

1 Monday, 26 August 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.01 a.m.

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

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

10 PRESIDING JUDGE SMITH: I note that the accused are all present
11 in court today.

12 Before the witness is brought in, there are two issues that the
13 Panel will deal with. First, the Panel will issue two oral orders.

14 This first is an oral order on the joint Defence request for
15 assurance of the protection of legal privilege.

16 On 17 June 2024, the Thaci, Selimi, Veseli, and Krasniqi Defence
17 filed simultaneously, before this Panel and before the Single Judge,
18 the joint Defence request for assurance of the protection of legal
19 privilege. The filing was given number F02384.

20 The Specialist Prosecutor's Office responded on 28 June 2024,
21 and no reply was filed by the Defence.

22 On 16 July 2024, the Single Judge issued the decision on Defence
23 request for assurance of protection of legal privilege. The Panel
24 also notes that in her 16 July 2024 decision, the Single Judge, one,
25 confirmed that there has been no monitoring of privileged

1 communications in any shape or form - in-person visits,
2 telecommunications, written communications, and exchange of
3 documentary evidence - between the accused and their respective
4 counsel at the detention facilities; and, two, assured the Defence
5 that no further orders or decisions exist relating to the monitoring
6 of communications in any form of the accused at the detention
7 facilities of which they have not been apprised.

8 Furthermore, the Panel notes that in F02417, the SPO confirmed
9 that it has not intercepted communications protected under
10 Rules 31(3) and 111(1). It is apparent from these that the Defence
11 has received from the competent bodies the information which it was
12 entitled to receive in the circumstances.

13 The Panel further notes that there is no legal basis requiring
14 the Panel to provide any further assurance sought by the Defence, and
15 the Panel may refuse to provide any such assurance if sought again.
16 In the exercise of its discretion, the Panel will only indicate that
17 it has made no order authorising the monitoring of privileged
18 communications between the accused and their respective counsel at
19 the detention facilities.

20 This concludes the Panel's first oral order.

21 Now, oral order regarding W03871.

22 On 19 August 2024, during W03871's testimony, one page,
23 U003-1515-U003-1515, from a larger document of U003-1450 to
24 U003-1530, was admitted as an associate exhibit, P01545. Later the
25 same day, the SPO showed further pages from the larger document to

1 the witness after which the entire document was admitted as P01548.

2 As P01545 is contained within P01548, the Panel orders that
3 P01545 be vacated.

4 This concludes the Panel's second order.

5 Finally, I would like to inform all parties that later today CMU
6 will release the Panel's calendar of trial sitting days from January
7 until 1 May 2025.

8 We will now start hearing the evidence of the Prosecution
9 Witness 4651.

10 Madam Court Usher, please bring the witness in.

11 MS. V. ALAGENDRA: Your Honours.

12 PRESIDING JUDGE SMITH: Yes.

13 MS. V. ALAGENDRA: If I may just introduce counsel appearing for
14 the first time.

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MS. V. ALAGENDRA: If I may introduce co-counsel appearing for
18 the first time, Dato' Shyamala Alagendra.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MS. V. ALAGENDRA: Thank you.

21 [The witness entered court]

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Good morning, Witness, the Court Usher will now provide you with
24 the text of the solemn declaration which you are asked to take
25 pursuant to our Rule 141(2). You may look at the document and then

Witness: Skender Zhitia (Open Session)
Procedural Matters

Page 18882

1 please read it aloud.

2 THE WITNESS: [Interpretation] Good morning.

3 Solemn declaration: Rule 141: Conscious of the significance of
4 my testimony and my legal responsibility, I solemnly declare that I
5 will tell the truth, the whole truth, and nothing but the truth, and
6 that I shall not withhold anything which has come to my knowledge.

7 WITNESS: SKENDER ZHITIA

8 [The witness answered through interpreter]

9 PRESIDING JUDGE SMITH: Thank you, Witness. You may be seated.

10 Witness, today we will start your testimony, which is expected
11 to last approximately a day and a half. As you may know, the
12 Prosecution will ask you questions first, and then the Defence has
13 the right to ask questions of you, and members of the Panel might
14 also ask questions of you.

15 The Prosecution estimate for your examination is approximately
16 two hours. The Defence estimates that it will need close to five and
17 a half hours. As regards each estimate, we hope that counsel will be
18 judicious in the use of their time. The Panel may allow redirect
19 examination if conditions for it are met.

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

Witness: Skender Zhitia (Open Session)

Page 18883

Procedural Matters

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

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

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

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

16 If you feel the need to take a break, please let us know and we
17 will do our best to accommodate you.

18 We begin now with the direct examination by the Special
19 Prosecutor's Office. They are seated to your left. Please give them
20 your attention.

21 Go ahead.

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

23 Examination by Ms. D'Ascoli:

24 Q. Good morning, Witness.

25 A. Good morning.

Witness: Skender Zhitia (Open Session)

Page 18884

Examination by Ms. D'Ascoli

1 Q. We've met before. My name is Silvia D'Ascoli, and I'm one of
2 the Prosecutors with the Specialist Prosecutor's Office, and I will
3 be asking you questions today.

4 The Presiding Judge has already given you guidance about your
5 testimony today. I will just add that I'm aware from the preparation
6 session that you understand some English. Therefore, it is important
7 that you wait until you receive the full translations in your headset
8 so to make sure that you have fully understand my questions and also
9 to give the interpreters the time needed to interpret our questions
10 and answers. Okay?

11 I will start by taking your details for the record. Can you
12 please state your name and surname?

13 A. I am Skender Zhitia.

14 Q. Your date of birth, please?

15 A. Born on 4 April 1964.

16 Q. Your place of birth, please?

17 A. Village of Lluga, municipality of Podujeve.

18 Q. And your current employment?

19 A. Senior scientific adviser in Prishtine.

20 Q. That is at the Institute of History; correct?

21 A. Correct, Institute of History in Prishtine.

22 Q. Witness, I will now move to the procedural steps that are
23 necessary in order to tender into evidence your declaration, the one
24 that you gave to this office in the past.

25 MS. D'ASCOLI: Can I please call up ERN 077803-TR-ET Part 1 RED

Witness: Skender Zhitia (Open Session)

Page 18885

Examination by Ms. D'Ascoli

1 and the corresponding Albanian, TR-AT Part 1 RED. And I will just
2 need the first page on the screen. Thank you.

3 Q. Witness, do you recall being interviewed by the Specialist
4 Prosecutor's Office, SPO for brevity, of this Court?

5 A. Yes, I do.

6 Q. Do you now see the transcript of that interview on the screens?

7 A. Yes, I do.

8 Q. The interview consists of three parts. Did you review the full
9 transcript of this interview during the preparation session?

10 A. Yes, I did.

11 Q. When re-reading that statement, were you given an opportunity to
12 make corrections and clarifications?

13 A. Yes, I was.

14 Q. Were those corrections and clarifications reflected in a written
15 note that was read back to you at the end of the preparation session?

16 A. Yes, they were. That's correct.

17 Q. Do you confirm that that note reflected your corrections and
18 clarifications fully and accurately?

19 A. Yes, that's correct.

20 MS. D'ASCOLI: And for the record, the ERN of the Preparation
21 Note 1 is 121927 to 121933 RED.

22 Q. Witness, subject to the corrections and clarifications set out
23 in the preparation note, does your written statement, your
24 declaration, accurately reflect what you said and what you would say
25 again if you were asked the same questions in court today?

Witness: Skender Zhitia (Open Session)

Page 18886

Examination by Ms. D'Ascoli

1 A. That's correct.

2 MS. D'ASCOLI: Your Honours, having fulfilled the Rule 154
3 crater in accordance with decision F2117, the SPO tenders the English
4 and Albanian transcripts of the proposed Rule 154 statement along
5 with the associated exhibits and Preparation Note 1, and I will give
6 the relevant ERNs for the record. The --

7 PRESIDING JUDGE SMITH: Any objection?

8 MS. S. ALAGENDRA: No, Your Honour.

9 MS. ROWAN: No, thank you.

10 MR. TULLY: No, Your Honour.

11 PRESIDING JUDGE SMITH: ERN 077803-TR-ET Part 1 RED plus the
12 Albanian translation and Prep Note 1, which is 121927 to 121933 RED,
13 and the associated exhibits are all admitted.

14 MS. D'ASCOLI: Thank you, Your Honours. May I just specify the
15 classification which can be public.

16 PRESIDING JUDGE SMITH: Yes.

17 MS. D'ASCOLI: And also the SPO interview consists of three
18 parts and, therefore, also Part 2 and Part 3 would be tendered into
19 the record.

20 PRESIDING JUDGE SMITH: All parts as indicated are admitted. We
21 can assign the numbers when you're ready, or you can use a written
22 document if you'd rather, Madam Court Officer.

23 THE COURT OFFICER: I'd rather do it now, Your Honours --

24 PRESIDING JUDGE SMITH: Go ahead.

25 THE COURT OFFICER: -- if I have the choice. Thank you.

Witness: Skender Zhitia (Open Session)

Page 18887

Examination by Ms. D'Ascoli

1 The statement with the three parts with ERN 077803, Part 1 will
2 be assigned the now vacated number, that would be P01545.1; Part 2 of
3 the same ERN with the Albanian translation will be P01545.2; and
4 Part 3 will be Exhibit P01545.4.

5 The Preparation Note 1 with ERN 121927 to 121933 RED will be
6 assigned Exhibit P1551.

7 And then, Your Honours, the associated exhibit as listed in
8 footnote 122 of the Rule 154 decision, which is filing F2117, will be
9 assigned numbers as follows: Associated Exhibit 077779 to 077803
10 will be assigned Exhibit P1552. And then the pages that were
11 additionally tendered to be added to the already existing
12 Exhibit P187, which is the book for this witness, will be added, and
13 the pages are as listed in the same footnote, footnote 122.

14 And I think that's it. Thank you, Your Honours.

15 PRESIDING JUDGE SMITH: Thank you.

16 Go ahead.

17 MS. D'ASCOLI: Yes, thank you very much.

18 Your Honours, the SPO sent by e-mail a summary of the witness's
19 Rule 154 statement on 28 June 2024. I would read that on the record
20 for the public with your leave.

21 PRESIDING JUDGE SMITH: Leave is given to read the statement.

22 MS. D'ASCOLI: Thank you.

23 Skender Zhitia is a former KLA member from the Llap operational
24 zone. He joined the KLA in May 1998. His initial role was to
25 mobilise civilians. And he contributed to the establishment of a

Witness: Skender Zhitia (Open Session)

Page 18888

Examination by Ms. D'Ascoli

1 unit, Keshtjella 33, K33, of which he was the commander and which was
2 under KLA Brigade 151, Zahir Pajaziti. Zhitia remained in his role
3 until late June 1999, and after the war he continued to perform
4 various duties in the TMK, Kosovo Protection Corps, 5th zone.

5 Skender Zhitia is currently a senior scientific associate at the
6 Institute of History Ali Hadri in Prishtine and is the author of the
7 book "The KLA Llap Operational Zone," a military history book about
8 the KLA in that zone, published in 2008.

9 As part of his evidence, he explains the methodology followed
10 and the sources used in writing his book, which include the
11 literature, diaries, and interviews with KLA commanders and fighters
12 of the Llap zone.

13 And that concludes the summary, Your Honours.

14 PRESIDING JUDGE SMITH: Thank you.

15 MS. D'ASCOLI: Thank you.

16 Before I proceed, can I just clarify with the Court Officer that
17 Part 3 is indeed P01545.3 rather than .4 as it was mentioned on the
18 record.

19 THE COURT OFFICER: Yeah, I might have misspoken. It should be
20 P1545.3. Thank you.

21 MS. D'ASCOLI: Of course. Thanks.

22 Q. Witness, your prior statement has been admitted into evidence,
23 so I will not ask you again about the matters addressed in that
24 statement, but I will have some additional questions for you on
25 various matters, including documents that were shown to you during

Witness: Skender Zhitia (Open Session)

Page 18889

Examination by Ms. D'Ascoli

1 the preparation session.

2 I would like to start with a few questions on the KLA unit which
3 you commanded from about October 1998, the unit called Keshtjella 33.
4 You gave evidence about this unit in Part 1 of your SPO interview,
5 now P1545.1, page 15, lines 8 to 14 for reference.

6 You said this unit initially consisted of about 12 to 14 members
7 and that later on it expanded to four squads under your command, for
8 a total of about 40 soldiers.

9 You remember that? I just summarised the evidence you gave in
10 the SPO interview.

11 A. Yes, I do recall it.

12 Q. I now want to direct your attention to the parts of the book
13 that discuss your unit.

14 MS. D'ASCOLI: Can I please have on screens the witness's book,
15 which is ERN SPOE00055678 to 00056018 and the related ET for the
16 English. And for the Court Officers and Your Honours, I will be
17 using the original set of the book, not P187, because I will be
18 adding to what is in evidence already. So I will be making sure to
19 specify on the record what is already in evidence and what I'm
20 tendering in addition to that. Thank you.

21 So can we first go to page 172, which is -- in both languages,
22 which is SPOE00055846. And, for example, this is one of the 21 pages
23 that has just been admitted today and added to P187 as part of the
24 Rule 154 associated exhibits.

25 Now, if we can please zoom in on the last part of the page, page

Witness: Skender Zhitia (Open Session)

Page 18890

Examination by Ms. D'Ascoli

1 172 of the book, not of the PDF. So that's SPOE -- it ends with 846,
2 55846, the ERN number. Yes, that's the correct page in both
3 languages. Yes.

4 Q. Witness, I read from the very last paragraph of the page. You
5 report that "Skender Zhitia was commanding in Lluga," and then there
6 are a number of other commanders mentioned for other zones, for other
7 areas.

8 So "Skender Zhitia was commanding in Lluga," this refers to you
9 being in command of K33 in Lluga?

10 A. Yes.

11 Q. Okay.

12 MS. D'ASCOLI: Can we now move to page 224 of the book,
13 SPOE00055898 in both languages, please. And this is also one of the
14 21 pages that has just been admitted and added to P187.

15 Q. Witness, if you look at the top part of the page, there is a
16 description of the tasks of the K33 unit. Do you see that?

17 A. Yes, I do.

18 Q. In what period of time did your unit perform those tasks, those
19 discussed in this part?

20 A. Sometime from the mid January up until the 15th or 20th of
21 March, more or less.

22 Q. And you mean 1999; right?

23 A. Correct.

24 Q. Witness, please look at the other units that are also discussed
25 on the same page. These are K28 with Commander Shaip Haziri and K26

Witness: Skender Zhitia (Open Session)

Page 18891

Examination by Ms. D'Ascoli

1 with Commander Kadri Avdiu. Did you cooperate with those units in
2 your capacity as commander of K33?

3 A. I did not have any contacts until April, not any direct
4 contacts, with K28. However, with the K26, I did happen to have
5 contacts with them from time to time, mostly through radio
6 communication.

7 Q. And when you speak about April, again I take it as April 1999;
8 correct?

9 A. That's correct, April 1999.

10 Q. Did you interview those two commanders, Shaip Haziri and
11 Kadri Avdiu, for the purposes of the book?

12 A. To my recollection, yes, I did.

13 Q. Yes, indeed, their names can be found in the section of your
14 book on sources and literature which lists the KLA commanders and
15 fighters that you interviewed.

16 MS. D'ASCOLI: And for reference, that is at pages 311 and 313
17 of the book marked with ERN SPOE00055985 and 55987.

18 Q. Now, is the information on this page, 224 of the book, based on
19 your experience as K33 commander?

20 A. Yes, based on my experience and my tasks during the war.

21 Q. And is the information on this page for what concerns the other
22 two units based on the interviews with the commanders of those two
23 units, K28 and K26?

24 A. Certainly, yes. It's based on the interviews.

25 Q. Now, more in general with regard to what you discuss, what you

Witness: Skender Zhitia (Open Session)

Page 18892

Examination by Ms. D'Ascoli

1 recount about the K33 and its movements or activities, now whether it
2 is on this page or in other parts of the book, on what did you base
3 that account?

4 A. If you're referring to K33 only, then I based this on my duties
5 and responsibilities during the war. If you're referring to other
6 units, then that would be based in interviews and conversations I had
7 with my fellow fighters. If I'm allowed, I would clarify further in
8 relation to the interviews.

9 Q. Yes, absolutely. My question was specifically with regard to
10 K33, but, indeed, your clarification is helpful.

11 Now, there are several other references across your book to your
12 unit, K33, and various activities of operations to which your unit
13 participated. Now, I would like to go through them with you. In
14 order to proceed expeditiously, I'm going to call up the relevant
15 pages of the book and ask you whether you confirm the content that I
16 will be highlighting.

17 MS. D'ASCOLI: Can we move to page 256, this is SPOE00055930, in
18 both languages, please. This is not part of P187.

19 Q. Witness, this is a section about the events in the Llap zone
20 from 24 March 1999 until 1 May 1999. You looked at the headings;
21 right?

22 A. Yes, I do.

23 Q. Okay. Now, in the pages of this section, starting from 256, you
24 describe that -- introducing the issue here at page 256, that after
25 the beginning of the NATO bombings there were a number of Serbian

Witness: Skender Zhitia (Open Session)

Page 18893

Examination by Ms. D'Ascoli

1 offensives; right?

2 A. Yes, they were offensives aimed at evicting the civilian
3 population from the Llap operational zone. It's an operation based
4 on the Operation Horseshoe that Serbia had planned and which had
5 started with the inception of the bombing of NATO. It started from
6 the northern part, from the Llap operational zone. So all units were
7 mobilised in order to help the population which was being evicted
8 from the most vulnerable areas. There is nothing else we need to add
9 about the Horseshoe operation as such. However --

10 Q. Yes, I will -- whenever I need further explanations, I will let
11 you know. But for the time being, that introduction is sufficient.

12 So K33 went to the aid of other KLA units and also helped the
13 displaced population, as you were mentioning, in certain areas, for
14 example, Dumosh, Batllava, Ballofc, Lladrovc. And this is at page
15 256 and 257. Is that accurate?

16 A. Yes, generally speaking, yes. However, the Castle 33 unit which
17 I commanded went to help the population on 25 March in the village of
18 Sheqir.

19 THE INTERPRETER: The interpreter did not hear the name
20 correctly.

21 MS. D'ASCOLI:

22 Q. The interpreter let us know that they didn't hear the name of
23 the village correctly. If you can repeat it for the record.

24 A. The village of Sfecel.

25 Q. Thank you.

Witness: Skender Zhitia (Open Session)

Page 18894

Examination by Ms. D'Ascoli

1 MS. D'ASCOLI: Can we please now move to page 258, SPOE00055932.

2 Q. Witness, at the beginning of April 1999 - yes, please have a
3 look at this page - units of Brigade 151 were deployed in the area
4 between Barileve and Llapashtice. And your book, indeed, provides a
5 list of those units and their locations at these pages, 258 and 259.
6 Do you confirm that?

7 A. Yes, I do confirm.

8 MS. D'ASCOLI: If we go to page 260 now, SPOE00055934.

9 Q. We see indicated that the Brigade 152 units were deployed in the
10 area between Llapashtice and Murgulla. And you describe this at
11 pages 260, 261; right?

