

1 Wednesday, 24 April 2024

2 [Open session]

3 [The Accused Krasniqi appeared via videolink]

4 [The accused entered the courtroom]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Mr. Krasniqi appears today by videolink. The other accused are
13 all present in court.

14 We will now resume the testimony of Prosecution Witness 4741.

15 Madam Court Officer, please bring the witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Good morning, Witness. Welcome back.

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

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

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1 I also remind you that you are still under an obligation to tell
2 the truth as stated by you in your solemn declaration. Also,
3 remember to speak into the microphone and wait five seconds before
4 answering a question, and speak at a slow pace for the interpreters
5 to catch up.

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

7 We continue now with the cross-examination by the Krasniqi
8 Defence.

9 Mr. Ellis, you have the floor.

10 MR. ELLIS: Thank you, Your Honour.

11 WITNESS: RAMIZ QERIQI [Resumed]

12 [The witness answered through interpreter]

13 Cross-examination by Mr. Ellis: [Continued]

14 Q. Good morning, Witness.

15 A. Good morning.

16 Q. When we finished last night, we were discussing the Serbian
17 positions in around May of 1998.

18 MR. ELLIS: And it may be helpful if we have the map ready on
19 the screen again. It was DJK00776.

20 Q. But as I've understood your evidence, Witness, you were involved
21 in direct fighting against the Serbian forces in your area on 14 June
22 1998; is that right?

23 A. Yes.

24 Q. And between 14 June and the 25th, 26th July 1998, you were
25 involved in as many as seven battles with the Serbian forces in that

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1 area; correct?

2 A. No, not seven battles. No.

3 Q. Well, I'll read back to you from the ICTY evidence. It was --
4 this is P1114.1 in the transcript at page 3584 beginning at line 18.
5 You said:

6 "There was on 17th of June. Until the time of the offensive
7 there were six fights, and all of them were successful. The seventh
8 one was not that successful. We had to withdraw from Carraleve."

9 And the seventh one was the one on the 25th, 26th of July. Do
10 you recall that evidence, Witness?

11 A. Yes, but I wasn't a participant in all of them. But the battles
12 were as you put it.

13 Q. I understand. Seven battles in your area but you were not
14 directly a participant in all of them; is that correct?

15 A. Correct.

16 Q. I understand. Thank you. And on each of those occasions, the
17 Serbian forces were attacking the KLA and you were in the defensive
18 position; correct?

19 A. Yes.

20 Q. So just pausing there for a moment. You had arrived in Krojmir
21 in April 1998, and so from then till the start of the direct fighting
22 in your area in the middle of June 1998, you'd had a little over two
23 months to create your unit and set up your positions. That's right,
24 isn't it?

25 A. Yes, correct.

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1 Q. Now, in July 1998, of course, the first Serbian offensive was in
2 progress; correct?

3 A. Correct.

4 Q. And if we could -- if we have the map on screen, do you see at
5 the far left-hand side of that page the town of Rahovec?

6 A. It's the same map.

7 Q. Yes, it's the same map. Do you have Rahovec there on the bottom
8 left-hand corner?

9 A. Yes, yes.

10 Q. And you weren't directly involved, I think, but you'd have been
11 aware that there was fighting in the area of Rahovec in the middle of
12 July 1998; correct?

13 A. I wasn't involved, but I know that there was fighting there.

14 Q. And after Serbian forces recaptured Rahovec, they moved on
15 Malisheve, didn't they?

16 A. I wasn't present in that part, so I don't know.

17 Q. But do you know that there were attacks by the Serbian forces on
18 KLA positions in the Llapushnik gorge by 23 July?

19 A. Yes.

20 Q. And indeed --

21 A. Yes.

22 Q. -- Serbian forces broke through the Llapushnik gorge by 26 July
23 1998; correct?

24 A. Yes.

25 Q. So at that time, what had happened is that there were a wave of

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1 Serbian offensives across KLA positions from Rahovec through
2 Malisheve through Llapushnik; correct?

3 A. Yes.

4 Q. And that's at the same time that you in your area were facing
5 direct attacks from Serbian units as well; correct?

6 A. Yes.

7 Q. And in your statement to the ICTY at V000-4378-1-A-TR-ET
8 beginning at page 52 at line 25, you had this to say about
9 Fatmir Limaj at that time:

10 "... the area of responsibility, I haven't seen him for a period
11 of one and a half -- one month and a half when there was fierce
12 fighting or ... fighting during the first offensive. I haven't seen
13 persons. We weren't -- even weren't able to hold these meetings. I
14 remained at the" something "of Krojmir with civil population. So I
15 was helping the civilians at that time."

16 Do you recall giving that statement to the ICTY investigators,
17 Witness?

18 A. This happened one month later, not at this time. It was not
19 July. It was August. It's a mistake there.

20 Q. So what happened, isn't it, there was an initial offensive in
21 July 1998 -- well, beginning in June going into July 1998?

22 A. What I said then is that for a time we were left without the
23 brigade commander. It was two weeks or one month, I'm not sure. In
24 August, after the murder of Kumanova, after the killing of Kumanova,
25 not as you are saying. In June, July was okay. It was a month

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1 later.

2 At this time, it was not what you are putting to me, that we
3 didn't have the brigade commander. At this time, things were okay.
4 In June, that is. Things happened after August, after the killing of
5 Kumanova, and I have indeed said what you already put to me.

6 Q. When you say "things were okay," that's okay in the context of
7 the time in that you were facing a series of attacks in your area
8 from Serbian forces at the same time as a broader offensive moving
9 across from the Malisheve area; correct?

10 A. There was fighting there, too, but I don't know about that area.
11 I am talking about the place where I was. We were in our positions.
12 When I say we were okay, I mean we were organised. We were fighting.
13 We were in our position.

14 Q. And at that time in your positions, you were also having to cope
15 with a large influx of civilian refugees from the Malisheve area in
16 particular, weren't you?

17 A. At that time, I was on the front line. I know that there was an
18 influx of people, but even our citizens started to leave the place
19 and go towards Lipjan. Co-villagers left because of the shelling
20 of -- by the Serbs, so they started to leave the village. This
21 happened at the time you are referring to.

22 Q. And one of the areas that civilians left to from Malisheve was
23 into the mountains of the Berisha mountain area; correct?

24 A. I wasn't there. Maybe they went there, but I have no
25 information about that.

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1 Q. Fair enough. You weren't there. Your information is about what
2 was happening in Krojmir in the area where you were -- in the
3 defensive positions you were occupying there; correct?

4 A. Correct.

5 Q. I see. Could we then deal with the August offensive. Again,
6 you have the map, I hope, still on the screen there, Witness. Do you
7 see a village called Luzhnica, which is to the south-west of Krojmir?

8 A. Yes, yes.

9 Q. And what I'm going to suggest to you is happening in August
10 is -- sorry, and this is late August, is that there were attacks from
11 Serbian forces both from Duhla and from Carraleve so that the KLA
12 positions were being attacked in two directions from the Serbian
13 forces. That's right, isn't it?

14 A. They were attacked on all sides.

15 Q. And it was at the village of Luzhnica that Kumanova and others
16 were killed by Serbian forces at this time; correct?

17 A. Yes.

18 Q. And the Serbian forces pushed all the way up to Klecke and took
19 Klecke itself by the end of August 1998, didn't they?

20 A. Yes.

21 Q. So the position that you're in at that point, you're still
22 located in the Krojmir area; correct?

23 A. Yes. That is the time that I meant earlier when I started to
24 say something.

25 Q. Quite. Because to the side of you, the KLA positions all the

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1 way up to Klecke have been swept aside by the Serbian offensive;
2 correct?

3 A. At this time, the Serbs entered, took up our positions, and
4 entered where we were, and we were surrounded - my battalion, that is
5 - on all sides by the Serb forces. At this time, we were more
6 interested in defending the population rather than fighting back. I
7 remember I have a map which shows where we took up our positions to
8 defend the population, stood guard. That is the time when, because
9 of the Serbian forces that entered there, we couldn't communicate
10 with one another but just were focused on protecting the population.

11 MR. ELLIS: Your Honour, at that point I tender the map.

12 PRESIDING JUDGE SMITH: You intend to do so without any
13 indications on the map by the witness as to the locations you've
14 discussed?

15 MR. ELLIS: Well, I didn't do terribly well at getting the
16 locations marked last time. I think I ended up creating two separate
17 maps. So if it would assist Your Honours, I can go through the
18 exercise --

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 We basically have no record. You just have a map, you know.

21 MR. ELLIS: Except that he's been -- the witness has been
22 through and identified locations on the map as being places where
23 there were positions.

24 PRESIDING JUDGE SMITH: I'll leave it to you, you know. If you
25 wish to enter it this way, it's fine.

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1 MR. ELLIS: Well, could the witness then have the pen to be able
2 to mark the map? Thank you.

3 Q. Witness, could I invite you to mark Krojmir, first of all?

4 A. [Marks]

5 Q. And are you able to circle the village of Luzhnica that we've
6 just spoken about?

7 A. I was never in Luzhnica, but I know where it is. If you want
8 me, I can encircle it. I don't know why you are asking me to do
9 that. But I was never in Luzhnica.

10 PRESIDING JUDGE SMITH: I don't think it's necessary to circle
11 that one. Just go on. We have some of the other ones that you
12 mentioned more -- used more time with. He's indicated -- he's
13 indicated he doesn't know very much about that.

14 MR. ELLIS: Very well.

15 Q. And Klecke, then, you have spoken about. Can you indicate that
16 on the map?

17 A. Let me find it. I think I made a mistake here at Javor. Let me
18 find where Klecke is. At this time, we couldn't enter in Klecke. I
19 don't know why I have to encircle it. The Serbs were in Klecke, not
20 us. I'm circling it. I don't know why I have to do that.

21 PRESIDING JUDGE SMITH: It's just making a record. We're just
22 asking that the things that got mentioned are marked on the map so we
23 know where they are. That's all.

24 THE WITNESS: [Interpretation] I got it.

25 MR. ELLIS:

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1 Q. And we spoke also about Duhla on the main road, which you
2 confirmed is where the Serbian checkpoint was located. Do you see
3 that?

4 A. Yes, I will find it. Yes. Here too we couldn't enter. It was
5 taken by the Serbs. That is, the Serbs were positioned there.

6 Q. And Carraleve, please.

7 A. The Serbs were stationed there also.

8 Q. Thank you.

9 MR. ELLIS: Your Honour, I think that will do for these
10 purposes. If I could now tender the map.

11 PRESIDING JUDGE SMITH: Yes, the larger cities are self-evident.

12 MR. ELLIS: Yes.

13 PRESIDING JUDGE SMITH: So that's fine.

14 Any objection to the map?

15 MS. D'ASCOLI: No objection.

16 PRESIDING JUDGE SMITH: DJK00776 is admitted in evidence as
17 marked.

18 THE COURT OFFICER: And that will be assigned Exhibit 4D49.

19 And, Your Honours, I note there is no classification indicated
20 in Legal Workflow. Can we clarify if this is public or confidential?

21 MR. ELLIS: I don't see any reason why it can't be public.

22 PRESIDING JUDGE SMITH: It should be public.

23 THE COURT OFFICER: Thank you.

24 MR. ELLIS: Thank you.

25 Q. Witness, I'm going to move on to a different topic to ask you

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1 some more questions about the provisional regulations which were
2 shown to you by the Prosecution.

3 MR. ELLIS: It was Exhibit P8. If we could have that back on
4 the screen.

5 Q. Now, you've said that you saw the provisional regulations in the
6 summer of 1998. Of course, we appreciate 25 years later it's
7 difficult to be precise about dates. Could it have been in July 1998
8 that you saw these?

9 A. It could have been June, July. I can't be accurate. But I do
10 know that we received it in our -- from the brigade. Either it was
11 Shukri who brought it or one of them.

12 Q. I see. And the document says on its first page "Pristina,
13 1998." It may be obvious but the KLA was not based in Prishtine in
14 1998, was it?

15 A. I got it from them. I don't know where it was printed. I don't
16 know about that. I am not competent. I am not the drafter of this
17 regulation, but this is how we got it. You have to ask someone else.
18 I have no information about that. We got it as it is here.

19 MR. ELLIS: Could we move on then to the second page of the PDF.

20 Q. Now, you were asked some questions yesterday by Mr. Misetic
21 about the KLA oath. The question that I want to put to you is that
22 it's right, isn't it, that you did not actually take this oath in
23 1998, did you?

24 A. I took the oath earlier. I was late that day. Wherever there
25 were points of the -- by soldiers, we had to go -- I mean, people had

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1 to go there and ensure that the soldiers took the oath.

2 Q. But you yourself were at the front line and missed taking the
3 oath. That's right, isn't it?

4 A. I was at the position, and I was -- I went there late for the
5 oath. I had to report to the commander, Fatmir Limaj, but I didn't
6 do that.

7 Q. I see.

8 MR. ELLIS: Can we move on then to page 14 of the PDF. I'm
9 looking at paragraph 11 in particular on the left-hand side. Yes, I
10 think that should be it.

11 Q. Do you see there a provision in the regulations saying that:
12 "Regular soldiers must always be clean shaven and have short
13 hair."

14 Do you have that on your screen, Witness?

15 A. Yes.

16 Q. I think it's right that at various points in 1998, Fatmir Limaj,
17 Kumanova, Isak Musliu all had beards, didn't they?

18 A. Yes, they did have beards. Apparently they haven't abided by
19 the regulation. You may ask them why they were not shaven. Myself,
20 I was always clean shaven. You might ask them why not.

