

Monday, 24 March 2025

[Open session]

[The accused entered the courtroom]

--- Upon commencing at 9.02 a.m.

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

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

PRESIDING JUDGE SMITH: Thank you.

For the record, I note that the accused are all present in court today.

Before the next witness is brought in, there are a few preliminary matters to address.

First, the Panel will rule on the admission of the audio-visual recordings of W04264's witness statement tendered by the SPO in filing F02964, to which the Defence did not respond.

Having found W04264's statement admissible pursuant to Rules 138(1) and 155, the Panel admits into evidence the corresponding audio-visual recordings as identified in Annex 1 to the filing F02964, and directs the Registry to assign the admitted audiovisual recordings the same exhibit numbers which have been assigned to the relevant Rule 155 statements as indicated in Annex 1 to filing F02964.

The Panel further directs the SPO to make submissions on the

1 classification of the admitted audio-video recordings.

2 Mr. Prosecutor, can you make that submission at this time?

3 MR. PACE: I will confirm and get back to you shortly,  
4 Your Honour.

5 PRESIDING JUDGE SMITH: All right. Thank you.

6 Next, the Panel will give the floor to the Thaci Defence to make  
7 a submission as anticipated via e-mail.

8 Do we need to be in private session, Mr. Misetic?

9 MR. MISETIC: Mr. President, if you would, I think the  
10 Prosecution first had a motion to add exhibits, and I can do my  
11 motion and response all in one. I think it would be more efficient  
12 that way.

13 PRESIDING JUDGE SMITH: That's fine.

14 Please take us into private session.

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10 [Open session]

11 THE COURT OFFICER: [Microphone not activated].

12 PRESIDING JUDGE SMITH: Before we leave the room, and it's  
13 relevant to what's going on right now, this witness will, it looks to  
14 me, at least go into tomorrow during his testimony and  
15 cross-examination.

16 MR. PACE: Yes, Your Honour. We revised our direct examination  
17 estimate to four hours. So now it's 10.00, so, yes, it looks like  
18 cross-examination would start tomorrow.

19 PRESIDING JUDGE SMITH: And, number two, we have one other  
20 witness scheduled this week. Do we have anybody scheduled next week,  
21 actually scheduled?

22 MR. PACE: Yes. So we have one other witness scheduled this  
23 week, and I am told that that witness can start essentially as soon  
24 as this one finishes, even though it's videolink, with just enough  
25 notice.

1           For next week, we do have the one notified witness who is  
2           scheduled for Tuesday, because Monday is a public holiday, and I am  
3           told that that Tuesday appointment cannot be moved. We're in public  
4           session. I won't go into further details. Your Honours are aware  
5           fully of the situation. But for all intents and purposes, we intend  
6           to be here on Tuesday to examine the witness and then we'll take it  
7           from there. But that is our schedule. And he will be the one  
8           witness in our Thursday notification.

9           PRESIDING JUDGE SMITH: Thank you. That's all.

10          We'll step aside for a few minutes.

11                       --- Break taken at 9.41 a.m.

12                       --- On resuming at 9.57 a.m.

13          MR. PACE: Your Honour, if I may update you about the question  
14          you asked me before the break about confidentiality. It's unrelated  
15          to the --

16          PRESIDING JUDGE SMITH: Give me just a minute, please.

17          All right. Go ahead now, Mr. Pace.

18          MR. PACE: Thank you. This is not about the matter that was  
19          discussed immediately before the break. This morning, you asked  
20          whether the audio-video for 4264, what the classification is. And  
21          then in that regard, I say that Part 1 should be confidential. And  
22          that is consistent with the requests we made via e-mail for  
23          reclassification of the Rule 155 statement, and that was an e-mail  
24          dated 20 January 2025.

25          So both the transcripts and the video, only Part 1 needs to be



1 confidential. The rest can be public. And that's for 4264,  
2 Witness 4264.

3 PRESIDING JUDGE SMITH: All right. So ordered. Part 1 will be  
4 confidential.

5 All right. On the issue at hand. We will give you,  
6 Mr. Misetic, some time to meet with your client - all of you can have  
7 time with your clients - until 2.30 today. We will take up the  
8 matter at 2.30.

9 The document referred to as the *Kombi* article will not be added  
10 to the exhibit list. There was a timeliness issue. There is a  
11 problem with good cause in that the failure of the SPO to fully  
12 investigate an article of which they had notice.

13 We will overrule the objection to leading questions as set out  
14 in paragraph 12 and 63, 12 and 63, so questions may be asked on those  
15 issues by the SPO.

16 Finally, the remaining exhibits, other than that *Kombi* article,  
17 may be added.

18 And that ends the oral order on those issues or on that issue.  
19 So we will be adjourned until 2.30. And if there is some issue  
20 arising after that, Mr. Misetic, still arising, please bring it to  
21 our attention, but we'll give you that -- oh, I'm sorry. Let me  
22 finish saying that you bring it to our attention at the time, and  
23 we'll take a look at it, but this is our ruling for now.

24 MR. MISETIC: Understood. Thank you, Your Honour.

25 PRESIDING JUDGE SMITH: Yes, Mr. Laws.

1 MR. LAWS: Thank you, Your Honour. I need to ask the Panel's  
2 leave to reply to a filing from Friday.

3 On 11 March, the Panel invited submissions from Victims' Counsel  
4 in relation to the SPO's observations in relation to detention  
5 conditions. In that e-mail, a timetable was set for responses from  
6 the Defence, and it was stipulated that there were to be no replies,  
7 hence my submission. I would like the Panel's leave to reply,  
8 please.

9 We filed on 18 March, and the Selimi and Veseli Defences both  
10 filed responses last Friday, 21 March.

11 We wish to reply only to the Veseli response, which makes what  
12 we consider to be an incorrect statement in relation to our filing  
13 and it's of some significance to us. If we are given permission to  
14 file a reply, I can tell Your Honour that it will be less than 200  
15 words long, and it will be filed today.

16 PRESIDING JUDGE SMITH: Any objection from the Veseli Defence?

17 MR. DIXON: Your Honour, I don't know what the issue pertains  
18 to, what the inaccuracy is that's being alleged, but we would have no  
19 objection if the matter is limited to that question alone.

20 PRESIDING JUDGE SMITH: And that's exactly what Mr. Laws said.

21 MR. DIXON: Yes.

22 PRESIDING JUDGE SMITH: You know, perhaps an *inter partes*  
23 discussion would be of assistance also.

24 MR. DIXON: Yes.

25 PRESIDING JUDGE SMITH: But, yes, your leave to file a reply is

1 granted.

2 MR. LAWS: Thank you, Your Honour.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 --- Recess taken at 10.03 a.m.

5 --- On resuming at 12.15 p.m.

6 PRESIDING JUDGE SMITH: Before getting to the witness, we have  
7 another oral order that has to be dealt with.

8 The Panel notes that in F03045, the SPO requested leave to amend  
9 its exhibit list to add six documents -- oh, I think we did that  
10 already, didn't we? Yeah, we've done it. I'm sorry.

11 All right. We will call the witness in now.

12 [The witness entered court]

13 PRESIDING JUDGE SMITH: Witness, can you hear me?

14 THE WITNESS: [Interpretation] Yes.

15 PRESIDING JUDGE SMITH: Witness, the Court Usher will now  
16 provide you with the text of a solemn declaration which you are asked  
17 to take pursuant to our Rules of Procedure 141(2). Please look at  
18 the document and then read it aloud.

19 THE WITNESS: [Interpretation] Solemn declaration: Pursuant to  
20 Rule 142(2): Conscious of the significance of my testimony and my  
21 legal responsibility, I solemnly declare that I will tell the truth,  
22 the whole truth, and nothing but the truth, and that I shall not  
23 withhold anything which has come to my knowledge.

24 WITNESS: NAIM MALOKU

25 [The witness answered through interpreter]

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Procedural Matters

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1           PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
2   now.

3           Witness, today we will start your testimony, which is expected  
4   to last approximately two days. As you may know, the Prosecution  
5   will ask you questions first. Once they are finished, the Defence  
6   has right to ask questions of you, and members of the Panel might  
7   also ask questions of you.

8           The Prosecution estimate for your examination is two hours.

9           I believe you changed that to four hours, did you not, Mr. Pace?  
10   Yeah, okay.

11          So they will have four hours with you. The Defence estimates  
12   that it will need up to ten hours. And as regards each estimate, we  
13   hope that counsel will be judicious in the use of their time. The  
14   Panel may allow redirect examination if conditions for it are met.

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

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

24          Please also speak into those microphones and wait five seconds  
25   before answering a question, and then speak at a slow pace for the

Witness: Naim Maloku (Open Session)

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Examination by Mr. Pace

1 interpreters to catch up.

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

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

9 If you feel the need to take breaks, please make an indication  
10 and an accommodation will be made.

11 So we begin first with the questions from the Special  
12 Prosecutor's Office. They are seated to your left. Please give them  
13 your attention.

14 Mr. Pace, you may proceed.

15 MR. PACE: Thank you, Your Honour.

16 Examination by Mr. Pace:

17 Q. And good afternoon, Witness.

18 A. Good afternoon.

19 Q. We've met before, but I'll introduce myself again. I am  
20 James Pace, a Prosecutor with the SPO. And as the Judge said, I'll  
21 be asking you questions for the next four hours or so.

22 Could you state your name?

23 A. I am Naim Maloku.

24 Q. What is your date of birth?

25 A. 17 February 1958.

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1 Q. Where were you born?

2 A. In the village of Llabjan, municipality of Peje, Kosovo.

3 Q. Do you recall participating in an interview at the ICTY in 2005?

4 A. I do. This was 20 years ago.

5 Q. Do you recall participating in an SPRK hearing in an  
6 investigation in 2011?

7 A. Yes, I testified under oath in the court in Gjakove.

8 Q. Do you recall also participating in an interview with the SPRK  
9 in 2016?

10 A. In Kosovo?

11 Q. Yes.

12 A. Yes. Yes.

13 Q. And do you recall participating in an interview with the SPO in  
14 2019 in another country?

15 A. Yes, in the country where I reside, in Slovenia.

16 Q. Is it correct that in the last weeks the written transcripts or  
17 records of the interviews and hearing that I just referred to were  
18 read to you and you were provided with an opportunity to provide  
19 clarifications in relation to them?

