

Face to Face

THE TRIAL OF CVJETAN

Why did Enver Durici cry during the testimony of Goran Stoparic B92



Before that Durici made the whole courtroom cry while showing marbles, a watch and handkerchief. On the face of the mother of Sasa Cvjetan appeared a “spasm” when a teacher from Podujevo, witness Redzep Kastrati, said that he had never seen so much hatred in a human soul, and Cvjetan, stated Kastrati, could have been a sportsman or a singer.

Speakers: Enver Durici, Fljorin Djata, Nazim Veselji, Redzep Kastrati, Teki Boksi, Dragoljub Todorovic, Djordje Kalanj

B92: Good afternoon. It is time for the catharsis.

Durichi: She was four years old. And the youngest son was twenty-one months old. Those marbles I bought three days before arriving in Podujevo, because prior to that we lived in the village of Dumnica. Mother asked me to buy a couple of marbles to my daughter Mimosa. Eight marbles cost one Deutsch Mark. I took those marbles. When I went to Dumnica to see the family, Mimosa went outside and asked me “Daddy, did you buy the marbles?”. I took out the marbles and gave them to her. They played with the marbles for a couple of days. It is true that the children were playing with the marbles when they were shot at, because at the scene, the marbles were scattered around and in a position ready to start the game. One can clearly see that my wife Fikreta’s watch has been blown to pieces. This is the first time I am taking it out publicly and showing it. You can see the marbles, the watch and the handkerchief found at the crime scene.

B92: Goran Stoparic from Sid said on Wednesday, before the Belgrade District Court, where the trial against Sasa Cvjetan was repeated, that on March 28, 1999, in a yard of a house in Podujevo “everything was over within less than a minute”.

“one automatic rifle fires 150 bullets per minute, and that is per person. I heard shooting from four or five pipes, and those were random bursts of fire” said Stoparic. This was how he provided the Court with evidence that indictees Cvjetan and Dejan Demirovic, still at large, were shooting in the yard of Haljim Gasi’s house, with few other members of the Special Anti-terrorist Unit “Scorpios”, stating their names.

Among the killed were the father, the mother, the wife and four minor children of Enver Durici, while he still carries with him, in his pocket, marbles and the watch wrapped in a handkerchief. The attorneys representing victims’ families, Dragoljub Todorovic and Teki Boksi, evaluated Stoparic’s testimony as the key evidence against Cvjetan, while defense attorney Djordje Kalanj, contends that it was insufficient evidence, because, according to him, one more witness was missing - Milovan Tomic, the person who prevented Stoparic from entering the yard saying “Don’t dirty your hands, you fool”.

Todorovic: The victims, these children who came from England, they recognized him. That man Olujic, his platoon commander, said that he was on the crime site right after the massacre, while he stayed in the building 500 meters away when Olujic left. So, there were and this is the best one, excellent piece of evidence, which corroborates what is a natural outcome. This is an important piece of admissible evidence, this is the first class evidence, the eyewitness testimony. It also changes the procedural situation. The prosecutor could prosecute also the persons he mentioned, this man Borojevic and that man Medic. I don’t know what will happen next, but as far as our case is concerned, it is proceeding well, from our standpoint, and has been proceeding well before, but with this even better.

Boksi: This was a turning point. He confirmed the most important elements of the indictment. I think that his conscience has awakened. As he himself explained, the murder of those children left him at unease, and he said the truth in Court, regardless of consequences. Naturally in these circumstances, he is afraid of the consequences. The Court awarded him protection, at his own request. I saw the reaction of Enver Durici during Stoparic’s testimony, I saw that the man was pleased. At least for the truth about it being told. Independently about what will happen to this proceeding, he will never have his family back, but when justice is appearing, still it is a consolation and relief to the family of the victims.