21 Q. Now, you were also taken by the Prosecution to some of the rules
22 in this document about the military police. You recall seeing those
23 rules?

24 A. Yes.

25 Q. I want to -- in your statement to the ICTY at

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1 V000-4379-1-A-TR-ET, page 33, lines 8 to 10, you had said:

2 "So it was a rule, so I can remember -- I can remember now from
3 the statute, you are strictly forbidden of killing women, children,
4 non-uniformed men."

5 Do you recall giving that evidence to the ICTY, Witness?

6 A. This is what I said. That was the rule. That we shouldn't wage
7 war against children, civilians, women. That was how it was in the
8 rules. Only against uniformed men.

9 MR. ELLIS: Now, can we go please to page 16 of the PDF.

10 Q. You've been taken to some of these provisions in relation to
11 military police already, but I just want to put some more of them to
12 give the full context.

13 First of all, do you see paragraph 6 there? It provides:

14 "Individuals who exercise the duties of the PU /Military
15 Police/ must have completed at least secondary school or have long
16 war experience."

17 Do you see that in the regulations, sir?

18 A. Yes.

19 Q. And it continues:

20 "They must be communicative and have good manners in their
21 dealings with citizens and travellers of all categories. In contacts
22 with travellers, they must be polite and have good manners."

23 That's right, isn't?

24 A. Yes. Right so.

25 Q. And you said yesterday to Mr. Misetic when you were choosing

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1 people for the military police, you would propose the names and you
2 thought they were perhaps the best, the most -- the well-behaved.
3 That's right, isn't it? You were looking for people who would be the
4 best, the well-behaved; correct?

5 A. We merely proposed them, but we thought they were the best. But
6 it was the brigade that decided whether to recruit them or not.

7 Q. Now, at --

8 A. There were instances when they said, "This is not good," I mean
9 this person, and they took them off the list.

10 Q. Now, paragraph 8 provides, which I think should also be on your
11 screen:

12 "When on duty at a checkpoint, they must treat all travellers
13 equally."

14 Do you see that in the regulations as well?

15 A. Yes.

16 Q. And they were supposed to "politely convince travellers that
17 they are doing their duty"; correct?

18 A. Yes. I don't know why are you putting me this question. This
19 applies to the military police, not to us.

20 Q. And, finally, you should also have a bullet point above 6 on
21 your screen, it says:

22 "not to use physical force except when attacked or prevented
23 from carrying out their duty."

24 Do you see that in the military police rules, Witness?

25 A. I see that. But again, I'm saying why are you asking me such

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1 questions when they were meant for the military police? I was never
2 a military police or military police leader, commander.

3 Q. I see. I'll move on in that case.

4 Now, I want to ask you about an incident in your interview with
5 the Prosecution where you say that your soldiers stopped
6 Jakup Krasniqi. And it's from your interview with the Prosecution at
7 Part 2. Do you recall speaking to the Prosecution about that, sir?

8 A. Yes. May I explain it?

9 Q. Well, let me take you through it, sir, because from the middle
10 of June 1998 it was known that -- it was known publicly that
11 Jakup Krasniqi was the spokesperson of the KLA, wasn't it?

12 A. Yes.

13 Q. And Jakup Krasniqi didn't use a pseudonym. He was known by his
14 name, Jakup Krasniqi, wasn't he?

15 A. Yes.

16 Q. Now, it's right, isn't it, that from mid-November 1998 until
17 February 1999 Jakup Krasniqi's family were staying in the village of
18 Krojmir at the house of your relative Ahmet Qeriqi. That's right,
19 isn't it?

20 A. I have a photograph which depicts Jakup Krasniqi's family and my
21 family, Altin, too, when he was young. And frequently they'd say,
22 "How come Jakup Krasniqi would never come and see us again since his
23 family stayed with ours when they entered the gorge?"

24 So I can also tell you about another case when he came over with
25 Idriz Hyseni. So I could also tell you about or perhaps give you

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1 this documents on what the soldiers reported. I didn't send it to
2 the Prosecution or submit it to them, but I can.

3 Q. Well, if you just follow through with the questions that I'm
4 asking, we'll be able to complete your evidence that way, Witness.

5 But you confirmed, I think, in your evidence at the end of
6 yesterday that you knew that Serbian forces would attack the family
7 of somebody who was known to be part of the KLA. You recall
8 confirming that yesterday?

9 A. Correct. Correct.

10 Q. And like everyone else, the Serbian forces were well aware that
11 Jakup Krasniqi was spokesperson of the KLA; correct?

12 A. I do not know whether they were aware of it, but they must have
13 because it was public knowledge.

14 Q. And the reason why Jakup Krasniqi's family were in Krojmir was
15 that they had been attacked by the Serbian police at their home on
16 10 November 1998. Were you aware of that, sir?

17 A. No, I was not.

18 Q. Very well. In any event, there was a period from mid-November
19 1998 to February 1999 where Mr. Krasniqi was coming to Krojmir to see
20 his family members who were there; correct?

21 A. To my knowledge, all I know is about that day. I do not know
22 about any other days. But I do remember that day because the
23 soldiers, when they asked him, they didn't have permission until they
24 realised who he was. I explained it to them. And any other days, I
25 do not remember. It could well be the case, but I have not seen him.

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1 Q. Now, I want to move on to a different topic, Witness, which is
2 that you were asked some questions about Flag Day in 1998. You
3 recall those questions about the Flag Day ceremony?

4 A. Yes, I do.

5 Q. Now, can you explain for the Court what the significance of Flag
6 Day is for Kosovo Albanians?

7 A. It is the most important day in our history. I cannot, perhaps,
8 express everything here, but it is a major significant day for us.
9 The most significant.

10 Q. It's a celebration of independence from the Ottoman empire in
11 part, isn't it?

12 A. Yes.

13 Q. It's an occasion when people would get together, make patriotic
14 speeches and sing patriotic songs; correct?

15 A. Yes. Even to this day, the tradition continues. Even to this
16 day, I also celebrate Flag Day. We celebrate it. We go to
17 Gjirokaster, Tirana, Vlora. Along with the soldiers, that is.

18 Q. And on the occasion of the Flag Day in 1998, as well as the
19 fighters being present, the KLA, there were civilians present as
20 well, weren't there?

21 A. Yes.

22 Q. And there were family members of some of the KLA martyrs at the
23 ceremony, weren't there?

24 A. Absolutely.

25 Q. And it would be natural that any speaker on that occasion would

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1 want to give hope to the civilians, to the families of the martyrs,
2 and, indeed, the fighters; correct?

3 A. Correct.

4 MR. ELLIS: Can I then have on screen SPOE -- I'm sorry, it's
5 now got a P number. It's P01124.

6 Q. And just whilst that's coming up, Witness, it's right, isn't it,
7 that prior to this Flag Day in November 1998, the KLA had lost a
8 significant number of fighters, including in the Klecke area, in the
9 offensives that we've talked about?

10 A. Could you repeat that, please?

11 Q. Yes, I'm sorry. I jumped out of the flow a little bit. That's
12 my fault. By the time that this Flag Day celebration was happening,
13 the KLA had lost a significant number of its fighters in the August
14 offensive that we've just talked about, including in the Klecke area?

15 A. Yes, yes, yes.

16 Q. Now --

17 A. In fact, there wasn't fighting in Klecke but in the surrounding
18 area. So, yes, there were considerable losses.

19 Q. Thank you. Now, the Prosecution took you to a passage on page 3
20 of this document.

21 MR. ELLIS: If we could move to that, please.

22 Q. And what the Prosecution read to you is it was a quotation from
23 Shaban Dragaj which began:

24 "In the KLA there exists a unified command ..."

25 What I want to show you is the sentence immediately above that,

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1 which says:

2 "For public opinion he wishes to dispel the untruths concerning
3 the KLA ..."

4 Do you see that sentence immediately above the paragraph that
5 the Prosecution read to you?

6 A. Yes, yes, I can see it.

7 Q. And it's right, isn't it, that Shaban Dragaj then, therefore,
8 was speaking, as he said, for public opinion?

9 A. Yes.

10 Q. And it was important to convey an image that the KLA was
11 organised, unified, and strong at that point in time; correct?

12 A. Yes. When I was asked, however, I simply said that Shaban
13 Dragaj was the operational head of 121 Brigade. So what he meant to
14 say or wanted to say, it's really up to him. I cannot guess. I
15 didn't do so for the Prosecution, and I do not intend to do so. All
16 I can say is that Shaban has given a major contribution, and I can
17 tell you now that - I didn't say this in the Prosecution - when the
18 restructuring of the battalion was undertaken, he was there. I don't
19 know what more to say. I haven't said anything else. But the
20 operational head of 121 Brigade.

21 Q. Thank you, Witness. I certainly don't want you to guess. If
22 there's an answer you don't know, you must by all means say so.

23 Now, what you did say to the Prosecution about that Flag Day is
24 that you recalled that "we were called to bring as many soldiers as
25 we could for the photo to show as many soldiers as possible." Do you

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1 recall saying that to the Prosecution?

2 A. Yes, many. Yes. I said that, indeed, because that was the
3 case.

4 Q. Yes. And the intention was to photograph or video as many
5 soldiers as you could so that the KLA looked strong; correct?

6 A. Of course. That was the thought behind it.

7 Q. Now, I want to move on to the last topic that I want to ask you
8 about, Witness, which is some evidence you've given about Tirana in
9 1999.

10 And it's right, isn't it, that you left Kosovo and went to
11 Albania around the 10th or 15th January 1999?

12 A. Yes, indeed. Because on 23 January 1999, I was in Tirana. And
13 in actual fact, I made a request. I submitted a request to the
14 General Staff to help my family because my wife and my son were in
15 Tirana. So I actually sent a request in writing. I didn't bring it
16 here today. But, of course, if needed, I can bring it to you. But I
17 put in this request for 600 Deutschmarks to be given to my wife and
18 son; 300 Deutschmarks to cover the rent and 300 for food stuffs per
19 month.

20 But I did send the request in, and then it was my friends from
21 the diaspora who looked after my family. And it is the case today
22 that, for instance, for what I am wearing here today, it is a friend
23 of mine from the diaspora who actually gave me the money to pay this,
24 but I've been unemployed now for about five years. Why? I do not
25 know. I didn't mean to say this, by the way, but you made me almost

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1 say that. I do not think there's anything sinister about it, but all
2 I knew I have already said not only to protect and defend what the
3 KLA has done.

4 But for the photograph, what can I say? If you ask me if I know
5 someone, of course I can say I know them if I do, or about an
6 article. But whatever I've said, everything I've said, the
7 Prosecution does have. And in terms of some provocative questions, I
8 would say that I am willing to give any documents I have to prove
9 what I have said. Even things that I have not already handed in.
10 But for us and my friends, it is very important that we defend this
11 glorious war.

12 I, of course, have the highest respect for you, but sometimes,
13 the questions that are asked here, although I can see that you are
14 not against the war, there is nothing sinister about this. However,
15 it would be good if you, as counsel, could also defend the war that
16 we waged, for the sake of all of those fighters, for the sake of
17 those martyrs. Our war was a fair war. It was -- we were on the
18 right side.

19 Thank you for listening to me.

20 Q. Thank you, Witness. I'm just trying at the moment to establish
21 some dates with you for the period when you were in Tirana. So I'm
22 going to try and keep the questions quite direct, and we'll see if we
23 can move towards the end of my --

24 A. Okay.

25 Q. -- cross-examination because I see I'm trespassing over my

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1 45 minutes, but I hope I'll be given five more.

2 Having then reached Tirana on the 25th -- sorry, you said
3 23 January 1999, you're in Albania until you go back to Kosovo in
4 June 1999; is that right?

5 A. I remained in Albania. Well, I went to Koshare then, and then I
6 returned in June 1999. That's correct. But I did take part in the
7 battles in Koshare, but I didn't stay in Albania the whole time.

8 Q. Thank you. And you, I think, started mentioning that you went
9 to the KLA office in Tirana, and you told the Prosecution that that
10 was in January or February 1999. Do you recall giving that evidence?

11 A. That's what I said. But then I found the request which was made
12 on 23 January, the request I mentioned, about help for my family. I
13 found it later. When I was at the Prosecution, I wasn't quite clear
14 about the date, so I said approximately January to February because I
15 didn't want to be wrong. But now having found the request, the date
16 was 23 January.

17 Q. You, I imagine, know that Jakup Krasniqi was part of the KLA
18 delegation to the Rambouillet peace negotiations in February 1999,
19 wasn't he?

20 A. Please, sir. Please. When I went to the office, I cannot know
21 the date exactly, what date it was when I entered Tirana. But I
22 swear by our flag that there is nothing different to what I've said
23 in the past to what I'm about to say. Ahmet, Jakup Krasniqi,
24 Xhavit Haliti, Azem Sylja, Lladrovci was there, Shaip Muja. I
25 submitted the request to help my family out. I had to take my wife

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1 with me and my son, and I didn't need to lie about this. I simply
2 wrote down the reality. I reflected the reality for the sake of the
3 history of the war and nothing else.

4 I'm sorry. I'm not against anyone at all. I'm here to protect
5 the truth of our war, to defend it. I was there. I do not know the
6 exact date, but I'm sure that the people who were there will -- the
7 ones I mentioned will remember the date. Those who were present will
8 remember the date. I was there with my wife and my son who was one
9 and a half years old.