20 A. Yes, that's correct.

21 Q. Do you recall that you made a number of clarifications and  
22 corrections to them?

23 A. Yes, that's correct.

24 Q. Do you recall these clarifications and corrections being  
25 included in a note which was read back to you?

Witness: Naim Maloku (Open Session)

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Examination by Mr. Pace

1 A. Yes, I do.

2 Q. Subject to the corrections and clarifications set out in the  
3 note, is the information in the statement and transcripts which I  
4 referred to you today accurate and truthful to the best of your  
5 knowledge and belief?

6 A. I tried to be accurate.

7 Q. Subject to the corrections set out in the note, do the statement  
8 and transcripts which I referred you to today accurately reflect what  
9 you would say if you are examined about the events recorded in those  
10 documents?

11 A. I think I will stand by those.

12 MR. PACE: Your Honour, I'd like to seek admission of the prior  
13 statements and one associated exhibit. These were authorised for  
14 admission in decision F02913. The relevant ERNs are set out in  
15 Annex 1 to Preparation Note 1 which we also seek to admit, and that  
16 is 126641-126649.

17 PRESIDING JUDGE SMITH: Any objection to that tender?

18 MR. MISETIC: No objection.

19 MR. DIXON: No objection.

20 MR. ROBERTS: No objection.

21 MS. V. ALAGENDRA: No objection.

22 PRESIDING JUDGE SMITH: The enumerated documents will be  
23 admitted and be assigned a number.

24 THE COURT OFFICER: Your Honours, if I can do that now on the  
25 record?

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1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           THE COURT OFFICER: The first item listed as ERN T000-2976-TR-ET  
3 Part 1 and its Albanian corresponding language combination will be  
4 assigned Exhibit P02087.1.

5           T000-2976-TR-ET Part 2 and its Albanian version will be  
6 Exhibit P02087.2.

7           T000-2977-TR-ET Part 1\_Corr Interp and its Albanian  
8 corresponding version will be Exhibit P02087.3.

9           Then the next item, SPOE00070682 to SPOE00070698, and  
10 specifically therein, as far as I understand, it's only pages  
11 SPOE00070682 to 70685?

12          MR. PACE: If I may assist, the entirety of that can be given  
13 one number because the division is only the English, the associated  
14 exhibit that's admitted, and then the Albanian. So it only needs one  
15 number.

16          THE COURT OFFICER: Thank you for that clarification. So the  
17 entire ERN SPOE00070682 to SPOE00070698 will be Exhibit P02088.

18          Then SPOE00067215 to SPOE00067221 RED and the corresponding  
19 English translation will be Exhibit P02089.

20          ERN 064883 to 064886 RED, which is in Slovenian and has  
21 corresponding English and Albanian translations, will be assigned  
22 Exhibit P02090.1.

23          064887-TR-ET Part 1 and its Albanian corresponding will be  
24 assigned Exhibit P02090.2.

25          064887-TR-ET and the corresponding Albanian, Part 2, apologies,



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1 will be assigned Exhibit P02090.3.

2 064887-TR-ET Part 3 and the corresponding Albanian will be  
3 assigned Exhibit P02090.4.

4 064888-TR-ET Part 1 and 064888-TR-AT Part 1 will be  
5 Exhibit P02090.5.

6 064888-TR-ET Part 2 RED and its Albanian corresponding will be  
7 Exhibit P02090.6.

8 And 064888-TR-ET Part 3 and the corresponding Albanian will be  
9 Exhibit P02090.7.

10 And, lastly, the preparation note with 126641 to 126649 will be  
11 Exhibit P02091.

12 Those were all the numbers. And if we can clarify the  
13 classification for all.

14 MR. PACE: They can all be public except for -- no, they can all  
15 be public. Thank you.

16 PRESIDING JUDGE SMITH: So reclassified as public.

17 Mr. Pace, questions?

18 MR. PACE: Yes. Before that, Your Honour, with your leave, I'll  
19 read a short summary of the 154 statement.

20 PRESIDING JUDGE SMITH: Yes, go ahead.

21 MR. PACE: The following is a summary of this witness's now  
22 admitted Rule 154 statements.

23 W04403 is a Kosovar Albanian who occupied various roles in the  
24 KLA in locations including Dukagjini. W04403 was a member of the  
25 operational directorate of the KLA General Staff. W04403 provides

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1 evidence concerning his roles and responsibilities in the KLA,  
2 certain meetings he attended in 1998 and 1999, the structure and  
3 organisation of KLA units, and his interactions with other KLA  
4 members.

5 Q. Witness, in your ICTY interview, you mention meeting  
6 Ibrahim Kelmendi and Xhavit Haliti in Fehmi Lladrovci's apartment or  
7 home in Munich. Do you recall when that meeting took place?

8 A. Yes, this was at the end of November 1997.

9 Q. Do you recall who else was present?

10 A. Mark Shala was present, Diana Rexhepi, journalist from Zagreb,  
11 Ton Marku, and Martin Berisha. These people, except for me, were not  
12 present in another meeting we had, which was attended by  
13 Fehmi Lladrovci, Xhavit Haliti, whom at the time I only knew as Zeka.

14 Q. And you mentioned Ibrahim Kelmendi. What was his role at the  
15 time of this meeting in December 1997?

16 A. I don't know what his role was. I knew him through Fehmi, and I  
17 believe that he had close ties with the KLA and that he had been  
18 active in Kosovo since 1992.

19 Q. Sorry, just to correct myself, you said it was the end of  
20 November 1997. And I have the same question in relation to  
21 Xhavit Haliti. What, if anything --

22 A. It may be the case. You understand that I struggle a little bit  
23 with the dates.

24 Q. And could you tell us, to your knowledge, what Xhavit Haliti's  
25 role was at this time, at the time of this meeting you're just

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1       describing?

2       A.    He did not introduce his role.  He only introduced himself as  
3       Zeka.

4       Q.    And although he didn't introduce his role, what -- to your  
5       knowledge, what was his role at the time?

6       A.    I was convinced that Xhavit Haliti, Fehmi Lladrovci, and Ibrahim  
7       Kelmendi represented -- were three important individuals in the  
8       direction of the KLA.  Fehmi Lladrovci, I knew him from my studies in  
9       Zagreb when I was in the military academy.  He was studying  
10      mechanical machinery in the University of Zagreb.  However, I trusted  
11      both of them, Fehmi and Ibrahim.

12      Q.    And do you recall meeting Ibrahim Kelmendi and Xhavit Haliti  
13      after this meeting at Fehmi Lladrovci's place?

14      A.    I met with Ibrahim Kelmendi.  But I met more frequently with  
15      Fehmi Lladrovci, in Slovenia, in Ljubljana, and in Prague, in the  
16      Czech Republic, on two occasions, on the seventh month and the  
17      beginning of 1998.

18      Q.    I want you to focus on meetings with Ibrahim Kelmendi and/or  
19      Xhavit Haliti after this November, December 1997 meeting.  Do you  
20      recall meeting Mr. Kelmendi and Mr. Haliti at another meeting?

21      A.    Ibrahim Kelmendi was the first I met with when I went to Tirana  
22      with the intention of joining the KLA.  This was on 8 March 1998.  
23      Ibrahim Kelmendi and Xhavit Haliti, I met both of them together in  
24      the course of March or beginning of April 1998 in the house where I  
25      lived during my stay in Albania.  I always knew Xhavit Haliti as

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1 Zeka, though.

2 Q. In your 2005 ICTY interview, you mention your book a number of  
3 times.

4 MR. PACE: And I'd now like to call up an item which is  
5 U002-3041-U002-3143, alongside the English translation,  
6 U002-3041-U002-3045-ET, and we'll go to the first page in both,  
7 please. And the exhibits I'm calling up today while in open session  
8 can be broadcasted to the public.

9 Q. Witness, do you see on your screen, on the left, an item in  
10 Albanian and, on the right, the translation in English of that item?

11 A. Yes.

12 Q. Is this the book that you were referring to in your ICTY  
13 interview?

14 A. Yes. I was asked about the book and I accepted it as mine.

15 Q. And the title here includes "Agim Zogaj" and in brackets  
16 "(Dialogue with Naim Maloku)." To your knowledge, does the book  
17 accurately reflect what you said during that dialogue?

18 A. The book represents and reflects what I said to Agim Zogaj  
19 during the interview he conducted with me.

20 Q. And to your knowledge, is the information you provided during  
21 that interview truthful?

22 A. It may be that there were some small exaggerations in there, but  
23 in general terms, the book reflects my past, my activity during the  
24 period of time I was asked about.

25 Q. And do you recall any particular issue or incident that you

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1 provided some exaggerations about in this dialogue as captured in the  
2 book?

3 A. There is a case when I'm asked how we managed to convince the  
4 monitoring -- International Monitoring Mission in Kosovo that the KLA  
5 had a structure which was complied with by the organisational levels  
6 of the KLA. I mentioned two cases. You know that in autumn 1998,  
7 based on the resolution of the Security Council of the  
8 United Nations, an international monitoring mission was deployed in  
9 Kosovo which monitored not only the events in general, what the  
10 Serbian forces were doing but also the KLA and our activity. To my  
11 knowledge, they met frequently with me and other people, during my  
12 time in Kosovo at least.

13 I mentioned two cases in which we confirmed and certified that  
14 we were a serious army, which led us to participate in the peace  
15 negotiations in Rambouillet. There is a case of seven soldiers being  
16 made prisoners in the Shala operational zone, and the discussions and  
17 negotiations for their release were conducted by members of the  
18 General Staff in Likoc and Dragobil; and a case where I happened to  
19 be at the operational directorate - this occurred in Mitrovice -  
20 involving a request by Serbia for a unit -- our unit in Mitrovice to  
21 surrender, and they forwarded this request through the international  
22 representatives. These international representatives were saying  
23 that the opposing party would treat those soldiers as per the  
24 international laws, and the decision and desire of those soldiers was  
25 not to surrender.

