

1 Tuesday, 12 April 2022

2 [Open session]

3 [The accused entered court]

4 --- Upon commencing at 9.30 a.m.

5 PRESIDING JUDGE VELDT-FOGLIA: Good morning.

6 Mr. Court Officer, can you please call the case.

7 THE COURT OFFICER: Good morning, Your Honours. This is file
8 number KSC-BC-2020-05, The Specialist Prosecutor versus
9 Salih Mustafa.

10 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

11 Let us start with calling the appearances.

12 Mr. Prosecutor, you have the floor.

13 MR. MICHALCZUK: Good morning, Your Honours. Good morning,
14 everyone. The Prosecution is represented today by Silvia D'Ascoli,
15 Associate Prosecutor; Line Pedersen, Case Manager; and
16 Marie-Cecile Grudzinski, the SPO intern; and myself, Cezary
17 Michalczuk, SPO Prosecutor.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

19 Victims' Counsel, you have the floor.

20 MS. VOSENBERG: Good morning, Your Honours. Good morning,
21 everyone. The participating victims are represented today by myself,
22 Brechtje Vossenbergh, co-counsel.

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

24 Defence Counsel, you have the floor.

25 MR. VON BONE: Good morning, Your Honour. Defence is

1 represented by Mr. Betim Shala, my co-counsel; myself,
2 Julius von Bone; my investigator and interpreter Mr. Fatmir Pelaj.
3 In the court is joining today the accused, Mr. Mustafa.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you. And for the record,
5 you are appearing in front of Trial Panel I.

6 Let us see for today what we are going to do. We will first
7 start with some points I would like to mention to you. We will hear
8 the testimony of Defence Witness 1000. This is Mr. Nuredin Ibishi.

9 As communicated via e-mail, the Panel will sit today in an extra
10 session. We shared that with you on 8 April 2022 at 11 minutes past
11 1.00. And we will be sitting, if needed, until half past 5.00.

12 Before starting the testimony of Witness 1000, the Panel would
13 like to know from the Defence whether it can provide an answer to the
14 question posed by the Panel yesterday regarding the availability of
15 the accused to make an unsworn statement in the week of -- or on the
16 days on 17, 18, and/or 19 May of this year, the estimated duration of
17 the statement, and whether the accused will be answering questions
18 from the Panel before or after the statement.

19 Defence Counsel, you have the floor.

20 MR. VON BONE: Yes, Your Honour. Thank you very much. That
21 would be on 19 May the best. We -- as far as the duration is
22 concerned and the -- what is it? The last question regarding the
23 questions, please let me get back to you after the lunch break, if
24 that's okay. We just want to consult on that issue a little bit.

25 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence Counsel. But

1 as to the duration -- no, I understand that you have to discuss it.
2 But we would like to do it in that week. So if you think you would
3 be needing more time, then I would suggest to do it the 18th and the
4 19th. But that makes sense for everybody.

5 MR. VON BONE: No, I think it will be one day finished. That's
6 for sure. And so I'll get back to you this afternoon, Your Honour.

7 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence Counsel.
8 Now, we may proceed with Defence Witness 1000.

9 Madam Court Usher, can we usher the witness into the courtroom.

10 [The witness entered court]

11 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ibishi, good morning and
12 welcome to the Specialist Chambers. Can you hear me?

13 THE WITNESS: [Interpretation] Yes. Good morning, Your Honour.
14 And good morning to all your staff, to the Prosecution, to the
15 counsel, and Salih.

16 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

17 THE WITNESS: [Interpretation] I'm well.

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

19 THE INTERPRETER: Microphone, Your Honour.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ibishi, today we will start
21 with your testimony. You are called to testify before the Specialist
22 Chambers in the case of the Specialist Prosecutor's Office versus
23 Salih Mustafa in order to assist the Panel to reach a verdict.

24 After you have taken your solemn declaration to tell the truth,
25 you will be asked questions by the counsel for the Defence, for the

1 Specialist Prosecutor's Office, and the Victims' Counsel. Yes? Very
2 well.

3 I would like to provide you, Mr. Ibishi, with some guidance to
4 answering the questions that you will be asked. Please, listen
5 carefully to all the questions. If you don't understand, feel free
6 to ask the question to be repeated.

7 We want you to tell the truth and to tell us what you saw, what
8 you heard, what you experienced, what you sensed. If you found out
9 in some other way, please tell the Court how you -- explain to us
10 how.

11 You may not remember all the details of the events. It's
12 perfectly fine. Please testify on what you remember. And it's okay
13 for us if you say "I don't know" or "I don't remember."

14 Please answer the questions. If clarification is needed, you
15 will be asked to do so. I might interrupt you if you're deviating in
16 your answer from what you were asked. So please stay focused.

17 And I also remind you that you may refuse to answer questions on
18 issues that might incriminate you.

19 Have you understood all this?

20 THE WITNESS: [Interpretation] Yes.

21 PRESIDING JUDGE VELDT-FOGLIA: I would like to give you some
22 practical advice for your testimony.

23 Everything that we say here is translated and recorded, so it is
24 important to speak into the microphones next to you, to speak -- yes,
25 indeed. To speak at a slow pace and to speak clearly.

1 You should only start speaking when the person asking you a
2 question has finished. And when a question is asked, please count in
3 your head up to five and only then give your answer. And I insist,
4 this is very important, this pause of five seconds is essential for
5 us to properly follow what you are telling us.

6 So when the Defence Counsel has asked you a question - and that
7 will be, if I understood well, Mr. Shala, in Albanian, you will be
8 leading the examination, yes - please wait. Even if your first
9 impression would be to start talking right away, please wait after
10 his question for five seconds and then start talking. Because if
11 not, what the translation of Mr. Shala and what you are saying is
12 overlapping and we cannot understand what is being shared with us.

13 Do you understand that?

14 THE WITNESS: [Interpretation] It's clear.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

16 If I raise my hand, please stop talking. The reason that I
17 raise my hand is because I don't want to interrupt what you are
18 saying, because then we have overlapping speakers and we don't want
19 that.

20 Sometimes I will be asking you to take off your headphones and
21 to put them in front of you, or I will ask Madam Court Usher to usher
22 you out of the courtroom if we need to discuss something on the
23 content of the question that will be posed to you.

24 And if you have any questions, if you need a break, or you need
25 assistance, please raise your hand and you will be given the floor.

1 Have you understood all this?

2 THE WITNESS: [Interpretation] Clear.

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ibishi, do you speak English?

4 THE WITNESS: [Interpretation] A bit.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. That might
6 result in escorting you out of the courtroom when we have to discuss
7 the content of a question.

8 As I must do with every witness, I will now ask you to give a
9 solemn declaration to tell the truth. And I remind you that it is an
10 offence within the jurisdiction of the Specialist Chambers to give a
11 false testimony. Have you understood that?

12 THE WITNESS: [Interpretation] It's clear to me.

13 PRESIDING JUDGE VELDT-FOGLIA: Very well.

14 Madam Court Clerk, can you assist the witness with the solemn
15 declaration to tell the truth?

16 Mr. Ibishi, please read the text provided to you.

17 THE WITNESS: [Interpretation] Conscious of the significance of
18 my testimony and my legal responsibility, I solemnly declare that I
19 will tell the truth, the whole truth, and nothing but the truth, and
20 that I shall not withhold anything which has come to my knowledge.

21 WITNESS: NUREDIN IBISHI

22 [Witness answered through interpreter]

23 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Ibishi. You are
24 now under oath to tell the truth.

25 We can now begin with the testimony of Mr. Ibishi, starting with

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1 the questioning by the Defence Counsel. The Panel has authorised the
2 Defence to question the Witness 1000 in Albanian by e-mail dated
3 8 April at 1556.

4 You have estimated two hours, Defence Counsel. Please inform
5 the Panel if there is any changes, for planning purposes.

6 MR. SHALA: Yes, I will.

7 PRESIDING JUDGE VELDT-FOGLIA: You have the floor.

8 MR. SHALA: Yes, thank you.

9 Examination by Mr. Shala:

10 Q. [Interpretation] Good morning, Mr. Witness.

11 A. Good morning.

12 Q. Mr. Witness, today I would like to discuss with you the time
13 period from 1998 up to June 1999. During this period, what was the
14 security situation in Kosovo?

15 A. The situation was as follows. Kosovo was under a savage
16 occupation by the Serb forces. After the massacres in Prekaz and
17 Likoshan, there was a general organisation by the citizens in
18 addition to the existing structures. The population finally decided
19 that the liberation of the Kosovo can be achieved only by war.

20 The year of 1998 was a year of preparation and the development
21 of the war of the Kosovo Liberation Army in the entire territory of
22 Kosovo. I am talking about 1998 and 1999 in general and, in
23 particular, about the Llap operational zone because my competencies
24 were in that area.

25 Q. Thank you, Mr. Witness. During these two years, 1999 -- so you,

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1 during these two years, 1998 and 1999, what did you do? What was
2 your activity?

3 A. Until the beginning of the KLA war in the Llap operational zone,
4 I was in contact with the movement that established the KLA together
5 with Hyzri Talla and others who carried out activities on the ground
6 in the preparatory phase, and I was in Prishtine. I'm speaking about
7 the Llap operational zone. In the beginning, it comprised Prishtine,
8 Podujeve, and Obiliq, a zone that comprised the one-fourth of the
9 population, and the geographical area, including 100 kilometres of
10 border with Serbia as well as the administrative centre of Kosovo;
11 that is, the capital, Prishtine.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.

13 Could you have the witness focus specifically on what you want
14 to know, because now we are getting a lot of information. You are
15 asking him what he was doing, and, please, we don't want a whole
16 explanation that is not focused on your question.

17 MR. SHALA: Yes, I will.

18 Q. [Interpretation] Mr. Witness, I would kindly ask you to focus
19 only on my question and answer only to my questions. If there is
20 need for additional explanation, I will ask you.

21 You, personally, when did you join the Kosovo Liberation Army?

22 A. Until I joined the KLA, I was in contact, as I mentioned, in
23 activity to prepare --

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, the question is:
25 When did you join the KLA? Then I don't want an explanation on

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1 before. I want a date. Yes?

2 THE WITNESS: Okay. [Interpretation] It was sometime in June,
3 end of June 1998. More precisely, on 28 June 1998.

4 MR. SHALA: [Interpretation]

5 Q. To which unit or brigade -- which unit or brigade did you join?

6 A. This was the very beginning of the formation of the KLA in the
7 Llap operational zone. It was the initial phase, the fledgling phase
8 when new volunteers would come to join in Zaberxhe village. There
9 was no organisation of units, but I would say more a centre where
10 people would gather. It was in Zaberxhe, Mitrovica municipality. So
11 the first activities in terms of organisation and training began
12 there. As I said, the units were not structured yet.

13 Q. Your role in Zaberxhe village, what was it at the time?

14 A. As all the others, I was a volunteer of KLA, a soldier of
15 liberation.

16 Q. Did you have any specific duties?

17 A. Yes --

18 PRESIDING JUDGE VELDT-FOGLIA: Could you please both wait
19 between the question and the answers, because I have to be able to
20 assess the question posed to you. And if you already start answering
21 before the question has been translated to me, I cannot assess
22 anything.

23 So you want to share information with the Panel, so we do have
24 to do this effort in order to make it understandable for everybody.
25 It's not a court where everybody talks the same language.

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1 Please, Defence Counsel, proceed.

2 THE WITNESS: [Interpretation] Can you please repeat your
3 question?

4 MR. SHALA: [Interpretation]

5 Q. Did you have any specific task or duty at that time?

6 A. Since I had both a police and military education, a career, of
7 course, when -- such an educator would be handy for the KLA
8 volunteers. So my duty was to train the new soldiers in this area.

9 Q. You said that when you joined the KLA in the Llap operational
10 zone, the brigades were still not established. When was the first
11 brigade established?

12 A. The first brigade -- or, rather, the first two brigades were
13 created sometime in mid-August 1998. There was an order by the
14 General Staff to start with the organisation of the subzones in
15 brigades and dependent units.

16 Q. With the establishment of the brigades, were the commanders also
17 appointed, the commanders of those brigades?

18 A. Yes. The high representatives of the General Staff of the KLA
19 came and appointed the deputy commander, Kadri Kastrati; then me,
20 Nuredin Ibishi, as commander of the Brigade 151; and the Commander
21 Idriz Shabani, aka Luta, of the 152 Brigade. So these were the first
22 two brigades that were formed.

23 Q. Were you appointed commander of 151 Brigade? Where was the seat
24 of the brigade at the time? Where was the brigade located?

25 A. When I said June, at the time we were in Zaberxhe village. In

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1 the meantime, we transferred to Bajgore village. There was a village
2 school that was abandoned, empty, and that's where the seat of the
3 brigade was. At the time, the brigade was still not completely
4 formed but was in the phase of creating and building up its
5 capacities.

6 Q. In your assessment, how long did it take for the necessary
7 capacities of the brigades, necessary structures to be created?

8 A. The basic training of the soldier would last, and I don't know
9 exactly, but about three weeks. I'm speaking about a basic level,
10 because we have to understand that our youth and the majority of KLA
11 soldier had never had contact with a weapon because the Serbian
12 regime did not give them the right to complete military service or to
13 acquire military knowledge.

14 So our job, our task as military instructors, police
15 instructors, was to familiarise them with elementary things; for
16 example, rules, general knowledge, discipline, international rules of
17 war for Geneva Conventions and the Additional Protocols, and the
18 aspects of human rights in armed forces, up to the movement of
19 soldiers in combat, use of weapons, and movement in nature --

20 Q. Mr. Witness --

21 A. Everything that has to do with the creation of military
22 capacities.

23 PRESIDING JUDGE VELDT-FOGLIA: I think that the answer now has
24 been given on your specific question. If you want more information,
25 please ask, but I think that he went a little bit further than what

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1 you asked him. But, please proceed.

2 MR. SHALA: [Interpretation]

3 Q. With the completion of these trainings of volunteer soldiers,
4 Kosovo youth that was willing to join the Kosovo Liberation Army -
5 I'm going to repeat my question - that structuring, how long did it
6 last, according to you? From the first day it was created, how long
7 was it until the brigade achieved a satisfactory level, let's say,
8 level of organisation?

9 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, apparently you
10 did not -- the training -- the answer we got in the training was not
11 what you meant with your question. Do I see that right?

12 MR. SHALA: No, I didn't ask for the training.

13 PRESIDING JUDGE VELDT-FOGLIA: Yes. But for next time, because
14 I was really wondering why we were talking about training, but
15 because it's your question and you seemed satisfied with the
16 explanation about the training, I thought that that was what you were
17 looking for. But if you are not looking for that, because the
18 witness apparently did not understand your question, please stop the
19 witness and then elicit what you want to know. Because I don't want
20 to interrupt your interrogation, but for me it was completely -- I
21 didn't really understand why we were talking about training. So next
22 time I will follow up more quickly if you don't do it.

23 MR. SHALA: Yes, thank you.

24 Q. [Interpretation] Shall I repeat my question or can we continue?

25 A. Yes, please be more specific.

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1 Q. From the moment the brigade was created, how long did it take
2 for the broad to reach its normal level, structure?

3 A. One should understand that we were in extraordinary conditions.
4 We were in mountains. We did not have any logistics in terms of
5 uniforms and equipment, as well as other conditions. So our concept
6 was to avoid urban areas and create the capacities of the Kosovo
7 Liberation Army -- may I continue?

8 PRESIDING JUDGE VELDT-FOGLIA: Try to be focused on the question
9 of the Defence Counsel, because I don't want really long
10 elaborations. Try to answer his question. And if it's difficult for
11 you to answer it because you don't know what is really asked, ask the
12 Defence Counsel. But I just don't want to be wandering around about
13 a lot of things, because I am sure you can tell us, from your
14 position and your experience, a lot of things about what happened in
15 Kosovo back then, but I want specific information regarding the
16 Defence case that can be of use for the Panel in order to find the
17 truth.

18 So, Defence Counsel, please give a specific question, because a
19 normal level of the brigade is maybe also very general, I would say.
20 Or reformulate it or go to the next question.

21 MR. SHALA: [Interpretation]

22 Q. From the day the brigade was formed, how much time approximately
23 passed until a brigade reached its proper structure, leadership
24 structure?

25 A. It is difficult for me to answer in general terms. As

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1 Her Honour mentioned, if I go about to describe all the details of
2 the conditions, and at that time it was very difficult for us to fill
3 the numbers of the brigade in terms of number and quality. So the
4 answer is relative. We never reached quantitatively or qualitatively
5 the level, the proper level of the brigade. We had to train the
6 soldiers at a basic level, then on a group level, from squad,
7 battalion, company, platoon, and so forth. So it was more or less an
8 improvisation, because we could not make the brigade functional
9 immediately. We had to reach a satisfactory capacity that would be
10 able to respond to a combat situation or facing the enemy forces.

11 So in our condition, it was impossible to achieve the level of
12 standard that a brigade of NATO standard or of a country that has
13 army forces would have.

14 PRESIDING JUDGE VELDT-FOGLIA: Okay, that's an answer.

15 MR. SHALA: Yes.

16 PRESIDING JUDGE VELDT-FOGLIA: Are we satisfied with the answer?

17 MR. SHALA: Yes, yes.

18 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

19 MR. SHALA: Yes.

20 Q. [Interpretation] This was -- the same thing might be said of
21 152 Brigade?

22 A. May I? In realistic conditions, without claiming to have our
23 brigades operating in full capacities, when Brigade 152 managed to
24 reach -- to become operational and operate in the terrain,
25 Brigade 151, where I was a brigade, was still at the time of capacity

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1 building. I am talking about the time, I mean, August 1998.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, your question
3 was about Brigade 152, isn't it?

4 MR. SHALA: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please stick to the
6 answer of 152, because that was -- there was he referring to. We
7 discussed -- no, but then just stick to 152.

8 You have the floor, Defence Counsel.

9 MR. SHALA: [Interpretation]

10 Q. Llap operation zone, when was it created?

11 A. Early June 1998. In fact, it was set up earlier in 1995 with
12 the establishment of the KLA at the end of 1994. It was, therefore,
13 at the phase of the guerilla. But in terms of organisational
14 organisation, I would say 6 June 1998, when it was uniformed and
15 staying in improvised barracks in Zaberxhe in the Mitrovica
16 municipality.

17 Q. Other than 151 and 152 Brigade, were there any other brigades in
18 the Llap operational zone?

19 A. Brigade 153 was established in February 1999.

20 Q. Taking into account that now we have three brigades set up with
21 the relevant structures suitable for the time, was there any
22 territorial division of their powers in terms of controlling this
23 territory?

24 A. As I said, brigades operated in the rural areas, and the
25 doctrine, I would say, even though it was not written, on the basis

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1 of which the KLA operated, was not to engage in urban warfare but in
2 rural areas. Therefore, to answer your question, if we take the zone
3 from Prishtine to Podujeve where we mostly concentrate, the road axis
4 that goes to Merdar, we divided the eastern area, which was Gollak,
5 and the western area, where we operated, with two brigades. In the
6 eastern area, it was Brigade 153 that was operating. Whereas on the
7 western flank, there were two brigades operating, 151 and 152.

8 I have to mention here a specificity of ours. We had BIA as a
9 guerilla unit engaged more in the urban part of the territory,
10 responsible for aspects that I will explain later maybe. Thank you.

11 Q. The Llap operational zone comprised three brigades, actually,
12 and BIA you mentioned. What was the status or in what capacity did
13 BIA operate?

14 A. From what I heard and later learned regarding this area, there
15 was an agreement -- an earlier agreement dating back to
16 September 1997, if I am not mistaken, when the BIA guerilla was
17 entrusted the duty of operating in the urban areas to supply or to
18 prepare the KLA regarding health issues, logistics, dealing with the
19 refugees and sheltering them when they moved away, fled the cities
20 and settled there, and other issues like information on the positions
21 of the enemy forces and so on. That was what BIA was engaged in.

22 We also had to deal with civil protection. Mohammed Latifi was
23 responsible for that. And it was this civil defence who was
24 operating in the Llap zone, in the Llap operational zone.

25 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

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1 THE INTERPRETER: Microphone for Your Honour, please.

2 PRESIDING JUDGE VELDT-FOGLIA: The translation had not finished,
3 Defence Counsel.

4 But for my understanding, Mr. Witness says, "That was what BIA
5 was engaged in." And then it's said, page 16, line 13, "We also had
6 to deal with civil protection." If you are referring to "we also had
7 to deal with civil protection," "we," is that BIA or are you talking
8 about your brigade?

9 THE WITNESS: [Interpretation] I meant the subzone in terms of
10 time. We are talking about the subzone which later became zone. I
11 am talking about the Llap operational subzone then and then zone.

12 PRESIDING JUDGE VELDT-FOGLIA: Yes, but the question was --

13 THE WITNESS: [Interpretation] BIA is another structure. Civil
14 protection is another structure.

15 PRESIDING JUDGE VELDT-FOGLIA: Therefore, that's my point,
16 Mr. Witness. You were asked by the Defence Counsel to elaborate in
17 what capacity BIA operated. I understand that you understood that
18 question as what are the tasks of BIA. That's what you wanted to
19 know, yes?

20 MR. SHALA: Yes, yes.

21 PRESIDING JUDGE VELDT-FOGLIA: I see the Defence Counsel
22 nodding. So then you give an explanation about BIA, and then you say
23 something about civil protection, but that had nothing to do with
24 BIA. Do I understand that well? That was not a task of BIA.

