THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case № : **IT-05-87**-T

IN THE TRIAL CHAMBER

BEFORE: Judge **Iain Bonomy**, Presiding
Judge **Ali Nawaz Chowhan**
Judge **Tsvetana Kamenova**
Judge **Janet Nosworthy**, Reserve Judge

REGISTRAR: Mr. Hans Holthuis

DATE FILED: **23rd of August 2007**

THE PROSECUTOR

V.

MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ

- P U B L I C -

DEFENCE SUBMISSION

WITNESS NOTIFICATION FOR THE TRIAL WEEK COMMENCING 27 AUGUST 2007

THE OFFICE OF THE PROSECUTOR:
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Ms. Christina Moeller
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DEFENCE SUBMISSION

WITNESS NOTIFICATION FOR THE TRIAL WEEK COMMENCING 27 AUGUST 2007

1. The Defence herewith submits its detailed weekly witness notification for the trial week commencing 27 August 2007, containing the name/ surname, Rule 65*ter* summary, estimated time of testimony, mode of testimony and exhibits to be tendered though or used with the following witnesses:

KESIĆ, Obrad (live)

MINIĆ, Milomir (live)

VASILJEVIĆ, Aleksandar (Video-Conference Link, Rule 92*ter*, Live)

MIJATOVIĆ, Zoran (Video-Conference Link)

MATKOVIĆ, Dušan (Video-Conference Link)[1]

Counsel for the Accused Nikola Šainović:

TOMA FILA
Lead Counsel

VLADIMIR PETROVIĆ
Co-Counsel

Dated, 23rd of August 2007
The Hague, The Netherlands

[1] The stated mode of testimony is contingent upon the eventual leave of the Trial Chamber to that effect

Witness:	**KESIĆ, Obrad**
Protective Measures:	None
Modus of Testimony:	Live
Week:	27 – 31 August 2007
Estimated time of testimony:	2 hours
Reference in relation to the counts and paragraphs of the indictment:	Counts: 1,2,3,4 & 5 Paragraphs: 17, 19-22, 23-31, 94-102

Rule 65*ter* Summary

The witness is a political analyst and a senior partner in a Consulting Firm in Washington DC, USA.

The witness will speak of the political reasons that led to the bombing of the FRY in the spring of 1999, from the perspective of the internal political relationships within the USA, as well as to the international standing and the role of that state in international relations.

The witness will give testimony in relation to the meeting which he has participated in on the 14th of April 1999 that was organised by the Office for Ethnic Relations in the White House. The meeting was organised with the Serbian representatives that live in the US. Even though it was not initially envisaged, the US President William J. Clinton attended the said meeting.

During the talks with the Serbian representatives, President Clinton said that it was clear to him that the Serbian side in the Rambouillet talks could not have accepted what was being offered to them, and that he too would not have accepted had he been in their position, especially in relation to the part of the agreement that enabled the Albanians to have the right to organise a referendum. President Clinton further stated that it was clear to him that the US had gone too far with its request, but he added that what was done is done. In addition, President Clinton stated that the US must not loose the war, because if it were to loose credibility, NATO would loose it as well, along with himself as President. It is for this reason, as President Clinton then explained, that the bombing would continue until President Milosevic withdraws the military and police from Kosovo and thus accepts the entry of NATO forces into Kosovo. The witness will give further details regarding the described meeting.

Exhibits to be tendered through or used with the Witness

Doc. №	Exhibit №	Document Description	Doc. Date	Additional Comments
1.	To be allocated	Photograph of the Witness and former US President William J. Clinton	N/A	

Witness:	**MINIĆ, Milomir**
Protective Measures:	None
Modus of Testimony:	Live
Week:	27 – 31 August 2007
Estimated time of testimony:	3 hours
Reference in relation to the counts and paragraphs of the indictment:	Counts: 1,2,3,4 & 5 Paragraphs: 2, 9, 10, 17, 19-22, 23-31, 46-49, 72, 73, 75, 77, 89, 94-102

Rule 65*ter* Summary

During 1998 and 1999, the witness was the President of the Council of Citizens of the Assembly of the FRY.

