

1 Monday, 2 December 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.02 a.m.

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

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

10 PRESIDING JUDGE SMITH: I note that the accused are all present  
11 in court today.

12 We will continue today hearing the evidence of Prosecution  
13 Witness W04401.

14 Before the witness is brought in, the Panel will issue an oral  
15 order on filing F02729 and the SPO's e-mail of 30 October 2024.

16 The Panel notes that in an e-mail sent on 30 October 2024, the  
17 SPO informed the Panel and the parties and the participants that page  
18 U015-8879 of item U015-8743 to U015-9047, which the SPO showed to  
19 Mr. Selimi during his 2020 SPO interview and which the SPO therefore  
20 intended to tender for admission in its filing F1351, due to an  
21 administrative error is not contained in Exhibit P00765, which was  
22 admitted pursuant to the Panel's decision in F01917. The SPO  
23 therefore requests the admission of page U015-8879 and its  
24 corresponding English translation.

25 The Defence did not respond to the SPO's communication of

1 30 October 2024.

2 In F02729, filed on 18 November 2024, the SPO submitted that  
3 page 076604 of Exhibit P00760 does not reflect the page actually  
4 shown to Mr. Thaci during his July 2020 SPO interview insofar as it  
5 should contain page SITF00243028 rather than page SITF00243029.  
6 Given that both pages SITF00243028 and SITF00243029 have separately  
7 been admitted as P01749, the SPO requests that page SITF00243028 of  
8 Exhibit P01749, which is P01749-ET in English, be linked to  
9 Exhibit P0760 and the comment field in Legal Workflow be updated to  
10 reflect the relevant procedural history.

11 The SPO also submitted that four associated exhibits from  
12 Mr. Selimi's 2019 SPO interview were erroneously not tendered in  
13 SPO's filing F01351. The Panel refers to the items identified in  
14 footnote 10 of filing F02729, consisting of a decision signed by  
15 Mr. Selimi, two interviews given by him, and contemporaneous  
16 photographs. The SPO submits that these items are relevant and  
17 probative and were used and discussed in P00761 and should therefore  
18 be admitted.

19 The Defence did not respond to filing F02729.

20 The Panel notes that the SPO intended to tender in its filing  
21 F01351 the relevant items that I have just mentioned but, due to  
22 administrative errors, failed to do so.

23 The Panel is satisfied that, for the reasons stated in the SPO's  
24 submissions and just recalled in this oral order, the Rule 138(1)  
25 requirements have been met in relation to page U015-8879 of item

1 U015-8743 to U015-9047 as well as the items listed in footnote 10 of  
2 filing F02729. These items and their corresponding translations are  
3 therefore admitted into evidence.

4 The Panel accordingly directs the Registry to append page  
5 U015-8879 to P00765 with new exhibit number P00765.1; to insert  
6 U015-8879-ET into the existing exhibit P0765-ET, two; and three,  
7 assign exhibit numbers to the admitted items listed in footnote 10 of  
8 filing F02729, linking them to Exhibit P00761.

9 The Panel further directs the Registry to link page SITF00243028  
10 of Exhibit P01749, which is P01749-ET in the English, to  
11 Exhibit P00760 and update the comment field in the Legal Workflow to  
12 reflect the relevant procedural history.

13 This concludes the oral order.

14 Madam Usher, please bring the witness in.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: I note for the record that Duty Counsel  
17 for W04401 is present in the courtroom. Good morning, Duty Counsel.  
18 Good morning, Witness.

19 THE WITNESS: [Interpretation] Good morning.

20 PRESIDING JUDGE SMITH: I remind you to please try to answer the  
21 questions clearly, with short sentences. If you don't understand a  
22 question, feel free to ask counsel to repeat the question or tell  
23 them you don't understand and they will clarify. Also please try to  
24 indicate the basis of your knowledge of facts and circumstances upon  
25 which you will be questioned.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23028

1 Please also speak into the microphone and wait five seconds  
2 before answering a question so that the interpreters can catch up.

3 If you feel the need to take a break, please let us know and we  
4 will accommodate you.

5 I remind you that you are still under an obligation to tell the  
6 truth as stated by you in your solemn declaration. I also remind you  
7 that the assurances provided you on Thursday by the Panel are still  
8 applicable and that refusal to give testimony may be sanctioned with  
9 the imposition of a fine.

10 We continue now with questions from the Special Prosecutor's  
11 Office. Please give them your attention.

12 Mr. Halling, you have the floor.

13 MR. HALLING: Thank you, Your Honour.

14 WITNESS: SOKOL BASHOTA [Resumed]

15 [The witness answered through interpreter]

16 Examination by Mr. Halling: [Continued]

17 Q. Good morning, Witness. Just to pick up where we left off at the  
18 end of last week, we were talking about a Negroc meeting in mid-1998  
19 that was attended by you and others including the four accused. And  
20 this is on pages 23021 to 23024 of last Thursday's transcript.

21 And you were also saying that there were appointments discussed  
22 in that meeting but they were only on paper, except for  
23 Jakup Krasniqi's appointment as a spokesperson. And you remembered  
24 General Staff directorates only being created after that meeting.

25 Is that a fair summary of what you were saying at the end of the

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23029

1 hearing last week?

2 A. Yes, it is.

3 MR. HALLING: I'd now like to ask Court Officer to please pull  
4 up P1277, page U015-8833, and this is part of a larger item,  
5 U015-8743 to U015-8935, and to have that page available in Albanian  
6 and English.

7 Q. Now, Witness, as this is being put on the screen, you were shown  
8 part of Jakup Krasniqi's book "The Big Turn" in your preparation  
9 session. This is another page from that same book and I wanted to  
10 ask you about it.

11 THE COURT OFFICER: I'm sorry, but P1277 is not in the  
12 presentation queue, so I have to find it --

13 MR. HALLING: It can be pulled from the English version of the  
14 full book then, which would be U015-8743 to U015-8935-ET Revised 1,  
15 which is in the presentation queue. Thank you, Madam Court Officer.

16 Q. So, Witness, this is the page that I wanted to ask you about.  
17 Jakup Krasniqi is saying here on the top of the page:

18 "Nevertheless, the KLA GS announced on 11 June 1998 by political  
19 statement no. 3 that the spokesperson of the KLA GS was  
20 Jakup Krasniqi ..."

21 He then gives a makeup of the General Staff at that time. And  
22 then below that at the bottom of the page, it says:

23 "This make up of the KLA GS was confirmed in the GS Meeting held  
24 in Negroc ..."

25 And I wanted to focus on what Jakup Krasniqi says the makeup of

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23030

1 the General Staff is. You see Azem Sylja, general commander. You're  
2 listed as deputy commander. Rexhep Selimi, general inspector. And  
3 then we see directorates: Hashim Thaci chief of information  
4 directorate, Kadri Veseli chief of intelligence service directorate  
5 and so on.

6 My question is does this page affect your understanding on  
7 whether General Staff directorates existed by June 1998?

8 A. Yes.

9 Q. Can you please explain further?

10 A. This was a meeting that was held at Negroc. It was an attempt  
11 on our side to start up with the formation like the Kosovo Liberation  
12 Army. It is a meeting out of which Jakup Krasniqi was appointed as  
13 spokesman for the KLA, and the objective behind this appointment was  
14 because of the propaganda in the Kosovo opinion about the Kosovo  
15 Liberation Army, so our goal was for us to have a meeting point, as  
16 it were, as to what was the Kosovo Liberation Army.

17 These were, yes, the names that we have here, but as per the  
18 functions, I don't think that that was entirely correct. This became  
19 fully operational with the arrival in Kosovo of Bislim Zyrapi, and it  
20 was a process that ended up with the structuring -- full structuring  
21 of the KLA by the end of 1998. The composition remained the same.  
22 The same, that is, as most of what's written here.

23 Q. You said that Mr. Krasniqi was at this meeting in Negroc. So if  
24 I understand your last answer, is it your view that he's mistaken in  
25 setting out the directorates on the page at this time?

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23031

1 A. Given that we are talking about a book that came out of the war,  
2 it is highly likely. I cannot surmise what Mr. Krasniqi wanted to  
3 say in this book or with this passage. However, these are names that  
4 were, indeed, mentioned, but they remained in paper. They were never  
5 made public, and none was able to complete the tasks that are  
6 outlined here in this book.

7 Q. So that sounds slightly different from what you were saying last  
8 week. Were these directorates, including the intelligence service  
9 directorate, discussed at this meeting?

10 A. I can't recall exactly because the meeting focused largely on  
11 the appointment of a spokesman for the Kosovo Liberation Army, so I  
12 cannot recall every single detail of what was discussed at that  
13 meeting. We tried, however, to start building up the KLA, but we  
14 were unable to do it until the arrival of the military experts like  
15 Bislum Zyrapi, Agim Celaj, and so on, people who were fully schooled  
16 with the military organisation.

17 Q. Now, Witness, Kadri Veseli is also asked about the intelligence  
18 service directorate in his Baton Haxhiu interview.

19 MR. HALLING: I don't think we need to put the page on the  
20 screen, but for the record it's P1859, page SPOE00053011.

21 Q. And just so you know what was asked and answered, Baton Haxhiu  
22 asks:

23 "What is G1 and G2?"

24 And Kadri Veseli responded:

25 "G2 was the Intelligence Service Directorate of Kosovo. This

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23032

1 decision was taken in June of '98 ..."

2 Do you have any reason to dispute what Kadri Veseli said to  
3 Baton Haxhiu?

4 A. I have no reason to contest what Kadri Veseli said. What I am  
5 saying, however, is that they would have been unable to fulfil their  
6 tasks. These were names that were never made public, and so they  
7 were unable to fulfil the tasks that are outlined here, until the  
8 structure of the KLA, that is. But if there was anything of the  
9 matter said, I cannot contest it, at least to the best of my  
10 knowledge.

11 Q. So is it correct, then, that the directorates themselves were  
12 established by June 1998?

13 A. No, because, as I said, we were unable to fulfil those tasks. I  
14 don't even believe that they were written down on paper either at the  
15 time Mr. Krasniqi describes it as such in this book, which refreshes  
16 my memory of this meeting, the memory that these were discussed, that  
17 is. But as far as the specific names that were given here with  
18 specific positions, this is what I'm learning here for the first  
19 time.

20 Q. In the Kadri Veseli quote that I just gave to you, he says the  
21 decision for G2 was taken in June 1998. Is Kadri Veseli mistaken  
22 then as to when G2 was established?

23 A. I am not contesting that.

24 Q. But when I just asked you is it correct that the directorates  
25 themselves were established by June 1998, you said no, but



Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23033

1 Kadri Veseli says the decision was taken in June 1998. I'm just  
2 trying to understand how your evidence compares with what I've quoted  
3 to you.

4 A. What I said was that this constituted only an attempt. An army  
5 that aims at having a proper organisation cannot function effectively  
6 with these few names, two of whom were not even present in Kosovo.  
7 At the time, the general commander as cited here, Azem Syla, was not  
8 in and neither was the chief of logistics and supplies,  
9 Xhavit Haliti. Hashim Thaci and Kadri left for Albania on several  
10 occasions.

11 So I do not think that one can speak of an organised staff which  
12 was indeed functional, as it were, with the presence of three people.

13 MR. HALLING: Could the Court Officer now please put on the  
14 screen SPOE00226856 to SPOE00226857. And it would be the second of  
15 those two pages in Albanian and English.

16 Q. Witness, you said that Rexhep Selimi also attended this meeting.  
17 I wanted to look at something that he wrote for the Kosovo Museum on  
18 this same point. And I'll just wait for a moment.

19 So it says on the top of the page here:

20 "In May 1998, the KLA General Staff established all its  
21 constituent directorates, becoming fully formed and structured from  
22 the command level, to every other detail involving the organisation  
23 of the General Staff ..."

24 And then you see a list of directorates with G1, G2, and so on  
25 next to them, including an intelligence service directorate. And

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23034

1 this is indicating even earlier than the Negroc meeting, but it's  
2 another indication that certain directorates existed by June 1998.  
3 Is Rexhep Selimi also mistaken in what he says here?

4 A. Rexhep Selimi is mentioning May, and I am not aware that the  
5 General Staff had been formed by May. If I recall correctly, our  
6 attempt was -- to this end was made in June in the village of Negroc  
7 and not May as it's written here. There were no G1, G2, G3, or G4 at  
8 the time. We were not aware of these monikers at the time. None of  
9 us was a military expert to be able to know this coding and naming.  
10 This only became operational with the organisation of the KLA with  
11 the arrival of the career officers at the end of 1998. I think that  
12 there is a bit of an exaggeration here that has come with the passage  
13 of time.

14 So from my point of view, this does not correspond to reality.

15 MR. HALLING: Your Honours, the items shown to this witness are  
16 demonstrating a direct connection between the Negroc meeting  
17 confirmed by the witness and the General Staff directorates. All of  
18 these items are relevant both for the existence of directorates by  
19 that point and the credibility of the witness on this point.

20 The Krasniqi and the Veseli pages discussed are already  
21 admitted. This document is not. It's seized from Rexhep Selimi's  
22 residence. It's been discussed in the hearing before as well. It's  
23 *prima facie* admissible, and we tender it at this time.

24 PRESIDING JUDGE SMITH: Any objection?

25 MR. ROBERTS: Your Honour -- sorry, unless -- Your Honour --

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23035

1           PRESIDING JUDGE SMITH: Go ahead, Mr. Roberts.

2           MR. ROBERTS: I do object. All I have to do is quote the last  
3 line of the witness's last answer, and hopefully that should suffice:  
4           "So from my point of view, this does not correspond to reality."

5           I'm not entirely sure how Prosecution counsel can therefore  
6 tender this exhibit through this witness after that statement.

7           MR. MISETIC: And, Mr. President, my objection is the  
8 Prosecution has, in part, said that it's to challenge the credibility  
9 of the witness. This goes back to the objection I made last week.  
10 He's not allowed to challenge the credibility of the witness with  
11 this document. 143 is very specific on how you can impeach your own  
12 witness, and per the Chamber's earlier ruling, it can only be done  
13 through a statement.

14          MR. HALLING: Again, we disagree that we've done anything  
15 outside the bounds of the Rules of Procedure and Evidence. That this  
16 document from one of the accused on General Staff directorates isn't  
17 *prima facie* admissible, I don't know what would be. So we would  
18 tender it for admission at this time.

19          PRESIDING JUDGE SMITH: SPOE00226856 to SPOE00226857 is  
20 admitted.

21          THE COURT OFFICER: Your Honours, that will be assigned  
22 Exhibit P01881. And can we clarify the classification, please.

23          MR. HALLING: This item can be classified as public.

24          PRESIDING JUDGE SMITH: [Microphone not activated].

25          Reclassified as public.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23036

1 MR. HALLING: Thank you.

2 If we can now put P1109 on the screen. For the moment, it can  
3 just be the Albanian version only. The ERN for the record is  
4 U002-2855 to U002-2868.

5 Q. Now, Witness, the item on the screen now --

6 MR. HALLING: And if we could zoom out just a little so more of  
7 the text is visible.

8 Q. This is a packet of papers that were shown to you in the  
9 preparation session. I want to ask you about the contents of these  
10 pages. But just as a preliminary starting point, there are 14 pages.  
11 I wanted to quickly go page by page just to ask the question of  
12 whether it is your handwriting and whether you wrote the page in  
13 question. Do you understand?

14 A. Yes.

15 Q. So this is page 2855. Did you write this page?

16 A. No.

17 MR. HALLING: If we could go to 2856.

18 Q. Did you write this page?

19 A. It appears to be my handwriting.

20 MR. HALLING: If we could go to 2857.

21 Q. Now, this is the one page in the set that's not written by  
22 anyone because it's typed. But do you know anything about what this  
23 document is or who made it?

24 A. No, I do not.

25 MR. HALLING: Now if we could go to 2858.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23037

1 Q. Did you write this page?

2 A. Yes.

3 MR. HALLING: 2859.

4 Q. This page?

5 A. Yes, I think so.

6 MR. HALLING: 2860.

7 Q. Your writing?

8 A. Yes.

9 MR. HALLING: 2861.

10 A. Your writing?

11 Q. Yes.

12 MR. HALLING: 2862.

13 THE WITNESS: [Interpretation] I am unable to determine with any  
14 certainty. I can't.

15 MR. HALLING: 2863.

16 Q. And on the bottom, is that your writing?

17 A. It appears so.

18 MR. HALLING: 2864.

19 THE WITNESS: [Interpretation] Yes.

20 MR. HALLING: 2865.

21 Q. Your writing?

22 A. Yes.

23 MR. HALLING: 2866.

24 Q. Same question.

25 A. Yes.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23038

1 Q. 2867. Is this your writing? And then finally --

2 A. No, it is not.

3 MR. HALLING: And then finally 2868.

4 THE WITNESS: [Interpretation] No.

5 MR. HALLING: If we could now pull up the English version of  
6 this exhibit and go back to page U002-2861.

7 Q. So, Witness, focusing on this page, it says "Meeting of the KLA  
8 General Staff, 30 December 1998." Did you attend a meeting of the  
9 KLA General Staff where topics of the kind discussed on this page  
10 were discussed?

11 A. Yes.

12 Q. It has your name listed next to something called "The Promotions  
13 Commission." Did the promotions commission ever become operational?

14 A. No, never, because we didn't have ranks in the Kosovo Liberation  
15 Army.

16 Q. Where it says "Commission for the Delineation of Operational  
17 Zones," there's something that says "/Intelligence Service/ (Kadri's  
18 deputy)." Do you remember the name of Kadri's deputy at this time?

