

1 Wednesday, 23 October 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 Good morning, everyone. We will continue hearing the evidence  
12 of Prosecution Witness W04240.

13 Madam Court Usher, please bring the witness in.

14 [The witness takes the stand]

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

17 THE WITNESS: [Interpretation] Good morning.

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

25 I remind you you are still under an obligation to tell the truth

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1 as stated by you in your solemn declaration.

2 Please also remember to speak into the microphone and to wait  
3 five seconds before answering a question, and then speak at a slow  
4 pace so the interpreters can catch up.

5 And if you feel the need to take a break, just let us know and  
6 we will accommodate you.

7 So we will have questions from Judge Mettraux, to my right, your  
8 left. Please give him your attention.

9 WITNESS: FADIL GECI [Resumed]

10 [The witness answered through interpreter]

11 JUDGE METTRAUX: Thank you, Judge Smith.

12 Questioned by the Trial Panel: [Continued]

13 JUDGE METTRAUX: And good morning, Mr. Geci.

14 A. Good morning.

15 JUDGE METTRAUX: I'd like to follow up on some of the matters  
16 that you've discussed yesterday and the day before with some of the  
17 parties, and I'll ask you, if you may, to try to answer my questions  
18 as briefly as you can. And if there's a need for an explanation, I  
19 will ask for it or you can ask me for it.

20 The first matter I would like to follow up on is a bit of the  
21 political background to the events that you've described yesterday,  
22 and I'll ask you to tell us - briefly, please - what you understood  
23 to be the principal political objectives of the LDK of which you were  
24 a member.

25 A. If I understood your question correctly, the main objectives of

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1 the Democratic League was the state of Kosovo -- statehood of Kosovo,  
2 the independence of Kosovo, and the constitution of all relevant  
3 institutions within the possibilities available at the time being  
4 under the Serbian regime.

5 We held a referendum for the independence of Kosovo, we  
6 proclaimed a declaration of independence, the Constitution of  
7 Kacanik. I think that Rugovism as an ideology will be a lesson and  
8 inspiration for the world how to reach independence. It's beyond the  
9 Gandhism. It's something more than that. How a peoples can reach  
10 independence within a state of occupation, maintaining school  
11 education, a health system, in extraordinary circumstances where  
12 everybody was dismissed from work. We still managed to maintain  
13 those institutions.

14 Everything was destroyed. However, it was our duty to preserve  
15 the people, to minimise the risk of a massacre, although we knew that  
16 was inevitable, but within our capacities, our possibilities, we  
17 tried to minimise all the negative consequences and to achieve our  
18 goal and obtain the ultimate right, which is the independence of  
19 Kosovo, with the support of the international community.

20 JUDGE METTRAUX: Thank you. And I think you just said that you  
21 had started building institutions and to organise institutions. Was  
22 it both at the local and national level that you did so?

23 A. At a national level, the Democratic League, at the central  
24 level, first of all, held the referendum, which was done on a  
25 voluntary basis throughout 36 municipalities. One of those leaders

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1 was -- I was one of those leaders. The turnout was 99 per cent  
2 during that referendum for the independence of Kosovo, which was the  
3 first step towards the independence of Kosovo.

4 The central level had very capable, learned, intellectual people  
5 who helped in this process. Gazmend Zajmi was one of them. And we  
6 took all the steps throughout the process in a way that was  
7 acceptable to the international community as well.

8 JUDGE METTRAUX: And am I right to understand that you had  
9 started building a parliament, a government, and a presidency; is  
10 that right?

11 A. Correct. We held elections. In my municipality, I registered  
12 63.000 people, inhabitants. Their names were all written down in a  
13 notebook, and we used that as a basis for the elections after the  
14 referendum, after the proclamation of the independence and the  
15 Constitution of Kacanik. These were the following steps in view of  
16 constituting a state.

17 JUDGE METTRAUX: Would it be fair to say, from what you've just  
18 said, that the LDK was quite deeply rooted into the Kosovo Albanian  
19 population at the time when the war started? Is that a fair  
20 suggestion?

21 A. Very correct. We have had up to 800.000 members of the LDK,  
22 registered ones. Over 800.000, we sort of stopped registering them.  
23 The LDK filled the functions of a state within the exceptional  
24 circumstances we were in. A party has not a natural right to hold a  
25 referendum, but we did this considering the exceptional circumstances

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1 we were evolving in.

2 JUDGE METTRAUX: And, again - briefly, if you may - what do you  
3 understand to have been the main political differences between, on  
4 the one hand, the LDK, and, on the other, the LPK?

5 A. The LPK was an illegal organisation which was acceptable given  
6 the circumstances at the time. The LDK, instead, was an open  
7 organisation. Everything was transparent. We were aiming to have a  
8 state, the independence of Kosovo, within the conditions in former  
9 Yugoslavia at the time. Our goal was that if other nations within  
10 Yugoslavia are aiming to have a state, so -- our goal was the same or  
11 join Albania. These were the objectives of the LDK.

12 The LDK is considered to be one of the first political parties  
13 throughout Yugoslavia as a model for other countries, including  
14 beyond the borders of the region, and this was led by  
15 President Rugova. And I think it would be a good thing for other  
16 nations and other political parties to be inspired by the LDK.

17 JUDGE METTRAUX: What I want to understand from you is, and I  
18 don't want to paraphrase your words, but I think you said there were  
19 irreconcilable or diametrically different points of views, on the one  
20 hand, on the LDK, and, on the other, the LPK. Help us understand  
21 what these differences were, if you may.

22 A. The ideology of the LPK was leftist, Marxist-Leninist. A path  
23 that did not result in anything good for Albanians. This was a  
24 damaging path, a harmful one. Its centre was Russia. But this was  
25 the ideology. They suffered, though. They suffered in prisons, but

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1 they had no means or instrument to solve the problem of Kosovo.

2 I'll give you one example of something told to me by three  
3 prominent, eminent people in Kosovo. With your permission, I would  
4 explain that.

5 Adem Demaci, a strong national personality, Hasan Dermaku,  
6 Metush Krasniqi, three friends, the three of them discussing how to  
7 solve the problem of -- the issue of Kosovo. Metush Krasniqi says  
8 that the problem of the Kosovo issue will only be solved with the  
9 help of the Western world and the democratic world and the  
10 United States. Hasan Dermaku told me these things.

11 So Adem Demaci instead -- so Metush was not convinced about  
12 another option. And on the next day following this discussion, the  
13 three of them ended up in prison. He said we, those who thought that  
14 we could solve this problem through the Marxist-Leninist path, we  
15 were left in libraries, just reading. Whereas Metush Krasniqi  
16 believed that this problem, the issue could be solved through the  
17 Western support and the US. He was maltreated on a daily basis until  
18 he died.

19 So their position and their approach was that one. And another  
20 one was that of Metush Krasniqi.

21 If this was an efficient or right path to follow, the Kurdistan  
22 Communist party would have achieved some results. This proves that  
23 the only way forward was the path towards and with the support of  
24 Western countries and the United States.

25 JUDGE METTRAUX: And what of the relationship of these two

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1 parties to these institutions you've mentioned - the parliament, the  
2 presidency, and the government? Was there, to your mind, a  
3 difference between the LDK and the LPK?

4 A. The LPK had no activity or they had no margin to operate. The  
5 entire population was with the LDK.

6 I'll say one more thing. In 1991 when we in the municipality of  
7 Skenderaj were commemorating the killing of Tahir Meja, a person who  
8 fought Yugoslavia in a state of occupation, we were commemorating his  
9 --

10 JUDGE METTRAUX: I'll just stop you there, sir, if I may. My  
11 question is this, and my question wasn't very precise, so I'll ask it  
12 again maybe more precisely. Did the LPK, in your understanding,  
13 accept the authority of the government, parliament, and presidency  
14 that the LDK had supported?

15 A. Never. Never. This is the big distinction. Never. All the  
16 persons whom they thought had authority were targeted, and they were  
17 considered as obstacles. They had to be sidelined. The same process  
18 went from the central level to the local level, down to the local  
19 level.

20 JUDGE METTRAUX: Now I want to ask you about something you've  
21 said in your SPO interview, that's Part 2, page 11, and Part 4, page  
22 1, and you discussed it yesterday with my colleague, Judge Barthe.

23 You recounted a discussion you had with Tahir Zemaj about what  
24 he said was a confrontation with Hashim Thaci and Rexhep Selimi in  
25 the summer of 1998. Do you remember these questions yesterday, these

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1 questions about this meeting and your discussion with Tahir Zemaj?

2 A. Yes.

3 JUDGE METTRAUX: Now, I understand you to say that Tahir Zemaj  
4 was a friend of yours. Did I understand that correctly?

5 A. I wouldn't say a friend, because we were not at school together  
6 or anything, but I valued him as a professional military career  
7 officer. And wise people would be able to appreciate in decisive  
8 moments a professional person. I, together with all the friends  
9 here, who are my friends, none of us is a professional. He was in  
10 fact a professional. Kosovo needed him and other friends of his.  
11 However, they were impeded in their work, and some of them suffered  
12 consequences.

13 JUDGE METTRAUX: And when you say he was a "professional  
14 military career officer," you mean to say he was an officer in the  
15 Yugoslav Army, in the JNA; is that right? He had been.

16 A. Yes, it is true that he was an officer. And we needed him  
17 badly, him and his friends.

18 JUDGE METTRAUX: And he was LDK as well; correct?

19 A. He supported the institutions, the president, the government,  
20 the state rules.

21 JUDGE METTRAUX: And if you know, to the time of his death in  
22 2003?

23 A. To the time of his death. A military man will always follow the  
24 rules, only the rules. Those who don't, they are not military men.

25 JUDGE METTRAUX: And in your SPO interview, the reference of



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1 which I gave, you indicated that in his account he was being objected  
2 to as a commander. Did Tahir Zemaj tell you why, in his  
3 understanding, Mr. Thaci and Mr. Selimi were objecting to him being  
4 the commander of a subzone of the KLA?

5 A. Your Honour, they were afraid. They feared anything that had  
6 value. And this was a grave mistake.

7 JUDGE METTRAUX: I'm asking you something slightly different.  
8 Did Mr. Zemaj himself tell you what his understanding was about why  
9 he was being objected to?

10 A. He thought that they were objecting to him because Tahir Zemaj  
11 was within the framework of Minister Ahmet Krasniqi. They opposed  
12 Minister Ahmet Krasniqi, who was then killed in Tirana. Tahir Zemaj  
13 was killed in Kosovo. This is opposing someone to the point of  
14 taking their lives. Ibrahim Rugova survived. God helped him to  
15 survive.

16 JUDGE METTRAUX: I want to read something to you, Mr. Geci, and  
17 I'll ask you to comment upon it if you are in a position to do so.

18 And I'll ask the Registry to bring up Exhibit P795, please.

19 And as it comes up on your screen, Mr. Geci, I'll tell you what  
20 it is. And, unfortunately, we only have an English version of it, so  
21 I'll have to read it to you. But this is the transcript of the  
22 testimony of Jakup Krasniqi at the ICTY, the International Criminal  
23 Tribunal for the former Yugoslavia. He testified in a case there.

24 Do you understand?

25 A. Yes.

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1 JUDGE METTRAUX: And if we may go to page 3395, please, of that  
2 transcript. Thank you. And scroll down a little bit. Thank you.  
3 Here.

4 Just again for context for you, Mr. Krasniqi is being asked  
5 about a press statement that was issued on 1 November 1998 by the  
6 military police directorate of the KLA General Staff, and it pertains  
7 to the arrest and detention of Jakup Kastrati, Cen Desku, and to the  
8 execution of Selman Binici and Ramiz Hoxha. And he's being asked  
9 about it.

10 And for the record, it's now Exhibit P304 in these proceedings.

11 So on this page, the Prosecutor is presenting the content of  
12 that document.

13 If we turn to the next page, please.

14 Mr. Krasniqi is explaining that he's -- or he's saying that he's  
15 not aware of this document.

16 We can go to the next page.

17 And here, Mr. Krasniqi asks to clarify something, and he says  
18 that he knows more about their release than their arrest, talking of  
19 Mr. Kastrati and Desku. And here what I want to ask you about is  
20 this clarification that he asks to give. And it starts at line 11 in  
21 the English.

22 If we can scroll down a little bit. Thank you.

23 I'll read it to you and then I'll ask you to comment upon it.  
24 So he's being asked about that statement and its content, and he  
25 wants to say the following:

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1 "Special war was mentioned here. It is true that at that time  
2 special war was waged by certain individuals and not only those  
3 people who are armed -- who had joined the army, but there were  
4 civilians as well because there were even in the KLA there were  
5 former officers of the Yugoslav army who had [taken] part of the  
6 Secret Service of the Yugoslav army. There were people who had been  
7 punished or charged with criminal offences. And I would say like to  
8 say" - "I would like to say," I suppose - "that after the summer  
9 offensive these people, they were -- they handed over to the enemy  
10 5.000 or 6.000 weapons. It is well-known, for example, the instance  
11 when weapons were handed over in the Dukagjini area by Tahir Zema.  
12 This handing over of weapons continued [to] a smaller scale in the  
13 Istog municipality in the Therande municipality. And there were  
14 people who asked for handing over -- the handing over of guns in  
15 Malisevo. And this was done by Januz Kastrati and Cen Desku. And in  
16 the beginning it was suspected that these had made an appeal to  
17 several soldiers to hand over their weapons."

18 Now, starting with the suggestion about Tahir Zemaj handing  
19 weapons to the enemy, do you know anything about this, and has he  
20 ever admitted to that to you?

21 A. I think, since this is a comment, I will give my opinion, what I  
22 believe. Tahir Zemaj was a professional. Tahir Zemaj avoided  
23 fratricide. Jakup seems to have said that Tahir Zemaj had some  
24 criminal record. Even if that was true, we need a professional  
25 during the war, and that person can answer about those things after

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1 the war. He knows better than Jakup and Fadil how one -- what  
2 conduct one should adopt and how to protect and defend the state  
3 institutions. So he's very wrong to have said these words.

4 It is true that he was in the Yugoslav Army. It might also be  
5 true as Jakup Krasniqi put it. However, he was a personality that  
6 Kosovo needed. There were many more people who worked at the time in  
7 Yugoslavia, in former Yugoslavia.

8 With respect to Cen Desku --

9 JUDGE METTRAUX: I'm --

10 A. -- and Jakup Kastrati --

11 JUDGE METTRAUX: [Microphone not activated].

12 THE INTERPRETER: Microphone, please.

13 JUDGE METTRAUX: My question at this stage, sir, is, to your  
14 knowledge -- and, of course, that's all you can contribute to. To  
15 your knowledge, is there any truth to the suggestion made here by  
16 Mr. Krasniqi that Tahir Zemaj and Januz Kastrati and Cen Desku handed  
17 weapons to the enemy? Do you know anything about that?

18 MR. ELLIS: Your Honour, may I raise a matter in the absence of  
19 the witness briefly?

20 THE WITNESS: [Interpretation] No, Your Honour.

21 MR. ELLIS: May I raise a matter in the absence of the witness,  
22 please?

23 THE WITNESS: [Interpretation] No, Your Honour.

24 PRESIDING JUDGE SMITH: You can do that after the Judge's  
25 questions. You have some problem with the Judge's question?

1 MR. ELLIS: I do, yes.

2 PRESIDING JUDGE SMITH: Madam Court Usher, please escort the  
3 witness out.

4 We have to have you step out of the room for just a moment.

5 [The witness stands down]

6 PRESIDING JUDGE SMITH: Yes.

7 MR. ELLIS: Your Honour, our issue at this stage is that it's  
8 clear the witness does not have personal knowledge about this. His  
9 last answer began with saying, "I'm being asked to comment in my  
10 opinion," and he went on to give what in our submission is  
11 speculation. Questions of this nature, in our submission, need to be  
12 explored with a witness who knows about them rather than somebody who  
13 is clearly disposed to speculate on such issues.

14 JUDGE METTRAUX: And that is why I asked him, Mr. Ellis, it's  
15 page 12, line 13 and 14:

16 "Is it your knowledge ..."

17 I insisted for the very reason that you highlight, Mr. Ellis.  
18 So I'm grateful for the reminder.

19 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

20 You can bring the witness back in, please.

21 [The witness takes the stand]

22 JUDGE METTRAUX: Thank you, sir. And apologies for the  
23 interruption.

24 To your knowledge - again, I'm asking you what you know, and if  
25 you don't know, tell us - did Jakup Krasniqi know Tahir Zemaj,

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1 Cen Desku, and Jakup Kastrati from before the war?

2 A. I believe that he knew very well Jakup Krasniqi and Cen Desku.  
3 I don't think he knew Tahir Zemaj. However, he knows better. With  
4 the other two, yes, because he worked with them, and they were also  
5 activists of the LDK and he knew them very well.

6 JUDGE METTRAUX: Sir, the record says that "I believe that he  
7 knew very well Jakup Krasniqi and Cen Desku." Did you mean  
8 Jakup Kastrati and Cen Desku?

9 A. I apologise. I apologise. Jakup Kastrati and Cen Desku. He  
10 knew them very well. He worked with them.

11 JUDGE METTRAUX: Thank you. I want to ask you about Qirez and  
12 the events that you described yesterday and that you discussed with a  
13 number of participants.

14 First, I want a clarification. Aside you told us that you  
15 talked to Mehdi Bardhi about these events, did you talk to any of the  
16 other participants in the events of Qirez and Baice after they had  
17 occurred or only to Mr. Bardhi?

18 A. No, I didn't talk to the others. I spoke with Mehdi Bardhi  
19 because we knew each other and we were associates in the path that we  
20 had initiated together. And he was the person in charge. He was,  
21 like, the person receiving those guests, those visitors. And he  
22 actually took upon himself the responsibility for the ill-treatment  
23 that occurred, because the ill-treatment occurred in his house.  
24 People were ill-treated in his house.

25 JUDGE METTRAUX: So when you told us yesterday that you had

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1 heard that a number of parliamentarians had been mistreated and  
2 beaten, including Gjergj Dedaj, you had heard this from Mehdi Bardhi;  
3 is that right?