The witness will testify that the security situation in Kosovo had abruptly started to deteriorate with the emergence and strengthening of the KLA. The escalation of terrorist activities, murders, kidnappings, road barricades had caused unrest and panic amongst the citizens of Kosovo. The culmination was the takeover of the Belaćevac excavation site near Priština, whereby the security of the main city of the province was jeopardized, as well as the electric supply of the whole country.

The difficult situation in Kosovo required a more active approach on the part of all of the relevant factors of the social and political scene of Serbia. The SPS, as the political party that was in power in Serbia and FRY, had a special responsibility and duty in the newly emerged situation.

On the session of the Main Board of the SPS, held on the 10th of June 1998 that was dedicated to the events in Kosovo, conclusions were adopted whose gist was that a more intensive engagement was requested from all of the state structures for the purpose of stabilizing the situation in Kosovo. These conclusions contained a decision to send to Kosovo certain members of the Main Board. These members were Dušan Matković, Zoran Anđelković and the witness.

The task of the witness in Kosovo was to participate in the work of the organs and committees of the SPS. The witness will speak of his activities in Kosovo, as well as of the activities of the other members of the Main Board who were sent to Kosovo. The witness will testify to the question of whom did he report to in relation to his activities.

The witness knows that the Federal Government of the FRY had sent Mr. Šainović to Kosovo as its Vice-President for international relations. Mr. Šainović had the task to maintain contacts with the representatives of foreign diplomatic missions, representatives of international organs and other international representatives who were in Kosovo at the time in question.

The witness will testify as to the daily meetings that were held during the summer of 1998, in which the representatives of different state and political structures participated. The witness will speak of the relationships between the participants of the meetings as well as of the methodologies of the said meetings. The witness will testify that every state organ in Kosovo during the summer of 1998,

especially the VJ and MUP, had fully acted within the ambit of its organization, subordination and competence. These meetings were held primarily for the purpose of exchanging information in relation to the activities of different state organs and did not have any characteristic of commanding the VJ and MUP, nor did they serve to render political decisions.

The witness will testify that the meetings of the different state and political representatives were held in the building of the Executive Council in Priština.

The witness will confirm that, in the autumn of 1998, with the ending of the antiterrorist combats and the arrival of the KVM, the need for his further engagement in Kosovo had ended. The regular presence of persons who were sent by the Main Board of the SPS in Kosovo was no longer required.

The witness was at the head of the Council of Citizens of the Assembly of the FRY during the war as well. During the war, several Assembly sessions were held, in an atmosphere of agreement of all of the political parties.

During the war, the witness had political contacts with Mr. Šainović, during which they talked about the current activities.

The witness will confirm that Mr. Šainović never headed any sort of command for Kosovo, neither during 1998 nor during 1999. The witness has knowledge that, after the signing of the agreement between President Milošević and Mr. Holbrooke, Mr. Šainović was appointed as the President of the Commission for the cooperation with the OSCE mission that was formed by the Federal Government of the FRY. The witness will present his impressions regarding the work and activity of Mr. Šainović in the period from 1998 and 1999.

The witness will testify that Mr. Šainović was never competent or superior to the VJ, MUP or any other state organs in Kosovo, nor that he had any power over the same during 1998 and 1999.

The witness will testify to the principles of the policy of the FRY and Serbia during 1998 and 1999. The witness will confirm that the FRY and Serbia were genuinely in favour of a political solution to the Kosovo crisis by the use of peaceful means, political agreement and mutual consent between the parties. The witness will further confirm that the entire activity of Mr. Šainović in Kosovo was in accordance with the resolution that the conflict can be solved only through political means and with a mutual agreement.

