

1 Monday, 17 July 2023

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Madam Court Officer, 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: Thank you.

11 Good morning, everyone. Welcome. Today we will continue with  
12 the testimony of 04746. I note that Mr. Thaci, Mr. Veseli,  
13 Mr. Selimi, and Mr. Krasniqi are all present in the courtroom.

14 Madam Court Usher, please bring the witness in.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: Please be seated.

17 Good morning, Witness. Today we will --

18 THE WITNESS: [Interpretation] Good morning.

19 PRESIDING JUDGE SMITH: -- continue with -- today we will  
20 continue with your testimony. I remind you to please try to answer  
21 the questions clearly with short sentences. If you don't understand  
22 a question, feel free to ask counsel to repeat the question or tell  
23 them you don't understand and they will clarify.

24 Also, please try to remember to indicate the basis of your  
25 knowledge of the facts and circumstances upon which you will be

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1 questioned.

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

4 Please also remember to speak into the microphone and wait five  
5 seconds before answering a question and speak at a slow pace for the  
6 interpreters to catch up.

7 If you feel the need to take a break, please let us know.

8 We will now continue with the cross-examination by the Defence  
9 for Mr. Veseli.

10 Mr. Emmerson, you have the floor.

11 MR. EMMERSON: Thank you, Your Honour.

12 WITNESS: W04746 [Resumed]

13 [Witness answered through interpreter]

14 Cross-examination by Mr. Emmerson: [Continued]

15 Q. Mr. Mustafa, I've just two relatively confined issues I want to  
16 deal with this morning. The first relates to the meeting that you  
17 gave evidence about on Friday, which began with the speech given from  
18 Ramush Haradinaj accompanied by automatic weapon discharge for  
19 emphasis.

20 I asked you some questions on Friday about that meeting, and in  
21 particular, the reference to Bislím Zyrapi and the fact that there  
22 was a suggestion that he would be more appropriate as the commander  
23 of the KLA than Azem Sylá. And I made the observation -- or, rather,  
24 I asked the question:

25 "... am I right in saying that Bislím Zyrapi was then promoted

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1 ... after this meeting?"

2 And you responded in a slightly equivocal way saying:

3 "We can put it this way."

4 "We can put it this way."

5 MR. EMMERSON: It's, for those following the note, and for the  
6 purpose of the transcript, it was on page 5781.

7 Q. I just want to -- Ms. Lawson rose to her feet at that point and  
8 raised the need to clarify that answer, and I passed over it at that  
9 time. Let me return to it now if I may.

10 Prior to Rambouillet, Azem Syla was the commander, the overall  
11 commander of the KLA; is that right?

12 A. I didn't know this.

13 Q. I see. But do you now know that's right?

14 A. I do now.

15 Q. And you say you didn't know it. Is it right that Azem Syla was  
16 based in Tirana the entire conflict?

17 A. Yes.

18 Q. So he's not somebody that you ever came across inside Kosovo  
19 during those two years?

20 A. During those two years of war, correct.

21 Q. Yes. Yes.

22 A. Yes, he stayed in Tirana indeed.

23 Q. And he was not a military man, was he?

24 A. We thought he was working with the logistics of the Kosovo  
25 Liberation Army.

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1 Q. Logistics.

2 A. I personally thought so.

3 Q. So you, as a commander on the ground, had no idea who it was  
4 that had been put in the role of commander of the KLA by the  
5 General Staff?

6 A. Correct.

7 Q. And at that time, Bislim Zyrapi, who you did know, I think, and  
8 who was a military man, Bislim Zyrapi was occupying the role of chief  
9 of staff; is that right?

10 A. Correct.

11 Q. So he was, in effect, a military person within the  
12 General Staff, and your concern was that it should be a military  
13 person at the top of the General Staff; is that right?

14 A. I thought that Bislim Zyrapi should and could be in this  
15 position.

16 Q. Now, during and immediately after Rambouillet, the existing  
17 members of the General Staff were transferred to new roles in the  
18 Provisional Government of Kosovo; is that correct?

19 A. Correct.

20 Q. Essentially, part of the consequence of the Rambouillet  
21 agreement was the formation of a Provisional Government of Kosovo to  
22 assume political responsibility when the conflict came to an end?

23 A. Yes.

24 Q. And in that process, a number of people changed their roles, did  
25 they not?

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1 A. Yes, that's correct.

2 Q. Azem Sylja became defence minister, is that right, in the new  
3 provisional government?

4 A. That's right.

5 Q. And Bislim Zyrapi became chief of staff in the new Ministry of  
6 Defence; is that right?

7 A. Yes.

8 Q. And when I asked you the question, therefore, on Friday that  
9 Bislim Zyrapi was promoted after the meeting, I think you said, "We  
10 can put it that way." Is that what you meant, we can put it that way  
11 because he became chief of staff of the Provisional Government of  
12 Kosovo Ministry of Defence?

13 A. We can say it so.

14 Q. Thank you very much.

15 MR. EMMERSON: Could we move into private session for the last  
16 topic I want to cover. It's simply because it relates to the  
17 telephone intercept evidence which, as you know, Your Honour, the  
18 Prosecution has indicated it wishes to be heard in private session at  
19 this stage.

20 PRESIDING JUDGE SMITH: All right.

21 Court Officer, take us to private session.

22 [Private session]

23 [Private session text removed]

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Cross-examination by Mr. Emmerson (Continued)

1 [Private session text removed]

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Cross-examination by Mr. Emmerson (Continued)

1 [Private session text removed]

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1 [Private session text removed]

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7 [Open session]

8 THE COURT OFFICER: We're now in public session, Your Honours.

9 PRESIDING JUDGE SMITH: And are you confident of what you're to  
10 show on the public record?

11 MR. EMMERSON: She doesn't, with respect, need to show anything  
12 because I can read it from the transcript.

13 PRESIDING JUDGE SMITH: Okay.

14 MR. EMMERSON:

15 Q. Mr. Mustafa, I'm going to just repeat the question and answer  
16 that you gave at the end of your closed session testimony just now  
17 and ask you to confirm them. Question from me:

18 "Were you aware at the time that a number of members of the  
19 General Staff apart from Azem Sylja, who we've talked about, were  
20 located outside of Kosovo for most of the period of the conflict and  
21 particularly between November and March, November 1998 and March  
22 1999?"

23 "A. All of them stayed abroad with the exception of  
24 Jakup Krasniqi, Rame Buja, and zone commanders. All the remaining of  
25 them were abroad."



Cross-examination by Ms. Alagendra

1           You obviously remember giving that answer. Can you please  
2 confirm on the public and open record that that answer is correct and  
3 that it is an accurate reflection of your understanding of the  
4 situation?

5           A.    Yes.

6           Q.    Thank you.

7           MR. EMMERSON: Those are my questions, Your Honour.

8           PRESIDING JUDGE SMITH: Thank you, Mr. Emmerson.

9           We received your notice, Mr. Roberts. Thank you for the advance  
10 warning.

11          MR. ROBERTS: Thank you, Your Honour, yes. Just to confirm that  
12 at this stage I have no questions. Thank you.

13          PRESIDING JUDGE SMITH: Thank you.

14          Who is going to be doing the cross?

15          MS. ALAGENDRA: That will be me, Your Honour.

16          PRESIDING JUDGE SMITH: All right. Thank you, Ms. Alagendra.  
17 You may proceed when you're ready.

18                                        Cross-examination by Ms. Alagendra:

19          Q.    Good morning, Mr. Mustafa. I am Venkateswari Alagendra. I am  
20 counsel for Mr. Jakup Krasniqi. I will be asking you some questions.

21          You know Mr. Jakup Krasniqi, don't you, Mr. Mustafa?

22          A.    Yes, I do.

23          Q.    And Mr. Krasniqi was a teacher and a professor, a historian  
24 before the war?

25          A.    Mr. Krasniqi is known as an intellectual, a renowned

1 intellectual of the Albanian liberation movement in Albania. He was  
2 a teacher but he was also a political activist.

3 Q. Thank you. And as a politician, he also became the speaker of  
4 the parliament; is that correct?

5 A. Yes, he was a chairman of the parliament of Kosovo.

6 Q. And it is fair to say that Mr. Krasniqi is a respected man in  
7 Kosovo, isn't it, Mr. Mustafa?

8 A. I can say that he's one of the most respected figures in the  
9 Republic of Kosovo.

10 Q. Thank you. Turning to the period before the war, it was well  
11 known that Mr. Krasniqi was a member of the LDK; is that correct?

12 A. Correct.

13 Q. And he, like you and many others, wanted a strong, united  
14 Kosovo, free from persecution; is that correct?

15 A. Jakup Krasniqi was one of the great political activists at the  
16 time. He was creating and building trust in my generation and  
17 others. And he was persistent in obtaining a free Kosovo.

18 Q. Now, you've emphasised numerous times that the KLA was not a  
19 trained army but an army of volunteers; is that correct?

20 A. Correct.

21 Q. And it was struggling throughout the war to be organised, but it  
22 never achieved the structure of a regular army; is that correct?

23 A. That's correct.

24 Q. And generally when people came back, they went to their home  
25 areas where they knew the land and villages; is that also correct?

1 A. Correct. In general terms, yes.

2 Q. It was natural and sensible, wasn't it, Mr. Mustafa, that they  
3 would gravitate to the terrain and villages that they knew; is that  
4 correct?

5 A. Correct.

6 Q. Your home was in the Llap zone, Mr. Mustafa?

7 A. Correct.

8 Q. And is this also why you originally went to that zone?

9 A. Yes.

10 Q. I'm going to mention some names to you. Could you confirm if  
11 these KLA members came from the Llap zone as well. I'll start with  
12 Mr. Kadri Kastrati, was he from the Llap zone?

13 A. Yes.

14 Q. And Mr. Nuredin Ibishi?

15 A. Yes.

16 Q. Mr. Latif Gashi?

17 A. Yes.

18 Q. Mr. Nazif Mehmeti?

19 A. Yes.

20 Q. Mr. Naim Kadriu?

21 A. Yes.

22 Q. Mr. Hyzri Talla?

23 A. Yes.

24 Q. Mr. Fatmir Humolli?

25 A. They were all from the same region, where we were fighting.

1 Q. Thank you. And during this time, because of the disorganisation  
2 and lack of resources that were, people in this volunteer army  
3 frequently bought their own uniforms; is that right?

4 A. That's right. They purchased them, they would prepare them  
5 themselves, and others would get supplies.

6 Q. In fact, sometimes they bought their own guns; is that right?

7 A. That's correct.

8 Q. And this was because the KLA was not properly equipped and  
9 struggling to build itself for the liberation of Kosovo. Is that  
10 correct, Mr. Mustafa?

11 A. Certainly.

12 Q. Last week you were asked what Mr. Jakup Krasniqi's role in the  
13 General Staff was, and your evidence is that he was the Kosovo  
14 Liberation Army spokesman. Do you recall saying that?

15 A. I do.

16 Q. And during the war, you knew him as the spokesperson, didn't  
17 you?

18 A. Yes.

19 Q. And this would have been after June 1998, more specifically?

20 A. During -- throughout the war, I knew Jakup Krasniqi in his  
21 capacity as a spokesperson of the Kosovo Liberation Army.

22 Q. The Prosecution then went on to ask you if there was a time when  
23 Mr. Krasniqi occupied a second role, and your answer to that was that  
24 you had seen documents describe him as a deputy. Do you recall that?

25 A. Yes, but this occurred later on.

1 Q. Yes. You were clear on that, Mr. Mustafa. You were then asked  
2 by the Prosecution to clarify what you meant by "deputy," and if that  
3 meant deputy commander of the overall KLA. Do you remember that?

4 A. I have seen documents and, in particular, when -- after the  
5 establishment of the Special Court, alleging that Jakup Krasniqi was  
6 deputy of the Kosovo Liberation Army. It might have been the case,  
7 but I didn't know him of holding such position.

8 Q. Right. And it was also never publicly known, as far as you're  
9 concerned, that Mr. Krasniqi was the deputy commander of the KLA. Is  
10 that correct or is that fair to say? During the war.

11 A. If I didn't know him of holding this position, I believe no  
12 one -- nobody else knew him as a deputy commander of the KLA.

13 Q. Of course. Now, if I can now take you to the book by  
14 Mr. Skender Zhitia. You've been referred to the book in the course  
15 of your testimony.

16 MS. ALAGENDRA: And the reference is SPOE00055736 to 55742-ET  
17 Revised. The specific page would be 55741, please. I believe the  
18 Albanian has the same reference -- or is it 55678 to 56018. And the  
19 specific pages would be 55741 to 55742.

20 Q. If I can take you to the bottom of the page in the Albanian  
21 version, and for English it's on the last paragraph of 55741. Could  
22 you take a moment to look at that, Mr. Mustafa.

23 A. Yes, I'm reading it.

24 MS. ALAGENDRA: And it goes on to the next page, 55742 in the  
25 Albanian.

1 Q. Yes? Now, according to this last paragraph of the book, on 12  
2 November there were some appointments made. Do you see that?

3 A. Yes, I can see it from here. So it's written here.

4 Q. Yes. And you would agree, Mr. Mustafa, that it states here that  
5 Mr. Krasniqi was one of two deputy commanders mentioned; is that  
6 correct?

7 A. That's correct. This is how it reads.

8 Q. Yes. And it says here the deputy commanders were the deputy  
9 commander for operations Sokol Bashota and deputy commander for  
10 support Jakup Krasniqi. That's what the book says, isn't it?

11 A. Yes.

12 Q. And Mr. Krasniqi, according to this book, deputy commander for  
13 support. The difference between them, Mr. Mustafa, was that  
14 Jakup Krasniqi dealt with support and political matters not  
15 operational matters. That's right, isn't it?

16 A. This is how I understand it. I understand him as a political  
17 supporter of the KLA. This is how I've always known him.

18 Q. And you're aware that Mr. Krasniqi is a man with no military  
19 experience; is that correct?

20 A. That's correct.

21 Q. If I can now refer you to another document. The reference is  
22 SPOE00229217, and the Albanian version has the same reference but it  
23 goes into 229218.

24 Now, this is the handwritten document speaking of the meeting of  
25 12 November 1999 that's referred in the book, the passage that I

1 earlier referred you to. Can you see that in this document it refers  
2 to Mr. Jakup Krasniqi as deputy commander for support?

3 A. Yes, I can see that.

4 Q. And would that be consistent, Mr. Mustafa, with the type of  
5 information you got after the war regarding the other role that  
6 Mr. Krasniqi is said to have had?

7 A. Yes.

8 Q. And it also says at the bottom of the page that:

9 "The political group for talks has been appointed."

10 And the names mentioned are Jakup Krasniqi, Sokol Bashota, and  
11 Rame Buja. Was that also your understanding?

12 A. I didn't know this back then. I have heard of Sokol Dobruna.  
13 There are certain names that I was not aware that were assigned to  
14 this position or to this role, and that includes Jakup Krasniqi.

15 Q. Right. Thank you. Now, on Friday you were also referred to  
16 another book by counsel for Mr. Thaci, "A narrative about war and  
17 freedom."

18 MS. ALAGENDRA: The reference is U0176046 to 6049, Exhibit ID25  
19 -- it's 1D0025. My apologies. And this specific page reference  
20 would be U0176048. And in the Albanian version, it's the same  
21 reference with AT at the end, and the page would be -- it's K0238068.

22 Q. If I can ask you to read from the passage where it says:

23 "Demaci's sphere of influence over the zone commanders was not  
24 decisive ..."

25 If you could just take a minute to read that passage. Yes?

1 A. Can I read it?

2 Q. Yeah. Now --

3 A. "Because the impact of Demaci to the zone commanders was not  
4 that decisive. I am not saying that it had no value, but I can say  
5 that it was not decisive. The zone commanders acted on their own.  
6 They used their logics as soldiers and citizens of Kosovo."

7 Q. And it goes on to say that:

8 "Always. Something else should be borne in mind:  
9 Jakup Krasniqi, the spokesperson for the KLA General Staff," and it  
10 mentions a few other names, "were present at Rambouillet."

11 Correct?

12 A. Yes.

13 Q. Now, Mr. Krasniqi's role in that delegation to Rambouillet was  
14 also publicly known at that time as being the KLA spokesperson.  
15 That's correct, isn't it?

16 A. Correct.

17 MS. ALAGENDRA: If I may now refer you to SPOE00054541. It's  
18 the same in the Albanian version.

19 Q. Now, Mr. Mustafa, do you recall the announcement of the  
20 provisional government on 2 April 1999?

21 A. Yes.

22 Q. And with this announcement, the composition of the Provisional  
23 Government of Kosovo included Mr. Krasniqi as the government  
24 spokesperson; is that correct?

25 A. Yes.



1 Q. And whilst the composition of the provisional government was  
2 announced on 2 April 1999, this document says that there was an  
3 agreement reached on 23 February 1999. That's right, isn't it?

4 A. This is how it reads.

5 Q. Yes. And after his appointment as government spokesperson,  
6 Mr. Krasniqi remained in that position, didn't he, until after the  
7 war?

8 A. Yes.

9 MS. ALAGENDRA: If I can now show you another document,  
10 SPOE00224611 to 612-ET. And the Albanian has the same reference.

11 Q. This morning you told us, in response to a question by  
12 Mr. Emmerson, that between November 1998 and March 1999, if I may  
13 just read your answer this morning:

14 "All of them stayed abroad with the exception of Jakup Krasniqi,  
15 Rame Buja, and the zone commanders."

16 Do you recall saying that a few minutes ago?

17 A. Yes.

18 Q. You were aware at the time, weren't you, Mr. Mustafa, that from  
19 around mid-March 1999, more specifically 19 March 1999, Mr. Krasniqi  
20 had left for Tirana and was not in Kosovo?

21 A. Yes. About this time, I know, because during the bombing time,  
22 he was in Tirana.

23 Q. Right. And according to this statement that was made on 4 June  
24 1999, Mr. Krasniqi was still in Tirana; correct?