4 A. From Mehdi Bardhi. And I also heard Gjergj Dedaj in the media.  
5 He spoke differently in Kosovo. He spoke differently here. I hope  
6 that in reality it was as he described it here.

7 JUDGE METTRAUX: When you talked to Mehdi Bardhi about those  
8 events, did he still express fear and concern for himself or for  
9 others because of what happened in Qirez?

10 A. Mehdi, in terms of his build, is a strong man and he's full of  
11 energy, and he told me something which I will never forget. He said,  
12 "Look with what kind of crazy people I have to deal with. Stupid  
13 people." They were hitting them, and he was still saying, "Look with  
14 what type of stupid people I have to deal with."

15 JUDGE METTRAUX: Was he still concerned for his security when  
16 you talked to him or not anymore?

17 A. He is now ill, Mehdi, that is, and I could not elaborate this  
18 further with him. But he did write a book, and I believe you have  
19 that book, and he claims that certain things that he wrote in his  
20 book were removed by the publishers. I don't know whether he would  
21 be able to speak himself. That would be the best way.

22 JUDGE METTRAUX: Thank you. And yesterday you were asked,  
23 including by the Krasniqi Defence, about a political dispute that had  
24 taken place between Mehdi Bardhi and Jakup Krasniqi when they were  
25 both within the LDK. Do you remember these questions?

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1 A. Yes, I remember them very well.

2 JUDGE METTRAUX: Can you tell us what the dispute was about  
3 exactly, and as briefly as you are able to.

4 A. To seize the position of the head of the chairman of the LDK  
5 branch. A convention was held. Jakup Krasniqi, that's what it is  
6 said, won. The convention was irregular, was contested. There was  
7 an extraordinary one held in those conditions, and then it was seized  
8 again by Mehdi Bardhi. And the central chairmanship allowed this  
9 because of those irregularities.

10 JUDGE METTRAUX: And did you experience this matter yourself or  
11 is it something you heard from Mehdi Bardhi?

12 A. I heard it from Mehdi Bardhi because during that period he  
13 visited me in my house on several occasions. Jakup greeted us from  
14 Prishtine, and I thank him a lot about that. However, Mehdi visited  
15 me in my family house several times during those extraordinary  
16 circumstances.

17 JUDGE METTRAUX: Thank you. And just as a matter of clarity,  
18 this occurred before the start of the conflict; correct? Can you  
19 recall approximately when this would have occurred?

20 A. After the convention, the congress. Within these months,  
21 January, February, March, up until Jakup Krasniqi appeared publicly  
22 as the spokesperson of the KLA. So after Mehdi became the chairman,  
23 several days after that, Jakup Krasniqi appeared publicly as a  
24 spokesperson of the KLA.

25 JUDGE METTRAUX: So just for the clarity of the record, sir, you



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1 say January, February, March. That's January, February, March 1998;  
2 is that right?

3 A. 1998. All these events relate to 1998.

4 JUDGE METTRAUX: And to your knowledge, after this dispute or  
5 these events and Mehdi Bardhi getting the chairmanship, did  
6 Mr. Krasniqi continue to be active within the LDK again, insofar as  
7 you know?

8 A. No, never again, and became the great opponent of the LDK. And  
9 I've said that before. I've said before that from the very first day  
10 he joined the LDK he was not a true member of the LDK, and the person  
11 to blame for that is myself. I am the one to blame for two persons:  
12 One in Skenderaj, Gani Koci, and one in Drenas, Jakup Krasniqi. We  
13 filled the positions of the chairmanship without votes. We made them  
14 members of the membership -- of the chairmanship without votes, and I  
15 am the one to blame. And I apologise to the chairmanship of the LDK  
16 for this grave mistake that I made.

17 JUDGE METTRAUX: Now I want to ask you about something you were  
18 asked about yesterday. That's a dispute between your brother Gani  
19 and Azem Sylja in which we are told Kadri Veseli and Hashim Thaci  
20 mediated. Do you recall those questions from Mr. Miletic yesterday?

21 A. Yes.

22 JUDGE METTRAUX: Now, the first thing. Can you tell us what the  
23 dispute was about, if you know, between Gani and Azem Sylja?

24 A. I'll tell you what I know, Your Honour. Azem Sylja publicly  
25 accepted that a communication had been written by the staff that

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1 99 -- and I say 99 per cent it was, indeed, written. And following  
2 this statement in which Azem Sylja insulted Gani Geci and called him  
3 criminal, this dispute arose.

4 And Bajram Rexhepi gave them the phone number. They established  
5 contact and set up a meeting in Llaushë, not in my house.  
6 Kadri Veseli and Hashim Thaci told him that Azem Sylja was not  
7 involved.

8 This is what I know. For the rest, Gani has more information.

9 JUDGE METTRAUX: Well, I'll ask you a few follow-up questions,  
10 and if you don't know, please say so, sir.

11 The first question is who is it that suggested Mr. Veseli and  
12 Mr. Thaci as mediators in this matter? Was it a suggestion from your  
13 family or was it from someone else, if you know?

14 A. From what I know, Bajram Rexhepi told him that these persons are  
15 in charge and you can talk to them. Bajram Rexhepi was a  
16 prime minister. He was a very good doctor. I had worked with him in  
17 the LDK, and he knew us very well as a family. As a minister of  
18 interior, he suggested that these were the persons suitable to  
19 discuss this matter.

20 But you can ask Gani for these details because he was the person  
21 who spoke with them. I believe he will come to testify here, and he  
22 has direct information on these events as a direct participant in  
23 these talks.

24 JUDGE METTRAUX: Was the issue resolved?

25 A. It remained there.

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1 JUDGE METTRAUX: In the sense that it was not resolved, just to  
2 be clear?

3 A. In the sense that it was resolved in words but not in action.  
4 Azem Sylja said that he was not behind it, and that he did not know  
5 him at all. And he apologised and stated that it was not him. This  
6 is what I know.

7 JUDGE METTRAUX: And just one detail. Mr. Thaci is from Drenica  
8 like yourself; correct?

9 A. Yes, very correct.

10 JUDGE METTRAUX: Now I have a couple of questions about  
11 Communiqué 59, and I'll ask the Registry to bring up Exhibit P159,  
12 please. This is the communiqué you've been asked about extensively  
13 already, and I just have a couple of follow-ups.

14 Now, if you look at the first sentence, for instance, sir, it  
15 speaks, you will see, on behalf of the Kosovo Liberation Army; is  
16 that right?

17 A. Yes.

18 JUDGE METTRAUX: And if we scroll down towards the end of the  
19 document, please, that's the last paragraph but one in the English,  
20 it says that:

21 "The Kosovo Liberation Army General Staff extends its sincere  
22 condolences to the Rexhaj family and to his comrades in arms."

23 Do you see that?

24 A. With difficulties, but I can read it, yes.

25 JUDGE METTRAUX: My question is this: The text of this document

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 appears to claim to be issued on behalf of the Kosovo Liberation Army  
2 General Staff as a whole. Yesterday, you spent quite a bit of time  
3 trying to figure out and explain who might be the author of that  
4 document.

5 My question is what led you to think that this document was the  
6 work of one person rather than the staff itself or a group of  
7 persons? What led you to the belief that you explained to us  
8 yesterday?

9 A. Thank you. I strongly believe that what I said is true, and  
10 here is my reasoning.

11 There are two persons - only two persons - Rexhep Selimi and  
12 Hashim Thaci. The rest of the members of the staff were not familiar  
13 that this was released on their behalf. Rexhep Selimi said -- called  
14 on the phone and said that this part was not true. He said to him,  
15 "I know it, but I want to exterminate them."

16 So these two persons are here. One says that the other told him  
17 that. And it is true that the rest just adopted the communiqué and  
18 couldn't do anything else. This is a truth.

19 JUDGE METTRAUX: Thank you, sir. I want to ask you about  
20 something else. Yesterday, you were asked by counsel for  
21 Mr. Krasniqi about Jakup Kastrati and then about the saluting with  
22 the fist. Do you remember these questions?

23 A. Yes, very well.

24 JUDGE METTRAUX: Could we please go into private session for a  
25 second for the protection of a witness.

Witness: Fadil Geci (Resumed) (Private Session)

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Questioned by the Trial Panel (Continued)

1 [Private session]

2 [Private session text removed]

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Witness: Fadil Geci (Resumed) (Private Session)  
Questioned by the Trial Panel (Continued)

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1 [Private session text removed]

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7 [Open session]

8 THE COURT OFFICER: Your Honours, we are now back in public  
9 session.

10 JUDGE METTRAUX: Thank you.

11 There's one last topic that I want to touch upon with you. Do  
12 you recall yesterday a question from Mr. Misetic where he asked you  
13 about you being given access to the record of an interview given by  
14 Rexhep Selimi to the Prosecutor and asking you whether you had had  
15 the benefit of Mr. Thaci's account on this matter? Do you remember  
16 Mr. Misetic asking you about it yesterday?

17 A. I do, yes. I remember it well.

18 JUDGE METTRAUX: And you responded that you would want to have  
19 an opportunity to see it. Do you recall that?

20 A. Yes.

21 JUDGE METTRAUX: Can the Registry please bring up Exhibit P742.  
22 That would be Part 15, 1-5.

23 So to orientate yourself, this is the record of an interview  
24 that Mr. Thaci gave to the Office of the Prosecutor of this Court on  
25 16 July 2020, and it's one of the places where he's being asked to

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1 comment upon, we will see, a couple of issues, but he mentions in  
2 particular Communiqué 59, and I want to ask you about it.

3 So if we could go to page 2 of this transcript both in Albanian  
4 and English, please. And in the English, it will start at line 6 on  
5 that page.

6 And I'll just summarise the part and take you to the places I  
7 want to ask you about. Here, the Prosecutor is inviting once again  
8 Mr. Thaci to provide evidence, it says, that he would like on the  
9 subject of the disappearance and death of Behajdin Allaqi.

10 First, let me ask you this: Do you know who Behajdin Allaqi is?

11 A. I never stayed or spent time with him, but I know who he is. He  
12 was a valuable activist of the LDK and who did a lot of work. And it  
13 is also public, and I've learned it through the media, that there  
14 were contradictions between him and Mr. Thaci.

15 JUDGE METTRAUX: And so Mr. Thaci gives an answer to the Office  
16 of the Prosecutor. And the first part I want to take you to is  
17 starting at line 20 on that page in the English. He says, Mr. Thaci:

18 "The issue of Mr. Allaqi has been politicised for particular  
19 political motives and particular political aims, from the same people  
20 that dwell on communiqué 59."

21 Do you see that?

22 And then, if we continue, so you'll have the full quote, in the  
23 English, it says:

24 "I am aware that something has been posted on the internet by  
25 Rexhep Selimi. I've tried to find evidence of Mr. Selimi's

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 statements, who at different times have made different statements  
2 about this issue, but also his political collaborators who have made  
3 political accusations against me."

4 Do you see that?

5 A. I'm following you. And it seems more reasonable to listen to  
6 what you're saying than read it in the document.

7 JUDGE METTRAUX: Thank you.

8 Now, my first question is just a matter of clarification. But  
9 are you or members of your family political collaborators of  
10 Rexhep Selimi as far as you know?

11 A. No, we've never been, and we've been political opponents in the  
12 extreme.

13 JUDGE METTRAUX: Then Mr. Thaci is recorded as saying the  
14 following. It's page 3, starting on line 2. It says:

15 "Upon the approval and also the recommendation of Mr. Prosper,  
16 advice of Mr. Prosper, I will try to find those statements, and I  
17 will be happy to submit them back to one of your representatives in  
18 Prishtina.

19 "I might have only one part of the things that I wanted to  
20 submit to you with me today in relation to the statements that this  
21 gentleman has made. As I said, I'm not incriminating or accusing  
22 anybody, but I want you to be clear about [the] issue.

23 "And just so the record is clear," that's the Prosecution, "when  
24 you say 'this gentleman' --

25 "A. Selimi.



Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 "Q. -- you mean Mr. Selimi?"

2 Mr. Thaci:

3 "Yes. Because he's spoken -- in fact, he hasn't spoken. He has  
4 signed something about Allaqi's issue. I know that they were both  
5 interviewed in a legal process in Prishtina about this particular  
6 issue."

7 And then if we can go to the next page, please. It's page 4,  
8 line 2, Mr. Thaci is recorded as saying:

9 "To show the character -- in reference to Mr. Selimi's  
10 character, I would like to submit to you this particular document,  
11 because Mr. Selimi is connected with communiqué 59, based on what you  
12 said, that he has made public statements. And you did cite this.  
13 But there is a connection when it comes to his -- to him being  
14 interviewed by the legal system in Kosovo in relation to Mr. Allaqi's  
15 case."

16 And then further on, that's line 9 by now, Mr. Thaci is recorded  
17 as saying:

18 "That's why I would like to submit to you what I know, his  
19 opinions, what he says about communiqué 59 at different times, for  
20 different interests and -- but for different political interests and  
21 motivations. And considering that this involves Gani Geci, I would  
22 also give you what he says about Gani Geci."

23 And then Mr. Thaci is discussing the article that you saw  
24 yesterday allegedly authored by Rexhep Selimi about your brother  
25 being a serial killer, which I'm sure you will remember.

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1           And then if we continue to the next page, Mr. Thaci is recorded  
2 as saying:

3           "Again, this is in relation to communiqué 59. Mr. Gani Geci has  
4 given various statements, public statements. I would like to share  
5 with you a document. I have constructive relations, but I would like  
6 you to have the full picture about his persona."

7           And then there is a whole discussion about a medical report that  
8 pertains to the health condition of your brother, and I'll ask you  
9 about it. And if you feel we should go into private session, please  
10 say so. But Mr. Thaci, to be complete, goes on to say:

11           "Firstly, Mr. Geci has stated publicly that he has been  
12 interviewed by you ... he has mentioned my name often in public.  
13 Because my name has been mentioned on various occasions by this  
14 gentleman, I've felt it is an obligation for me to submit this  
15 document, and this can be found by anybody on the internet.

16           "I'm not accusing him. I'm not incriminating him. I'm not  
17 doing any such thing. I am just trying to clarify who we're dealing  
18 with here. At the same time, you did mention the fact that maybe  
19 somebody will be reviewing these transcripts in 20 years. But  
20 there's no need to wait for 20 years, because he speaks on television  
21 every night and often in your name as well."

22           And then there's, again, a debate between the Prosecutor and  
23 Mr. Thaci in regard to the medical report in question.

24           My first question to you is whether you know what medical report  
25 about your brother is being discussed. And as I said, if you feel we

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 should go into private session, we can certainly do that.

2 A. No, nothing in private session. Everything in public. I want  
3 everybody to know what he said and what he meant.

4 My brother was involved in a legal process, a trial, as a result  
5 of which he was sentenced to a three-and-a-half-year prison term.  
6 Now, the medical document established that after all the trauma he  
7 went through, he had a serious psychological shock. And he took that  
8 document and made it public, violating all privacy rights, in order  
9 to discredit the interview of Gani Geci. But he didn't know that  
10 Fadil, his brother, is very fit and Gani is not alone.

11 Now, Gani went through that shock, but he's very resilient, very  
12 strong, and he's fully recovered now.

13 He had no right to do that. He violated the law and made that  
14 document public on television. RTK channel is now facing a court  
15 proceedings as a result of this.

16 Now I leave it to you to assess the disloyal, vile things that  
17 this man can do. He's a dangerous man. But all these things come to  
18 an end. Gani went through the shock, he was sentenced, he served  
19 time, he has recovered, and he's a man, fit, who will come here and  
20 talk to you about all these matters.

21 JUDGE METTRAUX: Now my last question for you is having had the  
22 benefit of at least some of the parts of what Mr. Thaci said about  
23 Communiqué 59, does that change in any way your understanding about  
24 who is behind that communiqué?

25 A. It doesn't change anything. All these manoeuvring, all these

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 actions, I'm certain that you understand them very well as an expert  
2 that you are.

3 JUDGE METTRAUX: Thank you for your patience, sir. Those were  
4 my questions. Thank you.

5 PRESIDING JUDGE SMITH: We'll take a ten-minute break, and then  
6 we'll decide whether there -- find out whether there's any questions  
7 as a follow-up to the Judges' questions.

8 We'll take ten minutes now, Witness. Please do not discuss this  
9 case with anyone outside the courtroom. We'll see you back here in  
10 ten minutes.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: It seems Judge Gaynor may have some  
13 questions before we get to responses.

14 We're adjourned till 10.15.

15 --- Break taken at 10.10 a.m.

16 --- On resuming at 10.20 a.m.

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

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: All right. Witness, we are ready to  
21 proceed. Judge Gaynor, who is at your far left, will have some  
22 questions for you.

23 JUDGE GAYNOR: Thank you, Judge Smith.

24 And, Mr. Witness, I just want to ask you how you happen to know  
25 about one particular phone conversation. Do you understand?

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 A. Yes.

2 JUDGE GAYNOR: Now, the transcript references are pages 20861 to  
3 20863.

4 Yesterday, Mr. Misetic, who is counsel for Mr. Thaci, asked you:

5 "Q. Witness, you said in your answer ...

6 "'But it was established that the name of the person who asked  
7 Rexhep Selimi on the phone and asked him, 'Don't write that -- don't  
8 write what is not true.'

9 "What phone call are you talking about?

10 "A. A phone conversation when they explained this. Because  
11 they were together in the same place, Rexhep Selimi and Hashim Thaci.  
12 But Rexhep Selimi did not accept it, but he did say, adding, 'I want  
13 to exterminate this family.'"

14 Now, a minute or two later you were asked:

15 "That information is contained in Mr. Selimi's SPO interview.  
16 Was it something that the SPO provided to you in the preparation  
17 sessions for you to read, Rexhep Selimi's interview on this point?"

18 Your answer was:

19 "We saw all of them yesterday here. Rexhep Selimi said, 'We  
20 can't talk about that communiqué because this was drafted and issued  
21 by Hashim Thaci himself.' He added, 'He called me on the phone and  
22 said, 'I want to exterminate that family.'"

