet.

14 MR. NICE: I have, and I was disturbed to discover that it hadn't
15 found its way to the Court by yesterday morning because I assumed you had
16 it in mind, but, yes, I have seen it.

17 JUDGE MAY: Yes. That clearly is a matter which will need to be
18 addressed, and I would have thought we need to allow an hour and a half
19 for those matters together.

20 MR. NICE: Certainly. Your Honour, the good news is that we'll
21 probably be less time with K34 than I'd originally thought. So if we
22 start him tomorrow but don't conclude him tomorrow, he may be perhaps, in
23 the vernacular we've been developing, wrapped around the procedural issues
24 on Thursday, concluding on Thursday or Friday, and then I'll lay plans to
25 use any balance of time on Friday.

Page 8405

1 JUDGE MAY: Well, he clearly must be finished by Friday, as indeed
2 must any other evidence, of course, that we embark on.

3 MR. NICE: Yes. Perhaps just by way of forecast, were we to find
4 ourselves with time to spare on Friday, it has occurred to us that it
5 might be useful to revert to the idea that I think came from the Bench of
6 taking the evidence of Philip Coe in chief, which would be a question of
7 going through such parts of the report as need legal argument and perhaps
8 touching on the parts of the report that need explanation in
9 examination-in-chief given that he's otherwise an expert whose report goes
10 in without much examination.

11 JUDGE MAY: Very well. We'll have the witness.

12 MR. NICE: Thank you.

13 [The witness entered court]

14 WITNESS: DRAGAN KARLEUSA [Resumed]

15 [Witness answered through interpreter]

16 JUDGE MAY: Mr. Karleusa, I'm sorry you've been kept waiting.

17 There were some administrative matters we had to deal with. You will now
18 be cross-examined by Mr. Milosevic. We have ruled in your absence that he

19 would have up to, if he requires it, an hour and three-quarters. We will,
20 of course, have the breaks at the usual time.

21 Could you remember, please, and Mr. Milosevic, could you remember,
22 please, that since you both speak the same language there is a real risk
23 that the interpreters get behind, so would you leave a pause between
24 question and answer.

25 Yes.

Page 8406

1 Cross-examined by Mr. Milosevic:

2 Q. [Interpretation] The matter that you speak to in your written
3 statement and yesterday during your testimony, all that is based on
4 indirect knowledge, not based on your personal experience but based on
5 what you heard from different people regarding these events which
6 allegedly took place in 1999; is that correct?

7 A. For the most part, yes.

8 Q. Your first knowledge about that refrigerator truck, although you
9 had a long career in the Ministry of the Interior, was derived from the
10 article of the "Timok Crime Review" published in 2001.

11 A. Yes.

12 Q. Did you also deal with other articles published in the Timok
13 region about the same event with different -- or the same interlocutors
14 but with different conclusions?

15 A. No.

16 Q. Did you deal with information published in the "Timok Crime
17 Review" of June 2001 where the diver, Zika Djordjevic, gives a different
18 explanation of the event than the one you gave?

19 A. I can't remember exactly, but I don't recall that his conclusions
20 were completely opposite to what we found.

21 Q. He says, "We've opened this refrigerator truck and we found bodies
22 but we don't know how many." He says he doesn't know how many.

23 A. It's possible that he doesn't know.

24 Q. So you think that's possible too. And are you aware that at that
25 time, regarding what you've just mentioned, it was published in regard to

Page 8407

1 Petrovo Selo that those mass graves date back to 1945 or 1955 when there
2 was some sort of liquidation operation after the Second World War. I
3 don't know what exactly it refers to. Do you know about that?

4 A. No, I don't. However, our insights and reports were not based to
5 that extent on his statement.

6 Q. Was it established to what time these graves in Petrovo Selo date
7 back?

8 A. I don't know whether that has been established, but if it has,
9 that should be in the report of the expert team who carried out the
10 exhumation and post-mortems.

11 Q. Did you deal with the information published in the newspaper you
12 quote by the same author, published in September 1999 - the author is
13 Vitomirevic - and he says that he had seen a lorry with Swiss licence
14 plates which toppled and had contained bodies, and the bodies allegedly
15 fell out of the refrigerator lorry when it toppled.

16 A. I don't know about that. There were various stories which
17 circulated about an alleged traffic accident, for instance, and it was
18 said that these bodies found their way into the Danube in that way.

19 Q. In newspaper Politika, the 20th of May, even before your report,
20 published an interview with a certain Petrovic about a refrigerator lorry
21 falling into the river. Why didn't you deal with that as well? Although
22 he says that you had visited him indeed. This Branislav Petrovic says
23 so.

24 A. At this moment, I don't know the name of that person. We did talk
25 to one person who allegedly had seen, at least that's what he says, how

Page 8408

1 the refrigerator truck fell into the river. However, considering the
2 objective circumstances on the site, as we concluded at that time in that
3 place, it was impossible for the refrigerator truck to fall into the river
4 in the way he describes.

5 Q. All right. But do you know about this statement - and he says you
6 do - it was published by Politika on the 20th of May, 2001, I quote:
7 "That night in March 1999, I was standing on the shore. About 20 metres
8 away I heard human voices. They carry well across the river at that time.
9 I didn't understand that language, but it wasn't Serbian or Romanian."
10 You know Romania is across the river. He says that the language was
11 neither Serbian nor Romanian. This man is a former smuggler of petrol.
12 And he knows, as he says in this article, very well about the contraband
13 of people across the Danube. Did you hear anything about this?

14 A. I am familiar with the statement of this person. On site we tried

15 to clarify whether something like that was possible. And I have already
16 said, considering what he said and the way he said it, and viewing the
17 site where he indicated where he was supposedly located at the time, and
18 without making any final conclusions, we thought that it was impossible.
19 And we are familiar with what he stated. He did state it.

20 Q. As a policeman who dealt with this matter of the refrigerator
21 truck, are you aware that there are cases when our police detected the
22 smuggling of people or illegal aliens hiding in refrigerator trucks or
23 other trucks and which are transported by the -- via the Vidin-Sipikovo
24 canal?

25 A. Yes, I am aware of that.

Page 8409

1 Q. I will read to you just one example from a briefing of the public
2 security office where it says -- state security office. It says: "Via
3 the canal Vidin-Sipikovo transport is taking place. Slobodan Vitomirevic
4 is involved in this --" that is the brother of the author engaged in this
5 crime review -- "Dejan called Zabar, and a certain Marinovic. Using
6 loopholes in the border crossing, and this is a well-used track, used for
7 the transport of gold and arms, the price asked of one person is 500
8 Deutschmarks."

9 He further says that: "Three informers from Sipikovo whose names
10 would be notified later regularly inform the chief of police, but so far
11 there had been no reaction." Are you aware of this?

12 THE INTERPRETER: Interpreters ask the accused kindly to read more
13 slowly.

14 THE WITNESS: [Interpretation] No. I'm not aware of that. I am
15 aware of cases of smuggling of people, but I'm not aware of this
16 particular case.

17 JUDGE MAY: If you're reading, Mr. Milosevic, would you read more
18 slowly the interpreters ask.

19 THE ACCUSED: [Interpretation] All right, Mr. May.

20 MR. MILOSEVIC: [Interpretation]

21 Q. And have you established the following: The author of this
22 article from the Crime Review, which came as an introduction to my
23 transport to The Hague, his brother is involved in this transport and
24 contraband of people and forms part of a criminal group which is involved
25 in the contraband of people, heroin, cigarettes, vehicles, and so on and

1 so forth. Are you aware of that?

2 A. No, I'm not. But I know that SUP Zajecar has scored successes in
3 detecting such contraband.

4 Q. I will read to you again from the report of state security
5 offices, first about the contraband of arms. "Dragan and Slobodan
6 Vitomirevic at this time are in possession of the following revolvers and
7 pistols: Baretta 65, Browning, Walter, Skorpion, Heckler Koch, Colt Cobra
8 revolver, diamond-back rifle of a small calibre with a muffler, grenades.
9 SUP Zajecar has very precise operative information about arms, starting
10 from 1955 to date. All this information has been collected by Goran Tomic
11 together with his associates Mihajlovic and others."

12 And then on 8th July 2001 on border crossing Vrska Cuka, a truck
13 was halted - licence plates are indicated - it had a trailer driven by a
14 Bulgarian driver born in 1958, never mind where. He says the goods were
15 transported for Trnjekovo Enterprise owned by Slavisa and Suzana
16 Milenkovic, engaged in contraband of platinum and the importer was Aler
17 Cis importer, the forwarding agent was Dilertrans. When they were caught,
18 immediately Goran Tomic and this same Goran Vitomirevic showed up, they
19 intervened and the truck was allowed to cross the border. All this
20 information is in the possession of Slobodan Aleksic, chief of state
21 security Zajecar.

22 Are you aware of this information about the activities of this
23 criminal group and was there any investigation on the part of your working
24 group?

25 A. Regarding our working group, there has been no investigation nor

1 did we have this information.

2 Q. So you were not aware of this state of affairs.

3 A. No.

4 Q. And did you get the Official Note drafted by the municipal public
5 prosecutor's office in Zajecar, which I have in front of me, where it
6 says: "The public prosecutor's office in Zajecar knows that Slobodan
7 Vitomirevic is a recidivist -" which means that he has a long police
8 record - "and apart from that, the public prosecutor's office in Zajecar
9 is informed that Slobodan Vitomirevic is heading a group involving
10 Miroslav Marinovic, a man nicknamed Zabar, and others which is bringing

11 cigarettes and other goods smuggled in large quantities into the area of
12 Zajecar. An order has been issued to verify this information." This is
13 an Official Note of the public prosecutor's office in Zajecar dated, as
14 you see, year 2001. I will provide it to be included into the evidence if
15 it is accepted because anything I offer or tender is rarely accepted, but
16 that is their problem.

17 Are you aware of this Official Note, of this report?

18 A. No, I'm not.

19 JUDGE MAY: Mr. Milosevic, you're not getting away with that.

20 That is not true, as you well know. Many of your exhibits have been
21 accepted if they are admissible. Now, if you want to put this document in
22 and if it's relevant, first of all, and if it's admissible, of course it
23 will be exhibited.

24 Perhaps the usher could go and get it, please.

25 THE ACCUSED: [Interpretation] What we're talking about here is a

Page 8412

1 criminal group which has all the strings in its hands, including those
2 controlling the contraband and smuggling of people, and they practically
3 did not involve a witness who could tell them whether it was their
4 refrigerator truck containing people who had drowned in a refrigerator
5 truck that had toppled and fell into the river, which they later, with the
6 help of their agents in the police and elsewhere, presented differently in
7 a media story.

8 Let's go on, however.

9 MR. MILOSEVIC: [Interpretation]

10 Q. You said that General Djordjevic told you what happened
11 happened --

12 JUDGE MAY: No. Let the witness deal with the matter because it's
13 serious.

14 What is being suggested is that this truck did not contain corpses
15 from Kosovo but was in fact part of an operation to smuggle people, and so
16 the identification with Kosovo is incorrect.

17 Now, Mr. Karleusa, you carried out this investigation. Would you
18 like to comment on the suggestion which is now made, that you're mistaken
19 about this and really this was just part of a smuggling operation.

20 THE WITNESS: [Interpretation] In our documents, that is the
21 documents of the working group, there are Official Notes which reflect

22 what our interlocutors, possible eyewitnesses, and other people who may
23 have been involved had told us. Based on those documents, we drafted two
24 communiques which we presented to the public. We did not go at that
25 moment into any conclusions as to whether those corpses belonged to people

Page 8413

1 of Albanian nationality or not, whether they were from Kosovo or not.
2 Instead, judging from all we could see on the site, we accepted that, and
3 we concluded, for instance, the following: Judging by the lettering on
4 the truck, Prizren Exporting Slaughterhouse Progres, we thought that it
5 might have been from Kosovo. We did not make any judgements about the
6 origins of the corpses.
7 We also tried to look for other facts which could corroborate this
8 indicia about the possibility that the people came from Kosovo. We waited
9 for the exhumations to be completed. But we said that once the bodies are
10 exhumed and autopsies carried out, it will be possible at that later stage
11 to establish where those people came from.
12 In the communiques, we said we had no basis for concluding that
13 the corpses belonged to people who came from Kosovo. We said we needed to
14 establish relevant facts first, which would probably indicate the origin
15 of those people.

16 THE ACCUSED: [Interpretation] All right. Can I continue, Mr. May?

17 JUDGE MAY: Well, in fact, the witness should go on to deal with
18 this: Did you then have information as to where the corpses came from
19 after the exhumation?

20 THE WITNESS: [Interpretation] I would like to point out that
21 according to the results that were obtained by the expert team that
22 carried out the exhumation in the territory of Batajnica, and we know from
23 before or, rather, we have information from persons who transported these
24 bodies to Batajnica, that that is where they were buried as well.
25 According to the report of the expert team, we did not come to the

Page 8414

1 conclusion that these were bodies that were transported from Tekija or,
2 rather, from the refrigerator truck mentioned. That can be concluded on
3 the basis of the characteristics that we got from eyewitnesses or, rather,
4 from the technician who worked then and who works now and who was on the
5 site itself. And he could give us a description of the bodies, the
6 structure, rather, the number of men, women, children respectively, and

7 also the number of objects that were found there, and they were all buried
8 together. Therefore, we do not know where these bodies actually come
9 from.

10 JUDGE MAY: Yes.

11 MR. SHIN: Just to deal quickly with the document provided by Mr.
12 Milosevic. The Prosecution notes that we are not able to deal with this
13 right now because it is only in Serbian, without a translation. One minor
14 observation; there's a fax line across the top indicating the date of
15 August 16th, 1999, whereas it appears that the document is from August 21,
16 2001. There may very well be a simple explanation for that.

17 JUDGE MAY: Mark it for identification and it can be translated.

18 Yes. Judge Kwon suggests rightly; let's put that to the witness and can
19 he help.

20 Mr. Karleusa, could you just have a look at that. If you've got
21 any comment about it, perhaps you could make it.

22 THE WITNESS: [Interpretation] Yes. Approximately Mr. Milosevic
23 did read some segments from this text, this document of the public
24 prosecutor's office of the municipality of Zajecar. As I said already, I
25 did not see this. I did not hear about this either.

