

1 Thursday, 16 November 2023

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.15 a.m.

5 PRESIDING JUDGE SMITH: Madam Court Officer, you may 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: First, I have a short oral order on the
11 list of upcoming witnesses whom the SPO intends to call to testify.

12 The Panel reminds the SPO of the obligation under paragraph 73
13 of the Order on the Conduct of Proceedings with respect to the
14 notification of the witnesses the SPO intends to call in the ensuing
15 three-month period.

16 In light of this, the Panel orders the SPO to file a list of the
17 witnesses it intends to call to testify in the period January to
18 March 2024 by no later than Thursday, 14 December 2023.

19 This concludes the Panel's order.

20 Next, in relation to the issue raised by the Veseli Defence of
21 potential self-incrimination by W04765.

22 The Panel wishes to clarify the following. The Panel recalls
23 that during the SPO interviews and the SPO preparation session, the
24 witness was warned by the SPO that he is considered a suspect.
25 During these interviews and preparation sessions, he was also

1 informed of his rights as a suspect and, in particular, of his right
2 to have a lawyer present, a right which he has waived. This is
3 reflected in the interview transcripts and preparation note.

4 The Panel considers that the SPO has acted in line with the
5 procedure prescribed by the rules and the Order on the Conduct of
6 Proceedings, in particular paragraph 97(v), and that there is no
7 obligation for the SPO to reiterate the rights and warnings at this
8 stage or to provide any further warnings than the ones already given.
9 Therefore, there is no need to address this matter any further.

10 The Panel also wishes to make two things very clear. First,
11 counsel for the accused are competent to represent the interests of
12 their clients and no one else in these proceedings. The
13 responsibility to protect the interests and rights of the witnesses
14 is the responsibility of this Panel, not that of counsel.

15 If a party wishes to raise an issue pertaining to the rights or
16 status of a witness, it shall give prior notice in timely fashion and
17 in writing both to the opposing party and to the Panel of its
18 intention to raise such an issue and provide adequate details of the
19 matter it wishes to raise. Where such an issue could impact the
20 evidence of the witness or his or her readiness to testify freely,
21 the party concerned shall ask to address the Panel in the absence of
22 the witness and where necessary in private session.

23 So, Madam Court Usher, you may call -- Madam Court Officer, do
24 you need to make any further statement concerning the documents that
25 were submitted by Mr. Kehoe?

1 THE COURT OFFICER: Your Honours, I could assign them numbers if
2 they are [indiscernible].

3 PRESIDING JUDGE SMITH: Go ahead and do that.

4 MR. PACE: Your Honour, sorry, I can confirm we don't object. I
5 think you were waiting for that.

6 PRESIDING JUDGE SMITH: Yes, thank you. That was conveyed to us
7 by the Court Officer already.

8 THE COURT OFFICER: Yes, Your Honours, so the documents were
9 assigned initially exhibit numbers 1D63 and 1D64, and Mr. Kehoe
10 identified that there was public redacted versions for those items.
11 And the -- if I can just read the numbers, the redacted version for
12 108987 to 108990 will be assigned 1D63.1. And 116768 to 116787 will
13 be assigned 1D64.1. And they will be classified as public.

14 PRESIDING JUDGE SMITH: So now let us continue with the
15 testimony of W04765. All the accused are present in court today.

16 Madam Court Usher, please bring the witness in.

17 [The witness takes the stand]

18 THE WITNESS: [Interpretation] Good morning to all.

19 PRESIDING JUDGE SMITH: Good morning, Witness. Thank you for
20 being with us again today.

21 Today, we will continue with the cross-examination by the
22 Defence. Mr. Emmerson will still be asking questions at this point,
23 and then he will be followed by the other lawyers.

24 I remind you to please try to answer the questions clearly with
25 short sentences. If you don't understand a question, feel free to

1 ask counsel to repeat the question, or tell them that you don't
2 understand and they will clarify. Also, please remember to try to
3 indicate the basis of your knowledge of the facts and circumstances
4 upon which you will be questioned.

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

7 Please also remember to speak into the microphone and delay a
8 little bit, five seconds or so, before answering a question so you
9 and the counsel are not overlapping each other. And speak at a slow
10 pace so that the interpreters can catch up.

11 If you feel the need to take breaks, just let us know and we'll
12 try to accommodate you as soon as possible.

13 Mr. Emerson, you have the floor.

14 MR. EMMERSON: Thank you, Your Honour.

15 Mr. Veseli has asked me to make it very clear publicly that he
16 has not and does not make any allegation at all against this witness
17 arising out of the matter that was touched upon --

18 PRESIDING JUDGE SMITH: Thank you.

19 MR. EMMERSON: -- yesterday.

20 And having reviewed my notes, I have no further questions at
21 this stage.

22 PRESIDING JUDGE SMITH: Mr. Kehoe. Two hours. As best as you
23 can.

24 MR. KEHOE: Yes, Your Honour. I got that message loud and clear
25 last night.

1 PRESIDING JUDGE SMITH: Do your best.

2 MR. KEHOE: Yes, sir.

3 PRESIDING JUDGE SMITH: You know we're generous if you need some
4 extra time at the end.

5 MR. KEHOE: I believe I will have -- we've worked together --

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. KEHOE: -- to try to expedite matters.

8 PRESIDING JUDGE SMITH: Thank you.

9 WITNESS: W04765 [Resumed]

10 [Witness answered through interpretation]

11 Cross-examination by Mr. Kehoe:

12 Q. Good morning, Witness. My name is Gregory Kehoe.

13 A. Good morning.

14 Q. I represent President Thaci. I know you know that, sir. Just
15 to reiterate one of the things that Judge Smith just said to you. If
16 you don't understand one of my questions, just ask me to rephrase it.
17 Or it may have been a poor question, it may have been
18 incomprehensible even, but please I will the best I can to rephrase
19 it.

20 The one thing I think happens during the course of this is I
21 don't mean to interrupt any answer that you give. If I do so, I
22 apologise ahead of time. But please let me know. Please let me know
23 that I've interrupted you. And, again, with apologies -- because we
24 want to have everything that you have to say, sir. Okay?

25 Sir, I, of course, have read your book --

1 A. I understand you. Thank you very much.

2 Q. Okay, sir.

3 I just -- I'm not going to cover everything that was covered
4 yesterday, and I'm certainly not going to cover everything that was
5 in your interview, but I did read your book with interest as an
6 excellent recitation of what happened, and I'd just like to clarify
7 some of the issues that came up in that book if I can and some other
8 issues concerning exhibits that have been tendered of you.

9 And I'd like to start off with some of the difficulties that you
10 had. You talked about coming to Budakove in June 1998 in your
11 questions with Mr. Emmerson and with the Prosecutor, but I thought
12 you outlined some of the difficulties, you know, quite well in your
13 book.

14 MR. KEHOE: And if we could bring that up, SPOE00209392. And it
15 starts on page 71. And I think it's the same in Albanian. It should
16 be the beginning of Chapter V. There we go.

17 Q. Now, at the outset, you've told the SPO, that this of course was
18 a volunteer army and made up of local villages. But you comment here
19 in this paragraph. You note -- and I'm not going to read all of it,
20 because it speaks for itself quite well, but it says:

21 "As the war developed, the situations changed very frequently.
22 As well as carrying the burden of the war, the KLA had to undergo
23 continually mobilisation, internal organisation and restructuring,
24 since it was neither well-organised nor armed as required. There was
25 a lack of liaison, it had no experience in tactical surveillance, and

1 lacked the strong support of ... political party ... plan ..."

2 You know, it probably didn't have any experience in operational
3 and strategic surveillance as well, but I know you dealt on the
4 tactical level at Budakove. You were -- the rest of it, you know,
5 speaks for itself, but you were having a difficult time with lack of
6 resources, lack of organisation, lack of structure, and lack of any
7 political party to set forth the agenda for the army, and you folks
8 had to do it for yourself; isn't that right?

9 A. Yes, counsel. It is true, as I have explained in my book. The
10 beginning was very hard. The experience was very little and
11 difficulties very great.

12 Q. And I guess you also told us, you know, that there were no
13 brigades, and that battalions were autonomous; right?

14 A. These were the first unit. Initially, they came up as groups of
15 soldiers. Then, they developed into low-level structures, like
16 units, squads, and then companies and battalions.

17 Q. And that was all developing by people like you on the ground
18 level trying to organise this; right?

19 A. I may not say that I was the only one. There were others around
20 me. But you are right the way you are putting it to me.

21 Q. Witness, I didn't say you were the only one because that would
22 have been a Herculean task, but you were one of them that was trying
23 to do this; right?

24 A. Yes, that's correct.

25 Q. And you were having some difficulties in leadership. People

1 were coming and going, and there were some problems with other
2 leaders such as Blerim Kuqi; right?

3 A. That's correct. As Jakup Krasniqi has written in his book,
4 there was a disorganisation from 22 August when the great enemy
5 offensive was launched. People started to desert from the KLA, but I
6 would never say out of fear but because of their mission, like the
7 desertion of Tahir Zemaj, laying down weapons. The command of
8 Suhareke brigade also dissolved as you well know.

9 Q. And you, in fact, write about all of this in your book -- and,
10 actually, it's in several locations. If we can turn to the next
11 page, and you talk about the attacks on you and others beginning on
12 22 August, and the attacks in the Pashtrik zone and the attacks in
13 Dukagjin. If you can just take a look at it. And you note in there
14 on that page that -- you say:

15 "The forces of occupation went on to a general offensive on
16 22/23/24/25 August ... and in fact were able to knockout many KLA
17 units."

18 That's accurate, right? I'm just reading what you have here in
19 your book. And several lines down, you say Ramush Haradinaj remained
20 with several soldiers.

21 So this was a very difficult time for the KLA while they were
22 trying to get organised when they were under attack by the Serb
23 military and paramilitary and police forces; right?

24 A. Correct, as you are putting it, counsel.

25 Q. And if we can turn to -- these attacks by the Serb forces

1 escalated going into September in your area and other areas, but
2 certainly where you were in Budakove, over September, causing
3 significant damage to the KLA, did it not?

4 A. Yes, we waged three battles in September: One on the 22nd, the
5 other on the 24th when I was injured together with Zaim Muca who now
6 is a hero, and the third on 27 September 1998, which was the largest
7 offensive. So we put up resistance for 12 hours on end. Then we
8 withdrew to the second line and continued to reorganise and regroup
9 the soldiers after those three, four days.

10 Q. And if we could just -- we're not going to read the whole thing.
11 Just some, you know, clarifications on some of items that you just
12 talked about on 27 September in Budakove and elsewhere, especially
13 with the 123rd Brigade, your brigade.

14 MR. KEHOE: And if we can put up SPOE00226697 is the front page.
15 I believe it's the same in the Albanian, so the witness can see what
16 document we're talking about.

17 Q. And what we're talking about here, Witness, is a chronological
18 report on the organisational, military, and combat life of the
19 2nd Battalion in Budakove. This is the report.

20 MR. KEHOE: And if we could go to the page 11 in the English,
21 that's 226707. I think it should be the same in Albanian.

22 Q. If it's not the same in the Albanian, Witness, please let me
23 know. There it is.

24 A. It's okay.

25 Q. It's the same. Great. Thank you. If we can go to the bottom

1 of that page, because we're not going to read the whole thing, just
2 the last paragraph, and you're talking about the Serb offensive of
3 the 27th. And you say seven, eight lines down in the English, I'm
4 not sure if it's the same in the Albanian, it says:

5 "We painfully experienced the defeat of our army positions and
6 the penetration of the enemy forces into the territories we had
7 defended for months on end."

8 PRESIDING JUDGE SMITH: Excuse me, Mr. Pace is -- has the floor.

9 MR. PACE: Thank you, Your Honour. Just counsel is asserting
10 facts not in evidence. If he's going to ascribe this document to the
11 witness, perhaps we should ask the witness first if it is his
12 document or not.

13 MR. KEHOE: I was going to read and ask him if it's accurate
14 because he's involved in this.

15 PRESIDING JUDGE SMITH: You may go ahead in that manner, but you
16 do need to have him --

17 MR. KEHOE: Yes, sir.

18 PRESIDING JUDGE SMITH: -- adopt it.

19 MR. KEHOE:

20 Q. I mean, you are familiar with this document are you not,
21 Witness?

22 A. Yes, yes. It is my writing from Budakove when I described the
23 situation as it was in reality. And you got it very well, counsel.

24 PRESIDING JUDGE SMITH: Thank you, counsel. That's good.

25 MR. KEHOE:

1 Q. So but it talks about -- it talks about "the penetration of the
2 enemy forces into the territories we had defended for months on end.
3 We witnessed with our own eyes the barbaric, inhumane and
4 unprecedented actions of the enemies, how they set fire to the
5 houses, the livestock and how they conducted various macabre actions
6 against the unarmed, civilian population of children, women and
7 elderly."

8 MR. KEHOE: And we can go to the next page.

9 Q. You talk about the -- in the first paragraph, the Vranig
10 population being evacuated. And the next paragraph after that, it
11 was seven hours of shelling by the Serbs. And in the third
12 paragraph, you note that:

13 "The infantry troops were in large numbers and we later on
14 learned from the Serbian press that over 22.000 police and military
15 troops had taken part, with over 300 motor-vehicles, tanks, armoured
16 vehicles, trucks, Pinzgauers, etc."

17 Going down to the next paragraph:

18 "As they were penetrating [towards] Rrokopeq, the enemy was
19 engaged in heavy fighting with our [forces] and was forced to retreat
20 twice before finally managing to go through.

21 "Following the evacuation of the hospital and the population,
22 the Buzhale Platoon withdrew towards the herdsmen's camps in Vranig."

23 Was that all an accurate assessment of what was transpiring in
24 and about the 27th September in the Budakove area?

25 A. It is a realistic description of the situation during that large

1 offensives where civilian population were inflicted great casualties,
2 four soldiers who were killed and 14 injured in our ranks. We found
3 people burned and massacred, livestock burned, houses burnt down. It
4 is exactly as it is described here, counsel.

5 Q. And after this happens in August and September, you had
6 battalion commanders such as Drini and Zafir Berisha and others who
7 left, didn't they? They left Kosovo and went to Albania?

8 A. Yes, this happened on the 2nd, 3rd, 4th of September 1998.
9 Vrani battalion, which is quite far from Budakove, but he then waged
10 a battle where 19 people were killed, tens were -- tens were wounded.
11 And the command of that battalion, like Suhareke command, were closer
12 to the border of Albania, and they went to Albania. So Drini, Zafir
13 Berisha, and 20 others went to Albania. Drini returned in September
14 1998; Zafir sometime in February or March 1999. So they broke away,
15 they left the war, and we called them deserters at that time. I
16 suppose you understood me.

17 Q. I understood quite well. So soldiers like you stayed but many
18 of these other commanders and members of the KLA left and deserted to
19 Albania, didn't they?

20 A. Yes, counsel. I am one of the few that never for an hour left
21 the war area. And Rexhep Selimi is here. He's one of those who
22 never left the war area from the beginning to the end.

23 Q. And as we move through the fall of 1998 -- and, by the way, I
24 mean, this Serb offensive, in addition to creating problems for the
25 KLA, it created problems for the civilian population as well, didn't

1 it?

2 A. Mostly it was a population for the civilian population, which
3 was driven out of their homes that were burned, so we managed to put
4 up them in tents and defend them at all costs, providing them with
5 whatever we could and defending them with our lives. And they were
6 15.000 in Llanishte, about 80.000 in Divjake, Krojmir, in that area,
7 40.000 in Pagarushe valley, 12.000 civilians in the mountains of
8 Panorc, 8.000 in Damanek mountains, 5.000 in Kabash. So overall,
9 there were 200.000 civilians that we had to shelter in tents, in
10 forests.

11 Q. So in addition to taking care of military matters, you had the
12 responsibility, you and the remaining KLA members, to take care of
13 the civilian population; right?

14 A. This was -- we assumed ourselves this responsibility, because
15 nobody told us. We were the ones that were heading this war, and we
16 felt it our moral duty to defend the defenceless population.

17 Q. Understood, sir. I understand well. Thank you. Let's just go
18 back to the Pashtrik operational zone. And I think you told us that
19 the first zone commander was Remzi Ademi and he was killed the first
20 day that he was appointed. And then you said that the next commander
21 was Muse Jashari, and he didn't do much to organise things in
22 Pashtrik; right?

23 A. These were the way we called them before the emerging of zones.
24 Remi Ademaj was appointed zone commander in August, and it was at
25 that time that he fell -- he was killed in an ambush. After him,

1 Muse Jashari was appointed to set up the zone. Maybe it's
2 misinterpreted. Those who were in a way not appointed as commanders,
3 because zones did not exist, but they were charged with the duty of
4 organising the zone.

5 So Muse Jashari was unable to give a great contribution because
6 he was far from Pashtrik. So after Muse came Ekrem Rexha, otherwise
7 Drini, up to Tahir Sinani, when he was appointed.

8 Q. Let's just talk about that. So you said that Muse Jashari
9 wasn't able to do much, and Drini was given the appointment beginning
10 in January 1999. And we have seen any number of internal, for lack
11 of a better term, management issues with Drini's ability to command
12 in the Pashtrik zone, didn't we?

13 A. There was a tendency of the Yugoslav Army to take the KLA under
14 their command, even though they came in later. So at that time, the
15 brigades were not yet properly formed. They thought that by assuming
16 the command from the centre, they put the KLA under their control and
17 would have their hands free to conclude some final agreement with the
18 occupier.

19 Q. Well, some of the issues with Drini's command were reflected in
20 a Prosecution exhibit that you looked at, which is P500, a statement
21 of Halil Qadraku and you of 14 March 1999.

22 MR. KEHOE: If we could put that up.

23 Q. And I know you've seen this before, sir. But is this -- this
24 documents, you know, some of the problems that you were having within
25 the Pashtrik operational zone with Commander Drini and others. For

1 instance, you talk about Drini has a desire to control everything,
2 that there is no workplans. There's no corresponding regulations for
3 politics and morale, no regulations for the intelligence service.
4 Those are all ongoing problems, management problems within the
5 Pashtrik operational zone that you and Mr. Qadraku were concerned
6 about; right?

7 A. Yes, counsel. We saw a vacuum, things that were missing when it
8 comes to the functionality regarding the chain of command within the
9 zones, because the zones needed this chain of command between the
10 brigade level and the lower units. Drini, being commander of the
11 zone, did not report. We did not have briefings. And the
12 directorates in the zone had no knowledge as to what was happening
13 with the other brigade on the ground.

14 Drini thought to have his own people there and at the
15 General Staff. He did not report, inform, or brief us at the zone
16 level. So this letter describes the fact that there were
17 dysfunctional relations within the brigades within the zone.

18 Q. So you noted that there was -- within the directorates in the
19 zone, there wasn't any coordination, is that right, under Drini?

20 A. There wasn't. Maybe this was not entirely intentional but also
21 due to the inability to make this functional.

22 Q. And, likewise, there was no military court for you and the
23 people in the brigades and the zone to use to begin to enforce
24 measures within the zone as well; right?

25 A. That's correct, counsel.

1 Q. Now, the other issue on a singleness of command line and the
2 chain of command, you raise a concern -- and this is on the second
3 page. And when I talk about singleness of command, I know you know
4 what I'm talking about, Witness, in the NATO sense of singleness of
5 command.

6 So in the second paragraph, we are talking about the issues
7 concerning some type of dual chain of command as opposed to a
8 singleness of command, i.e., that individuals were reporting to or
9 taking orders from members of the government in exile, Mr. Bicaaj. Do
10 you see that?

11 A. Yes, these were the problems as they're described here. I feel
12 for you because this needs to be dealt with in a more extensive
13 manner and discussed in more detail. In this case, he came --
14 Sylejman Kollqaku came to become zone commander, a former JNA
15 officer, KOS service, initials which in Albanian stands for
16 counter-intelligence service. We did not know he had held this
17 position before. And when we came to Kosovo, he was appointed deputy
18 commander of the zone, and Drini, zone commander.

19 It suffices for Drini to have this connection with his deputy,
20 who, using his satellite phones and his people he came with, 130
21 non-commissioned officers and soldiers, all these communicated
22 directly with Halil Bicaaj in exile. And the lack of coordination at
23 the zone level in the Pashtrik area created this dual chain, these
24 factions, and, therefore, our right reaction at the time.

25 Q. And as you told the SPO, and this is proofing note 1, page 5,

1 paragraph 15.

2 MR. KEHOE: And I'll get the exhibit number, Judge. That is
3 716. My apologies. P716 is proofing note 1.

4 Q. And in there, you note that these individuals that you were just
5 discussing ignored the KLA structures and chain of command, and they
6 didn't report to Drini, and they didn't report to G2.

7 MR. KEHOE: I'm sorry, I just got a correction on that. It's
8 714, not 716. Apologies.

9 Q. So that these individuals ignored the KLA structures and the
10 chain of command, and they didn't report to Drini or to G2; right?

11 A. They started to even eat aside from us, because they had come
12 with their own money given to them by the government in exile in
13 Albania. So they started eating alone, justifying this saying
14 that -- claiming that they were fasting. They would eat at night.
15 They set up fences, barriers for Brigade 123 on both sides of the
16 road so that no soldiers could go across without being checked.

17 This was the first time we had to equip soldiers with a travel
18 permit. I did this because for an armed soldier to not have a travel
19 permit in a war area would be a huge obstacle for the war. This is
20 how things happened. However, later on he deserted, left Kosovo,
21 together with a Turk. I'm talking about Sylejman Kollqaku. I don't
22 know how he ended up having with him a Turk with whom he couldn't
23 even communicate. So he had -- there were thousands of Albanians he
24 could have trusted, but he trusted instead a Turk person. He left to
25 Albania or Germany. I don't know where he went to. However, he was

1 seen at some -- at a specific location where he stopped to rest, he
2 was seen by people counting a lot of money. He apparently had a
3 considerable amount of money with him.