19 A. In which part? Because I'm not finding it.

20 Q. So if you look where it says the "Commission for the Delineation  
21 of Operational Zones," and then there is an arrow to the right -- or,  
22 actually, the arrow just above to the right where you see your name.  
23 And then if you keep looking down that column of names, there's  
24 something that says --

25 A. Yes, yes.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23039

1 Q. -- "Kadri's deputy."

2 A. Yes, yes, now.

3 Q. Who is that person on 30 December 1998?

4 A. I have no idea. I don't know if Kadri Veseli had any deputy, so  
5 I don't know what this is about.

6 Q. Can you explain why you would have written "Kadri's deputy" in  
7 the context of a 30 December 1998 meeting if there was no such  
8 deputy?

9 A. I don't know. I don't know. Or maybe there was a person, but I  
10 can't be sure. I don't know. I don't remember. Since there is no  
11 name, I have nothing to say.

12 Q. Where it says "Luli" on the lower left corner of the page, just  
13 above that is a number. Do you know what that number is?

14 A. I don't know.

15 Q. Did you sign this page?

16 A. Yes, I did. From the signature, I see here it appears that I  
17 must have written it. As I said in the preparatory session, it may  
18 be something that I wanted to write about, like a newspaper article.  
19 I don't believe it must have been written during the war period since  
20 I don't know to have used this signature.

21 Q. If this wasn't written during the war period, why did you sign  
22 it?

23 A. It's not a document for me. From its appearance, it doesn't  
24 seem so. In a document it's not allowed to write such notes, to put  
25 phone numbers, signatures after signatures. It doesn't appear to be

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23040

1 an official document of the KLA. Otherwise, it would have been a  
2 mistake. I don't know why. I don't know what reason to give you.  
3 But probably I wanted to refer, maybe, it to some article or book.  
4 But to me it seems it must have been written after the war.

5 Q. Talking about your signature, can you identify --

6 MR. HALLING: And maybe with the assistance of the Court Usher,  
7 if the witness could just mark this in pen on the page.

8 Q. Could you just indicate where exactly your signature is on this  
9 page?

10 A. I don't have a complete page here.

11 Q. Can you see now?

12 A. Yes. Now yes. It's here. This one. Here, here, here. It's  
13 on six places.

14 Q. Thank you.

15 MR. HALLING: We'd ask that this be pulled and admitted as a  
16 separate page. I don't know if it can be related to P1109.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. HALLING: Correct.

19 PRESIDING JUDGE SMITH: So U002-2861 is admitted. I'll have  
20 rely on the expertise of the Court Officer as to how we can tag this  
21 to that other ...

22 THE COURT OFFICER: Your Honours, I can save the image as is  
23 marked and then add -- assign it Exhibit 1109 .1.

24 MR. HALLING: Thank you.

25 PRESIDING JUDGE SMITH: [Microphone not activated].



Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23041

1 MR. DIXON: No objection.

2 PRESIDING JUDGE SMITH: [Microphone not activated]. It is  
3 admitted. Is it public or confidential?

4 MR. HALLING: I believe this page can be classified as public.

5 PRESIDING JUDGE SMITH: All right. The exhibit is reclassified  
6 as public.

7 MR. HALLING:

8 Q. Witness, you were talking about how these notes may have been  
9 written after the war period. Does that apply to every one of the  
10 notes you said you wrote in the sequence I showed you earlier?

11 A. I couldn't verify them during the time I could see them on the  
12 screen.

13 Q. Well, why don't we go to another specific page.

14 MR. HALLING: Please go to U002-2863 in both English and  
15 Albanian.

16 Q. Witness, is that your signature on the bottom of the page?

17 A. Yes.

18 Q. Was this written also after the war period?

19 A. I don't know. I don't know. My practice is to use signatures  
20 often. Almost in every article I write, I put my signature.

21 Q. Is it your practice to put "1998" next to your signature for  
22 documents written after that year?

23 A. It depends. I never thought that it might have an impact, and I  
24 often use it.

25 MR. HALLING: Finally, if we could go to page U002-2865.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23042

1 Q. You see here "29 December 1998, Meeting of the General Staff."

2 And then below this line, it says:

3 "Blerim Kuqi - Deserter."

4 Was there a General Staff meeting you attended around this time  
5 where Blerim Kuqi being a deserter was discussed?

6 A. It was said that he left Kosovo without reporting to anyone,  
7 without giving any explanation to anyone or reporting on his  
8 departure from Kosovo. But that this document was written at that  
9 time, I still say I can't be sure. Either it was taken from some  
10 other document and written later -- I can't remember.

11 Q. On the lower left-hand corner of this page, is that your  
12 signature?

13 A. Yes, yes, mine.

14 Q. And is that also a "'98" written next to that signature?

15 A. Yes, yes.

16 Q. One last detail about this page. On the bottom it says:

17 "Sunday the 13th at 12:00 hrs - a meeting held with the  
18 participation of Gani Krasniqi ..."

19 Starting from the beginning of the war in March, April 1998, did  
20 you see Gani Krasniqi?

21 A. I may have seen him. I'm not sure.

22 MR. HALLING: And, Your Honours, if we could please go to  
23 paragraph 24 of Preparation Note 2 on this to probe a possible  
24 inconsistency.

25 PRESIDING JUDGE SMITH: Yes, go ahead.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23043

1 MR. HALLING:

2 Q. Witness, in the prep session you indicated that in March, April  
3 1998, you saw Gani Krasniqi in Drenica helping the population there;  
4 is that true?

5 A. Yes, yes.

6 Q. So would you see him and meet with him in the Drenica area?

7 A. I saw Gani Krasniqi in many occasions. He was one of those who  
8 helped a lot the population, and often the KLA as well, with various  
9 food provisions. I saw him several times. I can't be accurate about  
10 the time or the month, but along the year, in the course of the year,  
11 not only in Drenica but also in my native village where he brought  
12 foodstuffs.

13 Q. Would you also see him in Malisheve?

14 A. Yes, probably I have.

15 Q. And going back to the Drenica zone, how often would you visit  
16 the Drenica zone in the course of the war?

17 A. My family was in parts of Drenica during the war. My mother is  
18 from that region. My aunt on my father's side, she was married in  
19 Drenica. So I went there several times. My sister is married there.  
20 So I have several relatives living in Drenica.

21 Q. On visits to Drenica, would you sometimes speak with  
22 Sylejman Selimi?

23 A. I met Sylejman Selimi to discuss daily matters, but I don't  
24 think of any special importance. But, yes, we did meet.

25 Q. And then just one last question about Gani Krasniqi. Do you

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23044

1 know anything about his relationship with the accused at least at  
2 that time, 1998?

3 A. Can you repeat the question, please? I didn't understand it  
4 well.

5 Q. Certainly. Do you know anything about Gani Krasniqi's  
6 relationship with the accused at least at that time, 1998?

7 A. You mean other than the relationship based on the war. I don't  
8 think or I don't remember of any other relationship among them.

9 MR. HALLING: And, Your Honours, if we could again go to that  
10 same paragraph 24 of Preparation Note 2.

11 PRESIDING JUDGE SMITH: Yes, go ahead.

12 MR. HALLING:

13 Q. So the last sentence of this paragraph, Witness, says:

14 "Gani Krasniqi was friends with Rame Buja and Jakup Krasniqi, as  
15 before the war they were political prisoners."

16 Is that accurate?

17 A. Yes. Yes.

18 Q. In relation to the document that we have been discussing, you  
19 kept suggesting that it had been written after the war period.

20 Witness, we have information that this item was seized by the Serbian  
21 authorities in Kosovo during the war period. How could the Serbian  
22 authorities have done that if you wrote these notes afterwards?

23 A. I did not insist on being written after the war. I said  
24 probably they were written after the war. Because in the preparatory  
25 session, I saw some notes that I thought I had written them when I

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23045

1 was a deputy in the committee on security. But it may be as you say.  
2 I don't know. But a document brought from Serbia, I don't know how  
3 trustworthy it can be or reliable it can be for this matter here  
4 being discussed in this Court. I don't know if it's not distorted or  
5 camouflaged.

6 Q. And just to make sure your reaction to my question is perfectly  
7 clear. When you're talking about being a deputy in the committee on  
8 security, is that a position that you held after the war ended?

9 A. Yes, yes.

10 MR. HALLING: The document can be taken off the screen.

11 MR. DIXON: Your Honours, could we just have a reference for the  
12 assertion that was made that this was found during the war by the  
13 Serbian forces, please. That would be useful for potential  
14 cross-examination.

15 MR. HALLING: I have already put this on the record on page  
16 14166 of the transcript of the hearing. That's on 2 April 2024. The  
17 document from which our previous submission relied upon was 111957 to  
18 111966, and perhaps the most helpful page at the beginning is 111957.  
19 But as you see, if you go through that disclosed document, it  
20 references the pages in this ...

21 PRESIDING JUDGE SMITH: Go ahead.

22 MR. HALLING: Thank you, Your Honour.

23 If P227 can now be put up on the screen in English and Albanian.

24 Q. Witness, I'd like to ask you briefly about the KLA signing the  
25 Rambouillet Agreement. Did you participate in signing the document

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23046

1 ratifying that agreement?

2 A. Yes.

3 Q. Is that the document here on the screen now?

4 A. Yes.

5 Q. Did Sylejman Selimi sign this document?

6 A. I don't see his name here. I don't know. I see a signature  
7 here, but I don't know if that is Selimi's signature. From what I  
8 could figure out, I did in the meeting we had together in the prep  
9 meeting. But the other signatures, I don't know.

10 Q. Yes. And you didn't mention him, but maybe we should go about  
11 this systematically. With the assistance of the Court Usher once  
12 again, if -- there are 12 signatures below this agreement, if you  
13 could just put numbers next to each one, 1, 2, 3, and so on, to 12,  
14 and then I'll use your numbers to ask you about the individual  
15 signatures.

16 A. Sorry, I signed both.

17 Q. So please just put all 12 numbers of the signatures so that we  
18 can easily go through each of them. So just number them 1 to 12.

19 A. [Marks]

20 Q. Thank you, Witness. Who is signature number 1?

21 A. From what I could identify, it's Hashim Thaci's name.

22 Q. Who is signature number 2?

23 A. I don't know.

24 Q. Number 3?

25 A. I don't know.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23047

1 Q. Who is signature number 4?

2 A. It's signed as Daja.

3 Q. And who is Daja on this page?

4 A. It must be Azem Syla.

5 Q. Who is number 5?

6 A. Jakup Krasniqi.

7 Q. I can give you an easy one now. Who is number 6?

8 A. Myself.

9 Q. Number 7?

10 A. Rame Buja.

11 Q. Number 8?

12 A. Remi, R Mustafa, which must be Rrustem Mustafa.

13 Q. Number 9?

14 A. Kadri Veseli.

15 Q. Number 10?

16 A. I don't know.

17 Q. Number 11?

18 A. Fatmir Limaj.

19 Q. And finally number 12?

20 A. I don't know. I don't know.

21 Q. Thank you, Witness.

22 MR. HALLING: Your Honours, we would also like this to be taken  
23 as a screenshot and admitted as an exhibit related to P227.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. HALLING: The page is SPOE00228796. This exhibit is just a

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23048

1 one-page document.

2 PRESIDING JUDGE SMITH: Any objection to the exhibit?

3 [Microphone not activated] ... exhibit.

4 The document is admitted and will be assigned a number.

5 THE COURT OFFICER: Your Honours, like the previous one, this  
6 will be assigned P227.1. And can we confirm the classification,  
7 sorry?

8 MR. HALLING: Can also be public.

9 PRESIDING JUDGE SMITH: Reclassified as public.

10 MR. HALLING:

11 Q. And, Witness, we have just a couple of minutes before the break,  
12 but I can at least start with the next thing I wanted to ask you  
13 about, moving into some questions I have for you about your role  
14 speaking with internationals during the war.

15 MR. HALLING: And if we could start with having 099786 to 099788  
16 in Albanian and English, and to start with just the first page on the  
17 screen.

18 Q. Now, Witness, this was shown to you during the preparation  
19 session. Is this an interview given to *Kosova e Lire* that you did?

20 A. Yes.

21 Q. From your review, was there anything false that you said within  
22 this interview?

23 A. Other than some glorification, the interview is mine. It's  
24 correct.

25 MR. HALLING: And now if we could go to page 099788.



Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23049

1 Q. You say, and this is January 1999:

2 "... the General Staff is aware and maintains continuous  
3 contacts with diplomatic delegations at the highest world levels."

4 Witness, was that correct? Is that what the General Staff was  
5 doing at this time?

6 A. We had meetings constantly with internationals who came to  
7 Kosovo. But with the highest world leaders, it appears to be one of  
8 those glorifications or exaggerations.

9 Q. I follow you. Would you take care in interviews like this one  
10 not to say anything which damaged your relationship with  
11 internationals?

12 A. Of course, we tried not to damage any of the relationships we  
13 had already established.

14 MR. HALLING: Your Honours, this item is only three pages. We  
15 tender it for admission.

16 PRESIDING JUDGE SMITH: Any objection?

17 No objection is heard. 099786 to 099788 in English and Albanian  
18 is admitted.

19 THE COURT OFFICER: Your Honours, that will be assigned  
20 Exhibit P01882. And can we confirm classification.

21 MR. HALLING: Public.

22 PRESIDING JUDGE SMITH: The document is reclassified as public.

23 MR. HALLING: And, Your Honours, I see the time, if you'd  
24 like --

25 PRESIDING JUDGE SMITH: All right.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23050

1 MR. HALLING: -- to take a break.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 THE INTERPRETER: Microphone, please.

4 PRESIDING JUDGE SMITH: We'll give you a short ten-minute break,  
5 and then we'll come back to the court to continue. Please do not  
6 speak with anyone about your testimony outside the courtroom, and you  
7 can go with the usher now.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

10 --- Break taken at 10.01 a.m.

11 --- On resuming at 10.10 a.m.

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

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 I'm sorry. You may continue.

17 MR. HALLING: Thank you, Your Honour.

18 Q. Witness, staying with communications with internationals. Who  
19 were the KLA focal points for internationals during the war?

20 A. I was one of them. And I'm not sure on whether when the  
21 American KDOM and the OSCE arrived, I don't know whether I was one of  
22 the main contacts or first contacts. And then Hashim Thaci,  
23 Jakup Krasniqi, and Rame Buja were the others who maintained contacts  
24 with the internationals, on specific topics, that is.

25 Q. Was Sokol Dobruna ever involved as a focal point for such

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23051

1 discussions?

2 A. No. I don't know. I don't think so.

3 Q. Describe your contacts and relationship during the war in  
4 particular with Shaun Byrnes.

5 A. I met his deputy first, Mike Dean, who then arranged a meeting  
6 between us. It was the time when they were seeking a base, a house,  
7 for KDOM to establish themselves as a point of contact. I managed to  
8 find a house in Dragobil -- in Dragobil. And after some time  
9 Shaun Byrnes arrived. We had the first meeting there. And then we  
10 had numerous other meetings, the majority of which were never made  
11 public. However, we did meet fairly frequently and discuss various  
12 topics. It was a relationship that remained correct and proper.

13 Q. Were you a trusted contact of Mr. Byrnes?

14 A. I believe so.

15 Q. When issues requiring KLA input arose, were you one of the first  
16 people that Shaun Byrnes would contact? Was this sort of his habit  
17 during the war?

18 A. I think that I was the first person he contacted, yes.

19 Q. Can you give names of other internationals besides Shaun Byrnes  
20 and Mike Dean, who you just mentioned, that you spoke to repeatedly  
21 in the course of the war.

22 A. Ambassador Hill, Petritsch, and some others were people we would  
23 meet to discuss only certain topics. Whereas as far as Walker is  
24 concerned, the relationship was the same as with Shaun Byrnes. And  
25 then David Meyer, who was part of Walker's staff, Mike Dean, Ron

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23052

1 Kepps [phoen], a member of the American KDOM, they were all part of  
2 this circle of meetings which were held very frequently.

3 Q. When you're talking about Walker in your last answer, is that  
4 William Walker?

5 A. Yes, William Walker, the OSCE chief in Kosovo, and later he  
6 became the chief of the KVM.

7 Q. When internationals would ask you for information about specific  
8 incidents, what would you do to find out what was going on?

9 A. I tried to send them to other people.

10 Q. What does that mean, "to send them to other people"?

11 A. It was on the basis of the topics being discussed. For  
12 instance, where the topic was political, I directed them to the  
13 political department. On the exchange of soldiers, again, it was --  
14 it belonged to us as the political directorate. We had several  
15 meetings with Hill on the issue of the document, Hill's document,  
16 that is, and we met within the context of the political directorate.

17 Q. When particular matters were brought to your attention, would  
18 you make efforts yourself to find more information about what was  
19 going on?

20 A. To the best of my ability, I did so. Yes.

21 Q. And did this involve following up with other members in the KLA,  
22 including its General Staff and political directorate?

23 A. Yes.

24 Q. I'd like to now go into some distinct issues that arose with  
25 internationals during the war. I'd like to start with the release of

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23053

1 Cen Desku, Jakup Kastrati, and two Serbian journalists. And I would  
2 just ask you, to start, just to describe your own knowledge or  
3 involvement in this release.

4 A. As I mentioned during the preparatory meeting, the  
5 deprivation -- Cen Desku's deprivation of freedom was more than  
6 scandalous. I have said that because I'd known him as a patriot, as  
7 an individual who had given a valuable contribution to the life of  
8 the Albanian nation in the 1990s.

9 And my involvement in handing them over to Walker and  
10 Shaun Byrnes consisted in the fact that a day before this happened,  
11 it was around 26 November, when the driver or representative from  
12 Demaci's office came. He was an individual who escorted Demaci often  
13 enough when Demaci visited KLA areas. And he brought a letter to us  
14 which said that we have to hand over two Serbian journalists and two  
15 activists of the Democratic League of Kosovo, and this has to occur  
16 before the historic date in the life of the Albanian nation, 28  
17 November, the day of the independence. And so as a humanitarian  
18 gesture, we need to hand these people over. I received this  
19 document, and I put that within one of my notebooks.