25 A. Yes.

1 Q. And in the summer of 1999, you would agree with me that  
2 Mr. Krasniqi was appointed the minister for reconstruction and  
3 development in the PGoK?

4 A. Yes.

5 Q. And that appointment was not by the KLA, was it? It was by the  
6 LBD, the Democratic Union Movement.

7 A. I don't know that, but I know that Mr. Krasniqi was a minister  
8 back then.

9 Q. And as minister for reconstruction and development, he worked on  
10 issues that were a priority, such as assessing the war damage and  
11 revitalising the construction industry. Are you aware of that?

12 A. I know that at the time Mr. Krasniqi was the most successful  
13 minister in the government of Kosovo. About other details, I'm not  
14 aware of any.

15 Q. Thank you. Now, last week you also told the Court that the LDK  
16 supported the liberation war in your region. Do you recall that?

17 A. Yes.

18 Q. You yourself were a member of the LDK youth forum, weren't you,  
19 Mr. Mustafa?

20 A. Yes.

21 Q. There were also LDK members in the KLA at the time, weren't  
22 there?

23 A. Yes.

24 Q. And from 1995 to April 1998, Mr. Krasniqi was an LDK member,  
25 more specifically, the chairman of the education council in Drenas,

1 wasn't he?

2 A. Yes, he has always dealt with issues of education. And he was  
3 part of the LDK, like myself.

4 Q. And you also gave Muhamet Latifi, Shefki Gashi, and other LDK  
5 activists assignments to assist the KLA's war efforts, didn't you,  
6 Mr. Mustafa?

7 A. All the political leaders of the LDK in Podujeve, Prishtine, and  
8 Fushe Kosove were serving in the logistics functions of the KLA.

9 Q. And even after the war, KLA members joined the LDK party, didn't  
10 they, Mr. Mustafa?

11 A. Yes. After the war, everyone went wherever they had most faith  
12 into.

13 Q. And one of those persons that joined the LDK was  
14 Mr. Nuredin Ibishi. Yes?

15 MS. ALAGENDRA: And if I may refer to DJK00205, please.

16 Q. Mr. Nuredin Ibishi joined the LDK, didn't he, Mr. Mustafa?

17 A. Yes, yes.

18 Q. And what this photo shows us is also that he used the nickname  
19 that he had during the war, Leka; is that correct?

20 A. Yes.

21 Q. If I may now move to your short time in the General Staff. The  
22 Prosecution asked you, on 13 July, who appointed you or told you to  
23 come and join the General Staff. And your evidence is that you think  
24 it was the chief of staff, Bislime Zyrtari. You were then asked if  
25 there was anyone else that it could have been. And your answer

1 was -- you were asked, if not Bislim Zyrapi, it could have been  
2 Mr. Krasniqi that communicated that decision to you. That was your  
3 response. Do you recall that?

4 A. I said that it could have been Mr. Krasniqi communicating that  
5 to me, but I don't remember it.

6 Q. Right. So you're not certain of that, Mr. Mustafa; is that  
7 correct?

8 A. No, I'm not certain. I have very easily communicated with  
9 Mr. Jakup Krasniqi, and I cannot remember everything. But I have  
10 shared everything with him.

11 MS. ALAGENDRA: If I can now take you to a part of your  
12 interview with the Prosecution, and the reference is 082894-TR-ET  
13 Part 2, page 16. The Albanian version is at Part 2, page 18, lines  
14 20, and then page 19, line 2. The English version would be lines 3  
15 to 9.

16 Q. In the Albanian version it's at page 18, line 20, Mr. Mustafa,  
17 and it goes on till the next page, lines 1 and 2.

18 Now, you were asked:

19 "When you attended these meetings, were members of the  
20 General Staff, was it normally the same people or did it vary?"

21 And your answer was:

22 "I wouldn't say always the same, but I know that it was  
23 Bislim Zyrapi who was the one who was directing the reorganisation of  
24 the KLA. When there were more political matters that were being  
25 discussed, Jakup Krasniqi participated. And there were other people

1 there as well that I didn't know."

2 Could I just confirm, Mr. Mustafa, that you say those present at  
3 these meetings were not always the same? That's correct, isn't it?

4 A. Correct.

5 Q. And you don't recall exactly who was present at which meeting.  
6 Would that also be correct?

7 A. Correct.

8 Q. And isn't it correct that Mr. Krasniqi was not present at all  
9 meetings that you attended at the General Staff?

10 A. Correct.

11 Q. And Mr. Krasniqi participated in some meetings when there were  
12 political matters discussed; correct?

13 A. Yes.

14 Q. Last week you were asked by the Prosecution if you were present  
15 in a meeting with General Staff members where collaborators were  
16 discussed.

17 I'll repeat my question, Mr. Mustafa. You were asked by the  
18 Prosecution last week if you were present in a meeting with  
19 General Staff members where collaborators were discussed. Do you  
20 recall being asked that?

21 A. Yes. Yes, I do.

22 Q. Yes. And your response was that you did not remember any such  
23 thing.

24 "There were ... more important matters for us."

25 Do you recall saying that as well?

1 A. Yes.

2 Q. You were then again asked by the Prosecution which members of  
3 the General Staff were present at the meeting or meetings when the  
4 issue of collaborators were discussed, and again your response was  
5 you could not recall details of such a meeting. However, it is  
6 fairly likely that Mr. Jakup Krasniqi was present there -- was there.  
7 Those were your words. Do you recall that?

8 You said that it was fairly likely that Mr. Jakup Krasniqi was  
9 there. Do you recall saying that?

10 A. I don't remember exactly, but this is how I think even today.

11 Q. Okay. Let me just clarify, Mr. Mustafa. You don't recall such  
12 a meeting where collaborators were discussed; is that correct?

13 A. Yes.

14 Q. And you also don't recall if there was such a meeting where  
15 General Staff members were present at; is that correct?

16 A. Correct.

17 Q. And if there was such a meeting, you don't have a precise  
18 recollection of the names of who was present; correct?

19 A. Correct.

20 Q. And if such a meeting was held, you don't have a recollection of  
21 what was discussed in detail; is that correct?

22 A. Correct.

23 Q. And you also don't recall receiving a document at such a  
24 meeting, do you, Mr. Mustafa?

25 A. I don't.

1 Q. And if you did receive a document, you have no recollection of  
2 what was in that document; correct?

3 A. Yes.

4 Q. And you don't have a recollection if you were asked to  
5 distribute any such document or not; is that correct?

6 A. Yes.

7 Q. So the truth of the matter, Mr. Mustafa, is that you don't have  
8 a clear recollection of any meeting where collaborators were  
9 discussed; isn't that right?

10 A. Yes.

11 Q. And when you said previously it is likely -- fairly likely that  
12 Mr. Krasniqi was present, you are not even certain if such a meeting  
13 took place, are you?

14 A. Correct.

15 Q. You also have no recollection that Mr. Krasniqi was present at a  
16 meeting where collaborators were discussed; is that correct?

17 A. Correct.

18 Q. And your evidence that Mr. Krasniqi was likely to be there is  
19 based on the fact that Mr. Krasniqi attended some meetings at the  
20 General Staff, isn't it?

21 A. It should be like that.

22 Q. You also told us earlier that you shared everything with  
23 Mr. Jakup Krasniqi. A few minutes ago you said that. Just to  
24 clarify, Mr. Mustafa, those were on matters that were friendly, not  
25 issues relating to the war; am I correct?

Re-examination by Ms. Lawson

1 A. Yes. I believed in Mr. Krasniqi and I do still believe to the  
2 day.

3 Q. Thank you.

4 MS. ALAGENDRA: No further questions, Your Honour.

5 PRESIDING JUDGE SMITH: Thank you.

6 Redirect, Ms. Lawson?

7 MS. LAWSON: Yes, thank you, Your Honour.

8 Re-examination by Ms. Lawson:

9 Q. And good morning again, Mr. Mustafa. Defence counsel on Friday  
10 asked you about your membership of LDK youth, and it was raised again  
11 this morning. Was the LDK a legal or an illegal organisation?

12 A. All the Albanian entities were legal to us. Only the enemy  
13 forces and the institutions that were represented by Serbia were  
14 illegal to us.

15 Q. Was your involvement with the LDK youth public?

16 A. Yes.

17 Q. And you mentioned on Friday that you left it in 1996; isn't that  
18 right?

19 A. That's right.

20 MS. LAWSON: I would like to show a passage, please, from the  
21 book "Commander Remi Speaks." The ERN for the Albanian is  
22 SPOE00330195, and we should please go to page 330219. And the  
23 English ERN is SPOE00053263, and we should go to page 53280.

24 Q. And you say there:

25 "Together with the increase of military activity I also



1 increased my public activity in the LDK YF. I saw it reasonable to  
2 do, and truly, I never had the courage to leave my political activity  
3 seeing a danger in doing so."

4 What did you mean when you said that at the time you saw danger  
5 in leaving your political activity with the LDK?

6 A. The LDK was a political party of considerable size, and there  
7 were no specific particular currents within the LDK. It had a  
8 peaceful pacifist programme, and we built our societies within the  
9 LDK without any difficulties.

10 Q. And, therefore, why was there danger in leaving the LDK?

11 A. I don't know how this can be understood. However, since I was a  
12 member of the KLA, I had to belong to the masses in a way, and the  
13 masses were adhered to the LDK.

14 Q. Were you also a member of the LPK?

15 A. No. I exchanged with them, I knew them, but I was not a member  
16 of.

17 Q. Were you involved in their activities?

18 A. Yes, I assisted them continuously, as a student and later.

19 Q. From when?

20 A. Towards the end of the 1980s. I was an activist as a high  
21 school student.

22 MS. LAWSON: And if we can go to page 53338 in the English and  
23 page 326 going over to 27 in the Albanian.

24 Q. And we can see there you say:

25 "I was in contact with illegality and was involved in its

1 activities since 1986. So, I had uninterrupted activity with the LPK  
2 ... until I established contact with the KLA, namely until  
3 Zahir Pajaziti saw it fit to get me involved with the KLA and opened  
4 up the doors of my destiny, so to say."

5 That's accurate, isn't it?

6 A. Yes.

7 MS. LAWSON: We've finished with the document. Thank you.

8 Q. You have testified that up until Rambouillet, you didn't know  
9 that Azem Sylja was the general commander of the KLA; correct?

10 A. Correct.

11 Q. And you had requested the General Staff to make its composition  
12 known; is that right?

13 A. In the course of a meeting, we -- all zone commanders submitted  
14 this joint request.

15 Q. And in the meantime, did you have your own theories or  
16 suspicions about who the overall commander could be?

17 A. There were rumours, but we didn't know for certain who would  
18 that person be.

19 Q. Who did you think it might be?

20 A. I didn't have anyone in mind, to be honest.

21 MS. LAWSON: I'd like to look, please, at Part 2, pages 24 going  
22 on to 25 in the English. And Part 2, page 29 going on to 30 in the  
23 Albanian.

24 Q. And you were asked there:

25 "And Rexhep Selimi, what was his position?"

1 And your answer was:

2 "We suspected that he might have been the leader. That was my  
3 opinion. But we didn't know exactly. So sometimes we heard he was  
4 the commander in Drenica. This is up until October 1998. And  
5 sometimes it seemed to me that he might have been the general  
6 commander. But after October 1998 or in October 1998, he became  
7 inspector of the General Staff. So even positions that themselves  
8 claimed to have, I don't know that they really knew that they had  
9 those positions."

10 Did that reflect your opinion, you thought it might have been  
11 Rexhep Selimi?

12 MR. EMMERSON: I'm sorry. I would respectfully suggest that's a  
13 misrepresentation of the answer read as a whole, which is that even  
14 the people themselves didn't know what positions they held. With the  
15 greatest of respect.

16 MS. LAWSON: I read that portion of the transcript.

17 MR. EMMERSON: Then you summarised the summary of the answer  
18 with a clear statement emerging from a qualified passage.

19 MS. LAWSON: No, it wasn't.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 Continue with the question. There is no objection on the floor.

22 MS. LAWSON:

23 Q. My question was: Did that accurately reflect the fact that you  
24 thought the overall commander might have been Rexhep Selimi at the  
25 time?

1 A. These are in general terms my opinions as you read the entire  
2 text.

3 Q. And it was also known at the time that there were two deputy  
4 commanders; isn't that right?

5 A. Madam Prosecutor, I can say that I came to know this at a later  
6 stage.

7 MS. LAWSON: I'd like to look at Part 5, page 13 in the English.  
8 And Part 5, page 14 in the Albanian.

9 Q. And the question was:

10 "But Jakup Krasniqi's role at that time at the end of October  
11 was?

12 "A. It was known -- yeah, it was known that he was deputy  
13 commander.

14 "Q. Of the General Staff?

15 "A. There was another person also deputy commander of the  
16 General Staff, Sokol Bashota."

17 That's accurate, right?

18 A. Madam Prosecutor, we always referred to and spoke to  
19 Jakup Krasniqi as the spokesperson of the KLA. The information that  
20 came to our knowledge at a later stage is what I've stated, indeed,  
21 in front of the Prosecutor. I understood about Sokol Bashota in the  
22 course of a meeting when a Defence counsel spoke -- mentioned fires  
23 being shot during that meeting. So he never acted, at least in  
24 relation to us, as a deputy. Never.

25 Q. Regardless of how you referred to the people or how they acted,

1 you did know that they were both assigned as deputy commanders; isn't  
2 that correct?

3 A. I am reiterating. We understood this towards the end of the war  
4 and after the war.

5 MS. LAWSON: Can we go please to SPOE00226367. And the English  
6 is the same with ET after it.

7 Q. And this may be one of the meetings you were referring to when  
8 you came to that understanding about Sokol Bashota.

9 MS. LAWSON: And initially we should please go to page 226398.

10 Q. Ramush Haradinaj is speaking there. And at the fourth point, he  
11 says:

12 "The promotion of Jakup Krasniqi from spokesperson to Deputy  
13 Commander."

14 Do you see that?

15 A. Yes. And I said it. This is the end of the war, and attempts  
16 were made to change names or persons. But I have never known or  
17 recognised Jakup Krasniqi or spoken to him as deputy commander.

18 MS. LAWSON: And if we go to page 226403. And, actually, we  
19 might initially just go back one page, please, to show who's  
20 speaking. It's Sylejman Selimi. Thank you. And we can go back to  
21 that second page.

22 Q. And he says:

23 "Jakup Krasniqi, too, with all the respect he commends, is not  
24 the right man for the post of Deputy Commander."

25 Do you see that? It was known and discussed amongst the zone

1 commanders that Jakup Krasniqi was a deputy commander.

2 A. In this passage, we are discussing conclusions that we zone  
3 commanders already knew. We did not know or recognise him as a  
4 deputy commander at the time. I don't remember in particular this  
5 sentence, but this is, indeed, what we zone commanders thought at  
6 that time.

7 Q. When you were discussing March 1998 with Defence counsel on  
8 Friday, you stated that it was important to "instruct people,  
9 organise, and direct our steps towards our aim, which was the  
10 independence of Kosovo."

11 Why was it important to take those steps to instruct people and  
12 organise?

13 A. It was important for us at all times to instruct people because  
14 we were leaders of the Kosovo Liberation Army and leaders of the  
15 country in general.

16 Q. And you were attempting to be an effective army; isn't that  
17 correct?

18 A. Correct.

19 Q. Am I right that the KLA was not as formalised as a regular army  
20 in terms of its structure? For example, you mentioned already in  
21 your testimony that it didn't have ranks; is that correct?

22 A. Correct.

23 Q. And it didn't have a totally strict division of roles, either.  
24 People contributed as much as they could, both within their formal  
25 roles and in other areas; is that right?

1 A. We can accept it as such, yes.

2 Q. But as you just mentioned, it did have a leadership structure;  
3 correct?

4 A. A leadership structure? I'm referring to us who took on  
5 ourselves, zone commanders and General Staff. This is what I'm  
6 referring to.

7 Q. And within the overall KLA structure, what level were the zones?

8 A. We have always tried to improve our organisation.

9 Q. And what level were the zones in the chain of command, in the  
10 leadership structure of the overall KLA?

11 A. The zones were the highest level of the organisation within the  
12 structures of the Kosovo Liberation Army.

13 MS. LAWSON: I'd like to refer to a prior statement, please.  
14 It's SPOE00119323 at 119331. And the Albanian is SPOE00119334 at  
15 9343.

16 Q. And in the middle of the paragraph, you say there:

17 "The general Headquarters made the decisions about detention  
18 centres which I believe was part of the KLA strategy. The zone is  
19 the second level of the chain of command. I was a member of the  
20 general Headquarters command for a short time at the end of February,  
21 early March 1999 and I was in charge of Logistics, but things changed  
22 and I returned to fighting."

23 That's correct, isn't it? The zone was the second level of the  
24 chain of command?

25 A. There is the General Staff, the zones, and -- but -- so the

1 first unit is the General Staff.

2 Q. Now, throughout your SPO interview, you repeatedly used the word  
3 "order" when referring to directions received from the General Staff.  
4 It wasn't recommendations and it wasn't requests, as Defence counsel  
5 suggested to you. It was orders. And we can look at one or two  
6 examples.

7 MS. LAWSON: We can go to Part 3, page 2.

8 Q. And the question was:

9 "Can I just show you a document then? This is a documented  
10 which is dated 28th of the 12th, 1998, entitled 'Kosovo Liberation  
11 Army General Staff Operative Directorate,' number G-3/33-19. I'll  
12 just pass you the Albanian. If you look at it and just tell me if  
13 you recognise it, please.

14 "A. I know that there were instructions that had come from --  
15 or administrative orders that had come from Bislim Zyrapi. He had  
16 the authorisation to do this, but I don't remember this  
17 specifically."

18 MS. LAWSON: Again, we can go to Part 7, page 9, going over to  
19 page 10.

20 Q. The question there was:

21 "Who were the other zone commanders who were present at the  
22 meetings with the General Staff where the orders were given to  
23 establish detention sites?"