4 Q. Well, the bottom line, as a commander, there is a -- there is
5 the appearance of a dual chain of command, and the person who is the
6 deputy commander, Sylejman Qadraku, he deserts and leaves in the
7 middle of the spring, winter of 1999 when the KLA is under siege by
8 the Serb forces; right?

9 A. Please, dear counsel, it's Kollqaku, not Qadraku. Qadraku did
10 not desert, did not leave. It was Sylejman Kollqaku. This is a
11 public hearing. Please be cautious.

12 Q. And, Witness, any time --

13 A. Everything else is correct as you stated them.

14 Q. And any time I make an error, especially with my pronunciation,
15 I encourage you to correct me. Please do. Okay?

16 A. [In English] Thank you.

17 Q. Okay. Now, in addition to those problems, those command
18 problems, there were also even problems with brigade commanders such
19 as Skender Hoxha; right?

20 MR. KEHOE: And let's put P650 on the screen. If we can go to
21 the first page. I'm sorry, the next page.

22 THE WITNESS: [Interpretation] I see some Cyrillic writing, and
23 I'm -- it's uncomfortable to see this in the Slavic language. I'm
24 sorry you've received material from the hands of Serbia against the
25 freedom fighters. I am hurt to see this in this Court.

1 MR. KEHOE:

2 Q. And Witness, just so you know, this was turned over to the SPO
3 in some fashion and turned over to us. This is the document that I
4 wanted to talk to you about, about Skender Hoxha. And Skender Hoxha,
5 who was a -- he was the, what, 124th brigade commander? Is that
6 right?

7 A. Yes.

8 Q. And you had difficulties with him. If we go to the first
9 paragraph. He was -- in talking about him:

10 "... we have in mind that since he came he began to get involved
11 more in finding women and sources of pleasure [than] a military
12 officer [should] have: cars, money, etc."

13 Do you see that, sir?

14 MR. KEHOE: Scroll down a bit in that first paragraph if we can
15 in the Albanian.

16 THE WITNESS: [Interpretation] Now I don't remember all the
17 details. However, this had to deal with the irregularities because
18 he was surrounded by people, some of whom had been working with the
19 Yugoslav secret service, like Nasim Mullabazi and others, and they
20 took him from the position of the brigade in Reti to Krushe e Madhe,
21 where he spent most of the time at his aunt's and other people he
22 knew there.

23 So they constituted this group of soldiers in violation of the
24 rules of the brigade and the zone command. And in this respect, we
25 issued a remark, a warning that he has not been conducting himself as

1 a zone commander but as a rogue element in a way. I should have said
2 as a brigade commander, not as a zone commander. We should rectify
3 this.

4 MR. KEHOE:

5 Q. I'm sorry. And this is the same Skender Hoxha where you said a
6 Jakup, and pardon my pronunciation here, Muharremi had been detained
7 and he was beaten by Hoxha's group, and it was based on a personal
8 family dispute. That it's something -- there was some animosity in
9 the family prior to the war, and the war gave Hoxha's group the
10 opportunity to take this man and beat him.

11 I know you found out about it down the line, but Hoxha was the
12 person that allowed this person to be beat based on a personal
13 revenge involving family matters, didn't he?

14 A. It's more or less correct. I'll need to correct, however, there
15 was no direct conflict between Skender Hoxha and Jakup Muharremi.
16 But somebody close to Skender Hoxha was in trouble, had a dispute
17 before the war with Jakup Muharremi and took advantage of the
18 situation to bring him in there and accuse him as a spy, as a
19 collaborator of the Yugoslav secret service, and maltreated him.

20 Q. And it was all because of a family or some type of dispute
21 before the war had taken place; right?

22 A. Yes, this happened due to a dispute they had before the war.
23 That's correct.

24 Q. And, Witness, I know you found out about this well after, that
25 you didn't find out about it at the time. That's right, isn't it?

1 A. I didn't know this at the moment it happened. Tahir Sinani was
2 informed about this, and he issued a warning to Skender Hoxha,
3 reprimanding or reproaching his behaviour. This was done orally and
4 not in writing. I learned about the case after the war from Jakup
5 Muharremi because we also are family related.

6 Q. Now --

7 A. Extended family.

8 Q. Thank you for that. If we can go to the second page, there were
9 problems with yet other individuals in the zone. One is Nasim
10 Mullabazi who Mr. Qadraku maintained didn't collaborate with him.
11 And Rexhep Krasniqi, who was the chief of morale -- chief of the
12 sector for morale and information, and he didn't want to be that, he
13 just wanted to be a military policeman.

14 A. Halil Qadraku might have known them better because he's from the
15 same area, Rahovec area. All these persons you mention, Nasim
16 Mullabazi, Jakup Krasniqi, were from the same area. Rexhep was the
17 brigade commander of Brigade 124, where Skender Hoxha was.

18 Q. And you and Mr. Qadraku were calling for changes in this
19 command; right? You wanted these people replaced?

20 A. No, we wanted to have a council of officers, superiors who would
21 conduct verifications before appointing people, so that this wouldn't
22 be left to one single person to decide on appointing or dismissing
23 people. We wanted to have a professional council who would decide on
24 who was to be appointed.

25 Q. And I ask you that question, Witness, and you know better than

1 I, that in the second-to-last paragraph, you say:

2 "I, like" --

3 Well, it says "I," this is Mr. Qadraku:

4 "I, like ... Sadik Halitjaha, think that there need to be some
5 changes in the command of 124th Brigade ..."

6 MR. KEHOE: If you can go to the bottom of the page on the
7 Albanian and in the English. Maybe it's on the next page in the
8 Albanian. There it is.

9 Q. You wanted changes in that command; right?

10 A. We certainly deemed it reasonable to, that -- given that rules
11 were not being followed, we asked for a change. This was also an
12 internal request from the Brigade 124, from Selim Gashi and people
13 who had been part of this and part of the war from the very early
14 hours of the conflict.

15 Q. And, Witness, based on your position and Mr. Qadraku's position,
16 Drini just wasn't the right person for the job to get the
17 organisation of the Pashtrik operational zone up and running the way
18 it should be; isn't that right?

19 A. Drini was a capable officer. He was the only Albanian officer
20 to have the title of military attaché in the Yugoslav Army, trusted
21 person in the Yugoslav Army. However, Drini had his own
22 shortcomings. He might have also had his intentions which we
23 ignored. We saw his weaknesses because while seeking to have trusted
24 people around him, he distanced himself and disconnected himself from
25 the structuring, the organisation of the zone.

1 Q. And just moving ahead chronologically, you told us, both the SPO
2 and I think to Mr. Emmerson, that Drini went off and took over the
3 military academy, and the deputy commander, Sylejman Kollqaku, if I
4 have that name correctly, he deserts, and there's nobody left to
5 command the Pashtrik operational zone in the middle of a Serb
6 offensive, and you step up and take over; right?

7 A. That's correct, counsel. Sylejman Kollqaku leaving made --
8 resulted in Drini's plan to fail. His plan was to make Sylejman
9 Kollqaku zone commander in the Pashtrik zone, so his -- the fact that
10 he fled cut Drini off from the network or the faction we mentioned
11 before. Then he tried to position himself at a higher position so
12 that he could still have an impact, an influence on the Pashtrik
13 operational zone.

14 He was appointed at the General Staff as commander of the
15 military academy.

16 Q. And, Witness, just to direct our attention to you after the
17 commander and the deputy commander are gone, you individually step
18 up, without anybody appointing you, and take command of the Pashtrik
19 operational zone until Tahir Sinani comes in, don't you?

20 A. I was given this responsibility by the enemy, because they were
21 attacking us. They wouldn't ask if we had a commander or not. We
22 had to resist.

23 Q. No, I -- and, sir, I'm not challenging your decision. I'm just
24 saying that you saw what the problem was, and you took over yourself.
25 And I'm not saying that -- saying that's the right thing to do, but

1 you took over yourself?

2 A. When a commander is missing, it's a military reason, I would
3 say, that his deputy take -- assumes the command. I didn't take
4 anything away from Drini. I was not the reason why he left. I
5 respected him, and once I even tried to save his life. I went -- I
6 crawled more than 200 metres to stop the car for him not to fall into
7 an ambush or something, and I managed to stop. But it was precisely
8 on that day that he was injured in his leg. But I tried, I tried to
9 help him not to get hurt.

10 I am not talking on a personal level. I am talking about the
11 internal organisation during the war, and this is a normal thing.

12 Q. And I didn't take it on a personal level. I'm just saying that
13 you saw the zone with no commander, no deputy commander, there's
14 nobody been appointed yet to take command, and you took it over by
15 yourself and ran it until the commander could come in.

16 A. Yes, that's correct.

17 Q. And I want to shift gears just a little bit, and I just want to
18 talk about some of the issues that you referred to in your statement
19 to the SPO previously and didn't necessarily come up during the
20 direct examination or cross. So if you can just bear with me one
21 moment.

22 And I just want to talk to you about some of the information
23 that you received mainly when you -- not only when you were in
24 Budakove, but also when you were the morale officer. That it is true
25 that these village councils, you know, oftentimes tried to give you

1 lists of people who they were maintaining were collaborators, didn't
2 they?

3 A. Yes, it happened that sometimes village councils presented us
4 with names, with lists, to blame people for being collaborators of
5 the Yugoslav secret service. I had an instance when such a list came
6 from my own village, but I knew all these people who were on the
7 list. And then I saw that the list was just untrue. It was because
8 they wanted to take revenge on those people for sitting down with
9 Serbs, eating with them and drinking with them, and presenting them
10 as secret collaborators, and I tore that list. I said, "Go home.
11 These people are not what you are trying to make them appear."

12 None of them had suffered any consequences. None of them was
13 detained, beat or -- they were not spies. So I saw it very clearly
14 that there were some tendencies from the civilians to take revenge on
15 some people, alleging that they were collaborators of the secret
16 services. You are right.

17 Q. And you understood in -- not only in your village and in
18 Budakove and when you were, you know, the deputy commander, you know,
19 what it meant for a person to be called a collaborator. You
20 understood how damaging that was to that person and his family.

21 A. Yes, I did. And I acted correctly. Because whatever damage
22 would be inflicted on somebody whose name was put on the list,
23 alleging that they were spies, collaborators, that would hurt his
24 grandsons and other people in his family. They would be blemished as
25 spies and they would say his grandfather was -- sold out to the

1 enemy. So I tried to ensure that nobody was damaged and inflict
2 consequences for his future generations.

3 Q. And when you got this list from the villagers that you tore up,
4 you had asked them, "Give me the proof upon which you based these
5 allegations," didn't you?

6 A. Yes, I asked them, "Where were you based on drafting such
7 lists?" They said, "Well, they have a shop. Someone had a shop.
8 Someone had a car. And they eat and drink with the Serbs. And they
9 spy on the village." I said, "Who has suffered from their actions?"
10 They were unable to tell me anything to prove what they were
11 claiming. So I said, "You see they are not to blame," and I drove
12 them away.

13 Q. And you tore the list up?

14 A. Yes, that's correct.

15 Q. So let me just cover a couple of issues just briefly, and it may
16 not seem to be clear chronologically but bear with me. I'm trying to
17 move through this as quickly as possible, Witness. So I'm just
18 moving from topic to topic if I can. So if you can just bear with me
19 patiently, I'll try to move through this as quickly as I can.

20 And, you know, you had talked a little bit about, you know,
21 post-war Prizren. And you had told the SPO at Part 3, page 32, 15,
22 line 15, that the soldiers in Prizren weren't under control; is that
23 right?

24 A. It's correct. For all us, when we are in a time when there is a
25 liberation, in this case liberation day, and Prizren was a city with

1 180.000 inhabitants, thought people -- there were many
2 irregularities. It's like a flood of rain or water. It is very
3 difficult to keep people under control. At the same time, the Serb
4 forces were still there. The KFOR -- German KFOR forces entered
5 Prizren. So we were also there, KLA.

6 So in this atmosphere, it was a motley of people, and it was so
7 difficult to make the -- put the soldiers under control, think --
8 just taking into consideration the -- that they also had arms,
9 weapons. They wanted to go back to their homes, to see the state of
10 their homes, when they found their family members missing, dead or
11 kidnapped. So in this situation, it was very difficult to impose
12 discipline on the soldiers.

13 We tried within a week or ten days to keep the soldiers in those
14 areas where they were staying. And then later, we started to disarm
15 them.

16 Q. And there were, likewise, some KLA commanders, like
17 Commander Drini, who went to Prizren with no authority to do so,
18 didn't he?

19 A. Drini was almost sheltered in Kabash in the 2nd Battalion at
20 Lulzim Kabashi, who was his brother-in-law. Their wives were
21 sisters. When we wanted to join -- to penetrate the city, the
22 2nd Battalion came from Kabash to Prizren. Having the experience of
23 an officer who has served in Bosnian JNA, Yugoslav Army, he began to
24 present himself as a commander of the KLA, like General Drini. We
25 didn't have any ranks. He didn't have the rank of a general. In the

1 Yugoslav Army, he had the rank of a captain or major. So his
2 appearance before the media and his ability to speak four, five
3 foreign languages was not in compliance with the KLA rules, when we
4 had to speak before the media only with a permission of Adem Demaci
5 and not as we liked and referred to ourselves as we wanted. So it
6 was an irregular act.

7 Being the commander of the military academy, he presented
8 himself as a zone commander, general commander. That was the case in
9 Prizren when we entered the city. He asked me too to join him there,
10 to leave the soldiers to go wherever they wanted because the war was
11 over. But I didn't agree with him. I said we have to systemise the
12 soldier somewhere, to disarm them, to control them before they can
13 leave. This is what happened.

14 Q. So at the time he's in Prizren, he's neither a zone commander or
15 military commander. He's only involved in the military academy;
16 right?

17 A. I addressed the chief of staff, Agim Ceku, through my radio
18 link, and I said, "On whose orders is Drini acting in Prizren?" I
19 explained. He said, "He is not acting on our orders." I said, "Do
20 you know who has given him any orders?" He said, "No, nobody has.
21 He's acting on his own."

22 Q. Now, you mentioned that with the, I guess, the euphoria, there
23 was violence in Prizren. And even in your village, there was some,
24 say, tit for tat, some revenge violence, such as the civilians that
25 came back burnt the church because the mosque had been burnt. I

1 mean, those things happened; right?

2 A. To tell you the truth, there were a lot of anomalies,
3 undesirable things. But the worst of all was when, during their
4 withdrawal, the Serbs took two lorries of trucks with prisoners. And
5 when we returned -- when we went back home, not only the mosques but
6 the schools, the factories, the houses were burned down. What you
7 said happened also with the church or the churches.

8 When the people returned and saw that their mosque was burned
9 down and 98 per cent of the houses were also burned, they went to
10 Greek, Serb minorities' houses and took their roofs from their houses
11 and put them on their own houses. And in this situation, the
12 churches were also torched. The churches were Albanian Orthodox
13 churches, but the Serbian occupation turned them into Slav Orthodox
14 churches.

15 Had we still had those churches, we would be in a better
16 relationship with Europe and among ourselves, but we were forcefully
17 alienated, Mr. Counsel.

18 Q. Thank you for that, Witness. Let me just turn our attention
19 again a little bit more, and I'd like to talk to you about
20 President Thaci. And I think you told the SPO -- and this is at
21 P707.1.

22 MR. KEHOE: If we could put this on the screen. This is 707.1,
23 page 15, lines 11 to 20; in the Albanian, page 15, line 13 to 21. In
24 the Albanian is line 13 to 21. There we go.

25 Q. And you were asked this question by the Prosecution concerning

1 President Thaci:

2 "You mentioned that it was set up during the war. Do you
3 remember exactly when?"

4 And you say:

5 "I think it was in July, sometime in July. By that time, by the
6 end of July, I had a visit in my battalion by Hashim Thaci. And what
7 I noticed, he would keep notes about the situation in my battalion,
8 the structures of [my] battalion, the way we organised ourselves ...
9 our positions, the trenches, the bunkers. And it seemed to me that
10 he didn't have the capacity that would have helped to organise the
11 war."

12 Now, that's a fact, is it not, Witness, that Hashim Thaci was
13 not a military person, no training, and you believe that he didn't
14 have the capacity to help organise the KLA as a battle force; right?

15 A. First of all, I think that he was appointed by Adem Demaci, or I
16 don't know who, as a director of the political directorate. Second,
17 as you already said, he seemed more like a commissar than a military
18 man who only tried, theoretically speaking, to see how -- what was
19 going on, what we had, who we are.

20 So his arrival in Budakove in July was more out of curiosity.
21 Because of the two battles on the 3rd and 4th in July that we waged
22 and won against the occupier and the swelling of the KLA ranks, he
23 came and visited us in Budakove battalion.

24 Q. And just to take you through Exhibit 1D50. And this is an
25 exhibit that has been introduced that is a political declaration that

1 on August --

2 MR. KEHOE: If you can put that up. We don't have to talk about
3 it for too long.

4 Q. And this is a document, sir, that just talks about the
5 appointment of -- the General Staff makes known that Jakup Krasniqi,
6 Xhavit Haliti, Bardhyl Mahmuti, Hashim Thaci, Faton Mehmetaj, and
7 Sokol Bashota are the political representatives of the KLA.

8 And then later in November, I'm sure you're aware that he was
9 made the chief of the political directorate. And if I can turn your
10 attention back to your book and your comments about this.

11 MR. KEHOE: And if I can go back to SPOE029 --

12 Q. This is your book, sir. I'm going to change here.

13 MR. KEHOE: 931 to 428, and at page -- it's P712. 9410. 9410.

14 Q. Now, you note, sir, with regard to this political directorate
15 that was formed:

16 "In the meantime the Political Directorate was formed and
17 organised at the Headquarters but this was small in numbers of
18 people, and also inexperienced. It did, however, play an important
19 role in the diplomatic contacts and developments which evolved later,
20 both within Kosovo and at Rambouillet."

21 So at the time that Hashim Thaci came into this role, it was
22 your view, Witness, that he was obviously young and extremely
23 inexperienced; isn't that correct?

24 A. Yes, it's true. We were all inexperienced because we were
25 waging a war which was the first for us. But contacts with

1 Kajdanova, Holbrooke, and all representatives who came to meet him
2 were of a political nature, where President Thaci was our
3 representative.

4 Q. Well, just with regard to actually what you were doing on the
5 ground both as a brigade commander and as a deputy commander, the
6 reports, if any, that were sent from the General Staff or to the
7 extent that you got anything from the General Staff, it didn't come
8 from Hashim Thaci, did it?

9 A. I think you mixed up my position. You made me deputy commander.
10 I was deputy commander -- zone commander. You mixed up my position
11 in a way.

12 Q. My apologies. But you're the brigade commander --

13 A. For the sake of the truth and to be correct. Orders didn't come
14 from Hashim Thaci, but, unfortunately, not from others either. We
15 expected to have a General Staff which was functional, performed the
16 duties at the highest level, but as a matter of fact it was almost
17 fictional, with very few people. I don't believe that Hashim Thaci
18 had more than two or three people around himself, being unable to
19 perform his duties properly. However, we did not receive any orders
20 from Hashim Thaci.

21 Q. And, by the way, I think you had told us or you told the SPO
22 that you had only met Hashim Thaci two times; is that right? Or two
23 or three times, I think you said.

24 A. I think two times, if I am not mistaken. Maybe three times. I
25 may have forgotten. I may forget, but I don't hide anything. I tell

1 the truth and the whole truth. And we have to be clear about that.
2 The KLA should appear as it really was. We met in Budakove for the
3 first time sometime in mid-July or maybe the end of July -- the end
4 of July, I think.

5 And next time I met him, I think -- I cannot be specific about
6 the time. He may know better whether it was when he returned from
7 Rambouillet. We met at the General Staff. I went there to demand
8 munitions. I saw him washing his face. He had just woken up and he
9 asked me, "Why are you here?" And I said, "I need munitions because
10 we are running out." "I can come with you today." I said, "Not
11 today, but we expect a battle in or two or three days. Not today."

12 Q. How --

13 A. That was all I had to with him during the war. I have to say
14 something else which you are not asking me about. I have not been
15 able to meet him even after the war. It may sound strange. I wanted
16 to meet him but I was unable to meet him. He can explain why.

17 Q. Understood, sir. But do you know, sir, that from mid-March 1998
18 until after Rambouillet -- excuse me, in mid-November 1998 until
19 after Rambouillet and March 1999, that President Thaci was not even
20 in Kosovo?

21 A. President Thaci cannot describe his own path himself, I think.
22 He has been moving to Albania, Macedonia, abroad, I don't know where,
23 but he wasn't in Kosovo. He knows better where he has been. And it
24 was not a good thing for us that he wasn't in Kosovo, us as zone
25 commanders, because he didn't perform his duties properly. He may

1 have done more important things, but we wanted him to be there with
2 us, by our side.

3 Q. But you just -- but with the zone commanders, and you as a
4 deputy commander of the zone, you people in the zones, you were the
5 ones that were fighting the war against the Serbs, weren't you?

6 A. We were obliged to resist and to protect the civilians, as I
7 said, and we waged war. We have been engaged in tens and hundreds of
8 battles, destroyed Yugoslav military machinery, tanks, armoured cars.
9 My battalion threw down a helicopter, Pinzgauers and so on. Not to
10 mention tens and hundreds of such battles at the zone level. The war
11 was waged. We had orders to engage in battle, to withdraw, to
12 conduct operations, to set up ambushes which were most successful.

13 Q. And, sir, if we can move ahead. You know President Thaci was on
14 a diplomatic mission in Rambouillet in February and March 1999?
15 You're aware of that; right?