Exhibits to be tendered through or used with the Witness

Doc. №	Exhibit №	Document Description	Doc. Date	Additional Comments
1.	2D25	Minutes from Meeting of Main Board of the Socialist Party of Serbia (SPS)	24 Apr 97	
2.	2D53	87 Session of SPS Executive Board - Minutes	11 Sep 98	
3.	2D56	88 Session of SPS Executive Board - Minutes	22 Sep 98	
4.	2D67	Conclusions of the FRY Federal Assembly – Re	5 Oct 98	

		Situation in KiM		
5.	2D71	Correspondence from FRY Federal Government to the Federal Ministry of Foreign Affairs - Re 23 session held on 5 Oct 98 No 25-1-98	8 Oct 98	
6.	2D77	89 Session of SPS Executive Board - Minutes	14 Oct 98	
7.	2D88	90 Session of SPS Executive Board - Minutes	27 Oct 98	
8.	2D218	96 Session of SPS Executive Board - Minutes	17 Feb 99	
9.	2D206	95 Session of SPS Executive Board - Minutes	3 Feb 99	
10.	2D218	96 Session of SPS Executive Board - Minutes	17 Feb 99	
11.	2D221	FRY Federal Ministry of Foreign Affairs Correspondence to the President of the FRY Federal Government Mr. Bulatovic - Re FRY Federal Ministry of Foreign Affairs positions vis-a-vis Rambouillet Conf No 45437	18 Feb 99	
12.	2D347	Press Conference Release from Information Secretariat of AP Kosovo and Metochia - Re Meeting Between Mr. Sainovic and Ambassador Hill	28 Jul 98	
13.	2D242	Minutes from the 52 Session of the FRY Federal Government held 19 Mar 99 and Announcement of the Co-Chairpersons as Annex	19 Mar 99	
14.	2D259	107 Session of SPS Executive Board - Minutes	3 Jun 99	
15.	2D363	News Info (Tanjug source) Re Mr. Sainovic's meeting with Mr. Hill	27 Nov 98	
16.	2D365	Joint Announcement Re meeting Mr Sainovic and Mr Rugova	5 Apr 99	
17.	2D371	Joint Statement of Presidents Milosevic and Yeltsin	16 Jun 98	
18.	2D372	Autonomous Region of Kosovo Municipal Assembly of Orahovac Memo-Re complaints of Albanian terrorist activities No 76-214	8 Jul 98	
19.	2D8	FRY Government Decision on the Formation of the Federal Government Commission for the Cooperation with OSCE Mission for Verification in Kosovo and Metochia	19 Oct 98	
20.	2D9	FRY Government Supplement to Decision on the Formation of Federal Government Commission for Cooperation with OSCE Mission for Verification in Kosovo and Metochia	29 Oct 98	
21.	2D12	Public Announcement of accord reached by President Milosevic	13 Oct 98	
22.	1D18 p.414	11. Contact Group Non-negotiable Principles/ Basic Elements, 30 January 1999	30 Jan 99	
23.	1D33	Conclusions - National Assembly of the Republic of Serbia, 23 March 1999 - Consideration of the Report of the State Delegation on the Rambouillet and Paris Talks (96)	23 Mar 99	

24.	1D36	Joint Statement - Federal Government and the Government of the Republic of Serbia, 6 April 1999 (98)	6 Apr 99	
25.	1D260	Decision on the Composition of the federal Government, Off. Gazette of the FRY 25/98, Item 305 (805)	22 May 98	
26.	P416	Signed Joint Declaration by Rugova and Milutinovic regarding their mutual readiness to initiate direct talks between the Serbian Government and the leaders of the Kosova Albanians.	28 Apr 99	
27.	P714	Decision naming Ratomir VICO, Goran PERCEVIC and Dobrosav BJELETIC to form the group implementing the agreement on the return of Albanian students and teachers to schools in Kosovo (Education Agreement of 1 September 1996)	11 Sep 96	
28.	P1012	Minutes of the 16th Session of SPS /Socialist Party of Serbia/ Main Board	10 Jun 98	
29.	P2166	Minutes (No. 208-5) dated 02/11/1998 of the Meeting of the Operations Inter-Departmental Staff for the Suppression of Terrorism in Kosovo and Metohija	2 Nov 98	

Witness:	**VASILJEVIĆ, Aleksandar**
Protective Measures:	None
Modus of Testimony:	Video-Conference Link, Rule 92*ter*, Live
Week:	27 – 31 August 2007
Estimated time of testimony:	30 minutes
Reference in relation to the counts and paragraphs of the indictment:	Counts: 1,2,3,4 & 5 Paragraphs: 2, 9, 10, 17, 19-22, 23-31, 46-49, 72, 73, 75, 77, 94-102

Rule 65*ter* Summary

The witness was a Prosecution witness in this case. The Defence intends to call this witness to testify solely on account of the exhibit P2862.

