

1 Tuesday, 25 March 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 The record will reflect that the accused are all present in
12 court today.

13 Before the witness is brought in, there are a few preliminary
14 matters to address. First -- well, actually just one. Is there
15 anything to report on the witness for next week?

16 MR. PACE: I know that my colleagues have had -- have made the
17 necessary inquiries and that relevant information will be
18 communicated to the Panel and to the Defence this morning.

19 PRESIDING JUDGE SMITH: Okay.

20 MR. PACE: I won't pre-empt that, but it is -- information is
21 coming this morning.

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

23 So we're ready to proceed. Please bring the witness in.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: Good morning, Mr. Maloku.

1 THE WITNESS: [Interpretation] Thank you. Good morning. Good
2 morning.

3 PRESIDING JUDGE SMITH: We will proceed in just a moment,
4 Mr. Maloku, but I want to remind you once again to please try to
5 answer the questions clearly, with short sentences. And if you don't
6 understand a question, feel free to ask counsel to repeat the
7 question or tell them you don't understand and they will clarify.
8 Also, please try to indicate the basis of your knowledge of facts and
9 circumstances that you will be asked about.

10 Also, speak into the microphone, as we stated yesterday, and
11 wait five seconds before answering a question, and then speak at a
12 slow pace for the interpreters to catch up.

13 And, once again, if any person outside this courtroom asks you
14 questions outside the Court about your testimony, please let us know.

15 If you feel the need to take a break, let us know and we will
16 accommodate you.

17 We continue now with the questions by the Specialist
18 Prosecutor's Office. Please give them your attention.

19 Mr. Pace, you have the floor.

20 MR. PACE: Thank you.

21 WITNESS: NAIM MALOKU [Resumed]

22 [The witness answered through interpreter]

23 Examination by Mr. Pace: [Continued]

24 Q. And good morning, Witness.

25 A. Good morning.

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Examination by Mr. Pace (Continued)

1 MR. PACE: I'd like to call up U009-1711-U009-1740 side by side
2 with its English translation, which is the same ERN with -ET. And
3 here I'd like to turn to pages U009-1720 in both versions, please.
4 And the same that I mentioned yesterday applies today. While we're
5 in open session, the documents I'm calling up can be shown to the
6 public. And that's the correct page in the Albanian, but for the
7 English we need to go to the correct page, which is 1720. Yes.

8 Q. Witness, just like yesterday, on the left of your screen you see
9 a document in Albanian. It's handwritten. And on the right, its
10 translation in English. I ask you to just have a brief look.

11 MR. PACE: And now I'm going to ask the Court Officer to turn to
12 the next page in both documents, please. That will be 1721.

13 Q. So, Witness, this is another page, the next page from the item.

14 MR. PACE: And if we can now turn to the next page, 1722, in
15 both. And now briefly onto the next page, 1723, in both versions.
16 Now, if we could go back to the page I initially showed, 1720, in
17 both versions, please.

18 Q. Witness, had you seen this document before I showed it to you
19 last week?

20 A. No.

21 Q. We see it refers to a meeting on 30 January 1999 in Jabllanice
22 where -- at which you are listed as having attended along with the
23 persons mentioned here. Do you recall such a meeting?

24 A. Counsel, this -- these minutes reflect a meeting I had in the
25 village of Jabllanice; namely, at Platoon 2. I know the commander of

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Examination by Mr. Pace (Continued)

1 the platoon. I still know him. He was a good soldier, a good young
2 man. Allow me to tell the Court that similar minutes could be found
3 by you in hundreds because every unit, every platoon in the Dukagjini
4 operational zone was visited by me exactly for the purpose as
5 reflected in the minutes - inspecting the soldiers, preparing them,
6 training them. This was my job, this was my task, and this is the
7 reason why I went to Kosovo: to train soldiers, to educate them, to
8 increase their combat and fighting capacities and capabilities, and
9 then to fight with them. So this document is a reflection of my
10 factual commitment of what I did, of my job, the reason I went there.

11 I know almost all of the individuals listed here. I still know
12 them. And, again, if minutes of my visits conducted throughout the
13 operational zone were taken, then you will be able to find hundreds
14 of such minutes.

15 Q. Witness, once again, what you're telling me is relevant.
16 However, I'd like you to limit your information to what I'm actually
17 asking questions. If I want further information, I will ask you.
18 Don't worry about it.

19 Now, we see here it mentions Maliq Ndrecaj, Lulzim Morina, and
20 Nazmi Brahimaj at this meeting. Do you recall whether they were
21 there?

22 A. Maliq was the commander of this brigade. The platoon was within
23 the brigade commanded by Maliq Ndrecaj, so it was there, of course.

24 Q. And were Lulzim Morina and Nazmi Brahimaj there to your
25 recollection?

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Examination by Mr. Pace (Continued)

1 A. Lulzim Morina was one of the first-generation soldiers whom we
2 trained in Qeret in 1998. I knew him from there.

3 Q. My question is was he there at this meeting.

4 A. If it reads so in the document, he most probably was.

5 Q. Do you have any recollection of him being there?

6 A. There were many soldiers there, counsel. I am not able to know
7 exactly which one of them was present. But if these minutes reflect
8 the factual situation, then he was there.

9 MR. PACE: Let's zoom a little bit out in the Albanian so we can
10 see point number 8 as well, please.

11 Q. And, Witness, at points number 1 to 8 we see names and, next to
12 them, what appear to be positions. To your recollections, are the
13 positions ascribed on this document to the persons listed at numbers
14 1 to 8 correct? Were they correct in January 1999?

15 A. Based on the fact that under number 7 it reads "Naim Maloku
16 Senior officer," and there is my writing, my signature, this proves
17 that the list was compiled which was signed by all of us. I don't
18 know if I'm clear enough. So the fact that this is my handwriting,
19 "Naim Maloku Senior officer," based on this, I reach the conclusion
20 that all of those who signed the document were present.

21 MR. PACE: Let's please turn to the next page in both items,
22 1721.

23 Q. And here towards the middle, we see, in English at least:

24 "/Num/ M and L ordered that in the future soldiers should be in
25 four on lookout duty, and that the ... of weapons should be done in

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1 the entire brigade. /?Arz./ - I was not able to do anything
2 regarding the territorial defence."

3 And below that:

4 "N.M. says that he is ready to hold talks at any time and
5 clarify things with them."

6 And, Witness, my question is do you recall who said that in
7 future there should be four soldiers should be on lookout duty during
8 this meeting?

9 A. I believe this was my advice. We organised the guard in four,
10 and the squads consisted of -- consisted of five members, no more
11 than five.

12 MR. PACE: Let's please turn to page 1723 in both versions.

13 Q. And, Witness, here we see reference to:

14 "Record was taken by Ajshe Mulaj."

15 Do you know Ajshe Mulaj?

16 A. I knew several ladies in the Kosovo Liberation Army.

17 Q. Was Ajshe Mulaj one such woman in the Kosovo Liberation Army to
18 your recollection?

19 A. Yes, she was.

20 MR. PACE: Your Honour, we seek admission of the pages shown,
21 which are, from this item, pages U009-1720 to U009-1723.

22 PRESIDING JUDGE SMITH: Any objection?

23 MR. DIXON: No objection, Your Honour.

24 PRESIDING JUDGE SMITH: U009-1720 through U009-1723 are
25 admitted.

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1 THE COURT OFFICER: Thank you, Your Honours. And will be
2 assigned Exhibit P02097. It's currently classified as confidential.

3 MR. PACE: It can be public.

4 PRESIDING JUDGE SMITH: Reclassified as public, please.

5 THE COURT OFFICER: Thank you, Your Honours.

6 MR. PACE: We can take this document down. And instead of this
7 one, I'd like to call up U001-5634-U001-5683 side by side with the
8 English translation which has the same ERN with -ET Revised at the
9 end. And here I'd like to turn to page U001-5666 in both versions,
10 please.

11 Thank you.

12 Q. Witness, this is another document, in the left in Albanian in
13 handwriting, and on the right is its English translation.

14 MR. PACE: Before I ask you questions, I'm going to ask the
15 Court Officer to turn to the next page in both, please, 5667. And
16 now to the next page, 5668. And now to the next page, 5669. Let's
17 now please go back to 5666 in both.

18 Q. Witness, had you seen this document before I showed it to you
19 last week?

20 A. No.

21 Q. We see that the page we're on now refers to a meeting on 30
22 January 1999, which you are listed as having attended and -- along
23 with several others, including Maliq Ndrecaj, Lulzim Morina,
24 Nazmi Brahimaj. Do you recall whether this meeting would have been
25 the same as the one we just discussed or is it another one to your

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1 recollection?

2 A. I had such meetings on a daily basis where I gave
3 recommendations, et cetera. I do not recall exactly. But based on
4 the content of the report or minutes of this meeting, I'm able to
5 identify my work as expressed and reflected in there.

6 MR. PACE: If we can zoom in on the bottom of this page, so --
7 yes, on the bottom of the Albanian on the right-hand side, and the
8 same in English. If we can -- in English, we can just scroll down.
9 That's good as it is. Thank you.

10 Q. Witness, here we see the words:

11 "At the beginning, Naim Maloku asked about each of the platoon
12 commanders and about their numbers."

13 Do you recall asking about such information at meetings you
14 would have attended in January 1999 in the Dukagjini area?

15 A. I asked in every meeting to be informed, for the attendees to
16 introduce themselves as to their position, the role they have, and
17 the number of soldiers they're commanding.

18 MR. PACE: Let's please turn to the next page in both items,
19 5667, and there zoom in on the bottom left-hand side in both language
20 versions. Yes, that's good in Albanian. That's good in English.
21 Thank you.

22 Q. Witness, here we see the words:

23 "Naim Maloku explained that armaments should be combined within
24 the points and that one soldier should not be carrying [these]
25 weapons."

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1 Do you recall providing any such explanation at meetings in
2 January 1999?

3 A. Yes.

4 MR. PACE: Let's now please turn to page U001-5663 in the same
5 document in both language versions, please. Thank you.

6 Q. And, Witness, this is another page from the same item but this
7 is a separate entry.

8 MR. PACE: And if we could zoom in in the Albanian for now just
9 a little bit on the left side of the page. Yes.

10 Q. We see that here we have the date 25 January 1999.

11 MR. PACE: And now if we could zoom on the right-hand side of
12 both pages in both languages.

13 Q. In the second paragraph here, we read:

14 "Naim Maloku from the General Staff arrived two days ago to
15 assist us with organisational issues."

16 And my question, Witness, is, this document, this entry is dated
17 25 January 1999, and it's saying you arrived from the General Staff
18 two days ago, which would be 23 January 1999. Does that accord with
19 your recollection of the timing of your arrival?

20 A. Yes, that's true. That's correct.

21 MR. PACE: Let's next turn to page U001-5671 in both versions,
22 please.

23 Q. And here we see an entry dated 11 February 1999, and it refers
24 to a meeting -- yes, thank you. It refers to a meeting with brigade
25 commanders and refers to Ramush Haradinaj being present.

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1 MR. PACE: And let's turn to the next page in both versions,
2 which is 5672. And if we can zoom in both versions on the bottom
3 left-hand side of the document, please.

4 Q. Here we see:

5 "Naim Maloku is here to assist us in the field: this is a
6 privilege and is particularly important to us."

7 Witness, do you recall who said that at this meeting?

8 A. Ramush Haradinaj said so. He introduced me to the
9 representatives of the brigades and other persons who had been
10 invited from the villages and were assisting the KLA. We were
11 thinking to further develop units also in those villages; for
12 example, the place called Lugu i Terstenikut [phoen]. There was no
13 unit, there were no points, there were no small areas of control
14 there, so we were planning on organising such units there as well.

15 This is me being introduced to the Dukagjini operational zone
16 staff.

17 MR. PACE: If we could now zoom in on the right-hand side of
18 both versions at the top.

19 Q. Here, Witness, we see written:

20 "Shaban Hasanaj is now working on the fortification of
21 positions. We think he is the right person to continue to work on
22 the fortifications."

23 Do you recall whether Shaban Hasanaj was undertaking such work
24 at the time?

25 A. Counsel, I remember that I met with Shaban Hasanaj a day

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1 earlier. He was a man of a certain age but with an extensive
2 experience in the Territorial Defence of the Kline municipality. He
3 had been a senior officer there. I asked, therefore, for him to join
4 my team to help us inspect the entire Dukagjini operational zone.
5 And we, from that moment onwards, were inseparable. Then a certain
6 Gzim Ozdreni from Macedonia joined us as well. Shaban, however,
7 joined my team upon my proposal.

8 MR. PACE: Let's please turn to the next page, which is
9 U001-5673, in both versions. And now briefly to the next page, which
10 is 5674, just to see where this entry ends. And we can go back to
11 the previous page, 5673. Thank you.

12 Q. Witness, here we see an entry on the --

13 MR. PACE: On the right-hand side, if we can zoom in there on
14 both versions, please. Yes, that's correct in Albanian, and the same
15 in English.

16 Q. We see an entry referring to 15 February 1999. And we can read
17 here that it includes in the third paragraph:

18 "We continue to work on the fortification of our front line
19 positions every day, where the commanding officers Shaban
20 /?Hasanaj/ and Naim Maloku have been making their extraordinary
21 contribution."

22 And just to be clear, do you recall yourself and Hasanaj
23 carrying out work of the nature described in this item?

24 A. When you showed me this document, counsel, I confirmed,
25 admitted, that it reflected -- it was a summary of my commitment

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1 during a certain period of time, quite a long period of time. These
2 were my commitments at the time with Mr. Shaban Hasanaaj until Gzim
3 Ozdreni joined us.

4 Q. And just so the record is clear, when you talk about me showing
5 you documents, are you referring to witness preparation last week?

6 A. Correct, because I had not seen these documents before.

7 MR. PACE: Your Honour, from this item we seek to tender the
8 pages shown, which are the following: U001-5663, U001-5666, 5667,
9 5668, 5669, and then U001-5671, 5672, 5673, 5674. And the
10 classification can be public if they're admitted.

11 PRESIDING JUDGE SMITH: Any objection to the tender?

12 MR. DIXON: No, Your Honour. No objection.

13 PRESIDING JUDGE SMITH: The enumerated documents will be
14 admitted and be assigned an exhibit number.

15 THE COURT OFFICER: Thank you, Your Honours. These numbers that
16 were read on the record, together with corresponding English
17 translation, will be assigned Exhibit P02098, and they're classified
18 as public. Thank you, Your Honours.

19 MR. PACE: We can take this document down. And instead, I'd
20 like to call up U002-2210-U002-2223 side by side with its English
21 translation, which is U002-2210-U002-2219-ET. And in both versions
22 I'd like to turn to page U002-2217. We can turn to page ending 2217
23 in both language versions, please. Thank you.

24 Q. Witness, this is another item. And, again, on the left in
25 Albanian in handwriting and on the right in English. Had you seen

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1 this document before I showed it to you last week?

2 A. No, I hadn't.

3 Q. We see that it refers to a meeting held on the 30th of a month
4 in 1999. And then we see your name as senior officer among the
5 attendees, along with Maliq Ndrecaj and others. And my question to
6 you is if you could focus on the information listed at numbers 1 to
7 7.

8 MR. PACE: So we could zoom in a little bit on those numbers 1
9 to 7. And zoom out a little -- yes, so he can see them in their
10 totality.

11 Q. Do you recall who if anyone -- do you recall anyone providing
12 such information at a meeting in 1999?

13 A. I do not recall anyone giving this information. However, the
14 seven points mentioned here by me are correct. Point 5, "Any
15 unreasonable shooting is prohibited." I was very insistent on not
16 wasting ammunition. These were the main seven points I would present
17 to every unit I visited within my mandate or my tasks.

18 MR. PACE: Your Honour, we seek admission of this page in both
19 languages. It could be public. And to be clear, it's page
20 U002-2217.

21 PRESIDING JUDGE SMITH: Any objection?

22 U002-2217 is admitted.

23 THE COURT OFFICER: And will be assigned Exhibit P02099 together
24 with corresponding English translation. And it's currently
25 classified as confidential.

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1 MR. PACE: Public. It can be public.

2 PRESIDING JUDGE SMITH: Reclassified as public.

3 THE COURT OFFICER: Thank you, Your Honours.

4 MR. PACE: We can take this document down, and instead call up
5 U001-6143-U001-6148 and its English translation, which has the same
6 ERN with -ET. And we can stay on the first page of both, please.
7 Thank you.

8 Q. And, Witness, this is another document, again on the left in
9 Albanian, on the right in English. Had you seen this document before
10 I showed it to you last week?

11 A. No, I hadn't, counsel.

12 Q. We can see that the page we're on now refers to the KLA
13 Dukagjini operational zone command logistics service.

14 MR. PACE: And I'd next like to turn to in both versions the
15 page ending 6147, please. And in both versions, if we can zoom in to
16 the top half of the document, please. Yes.

17 Q. Here we see the heading "Voucher Based on the Financial Plan."
18 And I'd like to ask you to draw your attention, Witness, to the fifth
19 entry, so the fifth name that appears, and here we see it refers to a
20 Naim Maloku receiving a thousand Deutschmarks on 26 January 1999, and
21 then there is a corresponding signature. Is that your signature?

22 A. Yes.

23 Q. And do you recall having received a thousand Deutschmarks on or
24 around 26 January?

25 A. Yes, counsel.

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1 Q. We see Agron Ramaj listed below your name in relation to
2 Brigade 134. To your recollection, was he in that brigade in January
3 1999?

4 A. He was killed two days after, and he was brigade commander.
5 Then I re-established that brigade. I already explained it
6 yesterday. If you need me to give you further explanations, I may do
7 so.

8 Q. No, thank you.

9 MR. PACE: Your Honour, we seek to admit this item, and it can
10 be admitted as public if it is admitted.

11 PRESIDING JUDGE SMITH: Objection?

12 MR. DIXON: [Microphone not activated].

13 PRESIDING JUDGE SMITH: Both of them or just the last one?

14 MR. PACE: It's one item. It's only five pages long, I believe,
15 so it's --

16 PRESIDING JUDGE SMITH: Okay.

17 MR. PACE: -- 6143-6148 with the English.

18 PRESIDING JUDGE SMITH: U001-6148 and 6147 are admitted.

19 MR. PACE: Sorry. To be clear, I'm tendering the whole item. I
20 showed two pages but the entire range is 6143 until 6148. Thank you.

21 PRESIDING JUDGE SMITH: All right. I'm not sure that was clear.
22 Is there an objection to the entire range?

23 MR. DIXON: [Microphone not activated].

24 PRESIDING JUDGE SMITH: Okay. U001-6143 to U001-6148 is
25 admitted.

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1 THE COURT OFFICER: And this will be assigned Exhibit P02100,
2 together with corresponding English translation, and they are both
3 classified as public. Thank you, Your Honours.

4 MR. PACE: Thank you. We can take that document down. And
5 instead, I'd like to call up U001-4030-U001-4068 side by side with
6 the English translation. That is U001-4032-U001-4068-ET. And once
7 they're on our screen, I'd like to turn to page 4068 in both
8 languages, please. Thank you.

9 Q. Witness, this is a different document. Again, on the left
10 handwritten in Albanian; on the right, English translation. Had you
11 seen this document before I showed it to you last week?

12 A. No, counsel.

13 Q. We see it refers to a meeting on 11 April 1999 with participants
14 including yourself, Major, Emrush, Nazmir, and members of Brigade
15 133. It also records you as stating in the third sentence that there
16 has to be second and third line defence implemented. Do you recall
17 such a meeting?

18 A. Yes, when I was in Brigade 133 commanded by Azem Veseli. Gzim
19 Ozdreni also joined me. You might find him with pseudonym Murati or
20 Major. He did not introduce himself by name. He came from
21 Macedonia, as it's called now the Republic of North Macedonia. Not
22 to endanger his family, he used different names. And wherever I
23 went, I introduced him by another name.

24 So it's correct, this work meeting note. I remember the meeting
25 took place after I visited some defence positions of some units of

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1 Brigades 133, which hadn't built the secondary and third line
2 positions as is required in the war. And I remember bringing up this
3 issue at that work meeting with the close staff of Brigade 133. I
4 remember this work meeting was held in Studenice where the brigade
5 staff was based.

6 MR. PACE: If we can turn to the -- to page 4032 in both
7 versions, please. It should be the first page of the English. Yes.

8 Q. And, Witness, for now I'd just like you to have a look through
9 the names which appear on the left-hand side and the places of birth
10 which appear in the third column.

11 MR. PACE: If we could scroll down a little bit in both
12 versions, please. Yes.

13 And before I ask you my next question, I'd like to turn to page
14 U001-4044 in both versions, please.

15 Q. Witness, this is another page from the same item. And, again,
16 I'd like you to look at the names in the second column, and this time
17 I'd like you to look at the last column, which is "Date and place
18 enlisted in the KLA." Do you recognise any of the names or the
19 locations on the pages that I've shown you?