16 A. We know, but it's better that he explain it himself who sent him
17 there.

18 Q. Understood. But when was this -- when President Thaci and the
19 other KLA leaders and other Kosovo Albanian leaders were in
20 Rambouillet, there was, in fact, a military coup at the military
21 level among the brigade commanders replacing Azem Sylja, who was at
22 Rambouillet, with Sylejman Selimi; isn't that right?

23 A. Yes, this occurred sometime around 9 February if I'm not
24 mistaken. A meeting was held with -- attended by Bislum Zyrtari,
25 Ekrem Rexha, Commander Drini, Ramush Haradinaj, Remi,

1 Sylejman Selimi, and Sokol Bashota. They were in the meeting and
2 asked -- not only asked but decided, appointed Sylejman Selimi as the
3 general commander. Sokol Bashota left the meeting unsatisfied. When
4 I said Remi, I meant Rrustem Mustafa. I apologise. I didn't say the
5 full name.

6 In other words, in -- during that meeting, Sylejman Selimi was
7 appointed as a general commander. Sylejman Selimi never fulfilled
8 the tasks he was entrusted with. We never received any orders from
9 him, he never visited us, and he never cooperated with the zones.
10 Perhaps in particular my zone, Pashtrik, Nerodime zone, and Shala
11 zone, Karadak zone did not recognise him as a commander. Perhaps
12 it's because of that. They recognised as commander the previous one,
13 Azem Sylja. This is how things stood at the time.

14 Q. Going back to President Thaci, he had no authority or no command
15 responsibility over any of the zone commanders when they were making
16 a decision in this coup, did he?

17 A. He was not even there, so he certainly didn't have such
18 responsibilities. This was rather -- the duty of President Thaci,
19 and he knows better, was rather to conduct war policies. I don't
20 think he was even capable to do that because he only had -- I don't
21 believe he had more than two or three people around him.

22 Q. So everything he did, to your knowledge, was in the diplomatic
23 area; is that right?

24 A. Mostly in that field, and he was successful in that.

25 Q. And you told us, and we will get to some of the post

1 Rambouillet -- or might -- and I'm not going to cover everything that
2 you discussed with Mr. Emmerson yesterday concerning people not
3 knowing their roles. And I believe yesterday you told us, this was
4 at page 91, line 6, you're talking about the General Staff:

5 "In order to explain how things kept moving, it would be a
6 movie. We would need 30 organigrammes to have those movements."

7 And that was the movements within the General Staff; isn't that
8 right?

9 A. They were from the General Staff, and even the best movie
10 director could not have recorded all those movements: Likoc,
11 Divjake, Nishor, Albania, Macedonia. So their movements were both
12 physical but also in terms of changing positions.

13 Q. And just staying on that vein, I think you told the Prosecutor,
14 I am not sure you did yesterday, but that for 90 per cent of the time
15 you folks in the field didn't even know where the General Staff was,
16 did you?

17 A. We imagined somebody was in the General Staff and that somebody
18 should be there. The most important thing for us was the idea of the
19 liberation war. We knew that Adem Demaci was our person in charge of
20 war policies, political representative. However, we didn't know
21 about individuals, be that Jakup Krasniqi, Kadri Veseli,
22 Hashim Thaci, we didn't know them at the time because their movements
23 were such, or perhaps they had their own tactics -- I think I
24 mentioned that this -- these were good tactics to escape the enemy.
25 However, it was not a desirable situation for us on the ground.

1 Q. Understood. And you experienced that directly for the short
2 period of time you went to the General Staff working in J1, and you
3 went to what was the General Staff headquarters and nobody was there;
4 right? I know that's funny, but it's true, isn't it?

5 A. After Adem Grabovci left, I was left alone. And with the
6 exception of the guards and two or three technicians there, there was
7 no one left. I felt as being isolated and separated from the war.
8 And on the occasion of the Recak massacre, I took my soldier and went
9 towards Budakove to organise the defence of the civilians but
10 mostly -- which may appear weird to you, but protecting, defending
11 the dead bodies of our civilians because we didn't want the Serbs to
12 take them away.

13 Q. I understand that quite well. From past experience, I
14 understand exactly what you mean.

15 But just going back to the General Staff. You go, because
16 you're wounded, up to the General Staff in J1. The person that's in
17 J1, Adem Grabovci, tells you to do certain things and then he leaves;
18 right?

19 A. That's correct. I was invited at the General Staff mostly to
20 take -- to rest and recover from my injuries and limit my movements
21 on the ground. After I arrived there, Adem left. He did not tell me
22 where he would go. Because he was head of J1, he didn't have to
23 report me. For a month, I only sent a letter to the operative zones
24 for them to organise and complete their structure. This is the only
25 thing I did during that month.

1 Q. And it's a fact that the General Staff, to your -- based on your
2 experience, didn't meet for months at a time? Two or three months
3 went without anybody in the General Staff meeting, didn't it?

4 A. This way of acting, not to call it anarchy, made me create this
5 organigramme. And while I was the head -- at the staff,
6 General Staff, I was drawing sketches of this organigramme in order
7 for it to be functional in the future.

8 Q. And let's talk about that organigramme.

9 MR. KEHOE: And if we can go to -- and I'd like to go through
10 sequentially the Pashtrik operational zone, the organisation at the
11 brigade level, and then your General Staff order of battle. If we
12 could go into 712, and this is page 9930.

13 Q. I understand, Witness, that you told my colleague Mr. Emmerson
14 that these charts were not how necessarily it was but how it should
15 have been, and that you noted that the -- there is a direct line of
16 command from Tahir Sinani down to you, to the departments and then
17 down to the operational zones.

18 And I think you told us, and correct me if I'm wrong, that when
19 Tahir Sinani was not there, the dotted line reflects that there is a
20 command responsibility direct to you if he's not available; is that
21 right?

22 A. To tell the truth, counsel, this organigramme functioned
23 perfectly at the zone level, which is different from the
24 General Staff level. When Tahir was absent, it was me in charge.
25 When I wasn't there, the head of departments, G1, G2, G3, up to G6,

1 who collectively commanded the zone. It is a fact, however, that I
2 was never absent. Not a minute, not a second, not a day.

3 The relations and communications with the brigades were then
4 regular. The brigades were regularly reporting at the zone level
5 during zone briefings, which were mandatory once a week, most of the
6 time twice a week, and in many other cases every day. During these
7 briefings, one would understand clearly the chain of command at the
8 zone level, from the zone brigade, company, and so on.

9 So the organigramme functioned at the zone level as it is here.
10 In Tahir's absence, it was me in charge. He would be absent for two
11 or three days or four days. No longer periods than that.

12 Q. And just to clarify a couple issues. Tahir Sinani, as the
13 commander, if he was giving an order to the brigade commanders, he
14 didn't necessarily have to go through you. He could order them
15 directly; right?

16 A. Certainly he would call the brigade commanders and give direct
17 orders. However, most cases I was present, but I was not obliged to.
18 When he authorised me, I would -- if he authorised me, I would have
19 fulfilled his task or his duties --

20 Q. And likewise --

21 A. -- but for him to do so, he would have had to been absent.

22 Q. And likewise, he had command over these brigades, but he also
23 had command over the directorates, the -- you say departments or
24 directorates. He had --

25 A. Correct.

1 Q. And with regard to the directorates, no directorate is in
2 command of another directorate; isn't that right?

3 A. The zone departments with their sections should -- and there was
4 a link, a connection, for the logistics to function through the
5 brigades, battalions, down to the people, to the civilians, to supply
6 them with food, clothes, weapons supplies, logistical chain. The
7 first department was the administration, which recorded the combat
8 capabilities.

9 The second department was G2, intelligence/counter-intelligence.
10 Third department was operational planning for battle plans, ambushes,
11 command, et cetera. G4 was logistics, which supplied the whole zone
12 with food, clothes, weapons, et cetera. G5 were the civil military
13 relations, relating -- interacting with the civilian population. And
14 G6 was the communication. "Communication" meaning radio devices,
15 couriers, and other devices.

16 These departments were connected to the brigade and the
17 sublevels within the brigade. So each department was connected to
18 the brigade for its -- with its respective counterpart or sector.
19 These existed.

20 Q. With regard to G1 and G3, they reported back to Tahir Sinani as
21 well; right? And you also told us that G2 was reporting to Sinani.

22 A. All these departments reported to the commander, and this was
23 done usually during the briefings in the morning or in the evenings.
24 Mostly in the evening because of the war circumstances. Usually,
25 Serbian forces would withdraw in the evening hours because they hated

1 fighting in the evening hours, in the night.

2 So these G departments would report, all of them, to
3 Tahir Sinani during these briefings.

4 Q. And I don't blame them for not wanting to fight at night. But
5 these three over on the left side - G1, G2, G3 - I asked you about
6 the command responsibility to Tahir Sinani because there's no arrow
7 there, so I just -- I just asked that question. But you're saying
8 that they did, in fact, report.

9 So if we go down to the zones -- I'm sorry, were you going to
10 say something?

11 A. From a technical perspective, it would be impossible to use
12 those arrows like it's here and connect them with the zone commander.
13 Because take a look at the arrows, how they're going vertically. If
14 we mix them up, it would be just a confusion.

15 Q. I understand you're trying to get all of this stuff on one sheet
16 of paper. It's difficult. I understand completely.

17 But just going down to the brigades. The 126th you say didn't
18 start until April. And 127 didn't exist. And that's also true of
19 Brigade 128, that didn't exist either, did it?

20 A. These three that you just mentioned are more specific. 126
21 Brigade was functional as part of Has area, with soldiers, from the
22 beginning of the war. However, in order for it to be complete and a
23 brigade, it was very hard because this was close to the border with
24 Albania and it was constantly hit by the Serbian forces.

25 Brigade 127 was planned to be formed and set up in Dragash, in

1 Sharr, as we call it. Shefkat Halimi was appointed commander and
2 deputy commander Bedri Halimi. They never managed to extend that to
3 the level of the brigade or a zone. The only developed up to the
4 level of a company. That's why it's called a fictitious brigade and
5 not a real one.

6 Brigade 128, commanded by Ruzhdi Saramati, it first started
7 operating, penetrating the border, controlling the border, carrying
8 weapons from Albania and escorting people on both directions, from
9 and to Albania, started up -- being active from the beginning of the
10 war and was composed of 30 to 60 soldiers, upon order from Azem Syla,
11 and in my presence, when he made a call ordering Ruzhdi Saramati to
12 complete the brigade, to recruit 1.000 soldiers and enter Kosovo.
13 This happened sometime in April 1999. However, this brigade, in
14 reality, entered Kosovo at the same time when the Operation Arrow was
15 launched on 24 May 1999.

16 This brigade was also completed with other sections that were
17 separated in TF1, TF2 -- TF2, which were rapid intervention units,
18 task forces, ready to intervene at the end of the war, but we didn't
19 know the war was to end.

20 So towards the end, this brigade consisted of 1.200 or 300
21 soldiers. We're talking about Brigade 128.

22 Q. Thank you, sir. Just in the interests of time, I'm going to go
23 to the next chart of P712 which is 9331. This is an order of battle
24 at the brigade level.

25 And I don't have many questions for this, Witness. I just

1 wanted to clarify again, we have the directorates S1, S2, S3, S4, S5,
2 and S6, they are all reporting to the 123 -- this is just 123, I
3 understand, they're all reporting to Gezim Hazrolli; is that right?

4 A. That's correct. They should have maintained a connection with
5 the Gs in the zones, the directorates. And the S1, S2, S3, S4, S5
6 should have reported to G1, G2, G3, G4, G5. However, due to the
7 geographical terrain, the situation, the context during the war, they
8 only reported to their commander, Gezim Hazrolli. There might have
9 been spontaneous reporting as well.

10 Q. Understood, sir. Just going down to the three battalions if we
11 could. We have three battalions -- let's just take the 1st
12 Battalion. And within them, you have three companies, Company 1, 2,
13 and 3. And just so I understand it, in these battalions, the
14 companies under it, there's a straight line. You're not saying in
15 here that the 1st Company has authority over the 2nd Company, and the
16 2nd Company has authority over the 3rd Company, are you? That's not
17 what this means, does it?

18 A. No, these are connected within the battalion. The battalions
19 are connected to the brigade. Usually the military norms require
20 three or more companies to constitute a battalion. Three or more
21 platoons to constitute a company. Three or more units to constitute
22 a platoon.

23 So this doesn't mean that there were only three units or three
24 companies or three platoons. For example, the Budakove battalion had
25 four companies. Sometimes we had battalions the size of a brigade

1 but we still called them battalion, being modest. We didn't want to
2 inflate numbers or importance.

3 Q. Understood. Every army wants to do that to some degree, sir.
4 But just to clarify that, simply because they're in -- they're
5 connected by this line, one company doesn't have command
6 responsibility over the other company?

7 A. There was no horizontal responsibility and there could not have
8 been one because in the army the responsibility is vertical. And due
9 to the geographical positions, when they were connected to the
10 brigade in the centre. Not amongst them. However, the cooperation
11 was entire. Call it in your language if there was full cooperation.

12 Q. Understood, sir. Understood. I'd like to our attention to the
13 other chart.

14 MR. KEHOE: This in 712, and that's SPOE00209329.

15 Q. And I understand, sir, that you had told my colleague,
16 Mr. Emmerson, that this is -- you would need 30 organigrammes to try
17 to accurately portray this. And that this, you said, on page 90,
18 line 16, 17, that this is "a reflection of how it should have been
19 and how it should have functioned."

20 And I just want to, you know, chat with you a bit here.
21 Obviously, you have -- this is prior to Rambouillet. We have
22 Sokol Bashota and Bislum Zyrapi. And this is reflecting the time
23 period when you -- the two-week period, I believe you said, when you
24 were a J1; right?

25 A. This organigramme needs to be further explained. I am planning

1 on publishing this book again. We would need to explain here duties
2 and assignments and tasks for every position indicated here. There
3 are two organigrammes different from the -- regarding the
4 General Staff, one at the beginning of the book and one at the end of
5 the book. The one at the end of the book indicates that Azem Sylja
6 becomes chief of staff. So we need to explain that there were
7 changes within the organigramme. However, these cannot -- one cannot
8 change the organigramme to reflect all those changes that were
9 numerous.

10 Q. And I understand, sir, that you're trying to get this on one
11 piece of paper to put in a book. I understand that. Yes. You're
12 saying that you're trying to make it as small as possible.

13 But all of these instances under the chief of staff, those are
14 all directorates similar to the directorates that you had at the
15 operative zone level; right?

16 A. Approximately it's the same ramification, the same purpose, and
17 the same line. There were logistics at the level of staff, G2, J1,
18 J3, J4. What's specific is at the level of the staff, there should
19 have been more directorates because if we take it from the political
20 level, at the central level in the civilian life, the structures at
21 the central level are bigger than at the local level.

22 In the military field, the central structures should be, to be
23 precise, should be bigger and more complete than those that were --
24 existed at the level of the brigade. This is why the organigramme
25 referring to the General Staff is bigger, it contains more functions,

1 more directorates, and, indeed, it should have even more.

2 Q. And, sir, just going back and comparing it to the directorates,
3 comparing it to your operative zone document, the directorates in
4 your operative zone order of battle were horizontal. And because of
5 space issues, you made them vertical here; right?

6 A. Correct.

7 Q. For instance, you as the head of -- or you in J1, you know,
8 didn't have -- or anybody didn't have command responsibility over
9 another directorate, like J2; right?

10 A. No. If they took any decision during specific meetings, these
11 were joint decisions. Whereas the horizontal chain or horizontal
12 decision-making process or command, there was not.

13 Q. So, you would have --

14 A. Did not exist.

15 Q. So you would have Azem Sylja, Sokol Bashota, and Zyrapi, that
16 they would have command over the zone commanders, according to this,
17 right, even though it just goes back to Azem Sylja? Is that right?

18 A. In reality, the general commander should have had this
19 responsibility, Azem Sylja. However, Azem Sylja was absent all the
20 time because he stayed in Albania. Sokol Bashota played this role as
21 long as he was present, but it would appear that these roles
22 presented here, reflected here were not fulfilled, not even at
23 20 per cent. These were on the structures, coordinated, indicated,
24 but they were not functional.

25 Q. And in the directorate line, we have over at the left-hand side,

1 we have Hashim Thaci as a political directorate. And that is similar
2 to the other 1 through J6 directorates that you have vertically here,
3 isn't it?

4 A. No, this -- the meaning here is like in a government, a legal
5 government. The most important thing here, if we were to draw a
6 parallel with the civilian structures, Adem Demaci was the political
7 representative as a president would be in a civilian government. In
8 the military field, he was political responsible for war --
9 representative for war. Hashim Thaci was a directorate, political
10 directorate, which would have -- would be similar to these
11 directorates, but it was not named after these denomination, G1 --
12 J1, J2, J3. It was just named a directorate, because it was never
13 staffed. It was only Hashim Thaci with two or three persons. So it
14 was not staffed completely and fully in order to name it J1, J2, J3.
15 It was just a political directorate represented by Hashim Thaci.

16 I don't know how many people exactly were there. Our president
17 is here and he can indicate himself. There were only two or three
18 people, in my opinion.

19 MR. KEHOE: Your Honour, I note it's 11.00.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. KEHOE: We can break, yes, Your Honour.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. KEHOE: I'm sorry?

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. KEHOE: I can -- it'd be something I just have to get back

1 to with a question, so it's not that big a deal.

2 Q. We'll get back to this in a moment, Witness.

3 PRESIDING JUDGE SMITH: Witness, we'll give you a half-hour
4 break. We will be back here at 11.30. Remember you cannot speak to
5 anyone about your testimony in this courtroom until after the trial
6 is finished. And you may go with the Court Usher at this time.

7 THE WITNESS: [Interpretation] Thank you, Your Honour.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: We're adjourned until 11.30.

10 --- Recess taken at 11.01 a.m.

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

12 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
13 in.

14 MR. KEHOE: Your Honour, in the interest of timing, I should
15 finish within the next half hour.

16 PRESIDING JUDGE SMITH: Say again?

17 MR. KEHOE: I believe I should finish within the next half hour
18 or less. So I'm trying to move this thing along.

19 PRESIDING JUDGE SMITH: I'm not complaining.

20 MR. KEHOE: Judge, you're allowed to complain.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. Witness, we are ready to
23 continue with the questioning from Mr. Kehoe.

24 MR. KEHOE:

25 Q. Witness, I'm going to try and finish within the next half hour,

1 I just told the Judge, so just bear with me a bit. I just want to go
2 back and clarify some terminology with regard to the coup at the time
3 of Rambouillet. Those weren't my words.

4 MR. KEHOE: If we can put up the SPO Preparation Note 2, Bates
5 stamp number 116830. And I am interested in page 2, paragraph 7. I
6 realise this is not in Albanian, so I will read it slowly.

7 Q. At the bottom of page, just those three lines. This is a note
8 that the SPO took in their interview with you on 10 November, and it
9 says:

10 "After 9 February, when [everybody] else left for Rambouillet,
11 they," talking about the zone commanders, "staged a military coup and
12 they installed Sylejman Selimi as the ... commander, but he did not
13 carry out this role because four zones out of seven did not recognise
14 him."

15 Is that accurate as to what you said to him?

16 MR. PACE: Objection, Your Honour. Counsel misstated the facts.
17 Unless he can point himself to where he says that the zone commanders
18 are the ones who staged a coup.

19 MR. KEHOE: No, that's accurate.

20 Q. But, you know, when you -- excuse me. Is that accurate, sir,
21 that you said that the zone commanders staged a military coup?

22 A. No, not the zone commanders. But Rrustem Rrustemi, he came from
23 Llap zone, and Ramush Haradinaj from Dukagjin zone. Sylejman Selimi
24 was zone commander in Drenica. These three agreed under the
25 influence of Drini, aka Ekrem Rexha, and the presence and influence

1 of the chief of staff, Zyrapi, they got together in Kline - I don't
2 know the place exactly - and they decided to appoint Sylejman Selimi
3 as general commander. This is how it happened.

4 Q. Thank you, sir.

5 MR. EMMERSON: May I just rise to raise an issue on the
6 transcript. I think the witness, in fact, in the first line of his
7 answer, said Rustem Mustafa, i.e., Remi, that is, Remi, who gave
8 evidence in open session in these proceedings rather than Rustem
9 Rustemi.

10 PRESIDING JUDGE SMITH: Can you correct that or deal with that
11 particular issue raised by Mr. Emmerson, Mr. Kehoe?

12 MR. KEHOE: Yes, Your Honour. Oh, I'm sorry. Yes.

13 Q. What you said, Witness -- I just think you missed a name. The
14 name was the zone commanders, but it's Rustem Mustafa, not Rustem
15 Rustemi, right? He came from the Llap zone?

16 A. Rustem Mustafa. It is written Rustem Mustafa here in English.
17 I don't know. It's okay. Rustem Mustafa, aka Remi, his pseudonym.

18 Q. Counsel was just thankfully clarifying an issue on the name. So
19 thank you.

20 Let us go back to our chart, if we can. And you noted just
21 before the break that:

22 "Hashim Thaci was a directorate, political directorate, which
23 ... would be similar to those directorates, but it was not named
24 after these denominations, G1 -- J1, J2, J3. It was just named a
25 directorate, because it was never staffed. It was only Hashim Thaci

1 with two or three persons. So it was not staffed completely and
2 fully in order to name it J1, J2, J3. It was just a political
3 directorate represented by Hashim Thaci."

4 Is that accurate, sir? Can you just explain a little bit more
5 about that?

6 A. I can't add anything. It's just as you said. Hashim Thaci had
7 its political influence, the war policies. He dealt more with
8 meeting diplomats who came to meet the KLA instead of some dealing
9 with specific orders. In fact, he didn't have the authority to issue
10 orders. If you are asking me for this, Mr. Kehoe. Hashim Thaci was
11 a director of the political directorate dealing with the policies of
12 the war, war diplomacy, not with the operational military or --
13 aspect or with orders. This is how I understood then and that's how
14 I see it now.