Kalanj: I can not accept as true his new testimony before the Court in Belgrade, because he testified before the Prokuplje Court and that testimony was completely different. He testified out of his own free will without any pressure by the defense, by the family or friends of Sasa Cvjetan. It is important to note about the said testimony that he named the person that was next to him and that had to see everything he testified about. If such person should corroborate what witness Goran Stoparic testified to, then definitely we would have reason to believe his testimony given before the District Court. However, without the said witness, of course we cannot accept it as testimony upon which Court could render its judgment.

B92: You are referring to Milovan Tomic?

Kalanj: Yes, that is true, that is the said witness. I believe and think that it is the obligation of the Court to bring the said person before the Court and have the said person testify, and then, based upon that testimony, to conclude what really happened in the yard of that house, who went out, was it Sasa Cvjetan, and who were the other members of the "Scorpions", named by Goran Stoparic. Today we heard from a witness that he had nothing to do with that yard, that house of which Goran Stoparic talked about. I admit that as a defense attorney I suggested that he be interviewed as a witness and of course I have asked for his consent to testify, and that he was told about the circumstances under which he will be interviewed as a witness, indirectly by a third party who asked him whether he wanted to testify because Sasa Cvjetan mentioned him. He himself consented to it, and offered his testimony. Afterwards I suggested for him to be interviewed as a witness. Of course that I feel very unpleasant to hear in the Courtroom how he alleges that I suggested to him how and what he should say. He is an adult and is responsible for his testimonies both in Prokuplje and here in front of the District Court. If we want to be very precise and if we want to speak about Goran Stoparic's testimony only, he was not an eyewitness to the actual event in the yard. I do not want to put any pressure on the Court by my statements. It is really a free judges' belief that will reach a decision, to judge what is the truth, to judge the statements of other members of the "scorpions", as well of course of victims' families who also gave quite a straightforward account in this case, and finally to decide whether it needs to collect more evidence or to bring that decision, and we shall see what that decision will be.

B92: And the fact that the witnesses recognized him, the Kosovo Albanians, the children?

Kalanj: Nobody recognized him as an eyewitness to the murder of the victims. He said it himself that he was there, he does not deny it, that he was doing what he was doing, that he was entering into people's houses, that he conducted searches, that he even hit one person.

B92: Enver Durici cried during the testimony of Goran Stoparic. And before that Durici made the whole courtroom cry when he was showing marbles, a watch and handkerchief. On the face of the mother of Sasa Cvjetan appeared a "spasm" when a teacher from Podujevo, witness Redzep Kastrati, said that he had never seen so much hatred in a human soul, and Cvjetan, stated Kastrati, could have been a sportsman or a singer, he was that beautiful.

Kastrati: On that March 28, Sasa was holding me by my jacket for app. 40 minutes, with his automatic rifle pointed at my chest, this was our relationship with him. On that day it was most difficult for me, because along with me was my older sisters, who was paralyzed. My biggest problem, and the problem of my family, was how to get her out. When I got down, he did not let me re-enter, and women and children could not. I was shouting "take the blanket, and put her (sister) on the blanket". And so they did. It started to rain, I was barefoot with only my socks on, and the shoes were there, but they did not let you even put your shoes on. I recognized him perfectly, because that image has been in front of my eyes, from that day on. I have the scar from the rifle but when he hit me. When all of us went out to the street, there were 87 of us from those 3 houses. He lined us up next to the road and shouted " I am gonna kill you all". Then, from that group he took me out and pointed the rifle at my chest again. He asked me: why do you speak Serbian and where did you learn that. I told him I spoke Serbian because I learned it in Belgrade, I was often in Belgrade because my brother worked there and I visited my brother. And I told him I had Belgrade in the palm of my hand, and I really do.

Why do the dogs bark?

B92: That is what Sasa asked you?

Kastrati: Sasa asked me why do the dogs bark. I said: "How would I know why do the dogs bark?" They have to bark, on all sides shooting is heard. Then one of their group approached and said: "Leave that man alone, why do you molest him."

B92: Do you know who it was?

