

## **Milosevic**

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Defense witness reveals evidence of army prosecution of soldiers for war crimes.

In the third week of his testimony in the defense case of former Yugoslav president Slobodan Milosevic, former federal army commander Bozidar Delic presented evidence he hoped would show his forces had obeyed international humanitarian law during the 1999 Kosovo conflict.

By presenting documents to show that the army prosecuted its soldiers for crimes against Albanian civilians, and punished them, if found guilty, the accused and his witness were hoping to counter the main allegations contained in Milosevic's Kosovo indictment.

The former Yugoslav president is accused of orchestrating a campaign of mass expulsions of some 800,000 Kosovo Albanians from the province that coincided with the NATO air strikes on Serbia in the spring of 1999 - a campaign that prosecutors claim included mass murder, rapes and looting of property.

The witness also tried to strengthen Milosevic's claim that it was the NATO bombardment, and not the terror campaign of the Belgrade-run security forces that triggered this mass expulsion.

Delic and Milosevic - who is running his own defence - spent the most of this week sifting through numerous Yugoslav Army, or VJ, documents they hoped would prove that its soldiers were ordered to respect international humanitarian law, and were prosecuted when they failed to do so.

Delic presented documents showing that some of the soldiers under his command were arrested for crimes of murder, theft or rape. He also brought documents showing that a total of 279 VJ soldiers have been arrested for criminal activities during this period.

During the examination, interspersed with numerous leading questions, Milosevic suggested to the witness that "he enforced the law even in the time of the heaviest fights" with NATO and KLA forces.

Delic presented the court with documents showing that at least some of over 100 members of his brigade that were accused of crimes had been convicted and sentenced.

When Judge Robinson warned that the cases referred to by Delic and the accused relate to incidents other than those listed in the indictment, Milosevic's court assigned counsel Steven Kay explained these documents were "a proof that the mechanism of legal functioning of the state, even in a state of war, was present.

"It should be taken in view that those mechanisms were functioning....it would be wrong that he (Milosevic) is judged for every single individual crime that took place there."

Milosevic did in fact address one such incident in his indictment - the death of 110 Albanian civilians who had been detained and allegedly burned alive in a house at the village of Mala Krusa. The village was located in the zone of responsibility of the VJ's 549 Motorised Brigade, which Delic commanded.

Mehmed Krasniqi, who appeared as a prosecutors witness in 2002, described how he was detained in a house in Mala Krusa along with more than one hundred men and then the house was set on fire by the Serbian forces.

Delic denied these claims outright, arguing somewhat circuitously that “had an event like that happened, [he] would have known of it” - implying that his ignorance was an ultimate proof that the crime didn't take place.

“My forces held a blockade on the approaches to the village, and commander in charge of it hasn't told me anything about such an incident,” said Delic.

Milosevic also hoped to use Delic's testimony to back his thesis that hundreds of thousands of Albanian refugees who left Kosovo between March and June 1999 did so in fear of the NATO's bombing campaign, the battles between the Yugoslav army and the Kosovo Albanian insurgents and as part of a prearranged plan to leave Kosovo in order to justify NATO air strikes.

The indictment claims Albanians were fleeing under the pressure of Belgrade-run combined army and police forces, who went from house to house, forcing people to abandon them and in some cases even escorting them to the border in order to ensure they would leave the region.

To counter this, Delic played interviews with Kosovo Albanians made at the border posts by the local branch of the Serbian state television - used during Milosevic's time on power as his main mouthpiece - in which they said they were chased from their homes by NATO bombs. Prompted by the judges, Milosevic announced he would call some of the Albanian witnesses in person to support that claim.

Between the interviews, the camera would glide to show the pictures of crowds of Albanians milling at the border posts, some of them visibly afraid, waiting to leave. Many witnesses heard in the prosecution phase of the trial spoke of Serbian forces taking away their personal IDs and license plates when they were leaving Kosovo. The prosecutors claim that this was done in order to wipe away the traces of Albanians' residence in Kosovo and their Yugoslav nationality, thus preventing them from returning.

Delic didn't deny his forces escorted Albanian civilians to the border - but said this was done in order to “safely transport them through mine fields” and out of the conflict area, adding that if the refugees' documents were removed at the border posts, the people manning them did it off their own bat, and not on any orders.

Delic brought along some of the leaflets thrown from the NATO airplanes at the time, calling Serbian soldiers to desert and “return home alive”. Delic suggested that such propaganda could have been another reason that the Albanian civilians were frightened.

Milosevic's assigned counsel Steven Kay also reminded the judges that, according to Delic, more than 100 bombs were dropped daily just on his zone of responsibility in Kosovo, attempting to strengthen the claim that the Albanians were escaping the bombings.

The witness also claimed that NATO's air strikes were coordinated with a massive military action launched by the KLA from Albania and Kosovo, whose aim was to take control over the province.

“There was great cooperation between NATO and the KLA,”said Delic, adding that the Albanian insurgents had passed on intelligence on the positions of Serbian forces to the alliance, who would bomb them later.

According to Kay, if those attacks were indeed coordinated, Serbia had the right to engage in self-defense and its military actions were justified - but the indictment argues that this was not consistent with its forces engaging in a mass campaign of ethnic cleansing.

This week Milosevic also tried to preempt some of the damage his witness' credibility may have suffer during the cross-examination.

Earlier prosecution witnesses accused him of ordering crimes against civilians in Kosovo. Witnesses K-32 and K-41, both former soldiers in units under Delic's command, testified in the prosecution part of the case that Delic himself participated and even ordered murders of Albanian civilians.

This week Delic called them "liars". K-32 said in his testimony he had deserted the VJ because he was disgusted by what he saw in Kosovo.

Prosecutor Geoffrey Nice started cross examining Delic on July 7, just 10 minutes before the end of last week's trial. The cross- examination is expected to take the better part of next week.

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