15 Q. Would it be more accurate to say that he was dealing with the
16 politics of the war, the political aspects of the war as opposed to
17 policy?

18 A. I don't know where you see the difference between the war policy
19 and policy of war. I will try to explain how I see.

20 A political representative of the KLA was Adem Demaci.
21 Hashim Thaci was representative of a political directorate served
22 within the context of these directorate dealing with war policy.
23 This is how I understood, understand, and it should be.

24 Q. And, sir, and you noted that the political directorate was
25 extremely small and such it didn't have J1, J2, J3.

1 A. Yes, it was at that level. Mr. President can explain it better.
2 Otherwise, it was not at the level that we would desire or the war
3 would require. That is, to be a political party with this programme.
4 It was merely a political directorate. That's it.

5 Q. And you noted, and this is at page 51, I'm trying to get the
6 line -- excuse me, page 50, that:

7 "... he didn't have the authority to issue orders."

8 That's at line 20. So, I mean, he couldn't issue any orders,
9 for instance, to Xhavit Haliti or to Sokol Dobruna who are on the
10 left-hand side of this chart; right?

11 A. No, not to them, but to no one. Not even to us. He was not
12 authorised to do that. It was not his duty to issue orders. The
13 duty -- this duty belongs to the general commander, to the chief of
14 staff, and others.

15 Q. So it would be fair to say that, from this chart, his duty was
16 to Azem Sylja and Sokol Bashota or, to some extent, Bislim Zyrapi?

17 A. Not to some extent but mostly Bislim Zyrapi as chief of staff
18 had this responsibility. Of course, the general overall
19 responsibility lies with the general commander, but the organisation,
20 the issues came mostly from Bislim Zyrapi. I don't know -- don't
21 understand why you want to bring it down to this point.

22 Q. It's clear at this point, Witness, that Hashim Thaci didn't have
23 authority to order anybody to do anything, could he?

24 A. No, it is not part of his job description. His position does
25 not include issuing orders, only policymaking.

1 Q. Now, with regard to this chart, we have -- if we look at the
2 bottom, the Zone 1, we have Sami Lushtaku. Prior to Rambouillet,
3 Sylejman Selimi was the zone commander in Drenica, was he not?

4 A. Before Sami Lushtaku -- before Rambouillet and before
5 Sami Lushtaku was Sylejman Selimi. Before that, there were no zones.
6 There were only brigades. It was Fehmi Lladrovci, brigade commander;
7 Ilaz Kodra of another brigade, and so on. Sylejman Selimi was the
8 commander of that zone until he was proclaimed general commander.
9 After him, the role was played by Sami Lushtaku, commander of the
10 Drenica operational zone.

11 Q. And I understand this is, for lack of a better term, a moving
12 target with people coming and going. I understand that, sir. So if
13 we could just move to the last chart.

14 MR. KEHOE: And that is DHT02715.

15 Q. And, sir, this is --

16 MR. KEHOE: Do we have an Albanian translation?

17 Q. This is basically the same organigramme but it is after -- you
18 note that it is the period of the Rambouillet conference. And as you
19 see, Sylejman Selimi is at the top, and Agim Ceku is the chief of
20 staff. And this is, in fact, after Rambouillet, isn't it, because we
21 have Azem Sylja as the minister of defence ; isn't that right?

22 A. Yes, I wanted to emphasise this. That is, the changes that
23 occurred after Rambouillet were the following: Namely, that
24 Sylejman Selimi was a general commander; Agim Ceku, chief of general
25 staff instead of Bislum Zyrapi.

1 Q. And this transpired after Rambouillet where Ceku became chief of
2 staff and Azem Sylja became -- got involved in the provisional
3 government as the minister of defence; right?

4 A. This happened because Bisljim Zyrapi, on 1 April, went to Albania
5 to organise the Arrow operation, and KLA remained without a chief of
6 staff in Kosovo. So on 17 April, Agim Ceku was appointed chief of
7 staff.

8 Q. And when we look at this particular chart, basically everything
9 other than the personnel going back, everything else is basically the
10 same as what you said with the prior chart; isn't that right? The
11 authority, the chain of command, that Thaci couldn't order anybody in
12 the chain of command?

13 A. It's the same like the first organigramme, other than the
14 changes that I have highlighted. The others are the same, that is,
15 the other positions. The orders, horizontally speaking, were not
16 given. Informally, organisationally, we could call one another and
17 go to help someone. But in order to issue orders, you have to have a
18 vertical command chain. Hashim Thaci doesn't have, in a vertical
19 way, people that he can order. So he could order only his small
20 team. I don't know how many he had. He didn't have any authority to
21 order others.

22 Q. And I think you noted that after Rambouillet, and I think you
23 had a few questions from my colleague, Mr. Emmerson, that
24 Rambouillet, they were beginning to set up the provisional
25 government. And we'll get -- is that right? We'll get into some of

1 the details, but that's correct, isn't it?

2 A. After they returned from Rambouillet, after the appointment of
3 the minister of the provisional government, work started to complete
4 the structures of these provisional government. That is, after
5 Rambouillet.

6 MR. KEHOE: And let me show you SPOE00225650. This is the ET.
7 And the Albanian should be the same.

8 Q. And this is an agreement on 23 February to form the provisional
9 government signed by Mr. Thaci, Dr. Rugova, and Rexhep Qosja. Were
10 you aware -- even if you didn't see this agreement, were you aware of
11 the agreement to set up the provisional government?

12 A. Yes, we were aware and accepted it as such.

13 Q. No, no --

14 A. Hashim Thaci led the delegation to Rambouillet, the Albanian
15 delegation, representing KLA and Kosovo.

16 MR. KEHOE: Your Honour, at this time I'll offer this document
17 into evidence.

18 PRESIDING JUDGE SMITH: You mean 02715?

19 MR. KEHOE: Yes, Your Honour.

20 PRESIDING JUDGE SMITH: Any objection, Mr. Pace?

21 MR. PACE: Sorry, Your Honour, you said 02715? That's not the
22 document on screen now, is it?

23 MR. KEHOE: The document on the screen, Judge, is SPOE00225650.
24 My apologies if I misspoke.

25 MR. PACE: No objection to that being admitted.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 SPOE00225650 is admitted.

3 THE COURT OFFICER: Your Honour, just to put the full ERN on the
4 record, SPOE00225650 to SPOE00225650 and the English translation will
5 be assigned Exhibit 1D69. And I note it's marked as confidential --

6 MR. KEHOE: I have no objection to have the confidentiality
7 lifted. This is a public document, I think. But counsel, I will bow
8 to you.

9 MR. PACE: No objection to it being reclassified as public, this
10 page that's admitted. Thank you.

11 PRESIDING JUDGE SMITH: 1D69 is hereby ordered to be
12 reclassified as public.

13 MR. KEHOE: And if I can just put up on -- SPOE0054541. This is
14 a document that was addressed by counsel yesterday. If I might have
15 one moment, Your Honour.

16 Q. And this is a document dated 2 April, in Prishtine, setting up
17 positions for the provisional government. You are aware, sir, that
18 they were doing that, setting up positions for the provisional
19 government, were you not?

20 A. We were aware, but nobody asked our opinion, and nobody proposed
21 us to be somebody. Most important for us was to liberate Kosovo. To
22 someone else, most important was to take a position in the
23 government. So our roles were divided.

24 MR. KEHOE: Your Honour, at this time I'll offer this document
25 into evidence. It's SPOE00054541.

1 PRESIDING JUDGE SMITH: Objection?

2 MR. PACE: No objection. And it can be public.

3 PRESIDING JUDGE SMITH: SPOE00054541 is admitted and is
4 reclassified as public.

5 THE COURT OFFICER: Your Honours, that will be assigned
6 Exhibit 1D70.

7 MR. KEHOE:

8 Q. Now, as -- I think you mentioned this yesterday, and I'll just
9 read briefly so we can get through this quickly. This is at
10 provisional transcript page 85, line 23:

11 "I think that after Rambouillet, the reorganisation
12 headed towards the establishment of the provisional government and
13 not the consolidation of the General Staff, and I pointed it out to
14 the Prosecution Office. Very little attention was devoted to the
15 war. We did that, the brigade commanders."

16 So while the political folks were setting up the provisional
17 government, you in the field had to continue the war against the
18 Serbs; isn't that right?

19 A. That's right, because there was no other way for us when we were
20 fighting on a daily basis. It was the beginning of the NATO bombing,
21 and because of that, the Serbs stepped up their attacks. Every day
22 we had to engage in fighting. They dealt mostly with the provisional
23 government when we were there to face the burden of war.

24 Q. So just to go back. During -- post Rambouillet, while they're
25 trying to set up in a government, they aren't doing anything to

1 consolidate the General Staff. And as far as fighting a war, you and
2 your colleagues in the field were the ones that were actually
3 fighting the war, not the people who were setting up the government;
4 isn't that right?

5 A. That's right. That's right.

6 Q. And let's be perfectly frank, Witness, and you may, that this
7 period of time, you fighting against the Serb forces was a very harsh
8 endeavour. A lot of casualties were suffered, a lot of people were
9 killed, and a lot of civilians were displaced while you were in the
10 field fighting; right?

11 A. That's correct, counsel.

12 Q. Now, I just -- and I think you -- we won't need to go through
13 this again, but I think you said that, you know, you had gotten two
14 orders from the General Staff during this period of time. One was a
15 mobilisation order in writing, and one you got over the radio to take
16 care of civilians, which you were doing anyway; right?

17 A. Correct.

18 Q. Other than that, you weren't getting anything from the
19 General Staff, were you?

20 A. I don't remember to have received any special order.

21 Q. And even when someone from the General Staff came to meet you,
22 like Zyrapi, you just met him a few times; right?

23 A. A few times, yes.

24 Q. And let me show you an order that you were talking about during
25 your interview.

1 MR. KEHOE: And this is IT- -- I think this is confidential,
2 this document, because it comes from another case, and if my memory
3 serves me, I think it's confidential, so it probably shouldn't be
4 shown on the screen to the public.

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. KEHOE: Okay. It is IT-05 --

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 THE INTERPRETER: Microphone, please.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 We won't broadcast the document.

11 MR. KEHOE: And, Your Honour, I am honestly not sure. I am
12 just -- in the spirit of caution, just --

13 PRESIDING JUDGE SMITH: We can always change that later if --

14 MR. KEHOE: Yes.

15 PRESIDING JUDGE SMITH: -- necessary.

16 MR. KEHOE: Oh, I'm sorry. I thought you were still on the
17 phone. My apologies.

18 IT-05-87.1 P00440-ET -- Ea, excuse me. It looked like a T.
19 It's an A.

20 Q. And this particular order is an order from Remi which says it's
21 followed by a General Staff meeting. And you maintain that you were
22 in the General Staff on 5 January 1999 and there wasn't any meeting,
23 and you don't believe that this was an order from the General Staff
24 at all, do you?

25 MR. PACE: Objection, Your Honour. Counsel misstates the fact.

1 I don't see where it says it's an order from Remi.

2 MR. KEHOE: Commander Remi. Can we scroll down? Excuse me.

3 I'm sorry. Drini. My apologies. Drini. Thank you very much.

4 Q. It's from Drini.

5 A. There was no meeting held on 5 January in the General Staff. I
6 was present there. Maybe the meeting took place somewhere else
7 without my knowledge. It was not necessary that I knew everything.
8 It might have been held, but I have no information that such a
9 meeting was held.

10 Q. You told the SPO in a proofing note when you looked at this that
11 you did not think this is a valid order. It says the order is the
12 General Staff's and cannot be signed for or by Drini. You did not
13 think that there was a General Staff meeting on January -- 5
14 January 1999 as referred in the document. You were in J1 at the
15 General Staff.

16 "This was the way Drini acted at the time - he wanted to present
17 himself as a KLA commander even when the KLA entered Prizren, but he
18 was just in charge of the military academy at the time."

19 Do you recall telling the SPO that, sir?

20 A. Yes, correct. It's as you put it.

21 Q. And you believe, sir, that this is Drini trying to act on the
22 authority of the General Staff when he doesn't have the authority;
23 isn't that right?

24 A. That's right. But here it's not Drini's signature. Someone
25 else has signed for him. That's why it says "for." And you see

1 Skender, S, Ceku.

2 Q. But it's still on behalf --

3 A. I don't understand who. I can't make out. But it is on behalf
4 of Drini.

5 Q. And your position, sir, is that this is not a valid order even
6 though it says it comes from the General Staff?

7 A. It cannot be that the order was issued by the General Staff and
8 signed by someone else. And Drini, furthermore, was not a member of
9 the General Staff at that time.

10 MR. KEHOE: Your Honour, at this time we'll offer into evidence
11 this particular document, IT-05-87.1 P00440 Ea. Again, confidential.
12 I'm not sure if it still has the confidential status.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 No objection?

15 MR. PACE: My information is that it may have already been
16 admitted through a bar table, but if that's not a fact, we don't
17 object to admission and it can be public.

18 PRESIDING JUDGE SMITH: If it is, any way of checking that
19 quickly?

20 MR. KEHOE: It's tough to keep up with the bar table stuff,
21 Judge, honestly. I try to do that before we come.

22 THE WITNESS: [Interpretation] Sir, just a minor correction. I
23 said someone else has signed for Drini. Now I found out it is the --
24 the signature is by S Kollqaku. When it says "for Ekrem Rexha" is
25 Sylejman Kollqaku. I am certain of that now.

1 MR. KEHOE: Thank you for that clarification, sir.

2 MR. PACE: I am now told it hasn't been admitted, so again no
3 objection.

4 PRESIDING JUDGE SMITH: All right. IT-05-87.1 P00440 Ea is
5 admitted, and the English translation.

6 THE COURT OFFICER: Your Honours, that will be assigned Exhibit
7 1D71. And what was the decision on the classification?

8 PRESIDING JUDGE SMITH: Be classified as public.

9 MR. KEHOE: And one last document, Judge. This is the last
10 chart, DHT02715. It's only in English at this point, but it was the
11 document that we were just referring to. It's the period of the
12 Rambouillet conference.

13 MR. PACE: I understand that that was created just to make a
14 page from the witness's book more clear, so no objection as long as
15 it's admitted as a separate exhibit.

16 MR. KEHOE: Yeah, I should have noted that. Thank you, counsel.
17 The book itself was a little fuzzy on this, so we wrote it as an
18 enhanced translation because we got the translation --

19 PRESIDING JUDGE SMITH: Is it one page?

20 MR. KEHOE: One page.

21 PRESIDING JUDGE SMITH: What's the page number?

22 MR. KEHOE: It's DHT02715. It's one page.

23 PRESIDING JUDGE SMITH: Okay. DHT02715 is admitted. And can be
24 reclassified as public?

25 MR. KEHOE: Yes, Your Honour.

1 THE COURT OFFICER: Your Honour, that will be assigned
2 Exhibit 1D72.

3 MR. KEHOE: And, Your Honour, to the extent that anybody wants
4 to go back and check where this came from, it was SPOE0020940. It's
5 part of a book that he had. Not that anybody would want to go back
6 and chase it down, but to the extent that anybody does, that's the
7 Bates stamp number.

8 PRESIDING JUDGE SMITH: All right.

9 MR. KEHOE: Your Honour, might I just have one moment.

10 [Specialist Counsel confer]

11 MR. KEHOE:

12 Q. Witness, I went a little bit more than half an hour, but I have
13 no further questions for you. Thank you very much for your time.

14 PRESIDING JUDGE SMITH: Thank you, Mr. Kehoe.

15 Mr. Roberts, you have the floor.

16 MR. ROBERTS: Thank you, Your Honour.

17 Cross-examination by Mr. Roberts:

18 Q. And good afternoon, Mr. Halitjaha.

19 A. Good afternoon.

20 Q. My name is Geoff Roberts. I am counsel for Mr. Selimi, and I
21 have some questions for you now which will take up to the lunch
22 session and then probably extend afterwards for about half an hour or
23 so.

24 So if I can just first take you back to February 1998, and this
25 was in relation to something you mentioned in your interview where,

1 back at that time, I believe the KLA were referred to as terrorists.

2 MR. ROBERTS: And if I can just put on a statement by the US
3 representative, Mr. Robert Gelbard. So that's DRS00079. And I'll
4 just read a little excerpt from this just to take us back to that
5 time.

6 Q. It will just be in English, so for the purposes of time I'll
7 just read it out. And so this is the US representative on
8 22 February 1998, where he states:

9 "At the same time, we also condemn the attacks against the
10 police and others by a group that calls itself the UCK. As I have
11 said before, I consider these to be terrorist actions, and it is the
12 strong and firm policy of the United States to ... oppose all
13 terrorist actions and all terrorist organisations."

14 Were you aware or did you hear of this statement at the time?

15 A. Yes, I've heard of this. These are the results of Yugoslav
16 propaganda and influence which to this day calls the KLA the
17 terrorist. However, this qualification was removed with the visit of
18 Holbrooke when he met the KLA, saw that it was a proper army with
19 military uniforms, insignia, with a chain of command, and they
20 understood that this was a liberation army and not a terrorist
21 organisation. So this qualification was removed.

22 Q. Yes, yes. In fact, you've predicted my next question, and I was
23 trying to trace this evolution. So this statement was made in
24 February 1998 where you're obviously referred to as terrorists. That
25 was something that's obviously very controversial and, as you say,

1 seemed to repeat the views of the Milosevic regime.

2 And as a consequence, only three months later, I think when you
3 said that Holbrooke came to visit, was that in June 1998?

4 A. Yes.

5 Q. And he just went to Junik, I think, didn't he, to your
6 knowledge? This was around about the same time that you arrived into
7 Kosovo, I think, wasn't it?

8 A. Shortly after my arrival, he was in Junik where he met with
9 Hajdin Abazi, aka Lum Haxhiu. And he saw that there was a command
10 centre, there were uniforms, insignias, symbols, weapons, and a chain
11 of command, an organised structure. From that moment onward, it was
12 not referred to as a terrorist group but as a liberation army,
13 organisation.

14 Q. I think you mentioned that in your statement to the Prosecution,
15 your interview. So that's P707.3, Part 3, page 3. And being
16 referred to as a liberation organisation was, obviously, very
17 important for you and for the KLA. When I say "you," I mean for the
18 KLA generally.

19 So you were trying to demonstrate to Mr. Holbrooke, obviously,
20 how important -- or, sorry, not important, how organised you were.
21 It was a public relations exercise to an extent, was it not?

22 A. You are right, counsel. This is how it was. We did what was
23 necessary for their lies to be convinced that we were for -- fighting
24 for our liberation, that this -- our war was just. However, I never
25 had the opportunity to say that this was a clean war. This is one of

1 the wars conducted by an army which has caused less collateral
2 casualties. People were killed with a bullet. We did not have heavy
3 weaponry to cause -- to inflict damage or collateral damage because
4 we did not fight with civilians. We did not fight against civilians.
5 I would want you to have this in mind.

6 Q. Yes, I understand completely. And I think you've discussed with
7 my colleagues the state of organisation of the different units at
8 that time is very volunteer led. And so, obviously, while you're
9 giving the impression to Mr. Holbrooke of uniforms and I believe you
10 mentioned possibly arms and regulations, this was all part of that
11 same exercise to demonstrate to the United States at that time that
12 you were a worthy partner and that you were not terrorists; is that
13 correct?

14 A. In fact, initially there were volunteers constituting groups and
15 a voluntary army. There was an oath, however, just like the one I
16 took here in front of you, and that oath was not violated. It read
17 that the person would be disciplined, follow orders, comply with the
18 rules, and this was then proved in the eyes of Holbrooke and our
19 allies, and it was the KLA who brought the allies in Kosovo
20 territory. It was the only army who fought the Yugoslav forces
21 without leaving even an inch -- going an inch outside the territory
22 of Kosovo. It was a just defensive liberation war, but I wanted to
23 emphasise, in addition to this, that this was a clean war not only a
24 just war.

25 Q. Yes, I'm not disputing that at all. I'm merely trying to

1 understand the context in which you were speaking to Mr. Holbrooke at
2 that time. And Mr. Holbrooke was, obviously, a representative of the
3 United States government, and that was who you were seeking to have
4 support from at the time, was it not?

5 A. Certainly. And other attempts were made as well to reach a
6 cooperation with -- an alliance with the United States,
7 United Kingdom, and the European countries.

8 Q. Yes. So you were conducting, if I may use the phrase, public
9 relations in various different directions but all towards,
10 effectively, NATO countries who would hopefully be able to support
11 you in your conflict?

12 A. We had KLA representatives within the European and world
13 diplomacy, Jashar Salihu, Bardhyl Mahmuti, Ramadan Avdiu, Sabri
14 Kiqmari, and others, who represented us in international -- various
15 international bodies or circles, like the UN and others, as a result
16 of which alliances were formed to help Kosovo.

17 Q. And a few months later, in October, Mr. Holbrooke -- well,
18 actually, no. Let's go back. At that point in June, July, was it
19 fair to say that you were expecting an offensive from the Serb
20 forces?

21 A. We were expecting an offensive from the Serb forces. We had
22 information to that. And there was an attempt -- I wish to say this
23 in front of the Court. Not necessarily for you, but for the Court.
24 The attempts were made for Ibrahim Rugova to agree with his staff and
25 Milosevic and form a technical government. Another attempt was made

1 then to reach agreement with Milutinovic. The agreement I'm
2 referring to with Milosevic, they agreed for Milosevic to annihilate
3 the KLA, and that they would help overturn the government of Nano in
4 Tirana and bring Berisha to power in order to prevent the Albanian
5 authorities supplying weapons to the KLA.

6 So the August offensive was expected, and it was this offensive
7 that caused the damage, the scattering of the KLA, and the desertions
8 in many parts of Kosovo.