20 A. The places, I know all. And the names, most of them, yes. I
21 have noted that Brigade 133 had kept a register more -- I mean, a
22 precise, accurate register of all the members of the brigade, with
23 their names, last names, date of birth, place of birth, the date and
24 place where they enlisted in the KLA, and their school education. It
25 was a very well-detailed register. I remember I praised them, the

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1 brigade, for keeping such a register. I didn't know it before. Only
2 when you showed it to me I saw it.

3 MR. PACE: Your Honour, we seek to admit pages U001-4032 until
4 U001-4068. So those include the page I showed the witness concerning
5 the meeting, the two pages with lists of names, and then lists which
6 are a continuation of or have similar content to the lists we showed
7 the witness. And it could be public if admitted.

8 PRESIDING JUDGE SMITH: Any objection?

9 MR. DIXON: No objection, Your Honour.

10 PRESIDING JUDGE SMITH: U001-4032 through 4068 is admitted.

11 THE COURT OFFICER: Thank you, Your Honours. This will be
12 assigned Exhibit P02101, together with the corresponding English
13 translation, and it is classified as public. Thank you,
14 Your Honours.

15 PRESIDING JUDGE SMITH: It is classified as public.

16 THE COURT OFFICER: Thank you.

17 MR. PACE: Thank you. We can take this item down.

18 Q. Witness, do you know Faton Mehmetaj?

19 A. Yes, I do.

20 Q. To your knowledge, did he have a role in the KLA in 1998 and
21 1999?

22 A. As far as I know, Faton Mehmetaj was a senior officer or
23 responsible for the so-called sector of intelligence and
24 counter-intelligence in Dukagjin zone. From what I heard, Fitnete
25 Ramosaj helped him. Both of them were known by the members of the

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1 KLA to be performing that function.

2 Q. And when you were in the Dukagjini operational zone area in
3 1999, did you ever see him or come across him at that time?

4 A. I saw him several times. We saw each other on the street. But
5 I don't recall to have been present in any meeting where he was
6 present. I don't think I ever attended such a meeting.

7 MR. PACE: I'd like to call up the witness's book again, and
8 this is U002-3041-U002-3143, and the English translation at
9 U002-3080-U002-3141-ET. And in both, I'd like to turn to page ending
10 3110, which is PDF page 70 in the Albanian and 31 in the English.

11 No, that's not the right English translation. I called up a
12 different one, and it's the one starting U002-3080. Yes, thank you.
13 I think you actually might have had it right to begin with and it's
14 my misunderstanding.

15 And in the Albanian, let's go to PDF page 70, which is 3110, and
16 in English to PDF page 31, which is also 3110. Yes, 69, I guess, not
17 70. [Microphone not activated].

18 THE INTERPRETER: Microphone, please.

19 MR. PACE:

20 Q. I'm going to read from the third and fourth paragraph on the
21 page in English, which corresponds to the third and fourth paragraph
22 on the left in Albanian.

23 MR. PACE: So let's zoom in to the left-hand side in Albanian,
24 please.

25 Q. Witness, I'm going to read and then I have some questions.

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Examination by Mr. Pace (Continued)

1 "I received an order from the KLA General Staff to go from Istog
2 to Rugove and then go to Albania. Gzim Ozdreni and I, he being a
3 major from Diber e Madhe, received an order to go to Albania.
4 Previously the KLA GS had declared a general mobilisation of the
5 diaspora. The KLA GS told us that we needed to go there. When
6 Bislim Zyrapi gave me this order Agim Ceku was also in the KLA GS,
7 having come from Croatia. This order was given to me because I was
8 to go to Albania in order to gather volunteer units who had come to
9 the camps and to continue Operation Arrow by leading the units. This
10 operation foresaw that the border should be breached at Pastrok and
11 in Dragash, in addition to Koshare - so in three locations.

12 "Koshare had particular importance psychologically as well for
13 all of the KLA in Kosovo. The goal was to connect Koshare with the
14 Dukagjini Plain, to import weapon supplies from Albania and to deploy
15 the new forces who were throughout the camps in Albania (it was said
16 that 7,000-8,000 volunteers had come from the West)."

17 Now, I believe you referred to this incident yesterday, but my
18 first question is do you recall Bislim Zyrapi giving you the order to
19 go to Rugove and then Albania?

20 A. Yes. I got the order on the phone when I was in the Brigade 133
21 in General Staff -- in staff in Studenice.

22 Q. And in the excerpt it says that when Bislim Zyrapi gave you this
23 order, Agim Ceku was also in the KLA GS. Was he physically in the
24 KLA GS, was he on this call? Could you explain?

25 A. Yes, he was physically there, because Bislim was the one that

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1 communicated me the change in the General Staff; that is, instead of
2 Bislim Zyrapi, they had appointed Agim Ceku as chief of staff.
3 Bislim had taken the task to command the Arrow operation from
4 Albania.

5 Q. And was Agim Ceku also on this phone call or was it just you and
6 Bislim Zyrapi?

7 A. Agim Ceku wanted to talk with me. We greeted each other with
8 words of respect for one another. I was happy he came. That's all.
9 So we just greeted each other and we respected one another.

10 Q. And just for clarity, did you greet each other during the same
11 phone call when Bislim Zyrapi gave you these orders?

12 A. Yes.

13 Q. In the excerpt you referred to 7.000 to 8.000 volunteers. Do
14 you know where they were at the time?

15 A. They were in Burrel.

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

17 Q. In your SPO interview, you stated that you were in Gjakove
18 around 15 or 16 June 1999 after having been in Kukes and before going
19 to Peje. Do you recall where you stayed in Gjakove at this time?

20 A. I stayed in a room in the Pashtrik hotel.

21 Q. Do you recall whether any other KLA members would stay at the
22 Pashtrik hotel in June 1999?

23 A. Yes, there were. Almost all the rooms were taken because across
24 the Pashtrik hotel, there was a house of culture it was called, and
25 the staff of Brigade 137 was based there. Avdullah Babaliija was its

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1 commander.

2 Q. I'm changing subjects a little bit. Do you know someone known
3 as Shpetim Golemi?

4 A. Yes, Dilaver Goxhaj is the one.

5 Q. Am I understanding correctly that Dilaver Goxhaj is the real
6 name of Shpetim Golemi?

7 A. Yes, it's his real name.

8 Q. And to your knowledge, did this person have a role in the KLA in
9 1999?

10 A. He came when Agim Ceku became chief of staff. I don't know what
11 role Dilaver Goxhaj had in the General Staff of the KLA.

12 Q. But to your knowledge, in 1999 he had a role in the
13 General Staff, Shpetim or Dilaver?

14 A. Shpetim might have a senior role in the General Staff. My logic
15 says that he might have been involved in the operational directorate
16 because he was a senior officer, a professional military soldier or,
17 as we say in the army, he was a major officer.

18 Q. Do you know Safet Sylja?

19 A. Yes. He was an officer who came when I was there in the
20 General Staff. He came from Switzerland. The only officer in the
21 ranks of the KLA that had finished the academy of communication.
22 That is, he dealt with radio communication and all these things. So
23 he was a great asset to the operational directorate, his coming,
24 because he could conduct surveillance of communications between the
25 enemy forces, the Serb forces, the police and the army forces. So

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1 through that surveillance, we found out many things regarding their
2 movements or actions they wanted to undertake in some parts of
3 Kosovo. His contribution was extraordinary, I would say, in the
4 operational directorate of the General Staff.

5 Q. In your SPO interview, you state that you made a written request
6 for demobilisation, that you gave back your weapons, and that
7 Agim Ceku gave you the decision on your demobilisation in person.

8 MR. PACE: I'd like to call up 126674-126682 alongside the
9 English translation, which is at 126674-126679-ET. And in both we'll
10 turn to page 126674, so the first page. Thank you.

11 Q. Witness --

12 MR. PACE: Once again, if we can zoom out so we can see the
13 totality of the page in Albanian. Yes, that's good. That's good,
14 thank you.

15 Q. On the left, there is a document in Albanian; and on the right,
16 in English. Do you recall providing the Albanian version to the SPO?

17 A. Yes.

18 Q. And are both signatures on this page yours, the one towards the
19 right-hand side at the bottom and then the one under the 2025 date?

20 A. Yes. Yes.

21 Q. Is this your written request for demobilisation?

22 A. Yes, it is my written request which I gave to Mensur Kosumi who
23 came to visit me in Gjakove so that he could personally deliver it to
24 the chief of staff.

25 MR. PACE: I'd like to turn to page 126677 in both items. And,

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1 again, we can zoom out -- in the Albanian is enough. That's good.

2 Thank you.

3 Q. Witness, did you provide this item to the SPO?

4 A. Yes.

5 Q. Could you briefly explain what this item is?

6 A. It is a certificate which shows that I handed over the weapons,
7 the number of the weapon. Before I got the order for demobilisation,
8 I mentioned in a previous document, even though I had not received
9 the order for demobilisation, I would use my right as a voluntary. I
10 joined the army on a voluntary basis, and I was going to leave it on
11 a voluntary basis before I received the official decision on my
12 demobilisation. That is, I informed the chief of staff that even if
13 the request receives a negative answer, I would still leave the ranks
14 of the army because I joined it on a voluntary basis.

15 Q. We see this item is signed by Avdullah Babalija as a commander.
16 Do you recall how long he had been the brigade commander --

17 A. It's the signature of the brigade commander, because to him I
18 handed over that request.

19 Q. To your recollection, was there a brigade commander before
20 Avdullah Babalija took over 137?

21 A. No. When Brigade 137, Gjakove Brigade, was formed, he was the
22 first and last commander of that brigade. He was lucky to survive
23 because many other brigade commanders were killed in the war.

24 Q. Do you know an Agron Kryeziu?

25 A. Yes. He was in the command of Brigade 137, but I don't know

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1 what function he had.

2 MR. PACE: I'd like to turn to page 126676 in both versions,
3 please, so the previous page.

4 Q. Witness, on the left is the item in Albanian. Did you provide
5 that to the SPO?

6 A. Yes.

7 Q. And is this the decision that Agim Ceku gave you which you have
8 referred to in relation to demobilisation?

9 A. Yes, he gave it to me on 1 July 1999 in Peje.

10 MR. PACE: Your Honour, we seek admission of the three items
11 shown, which are at pages 126674 until 126677 of this item. If
12 they're admitted, they can be public, and they should be added to
13 P02093, which already contains a page that has been admitted from
14 this item, which is the witness's KLA General Staff card, identity
15 card.

16 PRESIDING JUDGE SMITH: Any objection?

17 126674, 126677, and 126676 are all admitted, reclassified as
18 public. And they will be, as requested, added to --

19 MR. PACE: P2093.

20 PRESIDING JUDGE SMITH: Yeah.

21 MR. PACE: And for completeness, Your Honour --

22 PRESIDING JUDGE SMITH: P02093.

23 MR. PACE: And for completeness, we would also tender 126675
24 just because it's the back of 126674.

25 PRESIDING JUDGE SMITH: Any objection to that addition? 126675

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1 is also admitted and attached in the same way.

2 THE COURT OFFICER: Thank you, Your Honours. So four pages will
3 be added to P02093. Thank you so much.

4 MR. PACE: Your Honour, I note the time. This would be a good
5 time to break.

6 PRESIDING JUDGE SMITH: We'll give you a ten-minute break now,
7 Witness. You may leave the courtroom with the Court Usher, and we
8 will be back here in ten minutes.

9 [The witness stands down]

10 PRESIDING JUDGE SMITH: We're adjourned until 10.10.

11 --- Break taken at 10.00 a.m.

12 --- On resuming at 10.12 a.m.

13 PRESIDING JUDGE SMITH: You may bring the witness in.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Mr. Maloku, we will continue with
16 questions from the Specialist Prosecutor's Office.

17 Go ahead, Mr. Pace.

18 MR. PACE: Thank you.

19 Q. Witness, I'm going to read from your ICTY and SPO interviews and
20 then ask you some questions.

21 MR. PACE: I'd first like to call up P02087.2-ET and AT. And in
22 these, we'll turn to page 18 in the English and 14 in the Albanian.

23 So in the English, I'm going to read from page 18, lines 15 to 19.

24 Q. In the Albanian, Witness, this is on the left if you want to
25 follow by reading, it is on the page indicated at lines 1 to 8.

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1 Otherwise, you can listen. And this is one of the answers you gave:

2 "Until July 1998, I had quite frequent contacts with
3 journalists. Some of the interviews are included in my book. And
4 some others, I have them at home. And some of my interviews are
5 contradictory with the spokesperson, spokesman of KLA concerning some
6 very interesting elements. For example, when I was asked about
7 Ibrahim Rugova, my answer to this was that Rugova is the president or
8 the head of Kosovo and I know his authority. I have stated this
9 publicly on the 5th of July, 1998. And in answer to the question of
10 the journalist: Who according to you is supposed to be regarded as
11 the head of KLA? My answer was: Rugova. These were some of the
12 differences, but not concerning the soldiers or ammunition. We were
13 fighting against the Serbian police forces."

14 Now, before asking my questions, I would next like to turn to
15 P02090.4-ET and AT, and this is going to be an excerpt from your SPO
16 interview. And in these items, once they're on screen, we'll go to
17 page 8.

18 MR. PACE: So it's page 8 in both items. In the English, I'm
19 going to read from lines 20 to 25. So we can scroll down. And it's
20 the same line reference on this page in Albanian.

21 Q. So, Witness, this is what you said in an answer to the SPO in
22 2019:

23 "In an interview on 5 July 1998, it was published by a magazine
24 Kombe, a newspaper, I declared that then President Rugova, that I
25 recognise him as the chief commander of KLA. And the others were of

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1 different thoughts, that Rugova as the then-recognised president of
2 Albanians and Kosovo was not. But this was the only difference in
3 our thoughts."

4 My question for you now, Witness, is do you recall stating in
5 the media in 1998 that Ibrahim Rugova is supposed to be regarded as
6 the head of the KLA or that you recognised him as chief commander of
7 the KLA?

8 A. Yes, I was asked by the reporter and I gave my answer as I did.
9 Rugova was an elected president since 1990. He was recognised not
10 only by the Albanians of Kosovo but worldwide as the political leader
11 of the Albanians in Kosovo.

12 Q. And in your answer just now, you said you were asked by the
13 reporter "and I gave my answer." Are you here referring to the
14 reporter for *Kombi*?

15 A. Yes, the reporter Musa Kurhasku who wrote the article and
16 published it in *Kombi*.

17 Q. And do you recall saying things of the same nature, for example,
18 about Ibrahim Rugova in other interviews which you gave to the media
19 in 1998 or 1999?

20 A. I had this position and expressed it constantly, from the
21 beginning to the end, whenever I was asked the question by the
22 journalists. I also explained to you in the preparation session the
23 purpose and aims of my interviews and the reasons for my statements
24 in those interviews, adding that in my interviews I complied with
25 international conventions regarding war propaganda which ban calls or

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1 incitement for violence against civilians or persons who hold
2 different political views, the prohibition to discriminate people on
3 ethnic, race, gender, religious grounds, prohibition of violence
4 against historical or religious sites, regardless of the territory
5 where fighting is taking place.

6 And in all my interviews in my propaganda war against the
7 Serbian forces for the freedom of Kosovo, which I viewed to have been
8 one of the most powerful weapons I had, I always respected this code.
9 I always followed these rules and these principles, never violated
10 them in my interviews.

11 MR. PACE: We can take this document down. And I'd like to call
12 up the witness's book once again, and that is U002-3041-U002-3143
13 with its English translation at U002-3080-U002-3141-ET. And in both
14 of them, let's please turn to page 3096, which should be PDF page 56
15 in Albanian and 17 in English. In fact, it's 55, sorry, in Albanian.
16 It should be page 17 in the English, PDF page 17. I might be wrong.
17 Yes, that's right.

18 I'm going to read from the first full paragraph in English on
19 this page. So in the Albanian, let's please zoom in to the left-hand
20 page.

21 Q. Witness, this is another page from your book that we've been
22 dealing with today and yesterday, and I'm going to read in English.
23 You can either follow in Albanian on your screen or through
24 interpretation. You say the following:

25 "I, in the beginning of July, made a statement for 'Kombi'

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1 newspaper that I am for the institutionalisation of the KLA, that I
2 am against the formation of the Ministry of Defence and the staff in
3 Tirana (by that time Tahir Zemaj and the officers had come) and in
4 that interview I came out openly with very concrete positions that
5 the staff in Tirana should not be created, because we had a staff in
6 Kosovo. We had knowledge that Bislim Zyrapi had become chief of
7 staff of the General Staff of the KLA. I had had contacts with
8 Bislim since Tirana, and I worked by his orders. He had also come to
9 Reke e Keqe as he was chosen as chief of staff of the General Staff
10 of the KLA. A connectivity was created. There was also a line of
11 subordination created from the most basic units to the KLA GS. The
12 foundations were created for a regular army, and I came out openly
13 /in saying/ that the army should be institutionalised, but not with a
14 Staff in Tirana, like Bukoshi wanted. Bujar Bukoshi should have come
15 to Kosovo and should have accepted the structures that had been
16 created in Kosovo. This was directly connected to the information
17 that I had had about the formation of a government, which Christopher
18 Hill was holding talks about. My statements were that
19 institutionalisation should happen, but not without the agreement of
20 the KLA and in the spirit of those attempts that Hill was making in
21 the meetings for the creation of one structure, one subject,
22 /and/ one government in which everyone would be included."

23 Witness, is the information in this excerpt from your book
24 correct?

25 A. There is only one small distinction here. When Bislim came to

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1 Reke e Keqe, he said, I quote, he told me that he was setting up the
2 operational directorate of the General Staff. So the attempts were
3 being made to create this operational directorate and he had been
4 chosen or selected or appointed to do that. I viewed this as a very
5 positive step that the organisational structures at the higher levels
6 of the army were being created.

7 My continuous attempts and focused view was for the KLA to
8 organise. That was the only way for us to convince the international
9 community and achieve then the point of the negotiations which we
10 did. Every war will end up at the table of the negotiations. This
11 was my position. These were my statements. The institutionalisation
12 of the Kosovo Liberation Army.

13 When one of the five members of the staff in Tirana -- I was
14 appointed as one of those five in Tirana by Ahmet Krasniqi. I
15 refused that position. We told to Ahmet Krasniqi in person: The war
16 is not waged in Tirana. The war is waged in Kosovo. The military
17 people should be in Kosovo, not in Tirana. This was my position. I
18 might have exaggerated some things here and there; however, my
19 interviews are mainly focused on this. Their purpose was to
20 mobilise, to raise awareness within the civilians, to echo this in
21 Kosovo within the ranks of the KLA. This was the aim in my
22 interviews and the way I conveyed my opinion and my position in these
23 interviews.

24 Q. What month and year did Bislim Zyrapli come to Reke e Keqe and
25 tell you he was setting up the operational directorate?

1 A. Exactly on 17 July 1998, because the Rahovec battle started on
2 that day. We could hear the gunfire. And he came and told me that
3 the operational directorate had started being set up. He was in
4 charge of that. And, obviously, first -- as a first step, he needed
5 to visit all the territories under the KLA control to have a clear
6 picture as to what's the territory, what are the lines, who are the
7 persons in charge, what is the military -- the available military
8 infrastructure of the KLA, in order then to operate this entire
9 organisation from the operational directorate of the General Staff.
10 This is how it goes in any regular army.

11 Q. In the excerpt from your book I just read, you mentioned in the
12 beginning of July making a statement for *Kombi* newspaper. And is
13 that the same interview you referred to in your excerpts from your
14 ICTY and SPO interviews that we just looked at?

15 A. Yes. Yes. There are many interviews. I think five of them are
16 included in my book, interviews given to *Kombi*, *Zeri*.

17 Q. How many interviews do you recall giving to *Kombi* in July 1998?

18 A. Only one to *Kombi*. But I later heard that part of that
19 interview were then republished by other newspapers claiming that
20 they had obtained this in interviews they had had with me.

21 Q. When did you hear that?

22 A. I heard that when you introduced them to me.

23 Q. When I introduced what to you?

24 A. A magazine published in Tirana by the Ministry of Defence of the
25 Kosovo government.

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Examination by Mr. Pace (Continued)

1 Q. And when I showed you that magazine, what is it that led you to
2 believe that *Kombi* had been reproduced?

3 A. Because they -- there were no changes. It was the right
4 interpretation. The questions and answers hadn't changed, those
5 asked by the reporter of *Kombi*.

6 Q. We'll get to that, I think, the magazine you're referring to, a
7 little bit later.

8 MR. PACE: We can take the document down for now.

9 Q. And, Witness, in your SPO interview and during witness
10 preparation, you referred to meeting Hashim Thaci for the first time
11 in Prapaqan in August 1998. And my question for you now is: Was
12 that the only time you met Hashim Thaci in August 1998?