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1           We conducted an operation because we were able to monitor the  
2       communications of the Serbian forces who had surrounded the area, so  
3       we knew a path, a way out of there. A soldier was killed there, one  
4       was wounded. We managed to withdraw the unit. And this is what  
5       happened.

6       Q.   And in relation to these incidents, could you clarify to the  
7       Judges what, if anything, you may have exaggerated in your book?

8       A.   Maybe I presented the structure -- the organisational structure  
9       and the commanding chain as very strict. I would like to explain  
10      that the Kosovo Liberation Army was a voluntary regular army from the  
11      first to the last soldier. It was a voluntary army. It was not  
12      mobilised based on the laws of the government, the Ministry of  
13      Defence, but it was a self-organised army based on voluntary -- on  
14      voluntary basis.

15      It is a rule, as you might know, that in every army, every  
16      voluntary unit has certain responsibilities, obligations that differ  
17      from armies' units that are mobilised based on orders and laws. For  
18      example, if a voluntary soldier appears to the brigade, after a  
19      month, for various reasons, he may leave the unit and he's not  
20      regarded as a deserter because he came there on a voluntary basis and  
21      could leave. This applies to the implementation of the orders and  
22      the commanding chain. It may happen that a voluntary soldier may not  
23      implement an order, and he could not be held responsible before the  
24      organs of that voluntary army which are set up to institute  
25      discipline within the structure of that army.

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1           So this is where the differences between an army built based on  
2   the law and by the institutions of the state from a regular voluntary  
3   army, organised on a voluntary basis, where everybody is a volunteer.  
4   That was a minor exaggeration, I would say. But we were respected  
5   and our units respected the General Staff, so they respected the  
6   structure, the zone commander. But we have to bear in mind that  
7   it's -- the situation is not the same in a voluntary-based army  
8   compared to a regular army based on the law. And if they violate the  
9   law, they will be held responsible before the justice and the  
10   respective organs of that state.

11           MR. PACE: Let's please turn to the page ending 3043 in both  
12   items on our screen.

13   Q.   And, Witness, here we see a reference to 2000. Is that the year  
14   when this book containing your interview was published?

15   A.   Yes. That is the book that was published and this shows my  
16   story, and this is me presented through the story in that book.

17   Q.   And was it published in 2000?

18   A.   Yes. In 5.000 copies.

19           MR. PACE: Let's, in Albanian, turn to the page ending 3088,  
20   which is page 48 of the PDF.

21           And in English, we need to call up a different translation, and  
22   that's going to be U002-3080-U002-3141-ET, and it's the same page,  
23   3088, but the PDF page is page 9.

24   Q.   I will read from the beginning of the second paragraph.

25   Witness, you can either follow in Albanian or listen to the

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1 interpretation in Albanian, and then I will ask you a question.

2 "During my stay in Tirana, I had an experience with two  
3 individuals, who presented themselves in the name of the KLA  
4 Central Staff, who came and told me that they had no need for  
5 officers. Those people presented themselves with pseudonyms: Besnik  
6 from the district of Peja and Dervish from Drenica."

7 MR. PACE: And perhaps it would assist if in the Albanian we  
8 focus on the left-hand side of the page. Thank you.

9 THE WITNESS: [Interpretation] Yes, I remember that meeting.

10 MR. PACE:

11 Q. "They told me that the KLA still did not have sufficient weapons  
12 to incorporate officers into the war, which did not make any sense to  
13 me. At that time, I was in continual contact with Ilir Konushevci,"  
14 and in brackets we have "(Mergimi), who insisted that we officers  
15 should get into Kosovo. As far as I know, even within the  
16 Central Staff of the KLA a part of the leadership was in favour of  
17 the officers entering Kosovo, whereas another part opposed, and  
18 really, in my opinion, both sides were right. On one occasion, for  
19 example, Xhavit Haliti had told me that the lads of the KLA had  
20 reservations towards the officers, because we had served in a  
21 different [time]."

22 Now, my first question is when - what month and year - did the  
23 meeting with the two individuals you referred to here take place?

24 A. It was end of March.

25 Q. To be clear, was that 1998?



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1 A. 1998. Here I have softened, if you like, my description. Both  
2 sides were right. The side that had reservations toward us didn't  
3 have any right. We welcomed Albanian officers in the wars in  
4 Slovenia, Croatia, Bosnia, and they have indelible -- left indelible  
5 impressions in those wars. The reservations expressed towards us  
6 were unjust, counterproductive, and damaging to the war and to the  
7 establishment of the KLA.

8 The KLA, in our opinion, needed as many professionals to join  
9 it, educated professionals, in order to help to set up its  
10 organisational structure and to contribute to more effective, more  
11 professional resistance for the liberation of Kosovo. I have toned  
12 down somewhat the expressions there in order to strike a balance.

13 The year 2000 was a typical year in Kosovo. The war was over.  
14 And I tried to keep a balance among different political lines, and  
15 that's what I wanted to make clear here.

16 Q. And did you learn the names of the two individuals, the ones who  
17 presented themselves in the name of the KLA Central Staff and told  
18 you there was no need for officers?

19 A. Yes, I found out after the war. Besnik is Hysen Kazheli. He  
20 used to live very near my home, but I left Kosovo at a very young age  
21 and I didn't know him. Burim used to be from another village, I  
22 think Dush village. I didn't know that. But I have -- a first  
23 cousin of mine is married to his distant cousin.

24 Q. Do you recall that Burim's surname?

25 A. Marmulaku.

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1 Q. In this excerpt, you mentioned Ilir Konushevci. Do you know  
2 what his role was at the time, at the time that you're talking about  
3 here, March 1998?

4 A. Ilir Konushevci was a key figure in the logistics for the KLA in  
5 Albania. He was very insistent. He wanted as many officers,  
6 soldiers to enter Kosovo and join the ranks of the KLA. I know that  
7 he did his utmost to have experienced colleagues of mine from the  
8 wars in Croatia and Bosnia to come to Kosovo. And at his insistence  
9 and request, I called on many of them. Also at the insistence of  
10 Ibrahim Kelmendi. Both of them were in the same line, of the same  
11 opinion.

12 And I remember I received those officers who came, even  
13 Kadri Kastrati, Xhelal Hajda, Toni, Idriz Balaj. And through Ilir  
14 Konushevci and Qerim Kelmendi, who was in Bajram Curri, we helped  
15 them enter Kosovo.

16 Q. How did you know what you stated here in relation to part of the  
17 KLA Central Staff being in favour of officers entering Kosovo and  
18 part opposing that entrance?

19 A. The way the war started in Kosovo, we officers, a large number  
20 of them, came from many countries. I came from Slovenia. The Prekaz  
21 battle started on 5 March. I came to Tirana on 8 March with my own  
22 personal uniform which I had from the war in Croatia. I had kept  
23 that uniform.

24 Then Bislrim Zyrapi came. Agim Ramadani, Hafir Hoxha, Xhafer  
25 Gashi, Kadri Kastrati, they came. Agim Qelaj. They came from

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1 Croatia. Xhafer Kabashi, too, and others that now I can't remember  
2 the names. So all of us officers, we had Bislim Zyrapi to maintain  
3 links with the staff that we thought it was the Central Staff in  
4 Tirana. Bislim was the link between all of us officers, who stayed  
5 together in Tirana, who were waiting to join the KLA, with that  
6 staff, which I never showed an interest to find out where it was  
7 based. He told us that there is reservations regarding our entry  
8 into Kosovo and setting up the organisational structures of the KLA.

9 Q. And you mentioned just now that you went to Tirana on 8 March.  
10 And in your SPO interview, you said you crossed into Kosovo on 21  
11 April. Can you clarify? Had it been your intention to stay in  
12 Albania rather than Kosovo for that month and a half or so?

13 A. No. I was certain that within one or two days I would enter  
14 Kosovo.

15 Q. And why did you not enter Kosovo within one or two days?

16 A. Because there were some kind of preparations made. Then, I  
17 didn't stay there in vain. Together with Bislim Zyrapi, Ilir -- with  
18 the assistance of Ilir Konushevci, and with the establishment of the  
19 structures for the camps in Albania, we set up a training camp with  
20 Bislim Zyrapi in Qeret, in the vicinity of Durres.

21 Bislim appointed Bislim Gashi and Kadri Kastrati to deal with  
22 the training of the volunteers that came from all over the places,  
23 and we thought that they needed some preparations, at least some  
24 initial military preparation, before entering Kosovo. Agim Ramadani,  
25 Hafir Hoxha, and Xhafer Gashi set up this camp in Dajti mountains

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1 near Tirana. We set up two training camps for the training of these  
2 soldiers.

3 Bislim Zyrapi, Naser Idrizi, and myself, we went to the  
4 logistical bases in Kukes and Bajram Curri to establish a structure,  
5 organisational structure for these bases, so that the weapons that  
6 were collected in those bases, to check them from the tactical point  
7 of view, and so that when the soldiers who were given the weapons, to  
8 these soldiers that were supposed to go into Kosovo, were in good  
9 shape, were operational. Because before, such an organisation was  
10 never the case. The soldiers were given weapons and we heard that in  
11 some instances these weapons were not operational. So this is what  
12 we did in the meantime.

13 Another thing. Some weapons, we trained, we showed these  
14 volunteers how to use the anti-tank mines, explaining the details how  
15 to use the adequate mine, because you know there were different  
16 mines. So I remember that I explained such things because I was  
17 familiar with this weapon. I was educated for this kind of weapon.  
18 And I remember very well that we did a good work, so that the  
19 volunteers who came from the West first go to these training camps  
20 and then go to the logistical base, get functional weapons, and then  
21 enter Kosovo. So that the weapons were technically in order. I  
22 think that we did a good work as professional officers.

