

1 Wednesday, 12 July 2023

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.00 a.m.

5 PRESIDING JUDGE SMITH: Madam Court Officer, please call the
6 case.

7 THE COURT OFFICER: Good morning, Your Honours. This is
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

10 PRESIDING JUDGE SMITH: Thank you. Today we will continue the
11 testimony of Witness 04746.

12 I note that Mr. Thaci, Mr. Selimi, Mr. Veseli, and Mr. Krasniqi
13 are all present in court today.

14 Before I invite the witness into the room, there is an issue to
15 be dealt with in relation to 04746.

16 The Panel notes that on July 4, 2023, the SPO provided notice of
17 its intention to seek to leave to amend its exhibit list. I,
18 therefore, ask the SPO to make its oral application to that effect at
19 this time if you're ready.

20 MS. LAWSON: Yes, thank you, Your Honour. And I would have
21 anticipated wanting to use the document at some point today.

22 The document is in the Prosecution's presentation queue. It is
23 SITF00069190, that's the Albanian. And the English is 69191.

24 As you mentioned, the item is not currently on the Prosecution's
25 exhibit list, and we're requesting to add it. We provided notice of

1 our intention to make this application on 4 July. The document is a
2 dated list of detainees signed by Commander Dini, and it's a document
3 which this witness has previously acknowledged having received at the
4 time.

5 It's *prima facie* relevant and of sufficient importance to
6 justify its addition. The item is short, it's straightforward, it
7 relates to events that have been extensively noticed in this case,
8 and it has been disclosed in its original version since 2021. Its
9 translation was disclosed in November 2022.

10 We're, therefore, requesting its addition to the exhibit list in
11 order to use the item with the witness in court. Thank you.

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 [Trial Panel confers]

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 JUDGE METTRAUX: Thank you, Judge Smith.

16 The question is why isn't it on your list already? In other
17 words, what's the argument you're advancing in relation to good cause
18 for us to amend the list at this stage?

19 MS. LAWSON: Yes, Your Honour. And it is a question of
20 oversight, I'm afraid, due to the extensive materials. The document
21 had been reviewed. It had been disclosed, as I mentioned already, in
22 2021, but the specific connection to this witness was only identified
23 during preparation for the witness. As I indicated, it is a short
24 document, it's very straightforward, and it relates to matters that
25 have been centrally noticed, so we do submit there is no prejudice

1 giving that we indicated our intention to do this more than a week
2 ago. Thank you.

3 JUDGE METTRAUX: Thank you. And thank you for your candour.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. LAWS: No, thank you, Your Honour.

6 PRESIDING JUDGE SMITH: I'm sorry. Mr. Laws, no comment then.
7 Mr. Misetic.

8 MR. MISETIC: We have no objection, Mr. President.

9 PRESIDING JUDGE SMITH: Any objection?

10 MR. EMMERSON: No objection.

11 PRESIDING JUDGE SMITH: Mr. Roberts.

12 MR. ROBERTS: I have an objection in the sense that I don't
13 believe the justification put forward by the Prosecution is
14 sufficient for an application to amend the list at this stage. In
15 relation to this document per se, I don't consider it particularly
16 prejudicial, but I do have severe problems with considering that mere
17 oversight is sufficient as a basis and good cause to amend the
18 exhibit list.

19 PRESIDING JUDGE SMITH: Thank you.

20 Ms. Alagenda.

21 MS. ALAGENDRA: No objections, Your Honour.

22 PRESIDING JUDGE SMITH: All right.

23 MS. ALAGENDRA: Your Honour, if I may also take the opportunity,
24 I have a new team member present in court, if I may just put that on
25 record, Dr. Fauziah Taib, support team member.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5512

1 questioned.

2 I remind you that you are still under an obligation to tell the
3 truth as stated by you in your solemn declaration.

4 Please also remember to speak into the microphone, wait five
5 seconds before answering a question, and speak at a slow pace.

6 If you feel the need to take breaks, please make an indication
7 and we will accommodate you.

8 We will resume with the direct examination by the SPO and
9 Ms. Lawson will continue at this time.

10 Go ahead, Ms. Lawson.

11 WITNESS: W04746 [Resumed]

12 [Witness answered through interpreter]

13 Examination by Ms. Lawson: [Continued]

14 Q. Good morning, Mr. Mustafa. When we finished yesterday
15 afternoon, we were discussing the BIA unit. I asked you whether it
16 reported to the zone command or to Brigade 153, and you indicated
17 that you did not remember exactly how it was. The transcript
18 reference is T111.

19 I would like to put a portion of a prior statement to you to see
20 if it assists.

21 MS. LAWSON: And the reference, for the benefit of the parties,
22 is Part 17, page 2.

23 Q. You were asked what it, meaning the BIA unit -- you were asked
24 was it, meaning the BIA unit, part of one of the brigades, and your
25 answer was:

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5513

1 "Part of the 153 Brigade. Later on, they split off from that
2 and became their own unit. It was the unit that acted more in
3 Prishtine and also during the time of the occupation."

4 Is that correct? Was the BIA unit initially part of 153 but
5 then split off and became its own unit?

6 A. Ms. Prosecutor, unit -- BIA unit and Brigade 153 is the same
7 entity. However, BIA unit was formed before the brigade, and I think
8 it then helped in turn in the formation of Brigade 153.

9 This is an interesting development history. However, it's the
10 same entity on which basis these two units were formed. We exercised
11 caution when it came to the proposals coming from the LKCK because we
12 wanted to have this in the control within the KLA.

13 Q. So is it not your recollection that the BIA unit ever split off
14 from the 153 Brigade?

15 A. No, I do remember. I know they acted separately. However, I do
16 not know when this split off occurred. I do know that the BIA unit
17 was a separate unit which could have reported to the Llap operative
18 zone, which would be me and my staff.

19 Q. Okay. Thank you. And there is one further clarification I'd
20 like to make to what we discussed yesterday. I asked you who else
21 was at Likoc at the time that Kadri Kastrati was assigned to the Llap
22 zone by the General Staff, and you stated that you don't remember.

23 I'd like to put a short portion of one of your prior statements
24 to you to see if it assists.

25 MS. LAWSON: And for reference, this is Part 2 at page 24.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5514

1 Q. You said:

2 "I knew Hashim Thaci because I had met once previously with him
3 when Kadri Kastrati, my deputy, joined the war. We saw each other in
4 Drenica."

5 So is that correct? Was Hashim Thaci one of the people who was
6 present --

7 A. Yes, he could have been. It's possible he was.

8 Q. Do you now remember anyone else who was present on that
9 occasion?

10 A. Likoc was a centre of the KLA and there were many co-fighters
11 there, and as a consequence, somebody else might have been present
12 there. However, the important thing is that I went there for the
13 purpose of meeting with Kadri Kastrati and bringing him in my zone.

14 Q. You mentioned yesterday that someone known as Ilir was referred
15 to by the communications code 106. Can you please explain what that
16 system of codes was?

17 A. Numbers we used to communicate through the radio. I, for
18 example, was -- had the call sign 100.

19 Q. Were these communication codes approved by the General Staff?

20 A. No, these were designed by my staff and approved by myself.

21 MS. LAWSON: Your Honours, I'd like to put a prior statement,
22 please.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MS. LAWSON: For reference, this is Part 4, pages 8 to 9.

25 Q. And you're referring to information here that was provided in

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5515

1 Skenderaj Zhitia's book, which we will look shortly. You say:

2 "I believe the details that he gave are correct. Dardania was
3 the code that was given. And the units were also given codes. I
4 believe that we had presented this ourselves to the General Staff,
5 and then they approved that."

6 Is that correct?

7 A. The General Staff gave the denomination Dardania.

8 Q. You're referring here to codes, plural. So can you clarify
9 which codes it was that were approved by the General Staff?

10 A. I might be mistaken now, but I do know that denominations like
11 Dardania, Buna, Keshtjella were approved by the General Staff,
12 whereas we decided the numbers. However, again, I might be mistaken
13 now. In any event, we used these codes within the units to
14 communicate amongst them. The units which depended on -- which were
15 under my command were -- we had our internal communications system,
16 and they did not communicate with others.

17 MS. LAWSON: I would like to show a document. The reference is
18 SITF00242163. And the English is the same number with ET after it.
19 We can please go to page 242167, which is the fifth page of the
20 document. If we can move the Albanian across slightly, and we'll
21 start at the top right-hand side of the page.

22 Q. We can see there the heading Dardania. Could you explain what
23 that was the code for?

24 A. These were the members of the zone command and the units at the
25 headquarters.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5516

1 Q. And do you recognise all of the names and numbers listed under
2 that heading?

3 A. Yes.

4 Q. And you mentioned already that you have the number 100, which we
5 can see opposite your name there. Could you explain what that was
6 used for, when the number 100 would be used?

7 A. Whoever wanted to communicate with me using a radio device would
8 use the call sign Dardania 100. He or she wouldn't mention the name
9 Remi. The same goes for the following numbers below mine.

10 Q. We see Ilir at number 106. You mentioned yesterday that his
11 first name was Sabit. Do you remember his surname now?

12 A. Sabit, right. Yes, I do remember.

13 Q. If you remember his surname, can you please indicate what it is?

14 A. I can't remember now, but I do remember him.

15 Q. Who was Shpend at number 109?

16 A. Muharrem Ismajli.

17 Q. And what was he responsible for?

18 A. I remember now that he was in charge of caring about the people
19 and the command.

20 Q. Number 111 appears to be missing in this list. Do you remember
21 who had that code?

22 A. I don't remember.

23 Q. Okay. We can come back to it. Beneath the list we see the
24 heading Castle. What did that code relate to?

25 A. Castle is Brigade 152.

Witness: W04746 (Resumed) (Open Session)

Page 5517

Examination by Ms. Lawson (Continued)

1 Q. And Profa is the first name under that heading. He was the
2 commander of the 152 Brigade; correct?

3 A. Muqolli, brigade commander.

4 Q. Do you recognise the names listed under Profa?

5 A. Not all of them.

6 Q. We'll move across to Ulpiana. What was that code for?

7 A. Brigade 151.

8 Q. And the first two names are Luta and Batusha who were the
9 commander and deputy; correct?

10 A. Correct.

11 Q. If we look at number Ulpiana 55, we see the name Sylevic. Do
12 you recall who that was?

13 A. I do remember a person who went by the last name Sylevic and who
14 had been detained by us, but I don't believe he had a number. It
15 could be somebody else.

16 Q. Moving over to the left, what was the Guri code for?

17 A. These are the codes of the civilian defence. Each village had
18 their own codes.

19 Q. And Blini, what does that code refer to?

20 A. I recall that Blini was a Kosovo Liberation Army member who was
21 killed during the war. However, Blini here can stand for a village,
22 so don't take my word for that.

23 MS. LAWSON: Can we please move to the next page of the
24 document.

25 Q. And there's a heading Lisi. Do you know what that refers to?

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5518

1 A. No. These are people, soldiers, officers of the Kosovo
2 Liberation Army unit under the zone command. From what I can see
3 here, they are from the villages covered by Brigade 153, villages
4 around Prishtine.

5 Q. Did the military police also have a code?

6 A. Yes.

7 Q. Do you remember what that was?

8 A. No, I don't remember. It might have been they -- 111, but I'm
9 not certain. It could be that it was this one.

10 MS. LAWSON: We've finished with this document for now. Thank
11 you.

12 MR. EMMERSON: Your Honours, before the document's finally
13 pulled from the screen. We haven't had any evidence at all about
14 timing in respect of these codes and this document. There is no
15 evidence at all about the date of the document. But we do know that
16 the witness has given evidence to the SPO in the past that the codes
17 were only allocated on a certain date. I won't say it. It might
18 prompt the witness. But this document must postdate the date upon
19 which the codes were allocated.

20 I wonder if Ms. Lawson could explore at what period of time this
21 document relates to.

22 MS. LAWSON: I'm happy to explore when the codes were assigned
23 which would appear closer to the witness's knowledge.

24 PRESIDING JUDGE SMITH: Thank you, Ms. Lawson.

25 MS. LAWSON:

1 Q. Witness, could you please indicate approximately what date the
2 code system came into operation in the Llap zone?

3 A. I don't remember. It must have been towards the end of 1998,
4 beginning 1999. It could also be that many of these codes were never
5 used.

6 Q. Do you know someone called Skender Zhitia?

7 A. Skender who?

8 Q. Zhitia.

9 A. No.

10 Q. I may be mispronouncing the name. Zhitia.

11 A. Yes.

12 Q. How do you know him?

13 A. He was a soldier and then later officer in the KLA.

14 Q. In the Llap zone; is that correct?

15 A. Correct.

16 Q. Did he interview you when he was researching a book about the
17 Llap operational zone?

18 A. We had a conversation about the book he wrote with me, but there
19 was no proper interview done.

20 Q. Are you familiar with his book which was published in 2008 and
21 called "Kosovo Liberation Army: Llap Operational Zone"?

22 A. Yes, I know about it.

23 Q. Do you own a copy of the book?

24 A. I think so.

25 MS. LAWSON: So I'd like to call up an exhibit, please. It's

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5520

1 SPOE00055678. And we should please go to page 55705. And the
2 English translation is SPOE00055705, and it's the ET Revised version.
3 Thank you. We can move just slightly down on the page in the
4 Albanian version.

5 Q. You can see there that he's describing the code names used in
6 the communications system. And it's consistent with the
7 description -- with the discussion we've just had.

8 MS. LAWSON: If we turn to page 55707, please, and go to the
9 bottom of the page.

10 Q. Can you see there that he mentions you as a source for when he
11 was compiling this information?

12 A. Yes.

13 Q. There were a couple of points you indicated you didn't remember,
14 so we'll see if this book assists. When we were discussing the
15 sectors yesterday, you initially said that Fatmir Humolli was in
16 charge of the sector for morale, but then stated that you had
17 confused the sectors and you gave a different name, Vallon Murati.

18 At page 706 --

19 MS. LAWSON: So back one page, please, and down to the bottom of
20 the page in the Albanian. Thank you.

21 Q. We can see that Fatmir Humolli is, in fact, listed as the chief
22 of the sector for morale and political issues. So is that correct,
23 that he was the chief of that section?

24 A. This is correct, yes.

25 Q. And elsewhere in the book, I won't call it up now unless we need

Witness: W04746 (Resumed) (Open Session)

Page 5521

Examination by Ms. Lawson (Continued)

1 to because it would involve switching documents, but there's a
2 footnote which mentions Vallon Murati as a member of the public
3 information sector. Does that sound correct?

