

1 Thursday, 24 October 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: All of the accused are present in court
11 today. We will continue hearing the evidence of Prosecution
12 Witness W04758.

13 Before we start, could I get an update on the Defence? I know
14 Selimi Defence has reduced their time estimate to 30 minutes.
15 Anybody else? Could I just have your current estimate?

16 MR. MISETIC: Mr. President, this might be a good time to tell
17 you. I'll try to stay within an hour, and I'm hopeful that we can
18 complete the witness today. And if that doesn't appear likely, then
19 I will have to make an application on my own behalf concerning my
20 ability to participate on Monday. So that's why I'm going to try to
21 cut mine shorter. Thank you.

22 MR. DIXON: Thank you, Your Honours. I will also be within an
23 hour for Mr. Veseli.

24 PRESIDING JUDGE SMITH: All right.

25 MS. V. ALAGENDRA: Your Honours, we've indicated two hours, but

1 I'm going to see what happens and probably cut down as well.

2 PRESIDING JUDGE SMITH: Thank you.

3 So do you still believe we will get to the next witness today?

4 Or do you --

5 MS. D'ASCOLI: The next witness is ready, Your Honours, so it
6 depends on how things go. But we stand ready to continue.

7 PRESIDING JUDGE SMITH: Okay. If we cannot, will you do the
8 three that are scheduled next week as ordered and move this one to a
9 different date?

10 MS. D'ASCOLI: Exactly, Your Honours.

11 PRESIDING JUDGE SMITH: All right.

12 MS. D'ASCOLI: Also because the witness has unavailabilities for
13 Monday.

14 PRESIDING JUDGE SMITH: All right. We sort of assumed that, but
15 I wanted to make sure. Thank you for your help and cooperation,
16 everybody.

17 MS. D'ASCOLI: Your Honours, if I may, before the witness is
18 brought in. I just wanted to communicate with regard to a document
19 that was MFI'd yesterday, P1762, that the English translation of the
20 cover page, U001-0041, has been prepared and disclosed yesterday in
21 Disclosure Package 1466.

22 So I would ask, one, that it be added to the presentation queue;
23 and, two, that it be added to the MFI'd document so that the document
24 can be admitted into evidence. And that's P1762. It can be a public
25 exhibit. Thank you.

1 PRESIDING JUDGE SMITH: Any objection to any of that?

2 MR. MISETIC: We have no objection.

3 MR. DIXON: No.

4 MR. ROBERTS: No.

5 PRESIDING JUDGE SMITH: Your request is granted. We will remove
6 the MFI and deal with the presentation queue.

7 Madam Usher, you may bring the witness in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: Good morning, Witness.

10 THE WITNESS: [Interpretation] Good morning.

11 PRESIDING JUDGE SMITH: Today we're going to continue your
12 testimony. I remind you to please try to answer the questions
13 clearly with short sentences. If you don't understand a question,
14 feel free to ask counsel to repeat the question or tell them you
15 don't understand and they will try to clarify. Also, please remember
16 to try to indicate the basis of your knowledge of facts and
17 circumstances upon which you will be questioned.

18 I remind you that you are still under an obligation to tell the
19 truth as stated by you in your solemn declaration. And please also
20 remember to speak into the microphone and then wait for five seconds
21 before answering a question and speak at a slow pace for the
22 interpreters to catch up.

23 And if you feel the need to take a break, just let us know.

24 Madam Prosecutor, you have the floor.

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

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1 WITNESS: NUREDIN IBISHI [Resumed]

2 [The witness answered through interpreter]

3 Examination by Ms. D'Ascoli: [Continued]

4 Q. Good morning, Witness. I'm at the last area of my examination.

5 A. Good morning.

6 Q. I want to start with a document.

7 MS. D'ASCOLI: Can I please call up SPOE00119155 to 00119164,
8 and I would need page SPOE00119159 of this document. And for the
9 English, the translation is SPOE00119159-ET.

10 Q. Witness, while this document is appearing on the screen, I can
11 say that this is a document that the SPO received from the
12 Basic Court of Prishtine within the material of the Latif Gashi and
13 others case.

14 As we see from the title, it depicts the formation of a KLA
15 brigade command. Are you familiar with this document?

16 A. Yes.

17 Q. Can you tell us what it represents, what it is.

18 A. This table reflects the organisational structure of the brigades
19 of the Kosovo Liberation Army, which we have implemented as well in
20 the Llap operative zone.

21 Q. You said you're familiar with it. When did you see it before,
22 other than during the preparation session?

23 A. I am not certain about the time, but I do know that upon taking
24 on functions as commander of Brigade 152 Zahir Pajaziti in 1998, we
25 used as a reference for organisational or structuring matters related

1 to Kosovo Liberation Army units.

2 Q. You said you used this document. How was it conveyed to you?

3 A. I am not sure because the documents went always through the zone
4 commander. Therefore, I do not have any knowledge as to how this
5 document arrived to us, because the zone commander was in contact
6 with the General Staff.

7 Q. I understand. Do you mean that you received this document from
8 the zone command, the Llap zone command?

9 A. Correct.

10 Q. And I think you told us in what capacity you were at the time,
11 brigade commander of Brigade 152, so am I correct that in terms of
12 timeframe that must have been November, December? Or please feel
13 free to specify the timeframe since yesterday you explained to us the
14 change of numbers in the brigades.

15 A. I was initially commander of Brigade 151, and I remained there.
16 This was my mandate. Then, as I explained earlier, this brigade
17 changed into 152 Brigade. With the deployment and positions along
18 the main road, that is when the change from 151 to 152 occurred. I
19 was initially appointed commander of Brigade 151, and I remained on
20 that position, commander of Brigade 151 Zahir Pajaziti.

21 Q. Witness, I was just trying to narrow down the timeframe when you
22 said you received the document from the Llap zone command. If you
23 can help us further with that?

24 A. I cannot know for sure or specifically, but the moment I
25 received it, I started structuring the brigade. Because in July, the

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Examination by Ms. D'Ascoli (Continued)

1 brigades were -- the units of the company level were being
2 structured. And then in August, the brigades started being
3 structured. So this must be after August 1998.

4 However, I do not know when exactly did we receive this
5 organigramme or structure.

6 Q. I understand. You said you received it through the Llap zone
7 command. Whom would that be specifically? Do you remember if it was
8 Commander Remi, Commander Daja? If you remember.

9 A. I don't remember.

10 Q. Okay. And did the copy you received have the same seal, stamp
11 of the KLA General Staff directorate as we see in this copy?

12 A. From what I can remember, yes.

13 MS. D'ASCOLI: Can we now go to the previous page of the
14 original document, which is SPOE00119158. For the English, I will
15 need a different ET, which is SPOE00119158-ET.

16 Q. Witness, we have another template, another chart on the screen.
17 Can you tell us if you're familiar with it and can you describe it
18 for us.

19 A. This is the formation of a command of an operative zone of the
20 Kosovo Liberation Army.

21 Q. Are you familiar with the document? Did you see it before?

22 A. Yes, I am.

23 Q. Again, can you tell us when? What circumstances?

24 A. The same as for the previous document with respect to the
25 brigade structure. I do not remember the time or who I received it

1 from, but I worked based on this chart with some modifications. So
2 this -- we had the same approach as with the previous document. The
3 same applies to the formation of the command of an operative zone.

4 Q. Did you receive this one through the Llap zone command?

5 A. That was the only possibility, because they were in -- contact
6 with the General Staff was done through the commander of the
7 operative zone.

8 Q. And did the copy you received have the same seal, stamp that we
9 see on this template?

10 A. As far as I can remember, yes.

11 Q. Did you receive this template at the same time as the previous
12 one, the brigade template that we looked at?

13 A. I think, yes.

14 Q. Did you have your own working copies of these two documents?
15 These two templates, charts?

16 A. Yes.

17 Q. And do you recall you were asked to provide them to the SPO
18 during the preparation session?

19 A. Yes, I brought them with me. They are in my possession. I
20 presented them to you as a working material to assist me in my
21 recollection of events during the preparation session in order to
22 present the structure, different positions. And when you saw that
23 you asked for it, and you referred to them as documents having been
24 used in a previous trial of the District Court in Prishtine.

25 Q. Thank you, Witness.

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Examination by Ms. D'Ascoli (Continued)

1 A. And the structure of my brigade --

2 Q. I'm going to go to those documents.

3 MS. D'ASCOLI: Can I please have on the screens ERN 123264 to
4 123267, please. The ET has the same ERN with just ET at the end.

5 Q. Witness, this first page, Document A, is a template chart for
6 the formation of a KLA brigade command. Is that your signature on
7 the top left, and is this the template that was in your possession
8 that we just discussed?

9 A. Yes.

10 Q. So did you compile organisational charts for any Llap brigades
11 based on this template that you received from the Llap zone command?

12 A. Yes.

13 Q. And when did you compile those charts, if you remember
14 approximately?

15 A. This was a transitional phase with respect to the development of
16 various components, from the platoon level, company level, as I
17 mentioned, in July, and at the same time with the positioning with
18 other positions and the joining of other officers to fill in the
19 positions in the chart. So this was a gradual positioning of the
20 staff or staffing of the organigramme through time.

21 Q. Do you mean by that that you kept updating this chart as things
22 developed in the Llap zone?

23 A. Yes. This was done following a procedure within the structure.
24 I would make the proposal as a brigade commander for specific posts
25 to be filled in. The deputy commander would conduct an assessment

1 and then appoint staff in specific positions within this
2 organisational chart.

3 Q. Where did you keep these charts?

4 A. I kept them in my office. Depending on the location where I was
5 stationed, this also kept changing and was moving, but I kept them in
6 my office.

7 Q. Did you also send them to anyone?

8 A. No, I didn't need to. When I had meetings at the zone level
9 command, I had them with me. We would discuss specific matters,
10 filling the posts and positions in compliance with the chart.

11 Q. So I understand, you said you did not send them to anyone, so
12 you did not send them on to the Llap zone command?

13 A. I showed them. I discussed with them the issue of officers
14 filling specific posts. They were informed about the appointment of
15 officers to specific posts. I did not do this on my own. I did it
16 with the commander -- in cooperation with the commander and deputy
17 commander of the zone and the various actors of the zone.

18 Q. All right. So do I understand correctly that you did not send
19 the physical chart but the content of the charts were shared with the
20 zone command? Meaning, the appointments, the positions, and so on?

21 A. As in accordance with my responsibilities as brigade commander,
22 within that framework, or towards the end of December -- end of
23 December when I was chief of staff of the zone, therefore depending
24 on the position I held, I sent and updated the relevant data
25 informing competent authorities about this, the organisational chart

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1 with the eventual modifications or amendments.

2 We have the issue of the civilian defence which is not reflected
3 here, then BIA, then the medical battalion. So I just mentioned
4 three components that are not included in this organisational chart.
5 I am not referring here to the brigade commander but the zone
6 organisational structure, which was updated with new data. Also, the
7 military police within the brigade --

8 Q. We are moving to that in a second, Witness. Just to clarify
9 when you said you sent -- you informed the competent authorities.
10 Just can you clarify exactly who you informed? I am re-reading your
11 answer. Maybe it is clearer if I put it to you fully. You said:

12 "... I sent and updated the relevant data informing competent
13 authorities about this ..."

14 And:

15 "... the organisational chart with the eventual modifications or
16 amendments."

17 Do you remember this answer? I was wondering if you could
18 please clarify, specify "competent authorities"?

19 A. To the zone commander and the deputy zone commander. I did this
20 in cooperation with them and obviously I notified, informed them.

21 MS. D'ASCOLI: Can we move to page 2, please, ERN 123265 of both
22 documents.

23 Q. Witness, this is Document B. Is that your signature on the top
24 left?

25 A. Yes.

1 Q. Is this document the same as the template in the possession of
2 the SPO, SPOE00119158, that we just discussed?

3 A. I think so.

4 Q. Is --

5 A. With the exception of the filled posts indicated in handwritten
6 form.

7 Q. Of course. This version of the template, in fact, has -- which
8 was in your possession, has handwritten names. Can you tell us whose
9 handwriting that is and the additions you made?

10 A. This is my handwriting.

11 Q. Some handwriting is in black and some in blue. Can you explain
12 the different colours used?

13 A. This was in the process of being developed. And following
14 various meetings I held at the zone level with the presence of the
15 zone commander, deputy commander, the Brigade 152 commander, this was
16 working material which I updated. It might have been blue or dark
17 colour, but it is also possible that when a copy was made it came out
18 as black while the original colour was blue. Basically, this
19 reflects changes in the organisational chart. This is a working
20 document where I reflected the updated information resulting from the
21 consultations or discussions during those meetings or suggestions.

22 Whereas with respect to the -- you have Brigade 152, 153 here,
23 but they did not exist at that time. So it is possible that these
24 notes were made when I was chief of staff, which is in 1999.

25 Q. Yes. You said that this was a working document and you made

1 entries across the time. Can you specify the period of time during
2 which you kept -- you inserted your handwriting with the different
3 positions and with the changes? If you can confine it to a
4 specific -- to a more specific timeframe when you entered -- when you
5 put your handwriting?

6 A. This is a continual process. From the moment I was the chief of
7 staff end of -- from end of December or beginning of January until
8 the end of the war.

9 Q. I understand. And, for example, Brigade 153 would have been
10 added in early 1999, correct, when, in fact, the brigade came into
11 existence?

12 A. Yes.

13 Q. I understand.

14 MS. D'ASCOLI: Can we now move to page 3 --

15 JUDGE GAYNOR: Madam Prosecutor.

16 MS. D'ASCOLI: [Microphone not activated].

17 JUDGE GAYNOR: Do you mind if I interrupt? The English
18 translation does not appear to show the blue additions in the top
19 right-hand corner and the blue additions under J-6. Is it -- I note
20 that the witness signed this version on 19 October. Is it possible
21 that some additions have been made on 19 October? That's my first
22 question.

23 My second question is could you provide a full translation
24 including all amendments which appear?

25 MS. D'ASCOLI: Yes, of course, Your Honours. To your second

1 question, yes, we will be providing a revised translation also that
2 fits into the page. This was produced for the purposes of today, and
3 it will be looked at again.

4 And with regard to your first question, I will ask the witness.

5 Q. Witness, you heard Judge Gaynor's question. When you provided
6 the document, when you were asked to provide the document to the SPO,
7 which was 18 October, and then when you signed it on 19 October, did
8 the document already include the annotations that we see in blue in
9 the document, BIA, and the one below BIA that you can please read for
10 us? Meaning -- I'll let you answer and then I'll follow up with a
11 more specific question.

12 A. No, I cannot be certain about this because this is the formation
13 of the Llap operative zone. At the time, I was brigade commander --

14 Q. Let me clarify my question.

15 A. -- so this would be out of my competencies.

16 Q. Yes, let me clarify my question. Is the document as we see it
17 in the original on the left-hand side of the screen, is this the
18 document -- the exact document that you provided to the SPO?

19 A. That was taken by the SPO, not that I provided it. I was
20 requested to hand it --

21 Q. Yes --

22 A. -- over. Madam Prosecutor, you asked for this document --

23 Q. Yes, yes, I said --

24 A. I did not provide it --

25 Q. My question was whether --

1 A. -- to be precise.

2 Q. My question was whether this is exactly the way the document
3 looked like, even with the blue insertions, like, for example, we see
4 in --

5 A. Yes, correct.

6 Q. And do you remember when you made those additional insertions,
7 like those in blue? Let's stick with BIA, for example, which is in
8 blue ink.

9 A. I think these additions were made when I took on the functions
10 as the chief of staff towards the end of December 1998.

11 Q. And did you make them all? Meaning, is all of the handwriting
12 that we see in this document yours?

13 A. Yes, it is my handwriting. With the exception of the template,
14 everything that is filled in is in my handwriting, as far as I
15 remember. And upon reading it, these are all my annotations.

16 MS. D'ASCOLI: I hope that clarifies, Your Honours.

17 JUDGE GAYNOR: Thank you.

18 MS. D'ASCOLI: Can we move to the next page, ERN 123266, in both
19 languages.

20 Q. Witness, this is Document C. Is that your signature on the top
21 left?

22 A. Yes.

23 Q. Can you tell us what this chart is?

24 A. Following the amendments in conformity with the structure of the
25 brigade.

1 Q. So this is a more modern, let's say, template of the brigade;
2 correct?

3 A. This is what we in reality did, adapting to the organisational
4 structure sent by the General Staff but also modified as to reflect
5 the specificities that the zone had, which were, as I mentioned, the
6 civilian defence and other aspects that emerged after August 1998.

7 Q. So who made this chart? Who compiled it?

8 A. This chart, I already mentioned earlier, in conformity with the
9 template chart sent by the General Staff, we filled in the posts with
10 concrete names of persons at the level of sectors, at the level of
11 battalions as well, because at the time in August 1998, as far as I
12 remember, there was an order by the General Staff to continue or to
13 go up to the level of organisation of a battalion.

14 Q. Did you compile this or contribute to its compilation of this
15 chart?

16 A. Of course, each and every brigade commander gave their
17 contributions but always in cooperation and approval of the command
18 of the zone. That is, the commander and deputy commander of the
19 zone.

20 Q. Do the names and positions in the chart reflect the roles of the
21 soldiers in Brigade 151 as we see from the description of the Llap
22 zone?

23 A. Yes. These are now officers in various positions, they are no
24 longer ordinary soldiers, and the chart reflects the positions they
25 held at the time.

1 Q. And I note that you are indicated as the brigade commander, and
2 Commander Arif Mucolli was indicated as the deputy commander. So
3 does this chart reflect positions as of December or before December
4 1998? If you can narrow it down in terms of the time period that is
5 reflected in the chart for roles and names.

6 A. This was before December 1998. I mean this structure with these
7 names. However, there were changes with the arrival of staff and
8 changes occurred. There was a change in 1999, on 5 February, due to
9 the wounding of the battalion commander. There was a replacement
10 because the person was no longer able to carry out its functions, so
11 he was replaced by Rame Arifaj.

12 So it was Ibrahim Demi up to the moment he was wounded, and then
13 he was replaced. And the date is, as I mentioned, 5 February when
14 the new commander took up that function.

15 The documents were more or less similar to the structure of the
16 brigade with the additions that were made with filling up posts at
17 various organisational level, including names of positions and of
18 personnel.

19 Q. Thank you. And while we discuss the timeframe of the underlying
20 information in the document, can you help us understand when this
21 document was compiled in terms of its physical making? I see it's a
22 computer version. It's a chart rendered on the computer. So I'm
23 talking now about when the actual chart was made.

24 A. This was made post-war, after the war. The document that I had
25 as a working material, it was no longer in my possession, but this

1 reflects that working copy. I've lost that working copy, so I only
2 have this one of the Llap operational zone. This structure was
3 designed later on but reflects the reality as far as the posting of
4 different people in various positions is concerned.

5 Q. Let's move to the last page. This is --

6 JUDGE GAYNOR: Sorry, Madam Prosecutor. I hate to interrupt you
7 again.

8 In the English translation, under "Commander," I don't see the
9 words "Nuredin Ibishi - Leka." And under deputy commander, I don't
10 see the words "Arif Mucolli - Profa." So could I perhaps ask you to
11 produce a revised English translation?