24 "A. I don't recall. I know I've said that we were all there,  
25 and I told you how we received the order from them. At the end of



1 the meetings, it's possible that we -- or they could give us two or  
2 three orders in one envelope at the end of the meeting, but I don't  
3 remember further details about this. What is important is that that  
4 order or administrative action was printed for each of us."

5 MR. MISETIC: Mr. President, this is -- I don't want to make a  
6 speaking objection, but this is one of the concerns we had raised  
7 before the witness took the stand about the manner in which the  
8 interview was conducted. And so I believe that there is some leading  
9 in the question in the interview --

10 MS. LAWSON: Your Honour, I believe this is a speaking  
11 objection.

12 MR. MISETIC: I used the word "leading," so I don't know -- but  
13 I can make --

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. MISETIC: Okay, thank you.

16 PRESIDING JUDGE SMITH: The objection is overruled.  
17 You may continue.

18 MS. LAWSON:

19 Q. And you did your best, to the extent circumstances permitted, to  
20 implement those orders, didn't you?

21 A. Madam Prosecutor, for the sake of clarification, the order, the  
22 recommendation, or the administrative instruction, bearing in mind  
23 the real possibilities of implementing them, so the -- how you call  
24 them is less important to me. It's not important. These were tasks  
25 we were given, assigned, but with very limited possibilities to

1 implement them.

2 I used different terms, but this -- the -- I did not intend to  
3 diminish the meaning or importance of these administrative  
4 instructions from the staff.

5 Q. And you tried your best to implement them?

6 A. Some of them were not even considered for implementation. Many  
7 of them, as a matter of fact.

8 Q. And that was regardless of whether they came from people in the  
9 political component of the KLA or not; isn't that right?

10 A. The recommendations or orders, if you will, came from the  
11 General Staff, drafted by Bislím Zyrapi, and they were for us the  
12 same. However, I point out that we never managed to implement many  
13 of these documents.

14 Q. They were the same.

15 MS. LAWSON: And if we could go, please, to SPOE00119028 at page  
16 119030. And the Albanian reference is SPOE00119028 with AT at the  
17 end. And it's the same page, 9030.

18 Q. This is your statement before the court in 2013, and you  
19 describe the KLA as having:

20 "A structure and military hierarchical command that operated  
21 based on orders received from Political Directorate, always in  
22 conformity with the international conventions."

23 Do you accept that?

24 A. This was my final statement in front of the court, an unsworn  
25 statement, and this is a statement I prepared and read.

1 Q. Now, when there was some dissatisfaction amongst the zone  
2 commanders around the time of Rambouillet, it wasn't the structure  
3 itself or the General Staff as a whole that was at issue, was it? It  
4 was just a couple of specific appointments.

5 A. There were problems at that time. There were problems related  
6 to appointments, and I remember those issues being of concern to us.  
7 To tell you the truth, the most concerning issue for me back then was  
8 the reason why Adem Demaci was not meeting the leadership that was  
9 going to Rambouillet. So that was the highest concern for myself.  
10 Whereas other things, they were second-hand.

11 MS. LAWSON: So if we please go to SPOE00226328, and the English  
12 is the same with ET after it. And we can go to page 226357.

13 Q. Do you see the date and place indicated at the top of the page,  
14 and could you please read it out loud.

15 A. 13 February 1999, in Drenica.

16 Q. And the discussion -- the discussion is about the zone commander  
17 position.

18 MS. LAWSON: If we go to the following page, please.

19 Q. You can see your name on the page, and the second point noted  
20 is:

21 "The GS has not been rejected as a whole. Only some persons  
22 have been rejected."

23 That was your view, wasn't it? It was particular appointments  
24 that were at issue.

25 A. I don't remember this, Madam Prosecutor. It might have been

1 like that, but I don't remember now. So given that there are these  
2 minutes about the meeting, probably that was the case.

3 Q. And in the following bullet point, you say:

4 "I do not believe that no member of the KLA GS has not used SHIK  
5 ... to exert pressure."

6 What made you think the intelligence services were being used to  
7 exert pressure?

8 MR. EMMERSON: Before the witness answers that question, can we  
9 just have a clarification as to which intelligence services it was  
10 referring to. It may be important.

11 PRESIDING JUDGE SMITH: I believe he said SHIK.

12 MR. EMMERSON: SHIK is the acronym for the Albanian intelligence  
13 service.

14 PRESIDING JUDGE SMITH: Clarification.

15 MS. LAWSON:

16 Q. Witness, could you answer my original question, please? What  
17 made you think the intelligence services were being used to exert  
18 pressure?

19 A. I cannot say anything, Madam Prosecutor. At the time, the only  
20 priority of mine was to have Adem Demaci join the group of  
21 Rambouillet. So I don't remember of having any other priorities of  
22 any other person rather than himself.

23 Q. So I presume you also don't remember which intelligence service  
24 you were intending to refer to or who in the General Staff you  
25 believed was using the intelligence services in that way?

1 A. I don't remember of having discussed about this topic. However,  
2 I don't see anything bad in that. I don't know what I was thinking  
3 back then. I don't know.

4 Q. Defence counsel on Friday asked you some questions about  
5 Commander Drini attending meetings, and you've already told us that  
6 the command in Pashtrik changed frequently. That was T5605. Do you  
7 remember specifically which meeting it was that Commander Drini first  
8 attended?

9 A. No, Madam Prosecutor. If you show me a material, minutes of a  
10 meeting where he was present, I might confirm or decline it. If I  
11 don't see anything in writing, I can't say anything. What I know is  
12 that he attended the meetings of the General Staff.

13 Q. Now, earlier this morning, at realtime pages 8 and 9, you  
14 confirmed for Defence counsel that all General Staff members, apart  
15 from Jakup Krasniqi, Rame Buja, and one other, stayed abroad. But  
16 that wasn't fully correct, was it? For example, Lahi Brahimaj, was  
17 he abroad?

18 A. He was not. And you're right. He was a member of the  
19 General Staff as well.

20 MR. EMMERSON: Again, I rise to seek a clarification --

21 THE WITNESS: [No interpretation]

22 MR. EMMERSON: I rise to seek a clarification because this,  
23 again, with respect, is capable of creating a misleading impression.  
24 Would counsel -- may I invite the Court to indicate to counsel that  
25 she should be asking whether Lahi Brahimaj was a zone commander not

1 solely a member of the General Staff, because that is, in fact, the  
2 factual position and that is why he was in the country. And he's  
3 already said zone commanders remained in the country.

4 MS. LAWSON: I believe you are --

5 PRESIDING JUDGE SMITH: Your objection is overruled.

6 Go ahead with your questions.

7 MS. LAWSON: And the witness has already answered to confirm  
8 that he was, in fact, a General Staff member. I believe you may be  
9 mistaking the time period at which he was a zone commander.

10 Q. Moving on. Rexhep Selimi, was he abroad or was he in Kosovo?

11 A. There were times he was abroad, but he was mainly in Kosovo.

12 Q. Fatmir Limaj, was he a member of the General Staff and was he in  
13 Kosovo?

14 A. I do not exactly remember. Fatmir Limaj joined the  
15 General Staff late. From the time that I know him, from the bombing  
16 period, I think that he travelled abroad. He was in Albania.

17 Q. But we can conclude that you need to qualify that earlier  
18 statement, don't you? It wasn't the case that all other  
19 General Staff members were abroad.

20 A. You can take it as you wish, but there were people that were  
21 abroad. There were many people, like Adem Grabovci, Hashim Thaci,  
22 Kadri Veseli, Xhavit Haliti, Azem Sylja, who were mostly abroad rather  
23 than in Kosovo. So this is what I can recall.

24 Q. Defence counsel asked whether there were any members of FARK in  
25 your Llap zone on Friday. That was T5725. Did you ever have cases

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1 where people came to try and join the KLA in Llap who had been  
2 appointed by the Ministry of Defence of the government in exile?

3 A. Yes, there were cases. But from the next day that they came to  
4 join us, they did not know anything about FARK. So the moment in  
5 time when they joined the KLA, they forgot about FARK. There was no  
6 milieu of FARK in the environment that I operated.

7 Q. And I can remind you of one specific case.

8 MS. LAWSON: We'll need to go briefly into private session,  
9 please.

10 PRESIDING JUDGE SMITH: Into private session, please,  
11 Madam Court Officer.

12 MS. LAWSON:

13 Q. In January 1999 --

14 [Private session]

15 [Private session text removed]

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Witness: W04746 (Resumed) (Private Session)

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Re-examination by Ms. Lawson

1 [Private session text removed]

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Witness: W04746 (Resumed) (Private Session)

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Re-examination by Ms. Lawson

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1 [Private session text removed]

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Go ahead, Ms. Lawson.

13 MS. LAWSON:

14 Q. So this morning, counsel for Mr. Krasniqi asked you a series of  
15 questions about the meeting in which the General Staff ordered the  
16 detention of collaborators, and you gave a series of confirmations to  
17 her indicating that you didn't remember, including that you didn't  
18 even remember if the meeting had occurred.

19 MS. LAWSON: I'd like to refer to a prior statement, please.

20 And that is Part 3, page 25.

21 Q. The question was:

22 "I hear what you say, but I am asking you to give me a direct  
23 answer, which is: What was it that the General Staff, at that  
24 meeting or other meetings, ordered the zone commander -- or ordered  
25 what the policy would be regarding collaborators? What was told to

1 the zone commanders to do?

2 "Rather than going and talking about other things, but that  
3 meeting or meetings of that type at that time, what were you being  
4 ordered to do?

5 "A. So we had the order to detain them, to detain them and send  
6 them to military court, but there wasn't a military court at that  
7 time."

8 MS. LAWSON: And at Part 3, page 27. Sorry, part 3, page 29.

9 Q. "All right. So the General Staff ordered all zone commanders to  
10 establish detention sites; correct?"

11 That was the question. And the answer:

12 "There is an administrative order that I got. I know that there  
13 is."

14 Does that refresh your memory about the fact that there was a  
15 meeting and that there was an order issued?

16 MR. MISETIC: Mr. President, I would just note my objection for  
17 the record. If it's for the purpose of impeachment, I have no  
18 objection. If it's for the truth of the matter asserted, then I  
19 would object. Lack of foundation. Thank you.

20 MS. LAWSON: Your Honour, it's for both. And clearly there was  
21 foundation from his direct testimony.

22 PRESIDING JUDGE SMITH: Yes, it is for both. The objection is  
23 overruled. It can come in as -- for the truth or for impeachment.

24 Go ahead.

25 MS. LAWSON:

1 Q. Does that refresh your recollection that there was a meeting and  
2 that there was an order given to detain collaborators?

3 A. I stand by the statement that I've given to the Prosecutor, but  
4 it needs to be read in its entirety. So please, I would ask you to  
5 do that.

6 Q. Absolutely. Would you like me to keep reading from that last  
7 quote? So you say:

8 "There is an administrative order that I got. I know that there  
9 is."

10 And then there is another question. Is that what you would like  
11 me to continue? Or were you just referring to the statement should  
12 be considered in its entirety?

13 A. Yes, yes.

14 Q. The statement?

15 A. The statement, yes.

16 Q. Now, on Friday, Defence counsel showed you Communiqué 54 and  
17 asked whether there was a link between that particular communiqué and  
18 detentions in your zone. That was realtime pages 39 and 40. And you  
19 said not. So on what authority was it that the detention centres  
20 were established in the Llap zone?

21 MR. MISETIC: I'm going to object. It's outside the scope of my  
22 cross-examination. She put to him one communiqué. I responded with  
23 one communiqué. And it was never put to him that the communiqués, in  
24 direct, were the authority to establish -- that that is the  
25 communiqué that was for the purpose of establishing detention

1 centres. So this is outside the scope of direct. And if it's going  
2 to go into it, I'm going to ask for leave for re-cross on this issue.

3 MS. LAWSON: Your Honour, I've no objection should counsel feel  
4 the need for re-cross. But, indeed, communiqués were discussed as  
5 the basis on --

6 PRESIDING JUDGE SMITH: They were.

7 MS. LAWSON: -- direct examination.

8 PRESIDING JUDGE SMITH: They were in my memory. So they will be  
9 allowed. The question will be allowed.

10 MS. LAWSON:

11 Q. So I was asking what the authority relied upon in establishing  
12 detention centres in Llap was.

13 A. Even before this declaration of this communiqué of the  
14 General Staff, we had detention sites or detention houses as we  
15 called them in our zone.

16 Q. That's correct. And what did you rely upon as -- what did you  
17 understand gave you permission to deal with people in that way by  
18 detaining them?

19 A. We felt the need to do so, and we based that on the military  
20 rationale.

21 MS. LAWSON: I'd like to put a series of prior statements,  
22 please.

23 PRESIDING JUDGE SMITH: All right. Go ahead.

24 MS. LAWSON: The first one is Part 3, page 19 in English. And  
25 Part 3, page 25 in Albanian.

1 Q. And the question was:

2 "When did the General Staff decide there should be a policy of  
3 detaining collaborators?"

4 And your answer was:

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

9 MS. LAWSON: The second portion that I'd like to go to, please,  
10 is Part 7, page 6 in both English and Albanian.

11 Q. And you say there:

12 "Mr. Prosecutor, there were also communiqués before this, and  
13 the communiqués gave permission to deal with people who were  
14 obstructing the work of the KLA. The giving of an order was done at  
15 that time where there were specific needs after the September  
16 offensives. Just don't try to get me to tell you what time it was  
17 given."

18 MS. LAWSON: And we'll look at one more, please. It's Part 8,  
19 page 5 in both English and Albanian.

20 Q. And the question there was:

21 "How did that detention location come about? How did it come to  
22 be established? On whose order?"

23 "A. As I was saying, there were words from the General Staff  
24 and there were also communiqués that we -- were found in front of  
25 needs and we created them. And the needs prompted it. It wasn't

1 something that we had thought of beforehand, and we just wanted to  
2 make sure that we weren't harmed by these evil appearances."

3 Those portions I put to you are accurate, aren't they?

4 A. I stand by them, and they are part of what I gave as a testimony  
5 before the trial today. The communiqué is part of my military  
6 rationale.

7 PRESIDING JUDGE SMITH: We need to take the morning break.

8 MS. LAWSON: Your Honour, I have four more questions --

9 PRESIDING JUDGE SMITH: Okay.

10 MS. LAWSON: -- to complete my examination.

11 PRESIDING JUDGE SMITH: All right. Go ahead.

12 MS. LAWSON:

13 Q. When discussing the language of a communiqué with Defence  
14 counsel, you confirmed that you were aware that under Yugoslav laws,  
15 someone could be sentenced to death for collaboration or espionage in  
16 a time of war; right? Do you remember that discussion?

17 A. Yes, yes. I remember speaking about this.

18 Q. Did anyone who was accused of collaboration in the Llap zone  
19 receive a trial and a sentence?

20 A. No.

21 Q. Did anyone who was accused of collaboration in the General Staff  
22 communiqués receive a trial and a sentence?

23 A. The communiqués didn't, in particular, talk about a certain  
24 person or a certain individual.

25 Q. The people were just detained or killed; isn't that right?

1 A. No, that is not right. People that were detained were not  
2 killed.

3 Q. Mr. Mustafa, thank you for your time.

4 MS. LAWSON: And, Your Honours, I've no further questions.

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. MISETIC: Well, I need about five to ten minutes, and I know  
7 we need a break.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. MISETIC: Thank you.

10 MR. ROBERTS: Your Honour, just I would need a few minutes as  
11 well, if possible, please. Thank you.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Witness, we'll take the morning break for a half hour. We'll be  
14 back here about 25 till -- that clock's a little strange. 25 till  
15 12.00. You may be escorted from the room now.

16 [The witness stands down]

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

18 --- Recess taken at 11.04 a.m.

19 --- On resuming at 11.33 a.m.

20 PRESIDING JUDGE SMITH: Yes, Mr. Emmerson.

21 MR. EMMERSON: Your Honour, just to indicate that I also have an  
22 issue --

23 PRESIDING JUDGE SMITH: Just a second. Okay.

24 MR. EMMERSON: I also have an issue that arises out of  
25 Ms. Lawson's re-examination that requires clarification through



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1 further questioning. It won't take very long, but it is important.

2 And I wonder, therefore, if I can take my place in the queue.

3 PRESIDING JUDGE SMITH: Since we're being generous all around,  
4 yes, you may.

5 All right. Go ahead, Mr. Misetic. You're first, I believe.

6 MR. MISETIC: [Microphone not activated]

7 PRESIDING JUDGE SMITH: Oh, you need a witness.

8 MR. MISETIC: [Microphone not activated]

9 PRESIDING JUDGE SMITH: Please call the witness in.

10 Sometimes in trials you don't really need a witness, you know.  
11 Especially if the questioning is just right.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: You can be seated, Witness.

14 Witness, the Defence -- at least two or three of the Defence  
15 lawyers are going to ask you a few questions as a follow-up to the  
16 questions asked by Ms. Lawson.

17 So go ahead, Mr. Misetic.

18 MR. MISETIC: Thank you, Mr. President.

19 Further Cross-examination by Mr. Misetic:

20 Q. Mr. Mustafa, I just have a few short questions for you.

21 MR. MISETIC: If we could put on the screen SPOE00226367 to  
22 SPOE00226433-ET. And in the Albanian, it is SPOE00226367 to  
23 SPOE00226433. And I'm looking for the specific page SPOE00226403.

24 Q. Mr. Mustafa, we are going to be pulling up notes again from that  
25 meeting of zone commanders on 6 February to address some questions

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1 that were asked of you beginning at page 34, line 23. And it was put  
2 to you that the zone commanders weren't dissatisfied with the  
3 structure but with a "couple of specific appointments," and that's  
4 what I'd like to follow up with you about.