4 A. Public? Yes. Most certainly, yes.

5 Q. On that same page, you can see the nickname Bali for Hamit
6 Hamiti. Are you familiar with that nickname or do you remember it
7 now?

8 A. Yes. Hamit Hamiti.

9 MS. LAWSON: So in the Albanian, can we please move to page
10 SPOE00055849. And we'll need to change the English document to
11 SPOE0055799, and it's the ET Revised 1 version.

12 THE COURT OFFICER: Your Honours, I only see an ET Revised
13 version, not an ET Revised 1 in the presentation queue.

14 MS. LAWSON: We can use the revised version. Thank you.

15 If we go to page 5851 in both the documents, please.

16 Q. And we can see there that he says the military police had the
17 code Zjarri, and their number started from 500 onwards; was that
18 correct?

19 A. I think it must be so, but I cannot recall it. This -- this
20 code name Zjarri appears to be interesting from my point of view.

21 Q. Do you remember what specific phone number you were using at the
22 time?

23 A. No, I don't remember the numbers.

24 Q. Were communications organised to a good level in the Llap zone?

25 MR. EMMERSON: With the greatest of respect, that's not a

1 sufficiently precise question.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 We'll start out with that question and then it should be
4 refined.

5 You may answer the question, Witness.

6 THE WITNESS: [Interpretation] No, the communication via
7 telephone was not that good. Telephone numbers at the time were
8 under Serbian control. For our command needs, however, we had
9 satellite phones at our disposal. However, there were many occasions
10 when they did not work properly due to the fact that we -- there were
11 difficulties in paying off the bills. Those bills were being paid
12 from overseas, so communications were not up to a satisfactory level.

13 MS. LAWSON:

14 Q. Let's discuss the equipment you had then. What communications
15 equipment did you have?

16 A. We had walkie-talkies, telephones, and courier meetings,
17 face-to-face, that is.

18 Q. Did you have radio handsets? Is that what you're referring to
19 as walkie-talkies?

20 A. Yes.

21 MR. EMMERSON: Again, I'm sorry to interrupt, but can we have a
22 date frame for these methods of communication within the indictment
23 period.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MS. LAWSON: Yes.

1 PRESIDING JUDGE SMITH: Please give dates for these.

2 MS. LAWSON:

3 Q. Yes. Witness, can you indicate approximately when you obtained
4 your radio handsets, for example?

5 A. A small number, three or four per zone, arrived from the very
6 beginning, from June, July 1998. Their numbers increased in time.
7 Some people brought them in so their numbers increased.

8 Q. Was there anywhere in particular that you obtained the radio
9 handsets from?

10 A. I remember that a number of those devices came from Western
11 countries.

12 Q. Were the handsets available to the brigades and units?

13 A. Yes, they were at the disposal of units. However, we had
14 difficulties in the supply of electricity, and we had difficulty
15 charging them. So we did have these technical difficulties to cope
16 with.

17 Q. And you mentioned you had a number of satellite phones. When
18 did you obtain them?

19 A. They arrived from our compatriots overseas. I remember that two
20 of those came from the chief of the political office of the Kosovo
21 Liberation Army, Adem Demaci.

22 Q. Approximately when did you obtain them?

23 A. It may have been after the September offensive against us.

24 Q. Where were those satellite phones located? Where did you keep
25 them?

1 A. The command telephone stayed at the command headquarters, the
2 place where we stayed.

3 Q. And who had access to it?

4 A. The brigade commanders were the ones in charge. They could have
5 allowed others too. However, because of the high cost of usage, the
6 number of people allowed access had to be limited.

7 Q. Did the communications equipment you had enable you to
8 communicate with other zones and with the General Staff?

9 A. There were times when we were able to establish a connection.
10 However, this was very difficult because the intervention by the
11 enemy, interception by the enemy had -- was not that difficult. We
12 were not very well schooled at their usage, so we did face a number
13 of issues.

14 Q. Did you even provide communications equipment to the
15 General Staff?

16 A. Yes, I remember that when these devices arrived from Western
17 countries, I offered two of these radio handsets, but I don't recall
18 ever having communicated with the General Staff through them.

19 Q. You mean through those specific handsets; is that correct?

20 A. That's right, yes.

21 Q. Is it fair to say that members of the Llap zone command had
22 regular phone contact with the General Staff?

23 A. I can only speak for myself. I did have contacts. Every time
24 that I was able to establish a connection, we did have a
25 conversation. However, I wouldn't describe them as regular.

1 MS. LAWSON: Your Honours, I'd like to refer to a prior
2 statement again, please.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 All right. You may do so.

5 MS. LAWSON: And for reference, I'll start with Part 3 at
6 page 5.

7 Q. The question was:

8 "Q. I think you said that there was contact by phone regularly.

9 "A. Yes.

10 "Q. Was that daily contact?

11 "A. No.

12 "Q. Well, by, for example, January 1999, were you in daily
13 contact with the General Staff?

14 "A. We tried to contact them by phone, but it doesn't mean that
15 we spoke every day."

16 Is that accurate?

17 A. It's exactly what I said earlier.

18 MS. LAWSON: And Part 4, pages 7 to 8.

19 Q. Your answer was:

20 "These were the people that all zone commanders knew, that they
21 were members of the General Staff. And we had the phone numbers of
22 the General Staff, and we spoke with them. And regarding the
23 constant contact that you were asking me about, this was done over
24 phone lines. But the most official contact that we had with the
25 General Staff were physical contact, but those were also the hardest

1 to achieve."

2 Again, is that correct?

3 A. Yes, it is.

4 MS. LAWSON: And I'd like to bring up a document, please. This
5 is a book that was published by Jakup Krasniqi in 2006. The Albanian
6 reference is U015-8743, and the English is U015-8859. And we should
7 please go to page 8864.

8 Q. And I can read the passage. He's referring to a visit to the
9 Llap and Shala zones in October 1998, and he says the following:

10 "We went to those areas to see for ourselves on the ground what
11 the political and operational situation was like after the September
12 1998 offensive. We had already received some general information
13 about the situation from our daily communications by phone (satellite
14 phone), but we wanted to have more detailed and concrete view."

15 So is that correct? You were in regular contact with the
16 General Staff, if not daily contact?

17 A. We did have contact continuously. However, it depends on the
18 definition of the word "regular." We tried to remain in permanent
19 contact with the General Staff of the Kosovo Liberation Army.

20 Q. And I understand from the -- what you have already said, that it
21 was permitted for members of the zone command to have contact with
22 members of the General Staff; is that correct?

23 A. Can you kindly repeat it, please?

24 Q. It was authorised for members of your zone command to have
25 contact with the General Staff directly.

1 A. There was no obstacle, not that I recall. There was no obstacle
2 for anyone.

3 Q. Including the brigades and units?

4 A. I don't think they had contacts, because I did not have the
5 phone directory. However, there were no restrictions on anyone to
6 contact the General Staff.

7 Q. So, for example, a person dealing with logistics could make
8 direct contact with a member of the General Staff responsible for
9 logistics; is that correct?

10 A. Official contacts, Madam Prosecutor, came via me. I was the
11 person who represented the Llap operational zone at the
12 General Staff. The logistics chief, or anyone else for that matter,
13 has never come to me to have this kind of contact with the
14 General Staff counterparts.

15 Q. So when you're referring to official contact there, I understand
16 that you're referring to the physical in-person meetings; is that
17 correct?

18 A. Personal, physical, other communications, all contacts that had
19 to do with the state of affairs within the Kosovo Liberation Army.
20 These contacts could have been via reports by my deputy who knew the
21 chief of staff of the Kosovo Liberation Army, or it could have been
22 someone else who had -- I had assigned to establish links or to
23 communicate with the General Staff or with some other operational
24 zone command.

25 Q. Thank you. We'll move to a different topic. When did you

1 assume responsibility as commander of the Llap zone?

2 A. When Commander Zahir Pajaziti fell, I took over responsibility
3 to organise the Kosovo Liberation Army soldiers in my zone. The
4 approval of this position by the General Staff arrived in July or
5 August 1998, the formal endorsement.

6 Q. So was it 1997 that you assumed the responsibility after
7 Zahir Pajaziti was killed?

8 A. Yes.

9 Q. Was there a particular decision taken that you would assume that
10 responsibility?

11 A. No, there wasn't. I was in contact with friends of mine,
12 co-fighters who had survived, and we deemed it necessary to become
13 operational. And so we gradually established ourselves, established
14 links with the General Staff and others who were asking, as we were,
15 to fight for the Kosovo Liberation Army.

16 Q. I would like to show you a passage from the book "War for
17 Kosovo: Commander Remi Speaks."

18 MS. LAWSON: The ERN in Albanian is SPOE00330195, and we should
19 please go to page 330236. The English is SPOE00053263, and we should
20 go to page 53289. If we can move down to the bottom of the page in
21 the Albanian, please.

22 Q. Do you see there there is an account of a meeting that was held
23 at Ballofci bridge?

24 A. Yes.

25 Q. Is that account accurate?

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5529

1 A. These were agreements amongst friends, as I said earlier. We
2 agreed with KLA members. You may want to call it a decision now.
3 However, that was an agreement for us to continue work onwards.

4 Q. And in that passage, you yourself described it as an official
5 meeting at which a decision was taken; isn't that correct?

6 A. We felt the need to make these sound official. However, these
7 were meetings amongst people who could meet each other, people who
8 had survived. We agreed amongst ourselves. You can describe them as
9 official meetings, why not.

10 Q. Can you please read out who was present at the meeting?

11 A. There was me, Latif Gashi, Ilir Konushevci, and Murat Ajeti.

12 MS. LAWSON: And if we move over to the next page, just in the
13 English, please.

14 Q. You also took a decision on who the members of the zone command
15 going forward would be; isn't that correct?

16 A. We agreed for the zone staff to be completed. You should be
17 aware that these public interviews, in fact, are essays. These are
18 accounts aimed at publicity. And that is why we magnified these
19 achievements. We described them as official meetings, and so on and
20 so forth. You can, however, take this description of this book. It
21 is of no consequence to me. I agree.

22 Q. And in the passage we've just looked at, it said that it was
23 agreed you would maintain contacts with the General Staff. Who were
24 your General Staff contacts at that time?

25 A. Adem Jashari, the commander. The one who we call the legendary

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5530

1 commander.

2 Q. How did you first meet Rexhep Selimi?

3 A. I met him in the company of Commander Adem Jashari one day
4 before the Prekaz war where the commander and the entire Jashari
5 family fell.

6 Q. So you just mentioned that you met with Adem Jashari on the
7 evening of 4 March 1998; is that correct?

8 A. Yes.

9 Q. I'm going to ask you a couple of specific questions about that.
10 Who did you meet there?

11 A. I went to Adem Jashari's house in the evening, alongside
12 Shekip Fazliu, a friend of mine who was carrying out research
13 studies. From there, we proceeded towards a village where Rexhep
14 Selimi, Muje Krasniqi, Sylejman Selimi, and maybe someone else were.
15 It was a place where we were visiting injured -- the injured people.
16 They took me with them to go to one of the Drenica villages. It's to
17 advocate the work of the Kosovo Liberation Army, to consolidate the
18 ranks and to talk to other members of the General Staff of the KLA.

19 Q. Were you there in your capacity as the representative of the
20 Llap zone?

21 A. Yes.

22 Q. So you mentioned this previously and I believe you gave July or
23 August 1998 as the date. Did there come a time you were officially
24 authorised as the Llap zone commander by the General Staff?

25 A. I explained this earlier that this was formally done in July or

1 August 1998. But I was already exercising those duties and holding
2 that position.

3 Q. Who appointed you?

4 A. In the course of a visit from -- by the chief of staff with the
5 deputy zone commander, with the spokesman. From what I can remember,
6 the decision was approved for me to continue my duties as zone
7 commander.

8 Q. You're referring there to Jakup Krasniqi and Bislime Zyrapi; is
9 that correct?

10 A. Yes.

11 Q. How was the appointment done? Was there a signed document?

12 A. Ms. Prosecutor, I was already in my duty as a commander. And
13 for the sake of the needs to -- for the purpose of formalising this
14 as within the KLA, the General Staff formally approved that -- the
15 fact that I was who I, in fact, had already been.

16 Q. Did they do that by way of a written document?

17 A. It must have certainly been in writing.

18 Q. And you indicated that it was during the course of a visit.
19 That was a visit to the Llap operational zone; is that correct?

20 A. I was the commander of the zone, Llap zone. And they came and
21 visited us, people from the General Staff.

22 Q. Did other members of the General Staff travel on that visit as
23 well as Jakup Krasniqi and Bislime Zyrapi?

24 A. I know there -- other names were mentioned as being present, but
25 I don't remember them exactly. Even if they were, they were not sent

1 to officially inspect the Llap operative zone.

2 Q. Did the General Staff members only appoint you at that time or
3 did they also confirm other appointments in the Llap zone command?

4 A. I don't remember. But they might have confirmed other
5 appointments as well.

6 Q. What else was discussed during the meetings you had with the
7 General Staff representatives?

8 A. Discussions about the better organisation, better
9 communications, getting -- preparing ourselves for the coming --
10 upcoming challenges, war challenges, training of soldiers,
11 recruitment matters, and so on and so forth. And we were aiming to
12 better organise and to better structure our units, considering also
13 that other officers were coming from abroad to join our ranks.

14 MS. LAWSON: And I'd like to call back up the Zhitia book,
15 please. The reference is SPOE00055678, and we'll go to page 55819.
16 The English is SPOE00055799. And we'll go to page 55819.

17 Q. We can see there he's describing this visit in August 1998;
18 isn't that correct?

19 A. I cannot confirm it with certainty, but I have no reason to
20 doubt the account of Mr. Skender. It's hard for me, though, to make
21 comments on other people's writings.

22 Q. And he mentions the other members of the delegation as
23 Hashim Thaci and Rexhep Selimi; isn't that correct?

24 A. I remember having dealt with the two I mentioned before, but it
25 doesn't bother me if this is the case. However, I do not remember

1 having had any discussion or conversation with respect to the
2 organisation of the Kosovo Liberation Army during this time with
3 Hashim Thaci or Rexhep Selimi. It was not an important thing to
4 remember it, even if I met with them.

5 MS. LAWSON: If we can turn to the next page, please. And
6 actually one further.

7 Q. And it says that the delegation left satisfied with the
8 achievements of the zone and encouraging you that you have their
9 support; is that correct?