12 MS. D'ASCOLI: Of course, Your Honour. You are correct. We
13 will be providing a revised translation of the whole document.

14 MR. MISETIC: Thank you. And because you've raised the point,
15 I'll raise my point as well.

16 In the English translation, I don't know if it has any
17 significance, but it uses dotted lines in the middle of the page that
18 don't appear in the original. I don't know if that has any
19 significance, but if it could just match the original I would be
20 grateful. Thank you.

21 MS. D'ASCOLI: Of course. The revised translation will be
22 revised.

23 I will move to the next page of the document, ERN 123267 in both
24 languages.

25 Q. This is Document D, Witness. Is your signature on the top left?

1 A. Yes.

2 Q. Can you tell us what the chart is and who made it? Who compiled
3 it?

4 A. This reflects an organisation approved by the General Staff with
5 the specificities, as I said, to reflect the Llap operational zone,
6 with the changes that match the Llap operational zone.

7 Q. So I understand you compiled it pursuant to the template
8 received and that we just discussed?

9 A. Yes.

10 Q. When was this chart compiled?

11 A. This chart was compiled after the war in cooperation with the
12 commander and the deputy commander and some other members in order to
13 formalise it as -- so as to say, since many documents got lost and we
14 wanted to describe the reality, the positions filled in that reflects
15 the organisational structure and the staffing of the positions with
16 the relevant persons.

17 Q. Did you compile this chart or contribute to its compilation
18 together with the deputy commander and other -- and the commander?

19 A. Deputy commander, commander, and some others whom I don't recall
20 right now.

21 Q. So you did contribute to this? The answer is "yes"?

22 A. Yes.

23 Q. And by "deputy commander" and "commander," I take it you meant
24 Deputy Commander Kadri Kastrati and Commander Rrustem Mustafa;
25 correct?

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1 A. Yes.

2 Q. So the positions indicated, they reflect the roles and names in
3 the Llap zone in what period of time?

4 A. This was also in the process of being developed and changed, but
5 it refers to the period near to the end of the war.

6 Q. Can you narrow it down? Is it the first half of 1999, or can
7 you be a bit more specific if you can?

8 A. The end of the war is marked by the date 12 June 1999.

9 Q. Do you mean that the underlying information was last updated in
10 June 1999?

11 A. Yes.

12 Q. Okay.

13 MS. D'ASCOLI: Your Honours, at this point I would tender the
14 SPO documents, the pages discussed with the witness, which are
15 SPOE00119158 and 9159, as public exhibits together with the
16 corresponding English translations.

17 PRESIDING JUDGE SMITH: Any objection to those two, 00119159 and
18 158?

19 MR. MISETIC: I don't have any objection, but I will have a
20 question about one of them for the Prosecution before
21 cross-examination begins, but we can do it outside the presence of
22 the witness before cross begins.

23 PRESIDING JUDGE SMITH: Anybody else? No objection.

24 MS. V. ALAGENDRA: No objection, Your Honour.

25 PRESIDING JUDGE SMITH: 00119159 and 00119158 are both admitted.

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1 THE COURT OFFICER: Your Honours, those two pages will be
2 assigned Exhibit P01764. And I understand they can be reclassified
3 to public.

4 MS. D'ASCOLI: Yes, they can. Thank you.

5 With regard to the other copies, Your Honours, I would ask that
6 ERN 123264 to 67, of which the SPO is tendering pages 2 to 4, 123265
7 to 123267, which were granted addition to the exhibit list, pending a
8 revised translation that we will be providing today, I would ask that
9 they be MFI'd at this stage and then replaced with an exhibit number
10 once the English translation is ready. And they can be public
11 exhibits.

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. MISETIC: So I have no objection to MFI-ing them. I amend
14 my earlier comment. My question is going to be about 123265.

15 With respect to the updating the translations. The one on the
16 screen, we just have an additional observation when the updated
17 translation comes, which is the line in the original from the chief
18 of staff straight down seems to be off in the original, and if that
19 could be corrected.

20 And then the boxes indicating the medical service and the public
21 information service in the original have broken lines around them,
22 and the translation has solid lines. Again, I don't know if that has
23 any significance to the witness or not, but if it could be reflected
24 accurately I would be grateful. Thank you.

25 MS. D'ASCOLI: Of course. The revised translation will reflect

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1 the chart as it is. It will also, if possible technically, be fit
2 onto one page because I think now it is split in two. So, yes, we
3 will provide a revised translation according to these observations.

4 PRESIDING JUDGE SMITH: Four pages, ERN 123264 through 267 will
5 be marked MFI.

6 MS. D'ASCOLI: Your Honours, the number to be assigned to the
7 MFI will be P01765.

8 PRESIDING JUDGE SMITH: Thank you.

9 MS. D'ASCOLI: Thank you.

10 Q. That concludes my questions, Witness. Thank you for your
11 attention.

12 MS. D'ASCOLI: Thank you, Your Honours. I concluded my
13 examination.

14 PRESIDING JUDGE SMITH: The first document that was submitted or
15 was admitted needs to be reclassified as public?

16 MS. D'ASCOLI: Yes, I indicated it could --

17 PRESIDING JUDGE SMITH: Yes.

18 MS. D'ASCOLI: -- be public. Yes.

19 PRESIDING JUDGE SMITH: Yes. So it is.

20 [Microphone not activated].

21 Cross-examination. Oh, I'm sorry. I'm sorry.

22 MR. LAWS: Your Honour was going to rule on our application.

23 Can I ask that that's done in the absence of the witness? And
24 following Your Honour's ruling, I might have a short submission to
25 make to you.

1 PRESIDING JUDGE SMITH: Please escort the witness out of the
2 room.

3 We'll take a short break, Witness. You'll be back in just a few
4 minutes.

5 [The witness stands down]

6 MR. MISETIC: Mr. President, before that, those submissions, now
7 that the witness is out of the room, if I could just pose my question
8 to the Prosecution.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: On Exhibit P1765 MFI, page 123265, it's the
11 question that Judge Gaynor asked about the difference in the blue ink
12 additions.

13 The witness, on questioning from the Prosecution, testified -
14 and this is at page 14 of the provisional transcript, lines 7 to 11 -
15 when asked when the additions were made said that they were made in
16 December 1998. And I was wondering if that's the Prosecution's
17 position as well. Because to me it seems that the signature of 19
18 October 2024 is made in the same ink as the additional additions.

19 So does the Prosecution submit that those were made during the
20 preparation session, or does it have any position at all on whether
21 this was -- because I'll ask him questions about it then, but ...

22 MS. D'ASCOLI: Yes, Your Honours. The Defence is free to
23 explore this in cross-examination. I think the follow-up questions
24 that I asked after Judge Gaynor asked me to clarify with the witness,
25 I think it was clear on the record that those additions were made all

1 by the witness and in that timeframe and not recently.

2 MR. MISETIC: Okay, but --

3 MS. D'ASCOLI: I don't have the transcript references, but
4 you're --

5 MR. MISETIC: Yes. No, I know --

6 MS. D'ASCOLI: -- free to explore that.

7 MR. MISETIC: May I, Mr. President? I know he said that, but if
8 you look at the page, it's the same ink. And then there's going to
9 be questions by me on how a photocopy in black and white of a
10 document made in December 1998 also has blue ink of additions that
11 were made in December 1998, if you follow what I'm saying. So it
12 seems a little confusing. But, okay, I'll explore it in
13 cross-examination.

14 PRESIDING JUDGE SMITH: Subject to cross-examination.

15 MR. MISETIC: Yeah, thank you.

16 PRESIDING JUDGE SMITH: That way you'll have something to ask.
17 [Microphone not activated].

18 Mr. Laws, you can make your submission.

19 MR. LAWS: Your Honour has my 18th notification of wish to
20 cross-examine witnesses which sets out our position. I think I'm
21 right, I hope I'm right, in saying that there's been no Defence
22 objection to the 18th notification, so I don't know how much further
23 Your Honour wishes me to take it. I wish to cross-examine in respect
24 of two witnesses.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. DIXON: Yes, I thought, Your Honours, before we go into it
2 to -- to say that there is a matter that we did wish to raise. So if
3 Mr. Laws does wish to outline his reasons for his notification, and
4 then if I could be given an opportunity to respond, please.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. LAWS: It is not intended as a criticism, but the practice
7 so far has been for notifications to be in writing and for objections
8 to be in writing, which leads Your Honour and Your Honour's
9 colleagues to be in a position in which you can rule, as you have
10 done, with no oral submissions. But, of course, we wait to hear what
11 Mr. Dixon says.

12 I'm conscious that we're going to do this part in public
13 session. We may need to move to private in just a moment. But the
14 position of Victims' Counsel is set out in paragraph 7 in respect of
15 this witness, W04758.

16 It so happens that his interviews relate to two victims
17 participating in the proceedings, and he has relevant evidence to
18 give in relation to both. This witness knew both of them, and this
19 witness was present at the site at which they were both detained.
20 And in respect of both of the participating victims, I wish to
21 explore some of the background to their detention about which this
22 witness can testify. Thank you.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. DIXON: Yes.

25 PRESIDING JUDGE SMITH: Sorry, you can respond.

1 MR. DIXON: Yes. Thank you. It's not an objection per se. If
2 there was an objection, we would have done that in writing. It's a
3 conduct of proceedings point, which is that in paragraph 7, yes, it
4 does outline the two victims who the relevant questions are going to
5 go to. My concern is that the way it's put suggests that there's
6 going to be an effort made to impeach the witness. It sets it out as
7 there are marked differences between what the victims have said and
8 what this witness has said.

9 We have no objection to exploring -- as your previous order has
10 said, no objection to exploring questions about harm, what the
11 witness knows, but it's not for Victims' Counsel in these proceedings
12 to be able to challenge the credibility of the witness.

13 The witness has been called by the Prosecution as a witness of
14 truth. The Prosecution is free to examine all aspects. These
15 aspects haven't been examined. No hostility has been determined. So
16 it's not for Victims' Counsel to essentially be a tag-team of them
17 attacking the witness after the Prosecution has called the witness.
18 And it's then for the Defence to decide how they're going to approach
19 the evidence that has been presented.

20 So it's simply laying down a marker that there shouldn't be any
21 effort made to impeach the witness. Open-ended questions about harm
22 and the consequences and remedies as has been set out in your order
23 are totally within the bounds of that order but nothing beyond that
24 is our submission.

25 MR. LAWS: May I reply to that?

1 As it happens, it's not my intention to impeach this witness.
2 And the differences in relation to the account that my learned friend
3 Mr. Dixon refers to are provided by this witness on the strength of
4 information that was given to him by others. So it's not going to be
5 a question of impeaching him, but rather asking a couple of questions
6 about the reliability of the information that was given to him, which
7 is markedly different from the testimony that the individual
8 concerned gave to Your Honours.

9 That's the point. So there's no question of impeachment.

10 But secondly, as to the wider issue that's raised and what
11 Mr. Dixon referred to as the marker that he's putting down. May I
12 put one down, too, which is we strongly disagree that it would be
13 inappropriate for Victims' Counsel to impeach a witness if such a
14 situation arose. We don't need to deal with it today for the reasons
15 that I've set out, but there's nothing in the Order on the Conduct of
16 Proceedings or elsewhere in the Law that says that Victims' Counsel
17 can't, on behalf of a victim, where appropriate, and with the Panel's
18 leave, address an issue of a witness's truthfulness nor should there
19 be.

20 There's no question of us playing in some way a tag-team game
21 with the Prosecution. Not at all. The position is that sometimes,
22 and it may be that in the future such a situation does arise, the
23 interests of the victims and the interests of the Prosecution don't
24 overlap, and that is a submission in which it's, we submit, perfectly
25 proper for us in the course of representing the victims to take a

1 different line.

2 If the position were to be that we always have to follow what
3 the Prosecution had in mind for a witness, then there would be very
4 little point in us being here.

5 PRESIDING JUDGE SMITH: Thank you.

6 [Trial Panel confers]

7 PRESIDING JUDGE SMITH: For now we'll just say markers well put,
8 and we'll decide those issues in the future.

9 Your application to question the witness is sustained, and we
10 will take that up right away.

11 MR. LAWS: Your Honour, thank you. May I just raise a matter in
12 private session, please.

13 PRESIDING JUDGE SMITH: Yes. Into private session.

14 [Private session]

15 [Private session text removed]

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Witness: Nuredin Ibishi (Resumed) (Private Session)
Questioned by Victims' Counsel

1 [Private session text removed]

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Witness: Nuredin Ibishi (Resumed) (Private Session)

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Questioned by Victims' Counsel

1 [Private session text removed]

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8 [Open session]

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

10 PRESIDING JUDGE SMITH: Go ahead, Mr. Laws.

11 MR. LAWS:

12 Q. Mr. Ibishi, as you know, I represent the victims in this case,
13 and I'm going to ask you about two men, both of whom you knew before
14 the war and whom you met again when they were detained. Do you
15 understand?

16 A. Yes, I do.

17 Q. The first man we are, as you know, going to refer to as
18 Person 1. All right?

19 A. Yes, I was explained this in private session.

20 Q. Thank you. And Person 1 was somebody who you had known since
21 roughly the early 1990s, I think?

22 A. It could be.

23 Q. You, in fact, came from the same area originally?

24 A. Yes.

25 Q. And then later you were colleagues?

1 A. No. Because to my recollection he worked at the customs for a
2 while, and I don't know when did he join the police force. So he
3 moved from the customs service to the police force. I don't know
4 when and what position he had.

5 Q. All right. Well, we'll look at that in just a moment. But you
6 had had a distinguished career in law enforcement before the war, had
7 you not?

8 A. Correct.

9 Q. And at some point, I'm going to try to refresh your memory, at
10 some point he had joined the police force and you had met him in that
11 context. Does that refresh your memory?

12 A. No, only at the moment when Person 1 was detained I understood
13 that he worked at the police. Up until that moment, I was still
14 thinking that he was working as a customs officer.

15 Q. All right. Well, let's try and refresh your memory in another
16 way.

17 MR. LAWS: Could I have, please, on the screen P01755.9, and in
18 the English it's page 6, and in the Albanian, it's page 5.

19 Q. Whilst that's being put up, Mr. Ibishi, it's a long time ago,
20 but I'm going to show you the description that you gave of this in
21 your interview with the SPO in 2019. And if you look on the
22 Albanian, starting at line 22 --

23 MR. LAWS: So the Albanian we'll need to go -- yes, thank you.
24 And in the English it's line 6 to 11.

25 Q. So I'm just going to read it for you. And you're talking here,

1 just to orientate you, about the time that Person 1 was in detention
2 and there were discussions about him being released. And you said:

3 "So the message I wanted to send through was that apart from the
4 fact that [Person 1] is a Serbian police official, that doesn't mean
5 that he has done anything bad towards Albanians, because to my
6 knowledge he has not. He was a former colleague of mine. He worked
7 at the customs. And then later on, he worked at Kosovo police. And
8 he was in really good terms with all the communities."

9 Does that bring the chronology or the sequence of events back to
10 your mind?

11 A. Yes.

12 Q. Thank you.

13 MR. LAWS: And we can please just pause there. All right. Yes,
14 this should not be broadcast. I should have made that clear. And I
15 can see that people are ahead of me. Thank you.

16 Q. Now, you've agreed that that's brought the chronology back to
17 mind. He had become a police officer whilst you were in the police.
18 He rose, you may recall, to the rank of inspector, in fact. Do you
19 remember that?

20 A. I cannot give you a timeline because I was dismissed from the
21 police force in the 1990s. Therefore, I received this information or
22 data from the military police who informed me about the case and in
23 which case I understood that he was a police inspector. I knew his
24 conduct was proper as a customs officer. And I was told he was a
25 police inspector. But in general terms, since I was dismissed from

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1 the police force by the occupier, I did not know how he was appointed
2 or promoted. However, the military police informed me that he was a
3 police inspector.

4 I also know that while this person was working as a customs
5 officer, but also later within the police force, he had a good
6 communication with the citizens. He was not -- there was no
7 information about any violations committed by him or any complaints
8 by residents or citizens of any community.

9 Q. No, and you make that clear in the passage that I've read to you
10 where you do also say "he was a former colleague of mine." And I'm
11 going to suggest to you the position that although you, as you say,
12 were dismissed from the police force, there was a period when the two
13 of you were both working as police officers, and perhaps it's for
14 that reason that you referred to him as a former colleague of yours.
15 Do you think that might be right?

16 A. No, that's not correct. Because to my recollection, when I was
17 a police officer, he was not a member of the police force. He worked
18 for the customs. Then, I understood from the military police that at
19 a later stage he was a police inspector, but I also knew as a general
20 knowledge that he worked for the police. But to my knowledge, he was
21 not -- and to my recollection, he was not a colleague of mine as --
22 during period of time I worked as a police officer until the 1990s.
23 I wouldn't know when he moved from the customs to the police force.
24 I am referring to the period of time up to the 1990s.

25 Now, my knowledge is based on those current circumstances and

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1 the information provided to me by the military police, namely,
2 Hyzri Talla, who said that this is about a police inspector named A
3 or Number 1 as we referred to.

4 Q. All right.

5 MR. LAWS: If we can go down in the same page, please, to line
6 20 in the English and line -- I'm so sorry, the next page, do forgive
7 me, page 6. If we can go down to line 20 in the English, and it's
8 the top of the page in the Albanian, line 1.

9 Q. Staying with the topic of him being in detention, you said:

10 "So though he was police staff within the police structure, it
11 appeared that he had not -- knowledge arrived that he had not done
12 anything bad towards Albanians or to -- anything bad to Albanians."

13 Is that what you're referring to when you say that you received
14 this information from the military police about Person 1?

15 A. Yes. Based on what I heard and based on the knowledge I had.

16 Q. Do you know why he had been arrested then?

17 A. Because he was a police official of the Serbian occupying regime
18 in Kosovo.

19 Q. Thank you. And for that reason he was regarded as being, if I
20 can put it this way, a fair target; is that right?

21 A. That is a matter that was assessed as such by the civilian
22 structure and as a result of this assessment he was arrested.

23 Q. All right. I want to look with you at another document, please.

24 MR. LAWS: May we have on the screen U008 -- and, again, not for
25 broadcast. U008-1625 to U008-1625-ET. And in the Albanian, it's

1 U008-1602-U008-1636. And in the Albanian, the Albanian is a long
2 document, it's at page U008-1625, and it's halfway down the page on
3 the right-hand side.

4 Yes, perhaps if we can get just a little bit closer to the
5 Albanian. Thank you.

6 Q. So this is an item that was published on 23 November 1998. And
7 you can see that it relates to Person 1, although it misspells his
8 name, and I just want to ask you one or two questions about it.

9 Have a chance to read it first, by all means, Mr. Ibishi.

10 MR. LAWS: Again, did I say not for public broadcast? Yes,
11 thank you.

12 Q. Have you seen this document before, Mr. Ibishi?

13 A. No.

14 Q. Can I ask you, first of all, do you know who the information
15 directorate of the Kosovo Liberation Army were? What was it?