23 And I would kindly ask the Court and you, Mr. Prosecutor, to  
24 tell you that at the beginning of April 1998, Bislim Zyrapi, Agim  
25 Ramadani, and myself decided that we don't have anti-personnel mines

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1 in our army. It is the only army that during all the time when it  
2 functioned and operated, it was not trained and it didn't use mines,  
3 anti-personnel mines. It was our land, our state. Those mines might  
4 remain there and hidden, and after decades they might cause damages  
5 to the population, to the livestock. We communicated that to Ilir  
6 Konushevci. We couldn't order him, but we advised him and told him:  
7 Never give such mines to the soldiers and create minefields against  
8 the infantry in the territory of Kosovo. If some incident happens in  
9 the future, the Kosovo Liberation Army won't be held responsible for  
10 planting such mines if a child or a civilian is damaged by the mines.

11 We knew that neither Russia or United States had signed the  
12 conventions against use of anti-personnel mines, but we implemented.  
13 We signed such conventions without actually signing them.

14 Q. Witness --

15 PRESIDING JUDGE SMITH: Mr. Pace.

16 MR. PACE: Yes, sir.

17 PRESIDING JUDGE SMITH: We need to break for lunch also.

18 MR. PACE: Yes, Your Honour.

19 Q. Just before we go to break, Witness, you were answering my  
20 questions, but if I may remark, you're being very verbose, you're  
21 using many words. If I could ask you to be more succinct. And also  
22 if I raise my hand, it would be because you're going beyond the  
23 scope. I don't mean to be disrespectful. I just have limited time  
24 and material to cover.

25 A. Thank you.

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1 Q. Thank you very much.

2 A. Thank you.

3 Q. We'll take a break now.

4 PRESIDING JUDGE SMITH: We're going to break for lunch now,  
5 Witness. Sorry you had to wait so long this morning to begin, but it  
6 was necessary. So we're going to break for lunch until 2.30 and then  
7 we'll come back to court.

8 THE WITNESS: [Interpretation] I am here available to the  
9 justice.

10 PRESIDING JUDGE SMITH: Thank you. You may leave with the court  
11 attendant now.

12 [The witness stands down]

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

14 --- Luncheon recess taken at 1.02 p.m.

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

16 PRESIDING JUDGE SMITH: Before the witness is brought in, the  
17 Panel will rule on the Veseli Defence request for an extension of  
18 time.

19 On March 19, 2025, the Veseli Defence requested via e-mail that  
20 the Panel extend the deadline for the Defence to respond to the SPO's  
21 filing of F03028 to 9 April 2025.

22 The SPO indicated it does not oppose the request.

23 Having considered the request, and in view of the current  
24 schedule for the closing of the SPO's case by 15 April 2025, the  
25 Panel, pursuant to Rule 9(5), extends the deadline to respond to

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1 F03028 to 4 April 2025. Any reply shall be filed according to the  
2 usual time limit set out in Rule 76.

3 This concludes the Panel's order.

4 Madam Court Usher, please bring the witness in.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: All right. Mr. Maloku, we will continue  
7 with the questioning from the Prosecution. But I do remind you to  
8 please listen to the question and just answer the question concisely,  
9 and do not go into other areas beyond the subject of the question.

10 Mr. Pace, you may continue.

11 THE WITNESS: [Interpretation] Thank you.

12 MR. PACE: Thank you, Your Honour.

13 And, Court Officer, we can take the document on the screen down.

14 Q. Good afternoon, Witness.

15 A. Good afternoon.

16 Q. In your ICTY interview, you refer to a meeting in Dobrosh when  
17 the headquarters for Reka e Keqe were formed. Do you recall who  
18 attended the meeting in Dobrosh?

19 A. This was in the second half of June. And in the meeting in  
20 Dobrosh were the commanders of the staffs of 20 villages after Junik  
21 was taken over, which was the biggest village. We gained that  
22 territory following a military operation after Sali Veseli had  
23 arrived. He arrived at the end of May. And then we met in Dobrosh  
24 sometime in the second half of June 1998.

25 Q. Was Sali Veseli at that meeting in Dobrosh?

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1 A. Yes, Sali Veseli organised this. He was the highest-ranking  
2 officer in Kosovo at the time. We entered into the country as --  
3 based on our ranks or positions or education. Sali Veseli had  
4 graduated from the academy. He had the highest ranking. And he came  
5 there with the purpose of organising the brigade in Reka e Keqe.

6 Q. Did Sali Veseli have a nickname or pseudonym at this time of the  
7 meeting?

8 A. Yes, he was the initiator.

9 MR. PACE: And can I hear the word in Albanian that the witness  
10 used for that nickname from the interpreter, please?

11 THE WITNESS: [Interpretation] I --

12 MR. PACE:

13 Q. Sorry, Witness. Witness, could you actually just repeat the  
14 nickname in Albanian and can I not have -- can I just have a  
15 repetition of the nickname in Albanian?

16 A. Vetetima, thunder -- or lightning.

17 Q. Thank you. Witness, could you tell the Judges briefly what was  
18 discussed at this meeting in Dobrosh when Sali Veseli was there?

19 A. The discussion was about the fact that there were 20 villages  
20 under KLA control in that territory, so Junik and another 19  
21 villages. Each of them had their own KLA staff. During my stay in  
22 that territory, we had two training camps. I led one of them and the  
23 other one was led by Afrim Basha with the pseudonym Abi.

24 Q. I'm going to stop you because you're straying a little away from  
25 what I asked. For now I'm interested only in brief what was



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1 discussed at the meeting.

2 A. It was discussed that we had sufficient territory under our  
3 control to set up a brigade.

4 Q. Thank you.

5 MR. PACE: I'd like to call up IT-04-84 P00130 side by side with  
6 the English translation which has the same ERN with -ET, and we can  
7 stay on the first page of both, please.

8 Q. And, Witness, once again, there is a document on the left of  
9 your screen in Albanian, and on the right is its English translation.  
10 Had you seen the document in Albanian before I showed it to you last  
11 week?

12 A. I had not seen it before, but the content of this document is  
13 accurate.

14 Q. We'll get to that, Witness. We see that the title is "The  
15 Founding Meeting of the Kosovo Liberation Army Reka Staff," and we  
16 also see it's dated 15 June 1998 in Dobrosh. Do you see that?

17 A. Yes, Dobrosh.

18 Q. We see the first sentence mentioning:

19 "Vetima ... Major, appointed as commander ..."

20 And if we can scroll to the bottom of the page, both in Albanian  
21 and English, we see it appears to be signed by Commander Vetima.  
22 Could you clarify who that would be?

23 A. Yes, this is Sali Veseli.

24 Q. And do you recognise that as Sali Veseli's signature as Vetima?

25 A. Yes, this is the signature of Sali Veseli. All the documents he

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1 issued with respect to appointments at the staff of a brigade and  
2 battalion commanders bore his signature as I remember.

3 Q. And next to that signature towards the left, we see mention of  
4 Lum Haxhiu as the record holder. Do you know who that is?

5 A. Yes, this was Hajdin Abazi, who came from Sweden. He was an  
6 intellectual, spoke English, and he was appointed at the brigade  
7 staff in charge of communication with the media and representatives  
8 of the international community.

9 Q. In the second line, if we can scroll back up in both versions,  
10 please, we see a reference to Agroni, Captain. Do you know who that  
11 is?

12 A. Yes. Agroni was Rifat Sylejmani. He had also completed the  
13 military academy. He came in together with Sali Veseli and was then  
14 appointed commander of the 2nd Battalion.

15 Q. And the same third line mentions a Besniku. Was that your  
16 pseudonym at the time of this meeting?

17 A. I crossed into Morine on 22 April 1998, just like Naim Maloku.  
18 And then two days later, I heard the news that the Serb propaganda  
19 had claimed that I had died, after which I took and used this  
20 pseudonym Besnik, which I used for a month or a month and a half,  
21 until the end of June or beginning of July.

22 MR. PACE: Let's turn to the second page in both items, please.

23 Q. And, Witness, again, had you seen this document on your screen  
24 on the left in Albanian before I showed it to you last week?

25 A. Look, I've seen many documents, but I do not remember having

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1     seen this. This document was issued by the brigade commander  
2     Sali Veseli.

3           MR. PACE: And if we can scroll down to the bottom page of both  
4     versions.

5     Q. And we can look at the signature there, Witness. Do you  
6     recognise that signature?

7     A. Yes. Yes, this is Sali Veseli's signature.

8           MR. PACE: And, Your Honour, we seek to admit this document.

9           PRESIDING JUDGE SMITH: Any objection?

10          MR. MISETIC: No objection.

11          MR. DIXON: No, Your Honour.

12          PRESIDING JUDGE SMITH: IT-04-84 P00130 plus the English  
13     translation is admitted. Please assign an exhibit number.

14          THE COURT OFFICER: Your Honours, that will be assigned  
15     Exhibit P02092, and I note it's already public in Legal Workflow.

16          PRESIDING JUDGE SMITH: Fine. It will remain public.

17          MR. PACE: We can take this document down. And I'd like to now  
18     call up 126674-126682 side by side with the translation, which is at  
19     126674-126679-ET. And let's please turn to page 126678 in both.  
20     Thank you.

21     Q. And, Witness, do you see the document on the left of your screen  
22     in colour?

23     A. Yes.

24          MR. PACE: Let's now turn to the next page in both items,  
25     please. This is page 126679.

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1 Q. Do you see that on your screen, Witness? It's a different page.

2 A. Yes.

3 MR. PACE: And if we could kindly go back to the previous page,  
4 126678 now. Just to be clear, as I said before, since we're in open  
5 session, these items can be broadcasted.

6 Q. And, Witness, did you provide this document to the SPO?

7 A. Yes.

8 Q. When did you receive this document?

9 A. I received it sometime in December 1998 when we were issued  
10 identification cards, all of us working at the General Staff of the  
11 Kosovo Liberation Army. I kept this with me until the end of the  
12 war.