20 I don't know whether it was the same day or a day later when  
21 Shaun Byrnes called me and conveyed the same message. Shaun Byrnes  
22 made a request of me. He said two Serb journalists -- or two Tanjug  
23 journalists, I can't recall exactly, and he said that these two  
24 journalists are going to report on the hand over of the two  
25 journalists who had been detained earlier. And he said, "Would there

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23054

1 be an issue if they are part and parcel of the media corps?" And I  
2 responded that, as far as I'm concerned, that is not an issue. If  
3 world media are going to be present, they can be present too. And  
4 it's the first time that I'm mentioning this in public, as a matter  
5 of fact. And I think that they came and they reported on our  
6 speeches and the speeches that their own colleagues, the journalists,  
7 made during this exchange.

8 And that is what my involvement consisted in.

9 Q. Talking about the reporting "on our speeches," was your speech  
10 at this event filmed?

11 A. Yes.

12 Q. Yes.

13 MR. HALLING: And we don't need to do the video.

14 Q. But to go on to the next of the issues with internationals. You  
15 were talking about a Hill document just a few moments ago. When was  
16 this Hill document first sent to the KLA General Staff?

17 A. I cannot recall the exact time, but there were three such  
18 documents which were different from each other. With Mr. Krasniqi,  
19 Rame Buja, who took part in those meetings, we had a discussion about  
20 the modalities of the challenge that we had *vis-à-vis* them. There  
21 were documents that were not favourable to the ambitions that we had  
22 at the time, but I know that we did hold about two to three meetings  
23 to discuss these Hill documents.

24 Q. What were the documents that were not favourable to the  
25 ambitions you had at the time?

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23055

1 A. The documents did not guarantee the independence of Kosovo, the  
2 departure of Serbian forces from the territory of Kosovo. These were  
3 the kinds of documents. I can't recall the detail now that so much  
4 time has elapsed, and I have not had a chance to review these  
5 documents again in detail.

6 MR. HALLING: If the Court Officer can now pull up P1068 and put  
7 it on the screen, specifically page 116696.

8 Q. Now, Witness, this is a document that's only in English, but  
9 I'll read to you the relevant part. As it's being pulled up, was  
10 there a proposal by Mr. Hill and the internationals for local police  
11 in Kosovo?

12 A. Have you finished the question?

13 Q. I have. Would you like me to repeat it?

14 A. Yes.

15 Q. Was there a proposal by Mr. Hill and the internationals for  
16 local police in Kosovo?

17 A. I think so. Yes, there was. But I cannot recall exactly. It  
18 was the number of policemen that became part of the discussions  
19 during that meeting.

20 Q. Yes. And that's actually related to what I was about to read  
21 you. This is a 2 December 1998 cable that seems to be reflecting a  
22 conversation you had on 27 November. I'll read to you the relevant  
23 portion from the English so that you can hear it through translation.  
24 And this is paragraph 15 on the bottom of the page:

25 "Bashota noted he had heard that the LDK was working with the

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23056

1 police in Podujevo but without consulting the KLA and asked whether  
2 KDOM knew about this."

3 And then a short time later, it says:

4 "In a short time, he said, the KLA could handle the police  
5 function. On the police the KLA has the last word,' but will not  
6 exclude LDK ..."

7 MR. HALLING: And then if the Court Officer could go to the top  
8 of the next page.

9 Q. "... but will not exclude LDK members. And the police will not  
10 be linked to any political party, and will not act against  
11 minorities. Byrnes replied that the police issue must be addressed  
12 and that we want to see a professional police force established, not  
13 one subordinated either to the KLA or the LDK. Bashota then noted  
14 that the KLA General Staff had carefully studied the Hill draft on  
15 the police issue and had concluded that the proposed number of police  
16 (2500) was too small."

17 Witness, is this consistent with the conversations you were  
18 having with Shaun Byrnes about local police in late November 1998?

19 A. Yes, it was.

20 MR. HALLING: Now, if we go to paragraph 16, which I believe  
21 really begins on the next -- on the bottom of this page and the  
22 beginning of the next one. We can go straight to the next page,  
23 then.

24 Q. So it says -- it was talking about comments on the police issue,  
25 and it says:



Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23057

1           "Three weeks earlier, the KLA had rejected out of hand the  
2           concept of a new Kosovo local police force that would reflect the  
3           ethnic balance of the province. Senior KLA representatives had  
4           commented that 'there is only one Kosovo police force, and that is  
5           the KLA's police.' They had added that any Albanian member of a new  
6           police force would be considered a 'Serbian policeman.'"

7           And then you were discussed again as an evolution in that  
8           position, that:

9           "[Your] November 27 comments suggest that the KLA is at least  
10          prepared to discuss the formation of a new Kosovo police force. In  
11          response to a question, Bashota said his comments did reflect the  
12          views of the General Staff."

13          My question to you is do you remember this change in position of  
14          the KLA on the local police issue?

15          A. There was no change in position because we were fully aware that  
16          the police in a Kosovo of the future should be able to overcome  
17          political divisions. But our demand remained the numbers should be  
18          larger on the part of the former members of the Kosovo Liberation  
19          Army, because at the time, the issue of the demilitarisation of the  
20          KLA was being discussed, and we naturally wanted a larger number of  
21          the KLA members to become part of this police force. There was no  
22          other change of position to the best of my recollection.

23          Q. So there were no concerns by senior members within the KLA that  
24          the local police force could only be the KLA's police?

25          A. I don't know. I don't know if there was a request for it to be

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23058

1 only a KLA force.

2 MR. HALLING: If we could now pull up P168 in English and  
3 Albanian. The item is only a single page. I can give the ERN. It's  
4 SPOE00119160.

5 Q. Now, Witness, what we see on the screen here, it says it's from  
6 the KLA General Staff on 2 December 1998, which is actually the same  
7 date as the cable I just read to you, and there's an ordinance which  
8 says following:

9 "Kosovo Liberation Army ... /Operational Zone/ Commands are  
10 instructed to issue orders to KLA forces of order (... /Military  
11 Police/) to arrest those people who, by showing loyalty to the  
12 occupier, have put on the uniform of the Serb police, thus committing  
13 an act of treason towards the Albanian people.

14 "Similar actions will also be taken in the future for any  
15 citizen who is involved in any police force other than the KLA  
16 formation, before the political status of Kosovo is resolved."

17 Witness, was the KLA really just concerned with the number of  
18 officers in the international's police force proposal?

19 A. I had not seen this document, but I don't think that it refers  
20 to the number of policemen that formed part of our request *vis-à-vis*  
21 the Hill document. I think the reference here is to local police  
22 forces who had been employed by the Serbs during the war. It was  
23 Albanian citizens who accepted serving within the Serbian state, and  
24 on a number of occasions they actually acted or operated against us  
25 too. But this is not a reference to the kind of police that we were

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23059

1 discussing with Hill.

2 Q. Focusing on the last sentence in particular, that:

3 "Similar actions will also be taken in the future for any  
4 citizen who is involved in any police force other than the KLA  
5 formation ..."

6 Can you explain why the General Staff would issue this within a  
7 week of your conversation with Shaun Byrnes on this issue?

8 A. I don't think the two are connected. I don't -- I absolutely do  
9 not think that this is in any way connected with the Hill document.  
10 The reference here is to similar formations that were being set up by  
11 the Serbian police and the army. It is not to do with anything that  
12 comes out of an agreement from the Hill document. It was an  
13 agreement that was not accepted because after the challenges that we  
14 made to the Hill document, we -- apart from those challenges, then  
15 there came the Rambouillet conference. So I do not think that the  
16 two of them are connected together. It's a document that I haven't  
17 seen before as well.

18 Q. Witness, were you in the KLA General Staff on 2 December 1998?

19 A. Yes, I was a member of the General Staff. Yes, yes.

20 Q. You're saying you've never seen this before. Have you ever seen  
21 any order clarifying or correcting the KLA's position on targeting  
22 local police?

23 A. With reference to the local police that came as a proposal from  
24 the Hill document, that did not occur. It never happened during the  
25 war in Kosovo. It happened after the war and as a result of the

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23060

1 Rambouillet agreement, but not during the war. The reference here is  
2 to those Albanians who wore the uniform of Serbia and operated  
3 against the Kosovo Liberation Army, so they formed part of the chain  
4 of command of the Serbian army and police. I do not think that I  
5 have seen any other documents of this nature.

6 Q. Thank you.

7 MR. HALLING: The document can be taken off the screen.

8 Q. You mentioned something, I believe it was before the break,  
9 about a Serbian -- a kind of prisoner exchange. Was there a  
10 Serbian-Albanian prisoner exchange in early 1999?

11 A. There was an exchange regarding Serbs who had entered  
12 territories under KLA control who were exchanged against Albanian  
13 prisoners who had been arrested at the end of 1998, as I remember.  
14 Amongst those soldiers was our commander, Muje Krasniqi, who fell.  
15 He had -- so he was amongst the arrested. There was also a young  
16 lady. And this prisoner exchange occurred.

17 Q. Now, do I understand you correctly that these are the Albanian  
18 part of the prisoners being exchanged; is that right?

19 A. Albanian prisoners who were in Serbian jails.

20 Q. How did the KLA capture Serbian prisoners that were in this  
21 exchange?

22 A. I do not have a clear idea about this, but I do know that the  
23 zone commander, Rrahman Rama, explained that they entered KLA  
24 territory. I do not know the dynamics of this. We then dealt with  
25 the procedures and the way to hand over these persons to their

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23061

1 families, always with the mediation of internationals who were  
2 present in Kosovo.

3 Q. When you say "we then dealt with the procedures," are you  
4 referring to General Staff political directorate?

5 A. Yes. Mostly I, Jakup, and Rame Buja were involved in this  
6 process.

7 Q. Can you explain a little some of the challenges that you  
8 encountered from your side in the course of these negotiations?

9 A. We had challenges of various nature. First of all, Serbia would  
10 not admit or accept that our soldiers who had been captured on the  
11 border with Albania -- Serbia didn't want to release them. And  
12 following frequent meetings we had with Shaun Byrnes, Walker, I made  
13 an attempt to the effect that if Serbia is not willing to release  
14 Albanian soldiers, then they can release some persons who were held  
15 in Serbian prisons, civilian persons.

16 We provided a list always putting the emphasis on the importance  
17 that those persons had for us. And I recommended for Shaun Byrnes to  
18 be careful about these names in order for Serbia not to understand  
19 that they are people in favour of KLA. Amongst the names we asked  
20 for their release was Ukshin Hoti, Nait Hasani. I provided the list.  
21 Besim Zogaj. There was another Zogaj. There were several of them.  
22 Seven or eight names. Xhavit Hajrizi was one of them, I think. And  
23 a person with the last name Shala. These were the names I provided.  
24 However, after a certain time Shaun came back to me and said, "Serbia  
25 is not accepting to release these persons."

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23062

1           At a later stage, we entered into negotiations, had some  
2 meetings with Uncle Jakup and Rame Buja, and reached an agreement  
3 which, in fact, we declared that -- because the agreement was for  
4 them, Albanians, to be released ten days later. And everybody in the  
5 KLA and civilians thought that this was a -- that Serbia would not  
6 comply with the agreement and would not release them. We said that  
7 if the persons in question would not be released, we made it clear to  
8 the internationals that we would resign from the General Staff. The  
9 agreement was signed.

10           So we had divergences with internationals with respect to the  
11 dates, but following the engagement, commitment, and assurances given  
12 by Hill, Petritsch, Walker, and Shaun Byrnes, we accepted to release  
13 them to their families. And then ten days later, they returned,  
14 released our soldiers.

15 Q.   And when you're talking about the decision to release them,  
16 that's a decision of the political directorate of which you were part  
17 at this [Indiscernible].

18           MR. MISETIC:   Objection.

19           THE WITNESS: [Interpretation] Yes.

20           MR. MISETIC:   Mr. President, that's leading.

21           PRESIDING JUDGE SMITH:   Sustained. It was leading.

22           MR. HALLING:

23 Q.   Who decided to release the soldiers?

24 A.   We, with the intervention, mediation of the internationals, the  
25 exchange occurred. There was simply the will of the zone and ours.

Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

Page 23063

1       However, we only dealt with the procedural aspects of exchanging the  
2       prisoners. The initiative or the will to proceed with this exchange  
3       came from the zone. We -- it was in our favour, and we gained in  
4       this exchange because we assured the release of nine of our members.

5       Q.    When I asked you who decided to release the soldiers and you  
6       said that "we, with the intervention ... of the internationals, the  
7       exchange occurred," who is the "we" that you are talking about in  
8       that sentence?

9       A.    I, Jakup, and Rame Buja.

10      Q.    Thank you. That's clarified. And just one last question.  
11      Talking about the Serbian soldiers that -- sorry. Talking about the  
12      Serbians that were released, these were Serbian soldiers captured by  
13      Rrahman Rama; is that correct?

14      A.    Yes.

15      Q.    Thank you.

16           MR. HALLING: Your Honours, for the next line of questioning, we  
17      would ask to go into private session.

18           PRESIDING JUDGE SMITH: [Microphone not activated].

19           MR. HALLING: In order to protect certain documents that are  
20      going to be shown with the witness that can only be shown in that  
21      session.

22           PRESIDING JUDGE SMITH: Into private session, please.

23                               [Private session]

24                               [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

Page 23071

1 [Open session]

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

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

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

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

6 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
7 in.

8 MR. HALLING: Your Honour, just as an update on timing. I will  
9 finish this session, and I'll finish in the first half of the  
10 session.

11 PRESIDING JUDGE SMITH: Thank you.

12 Just to be clear, the regular rotation? All right. Thank you.

13 Do you need to go back to private session?

14 MR. HALLING: We will, Your Honour.

15 PRESIDING JUDGE SMITH: Fine. Into private session, please.

16 [Private session]

17 [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

1 [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)  
Examination by Mr. Halling (Continued)

Page 23077

1 [Private session text removed]

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12 [Open session]

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

14 MR. HALLING:

15 Q. Witness, in the course of your examination and your preparation  
16 session, you've repeatedly stressed limits about your own role and  
17 knowledge in the KLA. There are certain statements of other  
18 General Staff members that were talking about you and what you were  
19 doing during the war, and I wanted to ask you about some of the  
20 things that they were saying.

21 I think at least for the first of these I can just read it to  
22 you.

23 MR. HALLING: But for the record, this is P739.4, page 19.

24 Q. Witness, this is a statement that Hashim Thaci gave to the SPO,  
25 and I would like to read to you the relevant part of something that

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23078

1 he says mentioning you. Hashim Thaci said:

2 "I am emphasising that from March until June 1998, it was mainly  
3 a matter of consultations within the General Staff.

4 "Q. So group decisions?

5 "A. Even if it was just the two of us. For example, I mostly  
6 met with Sokol Bashota until the spokesperson of the General Staff of  
7 the KLA was appointed, i.e., Jakup Krasniqi. I told you how  
8 Azem Sylja was proposed to be the general commander. It was a free --  
9 it was a chat, a consultation, so that he would become one.

10 "The deputy commander was Sokol Bashota. The rest had equal  
11 responsibilities."

12 You were talking how the role of deputy commander in  
13 Jakup Krasniqi's book was only on paper, but Hashim Thaci is  
14 describing you in this role from March until June 1998. Can you  
15 explain why Hashim Thaci would think that?

16 A. I don't know why he said that, but it's not true that I was in  
17 that position from March. The first discussions about the  
18 organisation of the KLA took place in a home in the native village of  
19 Jakup Krasniqi in June, and that was where we discussed for the first  
20 time the positions that were mentioned earlier but which remained  
21 only on paper. We were unable to perform the respective functions.  
22 You know very well when my position was made public as deputy  
23 commander and Azem Sylja as general commander, the zone commanders  
24 didn't like that and they left the meeting.

25 Q. You were talking about Azem Sylja and when you -- in the course

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23079

1 of that last answer. Let's see what he said about you.

2 MR. HALLING: And for the record, this is P847, page  
3 SITF00243001. And I can read this one as well.

4 Q. Azem Syla said the following:

5 "After the events of January 1997, we were forced to divide the  
6 duties. So, my deputy Sokol Bashota was placed at the head of the  
7 General Staff, who carried out both duties until the period between  
8 the two meetings in Rambouillet."

9 Now, Witness, first of all, the events of January 1997, is  
10 that -- is this when Nait Hasani was arrested and Zahir Pajaziti was  
11 killed?

12 A. Yes, in 1997.

13 Q. So can you explain why from that moment on in Kosovo Azem Syla  
14 said you were carrying out the duties as deputy commander?

15 A. It is not true.

16 Q. Witness, didn't you say last week that Azem Syla was an  
17 authority on the history of the KLA?

18 MR. HALLING: And this is page 22964 of the transcript.

19 THE WITNESS: [Interpretation] Yes.

20 MR. HALLING:

21 Q. But you say he is mistaken about this?

22 A. Yes. Yes.

23 Q. Rexhep Selimi said the following about you.

24 MR. HALLING: This is P761.7. And in the ET, this is page 5.

25 Q. This is what Rexhep Selimi said to the SPO, and this is about

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23080

1       communiqués. Rexhep Selimi:

2               "And from the very beginning until he was in prison, the person  
3       who dealt with the communiqués was one of our friends, namely,  
4       Nait Hasani, who was arrested in January 1997.

5               "Q. And thereafter?

6               "A. I remember that one of the people that dealt with the  
7       communiqué during 1997 was Sokol Bashota."

8               Now, Witness, Rexhep Selimi is not saying that you wrote these  
9       communiqués or that you published them, but that you were dealing  
10      with them during 1997. What do you say to that?