13 A. This is first time I met with him.

14 Q. And you're saying in Prapaqan in August 1998; right?

15 A. Correct, Prapaqan, August 1998. Some three days before Loxhe
16 fell.

17 Q. Now, in August 1998, is that the only time you met Hashim Thaci
18 or did you meet him again?

19 A. I met him in August also in Klecke. This was two days before
20 Klecke was taken over. In the house of Zenel Shala where I was
21 sheltered because I was wounded.

22 Q. Now, was this meeting in Klecke before or after the meeting with
23 Hashim Thaci in Prapaqan?

24 A. This was after the meeting in Prapaqan.

25 Q. And you mention it was two days before Klecke was taken over.

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Examination by Mr. Pace (Continued)

1 What is the day and what month that Klecke was taken over?

2 A. Klecke fell on 25 August 1998.

3 Q. Was anyone present with Hashim Thaci on this occasion in Klecke?

4 A. Commander Kumanova was there and I think he brought Hashim Thaci
5 there. It was his, I think, working visit in relation to the
6 discussion Commander Kumanova had with me.

7 Q. To be clear, when you say it was "his working visit," whose
8 working visit are you talking about?

9 A. Commander Kumanova who commanded the positions in Luzhnica and
10 Klecke.

11 Q. What was Commander Kumanova's real name?

12 A. I learned after the war that his name was Ismet Jashari.

13 Q. Is Commander Kumanova, Ismet Jashari, alive?

14 A. No. He was killed on the day of the assault in the positions in
15 Luzhnica on 25 August.

16 Q. To be clear, you're saying 25 August 1998 is when
17 Commander Kumanova died?

18 A. Correct.

19 Q. Now, what did Commander Kumanova say, if anything, to you on
20 this occasion in Klecke when you met?

21 A. Commander Kumanova tried to explain to me how he had organised
22 the defence of the positions in Luzhnica in order to prevent the
23 Serbian forces penetrating into Klecke and also other positions. I
24 remember very well our discussion about those positions and what we
25 should do to improve those positions.

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1 We agreed for him to come back one or two days later and carry
2 me, wounded as I was, and take me to the positions, to the locations
3 so that I could personally inspect and see the situation. He secured
4 the -- when I asked him, "Have you secured the right or the left
5 directions?" He said, "The right direction is a mountainous area.
6 They can't penetrate from that area." To which I replied, "That's
7 precisely where they will come from."

8 Q. When Commander Kumanova gave you this information, was
9 Hashim Thaci present? Could he hear what Commander Kumanova was
10 saying to you?

11 A. Yes, they were together.

12 Q. And did Hashim Thaci say anything in relation to this subject
13 matter, what you just described that Commander Kumanova was saying to
14 you about the organisation of defence positions or not?

15 A. The three times I met with Hashim Thaci during the war in
16 Kosovo, that was the first time that Hashim Thaci spoke. During the
17 two other encounters, he didn't say anything. I recall that during
18 my interview for *Kombi* he said that I have said many good words about
19 him, so he praised me for saying good things in that interview, but
20 that he did not agree with me about some things but he didn't specify
21 what things.

22 Q. And just for clarity, did Hashim Thaci tell you he agreed with
23 some things you said and didn't agree with some things you said in
24 *Kombi* during this visit in Klecke in August 1998?

25 A. Because it was the first and only time he talked with me in the

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1 war, I remember. He told me that with most of the things I said
2 during that interview he agreed but that he did not agree with some
3 of the things but didn't specify what things.

4 Q. Do you recall what Hashim Thaci was wearing on this occasion?

5 A. I think a military uniform, the same uniform.

6 Q. And do you recall whether Hashim Thaci had anything with him
7 when he spoke to you on this occasion?

8 A. I don't recall what kind of weapon he had.

9 Q. I'm not asking about a weapon. In general, did he have
10 anything, was he holding anything, or did he show you anything?

11 A. No, nothing else. We focused on the conversation of
12 Commander Kumanova with me.

13 Q. You mentioned that Hashim Thaci talked to you about your *Kombi*
14 interview. Did he have a copy of that interview with him?

15 MR. MISETIC: Objection, leading.

16 MR. PACE: That's not leading, Your Honour.

17 PRESIDING JUDGE SMITH: It's leading. Sustained.

18 MR. PACE:

19 Q. Witness, do you recall during witness preparation stating that
20 Hashim Thaci had a copy of the *Kombi* interview --

21 MR. MISETIC: Objection, objection. He's not asked for leave
22 to -- and he's now impeaching.

23 MR. PACE: I'm not impeaching, Your Honour. For now I'm asking
24 if he said something. If I need to go to the note, I will seek your
25 leave.

1 MR. MISETIC: Your Honour, may we do this outside the presence
2 of the witness then?

3 PRESIDING JUDGE SMITH: Just hold on. Yes.

4 Witness, you're excused for just a few minutes. You may leave
5 the courtroom with the Court Usher.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: Go ahead.

8 MR. MISETIC: Mr. President, my objection is he's been now asked
9 clearly on the record:

10 "Do you recall Hashim Thaci had anything with him when he spoke
11 to you on this occasion?

12 "I don't recall what kind of weapon he had.

13 "Q. I'm not asking about a weapon. In general, did he have
14 anything, was he holding anything, or did he show you anything?

15 "A. No, nothing else."

16 Full stop. Now the question comes back after a sustained
17 objection:

18 "Witness, do you recall during the preparation session ..."

19 And now he's using his Preparation Note 2 to lead him to
20 contradict the answer he just gave, which is that no, he wasn't
21 holding anything else and had nothing else in his possession. So I
22 object. And if he intends to go that route, Rule 143 specifies he
23 has to ask for leave either to refresh recollection or to impeach.

24 MR. PACE: Your Honour, in our submissions, we are not yet at
25 the stage where I have to seek leave under 143 or the Order on the

1 Conduct of Proceedings. My question, which I don't even think I
2 finished was, first, whether he remembered saying something during
3 witness preparation. He either remembered or he did not. If he does
4 not, then, yes, I will likely ask your leave to show him the
5 document, and the reason for that is that it's not admitted into
6 evidence.

7 And this is a relevant line of questioning because a week ago
8 the witness said something and now he's saying something else --

9 PRESIDING JUDGE SMITH: All right. But please don't beg him to
10 follow your lead and give you the answer you want. You may ask that
11 simple question, nothing beyond it at this point.

12 MR. PACE: To be clear, Your Honour, and so that we avoid
13 anything further in front of it witness, my intention, if you agree,
14 is I will ask him: Do you recall during witness preparation saying
15 that Hashim Thaci had a copy of the *Kombi* interview with him during
16 this encounter?

17 PRESIDING JUDGE SMITH: All right. You may ask that. Do not go
18 further without asking leave.

19 MR. PACE: Certainly.

20 PRESIDING JUDGE SMITH: You may bring the witness back.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. PACE: Thank you.

24 Q. Witness, we were just talking about Klecke, August 1998, when
25 you met Hashim Thaci and Commander Kumanova there. My question is:

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Examination by Mr. Pace (Continued)

1 Do you recall during witness preparation saying that Hashim Thaci had
2 a copy of the *Kombi* interview with him during this encounter?

3 PRESIDING JUDGE SMITH: That calls for a yes or a no answer.

4 THE WITNESS: [Interpretation] Yes.

5 MR. PACE:

6 Q. Did you meet Hashim Thaci again in 1998 or 1999?

7 A. I met him in October 1998 in Lladrovc.

8 Q. Was Hashim Thaci alone when you met him in October 1998 in
9 Lladrovc?

10 A. No, he was with Sabit Geci and somebody that people referred to
11 by the name of Raketa.

12 Q. And where in Lladrovc did you meet these three individuals in
13 October 1998?

14 A. We met by accident in the road. They were going by, by car, to
15 Selite [as interpreted] village. I was with Xhavit Bucaj, my cousin,
16 walking. To rehabilitate myself, I used to walk several kilometres a
17 day. And we met them by accident.

18 Q. You mentioned they were going to Selite village. Do you know
19 why they were going on there on that occasion?

20 A. Senik. In the direction of Senik they were going.

21 Q. Do you know why they were going in that direction on that
22 occasion?

23 A. Then when I met them, I found out that they were withdrawing
24 some of the wounded to take them to Albania, including Sabit Geci.

25 Q. You mentioned Raketa being present. Was he a KLA member at the

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Examination by Mr. Pace (Continued)

1 time in October 1998?

2 A. He was dressed in a KLA uniform.

3 Q. Did you know then or did you learn later what Raketa's role in
4 the KLA was?

5 A. After the war, he was a bodyguard of Mr. Thaci. When he was a
6 party chairman, prime minister and, to my knowledge, also when he was
7 president, he was a close bodyguard to him.

8 Q. And do you know what Raketa's role was during the war?

9 A. No.

10 Q. You mentioned they were going by car. Who was driving that car
11 on this occasion?

12 A. Sabit Geci, I think.

13 Q. And am I understanding correctly that you saw them on the
14 street?

15 A. Yes, yes.

16 Q. Did you see them anywhere else other than on the street?

17 A. We agreed to meet and talk together in the house of Shefqet
18 Bucaj, whose pseudonym was the Teacher, Mesuesi. They went there by
19 car. Myself and my cousin walked to the place because it was not
20 far.

21 Q. And did you then meet Sabit Geci, Hashim Thaci, and Raketa at
22 Mesuesi's home?

23 A. We stayed all together in the oda, the guest room of Shefqet
24 Bucaj, who was also there present.

25 Q. Did Hashim Thaci speak to you on this occasion either when you

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Examination by Mr. Pace (Continued)

1 met on the street or at the oda?

2 A. No, he didn't utter a word. I was surprised to meet him there,
3 also to meet Sabit Geci whom I knew from Slovenia from before. Since
4 1989, 1990 I knew him.

5 Q. Did Sabit Geci speak to you either on the street or in Mesuesi's
6 oda?

7 A. I remember I addressed him in Slovenian when I met him on the
8 road. Then in that oda we talked together in Albanian. With Sabit,
9 that is. It was a long time I hadn't seen him, and we talked -- only
10 we talked together.

11 Q. What did you and Sabit Geci talk about on this occasion in the
12 oda?

13 A. We also joked like we did before in Slovenia. I said, "How come
14 they didn't shoot at you half a metre above but only in the leg?"
15 And then Sabit offered me to go together to Albania to recover, but I
16 decided to remain in Kosovo. It was a half-an-hour meeting to have a
17 coffee together and in a way to discuss some things with a friend I
18 knew from before in Slovenia. I think Mr. Thaci was surprised that
19 we knew each other so well.

20 MR. PACE: I'd like to go back to the witness's book, and that
21 is U002-3041-U002-3143 and its English translation at
22 U002-3080-U002-3141-ET. And I'd like to turn to page U002-3127 in
23 both versions, please. It should be PDF page 87 in Albanian and 48
24 in English.

25 Sorry, I apologise. I'm constantly one off. In the Albanian,

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1 it's previous page. Yes.

2 Q. And, Witness, this is another page from your book, and I'm going
3 to start reading from -- in the English, if we can zoom to the bottom
4 half of the page, I'm going to read from the title there "Kosovo
5 needs the unity ..."

6 And in Albanian, if we could zoom then on the right-hand side.
7 So I'm going to read what is written here, and then I have some
8 questions.

9 "Kosovo needs the unity of the political and military factors.

10 "Mr. Maloku, it has been said that you have been wounded.
11 Please tell us those of us at Deutsche Welle in what circumstances
12 you received your wounds, and how is your health now?

13 "Maloku: I was wounded a month ago in fighting in Junik, and my
14 health is currently good, and soon I will carry out the duties that
15 are set for me by the KLA General Staff.

16 "In the communiqué issued from the meeting of 21 August, the
17 Staff of the Third Operational Zone for the Dukagjini Plain requested
18 the institutionalisation of political and military life in Kosovo.
19 Does this also mean the formation of a coalition government that
20 would also have representatives of the KLA?

21 "Maloku: The situation is such that I have also asked for the
22 institutionalisation of the Kosovo Liberation Army earlier, which
23 means that the KLA should be brought within the framework of the
24 state institutions of Kosovo. What government will be formed, and
25 how, is an issue for the leaders of all of the political parties.

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Examination by Mr. Pace (Continued)

1 However, our request and our opinion is that the KLA should be
2 brought within the framework of the Republic of Kosovo.

3 "What do you think about the new negotiation team, and will the
4 KLA respect any prospective agreement between Pristina and Belgrade?

5 "Maloku: The KLA must first be brought into the framework of
6 the state institutions, and then every conversation and negotiation
7 will naturally be respected by the KLA if it is in the framework
8 of" --

9 MR. PACE: And we can turn to the next page in both, please, and
10 zoom in on the left in Albanian, and the top in English.

11 Q. So I was saying:

12 "... if it is in the framework of the institutions. The entire
13 issue, in my opinion, has been held up by the leaders of the
14 political parties and the disagreements among them."

15 MR. PACE: On this page - just for the record, we're now on page
16 3128 - if we can move to the bottom of this entry, just above the
17 number 172 in English. And if we can scroll down in Albanian, and
18 zoom in on the bottom bracketed text.

19 Q. And here it reads:

20 "(This interview was broadcasted on Deutsche Welle Radio on 26
21 August 1998 in the 17:00 hours edition of the news. The interview
22 was conducted by the author of the book)."

23 And, Witness, my question for you is do you recall this
24 interview with Deutsche Welle in August 1998?

25 A. Yes, I do. It was an interview that I gave by phone and it was

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1 broadcast by Deutsche Welle.

2 Q. And does what I read out from your book correspond to what was
3 broadcasted from your interview at the time?

4 A. It does also correspond with my stand; namely, the need for the
5 unification of the military and political factors without which we,
6 as a party, could not sit down in the negotiation table to resolve
7 the problem of Kosovo and to end the war. That was my position which
8 I made clear publicly. It's a direct interview taken of me from
9 Deutsche Welle, and it reflects accurately what I said.

10 MR. PACE: We can take this document down. And instead, please
11 call up P01853 and P01853-ET. And we can stay for now on the first
12 page of both, please.

13 Q. Witness, on your screen now is a different document. On the
14 left, it's in Albanian.

15 MR. PACE: Let's turn briefly to the second page only in
16 Albanian for now, please.

17 Q. Had you seen, Witness, this document before I showed it to you
18 last week?

19 A. No.

20 Q. We can see that it's a *Koha Ditore* article dated 2 September
21 1998 and that it purports to contain an interview with
22 Jakup Krasniqi.

23 MR. PACE: In the English, let's please turn to the second page
24 where I'm going to read from the last question on this page with the
25 answer that will run into the next page.

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1 In the Albanian, it's a little complicated. Let's stay on the
2 second page and zoom in on the last question in the middle column,
3 please. We can zoom even more directly below the photo. More.
4 More. Yes. So I'm going to start from the question and answer at
5 the bottom of that column.

6 And just for awareness, it continues on the first page in the
7 third column at the top, but we can move that later. I'm going to
8 read it anyway.

9 Q. So, Witness, I'm going to read from this item, and then I have a
10 question for you.

11 "KD: The creation of this headquarters and the statements of
12 some KLA officers, such as Maloku on Deutsche Welle, are commented on
13 as a sign of splits within the KLA. Do there exist splits?

14 "Krasniqi: The General Staff of the KLA is not divided. But
15 the enemy is trying to weave a spider's web around the Kosovo
16 Liberation Army and those who are nobly involved with it:
17 unfortunately, in this web you can find some ex-Yugoslav Army
18 officers who seem to have difficulty in making the transition from
19 mercenary to freedom fighter. We think that no comment is required
20 on the interviews given by unauthorised and irresponsible people."

21 MR. PACE: So I'll stop there. But in Albanian, if we could go
22 back to the first page just to show the witness where I was reading
23 from and, as I said, zoom in on the third column, so to the right of
24 the photo, please. And you can zoom in further.

25 Q. So, Witness, you will have heard the interpretation through the

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1 headphones. But just so you know, the last part that I read in
2 Albania appears on your screen now.

3 Now, Witness, my question is were you aware that Jakup Krasniqi
4 had purportedly said this?

5 A. No.

6 Q. Did you ever have any discussions with Jakup Krasniqi about your
7 public interviews?

8 A. No.

9 Q. Thank you.

10 MR. PACE: We can take the document down. And, Your Honour, I
11 think this is a good time for the break.

12 PRESIDING JUDGE SMITH: Witness, we'll take a half-hour break at
13 this time as we did yesterday from 11.00 to 11.30. Please do not
14 speak to anyone outside of the courtroom. If someone tries to speak
15 with you, report it to us immediately.

16 You may leave the Court with the Court Usher now.

17 THE WITNESS: [Interpretation] Thank you.

18 [The witness stands down]

19 MR. PACE: Your Honour, in case it assists, I anticipate that I
20 need 30 to 45 minutes to complete my examination.

21 PRESIDING JUDGE SMITH: Thank you.

22 MR. MISETIC: Mr. President, may I inquire as to whether this
23 needs to finish tomorrow -- by tomorrow?

24 MR. PACE: Your Honour, I need to check about something. I
25 also -- if I make submissions, it would need to be in private

1 session. If you allow me, I'm going to check about something in the
2 break and I'll get back to you, because it relates more to another
3 witness, not this one. So I just need to get my facts straight and I
4 will get back to you all.

5 MR. MISETIC: I just want to alert the Panel that I think
6 Defence has some cross-examination. Mine may go longer than my
7 original estimate in light of new material in the preparation
8 session. So just so that we don't have a problem tomorrow about not
9 having enough time, and the Defence would like to have sufficient
10 time to cross.

11 PRESIDING JUDGE SMITH: You will have sufficient time.

12 MR. PACE: I can say that I am not aware of issues with this
13 witness staying longer. I'll get back to you if anything --

14 PRESIDING JUDGE SMITH: Well, let's confirm that.

15 MR. PACE: No, that I can confirm, Your Honour, about this
16 witness. I'll get back to you if I have anything on another witness.

17 PRESIDING JUDGE SMITH: All right. We'll take this up before we
18 start after the break.

19 So we're adjourned until 11.30.

20 --- Recess taken at 11.00 a.m.

21 --- On resuming at 11.31 a.m.

22 PRESIDING JUDGE SMITH: Mr. Pace, have you been able to confirm
23 about this witness's availability after tomorrow?

24 MR. PACE: In relation to this witness, as I said before, we are
25 not aware of any changes to his availability. We also cannot

1 communicate with him directly. He's under oath. So if anyone is to
2 inquire, that would be the Registry.

3 What I said in relation to the next witness that I want to flag
4 for now is that he -- that witness might have time constraints which
5 may require that witness to start and finish testimony on Thursday,
6 so the issue then becomes if the current witness goes into Thursday.
7 But I think it's a bit premature to deal with that now, and we will
8 gather any further information we can, and then we can deal with the
9 issue if it arises.

10 PRESIDING JUDGE SMITH: Well, we -- all right.

11 MR. MISETIC: Mr. President, just for the record, I don't think
12 it's premature because he's at about four hours now. I don't know
13 the exact number. But the longer the Prosecution goes beyond four
14 hours, to the extent that there's a risk that it takes away from the
15 Defence time, then it is of a concern to us.

16 MR. PACE: Your Honour, I'm certainly not suggesting anything
17 should be taken away from the Defence time. I don't know how that
18 was interpreted that way. Obviously, the Defence can have the time
19 it estimated. Or if it needs more, that is up to the Judges. What
20 I'm --

21 PRESIDING JUDGE SMITH: Well, you are almost at four hours now.

22 MR. PACE: Yup. I understand, Your Honour. The only thing I'm
23 flagging is that it may be that if this witness bleeds into Thursday,
24 we might have to start and finish the next witness before we finish
25 this one. We're not there yet, so we'll see if we need to.

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Examination by Mr. Pace (Continued)

1 PRESIDING JUDGE SMITH: Bring in the witness, please.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: All right, Mr. Pace.

4 MR. PACE: Thank you, Your Honour.

5 Q. Witness, are you familiar with the newspaper *Fakt*?

6 A. I saw after the war that there was a magazine *Fakt* published in
7 Tirana, but I did not have their publications.

8 Q. Do you recall ever giving an interview to a magazine or a
9 newspaper called *Fakt*?

10 A. No.

11 MR. PACE: I'd like to call up P00916 and P00916-ET, and let's
12 turn to page 105467 in both, please.

13 Q. Witness, on your screen now is a document, on the left in
14 Albanian and on the right in English. Had you seen the document on
15 the left before I showed it to you last week?

16 A. No.

17 MR. PACE: And if we zoom in to the top part of the document
18 where there's the header and also the date on the side under the --
19 next to "*Ekskluzive*," so we see the name of this publication is
20 *Revista Ushtarake*. And we see on the left, written vertically, a
21 date of 1 September 1998.

22 And I'm now going to ask to turn to another page within this
23 item, which is page 105481, please, in both languages. And if we
24 scroll down to the bottom, we can see that this is page 15. So that
25 would be page 15 of the publication I just showed you the cover for.

