

The International Criminal Tribunal for the former Yugoslavia
Case *Prosecutor v. Gotovina et al.*, IT-060-90

Transcripts

Witness: General Andrew Brook Leslie
(Chief of Staff of the UNCRO Sector South)

22 April 2008

Page 1929

WITNESS: ANDREW LESLIE

THE WITNESS: I solemnly swear that I will speak the truth, the whole truth and nothing but the truth.

JUDGE ORIE: Thank you. Please proceed.

[...]

Page 1930

Examination by Mr. Tieger:

Question: Sir, can we begin simply by having you state your name for the record, please.

Answer: My name is Andrew Brook Leslie.

Q. And what is your current profession and position?

A. I am a professional soldier in the Canadian Armed Forces. My current position is the Chief of Land Staff or the Commander of Canada's Army.

Q. And your current rank?

A. I'm a Lieutenant-General.

[...]

Page 1937

[...]

Question: Let me ask you quickly about the demographics of the town. Had the size of the population of Knin changed in the period shortly preceding Operation Storm?

Answer: When I first arrived in Knin in March, and these are only estimates and not meant to sound as if they're definitive numbers, but the population of Knin was probably somewhere in the order of 20.000 to 25.000. As tensions mounted, and it became fairly obvious that imminent hostilities were looming, the population of Knin had swollen to somewhere around 35.000 in the days immediately preceding the events of the 4th and 5th of August.

Q. Who -- where had the people who had increased the size of Knin come from? Who were those people?

A. In the main, I believe they were the families of those who were concerned that their villages and towns were close to the zone or closer to the zone of separation and, therefore, had a higher probability of risk. So the town, immediately prior to the 4th and 5th of August, was populated by mainly the elderly, women, and children, as the vast majority of fighting-aged males had been essentially mobilised and deployed into the zone of separation in a variety of defensive positions.

[...]

Page 1939

[...]

Q. Now, you've described the increase in the size of the civilian population in Knin in the period preceding Operation Storm. Did you observe whether any of the population of Knin had left the area in the days immediately preceding Storm, that is, immediately before August 4th, 1995?

A. There were some elements of the local population that had left in roughly the week prior to the 4th and 5th of August. How many, I don't know. It did not appear to make a sizeable reduction in the mass of people that I would see in and around the streets of Knin. We were aware anecdotally that a variety of Serbian refugees or Serbs from Knin had tried to get across the border into the Serb-controlled areas of Bosnia but had been turned around and sent back to Knin. But this is anecdote; it is not based on observation.

Q. General Leslie, how and when did you first learn that Operation Storm would take place or would commence?

A. The first confirmed indication we had was at roughly 20 minutes after 3.00 on the 4th of August when the Sector South headquarters received an indication from UNCRO headquarters, our superior headquarters

Page 1940

in Zagreb, that an attack by the Croatian Forces to recapture the Krajina was imminent. Over the course of the subsequent hours, there were many such reports from different sources.

[...]

Page 1942

Q. You say consistent shell fire after describing the rough timing that you did. Can you also give the Court any indication of the relative intensity of that consistent shell fire?

A. I would say the intensity was high between roughly 5.00 in the morning of the 4th until approximately 7.00 in terms of the total number of explosions, though there would be variances between when those explosions occurred. So, in the first initial salvo, all the explosions occurred almost at the same time. As the first hour or two wore on, there were the same relative number of explosions over time, but it wasn't as controlled.

Q. You indicated that, at approximately 7.00, there was a change in the intensity of the shell fire. Can you describe for the Court the nature of the change that occurred after approximately the first of couple of hours?

A. At approximately 7.00, or around approximately 7.00, the fire diminished markedly; and instead of having explosions all over the city of a consistent nature, the explosions and shell fire was grouped across specific regions of the city which varied, wherein you'd have a shell detonating, a minute or two or three would go by, another shell detonating 200 to 300 meters away from where the first one went off. That process would be repeated several times. Then you'd have four, five, or six shells landing fairly tightly grouped together. This process would be repeated essentially throughout most of the day at a lessened intensity as compared to what happened between 5.00 and

Page 1943

7.00 in the morning.

[...]