16 A. First of all, there was no information directorate as it is
17 mentioned here. If we're referring to the subzone.

18 Q. Well, it's not clear that --

19 A. There was an information sector for the subzone.

20 Q. Yes, it's a good point. It's not clear that we're talking about
21 the information directorate of the Llap zone subzone. It says that
22 it's the information directorate of the Kosovo Liberation Army. Do
23 you know anything about that institution?

24 A. It is specified here in the title the subzone of the Llap
25 operative zone. We did not have such a directorate within the Kosovo

1 Liberation Army. It was not reflected in the chart.

2 Now, I have limited information because this would then appear
3 to be a communiqué of the Llap operative subzone based on the title,
4 if you read the title. Now, we did not have such a directorate. We
5 had a sector for the information service.

6 Q. Yes, the title -- if we look at the Albanian article, the title
7 is "In the Llap Operational Sub-Zone," at the top. But then when we
8 get to the text, it is not talking about something that is specific
9 to the Llap zone. It's talking about something calling itself the
10 information directorate of the Kosovo Liberation Army, isn't it?

11 A. I had no knowledge where was this directorate based, within the
12 zone or somewhere else.

13 Q. But you didn't, obviously, because you'd never seen this
14 document, you didn't put out a press release about Person 1, did you?

15 A. Since the title refers to the Llap operative subzone, I thought
16 this must be a Llap operative zone communiqué. Now, the time
17 mentioned here, November 1998, is a time when I was commander of
18 Brigade 151 Zahir Pajaziti.

19 Q. I'm just going to ask my question again. You didn't put out a
20 press release of this kind, did you?

21 A. No. Because, first of all, this was not part of my
22 prerogatives. I was commander of Brigade 151 Zahir Pajaziti, so this
23 sort of information being released was not part of my prerogatives.
24 It is, however, true that I was one of the people who, upon a request
25 from the KDOM and our representative, the representative of the KLA,

1 Mr. Adem Demaci, it was requested that that individual should be
2 released from detention. He was released, and he praised the people
3 and the conditions of his detention in the Llap operative zone.

4 Now, the content about the information here is more of a nature
5 that regards the civilian structures who dealt with this. Again,
6 upon the request and with our approval he was released. And in front
7 of the media and the public opinion, he had only good words about his
8 detention in Llapashtice. And he expressed it and stated that this
9 was conducted in compliance with the second additional protocol to
10 the four Geneva Conventions. I think that he had absolutely no
11 remark or complaints in this regard. It's important to underline
12 this.

13 Q. Mr. Ibishi, I didn't interrupt you, but that's not the question
14 that I'm asking for your help with. And the Judges have heard plenty
15 of evidence about the release of Person 1.

16 Let me just go back to this. As far as you are aware, this
17 document was not released by any of your colleagues in the Llap
18 operational zone. Could you answer that question "yes" or "no"?

19 A. I did not see this document. I cannot comment on it.

20 Q. And you say that you don't know who the information directorate
21 of the Kosovo Liberation Army were or what it was as an organisation;
22 is that right?

23 A. I don't know. Because within my prerogatives, I can speak for
24 the Llap operative zone and specifically in my capacity as commander
25 of Brigade 151 Zahir Pajaziti. I cannot speak for matters that go

1 beyond that.

2 Q. And you don't know how it was that, six days later, the
3 information directorate of the Kosovo Liberation Army appeared to
4 know that Person 1 had been arrested. You can't help us with that,
5 from the sound of what you're saying.

6 A. I can't help you with that because I was informed coincidentally
7 and about the circumstances of his arrest. I also know that our
8 political representative, Adem Demaci, got involved in his release.
9 And that is my statement.

10 Q. Yes. And he was released because it was -- partly because it
11 was clear that, in fact, as you have told us, he was a man who had
12 done no harm to the Albanian community and who was respected as a man
13 who was fair to both communities and a decent police officer. And
14 that was part of the reason why it was appropriate to release him, is
15 that not correct?

16 A. I must add, though, that his arrest did not depend on us. It
17 depended on the information in possession of the civilian defence
18 concerning various actions of specific persons; in this case,
19 Person 1 who is included as a person arrested amongst a group of
20 bandits and collaborationists who are suspected of having robbed and
21 looted the Albanian people in the evacuated Albanian villages. So
22 this was a suspicion raised by the civilian defence in his regard.
23 And once his release was requested, we confirmed that those
24 suspicions maybe were not -- were unsubstantiated and he was
25 released.

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1 Therefore, the content of this report is not extraordinary in
2 itself. The practice was that the civilian defence would be the
3 first to respond or first to react to suspicions or suspected
4 individuals of being collaborationists or anything. Once the
5 necessary verifications are conducted for his or her detention, then
6 that person would be released.

7 All this is done in full compliance with the second additional
8 protocol, 75, 85, of the four Geneva Conventions. Therefore, in
9 accordance with the Geneva Conventions, the process was that this
10 person was brought as the case was initiated by the civilian defence.
11 And upon verifications that were conducted, it was established that
12 this person is not guilty of any of those suspicions so therefore was
13 released.

14 JUDGE METTRAUX: Mr. Laws, before you go further, and I don't
15 mean to instruct you what to do, but would you clarify with the
16 witness, if you may, what he refers to when he refers to the civilian
17 structure and the civilian defence? I'd be most grateful.

18 MR. LAWS: I'm very happy to. Thank you, Your Honour.

19 Q. You heard, no doubt, Judge Mettraux's suggestion to me, which I
20 adopt. Could you tell us what you mean by the civilian structure and
21 the civilian defence who you've told us are responsible for deciding
22 to bring people in so they can be evaluated, in effect? Could you
23 just help us with that?

24 A. In the framework of the prerogatives of the Llap operative zone
25 and the defence and the civilians in the zone, we had a

1 responsibility to protect them from the collaborationists of the
2 enemy, because in the 1990s the intelligence services and the Serbian
3 police developed a network of collaborators. For this reason, the
4 decision was left that within the framework of the civilian defence,
5 and upon their request regarding some individuals of collaborating
6 with the occupying Serb structures or forces, so they identified some
7 persons, and the procedure was to go through the brigade commander,
8 the military police, until the detention centre in Llapashtice.

9 This was the procedure when there were grounds for suspicions
10 for a specific person.

11 Q. Mr. Ibishi, can I just try and summarise the position before we
12 move on to deal with a completely different individual. Is what
13 you're saying that there was a suspicion that Person 1 might be
14 involved in wrong-doing, he was brought in, there was some sort of
15 investigation, and it was decided that he had done nothing wrong so
16 he should be released? Is that a fair summary in relation to
17 Person 1?

18 A. Yes.

19 Q. Thank you. Then you'd agree with me that when we look back at
20 what the information directorate of the Kosovo Liberation Army had to
21 say about Person 1, and if we look at the second paragraph:

22 "It was announced that [Person 1], a Serb security inspector who
23 was the main organiser of all looting in Llap, has also been
24 detained."

25 That's rather a different picture from saying that there was

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1 some suspicion about him and that after an investigation he had been
2 cleared and then released. Do you agree with me, Mr. Ibishi?

3 MR. DIXON: Your Honour, I would object. The witness has said
4 many times he knows nothing about this document, nothing about the
5 organisations mentioned in it, and he can't answer any questions
6 about it.

7 PRESIDING JUDGE SMITH: Overruled. Go ahead.

8 MR. LAWS: He knows what it says.

9 PRESIDING JUDGE SMITH: I overruled the objection. Go ahead.

10 MR. DIXON: Well, everyone knows what it says because we can
11 read it in court.

12 MR. LAWS:

13 Q. Would you like me to repeat the question, Mr. Ibishi, or did you
14 follow it?

15 A. I understand it. You should know that when there is grounds for
16 suspicion, we at the Llap operational zone, we didn't have
17 investigative bodies. We didn't have investigative judges or courts
18 to process a certain case.

19 In relation to this person, there was grounded suspicion that he
20 was involved in a case or organisation that is described here.
21 However, we, in this case, and in many other cases, due to the lack
22 of investigative authorities we released these persons so that later
23 on, once Kosovo was liberated, they'd be processed in relation to
24 these actions or acts.

25 So what we did was a temporary detention. We would inform the

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1 persons for the reasons of their detention. And when there was
2 awareness and knowledge that that person could be released, that
3 person would be released. We did not have regular judiciary
4 authorities. We proceeded the path that you described. And once we
5 were convinced that this person would no longer deal or be involved
6 in such acts, we would release him with the intention that that
7 person is later processed legally. That is, once Kosovo was
8 liberated.

9 Q. Mr. Ibishi, thank you. I'm not going to interrupt you because
10 it's important that you have your say. But I hope the question was
11 clear, and I'm going to try to pose it again. If you wouldn't mind
12 to just listening to it.

13 You agreed with me that the position was that after some sort of
14 investigation it was decided that Person 1 had done nothing wrong and
15 so he should be released. And the question that I have is do you
16 agree with me that the paragraph that we looked at in the document
17 from 23 November gives an entirely different view of the status of
18 Person 1 and of his guilt. It does, doesn't it?

19 A. I guess I have to repeat it again. We didn't deal with the
20 aspect of someone being guilty or innocent.

21 Q. No, let's not get back into the process. This statement from
22 the document of 23 November puts the position entirely differently
23 from a man having been detained on suspicion, cleared of any
24 wrong-doing, and released, doesn't it? That's a fair summary of the
25 position. This is a totally different picture of that man's

1 culpability, isn't it?

2 A. No, we do not speak about guilt. Guilt can be confirmed by a
3 court. We didn't have competent authorities to do that based on
4 grounded suspicion that this person was involved. Therefore, there
5 was a conviction on our part that that person was not a bad person,
6 did not show any negative conduct in the past, and, in a hypothetical
7 situation, later on this person and others, if there was grounded
8 suspicion, be brought before court. That would establish whether
9 they were guilty or not about those acts.

10 We within the KLA had no authority to confirm somebody's guilt.
11 There was the general conviction, as I said, at the time, based on
12 which the person would be released. And if that person had
13 responsibility or was grounded suspicion that he was responsible,
14 then he would be processed later on before a court, and then the
15 court would prove whether he was involved in any criminal activity or
16 form of other collaboration.

17 Q. I'm going to move on, but I'm just going to give you an
18 opportunity to comment on this. The reality is that somebody had
19 decided to tell lies about Person 1, hadn't they, in this document?

20 A. I don't understand you.

21 Q. Do you not understand me? The man who was cleared of any
22 wrong-doing, reported by the military police to be a man who was fair
23 to both communities and had done nothing wrong, wasn't a man who was
24 also the main organiser of all looting in Llap. It was somebody
25 telling a lie about him, wasn't it?

1 A. Please, you're making me repeat myself. We did not have
2 investigative authorities. We didn't have a court. There was
3 suspicion, grounded suspicion that this person could have been
4 involved in such activity. We did not clear him of wrong-doings.
5 We, in a form, had the conviction or this general opinion that this
6 person should be released because of his good relations with the
7 community.

8 However, we do not possess the exact information about his
9 activities or collaboration with this group of bandits or
10 collaborators. So you are asking me about something inexistent.
11 What I am saying is that this person was brought by the civilian
12 defence based on the suspicion. Following discussions with
13 structures of the KLA and of the Llap organisational zone, it was
14 established that he had a good and fair relations with the
15 communities. But we did not rule on his case. We did not bring a
16 decision as to his guilt or innocence.

17 Q. And you know that I am not talking about you. I am talking
18 about the author of this document who is saying, in black and white,
19 Mr. Ibishi, that Person 1 was the main organiser of all looting in
20 Llap, and there was no basis to make that assertion. And, therefore,
21 as I have suggested to you, and as I invite you to agree for a last
22 time, someone had been telling lies about Person 1.

23 A. I cannot say that they were lies or truths. These are things to
24 be determined by courts, and courts are to decide on the extent of
25 involvement of such persons. So this is something to be processed by

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1 courts, to be -- it is not something that can be established
2 hypothetically.

3 As I said, we had this general conviction that this person had
4 to be released because of his good conducts and his
5 non-discriminatory conduct, but we were not the organ to decide on
6 his involvement in the activities he was suspected of.

7 Q. I don't think we can take that much further.

8 MR. LAWS: May I tender this document, please, Your Honour?

9 PRESIDING JUDGE SMITH: Any objection to the document?

10 MR. DIXON: Yes, Your Honours, we do object. Your Honours have
11 already, in a bar table motion of 27 July 2023, said that this
12 document could not be admitted on the basis that it's unclear from
13 where the information in this item originates. That hasn't been made
14 any clearer today. In fact, it's been made less clear. This witness
15 has made it absolutely clear he doesn't know the source of this
16 document. And you have then said, Your Honours, rightly, it would
17 therefore benefit from further contextualisation from a witness. It
18 doesn't get contextualised by a witness saying, "I have no
19 information about the context."

20 So you are in no better position when you ruled on your bar
21 table motion and, therefore, you shouldn't rule that position today.
22 If there is a witness who can talk about the source of this document
23 and the information, that witness can be brought by the Prosecution.

24 MR. LAWS: May I reply?

25 MR. MISETIC: We, obviously, join in that objection.

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1 MR. LAWS: May I reply to that?

2 PRESIDING JUDGE SMITH: Yes, go ahead.

3 MR. LAWS: The source of the information is, in my use of the
4 document, not relevant at all. The fact is that an organisation
5 called the information directorate of the KLA was - on my case -
6 putting out very serious lies about Person 1. And there's a proper
7 basis for saying that they were misrepresenting the position because,
8 as this witness has testified, the internal process of the KLA had
9 given him effectively a clean bill of health.

10 So I'm interested not in the source of it. I'm interested in
11 the fact that it was being put into the public domain in this way
12 just six days after Person 1 was detained by something called the
13 information directorate, which we have heard something in this case
14 and may hear more.

15 Can I just add. And it's not the only time that we have seen a
16 communiqué or a press release being used to alter the factual
17 position in relation to victims who I represent, and it's something
18 which we, on their behalf, we say, are entitled to comment on at the
19 end of this case.

20 MR. MISETIC: May I respond?

21 PRESIDING JUDGE SMITH: Sure.

22 MR. MISETIC: Sorry, briefly.

23 With all due respect, the purpose for which Victims' Counsel
24 wants to use the document doesn't change the fact that there's no
25 foundation for the document in the first place. And we still

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1 maintain the same position that the Trial Panel took in establishing
2 that we need to have a witness who can actually talk about the
3 document and where it comes from.

4 This -- I agree with my learned friend, Mr. Dixon, that this
5 witness has only added further confusion about the origins of this
6 document.

7 PRESIDING JUDGE SMITH: We'll mark this MFI and make a
8 determination and then make our decision.

9 MR. LAWS: Thank you.

10 THE COURT OFFICER: Your Honours, just to confirm, it concerns
11 only the page on the screen, because the Albanian is a larger
12 document?

13 MR. LAWS: In the Albanian, I just want the section which is
14 from the newspaper, yes. Thank you very much.

15 THE COURT OFFICER: That excerpt will be assigned number V8,
16 marked for identification.

17 PRESIDING JUDGE SMITH: Thank you.

18 Go ahead.

19 MR. LAWS:

20 Q. Finally, Mr. Ibishi, I want to ask you just a few questions
21 about Milovan Stankovic. And you'll remember him.

22 A. Yes.

23 Q. He was a forester. And on 2 August 1998, he was detained and
24 brought in. And it so happened that you were there when he was
25 brought in, were you not?

1 A. Yes, I was.

2 Q. And you knew one another because you had met him at your
3 brother's house because your brother had had some business dealings
4 with him in relation to wood that had been cut from the forests. Do
5 you remember that?

6 A. This is a lie. Pure lie.

7 Q. You didn't know Mr. Stankovic before?

8 A. Absolutely not. Not even heard of him.

9 Q. Really?

10 A. From up to the moment I met him arrested.

11 Q. It doesn't matter at all, but I wonder if it's just something
12 that you've --

13 A. It is important because you say we brought him. He attacked our
14 positions in Potok. It is not the same thing. Let's say
15 hypothetically this premises have their remit of security. If
16 somebody attacks it, of course that person will be arrested.

17 Now, how can the soldier tell him whether he was wearing a
18 police, paramilitary, or military uniform? He was in the uniform of
19 a forester, and he was lucky to have survived. I am just responding
20 to your question. He was not brought. He was someone who attacked
21 our positions in Potok, who was armed. He was arrested and he was
22 lucky when it comes to the reciprocity of the use of weapons.

23 PRESIDING JUDGE SMITH: Thank you, Witness.

24 Go ahead.

25 MR. LAWS:

1 Q. I'm going to ask you a couple of questions about that in a
2 moment. But just so you understand, I didn't mean anything by
3 "brought in" other than having been arrested elsewhere, he was
4 brought in and you happened to be there at the time. That's all.
5 I'm not suggesting anything else. I hope that's clear to you now.

6 A. He attacked our positions. We should understand each other. I
7 want to be clear. We did not go to arrest him or bring him in. He
8 was the one who attacked us.

9 Q. Yes, well, let's just look at that, shall we. You were not
10 present at the time that he was detained, and you're relying on the
11 accounts that you were given by the soldiers who had encountered him
12 in the forest and arrested him. That's correct, isn't it?

13 A. No. And you're adding here that they came across him. I have
14 the report from the unit, and the report says that he attacked the
15 position and was brought in in Bajgore. I was at the time in Bajgore
16 and happened to be there when he was brought in in the barracks in
17 Bajgore.

18 Q. Yes. Let me make it clear. And the account that you have given
19 of the reason that he was arrested is based on the accounts that
20 those soldiers gave to you; is that correct?

21 A. Not soldiers but an officer. The platoon commander.

22 Q. All right. And you were told that this forester, who would have
23 been 49 years old at the time, had, on his own, attacked a KLA
24 position that was manned by four men armed with automatic weapons
25 when he was armed only with his pistol. That's a summary of what you

1 were told, isn't it?

2 A. That's correct.

3 Q. From a military point of view, does it sound like a viable or
4 even sensible action for this 49-year-old forester to have
5 undertaken?

6 MR. DIXON: Your Honour, I object to that. He can't answer from
7 a military point of view as an expert. He's a fact witness.

8 PRESIDING JUDGE SMITH: Overruled.

9 Go ahead.

10 MR. LAWS:

11 Q. From a military point of view, does it sound like a viable or
12 even sensible action to undertake?

13 A. I am giving you an example, a hypothetical example. Say
14 somebody comes armed within the perimeter of these premises. How
15 will the security act in that case? This is similar to the situation
16 with him. He went to the positions where the KLA soldiers were. I
17 was informed that he went to those positions and pulled out his
18 weapons, and he was arrested.

19 Now, how were they supposed to act in that situation? And in
20 such a stressful situation, how can you tell what kind of uniform
21 that person is wearing, starting from the uniforms of the police,
22 army, paramilitary forces. And they could not tell whether it was
23 one or more persons in that forest part.