23 Now, do you remember that exchange yesterday?

24 A. Yes, yes.

25 JUDGE GAYNOR: Now, I understand you were discussing a telephone

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 conversation which took place between Rexhep Selimi and Hashim Thaci;  
2 is that correct?

3 A. Correct.

4 JUDGE GAYNOR: How do you know about that phone conversation?

5 A. I know from the statements made directly on television and the  
6 statement we heard and read yesterday, the statement of  
7 Rexhep Selimi. Everything is reliable and convincing for me. Two  
8 persons - Hashim Thaci and Rexhep Selimi.

9 So he told him, "Don't write that part because it's not true,"  
10 to which he replied, "I want to exterminate, annihilate this family."  
11 That was the purpose, indeed. He damaged us as a family greatly.  
12 Two persons killed, my brothers wounded.

13 JUDGE GAYNOR: When was this statement made directly on  
14 television?

15 A. We watched it yesterday on TV channel Dukagjini. As I  
16 mentioned, I am not good at dates, but this was seen here and there  
17 on television. The person who wrote Communiqué 59 is a malicious  
18 person, and that person is Hashim Thaci.

19 It was not easy for him to say it. He struggled to pull himself  
20 together and say it. He did say that late, but he said the truth.  
21 And it is a very good thing that he did so, because we could, to some  
22 extent, breathe freely. I would have wanted, Your Honour, to see  
23 that person in person myself, that person who spoke well of our  
24 family, and I did see him.

25 JUDGE GAYNOR: Do you know the date on which that telephone

Witness: Fadil Geci (Resumed) (Open Session)  
Questioned by the Trial Panel (Continued)

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1 conversation took place?

2 A. I am not good at dates. These are their statements. You have  
3 the date of the TV show where this statement was made. We can go  
4 through that again, if needed, and we can find out the date. I can't  
5 recall the dates.

6 JUDGE GAYNOR: And when you said "the statement we heard and  
7 read yesterday," what statement we heard and read yesterday exactly  
8 are you referring to?

9 A. The reporters asked him, "Who wrote these communiqués?" He  
10 replies -- so the reporter says, more or less, "We asked also other  
11 people but they avoid answering the question. We also asked  
12 Hashim Thaci, and his answer is Communiqué 59 was written and issued  
13 by Hashim Thaci himself," which means that the staff is not involved.  
14 It was done on its behalf. There was an individual speaking on  
15 behalf of the staff. And all the other members of the staff declared  
16 that they were not involved in this. This is, therefore, convincing  
17 to me, and I believe it is convincing to you as well, Your Honour.

18 JUDGE GAYNOR: No further questions. Thank you very much.

19 PRESIDING JUDGE SMITH: Any follow-up questions by the SPO?

20 MR. PACE: No, thank you.

21 PRESIDING JUDGE SMITH: Mr. Misetic.

22 MR. MISETIC: Yes, thank you, Mr. President.

23 Further Cross-examination by Mr. Misetic:

24 Q. Witness, I just want to ask you a few follow-up questions posed  
25 to you by Judge Mettraux.

Witness: Fadil Geci (Resumed) (Open Session)

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Further Cross-examination by Mr. Misetić

1           You were asked about the mediation effort by Mr. Thaci with  
2           respect to a dispute between Gani Geci and Azem Sylja. That was a  
3           dispute, according to the press article, which is at Exhibit 1D196,  
4           where your brother accused Azem Sylja of ordering an assassination  
5           attempt on him in 2001; correct?

6           A.    Could you please ask the question again? Your Honour,  
7           everything is perfect in this courtroom with the exception of the  
8           interpretation which at times is not very accurate and it's therefore  
9           changing the meaning. This is the reason why I'm asking for the  
10          question to be repeated again, because --

11          PRESIDING JUDGE SMITH: Please repeat the question.

12          A.    -- it makes things a little bit more difficult.

13          MR. MISETIĆ:

14          Q.    Yes. I'm asking you about the mediation attempt that Mr. Thaci  
15          was engaged in in the dispute between your brother Gani and  
16          Azem Sylja. The press article, which is admitted Exhibit 1D196, says  
17          the dispute was over an allegation by your brother Gani that  
18          Azem Sylja ordered an assassination attempt on him in 2001; is that  
19          correct?

20          A.    This statement of Azem Sylja that it is true that the staff  
21          issued a communiqué, and that that is the case 100 per cent, led to  
22          this, because we were still inquiring as to who was behind this.

23          MR. MISETIĆ: Okay. Can we pull up --

24          THE WITNESS: [Interpretation] This led to this discussion about  
25          this matter.



1 MR. MISETIC: Can we pull up 1D196, please. If we could scroll  
2 down to the second paragraph -- actually, let's start with the third  
3 paragraph and then go to the second paragraph.

4 Q. The third paragraph says, and this is the news report:

5 "Geci has claimed that in 2001, in an assassination attempt, his  
6 wounding and the killing of his friends, as he says, came after an  
7 order from [Azem] Sylja, but the latter denied this."

8 Do you see that?

9 A. Which part, please?

10 Q. In Albanian on your screen it's the second paragraph.

11 A. Yes.

12 Q. Is that accurate?

13 A. Azem Sylja denied being behind this. Is this your question about  
14 being accurate or not?

15 Q. No. My --

16 A. He indeed denied this in their presence.

17 Q. Denied that he had ordered an assassination of Gani in 2001;  
18 correct?

19 A. It reads here that "the latter denied this."

20 Q. And in the paragraph above it, it says:

21 "After these two meetings," meaning these meetings of  
22 reconciliation, "according to Geci, the final meeting of  
23 reconciliation came, where he and Sylja shook hands of  
24 reconciliation."

25 That's also true, isn't it? That's what your brother said.

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Further Cross-examination by Mr. Misetić

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1 A. When we meet somebody, we shake hands even without having to  
2 reconcile.

3 Q. Yes, but it doesn't say --

4 A. He said no, then the question was what's your issue with  
5 Azem Sylja.

6 Q. It doesn't say they shook hands greeting each other as they met.  
7 It says they "shook hands of reconciliation." That's what your  
8 brother said; correct?

9 A. We extended our hand to reconcile constantly. We constantly  
10 asked for them to come forward, apologise, and reconcile. Let's move  
11 forward. But they didn't agree. They wanted to liquidate us.  
12 Azem Sylja seems to have said here that he was not behind this, and  
13 I'm glad to hear personally that Azem Sylja is not behind this.

14 Q. Okay.

15 A. However, somebody is behind this. Who's that person?

16 Q. But if we look to the second paragraph from the bottom, the  
17 conclusions after this mediation, it says:

18 "As to who is the order giver and the assassin of 2001 for the  
19 murder of Geci, now both sides allude to another person.

20 "Geci did not mention the name of this person but admitted that  
21 he is a former member of the KLA, and currently a member of one of  
22 the five largest political parties in the country."

23 That's how this mediation by Mr. Thaci concluded between  
24 Azem Sylja and Gani Geci; correct?

25 A. Gani Geci is ready and available to explain everything in this

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Further Cross-examination by Mr. Misetić

1 regard in detail when you call him. I am not able to tell you what  
2 Gani Geci had in his mind, what he thought.

3 Q. Thank you. We look forward to hearing from your brother.

4 Let me turn to a different topic. Judge Mettraux mentioned to  
5 you the point that Mr. Thaci is from Drenica just like you're from  
6 Drenica. And he then also brought up later Mr. Thaci's interview  
7 where he discussed with you Mr. Thaci's position that many of these  
8 claims are made by his political opponents.

9 Now, it's correct, is it not - you two from Drenica - Mr. Thaci  
10 has -- and his political party, PDK, have dominated your political  
11 party, LDK, since the war in the Drenica region; correct?

12 A. I did not say that he dominated, but it is true. I'm saying it  
13 now. He did. However, he did that after the killing of all those  
14 persons, Haki Imeri, Xhafer Behrami, Azem Ahmeti, the nephew of  
15 Ahmet Delia, the most patriotic family in Drenica, only because he  
16 said, "I recognise President Ibrahim Rugova." After all these  
17 killings did they extended their influence. Who would go out and  
18 vote anymore?

19 Q. Okay. So that's your excuse now. But before 1998, you and the  
20 Geci brothers were dominant in Drenica in the LDK; correct? Correct?

21 A. We did not dominate. It was a democratically elected process  
22 and institutions. I was elected by a democratic vote of 52 villages,  
23 not through violent means and killings and seizing power. I have  
24 always been --

25 Q. Let me change --

Witness: Fadil Geci (Resumed) (Open Session)

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Further Cross-examination by Mr. Misetić

1 A. -- against those who exercise and exert violence.

2 Q. Let me change the word. You won landslide electoral victories  
3 prior to 1998 -- or prior to 1999; correct?

4 A. Correct.

5 Q. And since 1999, Mr. Thaci's PDK party has won landslide  
6 victories in every single national election in the Drenica region;  
7 correct?

8 A. After the killings --

9 Q. Right.

10 A. -- of the six more influential people in Drenica. After the  
11 intimidation and threats directed to many intellectuals and prominent  
12 people, they took over through violence. They took power through  
13 violence. This is the reason why we are here. By violent means,  
14 killings, they seized power.

15 I would have never believed that these things would happen, but  
16 so it appears that they do happen, and they, as a matter of fact,  
17 have happened also in other countries.

18 Q. And despite the fact that you and Gani and other members of your  
19 family have continued to run for office in the Drenica region, you  
20 still hold a grudge against Mr. Thaci because he continues to  
21 dominate electoral victories in the Drenica region; correct?

22 MR. PACE: Objection, Your Honour. This has strayed very far  
23 from the Judges' question. If counsel wanted to explore an issue of  
24 bias, he was fully entitled to do so, and, in fact, he did so during  
25 his own examination.

Witness: Fadil Geci (Resumed) (Open Session)

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Further Cross-examination by Mr. Misetic

1 MR. MISETIC: May I respond? This is directly now addressing  
2 Judge Mettraux's point, and I'm going to get to the next point in  
3 just --

4 PRESIDING JUDGE SMITH: The objection is overruled. Go ahead.

5 MR. MISETIC: Thank you.

6 Q. Sir, you understand my question?

7 A. You are wrong. No person who is democratically elected is  
8 somebody I would be against. I support the institutions. I support  
9 elections. I am saying in Drenica where I come from, people were  
10 killed. And it's only after these killings that people seized power.  
11 Now, who killed these people and who seized power, this is what we  
12 are here for. The most influential people in the region: Haki Imeri  
13 was the main person in the local community where Hashim Thaci is  
14 from, so he was killed and then they seized power. Xhafer Behrami,  
15 he was number one person in his villages. After his killing, they  
16 took power. And other cases. So following killings, threats,  
17 violence, power was seized. Through violence, through killings.

18 Q. Let me say this. Witness, in answer to or in response to  
19 Judge Mettraux showing you Mr. Thaci's position in his SPO interview,  
20 every single person that we've discussed in court that has a  
21 connection to accusations against Mr. Thaci related to Communiqué 59  
22 - that's you, that's Gani Geci, that's Milaim Zeka, that's  
23 Jakup Krasniqi, that's Rexhep Selimi in Vetevendosje - you're all  
24 politicians who are all political opponents of Mr. Thaci's at the  
25 time you make these accusations. That's a true fact, isn't it?

Witness: Fadil Geci (Resumed) (Open Session)

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Further Cross-examination by Mr. Misetić

1 Every single one of you, all politicians; correct?

2 A. As a lawyer, this practice is erroneous. Nowhere in the world  
3 this practice would be allowed in court. If that were the case, they  
4 would have come out as a group and denied the entire thing. I think  
5 you're making a --

6 Q. I'm asking a question of fact.

7 A. -- serious professional mistake.

8 Q. I'm asking a question of fact. Witness, it's just a question of  
9 fact. Is it yes, it is true, or no, it's not true? Every single one  
10 of the people I just mentioned, you're all political opponents and  
11 politicians against Mr. Thaci at the time these accusations are made;  
12 correct? Is it yes or no?

13 A. I am a political opponent of Mr. Thaci. The others, instead,  
14 are close associates of Mr. Thaci. No one knows better than them  
15 about the matters and dealings with Mr. Thaci. They know. I don't.

16 Q. You didn't listen to my question carefully. I said at the time  
17 they made these allegations, Rexhep Selimi was in Vetevendosje which  
18 was not just a political opponent but it might go so far as to say  
19 political enemies of Mr. Thaci's PDK party and Mr. Thaci personally;  
20 correct? You know that to be a fact. You know that to be a fact;  
21 correct?

22 A. No, it's not a fact. They know it very well. It's not a fact.  
23 You're wrong. This is what I think.

24 Q. Okay. Let's break it down.

25 A. And it's not the case.

Witness: Fadil Geci (Resumed) (Open Session)

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Further Cross-examination by Mr. Misetić

1 Q. Let's break it down. Was Mr. Selimi a member of Vetevendosje in  
2 2019 and 2020?

3 A. He is here. You could ask Rexhep Selimi himself and he will  
4 tell us.

5 Q. I'm asking you about your knowledge. Do you know -- do you know  
6 or do you not know that Mr. Selimi was a member of Vetevendosje in  
7 2019 and 2020?

8 A. I know one certain truth: Rexhep Selimi and Hashim Thaci were  
9 together in the LPK. And throughout these processes, they were the  
10 closest associates. This is the truth. If there's one person who  
11 would know what Hashim Thaci did, that would be Rexhep Selimi. And  
12 Jakup Krasniqi. You don't.

13 Q. Witness, stop.

14 A. I don't.

15 Q. Stop. You are unwilling to answer a simple question. You're  
16 unwilling to answer a simple question to which you know the answer;  
17 correct?

18 A. I am here to answer questions and I will always do so for what I  
19 know.

20 Q. Okay. Then let me ask the question again. Do you know if  
21 Rexhep Selimi was a member of Vetevendosje in 2019 and 2020? Yes,  
22 you know, or no, you don't know?

23 A. They are here. You can ask them. I may say yes; they may say  
24 no. Just ask them. I can speak for myself. From the beginning, I'm  
25 a member of the LDK. And today I don't hold any functions. And this

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Further Cross-examination by Mr. Misetić

1 is what I will be to the day I die.

2 He can say today: I'm self-determination, PDK. You never know.

3 You just need to ask them. Don't ask me about them.

4 Q. Witness, I've given you every opportunity and you've refused to  
5 answer the question, so I will move on.

6 Now, you were asked a question by Judge Mettraux about why do  
7 you pick one person as the author of Communiqué 59 as opposed to a  
8 group of people. So let me ask you about your personal knowledge and  
9 what you were shown by the SPO.

10 Do you have any knowledge of whether there was a common practice  
11 in the KLA General Staff for people to collectively write  
12 communiqués? Do you have any personal knowledge?

13 A. I explained it once. There are two persons involved --

14 Q. Not -- I'm not talking about --

15 A. -- one tells the other.

16 Q. Stop.

17 A. The staff --

18 Q. Stop. I'm not talking about Communiqué 59. Do you have any  
19 personal knowledge generally about how the KLA drafted communiqués?  
20 In general.

21 A. If I had knowledge, I wouldn't have come here at all.

22 Q. Okay. Did the SPO in the preparation session show you anything,  
23 any evidence, about how the KLA generally drafted communiqués?

24 A. I was not asked about that. It's their work. I answered the  
25 questions that they asked me.



1 Q. Okay. Let me ask you a follow-up on Judge Gaynor's questions.  
2 You now claim that you heard Rexhep Selimi say on the TV clip that  
3 was played in court that he received a phone call from Mr. Thaci.  
4 And I'm putting to you there's nothing in the television clip where  
5 Rexhep Selimi discusses any phone call with Mr. Thaci. So I'm just  
6 going to put that to you. You didn't see it in court.

7 Where you got that information could only have been from your  
8 reading of Mr. Selimi's SPO interview during your preparation session  
9 with the Prosecution. Do you accept that?

10 A. It is true that it's the same. In the interview, he says that  
11 it was written by Hashim Thaci by himself. Whereas here, the  
12 accusations made by the Prosecution, he declares that he called him  
13 on the phone, told him not to do that, and that the reply was that he  
14 wanted to exterminate the family. And let's stop here, because many  
15 people died because of that communiqué.

16 The extermination did not occur. We are 109 men in the family.  
17 But he did damage two of our best friends, and history and Albanians  
18 will never forgive him for that.

19 Q. And do you accept that the SPO showing you Rexhep Selimi's  
20 interview influenced your animosity towards Mr. Thaci even further  
21 before you began your testimony here?

22 A. I think you're wrong. The best thing that they did is offering  
23 us to see with our own eyes who said what, who did what, which is  
24 quite the opposite of what you're saying. As an expert, I believe  
25 you should not state something like that. It is not good for the

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Further Cross-examination by Mr. Miseti

1 defence of your client.

2 Q. Well, I'll --

3 A. It's damaging --

4 Q. I'll deal with the defence --

5 A. -- him.

6 Q. -- of my client. You deal with telling us what you know and  
7 what you don't know.

8 A. Very well. But that's what I think.

9 Q. Okay. Very valuable. Thank you.

10 My ultimate point is before your prep session with the SPO, you  
11 did not think that Mr. Thaci wanted to exterminate your entire  
12 family. And after they showed you Rexhep Selimi's statement, you  
13 came into court with the belief that Mr. Thaci wanted to exterminate  
14 your entire family. That's correct, isn't it? Correct?

15 A. It was obvious to me throughout this time, from 1998. I saw  
16 with my own eyes his work, his deeds. It was his intention to  
17 exterminate us. We don't have time, but I have many, many other  
18 examples to illustrate this. This is the truth. His purpose was to  
19 exterminate us as a family.