25 THE WITNESS: [Interpretation] You understood it well. It is

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1 another structure than BIA. But another duty of BIA was --

2 PRESIDING JUDGE VELDT-FOGLIA: Don't continue talking after I
3 have asked you a question, because here it's not a free narrative.
4 But my point is that if you answer a question about BIA, then you
5 stop there and you don't start talking about another brigade and its
6 task, because then it becomes confusing. You started to talk now
7 about civil protection, but that had not, at this moment in time,
8 anything to do with BIA. So don't share that with the Panel. Just
9 stick to answering the questions. That's my point.

10 We have today a limited amount of time. The Defence has an
11 estimated two hours for your testimony. If you go on talking, it
12 could happen that they don't have enough time. So it's also for the
13 benefit of the reason you are here that you stick to the questions.
14 Thank you.

15 Defence Counsel.

16 THE WITNESS: [Interpretation] May I say something to complement
17 my answer?

18 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

19 THE INTERPRETER: Microphone, please.

20 PRESIDING JUDGE VELDT-FOGLIA: I will have the Defence Counsel
21 ask you a question and then you can respond. I think that's the best
22 way to proceed.

23 Defence Counsel, you have the floor.

24 MR. SHALA: [Interpretation]

25 Q. Mr. Witness, the way I understood it, the Llap operational zone,

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1 as of February 1999, had three brigades. And you mentioned BIA and
2 civil protection. What status did both have in the context of the
3 operational zone of Llap?

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, for me the
5 question is not clear. What do you mean with "what status"?

6 MR. SHALA: Did the operational zone have any authority
7 regarding to the BIA and this civil protection.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. I would suggest that you
9 formulate it in that way for the witness --

10 MR. SHALA: Okay.

11 PRESIDING JUDGE VELDT-FOGLIA: -- just to be clear --

12 MR. SHALA: Okay, okay.

13 PRESIDING JUDGE VELDT-FOGLIA: -- and also for the record.

14 MR. SHALA: [Interpretation]

15 Q. Did Llap operational zone have any commanding power over BIA and
16 civil defence?

17 A. Both BIA and the civil protection were part of the Llap
18 operational zone. Initially subzone and then zone. Now I will refer
19 to it as Llap operational zone. So BIA was a civilian structure,
20 unarmed, and its duty was to support the KLA. So from the urban
21 area. I didn't mention that it also dealt with the volunteers. They
22 had a duty to guide these volunteers. Also, they were responsible
23 for medical, logistical services, like an auxiliary, let's say,
24 service to meet the needs of the brigades and the Llap operational
25 zone.

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1 Q. What was the duty or tasks of the civilian defence?

2 A. The civil defence was organised on the basis of territories,
3 like villages, local communities, and they set up units based on
4 territorial division to mobilise to support the active forces of the
5 Llap operation zones as -- that were part of brigades, structured
6 into brigades.

7 Q. Were you a commander of the 151 Brigade until the end of the
8 war?

9 A. Sometime after mid-August until December, mid-December, I had
10 the duty of commander of 151, but I was also chief of the operatives
11 together with Kadri Kastrati, the zone commander. From that time,
12 that is mid-December, I can't be precise, I was appointed as chief of
13 staff of Llap operational zone. 1998.

14 Q. What about the staff of the Llap operational zone?

15 PRESIDING JUDGE VELDT-FOGLIA: What is the question? Sorry,
16 what is the question for the witness?

17 MR. SHALA: The question is to explain the structure of
18 General Staff of --

19 PRESIDING JUDGE VELDT-FOGLIA: Could you please --

20 MR. SHALA: -- the Llap operational zone.

21 PRESIDING JUDGE VELDT-FOGLIA: Could you please reformulate the
22 whole question. That's more clear for the record.

23 MR. SHALA: [Interpretation]

24 Q. The context of the Llap operational zone staff or headquarters,
25 what commanding positions were there in place then?

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1 A. There was the zone commander, the highest authority; deputy
2 commander; chief of staff; and the leaders of the sectors or chief of
3 sectors; commanders of the brigades; and other subsidiary services,
4 other subsidiary units, subordinate units.

5 Q. With the establishment of brigades - namely, 151, 152, 153 - did
6 these brigades -- in the context of these brigades, was there a
7 military unit police as well?

8 A. Formally, yes. We had a military police created then.

9 Q. When you say "formally," what do you mean? Didn't they operate
10 or what?

11 A. They operated, of course, but it's -- we had the brigades, but I
12 am talking about the quantitative and qualitative aspect. Every
13 brigade formally had its military police at the level of the squad
14 whose duties were to keep order and take care of military rules in
15 the brigade and in the zone.

16 Q. As commander, did you have any authority over the military
17 police in the context of the brigade?

18 A. Yes, because they were part of the brigade. But they had their
19 own duties regarding order and military discipline that they had to
20 apply in the context of the operational zone of the brigade.

21 Q. Did the brigade have strict rules that any soldier had to abide
22 by?

23 A. Yes. As General Staff -- from the General Staff, we received
24 some rules. Those that we didn't have, we tried to develop
25 ourselves. We, as superiors, on the basis of our expertise, tried to

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1 develop such rules so that we could have them in place to maintain
2 order and respect discipline in the brigade and in the subordinate
3 units.

4 Q. In case someone failed to respect these rules, did the military
5 police have the authority to detain such KLA soldiers?

6 A. Yes, it did have that authority.

7 Q. In the context of Brigade 151, whose commander you were, was
8 there any instance where the military police detained some soldiers?

9 A. Yes, yes. Of course, I -- I can't single out a single case,
10 because that was their competence or their power.

11 Q. When military police, let's say, detained some soldier for
12 breaking the rules, wasn't the military police report to you about
13 such a thing as commander?

14 A. Yes, of course.

15 PRESIDING JUDGE VELDT-FOGLIA: You are already implying --
16 "wasn't the military police report to you about." You can just make
17 an open question, and you already answered. But don't put already
18 the answer in your question. Open questions.

19 MR. SHALA: [Interpretation]

20 Q. Pursuant to the rules of the Llap operation zone, if it happened
21 that the police detained some person, was it supposed to report on
22 that to someone?

23 A. You mean some military person?

24 Q. Yes, military person, of course.

25 A. Yes, it did. If the person broke the rules or violated the

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1 order, military discipline, it took measures and reported based on
2 the commanding chain, based on our possibilities, of course, how the
3 system operated and functioned.

4 Q. In the context of the brigade, was there anyone who was
5 responsible and who decided also to detain someone after the person
6 was detained by the military police, and how long the detention might
7 be?

8 A. The military police had the power, just a regular police, to
9 apprehend someone at a time as was foreseen in the rules. Now, I
10 have forgotten. I can't be very specific what the rule prescribes.
11 So they had to respect that or to comply with that rule, so it was
12 not a must for them to inform me how -- the way -- how they
13 implemented the military rules in case of some infraction or some
14 other misdemeanour by anyone. But that didn't mean that they had
15 immediately to report to the brigade commander on a violation what
16 might be a minor one.

17 PRESIDING JUDGE VELDT-FOGLIA: This is not an answer to your
18 question.

19 MR. SHALA: Yes --

20 PRESIDING JUDGE VELDT-FOGLIA: No, I would say -- the question
21 was: Was there anyone responsible who decided to detain someone
22 after he was detained by the military police? So the military police
23 detained somebody, and afterwards, was there somebody responsible for
24 the detention of that person and who was that? We are not talking
25 about infractions or misdemeanour, but was there somebody responsible

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1 after that and who was that?

2 THE WITNESS: [Interpretation] I am not talking only in cases
3 when the military police detained someone. We didn't have a
4 prosecution office or courts.

5 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait, wait. But you don't
6 have to talk about other things. A question is posed to you, and
7 then you should give an answer to it, or tell us that you don't know,
8 if you don't know, of course, but not elaborate on something else.
9 And I repeat, and I say it also to the Defence Counsel, we have the
10 time at our disposal that we have, so if you come up with a question,
11 I expect you to elicit on that specific point an answer from
12 Mr. Witness.

13 And your question was very clear and was in the line of what you
14 were asking him, the military police, arrest, and what happens after,
15 who is responsible. I see your point in this respect. Please try to
16 elicit the answers you were looking for, apparently.

17 MR. SHALA: [Interpretation]

18 Q. Mr. Witness, once again, after the military police act, was
19 there a person responsible who decided that that person was to be
20 arrested by that police?

21 A. The military police had its own powers. It could conduct
22 detentions. In case of a major breach, there was a disciplinary
23 commission that decided. It was not a matter of authority to decide
24 on detention or not.

25 Q. These disciplinary commissions were ad hoc commissions or were

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1 set up from before? The members of such commissions, were they
2 appointed?

3 A. They were set up in conformity with the disciplinary rules for
4 the KLA.

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, I just note that
6 the witness is not answering your question. It's your
7 examination-in-chief or your direct examination, so I leave it to you
8 because I don't think it's here my obligation. The Panel can ask
9 questions afterwards, but I just note that I see this happening.

10 Please proceed.

11 MR. SHALA: [Interpretation]

12 Q. Mr. Witness, once again, please. These commissions, pursuant to
13 your rules, were they ad hoc commissions set up on a case-by-case
14 basis or were they established earlier to deal with such cases? You
15 know, in case of detained persons -- soldiers, I mean.

16 A. This was the power of the military police. In cases of other
17 violations related to military discipline, that was the duty of the
18 disciplinary commission. These commissions or committees were formed
19 in compliance with the rules, disciplinary rules. That's my answer.

20 Q. These commissions, after carrying out the procedures foreseen,
21 did they have the right to detain a soldier for a longer time period?

22 A. No, they didn't.

23 Q. You mentioned the civil defence. In the context of the brigade,
24 did the civil protection have the duty to report to the brigade?

25 A. The civilian protection acted on the basis of territorial

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1 organisation. It had its own commander. But at the same time, it
2 was -- it was a subordinate of the operational zone.

3 Q. Did the civil protection have the authority to detain civilians
4 for various reasons in case they suspected illegal activity?

5 A. There have been instances when the civil protection, in case of
6 evil doers, has operated and has invited the military police to help
7 it in certain cases when it had to deal with some violation. We were
8 responsible for the areas under our supervision.

9 Q. So it turns out that the military police had the authority to
10 detain civilians as well?

11 A. As the case might be, when they had created problems in certain
12 instances presented by the civilian protection to certain authorities
13 in the operational zone, then the brigade, military police, operated
14 in those case too.

15 Q. Did it apply the same procedure in the case of soldiers and
16 civilians when it came to their detention?

17 A. Almost the same, I would say. But priority of this police was
18 to maintain order and respect the rules in the context of the
19 formations of the military structure of the KLA, but also of the
20 civilian protection.

21 Q. In addition to the military police, was there any other
22 authority that had the right to detain soldiers or civilians in the
23 territory under the responsibility of the brigade?

24 A. Usually the evil doers, let's say, or offenders were identified
25 by the civilian protection and they undertook the first acts.

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1 Whereas the military police then processed the cases.

2 Q. Do you know of any instance or case when the military police
3 detained civilians -- or Brigade 151, I mean?

4 A. Yes, I was myself involved in one case. It was a training
5 procedure in Bajgore when a civilian pulled out his weapon and
6 directed it towards our positions, that is, the positions of the KLA
7 in Potok, and he was detained, arrested, disarmed for that. And we
8 kept him detained because he posed a direct threat to the soldiers.
9 It was fortunate that they maintained their calm, didn't
10 counterattack, let's say, didn't operate. And we kept him for some
11 time --

12 Q. Who decided on his release?

13 A. The highest level. The staff.

14 Q. Which staff?

15 A. It was in the context of the military police. But since it was
16 a more serious case, dealing -- I mean, involving an armed person,
17 that, in that case, a decision was taken at a higher level.

18 PRESIDING JUDGE VELDT-FOGLIA: Which level? The question has
19 already been posed. Please don't circle around it, Mr. Witness. No,
20 I'm going to tell you. The question is asked which staff, and then
21 please give an answer. It's not necessary --

22 THE WITNESS: [No interpretation] [Overlapping speakers] ...

23 PRESIDING JUDGE VELDT-FOGLIA: No, no, listen to me. Don't
24 circle around it and, I would say, don't waste time. Just give an
25 answer to the question. Please.

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1 THE WITNESS: [Interpretation] Since it was a serious case that I
2 mentioned - that is, an attempted attack, let's say, against the
3 forces - it was the zone command that decided. Then he was freed, of
4 course.

5 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Witness, was that so
6 difficult? You could have just said that in one sentence, and we
7 don't need five sentences for that.

8 THE WITNESS: [Interpretation] If I may explain other cases --

9 PRESIDING JUDGE VELDT-FOGLIA: No, no --

10 THE WITNESS: [Interpretation] -- where we had --

11 PRESIDING JUDGE VELDT-FOGLIA: You may answer to the questions
12 of the Defence Counsel. And if he wants to know that, then you will
13 be given the floor to explain to us.

14 THE WITNESS: [Interpretation] Fine.

15 MR. SHALA: [Interpretation]

16 Q. Do you know within the operational zone Llap whether there were
17 any detention centres? I am referring to the period January 1999
18 until June 1999.

19 A. [No interpretation].

20 Q. Where was this centre?

21 A. In Llapashtice.

22 Q. If the military police detained within the 151 Brigade and was
23 decided that that person should be detained for a longer period of
24 time, does that mean that he was sent to Llapashtice?

25 A. Yes, yes. Yes, he should have been sent to Llapashtice because

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1 we had no other detention centres.

2 Q. The order for that person to be sent to the detention centre in
3 Llapashtice, whose duty was it to issue such an order?

4 A. I said that that was the power of the military police.

5 Q. From your answers, I understand -- as I understand it, the only
6 authority within the brigade was the military police who could decide
7 on the detention and the release of people?

8 A. Yes.

9 Q. Thank you, Mr. Witness. As the commander of 151 Brigade, did
10 you have contacts with the members of BIA unit?

11 A. I did on one occasion in the zone. It was Rrahman Dini. Yes.
12 I don't remember two or three cases at the moment [as interpreted].
13 He came to the zone for medical reasons because he was ill, so he
14 needed some support to send him outside of the zone to Bajgore. And
15 the other case was when he brought either medical services, so
16 doctors or medications, or new recruits or new volunteers. This is
17 what I remember from -- I'm not so sure it might -- he might also
18 have been in BIA. I'm not so sure.

19 Q. Which period are you referring to?

20 A. 1998.

21 Q. During 1999, did you have any contacts with members of BIA?

22 A. Yes. After Kosovo was liberated, I did have contacts with them.

23 Q. From January 1999 until June 1999, did you have any contacts
24 with BIA members?

25 A. From the second part of May or the end of war, I was sent with

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1 other patients to Macedonia. I was engaged with them. When I
2 returned --

3 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, the question was
4 January-June 1999.

5 Did I understand that well?

6 So please answer about that period and don't start talking about
7 May, Macedonia. I mean, just --

8 THE WITNESS: [Interpretation] Fine.

9 MR. SHALA: May is in that period.

10 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

11 THE INTERPRETER: Microphone please, Your Honour.

12 THE WITNESS: [Interpretation] Specifically I am referring to
13 mid-June. That is the period when I met one person from that unit.

14 MR. SHALA: [Interpretation]

15 Q. Mr. Witness, as a commander of the brigade, when you needed
16 supplies, who did you ask the -- for the supplies for, whether it be
17 food, clothes, medications?

18 A. These were within the -- within the brigade and within the zone,
19 there are different -- so medications or food supplies. So the
20 personnel that was in charge of recruiting, they had direct contacts
21 with members of BIA who operated in urban zones of the city. So
22 Prishtine, Obiliq, and Fushe Kosove.

23 Q. Once more, so that it's a bit clearer. Personally, did you ever
24 address anyone or who did you address, who did you talk to in case
25 you needed supplies as a commander of the --

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1 A. As a commander of the brigade, I had my subordinates who were
2 responsible for medications, for logistics. When I addressed them,
3 when I spoke to them, they had their own connections. They had own
4 contacts with members of BIA who operated in urban areas.

5 Q. So they put you in -- they had those contacts in relation to --

6 A. Yes, for supplies and other necessities.

7 Q. At the time when you were the chief of staff in Llap operational
8 zone, do you know who was the -- who was heading the sector for
9 morale and politics?

10 A. That was Fatmir Humolli at the time. Fatmir Humolli.

11 PRESIDING JUDGE VELDT-FOGLIA: So for our understanding, about
12 which period are you now talking? You already gave us the time
13 frame, but can you repeat that?

14 THE WITNESS: [Interpretation] Yes. I am referring to the
15 period -- I cannot remember it exactly.

16 MR. SHALA: [Interpretation]

17 Q. Mr. Witness, my --

18 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait, wait. My
19 question has not been answered. I don't want you to give a date,
20 but, less or more, months and a year.

21 THE WITNESS: [Interpretation] I think that might be end of 1998,
22 1999, if I can refer to that period, or if I have to refer to a time
23 period.

24 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

25 THE INTERPRETER: Microphone, please.

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1 PRESIDING JUDGE VELDT-FOGLIA: If you say end of 1998, 1999,
2 what do you mean with "1999"? The beginning of 1999? The first
3 three months? The first four months? Until the end of April or
4 until 10 April?

5 THE WITNESS: [Interpretation] Until the beginning of April,
6 because after that I was wounded and so I wasn't very functional from
7 then on.

8 PRESIDING JUDGE VELDT-FOGLIA: Thank you. So you can give an
9 answer to the question.

10 Please proceed, Defence Counsel.

11 MR. SHALA: Yes, thank you, Your Honour.

12 Q. [Interpretation] Mr. Witness, from January 1999 until
13 April 1999, were you at the Llap operative zone the whole period?
14 Were you stationed there at the headquarters of the Llap operative
15 zone? Did you stay at the headquarters?

16 A. We had -- the command was in Llapashtice. A part -- a
17 representative part or a central part was there. Whereas the
18 operative part of the staff was in Katunishte, where I was also
19 stationed, and deputy commander. We also had a radio communication
20 there.

21 So the cooperation between the units in the service aspect
22 was -- it was separate from the zone command as a commanding centre,
23 this staff, this headquarters, or this operative centre. I was there
24 as a chief of staff and Deputy Commander Kadri Kastrati.

25 Q. The same period - January-April 1999 - the leaders, the heads of

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1 the sectors within the staff, did they also stay at the headquarters
2 of the command in Llapashtice?

3 A. Yes, in Llapashtice. They stayed in Llapashtice most of the
4 time. But some of them, for example, logistics, had a separate
5 building. Medical services was stationed at the military, so they
6 had -- based on their duties, military duties, they had to stay at
7 the command. It doesn't mean that the command -- that they were at
8 the command all the time. They carried out their own duties, whether
9 they be logistics or medical or other duties that they had to carry
10 out.

11 Q. The same period - January-April 1999 - did you know all soldiers
12 who were assigned as heads of sector?

13 A. The head --

14 Q. The ones who were assigned as heads of the sectors. Did you
15 know Valon Murati?

16 A. Yes.

17 Q. Do you know his position?

18 A. As far as I know, he was in information. As far as I know, he
19 dealt with information for a certain period of time.

20 Q. You said "a certain period of time." Until which time was he
21 engaged in these duties?

22 A. I think more, if I am not mistaken, in 1998. I am not very
23 certain.

24 Q. Did you know the head after Valon Murati left, the one who
25 arrived after Valon Murati?

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1 A. I don't remember. Was it Sejla? I'm not very certain.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, could you
3 clarify the relevance for the Defence case? And if you go too much
4 into the core --

5 MR. SHALA: Because --

6 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. If you go too --
7 then I have to usher out the witness. Do you think it's better that
8 I usher him out? Because I don't know what you are going to say.

9 MR. SHALA: No, I am not going -- no. Short.

10 PRESIDING JUDGE VELDT-FOGLIA: Please. It's better that I usher
11 him out. Okay, very well.

12 MR. SHALA: Maybe it's better.

13 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. No, that's --

14 MR. SHALA: You never know.

15 PRESIDING JUDGE VELDT-FOGLIA: Okay.

16 Mr. Witness, I will ask Madam Court Usher to usher you out, we
17 discuss the question, and then you will be asked to come back. Thank
18 you.

19 [The witness stands down]

20 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.
21 Defence Counsel, please.

22 MR. SHALA: This one witness, it is mentioned in this trial that
23 he is -- that he was appointed after the Valon Murati at that
24 position.

25 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

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1 MR. SHALA: Yeah. And I want to know, does this witness is
2 really -- does this witness know that previous witness he was
3 appointed at that position.

4 PRESIDING JUDGE VELDT-FOGLIA: And why do you think it's
5 important to know that?

6 MR. SHALA: Because the indictment is connecting with that
7 witness.

8 PRESIDING JUDGE VELDT-FOGLIA: Okay. It's still not completely
9 clear for me. But if you are convinced of the relevance, let us
10 proceed.

11 Madam Court Usher --

12 MR. SHALA: Yes.

13 PRESIDING JUDGE VELDT-FOGLIA: -- could you bring the witness
14 in.

15 [The witness takes the stand]

16 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Witness.
17 Defence Counsel, please proceed.

18 MR. SHALA: Thank you, Your Honour.

19 Q. [Interpretation] Mr. Witness, you mentioned only the name Sejda.
20 I believe it is a pseudonym?

21 A. I -- I knew some of them by pseudonyms and others by full names.
22 So, yes, it could be his pseudonym.

23 Q. Mr. Witness, for the period January-June 1999, did you know who
24 was -- who was heading the BIA unit or a commander of the BIA unit?