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1 And if now we can go to the very top of both versions, please. Even
2 higher in the Albanian. And zoom in a little bit on the text in blue
3 in Albanian, the first line. And the same in English, the first
4 line. Perhaps we need to zoom out a little so we can see the whole
5 of it.

6 Q. I will read it, Witness. The first line says:

7 "Exclusive interview with the senior officer of the Kosovo
8 Liberation Army, Naim Maloku given to the 'Fakt' newspaper, Skopje."

9 Does that refresh your recollection at all or not, Witness, in
10 terms of giving an interview to a publication known as *Fakt*?

11 A. No, I have never given an interview to *Fakt*.

12 MR. PACE: I'm going to read the penultimate question and answer
13 in the middle column, so we can scroll down in both versions. And we
14 can zoom in onto the middle column. That's good in English. And the
15 same location on the page in Albanian. Yes, that's good.

16 Q. So I'm going to read and then I have a question or more.

17 "Fakt: Which of the politician would you accept to lead the
18 KLA?

19 "N. Maloku: I'm led by the senior military officers. I would
20 like for the KLA to be under the control of the state institutions as
21 soon as possible. This would be even better. In terms of the
22 commander of the armed forces, I think that this position belongs to
23 the head of the state. And our head is Ibrahim Rugova, who for eight
24 or nine years now has done the utmost for this country and remained
25 in Kosovo although it was a difficult thing to do. I personally

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Examination by Mr. Pace (Continued)

1 think that the army belongs to the state and the state is comprised
2 by the people. The KLA belongs to the people and no one could
3 manipulate it."

4 My question for you, Witness, is does what is attributed to you
5 here reflect your opinion at the time as also set out in other media
6 interviews we looked at today?

7 A. This interview and the photograph were taken from the newspaper
8 *Kombi*, where I gave the original interview. Now, is anything
9 different in the sentence? I don't know. But the content comes from
10 the newspaper. The photograph also is taken from the *Kombi*
11 newspaper. The article was published on 5 July 1998, although I gave
12 the interview towards the end of June.

13 Q. And am I understanding correctly that what is attributed to you
14 here reflects or is similar to what you told *Kombi* in the July
15 publication?

16 A. The majority is similar. I would need to compare the article
17 from *Kombi* with this one because the journalist who republished this
18 interview might have changed or redrafted certain things. But I see
19 the photograph is from the *Kombi* interview, and journalist whom I
20 mentioned before who came and interviewed me.

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

22 Q. Witness, earlier you testified about meeting Hashim Thaci in
23 person in Klecke in August 1998 and in Lladrovc in October 1998. Did
24 you ever meet or otherwise communicate with him again after the
25 October 1998 meeting?

1 A. On one occasion over the phone, using the phone of Mr. Krasniqi,
2 I was called to go into the office, and I spoke to Mr. Thaci.

3 Q. Now, what is first name of the Mr. Krasniqi you're referring to
4 in this incident?

5 A. Mr. Jakup Krasniqi, who was the spokesperson of the KLA.

6 Q. And you mentioned that you were called to go into the office of
7 Mr. Jakup Krasniqi. Could you clarify where that office was?

8 A. In the house we called the white house of the General Staff.

9 Q. And you said that you were called to go into that office. Who
10 called you to go there?

11 A. I think he sent a soldier over for me, a soldier who was in the
12 corridor.

13 Q. And, again, to be clear, when you say "he," are you referring to
14 Mr. Krasniqi or to somebody else?

15 A. This soldier told me, "Mr. Krasniqi is asking for you." That's
16 all I know.

17 Q. You said that you spoke to Mr. Thaci. What did you and
18 Mr. Thaci speak about on the phone on this instance, on this
19 occasion?

20 A. I had given an interview to *Kosova Sot* on 28 November. The
21 commemoration publication was published on the 28th.

22 Q. Did either you or Mr. Thaci mention this publication during the
23 conversation?

24 A. Yes. He said that it would be wise and good that I did not give
25 any further interviews to newspapers.

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Examination by Mr. Pace (Continued)

1 Q. Did Mr. Thaci say anything else to you over the phone on this
2 occasion?

3 A. He said, "I think that is sufficient," meaning, giving
4 interviews to newspapers, "that suffices." There was nothing else.
5 I replied, "When you come here, we can discuss the content and the
6 reasons for which I gave this interview." The journalist met me by
7 chance in Dragobil and I gave an interview.

8 Q. The transcript reads that Mr. Thaci told you: "'I think that is
9 sufficient,' meaning, giving interviews to newspapers, 'that
10 suffices.'" Is that correct?

11 A. Correct.

12 Q. And what did you understand Mr. Thaci to mean when he said this?

13 A. I understood this that there might be some disagreements on his
14 side regarding a part or portions of my interview. That interview
15 received the support of the chief of staff and that of Sali Veseli,
16 who was my chief, so we discussed that interview before I spoke to
17 Mr. Thaci.

18 Q. You said that Mr. Thaci said "it would be wise and good that I
19 did not give any further interviews to newspapers." To your
20 recollection, did anyone else in the KLA ever say something similar
21 to you?

22 A. No, never.

23 Q. And could you tell us when this conversation over the phone with
24 Mr. Thaci in Mr. Jakup Krasniqi's office happened?

25 A. This happened in December 1998.

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Examination by Mr. Pace (Continued)

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1 Q. And could you clarify what type of phone that was?

2 A. A satellite phone.

3 Q. Do you know whether it was Mr. Thaci who called Mr. Krasniqi or
4 vice versa?

5 MS. V. ALAGENDRA: We object to that question, Your Honours.

6 The witness has clearly said that he was called to go there and then
7 spoke on the phone.

8 MR. PACE: Your Honour, counsel misunderstands the witness's
9 evidence.

10 PRESIDING JUDGE SMITH: Overruled. Go ahead.

11 MR. PACE:

12 Q. Witness, my question is do you know whether Mr. Thaci called
13 Mr. Krasniqi over the phone or Mr. Krasniqi called Mr. Thaci over the
14 phone before you were called into the office?

15 A. When I walked into the office of Mr. Krasniqi, they were already
16 having this phone conversation. He passed the phone to me. They
17 were already having a conversation. I do not know who called who.

18 MR. PACE: I'd like to call up 126674-126682 and the English
19 translation 126680-126682-ET, and turn to page 126680.

20 Yes. We can stay on the first page in English, and in Albanian
21 go to the corresponding page, 126680.

22 Q. Witness, the document on the left is in Albanian. Did you
23 provide that to the SPO?

24 A. Yes.

25 Q. We see that it's an interview of yours with -- if we scroll down

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Examination by Mr. Pace (Continued)

1 to the bottom on the -- on both versions, please, we can see that
2 it's an interview of yours with *Gazeta Shqiptare* dated 2 March 1999.
3 Do you recall giving that interview?

4 A. Yes. This was a phone interview I gave from the village of
5 Jabllanice.

6 MR. PACE: Let's please turn in the English to the second page
7 and zoom in on the fourth paragraph, where I'm going to read from
8 "The KLA representatives ..." In Albanian, it's on the current page
9 towards the middle of the third column. In English, that's okay.
10 And then Albanian, yes, if we can zoom in to the middle of the third
11 column. We can zoom in a little more. And a little lower, please.
12 There. That's good.

13 Q. Witness, I'm going to read a line and you can either see it in
14 Albanian or listen to the interpretation.

15 "The KLA representatives" --

16 Sorry, I misspoke. I'm going to read from -- yes, "The KLA
17 representatives ..."

18 "The KLA representatives in Rambouillet have been appointed and
19 have been delegated by the GS of the KLA itself. So, they went to
20 Rambouillet with the mandate of the GS of the KLA."

21 And my question, Witness, is how did you know this information?

22 A. This was public information, the fact that the -- to my
23 knowledge, the KLA General Staff had five representatives who
24 represented the KLA in the peace negotiations in Rambouillet.

25 MR. PACE: And let's now turn to page 8 in the English version,

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1 and there we'll zoom in on the third paragraph, where I will read
2 from "I still remain ..."

3 In Albanian, this is on page 126682 from the last three lines in
4 the first column, so the upper half of the document and the first
5 column, please.

6 Q. Witness, once again I will read in English. You can follow in
7 Albanian on the screen or listen. And this has you saying:

8 "I still remain loyal to what I have said about
9 President Rugova. I value Rugova as a person who does not have the
10 sense of betrayal of the national cause in his genes. The peaceful
11 way and the policy which President Rugova has pursued have not been
12 to the detriment of the national cause."

13 And my question, Witness, is do you recall saying that during
14 this interview with *Gazeta Shqiptare*?

15 A. Yes, that's correct. That is correct. President Rugova was
16 part of the delegation there.

17 MR. PACE: Your Honour, we seek to admit this item. So that
18 would be -- the English translation is 126680-126682-ET, and this is
19 at the corresponding pages from 126674-126682. If it is admitted, it
20 can be public, and it would be part of P02093 from which we've
21 already admitted other excerpts.

22 PRESIDING JUDGE SMITH: Any objection?

23 126680 to 126682-ET is admitted.

24 MR. PACE: That would be, Your Honour, along with the
25 corresponding Albanian.

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Examination by Mr. Pace (Continued)

1 PRESIDING JUDGE SMITH: Yes, with the Albanian. Yes.

2 THE COURT OFFICER: Thank you, Your Honours. These pages will
3 be then added to P02093. Thank you, Your Honours.

4 MR. PACE: We can take this document down. And instead, I'd
5 like to call up U001-5809-U001-5810 along with its English
6 translation, which has same ERN with -ET at the end.

7 THE COURT OFFICER: May I ask for the ERNs again, please?

8 MR. PACE: U001-5809-U001-5810. Thank you. And we can stay on
9 the first page for now.

10 Q. Witness, this is another document. On the left, you see it in
11 Albanian. Had you seen this document before I showed it to you last
12 week?

13 A. No.

14 Q. We can see here that it refers to the KLA Dukagjini operational
15 zone command, 16 March 1999, and to "Report."

16 MR. PACE: And if we could please turn to the second page in
17 both versions, please. And if we can zoom in on the very last words
18 on the pages.

19 Q. Here we see, Witness, that it refers to the intelligence sector.

20 MR. PACE: I would now like to go back to the first page, and
21 I'm going to read from the second paragraph. That's good in Albanian
22 and in English. Thank you. That's good.

23 Q. Witness, I'm going to read and then ask you some questions.

24 "On 14 March 1999, the Zhabel military police collected four
25 automatic rifles in Bec and returned to the base without any

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1 problems.

2 "I think that the major who turned up at Dukagjini Operational
3 Zone Command under the pseudonym Murat Dibra, who was brought here by
4 Naim Maloku, should not be allowed to be on active duty in Lugu i
5 Baranit (Baran valley) area.

6 "During his field activities with the population, Naim Maloku
7 has always propagated the idea of institutionalisation and
8 operationalisation of Kosovo government departments. Naim Maloku has
9 also invited 15 military officers to come to the war areas. In his
10 interviews given to newspapers such as 'Mlladina' 'Gazeta Shqiptar'
11 etc, Naim Maloku has adopted a pro-government stance and has praised
12 Rugova's policy. The international commentators have highly
13 appreciated these interviews. He has propagated similar ideas also
14 in Kralan, Bucan, Gergoc, etc. He is in continuous contact with
15 Sadri [Veseli] from Jabllanica."

16 Now, Witness, this item refers to Murat Dibra. Do you know who
17 that is?

18 A. Yes. I did not bring him there. He came to the Dukagjini
19 operational zone with a group of soldiers from Albania. There was
20 the Major, Gzim Ozdreni, who had been for 22 years chief of the
21 Territorial Defence in the greater Dibra in Macedonia and they -- and
22 had come to contribute to the war effort in Kosovo.

23 Q. And to be clear, the part I read you says the pseudonym is Murat
24 Dibra. What is that person's actual name?

25 A. I told you that sometimes he would introduce himself as Murat,

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1 at other times as Major. This person was Gzim Ozdreni.

2 Q. And so the same person that you are talking about is the one
3 who --

4 A. Yes, the same person. The same person who then in the
5 Macedonian war, he was a chief of staff constantly.

6 Q. And you said that he came to the Dukagjini zone with a group of
7 soldiers from Albania. Do you know how many soldiers came with him?

8 A. They were probably around 50 soldiers. But some of them
9 remained in the Dukagjini operational zone and others went to other
10 zones, because Dukagjin was one of the main routes for people,
11 weapons supply, and volunteers. He remained in the Dukagjini
12 operational zone.

13 Q. Do you remember how many of those soldiers remained in the
14 Dukagjini operational zone of the ones he brought with him?

15 A. I think there were some four other soldiers from Skopje who
16 joined Brigade 134.

17 Q. And once Murat Dibra, one of his names, we can use that, came to
18 the Dukagjini operational zone, did you have any interactions with
19 him?

20 A. First of all, he communicated with Ramush Haradinaj, the zone
21 commander. Then he took me to take him with me because he considered
22 him very old. With me was also Shaban. Shaban, too, was considered
23 old. So they were there to help me in the inspection and visits to
24 various units of the Dukagjin operational zone.

25 Q. And once this request came in to take him with you, how often

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1 would you see Murat Dibra after that?

2 A. We never separated. Even when we went to Albania, to Koshare, I
3 received the orders from Bislrim Zyrapi to take Gzim Ozdreni and go to
4 Albania together. This is the Gzim Ozdreni I mentioned when I got
5 the order to go to Albania with him. And together we reorganised
6 Brigade 133, because the commander, he was -- of that brigade was
7 gravely wounded. Then it was reorganised again in Albania but now as
8 a battalion under the command of Gzim Ozdreni. It was incorporated
9 in Brigade 138 and participated in fighting until the end of the war.
10 Gzim Ozdreni was now as a battalion commander in the context of
11 Brigade 133 until the end of the war.

12 Q. To your knowledge, was Gzim Ozdreni, or Murat Dibra, and the
13 soldiers or the officers he brought with him into the Dukagjini area
14 at first, were they aligned with the LDK or with FARK?

15 A. There were no other officers. There were no other officers with
16 him. In the document, which does not have any seal of the zone,
17 where it's mentioned, maybe I have said that I called other officers
18 to come to fight in Kosovo. From the very beginning I did that.

19 Q. Let's just take a step back for a moment. Let's focus on Murat
20 Dibra himself. Was he an LDK or FARK officer?

21 A. I didn't know any FARK or LDK officer. We were officers who
22 wanted to join the war effort, and we used various routes. I don't
23 recognise any other affiliation, so to say. We were all professional
24 officers. Whether they were FARK or whatever, I don't know. I don't
25 understand what you are putting to me. We were in a war with an

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1 enemy. We didn't have other enemies. There were only the Serb
2 police and military forces that were our enemies.

3 Q. The passage I read also mentions:

4 "Naim Maloku has also invited 15 military officers to come to
5 the war areas."

6 Could you clarify whether you ever invited officers, 15 or
7 otherwise, to come to the war areas?

8 A. I invited them but they didn't come.

9 Q. And where were these officers that didn't come?

10 A. They were in Tirana.

11 Q. The passage I read mentions you having given an interview to
12 newspapers such as *Mladina*. Do you recall giving an interview to a
13 publication called *Mladina*?

14 A. Yes.

15 Q. Do you recall when you gave that interview?

16 A. Yes. It was a magazine called *Mladina*. They sent their
17 reporter to the Dukagjini area. I gave the interview in Jabllanice,
18 where the staff of the zone was, during the time that our delegation
19 was in Rambouillet.

20 Q. And to be clear, could you specify the month and year when that
21 was?

22 A. It was in March.

23 Q. And the year?

24 A. 1998. Sorry, it was February, February 1998.

25 Q. 1998 or --

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1 A. No, 1999. Excuse me. 1999.

2 Q. The passage I read also mentions you having given interviews to
3 newspapers such as *Gazeta Shqiptare*. Earlier we looked at a 2nd
4 March 1999 interview with that newspaper. Do you recall having given
5 any other interviews to *Gazeta Shqiptare* in 1998 or 1999?

6 A. No. The report that apparently has surveyed me, I didn't know
7 that, it mentions that interview of 2 March 1999.

8 Q. And the passage I read mentions that you propagated similar
9 ideas in Kralan, Bucan, and Gergoc. Had you visited these locations
10 in 1998 or 1999?

11 A. No, no. This is about 1999. The date here is 1999, 16 March.
12 I went to Dukagjini in 1999. I visited all these villages.
13 Otherwise, I could do nothing other than support the delegation in
14 Rambouillet. How -- what could I do? What would it serve to say
15 that Rugova was a traitor if he was in Rambouillet? How could I do
16 that? What impression could that make in the population? It stands
17 to reason, as an officer I had to support, to call on the population
18 to support our delegation in Rambouillet composed of our political
19 representatives, the KLA representatives --

20 Q. Witness, I'm stopping you because you're going beyond my
21 question and I have limited time. Thank you.

22 This passage mentions Sadri Zeneli. Who is that?

23 A. Sadri Zeneli. He is from Jabllanice. He was a member of the
24 KLA. Maybe I have met him more often and he thought that I had any
25 connection with him, but I never knew him before the war.

1 MR. PACE: Your Honour, we seek admission of this item.

2 PRESIDING JUDGE SMITH: Any objection?

3 MR. DIXON: Yes, Your Honours, we do object to the admission of
4 this document. In quite stark contrast to the other documents which
5 have been shown to --

6 MR. PACE: Your Honour, I'm sorry to interrupt, but perhaps we
7 can make submissions in the absence of the witness --

8 MR. DIXON: Yes.

9 MR. PACE: -- as this may prejudice any further questioning.

10 MR. DIXON: I'm happy to do that, Your Honour.

11 PRESIDING JUDGE SMITH: Please, Witness, you'll be excused for
12 just a minute.

13 THE WITNESS: [Interpretation] Yes, no problem.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: Yes, go ahead.

16 MR. DIXON: Thank you, Your Honours.

17 In stark contrast to the other documents that have been shown to
18 the witness where he either participated in preparing them or
19 actually identified the process in the document as part of his
20 working functions and operation, this document is one that not only
21 has he not seen before but he is unable to confirm the contents of
22 the document.

23 It is a document that's unsigned, not stamped. The witness
24 himself has said he noted there was no seal of the zone. So we have
25 no idea where this document came from specifically and where it was

1 going to.

2 But most importantly, in our submission, the witness is unable
3 to confirm the contents. He said that he did not bring the Major
4 there, that they were there already. There's no mention of 50
5 soldiers in this document. There's no mention of Ramush Haradinaj
6 and the whole process he described about going to Albania.

7 And to refer to the newspapers and the visits and one person as
8 a way of trying to get the document in, in our submission, fails.
9 That evidence can be led in chief, obviously as it has been, but it
10 doesn't authentic the document any further.

11 This is a document that's part of the SPO bar table motion
12 F02997. It's item 216 on that motion for Dukagjin. And our
13 submission is that it should be considered in that context in light
14 of all the evidence and in light of our submission, but it's not
15 properly admitted through this witness because it hasn't been
16 *prima facie* authenticated given the witness's own evidence on the
17 document.

18 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

19 MR. PACE: Thank you, Your Honour.

20 I'll start with the last point first. This seems to be a
21 reversal of the previous Defence position. When we tried to admit
22 something to the bar table, they often say it should go in through a
23 witness. Now you're hearing the opposite. That should be given no
24 weight.

25 In terms of authentication, I refer to the Panel's decision

1 F02644, paragraph 11, and there are many others of this nature by the
2 Panel. In this case, the Panel said:

3 "Admission of a document is not conditioned by proof of the
4 identity of the author of the document."

5 We were all present in court when the witness, having been put
6 this passage from this item, gave evidence in relation to each point
7 at which he's mentioned. So it's correct, as counsel said, that he
8 disputes that he brought Murat Dibra with him, but we heard him say
9 that they didn't leave each other's sight from the moment Murat Dibra
10 was assigned to inspect units with the witness.

11 Similarly, the witness also -- this document also says the
12 witness invited -- here it says 15 military officers to come to the
13 war areas. Certainly the witness didn't say 15, but he agreed that
14 he did, in fact, do that.

15 And then we have the articles in the newspapers, very
16 specifically *Mladina* and *Gazeta Shqiptare*; one of which was actually
17 shown and is now admitted, and the other which the witness recollects
18 having given.

19 I think it goes without saying that the relevance of this item
20 stemming from the intelligence sector per the document itself is to
21 the case, and it shows that certain parts of the KLA were keeping
22 track including of members of the KLA itself and producing reports
23 thereon.

24 And as I said, the fact that this is tendered in a bar table
25 motion should not be held against its admission at this stage. We

1 should not be raising the bar for admission. It meets the criteria,
2 all of the criteria. And those are our submissions unless there are
3 further questions or objections.

4 MR. DIXON: Your Honours, just to be clear, I wasn't saying it
5 should be admitted through the bar table. I was saying that's the
6 proper vehicle for it to be considered in light of all of the
7 evidence. And we have opposed its admission there as well, but
8 that's for Your Honours to determine.