5 MR. MISETIĆ: Actually, if we could go one page back, please,  
6 just so we see that the speaker is Sylejman Selimi.

7 Q. You see this is now Mr. Selimi, Sylejman Selimi speaking.

8 MR. MISETIĆ: And if we turn the page.

9 Q. You were shown this earlier today, I believe:

10 "Jakup Krasniqi, too, with all the respect he commends, is not  
11 the right man for the post of the Deputy Commander."

12 So one of the individuals certainly that there was some  
13 expression of dissatisfaction with was Jakup Krasniqi; correct?

14 A. According to this document, yes.

15 MR. MISETIĆ: If we go to the next page, please.

16 Q. Next at the last sentence, Mr. Sylejman Selimi says:

17 "If Sokol Bashota and Jakup remain in these posts, I will not  
18 report to the General Staff."

19 Do you see that?

20 A. Yes, I see it. Yes, I do.

21 MR. MISETIĆ: If we scroll up in the Albanian, please. Yes.

22 Q. So Sylejman Selimi was unhappy, dissatisfied with both  
23 Sokol Bashota and Jakup Krasniqi; correct?

24 A. So it reads here.

25 MR. MISETIĆ: If we go to the next page, please.

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1 Q. It records both Sami Lushtaku and then you, and this is what I  
2 would like you to comment on. Sami Lushtaku is reported to have  
3 said:

4 "Rexhep Selimi, Hashim Thaci and Kadri Veseli are responsible  
5 for this situation we are in at the moment."

6 And then you are recorded as saying:

7 "These individuals have let down their senior co-fighters."

8 What do you mean when you said -- are reported to have said that  
9 Rexhep Selimi, Hashim Thaci, and Kadri Veseli had let down their  
10 co-fighters?

11 A. I don't know now what I had in mind at that time, but I must  
12 have certainly thought that they let down commanders who dealt with  
13 the operations, commanders on the ground. But I'm just guessing now.  
14 I am not certain what I was thinking of at the time.

15 Q. But is it fair to say that some of the people with whom the zone  
16 commanders were dissatisfied included Jakup Krasniqi, Rexhep Selimi,  
17 Hashim Thaci, and Kadri Veseli?

18 A. Based on what I can read here, it's fair to say so.

19 Q. Thank you.

20 MS. LAWSON: Your Honour, if we could also just look at the next  
21 page to provide context to that statement.

22 MR. MISETIC: No, I don't need to show him that. Thank you.

23 I'd like to show you an intercept again where you're talking  
24 about some of these gentlemen. And if we could turn, please -- if we  
25 could go into private session, please, for this one.

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1           PRESIDING JUDGE SMITH: Into private session, please,

2           Madam Court Officer.

3                                 [Private session]

4                                 [Private session text removed]

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24 [Open session]

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

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1 MR. MISETIC: Thank you.

2 Q. On the issue of communiqués. You've never been shown by the  
3 Prosecution any specific communiqué which conveyed any message to you  
4 about detentions, correct, other than Communiqué 54?

5 A. I don't remember having been shown any such communiqués.

6 Q. So in both your SPO interview and in your examination-in-chief  
7 and in your re-examination-in-chief, you've only been shown one  
8 communiqué and asked whether that communiqué communicated anything to  
9 you about detentions; is that fair?

10 MS. LAWSON: No, Your Honour. I didn't ask that.

11 MR. MISETIC: May I respond, Mr. President?

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 It sounded like you were getting a little far afield from what  
14 your original discussion was, so I'm going back to the transcript.  
15 Hold on.

16 MS. LAWSON: If counsel can find a reference, I'll stand  
17 corrected. But my questions in relation to Communiqué 54  
18 specifically did not ask the question that he's just suggested he was  
19 -- the witness was asked.

20 PRESIDING JUDGE SMITH: I believe she's right about that. I  
21 can't find it.

22 MR. MISETIC: May I respond?

23 PRESIDING JUDGE SMITH: Yes, sure.

24 MR. MISETIC: I am not asking about Communiqué 54, but now she  
25 took it back to his statements to put to him -- or re-read his



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1 statements to him about communiqués somehow sending a message which  
2 led to the policy of detention. And I'm trying to address that more  
3 broad point which is -- and I can put my case to him and to the  
4 Prosecution here --

5 PRESIDING JUDGE SMITH: Do that, please.

6 MR. MISETIC: Okay.

7 Q. Mr. Mustafa, you've never been shown any communiqué to see what  
8 communiqués you're talking about or were talking about in your SPO  
9 interview that were connected to the policy of detaining people;  
10 correct?

11 A. Correct.

12 Q. Do you recall any particular communiqué, as you sit here right  
13 now, other than 54 which we've gone over, which communicated to you  
14 that you should be detaining people in your zone? And I mean a  
15 particular communiqué.

16 A. No, I don't remember any.

17 Q. You were again asked or re-read portions of your SPO interview  
18 concerning orders from the General Staff on detentions.

19 MR. MISETIC: If I may, just for the benefit of the Trial Panel.

20 Q. As I noted in my cross-examination, you indicated that present  
21 for those meetings was Commander Drini. And that is something that  
22 you also said in your SPO interview, which is 082894 Part 7, pages 9  
23 to 10.

24 So your memory is that for any such meeting of the General Staff  
25 where such orders about detentions were issued Commander Drini was

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1 present. That's what you said in your SPO interview and that's what  
2 you said here; correct?

3 MS. LAWSON: No, Your Honour, that's not what the witness said  
4 in his SPO interview, but I'd invite counsel to provide a reference  
5 if he has one.

6 PRESIDING JUDGE SMITH: Let's go to the actual words.

7 MR. MISETIC: Mr. President, we can put it on the screen. But  
8 as far as I'm concerned, that's the -- and let's put it on the  
9 screen. I've read out the number. And the Albanian is 082894  
10 transcript AT, Part 7, page 11, lines 17 to 25.

11 Q. The question that you were asked, beginning at line 9:

12 "Who were the other zone commanders who were present at the  
13 meetings with the General Staff where the orders were given to  
14 establish detention sites?

15 "A. I don't recall. I know I've said that we were all there,  
16 and I told you how we received the order from them. At the end of  
17 the meetings, it's possible that we -- or they could give us two or  
18 three orders in one envelope at the end of the meeting, but I don't  
19 remember further details about this. What is important is that that  
20 order or administrative action was printed for each of us.

21 "Q. But you knew, Mr. Mustafa, who the other zone commands were  
22 at that time, didn't you?

23 "A. All of them.

24 "Q. Yes. And if you could just list them and their zone,  
25 please.

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1 "A. Regarding the specific issue, I don't want to point out  
2 anybody because I don't know whether they were there. The zone  
3 commanders were public knowledge.

4 "Q. If you could just -- the ones that you saw present at those  
5 meetings, can you please list them."

6 Then the answer -- again the question:

7 "Can you please, Mr. Mustafa, list who were the zone commanders  
8 at that time?

9 "A. I knew them at the time. I still know them. They're  
10 friends of mine. They're my two left and right hands. So the fourth  
11 zone, which was my right hand, was Rrahman Rama, the Shala zone. The  
12 Karadak zone commander was Ahmet Isufi. The Nerodime zone was  
13 Shukri Buja. The commander of Pashtrik was Commander Drini. The  
14 Dukagjin zone was Ramush Haradinaj. The Drenica zone, they had a  
15 change in command from time to time. I recall that Sylejman Selimi  
16 was the commander, and then after him Sami Lushtaku."

17 So I think I put it fairly to him.

18 MS. LAWSON: Yes, but nowhere there does it say what you put in  
19 your question.

20 MR. MISETIC: This is a speaking objection, Mr. President.

21 MS. LAWSON: Well, it's an accuracy objection.

22 PRESIDING JUDGE SMITH: Overruled.

23 Go on.

24 MR. MISETIC:

25 Q. My question to you, sir, is: Your evidence to the SPO when

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1 asked specifically who was present for these meetings where  
2 detentions were discussed, you identified as -- Commander Drini as  
3 being present; correct?

4 MS. LAWSON: No, Your Honour. That's not accurate.

5 MR. MISETIC: She was just overruled.

6 MS. LAWSON: The question is who the zone commanders were at  
7 that time. The answer that the witness gave in his interview as to  
8 who was present was "I don't recall."

9 PRESIDING JUDGE SMITH: That's correct. He did say he did not  
10 recall.

11 MR. MISETIC: But then he gets pushed, and this is what the  
12 whole point of the conversation is.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 MR. MISETIC: Thank you.

15 PRESIDING JUDGE SMITH: The objection is overruled.

16 Q. Again, Mr. Mustafa, my question to you, sir, is: Your evidence  
17 to the SPO when asked specifically who was present for these meetings  
18 where detentions were discussed, you identified Commander Drini as  
19 being present; correct?

20 A. Yes.

21 Q. And as I indicated to you in my cross-examination, it is the  
22 Prosecution's case, and we agree, that Commander Drini did not become  
23 commander until 16 December 1998, and you accepted that in  
24 cross-examination. Do you recall that?

25 A. I don't know the exact dates of his appointment as commander.

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1       However, Commander Drini is known as the longest-serving commander in  
2       the Pashtrik zone.

3       Q.     Okay. Let me ask you again one other question I asked you on  
4       cross, but it's relevant because the Prosecution is not asking you  
5       the question. Who specifically could have issued such instructions  
6       or orders, or whatever you wish to call them, about detentions at a  
7       meeting of the General Staff?

8       A.     I don't know.

9       Q.     Do you recall that I, in cross-examination, showed you two  
10       orders issued by Bislim Zyrapi related to the issue of detaining  
11       civilians?

12       A.     We received written orders from the General Staff through  
13       Bislim Zyrapi. It's known that he delivered those to us.

14       Q.     And at meetings where Commander Drini would have been present  
15       and Bislim Zyrapi would have been present, this couldn't have  
16       happened before December 1998. Do you accept that?

17       A.     I believe so.

18       Q.     And the detention facility in Llapashtice had been set up in  
19       November or late October; correct?

20       A.     It was not established. It was just transferred from a place,  
21       from a location to another. We had already established it during --  
22       in the course of August 1998. So the same was carried over.

23       Q.     It was carried over to Llapashtice at what time?

24       A.     It could be November, beginning of November. I'm not sure.

25       Q.     And one final question that was put to you regarding your

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1 closing argument.

2 MR. MISETIC: If we could put that back on the screen, please.  
3 It's SPOE00119028 to SPOE00119032-AT. The particular page is  
4 SPOE00119030. And in the English, it's SPOE00119028 to 9032 at page  
5 9030.

6 Q. Now, you were asked a question about the fourth, I'll call it a  
7 bullet point, but the fourth part there at the bottom of the page:

8 "A structure and military hierarchical command that operated  
9 based on orders received from Political Directorate, always in  
10 conformity with the international conventions."

11 And I believe one of the things you said in response to that  
12 question put to you by the Prosecutor is that you noted you were not  
13 under oath; is that correct?

14 A. Correct.

15 Q. And when you use the term "political directorate," you include  
16 Adem Demaci in the political directorate; correct?

17 A. Certainly.

18 Q. And I think you --

19 A. That's the case.

20 Q. You've said it numerous times but it's worth confirming again.  
21 You were particularly close to Adem Demaci; correct?

22 A. Correct.

23 Q. And do you recall any particular orders you received from the  
24 political directorate?

25 A. No.

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1 Q. Thank you very much, Mr. Mustafa, for answering my questions.

2 MR. MISETIC: That concludes my re-cross-examination.

3 PRESIDING JUDGE SMITH: Mr. Emmerson.

4 Further Cross-examination by Mr. Emmerson:

5 Q. Again, I'm going to ask you just one or two questions about a  
6 document that you were asked about by Ms. Lawson for the Prosecution  
7 in the course of her re-examination.

8 MR. EMMERSON: Can we please call up and the -- the page range  
9 is SPOE00226328 to SPOE00226365-ET in the English and the  
10 corresponding Albanian. And the particular page that I am looking  
11 for is SPOE00226358.

12 Q. Now, this is -- you've looked at various notes from two  
13 particular meetings, and I want to just get clear the chronology.  
14 One meeting was on 6 February, and you've been asked some questions  
15 by Mr. Misetic about that. And then there was the second meeting  
16 during Rambouillet on 13 February, which is the one that you've  
17 already told us began with Ramush Haradinaj discharging a weapon.

18 And the passage that Ms. Lawson took you to was from the second  
19 of those two meetings. So we're now on 13 February at an advanced  
20 stage of the first phase of Rambouillet. And if you look under your  
21 name, you -- this is in the context of a discussion, as we shall see  
22 in a moment, about changes in the General Staff, particularly in the  
23 delegation at Rambouillet but also in overall responsibility, we'll  
24 see in a moment.

25 So you're recorded as saying:

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1 "I believe it is best that our requests are not misinformed.

2 "The GS has not been rejected as a whole. Only some persons  
3 have been rejected.

4 "I do not believe that no member of the KLA GS has not used SHIK  
5 /National Intelligence Service/ to exert pressure.

6 "For me, from today he is the elected commander."

7 Now, I'm going to ask you in particular about that third bullet  
8 point about the KLA General Staff, somebody there using SHIK to exert  
9 pressure. But first of all, it's very important to get the context  
10 here.

11 Looking at the last bullet point:

12 "For me, from today he is the elected commander."

13 Now, pausing for a moment. This meeting on the 13th, there were  
14 two -- the zone commanders were putting forward two possible  
15 commanders of the KLA, both of them military men, as possible  
16 leaders; is that right?

17 A. Yes.

18 Q. You were proposing Bislum Zyrapi; is that correct?

19 A. Correct.

20 Q. And Ramush Haradinaj was proposing Sylejman Selimi; correct?

21 A. Correct.

22 Q. And Sylejman Selimi was the zone commander for Drenica; is that  
23 correct?

24 A. Yes.

25 Q. So Ramush Haradinaj actually wanted one of the zone commanders



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1 to be able to command both the General Staff and the KLA as a whole;  
2 is that right? That's what he was arguing for; correct?

3 A. I do not know the overall goal and scope of Ramush. But from  
4 what we read, this is how it shows.

5 Q. Look at it another way. Ms. Lawson took you to a telephone  
6 intercept when you were speaking to somebody who had a possible line  
7 of communication to Jakup Krasniqi, and it was perfectly evident that  
8 neither of you knew who the commander was. And, indeed, somebody  
9 said if it's a particular person, then they're trying to screw our  
10 mothers. Do you remember Ms. Lawson telling you about that, asking  
11 about that?

12 Sorry, let me put -- I see you're shaking your head. During  
13 your re-examination this morning by Ms. Lawson, she took you to a  
14 telephone intercept in which you were one of the speakers, in which  
15 it was clear that neither you nor the other speaker knew who the  
16 overall commander was, and it related to a document --

17 A. Yes.

18 Q. -- used by the -- on the authority of the Bukoshi government,  
19 and you were eventually told that had no authority in the zone. So  
20 that was in January. Here we are in mid-February. The negotiations  
21 are going on in Rambouillet. And this 13 February meeting, as you've  
22 told us already, was about putting a fighting zone commander, a  
23 military man, in charge to control the General Staff; is that right?

24 A. Yes.

25 Q. So whilst you were recommending Bislum Zyrapi, who was already a

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1 member of the General Staff, the principal military experienced  
2 person, Ramush was going one step further and was suggesting that you  
3 should appoint one of the on-the-ground zone commanders as overall  
4 commander. That's what the suggestion was?

5 A. Yes.

6 Q. And eventually, I think you were persuaded to -- as were other  
7 zone commanders, that Ramush's suggestion should prevail; is that  
8 correct? That Sylejman Selimi should be given that role.

9 A. Yes, correct.

10 Q. So when we see on this piece of paper at the bottom, "For me,  
11 from today he is the elected commander," that's you endorsing  
12 Sylejman Selimi, a zone commander, to sit at the top of the chain of  
13 command above the General Staff; is that correct?

14 A. Correct.

15 Q. Just give me a moment. Can we go back to the third bullet  
16 point:

17 "I do not believe no member of the ... GS has not used ..."

18 There's a triple negative, I think, in that sentence in English,  
19 in the translation.

20 Could I ask you please to slowly and carefully read out the  
21 Albanian bullet point which deals with SHIK? Read it out slowly and  
22 clearly so that the interpreters can slowly interpret it into the  
23 correct translation.

24 A. I will try.

25 "I suspect that no one from the members of the General Staff of

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1 the KLA has not used SHIK to exert pressure."

2 Q. So, again, I'm just trying to unravel the double negatives.  
3 Were you saying there that you did not think that anybody from the  
4 General Staff had used SHIK to exert pressure, or that you did think  
5 that everybody from the General Staff had used SHIK for that purpose?

6 A. I don't know what I meant, but I believe that I was suspicious  
7 of someone making use of the Albanian intelligence service to  
8 exercise pressure.

9 Q. Because when you were asked these questions by Ms. Lawson, the  
10 assumption seemed to be that that was a reference to some  
11 intelligence function within the Kosovo Liberation Army. But if  
12 we -- and I'm sure if she had looked in the notes at the true  
13 context, she would not have asked that question in that way. Can  
14 we --

15 MS. LAWSON: Your Honour, I did not indicate any particular  
16 service. I left it open for the witness to interpret.

17 MR. EMMERSON: I'm sorry, you just seemed rather surprised when  
18 it was apparent that you were asking questions about the Albanian  
19 secret service.

20 PRESIDING JUDGE SMITH: Just go on with your questions, please.

21 MR. EMMERSON: Perhaps we could just turn, if we may, to  
22 00226353.

23 Q. This is just four pages before that passage we've just looked  
24 at, so we'll be able to see very clearly the context in which that  
25 remark was made. So these are notes -- and it's not clear at this

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1 stage who's speaking, but it is clear that it is in the same meeting  
2 that leads to your -- the comment that's recorded about you.

3 So just pausing before we go through these. This was the  
4 16 February meeting, the machine-gun in the air meeting. That was at  
5 the very height of the conflict between the zone commanders and the  
6 General Staff during Rambouillet, was it not?