10 So I had to take my wife along to confirm that my wife lived in
11 Tirana back then, and still they didn't help me.

12 Q. What I'm putting to you, Witness, is that Jakup Krasniqi was not
13 in Tirana in January or in February 1999. So --

14 A. I really am sorry. That day, he was in the office. I really am
15 very sorry. Yes, he was.

16 Q. Could it be that you went to the office in Tirana on more than
17 one occasion during those months when you were in Albania?

18 A. I can't remember. I can't remember. I think I was there only
19 once. Perhaps twice at the most. It could be twice. Once I was
20 definitely there with my wife and son. Perhaps I've been there on
21 another occasion, too. But my request which was dated 23 January --
22 maybe I went in earlier or later. I cannot possibly say I went there
23 on this date or that date because I didn't take note of them.

24 However, the written request was dated 23 January. Maybe I went in
25 earlier or later, but my request was dated 23 January.

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1 Q. So you could be mistaken that you saw Jakup Krasniqi there in
2 January or February 1999; correct? It could be later?

3 A. I know that I saw him there. I am not insisting that it was
4 either January or February. But I thought it was in January or
5 February that I saw him there. It could be later. But the most
6 important thing here is that when I went there to ask for help, the
7 people I've already mentioned were there. They were present. And
8 perhaps they will remember, but when I went there to ask for help,
9 they mentioned a dirty word, and I said to my wife, "Come on, let's
10 go now." Because somebody there said something untoward. I didn't
11 really want to do that, but, you know, I'm sorry.

12 Q. Yeah. What I'm putting to you as to Mr. Krasniqi's movements is
13 that he left from Kosovo to the Rambouillet negotiations in February,
14 and he was not in Tirana until after the Paris negotiations in March
15 1999. You wouldn't be able to dispute his movements at that time,
16 would you?

17 A. So you're saying that he went there in February. I think I saw
18 him in January. I saw him in the office. That's the most important
19 thing. I've never said something with an ill-intent. I've just said
20 that I saw him in the office. And not just him, the entire team.
21 I've also written this down for the purposes of a book. And I
22 remember the date because I was asking for help for my family.
23 Otherwise, I wouldn't even remember this meeting or recall that
24 meeting. The only reason was to write a book because my family never
25 received any help, whereas others, even though they were just out and

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1 about in Tirana, they were being paid. Whereas my family was being
2 helped by Mother Teresa's order and other friends of mine in the
3 diaspora.

4 Q. Very well.

5 MR. ELLIS: Your Honour, I've gone five minutes over, but I
6 think I'm complete. Thank you.

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

8 Any request for redirect?

9 MS. D'ASCOLI: Yes, about five minutes, Your Honours.

10 PRESIDING JUDGE SMITH: Go ahead.

11 MS. D'ASCOLI: Thank you.

12 Re-examination by Ms. D'Ascoli:

13 Q. Witness, during cross-examination yesterday, you were questioned
14 about supposed orders. I'm sorry about my voice. About supposed
15 orders given by Mr. Limaj in the name of the General Staff during the
16 weekly meetings you attended. Do you remember that?

17 A. Yes, I do.

18 Q. Yes, let me ask you questions. Specifically, it was put to you
19 that since you only received orders from the brigade command and not
20 directly from the General Staff, you had no way of knowing whether
21 orders did even come from the General Staff or not.

22 This was at pages 63 to 64 of yesterday's provisional
23 transcript.

24 Now, I want to go back to the part that counsel for Mr. Selimi
25 was referring to in your evidence, which was in your SPO interview

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1 P1115.3, pages 12 to 13. There, you were saying, I'm reading from
2 line 15. There's no need to bring up the transcript.

3 "Fatmir frequently gave orders in the name of the
4 General Staff."

5 Then you were asked:

6 "What kind of orders? If you can just try to remember some of
7 them."

8 And you replied:

9 "Regular ones, such as what preparations are needed to be made,
10 you know, [just] daily work type of things."

11 And then you said you did not remember any specific example also
12 in light of the fact that it was, you know, more than 20 years ago.
13 Do you remember that part of your statement?

14 A. Yes, I do. Yes.

15 Q. I want to show you some orders from the General Staff addressed
16 to your brigade, to Brigade 121, and then I'll ask you some
17 questions.

18 MS. D'ASCOLI: Can I first call up Exhibit P627 in both
19 languages, please.

20 Q. Do you see the document on the screen, Mr. Witness? We have now
21 both the English and the Albanian. So this is a KLA General Staff
22 order signed by Zyrapi and dated 11 January 1999. It's brief. You
23 can scroll through it. It is about security measures for the
24 facilities of the Free Kosovo radio station and KosovaPress agency.
25 Do you know where those facilities were located?

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1 A. You're asking me, correct?

2 Q. Yes.

3 A. KosovaPress was somewhere in Berisha. Could you actually scroll
4 up, please? Okay. It's fine here.

5 Q. Yes. So you know they were located in the Berisha mountains;
6 correct?

7 A. Yes, somewhere there. I do not know exactly where because I was
8 never there myself, but I know it was there somewhere.

9 Q. You see this order is addressed to the commander of Brigade 121,
10 and then, the last line, he charges the commander with the
11 implementation of the order. Did you see this order before?

12 A. No, I have not seen it before.

13 MR. MISETIC: Mr. President, I'm going to object that this is
14 outside the scope of cross-examination unless foundation can be
15 established that this is an order directed to Fatmir Limaj on the
16 12th as brigade commander of 121 in January 1999.

17 PRESIDING JUDGE SMITH: Overruled.

18 Go ahead.

19 MS. D'ASCOLI:

20 Q. Yes. So you said you did not see this order before in your line
21 of command as battalion commander. In fact, as you told us, you
22 would not receive orders from the General Staff but you would receive
23 orders from the battalion commander, whether in weekly meetings or in
24 the ways that you reported; right?

25 A. Yes, yes.

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1 Q. Now, I have one more order to show you, and then I'll put you
2 some questions.

3 JUDGE METTRAUX: Ms. D'Ascoli, did you mean battalion commander
4 or brigade commander? It's line 17 of page 27.

5 MS. D'ASCOLI: I meant -- thank you, Your Honours. I meant he
6 would receive orders from the brigade commander.

7 JUDGE METTRAUX: Thank you.

8 MS. D'ASCOLI: Thank you for the correction, Your Honours.

9 THE WITNESS: [Interpretation] Yes.

10 MS. D'ASCOLI: We can remove this order from the screens and
11 call up, please, P632.

12 Q. Witness, this is a KLA General Staff order signed by Zyrapi and
13 dated 28 January 1999. I take it you did not see the order because,
14 of course, this is from the end of January. Yeah, just "yes" or
15 "no" --

16 A. As --

17 Q. -- is sufficient. It was a rhetorical question.

18 A. Aha. Once again, please? No, I have not seen this. No.

19 Q. Yes.

20 A. No --

21 Q. It is addressed --

22 A. -- I have not.

23 Q. It is addressed to the 121 Brigade command, and it is about
24 borrowing an anti-tank weapon rocket from units of the Llapi
25 operational zone. Again, the commander of Brigade 121 is put in

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1 charge of its execution.

2 Now, having seen these two orders, my first question is: Do
3 these represent examples of your brigade receiving orders from the
4 General Staff as you were telling us in your evidence?

5 MR. MISETIC: Objection again, Mr. President. First, lack of
6 foundation because the witness wasn't -- this is outside the time
7 that the witness was commander of the battalion. And second, again,
8 I have to reiterate, this is supposedly directed at the
9 cross-examination of whether Fatmir Limaj was exaggerating when he
10 was saying at meetings that he was receiving orders from the
11 General Staff, and now we're going beyond that to were the orders
12 issued to a battalion commander, and I think that's outside the scope
13 of anything that was raised in cross-examination.

14 PRESIDING JUDGE SMITH: The objection is overruled. It's
15 reasonably within the confines of what was asked.

16 Go ahead.

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

18 Q. Witness, I'll repeat my question. Having seen these two orders,
19 do they represent an example of the brigade, Brigade 121, receiving
20 orders from the General Staff?

21 A. Yes. Yes, based on this document, one can see that he didn't do
22 it on his own. I didn't believe him back then. I thought he was
23 actually saying this on his own account, but no.

24 Q. My other question is whether -- are these examples of the
25 hierarchical relation that you referred to in your statements between

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1 battalion versus brigade and brigade versus General Staff?

2 A. Yes.

3 Q. My last question: Do orders of this type reflect the structure
4 and the military hierarchy of the KLA that you observed as battalion
5 commander in your time with the KLA and that you referred to in
6 several parts of your statements?

7 A. Yes, yes.

8 MS. D'ASCOLI: Those were all my questions. Thank you,
9 Your Honours.

10 Q. Thank you, Witness.

11 PRESIDING JUDGE SMITH: We'll take a ten-minute break at this
12 time.

13 Witness, we will take a ten-minute break. Please join the Court
14 Usher to be escorted from the room. Do not speak to anyone about
15 your testimony in this trial.

16 [The witness stands down]

17 PRESIDING JUDGE SMITH: We'll take a ten-minute adjournment.

18 --- Recess taken at 10.02 a.m.

19 --- On resuming at 10.11 a.m.

20 PRESIDING JUDGE SMITH: Just a note. We spoke about this a week
21 ago or so. The ongoing traffic in the courtroom is very, very
22 distracting, and people coming and going out of the courtroom. We
23 have enough breaks that we can try to -- if we -- I understand every
24 once in a while you need something special, but we have enough breaks
25 built in to deal with going and fetching more materials. So just try

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1 to keep it in mind that it is distracting. It's distracting to the
2 witness. When the witness is testifying and he's looking to see
3 who's moving all the time, it's not good for the flow of the
4 testimony.

5 You may bring the witness in, Madam Usher.

6 [The witness takes the stand]

7 PRESIDING JUDGE SMITH: All right. Witness, can you hear okay?

8 THE WITNESS: [Interpretation] Yes.

9 PRESIDING JUDGE SMITH: Some of the Judges have questions for
10 you at this time.

11 Judge Barthe.

12 JUDGE BARTHE: Thank you, Judge Smith.

13 Questioned by the Trial Panel:

14 JUDGE BARTHE: Good morning, Witness.

15 A. Good morning.

16 JUDGE BARTHE: I hope you can hear me well.

17 A. Yes, I do.

18 JUDGE BARTHE: Thank you.

19 Witness, the Panel has a few more questions for you which we
20 believe are necessary to better understand the evidence you have
21 given so far. So my first questions relate to what you told the SPO
22 in your interview in July 2019.

23 On pages 21 to 22 of Part 7 of your interview, this is
24 Exhibit P1115.7, you mentioned that LPK members were put in
25 leadership roles within the military structure of the KLA.

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1 You actually said, among other things, the following on page 21,
2 lines 20 to 23, and I quote:

3 "So the LPK was an organisation which took upon itself the
4 directing of the war and we other groups addressed them as the
5 leaders. So the whole time the leadership was from their ranks."

6 Could you please tell us more about this? Perhaps you can give
7 us an example of a person who obtained a leadership role within the
8 KLA because of his or her membership in the LPK.

9 A. Most of them were. When I requested to join the war in Aargau,
10 I submitted a written request. There was Emrush Xhemajli there, Abaz
11 Gjuka, Ali Ahmeti, Gafur Elshani and others. So I submitted my
12 request as a group to be admitted in the ranks of the KLA. Most of
13 them were leaders. It was a public knowledge. Azem Sylja, for
14 example, was a general commander of the General Staff of the KLA, and
15 others.

16 JUDGE BARTHE: But you were not a member of the LPK; is that
17 right?

18 A. No, I wasn't. I was a volunteer. During the time I was in
19 Germany, I participated in rallies, I was involved in the
20 organisation, but I was not a member.

21 JUDGE BARTHE: And why did LPK members get leadership positions
22 within the KLA? From your point of view, what was the reason for it?

23 A. I don't know how to explain it, but they were the ones that
24 organised the war, enabled us to join the war. I don't know how else
25 to explain it.

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1 JUDGE BARTHE: Thank you. My next question is also about what
2 you said in your SPO interview. And according to the transcript of
3 that interview, this is P1115.5, on page 27, you said about Mr. Thaci
4 that you believe that he was involved in politics and that Azem Syla
5 was higher in the hierarchy of the KLA than Mr. Thaci because
6 Mr. Syla was the general commander.

7 Can I ask you to explain what you meant by this? Did you mean
8 that Mr. Thaci's role and authority was purely political? In other
9 words, that he was not able to make or participate in military
10 decisions?

11 A. The way I heard later, because initially we didn't know what
12 their positions were, but afterwards, I heard that he was involved in
13 political aspects of work in the General Staff, and that he
14 participated in the Rambouillet conference. As to his accurate
15 position, I didn't know at the time. It was only after the war that
16 we learned.

17 In relation to Azem Syla, we knew that he was general commander
18 of the KLA. This is what they said at that time. And after the war,
19 in the media, we read about their positions. The history that was
20 written in this way, there is more to say on my part.

21 JUDGE BARTHE: Thank you. Have you ever seen Mr. Thaci give an
22 order or an instruction to other members of the KLA during your
23 meetings with him in 1998?

24 A. No, no. No, please, no. With the exception of the time that he
25 was in Krojmir, I never saw him. I didn't deal with the

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1 General Staff or with the zone. My responsibility involved only
2 relations with the brigade only.

3 JUDGE BARTHE: I understand. And how did Mr. Thaci look like
4 when you met him? Was he wearing a uniform or civilian clothes?

5 A. He was in uniform. He was in civilian clothes.

6 JUDGE BARTHE: I assume not at the same time; right? So in one
7 meeting he had a uniform, and the other meeting he wore civilian
8 clothes; is that right?