10 A. Yes, I believe this must have been the case, to encourage us,
11 because we were all aiming to expand, increase and strengthen
12 ourselves. I do not remember, though, exactly what they said in
13 respect of these words praising us.

14 Q. What were your responsibilities or duties as zone commander?

15 A. To organise all units within the Llap operative zone and all
16 work related to building and structuring the zone.

17 Q. Did it include respecting the war strategy of the KLA as
18 established by the general headquarters?

19 A. With respect to the time we're referring to, this was a
20 terminology that had started being used, but I -- there was no
21 written strategy. The general strategy was to expel the enemy forces
22 from our country. This was it. We were gradually strengthening
23 ourselves and developing strategies and other documents.

24 Q. Did it include keeping in contact with the General Staff?

25 A. Yes, I was obligated. I had taken on the obligation to be in

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5534

1 contact with the General Staff and to attend those meetings where
2 I -- that I was able to attend.

3 Q. Did you hold meetings within the Llap zone command?

4 A. Meetings with the Llap zone? I -- what exactly do you mean?

5 Q. Yes. Did you hold internal meetings of the Llap zone command?

6 A. Yes, certainly.

7 Q. And if someone -- I assume there were occasions when one or more
8 members would not be able to attend those meetings; is that correct?

9 A. Certainly.

10 Q. If they were absent, would they be informed of what had
11 happened?

12 A. Yes.

13 Q. As commander of the zone, would you visit the different units in
14 the Llap zone?

15 A. Yes, every time I was able to do so I would visit them.

16 Q. And would the Llap zone command receive reports from the
17 different units and brigades?

18 A. We tried to organise ourselves as best as possible, and we did
19 whatever we could. We tasked units to report back to -- to report on
20 their work, report it to the zone staff.

21 Q. How often did you have contact with the brigade commanders in
22 the Llap zone?

23 A. Depending on the situation -- for example, the time we're
24 referring to, before September, I stayed together with two of these
25 commanders, so our contacts were almost daily. Meetings were almost

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5535

1 daily. Then later on, it was less -- it was more complicated to
2 meet. So we could not meet, for example, very often with the
3 Brigade 153 commander.

4 Q. That was going to be my next question. So was the Brigade 151
5 and 152 commanders that you were referring to as having almost daily
6 contact with at a certain period of time?

7 A. I would not say daily but frequent.

8 Q. Yes, your words were "almost daily," I think; isn't that
9 correct?

10 A. Yes, this is another way to put it.

11 Q. Did soldiers in your zone receive any training?

12 A. Yes. We tried to give training to every one of them, but we
13 didn't have time and most of them were sent to the front line without
14 having undergone such training.

15 Q. For those who did receive training, did it include training on
16 the chain of command?

17 A. I believe so. I don't remember now, but I believe so.

18 Q. While you were commander of the zone, did you issue any orders?

19 A. Yes.

20 Q. Can you provide an example, please.

21 A. They were mostly oral. Very rarely in writing. But -- and
22 mostly with respect to positioning, engagement of troops in a
23 defensive line, unblocking roads that we needed to use. Military
24 tasks in general.

25 Q. As the zone commander, did you have the authority to inspect any

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5536

1 of the units or facilities in the Llap zone?

2 A. I was the commander and I had the possibility to do this.

3 Q. In terms of hierarchy, were members of the zone command a higher
4 authority than other KLA members in the zone?

5 A. They are members of the staff and they were privileged. At that
6 time, we did not have ranks, but they were obviously at a higher
7 position.

8 Q. Were there any regulations on discipline in the KLA?

9 A. There were several types of regulations. We used all literature
10 sources from Albania and from other armies in the region. My
11 officers drafted their own regulations as well. In my zone, there
12 were many officers who had been in the military academy in former
13 Yugoslavia, and they were familiar with these regulations and they
14 drafted them.

15 We were assisted in this task with respect to regulations by the
16 office of -- the political office of the Kosovo Liberation Army;
17 namely, Adem Demaci. He had a number of advisers around him, and
18 some of them had been generals in the former Yugoslav Army.

19 Q. And so specifically, again, were there regulations on discipline
20 in the KLA?

21 A. Yes.

22 MS. LAWSON: I'd like to show a document, please. The reference
23 is P00165. And the English is the same with ET after it.

24 Q. Do you recognise this?

25 A. Not as I see it here.

1 Q. Would it assist you to see some more pages of the document?

2 A. Perhaps it would.

3 MS. LAWSON: Can we please go through the first one or two
4 pages, slowly. The next page, please.

5 THE WITNESS: [Interpretation] No, Ms. Prosecutor. This could
6 have -- could be that it was distributed to Kosovo Liberation Army
7 soldiers, including my soldiers, but not to me.

8 MS. LAWSON: Your Honours, I'd like to refer to a prior
9 statement again, please.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 Yes, granted.

12 MS. LAWSON: And the reference for the parties is Part 2 at
13 page 6.

14 Q. You were asked:

15 "Q. Mr. Mustafa, are you aware of the KLA general HQ regulation
16 on discipline? I'm now going to hand you a copy of a [discipline
17 document]."

18 And your answer was:

19 "A. Yes, I recall that."

20 And the question was:

21 "Q. And it's correct, that is the regulation on discipline
22 within the Kosovo Liberation Army?"

23 And your answer was:

24 "A. Yes, as far as I remember. Yes."

25 Does that assist you?

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5538

1 A. If I said so. There's no reason for me to avoid recognising
2 this document. I don't remember now. But if you say so, I then must
3 have said it. I know there were many regulations at that time.
4 There were many books written on this, and this could be one of
5 those. And I'm certain that different -- various regulations came --
6 originated from the General Staff with respect to discipline.

7 MR. EMMERSON: May I just raise a question of the form in which
8 this is being done, because when references to the SPO transcript are
9 being put to the witness they are simply being read out rather than
10 brought up on the screen in English and Albanian as is the
11 conventional way.

12 But trying to follow that, I, for example, wasn't able to find
13 any indication in the transcript of the identification of the
14 document that was shown to the witness in the SPO transcript. So
15 perhaps it could be clarified where, for example, on the transcript
16 we find a reference to the identity of the document that was shown to
17 the witness and to which he was responding to ensure it's the same
18 document that we have here.

19 MS. LAWSON: Yes. And we'll come back to that and provide the
20 information at --

21 PRESIDING JUDGE SMITH: Well, all right --

22 MR. EMMERSON: Well, could -- rather than coming back to it,
23 we're trying to follow the cross-examination. A matter has been put
24 to a witness saying, "You were shown this document and this is what
25 you said," and it's not apparent from the transcript of the interview

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5539

1 which we're following that it was in fact this version of this
2 document that was shown to him. So if that is the case, with
3 greatest of respect, it's not a question of dealing with it later --

4 PRESIDING JUDGE SMITH: It will need to be clarified as to
5 whether or not that was the same document. I agree with that.

6 MR. EMMERSON: But before the question can be put.

7 PRESIDING JUDGE SMITH: Well, let's move on and see what --

8 MR. EMMERSON: Otherwise, it's misleading for the witness if it
9 turns out not to be. You can't have a witness being told it's the
10 same document --

11 PRESIDING JUDGE SMITH: [Microphone not activated] And you'll
12 certainly have an opportunity to cross-examine if you have any
13 questions --

14 MR. EMMERSON: It's not really a question of cross-examination,
15 with respect. If you just think it through for a moment, if the
16 witness is being told he's given an answer in respect of a document
17 that's different to the one he's now being shown, then the entire
18 line of cross-examination -- of examination-in-chief is misleading
19 the witness. There has to be a foundation to show it's the same
20 document. Otherwise, the question is meaningless.

21 PRESIDING JUDGE SMITH: He does not seem to be misled. He's
22 given a straight -- he's given the best answer he can. I accept it's
23 qualified -- I accept that it's qualified --

24 MR. EMMERSON: In which case, on an equality of arms basis, may
25 we please get a direction from the Panel that the same practice

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5540

1 should be used by the Prosecution with this witness as is always
2 required of the Defence by the Prosecution.

3 PRESIDING JUDGE SMITH: We'll attempt to be --

4 MR. EMMERSON: Namely, that they call up the passage of the
5 interview in English and in Albanian so that the parties can follow
6 it.

7 This is a shortcut procedure being used only by one side at a
8 time when they are continuously requiring both sides to be called up
9 on the screen when the Defence wish to refer to former documents --

10 PRESIDING JUDGE SMITH: [Microphone not activated]. We certainly
11 attempted to be --

12 MR. EMMERSON: [Overlapping speakers] ... have the same
13 procedure then.

14 PRESIDING JUDGE SMITH: Mr. Emmerson, please don't interrupt me.
15 We've attempted to be fair on all sides. This is a fair question.
16 She will straighten it out if she believes it's necessary. And if
17 you want to, you can cross-examine him at further length. But this
18 is the end of this discussion. [Microphone not activated].

19 Go on, Ms. Lawson.

20 MS. LAWSON: And, Your Honour, I have completed my questions on
21 that document. We will provide clarification.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. MISETIC: Mr. President, I hesitate to rise. But if we
24 could just get an indication of specifically when we can expect from
25 the SPO to be disclosed how we know for sure what document was shown

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5541

1 to him as soon as possible so that we can be prepared on
2 cross-examination.

3 PRESIDING JUDGE SMITH: Fair question. What's the answer?

4 MS. LAWSON: You'll certainly have it before cross-examination.
5 I would anticipate being able to get it during the lunch break.

6 PRESIDING JUDGE SMITH: Thank you. We'll expect that after the
7 lunch break.

8 MS. LAWSON:

9 Q. Do you recall any instances where one of your subordinates
10 disobeyed an order and had to be disciplined?

11 A. To soldiers, you mean?

12 Q. Yes, one of your subordinates in the zone. One of your
13 soldiers.

14 A. Yes, there were two or three occasions where there was an
15 infringement of the rules. They undermined the facilities, the
16 military facilities there.

17 Q. In what way?

18 A. Shooting a weapon where it was banned. I know that that
19 occurred. A brawl among soldiers. This kind of disciplinary
20 breaches and others that -- that I remember now, but I -- I am quite
21 sure that brigade commanders would have come across these kinds of
22 things more frequently.

23 Q. And what form of discipline would be imposed?

24 A. There were a number, including the threat of demobilisation.
25 However, there's no such case. No furlough, and up to the temporary

1 isolation, disarming of a soldier, that kind of thing.

2 Q. When they were isolated, would they be detained? Is that what
3 you mean?

4 A. Yes.

5 Q. So in the Llap zone, were there people who were detained by the
6 KLA?

7 A. Yes, Madam Prosecutor. We've had -- we have had a criminal
8 proceedings, a criminal case against us. There has been -- there
9 have been criminal proceedings against us, and you can obtain the
10 documentation.

11 Q. You're referring to the criminal proceedings in which you were
12 an accused; is that correct?

13 A. Yes.

14 Q. What ethnicity were the people who were detained?

15 A. There were people who opposed the rules of the war. The ethnic
16 background was of no difference to us. Whoever breached them would
17 be subjected to it. And given that you're asking, they could have
18 included Serbs, Albanians, and I'm not sure about other ethnicities.
19 But that they -- they would have been citizens of the country.

20 Q. When you say "opposed the rules of the war," what are you
21 referring to?

22 A. People who were against the mission for freedom or people who
23 disrupted military discipline and order. The facilities where we
24 were located, for instance.

25 Q. So is that people who opposed or objected to the mission of the

1 KLA?

2 A. There were some of those, too, even though fewer in number.

3 Q. Approximately how many people in the Llap zone needed to be
4 dealt with in this way?

5 A. I'm -- I'm talking about people who opposed our mission for
6 freedom. But generally speaking, the number, including amongst my
7 soldiers, does not exceed three figures.

8 Q. By "three figures," you mean 100; is that correct?

9 A. Yes, it is not more.

10 Q. And they were people for whom detention was deemed a necessary
11 measure; is that correct?

12 A. Yes.

13 Q. What locations in the Llap zone are you aware of where people
14 were detained by the KLA?

15 A. Madam Prosecutor, I may be able to say them. However,
16 everything has been documented because it was part of a trial.

17 Q. I understand that, but I'd appreciate if you could say them,
18 please.

19 A. Where Brigade 151, 152, and the zone command were located, there
20 might have been a detention house there. And I can mention Bradash,
21 Llapashtice, Burice, and, as far as I know, also in Potok and Majac.

22 Q. Were people also detained in Bajgore?

23 A. Yes, Bajgore too.

24 Q. Was there a main detention facility amongst those that you've
25 named?

1 A. Yes, the one at Llapashtice.

2 Q. Was it always at Llapashtice or did it move?

3 A. It may have moved due to the degree of risk.

4 Q. And where would it have moved to?

5 A. Wherever it would have been more -- more secure, and I cannot
6 recall exactly where now. This staff were obliged to look after them
7 and to find more a secure location for them. Our soldiers were,
8 these ones.

9 Q. Who would escort the detained persons when they were being
10 moved?

11 A. The staff who were assigned to deal with these matters.

12 Q. Who were the staff who were assigned to deal with those matters?

13 A. The police of the operational zone.

14 Q. We'll go one by one through some of the locations that you've
15 mentioned. Is Bajgore the village that you marked on the map
16 yesterday? I believe we used a number 2 to designate it.

17 A. Yes.

18 Q. And during what time period was the Llap headquarters in
19 Bajgore?

20 A. It may have been during July, August, and the first part of
21 September.

22 Q. Why was it moved in September?

23 A. After the big enemy offensive of 15 September, we relocated. It
24 was a tactical move undertaken by the Kosovo Liberation Army.

25 Q. Where in Bajgore was the headquarters?

1 A. I don't know whether we can call it a headquarters because we --
2 we slept in -- in various houses belonging to the villages. However,
3 at the school in Bajgore -- the school in Bajgore was the place where
4 recruits had -- would sleep.

5 Q. During approximately what time period were people detained in
6 Bajgore?

7 A. There were some were kept for -- for a long period of time. But
8 there were others who were perhaps kept in detention for two hours,
9 others who would spend the day in detention, others who would spend
10 weeks.