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: The objection is overruled. The
11 document will be admitted. It meets the *prima facie* standard of 138
12 as to relevance, authenticity, and probative value.

13 Go ahead. Oh, we need the witness.

14 Please bring the witness back in.

15 THE COURT OFFICER: Should I assign an exhibit number,
16 Your Honours?

17 PRESIDING JUDGE SMITH: Yes.

18 THE COURT OFFICER: Yes, thank you, Your Honours. U001-5809 to
19 U001-5810 --

20 [The witness takes the stand]

21 THE COURT OFFICER: -- and its corresponding English translation
22 will be assigned Exhibit P02102. And it's currently classified as
23 confidential.

24 PRESIDING JUDGE SMITH: Thank you.

25 MR. PACE: It can be public.

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1 PRESIDING JUDGE SMITH: And it's reclassified as public.

2 THE COURT OFFICER: Thank you, Your Honours.

3 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

4 MR. PACE: Thank you, Your Honour.

5 We can take the document down.

6 Q. Witness, do you know Bajram Mazrekaj from Voksh?

7 A. Yes, Bajram Mazreku was one of the commanders of Voksh, of the
8 Voksh staff.

9 Q. Did you meet him in 1998 or 1999?

10 A. I met him in 1998. I think in July 1998.

11 Q. Moving to something different.

12 MR. PACE: And I'd like to call up the witness's book again, and
13 that is U002-3041-U002-3143 and its English translation at
14 U002-3080-U002-3141-ET. And let's please turn to page U002-3116.

15 The PDF page would be 76 in Albanian, but I might be wrong. In
16 fact, it's 75. And in English, it would be PDF page 37.

17 Q. Witness, this is another page from your book, and I'm going to
18 start reading from the top of the page in English.

19 MR. PACE: So we could zoom in on the first paragraphs, please,
20 for now, and then the Court Officer could perhaps scroll as I read.
21 I'm going to start from the words "Regarding my demobilisation," so
22 the third line. And in Albanian, this will be on the left-hand side.
23 So we can zoom in to the left-hand page, yes, from the fourth line.
24 Thank you.

25 Q. So I'm going to read a couple of passages and then ask you some

1 questions.

2 "Regarding my demobilisation, I can say that there are still
3 some circumstances that are not that pleasant for me, because, as I
4 said, there was not an order waiting for me for a set, decisive
5 engagement in any duty, from the time that I was in Albania. I did
6 not leave the war. I joined the 'Agim Ramadani' 138 Brigade, I spoke
7 with Bislim Zyrapi, who at the time was in Kukes, however, he too had
8 problems of a similar nature. One day before the NATO troops entered
9 Kosovo, that is after the Kumanova Agreement was signed Bislim Zyrapi
10 removed me from Koshare, and on his order I went to Kukes.

11 "Bislim had planned that I would also come along when the
12 English officers came to the General Staff with the first helicopter
13 from Albania. I do not know the duties and motives. But, in a phone
14 call with the chief of the General Staff, Agim Ceku, (he came in
15 April and became the chief of the Staff), he refused my entrance and
16 that of Shaban Musliu in the English helicopter, and so I remained in
17 Kukes.

18 "NATO forces entered Kosovo, and I begged Fadil Demiri to take
19 me to Gjakove. I entered Gjakove via Dobrunë, Has and Prush Pass,
20 three-four days after the Italian forces. Everyone had their duty in
21 Gjakove.

22 "I went to Ramush Haradinaj, and he told me that he did not have
23 competencies to give me another duty, since I was part of the
24 General Staff. He carried out his own military duties on the ground.

25 "I stayed in Gjakove a few days. Everyone was doing their own

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1 business there. I helped a little with the civil organisation, in
2 the defence of the factories; I had a broadcast on Radio Gjakove; in
3 a word, normal life and business began. Mensur Kasumi came there
4 from the General Staff (Mensur was a comrade of mine back in Croatia,
5 he was a comrade of Fehmi Lladrovci, and they had fought together in
6 Bosnia, and he had come to Kosovo with Bislim Zyrapi in the Shala
7 Operational Zone), and he told me that there was a reorganisation of
8 the General Staff happening, and he had not heard anything being said
9 about my involvement. I spoke through the night with Mensur Kasumi,
10 at great length, about our lives, from our first acquaintanceship in
11 September 1991 in the Gospic unit. That day I wrote a request for
12 demobilisation; I urgently requested to be demobilised within seven
13 days, and I gave a request to Mensur for him to give it to the
14 General Staff."

15 I'm now going to read from the last five lines on the same page,
16 and then I have some questions.

17 MR. PACE: We can zoom in on the English to the last lines. And
18 in Albanian, it's going to be on the other side now. Sorry, it's
19 still going to be -- yes.

20 "... practically speaking I was demobilised from the Kosovo
21 Liberation Army on 1 July 1999. The General Staff simply did not
22 invite me either for a meeting or for a conversation. This is not
23 important, but I was demobilised, I went to my family in Slovenia,
24 then I went for a check-up on my wounds in Mainz, near Frankfurt,
25 Germany, and in August I took my family from Slovenia and set

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1 ourselves up in Prizren. This is all."

2 Now, Witness, my first question is, in the passage, towards the
3 beginning, you mentioned that Bislim Zyrapi had problems of a similar
4 nature. Could you tell the Judges what those problems of a similar
5 nature were?

6 A. To my knowledge, he had prepared and had been from the beginning
7 in the preparation and leadership of the Arrow operation in the
8 Pashtrik area, because the Brigade 138 was part of the operation
9 which was -- the brigade was stationed in Koshare. So after several
10 days of Bislim planning how to breach the front, based on what Bislim
11 told me, Fatmir Limaj and Hyseni Sylja arrived and took over the
12 command of that sector. And this was some reason of dissatisfaction
13 on Bislim's side for which he returned to Tirana and then came back
14 to Kukes.

15 So this was the problem, a reason for which he also was
16 considering to demobilise from the KLA, which actually happened. So
17 these were the issues in question, the problems.

18 Q. In the passage, you mentioned that Agim Ceku refused your
19 entrance and Shaban Musliu's. Do you know why?

20 A. I don't know what task I would have had had I gone to the
21 General Staff. What would I have conveyed there? What I know is
22 that Agim Ceku said, "We don't need those two." He only asked for
23 some uniforms, new uniforms, which we did. I went to Kukes with the
24 idea of going to the General Staff.

25 Q. In this passage, and you've also mentioned him in your testimony

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1 earlier, you mentioned Mensur Kasumi. My question is what was his
2 role in the KLA to your knowledge?

3 A. Mensur Kasumi was initially in the Shala operational zone. And
4 when he visited me in Gjakove, which is referred to in the book, he
5 said he was in the General Staff, but I do not know what his exact
6 position was. And he told me about the reorganisation of the
7 General Staff after the war at that time.

8 Q. Did you meet or interact with Mensur Kasumi when you were based
9 at the General Staff between November 1998 and January 1999?

10 A. No, I did not have any communications with him. He was in the
11 Shala operational zone, and I do not know what his functions were.

12 Q. To your knowledge, did Mensur Kasumi have a nickname or
13 pseudonym in 1998 or 1999?

14 A. No, I don't recall.

15 MR. PACE: Your Honour, I have only a few minutes left. I'm
16 just going to finish reading from where I left off, which is the last
17 line on page 3116, and it goes into 33 -- 3117 in both languages.

18 So if we can zoom in -- or, rather, it's literally the last line
19 on the page in English we can see now. And in Albanian, it's the
20 same. I'm going to start reading, and then perhaps the Court Officer
21 could turn the page after my first sentence.

22 Q. "In his farewell message, Ramush Haradinaj in front of everyone,
23 provoked me about my reasons to be demobilised. He said that I was
24 being demobilised because of some disagreements with the acting head
25 of the General Staff. I then gave my reasons as to why I had

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1 remained unsystematized. I said that I remained unsystematized
2 primarily because of my statements during the war that, perhaps,
3 conflicted with the positions of the political leadership of the KLA,
4 and not for military issue s."

5 I'm now going to read from the fifth paragraph on this page,
6 starting from "And the third reason ..."

7 "And the third reason why I made statements (I would not change
8 a single statement of mine, even today) is that I wanted to absolve
9 myself of decisions that harmed the war and harmed the building up of
10 the Kosovo Liberation Army. I wanted to inform Albanian public
11 opinion, both political and military opinion, that these were not my
12 decisions; rather they were the decisions of others. I was an
13 officer and I wanted to dispel any fault from myself."

14 Witness, do you recall saying this during the interview which is
15 recorded in your book?

16 A. Yes.

17 MR. PACE: Your Honour, I have no further questions for the
18 witness. I do have a tender to make and that relates to the book,
19 and I will do so now with your leave.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 Yes, go ahead, Mr. Pace.

22 MR. PACE: So our tender concerns the witness's book that we've
23 been referring to today and yesterday. The ERN of the book in
24 Albanian is U002-3041-U002-3143. And we seek to tender the pages of
25 the book in relation to which we have an English translation on our

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1 exhibit list, and these are pages 3041 to 3045, and 3080 to 3141.

2 The book, in totality, is 111 pages in Albanian, and this means
3 we're tendering 67 pages of the book. Five of those pages are the
4 cover and initial pages without substantive content. At the
5 beginning of his testimony, the witness authenticated the book and
6 its contents and gave explanation as to where there may be any
7 exaggerations therein. And throughout his testimony, he's provided
8 additional relevant information concerning several excerpts thereof
9 from the ten or so pages that we put to him yesterday and today.

10 The excerpts that were not specifically put to the witness,
11 primarily for time constraints and efficiency of proceedings, are
12 related or provide the necessary context to the excerpts specifically
13 put to the witness. In addition or in the alternative, they are of
14 relevance to the witness's evidence and credibility and to the SPO's
15 case, including as concerns, for example, the witness's roles in the
16 KLA, the KLA's formation and structure, the KLA's participation in
17 battles, the KLA's organisation and activities in the Dukagjini
18 operational zone, the Rambouillet negotiations.

19 Accordingly, the tender is in line with the observations made by
20 Judge Mettraux during the 19 February 2025 Status Conference in
21 relation to the SPO's tendering of book excerpts.

22 And those are my submissions for now.

23 PRESIDING JUDGE SMITH: Objection to the book?

24 MR. DIXON: Perhaps if we could just clarify the number of
25 pages. 67, is that in English and Albanian? That's the total that

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1 the SPO is seeking to admit? Or the whole book in Albanian as well?

2 That's what I wish to clarify.

3 MR. PACE: So there are 67 English pages, translations, 67, and
4 we are seeking to admit those 67 along with the corresponding 67 in
5 Albanian. So from the 111 Albanian, we're seeking 67 in total.

6 MR. MISETIC: We have no objection.

7 PRESIDING JUDGE SMITH: The book, as limited by Mr. Pace's
8 statement, is admitted.

9 THE COURT OFFICER: Your Honours, I will read the numbers on the
10 record again. If my understanding is correct, U002-3041 to U002-3045
11 and U002-3080 to U002-3141 as English translation, and the
12 corresponding Albanian, will be then assigned Exhibit P02103. And
13 it's currently classified as confidential.

14 MR. PACE: It can be public.

15 PRESIDING JUDGE SMITH: Reclassified as public.

16 THE COURT OFFICER: Thank you, Your Honours. It will be
17 reclassified as public. Thank you.

18 PRESIDING JUDGE SMITH: The usual batting order for the Defence?
19 If you're ready, you may proceed.

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

21 Cross-examination by Mr. Misetic:

22 Q. Good afternoon, Mr. Maloku. My name is Luka Misetic. I am
23 counsel --

24 A. Good afternoon.

25 Q. Good afternoon.

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Cross-examination by Mr. Misetic

1 A. Good to hear.

2 Q. Yes. I am counsel for Mr. Thaci, and I will have some questions
3 for you this afternoon.

4 A. Thank you.

5 Q. I'd first just like to start with some background questions.
6 You joined the KLA in March 1998, and there was no formal process for
7 you to join the KLA; is that correct?

8 A. No, we were all volunteers.

9 Q. Yes. And no one had to approve you joining the KLA; is that
10 correct?

11 A. Correct. Correct.

12 Q. Am I correct that you did not have any obstacles to joining the
13 KLA as a result of the fact that you were a professional officer?

14 A. No, I didn't have any problems. Only what I said initially.
15 There were some reservations which I accounted for.

16 Q. Okay.

17 A. On the part of some individuals, mind you. It was normal then.

18 Q. Let me explore that for a second.

19 MR. MISETIC: If we could please have on the screen the portions
20 of the book which are now P2103 on the screen, and I'm looking at
21 page, in the English, U002-3086, and the same in Albanian. Yes,
22 that's the page in English. And the Albanian, please, as well. Is
23 that -- that is in Albanian. Okay.

24 Q. There is a paragraph there, Mr. Maloku, that says --

25 A. Yes.

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Cross-examination by Mr. Misetic

1 Q. I'll start reading the paragraph. It says:

2 "The LKCK thought that they were stronger than the KLA. They
3 thought that they had more soldiers, and they sought for an initial
4 political unification of these military structures, and then
5 after" --

6 MR. MISETIC: If we can go to the page on the other side in
7 Albanian. Yes, that's it.

8 Q. It says:

9 "The LKCK thought that they were stronger than the KLA. They
10 thought that they had more soldiers, and they sought for an initial
11 political unification of these military structures, and then after
12 that to also have military unification on the ground. I presented to
13 all parties in these discussions that we, the Albanian officers,
14 supported the war, and not this or that military, or political,
15 group.

16 "The KLA at that time was not thinking about having a joint
17 command structure with the LKCK; rather, they thought that the
18 military formations of the LKCK should be folded into the KLA. Even
19 though I openly had contacts with all of [these] parties, that is
20 with the representatives of the KLA, the LKCK, and of the Council for
21 National Defence, I appeared suspicious to all of them in my aims and
22 requests."

23 Now, my first question is: Can you describe which groups
24 exactly you're referring to when you talk about three groups, the
25 KLA, the LKCK, and the Council for National Defence? Which groups

1 are those?

2 A. Initially, there were two military formations on the ground in
3 Kosovo. There was a military formation organised by the national
4 liberation -- National Movement for the Liberation of Kosovo, LKCK,
5 and another military formation of the Kosovo Liberation Army. They
6 had their own representatives in Tirana. There were also supply
7 lines. The LKCK line went through Kukes mostly. Ilir Konushevci
8 supplied both sides, the idea being to get as many weapons as
9 possible to Kosovo.

10 In the previous paragraphs in this book I explain that in the
11 meeting in Zagreb with the Albanian officers, after two weeks of
12 which I returned to Tirana and reported on all the problems,
13 Agim Ceku and the others - especially Agim Ceku - advised me to meet
14 with Sejdi Veseli, who was a representative of LKCK in Tirana, and
15 tell him that now we have to unite all the military forces, the
16 forces of the resistance movement in Kosovo. Because if we allow
17 them to develop in parallel, then we might face the problems we saw
18 in Croatia, for example, or in Bosnia.

19 That was my role then, to talk with all the parties, explain the
20 situation and the issues that might emerge and grow in the future if
21 we fail to unite. I am not the only one that had this view. But
22 that unification occurred in March, April 1998, and we never had any
23 problems and no longer formations like LKCK, only UCK. There were
24 others besides me who were part of that effort.

25 Q. Okay. And when you refer to the Council for National Defence,

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1 who are you referring to or what is that?

2 A. That was a council formed in Tirana before the war and was
3 funded by the Government of Kosovo. That council thought that it had
4 to be on top of the military organisation in Kosovo as a national
5 council. They didn't have military formations on the ground, were
6 not present -- I mean, didn't have logistical bases or funding for
7 logistics. They had some officers who were also friends of ours. We
8 stayed together.

9 Q. Now, in terms of who -- if you can please try to give us some
10 names of whom you associated with which of these groups. So at the
11 time when you're discussing now representatives of the KLA, LKCK, and
12 Council for National Defence, who you are specifically referring to?
13 Who represented the KLA, who represented the LKCK, and who
14 represented the Council for National Defence in Tirana at the time?

15 A. The KLA, it's known. Bislim Zyrapi was the one who connected
16 all of us with the staff. I have explained it there. In the case of
17 LKCK, there was Agim Ramadani, Hafir Hoxha, and Xhafer Gashi from
18 Switzerland who had formed the first base for the training of the
19 soldiers in Dajti Mountain. The National Council was Fuad Ramiqi,
20 Gani Bucinca [phoen], Ibrahim Shala. Fuad was only -- Fuad was a
21 military man. The others were mostly politicians, if you like.

22 Q. Okay. But in this passage, you say -- you identify all three
23 groups, and you say:

24 "... I appeared suspicious to all of them in my aims and
25 requests."

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1 Now, you're not suggesting, for example, that Bislim Zyrapi
2 found you suspicious; right?

3 A. When someone talks with everyone -- Agim Ceku was the one that
4 asked me to establish contacts with everyone. So normally, if you
5 talk with everyone, I was open in my conversations. I didn't have
6 any escort or any bodyguard. I didn't hold any secret meetings. And
7 I thought that maybe they thought what is this person that is talking
8 with everyone.

9 Q. Okay.

10 A. Counsel, these issues were apparent also in Croatia. From
11 3 September, I participated in the war in Croatia. In Bosnia, too,
12 they had even more major issues. The experience of all the military
13 officers made us to try to participate and prevent the emergence of
14 issues, not to have independent military formations but to unite all
15 the military factors, because it was important to us to have a good
16 beginning, to have one logo, and prevent problems that emerged in
17 other states.

18 Q. Understood. Now, when you arrived in Kosovo, the KLA was
19 organised in small groups; is that correct?

20 A. Yes, in small groups. But there was a large number of
21 volunteers coming.

22 Q. Yes. And you told the ICTY in what is now Exhibit P02087.3 at
23 page 15 that, at that time, it was impossible to have a central
24 command. Is that correct?

25 A. Yes. I am talking -- I was talking about the beginning, March,

1 April. When I was there, it was difficult. You can see here that we
2 had meetings with Bujar Bukoshi, but it was on the demand of all us
3 officers. Even in the LKCK, UCK, in -- it was our request to meet
4 with all representatives, with the government, in order to create one
5 formation and prevent the creation of independent, different
6 formations within Kosovo.

7 Q. Yes. And after you entered Kosovo you arrived to Smolice; is
8 that correct?

9 A. Yes -- no, initially in Morina for two days and then in Smolice.

10 Q. Okay. And after you arrived, you gathered local people and told
11 them that you will help them organise the KLA in that area; is that
12 right?

13 A. Yes.

14 Q. And you set up a KLA training centre there?

15 A. Yes.

16 Q. Is it correct that you did so on your own initiative and had not
17 received any orders from someone in the KLA to do so?

18 A. I found the staff of Smolice. Hasan Hasani was the staff
19 commander. The inhabitants were armed, and I proposed to set up a
20 training camp. Because on the next day of my stay, I lined up all
21 the soldiers of Smolice. I divided on one side all those who hadn't
22 performed the military duty in the former Yugoslav Army; on the other
23 side, all those who had already done the military service. And I
24 proposed for those who had no military unit to set up a camp for
25 their training. And we actually created two training segments. I

1 dealt with the largest group to provide them with initial
2 information. Halim Basha, who had experience from the war in Bosnia
3 and Croatia, dealt with the rapid intervention unit composed of young
4 men who -- which required a more intensive physical exercise and
5 training.

6 Q. Okay.

7 MR. MISETIC: Mr. Court Officer, could we have Exhibit P02090.2
8 on the screen, please, at page 15 in the English and in the Albanian.

9 Q. Mr. Maloku, I'm just going to show you a portion of your SPO
10 interview.

11 MR. MISETIC: And if we go to -- no, this is -- it should be
12 Part 2, so it should -- oh, I'm sorry. I read the wrong number out.
13 It's confusing. P02090.3, which is Part 2 of the SPO interview.
14 Page 15 in both versions.

15 Q. If you start -- if you, Mr. Maloku, begin looking at line 17 in
16 the Albanian and line 15 in the English -- I'm sorry. Yes, page 15,
17 line 17. And page 15, line 17 in the English. You're asked:

18 "When you entered Kosovo in April 1998, who did you report to?"

19 You answer:

20 "I did not report to anyone. Only Bislim knew that I was going
21 to Kosovo.

22 "Q. When you set up the training programmes, who did you report
23 to?

24 "A. I was not reporting to anyone. I was the highest
25 ranking -- I was the highest ranking and most qualified soldier in

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1 the region.

2 "Q. So who reported to you at the time since you were the
3 highest ranked?

4 "A. This is hard for you to understand. This was a people's
5 rebellion. The villages were getting organised. In Smolice, I found
6 like a base, a headquarters. And Hasan Hasan was the commander of
7 the Smolice headquarters. And there were some soldiers that picked
8 up arms, and this then had to be organised somehow."