25 A. That was Salih Mustafa.

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1 Q. During this time period, January-June 1999, did you ever meet
2 him personally, Commander Salih?

3 A. I didn't know him personally. I knew that he was -- I knew
4 about his role and about his position.

5 Q. During this period, January-June 1999, were you ever in Zllash
6 village?

7 A. Yes. Before I left, or when I set off, when we were -- when the
8 wounded were transported to Macedonia, so the last preparations that
9 were made, we passed by the village. I passed by the village.

10 PRESIDING JUDGE VELDT-FOGLIA: And when was that?

11 THE WITNESS: [Interpretation] Most probably the second part of
12 May 1999.

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

14 MR. SHALA: [Interpretation]

15 Q. Before this period, you were never there?

16 A. No.

17 Q. Did you communicate with the staff of the Brigade 153?

18 A. Yes. The first occasion when Sejdi Veseli, the person in charge
19 of the brigade, it was at my -- it was in Katunishte. He was in
20 Katunishte. I don't know exactly when. Most probably February or
21 March. I'm not very certain. Or most probably February, February,
22 because that is when it was for. It was a very short meeting.

23 Q. Which year was it?

24 A. 1999.

25 Q. Did you ever meet any other military person from Brigade 153 or

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1 only with the deputy commander, Sejdi?

2 A. Yes, also in May when we were preparing to be transported, when
3 we passed through Zllash, I met Adem Shehu and again the
4 deputy commander, Sejdi Veseli.

5 Q. During the period February-April 1999, were you at the command
6 of the Llap operational zone personally, physically?

7 A. February-April 1999, of course, at the Llap operational zone
8 command.

9 Q. Yes.

10 A. Yes.

11 Q. Did you see any person being brought there to be detained, to be
12 placed in the detention centre in Llapashtice?

13 A. I don't remember.

14 Q. Did you see an order from Brigade 153 that ordered a detention
15 of a person and for that person to be sent to a detention centre in
16 Llapashtice?

17 A. No.

18 Q. Did you hear about such an order issued by 153 Brigade?

19 A. I'm not certain which order you are referring to.

20 Q. Did you ever hear of an order being issued?

21 A. Just any order [as interpreted].

22 Q. Mr. Witness, in your statement you mentioned month of April when
23 you were wounded. Could you tell us the date you were wounded or
24 injured?

25 A. 10 April 1999.

1 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, we are
2 approaching 11.00. If you are going into this issue, I think it's
3 better we do it after the break, because then we really enter into a
4 moment of the break. And I think that for everybody in the courtroom
5 and also the interpreters, it's important -- and the stenographer, to
6 respect the time -- the breaks we have set. Yes?

7 MR. SHALA: Okay, yes. Thank you.

8 PRESIDING JUDGE VELDT-FOGLIA: So, Mr. Witness, what we will do
9 now is have a break for half an hour. Yes? And after that, we will
10 ask you to come back to continue with your testimony. Thank you.

11 THE WITNESS: [Interpretation] Thank you.

12 [The witness stands down]

13 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

14 Defence Counsel, how much time do you estimate that you still
15 need for your direct examination?

16 MR. SHALA: Approximately 15 minutes.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Let me see. For the SPO, would you prefer to -- that I prolong
19 the break now for the preparation of the cross-examination, to have
20 some more time at disposal, or that we do it when the Defence Counsel
21 has finished examination?

22 MR. MICHALCZUK: Your Honour, as the scope of the
23 cross-examination is yet to be determined, because we don't know what
24 will be elicited in the next session --

25 PRESIDING JUDGE VELDT-FOGLIA: Yes, I see that.

1 MR. MICHALCZUK: -- and the counsel said 50 minutes, so many
2 things might be elicited, I would prefer to have a break after the
3 Defence Counsel is done. And then after the break, we'll resume with
4 the cross.

5 PRESIDING JUDGE VELDT-FOGLIA: And also, it will give us all the
6 opportunity to -- at that time to read some more the documents the
7 SPO has provided us with, so also for the Defence and for the Panel
8 and for the Victims' Counsel.

9 Very well. We will now have a break till 11.30. And the
10 hearing is adjourned.

11 --- Recess taken at 10.59 a.m.

12 --- On resuming at 11.30 a.m.

13 PRESIDING JUDGE VELDT-FOGLIA: Welcome back.

14 And before I usher the witness in, I will call appearances. And
15 I see that we are in the same composition, so that's noted.

16 A clarification with regard to the transcript. Did the Defence
17 counsel intend to say 50 minutes or 15 minutes?

18 MR. SHALA: 1-5.

19 PRESIDING JUDGE VELDT-FOGLIA: I understood that, too, to be
20 honest.

21 Defence Counsel, you have the floor.

22 MR. VON BONE: Thank you very much, Your Honour. We would just
23 ask one clarification question to the Panel regarding the unsworn
24 statement of the accused. And the question was -- the third question
25 was will he be willing to answer questions of the Panel.

1 The question we have about it is are those questions related to
2 that unsworn statement?

3 PRESIDING JUDGE VELDT-FOGLIA: I don't know yet what's in the
4 unsworn statement.

5 MR. VON BONE: No, I understand.

6 PRESIDING JUDGE VELDT-FOGLIA: It could be also about the
7 unsworn statement, but it would be much broader.

8 MR. VON BONE: Okay. That is just ...

9 PRESIDING JUDGE VELDT-FOGLIA: And I assume that the unsworn
10 statement is related to the indictment, so I think it will overlap
11 and --

12 MR. VON BONE: No, we just wanted to make sure that if the
13 unsworn statement is one thing and the questions are only related to
14 that unsworn statement or not, but I mean --

15 PRESIDING JUDGE VELDT-FOGLIA: It could be --

16 MR. VON BONE: -- whatever --

17 PRESIDING JUDGE VELDT-FOGLIA: -- related to everything.

18 MR. VON BONE: Okay. Thank you very much. That's all --

19 PRESIDING JUDGE VELDT-FOGLIA: Everything within the
20 framework --

21 MR. VON BONE: Yeah, of course.

22 PRESIDING JUDGE VELDT-FOGLIA: -- of the indictment --

23 MR. VON BONE: That's clear.

24 PRESIDING JUDGE VELDT-FOGLIA: -- and what has been shared here
25 in the courtroom regarding the case of the SPO and the Defence case

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1 and what the Victims' Counsel has brought to us.

2 MR. VON BONE: Thank you very much, Your Honour. That was all.

3 PRESIDING JUDGE VELDT-FOGLIA: Very well.

4 Madam Court Usher, could you usher the witness in, please.

5 Thank you.

6 [The witness takes the stand]

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ibishi. We
8 will continue with the examination by the Defence Counsel.

9 Defence Counsel, you have the floor.

10 THE WITNESS: [Interpretation] Thank you.

11 MR. SHALA: Thank you, Your Honour.

12 Q. [Interpretation] Mr. Witness, before we continue with the
13 questions concerning your wounding, I wanted to go back to two small
14 issues.

15 You mentioned Rrahman Dini earlier in the hearing. In the
16 period January-June 1999, do you know to which brigade he belonged,
17 Rrahman Dini?

18 A. No, I don't know.

19 Q. Do you know where he was staying or where he was stationed
20 during this time period?

21 A. I know he was an activist. He would come to us in civilian
22 clothes, so I supposed that he was in BIA.

23 Q. Yes, you stated this. But do you know where he was stationed
24 during this time period?

25 A. He was with us. He was in Bajgore for a visit, and I don't know

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1 where he was staying for the rest of the time. I suppose in
2 Prishtine.

3 Q. Thank you, Mr. Witness. The BIA unit, do you know if this unit
4 had the right to arrest and detain individuals?

5 A. As far as I know, the BIA unit was a civilian structure,
6 unarmed, had support duties to the active part of the KLA and the
7 civilian defence, and as I mentioned earlier, carried out all those
8 activities that I mentioned earlier in our favour, and, in addition,
9 provided us with information on the positions of the Serb forces in
10 the town and in the urban areas.

11 Q. So my question again: Did it have the right to arrest and
12 detain individuals?

13 A. No.

14 Q. Thank you. Mr. Witness, you told us that you got wounded on
15 10 April 1999. Can you tell us how did this happen?

16 A. After we had erected fortifications in order to protect the
17 displaced population from Podujeve and the Llap valley and which was
18 situated in the valley of Turiqice, I and certain co-fighters decided
19 to build these fortifications and to position units there. So at the
20 time of the attack, we joined the forces. In the meantime, we had
21 gone to visit the refugees, but I noticed that the enemy was coming
22 into our direction. So during the exchange of fire -- of course,
23 they had heavy weaponry, they had APCs, Praga. So in this exchange
24 of fire, myself and Kapllan Parduзи were wounded. However, we
25 managed to repel the Serbian forces and prevent their penetration

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1 into the area where the population was and where they could commit
2 massacres.

3 Q. Once you were wounded, where did you get your medical treatment?

4 A. On the site initially, because we had to stay there until we won
5 or repelled the Serbian forces. First aid was administered to me by
6 a student of medicine. But later on, as the situation deteriorated,
7 we were both seriously injured, especially Kapllan, we had to take
8 measures to find transport and go to the medical centre in the
9 eastern part in Potok.

10 THE INTERPRETER: Western part, correction.

11 MR. SHALA: [Interpretation]

12 Q. Were you transported to Potok?

13 A. Yes. The transport was organised with all accompanying security
14 measures, because the situation began to escalate. It was a time
15 when the Serb forces undertook actions to ethnically cleanse the
16 area. I am talking about 10 April 1999, the Operation Horseshoe for
17 the ethnic cleansing. So the positions would change. They brought a
18 lot of forces, so we needed these security measures for the
19 transport.

20 PRESIDING JUDGE VELDT-FOGLIA: The question was were you
21 transported to Potok. I think that was the question. And if
22 clarification is needed, Defence Counsel will ask you.

23 Defence Counsel, please proceed.

24 MR. SHALA: [Interpretation]

25 Q. Mr. Witness, were you transported to Potok?

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1 A. Yes.

2 Q. When did this occur? The day you were injured?

3 A. No. Since the transport was very complicated in those
4 conditions --

5 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, it suffices when
6 you say "when did this occur," and then the witness can give an
7 answer. It's not necessary to already give an answer on what day. I
8 mean, the question was very clear.

9 THE WITNESS: [Interpretation] I was wounded on 10 April 1999,
10 and the transport began in the evening of that day. So I was wounded
11 during the day, and the transport began at about 7.00 or 8.00 p.m.
12 within the same day, and it ended within 48 hours or two days.

13 MR. SHALA: [Interpretation]

14 Q. You said that the transport lasted for approximately two days.
15 How far in kilometres is it?

16 A. Not very far in kilometres. But considering the weather
17 conditions, the conditions of the road, and the fact that we had to
18 avoid any direct clashes since we were wounded, the distance is about
19 20 kilometres, and there were no roads. It was mountainous area.
20 And to -- we also had to take breaks because of the wounds we had,
21 the two of us. So these breaks were recommended by the medical
22 personnel.

23 Q. With what kind of means of transport were you transported?

24 A. With a tractor. The trailer was covered with a tarpaulin. Not
25 up to the destination itself but up to Rimanishte. And from

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1 Rimanishte, we got another transport. Both of us were transported by
2 a jeep vehicle, and we went to the western part. We passed the main
3 road and arrived in Potok. If I need to explain the whole route, I
4 don't know if it's necessary.

5 Q. Yes, you can explain it to us, Mr. Witness.

6 A. So we left from Turiqice. Then village of Rakinice. I know
7 these villages because I am from there. Then Bllate, Kalatice,
8 Braine, Orllan, Ballaban, Koliq, Halabak. In Halabak -- we stopped
9 during the journey, I don't know how many times and where exactly,
10 but one of these stops which were longer was in Halabak. It is close
11 to Bellopoje. Then from there we went to Rimanishte village. There
12 we had a break. There we changed means of transport. We passed the
13 main road with security measures and got on to Lupq and the upper
14 Llapashtice area, Kodrali and those parts, until we reached our final
15 destination, Potok.

16 Q. From Turiqice to Rimanishte, do you remember how long was this
17 section of the journey?

18 A. I don't remember exactly, but about three or four hours we
19 stopped at Kalatice, a birth village of mine, where we got some food
20 supplies. And then we were escorted by them until the other part,
21 but I cannot tell you exactly. I would say about 30, 30 hours, or
22 even more.

23 Q. From Rimanishte to Potok, were you escorted by the same soldiers
24 who escorted you from Turiqice to Rimanishte?

25 A. I cannot assess --

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1 PRESIDING JUDGE VELDT-FOGLIA: Defence -- can you take off your
2 headphones, and I will ask Madam Court Usher to usher you out. We
3 need to discuss something. Thank you for that.

4 [The witness stands down]

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

6 Mr. Prosecutor, you have the floor.

7 MR. MICHALCZUK: Your Honours, so far the evidence that has been
8 adduced from this witness - and I have it on page 42 of the
9 preliminary transcript - says not about escorting persons but says
10 the following:

11 "The transport was organised with all accompanying security
12 measures, because the situation began to escalate."

13 So now you only have this very general line that transport was
14 organised with security measures, so we don't know whether that means
15 some people escorting, any escort whatsoever, maybe something else,
16 but it's still not in evidence. Again, page 42, lines 23 to 24.

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

18 Defence Counsel, I would suggest that you clarify what is meant
19 with "security measures." Yes? Very well.

20 Madam Court Usher, could you bring the witness in again. Thank
21 you.

22 [The witness takes the stand]

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you have the
24 floor.

25 MR. SHALA: Thank you.

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1 Q. [Interpretation] Mr. Witness, you told us that in relation to
2 your transport every security measure was taken. Do you remember
3 which were these security measures that were taken?

4 A. In the sense of security related to transport and to the march
5 route that we had to pass. So one of the officers that was with us
6 had to deal with that. We were not in position to deal with that.
7 We had a medical condition. We were wounded, myself and Kapllan
8 Parduzi, and could not deal with that.

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, what were the
10 security measures taken when you were travelling?

11 THE WITNESS: [Interpretation] First of all, to avoid any contact
12 with areas under Serbian control, of course, first one would need to
13 collect information, whether the certain route was safe and secure.
14 And that is why it was not secure. It could happen that one village
15 would be in a very short time occupied by Serbian forces. So the
16 security was related to transport and to our own personal security so
17 that we avoid any potential ambush. So security in movement and
18 security of the route that we took.

19 PRESIDING JUDGE VELDT-FOGLIA: Who was accompanying you? Who
20 was escorting the people, the people -- you and Mr. Parduzi?

21 THE WITNESS: [Interpretation] I was not able to see who was
22 outside. But inside, there was a medical person, the student of
23 medicine, now Dr. Enver Hoxha. There was an assistant nurse. And
24 Latif Gashi was also nearby who undertook security measures. And
25 outside, I couldn't see because the trailer was covered with a

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1 tarpaulin due to the weather conditions. It was raining all the
2 time.

3 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please proceed.

4 MR. SHALA: Yes, thank you.

5 Q. [Interpretation] How do you know that there was someone outside
6 too?

7 A. Even -- I was in the front part of the trailer, but we could
8 hear voices of people asking, "How are you? Are you feeling good?"
9 So in addition to the medical personnel that was there taking care of
10 us.

11 Q. When you arrived in Rimanishte, how long did you stay there to
12 rest? Do you remember?

13 A. We arrived in Halabak first, and then I realised that we were
14 there. There was a Kadri Avdiu, a superior of the KLA, that
15 accommodated us for a while until we were given medical treatment,
16 [indiscernible], sorry, drips. I don't know for how long we stayed
17 there. I think we remained there. For the rest of the night, we
18 slept there. Whereas the next night, we stayed in Rimanishte until
19 preparations were made to go to the western part and cross the main
20 road Prishtine-Podujeve or Merdar.

21 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, if you are asked
22 about Rimanishte, why do you answer about Halabak? The question was
23 not about Halabak. So please focus your answer on what you are
24 asked.

25 Defence Counsel, please proceed.

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1 THE WITNESS: [Interpretation] Can I, Your Honour, explain?

2 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

3 THE WITNESS: Okay.

4 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, please proceed.

5 MR. SHALA: [Interpretation]

6 Q. Can you tell us how were you transported from Rimanishte to
7 Potok? By what means of transportation?

8 A. [Interpretation] After the necessary preparations were made to
9 ensure our passage, because main road was controlled by the Serb
10 forces, we had to stay in Rimanishte on the second night. I am
11 talking about the second night. During the first night, we stayed in
12 Halabak, near Bellopoje, for that night. This I found out later. I
13 didn't know.

14 Q. I am asking you what means of transportation was used from
15 Rimanishte?

16 A. There was a jeep. I don't remember but -- and a driver,
17 co-fighter, Skender Krasniqi.

18 Q. Do you recall whether these soldiers that you -- accompanied you
19 to Rimanishte continued to do so after Rimanishte to Potok?

20 A. No, I think there were other soldiers, even though I was unable
21 to ascertain what was happening outside because I was inside. I
22 was -- I lost a lot of blood. I wasn't feeling good. And my -- I
23 had problems with my stomach. I had two wounds, so I had to lay
24 down, and I couldn't see. And usually, as I said, it was night, and
25 I couldn't communicate with anyone. So I don't know whether there

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1 were other people there escorting us.

2 Q. When you arrived in Potok, where were you accommodated?

3 A. In the military hospital. But we had problems there before
4 arriving in Potok because the Serb forces were nearby. And even
5 though it was dark at night, they started to fire with weapons, Praga
6 and artillery weapons. So they took us to Lese [phoen] and sent us
7 to the military hospital in Potok.

8 MR. SHALA: Your Honour, with your permission, I would kindly
9 ask the Court Officer to put on screen the document DSM00473,
10 building of the hospital in Potok.

11 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

12 MR. SHALA: Thank you.

13 Q. [Interpretation] Mr. Witness, do you see a photo on the screen
14 in front of you?

15 A. Yes.

16 Q. In the right-hand side, in the lower part, there is your name
17 and last name. Is it your signature?

18 A. Yes.

19 Q. Can you tell us what does it depict?

20 A. It was of the premises of a school, of an elementary school.
21 Since there were no students during the wartime, it was used as a
22 makeshift military hospital. But civilians, too, were treated there.

23 MR. SHALA: Court Officer, please, the second picture.

24 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

25 MR. SHALA: With DSM00474. Can you rotate that one?

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1 PRESIDING JUDGE VELDT-FOGLIA: I think it needs to be rotated.

2 MR. SHALA: Yes, it's okay.

3 Q. [Interpretation] Mr. Witness, do you see the second photo in
4 front of you?

5 A. Yes.

6 Q. Your name and last name is yours and your signature?

7 A. Yes.

8 Q. Can you show us what does it depict?

9 A. It shows the -- this is the same building but from another
10 angle. And there is a commemorative plaque for those -- the medical
11 staff that gave a contribution to treating people and also the people
12 that were treated there, including civilians. If you can zoom it,
13 please, a little bit.

14 MR. SHALA: Your Honour, I will proceed with third and last
15 picture.

16 PRESIDING JUDGE VELDT-FOGLIA: Very well, Defence Counsel.

17 Mr. Court Officer, please, you can --

18 MR. SHALA: The Court Officer --

19 PRESIDING JUDGE VELDT-FOGLIA: -- move to the third picture.

20 MR. SHALA: -- please remove this and put the DSM00475. Okay.

21 Q. [Interpretation] Mr. Witness --

22 A. If you allow me, that shows the Llap operational zone, and this
23 is where the military hospital was operating. It shows the time from
24 15 September 1999 to 30 April 1999. And it shows that 430 operations
25 were carried out there, 2.780 medical visits, and 118 members were

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1 engaged in the work of the hospital. And that's the health sector.

2 Q. [No interpretation].

3 A. So this plaque is a symbol and a commemorative sign for all
4 those who were treated there and for the contribution of the medical
5 staff to the soldiers and to the civilians of that area, because they
6 were displaced people from other part, that is from Podujeve and
7 other areas that were occupied by the Serb forces.

8 Q. How long did your treatment in this hospital last? How long did
9 you stay there?

10 A. I don't remember the exact time, but it may have been -- even
11 though in difficult condition, it may have lasted three weeks, I
12 think. I tried to work even though I was in that condition, because
13 it was a time of military operations undertaken by the Serb forces to
14 cleanse the area of the population, displacing about 700.000 people
15 from Kosovo. It was a very sensitive time and I had to leave the
16 hospital, even though I was not fully recovered.

17 Q. Mr. Witness, was there, at the time that you were there,
18 Kapllan Parduži?

19 A. Yes, because we were treated at the same time, operated on and
20 treated there together.

21 Q. Do you recall who left the hospital before?

22 A. I was the first to leave it.

23 Q. After you left the hospital, did you still need further medical
24 treatment?

25 A. Yes.

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1 Q. Did you receive that treatment?

2 A. Yes, I continued to receive it. But my -- Kapllan Parduži was
3 in a worse condition, because at this time it was not possible to
4 make further surgeries on him, so his wounds started to get -- to
5 deteriorate, to smell, and to get septic. So it was critical for him
6 to get further treatment.

7 Q. Do you remember where you went for the second treatment?

8 A. The second treatment was -- took place in the second part of
9 May, I think, I am not certain, in Macedonia. Because the first
10 attempt was not successful for them to go to Macedonia. Even though
11 I was not feeling very well, I had to organise, to make all the
12 arrangements for them to go. There were three people that were sick.
13 Two were wounded, one was very sick. So it was Parduži who couldn't
14 move, Kapllan, and the deputy commander of the Brigade 152 who had
15 this muscle dystrophia, and another one from Karadak area. So we had
16 to urgently take them to Macedonia for medical interventions.