Kastrati: I don't know. I really would like to know who he was, because he was probably my savior. He was dressed in a black suit, shaved head, black glasses, and had a scarf on his head, tied to his forehead. When he said that he turned the rifle around and hit me with the rifle but on my face. I started bleeding. This is how we started our conversation. When they entered the hallway, they banged on the door, I came out together with my sisters. With me there were three of my sisters with children. I gave directly to Sasa 1000 DM, because it is true that money saved many lives.

B92: If on October 6 a decision had been made to have live broadcast of trials for war crimes by the domestic courts, as per the South African model of reconciliation, there would be no dilemma today in Serbia as to who was a hero here, and who a traitor.

When B92 published the news on its site that the former member of the "Scorpions" changed his testimony on the Cvjetan trial, on Wednesday ten commentaries were sent, and among them this one:

"Goran, you are a Serbian hero, and not a traitor! Serbian heroes are not those logs that kill innocent civilians in the name of the Serbs and in defense of Serbia. Many Kosovo Serbs had to pay the price to Albanian "Cvjetans". It is the duty not only of the Serbian government but also of all the citizens of Serbia with even a little trace of humanity to protect Goran and to shake his hand for his courage and sincerity. Thank you Goran!. Criminals and murderers should not defend Serbia. Their place is in the prison.

Durici: The trial of these people who have committed the massacre in the district of Podujevo should be realistic, because the families Durici and Bogujevci have been hurt. We hope that the criminals who committed it will be punished accordingly. It is not easy for me to hear that the criminal who murdered my father, mother, wife and four children, is apologetic at the end, but I still feel at ease. I cannot say that Sasa was the only one who was shooting at them, but from the conversation with the Bogujevci children who were rescued from the massacre, and by reading various material from the trial and based on the testimony of one of the witnesses here, even the most primitive man would know that he was among the worst criminals in this group.

B92: You mean the testimony of Goran Stoparic?

Durici: Yes, that is what I mean. It happens that in a man's soul there is something that bothers him and he has to show it publicly. Normally, after that I feel better. It is not easy to point your finger toward a man if you are not certain that he was a criminal, but his friend in the court proved that he was one of them.

Djata: I feel better since I heard that witness yesterday. I think it was good that he said it. It is good for them, good for all Serbian people who mean well. I saw that all that the witness said is in conformance with our happenings, and I saw that he knew everything, those houses. I thought that this was the real truth. I feel better and I think it is the best for him and the defendant, and for all these people, and for the families Durici and Bogujevci.

B92: Would you ever believe four years ago that one day you will be in the situation to say in Serbia, in front of a Serbian court what happened to you?

Djata: No, no I wouldn't be able to say that, but things have changed and it is very good that we came here.

B92: One of your lawyers, Mr. Boksi, said when I asked him, prior to your arrival, and after the testimony of the children, that the public in Kosovo was quite skeptical to this process and thinks that this was all due to political reasons, and was not expecting that any truth will show.

Djata: I never believed that this could happen, but the truth is what we saw in the court, and it has already changed for the better.

Boksi: I talked after the Kosovo Albanians were interviewed, the victim witnesses who are participants in these procedures. They are highly relieved that one man came forward whose conscience bothered him, and who, according to them, said the truth to this court. I expect that in this respect there will be a positive reaction, that one man came forward who acknowledged the charges of the crime. I think that there will be a positive reaction to this testimony.

The defendant himself did not deny testimonies of Kosovo Albanians to a great extent. The witness Stoparic acknowledged the most significant circumstances of the indictment. Other witnesses, who should, according to my opinion, sit next to Sasa Cvjetan, have denied the indictment, actually, the relevant circumstances for which Sasa Cvjetan was charged with. They are avoiding criminal responsibilities and normally they were not expected to verify the charges of the indictment since they

would bring on themselves criminal charges. I think things are coming to an end. Important facts are verified, and in due course members of the "Scorpions" will be interviewed. I do not expect that they will considerably contribute to the enlightenment of the actual facts in a way of establishing the charges of the indictment or the defense. Though, we shall see...I think that the indictment is deficient, that the public prosecutor should make considerable corrections. What will be the further actions of the public prosecutor is up to the prosecution. But, in any case, next to Cvjetan, who is now indicted, other persons should also be indicted, since there is plenty of evidence, there is a reasonable doubt other persons also participated in this crime.