Page 8415

1 The document is dated the 21st of August, 2001.

2 I don't know what else I should say in relation to this.

3 JUDGE MAY: It's the sort of document you've seen before, is it?

4 THE WITNESS: [Interpretation] I have seen similar documents
5 before. This is the form used to compile Official Notes by public
6 prosecutors offices, the police, et cetera. However, I have not seen this
7 note, and I'm not aware of its contents.

8 JUDGE MAY: Very well. Thank you very much. If we get an exhibit
9 -- just a moment. Let's get an exhibit mark for it.

10 THE REGISTRAR: Your Honours, that will be marked Defence Exhibit
11 D27, actually marked for identification.

12 JUDGE MAY: Thank you. Yes, Mr. Milosevic.

13 MR. MILOSEVIC: [Interpretation]

14 Q. I hope, Mr. Karleusa, that you have noticed that at the end there
15 is a stamp and a signature, that is to say, of the public prosecutor.

16 A. Yes.

17 Q. I mean it is a regular type of Official Note compiled by the

18 public prosecutor's office as usual. Registered, signed, sealed, and
19 stamped. I hope that you managed to see that much.

20 A. Since this is a fax and since the elements that you are referring
21 to can be seen, it is possible that it may be so.

22 Q. In your statement, you said that General Djordjevic said to you,
23 "What happened, happened." If that is true, then why did you state in
24 your interview that you gave on the 1st of November to the newspaper Vreme
25 that Djordjevic did not say anything to you? I have a quotation here.

Page 8416

1 They ask you about Djordjevic, and your answer reads as follows: "Yes.
2 We tried to get in touch with him. He had been retired. While I still
3 did not know what was going on, I called him," and then you quote
4 yourself, "Rodjo, come, I have a truck and rumour has it that it has
5 something to do with the police. And when he came, I asked him --" again
6 you're quoting yourself -- "Do you know anything about the refrigerator
7 truck? He mumbled something. He didn't really say anything to me." Full
8 stop.

9 Is that right or is that not right?

10 A. That is what was written by the journalist who talked to me.
11 However, the truth is what I said in my statement and in my testimony here
12 before the Court.

13 As for journalists, I may have said things to them, and I may have
14 not said things to them. And whether they correctly transmitted it or
15 not, I don't know. I don't know whether I told them exactly the same
16 things I said before the Court, but sometimes I tell journalists a bit
17 less, sometimes I tell them a bit more.

18 Q. All right. But do explain this to me: What does it mean you -- I
19 mean, I keep saying your Official Note, but I don't mean you personally,
20 it's some kind of working group that signs this. And the Official Note is
21 signed on the 15th of May, the interview with Milan Stevanovic which you
22 submitted here as evidence. What does it mean that Frenki's men and
23 others were there? I mean, what's the point of that statement? Are you
24 trying to link them up with what you have been claiming here?

25 A. I wish to give you a twofold answer. First of all, I did not

Page 8417

1 submit a single document. That document was submitted by the court. And
2 how the court obtained that was for the Court to say, and they did.

3 Q. Excuse me for interrupting, but for all these documents that are
4 here attached to your statement were not attached by you but they were
5 attached by this other side over there; is that right?

6 A. I submitted these reports like all others with an appropriate
7 letter of the Ministry of the Interior and the then administration of the
8 crime police where I was deputy head. We sent all of that to the public
9 prosecutor's office. That is the truth.

10 Can I give you a further explanation and answer? What is recorded
11 in the Official Note is not what we stated. That is what the person we
12 interviewed stated. Whether that is correct or not is something that has
13 to be dealt with through future checks and the checks that were carried
14 out then.

15 Q. All right. When you took statements from various people, you did
16 not really take anything in writing or, rather, did you not take signed
17 statements. Why not?

18 A. Because it was our assessment that we should work this way.
19 Later, if necessary, statements could have been taken subsequently in the
20 form stipulated by Article 151 on the Law on Criminal Procedure. We
21 decided to do that by way of Official Notes because this was police
22 working material.

23 Q. So it is your testimony that you are giving here only on the basis
24 of police working materials.

25 A. Yes. On the basis of what we did, on the basis of what we heard,

Page 8418

1 and on the basis of what we obtained perhaps through the checks that we
2 conducted after interviewing people and maybe these checks corroborated
3 this.

4 Q. Do you know that this is within the province of work of the
5 investigating judge?

6 A. At that time, we did not have any request put forth by the
7 investigating judge, because the investigating judge had no knowledge
8 about this. It was only later in relation to the knowledge that we
9 obtained, when we obtained certain indicia, that is, and when voluminous
10 material was compiled - I'm referring to Official Notes - it was only then
11 that the public prosecutor's office was informed and the investigating
12 judge, et cetera, as I have already said.

13 Q. All right. So what you have been saying is that all these

14 statements that you compiled were not signed, and you sent them to the
15 public prosecutor in Belgrade and then the public prosecutor started
16 dealing with this matter and that's all; is that right?

17 A. I told you, we did not submit statements. These are Official
18 Notes conducted by the police, and they contain what people said during
19 their interviews. As for what we had, we submitted that to the office of
20 the prosecutor.

21 Q. All right. In your statement, on page 2, paragraph 5, you say
22 that only a few days after the article appeared on the 1st of May, you
23 were invited to a meeting and you were informed that a working group would
24 be established with the assignment of establishing relevant facts that had
25 to do with the refrigerator truck. However, already on the 25th of May,

Page 8419

1 that is to say the very same month, after about two weeks, as far as I can
2 tell, I mean after the working group was established, you already gave a
3 press release where you presented the facts that you allegedly had
4 ascertained. Is that correct?

5 A. I was not informed that a working group would be formed. I got
6 instructions through General Sreten Lukic, and the instructions were
7 actually given by the minister to have a working group established, and
8 this was done. And it was not only two weeks that had gone by, much more
9 than that. I would like to point out that the working group straight away
10 started carrying out activities related to this matter, and that was about
11 20 days, it was not two weeks, as you had put it.

12 Q. All right. Let it be three weeks, Mr. Karleusa, but it is not
13 being contested that the working group was established in the beginning of
14 May and that your press release about what you allegedly found out was
15 released on the 25th of May. That is what is here within these dates.

16 So if the working group was established only in May and if you did
17 not have formal statements, if you only made these notes and you submitted
18 all of that to the office of the prosecutor, then why did you hastily make
19 such statements, press releases? Is this the usual practice?

20 A. If you look at the dates, if you look at the dates when the
21 interviews were carried out or, rather, if you look at the dates on the
22 Official Notes, you can see that this was considerably earlier, not when
23 the press release was made. The entire documentation in this regard was
24 not submitted in the month of May to the office of the prosecutor but

25 considerably later, and we then gathered what we call information, and

Page 8420

1 then we carried out checks with regard to what we had learned.

2 What we had, we presented to the public, because there was great
3 public pressure that was brought to bear so that people could find out
4 what had actually happened.

5 Q. Tell me, please, because I imagine it is not being challenged that
6 you gave this statement on the 25th of May. Actually, this is your press
7 release; is that right? The information you provided to the public.

8 A. Yes.

9 Q. And you started working sometime in the beginning of May. So on
10 the 25th of May, you made this statement. Can you answer the following
11 question: Was there a political reason behind this, a reason related to
12 political marketing? Was that behind this press release? Was this media
13 preparation for my hand-over to The Hague, because your press conference
14 was roughly just before that.

15 JUDGE MAY: One thing at a time. The first question is the
16 political marketing, as it's put. Was there a political reason for it or
17 political pressure?

18 THE WITNESS: [Interpretation] We did not have any political
19 reasons. We, as policemen and also my working group - and I am proud of
20 its work - we were not engaged in politics. We presented what we learned
21 during the course of our work, and we did present that.

22 Now, why was it necessary then? Already during the month of May,
23 immediately after this was made public or, rather, after the article was
24 carried in the Zajecar crime review, the prosecutor also spoke in public.
25 This is the district public attorney in Negotin.

Page 8421

1 All these writings caused considerable unrest among the public,
2 and we thought that we should show that we are not remaining silent in the
3 face of this. We want to check this out and investigate it. That was my
4 job. And I personally do not see this as politics, and I personally don't
5 want to have anything to do with political matters.

6 Q. All right. You said that you did all of that in May, and there
7 were 30 interviews, as you said yesterday. Information was gathered. A
8 lot of other things were done in May. All right, let's not say 14 days, a
9 bit more than 14 days.

10 Now, tell me, from that moment onwards, as far as I can see
11 according to this information you provided when you made this public
12 statement, to the present day you did not make any headway in your
13 investigation. There are no new facts except for what you published then.
14 A. I would not agree with you. There are certain facts and certain
15 data that are still being processed, and this could be called headway, as
16 you had put it. I cannot speak about that right now. I will speak about
17 it if I am required to do so when we have sufficient arguments for that.
18 Q. All right. So when you gave your statement, you did not have
19 sufficient arguments, so you gave what you could give on the basis of what
20 you did within 14 days. And then 14 months went by and you did not make
21 any statement as to what you had done during those 14 months. I assumed
22 that after I was handed over to The Hague there was no further motive to
23 insist on it any longer; right?
24 A. I have to tell you the following, and that is from the moment when
25 we informed the office of the prosecutor, the prosecutor's office or,

Page 8422

1 rather, the district court in Belgrade took over everything that had to do
2 with press releases and statements made to the public. We acted only on
3 the instructions given to us by the prosecutor's office. We are not
4 authorised to give the results of possible conclusions and investigations
5 that we came to in this regard. If necessary, the office of the
6 prosecutor in Belgrade can give their views on this.

7 Q. All right, let me ask you as a policeman with vast experience - if
8 I remember correctly, you've been working in the police force for 27
9 years, that's what we heard yesterday - isn't it logical to establish
10 first and foremost who these people are, where, how they were killed, and
11 who killed them, and only then to draw conclusions? I should think that
12 every investigation regarding a body that is found has to give answers to
13 these questions first.

14 A. Yes. We have got that problem, because if we are talking about
15 the refrigerator truck, the bodies have not been identified yet. That's
16 the problem. Not only in the case of the refrigerator truck but also
17 other bodies that were found. This does not depend on us. The
18 identification of such a large number of bodies that was referred to here
19 is something that goes very slowly, as is well-known. And we, as the
20 police, expect to obtain the results of this identification process so

21 that we could work in the following direction, that is to say where these
22 people come from, and then we will see what happened, if anything, in that
23 area, who is missing, who worked there, and who the possible perpetrator
24 may be. We are working on the establishment of all relevant facts. First
25 of all, who perpetrated the crime; secondly, where these people come from;

Page 8423

1 and thirdly, that the perpetrators be established individually.

2 Q. I assumed that this is the task of the judiciary organs and the
3 police to answer these questions, who they were, where they were killed,
4 who killed them, in order to make further progress. I'm glad that you
5 agree with this.

6 Now, tell me, please, in the public release, in the press release
7 you quote on page 3, you say that Vljako Stojiljkovic, the then Minister
8 of the Interior and the head of public security, Vlastimir Djordjevic,
9 proclaimed that the entire case was a state secret, and in this
10 connection, they started an action called Depth 2, Dubina 2. Did any
11 markings in this relation exist anywhere? Did you ever see anything of
12 this nature?

13 A. No. If -- actually, we found out that this was a state secret
14 because it was said then that this should be considered strictly
15 confidential, a state secret, and that no information should be given to
16 the public. We got this information from the then head of the SUP of Bor,
17 from the then district public attorney in Negotin, and other persons who
18 were all invoking that order.

19 There is a document on which there is this kind of marking,
20 "strictly confidential, state secret," and it speaks of payments made
21 subsequently for the physical work of the persons who were carrying the
22 bodies out of the refrigerator truck.

23 Q. Tell me, please, what kind of secret information is this, engaging
24 workers from the company called Higijena or Komunalac or whatever, that is
25 to say, street sweepers or grave diggers? What kind of operation is this?

Page 8424

1 A. According to the statements given to us by persons who took part
2 in this, that's the way it was. At that time, that's the way it was. We
3 could not influence it then.

4 Now, why it was so, I do not know.

5 Q. All right. Let me just look up one thing. On page 4 of your

6 statement, you say, inter alia, that operative information gathered by the
7 working group indicate that in March 1999, a meeting was held in my
8 office, attended by Vljako Stojiljkovic, Vlastimir Djordjevic, and Rade
9 Markovic, that Djordjevic raised the issue of mopping up the terrain and
10 that I allegedly ordered Vljako Stojiljkovic to undertake measures to
11 remove any traces that could be potentially indicative of the existence of
12 evidence regarding the committed crimes.

13 Here it is on page 4 of your statement. You say: "On that
14 occasion, General Djordjevic raised the issue of mopping up in the
15 territory of Kosovo and Metohija as a problem. That is, a clean-up of
16 terrain in the area of Kosovo and Metohija. In this connection, Slobodan
17 Milosevic ordered Vljako Stojiljkovic to take measures for the removal of
18 all vestiges potentially indicative of the existence of crimes..." and so
19 on and so forth.

20 First of all, he speaks about a clean-up operation and then I do
21 not respond to what he says, I instead give different orders, and then
22 comes a senior staff meeting of the Ministry of the Interior where the
23 same problem of clean-up actions is reviewed.

24 Did you attend this meeting, first of all?

25 A. Which meeting?

Page 8425

1 Q. This meeting that you say -- where you say I ordered the removal
2 of all traces of crimes.

3 A. Do you mean the meeting that was said to have been held in your
4 office?

5 Q. Yes.

6 A. No, I did not attend that meeting.

7 Q. Do you make any distinction between a clean-up of the territory
8 and removal of traces of crimes?

9 A. Yes.

10 Q. Do you assume, then, that the head of state issues such orders in
11 response to a problem of mopping up being raised, that he issues orders to
12 remove traces of crimes? Do you know how many times it has been insisted
13 on precisely the opposite, to apprehend all perpetrators of crimes, to
14 call everyone to task for any infraction or violation? Do you know about
15 such orders and instructions?