11 Q. You're referring there to the length of time that individual
12 detainees would be held; is that correct?

13 A. Yes.

14 Q. So during approximately what time period did the detention
15 facility in Bajgore operate?

16 A. Don't hold me to my words, but I think it might have been July,
17 August. I'm not entirely certain, though.

18 Q. And did people continue to be detained there up until the
19 headquarters was moved in the middle of September?

20 A. One or two may have been kept. The others would have been
21 freed. That's what happened.

22 Q. Where in Bajgore were the detainees kept?

23 A. That was at a house consisting of three or four rooms, just like
24 the other houses there.

25 Madam Prosecutor, all these were part of that trial. Everything

1 is there. We -- I'm referring here to a judgment that has gone
2 through all the justice system, and it was a case that was led by
3 UNMIK and EULEX.

4 Q. Where did the headquarters go when it needed to move after
5 15 September initially, before you moved to Llapashtice?

6 A. In the villages of Majac and Lupq. Two adjacent villages.

7 Q. And in October, you gave an order for the headquarters -- for
8 units to move to Llapashtice; is that correct?

9 A. Yes.

10 Q. You've mentioned that detainees were also held in Llapashtice.
11 Approximately when did the detention site there start operating?

12 A. It most certainly would have been during the time when the zone
13 headquarters was established there.

14 Q. So that would be October 1998; correct?

15 A. I can't give an exact date, but I know that it happened
16 immediately.

17 Q. The detention facilities were established immediately. Is that
18 what you're referring to?

19 A. Yes.

20 Q. In addition to the zone command itself, were other units based
21 in Llapashtice?

22 A. Yes, there were other units of the Kosovo Liberation Army there.

23 Q. Which units were there?

24 A. Brigades 151 and 152 had sent units that were for the defence of
25 the headquarters.

1 Q. Were the military police that were attached to the zone also
2 based there?

3 A. Yes, they were close to us.

4 Q. Approximately how far were they based from the headquarters
5 building?

6 A. I can't recall exactly, but it can't be more than 300 to
7 500 metres.

8 Q. If I said 200 metres or less, does that sound correct?

9 A. I agree that's the case.

10 Q. And is that where Nazif Mehmeti and his unit were based?

11 A. Yes.

12 Q. And where was the detention facility in Llapashtice?

13 A. There, close by.

14 Q. When you say "there," do you mean the military police base?

15 A. Yes.

16 Q. Did you ever go to the detention building?

17 A. The kitchen was there, the kitchen that served the zone command,
18 so I would go -- I -- I would go there frequently. I might have gone
19 there very frequently. I can't remember how many times, but I have
20 been there, yes.

21 Q. To the military police building; is that correct? Is that where
22 you're referring to as the kitchen being?

23 A. Yes, I would go to that kitchen to have my food.

24 Q. Did you ever see the detainees?

25 A. There are occasions. I remember occasions where we had lunch

1 together, not sharing the same table but sharing the same room, that
2 kitchen.

3 Q. Did there come a time when the detainees were moved from
4 Lllashtice?

5 A. Yes.

6 Q. When was that?

7 A. Everything has been documented, but I cannot recall at this
8 point in time, Madam Prosecutor. I agree to the written evidence,
9 evidence that is public.

10 Q. So if I suggest the date from your prior statements of 24 March
11 1999, does that sound correct?

12 A. Yes, Madam Prosecutor. The records that you have, and which I
13 have been able to see, those that were presented during the trial,
14 they exist, and I -- and I fully support them.

15 Q. Where were the detainees moved to then?

16 A. I don't know.

17 Q. During what time period was there a detention centre in Majac?

18 A. I -- I think it would have been during the bombing and during
19 the time when we closed all detention centres. It may be the end of
20 March or the beginning of April, but I'm not completely certain.

21 Q. Where in Majac was the detention centre?

22 A. I -- I used to know. I visited that place, but I find myself
23 unable to describe it.

24 Q. Who was in charge of it?

25 A. The military police staff.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5549

1 Q. And going back previously to Llapashtice. Although it may have
2 been implied in what you said, who was in charge of the detention
3 centre in Llapashtice?

4 A. Nazif Mehmeti was head of the military police there.

5 Q. And were the military police in charge of the detention centre
6 there?

7 A. Yes.

8 Q. Going back to Majac, you mentioned that you visited the
9 detention centre there. When was that approximately?

10 A. I cannot recall the exact time, but I know that that was the
11 time when a decision was taken on all detainees.

12 Q. What type of decision?

13 A. There was a decision because we had no conditions for their
14 continued detention. The war -- the war was all around us, and so we
15 freed them and allowed them to go to where the population was
16 located. There were some of those who went and joined the Kosovo
17 Liberation Army. So everyone returned to their own -- to their own
18 locations, with the exception of one who was kept until the end of
19 the war.

20 Q. And was that the reason why you went to the detention centre on
21 that occasion?

22 A. I cannot remember the reason.

23 Q. Did you go just once or more than once?

24 A. I remember having been there only once.

25 Q. Approximately how many people were detained at the time that you

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5550

1 went there?

2 A. I cannot remember that, Prosecutor.

3 Q. Do you remember who any of the individual detainees were at that
4 time?

5 A. I remember someone who had been talked about quite a lot.
6 Someone called Enver Sekiraqa. I remember this case because it was
7 mentioned so widely afterwards, not then.

8 Q. And by "afterwards," are you referring to knowledge you obtained
9 during the trial?

10 A. It may have been during the trial, but what I mean is after the
11 war. I can't remember exactly why and how I learned that he had been
12 there.

13 Q. So shortly after the war you somehow obtained information that
14 he had been one of the detainees there; is that correct?

15 A. You may well put it that way.

16 Q. Who else was with you when you went to the detention centre in
17 Majac?

18 A. I would have been escorted by a soldier. However, I don't
19 remember.

20 MS. LAWSON: Your Honours, now is a good time to break if that
21 suits.

22 PRESIDING JUDGE SMITH: Witness, we will take our morning break
23 for a half hour.

24 Madam Court Usher, you may escort the witness out.

25 Please do not talk about the case with anyone outside the

1 courtroom.

2 [The witness stands down]

3 PRESIDING JUDGE SMITH: [Microphone not activated]

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

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

6 PRESIDING JUDGE SMITH: Before we continue with the testimony of
7 Witness 04746, the Panel will issue its decision on SPO's application
8 to amend its list of exhibits.

9 The SPO has requested leave to amend the exhibit list to include
10 items with ERN SITF00069191 to 00069192, and the original in
11 Albanian, SITF00069190, one page, which it intends to use during the
12 examination of W04746. I will refer to this document as the list of
13 detained persons.

14 The SPO submitted that it provided timely notice and shown good
15 cause for the addition of this item to its exhibit list and that no
16 undue prejudice is caused to the Defence by such addition.

17 The Thaci Defence, the Veseli Defence, and the Krasniqi Defence
18 did not oppose the request. The Selimi Defence opposed the SPO
19 request, arguing that mere oversight is not a basis to amend the
20 exhibit list.

21 The Panel notes that the list of detained persons contains
22 information on matters generally relevant to the allegations in the
23 indictment. The Panel further notes that the SPO has indicated that
24 it intends to use the list of detained persons with W04746.

25 The Panel is, therefore, satisfied that the list of detained

1 persons is *prima facie* relevant and sufficiently important to justify
2 its late addition to the exhibit list.

3 In regards to the impact of the list of the detained persons on
4 the accused's preparation for trial, the Panel notes that the list of
5 detained persons has been disclosed to the Defence, pursuant to
6 Rules 102(3) and 103, on 21 June 2021 in its Albanian version and on
7 11 November 2022 in its English version.

8 It relates to known aspects of the SPO case, is of a similar
9 nature to other documents disclosed by the SPO and already on the
10 exhibit list, and consists of only one page of Albanian and two pages
11 in English.

12 In addition, the Defence was given sufficient notice of the
13 SPO's intention to seek leave to add this item.

14 The Panel is therefore satisfied that the Defence has been given
15 sufficient notice and adequate time for its preparation in respect of
16 the list of detained persons.

17 The Panel notes that the document has existed and was in the
18 possession of the SPO for years. The SPO could, and in fact should,
19 have sought leave to amend its exhibit list in relation to this item
20 at an earlier point in time. However, the Panel does note the SPO's
21 candid concession of an oversight.

22 The Panel is of the view that the reasons advanced by the SPO
23 for the belated nature of the application are, as pointed out by the
24 Selimi Defence, a questionable basis to demonstrate the timeliness of
25 the request. However, the Panel notes that the Thaci Defence, the

1 Selimi Defence, and the Krasniqi Defence did not oppose the SPO's
2 request, and the Selimi Defence noted that the addition of the
3 document to the exhibit list is not prejudicial.

4 In light of the absence of prejudice to the Defence, the limited
5 nature of the information contained in the document, the fact that
6 the substance of that information is contained in large part in other
7 documents already on the exhibit list, and the fact that the document
8 has been in the possession of Defence for years, the Panel is
9 prepared to grant leave to amend the list in these exceptional
10 circumstances.

11 For the foregoing reasons and in light of the parties'
12 submissions, the Panel therefore authorises the addition of the list
13 of detained persons to the SPO's exhibit list and its use with
14 W04746. It orders the SPO to file its amended exhibit list by no
15 later than Wednesday, 12 July 2023, and orders the SPO to disclose
16 the list of detained persons to the Defence and Victims' Counsel,
17 under Rule 102(1)(b)(ii) and (iii), by no later than Wednesday, July
18 12, 2023.

19 This concludes the Panel's order.

20 We're ready to proceed with the continuation of direct
21 examination.

22 Madam Court Usher, will you please bring the witness in.

23 Something?

24 MS. LAWSON: Your Honour, while that's occurring, I can perhaps
25 provide the clarification that was requested by counsel in relation

1 to a document in the last session.

2 PRESIDING JUDGE SMITH: Please do so.

3 MS. LAWSON: So I can confirm that the version of the document
4 that was shown to the witness during the interview is the same
5 version that was presented in the courtroom. In transcript Part 2,
6 page 6, the heading of the document is mentioned -- sorry, the title
7 of the document. And on Part 2, page 13, it is indicated that the
8 regulations would be marked as Exhibit 1 for that interview.

9 Now, the ERN of the document is not mentioned in the transcript
10 of the interview. However, there's an Official Note prepared
11 immediately following the interview which identifies Exhibit 1 as the
12 same ERN of the document which was presented to the witness today.

13 I hope that clarifies.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Thank you, Madam Prosecutor.

16 You can be seated.

17 Welcome back, Witness. Can you hear me all right?

18 THE WITNESS: [Interpretation] Yes, I can.

19 PRESIDING JUDGE SMITH: Mr. Misetic.

20 MR. MISETIC: Thank you.

21 We're grateful to the Prosecution for the quick clarification.
22 If we could just get an ERN number for the note to the extent it's
23 been disclosed to us so that we can follow up on that, I'd be
24 grateful. Thank you.

25 MS. LAWSON: Yes. The Official Note has not been disclosed, but

1 we'll arrange for that to immediately be disclosed to the parties.

2 PRESIDING JUDGE SMITH: Thank you.

3 Witness, the Prosecution will continue with their direct
4 examination. Ms. Lawson has the floor.

5 MS. LAWSON:

6 Q. Before the break, we were discussing some of the detention
7 facilities or locations where detention facilities were based. I'd
8 like to move to Potok. Have you ever been there?

9 A. Yes, I've been there many times.

10 Q. Was there a KLA base there?

11 A. Yes.

12 Q. Which base or what was there?

13 A. There were several KLA units depending on the period of time.

14 Q. Could you please specify which units those were? And as
15 necessary, also specify the time period.

16 A. I don't remember details. But they were there until -- so from
17 October to -- from October 1998 to April 1999.

18 Q. Was there also a hospital based there?

19 A. Yes, there was the military hospital of the zone.

20 Q. Was it used for parking vehicles?

21 A. Yes, there was also a parking area for the logistics vehicles
22 close to the hospital.

23 Q. Was your zone adequately supplied with vehicles?

24 A. They were not in sufficient numbers, but since we were close to
25 Prishtine, the capital, they gave a lot of donations for our region.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5556

1 So we had vehicles.

2 Q. How would you get them? You just mentioned donations of
3 vehicles. Could you please expand on that?

4 A. Residents from Prishtine in different forms would mobilise and
5 give supplies to the KLA, including vehicles.

6 Q. Do you know the name Floki?

7 A. I do remember, yes. I've heard this name before.

8 Q. Did he assist the KLA in any way?

9 A. This person, together with some other persons, is said to have
10 given logistical supplies, vehicles.

11 Q. And I believe you mentioned Potok as one of the locations where
12 persons were detained; is that correct?

13 A. Yes, this could have been the case.

14 Q. Which brigade's area did Potok fall under?

15 A. This area was separated between Brigade 151 and 152, and there
16 were also the zone units like the sanity unit, health unit.

17 Q. Was anyone in the Llap zone arrested just based on private
18 disputes or malicious motives?

19 MR. MISETIC: Mr. President, I would object as to lack of
20 foundation.

21 THE WITNESS: [Interpretation] Yes.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MS. LAWSON:

24 Q. You may answer the question, Witness. Thank you.

25 A. I said yes. I answered yes, there were.

1 Q. Do you recall any instances of that?

2 A. I remember two or three cases being discussed related to
3 disputes between villagers where our intervention was required.

4 Q. And you would detain the persons involved in the dispute; is
5 that correct?

6 A. We would apprehend them, they would calm down, and they would be
7 given a warning.

8 Q. Was detaining collaborators part of KLA policy?

9 A. It was not a policy, but there were cases where they were
10 exposed close to the front line or close -- in the proximity of
11 locations where they could expose us to danger, and we would arrest
12 them, too, in those cases.

13 Q. When you say it's "not a policy," what do you mean by that?

14 A. There was no priority or urgency for us to deal with these
15 matters. But since you've invited me, summonsed me here, and we are
16 talking about this, we are talking about it. These were, however,
17 matters which were not of concern to us. They were not -- they did
18 not constitute a priority for us.

19 Q. So it may not have been the priority, but it was nonetheless the
20 practice; is that correct?

21 A. We used -- made use of this on those occasions when we were
22 endangered by them.

23 Q. And was this something which the General Staff provided
24 instructions on?

25 A. I don't remember. They might have given such instructions, but

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5558

1 I do not remember.

2 Q. Do you remember the General Staff saying anything about
3 collaborators or how they should be treated?

4 A. In the hearings during the trial as to -- I was the accused, it
5 was presented, and I was made aware about the document that was
6 circulated indicating that those who were working against the KLA
7 should be prevented from doing so. But I don't remember something
8 specific from the General Staff in relation to this matter. At least
9 not as -- during my time there.