20 Q. Got it.

21 MR. MISETIC: Thank you very much, Mr. President. No further  
22 questions.

23 PRESIDING JUDGE SMITH: Mr. Dixon.

24 MR. DIXON: [Microphone not activated].

25 PRESIDING JUDGE SMITH: Mr. Roberts.

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Further Cross-examination by Mr. Ellis

1 MR. ROBERTS: No, thank you, Your Honour.

2 PRESIDING JUDGE SMITH: Mr. Ellis.

3 MR. ELLIS: Yes, I do. Thank you, Your Honour.

4 PRESIDING JUDGE SMITH: Go ahead.

5 Mr. Ellis, just so you know, we will break at 11.00 as usual.

6 MR. ELLIS: Thank you.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. ELLIS: Thank you, Your Honour.

9 Further Cross-examination by Mr. Ellis:

10 Q. Witness, yesterday in the transcript at T209737, line 24,  
11 towards the end of the afternoon, His Honour Judge Barthe asked you  
12 some questions about the conversation that you say you had with  
13 Mr. Rame Buja about Communiqué 59. And in particular, His Honour  
14 Judge Barthe asked you about a paragraph in your preparation note  
15 which stated that Mr. Buja told you that he had spoken to the staff  
16 of the LPK called KLA.

17 Do you recall that line of questioning from His Honour  
18 Judge Barthe yesterday afternoon?

19 I see for the record the witness nodded.

20 PRESIDING JUDGE SMITH: Just a second.

21 Witness, when you answer a question, you have to say it. You  
22 can't just nod your head. Okay?

23 THE WITNESS: [Interpretation] I apologise. Yes. Yes,  
24 Your Honour. I apologise.

25 MR. ELLIS:

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Further Cross-examination by Mr. Ellis

1 Q. And you're very well aware, aren't you, that your evidence is  
2 being given in public; yes?

3 A. Yes, yes.

4 Q. Whilst you have been here giving evidence, have you had access  
5 to news reports from Kosovo about your testimony, sir?

6 A. No, I haven't. But access is possible.

7 MR. ELLIS: Now could I have on screen, please, DJK01079 to  
8 DJK01080. And the English translation has ET after it. It's on a  
9 new presentation queue. It was just released.

10 MR. PACE: Yes, Your Honour. And while that's called up, I can  
11 already state that we object to this line of questioning. This does  
12 not arise from the Judges' questions. The Judges did not ask any  
13 questions about any public statements or statements made outside of  
14 this courtroom in the last days, so this very clearly does not arise  
15 therefrom.

16 PRESIDING JUDGE SMITH: That's correct.

17 MR. ELLIS: That was a foundational question leading in to  
18 showing the witness this article. He was asked by His Honour  
19 Judge Barthe questions about what this witness has said about what  
20 Rame Buja said to him. This article shows very clearly that  
21 Rame Buja has seen that line and describes it as lies and slander,  
22 and that's what I wish to put to him.

23 PRESIDING JUDGE SMITH: Yes, go ahead.

24 MR. ELLIS: I'm grateful.

25 Q. So, Witness, you won't have seen this because you said you

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Further Cross-examination by Mr. Ellis

1 aren't following the public reaction. But this is from a report  
2 from, I think, *Gazeta* from yesterday evening about Mr. Buja's  
3 reaction to your testimony, and the first paragraph begins, in  
4 quotation marks:

5 "'Almost everything is untrue except for the fact that during  
6 the time when that famous communiqué 59 was made, I was not at the  
7 Headquarters.'"

8 Now, let me ask you this first, Witness, were you aware that  
9 Rame Buja was not part of the KLA General Staff in October 1998 when  
10 this communiqué was published?

11 A. Rame Buja is a Marxist-Leninist, as I already said yesterday,  
12 and I'm saying again today. He is a close associate of the friends  
13 who are here. And just read further down what he's saying. I just  
14 read it. He is trying to evade something. And I said yesterday I  
15 hope that it is how he said it. He said something good, something he  
16 evaded. This is the reality.

17 Q. Were you aware, sir, that he was not a member of the  
18 General Staff in October 1998; yes or no?

19 A. He was the close associate. I don't know the exact minutes or  
20 times that he was. I don't know when he became a member. But he  
21 was, as I said, a very wise man. He is a Marxist-Leninist, and he  
22 never denied that. He said that, "Geci family is not like you  
23 describe them. They are a good family." He denied a part and he  
24 evaded another. But thank him for the good words that he said.

25 Q. Well, I will read to you a little bit further from his reaction

1 in that paragraph. I see you've read ahead yourself already. He  
2 says:

3 "... I have never claimed to be a victim of that, because it's  
4 not true," referring back to Communiqué 59. "I have never been a  
5 victim of anyone, and I have maintained my position."

6 And then he says at the end of the paragraph:

7 "... he also said in another program that I supposedly received  
8 a bullet in my mouth because of my positions, which is completely  
9 false, it is a lie and slander," Buja said to Gazeta Express."

10 So I'm putting it to you, Witness, Rame Buja did not tell you  
11 that he received a bullet in the face for responding to Communiqué --

12 PRESIDING JUDGE SMITH: That was never asked by the Judge.  
13 You're beyond the scope of the Judges' questions now. I've allowed a  
14 reasonable latitude on a very short purpose at the very beginning.  
15 Nothing else is relevant. Let's move on.

16 MR. ELLIS: I tender the document then, Your Honours.

17 [Trial Panel confers]

18 MR. PACE: Your Honour, if I may be heard before you rule on the  
19 tendering, please. Briefly.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. PACE: I do want to say that we object to this tendering.  
22 It also sets a dangerous practice. If we're going to start tendering  
23 items as media reactions as to what witnesses say in court, there may  
24 be no end to that.

25 And more importantly for our objection, it goes to what

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1 Your Honour just overruled right now, which is this is not directly  
2 related to the Judges' questions, so this is not a permissible avenue  
3 to do so.

4 The Defence is free to call the alleged -- Rame Buja who  
5 allegedly said these things if they want to.

6 PRESIDING JUDGE SMITH: The tender is overruled. We will not  
7 allow the admission.

8 Go ahead.

9 MR. ELLIS:

10 Q. And I have one final topic, Witness, which is this morning at  
11 provisional transcript page 16 you were asked by His Honour  
12 Judge Mettraux a question related to Mehdi Bardhi, and you responded  
13 there that you were in contact with Mehdi Bardhi, but "Jakup greeted  
14 us from Prishtine."

15 And I am putting it to you that it is not true, Witness, that  
16 Jakup Krasniqi had telephone contact with you from Prishtine. That's  
17 not true, is it?

18 A. How can you say to me that this is not true when it is  
19 100 per cent true that Jakup called and he did participate in the  
20 meetings of the leadership of the chairmanship? It is true that he  
21 called. It is true that he was in Prishtine in the chairmanship. It  
22 is true that he fought to become the chairman of the Glllogoc branch,  
23 LDK branch in that period of time. Everything is true.

24 Q. It is certainly true that he was chairman of the LDK in the  
25 Glllogoc branch at that period of time, but I'm putting it to you that

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1 you never had the personal relationship with Jakup Krasniqi that he  
2 would have telephoned you, and certainly not from Prishtine, Witness.

3 MR. PACE: Objection, Your Honour. Asked and answered. We  
4 literally just heard that. Counsel may not have liked the answer --

5 PRESIDING JUDGE SMITH: Sustained. This is just argumentative.  
6 Go ahead.

7 MR. ELLIS: Very well. Then I'll finish. This is my final  
8 question, Your Honours.

9 PRESIDING JUDGE SMITH: Go ahead.

10 MR. ELLIS:

11 Q. I want to put my case to you, Witness, that you have come here  
12 in public session to make political statements. What you have said  
13 about Jakup Krasniqi is not true, Witness.

14 A. And I'm telling you that I have said the truth and nothing but  
15 the truth. You are doing your job. You're saying what you're  
16 saying. I'm telling the Court that every word that I've uttered is  
17 200 per cent true and nothing else. It is only the truth. And that  
18 you are wrong. But you have your own right.

19 MR. ELLIS: Thank you, Your Honour.

20 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

21 Witness, your testimony is now completed. You will be excused  
22 from the courtroom. Your obligation here to testify is over. Thank  
23 you for being with us and sharing your information. We wish you  
24 well.

25 THE WITNESS: [Interpretation] Respect to all of you and to the



1 work you do.

2 [The witness withdrew]

3 PRESIDING JUDGE SMITH: We'll take the regularly scheduled  
4 half-hour break.

5 We're adjourned till 11.30.

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

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

8 PRESIDING JUDGE SMITH: Mr. Dixon.

9 MR. DIXON: Yes, thank you, Your Honours. Could we go into  
10 private session for this, please.

11 PRESIDING JUDGE SMITH: Into private session, please.

12 MR. DIXON: Oh, we're in private session already? Thank you.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Into private session, please.

15 [Private session]

16 [Private session text removed]

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5 [Open session]

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

7 PRESIDING JUDGE SMITH: There is a preliminary matter before we  
8 start with Prosecution Witness 4758.

9 The Panel notes that, in F02665, the SPO requested an expedited  
10 briefing schedule for F02665 to amend its exhibit list to add three  
11 items that it intends to use with W04758 and the reclassification of  
12 F02665 as public.

13 First, in respect of the request for an expedited briefing  
14 schedule, the Panel notes that it yesterday expedited the briefing  
15 schedule for F02665 and heard submissions from the parties and  
16 participants.

17 Second, in respect of the request to amend the exhibit list, the  
18 Panel notes that the SPO's request concerns three items which consist  
19 of 123265, an adjusted and expanded version of an organigramme chart  
20 of the KLA General Staff formation of the operational zone containing  
21 W04758's handwritten annotations; and 123266, an organigramme chart  
22 of Brigade 151; and 123267, an organigramme chart of the Llap  
23 operative zone.

24 The SPO submits that the request is timely, relevant, and there  
25 is no undue prejudice to the Defence.

1           The Defence does not object to the amendment to the exhibit list  
2 to add the three documents.

3           The Panel observes that the SPO acquired the documents from  
4 W04758 on 18 October 2024 and made the present request on 21 October  
5 2024, the next working day. The Panel therefore finds the notice  
6 provided by the SPO to be timely.

7           The Panel observes that the three documents relate to the  
8 structure of the KLA and, in particular, the Llap operative zone and  
9 Brigade 151, which is relevant to the allegations in the indictment  
10 and the pre-trial brief.

11           The Panel therefore finds that the material is *prima facie*  
12 relevant and of sufficient importance and that there is good cause  
13 for their late addition to the exhibit list.

14           Lastly, the Panel observes that the documents are one page each  
15 and therefore a total of three pages -- therefore a total of three  
16 pages would be added to the exhibit list. In addition, the Panel  
17 further considers that 123265 is a more comprehensive version of an  
18 item already on the exhibit list; 123266 is a completed version of a  
19 template which is on the exhibit list; and 123267 is a document  
20 prepared after the war on the basis of 123265.

21           The Panel is satisfied that the Defence will have sufficient  
22 time to adequately review the documents in question and to prepare  
23 for W04758's testimony, thereby preserving the rights of the accused.

24           Therefore, the Panel finds that no undue prejudice will arise  
25 from adding the three documents to the exhibit list, and the Panel

1 therefore grants the SPO's request to add 123265, 123266, and 123267  
2 to the exhibit list.

3 Third, in regard to the request for reclassification of F02665  
4 as public, the Panel notes that the SPO has indicated in F02665 that  
5 the filing can be reclassified as public following the commencement  
6 of W04758's testimony.

7 Therefore, the Panel orders the Registry to reclassify F02665 as  
8 public after W04758 commences his testimony.

9 This concludes the Panel's order.

10 Now you may bring the witness in.

11 We also note that Victims' Counsel made a request to question  
12 the witness. As per usual that -- in our practice, the Panel will  
13 defer its ruling on the matter until after the SPO has concluded its  
14 direct examination of the witness.

15 [The witness entered court]

16 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me?

17 THE WITNESS: [Interpretation] Good morning.

18 PRESIDING JUDGE SMITH: The Court Usher will now provide you  
19 with the text of the solemn declaration which you are asked to take  
20 pursuant to Rule 141(2) of our rules. Take a look at the document  
21 and then read it aloud.

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

23 Solemn declaration: Conscious of the significance of my  
24 testimony and my legal responsibility, I solemnly declare that I will  
25 tell the truth, the whole truth, and nothing but the truth, and that

Witness: Nuredin Ibishi (Open Session)  
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1 I shall not withhold anything which has come to my knowledge.

2 WITNESS: NUREDIN IBISHI

3 [The witness answered through interpreter]

4 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
5 now.

6 Witness, today we will start your testimony which is expected to  
7 last approximately one to two days. As you may know, the Prosecution  
8 counsel will ask you questions first, and then the Victims' Counsel  
9 may ask you questions. And thereafter, the Defence has the right to  
10 ask questions of you, and members of the Panel might also have  
11 questions for you.

12 The Prosecution estimate for your examination is two to two and  
13 a half hours. Victims' Counsel estimates that he will need  
14 approximately 20 minutes. The Defence estimates that it will need  
15 close to six hours. In regards to each estimate, we hope that  
16 counsel will be judicious in their use of time. The Panel will allow  
17 for redirect examination by the SPO if conditions for it are met.

18 Witness, please try to answer the questions clearly with short  
19 sentences. If you don't understand a question, feel free to ask  
20 counsel to repeat the question or tell them you don't understand and  
21 they will clarify. Also, please try to indicate the basis of your  
22 knowledge of facts and circumstances that you will be asked about.

23 In the event you are asked by the SPO to attest to some  
24 corrections made regarding your statements, you are reminded to  
25 confirm on the record that the written statement, as corrected by the



1 list of corrections, accurately reflects your declaration.

2 Please also speak into the microphone and wait five seconds  
3 before answering a question, and then speak at a slow pace for the  
4 interpreters to catch up.

5 During the next days while you are giving evidence in this  
6 Court, you are not allowed to discuss with anyone the content of your  
7 testimony outside of the courtroom. If any person asks you questions  
8 outside this Court about your testimony, please let us know.

9 Please stop talking if I ask you to do so and also stop talking  
10 if you see me raise my hand. These indications mean that I need to  
11 give you an instruction.

12 If you feel the need to take a break, please let us know. Just  
13 raise your hand, and we will try to accommodate you.

14 So we begin now with your testimony. First, with the questions  
15 from the Specialist Prosecutor's Office who are seated to your left.  
16 Please give her your attention.

17 Madam Prosecutor, you have the floor.

18 MS. D'ASCOLI: Thank you, Your Honours.

19 Examination by Ms. D'Ascoli:

20 Q. Good morning, Witness. We met before. My name is  
21 Silvia D'Ascoli. I will be asking you questions today on behalf of  
22 the Specialist Prosecutor's Office, SPO for brevity. The  
23 Presiding Judge has already given you specific instructions. If I  
24 may add, please, since you understand English, please always wait  
25 until you receive the full interpretation in your headset and also to

Witness: Nuredin Ibishi (Open Session)

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Examination by Ms. D'Ascoli

1 allow for a pause in between my questions and your answers since your  
2 evidence is being interpreted. Okay?

3 Can we start with your name and last name for the record,  
4 please.

5 A. Nuredin Ibishi.

6 Q. Your date of birth?

7 A. 4 December 1956.

8 Q. And your place of birth?

9 A. Village of Kalatice, municipality of Podujeve.

10 Q. And did you have a nickname during the war, 1998, 1999?

11 A. Yes, Leka.

12 Q. Witness, you gave statements in the past, including to this  
13 office, and you had the opportunity to review the statements last  
14 week during the preparation session before this testimony. I will  
15 now call up the two prior statements that the Specialist Prosecutor's  
16 Office intends to tender into evidence. You can follow on the  
17 screens.

18 MS. D'ASCOLI: Can I first call up ERN SPOE00088341 to 00088352  
19 RED for the English, and SPOE00088353 to 363 RED for the Albanian,  
20 please. The first page will suffice on the screen.

21 Q. Witness, do you remember testifying before the District Court of  
22 Prishtine in the case against Latif Gashi and others?

23 A. Yes.

24 Q. Did you review the transcript of that testimony in preparation  
25 for your in-court testimony this week? And the transcript is the one

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Examination by Ms. D'Ascoli

1 appearing on the screen.

2 A. Yes.

3 Q. I will move to the second statement that the SPO intends to  
4 tender.

5 MS. D'ASCOLI: And this is 083639-TR-ET. If I can have both the  
6 Albanian and the English, Part 1, please.

7 Q. Witness, do you remember being interviewed by the Specialist  
8 Prosecutor's Office of this Court?

9 MS. D'ASCOLI: [Microphone not activated] ... the ERN -- yes.  
10 Yes, it is correct in the English. I think it will suffice. Thank  
11 you.

12 Q. Witness, do you remember giving a statement to the SPO?

13 A. Yes.

14 Q. Okay. And did you have the opportunity to review the full  
15 transcript of the SPO interview last week? It consists of several  
16 parts.

17 A. Yes, I read it rapidly.

18 Q. When re-reading these two statements in the preparation session  
19 last week, were you given an opportunity to make corrections and  
20 clarifications?

21 A. Yes. There were a number of linguistic-related amendments,  
22 corrections, with respect to places, locations, content, which --

23 Q. Yes, I'm going to ask you about that.

24 A. -- we discussed during the preparation session.

25 Q. And do you remember that those corrections, clarifications were

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Examination by Ms. D'Ascoli

1 reflected in a written note that was read back to you at the end of  
2 the preparation session?

3 A. Yes.

4 Q. Do you confirm that what was recorded in that note, which, for  
5 the record, is ERN 123219 to 123227, Preparation Note 1, do you  
6 confirm that what was recorded in that note reflects your corrections  
7 and clarifications fully and accurately?

8 A. Based on what I was able to read, they do. I do not exclude  
9 that there might be other small, minor details that can come up and  
10 which were missed.

11 Q. Yes. But for what concerns, you know, what you read and then  
12 the corrections that were read back to you, were you satisfied that  
13 those reflected what you said, your corrections, your clarifications  
14 to the statement reviewed?