9 Q. So already in June when Mr. Holbrooke visited, you were
10 expecting after a few months of gaining a certain amount of free
11 territory within Kosovo, you were expecting the Serb forces to
12 conduct an offensive, and they did conduct that offensive in July,
13 August, and September 1998?

14 A. The biggest offensive was that of the 22nd, the 23rd, and 24th
15 and 25th of August. Then the offensives in September, 1st, 2nd,
16 3rd -- 3rd and 5th of September, and then 22nd, and 23rd, and 24th of
17 September.

18 Q. And this led, I believe, in mid-October to an agreement between
19 Mr. Holbrooke and Milosevic, which, at least temporarily, ended
20 fighting at that stage. I think that's the middle of October, isn't
21 it?

22 A. In the middle of October, an agreement was entered into for --
23 by which Milosevic accepted observers in Kosovo and a cease-fire. A
24 cease-fire which was complied with by the KLA, but it was not
25 respected by the Serbs.

1 Q. Yes. So that was, in part, would you agree, the -- the
2 diplomatic effort by Mr. Holbrooke was reflective of the exercise,
3 the public relations exercise that you conducted before to show that
4 you were a worthy organisation?

5 A. The truth is like you said. But in order to convince Holbrooke
6 and the world, we were determined to resist until death or
7 liberation. And the positions of some of us were -- were
8 unbreakable, invincible, like Budakove and others, which the Serbian
9 forces never managed to occupy. This made it clear to the
10 international factor that we were ready to die for our freedom, and
11 this had certainly an impact on diplomatic circles to increase
12 support for us.

13 Q. Thank you.

14 MR. ROBERTS: If I can just ask you -- and whilst very
15 interested in your answers, if we can try and keep your answers as
16 short as possible just so that we can move through your testimony as
17 quickly as we can and get you back home.

18 Q. But the point I was also making is that, therefore, when you
19 were trying to demonstrate to the US, for example, that you were
20 organised, you would also, perhaps, borrow concepts from them or
21 borrow parts of army regulations, and I believe you discussed this
22 with counsel for Mr. Veseli yesterday. So you would borrow concepts
23 from Albania or you would borrow them from France or the US or
24 Germany, I believe you mentioned.

25 I'm sorry, if you could just --

1 A. That's correct. That's correct. I don't need to add anything
2 to that.

3 Q. And that was even if the concepts that you were importing were
4 foreign to you, that you didn't necessarily have a firm - when I say
5 "you," I mean the KLA - had a firm understanding of what those
6 concepts were or what those structures were.

7 A. We did not borrow them. We adapted them to our conditions and
8 circumstances based on our national tradition and our past wars for
9 freedom. We are the only people, we Albanians, who has never invaded
10 or occupied other people's territory. I am very proud to be an
11 Albanian.

12 Q. But we did, and as you discussed with counsel of Mr. Veseli, go
13 through the disciplinary regulations, and we found the whole slew of
14 concepts that didn't actually reflect reality. And I can put that
15 back on the screen if that assists, but I think you remember it from
16 yesterday.

17 A. I believe we explored this entirely, as we did yesterday, so we
18 wouldn't waste Court's time on this.

19 Q. No, indeed. So if we can move now on to essentially one part of
20 that which obviously interests my client, and that's the role of the
21 inspector general. And you may remember, obviously, that you
22 discussed this in various stages in your SPO interview, so I'll put
23 those back to you so that you can be familiar with what you've
24 already said.

25 But first of all, I just want to understand your role and your

1 background and responsibility at the same time. So you've told us,
2 to my understanding, that you were the assistant commander for morale
3 within the Pashtrik zone from late 1998 until around about 17 March
4 1999. Is that a correct understanding?

5 A. Correct.

6 Q. And I believe in your interview you were shown a document which
7 set out the responsibilities for the KLA command staff in the
8 Pashtrik zone. Do you recall seeing that document during your SPO
9 interview?

10 A. I don't know which document you're referring to.

11 Q. Certainly.

12 MR. ROBERTS: If we put it up on the screen. It's ERN
13 U000-6462. If we could have that up on English and Albanian on the
14 screen. And if we can just go to page U000-6463, please.

15 Q. And at the bottom of there, hopefully it's legible in the
16 Albanian copy, but it describes the duties and obligations or the
17 role of the assistant commander for information and morale. Can you
18 see that in the bottom left-hand side of the Albanian, and is it
19 readable? And if not, I can read the English and it can be
20 translated for you.

21 MR. PACE: Your Honour, just before we go any further, counsel
22 mentioned that this was for the Pashtrik operational zone. Could we
23 show the witness the first page where there is a different indication
24 so that nobody is misunderstanding anything?

25 MR. ROBERTS: I'm not misunderstanding anything, Your Honour,

1 but I'm more than happy to move it to the first page.

2 PRESIDING JUDGE SMITH: Just go ahead with your questions.

3 MR. ROBERTS: Thank you.

4 Q. So if we could just go -- sorry, Witness, can you read the
5 Albanian there? I know it's a bit of a difficult copy. Yes. So I
6 can read the English where it has been translated if that's of
7 assistance.

8 A. It's hardly legible. I can't read it. You said you were asking
9 questions about your client. I don't see how is this related to your
10 client.

11 Q. We'll get there soon enough. Hopefully it will become clear.
12 But I'll just read the duties in English, which is:

13 "Assistant commander for information and morale - His duties
14 include the raising of morale among soldiers and officers. It is his
15 duty to visit soldiers in barracks."

16 Partly illegible.

17 "glorious periods of our national history.

18 "To explain historically that we are upward occupation ... to
19 follow the current developments in the country and the world,
20 successes of our army and to explain them to the soldiers. It is his
21 obligation to inform them about important events."

22 Now, did that reflect your responsibilities when you were in
23 that position?

24 A. To some extent. Can I have the entire document, whether this
25 comes from the rules or is this an order from the command? Who's

1 that smart person who clearly determined these tasks? Can I know
2 who's the originator?

3 Q. If we can move back to the first page, I can show you the front
4 of it. And I think this was requested by counsel for the Prosecution
5 earlier. Hopefully that will assist. But this was the one that you
6 discussed in your SPO interview.

7 A. The tasks and duties are not described properly. I don't know
8 who issued this document. It contains also the tasks and duties of
9 the commander. It does not determine clearly the command levels. We
10 don't know if this is the central command at the Prizren level or
11 Pashtrik zone or brigade zone -- level. It's a document which is
12 very similar to what we had as tasks and duties. However, I did not
13 accept this document in front of the Prosecutor, either.

14 Q. No, no --

15 A. It's a -- no, it doesn't bear any relevance.

16 Q. But I was just trying to work out what your actual duties and
17 responsibilities were and to use this to see if this would give you a
18 basis for describing that. What other duties and responsibilities
19 did you have in that position?

20 A. Are you now asking questions about me or your client?

21 Q. You -- your role --

22 A. If you need me to speak about myself, I can speak the whole day
23 with the Court's permission. If the Judge allows me to do so, I can
24 speak forever about myself.

25 PRESIDING JUDGE SMITH: I think the question was just what other

1 duties did you have as the morale officer?

2 THE WITNESS: [Interpretation] Your Honour, the question is very
3 broad, and I do not want to inflict this to this Court. I know --
4 I'm very well aware of my duties and my work, just like all of us
5 here are.

6 The duty of a commander for morale and politics was to raise the
7 morale, to develop it to the soldiers, to explain the necessity of
8 the war, the just nature of the war, the international norms and laws
9 of the war, to explain how soldiers should conduct themselves with
10 wounded, civilians, unarmed persons, harmless people, and to
11 cooperate with civilians, with internationals, with international
12 diplomacy.

13 So it's a broad spectrum of tasks.

14 MR. ROBERTS:

15 Q. Thank you. That's very helpful.

16 A. I'm sorry to take your time. If you want me to go into
17 specifics, I'm here to answer.

18 Q. Thank you. No, I think that's very helpful to understand what
19 the role was and obviously covered a large field. And that included,
20 obviously, to speaking to soldiers within your brigades and
21 understanding their requirements, understanding their situation, and,
22 obviously, further than that is having -- sorry, I will rephrase.
23 And further than that is -- as you say, is cooperating with
24 internationals and international diplomacy.

25 And this position was something that comes from military

1 structures that have been in Albania, or where does it come from?

2 The commander for morale. Assistant commander for morale, sorry.

3 A. I read numerous literature on the art of war during my time in
4 Albania from 1988 until the end of that same year, almost -- so for
5 period of time of six years. I read many regulations, military rules
6 regulating relations between the army and civilians. So I had
7 knowledge to carry out these duties and tasks within the Kosovo
8 Liberation Army. I am very familiar with this field.

9 Q. But this position itself, it comes -- there is a commander or
10 assistant commander for morale in the Albanian army to your
11 knowledge?

12 A. You can find it everywhere, in the US, UK, including in Albania,
13 assistant commander for morale and politics, in every modern
14 democratic army.

15 Q. And so that was obviously something that the individuals who had
16 former military experience who joined the JNA were familiar with?

17 A. No. They were communist positions. They did not have it for
18 morale and politics, but it was -- the name was commissar, commissar
19 for politics. It had a high -- it was a higher position, and it was
20 a more powerful position than commander. In communist regimes, I'm
21 referring.

22 Q. Now moving on to the inspector general. I think you told the
23 SPO in your first interview in 2020 about the role of the inspector
24 general in the KLA. And that Mr. Selimi was the chief of the
25 inspectorate, by which I mean -- I assume you mean that he was the

1 inspector general; is that correct?

2 A. He was inspector general. It was thought to set up an
3 inspector's department or inspectorate, but we were left only with
4 the inspector.

5 Q. When you say you were "left only with the inspector," do you
6 mean that it was just Mr. Selimi?

7 A. Just Mr. Selimi with two or three people around him.

8 Q. Right. And this post, I think you described, and I'll read it
9 from your first SPO interview, and the question was --

10 MR. ROBERTS: And this is P707.1, Part 1, page 20 in both the
11 English and Albanian, and it doesn't need to be displayed.

12 Q. "Q. And what were the tasks of the inspector general?

13 "A. To inspect the battlegrounds, the positions. To inspect,
14 to see what is the conditions of the military service, the soldiers,
15 so the bases, the locations where they would spread to. I wasn't
16 this person. [This] person might tell you better."

17 A. And I would reiterate it. The person who knows best those tasks
18 would speak about their duties and tasks, but it stands as I've
19 stated it.

20 Q. Yes. And we're just trying to understand what interaction you
21 had with the inspector general and knowledge of his role at the time.
22 You also did tell the SPO that this post of inspector general came
23 from NATO countries, though, didn't you, and didn't match a position
24 in the JNA? Do you recall that evidence?

25 A. I believe so. I can't recall, but I think this is how I said

1 it. I don't want to over --

2 Q. I'll read your words so that you can be clear what you're
3 accepting. So this is P707.1, Part 1, page 20, and then 21 in the
4 Albanian, question, this is about the inspector general:

5 "Did it match a position that existed ... in the JNA? Is it a
6 position that existed in other armies to your knowledge?"

7 Your answer:

8 "The Yugoslav army structures were different. They were
9 communist structures completely. They were similar to the Soviet
10 Union structures and to Albania structures as well. Our structures,
11 we meant to set structures similar to those of NATO, although we
12 couldn't raise up to that level. Because we thought that if we had
13 similar structures, our road would be the same [or] similar."

14 Is that correct?

15 A. Correct. We always try to follow the same road, similar
16 structures, similar greetings and conduct, to come closer to our
17 allies. That's correct.

18 Q. So that's consistent with the public relations exercise that we
19 were discussing earlier with Mr. Holbrooke?

20 A. Correct.

21 Q. And so to be clear, those who had served in the JNA previously
22 in whatever capacity, like Commander Drini or Bislim Zyrapi, they
23 wouldn't have been aware of what an inspector general would do; is
24 that fair?

25 A. No. In the logic of everyone, the role of an inspector should

1 be clear. An inspector controls, monitors, observes, and informs on
2 what he sees in that situation. For every normal person, if you tell
3 someone that a trade inspector is here, they know, or the legal
4 inspector is here, they know, a military inspector. It's easy. It
5 doesn't mean that they didn't know what he was doing.

6 Q. Well, they wouldn't have had an inspector general within the
7 armies in which they served; is that correct? So they wouldn't have
8 been -- if there was no inspector general in the army of the JNA,
9 they wouldn't have had an interaction with an inspector general in
10 their army, would they?

11 A. In the Yugoslav Army, there was an inspectorate centre. It was
12 called Gene [phoen].

13 Q. But that's different from the concept of the inspector general
14 which you've obviously said comes from [Overlapping speakers] ...

15 A. It's completely different.

16 Q. Right. And just to be clear, as a battalion commander -- or,
17 sorry, as an assistant commander for morale, and this is what we were
18 talking about a few moments ago, would you inspect troops at all in
19 order to carry out the role and duties that you discussed earlier,
20 those wide -- wide-ranging obligations?

21 A. Part of my duty, the first one was to fight, and I was always on
22 the front line. As a battalion commander, I participated in every
23 battle, but also as assistant commander for morale I was still in the
24 front line. I even was reprimanded by Zyrapi, telling me that I
25 should step behind. But I didn't do that because I was concerned

1 with the combat readiness and morale, and I stayed side by side with
2 the soldiers in the front line.

3 Q. Yes, in order to assess that combat readiness, you would have to
4 go and speak to the different soldiers and understand the situation
5 they're in. That's logical, isn't it?

6 A. Whatever we could discuss, that happened during the briefings
7 and in our contacts with the command chain of the brigades in the
8 case of education and preparation of the battalion commanders at the
9 level of the zone and beyond.

10 Q. Now, in your role, you would go and inspect the soldiers at
11 different locations; is that fair? And when I say "in your role," I
12 mean as the assistant commander for morale.

13 A. No, no, it's not that. No, counsel. You have mixed up my role.
14 I was not obliged to go and inspect groups of soldiers or combat
15 units. I merely led the work for the political line in general. It
16 was impossible for me or for anyone to go to every place, to every
17 group, especially in my zone which consisted of about 10.000 soldiers
18 and covering a territory that accounted for 30 per cent of the
19 military activity of Kosovo.

20 Q. Understood.

21 MR. ROBERTS: If we could just put up a document which describes
22 the report on the organisational, military, and combat life of the
23 2nd Battalion in Budakove. That's the ERN SPOE00226697. If we could
24 just have that in English and Albanian on the screen.

25 Q. Can you see that document on the screen, Witness?

1 MR. ROBERTS: And if we can just look at the first page to
2 start, and then if we can move, in about ten seconds, to
3 SPOE00226704.

4 Q. So in the English version, about five lines down, there's a
5 reference to the fact that you:

6 "Having inspected the forces on the first positions ..."

7 So that demonstrates that there was an inspection of the
8 soldiers.

9 A. I was not a commander for morale. I was a battalion commander.
10 And, of course, battalion commander inspects the -- you know, the
11 front line. Not only inspect, but I fought with them.

12 Q. Yes, that was my mistake. My apologies. This was back to when
13 you were the battalion commander. But the point I was trying to make
14 is that there were various other individuals involved in inspecting
15 units at the time. That would be the role of the battalion
16 commander, would it not?

17 A. There were visits, I would say, private visits from one zone to
18 another, not inspections. Because if you inspect, you must abide by
19 some rules, some norms entrusted to you.

20 Q. But obviously in this document, it refers to inspecting troops
21 on that page. I can also -- just to speed it up, there's various
22 other references in that document, which we can show you if you like,
23 to inspecting locations. The word in English, at least, is
24 "inspected." So "inspect the locations" or "inspecting soldiers."

25 So it's a normal -- the point I was trying to make is it's a

1 normal role for a battalion commander to carry out those inspections,
2 is it not?

3 A. Yes, it is. I wouldn't change anything in that.

4 Q. And that's because if they don't carry out inspections, they
5 don't know what's going on within their battalion.

6 A. As a battalion commander, you should be by the side of the
7 soldier, to check, to control, to inspect what they're doing, what
8 they need, what is going to happen, when the offensive is going to
9 take place, how to defend themselves, how to fight. These are parts
10 of the duties of a military person.

11 Q. And when you were the deputy commander for the zone later on,
12 did you still have to carry out inspections at that time? So after
13 16 March or 17 March 1999.

14 A. It took me less time to conduct inspections because at that time
15 we had our responsibilities better defined. Because we had
16 commanders of brigades, we had the zone directorates, the zone
17 commander, Tahir Sinani in this case, sometimes conducting
18 inspections. Myself went to a zone, to a unit, to some location. It
19 was normal.

20 Q. So brigade commanders, zone commanders, and yourself, and then
21 right down to battalion commanders would carry out inspections, and
22 that's the normal role of -- within an army, is it not?

23 A. I wouldn't like you to emphasise so much the word "inspection"
24 because in Albanian it means to go, to visit, to see what they need,
25 what their situation is, whether they need armaments, what are their

1 positions, what is their situation. So it's a kind of control that
2 goes there to the soldiers in the front line to see what the real
3 situation is.

4 Q. But if a battalion commander did carry out, and I will use a
5 different word, an examination, if you like, or an assessment,
6 whichever word, a battalion commander would then report that to their
7 brigade commander if there's something that comes out of that
8 assessment?

9 A. Yes. Hypothetically, if there is no brigade commander or no
10 brigade, only the battalion, to whom should he report? Of course, he
11 does it for the interest of the battalion.

12 Q. Yes. So the assumption was this after the -- after brigades
13 existed. And then the brigade commander, if necessary, would
14 obviously report up to the zone commander?

15 A. Yes, that's the meaning.

16 Q. But the point I was making, that none of these individuals, to
17 your knowledge, had direct reporting obligations to the inspector
18 general, did they?

19 A. No, because there was no line of reporting. If it was an
20 inspectorate, it would have its inspectors to -- up to the level of
21 battalions or platoons. There was no inspectorate. There was one
22 person whom we called or he called himself as such.

23 As an individual, he went, visited, observed, contacted, checked
24 the situation, the well-being of the soldiers in the war situation.
25 That was his duty. You have your client. Why hasn't he explained

1 that to you so far?

2 Q. Well, we're interested in your understanding of this role, which
3 is why I'm asking you these questions, and you've obviously given us
4 that explanation of your understanding of your interactions with him.
5 And it's very clear, I think you mentioned there was only a couple of
6 staff or a couple of people that were with Mr. Selimi, but no one
7 ever introduced themselves to you as a member of the staff of the
8 inspector general, did they? It's not something that anyone would
9 have introduced themselves to you as at the time?

10 A. In one instance, it was Rexhep Selimi who came to me but didn't
11 introduce himself as an inspector, merely as Rexhep Selimi. I used
12 to know his brother, Ramadan Selimi, from 1979 onwards. And I was
13 happy to meet him. I asked him, "Where are you going? Why are you
14 here?" He said, "I want to go to the other zone, Maja e Zatriqit,
15 and tell me where to go so that I don't meet any Serb forces,"
16 because we kept notes and we observed the movements of the Serb
17 forces.

18 I think he was with two other people. I gave him two of my
19 soldiers to help them to pass, but they fell into an ambush and
20 fought with the Serb forces. And that battle, let's say, became an
21 offensive against our zone. And I was rather angry with Rexh. I
22 said, "Why did you cause that?" But he said, "It was not our fault.
23 We fell into an ambush." As a matter of fact, we won that battle, we
24 inflicted losses to the Serbs, and that was it. This battle lasted
25 about two hours. Not more.

1 That was the case that I had to deal with Rexhep Selimi during
2 the war. And I knew him only as Rexhep Selimi, the brother -- whose
3 brother I knew, and not as an inspector. This fact I learned at the
4 end of war -- after war from others.

5 Q. So during the war you weren't aware that he was inspector
6 general?

7 A. By the end of the war, yes. Yes, by the end of the war. After
8 April, we knew he was an inspector. But he never came to us and
9 introduced himself as an inspector and that, "I want to check or
10 inspect this or that." In that sense, no.

11 MR. ROBERTS: If we could just look at a document. And this is
12 P650, and the ERN is U003-1744. I believe you have seen this before.

13 Q. And this was discussed with you in your SPO interview, if that
14 helps to remind you. And I don't -- I'm not interested in the
15 content of the document at the moment, or at all actually. I was
16 merely looking at --

17 MR. ROBERTS: If we can go to the second page -- sorry, third
18 page. So that is -- yes, exactly.

19 Q. So this is the individuals to whom this letter is addressed. Do
20 you remember discussing this with the SPO during your interview?

21 A. Yes, yes, we discussed it. We clarified it.

22 Q. And you've written here to the archive, the general inspector,
23 and the General Staff. Am I right in understanding that the actual
24 letter was directed to the chief of staff, to Mr. Zyrapi?

25 A. The archives means for us, the archive of the zone where we kept

1 the materials involving the zone. Addressed to the general
2 inspector, we meant to address Rexhep Selimi, but, as a matter of
3 fact, we gave it to Bislim Zyrapi, the chief of staff. And that was
4 it. This is what happened with this document. I don't know why it's
5 not signed. I acknowledge it was a document that we drafted together
6 with Halil Qadraku.

7 Q. I'm just looking at the -- who you expected anyone -- sorry,
8 I'll rephrase the question.

9 My understanding, and correct me if I'm wrong, is that you
10 expected Bislim Zyrapi to do something about the contents of this
11 document; is that correct?

12 A. Yes, because the chief of staff was like a general manager, if
13 you like, of the war. If he couldn't do it by himself, he would
14 cooperate with the general commander, with deputy commander, or with
15 the inspector also. If they are part of the same level in the
16 organigramme, why shouldn't he take it to other people?