Page 1964

A. At close range, right by Sector South headquarters, there was a wide range of vehicles, mainly trucks carrying people. We call them putt-putt tractors. Those are essentially large farm implements with a wooden cargo carrying compartment on the back, carrying people. The occasional tank would grind its way back, very rare, covered in soldiers, but not many; and also people on foot walking by the headquarters heading down towards Knin.

[...]

Page 1966

[...]

Q. Did you leave the Sector South headquarters compound on the morning of the 5th?

A. I did.

Q. And for what purpose?

A. We had been asked by a Serbian physician to assist in the evacuation of approximately 30 to 40 critical patients at the Knin hospital, and I had volunteered to assemble a team of initially six vehicles to proceed to the hospital to assist in that evacuation. We first became aware of this request around 7.00, 7.30 in the morning, and

Page 1967

we left the compound about an hour and a half later.

Q. During the course of that trip from the Sector South headquarters to the hospital and back, can you tell the Court what, if anything, you saw or experienced?

A. The journey was -- took approximately 15 to 20 minutes. We started with six vehicles. We were -- initially, my vehicle was going to lead, but at some point the Serbian ambulance cut in front, I think during one of the moments of shell fire. There were two significant periods of shell fire en route. One was in the area of the train yards before you got to the main traffic circle, quite close to the vehicles, to the extent that they were rocked by the blast. The second, which was in the area of -- or prior to the north Dalmatian corps headquarters, after the traffic circle. En route to the town, the town appeared to be, from what I could see, essentially deserted. There were dead along the route, numbering somewhere in the order of 15 to 20 scattered hither and yon, along that main route, occasionally up the side street. There was an enormous debris field along that route of baggage and suit cases and even furniture until we got to the turn-off which left Knin to the north and west, at which point the route became relatively clear.

Q. You mentioned seeing dead along the route to the hospital. Did you see any bodies or injured persons upon arrival at the hospital?

A. On arrival at the hospital, there were large quantities of dead, men, women, and children, stacked in the hospital corridors in a pile. A makeshift room on the back rear floor was being used as a morgue. There

Page 1968

was no power, and the medical staff had departed with the exception of one male nurse who had obviously stayed there while the Serbian physician came and got us. There were approximately 30 to 40 patients of which 25 or so were in absolutely critical condition, a mix of the elderly women, occasional fighting-age male, and -- yeah.

Q. While --

JUDGE ORIE: Mr. Tieger, could we ask the witness "large quantities of dead, men, women, and children, stacked in the hospital ..." What do I have to understand approximately by large quantities? Where you are saying "30 to 40 patients, 25 in absolutely critical condition," what about the dead bodies.

THE WITNESS: Sir, it's very difficult to estimate. I would say the number was no lower than 30 and probably no higher than 50 or 60.

[...]

Page 1972

[...]

Q. And just to be clear on the exchange of points of view, did you demand on behalf of UNCRO that UNCRO personnel be permitted to leave the compound?

A. Yes.

Q. And did you explain for what purpose UNCRO wanted to leave the compound?

A. Yes.

Q. And what was that purpose?

A. To ensure that the laws of war were being respected, to ensure that no humanitarian violations were being perpetrated, to allow us access and visibility as per the United Nations Security Council resolutions which granted us such, and I also mentioned that we were willing to accept the responsibility and risk in doing so.

Q. Okay. If you recall, what response did you receive to the demand to leave the compound?

A. Endless repetitions of no.

Q. How long did -- for how long did the tank remain there and how long was UNCRO personnel prevented from leaving the camp?

Page 1973

A. We were prevented from leaving the camp up until the 9th of August, where I believe I was one of the first outside of the camp. There had been other minor exceptions, and I was escorted by a Captain of Marine Lukovic from Sector South headquarters out of the area of operations to take up my new duties of Chief of Staff UNCRO. The tank remained in place for several hours. I cannot recall when it left. I was not there when it was withdrawn. By then we had received orders from UNCRO telling us that we were to

stay in the camp until a variety of higher-level discussions were conducted between UNPF, UNCRO, and the various authorities.

Q. Although unable to leave the compound, were you able to hear anything that was happening outside the compound during the period of time you were prevented from leaving?