15 A. There's only one matter about a document which refers to an  
16 interview of Commander Remi, Rustem Mustafa --

17 Q. Witness -- Witness, this is --

18 A. -- which I think needs to be reviewed.

19 Q. Yes. This is not the place where to go into those specific  
20 details. What I was asking --

21 A. Understood.

22 Q. Please follow. Yes. What I was asking is whether the  
23 corrections and clarifications that you had and that were recorded in  
24 the note were read back to you and that you were satisfied that those  
25 reflected accurately what you said. That was my question. Can you

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1 please answer yes or no?

2 A. Yes, that's fine.

3 Q. Now, subject to those corrections, those clarifications that  
4 were recorded in that note, in Prep Note 1, do your written  
5 statements accurately reflect what you said and what you would say  
6 again if you asked the same questions in court today?

7 A. I tried to tell the truth. If there is any discrepancy, I  
8 believe I'm able to clarify them.

9 Q. Okay. So I take it -- I take that for a "yes"? Do you confirm  
10 that you're satisfied that your written statements accurately reflect  
11 your evidence to the best of your knowledge?

12 A. Yes.

13 Q. And, please, yes, make sure you always reply and respond on the  
14 record with an oral answer so that it is recorded in the transcript.  
15 Thank you.

16 MS. D'ASCOLI: Your Honours, having fulfilled the Rule 154  
17 criteria in accordance with decision 2655, the SPO tenders the  
18 English and the Albanian versions of the proposed Rule 154  
19 statements, as identified on the record, together with the associated  
20 exhibits and Preparation Note 1. And --

21 PRESIDING JUDGE SMITH: Any -- go ahead.

22 MS. D'ASCOLI: The full ERN of the Rule 154 package has been  
23 provided.

24 PRESIDING JUDGE SMITH: Yeah.

25 Any objection?

1 MR. MISETIC: Subject to the previously articulated objections  
2 to the associated exhibits, we have no additional objections.

3 PRESIDING JUDGE SMITH: Mr. Dixon.

4 MR. DIXON: No additional objections, Your Honour.

5 PRESIDING JUDGE SMITH: Mr. Roberts.

6 MR. ROBERTS: Nothing more, Your Honour. Thank you.

7 MS. V. ALAGENDRA: Nothing to add, Your Honour.

8 PRESIDING JUDGE SMITH: All right. SPOE00088341 to 88352, both  
9 English and Albanian, is admitted and will be given a number.

10 MS. D'ASCOLI: Classification can be public.

11 [Trial Panel and Court Officer confers]

12 PRESIDING JUDGE SMITH: We'll need to take a short break.

13 Please escort the witness out.

14 Witness, we'll need to take a five-minute break.

15 [The witness stands down]

16 [The Accused Krasniqi [REDACTED] Pursuant to In  
Court Redaction Order F2668RED.

17 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

18 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

19 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

20 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

21 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

22 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

23 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

24 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

25 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

1 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

2 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

3 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

4 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

5 PRESIDING JUDGE SMITH: We'll take 15 minutes now and then see  
6 where we are.

7 MS. V. ALAGENDRA: I'd be grateful.

8 PRESIDING JUDGE SMITH: All right.

9 MS. V. ALAGENDRA: Thank you.

10 --- Break taken at 11.57 a.m.

11 --- On resuming at 12.11 p.m.

12 PRESIDING JUDGE SMITH: Just to be safe and to allow  
13 Mr. Krasniqi a chance to rest a bit, we will take a lunch break now  
14 until 1.30, and then we'll start at that time. Is there a problem  
15 with that timeframe with anybody?

16 Yes?

17 MS. V. ALAGENDRA: [Microphone not activated].

18 PRESIDING JUDGE SMITH: Okay.

19 MS. V. ALAGENDRA: [Microphone not activated].

20 PRESIDING JUDGE SMITH: Okay. So we'll do that and try to be  
21 ready to go at 1.30. [REDACTED] Pursuant to In Court Redaction Order  
F2668RED.

22 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

23 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

24 [REDACTED] Pursuant to In Court Redaction Order F2668RED.

25 [REDACTED] Pursuant to In Court Redaction Order F2668RED..

1 PRESIDING JUDGE SMITH: All okay with you?

2 MS. V. ALAGENDRA: Yes, yes, Your Honours.

3 PRESIDING JUDGE SMITH: Okay. All right.

4 MS. V. ALAGENDRA: *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

5 *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MS. V. ALAGENDRA: *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

8 *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Say it one more time now?

11 MS. V. ALAGENDRA: *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

12 *[REDACTED] Pursuant to In Court Redaction Order F2668RED.*

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. V. ALAGENDRA: -- instead.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. V. ALAGENDRA: Yeah.

17 PRESIDING JUDGE SMITH: We don't have any problem with that. We  
18 just need to know which is it going to be.

19 MS. V. ALAGENDRA: Yes, I'm grateful.

20 PRESIDING JUDGE SMITH: So --

21 MS. V. ALAGENDRA: Thank you.

22 PRESIDING JUDGE SMITH: -- by 1.30 we should have that sorted  
23 out. Thank you.

24 We're adjourned until 1.30.

25 --- Luncheon recess taken at 12.12 p.m.



1 [The Accused Krasniqi entered the courtroom]

2 --- On resuming at 1.30 p.m.

3 PRESIDING JUDGE SMITH: I believe we were at the point of the  
4 tender of the statements by the SPO, and I believe, Mr. Misetic, you  
5 had made a statement already about whether you had an objection or  
6 not; is that correct?

7 You just indicated you had -- one of the associated exhibits you  
8 objected to.

9 MR. MISETIC: I believe that we just did that in writing and  
10 you've already ruled on it, so I just wanted to preserve the  
11 objection for the record. That's all.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Anybody else?

14 MR. DIXON: No, Your Honours. The same point.

15 MS. V. ALAGENDRA: The same, Your Honour.

16 PRESIDING JUDGE SMITH: So SPOE00088341 to 00088352 in English  
17 and Albanian is admitted.

18 THE COURT OFFICER: Your Honour, that statement will receive  
19 Exhibit P01754. Classification is confidential. I believe counsel  
20 already said it can be reclassified.

21 MS. D'ASCOLI: Yes, it can be reclassified as public.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 As to the next item, Madam Prosecutor, is there more than one  
24 part or is that just one part?

25 MS. D'ASCOLI: Yes, Your Honours. The SPO interview consists of

1 ten parts. And of these parts, all of them can be public with the  
2 exceptions of Parts 6 and 7, whose PRVs will be provided together  
3 with the PRVs of the transcript of today's hearing.

4 The preparation note as well needs to be classified as  
5 confidential for the time being, and the same notice apply, meaning  
6 PRVs will be provided with the transcript.

7 PRESIDING JUDGE SMITH: And 083639-TR-ET in English and Albanian  
8 is admitted.

9 THE COURT OFFICER: Thank you, Your Honour.

10 Part 1 of the statement will be assigned Exhibit P01755.1.  
11 Part 2 will be assigned Exhibit P01755.2. Part 3, P01755.3. Part 4,  
12 P01755.4. Part 5 will be assigned Exhibit P01755.5. Part 6,  
13 P01755.6. Part 7, P01755.7. Part 8 of the statement will be  
14 assigned Exhibit P01755.8. Part 9, P01755.9. And the last, 10,  
15 Part 10 will be assigned Exhibit P01755.10.

16 All of them are reclassified to public except Parts 6 and 7.

17 MS. D'ASCOLI: Thank you very much. Thank you.

18 PRESIDING JUDGE SMITH: And we also have Prep Note 1 which is  
19 123219 to 123227. And it is admitted and will be given an exhibit  
20 number.

21 THE COURT OFFICER: Yes, Your Honour. The preparation note will  
22 be assigned Exhibit P01756, and classification is confidential.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 The associated exhibits are all admitted. And please assign  
25 exhibit numbers to them.

1 THE COURT OFFICER: First associated exhibit is set of pages  
2 from the book SPOE00055678 to 00056018, and those are the pages with  
3 the following ERNs: SPOE00055807, SPOE00055811, SPOE00055918,  
4 SPOE00055956, and SPOE00055971.

5 Considering that some pages have already been admitted as  
6 P00187, I suggest that these pages are also added to that exhibit  
7 number.

8 MS. D'ASCOLI: Yes, thank you. And classification can also be  
9 public. Thank you.

10 PRESIDING JUDGE SMITH: Reclassified as public, then.

11 THE COURT OFFICER: The next associated exhibit is SITF00244172  
12 to 00244172. It will receive exhibit number, English and Albanian  
13 version, P01757. Current classification is confidential.

14 MS. D'ASCOLI: This can also be public.

15 And can I correct the -- I think the reference to the  
16 already-existing P number for the book is P187. I think there's a --  
17 there's probably a typo on the transcript. Just for the record.

18 THE COURT OFFICER: Yes, P00187.

19 The next associated exhibit is SITF40001593 to 40001595. It  
20 will be assigned Exhibit P01758. Current classification is  
21 confidential.

22 MS. D'ASCOLI: Equally, it can be public.

23 PRESIDING JUDGE SMITH: Reclassified as public.

24 THE COURT OFFICER: Next associated exhibit is U000-4193 to  
25 U000-4193, Albanian and English, will be assigned Exhibit P01759.

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1 Classification is confidential.

2 MS. D'ASCOLI: It can be public as well. Thank you.

3 PRESIDING JUDGE SMITH: Reclassified as public.

4 THE COURT OFFICER: Thank you.

5 And, finally, the last associated exhibit with ERN U000-4236 to  
6 U000-4236, Albanian and English, will be assigned Exhibit P01760.

7 Current classification, confidential.

8 MS. D'ASCOLI: It can be public again. Thank you.

9 PRESIDING JUDGE SMITH: Reclassified as public, then.

10 THE COURT OFFICER: Thank you.

11 PRESIDING JUDGE SMITH: All right.

12 You may bring the witness in.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: All right. Mr. Ibishi, we continue now  
15 with the questions from the Prosecution.

16 Madam Prosecutor, you have the floor.

17 MS. D'ASCOLI: Thank you, Your Honours.

18 Your Honours, before I start with the questions, the SPO sent a  
19 brief summary and, with Your Honours' leave, I will now read it for  
20 the record.

21 PRESIDING JUDGE SMITH: Yes, go ahead.

22 MS. D'ASCOLI: Thank you.

23 Nuredin Ibishi is a former KLA member who operated in the Llap  
24 operational zone. He joined the KLA in June 1998, participated to  
25 the recruitment and training of KLA soldiers, and was based in

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1 Bajgore between August and September 1998. He covered various roles,  
2 from brigade commander of KLA Brigade 151 to chief of staff for the  
3 Llap operational zone, a position that he held from December 1998.

4 And this was just a brief --

5 PRESIDING JUDGE SMITH: Thank you.

6 MS. D'ASCOLI: -- summary. Thanks.

7 Q. Witness, now that your prior statements have been admitted into  
8 evidence, I will have some additional questions for you on various  
9 matters, including documents that were shown to you during the  
10 preparation session.

11 I will proceed chronologically so that it's easier to follow,  
12 and I want to start with some questions about the time before you  
13 joined the KLA.

14 Do you remember when -- when did you first hear about the KLA?

15 A. Long before because I was following the developments. In 1994,  
16 I was a political prisoner in proceedings against Albanian political  
17 activists launched by the Serbian regime. And since then, I followed  
18 the developments concerning the KLA. And I was sort of labelled  
19 after my time in prison, and my joining the KLA at the time would  
20 have impeded the development of the KLA as an organisation in the  
21 very beginnings in 1994.

22 Q. Okay. So then let's talk about the time shortly before you  
23 joined the KLA. Do you remember any first public appearances of the  
24 KLA?

25 A. Yes, I remember it. It was during the funeral procession of a

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1 teacher, Geci, and that's when the representatives of the KLA came up  
2 for the first time in public, in uniforms, and made a declaration and  
3 pronouncement. They were Rexhep Selimi, Daut Haradinaj, and  
4 Muje Krasniqi.

5 Q. And do you remember when was that, time-wise?

6 A. If I'm not mistaken, it was in 1997. A long time has passed.  
7 It's difficult for me to remember the exact periods.

8 Q. Of course. Were there any specific events that led you or  
9 motivated you to join the KLA - again, shortly - before you did join  
10 in 1998?

11 A. My driving force was the heroic fall of the commander of the  
12 KLA, Zahir Pajaziti together with Edmond Hoxha, later on followed by  
13 the battles in Likoshan and Qirez, and particularly the battle of the  
14 legendary commander Adem Jashari. These were the events that  
15 prompted me to take part more actively and to realise that it's time  
16 to join a war that would lead to liberation.

17 I also took part in demonstrations in Prishtine that publicly  
18 supported the KLA with their pro-KLA parols and pro-Adem Jashari  
19 parols. This was the main motivation. And from that moment, I  
20 decided to become a member of the KLA.

21 Q. I'm going to call up a few pages of a book, a book by  
22 Mr. Skender Zhitia that you know because of your interview with the  
23 author.

24 MS. D'ASCOLI: Can I please have SPOE00055678-00056018, and the  
25 ET, corresponding ET translation. And I would please need page

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1 SPOE00055730, which is page 56 of the book.

2 Q. Witness, you will now see part of this book appearing on the  
3 screen.

4 Witness, this is a part of the book where events of the second  
5 half of 1997 are mentioned. I will read some brief portions of it to  
6 you:

7 "The second half of 1997 marked the public appearance of the  
8 Liberation Army of Kosovo, after the first frontal battles, the  
9 Rezalla e Re ... (Ludoviq) battle on 26 November 1997.

10 "The Rezalla battle and the public appearance of the KLA (on 28  
11 November 1997, during the burial ceremony of the teacher Halit  
12 Geci ...) were meaningful and they put an end to the rumours  
13 circulating in the media that questioned the existence and clear  
14 freedom loving objective of the KLA."

15 Does this narration reflect your recollection of the events?

16 A. Yes, fully, because there were different rumours circulating.  
17 And with the public appearance, with the KLA insignia and uniforms,  
18 they came up in public not only during that funeral ceremony but also  
19 before the public opinion.

20 Q. And the appearance of the three individuals that you told us  
21 about earlier, I take it is this one that is mentioned during the  
22 funeral of Geci; right? Did you mean this one?

23 A. Yes.

24 Q. Okay.

25 MS. D'ASCOLI: Can we move to page SPOE00055731. The next page

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1 in both languages, please.

2 Q. Again I will read it for you, but you can follow on the screens:

3 "The end of 1997 ... beginning of 1998 were indicators of the  
4 successes in the organisation of the KLA command structures.

5 "The provocations of the Serbian forces started in January. On  
6 22 January the assault on Jashari family was a provocation *sui*  
7 *generis*, but the Jashari family showed their preparedness and  
8 confronted them. Then the battle of Likoshan on 28 February 1998 ...  
9 took place. The Serbian forces suffered many losses in men and  
10 materials and while withdrawing they exerted ruthless violence on and  
11 massacred the population of Cirez and Likoshan ..."

12 Does this narration reflect your recollection of the events?

13 A. Yes.

14 MS. D'ASCOLI: Your Honours, the SPO tenders these two pages  
15 discussed with the witness, SPOE00055730, 731, as public documents.  
16 And if they can please be added to P187, please.

17 PRESIDING JUDGE SMITH: Any objection?

18 MS. V. ALAGENDRA: No, Your Honour.

19 PRESIDING JUDGE SMITH: No objection. Then page SPOE00055730  
20 and SPOE00055731 are both admitted and will be given a Prosecution  
21 exhibit number.

22 THE COURT OFFICER: Thank you, Your Honour. These two pages  
23 will be added to the Exhibit P00187, and they are classified as  
24 public. Thank you.

25 PRESIDING JUDGE SMITH: Thank you.



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1 MS. D'ASCOLI:

2 Q. Witness, I will now move to the topic of training.

3 In several parts of your SPO interview, you gave evidence about  
4 the training activities that you provided when you joined the KLA in  
5 the Llap zone.

6 MS. D'ASCOLI: For references, this is Part 2, Part 9 of your  
7 SPO interview, now P1755.

8 Q. You also explained the content and subjects of the training you  
9 delivered.

10 Now, my question is were training activities already ongoing  
11 when you joined the KLA in the Llap zone?

12 A. Yes, I did not intervene initially. I did not join in Bajgore,  
13 but I joined in Mazhiq. That's where I joined. And I started with  
14 the programmes that were already available together with Kadri  
15 Kastrati, who was already there when I joined. Together with him and  
16 others, together we tried to expand these training programmes to  
17 create a more comprehensive one for all the KLA soldiers since for a  
18 long time during the Serbian regime had been excluded from regular  
19 military service and had no opportunity to do military exercise.

20 This was a comprehensive programme, but we need to mention that  
21 the first topic within that programme was the rights of war, the four  
22 Geneva Conventions, additional conventions, and I don't have the  
23 programme in front of me but they include the full programme. And in  
24 some other documents, there are some differences.

25 Q. Yes, I'm sorry to interrupt. It's just that I have limited

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1 time. And, yes, indeed, the details that you provided are already in  
2 your written evidence. That's why I will not ask specific and  
3 detailed questions about that. You understand that.

4 So you mention Mr. Kadri Kastrati. Was Mr. Kadri Kastrati  
5 already involved in training when you joined?

6 A. Yes, he was. During the public appearance on 6 June of the Llap  
7 operational zone in Zabergje, I joined a little bit later in June,  
8 and he had already started with the training --

9 Q. Thank you.

10 A. -- of the first groups. I joined him in Zabergje and continued  
11 to work with him in the training of those soldiers as an instructor.

12 Q. Thank you for clarifying that, Witness. And I will interrupt  
13 sometimes if you give a detailed answer that we already have. So I  
14 apologise for that. It's not to be rude. It's just that, as I said,  
15 I have limited time, so please bear with me.

16 Let's remain on the topic of trainings.

17 MS. D'ASCOLI: I have a document that I want to show to you,  
18 which is U000-9657 to U000-9660. And if we can please have both the  
19 Albanian and the English.

20 Q. Witness, now that the document is appearing on the screen, you  
21 can see this is a document titled "Plan and Programme for the  
22 Training of the ... Special /?Units/ of the KLA in the Llapi  
23 Subzone." This is one of the documents you reviewed during the  
24 preparation session. Do you recognise it? Are you familiar with  
25 this document?