13 Q. And where were you, what location were you at when this was  
14 given to you?

15 A. I was at the seat of the General Staff in the village of  
16 Divjake.

17 MR. PACE: Your Honour, we seek to tender this item which, as I  
18 mentioned, would be 126674-126682, pages 126678 and 79.

19 PRESIDING JUDGE SMITH: Any objection?

20 MR. DIXON: No objection.

21 PRESIDING JUDGE SMITH: None.

22 126674 to 126682, and the translation, at pages 126678 and 79,  
23 admitted.

24 THE COURT OFFICER: Your Honours, those pages will be assigned  
25 Exhibit P02093. And can we confirm that they can be public?

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1 MR. PACE: Yes, thank you. And we can take this document down,  
2 Court Officer.

3 Q. And, Witness, in your SPO interview and during witness  
4 preparation, you referred to becoming a member of the KLA  
5 General Staff and first going to the KLA General Staff on 15 November  
6 1998 and to seeing Sali Veseli there that day. You also stated that  
7 Bislim Zyrapi invited you to become part of the KLA General Staff.

8 Now, my question is when did Bislim Zyrapi invite you to join?

9 A. Bislim Zyrapi knew that I was in Lladrovc. I was sheltered at  
10 my maternal uncle's house because I was wounded. I met with  
11 Bislim Zyrapi two days before 15 November. And then on 15 November,  
12 Bislim Zyrapi sent a car for me in the village of Lladrovc at my  
13 uncle's. It was a Jeep Cherokee. We viewed it as the vehicle of the  
14 chief of staff. There was a driver who then drove me to the  
15 General Staff.

16 Q. And on your first day there, on 15 November 1998, other than  
17 Sali Veseli, did you meet or see anyone else over there that day?

18 A. I saw Shaban Draga there, who was chief of Brigade 121, with his  
19 seat close to the staff. I saw Sali Veseli. Bislim introduced  
20 him -- actually he said, "He will be the chief of the operational  
21 directorate." Otherwise, I had known Sali Veseli from Junik. I do  
22 not remember other people. Perhaps I saw other individuals, but I  
23 don't recall.

24 Q. In your 2016 SPRK interview, you refer to the KLA General Staff  
25 headquarters being in Divjake near Klecke. Could you briefly

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1 describe the building or buildings --

2 A. Yes.

3 Q. -- that the KLA General Staff was based in when you were there  
4 from November 1998?

5 A. Initially, it was a house, distinct, different from other houses  
6 in the village because it has a white-coloured facade, outer walls.  
7 We are all -- called it the white house. Since the US has their  
8 White House, we have ours. Then there were another two or three  
9 accompanying or outlying buildings of that house which were renovated  
10 and put in use for the operational directorates, the chief of staff,  
11 and I think for the soldiers who were guarding the General Staff.

12 So these buildings had been used by that peasant for the  
13 livestock and other needs of the farm, which, as I said, were  
14 renovated and developed and used for the directorates -- developing  
15 directorates of the General Staff. So initially I was in this white  
16 house.

17 Q. In your SPO interview, you stated that the chief of the  
18 operational directorate was General Ramiz Beiqi, but he never arrived  
19 in Kosovo, and that his deputy was Sali Veseli.

20 A. Beiqi, right.

21 Q. Thank you. And I apologise for my pronunciation. And you said  
22 his deputy was Sali Veseli. And in witness preparation, you  
23 clarified this meant that in practice you were the second-ranking  
24 officer within the directorate; right?

25 A. Yes.

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1 Q. Now, could you clarify who gave you your tasks while you were a  
2 member of the operational directorate?

3 A. I received my first task on 18 November until 27 November and  
4 received this from Bislim Zyrapi. My task was to go to the territory  
5 of Brigade 122, which at that time was no longer a brigade but they  
6 were the Lumi units. But I had to meet there with the person who had  
7 been made commander of that brigade with the purpose of developing  
8 and organising, systemising the Lumi units into a brigade.

9 So for nine days I accompanied the appointed commander of the  
10 brigade, Vesel Maliqi, and Agim Leka, the commander of the  
11 1st Battalion. So we would go into every village where Lumi units  
12 were in order to introduce the new brigade commander, to meet with  
13 the units and the civilians. This was my first task given to me by  
14 the chief of staff Bislim Zyrapi.

15 Q. And while you were a member of the operational directorate,  
16 other than Bislim Zyrapi, did anybody else assign you any tasks? And  
17 to be clear, I'm interested in who, not the tasks themselves for now.

18 A. Only Sali Veseli.

19 Q. So if relevant information came to your attention while you were  
20 a member of the operational directorate, who would you relay or  
21 mention that information to?

22 A. No report, no information that came out of the operational  
23 directorate during my time there was not released from there without  
24 having received prior verification and signature of Sali Veseli,  
25 because I did not have the right to sign any documents released by

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1 the operational directorate. This was the task of Sali Veseli who  
2 was an exceptionally good and skilled officer.

3 Q. So here you're talking about information going out of the  
4 directorate. I'd like you to focus on when you learned of something,  
5 who would you talk to in the operational directorate about what you  
6 learned? Who would you go to?

7 A. I would go to Sali Veseli if -- in his absence, I would see  
8 Bislim Zyrapi. We were three officers, military officers at the  
9 General Staff. I am referring to that period of time, I apologise,  
10 the time I was there.

11 Q. Moving to something slightly different. Did you know a KLA  
12 member known as Murrizi in 1998?

13 A. Agim Zogaj. He was a soldier, short, of dark complexion, and I  
14 knew him as Commander Murrizi.

15 Q. To your knowledge, what was this person's role in the KLA at the  
16 time in 1998?

17 A. Two Serb reporters were detained. The rule was that reporters  
18 who were not accredited by the office for information and  
19 communication of the KLA and who were caught in the territory of  
20 Kosovo, they would be detained. So this case involved these two  
21 journalists, reporters who were not accredited to be in the territory  
22 of Kosovo. They were detained by Shaban Draga who brought them at  
23 the General Staff.

24 There was a basement in the white house with two rooms, so they  
25 were put -- placed there for 10, 12, or 15 days. Agim Zogaj was in



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1 charge of taking care of them.

2 Q. And how did you know that Agim Zogaj was in charge of taking  
3 care of them?

4 A. I and Sali Veseli were having breakfast, as I remember, and he  
5 came and asked us, "What shall I do about the breakfast of those who  
6 are there?" So we took part of our food, our breakfast, me and  
7 Sali Veseli, that is, we gave him two blankets, and he took those to  
8 them. This is how I understood it. Then I took on my duties, as I  
9 mentioned before. And then those individuals were released on 28  
10 November, which means they spent there 12, 13, or 14 days.

11 I know that those two rooms were then used for the female staff  
12 employed at the directorate of the General Staff, so they were used  
13 by the female staff. But this was not a prison. It was not a  
14 prison, it was not used as one, but they were just sleeping rooms or  
15 dormitories.

16 Q. And in terms of timing when Agim Zogaj came to speak to you and  
17 Sali Veseli about the journalists, am I understanding correctly that  
18 incident would fall between the time you got there on 15 November but  
19 before you left for the tasks Zyrapi gave you which you told us was  
20 on 18 November? Was it in those three days?

21 A. Yes. I can say this was on the next day, 16th or 17th, not the  
22 first day. It was either on the 16th in the morning or on the 17th,  
23 because I know on the 18th I went on duty. So it was one of those  
24 two days, not the first day.

25 Q. And do you know where Agim Zogaj, Murrizi, lived at the time in

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1 November 1998?

2 A. His house was not very far from the General Staff house. His  
3 family lived there.

4 Q. And did you ever visit that home?

5 A. Yes, several times. I remember that his wife and his mother, I  
6 think, washed my clothes. When I changed them, the dirty ones, they  
7 were -- they washed them. And one time I had lunch there.

8 Q. I'm moving to something else. In your ICTY interview, you  
9 stated that you were in Smolice when you saw the first introduction  
10 of a KLA spokesperson. And in your SPO interview, you state that the  
11 KLA spokesperson was Jakup Krasniqi. Could you clarify when it was  
12 that you were in Smolice and saw or learned of Jakup Krasniqi being  
13 introduced as the KLA spokesperson?

14 A. I remember his first introduction as KLA spokesperson. It was  
15 something unexpected -- not unexpected, but a great joy that he was  
16 introducing himself as a spokesperson, as a person with a name and  
17 last name, because initially, or before, they were known with their  
18 pseudonyms. It was either the first or the second part of June. I  
19 am not sure. But I do know that it was June 1998, as far as I  
20 remember.

21 Q. Did you ever see Jakup Krasniqi at the KLA General Staff once  
22 you got there in November 1998?

23 A. Yes, he was there all the time. What we refer to as the white  
24 house.

25 Q. I want to go back a little bit to what you were saying about the

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1 Serbian journalists, I think you said, and you mentioned that they  
2 weren't accredited. And you mentioned an office for information and  
3 communication of the KLA. Who was in charge of that office when you  
4 were in the General Staff from November 1998?

5 A. Mr. Krasniqi was the director of the directorate for information  
6 at the General Staff. And there were the offices for information.  
7 There was in Prishtine one, in Tirana. There was a spokesperson in  
8 Geneva, Brussels, Vienna, Berlin, Paris, London, and Washington.  
9 Mr. Krasniqi had such a position. I mean his task was to coordinate  
10 all the information offices and to cooperate with them. That was his  
11 primary task, of Mr. Krasniqi, in the General Staff. At least the  
12 way I understood it. I am talking in the way I saw it, I understood  
13 it.

14 Q. To your knowledge, what did the role of the KLA's general  
15 inspector entail?

16 A. The general inspector's role for the KLA, I don't know how much  
17 that inspector managed to develop that sector. Actually, his duty  
18 was to appoint inspectors at operational zones, maybe also at the  
19 brigades. They should propose the General Staff and appoint them as  
20 inspectors whose duty was to supervise all the activities of the  
21 units in the operational zones, in the brigades, all over the  
22 territory over Kosovo, to identify any irregularities that they might  
23 identify as such, to report to the General Staff chief, and to  
24 propose measures to redress such shortcomings or irregularities.  
25 This is what I know in relation to the responsibility of a general

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1 inspector in an army. As to how much such a general inspector  
2 managed to develop this sector, I don't know, because you know that  
3 in January I left the General Staff and went to Dukagjin.