A. Yes. There were occasional flurries of shots, occasional grenade detonation; a modest, very few number of buildings were in flames; and much mechanised noise of tanks grinding by our headquarters to the north on that road; and Croatian forces streaming into the town from that road just outside Sector South headquarters.

[...]

Page 1979

Q. So, first of all, with respect to the initial barrage that took place on August 4th, what was it about that initial barrage, if anything, that led to the conclusions you drew in the August 12th report?

A. The initial barrage on the 4th of August from approximately 5.00 to approximately 7.00 in the morning did not have any concentration of fire and no discernible pattern that corresponded to any obvious point of aim of military value. The fire was, to put it in layman's terms, all over the place.

[...]

Page 1980

Q. General Leslie, you also indicated that during the course of the shelling that took place on August 4th and August 5th, you observed corrected fire or target group procedures; is that right?

A. That is correct.

Q. Would that indicate that there was -- would that reflect, based on your observations and your experience, that was an effort to hit particular targets?

A. Yes.

Q. First of all, where did you see those target group procedures or corrected fire? Where was it directed?

A. In the main, from the vantage points which I enjoyed which were either the balcony or perhaps more specifically the region of the helipad, the vast majority of the target grid procedure centre of mass impact were in and amongst residential structures. There were some exceptions to this, and I do not know if you wish me to go into the

Page 1981

detail at this point.

Q. Sure. What were the exceptions to this, do you wish to let us know?

A. The exceptions to this were - and this is not an exhaustive list because I would like to refer to my notes to provide such - the air defence battery which was located 400 to 600 metres to the south and east of Sector South headquarters, which was -- which was well and truly covered by fire by Croatian artillery systems; the south-east portion of

the train yards; and what was known as the factory complex, the roof of which you could see from the helipad. Those were the only three that immediately spring to mind that I could see from where I was in Sector South helipad.

[...]

Page 1990

[...]

A. The best descriptor between the periods 5.00 and 7.00 in the morning on the 4th and 5th of August was the fire was all over the place, and there was no apparent target grid procedure that I could discern, and that in the periods on both days from 7.00 until when the fire stopped,

Page 1991

the target grid procedure, some of which was fired at some of the targets which I believed to be legitimate military targets, the vast majority which was not.

[...]

A. We had the Serbian doctor, whose name I cannot recall; we had two Canadian M-113 armoured personnel carriers; two Jordanian M-113 armoured personnel carriers; and two Czech armoured personnel carriers.

Q. General, do you know the name of anyone who was with you?

A. Yes, actually now I do. Sergeant Marcotte, who was the Canadian sergeant, accompanied me on the trip; and for that specific sequence of events, he was awarded the meritorious service medal.

Page 1992

[...]

JUDGE ORIE: Then my next question would be: You described that you saw dead people when you were on the road to the hospital. Did you observe anything which would give a clue to whether their status was civilian or military?

A. Yes, sir, I did.

JUDGE ORIE: Could you please explain what you observed.

A. There were - it was long ago - but I believe that there were a

Page 1993

few dead children -- well, there were certainly some, very young. There were women dressed in skirts. There were fighting-aged males as well, dressed with the sort of unique collection of clothing that the Serbian militia wore at that time. There were a few elderly. Most of the dead, though, were essentially shapeless bundles of rags with the occasional limb protruding or other unpleasantness.

JUDGE ORIE: Yes. Do I understand were your answer that you're not able to give any more precise proportions of the categories you just mentioned?

A. No, sir, I cannot.

JUDGE ORIE: Then you told us about soldiers on the wooden cargo pallets behind the tractors. You said that you saw, together with women and elderly people, you saw also

soldiers. Could you be more precise as what soldiers of what armed forces, if you are able to make any distinction in that respect? Could you tell us a bit more about these soldiers?

A. Yes, sir, I can. Starting in the afternoon of the 4th, the soldiers were Serbian soldiers and it started slowly, this column of vehicles. But within a couple of hours, it was very constant and steady where you'd have trucks carrying two or three soldiers, five or six women and children; followed by a putt-putt, which is this tractor pulling this wooden cargo flat rack, that might have all soldiers; followed by a normal tractor pulling a hay wagon that would have all women and children. So it was truly a chaotic melange of people driving by Sector South headquarters.