9 So you're saying here that you didn't report to anyone. So what
10 was the nature of your relationship to Hasan here when you arrived
11 and set up this training programme?

12 A. Hasan was the staff commander. I went there as a professional
13 soldier. Afrim Basha was also a professional from the war in Bosnia
14 and Croatia. They were happy that two military officers were coming
15 there to help in the training of the soldiers. They received us very
16 well because we were two people who were supposed to teach them how
17 to fight. People were engaged in collecting weapons. They went to
18 Albania to get weapons. So we were the only officers, military
19 officers there.

20 Q. Let me ask it this way. You say to the SPO that you didn't have
21 anyone above you to report to, so did he report to you or was it just
22 that neither of you reported to either one of you?

23 A. I did my job. That is, I trained the soldiers. I helped in the
24 organisational -- professional organisation of the soldiers, first in
25 Smolice. When other villages heard of it, young men from those

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1 villages came to us and were trained there. So we started to expand
2 the base. Then Stubell, Berjah, Dobrosh, Ramoc, all these villages
3 set up their staffs, until we took Junik.

4 Q. Okay. And I'm going to get to that in a minute. But Hasan, did
5 he report to you?

6 A. We were -- didn't have any reporting lines. It was a time when
7 the people were organising themselves.

8 Q. Now --

9 A. Everybody was a volunteer. They came out of their own free will
10 from other villages to be trained there and then to get a weapon and
11 then set up a staff in the village, in their respective villages.

12 Q. Yes. And so you just described and anticipated my next
13 questions about how this expanded between April and June 1998 and you
14 were setting up -- each of these villages were setting up their own
15 units.

16 A. And their own staffs, the village staff.

17 Q. Yes. Now, you told the ICTY --

18 MR. MISETIC: And this is P02087.2 at page 12 in the English.

19 Q. You expressly told the ICTY -- you're asked:

20 "What was your line of command?"

21 And your answer was:

22 "I had believed I was in KLA, but I didn't have any commander
23 above myself. I was independent."

24 Is that accurate?

25 A. Yes.

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1 Q. Okay.

2 A. We didn't have a command. The KLA started to be formed from
3 below, from the bottom, from the villages. I helped in its
4 organisation.

5 Q. Yes. And on discussing now the creation of the subzone, you
6 told the SPO that you were appointed deputy commander by village
7 commanders; is that correct?

8 A. Yes.

9 Q. And --

10 A. After Sali Veseli came at the end of May -- I already discussed
11 it earlier. After Sali Veseli arrived at the end of May, 20
12 commanders from 20 villages met in Dobrosh, and there it was decided
13 to develop militarily, we say in a military language, to develop the
14 brigade. And there I was elected deputy commander by the commanders
15 of the village staffs.

16 Q. Yes. And these commanders were themselves appointed by
17 villagers; is that right?

18 A. Certainly, yes.

19 Q. Okay. So would it be correct to say that the entire
20 organisation had been created from the bottom up?

21 A. The entire Kosovo Liberation Army all over the territory were
22 created in this way, from bottom up.

23 Q. Okay. Now, the Dukagjin zone as such, you told the SPO in
24 P02090.3, page 16, that it was formed in June 1998; is that correct?

25 A. Correct. After the establishment of the brigade in Junik, the

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1 brigade commander Sali Veseli from Smolice was a more senior officer
2 than myself. He had graduated the military academy. He gave the
3 order for the nomination of the battalion commanders and went to
4 Gllogjan, to the staff there. Around that staff were 40 village
5 staffs, and there he decided to organise the operational zones. He
6 was elected chief of the zone staffs.

7 So he got together the 20 commanders of the 40 villages around
8 Gllogjan and started to set up the operational zone command, which at
9 that time we called the region of Dukagjin.

10 Q. Yes. And you're not aware of any orders from the General Staff
11 to create the Dukagjin zone; is that correct?

12 A. I don't know that there was a General Staff. I'm explaining to
13 you how we did the organisation of the army all over Kosovo. So 20
14 villages formed the brigade. When I was elected deputy commander,
15 Sali Veseli, as being the most capable officer for operational duties
16 who had come to Kosovo then, he was the highest ranking and most
17 capable officer in the Kosovo Liberation Army on the ground, he went
18 then to Gllogjan to do the same thing; that is, to set up 20 of our
19 village and 40 villages around Gllogjan, altogether 60 villages. It
20 was a sufficient territory to form an operational zone.

21 Q. And you told SPO - and this is at P02090.3, at page 9 in the
22 English - that:

23 "We did not receive any orders from the General Staff, even when
24 I was active ... I never remember getting any orders, getting any of
25 the orders."

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1 So from the time you entered Kosovo until at least the time you
2 were injured, you don't remember getting any orders from the
3 General Staff; is that correct?

4 A. That is correct. Counsel, the first order I got from an
5 authority in the General Staff is the order when I was transferred
6 from the operational directorate of the General Staff to the
7 operational zone of Dukagjin, which happened in January 1999. That
8 is the only order that I received. I have already told the SPO. You
9 may not understand these things. It is difficult. But the Kosovo
10 Liberation Army was formed from bottom up. There were no orders.
11 There were proposals and voting by raising the hand; for example, for
12 Naim Maloku to be deputy commander, or for Ramush Haradinaj to be the
13 zone commander. So there were no orders per se. Constructions from
14 bottom up were [as interpreted].

15 I didn't have any problems during my interviews. The only
16 objective that I wanted to pursue was to institutionalise the army.
17 I am a military person. It is easier for a military man to receive
18 orders from above and perform the duties. Maybe it's difficult for
19 people to understand it.

20 I am repeating, the first and only order I received was when I
21 was transferred from the operational directorate to the Dukagjin
22 operational zone. And even then, it was because I agreed. I was
23 asked -- I was a voluntary person. You cannot order volunteers that
24 they need to implement. Mr. Krasniqi called me in the presence of
25 Ramush Haradinaj and told me, "Dukagjini operational zone needs you,

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1 wants you to go. Do you want to go?" If I said no, there were no
2 regulations or power for them to force me to go to a place if I
3 didn't want to.

4 I believe it's hard for you to understand.

5 Q. No, I understand. Thank you, Witness, for answering. We'll
6 continue after the lunch break.

7 MR. MISETIC: Thank you, Your Honour.

8 PRESIDING JUDGE SMITH: We'll break for lunch now, Witness.
9 Thank you for being with us. Do not talk to anyone about this case
10 outside the courtroom. You may leave the courtroom now with --

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE SMITH: -- the Court Usher. We will be back at
13 2.30.

14 [The witness stands down]

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

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

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

18 PRESIDING JUDGE SMITH: You may bring the witness in.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: All right. You may continue,
21 Mr. Misetic.

22 MR. MISETIC: Thank you, Your Honour.

23 Q. Good afternoon, Mr. Maloku.

24 A. Good afternoon.

25 Q. Turning to a different topic. You told the SPO that you had a

1 few walkie-talkies which had very short range; is that correct?

2 A. Correct.

3 Q. And with respect to satellite phones - and this is at P02090.4,
4 at page 9 - you say that you had the use of a satellite phone after
5 June 1998 for a short period through which you made contact with
6 Ahmet Krasniqi; is that correct?

7 A. Not only with Ahmet Krasniqi but also with others. We received
8 the satellite phones in June 1998. They started coming in in June
9 and then we gradually started being equipped with them.

10 Counsel, with your permission. To my knowledge, we managed to
11 distribute them at the brigade level only in November.

12 Q. Yes. That's exactly what I want to get to. So here's the
13 question you were asked and your answer. The question is:

14 "Ahmed Krasniqi, [whose] name was on this list, was shot to
15 death in September 1998; right?"

16 And you say:

17 "Yes, I had contacts with him also from Kosovo whenever I was in
18 a position to establish contact, because after June for a short
19 period I had -- I was able to use a satellite phone."

20 Is that correct?

21 A. Yes.

22 Q. Yes. And the reason that you were only able to use this
23 satellite phone for a short period after June 1998 was that that was
24 the time that Tahir Zemaj and other officers had come to Dukagjin; am
25 I right?

1 A. No, because I got wounded on 25 July 1998. I was seriously
2 wounded. So I didn't need a satellite phone for the next three and a
3 half months. I needed medical care and shelter. I just didn't need
4 them.

5 Q. Yes. Maybe there's a misunderstanding. What I'm suggesting is
6 according to what you told the SPO, you had the use of a satellite
7 phone after June, and then you say "for a short period." And so what
8 I'm suggesting is that from the end of June until you were wounded on
9 25 July, you were able to use a satellite phone because Tahir Zemaj
10 and the other officers had brought it with them.

11 A. Yes. Yes. Not the phone. It was Muhamet Kelmendi who brought
12 me the satellite phone in Smolice in June 1998. I spoke to Ahmet
13 Krasniqi sometime in June 1998 using the phone of Tahir Zemaj. I did
14 have my satellite phone -- I did not have. The brigade had one and
15 it remained with the brigade even after my withdrawal from there.

16 Q. You say in your SPO -- sorry, in your ICTY statement - and this
17 is P02087.2 at page 12 - that a unit of 22 officers and 150 soldiers
18 came under the command of Tahir Zemaj and were wearing the uniform of
19 the KLA, but their line of command was to the Bukoshi government; is
20 that correct?

21 A. They came in with the KLA uniform. It was no other formation.
22 However, the commanding line was with Ahmet Krasniqi.

23 Q. Yes. And similarly, you say that at the same time you believed
24 you were in the KLA, but you had no commander above yourself. You
25 say you were independent; is that correct?

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1 A. Correct.

2 Q. And according to your testimony at P02087.2 at page 16 in the
3 English, you say you remained without any line commander until
4 November 1998; is that right?

5 A. This is how I always understood it to be.

6 Q. Okay. And in the same statement at page 17, you say that from
7 the period of April 1998 when you arrived in Kosovo until your injury
8 in July 1998, Ramush Haradinaj did not have any authority over you
9 other than mutual respect and that he did not issue any orders to
10 you; is that correct?

11 A. That's correct.

12 Q. Okay. Now, I want to ask you a few questions concerning
13 something you told the SPO. And this is, again, P02090.3, page 7,
14 beginning at line 17 in the English. You say that:

15 [As read] "As a rule, one operational zone would ask for help
16 from another operational zone, so they would send each other troops
17 and groups of militants."

18 Is that correct?

19 A. Not militants but soldiers. A correction: We did not have
20 militants. The Kosovo Liberation Army was an army and we had
21 soldiers. They were all volunteers and became soldiers.

22 Q. I understand. I was just quoting. It might have been a
23 mistranslation. But you meant soldiers, yeah.

24 A. It might be the case. I understand.

25 Q. And you say that this communication between zones happened

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1 through informal friendly contacts and acquaintances; is that right?

2 A. That's correct.

3 Q. Now, what about after you joined the General Staff? Did zones
4 continue to communicate directly with each other as far as you know?

5 A. I was at the General Staff for two months, but the zones must
6 have certainly communicated amongst them. There were zone commanders
7 who had closer relations amongst them. I know that when a
8 large-scale assault happened in the gorge of Junik, we received two
9 or three units who supported us. Or when Voksh was attacked and the
10 communication line was cut off, the line with the brigade of
11 Gllogjan, we received help.

12 So -- but this concerned small units. We were not able to send
13 battalions or companies. We would send 10 to 15 soldiers, small
14 units, when a zone was in difficulty and would need help. Usually,
15 they would come to the gorge of Junik which was a point where there
16 was constant fighting going on.

17 Q. Now, you've already said on 25 July 1998 you were seriously
18 injured. Between 25 July 1998 and the beginning of November 1998,
19 you were not involved in KLA activities in Kosovo. Would that be
20 fair?

21 A. I remained in Kosovo, I was being treated, but I was not
22 involved or active because I wasn't physically able to do that. I
23 was sheltered in various locations, families, mountains.

24 Q. Okay.

25 MR. MISETIC: If we could -- I'll make reference to your book.

1 I'm just looking for the admitted exhibit number for the record. I
2 believe it's P02103 at page U002-3099.

3 Q. In the book, you talk about the period after the summer Serbian
4 offensive, so in September 1998, and you say that:

5 "... Serbia practically gained 470 villages in Kosovo. The
6 Dukagjini Plain fell. Ramush Haradinaj was left with 52 soldiers.
7 Tahir Zemaj withdrew from the Dukagjini Plain and went to Albania
8 with his entire army.

9 "At that time Ahmet Krasniqi was killed, at a time when many
10 parties thought that the Kosovo Liberation Army had been destroyed."

11 Do you recall that in the book?

12 A. Yes, certainly.

13 Q. Now, is it correct that by the end of September 1998 there was
14 very little left of KLA units in Kosovo?

15 A. There was a list at the ICTY. Only 52 soldiers were left in the
16 Dukagjini operational zone, and they consisted of Ramush Haradinaj
17 with his brothers and relatives and a few soldiers. So the list
18 is -- consists of 52 soldiers only left in the Dukagjini operational
19 zone.

20 Q. Yes. I'm asking you now a more general question. Can you give
21 us your assessment of the state of the KLA at the end of September
22 1998?

23 A. This was -- the offensive lasted for two, three months. It was
24 a general offensive throughout the territory. 470 villages were
25 burned, and the KLA was in a very difficult situation, position.

1 Some people abroad, outside the country probably even thought that
2 the KLA was over. So what was left of the KLA were small units. It
3 was not entirely retreating. Some did in order to evacuate their
4 relatives outside the country. So what was left was small units in
5 the mountains, in the woods. We had no communication or commanding
6 lines.

7 I've given an interview to the *New York Times* where I say that
8 the international community should not be surprised that the soldiers
9 are coming back, coming back to their villages and their zones.

10 Q. Okay. Now, during this period when you were injured, you've
11 already explained that you met Mr. Thaci for the first time when you
12 were in Prapaqan.

13 A. Yes.

14 Q. And at that time, it was Mr. Zyrapi who only introduced
15 Mr. Thaci to you as Gjarpri; correct?

16 A. Yes.

17 Q. And at that time, you did not know what Mr. Thaci's position
18 was; correct?

19 A. Correct.

20 Q. Now, during your preparation session - and this is Preparation
21 Note 1, which is P02091, at paragraph 12 - you say that you did not
22 know why Mr. Thaci was in Prapaqan; correct?

23 A. Correct.

24 Q. And although you've heard later in newspaper articles and
25 television debates that Mr. Thaci was allegedly there with Mr. Zyrapi

1 to demote Tahir Zemaj, this is not something you heard at the time
2 while you were in Prapaqan; is that correct?

3 A. These were newspaper articles, information that has been
4 circulating for 20 years since after the war. Different versions
5 have been put forward, what was discussed, and so on and so forth. I
6 did not know the purpose of their visit in Prapaqan at the time when
7 I was in Prapaqan.

8 Q. Okay. Now, you've discussed at length with the Prosecutor
9 certain interviews you had given in the summer of 1998. And this
10 morning you were shown one where in July 1998 you said that for you,
11 Mr. Rugova -- or this is what you said to the SPO in your interview,
12 that you had said that Mr. Rugova was the chief commander of the KLA.
13 Do you recall that?

14 A. Yes.

15 Q. Yes. And you had said something similar to the ICTY. You told
16 the SPO that you did not have any problems after making that
17 statement; is that right? And this ask at P02090.4 --

18 A. Correct.

19 Q. -- at page 9.

20 A. That's correct.

21 Q. And is it correct that a few months later, so by November, you,
22 in fact, were promoted to the General Staff?

23 A. That's correct.

24 Q. Now, staying on the topic of the relations between the KLA and
25 the LDK, you told the SPO that generally you are not aware of any

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1 tension between the LDK and KLA in the summer of 1998; is that
2 correct?

3 A. Correct.

4 MR. MISETIC: And just for the record, that is P02090.3 at
5 page 3.

6 Q. Now, on the contrary, a number --

7 A. Counsel, with your permission, can you give me two minutes,
8 please? May I?

9 Q. Sure. Go ahead.

10 A. The Junik Brigade, the brigade of Junik, the commander of the
11 staff of the village of Junik was the chairman of the LDK branch in
12 Junik. 19 other villages, the commander of those -- of the staffs of
13 the villages were chairmans of the subbranches of the LDK of these
14 villages. Would you believe that? I'm telling you. It is
15 impossible to explain, and I've told this to the SPO. You cannot
16 understand this. The entire structure of the LDK branch in Junik and
17 its subbranches in the surrounding villages were commanding
18 structures of the brigade of Junik. This is how we set up the
19 brigade. They chose me to be their commander. They chose
20 Sali Veseli to be the deputy commander. So there were no problems.

21 Kosovo was the target of a special warfare. The enemy waged a
22 special warfare since the inception of the KLA in 1992. The Serbian
23 secret services constantly tried to sow divisions and conflicts
24 within the ranks of the KLA. This has come from outside. This is
25 special warfare.

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1 We did not have problems. I gave you my example. The Court can
2 inquire and ask about this anytime they want. The commander of the
3 battalion in Junik and the commander of the staff was the chairman of
4 the branch, and the entire LDK structure in the other villages were
5 commanders of the local staffs. And we had Fehmi Agani in June
6 visiting us in Junik, and we are talking about the number 2 of the
7 LDK in Kosovo.

8 Q. Okay. Thank you for that explanation. I'd like to turn to your
9 time in the General Staff.

10 Now, you told the SPO that, to your knowledge, it was only in
11 November 1998 when the General Staff was actually formed; is that
12 correct?

13 A. Yes. As a military person, I understood that it could be
14 referred to as staff only from December 1998, starting from the first
15 meeting of the General Staff. I told this to the SPO including
16 during the preparation session, that I view the staff from --
17 starting from the first meeting. When I consider that we had a chief
18 of staff and seven zone commanders, I, as a military person, as a
19 professional, I consider that this started to be functional from that
20 first meeting. Meaning, a staff with a seat and in which the
21 operational directorate started communicating with the operational
22 zones.

23 Q. Yes. And you said that that occurred sometime between the 5th
24 and 15th of November when Bislim Zyrapi returned from Albania
25 together with some other officers; for example, Sali Veseli. Do you

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1 recall that testimony to the SPO?

2 A. Yes.

3 Q. Now, how do you know --

4 A. Yes.

5 Q. -- that Bislim Zyrapi returned sometime between 5th November and
6 15th November?

7 A. Yes.

8 Q. How do you know, though, that it was between those two dates?

9 A. Because I met him in Lladrovc. He heard that I was sheltered
10 there at my maternal uncle's and he came and visited me.

11 Q. But how do you know he had not come back to Kosovo before
12 5 November?

13 A. I know because he told me he had not been in Kosovo.

14 Q. Okay. You told the same thing to the state public prosecutor in
15 Exhibit P02089. At page SPOE00067218, you were asked:

16 "When was the ... General Staff formed and who was the staff's
17 commander?"

18 And your answer was:

19 "The General Staff was formed sometime around 10 or 15 November
20 ..."

21 Do you recall that?

22 A. 15th of December I went to the staff, and I consider it to be a
23 staff from the first meeting of the zone commanders in December.

24 Q. Okay. So would it be correct then -- well, let me -- could
25 there have been a military police directorate before the formation of

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1 the General Staff?

2 A. I don't recall.

3 Q. You don't recall. You don't recall whether it was formed, or
4 you don't recall one existing before the creation of the --

5 A. I don't recall if there was a military police directorate at the
6 General Staff before December.

7 Q. Okay. Now, you told the SPO, at P02090.3, page 14, that it was
8 only during your time with the General Staff when you learned
9 Mr. Thaci's name; is that correct?

10 A. Correct.

11 Q. It was only then that you learned that he was the chief of the
12 political directorate; correct?

13 A. Correct. He was appointed in December as far as I know.

14 Q. And, again, you told the state public prosecutor in Kosovo in
15 P02089, page SPOE00067221, that your understanding -- sorry, let me
16 phrase it. You're asked:

17 "What was Hashim Thaci's role during 1998-1999?"

18 And you told the state prosecutor:

19 "He did not stay in Kosovo most of the time; he was chief of the
20 political directorate at the KLA General Staff, with competencies for
21 the KLA's political orientation and contacts with the
22 internationals."

23 Is that correct?

24 A. That's correct.

25 Q. Now, I'd like to discuss with you what you discussed with the

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1 Prosecutor this morning concerning an interview you gave -- you say
2 you gave to a publication called *Kombi*.

3 Now -- actually, let me ask a different set of questions. Do
4 you recall that there was a disagreement in August 1998 -- or let me
5 rephrase. Do you recall that there was discussion in August 1998 of
6 who would represent Kosovo Albanians in negotiations with Milosevic?

7 A. There were several attempts made to unify the political --
8 Albanian political factor. I would read newspapers while I was
9 wounded or other sources information that there were attempts made.
10 I know that Hill, who was head of the office or the ambassador of the
11 United States in Macedonia, I don't recall exactly, but he would
12 refer to this frequently, that he was making contacts and -- with the
13 attempt of unifying, setting up a government accepted by all
14 political parties.