24 So I think that what they did was the right thing, that they
25 arrested him and brought him to the barracks. What else can you do

1 in such a situation according to you?

2 Q. I'm just going to ask you the question one more time. From a
3 military point of view, does it sound like a viable or even sensible
4 action for this 49-year-old forester to have undertaken?

5 A. I am saying that what they did was the right thing based on the
6 report that was made and the factual description. What else was
7 supposed to be done by them according to you?

8 Q. All right. Did you by any chance follow Mr. Stankovic's
9 testimony in this Court?

10 A. Perhaps partly. I do not recall it in its entirety. And
11 please, regarding this lie that my brother had dealings with cutting
12 wood with him, that is made up by him. It's not that this was said
13 by Stankovic. It could have been anybody else. But the truth is
14 that my brother never dealt with transportation of wood. So, please,
15 can you tell me the basis for this claim, or are you basing this
16 claim only on Stankovic's statement?

17 Q. Just let me ask you just a couple of questions. We're just
18 going to finish in time for the break. I'm going to refer to the
19 transcript at page 5005, it's the transcript from 19 June 2023, and
20 the quotation starts at line 16. This is what Mr. Stankovic said.
21 He said:

22 "When I got there, there were -- all of a sudden four men just
23 came out of nowhere with automatic weapons. I raised my arms. They
24 approached me. They blindfolded me and tied my hands behind my back
25 ..."

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1 That's his account of being arrested. Did you happen to see
2 that in the part of his testimony that you followed, Mr. Ibishi?

3 A. No, I didn't.

4 Q. Last question. Do you think it might be possible that given the
5 rather more dramatic account that you were provided with by your men
6 about the circumstances of his arrest, do you think it might be
7 possible that they had somewhat exaggerated their heroism and skill
8 in detaining this 49-year-old forester?

9 A. I'm not the one to call it heroic action. They did what their
10 duty was. As to Stankovic's statement, I don't know whether it's
11 true or not. I received the report from the officer who was present
12 there. And from his description and report, I think that what they
13 did was the right thing.

14 As to Stankovic's statement, that's his statement. He was
15 brought under the obligation to be brought to the detention room in
16 the barracks without any violence used against him.

17 MR. LAWS: Your Honour, those are my questions. Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 Witness, it's time for our morning break. We will take a half
20 hour. We'll call you back to the courtroom at 11.30. Please do not
21 speak to anyone outside of the courtroom, and we'll see you back here
22 at 11.30.

23 THE WITNESS: [Interpretation] Thank you.

24 [The witness stands down]

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

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

2 --- On resuming at 11.32 a.m.

3 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
4 in.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: Mr. Ibishi, next we have questions from
7 the Defence counsel, beginning with Mr. Misetic representing the
8 Thaci Defence. Please give him your attention.

9 Go ahead.

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

11 Cross-examination by Mr. Misetic:

12 Q. Good morning, Mr. Ibishi. My name is Luka Misetic. I am
13 Defence counsel for Hashim Thaci.

14 A. Good morning.

15 Q. And I have some questions for you.

16 A. Thank you.

17 Q. I'd like to start by asking you about a document that was shown
18 to you by Madam Prosecutor this morning.

19 MR. MISETIC: And if we could please call up Exhibit P01764 MFI,
20 please, at page 123265.

21 THE COURT OFFICER: I believe the exhibit number is 1765 MFI.

22 MR. MISETIC: I'm sorry, what I -- yes, it is. 1765, yes. If
23 we could go to the next page, please.

24 Q. Now, Witness, I'm drawing your attention to the marks on the
25 original document that appear to be in blue ink that Judge Gaynor

1 asked some questions about. And on today's provisional transcript at
2 page 14, lines 7 to 11, in answer to the Prosecutor, you said that
3 the -- you believe the markings, including references to BIA in the
4 upper right-hand corner and some markings below the name Toni, were
5 made in December 1998. Did I understand you correctly, or do you
6 wish to change that?

7 A. This was a working document which was continually being amended
8 or worked on following each meeting, after which we had new ideas or
9 proposals or -- so I am not able to give you an exact or specific
10 date to answer your question.

11 Q. Yes. So I understand that the portions of the document that are
12 in black may have been written during the war, but I'm specifically
13 interested in the markings that are in blue. And if you look in the
14 upper left-hand corner, it appears to be the same pen, and you dated
15 it 19 October 2024 in the upper left-hand corner. Am I correct that
16 you made the other markings in blue on that page on the right-hand
17 side of the document on the same day that you signed the document in
18 the left-hand corner of the page?

19 A. Yes. And the others, if you look at the main column,
20 Brigade 151, 152, 153, the brigades and the civilian defence, these
21 were added to the chart earlier. And then when they were photocopied
22 they came out in black colour whereas originally were marked in blue.
23 This is why I'm saying I am not able to tell you exactly when these
24 markings were made.

25 This was a working material we used during the meetings with the

1 zone commander, deputy commander of the zone, and the staff with
2 regards to assigning or making appointments to specific posts.

3 MR. MISETIC: Madam Court Officer, could we please zoom in on
4 the middle to right-hand side of the page so he can see the colour
5 distinctions. Can we zoom in a little bit more, please.

6 Q. So, Witness, I don't know if you can see that better now, but
7 where it's written Brigade 151, 152, 153, that's in black. And then
8 next to it, a little bit above it, there are more markings there.
9 For example, I can make out the word "Rama," that's in blue.

10 A. Yes.

11 Q. I'm interested to know did you make those markings in blue that
12 we see there --

13 MR. MISETIC: And if we could show him the upper left-hand
14 corner of the screen, please.

15 Q. And that's in blue. Did you make those markings on the same day
16 that you made this marking, meaning the signature and date? Is it
17 the same day?

18 A. No, this was much earlier. During the contemporaneous time of
19 the war.

20 MR. MISETIC: Then can we show him again where we zoomed in
21 earlier.

22 Q. Can you explain how when a photocopy is made how the rest of the
23 document was in black and this remained blue?

24 A. This occurred because the earlier ones, when they were copied,
25 copies were made to be distributed to other participants in the

1 meetings. Those who were in blue colour came out as black, and the
2 markings in blue are made in the successive meetings after this,
3 afterwards.

4 Q. Okay. All right. Let me turn to a different topic.

5 MR. MISETIC: We can take that down.

6 Q. Before you joined the KLA you had military training; correct?

7 A. Yes.

8 Q. And you also completed police technical school?

9 A. I completed all the police trainings both in former Yugoslavia
10 and police trainings conducted by the OSCE and within the Kosovo
11 Police Service starting from 1999.

12 Q. And as was established with Victims' Counsel, you ultimately
13 became a police officer. And my question to you is you did not
14 experience any issues in the KLA because of your former JNA military
15 background or your police background; correct?

16 A. Correct.

17 Q. And, as a matter of fact, you told the SPO that the KLA "was
18 generally open to accepting" -- sorry, I'll be more specific. You
19 said -- and this is at Part 2, page 5 of your interview. You said:

20 "... we had many military officials that were within our group.
21 We were quite liberal. We were really open. What I mean by this is
22 that we were really open to accepting officials and officers that
23 came with experience, and we didn't -- we were quite liberal towards
24 who approached us and who we accepted in the sense that they could
25 have been from the Yugoslavian army, they could have been from all

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1 sorts of places."

2 Is that correct?

3 A. That's correct.

4 Q. And Commander Remi did not express any hostility towards
5 officers of -- former officers of the JNA; is that correct?

6 A. That's correct.

7 Q. Jump ahead here. By the time you joined the KLA in June 1998,
8 Commander Remi was already the commander of the Llap zone; is that
9 correct?

10 A. Correct.

11 Q. And you told the SPO that when you joined the KLA, you did not
12 know who the overall commander of the KLA was; is that correct?

13 A. That's correct.

14 Q. And at Part 1, page 21, of your SPO interview, you said -- when
15 asked about the connections between the zone and the General Staff,
16 you said:

17 "... we didn't have any physical connections or they were
18 geographically -- there was a huge distance geographically, so there
19 was no physical communication."

20 Is that correct?

21 A. That's correct.

22 Q. And you told the SPO that the contacts with the "general
23 headquarters" weren't frequent at that time; is that right?

24 A. That's correct. And from what I can remember, we only had two
25 visits during the war from the General Staff, in August and October

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1 1998.

2 Q. And you also said that while you tried to establish radio
3 communication, it proved difficult because of the terrain and
4 distances; is that correct?

5 A. And I would add the security safety measures because a large
6 part of the area was under Serbian occupying forces' control. And
7 from a security and safety perspective, this -- travelling from this
8 point to another point was difficult considering the dangers one
9 would have faced.

10 Q. Okay. During your SPO interview, you told the SPO that all
11 senior command positions within the Llap zone were proposed by
12 Commander Remi; is that correct?

13 A. Correct. To my knowledge, yes.

14 Q. I'd like to show you something that was said by Commander Remi
15 and ask for your comment on it.

16 MR. MISETIC: And this is Exhibit P188, please, at page
17 SPOE00053301. And in Albanian, it is at page SPOE00330258.

18 Q. This is from Commander Remi's book "War for Kosova."

19 MR. MISETIC: Page 6 of the PDF, please. Yes. Yes.

20 Q. So if we read that paragraph that's on the screen, the question
21 is:

22 "Meanwhile, at Shala of Bajgora, the Llap KLA began its
23 exercises. When and how did that come about? Who were the first to
24 attend, and who were the superiors?"

25 And Commander Remi says:

1 "That was sometime in April that we decided to go up to the
2 mountains in May and begin our training exercises. We took all the
3 necessary measures at once and appointed people in charge for the
4 villages, who would be mobilising the people. I will mention some of
5 the persons in charge such as Kadri Avdiu, Sabri Hamiti, Ali Potera,
6 Beqir Hajrizi, and a number of other activists throughout the
7 villages, who at that time we considered as verified for carrying out
8 the mobilisation."

9 Then he goes on towards the end:

10 "Hamit Hamiti was appointed as a rear person in charge, namely
11 for logistics, who would be taking care of registration, and also a
12 person in charge of general mobilisation who was appointed. Muhamet
13 Lutfiu, who was later to attain the duty of Commander for the Civil
14 Defence. At that time, the Zone Staff had been ... established. I
15 was the Zone Commander, and Latif Gashi, Fatmir Humolli, Hyzri Talla,
16 Sejdi Rama and Avdi Kicmari were Staff members."

17 Do you see that?

18 A. Yes.

19 Q. And here he's talking about the situation in May 1998? Is that
20 how you understand it?

21 A. Yes, that's correct.

22 Q. And is this the situation you found in the Llap zone when you
23 joined in June 1998 in terms of the command structure?

24 A. I would add to this the arrival of the deputy commander
25 Kadri Kastrati.

1 Q. Yes.

2 A. But other than that, it's correct.

3 Q. Okay.

4 A. And my connection here was Hyzri Talla. I was in contact with
5 him at that time. I hadn't joined yet, but I was in contact with
6 Hyzri Talla.

7 Q. Yes. And to the best of your knowledge, is it correct that
8 these appointments were made before - to the best of your knowledge -
9 the General Staff had come to the Llap zone?

10 A. Yes, before.

11 Q. Now, in Preparation Note 2 at paragraph 9 you said something
12 similar. You said that:

13 "... Zahir Pajaziti was one of the firsts, together with
14 Rrustem Mustafa, Fatmir Humolli, Hyzri Talla, and others, who tried
15 to organise and structure the KLA in the Llap Zone and more widely."

16 Is that what you told the SPO last week?

17 A. Yes. Maybe I was not able to mention all of them, but yes.

18 Q. Now, Commander Remi, Mr. Mustafa, testified publicly in this
19 Court in July 2023, and I'd like to read you a portion of what he
20 testified and ask if you agree.

21 MR. MISETIC: And this is from trial transcript page 5500, lines
22 3 to 19.

23 Q. He identifies who the commanders of the brigades were. He says
24 they were:

25 "Idriz Shabani, from the beginning to the end, he was the

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1 commander of Brigade 151. Nuredin Ibishi was initially the commander
2 of Brigade 152, and then Arif Muqolli succeed him. Sejdi Veseli was
3 the commander initially of Brigade 153, and then Adem Shehu."

4 Now, would you care to comment on Commander Remi's testimony
5 there?

6 A. First, I was the commander of Brigade 151. Idriz Shabani,
7 Commander Luta, was commander of Brigade 152. And Sejdi Veseli was
8 deputy commander but at the same time acting commander of
9 Brigade 153. I don't see the period of time we're referring to.
10 Which time are we talking about?

11 Q. Well, he says:

12 "Idriz Shabani, from the beginning to the end, he was the
13 commander of Brigade 151."

14 Are you saying that he should be --

15 A. At different times things were different. So in the beginning,
16 I was the commander of Brigade 151 Zahir Pajaziti. Then at a later
17 stage when we expanded our territory and took our final positions,
18 the numbers, the names of the brigade changed. So the entire staff
19 of 151 Brigade became Brigade 152, and those from Brigade 152 became
20 151.

21 So the only thing that changed was the number and name of
22 brigades from 151 to 152 and 152 to 151. If I'm not mistaken, this
23 occurred sometime in November 1998. The name of the brigade from 151
24 changed into 152. Up until that moment, I was commander of
25 Brigade 151 Zahir Pajaziti, and then later this changed because of

1 the frontal deployment positioning from left to right.

2 So those who were in 151 became 152; those who were in 152
3 Brigade became 151.

4 Q. Okay. Thank you. Now, the conclusion of that portion of
5 Mr. Mustafa's testimony, he's asked specifically:

6 "Who appointed the commanders of [these] brigades?"

7 His answer is:

8 "I did."

9 Is that consistent with your recollection?

10 A. Yes.

11 Q. And then he continues on at transcript page 5484, line 24, to
12 5445, line 11 -- just a second. One second.

13 MR. MISETIC: I'm checking the transcript citation there.

14 Q. But, anyway, he says:

15 "[Mr.] Prosecutor, the appointments could be made also by the
16 General Staff. However, it was my ultimate decision who would be the
17 chief of staff, deputy -- commander of the zone and deputy commander.
18 For the sake of the cooperation and the opportunity to operate with
19 the General Staff, the appointments could also be made by them."

20 And then he continues on. And the question is:

21 "Who did Nuredin Ibishi report to?"

22 And he says:

23 "To me."

24 Now, my first question --

25 MR. MISETIC: And, yes, I read out the correct transcript

1 reference, 5484 to 5485.

2 Q. My first question is: Is that how you understood it, that it
3 was Commander Remi's ultimate decision of who would be his chief of
4 staff, his deputy commander, et cetera?

5 A. From the practical perspective, he did. When received the
6 decision in August 1998, there -- this was formally approved.
7 However, I was already appointed by Commander Remi as commander of
8 Brigade 151. This was on 18 July 1998, if I'm not mistaken.

9 Q. Okay. And then with respect to your appointment as commander of
10 Brigade 151, you testified you do not have actual knowledge of the
11 relations between Commander Remi and members of the General Staff;
12 correct?

13 A. I do not have evidence, because it was the prerogative of the
14 zone commander to be in contact with the General Staff, so I would
15 not interfere in that relationship. It was his discretion and his
16 duty to communicate with the General Staff. It was not mine. It
17 wouldn't be my idea or somebody else's idea.

18 Q. Now, with respect to the visit of the General Staff to the Llap
19 zone in August 1998, you've testified that you saw Mr. Thaci present
20 when the General Staff arrived in the Llap zone at that time;
21 correct?

22 A. Correct.

23 Q. You had not met Mr. Thaci before that; correct?

24 A. Correct.

25 Q. You testified you did not know at the time what Mr. Thaci's role

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1 was besides him being a member of the General Staff; correct?

2 A. Correct.

3 Q. You told the SPO at Part 2, page 14, of your SPO interview, that
4 you did not speak to Mr. Thaci nor to any other member of the
5 General Staff during their visit; is that correct?

6 A. I cannot say that I did not speak to them at all. I did not
7 speak in my official capacity. I greeted them. But this was not a
8 formal communication because since I did not know their positions or
9 authority or responsibility, I did not have any formal communication
10 to ask them about any specific matters, because I did not know,
11 again, their positions.

12 Q. Yes. Let me just read to you what you said to the SPO. At
13 Part 2, page 14, line 4 of your SPO interview, you said:

14 "I didn't know them, so I had nothing to discuss with them.
15 Later on I spoke to Bislime Zyrapi, the chief of staff. We just
16 needed to clarify -- we were -- we had frequent communications with
17 him for matters of personnel and staff, because he was more informed
18 as chief of staff."

19 Is that accurate?

20 A. That's correct.

21 Q. You also told the SPO, at Part 2, page 15, line 23, that you
22 were not asking the General Staff for orders or instructions and you
23 did not receive any instructions from the General Staff during the
24 General Staff visit; is that correct?

25 A. Correct.

1 Q. Okay. And you told the SPO, and this is at your SPO interview
2 Part 2, page 15, beginning at line 24. You said:

3 "At the time, I wasn't quite sure to whom to refer about what,
4 because I wasn't certain what their roles were or what they were
5 designated to do, what positions they held."

6 Is that correct?

7 A. Correct.

8 Q. Okay. Now, with respect to the second visit of the
9 General Staff to the Llap zone in October 1998, you told the SPO that
10 one of the people who visited the Llap zone was also Mr. Thaci;
11 correct?

12 A. Yes.

13 Q. And is it correct that at the time of this visit in October
14 1998, you still did not know what Mr. Thaci's position was?

15 A. Correct.

16 Q. Now, turning to your time when you were appointed chief of staff
17 of the zone command, you said that even after that time your only
18 contact with the General Staff was during their visits; is that
19 correct?

20 A. Yes, correct. And I described them.

21 Q. Yes. And you said that due to the absence of general
22 regulations being provided by the General Staff, you acted on the
23 basis of your judgment and created your own materials within the
24 zone; is that correct?

25 A. Of course. We would create our materials, provisional ones,

1 approved by Commander Remi, that we composed together with
2 Kadri Kastrati, and they were provisionally approved up until we
3 would receive from the General Staff the authoritative ones.

4 Q. Okay. Now, let's talk specifically now on the issue of
5 treatment of people suspected of collaboration.

6 You told the SPO, at Part 3, page 5, of your interview, that
7 there were no specific instructions with respect to the treatments of
8 civilians who continued to work in their job in public office; is
9 that correct?

10 A. Yes.

11 Q. And during your SPO interview, you were shown several KLA
12 communiqués. Do you recall being shown these communiqués, in
13 particular Communiqués 53 and 54?

14 A. Yes.

15 MR. MISETIC: Now if we could please put on the screen
16 Communiqué 53, which is Exhibit P00157, in both the English and the
17 Albanian. If in the Albanian we could scroll up, I believe? The
18 date should be up there. So we can see the date of the document.

19 Q. Yes, it's 24 September 1998. Do you see that in the upper
20 right-hand corner?

21 A. Yes, I see.

22 Q. Now, if we can go to the communiqué that you were shown in your
23 SPO interview. The third paragraph discusses:

24 "Various punitive actions are being taken against
25 collaborationist elements who continue to serve the occupying rule."