12 A. Based on the sources that I had access to at the time, yes,
13 that's what it was like.

14 MS. D'ASCOLI: Next page, 261, please, and this is SPOE00055935.

15 Q. Now, we read on this page that K33, under your command, moved to
16 the village of Halabak at the beginning of April, 3, 4 April, yeah,
17 as reported in this page.

18 A. On April 3rd, we moved to Halabak, the unit of K26 which was
19 commanded by Kadri Avdiu.

20 Q. And do you mean that Halabak -- meaning that was the territory
21 of Unit K26; right?

22 A. It used to be earlier. We went there and joined the units of
23 Castle 26.

24 MS. D'ASCOLI: Okay. Page 266 now, SPOE00055940.

25 Q. Witness, on 7 April 1999, a Serbian offensive started in the

Witness: Skender Zhitia (Open Session)

Page 18895

Examination by Ms. D'Ascoli

1 Gollak area. This offensive and its follow-ups are here at pages 266
2 up to 269. Do you recall those events as described in your book in
3 this section?

4 A. I cannot remember them all one by one. If I were to read them,
5 however, yes, because all the information there has been based on the
6 sources that I made use of.

7 Q. Can you briefly tell us what your unit's role was in Halabak in
8 that period, April 1999?

9 A. We were in the period when we were reconnoitering the terrain
10 alongside K26. That's what we were doing. We were seizing ourselves
11 of the situation. Some of us moved towards the village of Lluga in
12 order to ascertain what the situation was like amongst the civilian
13 population, on whether there were wounded or killed amongst them.

14 So as far as our role within the offensive of 7 April, we did
15 not have anything in particular to do.

16 MS. D'ASCOLI: Next page, 271, please. That's SPOE00055945.

17 Q. Now, this page, Witness, and the next two, 272, 273, discusses
18 the offensive of 18 April 1999 that you start describing at page 270.
19 Do you recall that offensive, 18 April 1999?

20 A. Yes, I do recall it.

21 Q. Now, you discussed that your unit, K33, by then, by 18 April
22 1999, had taken position in Halabak; is that correct? Is it
23 accurate?

24 A. Yes, that's where we were, in Halabak.

25 Q. Did your unit participate to the fighting that took place from

Witness: Skender Zhitia (Open Session)

Page 18896

Examination by Ms. D'Ascoli

1 18 April onwards around the villages of Trnovo, Halabak, Sharban, and
2 Koliq, as discussed in these pages?

3 A. Yes, it did take part.

4 Q. Okay.

5 MS. D'ASCOLI: Page 285 now, SPOE00055959, again, in both
6 languages, please.

7 Q. Witness, I read from the end of this page that in the evening of
8 8 May 1999, you and other fighters escorted a column of soldiers and
9 young people leaving the village of Dyz. Do you remember that? Is
10 that accurate what I have summarised?

11 A. Yes, it is accurate. I do remember it.

12 MS. D'ASCOLI: Next page, 286, SPOE00055960.

13 Q. Now, Witness, in these pages, if you'll recall, from 286 until
14 291, following the April battles, you then describe the events of the
15 first half of May in the Llap zone, May 1999, including how units of
16 the Llap zone eventually withdrew from frontal fighting. Do you
17 recall that?

18 A. Yes, I do.

19 Q. And did your unit remain in Halabak in May 1999?

20 A. Yes.

21 Q. And you discussed that at page 293. Until when did you remain
22 in Halabak?

23 A. I can't recall the exact date, but towards the middle of June,
24 15th at the latest, when we withdrew towards the village of Lluga.
25 And I mean June 1999. I can't recall the exact date. I could be

Witness: Skender Zhitia (Open Session)

Page 18897

Examination by Ms. D'Ascoli

1 making a mistake.

2 Q. That's fine. Just a period of time will suffice.

3 Now, pages 291 to 293 are devoted to the period 15 May to
4 19 June 1999. Did your unit contribute soldiers to the KLA's
5 5th Guard Battalion in that period?

6 A. I do not understand the question. Yes, yes, yes, I do
7 understand it now. Yes, there were members from my unit who served
8 with the guard battalion of the Llap operational zone, yes.

9 Q. Yes. At page 291, SPOE00055965, you specified that the
10 5th Guard Battalion was mainly composed of the most distinguished
11 fighters from KLA Brigade 151; correct?

12 A. I believe so.

13 Q. Yes. And my question was whether also your unit K33 contributed
14 to that, but you clarified that that was the case so that was the
15 extent of my question.

16 Now, with regard, as we are in June 1999, Witness, were you ever
17 authorised to form a civilian government in Lluga in this specific
18 period in June 1999?

19 A. No, never.

20 Q. And in any other period of time?

21 A. No. Do I need to clarify further?

22 Q. No, no, that's sufficient for my purposes.

23 MS. D'ASCOLI: Your Honours, the SPO tenders at this stage the
24 sections of the book discussed so far. Those are pages 256 to 264,
25 that is, SPOE00055930 to 55938, and within this section I note that

Witness: Skender Zhitia (Open Session)

Page 18898

Examination by Ms. D'Ascoli

1 page 261 is part of the 21 pages admitted today.

2 Then the next section is pages 265 to 273, SPOE00055939 to
3 55947, no pages already admitted within this section.

4 And the final section consists of pages 285 to 293. That is
5 SPOE00055959 to 55967. Within this range, I note that page 286,
6 SPOE00055960, is the only page already included in P187 as a part of
7 the associated exhibits admitted today.

8 So we would request that this section be added to P186 again
9 with the classification public.

10 PRESIDING JUDGE SMITH: Any objection?

11 MS. MENEGON: [Microphone not activated].

12 MS. ROWAN: No, thank you.

13 MR. TULLY: No, Your Honour.

14 MS. S. ALAGENDRA: No, Your Honour.

15 PRESIDING JUDGE SMITH: That section will be added to P186.

16 MS. D'ASCOLI: P187. I must have misspoken. Sorry.

17 PRESIDING JUDGE SMITH: I'm sorry, 187? All right.

18 MS. D'ASCOLI: Yes. Sorry, I misspoke.

19 THE COURT OFFICER: Thank you, Your Honours.

20 PRESIDING JUDGE SMITH: For the record, to P187.

21 MS. D'ASCOLI: Thank you.

22 Q. Witness, did you recently publish a 2nd edition of your book,
23 "The KLA Llap Operational Zone"?

24 A. Honourable Prosecutor, yes, I did, republish it in the year 2023
25 with no changes. The reason for the new edition is that there are

Witness: Skender Zhitia (Open Session)

Page 18899

Examination by Ms. D'Ascoli

1 counsel and Prosecutors from these Chambers who extracted words and
2 phrases from my book which conveyed the wrong opinion before the
3 public --

4 Q. Sorry, Witness, I just asked whether you published a 2nd
5 edition. So that was a "yes" or "no" answer. You said yes. I
6 understand that you said the 2nd edition is exactly the same as the
7 1st. Is that correct?

8 A. Madam Prosecutor, it is very significant for me to underline
9 this here.

10 Q. Witness, I would just ask for the time being that you answer my
11 questions. Thank you.

12 MR. TULLY: Your Honour, to be fair to the witness, that's not
13 what is recorded on the transcript.

14 PRESIDING JUDGE SMITH: Witness, let's start by you just
15 answering her first question. And then if more information is needed
16 or if you need to add something later, you will be able to.

17 Go ahead.

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

19 Q. So, Witness, my first question was whether you recently
20 published a 2nd edition of your book? So you said:

21 "... yes, I [republished] it in the year 2023 with no changes."

22 Is that accurate?

23 A. Yes, it was republished.

24 Q. Okay. So that was in 2023. And it was republished with no
25 changes. Is that accurate?

Witness: Skender Zhitia (Open Session)

Page 18900

Examination by Ms. D'Ascoli

1 A. Yes, it is.

2 Q. Okay. However, having seen the 2nd edition, I understand that
3 this 2nd edition is in colour. So that is the one difference between
4 the 1st and the 2nd; right?

5 A. The preparation was the same. The typing of it depended on the
6 institution that published it; it was the Institute of History. And
7 there were no changes.

8 Q. Okay. Thank you. And I've asked that question because I will
9 be tendering some colour pages from this 2nd edition. So that was
10 the extent of my question. Okay?

11 MS. D'ASCOLI: Now can I please have on the screen page 31 of
12 the book in both languages, and that's SPOE00055705. This is one of
13 the pages in evidence as part of P187.

14 Q. Now we have the page on the screen. You can see it, right,
15 Witness?

16 A. I do have something in front of me, but I don't know what in
17 particular you want me to focus on.

18 Q. Yes, my question is coming up. We are at page 31. In the last
19 part of this page, if you can see the list.

20 MS. D'ASCOLI: Maybe we can scroll down on the Albanian, please,
21 so that the bottom part -- thank you. Perfect.

22 Q. Witness, in the last part of this page you list the calling
23 codes assigned to the KLA commanders of the Llap zone. So we see
24 calling code Dardania 100 for the zone commander Rustem Mustafa.
25 Calling code Dardania 101 for the deputy commander Kadri Kastrati.

Witness: Skender Zhitia (Open Session)

Page 18901

Examination by Ms. D'Ascoli

1 Calling code 102 for the chief of staff Leka. Do you see that?

2 And so Leka is the nickname of Mr. Nuredin Ibishi; correct?

3 A. Yes.

4 Q. Now, if you look at footnote 9 on this page, 31, is the source
5 of your information for this part, for the calling codes, the
6 document referenced in footnote 9, I take it; right?

7 A. Yes.

8 Q. And by looking at the reference A.Z5M.TMK, can you explain that?

9 A. It is the archives of the 5th Defence Zone, Kosovo Protection
10 Corps, the KLA dossier, the General Staff of the KLA, with no number,
11 and dated 10 November 1998.

12 Q. So you found or you consulted this KLA General Staff document
13 dated 10 November 1999 at the archives of the TMK Zone 5; correct?

14 A. Yes. If I recall correctly, yes.

15 Q. The list continues onto the next page, 32.

16 MS. D'ASCOLI: If we can move to the next page, please,
17 SPOE00055706. And for the record, this is also part of P187.

18 Q. The list continues with the code Dardania 105 assigned to
19 Muhamet Latifi, civilian defence commander. And then, et cetera,
20 there are a number of other codes listed.

21 Witness, as a KLA soldier in the Llap zone, did you use any of
22 the Dardania communication codes yourself?

23 A. Yes. At the time, I communicated with Muhamet Latifi, Dardania
24 105, mostly. Others could have called me, and I cannot recall.

25 However, I was in constant communications with Latifi.

Witness: Skender Zhitia (Open Session)

Page 18902

Examination by Ms. D'Ascoli

1 Q. Okay. So mostly the code Dardania 105, you said.

2 A. Yes.

3 Q. You referenced this document of 10 November 1998 also in the
4 following pages when referring to other brigades and to the calling
5 codes of other units.

6 MS. D'ASCOLI: For example, if we move to page 35, footnote 13.
7 The ERN of the page is SPOE00055709. We need to -- yes, to have the
8 footnote visible, footnote 13, in both languages. Thank you.

9 Q. Witness, have a look at the footnotes. It can be zoomed in so
10 that the text is larger. Is that the same document? Here it says no
11 date. I believe the previous footnote said no number. Did you mean
12 no number instead of no date?

13 A. No, it did not have a protocol number. That's what I mean to
14 say. I can't recall exactly at this point, however.

15 Q. Yeah, yeah. That's clear. Indeed, there was no number, no
16 protocol number.

17 Now, on this page you used a document to reference the code-name
18 of Brigade 151 and that was Ulpiana; correct?

19 A. Yes, Brigade 151 had the calling code Ulpiana.

20 Q. And as a soldier of -- as a KLA soldier of Unit K33 of the Llap
21 zone, were you familiar with this code during the war, with Ulpiana?
22 Did you use it yourself?

23 A. Yes, I did use it. We were closer to Brigade 151, and we
24 communicated with the commander of Brigade 151.

25 MS. D'ASCOLI: Let's move to page 37, SPOE00055711.

Witness: Skender Zhitia (Open Session)

Page 18903

Examination by Ms. D'Ascoli

1 Q. So, for example, here we have a photo that would appear in
2 colour in the 2nd edition of your book; correct?

3 A. Yes.

4 Q. If you please look at footnote 17.

5 MS. D'ASCOLI: We need to move the page down, thank you, in both
6 languages. Yeah.

7 Q. So footnote 17, again, is this the same KLA document dated
8 10 November 1998 that we were just discussing?

9 A. Yes, that's right.

10 MS. D'ASCOLI: The same is at the next page, 38. If we can move
11 to the next page, SPOE00055712. And this is at footnote 20.

12 Q. That's the same document; correct? Please answer.

13 A. Yes.

14 Q. Yes. And in these two pages, you used, you cite a document to
15 refer to the code-names of also Brigade 152, which was Castle, and
16 the Brigade 153, Buna?

17 A. Yes, that's right.

18 MS. D'ASCOLI: Can we move to page 176 of the book,
19 SPOE00055850.

20 Your Honour, I note the time, so I'll finish with this document
21 and then we can go for the break.

22 So page 176 of the book in both languages, please.

23 Q. Witness, is this the document that we just discussed, the
24 document you consulted at the archives referenced in the pages and
25 footnotes that we were just discussing?

Witness: Skender Zhitia (Open Session)

Page 18904

Examination by Ms. D'Ascoli

1 A. Yes, this is the one.

2 Q. And, again, this document would be in colour in the 2nd edition
3 of the book? We have -- we took a copy which is marked with ERN
4 121961.

5 A. Yes.

6 Q. Okay.

7 MS. D'ASCOLI: I also note for the record that we do have
8 another version of the 10 November 1998 document which is in evidence
9 as P1417.

10 Your Honours, the SPO tenders at this stage pages 34 to 38; that
11 is, SPOE00055708 to 00055712. And I note that page 36, SPOE00055710,
12 is part of the 21 pages added today to P187 as part of the Rule 154
13 associated exhibits.

14 The SPO also tenders page 176 of the book, SPOE00055850, to be
15 added to P187, please. And classification can be public.

16 PRESIDING JUDGE SMITH: Any objection?

17 MS. MENEGON: No, Your Honour.

18 MR. TULLY: None.

19 MS. S. ALAGENDRA: No, Your Honour.

20 PRESIDING JUDGE SMITH: SPOE00055708 to 55712 except as to page
21 176; is that correct?

22 MS. D'ASCOLI: Except for page 36, SPOE --

23 PRESIDING JUDGE SMITH: Oh, 36. Okay.

24 MS. D'ASCOLI: -- 00055710.

25 PRESIDING JUDGE SMITH: Okay. And then page 176, which is

Witness: Skender Zhitia (Open Session)

Page 18905

Examination by Ms. D'Ascoli

1 SPOE00055850, is also admitted.

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

3 PRESIDING JUDGE SMITH: And they will be added to 187, P187.

4 Correct?

5 MS. D'ASCOLI: Thank you. And I also tendered the colour copies
6 of pages 36 and 37 of the book, which are marked with the ERN 121950
7 and 121951, plus the colour copy of this document page 176 that we
8 still have on the screen, which is marked in the colour copy with ERN
9 121961. Classification can be public for all of them.

10 And I would please ask the Court Officer to assign to this set
11 of colour copies an exhibit number related to P187 so to maintain the
12 connection, 187.1 or something like that. Thank you.

13 PRESIDING JUDGE SMITH: Without objection, the colour documents
14 or copies will be substituted.

15 THE COURT OFFICER: Your Honours, those pages will be assigned
16 Exhibit P187.1. Thank you.

17 PRESIDING JUDGE SMITH: Witness, we'll take a short break at
18 this time, about ten minutes. You can go with the Court Usher to
19 leave the room, and we'll be back in ten minutes.

20 [The witness stands down]

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

22 --- Break taken at 10.04 a.m.

23 --- On resuming at 10.14 a.m.

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

Witness: Skender Zhitia (Open Session)

Page 18906

Examination by Ms. D'Ascoli

1 How many more minutes, Madam Prosecutor?

2 MS. D'ASCOLI: Your Honours, for sure I will take until 11.00.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: Witness, we will continue with the
5 questions from the Prosecutor.

6 Go ahead.

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

8 Can we please have page 247 of the witness's book; that is,
9 SPOE00055921. I need for now only the Albanian version, please. I
10 want to call up next to this page the better copy from the 2nd
11 edition which is marked with ERN 121975. If we can please zoom in a
12 little bit so that the document is enlarged.

13 Q. Witness, we see the same document on both pages; right? Can you
14 tell us what the document is?

15 A. Yes. This is a document with the codes of the units in the Llap
16 operative zone. So that of the brigade -- of the command and two
17 brigades, 151 and 152.

18 Q. What is the date of the document?

19 A. If I'm seeing it correctly, 21 April 1999.

20 Q. And who signed it?

21 MS. D'ASCOLI: If we can scroll down also to have the signature
22 block visible in both copies. Thank you.

23 THE WITNESS: [Interpretation] On behalf of the deputy commander,
24 if this is accurate, it seems to be Leka. That does not mean I
25 recognise the signature, but it reads "Leka."

Witness: Skender Zhitia (Open Session)

Page 18907

Examination by Ms. D'Ascoli

1 MS. D'ASCOLI:

2 Q. Yes, that's Nuredin Ibishi; right?

3 A. Correct.

4 Q. Does this document reflect the codes that you were using in that
5 period, April 1999, as a KLA soldier?

6 A. Yes.

7 Q. Now, I believe the very last line in the first column of the
8 document lists Lluga K33. Do you see that?

9 MS. D'ASCOLI: If we can zoom in a bit, please.

10 THE WITNESS: [Interpretation] Zoom out probably because I can't
11 see the entire page if you zoom in.

12 MS. D'ASCOLI:

13 Q. What I meant is the last line in the document in the codes,
14 calling codes listed in this document. There's a -- in the first
15 column, the last line says Lluga K33.

16 A. Yes, that's correct.

17 Q. I also see a Skenda in the middle. Would that be you?

18 A. Yes, whenever it reads Lluga, Skenda, that would be me.

19 Q. Okay. And I take it you consulted also these documents at the
20 archives of the TMK Zone 5 as the description indicates; correct?

21 A. Correct.

22 MS. D'ASCOLI: Your Honours, the SPO tenders also this page,
23 page 247 of the book, SPOE00055921, to be added to P187 also as a
24 public document, please. And we tender also the corresponding colour
25 copy, ERN 121975, as public, to be added to P187.1, please.

Witness: Skender Zhitia (Open Session)

Page 18908

Examination by Ms. D'Ascoli

1 PRESIDING JUDGE SMITH: Any objection?

2 MS. MENEGON: No, Your Honour.

3 MR. TULLY: [Microphone not activated].

4 MS. ROWAN: [Microphone not activated].

5 PRESIDING JUDGE SMITH: SPOE0055921, including the better copy,
6 which is ERN 121975, is admitted and added to P187.

7 MS. D'ASCOLI: I will now move to a different document. Can I
8 please call up SITF000242163 to 00242296. And for now I would only
9 need the Albanian version, please, first page.