15 So there were attempts made to have a body that would emerge and
16 would represent everyone. This is what I was able to understand from
17 my position where I was sheltered.

18 Q. Let me show you a document.

19 MR. MISETIC: It's 1D00100, page 2 in both languages, please.

20 Q. This is a news reporting or a summary of news reporting by the
21 Radio Free Europe.

22 MR. MISETIC: And if we could go to page 2, please.

23 Q. It says: "Rugova Names Negotiating Team ..." And just to orient
24 you, this a report dated 14 August 1998, so at the time when you were
25 injured. And it says:

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1 "Kosovar shadow-state Ibrahim Rugova said in Prishtina on 13
2 August that he has appointed a negotiating team for talks with the
3 Serbian authorities. The new body represents Rugova's Democratic
4 League of Kosova, the Christian Democrats, and the Social Democrats.
5 It consists of Fehmi Agani, Fatmir Sadiu, Edita Tahiri, Tadei Radiqi,
6 and Iliaz Kurtesi. Adem Demaci and Mehmet Hajrizi, who are close to
7 the Kosova Liberation Army ... declined Rugova's invitation to join."

8 "The UCK issued a statement to the Kosovar and Albanian media on
9 13 August announcing its forces are making a 'tactical withdrawal' in
10 response to the Serbian offensive. The text also made clear that
11 Rugova's team does not speak for the guerillas. Instead, the UCK's
12 announcement said that the guerillas had asked Adem Demaci to be
13 their chief representative and to resign his other positions in
14 Kosova's political arena."

15 Now, do you recall that the KLA had appointed Adem Demaci in
16 mid-August as its representative in talks with the Serbian
17 government?

18 A. Yes.

19 MR. MISETIC: And if I could turn to the next exhibit,
20 P00487-ET.8, please. In English, it's at page 2761 and the same in
21 the Albanian.

22 Q. And what I'm showing you is a communiqué issued by Nazif
23 Ramabaja on 17 August 1998.

24 MR. MISETIC: There it is.

25 Q. I would just ask you to take a look at that. This is issued

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1 from within the Dukagjini zone, and I'd just ask you if you're
2 familiar with that communiqué.

3 A. No.

4 Q. Okay. Were you aware that communiqués were being issued from
5 within the Dukagjini zone announcing support for Mr. Rugova's
6 negotiating team while there was a dispute going on between the
7 General Staff and Mr. Rugova over who would represent the KLA in
8 these negotiations?

9 A. No, I wasn't aware of that. I wasn't aware of such communiqués
10 issued in the Dukagjin zone.

11 Q. Okay.

12 MR. MISETIC: If we could please have Exhibit P00914 on the
13 screen, please, at page SPOE00081915 in both versions.

14 Q. Now, what you're seeing on the screen is after that communiqué
15 was issued, an invitation was sent by Mr. Ramabaja to commanders of
16 village staffs and inviting them to a meeting on 20 August at 1600.
17 And in the announcement, he put three items on the agenda for later
18 that day. One was the reorganisation of operational units and
19 territorial defence; the second is the professional or unprofessional
20 cadre, "your opinion"; and the third is support for the institutional
21 line.

22 Do you recall whether you attended the meeting held on 20 August
23 1998 in the Dukagjin zone?

24 A. To my recollection, on 17 August, with all the other injured men
25 from the Krushec hospital were transferred to Suhareke. I remember

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1 the date 17 because Skender Ceku died on that day after he was
2 injured in Loxhe. So on 17 August, I was injured and in Breshanc,
3 and then I was sent to Klecke. So I was injured. I didn't know what
4 was going on in Dukagjin then.

5 Q. Okay. I'd like to show you something that the Prosecutor showed
6 you this morning.

7 MR. MISETIC: And if we could have back on the screen, please,
8 Exhibit P02103, please, at page U002-3127 in both versions, which is
9 PDF page 87 in Albanian and PDF page 48 in English. Yes.

10 Q. And it says:

11 "Kosovo needs the unity of the political and military factors."

12 And then --

13 A. Correct.

14 Q. Yes. And then it says in the second bullet point there:

15 "In the communiqué issued from the meeting of 21 August, the
16 Staff of the Third Operational Zone for the Dukagjini Plain requested
17 the institutionalisation of political and military life in Kosovo.
18 Does this also mean the formation of a coalition government that
19 would also have representatives of the KLA?"

20 And you say:

21 "The situation is such that I have also asked for the
22 institutionalisation of the Kosovo Liberation Army earlier, which
23 means that the KLA should be brought within the framework of the
24 state institutions of Kosovo. What government will be formed, and
25 how, is an issue for the leaders of all the political parties.

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1 However, our request and our opinion is that the KLA should be
2 brought within the framework of the Republic of Kosovo."

3 And then the next question:

4 "What do you think about the new negotiation team, and will the
5 KLA respect any prospective agreement between Pristina and Belgrade?"

6 And your answer is:

7 "The KLA must first be brought into the framework of the state
8 institutions, and then every conversation and negotiation will
9 naturally be respected by the KLA if it is in the framework of" - if
10 we could go to the next page, please, in English - "the institutions.
11 The entire issue [is], in my opinion, has been held up by the leaders
12 of the political parties and the disagreements among them."

13 Question:

14 "What opinion do you have about the selection of Adem Demaci as
15 political representative of the KLA?

16 "Even though I have not been involved in the occasions during
17 which Adem Demaci's selection was made, I think he should use his
18 authority to offer various options to the political leaders; that is
19 to say, to be constructive in the formation of the Kosovo state
20 institutions."

21 Now, if I understood your testimony earlier this morning, you
22 gave this interview on 26 August, as it says there on the bottom, if
23 you see, 26 August to Deutsche Welle radio?

24 A. Yes, yes.

25 Q. Does this refresh your recollection as to whether you may have

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1 been aware at the time about these disagreements over who would
2 represent the KLA in the negotiations and what was happening in the
3 Dukagjin zone with respect to the Dukagjin zone taking a certain
4 position that was in contrast to the position taken by the
5 General Staff?

6 A. The interview was a live interview, and I have expressed my
7 stance that without representatives of the Kosovo Liberation Army
8 there can be no negotiating team to discuss peace in Kosovo. You can
9 see that from this interview.

10 Q. Okay. Now, in the midst of what I've shown you, you say that
11 you met with Mr. Thaci on the 22nd or 23rd August, is that correct,
12 in Klecke?

13 A. Yes, in Klecke.

14 Q. Is it correct that the conversation with Mr. Thaci was polite,
15 with mutual respect?

16 A. From what I saw, I always respected him, and he respected me in
17 Prapaqan, too, and in Klecke. I think he came to see how I was
18 feeling, what my condition was like, because Commander Kumanova came
19 there, and we discussed with him the issue of the organisation of the
20 defence of the region, because we were expecting an offensive.

21 Then later on too when we met in Lladrovc, I never noted any
22 disregard on his part towards me or lack of respect.

23 Q. Okay. Now, you met with him, you say, on the 22nd or 23rd, and
24 then we see on the screen that you gave an interview to
25 Deutsche Welle on the 26th. So is it fair to say that nothing in

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1 your conversation with Mr. Thaci made you feel in any way inhibited
2 from continuing to make public statements?

3 A. I wouldn't have issued such a declaration had I noticed any
4 suspicion or doubt or knew that he disregarded so much -- he
5 disagreed so much with my stance. I thought that people can agree or
6 disagree about something, but I didn't have any reservation in my
7 position or any doubt that they might criticise me or remove me from
8 the KLA structures. People have different opinions.

9 I thought that what I was proposing would make the KLA appear
10 before the domestic and international factor as a real true army,
11 organised army. The opposition against the occupiers and efforts for
12 liberation of the country, there we had no differences. I thought
13 that with expressing my opinions I would help them.

14 Q. Yes. Now, as I asked you before, you ultimately got a promotion
15 to the General Staff in November 1998?

16 A. Yes, I did.

17 Q. And is it correct that after the conclusion of the conflict in
18 June, you became an adviser to Mr. Thaci?

19 A. Yes, correct.

20 Q. Can you tell us when Mr. Thaci made you one of his advisers?

21 A. I was a security adviser from September. I can't recall the
22 date, but September it was, until the signing of the agreement on the
23 demobilisation of the KLA.

24 Q. You're talking about September 1999?

25 A. Yes.

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1 Q. I'm just a little confused. If I were to tell you that the
2 demobilisation undertaking was signed in June 1999, would that
3 surprise you?

4 A. No, it was when the KLA was demobilised and TMK was established.
5 It was established, I think, TMK, sometime in October or November.

6 Q. Yes. So when exactly is the time period when you were his
7 adviser, before the formation of the TMK or after?

8 A. Before. It was still KLA before TMK was formed.

9 Q. Okay. And was your relationship with Mr. Thaci at the time
10 professional and of mutual respect?

11 A. How could I be an adviser of his cabinet if we didn't have a
12 mutual respectful relationship and if he didn't need my professional
13 advice?

14 JUDGE GAYNOR: Mr. Misetic, do you mind if I just get the dates
15 straight.

16 MR. MISETIC: Sure.

17 JUDGE GAYNOR: Mr. Witness, you became his adviser in
18 September 1999, and you were his adviser until when exactly?

19 THE WITNESS: [Interpretation] I don't remember the accurate date
20 when the agreement on the transformation of the KLA into TMK was
21 signed. But until that time, I was his adviser.

22 JUDGE GAYNOR: All right. Thank you.

23 MR. MISETIC: Thank you.

24 Q. Mr. Maloku, is it possible that you may have the date a little
25 bit off in terms of when you started being his adviser? Could it

1 have been a little earlier than September 1999?

2 A. I returned from my recovery in Mainz of Germany to Kosovo with
3 my family on 8 August, I think, and I settled in Prizren. At that
4 time, Bislrim Zyrapi was deputy minister of defence. Whether it was
5 the end of August or beginning of September or sometime in September,
6 I can't say. 26 years have passed from there. But that I was a
7 member of the cabinet of Mr. Thaci, that's a fact.

8 Q. Okay. And you've told the Prosecutor this morning that the last
9 time you saw Mr. Thaci during the conflict was in October 1998;
10 correct?

11 A. Correct.

12 Q. And you also clarified that your only contact with Mr. Thaci
13 after October 1998 was during one phone call with him in December
14 1998; correct?

15 A. Yes.

16 Q. That would necessarily mean that you did not see Mr. Thaci
17 anywhere near what you called the white house in Divjake in November
18 1998; correct?

19 A. I don't remember to have seen Mr. Thaci physically in Kosovo
20 during that time.

21 Q. Now, during this one phone call, you say that Mr. Thaci told you
22 something to the effect of "enough with the interviews"; correct?

23 A. Yes.

24 Q. But you say that you do not know exactly what it was that
25 motivated Mr. Thaci to make that request; is that right?

1 A. It was after an interview of mine which was published on 28
2 November in *Kosova Sot* newspaper.

3 Q. Yes, but you told the SPO you don't know exactly what in the
4 interview he was disagreeing with.

5 A. I don't know. I didn't find that interview to study it.

6 Q. But in any event, it's correct, is it not, that you continued
7 giving interviews after this call with Mr. Thaci; correct?

8 A. Yes, yes, I did.

9 Q. So you did not, obviously, perceive Mr. Thaci's statement as
10 some sort of an order or some sort of authority making an order to
11 you to stop?

12 A. No. I brought here almost all the interviews given after
13 December 1998, and they -- I believe they are here. You might have
14 them too. Every time a journalist asked me to give them an
15 interview, I did not hesitate to express my opinions, without ever
16 thinking that somebody might have some criticisms to make of me. We
17 may not agree on everything we discuss together, but they may not be
18 such as to upset our relationship.

19 I've never thought that my statements might disrupt my relations
20 with people, be them soldiers or of higher commanding structures
21 within the KLA. There may have been people who had their
22 reservations or criticisms or who did not agree with what I said, but
23 I took them as normal.

24 Q. Okay. Now, turning to a different topic. You told the SPO that
25 during your time at the General Staff, there were monthly briefings

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1 between members of the General Staff and the commanders of the
2 operational zones; correct?

3 A. Yes.

4 Q. The first meeting took place in November 1998?

5 A. No, in December. Beginning of December. I think it was before
6 5 December.

7 Q. Were there any meetings of the General Staff with the zone
8 commanders before your arrival in the General Staff to your
9 knowledge?

10 A. No.

11 Q. Okay. Now, you told the SPO that you do not have knowledge of
12 whether the Dukagjini staff reported to the General Staff before
13 December 1998; is that correct?

14 A. That's correct.

15 Q. And then you discuss in your statement two meetings of the
16 General Staff; one in December 1998, and one in January 1999.
17 Correct?

18 A. Correct. During the time I was in the operational directorate
19 of the General Staff.

20 Q. But you did not attend either meeting; correct?

21 A. No. My position was not such as to justify my participation in
22 the meeting. Present in that meeting was chief of staff, the
23 directors of the directorates of the staff, and the commanders of the
24 operational zones.

25 Q. So you do not have information about what was exactly going on

1 during those meetings; is that correct?

2 A. I know only about the first meeting because the records and
3 everything that happened in that meeting were used by the operational
4 directorate in a report which Sali Veseli checked and signed and then
5 submitted to the commander or deputy commander. So I know in general
6 about the first meeting what happened. It came from -- it came to
7 the operational directorate where the report was compiled.

8 As to the second meeting, I know nothing because I was
9 transferred to the Dukagjini operational zone.

10 Q. Okay. Now, you told the SPO - and this is at P02090.3, page 8,
11 beginning at line 11 - that, in general, you do not know whether the
12 General Staff expected that the operational zones would comply with
13 its orders; is that correct?

14 A. I didn't understand the question.

15 Q. Well, let me read --

16 A. I'm not clear about the question.

17 Q. Let me read the question that was posed to you by the SPO and
18 your answer.

19 "Q. The General Staff expected its orders to be complied with
20 by the operational zones; right?"

21 And your answer was:

22 "I don't know. In those two months we somehow did manage to
23 arrange for something, my subordination. It was winter -- since it
24 was ... there were fewer conflict incidents, and the communication
25 was better at that time, since it was winter.

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1 "Now as to what happened later, I don't know. For example, at
2 the end of April the operational zone of Dukagjini was completely
3 broken apart by the offensive, and I was moving around from Crna Gora
4 to Roxhaj to Rugova. And then we would move again to Dukagjin. So
5 it was broken apart completely territorially and in terms of line of
6 communication and lines of command."

7 Is that accurate?

8 A. In April when -- after the starting of the NATO bombardment, the
9 Serb forces launched a frontal war against the KLA and the civilian
10 population and saw the lines of communications between the
11 General Staff and the operational zones were very damaged or very
12 limited at that time.

13 Q. Okay. Well, let me try it a different way. You told the ICTY,
14 and this is at P02087.3 at page 14:

15 "I have also stated this publicly in debates on TV, Top Channel,
16 in April of this year. And I still confirm that what I have stated,
17 that the main HQ of KLA did not have control on KLA. They have
18 spoken on behalf of KLA, but they did not have any control because it
19 was impossible to have control because it was a large increase of the
20 number of soldiers."

21 Do you recall saying that to the ICTY?

22 A. Yes, I do.

23 Q. And what --

24 A. I would like to explain here that -- regarding communication of
25 the HQ. The HQ has no commanding role in any army. The

1 General Staff has a leading role, leading role. Communication with
2 the operational zones was done by the operational department or
3 directorate of the General Staff, not the General Staff per se. The
4 decision to have a daily communication between the operational zones
5 and the operational directorate of the General Staff was taken in the
6 first meeting in December with the commanders of the operational
7 zones.

8 So it was the duty of the operational directorate to communicate
9 with the operational zones. Those communications, announcements were
10 transferred to the operational room. There was an operational room
11 with topographic maps there. All the information we received on the
12 movement of the Serb forces or expansion or reduction of territories
13 of the zones, we placed in that topographic map. We had a table on
14 the wall where we wrote the daily losses, daily reports on alleged
15 losses of the enemies that we received from the operational zones in
16 humans and in technique, and the losses in our forces.

17 So such information we received to know, to have a clear idea of
18 what was happening in the operational zones and in the Kosovo
19 Liberation Army in general. That was the first communication that
20 the operational zones started -- directorate started to create along
21 its lines of communication with the respective zones.

22 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute
23 break at this time. You may leave the courtroom with the Court
24 Usher.

25 [The witness stands down]

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

2 --- Break taken at 3.32 p.m.

3 --- On resuming at 3.42 p.m.

4 PRESIDING JUDGE SMITH: Please bring the witness in.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: Go ahead, Mr. Misetic.

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

8 Q. Mr. Maloku, staying at the period between November 1998 and
9 March 1999, appointments within the operational zones were done by
10 the zones themselves; is that correct?

11 A. We tried to create order and rules as those that are followed in
12 regular armies. So the second in line appoints the person who's two
13 ranks below. For example, the Llap operational zone proposes a
14 person as a brigade commander who is then appointed by the chief of
15 staff, so the second position above him, two positions higher. And
16 the commander of the operational zone appointment, in order to meet
17 the rules-based criteria, it was thought at the time that
18 Jakup Krasniqi would also have the role of a deputy commander who
19 would appoint or dismiss zone commanders. Because an operational
20 zone commander would be appointed or replaced upon a proposal of the
21 chief of staff, just as it happened with me, in my case.

22 This is what we tried to put in place because the Kosovo
23 Liberation Army was not -- did not exist within the institutions. It
24 was created from bottom up on a voluntary basis, so we had to come up
25 with a way or a manner how to make appointments or dismissals.

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1 This is how I understood the positions within the General Staff.

2 Q. Let me read something to you that you told the SPO last week,
3 and this is at Preparation Note 2, paragraph 8. It says:

4 "[You] re-established Brigade 134, the staff of which were
5 [your] own people from [your] brigade in Junik, which brigade had
6 fallen apart when [you were] wounded."

7 A. Yes.

8 Q. And it says:

9 "In November" --

10 A. Yes.

11 Q. -- "1998, that brigade's staff went to Gllogjan and started
12 reorganising there. In February 1999, there were 8 soldiers and they
13 eventually grew to 200 soldiers, including because soldiers who had
14 gone to Albania returned. [You] helped and supported the entire
15 structure of Brigade 134. [You] proposed Ismet Ahmeti, who had been
16 in Smolice, as brigade commander; Ramush Haradinaj was the only one
17 who could appoint Ahmeti to his position and he did so."

18 Now, why could only Ramush Haradinaj appoint the brigade
19 commander for Brigade 134?

20 A. I think the Dukagjini operational zone did not follow really the
21 rules. I remember that at the Llap operational zone, a proposal
22 would be made for a brigade commander and the chief of staff would
23 make the decision. Whereas in Dukagjini operational zone, they -- so
24 the brigade area would choose or select a commander and propose him
25 to the zone commander, to Ramush, who would then make the

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1 appointment. But this was the rule followed in the Dukagjini
2 operational zone.

3 As you pointed out, in November they came back. Yes, the Junik
4 Brigade came in Gllogjan in November. Agron Rama was appointed
5 commander. He was then killed at the end of January 1999 together
6 with a number of soldiers. Other soldiers went to Albania carrying
7 the wounded because there was no hospital available or functional in
8 Dukagjini operational zone anymore.

9 So those soldiers came back in February and I started rebuilding
10 that same brigade, on which occasion I proposed Ismet Ahmeti as the
11 brigade commander.

12 Q. Okay.

13 A. In other words, not all zone commanders followed, complied with
14 the rules thought -- that the General Staff thought to implement with
15 respect to appointments and disappointments of brigade commanders.

16 The battalion commanders didn't need an order for their
17 appointments. That was only the case for brigade and operational
18 zone commanders.

19 Q. Turning to a different topic. On 9 June 1999, the
20 Kumanovo Agreement was signed; correct?

21 A. Correct.

22 Q. And after the signing of that agreement, your activities
23 effectively stopped; correct?

24 A. Correct.

25 Q. And you say that on 12 June 1999, you were in Kukes and saw a

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1 statement given by General Jackson that KFOR was in Kosovo; correct?

2 A. Correct.

3 Q. And you told the SPO that at that time you no longer had any
4 responsibilities; correct?

5 A. Correct.

6 Q. And the reason you no longer had any responsibilities was there
7 was no more fighting; correct?

8 A. That's correct.

9 Q. And is it correct that Serb forces had withdrawn from Kosovo by
10 20 June 1999?

11 A. I do not know the exact plan, but I know that based on the
12 Kumanovo Agreement there was a withdrawal plan for the Serb military
13 and police forces. They withdrew as per the plan included in the
14 Kumanovo Agreement. I think that around the 16th or 17th June I went
15 to Gjakove, and I did not notice any Serb military or police forces
16 present there.