1 Do you see that? In the third paragraph.

2 A. Yes.

3 Q. Okay. Now, you told the SPO in response to being shown this
4 communiqué that there were no punitive actions taken against
5 collaborators in your zone in response to this communiqué; is that
6 correct?

7 A. Yes.

8 Q. Okay.

9 MR. MISETIC: And if we could take a look at Communiqué 54,
10 which is 083639 -- sorry, it's now admitted Exhibit P00173-ET, and
11 the Albanian version as well, please. Yes.

12 Q. So you recall that you were shown this communiqué. And the date
13 there you see is, I believe, 24 September 1998. Do you see that?

14 A. Yes.

15 Q. Do you recall being shown this communiqué during your SPO
16 interview?

17 A. I remember, not specifically, but I do remember some details.
18 Let me just read through it.

19 Q. Yes. I'd ask you to focus on the paragraph that begins --

20 A. Yes, I do.

21 Q. Yes. There's a paragraph there that begins:

22 "After the withdrawal of the Serbian forces, their place is
23 being filled also by some collaborationists and political activists,
24 who sow defeatism ..."

25 Do you see that?

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1 A. No, I cannot see that. Which paragraph is that?

2 MR. MISETIC: If we could scroll up? Yes. There we go.

3 THE WITNESS: [Interpretation] Now I see it.

4 MR. MISETIC:

5 Q. Yes. It says:

6 "After the withdrawal of the Serbian forces, their place is
7 being filled also by some collaborationists and political activists,
8 who sow defeatism, spread propaganda against the KLA and call on the
9 people to give up their weapons to the enemy. The Kosovo Liberation
10 Army General Staff states that [the] weapons have been taken up to
11 fight against the enemy, and ... those who conduct special warfare,
12 whoever they may be, will be treated in accordance ... with the laws
13 in wartime circumstances. Courageous commanders and soldiers in
14 Llap, Shala e Bajgores, Drenica, Dukagjin and entire Kosovo do not
15 need emissaries who sow confusion and defeatism among people. They
16 know their duty and they are up to their sacred task of defending and
17 liberating the people and the homeland."

18 Do you see that?

19 A. If you can scroll up the Albanian version. Now it's good. I
20 can see it now.

21 Q. Okay. Now, I'd like to explore a little bit. And I've given
22 you the dates here. We're talking about 22nd and 24th September, and
23 see what happened to people detained in the Llap zone around this
24 same time. Okay.

25 MR. MISETIC: So if we could please call up Exhibit P00167,

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1 please, in both the English and the Albanian.

2 PRESIDING JUDGE SMITH: It may be self-evident to us, but for
3 purposes of the record try to mention the year also with the months
4 and the dates.

5 MR. MISETIC: Yes.

6 Q. So the communiqués I was talking about were the 22nd and 24th of
7 September, 1998, Witness.

8 And this now that you see on your screen is dated two days after
9 the last communiqué, so 26 September 1998. It's a decision on the
10 release of Milovan Stankovic. And you testified in 2003 at
11 SPOE00088341 to 00088352 at page SPOE00088349, which is now admitted
12 Exhibit P1754, that you personally participated in the decision to
13 release Milovan Stankovic. Do you recall testifying to that effect
14 in 2003?

15 A. Yes.

16 Q. And the decision to release this person was made by the zone
17 command in the Llap zone; correct?

18 A. Yes, the command of the Llap zone.

19 Q. Yes. And if we go to your testimony in the trial of Latif Gashi
20 in 2003 at Exhibit P1754, page SPOE00088346 to SPOE00088347, you
21 stated that -- or, sorry, in that trial you discuss the release of
22 two additional people who had been detained, Fadil Sylevic and Islam
23 Mshica who were detained in Majac. Do you recall that?

24 A. Yes.

25 Q. And you discuss their release in that trial together with the

1 release of Milovan Stankovic; correct?

2 A. Yes.

3 Q. And they were all released around the same time in September;
4 correct?

5 A. Yes. Stankovic was released, whereas the two others remained
6 within the area of responsibility of the Llap operational zone as
7 part of the KLA structures as free persons.

8 Q. Yes. And --

9 A. Without specific tasks but within the zone.

10 Q. Yes. Now -- but they were released as detainees around the same
11 time as was Milovan Stankovic?

12 A. Yes, yes, they were released.

13 Q. Now, Witness, I'm going to first just tell you that according to
14 the Prosecution's indictment in this case, Schedule A, page 59, the
15 last of the persons who had been detained in the Llap zone at Bajgore
16 were released by no later than mid-September 1998. Do you understand
17 that?

18 A. Yes.

19 Q. Okay. Is that consistent with your knowledge, that as of around
20 mid-September 1998 there were no more detainees in Bajgore?

21 A. No, it does not coincide with that. We had the releases in
22 September. However, Stankovic's release and the release of others
23 occurred later because the decision was taken later. 15 September is
24 the day of a battle, battle of Kacanoll.

25 Q. Okay. My point is that by, let's say, no later than the end of

1 September, all of the people who had been detained were released;
2 correct?

3 A. This was the reason why their release was deterred for later so
4 that they -- because of the battle, so that they don't fall into the
5 hands of the enemy. It was the battle that dictated the later
6 release of these people.

7 Q. Okay. But, again, my point is that, as we saw in the earlier
8 decision, Stankovic was released by 26 September 1998; correct?

9 A. Yes, it should be around that time. I do not recognise this
10 document or decision, and the signature is not known to me. But the
11 decision to release them was made approximately around that time.

12 Q. Yes. Okay. That's fine. And with respect to your
13 understanding that Fadil Sylevic and Islam Mshica had some connection
14 to the General Staff, which you talked about, you said to the SPO in
15 Preparation Note 1 that you didn't have any direct knowledge of this,
16 but you heard this from Hyzri Talla and others; is that correct?

17 A. Yes.

18 Q. So going back to the communiqués, what we see here is that the
19 communiqués of 22 and 24 September 1998 were issued at around the
20 same time that all of the detainees in Bajgore were being released by
21 the Llap zone; is that correct?

22 A. It should be like that.

23 Q. Would you agree with me that you are not aware of any nexus
24 between Communiqués 53 and 54 and the treatment of detainees in the
25 Llap zone?

1 A. What kind of knowledge or awareness? Are we talking about these
2 three that were detained? I do not quite understand your question,
3 Mr. Luka.

4 Q. There's no -- would you agree with me that there is no
5 connection between Communiqués 53 and 54 and how the detainees in the
6 Llap zone were being treated in September 1998?

7 A. There isn't, no.

8 Q. Thank you. Let's talk about the case of Goran Zbilic. Now, you
9 told the SPO that Goran Zbilic's release was in part because of
10 pressure being applied by Adem Demaci; correct? And you used the
11 word "pressure" in your SPO interview, Part 9, page 6. Is that
12 right?

13 A. I don't know how to call it, but it was a request on his part.

14 Q. Okay. Well, you used the word "pressure," and I'll be -- to be
15 fair to you, I'll read the entire sentence. You say at that part of
16 your SPO interview:

17 "However, the reality was that there was pressure and requests
18 made and pressure from Adem Demaci as well as from KDOM and other
19 representatives of the international organisations. I personally
20 passed the message on through Hyzri Talla and Remi."

21 Is that correct?

22 A. Yes.

23 Q. Okay. And as far as you know, Adem Demaci was exerting this
24 pressure directly on the zone command; is that right?

25 A. His request was that this person would be released. And as to

1 other matters connected to his responsibilities or the suspicion that
2 he had been involved in criminal aspects together with other persons,
3 this was to be prosecuted later on, hypothetically speaking, when the
4 judiciary institutions would be later established. So the zone
5 accepted Mr. Demaci's request for this person to be released.

6 Q. Okay. So if I understand it correctly, the person was in the
7 custody of the zone, Mr. Demaci directly made appeals and put
8 pressure on the zone command to release him, and the zone command
9 released him. Is that how it went?

10 A. Yes, correct. It was a reasonable request.

11 Q. I'd like to show you one document and see what you know about
12 it. You were asked some questions by Victims' Counsel about an
13 entity known as or claiming to be -- one second, please.

14 [Specialist Counsel confer]

15 MR. MISETIC: Yes, I'm told, Mr. President, that right before we
16 started this session, in light of the questioning by
17 Victims' Counsel, we asked to add one document to our queue and that
18 permission has not yet been granted by the Panel.

19 PRESIDING JUDGE SMITH: Any objection?

20 MS. D'ASCOLI: No, Your Honour.

21 PRESIDING JUDGE SMITH: It may be added.

22 MR. MISETIC: Thank you. I'll wait for Madam Court Officer to
23 tell me when that's possible.

24 Thank you, Madam Court Officer. If we could please call up
25 SPOE00227422 to SPOE00227423. And if we could go to the second page

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1 of the document.

2 Q. And, Witness --

3 MR. MISETIC: If we could just stop -- sorry, if we could keep
4 it there just so that the witness orients himself.

5 Q. Witness, I will read to you how this document is described in
6 Legal Workflow. It's described as a typed document in Albanian
7 titled "The KLA General Staff" written by Jakup Krasniqi.

8 MR. MISETIC: And if we could please turn to the second page.

9 Q. And I'm just going to read the paragraph that discusses the
10 political directorate of the KLA. It says:

11 "The Kosovo Liberation Army Political Directorate initially had
12 been within the KLA [General Staff]. With the escalation of the
13 liberation war of the people of Kosovo, and due to the inability of
14 the political parties to direct the war politically, the
15 [General Staff] commissioned the [political directorate] to lead the
16 Kosovo Liberation Army politically. In the beginning the leaders of
17 the [political directorate] were Hashim Thaci, Jakup Krasniqi,
18 Bardhyl Mahmuti, Sokol Bashota, and Xhavit Haliti. After the
19 escalation of the liberation war and the needs for communicating
20 domestically and [within] the international community increased, the
21 [political directorate] would be expanded with new members
22 domestically and abroad. The new members were Adem Demaci,
23 Rame Buja, domestically; and Ramadan Avdiu, Pleurat Sejdiu, and Sabit
24 Kicmari /abroad/."

25 Now, I'll stop there. You were, you've testified, aware of

1 Mr. Demaci's role in the case of Goran Zbilic. Were you aware, after
2 the organisation, that Adem Demaci had a role in communicating
3 domestically in Kosovo at that time as part of the General Staff?

4 A. Well, he was a representative of the General Staff in Prishtine,
5 in that role, and communicated with the commanders, the zone
6 commanders, and the commands in all the zones in Kosovo.

7 Q. Yes. And are you aware that Adem Demaci communicated directly
8 with Commander Remi?

9 A. Yes, certainly. He was a symbol of resistance and dedication to
10 Kosovo, and his authority and post required that he would be in
11 constant contact with the zone commands and commanders and with
12 fighters of various levels. So this was his authority, not because
13 of his post only, but because of his personality as Mandela of
14 Kosovo.

15 Q. Okay. Your last answer you say that he was "in constant contact
16 with zone commanders and commanders and with fighters of various
17 levels."

18 Was he in constant contact with you as the commander of
19 Brigade 151?

20 A. Maybe continuous. But he visited us many times and supported
21 us, especially during the battle of Kacandoll, and he would encourage
22 us how to continue with the war. There were contacts, not maybe on a
23 regular basis, but I would say more on a personal basis as a brigade
24 commander that I was.

25 Q. And is it correct that Adem Demaci was physically based in the

1 Llap zone?

2 A. Prishtine, Fushe Kosove, Obiliq, Podujeve are the Llap zone.
3 The KLA seat in Prishtine was in Prishtine. And Adem Demaci was
4 carrying out this role, so the seat of his office was in Prishtine
5 within the area of responsibility of the Llap operational zone.

6 Q. Thank you. My next question is you told the SPO that there was
7 an order from the General Staff regarding collaborators. Do you
8 recall saying that?

9 A. Yes, I do.

10 Q. Now --

11 PRESIDING JUDGE SMITH: Yes, Mr. Laws.

12 MR. LAWS: Your Honour, if we're changing topics away from the
13 document that was said to have been added as a result of my
14 questioning, may I just say, for the record, that I asked about
15 something called the information directorate and not the political
16 directorate. Just so that we're clear.

17 MR. MISETIC: Yes. Just so -- I mean, the SPO's pre-trial brief
18 calls it the political and information directorate.

19 PRESIDING JUDGE SMITH: Understood.

20 [Microphone not activated].

21 MR. MISETIC: Thank you.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 THE INTERPRETER: Interpreter's note that line 6, page 75 of the
24 transcript should read, the first sentence:

25 "Maybe not continuous."

1 JUDGE METTRAUX: And, Mr. Misetic, are you offering the
2 document?

3 MR. MISETIC: No, because the other is MFI'd. So as long as we
4 don't admit that one, then I'm not tendering this one. Let me just
5 say I reserve my position on it later depending on your ruling on the
6 MFI document.

7 PRESIDING JUDGE SMITH: Understood.

8 MR. MISETIC: Thank you.

9 Q. Now, you told the SPO -- and I just asked you about the -- you
10 saying there was an order from the General Staff regarding
11 collaborators. You told the SPO that you have no specifics about
12 this order from the General Staff but that it was "public knowledge."
13 Do you recall saying that?

14 A. I never have seen this order during the war. And that is why I
15 referred to it just as a communiqué, Communiqué 53 or Communiqué 54.
16 During the war, I have not seen the order you're referring to.

17 Q. Yes, I was going to get to that in a moment. But you told the
18 SPO at Part 5, page 4, line 20 of your interview, that you "imagine
19 Remi was present when this order was issued." Is that correct?

20 A. No. What I said is -- I did not say that Remi was there, but
21 Remi represented us there. In answering to a leading question, I
22 said most probably because I was not certain about the fact that
23 we're discussing here.

24 So this was discussed. However, it's not accurate that I
25 confirmed. The question was leading, and I replied by saying most

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1 probably, but I cannot be certain because I was not in that meeting
2 to know whether that decision was taken.

3 Q. Okay. Let me show you your evidence from the trial of
4 Latif Gashi.

5 MR. MISETIC: And if we could have, please, Exhibit P1754, page
6 SPOE00088347. Yes. And if we go to the paragraph that begins
7 "Stankovic was in detention ..." And in Albanian, it should be 88359,
8 so the next page. There it is, "Stankovic was in detention ..."
9 Yes.

10 Q. Now, what's recorded as your testimony is:

11 "Stankovic was in detention for about a month although I am not
12 certain exactly. In October we went further down and sometime in
13 December 1998 detainees were first held in Llapashtica. Upon orders
14 of the General Headquarters, Commander Remi who was in constant
15 contact with the General Headquarters and then the General
16 Headquarters acting on his orders ordered that persons who
17 collaborated with the enemy should be summoned and detained by
18 isolating them ..."

19 Do you see that?

20 A. Can you scroll up a little bit, please? I referred here most
21 probably to Communiqué 53 and 54.

22 Q. Well, Communiqué 53 and 54 were three months earlier.

23 A. And that is why we did not have prior cases. We had to take on
24 our new functions and obligations, and we were not -- we were busy
25 with digging trenches and setting up positions and setting up

1 brigades and zones. This was our main task, expanding and
2 controlling the territory. Otherwise, I have not received any order,
3 unless we're talking as -- in military terms an order which is a
4 conditional order, as a recommendation, referring to Communiqué 53,
5 54, which were public.

6 With respect to the matter of the communication of
7 Commander Remi, he was the only person who had the power to
8 communicate with the General Staff in his capacity as the head of the
9 zone.

10 Q. Yes. Well, first, let me tell you that in your SPO interview
11 you were asked specifically about what order of the general
12 headquarters you're talking about, and you answered -- and this is at
13 Part 4, page 12, lines 7 to 12. You're asked:

14 "And did the KLA General Staff indicate how those detained
15 persons should be managed?"

16 You say:

17 "No.

18 "Did Commander Remi or anyone else indicate who it was within
19 the General Staff who, in fact, had given the order? Who?"

20 You say:

21 "No, I don't know."

22 Correct?

23 A. Not that I don't know, but that was a decision of the command.
24 The decision regarding the detention of the persons. I don't know
25 who specifically said it. But the decision to detain persons came

1 from the zone command level.

2 Q. Yes, I agree with that. But let's go back to the testimony
3 that's on your screen in front of you. It's a bit confusing to me
4 and so I'm asking you to clarify. You say, first of all, that "the
5 General Headquarters acting on his," meaning Remi's, "orders ordered
6 that persons who collaborated with the enemy should be summoned and
7 detained by isolating them ..."

8 What does that mean?

9 A. I was referring to two communiqués here, 53 and 54, which were
10 issued at an earlier time but they reflected the situation. In
11 September there were words about an order. I did not see that during
12 the war. Words were said about the formation of a militia composed
13 of Albanians within the occupying forces, as part of the occupying
14 forces, and lists with members of Albanian community, with names from
15 the Dukagjini zone, specifically in Gjakove. So there were lists
16 with names, surnames, personal details, uniforms, and weapons
17 assigned. Those can be found in the social networks and Google.

18 So one of them was to take preventive measures at the zone level
19 and on behalf of the zone. This is what I heard. An order was
20 taken. This was discussed. I did not see this decision. But the
21 idea was to -- for the military police to take preventive measures to
22 stop the formation of this Albanian-made unit within the Yugoslav
23 forces which would have caused serious problems to us.

24 After taking the measures, this unit composed of Albanians
25 within the occupying forces did not come into existence with the

1 exception of the Dukagjini zone and the lists I mentioned in Gjakove.
2 So this decision was talked about and referred to as related to a
3 militia composed of Albanians within the framework of the Ministry of
4 Internal Affairs of the occupying regime, which later did not come
5 into existence in our zone because we took the necessary measures and
6 this structure did not come into effect in our zone.

7 Therefore, even if such a decision existed, which I have not
8 seen, we did not have such a presence of such a militia in the Llap
9 operative zone or our area of responsibility.

10 Q. Okay. Witness, I let you talk for a long time, but you strayed
11 far afield from my question. So I'd ask you to focus on my question,
12 which is to focus on your testimony and what you meant by the words
13 that are on this page in front of you. So I'd ask you to take a look
14 at that again, on the screen, the paragraph that begins: "Stankovic
15 was in detention for about a month ..." Okay?

16 There's a sentence in there, at least in English, that says:

17 "... then the General Headquarters acting on his orders," which
18 in context means Remi's orders, "ordered that persons who
19 collaborated with the enemy should be summoned and detained by
20 isolating them ..."

21 Do you see that?

22 A. Yes, I see that.

23 Q. Stop. I just asked you whether you see it. Okay?

24 A. Yes, I see it.

25 Q. Now, my specific question is: What does it mean that the

1 general headquarters was acting on Remi's orders that persons who
2 collaborated with the enemy should be summoned and detained by
3 isolating them?