9 A. No, listen, I did not see him in the meeting because I did not
10 attend the meeting, I told you. But those chance meetings that took
11 place and once more when they came to Krojmir, two chance meetings,
12 that's it. I referred to those. It is as I stated there ... not in
13 the meeting.

14 JUDGE BARTHE: And in that meeting in Krojmir, was he wearing a
15 uniform or was he wearing civilian clothes?

16 A. I don't recall accurately. Usually he was wearing an overcoat.
17 That day, I don't remember very well what he was wearing.

18 JUDGE BARTHE: Thank you. I move on.

19 In Part 2 of your SPO statement, you describe Mr. Rexhep Selimi
20 as "the number one guy in Kosovo," and I refer to Exhibit P1115.2,
21 page 9, line 7. Do you remember saying this to the SPO?

22 A. Yes.

23 JUDGE BARTHE: Witness, may I ask you again on what basis you
24 made this description? In other words, why did you think that
25 Mr. Selimi was the number one guy or at least an important figure in

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1 the KLA in Kosovo at the time? That is, if I'm not mistaken, in
2 March or April 1998; is that correct?

3 A. Because Azem Syla sent me to Rexhep Selimi. And from there,
4 that is from Likoc, we went to -- about our own places. So it was
5 Rexhep Selimi that we went to first. And from that, I understood
6 that he was someone, because from there, we went to the designated
7 places they told us. That's why I said he was number one.

8 JUDGE BARTHE: Thank you. But you didn't know at the time what
9 role or position Mr. Selimi had in the KLA; is that right? You
10 didn't know his exact position or exact role?

11 A. That's true. I didn't know his accurate role or position. But
12 based on the fact that Azem Syla sent me to Rexhep Selimi, I assumed
13 that he was a leader, and then he sent us to the designated places.
14 I didn't know actually his position, but that he was a valuable
15 important person, yes.

16 JUDGE BARTHE: Thank you. And did you later learn what role or
17 position Mr. Selimi had or held in the KLA, if any?

18 A. Later on through the media, through public appearances, because
19 I never met him again, but I heard others speak about him in the
20 media.

21 JUDGE BARTHE: And what did you hear?

22 A. That he was a member of the General Staff. I don't know his
23 exact position.

24 JUDGE BARTHE: Thank you. Witness, during your
25 cross-examination by the Selimi Defence, you said the following about

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1 your relationship with Fatmir Limaj and Rexhep Selimi. I quote:

2 "Listen, I knew that Fatmir is at a higher position. And he
3 said to me, 'I have to deal with Likoc.' He told me, 'You don't have
4 anything to do with that.' And so after that, I reported to him. I
5 believed that he was in a higher position and that he would report
6 dutifully where he should."

7 First of all, Witness, do you remember saying this? It was
8 yesterday.

9 A. I meant he had a higher position than me, than myself, and that
10 I reported to him. He on his part reported further to Likoc. That's
11 what he told me: "You have to report to me, and I will report to
12 Likoc."

13 JUDGE BARTHE: Thank you. My question, Witness, is, from your
14 understanding, what did Mr. Limaj mean by saying that he had to deal
15 with Likoc? Was he referring to a specific person or to an
16 institution?

17 A. He said that, "I will report to Likoc," because that's where the
18 base was and where they were supposed to report to. He didn't say
19 anything else to me.

20 JUDGE BARTHE: Are you aware that in Likoc or Likovac or that
21 Likoc or Likovac -- there's also at least an assertion that
22 Likovac/Likoc served as the General Staff headquarters, especially in
23 spring 1998?

24 A. This is what they said, but I was never there. Only when we
25 passed by. But I wasn't present at any meeting. But people said

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1 that it was as you put it.

2 JUDGE BARTHE: This is why I was asking whether Mr. Limaj from
3 your point of view was referring to an institution, to the
4 General Staff, for example, or to a specific person like
5 Mr. Rexhep Selimi.

6 A. I think, yes, he meant the institution.

7 JUDGE BARTHE: The General Staff?

8 A. I think so, yes.

9 JUDGE BARTHE: Thank you. I would like to draw your attention
10 to another topic that was addressed in your SPO interview in 2019.
11 Namely, to an event that, according to your statement, happened in
12 Krojmir in May or beginning of June 1998 where you set up defences
13 against the Serbs with Kadri Veseli. Do you remember that?

14 A. No, I remember. It was only the visit of Kadri. We were
15 digging up trenches, setting up positions. And I've often said this
16 publicly, he helped me, showing me where to set up positions, which
17 was the most suitable position. And I often referred to that. I
18 said that it enabled us to be successful in our war.

19 JUDGE BARTHE: For the record, I was referring to P1115.1,
20 page 18, lines 19 to 25, and P1115.8, pages 1 and the following
21 pages.

22 Witness, you also said that Mr. Veseli was a member of the
23 General or the Central Staff at the time; is that correct?

24 A. This is what we thought then.

25 JUDGE BARTHE: And how did you know that or why did you think

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1 that Mr. Veseli was part of the General Staff at the time, that is,
2 in May or June, beginning of June 1998?

3 A. This is people -- what people said. I don't know how to explain
4 it better.

5 JUDGE BARTHE: At the time? You heard that from other people in
6 May or June 1998?

7 A. Yes, at that time.

8 MR. EMMERSON: I'm so sorry. I do apologise for objecting, but
9 the passage of the evidence that deals with this has the witness
10 saying that he did not know in June or May 1998 but only found out at
11 the end of the year, whereas the question was put on the basis that
12 he did know.

13 PRESIDING JUDGE SMITH: Thank you.

14 JUDGE BARTHE: Thank you.

15 Did you know what his role or function was at the time within
16 the General Staff or Central Staff?

17 A. At that time, I didn't know. But later on, we thought he was
18 part of the informative service. But at that time, no.

19 JUDGE BARTHE: You said "informative service." Are you
20 referring to the intelligence service of the KLA? Just to --

21 A. I think so.

22 JUDGE BARTHE: Madam Court Officer, could we please have
23 Exhibit P1115.8, page 8 on the screen.

24 Lines 16 to 22 in the English reads as follows. I hope you can
25 see it in the Albanian as well. You were asked:

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1 "What was Kadri Veseli's role in the General Staff?"

2 And your answer was:

3 "No, I don't know.

4 "Q. You said before you didn't know at that time a lot, but
5 what do you know -- you know now what was his position?

6 "A. I'm not certain, but because he was the chief of the
7 intelligence service after the war, it's likely that he was in the
8 intelligence service."

9 My question is, Witness, is this still what you believe?

10 A. Yes, it is.

11 JUDGE BARTHE: But to be clear about that, you yourself have no
12 information that Mr. Veseli was, in fact, active in the intelligence
13 service or what his tasks -- or what tasks he had in May or June
14 1998; is that correct?

15 A. No, I had no information at that time. As I have stated here,
16 after the war I thought he was in that position, but I didn't know it
17 at that time. Just as I have said here, I abide by that.

18 JUDGE BARTHE: Thank you. I think this is clear now. Thank
19 you.

20 Let me move on to the next topic. In Part 2 of your SPO
21 interview, you said that you gave Jakup Krasniqi and Fatmir Limaj a
22 Mercedes when they were appearing on TV towards the end of 1998 so
23 that they could make a good impression.

24 And this is from P1115.2, pages 41 to 42. And I think it was
25 also addressed by the Krasniqi Defence yesterday.

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1 Witness, can I ask you, could you be more precise about when
2 this event took place? Was that in October or November or in
3 December 1998? What do you mean by the end of the year or towards
4 the end of the year 1998?

5 A. I can't be accurate about the month. It was in 1998. It may
6 have been September, October. But this vehicle was given to me by a
7 citizen from Carraleve. He's retired now. It was not a personal
8 gift. It was given to me for the war, and so people could have taken
9 it from me, might have ordered me to give it up. It was one of the
10 best cars at that time. It was actually the best car we had.

11 I said I gave it to them because I received it as a gift for the
12 war by a citizen.

13 JUDGE BARTHE: Thank you. And at the time of these events, what
14 were Mr. Krasniqi's and Mr. Limaj's roles or functions, if you know?

15 A. I don't know. Whatever I saw, I saw it in the media from their
16 public appearances. I know that Jakup was a spokesperson. I never
17 knew the exact position of Fatmir. Only from what I saw from the
18 public news and media appearances.

19 JUDGE BARTHE: And do you know whether Mr. Krasniqi had another,
20 an additional task or role at that time?

21 A. No, I don't think he had, other than the spokesperson for the
22 KLA. I don't know actually.

23 JUDGE BARTHE: To be more precise, do you know whether he was
24 deputy commander or one of two deputy commanders of the KLA? Were
25 you aware of that or are you aware of that now?

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1 A. It's only what we heard later. But back then, no, I didn't
2 know.

3 JUDGE BARTHE: Thank you. And one last question about the
4 incident with the car. In your SPO statement P1115.2, page 41, lines
5 17 to 19, you said that you had used the car, the Mercedes, yourself
6 at least for some time and then gave it to the General Staff. And
7 then this was written down, you said, according to the transcript as
8 well, and you continued by saying, I quote:

9 "There was a form for that."

10 Can I ask you, can you tell us what kind of form were you
11 referring to?

12 A. Exactly what did you mean, a form? I don't recall.

13 JUDGE BARTHE: Maybe it helps if I could ask Madam Court Officer
14 to have Exhibit P1115.2, page 41 for us on the screen.

15 THE WITNESS: [Interpretation] I'm sorry. I touched that, but
16 sorry for that.

17 JUDGE BARTHE: I will read it to you in English, or maybe you
18 can see it. In the English, it's line 17. It starts on 17 and goes
19 on until line 19. I will read it to you, Witness, so please listen.
20 You said:

21 "So I'm proud of this ..."

22 Starting at line 16.

23 "... that a citizen brought me a car. It was a Mercedes and I
24 used it for some time and then gave it to the General Staff,
25 which..."

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1 A. Yes.

2 JUDGE BARTHE: "... that was written down as well. There was a
3 form for that."

4 And I was referring to the term "form." I hope you can see it
5 in the Albanian version as well. And if so, can I ask you what kind
6 of form were you referring to?

7 MR. MISETIC: I apologise, Your Honour. I'm informed now that
8 there's a discrepancy between the Albanian and the English version,
9 and that I'm told the word "form" does not appear in the Albanian
10 version.

11 THE WITNESS: [Interpretation] No, it's not in the Albanian. I
12 was trying to look for it, but no.

13 JUDGE BARTHE: Fine. Maybe I can ask a different question. Was
14 there a form for goods or things that were given to the KLA, to you;
15 and if so, who issued that form?

16 A. I don't -- I don't -- I just simply don't understand. Why would
17 there be a form? I don't really understand.

18 JUDGE BARTHE: I don't know. This is why I'm asking you,
19 actually. Let me ask you another question in this context. Can you
20 describe how it worked? How did you give the Mercedes to the two
21 persons you mentioned, to Mr. Krasniqi and Mr. Limaj? How did it
22 happen?

23 A. Well, no. I don't actually remember exactly. Fatmir Limaj was
24 of course there, said he needed it. I don't know whether they asked
25 for it or whether I volunteered to give them the car. I can't

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1 remember, to be honest. But just like I've said here is that,
2 basically, I gave them the car so that when they would appear in the
3 media, the General Staff members would look like they had a good
4 vehicle that they were using. I mean, really that's what it is
5 about. I cannot remember anything else.

6 JUDGE BARTHE: You also cannot remember whether you had to sign,
7 or others, these two persons, had to sign in order to make a proper
8 record?

9 A. No, no, no, no, no.

10 JUDGE BARTHE: Thank you. Witness, you also told the SPO in
11 2019, and it was also mentioned here yesterday, that Azem Syla,
12 Hashim Thaci, Kadri Veseli, and Jakup Krasniqi all came to see you in
13 Krojmir in order to hear your explanation of what had happened in
14 relation to your conflict with Mr. Buja, Shukri Buja, and that you
15 were told to carry on as before, and that Mr. Buja would be
16 transferred to the Nerodime zone; is that right?

17 A. It's right.

18 JUDGE BARTHE: For the record, I'm referring to P1115.4, pages 5
19 to 6.

20 Witness, could you give us more details about that meeting or
21 visit in Krojmir, starting with the exact time of the visit? If you
22 know.

23 A. I don't know exactly when they came, but it was around midday or
24 perhaps the first part of the day. I cannot remember exactly. But
25 we were having a chat after this conversation took place. I

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1 explained everything that happened. And somebody said the Serbian
2 forces are coming on the Carraleve side, so I took a team, I went
3 out, and then they went back where they came from quite quickly.

4 So this meeting took place quite quickly. They went back
5 towards Shala, and I went towards Carraleve with some soldiers to see
6 what was happening, to see what was happening in terms of a Serb
7 assault. So like I've said there, that's what happened. I don't
8 really have anything else to say. It didn't take long. So everybody
9 had something to say very briefly -- actually, not everybody, but,
10 yes.

11 JUDGE BARTHE: For the record, that was in 1998 or 1999 that
12 meeting?

13 A. 1998.

14 JUDGE BARTHE: And can you recall the month?

15 A. It would have been August, certainly.

16 JUDGE BARTHE: And did the four people come alone or were they
17 accompanied by other soldiers?

18 A. I can't remember.

19 JUDGE BARTHE: Did they introduce themselves to you? I assume
20 that you already knew Mr. Syla, is that correct, from before?