7 A. Up until that moment, no major issue arised.

8 Q. So, again, understanding the context, those who were arguing  
9 against any move by the zone commanders against the General Staff  
10 referred to what you were doing in that meeting as a coup; is that  
11 right? The word "coup"? This is the zone commander's coup against  
12 the General Staff? That's the language people were using?

13 A. This is a word that was used, but we didn't refer to the coup  
14 ourselves.

15 Q. No, no. It was those who were trying to prevent the zone  
16 commanders from appointing a zone commander to have overall command  
17 of the General Staff who used that language, as we shall see. But,  
18 in fact, you did -- the zone commanders did withdraw the authority of  
19 the General Staff to negotiate on their behalf, did they not?

20 A. Correct.

21 Q. So whilst they were at Rambouillet, the General Staff -- or the  
22 members of the delegation, I should say, because it's not the same,  
23 they had the rug taken out from under their feet, didn't they, by the  
24 zone commanders because you rescinded their authority to negotiate?  
25 "You" collectively.

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1 A. Yes.

2 Q. All right. So picking up at SPOE00226353, I just want to pick  
3 up the conversation that led to the passage that Ms. Lawson took you  
4 to. And one of the speakers is clearly trying to restrain a radical  
5 position by the zone commanders. If we look at the top of the page,  
6 number 1:

7 "They are asking for such a thing at the most improper moment in  
8 the whole KLA history.

9 "It would have been reasonable at any other time, but not now.  
10 The question is raised: Why exactly now ... are we facing the  
11 biggest developments" --

12 Sorry:

13 "... why exactly now when we are facing the biggest  
14 developments, at a time this conference is going on which will open a  
15 new page for the people and the KLA?

16 "Why has this issue attracted the attention of international  
17 public opinion and security services now?

18 "The [security] services of many countries like: CIA, SHIK /?  
19 Albanian National Intelligence Service/ ... and UDB /Yugoslav Secret  
20 Service/ are aware tonight about this meeting ..."

21 So external intelligence services of other countries were aware  
22 that the meeting was planned to take place is what the speaker is  
23 saying. Do you remember that being one of the subjects discussed?

24 A. There had been many meetings at the time. I don't exactly  
25 remember this debate, but I do recall that there were different

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1 discussions taking place.

2 Q. Well, would you agree with me that in the context of this note  
3 where it says the secret services of many countries, like CIA, SHIK,  
4 and the Yugoslav secret service, in that context, SHIK must and can  
5 only mean the Albanian secret service?

6 A. There can be no other meaning and affiliation. It can only be  
7 the Albanian intelligence service.

8 Q. So let's go on to the next page, if we may, 226354. It seems to  
9 be the same speaker:

10 "The rumours and interpretations that there will be a coup  
11 against the KLA tonight are very concerning for all of us.

12 "This has particularly worried the Albanian government, which is  
13 committed now more than ever ... in support of KLA and the people of  
14 Kosovo."

15 And then the words "Reaction of the Albanian government" are  
16 highlighted in yellow in the original.

17 Now pausing there. You remembered that at this meeting people  
18 were talking about it as a coup. You've told us that. We know that  
19 somebody was of the view that a range of foreign intelligence  
20 services were aware that the meeting was due to take place, and that  
21 it could result in a change -- complete change of structure in the  
22 sense that the speaker describes as a coup that very night. Does  
23 that accord with your recollection of that meeting? It was a tense  
24 and decisive moment.

25 A. Yes, I do remember that. But I do as well remember that I spoke

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1 to the prime minister of the time about this issue. Probably you  
2 have the intercepts and you're aware of my talk with him.

3 Q. The prime minister being who at that point?

4 A. Pandeli Majko was the prime minister at the time. Albanian.

5 Q. Yes. So you spoke to him directly. Do you remember what the  
6 conversation was?

7 A. We were talking about this topic. We were talking about these  
8 interventions through the Albanian intelligence service, SHIK. I  
9 believe that you already have a script of the intercepts.

10 Q. I'm not sure that we do as a matter of fact. But it's a helpful  
11 piece of additional evidence. So it was you who was able to pick up  
12 the telephone to the Albanian prime minister. Were you basically  
13 telling him to stop SHIK from getting in the way of the zone  
14 commanders' strategic objectives? Is that the conversation that  
15 you're describing?

16 A. Something like that. I asked him and I told him that he is not  
17 aware of the problems that we have inside us, and I asked him not to  
18 try to exert pressure through his people on our people.

19 Q. Who called whom? You called him or he called you?

20 A. I called him.

21 Q. And were you speaking on your own behalf only or were you  
22 speaking on behalf of all the zone commanders when you made that  
23 request to him?

24 A. I didn't have any authority to talk on behalf of all the zone  
25 commanders. But given the concerns and the issues of concern for us

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1 in Kosovo, it was upon my initiative that I called him.

2 Q. Thank you. And, essentially, you called him -- was it before or  
3 after this meeting? Do you remember?

4 A. I don't remember. But I've spoken about these topics while we  
5 spoke -- I mean, I took it upon myself to call the prime minister of  
6 Albania.

7 Q. We'll look for further material in relation to that. But we  
8 know, because you've told us, what the zone commanders wanted out of  
9 this -- let's call it neutrally a reshuffle. And we know, because  
10 you've just told us, that you called the Albanian prime minister to  
11 try to ensure that the Albanian intelligence service didn't prevent  
12 that. And then I want to just look at how Mr. Haradinaj then  
13 responded in this meeting to these concerns that Albanian  
14 intelligence and others, CIA and so forth, were getting in the way,  
15 because it's between -- it's right at this stage -- in fact, it's the  
16 page before the one that Ms. Lawson took you to in her  
17 re-examination.

18 So if we look at SPOE00226357, we see Mr. Haradinaj apparently  
19 wishing to bring the issue now to a decisive vote -- or, rather, to a  
20 head.

21 "We are an army and we are not interested about the concerns of  
22 foreign governments and the security, even of our motherland."

23 Now, who would he be -- which country would he be referring to  
24 as "our motherland"?

25 A. We only have one motherland, Albania.



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1 Q. And so he observes:

2 "These are manipulations and games."

3 And then at the bottom of the page, he says:

4 "For me commander is Sylejman Selimi."

5 Is that right?

6 A. Yes.

7 Q. And you respond on the following page, 26358, and the passage  
8 that Ms. Lawson took you to, at the bottom:

9 "For me ... he," that is Sylejman Selimi, "is the elected  
10 commander."

11 Correct?

12 A. Correct.

13 Q. And did Sylejman Selimi then come to be appointed as the overall  
14 commander of the KLA above the General Staff?

15 A. Yes.

16 Q. And he was at that time a zone commander of the Drenica zone; is  
17 that correct?

18 A. Yes.

19 Q. So by now at least, there was decisive control of everything by  
20 the zone commanders and their representative. Would you agree?

21 A. Yes.

22 Q. And it was at that point, was it, that the zone commanders  
23 withdrew the authority of the General Staff delegation to continue to  
24 negotiate at Rambouillet?

25 A. Correct.

1 Q. Thank you. Those are my questions.

2 PRESIDING JUDGE SMITH: Thank you.

3 Mr. Roberts.

4 MR. ROBERTS: Thank you, Your Honour.

5 Cross-examination by Mr. Roberts:

6 Q. Good afternoon, Mr. Mustafa. My name is Geoff Roberts, counsel  
7 for Mr. Selimi. I just have a few questions on one very discrete  
8 topic for you in relation to an answer or a couple of answers you  
9 gave to Ms. Lawson this morning in re-examination.

10 MR. ROBERTS: If we could just go to the SPO interview. So  
11 that's Part 2, page 24 in the English, and page 29 in the Albanian.  
12 The ERN is 082894-TR-ET. And if we could just scroll to the bottom  
13 of the page.

14 Q. Mr. Mustafa, you were asked this morning, and I will read out  
15 this passage first:

16 "Q. And Rexhep Selimi, what was his position?

17 "A. We suspected that he might have been the leader. That was  
18 my opinion. But we didn't know exactly. So sometimes we heard he  
19 was the commander in Drenica. This is up until October 1998. And  
20 sometimes it seemed to me that he might have been the general  
21 commander."

22 And I'll just complete the paragraph:

23 "But after October 1998 or in October 1998, he became inspector  
24 of the General Staff. So even positions that themselves claimed to  
25 have, I don't know that they really knew that they had those

1 positions."

2 Can you see that from your SPO interview on the screen?

3 A. Yes.

4 Q. And the question you were asked this morning by Ms. Lawson was:

5 "My question was: Did that accurately reflect the fact that you  
6 thought the overall commander might have been Rexhep Selimi at the  
7 time?

8 "A. These are in general terms my opinions as you read the  
9 entire text."

10 Do you recall that evidence from this morning?

11 A. Yes.

12 Q. Now, just to be clear, Rexhep Selimi never introduced himself to  
13 you as the leader or the overall commander, did he?

14 A. No, he never did, and I never said so.

15 Q. And no other member of the General Staff introduced him as the  
16 overall commander or the leader to you, did they?

17 A. That's correct.

18 Q. You never saw a document during the war which presented him as  
19 the overall commander or leader of the General Staff either, did you?

20 A. Correct.

21 Q. And that's correct ever since -- in the 25 years or 24 years  
22 since the end of the war, you've never seen any document which  
23 purports to name him as the general commander or leader of the  
24 General Staff in 1998 or 1999, have you?

25 A. That's correct.

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1 Q. So you accept now that your impression or your opinion at the  
2 time was wrong, don't you?

3 A. There are a lot of guesses, things we thought to be true during  
4 the war that resulted to not be so after the war. So I expressed  
5 here an impression I had at a specific time.

6 Q. Thank you. And just to complete this question. You also  
7 mentioned in your interview that:

8 "... sometimes we heard he was the commander in Drenica."

9 And similarly, you accept that that was wrong, don't you,  
10 because that was Sylejman Selimi, the zone commander in Drenica?

11 A. Yes, yes.

12 Q. Thank you, Mr. Mustafa. That was all my questions.

13 MR. ROBERTS: Thank you, Your Honours.

14 PRESIDING JUDGE SMITH: Thank you.

15 Anything else by anybody?

16 We'll start with Judge Barthe's questions, and then we'll take a  
17 break for lunch after he's finished and come back and see if anybody  
18 else has any questions.

19 Go ahead.

20 JUDGE BARTHE: Thank you very much, Judge Smith.

21 Questioned by the Trial Panel:

22 JUDGE BARTHE: Good afternoon, Mr. Mustafa. I have a couple of  
23 questions for you. And my first question is the following.

24 Last Friday during your cross-examination by Mr. Misetic for the  
25 Thaci Defence, you said the following, and I'm quoting from last

1 Friday's transcript, page 5717, lines 10 to 18:

2 "Q. And the KLA that you were forming was an entirely volunteer  
3 army; correct?

4 "A. Correct. Even if we wanted -- if we didn't want to  
5 organise, the population -- people themselves would have organised.  
6 But it was important to instruct people, organise, and direct our  
7 steps towards our aim, which was the independence of Kosovo.

8 "Q. But volunteers means that people could come and leave  
9 whenever they pleased; correct?

10 "A. Correct. Certainly."

11 Mr. Mustafa, could you explain what you mean with this? Does it  
12 mean that every KLA soldier was able to leave the battlefield, his  
13 comrades, and go home whenever he wanted?

14 A. We tried, Your Honour, to create order, to tell them that they  
15 cannot do so. However, if one of them wanted to leave, they would  
16 leave and we would not see them again. This -- we also had occasions  
17 when a soldier would leave and come back.

18 JUDGE BARTHE: Just to understand your answer. So does it mean,  
19 for example, if you gave an order to a soldier in your operational  
20 zone, did you expect the order to be obeyed by the soldier, or could  
21 the soldier simply ignore the order and go home if he wanted to?

22 A. It was not so simple to leave. However, the army was voluntary,  
23 and its members can leave and go back to their homes. There would  
24 not be any consequences for them if they did so. We tried to put  
25 order. We tried to have our orders executed and followed. We often

1 achieved this goal.

2 JUDGE BARTHE: Thank you. My next question is the following.  
3 According to last Friday's transcript, page 5719, lines 5 to 7, you  
4 said that you believe that it was rather you who provided logistical  
5 support to the General Staff than the General Staff to you. Do you  
6 remember saying that?

7 A. I said, and I did so. I helped with logistical supplies the  
8 General Staff more -- like shoes, uniforms, vehicles. There were  
9 also two radio communication devices mentioned in the process but  
10 they're unimportant. I contributed and helped the General Staff with  
11 logistical supplies more than the General Staff could help me in the  
12 Llap operative zone.

13 I even organised convoys of wheat after the September offensive  
14 to supply various parts of the country with food. I organised the  
15 delivery and distribution of food supplies to various parts of Kosovo  
16 from Prishtine.

17 JUDGE BARTHE: Mr. Mustafa --

18 A. Flour supplies.

19 JUDGE BARTHE: -- where did you send these convoys to?

20 A. To the regions engulfed in war, Drenica and around. We took  
21 this initiative and organised convoys to deliver flour. These are  
22 known facts, Your Honour.

23 JUDGE BARTHE: To the General Staff; is that right?

24 A. The General Staff also benefitted from these goods or supplies.

25 JUDGE BARTHE: I repeat my question: Did you send these things

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1 to the General Staff? To Drenica, for example?

2 A. I only informed the General Staff about this action I was  
3 undertaking. The amount of these goods was considerable and was  
4 meant for the population in areas where fighting was ongoing.

5 JUDGE BARTHE: Thank you, Mr. Mustafa.

6 Last Friday, you were asked by Mr. Misetić about a document  
7 dated 16 December 1998 and allegedly signed by the chief of the KLA  
8 General Staff Colonel Bislim Zyrapi. I refer to, for the record,  
9 last Friday's transcript, page 5742, line 5, to page 5744, line 9.

10 Madam Court Officer, could you please put Exhibit 1D30 for us on  
11 the screen. This is SPOE00225260 in the Albanian and SPOE00225260-ET  
12 in English. Thank you.

13 Mr. Mustafa, you remember seeing this document on Friday?

14 A. Yes, I know we saw this document.

15 JUDGE BARTHE: The document says under paragraph 1, and I read  
16 it:

17 "The commanders of the Operational Zone must strengthen their  
18 control, engaging other command members, as well as commanders of the  
19 Military Police, to immediately stop the negative phenomena of  
20 maltreatment of individuals or their private property."

21 First of all, Mr. Mustafa, to your knowledge, were there such  
22 phenomena of maltreatment of individuals or private property in your  
23 operational zone or, to your knowledge, elsewhere in Kosovo?

24 A. I don't remember any of this being a phenomenon. There were  
25 certainly isolated cases, which I don't remember now.

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1 JUDGE BARTHE: My next question is, if you can answer that  
2 question, why was it necessary, from your point of view, to prepare  
3 and send such a document to the operational zone commanders?

4 A. I can't comment any further on this, Your Honour. I cannot  
5 think of something in particular that would explain the reason why  
6 right now.

7 JUDGE BARTHE: Thank you. If you look at para 4 of the  
8 document, it says:

9 "The arrest, detention, or imprisonment of individuals without  
10 the order of the brigade commander, or a higher rank, is banned,  
11 except in critical war situations or when there are criminal acts  
12 against members of the KLA, individuals or the civilian authorities."

13 Can you see that?

14 A. Yes.

15 JUDGE BARTHE: My question is what would be such a criminal act,  
16 for example? I'm asking you, Mr. Mustafa, as a former operational  
17 zone commander and as a lawyer.

18 A. The endangering of Kosovo Liberation Army members or the  
19 endangering of the mission of the war in general.

20 JUDGE BARTHE: Would collaboration with the enemy fall under the  
21 term "criminal acts"?

22 A. I wouldn't be able to express myself in a very precise manner,  
23 but I know it is banned.

24 JUDGE BARTHE: By the way, that reminds me. Mr. Mustafa, on  
25 Friday you said in response to a question from Mr. Miletic, and I



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1 think it was also mentioned during the redirect by the SPO today,  
2 that you were aware that under the 1976 Yugoslav Criminal Code  
3 someone could be sentenced to death for collaboration in time of war.  
4 Do you remember saying that on Friday?

5 A. Yes, it is understood with respect to collaborators with enemy  
6 forces. It's a provision in the criminal code.

7 JUDGE BARTHE: For the record, the reference is in last Friday's  
8 transcript, page 5727, lines 22 to 25.

9 Mr. Mustafa, could you please clarify what you meant with this?  
10 I assume that you were not suggesting that the KLA actually applied  
11 the 1976 Yugoslav criminal code in 1998, 1999; right?

12 A. At the time, we -- I personally and my staff members never  
13 mentioned this code. We had no reason to use it or make a reference  
14 to it. However, we knew the law and the international law, and based  
15 on these provisions, we decided to detain every individual who would  
16 get in our way to impede or obstruct our mission, our military  
17 mission.

18 JUDGE BARTHE: Thank you. And, Mr. Mustafa, if you could look  
19 at paragraph 6 of the document, which reads, in the English:

20 "Those who commit these criminal acts or abuse the military  
21 discipline should face immediate consequences, isolation, disarming  
22 and prosecution by the KLA military court."

23 Can you see that?

24 A. Yes.

25 JUDGE BARTHE: My question is are you aware, Mr. Mustafa, of any

1 such consequences, that is, isolation, disarming, or prosecution by a  
2 KLA military court? I believe that you already mentioned during your  
3 examination by the Prosecution last week two or three occasions where  
4 soldiers were shooting a weapon or where there was a brawl amongst  
5 soldiers under your command; is that right?

6 A. Yes. But there was no military court to take them to because  
7 there were no functional military court.

8 JUDGE BARTHE: For the record, this was from transcript of  
9 12 July 2023, page 5541, lines 18 to 19.

10 Mr. Mustafa, my next question is were there other cases, for  
11 example, that a soldier of the KLA was isolated, disarmed, or  
12 prosecuted because he mistreated a detained person? Can you remember  
13 that?