16 A. You asked several questions in one. I will try to answer them in

17 sequence. Saying that such a meeting was held in your office in March is
18 not something that we did or invented. That is something that Rade
19 Markovic stated. What we know, we know from Mr. Rade Markovic, and he is
20 the source of this information, of this allegation, if you want.

21 Then you talked about the mopping up or clean-up operation --

22 Q. Let us --

23 JUDGE MAY: Let the witness finish what he's saying.

24 THE WITNESS: [Interpretation] I have no doubt in my mind what the
25 mopping-up or clean-up operation means. That term was used properly and

Page 8426

1 improperly in the media. But I'm not here to make any conclusions. It's
2 not my job. My job was to report what was said, and that's the way we
3 conveyed it.

4 In my statement given to the investigators of this Tribunal, I
5 only repeated what we stated in our press release, the way we were
6 informed of the matter, and quoting operative information that had been
7 collected - that's all we had at the time - we said all we could say,
8 although we can today indicate the source of this information.

9 MR. MILOSEVIC: [Interpretation]

10 Q. You say this information came from Rade Markovic. I don't believe
11 he could have stated anything of the kind, nor than anyone else could have
12 said it considering that it is absolutely untrue. But please, would you
13 answer the question I asked you regarding your own statement that I
14 quoted.

15 You say further on in your statement: "I am not certain who the
16 source of this information is, although I was apprised of it at a MUP
17 meeting. It was my understanding that the information most likely came
18 from one of the participants of the meeting held in Milosevic's office."
19 Then you go on to say further below: "We also talked with Obrad
20 Stojanovic but he basically denied any involvement in these events. We
21 also spoke to General Dragan Ilic, Stojan Misic, and Petar Zekovic but all
22 denied any involvement. We in fact spoke to many of the administration
23 chiefs, the assistant minister, and the chef de cabinet but they all
24 denied any knowledge. None of them offered the working group any
25 information relating to the mopping-up operation in Kosovo or any

Page 8427

1 knowledge of the refrigerator lorry case."

2 In this statement, thus, you say that you have no idea who the
3 source of information is, it was just conveyed to you at the time, and
4 here you are saying that your source is Markovic.

5 JUDGE MAY: You must put a question to the witness so he can deal
6 with it fairly.

7 Mr. Karleusa, have you heard what's been read out?

8 THE WITNESS: [Interpretation] Yes, I've heard it, but I would like
9 to hear a specific question.

10 MR. MILOSEVIC: [Interpretation]

11 Q. So in your statement, you said that you did not know where the
12 information originated, this piece of information which you now claim you
13 received from Rade Markovic.

14 A. Yes.

15 Q. Did you speak to Rade Markovic?

16 A. No.

17 Q. Did the working group speak to him?

18 A. No.

19 Q. Then on the basis of what did you as the working group conclude
20 that Rade Markovic had told you about a meeting held in my office and
21 orders issued not to conduct a mopping-up operation but to remove traces
22 of crimes? How did you or the working group come to such a conclusion?

23 A. At a meeting which --

24 Q. What?

25 A. At a meeting which I mentioned both in my statement and in my

Page 8428

1 testimony, I saw with my own eyes a signed statement made by Mr. Rade
2 Markovic which states specifically what I quoted here. At a time when two
3 -- I gave my statement to the investigator of the OTP in Belgrade. I did
4 not specify the source. I specified the source here. That, too, is
5 correct.

6 Q. Fine. Then how did you establish, considering that the working
7 group had not spoken to Markovic, that he had given that statement?

8 A. I saw a signed statement by Mr. Rade Markovic with my own eyes,
9 and I had the opportunity to read it. It was an official statement,
10 properly recorded by a recording secretary, bearing a date and signature,
11 and so on and so forth.

12 Q. So you saw this statement. You say: "I have a record of a trial

13 proceedings dated 28th of May, 2002, drafted in the District Court of
14 Belgrade. It concerns Rade Markovic."
15 It explains, for instance, that a witness, Goran Petkovic, an
16 official of the state security office, he says a meeting was held on the
17 31st of May and was held at the headquarters of the state security sector
18 in Banjica, Belgrade.
19 Then it says Markovic was brought to the meeting by Mijatovic and
20 Galic, then chief of the state security sector. Further on, the witness
21 explains that no record was made nor was an Official Note drafted of that
22 interview because the accused Markovic did not state anything of
23 importance which would require such an action, that is, the drafting of an
24 Official Note.
25 Q. Furthermore, in response to the question by accused Markovic to

Page 8429

1 the witness whether he remembers what he was told in the corridor, the
2 witness said it was an irony of fate that he and Mijatovic were in the
3 process of attempting to get the accused Markovic out of gaol. It is
4 noted the accused Markovic says he can swear on his child's life about all
5 he says about the contents of that conversation.
6 This is not a note. This is a record of a child.
7 JUDGE MAY: Mr. Milosevic, we must come to the point. What is the
8 point of what you're reading out?
9 THE ACCUSED: [Interpretation] The point is, Mr. May, that
10 witnesses at trial claim that there was no record of that interview when
11 Markovic was taken out of gaol without any court order, illegally, to make
12 statements. No record or Official Note was made. And it was subsequent
13 orchestration and engineering and fabrication of something that Markovic
14 allegedly said, a man who is in the dungeons of the central prison for
15 more than a year now.
16 JUDGE MAY: Let us try and understand what's being put. Are you
17 saying there could have been no statement which the witness could have
18 seen because Markovic was in prison at the time and there's no record of
19 him being removed? Is that the point?
20 THE ACCUSED: [Interpretation] I'm only saying that if this witness
21 ever saw something, it must be a fabrication. It can't be the truth.
22 I'll tell you what the Minister of Interior Affairs says.
23 JUDGE MAY: No. You let the witness deal with these matters.

24 Mr. Karleusa, you've heard what's being suggested. Can you
25 comment on that?

Page 8430

1 THE WITNESS: [Interpretation] The truth is that I have seen a
2 statement by Mr. Rade Markovic bearing his signature - I suppose it was
3 his signature - indicating all his personal details, and the statement was
4 in the proper, due format, typical of such a statement.
5 It is true that in my statement given to the investigators of the
6 OTP and my testimony before this Court is true. I would not like to make
7 any comments upon your allegations. What I saw at the time as a
8 representative of the working group was the basis for my information.
9 That's the way we gathered information. We didn't have to go there
10 ourselves.
11 I told you how we came by this piece of information. We got it
12 that way, and that is the truth. We received it in May 2001, before we
13 went public with it. That is the truth.

14 MR. MILOSEVIC: [Interpretation]

15 Q. Dusan Mihajlovic, according to this record, says the witness
16 agreed to conduct an interview with Markovic, which was published on the
17 31st of May, 2001, and this interview was conducted on the premises of the
18 State Security Service in Banjica. It was attended by both Mijatovic and
19 Petrovic, and he says: "I don't know whether a record was made of this
20 interview or an Official Note, because there was no information revealed.
21 No promises were made to Markovic in the form of possible release or
22 financial assistance. Therefore, my point is, he says no record was made.
23 And he says it was precisely Mijatovic who told him that the subject of
24 the conversation was Slobodan Milosevic.
25 Do you know, according to what the parliamentary investigative

Page 8431

1 committees published, what pressure was brought to bear on Radovic -- on
2 Rade Markovic to accuse me of something in the circumstances of extreme
3 duress which lasted for over a year, and torture?

4 A. That's what I learnt from the media.

5 THE ACCUSED: [Interpretation] I hope, Mr. May, that you will
6 accept this record of trial proceedings before the District Court in
7 Belgrade.

8 JUDGE MAY: We will deal with it in the same way. Collect it, the

9 Prosecution can see it, it will be marked for identification.

10 JUDGE KWON: Mr. Karleusa, do you think you know where the alleged

11 -- the statement of Markovic is now?

12 THE WITNESS: [Interpretation] No, I don't know where this

13 statement by Mr. Markovic is now.

14 JUDGE KWON: Who showed you the statement at that time?

15 THE WITNESS: [Interpretation] I saw that statement personally at a

16 senior MUP staff meeting at which I was presenting my progress report in

17 the refrigerator lorry case. That statement was shown to me in the

18 context of the reason for my presence at that meeting. I don't have it in

19 my possession, nor does the working group have it.

20 MR. MILOSEVIC: [Interpretation]

21 Q. All right. Will you please answer this question: Since I quoted

22 to you part of your own statement underlying this testimony where you say

23 you ignore the source of this information concerning the meeting in my

24 office and then you say that you had spoken to all the participants,

25 Stojiljkovic, Djordjevic, Obrad Stojanovic, Dragan Minic, Stojan Misic --

Page 8432

1 JUDGE MAY: You've read all that out. There's no need to read it

2 again. If you have a question, ask it.

3 MR. MILOSEVIC: [Interpretation]

4 Q. None of these people gave you a single piece of information that

5 would corroborate what you said in your statement, in your press release.

6 You didn't get a single piece of information corroborating the claims made

7 in your communique. Why, then, did you present this lie?

8 A. We presented that in order to give the public our findings. We

9 did not say that that was the truth. We presented what we had learned

10 until then. And that operative activity in terms of the establishment of

11 all facts was still under way. That's the truth.

12 Q. All right. But you said that there is some kind of information

13 with regard to some alleged meeting held in my office sometime around the

14 25th of May; is that right?

15 A. We found out about that. I personally -- I personally attended

16 that meeting, and this was before the 25th of May.

17 JUDGE KWON: Mr. Shin, please.

18 MR. SHIN: Your Honour, this document, this last document as well

19 is only in Serbian so the Prosecution will not be able to deal with it at

20 this time.

21 JUDGE MAY: It can be marked for identification.

22 THE REGISTRAR: Your Honours, this will be marked for
23 identification as D28.

24 MR. MILOSEVIC: [Interpretation]

25 Q. So you found out, on the basis of the statement made by Rade

Page 8433

1 Markovic, as you said now before the 25th of May, and he was talked to, as
2 it can be seen here, after that date. How could you find out about that
3 before he was actually talked to?

4 A. I am telling you and I am stating before this Court what I saw.

5 What I'm saying is the full truth. I saw the statement made by Mr. Rade
6 Markovic, a regular type of statement. The way a statement should be.

7 I don't know what you have been saying, that there is a statement
8 dated later. Perhaps he was interviewed several times with regard to this
9 same subject.

10 Q. All right. Does it seem to you that this was also within the
11 preparations for taking me to The Hague? And you know that that was
12 illegal, unconstitutional, and criminal.

13 JUDGE MAY: It's not for the witness to comment on that.

14 Mr. Karleusa -- this will be the final question on this topic, Mr.

15 Milosevic. It's suggested that the comment or the comments about Mr.

16 Markovic and the report of the meeting was part of the preparation to send
17 Mr. Milosevic here. Is there any truth in that or not?

18 THE WITNESS: [Interpretation] I am not involved in any such thing
19 and I cannot say anything about this. That is not my opinion, though.

20 MR. MILOSEVIC: [Interpretation]

21 Q. You say in your statement, on page 5, that the statement contains
22 information obtained from Bosko Radojkovic, and also that he got the
23 impression that all the corpses had sustained injuries by blunt objects,
24 et cetera. So my question is: Why are you relying on Radojkovic's
25 statement only in your communique when he is not an expert in how injuries

Page 8434

1 are sustained?

2 A. Mr. Bosko Radojkovic is an exceptionally experienced technician.

3 As far as I know, since I took part in the interview on the basis of which
4 an Official Note was made with Mr. Bosko Radojkovic, I know and I came to

5 the conclusion that he has vast experience and that what he said is based
6 on considerable arguments. My impression was that his statement about
7 this was truthful.

8 I asked him how he came to this conclusion, and he said that in
9 his practice, he had seen hundreds of consequences of death and
10 investigated hundreds of such cases. And since he is in that area, he has
11 dealt with many cases of bodies that were taken out of the water, of
12 people who had drowned. So that is not my statement, that is what he
13 stated.

14 Q. Oh, does that mean that these people had drowned?

15 A. No. I said that he had experience with people who had drowned and
16 with corpses. He gave his preliminary findings at police level. It is
17 quite clear that, subsequently, it was for forensic experts to establish
18 the cause of death in the case of the bodies found.

19 Q. Could you please explain to me what the criteria were that you
20 used in terms of establishing which information you will take as valid and
21 which information you will not consider as valid?

22 For example, yesterday you said that somebody had stated that
23 these bodies had KLA uniforms on them, and afterwards, you said that these
24 bodies did not have KLA uniforms on them. How did you opt for one of the
25 two, whether they did wear KLA uniforms or not?

Page 8435

1 Or another example: You say that Radojkovic --

2 JUDGE MAY: Let him deal with one at a time. No. No. Let him
3 deal -- you've put the example to him, let him deal with it.

4 THE WITNESS: [Interpretation] What is your question?

5 MR. MILOSEVIC: [Interpretation]

6 Q. You use statements; right? Statements are the only basis for your
7 reports. You don't have material facts. You have statements.

8 So you have a statement that they wore KLA uniforms, and then you
9 have a statement that they were not wearing KLA uniforms, and then you opt
10 for the statement that they did not wear KLA uniforms.

11 So according to what criterion do you decide which statement you
12 are going to accept as relevant, to use your words? I mean, I'm not
13 insisting they were wearing KLA uniforms. I'm not insisting they were
14 from Kosovo at all. I'm not even insisting on that particular year. I'm
15 not insisting on anything. I'm simply asking you what your criteria are.

16 JUDGE MAY: Let the witness answer.

17 THE WITNESS: [Interpretation] According to the same criteria on
18 the basis of which we came to the knowledge that some of the corpses had
19 KLA uniforms, according to the same criterion, we had to rectify this,
20 that bodies with KLA uniforms had not been found, because Mr. Radojkovic
21 was the direct source of that information. So this was a mistake. Either
22 he said it that way and that was recorded, but at any rate, he revised it
23 afterwards. In this connection, we could not invent anything nor did we
24 have any reason to invent anything.