17 PRESIDING JUDGE VELDT-FOGLIA: But, please, that was not the
18 question. That was not the question.

19 Defence Counsel, I have seen that you have used one hour and 45
20 minutes, for you to know.

21 MR. SHALA: Yes.

22 Q. [Interpretation] Mr. Witness, did you personally take medical
23 treatment in Macedonia?

24 A. Yes.

25 Q. Was it at the same time with the soldiers you referred to?

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1 A. Yes, at the same time.

2 Q. Did you remember how long it took you for that medical
3 treatment?

4 A. It lasted a few days. Korab continued to stay there in Batushe
5 [phoen] with the deputy commander of Brigade 152, Shaban Shala, and
6 Afrim, who was also wounded. Whereas me, I had to return to Kosovo.

7 Q. Thank you.

8 MR. SHALA: Your Honour, please, just only a short consultation
9 with my counsel.

10 PRESIDING JUDGE VELDT-FOGLIA: Please proceed, Defence Counsel.

11 MR. SHALA: Thank you.

12 [Specialist Counsel confer]

13 MR. SHALA: Your Honour, we don't have more questions for the
14 witness. Thank you very much.

15 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

16 MR. SHALA: [Interpretation]

17 Q. Mr. Witness, thank you very much. Defence has no further
18 questions for you.

19 PRESIDING JUDGE VELDT-FOGLIA: We will now take a break.

20 Mr. Witness, I will ask Madam Court Usher to usher you out of
21 the courtroom. And after the lunch break, which will take
22 approximately an hour, the Specialist Prosecution Office will
23 continue with its cross-examination.

24 I wish you a good lunch break.

25 THE WITNESS: [Interpretation] Thank you.

1 [The witness stands down]

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

3 Very well. We will have now a break till quarter past 1.00.

4 The hearing is adjourned.

5 --- Luncheon recess taken at 12.07 p.m.

6 --- On resuming at 1.15 p.m.

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back again. I see that
8 we are in the same composition. We note that for the record.

9 Defence Counsel, you would like to have the floor? Please.

10 MR. VON BONE: Briefly, Your Honour, to inform you that it would
11 be then 19 May regarding the unsworn statement of the accused, that
12 the time duration would be two hours, and, lastly, that he is willing
13 to answer questions of the Panel. That is, without, of course,
14 prejudice to any rights of the accused, but that is obvious. Okay.
15 Thank you very much, Your Honour. And if there would be any change
16 in that, obviously, we will inform, but this is where we are today.
17 Thank you very much.

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

19 Then we have to do the following. Before I give the floor to
20 the SPO for its cross-examination, the Panel will render an oral
21 order regarding the items that the SPO intends to use during its
22 questioning.

23 The SPO has requested leave from the Panel, via e-mail dated
24 11 April 2022 at 16 minutes past 9.00 in the morning, to use two
25 newly disclosed items in its cross-examination of Defence

1 Witness 1000. The material concerned was disclosed immediately
2 thereafter at 9.28.

3 The Panel notes that the newly disclosed items have been
4 discovered by the SPO in recent days in preparation for the witness
5 cross-examination. The Panel also finds that the material is not
6 lengthy and that the Defence and Victims' Counsel have had sufficient
7 time to study it.

8 Further, the Defence does not oppose the use of these items by
9 the SPO.

10 Accordingly, the Panel finds that the SPO has shown good cause
11 for not disclosing the material previously, and authorises the SPO to
12 use it during its cross-examination of Defence Witness 1000 pursuant
13 to paragraph 31 on the Decision on the Conduct of Proceedings, which
14 is filing 170.

15 This concludes the Panel's oral order.

16 Defence Counsel, you have the floor.

17 MR. VON BONE: I have no transcript, Your Honour.

18 PRESIDING JUDGE VELDT-FOGLIA: Oh. I will have somebody look at
19 it.

20 Very well. It's good that it is resolved.

21 Let me see if my one is working. Yes. Okay. Very well.

22 Madam Court Usher, could you please usher the witness in. Thank
23 you.

24 And as she's doing that, we will now do one-and-a-half-hour
25 session, for your information.

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1 [The witness takes the stand]

2 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ibishi.

3 THE WITNESS: Thanks.

4 PRESIDING JUDGE VELDT-FOGLIA: I will now give the floor to
5 Mr. Prosecutor in order for him to start with the cross-examination
6 by the Specialist Prosecution Office.

7 Mr. Prosecutor, you have the floor.

8 MR. MICHALCZUK: Thank you very much, Your Honours.

9 Cross-examination by Mr. Michalczuk:

10 Q. Mr. Ibishi, good afternoon.

11 A. [Interpretation] Good afternoon.

12 Q. How are you?

13 A. I'm fine.

14 Q. Mr. Ibishi, I'm the counsel for the Prosecution who will conduct
15 the interview -- this cross-examination with you. And as we have
16 limited time, you would kindly ask you to focus on my questions and
17 answer directly to my questions. If you would digress or if you make
18 any comments which do not pertain to the essence of my question, I
19 will need to stop you and we come back to the issue at stake. This
20 is also in view of streamlining your examination for the benefit of
21 this Panel.

22 Do you understand that, Mr. Ibishi? You have to say "yes" or
23 "no" because the nodding doesn't go into the record.

24 A. Yes, yes.

25 Q. Thank you.

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1 I would like to clarify with you, Mr. Ibishi, just a few minor
2 points pertaining to your testimony that you have given today, and I
3 would like to start with page 53, line 8 of today's transcript. You
4 indicated therein the person whose nickname was Korab or Korabi. Do
5 you understand -- do you remember saying that nickname?

6 A. Yes.

7 Q. Could you tell us whose nickname is it? Could you give us the
8 full name and surname of Korab or Korabi?

9 A. Kapllan Parduži.

10 Q. Earlier today we were discussing the transportation of yourself
11 to the KLA hospital in Potok. Do you remember that? It is on
12 pages 42, line 2, and it ends on page 49, line 8. So do you remember
13 talking about this transportation of yourself and Korab?

14 A. Yes, yes.

15 Q. Thank you very much. While discussing this trip, you were asked
16 about the person or persons who were escorting you during that trip.
17 And you said on page 47, lines 7 to 8, the following thing:

18 "And Latif Gashi was also nearby who undertook security
19 measures."

20 Do you confirm that, Mr. Ibishi?

21 A. Yes.

22 Q. Could you tell the Court what was the position of Latif Gashi at
23 that time in the Kosovo Liberation Army?

24 A. He was the chief of intelligence and counter-intelligence within
25 the Llap operative zone.

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1 Q. You mean within the Llap operative zone command? This is what
2 you are saying?

3 A. Yes, yes.

4 Q. Mr. Ibishi, did Latif Gashi have any nickname or nom de guerre
5 during the war?

6 A. Lata or Fati.

7 Q. Mr. Ibishi, do you remember giving the statement to the Defence
8 in 2021 in this case?

9 A. Yes. I might not remember everything, but partially.

10 Q. We have the copy of the statement, and this is the statement
11 dated 28 May 2021. When you gave that statement, Mr. Ibishi, did you
12 tell the truth to the Defence Counsel?

13 A. Yes, because I have to say the truth.

14 Q. Did you describe the events in that statement to the best of
15 your knowledge and belief?

16 A. I think I did so. I might have not included some things. I had
17 no reason not to tell the truth.

18 Q. Did you sign that statement, Mr. Ibishi?

19 A. Yes.

20 MR. MICHALCZUK: With the permission of Your Honours, I would
21 like to kindly ask Mr. Court Officer to put on the screen part of the
22 Defence statement DSM00460 to 00475, page 8.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed,
24 Mr. Court Officer.

25 MR. MICHALCZUK: The line would start with the words

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1 "Latif Gashi." It is the answer. Yes, it's here. It's visible.
2 It's shortly before the next question.

3 Q. So, Mr. Ibishi, in that statement to the Defence you said the
4 following thing:

5 "... Latif Gashi was in charge of looking around and we were
6 eventually evacuated and transported to the hospital."

7 Did you say that, Mr. Ibishi?

8 A. Yes. May I see the Albanian version, please?

9 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, why would you want
10 to see the Albanian version? It has been translated to you in --
11 no --

12 THE WITNESS: [Interpretation] May I --

13 PRESIDING JUDGE VELDT-FOGLIA: May I finish my question. We
14 have here the English version and it has been translated --

15 THE WITNESS: Okay.

16 PRESIDING JUDGE VELDT-FOGLIA: -- to you in Albanian. In the
17 Albanian version, I suppose there will not be something different
18 than what is written here.

19 MR. MICHALCZUK:

20 Q. I mean, the essence of my question, Mr. Ibishi, is that do you
21 confirm that it was Latif Gashi who was in charge, as you said, of
22 looking around during that trip from Turiqice to Potok? This is my
23 question. Was he in charge as you stated to the Defence?

24 A. [Interpretation] May I have this translated into Albanian? I do
25 understand English but not that well. Only this part of the

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1 sentence.

2 PRESIDING JUDGE VELDT-FOGLIA: It has already been translated to
3 you into Albanian, but I will ask Mr. Prosecutor if he can cite the
4 text as it is stated in the Defence witness statement again in order
5 for the interpreters to translate it.

6 MR. MICHALCZUK: Of course.

7 Q. So this part is in the context of your trip from Turiqice to
8 Potok, and you say:

9 "... Latif Gashi was in charge of looking around and we were
10 eventually evacuated and transported to the hospital."

11 So did you tell the truth to the Defence saying this?

12 A. Yes, yes.

13 Q. Okay. Thank you very much.

14 MR. MICHALCZUK: We can take down this text. And I would like
15 to also show the witness another document, Your Honours, pertaining
16 to the same issue. If I may, Your Honours?

17 PRESIDING JUDGE VELDT-FOGLIA: Please, please proceed.

18 MR. MICHALCZUK: Mr. Court Officer, I would like to -- in this
19 case, I would like to show to the witness another statement, which is
20 the records on the witness hearing before the investigating judge,
21 witness Nuredin Ibishi, Hep, H-e-p, No. 65/2002, Latif Gashi et alia
22 case, District Court of Prishtine, 27 August 2002. The numbers would
23 be SPOE00123560 to 00123574. And I would like to show the witness
24 page 12 with the number SPOE00123571, page 12.

25 Q. Mr. Ibishi, so this is your statement that you gave during

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1 the -- to the investigating judge that you gave in the Latif Gashi
2 et alia case. And on page 12, we have the following question and the
3 following answer.

4 Investigative judge:

5 "It is my understanding from your previous testimony that you
6 were wounded in May?"

7 And you said in your reply:

8 "No, I was wounded on 9 April and 2 or 3 days later they sent me
9 to military hospital in Potok, with the assistance of Lata with his
10 fellow soldiers."

11 I will stop here. Do you confirm that you said that to the
12 investigating judge?

13 A. Most probably, because I signed it.

14 Q. So is that true that it was Lata who assisted you during that
15 transportation from Turigice to Potok? Do you confirm that?

16 A. Yes.

17 Q. Your answer here deals with the nickname Lata. You said to this
18 Court before that Lata was the nickname of Latif Gashi, so are you
19 referring to Latif Gashi in this part of the statement?

20 A. Yes, yes.

21 Q. Mr. Ibishi, I would like to change the topic slightly and
22 discuss your injuries that you sustained, you spoke about it today,
23 during the battle. Could you tell the Court a little bit more in
24 detail about the major extent of wounds that you sustained at that
25 time?

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1 A. Yes. It was serious. The wounds were serious. It's not my
2 issue to determine those. The doctors said. And also it -- Praga
3 was used, which is banned by international convention. So it's --
4 apart from direct impact, it also has an explosive projectile which
5 causes serious consequences and serious injuries, and especially at
6 civilian population. More specifically, it caused injuries to myself
7 and to my co-fighter. So they are diagnosed as serious injuries.

8 Q. You told us that the nature of the wound or wounds that you
9 sustained was serious. My question was: What exactly were those
10 wounds on your body that you sustained? Could you tell the Court
11 which parts of your body were affected by that ammunition?

12 A. Two on my stomach and at the back -- on my back, I still have
13 shrapnel in my back. And also on my ear, I have shrapnel of the
14 explosive in my ear, from the projectile, actually.

15 Q. As you said, your condition was assessed as serious; is that
16 correct?

17 A. Yes.

18 Q. Today at page 52 of the transcript, lines 7 to 11, you also
19 commented on the extent of wounds sustained by Kapllan Parduži,
20 Korabi, and I would like to read it back to you, and I would ask you
21 kindly to comment on it. So you said the following thing:

22 "... Kapllan Parduži was in a worse condition, because at this
23 time it was not possible to make further surgeries on him, so his
24 wounds started to get to deteriorate, to smell, and to get septic.
25 So it was critical for him to get further treatment."

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1 Did you say that today?

2 A. Yes, I said that.

3 Q. So I understand that Mr. Parduži's condition was worse than
4 yours. Is that what you are saying?

5 A. Yes.

6 Q. Could you tell us -- if you come back to the moment of your
7 transportation from Turigice to Potok, try to visualise this moment
8 for a second, could you tell us what condition Mr. Parduži was during
9 the transportation? Tell us what you remember.

10 A. We were both in serious condition. I cannot compare. It's
11 difficult to compare and to assess who was in a more serious
12 condition. He was in a more serious condition compared to me. We
13 were both in serious conditions. And if we had not reached the
14 military hospital on time and undergone surgery, we would have had
15 sepsis as a result. So that was it. But despite the surgery which
16 took place two or three days later at the military hospital in Potok,
17 his -- so his treatment slowed gradually. So from the two serious
18 conditions, he was recovering slower than I did. So that's the
19 description.

20 Q. I don't want to talk about his recovery later on, and I'm really
21 happy that he recovered finally. I'm talking about this trip from
22 Turigice to Potok. That was my question. So maybe I should be more
23 specific.

24 Do you know which wounds Mr. Kapllan Parduži, Korabi, sustained?

25 A. I'm not a doctor to give you a description of the treatment, but

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1 his injuries caused him to have -- continue to have problems,
2 internal problems, so it's not a matter of treatment. I'm not a
3 doctor to be able to describe the degree. We are both disabled. We
4 are both disabled. We belong to the category of disabled.

5 So you have a level that decides the degree of disability. I
6 don't understand this aspect. It's offensive. Perhaps I should have
7 brought photographs of how we were in that condition. But sincerely,
8 I don't understand.

9 Q. Mr. Ibishi --

10 A. It affects --

11 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

12 THE WITNESS: [Interpretation] -- my integrity. And you're
13 bringing me into a situation and this makes no sense.

14 MR. MICHALCZUK:

15 Q. Mr. Ibishi, let me be clear. I am not questioning your wounds,
16 the extent of it. I am not also questioning the extent and the
17 severity of the wounds of Mr. Parduži. Don't get me wrong. I would
18 like you to tell the Court what you remember from that trip. So you
19 were there in this cart. You told this Court today that you were in
20 the lying position, you were lying during that trip; correct?

21 A. Sir, we were lying down --

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness. Mr. Witness, nobody
23 wants to be offensive towards you. I am here to look over that
24 process that everybody in this courtroom is treated with respect, and
25 I won't allow for disrespectful behaviour. But in this case, I can

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1 assure you that the question is an objective one in order to elicit
2 some type of information.

3 So please just answer the question, and we will take care -- I
4 will take care that you're not treated in a disrespectful way. But
5 you should answer the question as long as it is not disrespectful.
6 And this is not disrespectful. It's just trying to elicit some
7 information from you. Please. There is no need to [indiscernible]
8 for now.

9 MR. MICHALCZUK:

10 Q. Mr. Ibishi, from your answers today, I understand that during
11 that trip from Turiqice to Potok you yourself was in -- was lying,
12 was in the lying position; is that correct?

13 A. Yes, myself and Korab. And in a very serious condition. I
14 don't think I can explain this better. And we were continually
15 treated, medically treated by the medical staff. I don't know how
16 else I can describe it. Perhaps we should have been left on the side
17 of the road to die there.

18 Your Honour --

19 PRESIDING JUDGE VELDT-FOGLIA: No, Mr. Ibishi, please -- no --

20 THE WITNESS: [Interpretation] -- this is discriminating.

21 PRESIDING JUDGE VELDT-FOGLIA: No, no, Mr. Ibishi, please stop
22 talking.

23 THE WITNESS: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: There is no reason to say these
25 kind of things in reaction to what Mr. Prosecutor is saying.

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1 MR. MICHALCZUK:

2 Q. Mr. Ibishi, I didn't want to offend you. My question was about
3 your position, and your answer was that you were lying all the time.

4 A. [Interpretation] I was offended.

5 Q. It was not my intention, Mr. Ibishi. Can I ask you a question:
6 In which position was Mr. Kapllan Parduzy during that trip?

7 A. I don't know. The transport was very long. We were both
8 wounded in our stomach, so we had to lie in a position that was less
9 stressful for us. And we still have consequences because of that. I
10 am not a specialist to explain what was the degree of that. Perhaps
11 I should have brought the photographs. If the Panel would like to, I
12 could bring the photographs to -- that would directly represent the
13 condition that we were in and to be able to see the condition that we
14 were in.

15 Q. Mr. Ibishi --

16 PRESIDING JUDGE VELDT-FOGLIA: Mr. Ibishi -- no, no, I will.
17 Mr. Ibishi, what I would like is that you would just answer the
18 question. That's the only thing.

19 THE WITNESS: Okay.

20 PRESIDING JUDGE VELDT-FOGLIA: If we would have liked to see
21 pictures, we would have asked you.

22 MR. MICHALCZUK:

23 Q. Mr. Ibishi, did Kapllan Parduzy have any bandages on his body
24 during that trip?

25 A. [Interpretation] Yes, most probably he did, and so did I.

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1 Q. Did you see on which part or parts of the body did he have those
2 bandages?

3 A. I saw him. His stomach was bandaged. I also had the bandages
4 and also on my ear. We were both continually bleeding, apart from
5 other pain that we -- that we had, because it had to do with the
6 injuries to the internal organs.

7 Q. I understand. Mr. Ibishi, did Kapllan Parduži have any bandages
8 or any wound dressing on his head?

9 A. I do not remember.

10 Q. Mr. Ibishi, today, during this trial - and we have it on
11 page 47, lines 8 to 11 - you said the following thing about that trip
12 from Turiqice to Potok, and I will quote your answer:

13 "And outside, I could not see because the trailer was covered
14 with a tarpaulin due to weather conditions. It was raining all the
15 time."

16 Do you confirm that?

17 A. Yes, yes.

18 Q. I would like to change topic for a moment and discuss with you
19 military formations within the Llap operational zone. So today you
20 told us about Brigade 151; correct?

21 A. Yes.

22 Q. You also told us that another brigade was 152, and the third one
23 was 153; is that correct?

24 A. Yes, but there's a difference in time when they were
25 established. 151 --

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1 Q. You told us about it today before that --

2 THE INTERPRETER: Correction, 153.

3 MR. MICHALCZUK:

4 Q. -- Brigade 153 was created in February 1999, if I remember well;
5 correct?

6 A. Yes, that's correct.

7 Q. There were also some questions from the Defence on the unit
8 called BIA. Do you remember those questions and your answers today?

9 A. Yes.

10 Q. I would like to clarify a few things about that particular unit,
11 BIA. Was BIA subordinated to the Llap operational zone command?

12 A. Yes.

13 Q. Would BIA report to the operational zone command?

14 A. Yes, they were supposed to. But in reality, because of the
15 distance of their location, of the location of the zone command and
16 the staff, and the inability to travel to urban areas, because it was
17 prohibited, because we would have been identified at the time,
18 certainly the officers who were wearing uniforms in the Llap
19 operational zone, we were strictly prohibited from travelling because
20 we lost five fighters. I can also remember -- mention their names.
21 They were killed by the Serb forces. Because the urban zones -- the
22 travel to the urban zones was strictly prohibited, and the concept of
23 our engagement -- we did not want to open conflicts in urban zones
24 because of the reprisals from the Serb forces towards the population.
25 But also the geographical distance and the -- our inability to enter

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1 urban zones. We could not exchange the reports or issue orders
2 except for the cases when we needed their services.

3 Q. I'm not suggesting that you as members of the operational zone
4 command should go to Prishtine to talk to BIA, but maybe BIA members
5 were coming to you as the operational zone command to report. Was
6 that happening or not?

7 A. It probably happened, but I did not have that occasion. Apart
8 from what I mentioned earlier, the accidental contact with this
9 person who could have been from BIA. But he could have been from the
10 command staff at the time when BIA was offering medical supplies for
11 the needs of the units.

12 It's not in the sense of the direct communication with me or
13 with somebody from the command, but it's about the specific tasks
14 that BIA did for the Llap operational zone.

15 Q. I want to clarify one thing. Today, earlier on, you mentioned
16 that you contacted somebody who could be from BIA, and you gave the
17 name Rrahman Dini; is that correct?

18 A. Yes.

19 Q. Did anybody else, in your understanding, from BIA, did anybody
20 else during the war report to you?

21 A. Before me, no. I wouldn't say "report," but provide services or
22 conduct services, different services with the Llap operational zone.
23 So let me not repeat what I've already mentioned before.

24 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

25 MR. MICHALCZUK: Yes, Your Honours.

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1 PRESIDING JUDGE VELDT-FOGLIA: Could you later on give us the
2 reference with regard to Rrahman Dini. It's in the transcript of
3 today but ...