10 Q. Witness, you can see on the screen the cover page of a diary.

11 MS. D'ASCOLI: If we move to the next page, please.

12 Q. You can see this shows the calendar for year 1999.

13 MS. D'ASCOLI: Now to page 5, please, on which I have questions,
14 SITF00242167. Page 5 of the PDF.

15 Q. Witness, did you ever see this diary before? And I mean other
16 than during the preparation session when this document was shown to
17 you.

18 A. No, I hadn't seen it before.

19 Q. Can you please look at the numbers on right-hand side of the
20 screen, the numbers listed for Remi, Daja, Leka, Lata.

21 MS. D'ASCOLI: We should have the document scrolled up a bit so
22 that --

23 Q. Yeah, it's the column indicated with Dardania. Do you see the
24 numbers I was referring to?

25 A. Yes, I do.

Witness: Skender Zhitia (Open Session)

Page 18909

Examination by Ms. D'Ascoli

1 Q. Do these numbers correspond to the communication codes assigned
2 to the Llap zone command that we also discussed earlier in relation
3 to the KLA document dated 10 November 1998?

4 A. Yes, they do correspond.

5 Q. What about the numbers under the code Keshtjella, just under the
6 column Dardania? Are you familiar those numbers?

7 A. I don't know them as numbers because we did not use them to
8 communicate during the war. I can't remember them. But the names
9 Profa and Azizi, yes. The others, I don't know them. Perhaps I do
10 know them, but based on the pseudonyms I don't.

11 Q. So Profa 20, are you familiar with this code?

12 A. Yes, I am.

13 Q. Okay. And who was Profa?

14 A. Profa was the commander of Brigade 152, Shaban Shala.

15 Q. You said you're also familiar with Azizi, number 30.

16 MS. D'ASCOLI: Can we scroll down a little bit? Yes, thank you.

17 THE WITNESS: [Interpretation] Yes. Azizi, yes, I know him.

18 MS. D'ASCOLI:

19 Q. Who was Azizi?

20 A. I knew him after the war. We worked together with the Kosovo
21 security force for a while. I don't have any further information
22 about him.

23 Q. Do you know what role he had during the war in the KLA, if any?

24 A. I did not know about him during the war. However, during the
25 preparation of my book I understood what his duties were.

Witness: Skender Zhitia (Open Session)

Page 18910

Examination by Ms. D'Ascoli

1 Q. And can you tell us what you understood about those duties?

2 What role did he have, if you learned that?

3 A. During my research, I understood that he had been appointed
4 somewhere. I don't know exactly where. But it is in my book when he
5 was appointed deputy commander of Brigade 121 -- 152.

6 Q. Okay. What about -- there's also Lluga 33 in the same column,
7 three names down from Azizi. Would that be your unit?

8 A. Yes, I think so. Lluga 33, yes. About Orllan, I understood
9 after the war that it was a different unit. Batllave, yes, we
10 cooperated with that unit during the war.

11 Q. You mean Batllave 27, which is the last name on the list;
12 correct?

13 A. Yes, correct.

14 MS. D'ASCOLI: Okay. If we scroll up, and I want to look at the
15 first page, meaning the page on the left-hand side, under Ulpiana.

16 Q. So that's 20 Luta. Are you familiar with that name and code as
17 well?

18 A. Yes, I had the honour to have him as my commander,
19 Commander Luta. And I had a very good communication and very
20 professional with him.

21 Q. And so that was Idriz Shabani; correct?

22 A. Correct, that's Idriz Shabani.

23 Q. Brigade 151 commander.

24 A. No, he was the commander of Brigade 151.

25 Q. Yes, that's what I said. Okay.

Witness: Skender Zhitia (Open Session)

Page 18911

Examination by Ms. D'Ascoli

1 MS. D'ASCOLI: Can we now move to page 25 of the PDF, this time
2 in both languages. So if the ET can also be brought up. It's the
3 same ERN with just ET at the end. And the ERN of page 25 of the PDF
4 is SITF00242187.

5 Q. Witness, while the -- the document is now on the screen. You
6 can see that.

7 MS. D'ASCOLI: Maybe we can zoom in on the entry in the original
8 diary.

9 Q. Witness, do you recognise this handwriting?

10 A. No, I don't.

11 Q. On this page, we have an entry dated Wednesday, 31 March 1999.
12 Are you able to scroll through the entry yourself, as I have a couple
13 of questions?

14 A. Yes, I can see it.

15 Q. So here there are references to the population leaving the
16 villages of Surkish, Ballofc, Lladofc, and Sfecel on that period
17 31 March 1999. First of all, can you tell us what the word "*shki*"
18 means? It's in the first part of the entry.

19 A. Just a second because I'm not able to read it. It's an
20 expression, pejorative one, used to refer to Serbian forces at the
21 time, and it is still used. Whoever wrote on that page used this
22 word.

23 Q. Okay. Did your unit -- we see references to these villages that
24 I mentioned. Did your unit, K33, go to those areas in that period,
25 end of March 1999?

Witness: Skender Zhitia (Open Session)

Page 18912

Examination by Ms. D'Ascoli

1 A. No. We said that it went to the village of Surkish earlier, on
2 25 March, upon the order of the commander where Castle 32 was
3 operating there. And under his orders, we were involved in the
4 evacuation of the civilians from this village and the surrounding
5 villages.

6 Q. Yes. So you were in the area, and you said you helped the
7 population flee those villages, correct, in that period?

8 A. Correct. And anything else asked for by the commander of Castle
9 32.

10 MS. D'ASCOLI: Now, the next entry, we have it on the same page
11 in the English, but for the Albanian I would ask the Court Officer to
12 move slightly to the right. Thank you.

13 Q. The next entry describes -- 1 April 1999, describes efforts to
14 return the population to their homes.

15 Did K33 also participate in those efforts to return the
16 population, the local population to their houses where possible?

17 A. No, we did not operate in this village. At this time, on
18 1 April, we returned to the village, as ordered by the commander, in
19 order to monitor the situation. So on 1 April we returned to the
20 village of Lluga. We were not in the village of Lladofc at this
21 time. We were never there.

22 Q. Yes, I didn't mean that K33 was in the village of Lladofc. I
23 meant, within that area, did K33 help the local population to return
24 to their villages? You can clarify what villages, of course, if you
25 remember. We discussed these events also already earlier in the

Witness: Skender Zhitia (Open Session)

Page 18913

Examination by Ms. D'Ascoli

1 pages of your book.

2 A. Yes, until the 31st, late hours, we were in the region. After
3 which date, we returned to Lluga. And, of course, during our stay
4 there, we helped these civilians, together with other units, to find
5 them shelter, safe spaces.

6 Q. Indeed, in the next page, 26, we have references to the village
7 of Lluga with regard to K33.

8 MS. D'ASCOLI: Can we please move to the next page, and this is
9 SITF00242188 in both languages. If we can zoom in on the Albanian so
10 that the witness can have a look.

11 Q. So in sum, Witness, the events discussed in these pages, I
12 wanted to ask you whether they refer to what we discussed earlier
13 when we were speaking about the position and the activities of your
14 unit, K33, in Lluga and surrounding villages after the NATO bombing
15 and in these days of April 1999.

16 A. If I understood your question correctly, I repeat: From
17 25 March, with the beginning of the NATO bombing, K33 unit took part
18 in several operations to rescue or cover for the civilians who were
19 fleeing as a result of the offensive undertaken by the Serb military
20 and police. In Surkish, we stayed until 31 March. And then in the
21 early hours of 1 April, we returned to Lluga, where we stayed until
22 2 April 1999, when we came under Serbian military and police attack.
23 And on 2 April, in the evening, we withdrew and moved to Halabak at
24 K26 unit on the morning of 3 April.

25 Q. That's clear. There's a reference to K26 in Halabak at page 36

Witness: Skender Zhitia (Open Session)

Page 18914

Examination by Ms. D'Ascoli

1 of this diary that I wanted to show you.

2 MS. D'ASCOLI: If we can move to ERN page SITF00242198. It is
3 an entry dated Saturday, 17 April 1999.

4 Q. And the part that I wanted to ask you about, this entry, is, in
5 fact, what you just told us about. That is, the K26 having a base in
6 Halabak. For you, this reference is on the left-hand side of the
7 page on the screen.

8 MS. D'ASCOLI: If we can please scroll down. Thank you.

9 Q. There's a red line, Witness. Do you see that? And just above
10 that there's a reference, and the lines I want to read are the
11 following:

12 "I consulted with Aziz. He said that I should take soldiers and
13 go to Sharban and to K26."

14 And then later it says that "some villagers told us that K26
15 already had a base in Halabak."

16 So we discussed this earlier when reading the relevant pages of
17 your book.

18 A. To be honest, I don't understand the question. Do you want
19 to assert that there was a base for K26 there or what?

20 Q. No. My question was whether the events discussed in these pages
21 are those that you also recount in your book with regard to the
22 events of that period.

23 A. Yes, partially. Yes.

24 Q. Okay.

25 MS. D'ASCOLI: Then the last page, page 37 of the PDF in both

Witness: Skender Zhitia (Open Session)

Page 18915

Examination by Ms. D'Ascoli

1 languages. ERN SITF00242199.

2 Q. This is an entry dated 18 April 1999, and there's a paragraph
3 that mentions K33. So I will read some part. You can follow from
4 the Albanian text or also just listen to the translation. So:

5 "The population began to leave from Ternave and went in the
6 direction of Koliq and from there to Dyz. It wasn't a good
7 situation, so K27 had gone out."

8 Then a bit further down:

9 "Aziz, K26, and I went to the top of a big hill in Halabak and
10 followed the situation from there. The population was leaving
11 quickly and the enemy undertook furious assaults."

12 Later on, then the --

13 MS. D'ASCOLI: I think in the Albanian, the page needs to be
14 moved. Yes, thank you.

15 Q. "Aziz took some of the soldiers of K36 and positioned them in a
16 wood above Halabak."

17 So do you recall those events of 18 April 1999, and are those
18 similar to those described in the --

19 A. Yes, I do recall them.

20 Q. And is that consistent for what, according to your recollection,
21 with what is in [Overlapping speakers] ...

22 A. [No interpretation].

23 PRESIDING JUDGE SMITH: Wait --

24 THE WITNESS: [No interpretation].

25 PRESIDING JUDGE SMITH: Witness, you have to wait until the

Witness: Skender Zhitia (Open Session)

Page 18916

Examination by Ms. D'Ascoli

1 question is asked before you -- Witness, you have to wait until the
2 question is asked before you answer it.

3 [Microphone not activated].

4 MS. D'ASCOLI: Yes.

5 Q. So you said you recalled the events of that day, 18 April 1999,
6 and as having participated. Does the description in these entries
7 for those days reflect what you remember, what happened, according to
8 your recollection?

9 A. I repeat, in part, yes. But I'm not able to know how Aziz
10 positioned or deployed the units, all of them. But, yes.

11 Q. Of course. You mentioned Aziz before. Do you remember his full
12 name, that you said you learned it after the war?

13 A. I can't recall it right now. I think it's Hyseni. Yes, his
14 family name is Hyseni. Aziz Hyseni.

15 Q. Okay.

16 MS. D'ASCOLI: Your Honours, I note that this item is part of
17 the documents tendered by the SPO in filing F2178, the bar table
18 motion on the Llap zone documents. Having used it with the witness,
19 I would ask that it be marked for identification.

20 PRESIDING JUDGE SMITH: Please mark it for identification.

21 THE COURT OFFICER: Your Honours, just for clarification, should
22 I mark the entire range SITF00242163 to 00242296 or only the pages
23 used today?

24 MS. D'ASCOLI: The whole item is tendered in the bar table, so
25 it would be easier the whole item with the specification of the pages

Witness: Skender Zhitia (Open Session)

Page 18917

Examination by Ms. D'Ascoli

1 used.

2 MS. MENEGON: Your Honour, I would prefer that only the pages
3 tendered to the witness be marked for identification. And also, we
4 observe that there is a lack of foundation for its admission through
5 this witness since he said he never saw it and did not recognise the
6 handwriting. Thanks.

7 MS. D'ASCOLI: Yes, Your Honour. I did not tender the exhibit
8 at this stage.

9 PRESIDING JUDGE SMITH: Yes, it's not tendered. It's just
10 marked for identification. We'll mark the entire group for
11 identification as listed by the Court Officer.

12 THE COURT OFFICER: Your Honours, in that case, SITF00242163 to
13 00242296 will be assigned P01553, marked for identification.

14 MS. ROWAN: Your Honour, in relation to admissibility for this
15 exhibit, does the Panel wish to hear submissions at this stage?

16 PRESIDING JUDGE SMITH: It hasn't been offered. It hasn't been
17 offered, so no.

18 MS. ROWAN: Would Your Honour wish for those to be reduced to
19 writing in a bar table response?

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MS. ROWAN: Would Your Honour wish for those submissions to be
22 reduced to writing in the response to the bar table motion?

23 PRESIDING JUDGE SMITH: If you wish to respond to the bar table
24 motion, yes, it would be in writing.

25 Go ahead, Madam Prosecutor.

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

2 Can we call up again the witness's book, SPOE00055678 to
3 00056018 in both languages, and can we please have page 39. This is
4 SPOE00055713. If both pages can be scrolled down so to have the text
5 visible. Thank you.

6 Q. Witness, please look at this section. And just to refamiliarise
7 yourself with it, it's the part that discusses the sector of civil
8 defence. And you stated in your SPO interview, P1545.1, page 12 for
9 reference, that at the beginning of your KLA service, that is
10 starting from May 1998, you reported to Muhamet Latifi, the commander
11 of the civil defence, and you helped with mobilising and organising
12 people who wanted to join the KLA; is that right?

13 A. Yes, that's correct. Starting from 20 May 1998 when I joined
14 the KLA, I gave my contribution and cooperated with Muhamet Latifi
15 with the purpose of organising the KLA in the operative zone of Llap.

16 Q. In the first paragraph of page 39, you indicate that Muhamet
17 Latifi for the civil defence, Salih Mustafa for the BIA unit, and
18 Skender Murati for the health sector were part of the Llap zone staff
19 structure; correct?

20 A. Yes, that's correct.

21 Q. Did you interview those three commanders for the purposes of
22 your book?

23 A. Yes, I did. I conversed with them.

24 Q. Yes, indeed, their names appear amongst those interviewed at
25 pages -- in the list at pages 312, 313. Did you use the interviews

Witness: Skender Zhitia (Open Session)

Page 18919

Examination by Ms. D'Ascoli

1 with Muhamet Latifi and Salih Mustafa specifically to write in your
2 book about, respectively, the civil defence and the BIA unit?

3 A. Yes, I used them. But if I am allowed, I asked the floor
4 earlier because I would like to clarify something in relation to
5 these interviews.

6 Q. Yes, please.

7 A. With respect to the interviews, I've mentioned this in the
8 preface of my book, this was a huge challenge during the preparation
9 of my book. The interviews were relied upon when I did not have any
10 primary source. I did not use a standard form or questionnaire when
11 I conducted these interviews. These interviews were not signed by
12 myself or my interlocutor or the person who was interviewed. They
13 were not dated. I have indicated this in the forward of my book in
14 2006, 2007.

15 Q. Yes, indeed. And sorry to interrupt, Witness. I have limited
16 time. Indeed, all of the details about the interview, including the
17 manners in which they were taken, the format, et cetera, they are
18 summarised and discussed in the SPO interview that has been tendered,
19 so that's part of the evidence, as well in as the preparation note,
20 meaning the clarifications that you gave during the preparation
21 session. So what you are saying is already part of the evidence, but
22 thank you for reiterating that.

23 So I'll go on with my questions. So you said you used these
24 interviews. You gave those clarifications. Now, with regard to the
25 civil defence, did you also base the information about the civil

Witness: Skender Zhitia (Open Session)

Page 18920

Examination by Ms. D'Ascoli

1 defence appearing in your book also on your experience as a KLA
2 soldier working in that sector, for the time you worked in that
3 sector?

4 A. Yes, certainly. During the preparation for my book, I used my
5 wartime experience. I always use sources, references that were
6 accessible to me at the time.

7 Q. Thank you.

8 MS. D'ASCOLI: If we move to the next page, page 40,
9 SPOE00055714.

10 Q. And if you can please look at footnote 23. So this is an
11 example of the way, for example, you cite or you use the interview
12 with Mr. Salih Mustafa. This page discusses the BIA unit. And in
13 the first paragraph of this page you say that the code-name of the
14 BIA unit in the communications system was Skifteri, which means hawk.
15 And then you indicate as the source of that information, in footnote
16 23, the interview that you had with Mr. Salih Mustafa in 2007. You
17 confirm that?

18 A. Yes, I do.

19 Q. Remaining on this page, I have a question on the photo. So you
20 see --

21 MS. D'ASCOLI: If we go up within the page, please. Thank you.
22 Also in the Albanian. Thanks.

23 Q. So you see the caption just below the photo. So I understand,
24 and correct me if I'm wrong, are the names in capital letters, that
25 is, Salih -- well, in capital in the English, but I see in the

Witness: Skender Zhitia (Open Session)

Page 18921

Examination by Ms. D'Ascoli

1 Albanian it is the same character. So it's Cali, Bafta, Cufa,
2 Dardani. These are the nicknames of the people indicated in the
3 photo; correct? That's what you ...

4 A. Yes.

5 Q. And so Salih Mustafa's nickname was Cali, Bahri Gashi's nickname
6 was Bafta, et cetera?

7 A. This is what I learned after the war. So during my work, my
8 research, I understood their nicknames used during the war. During
9 the war, I did not have the opportunity to meet or to know them.
10 This was after the war.

11 Q. Yes, I understand you did not work with or within the BIA unit.
12 Yes, that's clear. Thank you.

13 Now, these pages also -- I mean, I take it, of course, they
14 appear in colour in the 2nd edition of the book, including the photo.

15 MS. D'ASCOLI: I won't call up the documents for reference, but
16 the ERN of those colour copies, 121952 to 121953.

17 And, Your Honours, I would tender at this stage these remaining
18 pages, which are part of the introduction of the book. That is pages
19 39 to 43, SPOE00055713 to 717, to be added to P187 as public, as well
20 as the colour copies of pages 39 and 40, which are marked with ERN
21 121952 to 121953, to be added to P187.1, again as public.

22 PRESIDING JUDGE SMITH: Objection?

23 MS. MENEGON: No, Your Honour.

24 MR. TULLY: No, Your Honour.

25 PRESIDING JUDGE SMITH: With no objection, the tender is

Witness: Skender Zhitia (Open Session)

Page 18922

Examination by Ms. D'Ascoli

1 admitted. Also, the substitute 121952 to 121953, which had the
2 colour items.

3 MS. D'ASCOLI: Can we now move to page 1 -- sorry, Your Honours.

4 THE COURT OFFICER: No, Your Honour. They will be added
5 accordingly.

6 PRESIDING JUDGE SMITH: Now you can go.

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

8 Can we now move to page 178, SPOE00055852 of the book. And if
9 the Court Officer can please keep the Albanian and have on the screen
10 next to it page -- the document with the reference 121962, please.
11 Instead of the English, please.