4 A. Most probably this is a misinterpretation, because Remi cannot
5 give orders to the General Staff. I am only referring here to the
6 possibility of this Albanian-made militia, which would be a danger
7 for us. I did not see an order from the General Staff. As a matter
8 of fact, our activities did not find any presence of such militia.

9 This sentence has no meaning that Remi would have dictated such
10 measures to the General Staff. It is anachronic to -- as when we
11 consider the relationship with the General Staff.

12 Q. Yes, but the only order that you actually heard or saw
13 personally was an order from Remi that persons who collaborated with
14 the enemy should be summoned and detained by isolating them; is that
15 correct?

16 A. No. This is an order of the zone command to carry out such
17 action. Obviously, Commander Remi is the authority, the ultimate
18 authority. The decision to detain persons is made at the command
19 level of the Llap operative zone.

20 Q. At Part 7, page 14, lines 11 to 17, you told the SPO that you
21 are not aware of any reports on the issue of collaborators having
22 been provided to the General Staff by the Llap zone; is that correct?

23 A. That's correct.

24 Q. You said at Part 8, page 11, lines 11 to 17, that you are not
25 aware of whether Commander Remi reported to the General Staff about

1 collaborators; is that correct?

2 A. That's correct.

3 Q. You told the SPO at Part 7, page 20, lines 13 to 20, that the
4 issue of collaborators, as far as you know, was not discussed during
5 the visit of the General Staff members in October 1998; correct?

6 A. Correct.

7 Q. Okay. Now, I want to take you to your Preparation Note 2 at
8 paragraph 3. And this is now with respect to your testimony that
9 there was an order by the General Staff not to interrogate detainees.
10 It says:

11 "Asked to clarify what he knew about the order of the
12 General Staff that detainees should not be interrogated, [you]
13 clarified that it was forbidden to start any informative talks
14 because they did not have investigative police, prosecutors or a
15 functioning court. [You] noted that, initially, that was an ...
16 order issued by the Llap [operative zone] within the Zone. The order
17 was directed to the Military Police of the Zone that were dealing
18 with detainees, and was aimed at preventing or avoiding any possible
19 mistreatment. Later on, the General Staff issued a similar order to
20 not have any type of informative talks with detainees, and the issue
21 was discussed within the Zone."

22 Do you recall telling that to the Prosecutor last week?

23 A. Yes.

24 Q. Now, let me take you to some orders of the General Staff and
25 see, since you've discussed orders.

1 MR. MISETIC: If we could please have on the screen Exhibit 1D29
2 in Albanian, which is P00741_ET.3 in the English.

3 Q. Witness, take a look at this document and tell me if you've ever
4 seen this order before.

5 A. I did not see it during the war. I saw it after the war. If
6 you could please scroll up a little bit. This was talked about. But
7 as discussed earlier, I did not see this during the war. I saw it
8 after the war.

9 Q. So in terms of your knowledge of any orders of the
10 General Staff, you did not see any orders during the war, correct,
11 related to the issue of collaborators?

12 A. Correct.

13 Q. And this order at point 3 -- and the date of this order, by the
14 way, is 28 November 1998. At point 3, it says:

15 "Improper behaviour towards the civilian population is to be
16 prevented in all KLA units."

17 And point 4:

18 "The arrest, detention or imprisonment of [prisoners] without an
19 order from a brigade commander or above is prohibited, except in the
20 case of a critical combat situation or when various criminal offences
21 are being committed against members of the KLA, against individuals
22 or the civilian authorities."

23 Do you see that?

24 A. Yes.

25 Q. Now, do you think this might be an order of which you're

1 referring concerning the General Staff orders on detention and
2 treatment of civilians?

3 A. It might be. It is maybe a coincidence. I said earlier I did
4 not see it. However, the content of this was discussed or talked
5 about in the zone from what I can remember. It is true, though, that
6 the point referring to the detention as a prerogative of the zone
7 commander remained. In other words, this would remain within the
8 authority of the zone commander in order to avoid having other people
9 involved in this aspect and preventing, thus, the -- any potential
10 misuse or abuse.

11 Q. Yes. Now, you were the chief of staff of the zone commander
12 beginning in December; correct?

13 A. Correct.

14 Q. Now, were you aware of the arrest or detention or imprisonment
15 of persons being done by order of brigade commanders or above
16 following the issuance of this order?

17 A. This prerogative or competence was delegated to the brigade
18 commanders, and they took action and implemented what was discussed.

19 MS. V. ALAGENDRA: Your Honours, I'm told there is a transcript
20 error on page 84 at line 17 to 18. And it should read as "the
21 brigade commander," not "the zone commander."

22 MR. MISETIC:

23 Q. Witness, let me just ask for your clarification. The transcript
24 says:

25 "It is true, though, that the point referring to the detention

1 as a prerogative of the zone commander remained."

2 Did you say "zone commander" or "brigade commander"?

3 A. This was the discretion of the brigade commander, because the
4 zone commander did not have a supervision in relation to the civilian
5 defence or the military police which operated in a specific territory
6 such as the territory under the brigade.

7 Q. Now, Llapashtice. The detention centre at Llapashtice was set
8 up at the beginning of November; isn't that correct?

9 A. It should be correct.

10 Q. So the zone had set up the Llapashtice facility before the
11 issuance of this order; correct?

12 A. As I mentioned before, this was a decision of the Llap operative
13 zone to detain persons and which was delegated to the brigade
14 commanders and civilian defence, and giving the authority to the
15 military police to set up a location at the zone level to hold
16 persons or detain persons, because the majority of the military
17 police were former police officers who had knowledge about the rules
18 and laws and human rights.

19 Q. Okay. But in terms of the chronology here, the zone had started
20 detaining people at Bajgore about the beginning of August; correct?

21 A. Now, these are coincidental cases, such as the arrest of
22 Stankovic or the group of Grashtice or Fadil Sylevic. However --

23 Q. Whether they're coincidental or not, I'm just trying to
24 establish a chronology. You're aware that people, for whatever
25 reason, had been detained beginning around August and being held at

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1 Bajgore; correct?

2 A. Correct.

3 Q. And they were held there, some of them, for at least six, seven
4 weeks before they were released in mid- to late September 1998;
5 correct?

6 A. Correct. They were invited for several days. However, the
7 circumstances imposed a postponement or extension of their detention
8 because of the war circumstances. And this is in accordance with the
9 police authorisations for detentions. Therefore, their detention
10 exceeded the anticipated time.

11 Q. Yes. And then all of those detentions happened before the
12 issuance of Communiqué 53 and 54; correct?

13 A. Correct, yes.

14 Q. Then the Serbian offensive happened; correct?

15 A. Correct. 15th, 18th September.

16 Q. Yes. And then there was a cease-fire in October; correct?

17 A. Yes.

18 Q. And then the Llap zone, beginning in November, again set up a
19 detention facility but this time in Llapashtice; correct?

20 A. Correct.

21 Q. Now, you said, and you told the SPO, you were not familiar with
22 the conditions in the detention facility in Llapashtice; is that
23 correct?

24 A. Perhaps partially, because somebody else had authority and was
25 competent for this. I did have some knowledge because I visited this

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1 centre on two occasions. You have my statement on that. However, I
2 was not directly responsible or in charge of that. As a result, my
3 answer is perhaps in a way incomplete.

4 I have visited this location on two occasions, and I received
5 the report from the head of the military police who was in charge of
6 this and his requests, which were approved, with respect to the
7 conditions in which the detained persons were held.

8 MR. MISETIC: I see it's 1.00, Mr. President. I don't have much
9 more, but I do want to continue on this topic after the break.

10 PRESIDING JUDGE SMITH: Witness, we'll take a lunch break now.
11 We'll be out until 2.30. We'll see you back here at 2.30. Don't
12 speak with anyone about your testimony.

13 [The witness stands down]

14 PRESIDING JUDGE SMITH: Further estimates on cross-examination?

15 MR. DIXON: Your Honours, I maintain I will be done within an
16 hour. I'm hoping it'll be less.

17 MR. ROBERTS: Certainly no more than what I said earlier and
18 probably less.

19 MS. V. ALAGENDRA: About an hour, Your Honours.

20 PRESIDING JUDGE SMITH: Thank you.

21 [Microphone not activated].

22 --- Luncheon recess taken at 1.01 p.m.

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

24 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
25 in.

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Mr. Ibishi, the attorney for Mr. Thaci
3 will have some additional questions.

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

5 Q. Good afternoon, Mr. Ibishi. Before we continue with the
6 discussion of Llapashtice, I just want to go back to an answer you
7 gave before lunch, beginning at transcript page 79, line 19, to page
8 80, line 19. And do you recall discussing a formation of a militia
9 composed of Albanians within the occupying forces as part of the
10 occupying forces and lists within the Albanian community with names
11 from the Dukagjin zone, specifically in Gjakove? Do you recall that?

12 A. Yes.

13 MR. MISETIC: If we could please have on the screen
14 Exhibit P00168 in both the English and the Albanian, please.

15 Q. I'd just ask you to read that order to yourself for a minute and
16 tell me when you're finished.

17 A. Yes.

18 Q. The order is dated 2 December 1998. And my question, first, is
19 have you ever seen this order before?

20 A. No, not during the war, but I did see it after the war.

21 Q. And is this order, to the best of your knowledge, related to the
22 matter that you addressed with me before lunch concerning the
23 formation of Albanian police units within the structures of the
24 Serbian regime?

25 A. I think so. Yes. Because it refers to the command, to the

1 military police to undertake measures. The situation deteriorated.
2 A formation was created in the Dukagjini Plain with a tendency to
3 cause bloodshed amongst Albanians. And that's why I commented it in
4 the spirit I did.

5 There was a tendency to have such formations in the entire
6 territory of Kosovo, to have people put on the uniform of the Serb
7 forces and to have them on the opposite side; that is, as the enemy
8 of the Kosovo Liberation Army.

9 We, at the operational zones staff, took measures in the sense
10 that through the military police units to prevent such activities.
11 In the area, operational area of Llap, we didn't have such
12 occurrences that would force us to take proactive measures.

13 MR. MISETIC: We can take the document down.

14 Q. Turning back to the detention facility at Llapashtice, what was
15 your role in setting up that detention facility?

16 A. I was a member of the command in my capacity as a brigade
17 commander, later on, in December, also part of the staff, and part of
18 the process of taking such decision, because the consequences would
19 be grave. And the consequences for the members of the KLA, I can
20 mention the killing of Hyzri Talla, Ilir and Afrim while they were
21 visiting their families.

22 Hyzri Talla was the deputy chief of the information service in
23 the Llap operational zone. We have the killing of Agim Gashi, who
24 was chief of logistics in my brigade. He was also killed during a
25 visit to his family. And this was a consequence of that

1 collaboration or of the collaborators with the intelligence services
2 of Serbia and the Serbian police forces.

3 On a personal level, my family was forced to leave under the
4 threat for their lives. I'm referring to my wife and my children.
5 Shaun Byrnes, the chief of KDOM, was informed about this. Another
6 example would be the setting on fire of my house in my native
7 village --

8 Q. Witness -- Witness --

9 A. Let me finish, please. On that occasion, Beqir Jakupi with six
10 family members, and I'm talking about civilians here, were killed.

11 This shows that this collaboration had serious consequences for
12 the structures in the Llap operational zone.

13 Q. Okay. Now, I appreciate the answer. My question though was,
14 and let me rephrase it slightly, were you involved in making the
15 decision to establish the detention facility at Llapashtice?

16 A. Yes.

17 Q. And who else was involved in that decision?

18 A. The members of the zone command, of the Llap zone command.

19 Q. And that would be Commander Remi?

20 A. Yes.

21 Q. Kadri Kastrati?

22 A. Yes.

23 Q. All the brigade commanders?

24 A. Yes.

25 Q. And --

1 A. Chiefs of the various sectors. Now, I don't remember each and
2 every one of them, but there were others as well.

3 Q. Okay. Do you recall -- this was at a meeting of the zone
4 command?

5 A. Certainly.

6 Q. And when did that meeting take place?

7 A. I don't remember. It probably happened towards the end of 1998.

8 Q. Okay. Well, Llapashtice was set up at the beginning of
9 November; is that correct?

10 A. It could be.

11 Q. All right. Ultimately, it's the zone commander's decision to
12 establish it; correct?

13 A. Of course, because he's chief commander of the Llap operational
14 zone. Although, the decision was taken by all of us.

15 Q. And now talking about Llapashtice. Before the break, you said
16 that you had been to Llapashtice. Now, did you go into the detention
17 premises at Llapashtice?

18 A. Yes, on two occasions. One in relation to a visit, a friend
19 wanted to visit one of the detainees. I accompanied him up to the
20 yard. The military police established contact between him and the
21 detainee. He spoke to him. And this is it concerning this visit.

22 And the second occasion was during the touring of the
23 fortifications and the facilities. I visited the detention facility.
24 I did not enter the facility because it was late at night, after 2200
25 hours. It was not the time for visits. I visited the military

1 police. And, amongst other things, I saw some sweets on the table.
2 I asked about the situation, the duty officers. I asked them who
3 these sweets were for, because there were quite many. And they said
4 that those were brought by the civilians, the local civilians for the
5 detainees. So the detainees were treated, if I can say, liberally in
6 terms of the visits.

7 These were the two visits that I made. The facility was by the
8 road between the command of the zone in Llapashtice and part of the
9 Podujeve municipality, and it was visible to the civilians who would
10 happen to pass by.

11 Q. Okay. Do I take your answer to mean, then, that you were
12 therefore not familiar with the conditions in which detainees were
13 being held inside the facility?

14 A. I cannot speak in details. It's in my statement. I'm referring
15 now to the deputy commander Nazif Mehmeti, who reported to us in
16 terms of additional requests, for example, blankets and other
17 logistics. In other words, we were in the know as far as the
18 conditions in this detention centre were concerned.

19 Q. A few minutes ago -- sorry, before lunch you confirmed for me
20 that you did not know whether Commander Remi reported to the
21 General Staff about collaborators; correct?

22 A. I wouldn't know that. It was his authority or the communication
23 aspect. I have no knowledge about his contacts.

24 Q. And you have no knowledge of anyone else from the zone command
25 informing the General Staff about collaborators; correct?

1 A. Correct.

2 Q. Now, you've testified in 2021 that when the Llap zone
3 headquarters moved from Llapashtice, the zone command decided to
4 release detainees held in Llapashtice; correct?

5 A. Yes.

6 Q. And in Prep Note 1, paragraph 30, you told the SPO last week:

7 "... it was the Zone Commander who had the ultimate authority to
8 decide to release detainees and give amnesties. However, these
9 issues would be discussed in Zone Command meetings."

10 Correct?

11 A. Yes. He had the ultimate authority based on the proposals
12 received by the command. He had the authority to authorise amnesty.
13 Like, for instance, on 31 December, if I'm not mistaken, to authorise
14 the amnesty of several persons. But I know that all of them were
15 released.

16 Q. Yes. But you say he had the authority, but the SPO -- you told
17 the SPO last week that he had the ultimate authority, which means he
18 was the last highest-ranking person who could make a decision on
19 release or amnesty; correct?

20 A. This is how it was. His position determines that authority.
21 His position as commander of the zone.

22 Q. Now, a few minutes ago you told me that the reason that people
23 were being detained was because of the threat that existed to KLA
24 people, and you identified some people that were killed as a result
25 of collaboration; correct?

1 A. Correct. I suppose so. And the risk or the threat was not only
2 to us as structure of the KLA Llap operational zone but also for the
3 civilians who supported us, be it by providing accommodation,
4 logistics, or personnel enforcement. So this risk that the
5 collaborators posed was permanent, and it was our duty to undertake
6 measures in line with the four Geneva Conventions and the two
7 additional protocols, in particular Additional Protocol II.

8 And as Llap operational zone, we strived to fulfil all the
9 conditions that would eliminate that threat for the civilians and for
10 the KLA in that area, including the parts that were under the
11 administration or occupation of the Serb forces.

12 Q. Now, you've already said that you have no knowledge that
13 Commander Remi or anyone else in the zone was informing the
14 General Staff about collaborators. And my question to you is given
15 the threat posed by these collaborators, what information were you
16 receiving in the zone command about these collaborators and what
17 their activities were?

18 A. The citizens themselves would provide this information to us.
19 They knew about the activities of the collaborators, their contacts
20 with the Serbian authorities, members of the police, of the
21 intelligence services, of the state security. And I need to mention
22 that there were also lists, lists that were broadcast on a
23 documentary on the television of Kosovo. There were seven persons on
24 that list, including myself, wanted for liquidation. And out of
25 those seven names, five were liquidated and one is unaccounted for.

1 He's disappeared.

2 In other words, this network of collaborators had consequences
3 for the KLA. Therefore, we were forced to undertake measures that
4 would protect our mission, our engagement, and at the same time to
5 protect the civilians who supported the mission of and the struggle
6 of the KLA, of course, by abiding by the provisions of the two
7 additional protocols of the four Geneva Conventions.

8 Q. Okay. My question, however, is specifically about detained
9 people. So the civilian defence brings to Llapashtice people who are
10 suspected of being collaborators. Who would interview those people
11 to see what information could be obtained from them, and then how
12 would that information be passed on to higher authorities in the
13 zone?

14 A. First of all, within the area of responsibility of the brigades,
15 there was Territorial Defence within the framework of villages and
16 locations. Persons who were suspected of collaborating with the
17 authorities of the Serbian regime or the security organs, they would
18 be reported to the brigade in that given area. Then the brigade
19 commander would issue an order for that person to report to the
20 command of the brigade. The military police would then bring that
21 person to the detention centre in Llapashtice, where the military
22 police of the zone was stationed, and that's where the investigation
23 would be made.

24 With a decision of the General Staff, or, rather,
25 recommendation, there was no interrogation or questioning, only

1 initial notification of the person as to why they were detained. And
2 after uncovering the reasons, then they would be released. This was
3 the procedure.

4 I mentioned one case to the Prosecutor, which was discussed
5 during a closed session yesterday, a case of a certain person --

6 Q. Yeah, we can't discuss closed session testimony in public, so
7 let me stop you there.

8 A. I would have referred to that person without using names,
9 personal names, or names of locations. But we did discuss this
10 yesterday.

11 Q. Okay. You've given a detailed answer there. But, first of all,
12 we saw the order issued by the General Staff, by Bislim Zyrapi, on 28
13 November, concerning civilians and who had the authority to detain
14 people. But before that, you were the brigade commander of 151 in
15 early November 1998; correct?

16 A. Yes.

17 Q. So as I understand your evidence, the Territorial Defence would
18 bring someone to the brigade suspected of -- or would have -- you
19 would have the military police bring that person to the brigade?

20 A. Yes, the military police. So members of the civilian defence
21 would provide the information to the commander of the brigade, who
22 had the discretion to receive that information. He would report to
23 the zone command. And then the military police of the brigade -- if
24 this person was determined to have such elements, he then would be
25 brought to the centre in Llapashtice and held there for several days.