4 MR. MICHALCZUK: Yes, I'll do it at the first opportunity,
5 Your Honours.

6 Q. Who would BIA members take their orders from?

7 A. They had their tasks described. They were active even before
8 the zone was formed on a -- militarily, let's say.

9 Q. So let me be precise. I'm sorry I'm interrupting you, sir. But
10 I would like to understand -- let's talk about the period of 1999.
11 From January until the end of the conflict, who would BIA take orders
12 from within that period of time?

13 A. It was not necessary for him to take orders. He would perform
14 services depending on the needs of the zone. It was a civilian
15 structure. Certain services would make a request to the commander of
16 the BIA unit, and then he would provide, offer those services.

17 Q. Who are the names of those heads of the zones who would give BIA
18 orders?

19 PRESIDING JUDGE VELDT-FOGLIA: I understood that the witness
20 said "request."

21 MR. MICHALCZUK: Request. Yes, I could rephrase it.

22 Q. So if you want to -- if you don't want to say the word "order,"
23 let's say who within the Llap operational zone command, who within
24 the sectors would give requests to BIA in that period of time?

25 A. For example, Skender Murati was chief of health sector. He

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1 would require, for example, medical personnel from Prishtine, or for
2 medicines, or for transport vehicles. For logistics, Hamit Haliti
3 was the person in charge. He would make requests for his own needs;
4 that is, logistical aspects. Then in terms of personnel, issues
5 related to personnel, if there was a need for a request for
6 information to the citizens on how to voluntarily report to the KLA
7 for enrollment.

8 So these were the tasks to orient the rural areas into the Llap
9 operational zone.

10 Q. Did BIA ever get any order or request from you personally?

11 A. No, no one.

12 Q. Did BIA ever report to you about their activities?

13 A. No. Maybe after the war, we were in constant contact, because
14 the country was liberated and we kept continuously in touch. But
15 during the war, I didn't receive any specific request from BIA.

16 Q. Did Salih Mustafa report to you during the war? And maybe you
17 could even narrow it down to the period January to June 1991. Did
18 Salih Mustafa report to you during that time?

19 A. No, he did not. Other than in June after the liberation, when
20 we saw each other at where the staff was located.

21 Q. Did you give orders to Salih Mustafa?

22 A. No.

23 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, you will receive
24 the floor. Is it on the content of the questioning? Because then I
25 have to ask Madam Court Usher to usher the witness out. I don't know

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1 what you mean.

2 MR. SHALA: We only -- it is one mistake, I think, June 1991 --

3 MR. MICHALCZUK: 1999, I wanted to say. Yes.

4 MR. SHALA: Yes, in transcript, page 71, line 17.

5 PRESIDING JUDGE VELDT-FOGLIA: Okay. Yes, I see it. Thank you,
6 Defence Counsel, for pointing that out to us.

7 MR. MICHALCZUK: I am very grateful to my learned colleague,
8 first. And secondly, I would like to provide the missing references
9 about Rahman Dini. So I was making reference to page 28, line 24;
10 and also to page 41, from line 1. And these are the places where
11 Rahman Dini is discussed.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

13 MR. MICHALCZUK: Thank you.

14 Q. So if I come back to my last question. The last question,
15 Mr. Ibishi, of mine was:

16 "Did you give orders to Salih Mustafa?"

17 And your answer was:

18 "No."

19 Do you confirm that?

20 A. Yes, I do. I didn't give any orders. Was that the question?

21 Q. Yes, that was the question. Yes.

22 A. Or had I given him orders and whether he would have carried that
23 out? I am not clear.

24 Q. The question was simply did -- I asked you whether you -- let me
25 come back to the question again. Did you give orders to

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1 Salih Mustafa? Did you give orders to Salih Mustafa? What is the
2 answer to this question? I am talking about the period from January
3 to June 1999, still during the war.

4 A. In June after the war, after the liberation, I contacted him
5 directly. We were, let's say, together. So -- so that we don't
6 misunderstand each other, until June you mean or --

7 Q. Until June.

8 A. -- during the war -- during the wartime is -- I should say that.

9 Q. Okay. So during the wartime, you never gave orders to
10 Salih Mustafa; is that correct?

11 A. Yes. No, I didn't.

12 Q. Thank you. Today you told us that the commander of BIA was
13 Salih Mustafa. It's on page 35, line 10 to 12. Is that correct?

14 A. Yes.

15 Q. How did you know that Mr. Salih Mustafa was commander of BIA?
16 How did you know that?

17 A. Everybody knew that Salih Mustafa, Cali, is a well-known
18 activist for the national movement. He was engaged in the freedom
19 movement even before he was a political prisoner and committed --
20 engaged in the BIA unit. Even though I didn't know him personally, I
21 knew about him, his activity and his acts.

22 Q. I understand. You have just said that you didn't know him
23 personally. And also on page 35 of this transcript, today's
24 transcript, line from 13 to 16, you said the same:

25 "I didn't know him personally. I knew about his role and about

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1 his position."

2 Does that mean that during the war you did not actually meet
3 Salih Mustafa?

4 A. I met him, but I didn't know him. You may meet someone by
5 chance or in passing. But since I didn't know him before --
6 personally. That's what I mean. It may happen that I saw him in
7 passing or passed by him, but I didn't know him before. I didn't
8 have any personal knowledge of him.

9 Q. I understand. This is very clear. Thank you, Mr. Ibishi.

10 Mr. Ibishi, on 19 November 2019, you gave the statement to the
11 Specialist Prosecutor's Office. Do you remember that?

12 A. Which year?

13 Q. 2019.

14 A. Yes, yes.

15 Q. In that statement, did you tell the truth to the Prosecutor?

16 A. Every time I try to say the truth.

17 MR. MICHALCZUK: Your Honours, excuse me. I would like to make
18 reference to another statement. We will come back later to that
19 statement. So my questions would be [indiscernible] but I will
20 discuss a different statement, if I may.

21 Q. So just speaking about the Prosecution's statement, you said you
22 told the truth to the Prosecutor; correct?

23 A. Yes.

24 Q. Were you subject to any pressure or coercion or threat when you
25 gave that statement to the Prosecutor? Or was it given voluntarily?

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1 A. I don't know what statement do you refer to. Because this is
2 the fifth process against alleged crimes committed by us. So I am
3 not clear about what statement given to what court at what time.

4 Q. No, to the Specialist Prosecutor's Office, our office, in this
5 case.

6 A. Okay, now I understand. I think yes, I did.

7 Q. So were you subject to any coercion, threat, or pressure when
8 you provided that statement, or did you give it voluntarily?

9 A. No, I didn't have any pressure or any coercion.

10 Q. I'll come back to this statement to the Prosecutor later.

11 MR. MICHALCZUK: But before, with the permission of the Court, I
12 would like to put to the witness the SPO statement of Salih Mustafa
13 given to our office on 19 November 2019, number 069404-TR-ET, Part 1,
14 page 24. This is exactly the issue of receiving and giving orders.

15 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

16 MR. MICHALCZUK: Page 24.

17 Q. Mr. Ibishi, I would like you to listen very carefully to what
18 Salih Mustafa, the accused in this case, said about receiving orders.
19 From lines 1 to 8. He said:

20 "I don't know exactly. I can tell you who I met with to receive
21 orders."

22 That's what Salih Mustafa said. The question was:

23 "Yes."

24 And the answer was:

25 "We received the orders from our subzone staff."

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1 "Who was that? You mentioned Rrustem Mustafa."

2 Answer:

3 "Rrustem Mustafa, Kadri Kastrati --"

4 Question:

5 "Nuredin?"

6 Answer:

7 "Nuredin Ibishi."

8 I would like to also provide you with another part of the same
9 statement of Salih Mustafa about the same issue of orders. But that
10 would be a different part.

11 MR. MICHALCZUK: It would be the same ERN, which is
12 069404-TR-ET, Part 5. If I could kindly ask Mr. Court Officer to
13 pull it up.

14 PRESIDING JUDGE VELDT-FOGLIA: I would suggest to have them both
15 then on the screen. Is that what you intended?

16 MR. MICHALCZUK: We could also do both. Part 5, that would be
17 page 22. And we've got to scroll to the bottom of the page. And we
18 will continue with this statement on the following page, page 23.

19 Q. Mr. Ibishi, so listen carefully what Salih Mustafa said about
20 giving and receiving orders. Question:

21 "The person within the zone command who distributed these
22 regulations to you, do you recall who that was?"

23 Answer:

24 "If I'm not wrong, I received this from the operations
25 department, the sector, because they were the ones that were dealing

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1 with the regulations and things like that.

2 "Who were you talking about in particular? Who within the
3 operations department?"

4 Answer:

5 "The head of the sector was Nuredin Ibishi."

6 So, Mr. Ibishi, from these two parts, it seems that, first,
7 Salih Mustafa was receiving orders from Nuredin Ibishi. You said
8 today that you were not giving orders to Salih Mustafa. Are you
9 suggesting then that Salih Mustafa is lying in his statement?

10 A. No, I'm not saying that. It is what you are saying. If you're
11 asking me for my interpretation, it's not up to me to give an answer.
12 It's up to Salih Mustafa. If you have read it carefully, he says
13 that they take orders from the sector, operations centre and the
14 sectors. It's up -- the way he should interpret "sectors" are those
15 that represent different services, like logistical, medical services,
16 staff, and so on.

17 I was not the chief of sector. I was chief of the operations.
18 Maybe it's a mistake in interpretation.

19 Q. Mr. Ibishi, it is not, because here Mr. Mustafa says precisely
20 about the operations. The question was who within the operations
21 department was he contacting. And he says:

22 "The head ... Nuredin Ibishi."

23 What do you say about that?

24 A. I was never head of sector.

25 Q. Irrespective of the positions, he didn't give the position only,

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1 he gives your name. Salih Mustafa is simply saying that he was
2 contacting you.

3 A. Yes, he mentions the sector. The sectors are those services
4 that I mentioned. Nuredin Ibishi was not the head of the sector. He
5 was chief of operations and, depending on the time, he was commander
6 of a brigade or chief of staff. So I was never head of sector. It
7 is true that Salih Mustafa took orders from the sectors, that of
8 logistics, of medical services, personnel, and others. We have to
9 make the distinction here.

10 Q. Mr. Ibishi, in the first part that I quoted to you, which is
11 Part 1, page 24, there is a very, very clear question, and the
12 question is about the orders. The question was to Mr. Mustafa: "Who
13 was giving orders to you," and he said Rustem Mustafa, it was
14 Kadri Kastrati, and Nuredin Ibishi.

15 Were you giving Salih Mustafa the orders, Mr. Ibishi?

16 A. I said no.

17 MR. MICHALCZUK: With the permission of the Panel, I would like
18 to read to the witness another part of another statement dealing with
19 the same issue.

20 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

21 MR. MICHALCZUK:

22 Q. I would like to put to you, Mr. Ibishi, another statement of
23 Salih Mustafa given this time in the Agron Zeqiri case. It was UNMIK
24 case.

25 MR. MICHALCZUK: I'd like to pull up on the screen records of

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1 witness hearing with Salih Mustafa No. 7000650 to 7000660, dated
2 12 March 2003. And I would kindly ask, Mr. Court Officer, to go to
3 page 8.

4 Q. There is a question on that page to Mr. Mustafa of the public
5 prosecutor:

6 "Did you report to Commander Remi directly?"

7 Salih Mustafa:

8 "No."

9 Public prosecutor:

10 "Who did you report to?"

11 Salih Mustafa:

12 "Mostly, the report of our observation we forwarded them to the
13 chief of staff."

14 Question of the public prosecutor:

15 "Who did you receive orders from?"

16 Salih Mustafa:

17 "It was the headquarters of the zone. It was the chief of the
18 headquarters, either by satellite, telephone or radio."

19 You told us earlier on today that you were the chief of staff of
20 the Llap operational zone, didn't you?

21 A. Yes, for a period of time. From December.

22 Q. In this statement, Salih Mustafa said, in the Agron Zeqiri case,
23 that he was reporting to the chief of staff; namely, to you,
24 Mr. Ibishi. What do you say to that?

25 A. I don't want to interpret somebody else's statement. If you ask

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1 me, I can give you my answer. That's my reply.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

3 MR. MICHALCZUK: Yes.

4 PRESIDING JUDGE VELDT-FOGLIA: He doesn't mention the name at
5 this moment in time of the witness. He just says the chief of staff.
6 Just for the record that that is clear.

7 MR. MICHALCZUK: Yes, Your Honours. That is why my question
8 was: Were you the chief of staff of the Llap operational zone? And
9 the answer of the witness was: Yes, I was. For a certain period of
10 time, but yes, I was, he said. But the name there is not given,
11 indeed.

12 Q. So Mr. Mustafa said what I have just read to you. Are you
13 suggesting that Mr. Mustafa is lying when he said about him reporting
14 to the chief of staff of the Llap operational zone?

15 A. If you continue to insult me, I'm saying to you again everyone
16 can interpret their own statements. Don't address me with insulting
17 words.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please don't accuse
19 Mr. Prosecutor from insulting you. Nobody is insulting you. You
20 have been asked questions. So please control your tone and control
21 your language. It's not necessary.

22 MR. MICHALCZUK:

23 Q. Mr. Ibishi, I'm just trying to understand, because you told us
24 today, and you told us repeatedly, that you were not giving any
25 orders to Salih Mustafa or to BIA unit he was commanding. I have put

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1 to you already several excerpts of Salih Mustafa's statements and
2 testimonies, and it seems that he is saying something different, that
3 you were indeed giving him orders.

4 That's why I am trying to understand what is the truth. That's
5 why I'm asking those questions. Either he's lying in his statements
6 or you're not telling us everything here.

7 Could you please tell us were you giving orders to Salih Mustafa
8 or not?

9 A. I already told you no, I didn't give orders. And furthermore, I
10 don't want to interpret somebody else's statement. You can interpret
11 my words directly.

12 MR. MICHALCZUK: Your Honours, I would like to ask a few more
13 questions about this issue of command and control and orders. And in
14 this regard, with your permission, I would put to this witness
15 another statement of another witness who has already given testimony
16 in this trial.

17 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

18 MR. MICHALCZUK: Mr. Court Officer, I don't know whether this is
19 technically possible, but I would like to put to the witness a very
20 short part of the in-court testimony of Fatmir Humolli, and this was
21 the statement dated 2 February 2022; specifically, on page 2417,
22 lines 4 to 25. If it is not technically doable, I could also very
23 slowly read this part. Whatever is preferable. Page 2417.

24 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Court Officer.

25 MR. MICHALCZUK: Yes.

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1 Q. Mr. Ibishi, listen very carefully to a very short exchange
2 between the Prosecutor and Mr. Fatmir Humolli in this trial just a
3 few weeks ago, in this very courtroom. Question, line 4:

4 "Who within the Llap operational zone command was BIA
5 accountable to?

6 "A. To the commander of the Llap operational zone and to the
7 chief of the operational zone of Llap.

8 "Q. Who was the chief of the operational zone of Llap? Could
9 you remind us?

10 "A. Nuredin Ibishi was the commander of the operational zone.

11 "Q. What was his exact position in the Llap operational zone
12 command? Could you tell us?

13 "A. Who are you talking about?

14 "Q. I am talking about Nuredin Ibishi.

15 "A. He was the chief of operations.

16 "Q. Mr. Humolli, was the BIA unit receiving orders from
17 Rrustem Mustafa, Nuredin Ibishi, both of them?

18 "A. BIA unit was under the command of Salih Mustafa; whereas
19 Salih Mustafa took orders from the chief of staff or the command of
20 the operational zone.

21 "Q. So either from Rrustem Mustafa or Nuredin Ibishi; is that
22 correct?

23 "A. Yes, the operational structure went through Nuredin Ibishi.
24 But given that the guerilla was more sensible, the commander of the
25 Llap operational zone had authority as well."

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1 So, Mr. Ibishi, also Fatmir Humolli, a member of the command
2 staff of the Llap operational zone, is saying that Salih Mustafa and
3 BIA unit were receiving orders also from you. Is that correct what
4 he said?

5 A. I already said I didn't give orders. Whether you ask me if I
6 could give orders, that's another question. The answer here is
7 strict. I don't know if I am clear.

8 Q. So just to be clear, you didn't give orders either to
9 Salih Mustafa or to any member of the BIA unit during the war? Is
10 that what you're saying?

11 A. Yes.

12 Q. Mr. Ibishi, could you give orders if you wanted to? Orders to
13 BIA or orders to Salih Mustafa?

14 A. I think yes. Since it was part of the structure, I could give
15 orders. I mean, the zone commander, deputy commander, and myself, if
16 the need was for that. But vis-à-vis me, no, I didn't give any
17 orders. That's the question.

18 Q. So what Mr. Fatmir Humolli is saying is not correct?

19 A. You have to ask him.

20 Q. I'm asking you because he's saying something that contradicts
21 your testimony today. The Court has the right to know what is the
22 truth.

23 A. You have to invite him and ask him to interpret what he has
24 said.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, please give an

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1 answer to the question. Is it true what Mr. Fatmir Humolli says?
2 It's not so complicated. And I know you are dancing around the
3 question, and we are sitting here and listening to you. But he is
4 saying something different from what you are saying, and I would like
5 to receive an answer from you.

6 THE WITNESS: [Interpretation] Your Honour, Prosecutor, I don't
7 want to interpret a statement of anyone. That is why I don't want to
8 make any comments on that, and that is my answer.

9 MR. MICHALCZUK: We can move on. We could slightly change the
10 topic, Your Honours.

11 Q. Today --

12 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

13 MR. MICHALCZUK: Excuse me.

14 [Trial Panel confers]

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, I take the floor
16 for now.

17 Mr. Ibishi, you have to give us an answer. It's not that you
18 can choose to say, "Please invite the other witness again." He is
19 saying here:

20 "BIA unit was under the command of Salih Mustafa; whereas
21 Salih Mustafa took orders from the chief of staff or the command of
22 the operational zone."

23 And then the question is:

24 "So either from Rrustem Mustafa or from Nuredin Ibishi; is that
25 correct?"

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1 And then the answer is of Fatmir Humolli:

2 "Yes, the operational structure went through Nuredin Ibishi."

3 And I want to know from you if that is true or not. And please
4 don't come back to me with this answer, "You have to ask him." Is
5 that true?

6 THE WITNESS: [Interpretation] I'm sorry, but I have to say I
7 didn't give orders. And I was, together with Kadri Kastrati, chief
8 operatives. We were the ones that led this sector. It was not only
9 myself. So that we are all clear. I did not give orders, and that
10 is my answer, Your Honour.

11 PRESIDING JUDGE VELDT-FOGLIA: I'm under the impression that
12 here something completely different is said. So are you saying that
13 it's not true what Mr. Fatmir Humolli said? That's the question.
14 It's not that you now elaborate on some -- is that true or not?

15 THE WITNESS: [Interpretation] I do not deny that together with
16 Kadri Kastrati, both of us led this sector of operations, in addition
17 to my other function as chief of staff. But personally, I did not
18 give any orders to BIA, and that is my answer. I don't know if that
19 suffices.

20 Why should I hurt this or that? If there is something to be
21 interpreted, he might say tomorrow, "I've had something else in mind;
22 for example, the possibility that you might also give orders." So
23 I'm saying specifically that being one of the leaders of the
24 operative section, I didn't give any orders. So we, both of us, led
25 that sector.

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1 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

2 THE INTERPRETER: Microphone, please.

3 PRESIDING JUDGE VELDT-FOGLIA: [Microphone not activated].

4 THE INTERPRETER: Microphone, please.

5 PRESIDING JUDGE VELDT-FOGLIA: I have overridden you, so you are
6 not being translated. If I say "stop," you have to stop.

7 Mr. Fatmir Humolli says -- the question is:

8 "So either from Rrustem Mustafa or from Nuredin Ibishi?"

9 And they are talking about orders. And:

10 "... is that correct?"

11 And then he says:

12 "Yes."

13 So he's specifically mentioning your name, and I want to hear
14 from you if that is true or that you're saying that what he's saying
15 here, that it's not true.

16 THE WITNESS: [Interpretation] Why are you asking me whether it's
17 true or not? I'm saying here that, for a certain time, I was once
18 brigade commander of Brigade 151 and then chief of staff. But
19 together with Kadri Kastrati, deputy commander of the zone, we led
20 the sector of operations.

21 If you ask me whether I gave orders to BIA, I am saying I did
22 not. But I cannot interpret the statement of someone else. That's
23 my answer. Because tomorrow, he might -- Fatmir Humolli or Salih or
24 someone else might say, "I had something else in mind. Why are you
25 saying it's not accurate, it's a lie," and so on.

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1 That's why I would kindly ask you to spare me this.

2 PRESIDING JUDGE VELDT-FOGLIA: I'm not going to spare you
3 anything at this moment in time with regard to this. Not at all.
4 Because you are obliged to answer a question that is being posed to
5 you. So simple as it is. And I want to hear from you if it is
6 correct or not that BIA took orders from Nuredin Ibishi like
7 Mr. Fatmir Humolli is saying, and I want to hear from you if you
8 think that his statement on this point is correct or not.

9 THE WITNESS: [Interpretation] I didn't give orders. And that's
10 my answer.

11 PRESIDING JUDGE VELDT-FOGLIA: And then I say to you that I will
12 take this as an answer for now. So you're saying -- that is my
13 summary, that you're saying that what Mr. Humolli told this Court is
14 not true. That's how I summarise what you just said. Do you agree
15 with that?