11      A. No, absolutely no. I never dealt with the issuing of the  
12      communiqués. Nait Hasani, I explained also at the prep meeting,  
13      Nait Hasani said, "Me and Xheladin Gashi were dealing with this  
14      issue." It may be also Xheladin Gashi, but I don't have any accurate  
15      information about the issuance of such communiqués.

16      Q. And that's what you said in the preparation session. But the  
17      last of the comments that I wanted to put to you was actually  
18      something you yourself said to the ICTY. And this is P1870.1, page  
19      10. You were asked the following question by the ICTY:

20              "And what was it you were doing at this time, let's say in  
21      the -- during '97, what kind of work did you do? Was it planning for  
22      coming conflict --"

23              And then this is your answer:

24              "We were mainly involved in writing communiqués and obtaining  
25      different military materials, and these were obtained from our



Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23081

1 comrades abroad because we weren't military professionals."

2 If you really had no involvement in these communiqués as you are  
3 saying now, why was "mainly involved in writing communiqués" the  
4 first part of your answer when asked what you were doing in 1997?

5 A. We are -- here I meant that all the group involved, Azem Sylja,  
6 Xheladin Gashi, as part of the Central Staff, Xhavit Haliti. They  
7 were part of the General Staff. And I meant the entirety of the  
8 group, not that I personally wrote them. I said I've never written  
9 any communiqués.

10 Q. I didn't ask you if you wrote them. I asked you if you were  
11 involved with them, because that's what you said to the ICTY.

12 A. In my reply, I merely referred to those who had information  
13 then, and I meant the group of the Central Staff, because communiqués  
14 were issued, and some said they were prepared or drafted abroad, but  
15 I didn't have more information. I didn't know the origin of such  
16 statements, whether they were prepared abroad or in Kosovo. I meant  
17 only the group in general as part of the staff.

18 Q. And isn't it true that in those communiqués you were making it  
19 clear that you would not permit any activity that was against the  
20 struggle of the KLA?

21 A. It may be written in the communiqués. Usually they were of a  
22 propaganda character. But I don't think that it was the case in  
23 reality. Sometimes the question might be asked what are they saying,  
24 that is, the communiqués.

25 Q. Witness, that did not answer my question. Let me ask it again.

Witness: Sokol Bashota (Resumed) (Open Session)  
Examination by Mr. Halling (Continued)

Page 23082

1 Isn't that true that in those communiqués you are making it clear  
2 that you would not permit any activity that was against the struggle  
3 of the KLA?

4 A. It may be so. It may be so.

5 MR. HALLING: Can we please put on the screen P1870.3, page 16  
6 in English and Albanian.

7 Q. Because, Witness, you just said that "it may be so," but I want  
8 to go with what exactly you said to the ICTY. And if you see on the  
9 bottom of the page in the English:

10 "When you say punitive measures within the zone, what could that  
11 mean?"

12 What you said was:

13 "Well, generally in our earlier communiqués, in our first  
14 communiqués, we would communicate publicly that the KLA didn't permit  
15 any activities that were in -- which ran against the struggle being  
16 waged by the citizens of Kosovo and this appeal was issued several  
17 times. And in most cases decisions were made to kill them."

18 So, Witness, here you don't say that it may the case, you say  
19 that it was. And what you say here about killing people for any  
20 activities which ran against the struggle, you said it this way  
21 because this is really how it was; isn't that true?

22 MR. DIXON: That's a very leading question, Your Honours.

23 MR. HALLING: I'm putting my case to the witness.

24 PRESIDING JUDGE SMITH: Overruled.

25 THE WITNESS: [Interpretation] This is taken out of context when

1 we were talking about the local police, and now you returned me back  
2 to what I said earlier about the local police. Police in uniform and  
3 armed by the Serbs who were conducting activities against the KLA.  
4 We were informed about that. In this context. This is said in this  
5 context.

6 MR. HALLING:

7 Q. Then can you explain why your answer doesn't say "local police"  
8 anywhere?

9 A. I don't know. That was the aim. You couldn't say anything in  
10 an interview -- everything in one interview.

11 Q. Thank you, Witness.

12 MR. HALLING: No further questions.

13 PRESIDING JUDGE SMITH: Thank you.

14 Mr. Misetic.

15 Cross-examination by Mr. Misetic:

16 Q. It's still morning, so good morning, Witness. My name is  
17 Luka Misetic. I am counsel for Mr. Thaci, and I have some questions  
18 for you. And I'd actually like to pick up where Mr. Halling just  
19 left off by talking about the background leading up to your 2006 ICTY  
20 interview.

21 MR. MISETIC: So, Madam Court Officer, if we could go to  
22 P1870.4, please, at page 2 in the English and page 13 in the  
23 Albanian, please. Page 13 in both. I apologise.

24 Q. I will begin at line 21 in the English, which is line 18 in the  
25 Albanian. And here you said:

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23084

1 "And I wouldn't like -- I promised people of Ramush Haradinaj's  
2 family that I would be ready to testify in his favour."

3 Then they ask you:

4 "Did they come to you or did you go to them?"

5 And you say:

6 "They've been asking me and a lot of other people, 'Who is ready  
7 to testify?' And I expressed my readiness. And they thought that" -  
8 if we can go to the next page in the English - "because of the  
9 relations that I had in the past with Ramush ... be prepared to  
10 testify for him. So I expressed my readiness to be a Defence  
11 witness. And of course I am aware that I will be questioned first by  
12 the Defence lawyer but then by the Prosecutor too."

13 MR. MISETIC: And then if we could go, please, to P1870.7, which  
14 is page 5 there in the English and page 8 in the Albanian.

15 Q. The investigator follows up on what you said there. And  
16 beginning at line 5 in the English, as I said, and line 16 in the  
17 Albanian and line 5 in the English, you're asked:

18 "You said that you spoke to members of Ramush's family about  
19 your testimony in The Hague, potential testimony."

20 And you said:

21 "With these people, with his friends. I wanted to express my  
22 willingness.

23 "Q. Can you tell me more about these discussions and exactly  
24 with whom you had those discussions?"

25 You answer:

1 "These are people close Ramush's family. These ... political  
2 structures saying that I'm ready at all times.

3 "Q. But did they come to you or you went to them?

4 "A. ... asked whether I would be prepared to testify for  
5 Ramush, I said yes, I would be ready.

6 "Q. But who asked you that, the person, a name?

7 "A. Well, [these] are activists in the Alliance party ... ever  
8 since the indictment was first given to me. It was the same in  
9 Fatmir Limaj's case. There was a long list of people confirmed,  
10 compiled, that would testify for him."

11 Now, Witness, my first question is you told the -- this all  
12 happened before you went and spoke to the ICTY in 2006; correct?

13 A. What's happened here was during the testimony.

14 Q. Okay. I think there's some confusion in my question. My  
15 question is: Before you spoke to the ICTY in 2006, you had spoken  
16 already to people representing Ramush Haradinaj and promised them, as  
17 you said, that you would be willing to testify for Ramush and in  
18 Ramush's favour; correct?

19 A. Yes.

20 Q. And as you said there, they had even given you a copy of the  
21 indictment against Ramush for you to review; correct?

22 A. No, no copy was given. The reference was to the article that I  
23 had written in the media against Ramush Haradinaj. I didn't have the  
24 indictment against Ramush given to me by anybody. I saw it when it  
25 was publicised in the media.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23086

1 Q. If you look in English on the document on your screen at line  
2 19, which is -- I'm looking in the Albanian right now.

3 MR. MISETIC: If we can see the bottom of the page.

4 Q. Lines 15 to 16 in the Albanian. You told the Office of the  
5 Prosecutor of the ICTY:

6 "... ever since the indictment was first given to me."

7 Do you see that? You said that the indictment was, in fact,  
8 given to you; correct?

9 A. No. What is written here is when the charges were raised  
10 against -- when the indictment against Ramush was made public. This  
11 is not here anything to do with that indictment having been given to  
12 me. In the Albanian, it says "when it was given." I have no  
13 knowledge that Ramush's indictment was ever given to me by anyone.

14 Q. Okay.

15 MR. MISETIC: If we could have P1870.6 on the screen, please, at  
16 page 5, line 3 in the English. And we're looking for the Albanian  
17 cite. Page 5 in the Albanian, lines 13 to 14.

18 Q. Now, in the summary, when they're summarising the witness  
19 statement they were preparing for you, they read it back to you, and  
20 they read it back to you as:

21 "I read the indictment against Ramush Haradinaj et al when it  
22 was issued."

23 And you confirmed:

24 "Yes."

25 Does that refresh your recollection that, in fact, you did read

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23087

1 the indictment against Ramush Haradinaj before you spoke to the ICTY?

2 A. I did not read all of it, but I know that it was publicised in  
3 the media. So the reference is to the extent that I was able to get  
4 from the media, from what was broadcast in the media.

5 Q. Well, let's go through other portions your statement.

6 MR. MISETIC: P1870.3, please, at page 11 in both the English  
7 and the Albanian, beginning at line 4 in the English and line 3 in  
8 the Albanian. It's page 11.

9 Q. You said:

10 "I read this when it was first issued. I read it in the media.  
11 And in fact, it made my skin creep, all the charges that were laid  
12 against him. When I read this indictment, I was surprised at the  
13 things that were said in it. As I said before, Ramush Haradinaj may  
14 have had weaknesses in his leadership, but neither then nor now do I  
15 suspect him of being a criminal."

16 And if we go down a little bit, at line 14 you said:

17 "But things of the kind that are written in the indictment are  
18 incredible. I don't believe these things. And if he had committed  
19 these acts with which he is charged, I think these -- through these  
20 channels of information that I mentioned earlier, the General Staff  
21 would have been informed about these things. And I think it would  
22 have been -- indisputably measures would have been taken."

23 Now, Witness, when you were giving evidence and saying that  
24 you'd read the indictment and you were certain that Ramush Haradinaj  
25 was not capable of the things that were alleged against him in the

1 indictment, you were trying to defend him against the charges that  
2 were being brought against him by the ICTY; correct?

3 A. I tried to tell the truth based on the information that I had  
4 about Ramush Haradinaj.

5 Q. Yes. And what you were trying to tell the ICTY was that you  
6 were a defence witness and that you didn't believe the allegations in  
7 the indictment against him; correct?

8 A. Yes.

9 Q. And as I just read out from that passage, one of the things you  
10 were trying to argue showed that he wasn't responsible was that the  
11 General Staff was informed about the things happening in the Dukagjin  
12 zone, and if he had done anything wrong, the General Staff would have  
13 disciplined him; correct?

14 A. Yes.

15 Q. Okay.

16 MR. MISETIC: And if we could take a look at some of the  
17 specific charges in the indictment that you were discussing in your  
18 statement. DHT04880 to DHT04912 at page DHT04885, please. At  
19 paragraph 24, please. The next page in the English.

20 Q. There the allegation facing Mr. Haradinaj was:

21 "That purpose, which necessarily involved the commission of  
22 crimes against humanity and violations of the laws [and] customs of  
23 war, was the consolidation of total control of the Kosovo Liberation  
24 Army over the KLA operational zone of Dukagjin by attacking and  
25 persecuting certain sections of the civilian population there:



1     namely the unlawful removal of Serb civilians from that area, and the  
2     forcible, violent suppression of any real or perceived form of  
3     collaboration with the Serbs by Albanian or Roma civilians there.  
4     The criminal purpose included the intimidation, abduction,  
5     imprisonment, beating, torture and murder of targeted civilians ..."

6             Now, you were aware of this allegation against Mr. Haradinaj at  
7     the time you gave your interview to the ICTY; correct?

8     A.     Not entirely. But with respect to passages to the extent that  
9     they were broadcast by the media and not as per the charges of the  
10    indictment, which I've never had in my hands. My reference was to  
11    what the media reported on the charges raised against Ramush.

12    Q.     And part of what they reported was that he was being charged  
13    with targeting collaborators; correct?

14    A.     It's possible.

15    Q.     Now, when you gave this interview you were aware --

16             MR. MISETIĆ: Actually, let's look at paragraph 35 of this  
17    indictment, please, which should be DHT04889. It starts off by  
18    saying:

19             "... KLA forces under the command and control of Ramush  
20    Haradinaj continued to mount similar attacks on Serb, Roma/Egyptian,  
21    and Albanian civilians perceived as collaborators, not ... taking  
22    part in hostilities."

23             Now, you knew prior to going to the ICTY that one of the  
24    allegations against Mr. Haradinaj was that the people who had  
25    committed crimes against perceived collaborators were under his

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23090

1 command and control; correct?

2 A. In my interview in the Ramush case what I said was that the  
3 commanding authority rested with the zone commanders. And as for the  
4 Dukagjin zone, the commander was Ramush Haradinaj. However, I'm  
5 repeating that I have not -- never had in my hands the charges as  
6 laid out in detail here in order to be able to -- to know what  
7 Mr. Haradinaj had been charged with at the time. What I mean to say  
8 is that I had a general view of it.

9 Q. Yes. And you had a general understanding that he was being  
10 charged with command responsibility; is that fair?

11 A. Yes.

12 MR. MISETIC: If we can now turn to DHT04871 to DHT04875. I'd  
13 like to read to you briefly from two documents. And in Albanian,  
14 it's DHT04872 to DHT04872-AT.

15 Q. Witness, I'm just going to read out the first few sentences.  
16 This is an address by the chief prosecutor of the ICTY to the  
17 Security Council on 13 June 2005, so about a year before you gave  
18 your statement to the ICTY. And she says:

19 "It is a great honour to be here again to provide an assessment  
20 on the progress made in the implementation of the completion  
21 strategy. A written assessment was distributed already, and I intend  
22 to concentrate now on the major issues. Significant progress can be  
23 reported on the key components of the completion strategy. All  
24 investigations were completed, and the last indictments issued, by  
25 the end of 2004."

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23091

1 MR. MISETIC: And if we could now pull up DKV1045-1066 in the  
2 English, and DHT04876 to DHT04877-AT. If we can go to page 3 in the  
3 English.

4 Q. This is a report of roughly the same time period issued by the  
5 president of the ICTY to the Security Council, in which he says:

6 "In pursuance of the completion strategy, the Prosecutor  
7 submitted her last indictments by the end of ... 2004."

8 And the last sentence in that paragraph says:

9 "No new indictments (other than ... for contempt) will be filed  
10 by the Prosecutor and hence there will be no new indictments  
11 confirmed."

12 Now, Witness, this is also in 2005, about a year before you gave  
13 your statement. You were aware that no member of the General Staff  
14 could be indicted by the ICTY based on anything you said in that  
15 interview; correct? It was widely reported in Kosovo and throughout  
16 the former Yugoslavia that there could be no new indictments by the  
17 ICTY at the time you gave your statement; correct?

18 A. It is likely, but it is not information that I was aware of,  
19 frankly speaking. It may be true, though.

20 Q. So you don't think that, for example, when you were talking to  
21 other members of the KLA for -- throughout 2005 and part of 2006, it  
22 never came up that the ICTY is done issuing indictments, or when you  
23 spoke to Mr. Haradinaj's representatives?

24 MR. HALLING: Objection, asked and answered.

25 MR. MISETIC: I'm following up.



Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23093

1 THE COURT OFFICER: Your Honours, that will be assigned  
2 Exhibit 1D217. And I note it's classified as public.

3 MR. MISETIC: Yes, that's fine.

4 And the next document is DKV1045-1066 to DHT04876-DHT04877-AT.

5 PRESIDING JUDGE SMITH: And it also is admitted.

6 THE COURT OFFICER: That will be assigned Exhibit 1D218 and is  
7 also public.

8 MR. MISETIC: Thank you.

9 Q. If we can go back to your ICTY interview.

10 MR. MISETIC: P1870.3 at page 12 in the English and in the  
11 Albanian. Now, if we start in the English at line 23, and in the  
12 Albanian at line 17.

13 Q. You are asked at line 23:

14 "But during your time in the General Staff of the KLA, you never  
15 heard allegations of KLA members possibly committing crimes of this  
16 kind?"

17 Yes?

18 A. There is no interpretation. Forgive me. I can't hear the  
19 interpretation. Oh, yes, I can now. I did not hear the latter part  
20 of the question.

21 Q. All right. Let me repeat it, then.

22 PRESIDING JUDGE SMITH: Yes, let's start over with the question  
23 and the answer.

24 MR. MISETIC: Yeah. Yeah.

25 Q. You were asked, beginning at line 17 in the Albanian and line 23

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23094

1 in the English:

2 "But during your time in the General Staff of the KLA, you never  
3 heard allegations of KLA members possibly committing crimes of this  
4 kind?"

5 And if we turn the page, please, in English, you say:

6 "I didn't hear these ..."

7 And you say -- and you deny having heard it. And then at lines  
8 14 and 15 on this page --

9 MR. MISETIC: Sorry, are we on page 13 in the English? Yes. If  
10 we can scroll up, please.

11 Q. You say:

12 "... there were no orders of this kind to kill civilians."

13 Do you see that? Line 14, actually, in the English.

14 So you told the ICTY that you were not aware of any orders by  
15 anyone in the KLA, including the General Staff, to kill civilians;  
16 correct?

17 A. Yes.

18 Q. And then the questioning continues on, beginning at line 21 on  
19 this page and line 14 in the Albanian. You go on to claim:

20 "... all units had orders that in those places where Serbian  
21 families had not left, not to touch them in any way."

22 Do you see that?

23 A. Yes, I do.

24 Q. And then a follow-up question is asked if -- whether there were  
25 any written orders to that effect, and you say:

Witness: Sokol Bashota (Resumed) (Open Session)

Page 23095

Cross-examination by Mr. Misetic

1 "No."

2 Correct?

3 A. Correct.

4 Q. At this point in the interview, you must have realised that you  
5 had no written orders to support your contention that orders had been  
6 issued not to touch Serbian civilians; correct?