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1 A. Yes.

2 Q. And can you explain --

3 A. And it seems --

4 Q. -- to us what it is.

5 A. This is the document for the exercises of special units within  
6 the brigades and the zone. It differs from the basic trainings  
7 programme for soldiers. So it is a specialised programme for the  
8 special units within the Llap operational zone.

9 Q. Thank you.

10 A. And together with Kadri Kastrati, we were the ones who drafted  
11 this programme.

12 Q. Okay. And what were these special units? What type of units  
13 were they, I mean.

14 A. In the public statement number 2, which says that the  
15 General Staff of the KLA states that the programme will include  
16 general training for the members of the KLA pursuant to international  
17 conventions and internal rules, we tried to create a training  
18 programme in addition to the basic training programme for all the  
19 soldiers of the KLA in the Llap operational zone. This was designed  
20 for the special units.

21 Q. Yes, thank you, Witness. My question was if you can tell us  
22 what the special units were.

23 A. Within the brigades, there were special units that were more  
24 mobile in comparison with other units. We had more defensive units,  
25 so to say, compared to offensive, just to position and fortify areas.

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1           However, in case of a need of intervention, be it from the wings  
2           or the rear, there were these special units, mobile special units  
3           ready to intervene as reinforcement to the other units. So this was  
4           the mandate of these special units.

5           Q.    Okay.

6           MS. D'ASCOLI: Can we move, please, to the last page of the  
7           document, page 4 in both languages.

8           Q.    Witness, you see the signature on the document. Can you please  
9           tell us whose signature it is and whether you recognise it?

10          A.    Yes, this is the signature of Commander Daja.

11          Q.    Okay. And --

12          A.    I need to mention that he uses two types of signature, but I  
13          will explain this later.

14          Q.    No, please, please, go ahead. It's specific to the question,  
15          so --

16          A.    Yes. In some documents -- so this is Daja's signature. I  
17          confirm that. However, in some other documents he uses the signature  
18          Kadri Kastrati. So these two signatures were used by him during the  
19          war. However, I used only one signature which was Leka.

20          Q.    That's clear. Thank you, Witness. This is a programme dated  
21          August 1998. The date resonates with you; right?

22          A.    I do not remember the date, but I do remember the year and the  
23          time period.

24          Q.    So does August 1998 matches your recollection of the time period  
25          and year?

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1 A. Yes --

2 Q. Okay.

3 A. -- because that's when I held the trainings.

4 Q. Witness, do you remember the observations on this document, as  
5 well as others, were recorded in a table of comments that was read  
6 back to you at the end of the preparation session that you signed?

7 Do you remember that?

8 A. Is it reflected or is this the question? It's not --

9 Q. I will repeat my --

10 A. -- quite clear.

11 Q. I will repeat the question, Witness. My question was whether  
12 you recall that your comments on this document and others were  
13 written in a table that was read back to you at the end of the  
14 proofing session and that you signed. Do you remember that?

15 A. Yes, I do.

16 MS. D'ASCOLI: Your Honours, this is a document that the SPO  
17 tendered in the bar table motion F2178, Annex 1. This is item 49,  
18 specifically. I would ask that it be now admitted through this  
19 witness as a public exhibit.

20 PRESIDING JUDGE SMITH: Any objection?

21 MR. DIXON: [Microphone not activated].

22 PRESIDING JUDGE SMITH: None.

23 U000-9657 to U000-9660, in Albanian and English, is admitted.

24 THE COURT OFFICER: The document will receive Exhibit P01761.

25 It's classified currently as confidential. Could counsel --

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1 MS. D'ASCOLI: It can be public. Thank you.

2 THE COURT OFFICER: Public.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 THE COURT OFFICER: Thank you.

5 MS. D'ASCOLI:

6 Q. Witness, staying on the topic of training, did you cooperate  
7 with the other KLA operational zones in that? In training  
8 activities, I mean.

9 A. Yes.

10 Q. I'm going to call up and show you a few more pages from the book  
11 that we mentioned earlier of Mr. Zhitia.

12 MS. D'ASCOLI: The ERN is again SPOE00055678 to 56018. And this  
13 time -- plus English translation. This time I would please need page  
14 SPOE00055918, which is page 244 of the book.

15 Q. Witness, I'll read for you from the end of the page:

16 "The training programmes ... were drafted and prepared  
17 successfully by the command staff, which included Commander Remi,  
18 Commander Daja and Commander Leka. In January and February, the Zone  
19 managed to continue with the training of soldiers even though it  
20 faced constant fighting. In addition, the 152nd Brigade officers  
21 provided training for the soldiers of the Karadak Operational Zone."

22 Does what I read match your recollection of the events, and did  
23 officers of Brigade 152 provide training for the soldiers of the  
24 Karadak zone?

25 A. Yes. I gave lectures and conducted trainings of these persons

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1 who were undergoing formation and trainings. They didn't have  
2 sufficient capabilities. They were coming from the Western countries  
3 through Albania, and then they would go through our zone and would --  
4 and the Karadak operative zone had to rely on the Llap operational  
5 zone including with respect to training the soldiers of the Karadak  
6 zone.

7 Q. And I take it the dates mentioned here, January and February,  
8 are 1999?

9 A. Yes.

10 Q. And did it happen also in 1998 that the two zones, the Karadak  
11 and the Llap zone, cooperated in terms of matters related to  
12 training?

13 A. They came to us either in passing or on purpose, and this  
14 happened throughout 1998. And not only in January and February.

15 MS. D'ASCOLI: Can I please now have in both languages page 150  
16 of the book, which is SPOE00055824. This is on the topic of  
17 cooperation between zones.

18 Q. I want to show you a portion of the book where your name is  
19 mentioned. I will start reading from the beginning of the paragraph  
20 just below the photo:

21 "After field observation by Kadri Kastrati and Nuredin Ibishi  
22 accompanied by Muharrem and Shukri Ismaili and Cele Gashi, after  
23 studying of the western side of the Llap Valley, and after  
24 communications with the commanders of the Operational Sub-zone of  
25 Shala (Gani Ymeri) to strengthen their position on the east side ...

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1 the plan of expansion ... was drafted."

2 That's the end of the question. Do you recall these  
3 communications that you had with the commander of the -- commanders  
4 of the Shala operational subzone?

5 A. Yes, including with the now late officer Gani Ymeri.

6 MS. D'ASCOLI: Okay. Can we move to page 156 of the book, which  
7 is SPOE00055830, in both languages, please.

8 Q. Witness, I can introduce this section to you. The pages are  
9 located within the narration on the -- discussing the battle of the  
10 gorge in Kacanoll mid-September 1998.

11 I can already ask you, was there any common, any joint decision  
12 in that battle taken together by the Llap operational zone and  
13 another operational zone?

14 A. The battle occurred in a place where there was an offensive  
15 coming from two directions. One was the direction Podujeve-Obrance  
16 up to Dobratin, and then further towards Stanterg and Bare --

17 Q. And I can you ask you to -- sorry to interrupt.

18 A. -- and the other direction was on the Mitrovice side.

19 Q. Yes. Can I ask you to focus also on my question, please.

20 A. Yes. In this battle, we cooperated as per the plan and  
21 positions. We cooperated to face both directions of the enemy  
22 offensive and assaults --

23 Q. With whom did you cooperate?

24 A. -- on 15 September 1998. We cooperated with the Shala operative  
25 zone.



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1 Q. There's a specific part that I was going to put to you on this  
2 page. It's the second paragraph of -- starting from the top, and it  
3 says, I will read it for you:

4 "During this time the offensive took place in the positions of  
5 Operational Sub-zone of Shala. There the fighters of the "Mehe Uka"  
6 Brigade fought with heroism until the common decision of withdrawal  
7 was taken by both zones."

8 Do you confirm this?

9 A. Yes.

10 Q. Okay. That's sufficient.

11 A. If I can explain?

12 Q. Yes, very briefly, please, because I have limited time.

13 A. The enemy achieved a limited objective. It got to the road  
14 Kacanoll centre, but our agreement was to join our forces on that  
15 point. And then as a result of this, the Serbian forces withdrew.

16 Q. Thank you for the explanation, Witness.

17 MS. D'ASCOLI: Your Honours, the SPO tenders these three pages  
18 just discussed with the witness. If they can please be added to  
19 P187. The ERNs are SPOE00055824, 00055830, and 00055918. And they  
20 can be public.

21 THE COURT OFFICER: If I can just clarify. Page SPOE00055918  
22 was already admitted as a 154 package.

23 MS. D'ASCOLI: Okay. Perfect.

24 THE COURT OFFICER: Thank you.

25 MS. D'ASCOLI: Then it would only be the other two pages.

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1           PRESIDING JUDGE SMITH: Those other two pages are admitted and  
2 will be given an exhibit number.

3           THE COURT OFFICER: Thank you, Your Honour. They will be added  
4 to the Exhibit P00187.

5           MS. D'ASCOLI:

6           Q. Witness, I will now show you a set of forms from August 1998.

7           MS. D'ASCOLI: Can I please have ERN U001-0041 to U001-0095,  
8 page 2. This is the original version. And page 1 for the  
9 corresponding English translation, which starts with U001-0042.

10          THE INTERPRETER: The interpreters note: We kindly ask the  
11 counsel not to talk at the same time when the witness is talking. We  
12 are missing parts of the questions. Thank you.

13          MS. D'ASCOLI: Understood.

14          Q. Witness, are you familiar with this document? Do you see it on  
15 the screen?

16          MS. D'ASCOLI: And can I please have page 2 of the English --  
17 sorry, page 2 of the original and page 1 of the English. The English  
18 ends with the ET at the end, U001-0042-U001-0095-ET. If the original  
19 can be scrolled up so that the -- exactly, the bottom part of the  
20 document is visible. Thank you.

21          Q. Witness, you see the document on your screen. Do you recognise  
22 this document? Are you familiar with it?

23          A. Yes, I am.

24          Q. What is it?

25          A. We had two forms for enlisting soldiers, this form and a medical

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1 record for each member of the KLA. This reflects the general  
2 details, starting with the date of birth, date of enlistment, and so  
3 on and so forth, as presented here.

4 These documents were provided by the Serbian authorities. The  
5 reality corresponds to what these contemporary documents contain.

6 Q. Two follow-up questions to clarify. So, first of all, I  
7 understand that this is a form to enlist soldiers; right?

8 A. Yes. When one joins the KLA and when that person starts the  
9 trainings, because we considered those trainings as sanctioned by a  
10 certificate that was issued. We should also mention here that in the  
11 battle we mentioned previously, I had 102 soldiers of that generation  
12 that I did not send to battle because I had to be conscious and  
13 responsible. This has to do with soldiers who had just joined the  
14 KLA and had done the initial basic training.

15 Q. Did you compile this document?

16 A. Yes.

17 Q. And is that your signature at the end of the document?

18 A. Yes, it is.

19 Q. Okay. And I need to clarify something you said. You said:

20 "These documents" --

21 And I'm from line 16 of page 82 of the provisional transcript:

22 "These documents were provided by the Serbian authorities."

23 Can you clarify what you meant by that?

24 A. We discussed this during the preparation session, that there was  
25 information and data in Serbian language, written in Cyrillic, which

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1 is an indication that these documents were found or seized and are  
2 being used as evidence now --

3 Q. I understand that. I --

4 A. -- from the Serbian party.

5 Q. I think you must be referring to the first page, the cover page  
6 of the document that you saw.

7 MS. D'ASCOLI: If we can move to page 1 of the original.

8 Q. Can you read what it is written in Cyrillic?

9 A. Yes.

10 Q. Can you read it so that we have the translation on the record.

11 A. "The register of the members of the Kosovo Liberation Army,"  
12 with the general details and the date of enlistment.

13 Q. Okay. So what you're saying is that based on this you draw the  
14 conclusion --

15 A. Yes.

16 Q. -- that the document was seized by the Serb authorities;  
17 correct?

18 A. I think so. Because this is not here by accident --

19 Q. Okay.

20 A. -- or without any purpose.

21 Q. I understand.

22 MS. D'ASCOLI: If we go back to page 2 of the original.

23 Q. You mentioned a certain date of enlistment. Here it is  
24 indicated 3 August 1998. So that would be the date of enlistment of  
25 that soldier, of the specific soldier on the form; right?

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1 A. Correct.

2 Q. And where would you get such registration forms? The template,  
3 I mean.

4 A. We prepared them ourselves. Something we prepared as an  
5 immediate need. At a later stage, I had some data, less than this,  
6 which I don't see here. But the initial phase was done through this  
7 form as we see it here.

8 Q. Okay.

9 MS. D'ASCOLI: Can we please move to the next page in both  
10 languages.

11 Q. Witness, is this the same type of form that we just discussed?

12 A. Yes.

13 Q. And --

14 A. The form is the same but the content is different.

15 Q. Is that your signature at the end of the document?

16 A. Yes.

17 Q. We can --

18 A. And the date of enlistment of the soldier in question is the  
19 same.

20 Q. Which is 3 August 1998 for the record.

21 A. 3 August 1998.

22 MS. D'ASCOLI: Can we move to the next page, please.

23 Q. Is that the same type of form again, and is that your signature  
24 at the end of the document?

25 A. Yes, it is my signature. The same form, and the details

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1 corresponding to the person with the same date of enlistment, which  
2 refers or indicates that it is about a group or generation of  
3 soldiers that started their training at the same date.

4 Q. Do you remember reviewing the whole set of registration forms  
5 which is included in this document during the preparation session?

6 A. Yes.

7 Q. And do you remember that your observations on this document as  
8 well were put in a table, written down in a table, that you reviewed  
9 at the end of the preparation and signed?

10 A. Yes.

11 MS. D'ASCOLI: Your Honours, this is also a document that the  
12 SPO tendered in bar table F2178, Annex 1, item 17. I would ask that  
13 they be now admitted as a public exhibit.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 How many pages is it?

16 MS. D'ASCOLI: It's about 40.

17 PRESIDING JUDGE SMITH: So the entire --

18 MS. D'ASCOLI: Oh, 50. Yes, it's a set of forms of the same  
19 nature.

20 PRESIDING JUDGE SMITH: Any objection?

21 MR. MISETIC: I don't have objection to admission, but I do wish  
22 to have it MFI'd so that the first page in Cyrillic, there is an  
23 English translation of it provided with the document. Because right  
24 now, as I understand it, that page has not been translated in the  
25 English version.

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1 MS. D'ASCOLI: The witness has provided a translation on the  
2 record. It's simply the title which is also reflected in the  
3 description of the document. And the witness's comments are also  
4 recorded in writing in the table of documents that I will be dealing  
5 with briefly.

6 MR. MISETIC: My only concern is that when we're looking at this  
7 later in the trial, and, for example, if the Panel is only looking at  
8 the English version of a document, that the document should reflect  
9 what the original says so that -- I know that the witness commented  
10 on it, but that the document --

11 PRESIDING JUDGE SMITH: We'll mark it MFI and you can get a  
12 translation in that way, and then it will be admitted based upon  
13 that.

14 MS. D'ASCOLI: Thank you, Your Honours.

15 PRESIDING JUDGE SMITH: Perhaps we can do that by tomorrow.

16 MS. D'ASCOLI: Yes, of course, Your Honours.

17 THE COURT OFFICER: Thank you, Your Honour. Document with ERN  
18 U001-0042 to U001-0095, English translation and Albanian, will be  
19 assigned MFI P01762. Current classification in Legal Workflow is  
20 confidential, but it can be reclassified?

21 PRESIDING JUDGE SMITH: Let's leave it confidential until we  
22 have the final translation.

23 THE COURT OFFICER: Okay. Thank you.

24 MR. MISETIC: I'm sorry to rise. And I could be wrong here, but  
25 I understood that the Albanian version has a different ERN number

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1 than the English by one number. At least that's what's reflected in  
2 the table provided by the SPO.

3 MS. D'ASCOLI: Yes, that's correct. It starts, in fact, from  
4 the very first page of the form excluding the cover page, which  
5 simply provides a title in Serbian.

6 MR. MISETIC: Okay. But just for what's been admitted, as I  
7 understand it, it should be U001-0041.

8 THE COURT OFFICER: Yes. And the English translation that  
9 starts with U001-0042.

10 MR. MISETIC: Yes. Thank you.

11 THE COURT OFFICER: Yeah. Thank you.

12 PRESIDING JUDGE SMITH: Thank you.

13 MS. D'ASCOLI:

14 Q. Witness, in the SPO interview - for reference, this is Part 2,  
15 page 32 - you mentioned that for each soldier -- and you repeated  
16 this today earlier. For each soldier there were two types of cards:  
17 These enlistment cards or registration cards and then cards recording  
18 health medical information. Do you recall that?

19 A. Yes.

20 Q. Where would those cards be kept? The health, medical ones?

21 A. They were kept in the brigade, the medical cards, that is, and  
22 the medical department of the military hospital.

23 Q. What about the enlistment cards that we just discussed? Where  
24 would those be kept?

25 A. They were kept in the brigade.



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1 Q. Do you remember any specific case where the medical details were  
2 useful and used?

3 A. Yes. It was in 1999, in the course of a battle, the officer,  
4 the 5th Battalion Commander Ibrahim Demi was wounded. He had a  
5 rather rare blood group, H-negative, I think, and he needed blood  
6 transfusion, 5 litres, and this saved his life because we had  
7 accurate data about the blood group for a soldier. He was hit in the  
8 kidney, and he had had kidney issues since his childhood. So we were  
9 able to do this blood transfusion.

10 And it's very interesting that this person who had suffered  
11 since his childhood of kidney problems, as a result of this blood  
12 transfusion not only was saved and he's still alive, but his kidney  
13 is fit now.

14 Q. Okay.

15 A. So this was the reason why we kept a record of blood groups in  
16 the medical record, so that we could provide blood transfusion to  
17 wounded soldiers.

18 Q. Okay. Thank you, Witness.

19 Witness, I was asking you earlier about the table of comments  
20 compiled during the preparation session that you reviewed and signed.  
21 I will call that now up on the screens.