10 Q. Are you referring there to communiqués that were issued by the
11 KLA referring to collaborators?

12 A. Yes, the communiqués. And I think there was an instruction that
13 was presented in the -- my -- in the criminal proceedings in the
14 trial I was involved in. And as I mentioned before, I stand by
15 everything I have stated in those criminal proceedings, and I would
16 rather rely on those statements because they were given earlier.

17 Q. I appreciate that, and I'll remind you as necessary of what was
18 said in those prior statements.

19 What did the communiqués say about collaborators?

20 A. I cannot give something or specific elements in this regard, but
21 it -- it was certainly thought that this could endanger our forces
22 and that we should apply caution.

23 Q. Did the communiqués contain warnings to collaborators?

24 A. They are public. I don't remember them. However, the
25 communiqués contained doses of propaganda to strengthen our presence,

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5559

1 the KLA, and our commitment to the liberation of the country.

2 Q. And did you use the communiqués within the zone when you were
3 organising yourselves, as a basis?

4 MR. MISETIC: Mr. President, I'm going to object again on
5 foundation. So far the foundation that's been established is he saw
6 communiqués during his trial. There's been no further foundation
7 established about what he saw in the relevant time period, so I'd ask
8 for specific foundation about what he saw at the time, because I
9 think it's highly relevant.

10 PRESIDING JUDGE SMITH: First of all, she's asking about what he
11 saw at the trial right now.

12 But if you have information that he saw something before, please
13 specifically ask that question.

14 MS. LAWSON: Yes, Your Honour. I was attempting to maintain it
15 open, but I do have a prior statement that I can put to the witness.
16 And I'm referring here to Part 3, page 19 of his SPO interview.

17 If you would like for it to be called up on the screen, we can
18 do that.

19 MR. MISETIC: I would. I think it's important enough that it
20 should be shown to the witness.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. MISETIC: This is a particular issue that the Defence will
23 be exploring as well, and I think it should be shown to the witness
24 so that he's able to follow what was actually said in his SPO
25 interview.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5560

1 PRESIDING JUDGE SMITH: Please show it on the screen.

2 JUDGE METTRAUX: Maybe, Ms. Lawson, the ERN is 082894-TR-ET
3 Part 3.

4 MS. LAWSON: That's correct. Thank you. I was just checking if
5 we also have the Albanian reference. But we'll certainly pull up the
6 English onto the screen and I can read from that.

7 PRESIDING JUDGE SMITH: That will be sufficient. Everybody can
8 read it. And if the witness cannot, you can read it to him.

9 MS. LAWSON: Thank you, Your Honour. So once the document comes
10 up in English, I'll proceed.

11 Q. So the question posed to you was:

12 "When did the General Staff decide there should be a policy of
13 containing collaborators?"

14 And your answer was:

15 "There were communiqués in which there were warnings that were
16 given even before the war started, and we utilised those communiqués
17 as -- for our reorganisation. As far as I remember from the very
18 first communiqués, there were warnings given to collaborators."

19 Is that correct, Mr. Mustafa?

20 A. Now we're referring to year 1996 and 1997.

21 MR. EMMERSON: Again, I do apologise for interrupting. But
22 could the entire quote be -- passage be quoted down to the very end
23 of the page, and there's three words at the top of the following
24 page, to put it in context of what the witness is being asked about
25 and giving answers about.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5561

1 PRESIDING JUDGE SMITH: Of course.

2 MS. LAWSON: Yes, I'm happy to do that.

3 Q. So it continued:

4 "Q. But when was it that the General Staff decided that there
5 should be a policy of detaining collaborators?"

6 And your answer was:

7 "A. I'm sure that you should have that in your evidence,
8 because that's something that's been out in public. I couldn't tell
9 you the time, though. I know that we received letters saying that we
10 needed to look after this, this type of thing.

11 "Q. But do you recall when it was and the circumstances when
12 the General Staff indicated that collaborators were to be detained?

13 "A. I don't recall. I believe it would be after the September
14 offensive. And this probably applied mostly in Dukagjin and Drenica,
15 where there were a lot of Albanian citizens who had harmed the war in
16 one way or another. But fortunately, in my region, that was very
17 rare."

18 MS. LAWSON: Is that sufficient?

19 Q. So going back to the communiqués for a moment --

20 PRESIDING JUDGE SMITH: Was that date referring to 1998? I know
21 he didn't say it, but is that the offensive you were talking about?

22 MS. LAWSON: Yes, the offensive in September 1998.

23 PRESIDING JUDGE SMITH: I think it's better if we try to get a
24 year in when we get those dates.

25 MS. LAWSON: Thank you, Your Honour. Understood.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5562

1 Q. So going back to the communiqués. You stated in your answer
2 there that there were warnings contained in them and that you
3 utilised the communiqués for your reorganisation in the zone; is that
4 correct?

5 A. Now it's clear to me. We're referring to 1998. Following the
6 offensive in Dukagjin and other parts of Kosovo, units from column
7 number 5 came. The enemy forces mobilised Kosovo residents to fight
8 against our forces. This -- this was not the case -- did not occur
9 in my region. There were no such units. But following these events,
10 a communiqué or a recommendation was distributed -- issued. This was
11 notoriously public.

12 Q. Apart from the public statements that the General Staff issued,
13 did they also give instructions directly to the zone commanders in
14 relation to detaining collaborators?

15 A. No, I don't recall such a thing.

16 Q. Were you ever present in a meeting with General Staff members
17 where collaborators were discussed?

18 A. I don't remember any such thing. There were many more important
19 matters for us. And even if this was discussed, I do not remember
20 it.

21 MS. LAWSON: Your Honour, I'd like to present part of a prior
22 statement, and I'll give the reference, and we can again call it up
23 on the screen.

24 PRESIDING JUDGE SMITH: I'm sorry. Granted.

25 MS. LAWSON: It is 082894-TR-ET Part 3, page 20.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5563

1 Q. And the question you were asked there was:

2 "But for the General Staff, for the KLA General Staff, who
3 covered the whole of Kosovo, collaborators and the risk they posed
4 was very real; is that right?"

5 And the answer you provided was:

6 "Yes, and I was in the General Staff when this issue was
7 discussed, and I know that they had issued this. And the reason why
8 they issued this was because they had seen from the grounds that it
9 was happening that people were becoming great obstacles. And I was
10 there when it was discussed, and I know that this was done, yes."

11 Does that refresh your recollection as to whether you were
12 present at a meeting with members of the General Staff when the issue
13 of collaborators was discussed?

14 A. I think it's exactly the same thing we discussed shortly before.

15 Q. Were you present at a meeting with members of the General Staff
16 where the issue of collaborators was discussed?

17 MR. EMMERSON: I'm sorry. Again, I must -- sir, just a moment.

18 THE WITNESS: [Interpretation] Most certainly --

19 MR. EMMERSON: Just a moment.

20 Your Honours, I must invite, if that question is going to be
21 put, that the entire passage to the end of the page be put, because
22 the witness's answers in the passage that's being put place an
23 entirely different complexion on the selective way it's being pulled
24 out.

25 MR. MISETIC: Mr. President, I rise just to point out that there

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5564

1 is an Albanian version of his testimony, and it's been the common
2 practice for Albanian-speaking witnesses that we put it on the screen
3 so they can read it themselves.

4 PRESIDING JUDGE SMITH: Please let's put up the Albanian version
5 as well so that the witness can read it, and we will read the entire
6 page.

7 MS. LAWSON: We will locate the Albanian reference. In the
8 meantime, I will continue to read the English page.

9 Q. The following question was:

10 "Tell us the details about how it was discussed. Who was there?
11 Who discussed this?"

12 And the answer was:

13 "A. So primarily it was from the areas where there was fighting
14 happening. In Dukagjin, there was a lot of places where the
15 potential collaborators could have hurt the war, and this was an
16 incentive or the reason why the issue was brought up.

17 "Q. Yes, but you've just said -- I just want the details,
18 Mr. Mustafa. You said that you were personally present when
19 decisions were taken with the General Staff about the issue of
20 collaborators. And I want the details from you: What forum was this
21 discussed, and who discussed it?"

22 And your answer:

23 "So this was not a point that was interesting for my area, and I
24 don't recall any, but I know that this order was presented in front
25 of us. And this was told to us, that this needed to go to the

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5565

1 various units, to the commanders of brigades, et cetera. I don't
2 remember other details."

3 PRESIDING JUDGE SMITH: Pause just a moment.

4 Go ahead, Mr. Misetic.

5 MR. MISETIC: Mr. President, we have located the citation to the
6 Albanian version. It is 082894-TR-AT Part 3, page 27, beginning at
7 line 1.

8 MS. LAWSON: Thank you.

9 Is that adequate in terms of reading?

10 MR. EMMERSON: Yes, that is exactly the point I was hoping would
11 be brought up.

12 MS. LAWSON:

13 Q. So, Mr. Mustafa, I'll ask you again: Were you present at
14 meetings with members of the General Staff where the issue of
15 collaborators was discussed?

16 A. It's exactly the same thing that we discussed about earlier,
17 Madam Prosecutor, and I abide by everything that I've stated earlier.
18 I accepted that I could have been at the general headquarters when
19 this issue was discussed, but this was an issue that was not of
20 significance to me. The time when this arrived to us is exactly
21 after the offensive that we mentioned earlier.

22 Q. Is that a "yes," you were present at meetings with members of
23 the General Staff when it was discussed?

24 A. Yes, I think so.

25 Q. And where were those meetings held?

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5566

1 A. General Staff meetings were held in an area that we called Malet
2 e Berishes, the Berisha mountains.

3 Q. Who else was present at those meetings?

4 A. The General Staff organised these meetings with the zone
5 commanders.

6 Q. Do you remember which members of the General Staff were present
7 at the meeting or meetings when the issue of collaborators was
8 discussed?

9 A. I cannot recall details about this meeting. However, it is
10 fairly likely that Mr. Jakup Krasniqi would have been there,
11 Rame Buja, and others. I cannot recall the names. The meetings
12 during this period were not frequent, and the issues that we
13 discussed were issues of a different priority, rank of priority.

14 Q. You referred to an order. Did you receive something in writing
15 on this issue; that is, on the detention of collaborators? And I
16 mean in writing from the General Staff.

17 A. I cannot remember. It may have been the case, but I cannot
18 recall.

19 Q. Would it assist you if we referred again to part of the prior
20 statement? Would it assist you, Mr. Mustafa?

21 A. If I have said somewhere that we received a document, we most
22 certainly must have.

23 Q. You accept that you did receive a written order from the
24 General Staff in relation to detaining collaborators?

25 MR. MISETIC: Mr. President, if we could just, for our benefit,

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5567

1 get a citation to the record so that we're able to check.

2 PRESIDING JUDGE SMITH: All right.

3 MS. LAWSON: Certainly. That's --

4 PRESIDING JUDGE SMITH: Sustained.

5 MS. LAWSON: Certainly. That's Part 3, page 29.

6 Q. Were you given instructions on how to implement this order?

7 Sorry, I can ask the question again. Were you given instructions on
8 how to implement the order?

9 A. I think I stated then, and I say it again, that it was not an
10 issue of significance for me and, therefore, I cannot remember.

11 Q. Well, for example, were you asked to distribute it to your
12 commanders and ensure that it was given effect to?

13 A. I don't think we went into that kind of detail.

14 Q. Well, if I just refer back to the portion of the transcript that
15 we had on the screen a moment ago. It's Part 3, page 20 in the
16 English. And I believe it may already still be up on the screen in
17 the Albanian. What you said there was:

18 "... I know that this order was presented in front of us. And
19 this was told to us, that this needed to go to the various units, to
20 the commanders of brigades, et cetera."

21 So is that correct, Mr. Mustafa?

22 A. If that's what I stated, that's what it would have been like.

23 Yes.

24 Q. Who had the authority to order that someone be arrested? Sorry,
25 just before I change topic. Can we clarify the time period again? I

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5568

1 believe you indicated it at the start of the discussion, but what
2 time period are we referring to when these meetings occurred with the
3 General Staff?

4 A. Meetings with the General Staff started quite late, following
5 the arrival of the OSCE and KDOM in our country. Meetings before
6 that would -- were very brief and incomplete. The meetings were
7 initially -- initially led by the chief of staff. At some point --

8 Q. I'm sorry to interrupt you, Mr. Mustafa, but I'm referring here,
9 at this particular moment, just to the meetings in which the
10 instructions or orders relating to the detention of collaborators was
11 discussed. Did that occur following the September offensive?

12 A. It must be -- it must certainly be after the offensive, but
13 later on. Later on. And I am not sure about the timing.

14 Q. Thank you. So who had the authority to order that someone be
15 arrested?

16 A. The zone commander and most certainly brigade commanders too.
17 But -- but I don't think that the General Staff has instructed us as
18 to who had that right. What I'm referring to here is what happened
19 on the ground in the region where I was commander.

20 Q. Understood. And you refer there to the zone commander and
21 brigade commanders. Were there any other members of the zone command
22 who also had that authority?

23 A. The chief of staff and the deputy commander. But in the
24 majority of cases, they came of their own accord or villagers --
25 villagers who were already mobilised within the ranks of the KLA

1 would bring them over.

2 Q. So the villagers would bring people to your soldiers or to your
3 bases to be detained; is that correct?

4 A. Yes, there were occasions. Yes.

5 Q. Did the zone command make specific decisions in certain cases on
6 who should be arrested?

7 A. I cannot recall any detail, but there would be a case where and
8 what kind of obstacle was this person putting up. These were
9 decisions that were taken there and then on a case-by-case basis.
10 It's not that we had a strategy to chase them. Their numbers are --
11 are not high at all. Throughout the war, in fact, the numbers -- the
12 number of these people is very small.

13 Q. So who did you receive information from on who should be
14 detained? You've already mentioned that villagers would bring
15 people. Was there any other sources of information?

16 A. Every possible source of information was used. But mostly, the
17 information came from the region where they lived or from the area
18 where they caused damage or created an issue in the area where our
19 soldiers lived.

20 Q. What was then the process for conducting an arrest?

21 A. There was no such thing as a process. It simply consisted in
22 detention in order not to undermine the mission of the Kosovo
23 Liberation Army.

24 Q. Who would execute the order of arrest?

25 A. There were no orders for arrest as such. As I'm saying, a case

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5570

1 would be -- would be presented, let's say that an individual was
2 causing problems in a village, and from that moment onwards we would
3 take measures to detain him. There's no -- there was no such thing
4 as preparation of troops or a procedure to detain a certain person.
5 There were -- there would have been really very, very few occasions
6 where a whole unit would be -- would be engaged in the arrest of a
7 single individual.