25 MR. MILOSEVIC: [Interpretation]

Page 8436

1 Q. I'm not asking you whether you invented anything. I'm just asking
2 you according to which criterion do you accept some information and
3 respect others and put it all together?

4 That was just one example but here's another example: Radojkovic,
5 in his statement that you took down, said that in his assessment, these
6 people had been killed two days before that. And for example, according
7 to the statement that you took from Nenad Popovic, a crime operations
8 officer of MUP Kladovo, on the last page of that statement, it says that
9 the bodies were in a state of decay.

10 Now, could you explain that? Why is it important that your
11 conclusions should be based on one statement and not on the other one?
12 Because obviously both saw these corpses. That is what both of them
13 claim.

14 A. In this case, it is not a question of findings, it is a question
15 of knowledge.

16 Mr. Bosko Radojkovic presented convincingly the position that
17 these were bodies that were not in a state of visible decay. What he said
18 was recorded in the Official Note and that is how we conveyed that. We
19 thought that other persons had not been in such contact nor could they
20 speak with the kind of knowledge that Mr. Radojkovic had.

21 Q. All right. But this Nenad Popovic, this crime technician, he also
22 saw that, or, rather, he is a crime operations officer. So why do you
23 give advantage to one and not the other? Both are approximately qualified
24 to the same extent to infer such things, or perhaps equally unqualified to
25 infer such things because neither of them are forensic experts.

Page 8437

1 A. I pointed out that Bosko Radojkovic is a crime technician, a
2 professional crime technician with vast experience.
3 This other gentleman, the operations officer, most probably did
4 not have that kind of experience but he said what he said, and Bosko
5 Radojkovic said what he said, and all of this is contained in their
6 statements. As far as I know, all of this is presented here before this
7 Court in the annexures.

8 Q. All right. In your statement on the 25th of May, the press
9 release, you say that there were over 50 bodies, and then you say that
10 Radojkovic said that there were 86 bodies, and the one who opened the
11 refrigerator truck said that there were 30. Who established how many
12 corpses there were there? How did you establish that? Again, is it only
13 Radojkovic's assertion that is taken into account or the assertions of all
14 others?

15 A. The knowledge that we have that there was 50 or that there was 30
16 is actually a question of free estimates of the persons who were there.
17 What it looked like, to put it that way.

18 As for the definite count, that was carried out when the bodies
19 were being placed in the truck. In the first one, there were 30; in the
20 other one, there were 58.

21 In addition to Bosko Radojkovic, this was counted by somebody
22 else.

23 I remember now that, in his statement, Bosko Radojkovic said
24 unequivocally that there were 58. And everything else was the way he had
25 put it in his statement.

Page 8438

1 Q. All right. Let us try to keep this time as short as possible.

2 You did not attend the exhumation of the corpses; is that right?

3 A. I did attend the exhumation of the corpses.

4 Q. All right. It was my understanding that the police can only
5 provide security on the exhumation sites, that they did not have the right
6 to attend exhumations because this is expert work carried out by persons
7 in charge of that. Isn't that the way it is, according to regulations?

8 A. No.

9 Q. All right. Do you know what the results of the analysis were
10 after the exhumation of the corpses that were found in Batajnica?

11 A. I did not read the report of the expert team that carried out the

12 exhumation. This report was submitted to the district public attorney who
13 was in charge of the proceedings related to the exhumations.

14 Q. Is it true that until the present day the cause of death was not
15 established?

16 A. Possibly. I did not read the report. The bodies were not
17 identified. And I pointed out then that that was a major problem.
18 Preliminary identifications were carried out, incomplete, and in our
19 opinion, this is only an indication that perhaps most probably these are
20 persons whose identification documents we did find on the actual site, but
21 the bodies were not identified the way they have to be identified in order
22 to treat this seriously and with certainty.

23 Q. Is it correct that the identity of these corpses has not been
24 established until the present day, or the place of death or where the
25 bodies originate from?

Page 8439

1 A. I do have some knowledge in this regard, but I also have
2 information that some have been fully identified by now. I don't know
3 exactly.

4 Q. All right. But everything that you mentioned in connection with
5 Batajnica again has nothing to do with these corpses from the refrigerator
6 body, because you did not -- you did not find them yet and they were not
7 exhumed.

8 A. As far as I know, according to the description provided by
9 Mr. Radojkovic in terms of the number, characteristics, structure, et
10 cetera, it seems to me that we have not found these bodies, or, rather,
11 that they had not been found during the exhumations that were carried out.
12 Please, may I just correct one more thing? I am relying on the
13 exhumation called Batajnica 1. I don't know whether during the course of
14 the exhumation of the mass grave BA2, Batajnica 2, bodies were found in
15 this connection, because there is a large number of exhumed bodies there.

16 Q. As you say in your statement, on page 9, in connection with what
17 you are saying about Batajnica, you had the impression that these bodies
18 originate from Kosovo. Based on what did you have this impression?

19 A. I wouldn't put it that way, that it was my impression. I was just
20 trying to conclude based on what had been found on the site and presented
21 officially, such as ID cards and other documents, that much has been
22 established and documented; namely, these documents were issued in the

23 name of ethnic Albanians, and they were mainly issued in a locality called
24 Suva Reka in Kosovo.

25 JUDGE MAY: Mr. Milosevic, the time has come for the adjournment.

Page 8440

1 Mr. Karleusa, we're going to adjourn now for 20 minutes. Would
2 you be back, please, at the end of that.

3 --- Recess taken at 10.30 a.m.

4 --- On resuming at 10.55 a.m.

5 JUDGE MAY: Yes, Mr. Milosevic.

6 MR. MILOSEVIC: [Interpretation]

7 Q. So, Mr. Karleusa, let us just clear up this matter. You've just
8 mentioned ID cards from Suva Reka. But you are saying that, based on
9 that, you think the bodies are from Kosovo. How can you claim that the
10 bodies from the refrigerator lorry were from Kosovo when they haven't been
11 even found yet?

12 A. I am not claiming either. We are not claiming that the bodies
13 from the refrigerator lorry are from Kosovo, but there are statements and
14 information which indicate that it is so.

15 And as for the ID cards that have been found, we, the police, know
16 that if a certain document is found next to a body, it doesn't mean it
17 belongs with the body. That is why I underlined the importance of full
18 identification of the bodies so that we can establish where they come
19 from, which would enable further proper investigation in the right
20 direction.

21 Q. But is this claim of yours quite clear, that the bodies from the
22 refrigerator lorry haven't been found yet?

23 A. As far as I know, the elements which could be acceptable as proof
24 have not been found. I have stressed that I am not familiar with the
25 forensic report on Batajnica 2 where about 270 bodies were exhumed. It is

Page 8441

1 possible that some of these bodies were related to our case but I don't
2 know for sure.

3 Q. So you don't know whether the bodies relating to your case have
4 been found.

5 A. No.

6 Q. All right. Since you say that an ID card can indicate that the
7 bodies are from Kosovo, what do you think of this paper enumerating

8 various objects and documents? One of them is the membership card of a
9 deputy from -- to the Congress of the Socialist Party of Serbia. What do
10 you think of that as an indication?

11 A. I can't say. I don't know about the existence of such a document.

12 Q. Well, here it is on the list of objects recovered in Batajnica.

13 You have said a moment ago that you attended the exhumations. I
14 have a record here of the district court in Belgrade on the exhumations
15 and post-mortems conducted on the premises of police headquarters, dated
16 the 19th of July, and the report indicates the names of the teams of
17 experts and the other persons present. Your name is nowhere here.

18 Don't you think that if you attended, your name should be on the
19 list of those who attended?

20 A. I was not a member of the expert team nor was I officially
21 supposed to attend as a policeman. I was present from time to time for a
22 while, which is quite enough to gain an impression of what it is all
23 about. And I was continuously informed of the progress made on the site
24 relating to the exhumations, considering that one of the members of the
25 forensic team was our own crime technician of our crime investigations

Page 8442

1 technical centre who photographed and otherwise documented everything that
2 he was required to by the leader of the expert team.

3 Q. Since you say on page 9 that the data collected through the work
4 of the working group indicate that the bodies from the refrigerator lorry
5 have not been exhumed to date, how did you establish that?

6 A. I told you, we haven't established it. We just have no
7 confirmation that they were exhumed.

8 Q. You say on page 9 that 70 something bodies were exhumed in Petrovo
9 Selo, that they were examined and that the impression was they originate
10 from Kosovo. How could you have that impression if you did not attend the
11 exhumation?

12 A. Based on the expert team's report and the fact that a number of ID
13 cards were also found on that site in addition to other documents issued
14 in the names of ethnic Albanians. And second, according to witness
15 statements, that is, a statement of one particular witness who said that
16 he brought to that site a truck containing human bodies.

17 Q. What?

18 A. Human bodies.

19 Q. Is it true that the cause of death has not been established to
20 date?

21 A. I haven't read in detail the post-mortem reports for these bodies,
22 and I cannot say anything specific about that. But I do know that with
23 the exception of three bodies, the rest have not been identified, and the
24 identification process for these bodies is under way using DNA analysis.

25 Q. About those three which you say were identified, where do they

Page 8443

1 come from?

2 A. Those are three persons, Bytyqi brothers.

3 Q. So the identities of the others have not been established?

4 A. No, not as far as I know. I know only about those three persons,
5 and their identification was contributed to by foreign forensic teams.

6 Q. You say in your statement that on Bajna Basta site another
7 exhumation took place, and again you state your own assumptions, which I
8 don't see any grounds for, to the effect that they may originate from
9 Kosovo. Is that correct?

10 A. Yes. It is true that on the bank of Perucac Lake we identified --

11 Q. That is not disputed. How do you claim they are from Kosovo if
12 you have no information to corroborate it?

13 A. I don't claim anything. I'm conveying certain insights and
14 indicia regarding that, and that will be established definitively in the
15 future when the bodies are identified.

16 Q. So it is true that to date these bodies have not been identified
17 or their origins or cause of death or anything else primarily; how they
18 met their death, who killed them and so on and so forth.

19 A. As far as I know, the bodies have not been identified to date.

20 Q. And you are not involved in any investigation regarding mass
21 graves or war crimes, are you?

22 A. I don't understand your question.

23 Q. I'm saying you're not involved in any investigations concerning
24 war crimes or mass graves. You say that on page 8.

25 A. When the administration for combatting organised crime established

Page 8444

1 and manned a section for the investigation of war crimes and tracing of
2 missing persons, my job in the working group was terminated and was taken
3 over by an expert team within the section I mentioned. It is composed of

4 police officers and experts.

5 Q. But is it true that in 1999, as you say, when the on-site
6 investigation was conducted, in addition to police officers, there were
7 also representatives of judicial bodies, deputy public prosecutor, and so
8 on?

9 A. That's correct.

10 Q. Is it true that both the judges and the public prosecutor
11 officials said at the time that it was not in their jurisdiction, it was
12 in the jurisdiction of Negotin and Kladovo public prosecutors' offices?

13 A. That's correct.

14 Q. You say also that General Djordjevic was informed of that by the
15 chief of SUP. He was told that post-mortems or burials could not take
16 place on the territory of Kladovo. Is that report correct?

17 A. That's how we came by that knowledge, and that is written in the
18 statements.

19 Q. Is it true that Djordjevic then ordered to secure the place and
20 extract the refrigerator lorry?

21 A. In the words of the then chief of police, that's how it was.

22 Q. Is it true that Djordjevic then also ordered the extraction of
23 bodies and preparations for transport where post-mortems and burials would
24 have to take place?

25 A. That's what the chief of SUP at the time said.

Page 8445

1 Q. In your communique, you mention it was over 50 bodies. It was
2 assumed that they were from Kosovo and Metohija. My question now is:
3 From the Official Note made by your working group concerning the interview
4 with the diver who said that there were about 30 bodies in the
5 refrigerator lorry, how come you said it was over 50 when the man who
6 opened the truck said it was 30?

7 A. That's what he said in his statement during the interview. It was
8 his rough estimate. We later found out, however, that there were many
9 more bodies. And the figure of 50 was voiced and generally accepted by
10 many, including Mr. Bosko Radojkovic at that time, until the moment he was
11 able to make a final body count.

12 Q. Why doesn't your press release contain any information which
13 precedes from your interview with the chief of SUP, as you say on page 2,
14 of your interview with him, that is, that General Djordjevic said that

15 post-mortems should be conducted of the bodies?

16 A. That's not what it says in our Official Notes, as far as I
17 remember. It says the order was to extract or pull out the refrigerator
18 lorry, to remove the bodies, and that transport would be organised, and
19 that burial and post-mortems would be conducted in Belgrade, or to be more
20 precise, in a different location.

21 Q. All right. You have, then, a variety of statements. Zivadin
22 Djordjevic says that the lettering on the truck said "Export/import."
23 Other witnesses do not remember any lettering at all.
24 Sperlic Vukasin, who says about it on page 2, says the lettering
25 said "Pec" or "Prizren."

Page 8446

1 How did the working group opt for one version in favour of another
2 when there are many of them?

3 A. In the statement of Mr. Radojkovic, a technician of the internal
4 affairs office of Kladovo, you can see exactly what he said. Mr.
5 Radojkovic made available to us during the interview in which I personally
6 participated ten shots from the negative of the film which was used to
7 film the refrigerator truck. All of them were published. And these
8 photographs, as far as I know, have been filed with the Court, with the
9 Tribunal, as evidence. And all these photographs, together with other
10 documents, were submitted by us to the competent public prosecutor's
11 office in Belgrade.

12 From what you can see on those photographs, the lettering is
13 distinctly visible, "Exporting Slaughterhouse, Prizren," some fax and
14 telephone numbers. Checks have been run in this regard.

15 Q. Mr. Karleusa, tell me now, you have just a moment ago expressed a
16 number of compliments addressed to this crime investigations technician
17 who is a highly qualified professional, a hard-working person, et cetera,
18 things that I do not intend to dispute at all.