22 MS. D'ASCOLI: Can I please have ERN 123254 to 123263 and for  
23 now the first page on the screens. Can we scroll down a page? Yes,  
24 thank you.

25 Q. Witness, do you recognise this table, and whose initials are

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1 those on the page, bottom right?

2 A. Yes.

3 Q. Yes, you mean recognise the table?

4 A. Yes, I do.

5 Q. And whose initials are those on the bottom right of the page?

6 A. Mine.

7 Q. Do you remember reviewing this table which was read back to you?

8 A. Yes.

9 MS. D'ASCOLI: Can we please move to the last page.

10 Q. Witness, did you date and sign this table at the end of the  
11 preparation session?

12 A. Yes. It would be good to read it.

13 Q. This was --

14 A. This part.

15 Q. -- read back to you at the end of the preparation session, if  
16 you remember.

17 A. Yes, yes. It's fine with me. I know it.

18 Q. Does the table accurately reflect what you said about the  
19 documents included in this chart since it was read back to you at the  
20 end of the preparation session?

21 MR. MISETIC: Mr. President, I need -- I rise. I'm just  
22 wondering what rule is being applied here to go through this process  
23 now with this chart, and what is it being offered for?

24 MS. D'ASCOLI: Yes. Well, Your Honours, the witness provides  
25 comments on documents that he personally either authored or had

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1 knowledge about, and these are all documents that have been tendered  
2 by the SPO in its Llap bar table motion. The process would be  
3 similar to the one used for Preparation Note 1.

4 MR. MISETIC: Well, this is --

5 MS. D'ASCOLI: Having --

6 MR. MISETIC: Preparation note is under Rule 154. This clearly  
7 does not fall within the Rule 154 application, so we would object to  
8 this process and think that anything that they wish to -- and it's  
9 testimony because it provides the witness's comments. It needs to be  
10 elicited *viva voce* as per the existing practice. Because this is  
11 essentially proofing note 2 and can't be led in this manner. This is  
12 leading.

13 MS. D'ASCOLI: May I?

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MS. D'ASCOLI: Yes.

16 Your Honours, the witness reviewed the table. He confirmed the  
17 accuracy of the content. I'm going to ask him those questions. I  
18 was interrupted before doing that. He dated and signed it.

19 And also, if I may, the practice is not uncommon in terms of the  
20 way to admit witness comments as by way of comments charts into the  
21 record. This has been used before in international tribunals. It  
22 has the benefit of saving courtroom time and providing the Panel with  
23 relevant comments on, I would say, uncontroversial issues on a number  
24 of documents that would be difficult to review live in court due to  
25 time constraints and the length of the documents themselves.

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1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MS. D'ASCOLI: I can provide some examples from previous  
3 practices if you wish.

4                                 [Trial Panel confers]

5           PRESIDING JUDGE SMITH: So to be clear, Madam Prosecutor, this  
6 is not bar table. This is part of your 154 submission?

7           MS. D'ASCOLI: It's not -- it's part of the evidence that the  
8 witness provides on certain documents. It's not part of the 154  
9 submission. I would say that it is material that is relevant and has  
10 probative value pursuant to Rule 138. The difference is that we are  
11 not discussing the documents live in court with the witness but we're  
12 doing it by way of a summary table --

13          PRESIDING JUDGE SMITH: It's very difficult for us to rule on  
14 the admissibility of something that we haven't yet reviewed, so we  
15 will mark it MFI, let's take a look at it.

16          MR. MISETIC: Mr. President --

17          PRESIDING JUDGE SMITH: I understand your objection.

18          MR. MISETIC: I just wanted to make an additional objection. We  
19 now heard that it's being tendered under 138. This is clearly  
20 testimony in the context of a criminal case. The Tribunal has  
21 repeatedly said that 152, 154 are the rules that need to be applied,  
22 so we would object to admission under 138.

23          PRESIDING JUDGE SMITH: We'll mark it MFI and we'll make a  
24 ruling on it.

25          The alternative is if you want to go through and ask him the

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1 questions now, we might get past the problem.

2 MS. D'ASCOLI: Yes, I was going to conclude that before the  
3 objections.

4 Q. So, Witness, we --

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 I'm sorry, I didn't give an opportunity. Does anybody else want  
7 to be heard on this issue?

8 MR. ROBERTS: With all due respect, Your Honour, I think it's  
9 ridiculous that they're trying to get a witness's evidence through a  
10 document that he signed in a prep session. I was -- I don't think  
11 there was much I could add because it's already been said. But I was  
12 actually quite flabbergasted by how crazy this whole situation  
13 appeared to be.

14 So I don't it's particularly helpful for me to add that, but  
15 there you go.

16 MS. V. ALAGENDRA: And I join those submissions, Your Honour. I  
17 join those submissions.

18 PRESIDING JUDGE SMITH: Thank you.

19 Go on.

20 MS. D'ASCOLI: Your Honours, I will ask the questions to the  
21 witness, and then I can provide the references to previous practice  
22 on this matter.

23 PRESIDING JUDGE SMITH: Well, then we won't mark it MFI at this  
24 point.

25 MS. D'ASCOLI:

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1 Q. Witness, do you remember reviewing this table during the  
2 preparation session?

3 A. Which one? Is it the one here?

4 Q. The table appear --

5 A. The one that we discussed, 263? Yes, yes, I did review it.

6 Q. And do you remember -- does the table accurately reflect what  
7 you said, what your comments were about the documents that were  
8 included in the chart and that were discussed with you during the  
9 preparation session?

10 A. Yes, I provided comments, although this is a document of the  
11 deputy commander of the Llap operational zone, Kadri Kastrati. I  
12 commented, gave my own comments, and this corresponds to what I said,  
13 but Kadri Kastrati should speak about the version of the document  
14 because he is the one who signed it. However, I did provide comments  
15 and gave my opinion on it.

16 MS. D'ASCOLI: Yes. If we move to page 1 of the table, please.

17 Q. So this is the set of forms that we just discussed with you in  
18 court. Do you remember that? We just discussed the enlistment  
19 forms.

20 A. I only have the version in English before me.

21 Q. Yes. And you had -- you gave us evidence already -- you gave  
22 your evidence already about these forms in court?

23 A. Yes.

24 Q. Okay.

25 A. Yes.

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1 MS. D'ASCOLI: Then if we move to page 2.

2 Q. This was a set of documents signed by you and dated 3 August,  
3 which I will call up. The part that I will ask you to confirm is  
4 page U001-0120 to 0125.

5 MS. D'ASCOLI: If we can please call up the corresponding  
6 exhibit. The ERN is U001-0115 to U001-0128-ET. And if I could  
7 please have page U001-0120. Thank you.

8 Q. Witness, do you recognise this document?

9 A. Yes.

10 Q. Can you tell us what it is.

11 A. This is the record of the 1st Brigade, that is, of the  
12 1st Platoon, the special platoon.

13 Q. [Microphone not activated].

14 THE INTERPRETER: Microphone, please.

15 MS. D'ASCOLI:

16 Q. Do you recognise the names of the soldiers for this platoon?

17 A. Yes, most of them.

18 MS. D'ASCOLI: Can we move to page U001-0125 of this document.  
19 Can we scroll down the page, please.

20 Q. Witness, is that your signature?

21 A. Yes.

22 Q. And do you remember providing comments that were recorded in the  
23 table we discussed and that you confirmed at the end of the  
24 preparation process?

25 A. Yes. Let's go to the previous page.

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1 MS. D'ASCOLI: If we can move to the previous page in both  
2 languages.

3 THE WITNESS: [Interpretation] No, on the other side. The first  
4 that we saw about the special platoon. That page. The first page  
5 that was shown.

6 MS. D'ASCOLI: That would be page U00 -- yeah.

7 THE WITNESS: [Interpretation] Yes, this is it. There are some  
8 handwritten notes. On the upper right corner where it says "second  
9 copy," that is my writing. "Top secret, second copy," it's my  
10 writing, handwriting.

11 Since this document comes from the Serbian authorities, beneath  
12 the title "Record of the First Brigade," there is a handwritten note  
13 and that is by the Serb authorities. It says "Spec Brigada," which  
14 means "special brigade," which has nothing to do with special  
15 platoon. They probably were not familiar with military formations or  
16 tried to exaggerate them.

17 And the handwritten marks to the left of the numbers were  
18 probably made by the Serb authorities. Those were not made by me.  
19 It's not my handwriting.

20 Can we go now to the other page that was shown?

21 MS. D'ASCOLI:

22 Q. Witness, I have a limited time so I'm selecting the pages to ask  
23 your comment about.

24 MS. D'ASCOLI: Can we now go to document U000-4240 in both the  
25 original language and the English. Can we scroll down the original?



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1 Thank you.

2 Q. Witness, do you recognise this document?

3 A. Yes.

4 Q. This is also one of those that you commented upon during  
5 preparation session and is item number 5 on the table of documents  
6 that we were discussing before. Can you tell us what this document  
7 is?

8 A. This is a daily order which includes the activities. It's part  
9 of the training in Bajgore in the school or barracks, and it lists  
10 the activities, from getting up in the morning, training in the  
11 morning sessions, in the afternoon sessions, the duties such as guard  
12 duty, security aspects with anti-aircraft defence, and which units  
13 are responsible for extra security in case of attack. And then in  
14 miscellaneous, it says that certain units are in charge of cleaning  
15 the facility and the courtyard. And it's signed by Commander Daja.

16 Q. Where would these daily orders be put?

17 A. They would usually be put at the entrance of the facility so  
18 that they would be visible to the soldiers and that the soldiers  
19 would familiarise with their daily tasks, be they in terms of  
20 training, security, cleaning, maintenance, and so forth.

21 Q. Thank you, Witness. Do you remember that you reviewed your  
22 comments on these and other documents during the preparation session?

23 A. Yes.

24 Q. And did you confirm the accuracy of the comments recorded by  
25 signing and dating that table, the table of the documents that we

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1 discussed earlier?

2 A. Yes.

3 MS. D'ASCOLI: Again, Your Honours, I could continue, but in  
4 order to save court time, my proposal was to tender the witness's  
5 comments, not the documents, because the documents have all been  
6 tendered through the bar table, the witness's comments through the  
7 comments chart.

8 Again, it is a type of process that is not uncommon in  
9 international tribunals. In terms of notice, this was noticed in the  
10 e-mail on Saturday. We received no objection, no comments about it.  
11 I can give, by way of example, an indication of a similar practice  
12 adopted, for example, in the international criminal court for the  
13 former Yugoslavia in the case Prosecution versus Mladic with fact  
14 witnesses who testified on 9 January 2013, transcript page 6704, and  
15 Exhibit P683 for the comment chart; 18 January 2013, transcript --

16 PRESIDING JUDGE SMITH: That's enough. That's enough, madam.

17 MS. D'ASCOLI: Okay. I would ask that the -- the SPO's request  
18 was that the table with the witness's comments be admitted as  
19 containing relevant comments to exhibits tendered through the bar  
20 table, the bar table in F02178, Annex 01.

21 PRESIDING JUDGE SMITH: Yes.

22 Judge Mettraux had a question.

23 JUDGE METTRAUX: I'll steal your thunder, Mr. Misetic. Maybe  
24 I'll address some of your concerns.

25 Because I have some concerns about the process, Ms. D'Ascoli,

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1 and I'll ask you to tell me what your position is on that.

2 You've told us that this was being offered as an exhibit under  
3 138. The first question, and you can make the list for yourself,  
4 perhaps, is whether it appears on your exhibit list, number one; and  
5 if it doesn't, whether you've sought leave to amend your exhibit list  
6 in relation to this document.

7 And you've indicated that you gave notice via e-mail to the  
8 Defence on Sunday, and by that I understand you to be referring to  
9 the courtesy copy you send around. I do note, however, that this is  
10 titled "Annex to Preparation Note 2," which, as you know from the  
11 practice here, is not being offered by the Prosecution.

12 The last thing is it seems, to me, at least, to be a statement,  
13 and we've been quite clear, I thought, and hopefully consistent, in  
14 suggesting that these should be tendered through the relevant *lex*  
15 *specialis*. So I was wondering if you could address that before we  
16 decide on the admission.

17 And I apologise to Mr. Miletic for stealing your thunder, if  
18 that was the thunder.

19 MS. D'ASCOLI: Yes, Your Honours. Thank you for your comments.  
20 And, indeed, this was presented as an annex to the table -- to the  
21 Preparation Note 2. The relevant paragraphs which are reproduced in  
22 the table were taken exactly from Preparation Note 2, and the  
23 specific paragraphs that were included in the table are, indeed,  
24 footnoted for reference.

25 So the process in terms of recording the witness's comments

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1 would be akin to the one that is done with the witness's comments  
2 on -- recorded in Preparation Note 1. And this was the extent to  
3 which -- considering that it is comments that were provided by the  
4 witness on relevant documents already tendered, the observations were  
5 recorded verbatim, I mean, in the same way that they were recorded in  
6 Preparation Note 2, in this table, and the witness reviewed it both  
7 in the context of Preparation Note 2 and separately, as indicated, as  
8 a table.

9 JUDGE METTRAUX: I understand the process. I think the  
10 objection, as I understand it, from the Defence is what goes into  
11 Preparation Note 2 is what's new, and what's new is not tendered  
12 through 154. And if the suggestion that this is a statement, as,  
13 indeed, appears to be the case from the witness, it can't come  
14 through 138.

15 So, I mean, if that's the extent of your submissions, those are  
16 the submissions.

17 MS. D'ASCOLI: In order to take all of the safeguards to explain  
18 the content of the comments, we had those reviewed -- I understand  
19 Your Honour's point in terms of the chart being akin to a statement  
20 or to a declaration of the witness and, therefore, having to follow  
21 the Rule 154 process. In that sense, we have taken the step of  
22 having the witness reviewing the comments, being satisfied of those  
23 that were recorded, and dating and signing the table. That's why I  
24 mention a process akin to Preparation Note 1. I know it's not the  
25 standard practice that we have been using with the statements, and

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1 that's why I didn't want to call it a statement, but it is the  
2 witness's observation on documents that have been tendered.

3 And, of course, I could elicit them live, as I've been doing  
4 with many of them, but in order to save time, and having satisfied  
5 the -- having made sure that the witness was satisfied of the  
6 accuracy and correctness of the information recorded, this was a way  
7 to make sure that his comments would not be lost, considering that  
8 the direct examination time with the witness was limited.

9 PRESIDING JUDGE SMITH: It seems you've backed yourself into a  
10 bit of a corner and you're going to have to get your way out of it,  
11 and I don't know how else you can do it other than to go through this  
12 stuff and present it the way you're presenting it unless, and which  
13 is what should -- you should have done last weekend was get together  
14 in a conference with the Defence and present what you intend to do  
15 and make sure that they don't have any objection to it, which they  
16 may very well may not have if it had been not dumped on them at the  
17 last minute.

18 I know you said you sent them something, but that doesn't mean  
19 that they've agreed to it just because you've sent it. I don't know  
20 what else to do for you other than to tell you if you want this  
21 material testified to, keep doing it.

22 MS. D'ASCOLI: Yes. With regards to notice, Your Honours, we  
23 did our due diligence. We did disclose this chart as soon as it was  
24 produced. It was last Saturday, not last Sunday.

25 PRESIDING JUDGE SMITH: But they didn't know you were going to

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1 present it as an exhibit.

2 MS. D'ASCOLI: Yes, we did. It was indicated in the e-mail.

3 MR. MISETIC: I'm sorry, I don't know that it was indicated to  
4 be offered as an exhibit.

5 PRESIDING JUDGE SMITH: I don't think it was.

6 MR. MISETIC: Yeah. And I would just note that the same process  
7 was used with Mr. Zyrapi when he testified with a chart, and we  
8 understood that that was what was going to happen, the same process,  
9 with this witness, which would have been fine. We would have had no  
10 objection to that.

11 I appreciate Your Honour's comment. Perhaps there could be in  
12 the future some discussion about this. But what I -- my other  
13 primary concern with this is in the past things have happened with  
14 certain witnesses where no objection has been lodged by the Defence,  
15 and then the Prosecution with a future witness where there really is  
16 a substantive issue about a particular process with a particular  
17 witness uses those prior examples where it was allowed to say, well,  
18 this now is the practice in the case, and therefore the Panel allowed  
19 it. So we're drawing a line here just to make sure that not only  
20 with this witness but with future witnesses this does not become the  
21 practice.

22 PRESIDING JUDGE SMITH: How many more documents do you have to  
23 go through, Ms. D'Ascoli?

24 MS. D'ASCOLI: None, Your Honours. If I have to make a choice,  
25 I have more pressing matters to discuss with the witness. So this

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1 would be the extent of the documents that I would show to him, and it  
2 was really because it was documents that --

3 PRESIDING JUDGE SMITH: If there's something extremely relevant  
4 about any of the rest of them, I would suggest you do it. But if it  
5 isn't, you've presented some material, and we know what it is, and I  
6 assume everybody on the Defence knows what it is and can  
7 cross-examine concerning it.

8 MS. D'ASCOLI: Of course, Your Honours. That's what I did.  
9 That's why I went through four documents out of this chart.

10 PRESIDING JUDGE SMITH: All right. Proceed.

11 MS. D'ASCOLI:

12 Q. Witness, I will move on with the questions on other topics.

13 MS. D'ASCOLI: Can I now have ERN 090551 and its ET,  
14 090551-090551-ET.

15 Q. Witness, do you recognise this document? It was also discussed  
16 with you during the preparation session.

17 A. [No interpretation].

18 Q. Can you tell us what it is about?

19 A. That document refers to an incident during training during which  
20 the soldier mentioned here, Esat Imeri, was tasked to guard during  
21 the time of lectures, during the training with hand-held launchers,  
22 and, being familiar, took this weapon without the permission and  
23 fired in an irresponsible way. But fortunately, the barrel of the  
24 launcher had not been loaded with a gun powder propellant. And I  
25 took the weapon from his hand to avoid the risk that he could have

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1 caused to 40 other soldiers.