1 Q. Well, I'm just reading page 96 of today's transcript, and you
2 said:

3 "Persons who were suspected of collaborating with the
4 authorities of the Serbian regime or the security organs, they would
5 be reported to the brigade in that given area. Then the brigade
6 commander would issue an order for that person to report to the
7 command of the brigade. The military police would then bring that
8 person to the detention centre in Llapashtice, where the military
9 police of the zone was stationed, and that's where the investigation
10 would be made."

11 Is that accurate?

12 A. Yes.

13 Q. So you were the commander of Brigade 151 at the beginning of
14 November 1998. Do you recall specific cases of specific individuals
15 that were detained based on your brigade ordering the military police
16 to detain them and bring them to Llapashtice?

17 A. I remember only the instance that we discussed during the closed
18 session, if you remember it in some details.

19 Q. Now, my other question -- my original question was: Given the
20 dangers posed by collaboration, there must have been some
21 communication or some information going back to you, as the brigade
22 commander, as to whether these individuals posed an actual threat to
23 the KLA; is that correct?

24 A. Excuse me, I did not understand your question.

25 Q. Well, if the person is being detained because there's a

1 suspicion that they pose a threat to the lives of KLA officers and
2 soldiers, was there reporting then on those -- after the questioning
3 of those people, was there reporting going back to you by the
4 military police as to whether those persons posed an actual threat or
5 not?

6 A. It was within the authority of the brigade commander, upon
7 receiving such information from civilian defence, to see whether such
8 person poses a risk to KLA members or civilians in his respective
9 area of responsibility. Based on that, then he would decide or take
10 a decision whether that person would be brought by the military
11 police of the brigade to the detention centre in Llapashtice.

12 Q. Yes. And you said they would be brought to the detention
13 centre, questioned by the military police. And then who made the
14 decision as to whether that person needed to remain in detention or
15 could be released? If they were brought in on orders of the brigade
16 commander, would it also be the brigade commander's responsibility to
17 release them if they needed to be released?

18 A. No, I said it. There were no interviews or informative
19 conversations. The military police would only notify the reason for
20 the detention of the person in question. That was a limited action.
21 It was not allowed by the zone to conduct interviews or questioning.
22 Therefore, the prerogative for their release remained with the zone
23 command, not with the brigade command anymore.

24 The brigade commander would bring information that had come up
25 from the Territorial Defence or civilians, that that person would

1 have -- heed advice and follow the rules, or if we received
2 information that family members or relatives would guarantee that
3 that person would not continue his collaboration with the Serbs, then
4 based on all this, the zone command would come up with the decision
5 to release that person.

6 Q. Okay. But so let me follow this then. Initially, it would be
7 the brigade commander who would be informed by the civil defence of a
8 suspected person. The brigade commander would order the military
9 police to bring them into Llapashtice. And then who would inform the
10 zone command that a person had been detained on the suspicion that
11 they were a collaborator? Whose job was that?

12 A. The military police would report to the zone command about the
13 person or persons that were detained.

14 Q. Now, were you aware -- obviously, I showed you the November 28
15 order by Bislim Zyrapli where he tried to issue some orders about how
16 this process should work; correct?

17 A. Correct.

18 Q. Were you aware that an order had been issued establishing a
19 military court?

20 A. No.

21 Q. When was the first time that you heard the --

22 A. After the war.

23 Q. So in the Llap zone, you had no knowledge that a military court
24 had been established with Sokol Dobruna in charge?

25 A. I did not hear until after the war of any such institution in

1 the Llap zone or any other zone.

2 Q. Finally, Witness, we discussed earlier, but it was
3 Commander Remi's ultimate responsibility in establishing the
4 detention facility at Llapashtice. You agreed with me earlier on
5 that point. And I just want to put to you what Commander Remi said
6 and see if you agree; and if you disagree, to tell me why you
7 disagree. This is at transcript page 5727. This is his testimony in
8 this Court. He was asked:

9 "So would you agree with me that there was no nexus, no link
10 between this communiqué," meaning Communiqué 54, "and any detention
11 in your zone?"

12 And he said:

13 "I agree. This communiqué does not pertain to the place I
14 served."

15 Do you agree with him or disagree with him; and if you disagree,
16 why?

17 A. I agree.

18 Q. Thank you. Thank you for answering my questions.

19 MR. MISETIC: That concludes my cross-examination.

20 PRESIDING JUDGE SMITH: Mr. Dixon.

21 MR. DIXON: Thank you, Your Honours.

22 Cross-examination by Mr. Dixon:

23 Q. Mr. Ibishi, my name is Rodney Dixon. I'm going to ask you some
24 questions on behalf of Mr. Kadri Veseli. I want to start by just
25 orientating all of us, because you've spoken about a number of

1 different places in your testimony, and I'm going to call up a map
2 for you to look at of your zone, the Llap zone.

3 MR. DIXON: If I could please have DKV1585 brought up, please.
4 Yes, thank you.

5 Q. You'll see there --

6 MR. DIXON: Don't zoom in yet. I just want to get the larger
7 picture first, and then we'll zoom in afterwards.

8 Q. Prishtine down in the south. And then Podujeve up in the
9 middle, towards the border, which is shaded. That's the border with
10 Serbia. You see that there on the map?

11 A. Yes.

12 Q. Now, this area here, and the exact borders of your zone are not
13 marked in, but this area here is the Llap zone, isn't it, running up
14 and --

15 A. Could you please turn the volume up a little bit?

16 Q. Thank you. This area here, although the borders of the zone are
17 not marked in, but this is the Llap zone running up to the border
18 with Serbia; is that right?

19 A. Yes.

20 Q. So it's in, just to orientate us, the far north-eastern corner
21 of Kosovo right up against the border with Serbia?

22 A. Yes.

23 Q. And we see here a road running down from Serbia through Podujeve
24 down to Prishtine. This is the main road from Serbia right into
25 Prishtine, isn't it?

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1 A. Yes.

2 Q. And the roads have directly sort of cut your zone in half;
3 that's right?

4 A. The road cuts it in half. To explain this better, the Llap
5 operative zone includes the municipality of Prishtine in the south,
6 Podujeve in the north, and further down -- if we can scroll up the
7 map a little bit?

8 MR. DIXON: Yeah, we could zoom in now, now that we've got the
9 overall picture.

10 THE WITNESS: [Interpretation] A little bit more up. That's
11 fine. Then maybe a little bit more. There is Fushe Kosove and
12 Obiliq. So four municipalities included in the Llap operative zone.
13 What you are saying, it's a fact that the main road Prishtine to
14 Merdare cuts in two parts the Llap operative zone.

15 MR. DIXON:

16 Q. And it's right, isn't it, that that road was a very important
17 one for the Serb forces? They were very active along that road in
18 order to control it, running from Serbia right down to Prishtine.

19 A. Yes. There were more than two passing points. The mostly used
20 were Prishtine-Merdare and Medvegje. There were also other roads.
21 The width of the border was the -- the border was along
22 100 kilometres more or less.

23 Q. And this made it a very dangerous area for you and your forces,
24 didn't it, because this was a major entry point of the Serbian forces
25 into Kosovo?

1 A. Yes.

2 Q. You were really right on the front lines here, were you not?

3 A. Yes. I was an officer. We had an inexperienced number of
4 soldiers and staff. And on the brigade and zone level, we always
5 were on the front line. I was wounded in two battles. In the second
6 battle, I was gravely wounded, which indicates that we were with the
7 soldiers on the front line almost in every battle.

8 Q. You've said this was a relatively isolated area where it was
9 situated and also now that it's a very dangerous one. Were there
10 countless battles in this area, particularly along this road, with
11 the Serbian forces?

12 A. Yes. We were mostly concentrated in the western part, exiting
13 Prishtine on the road from Prishtine to Podujeve, the village of
14 Majac, up until the border with Serbia on the road axis. We had
15 three front lines. This front line was 25 kilometres long. We were
16 focused here because when we set up our zone, we then expanded it
17 from Shala further down to counter the Serbian forces who were
18 bringing in reinforcements and then causing us problems.

19 So this was done to prevent the reinforcements coming from the
20 other side of the border into Kosovo.

21 JUDGE METTRAUX: Mr. Dixon.

22 MR. DIXON: Yes?

23 JUDGE METTRAUX: Could you help me understand the relevance of
24 this line of questioning? I know you've used or your team has used
25 quite a number of maps in the past and drawn on maps certain

1 locations, and I'd be assisted if you would explain what the
2 relevance of this is, please.

3 MR. DIXON: Well, Your Honours, I am going to go and get the
4 witness to mark very briefly where the headquarters were in relation
5 to each other so as to get the distances and the geography. But in
6 addition to that, it's setting the context as to the nature of the
7 operations that the zone had to face, the difficulty of access to the
8 zone, and therefore - and this might become relevant in some of the
9 questions that I go on to - therefore what attention was given to
10 those matters in relation to others.

11 So it's very important in terms of both the tasks that were
12 being undertaken, the time to undertake those tasks, but also then
13 the command, control, ability to access the area, which are all
14 relevant given that the Prosecution maintains that there is a joint
15 criminal enterprise that covers everything, including what's going on
16 in this remote area.

17 JUDGE METTRAUX: Speaking for myself, it's very remote,
18 Mr. Dixon, but I'll let you go.

19 MR. DIXON: Your Honours, I don't plan to spend long on it. I
20 hope it is helpful in just showing where we are and also to
21 understand the pressures that soldiers were under in relation to what
22 then they were asked to perform.

23 Q. So I'll continue and do this as rapidly as possible. Witness,
24 you mentioned on the west side of the road was where you were located
25 mostly. Can you please look at the map and mark where Bajgore is,

1 first of all, because that's where you were at the end of August as
2 the commander of the 151 Brigade, isn't it? And you'll be given a
3 pen to do that.

4 A. This is where we started.

5 Q. Yes. And then you moved at the end of September to Bradash;
6 isn't that right?

7 A. No. The chronology is Zaberxhe, then Bajgore, and then Bradash.

8 Q. Yes. Perhaps if you could mark Bajgore with 1, and then the
9 next one with 2, and the next one with 3, so we can follow the
10 chronology as you've outlined it.

11 A. [Marks]

12 Q. Thank you very much. And then end of December, we've heard when
13 you become the chief of staff of the zone, where were you based then?
14 If you could mark that on the map, please.

15 A. In Katunishte.

16 Q. Yes. It might not be on the map because some of these places
17 are very small, so they don't even show up on recorded maps.

18 A. It should be somewhere around here.

19 Q. If you could mark it roughly with a number 4, please.

20 A. [Marks]

21 Q. And then you moved thereafter, after that, to Burice, didn't
22 you? That's further south.

23 A. Brigade 151 was in Burice.

24 Q. Yes. And did the zone command move there as well or not?

25 A. Llapashtice. No, it was in Llapashtice. I can mark it.

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1 Q. Yes. Thank you very much.

2 MR. DIXON: Your Honours, I wish to tender that map with the
3 markings on where the various headquarters were.

4 MS. D'ASCOLI: No objections.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Could you repeat the ERN number, please?

7 MR. DIXON: It was DKV1585.

8 PRESIDING JUDGE SMITH: It is admitted and can be given an
9 exhibit number.

10 THE COURT OFFICER: Your Honours, the map as marked will be
11 assigned Exhibit 2D32.

12 MR. DIXON: Thank you.

13 THE WITNESS: [Interpretation] Are you interested in the
14 chronology of the brigade or my positions?

15 MR. DIXON:

16 Q. I was only interested in where you were located, and those have
17 now been marked on the map, sir. I'm grateful for that. I'm going
18 to move off the map now and look at some of your other testimony.

19 A. If ... [In English] Just -- yes, go one --

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE WITNESS: 2 is Burice --

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. DIXON:

24 Q. Witness, sorry, the map --

25 PRESIDING JUDGE SMITH: Do not --

1 MR. DIXON:

2 Q. -- has been admitted already. Perhaps what you could do is if
3 there was something else you wanted to explain, if you could do
4 that --

5 A. [Interpretation] No, nothing, that's fine.

6 Q. You could do it with your testimony. You could explain to us,
7 to the Judges, what it was that you wanted to add so that's on the
8 record. I don't want you not to have the opportunity.

9 A. This is the chronology of my deployment: From Zaberxhe to
10 Bajgore, then Bradash, and then Katunishte. I included here the
11 position of the brigade in the lower Llapashtice as well and the
12 position of Brigade 152 in Burice instead. Now it's clear.

13 Q. Yes, it is. Thank you. We wanted to get the locations and
14 you've done that.

15 Could we now move to your SPO interview. That's in evidence, as
16 you know. I'm not going to call it up, but I'm going to go through
17 some parts of it with you. Just so we're clear, I'm going to repeat
18 back what you've said. That's in evidence already. But I don't want
19 merely want to do that. I want to then ask you some questions that
20 arise as a result of what you've said in your evidence. You
21 understand?

22 A. No.

23 Q. Okay. Let me explain so that it's as simple as possible. I'm
24 going to ask you some questions about the evidence you've given. I'm
25 going to go through that evidence with you now, and then ask you some

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1 questions about it.

2 A. Okay.

3 Q. You said in your SPO interview --

4 MR. DIXON: And this is Part 7, page 26 onwards for those who
5 are following.

6 Q. You were asked:

7 "Do you know who at [the] time," and this was in November 1998,
8 "[was] the head of the KLA intelligence service ..."

9 And your answer was:

10 "After the war -- after the war, I understood that it had been
11 Kadri Veseli. I didn't have an opportunity to learn about it. I
12 never met him during the war."

13 That was your answer. You were then asked:

14 "[Do] you know who was overall head of intelligence or the G2
15 sector during the war?"

16 And your answer was, Mr. Ibishi:

17 "No, I just told you that only after the war I came to
18 understand or realise who it had been. Who the chief of intelligence
19 had been."

20 Now, I want to ask you, when you said that you never met with
21 Mr. Kadri Veseli during the war, is it right that you never met him
22 during the war in your zone or anywhere else?

23 A. Neither in the meetings of the zone, those two meetings, or
24 elsewhere during the war.

25 Q. Yes. You were then asked:

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1 "Were you aware of, during the war, of the ZKZ?"

2 And your answer was:

3 "I don't know. What do you mean? What is that?"

4 And the question then came back:

5 "Well, as a senior zone officer, can you tell me what that
6 means?"

7 And you said:

8 "Oh, yes. Of course. I know now. So intelligence or
9 counter-intelligence."

10 What I want to ask you is when you say you know now, does that
11 mean that you knew after the war what ZKZ stood for but not during
12 the war?

13 A. What I meant, as it is written, I did not know this during the
14 war. I learned this after the war.

15 Q. And you were asked questions about when you found out after the
16 war what this abbreviation meant. Can you help us with when after
17 the war you found out about this abbreviation, ZKZ?

18 A. To tell the truth, there were two similar terms were used. We
19 very rarely used ZKZ in our organisational charts. It was more the
20 informative service. I remember more the name informative or
21 information service rather than ZKZ. Other than that, the meaning
22 could be the same.

23 Q. But the actual abbreviation, just to be clear, ZKZ, it's right,
24 isn't it, that you only found out about that abbreviation, you've
25 said, after the war was over; is that right?

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1 A. Yes.

2 Q. You were then asked some further questions now about the
3 intelligence section or sector in the Llap zone. And you said:

4 "This resembled a sector ... with two members of staff. As I
5 mentioned, Latif Gashi was one as well as Hyzri Talla. He was killed
6 by the Serb forces in December 1998."

7 A. Yes.

8 Q. So when you talk about the staff of this intelligence section in
9 the zone, from December 1998, when your friend, as you've explained,
10 Mr. Talla was tragically killed, so after that period it was just one
11 person, is that right, who was the staff running this section?

12 A. Is your question whether there was somebody else as well -- or
13 I -- after the killing? Yes, right. Only one person within the
14 zone.

15 Q. Yes, that was my question. It was only one person and that was
16 Mr. Gashi?

17 A. Yes.

18 Q. And you were asked about Mr. Gashi. You were asked this:

19 "... you said that Mr. Latif Gashi was from July 1998 ... the
20 head of the zone intelligence service."

21 And you said:

22 "Yes, I think so."

23 Do you remember saying that?

24 A. Yes. And that's what I think.

25 Q. And he was appointed by Commander Remi at this time in July

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1 1998; is that right?

2 A. Yes.

3 Q. As well as Mr. Talla. It was the two of them; is that correct?

4 A. I assume it is. I think it was at the same time. I am not
5 certain, though.

6 Q. Thank you. You were then asked some questions about who
7 Mr. Gashi reported to. You were said -- this is the question:

8 "... I think you said that Latif Gashi directly reported to the
9 zone command or the zone commander?"

10 And you said:

11 "Yes."

12 You were then asked:

13 "Did he have another chain of command? Did he have another line
14 of reporting?"

15 And you said:

16 "No, not that I know of."

17 Then another question to you:

18 "Did he also report directly to the intelligence within the KLA
19 General Staff?"

20 And your answer was:

21 "I don't have knowledge of that."

22 Then the SPO continued by saying:

23 "But intelligence that was gathered by Latif Gashi, what was
24 done with that information? Where was it sent? Where was it
25 stored?"

1 And your answer was:

2 "I don't know what to say. It seems a little bit absurd to me
3 that all this intelligence claimed could be carried out by only two
4 persons ... they weren't necessarily, by experience, coming from that
5 expertise or background, as intelligence officers; and I don't think
6 it was possible with the capabilities to actually undertake all
7 this."

8 You remember saying that in your interview?

9 A. I most probably said this.

10 Q. Now, I want to just ask you a few questions about capabilities.
11 You say it was something that was not possible with the capabilities
12 that were available. When you said it was not possible, do you mean
13 that it was only -- I know you said you had two persons, but it was
14 only really one person in that position who had a lot of other tasks
15 to perform as well? Is that what you were referring to?

16 A. Yes. Because we, as officers, dealt not only with exclusive
17 tasks linked to our posts but also other tasks such as logistics.
18 For example, I, together with Deputy Commander Kadri Kastrati, in
19 addition to my brigade commander duty, took the duty of the chief of
20 staff of the zone. And we were also engaged in combat, in battle, as
21 was Latif Gashi, who was engaged in most of the battles in the Llap
22 zone area.

23 So people had to take more on themselves, more duties than
24 possible. And not just that -- let us not forget that most of our
25 soldiers were young and inexperienced, and they had also the support

1 from us officers not only in combat operations but also in other
2 services.

3 Q. Yes. So there was a lot of multitasking going on, wasn't there,
4 having to do many things at the same time, including countless
5 battles with the Serbian forces that you've referred to; is that
6 right?

7 A. Yes.

8 Q. You were then allowed to continue answering about intelligence,
9 and you said this. I'll just read it back to you and then ask you
10 some questions about it:

11 "So properly done would have been gathering the information and
12 analyse and research and analyse the evidence in relation to the
13 positions of the enemy, the points of fighting as well as search
14 around other areas that are of interest in terms of warfare. Unless,
15 yes, this would be then report -- well, this would be passed on to
16 the competent authorities to deal with this further."

17 You were then asked:

18 "Who are the competent authorities?"

19 And you said:

20 "The zone command.

21 "Was that intelligence sent by the zone command to the
22 General Staff?" you were asked.

