

1 Wednesday, 26 March 2025

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.08 a.m.

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

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

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

12 And before the witness is brought in, we do have a few
13 preliminary matters to address.

14 First, on 24 March 2025, the Defence filed a request seeking
15 admission of a statement of W02172. This is in filing F03054.

16 The Panel notes that the SPO has previously indicated that it
17 would not object to admission of the statement should the Defence
18 wish to tender it. I am referring to filing F02782, paragraph 53(i),
19 and filing F02888, paragraph 4.

20 Accordingly, and with a view to expediting resolution of this
21 motion, the Panel would like to know whether the parties are in a
22 position to provide response or reply at this time, as the case may
23 be, to F03054 during today's hearing or at the start of tomorrow's
24 hearing.

25 Mr. Prosecutor, is there any objection to the admission?

1 MR. PACE: I will have to check, Your Honour, and I will get
2 back to you as soon as I can.

3 PRESIDING JUDGE SMITH: Could you do that after the next break.

4 The Panel notes that today's witness, W04403, has communicated
5 to the Registry that he is not available next week, so we must finish
6 with him today or work him in tomorrow with the other witness, one or
7 the other.

8 Next, the Panel will give the floor to the Thaci Defence, as
9 requested yesterday via e-mail, to tender documents in relation to
10 W03724.

11 Does this need to be in private session, Mr. Misetic?

12 MR. MISETIC: It does not, but if you just give me a moment
13 to --

14 PRESIDING JUDGE SMITH: Sure.

15 MR. MISETIC: -- pull up the ERNs. Yes, I'm ready.

16 PRESIDING JUDGE SMITH: You may go ahead.

17 MR. MISETIC: Thank you.

18 We wish to tender two documents that were in our presentation
19 queue for questioning at trial on 14 September 2023; that's at
20 transcript page 8181. We tender DHT02008 to DHT02010, and DHT02011
21 to DHT02011. We have now received clearance from the provider to
22 tender those.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. PACE: Yes, Your Honour. We do object to the admission of
25 these items. They were not put to the witness at issue. The fact

1 they were in a presentation queue doesn't change anything. Their
2 admission is not appropriate in the manner proposed by the Defence.
3 The Defence could either try to tender it in the Prosecution case
4 through another witness if applicable. The only other alternative
5 under the regulatory framework would be to do so during the Defence
6 case.

7 And in that regard, I note that we cannot admit it in the manner
8 proposed because it was not put to the relevant witness. The
9 relevant witness was not allowed to give appropriate comment on the
10 item. Similarly, we were not allowed to use the item with the
11 witness on cross-examination. So this would fall well outside the
12 scope of what is permissible for the Defence to tender during the
13 Prosecution's case, and, indeed, it would set a dangerous precedent
14 should admission be allowed.

15 MR. MISETIC: Your Honour, I do actually believe that there were
16 some questions that were based on the documents, although the
17 documents themselves were not put to the witness. I don't know about
18 what dangerous precedent would be set with two witnesses left in the
19 Prosecution case. But they're relevant, they're material, and
20 they're related to the testimony of the witness and the subject
21 matter that he was testifying about.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 We'll mark them MFI and get a chance to discuss it, and then
24 we'll make a ruling on it yet today.

25 MR. MISETIC: Thank you, Your Honour.

1 THE COURT OFFICER: Your Honours, DHT02008 to DHT02010 will be
2 marked for identification with 1D00258. And it's classified as
3 confidential.

4 And the other document, which is DHT02011 to DHT02011, will be
5 marked for identification with 1D00259, classified as confidential.

6 Thank you, Your Honours.

7 MR. MISETIC: Mr. President, I forgot to raise one issue, and I
8 can get it for you at the next break. But with respect to the
9 argument by the Prosecution that there's prejudice. One of the
10 reasons that they've been clear is that they are nearly identical to
11 documents that are already in the Prosecution's possession although
12 in a slightly different format, but the content is basically
13 identical.