4 Q. In your SPO interview, you refer to Rexhep Selimi as the  
5 inspector of the General Staff, and you mention him as one of the  
6 people entitled to attend briefings between KLA General Staff members  
7 and the commanders of operational zones. Did you ever see  
8 Rexhep Selimi at the KLA General Staff when you were based there from  
9 November 1998?

10 A. I want to improve something and to recall you something. The  
11 truth is that I never knew the true name of Rexhep Selimi. I knew  
12 him only by the pseudonym of the Tenth, Dhjete, in the General Staff.  
13 From his position and function, he was also a member of the  
14 General Staff of the KLA.

15 And you are saying -- you are saying about -- you are asking me  
16 about informative conversations. The way I saw them were meetings of  
17 the staff because the zone commanders were equal members of the  
18 General Staff, that closed circle where the zone commanders, the  
19 directors of the operational zones in the General Staff, the chief of  
20 staff, the general inspector, and the chief of the directorates for  
21 legal affairs participated. Someone mentioned it as a military  
22 court. Within the directorate, they set up the military court.  
23 These were meetings that were held once a month.

24 Q. When did you learn that the person known as the Tenth, or  
25 Dhjete, during the war was actually Rexhep Selimi?

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1 A. I learned it after the war.

2 Q. And now once again focusing back on when you were at the  
3 General Staff from November 1998, did you see a person whom you knew  
4 then as Dhjete at the General Staff at around that time?

5 A. Yes, I saw him, I think. I remember I saw him several times  
6 coming in and going out, but he did not have any communication with  
7 me. He did not enter into my office in the operational directorate.

8 Q. And how did you know that that person you saw was Dhjete?

9 A. Everybody knew that he was Dhjete. Sali Veseli knew him,  
10 Bislim Zyrapi knew it, everybody knew that he was Dhjete, or the  
11 Tenth.

12 Q. Changing subject slightly. Did you ever visit Turjake after you  
13 joined the operational directorate?

14 A. That's where I slept and worked all the time until I went to  
15 Dukagjin.

16 Q. Just to be clear, I said Turjake, not something else. I'm  
17 asking about Turjake.

18 A. Ah, Turjake. Yes, yes. Okay. I went to Turjake when I took  
19 over the first duty, from the 18th to 27th November. That was the  
20 first and the last time during the war. When I escorted brigade  
21 commander Vesel Maliqi, and there we had a meeting, like in every  
22 other village, with the unit there and with the villagers. I think  
23 it must have been 23rd or 24th November.

24 Q. Do you know or know of Jakup Kastrati and Cen Desku?

25 A. I heard about them when I was wounded. There was a communiqué

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1 issued on behalf of the KLA whereby I [as interpreted] was detained  
2 and was kept somewhere. It happened that we had this meeting in  
3 Turjake with villagers and the unit there. And there in the  
4 neighbourhood of Kastrati, in the neighbourhood of Jakup Kastrati. I  
5 think that the meeting was held in his oda or room.

6 Q. And, Witness, just to clarify the answer, at least as it was  
7 translated, you said:

8 "I heard about them when I was wounded. There was a communiqué  
9 issued on behalf of the KLA whereby I was detained, I was kept  
10 somewhere ..."

11 Did you say you were detained and kept somewhere or somebody  
12 else?

13 A. No, no. Maybe it was wrongly translated. The communiqué that  
14 Cen Desku and Jakup Kastrati were detained.

15 Q. [Microphone not activated].

16 THE INTERPRETER: Microphone.

17 MR. PACE: Thank you. I apologise.

18 Q. Could you tell the Judges briefly what, if anything, was  
19 discussed at the meeting which you believe could have even been in  
20 the old room of Jakup Kastrati?

21 A. Like in every meeting, I introduced the future brigade  
22 commander. I informed the unit and the villagers, the  
23 representatives of the families, because we summoned the heads of  
24 families to that meeting, introducing the new commander to them, and  
25 then I answered the questions I was asked from the participants. I

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1 spoke to them about the KLA, that we are going to liberate Kosovo,  
2 that we are being consolidated as the KLA, about the successes, about  
3 issues that were related to the situation, to give hope to the  
4 villagers, to give them examples, or to call on them in a way to  
5 mobilise, to join the KLA. Things that every military man or every  
6 officer does with villagers and soldiers.

7 Q. You mentioned a meeting may have taken place in Jakup Krasniqi's  
8 old room while you were there around this time. Did you meet any  
9 members of his family?

10 A. Yes, they were there.

11 THE INTERPRETER: Interpreter's explanation: Oda is a guest  
12 room.

13 THE WITNESS: [Interpretation] So, yes, they were there. He was  
14 a very well-known activist. And such meetings were held at the odas  
15 or guest rooms of people who were influential in that neighbourhood.  
16 Of course his family was there.

17 MR. PACE:

18 Q. And when you were in the oda, did his family mention anything to  
19 do with what you talked about earlier, that is that Jakup Kastrati  
20 had been detained with Cen Desku?

21 A. Yes. Yes, I remember it very well. I was asked whether I knew  
22 where they were and how they were, Jakup Kastrati and Cen Desku.

23 Q. And what did you say in response?

24 A. Before going there, Shaban Dragaj told me, he was a family  
25 relative of Cen Desku, he had heard that these two were going to be

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1 released on 28 November. And I told the participants there -- I  
2 remember very well because they mentioned it to me after the war  
3 every time I went there, because now we are even family related. A  
4 cousin of mine has his wife from there. They mentioned what I said  
5 when I said that in this room we are going to have lunch with  
6 Jakup Kastrati. I wanted to tell them that he was going to come to  
7 be released. That happened on 28 November, both of them were  
8 released.

9 Q. I'm changing subjects. In your SPO interview, you stated that  
10 when you were in the operational directorate, information from the  
11 operational zones would be provided over satellite phone. To your  
12 knowledge, was there one or more than one satellite phone at the KLA  
13 General Staff when you were based there?

14 A. As far as I know, every department of the General Staff, every  
15 directorate had to have a phone. The operational directorate had a  
16 phone. The chief of staff had such a phone. And when you asked me,  
17 I said that when the chief of staff went to the ground, I was  
18 responsible for his phone. Of course, he had to have a phone because  
19 he had to keep in touch with all the information centres. And I  
20 believe the other directorates, too, must have had such phones.

21 Q. And just to clarify, Witness, you said "when you asked me,"  
22 referring, I believe, to myself, do I understand correctly you're  
23 referring to witness preparation session last week?

24 A. Yes.

25 MR. PACE: And, Your Honours, we would briefly need to move into



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1 private session in light of the applicable restrictions on the use of  
2 the next document I want to use. I anticipate being in private  
3 session for around ten minutes.

4 PRESIDING JUDGE SMITH: We will go into private session to  
5 protect the source of the exhibits -- of the material, I'm sorry.

6 [Private session]

7 [Private session text removed]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: All right. Mr. Maloku, we're going to  
4 give you a ten-minute break at this time. You may leave the  
5 courtroom with the Court Usher.

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness stands down]

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

9 --- Break taken at 3.27 p.m.

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

11 PRESIDING JUDGE SMITH: Mr. Pace, we will quit today -- because  
12 the Selimi Defence wants to make a statement, we'll quit at 25 after  
13 4.00 instead of 4.30.

14 You may bring the witness in.

15 MR. PACE: And while that's happening, Your Honour, and unless I  
16 missed something via e-mail, could I inquire what the statement will  
17 relate -- is our presence required?

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. PACE: Okay.

20 PRESIDING JUDGE SMITH: You'll need to be here. It has to do  
21 with next week's witness.

22 MR. PACE: Oh, okay. Thank you.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. ROBERTS: Yes, Your Honour, it's just a suggestion, a  
25 constructive suggestion, if I may, that I would want to raise for the

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1 Court. Thank you.

2 PRESIDING JUDGE SMITH: We like constructive suggestions. Don't  
3 see very many.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Mr. Maloku, we continue with  
6 the questions from the SPO.

7 Go ahead, Mr. Pace.

8 MR. PACE: Thank you, Your Honour. We can take this document  
9 down, and instead I'd like to call up a page from the witness's book  
10 once again, and that is U002-3041-U002-3143 side by side with the  
11 English translation at U002-3080-U002-3141-ET. And in both, I'd like  
12 to turn to page U002-3103, which in Albanian is page 63 of the PDF  
13 and in English is 24. I apologise, it must be page 62 in Albanian,  
14 so the previous page. And that's correct in the English. Thank you.  
15 Q. And, Witness, once again, on the left is a page from your book.

16 MR. PACE: And if -- yes, in the Albanian, let's please zoom in  
17 to the last three paragraphs on the left. So that's good. We could  
18 zoom in further down. That's good. And I will start reading the  
19 corresponding to that and then on to the next page.

20 And in English, if we could zoom in to the five or so lines  
21 before and after the number 122 appears. So if we can scroll down a  
22 little bit. Yes. And I will start reading from "Before  
23 Rambouillet ..."

24 Q. So, Witness, you can follow in Albanian or listen in -- you can  
25 read in Albanian or listen in Albanian. I will read and then ask you

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1 some questions.

2 "Before Rambouillet, Recak happened, the capture of eight  
3 Yugoslav soldiers in Shale happened, the discussions for their  
4 release happened in Dragobil and in Drenica.

5 "What was important about the discussions in Dragobil?

6 "We were legitimised before the internationals as a regular army  
7 structure as having subordinate levels, because the soldiers were  
8 captured in Shale by a brigade unit, while the discussions for their  
9 release were held at the General Staff in Dragobil."