14 A. No, I can't remember.

15 JUDGE BARTHE: Last Friday, Mr. Mustafa, you also said, I think  
16 it was during cross-examination by the Veseli Defence, and I quote:

17 "In a regular army, orders are to be complied with. However,  
18 even orders, when they reached us at the time, were interpreted as  
19 recommendations by us. We believe that we knew the situation on the  
20 ground better than the General Staff."

21 This is from last Friday's transcript, page 5767, lines 2 to 5.

22 My question is what situation do you mean here? Do you mean the  
23 military situation on the ground?

24 A. Yes, the military situation in general, the war environment.

25 JUDGE BARTHE: Thank you. And you further state, Mr. Mustafa,

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1 on Friday - and I refer to last Friday's transcript, page 5769, lines  
2 1 to 3 - I quote:

3 "... the war ended before the General Staff was able to acquire  
4 the status of a respected hierarchy that would be able to issue  
5 orders to its commanders."

6 Can you explain what you mean or what you meant with this? Do  
7 you mean orders concerning specific military matters or operations or  
8 concerning all possible matters?

9 A. All possible aspects possible. The highest level of the KLA of  
10 the General Staff would -- did not -- never became functional up till  
11 the end of the war. It never achieved that level of organisation  
12 that we hoped for and we were waiting for.

13 JUDGE BARTHE: Thank you. According to last Friday's  
14 transcript, page 5745, lines 7 to 9, Mr. Mustafa, you told us, in  
15 response to a question from Mr. Misetic, that in 1998 there was a  
16 draft of a constitution that never came into force which was called  
17 the Constitution of Kacanik. Can you remember that?

18 A. Yes, Your Honour.

19 JUDGE BARTHE: Can you please tell us more about this draft?  
20 For example, who prepared it, when, and where it was prepared, and  
21 why it did not come into force?

22 A. After the MPs left the Kosovo institutions, the Kosovo assembly,  
23 which was not recognised by former Yugoslavia, prepared -- drafted a  
24 constitution in 1990 which was named the Constitution of Kacanik.  
25 The preamble of this constitution is brief and clear. However, the

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1 Albanian people never managed to implement this.

2 JUDGE BARTHE: And can you remember who prepared the draft?

3 A. A parliamentary commission of the Kosovo government at that  
4 time -- of the Kosovo assembly at that time.

5 JUDGE BARTHE: Thank you.

6 [Trial Panel confers]

7 PRESIDING JUDGE SMITH: All right. We'll break at this time for  
8 lunch. Please be back at 2.30.

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

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: Just so everyone knows, Judge Barthe  
12 still has a few more questions. We'll take those up first and then  
13 see who else has questions for us.

14 We'll see you at 2.30.

15 --- Luncheon recess taken at 12.53 p.m.

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

17 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
18 in.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: You can be seated.

21 Witness, we continue with the examination by Judge Barthe, and  
22 then some of the other Judges may have questions. You're getting  
23 close to the end. We appreciate your patience and attention.  
24 Possibly you'll be finished today. We'll see.

25 So we'll begin.

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1 Judge Barthe.

2 JUDGE BARTHE: Thank you, Judge Smith.

3 Again, good afternoon, Mr. Mustafa. Can you hear me?

4 A. Yes.

5 JUDGE BARTHE: Good. Now, I have a few questions in relation to  
6 two individuals; namely, Nuredin Ibishi and Latif Gashi. If I am not  
7 mistaken, you told us last week that Nuredin Ibishi, nicknamed Leka,  
8 was chief of staff in your operational zone, that it was your  
9 ultimate decision to appoint him, and that he reported --  
10 Nuredin Ibishi reported to you.

11 I refer to the transcript of 11 July 2023, pages 5484 to 5485.

12 Is that correct?

13 A. Yes.

14 JUDGE BARTHE: Mr. Mustafa, according to your testimony, on the  
15 same day, that is 11 July, he, that is, Nuredin Ibishi, was initially  
16 the commander of Brigade 152, and then Arif Muqolli, in October or  
17 November 1998, succeeded him.

18 That's from transcript of 11 July 2023, page 5500, lines 5 to  
19 13.

20 However, on Friday, during your cross-examination by Mr. Misetic  
21 for the Thaci Defence, you confirmed, in relation to a document,  
22 Exhibit P00181, at SPOE00226671, that Leka, or Mr. Ibishi, was the  
23 chief of staff and also commander of Brigade 151 at the time.

24 So my question is what is correct? Was Nuredin Ibishi commander  
25 of Brigade 151 or of Brigade 152?

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1 A. 152. This is what I've said all the time.

2 JUDGE BARTHE: Unfortunately, Mr. Mustafa, this is not what you  
3 said all the time, at least not in this trial, not here in this  
4 courtroom. As I said, you confirmed, upon questioning by Mr. Misetic  
5 for the Thaci Defence, that Leka or Mr. Ibishi was commander of  
6 Brigade 151. So are you sure that he was commander of Brigade 152?  
7 And if so, who was commander of Brigade 151?

8 A. The commander of Brigade 151 was Idriz Shabani, by the nickname  
9 of Luta. The commander of Brigade 152 was Leka, Nuredin Ibishi, up  
10 until Arif Muqolli, known by the nickname of Profa, replaced him. I  
11 apologise for any mistake.

12 JUDGE BARTHE: Thank you. And my next question is, Mr. Mustafa,  
13 can you recall when Mr. Ibishi became commander of Brigade 152 and  
14 when did he become your chief of staff, if you know?

15 A. The time may change, but he played the role of the brigade  
16 commander from July or August 1998. Whereas sometimes in October, or  
17 probably even later than that period of time, he became the chief of  
18 staff for the operational zone.

19 JUDGE BARTHE: Thank you. And as to Mr. Latif Gashi, nicknamed  
20 Lata, you told us that he was the head of the intelligence service in  
21 your operational zone; is that correct?

22 A. Yes, that's correct.

23 JUDGE BARTHE: And you also said that you were the one who  
24 appointed him; right? Latif Gashi.

25 A. Yes, Your Honour.

1 JUDGE BARTHE: When did you appoint him?

2 A. Mr. Latif Gashi and the soldiers that were friends with me, they  
3 were appointed earlier in time. So probably I asked Mr. Latif Gashi  
4 to fulfil these tasks in June 1998. Namely, I asked him to take care  
5 of the units, of the armament issues, as well as to take care of the  
6 people that were with us at that time.

7 JUDGE BARTHE: And when did you appoint him, Mr. Latif Gashi, as  
8 head of the intelligence service in your operational zone? When was  
9 that?

10 A. The appointment happened after the reorganisation. Probably a  
11 little bit before the September offensive. So after the other  
12 superiors who were appointed, such as, for instance, Nuredin Ibishi,  
13 Kadri Kastrati, and many other superiors that were appointed in the  
14 zone. So that was when I reconfirmed him in office.

15 JUDGE BARTHE: Thank you. And after Mr. Latif Gashi became the  
16 head of intelligence service, what exactly was he doing? What were  
17 his tasks and his responsibilities as the head of the intelligence  
18 service in your zone?

19 A. His tasks and responsibilities were related to taking care of  
20 the units in the zone as well as collect information through our  
21 units, our activists, our soldiers. He was responsible to collect  
22 every information that was of some use to us.

23 JUDGE BARTHE: Was he also involved in gathering information  
24 about possible collaborators?

25 A. Your Honour, those types of informations would come from the

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1 units in the ground, from the people that we had in every village.  
2 Every village in our region was covered. Therefore, those people in  
3 the region or in the villages were responsible for reporting, up  
4 until the staff of the zone.

5 JUDGE BARTHE: Does that mean Mr. Gashi was not involved in  
6 gathering information about possible collaborators?

7 A. No, he was aware of that.

8 JUDGE BARTHE: Maybe it's a matter of translation, but I have to  
9 repeat my question. Was he involved or was he not involved in  
10 gathering information about possible collaborators?

11 A. Yes, he was involved. He was a member of the command of the  
12 zone, and that is something that all of us asked for.

13 JUDGE BARTHE: Okay. Thank you. Mr. Mustafa, where was  
14 Mr. Gashi or the intelligence sector based from October 1998 until  
15 the end of March 1999?

16 A. They didn't have a special location.

17 JUDGE BARTHE: Was the intelligence sector based in Llapashtice  
18 where you were based from October 1998, if I remember correctly?

19 A. Yes, yes, there. His assistant Hyzri Talla was with me. He  
20 stayed with me. He was accommodated at the same place. Where I was  
21 staying, he was as well staying.

22 JUDGE BARTHE: And where was the military police in your  
23 operational zone located or based?

24 A. It was always located near to myself. As the Prosecutor or the  
25 Defence counsels already highlighted it, they were located about



1 200 metres away from where I was staying.

2 JUDGE BARTHE: And what was the relationship between the  
3 military police and the intelligence sector in your operational zone?

4 A. There was no specific relation. Mr. Gashi was a soldier. He  
5 was a warrior. Everyone knows him. And he mostly was keen to be in  
6 the front line, and he has been very much on the move. He was as  
7 well engaged in logistics and in general works of the KLA.

8 JUDGE BARTHE: During the time period from October 1998 until  
9 the end of March 1999, was the military police part of the  
10 intelligence service?

11 A. No, Your Honour. They were the military police. They were a  
12 sector of the operational zone.

13 JUDGE BARTHE: And, Mr. Mustafa, what was the relationship  
14 between Latif Gashi and Nazif Mehmeti? Was one of the two superior  
15 to the other or were they on the same level?

16 A. Latif Gashi was a member of the command. He was equal to other  
17 members of the command. Whereas Nazif Mehmeti was a representative  
18 of the police of the operational zone of Llap.

19 JUDGE BARTHE: So, in other words, Latif Gashi was superior to  
20 Mr. Mehmeti? Is that what you said?

21 A. No, I'm not saying that. But in terms of ranks, he was higher  
22 up in the ranks.

23 JUDGE BARTHE: Mr. Gashi, right?

24 A. Yes.

25 JUDGE BARTHE: And I assume that Mr. Gashi, as head of the

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1 intelligence service of the Llap operational zone, reported to you;  
2 is that correct?

3 A. Yes, Your Honour. That was the case.

4 JUDGE BARTHE: And could it be that Mr. Gashi also reported  
5 directly to the KLA General Staff or to individual members of the KLA  
6 General Staff?

7 MR. EMMERSON: I apologise, and it may just simply be a question  
8 of wording, but "could it be," anything could be. The question  
9 really should be "did it," "did it happen."

10 JUDGE BARTHE: Thank you very much. I repeat my question.  
11 Could it be that he also reported, Mr. Gashi, directly to the KLA  
12 General Staff or individual members of the KLA General Staff, or can  
13 you rule that out?

14 A. I have never been aware of the fact that Latif Gashi ever  
15 reported to anyone beyond the zone that I headed.

16 JUDGE BARTHE: So you cannot rule that out. Is that what you're  
17 saying?

18 A. I have never heard that Mr. Gashi reported to any of the members  
19 of the General Staff or to the General Staff itself.

20 JUDGE BARTHE: Okay. Thank you very much. I have no further  
21 questions.

22 PRESIDING JUDGE SMITH: All right.

23 Judge Mettraux.

24 JUDGE METTRAUX: Thank you, Judge Smith.

25 And good afternoon, Mr. Mustafa. I have quite a few questions

1 for you, and I will go through some of the evidence that you've  
2 already given just with a view to ensure that I have a correct  
3 understanding of how your zone functioned at the relevant time.

4 Now, do I understand correctly that Mr. Kadri Kastrati was your  
5 deputy within the zone; is that correct?

6 A. Correct.

7 JUDGE METTRAUX: And as you've just told Judge Barthe,  
8 Nazif Mehmeti acted as the head of the military police for the zone;  
9 correct?

10 A. Correct.

11 JUDGE METTRAUX: And Latif Gashi was the head of the  
12 intelligence sector, again, for your zone?

13 A. Yes.

14 JUDGE METTRAUX: And until his death, we'll come to that in a  
15 moment, Hyzri Talla was Latif Gashi's deputy; is that right?

16 A. I can't say he was his deputy, but they were very close to one  
17 another. They worked together. I can say like that. Hyzri Talla,  
18 like I said before, was planned to be a very important person in the  
19 zone.

20 JUDGE METTRAUX: But is it fair to say that he acted as a  
21 subordinate of Latif Gashi until his death in late 1998?

22 A. We can put it like that.

23 JUDGE METTRAUX: And I have a document here that suggests  
24 Mr. Talla would have died on 4 December 1998. Is that consistent  
25 with your own memory of these events?

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1 A. Yes.

2 JUDGE METTRAUX: And a week later, I think it's on 11 December,  
3 you issued a press release to report on this death. It's  
4 Exhibit P51. Do you recall that document?

5 A. I recall that I have issued a document about that event, but I  
6 have forgotten about it now. If I see it, I can confirm it.

7 JUDGE METTRAUX: I don't think it's necessary. But do you  
8 recall pointing out that he had made an important contribution to  
9 your zone while alive? Do you recall saying that?

10 A. Yes. Yes, I have said that all the time.

11 JUDGE METTRAUX: And just to be clear, other than his being of  
12 some assistance to Mr. Gashi within the intelligence sector, was  
13 Mr. Talla ever appointed to another position within the sector?

14 A. No, Your Honour.

15 JUDGE METTRAUX: And I want a clarification on the role of  
16 Fatmir Humolli because I understand he's had two different functions.  
17 And I'll tell you what I understand your evidence to be, and please  
18 correct me if that's incorrect.

19 Fatmir Humolli was assistant commander for morale from June 1998  
20 to October 1998, and then commander of the civil administration from  
21 October 1998 onwards; is that correct?

22 A. That's correct. I was confused while I was talking with the  
23 Prosecutor about Vallon Murati and Fatmir Humolli.

24 JUDGE METTRAUX: No worries. And I want to be clear also about  
25 what I understand you to say, and, again, correct me if the

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1 proposition is incorrect, but I understand you to say that you  
2 trusted these subordinates I've just named and listed, and you gave  
3 them quite a bit of leeway in the exercise of their own functions and  
4 responsibilities. Is that a correct understanding of your evidence?

5 A. Yes. Yes, Your Honour.

6 JUDGE METTRAUX: And you explained to us that you created a  
7 number of sectors within the zone, and I won't come back on all of  
8 them. It's on 11 July, page 5485 onwards. You created these various  
9 sectors, logistics, intelligence, morale, and so on and so forth. Is  
10 it right that when you created these sectors you'd appoint someone to  
11 head that sector? Is that a correct understanding?

12 A. Yes, that's correct. And that's what I said.

13 JUDGE METTRAUX: Maybe I'm asking the obvious, but there  
14 wouldn't be a sector without a head of that sector. Is that a  
15 correct understanding?

16 A. That's correct.

17 JUDGE METTRAUX: And those sectors were reporting both to you  
18 and your chief of staff, Mr. Ibishi; is that right?

19 A. Yes.

20 JUDGE METTRAUX: And for a more geographical question, is it a  
21 correct understanding that Podujeve was coming within the  
22 geographical scope of responsibility of your zone?

23 A. Yes.

24 JUDGE METTRAUX: Now, I want to go back to Mr. Mehmeti,  
25 Nazif Mehmeti - you answered a few questions from my colleague,

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1 Judge Barthe - the head of your military police.

2 On Tuesday last week, that's 11 July 2023, at page 107 of the  
3 provisional transcript, you were asked who Nazif Mehmeti reported to  
4 by the SPO, and you mention that he reported to your chief of staff,  
5 to your deputy, and to yourself. Do you recall saying that?

6 A. Yes.

7 JUDGE METTRAUX: And following on what Judge Barthe just asked  
8 you, is it also correct to suggest that Mr. Mehmeti, during that  
9 time, was subordinated to and received orders and would be reporting  
10 to Mr. Latif Gashi; is that right?

11 A. This is not clear to me.

12 JUDGE METTRAUX: I can make it very clear to you. There's a  
13 statement -- or statements, I should say, given by Mr. Mehmeti. I'll  
14 read one of them.

15 It's SITF0069032. It's a statement he gave on 28 January 2002.  
16 And he said this. He was being asked about his relationship with  
17 Mr. Latif Gashi, and he says this:

18 "According to my hierarchy, I was accountable to the head of  
19 SHIK, Latif Gashi. His nickname was Lata."

20 And then there's exchanges, and he says:

21 "Who could give you orders, if you can state names?"

22 That's the question. And his answer is:

23 "Commander Lata and Commander Remi, the commander of the Llap  
24 zone."

25 So is that account of Mr. Mehmeti, his understanding that he was

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1 accountable to the head of SHIK, Mr. Latif Gashi, and that he was  
2 receiving orders from him, consistent with yours?

3 A. I believe that it was clear to Mr. Nazif as well that his task  
4 was to report to the zone staff; that is, to the zone staff that was  
5 chaired by myself. I don't wish to comment his statement in front of  
6 the Panel.

7 JUDGE METTRAUX: Well, I'm simply asking you whether your  
8 understanding is different from his. I can read another statement he  
9 made, this time to the SPO. He said, and I quote:

10 "Latif Gashi was one of my superiors."

11 Is your understanding different from Mr. Mehmeti's himself, that  
12 Mr. Gashi was, in fact, one of his superiors at the time?

13 A. Your Honour, the usual way in how sectors report was that they  
14 were supposed to report to the chief of staff, to my deputy, and to  
15 myself. I don't know what Mr. Mehmeti wanted to say by that  
16 statement of his. Whereas the members of the command, they were  
17 higher up in the hierarchy, in the ranking, and they were, of course,  
18 higher up than Mr. Mehmeti.

19 JUDGE METTRAUX: So let me ask you this: When he says that he  
20 received orders from Lata, Latif Gashi, it's not something you're  
21 aware of? He was receiving orders from Latif Gashi, and you are not  
22 aware that he did. Do I understand that correctly?