14 So I can get you those SPO ERN numbers, but there was no
15 prejudice. They could have used that document as well.

16 PRESIDING JUDGE SMITH: Okay. Thank you.

17 MR. PACE: Your Honour, if I may respond to that. That changes
18 nothing. Those items were still not used with the witness, and
19 counsel gave no reason now as to why they couldn't use these
20 allegedly similar or identical documents with that witness instead.
21 So there is no change in terms of this falling outside the scope of
22 what the Defence can admit during the Prosecution case.

23 MR. MISETIC: Briefly, I was just addressing the argument that
24 they were somehow prejudiced by not being able to use the document.
25 Thank you.

1 PRESIDING JUDGE SMITH: I understand that. Thank you.

2 MR. PACE: One other matter unrelated, Your Honour, to this
3 current litigation but related to what you asked me before. I am
4 told that we indicated before that we would not object to the Defence
5 if they tendered the additional statement of 2172, so I confirm there
6 is no objection to that.

7 PRESIDING JUDGE SMITH: So the statement of W02172, which is
8 filing F03054, is admitted.

9 THE COURT OFFICER: Thank you, Your Honours. The numbers will
10 be assigned accordingly.

11 PRESIDING JUDGE SMITH: All right. Thank you.

12 One last thing. Because of the crunch on these last two
13 witnesses, we will just take an hour for lunch. We'll try to start
14 up again at 2.00 instead of 2.30 to just give a little extra time.
15 And everyone, please, not restricting anybody in the
16 cross-examination or redirect, but let's make it as -- on important
17 issues and not peripheral issues as much as possible, so I trust you
18 will do that.

19 MS. V. ALAGENDRA: Your Honours, I have indicated three hours,
20 but I am most likely going to be much shorter than that. Probably
21 half of that.

22 PRESIDING JUDGE SMITH: I appreciate that. Thank you.

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

24 I'm sorry for the short delay this morning. There was
25 apparently a transportation issue getting people here, so we had to

1 start a little late.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: Good morning, Mr. Maloku. We
4 received --

5 THE WITNESS: [Interpretation] Good morning.

6 PRESIDING JUDGE SMITH: -- your notice that you were not
7 available next week. We were just asking that in case there was an
8 issue, but we understand that you cannot be and we understand the
9 reason why. We will attempt to get you finished today. If not,
10 perhaps for just a short bit tomorrow, because we have another
11 witness tomorrow as well. But everyone's doing their best --

12 THE WITNESS: [Interpretation] Of course.

13 PRESIDING JUDGE SMITH: -- to get your testimony finished.

14 THE WITNESS: [Interpretation] No problem.

15 Your Honour, I am here to make myself available to the justice
16 system. I'm not here to accuse or defend anyone. I'm here to answer
17 any questions that are asked of me.

18 PRESIDING JUDGE SMITH: Thank you, Mr. Maloku. We'll begin now.

19 We want to remind you to please try to answer the questions
20 clearly with short sentences. If you don't understand a question,
21 ask counsel to repeat the question or tell them you don't understand
22 and they will clarify. Also, please try to remember -- or to
23 indicate the basis of your knowledge of the facts and circumstances
24 upon which you will be questioned.

25 I remind you that you are still under an obligation to tell the

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1 truth as stated by you in your solemn declaration.

2 Please also remember to speak into the microphone and wait five
3 seconds before answering a question, and then speak at a slow pace
4 for the interpreters to catch up.

5 If you feel the need to take a break, please make an indication
6 and we will accommodate you.

7 We continue now with cross-examination. Mr. Dixon from the
8 Veseli Defence will be first.

9 MR. DIXON: Thank you, Your Honours.

10 WITNESS: NAIM MALOKU [Resumed]

11 [The witness answered through interpreter]

12 Cross-examination by Mr. Dixon:

13 Q. Good morning, Mr. Maloku. My name is Rodney Dixon. I am going
14 to ask some questions on behalf of my client, Mr. Kadri Veseli.