17 But we did what we did. That is, if we managed to send this
18 document to one of them, that would be okay. We couldn't find the
19 three of them. Sometimes it was difficult to find -- to have access
20 even to one person. It happened that we wrote a document two weeks
21 ago and we didn't manage to send it to the relevant person, or
22 sometimes we left it with a guard, asking the guard to give it to the
23 relevant person.

24 Q. Yes, I think that demonstrates how difficult it may have been to
25 send requests up to the General Staff; is that fair?

1 A. Because of the war, the fightings, it was difficult. But one
2 thing I want to say. We didn't have any protocol, that is, to keep
3 record of everything we took or sent. We didn't keep -- let's say,
4 we didn't write in the paper with a number, with a -- that is, a
5 protocol note, to say that we received this, we send this, because we
6 were always on the move.

7 Q. Yes. And just to be clear, you've listed the general inspector
8 and the General Staff as separate entities. Was it your
9 understanding that the general inspector or the inspector general
10 wasn't part of the General Staff at the time you wrote this letter?

11 A. We thought that whoever it might reach, the general inspector,
12 the General Staff, the chief of staff, we wanted one of them to
13 receive the letter. We didn't make any distinction, and we didn't
14 determine their roles.

15 Q. And you didn't know that Mr. Selimi was a member -- sorry, was
16 the inspector general at this time, I think, as you've just mentioned
17 because that wasn't until April, I believe.

18 A. That's correct.

19 Q. So you were merely sending this letter in the hope that someone
20 might do something about it, but you, obviously, didn't know exactly
21 who?

22 MR. PACE: Objection, Your Honour. Asked and answered.

23 PRESIDING JUDGE SMITH: Overruled.

24 MR. ROBERTS: Thank you, Your Honour.

25 Q. Now, I think you mentioned a few moments ago an interaction that

1 you had with Mr. Selimi when he fell into an ambush.

2 JUDGE METTRAUX: Mr. Roberts, I don't think we have recorded an
3 answer to your previous question.

4 MR. ROBERTS: You're right, Judge Mettraux. Thank you very
5 much.

6 Q. If I may just repeat the previous question, Witness. I'd asked:

7 "So you were merely sending this letter in the hope that
8 somebody might do something about it, but, obviously, you didn't know
9 exactly who?"

10 Is that correct?

11 A. For us, it was important that whoever of the persons mentioned
12 here or who else but was part of the General Staff, whoever received
13 that letter, it was a mission accomplished. That is, we wanted to
14 send that request, for example.

15 Q. Understood. So just moving on to the incident you described
16 earlier about Mr. Selimi travelling through your zone and then
17 falling into an ambush, as you just described a few moments ago. And
18 you told the SPO that you lent him a few soldiers when he fell into
19 this ambush; is that correct?

20 A. Before he fell into an ambush, I gave the soldiers to show him
21 the way. And I think I explained this sufficiently.

22 Q. And this was -- he had requested these soldiers but hadn't
23 ordered you to give them. That's correct, isn't it? That's what you
24 told the SPO.

25 A. No, he didn't ask me for the soldiers. He wanted to go with his

1 two soldiers, but I felt it -- I deemed it reasonable, because my
2 soldiers knew the terrain better, and so I wanted them to escort him
3 to not to fall into an ambush. He didn't even say that he was an
4 inspector or anything. He merely said that, "I want to go to Zatriq,
5 and please tell me where I can go so that I don't encounter Serb
6 forces." I drew up a sketch on a piece of paper and he set out. And
7 then I said, "Wait, take two more soldiers because they know the
8 terrain better." That was it.

9 Q. But there's no way he could have ordered you to have provided
10 those soldiers, could he? There's no way he could have issued an
11 order to you in your position?

12 A. You have to try to understand, even the most ordinary soldier,
13 if he wants to go from one hill to another, we used to escort, to
14 enable him to go to his destination so that he didn't meet enemy
15 forces. It doesn't matter whether Rexhep Selimi was an ordinary
16 soldier or an inspector. It doesn't stand to logic.

17 Q. And you also had described another visit to the Pashtrik zone
18 where -- this was after the visit in April where you told the SPO
19 that Mr. Selimi visited the 121 and 123 Brigades. Do you recall that
20 information that you provided to the SPO?

21 A. I don't know. Maybe it was the time about which I spoke,
22 because it was after middle of April. I think it's the same thing.
23 We are talking about the same visit, I think.

24 Q. Maybe if we display it on the screen we can clarify this. I
25 think it may be easier.

1 MR. ROBERTS: So that's P708.6. It's the SPO interview of 2
2 November 2022, Part 6, page 19 in the English, and page 20 in the
3 Albanian.

4 Q. Can you see that exchange which starts:

5 "And he visited all the brigades within the Pashtrik operational
6 zone, to your knowledge?

7 "A. I know that he visited two brigades."

8 So that starts at line 7 in the English. And in the Albanian,
9 it is Part 6, page 20, starting at line 2. Can you read that in
10 front of you? Sorry, did you say yes?

11 A. This makes sense. If he came to me at the zone level in Nishor,
12 Brigade 123 was very near the zone command. That's where they had
13 the headquarters. So he met people from Brigade 123, but not
14 specifically in the sense that he summoned the command as it happens
15 today. Then, he just visited Brigade 123, and on his return, when he
16 was going in the direction of 121 Brigade, I said he may have visited
17 them. And it is normal, because if I were in his place, I would have
18 visited all them.

19 Q. And I think you just described these visits as routine. But you
20 didn't speak to him or see him yourself at that time, did you; is
21 that right?

22 A. Correct.

23 Q. And the brigades that you believed he visited didn't report
24 anything back to you, but you assume they discussed with
25 Tahir Sinani?

1 A. No, he didn't give us any specific instruction, because if that
2 were the case, Tahir Sinani would have reported it to this debriefing
3 session we held. It was just a routine visit.

4 Q. And both of these visits would have been after -- well, in or
5 after April 1999, so April, May, or even early June 1999; is that
6 correct?

7 A. After the second half of April -- after the first half, sorry,
8 it is possible that he made these two visits because he was at my
9 place. It is possible, I'm saying. Whether he visited it or not, he
10 knows. I can't be specific. I can't really say he did that or --
11 this or that because I don't know.

12 Q. Of course.

13 MR. ROBERTS: Your Honour, I think it's probably an appropriate
14 time now. I'm about to move into a new topic, so I think it's
15 probably best.

16 PRESIDING JUDGE SMITH: Thank you.

17 MR. ROBERTS:

18 Q. Thank you, Witness.

19 PRESIDING JUDGE SMITH: Witness, we will take our lunch break
20 now. You will come back at 2.30 for a final session. You can go
21 with the Court Usher as she escorts you out of the room.

22 THE WITNESS: [Interpretation] Thank you. Enjoy your lunch.

23 [The witness stands down]

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 We're adjourned until 2.30.

1 --- Luncheon recess taken at 12.59 p.m.

2 --- On resuming at 2.31 p.m.

3 PRESIDING JUDGE SMITH: The Panel will now issue an oral order
4 on the reclassification of certain exhibits admitted through
5 Witness W03825.

6 It's been brought to the Panel's attention that the parties
7 agreed *inter partes* that certain exhibits admitted through W03825
8 could be reclassified as public. Therefore, the Panel hereby orders
9 that Exhibits P681, P682, P683, P684, and P686 be reclassified as
10 public.

11 This concludes the Panel's oral order.

12 Madam Court Usher, you can bring the witness back in.

13 MR. KEHOE: Your Honour, I had a couple of documents that I just
14 wanted to introduce. I mean, I don't know if you want to do it later
15 or now.

16 PRESIDING JUDGE SMITH: We can do it now.

17 MR. KEHOE: Yes. One has to do with the book by -- and these
18 are the matters that I referenced. The book is SPOE00209321 --

19 PRESIDING JUDGE SMITH: I'm sorry. 9?

20 MR. KEHOE: The two pages -- the two pages that I would admit,
21 move to, is SPOE00209392 and SPOE00209393.

22 PRESIDING JUDGE SMITH: I'm sorry, the last one, 9393?

23 MR. KEHOE: 93 -- one page after the other, 92 and 93 of that
24 book. And of the document, the chronology --

25 PRESIDING JUDGE SMITH: Just a second. Isn't the book -- is the

1 book already in? Part of it. Okay. This SPOE00209321, any
2 objection?

3 MR. PACE: No.

4 PRESIDING JUDGE SMITH: Page 9292 and 9393 are admitted.

5 MR. KEHOE: And this is an SPO document, SPOE00226697. And we
6 would like to admit the part of this document that we discussed with
7 the witness, which was SPOE00226707, and the next page, SPOE00226708.

8 MR. PACE: No objection, Your Honour. But can I just ask for
9 future, it's much easier if items are tendered either after they're
10 shown to the witness or, at the latest, after the even of the
11 cross-examination, because it's very hard to now reconcile what was
12 and was not shown.

13 PRESIDING JUDGE SMITH: That is true. And I have the same
14 feeling.

15 MR. KEHOE: That's fine.

16 PRESIDING JUDGE SMITH: It's better at the time because they
17 relate back to the transcript better and it makes it a little
18 simpler.

19 I'm not sure I got the number right on the last --

20 MR. KEHOE: It's SPOE --

21 PRESIDING JUDGE SMITH: No, I got that part. Is it 226707?

22 MR. KEHOE: And 08.

23 PRESIDING JUDGE SMITH: And 08. Okay. SPOE00226979 at page
24 226707 and 226708 --

25 MR. KEHOE: That's correct, Judge.

1 PRESIDING JUDGE SMITH: -- are admitted.

2 MR. KEHOE: Those two pages.

3 PRESIDING JUDGE SMITH: Yeah.

4 THE COURT OFFICER: Your Honours, those pages will be assigned
5 Exhibit 1D73.

6 And with reference to the book, if Your Honours are in
7 agreement, I will add them to the already existing P712.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Welcome back, Witness.

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE SMITH: Mr. Roberts still has the floor and he
13 will be asking you some more questions.

14 Go ahead.

15 MR. ROBERTS: Thank you, Your Honour.

16 Q. And good afternoon, Mr. Halitjaha. I will hopefully be
17 completing my questions in about 30 minutes --

18 A. Good afternoon.

19 Q. -- but I will ask you to try and respond to my questions with a
20 "yes" or "no" if at all possible, just to expedite this process.
21 Hopefully they're phrased in such a way that you can. Obviously if
22 you need to add further information, please feel free to, but if
23 possible, if you can answer with a "yes" or "no," that would assist.

24 MR. ROBERTS: Now, first of all, if I could just put on screen
25 an excerpt from your interview. So that's P707.3, that's your

1 interview from 1 November 2022, Part 3, and that's pages 30 to 31 in
2 the English. And the Albanian is page 27. And I'll just read a
3 small section from line 22 of page 30 in the English.

4 Sorry, the ERN would be 08374 -- nope. Is it page -- sorry,
5 excuse me, Your Honour. If you bear with me for one second. It's
6 the second interview. Sorry, I believe I've given the Prosecution
7 exhibit reference wrong. So it's 708.3, not 707.3. My apologies.
8 Okay. And just to repeat, that's page 30 in the English, and page 27
9 in the Albanian.

10 And if we scroll down to line 22 in the English, and I believe
11 it is line 18 in the Albanian.

12 Q. So I'll just read this, but obviously you can follow on screen,
13 Witness. This is part of your SPO interview.

14 "Q. And now, just to be clear, Nexhmedin Krasniqi at that time
15 was the commander of the military police of the Pashtrik operational
16 zone?

17 "A. Yes, indeed."

18 If we just go over the page.

19 "Q. And Nezir Kryeziu was the commander of the ...

20 "A. And Nezir Kryeziu was the deputy commander.

21 "Q. Deputy commander of? Of what?

22 "A. Of the military police.

23 "Q. All right. And, as such, they both reported to both
24 Tahir Sinani and yourself?"

25 And your answer was:

1 "No, they were not obliged to report to me. So they were not
2 obliged to report to me. They were reporting to Tahir Sinani, but in
3 his absence they would report to me."

4 Do you see that in front of you, Mr. Halitjaha?

5 A. That's correct as it reads here.

6 Q. And that evidence is accurate, isn't it? That was the reporting
7 line? They would report to Tahir Sinani and, exceptionally, if he
8 was absent for whatever reason, they would report to you?

9 A. That's correct.

10 Q. And, obviously, in your evidence there you're referring to
11 Mr. Sinani, and he took over in the middle of March as the zone
12 commander. But is it accurate that before that date, from your
13 knowledge, Mr. Krasniqi still reported to the zone commander? So he
14 reported to Commander Drini, didn't he, before Mr. Sinani took over?

15 A. The military police was not formed at the time of
16 Commander Drini, when he was in charge. So it's correct what you
17 say, that he might have reported to him. Tahir Sinani starts from 17
18 March and not from April.

19 Q. Sorry, I think I'd said the middle of March. Yes. So you're
20 talking about -- your evidence here is from the middle of March
21 onwards. And so he reports to Tahir Sinani, and I believe that was
22 also the diagram that you were shown earlier.

23 MR. ROBERTS: And we can display this as well. That's P509,
24 which is also P712 as well. I can give you the ERN of the specific
25 page, which is SPOE00209330.

1 Q. And you can see there, just on the Albanian, obviously, you have
2 on the left-hand side Nexhmi Krasniqi reporting up to Tahir Sinani,
3 don't you?

4 A. Yes.

5 Q. That continued throughout the rest of the war, didn't it, that
6 reporting structure? There was no change to that reporting
7 structure?

8 A. There was no structural change.

9 Q. And I will just read out what Mr. Krasniqi has said on the same
10 issue, just to confirm.

11 MR. ROBERTS: And this is SPOE0073210. It doesn't need to be
12 shown. But this is what Mr. Krasniqi describes, Nexhmi Krasniqi. He
13 says:

14 "Initially, when I went there, my immediate superior was
15 commander Ekrem Rexha. He was killed after the war in 2002. He was
16 my commander for about 1 or 1 1/2 months.

17 "After him, the commander became Tahir Sinani, who was then
18 killed in the war in Macedonia, in 2002 if I'm not mistaken. His
19 deputy was Sadik Halit Jaha.

20 "My responsibility was to obey the orders of Tahir Sinani and
21 Sadik Halit Jaha. Until the end of the war they were the people I
22 reported to."

23 So, again, he's confirming that he reports to Tahir Sinani,
24 that's correct, and that's consistent with your understanding?

25 A. One small clarification. When he said that he reported to

1 Drini, he was not commander of the military police yet. The police
2 was not formed yet. Let's make it clear. When he says "I reported
3 to Tahir Sinani and Sadik Halitjaha," there's no need for two
4 reporting lines. In the army, you have only one reporting line. So
5 if he reported to Tahir Sinani, he didn't need to report to me. And
6 the other way around, if he reported to me, he didn't need to report
7 to Tahir Sinani.

8 Q. Yes. And your evidence is very clear, that it would only be,
9 and I think I said this earlier, if there was an absence of
10 Mr. Sinani, that he --

11 A. I'm trying --

12 Q. -- would need to report to you. I'm sorry, can you just repeat
13 your answer? I think I was overlapping.

14 A. I'm trying to be clear in my answers, and the organigramme is
15 clear. You have interrupted -- discontinuous lines. So when -- in
16 the absence of the commander, the deputy commander takes over, and
17 that's the purpose of appointing a deputy commander. So the police
18 commander had to report to the zone commander, whoever that person
19 was.

20 Q. And was that the same, to your knowledge, in all the zones?

21 A. Not all the zones had such a level of organisation. I need to
22 supplement this saying that the platoon commander at the brigade
23 level would report to the brigade commander. This could have been a
24 question from you. I wouldn't know about the other zones. I'm not
25 responsible for them, and I had no tasks that would have taken me at

1 that time from my zone to other zones. I wouldn't know about their
2 level of organisation.

3 Q. Understood. I won't ask you anymore about the other zones. But
4 when you say that the platoon commander would report to the brigade
5 commander, do you mean the military police platoon commander would
6 report to the brigade commander?

7 A. That's correct.

8 Q. Thank you. And if we can just move on to the final topic now.
9 And I know we've discussed this in part but it's -- or, sorry, you've
10 discussed this in part with my colleagues, but it's the impact of the
11 creation of the provisional government, the PGoK, on the
12 General Staff and other military structures. So we know this from
13 your evidence, and you said this in your SPO interview, that the KLA
14 was a moving structure and it never really reached completion because
15 the war was finished much earlier than expected. I know you
16 discussed this at length with my colleague. And was constantly
17 developing.

18 And the provisional government was -- I believe we saw a
19 document earlier dated February about the agreement in relation to
20 the creation of that?

21 A. No, it's not the February document. It's the April document.
22 I'm sorry you've already forgotten that.

23 Q. I believe there was an agreement in April, and then there was a
24 communiqué announcing it -- sorry, an agreement in February and then
25 a communiqué announcing it on 2 April 1999.

1 MR. ROBERTS: And maybe if we can display that on the screen.

2 That's 1D70 for the Court Officer.

3 THE WITNESS: [Interpretation] That's correct. We don't need to
4 display it.

5 MR. ROBERTS:

6 Q. I just need to ask you about a couple of other details on it.

7 It's obviously listing the names of various ministers in the
8 provisional government there. And, obviously, minister -- sorry,
9 position number 4 is the minister of public order, Rexhep Selimi.

10 A. Correct.

11 Q. And so your understanding is that when this was created, the
12 provisional government was created, the individuals who were members
13 of the General Staff relinquished their duties in the General Staff
14 to become members within the PGoK?

15 A. That's what happened. However, they should not have
16 relinquished their positions because an appointment somewhere else
17 would not take them automatically away from the battlefield and their
18 tasks and their duties. However, it's their decision. Rexhep Selimi
19 is in my eyes a living hero. He gave a great contribution. He was
20 there from the beginning of the war until the end of the war. He
21 never left the war. So I have no reproaches to him as to the fact
22 that he became minister.

23 But the fact that our other tasks and duties were left in our
24 hands, that's a source of dissatisfaction from us towards other
25 people. Not necessarily Rexhep, but others.

1 Q. But certainly that is a perspective you have towards the
2 General Staff as a whole at the time, that you, at the zone level,
3 were effectively left to deal with many of the consequences that was
4 happening at that time. And I know you addressed that with Mr. Kehoe
5 yesterday -- earlier today, sorry.

6 A. We covered that topic in detail. I am again speaking in my
7 name, on my behalf. This is my personal opinion. I am not speaking
8 in the name of other zones.

9 Q. And there were various individuals who left. Obviously,
10 Mr. Selimi, Mr. Syla became minister of defence, Mr. Limaj became
11 deputy minister of defence, is that correct, in your understanding?
12 It's not mentioned in that document. I was wondering if you recall
13 that Mr. Limaj became the deputy minister of defence.

14 A. I do remember. However, at that time, Mr. Limaj was in Albania
15 from 1 April in order to conduct the preparations for the
16 Operation Arrow. I know this fact because one of my closest soldiers
17 escorted him to Albania. Operation Arrow ended on 12 June with the
18 ending of the war.

19 Q. And he was preparing that as part of his duty as the deputy
20 minister of defence; is that correct?

21 A. I don't know if he was sent there as a deputy minister of
22 defence or as a successful commander. In any event, he went there to
23 join those who were in the process of preparing Operation Arrow,
24 together with Bislum Zyrapi and others. I need to specify here that
25 they went there separately, individually, not together. However, he

1 was not Kosovo from 1 April.

2 Q. Okay. And I think you've testified that, obviously, Mr. Ceku
3 took over in April 1999, and he brought in other individuals to the
4 General Staff to replace some of those individuals who had left. Is
5 that correct in your understanding?

6 A. That's correct.

7 Q. If I can just give you a couple of names to see if you can
8 recall them and whether that's consistent. So Xhavit Sadija? Does
9 that name ring a bell as personnel in the General Staff? I apologise
10 for my pronunciation.

11 A. Xhavit Sadrija. That's fine.

12 Q. Thank you. Ilmi Reqica?

13 A. I don't know if Ilmi was at that time with Ceku. I do know his
14 name and him as a person.

15 Q. Ilaz Derguti?

16 A. Ilaz Derguti was from Llaushe in the Drenica command. He was
17 not at the General Staff. I think you're referring to the KPC period
18 of time. You've left behind the wartime. I think you should go back
19 before 12 June. You're now talking about the KPC staff, not the KLA
20 one.

21 Q. Maybe you could assist us with any other names that you know of
22 people who joined the General Staff in that time between April and
23 June of 1999.

24 A. We can't make KPC people KLA ones. If we're talking about the
25 KLA, we talk about the KLA. Ilaz Derguti was in the General Staff of

1 the KPC. They were not in the KLA at the time you're referring to.

2 Q. And do you know of any other individuals who were in the
3 General Staff at that time then, between April and June, who were
4 brought in to replace those who had left to the PGoK?

5 A. I am not supposed to know, expected to know, and I could not
6 know. We were at war. We were facing attacks and offensives every
7 day. NATO was bombing, and the enemy forces wanted to get to our
8 civilians. They wanted to kill them.

9 Q. I understand. It must have been a very difficult situation.
10 I'm just trying to understand the relationship. So the General Staff
11 continued to exist, but you didn't have much of a relationship with
12 it over that period, April, May, and June 1999? Is that a "yes" or a
13 "no"?

14 A. The period you're referring to, I cannot say that there were no
15 contacts at all, but these were very rare because our work became
16 more difficult because of the Serb offensives, and Ceku did not have
17 the experience on the ground that Bislum had. He was somewhere, but
18 we wouldn't have that many contacts with him.

19 Q. And presumably, obviously, Mr. Ceku didn't have anywhere near
20 the same amount of experience that the zone commanders had who'd been
21 fighting the war for the last year in various capacities?

22 A. Mr. Ceku had the experience from Croatia. He was a
23 professional, ranked, military rank. He had the military culture,
24 but he did not have the experience in Kosovo and he didn't know the
25 terrain in Kosovo. I cannot say he was inexperienced, because he had

1 the proper level and competencies and he was at the place he
2 deserved.