16 THE WITNESS: [Interpretation] You are saying that.

17 PRESIDING JUDGE VELDT-FOGLIA: Okay. This really took us a long
18 time. You could have said from the beginning what he has said is not
19 true. Yes, really. You made it take a long time to get this answer
20 from you, but it was not necessary. It was not necessary.

21 Mr. Prosecutor, please proceed.

22 MR. MICHALCZUK: Thank you, Your Honours.

23 Q. Mr. Ibishi, slight change of topic if I may. Today on page 19,
24 line 11, 12, you said that BIA was a civilian structure and that the
25 members of BIA were unarmed. Did you say that and is that correct?

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1 A. Yes, that's correct. That was the concept.

2 Q. Did the BIA members, during the war, wear any uniforms? Did
3 they wear any uniforms?

4 A. No. During their mission as BIA, no. With the exception of
5 when they were ordered, when general mobilisation was ordered,
6 beginning from 27 April 1999, by the provisional government of
7 Kosovo. Then the situation changed because all structures, including
8 civil defence -- the civilian defence went to the active part. And
9 as far as I knew -- I am not very sure about that, but to what I
10 know, they -- I'm not so sure about BIA becoming part of the defence
11 organisation. I mean, civil defence. But I know that the order was
12 given on 27 April to mobilise all the units in civilian defence and
13 BIA. But about the latter, I am not very certain. I think that it
14 was also.

15 Q. So to sum it up, what you said: Until 27 April 1999, BIA
16 members did not wear uniforms. Perhaps after 27th, maybe they were
17 wearing uniforms as part of the mobilised KLA units; correct? Is
18 that what you are saying?

19 MR. VON BONE: Your Honour, may I?

20 PRESIDING JUDGE VELDT-FOGLIA: Wait. If it's to the content, I
21 have to usher out the witness.

22 MR. VON BONE: Yes.

23 PRESIDING JUDGE VELDT-FOGLIA: Then is that?

24 MR. VON BONE: Yes.

25 PRESIDING JUDGE VELDT-FOGLIA: Please talk into the microphone,

1 because for me --

2 MR. VON BONE: Yes, sorry.

3 PRESIDING JUDGE VELDT-FOGLIA: -- it is impossible to understand
4 what you think. I have to hear --

5 MR. VON BONE: Yes.

6 PRESIDING JUDGE VELDT-FOGLIA: -- what you say.

7 MR. VON BONE: Sorry.

8 PRESIDING JUDGE VELDT-FOGLIA: Madam Usher, could you usher the
9 witness out of the courtroom.

10 Mr. Witness, you will be ushered out for now.

11 [The witness stands down]

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.
13 Defence Counsel, you have the floor.

14 MR. VON BONE: Yes, Your Honour, with your permission. I think
15 that the question whether BIA members would wear uniforms or not is a
16 too general question. Because, first of all, we have no clear
17 indication about who is BIA or who not. At least the witness said
18 so. And, therefore, it is, of course, well, nearly impossible to
19 give such generalisation, whatever that would be, a uniform. If a
20 person wearing, you know, I don't know, some kind of green jacket
21 would be deemed as a uniform or not, what civilians would wear during
22 the war.

23 So my point is maybe we can narrow that a little bit down in
24 order to figure out was there a particular dress code or whether he
25 actually knew members of BIA and whether those members would wear it

1 or what his information is, whether these people -- what is the
2 reason for saying "yes" or "no," if that would be elicited at all.

3 Because it's so general and, therefore, a little bit it becomes
4 non-specific.

5 PRESIDING JUDGE VELDT-FOGLIA: Maybe I recall wrongly, but
6 haven't you asked in the past, too, if people were wearing uniforms?
7 And that was never a problem.

8 MR. VON BONE: Well, I just think that this is a problem, and I
9 make it -- I object to the generalisation, whether whatever has been
10 said in the past or not. I mean, today --

11 PRESIDING JUDGE VELDT-FOGLIA: No, no --

12 MR. VON BONE: -- here.

13 PRESIDING JUDGE VELDT-FOGLIA: -- but I point out to you that in
14 the past you have posed that question. And I don't think it was
15 unclear then. But I will give --

16 MR. VON BONE: If it is --

17 PRESIDING JUDGE VELDT-FOGLIA: Wait, wait. I would like to
18 finish my sentence.

19 MR. VON BONE: Yeah.

20 PRESIDING JUDGE VELDT-FOGLIA: But I will give the floor to the
21 Prosecutor to hear his point of view.

22 MR. VON BONE: And just to add maybe that was posed to a person
23 who was a member of the BIA. So this person is, as far as I am
24 concerned, not a member of the BIA, so he can hardly say anything
25 about it. He says it's a civilian unit. So that is why I just ask

1 to narrow it down, whether the members of the BIA --

2 PRESIDING JUDGE VELDT-FOGLIA: It's not necessary to repeat
3 yourself.

4 MR. VON BONE: Yes.

5 PRESIDING JUDGE VELDT-FOGLIA: I heard you.

6 Mr. Prosecutor.

7 MR. MICHALCZUK: Thank you, Your Honour.

8 The premise of my question is very simple. Mr. Ibishi, upon the
9 question of the Defence, said a few times that BIA was not a military
10 formation. There are some indicia or some attributes of soldiers,
11 those involved in military actions. One of the attributes is the
12 uniform. That is the premise of my question.

13 He said they were unarmed. Let us see what this witness is
14 going to say about whether they were uniformed. I can try to narrow
15 down the question a little bit, including in the question, for
16 example, were BIA members, for example, Salih Mustafa, as a confirmed
17 commander, were they wearing uniforms. I could try to narrow it down
18 by tying it to Mr. Salih Mustafa. Maybe it's going to be a bit
19 easier.

20 MR. VON BONE: Excuse me.

21 PRESIDING JUDGE VELDT-FOGLIA: I see a smile on your face, and I
22 interpreted that as a yes.

23 MR. VON BONE: No.

24 PRESIDING JUDGE VELDT-FOGLIA: Or not?

25 MR. VON BONE: No, I understand that the witness did not know

1 Salih Mustafa during the war. So if such a question is being posed,
2 then at least that should be determined in the time that he knows it
3 and whether that is, indeed, a period which is considered the war.

4 We had the issue of the war before. We do not know when the war
5 ends. I take it that it is somewhere in June, when KFOR enters.
6 But, therefore, during the war, the person did not know him. He said
7 even, "I might have seen him or not, but I did not know him
8 personally." So in that context, I think it is not fair to ask him
9 did he wear a uniform or not.

10 In which period of time are we talking about? And was that in
11 his capacity as a BIA member or whatever?

12 MR. MICHALCZUK: Your Honour, if I could respond very briefly to
13 that.

14 PRESIDING JUDGE VELDT-FOGLIA: You may, and then I will take a
15 decision and we continue.

16 MR. MICHALCZUK: Your Honour, this witness has already said that
17 BIA members were not wearing uniforms, and it means that he was in
18 contact with him as he said they were not wearing uniforms. So I
19 understand that if he was in contact, he could confirm whether this
20 is true or not.

21 PRESIDING JUDGE VELDT-FOGLIA: Yes. Please proceed. I
22 really -- I've tried to see your point, Defence Counsel, but I think
23 it's not problematic to ask this question.

24 Madam Court Usher, could you please bring the witness in.

25 [The witness takes the stand]

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1 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Witness.

2 THE WITNESS: Yes.

3 PRESIDING JUDGE VELDT-FOGLIA: And thank you for the coming and
4 going.

5 Mr. Prosecutor, you have the floor again.

6 MR. MICHALCZUK:

7 Q. Mr. Ibishi, my last question was about BIA members wearing or
8 not wearing uniforms, and you said something to the effect that
9 before 27 April 1999, BIA members were not wearing uniforms; is that
10 correct?

11 A. [Interpretation] Yes. I mean, they were civilians. They were
12 active in civilian attire. What would be the aim of wearing uniforms
13 in urban areas where you have a concentration of the enemy forces?
14 However, after the 27th, maybe that situation changed because of the
15 general mobilisation of all structures into defence forces due to the
16 created situation.

17 Q. I understand, Mr. Ibishi. Thank you for this answer.

18 MR. MICHALCZUK: With the permission of Your Honours, I would
19 like to show the witness two photographs. And if the permission is
20 granted, I would kindly ask Mr. Court Officer to pull them up on the
21 screen.

22 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

23 MR. MICHALCZUK: Mr. Court Officer, I would kindly ask you to
24 pull up the document ERN SPOE00222617 to 00222617.

25 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, just to tell you

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1 the that we are approaching quarter to 3.00. That's the moment I
2 would like to take a break.

3 MR. MICHALCZUK: Your Honour, I'm going to just show this
4 witness this photograph and possibly the next one, and that I would
5 finish for now.

6 Q. Mr. Ibishi, do you recognise anybody on this photograph?

7 A. Yes, I recognise Salih, and I'm not sure about the other one.

8 Q. Who in this photograph is Salih?

9 A. Yes.

10 Q. Who? Where does he stand or sit?

11 A. He is standing on the right side, as I look at it.

12 Q. Is it in the beret or in the cap?

13 A. With a beret.

14 Q. So the three persons on this photograph, including
15 Salih Mustafa, head of BIA, are in uniforms, correct, on this
16 photograph?

17 A. Yes, in uniforms.

18 Q. They have Kosovo Liberation Army badges on their uniforms and
19 also on their headwear?

20 A. Yes.

21 Q. Are all three of them armed?

22 A. Yes.

23 Q. One of them even seems to be having a kind of grenade launcher;
24 is that correct?

25 A. Yes, mortar.

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1 Q. Do they look to you like civilians, Mr. Ibishi?

2 A. No.

3 MR. MICHALCZUK: With the permission of Your Honours, I would
4 like to show the witness another photograph.

5 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

6 MR. MICHALCZUK: And that would be ERN SPOE00222690 to 00222690.

7 Q. Mr. Ibishi, take a look also at this photograph. Do you
8 recognise anybody there on this photo?

9 A. Yes, I said I recognise him. I mean, Salih Mustafa.
10 Salih Mustafa.

11 Q. So I understand all those four men are in uniforms and they are
12 carrying Kosovo Liberation Army badges; is that correct?

13 A. It is correct, but it's also a matter of time and also a matter
14 of the fact whether the time they took the photographs and the
15 uniforms they had were put on for the purposes of the photograph.
16 Because it has happened that they would ask us for uniforms just to
17 take photographs. So I'm not denying or accepting. I have to know
18 the time period that this photograph refers to, whether this is his
19 uniform or whether he wanted to put it on just for the sake of the
20 photograph.

21 Q. Are they armed, these persons in the photograph?

22 A. Yes.

23 Q. And you confirm that Salih Mustafa was the commander of BIA
24 during the war; correct?

25 A. Yes.

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1 Q. So I understand that Mr. Salih Mustafa was a head of the
2 civilian organisation, not armed, not uniformed, so what --

3 A. Again, my point is the photograph does not have any meaning
4 whether he was wearing a uniform or not. It's not relevant. I want
5 to know the time frame to which these two photographs belong or refer
6 to, since you're asking me the question.

7 Q. Yes. Mr. Ibishi, let's leave the assessment of this answer of
8 yours and those photographs to the Panel.

9 MR. MICHALCZUK: Okay. We can take it down, Mr. Court Officer.
10 Thank you very much.

11 We could pause for now, Your Honours, and go for a break.

12 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

13 Mr. Ibishi, we will take a half-an-hour break until quarter past
14 3.00, and I will ask Madam Court Usher to usher you out and then we
15 will see each other back again. Thank you.

16 THE WITNESS: [Interpretation] Thank you.

17 [The witness stands down]

18 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher. We
19 take a half an hour break until quarter past 3.00, and then we
20 continue.

21 And, Mr. Prosecutor, how much time do you think that you will be
22 needing for the second part of your cross-examination?

23 MR. MICHALCZUK: Your Honours, depending on the lengthiness of
24 the answer of this witness, I could say around 30 minutes, maybe 40
25 minutes, but everything depends on the approach of the witness to my

1 questions.

2 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

3 MR. MICHALCZUK: Thank you.

4 PRESIDING JUDGE VELDT-FOGLIA: The hearing is adjourned.

5 --- Recess taken at 2.44 p.m.

6 --- On resuming at 3.15 p.m.

7 PRESIDING JUDGE VELDT-FOGLIA: Welcome back. I note that we are
8 in the same composition, and we can now continue with the testimony
9 of the witness. However, I have one more question for Defence
10 Counsel with regard to the date of the interrogation of the unsworn
11 statement of Mr. Mustafa.

12 You gave a preference for the 19th, that is a Thursday. And I
13 always like to have a reserve day. So when I gave you the three
14 days, it was more that I was thinking of two days, and I was not
15 clear in how I asked to you. But I would have a preference to start
16 on Wednesday, and you never know what happens, then we always have an
17 extra day in that week. And I wanted to see if that -- because we
18 have to have those days available because it was in the court
19 schedule. But if there's a specific reason that we would not do it
20 on the 18th, on the Wednesday, or start on the Wednesday?

21 MR. VON BONE: There is a specific reason. I just would not
22 want to tell it in public. Can I do that in an e-mail or so?

23 PRESIDING JUDGE VELDT-FOGLIA: Of course, Defence Counsel. And
24 in that case, still discussing my wish for a reserve day, in that
25 case if we would do it on both the Tuesday and the Thursday?

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1 MR. VON BONE: The more it gets to the Tuesday --

2 PRESIDING JUDGE VELDT-FOGLIA: Okay.

3 MR. VON BONE: -- the more --

4 PRESIDING JUDGE VELDT-FOGLIA: Okay.

5 MR. VON BONE: -- complicated it is. At least --

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. I would appreciate an
7 e-mail on the matter just to understand better, and I leave this for
8 now. Yes? Very well.

9 Then the moment is there to usher the witness in. Thank you,
10 Madam Court Usher.

11 [The witness takes the stand]

12 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ibishi. How
13 are you doing?

14 THE WITNESS: Thanks. [Interpretation] I am fine.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. We will continue with
16 the cross-examination by the Specialist Prosecution Office, and I
17 will give Mr. Prosecutor now the floor.

18 Mr. Prosecutor, you have the floor.

19 MR. MICHALCZUK: Thank you, Your Honours.

20 Q. Mr. Ibishi, welcome back.

21 A. Thank you.

22 Q. Today you have told us a few times in this courtroom that BIA
23 was, in a nutshell, a civilian structure; correct?

24 A. Yes.

25 Q. Did BIA perform any combat functions or did they take part in

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1 combat operations during the war?

2 A. I would like to clarify this. If we are referring to the period
3 after 27 April 1999, when the general mobilisation occurred, if it's
4 after this date, then that's fine. But before this date, to my
5 knowledge, they were not engaged.

6 Q. Mr. Ibishi, are you aware of a Serbian offensive in April that
7 took place in the Gollak region?

8 A. I don't know which offensive you are referring to.

9 Q. We know about -- from this trial, we know that there was an
10 operation, Serbian operation attacking several villages in the Gollak
11 region. Do you know anything about that operation?

12 A. Which time period are you referring to? Because there were many
13 attacks in the Gollak region.

14 Q. For the purpose of this case, the most relevant period for us
15 would be the month of April. Are you aware of any Serbian operation
16 launched in the Gollak area in April 1999?

17 A. Yes.

18 Q. Are you aware whether BIA units were participating in the
19 fighting at that time?

20 A. No, I don't -- I have no knowledge of that, but I am aware of
21 the most terrible crimes that were committed by the Serb forces in
22 Koliq, starting from Koliq up to Llukar.

23 Q. Yes, Mr. Ibishi, my question was whether in the fighting, BIA
24 members were also participating against the Serbian forces as part of
25 the Kosovo Liberation Army.

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1 A. Could you specifically -- could you specify the date that you
2 are referring to?

3 Q. I'm not going to put the answers in your mouth, Mr. Ibishi. I'm
4 just saying that if you're aware of the operation in Gollak, Serbian
5 operation in Gollak, my question is very simple: Did BIA units
6 participate in combat during that operation? That's my question.

7 A. There were many operations in April as well, so it depends which
8 operation by the Serbs you are referring to. At a period when the
9 greatest massacres were happening in the field that I've described
10 before, from -- starting from Koliq to Sharban -- not Sharban, I
11 apologise. Koliq, Marevc, Grashtice, Makovc, and Llukar, up to the
12 entrance to Prishtine. So this happened on the 18th, 20th, or 21st
13 April, around these days. If you are referring to this Serb
14 offensive, that's one when the massacres were committed.

15 But there were continuous Serb attacks in the part or the most
16 serious attacks when the ethnic cleansing began. So this is why I'm
17 not certain which date you are referring to. Because the date is
18 important. Because I have intentionally mentioned 27th April when we
19 issued the order for general mobilisation, which means that all were
20 armed and we are -- our response was all of us to prevent that ethnic
21 cleansing. And for this reason, it is very relevant to know whether
22 you are referring to 27 April and onward or 26 April and before that
23 date.

24 Q. Before 27 April 1999, did BIA take part in any combat
25 operations? That's my question.

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1 A. I'm not aware of that.

2 MR. MICHALCZUK: Your Honours, with your permission, I would
3 like to put to the witness a statement. This is the court testimony
4 of Fatmir Sopi. He gave this testimony here in this court. If I
5 have the permission of Your Honours, I would kindly ask --

6 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

7 MR. MICHALCZUK: -- the Court Officer -- thank you very much,
8 Your Honours.

9 I would kindly ask, Mr. Court Officer, to pull up the transcript
10 of court testimony of Mr. Fatmir Sopi given on 18 January 2022,
11 page 2064, lines from 2 to 9. This is again page 2064, lines from 2
12 to 9.

13 Q. Mr. Ibishi, in this court testimony, Fatmir Sopi is talking
14 about BIA participating in combat operations, and listen to that.
15 Question:

16 "Do you remember having said that to the investigating judge,
17 and is that true what you knew about that unit?"

18 Answer:

19 "Yes, I did say that to the investigating judge and I'm saying
20 it again, that those tasks were also performed by the BIA guerilla
21 unit. And it was like a supplier not only for the Llap operational
22 zone but for other units of the KLA in Kosovo. And when necessary,
23 they also took part in battles fought by other KLA units of
24 153rd Brigade or any other unit that fought battles."

25 So, Mr. Ibishi, it seems that Fatmir Sopi is talking about

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1 various battles in which BIA took part in. What would you say to
2 that?

3 A. He mentions that it was a supplier, a support service. But I
4 don't have any knowledge of BIA taking part in military combat before
5 27 April.

6 MR. MICHALCZUK: Okay. Your Honours, with your permission, I
7 would kindly ask you also to put to the witness part of the statement
8 of the accused in this case, Mr. Salih Mustafa.

9 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

10 MR. MICHALCZUK: Thank you very much.

11 Mr. Court Officer, I am referring to the statement taken on
12 19 November 2019, 069404-TR-ET, Part 4. And that would be page 2.
13 Again, it's Part 4, page 2. And it starts with line 21.

14 Q. Mr. Ibishi, listen what Salih Mustafa himself said about
15 participating in the combat operations. Salih Mustafa said the
16 following:

17 "However, when they would stay for a day, two, or three, or when
18 we would go to assist in fighting, the people that would participate
19 in the fighting -- the units that would participate in the fighting,
20 whether they were 10, 20, or 30 people, then they would dress in the
21 uniform, but the beret was not part of each soldier."

22 Mr. Ibishi, here Salih Mustafa talks about BIA taking part in
23 combat, and he even says that then they would dress in uniforms. Do
24 you still maintain, Mr. Ibishi, that BIA soldiers did not participate
25 in combat?

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1 A. Where is BIA mentioned there? I don't see where BIA is
2 mentioned.

3 Q. If we scroll up, this whole page is about taking part of his
4 unit in combat -- even a little bit up.

5 A. Yes.

6 Q. Take a look at 9 -- at line 9, for example. This answer
7 pertains to the guerilla soldiers of BIA who in general didn't have
8 uniforms, but they put on uniforms when they were engaged in combat.
9 And I have just put this part to you. You can even start from the
10 earlier line, line 4. This whole page refers to BIA unit and this
11 whole page refers to them being dressed in a certain way or dressed
12 in uniforms when participating in combat.

13 And my question is again, after having seen that, do you still
14 maintain that BIA soldiers were not participating in fighting?

15 A. Based on what their duties were and the mandate, except for the
16 date 27 April and onwards, I was not aware of these occasions when
17 BIA was engaged in military operations in uniforms. Since it speaks
18 about BIA in general, the last context or the last paragraph that you
19 read, is it possible to go to the bottom of the page?

20 I would like to know are they -- does this paragraph refer to
21 civilians? Is it connected to BIA, these 10, 20, 30? Are they
22 civilians who came or citizens who came? This is a matter of rapport
23 between --

24 PRESIDING JUDGE VELDT-FOGLIA: No, Mr. Witness, please stop.
25 You are not the one asking the questions. Is that clear for you?

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1 THE WITNESS: Yes.

2 PRESIDING JUDGE VELDT-FOGLIA: I think it is. So please don't
3 push it. And you know it very well.

4 Mr. Prosecutor, you have the floor again.

5 MR. MICHALCZUK:

6 Q. Mr. Ibishi, as I told you, the whole page deals with questions
7 and answers to Mr. Mustafa about BIA, the uniforms or the absence of
8 them, and their participation in the combat operations. So on this
9 whole page, as you could see, Mr. Mustafa said at some point BIA
10 members were wearing civilian clothing, but when engaged in combat
11 operations, they were wearing uniforms. And he says that his members
12 of the unit would participate in the fighting, whether they were 10,
13 20, or 30 people, and then they would dress in uniform.