23 A. No. I've never known this. It's fair to say that.

24 JUDGE METTRAUX: And Latif Gashi was a subordinate of yours;  
25 correct?

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1 A. Yes.

2 JUDGE METTRAUX: And the setting up of a military police unit  
3 within your operational zone was, in effect, the implementation of  
4 instructions that you had received to that effect from the  
5 General Staff. Is that a fair proposition?

6 A. It can be fair. It can be called that way. Although, we had  
7 already started to consolidate the military police in the zone before  
8 we got that suggestion from the staff.

9 JUDGE METTRAUX: But just to be clear, you got an instruction  
10 from the General Staff to establish a military police unit and  
11 proceeded to do so and to complete that set up; correct?

12 A. Yes.

13 JUDGE METTRAUX: Now I want to ask you about something else you  
14 were asked already about, and that's the time of the appointment of  
15 Mr. Latif Gashi as the head of your intelligence sector. And I think  
16 you expressed last week, Tuesday, that you could not remember the  
17 exact date, and I will try to see if we can work out, get closer to  
18 that date together.

19 The first thing I want to ask you is whether that's correct that  
20 before Mr. Gashi was appointed to be the head of the intelligence  
21 sector in your zone, whether anyone else had held that position or  
22 whether Mr. Gashi was the first to hold that position?

23 A. No, Your Honour. Up until the moment in time when we are  
24 talking about, we simply were friends. We tried to take care of all  
25 the tasks. And in that group of friends, I had more the leadership



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1 initiative, and I took upon myself the position of the commander.  
2 This is how it went. This is how it was established, and this is the  
3 way in how we were organised within ourselves.

4 It's interesting to see the developments from our organisation  
5 up to the establishment of the General Staff and the developments  
6 after the war.

7 JUDGE METTRAUX: With respect, sir, I wasn't asking about you.  
8 I was asking about Mr. Gashi, Latif Gashi. Now, I've a statement  
9 from your head of morale, Mr. Humolli, who says, and I quote, that:

10 "Latif Gashi was the one in charge of that role, head of  
11 intelligence, since the formation, since the birth of the Llap  
12 operational zone."

13 Is that correct? In other words, at all relevant times  
14 Mr. Gashi had that position. There was no one before him to hold it.  
15 Is that a correct statement?

16 A. Yes, Your Honour. And I stated this earlier on, that even  
17 before the confirmation decision, he had this role, played this role  
18 upon an authorisation from his comrades, myself.

19 JUDGE METTRAUX: I want to ask you now about a specific case.  
20 We're going to come back to it a couple of times, and that's  
21 something you were asked about last week on Wednesday, 12 July, and  
22 it's the release of Mr. Milovan Stankovic. Do you remember  
23 discussing this?

24 A. Yes.

25 JUDGE METTRAUX: And I think you told this Panel that he was

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1 arrested on the assumption that he had been acting on behalf of the  
2 Serbian security services. Is that a correct understanding?

3 A. No, Your Honour. He was wearing a Serbian uniform, carrying an  
4 officially issued weapon, Serbian weapon, and bumped into my  
5 soldiers' position and was, as a result, apprehended.

6 JUDGE METTRAUX: So just to be clear, he was being arrested  
7 because of this uniform and holding a gun and not because of  
8 suspicions of association with the Serbian security? Do I get that  
9 right?

10 A. Our soldiers did not recognise him at all when they met him.  
11 They treated him as any ordinary person wearing a uniform and  
12 carrying a weapon. As a result of which, they certainly arrested him  
13 and brought him to the military police premises. It was later on  
14 found out that he was a forest ranger, as he himself indicated. We  
15 also knew that he was an employee of the public Serbian security, and  
16 we suspected that in his capacity as a forest ranger he might have  
17 additional assignments or tasks.

18 JUDGE METTRAUX: I see. Can we please see Exhibit P167. It's  
19 ERN U001-0504-U001-0504-ET and the same in the Albanian.

20 Sir, I want to see a couple of things on this document with you,  
21 but first let me ask you that: Am I right to think that you are  
22 familiar with that document?

23 A. I am not. I don't know this document.

24 JUDGE METTRAUX: Well, may I suggest that you saw it, for  
25 example, during your trial in Kosovo. Do you recall seeing that

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1 document during your trial?

2 A. I don't remember it, Your Honour.

3 JUDGE METTRAUX: Do you recall maybe discussing it during the  
4 SPO interview?

5 A. If you permit me to read it, it might help me to remember.

6 JUDGE METTRAUX: Yes. Please take your time, sir, and tell me  
7 when you've reached the end of the document.

8 A. I am unable to remember this document, Your Honour.

9 JUDGE METTRAUX: Okay. I'll ask you a few questions on it.

10 First, can we go to the bottom of the page, and can you look at  
11 the signature on the right-hand side in the Albanian. Do you  
12 recognise that signature, sir?

13 A. No, I don't. And this is the reason why I indicated that I'm  
14 unable to recognise the document.

15 JUDGE METTRAUX: And the document says that the investigation  
16 into the allegations against Mr. Stankovic were conducted by the  
17 secret intelligence service of your operational zone. Do you see  
18 that?

19 A. Yes, I read the document as a whole.

20 JUDGE METTRAUX: And that suggests, doesn't it, that the sector  
21 was already operational at that time; is that right?

22 A. I don't believe we can speak of a functional thing at that time  
23 we're referring to.

24 JUDGE METTRAUX: Well, functional enough to investigate the case  
25 of Mr. Stankovic; yes?

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1 A. Your Honour, the entire conversation with Mr. Stankovic was of  
2 an administrative nature. There was no investigation. He was not  
3 being investigated. He was uniformed, he had a distinctive enemy  
4 sign, and we had nothing else to investigate further with him.

5 JUDGE METTRAUX: And if the signature on that document is not  
6 yours, sir, can you tell us who would have had the authority to  
7 release Mr. Stankovic?

8 A. I believe I released Mr. Stankovic, but I did not draft this  
9 type of document, though.

10 JUDGE METTRAUX: Are you sure that you did release Mr. Stankovic  
11 or is it an assumption, sir?

12 A. Either I was told that he was released. However, this was not  
13 that important to me so that I would remember it exactly.

14 JUDGE METTRAUX: I'll come back to it in a moment, sir. But is  
15 it also possible that he was released by the security intelligence  
16 sector?

17 A. No, not without being authorised by the staff of the zone,  
18 Your Honour. Nobody could do so.

19 JUDGE METTRAUX: Okay. Then we'll come back to that in a  
20 second.

21 Now, do you recall being asked by the SPO about a visit of  
22 members of the General Staff on or around 17 or 18 August 1998 and  
23 being shown an excerpt of a book about that visit? Do you recall  
24 that?

25 A. I remember discussing this matter, yes.

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1 JUDGE METTRAUX: And do you recall that as part -- and, if  
2 necessary, we'll go to the book. But do you recall that as part of  
3 your delegation, the delegation from your zone, Mr. Talla and  
4 Mr. Gashi, Latif Gashi, were members of your delegation during that  
5 meeting? Do you recall?

6 A. I do recall, Your Honour. Yes.

7 JUDGE METTRAUX: And may I take it that they were there during  
8 that meeting in mid-August 1998 in their respective capacity as head  
9 of the intelligence sector and as, I won't use the word "deputy," but  
10 as subordinate to Mr. Gashi? Would that be correct?

11 A. This is how it should be since we said that they were there.

12 JUDGE METTRAUX: And I want to ask you about something you've  
13 again discussed a little bit with Judge Barthe a moment ago. That's  
14 the process of identifying so-called collaborators. And at this  
15 stage, I will stick to the zone level. So I'm going to put to you a  
16 number of propositions as to how this was being done, and you tell me  
17 whether you agree or not. And maybe it's helpful to you that it  
18 comes from a statement given by your head of morale, Mr. Humolli.

19 He says this. And, again, I'll just ask you to say whether  
20 that's consistent with your own views. He says:

21 "It was the responsibility of any or all members of the KLA to  
22 identify those who could be collaborators."

23 Do you agree with that general proposition?

24 A. Yes.

25 JUDGE METTRAUX: And he suggests that as a second step, the KLA

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1 member who would come in possession of such information would then  
2 pass it on to his superior. Again, is that consistent with your  
3 understanding?

4 A. Yes, this was the normal way of doing things.

5 JUDGE METTRAUX: And then he explains that this information  
6 would then be passed on to the military police and to the  
7 intelligence sector. Is that, again, consistent with your view and  
8 understanding?

9 A. I only know that the intelligence service could never get  
10 consolidated following the killing of Hyzri Talla.

11 JUDGE METTRAUX: Yes, I understand that, but I'm not asking  
12 about this. I'm asking whether once the information has gone to,  
13 let's say, an officer, that the information is then passed on to the  
14 military police and the intelligence sector so that they can perform  
15 their own functions. Would that be correct?

16 A. I don't know to whom they would have reported with respect to  
17 the intelligence sector because it was not functional.

18 JUDGE METTRAUX: Well, I'll come to that in a moment, sir, but  
19 at this stage I'm one level below. What I'm trying to understand is  
20 once an officer of the KLA, someone who is more than a foot soldier,  
21 receives from a foot soldier information about a suspected  
22 collaborator, is it a fair proposition, as Mr. Humolli said in his  
23 interview, that the information is passed on to the military police  
24 and the intelligence sectors; yes?

25 A. Yes. However, we did not have a consolidated intelligence

1 sector. Such information would usually end up at the hands of the  
2 brigade commander. If the matter was of a greater importance, then  
3 it would be passed on to the staff and to me.

4 JUDGE METTRAUX: And I'll come back to that in a second. But  
5 anywhere else, sir, if it was something of great importance, other  
6 than the staff and yourself?

7 A. It would end with us because there was nowhere else it would go  
8 to.

9 JUDGE METTRAUX: Okay. I'll come back to that then in a minute.  
10 But I want to ask you about that scenario. Let's say there's  
11 suspicion about an individual and the order is given that this person  
12 should be detained. Now, I understood you to say that any member of  
13 the zone command could give an order to arrest a suspected  
14 collaborator. Is that a correct understanding?

15 A. Yes.

16 JUDGE METTRAUX: And, again, correct me if my understanding is  
17 incorrect, but I understand your evidence to be that there was a  
18 general order to arrest suspected collaborators that had come from  
19 the General Staff. Do I get that right?

20 A. There was an order from the General Staff, but this was not a  
21 very sensitive matter. I'm reiterating. We've grown tired about  
22 talking about this matter after the war. But this is highly  
23 exaggerated, and it was absolutely not a priority for us.

24 However, things that happened happened. People who were  
25 detained were indeed detained, but it was not of proportions as we're

1 speaking about it now. A lot of what is said in respect of this  
2 matter are rumours and guesses.

3 JUDGE METTRAUX: I understand from your evidence you consider it  
4 not to be a priority, but you, nevertheless, went about implementing  
5 that order; correct?

6 A. Yes. But we did not talk about this matter every day because  
7 they were not daily occurrences. These were rare events, and they  
8 were not much talked about within our bodies or entities.

9 JUDGE METTRAUX: And one of the things the General Staff asked  
10 you to do was to set up detention facilities for these individuals;  
11 is that correct?

12 A. We had the detention house already before the order or  
13 instruction or recommendation, as you wish to call it.

14 JUDGE METTRAUX: But when the order/directive, whatever we want  
15 to call it, when it came in to you, the general headquarters asked  
16 you to set up detention facilities for collaborators; correct?

17 A. Yes. But we already had those premises set up.

18 JUDGE METTRAUX: And they also asked you, if I understand  
19 correctly, to find suitable places for these detention facilities; is  
20 that correct?

21 A. The instruction, the recommendation we read contained this  
22 information.

23 JUDGE METTRAUX: And you and your staff went about finding these  
24 suitable places for such places when that did not already exist; is  
25 that right?



1 A. This location existed, Your Honour.

2 JUDGE METTRAUX: So there was no need to find a new one. Is  
3 that your evidence?

4 A. Correct. We already had it.

5 JUDGE METTRAUX: And in these general directives or instructions  
6 they gave you, they also gave you general instructions about how to  
7 run these facilities. Do I get that right?

8 A. The recommendations were those that we read. There were no  
9 other ones.

10 JUDGE METTRAUX: And I'm using your words, sir. But the  
11 General Staff provided general instruction about how these detention  
12 facilities should be run; yes or no?

13 A. Yes, we read them today here.

14 JUDGE METTRAUX: I want to ask you now, then, about the process  
15 of release of detainees, how it came about, and who had the authority  
16 to do so. And last week you said that among those that had that  
17 authority were yourself and your staff. Do you recall saying that?

18 A. Yes.

19 JUDGE METTRAUX: And you were shown a number of decisions and --  
20 individual decisions and amnesties whereby you exercised that  
21 authority to release detainees. Do you recall?

22 A. Yes.

23 JUDGE METTRAUX: Now, I have a general question, and we'll go to  
24 the documents in a second, but can you tell us what, in your  
25 recollection, was the basis on which you considered that you had the

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1 authority to release these detainees who were detained within your  
2 zone of operation?

3 A. When the danger of them exposing our mission or military mission  
4 ceased to exist. When these individuals would not pose a threat any  
5 longer.

6 JUDGE METTRAUX: Maybe my question should be have been more  
7 precise, and it's my fault. But I was not asking about the  
8 circumstances that enabled you to make these decisions. I'm  
9 speaking, if you wish, to the lawyer in you, Mr. Mustafa. What was  
10 the basis that you thought gave you the authority to release these  
11 individuals in the circumstances you've described?

12 A. We used the same basis on which we would detain people to  
13 release them. As soon as my officers and myself thought or  
14 considered that they did not pose any threat any longer, we would  
15 release them. So these would be general reasons, Your Honour.

16 JUDGE METTRAUX: So let's perhaps make it simpler for ourselves.  
17 If we can see Exhibit P169. ET for the English.

18 If we can scroll down a little bit to the bottom of the Albanian  
19 version, please. Thank you.

20 First, can you tell us who is the commander whose signature  
21 appears there?

22 A. The one of the military police unit.

23 JUDGE METTRAUX: And can you state the name of that individual?

24 A. Nazif Mehmeti.

25 JUDGE METTRAUX: And if we can go back up the document in both

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1 languages, please. Thank you.

2 Now, can you focus on the first paragraph in that document. The  
3 one before the word "Decision," "Vendim." Can you see that one?

4 A. Yes.

5 JUDGE METTRAUX: And can you read aloud what the basis is for  
6 that decision?

7 A. "Based on the Kosovo Liberation Army internal Rules and  
8 Regulations, GS communiqués, Civilian Administration Rules and  
9 Regulations, as well as based on KLA Llapi Operational Zone Commander  
10 Amnesty decision [is issued]."

11 JUDGE METTRAUX: So that would be the basis, do I understand  
12 correctly, on which Mr. Mehmeti decided to release the individual who  
13 is mentioned in that document; correct?

14 A. As I said the other day, Mr. Mehmeti, when he issued documents,  
15 he wanted to be seen as an official person, and this is how he  
16 presented and drafted documents. I don't have any further comments  
17 on this. Whenever I found myself in front of such decisions, I never  
18 -- or issued such decisions, I never referred to any KLA internal  
19 rules and regulations or communiqués or civilian administration rules  
20 and regulations. I would just invoke based on the KLA rules.

21 JUDGE METTRAUX: Well, we'll come to yours in a second. But is  
22 that a fair suggestion, that Mr. Mehmeti considers he can release  
23 these particular individuals based on communiqués of the  
24 General Staff and regulations of the General Staff as well as an  
25 amnesty that you, sir, issued; yes?

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1 A. Your Honour, the issue was not to release them. We were happy  
2 for that moment to come when we would release them, because we were  
3 engaged in other matters. As soon as we received information that a  
4 particular individual would not -- did not present any threat for the  
5 environment, we would release them. When Mr. Mehmeti drafted a  
6 document, he had to write something on it, and I'm not able now to  
7 indicate what he was thinking and what he meant with this.

8 JUDGE METTRAUX: All right. Then let's look at the next  
9 document. That's Exhibit P225.

10 And that, I think you saw it already last week on 12 July,  
11 that's an amnesty which you said you signed. Correct?

12 A. Correct.

13 JUDGE METTRAUX: And if we can look, you'll see that under  
14 number 2, maybe -- can you see the name that is there? It's the same  
15 name as in the previous document we saw, the one that Mr. Mehmeti  
16 was, in fact, implementing. Do you recall that?

17 A. Yes, I do.

18 JUDGE METTRAUX: And you recall that as one of the basis on  
19 which he thought he had the authority to release that person was this  
20 amnesty. Do you recall that?

21 A. Yes, Your Honour.

22 JUDGE METTRAUX: And if we can go to the first paragraph of your  
23 decision before the word "Amnesty," it says the following about the  
24 basis on which you relied to issue that amnesty. It says that:

25 "Based on KLA rules and regulations, GS communiqués, Civilian

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1 Administration Rules and Regulations, as well as based on KLA ZOLL  
2 Commander decision no. 001, for the following persons ..." and so on.

3 So you, too, sir, were, in fact, relying on the same basis and  
4 authorities to decide to amnesty detainees; is that right?

5 A. My staff drafted it as we read it, and I had no reason to not  
6 sign it. I signed it. I don't have any further comments just like I  
7 didn't have any one with respect to the previous one regarding Nazif.

8 JUDGE METTRAUX: But with respect, sir, as a careful and  
9 dedicated commander, you read the decisions and the order you issued  
10 before signing them; right?

11 A. We wanted to get rid of these persons as soon as possible, and  
12 we were happy that they were being released and leaving the location.  
13 Naturally, my administration, my staff tried or attempted to prepare  
14 a document that was orderly.

15 JUDGE METTRAUX: But my question was: You read or you read  
16 decisions and orders, amnesties, before you signed them; right?

17 A. I might have read it. However, I trusted my staff, and it was  
18 not indispensable for me to read it.

19 JUDGE METTRAUX: Okay. Can we then see, perhaps, Exhibit P150.

20 And here, you were shown that document last week, Tuesday, and,  
21 again, I think you accepted that it's your signature, yes, at the  
22 bottom?