17 Q. I'd like to show you a document and see if it's consistent with
18 your experience in June 1999.

19 MR. MISETIC: If we could have on screen, please, DHT05047 to
20 DHT05050 at DHT05048.

21 Q. And what I'm showing you is an UNMIK Regulation No. 2000/66 on
22 benefits for war invalids of Kosovo and for the next of kin of those
23 who had died as a result of the armed conflict in Kosovo. And if we
24 look at Section 1.5, it states that:

25 "For the purpose of the present regulation, the armed conflict

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1 in Kosovo is deemed to have occurred between 27 February 1998 and 20
2 June 1999."

3 Do you see that?

4 A. Yes, I do.

5 Q. Is it consistent with your experience in Kosovo that the
6 fighting and conflict in Kosovo had ceased by 20 June 1999?

7 A. It had ceased up to that date. Now, it's a bit difficult for me
8 to know the exact date 25 years later, but I would say so.

9 MR. MISETIC: And if we could have DHT05030 to DHT05042. And
10 this is another UNMIK regulation. If we could have it at page
11 DHT05031 in both the English and Albanian, please. If we go to
12 Section 3.1, the last section before the bullet points.

13 Q. It again states that the armed conflict in Kosovo "occurred
14 between 27 February 1998 and 20 June 1999."

15 Again, the same question, is that consistent with your
16 understanding, that the fighting and conflict in Kosovo had ended by
17 20 June?

18 A. Yes.

19 Q. Yes, okay.

20 A. Yes.

21 MR. MISETIC: All right. Mr. President, I tender both UNMIK
22 regulations into evidence.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. PACE: No objection to these two UNMIK regulations.

25 PRESIDING JUDGE SMITH: DHT047 to DHT05050 at DHT05048 is

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1 admitted.

2 THE COURT OFFICER: Thank you, Your Honours. The first
3 document, which is DHT05047 to DHT05050, and its Albanian
4 translation, will be assigned Exhibit 1D00254. And it's classified
5 as public.

6 The second document, which is DHT050 --

7 PRESIDING JUDGE SMITH: I haven't ruled on that yet.

8 [Microphone not activated].

9 MR. MISETIC: Microphone.

10 PRESIDING JUDGE SMITH: DHT05030 to DHT05042 at DHT05031 is
11 admitted.

12 THE COURT OFFICER: And will be assigned Exhibit 1D00255, and
13 its classified as public. Thank you, Your Honours.

14 PRESIDING JUDGE SMITH: Thank you.

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

16 Q. Mr. Maloku, I want to take you to some leading questions that
17 you were asked during your SPO interview.

18 MR. MISETIC: And if we could please have on the screen P02090.6
19 at page 15 in the English, beginning at line 1, and the same in the
20 Albanian, please.

21 Q. And there you're asked, beginning at line 1 -- sorry, I'll get
22 the right page on the screen.

23 MR. MISETIC: It should be page 15, beginning at line 1. Yes.

24 Q. You're asked:

25 "The KLA didn't want a multi-ethnic Kosovo; right?"

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1 And you answered:

2 "No, we agreed on the multi-ethnic Kosovo also in the
3 Rambouillet treaty that ... no parties could even under the law be
4 registered in Kosovo if they were not for multi-ethnic Kosovo. It's
5 not possible to even register a party under the law itself. It's
6 possible to register parties but not parties that are against a
7 multi-ethnic Kosovo."

8 Is it correct that you disagree with the Prosecutor's assertion
9 to you that the KLA was against a multi-ethnic Kosovo?

10 A. I think it's clear here. I say I disagree.

11 Q. Okay. And is it correct that in the interview you gave to
12 *Mladina* magazine, that you say -- at 126693 to 126697-ET at page
13 126697, you're asked:

14 "It seems as if the Serbs in Kosovo will soon be in the same" --

15 MR. PACE: Sorry to interrupt, but can we call it up because I
16 don't have -- I don't see --

17 MR. MISETIC: Sure. If we could put it on the screen, please.
18 And for the Albanian original, if we could -- or, sorry, I guess it's
19 Slovenian original, P12 -- it's Prep Note 2 at p.126697 --

20 THE WITNESS: [Interpretation] Yes.

21 MR. MISETIC: -- please.

22 THE COURT OFFICER: Can I just be clear about the combination of
23 languages that we should put on the screen? So one should be the
24 original Slovenian and --

25 MR. MISETIC: English. And the English is 126693 to 126697-ET

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1 at page 126697.

2 THE COURT OFFICER: And if we can have the ERN of the Prep
3 Note 2, if I understood well.

4 MR. MISETIC: Prep Note 2 at page -- oh, the whole ERN is 126650
5 to 126700.

6 MR. PACE: In case it matters, I now have it in front of me, so
7 for my purposes we don't need to call it up.

8 MR. MISETIC: Well, we've gone through the trouble, so let's put
9 it up.

10 It should be 126697. Yes. And in the middle -- sorry, in the
11 bottom left side, left column. There you go. And then in the
12 English, I don't think we have the right page up. It's page 8 of the
13 PDF. One more page, please. Up a little bit. There you go. There
14 you go.

15 Q. It says:

16 "It seems as if the Serbs in Kosovo will soon be in the same
17 position as Serbs in the Knin Krajina."

18 And your answer is:

19 "We will strive in every way possible so that Kosovo Serbs will
20 not be in the same position as those in the Knin Krajina. Already
21 throughout the year of war we have experienced attacks on Albanians,
22 but, despite this, we haven't spread into areas where the population
23 is mixed. We will in any case try - that is also the aim of our Main
24 Staff - to ensure that the Kosovo Serbs do not have to leave Kosovo.
25 We are not the Albanian liberation army of Kosovo, we are only the

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1 KLA."

2 Now, you said that in February 1999. Was that your
3 understanding of the objectives of the Main Staff was -- or the
4 General Staff was to ensure that the Kosovo Serb population did not
5 have to leave Kosovo?

6 A. Yes, this was the aim and the political direction and aim of the
7 Kosovo Liberation Army General Staff. This interview was given at a
8 time when our delegation was in Rambouillet, and this is correct what
9 I have stated here. This statement was based on the views and
10 positions of the General Staff of the KLA as well.

11 MR. MISETIC: Mr. President, I tender this interview into
12 evidence.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. MISETIC: Yes.

15 PRESIDING JUDGE SMITH: The entire range?

16 MR. MISETIC: Yes, for completeness.

17 PRESIDING JUDGE SMITH: 126650 to 126700?

18 MR. MISETIC: Yes.

19 PRESIDING JUDGE SMITH: Any objection?

20 MR. MISETIC: No, no, that's the whole prep note. For that
21 portion, I just want the page -- the translation of the article. Not
22 the entire prep note.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. PACE: No.

25 PRESIDING JUDGE SMITH: Correct me if I'm wrong, and I'm sure

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1 you will, that's 126697?

2 MR. MISETIC: Yes, correct.

3 PRESIDING JUDGE SMITH: Page 8 of the PDF --

4 MR. MISETIC: That's correct.

5 PRESIDING JUDGE SMITH: -- in English.

6 MR. MISETIC: Yes.

7 PRESIDING JUDGE SMITH: Okay. It's admitted.

8 THE COURT OFFICER: Thank you, Your Honours. So if my
9 understanding is well, it's ERN 126693 to 126697-ET, and the
10 corresponding Slovenian would be then 126697 as a part of Prep
11 Note 2.

12 MR. MISETIC: Correct.

13 THE COURT OFFICER: It will be assigned Exhibit 1D00256. And
14 they are both classified as confidential.

15 MR. MISETIC: And they can be public.

16 MR. PACE: I'm sorry to interrupt, but if you want the
17 corresponding Albanian in full, then you need 93 to 97 as well, which
18 we don't object to. 97 is just one of the pages --

19 MR. MISETIC: Yeah, that's fine with me too. And it's Slovenian
20 for the record, but yes --

21 MR. PACE: [Microphone not activated].

22 MR. MISETIC: Yeah. May we have that, Mr. President?

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 THE COURT OFFICER: Thank you, Your Honours. In that case, it's
25 going to be ERN 126693 to 126697-ET and the corresponding Albanian

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1 126693 to 126697. Thank you.

2 MR. MISETIC: Thank you.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: Sorry. I'll just listen to you next time, Judge.
5 That's it.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. MISETIC:

8 Q. Sir, the next question you were asked by the Prosecutor, I'd
9 like to ask you about.

10 MR. MISETIC: And this is at P02090.6, page 18, beginning at
11 line 23.

12 Q. You're asked:

13 "And the KLA leadership, they wanted to run Kosovo after
14 defeating Serbia; right?"

15 And your answer is:

16 "No. The objective of the KLA was to liberate the area, and
17 then that the political parties would take power and run Kosovo.
18 This is in accordance with -- that's why the KLA signed the
19 Rambouillet Agreement, and it was -- agreed to [disarm] and to the
20 position [of] UNMIK and NATO."

21 So you never understood the objective of the KLA leadership that
22 they wanted to run Kosovo after the conflict; is that correct?

23 A. Correct.

24 Q. And then the next question the Prosecutor asks you is:

25 "But what happened after the [Kosovo], in fact, is that some

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1 General Staff members became in charge of Kosovo as a country; no?"

2 And here you respond:

3 "Yes, because according to the Rambouillet Agreement, this is
4 the result of an agreement with the international community, that the
5 KLA would be disarmed and that it would be transformed into a
6 political party. This is the result of an international agreement.
7 We were bound under this agreement to disarm the KLA and to establish
8 a political party."

9 So was it your understanding that the international community
10 was urging the KLA to transform itself from a military formation into
11 a political force?

12 A. To my recollection, that was how the Rambouillet Agreement was
13 made. But after the war, many political parties were established.
14 For example, myself, Bislrim Zyrapi, created the party Liberal Centre
15 of Kosovo. The political directorate, Hashim Thaci and others,
16 formed the Democratic Party of Kosovo. Initially, it was called
17 Party for Democratic Prosperity. Ramush Haradinaj, who was a zone
18 commander, with Ahmet Isufi, also another zone commander, formed the
19 Alliance for the Future of Kosovo. So it was not only one political
20 party formed by former KLA members. There were many. Even LDK had
21 in itself members who were officers who are even today deputies.
22 Anton Quni, for example, he is a deputy of the Democratic League of
23 Kosovo.

24 But the KLA was transformed from a liberation army to others,
25 some went to the police, some to the Kosovo -- TMK, some others

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1 joined political parties.

2 Q. You were, as we've established, an adviser to Mr. Thaci for a
3 time in 1999. Do you recall if Mr. Thaci -- based on the answer you
4 gave to the SPO here, do you recall if Mr. Thaci informed you that it
5 was, in fact, Madeleine Albright in Rambouillet who urged Mr. Thaci
6 to convert the KLA into a political force? Do you recall him telling
7 you that when you were his adviser?

8 A. Many newspapers wrote about Rambouillet. It was a topic covered
9 by many media outlets. Rambouillet was debated on, much was written
10 about it. I don't recall to have taken this information from
11 Mr. Thaci.

12 MR. MISETIC: Okay. Let me show you what the Prosecutor showed
13 you towards the end of his examination, which is Exhibit P02103,
14 please. English page U002-3117 and the same in the Albanian.

15 Q. And this is, again, the book that you've seen several times,
16 Mr. Maloku. And the Prosecutor read a portion of it, and I just want
17 to finish reading what he didn't read and ask you a few questions
18 about it.

19 MR. MISETIC: Yes. If we can scroll up the page, please.

20 Q. Now, the Prosecutor read to you where it says:

21 "I have reasons for my statements and why I made them. There
22 are three main reasons that prompted me to continually make
23 statements on the events and the political and military situation on
24 the ground."

25 And, again, if you see above, you'll see what the Prosecutor had

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1 read to you about why you remained unsystematized. It says:

2 "The first reason was that the textbooks of all progressive
3 armies say that every officer is obligated to express his opinion
4 about all issues that have to do with the military and ... political
5 situation. And I carried out my duty as an officer, by making my
6 statements."

7 And then:

8 "The second reason why I made statements during the war is that
9 I loved my profession very much, and ... I knew a few things."

10 And the third reason is:

11 "... I made the statements ... is that I wanted to absolve
12 myself of decisions that harmed the war and harmed the building up of
13 the Kosovo Liberation Army. I wanted to inform Albanian public
14 opinion, both political and military opinion, that these were not my
15 decisions; rather they were the decisions of others. I was an
16 officer and I wanted to dispel any fault from myself. The two
17 fundamental mistakes that were made are these: the mistake that
18 Holbrooke's proposal for unblocking the Llapushnik Gorge was not
19 taken into consideration (at that time in June the verifiers were
20 supposed to come to Kosovo, before the ... offensive, but this did
21 not happen), and the second mistake was not signing the Rambouillet
22 Agreement back in Rambouillet, which cost us dearly, as it gave
23 Serbia four weeks to prepare ... an offensive."

24 Do you see that?

25 A. Yes.

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1 Q. Now, those are the two mistakes that you list.

2 A. [No interpretation].

3 Q. Okay. And with respect to the second one, the not signing the
4 Rambouillet Agreement back in Rambouillet, you don't have any
5 personal knowledge of what actually transpired in Rambouillet and why
6 it wasn't signed, do you?

7 A. No. It was -- they delayed in taking the decision. The
8 agreement was signed but -- they agreed to sign it but took long,
9 took three, four weeks before signing it. And I think there was an
10 instance in Likoc where the zone commanders opposed the Rambouillet
11 Agreement, and our delegation was forced to return to Kosovo to
12 consult the zone commanders to my recollection.

13 And in the interview of 2 March, I ask the delegation to return
14 and sign it. Those four weeks enabled Serbia to carry out three
15 mobilisations to the -- to send to Kosovo -- to deploy 45.000 troops,
16 2.000 military forces from Belgrade alone, to free 600 criminal
17 prisoners, to disregard all procedures, the laws, and deploy them to
18 Kosovo. So that was what I thought then and think today.

19 I consider it as a great mistake for our delegation to return
20 from Rambouillet to Kosovo under the pressure of the zone commanders.
21 I think that, from what we knew at least, in opposing it, there were
22 three officers who opposed it: Sali Veseli, Bislim Zyrapi, and
23 Pashtrik Operational Zone Commander Ekrem Rexha. And I know very
24 well that these three officers were not in favour of our delegation
25 to sign it but return to Kosovo, giving Serbia enough time to prepare

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1 itself for launching the operation and for NATO then afterwards an
2 intervention.

3 I haven't changed my opinion. To this day, I think so. These
4 are two mistakes which I identified as the most important, and the
5 last one cost us very dearly. Until 24 March 1999, there were
6 approximately 2.000 victims in Kosovo. At the end of the war, the
7 number reached 13.000.

8 Q. Mr. Maloku, thank you for the clarification now of what you had
9 said in the book.

10 MR. MISETIC: My final document I wish show you is SITF00265677
11 to 00265678 at page SITF00265677. And the Albanian translation is
12 DHT05051 to DHT05051-AT at page 05051.

13 Q. What I'm going to show you a public statement issued by the
14 Provisional Government of Kosovo on 2 August 1999. And this is a
15 political declaration of the Provisional Government of Kosovo.

16 MR. MISETIC: And if we could go to paragraph 4, and I'll wait
17 for the Albanian translation as well.

18 Q. Paragraph 4 says:

19 "The Interim Government of Kosovo expresses indignation at the
20 killing of civilians in Kosova independent of the nationality of the
21 victims. These crimes have become a hostage of the political clauses
22 regarding the fate of the KLA and the police of Kosova. In case they
23 would have free hands to operate, the IGK," or the Provisional
24 Government of Kosova, "and the KLA Police would act efficiently in
25 the prevention of crime in Kosova. The Interim Government of Kosova

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1 calls again on the citizens of Kosova to put aside the hostilities
2 and turn to the reconstruction of Kosova and to just and political
3 solutions of political issues."

4 Now, is that statement consistent with what you've just
5 testified about, that it was your understanding that the KLA and its
6 leaders, including Hashim Thaci specifically, wanted a multi-ethnic
7 Kosovo?

8 A. That was the orientation of the political directorate of the KLA
9 always.

10 Q. Thank you.

11 MR. MISETIC: Mr. President, I tender this document into
12 evidence.

13 PRESIDING JUDGE SMITH: Any objection from the SPO?

14 MR. PACE: No.

15 PRESIDING JUDGE SMITH: SITF00265677 to 00265677, at that same
16 page number, is admitted.

17 THE COURT OFFICER: Thank you, Your Honours. And it will be
18 assigned Exhibit 1D00257. And it's currently classified as public.

19 MR. MISETIC: Thank you.

20 Q. Mr. Maloku, thank you very much for answering my questions.
21 That concludes my cross-examination.

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

23 THE WITNESS: [Interpretation] Thank you.

24 PRESIDING JUDGE SMITH: I think we'll break for today rather
25 than make you start up for five minutes alone.

1 MR. DIXON: Yes, thank you.

2 PRESIDING JUDGE SMITH: All right.

3 MR. DIXON: Your Honours, I can say my cross-examination will be
4 a bit shorter as well.

5 PRESIDING JUDGE SMITH: Okay.

6 Witness, we're finished for today. We'll have to have you back
7 here tomorrow at 9.00. The rest of the Defence teams will want to
8 question you. And thank you for being with us. And remember not to
9 speak with anyone about your testimony outside of this courtroom.
10 And if someone tries to talk to you, please let us know.

11 Have a good evening. You may leave the courtroom now.

12 THE WITNESS: [Interpretation] Thank you.

13 [The witness stands down]

14 PRESIDING JUDGE SMITH: Yes, Mr. Pace.

15 MR. PACE: Thank you, Your Honour. Could we perhaps have an
16 update on any revisions to cross-examination time. And based on
17 that, I may or may not have to make submissions as to the rest of the
18 week for witnesses.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. DIXON: Yes, Your Honour. I had initially estimated one and
21 a half hours given everything, taking that all into account, but I
22 anticipate that I'll be able to halve that tomorrow morning and save
23 that time.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. ROBERTS: I had listed an hour and a half. I think I will

1 probably be around an hour, but I may need up to the full hour and a
2 half depending on answers given.

3 I just have one other issue I wouldn't mind raising just after
4 we complete this as well.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. V. ALAGENDRA: I've already reduced my time, Your Honours,
7 and right now it's at three hours, but I anticipate being around two
8 hours. But I won't commit to less than three for now.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. ROBERTS: Thank you, Your Honours. Just a very brief
11 procedural one in relation to a couple of 155 motions. Obviously,
12 the first one we'd already requested an extension of time, so that's
13 F3028, and you'd ruled on that earlier this week. We would just
14 request a short extension of words as well, up from 6.000 to 8.000
15 words. Given the nature of the witnesses, and one in particular,
16 which I won't go into, we do require more words than we normally
17 would.

18 And the other one is in relation to F3056, which is a
19 consolidated Rule 153/155 motion that the SPO filed this morning. We
20 would request an extension of time to respond to that. That, in
21 particular, relates to one very extensive, complex witness which
22 would require additional time. So that at present the deadline is 4
23 April. We would request an extension up to 14 April, and also, to
24 save me having to rise to my feet multiple times, an extension for
25 that up to 8.000 words as well from the 6.000. I haven't requested

1 this from the -- or notified the Prosecution in advance, but
2 hopefully they'd be able to respond now if possible. Thank you.

3 PRESIDING JUDGE SMITH: We'll see.

4 MR. PACE: It's possible. We don't object to any of the three
5 requests.

6 PRESIDING JUDGE SMITH: Those requests are granted, then.

7 MR. ROBERTS: Much obliged. Thank you, Your Honour.

8 PRESIDING JUDGE SMITH: Now.

9 MR. PACE: Thank you, yes.

10 So based on what we heard, it does seem that it could be that
11 the witness's evidence may not be completed tomorrow. So at the
12 moment, of course, we can deal with that if it arises. But our
13 position is that in view of the next witness's circumstances,
14 specific circumstances, including testimony via videolink, it's
15 necessary that that witness's evidence starts and finishes on
16 Thursday this week.

17 And that means that if the evidence of this witness, 4403, is
18 not finished by the end of tomorrow, we would ask that we start on
19 Thursday with 44 -- with the following witness before moving on to
20 complete this one.

21 Now, the issue then becomes when do we complete this one if it's
22 not completed on Thursday. And as I said earlier, we cannot
23 communicate with him to check next week's availability, so we would
24 ask the Panel to instruct the Registry to do so.

25 One other possibility, other than next week, would be to

1 exceptionally, if necessary, sit on Friday this week if that's needed
2 to complete 4403's evidence. That's the state of play as we see it
3 now. Of course, things can change, but that's just to bring it to
4 your attention now.

5 PRESIDING JUDGE SMITH: We'll start out by finding his
6 availability and then we'll rule on this in the morning.

7 Anything else?

8 We're adjourned until 9.00 a.m. tomorrow.

9 --- Whereupon the hearing adjourned at 4.26 p.m.

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