12 Q. Witness, we can see in the -- in both editions of the book
13 the -- this is a KLA General Staff decision dated 19 November 1998
14 announcing that the KLA operational subzones were declared
15 operational zones. It is numbered 442-2, dated, stamped, and signed.
16 Did you use this document in your book besides reproducing it on this
17 page?

18 A. Yes, I did.

19 Q. And, for example, I will call up one of such references in your
20 book which is at page 66 of the book.

21 MS. D'ASCOLI: So we can remove ERN 121962 and have page 66 in
22 both languages, SPOE00055740, please. And while that is done, I note
23 for the record that another version of the 19 November 1998 decision
24 is in evidence as P01016.

25 If we can scroll down so to have the footnotes visible, please.

Witness: Skender Zhitia (Open Session)

Page 18923

Examination by Ms. D'Ascoli

1 Q. So, Witness, for example, if you look at footnote number 80 on
2 this page, we see a reference to this 442-2 document dated
3 19 November 1998. Do you confirm that the reference in these pages
4 to the document is in the context of discussing the organisation of
5 the KLA operational subzones into zones which is discussed in these
6 sections, pages 63 to 66?

7 A. Yes, that's correct. If I'm allowed, I would like to add
8 something.

9 Q. If it pertains to this, yes. Otherwise, as I said, I have
10 limited time, and my purpose was to confirm with you this document.
11 Is your clarification related to this document?

12 A. In relation to documents I have used and which I obtained from
13 the archives of Zone 5.

14 Q. Of course, please.

15 A. All the documents that I made use of were obtained from the
16 archives of Zone 5 of the Kosovo Protection Corps. These were
17 disorganised documents. I have stressed this before. This means
18 that with respect to their authenticity, their description, the
19 authorship, I don't bear responsibility in the sense of their
20 research, because these documents were in the hands of many persons
21 and figures and may possibly be misused.

22 Q. Witness, I just -- I didn't ask you to make comments related to
23 authenticity or -- yes, to the authenticity, as you said. So, you
24 know, thank you for the clarification, but if you can please keep in
25 mind the scope of the questions that I'm asking, then we can proceed

Witness: Skender Zhitia (Open Session)

Page 18924

Examination by Ms. D'Ascoli

1 expeditiously. Thank you.

2 MS. D'ASCOLI: Your Honours, the SPO tenders this section, that
3 is pages 63 to 66, SPOE00055737 to 55740, as well as page 178,
4 SPOE00055852, to be added to P187, as well as the colour copy of
5 page 178, ERN 121962, to be added to P187.1. And the classification,
6 again, public for all of these sections.

7 PRESIDING JUDGE SMITH: Any objection?

8 MS. MENEGON: No, Your Honour.

9 MR. TULLY: No, Your Honour.

10 PRESIDING JUDGE SMITH: No objection being heard, the tender
11 will be accepted.

12 THE COURT OFFICER: The page will be added, Your Honours.

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

14 I have a separate document, so I see the time and I will stop at
15 this point for the morning break. Thank you.

16 PRESIDING JUDGE SMITH: All right. Witness, we will give you a
17 half-hour break at this time. You may leave the courtroom with the
18 Court Usher.

19 [The witness stands down]

20 PRESIDING JUDGE SMITH: [Microphone not activated].

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

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

23 PRESIDING JUDGE SMITH: Please bring the witness in.

24 MS. D'ASCOLI: Your Honours, for the sake of the organisation, I
25 think I have about 15 minutes, 15, 20 minutes left. Thank you.

Witness: Skender Zhitia (Open Session)

Page 18925

Examination by Ms. D'Ascoli

1 PRESIDING JUDGE SMITH: Thank you.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Witness, the Prosecution has some
4 additional questions for you.

5 [Microphone not activated].

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

7 Can we go back to the witness book, please, and have on the
8 screen in both languages pages 145, 146, SPOE00055819 to 820. These
9 pages are part of P187.

10 Q. Witness, in the pages that are appearing on the screen, just to
11 orient yourself, I will indicate that it's the pages that relate to
12 the KLA General Staff visit of 18-20 August 1998.

13 So I would like to direct you to page 145, specifically the
14 paragraph immediately after the photo in both languages. Thank you.

15 So here in this part you describe how from 18 to 20 August 1998
16 the Llap zone command was visited by representatives of the KLA
17 general headquarters, and you list specifically the delegation. You
18 say:

19 "The delegation consisted of: Hashim Thaci, Rexhep Selimi,
20 Jakup Krasniqi and Bislim Zyrapi."

21 This is the first paragraph below the photo.

22 I note footnote 288 for this section. So I understand you base
23 the information about this visit on what the KLA Llap commanders
24 indicated, in footnotes 288, that is, Mr. Rrustem Mustafa,
25 Kadri Kastrati, Nuredin Ibishi, and Idriz Shabani, told you in the

Witness: Skender Zhitia (Open Session)

Page 18926

Examination by Ms. D'Ascoli

1 interviews or conversation with you for the purposes of the book;

2 right? You confirm that?

3 A. Yes. Yes, that's right.

4 Q. And then in your SPO interview as well, you provide more details
5 about those interviews and the selection of the specific persons
6 interviewed.

7 MS. D'ASCOLI: And for reference, this is now in P1545.2, pages
8 17 and 18.

9 Q. Now, with the -- again, I'm still on page 145. The last
10 paragraph of this page says:

11 "This visit was of an official nature and the delegation was
12 hosted by Commander Remi in the late hours of the night between 17
13 and 18 August ..."

14 MS. D'ASCOLI: If we can now move to the next page, page 146,
15 please.

16 Q. So hosted by Commander Remi, the first line continues:

17 "... accompanied by Latif Gashi, Kadri Kastrati, Fatmir Humolli,
18 Hyzri Talla, Nuredin Ibishi and Sabri Kicmari."

19 Now, can you please look at the content of page 146. I just
20 want you to refresh your recollection about what you wrote on this
21 visit.

22 So you wrote that the commanding structures of the Llap zone
23 became official during that visit, that commanders were officially
24 appointed. I'm picking some topics from the bullet point list on
25 this page. You listed a number of topics discussed during the visit

Witness: Skender Zhitia (Open Session)

Page 18927

Examination by Ms. D'Ascoli

1 such as the organisation and expansion of the KLA, the armament,
2 weapons supplies, et cetera.

3 On this same page, then it continues:

4 "... an inspection" -- towards the end:

5 "... an inspection was organised of the positioning of the units
6 in Kacanoll, Potok," et cetera.

7 "Also, the delegation inspected Tactical Exercises."

8 You recall this section of the book?

9 A. Yes, I do.

10 Q. Were you present during that visit?

11 A. No, I was not present during the visit. But based on the
12 references that I have made use of, this visit did occur. And it is
13 important for me to underline that the officialisation, as I called
14 it, happened in the Llap operational zone. On 18 August, these
15 structures had already been appointed by Commander Rrustem Mustafa.
16 However, the visit only made this fully official. Commander Remi
17 notified the members of the General Staff about the decisions that he
18 himself had taken beforehand.

19 So this is a visit that I have termed the officialisation visit
20 because all the decisions that had been taken by Commander Remi were
21 made fully official by the visit of this -- by this visit of the
22 members of the General Staff. And I have based this on the
23 references that I've made but also other references and other
24 literature that I have also drawn upon to come to this description.

25 Q. Yes. So I understand, like, the reference in these pages are

Witness: Skender Zhitia (Open Session)

Page 18928

Examination by Ms. D'Ascoli

1 the interviews. So you based your account on the interviews with the
2 Llap commanders - Remi, Kastrati, Ibishi - as per footnote 288 and
3 what you just told us; correct? You were not present. The source of
4 your evidence is the interviews you had with the Llap zone
5 commanders, I understand?

6 A. Yes, it's correct. I was not in these meetings, and my notes
7 were based on the interviews that I had with the members of the
8 leading staff of the Llap operational zone.

9 Q. Okay. Now I would like to show you the account that we have of
10 this visit in the book "The Great Turning Point, the Kosovo
11 Liberation Army," by Mr. Jakup Krasniqi.

12 MS. D'ASCOLI: And I would call up ERN U015-8743 to U015-9047,
13 and its English translation, which is the same ERN with ET Revised 1
14 at the end. This is the book. We also discussed this book during
15 the preparation session.

16 Can I have page 116, which is marked with ERN U015-8859 in both
17 languages, please. I need the end of the page, also in the Albanian,
18 please.

19 Q. Witness, you can see on the screen at the end of this page, 116,
20 there is a section about the Shala and Llapi operational subzone.
21 This paragraph starts by referring to early August 1998 when the KLA
22 General Staff appointed a delegation to go on a visit to Shala and
23 Llapi. You see that; right?

24 A. Yes, I do.

25 Q. And then it starts with the description of -- when mentioning

Witness: Skender Zhitia (Open Session)

Page 18929

Examination by Ms. D'Ascoli

1 the members of the delegation:

2 "This delegation ... was composed of Hashim Thaci,
3 Jakup Krasniqi, Rexhep Selimi and Bislime Zyrapi."

4 So this is the same delegation -- is this the same delegation
5 that we saw named at page 145 of your book?

6 A. Yes.

7 Q. Now I'll continue reading from the end of the page, but at some
8 point we have to move on to the next page, 117. So:

9 "The purpose ..."

10 I'm reading from the last line:

11 "The purpose of our visit there was to familiarise ourselves
12 with the preparations being made ..."

13 And now we move to page 117:

14 "... by the Kosovo Liberation Army, to appoint commanding
15 officers and to brief them on developments in other parts of the
16 territory."

17 Now, is this consistent with the information that you received
18 by the KLA commanders and that you reported in your book?

19 A. Yes, it is the same. But as I have mentioned previously, I have
20 read this book and it was one of the main points of reference,
21 generally speaking. But, yes, the accounts are consistent.

22 Q. So just to clarify, because I have a different recollection, you
23 said you -- in your book, you did not quote the book from
24 Mr. Krasniqi as a source of your account of the visit of 18-20 August
25 1998. We did not see any reference to it.

Witness: Skender Zhitia (Open Session)

Page 18930

Examination by Ms. D'Ascoli

1 A. No, not on this occasion. I did refer on that occasion to the
2 interviews that I had with the commanders.

3 Q. And so just to clarify, the source of the account you gave in
4 your book about the visit of the KLA General Staff of 18-20 August
5 1998 was based, when you described it in your book, on the interviews
6 with the Llap zone commanders, not on the book of Mr. Krasniqi. Is
7 my understanding correct?

8 A. On this occasion, I referred to the interviews, yes.

9 Q. By saying "on this occasion," do you mean that for that section
10 of your book you relied upon only the interviews and not also the
11 book of Mr. Krasniqi? I just want to be clear about the scope of --
12 of the extent of your answer.

13 A. Yes, I did not rely on Jakup Krasniqi's book on this occasion.
14 In other parts, however, I did refer to it because it was one of my
15 primary sources.

16 Q. Yes, indeed, we see the book -- I think the book is cited as one
17 of the literature and is referred to for other sections. But the
18 scope of my question was limited to what were the sources of your --
19 the account in your book about this visit. So, okay, that's clear.
20 I'll move on.

21 We were at page 117, and I think you said that, yes, that was
22 consistent with the information you received from the KLA commanders.

23 MS. D'ASCOLI: Now let's move to page 118. That is ERN
24 U015-8861. Again, in both languages. And I am reading from the
25 lower part, lower half of the page.

Witness: Skender Zhitia (Open Session)

Page 18931

Examination by Ms. D'Ascoli

1 Q. You can either listen just to the translation or find the
2 reference towards the middle of the page in the Albanian:

3 "That same night, at around 24:00 hours, we went to the Llapi
4 Operational Zone Staff headquarters, where we were received by the
5 Commander of Llapi Operational Zone, Rrustem Mustafa - Remi, and his
6 political and military collaborators. Present were: Latif Gashi -
7 'Lata', Hyzri Talla, Commander 'Daja' ... - Kadri Kastrati, and
8 'Leka' ... Fatmir Humolli, and ... Sabri Kicmari."

9 Is this consistent with the information that you also reported
10 in your book based on the interviews -- on the information that you
11 received in the interviews with the Llap zone commanders?

12 A. Yes, it is consistent.

13 MS. D'ASCOLI: Next page, 119, ERN U015-8862.

14 Q. I'm reading some excerpt from this page:

15 "On the next day, we visited the trenches in the Llapi
16 Operational Subzone and inspected the tactical exercises."

17 "In the course of [the visit], we also appointed the zone
18 commanders, their deputies, as well as the brigade commanders, two in
19 Llapi and two in Shala."

20 Again, is this consistent with the information you received from
21 the KLA commander of the Llap zone during those interviews and that
22 you discussed in your book at pages 145, 146?

23 A. Yes, it is consistent.

24 MS. D'ASCOLI: Your Honours, I tender this specific section of
25 the book on Shala and Llapi. That is the four pages mentioned. The

Witness: Skender Zhitia (Open Session)

Page 18932

Examination by Ms. D'Ascoli

1 range is marked with ERN U015-8859 to U015-8863 in both languages,
2 and I would ask that these pages be added to P189, with the
3 classification as public.

4 PRESIDING JUDGE SMITH: Any objection? None. All right.

5 U015-874 -- I'm sorry. Is it 8743 to 8 -- I've lost track of
6 the numbers.

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

8 PRESIDING JUDGE SMITH: You'll read them back again?

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

10 U015-8859 to U015-8863 to be added to P189, please.

11 PRESIDING JUDGE SMITH: That is admitted.

12 THE COURT OFFICER: Your Honours, can I just clarify. The last
13 page we have on the screen now is 8862, and counsel mentioned 8862
14 earlier and now mentions 8863. Just to confirm.

15 MS. D'ASCOLI: I meant up to page 120 which is the end of this
16 section and is indeed at page 8863. It's one remaining paragraph.

17 PRESIDING JUDGE SMITH: That is what was stated on the record.

18 THE COURT OFFICER: Those will be added to P189.

19 PRESIDING JUDGE SMITH: Thank you.

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

21 Q. Witness, did you know Mr. Naim Kadriu during the war?

22 A. No, I did not.

23 Q. And did you know his name when you were a KLA soldier between
24 1998 and 1999?

25 A. No, I had not heard of him.

Witness: Skender Zhitia (Open Session)

Page 18933

Examination by Ms. D'Ascoli

1 MS. D'ASCOLI: Can we now have -- these are just the remaining
2 two questions. Can we now have page 310 of the book, SPOE00055984.
3 Q. Witness, we see now the page already in the Albanian. So from
4 this page, 310 to 313, you provide a list of all of the interviews
5 with the KLA commanders and fighters of the Llap zone on which you
6 based -- you also based the facts recounted in your book.

7 You have already explained the use of these interviews and also
8 the -- what the multiple dates listed means. This was in Part 2, so
9 P1545.2, page 14, for reference, so I will not go into that.

10 MS. D'ASCOLI: I just wanted to refer to the fact that some of
11 the interviews we discussed in today's examination are listed in
12 these pages, and since only page 310 is part of P187, I would also
13 tender for completeness pages 311 to 313, that is SPOE00055985 to
14 00055987. Again, to be added as public to P187, please.

15 PRESIDING JUDGE SMITH: Any objection?

16 MS. MENEGON: No, Your Honour.

17 PRESIDING JUDGE SMITH: No objection is heard. 0055985 to
18 00055987 is admitted and to be added to P0187.

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

20 Two last sections to tender is the colour copy of page 180, that
21 is, SPOE00055845, which is part of the admitted pages, so part of
22 P187. And the colour copy is marked with ERN 121963, and I would ask
23 that this page be added to P187.1 as public.

24 PRESIDING JUDGE SMITH: Any objection?

25 MS. MENEGON: None.

Witness: Skender Zhitia (Open Session)
 Examination by Ms. D'Ascoli

Page 18934

1 PRESIDING JUDGE SMITH: None heard. SPOE0055845 and the colour
 2 document, which is 121963, are admitted and added to P0187.

3 MS. D'ASCOLI: And I would --

4 PRESIDING JUDGE SMITH: Just a second, Ms. D'Ascoli.

5 THE COURT OFFICER: Your Honours, those pages will also be
 6 added.

7 PRESIDING JUDGE SMITH: Thank you.

8 Go ahead.

9 MS. D'ASCOLI: Thank you, Your Honours. And I would also add to
 10 P187 the pages that provide the table of contents of the book, so for
 11 ease of navigation through the sections tendered today. This page --
 12 the table of contents and list of abbreviations can be found at pages
 13 7 to 12 of the book, that is, SPOE00055681 to 00055686. If those can
 14 also be added to P187 as public, please.

15 PRESIDING JUDGE SMITH: Any objection?

16 MS. MENEGON: None.

17 PRESIDING JUDGE SMITH: No objection is made. 00055681 to
 18 00055686 are admitted and added to P0187.

19 THE COURT OFFICER: They will be added.

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

21 Q. Witness, those were my questions. Thank you.

22 MS. D'ASCOLI: Your Honours, that concludes my examination.
 23 Thank you.

24 PRESIDING JUDGE SMITH: Ms. Menegon, questions?

25 Cross-examination by Ms. Menegon:

Witness: Skender Zhitia (Open Session)

Page 18935

Cross-examination by Ms. Menegon

1 Q. Good morning, Mr. Witness. I'm going to ask you some questions
2 on behalf of Mr. Hashim Thaci.

3 So, Witness, you were a teacher of history from 1992 until 1998;
4 correct?

5 A. Yes, correct.

6 Q. And in May 1998, you joined the KLA in the Llap zone; correct?

7 A. Yes.

8 Q. You did not have any military education other than the
9 obligatory military service prior to joining the KLA; right?

10 A. Correct.

11 Q. Thank you. When you first joined the KLA, you were in charge of
12 mobilising and organising civilians joining the KLA; right?

13 A. You can say so.

14 Q. But you were not based in the KLA bases or headquarters. You
15 operated from home at least until the fall of 1998; is that right?

16 A. I was not a member of the KLA General Staff. And we acted in
17 accordance with the circumstances.

18 Q. So you were based mainly in your home in Lluga; right?

19 A. At Lluga, yes. For a time.

20 Q. And so you did not meet the zone commander at least in the first
21 six months of service, not before November 1998; is that right?

22 A. Roughly speaking, yes.

23 Q. And later in October 1998, you assisted in the creation and then
24 commanded a unit called K33 in Lluga; right?

25 A. Yes, that's right.

Witness: Skender Zhitia (Open Session)

Page 18936

Cross-examination by Ms. Menegon

1 Q. And you remained there in Lluga until April 1999 despite the
2 Llap headquarters moving to Llapashtice; right?

3 A. We stayed at Lluga until 25 March. From 25 March until
4 31 March, we stayed at the village of Surkish. We returned for a
5 period of two days, the 1st and the 2nd April, after which we
6 proceeded to the village of Halabak on 3 April 1999.

7 Q. Thank you. And, indeed, in April 1999, your unit joined another
8 unit, so K33 and K26 merged, is that right, in Halabak?

9 A. They did not merge, but we began cooperating with K26. That's
10 what it was, yes.

11 Q. Thank you. And you became the deputy commander of this joint
12 unit?

13 A. Yes, we agreed. So K33 did not cease to exist. It continued to
14 operate under the same name. However, we agreed that I should be
15 deputy commander to Commander Avni Kadriu.