15 A. Good morning. Thank you, counsel.

16 Q. I only have a few topics to cover, and I hope that my questions
17 will just warrant short answers. So if you can just focus on
18 answering those few questions, we can get through this very quickly.

19 A. I will try.

20 Q. Thank you very much. I am going to start with the book,
21 Mr. Maloku, that a number of questions have been asked about.

22 MR. DIXON: And if I could have on screen, please, P2103. In
23 English, it's page 49 of the PDF, and the Albanian is page 54.

24 Q. I'm just going to ask you, to start, with some questions about a
25 passage while this is being called up so that you know. It's just

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1 some brief background, Mr. Maloku.

2 MR. DIXON: 49 in English, 54 in Albanian, please. Yes. It's
3 the section where, it says: "Mr. Maloku please, some biographical
4 notes for our readers." So if you could just zoom in on -- is it the
5 left-hand side? On the right side, sorry. The right side of the
6 Albanian.

7 Q. And you say this there, I'll read it out:

8 "In 1981 I completed the Military Academy in Zagreb, but in 1985
9 I was imprisoned by the secret service of the Yugoslav armed forces.
10 At that time, I was politically convicted in Sarajevo, with the first
11 group of Albanian officers. Then from 1988 until 1991 I was involved
12 in the founding of the Council for the Defence of Human Rights and
13 Freedoms headquartered in Ljubljana. Also, during these years, I was
14 one of the founders and later president of the 'Migjeni'
15 Albanian-Slovenian Association, which at the time was known more by
16 the name 'Alternativa' in public. In 1991, I was involved in the
17 formation of a military unit composed of Albanians in Croatia. It is
18 well -known, however, that due to conflicts that were happening in
19 Kosovo at the time we had to give up on that project. I repeat,
20 unfortunately we were forced to give up on that project. Even today
21 I think that being forced to leave aside that project was wrong.
22 Since the month of April of this year," that's 1998, "I have been in
23 Kosovo, I live and act here, arm in arm with the KLA and the people
24 who fight in self-defence."

25 You see that there, Mr. Maloku? I'm going to ask you some

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1 questions about it.

2 A. Yes.

3 Q. It's right that you were the president of this association
4 *Alternativa* from 1989 to 1996, just before the war started?

5 A. I was on three occasions chairman of that association during
6 that period of time. I left my functions in 1997. The statute of
7 the association foresaw the replacement of the chairman every year in
8 order to avoid a monopoly. So I was three times chairman of the
9 association for a mandate of one year each time.

10 Q. Thank you. And it's right, is it not, that this association was
11 a very well-known and high profile one from early on which was
12 calling for self-governance in Kosovo and independence for Kosovo?

13 A. Yes. Yes.

14 Q. So it's correct, isn't it, that as the president of this
15 association, not only were you a professional career soldier, but you
16 were also a prominent public figure who was well known in Kosovo and
17 the region because of your work with this association?

18 A. I was well known, very well known, not only in Kosovo but also
19 known by the wider opinion, beyond Kosovo borders. I was
20 internationally known, not only in Slovenia but beyond.

21 Q. Yes. And that's one of the reasons, is it not, why many
22 journalists and commentators during the war came to you to interview
23 you to get your views on what was happening? You were a very
24 well-known public figure.

25 A. Correct. I was the officer who was best known in the KLA, and I

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1 also had joined using my real name, which was very rare, meaning
2 professional officers within the ranks of the KLA in Kosovo. As a
3 result of this, they -- to be honest, the journalists were looking
4 for me in the territories where I was, asking to get interviews with
5 me in relation to the situation, the war, political developments in
6 Prishtine, everything a journalist needs to inquire about with a
7 person who this journalist thinks has the knowledge and the necessary
8 information for that.

9 Q. Yes, thank you. And you always felt free and open to speak to
10 the journalists about what your views were? That's right, isn't it?