21 A. Yes.

22 JUDGE BARTHE: Did you also know the other three, Mr. Thaci,
23 Mr. Veseli, and Mr. Krasniqi, from before? Had you already met them
24 or one of them?

25 A. The others? Yes, I did. Veseli, I cannot remember having met

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1 him, other than the day he was in Carraleve, when I mentioned that it
2 was about the positions. But, yes, I did know the others.

3 JUDGE BARTHE: So I ask again, did they introduce themselves to
4 you? For example, Mr. Thaci or Mr. Krasniqi. How did you know that
5 they were, in fact, Mr. Thaci and Mr. Krasniqi?

6 A. They didn't give out the names. Sorry, sorry. Okay. So they
7 didn't introduce themselves. We knew them already. They didn't
8 introduce themselves. They just commenced the meeting, and as I've
9 put it before, we just had the conversation as we did.

10 JUDGE BARTHE: And in what capacity did the four come in order
11 to speak with you?

12 A. Well, as I've said back then, certainly, and I've said it, they
13 came from the General Staff. Or the Central Staff. Whatever it was
14 called back then.

15 JUDGE BARTHE: Thank you. And I think you said yesterday that
16 the four men came unannounced; is that right?

17 A. Yes, absolutely true. They hadn't announced their arrival. I
18 mean, how could they have announced it? We didn't have any radios or
19 anything like that.

20 JUDGE BARTHE: Maybe by courier.

21 A. No, no, unannounced.

22 JUDGE BARTHE: Thank you. And what did they say about the
23 purpose of their visit?

24 A. Well, they just spoke. Shukri must have told them something
25 different. And then when they came over, it was different. So when

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1 it came to the order about the withdrawal, then they said, "Well, it
2 wasn't issued by us. He did this on his own." And then they said I
3 was right to carry on with what I was doing, and they said, "You will
4 continue to be here as battalion commander," and he was sent to
5 Nerodime as a zone commander.

6 So it was a brief conversation. It didn't take all that long.

7 JUDGE BARTHE: You said they were saying that -- who? Can you
8 remember who said that? Who said what? Who spoke the most among the
9 four?

10 A. To be honest, what each of them said, I do not remember. But
11 Azem Sylja and Hashim Thaci spoke. Actually, yes, that's correct.
12 But Buja, Rame Buja also spoke. But what exactly they said, I cannot
13 remember. I've forgotten.

14 JUDGE BARTHE: Also for the record, Rame Buja, is that the
15 brother of Mr. Shukri Buja?

16 A. Yes.

17 JUDGE BARTHE: Thank you. And how were the four dressed? Were
18 they wearing uniforms; and if so, what did these uniforms look like?

19 A. I cannot describe what attire they were wearing exactly, but it
20 was in military fatigues. But I can't really -- not all of them,
21 actually. I can't remember. It's been such a long time. It's not
22 as if I don't want to say. I just cannot remember.

23 JUDGE BARTHE: I'm just asking because I would like to know
24 whether they were recognisable as KLA members or KLA officials.

25 A. Yes, as KLA officials.

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1 JUDGE BARTHE: Can you give us any further information about
2 this meeting? For example, how long did it last?

3 A. No, I do not know exactly how long it lasted, but it didn't last
4 very long.

5 JUDGE BARTHE: Or where exactly it took place? In a house or
6 was it outside?

7 A. It was in a house in Krojmir. It was a house close to the
8 mountains where we, the soldiers, stayed.

9 JUDGE BARTHE: And how did the meeting end? How did the four
10 leave?

11 A. As I already stated, after they asked for my opinion, then they
12 said, "Okay, you carry on doing what you're doing, and you will
13 continue to be battalion commander, and Shukri will go elsewhere.
14 And everything is fine." And at that moment somebody said, one of
15 the soldiers, that there are -- Serbs are moving around, there are
16 movements. I think this was from their base in Carraleve. So I put
17 together a team, I went over in the direction of Carraleve, and they
18 went back towards Shala. I do not know exactly where.

19 But this is how they left. After the meeting ended, I took this
20 team, we went to where the Serbian forces were, and they went back.

21 JUDGE BARTHE: Thank you. My last questions pertain to Part 9
22 of your interview with the SPO, this is Exhibit P1115.9, page 20 and
23 the following pages, where you talked about the forester who wanted
24 to join the KLA and who was told by you that this was not a good idea
25 because he would be seen by some as a Serb collaborator. Do you

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1 recall talking about this in your interview with the SPO?

2 A. Yes, I remember. I went to pick up a weapon. He gave me the
3 weapon. And he said, "I'll come with you," and I said, "No."
4 Because generally those who were working at the time, there might
5 have been suspicions about them, so I didn't bring him with me. I
6 simply picked up the weapon. So it's exactly what I've said earlier.

7 JUDGE BARTHE: Thank you. Can you tell us when this incident
8 approximately happened? Was that in 1998 or 1999?

9 A. It was 1998.

10 JUDGE BARTHE: And can you recall the month?

11 A. I can't remember exactly, I'm afraid. If I've stated it
12 already, then it's precisely what I've said.

13 JUDGE BARTHE: Can you recall whether it was in summer or in
14 autumn or in winter or in spring?

15 A. It was summer. Definitely the summer. It must have been the
16 summer or even the autumn, but it was summer.

17 JUDGE BARTHE: Thank you. And in -- sorry.

18 A. It may -- it may have been June, actually. Something like that.
19 It could be June.

20 JUDGE BARTHE: Thank you. And in general, who decided within
21 the KLA at that time whether a person could become a member or not?

22 A. As I said earlier, this was an army made up of volunteers up the
23 end. So the mobilisation took part. But as I've already mentioned,
24 one would have to take their name down, so their name and surname, so
25 take down their data. And, of course, those who were working back

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1 then did not actually come over to join.

2 So when Albanians were dismissed, those who remained, the
3 suspicion was that they were collaborators. So there wasn't any
4 other example. But because he was a forester, I said maybe it's best
5 you don't come. The reason? Because somebody could have said, for
6 instance, that he might have been involved in wood felling and
7 something like that. They might have been punished legally and
8 lawfully, but because, say, for instance, somebody really has
9 undertaken illegal felling. And then -- but that's it really.

10 So during -- after the war, I saw him, I saw his wife, and so
11 on.

12 JUDGE BARTHE: And was there a procedure in place to find out
13 whether someone was a spy or a collaborator?

14 A. They were separate things. So I wasn't there for that. Maybe
15 the police had something to do with this, the service.

16 JUDGE BARTHE: The police, you are referring to the military
17 police?

18 A. Yes. The military police might have dealt with this.

19 JUDGE BARTHE: Thank you.

20 Madam Court Officer, could I ask you to bring up Exhibit P1119
21 and go to paragraph 29. This is the preparation note, Preparation
22 Note 1. I was looking at the wrong monitor. Thank you.

23 Witness, during your preparation session with the Prosecution,
24 you said -- according to the preparation note about the session, you
25 said the following in paragraph 29. You were asked what sector you

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1 meant, and you said that you meant the G2 sector. And you added:

2 "... that the Military Police would also assist in collecting
3 information about suspicious people, informants or collaborators."

4 My question is what is the G2 sector?

5 A. This was the service sector as far as I know. The intelligence
6 service.

7 JUDGE BARTHE: And is it still your evidence that the military
8 police had assisted in collecting information about suspicious
9 people, informants, or collaborators?

10 A. It was just what I thought. Because as one can see in the
11 provisional regulation, there are certain items there that I think
12 this is what they did, according to the provision regulation I was
13 shown.

14 JUDGE BARTHE: So the basis for your assumption is solely the
15 provisional regulation; is that right?

16 A. The regulation. And on top of that, the police. I think this
17 was their job. They didn't have anything else to do.

18 JUDGE BARTHE: Thank you. And who was responsible for dealing
19 with the person who was positively identified as a spy or a
20 collaborator? Was there a trial? If you know.

21 A. I do not know about this. Responsible person? I do not know.
22 In the battalion, we didn't have any.

23 JUDGE BARTHE: So you don't know whether there was a court or a
24 trial for a person who was identified, positively identified as a
25 collaborator in general?

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1 A. No. No, we didn't have any such thing.

2 JUDGE BARTHE: And would this person, a collaborator or a spy,
3 be arrested and detained?

4 A. Not in our battalion.

5 JUDGE BARTHE: And as far as you know, in other battalions?

6 A. I do not know about the other battalions.

7 JUDGE BARTHE: Did you ever see or hear about a person who was
8 identified as or believed to be a collaborator?

9 A. Not in our battalion.

10 JUDGE BARTHE: So you don't know whose job or task it was to
11 arrest and detain such a person; is that right?

12 A. They didn't have the right to detain anyone in our battalion.
13 But as I said earlier, the police had that job to deal with them.
14 But we didn't have anybody detained or stopped or detained in our
15 battalion.

16 JUDGE BARTHE: Thank you very much, Witness. I have no further
17 questions.

18 PRESIDING JUDGE SMITH: Thank you, Judge Barthe.

19 We'll have our morning break now. We will adjourn for a half
20 hour. Please join the Court Usher leaving the room.

21 [The witness stands down]

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

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

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

25 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the

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1 witness in.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: All right. Witness, we will continue
4 with some questions from the Panel. Judge Mettraux is next.

5 JUDGE METTRAUX: Thank you, Judge Smith.

6 And good morning, sir.

7 A. Good morning.

8 JUDGE METTRAUX: I'd like to seek your assistance in relation to
9 a number of discrete issues. The first one is the timing or the
10 approximate timing when Haxhi Shala replaced Fatmir Limaj as
11 commander of Brigade 121.

12 And for that purpose, I'd like to take you to what you said to
13 the ICTY on 23 April 2003. And for the record, that's
14 V000-4378-1-A-TR-ET. It's page 52 in English and 50 in the Albanian.

15 In that interview you had with the prosecutor of the ICTY, you
16 indicated that you believed that the change of command between
17 Mr. Shala and Mr. Limaj took place right after or around the
18 Holbrooke-Milosevic Agreement. Do you recall saying that to the ICTY
19 prosecutor?

20 A. Yes.

21 JUDGE METTRAUX: And do you recall that the Holbrooke-Milosevic
22 Agreement was reached on the 13th or 14th October 1998? Can you
23 recall that?

24 A. I didn't know the exact time of the agreement. This may have
25 been later. I think in November. Later.

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1 JUDGE METTRAUX: Well, in that case, let's have a look at --
2 well, first thing. Would you agree that your memory of these events
3 would have been fresher in 2003 than it is today, 25 years after the
4 facts? Would you agree with that?

5 A. Yes, yes. End of 1998, I didn't know the exact date, but it was
6 around that time.

7 JUDGE METTRAUX: Let's see maybe a document that might help you
8 with this. This is SPOE00213630 to 33-ET in the English, and in the
9 Albanian it would be SPOE00213633 RED.

10 Now just to explain to you what that is, sir. I suspect you
11 haven't seen this before. But this is the record of an interview of
12 a witness dated 11 June 2018 taken by the Special Prosecution Office
13 of the Republic of Kosovo, and the witness is Haxhi Shala. Do you
14 understand what you're looking at, sir?

15 A. Yes.

16 JUDGE METTRAUX: And if we can turn, please, to the next page in
17 both languages. And further down in the English, please. Thank you.

18 If you look, sir, towards the end of the page, Mr. Shala is
19 asked:

20 "Which Brigade were you part of during the war and what was your
21 position?"

22 Do you see that?

23 A. Yes, yes, this is what he said at -- this is what I said at that
24 time. But he has confirmed what I said.

25 JUDGE METTRAUX: So just reading what he says is he says that he

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1 was the commander of the 121 Brigade from October 1998, is that
2 correct, and it's consistent with what you said?

3 A. It's correct.

4 MR. MISETIC: Your Honour, I believe that the ICTY statement he
5 says November. Pretty clearly in the quote right after what you read
6 out he says it decisively. He says it's November.

7 JUDGE METTRAUX: Well, you can take him there, Mr. Miseti, if
8 you want, but the statement here says:

9 "From October 1998 to the end, I was the commander of the
10 121 Brigade."

11 MR. MISETIC: I'm talking about the witness's ICTY statement.

12 JUDGE METTRAUX: I understand. I'm asking him about the one
13 that's on the screen.

14 MR. MISETIC: Okay. Well, now the witness has given an answer
15 that that's consistent with what he said at the ICTY, and the portion
16 was not read to him that he said in 2003 that it was November.

17 JUDGE METTRAUX: Well, Mr. Miseti, as I said, you can put the
18 question.

19 The quote that's attributed to you, sir, and I'll ask you in
20 those terms, you said:

21 "Well, I think it must have been around that time, this
22 Holbrooke - Milosevic Agreement, right after this or around this
23 time. October, November."

24 And then he's being asked:

25 "October, November ...

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1 "Probably it was somewhere in November."

2 So that's sometime in October or November you had said; correct?

3 A. Correct.

4 JUDGE METTRAUX: And the recollection of Haxhi Shala was, as
5 we've just seen a moment ago, in October 1998. Do you agree?

6 A. I do.

7 JUDGE METTRAUX: And that's consistent with what you had said;
8 correct?

9 A. Correct.

10 JUDGE METTRAUX: Now, you said that Haxhi Shala replaced
11 Fatmir Limaj and Fatmir Limaj went on and you used the expression
12 yesterday to go "somewhere higher." Is it correct that you don't
13 know what position Fatmir Limaj went on to take after he left the
14 brigade?

15 A. It's correct. I don't know.

16 JUDGE METTRAUX: And just about Haxhi Shala, Topi. Can you
17 confirm that before he became the commander of the 121 Brigade, he
18 had been the head of the military police in the area? Do you know
19 that?