19 Since I have received this photographs annexed to your statement,
20 ten of them to be precise, and one after the other they show the trailer
21 protruding from the water, the truck being pulled out. Photograph 4 shows
22 chains and padlocks on the door of the trailer. On photograph 5 you see
23 the refrigerator lorry from the profile. Photograph 6, a close-up of the
24 cab --

25 JUDGE MAY: I'm going to interrupt you for a moment. It may be

1 better to put these photographs to Mr. Radojkovic when he comes. He
2 refers to them. It may be more sensible to put them to him, whatever the
3 point is.

4 THE ACCUSED: [Interpretation] My question to Mr. Karleusa, who led
5 the investigation as head of the working group, is as follows:

6 MR. MILOSEVIC: [Interpretation]

7 Q. How come that an experienced crime investigation technician who
8 made these photographs, put them in a sealed envelope and submitted it to
9 the police concerning the refrigerator lorry containing bodies has not a
10 single photograph among them which shows a body? All we see is a
11 refrigerator lorry. But the point is in the bodies, not the lorry.
12 Is it possible that the procedure for gathering evidence about
13 something that possibly happened there could be documented by photographs
14 of a cab, a trailer, tyres, et cetera, without a single body of a corpse?
15 How do you explain that?

16 A. That was precisely my question to Mr. Radojkovic when I talked to
17 him. He explained that he had started his on-site investigation applying
18 regular procedure. He made the photographs he made, and then he was
19 suddenly ordered to stop doing what he was doing, that there would be no
20 on-site investigation, and that's where it was all terminated. I think
21 Mr. Radojkovic's is in better place to explain this in detail.

22 Q. Did you establish when the people who were exhumed had been
23 killed, and do you know, according to the first forensic estimates, that
24 certain bodies date back to a long time ago, even before the war?

25 A. We - that is the working group - have not established that. That

1 may have been established, as far as I know, by members of the expert
2 team.

3 From what I know from speaking to them at the time, the bodies do
4 not date back to a long time ago. They date back to a recent time. There
5 is no great difference between their times of death.

6 Q. All right, Mr. Karleusa. In addition to a great number of
7 discrepancies and clarities, ambiguities, you took only a few days,
8 allegedly, to establish the relevant facts and hold a press conference,
9 and created an impression that the bodies concerned were from Kosovo. So
10 I'm asking you now, was it a politically motivated campaign which should

11 have served as a preparation, as paving the way for my illegal extradition
12 to The Hague?

13 A. We gave a press release when we gave it, and neither I nor anyone
14 else from my working group was motivated by political agendas that you
15 mention.

16 Q. Tell me, please, since you yesterday talked about the composition
17 of the working group and from that composition, without naming any names,
18 we can see that there were two lieutenant colonels and one major in that
19 working group; is that correct?

20 A. Yes.

21 Q. Is it correct? I didn't hear you.

22 A. It is.

23 Q. So two lieutenant colonels and one major. Does it seem logical to
24 you, that you as a captain, the lowest ranking member of that working
25 group, be the leader of that group, superior to the lieutenant colonels

Page 8449

1 and the major?

2 A. I was leader of that working group not because I was captain by
3 rank but because I was deputy head of the criminal investigations police
4 force at the time, and I don't see anything irregular or illogical about
5 the fact that I was the leader of the working group.

6 Q. Does it have to do anything with the fact that professionally and
7 otherwise, in business terms, you were related to the then Minister Dusan
8 Mihajlovic, bypassing regular official links?

9 A. That is not correct.

10 Q. All right. Tell me then, Mr. Karleusa, is it true that the
11 enterprise whose co-owner is your wife is engaged in supplying private
12 companies owned by Dusan Mihajlovic, your minister? Supplying security
13 guards.

14 A. That's not correct.

15 Q. What is not true, that your wife does not co-own this enterprise,
16 this company --

17 JUDGE MAY: That's enough. It has nothing to do with this trial.

18 You've heard what this witness has said.

19 THE ACCUSED: [Interpretation] Please. Here is an exhibit. The
20 registration with the business relations court in Belgrade of an
21 enterprise which names among its activities physical and technical

22 security services. Fito Centar is his name. Svetlana, father's name Jan,
23 Karleusa. That's your wife, isn't she?

24 A. Yes.

25 Q. Address Pariske Komune 61. Here we read: "Unlimited

Page 8450

1
2
3
4
5
6
7
8
9
10
11
12 Blank pages inserted to ensure pagination corresponds between the French
13 and English transcripts. Pages 8450 to 8458.

14
15
16
17
18
19
20
21
22
23
24
25

Page 8459

1 authorisations," and so on and so forth. Svetlana Karleusa, acting
2 director without limitation of authority, and so on.
3 JUDGE MAY: The witness has answered. He said it has nothing to
4 do with his evidence or the fact that he was made the leader of the group.
5 Now, that's his answer. The fact that his wife may have had a
6 relationship with somebody else is irrelevant.

7 THE ACCUSED: [Interpretation] Mr. May, it is very relevant what
8 kind of relationship he has with the current member of the government and
9 his own minister, apart from the fact that he is employed with the MUP,
10 and all these parallel links are very relevant because it is precisely
11 that government which is extremely involved in what I call
12 self-humiliation and self-degradation.

13 JUDGE MAY: You know that political speeches are not allowed here.
14 Just one moment.

15 [Trial Chamber confers]

16 JUDGE MAY: Mr. Karleusa, what is suggested is this, and perhaps
17 we could deal with it in various forms: First of all, does your wife have
18 this company? Is she a director of this company?

19 THE WITNESS: [Interpretation] She is co-owner and director of that
20 company.

21 JUDGE MAY: And the Minister of the Interior, what is his
22 involvement with it? So we can understand the position.

23 THE WITNESS: [Interpretation] That company that is managed by my
24 wife does not provide security for any companies or premises that have
25 anything to do with Mr. Dusan Mihajlovic.

Page 8460

1 JUDGE MAY: Is there any business relationship between them at
2 all?

3 THE WITNESS: [Interpretation] As far as I know, no. No.

4 JUDGE MAY: It may be suggested that your evidence in this case is
5 affected in some way by some sort of relationship, business relationship
6 of some sort. Is there any truth in that?

7 THE WITNESS: [Interpretation] No. There is no truth in that.

8 JUDGE MAY: Yes, Mr. Milosevic. You can ask two more questions
9 and then your time is up.

10 THE ACCUSED: [Interpretation] All right, Mr. May. That is
11 customary practice.

12 MR. MILOSEVIC: [Interpretation]

13 Q. Could you now answer me a question that has to do with the end of
14 your statement. I'm going to read the last paragraph to you: "I have
15 been advised that my statement may be sought by other law enforcement
16 agencies and/or judicial authorities for the purpose of prosecution."
17 Full stop. And then another sentence: "I hereby do not," underlined,

18 "do not agree to the release of any part of my statement to such
19 authorities at the discretion of the International Criminal Tribunal for
20 the Former Yugoslavia." And you speak of their discretion.
21 Why do you not give this agreement, Mr. Karleusa? Is it because
22 the sole purpose of this is for testifying in this trial, this illegal
23 trial against me, or is there some other reason for that?
24 A. At the moment when I gave this statement, I used my own words, and
25 they are, for the most part, contained in that statement.

Page 8461

1 At the end of that statement, as far as I can see, it says that I
2 am not giving the kind of agreement that you have just referred to, as it
3 has been put here. However, I did not understand that or have I ever
4 heard of any such situation existing.
5 This did not pertain to Yugoslav judicial authorities, because
6 Yugoslav judicial authorities, starting from the court of law and the
7 prosecutor's office, can obtain this at any point in time, because my
8 statement is in the hands of the National Committee of the Federal
9 Republic of Yugoslavia for Cooperation with the Hague Tribunal, then also
10 the team that works at the level of the Ministry of the Interior. And I
11 thought at that time that that was supposed to mean that it is not
12 supposed to be made public. I did not know how all of this would evolve,
13 but it is true that that's what I said so let me explain now what I meant
14 by it. That's the way it is.

15 Q. All right. Tell me, Mr. Karleusa, in view of such an alleged
16 operation of removing corpses that is being ascribed to the very top
17 echelons of the state, does it seem to you that such a decision can be
18 made by any sensible person?

19 JUDGE MAY: Now, that's a comment.

20 Mr. Karleusa, you needn't deal with that.

21 That's something, Mr. Milosevic, that we will have to consider.

22 You can make that point to us in due course.

23 Now, Mr. Kay.

24 MR. KAY: Thank you, Your Honours. Dealing with paragraph 8 of
25 the summary, last sentence in paragraph 8.

Page 8462

1 Questioned by Mr. Kay:

2 Q. Mr. Karleusa, you gave evidence today that you saw a statement by

3 Rade Markovic in which information was contained that Mr. Milosevic had
4 ordered the removal of crimes from the Kosovo area. Do you remember that?

5 A. Yes.

6 Q. I'm looking at a statement made by you this year, which was an
7 interview on the 27th of May, 2002, and the 3rd of June, 2002, and in that
8 statement you recite the same fact about Mr. Milosevic's order, but you
9 say in the statement: "I am not certain of the source of this
10 information, although I was advised of this at a MUP meeting. It was my
11 understanding that the information most likely came from one of the
12 participants of the Milosevic meeting."

13 Can you explain the contradiction between your statement that I've
14 just read out and the evidence you gave today?

15 A. At the moment when I gave my statement to Mr. John Zdrilic,
16 investigator, I did not wish to state the source, knowing that the
17 document bore the marking "strictly confidential." At that moment, I
18 thought I was not allowed to disclose the source. Later, I saw that I
19 could state that and that that is not contestable, so I did that here.

20 MR. KAY: No further questions.

21 Re-examined by Mr. Shin:

22 Q. Mr. Karleusa, do you recall approximately when the accused arrived
23 at The Hague Tribunal?

24 A. On St. Vitus's Day.

25 Q. And what year was that?

Page 8463

1 A. 2001.

2 Q. Did the investigations that were carried out regarding the
3 refrigerator truck by the working group, did they continue after that
4 date?

5 A. Yes.

6 Q. Are they continuing currently, as far as you know?

7 A. Yes, they are continuing upon instructions of the prosecutor's
8 office in charge.

9 Q. Who or what organ is carrying out those investigations apart from
10 the prosecutor's office which you've just mentioned?

11 A. According to the request of the prosecutor in charge, regardless
12 of whether it is a case of Belgrade, Negotin, or Uzice, the collection of
13 information that is required is being carried out by a department for

14 combatting organised crime, and it is within the ministry, as I've already
15 mentioned. It is called the Department for the Investigation of War
16 Crimes and Searching for Missing Persons.

17 Q. Are you still in -- are you still in charge of these
18 investigations? Are you personally still in charge?

19 A. I am not in charge personally, but since I am deputy head of the
20 administration within which this department is, I am indirectly involved.
21 But I am not directly engaged in carrying out any investigation nor am I
22 regularly informed about this.

23 Q. Is the working group still in existence?

24 A. The working group no longer exists in that form and with that
25 membership as was the case then. All of the tasks carried out by that

Page 8464

1 working group have now been incorporated into the department I've just
2 referred to.

3 Q. You had mentioned in your direct testimony that exhumations are
4 continuing this summer, even now, at least with respect to one site in
5 Batajnica. Is that true?

6 A. Yes.

7 Q. Do you know -- are you aware of other exhumations that will be
8 carried out in the future? Just if you know. I'm sorry, I -- just to
9 explain, exhumations in connection with the three sites you mentioned;
10 Batajnica, Petrovo Selo, and Perucac Lake.

11 A. As far as I know and as far as the working group knew, it is
12 possible that other exhumations will take place in the Batajnica locality.
13 That is what we stated. And the exhumations will probably go on until
14 this locality and this terrain are fully searched.

15 Q. Thank you. Mr. Karleusa, with regards to the March 1999 meeting,
16 I'd like to show you a document.

17 MR. SHIN: Usher, if you could, please.

18 Q. Please look at the document carefully, and I will ask you some
19 questions after that.

20 MR. SHIN: Your Honours, would it be possible to have this
21 document marked for identification? The Prosecution intends to put this
22 document in as evidence through a later witness and this is a document
23 that is in fact the subject of disclosure today.

24 JUDGE MAY: What is the document first? Tell us what it is.

25 MR. SHIN: The document is a statement that Radomir Markovic

Page 8465

1 provided to -- to the police in Serbia.

2 JUDGE MAY: Perhaps if the witness can identify it first.

3 MR. SHIN: If I could just ask him some questions then.

4 JUDGE MAY: Yes.

5 MR. SHIN:

6 Q. Mr. Karleusa, do you recall having seen that document before?

7 A. No. I have not seen this document in this form before. What I
8 did see is a similar statement but in different form at the meeting that I
9 referred to.

10 Q. Mr. Karleusa, what is the date of this document that you see
11 before you?

12 A. The date is the 2nd of June, 2001 or 2002. I can't see exactly.
13 2002. 2001. It says in the text the 2nd of June, 2001, whereas what is
14 handwritten is a bit illegible.

15 Q. Mr. Karleusa, could you explain very briefly what this document
16 is.

17 MR. KAY: Your Honours, I must rise here. It's not his document,
18 he doesn't recognise the document, and I'm not sure what the purpose of
19 this exercise is.

20 JUDGE MAY: Mr. Shin, I don't think you can really take this any
21 further. You can, of course, deal with it with another witness, if you
22 wish.

23 MR. SHIN: What I would seek to ask the witness is whether from
24 what he has seen here, whether it's consistent with the document that he
25 has testified that he saw prior to his communique in May of -- I believe

Page 8466

1 that was 2001.

2 JUDGE MAY: But he said it's similar. Perhaps you could ask this:

3 Were the contents of the document similar?

4 THE WITNESS: [Interpretation] Yes. Yes. The contents of this
5 document are, for the most part, the same or similar to the document that
6 I had seen and on the basis of which we gave our statement and on the
7 basis of which our knowledge was obtained. However, the form was
8 different. I think that that particular record was different. It had
9 more pages, not devoted to this subject but perhaps to something else. I

10 saw only that which pertained to questions related to my own province of
11 work.