16 Q. Thank you. And this cooperation was based on the approval of
17 all fighters from these two units during a meeting of 21 April; is
18 that right?

19 A. Not on 31 April, no. But, yes.

20 Q. Sorry, I meant 21 April. That's the date you mention at
21 page 261 of your book.

22 A. Yes. If you are reading the footnotes of my book, there was an
23 omission, a technical error as it were. This meeting occurred on
24 14 April, a meeting during which this decision was arrived at.

25 Q. Okay. And so what we have here is:

Witness: Skender Zhitia (Open Session)

Page 18937

Cross-examination by Ms. Menegon

1 "The unit members, who themselves decided the organisation and
2 appointment of commanders," as you and Mr. Kadri Avdiu, as opposed to
3 another coming from above.

4 It was the decision from the soldiers of the two units; right?

5 A. Yes, that's right.

6 Q. Thank you. So while you were in the KLA, so between May 1998
7 and June 1999, you did not meet any members of the KLA General Staff;
8 right?

9 A. I did not have the honour to meet any of the members of the
10 General Staff during the war.

11 Q. Thank you. Now, I would like to talk about the methodology of
12 your book. You told the SPO that with your book you do not claim to
13 say the final words on what happened in the Llap zone; is that
14 correct?

15 MS. D'ASCOLI: Can we please also have some references,
16 Your Honours?

17 MS. MENEGON: Yes.

18 MS. D'ASCOLI: Thank you.

19 MS. MENEGON: It's P1545.1 at page 14, line 1-4.

20 Q. Should I repeat?

21 A. That's clear to me. I've said this in the forward, the preface,
22 and at the end of my research. Despite the will, the desire, the
23 readiness, I was aware that I was not able to give the final word or
24 the best opinion with respect to the organisation of the war effort
25 in the Llap operational zone.

1 I would like to see on the screen the pages of the book you're
2 referring to, if that's possible at all.

3 Q. I was referring to -- okay, for the next question, because I was
4 referring to your SPO interview about the fact that you said you
5 didn't say the final word. But I will show you the relevant pages.

6 So with regard to your book, while you consulted documents and
7 had conversations with KLA members, this book represents merely your
8 opinion and interpretation about the events in Llap; right?

9 A. I have indicated this in the three parts - the preface, the
10 forward, and the conclusion - that I have not commented on the events
11 that I have included in my book because I have left this space for
12 new researchers, academics to further inquire these matters related
13 to the organisation of the war effort in the Llap zone.

14 Q. Thank you. And the parts of your book which rely mainly on your
15 direct experience are those, for instance, which relate to the
16 activity of your unit, K33; is that right?

17 A. With some of them.

18 Q. So when you wrote the book, you knew that no one had written a
19 book on the Llap zone before?

20 A. That's correct.

21 Q. And so it was upon you to sort of write a narrative or history
22 of the zone?

23 A. I must add that there were some interviews published by some
24 people but not at the level I was claiming to do. I am proud of
25 having been given this opportunity and entrusted with the task of

Witness: Skender Zhitia (Open Session)

Page 18939

Cross-examination by Ms. Menegon

1 writing about the war effort in the Llap operational zone with
2 respect to the organisation of the war.

3 Q. Thank you. And would it be right to say that it made sense for
4 you that you would try to glorify the KLA war efforts in the Llap
5 zone?

6 A. Yes, my aim was to do my best, from the professional and human
7 aspect, to present the best I could the war of the Kosovo Liberation
8 Army in the Llap operational zone.

9 Q. Thank you. In your book, you said that you relied on a
10 scientific methodology to write it. It's at page 305. I'm going to
11 ask you a question about that. Do you want to see the excerpt or
12 it's not necessary?

13 A. I have certainly mentioned this in the forward or the preface.
14 I have stressed my aim in doing this.

15 Q. Thank you. Indeed. So I would like to clarify what you meant.
16 So you meant that you relied, among others, as you said, on your
17 review, interpretation of previously published interviews of former
18 KLA soldiers and also on your own meetings with the former soldiers
19 of the Llap zone; right?

20 A. That's right.

21 Q. And sometimes you interviewed several fighters at the same time;
22 right?

23 A. That's right.

24 Q. But you did not audio or video record such interviews; right?

25 A. I have indicated this problem in my forward which was not a

Witness: Skender Zhitia (Open Session)

Page 18940

Cross-examination by Ms. Menegon

1 practice during the preparation of my book. I mentioned it before.

2 I can repeat it again if there is a need to.

3 Q. Thank you. And so you took notes during those interviews
4 sometimes but not necessarily always?

5 A. I repeat: I did not have a standard questionnaire with
6 questions and answers. This -- in Albanian, when you say "interview"
7 or "conversation," it has the same meaning. I kept those notes that
8 appeared to be important to me. I did not write down dates or
9 signatures or other details of the officer I conversed with.

10 Q. And you did not keep any notes of such interviews or
11 conversations, if any, after the book was published; right?

12 A. That's right. I did not have any particular interest to
13 preserve those after so many years.

14 MS. MENEGON: And so I would like to call page 26 of the book.
15 So SPOE00055678-00056018, which is page 23 of the PDF. And I would
16 like to focus on footnote 3, please. Thank you.

17 Q. So there you said that:

18 "The statements, interviews and memoirs of [those] ... fighters
19 in relation to events and circumstances are often contradictory (not
20 deliberately but because things get forgotten), in other words, such
21 memoirs do not always offer accurate details for the past."

22 Do you confirm it?

23 A. Yes, I do. I can also add, if I'm allowed.

24 Q. Yes, please.

25 A. The interviews with the fellow fighters which I conducted often

Witness: Skender Zhitia (Open Session)

Page 18941

Cross-examination by Ms. Menegon

1 during my work were a challenge in the sense of putting in order
2 chronologically the events that took place in the Llap operational
3 zone. For this reason I applied caution, and I've mentioned this in
4 my forward, that I did not allow myself to comment on the events or
5 interpret them. Again, I had the aim for future researchers,
6 academics, and those who wanted to write to use this as a basis.

7 Q. Thank you.

8 MS. MENEGON: And, Madam Court Officer, could you please show
9 the top of the pages.

10 Q. So there you say that:

11 "In terms of the time and truthfulness side of things, this
12 presented a difficulty in itself such conversations -- the record of
13 such conversations with the KLA soldiers."

14 Is that right? Do you confirm it? It's at the top of the page.

15 A. Yes, certainly.

16 Q. Thank you.

17 A. And I've mentioned this in 2006 and 2007.

18 Q. And so, in fact, you had some people complain about how you had
19 portrayed or conveyed their information from these interviews in the
20 book after it was published; is that right?

21 A. I would be the happiest person to -- if I could publish a work
22 and not have any remarks on it. So after all these years, there
23 were, obviously, requests or comments or remarks. Yes, there were.

24 Q. Thank you. Among the sources of your book, you refer to
25 unpublished archived material.

Witness: Skender Zhitia (Open Session)

Page 18942

Cross-examination by Ms. Menegon

1 MS. MENEGON: Madam Court Officer, could we please call -- it's
2 page 39 of the PDF. Sorry, 309. Of the PDF.

3 MS. D'ASCOLI: If I can assist, Your Honours.

4 MS. MENEGON: Your Honours, sorry -- yes.

5 MS. D'ASCOLI: Yes, the ERN is SPOE00055983.

6 MS. MENEGON: Thank you. Thank you.

7 Q. So you have listed there some archives. But as you told the
8 SPO, the archive did not prove to be helpful for your research when
9 it came to documents; is that right?

10 A. That's right, with respect to the time we are talking about.
11 This is 2004, 2005, and 2006.

12 Q. So you added such archives to the list of sources mainly to be
13 transparent, to say that you considered them, but nothing really came
14 out of them; right?

15 A. Which archive are you referring to?

16 Q. The Kosovo archives in Prishtine, for instance, and the SHP TMK
17 in Prishtine.

18 A. Yes.

19 Q. Thank you. In your book, you listed a few decisions which
20 purports to emanate from the KLA General Staff. And we have seen
21 earlier today some from the 10th and 19th November 1998. But is that
22 right that many, if not most, of those decisions that you quote in
23 your book were taken from KosovaPress articles?

24 A. No. I obtained them from the archive 5 of the Kosovo Protection
25 Corps.

Witness: Skender Zhitia (Open Session)

Page 18943

Cross-examination by Ms. Menegon

1 Q. Okay. And so then you did not necessarily discuss their content
2 with the KLA members that you interviewed in preparation of this
3 book; is that correct?

4 A. There were perhaps such cases. I can't think of any such cases,
5 but there were probably cases.

6 Q. Thank you. Now I would like to talk about the creation of the
7 Llap zone.

8 On page 111, 112 of the book --

9 MS. MENEGON: Madam Court Officer, can I please invite you to
10 call them on the screen. So it's page 108 of the PDF. So it's page
11 108 of the PDF. And in English as well, please. In the bottom.

12 Q. So you mention that there was an official meeting on the evening
13 of 2 September 1997 during which, more or less, the structure of the
14 KLA Llap zone was established.

15 MS. MENEGON: If we could then go to the next page, please.

16 Q. So, Witness, can you please clarify, first, this information is
17 based off an interview you had with the people which are cited in the
18 footnotes; right?

19 A. Right.

20 Q. So is it right to say that these individuals, Remi, Latif Gashi,
21 met in clandestine fashion and decided to appoint themselves to
22 command position?

23 A. I don't understand the question.

24 Q. Is it right to say that so Rrustem Mustafa, Latif Gashi, and
25 Ilir Konushevci, in September 1997, decided to meet and appointed

Witness: Skender Zhitia (Open Session)

Page 18944

Cross-examination by Ms. Menegon

1 themselves in commanding positions without any order from above?

2 A. If I understand the question correctly, they were co-fighters,
3 they knew each other from before, and they were not the only persons
4 who were members of the Kosovo Liberation Army. However, after the
5 fall of Zahir Pajaziti on 31 January 1997, took upon themselves to
6 reorganise the KLA in the Llap operational zone at the time. As a
7 result, they held a number of meetings which are mentioned in my
8 book. Amongst them, this meeting of 2 September, where they assigned
9 responsibilities to one another.

10 But if the question is -- if I understood the question
11 correctly, there were no orders from above. There was no operational
12 staff, there was no General Staff. They self-organised in order to
13 expand and organise the KLA in the Llap zone.

14 Q. Thank you. You understood my question.

15 MS. MENEGON: Now I'd like to go to page 207 of the book, which
16 is page 204 of the PDF, please.

17 Q. So, Witness, you also discuss in your book the financing of the
18 Llap zone. And on this page, you mention how the citizens supported
19 the Llap zone not only with food, clothing, and accommodation for
20 soldiers, but they also assisted in securing weapons; is that right?

21 A. Yes, that's right. But if you allow me to add something.

22 Q. Yes.

23 A. The commander of the Llap operational zone, Rrustem Mustafa,
24 based on my research, was the only commander of a zone who was
25 permanently stationed in Kosovo and dealt with politics. This made

Witness: Skender Zhitia (Open Session)

Page 18945

Cross-examination by Ms. Menegon

1 it possible for him to have contacts with the most prominent figures
2 at the time in Llap zone, Prishtine, and Podujeve. This resulted in
3 the great support for the Kosovo Liberation Army. So the entire
4 population in this area gave a strong support to the Kosovo
5 Liberation Army. So this was a zone that self-organised, the Llap
6 zone.

7 Q. Thank you. And, indeed, you mention at footnote 401 --

8 MS. MENEGON: Maybe, Madam Court Officer, you can go down.

9 Q. -- that it was, in particular, through voluntary initiatives and
10 contributions then that they could exercise the fight against the
11 occupier.

12 MS. MENEGON: Can we please go to page 210, which is at page 207
13 of the PDF. And to the bottom. I would like to show footnote 402.

14 Q. And there again you refer to the fact that it was through
15 generous donations of citizens that the Llap zone could obtain some
16 supplies of weapons, among, like, equipment, ammunition; is that
17 right? You confirm it?

18 A. Yes, I confirm it. And, again, I would have something to add in
19 this sense if I'm allowed to.

20 Q. Yes.

21 A. The Kosovo Liberation Army was not formed, established as a --
22 by the Kosovo institutions. This is the outcome of movements and
23 organisations, people, patriots, freedom-lovers at the time who
24 thought this was the path to freedom. And the Kosovo Liberation Army
25 made its own choices in regards to supplies, organisation. The

1 Kosovo Liberation Army did not have barracks. It organised and
2 trained, preparing for the war, in the houses of the civilians
3 offered by the people.

4 Q. Understood.

5 A. Many houses became barracks for the army to prepare for the war.

6 Q. I thank you. I have also limited time.

7 A. Thank you.

8 Q. So we continue. And so based on those excerpts and on your
9 statement, so you agree that the Llap zone operated independently
10 from the other zones and even at the time from the KLA General Staff?

11 A. Could you please display this sentence on the screen.

12 Q. No, it's a question I'm asking you. Like, you have -- you have
13 just seen two pages where you discuss the fact that the Llap zone
14 received money, weapons from the citizens directly, and you mentioned
15 just earlier today that, in practice, the Llap zone was
16 self-organised.

17 So I wanted you to confirm, eventually, that you would agree
18 that the Llap zone at the time was operating independently from the
19 other zones or even the General Staff. It didn't need to require
20 from them money or supplies. It was provided by the citizens.

21 A. I can say that at the time the Llap operational zone was a
22 well-organised zone. There were various initiatives which helped
23 this zone to reach a better level of organisation. With respect to
24 the other issues, self-organisation and so on, this is something I
25 cannot comment on. But there were a lot of these initiatives that

Witness: Skender Zhitia (Open Session)

Page 18947

Cross-examination by Ms. Menegon

1 came from the commander of the Llap operational zone,
2 Rrustem Mustafa, without any other orders that would have come from
3 above.

4 Q. Thank you.

5 A. We're referring here to specific cases.

6 Q. So now I would like to talk about the few visits of the
7 General Staff in the zone that you mention in your book. In
8 particular, in August and October 1998. So can you confirm that you
9 were not present during those meetings?

10 A. Yes, I confirm. I did not have the opportunity. I would have
11 loved to say, sitting here today, that I was, but I was not.

12 Q. And Madam Prosecutor has shown you this morning some excerpts
13 about these visits. And so you relied mainly on interviews given to
14 you by former fighters in 2007 to write those -- to describe such
15 visits; is that right?

16 A. Yes, that's right.

17 Q. With regard to the -- what you say is the first visit of
18 Mr. Hashim Thaci to the Llap zone on 18-20 August 1998, based on what
19 you said and what you were told, despite the fact that the Llap zone
20 was pretty organised and functional since at least late 1997, it's
21 only in August 1998 that the Llap zone received a visit from the KLA
22 General Staff, is that right, pursuant to your knowledge?

23 A. That's right.

24 Q. And so you say that the KLA structure -- sorry, the structure of
25 the Llap zone was officialised by the KLA General Staff, but you

Witness: Skender Zhitia (Open Session)

Page 18948

Cross-examination by Ms. Menegon

1 agree that it's not them who appointed, for instance, Remi, as the
2 Llap zone commanders only acknowledged his decision; is that right?

3 A. These expressions and words, "officialisation," that I have used
4 can be interpreted differently. I can say that in the Llap
5 operational zone persons holding different commanding positions were
6 appointed by Commander Remi on 18 July 1998. You can refer to my
7 book for further information.

8 Q. Indeed. Thank you.

9 A. I cannot be held accountable for -- regarding the accuracy of
10 this information, though. The accuracy of the data. But this is the
11 source -- this is what I got from the sources. 18 July is the day
12 when these persons were appointed to the said commanding positions.

13 MS. MENEGON: Before I move further, Your Honour, I would like
14 to tender the pages 207 and 210 that I have shown to the witness
15 about, let's say, voluntary contribution of the citizens to the Llap
16 zone.

17 MS. D'ASCOLI: No objections.

18 PRESIDING JUDGE SMITH: Is there an ERN number for those?

19 MS. MENEGON: I have the page number of the book which is
20 SPOE00055678-SPOE000545018, page 207 and 210.

21 PRESIDING JUDGE SMITH: Those will be admitted.

22 THE COURT OFFICER: Your Honours, just to confirm, I will put
23 them on the screen. Page 207 of the book has ERN SPOE00055881, and
24 page 210 of the book has ERN SPOE00055884.

25 MS. MENEGON: Correct.

Witness: Skender Zhitia (Open Session)
Cross-examination by Ms. Menegon

Page 18949

1 THE COURT OFFICER: And they will be added to the existing
2 Exhibit P187.

3 MS. MENEGON: Thank you.

4 PRESIDING JUDGE SMITH: And please try to use the ERN numbers
5 when you make reference to something that is not yet admitted.

6 MS. MENEGON:

7 Q. Now, Witness, I would like to talk about the Rambouillet
8 conference that you mention in your book.

9 MS. MENEGON: And could you please call page 70 of the book, so
10 SPOE00055678-SPOE00045018, page 67 of the PDF.

11 Q. So, Witness, were you involved in any discussion, organisation
12 of the Rambouillet delegation?

13 A. No, I was not.

14 Q. And did you ever participate in a meeting with the Llap zone
15 command discussing who from the KLA should go to Rambouillet or what
16 the KLA position would be?

17 A. No, I did not take part in any such meeting.

18 Q. And did you discuss the Rambouillet conference with some of the
19 fighters you interviewed for your book?

20 A. I can't remember.

21 Q. Thank you.

22 A. I can't recall now.

23 Q. So on this page, you mention that the KLA General Staff, through
24 Hashim Thaci, announced their participation to Rambouillet despite
25 contradictions, and you refer in brackets to Demaci and the KLA

Witness: Skender Zhitia (Open Session)

Page 18950

Cross-examination by Ms. Menegon

1 General Staff.

2 A. Would you kindly put that on the screen, put that page where I
3 am supposed to have stated that on the screen?

4 MS. MENEGON: Sorry, it's page --

5 THE WITNESS: [Interpretation] If you can't find, though --

6 MS. MENEGON: -- 67 of the PDF. 67 of the PDF.

7 THE WITNESS: [Interpretation] I see it now, yes.

8 MS. MENEGON:

9 Q. Thank you. What was the source of your information for this
10 assertion?

11 A. I can't recall exactly which ones because there were a number of
12 materials that I used, materials that were published after the war,
13 that is. However, the KosovaPress news agency is one. However,
14 what's important is that after the meeting of 30 January held in
15 Skopje between foreign ministers Robin Cook, Petritsch, and Hill,
16 Adem Demaci, Ibrahim Rugova and Rexhep Qosaj were the three of them
17 who took part there. Ibrahim Rugova and Rexhep Qosaj were amongst
18 those accepted to go to Rambouillet. However, according to what I
19 was able to consult, on 3 February there was confirmation from the
20 General Staff of the KLA that the General Staff would take part in
21 Rambouillet represented by Hashim Thaci, and that came after what is
22 mentioned there about the political representative of the KLA,
23 Adem Demaci.