20 A. Yes.

21 JUDGE METTRAUX: And while we are on the subject of the military
22 police, can you tell us who Ajet Hasani and Ajvaz Korpuzi are and
23 what their functions are at the time?

24 A. Ajvaz Korpuzi?

25 JUDGE METTRAUX: And Ajet Hasani, if you can.

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1 A. Yes.

2 JUDGE METTRAUX: Were they members of the military police?

3 A. Yes.

4 JUDGE METTRAUX: Are you aware of allegations made against them
5 that they committed crimes against civilians while being members of
6 the KLA military police?

7 A. No.

8 JUDGE METTRAUX: Now, there's something else I want your
9 clarification on.

10 In your SPO statement, at various parts, you indicated that when
11 Fatmir Limaj was the commander of the brigade, you made regular
12 reports to him; is that right?

13 A. That's right, yes.

14 JUDGE METTRAUX: And I understand you made these reports in one
15 of two forms: Either in person when you would meet him or by
16 courier. Is that right?

17 A. Not when I met him, but I went to meetings. We went to meetings
18 inside the facility where the meeting took place.

19 JUDGE METTRAUX: Thank you. I want to ask you how --

20 A. Can we go back when you asked me about the police? I think you
21 asked me something about the military police, about Ajet and Ajvaz, I
22 think.

23 JUDGE METTRAUX: Yes, go ahead if you have something to add.

24 A. Can you please repeat the question?

25 JUDGE METTRAUX: My question was whether you were aware of

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1 allegations being made against both of these individuals, Mr. Korpuzi
2 and Mr. Hasani, that they had taken part in the commission of crimes
3 against civilians while they were members of the military police.

4 A. Who made such allegations?

5 JUDGE METTRAUX: Well, alleged victims of their crimes made
6 those allegations. Are you aware of that?

7 A. No, I am not aware of that.

8 JUDGE METTRAUX: And just about Mr. Korpuzi, Ajvaz Korpuzi, do
9 you know where he is from? Is he from Shale, Sedllar?

10 A. Yes.

11 JUDGE METTRAUX: And do you know whether he had a nickname at
12 that time?

13 A. Yes. For the moment I forgot, but he did have a nickname.
14 Maybe I will recall it later. Arbeni. Arbeni was the nickname.

15 JUDGE METTRAUX: Thank you. Now back to my question about the
16 communication with Mr. Limaj by courier. Can you tell us how it
17 functioned in practice? Would you write something on a piece of
18 paper, give it to someone to carry it to Mr. Limaj? How would you do
19 that in practice?

20 A. We had the meetings every week which I had to attend personally.
21 As far as a daily report, I sent it to Dr. Fitim Selimi in Sharr, and
22 he sent it through someone to Klecke.

23 JUDGE METTRAUX: And, again, describe it if you can how
24 physically it was done. You would write something on a computer or
25 on a piece of paper and that would be brought to Mr. Limaj?

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1 A. Not on computer, we didn't have computers, but manually.

2 JUDGE METTRAUX: And the same mechanism would be used if
3 Mr. Limaj had to give you orders or instructions? He could send it
4 to you via courier?

5 A. Yes.

6 JUDGE METTRAUX: And how would you know or how would the courier
7 know where to find Mr. Limaj?

8 A. In Klecke, he was based in Klecke. The command staff of the
9 brigade was located in Klecke. It is a well-known fact.

10 JUDGE METTRAUX: Thank you. That's useful. I have a very last
11 question. I want to be sure that I've understood exactly what you've
12 said about your role as the battalion commander.

13 Am I right in understanding that you were formally appointed to
14 be the commander of the battalion in the middle of August 1998?

15 A. In the middle of August 1998, I was appointed formally in
16 writing. That is, the decision. But even earlier, we functioned or
17 operated as a battalion, but it was at that time that I received the
18 oral formally.

19 JUDGE METTRAUX: That's clear. So, in effect, you were
20 performing, *de facto*, if I can use a legal term, in effect, you were
21 performing the functions of a battalion commander even before you
22 were formally appointed in writing; is that correct?

23 A. Yes, yes.

24 JUDGE METTRAUX: And was that the case as well with the other
25 members of the battalion, that before their formal appointment in

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1 August 1998, they were performing the same function they would do
2 after the orders had been issued?

3 A. Yes.

4 JUDGE METTRAUX: Thank you, sir, for your patience and for
5 answering my questions.

6 PRESIDING JUDGE SMITH: Judge Gaynor.

7 JUDGE GAYNOR: Thank you, Judge Smith.

8 Could I ask Madam Registrar, please, to bring up P1123 MFI. And
9 if we can go to the second page in English and Albanian.

10 Mr. Witness, you were shown this document yesterday. And as you
11 can see, at the top it appears to be a set of rules for the Sadik
12 Shala PU Battalion, and at the bottom it is signed by the commander
13 of the PU.

14 I'd like you, please, to read out loud the first bullet point of
15 the rules. Could you just read it out loud, please.

16 A. I cannot read the handwriting.

17 "The police -- military police has the duty ..."

18 It is very difficult for me.

19 "The police has the duty ..."

20 It's a meeting probably that was held by Haxhi Shala with the
21 3rd Battalion, but it is very hard for me to understand what he says.

22 JUDGE GAYNOR: Okay. I'll read out what it appears to say, and
23 that is that the "... Police has the right, in the created ...
24 situation, to execute, arrest, also battalion commanders, in cases of
25 violations of the Rules."

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1 Do you see the word "execute" in the second line?

2 A. I see that.

3 JUDGE GAYNOR: Right. Could you, based on your experience
4 within the battalion and dealing with the military police, could you
5 explain what you understand the word "execute" to mean?

6 A. It's the first time after you read it out to me I notice this
7 word "execute," which is not a good word. I don't know of any
8 execution. I don't know why it's written here. I think you need to
9 ask Haxhi. I have no answer for that.

10 JUDGE GAYNOR: And what does the word "execute" ordinarily mean?

11 A. I don't think it's a good word to use. It's a bad word.

12 JUDGE GAYNOR: Why do you say it's a bad word?

13 A. Because to execute -- I have no answer for that. I'm surprised
14 that they have written it.

15 "The police has the right to arrest ..."

16 You can ask Haxhi.

17 JUDGE GAYNOR: Okay. Just tell us very plainly what does the
18 word "execute" mean?

19 A. To execute, to eliminate. Of course, I think you understand it
20 too. It is translated.

21 JUDGE GAYNOR: Thank you. I'll note for the record, because,
22 Mr. Witness, it seems you can't read the first part of the sentence,
23 but it appears to say "police," not "military police," in the first
24 couple of words; is that right?

25 A. There was only one police, the military police. And he was the

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1 commander of that police. So it means the military police since he
2 was its commander. Why he has written that, I don't know.

3 JUDGE GAYNOR: Further on in the document, we see the word
4 "police" also used, so is it your understanding the police in the
5 context of this document means military police?

6 A. Yes.

7 JUDGE GAYNOR: Could I move now to a separate subject, and
8 that's the weekly meetings that you were just discussing with
9 Judge Mettraux. And these took place in Klecke, as you've told us.
10 Where exactly in Klecke did they take place?

11 A. Yes. They took place in the house of Hafir Manaj in Klecke. It
12 was a house which was very close to Fatmir, in the sense it belonged
13 to some of his relatives, where the brigade command was stationed.

14 JUDGE GAYNOR: And I understand that this was an opportunity for
15 Fatmir Limaj, as the brigade commander, to meet the four battalion
16 commanders as well as the brigade military police commander,
17 Haxhi Shala. Is that a correct understanding?

18 A. Yes. In addition to that, there were some other staff members
19 present.

20 JUDGE GAYNOR: Could you tell us who they were?

21 A. There were some others. Qerkin Dugolli, Naser Krasniqi.

22 JUDGE GAYNOR: And you said in your interview with the SPO that
23 you first started -- I'll give a reference to this. This is page 15
24 of Part 2 of your SPO interview. The question was:

25 "... these meetings that you attended in Klecke, which was this

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1 period when you went there regularly once per week?"

2 Your answer was:

3 "From the beginning of May '98, all the way until the end of the
4 war. With the exception of the time when the Serbs had penetrated
5 through Klecke, then we held the meetings in Novoselle instead."

6 Do you remember saying that to the Prosecution's office?

7 A. Yes, yes, that's correct. But we went in May and June less
8 often. After I received the decision on my appointment, I was
9 obliged to go there weekly, except when there was some fighting going
10 on. When the Serbs captured Klecke, we moved to Novoselle.

11 JUDGE GAYNOR: And going back to May 1998, were the attendees
12 still the commanders of the four battalions as well as the
13 brigade-level military police commander?

14 A. Yes.

15 JUDGE GAYNOR: Who typically would chair these meetings?

16 A. The brigade commander.

17 JUDGE GAYNOR: Fatmir Limaj?

18 A. Yes.

19 JUDGE GAYNOR: How long would they last approximately?

20 A. I can't be accurate. We reported on our work. There wasn't any
21 set time. Until every battalion commander reported on their work,
22 then we were done. We received the new tasks, and we went back to
23 our respective battalions.

24 JUDGE GAYNOR: In your evidence, I understand that the military
25 police at the battalion level received their instructions from the

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1 brigade command and not from the battalion commander; is that right?

2 A. Yes, correct.

3 JUDGE GAYNOR: Now, how would that work in practice? How would
4 they receive those instructions?

5 A. After looking at this document, they operated in the same way as
6 in the 3rd Battalion, also in our battalion. Haxhi Shala came and
7 met the military police, gave them tasks. I wasn't present. But
8 from that document, I guess it must have been the case with us too.
9 That is, he met with them.

10 JUDGE GAYNOR: Now, at your weekly meetings of the brigade
11 command, would Haxhi Shala or Fatmir Limaj issue instructions to
12 military police at the battalion level at those weekly meetings?

13 A. No, no.

14 JUDGE GAYNOR: What would Haxhi Shala discuss at the weekly
15 meetings?

16 A. I don't recall that he ever took the floor.

17 JUDGE GAYNOR: Not once in all of the weekly meetings that you
18 attended?

19 A. Maybe sometimes, but I don't recall.

20 JUDGE GAYNOR: Did you, at those weekly meetings, ever discuss
21 the problem of dealing with collaborators?

22 A. Yes. What do you mean by "collaborators"? I wasn't clear.

23 JUDGE GAYNOR: Did you discuss the problem of dealing with those
24 who were suspected of collaborating with the Serb forces?

25 A. No, never.

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1 JUDGE GAYNOR: The issue never arose at all?

2 A. No.

3 JUDGE GAYNOR: Very well.

4 A. No, never. There is a document which I was looking for --
5 actually, there is a document whereby I ask them to cooperate with
6 me. There was an instance when an order was issued to get from the
7 Albanians working abroad 2.000 Deutschmarks. And they took the
8 passport from one co-villager and told him, "We will give back your
9 passport when you give us 2.000 marks." So I sent this document
10 asking that they should consult me too. Because this person, said
11 person I am referring to, had already helped us, and he came to me
12 and said, "They took away my passport." I said, "Who got your
13 passport?" He said, "The police." I thought it was the Serb police.
14 Nezir Olluri was the name of this person. And so I asked the command
15 in a written form to consult me in such similar cases in the future.

16 JUDGE GAYNOR: Can I ask you -- I want to return to the military
17 police at the battalion level. You did not exercise control over the
18 military police in your battalion; correct?

19 A. No, no. I didn't.

20 JUDGE GAYNOR: How did those officers get along with the
21 soldiers in your battalion? How did the military police officers get
22 along with the soldiers in your battalion?

23 A. Well, not bad.

24 JUDGE GAYNOR: They were generally cooperative?

25 A. Yes.

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1 JUDGE GAYNOR: I want to clarify an answer you gave yesterday
2 about the military police. You were asked:

3 "... I'm going to put to you that Fatmir Limaj did not become
4 the chief of the military police directorate" --

5 And then you interrupted:

6 "One thing, if I may."

7 And then you said:

8 "Just a second, please. So, yes, I selected them, I would send
9 off the names, and then they would approve them. So they didn't have
10 to approve them. They could say so-and-so is not going to go
11 through, but basically they were the ones to decide."

12 Now, I --

13 A. Yes.

14 JUDGE GAYNOR: -- just want you to clarify who is "they" and
15 "them" in this instance? Could you clarify -- please.

16 A. The brigade command. I refer to the brigade command. The
17 police commander. There was a case when I proposed two persons to
18 become members of the military police, and the answer came negative.
19 I asked why is it a negative answer, and I have it in written form.
20 So I asked the reason why. They said they are not good enough. And
21 then at another moment, they recruited them.

22 JUDGE GAYNOR: So the brigade command were really the ones
23 controlling the military police at the battalion level in every
24 respect?

25 A. The commander of the brigade, of the police commander.

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1 Haxhi Shala, that is. He was the man responsible for that.

2 JUDGE GAYNOR: I see. I have no further questions. Thank you,
3 Mr. Witness.

4 Thank you, Judge Smith.

5 PRESIDING JUDGE SMITH: Any follow-up questions from the
6 Prosecution?

7 MS. D'ASCOLI: No, Your Honours.

8 PRESIDING JUDGE SMITH: I think you started, Mr. Roberts.
9 Anything?

10 MR. ROBERTS: No, Your Honour.

11 PRESIDING JUDGE SMITH: Mr. Thaci's attorney?

12 MR. MISETIC: Yes, Mr. President. Just a few questions.

13 Further Cross-examination by Mr. Misetic:

14 Q. Witness, Judge Barthe asked you about the LPK and asked you if
15 you could identify people who obtained a leadership role in the KLA
16 because of their LPK membership, and you gave Judge Barthe four
17 names: Emrush Xhemajli, Abaz Gjuka, Gafur Elshani, and Ali Ahmeti.
18 Do you recall those answers?