2 On my request, he was condemned with three days of detention for  
3 violating the rules, the military rules.

4 Q. Is this the case you mentioned in the SPO interview?

5 MS. D'ASCOLI: For reference, this was Part 3, pages 15, 16.

6 THE WITNESS: [Interpretation] Yes.

7 MS. D'ASCOLI:

8 Q. Who signed the decision?

9 A. You can see it at the bottom.

10 MS. D'ASCOLI: Can we scroll down to the end of the document,  
11 please.

12 THE WITNESS: [Interpretation] My request for a disciplinary  
13 measure, the decision in relation to that request was made by the  
14 deputy commander of the zone, Commander Daja. You can see the -- his  
15 signature.

16 MS. D'ASCOLI:

17 Q. So can you explain how the process would work? So did you have  
18 to send your request for a disciplinary measure for approval?

19 A. Of course. Based on the disciplinary roles, in case of a grave  
20 infringement such a measure was envisaged. And in this case, this  
21 put at risk 40 persons. Luckily, as I said, the weapon was not  
22 loaded and did not go off. And it was envisaged that such mistakes  
23 be punished so that soldiers would not undertake such actions that  
24 would put at risk the life of the soldiers and the others.

25 Q. I repeat my question: To whom did you have to send your



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1 request, if you had to send one?

2 A. I as brigade commander -- in this case, I was not still a  
3 brigade commander but still a lecturer, a trainer. We are speaking  
4 about 30 July 1998. I sent this request to the deputy commander of  
5 the zone, Kadri Kastrati, and he decided on this request and on the  
6 measure that was taken.

7 Q. And did the soldier serve his military imprisonment?

8 A. Yes.

9 Q. Where?

10 A. It's one soldier in question, and he did serve his punishment.

11 Q. Where?

12 A. We didn't have a particular place, a special place for  
13 detention. It was an improvised room within the barracks where units  
14 were also stationed. It was an improvised room.

15 Q. And where was this room? Where was it located?

16 A. This was in the premises of the school transformed into  
17 barracks.

18 Q. You mean the school in Bajgore?

19 A. Correct, the school in Bajgore.

20 MS. D'ASCOLI: Your Honours, I would tender this document into  
21 evidence. It's also part of the bar table motion 2178, item 28. It  
22 can be a public exhibit.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. MISETIC: No objection.

25 MS. V. ALAGENDRA: No objection.

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1           PRESIDING JUDGE SMITH: The exhibit is admitted. Please assign  
2 it a number.

3           THE COURT OFFICER: Thank you, Your Honour. Exhibit with the  
4 ERN 090551 to 090551, and English translation, will be assigned  
5 Exhibit P01763. Current classification, confidential. I understand  
6 it can be public.

7           MS. D'ASCOLI: Yes, it can.

8           PRESIDING JUDGE SMITH: [Microphone not activated].

9           MS. D'ASCOLI: Yes, Your Honours. We can take a break.

10          PRESIDING JUDGE SMITH: Witness, we will take a half-hour break  
11 now and be back in the courtroom at 3.30, and then we will have one  
12 more hour of testimony.

13                                 [The witness stands down]

14          PRESIDING JUDGE SMITH: We're adjourned until 3.30.

15                                 --- Recess taken at 3.02 p.m.

16                                 --- On resuming at 3.31 p.m.

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

19                                 [The witness takes the stand]

20          PRESIDING JUDGE SMITH: Mr. Ibishi, we will continue now with  
21 the questioning from the SPO.

22           Go ahead.

23          MS. D'ASCOLI: Thank you, Your Honours.

24           Your Honour, I have now a few questions that actually require  
25 the use of private session for the protection of others. Can we

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1 please move into private session.

2 PRESIDING JUDGE SMITH: Into private session, please,

3 Madam Court Officer.

4 [Private session]

5 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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11 [Open session]

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

13 PRESIDING JUDGE SMITH: Thank you.

14 MS. D'ASCOLI:

15 Q. Witness, we are back in public session. Witness, to your  
16 knowledge, as a KLA commander in the Llap zone in 1998 and 1999, were  
17 foresters suspected of collaboration?

18 A. Yes. Not all of them, but some.

19 MS. D'ASCOLI: Can I now call up U009-9683 to U009-9683 in both  
20 versions, English and Albanian.

21 Q. Witness, this is a Llap operational zone KLA military police  
22 order dated 5 November 1998. Did you see this document before?

23 A. No, I did not.

24 Q. Do you know who Fatosi was?

25 MS. D'ASCOLI: If we can scroll down so that the original --

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1 thank you.

2 THE WITNESS: [Interpretation] No.

3 MS. D'ASCOLI:

4 Q. Can you comment on the format of the document?

5 A. No. I have never seen this format.

6 Q. Okay. If we read -- if we go back to the top of the original,  
7 thank you, we read that this is an order to stop the cutting of wood  
8 for commercial gain in collaboration with the occupying authorities.

9 Again, to your knowledge as a KLA commander in the Llap zone,  
10 1998 to 1999, were woodcutters suspected of collaboration?

11 A. Some of them were suspected because they continually were  
12 operating in rural mountainous areas and had knowledge about our  
13 positions. And the people who cut wood, amongst others, illegal  
14 logging, were used as collaborators, and they often informed the  
15 Serbian authorities about our positions.

16 For these reasons, some of them - not all of them - were  
17 involved in providing intelligence or information. And in some  
18 specific cases, from what I've heard, not that I observed, they even  
19 led the military police and paramilitary units in the direction of  
20 our positions because those units were not familiar with the terrain.

21 Q. And --

22 A. I'm referring here to isolated, specific cases.

23 Q. And was there any connection between foresters and woodcutters  
24 as categories or as people?

25 A. Because of that reason, they used obtaining information -- they

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1 used collaborators of the Serb authorities in Kosovo. So they would  
2 use illegal woodcutters to whom they would give a permit to exercise  
3 their activity. And in turn, they would ask from them information,  
4 intelligence about our forces and other information which was of  
5 interest -- and other sensitive and important information to our army  
6 and the civilians in the area of our responsibility.

7 Q. And I take it when you say "they," you're referring to  
8 foresters?

9 A. Yes, foresters who would receive information from illegal  
10 woodcutters. So the foresters would allow them to cut wood. In  
11 turn, they would ask for information, intelligence regarding the  
12 positions of the Kosovo Liberation Army and other similar  
13 information, which would endanger the interests and the mission of  
14 the Kosovo Liberation Army.

15 Q. Okay.

16 MS. D'ASCOLI: Your Honours, I'd just note that this document  
17 has been tendered in the SPO bar table motion 2178, and it's item  
18 114.

19 Q. Witness, I will now move to a different topic and to October  
20 1998.

21 In your SPO interview, you gave evidence about attending a  
22 meeting in October 1998 during a General Staff visit to the Llap  
23 operational zone.

24 MS. D'ASCOLI: For reference, this is P1755.3, page 8; and  
25 P1755.7, pages 14 to 19.

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1 Q. You recall that; right?

2 A. No, I would need to see it because a long time has passed and I  
3 have forgotten.

4 Q. Yeah, I will show you what I need to show you. I was making  
5 references to the evidence you already gave in the SPO interview  
6 about that meeting.

7 Do you remember who called you, who invited you to that meeting?

8 A. I don't recall. What meeting are we talking about exactly? I  
9 didn't understand.

10 Q. I am talking about a meeting -- maybe I can call up the relevant  
11 part of the SPO interview.

12 MS. D'ASCOLI: So this is SPO Part 7, pages 14 and -- page 14.

13 THE COURT OFFICER: For the record, this is Exhibit P01755.7.

14 MS. D'ASCOLI: Yes, thank you. If we go to page 14, line 18.

15 Q. I'll read for you from line 18:

16 "You mentioned before a visit by the General Staff in October  
17 1998; is that correct?"

18 And then you say:

19 "Yes. Yes ... I can't remember the day exactly, but it was  
20 October."

21 And then you're asked about the General Staff members who  
22 visited.

23 A. Yes, I remember now.

24 Q. Does that -- okay. Where did that meeting take place?

25 A. I do not recall where exactly, but I think it was somewhere



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1 above Llapashtice, if I'm not mistaken.

2 Q. So I understand it was not at the Llapashtice headquarters?

3 A. No. Above, in some other location.

4 Q. Okay. Can I --

5 A. Not at the command in Llapashtice.

6 MS. D'ASCOLI: Can I please call up Exhibit P181 in both  
7 languages, and if I can have page 5, please.

8 Q. Witness, as you can see these are handwritten notes. They were  
9 shown to you also in the preparation session, if you recall. So the  
10 date on the top of this page says 27 October 1998.

11 "Burinca - Podujeva.

12 "Meeting with the Llap Operational Subzone Staff."

13 Then a number of issues are listed under "Remi."

14 Can you see the document, Witness?

15 A. Yes. It is unknown to me, but I do remember now the village  
16 Burice. Not Burinca, but Burice.

17 Q. Yes, you said during the preparation session you were not  
18 familiar with the document, with the handwriting.

19 MS. D'ASCOLI: Now can we move to page 8 in both languages.  
20 This is SPOE00226669.

21 Q. In the second part of the document, Leka is mentioned. Two  
22 topics are listed. You can see it on the document: A team for  
23 strategic research; a team of professional military officers to  
24 prepare military regulations. Do you see that?

25 A. Yes.

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1 MS. D'ASCOLI: Can we now move to page 10, which is

2 SPOE00226671.

3 Q. From the top of the page, you can see a "Leka - 151 Brigade  
4 Commander" is listed, and then a number of issues under Leka's name.

5 I'll read some:

6 "Spread of forces - from Repa ... to Llapashtica.

7 "Active forces - 100 people

8 "... /Territorial Defence/ forces - 133 ...

9 "/Total/ 233 ...

10 "- Cooperation at good level

11 "- Greatest damages at Dobratin village

12 "- Not good coverage with professional officers."

13 Now, does this report match your recollection of the issues that  
14 you raised in October 1998 and that you reported in the SPO  
15 interview?

16 A. Yes, some of them. I am not able to specifically remember all  
17 of them. I do remember about the rules, the need for specialist  
18 professionals that would address specific matters. Yes. The data is  
19 compatible.

20 Q. What was the Dobratin issue, "Greatest damages at Dobratin  
21 village"?

22 A. This was after the Serbian forces offensive in Dobratin, which  
23 led to serious consequences. 11 civilians were killed, six of them  
24 were burned alive by the Serbian forces as a reprisal after their  
25 defeat in the offensive of 15 September 1998. Following that, they

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1 burned down many houses. Three soldiers -- seven soldiers of Brigade  
2 151 were killed who are not mentioned here, and they gave a valuable  
3 contribution to the civilian population in Dobratin.

4 This village and the village of Kacanoll and Bajgore and  
5 villages until Bare suffered a lot. These villages are along the  
6 main road from Dobratin to Kacandoll to Bajgore, Bare, until  
7 Stanterg. This is why I am mentioning this, because it is within the  
8 Llap operative zone. And the losses in human lives, six persons  
9 burned alive and another five civilians killed, residents of  
10 Dobratin, this was a reprisal of -- from the Serbian forces following  
11 their defeat in the course of their offensive.

12 MS. D'ASCOLI: Can we move to the next page, SPOE00226672.

13 Q. There are some requests in continuing from the previous page,  
14 and it is indicated:

15 "They ask for completing the brigade with officers.

16 "- Have a unified and standard uniform - communication [system]  
17 - and supply of service regulations for all departments."

18 Do you remember those requests?

19 A. Yes.

20 Q. Okay.

21 MS. D'ASCOLI: Can we move to page 6, SPOE00226667.

22 Q. We see in the second half of the document "Luta - 152 Brigade  
23 Commander" listed as -- with a number of issues as a speaker. My  
24 question is do you remember that, in fact, Luta was present at that  
25 meeting?

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1 A. Yes.

2 Q. Okay.

3 MS. D'ASCOLI: We can remove the document.

4 Q. Witness, I will now move to December 1998. Can you tell us  
5 where you were based then?

6 A. In this period of time I was in Bradash most probably, if I'm  
7 not mistaken.

8 Q. What position or positions did you have then?

9 A. Commander of Brigade 151, Zahir Pajaziti.

10 Q. Any other position that you started in December 1998?

11 A. Yes. In the end of December, I was promoted to the position of  
12 the chief of staff of the Llap operative zone. But at the same time,  
13 I was commander of Brigade 152, Zahir Pajaziti. I -- and in  
14 cooperation with the zone commander Daja, I also carried out duties  
15 that fell under the operational sector.

16 MS. D'ASCOLI: Can I please call up P1552 in both languages, and  
17 I would please need page 13 on the screen.

18 MS. V. ALAGENDRA: Your Honours, could I just clarify if the  
19 witness said it Brigade 152 or 151, please? Because the transcript  
20 shows 152, and I believe he said 151.

21 PRESIDING JUDGE SMITH: Could you please clarify that?

22 MS. D'ASCOLI: Of course.

23 Q. Witness, what was your answer in relation to the position you  
24 held in December 1998, in relation to being a brigade commander of  
25 brigade?

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1 A. Which date are we referring to?

2 Q. First part of December 1998.

3 A. With the positioning on the first line, which goes from the  
4 gorge of Majac to the vicinity of the positions or the town of  
5 Podujeve, in Tabe -- let's proceed in order. From gorge of Majac to  
6 Godishnjak --

7 Q. Witness --

8 A. -- Konushevc, and then further, we -- so this deployment in  
9 December coincided with the moment when Brigade 151 became 152. The  
10 positioning and deployment from right to left. The name and the  
11 number of brigade changed. However, the personnel remained the same.  
12 It was just that 151 was changed into 152.

13 Q. Yes, I was --

14 A. This came as a result of the deployment of combat units in  
15 combat positions.

16 Q. Yes, I was going to ask you questions about this swap or  
17 exchange of name in relation to this document. Yes. So --

18 A. Yes.

19 Q. -- look at this document, please. It's a report dated 18  
20 December 1998. Have you seen this report before?

21 A. No, I haven't seen this. I've seen it when we discussed the  
22 matters.

23 Q. Among the positions of the units listed, do you recognise any as  
24 those of your brigade? And then you can explain to us what was the  
25 brigade name at this point, 18 December 1998.

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1 A. I was still commander of this brigade.

2 Q. Can you clarify which brigade.

3 A. Now, with this positioning or deployment on the first line,  
4 along the main road from the gorge of Majac to Kerpimeh almost, as I  
5 said, only the name changes. At this point in time, we're not  
6 Brigade 151 any longer but we're 152 in this position.

7 Q. So by then, by 18 December 1998, you maintain the same position.  
8 However, the brigade changed name and it became 152 instead of the  
9 151 that you had --

10 A. Yes.

11 Q. -- initially commanded before. I just want to be sure your  
12 answer is recorded. Okay.

13 Looking --

14 A. Yes. I continued having the same post, position, with the same  
15 staff. Only the name and the number of the brigade changed.

16 Q. Understood.

17 A. 151 became 152.

18 Q. Now, did you send any information regarding the positions of  
19 your brigade to the Llap zone command? I'm talking about December  
20 1998 in relation to this report.

21 A. Yes. I always sent the war plans with a topographic map  
22 describing the positions, the weaponry, number of soldiers, and I  
23 sent this to the command. We did not have a staff up until that  
24 time, but we had a zone command in Llapashtice. From what I can see  
25 here, this is a report sent to the operative sector of the KLA

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1 General Staff describing the positioning, deployment of two brigades.

2 Q. Okay. You said --

3 A. That of Brigade 151 and that of Brigade 152.

4 Q. [Microphone not activated].

5 MS. D'ASCOLI: Sorry. We can look at the second page of the  
6 document. Oh, no, then it must have been on the same page as before,  
7 just scrolling down. If we go all the way down. If we can move to  
8 the next page. I apologise to the Court Officer. I meant the second  
9 page of the document we were looking at, not the whole range. My  
10 apologies. No. If we can go back to the previous page and then just  
11 move one page forward, please. Thank you. Thank you.

12 Q. You see, Witness, now this is talking about -- in the second  
13 half of the page about the positions of Brigade 151.

14 MS. D'ASCOLI: Can we scroll all the way down and then move to  
15 the next page? Can we scroll all the way down, please? And then  
16 move to the next page.

17 Q. This is the report you meant, right, Witness? Meaning like  
18 reporting the -- okay.

19 A. Yes.

20 Q. Do you remember to whom you sent that report in the zone  
21 command?

22 A. We sent it to the zone command. It was dedicated to  
23 Commander Remi or Daja. Usually for military or operational matters,  
24 they would be addressed to Commander Daja, who was, together with me,  
25 a member of the operational sector. It was addressed to the

Witness: Nuredin Ibishi (Private Session)

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1 commander, and he most probably forwarded it to the deputy commander  
2 who most often dealt with operational matters.

3 Q. Okay.

4 MS. D'ASCOLI: We can remove this document. Thank you.

5 Your Honours, for the next set of questions, I would need to  
6 move into private session because of the classification of the  
7 material, please.

8 PRESIDING JUDGE SMITH: Private session, please,  
9 Madam Court Officer.

10 [Private session]

11 [Private session text removed]

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Witness: Nuredin Ibishi (Private Session)

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Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

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Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21066

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21067

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21068

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21069

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21070

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21071

Examination by Ms. D'Ascoli

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Witness: Nuredin Ibishi (Private Session)

Page 21072

Examination by Ms. D'Ascoli

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25 [Open session]

1 THE COURT OFFICER: Your Honours, we are now back in public  
2 session.

3 PRESIDING JUDGE SMITH: Sorry, Witness. That's the end of your  
4 testimony today. You'll need to be back here tomorrow at 9.00. Do  
5 not speak to anyone about your testimony outside of the courtroom.  
6 We'll see you tomorrow at 9.00. Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: Mr. Misetic, you sought the floor.

9 MR. MISETIC: Yes. If we could go into private session for a  
10 minute, Mr. President.

11 PRESIDING JUDGE SMITH: Back into private session, please.

12 [Private session]

13 [Private session text removed]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

4 tomorrow.

5 --- Whereupon the hearing adjourned at 4.35 p.m.

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