24 And as we know, the delegation did travel to Rambouillet, and
25 then we have written there about the composition of this delegation

Witness: Skender Zhitia (Open Session)

Page 18951

Cross-examination by Ms. Menegon

1 and the tasks that they were entrusted with.

2 Q. [Microphone not activated].

3 Thank you. In your book you refer to some dissensions about
4 Rambouillet. So would you agree that at the time the KLA was not
5 unified when it came to the decision to go to Rambouillet and what
6 position to take at Rambouillet?

7 A. I don't think I understand the question properly.

8 Q. Sorry. In the excerpt on your screen, you say that the KLA
9 General Staff, despite contradictions, Demaci/KLA General Staff, on
10 3 February, through Hashim Thaci, announced their participation in
11 Rambouillet.

12 So is it right to say that the KLA was not unified with regard
13 to the position to adopt at Rambouillet?

14 A. I did say it before that regardless of the disagreements on
15 participation to Rambouillet, on 3 February Mr. Hashim Thaci did
16 announce before the public opinion that the General Staff would take
17 part in Rambouillet. These were the sources that I drew upon at the
18 time. I could be wrong, because I can see that I have not cited any
19 of such sources here, and I could be wrong. However, I do agree that
20 there is some disagreement about participation or not at Rambouillet.

21 Q. Thank you.

22 MS. MENEGON: And I would like now to bring page 75 on the
23 screen, which is page 72 of the PDF.

24 Q. There you mention that the Kosovo delegation expressed its
25 dissatisfaction about the military issue, and the KLA in its

Witness: Skender Zhitia (Open Session)

Page 18952

Cross-examination by Ms. Menegon

1 political future, and about holding the referendum for Kosovo
2 independence after three years.

3 In the footnote, you refer to the book of Mr. Petritsch and
4 Pihler. So these conclusions were drawn from their book; is that
5 right?

6 A. It appears to be the case. I can't recall it now. However,
7 given that I have cited that as the reference, as the source, it so
8 appears. It appears, therefore, that there were some disagreements
9 or some dissatisfaction.

10 Q. And do you know what was -- do you have further information
11 about this dissatisfaction? Where did it come from or what were the
12 specifics behind it?

13 A. No, I'm unable to speculate on this given that I have not cited
14 it. 20 years on, my opinion might have evolved because of the
15 additional information and other studies that I might have read in
16 the meantime, so I do not to speculate about the conclusions I had at
17 the time when I put pen to paper here.

18 Q. Thank you. Since you were in the Llap zone, were you aware that
19 at the time the commander of the Llap zone, Remi, had expressed his
20 dissatisfaction with the KLA delegation and their negotiation in
21 Rambouillet? Had you heard about that?

22 A. Are you referring to the book or --

23 Q. No.

24 A. -- are you asking about other information that I might have?

25 Q. I'm asking about other information you might have.

Witness: Skender Zhitia (Open Session)

Page 18953

Cross-examination by Ms. Menegon

1 A. I did not have any during the war. After the war, however, yes.

2 Q. Thank you.

3 MS. MENEGON: Can we now bring page 77 of the book, which is
4 page 74 of the PDF. Thank you.

5 Q. There you mention the fact that the KLA representatives used the
6 recess during the talks to contact the leaders and commanders of the
7 KLA zones. Here I see you cite some information that you found
8 online.

9 MS. MENEGON: And can we please see footnote 101.

10 Q. So you did not have any personal information about these
11 meetings or did you?

12 A. No, I did not.

13 Q. Okay. Thank you.

14 MS. MENEGON: And then on the next page, if we can show it on
15 the screen, so page 78, which is page -- yeah. Thank you.

16 Q. At footnote 103, you mention that Mr. Selimi, Sylejman Selimi,
17 was appointed general commander of the KLA in place of Azem Syla
18 during the Rambouillet conference; is that correct?

19 A. Yes. I could be wrong about the date because I did not have a
20 way of corroborating them. This is the sources that I had, and I
21 know that that is when Sylejman Selimi was appointed as commander of
22 the KLA, and that occurred during the Rambouillet talk.

23 Q. Okay. And then what is the source of this information, if you
24 remember? Because there you do not have a specific reference about
25 this change of command.

Witness: Skender Zhitia (Open Session)

Page 18954

Cross-examination by Ms. Menegon

1 A. No, this was proffered as information for the readers. However,
2 during that time, information reached us via a number of other
3 sources, including talking to other fellow soldiers. I did not have
4 anything to cite here. I just put that as information for the
5 readers to have. At the time, though, we had information that
6 reached us through conversations with other members or commanders of
7 the Llap operational zone.

8 Given that the central crux of the matter for my book is the
9 Llap operational zone, I deemed it necessary to mention other salient
10 developments that had to do with the KLA at large, but I did not see
11 the need for them to be sourced properly.

12 Q. Understood.

13 MS. MENEGON: Now can we please call page 76 of the book, which
14 is page 73 of the PDF.

15 Q. And I would like to talk now about the provisional government.

16 So here you refer about the decision of 23 August forming the
17 provisional government. Do you know whether this government, so
18 composed of the -- sorry, 23 February. I see there is a -- I guess,
19 a mistake in the book. But so can you please clarify this decision
20 forming the provisional government composed of the KLA, LDK, and LBD,
21 was it formed on 23 -- was it on 23 February?

22 PRESIDING JUDGE SMITH: Ms. Menegon, there's about three
23 questions in there. Could you break this up a little bit?

24 MS. MENEGON: Yes, sorry.

25 PRESIDING JUDGE SMITH: It's very difficult to follow.

Witness: Skender Zhitia (Open Session)

Page 18955

Cross-examination by Ms. Menegon

1 MS. MENEGON: Sorry.

2 Q. I think there is a mistake on the date on the English
3 translation. Are you referring to a decision on 23 February forming
4 the provisional government?

5 A. Yes, the decision was taken on 23 April between the three
6 political and military groupings, and this was at Rambouillet, and
7 the decision was taken to form the interim, the provisional
8 government. These are all to be found in my book. And based on
9 these decisions, a prime minister of the provisional government is
10 appointed who undertakes to form the provisional government and calls
11 upon all signatories to stand by it, including the Democratic League
12 of Kosovo and Ibrahim Rugova; i.e., so that they would stand by the
13 decision to establish this provisional government.

14 It continues with the meetings held inside the country and
15 outside by the prime minister, who continued to have these meetings
16 until 6 June, if I'm not mistaken, a meeting held in Belgium for this
17 purpose. So there were numerous meetings held in this context. They
18 were not of particular significance for my book to be cited here, but
19 I know that there were a number of meetings held in Albania,
20 Brussels, United States of America, London, so on and so forth.

21 If I am allowed the time to recall them, I might be able to
22 mention all --

23 MS. S. ALAGENDRA: Your Honours, if I may --

24 THE WITNESS: [Interpretation] -- the countries during where this
25 occurred.

Witness: Skender Zhitia (Open Session)

Page 18956

Cross-examination by Ms. Menegon

1 MS. S. ALAGENDRA: I think there's a transcription error,
2 Your Honours, at lines 8. I believe the witness had said 23 February
3 and not April.

4 PRESIDING JUDGE SMITH: His testimony was April.

5 MS. S. ALAGENDRA: I understand it was a translation mistake.
6 He had in fact said "February."

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MS. MENEGON:

9 Q. Mr. Witness, please, can you please --

10 A. 23 February.

11 Q. Okay. Thank you.

12 A. 23 February.

13 Q. Thank you. You mentioned some meetings of the provisional
14 government, but did the LDK of Ibrahim Rugova participate in them?

15 A. As I said earlier, based on what I was able to read at the time,
16 the prime minister of the provisional government issued pleas for the
17 parties to respect the 23 August decision, which implies that he
18 called on Ibrahim Rugova to be part and parcel of this provisional
19 government.

20 Q. Thank you.

21 A. This is -- what this assumes is that he did not take part in it
22 and he did not abide by the decision of 23 February 1999.

23 Q. Thank you.

24 MS. MENEGON: Now, I would like to move to page 257 of your
25 book, which is page 254 of the PDF.

Witness: Skender Zhitia (Open Session)

Page 18957

Cross-examination by Ms. Menegon

1 PRESIDING JUDGE SMITH: Yes, Witness?

2 THE WITNESS: [Interpretation] Can we please have these parts of
3 the book not zoomed in so much because I do not see the entire page
4 in front of me and that is confusing me.

5 PRESIDING JUDGE SMITH: We will do our best to do that.

6 THE WITNESS: [Interpretation] Thank you. Just like it is at the
7 moment. That is enough for me.

8 MS. MENEGON: Thank you.

9 Q. There you discuss a decision by the provisional government and
10 an order by the General Staff on general mobilisation, but you do not
11 cite to the decision or the order itself; is that right?

12 A. I did cite it. It's a reference point in there. 471 is the
13 footnote on it.

14 Q. I understand that this footnote would be some decisions from the
15 zone commanders on the appointment of commanders at the company or
16 battalion level; is that right?

17 A. It's a decision on mobilisation, 1 April 1999. That's 1 April.

18 Q. But you have not kept any copy of it?

19 A. No, I did not.

20 Q. And it's not in your book neither. There is no copy in your
21 book.

22 A. No. I think that --

23 Q. Thank you.

24 A. -- at the time ...

25 MS. MENEGON: Now I would like to go to page 290 of the book,

Witness: Skender Zhitia (Open Session)

Page 18958

Cross-examination by Ms. Menegon

1 which is page 287 of the PDF.

2 Q. There you refer to the appointment -- sorry, you refer to an
3 order of the KLA General Staff to establish guard battalions as
4 forces for rapid and strike interventions. Did you ever see this
5 order yourself?

6 A. I have referenced it, 572.

7 MS. MENEGON: Maybe, Madam Court Officer, you can go down a bit
8 in order to see --

9 THE INTERPRETER: 527, rather.

10 MS. MENEGON: -- footnote 527.

11 Q. But you do not attach a copy of this alleged order in the book;
12 right?

13 A. No, I did not attach it.

14 Q. Okay. And is it right to say that the guard battalion, at least
15 in the Llap zone, was mainly a reshuffling of soldiers from other
16 existing units? For instance, I understand some members from your
17 unit, K33 unit, joined the 5th Guard Battalion in the Llap zone?

18 A. Yes. I cannot explain what the order had at the time, but I
19 recall that at the time we were told that the ablest of the soldiers
20 would become part of the guard battalions. So members from K33 did
21 take part. So the guard unit, as far as we were concerned, would be
22 composed of the best soldiers that we had in the Llap operational
23 zone.

24 Q. Thank you.

25 MS. MENEGON: Now I would like to go to page 301 of the book,

Witness: Skender Zhitia (Open Session)

Page 18959

Cross-examination by Ms. Menegon

1 which is page 298 of the PDF.

2 Q. There you refer to the fact that -- you mention some development
3 in Besiana post June 1999, and you mention the fact that -- you refer
4 to the fact of the appointment of the Besiana prefect by the Llap
5 zone deputy commander. Do you see it?

6 A. Give me a second, please.

7 Q. It's at the top of the page.

8 A. Yes, I see it.

9 Q. But now at the time, so post June 1999, the -- Kosovo was
10 supposed to have a provisional government; right?

11 A. It was supposed to and it did have it, yes.

12 Q. So why would a prefect of Besiana be appointed by local
13 commanders as opposed by the provisional government?

14 A. I cannot answer this question because, as I said earlier, and
15 I'm repeating here, I have tried to refrain from comments or explore
16 details that have to do with decisions or other processes that
17 occurred. I saw my job as being able to document the most
18 significant events that occurred in our country so that this would
19 pave the way for others to be able to explore these issues and
20 developments in more detail. And for this reason, I have no answer
21 to give.

22 Q. Noted. Now I would like to move more generally to the -- about
23 the KLA -- the Llap zone organisation as described in your book.

24 Witness, yourself, you were not present during the Llap zone
25 command meetings or zone commander meetings discussing the KLA

Witness: Skender Zhitia (Open Session)

Page 18960

Cross-examination by Ms. Menegon

1 command and organisation during the war?

2 A. No, I wasn't.

3 Q. So anything you state in your book about the command structure
4 of the Llap zone relies mainly on what you were told after the war by
5 the Llap zone commander and other KLA fighters from the Llap zone; is
6 that right?

7 A. Correct.

8 MS. MENEGON: So I would like to go to page 33 of the book,
9 which is page 30 of the PDF, please.

10 Q. There you say that:

11 "Commander Remi, through command and control, had managed to
12 create a disciplined military structure, which was clear about its
13 duties and responsibilities."

14 And you say that he had created these values through training
15 and education.

16 Now, you have provided to the SPO a curriculum for training and
17 education of fighting units in the zone of Llap.

18 MS. MENEGON: So it's P1552. If I could call it on the screen,
19 please. Sorry, I think I got the wrong number. 1552. Ah, yeah.
20 It's the description of the training in the Llap zone, so it may be a
21 bit down. Starting page 797. Sorry. Thank you.

22 Q. If we look at this document and at the date at the top of it, it
23 is 30 September 1999, so it's after the demobilisation of the KLA; is
24 that right?

25 A. I do not know where you're seeing it. This document exists as a

Witness: Skender Zhitia (Open Session)

Page 18961

Cross-examination by Ms. Menegon

1 copy in my book. I cannot remember what page it is on. But the date
2 is 23 January 1999, not September 1999. If you're saying September,
3 that is wrong. This is a document that exists as a copy in my book.

4 Q. Thank you. We take note of what you're saying there. I note
5 there is a difference of date in the English translation.

6 PRESIDING JUDGE SMITH: Ms. Menegon, it's time for the break.

7 MS. MENEGON: Yeah, thank you.

8 PRESIDING JUDGE SMITH: Witness, we'll have a lunch break now.
9 It'll be an hour and a half. You'll be back here at 2.30. You may
10 leave the courtroom now. Thank you.

11 [The witness stands down]

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

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

14 --- On resuming at 2.31 p.m.

15 PRESIDING JUDGE SMITH: Please bring the witness in,
16 Madam Usher.

17 How much more time will you need, Ms. Menegon?

18 MS. MENEGON: I think no more than ten minutes. I just would
19 like to tender one page of the book that I've shown to the witness,
20 which is page 70 of the book, which ends by 744. It's about the
21 Rambouillet and the dissatisfaction expressed about the
22 participation.

23 MS. D'ASCOLI: No objections.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Do we have any description other than page 70?

Witness: Skender Zhitia (Open Session)

Page 18962

Cross-examination by Ms. Menegon

1 MS. MENEGON: Yeah, so it's SPOE00055678-SPOE00045018.

2 [The witness takes the stand]

3 MS. MENEGON: At the page ending 744, ERN ending 744.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 THE COURT OFFICER: It will be added to P187.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 We will continue now with the questioning by the Thaci Defence.

8 Go ahead, Ms. Menegon.

9 MS. MENEGON: Thank you.

10 Q. So, Mr. Witness, in your book, as discussed earlier, you mention
11 the fact that there were some training in the Llap zone. My question
12 is you personally did not receive any training in the Llap zone;
13 right?

14 A. Correct, I didn't.

15 Q. So the information in your book about the training in the Llap
16 zone is mainly about -- you obtained it through what you were told by
17 the KLA fighters you interviewed; is that right?

18 A. That's right.

19 Q. Thank you.

20 MS. MENEGON: Can we please bring on the screen page 178 of the
21 book, which is part of P187. Thank you.

22 Q. So, Mr. Witness, this is a decision of the KLA General Staff
23 from 19 November 1998 on the reorganisation of operational subzone in
24 the KLA; right?

25 A. Right.

Witness: Skender Zhitia (Open Session)

Page 18963

Cross-examination by Ms. Menegon

1 MS. MENEGON: Mr. Court Officer, could you please also call the
2 Exhibit P1016, but you can keep, I guess, both Albanian versions on
3 the screen, which is a similar decision. Thank you.

4 Q. So, Mr. Witness, during your preparation session, you were shown
5 an almost identical copy of this decision except that we can see at
6 the top that there is a different protocol number, 444-5/108 instead
7 of 442-2/091; is that correct?

8 A. Yes, this is how it is.

9 Q. And is it right that you had not seen this second version of the
10 decision before, before it was shown to you by the Prosecution?

11 A. That's right. I haven't seen it.

12 Q. And I understand from your preparation session you were not able
13 neither to explain why it beared a different protocol number?

14 A. That's correct. I was not able to either understand or why did
15 it happen to be as it is. Based on my experience, 20-years-long
16 experience in security institutions, when a document was issued it
17 would bear the same protocol number. So based on my experience, I
18 was not able to understand this document after the war.

19 Q. Thank you. So could it be, Witness, that this document or the
20 second one was not authentic or issued at the time claimed?

21 MS. D'ASCOLI: Objection, it calls for speculation.

22 PRESIDING JUDGE SMITH: Sustained. You don't need to answer
23 that.

24 THE WITNESS: [Interpretation] I can't comment on that.

25 MS. MENEGON: Thank you. I have no further questions.

Witness: Skender Zhitia (Open Session)
Cross-examination by Ms. S. Alagendra

Page 18964

1 PRESIDING JUDGE SMITH: Thank you.

2 Ms. Rowan.

3 MS. ROWAN: No questions, Your Honour. Thank you.

4 PRESIDING JUDGE SMITH: Thank you.

5 MR. TULLY: We have no questions, Your Honour.

6 PRESIDING JUDGE SMITH: Mr. Tully.

7 MS. S. ALAGENDRA: Your Honours, if you just give me a second --

8 PRESIDING JUDGE SMITH: Yes.

9 MS. S. ALAGENDRA: -- just to --

10 PRESIDING JUDGE SMITH: Go ahead.

11 MS. S. ALAGENDRA: -- organise myself.

12 PRESIDING JUDGE SMITH: Ms. Alagendra, what is your current
13 estimate for time for cross-examination?

14 MS. S. ALAGENDRA: I'm sorry, Your Honour?

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. S. ALAGENDRA: It could be about 45 minutes to an hour,
17 Your Honour.

18 PRESIDING JUDGE SMITH: Thank you.

19 Cross-examination by Ms. S. Alagendra:

20 Q. Good afternoon, Mr. Witness.

21 A. Good afternoon.

22 Q. Sir, my name is Shyamala Alagendra, and I am counsel for
23 Mr. Jakup Krasniqi. So I have some questions for you this afternoon,
24 and I do apologise in advance if some of it may already have been
25 asked by other members in the Court.

Witness: Skender Zhitia (Open Session)

Page 18965

Cross-examination by Ms. S. Alagendra

1 PRESIDING JUDGE SMITH: Could I suggest that if it's already
2 been asked, you don't ask that question.

3 MS. S. ALAGENDRA: I'll try my best, Your Honour.

4 PRESIDING JUDGE SMITH: Okay.

5 MS. S. ALAGENDRA:

6 Q. So just to go back to the beginning, you have told the
7 Prosecution during the interview, and also you testified here in
8 court, that at the time you joined the KLA in May 1998, you were
9 mainly home based and you spent a lot of time with family during that
10 period. That's correct, isn't it?

11 A. Yes, that's correct. If you need me to, I can elaborate on
12 that. Not only me but the majority of the fighters at that time
13 stayed in their homes or outside. If we were needed in the unit, we
14 would be within the unit. When we say we stayed at home, it means
15 that the KLA was organised in the homes of the people. Homes were
16 used as barracks, as places, locations where we were stationed.