23 A. Yes, that's my signature.

24 JUDGE METTRAUX: And it's another one -- another amnesty  
25 ordering the release of some detainees. It's dated 17 January 1999.

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1 And if we look at the top of the document, the first paragraph again  
2 before the word "Amnesty," we have you signing to this:

3 "Based on the political declarations of the General Staff of the  
4 KLA, the Internal Regulation of the KLA and based on the Regulation  
5 on the Civil Administration, the Commander of the LLOZ of the KLA,  
6 announces" this.

7 So, again, we have you rely on this same set of authorities to  
8 order the release of detainees, is that right, sir, apart from the  
9 fact that, instead of communiqués, you're relying on political  
10 declarations of the General Staff. Is that a fair assessment?

11 A. I have signed these documents as provided by my staff. I see  
12 that they tried to come up with a good document, a good quality  
13 document. A document that was based on rules and regulations.

14 JUDGE METTRAUX: But the authority that we can see you  
15 exercising here to amnesty people is the authority you thought you  
16 would find in these documents. Isn't that right, Mr. Mustafa?

17 A. This is how it reads. But I told you before as well that, in my  
18 mind, the only prevailing reason was the military reason or reasons.  
19 So we wished for the environment where we lived to be the most  
20 peaceful possible and the most convenient possible.

21 JUDGE METTRAUX: Can we just look at the bottom of that document  
22 for a second, please.

23 Can you just look at the bottom left corner, sir. To the left  
24 of the place and date, there is three lines. One says "Evidence,"  
25 another one "Archive," and one "Parties." Could you tell us first

1 maybe what "Evidence" stands for?

2 A. The evidence refers to the needs of our sectors to reserve the  
3 right to have a copy of these documents.

4 JUDGE METTRAUX: And "Archive" is the records of your --

5 A. The archive is the place where the documents were collected.  
6 And about the parties, I think that a copy of the document was given  
7 to one of the parties as well, because we were thinking that probably  
8 these documents will fall in the hands of the enemy or in the hands  
9 of the public. Therefore, we tried to give the impression that we  
10 were well prepared.

11 JUDGE METTRAUX: And just to be clear, when you say "parties,"  
12 you would give a copy of the document of release to the detainees who  
13 were being released; correct?

14 A. Yes.

15 JUDGE METTRAUX: And while we're on the topic of the  
16 communiqués, I want to be sure that I've understood well what you've  
17 said before. You've answered these questions a couple of times, but  
18 I want to be sure I understand them properly. And if necessary, I'll  
19 go to your statement, sir.

20 But is it fair to suggest that one of the functions that you  
21 made of General Staff communiqués was for the purpose of the  
22 reorganisation of your zone? Is that a fair proposition?

23 A. Can you please repeat the question once again? I didn't  
24 understand the interpretation. Can you please repeat it once again?

25 JUDGE METTRAUX: Yes, of course. Hopefully I can do better than

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1 that. During your interview with the Office of the Prosecutor, the  
2 SPO here, you were asked this question.

3 It's Part 3, page 19, if useful to the parties. And Part 3,  
4 page 25 for the Albanian.

5 You were asked this question:

6 "When did the General Staff decide that there should be a policy  
7 of detaining collaborators?"

8 And your answer was:

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

13 So what I want to ask you or what I did ask you was whether one  
14 of the use that you made of these communiqués was for the purpose of  
15 reorganising your zone?

16 A. Yes, correct.

17 JUDGE METTRAUX: And is it also fair to say, and if necessary,  
18 I'll put the relevant part to you as well, but those communiqués from  
19 the General Staff, you also understood them or interpreted them as  
20 authorising you to deal with people obstructing the work of the KLA;  
21 is that correct?

22 A. There were no details contained in the communiqués about the way  
23 on how we should treat people. However, we had the communiqués in  
24 front of us, and we were thinking of the topic that you raised.

25 JUDGE METTRAUX: Maybe my question wasn't clear. But in your



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1 interview with the SPO - that's Part 7, page 6; Part 7, page 6, in  
2 the Albanian as well - you said:

3 "Mr. Prosecutor, there were also communiqués before this, and  
4 the communiqués gave permission to deal with people who were  
5 obstructing the work of the KLA."

6 Do you stand by that statement?

7 A. Yes, I do.

8 JUDGE METTRAUX: And I want to go back, then, to the issue of  
9 the release of detainees. In your understanding -- and, again, if  
10 you don't know, sir, please say so. But to your understanding was  
11 the General Staff authorised to order the release of detainees?

12 A. This has not happened.

13 JUDGE METTRAUX: Well, this has not happened or you don't know  
14 of a case where it happened?

15 A. I have never heard of this. And I haven't had any clash with  
16 the General Staff about this subject matter.

17 JUDGE METTRAUX: Do you recall being -- or I think you  
18 volunteered that information, but you discussed a person by the name  
19 of Enver Sekiraqa last week on Wednesday, page 42. Do you remember  
20 discussing that person?

21 A. Yes, I remember.

22 JUDGE METTRAUX: And he was one of the detainees whom you recall  
23 to have been detained in Majac; correct?

24 A. Correct.

25 JUDGE METTRAUX: And do you recall who it was that ordered his

1 release?

2 A. We, together with the General Staff, ordered the release. It  
3 was the time where we no longer had the conditions to keep the  
4 detainees as part of our premises.

5 JUDGE METTRAUX: So when you say, "We, together with the  
6 General Staff, ordered the release," who is it that ordered it, you  
7 or the General Staff? Or was there consultation between the two?  
8 What do you say happened there?

9 A. No, it was only my staff.

10 JUDGE METTRAUX: So what was the involvement of the  
11 General Staff? You said, "We, together with the General Staff ..."

12 A. I didn't say that.

13 JUDGE METTRAUX: Then in that case, I'll put the suggestion to  
14 you. This is what your head of military police says about it, and  
15 it's in his statement to the Office of the Prosecutor. He says, and  
16 I quote:

17 "It was on the orders of the staff that he had been released."

18 And he's speaking about the General Staff. Now, do you have any  
19 reason to question that?

20 MR. EMMERSON: I'm sorry, would it be possible for us to see the  
21 excerpt to ensure that the General Staff reference --

22 JUDGE METTRAUX: Sure.

23 MR. EMMERSON: -- is correct because, obviously, there's been  
24 some discussion about those issues.

25 PRESIDING JUDGE SMITH: We'll bring it up.

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1 JUDGE METTRAUX: It's ERN 055535-TR-ET, and I believe it should  
2 be Part 6. And I believe it's page 21 in the English. And I  
3 apologise to Mr. Emmerson, I don't have the Albanian at hand, but I  
4 will look for it. But I will read it for the benefit of the witness.  
5 So it's Part 6, page 21.

6 And maybe we'll start at page 20, so you get a bit of context,  
7 sir.

8 And if we can go up the page, please, in English. Thank you.  
9 And a bit further up.

10 So there's discussion there about the individual of concern.  
11 And if we go down, further down, he explains the circumstances, and  
12 so on and so forth. And then if we can go to the next page, please.  
13 It goes on about the circumstances of the release.

14 And then at line 5, there's a discussion about why they remained  
15 in a good relationship, and the account that Mr. Mehmeti gives is  
16 that:

17 "He had been released by the General Staff, and it was on the  
18 orders of the staff that he had been released ..."

19 Now, do you have any reason to dispute that account,  
20 Mr. Mustafa?

21 A. It is a bad interpretation because he meant the zone staff, the  
22 zone staff that was chaired by myself. So that was something that  
23 was known because we took part in trial together with Mr. Mehmeti,  
24 and that is something that we both know. So that is bad reporting,  
25 in other words.

1 JUDGE METTRAUX: So your evidence is that this reference to the  
2 General Staff must be an error of translation and that he must have  
3 meant or he must have referred to the zone staff. Is that your  
4 evidence?

5 A. Yes, that's what I think, because the General Staff had no  
6 connection whatsoever with this matter.

7 JUDGE METTRAUX: There's another incident you told us about was  
8 the release of Fadil Sylevic. Do you recall that?

9 A. Yes.

10 JUDGE METTRAUX: And you indicated that you had some serious  
11 concerns about this individual and wanted to keep him in detention  
12 because of those concerns; is that right?

13 A. That's right.

14 JUDGE METTRAUX: And that upon his arrest, the General Staff  
15 came in to inquire about him; correct?

16 A. The General Staff only issued a recommendation to release him as  
17 soon as possible.

18 JUDGE METTRAUX: Just going one step at a time. But do you know  
19 who informed the General Staff that you had arrested Mr. Sylevic?  
20 Did you do that or did they learn about it somewhere else?

21 A. No, I didn't notify them. But when Sylevic was arrested, there  
22 were too many people around. There were many people on his side that  
23 knew that he was detained by the Kosovo Liberation Army, by my  
24 region. I don't know exactly how this news was distributed and what  
25 they had.

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1 JUDGE METTRAUX: And you say, and I quote your words:

2 "The General Staff only issued a recommendation to release him  
3 as soon as possible."

4 But, in fact, you told us repeatedly you did not want to release  
5 him, but you did in fact release him, correct, after receiving  
6 this -- what you call a recommendation to release?

7 A. No, I didn't. I didn't release him. We released him after the  
8 war was over.

9 JUDGE METTRAUX: Well, last week you suggested we looked at the  
10 record of the trial in which you were an accused to find out about  
11 the dates of his detention and arrest. Mr. Sylevic, indeed, says  
12 that he was released after six or seven days in detention sometime in  
13 August 1998 or September 1998. Do you accept that, sir?

14 MR. EMMERSON: I'm sorry, I'm afraid -- it may be my mistake,  
15 but I don't understand the question. So just to follow the  
16 testimony, it seems to be a date with a year between the two, an  
17 approximation with a gap of a year. Is that correctly understood?

18 MR. MISETIC: Judge Mettraux, I believe you misspoke and you  
19 said September 1999.

20 JUDGE METTRAUX: Then I misspoke but the transcript corrected  
21 me. I meant -- I'm grateful. The transcript is more intelligent  
22 than me, Mr. Miseti. That's clear.

23 But, sir, the evidence of Mr. Sylevic in the trial in which you  
24 were an accused was that he would have been arrested and released  
25 sometime in August 1998 or September 1998. In other words, not after

1 the conflict but right in the middle of it. Is that consistent with  
2 your own recollection?

3 A. He was never released during that time. He was under the  
4 control of my military units. Probably he was not handcuffed. He  
5 was staying together with my soldiers. But he was not let go. He  
6 was not let free. He was not allowed to go back home or to go in any  
7 other place but in the place where my unit was staying.

8 JUDGE METTRAUX: So assuming that Mr. Sylevic was, in fact,  
9 released, as he says, and as we heard in this courtroom, that would  
10 mean that you were not aware of it, sir, that he had been released  
11 without you being informed about it. Is that one possibility?

12 A. I have been informed constantly about this matter, and he was  
13 not released. From what I know, he was not released. But he was  
14 instead under a constant supervision of my soldiers so that he could  
15 not move without us knowing where he was going.

16 JUDGE METTRAUX: Okay. Then we discussed a moment ago the  
17 question of the authority of the intelligence service to order the  
18 release of an individual, and I think I understood you to suggest  
19 that they did not have that authority. Am I correct? Or is it  
20 something you're not aware of?

21 In other words, did the intelligence sector have the authority  
22 to order the release of someone?

23 A. No.

24 JUDGE METTRAUX: Can we please see document SPOE40000795\_ET.  
25 It's the same ERN for the Albanian version without the ET.

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1           And, sir, I will come back to it in a minute about other issues,  
2           but I just want to give you a bit of context. This, we understand,  
3           is a statement issued by the office of Mr. Adem Demaci, and it  
4           pertains to the release of Mr. Stankovic. And I will give you the  
5           time to go through it at your time, but you will see that it is  
6           published on 5 October 1998, which is about ten days after  
7           Mr. Stankovic was actually released upon a decision of your staff.

8           Do you see that?

9           A. Yes.

10           JUDGE METTRAUX: And if you look at what Mr. Demaci says on  
11           behalf of the General Staff there, it's the first paragraph after  
12           "Pristina, 5 October ..." it says -- and I will come back to the rest  
13           of the sentence, but it says:

14           "We have been informed that on 26 September 1998, the secret  
15           intelligence service of the Kosovo Liberation Army in Llap Operative  
16           Zone took the decision to release Milovan ... Stankovic from  
17           detention ..."

18           Can you see that?

19           A. Yes, I do.

20           JUDGE METTRAUX: And then it says it's "... in line with the  
21           directive of the KLA General Staff."

22           Now, according to that press release, sir, the decision to  
23           release Mr. Stankovic was, in fact, taken by the intelligence sector  
24           of your zone; correct?

25           A. This is a public declaration of the political office of the KLA,

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1 including Adem Demaci.

2 JUDGE METTRAUX: Yes, but that doesn't answer the question. The  
3 question is, according to this document, the decision to release  
4 Mr. Stankovic was taken by the intelligence service of your sector;  
5 correct?

6 A. That's not correct.

7 JUDGE METTRAUX: Well, "that's not correct" as in you dispute  
8 the content or you suggest it's another translation mistake?

9 A. I know that I've been involved with my staff, and I know that we  
10 have released him.

11 JUDGE METTRAUX: So in that case, your position is the  
12 General Staff was misinformed about who had released Mr. Stankovic;  
13 yes?

14 A. The General Staff, I believe, was not informed at all, but the  
15 office of Adem Demaci was informed. And here is Mr. Demaci's office  
16 speaking.

17 JUDGE METTRAUX: So according to you, it's only Mr. Demaci who  
18 had been informed about that release. No one else in the  
19 General Staff. Is that your evidence?

20 A. That's what I know.

21 JUDGE METTRAUX: And how do you know that, sir? Do you know who  
22 gave that information to Mr. Demaci? Do you know who passed on that  
23 information about the release of Mr. Stankovic to him? Is that  
24 yourself?

25 A. Adem Demaci, through his people, but also directly, was holding



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1 regular meetings with us and with people of his office. He had an  
2 array of advisers that came and visited us on a daily basis. I  
3 believe the information has been distributed from my staff. My staff  
4 for public information, that is.

5 JUDGE METTRAUX: And if I understand your evidence correctly, he  
6 was misinformed by your staff about who had ordered the release of  
7 Mr. Stankovic; yes?

8 A. I believe he was informed right, but the information, the  
9 writing process -- or this information was compiled by him and his  
10 staff as they wished. We didn't have anything to do with it. I  
11 mean, there was no connection between us and the political office of  
12 Mr. Demaci.

13 JUDGE METTRAUX: So I'll ask you the question maybe in a  
14 different way. But who do you understand released Mr. Stankovic, the  
15 signature you could not read on the order I showed you before? Who  
16 is it that had the authority to release him if not the intelligence  
17 sector?

18 A. The authority belonged to my staff and myself, and we released  
19 him.

20 JUDGE METTRAUX: Now, I want to be sure I've understood  
21 something you've said and that's about the intake of detainees. Now,  
22 when someone is arrested as a suspected collaborator within your  
23 zone, am I right to understand that a record would be made of this?

24 A. There could be an administrative notice of some sort.

25 JUDGE METTRAUX: And whatever the name, notice or

1 administrative, but these would be made by the military police; yes?

2 A. Whoever who was the first to run across the person in question.

3 But there were notes taken by the military police as well.

4 JUDGE METTRAUX: And once a collaborator or a suspected  
5 collaborator is brought in, then the responsibility, if I understand  
6 things properly, the responsibility to verify whether there are,  
7 indeed, grounds to detain that person would be with the intelligence  
8 sector. Is that a correct understanding?

9 A. It was the responsibility of the village or of the environment  
10 where the person came from.

11 JUDGE METTRAUX: Yes, well, let's forget the village. Once they  
12 brought to your responsibility, within the responsibility of your  
13 zone, within the responsibility of your military police, and within  
14 the responsibility of the detention centres in your zone, once they  
15 are there, whose responsibility is it to verify whether there are, in  
16 fact, grounds for detention?

17 A. There was no verification process in place. The police simply  
18 took care of those people. They made sure that they were fed and  
19 that were provided with clothes. When we received information from  
20 the village where the person was taken away that this person imposed  
21 no risk any longer, we would release such person.

22 JUDGE METTRAUX: So let me put just a statement to you, and you  
23 can comment on it if you can. It's again from your head of military  
24 police, Mr. Mehmeti. He was asked about that very subject. It's  
25 055535-TR-ET Part 5, page 6 and 7, and page 7 in the Albanian, but

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1 I'll read it for you.

2 He's being asked:

3 "When members of the civil defence brought such person, was  
4 there any procedure to verify whether they took the order to act so?"

5 And his answer is:

6 "That was the duty of SHIK."

7 So, Mr. Mehmeti's understanding, right or wrong, appears to be  
8 that this was the intelligence sector that was responsible to carry  
9 out those checks. Do you have a different view than his?

10 A. I would not comment his statement.

11 JUDGE METTRAUX: But do you disagree with it, sir? I'm asking  
12 whether you agree with it or disagree with it.

13 A. The source of information for the persons that we treated were  
14 the people, were the inhabitants of the areas where they came from.  
15 All the units of the Kosovo Liberation Army were authorised to be  
16 vigilant to identify who lives near the front line. All the people  
17 that we detained were living somewhere in the vicinity of the defence  
18 line or of the front line.

19 JUDGE METTRAUX: So you disagree with Mr. Mehmeti's statement?

20 A. I disagree because that was no particular task of anyone.

21 PRESIDING JUDGE SMITH: That will be the end of today's session.  
22 We will start again tomorrow at 9.00.

23 Witness, thank you for being with us.

24 Madam Usher, you can escort the witness out.

25 Remember not to talk to anybody about this.

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: We're adjourned.

3 --- Whereupon the hearing adjourned at 4.03 p.m.

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