23 And your answer was:

24 "I don't have knowledge of that."

25 A. That's correct.

1 Q. Thank you. Now, what I want to ask you about this is when you
2 say there would have been some reports that were sent to the zone
3 command, did you see any reports about analysis of positions of the
4 enemy, points of fighting, and the like? Did you ever see any of
5 those while you were in the zone?

6 A. There were different examples of such information. I cannot
7 specifically refer to a report. But everybody brought information
8 that they were able to collect, including Latif Gashi. Maybe his
9 information was more specific, but others who had sources of
10 information available to them would bring information.

11 One of my duties, for example, or one of my activities, rather,
12 I had a special radio by which I intercepted the communication
13 between the various Serb forces, and I could predict the development
14 of a certain Serb forces' operation or the direction of their attack.

15 Q. So in short, there was information being passed to the zone
16 command on these types of matters. That's right, isn't it?

17 A. Yes. But it wasn't exclusively the duty of Latif Gashi. All of
18 us were trying to get as much as possible information, including by
19 using systems for interception.

20 Q. You were trying to do the best that you could in very trying
21 circumstances; isn't that right?

22 A. That's right.

23 Q. I want to go on to a document now which covers your role and the
24 roles of the other sectors.

25 MR. DIXON: I don't know if I'm able to continue, Your Honours.

1 I'm happy to keep going. If there was going to be a break or not.

2 PRESIDING JUDGE SMITH: Continue.

3 MR. DIXON: Thank you.

4 Can we please call up P00149.

5 Q. You'll see, Witness, a document coming up from your zone in
6 Albanian and English. This is a document that's dated 29 December
7 1998, and you have given evidence about it. You will recall that
8 this was a document that you said you thought you contributed to
9 preparing in the zone. Do you recognise it?

10 A. Yes.

11 Q. It sets out the duties of various people within the zone
12 structure, including, you'll see on the first page, the duties of
13 your position, the chief of staff.

14 A. Yes.

15 Q. And you've said in your evidence that this was a document that
16 you prepared. In the absence of having general regulations provided
17 by the KLA, you had to act based on your own initiative and judgment
18 to prepare as best as you could these kinds of documents to set out
19 what your roles and tasks were; is that right?

20 A. Yes. Not only this one but other documents as well. Based on
21 what was sent by the General Staff, we would, first of all, create
22 provisional documents. And this is an instruction for the zone --
23 Llap operational zone. This is a provisional document up until the
24 moment that the General Staff sends an instruction describing the
25 duties and tasks of the commanding personnel.

1 I think it is somewhere at the bottom of this document.

2 Q. Yes. I want to take you to one part of it, which is, I think,
3 on page 2 of the Albanian, because it's on page 2 of the English,
4 which is headed "Intelligence Sector," and there are a number of
5 responsibilities outlined under it, starting with:

6 "- Observe the state of the aggressor's armed forces."

7 Do you see that there? It's just the part headed "Intelligence
8 Sector."

9 A. Yes.

10 Q. You've read that?

11 A. Yes.

12 Q. Now, you have heard earlier on that your commander,
13 Commander Remi, did testify here. He said that these were
14 aspirational aims to seek to try and structure and organise things,
15 but they weren't always achieved in practice. Is that something that
16 you would agree with as the chief of staff trying to set out your
17 organisation and make it operate in practice?

18 A. Of course. We started from zero, so to say, and we strived to
19 create capacities within a short period of time. Maybe this was also
20 a part of something that was foreseen for the future and could not be
21 materialised in practice.

22 Q. Yes. One of the entries here says, the second-from-last one in
23 the intelligence sector, that the intelligence sector should --
24 "leads with the reconnaissance platoon and is responsible for his
25 training." Do you know if that ever happened in practice, and if it

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1 did, when?

2 A. No. To my knowledge, no.

3 Q. So there was no platoon ever in existence as described here?

4 A. No, there wasn't.

5 Q. We saw some diagrams earlier on that you filled out. I don't
6 necessarily want to go back to them to save time. But isn't it also
7 correct that in the intelligence section, even though those charts
8 indicated at the zone level that there was meant to be a division for
9 analysis and planning, and then also a division for gathering
10 information, that in reality there were no divisions set up in the
11 intelligence section under Mr. Gashi? They were there on paper
12 alone; isn't that right?

13 A. That's right.

14 Q. As you've said, it was really only him, one person.

15 A. Within the zone, yes. After the killing of Hyzri Talla.

16 Q. Yes. Thank you, Mr. Ibishi. Those were my questions.

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

18 Mr. Roberts.

19 MR. ROBERTS: Thank you, Your Honours. And thank you, Witness.

20 In light of the questions that have been asked and the subjects that
21 have been addressed, I don't have any questions at this time. Thank
22 you.

23 PRESIDING JUDGE SMITH: Thank you.

24 Ms. Alagendra.

25 Cross-examination by Ms. V. Alagendra:

1 Q. Good afternoon, Mr. Ibishi. I'm Venkateswari Alagendra --

2 A. Good afternoon.

3 Q. -- and I represent Mr. Jakup Krasniqi.

4 I'd like to ask you first about your membership with the LDK.

5 Now, you are currently a member of the Prishtine branch of the LDK.

6 Would that be correct?

7 A. Yes. I'm just a member, do not have any leadership position or
8 leading position within the LDK.

9 Q. Yes. And you joined the LDK in 2014; am I correct?

10 A. For the first time, yes.

11 Q. And the same year you were elected as an MP for the same -- for
12 this political party?

13 A. Yes.

14 Q. And you'd agree with me that joining the LDK and becoming an MP
15 did not pose any issues whatsoever between yourself and your former
16 KLA comrades. Would that be correct?

17 A. Correct. With the comrades in arms, I share respect.

18 Q. Right. And if I'm not wrong, Commander Remi became part of the
19 PDK, didn't he?

20 A. Yes.

21 Q. And he was an MP for the PDK in 2007 to 2010?

22 A. I think so, yes.

23 Q. And your political alliances put aside, you all continued to
24 have good relations throughout that; am I right?

25 A. That's right.

1 Q. And you've told us earlier, Mr. Ibishi, that you're aware that
2 Mr. Mustafa has given evidence in this Court; yes?

3 A. Yes.

4 Q. And I take it you followed his evidence as well?

5 A. Partly.

6 Q. Right. Mr. Mustafa has told this Court that the LDK was at the
7 service of the KLA during the war. Would you agree with that?

8 A. The LDK is one of the oldest political parties, and, yes, it was
9 at the service of the Kosovo Liberation Army.

10 Q. And the general secretary of the LDK, Muhamet Latifi, he was a
11 commander of the Territorial Defence of the KLA in Llap; correct?

12 A. Muhamet Latifi, perhaps Muharrem. Muhamet? Yes.

13 Q. And the head of the LDK branch in Prishtine, Shefki Gashi, he
14 was a battalion commander within the KLA. Are you aware?

15 A. I don't know. Maybe the last name doesn't bring a bell. I
16 can't remember.

17 Q. And Anton Cuni, he used to be a minister of defence on behalf of
18 the LDK. He was also part of the KLA, wasn't he?

19 A. Yes.

20 Q. And Lutfi Haziri, a key personality within the LDK, he was also
21 part of the KLA; yes?

22 A. I don't know whether he was an active member or part of the KLA.
23 As far as I know, he was not an active member with a uniform, but as
24 an activist, supporter of the KLA, yes. Because there were more
25 categories of supporters. If we are talking of veterans, that is a

1 different thing. But supporters can cover many aspects - logistics
2 and others. So for this reason, I cannot provide you with an exact
3 answer. I cannot say that he was active part of the armed element.

4 Q. Right. But in short, being a member of the LDK was not an
5 obstacle to joining the KLA or supporting the KLA; am I correct?

6 A. As I said, a large part of the KLA leadership were part of the
7 youth forums of the LDK. And with the pluralism, other parties were
8 set up, various leaders emerged. This does not mean that somebody
9 who was initially in LDK did not join another party in the -- later.
10 But as far as I know, they were initially part of the youth forum of
11 the LDK.

12 Q. Thank you. I'm moving now to the formalisation of your
13 appointment as brigade commander that you've spoken about.

14 Now, you've confirmed earlier this morning that your appointment
15 was by Commander Remi, and that had already taken place on 18 July
16 1998. That's correct, isn't it?

17 A. That's correct.

18 Q. And you've also confirmed that you reported to Commander Remi in
19 that position; yes?

20 A. Correct.

21 Q. Now, you've told us that your position as brigade commander was
22 formally approved in August 1998 when the decision was handed to you
23 by Jakup Krasniqi during a visit by the delegation, General Staff
24 delegation to the Llap zone. Do you recall that?

25 A. I recall it very well.

1 Q. Yes. Mr. Ibishi, you did not know Jakup Krasniqi personally
2 before the war or in August 1998. Would that be correct?

3 A. I had heard about him, had information, because
4 Mr. Jakup Krasniqi appeared publicly, and I remember him as a
5 spokesperson of the KLA. So I had information about him, but
6 personally, yes, it was the first time that I met him.

7 Q. And he did not know you either or your professional background
8 at the time in August 1998? That would be correct?

9 A. I don't have knowledge about that.

10 Q. Right. Now, coming to how the decision was given to you.
11 You've told us that this was a formalisation of a decision that had
12 already been made by Commander Remi, a prior appointment as brigade
13 commander. And from what you have said in your interview in 2019, it
14 appears that this formalisation of your appointment was somewhat
15 unplanned. Do you agree with that?

16 A. Yes, that's correct.

17 Q. Right. And at Part 2, page 10, of your interview in 2019, you
18 have said you were in the midst of training the soldiers at the
19 Bajgore school when you were told to go to the zone command, which
20 was at a house. Do you recall saying that?

21 A. Yes, I recall it very well.

22 Q. You went there to the house, you met Jakup Krasniqi and
23 Commander Remi, you were handed a decision and asked to sign in a
24 ceremonial way. Those present then wished you success and you left.
25 That's what you've said; yes?

1 A. Correct.

2 Q. And that's all that happened that day; yes?

3 A. Yes.

4 Q. Now, in your interview in 2019 with the Prosecution - and for
5 the reference, it's Part 2, page 12 - you have said this:

6 "For me, at the time Jakup Krasniqi was the person that I
7 recognised and that he was the main, main official, authority for me.
8 The rest were members of the General Staff [headquarters] and other
9 members of the KLA, so I didn't pay much attention or consider the
10 others ... the same way."

11 Do you recall saying that in 2019, Mr. Ibishi?

12 A. I do, yes. Not unfamiliar but meaning I had not seen them
13 before.

14 Q. Yes. And you go on to say -- and this is at Part 2, page 13 of
15 your 2019 interview. I'm just reading back to you first before I put
16 the question. And when you were asked: "Who was the overall
17 commander there?" you said it was "Jakup." Yes? So now I just want
18 to clarify what gave you that impression at the time since you didn't
19 know him personally and you'd only seen him in the media. Yeah?

20 Now, was it an impression that you had, Mr. Ibishi, that after
21 seeing Jakup Krasniqi's public appearance in the media as the KLA
22 spokesperson that gave you the impression that he was the leader of
23 the soldiers, that he was the main person? Is that what gave you the
24 impression?

25 A. I would like this to be checked not only in the transcript but

1 also in the recording, because I don't remember saying that he was a
2 commander. Maybe I've referred to him as the main person or the
3 spokesperson but not with "commander." Therefore, I would like the
4 transcript and the recording to be checked. I don't think I've ever
5 said that. Because at that time the KLA did not have a commander.
6 How could I specifically refer to something which was inexistent?

7 Q. Right. So just that we are very, very clear, Jakup Krasniqi did
8 not introduce himself to you as the commander, as the overall
9 commander of the KLA General Staff. That's correct; right?

10 A. No, he did not introduce himself, and I don't think I've said
11 such a thing, and that's why I hereby request that the transcript --
12 or, rather, the recording be checked, because I know for sure that he
13 was not a commander.

14 Q. Thank you. Now, you've also said - and this is at Part 2, page
15 14 of your interview - that the person you communicated with
16 frequently was Bislum Zyrapi. Do you recall saying that?

17 A. Yes.

18 Q. And at Part 7, page 15 of your interview, you've confirmed that,
19 to your knowledge, the head of the general headquarters was
20 Bislum Zyrapi. Would that be correct?

21 A. Yes.

22 Q. Now, you were earlier referred to -- by the Prosecution to some
23 charts on the organisational structure.

24 MS. V. ALAGENDRA: And that would be P1765 MFI. If we could
25 have that on the screen, please. My apologies, I would like to have

1 1764 on the screen, please. Yes.

2 Q. Now, this is the chart that you say was the template that you
3 received with the General Staff's stamp. Yes?

4 A. Yes.

5 Q. And you'll agree with me that what we see on this document on
6 the left is that it is handwritten. It's a chart and the positions
7 are all handwritten. Correct, Mr. Ibishi?

8 A. Yes.

9 Q. And is it fair to say that you do not whose handwriting that is
10 on the chart?

11 A. That's correct. I don't know.

12 Q. And earlier today, and that's at page 15 of the transcript this
13 morning, you've said that the template was an organisational chart
14 that was sent by the General Staff. Do you recall saying that this
15 morning?

16 A. I said it.

17 Q. Yes. And just prior to that, at page 7 of the transcript, it
18 records you as saying that you don't remember who you received this
19 template chart from. It also says you don't remember when you
20 received it, and the only possibility is that you received this
21 through the zone command. Do you recall saying that?

22 A. That's correct.

23 Q. And communications with the General Staff, by your own evidence,
24 was only through the zone commander; is that correct?

25 A. That's correct.

1 Q. You did not communicate directly with the General Staff at any
2 time, Mr. Ibishi; am I correct?

3 A. Correct. With the exception of those two visits when I
4 exchanged with them, and on two other occasions with the chief of
5 staff, but not with the other members.

6 Q. Right. So it's correct, isn't it, that you did not receive this
7 template directly from any General Staff member?

8 A. That's correct.

9 Q. And you cannot confirm who prepared this template? Would that
10 be correct?

11 A. Correct.

12 Q. And since you don't know who prepared it and when it was
13 prepared, you would not know if there was someone else in the zone
14 that had prepared it and then obtained a stamp on the document.
15 Would that be fair to say?

16 A. I have no knowledge.

17 Q. And you personally cannot confirm when the stamp on this
18 document was placed?

19 A. [No interpretation].

20 Q. All you can tell us is what you've received is a handwritten
21 chart with a stamp on it; correct? Whether the stamp was there
22 before it was handwritten and filled in, you don't know. Correct,
23 Mr. Ibishi?

24 A. Correct. I do not possess any details. I am not in a position
25 to confirm.

1 MS. V. ALAGENDRA: And if I can now move to 1765 MFI, please.

2 That's chart B. If I could have that on the screen, please. Yes.

3 Q. Now, coming to this document, this organisational chart, you've
4 said that the annotations on this document were made by yourself?

5 A. Outside the organisational chart or this template.

6 Q. Right. And you've also told us that what appears in black and
7 what appears in blue, that's because it was a working document and it
8 kept getting updated over the course of time; yes?

9 A. Correct.

10 Q. And you've also said that when it was photocopied, that's when
11 it could have been the distinction between black and blue; yes?

12 So just so I'm clear, is it your evidence that a working copy of
13 a stamped organisational chart was then being used over and over
14 again with additional details being added onto it?

15 A. That's correct.

16 Q. Right. So looking at the document, and if one did not have the
17 benefit of your explanation as to how it has reached this state that
18 we see it in P1765, it would appear as if there was an organisational
19 chart with names of the commanders and the positions within the zone
20 and it's stamped by the General Staff. That's how it would appear
21 without your evidence on it; yes?

22 A. The document does not correspond to the names. The original
23 document contains the organisational chart with the posts, commanding
24 structure, leaders of the sectors, heads of the sector, but without
25 the additional markings. That's it.

1 Q. Yes. But a stamped copy of a template had been used and reused
2 by yourself as a working document, progressively adding on
3 information onto it; correct?

4 A. Correct.

5 Q. At the time it was stamped, it had none of the names included on
6 it as we see it now in 1765.

7 A. No. The stamp was put on the template without the names in it.

8 Q. Correct. So the presence of the stamp on this document that we
9 see at 1765 cannot be considered as an approval of the General Staff
10 of people holding the positions reflected on this document; correct?

11 A. Correct.

12 MS. V. ALAGENDRA: If I could now move into closed session,
13 Your Honours.

14 PRESIDING JUDGE SMITH: You mean a private session?

15 MS. V. ALAGENDRA: Yeah, private session.

16 PRESIDING JUDGE SMITH: Into private session, please.

17 [Private session]

18 [Private session text removed]

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21204

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21205

Cross-examination by Ms. V. Alagenda

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21206

Cross-examination by Ms. V. Alagendra

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21207

Cross-examination by Ms. V. Alagendra

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21208

Cross-examination by Ms. V. Alagendra

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21209

Cross-examination by Ms. V. Alagenda

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21210

Cross-examination by Ms. V. Alagendra

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Witness: Nuredin Ibishi (Resumed) (Private Session)

Page 21211

Cross-examination by Ms. V. Alagendra

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Witness: Nuredin Ibishi (Resumed) (Private Session)
Procedural Matters

Page 21212

1 [Private session text removed]

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Witness, your testimony is finished now.

12 I will ask while you are here the Prosecution what is the plan
13 for finishing his testimony?

14 MS. D'ASCOLI: Yes, Your Honours. We have sent an e-mail to the
15 parties. The schedule for the next week will be continuing with the
16 following witness, 4485, followed by the three videolink witnesses,
17 after which, subject to the witness availability that we're going to
18 double-check today, there will be the witness -- sorry, after the
19 three videolinks, we will have 4295 as initially scheduled, since the
20 witness is already here, and then we will continue with the testimony
21 of 4758, subject to the witness availability next week.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Are you going to file this in writing yet today?

24 MS. D'ASCOLI: We have sent an e-mail already at 1459.

25 PRESIDING JUDGE SMITH: Thank you very much.

1 So, Witness, you are finished today. You will have to come back
2 another day, and you will be advised in a few minutes what the
3 schedule is. Thank you for being with us, and we'll see you next
4 week soon, we hope. Thank you.

5 Please don't discuss your case with anybody or your testimony
6 with anybody outside the courtroom. Thank you.

7 THE WITNESS: [Interpretation] Thank you.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: Yes, sir.

10 MR. MISETIC: Yes, Mr. President. As I foreshadowed this
11 morning, I am travelling next week, including on matters related to
12 this case. Since we're not certain when this witness is going to
13 continue, I may make an application -- and since I've already
14 completed my cross-examination, I may make an application to appear
15 via videolink if it's next week. But I just wanted to alert you now.

16 PRESIDING JUDGE SMITH: Thank you.

17 MR. MISETIC: Thank you.

18 PRESIDING JUDGE SMITH: Does anybody have anything else for us?
19 All right. Thank you. We'll see you Monday.

20 --- Whereupon the hearing adjourned at 4.32 p.m.

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