7 A. Correct.

8 Q. And so it continues on, and you say at page 14 that such orders  
9 were issued orally by the General Staff through the radio through  
10 communiqués; correct?

11 A. Correct.

12 Q. But in paragraph 16 of Prep Note 1, P1872, you have now  
13 corrected this to acknowledge that the political directorate, in  
14 fact, did not issue any such orders through communiqués; correct?

15 A. Yes.

16 Q. Now, communiqués were generally numbered, weren't they?

17 A. Yes, they were.

18 Q. Do you know of any communiqué by number where anything was  
19 discussed about not touching Serbian civilians?

20 A. No, I don't.

21 Q. Now, in P1870.3, the interviewer continues on with this line of  
22 questioning.

23 MR. MISETIC: At page 15, beginning at line 15 in the English,  
24 and beginning at line 13 in the Albanian.

25 Q. The interviewer says to you:

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23096

1 "One thing that's been discussed in these indictments, both the  
2 Limaj one and the Haradinaj one, is the issue of alleged Serb  
3 collaborators among them, the Albanian population. And this is, of  
4 course, a problem in any war, this is something that needs to be  
5 addressed. Who was dealing with this? Who was authorised to deal  
6 with this? Was it the General Staff or was [it] something that also  
7 a local commander could deal with within his zone?"

8 So the investigator here is asking you about who was responsible  
9 for dealing with Albanian collaborators among the Albanian civilian  
10 population, and he gives you a binary choice: Was it the local  
11 commanders, like Ramush Haradinaj, or was it the General Staff;  
12 correct?

13 A. Yes.

14 Q. And you choose the General Staff; correct?

15 A. I chose the General Staff, and I -- as I said in the note, I do  
16 not know why I had not made this clarification. I don't know why I  
17 did not make this clarification in the note when -- during the  
18 preparation session with the Prosecutor last week. It was within the  
19 powers of the zones. The General Staff, as I've said in this  
20 interview, and I don't know which part of it, the General Staff did  
21 not know who the local policemen were or who the armed people were  
22 within the zones. Whilst the communiqués, the communiqués were of a  
23 generalised nature. They were meant to be as a warning of a  
24 generalised nature.

25 Q. Yes, but you chose the General Staff here, and I'm going to



1 suggest to you that one of the reasons you chose the General Staff is  
2 you knew you were giving evidence -- or I shouldn't say "giving  
3 evidence," you were being interviewed about Mr. Haradinaj; correct?

4 A. Yes.

5 Q. And if you said it was Mr. Haradinaj, you could be implicating  
6 him in the war crimes he was under indictment for at the time;  
7 correct?

8 A. No, it wasn't that I was evading information if I had that in my  
9 possession. I tried to tell the truth in that interview with the  
10 information that I had. As you know, the interview was taken under a  
11 situation of pressure given -- of -- regarding my health. And it was  
12 a day-long interview during which we weren't able to have any food.  
13 I was unable -- I did not have the normal prescription drugs with me,  
14 and it was in the absence of a lawyer as a -- a defence lawyer.

15 And given that I'm not schooled in legal affairs, it is fairly  
16 possible that mistakes were made in the course of that interview.

17 Q. I understand. If we can continue on with the interview that  
18 we're looking at.

19 MR. MISETIĆ: Page 18 beginning in line 3 in the English, and  
20 line 2 in the Albanian on page 18.

21 Q. Now I'm going to read the question. The question from the  
22 investigator to you is:

23 "But are you saying that if the zone commander, after making his  
24 investigation in the field with the help of his soldiers in the  
25 field, has established that someone is in his opinion a collaborator

1 with the Serbs, could he -- and this person will not give up this  
2 information, he will deny that this is a fact, but the zone commander  
3 has made his investigation and he's completely clear to himself that  
4 this person is collaborating with the Serbs, could he have taken the  
5 decision for himself to kill this person?"

6 And your response immediately is:

7 "Let's just bear [this one thing in mind]."

8 Or let me rephrase:

9 "Let's just bear in mind one thing. As far as I know, no  
10 collaborator as far as being able to communicate ... no collaborator  
11 was killed because of the fact that he was a collaborator."

12 Do I understand correctly that you have no knowledge of any  
13 person having been killed by the KLA because he was allegedly a  
14 collaborator?

15 A. Yes, yes.

16 MR. MISETIC: Now, if we go to line 18 in the English, and line  
17 12 -- sorry, line 12 -- I apologise. Line 18 in the English and line  
18 12 in the Albanian.

19 Q. The investigator follows up on your denial of having any  
20 knowledge of someone having been killed and says:

21 "But, just to go back to my question, would it have -- if this  
22 had happened could -- like I described earlier, if that [had]  
23 happened in the way I originally explained it earlier, could they  
24 have made a decision to kill this person?"

25 Now, my first question is did you understand that question to be

1 a hypothetical question?

2 A. Yes, it was a hypothetical question.

3 Q. You then respond by saying:

4 "No."

5 The zone commander, in this case Ramush Haradinaj, if he could  
6 communicate with the collaborator, he would not have the right to  
7 kill the collaborator. Correct?

8 MR. MISETIC: If we could turn the page in English, please.

9 MR. HALLING: Your Honours, at least we're not seeing where on  
10 the page the quote Defence counsel has just given us --

11 MR. MISETIC: I'll read out the entire answer then.

12 Q. You say:

13 "If he hasn't communicated with the zone or any soldier of the  
14 KLA and he continued his collaboration with Serbian forces, generally  
15 these cases occurred in this form of no man's land between the lines  
16 of Albanian and Serbian forces. In other words, such cases happened  
17 while he was in the course of his activities. However, if some  
18 contact had been made with the KLA soldiers, then he's reprimanded,  
19 it's a verbal reprimand ... warnings would be issued not to behave in  
20 such a way, not to make contact with Serbian forces. And some of  
21 these people respected these warnings; and some, [not]."

22 And then the question is:

23 "And what happened to the ones who didn't respect this warning?"

24 "These people who did not heed such warnings and went on with  
25 their hostile activities ..."

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23100

1 And then inexplicably the tape runs out. Correct?

2 A. Yes.

3 Q. Now, let's look at your 2006 witness statement to see what --  
4 how these blanks in the transcript are filled in.

5 MR. MISETIC: So if we could go, please, to P1871 at paragraph  
6 38, please.

7 Q. Now, at paragraph 38 of your witness statement, your 2006 ICTY  
8 witness statement, it's recorded as follows:

9 "Asked about the Serbian collaborators, I can say that they  
10 caused us a lot of trouble as they were infiltrated in the zones that  
11 the KLA controlled. By decision of the KLA General Staff, these  
12 people were considered to be instruments of the Milosevic regime and  
13 part of the police and army apparatus and had to be treated as such.  
14 The steps taken against them were intended to make clear to them that  
15 nobody should behave in this way ..."

16 And at paragraph 39:

17 "Of course, the KLA General Staff could not know who was a  
18 Serbian collaborator. We relied on the various operational zones to  
19 know who they were. When someone was identified as a Serbian  
20 collaborator in the operational zone, punitive measures would be  
21 taken against them within the zone. In cases when they were caught  
22 in the course of their activities that person would be killed. The  
23 KLA General Staff would then be informed about the specific punitive  
24 measures that had been taken."

25 And then at paragraph 43, please:

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23101

1           "With regard to Serbian collaborators, operational zone  
2 commanders acted on the basis of the report that was provided to them  
3 by the soldiers under their command. After [that] person had been  
4 warned and the General Staff was satisfied that he was a Serbian  
5 collaborator, the collaborator could be killed by the KLA command  
6 structure if he continued his activities. After the order to kill  
7 the collaborator had been issued by the General Staff, it could be  
8 carried out by any soldier who identified the collaborator."

9           Now, we've seen that you've told the ICTY in the recorded part  
10 of your interview on at least two occasions that you have no  
11 knowledge of any orders to kill civilians, and you have no knowledge  
12 of any collaborator having been killed. So what were you talking  
13 about in these paragraphs of your witness statement if you have no  
14 knowledge that any of this ever happened?

15       A.    In my opinion, these were mostly hypothetical questions about  
16 similar events: How we would act if that were the case, if that  
17 happened. I already said - I don't know if I amended it, but I  
18 mentioned it - that in some instances I meant the zone staffs, and  
19 that I always referred to the local police who were uniformed police,  
20 Serb police, and armed. When I said in the wake of their activities,  
21 you have to understand it that I meant those who attacked the KLA  
22 soldier and that such measures had to be taken against them, and not  
23 to have our soldiers withdraw in front of their aggression. That was  
24 what I meant.

25       Q.    Okay. Witness, in your preparation session with the Specialist

1 Prosecutor's Office a few weeks ago, were you asked any basic  
2 investigative questions about these parts of your witness statement  
3 such as who specifically issued orders to kill collaborators or when  
4 this happened? Did they ask you any questions about that?

5 A. There were such questions.

6 Q. What questions were asked and what was your answer?

7 A. I can't remember all questions, but there were similar  
8 questions. Maybe I have amended them. I could make some changes,  
9 because there was a lot of material, and it may be that I couldn't  
10 make some changes or some corrections, but there were supplementary  
11 questions.

12 Q. Yes. And do you recall supplementary questions about these  
13 three paragraphs of your 2006 witness statement that I just read out  
14 to you? Were you asked any questions about those paragraphs?

15 A. I can't -- I can't remember accurately.

16 Q. Do you remember them asking you to identify the person or  
17 persons in the General Staff who ever issued an order to kill a  
18 collaborator?

19 A. I think it was such a question. I think so. I can't be  
20 100 per cent sure.

21 Q. And did you identify such a person?

22 A. No.

23 Q. Why not?

24 A. Because I didn't know of a person who gave a concrete order to  
25 kill someone.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23103

1 Q. Okay. Let me ask you another question. You said in these parts  
2 that I read out to you:

3 "In cases when they were caught in the course of their  
4 activities that person would be killed."

5 Did the SPO in your preparation session ask you to provide an  
6 example of a person who was killed in the course of their  
7 collaboration activities?

8 A. No, to my recollection.

9 Q. Okay. You then said in the three paragraphs that I read out to  
10 you:

11 "The KLA General Staff would then be informed about the specific  
12 punitive measures that had been taken."

13 Did the SPO ask you to provide an example of a case where the  
14 KLA General Staff had been informed about a specific punitive measure  
15 that had been taken against a collaborator?

16 A. No. I think no.

17 Q. Concerning paragraph 38 of this statement, where you said that:

18 "By decision of the KLA General Staff, these people were  
19 considered to be instruments of the Milosevic regime and part of the  
20 police and army apparatus and had to be treated as such."

21 Were you asked by the Prosecutor in your prep session to  
22 identify, for example, when such a decision was taken?

23 A. Maybe they asked me, but I don't know when such a decision may  
24 have been taken. This was part of the communiqués, and it was spoken  
25 in general, not about specific cases.

1 Q. Who issued such communiqués, by name? Who issued such  
2 communiqués?

3 A. I don't know.

4 Q. Do you know when which communiqués you're referring to, when  
5 were they issued?

6 A. Communiqués were issued now and again --

7 Q. I should have been more precise. You're referring here to a  
8 decision of the KLA General Staff "these people were considered to be  
9 instruments of the Milosevic regime." When did the KLA General Staff  
10 make such a decision? You don't know who. Do you know when?

11 A. No, I don't know.

12 Q. Witness, do you recall that you met with members of the Thaci  
13 Defence on 13 April 2022, specifically Mr. Greg Kehoe,  
14 Mr. Peter McCloskey, Mr. Jan Kruszewski, Mr. Dastid Pallaska, and an  
15 interpreter? Do you recall that meeting?

16 A. Yes, I do.

17 Q. And I'd like to show you the minutes or notes that were taken of  
18 that meeting.

19 MR. MISETIĆ: DHT04866 to DHT04869, please. That's in the  
20 English and in the Albanian.

21 Q. Now, you see -- can you confirm that the meeting took place on  
22 or about 13 April 2022?

23 A. Yes.

24 Q. Now, the notes of the meeting which were taken by  
25 Mr. Kruszewski, and I'll show you that in a second, says:



Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetić

Page 23105

1           "Mr. Bashota ... was interviewed by the ICTY. However, 4-5 days  
2 ago the SPO tried to reach him on a number that was not his. It was  
3 a dilemma for him if he should contact them or not. When SPO  
4 interviewed him, he chose to remain silent.

5           "When he was interviewed by the ICTY, the questions were  
6 hypothetical: 'how things would happen in case of this and that with  
7 a lot of references to the General Staff. The course of the SPO  
8 investigators were based on hypotheticals, if thing had been this way  
9 ...'

10           "[Sokol Bashota] commented on para. 39 and para. 43 in his ICTY  
11 statement ... if someone identified as a collaborator was caught in  
12 the course of his activities, if he fired in the direction of KLA  
13 soldiers, if he resisted, then he would be killed. After the person  
14 had been warned, and the [General Staff] informed, he would be shot  
15 or could be killed if he continued his activities. [Sokol Bashota]  
16 did never [hear] that the General Staff issued an order to kitchen a  
17 collaborator, they never expected such a decision. This is a  
18 hypothetical."

19           Do you recall telling that to the lawyers for Mr. Thaci on or  
20 about 13 April 2022?

21           A. Yes.

22           Q. Thank you.

23           MR. MISETIC: I'm just going to -- I'm going to tender the  
24 document, but there's a correction that's been made that will be  
25 relevant to later in my cross. If we go to the last page here. And

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23106

1 this is just for the Panel and for the Prosecution. Actually, the  
2 page before, please, in the -- if we scroll down, please. Yes.  
3 There's a paragraph there that says:

4 "During the incident with two Serbian journalists, Mr. Thaci was  
5 in a village in Malishevo."

6 And Mr. Kruszewski has corrected that.

7 If we could please call up DHT04879 to DHT04870 in both the  
8 English and Albanian. And the Panel will see that Mr. Kruszewski has  
9 corrected this. It shouldn't be a reference to Mr. Thaci, and he's  
10 produced his original notes. His notes said "he," h-e, which  
11 Mr. Kruszewski incorrectly interpreted as HT, meaning Mr. Thaci.

12 With that I tender both documents into evidence, Mr. President,  
13 and I will be addressing this later in my cross-examination.

14 PRESIDING JUDGE SMITH: Objection?

15 MR. HALLING: Your Honour, today is the first day we've seen  
16 this document. On the Panel's definition of a statement of a  
17 witness, this qualifies as a statement of a witness. Counsel has not  
18 met the criteria for Rules 153 to 55 of the rules, and it cannot be  
19 admitted in this way. We object.

20 MR. MISETIC: Why is it inadmissible? The witness is here.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. MISETIC: It's -- it's notes of an interview. It's not --  
23 we're not tendering it as his witness statement.

24 PRESIDING JUDGE SMITH: It's a statement. I don't know what  
25 else it can be.

1 MR. MISETIC: As I understand 153 to 155, it's the calling  
2 party's obligation under those rules, not a cross-examining party.  
3 Otherwise, if I wanted to tender a statement taken by the OTP that  
4 they didn't tender and I use in cross, I have to go through 153 to  
5 155?

6 PRESIDING JUDGE SMITH: You can ask him if it's his statement  
7 and if he has signed it. He has not apparently; correct?

8 MR. MISETIC: He has not signed it because they are investigator  
9 notes.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. MISETIC: Well, he's confirmed that he said that.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 THE INTERPRETER: Microphone, please.

14 PRESIDING JUDGE SMITH: You have to confirm that some way.

15 MR. MISETIC: Can I have a minute, Mr. President.

16 [Specialist Counsel confer]

17 [Trial Panel confers]

18 PRESIDING JUDGE SMITH: Mr. Misetic, we'll just mark it MFI as  
19 presented.

20 MR. MISETIC: Yes, I'm --

21 PRESIDING JUDGE SMITH: That will give the Prosecution an  
22 opportunity to review it, and then we'll take it up again after that.

23 MR. MISETIC: That's fine, Mr. President. I'm just -- I'm a  
24 little confused because I think we've used in the past notes taken by  
25 the Prosecution of contacts with witnesses that I don't think have to

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetiç

Page 23108

1 go through this process for admission if used on cross.

2 PRESIDING JUDGE SMITH: It comes down to whether or not it's a  
3 statement or not. I understand. And there may be a disagreement  
4 about that, but we can deal with it later. Right now we're just --

5 MR. MISETIC: Okay.

6 PRESIDING JUDGE SMITH: -- giving it an MFI.

7 MR. MISETIC: That's fine.

8 PRESIDING JUDGE SMITH: We're not disallowing it.

9 MR. MISETIC: That's fine. And I'm going to use it again later,  
10 so thank you.

11 PRESIDING JUDGE SMITH: Okay.

12 MR. HALLING: Your Honour, if we could say one last thing on the  
13 practice of the Trial Panel in relation to this. There have been  
14 occasions where other statements beyond Rule 154 that were prepared  
15 by the SPO or collected by the SPO were admitted into evidence, but  
16 they still had to follow the procedure at least of the preparation  
17 session where the witness had a full opportunity to review them and  
18 to make his comments or corrections. No such thing has happened with  
19 this statement.

20 MR. MISETIC: Again, we can make submissions later, but we're  
21 not tendering it as a witness statement. So it contains his  
22 statements but it's investigator's notes, which is why they're being  
23 tendered. Just to establish the date on which he said it was  
24 hypothetical.

25 JUDGE METTRAUX: But would that make the note-taker a witness,

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23109

1 Mr. Misetic?

2 MR. MISETIC: I mean, it ...

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: Yes, but it's --

5 PRESIDING JUDGE SMITH: It's hearsay as it is. Not that that's  
6 objectionable. I'm just saying it is hearsay as it is, so it has  
7 limited probative value.