8 Q. So the individuals would be brought to your -- to the KLA, a
9 decision would be made to detain them, and who then would physically
10 conduct that detention?

11 A. The police.

12 Q. Apart from people who are brought by villagers, were there also
13 people who were summonsed to attend the KLA headquarters?

14 A. Yes, there were.

15 Q. What form would that summons take? Would it be oral or in
16 writing or both?

17 A. There have -- may have been occasions where military police
18 would have done that in writing. But in the majority of cases, it
19 would have been oral.

20 MS. LAWSON: And I'd like to show a document, please. P00171.
21 And the English is the same number with ET after it.

22 Q. Can you see the document on the screen, Mr. Mustafa?

23 A. Yes.

24 Q. It's a template form of a summons; is that correct?

25 A. These forms would most certainly have been prepared by -- by

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5571

1 staff, but I -- I don't think that it was applied as such. Certainly
2 I don't have any information that this was implemented. This was the
3 time when we wanted to demonstrate that we could function as an
4 administration, too, during times of war.

5 Q. And up in the top left-hand corner, it has the "Llap operational
6 zone" written; is that correct?

7 A. Yes.

8 Q. And under that, it says "Military police"; correct?

9 A. I'm not opposing this document. There's nothing here for me to
10 object to.

11 Q. And you accept that people were summonsed both orally and
12 sometimes in writing; is that correct?

13 A. It may have been done in writing. However, I cannot recall a
14 case where somebody would have been summoned in -- with a document in
15 writing.

16 MS. LAWSON: We can take down the document. Thank you.

17 Q. When people were detained, was there someone responsible to
18 register their information?

19 A. Yes. Certainly, yes.

20 Q. Who did that?

21 A. I don't know. This was something that was taken care of by the
22 administration, by police.

23 Q. Did anyone speak to the detained people?

24 A. There must certainly have been occasions where someone would
25 have spoken to them.

1 Q. Would they be questioned about the reason for their detention?

2 A. This is not what happened in practice.

3 Q. Would they be given the opportunity to provide an explanation
4 for the accusations against them?

5 A. There was no regular process to follow against them,
6 Madam Prosecutor. But I do not exclude the possibility that soldiers
7 did not have these conversations when they were eating lunch or
8 chatting to them, occasions where they would have taken the name and
9 surname, who they are, and so on and so forth. I do not exclude the
10 possibility that -- that there were questions asked, but -- but, in
11 fact, there was no process as such. No specific process as such to
12 handle these cases.

13 Q. And who would have done that? You referred there to soldiers,
14 but is there a specific unit or anyone in particular who would have
15 done that?

16 A. Those people who were in charge of the administration of this.
17 Military police, that is.

18 Q. Did the detainees have defence lawyers?

19 A. Madam Prosecutor, there was no process as such. These people
20 were detained certainly not to damage the Kosovo Liberation Army and
21 our mission for the freedom.

22 Q. Is that a no?

23 A. There was no process whatsoever as such in the Llap operational
24 zone, Madam Prosecutor, for the detained person. These people were
25 simply detained in order not to hamper the mission for freedom, and

1 they were detained until the risk had passed.

2 Q. I understand from that that there was also no judge who decided
3 on the cases of the detained people; is that correct?

4 A. That's right. There weren't any.

5 Q. And you've stated there was no process. So there was no process
6 for a detainee to challenge their detention; is that correct?

7 A. Madam Prosecutor, they were simply detained on military grounds
8 until the risk passed. There was nothing else that happened to them.
9 Family members could organise -- could visit them. Other
10 organisers -- other organisers like the Red Cross, the OSCE, and the
11 Council for the Defence of Human Rights could also visit them.

12 Q. Do you know who Sokol Dobruna is?

13 A. Yes.

14 Q. Did you meet him in 1998 or 1999?

15 A. I met him in the general headquarters, but at the time I did not
16 know his -- his post. At the time, they said that he was -- he
17 was the chief justice and I learned after that war that he was talked
18 about. He was administrative clerk at the General Staff of the KLA.

19 Q. Was the Llap headquarters kept informed about detainees?

20 A. Not specifically. However, there were cases when those people
21 who were in charge of -- of protecting them would report.

22 Q. And who in the zone command would have been responsible for
23 keeping themselves informed about the situation of detainees?

24 A. The chief of staff, possibly my deputy and myself included. But
25 the person in charge of reporting was Nazif Mehmeti.

1 Q. Did he provide reports in relation to the detainees?

2 A. No reports as such, but a simple -- simple, quick -- a quick
3 chat, information, where this was necessary. And this happened so
4 very rarely.

5 Q. What type of information would he provide?

6 A. On their condition, what work they were doing, the conditions of
7 detention. Don't -- don't allow me to speculate any further because
8 I just do not have any -- any specifics. But this is issues to do
9 with detention. Madam Prosecutor, it's been 25 years since then.

10 Q. I understand.

11 MS. LAWSON: And I'd like to call up an exhibit, please. It's
12 the document which was added to the exhibit list this morning. And
13 the reference is SITF00069190. And the corresponding English is
14 SITF00069191. Can we scroll down to see the bottom of the page for a
15 moment, please. It would be the second page on the English as well.

16 Q. Do you see a signature there, Mr. Mustafa?

17 A. Yes.

18 Q. Do you recognise whose it is?

19 A. Since I know who was the police -- head of the police, I know.
20 But otherwise, I have not seen this document, or I've seen it and
21 I've forgotten.

22 Q. And who is it that has signed the document?

23 A. This seems to be Nazif Mehmeti.

24 MS. LAWSON: We can go back up to the top of the document and
25 the first page in the English, please.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5575

1 Q. Is this the type of report that you would sometimes receive from
2 Nazif Mehmeti?

3 A. It's not a report. It's a record of the detainees.

4 Q. And is this the type of record that he would provide?

5 A. I believe he kept this record himself. We didn't need to have
6 one in the command. I don't remember receiving such reports.
7 Similar documents were handed over to OSCE, to KDOM. When they asked
8 information about the detainees, we made this information available
9 to them, information about the detainees.

10 MS. LAWSON: Your Honour, I'd like to tender that document,
11 please.

12 MR. MISETIC: No objection.

13 PRESIDING JUDGE SMITH: SITF00069190 in the Albanian and 69191
14 in English is admitted. Please assign a number to it.

15 THE COURT OFFICER: Your Honours, that will be Exhibit P224.

16 PRESIDING JUDGE SMITH: Thank you.

17 Go ahead, Ms. Lawson.

18 MS. LAWSON:

19 Q. Was it a secret that the KLA were detaining people, Mr. Mustafa?

20 A. No, this was publicly widely known. Whoever wanted to know
21 would know. All international and domestic organisations were
22 familiar and had knowledge about this.

23 Q. You referred there to international organisations. Do you
24 remember meeting with representatives of the OSCE in relation to
25 detainees?

Witness: W04746 (Resumed) (Open Session)

Page 5576

Examination by Ms. Lawson (Continued)

1 A. Yes, I may have met with them.

2 Q. Do you recall when that meeting was?

3 A. I don't.

4 Q. [Microphone not activated]

5 THE INTERPRETER: Mic, please.

6 MS. LAWSON:

7 Q. Do you remember the substance of the conversation with them?

8 A. They must have certainly expressed interest in knowing about
9 their detention and conditions. I don't remember details, though. I
10 remember one occasion in which, through the intercession of the
11 mission of the OSCE and the intervention of Adem Demaci, the
12 political representative of the KLA, two detainees, prisoners were
13 released.

14 Q. Did you grant them access to the actual detention facilities?

15 A. Yes.

16 Q. Did you allow them to meet with detainees?

17 A. Yes, I believe we did.

18 MS. LAWSON: I'd like to call up a document, please, and the
19 number is P00116. This document is in English, but it refers to a
20 meeting on 18 February 1999.

21 Q. Does that sound approximately right to you, Mr. Mustafa?

22 A. No, it doesn't, but I believe we held such meetings during this
23 period of time.

24 Q. And in the second paragraph, it says that:

25 "Access to the detention facility was denied for 'security

1 reasons.'" "

2 And then shortly afterwards, it says:

3 "Access to a selection of detainees was granted."

4 Do you have any comment on that?

5 A. To my knowledge, representatives of international organisations
6 and domestic organisations, those interested had the possibility to
7 meet them, had access to them. I do not recall this case in
8 particular.

9 Q. And they record you providing certain information to them about
10 the detainees. For example, you indicate that only Albanians were in
11 KLA detention facilities, and you indicate that there were
12 approximately ten individuals under some form of house arrest. Do
13 you accept that you would have provided this type of information?

14 A. It must have certainly been in the document we just discussed.
15 I'm not objecting to it, but I do not recall it exactly.

16 Q. And how would you have known that information about the
17 detainees?

18 A. I was certainly -- must have certainly been prepared for this
19 meeting, and I must have been given information by my staff.

20 Q. Further down the document, the author describes meeting also
21 with the commander of the military police. And she records him
22 providing detailed information on the judicial process that applied
23 to the detainees. Was there a judicial process applying to the
24 detainees at that time?

25 A. No, there wasn't.

1 MS. LAWSON: We can take down the document. Thank you.

2 Q. Who had the authority to release detainees?

3 A. I with my staff.

4 Q. Who in your staff?

5 A. All the staff members we discussed earlier. But not without our
6 knowledge.

7 Q. When you say "all the staff members," are you referring to all
8 the members of the zone command?

9 A. Yes.

10 Q. And when you say "not without our knowledge," who are you
11 referring to there?

12 A. Without my personal knowledge and that of the leadership of the
13 zone; the chief of staff and my deputy.

14 Q. So did you personally make decisions on whether to release or
15 continue to detain someone?

16 A. I don't remember specifically, but, yes, I did. The staff
17 members would prepare the decision, and we would issue such a
18 decision.

19 Q. Were there amnesties issued in respect of certain detainees?

20 A. I don't remember the details. But, yes, things unfolded as
21 described in the previous proceedings.

22 Q. Do you remember the dates on which the amnesties were issued?

23 A. No.

24 Q. Were they written amnesties?

25 A. They might have been, but I don't remember exactly how this

1 went. Somebody from the staff must have certainly documented this.

2 And for the sake of the public information tools, we might have
3 issued such decisions in writing.

4 Q. What were the reasons that the amnesties were issued?

5 A. The reasons, the grounds for their detention and the danger they
6 posed ceased to exist.

7 Q. Was there also an issue of overcrowding in the detention
8 facilities?

9 A. It might have been one of the reasons, but I don't think it was
10 the sole reason.

11 Q. Why did you produce written amnesties? Why didn't you just send
12 the people off?

13 A. We must have certainly intended to demonstrate our organisation
14 and our mission. As a good gesture, a gesture of goodwill.

15 Q. Who did you wish to demonstrate that to?

16 A. Firstly to the civilians we were fighting for, and then to the
17 others.

18 Q. Also for internationals?

19 A. Certainly, yes.

20 MS. LAWSON: Your Honours, I'd like to show some documents now.
21 I'm about to go through a relatively lengthy document series. I'm
22 not sure if you want me to start it now or after the lunch break.

23 PRESIDING JUDGE SMITH: Do what you can while you can.

24 MS. LAWSON: Absolutely. So the first document I'd like to call
25 up, please, is SITF00069018, and the English is the same number with

1 ET after it.

2 Q. Mr. Mustafa, can you please read out the date of that document?

3 A. 31 December 1998.

4 Q. And do you recognise the signature at the bottom of the page?

5 A. Yes, it is my signature.

6 MS. LAWSON: Can we please go to the next page.

7 Q. Again, do you recognise the signature on that page?

8 A. Yes, I understand this to be Nazif Mehmeti's signature. I have
9 not seen this document before, but I can see that a decision is
10 personalised.

11 MS. LAWSON: Can we go to the next page, please.

12 Q. Again, do you recognise the signature on that page?

13 A. I only see who this document could possibly refer to. Knowing
14 who was the commander of that unit, it must be Nazif Mehmeti.
15 However, I have not seen this document before.

16 MS. LAWSON: And if we could go to -- I believe it's the
17 final page, the next one, please.

18 Q. Have you seen that document before?

19 A. No, I don't remember it.

20 Q. Do you recognise what it relates to?

21 A. This contains a reasoning on the grounds for the detention of an
22 individual who was then released.

23 MS. LAWSON: Can we go back to the first page, please.

24 Q. We'll take the first entry there under the heading "Amnesty."
25 Can you please read out the name, the date on which it's indicated

1 that he was arrested, and the reason for his arrest.

2 A. Who are you referring to?

3 Q. Rushit Ballovci.

4 A. "... born on 03.06.1973, in Prishtina, Vushtrri Street, no.
5 40/A, deprived of liberty on 20.11.1998 for the criminal offence of
6 counterfeiting and collaboration with Serb occupiers for material
7 gain and illegal enrichment."

8 Administrative evidence.

9 Q. Thank you.

10 MS. LAWSON: And I'd like to tender this document into evidence,
11 please.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. MISETIC: No objection.

14 PRESIDING JUDGE SMITH: Veseli Defence?

15 MR. EMMERSON: [Microphone not activated]

16 MR. ROBERTS: Nothing from me, Your Honour.

17 PRESIDING JUDGE SMITH: SITF00069018 is admitted.

18 THE COURT OFFICER: Your Honours, that will be Exhibit 225.

19 MS. LAWSON: I'd like to call up another document, please, and
20 that's P00150. And the English, I believe, doesn't have an exhibit
21 number assigned yet, although the Albanian has been admitted. So the
22 English ERN is SITF00242572. We might need to zoom in slightly.

23 Q. But, Mr. Mustafa, can you read the date on that document,
24 please.

25 A. 17 January 1999.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5582

1 MS. LAWSON: And if we move down so that we can see the bottom
2 of the page in the Albanian.

3 Q. Do you recognise the signature?

4 A. Yes, this must be my signature. However, I am surprised by this
5 document. This is not one of the -- our documents that I would sign.
6 The form and content seems to me unusual.

7 MS. LAWSON: If we move back up the page slightly.

8 Q. And, again, Mr. Mustafa, I'd like you to take the first entry
9 and please read out the name, the date, and time in which it is
10 indicated that the person was arrested.

11 A. The name, with your permission, I would skip it because I do not
12 want to hurt their family or him in person.

13 "... born on 12.06.1955 in Llapashtice te Poshtme (Lower
14 Llapashtica) where he also resides. He was detained in the premises
15 of the military [zone] of OZLL since 04.01.1999 at 23:00 hours
16 because of grounded suspicion that he committed the criminal act of
17 theft."