19 A. Abaz Gjuka is the same. It's Ali Ahmeti, but his *nom de guerre*,
20 his pseudonym was such.

21 Q. Okay. I'm just repeating the names you stated.

22 A. Yes.

23 Q. None of those three people obtained a leadership position in the
24 KLA; correct?

25 A. I told you about this case. Emrush Xhemajli was in the war.

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1 But I told you about the instance when I submitted my request in
2 Aargau. Maybe I can explain a little bit further now.

3 So the main people came from LPK, like Azem Sylja. I didn't want
4 to go into details. But just -- I mentioned simply the people I sent
5 request to, Xhavit Haliti, Azem Sylja, who were the main people in
6 KLA, and they belonged to the LPK. And when I did say this was
7 because that was the reality, and I didn't want to diminish the
8 values that the LPK had during the war. So I didn't say this in an
9 adverse manner, but I just did not wish to diminish the values of the
10 LPK.

11 And if one looks at the history, it's a truth universally
12 acknowledged that the LPK actually organised this. It was LPK
13 members. I didn't know every single one of them and did not know
14 their positions either. But primarily, the General Staff of the KLA
15 came from LPK members, and back then we were proud of this fact and
16 them.

17 Q. You've already testified you didn't know who was on the
18 General Staff during the war; correct?

19 A. No, not all of them. I did not know them. I'm sorry, I didn't
20 say all of them. No, I did not know all of them.

21 Q. But let me get back to my initial question. Emrush Xhemajli was
22 not in a leadership position in the KLA. Is that "yes" or "no"?

23 A. Please, sir. Let's take this slowly. This is not a "yes" or
24 "no" --

25 Q. I don't want a speech. It's yes or no.

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1 A. Emrush Xhemajli, I have stated already. I said I submitted my
2 request to Emrush Xhemajli when I was in Aargau. I do not know what
3 position he held. I do not know.

4 Q. Okay. So you don't know what position he held. How about
5 Ali --

6 A. No.

7 Q. -- Ahmeti?

8 A. I do not know what position he held.

9 Q. Gafur Elshani?

10 A. Neither do I know his position.

11 Q. Okay. Turning to another question Judge Barthe asked you
12 concerning the issue of collaborators and who decided to admit
13 collaborators.

14 Now, you've testified that when you went in to Kosovo, you went
15 to Krojmir tasked with organising the KLA in Krojmir; correct?

16 A. Yes, that's correct. Indeed.

17 Q. In deciding who to admit, did you have any -- who decided in
18 Krojmir whether to admit someone who, for example, was working for
19 the Serb -- had been working for the Serb institutions? You're the
20 organiser in Krojmir. Tell us who made those decisions about who was
21 trustworthy, who could be trusted in the KLA, and who was suspicious?

22 A. It never so happened that somebody would come in and was
23 suspicious. Everybody who came in was admitted, and we had a book
24 noting them down. So there's never been a case of not admitting
25 anyone. I never did that. Whoever came in, they were admitted. As

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1 I said earlier, Serb collaborators did not join the KLA. Those who
2 joined the KLA were people who wanted to liberate the country and
3 they were volunteers.

4 Q. Okay. So your evidence is that anybody -- you just assumed
5 anybody -- everybody that was coming in was doing so on a good-faith
6 basis?

7 A. Yes.

8 Q. You also gave an answer to Judge Barthe which I want to explore
9 with you about why there was a perception of collaborators. And you
10 mentioned that because many Albanians had been dismissed from their
11 positions in Serbian institutions in the 1990s, that those who were
12 left behind were perceived to be collaborators or potentially
13 collaborators. Do you recall that answer?

14 A. People thought so. So as I said, of course, there were people
15 who weren't such, but this is what the opinion was, the perception.
16 I didn't say that I thought in the same manner, but this is what was
17 generally thought to be the case.

18 Q. My questions to you were was this a widespread perception in the
19 Albanian community in Kosovo that because of the --

20 A. Yes, yes.

21 Q. And it was because so many Albanians had been dismissed from
22 their jobs in state institutions in the 1990s throughout Kosovo? Is
23 that the reason for the suspicion?

24 A. Yes, yes.

25 Q. I want to show you again the document that Judge Mettraux showed

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1 you, which is V000-4378-1-A-TR-ET, page 52. Okay. And I just want
2 to read out your full answers, and I don't know if -- I can't find it
3 in the Albanian.

4 JUDGE METTRAUX: I think it's the previous page in the Albanian,
5 Mr. Misetic. It's page 50, 5-0, in the Albanian.

6 MR. MISETIC: Thank you, Your Honour.

7 Q. So in 2003, you said -- and this is, again, you were being asked
8 when Haxhi Shala became the commander of the brigade, and you said --
9 the question was:

10 "Do you remember when, approximately when that was?"

11 And your answer then was:

12 "Well, I think it must have been around that time, this
13 Holbrooke - Milosevic Agreement, right after this or around this
14 time. October, November."

15 The question then is:

16 "October, November, of --"

17 And then you answer:

18 "Probably it was somewhere in November."

19 Do you see that?

20 A. I couldn't really know exactly, and I never knew the date,
21 because Haxhi Shala didn't come to us and say, "Today I became
22 brigade commander." I just said generally and approximately it was
23 then. And I stand by it.

24 Q. Okay. But you stand by that, as far as you recalled in 2003,
25 you thought it was November. But if it was earlier than that, we'd

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1 have to ask Haxhi Shala; correct?

2 A. So he would know exactly. I didn't know exactly but
3 approximately. And back then I said what I did say, so I think that
4 was it.

5 Q. And then --

6 A. I don't know whether you understand where I'm coming from.

7 Q. I understand. And, finally, I just want to pull a document back
8 up that Judge Gaynor showed you, which is P1123 MFI.

9 Now, Witness, Judge Gaynor asked you some questions about that
10 first bullet point, and you were asked about the word "execute." But
11 I want to continue on the next few words there and ask you if my
12 understanding is correct and if you read it the same way I do.

13 "The police has the right, in a created /given/ situation, to
14 execute, arrest, also battalion commanders ..."

15 Do you read that to mean that what's being said here is that the
16 military police has the right to execute battalion commanders? Is
17 that how you read that?

18 A. It's written there.

19 Q. You were a battalion commander, so I'm wondering whether you --

20 A. Yes.

21 Q. -- ever heard of Commander Topi issuing an order or instructions
22 that the military police could execute people like you? Did you ever
23 hear that?

24 A. No. To execute, no, I never heard any such thing about
25 executions. But the other things I did hear about. But in terms of

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1 execution, this is the first time I see of it. But the others, to
2 ask us questions for -- to the battalion commander as well, yes.

3 Q. Do you have any --

4 A. Also to take the weapons away from the battalion commander, yes,
5 I've heard that as well, but not execution.

6 Q. Do you have any understanding of what was happening in August
7 1998 such that Commander Topi would instruct the military police that
8 it had the right to execute battalion commanders? Why would he issue
9 that kind of instruction? If you know.

10 A. I do not know. I can't know.

11 Q. Okay.

12 MR. MISETIC: Thank you, Mr. President. That concludes my
13 questioning.

14 PRESIDING JUDGE SMITH: Mr. Emmerson, any questions?

15 MR. EMMERSON: Yes, but not very many.

16 Further Cross-examination by Mr. Emmerson:

17 Q. Witness, I'm asking you questions on behalf of Kadri Veseli.
18 And you'll remember that during the questions that were asked of you
19 by Judge Barthe, and I'm going from page 43 to 46, he asked you
20 certain questions about an occasion in August 1998 when four members
21 of the General Staff you said had spoken to you briefly about the
22 dispute between yourself and Shukri Buja. You remember the Judge on
23 the right-hand side asking you those questions?

24 A. Yes.

25 Q. And I'm going to put my case to you very clearly on this.

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1 Mr. Veseli has no recollection of being present at any conversation
2 with you and the other people that you mention in August 1998 in
3 Krojmir. And I just want to ask you some questions about the answers
4 that you gave to Judge Barthe on this.

5 I'm looking at the moment at page 45, line 20, where you say it
6 was a brief conversation. It didn't take that long. And I think I'm
7 right in saying that your overall evidence is that the conversation
8 was interrupted by a Serb offensive or information coming in that
9 there was a Serb offensive, and you went off in one direction with
10 your soldiers towards where you thought the offensive was and they
11 disappeared in a different direction. Is that correctly understood?

12 A. Please, the meeting ended. The decision was taken. And then we
13 left. But that day, Kadri Veseli was there with them. They were all
14 together. And news was received by a soldier that there were
15 movements. So I took a team with me and went over in that direction.
16 They went back. Which direction they went to, I do not know but they
17 do. And the names that I've already given were included in the ones
18 that were there.

19 Q. I just want to see if there's a possibility --

20 A. And Kadri Veseli that day did not take the floor. He said
21 nothing.

22 Q. This is why I wanted to see if there's a possibility that your
23 memory is playing tricks with you, because you were asked by
24 Judge Barthe quite specifically:

25 "You say that they were saying that ... can you remember who

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1 said that? Who said what? Who spoke the most among the four?"

2 And you said:

3 "To be honest, what each of them said, I do not remember. But
4 Azem Syla and Hashim Thaci spoke. Actually, yes, that's correct.
5 But ... Rame Buja also spoke. But what exactly they said, I can't
6 remember."

7 Do you remember saying that just this morning?

8 A. Yes, yes, I do. It's quite well what I've said. It's correct.

9 Q. Yes. So Judge Barthe was asking you which of the four did the
10 most speaking, and you replied by naming three people who did the
11 most speaking; correct? That's to say, Mr. Syla, Mr. Thaci, and
12 Mr. Buja.

13 A. Yes.

14 Q. But at one point you've said that both Mr. Veseli, who didn't
15 speak, and Mr. Krasniqi, who, as you've heard, does not accept either
16 that he was there, that there were five people there in that group --

17 A. Yes.

18 Q. -- but when the Judge asked you about four, you named three.
19 Can you help us? Are you sure that Mr. Veseli was there?

20 A. Please, sir. Yes, Jakup too. But I said these three took the
21 floor. They spoke. That's what I said. I said the three of them
22 took the floor. The other two didn't. I didn't say there were only
23 three there. And I've just stated this.

24 Q. No, no, you didn't say that. You said there were three there in
25 answer to a question from Judge Barthe, "Which of the four spoke

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1 most?"

2 And is it your evidence then that Judge Barthe's question was
3 based on a false premise, that, in fact, there were five and not
4 four? Judge Barthe asked you, let me read it to you again --

5 A. Five. Five, I said.

6 Q. So you're saying there were five there, three of whom spoke.

7 A. Yes.

8 Q. And you were --

9 A. Yes.

10 Q. -- also asked if they introduced themselves, and you said, "No,
11 I knew them from before." Correct?

12 A. No -- yes, yes, we did know them, so they didn't introduce
13 themselves.

14 Q. But you also qualified that by saying that as far as Mr. Veseli
15 is concerned, you'd only met him once; is that right?

16 A. Yes, I remembered him. Obviously, yes.

17 Q. And you didn't know he was a member of the General Staff at that
18 time, did you?

19 A. No, I didn't know.

20 Q. No. You're [Overlapping speakers] ...

21 A. When I had first seen him, when I first saw him, I didn't know.
22 So when we gave the positions, I didn't know he was a member of the
23 General Staff. I thought he was a person of a certain position, but
24 exactly what position he held I did not know.

25 Q. Yes, I'm -- I'm just asking --

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1 A. So --

2 Q. -- about --

3 A. So --

4 Q. -- after 25 years is there a possibility you might have been
5 mistaken as to who was at that meeting?

6 A. No. No, no, no. Hang on. Hang on. Please. I do remember
7 this because it was important. It could so happen that things like
8 that might happen. And, of course, what I've stated has been taken
9 down, and what I've said earlier is with the Prosecution, with the
10 Court, and it can be read. It's not like I'm just saying it today.
11 I'm defending what I've said earlier. But it could happen. After 25
12 years, it's quite normal that one forgets. That things are
13 forgotten.

14 But let me tell you something. The truth is never forgotten.
15 The truth is not forgotten. A lie? Yes, one can forget a lie,
16 because you don't know exactly what you said when. But I have tried
17 to tell the truth and that is why I have not forgotten.

18 Q. Nobody is accusing you in this respect of not trying to tell the
19 truth. The question I'm asking is it's not simply lies that get
20 forgotten, is it? You know from your own experience that it's often
21 difficult to remember details of events that took place 25 years ago,
22 and sometimes we rely on false memories to create yet further false
23 memories.

24 I mean, let me put it to you finally like this: Can you sit
25 here and swear on your honour that you are sure that Mr. Veseli was

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1 at that meeting?

2 A. Yes.

3 Q. Very well. Thank you.

4 A. May I also tell you something? The soldiers also know because
5 this -- they knew this. It's an event which I have put down on
6 paper. And that is why I said earlier that for the sake of defending
7 the war, I am quite capable of sending evidence to the Court for what
8 I have said. I can do this. When I get home, for instance, I can
9 send you evidence of these things so that we can defend the KLA war.

10 And here, I can even find the soldiers who were present that day
11 and get them to write you a letter for you to receive here in court.
12 Thank you for listening.