14 Is the context right now clear for you, Mr. Ibishi?

15 A. This last part to me is unclear. But nevertheless, I think that
16 BIA didn't have the mandate to be a part of a uniformed section to be
17 able to implement the duties. So they implemented the duties within
18 the urban areas. I am mentioning the rural areas, but this is a
19 unarmed structure, as it was initially. So this is why it is
20 unclear, the definition of it. But I think that from 27 April when
21 the general mobilisation occurred, it was foreseen that BIA would be
22 armed and uniformed. That was a general order for mobilisation, but
23 it's unclear to me the issue before this date. I have no comment
24 regarding this.

25 Q. This is your answer; correct?

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1 A. Yes.

2 Q. Mr. Ibishi, let's slightly change the topic, if possible. Today
3 you said on two occasions --

4 MR. MICHALCZUK: And with the permission of Your Honours, I
5 would find the citation a little bit later.

6 PRESIDING JUDGE VELDT-FOGLIA: Okay. Please proceed.

7 MR. MICHALCZUK:

8 Q. Mr. Ibishi, at least on two occasions you said today that there
9 was a detention site, detention centre, possibly, in Llapashtice for
10 the Llap operational zone; is that correct?

11 A. Yes.

12 Q. Mr. Ibishi, according to your knowledge, were there any other
13 detention sites within the Llap operational zone?

14 A. Not according to my knowledge.

15 MR. MICHALCZUK: With the permission of Your Honours, I would
16 like to put to this witness his own statement that he gave to the SPO
17 on 14 November 2019, 083639-TR-ET, Part 9, page 14.

18 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

19 MR. MICHALCZUK: Mr. Court Officer, if you could pull it up, if
20 you find it.

21 Q. Mr. Ibishi, in the part I'm going to show you - and, again, it's
22 your statement given to the Prosecution - you talk about at least two
23 more sites, not only the one in Llapashtice. And please bear with
24 me.

25 A. Yes.

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1 MR. MICHALCZUK: I would like to show the witness lines from 13
2 to 15.

3 Q. These lines talk about some detainees who were moved from
4 Llapashtice, and the Prosecutor is asking you the question:

5 "Why were they taken? Why were detainees moved from Llapashtice
6 to Majac and Potok? So what was the reason for holding on to them?"

7 And your answer was:

8 "That they would have been killed."

9 Did you tell the Prosecutor about the existence of also these
10 two sites in Majac and Potok?

11 A. No. The chronological aspect, we are speaking of one location
12 that was used to detain persons, and that place could have moved
13 depending on the development of the zone from Majac to Llapashtice.
14 We are referring to one detention site but with different locations.
15 We are not speaking of two detention sites at the same time. So they
16 were transferred from one place to another because of the operations,
17 because we had enlarged the zone, and also when we had to withdraw
18 because of the attacks and to spare them of being killed. And this
19 is an aspect of chronology.

20 So because of the enlargement of the area and because of the
21 withdrawal. We are speaking of one detention centre. But in the
22 aspect of that time period, they were in two different locations.
23 They were moved in two different locations.

24 Q. So --

25 PRESIDING JUDGE VELDT-FOGLIA: No, wait, wait.

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1 MR. MICHALCZUK: Of course.

2 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, don't make it a kind
3 of play with words. I just warn you. Just answer the question, but
4 don't play with words.

5 MR. MICHALCZUK:

6 Q. Mr. Ibishi, to clarify this aspect. So certain prisoners were
7 held in Llapashtice, which was a detention site. And then due to the
8 Serbian military operations, these people were moved to Majac and
9 Potok; is that correct?

10 A. First of all, we have different moments when we develop -- when
11 we came from Majac and were transferred to Llapashtice. So when the
12 big offensive, Serbian offensive started, we withdrew the location or
13 the detention centre from Llapashtice. We moved it from Llapashtice
14 to -- so that's -- this is the issue.

15 Q. I understand. But what you are saying, Mr. Ibishi, is that
16 people were held also in these two locations, at least temporarily,
17 Majac and Potok; correct?

18 A. Not at the same time. Not at the same time. It was either in
19 Majac or in Llapashtice, or Llapashtice or Potok. So there weren't
20 two detention centres. It was only one for a certain period of time.

21 Q. I understand. So at some point there were prisoners held in
22 Llapashtice; correct?

23 A. Yes.

24 Q. At some point they were kept in Majac; correct?

25 A. When we moved the positions, so then from Majac that centre was

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1 moved to Llapashtice. We didn't have two centres.

2 Q. This is understood. So people were held for a period of time in
3 Llapashtice. Then they were held for a --

4 A. Yes.

5 Q. -- period of time in Majac. Then they were --

6 A. That's correct.

7 Q. -- held in Potok; correct?

8 A. Yes, yes. There was only one detention centre.

9 Q. But you said that it was Llapashtice and you have just confirmed
10 that at certain periods of time people were also detained in two
11 other locations. Irrespective of the time, we are having right now
12 three locations, correct, within the Llap operational zone? First
13 Llapashtice, then Majac, then Potok. Is that correct?

14 A. No, we have one detention centre at different points in time.

15 MR. MICHALCZUK: Excuse me. Your Honours, I've heard "jo" from
16 that side of the aisle, from the Defence. "Jo" in Albanian means no.
17 And after the word "jo" from that side, I heard the answer "jo," if
18 I'm not mistaken. So is it, like, trying to suggest the answer to
19 the witness? I don't understand, if this the case, this behaviour.

20 PRESIDING JUDGE VELDT-FOGLIA: Please, I did not hear it, but --
21 so I cannot confirm or deny, but I would ask everybody not to suggest
22 any questions -- any answers. So please be silent if that is the
23 case. That's clear for everybody. And I look at -- I don't know
24 where it came from.

25 Mr. Pelaj, I'm also talking to -- I'm also talking to you. I'm

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1 talking to everybody. No, I'm talking to everybody. So I didn't
2 hear it. So I cannot say anything to you. But just note the
3 observation.

4 MR. MICHALCZUK:

5 Q. So, Mr. Ibishi, could we come back to your answer. So, again,
6 my question was: Is that correct, that at some point people were
7 held in Llapashtice at the detention centre there, then they were
8 held --

9 A. Yes.

10 Q. -- in Majac and then in Potok?

11 A. Yes, it moved. One detention centre but in different points of
12 time. The time changed and the period changed, but there was only
13 one detention centre.

14 Q. And of course the location changed, correct, Mr. Ibishi?

15 A. Yes, yes, one detention centre, but it changed. The period of
16 time, the certain point in time changed.

17 Q. Mr. Ibishi, was there also a detention place within the Llap
18 operational zone in the place called Bajgore where people were
19 detained?

20 A. That was in the beginning, in the very beginning in Bajgore when
21 we were stationed there. That was -- that was July 1998.

22 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor.

23 MR. MICHALCZUK: Yes.

24 PRESIDING JUDGE VELDT-FOGLIA: Apparently, there is a remark
25 from the Defence side.

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1 MR. PELAJ: Your Honour, just for clarification, maybe I was
2 thinking aloud, but I was reading in the transcript, page 108,
3 line 7, it says:

4 "Irrespective of the time, we are having right thousand three
5 locations."

6 And maybe I expressed myself in Albanian, "jo," which means no.
7 "Thousand three locations." It had nothing to do whatsoever with
8 Mr. Ibishi or Mr. Prosecutor. Read it in transcript. I did not hear
9 someone saying "thousand three locations."

10 PRESIDING JUDGE VELDT-FOGLIA: Okay. But still, I would suggest
11 to --

12 MR. PELAJ: I -- I know --

13 PRESIDING JUDGE VELDT-FOGLIA: -- keep it to yourself --

14 MR. PELAJ: Yes, sorry.

15 PRESIDING JUDGE VELDT-FOGLIA: -- because it can influence
16 everybody.

17 MR. PELAJ: I had these on. I could not hear well. And
18 sometimes when you have these, you don't know. But it was thinking
19 aloud, had nothing to do -- and I really was not concentrating what
20 he was -- I follow closely the transcript, and it says "right
21 thousand three locations." My apology. It was not intentional.

22 PRESIDING JUDGE VELDT-FOGLIA: Thank you for your clarification.

23 Mr. Prosecutor, you may proceed.

24 MR. MICHALCZUK: Yes.

25 Q. Very quickly, Mr. Ibishi.

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1 MR. MICHALCZUK: I would like to make reference, in relation to
2 Bajgore, in Mr. Ibishi's previous statement that he gave during the
3 Latif Gashi et alia trial. So with your permission, Your Honours, I
4 would like to put this statement to the witness about the existence
5 of this fourth location where people were detained by the KLA in the
6 Llap operational zone.

7 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

8 MR. MICHALCZUK: Mr. Court Officer, I would kindly ask you to
9 pull up the document, which is a record of the main trial, AP No.
10 139/2004, Latif Gashi et alia case, District Court of Prishtine, ERN
11 SPOE00087691 to 00087706, testimony dated 15 July 2009. And I would
12 kindly ask you to move to page 11. Yes, page 11.

13 Q. Mr. Ibishi, let me refer you to your own testimony during that
14 trial. The Presiding Judge asked you a question:

15 "What about Bajgore and Milovan Stankovic?"

16 And your answer was:

17 "This is a man caught in action. I was informed that he came in
18 our positions and he had shown his weapon to the soldiers, and I
19 think he can consider himself lucky that nothing worse happened, as
20 soldiers didn't understand his language, but, in the end nothing
21 happened and he was brought in Bajgore."

22 It continues on the next page, page 12.

23 MR. MICHALCZUK: If you could move to page 12.

24 Q. Presiding Judge asks the question:

25 "Was there anybody else who was detained at this time in

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1 Bajgore?"

2 MR. MICHALCZUK: We could probably scroll down a little bit. It
3 starts with: "Was there anybody else ..." A little bit probably.
4 You could scroll down a little bit. Sorry, it must have been a
5 little bit -- yes, we have it here. Yes, exactly.

6 Q. So, Mr. Ibishi, and the Presiding Judge continues with his
7 question to you:

8 "Was there anybody else who was detained at that time in
9 Bajgore?"

10 And your answer was:

11 "Yes, we had also Fadil Suleviq who was caught in action and
12 others. We detained them because we had suspicions that they were
13 trying to create parallel structure, they had weapons. Their
14 position was somewhere in Shardan and Grashtice. When they were
15 brought there I met him."

16 The question:

17 "How many were they?"

18 And your answer was:

19 "Islam Mshtica was injured because when they were caught, they
20 tried to resist us. This person was sent to hospital and then
21 brought there as well. So I remember these two persons."

22 So it seems that several people were kept in Bajgore as well.
23 Do you confirm what you said to the judge?

24 A. Yes, I do.

25 MR. MICHALCZUK: With your permission, Your Honours, I would

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1 like to put hopefully the last part of the statement of Mr. Ibishi
2 dealing with the same issue with the Bajgore --

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

4 MR. MICHALCZUK: -- centre. Thank you, Your Honour.

5 Mr. Court Officer, I would kindly ask you to pull up records on
6 the witness hearing before the investigating judge,
7 Witness Nuredin Ibishi, Hep No. 65/2002, Latif Gashi et alia case,
8 District Court of Prishtine, 27 August 2002, and that would be on
9 pages SPOE00123560 to 00123574. And I would kindly ask you to pull
10 up page number 3, which is SPOE00123562.

11 Your Honour, excuse me, I need to just consult my colleague for
12 a brief second if I may.

13 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

14 [Specialist Prosecutors confer]

15 MR. MICHALCZUK: Your Honours, thank you very much for your
16 patience. I wanted to be just on the safe side when I quote
17 something that maybe should not be quoted, but I'm fine.

18 So we have this page here. There is a question of the
19 investigating judge to you, Mr. Ibishi.

20 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, if the --

21 MR. MICHALCZUK: Yes.

22 PRESIDING JUDGE VELDT-FOGLIA: Or maybe I should ask
23 Court Officer, could we inflate it somewhat?

24 MR. MICHALCZUK: Yes. The question will start from: "Were you
25 aware ..." Yes, here. This is exactly the part.

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1 Q. So the question to you, Mr. Ibishi, was the following:

2 "Were you aware of any civilians being detained in Bajgore
3 during that time?"

4 And you said:

5 "Not civilians, but I heard about a group of unauthorised
6 soldiers (could be UCK) operating in the eastern part of Prishtine,
7 Grashtice, that were arrested and brought there. Among the detainees
8 was Fadil Sulevic (now called Fadil Sylja) and Islam Mshica."

9 Did you say that to the investigating judge?

10 A. Yes.

11 Q. So just to recap this line of my questions and your answers.
12 Irrespective of the period of time, in all those statements, you said
13 about the existence of several locations where people were detained,
14 it was Llapashtice, it was Majac, it was Potok, and finally it was
15 Bajgore; is that correct?

16 A. That's not the last. Bajgore is the beginning. I don't know if
17 I am being clear. Once again, we are talking about --

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, no.

19 THE WITNESS: [Interpretation] -- July, August 1998.

20 PRESIDING JUDGE VELDT-FOGLIA: The question is of the

21 Prosecutor:

22 "... in all those statements, you said about the existence of
23 several locations where people were detained ... Llapashtice ...
24 Potok ... and Bajgore ..."

25 And irrespective of what moment in time or the chronology, is it

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1 correct that people were detained there? Is that your testimony?

2 THE WITNESS: [Interpretation] My testimony is that the Llap
3 operational zone had one place for detention of persons.

4 PRESIDING JUDGE VELDT-FOGLIA: No, no, no, I want an answer to
5 my question, and I want to know from you if in those four places
6 people have been detained. And I don't want to hear about the moving
7 detention centre. That's not relevant now. And I want you to answer
8 the question if people were detained there. And I think that the
9 Prosecutor was just summing up what you have said. And you have to
10 answer. And I don't want you to dance around the question, I mean.

11 So were people detained on those four places? And it's very
12 easy to say "yes" or "no."

13 THE WITNESS: [Interpretation] Yes, they were detained. But I
14 need to explain that this happened at different points in time.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness --

16 THE WITNESS: [Interpretation] There was only one detention
17 place.

18 PRESIDING JUDGE VELDT-FOGLIA: Mr. Witness, for me the "yes" was
19 sufficient. And that it was in different moments in time, you have
20 repeated that several times, and I noted that. I'm listening very
21 carefully to you. Don't take me by mistake. If I'm getting severe
22 because I want you to answer a question, because on certain topics I
23 want to have clarity, I want to understand, but it doesn't mean that
24 I haven't heard what you said before. I've taken notice of it.
25 Really.

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1 THE WITNESS: [Interpretation] Okay.

2 PRESIDING JUDGE VELDT-FOGLIA: I'm just trying to understand
3 what happened back then. Nothing else.

4 Mr. Prosecutor, you have the floor.

5 MR. MICHALCZUK: So I'm not clear, Your Honours, whether my last
6 question was answered. Let me just consult the transcript very, very
7 quickly.

8 Q. So again irrespective of the time, irrespective of when these
9 detention places were -- when, right, irrespective of the time, do
10 you confirm that you -- that there were during the time of war within
11 the Llap operational zone four locations where people were detained?
12 And I mentioned those locations earlier.

13 A. Yes, these locations but in different points in time.

14 Q. Yes, I think we are clear about that. Yes, Mr. Ibishi. Thank
15 you very much. Today --

16 A. Only something. Bajgore, Majac, Llapashtice, we are talking
17 about three places or locations.

18 Q. And also we discussed Potok -- Potok today, Mr. Ibishi, correct?

19 A. I am not very certain. Maybe I have forgotten, but these three
20 locations: Bajgore, Majac, and Llapashtice.

21 Q. Before I quoted to you your own statement in which you also said
22 that there was for -- for a certain period of time a detention place
23 in Potok, and you said "yes" to that. So we are talking about four
24 detention places; correct?

25 A. I am not very certain. Maybe I said that, but I am not very

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1 sure in terms of time. But in Llapashtice, there was the last one.

2 Q. I understand. Mr. Ibishi, earlier today there was a question
3 from the Defence on whether at any point during the war you were in
4 Zllash.

5 MR. MICHALCZUK: And the reference to that would be page 35,
6 lines from 17 to 24 of today's transcript.

7 Q. Where you said that most probably you were in Zllash in the
8 second part of May 1999, "I was passing by." Do you confirm that?

9 A. Yes, yes.

10 Q. If this was the time in 1999 when you were, indeed, in Zllash,
11 you cannot really say whether there was a detention place before that
12 or not, can you?

13 A. I don't know about that location. I don't know that it existed.

14 MR. MICHALCZUK: Your Honours, just a second of very short
15 consultation, if I may, with my colleague.

16 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

17 [Specialist Prosecutors confer]

18 MR. MICHALCZUK: Your Honours, I would need probably from five
19 to ten minutes, not more than that, and I would be done with my
20 cross-examination.

21 PRESIDING JUDGE VELDT-FOGLIA: Just a remark. Please try to
22 proceed with a kind of open question. This last one, I re-read it,
23 and you are including your answer, and we try not to do that.

24 MR. MICHALCZUK: Yes, Your Honour. I will do my best to comply.
25 Thank you for this reminder.

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1 Q. Mr. Ibishi, I am going to change the topic entirely. And within
2 this topic, my question would be the following: Have you been
3 following the proceedings in this case?

4 A. What proceedings?

5 Q. The proceedings in this case against Salih Mustafa, possibly on
6 television, on the radio, via internet?

7 A. Now and again. Not regularly.

8 Q. Could you tell us which witnesses did you follow? Which
9 testimonies of which witnesses did you follow?

10 A. Partially, I said. Ibrahim --

11 Q. Ibrahim who?

12 A. I can't remember the last name. Fatmir Humolli's, partially.
13 These two. I don't remember the others, because recently I've been
14 busy.

15 Q. Did you have a chance to follow the testimony of
16 Kapllan Parduzi?

17 A. A little. Part of it. Before I came here.

18 Q. What is your -- or how would you describe your relationship with
19 Kapllan Parduzi?

20 A. As co-fighters, as friends. Of course, we've been through
21 things together. And something that connects me to him is that while
22 we were repositioning our forces, I forgot to wear my bullet-proof
23 vest. And when the offensive was being launched, he lent me his. So
24 it's a very -- it's a moment of sacrifice because that vest helped
25 me. Had I not had a vest, I would not be alive today. And he

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1 suffered, he sustained a wound. So when his situation deteriorated,
2 I tried to make up to him in a way, to take him to hospital to
3 Macedonia and ensure that he survived. Because he might die because
4 of the putrefaction of his wound --

5 Q. I understand.

6 A. -- because of lack of proper hospital conditions. Because the
7 hospital was occupied by the Serbs and so we couldn't use it. They
8 proclaimed terrorists whoever came to hospital for treatment, even
9 the civilians. So we had to carry him to Macedonia, ensuring his
10 survival.

11 Q. Mr. Ibishi, do you consider Mr. Kapllan Parduži your friend?

12 A. I shared the most difficult moments of my life with him. Why
13 should I have any reservation towards him? I consider him a friend.

14 Q. When was the last time when you saw Kapllan Parduži?

15 A. I saw him -- I met him in Prishtine. We were taking part in a
16 manifestation or rally when we inaugurated a memorial plaque devoted
17 to the war. That's where we met him. It was a ceremony that was
18 organised.

19 Q. And when was it?

20 A. I'm not sure about the time. Maybe two, three weeks or less
21 ago.

22 Q. Did you ever discuss with Mr. Kapllan Parduži this case of
23 Salih Mustafa?

24 A. Yes. We discussed how the process is going on, briefly, because
25 we didn't have plenty of time to discuss at length.

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1 Q. Do you know that Mr. Kapllan Parduzi gave the statement to the
2 Defence at some point?

3 A. Yes, I heard about that.

4 Q. Did you ever discuss what he said during that statement with
5 Mr. Kapllan Parduzi?

6 A. No, I couldn't hear all of it. I just heard some of it.

7 Q. I think we misunderstand each other. My question was: Do you
8 know whether Mr. Kapllan Parduzi gave the statement -- not within
9 this trial but the statement to the Defence at some point in time?
10 Do you know about that?

11 A. Yes. Yes, I heard that he did.

12 Q. My question was: Did you discuss with Kapllan Parduzi that
13 statement that he had given to the Defence?

14 A. No, we didn't have time to discuss it. I know that he did give
15 that statement, but we didn't discuss it.

16 Q. Did you discuss with him the fact that you yourself gave the
17 statement to the Defence?

18 A. Yes. He knew that I, too, had given a statement, but we didn't
19 go into details about that.

20 Q. I understand. I understand.

21 MR. MICHALCZUK: Your Honours, I'm going to show the witness the
22 last photograph of today, with your permission.

23 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

24 MR. MICHALCZUK: Mr. Court Officer, I would kindly ask you to
25 pull up a document, ERN SPOE00222692, and this is a photo of the KLA

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1 soldiers.

2 Q. Mr. Ibishi, who is on that photograph?

3 A. This is a first time for me to see it. It's me, my deputy,
4 Korab, and she's a well-known singer in Kosovo, Adelina Ismajli.

5 Q. So the person who is sitting, who is that person?

6 A. That's myself.

7 Q. Let's start from the right-hand side of the photograph. The
8 person who is balding, with the uniform, the tallest of the group,
9 standing on the right-hand side, who is he?