17 Q. Thank you, sir. And you also told the Prosecution that your
18 main role was to, in fact, go out and talk to civilians. And you
19 were entrusted with this task because of your authority and standing
20 amongst Kosovans as a professor along with what you describe was the
21 good reputation of your family. That's correct, isn't it?

22 A. That's correct.

23 Q. And, sir, when speaking about your unit, K33, you described it
24 as an observing unit; am I right?

25 A. Yes, you're right. For a certain period of time.

Witness: Skender Zhitia (Open Session)

Page 18966

Cross-examination by Ms. S. Alagendra

1 Q. And you also emphasized during your interview with the
2 Prosecution that your unit was not engaged in a frontal war, meaning
3 in any military activities. That's correct, isn't it?

4 A. Until March. So we did not take part in such fighting up until
5 25 March. Starting from 25 March until the end of the war, we took
6 part in all battles. However, as an observing unit, we gave our
7 contribution to the benefit of all those who were fighting the
8 battles.

9 Q. Thank you. And, in fact, you also told the Prosecution that
10 many of the soldiers in your unit were not even armed. That's
11 correct, isn't it?

12 A. In certain periods of times, yes. We were an observing unit
13 operating in extremely difficult circumstances. We also had a big
14 responsibility because we were in a village which had not been
15 engulfed by war yet. So we had to make preparations in different
16 directions, first of all, protecting the population, and carry out
17 the duties we were assigned.

18 Q. Thank you. And you also stated during your interview, sir, that
19 you had not even come out publicly as members of the KLA. And just
20 to clarify, by that, do you mean that you were operating
21 clandestinely?

22 A. The village where we founded our unit has a very specific
23 geographic location. I can elaborate on that. However, it is true
24 that for quite a long time we operated as a limited invisible unit
25 carrying out our tasks in order to avoid being noticed by the Serb

1 forces.

2 Q. Thank you. And when you moved to what you described in your
3 interview as a safe area in Halabak, you also said that not all
4 members of your unit moved with you. It was just a small number of
5 the unit that moved with you. That's correct, isn't it?

6 A. That's correct. And this was due to the lack of weaponry and as
7 a result of which some of my fellow fighters had to leave Kosovo, but
8 they could not manage to do so. They were supporting us in our
9 fighting operations. They joined us at a later stage in other
10 operations.

11 Q. Thank you. Sir, you never met your zone commander,
12 Rrustem Mustafa, physically from the time you joined the KLA until
13 around November 1998, you say in your interview; that's correct?

14 A. Yes, I said so.

15 Q. And you also told the SPO during the interview that you may have
16 met him on one occasion after that, but you're not sure. That's
17 correct, isn't it?

18 A. It is certain that I met with him after this, but I do not know
19 when exactly, because this was not that important to me to record the
20 moment or date when I met with the commander.

21 Q. And that was the one occasion you're talking about that you met
22 him?

23 A. We were talking about the first time when I met with him, not
24 how many times I met with him.

25 Q. Just to be clear, sir, during your interview with the SPO, you

Witness: Skender Zhitia (Open Session)

Page 18968

Cross-examination by Ms. S. Alagendra

1 indicated that you may have met him on one occasion but you don't
2 really remember it.

3 A. And to this day, I do not remember when I met him for the first
4 time.

5 Q. And, sir, also from your interviews, it appears that you only --
6 the only contact that you had at that time with Kadri Kastrati, the
7 deputy zone commander, was perhaps in January 1999, and that was when
8 you met him briefly, you said, to collect your communication radio
9 device. That's correct, isn't it?

10 A. I don't think I said exactly the date. I think I said December
11 or January. It was not about collecting but equipping ourselves with
12 radio communication devices. After this occasion, I might have met
13 him on other occasions as well. That was the first time I met.

14 Q. And when you met him, you didn't speak about any other matters.
15 That's what you said in your interview; that's correct?

16 A. That's correct.

17 Q. And also on this occasion when you met him regarding the
18 communication equipment, you also, by chance, also met with
19 Nuredin Ibishi who happened to be there. That's right, isn't it?

20 A. That's right.

21 Q. And, sir, during the war you've told the Prosecution you never
22 met Latif Gashi; right?

23 A. I said that I never met him in person, just the two of us.
24 However, during the war I might have seen him during the operations
25 or in the presence of other people. But what I stated was that

Witness: Skender Zhitia (Open Session)

Page 18969

Cross-examination by Ms. S. Alagendra

1 during the war I never met with him personally. I did not have a
2 meeting with him. This is what I stated.

3 Q. And also in your interview, you explained that Idriz Shabani was
4 your overall commander, but the person who you were in most
5 communication with was Muhamet Latifi; correct?

6 A. That's correct. Again, it depends on which period of time, but
7 I was in constant communication with both of them.

8 Q. And, in fact, when you were given the opportunity to clarify
9 your previous interview, you clarified to the Prosecution that you
10 were not reporting to Muhamet Latifi in the formal sense, but what
11 you were doing was you were just keeping him informed or updated
12 about the number of people who were joining the KLA and other
13 matters. That's correct, isn't it?

14 A. This was about other matters, depending on the duties we had to
15 carry out. I said that I did not have the opportunity to report in
16 writing, and, indeed, I did not report in writing.

17 Q. In fact, what you said, that by "reporting," what you meant is
18 that you were informing and notifying Muhamet Latifi about
19 mobilisation and recruitment work. That's what you said to the
20 Prosecution; right?

21 A. Yes. We did not submit a general report about these matters to
22 Muhamet Latifi.

23 Q. Sir, you've told the Court that you've never had any contact
24 with the KLA General Staff. And just to be clear, sir, you've never
25 had any contact with Mr. Jakup Krasniqi during the war; am I right?

Witness: Skender Zhitia (Open Session)

Page 18970

Cross-examination by Ms. S. Alagendra

1 A. You're right. I never had contacts with him.

2 Q. Sir, I just want to speak a little now about your book and the
3 methodology surrounding your book. Now, going to page 309 of your
4 book, which my learned colleague had already discussed with you, you
5 had listed sources that you relied on when you were writing this
6 book. And if you remember, it was shown to you earlier.

7 The first on the list is the Kosovo archives in Prishtine. Do
8 you remember that?

9 A. Yes, I do.

10 Q. And, in fact, what you were very clear about during your
11 interview with the Prosecution is that there was, in fact, no proper
12 archive service in Prishtine, was there?

13 A. Correct, there wasn't.

14 Q. In fact, the material that was there in whatever form you want
15 to call it, you say it was really of no use. There was nothing of
16 relevance to you in any of that material, so you had nothing to rely
17 on from those archives; correct?

18 A. That's correct. When I went to the archives, I did not find
19 anything of relevance. I might have found there articles, newspaper
20 articles, but I did not cite this as a source in my book. I went
21 there but did not find any material that I would have made use of.

22 Q. And you, in fact, told the Prosecution during your interview
23 that, despite not having anything of, you know, relevance at all and
24 of it being useless, you listed it as a source simply to enrich your
25 resource. That's what you say in your interview. That's correct,

Witness: Skender Zhitia (Open Session)

Page 18971

Cross-examination by Ms. S. Alagendra

1 isn't it?

2 A. Yes, that's correct. This is what I stated. There was nothing
3 there in what was called the Kosovo archives at the time.

4 Q. And what you mean by that is that you wanted the book to appear
5 better researched, more authoritative to your readers. So even if
6 you contacted them, you know, you still thought that was a source
7 that you should list; correct?

8 A. Yes, this was of interest to us, to have as much as possible
9 sources and data. But I consulted but did not find any such material
10 in the Kosovo archives.

11 Q. And also earlier today, when asked by my learned friend, you
12 confirmed, in fact, that even with the Zone 5 archives, you are
13 unsure about the authenticity of the documents in those archives.
14 That's what you told us today; correct?

15 A. Yes, I said that. I'm repeating it and I've said it in my
16 forward, that the documents I referred to and consulted in that
17 archive 5 of the KPC were disorganised. I stated that these
18 documents had not been verified or ascertained by a commission, they
19 were not listed or ordered as per their nature or content, so these
20 documents were disorganised in the mentioned archive.

21 Today I have no authority and I'm not in a position to take a
22 position as to their authenticity or reliability. I used them,
23 though.

24 Q. That's clear. Thank you, sir. And now I just want to ask you a
25 few questions about the reference you've made to Mr. Jakup Krasniqi's

Witness: Skender Zhitia (Open Session)

Page 18972

Cross-examination by Ms. S. Alagendra

1 book. And he was not one of the persons you interviewed for your
2 book, was he?

3 A. Correct, I did not interview him. However, for us researchers,
4 academics, the person of Jakup Krasniqi is a person with integrity, a
5 person who enjoys respect for all the contribution he gave. Another
6 reason why I did not interview these figures is that the axis of my
7 book was the operational zone of Llap. Therefore, when we speak
8 about the General Staff of the KLA, I provided some information but I
9 was not able to provide more on that.

10 It is a fact, though, that I read the book of Mr. Krasniqi and
11 used it as a reference when I deemed it reasonable or that it would
12 be of interest for the reader to refer to this book.

13 Q. So you never spoke to him about your book and neither did you
14 speak to him about his own book; correct?

15 A. That's correct. We didn't have the opportunity and we did not
16 have a conversation.

17 Q. So you don't know, for example, the basis of some of the things
18 he says in his book; am I right?

19 A. Correct, I don't. However, since this was a published book, I
20 made reference to it.

21 Q. And you also don't know, for example, which parts of
22 Mr. Jakup Krasniqi's books are exaggerations; am I right?

23 A. You're right. I don't know.

24 Q. Now, sir, you've clarified that, in fact, these interviews, as
25 the Prosecution has described it, that you've had with KLA members,

Witness: Skender Zhitia (Open Session)

Page 18973

Cross-examination by Ms. S. Alagendra

1 you clarified that these were not interviews in the classical sense;
2 am I right?

3 A. That's right. And I have explained this in my interviews. I
4 mentioned one occasion today. If there's a need to, I can elaborate
5 further on this matter.

6 Q. And, sir, in fact, you said that these were casual
7 conversations; correct?

8 MS. D'ASCOLI: Can I have a reference for that, Your Honours?

9 PRESIDING JUDGE SMITH: Please, a reference.

10 MS. S. ALAGENDRA: Your Honours, I'm looking at his interview
11 transcript. Your Honours, in the interest of time, maybe I'll just
12 put it as a question instead.

13 Q. Sir, would you describe them as casual conversations that you
14 had with former KLA members?

15 A. These were not by-chance meetings. We didn't meet by chance.
16 But, again, I did not have a standard questionnaire with questions
17 and answers. In Albanian, the word "interview" stands for a
18 conversation between two or more people. I used my prior knowledge
19 that emanated from literature I had used and also statements,
20 newspaper articles, and used all of this to supplement the
21 information I had. I did not record the conversations. I did not
22 keep a record of the conversation for me and the interlocutor to sign
23 it at the end and to have this dual responsibility of both persons
24 conducting this conversation. This is why I've mentioned this
25 repeatedly in my book, including when I mentioned it today explaining

Witness: Skender Zhitia (Open Session)

Page 18974

Cross-examination by Ms. S. Alagenda

1 one of my footnotes.

2 Q. And, sir, you told the Prosecution and you also mentioned it
3 today, indeed, that sometimes you would meet with several persons
4 together. It could be five, six, or seven persons, you said, present
5 during these conversations. That's correct, isn't it?

6 A. Sometimes. There were such occasions. However, those were not
7 what I took to be the final count. As I keep saying, forgetting is
8 quite a natural phenomenon, and omissions can be explained and have
9 their reasons. As I said, and let me repeat it, I did not give the
10 best from a scientific point of view, and what has emerged from the
11 account sometimes is not as a result of, you know, mistakes being
12 made but because of, you know, faulty memories of a certain event.

13 Q. In fact, sir, what you told the Prosecution is that from these
14 conversations that you would have with groups of people, you would
15 form your own opinion of the conversation which was then included in
16 your book; correct?

17 A. Yes, I have said that, and I said it in the introduction as
18 well. I have made use of these where I had no other sources. And,
19 as a matter of fact, I mean, I did not -- this did not disrupt the
20 chronology of events regarding the development of the KLA in the Llap
21 operational zone.

22 Q. You've told us today that you didn't preserve any of the notes
23 that you took during these conversations. But you've also told the
24 Prosecution during your interview that, in fact, in some of these
25 conversations you didn't even take any notes at all; correct?

Witness: Skender Zhitia (Open Session)

Page 18975

Cross-examination by Ms. S. Alagendra

1 MS. D'ASCOLI: Again, Your Honours, can I please have a
2 reference. I'm trying to follow by memory, but it would be
3 appreciated if a reference can be put on the record.

4 MS. S. ALAGENDRA: Yes, Your Honour, it's from the interview
5 transcript, Part 2, page 18, lines 17 to 19.

6 PRESIDING JUDGE SMITH: Thank you.

7 MS. S. ALAGENDRA:

8 Q. Sir, you are aware, of course, that Mr. Rrustem Mustafa, he
9 testified publicly in this Court in July. You're aware of that,
10 aren't you?

11 A. Yes, I am.

12 Q. Did you follow his testimony, sir, either while he was
13 testifying or later on in the press, in the media?

14 A. I did not have the opportunity at the time owing to some family
15 engagements, but some parts of it I was able to follow, yes.

16 Q. And, in fact, sir, Mr. Mustafa, he confirms that his interaction
17 with you was not a proper formal interview per se but it was just a
18 conversation. That would have been a fair characterisation of the
19 encounter, isn't it?

20 A. Yes.

21 Q. And when he testified, he said he had a conversation with you.
22 Is it correct that he had one conversation with you?

23 A. I can't remember because so many years have elapsed. I have met
24 him to talk about other issues, including this one. However, what
25 counts is that I did have a conversation with him.

Witness: Skender Zhitia (Open Session)

Page 18976

Cross-examination by Ms. S. Alagendra

1 Q. Sir, Mr. Mustafa testified in this Court that the KLA war was
2 more propaganda than operational. Would you agree with that?

3 A. I can't comment this one. I cannot comment on statements made
4 by other people. I have no such authority to talk about what Mustafa
5 stated here. I respect him as a commander -- as my commander during
6 the war. However, I have no standing to be able to pass judgment on
7 his statements.

8 Q. But would you agree with the proposition that the KLA war was
9 more propaganda than operational?

10 A. I have no comment to make.

11 Q. Sir, Mr. Mustafa also told this Court that Serb enemy forces
12 were able to enter any part of his zone if they wanted to and the KLA
13 could not have prevented them from entering. Would you agree with
14 that?

15 A. I can agree with it, yes. If one were to take into account
16 their forces, the number of their forces and their equipment on the
17 ground, yes, it is fairly understandable. Even though I would not
18 like to pass judgment on other people's statements.

19 Q. Thank you. Sir, in that case, I want to take you to a page in
20 your book.

21 MS. S. ALAGENDRA: And that will be page 55 on the PDF of the
22 book. If that can be put on the screen.

23 Q. Now, sir, in the last paragraph, where you say:

24 "The KLA ..."

25 MS. S. ALAGENDRA: I beg your pardon. It's page 55 of the book.

Witness: Skender Zhitia (Open Session)

Page 18977

Cross-examination by Ms. S. Alagendra

1 Q. Sir, just taking you to the last paragraph. Do you see that in
2 front of you?

3 A. Yes, on page 55. Yes, I do see.

4 Q. Where you say:

5 "The KLA well-coordinated attacks throughout Kosovo and
6 especially in Drenica, Llap, Dukagjin, etc., made these areas
7 impenetrable by the Serbian police ..."

8 Do you see that, sir? And would you agree with me there's no
9 source reference to that statement in your book?

10 A. Which year are we talking about, honourable counsel?

11 Q. I'm just referring to what you've written in your own book, sir.
12 There's no source reference to that, is there?

13 A. I can only see half a sentence, not its conclusion. I see it to
14 the point where it says "Dukagjin and others" or "et cetera."

15 MS. S. ALAGENDRA: Maybe we have to go to the next page for the
16 translation, perhaps, because the part I'm interested in is "made
17 these areas impenetrable by the Serbian police ..."

18 MS. D'ASCOLI: Yes, Your Honours, the period starts from the
19 previous page, but I would ask that the question is put into a
20 context for the witness in terms of the timeframe that counsel is
21 referring to.

22 PRESIDING JUDGE SMITH: Can we fix it so he can see the sentence
23 first.

24 MS. S. ALAGENDRA: Your Honour, I'm just asking him to confirm
25 there's no --

Witness: Skender Zhitia (Open Session)
Cross-examination by Ms. S. Alagenda

Page 18978

1 PRESIDING JUDGE SMITH: Just a minute. He deserves to be able
2 to see the sentence in its entirety.

3 Can you see the whole sentence now?

4 THE WITNESS: [Interpretation] I see the beginning there.
5 However, the year is 1997, and I have difficulty following the
6 question of counsel.

7 PRESIDING JUDGE SMITH: *[REDACTED] Pursuant to In Court
8 Redaction Order F2509.* is there something wrong with his
9 computer, because everybody else can see that sentence?

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: So we'll go to the next page. It'll be
12 in the Albanian.

13 Now can you read the entire statement?

14 THE WITNESS: [Interpretation] Yes. I do see it in full now.

15 PRESIDING JUDGE SMITH: Now you can ask your question.

16 MS. S. ALAGENDRA:

17 Q. Sir, I just want to know from you what's your source or
18 reference for that?

19 A. There has been so much time since then, so the source would have
20 been through the public media or the communiqués. It belongs or
21 pertains to 1997, not 1998. However, given that I have not cited a
22 reference, I hesitate to guess here and give the wrong answer. That
23 is what I -- this is my personal opinion which has been formulated
24 here based on knowledge that I would have had prior to that.

25 Q. Sir, earlier today you testified about a meeting which took
place between the 18th and 20th August when there was a visit by the

Witness: Skender Zhitia (Open Session)

Page 18979

Cross-examination by Ms. S. Alagenda

1 General Staff, and you have explained, sir, that this was just an
2 officialisation of the appointments. Do you recall saying that
3 today?

4 A. Yes, I do.

5 Q. And you clarified that, in fact, these appointments had taken
6 place earlier; correct?

7 A. Yes. And if you want me to further elaborate, I can.

8 Q. That's not necessary, sir. Just to confirm that. But my
9 question to you is this explanation by you that these appointments
10 were just an officialisation, that information is not included in
11 your book, is it?

12 A. So what I meant is that what happened was that those
13 appointments made by the Llap operational zone commander were
14 sanctioned or had the stamp of approval.

15 Q. Sir, if you'd just kindly answer my question. My question is
16 the explanation that you provided that these appointments were made
17 earlier, and it was -- this visit was just an officialisation, as you
18 described it, that explanation is not included in your book; correct?