13 Q. Yes. If anybody needs you to follow up with further
14 information, I'm sure you will be asked. And not a great deal turns
15 on the question I was asking you. I simply wanted to see whether you
16 were sure. And in your own mind, you are. Thank you very much.

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

18 Mr. Ellis.

19 MR. ELLIS: No, thank you, Your Honour. Nothing.

20 PRESIDING JUDGE SMITH: All right.

21 Witness, you are finished with your testimony, and you will be
22 allowed to leave the Court now, and we wish you well. We thank you
23 for being with us and for sharing your information with us and for
24 your candour with everyone in the courtroom.

25 Please, you may leave the courtroom with the Court Usher at this

1 time. Once again, thank you.

2 THE WITNESS: [Interpretation] I would like to thank you too,
3 Your Honours. Thank you. Thank you.

4 [The witness withdrew]

5 [Trial Panel and Court Officer confers]

6 PRESIDING JUDGE SMITH: The next witness is going to -- since
7 he's a protected witness will take a little time. Yes. Did you --

8 MS. D'ASCOLI: Yes, Your Honours. I just wanted to say that we
9 are ready to -- for the changeover.

10 PRESIDING JUDGE SMITH: Yes, but the Registry has to do a few
11 things. So that would take us almost up to the time of break
12 anyways. So we'll just take the break now, we'll be back here at
13 2.30, and we will start with the next witness.

14 We are adjourned until 2.30.

15 --- Luncheon recess taken at 12.24 p.m.

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

17 PRESIDING JUDGE SMITH: I understood you have something to bring
18 to our attention.

19 MR. MISETIC: Yes, Mr. President. Although, I don't know why I
20 can't hear you. Okay. All right.

21 Mr. President, we received an e-mail about 30 minutes ago about
22 a change to the witness order.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: Okay. Well, we just wanted to note our objection
25 to the change in the witness order. It's less than 24-hours notice

1 now. Part of our team is scheduled to leave tonight. And we,
2 frankly, weren't anticipating that --

3 PRESIDING JUDGE SMITH: Frankly, we had it briefly explained to
4 us. We're never going to get to that witness this week anyway.

5 MR. MISETIC: Well, it might be different. And so in case that
6 happens, we want to put it on the record --

7 PRESIDING JUDGE SMITH: We are not going to get to that witness
8 this week.

9 MR. MISETIC: Okay. All right. I withdraw the objection,
10 Your Honour.

11 MS. O'REILLY: Sorry, Your Honour. To be absolutely clear, the
12 team members that need to leave the country can then leave the
13 country?

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 Look, it's just physically impossible to go through all the
16 witnesses that you've got and the cross-examination times and end up
17 with time left over tomorrow.

18 MR. PACE: Sorry, Your Honour. Just briefly. The point was, in
19 fact, if the cross-examination times were not accurate and things
20 move faster, all we were saying is that if the Court wanted, we do
21 have someone ready. But, of course, we are in your hands.

22 PRESIDING JUDGE SMITH: I understand that and appreciate it, but
23 we have to kind of plan a realistic programme also. And so I think
24 given the circumstances, we'll go with what I already said, and that
25 is we will not get to that witness. But I appreciate everybody

1 bringing it to our attention.

2 And if everybody is ready, we can start on the next witness.

3 Everyone is still present in the courtroom.

4 We are going to start on 4741 -- no, we did that already. Start
5 on 4850.

6 So, Madam Usher, you may bring the witness in.

7 So the change in order to the witness, there is no real
8 objection to the change in order. It's just because of the
9 timeframe.

10 MR. MISETIC: Well, I understand from the e-mail that now there
11 won't be a change in the order because starting next week it'll be
12 kept in the same order.

13 PRESIDING JUDGE SMITH: Oh, okay.

14 MR. MISETIC: Yeah.

15 PRESIDING JUDGE SMITH: That's okay, too. Thank you. We would
16 have been a little more on point with this, but we didn't -- hadn't
17 read it either. We didn't even know it had been sent.

18 [The witness entered court]

19 PRESIDING JUDGE SMITH: Just remain standing, Witness.

20 Witness, just remain standing.

21 The Court Usher will now provide you with the text of the solemn
22 declaration which you are asked to take pursuant to Rule 141(2) of
23 our rules. So read this out loud. This is your declaration.

24 THE WITNESS: [Interpretation] Solemn declaration according to
25 Rule 141: Conscious of the significance of my testimony and my legal

1 responsibility, I solemnly declare that I will tell the truth, the
2 whole truth and nothing but the truth, and I shall not withhold
3 anything which has come to my knowledge.

4 WITNESS: W04850

5 [The witness answered through interpreter]

6 PRESIDING JUDGE SMITH: Thank you. And you may be seated.

7 Witness, are you hearing the translation all right?

8 THE WITNESS: [Interpretation] Yes.

9 PRESIDING JUDGE SMITH: Good.

10 Witness, today we will start your testimony, which is expected
11 to last all day, one full day. As you may know, the Prosecution will
12 ask you questions first. Thereafter, Victims' Counsel will be asking
13 you questions. After Victims' Counsel, the Defence has the right to
14 ask questions, and members of the Panel might also have questions for
15 you.

16 The Prosecution estimate for your examination is one hour.
17 Victims' Counsel estimates that he will need 15 minutes. The Defence
18 estimates that it will need three hours. As regards each estimate,
19 we hope that counsel will be judicious in their use of the time. The
20 Panel may allow redirect examination if conditions for it are met.

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

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Examination by Ms. Hattabi

1 about.

2 In the event you are asked by the SPO to attest to some
3 corrections made regarding your statements, you are reminded to
4 confirm on the record that the written statement, as corrected by the
5 list of corrections, accurately reflects your declaration.

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

9 During the next days while you're giving evidence to this Court,
10 you are not allowed to discuss with anyone the content of your
11 testimony outside of the courtroom. If any person asks you questions
12 outside this Court about your testimony, please let us know.

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

16 If you feel the need to take breaks for any reason, please make
17 an indication and we will accommodate your need.

18 Any questions?

19 THE WITNESS: [Interpretation] No.

20 PRESIDING JUDGE SMITH: Thank you.

21 We begin with the Prosecution. They are seated to your left.
22 Please give them your attention.

23 Madam Prosecutor, you may proceed.

24 MS. HATTABI: Thank you, Your Honour.

25 Examination by Ms. Hattabi:

1 Q. Good afternoon, Witness. We've met before but I will introduce
2 myself again. I'm Dounia Hattabi with the Prosecution, with the SPO
3 today. I will be asking you some questions for the next hour or so.

4 Before I ask the Presiding Judge to move into private session in
5 order to obtain information to establish your identity, I will note
6 that, as I explained during your preparation session last week,
7 rather than asking you questions about every relevant issues that you
8 may have information about, it may be possible to admit some of your
9 prior statements containing such information in evidence.

10 In order to do so, there are several procedural steps to follow,
11 which I will turn to after establishing your identity.

12 MS. HATTABI: Your Honour, we need to go to private session in
13 order to obtain some identifying information.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 Madam Court Officer, for the protection of the witness, please
16 take us into private session.

17 [Private session]

18 [Private session text removed]

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: Thank you.

20 MS. HATTABI: The items I will be asking to be shown today are
21 not for public broadcast.

22 Madam Court Officer, could you please pull up

23 SPOE00089545-00089570 RED side by side with SPOE00089571-00089595

24 RED. The first pages for both, please.

25 Q. Witness, did you testify in an investigation referred to on the

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Examination by Ms. Hattabi

1 date indicated?

2 A. Yes.

3 Q. Now, let's go to the last pages of both documents, please,
4 focusing on -- so now focusing on the English document on the right
5 side of your screen. If you look -- document on the left side of the
6 English document, do you recognise your signature, Mr. Witness, at
7 the bottom of the page?

8 A. Yes.

9 Q. Thank you.

10 MS. HATTABI: Madam Court Officer, I would now like to show the
11 witness SPOE00092352-00092379 RED side by side with
12 SPOE00092380-00092407 RED. The first pages for both, please.

13 Q. Witness, did you testify in the case referred to here on the
14 date indicated?

15 A. Yes.

16 Q. Do you recall being provided with an opportunity to provide
17 clarifications in relation to the statements last week?

18 A. Yes.

19 Q. And do you recall that you made some clarifications to these
20 prior statements?

21 A. Yes, I remember.

22 Q. And do you recall that these clarifications and corrections were
23 included in a note which was read back to you?

24 A. Yes, I do.

25 Q. Now, taking into consideration the corrections as set out in the

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Examination by Ms. Hattabi

1 note, is the information provided in the statements that I referred
2 you to today accurate and truthful to the best of your knowledge and
3 belief?

4 A. Yes, true. They are true.

5 Q. Subject to the corrections set out in the note, do the
6 statements I referred you to today accurately reflect what you would
7 say if you were examined about the events recorded therein?

8 A. Yes, correct.

9 MS. HATTABI: I'd like to seek admission of the prior
10 statements. The relevant ERNs of which are set out in the 20 April
11 2024 e-mail and in Annex 1 to Prep Note 1, which is ERN
12 120604-120611. And we also tender this note into admission.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. TAVAKOLI: No, Your Honour.

15 MS. O'REILLY: None.

16 MR. TULLY: None, Your Honour.

17 MR. ELLIS: No objection, Your Honour.

18 PRESIDING JUDGE SMITH: SPOE0089545 to 0089570 RED and
19 SPOE00092352 to 00092379 and the note are admitted and will be
20 assigned exhibit numbers.

21 THE COURT OFFICER: Your Honours, the first record of statement,
22 SPOE00089571 to 00089595 RED for the Albanian and SPOE00089545 to
23 00089570 RED for the English, will be assigned Exhibit P1127 and will
24 be classified as confidential.

25 The second statement, SPOE00092380 to 00092407 RED for the

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1 Albanian and SPOE00092352 to 00092379 RED for the English, will be
2 Exhibit P1128 and will be classified as confidential.

3 And, lastly, the preparation note, 120604 to 120611, will be
4 assigned Exhibit P1129 and will be classified as confidential.

5 PRESIDING JUDGE SMITH: Thank you.

6 You may proceed.

7 MS. HATTABI: Your Honour, on 20 April 2024 we submitted a
8 proposed summary for this witness's evidence, now admitted under
9 Rule 154, to the Panel, Defence, and the victims. We haven't
10 received any objection, so with your leave I would read the summary.

11 PRESIDING JUDGE SMITH: You may proceed.

12 MS. HATTABI: 4850 has knowledge that a person was arrested and
13 taken away by KLA members in 1999.

14 4850 also heard about other individuals being taken away by KLA
15 members around the same time.

16 4850 subsequently tried to obtain information from former KLA
17 members about the whereabouts of one of these individuals, but no
18 relevant information was provided.

19 4850 learned that this person had been mistreated during
20 detention. This person is still missing.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MS. HATTABI: Your Honour, we will need to move into private
23 session for my next set of questions.

24 PRESIDING JUDGE SMITH: All right. Into private session,
25 please, Madam Court Officer, for protection of the witness.

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Examination by Ms. Hattabi

1 [Private session]

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Examination by Ms. Hattabi

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Witness: W04850 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04850 (Private Session)

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Questioned by Victims' Counsel

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Witness: W04850 (Private Session)

Page 14897

Cross-examination by Ms. Tavakoli

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Witness: W04850 (Private Session)

Page 14898

Cross-examination by Ms. Tavakoli

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Witness: W04850 (Private Session)

Page 14899

Cross-examination by Ms. Tavakoli

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: Now we're adjourned.

25 --- Break taken at 3.28 p.m.

Witness: W04850 (Private Session)

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Cross-examination by Ms. Tavakoli

1 --- On resuming at 3.39 p.m.

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

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, we will continue
6 with questions from the Thaci Defence.

7 Ms. Tavakoli, you have the floor.

8 MS. TAVAKOLI: Thank you.

9 Q. Sir, I just want to check a point that -- an answer that you
10 made before the break, if I can.

11 MS. TAVAKOLI: And the transcript reference for this --

12 MS. HATTABI: We're in open session.

13 MS. TAVAKOLI: Oh, sorry. Please can we go to private session.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 [Private session]

16 [Private session text removed]

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Witness: W04850 (Private Session)

Page 14901

Cross-examination by Ms. Tavakoli

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Witness: W04850 (Private Session)

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Cross-examination by Ms. Tavakoli

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Witness: W04850 (Private Session)

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Questioned by the Trial Panel

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Witness: W04850 (Private Session)

Page 14904

Questioned by the Trial Panel

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Witness: W04850 (Private Session)

Page 14905

Questioned by the Trial Panel

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Witness: W04850 (Private Session)

Page 14906

Further Cross-examination by Ms. Tavakoli

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16 [Open session]

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

18 [Trial Panel and Court Officer confers]

19 PRESIDING JUDGE SMITH: So it looks like this -- yes, it looks
20 like this is it for today. The other witness is not available yet,
21 will be in the morning, so we will start tomorrow at 9.00.

22 Anybody have anything else?

23 I see you on your feet, Mr. Tully.

24 MR. TULLY: Yes, Your Honour. Very briefly.

25 The Selimi team will go first on cross-examination tomorrow of

1 2951, followed by Thaci, Veseli, and Krasniqi. Thank you.

2 PRESIDING JUDGE SMITH: Thank you very much.

3 So there being nothing else, we are adjourned until 9.00 a.m.
4 tomorrow.

5 --- Whereupon the hearing adjourned at 3.57 p.m.

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