The witness will explain the way in which his notes came into existence as well as the contents thereof. The witness will explain the conduct, as well as the role of the participants of the meeting of the 1st of June 1999 in the context of P2862.

Exhibits to be tendered through or used with the Witness

Doc. №	Exhibit №	Document Description	Doc. Date	Additional Comments
1.	2D387	Statement of Aleksandar Vasiljević	25 Jul 07	
2.	P2862	Extract from the working notebook of General Aleksander Vaslijevic.	1 Jun 99	
3.	6D147	Transcript of interview with general Aleksandar Vasiljevic	14 Nov 01	
4.	6D148	Transcript of interview with general Aleksandar Vasiljevic	14 Nov 01	
5.	6D149	Transcript of interview with general Aleksandar Vasiljevic	15 Nov 01	
6.	6D150	Transcript of interview with general Aleksandar Vasiljevic	15 Nov 01	
7.	6D151	Transcript of interview with general Aleksandar Vasiljevic	16 Nov 01	
8.	6D152	Transcript of interview with general Aleksandar Vasiljevic	16 Nov 01	
9.	6D153	Transcript of interview with general Aleksandar Vasiljevic	17 Nov 01	
10.	6D154	Transcript of interview with general Aleksandar Vasiljevic	17 Nov 01	
11.	6D155	Transcript of interview with general Aleksandar Vasiljevic	18 Nov 01	

12.	6D156	Transcript of interview with general Aleksandar Vasiljevic	19 Nov 01	
13.	6D157	Transcript of interview with general Aleksandar Vasiljevic	19 Nov 01	
14.	6D158	Transcript of interview with general Aleksandar Vasiljevic	22 Nov 01	
15.	6D159	Transcript of interview with general Aleksandar Vasiljevic	22 Nov 01	
16.	6D160	Transcript of interview with general Aleksandar Vasiljevic	23 Nov 01	
17.	6D161	Transcript of interview with general Aleksandar Vasiljevic	23 Nov 01	
18.	6D162	Transcript of interview with general Aleksandar Vasiljevic	25 Nov 01	
19.	6D163	Transcript of interview with general Aleksandar Vasiljevic	26 Nov 01	
20.	6D164	Transcript of interview with general Aleksandar Vasiljevic	26 Nov 01	
21.	6D165	Transcript of interview with general Aleksandar Vasiljevic	08 Feb 02	
22.	6D166	Transcript of interview with general Aleksandar Vasiljevic	08 Feb 02	
23.	6D167	Transcript of interview with general Aleksandar Vasiljevic	08 Feb 02	

Witness:	**MIJATOVIĆ, Zoran**
Protective Measures:	None
Modus of Testimony:	Video-Conference Link
Week:	27 – 31 August 2007
Estimated time of testimony:	1 hour
Reference in relation to the counts and paragraphs of the indictment:	Counts: 1,2,3,4 & 5 Paragraphs: 17, 19-22, 23-31, 46-49, 72, 73, 75, 77, 89, 94-102

Rule 65*ter* Summary

The witness worked in the MUP of the Republic of Serbia in the RDB.

The witness will speak of Mr. Ratomir Tanić who collaborated with a number of intelligence agencies. The witness will speak of the money that was paid to Mr. Tanić on several occasions, as well as the way in which he collaborated with him. The witness will further testify of Mr. Tanić's credibility. The witness will give testimony as to the reliability of information that Mr. Tanić has attempted to present to the Serbian intelligence agencies, especially during the NATO bombing. The witness will speak of his knowledge as to the way in which Mr. Tanić has prepared himself for his testimony in the case against President Slobodan Milošević before the ICTY, as well as of the sources of information which he has used during his preparation for the said testimony.