8 MR. MISETIC: I agree. But, you know, as you know, half this  
9 trial is hearsay.

10 PRESIDING JUDGE SMITH: That's right.

11 MR. MISETIC: So I mean, you know ...

12 PRESIDING JUDGE SMITH: I'm not picking on that.

13 MR. MISETIC: Yeah.

14 PRESIDING JUDGE SMITH: I'm just suggesting that.

15 MR. MISETIC: Yeah.

16 PRESIDING JUDGE SMITH: We'll continue as we just stated.

17 MFI, please.

18 THE COURT OFFICER: Your Honours, the first document with  
19 DHT04866 to DHT04869 and the corresponding Albanian will be assigned  
20 1D219 MFI.

21 And then DHT04870 to DHT04870 and the Albanian corresponding  
22 will be MFI 1D00220. Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. MISETIC: Thank you.

25 Q. Now, Witness, you've said in 2022, and you've said again here

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23110

1 under cross-examination, that you understood the ICTY to be asking  
2 you hypothetically. And I also note that the ICTY investigators  
3 never asked you follow-up questions that I asked you about who would  
4 have issued such an order, when, or where.

5 Was it your impression that the investigators also understood  
6 that they were asking you hypothetical questions?

7 MR. HALLING: Objection, calls for speculation.

8 PRESIDING JUDGE SMITH: Sustained.

9 MR. MISETIC: I'm asking for his impression, Mr. President.

10 PRESIDING JUDGE SMITH: Pardon me?

11 MR. MISETIC: I'm asking for his impression, not ...

12 PRESIDING JUDGE SMITH: You can ask him what his impression --

13 MR. MISETIC: That's what I'm doing.

14 PRESIDING JUDGE SMITH: -- about it, but not of what -- what he  
15 was doing.

16 MR. MISETIC: That's exactly what I asked.

17 PRESIDING JUDGE SMITH: [Microphone not activated] ... was doing,  
18 what he was trying to accomplish.

19 MR. MISETIC: Okay.

20 PRESIDING JUDGE SMITH: I think.

21 MR. MISETIC: Yes.

22 Q. Witness, was it your impression that the questions being posed  
23 to you were hypotheticals?

24 A. Yes. Yes, there were questions which -- asked also by Thaci  
25 Defence which I considered hypotheticals.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23111

1 Q. Okay. Now, the Office of the Prosecutor of the ICTY, after you  
2 gave this statement, decided not to call you as a witness in the  
3 Haradinaj case; is that correct?

4 A. Yes.

5 Q. Before your ICTY interview that you've seen, were you ever told  
6 that you were a suspect?

7 A. No.

8 Q. We know that Mr. Haradinaj never put on a defence case. But  
9 after giving this statement to the ICTY in 2006, did anyone acting on  
10 Mr. Haradinaj's behalf tell you that you would be called as a defence  
11 witness if a defence case is put on?

12 A. I don't remember with whom I talked, but I know that they were  
13 people from his political party who were closer to Ramush. One of  
14 the questions asked was: If the defence calls you, can you come and  
15 make a statement, such a statement? I said yes, I was ready to do  
16 it.

17 Q. Okay. Now, in answering this question hypothetically as you  
18 did, that punishment of collaborators was not in Mr. Haradinaj's  
19 responsibility, meaning -- but the responsibility of the  
20 General Staff, did you think that that testimony was exculpatory for  
21 Mr. Haradinaj?

22 A. I already said that the aim was not to blame or not  
23 Mr. Haradinaj but just to say what I knew, what I had information  
24 about, sure information. I don't know now why in my note I did not  
25 change it in a place. I think when it says "General Staff," I should

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23112

1 have made it "zone staff." Otherwise, the statement I gave then was  
2 in conformity with what I knew.

3 Q. Okay.

4 MR. MISETIC: Mr. President, I'm trying to -- I'm just changing  
5 topics and I'm trying to find a five-minute topic to cover.

6 PRESIDING JUDGE SMITH: Why don't we just go ahead and take the  
7 break, and then you can --

8 MR. MISETIC: Even better.

9 PRESIDING JUDGE SMITH: -- come up with something afterwards.

10 MR. MISETIC: Even better. Thank you.

11 PRESIDING JUDGE SMITH: It'll give you a moment to think about  
12 it.

13 Witness, it's time for the lunch break. You'll be excused now  
14 for an hour and a half for lunch. We'll see you back here at 2.30.  
15 Do not speak to anyone about your testimony outside the courtroom.  
16 You may leave now.

17 [The witness stands down]

18 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

19 --- Luncheon recess taken at 12.57 p.m.

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

21 PRESIDING JUDGE SMITH: Mr. Misetic, I understand you had a  
22 request to make a statement.

23 MR. MISETIC: Yes, Mr. President. I just wanted to make an  
24 additional submission, now that I've had time over the lunch break,  
25 on the admissibility of the investigator's notes.



1           If I could first start in private session because the document I  
2 wish to discuss is confidential.

3           PRESIDING JUDGE SMITH: Into private session, please.

4                               [Private session]

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Witness: Sokol Bashota (Resumed) (Private Session)  
Cross-examination by Mr. Misetic

Page 23118

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5 [Open session]

6 THE COURT OFFICER: Your Honours, we are now in public session.

7 PRESIDING JUDGE SMITH: Thank you.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: Welcome back, Witness. We continue with  
10 Mr. Misetic's questions of you.

11 Go ahead.

12 MR. MISETIC:

13 Q. Witness, good afternoon. I'd like to ask you a few questions  
14 related to testimony you gave last week at transcript page 22987,  
15 line 16, where you said that collaborators posed a great risk. And  
16 I'd like to show you an interview that was given by  
17 Mr. Zoran Stijovic, who was the chief of the analysis section of the  
18 Prishtine centre of the Serbian State Security service from 1996  
19 until 12 June 1999.

20 MR. MISETIC: And, Madam Court Officer, this is a video in  
21 Albanian, voice-over in Albanian. It's DHT04913. The English  
22 transcript is DHT04913-TR-ET, and if we could have them side by side.  
23 It starts at transcript page 3, and the minute mark in the video is  
24 the 09:48 mark.

25 Is it not playable?

1 THE COURT OFFICER: No, because it's Albanian, the audio only  
2 comes through the Albanian channel, so it will need the interpreters  
3 to --

4 MR. MISETIC: There was no video either.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "... the leaders -- the leaders of  
7 the National Movement of the Liberation of Kosovo took part, and  
8 there were people amongst the services who were in contact with these  
9 people.

10 "There were two directions. One, that the people --  
11 participants from the Kosovo People's Movement would get involved in  
12 the political parties, and they were in the Democratic League, they  
13 were among the Demochristian Party and the Social Democratic Party.  
14 The second was in the village of Drenica. People who had been  
15 convicted were tasked to prepare the Albanians for armed resistance  
16 against the law and order forces in Kosovo and Metohija and to  
17 proceed with the creation of the Republic of Kosovo. This happened  
18 in 1993 and the second in 1994. During this period, we took some  
19 actions to document the actions of these organisations."

20 MR. MISETIC: Thank you.

21 Q. Witness, is this, what he says there about infiltrating the  
22 LKCK, consistent with your understanding of the threat that was posed  
23 by collaborators to the movement?

24 A. At the time, I was a local member of the LPK, so the stance of  
25 the LPK central authorities with respect to these problems was not

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23120

1 known to me. But I have always stated that the enemy will try to  
2 infiltrate its people amongst any illegal movement, but I haven't got  
3 anything concrete to add with respect to what we saw here.

4 MR. MISETIC: In the interest of time, Madam Court Officer,  
5 could we skip ahead to 13:47 in the video and in the transcript,  
6 please. And it's the bottom of page 3 in the transcript, please.

7 [Trial Panel and Court Officer confers]

8 PRESIDING JUDGE SMITH: This document is currently confidential  
9 and will be going out into the public.

10 MR. MISETIC: It's broadcast on TV, so there's no reason for it  
11 to be confidential.

12 PRESIDING JUDGE SMITH: So it will be public?

13 MR. MISETIC: Yes.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. HALLING: None, Your Honour.

16 PRESIDING JUDGE SMITH: All right. Reclassified as public.

17 [Video-clip played]

18 THE INTERPRETER: [Voiceover] "Have you had any Albanians amongst  
19 you and what was the number?"

20 "Due to professional requirements, I cannot answer to the second  
21 part. But it is known that if you want to trace thieves, you cannot  
22 find them through an honest person. Thus, you need people who engage  
23 in these activities. You need to have someone from the inside. In  
24 order to learn about the activities of the Albanians, you cannot have  
25 people named Zoran, but you have to have someone called Agim. It's a



Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23121

1 technical issue as to how to get to these people. These are games  
2 that are played by the services and they will continue as long as  
3 there is the information you want."

4 MR. MISETIC: That's enough.

5 [Video-clip played]

6 THE INTERPRETER: [Voiceover] "Can you say there was a large  
7 number of Albanians who worked for the service?"

8 MR. MISETIC:

9 Q. Witness, my question for you, he mentions there, "You can't have  
10 a Zoran, you need an Agim." Can you confirm that Agim is the  
11 Albanian version of the name Zoran in Serbian?

12 A. I don't speak the Serbian language that well. I don't know.

13 Q. Okay. And is it, again, consistent with your understanding at  
14 the time that the Serbian intelligence services were actively  
15 attempting to infiltrate into the KLA?

16 A. As far as the KLA is concerned, we always thought that the  
17 possibility existed for them to try to infiltrate their members  
18 within the KLA ranks, but I cannot give you a specific example.

19 MR. MISETIC: Thank you, Mr. President. I tender the video and  
20 transcripts into evidence.

21 PRESIDING JUDGE SMITH: Any objection?

22 MR. HALLING: None, Your Honour.

23 MR. MISETIC: And just, Mr. President, for the record, I didn't  
24 call up the Albanian transcript, but just so that we have it for the  
25 future, it's DHT04913-TR.

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           DHT04913 and DHT04913-TR-ET and the Albanian translation is  
3 admitted.

4           THE COURT OFFICER: Your Honours, that will be Exhibit 1D221,  
5 and it will be classified public.

6           MR. MISETIĆ: Thank you.

7           Madam Court Officer, if we could please have 006867 to  
8 006868-ET, and the Serbian version, which is 006798 to 006791, at  
9 page 006867.

10          And if we could go into private session as well, please.

11          Mr. President, if we could go into private session.

12          PRESIDING JUDGE SMITH: Into private session, please.

13                               [Private session]

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Witness: Sokol Bashota (Resumed) (Private Session)

Page 23123

Cross-examination by Mr. Misetić

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Witness: Sokol Bashota (Resumed) (Private Session)

Page 23124

Cross-examination by Mr. Misetić

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16 [Open session]

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

18 MR. MISETIĆ: Thank you.

19 Q. Witness, last week you told the SPO - and this is at Preparation  
20 Note 2, paragraphs 52 to 55 - that the zone commanders revolted when  
21 they found out you were deputy commander, and you recalled an  
22 incident where Ramush Haradinaj fired a weapon in the air. Do you  
23 recall speaking about that with the SPO last week or two weeks ago?

24 A. Yes.

25 Q. You said in paragraph 55 of Preparation Note 2 that you saw this

1 as part of a military coup. Is that what you told the SPO two weeks  
2 ago?

3 A. Yes, this is how I considered it.

4 Q. Okay. You were the deputy commander. And just for background,  
5 this is a time when you say in the preparation note that both you and  
6 Azem Sylja were forced to resign; correct? You resigned as deputy  
7 commander and he resigned as the overall general commander in  
8 February 1999; correct?

9 A. Yes. At a meeting of the General Staff after the revolting of  
10 the zone, operational zone commanders, we offered to resign -  
11 Azem Sylja, Jakup Krasniqi, and myself.

12 Q. Okay. Why didn't -- when you saw what you describe as a coup,  
13 why didn't you and Azem Sylja discipline the zone commanders and have  
14 them arrested, for example, for trying to engage in a coup?

15 A. Because it would be a tragedy to the KLA itself. We didn't want  
16 to enter into conflict with the zone commanders who enjoyed great  
17 authority among their soldiers and subordinates. So we, as a matter  
18 of fact, accepted their act of revolt and didn't want to cause any  
19 split in the ranks of the KLA.

20 Q. Now, Witness, I'm going to summarise for you the testimony of  
21 Bisljim Zyrapi who testified at page 17657 to 17660 that there was an  
22 initial meeting where your presence in the meeting caused  
23 Mr. Haradinaj to leave the meeting and state that he would not  
24 participate in the meeting if you were present. Do you recall  
25 something similar?

1 A. At a meeting that Bislīm Zyrapi called in Likoc, my presence  
2 there arose such kind of reaction among the zone commanders. But  
3 Ramush took the floor -- he left, actually, the place where we were  
4 meeting and fired his weapon.

5 Q. Okay. And as a result of his conditions, there was a follow-up  
6 meeting where you were not present; correct?

7 A. I don't know if there was a follow-up meeting.

8 Q. Well, let's take a look and see if you know anything about the  
9 follow-up meeting.

10 MR. MISETIĆ: Which is P00182, please, at page SPOE00226397 in  
11 the English and the Albanian, please.

12 Q. And you can see what's written down here is who was present for  
13 this meeting. It says Ramush Haradinaj, Rrustem Mustafa, Ekrem  
14 Rexha, Sylejman Selimi, and representatives of the General Staff  
15 Rexhep Selimi and Bislīm Zyrapi. Do you see that?

16 A. Yes.

17 MR. MISETIĆ: And if we turn the page, please.

18 Q. Ramush is speaking and he says:

19 "Sokol Bashota says he does not trust the leadership."

20 Do you know what Ramush may have been referring to there? Did  
21 you express an opinion of distrust of the leadership?

22 A. No.

23 Q. Do you know what he might be referring to there?

24 A. No, I don't know.

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

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetić

Page 23128

1 Q. Commander Remi says that:

2 "In all operational areas we are facing similar problems."

3 MR. MISETIĆ: If we could turn the page, please.

4 Q. And he also says he fully supports what Ramush said in his  
5 speech. And then on this page, he says:

6 "I propose Bislīm Zyrapi for the post of KLA Commander.

7 Personally, I do not have any ambition for any posts.

8 "We and the General Staff are ... responsible for this  
9 situation. We will not keep silent any longer!"

10 MR. MISETIĆ: And then finally if we can go to the next page,  
11 please:

12 Q. "I think we should appoint a professional as Commander, who  
13 should be accountable to us."

14 MR. MISETIĆ: And I apologise. One more page, please.

15 Q. Sylejman Selimi is quoted as saying:

16 "The appointments that have been made in the General Staff are a  
17 matter of concern. (Sokol Bashota and Jakup Krasniqi). I think  
18 Sokol Bashota is not up [for] the job of the Deputy Commander. The  
19 General Staff has ignored the requests we have made about this  
20 issue."

21 Now, were you aware at the time that some of the zone commanders  
22 such as Ramush Haradinaj and Sylejman Selimi were dissatisfied with  
23 your appointment as deputy commander and had sent previous requests  
24 to the General Staff about the issue?

25 A. Bislīm Zyrapi told me this later.



1 Q. Okay. And what problem -- did he tell you what was the problem,  
2 why they were so adamantly against you?

3 A. To tell you the truth, I don't think they had any convincing  
4 arguments against me. They were not braver than me or more  
5 courageous than me. In my view, it was ambition -- egoistical  
6 ambition on their part to assume the leadership of the General Staff  
7 of the KLA. Initially, I didn't hide idea that it was a Serbian  
8 secret intelligence that introduced such an attitude, but I thought  
9 that all the zone commanders were not part of -- in this category,  
10 and I merely consider their attitude as an egoistical ambition.

11 Q. Okay. And you mentioned in your answer that they wanted to  
12 assume the leadership of the General Staff of the KLA. In paragraph  
13 180 of its pre-trial brief, Specialist Prosecutor alleges that  
14 Sylejman Selimi did become the KLA general commander at the end of  
15 February 1998. That's correct, isn't it?

16 MR. HALLING: Objection, misstates the evidence. It was  
17 February 1999.

18 MR. MISETIC: Sorry, I apologise. 1999. That's correct.

19 Q. That Sylejman Selimi did become the general commander of the KLA  
20 in February 1999; correct?

21 A. Yes.

22 MR. MISETIC: Now, if we can go to page 404, please.

23 Q. And here, this is again, I believe, Sylejman Selimi:

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

Witness: Sokol Bashota (Resumed) (Open Session)

Page 23130

Cross-examination by Mr. Misetic

1 Do you see that?

2 A. No, it's not on the page before me.

3 MR. MISETIC: If we can scroll to the bottom on the Albanian,  
4 please. There we go.

5 THE WITNESS: [Interpretation] Yes, now.

6 MR. MISETIC:

7 Q. Yes. It says:

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

10 Do you see that?

11 A. Yes, I do.

12 Q. It's correct, isn't it, that the zone commanders felt they were  
13 so powerful that it was their choice as to whether they would report  
14 to the General Staff or not; correct?

15 A. Yes.

16 Q. And they felt they were so powerful that they could condition  
17 their continued reporting to the General Staff by making appointments  
18 to the leadership of the General Staff; correct?

19 A. Yes.

20 Q. Am I correct that you did not have military police to arrest  
21 Ramush or Sylejman Selimi?

22 A. It is true that we couldn't do that.

23 Q. Is it correct that your relationship with the zone commanders  
24 was really more a relationship of mutual consent to work together?

25 A. Yes. In most cases, it was on the basis of trust, but I didn't

1 visit zones myself. Never. But at the beginning, our relationship  
2 was based on trust, good faith. They were all -- in most cases  
3 they -- or in all cases, they were elected among their respective  
4 zones.