3 Q. And you mentioned earlier about the KPC, the Kosovo Protection
4 Corps. So that was formed in September 1999; that's correct?

5 A. Yes. I think the KPC is not being dealt with by this Court, so
6 I probably should give a short answer by "yes" or "no," unless you
7 want me to elaborate on this, if the Presiding Judge wants me to do
8 so.

9 Q. No, just the timing. So the KPC was formed, I believe, on
10 21 September 1999 or thereabouts. And in between then -- sorry. In
11 between April 1999 and 21 September, the zone commanders stayed in
12 their position. The zones still operated. Even after hostilities
13 finished in June, the zone commanders were still in their positions
14 in June, July, and August; is that right?

15 A. I have a great deal of respect for you, counsel. You're very
16 kind. However, but the war could not continue from 12 June to
17 20 September. The demobilisation, disarmament, all these procedures
18 were conducted and carried out, because there was no war after
19 12 June. I wouldn't want to say a single word with -- regarding
20 events after 12 June. I don't take any responsibilities for that. I
21 don't understand why you're mixing them up.

22 Q. Well, I'm just trying to understand what the situation was, and
23 I agree and understand your position that there was no hostilities,
24 there was no war after 12 June. I'm just trying to understand what
25 structures were in place.

1 So there was still Tahir Sinani, for example, in your zone.

2 Tahir Sinani was still the zone commander after that date; is that
3 correct?

4 A. He was zone commander, then he was replaced by somebody else.
5 My question is why do you need this? Are you planning to apply at
6 the KPC, or what's your issue with the KPC? It is now transformed
7 into KSF. You wish to pursue a military officer's career?

8 Q. I think my days of a military officer may have passed. But I'm
9 just trying to understand the structure at that time in 1999, and as
10 the deputy commander, I hope you can respond to my questions about
11 it.

12 So we still have a zone commander over that period, and we still
13 had the same reporting obligations and reporting structures that you
14 described before over that period, even though there weren't active
15 hostilities; is that correct?

16 A. Can you please ask a more direct question? At the time you're
17 referring to, I was a G5, General Staff of the KPC. If you ask a
18 direct question, I can answer by "yes" or "no". These indirect
19 complex questions about the structures, I don't know what's the --

20 Q. I'll try and be more direct.

21 A. How is this relevant?

22 Q. In June and July and August 1999, did you carry on having
23 meetings with the brigades, for example? The brigade commanders.

24 A. In this period of time, the KLA concentrated in their -- the
25 places where they would be stationed. They were demobilised, first

1 of all. Weapons were handed in. The structure of the KLA was
2 changed completely. However, we had a permanent contact in order to
3 make sure that fighters would not leave those places without
4 disarming and demobilising. Otherwise, there was a risk that they
5 would go back to their respective homes and maybe take revenge and do
6 other -- engage in other actions.

7 Q. So you still have the military structures that were gradually
8 changing as soldiers were demobilised over the course of June, July,
9 August and into September 1999, and that included meetings with
10 brigade commanders presumably to discuss how that process was going
11 as one of the topics?

12 A. Yes. I'll try to answer by "yes," and I'll try to be very
13 brief.

14 Q. But you were very clear that even despite that, there was no
15 risk of resumption of hostilities. You've talked about the
16 demobilisation. The conflict for you very clearly ended on 12 June,
17 even though the military structures and reporting lines continued
18 after that date?

19 A. After 12 June, the Kosovo Liberation Army did not have any
20 jurisdiction in the territory of Kosovo. Apart from the fact that
21 they were restricted in their areas, locations where they were
22 stationed, they had no right to take any steps or any action because
23 this was under the responsibility of KFOR and UNMIK.

24 Q. Thank you very much, Mr. Halitjaha. That's the end of my
25 questions.

1 MR. ROBERTS: Thank you, Your Honour.

2 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

3 Ms. Alagendra.

4 THE WITNESS: [Interpretation] Your Honour, may I?

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 THE INTERPRETER: Microphone, please.

7 THE WITNESS: [Interpretation] I wanted to say something in one
8 minute. Not to speak at length for no reason. I would like to say
9 that if Jakup Krasniqi made a mistake, I am willing to take upon
10 myself all his mistakes. I can do his sentence instead of him. Let
11 him go home.

12 PRESIDING JUDGE SMITH: Go ahead, Ms. Alagendra.

13 Cross-examination by Ms. Alagendra:

14 Q. Good afternoon, Mr. Halitjaha. I am Venkateswari Alagendra, and
15 I am counsel for Mr. Krasniqi. I have very few questions for you.

16 Now, you told us, sir, that you knew that Mr. Krasniqi was the
17 KLA spokesperson. That's correct, yes?

18 A. Yes.

19 Q. And Mr. Krasniqi had that role throughout the war?

20 A. As far as I know, yes. Not during all the time of the war
21 because the war started very early. But from the moment it became
22 public until the end, yes. Until we went on to the phase of
23 provisional government.

24 Q. Yes. And in the provisional government, he continued to be the
25 spokesperson; am I correct?

1 A. No, no, no. No, no. The KLA spokesman couldn't be in the
2 provisional government. The KLA ended its existence on 12 June.

3 Q. Maybe I wasn't clear.

4 A. Don't mix up the time.

5 Q. The spokesperson of the provisional government; would that be
6 correct?

7 A. He wasn't a spokesperson for the provisional government. It's
8 your client -- he's your client, you can ask him. But he was not the
9 spokesperson. He was a spokesperson in the KLA.

10 MS. ALAGENDRA: If I can just call up document SPOE00054541.

11 It's Exhibit 1D70, Your Honours. Yes.

12 Q. You have the document, sir?

13 A. Yes.

14 Q. Just below number 9 -- if you could look at the document,
15 please.

16 A. Minister of local government: Rame Buja. Government spokesman:
17 Jakup Krasniqi. If that were so, I didn't know of this fact, and I
18 very much regret it that he's at such a level when he might have been
19 a minister or even a prime minister.

20 Q. And after his period as a government spokesperson for the
21 provisional government, Mr. Krasniqi was appointed as the minister of
22 reconstruction and development. That would be correct?

23 A. Yes, this fact I knew. The other I didn't remember.

24 Q. That was an LBD appointment, not a KLA appointment; am I
25 correct?

1 A. It was the provisional government that made the appointments for
2 its ministers. You have here the prime minister of that government,
3 Hashim Thaci. Who knows how he appointed, you know, the persons in
4 government structures.

5 Q. Yeah, if I could just refer you to item 7 on that document
6 that's on the screen. That was minister of reconstruction and
7 development, and it says "LBD" beside it; yes?

8 A. These were agreements reached among the groups that formed the
9 provisional government. There weren't genuine political parties.
10 Even the previous party, LDK, was a group of persons. So the exiled
11 government did not recognise the provisional government and did not
12 join this government. These smaller parties recognised it, LBD.
13 This minister of reconstruction and development came from this small
14 party, LBD. This is the meaning of it.

15 Q. Yes, thank you. I'll move on. Sir, when you were interviewed
16 by the Prosecution, you told them that you had met Mr. Krasniqi twice
17 during the war. Do you recall saying that?

18 A. Yes, certainly. Two times. But I don't remember exactly the
19 two times, but I am certain I met him two times.

20 Q. Yes, I'll take you through those meetings, sir. The first
21 meeting, you say in your statement to the Prosecution, was in
22 Divjake, when you say Mr. Krasniqi handed you a decision appointing
23 you as the deputy assistant commander for morale. Do you recall
24 that?

25 A. This is the second meeting. The first meeting took place when I

1 came to the war. I visited the village of Jakup Krasniqi, Negroc,
2 and a friend of his whose friend was also when I was in Switzerland.
3 I asked him whether Jakup was there. And together with that friend
4 or in-law I went and we stayed together with many of the neighbours
5 at his house. That was the first time that I met him.

6 What you mentioned earlier was the second time, when I wanted to
7 submit a report to Bislim Zyrapi about the Recak massacre and I
8 didn't meet him but met Jakup Krasniqi, and he said, "Wait a little.
9 There is a printed decision for you." I don't know who made that
10 decision, but Jakup Krasniqi gave it to me. That is the decision for
11 me to become responsible for morale and politics at the zone level
12 before I became deputy commander.

13 Q. Yes. So there's some confusion about the dates on which you
14 received that document from Mr. Krasniqi, so if I can just clarify
15 that position with you, sir. Now, the first visit you say was a
16 visit to Mr. Krasniqi's home; yes? That's correct?

17 A. Yes, in June 1998.

18 Q. Okay. And that was in Negroc, and that's where Mr. Krasniqi
19 comes from. That's his village.

20 A. In Jakup Krasniqi's village, Negroc. Where he lived then, where
21 his house was.

22 Q. Yes. And there was something on the transcript this morning.

23 MS. ALAGENDRA: It's page 21, lines 7 to 10. If I could just
24 show the witness the transcript of the day. It was page 21, lines 7
25 to 10.

1 Q. Where you have told us that Mr. Krasniqi comes from the Rahovec
2 area. That would be --

3 A. No, no, no. It's not right. Nobody can claim that. We can't
4 exchange his place of residence because we like it. He has never
5 lived -- I don't know if he has ever set foot in Rahovec for that
6 matter.

7 MS. ALAGENDRA: Yeah. So that's an error that appears on the
8 transcript, Your Honours. Just to clarify that.

9 THE WITNESS: [Interpretation] It's entirely wrong. I didn't say
10 it. But whoever said it, that's not true.

11 MS. ALAGENDRA:

12 Q. [Microphone not activated] ... Prosecution in November where
13 there were some matters clarified. Do you recall that? Recently, on
14 10 November?

15 A. I didn't understand anything.

16 Q. On 10 November, you met with the Prosecution and they clarified
17 some matters with you. Do you recall that?

18 A. Yes.

19 Q. And in those notes, you mentioned that Mr. Krasniqi was in his
20 home in Negroc, and you had the impression that he was there because
21 he wanted electricity and internet. Do you recall saying that?

22 A. Yes, I said that.

23 Q. Yeah. I've clarified that with Mr. Krasniqi, and he says he
24 didn't have internet at the house in 1998. Could that be possible?

25 MR. PACE: Objection, Your Honour. This nature of

1 clarifications obtained from the person being represented are not
2 appropriate. Counsel can frame her questions in another way.

3 MS. ALAGENDRA: Right.

4 Q. I'm informed, sir, that in 1998 Negroc village didn't have
5 internet. Would you agree with that?

6 A. There was electricity and computers. I didn't say internet. I
7 am aware we didn't have even cell phones in 1998. I know that. All
8 the world -- everybody in Kosovo knows that.

9 Q. Thanks. So I would like to now take you to your statement.

10 MS. ALAGENDRA: That's P708.6, and it's page 20 to 21. The
11 Albanian version is at page 22, lines 3 to 10.

12 THE WITNESS: [Interpretation] Can you ask me the question,
13 please?

14 MS. ALAGENDRA:

15 Q. Yes.

16 MS. ALAGENDRA: I'm referring to lines 20 to 25 and the next
17 page as well. Now, the Albanian version would be lines 3 to 10.

18 Q. You've read it --

19 A. What is the question? Yes, I am clear.

20 Q. Yeah. According to your statement, you say that you met
21 Mr. Krasniqi at the end of November 1998. That was your second
22 meeting.

23 A. No, the second meeting was sometime in 20 or on 22nd January,
24 after the war in Recak was over. The Recak massacre started on the
25 15th, continuing until the 19th. After the war was over, I meant and

1 met him in Divjake. Klecke and Divjake are two small villages next
2 to each other with some 20 households.

3 Q. Have you read your statement, sir? Have you had an opportunity
4 to read your statement that you've given to the Prosecution on
5 2 November 2022? It says there that you met Mr. Krasniqi at the end
6 of November, and that was the first time you met him.

7 A. No, I don't remember this meeting at all. I don't know how it's
8 there. I don't know where you found it. I acknowledge everything I
9 said to the Prosecutor is true.

10 Q. Right. So is it your evidence that --

11 A. Maybe it's possible that he was appointed at that time. Maybe I
12 was appointed at that time as deputy commander for morale and
13 politics. But I met him sometime around 20 January. This would be
14 the correct version.

15 Q. And that's the meeting you say that was around 20th or 22nd
16 January?

17 A. Yes.

18 Q. But you accept that you were appointed on 15 November at a
19 meeting in Breshanc as the assistant commander for morale; yes?

20 A. I find it difficult to explain things. I said that the
21 appointment could be made one or two months before the decision,
22 which comes later. If you were in the army, you'd understand things
23 better.

24 Q. Right. If I can take you to another part of your statement.

25 MS. ALAGENDRA: And that is page 22 in the English version of

1 P708.6, lines 11 to 25. And the Albanian version is page 22 to 23,
2 lines 22 to 11 on the next page.

3 THE WITNESS: [Interpretation] What is the question? It's clear
4 to me.

5 MS. ALAGENDRA:

6 Q. Right. According to your statement that you have given to the
7 Prosecution, sir, it says:

8 "... I wrote a report of this four days of battle and I wanted
9 to report to Bislím. I didn't find Bislím there. I handed over this
10 all right to somebody else who was [there] -- he was like a clerk
11 there. His name was Avni ..."

12 Do you recall saying that?

13 A. Yes, that is the truth.

14 Q. And it goes on to say:

15 "And at that moment I came across Jakup. He was in the
16 courtyard, so we met. So we had a conversation for about five
17 minutes. So it was about my health condition ... the battle and
18 things that happened to the civilians."

19 That's what you say. That's the second meeting according to
20 your statement.

21 A. This is the second meeting, as you said. It's correct.

22 Q. And are you telling us today that it is at this meeting that you
23 received a document from Mr. Krasniqi?

24 A. Yes, the document was there for -- before I went there. And he
25 said, "Wait, take the document because you have been appointed for

1 quite some time." You must understand one thing, counsel. There are
2 oral and written orders given in the army. There are appointments
3 and decisions. Appointment may be made earlier than the decision, or
4 a decision may not have been written at all because it was a wartime.
5 So it was sufficient for you to be appointed even orally by a
6 superior.

7 In this sense, he told me, "Wait, because there is a decision
8 for you," and I got that piece of paper. That was it.

9 Q. But you had already been performing the role of assistant
10 commander for morale from November 1998; yes?

11 A. I refuse to answer. I am telling you for the umpteenth time
12 that I was appointed in December. Is it clear to you, please? Let
13 somebody translate in English what I'm saying. How many times do you
14 want me to repeat it? 10 times? 20 times? You are tiring everybody
15 here, not me.

16 Q. I'm sorry, the transcript shows that you -- you said you were
17 appointed in December. Is it November or December? Just so we know
18 that -- better the transcript is correct.

19 A. In December.

20 Q. All right.

21 A. Or you would say end of November, beginning of December. The
22 decision has the date, but the decision was made later. Appointment
23 was made either at the end of November or the beginning of December.

24 Q. Right. And this appointment took place at a meeting in
25 Breshanc. Would that be correct?

1 A. The appointment came as a notification, if you like. I didn't
2 need to have a meeting or a congress or conference just to be
3 notified of an appointment.

4 MS. ALAGENDRA: If I can call up on the screen SPOE00226697 to
5 226716. I believe it's been marked already. And the pages I'll be
6 referring to are 226714 and 226715. They're the same in the Albanian
7 version.

8 THE WITNESS: [Interpretation] We discussed it further. Three
9 times it was repeated. It is accurate as it is written.

10 MS. ALAGENDRA: All right.

11 Q. If I can take you to page 226715, in the English, paragraph 2.

12 A. What is the question?

13 Q. You'd agree with me that in this paragraph it says:

14 "I, Sadik Halitjaha was appointed Assistant Commander for Morale
15 and Policy at the 123 Brigade ..."

16 Yes?

17 A. Transfer from brigade to zone was made in three weeks because
18 before the zone was not formed. That duty couldn't be exercised in
19 that situation. I am not one of those who can assume to say I did
20 this when I didn't do that. I didn't exercise that duty. If the
21 brigade lasted longer, and if we didn't manage to set up zones or
22 subzones, I would have remained in the brigade with the same duty I
23 had in the zone, but the brigade -- within three weeks, the brigade
24 was transformed into a zone.

25 Q. Yes. And if you can look at one page earlier, at 226714, we

1 have the date of the meeting as 15 November 1998. Do you see that,
2 sir?

3 A. To tell you the truth, I don't recall this meeting at all. But
4 I am saying that, okay, this is my material. Use it and ask the
5 questions that you want to ask me.

6 Q. Right. And according to this document, the appointment took
7 place in November 1998, 15 November 1998. Can I just clarify if
8 that's correct?

9 A. Below you have the date, 27 September. Where do you find this
10 date?

11 Q. On the Albanian version it's the second-last one.

12 A. It says 15 November 1998, yes. That was when it was discussed,
13 but the decision was made by the end of the month. And the zone was
14 formed in three weeks. I was -- I wasn't in that meeting. I don't
15 remember it.

16 Q. Fair enough. It's been a long time, sir. I'll move on.

17 A. No, I'm very clear about that. I remember. But I wasn't
18 present in that meeting. Maybe I was taking part in some fighting
19 somewhere. Because things are clear in my mind.

20 Q. Right.

21 MS. ALAGENDRA: If I can now take you to P707.1, page 21, lines
22 12 to 17. And the Albanian version is at page 22, lines 3 to 9.

23 THE WITNESS: [Interpretation] Can you show me the place in the
24 Albanian version?

25 MS. ALAGENDRA:

1 Q. It's lines 3 to 9 of that page.

2 A. [In English] Okay.

3 Q. It's the part that says:

4 "I don't remember writing many reports or making many reports.
5 One or two were in writing, if I remember, and they were addressed to
6 Jakup Krasniqi."

7 A. [Interpretation] The only report is the one I wanted to give to
8 Bislim Zyrapi on the 20th or 22nd, I don't remember very well, and
9 then I met Jakup Krasniqi and had that conversation with him. I left
10 the report in the room where there was a technician there. I didn't
11 give it to Jakup Krasniqi. But whoever I might have given it at the
12 general headquarter, to anyone there, for us, it was a normal thing
13 because you didn't have time to meet whoever you wanted,
14 Bislim Zyrapi, Jakup Krasniqi, Agim Ceku, because the war didn't give
15 us this -- that time, to enable us to wait, to get the protocol, seal
16 and stamp and so on. There was no protocol at all.

17 Q. Yes. So you weren't reporting to Mr. Krasniqi and neither did
18 you address any of your reports to Mr. Krasniqi personally; correct?

19 A. It was not even our duty to report to him.

20 Q. Right.

21 A. It was not my duty to do that.

22 Q. Thank you very much, Witness. I have no other questions.

23 A. Thank you.

24 PRESIDING JUDGE SMITH: Yes, Mr. Emmerson.

25 MR. EMMERSON: Your Honours, before Mr. Pace re-examines, I

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10344

1 wonder if I could beg the Court's indulgence for a very short further
2 series of questions arising out of an exhibit that Mr. Kehoe
3 introduced afresh during the course of his cross-examination from the
4 Defence side, which I hadn't dealt with in the course of my
5 cross-examination. It won't take very long at all.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. EMMERSON: Five minutes should do it. Fine.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MR. EMMERSON: Could we please call up on the -- two
10 English-language documents. On the left side of the screen, P712;
11 and on the right side of the screen, 1D72. Sorry, could we just have
12 the English on the left side of the screen, please. Yes. And could
13 we just reduce the size. That's the right document. We just reduce
14 the size so that we can see to the bottom. That's it, perfect. And
15 on the other side, could we also reduce the size a little so we can
16 see the whole document. Very well. Thank you.

17 Further Cross-examination by Mr. Emmerson:

18 Q. Mr. Halitjaha, obviously those are both English-language
19 documents, but you're familiar with your own organigrammes, you've
20 told us. So if I can just -- I want to compare these two, and I
21 either have to do it in English or Albanian. So I want to put some
22 brackets around the timeframes, very briefly, if I may.

23 We see that the -- in chronological order, the plan on the
24 left-hand side is described at the bottom as the period prior to the
25 Rambouillet conference. Now, it has been, obviously, a matter of

1 public record, but it is also agreed between the parties - and this
2 is transcript for 14 July of this year, page 104 to 105 - that the
3 dates of the first session of Rambouillet were 6 February 1999 until
4 23 February, and then there was a break, and that the second phase
5 was 15 March to 23 March.

6 So when you were describing here the period prior to the
7 Rambouillet conference, you are talking about a period that ends on
8 6 February, is that correct, when the Rambouillet conference started?
9 It's prior to that?

10 A. That's correct.

11 Q. And if we look at the -- the vertical column in the middle, we
12 can see that under the General Commander Azem Sylja, and the deputy
13 commander, and the chief of the staff, you are positioned, you've
14 positioned yourself, I think, under administration J1, Adem Grabovci
15 and yourself.

16 Now, you told us you were in the General Staff for -- from the
17 beginning of January; is that right?

18 A. If you have -- have not forgotten, Mr. Emmerson, I pronounce
19 your name correctly, by the way. You can't pronounce mine. From
20 half -- the half December to 5 January, I was part of the
21 General Staff, and this is why I reflected my presence here. And I
22 was in J1 when the chief was Adam Grabovci. He was absent. I don't
23 know where he went. I stayed there until 15 January when the Recak
24 massacre started.

25 Q. All right. We're under some time pressure, but that means that

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10346

1 we're talking about a period from the back end of December to the
2 middle of January that you put yourself there.

3 So this is the end of December to the beginning of January.
4 That's the snapshot we're looking at; correct? It must be because
5 you're there, Mr. Halitjaha.