Exhibits to be tendered through or used with the Witness

Doc. №	Exhibit №	Document Description	Doc. Date	Additional Comments
1.	2D6	Excerpt from Book "Requiem for a State Secret"	N/A	

Witness:	**MATKOVIĆ, Dušan**
Protective Measures:	None
Modus of Testimony:	Video-Conference Link
Week:	27 – 31 August 2007
Estimated time of testimony:	1 hour
Reference in relation to the counts and paragraphs of the indictment:	Counts: 1,2,3,4 & 5 Paragraphs: 2, 9, 10, 17, 19-22, 23-31, 46-49, 72, 73, 75, 77, 89, 94-102

Rule 65*ter* Summary

During 1998 and 1999, the witness was a member of parliament in the National Assembly of the Republic of Serbia as well as the Vice-President of the SPS. In the professional sense, the witness headed the Metallurgical complex "Sartid" in Smederevo, Serbia.

The witness will testify to the political and security situation in Kosovo during the summer of 1998. The witness will further testify to the reasons why the Main Board of the SPS had sent him, Mr. Milomir Minić and Mr. Zoran Anđelković to Kosovo in the summer of 1998.

The tasks of the witness in Kosovo were directed mainly to the issues concerning economy. It was believed that the proper functioning of the economy was an important factor to the stabilization of the situation in Kosovo. The state was interested in commencing economic activity due to the fact that the prospective stabilization and the strengthening of trust and tolerance, that were the goals of the state policy, were not possible without the revival of the economic activity.

The witness knows that Mr. Šainović was sent to Kosovo by the Federal Government, as the Vice-President entrusted with issues pertaining to international relations. The sending of Mr. Šainović to Kosovo was a logical choice, considering the large number of representatives of international organisations and diplomatic representatives. Mr. Šainović visited Kosovo frequently during the summer of 1998.

The witness will testify to the method of political work that was set up with the arrival of the group of persons to Kosovo, whom were designated by the Main Board of the SPS. The witness will speak of the meetings that were held between the representatives of the different state organs, as well as political figures that were held in the period from July until October of 1998. The witness will testify to the reasons why the said meetings were held and the way in which they were held. The witness will confirm that the said meetings were not any sort of a command for the VJ and MUP in Kosovo. The witness will further confirm that the VJ and MUP always adhered to the principles of subordination within their respective structures and that thus the system of leadership and command remained in tact.

The witness will further confirm that the meetings which he had attended did not possess the characteristics of a command and/ or control over the defence forces, as well as that there was not any need for the same bearing in mind that all of the decisions were made at the highest level in Belgrade. These decisions encompassed the decisions on undertaking antiterrorist operations, decisions on the

modus and time needed for the implementation of those operations, as well as decisions on who will the participants be and what departments will be used for the carrying out of individual phases of said operations.

The witness will testify that during the time when he visited Kosovo, the state apparatus in Kosovo was unimpeded in respect to the system of informing the highest levels of authority, which worked though an entire range of political, military, police and security channels. Decisions in Belgrade were reached based on information collected from an entire range of different sources.

The witness had ceased to go to Kosovo by the end of September 1998. The arrival of the KVM as well as the agreement with the international community was regarded as a success on the part of the witness and others who were engaged in Kosovo during the summer of 1998. It was then believed that the centre of the activity was shifted to the negotiations process, both within the country as well as with the representatives of the international community. The witness will confirm that the FRY and Serbia, in respect to the solution of the crisis in Kosovo, were determined to find a political solution, which would be reached via negotiations.

The witness will confirm that Mr. Šainović was for a political solution to the crisis in Kosovo and that he has always adhered to his firm belief that a long-term solution is possible only through mutual agreement, tolerance and respect, as well as that he has based his activities on that belief.

The witness will further speak of the facts that relate to the position of Mr. Šainović within the SPS, as well as to his relationship with the President of the FRY Mr. Slobodan Milošević. The witness will speak of the circumstances under which Mr. Šainović was relieved of his position as Vice-President of the SPS in 1997.