5 Q. Yes.

6 MR. MISETIC: Could we go to page 407 in the document, please.

7 Q. Yes. This is again Sylejman Selimi:

8 "... I will not respond to any requests from or brief you and I  
9 think even my post as Commander of the Operational Zone will be  
10 contested.

11 "Only then I will carry out all the tasks that the General Staff  
12 assigns us and will not contest any orders."

13 What is your understanding of what is being said there?

14 A. That he continue to oppose me and Jakup Krasniqi and Azem Sylja.

15 Q. And he will -- am I correct that he is saying he will remain  
16 insubordinate until his demands are met?

17 A. Yes. Yes.

18 Q. Would you agree with me that the real power in the KLA from  
19 early 1998 and even earlier than that, through at least this meeting,  
20 lay with the zone commanders?

21 A. Indistinguished lawyer, I have said even earlier that the zone  
22 commanders had absolute authorities in the zones where they operated.  
23 And if they got together, they could bring about changes as the case  
24 was with the leader of the KLA.

25 Q. Thank you.

1 MR. MISETIC: The document can be removed from the screen.

2 Q. Now, Witness, turning to a different topic, and this is the  
3 early stages of the KLA that I'd like to discuss with you.

4 You've testified at P1875 at page 67709 that you attended a  
5 meeting in Albania with Azem Sylva, Xhavit Haliti, Xheladin Gashi, Ali  
6 Ahmeti, and another person in -- I believe in December 1993; is that  
7 correct?

8 A. Yes, I have given this evidence, but I didn't say this.

9 Q. Oh, sorry.

10 MR. HALLING: Yes, in fairness to the witness --

11 MR. MISETIC: Yes, you're correct. It's an Azem Sylva interview.  
12 That's correct.

13 Q. But is that information correct?

14 A. Partially it is accurate, because Azem Sylva says that it was  
15 there that the KLA was formed. I have no information that they  
16 discussed the creation of the KLA there.

17 Q. Okay. But here I think you do say in P1870.1, at page 8, lines  
18 8 to 10, you're asked:

19 "But was it -- in '97, when you went to Drenica, was it already  
20 obvious to you that there was going to be an armed conflict?"

21 And you said:

22 "Yes."

23 Is that right?

24 A. I didn't understand the question. I went to Drenica in 1997?

25 Q. Yes.

1 A. Are you saying that?

2 Q. Yes. And according to the question you were asked, were you  
3 already considering that there was going to be an armed conflict  
4 already in 1997, and you said "yes." Do you recall that?

5 A. It was, in my view, the beginning of the war, and it may be  
6 possible that there was.

7 Q. Okay. And you've said that Nait Hasani was one of the people in  
8 the structure of the KLA in 1997, correct, until his imprisonment?

9 A. Yes.

10 Q. And that sent you to Drenica, the arrest of Nait Hasani sent you  
11 to Drenica which you considered to be a liberated zone at the time?

12 A. My house is in Drenica zone, in a village next to Drenica, and  
13 part of the time I spent at home because myself and my brothers kept  
14 watch to see whether the police forces were coming there. But part  
15 of the time I spent with my family relatives in Drenica.

16 Q. Okay. And at this time - and I'm now referring to Preparation  
17 Note 2, paragraphs 36 to 38 - you told the SPO that at this time,  
18 1997, the first core members of what became the Central Staff were  
19 Azem Sylja, Xheladin Gashi, Nait Hasani, Xhavit Haliti, and yourself;  
20 is that correct?

21 A. Yes.

22 Q. And to confirm, you did not mention Hashim Thaci as one of the  
23 members of the Central Staff; correct?

24 A. Correct.

25 Q. He would not become a member of the Central Staff or

1 General Staff until 1998; is that correct?

2 A. Hashim Thaci, to my knowledge, became a member of the staff  
3 after the structuring of the KLA. We discussed this issue in Negroc  
4 meeting. But he couldn't perform his functions because he moved. He  
5 went to Albania a few times. But officially he became a member of  
6 the General Staff at the end of 1998, after the restructuring of the  
7 KLA.

8 Q. Okay. So he formally became a member of the General Staff, that  
9 would be in November 1998; is that correct?

10 A. Yes.

11 Q. And if I understood you correctly, you said the discussion about  
12 him joining the General Staff started in Negroc in that meeting in  
13 June 1998; is that correct?

14 A. Yes.

15 Q. Now, I think you've confirmed this on direct, but let me just  
16 make sure. Nait Hasani was arrested in January 1997; correct?

17 A. Yes.

18 Q. And Zahir Pajaziti was killed in January 1997; is that correct?

19 A. Yes.

20 Q. Now, in Preparation Note 2 at paragraphs 36 to 38, you told the  
21 SPO that until Nait Hasani's arrest, communiqués were written by  
22 Nait Hasani and Xheladin Gashi; is that correct?

23 A. They were the ones -- or they told me that they were writing the  
24 communiqués.

25 Q. Okay. Let me -- do you know if Zahir Pajaziti was also issuing

1 public statements -- we can call them public statements rather than  
2 communiqués, but do you know if Zahir Pajaziti was also doing that  
3 before he was killed?

4 A. I don't know.

5 Q. You told the SPO, and this is at Preparation Note 1, paragraph  
6 16, it says:

7 "But [you] never issued any communiqués and [you do] not know  
8 who was writing them from spring/summer 1998 until the end of the war  
9 ..."

10 Is that correct?

11 A. Yes.

12 Q. And in Preparation Note 2 at paragraph 37, you say:

13 "The Central Staff was still issuing communiqués in 1997, but  
14 [you were] not a part of it. [You do] not know who was issuing these  
15 communiqués, but before his arrest communiqués were written by  
16 Nait Hasani and Xheladin Gashi."

17 Is that correct?

18 A. Yes.

19 Q. So if we piece these parts of your preparation notes together,  
20 you're saying that you know until Nait Hasani's arrest of his  
21 involvement in writing communiqués, and after that, you have no  
22 knowledge from end of January 1997 through the end of the war of who  
23 was writing communiqués; is that correct?

24 A. No, I didn't.

25 Q. I just want to be clear on your testimony. You're saying no,

1 you had no knowledge after January 1997; correct?

2 A. Xheladin Gashi might have written them with some other members  
3 of the staff, but I don't know. Or they may have been written from  
4 abroad.

5 Q. Yes, but I just want to be clear on this point. Your testimony  
6 is that after January 1997, you have no personal knowledge of who was  
7 writing communiqués from February 1997 until the end of the war; is  
8 that correct?

9 A. No, it is correct. I didn't know.

10 Q. Okay. Thank you. Now, you have said at various points, and  
11 this is when questioned by the Prosecutor last week - and this is at  
12 transcript pages 22975, line 12, and 23002, line 23 - communiqués  
13 were written abroad, but you said you didn't know who was writing  
14 them.

15 Now, how do you know they were being written abroad if you don't  
16 know who was writing them?

17 A. Because the people I stayed with didn't tell me that, "It was me  
18 who wrote them." There were speculations that they were written  
19 outside of Kosovo. I don't know by whom. But there was this  
20 speculation that they were written abroad, in Albania or Switzerland  
21 or Germany. I don't know which country. But that was the idea, that  
22 they are being written abroad.

23 Q. So based on -- you just said it's speculation. Am I correct,  
24 based on this testimony that we've just gone over, that there was  
25 no -- there were no meetings of the General Staff to discuss contents



1 of communiqués before they were issued; is that correct?

2 A. No. It is correct what you are saying.

3 Q. Just for us going back and forth, if you want to agree with me  
4 say "correct" rather than "no" because it makes it confusing as to  
5 your answer.

6 A. Yes, yes.

7 Q. Now, you were asked several times why didn't you correct  
8 communiqués. If you weren't writing them -- or do you know -- let me  
9 ask it in a different way. Did you issue communiqués in 1997, 1998,  
10 or 1999?

11 A. No.

12 Q. Did you think it was your job to issue communiqués in those  
13 three years?

14 A. No.

15 Q. Would it therefore have been your job to issue corrections to  
16 communiqués?

17 A. No, it was not.

18 Q. Okay.

19 MR. MISETIC: Let me turn your attention to Exhibit 1D00050,  
20 please, in English, and -- it's the same. Okay.

21 Q. This is Political Declaration No. 7, issued on 13 August 1998,  
22 where it was publicly announced that the KLA's political  
23 representatives are Adem Demaci, Xhavit Haliti, Bardhyl Mahmuti,  
24 Hashim Thaci, Faton Mehmetaj, Sokol Bashota, and press spokesman  
25 Jakup Krasniqi.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23138

1 Now, my first question relates to something you told the SPO at  
2 paragraph 42 of Preparation Note 2. Faton Mehmetaj was proposed to  
3 join the political directorate but he never joined. Is that what you  
4 told the SPO two weeks ago?

5 A. Yes.

6 Q. And it says that Adem Demaci was appointed also to be a  
7 political representative. Do you see that? It should be in the  
8 middle of the -- right where your name is circled on the left-hand  
9 side. Actually --

10 A. I don't see my name.

11 Q. No, sorry, it's -- your name is circled, and then if you go to  
12 the paragraph at the bottom, the last paragraph, can you read that to  
13 yourself?

14 A. Yes.

15 Q. Did you attend any meeting where the appointment of Adem Demaci  
16 as a political representative was discussed?

17 A. In the meeting where the political directorate was set up, I  
18 wasn't present. I heard it later. But I learned of it.

19 Q. Okay. And did you also learn of your own appointment to be a  
20 political representative?

21 A. Yes.

22 Q. You learned it how?

23 A. I don't know how. Maybe somebody summoned me from the comrades  
24 or maybe through the media. But I do know that the General Staff  
25 gave great power to Adem Demaci to set up the institutions and for

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23139

1 the political and public aspects of the KLA.

2 Q. Well --

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: My one final question.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. MISETIC: I'm sorry?

7 PRESIDING JUDGE SMITH: When it's convenient.

8 MR. MISETIC: Yes. I'm about finished with this.

9 Q. Witness, if you didn't attend a meeting where you were appointed  
10 and Adem Demaci was appointed, and you yourself learned, you say,  
11 perhaps through the media of your own appointment, then it wasn't a  
12 collective or collegial decision of the General Staff, was it?

13 A. The absence of a member of the General Staff does not mean that  
14 it was not a collegial decision. They could have taken that decision  
15 there and then. There was no such obstacle to the taking of such  
16 decisions.

17 Q. Yes. But you don't know who was present at these meetings.  
18 Maybe there was more than just you that wasn't present; right?

19 A. I don't.

20 Q. It could have been Azem Sylja alone who made these appointments;  
21 correct?

22 A. It's likely, but I don't know.

23 Q. So we're about to take a break, but after the break we'll  
24 discuss more examples of decisions that may not have been made  
25 collectively.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23140

1           PRESIDING JUDGE SMITH: We'll give you a short ten-minute break,  
2           Witness. We'll come back to the courtroom in ten minutes.

3                               [The witness stands down]

4           PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

5                               --- Break taken at 3.32 p.m.

6                               --- On resuming at 3.43 p.m.

7           PRESIDING JUDGE SMITH: Madam Usher, please bring the witness  
8           in.

9           MR. MISETIC: Mr. President, just for the record, I wanted to  
10          alert the Panel and the parties that we're going to ask for an  
11          interpretation check for provisional transcript page 108, lines 22 to  
12          23. We think the word "establishment" should be "restructuring," but  
13          we'll have that checked.

14          PRESIDING JUDGE SMITH: Thank you. Do you anticipate being  
15          finished in this session?

16          MR. MISETIC: Unfortunately not, Mr. President.

17          PRESIDING JUDGE SMITH: I'm not [Microphone not activated]. I  
18          just was interested.

19                               [The witness takes the stand]

20          PRESIDING JUDGE SMITH: All right. Mr. Misetic, you may  
21          continue.

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

23          Q.    Witness, picking up where we left off. You've said you don't  
24          know who was issuing communiqués from February 1997 until the end of  
25          the war. Doesn't that necessarily mean that the substance of

1     communiqués were not collegial decisions of the General Staff or the  
2     Central Staff?

3     A.    I do not know who issued them. There was no specific decision  
4     taken at a meeting of the General Staff with respect to the issuance  
5     of communiqués. At least to the best of my recollection, I don't  
6     think there was any such decision.

7     Q.    Yes. And my point is, whoever was issuing them was not issuing  
8     them collegially with you and other members of the Central Staff,  
9     later General Staff; correct?

10    A.    Correct.

11    Q.    Let's establish how many meetings of the General Staff you  
12    attended in 1998. Now, in Preparation Note 2 at paragraphs 46 to 49,  
13    and again on questioning by the Prosecutor, you mentioned a meeting  
14    in Negroc in Mr. Krasniqi's house in June 1998, and you said present  
15    were Mr. Krasniqi, Mr. Rexhep Selimi, Mr. Hashim Thaci, Kadri Veseli,  
16    Lahi Brahimaj, and yourself; correct?

17    A.    Yes.

18    Q.    Last week at trial transcript page 23021, lines 22 to 23, you  
19    said that you cannot call this a meeting of the General Staff. Why  
20    can't you call it a meeting of the General Staff?

21    A.    It was because these names were never made public, and as such,  
22    we were not able to complete the tasks that are mentioned there. As  
23    a matter of fact, I only saw those functions outlined upon my arrival  
24    here when they were shown to me.

25    Q.    Okay. Azem Syla was not present at this meeting; correct?

Witness: Sokol Bashota (Resumed) (Open Session)

Page 23142

Cross-examination by Mr. Misetić

1 A. Correct.

2 Q. Could you have a collective decision without the overall  
3 commander participating?

4 A. I do not know if anyone was in contact with Azem Syla. But what  
5 I know is that during that meeting only the spokesman was appointed  
6 as a result of the propaganda against the Kosovo Liberation Army. So  
7 all we were aiming for was to have a point man, a point of contact  
8 that would represent the policies carried out by the Kosovo  
9 Liberation Army.

10 Q. Was there any discussion of collaborators at this meeting?

11 A. I don't think so, no.

12 Q. Any discussion of communiqués?

13 A. No.

14 Q. At paragraph 49 of Preparation Note 2, you told the SPO that you  
15 do not recall any other General Staff meetings around June 1998; is  
16 that correct?

17 A. I cannot recall, no.

18 Q. Okay. What about March 1998, any meetings?

19 A. I don't know. I don't believe so. As far as I know, no, there  
20 weren't.

21 Q. April 1998, any meetings?

22 A. I don't remember.

23 Q. How about May 1998?

24 A. I don't think so.

25 Q. Okay. We can skip ahead to July, then.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23143

1 MR. MISETIC: If we could have Exhibit P00643 on the screen,  
2 please.

3 Q. Now, the document -- Witness, this purports to be minutes taken  
4 of KLA meetings in July 1998. The first references a 9 July 1998  
5 meeting. It says:

6 "A decision is taken for the distribution of the regulation...

7 "The establishment of the formations, from all levels to  
8 companies.

9 "Xhavit Haziri was assigned to deal with the regulation of GS.

10 "The interview with ..." and then it cuts off.

11 Do you recall being present at any meeting where such topics  
12 were discussed in July 1998?

13 A. No, I did not take part in this meeting out of a family reason.  
14 My father died at the end of June, and I was dealing with family  
15 matters at the time. So I do not remember this document.

16 Q. Witness, we raised this issue when Mr. Zyrapi testified, but let  
17 me see if you can help us. Are you able to read the sentence in  
18 Albanian concerning Xhavit Haziri?

19 A. Yes. Do you mean paragraph -- the first paragraph?

20 Q. Yes. If you could just read the sentence that references Xhavit  
21 Haziri, read it out loud.

22 A. "At this meeting ..." I do not know of the rest, "at the  
23 General Staff, Xhavit Haziri was appointed ..."

24 This is not my handwriting and I'm having difficulty deciphering  
25 it. I do not know what the rest of it after the word "for" is. It's

1 handwriting that I have difficulty reading.

2 Q. Do you know if Xhavit Haziri was ever appointed chief of staff  
3 of the General Staff?

4 A. No, I do not.

5 Q. All right. So you weren't present at this meeting. Were you  
6 ever present at a meeting where regulations were discussed?

7 A. It is likely. I do not know with any specificity as to what  
8 regulations we are talking about, but it is possible. Bislum Zyrapi  
9 usually dealt with regulations as the career officer that he was, but  
10 I do not know which of the regulations in particular are we talking  
11 about.

12 Q. Let me be more specific. Prior to the restructuring, do you  
13 have any specific recollection of any discussion at a General Staff  
14 meeting of regulations?

15 A. I can't recall now. We're all human beings. 25 years have  
16 elapsed since that time, and I might confuse this with the latter  
17 part of the restructuring of the KLA. But I know that before the  
18 arrival of Bislum Zyrapi as the career officer that he was, and other  
19 career officers, we had a limited knowledge of military regulations.  
20 So I do not recall, to be frank with you.

21 Q. Okay. If we continue on in the document, then it references a  
22 23 July 1998 meeting:

23 "Bislum Zyrapi comes to the headquarters and assumes the  
24 position of chairman of the operational directorate. The Rahovec  
25 case was discussed. The defensive point fell on a group of



1 saboteurs ... at the command level were the soldiers of 'Celiku' ..."

2 Do you recall being present at a meeting on or around 23 July  
3 1998 where the topic of the Rahovec offensive was discussed?

4 A. I am aware of what happened at Rahovec. That is an event that  
5 occurred without the approval of the General Staff. It was discussed  
6 in one of the meetings, and Bislim Zyrapi was tasked with deciding on  
7 this offensive of Rahovec, but I cannot recall the exact date.

8 Q. Okay. Do you know who else was present when this topic was  
9 discussed? You and Bislim Zyrapi, and do you know who else was  
10 present?