19 A. If you read the book and peruse every single word or phrase or
20 paragraph, this is easily understandable. You can see there that
21 there was a meeting from the 18th to 20th July having to do with the
22 appointments. If you see that in the whole context, you will be able
23 to see it. If you read the whole thing carefully, you'll be able to
24 see there that my view was that Commander Rrustem Mustafa, and you
25 have to see this one chronologically, that he had appointed his

Witness: Skender Zhitia (Open Session)

Page 18980

Cross-examination by Ms. S. Alagendra

1 co-fighters, his fellow fighters who had started the war in Llap. He
2 had given them these posts.

3 And my book suggests that on 18 July, these were formally
4 appointed. He had nominated them earlier in Llap, and on 18 July
5 they were approved. He just submitted that to the delegation of the
6 General Staff and gave them the list of names. At least, that is
7 what I see. As the author of the book, that is the extent to which I
8 can go to explain it, not any further.

9 Q. And, sir, regarding this meeting, you were shown an excerpt from
10 Mr. Jakup Krasniqi's book by the learned Prosecutor today where he
11 states in his book that during this visit, the commanding officers
12 were appointed by the General Staff.

13 Now, you'll agree with me, sir, that that is not correct, is it,
14 just from what you've explained? That's not correct.

15 A. I stand by what I've written and what was said to me. The fact
16 that I may not have commented or given my own analysis, that is
17 understandable. The General Staff did not nominate people they had
18 selected.

19 Q. Sir, I'm so sorry to interrupt you --

20 A. They had their own criteria about the people who should have --

21 PRESIDING JUDGE SMITH: Ms. Alagendra, let's move on. We've
22 been over this three times already.

23 MS. S. ALAGENDRA: Your Honour, if I can just repeat the
24 question because I don't think he's understood.

25 PRESIDING JUDGE SMITH: No, well, let's move on. We've been

Witness: Skender Zhitia (Open Session)

Page 18981

Cross-examination by Ms. S. Alagendra

1 over this three times already. It's been asked and answered. He's
2 been quite clear what his answer was. You're just arguing with him
3 now.

4 MS. S. ALAGENDRA: Your Honour, if I may, I'm actually asking
5 about Mr. Jakup's book, not his book. If I could just rephrase the
6 question so that he can understand it. I think he's misunderstood
7 the question.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 This is the first anyone knew you were talking about
10 Mr. Krasniqi's book. But go ahead. If you have a question, ask it,
11 but then we're not going to go over this again. He's stated what
12 he's stated. He's clarified as much as he can. That's it.

13 MS. S. ALAGENDRA:

14 Q. Sir, I'm so sorry, but I'm just going to revisit this one
15 meeting again. But I am asking you about what you were shown was
16 written in Mr. Jakup's book, not your book. And what I'm suggesting
17 to you is that in Mr. Jakup's book where he states - not you, he
18 states - in his book that the visit by the commanding officers was to
19 appoint commanders, that is not correct because they were already
20 appointed. And that is your evidence. Would you agree with me, that
21 what is in Mr. Jakup's book is not correct?

22 A. What I'm giving here is my view. I do not have the right to
23 comment on something else. When the delegation from the
24 General Staff visited the Llap operational zone, the -- a number of
25 people had already been nominated by or appointed by the commander of

Witness: Skender Zhitia (Open Session)

Page 18982

Cross-examination by Ms. S. Alagenda

1 the Llap operational zone. So the General Staff only gave its --
2 sanctioned these appointments. I have no other comment to make.

3 I respect Mr. Krasniqi, but I don't know what he meant to say in
4 his sentences or paragraphs. What I'm giving here is my own view
5 that what happened was that Rrustem Mustafa's decisions were
6 sanctions, were made official.

7 Q. Thank you. Sir, you're aware, aren't you, that several KLA
8 members have gone on to write books and publications about the KLA
9 after the war?

10 A. If I remember correctly, there are a number of those who I have
11 used as sources and they figure in my bibliography.

12 Q. And would you agree with me that after the war many of these KLA
13 members who wrote books, their books were mainly to glorify the KLA?
14 Would you agree?

15 MS. D'ASCOLI: Objection, Your Honour. It's unclear what books
16 counsel is referring to.

17 PRESIDING JUDGE SMITH: Sustained.

18 MS. S. ALAGENDRA: I'll rephrase the question, Mr. Witness.

19 Q. In fact, some of these books that have been written by KLA
20 members after the war contained exaggerations about the KLA's actual
21 capacity and level of organisation. Would you agree with that?

22 MS. D'ASCOLI: I think it's the same question, Your Honour. The
23 same --

24 PRESIDING JUDGE SMITH: It is --

25 MS. D'ASCOLI: -- objection.

Witness: Skender Zhitia (Open Session)

Page 18983

Cross-examination by Ms. S. Alagendra

1 PRESIDING JUDGE SMITH: -- the same question. If you want to
2 point out a particular book and a particular passage, you may.

3 MS. S. ALAGENDRA:

4 Q. Sir, have you come across the book written by Nuhi Bytyqi who
5 authored the book titled "The Book of War"? Have you heard of this
6 book?

7 A. No, I have not read it.

8 Q. Are you aware that he testified in this Court?

9 A. I have heard about it.

10 Q. And during his testimony, sir, he told this Court that his book
11 was a publicity book in which he tried to raise as high as he could
12 the values of the war and the KLA. That's how he described his own
13 book.

14 MS. D'ASCOLI: Is there a question, Your Honour? Otherwise, I
15 would have an objection as to foundation. The witness cannot be in
16 the mind of someone else.

17 PRESIDING JUDGE SMITH: Is there a question?

18 MS. S. ALAGENDRA: It was coming.

19 Q. Are you aware of that, sir, that that is how he described his
20 own book?

21 A. No, I'm not.

22 Q. And also there's another book. Did you come across the book by
23 Hajrush Kurtaj titled "The KLA War in Nerodime Operation Area"?
24 Hajrush Kurtaj.

25 A. Yes, I have heard about it.

Witness: Skender Zhitia (Open Session)

Page 18984

Cross-examination by Ms. S. Alagendra

1 Q. And are you aware that he has testified here, sir?

2 A. I know. I have not followed it.

3 Q. And in his testimony, he accepted that he had embellished and
4 amplified information in his book, and he also accepted that he had
5 inserted his own assumptions into his book. Are you aware of that?

6 MS. D'ASCOLI: Objection, foundation. The witness said he
7 didn't follow, he didn't follow the testimony.

8 MS. S. ALAGENDRA: Your Honour, I think he can say that. If he
9 didn't follow the testimony, he can say he's not aware.

10 PRESIDING JUDGE SMITH: Did you follow the testimony and are you
11 aware, Witness?

12 THE WITNESS: [Interpretation] No, I did not follow it.

13 PRESIDING JUDGE SMITH: Thank you.

14 THE WITNESS: [Interpretation] Because of personal family
15 engagements.

16 MS. S. ALAGENDRA:

17 Q. And did you hear -- although you didn't follow the testimony,
18 did you hear it afterwards that he had testified that, in fact, these
19 books written by the KLA after the war were a continuation of the
20 propaganda during the war? Did you hear that that was his testimony?

21 A. As I said, I did not hear it. No.

22 Q. Sir, I just want to ask you a few questions about some of the
23 issues that you spoke about during your interview with the
24 Prosecution with regard to some of your other publications. And you
25 told the Prosecution when you were interviewed that you had completed

Witness: Skender Zhitia (Open Session)

Page 18985

Cross-examination by Ms. S. Alagendra

1 a project relating to Serb genocide in Kosovo. Do you recall telling
2 them that?

3 A. It is ongoing. There is a research paper that I've worked on
4 and that has been published. The project on genocide is a broader
5 one which is ongoing. I have -- am taking an active role on the
6 genocide of the military and police -- Serbian military and police
7 forces during the war in Kosovo.

8 Q. Sir, I'm not going to go into the details of your very important
9 work, but I just wanted to clarify that you were not asked by the
10 Prosecution during your interview about the conclusions or details of
11 this project; correct?

12 A. No, correct.

13 Q. And when you were listing your publications for the Prosecution
14 during the interview, you told them that you had completed another
15 research piece on the Serb policy from 1844 to 1999. Do you recall
16 you told them that during the interview?

17 A. Yes, yes. It has been published. It included all the Serbian
18 plans and programmes from Nacertanije in 1844 - Nacertanije, a
19 document which had planned the eviction of all Albanians from their
20 own lands - and this extends up to the Horseshoe plan of 1999. So
21 that research paper includes all the Serb political plans. It is a
22 project that was published in the international publication in the
23 English language whose name evades me at the moment.

24 So that includes figures about the number of Albanians who were
25 killed, what material damage was caused over time, including the last

Witness: Skender Zhitia (Open Session)

Page 18986

Cross-examination by Ms. S. Alagendra

1 ten years of the 20th century, which followed the abolition of
2 Kosovo's autonomy. So that research paper includes all the Serbian
3 plans up to the Horseshoe operation. It includes some stats on the
4 kind of genocide exercised by Serbia against the Albanian people in
5 Kosovo.

6 That is why, counsel, the Kosovo Liberation Army army remains
7 the most successful project of the Albanians in their history. The
8 Kosovo Liberation Army not only waged a just and rightful war, but
9 also a war to continue the existence of its own people on its own
10 lands. And through that war, it managed to gain allies of the
11 stature of NATO. The Kosovo Liberation Army created a name with the
12 war. The Albanian nation is proud of those who founded the Kosovo
13 Liberation Army. They will -- those founders will always remain a
14 beacon of hope in the history of the Albanian nation. As a
15 researcher, it was an honour to research the activities of the KLA in
16 the Llap operational zone.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 It would be helpful if you would confine your answers to the
19 question that is asked.

20 MS. S. ALAGENDRA:

21 Q. Sir, the only thing I wanted to know from you is that during
22 your interview you were not asked for a copy of that publication by
23 the Prosecution, were you?

24 A. No, I wasn't.

25 Q. And you were not asked about the content or the conclusions of

Witness: Skender Zhitia (Open Session)

Page 18987

Cross-examination by Ms. S. Alagendra

1 this report by you, were you?

2 A. I wasn't.

3 PRESIDING JUDGE SMITH: Excuse me, counsellor. Is it your
4 case --

5 THE WITNESS: [Interpretation] And if I could add --

6 PRESIDING JUDGE SMITH: Excuse me, counsellor. Is it your case
7 that they had some obligation to do that?

8 MS. S. ALAGENDRA: Your Honour, I think there is an obligation
9 on any prosecution to investigate exonerating and incriminating
10 information equally. And where there is information that could be
11 relevant to context, and I don't want to say more in the presence of
12 the witness, it is my submission that there may have been such an
13 obligation.

14 PRESIDING JUDGE SMITH: There was no such obligation. Please
15 move on.

16 MS. S. ALAGENDRA:

17 Q. Sir, during your interview you told the Prosecution, and I'm
18 going to be reading from your interview transcript, that's interview
19 transcript Part 2 at page 15, you told them, and I quote:

20 "The most powerful emotionally moment in my life during the war
21 is the moment when we withdrew the wounded persons from one area to
22 another. And even today I hear the voices of the wounded when we
23 took them from an area, part of the area of Llap Operative Zone to
24 another part."

25 And, sir, just to answer my question only, without giving any

Witness: Skender Zhitia (Open Session)

Page 18988

Cross-examination by Ms. S. Alagendra

1 other detail, is: Can you confirm, sir, that you were not asked to
2 elaborate on this by the SPO interviewer? In fact, the interviewer
3 didn't pause to ask you any further questions but immediately moved
4 on to another different topic, which was on training; am I right?

5 A. I was not asked any more questions. However, I mentioned this
6 because, to me, this was one of the operations which I partially led
7 with other soldiers, to carry the wounded. It is a fact, though,
8 that when I remember those moments, over 70 soldiers wounded, I am
9 very proud that we managed to save all of them and not leaving them
10 behind in the hands of the Serbian forces.

11 It was an honour to lead this operation with other prominent
12 figures like Fatmir Humolli, Ejup Maqedonci. And now that you're
13 taking me back to those moments which is unpleasant to me because
14 these are hard emotions and make us feel bad. And this is not an
15 isolated case. There are other occasions like the massacre that
16 occurred --

17 PRESIDING JUDGE SMITH: Witness, once again you're going way
18 beyond the question. We have to keep within the timeframe that we
19 have. More important questions are yet to be asked. You cannot fill
20 the time with your statements. All right?

21 Go ahead.

22 MS. S. ALAGENDRA: Your Honours, in fact --

23 PRESIDING JUDGE SMITH: Go ahead. And there was really nothing
24 very relevant about your question either. Go ahead.

25 MS. S. ALAGENDRA: Perhaps we can leave that for submissions,

Witness: Skender Zhitia (Open Session)

Page 18989

Re-examination by Ms. D'Ascoli

1 Your Honour. But those were my questions.

2 Q. Mr. Witness, thank you very much for your patience in answering
3 my questions.

4 PRESIDING JUDGE SMITH: [Microphone not activated]. Thank you.

5 THE WITNESS: [Interpretation] Thank you.

6 PRESIDING JUDGE SMITH: Any redirect?

7 MS. D'ASCOLI: Yes, Your Honours, a few questions.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MS. D'ASCOLI: Yes.

10 Re-examination by Ms. D'Ascoli:

11 Q. First of all, Witness, just as we stay with what counsel was
12 asking you about the genocide project, I just want to clarify for the
13 record what your answer was. And this was at page 9 of the second
14 part of the SPO interview, which is now in evidence as P1545.2.

15 In discussing this project, you said, lines 11 to 17:

16 "This is a project initiated, launched by the Institute," in
17 reference to the one related to the Serb genocide. "However, we
18 haven't started effectively working and we've been assigned tasks as
19 I mentioned ..."

20 You remember that, that you were still ongoing with that project
21 at the time the SPO interview was conducted? I'm reading from the
22 interview.

23 A. Yes, if we're talking about 2020. Right?

24 Q. Yes, exactly. That was just to clarify the record.

25 A. Yes.

Witness: Skender Zhitia (Open Session)

Page 18990

Re-examination by Ms. D'Ascoli

1 Q. No further than that, Witness. Thank you. Okay.

2 Now, I'll go back to some other questions that you asked today
3 by the Thaci Defence on methodology and also some by the Krasniqi
4 Defence.

5 You were asked questions including whether, for example, your
6 book represents your opinion and interpretation of the events in the
7 Llap zone. This was at temporary transcript page 59. And whether
8 you tried to glorify the KLA war efforts in the Llap zone. This was,
9 for example, at transcript page 60 as well as some references to that
10 later.

11 MS. D'ASCOLI: I will call up the same page, page 305, of your
12 book, that is SPOE00055979, that was put to you by the Thaci Defence
13 counsel. And, again, this is a page from the conclusion of your book
14 which was shown to you earlier.

15 Q. Now, I'm going back to the middle part of the page where you
16 describe your goal or purposes in writing the book. I will read the
17 lines specifically:

18 "The goal of this paper is to investigate, analyse, and study
19 the birth, expansion, organisation and strategy of the war of the KLA
20 in the Llap zone to throw light on, preserve and present that to the
21 public in the most objective way a part of the history of the KLA's
22 struggle in the Llap zone."

23 Do you still stand by those words?

24 A. Yes, I've said this repeatedly --

25 Q. That will suffice. That will --

Witness: Skender Zhitia (Open Session)

Page 18991

Re-examination by Ms. D'Ascoli

1 A. -- what my aim was.

2 Q. Yes, that will suffice. Thank you. I also want to clarify --
3 to go back to a clarification about accuracy that you gave during the
4 SPO interview and then during the preparation session again.

5 MS. D'ASCOLI: And in the SPO interview, the reference is to
6 Part 2. That is P1545.2, page 5 of the English, lines 5 to 9
7 exactly. There's no need to bring them up but that's just for the
8 record.

9 Q. Now, you were asked if you tried to be as accurate as possible
10 when you wrote the book, to which you replied:

11 "Certainly."

12 And my question is do you still stand by those words?

13 A. I do stand. But not through -- imposing on me to answer by yes
14 or no, you are limiting me in my answers. I've said this before,
15 I've said this in the forward, afterward, that it was impossible. I
16 am aware that I didn't do my best. I did not present it the best way
17 I could. But I am very proud for having been entrusted by my fellow
18 co-fighters to write a part of the history of the KLA in the Llap
19 operational zone.

20 I am aware of the scientific critique, the omissions, but I know
21 that no scientific person can present a complete work.

22 Q. Thank you, Witness.

23 A. I have the right as a researcher to analyse --

24 Q. There was no accusation in my questions. It was just whether
25 you were confirming what the -- the words I read to you.

Witness: Skender Zhitia (Open Session)

Page 18992

Re-examination by Ms. D'Ascoli

1 To give you a further chance to clarify, to be more specific, as
2 you said, during the preparation session, you were also asked to
3 explain in which way you tried to be as accurate as possible. And
4 you said, and now I'm reading from the preparation note that was read
5 back to you, and that is P1551, paragraph 23, and you said -- and
6 follow what I'm saying, we have no Albanian translation of that, so
7 please listen to my words into the headset. So you said -- you were
8 asked in which way you tried to be as accurate as possible in writing
9 your book, and you explained that, first of all, you were very
10 patient as you compared and verified facts and events from many
11 sources. You did not interpret the information received, but simply
12 stated facts and events as they were said to you; for example, in the
13 interviews or conversation, as we want to call them, with KLA
14 commanders. And you cross reference that information with documents
15 and other written sources.

16 This was the explanation you gave when you asked to clarify what
17 accuracy has meant to you in your book. And my question is do you
18 still stand by those words, by that explanation?

19 A. I don't have the professional or personal right to dispute or
20 deny something that has been confirmed by all these co-fighters. We
21 fought the war in Kosovo against a fascist regime which had installed
22 a colonial power and regime in Kosovo.

23 Q. Witness, sorry --

24 A. Had I given a reporter's opinion, that would have been something
25 different.

1 Q. Witness, I didn't ask you to question other people's words. I
2 think that's how you put it. I just asked you to confirm whether, in
3 fact, the explanation you gave as to how you tried to be as accurate
4 as possible in your book and that I read to you still stands, is what
5 you -- is what you told us is what you did, indeed.

6 A. I'm trying to say it. I stand by that because these are data
7 that I obtained from my co-fighters. I don't have the professional
8 or moral right to make comments or opinions on what they stated to
9 me --

10 Q. That's clear. That's clear, Witness.

11 A. -- or in other interviews.

12 Q. That's clear, Witness. Thank you very much. That was the
13 extent of my redirect, and I thank you, Witness, for answering these
14 further questions.

15 PRESIDING JUDGE SMITH: Witness, that concludes your testimony
16 in this trial. We thank you for being with us. We thank you for
17 sharing your information with us. And you will be released now, and
18 you can leave the courtroom with our thanks, and we wish you well.

19 You may leave now. Thank you.

20 THE WITNESS: [Interpretation] Have a good day.

21 [The witness withdrew]

22 PRESIDING JUDGE SMITH: So we will begin with the next witness
23 tomorrow morning rather than trying to squeeze in a witness this
24 afternoon.

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

1 PRESIDING JUDGE SMITH: Thank you all for your comments and your
2 contributions, and we will see you tomorrow at 9.00. We are
3 adjourned until then.

4 --- Whereupon the hearing adjourned at 3.42 p.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25