

The Hague, Thursday, 9 October 2003, the "court room" [Open session]

[The accused entered court]

--- Upon commencing at 9.06 a.m.

JUDGE RICHARD MAY: Yes, Mr. Nice. Yes.

PROSECUTOR GEOFFREY NICE: Your Honour, the next witness is General Sir Rupert Smith. (...)

GENERAL SIR RUPERT SMITH: I solemnly declare that I will speak the truth, the whole truth, and nothing but the truth.

PROSECUTOR GEOFFREY NICE: Your full name, please.

GENERAL SIR RUPERT SMITH: Rupert Anthony Smith.

PROSECUTOR GEOFFREY NICE: Retired general of the British army, with a service history from 1964 covering experience in many theatres around the world, serving in the Gulf War, and involving yourself in the Balkans as early as late 1992 and early 1993 when you were in London at a desk position which gave you an overall view of the Balkans. Did you take command of the United Nations Protection Force in Bosnia-Herzegovina in January 1995, holding that position until December of 1995?

GENERAL SIR RUPERT SMITH: Yes. (...)

PRESIDENT SLOBODAN MILOSEVIC: That, unfortunately, was discovered subsequently. But you believe that Mladic, at the time when he was negotiating with you, knew that somebody had killed those people [in Srebrenica]?

GENERAL SIR RUPERT SMITH: Yes.

PRESIDENT SLOBODAN MILOSEVIC: On what grounds, General? Do you believe -- you met Mladic. I assume you knew -- came to know him quite well. You had a large number of meetings with him, didn't you?

GENERAL SIR RUPERT SMITH: I met him. I don't believe I know him well.

PRESIDENT SLOBODAN MILOSEVIC: Do you have any, any knowledge to the effect that General Mladic could have ordered such a dishonourable act?

GENERAL SIR RUPERT SMITH: I have no evidence that he ordered the act, but he was, nevertheless, the commander, and I believe he knew what was happening in his command.

PRESIDENT SLOBODAN MILOSEVIC: General Smith, you were deputy NATO commander when Yugoslavia was bombed; isn't that right?

GENERAL SIR RUPERT SMITH: Yes.

PRESIDENT SLOBODAN MILOSEVIC: Do you know that NATO planes bombed refugee columns, that they bombed the Chinese Embassy, that they bombed buses and trains?

JUDGE RICHARD MAY: Just wait a minute. We'll deal with one thing at a time. The witness can only give evidence about the time when he was in Sarajevo. During that time, General, were, to your knowledge, any refugee columns bombed?

GENERAL SIR RUPERT SMITH: When I was in Sarajevo, no.

JUDGE RICHARD MAY: The other -- no. Look, what happened later, what happened later, which we've heard very much about in this trial, is not for this witness. We have other witnesses who will give evidence about what happened then. We're talking about events in 1999.

PRESIDENT SLOBODAN MILOSEVIC: Mr. May, the witness said that Mladic must have known because he was in command. Now, I'm asking the witness since he was in command in 1999, whether he knew or should have known, must have known that columns of civilians were being bombed, buses, hospitals, the Chinese Embassy, Radio-Television Serbia, et cetera.

JUDGE RICHARD MAY: It's all totally irrelevant. He has dealt with the matter concerning General Mladic. I in fact let him do so, although it's doubtful if it was a question which was properly directed at him. It's a matter that we're going to have to determine as to how much Mladic knew about what was going on, whether he ordered it or did not. Now, those are all matters for us. Now, peripheral issues of that sort are not relevant.

JUDGE O-GON KWON: General, I noticed -- just a moment. I notice that you have not answered to the question when the accused asked you what is your base in believing Mr. Mladic should have known what had happened in Srebrenica. Could you help us with that.

GENERAL SIR RUPERT SMITH: He was there and he was the commander of that army.