18 Q. Thank you.

19 MS. LAWSON: Can we move to another document, please. And I
20 would request that an exhibit number be assigned to the English
21 version of that document.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 SITF00242572, the English version, will be admitted and assigned
24 a number.

25 THE COURT OFFICER: Your Honours, that will be added to the

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5583

1 already admitted Exhibit P150 and will be P150-ET.

2 PRESIDING JUDGE SMITH: Thank you.

3 MS. LAWSON: And, actually, Your Honour, we can break now if you
4 like before we go on to the next document.

5 PRESIDING JUDGE SMITH: All right.

6 Witness, we will take our luncheon break now. We will be back
7 here at 2.30. Remember not to talk about your case or your testimony
8 with anyone outside the courtroom. You will be excused now. The
9 Court Usher will escort you out of the room. Thank you.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: Something, Mr. Emmerson?

12 MR. EMMERSON: Just a housekeeping question, Your Honour, so
13 that we may, on the Defence side, plan cross-examination orders, and
14 so forth, in the manner that makes best use of time and the least
15 duplication. Might we have some idea of how long the remaining
16 evidence in chief is likely to take?

17 PRESIDING JUDGE SMITH: Can you give us an estimate?

18 MS. LAWSON: Currently, I do anticipate going into tomorrow.
19 Right now I can't -- I will, obviously, review overnight and see if
20 we can reduce, but right now I can't give a specific indication of
21 the timing tomorrow.

22 PRESIDING JUDGE SMITH: Well, at least we know it's tomorrow.
23 All right. [Microphone not activated].

24 --- Luncheon recess taken at 1.00 p.m.

25 --- On resuming at 2.30 p.m.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5584

1 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the
2 witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: You may be seated.

5 Witness, we will continue with your direct examination.

6 Ms. Lawson, you have the floor.

7 MS. LAWSON: Thank you, Your Honour.

8 Q. And good afternoon, Mr. Mustafa.

9 A. Good afternoon.

10 Q. We'll continue from where we finished just before the break. I
11 was showing a series of documents.

12 MS. LAWSON: So I'd like to call up the next one, please, and
13 the number is P00010. And that document contains both the English
14 and Albanian. And if you could go to the end of the document in
15 Albanian, please. I believe it's on the second page.

16 Q. Do you recognise this signature, Mr. Mustafa?

17 A. Yes, I do. It's mine.

18 MS. LAWSON: And we can go back to the first page again, please.

19 Q. Can you please read the date of this document.

20 A. 5 April 1999.

21 Q. There are 12 detainees addressed in this amnesty. But, again,
22 we can just take the first one. And if you please read out the
23 name -- or if you prefer not to read the name, if we can all please
24 note of the name, and the date and time that he is recorded as having
25 been arrested.

1 A. "... born on 01.02.1943 in the village of Bradash, detained
2 since 18.11.1999, at 16:00 [in the afternoon]."

3 Q. And do you agree that there appears to be an error or a typo in
4 the date of arrest there given that it refers to November 1999? And
5 this document was only issued earlier in April 1999.

6 A. It looks like a mistake.

7 MS. LAWSON: I'd like to show another document, please. The
8 reference is SITF00242581, and the English is the same with ET at the
9 end.

10 Q. Can you please read out the date of the document.

11 A. 18 January 1999.

12 MS. LAWSON: And if we can scroll down so that we can see the
13 signature at the bottom, please.

14 Q. Do you recognise the signatures there?

15 A. It's the same as in the others. It's Nazif Mehmeti's signature.

16 Q. The third paragraph of the document refers to a person being
17 issued with three months of house arrest. Do you recall why that
18 would be given?

19 A. No, I cannot remember the case at all.

20 Q. And the final paragraph refers to measures taken by military
21 bodies. What measures would those have been?

22 A. Madam Prosecutor, this is bragging on the part of Nazif Mehmeti.
23 He had gone through higher police training in former Yugoslavia.
24 He'd been well schooled in drafting these documents, and he knew how
25 to do it. We did not have either the same chances or processes in

Witness: W04746 (Resumed) (Private Session)
Examination by Ms. Lawson (Continued)

Page 5586

1 place for that matter.

2 MS. LAWSON: Your Honours, I'd like to tender this document,
3 please.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. MISETIC: No objection.

6 PRESIDING JUDGE SMITH: Any objection?

7 MR. MISETIC: No objection.

8 PRESIDING JUDGE SMITH: SITF00242581 is admitted. Please assign
9 a number.

10 THE COURT OFFICER: Your Honours, that will receive
11 Exhibit P226.

12 PRESIDING JUDGE SMITH: Thank you.

13 MS. LAWSON: I'd like to call up another document. And perhaps
14 just for privacy reasons, we don't broadcast it, please. The
15 reference is SITF00243091. And the English is the same with ET at
16 the end.

17 Actually, Your Honours, I would like to read out some names, so
18 if it would be okay if we go into private session just briefly. It
19 will be only a matter of minutes.

20 PRESIDING JUDGE SMITH: Madam Court Officer, please take us into
21 private session for protection of witness names.

22 [Private session]

23 [Private session text removed]

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Witness: W04746 (Resumed) (Private Session)

Page 5587

Examination by Ms. Lawson (Continued)

1 [Private session text removed]

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Witness: W04746 (Resumed) (Private Session)

Page 5588

Examination by Ms. Lawson (Continued)

1 [Private session text removed]

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17 [Open session]

18 THE COURT OFFICER: Your Honours, we're now in public session.

19 MS. LAWSON: And I'll just repeat that question for the record.

20 Q. Did there come a time when there was a decision made to release
21 the detainees?

22 A. Yes.

23 Q. When was that?

24 A. I think these are documents that appear to be consistent with
25 the timing. The documents that we've just consulted. It was the

1 time when we were not safe ourselves, let alone look after the
2 detention houses. So with the exception of a single person, all the
3 others were released.

4 Q. Are you referring here to April 1999?

5 A. Yes.

6 Q. You mentioned a detainee who was not released. Can you please
7 give that name if you're comfortable doing it in public session.

8 A. I can. It's all in the public. I have spoken on him on
9 numerous occasions in public. His name is Fadil Sylevic.

10 Q. And is it your evidence that he remained in detention at that
11 time?

12 A. I had appointed military policemen to look after him until the
13 end of the war. He was not under arrest, but he was under the care
14 of certain individuals.

15 Q. Why was he being looked after or why did he need care?

16 A. He was of special importance to us as one of the Serbian
17 security service officers.

18 Q. Would it have been safe for him to just return to Prishtine?

19 A. We were uncertain about the fact that he could cause us harm at
20 any point in time. He had -- he had a lot of knowledge about the
21 Kosovo Liberation Army and its internal structure.

22 Q. Did he join the KLA?

23 A. No, never.

24 Q. We'll come back to Mr. Sylevic in a moment. Who executed the
25 order to release the detainees?

1 A. I think that it would have been my staff from my own command.

2 Q. Do you mean zone command staff? Do you mean military police?
3 Could you be more specific, please.

4 A. Someone from the zone staff or the police, I can't remember who
5 exactly, but lists -- detailed lists of these people exist and they
6 were part and parcel of the trial held against us. And I've got
7 nothing else to add to it.

8 Q. Was there an occasion when certain detainees were released and
9 then rearrested?

10 A. Not after this time. After this time, we did not have any
11 more -- any detention houses in operation.

12 Q. So I'm not referring to after you say that all the detainees
13 were released. But prior to that, was there an occasion when certain
14 detainees were released and then rearrested?

15 A. I do recall an occasion during the process that has been
16 concluded, and this was during -- in between the offensives, people
17 who were released were rearrested, but I cannot bring back to mind
18 details of when and where.

19 Q. You don't recall where they had been detained at the time that
20 this occurred?

21 A. I remember it more as part of the trial on this -- of the trial
22 that I was a part of rather than the time when it happened.

23 Q. Do you remember who had released them?

24 A. No, Madam Prosecutor, I cannot remember it at this point. But I
25 know that it is part and parcel of that trial, and I abide by what

1 I've stated there. These were statements that were made immediately
2 after the war, and they are more trustworthy than the more recent
3 ones.

4 MS. LAWSON: Your Honours, if I may, I'll read a short portion
5 of a prior statement addressing this issue. And the reference for
6 the parties is SPOE00119393. And it's at page 119396.

7 Q. And the information you provided there was:

8 "Some persons detained were brought to Majac, but as a mistake
9 had been made releasing them, they were simply detained again without
10 further order. Nazif Mehmeti had not asked for the release of
11 detainees before they were released by the military police."

12 Does that assist you?

13 A. I cannot remember the details, but I agree with it. I -- I
14 agree with what I stated at the time.

15 Q. Did you ever question or speak directly with any of the
16 detainees?

17 A. Yes, I did speak to Fadil Sylevic.

18 Q. Who had authorised Fadil Sylevic's arrest?

19 A. I did.

20 Q. Why was he arrested?

21 A. Fadil Sylevic had tried to set up a Kosovo Liberation Army unit
22 in the region that was under my responsibility. We were aware that
23 Fadil Sylevic was a Serbian secret service operative and he was
24 manipulating with people in the villages around Prishtine.

25 Q. When was it that he was arrested at the time?

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5593

1 A. In the summer of 1998. I do not recall the exact date, but
2 there are records of this. And Fadil Sylevic was a witness in the
3 trial.

4 Q. Where was he detained?

5 A. In a village in the Prishtine area. There was a fighting
6 between the KLA units and his group. He was arrested by use of force
7 and brought to where the KLA units of the Llap operative zone were.

8 Q. And which detention facility was he brought to?

9 A. In Bajgore.

10 Q. Where was he when you went to question him?

11 A. I don't know if he was in the clinic or in a -- in the private
12 house where he was kept. I went there. He slept in that house
13 together with the people who were guarding him, the military police.
14 They all stayed in the same place.

15 Q. And why did you decide to speak to him?

16 A. I was interested and I wanted to know about his connections and
17 ties with the General Staff of the KLA.

18 Q. What made you think that he had connections to the General Staff
19 of the KLA?

20 A. He admitted to it himself. And people -- delegates from the
21 General Staff intervened asking for his release.

22 Q. Who specifically in the General Staff did you speak to in
23 relation to the case of Fadil Sylevic?

24 A. There were two or three occasions when individuals sent by the
25 General Staff came physically there, spoke with me, and this only

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5594

1 increased my conviction that he was an intelligence operative and
2 sent -- and with assignments from the Serbian secret service. We
3 knew Fadil even before that, people from the Llap zone. He was being
4 monitored by us. And we knew him as a harmful person who was causing
5 harm to the Kosovo Liberation Army units.

6 Q. And do you remember who the people were who came to speak to you
7 from the General Staff about him?

8 A. No, because this was long -- a long time ago. However, these
9 were from the General Staff. We refused to release him. We thought
10 that they had been manipulated by the Serbian secret service.

11 Q. I asked this before, but I'll repeat the question: Did he
12 become a KLA soldier at some point?

13 A. No. He claimed to have joined while under the control of the
14 people I had assigned to. But, in fact, he never was a member of the
15 Kosovo Liberation Army.

16 MS. LAWSON: Your Honours, again, I'd like to put a prior
17 statement, please.

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MS. LAWSON: And the reference is SPOE00119393, and the page is
20 119397.

21 Q. And what you say there is:

22 "When Fadil Sylevici arrived in Bajgore the unit that had picked
23 him up had already spoken to him, so we found out he was connected to
24 the Headquarters. We had this information confirmed by the general
25 Headquarters, so he became a KLA soldier and was released."

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5595

1 Is that correct, Mr. Mustafa?

2 A. It's wrong.

3 Q. The information you provided before the court in 2003 was wrong?

4 A. It's wrong.

5 MR. EMMERSON: I wonder if the witness could be shown the
6 original Albanian if he's going to be questioned on the detail.

7 MS. LAWSON: I've completed my questioning on it. Thank you.
8 But I'm happy to -- if we'd like to bring up the Albanian for him to
9 look at first, I'm happy for that to occur.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 If you have it handy, you may show him.

12 MS. LAWSON: The reference is SPOE00119400, and the relevant
13 page is 405.

14 Q. Have you located the paragraph on the screen, Mr. Mustafa?

15 A. I do. However, I understand it differently from you. When it
16 reads he was released, it must certainly be an administrative
17 omission. I don't believe having said that.

18 In any event, I am stating that Fadil Sylevic was never a KLA
19 member. However, he socialised and stayed with KLA soldiers.

20 Q. So you accept that it says that on the transcript, but you
21 believe it may be an error; is that correct?

22 A. I see it reads here he was released. However, he was not
23 released up until the end of the war. At the end of the war, he was
24 free just like any other citizen.

25 MS. LAWSON: Your Honours, I'd like to go very briefly into

1 private session again to discuss a particular detainee. I expect it
2 will only take two minutes.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 Into private session, please.

5 [Private session]

6 [Private session text removed]

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21 [Open session]

22 THE COURT OFFICER: Your Honours, we're in public session.

23 MS. LAWSON:

24 Q. Are you aware that Milovan Stankovic was detained?

25 A. Yes.

1 Q. Do you know where he was detained?

2 A. He was a person who worked in the Serbian public security and
3 was caught by my soldiers while they were guarding their position.
4 He met with them and had clashed with my soldiers while he was
5 carrying a long-barrelled rifle.

6 Q. When you say he worked in Serbian public security, do you know
7 specifically what his job was?

8 A. He introduced himself to us as a forest ranger, but he was armed
9 and he was in possession of a document certifying that he was an
10 employee of the service -- Serbian security service. The system at
11 that time was such that people who worked in this service were armed.