11 A. I was always free in my opinions. I always expressed them based
12 on my professional knowledge. And allow me to say one sentence,
13 counsel, which is meaningful to you and to everyone here.

14 In all the KLA structures that we officers set up, those
15 organisational structures, 16 volunteers were part of these
16 structures during 14 months, 16.000 different opinions, but there was
17 one thing we all had in common which was the purpose to liberate
18 Kosovo. I told to SPO in Ljubljana, and you have it in the
19 transcript, it's very difficult to understand the Kosovo Liberation
20 Army. It is very difficult to understand an army -- an army that
21 emerged from an oppressed people and view it as a regular army.

22 So we had -- there were different opinions, but we had our aims,
23 our purpose in common, and as a result of it, we respected each
24 other, we supported each other. That purpose was the war to liberate
25 Kosovo.

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1 Q. Yes, thank you, Mr. Maloku. I want to go on, then, to ask you
2 about one of the people, in fact, who you say was a comrade of yours
3 back in Croatia in 1991, and that's Mr. Mensur Kasumi.

4 You gave evidence yesterday that you gave him a request to
5 demobilise in June 1999, and that you saw him and you had a long
6 conversation with him catching up when you did that. Do you remember
7 giving that evidence?

8 A. Yes. I did not submit my request with him. I just gave it to
9 him so that he could pass it on to the chief of staff of the
10 General Staff. So the chief of staff was to give an order to
11 demobilise me.

12 If you read my request, it says that if you do not demobilise me
13 I will use my right, which is that I voluntarily joined the KLA
14 ranks, and I will then voluntarily leave it. So be that based on the
15 rules or internal rules of the KLA, they had no right to prohibit me
16 from leaving if that was my wish. That sentence is included in the
17 request.

18 Q. Yes, we understand that. And he was part, then, of the
19 General Staff, Mr. Kasumi, and you said that "he told me that there
20 was a reorganisation of the General Staff happening." That's at page
21 68 of the provisional transcript yesterday.

22 I just want to ask you some questions about that, because you
23 won't necessarily know this, but we have a statement from Mr. Kasumi,
24 which parts of were read to Mr. Zyrapi when he testified here, and
25 that's at page 17826 onwards. You don't have to worry about the

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1 numbers. I'm just doing that so everyone in the courtroom knows what
2 I'm referring to.

3 But here's my question. He said in his statement that he was
4 first the deputy zone commander in the Shala zone, and then in
5 February 1999 he essentially went into the position that you had been
6 in, or one of those positions, as being in charge of the directorate
7 of operations for the KLA. And then he said this. I'm just going to
8 read it out to you and then ask you about that in light of what
9 you've said:

10 "After Rambouillet and the formation of the provisional
11 government, my role continued as chief of the operational
12 directorate. But in the first week of April 1999, I also became
13 chief of military intelligence, ZKZ."

14 And then he showed an order of 4 May that he had signed in that
15 position. That's an exhibit in the case, 2D17. Once again, you
16 don't have to worry about the numbers.

17 But what I wanted to ask you, given what he has said here, is
18 that what he talked about with you when he met you about reorganising
19 the General Staff, that he was in these positions now as the
20 directorate of operations, in charge of that, and also the chief of
21 military intelligence? Is that how you recall it?

22 A. To tell the truth, I didn't know that he had the position of
23 chief of intelligence. I was aware of the reorganisation of the
24 General Staff, though, because the war was over and the
25 organisational structures of the KLA were in the process of becoming

1 smaller, diminishing. This was part of the obligations deriving from
2 the -- obligations of the KLA deriving from the Kumanovo Agreement.

3 So the General Staff was being reorganised, becoming smaller,
4 and this is why I asked the question did my name come up as a -- for
5 any potential position, to which he replied no. Then I wrote my
6 request to be demobilised and it ended with me leaving Kosovo. As I
7 explained to the SPO, I went to Germany, in Mainz, for further
8 medical treatment and then returned to Kosovo.