10 I'll stop there for now, Witness. And I believe you even  
11 mentioned this incident earlier today, but my question for you now --

12 A. Yes, yes.

13 Q. My question that I'd like you to answer now is how do you know  
14 that discussions for the release of the soldiers happened in Dragobil  
15 and Drenica?

16 A. I was there. I was at the General Staff in the directorate --  
17 operational directorate. 11th was the one who went -- was appointed  
18 to meet international representatives, Bislim Zyrapi, and the chief  
19 of staff, and other members. So we knew that negotiations were  
20 underway, because soldiers that were captured in the Shale  
21 operational zone were exchanged with some soldiers we had captured in  
22 December, when a column of our soldiers fell into an ambush and many  
23 were killed and some were taken prisoner. So it was an exchange of  
24 soldiers with the mediation of some persons from the international  
25 monitoring mission, so we know that was taking place. The media too

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1 spoke about these meetings and contacts. It was something that the  
2 population knew about.

3 Q. Could you clarify what month and year this incident took place?

4 A. Sometime -- Muje Krasniqi and the others were caught on  
5 14 December. The negotiations for the exchange of soldiers were held  
6 in December or January. I don't recall correctly.

7 Q. In your response, you mentioned 11th. Could you tell us name  
8 and surname of that person?

9 A. I understood after the war that this was Sokol Bashota.

10 MR. PACE: I will continue reading from where I left off, which  
11 means that I believe we're now at the last line in Albanian, so soon  
12 we'll need to move over to the top of the other side of the page.

13 Q. "There was yet another incident that should be mentioned. In  
14 the month of January, when a group of ten soldiers, from Shala e  
15 Bajgores was surrounded in a neighbourhood on the outskirts of  
16 Mitrovice by the Serbian forces, via the OSCE verifiers it was  
17 requested by the KLA GS to give them an order to turn themselves in  
18 in 15 minutes. However, the KLA GS gave an order for them not to  
19 surrender and sent a special unit of Drenica and units from Shala to  
20 their aid in order to extract them from the encirclement. The Serbs  
21 incurred great damage in personnel and equipment.

22 "These two moments indicated to the international community that  
23 we are an organised army and that even the last soldier in that  
24 structure listens to the orders of the General Staff."

25 Now, Witness, my question for you is how do you know about the



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1 January KLA General Staff order not to surrender and the KLA  
2 General Staff sending a special unit of Drenica and units from Shala?  
3 A. This operation was carried out in the operational directorate --  
4 with the operational directorate. We had a radio device which  
5 allowed us to intercept communications of the military and police  
6 forces of the Serbian army, so we knew how we could come to the aid  
7 of our soldiers there.

8 The Serbian forces asked through the OSCE representatives for  
9 them to surrender, providing guarantees that they would be treated in  
10 compliance with the international conventions. However, we could not  
11 trust the Serbs. And for them to surrender within 15 minutes, as it  
12 reads here -- actually, they waited for two days for our soldiers to  
13 surrender. It's not that we gave an order for them not to surrender.  
14 We were not in a position to do so. It's themselves who did not want  
15 to surrender.

16 We knew from the interceptions which path or corridor could we  
17 use to come to their aid, and the special unit of Brigade 111 and the  
18 special unit of the Shala unit were used to extract the soldiers from  
19 that area. One of them was killed, and I think another one was  
20 wounded. They on the other side suffered losses. They know better  
21 how many.

22 I know that I told this as an example because the international  
23 observers had come there based on the Security Council resolution.  
24 They were there to monitor and report back on the organisational  
25 level of the KLA. That is the reason why I said that I exaggerated

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1 here a little bit, not too much, in terms of strict organisation.  
2 However, the General Staff as such was respected and this is  
3 important to underline.

4 We gained our place, our seat at the table at the negotiations  
5 in Rambouillet also because of the assessment given by the  
6 international monitoring mission about us. We did not gain this  
7 right in fighting the opposing party who treated us constantly as  
8 terrorists. We were an organised, voluntary army.

9 Q. Witness, in the excerpt it is written, and earlier you told us  
10 what is written reflects what you said during this dialogue, that the  
11 KLA GS, if we go a little further, "sent a special unit of Drenica  
12 and units from Shala." Is that correct? Did the KLA General Staff  
13 send a special unit of Drenica and units from Shala to the aid of the  
14 soldiers at issue here?

15 A. One change here, one thing I changed here, because the book was  
16 meant for the wider public, Mr. Prosecutor, the General Staff does  
17 not have a commanding role. The operation was carried out by the  
18 operational directorate of the General Staff under the supervision  
19 and direction of the chief of staff. For example, the director of  
20 the directorate for information has nothing to do with the operation  
21 of extracting ten soldiers from a neighbourhood in Mitrovica or  
22 another operation which I led myself in another neighbourhood in  
23 Podujeve. This was carried out and conducted by the operational  
24 directorate of the General Staff and the chief of staff.

25 Q. Could you confirm or correct me if I misunderstand. Am I

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1 understanding correctly that you're saying that the operational  
2 directorate of the General Staff and the chief of staff are the ones  
3 who sent a special unit of Drenica and units from Shala in this  
4 instance?

5 A. This was our job. We were at war. We were not fighting each  
6 other with candies.

7 MR. PACE: We can take this document down. And, Your Honour, we  
8 would need to move back into private session for the same reason. I  
9 want to go back to the document earlier. It would be for no longer  
10 than five minutes, and this should be the last private session I  
11 require for today.

12 PRESIDING JUDGE SMITH: Into private session, please, to protect  
13 the source of the material.

14 [Private session]

15 [Private session text removed]

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: Thank you.

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1 Go ahead, Mr. Pace.

2 MR. PACE: Thank you.

3 Q. Witness, I'm turning to a different matter. In your SPO  
4 interview, you stated that during a January 1999 briefing, Ramush  
5 Haradinaj, commander of the Dukagjini operational zone, requested  
6 that the KLA General Staff assign you to help the Dukagjini  
7 operational zone, and that you were not exactly sure about the date  
8 when you went from the KLA General Staff to Dukagjini; is that  
9 correct?

10 A. Yes. It could be the second half of January, because the  
11 documents we saw mentioned 17 January.

12 Q. And to be clear, Witness, when you say "the documents we saw,"  
13 are you referring to witness preparation last week?

14 A. Yes.

15 MR. PACE: I'd like to call up SPOE00226468-SPOE00226480 side by  
16 side with the English translation, which is at  
17 SPOE00226468-SPOE00226480-ET Revised, and turn to page ending 226473  
18 in both versions, please.

19 Q. Witness, as before, on the left of your screen is a document in  
20 Albanian, it's handwritten, and on the right is its English  
21 translation. Had you seen the document on the left before I showed  
22 it to you last week?

23 A. No.

24 Q. We see it is dated 21 January 1999 and at the top states  
25 "Agenda" and then:



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1 "Information on the meeting with Operational Zones' commanders."

2 MR. PACE: And I'd like now to turn to the next page, 226474,  
3 please, in both. And at the top -- thank you, Court Officer.

4 Q. At the top of this page, we see it says:

5 "Naim Maloku should be transferred to Dukagjini for assistance."

6 And, Witness, does that accord with your recollection of events,  
7 meaning that it's possible you went to Dukagjini on or after 21  
8 January 1999?

9 A. Yes.

10 Q. And the entry immediately below that I referred to says --  
11 reads:

12 "Shaban /?Draga/ should be transferred to Drenica."

13 Do you recall whether Shaban Draga was transferred to Drenica?

14 A. We were transferred on the same day. We greeted each other.  
15 Shaban Draga went to Drenica from Brigade 121 in Pashtrik. He went  
16 to zone 1 in Drenica, but I do not know in which brigade or what  
17 exactly was his new task.

18 Q. On the same page, in the fifth entry we see a reference to  
19 Plaku. Do you know who that is?

20 A. I understood after the war that he was Xheladin Gashi. If this  
21 note or minutes are referring to him. If there was no other person  
22 who went by the same pseudonym, Plaku.

23 Q. The note here says:

24 "Plaku should be replaced in the Logistics by a person who knows  
25 the armaments."

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1 To your knowledge, did Xheladin Gashi, the one you knew who was  
2 known as Plaku, have anything to do with logistics in the KLA?

3 A. Yes. If we're referring to the person I'm thinking of, he was  
4 in charge of the logistics in the direction of Kukes or Pashtrik,  
5 because we had another direction from Bajram Curri. We had several  
6 points and various, many supply routes. Plaku had the direction in  
7 Pashtrik and Kukes, and in Bajram Curri was Qerim Kelmendi and Ilir  
8 Konushevci until he was killed.

9 MR. PACE: Your Honour, we seek admission of these two pages  
10 shown which are SPOE00226473 and 226474.

11 PRESIDING JUDGE SMITH: Any objection?

12 No objection is heard. SPOE00226473 and 226474 are admitted.

13 THE COURT OFFICER: Your Honours, those will be assigned  
14 Exhibit P02095. If we can just confirm the classification.

15 MR. PACE: Public.

16 PRESIDING JUDGE SMITH: It's reclassified as public.

17 MR. PACE: We can take the document down.

18 Q. Witness, during witness preparation you stated that after the  
19 KLA General Staff meeting with Ramush Haradinaj, when Ramush  
20 Haradinaj made this request for your transfer, you were called to  
21 Jakup Krasniqi's office where Ramush Haradinaj was also present. You  
22 were informed of the request, and you agreed to the transfer. And  
23 you said that, at a later time, Jakup Krasniqi gave you the order for  
24 this transfer; is that correct?

25 A. Yes.

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1 MR. PACE: I'd like to call up SPOE00228819-SPOE00228819 side by  
2 side with its English translation, which is the same ERN with -ET at  
3 the end. Thank you, Court Officer.