12 So that's about it. Perhaps there is a bit more here or perhaps I
13 do not remember enough.

14 JUDGE MAY: Yes. I don't think you can take it any further.

15 MR. SHIN: Okay. Thank you. If I could please just have that
16 document marked for identification.

17 JUDGE MAY: No, I don't think you can for the moment.

18 MR. KAY: I was just going to raise a matter concerning the date
19 which the Prosecution should perhaps look at again on the second page and
20 third page of the document for the year; 2002.

21 JUDGE MAY: Yes. Yes. The witness can't identify it. Let the
22 Prosecution have the document back.

23 MR. SHIN: Your Honours, the Office of the Prosecutor has very
24 recently received a report from the Spanish National Institute of
25 Toxicology, within the past week, which will explain the results of some

Page 8467

1 of the DNA samples that Witness William Fulton testified about and will
2 indicate that the bodies found in that Batajnica site do -- to a high
3 degree of probability do relate to persons from Kosovo. I'm not sure how
4 Your Honours would like us to proceed with this. We could, for example,
5 have another investigator come in to put in these documents, if that's --

6 JUDGE MAY: That might be the most efficient way to deal with it
7 and there can be any examination about it. This witness can't clearly
8 deal it because he doesn't know anything.

9 MR. SHIN: Thank you. No further questions.

10 JUDGE MAY: Mr. Karleusa, that concludes your evidence. Thank you
11 for coming to the International Tribunal to give it. You are free to go.
12 [The witness withdrew]

13 MR. RYNEVELD: The Prosecution calls Bosko Radojkovic, Your
14 Honour.

15 JUDGE ROBINSON: Mr. Ryneveld, apparently a milestone has been
16 reached with the calling of this witness: 100.

17 MR. RYNEVELD: I'm sorry, Your Honour, I had the earphones on and,
18 unfortunately, it was a different channel.

19 JUDGE ROBINSON: I was just saying that a milestone has been
20 reached in the Prosecution's case: This is the 100th witness.

21 MR. RYNEVELD: Thank you for pointing that out. I'm sorry, I lost
22 track of the numbers. 100. Thank you.
23 If it assists while we're waiting for the witness, Your Honours,
24 during the course of his evidence I do intend to show him a series of some
25 ten photographs in a bundle, and the Court may in fact have already

Page 8468

1 received a copy of those photographs, along with the summary which I
2 prepared, in advance.

3 And does the Registrar have copies available now or do we -- I'm
4 just trying to save time, if I can.

5 [The witness entered court]

6 WITNESS: BOSKO RADOJKOVIC

7 [Witness answered through interpreter]

8 JUDGE MAY: Yes. Let the witness take the declaration.

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

11 JUDGE MAY: If you'd like to take a seat.

12 Examined by Mr. Ryneveld:

13 Q. Mr. Radojkovic, could you state your full name for the Court,
14 please.

15 A. Bosko Radojkovic.

16 Q. Sir, I understand that you're 46 years of age and you're currently
17 a policeman employed as a senior crime technician in the Serbian Ministry
18 of Interior in Kladovo; is that correct?

19 A. Yes.

20 Q. And the course of your duties as a crime technician or a crime
21 scene identification officer, do they include such things as taking
22 photographs and fingerprints and attending the scene of what are suspected
23 to be crimes?

24 A. Yes.

25 Q. And how long have you been doing that kind of work with the police

Page 8469

1 in Serbia?

2 A. Twenty-five years.

3 Q. During your career as a crime scene examiner, sir, have you had
4 any experience with bodies that have been in water?

5 A. Yes.

6 Q. In particular, is there a particular body of water with which you
7 have had considerable experience in terms of finding bodies?

8 A. In view of the place where I work, it mainly had to do with
9 corpses in the river of the Danube, the Danube River.

10 Q. And in the course of your duties, sir, I take it you found various
11 bodies that had been dead ranging from fairly recent to long periods of
12 time?

13 A. Yes.

14 Q. And in the course of your duties, did you ever have the occasion
15 to tentatively give estimates of how long these bodies had been in water,
16 or had been dead?

17 A. Yes, together with the doctor and the rest of the team which
18 conducted the on-site investigation.

19 Q. All right. That's in generality. I'd like you now, if you would,
20 please, to turn your mind to an incident on the 5th of April of 1999. In
21 the course of your duties, were you called upon to attend the scene in the
22 Danube River near the village of Tekija near Kladovo? Or Tekija.

23 A. Yes.

24 Q. Tell us, sir, about how it is that you went to the scene of the
25 Danube River and what is it that you saw when you arrived on the 5th of

Page 8470

1 April, 1999.

2 A. The police officer on duty informed me that in the Danube River
3 near Tekija village, a fisherman noticed an object floating on the water,
4 something that looked like a trailer box on a truck. Since it was not
5 unusual for vehicles to skid off the road and into the Danube, I invited a
6 policeman from the Kladovo police station to accompany me to the site to
7 investigate.

8 Q. Do you remember approximately what time of day it was? Was it
9 morning, afternoon, late afternoon? Do you remember?

10 A. I remember that the officer on duty called me on the telephone
11 around 1300 hours. It may have been a little earlier, but after 12.00.
12 Between 12.00 and 1300 hours.

13 Q. And you went out to the scene that afternoon, did you?

14 A. Yes. As soon as I was notified, I went there straight away.

15 Q. And what, if anything, did you see when you got there?

16 A. At a distance of about 20 to 30 metres from the bank, I saw

17 something protruding from the water. It could have been a large box, that
18 is, the trailer part of a truck. A closed container. It was just the tip
19 of the trailer box.

20 Q. When you say it was just the tip, was there a lot of it visible?

21 Could you identify from where you were on the road what it for sure was at
22 that point?

23 A. You could assume that it was a lorry, a trailer with a closed
24 container behind, inside the river, in the water.

25 Q. When you saw that, what happened next? Did you give instructions

Page 8471

1 to anyone to do something or did you investigate in some way to see
2 whether it was in fact a truck or a lorry?

3 A. Yes, I did. The diver put on his equipment and dived into the
4 water, and when he re-surfaced, he told me that it was a lorry, that there
5 was no one in the cab, that the front windshield had fallen out, and that
6 it was probably a Mercedes lorry and its trailer box looked like that of a
7 refrigerated lorry.

8 Q. About what time of day was it now?

9 A. It might have been around 1600 hours, because the diver took
10 rather a long time to get ready to dive to view the vehicle under water,
11 et cetera.

12 Q. What was the water level in the Danube at that particular time?
13 Was it a high river or low or was there run-off or can you tell us?

14 A. I can't recall exactly right now, but I think the level of the
15 water was slightly above average at that time.

16 Q. Did you take any photographs that afternoon or evening of the 5th
17 of April, 1999?

18 A. No. I don't think I took any photographs then because it was
19 getting dark by that time.

20 Q. Since it was getting dark and since you had found there were no
21 occupants in the cab, what did you do next?

22 A. The diver went in again and used a length of rope and a plastic
23 bucket to mark the location so that we could return in the morning and
24 find the place in case the water level rises and the object moves. I
25 think we tied it with this rope; I'm not sure about that part.

Page 8472

1 Q. So after having checked it out and marking the location of the

2 vehicle since it was getting dark, did you leave for the evening?

3 A. Yes. We went to the police station.

4 Q. You told us that you intended to return the next day. Did you do
5 so, and if so, what did you do upon your return?

6 A. That evening, we made arrangements for a crane to be given to us
7 from the hydro power plant of Djerdap to help us pull out the vehicle from
8 the water. And the next morning, the same diver, a colleague of mine from
9 the police force, and myself went there again. The crane was already
10 there together with ten or 15 employees of the hydro power plant.

11 Q. What was accomplished with the crane? Were you able to lift the
12 vehicle out of the water?

13 A. Yes. Slowly, step-by-step, we pulled the lorry out. The diver
14 got into the cab and tried to straighten the wheels by turning the wheel,
15 and the wheels were stuck in the mud on the bottom of the river, and it
16 took a long time and a lot of effort to pull it out.

17 Q. You finally managed to get it to the edge of the river bank, did
18 you, sir?

19 A. Yes.

20 Q. And at some time after that had been accomplished, did you start
21 to take photographs of this vehicle?

22 A. I did. On the 6th of April, when I returned to the site, I made
23 several photographs of the vehicle in the position in which it was
24 originally found and then another series of photographs showing
25 progressively the process of pulling it out.

Page 8473

1 Q. Yes. And of the photographs that you took that day, I now have --
2 that day and the next, I now have a series of ten photographs that you've
3 supplied to us.

4 MR. RYNEVELD: Might the witness be shown the bundle of
5 photographs at this point, please.

6 My proposal, Your Honours, is to mark these as one exhibit and
7 have them marked. They actually are labeled 1 through 10, and they bear
8 our internal numbers K0226128 right through to the last one, 6137. If
9 that meets with your approval, rather than giving them separate exhibit
10 numbers.

11 JUDGE MAY: Yes. We'll have the exhibit number.

12 THE REGISTRAR: Prosecutor's Exhibit number 275.

13 MR. RYNEVELD: Thank you.

14 Q. Now, Witness, you've seen these photographs? These are the
15 photographs that you took on the 6th and 7th of April; is that correct?

16 A. That's correct.

17 Q. All right. Sir, looking at the first photograph, numbered 1, it's
18 now on the ELMO, you see it there? Can you point out to us -- there's not
19 too much to point out.

20 Is this the first photograph that you took after of the vehicle
21 had been dragged, by the crane, out of the water?

22 A. I think it is the first one.

23 Q. All right. And the second photograph. Is that a close-up of the
24 same truck?

25 A. Yes. From a shorter distance.

Page 8474

1 Q. And just so that we're clear, sir, when you attended the evening
2 before, the 5th of April, can you perhaps indicate with your pointer how
3 much of this vehicle was visible to you when you attended the day before,
4 before the truck was pulled out of the water level? Could you perhaps
5 just show us with the pointer?

6 A. Yes, I can. You see this dark strip here, the right upper corner
7 of the side of the lorry. This was made by the dirt in the water.

8 Q. So if we're looking at the lorry box, as it were, the triangle
9 that is left by that black mark, only that top little triangle was visible
10 to you? The rest of the vehicle was submerged?

11 A. Correct.

12 Q. I see. Turning to the third photograph, sir, is that a close-up
13 of the vehicle once it's been pulled even further out of the water?

14 A. Yes. The rear wheels are already on the bank.

15 Q. Now, I'd like to spend just a little bit of time with respect to
16 this photograph.

17 When you looked at this truck, what, if anything, did you note
18 about the back of the -- the door area of the vehicle?

19 A. I noticed that the right half of the door had been broken into,
20 that through this slit, there were two human legs and one arm protruding.

21 Q. Now, it's difficult to see on the screen, but could you use your
22 pointer -- first of all, are any parts of the bodies that you've just
23 described visible in this photograph?

24 A. Yes. You can see one leg. Here it is.

25 Q. You're now pointing just to the left of the little stair hanging

Page 8475

1 down from the right corner of the box of the truck; is that correct?

2 There is what appears to be a foot immediately to the left of that. Could
3 you put your pointer right on the object that you say is a leg.

4 A. Yes. That is the object. This, the body part.

5 Q. What did you do with respect to that body part or any other body
6 parts?

7 A. I have to add that the diver had informed me even before the rear
8 of the truck was pulled out that there was a hole in the rear of the truck
9 and that something was protruding, something that looked like a human foot
10 or an arm, and he asked me what to do. He told me it was still in the
11 water. And I said, "Well, there's nothing you can do. Let's pull it out
12 and see."

13 And when the rear of the lorry was pulled out onto the bank of the
14 river, I saw this one foot protruding, and there were another foot and an
15 arm less visible right there. I pushed them back inside the lorry. I
16 fastened the interior using some planks I had handy and some nuts and
17 bolts.

18 Q. So you pushed the body parts back inside and then attempted to
19 cover up the hole, did you?

20 A. Yes.

21 Q. Now, once you had done that, sir, what time of day is it now on
22 the 6th of April? Has some time passed?

23 A. I think it was already 12 or 1300 hours by that time, maybe even
24 later.

25 Q. Did you attend the scene only with a diver or did other police

Page 8476

1 officers or other officials also come to the scene of this, where you
2 found the truck?

3 A. I had a colleague with me also from the crime investigations
4 department, and there were two other policemen who controlled traffic on
5 the road, and there were ten employees from the hydroelectrical power
6 plant who operated the crane, the other equipment.

7 I must say that when the lorry was pulled out, just before it was
8 pulled out onto the bank, we informed the investigating judge, the coroner

9 of the medical centre in Kladovo, and the office of the public prosecutor
10 to come to the scene and to witness the final stages of extraction of this
11 refrigerated lorry.

12 Q. So you called for them once you realised that this vehicle
13 actually contained bodies; is that correct?

14 A. Correct.

15 Q. Did you wait for their arrival or did you do something in the
16 meantime? After putting the body parts back in and covering the hole, did
17 you wait for their arrival or did you do something further?

18 A. No. I don't think we did anything else. We were waiting for the
19 investigating judge and the prosecutor.

20 Q. Were they far away, and did it take them long to arrive?

21 A. No. We didn't wait long. I think they actually arrived a short
22 time before the lorry was pulled out finally onto the bank, because the
23 extraction was extremely difficult and slow.

24 Q. All right. Sir, I'd like you to turn to the next photograph, if
25 you would, please. There appears to be a photograph of that same truck

Page 8477

1 before you covered the hole but it seems to have a chain on it. Was it in
2 that condition when you saw it?

3 A. Yes. Along the centre of the door, somewhere in the middle, they
4 were secured with a padlock and a chain.

5 Q. What, if anything, did you do in regards to that chain and why?

6 A. When the investigating judge and the public prosecutor arrived, I
7 tried to cut this chain but I failed, so I had to break through to break
8 the padlock in order to open the door.

9 Q. I take it you accomplished that objective, and were you able then
10 to open the doors to this vehicle?

11 A. Yes. I opened the door.

12 Q. Tell us what you saw when you opened the doors.

13 A. I saw a heap of corpses.

14 Q. When you saw that, what did you do, if anything?

15 A. When I saw that, I shut the door immediately, and I informed the
16 investigating judge, who was close by, about the contents of the lorry.