10 A. My deputy, Arif Muqolli, Profa.

11 Q. Thank you. The person standing next to him with the moustache,
12 who is that person?

13 A. Kapllan Parduzi.

14 Q. The woman in the middle is Adelina Ismajli as you said; correct?

15 A. Yes.

16 Q. Who is the person standing next to her on the left?

17 A. Florim. His last name is Humolli. The other one, I don't
18 remember his name.

19 Q. So the last person on the left, the last person, you don't
20 remember his --

21 A. Humolli.

22 Q. So Humolli is the person with the cap on his head?

23 A. No, without the head. The one -- the last one in the group.

24 Q. And the person in the cap, you don't know this person?

25 A. I said Florim.

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1 Q. Thank you very much. Do you know when this photo was taken?

2 A. Yes, I believe it was taken when I was a brigade commander.

3 Q. Could you tell us the month, the year at least?

4 A. It may have been sometime, if I'm not mistaken, in October,
5 November. Maybe November of 1998. And I must say something, if I
6 may, to explain this picture.

7 The Serb paramilitaries stole some pictures from this singer's
8 home, and they were published in Serbian outlets. I don't know where
9 you got this from, because this is one of the photos that was stolen
10 from her in her house. And they started to be published. But the
11 source is from Serb authorities, this photo that you are showing me
12 now.

13 Q. Mr. Ibishi, where was this photo taken? In which location?

14 A. Most probably in Bradash, I think.

15 Q. What was in Bradash?

16 A. There was the Brigade 151 brigade staff -- place, headquarters.

17 Q. I would like to come back for a very brief moment to Kapllan
18 Parduзи, and my question would be: What was his assignment within
19 the Kosovo Liberation Army?

20 A. He was my co-fighter.

21 Q. Did he have any specific duties in relation to you within the
22 KLA?

23 A. He was a member of the KLA in June. He returned from Albania
24 with weapons. And from that time onward, we were together until we
25 got wounded.

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1 Q. I understand. My question was: Did he have any specific
2 assignment within the KLA in relation to you?

3 A. He didn't have any specific assignment other than we stayed
4 together. He has taken me somewhere. He didn't have any specific
5 assignment, per se.

6 Q. Was he your personal protection officer within the KLA?
7 Bodyguard, if you wish?

8 A. I can't say that. He was a freedom fighter like all of us. And
9 I didn't need a bodyguard, neither then nor now.

10 MR. MICHALCZUK: I've got just a few last questions,
11 Your Honours, but I need to come back to one of the names that you
12 mentioned before. My question was about the persons whom the witness
13 was following within this trial, and I have one clarification
14 question.

15 PRESIDING JUDGE VELDT-FOGLIA: Mr. Prosecutor, normally I would
16 have liked to do a break now, although I did not inform you on
17 beforehand. But I prefer that you finish your cross-examination,
18 because you were indicating that you were getting to an end. And
19 then we do our break at - I don't want to comprise you too much -
20 4.30? That's in 15 minutes.

21 MR. MICHALCZUK: I would need probably less than that. Maybe
22 ten minutes.

23 PRESIDING JUDGE VELDT-FOGLIA: Okay. But then after -- when you
24 finish it, then we have a break, because it's good to have a break
25 now, I think, before we do an extra round, if necessary.

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1 MR. MICHALCZUK: Yes. Thank you, Your Honour, for this
2 information.

3 Q. Mr. Ibishi, just one question. At the very beginning of my last
4 lines of questioning about following this trial, you said that you
5 followed the testimony of a person called Ibrahim. Did you say that;
6 correct? Or Ibrahim?

7 A. I don't understand you. Ibrahim, Ibrahim?

8 Q. Yes. Yes. A few minutes ago I was discussing with you the
9 issue of you following this trial, watching some of the testimonies,
10 and you gave the name of Fatmir Humolli but you also gave the name of
11 Ibrahim. It is on page 17, line 21 of today's transcript. So could
12 this person be Brahim or Ibrahim Mehmetaj?

13 A. Yes, yes, when he testified. His testimony. I know based on
14 the name Bimi or something like that. I saw him and I mentioned him
15 in the context of following the proceedings.

16 Q. Yes. I just wanted to have this clarification. Thank you very
17 much for providing this.

18 Mr. Ibishi, what is your current relationship with
19 Mr. Salih Mustafa, the accused in this case?

20 A. We are co-fighters. There's nothing personal. He's a
21 co-fighter, I know him as such and I respect him as such, and as an
22 activist of the national cause.

23 Q. Do you consider Salih Mustafa a friend of yours?

24 A. Why do I need to state, proclaim that here? That is something
25 personal.

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1 Q. This is something personal, but in this court we have to
2 understand your relationship with the accused in this case just to
3 assess your testimony. So this question is not personal. This
4 question pertains to the assess of this case and your credibility as
5 a witness. So my question is, again, are you a friend with
6 Mr. Salih Mustafa?

7 A. He is a co-fighter and there's nothing bigger or more important
8 than that. He is someone I've been in the war with. So I don't want
9 to answer in relation to other things. I mean, in the personal
10 aspect.

11 Q. But from what you are saying, the answer to my question would be
12 no; correct?

13 A. Yes, because it's a personal thing, my relation with him. So my
14 respect for him is as a co-fighter. Anything else belongs only to
15 me. It's my private thing.

16 PRESIDING JUDGE VELDT-FOGLIA: I don't think that this is your
17 private thing. You can answer the question if you are a friend of
18 him or not, and you have to answer. In this court, you cannot choose
19 to answer something, yes or no. You have to answer. You are a
20 witness in this court, and a witness has to answer.

21 THE WITNESS: [Interpretation] Your Honour, I'm being asked
22 whether he is a friend. It's not that I keep company with him so
23 that I can say that he is a friend, I'm going out for a coffee on a
24 regular basis. So that's why I said he is a co-fighter.

25 MR. MICHALCZUK:

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1 Q. So not a friend; correct?

2 A. I don't know if you are understanding what I'm saying. A friend
3 would be someone you go out everyday to have a coffee, you are always
4 together, and so forth. So how can I explain it to you? If someone
5 I have coffee with every day and see every day, how can I define
6 those relations with that person? Salih Mustafa is a co-fighter,
7 comrade in arms. I cannot define it as a friend or non-friend or any
8 other definition. When you say "a friend," that means either he is a
9 family member or you have regular going-outs with that person. You
10 are close to that person.

11 So I don't have, like, regular socialising with him. We'd see
12 each other. We respect each other. We'd greet each other. But we
13 do not socialise to the level, you know, to go out for a drink or a
14 dinner or a lunch or a family do. So I don't know why is this so
15 important for me to mention here.

16 MR. MICHALCZUK: I think it will suffice for an answer, because
17 he described the relationship in pretty much detail. So I understand
18 -- I understand the nature of it.

19 PRESIDING JUDGE VELDT-FOGLIA: I also understand, because now
20 you have given an answer and you have explained what you mean with
21 the word "friend," and you have explained your relationship with him.
22 And that is, for us, important to know. Thank you.

23 MR. MICHALCZUK:

24 Q. Mr. Ibishi, had you been meeting with Salih Mustafa before his
25 arrest; and if so, how often?

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1 A. No, I did not meet him.

2 Q. No, I am not saying on one occasion. On any occasion. It could
3 be commemorative event, it could be social event. Had you been
4 meeting with Salih Mustafa before his arrest on any occasion?

5 A. No, I did not meet him. It could be that we met, because
6 Prishtine, it's a small place, so it could be that someone passes by,
7 you see him, you greet him, but there was no special meeting.

8 Q. Do you know the content of the indictment against Salih Mustafa
9 or the charges against him in this case?

10 A. The proceedings are ongoing. I did not read the case. And --

11 Q. But you do know the charges against him?

12 A. -- apart from what was said in the beginning.

13 Q. What this case is all about?

14 A. Not with everything. These are allegations that they could have
15 been involved in something there, but there's a presumption of
16 innocence until proven guilty. So I don't know the specific charges
17 against him.

18 Q. Before Salih Mustafa's arrest, had you discussed that case or
19 his statement with him?

20 A. No.

21 Q. How did you react to the news of the arrest of Salih Mustafa?

22 A. With regretting.

23 Q. Anything more specific than that? Just regret or something
24 else?

25 A. More specifically, this is the fifth proceedings involving KLA

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1 members; three in Kosovo, two abroad. We, from the role of the
2 victim, are getting the role of the aggressor, and this is unjust.
3 But I don't want to prejudice anybody's innocence, be it of
4 Salih Mustafa or other co-fighters, because the proceedings
5 themselves will show the reality how everything was.

6 Q. You said that this was unjust. Do you consider this court as
7 unjust?

8 A. I was an MP in the Kosovo Assembly. I didn't do it voluntarily,
9 the vote for this court. Because when the resolution of the
10 parliamentary committee was to be adopted, you know that the
11 accusations were for human organ trafficking. In the preliminary
12 investigations of Mr. Williamson, it was found about -- there were
13 findings about the yellow house and so forth, and then there was this
14 finding there was no organ trafficking but something else.

15 So to make a comparison, when Bosnia and Herzegovina took the
16 issue of Srebrenica to the assembly for genocide, you know very well
17 that the pro-Russian, the pro-Serbian, and pro-Belorussian lobbying,
18 due to that lobbying the request of Bosnia-Herzegovina for such a
19 resolution on genocide was refused.

20 In the case of Kosovo, I very easily adopted the resolution.
21 When I was a member in parliament, I wanted to make an amendment: To
22 prosecute all the crimes committed in Kosovo, not only those alleged
23 by the KLA members. That is a reality, in my opinion.

24 Q. Mr. Ibishi, did you vote for the creation of this court or
25 against that, as a member of parliament of Kosovo?

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1 A. I voted without my will -- against my will. We were facing two
2 dilemmas: To approve it and be tried by democratic countries, like
3 the EU and United States; or, should we have the United States try it
4 and have Chinese, Russian governments or regimes vote -- try it.
5 That's why we voted in favour of it.

6 Q. Have you been in touch with Salih Mustafa after his arrest?

7 A. No.

8 Q. Have you been in touch with any members of Salih Mustafa's
9 family after his arrest?

10 A. No.

11 Q. At some point you gave your statement to the Defence. Who put
12 you in touch with the Defence to provide that statement?

13 A. As far as I know, it was a lawyer who asked me to do that. And
14 I said that I was willing to tell them what I do know, in order to
15 shed light on the process in order to ensure that it is fair.

16 Q. Did any member of Salih Mustafa's family liaise between you and
17 the Defence?

18 MR. MICHALCZUK: And this is my last question, Your Honour.

19 Q. Shall I repeat my question?

20 A. Can you repeat it, please?

21 Q. Of course. Of course, Mr. Ibishi. My apologies.

22 Did any member of Salih Mustafa's family liaise between you and
23 the Defence for the provision of your statement?

24 A. No.

25 MR. MICHALCZUK: Your Honours, that would conclude my

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1 examination. But before I formally do that, I would like to consult
2 with my colleague just for a very brief second.

3 PRESIDING JUDGE VELDT-FOGLIA: Please proceed.

4 [Specialist Prosecutors confer]

5 MR. MICHALCZUK: Your Honours, that would conclude my
6 cross-examination.

7 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Mr. Prosecutor.

8 MR. MICHALCZUK:

9 Q. Thank you, Mr. Humolli [sic].

10 A. Thank you.

11 PRESIDING JUDGE VELDT-FOGLIA: We will now have a break of
12 15 minutes, and then we will proceed for another, if needed,
13 45 minutes, but I will first have Madam Court Usher, if she would be
14 so kind, to usher the witness out.

15 Mr. Ibishi, we will have a break of 15 minutes.

16 [The witness stands down]

17 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

18 Let me see. We will proceed after the break, but I want to have
19 some further information to see where we stand for planning reasons.

20 So Victims' Counsel, will you have questions for the witness?

21 MS. VOSENBERG: Thank you, Your Honours. I do, in fact, have
22 questions. Those are -- I've written down two topics. It's just
23 clarification of his testimony today, and my own estimation is that
24 it shouldn't take more than a couple of minutes. That's my
25 estimation of it.

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1 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.
2 Defence Counsel, would you like to proceed with redirect?

3 MR. SHALA: For now, no. After, we will see.

4 PRESIDING JUDGE VELDT-FOGLIA: Okay. Thank you. Then for
5 planning purposes, this information for now is enough. We take a
6 15-minutes break, so until 10 minutes to 5.00. Thank you. The
7 hearing is adjourned.

8 --- Recess taken at 4.34 p.m.

9 --- On resuming at 4.50 p.m.

10 PRESIDING JUDGE VELDT-FOGLIA: For the record, we are in the
11 same composition.

12 Madam Court Usher, could you usher the witness in, please.

13 [The witness takes the stand]

14 PRESIDING JUDGE VELDT-FOGLIA: Welcome back, Mr. Ibishi. It's a
15 long day --

16 THE WITNESS: Thanks.

17 PRESIDING JUDGE VELDT-FOGLIA: -- but we are getting --

18 THE WITNESS: Sorry about.

19 PRESIDING JUDGE VELDT-FOGLIA: We are getting to the end of it.
20 We have done the examination by the Defence Counsel and the
21 Specialist Prosecution Office. I will now give the floor to the
22 Victims' Counsel to give her the possibility to ask you some
23 clarifying questions.

24 Victims' Counsel, you have the floor.

25 MS. VOSSENBERG: Thank you, Your Honours.

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Questioned by Victims' Counsel

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1 Questioned by Victims' Counsel:

2 Q. Hello, Mr. Ibishi. As the Presiding Judge indicated, I just
3 have some clarifying questions that relate to things that you said
4 today in court in testimony.

5 The first question that I have is now today in court the Defence
6 asked you about rules that any soldier had to abide by.

7 MS. VOSSENBERG: And I'm on page 21 of the provisional
8 transcript, and the questioning starts on line 12.

9 Q. When asked by the Defence, you confirmed, in your testimony
10 today, that there were rules like that. And you said, and I'm going
11 to quote you now from the provisional transcript:

12 "As the General Staff, we received some rules. Those that we
13 didn't have, we tried to develop ourselves. We, as superiors, on the
14 basis of our expertise, tried to develop such rules so that we could
15 have them in place to maintain order and respect discipline in the
16 brigade and in the subordinate units."

17 Do you remember saying that?

18 A. Yes.

19 Q. Thank you. Now, do I understand it correctly that you yourself
20 were also involved in developing these rules that you're speaking
21 about?

22 A. Yes.

23 Q. And when you say, as you said today in your testimony, "we, as
24 superiors" were involved in developing the rules, to who are you
25 referring when you say "superiors"? And please try to be as specific

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1 as you can recall. Names, if you know them, great. Otherwise,
2 positions, roles within the organisation, the structure that you
3 discussed today.

4 A. Yes, I may refer to names as well. But I would like to specify
5 that these rules apply to the KLA structures, not to the civilians,
6 of course. The other thing is that these rules were developed by
7 myself, because I am a lawyer by formation, but also other
8 colleagues, irrespective of their level of expertise, but they may
9 have been lawyers or they had expertise in the military field or in
10 the police area.

11 But to a large extent, we received them from the General Staff.
12 I am talking about the time when we worked on the preliminary rules.
13 Then when we received them, we approved them -- they were approved at
14 the level of the entire country. They were unique for all the KLA.

15 Q. If I can just interrupt you, because my question specifically
16 was: In your testimony you said "we, as superiors," developed the
17 rules, and who are you referring to specifically when you say "we, as
18 superiors?" That was my question.

19 A. I refer to the zone commander, deputy commander, myself as chief
20 of staff, the sectors, the sector chiefs, and others that were
21 involved in this process.

22 Q. Okay. Thank you. So now we've discussed that these rules were
23 developed, and now my question -- last question on this topic is who
24 would be in charge of implementing them in practice in the field? So
25 more specifically, perhaps, whose responsibility was it to maintain

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1 the order and respect discipline, as you said?

2 A. These rules comprised rules for the military police, how this
3 military police would treat, you know, people they dealt with. Then
4 there were aspects of disciplinary measures in the context of the
5 commanding structure. When that happened in the case of people who
6 might commit, you know, some breaches during the war. And it
7 provided also for the process of appeals or complaints, you know,
8 first-level -- first-instance appeal. That was a very brief
9 description. We are talking about rules on order and discipline in
10 the context of the army.

11 But then very soon we received the rules from the General Staff,
12 which was unique, universal for all the KLA soldiers wherever they
13 were.

14 Q. So you said, and I'm going to read here now:

15 "... there were aspects of disciplinary measures in the context
16 of the commanding structure."

17 Would it be correct to say that, given that my question
18 concerned who was supposed to implement these rules, would it be fair
19 to say the commanders were also responsible for this, implementing
20 the rules?

21 A. No. It was the military police that was responsible for
22 maintaining order. When it came to implementation of the measures,
23 also it was a military police that was responsible for taking such
24 measures.

25 Q. So what you're saying is that the commanders had no

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1 responsibility in maintaining order and discipline?

2 A. No, they had responsibilities. Especially for minor measures,
3 like reprimanding someone up to a certain extent. But the others
4 were issues dealt with by the disciplinary committee in the context
5 of the zones.

6 Q. I think that rounds off this topic for me. Thank you. Now I
7 have one more - I think it can be very brief as well - about the
8 modes of communication.

9 Now, earlier today you said, and I'm on page 32 of today's
10 provisional transcript, you were talking about the headquarters of
11 the Llap operational zone, and you told us there was radio
12 communication. Do you remember saying that?

13 A. Yes.

14 Q. Could you tell us what forms of communication were available to
15 you all at that time, to you, to the different units? What means of
16 communication did you have?

17 A. Radio communication with numbers and call signs so that our
18 conversations would not be detected by the enemy. So these were at
19 the level of the command, so from the zone commander to the deputy
20 commander to the brigade commanders and so forth. We had the simplex
21 system without the mediation of the repetitors [as interpreted]. So
22 we did not have the structure of repetitors to transmit the signal at
23 a larger distance.

24 Q. Thank you. For my understanding, these repetitors - I'm not
25 familiar with the term - is that something to do with radio

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1 communication?

2 A. Yes, because this system, simplex, is a direct system from the
3 receiver to the other end. Whereas the one with the repetitor, it
4 transmits a signal to a larger distance and with a large participance
5 in the communication.

6 Q. And apart from the radio communication, did you have other forms
7 of communication? Other equipment with which you could communicate
8 with each other?

9 A. Yes, we also had satellite phones.

10 Q. And which persons or entities, which units -- was this equipment
11 available to the various units, for example? Who had it?

12 A. Usually the chiefs, that is, the commanders of the brigades, the
13 commander of the zone, the deputy commander of the zone, the chief of
14 staff. These were the persons. These were expensive phones, and
15 that's why their number was limited, as was the number of persons who
16 had them. The possibility for communication was there, but the only
17 problem was the high cost of this equipment.

18 Q. So that was satellite phones, then. How about regular phones?

19 A. We did not use them regularly. We mostly used radio
20 communication. The satellite phones costed a lot in terms of the
21 bill, so that's why we used them only in situations when it was
22 necessary to use them.

23 Q. Okay. That answers my questions. Thank you very much,
24 Mr. Ibishi.

25 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Victims' Counsel.

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1 MS. VOSSENBERG: Thank you, Your Honours.

2 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel, do you wish to
3 proceed with a redirect examination of this witness?

4 MR. SHALA: No, thank you, Your Honour. We don't have.

5 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Defence Counsel.

6 Mr. Prosecutor, do the questions of the Victims' Counsel give
7 rise to any further questions?

8 MR. MICHALCZUK: Your Honours, we don't have any further
9 questions.

10 PRESIDING JUDGE VELDT-FOGLIA: Very well.

11 Now, Mr. Witness, you have been asked several questions by the
12 Defence Counsel, the Specialist Prosecution Office, and the
13 Victims' Counsel. It's now the turn for the Panel.

14 I don't have any questions for you at this moment in time, but I
15 will inquire with my colleagues if there are some further questions.
16 So I look at my right-hand side.

17 There are no questions from the side of the Panel at this moment
18 in time, so this is the end of your testimony, Mr. Ibishi. I want to
19 thank you for the efforts you have put today in giving your
20 testimony, which I will be sure that it will help the Panel to better
21 understand what happened back then and in our efforts to find the
22 truth.

23 So thank you. I wish you a safe journey home, and I will ask
24 Madam Court Usher to accompany you out of the courtroom. And let me
25 remind you that you should not discuss your testimony with anybody

1 outside this courtroom. Thank you again.

2 THE WITNESS: [Interpretation] Thank you. Respect. And I wish
3 you good work.

4 PRESIDING JUDGE VELDT-FOGLIA: Thank you.

5 [The witness withdrew]

6 PRESIDING JUDGE VELDT-FOGLIA: Thank you, Madam Court Usher.

7 Do the parties and the participants have anything else to raise
8 with the Panel?

9 Mr. Prosecutor?

10 MR. MICHALCZUK: Nothing, Your Honours.

11 PRESIDING JUDGE VELDT-FOGLIA: Victims' Counsel?

12 MS. VOSENBERG: No, thank you, Your Honours. Nothing.

13 PRESIDING JUDGE VELDT-FOGLIA: Defence Counsel?

14 MR. VON BONE: Nothing, Your Honour.

15 PRESIDING JUDGE VELDT-FOGLIA: Very well. Then we will resume
16 tomorrow at 9.30 with the testimony of Witness 1100.

17 The hearing is adjourned.

18 --- Whereupon the hearing adjourned at 5.05 p.m.

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