12 Q. Were people who worked in the forestry service armed?

13 A. The Serbian system armed them and positioned them close to our
14 position in order to identify our positions.

15 Q. Is that a yes?

16 A. Yes.

17 Q. Are you aware that there was a female detainee?

18 A. Yes.

19 Q. Who informed you of that?

20 A. The system. My staff, certainly. However, I was better
21 informed about these names during the trial.

22 Q. Did they tell you anything particular about her?

23 A. No, I don't remember anything. We were fighting the enemy. The
24 matter of detaining these people was not as important as you're
25 making it now, to me or to my staff.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5598

- 1 MS. LAWSON: I'd like to show a number of photographs, please.
- 2 Sorry, I should have given the reference. The first book I'd like to
- 3 look at is the "Commander Remi Speaks" book, and the Albanian
- 4 reference is SPOE00330195. And the English reference is
- 5 SPOE00053263. And we can please go to page -- in the Albanian, to
- 6 page SPOE00330254; and in the English, to SPOE00053299.
- 7 Q. So we'll start with the photograph that's currently on the
- 8 screen at the top. Can you please identify who's in that photograph?
- 9 A. Two of my drivers.
- 10 Q. And where was the photograph taken?
- 11 A. In the office of my command in Llapashtice.
- 12 MS. LAWSON: We can go down to the photograph lower down the
- 13 page, please.
- 14 Q. Do you recognise who's in that photograph?
- 15 A. I remember they were Kosovo Liberation Army soldiers.
- 16 Q. Do you recognise where the photograph is taken?
- 17 A. The legend explains it. This house served as cafeteria in
- 18 Llapashtice it reads here, where my soldiers and myself had food.
- 19 Q. And is the caption accurate?
- 20 A. Yes.
- 21 Q. You mentioned that you used the military police building to eat
- 22 in previously. Is that this building?
- 23 A. This is the building.
- 24 MS. LAWSON: We can move to the photograph on the bottom
- 25 right-hand part of the page.

1 Q. Do you recognise that building, Mr. Mustafa?

2 A. Yes, we discussed earlier this centre, this barracks where the
3 soldiers trained and slept.

4 Q. Where was it? Which village?

5 A. Bajgore.

6 MS. LAWSON: Can we move to the next page, please. And we'll
7 look at the top photograph to start with.

8 Q. Is this the building where the Llap operational zone was
9 stationed in Llapashtice?

10 A. I wouldn't be able to identify it now, but it -- the caption
11 reads that it was, and I believe it was.

12 Q. Do you remember the stairs leading up the front of the building?

13 A. Yes, yes. I'm certain it is -- this is how it is. This is the
14 place where I stayed.

15 Q. Do you know if the house has been rebuilt since?

16 A. Yes, it has been rebuilt.

17 Q. Have you seen the house after it was rebuilt?

18 A. Yes, on many occasions.

19 MS. LAWSON: Before we move on to another document, can we
20 briefly look at the photograph on the bottom of this page.

21 Q. Do you recognise where that is, Mr. Mustafa?

22 A. It's a neighbourhood in Prishtine called Kolovice. After we --
23 the liberation of the capital, my headquarters seat was here.

24 Q. Thank you.

25 MS. LAWSON: We can bring up another document, please. The ERN

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5600

1 is SPOE00120826.

2 THE COURT OFFICER: For the record, this is Exhibit P117.

3 MS. LAWSON: Thank you. I was just trying to check that. And
4 if we can go to page 120835.

5 Q. It contains a colour photograph showing a house that is
6 numbered 7. Do you recognise this building, Mr. Mustafa?

7 A. Yes. This was the house we saw earlier burnt down where my
8 headquarters was and where I stayed.

9 Q. In Llapashtice; correct?

10 A. Correct. In Llapashtice.

11 Q. So this is the rebuilt version of the house; is that correct? I
12 saw you nodding, but if you don't mind just please saying "yes" for
13 the transcript.

14 A. I am not certain whether the photograph was taken before or
15 after the war. If this is after the war, it means the house was
16 rebuilt twice because now, as we speak, this house looks even better.

17 MS. LAWSON: If we can move, please, to page 120837. And look
18 at the photograph on the top of the page to start. Sorry, we need to
19 go back one page.

20 Q. Do you recognise that building or location, Mr. Mustafa?

21 A. I've been shown this during the trial I was in, but I didn't
22 remember. Now I remember this was shown to me at that time, and the
23 UNMIK police are there. They helped me identify it and understand
24 what is this about, the location.

25 Q. What is your understanding of what that location is?

1 A. This photograph was taken during the crime scene investigation
2 when -- with respect to detention in Llapashtice. This is how I
3 understand it.

4 MS. LAWSON: If we can please go to page 120832 and look at the
5 photograph marked 2.

6 Q. Do you recognise that house?

7 A. I saw it when we did the crime scene inspection which was done
8 by the court authorities in the course of the trial against us.

9 Q. Do you know what the location is?

10 A. It should be in Llapashtice.

11 Q. If I suggest to you that it's in Majac, would that be possible?

12 A. If you -- it could be. If you're basing this on records you
13 have consulted and you're basing this on the right records, then it
14 is. I have no reason to doubt it. I am -- my memory is not enough
15 clear to determine whether it's in one place or the other.

16 Q. Understood. And I'm obviously only asking if you do recognise
17 them. If you don't, that's also okay to say.

18 A. No, I don't know. I don't know.

19 MS. LAWSON: Can we please move to the next page. It's 120833.

20 Q. Do you recognise either of these buildings or where they are
21 located?

22 A. The three-storeyed house is one that I believe I stayed in or
23 could have been -- could have stayed in there.

24 Q. Where would that be?

25 A. It may be in Majac. I'm inferring this because of the people

1 that I see around it. I see my lawyer and UNMIK police too.

2 MS. LAWSON: And we're finished with that document for now.

3 Thank you.

4 Q. You've mentioned previously the visit of General Staff members
5 to the Llap zone, when you and other members of the zone command were
6 officially appointed. Do you recall any other visits of members of
7 the General Staff to the Llap zone, say, in September or October
8 1998?

9 A. I don't think it would have been possible during September or
10 October. It was the time of the offensives. But I -- I know that
11 there has been another visit from the General Staff.

12 Q. Approximately what time period do you remember there being a
13 visit from the General Staff?

14 A. We took eight Serb soldiers hostage, and it so happened that
15 they were guests at mine.

16 Q. The General Staff members were guests in Llap at the time that
17 the eight VJ soldiers were arrested. Is that what you're saying?

18 A. I think -- I think so. From what I can remember.

19 Q. So that would be in 1999; correct?

20 A. If it's that time, yes. Maybe I have made a mistake, but I know
21 that they visited on another occasion too. I agree and stand by my
22 earlier statements.

23 Q. And do you remember which General Staff members were in Llap at
24 the time that that arrest of the Serbian soldiers occurred?

25 A. I know that Bislum Zyrapi always led these delegations, but he

1 might have been in the company of someone else too.

2 Q. Do you recall was Jakup Krasniqi present?

3 A. He might have been, yes. But he might -- you might have -- you
4 might be able to find public records on the visits of General Staff
5 members there. There is evidence in -- in court proceedings as well
6 as my previous interviews.

7 Q. And did the General Staff members take any action in response to
8 the arrest of -- the news that the eight soldiers had been arrested?
9 Did they stay in the Llap zone?

10 A. There was international mediation. I know that Mr. William
11 Walker and others were involved. Adem Demaci too, I think, the
12 political representative in Prishtine.

13 Q. Going back to 1998.

14 MS. LAWSON: I'd like to show a document, please. The reference
15 is SPOE00055678, and the relevant page is 55838. And the English
16 reference is SPOE00055799. It's the ET Revised 1 version which I
17 believe is now available, and the specific page is 55838. Could we
18 go back a page on both, please.

19 Your Honours, I'll come back to this so as not to take up
20 valuable courtroom time. We'll need to reidentify that reference.

21 Q. So, Mr. Mustafa, turning to your visits to the General Staff.
22 Let's take September 1998 to March 1999. Where was the General Staff
23 based at that time?

24 A. In the Berisha mountains.

25 Q. Was there a specific village within the mountains that they were

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5604

1 based?

2 A. Yes, certainly. It was in a village in a house in there. I
3 cannot recall the name of the village exactly, even though I -- I
4 have visited it two or three times.

5 Q. If I suggest the name Divjake to you, does that sound correct?

6 A. Yes. Yes, it's correct.

7 Q. Approximately how frequently did you travel to meet with the
8 General Staff in the Berisha mountains in October and November 1998?

9 A. Maybe two or three times.

10 Q. Do you mean two or three times in October and two or three times
11 in November, or do you mean two or three times in total?

12 A. From my zone, it would have been very difficult to go three
13 times a month. It was at a fair distance, and you had to cross front
14 lines three or four times, so I did not have the opportunity to go
15 there that frequently. So I mean I went there two or three times
16 over the course of two or three months.

17 Q. Did you continue to have regular meetings at the General Staff
18 up until March 1999?

19 A. Whenever it was possible. I took part in meetings with the
20 General Staff whenever that was possible. I tried to be punctual.

21 Q. Who in the General Staff organised these meetings?

22 A. As I have said, these were organised by the Chief of Staff,
23 Bislrim Zyrapi. I often met Jakup Krasniqi, Rame Buja, Sejdi Veseli
24 during these meetings. And then later on, during the Rambouillet, I
25 met Hashim Thaci and others.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

Page 5605

1 Q. Who were the "others"?

2 A. Rexhep Selimi, Kadri Veseli.

3 Q. Was Rexhep Selimi only present at these meetings around the time
4 of Rambouillet or was he also there on other occasions?

5 A. I remember meeting Rexhep Selimi earlier as well. I had two or
6 three meetings with him. He -- he had his own tasks.

7 Q. And would other zone commanders also be present at these
8 meetings?

9 A. There were occasions where someone might not have been able to
10 make it, but these were meetings of zone commanders including myself.
11 So, yes, there were others too.

12 Q. And just for the record, could you please identify who the zone
13 commanders of the different zones were at that time.

14 A. Yes. Rrahman Rama, Ahmet Isufi, Sylejman Selimi, Shukri Buja,
15 Ramush Haradinaj. Commanders of the Prizren region changed
16 frequently, but I remember the one with the nickname Commander Drini.

17 Q. And again, just for the record, Rrahman Rama, which zone was he
18 the commander of?

19 A. The Shala zone.

20 Q. Ahmet Isufi, which zone was the commander of?

21 A. It was called the Karadak zone. These were the two zones that
22 were adjacent to mine and with which I had the closest cooperation.

23 Q. Shukri Buja, which zone?

24 A. Nerodime.

25 Q. You specified already that Commander Drini was the Pashtrik

Witness: W04746 (Resumed) (Open Session)

Page 5606

Examination by Ms. Lawson (Continued)

1 area. Ramush Haradinaj, which zone was he responsible for?

2 A. Dukagjin.

3 Q. And, finally, Sylejman Selimi?

4 A. Drenica. Drenica.

5 Q. What was discussed in these meetings?

6 A. It was mainly the fighting as well as ways and means of
7 furthering the war effort of the Kosovo Liberation Army, in order to
8 gain the support of our people as well as of internationals. So
9 things having to do with the conduct of the war in general.

10 Q. And did you report on the progress in your respective zones?

11 A. Yes, we did report. The reports were brief and oral.

12 Q. You've already mentioned that a written order was issued during
13 a General Staff meeting in relation to the detention of
14 collaborators. Would other orders be issued during these meetings by
15 the General Staff?

16 A. No, I cannot recall any other order.

17 Q. Even if you don't recall a specific order right now, do you
18 recall that orders in general would be issued during these meetings?

19 A. No, Madam Prosecutor. There were no orders issued.

20 MS. LAWSON: Your Honours, I'd like to refer to a portion of a
21 prior statement again, please.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MS. LAWSON: And the reference is Part 7, pages 9 to 10. We can
24 bring up on screen if necessary. And the Albanian reference is
25 Part 7, page 10.

1 Q. And you say there:

2 "I don't recall. I know I've said that we were all there, and I
3 told you how we received the order from them. At the end of the
4 meetings, it's possible that we -- or they could give us two or three
5 orders in one envelope at the end of the meeting, but I don't
6 remember further details about this. What is important is that that
7 order or administrative action was printed for each of us."

8 And the context there, you're referring specifically to the
9 order to do with detention. But do you see that you're referring to
10 envelopes being given at the end of a meeting that could contain two
11 or three orders?

12 A. There were recommendations, administrative instructions or other
13 guidance. If you call them orders, fine. Yes, they -- these were
14 issued. We accepted them. This happened very rarely. But I cannot
15 recall specifically an order on detentions. However, I abide by what
16 I stated before the Prosecutor in this interview.

17 MS. LAWSON: And I'd like to go, please, to Part 8, page 3. And
18 in the Albanian, it's also Part 8, page 3, at the very end,
19 continuing on to page 4.

20 Q. So you stated a moment ago that it was very rarely that you
21 received assignments from the General Staff, and I would like to read
22 to you here. It says:

23 "We were lining up the assignments that we got from the
24 General Staff. I believe that the KLA's archives has it. There were
25 lots of them, Mr. Prosecutor. I don't recall how many I received.

1 We received so many assignments that we weren't prepared to implement
2 all of them. We didn't have the accompanying infrastructure to do
3 all the work."

4 Do you see that and do you now agree that you received multiple
5 assignments, in fact too many for you to even implement?

6 A. We got letters, guidance, recommendations from the
7 General Staff, and as I said, we weren't able to implement them.

8 Q. In addition to meetings with the General Staff, did you also
9 coordinate with other operational zones?

10 A. Yes, on issues having to do with assistance during severe
11 fighting. So zone -- zones would go to the assistance of each other
12 where possible. One zone supporting the other, one unit supporting
13 another.

14 Q. Can you provide an example of an occasion when another zone
15 provided assistance to the Llap zone?

16 A. In the course of December, there were units from Shala, Karadak
17 zones who fought alongside my soldiers, the soldiers of my zone, in
18 Llapashtice, in Dobratin, Majac, and elsewhere.

19 Q. So soldiers from the other zones came to fight with you in the
20 Llap zone?

21 A. Yes, it happened in an organised matter. They came in an
22 organised matter. They deployed to the front line and carried on
23 fighting.

24 Q. And what was occurring in December 1998 that necessitated that?

25 A. Enemy troops had attacked our positions. We were forced to --

Witness: W04746 (Resumed) (Open Session)

Page 5609

Examination by Ms. Lawson (Continued)

1 to respond, so a battle -- a severe battle ensued.

2 MS. LAWSON: Your Honours, I'm about to change topic, so we
3 could break now if it suits the Court.

4 PRESIDING JUDGE SMITH: All right, Witness. We are finished for
5 today. We will start again tomorrow at 9.00 in the morning.
6 Tomorrow, we will only have two sessions, the morning session and
7 then the one just before lunch.

8 Madam, you may take the witness out of the courtroom.

9 Thank you for being with us.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: Anything further?

12 We are adjourned until 9.00 tomorrow.

13 --- Whereupon the hearing adjourned at 3.57 p.m.

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