6 A. Yes, counsel. Yes. However, the organigramme does not
7 determine dates, only phases. The phase prior to Rambouillet from
8 December or November, and the period after Rambouillet --

9 Q. Yes, we'll come to that.

10 A. -- until the end of the war. So there are no specific dates.

11 Q. We'll come to that. But since you're there on the organigramme,
12 it must be from the end of December to -- it must be -- you're
13 looking at a snapshot at the end of December, and you've told us the
14 first half of January up to the Recak attack, correct, otherwise you
15 wouldn't be there?

16 All right. You also told us I think --

17 PRESIDING JUDGE SMITH: He has to answer.

18 THE WITNESS: [Interpretation] This was my time at the
19 General Staff.

20 MR. EMMERSON:

21 Q. Yes. [Overlapping speakers] ...

22 A. So the organigramme covers from the -- the period 1 January
23 until the start of Rambouillet.

24 Q. Very well.

25 A. Then you have the second organigramme.

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10347

1 Q. Well, that's -- this one covers, let's get it clear, from
2 1 January to the start of Rambouillet on the 6th February. So it's a
3 snapshot of January; correct? That's what you just said.

4 A. This is how it should have been from 1 January 1998, but it was
5 not like that.

6 Q. Please keep -- please focus --

7 A. These people here are sometime in January 1999.

8 Q. -- on my question because we'll use too much time. This is just
9 a period of one month between the beginning of January and
10 6 February. That's what this is describing; correct?

11 A. That's correct.

12 Q. Thank you. Pause there.

13 Now, you put your position there as J1, but that horizontal line
14 with arrows going down, you're not suggesting you were in command of
15 Kadri Veseli during that time, are you? Or that you and Mr. Veseli
16 were in charge of, let us say, the finance unit? That's not the
17 suggestion, is it?

18 MR. PACE: Objection, Your Honour, these questions have been
19 asked during other cross-examination when the witness explained his
20 arrows very clearly.

21 MR. EMMERSON: Yes, well, I'd like, if I may, to compare the two
22 documents, this one with the one that was introduced --

23 PRESIDING JUDGE SMITH: Well, we're going quite long.

24 MR. EMMERSON: Well, I'm afraid I'm trying to go as quickly as I
25 can. Can I just --

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10348

1 PRESIDING JUDGE SMITH: Your objection is overruled.

2 MR. EMMERSON: Yes.

3 PRESIDING JUDGE SMITH: But please don't repeat.

4 MR. EMMERSON: Well, I'm certainly not going to repeat.

5 Q. You're not suggesting that that is a vertical line of command,
6 are you?

7 A. These arrows explain only the connection between the Js,
8 directorates or departments.

9 Q. Pause. Pause.

10 A. I --

11 Q. Pause.

12 A. -- am here.

13 Q. Do you accept -- would you accept from me that in the light of
14 what you're saying, the bottom six categories going up from J6 to J1
15 should be set out horizontally, not vertically?

16 A. I agree that they would be equal to one another if they were put
17 horizontally, not vertically. But this was for practical reasons so
18 they would all fit in a page, single page, to have the whole
19 organigramme.

20 Q. Yes. Now -- now let's turn to the second document that was
21 introduced by Mr. Kehoe. This describes, we see at the bottom, the
22 period of the Rambouillet conference. And we see -- you've told us
23 that Mr. Veseli wasn't present in the time of the first organigramme,
24 but you have him here still as intelligence and counter-intelligence
25 during this organigramme period.

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10349

1 And just to be clear, you say it's during the period of the
2 Rambouillet conference. Again, are you suggesting it was during the
3 first phase, from 6th to the 23rd, or the second phase, from the 15th
4 to 23rd March? When you say "during the Rambouillet conference,"
5 when during that period is this supposed to represent the position?

6 A. This organigramme was from the start of Rambouillet until
7 12 June. Nobody demoted or dismissed Mr. Veseli. His name remained
8 there because he was not replaced by anyone else.

9 Q. Pause for a moment.

10 A. Do you understand this?

11 Q. Pause for a moment.

12 A. I --

13 Q. Pause for a moment, please.

14 A. I -- I don't -- you're really splitting hairs here.

15 Q. Pause for a moment. You've described it as the period of the
16 Rambouillet conference, which ran from 6 February to 23 March. Now
17 I'm asking you when during that period does this purport to describe
18 the arrangement? Or are you saying that's just the wrong title for
19 the organigramme?

20 You see, we've got Agim Ceku as chief of staff, and we've got
21 Sylejman Selimi -- bear with me. Sylejman Selimi as the general
22 commander. And we can see at the very top, Azem Sylja has already
23 left and become the minister of defence. So at what period during
24 the Rambouillet time bracket did that relate to?

25 A. I have explained this very clearly, and it's very clear to you,

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10350

1 but you only know what you're asking for exactly.

2 Q. No, I'm asking you.

3 A. I -- nobody ever dismissed --

4 Q. Well, very well.

5 PRESIDING JUDGE SMITH: Mr. Emmerson, we're running out of time.
6 We have some other things --

7 MR. EMMERSON: Yes.

8 PRESIDING JUDGE SMITH: -- to do.

9 MR. EMMERSON: I appreciate --

10 PRESIDING JUDGE SMITH: State your case to him.

11 MR. EMMERSON: Well, I will do.

12 PRESIDING JUDGE SMITH: In forthright terms, state your case to
13 him so he knows what you're talking about.

14 MR. EMMERSON:

15 Q. Well, I'm going to suggest to you that this is a document that
16 was drawn up during that process because, as we see from 1D70, which
17 was the last thing which has been pulled up, if we may, 1D70, that --

18 MR. EMMERSON: Yeah, it won't take a second, and then I'll sit
19 down.

20 Q. 1D70, the document you've looked at two or three times. We just
21 see the English translation. You could be reading the first line in
22 the Albanian, the first and second line. You will see there that
23 that was based on an agreement that had been reached between the
24 three political entities at Rambouillet on 23 February. In other
25 words, the last day of the first period of Rambouillet before the

Witness: W04765 (Resumed) (Open Session)
Further Cross-examination by Mr. Emmerson

Page 10351

1 break.

2 So -- and if we look down the list, you can see by that stage
3 Adem Grabovci is the minister of finance and no longer, as he was on
4 your organigramme, administration within the General Staff. That we
5 can see Mr. Veseli is a minister of intelligence, and Azem Sylja is
6 the minister of defence.

7 So what you've done in that second organigramme, I suggest, is
8 to mix up appointments that had already been made on 23 February with
9 a situation which -- where you didn't know exactly what was going on
10 and so you've continued the previous organigramme. Because it's
11 quite clear from the list here compared with -- which was drawn up
12 based on an agreement on 23 February during the Rambouillet period,
13 that the second organigramme is just a hodgepodge, isn't it? It's
14 just a mixture of bits of information remembered backwards without
15 the relevant documents.

16 PRESIDING JUDGE SMITH: Please ask him if he agrees with you,
17 and then --

18 MR. EMMERSON: That's it.

19 PRESIDING JUDGE SMITH: -- that will be the end of the session.

20 MR. EMMERSON:

21 Q. Do you agree?

22 A. I will answer. It is confused in your mind but not in the
23 organigramme. No one dismissed them. Why did I remove myself from
24 the first organigramme, where I was with Adem Grabovci? Because I
25 changed my position. They, instead, were not dismissed by anyone, by

1 any decision. Ask Kadri Veseli or anyone one of them present who are
2 in this list, ask them to show any decision by which they were
3 dismissed from their functions.

4 So given that there were no dismissal decision, they might have
5 exercised both roles simultaneously because nobody else was there to
6 replace them.

7 Q. Thank you.

8 PRESIDING JUDGE SMITH: Thank you.

9 THE WITNESS: [Interpretation] I can't help you more than this.

10 PRESIDING JUDGE SMITH: Do you have any redirect?

11 MR. PACE: Yes, Your Honour.

12 Re-examination by Mr. Pace:

13 Q. Good afternoon, Witness. I would like to show you a document
14 you were shown during cross-examination.

15 MR. PACE: Court Officer, it's 1D00071 and 1D00071-ET. I can
16 provide the ERN, if necessary.

17 Q. And, Witness, if you look at the document on the left of your
18 screen in Albanian, do you see at the top of the document that it
19 says:

20 "... the General Staff at its meeting of 5 January 1999, issued
21 the following

22 "ORDER ..."

23 "Order" is in capitals.

24 MR. PACE: We can scroll back up, Court Officer, please, on the
25 Albanian, at the very top.

1 Q. Do you see that --

2 A. Yes.

3 Q. -- Witness?

4 A. Yes.

5 Q. During cross-examination today, and that's page 58 of the
6 realtime transcript, you stated as follows:

7 "There was no meeting held on 5 January in the General Staff. I
8 was present there. Maybe the meeting took place somewhere else
9 without my knowledge. It was not necessary that I knew everything.
10 It might have been held, but I have no information that such a
11 meeting was held."

12 And, Witness, two pages later, at page 60, you recall stating in
13 relation to this document, that this was the way Drini acted at the
14 time. And now I would like you to focus to on points 1 to 3 in the
15 document in front of you. Could you look at those, Witness?
16 Meanwhile, I will read only the third point:

17 "Property and motor vehicles pursuant to numbers 1 and 2 of this
18 order may be taken over for use upon a decision by the General Staff,
19 or a decision of the command of the ZOP."

20 MR. PACE: And now, Court Officer, I'd like to show another
21 document that's from our presentation queue that was released about
22 ten minutes ago. I don't think the notification went through, but
23 you can see it in Legal Workflow as released. Should that not work,
24 we have hard copies of the documents. And this is SP --

25 MR. KEHOE: Excuse me, is this a new document that the

1 Prosecution is coming up with?

2 MR. PACE: Yes, Your Honour. It's a document in relation to the
3 cross-examination and it arises therefrom, and we are using it now.

4 MR. KEHOE: You're not -- this is not permitted, Your Honour. I
5 mean, they're allowed to come up with new documents now, and we
6 haven't even had the opportunity? We'll ask for a continuance until
7 we look at the document.

8 MR. PACE: Your Honour, there is certainly nothing not allowing
9 this procedure, and the counsel can ask questions about the document
10 if he deems that necessary.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. PACE: And for the Court Officer, the document I'm referring
13 to is SPOE00227677 to SPOE00227682. The English translation is the
14 same with ET, and I'd like to turn to the page ending in 678, please.

15 MR. KEHOE: Excuse me, Judge, I can't [Overlapping speakers] ...

16 MR. PACE: Your Honour, I believe counsel for Mr. Thaci has been
17 overruled and we --

18 MR. KEHOE: Excuse me --

19 MR. PACE: -- have matters to get to --

20 MR. KEHOE: Excuse me, counsel. I didn't interrupt you. Don't
21 interrupt me.

22 I can't even pull this document up. And if they're going to
23 question on this, then let me have the opportunity to take a look at
24 what this document is. This was not in their queue. Every time we
25 don't have a document on the queue, SPO complains about it. Now here

1 there is a document they released, what, momentarily, and we're
2 supposed to just turn on a dime and do what they want to do because
3 they want to do it right now.

4 MR. PACE: Your Honour, you have ruled already.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 I have ruled on it. He may use the document. This is redirect,
7 and the document is in his queue, I think, now, is it not?

8 MR. PACE: Yes, Your Honour. It's in a queue we just released
9 in reaction to the cross-examination.

10 PRESIDING JUDGE SMITH: Go ahead.

11 MR. PACE:

12 Q. Witness, I apologise for that, but you now can see two
13 documents. The left one is in Albanian. Have you seen this document
14 before?

15 A. Can I see the bottom of the document, please? Now you're
16 showing a different document. We were talking about another one
17 before, and this one is different.

18 Q. Correct, Witness.

19 MR. PACE: Now, if we can go back up to the top of the document,
20 Court Officer.

21 Q. Witness, I take it you haven't seen this document, and I ask if
22 you see the date written on it, 5 January 1999. Do you see that?

23 A. No, I haven't seen it.

24 Q. Well, do you see the date?

25 A. I see it. I want to talk about the document we -- that was

1 shown earlier. I don't know if this was processed and protocolled.

2 Q. Witness, please.

3 A. I said this document --

4 Q. Thank you. I'm asking the questions.

5 A. -- seems to -- it is signed by Sylejman Kollçaku, referring to
6 the previous document.

7 Q. Witness, kindly focus on the document in front of you and answer
8 my questions only. You said you see the 5 January 1999 date. Do you
9 recall that this is the same date referred to in the document we
10 looked at just before as that of the General Staff meeting? Do you
11 recall that?

12 A. The dates are the same; the content is not.

13 Q. Now, Witness -- thank you that was my question.

14 And do you see on the document in front of you now that it
15 refers to a meeting of the General Staff of the KLA and there is
16 reference to Divjake. Do you see that?

17 A. Yes, it's visible.

18 MR. PACE: Court Officer, please scroll down.

19 Q. And we can look at point number 4 together, Mr. Witness. Do you
20 see it states:

21 "Ordering the mobilisation of vehicles ..."

22 And in brackets we have:

23 "(jeeps, trucks, excavators, all the vehicles that the army
24 needs)."

25 Witness, do you have any knowledge about that?

1 A. I don't have any knowledge. I object today, and I would have
2 objected at the time. Who would have given the authority to Drini to
3 speak on behalf and in the name of the General Staff, and with the
4 signature of Sylejman Kollqaku, to collect jeeps, material,
5 equipment, tractors from the people. So this was an attempt on their
6 side.

7 Q. Witness, you see that this document is referring to the same
8 collection of properties that you just mentioned; right?

9 A. Correct.

10 MR. PACE: I'd like to turn to the next document, Court Officer,
11 and that is SPOE00226468.

12 MR. KEHOE: It's the same objection, Judge. We haven't seen
13 this document. It's not on the queue. If there's a change in the
14 rules on that, we'll adapt accordingly, but we haven't seen this
15 document.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. PACE: Sorry, Court Officer. Like I said, SPOE00226468
18 until 6480. The English is the same. And let's please have the
19 first page of each.

20 Q. Witness, on the left of your screen there is a handwritten
21 document in Albanian. Have you seen it before?

22 A. No, I haven't. It bears the date of 1 January 1999.

23 Q. And, Witness, again, that 5 January -- sorry, did you say
24 1 January? I see 5 January 1999 on the top left corner.

25 A. 5 January.

1 Q. And that is the same date as the document we looked at earlier
2 signed by Kollqaku on behalf of Drini, the date it refers to as the
3 General Staff meeting; right?

4 MR. KEHOE: Judge, if he's going to lead, please -- excuse me.

5 THE WITNESS: [Interpretation] It's about the same meeting.

6 MR. KEHOE: Excuse me, Witness.

7 If we're going to lead through this, Your Honour, I'm going to
8 object. You know, he's giving these documents we've never seen
9 before, and now he wants to testify about them as well.

10 MR. PACE: Your Honour, there's nothing --

11 PRESIDING JUDGE SMITH: Just ask the questions.

12 MR. PACE: -- leading about it.

13 PRESIDING JUDGE SMITH: You don't need to lead him.

14 MR. PACE: Yes, Your Honour.

15 PRESIDING JUDGE SMITH: Sustained.

16 MR. PACE:

17 Q. Witness, do you recall the date of the General Staff meeting
18 referred to in the Kollqaku and Drini document we saw earlier?

19 A. I did not have any knowledge. I did not attend that meeting. I
20 was at the General Staff. Had this occurred, I would have seen it
21 and I would have been aware. I would have known about it.

22 Q. Witness, if you look at point 4 on the document on your screen
23 now, do you see that it states:

24 "Taking decisions on the operation of premises and vehicles ..."

25 And in brackets:

1 "(trucks, diggers, jeeps, etc)."

2 And now, Witness, do you recall that this is similar to the
3 content in the item shown to you earlier, the item that was signed by
4 Kollqaku on behalf of Drini?

5 A. It's the same as the previous material we saw and talked about.
6 I don't know if that was processed, but I'm surprised that lawyers
7 are -- Defence counsels are saying that they haven't seen it because
8 that same material was discussed today. I object to the part
9 relating to the equipment and vehicles. I don't know where they
10 would have taken them to. Maybe they just wanted to enrich
11 themselves, taking advantage of the war. I'm not aware of this
12 document as I was not aware at the time.

13 MR. PACE: We'll move on. Court Officer, can we have P164,
14 P164-ET, and that is on the original presentation queue. The ERN is
15 U002-2800 to U002-2822.

16 And for those in the courtroom, I'm going to be referring to
17 yesterday's transcript to page 10196 to 10197.

18 Q. Witness, in relation to the document on your screen now,
19 yesterday you stated this is not your document, it's not from the
20 Pashtrik operative zone, you did not see it during the war, and that
21 it's never been valid. Do you recall stating that?

22 A. This is how I said it. This document was found in the KPC
23 archives after the war in Prizren. It was not known to me and nor
24 had it any value.

25 MR. PACE: And, Court Officer, let's please take these down and

1 instead put up P0707.3-ET alongside P0707.3-AT, and that's going to
2 be page 9 in the English and 11 in the Albanian.

3 Q. So, Witness, as this is called up, this is an excerpt from your
4 2020 SPO interview where you discussed that document that we just
5 looked at and that you were cross-examined about. And I'm going to
6 start reading in the English from page 9, line 21; in Albanian, page
7 11, line 8. And you referred to this document, and you were asked:

8 "Do you remember receiving this publication, these guidelines on
9 the special warfare?

10 "A. Give me just a little time. Let me have a look.

11 "Q. Yes.

12 "A. I don't know whether I've written it or -- I don't know
13 where it came from. I don't remember. Just a moment.

14 "Q. No problem.

15 "A. Yeah, what is written here, it could have been given -- it
16 could have been me writing it. Probably -- I might have, but I don't
17 know. I have nothing against this. I have this same opinion today.
18 Because the Serbians have put up -- set up their state on the basis
19 of ... and lies. And in their propaganda, they've thrown so much mud
20 at us ..."

21 Do you recall stating that, Witness?

22 A. Perhaps I said it so, but the document goes far beyond this.
23 It's an extreme document with ideological connotations. I didn't
24 know that document before, I hadn't seen it before until the moment
25 you showed it to me. It was then established that it came from the

1 subzone of Llap. This is what the document indicates.

2 Q. Now, Witness, could you clarify to the Judges why in 2020, when
3 you were shown this document, you said that it could have been you
4 who wrote it, you have nothing against it, and it is your opinion
5 today, but during cross-examination and just now, you seem to be
6 trying to distance yourself from the contents of this document?
7 Could you explain why to the Judges?

8 A. The topic about morale and politics made me think that I could
9 have been the author. Then it was established, I don't know why we
10 have to cast doubts on that, because it says clearly it's the subzone
11 of Llap. I believe I explained this. This is not my document. I
12 did not have it my hands during the war at all. It was found in the
13 archives of the KPC in Prizren. It's authored by the LKCK. If you
14 read the entire document, you would read that this was an
15 organisation prior to the war, National Movement for the Liberation
16 of Kosovo.

17 I am not distancing myself. It's just the reality.

18 PRESIDING JUDGE SMITH: Mr. Pace.

19 MR. PACE: I'm moving to my last area of questioning,
20 Your Honour. I'd need --

21 PRESIDING JUDGE SMITH: We have to leave at precisely 4.00
22 because some Court personnel have to be somewhere else. So can you
23 finish in one minute?

24 MR. PACE: Yes, Your Honour, I'm going to do my very best.

25 MR. KEHOE: Your Honour, my read --

1 PRESIDING JUDGE SMITH: [Microphone not activated]

2 MR. KEHOE: There is no break. Oh, after the break --

3 PRESIDING JUDGE SMITH: Two weeks. Two weeks' break.

4 MR. KEHOE: That's fine, Judge.

5 MR. PACE: Your Honour, my understanding is that the witness
6 will be held over. We're not going to try to finish today or
7 tomorrow if that's possible at all.

8 PRESIDING JUDGE SMITH: Yes.

9 MR. PACE: In that case, Your Honour, I will wait until after
10 the break. Thank you.

11 PRESIDING JUDGE SMITH: I'm sorry about the break. I thought we
12 were going to be finished well ahead of time, but it can't be helped.
13 Somebody has to leave the facility by 4.00.

14 There's a proposed order on P682. The Panel notes a correction
15 needs to be made. With respect to P682, the ERNs admitted under this
16 Exhibit on 7 November 2023 were incorrect. The transcript reference
17 is P9516 at lines 12 to 15.

18 Pages SITF00055872 and SITF00055873 should have been admitted
19 and not SITF00055783 and SITF00055877.

20 Do you wish to comment on this, Mr. Prosecutor?

21 MR. PACE: No, thank you, Your Honour.

22 PRESIDING JUDGE SMITH: All right. The Panel therefore corrects
23 the record, that is, P682 to include pages SITF00055872 and
24 SITF00055873 and not the pages indicated on 7 November.

25 That concludes the oral order.

1 And we will be adjourned until 4 December at 9.00 a.m.

2 But first, Witness, we excuse you today. You will have to come
3 back on December 4th, but we will have you out of here that day.

4 Understood? Thank you for --

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE SMITH: -- your attendance today and your
7 patience with us.

8 MS. ALAGENDRA: Your Honours --

9 PRESIDING JUDGE SMITH: You can leave.

10 MS. ALAGENDRA: Your Honours, I have a document to be tendered.

11 PRESIDING JUDGE SMITH: We'll do that when we come back after
12 the break.

13 MS. ALAGENDRA: Certainly. Thank you.

14 MR. PACE: Your Honour, before the witness leaves, could you
15 kindly remind him of his duty not to discuss testimony with anyone.

16 PRESIDING JUDGE SMITH: I think he knows that now.

17 [The witness stands down]

18 PRESIDING JUDGE SMITH: We're adjourned.

19 --- Whereupon the hearing adjourned at 4.02 p.m.

20

21

22

23

24

25