11 A. I don't know who the others were. But, yes, there were members  
12 of the General Staff present at that meeting. I can't remember the  
13 names, though.

14 Q. Okay. The notes don't reflect any discussion of collaborators  
15 or communiqués. Is that consistent with your recollection of that  
16 meeting?

17 A. Yes.

18 MR. MISETIC: If we turn the page.

19 Q. Other than these two meetings, do you have any recollection of  
20 any other General Staff meetings in July 1998?

21 A. No, I don't recall.

22 Q. Okay. Turning to August. There's a reference to a meeting on  
23 16 August 1998, KLA, General Staff:

24 "In this meeting it was reported about the operational situation  
25 on the ground, after the first large-scale offensive in Drenica,

1 which was continuing in [perhaps] /?Dukagjin/ where fierce fighting  
2 took place. In this meeting they talked about the special war and  
3 about the organised and deliberate actions of the FARK officers who  
4 were represented by Tahir Zemaj had taken against the KLA and the war  
5 in general.

6 "In this meeting there was a long talk about the appointments of  
7 the /?commanders/ of the KLA operational zones, about the formation  
8 of the brigades and the appointment of their commanders."

9 Do you recall this meeting? Were you present, first, I should  
10 ask you?

11 A. I don't know. Maybe, but I can't recall.

12 Q. Do you recall having been present -- do you have a specific  
13 recollection of having been present --

14 A. No, I don't remember. No.

15 Q. Okay. Let me -- if I can just finish my question. Do you have  
16 a specific recollection of --

17 A. Forgive me.

18 Q. -- any General Staff meetings where the topic of Tahir Zemaj was  
19 discussed?

20 A. I heard about the Tahir Zemaj case tangentially through other  
21 people and not within the General Staff. I don't believe so. I  
22 don't believe that I ever heard anything about Tahir Zemaj during  
23 General Staff meetings. I can't remember.

24 Q. Okay. Do you recall being present at a meeting where the  
25 special war was discussed?

1 A. It is difficult to recall what discussions we had in detail, but  
2 it was widely known that there was special warfare against the Kosovo  
3 Liberation Army. This was widely known. It is possible that I took  
4 part in a meeting where it was discussed. And whether I got this  
5 information through communiqués, through the media, or through  
6 presence to a meeting, I cannot establish and say with certainty  
7 here. But I'm not excluding the possibility that this came via a  
8 meeting with the General Staff. I simply cannot recall.

9 Q. What is your understanding of the term "special war"?

10 A. I may make an error in using the definition, but it's a  
11 propaganda against the values that you're offering. So it's  
12 propaganda carried out by others in order to insult or distort the  
13 work that you and the organisation that you represent is carrying  
14 out. That is how I understand it.

15 Q. What about September? First let me ask you, other than  
16 potentially 16 August, do you have a specific recollection of having  
17 attended any General Staff meeting in August 1998?

18 A. I can't tell you exactly which months were they when I was  
19 present. I really cannot recall. My memory is not fresh enough to  
20 be able to determine how many meetings I took part in and which were  
21 they.

22 Q. Let me ask you another question. In July 1998, where were you  
23 personally based?

24 A. I was based in my village in July, because that is where the  
25 positions of the KLA were. So above the village of Kieve, a

1 defensive line was drawn between the positions of the KLA and those  
2 of the Serbs, and I stayed within the territory controlled by the  
3 Kosovo Liberation Army. It was what I might call a hot-point, a  
4 position overlooking Kieve, and it would have been the first point to  
5 penetrate into Drenica from the decision of the south. To penetrate  
6 from the -- by the Serbian forces, that is. So I mainly stayed in my  
7 own village in Drenica.

8 Q. Okay. Where was, to your knowledge, the General Staff HQ in  
9 July?

10 A. There was a house in Divjake which was used by us, the illegals.  
11 A gentleman owned that house and did not hesitate in lending it to  
12 the people at risk. From that moment onwards, that house was one  
13 which we had at our disposal. This is at Divjake. The man's name is  
14 Nezir Zogaj, and he was subsequently arrested.

15 Q. Turning to September. Do you recall -- and this is the period,  
16 you'll agree with me, that, July, August, September, and into  
17 October, the Serbian offensive is taking place; correct?

18 A. Yes. There was an intensity of Serbian offensives from Komorane  
19 to Kline but also throughout other territories. There was fighting  
20 all over.

21 Q. Do you recall any General Staff meeting that you attended in  
22 September 1998?

23 A. Dear counsel, you're putting me into some difficulty trying to  
24 recall exact months. I'm not excluding the possibility that I took  
25 part in a meeting, but I don't know. I took part in meetings of the

1 General Staff from time to time. Meetings of the General Staff were  
2 held, but they became more frequent after the restructuring of the  
3 KLA, with the arrival of Bisljim. And at the time, we dealt with  
4 logistical issues of the period.

5 Q. Okay. Well, there's only one month left and that's October. So  
6 let me ask you some specific questions about October and whether  
7 there were any meetings held. You do know that the  
8 Holbrooke-Milosevic Agreement cease-fire was negotiated and took  
9 effect in around the middle of October 1998; correct?

10 A. Yes.

11 Q. Did you participate in any meetings where compliance with the  
12 terms of the cease-fire was approved?

13 A. It's possible. It's possible that I did. I can't recall  
14 exactly.

15 Q. Okay. You can't recall. So you have no recollection that the  
16 General Staff convened and said, "We're going to comply with the  
17 cease-fire, and we need to tell all KLA troops to comply"; correct?

18 A. I can't recall in detail. What I know is that there was a  
19 cease-fire on the part of the KLA too, but I don't know on whether  
20 this came via a communiqué or out of a meeting of the General Staff.  
21 That I cannot remember.

22 Q. Well, let me take it step by step. You have no recollection  
23 that compliance with the cease-fire was discussed at a meeting of the  
24 General Staff. Did I understand you correctly?

25 A. That's right. I can't remember.

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23150

1 Q. Based on your prior testimony, you say you have no knowledge of  
2 who was issuing communiqués, so you have no knowledge that issuing a  
3 communiqué to comply with the cease-fire was ever discussed; correct?

4 A. Correct, yes.

5 Q. Let's turn to a different event at the end of October.

6 MR. MISETIC: If we could have 1D00166, please, ET in the  
7 English. In both languages, yes. Page 2, please.

8 Q. Witness, I'd ask you to take a look at this document. It is in  
9 evidence here, and it is an agreement reached between the  
10 representatives of FARK and representatives of the KLA to join  
11 forces, signed, I believe, on the 2nd -- the meeting took place on  
12 31 October 1998, and I believe it's signed on 2 November 1998.

13 Are you familiar with this agreement?

14 MR. MISETIC: And if we could turn to the last page, that might  
15 refresh your recollection. Actually, sorry, the --

16 [Specialist Counsel confer]

17 MR. MISETIC: Page 4. I'm sorry.

18 Q. There's an annex to this agreement where it was agreed that  
19 Agim Ceku would be commander and you would be deputy commander as  
20 well as Ismet Alija. Are you familiar with this agreement?

21 A. No, I'm not. I'm seeing this for the first time.

22 Q. And you weren't aware that under this agreement the chief of  
23 staff of the KLA would become Bislum Zyrtari? You've never seen --  
24 let me ask you a different question. Were you aware generally that  
25 there was an agreement between FARK and the KLA to unify?

1 A. I understood from what Bislim Zyrapi told me of that agreement,  
2 and I understood that FARK would -- and its officers who wished to  
3 join the fighting in Kosovo would come under the umbrella of the KLA  
4 and they would be using the logo of the KLA.

5 As far as the appointments that are being shown to me, these are  
6 new to me. I had not seen it before, and I was not a party to this  
7 agreement at all.

8 Q. Okay. So if the agreement is new to you and you've never seen  
9 it before, then it's fair for me to conclude that this agreement was  
10 never discussed at a General Staff meeting before it was agreed to;  
11 correct?

12 A. It was -- this agreement was never discussed in meetings which I  
13 attended. Agim Ceku joined the war at the end of it.

14 Q. Okay. If this agreement wasn't discussed at any meeting you  
15 attended, let me ask you: Do you have any knowledge of any  
16 particular meeting where it was discussed but you weren't present?

17 A. I said what I learned from Bislim Zyrapi, that, yes, there was  
18 an agreement for FARK soldiers to come under the umbrella of the KLA.  
19 That's what I understood. In addition to the career officers to  
20 arrive --

21 Q. Okay. Let me get to the point. This is a major decision for  
22 which you have no knowledge that the General Staff collectively  
23 considered the agreement and agreed to it; correct?

24 A. Can I have a look at the date, please, because I wasn't able to  
25 see it properly. The date of this agreement, that is.

1 MR. MISETIC: Back two pages, please. At the bottom, please.

2 Q. You see it's signed by Bislim Zyrapi and Kadri Veseli on behalf  
3 of the KLA. Let me ask you again and rephrase it. You have no  
4 knowledge that the General Staff collectively authorised Kadri Veseli  
5 and Bislim Zyrapi to sign this agreement; correct?

6 A. Correct, yes.

7 Q. So my suggestion to you is that there were major decisions being  
8 taken on behalf of the KLA that did not involve a collective or  
9 collegial decision-making process by the members of the KLA before  
10 the restructuring, such as this agreement, such as compliance with  
11 the cease-fire, such as the appointment of the political  
12 representatives in August. Do you agree with me?

13 A. Yes, I do.

14 Q. And your testimony is that communiqués were even being issued  
15 without collective decision-making of the General Staff; correct?

16 A. I have never had that information about the process of the  
17 issuance of communiqués, and I can infer that that's what it was  
18 like.

19 Q. Yes. But you were in the General Staff from the very beginning,  
20 and what I -- so I'm putting to you as a fact, if you don't know  
21 anything about it, then it wasn't collectively discussed or decided  
22 concerning communiqués at the General Staff; correct?

23 MR. HALLING: Objection, asked and answered.

24 PRESIDING JUDGE SMITH: Sustained.

25 MR. MISETIC:



1 Q. Witness, now let's go to something that happened in November.

2 Well, let me ask a couple of other questions. Did the General Staff  
3 receive drafts of regulations and approve them before they were  
4 issued? And I'm asking you about something you personally know.

5 A. Some rules that Bislum Zyrapi brought and were discussed. But  
6 after the restructuring of the KLA.

7 Q. And you're correct to -- how you responded. So I should have  
8 limited my question to: Before the restructuring, did you receive  
9 regulations and review drafts before they were approved?

10 A. I don't remember whether we received any regulations.

11 Q. Okay. Did you ever attend a General Staff meeting where there  
12 was a discussion of setting up detention centres?

13 A. Maybe you can explain to me what you mean by "detention  
14 centres." You mean those free areas of the KLA or something else?

15 Q. Yeah. I'm not referring to checkpoints. I'm referring to  
16 places to hold people who are under suspicion for being  
17 collaborators.

18 A. No, I don't know anything about that. I don't believe there was  
19 any meeting.

20 Q. Okay. How about media interviews by individual members of the  
21 General Staff? Were they discussed and approved before the media  
22 interviews were given?

23 A. No, I don't think so. Public statements were the exclusive  
24 right - I'm not saying that it was correct - of the individuals who  
25 gave them. We didn't agree on any statements, only those that the

Witness: Sokol Bashota (Resumed) (Open Session)  
Cross-examination by Mr. Misetic

Page 23154

1 spokesperson of the KLA issued.

2 Q. Okay. At transcript page 22986, beginning at line 22, you said  
3 as follows:

4 "I had the punitive measure" --

5 So the question was:

6 "When you were given an opportunity to correct your statements  
7 last week, why didn't you correct this part?"

8 And you said:

9 "I had the punitive measures in mind, in the sense that we did  
10 not have any written document for specific cases. For general cases,  
11 there were appeals to everyone for them not to collaborate with the  
12 enemy. Then it was the responsibility of zone commanders for ...  
13 actions.

14 "Q. Now I follow you. And what you've just described, was that  
15 a collective decision of the General Staff?"

16 And you say:

17 "I believe it was a collective decision."

18 Now, you said, as I said -- you said in paragraph 37 of  
19 Preparation Note 2, and you've repeated here again today, you do not  
20 know who was issuing communiqués after January 1997; correct?

21 A. Correct.

22 Q. So if appeals were being made after January 1997 not to  
23 collaborate, who was issuing those appeals?

24 A. I declared then before the tribunal, I referred to the  
25 communiqués or articles -- the appeals made through the communiqués,

1 to this category.

2 Q. Yes. But you said -- when it was suggested to you that it was a  
3 collective decision of the General Staff, you accepted the suggestion  
4 in the question. And so I'm going to ask you: When was it  
5 collectively decided by the General Staff, and by whom specifically  
6 in the General Staff, to issue an appeal not to collaborate? If it  
7 was.

8 A. I don't know of any concrete decision by the General Staff. But  
9 in general, they spoke about this category. And what I read through  
10 the communiqués appearing on behalf of the General Staff, that's  
11 where -- what I had in mind. That's what I refer to.

12 Q. So we need to make a distinction here. You're now saying that  
13 whoever was issuing the communiqués was making this appeal; correct?

14 A. Yes.

15 Q. Again, I just want to be clear here. You're saying that you  
16 don't have any knowledge of any specific meeting or time or place or  
17 people who ever discussed issuing communiqués to appeal to people not  
18 to collaborate; am I correct?

19 A. Yes, you are correct. I'm trying to explain again. In all my  
20 interviews, I gave them after the event. And when you refer to past  
21 time and events, that you can get mixed up. But I referred each time  
22 to the communiqués that I saw, where I read that such appeals were  
23 made to the collaborators to stop collaborating with the enemy.

24 That's what I wanted to say.

25 Q. Okay. I wanted to turn to a different topic. At your statement

1 P01870.5, page 10, beginning at line 20 in the English, and page 11,  
2 beginning at line 1 in the Albanian, you told the ICTY that the  
3 General Staff was in command of the operational staff, and the  
4 operational staff was comprised of zone commanders. Do you recall  
5 that?

6 A. Yes, I said this, but in the sense of the hierarchy after the  
7 restructuring of the Kosovo Liberation Army.

8 Q. Yes. And when did the operational staff exist?

9 A. The operational staff? When the operation zones were set up.  
10 That is, after the restructuring.

11 Q. Okay. Was there an operational staff in 1997?

12 A. In 1997, it was not properly organised as such. With the  
13 imprisonment of Nait Hasani and the departure of Xheladin Gashi to  
14 Albania, then with the murder of Zahir, imprisonment of Zogaj, the  
15 operational staff was dismembered in the sense of functioning.

16 Q. Okay. Did the operational staff have meetings to your  
17 knowledge?

18 A. It had some meetings. Mainly were called by Nait Hasani.

19 Q. Do you have any knowledge of what was discussed at these  
20 meetings of the zone commanders?

21 A. From what Nait Hasani told me, yes. Unification of the groups.  
22 That is, calls to these groups to merge, to unite, to enlarge such  
23 groups, to recruit new people, and they discuss the forms of  
24 logistical support for such groups.

25 Q. Do you know if they discussed the issue of collaborators in

Witness: Sokol Bashota (Resumed) (Open Session)

Page 23157

Cross-examination by Mr. Misetic

1 their ranks at these meetings of zone commanders?

2 A. No, this I don't know.

3 Q. Okay. Now, I want to ask you some questions about a topic that  
4 the Prosecutor brought up with you.

5 MR. MISETIC: If we could go to SPOE00230829 to SPOE00230900-ET  
6 Revised 1 at page SPOE00230871 in the English. And the same in the  
7 Albanian. It should be page 43 of the PDF.

8 Q. Witness, I just wanted to ask you a couple of questions on this.  
9 First, you'll see that what's written in -- and you'll recall you  
10 were asked some questions about this. This was from Mr. Krasniqi's  
11 book concerning the discussions at Negroc; correct?

12 A. Yes.

13 Q. Now, one of the -- do you see in there, for example, a political  
14 directorate in the book?

15 A. Yes.

16 Q. Sorry, I correct myself. This is a manuscript and not a book.  
17 Where do you see political directorate?

18 A. The persons in charge of the political directorate.

19 Q. I see. Okay.

20 A. In paragraph 9, 10.

21 Q. Yes. And that was a discussion there where it would be  
22 Mr. Thaci, Mr. Krasniqi, Mr. Veseli, and Xhavit Haliti; yes?

23 A. Yes.

24 Q. But the appointment there purportedly is information directorate  
25 above that; yes? Is it correct that information directorate meant

1 Mr. Thaci at that time was dealing with the media?

2 A. I don't know. But this is in conformity with the appointments,  
3 because, to my knowledge, there wasn't a political directorate at  
4 that time.

5 Q. Yes. But I'm just asking you now a more general question. Was  
6 it your understanding that Mr. Thaci at this time, around June 1998,  
7 was primarily dealing with the media?

8 A. I don't know what Mr. Thaci dealt with at that time. I don't  
9 recall this. I had something happening in my family in June, and I  
10 was focused on my family after the death of my father. But I don't  
11 know remember that he was dealing with the media.

12 Q. Okay.

13 MR. MISETIC: Mr. President, I see the time.

14 PRESIDING JUDGE SMITH: Mr. Bashota, that is the end of your  
15 testimony for today. You will have to be back here tomorrow at 9.00.  
16 We'll continue at that time.

17 Mr. Qerkini, thank you for being with us as well.

18 You may both leave the courtroom now.

19 Mr. Bashota, please do not discuss this matter with anyone  
20 outside of the courtroom. Have a good evening.

21 THE WITNESS: [Interpretation] Thank you.

22 [The witness stands down]

23 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.  
24 tomorrow.

25 --- Whereupon the hearing adjourned at 4.30 p.m.