17 Q. And did you receive any instructions or any indication as to his
18 interest or lack of it?

19 A. The judge asked me how many bodies there were inside. I answered

20 there were a lot. And then the judge said it was not within the purview
21 of the court in Kladovo. A case like that was not within their
22 jurisdiction and that we should inform the district court in Negotin. I
23 offered to open the door for him to see what's inside, but he declined,
24 and he said there was no need for that.

25 Q. So what did you do next?

Page 8478

1 A. He told the policemen to seal off the site, and I went to the
2 police station in Kladovo together with my colleagues from the police.

3 Q. Before you shut the doors again, did you show any of your
4 colleagues what was inside this box?

5 A. Yes. One or two of my colleagues saw the inside when I opened the
6 door, and perhaps some others saw it from a distance.

7 Q. In any event, I understand you then shut the doors again. You'd
8 covered the hole, as you indicated. Did you secure -- did you secure the
9 truck?

10 A. Yes. The employees of the hydro power plant used a cable to tie
11 the chassis of the lorry to a large tree on the bank of the river.

12 Q. I'm just going to go very quickly and lead you through this --

13 JUDGE MAY: We'll adjourn now. It's time for the break.

14 Mr. Radojkovic, we're going to adjourn now for 20 minutes. Could
15 you remember in this and any other breaks there are in your evidence not
16 to speak to anybody until it's over about it, and that does include the
17 members of the Prosecution team. Could you be back, please, in 20
18 minutes.

19 THE WITNESS: [Interpretation] Yes, Your Honour.

20 JUDGE MAY: We'll adjourn.

21 --- Recess taken at 12.17 p.m.

22 --- On resuming at 12.42 p.m.

23 MR. RYNEVELD:

24 Q. Now, Witness, just before the break you had just told us that
25 after calling the local officials down to have a look and they declined to

Page 8479

1 do so, you showed your colleagues what was in the truck and then you
2 closed the doors and then you -- I understand you eventually went to the
3 police station. Just before you did that, did you take some more
4 photographs of the doors of this truck? And if so, would you please look

5 at photographs number 5 and 6. Would you look over there.

6 A. Yes, I made a few more photographs. This was while the truck was
7 being dragged out.

8 Q. Yes. And on the passenger's side, if I can call it that, of this
9 door, we see some lettering. And if you will turn to photograph number 6,
10 we see it a little closer. Was that the condition that the door was in on
11 the 6th of April, as it was being taken out of the Danube River?

12 A. Yes, in this state. The front wheels were still in the water.

13 Q. And what is it that it says on the door? We can read it, but
14 perhaps you could read it for us.

15 A. On the door, it says the following: "PIK Progres Export
16 Slaughterhouse. Telephone number, telefax number, Prizren."

17 Q. And had you noticed any licence plates on either the front or the
18 back of this vehicle?

19 A. No, there weren't any licence plates.

20 Q. Anyway, sir, after you secured the scene, do I understand that
21 that particular day, the 6th of April 1999, you returned to the police
22 station?

23 A. Yes, in the evening, in the afternoon.

24 Q. And when you got there, sir, did you advise the people in charge
25 of the police station what you had seen and what you had done?

Page 8480

1 A. Yes, I did inform the head of the local police there, the chief of
2 the crime prevention service in the police station in Kladovo. The two of
3 them, at any rate. I don't know if any of their associates were present
4 as well.

5 Q. Do you recall their names?

6 A. Yes.

7 Q. Could you tell us.

8 A. The head of the SUP in Kladovo was Vukasin Sperlic. The head of
9 the group for combatting crime was Stevanovic, and Nena Popovic, Momcilo
10 Sujranovic, my colleagues.

11 Q. Now, after giving your report, did you receive any instructions
12 with respect to what further steps, if any, you ought to take?

13 A. Yes. According to customary procedure, we sent a letter to the
14 Secretariat of the Interior, that is to say the regional SUP in Bor. We
15 sent a written report as to what we had found in the Danube and what was

16 in the truck. In view of the fact that all of this during the NATO
17 bombing of Yugoslavia, the entire event was taking place right by the
18 border with Romania. And Romania had then allowed the use of their own
19 air space for NATO aircraft very close to the site where this occurred,
20 it's perhaps only 1.000 metres away, that is a very short distance in
21 terms of waterways. On the Romanian side, there were Romanian patrol
22 boats and bigger ships.

23 Bearing in mind the fact that they had the technical devices to
24 see this truck and perhaps even see the lettering on the door, and also
25 bearing in mind the fact that this was close to the town of Tekija and

Page 8481

1 that this lettering on the truck may be reminiscent of certain events in
2 Kosovo, we agreed during the night that we should cover the lettering on
3 the door so that perhaps due to that lettering we would not have any
4 consequences by way of bombing or something.

5 Q. So were you told or -- to do something or did you make a decision
6 on your own to do something?

7 A. I was told that I should somehow cover this lettering so that it
8 could not be seen from a distance, so that the public could not see it.

9 Q. Who told you to do that?

10 A. Directly, I don't know. It was at local police level. So it was
11 the head or the chief of group. That is how we agreed as to how this
12 should be done.

13 Q. As a consequence, what, if anything, did you do later that
14 evening?

15 A. Yes. Later that evening, I got some car paint, and the colour was
16 similar to that of the truck, and in the evening, I went to the site. It
17 was during the night. So I used this car paint spray to cover the
18 lettering on the driver's door and on the passenger's side door.

19 Q. Although we can only see on photographs 5 and 6 of Exhibit 275 the
20 lettering on the passenger's side door, was there similar writing on the
21 driver's side door?

22 A. Yes, identical.

23 Q. So you went back at night with cans of spray paint and what, if
24 anything, did you do in relation to the writing on the doors of this
25 truck?

Page 8482

1 A. Yes. I sprayed the writing on the door with this spray paint so
2 that it could not be seen.

3 Q. All right. You told us earlier there were no licence plates on
4 the vehicle. Did you do something in relation to licence plates?

5 A. Yes, I did.

6 Q. What was that?

7 A. From the police station in Kladovo, I took some old licence plates
8 with -- Bor licence plates, and then I damaged them a bit to make them
9 less noticeable. And then that same night when I was spraying the doors
10 with the spray paint, I put the licence plates on the back and on the
11 front of the truck.

12 Q. And then you went home?

13 A. Yes. I went home.

14 Q. Did you return the next day and take some more photographs?

15 A. Yes. In the morning, I went to the scene again, again with my
16 colleagues from the Kladovo police, and there was already a big group of
17 workers from the hydroelectric power plant there, and there was also a
18 crane there, bigger than the one that was there before.

19 Q. And what can you tell us about -- well, you took some photographs,
20 and I'd like you to look at photographs number 7 and 8, if you would,
21 please.

22 First of all number 7, which is now on the ELMO. That's a
23 photograph you took, and that's the same truck as the one you found on the
24 5th and the 6th of April, 1999?

25 A. Yes.

Page 8483

1 Q. And now there's no writing visible on the doors; is that it?

2 A. Yes.

3 Q. These are black and white photographs. Do you remember what
4 colour the cab of this vehicle was?

5 A. Green.

6 Q. And did you use a dark green or did you use a green matching spray
7 paint to cover the door?

8 A. Yes, but I didn't get the right shade. Not exactly the right
9 shade.

10 Q. All right. But you effectively covered up the writing; correct?

11 A. Yes.

12 Q. Looking at photograph number 8, did you -- where did you say you
13 put the licence plate? Was it on the front or the back or both? I don't
14 recall. Is there a licence plate showing on the back? I don't see it if
15 -- perhaps you can help us.

16 A. In the front it was tied with a wire, and in the back I attached
17 it with some nuts and bolts. But the licence plate was considerably
18 damaged, so you couldn't really see it from afar. You'd have to go very
19 close in order to see what it said. I had scraped off some of the paint
20 and lettering and I had hit it with a hammer.

21 Q. Did you also cover it with dirt or anything?

22 A. Yes. Yes. Mud from the Danube. I smeared it with that when I
23 put it on the truck.

24 Q. Is the licence plate in fact now visible on the back of this
25 vehicle, and if so, could you point out where it is, because it's not

Page 8484

1 readily discernible to my eye. Could you show it to us, please.

2 A. I think that in the photograph you can't even see it, but it was
3 on the lower left-hand corner. The photograph was not taken with a flash,
4 but at any rate, it was in the lower left-hand corner.

5 Q. Perhaps you could show us in photographs 9 or 10. You also took
6 two more photographs that day?

7 A. I think that this is the licence plate, this white thing here,
8 this white line.

9 Q. I see.

10 A. A bit wider. I think that's it.

11 Q. Okay. And it shows -- these photographs, 9 and 10, also clear
12 show that you've done something to the back to cover it up. Did you
13 attach that -- what appears to be a patch on the back right rear door?

14 A. Yes, I did.

15 Q. All right, sir. Now, you'd met with the local police, and did
16 police attend the scene of this truck on the 7th of April, after you took
17 these photographs and after the crane, the larger crane, pulled it further
18 out of the water?

19 A. I don't really understand the question.

20 Q. All right. That's my fault. I understand that on the 7th, you've
21 just told us about photographs you took. You've told us that a larger
22 crane was there. Did you use this larger crane to pull this vehicle right

23 out of the water?

24 A. No.

25 Q. Did the crane -- the larger crane that was there on the 7th, was

Page 8485

1 it used at all? Do you understand my question or am I phrasing this
2 badly?

3 A. On the scene itself, we first had a smaller one. It was big, but
4 it was not big enough to pull something this big out, or this heavy out.
5 So then the next day, an even bigger crane was brought.

6 Q. Right. And what, if anything, was done with that bigger crane?

7 A. With the larger crane, we were trying to extract the truck from
8 the water once again. In order to make this clear, the hydroelectric
9 power plant is very close, ten kilometres away. And then the water level
10 goes up and down a metre or two. So then during the day, we pull out the
11 back part and then the water goes up and then part of the truck is
12 submerged again. So that's why we needed this bigger crane, to pull it
13 out completely to a place that was a certain distance away from the water
14 edge itself.

15 Q. My question, sir, was at some time during that day, by use of this
16 new, second, larger crane, did you accomplish that objective? In other
17 words, did you get the truck out of the water?

18 A. Yes.

19 Q. Thank you. Now, did something happen that evening? Did the
20 district police arrive?

21 A. Yes.

22 Q. Why?

23 A. They were informed about what had happened in Kladovo and what was
24 found on the Danube. And then the head of the district police, with his
25 associates, came to Kladovo. When they found out about this, we were

Page 8486

1 ordered to stop all activities related to the refrigerator truck.

2 Q. All right. Then what?

3 A. The chief of regional police, of district police, had a meeting in
4 Kladovo with the local police, with his associates, and then we were
5 informed that I and a few of my colleagues should be ready in the evening,
6 that we should come to the police station in the evening so that we would
7 do something in relation to the truck.

8 Q. Did you wait until evening?

9 A. Yes. That meeting was held around 2000 hours.

10 Q. And what was discussed and decided, if anything, at that meeting?

11 A. I was not present at the meeting. Perhaps I was in that office
12 for about five minutes around the middle of the meeting, but I was told to
13 get some of my colleagues who were free so that we would go during the
14 night to get the corpses out of the refrigerator truck.

15 Q. Who told you to do that?

16 A. The head of the district police and this entire team that was
17 there. The head of the district police was, of course, the ranking member
18 present.

19 Q. Do you know his name?

20 A. Yes.

21 Q. Could you tell us.

22 A. Caslav Golubovic. He's a colonel.

23 Q. All right. And did you in fact follow those instructions and go
24 back to the scene and remove the, as you call them, corpses from the
25 truck?

Page 8487

1 A. Yes. Not only I, there were about 15 of us.

2 Q. Yes. And this is after 8.00 at night. Was it light or dark?

3 A. No. It was dark. It was around 2300 hours in the evening.

4 Q. Is there a reason why you waited until it was dark in order to
5 accomplish that task?

6 A. Well, one of the reasons was precisely because this was the time
7 when Yugoslavia was bombed. And secondly, we had to carry out some
8 preparations after this meeting in order to be able to go to the scene.

9 Q. All right. And you went back to the truck. I take it you opened
10 the doors again and at that point you started removing bodies; is that
11 correct?

12 A. Yes.

13 Q. Tell us what you saw. Tell us what you did.

14 A. We gave assignments to different people as to what each and every
15 person should do. I was in the refrigerator truck together with a
16 colleague. We were extracting the corpses from the truck. One colleague
17 was right next to the refrigerator truck, behind us, and he was taking the
18 corpses from us and wrapping them. Others were carrying them, somebody

19 was lighting the ground, and others were putting the corpses onto a truck.

20 So that is how we organised the operation.

21 Q. You personally were inside the truck where the bodies were; is
22 that correct? You saw them in their state in the back of the truck?

23 A. Yes. I and another colleague and the one who was behind the
24 refrigerator truck.

25 Q. How many bodies did you remove that night?

Page 8488

1 A. Thirty.

2 Q. Where were they taken and how? You've described how you passed
3 them from person to person, wrapped them. Where were they taken once they
4 were out of the back of your truck -- or the truck you found?

5 A. I don't know where they were driven, but the truck on which the
6 corpses were loaded went towards Milanovac, which is upstream in relation
7 to the Danube River.

8 Q. From your answer, am I correct in assuming that they were taken
9 off the lorry found in the river and placed on a different truck?

10 A. Yes.

11 Q. And you've just told us that that truck left in the direction that
12 you described; is that correct?

13 A. Correct.

14 Q. Can you tell us, sir, anything about those 30 bodies that you
15 personally handled in terms of what they looked like, how they were
16 dressed, and approximate ages or sex?

17 A. There were both male and female bodies. As for the age pattern, I
18 know for sure that there were two children, a boy about five or six years
19 old and a little girl about eight or nine years old. There weren't any
20 more children.