[...]

Page 2011

[...]

Q. And when you were in this particular, I guess, convoy of vehicles, I mean, where were you?

A. I was in, originally, the lead vehicle, but then the Serbian doctor, very brave, took the lead, so I was in the first vehicle.

Q. And where were you in this vehicle, sir?

A. I was standing in the cargo hatch which was open.

[...]

Page 2015

[...]

Q. Let's explore that. So what you're saying is that Operation Storm was conducted with a high degree of expertise; is that right?

A. I, as a military professional, would agree that certain elements of Operation Storm were conducted with a high degree of expertise. If the aim was to ensure that the local population was cleansed from the region.

[...]

23 April 2008

Page 2046

[...]

Q. Well, let us go to this particular tape and this is a BBC tape and as we see it is 7.04 on the morning of the 4th, London time which of course would be 8.00 a.m. Zagreb/Knin time?

A. Okay.

MR. KEHOE: And we could play this.

[Videotape played]

Page 2047

"Short time ago we spoke to the UNPROFOR spokesman in Knin, Lieutenant Colonel Andrew Leslie, he described how the offensive there began.

"At 0500 this morning, Knin, the capital of the Krajina was hit by artillery and rocket shells. It was dark at that time, of course, the center or the main point of impact appeared to be the center of Knin, after 300 detonations we've lost count. Reports from our battalions indicate that essentially every large urban center in the Krajina has been hit by shell fire, starting between 5 and 5.30. As well the Croats have launched their strikes on the town of Gracac. There's a lot of shell fire. There has not been yet a lot of movement into the zone, so we don't really have a clear picture on what the Croatian ground forces are doing now but they certainly pounded the Serbian communities.

"There's two or three pillars of fire and smoke in the centre of Knin. We unfortunately had some of our people still sleeping downtown when this happened and ... civilians mostly, and we sent our armoured vehicles to collect them. The term controlled "chaos," from our view, applies. The damage? It is very hard to assess, I mean, there's houses that are destroyed, there's craters in the roads, it is not terribly pleasant."

[...]

Page 2081

[...]

Q. Let me stay with just this particular incident. I mean, you testified for us that you brought patients to the UN?

A. Yes.

Q. Were they soldiers?

A. I don't know. Most of them were -- hmm. Most of them were in no state to identify their profession. The ambulatory ones, no. To the best of my recollection and it has been a long time, I don't believe any of the ambulatory patients were soldiers. Some of those who were unconscious might have been.

Q. So I mean those individuals that might have been you were taking them from a hospital and bringing them to the UN compound?

A. That's correct.

Q. Why were you doing that, sir?

A. We had been approached that morning by a Serbian doctor who worked at the hospital, and he had indicated that there was no power, there was no light, no supplies, and essentially that the staff had left, and he and a male nurse were those that remained. He had left the male

Page 2082

nurse at the hospital. He came to our compound to ask for assistance. As the attending physician to move his patients to Sector South military facilities and the area commander made the decision to -- to go ahead.

Q. Was it within the UN mandate to move soldiers in any fashion?

A. Sir, I have not actually stated that these personnel were soldiers. Have I said that I don't know if any were soldiers.

[...]

Page 2119

[...]

Q. Secondly, the August 7th report from Mr. Stoltenberg to the Secretary-General that was referred to a few moments ago, in particular the portion on page 2, involving a discussion with Mr. Granic, in that

Page 2120

report as pointed out to you by the Defence, Mr. Granic was pressed to explain the shelling of civilian areas in Knin. He said that most of the civilians had already fled the city before it was shelled. Based on your observations of the attack on Knin on the 4th of August, was that accurate or inaccurate?

A. Sir, based on my observations of the region of Knin, the city of Knin, his observation is inaccurate.

Q. Mr. Granic also said there had been three military barracks in Knin. Did you observe that the shelling of Knin was directed at only the three military barracks in Knin?

A. No, sir.

[...]

Page 2121

[...]

Q. Now, you have told the Court that the shelling that you observed reflected either a deliberate attempt to shell civilian structures and areas, or the indiscriminate shelling of such structures and areas?

A. Yes.

[...]