9 Q. Yes, thank you. If you could just focus on the question I'm
10 asking. Do you recall that what he was saying was that some people
11 were moving from the KLA General Staff, from their positions in that,
12 to the provisional government or other positions outside of the KLA?
13 Is that what the discussion was generally about, if you recall?

14 A. We focused mainly on our past experiences, life together, from
15 the moment we met in Gaspic until that day. I mentioned this in the
16 book as well that we discussed leaving the army then, and I mentioned
17 this also in my previous interviews.

18 Q. Yes. But you do recall that he did mention that there was
19 reorganisation of the General Staff going on at that time. That's as
20 much as you remember?

21 A. Yes, yes.

22 Q. Now, I want to ask you about another matter. You were yesterday
23 very briefly by the SPO asked some questions about Mr. Faton
24 Mehmetaj. You said this. This is page 18 of the provisional
25 transcript:

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1 "As far as I know, Faton Mehmetaj was a senior officer or
2 responsible for the so-called sector of intelligence and
3 counter-intelligence in Dukagjin zone. From what I heard, Fitnete
4 Ramosaj helped him."

5 And then you went on to say that in 1999 when you were in the
6 Dukagjin zone, "I saw him several times," you said, "We saw each
7 other on the street. But I don't recall to have been present in any
8 meeting where he was present. I don't think I ever attended such a
9 meeting."

10 Now, I just wanted to ask you, in all the meetings that you had
11 in the zone in 1999, when you were going to all the villages, all the
12 units, all the inspections that you said you were conducting, and
13 going to the front lines, and in all your interactions at the zone
14 command level, I mean, is it your evidence that you never ever came
15 across Mr. Mehmetaj in any meeting where you attended?

16 A. Correct. In the units I visited and meetings I attended and
17 inspections I carried out in the smaller units in every brigade
18 within the Dukagjini zone, I never saw him. He never attended any of
19 these. He had another job and I had my job. Mine was to inspect,
20 advise, if needed train, educate, instruct them on how -- on the use
21 of weapons. Because you have to bear in mind that the ranks of the
22 KLA were filled constantly with new recruits, so they needed to be
23 trained and instructed. This was my work. My job had nothing in
24 common with the tasks and duties or work that Faton Mehmetaj carried
25 out. So we had no -- there was no common task or any meeting point

1 in the exercise of our duties and functions.

2 Q. Yes, I understand that he wasn't ever at any meetings that you
3 attended. But what I wanted to put further to you, Mr. Maloku, is
4 that Mr. Mehmetaj was, in fact, interviewed by the SPO, and I'm going
5 to give a reference. Once again, don't worry about it. That's for
6 everyone following. And that's at 056292, Part 3, page 24, and
7 Part 5, page 5, where he said to the SPO -- and I want to see if this
8 accords with what you knew at the time.

9 He said that he was in intelligence in Dukagjin in June 1998.
10 However, he only held that position for about one and a half months
11 and was then replaced by Mr. Hysen Gashi, who was in that role
12 thereafter for another approximately one and a half to two months,
13 and that no one then replaced Mr. Gashi in that role.

14 And then he said this further, and I'll read it out to you to
15 see if this accords with what you remember, and this is at the same
16 reference but now it's Part 5, page 15 onwards. He said:

17 "I was not active at all between September and January," so
18 that's September 1998 and January 1999. "I wasn't active at all.

19 "I stayed in hiding two months in my own house and one month in
20 Fitnete's house, then I went to Turjak, stayed there for two months,
21 then I went to Jablanice to my uncle's daughter Shkurte Berisha - I
22 stayed there for a month. During my stay in Jablanice for a month, I
23 visited the Staff every so often, because I haven't been part for a
24 long time I couldn't incorporate myself... because of not having been
25 in contact for a long time."

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1 Now, that's what he told the SPO. What I want to check with
2 you, you say you never spoke to him, you weren't in any meetings with
3 him. Is it possibly correct that that was because he wasn't actually
4 performing any function in the KLA in 1999 when you were there in
5 Jabllanice?