4 Q. Witness, once again, we see a document in Albanian on the left  
5 and its English translation on the right. Is the document --

6 A. Yes.

7 Q. -- in Albanian on the left the one that you received from  
8 Jakup Krasniqi?

9 A. Yes.

10 MR. PACE: And, Your Honour, we seek admission of this document.

11 PRESIDING JUDGE SMITH: Objection?

12 THE WITNESS: [Interpretation] Can I give a short clarification?

13 MR. PACE:

14 Q. Yes.

15 A. Mr. Jakup Krasniqi, this -- to my knowledge, this position --  
16 this secondary position of deputy commander, he held this position  
17 for about two months, one or two months, until he was then appointed  
18 a member of the delegation to Rambouillet. His main task and duty  
19 was spokesperson of the KLA in charge of information media.

20 Somebody had to take over the duties of this position because of  
21 the procedural rules. The position had to be filled in a way. I am  
22 able to explain to you why such a position was needed or existed.  
23 Can I explain? Will you give me a minute to explain?

24 Q. No. What I'd like you to clarify is when you refer to  
25 procedural rules --

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1 A. Fine.

2 Q. -- what procedural rules are you talking about there?

3 A. It's a procedural rule in an army that, for example, there needs  
4 to be a higher position, higher than the chief of staff, to decide  
5 for brigades, commanders in the zones. Secondly, the KLA was not  
6 institutional for us to have a general commander and a president to  
7 appoint or dismiss commanders of operational zones.

8 Therefore, we had come up with a position above the chief of  
9 staff in order to fill in this position. So the chief of staff would  
10 propose the zone commander and then the appointment would be made by  
11 a higher position, by a higher authority. The chief of staff  
12 appointing the zone commander was only implemented by the Llap  
13 operational zone. In the Dukagjini operational zone, it was not the  
14 case.

15 So this function, this position, and in order for me to be  
16 transferred from the General Staff as a high-ranking officer to the  
17 Dukagjini zone, this needed to be done by somebody who was at a  
18 higher position than the chief of staff. Hence, this position was  
19 filled during that period of time by Jakup Krasniqi, who otherwise  
20 was director of the information office and spokesperson of the KLA.

21 MR. PACE: Your Honour, I apologise, I interrupted the tender.  
22 I think you were checking about objections.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 On the tender, any objection?

25 MS. V. ALAGENDRA: No objection.

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1           PRESIDING JUDGE SMITH:   None?

2           SPOE00228819 to SPOE00228819 and the same in the English  
3 translation is admitted.

4           THE COURT OFFICER:   Your Honours, that will be assigned  
5 Exhibit P02096. And if we can confirm classification.

6           MR. PACE:   Public. Thank you.

7           PRESIDING JUDGE SMITH:   Thank you. It will be reassigned as  
8 public.

9           MR. PACE:   And we can keep the document on our screens, and if  
10 we could please zoom in to point number 5 in both the English and  
11 Albanian.

12          Q.   Witness, so this is the same document we were just discussing.  
13 And as you can see in Albanian, it says at point number 5:

14               "The superior has to personally assess the security and the  
15 self-defence measures according to the combat circumstances, asking  
16 for assistance from the Operational Zone Commander in case this might  
17 be needed."

18          And my question, Witness, is, once you went to the Dukagjini  
19 operational zone following this ordinance, did you assess the  
20 security and self-defence measures according to the combat  
21 circumstances there?

22          A.   Point 5 is in conformity with the military regulations. When a  
23 high-ranking officer is sent from one position to another, even in a  
24 war situation, the measure for self-defence should be assessed by the  
25 person himself. The signatory of this document and this ordinance

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1 removed the responsibility from himself to myself. That is, if my  
2 security was affected. The idea is that I had to assess the security  
3 situation and the self-defence measures. If I thought that I was at  
4 risk, I had to ask for assistance from the Dukagjin operational zone.  
5 This is an order pursuant to the military rules.

6 Q. And did you comply with this point number 5 in practice once you  
7 went to the Dukagjini operational zone?

8 A. To tell you the truth, I trusted all soldiers that the Dukagjin  
9 operational zone gave me to accompany me. I didn't doubt his  
10 decision. I never had any doubts about the soldiers who accompanied  
11 me. I never undertook any assessment regarding the reliability of  
12 the people surrounding me dressed or donned in KLA uniform.

13 Q. Did you carry out any form of inspections in relation to the  
14 troops once you went to Dukagjini operational zone?

15 A. All the time I was at the outside lines of the free territories  
16 then. And all the time I inspected and checked on the units of the  
17 Dukagjin operational zone. Maybe I was the only one who went to  
18 Brigade 133 and 136 as a high-ranking officer. To my recollection,  
19 the zone commander was never in those two brigades but I was.

20 MR. PACE: We can take this document down.

21 Q. Witness, during your time in Dukagjini in 1999, do you recall  
22 who the Brigade 131 commander was?

23 A. Daut Haradinaj.

24 Q. And for Brigade 132 at that time?

25 A. To my recollection, Maliq Ndrecaj.

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1 Q. And for Brigade 133 at that time?

2 A. Azem Veseli.

3 Q. Do you know someone called Naser Shatri?

4 A. Naser Shatri was in Brigade 133, but I don't recall whether he  
5 was the commander of the military police unit or of a special unit  
6 within Brigade 133. All the brigades in the Kosovo Liberation Army  
7 had a unit for rapid intervention or, as we called it, a special  
8 unit.

9 Q. Who was the commander of Brigade 134 when you were there in  
10 1999?

11 A. He was killed in January when I went. After five days he was  
12 killed. Then some others also were killed. And we -- some people  
13 from the brigades escorted them to -- for medical treatment abroad.

14 I started to re-establish Brigade 134 in Ratishe, lower Ratishe.  
15 I started with eight soldiers. The brigade commander was proposed by  
16 me, Ismet Ahmeti. Then Ramush Haradinaj approved him and appointed  
17 him.

18 Q. And could you tell us the name of the brigade commander before  
19 Ismet Ahmeti, the one you said died?

20 A. Agron Rama.

21 Q. Who was the brigade commander in Brigade 136 when you were in  
22 the Dukagjini zone in 1999?

23 A. Florim Krasniqi -- sorry, Qela. Florim Qela, officer who had  
24 finished the military academy in Belgrade for infantry.

25 Q. And to your knowledge, were there any issues or problems in

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1 relation to this brigade when you were there in 1999?

2 A. There was an issue, a divergence opinion between Rugova  
3 mountains, which comprised 13 villages. There were Ismail Hajdaraj  
4 with a group of soldiers. He was a commander of part of the area.  
5 But the largest part was commanded by Brigade 136. Sali Lajci was  
6 the commander -- chief of staff. I stayed there about seven days, I  
7 think.

8 Q. Do you know Ramiz Muriqi?

9 A. Ramiz was with Smajl Hajdari.

10 Q. Ramiz Muriqi is the same person as Ismail Hajdari?

11 A. Muriqi. Yes. Yes, the same.

12 Q. And was there a time when this person was no longer involved  
13 with Brigade 136 as such?

14 A. Yes. Ramiz Muriqi went to Albania afterwards, and I didn't see  
15 him until after the war.

16 Q. To your knowledge, was -- do you know -- rather, do you know  
17 whether Ramiz Muriqi was affiliated with the LDK or with the FARK?

18 A. People spoke much about FARK, but we military people didn't make  
19 any difference. We always understood one another. And our aim was  
20 to try to contribute to the liberation of Kosovo, because we saw  
21 major problems that happened in Croatia and mostly in Bosnia where  
22 many armies and many -- several commanding lines were established.  
23 We didn't want the creation of two different armies with differing  
24 commanding lines. We tried whatever we could not to have such  
25 divergencies as to come to an armed conflict. There were only



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1 political frictions, fortunately.

2 Q. Who was the commander of Brigade 138 when you were in Dukagjini  
3 in 1999?

4 A. I went there on 8 May 1999, in Brigade 138, and the commander  
5 was Rustem Berisha. I went there on orders of Bislum Zyrapi. He  
6 gave me the order on the phone.

7 Q. And what did he give you order to do when you went there?

8 A. I was in Brigade 133 which had the staff in Studenice. After  
9 the -- on the 17th, I think, of April, I received the phone call and  
10 was told to take Zim Ostreni to go to Brigade 136 to get Nusret  
11 Krasniqi with pseudonym Hansi and go and join Brigade 138, under the  
12 command of Rustem Berisha, because I am going to Albania to lead the  
13 Operation Shigjeta, which means arrow. That was the order.

14 MR. PACE: Your Honours, I just have two quick questions to  
15 conclude this topic, and then with your leave we can excuse the  
16 witness.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. PACE: I'll do my best.

19 Q. Witness, when was the command of Brigade 138 based when you went  
20 there?

21 A. The command of the Brigade 138 was in Papaj village in Albania.  
22 The brigade itself was within the territory of Kosovo.

23 Q. And briefly, what is the reason for them being in Albania --  
24 sorry, for the command being in Albania?

25 A. Because they felt safer there.

1 Q. Thank you.

2 MR. PACE: Your Honour, that's a good place to stop with the  
3 witness for today.

4 PRESIDING JUDGE SMITH: Thank you, Mr. Pace.

5 Witness, Mr. Maloku, we are finished for today. We are finished  
6 for today. We'll be back tomorrow at 9.00. Please do not speak with  
7 anyone about your testimony outside of the Court. If someone tries  
8 to talk to you, please let us know. And you may leave with the Court  
9 Usher at this time.

10 THE WITNESS: [No interpretation].

11 PRESIDING JUDGE SMITH: Have a good evening.

12 THE WITNESS: [Interpretation] Thank you.

13 [The witness stands down]

14 MR. PACE: And, Your Honour, with your leave, since the matter  
15 concerns a separate witness, my colleague Mr. Halling will respond as  
16 necessary.

17 PRESIDING JUDGE SMITH: Yes. You have the floor.

18 MR. ROBERTS: Thank you, Your Honour. If we could just go into  
19 private session, please.

20 PRESIDING JUDGE SMITH: Into private session, please,  
21 Madam Court Officer.

22 [Private session]

23 [Private session text removed]

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.  
22 tomorrow.

23 --- Whereupon the hearing adjourned at 4.30 p.m.

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