21 As for the other corpses, their ages ranged from about 20 until
22 about 70, perhaps even a bit more than that. I came to that conclusion on
23 the basis of their external appearance.

24 Q. Were they dressed, and if so, in what type of clothing?

25 A. Yes. For the most part, they were dressed. The men wore regular

Page 8489

1 type of clothes; trousers, jeans, nothing special. As for the female
2 corpses, most of them had pantaloons.

3 Q. When you say "pantaloons," was there anything special about that

4 garment?

5 A. Well, nothing special, but it is characteristic of certain groups
6 of women.

7 Q. What kinds of groups of women did you have in mind when you noted
8 that clothing?

9 A. Pantaloons are not compulsory clothing for any particular group of
10 any ethnicity, but it is certain groups, certain ethnicities that wear
11 such clothing.

12 Q. My question is: Are you able to tell us, in your mind, what types
13 of ethnicities are more common to wear that type of clothing?

14 A. As far as I know, such clothing is worn by Romany women, Turkish
15 women, Albanian women, Muslim women. I'm not sure about other groups,
16 whether they wear that, because we have quite a few different ethnic
17 groups so I'm not sure whether there are others that wear them as well.

18 Q. Sir, you've told us that there were two children and the rest were
19 adults, and you've given us the range in age that you estimated. Could
20 you tell what state these bodies were in? In other words, from your
21 experience of some 25 or more years, could you tell, in your opinion, the
22 approximate -- how long these bodies had been dead?

23 A. In my estimate - but I would like to say that I'm not a forensic
24 expert but I'm speaking on the basis of my own experience - I can say that
25 these corpses were not older than two or three days in relation to the day

Page 8490

1 when they were found. That is to say that death had occurred two or three
2 days before they were found in the Danube.

3 I'm bearing in mind the fact that the water was cold, that the
4 weather was rather cold, and that considerably effects changes on dead
5 bodies.

6 Q. Just one more question about how they were dressed. Did any of
7 them, of the bodies that you personally handled, appear to be wearing a
8 uniform of any type at all?

9 A. No.

10 Q. Did you look at the bodies themselves with respect to any signs as
11 to perhaps how they might have met their death? In other words, were
12 there any wounds or anything visible to you?

13 A. Yes. As for these first 30 bodies, I had a look at most of them
14 out of curiosity or due to my profession. Those were the corpses where I

15 had time to see the corpses because the people who were carrying the
16 corpses were running a bit late so I helped my colleague who was wrapping
17 up the corpses in a sheet or in a blanket or whatever, so I managed to see
18 then.

19 Q. And what did you see about these bodies?

20 A. Injuries on the bodies. Most of them were readily visible. They
21 were mostly inflicted by something mechanical, a blunt object, but it also
22 had to be heavy. Or a mechanical instrument but with a sharp edge. That
23 would also have had to be heavy as well.

24 Q. Did you note any gunshot wounds or bullet wounds on any of the
25 bodies that you handled that night, the 30 bodies?

Page 8491

1 A. I can say something only about one of the bodies, a male body aged
2 between 17 and 20. He was wearing jeans, and he didn't have any clothing
3 on the upper part of the body, and he had an exit -- an entry/exit wound
4 in the chest.

5 Q. Did you notice anything about his hands?

6 A. Yes.

7 Q. What was that?

8 A. His hands were bound with wire in the back.

9 Q. So his hands were tied behind his back with wire; is that what
10 you're saying?

11 A. Yes.

12 Q. Now, sir, you've told us that it's night, it's after 11.00 or
13 thereabouts. What kind of lighting was available to you in order to make
14 the observations you've just told us about?

15 A. In the refrigerator truck, we had one torchlight, and the
16 colleague next to us, next to the refrigerator truck, the one who was
17 wrapping up the bodies, he also had a torchlight, but they were not very
18 strong because we didn't want to be seen from Romania. So we used this
19 only for a short while. And I think that there was plenty of moonlight
20 too.

21 Q. All right. Now, sir, did you give a detailed account of your
22 observations, in more detail than you've told us today, to the working
23 group of the MUP in 2001?

24 A. I did. I provided a more detailed report to the working group.

25 Basically it is the same as what I have said now. Perhaps it contained a

1 little more detail.

2 MR. RYNEVELD: Perhaps, Your Honours, if that report hasn't
3 already been marked as an exhibit -- I believe it has been marked as an
4 exhibit and it's found in -- I'll ask some more questions while I get the
5 number for your reference.

6 Q. Now, sir, the -- did you do anything further after you loaded
7 these 30 bodies into the truck?

8 A. No.

9 Q. Why did you stop?

10 A. We did nothing more that night.

11 Q. Were there more bodies still in the truck found in the Danube?

12 A. Yes, there were, but around 3.00 a.m. we stopped for the time
13 being because the workers were tired. Nobody had any strength any more.
14 Everybody was exhausted. It was a difficult job to carry these bodies
15 uphill. The terrain was steep, and we simply couldn't go on any more for
16 the night.

17 Q. Did you return the next day?

18 A. We did. We returned immediately the next morning.

19 Q. I'm just going to speed things up a little bit. I understand,
20 sir, that with the crane you --

21 A. Yes.

22 Q. You loaded the -- you actually managed to pull this truck and put
23 it onto a flatbed truck; is that correct?

24 A. Correct, a flatbed truck.

25 Q. Now, did you do anything during the course of the day, while it

1 was light, with respect to the remaining bodies?

2 A. No. Nothing was done with the corpses. They were only removed
3 or, rather, the entire refrigerator lorry was pulled out, uphill out of
4 the river onto a site where the flatbed truck was standing ready.

5 Q. And did you do something further with the balance of the bodies in
6 the truck later that day?

7 A. Yes. That night when dark fell, we transferred all the remaining
8 bodies from the refrigerator lorry to the flatbed truck.

9 Q. Why did you wait until dark?

10 A. Because the lorry and the flatbed truck were near a very busy road

11 from Belgrade to Kladovo. The traffic was very busy. And the other
12 reason, as I already explained, was the vicinity of the Romanian border
13 and their vessels.

14 Q. By way of summary, is it fair to say that you did not want to be
15 seen doing what you were doing?

16 A. Perhaps.

17 Q. Now, did you empty the lorry, or the truck in the Danube, did you
18 empty the balance of the bodies at that time?

19 A. Yes. We removed all the remaining bodies.

20 Q. How many were there?

21 A. The second night we removed 53 bodies which were entire bodies, if
22 I can put it that way, and we recovered another three corpses or, rather,
23 body parts belonging to three corpses. At least, there were three human
24 heads and whether all of the body parts were there on the truck to make
25 complete three corpses, I don't know. So on the whole, there were 56

Page 8494

1 bodies.

2 Q. Is a fair way of summarising that to say there were 56 heads, 53
3 of which had bodies attached to them, intact, and body parts for the
4 remaining three but you don't know if they made complete bodies?

5 A. Precisely.

6 Q. Were you able to tell the Court, again, how they were dressed, if
7 they were dressed, the sex and age?

8 A. Those 53 corpses that had been removed from the refrigerator lorry
9 the second night were also of both genders. The clothing was as I
10 described earlier, but there were no younger people or children among
11 them. In fact, I could say that there was no one below 20. All the
12 bodies belonged to adults.

13 Q. How -- you say all adults. Are you able to give an upper range of
14 the age of people? Were there any elderly among them?

15 A. Yes, there were people who could have been 60 or 70, judging by
16 their faces, by their general appearance. That's the only thing I had to
17 go by.

18 Q. Just a couple more quick questions about the bodies. Again, you
19 told us that there were dressed similarly. Any uniforms on any of these
20 53 bodies or 56 heads?

21 A. No.

22 Q. Did you take any photographs of these bodies either the night of
23 the 6th or the night of the 7th as you were removing them from the truck?

24 A. Could you please repeat that question?

25 Q. You've told us you took bodies out on the night of the 6th and

Page 8495

1 then again on the night of the 7th. Did you take any photographs of any
2 of the bodies that you removed on either night?

3 A. No.

4 Q. Why not?

5 A. When the chief of the district police arrived and that meeting was
6 held at the police station in Kladovo, it was said that no further
7 photographs were to be taken.

8 Q. It was said to whom?

9 A. To me.

10 Q. Under normal circumstances in the course of your duties, would it
11 be a normal thing for you to take photographs?

12 A. Yes, certainly.

13 Q. Now, when you finished loading these bodies, what happened that
14 night? Did you go home or go back to the police station, or what did you
15 do when you finished that job?

16 A. The lorry with the corpses went further up the river again, in the
17 direction of Donji Milanovac, and I went home.

18 Q. What happened, if anything, to the truck that had been found in
19 the Danube that had been loaded onto the flatbed? Did it stay at the
20 scene or did it leave somewhere too?

21 A. When I set out to go home, the truck was still there. But the
22 next morning, when I came back to the police station in Kladovo, I was
23 told that the flatbed truck, escorted by two policemen, was transported to
24 Petrovo Selo, which is near Kladovo.

25 Q. Were you given any instructions by anyone with respect to the

Page 8496

1 refrigerator truck?

2 A. Yes. The next day, the chief of police from Bor, or one of his
3 associates, gave us a ring and said that this truck needs to be destroyed.
4 It was suggested that this should be done by burning it.

5 Q. Yes. And that was the suggestion. Did you receive an instruction
6 to destroy it or what happened?

7 A. When I received the instruction to destroy the lorry, I went to
8 Petrovo Selo accompanied by a colleague, and we poured petrol over the
9 lorry and set it on fire.

10 Q. Where was the lorry?

11 A. It was in Petrovo Selo, which is a village on a mountain near
12 Kladovo.

13 Q. How did you know where it was? How did you know where to go?

14 A. This colleague of mine who accompanied me on this mission to torch
15 the truck, he had accompanied the transfer of the lorry from Kladovo to
16 Petrovo Selo the night before.

17 Q. When you poured petrol on the refrigerator truck, did that destroy
18 it sufficiently? After you set it on fire, of course.

19 A. No. The skeleton of the lorry remained.

20 Q. So what, if anything, did you do next?

21 A. I called up the chief of police in Bor. I told him that things
22 were not good, that it was not going to be done that way, not going to be
23 accomplished that way and that we had to blow it up.

24 Q. Did you do that?

25 A. We did.

Page 8497

1 Q. When and how?

2 A. I think it was the 8th of April when we set the lorry on fire. So
3 it must have been the 9th when we used explosives to destroy it
4 completely. Explosives used in industry.

5 Q. And you brought those explosives with you for the purpose of
6 blowing up the truck; is that correct?

7 A. Yes. It had been brought.

8 Q. Did the explosives do the trick?

9 A. Yes.

10 Q. Now, that would have happened, then, on the 9th of April, if I've
11 been following the progression correctly, 1999.

12 A. Yes. All these events happened on several days in sequence, over
13 several days. So it must have been Saturday, the 9th of April.

14 Q. Now, sir, a couple of years later, May 1st, 2001, did you become
15 familiar with an article that was published in the "Timok Crime Review" in
16 relation to that vehicle that you had discovered and dealt with?

17 A. Yes.

18 Q. And to make a long story short, were you then questioned by the
19 working group of the MUP? And you've already told us you've given them a
20 report; is that correct?

21 A. Yes. They conducted an interview with me. I didn't give them any
22 report. They just interviewed me and, on the basis of that interview,
23 they drew up an Official Note.

24 Q. And have you had an opportunity of reading that Official Note?

25 A. I did, but only later.

Page 8498

1 Q. I understand that.

2 MR. RYNEVELD: Your Honours, I promised to give you this exhibit
3 number. You have that as Exhibit 274, that last binder that went through
4 the previous witness, Karleusa, at tab 8.

5 Q. Now, you had -- much later, had an opportunity to read that
6 Official Note. Is the Official Note an accurate rendition of your
7 recollection of what you told the working group as to what you did?

8 A. Yes.

9 Q. Did you make any changes at all to your -- to your statement about
10 the communique released by the working group about what you had seen? Did
11 you want to make any changes to that?

12 A. As regards the Official Note drawn up by the working group based
13 on their interview with me, I stand by the contents of that Official Note
14 in full. And at any rate, they -- the investigators got hold of this
15 Official Note through the Ministry of the Interior. I only have
16 reservations about the second part.

17 Q. All right. In the document you read, did you note anything at all
18 about a sentence about KLA uniforms being found on any of the bodies?

19 A. No. That is not in the Official Note made on the basis of the
20 interview with me. But an error must have been made later, in one of the
21 subsequent documents, and I told them to correct it.

22 Q. And that was the communique that was released; is that correct?

23 Or do you know what document it is?

24 A. No.

25 Q. In any event, your evidence is that on none of these 83 bodies, or

Page 8499

1 86 bodies, you saw no uniforms at all?

2 A. Correct.

3 Q. Two more questions. The negatives -- these photographs that
4 you've taken, some of which were entered in these proceedings, the ten
5 photographs, you personally developed those photographs, did you?

6 A. Yes. This roll of film which I used to photograph the object, I
7 developed the film and it was part of my case file kept in my office. In
8 2001, I gave this negative to the working group, headed by Captain
9 Karleusa, and he must still have it.

10 Q. My final question, sir: Looking back on what happened in April of
11 1999, how do you feel about the way in which you were instructed to carry
12 out that investigation? Is that a normal way that you as a professional
13 crime scene investigator would conduct an investigation?

14 A. Your Honours, I'm testifying here about what I did, what I did
15 with my own hands, what I saw with my own eyes. As for my feelings, I had
16 none at the time. There was a war going on. That's what had to be done.
17 That was the way it had to be done.

18 Q. Thank you, Witness.

19 JUDGE MAY: We will adjourn now. Cross-examination tomorrow
20 morning.

21 Mr. Radojkovic, would you be back, please, 9.00 tomorrow morning,
22 to conclude your evidence.

23 THE WITNESS: [Interpretation] I understand, Your Honour. I will.

24 --- Whereupon the hearing adjourned at 1.38 p.m.,
25 to be reconvened on Wednesday, the 24th day of July,

Page 8500

1 2002, at 9.00 a.m.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25