During the war, the witness met Mr. Šainović several times during political meetings in the SPS building in Belgrade. The witness was wounded during the war and was hospitalized and subjected to rehabilitation until the end of the war.

The witness will confirm that Mr. Šainović did not issue any orders, and that he was not a chief and/ or commander of any command and/ or staff in Kosovo during 1998 and 1999.

Exhibits to be tendered through or used with the Witness

Doc. №	Exhibit №	Document Description	Doc. Date	Additional Comments
1.	2D25	Minutes from Meeting of Main Board of the Socialist Party of Serbia (SPS)	24 Apr 97	
2.	2D53	87 Session of SPS Executive Board - Minutes	11 Sep 98	
3.	2D56	88 Session of SPS Executive Board - Minutes	22 Sep 98	
4.	2D61	Conclusions from the Assembly of the Republic of Serbia - Re situation in KiM	28 Sep 98	
5.	2D63	Minutes from Session of the Assembly of the Republic of Serbia	28 Sep 98	

6.	2D77	89 Session of SPS Executive Board - Minutes	14 Oct 98	
7.	2D88	90 Session of SPS Executive Board - Minutes	27 Oct 98	
8.	2D196	Memo to the FRY Federal Government from the FRY Federal Ministry of Foreign Affairs - Report on visit of FRY delegation to EU Commission in Belgium No 42161	25 Jan 99	
9.	2D206	95 Session of SPS Executive Board - Minutes	3 Feb 99	
10.	2D218	96 Session of SPS Executive Board - Minutes	17 Feb 99	
11.	2D347	Press Conference Release from Information Secretariat of AP Kosovo and Metochia - Re Meeting Between Mr. Sainovic and Ambassador Hill	28 Jul 98	
12.	2D362	Letter from "PKB-Malisgan" Company to Head of District-Re request for assistance with harvest No 194	30 Jun 98	
13.	2D363	News Info (Tanjug source) Re Mr. Sainovic's meeting with Mr. Hill	27 Nov 98	
14.	2D365	Joint Announcement Re meeting Mr Sainovic and Mr Rugova	5 Apr 99	
15.	2D8	FRY Government Decision on the Formation of the Federal Government Commission for the Cooperation with OSCE Mission for Verification in Kosovo and Metochia	19 Oct 98	
16.	2D9	FRY Government Supplement to Decision on the Formation of Federal Government Commission for Cooperation with OSCE Mission for Verification in Kosovo and Metochia	29 Oct 98	
17.	2D12	Public Announcement of accord reached by President Milosevic	13 Oct 98	
18.	1D32	RS National Assembly - Shorthand minutes - first session of the first regular sitting 23 March 1999/ Full text/ Original (214b)	23 Mar 99	
19.	1D33	Conclusions - National Assembly of the Republic of Serbia, 23 March 1999 - Consideration of the Report of the State Delegation on the Rambouillet and Paris Talks (96)	23 Mar 99	
20.	1D36	Joint Statement - Federal Government and the Government of the Republic of Serbia, 6 April 1999 (98)	6 Apr 99	
21.	1D82	Statement of the Government of the Republic of Serbia on Kosovo and Metohija - 31 March 1998 (73)	31 Mar 98	
22.	1D202	Conclusions/ National Assembly of the Republic of Serbia - Kosovo and Metohija/ Republic of Serbia Official Gazette No. 33/98, Item 1409 (747)	28 Sep 98	
23.	1D427	Declaration on national unity, RS Off. Gazette 8/98, Item 264 (972)	24 Mar 98	
24.	1D443	Conclusions, RS Off. Gazette 4/99, Item 85(988)	04 Feb 99	
25.	1D579	Statement – Government of Serbia – Appointment of	28 Oct 98	

		Rade Marković and others – 28 October 1998 (88)		
26.	P1012	Minutes of the 16th Session of SPS /Socialist Party of Serbia/ Main Board	10 Jul 98	
27.	P416	Signed Joint Declaration by Rugova and Milutinovic regarding their mutual readiness to initiate direct talks between the Serbian Government and the leaders of the Kosova Albanians.	28 Apr 99	