Veselji: On March 28, 1999, in Podujevo paramilitary and police forces were present. They entered into the house where I stayed and three more families, and I think it was the Special Police Unit. They entered the courtyard where about 50 people stayed. That day, a local Serb, Dragan Biorcanin, from the village of Matarovo, next to Kursumlija, who was a member of that unit, entered the house. He worked in the district office, in the insurance department. He was the first to enter. They searched us and have taken us to the courtyard. Then Dragan, with two policemen, seized Seljim Tahiri and Isak Jusufi and entered two other houses, which were in front of the house in which we stayed. They searched those houses and then returned to us. Then they told us to enter the hallway. One other policeman, he was in a civilian uniform, shot at us in the hallway. I was the first one, the second was Seljim, the third his father Idriz and the last one was Isak.

B92: You survived.

Veselji: Another one was shooting at us as well with 30 bullets. I got three bullets, two into my stomach, and one in the right arm. Seljim died instantly, and his father, wounded, started running up to the second floor, climbed to the middle of the staircase, and then fell down dead, while Isak was not hit by any of the bullets. I cannot remember whether they were "Scorpions", but that one in the uniform, who was in our courtyard, had a camouflage uniform, and I could only see that "police" was written on his back.

Boksi: We have suggested that these witnesses be called in, though we do not expect anything spectacular.

B92: Is it important that the attorney of the defendant, Kalanj has required that Milovan Tomic be present, since he was in the company of Goran Stoparic when Goran saw whatever he saw?

Boksi: They mentioned him many times, I even believe that hadn't we, interested parties, summoned him, the court would have done it. The court would have summoned him in by its own initiative, and would interview him. It was important to interview this witness. It often happens that those witnesses do not tell the decisive facts, but in this way a mosaic is being formed, and the court, based on this testimony, and on several witnesses, forms an opinion of that, unfortunately tragic, event.

B92: The prosecutor did not suggest that new evidence be introduced?

Boksi: According to my opinion the prosecution is still not on the required level, because we are talking about a horrible crime, which nobody denies: that they were civilians, that eight children were murdered, that they were women and old people, that the units in question were units of the State of Serbia, represented by the public prosecutor. In order for it to be attributed to the individuals, in order to confirm that this was not state policy, that the Serbian people had no such intentions, the prosecutor should be more involved in order to establish the responsibility of the individual, to wash the shame and the collective responsibility, because these things were done by certain people, who were criminals, and not part of one or more nations.

B92: If I may mention it, the judge insists exactly on these facts – reasons for entering the "Scorpions", the multitude of crimes, what was happening. Actually, by discovering this crime we are insisting that the entire war in Kosovo be unveiled. The participation of exactly those forces which you are mentioning.

Boksi: I completely agree with your statement. I estimate that the court is conducting the proceedings in an excellent manner, though more extensively than necessary. The mere fact and the establishment of factual allegations of the case is the specific creation of an image of these events in Kosovo and that image still analyzes and insists that circumstances that are not absolutely closely related to the factual allegations of the indictment be confirmed. Still the court needs to establish the facts about everything that was going on referring also to this unit and to the tragic events in Podujevo.

Durici: I agree with all the Serbs whose hands are clean, who are not guilty of crimes over my children. There is no need for mutual hatred. In our village we lived together with them. And let them speak publicly if they had anything with the Durici family. However, due to the politics of the time they do not even know what happened down there. Today they live somewhere in Serbia and say in media that you

can not live with the Albanians. And that is not true. We can live together, because we lived together for years.

B92: This was the Catharsis in the attempt to portray the last week's atmosphere of the Courtroom No. 3, of the Belgrade District Court, because there, in front of the public of Serbia the truth was revealed.