6 A. I went to the Dukagjin operational zone at the end of January
7 1999. Apparently, I must have seen him around the staff and have
8 thought that it was part of his function. I didn't have anything to
9 do with him in terms of responsibilities or military activity that I
10 was performing in Kosovo at the time. There was nothing in common
11 between our activities.

12 Q. So would it be correct then to say that you just didn't know
13 what his function was? If he had any, you just didn't know what it
14 was; is that right?

15 A. That's right. Yes.

16 Q. And can I just check, going back to 1998 when you were in Junik,
17 you never came across him at that time; is that right?

18 A. No.

19 Q. Thank you. I now want to ask you some questions about that
20 document that was shown to you yesterday, the one that has got
21 intelligence sector at the end, the unsigned document.

22 MR. DIXON: It's P2102. You will recall it. I'll bring it up
23 on the screen so we can both look at it together, please.

24 Yes, that's it there. Thank you.

25 Q. You remember this document from yesterday, Mr. Maloku. It's

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1 correct, isn't it -- you've said you had never seen it before the SPO
2 showed it to you, but it's correct that you have no idea who authored
3 this document?

4 A. Correct.

5 Q. And you have no idea what happened to this document, where it
6 might have been sent. That's right, isn't it?

7 A. I saw this document -- from this document I saw for the first
8 time that somebody, how shall I say, reported on or made assessment
9 about my engagements on the ground. I have no information. It's the
10 first time that I've seen this document here.

11 Q. Yes. And I wanted to ask, following up from that, did anyone
12 after this period, so after 16 March, ever raise with you anything
13 about a report on you and raise any problem with you that you'd
14 brought a certain Major Dibra there and that he shouldn't be put on
15 active duty in the Baran valley? Did anyone ever come and say that
16 to you?

17 A. Counsel, no, because it was not me who brought Major Dibra. I
18 explained how I met him with Gzim Ozdreni. I had the honour to be
19 with him all the time to carry out tasks and duties that we
20 considered useful for the structures of the units of the KLA for the
21 increase of their effectiveness in the war.

22 Counsel, I was not in Kosovo to collect apples. I was there to
23 fight, to set up structures, to train people, to teach people how to
24 face up to the enemy, how to fight, to ensure that we had less
25 victims. That was part of my job. As to who has written reports on

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1 me, I don't -- I'm not concerned about that even now.

2 Q. So just to clarify then, no one at the zone level,
3 Mr. Haradinaj, no one in the zone came to you and said, "Look, we
4 have a report, we have a problem here," and confronted you over this?
5 That's right, that never happened?

6 A. Until now, no. Never.

7 Q. So your relations at the zone level and with Mr. Haradinaj were
8 always good and positive. You never felt that you were suspected or
9 sidelined in any way?

10 A. Mr. Haradinaj himself asked me to go to the General Staff in
11 January to go and help in the Dukagjini operational zone. I may tell
12 you that all the journalists who came to the area and asked for
13 interviews, he referred them to me. Even the observers of the
14 international mission, when they were there, because when the NATO
15 strikes started, they withdrew, even those, he oriented them to me
16 regarding issues that were related to my work. He told them to come
17 to me to get answers.

18 I felt very certain and very comfortable in what I was doing
19 *vis-à-vis* Mr. Haradinaj.

20 Q. Yes. So you were never challenged over these so-called
21 allegations of a pro-government stance and praising Rugova? That
22 never was an issue that was brought up where you were challenged?
23 That's right, isn't it?

24 A. Counsel, Rugova was not only a political leader. He was also
25 the spiritual leader of Albanians. And I have appreciated that. I

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1 cooperated with him, or Rugova with me, before the Democratic League
2 of Kosovo was established. The newspaper that we issued in Ljubljana
3 was called *Alternativa*, Alternative, and Rugova was a member of the
4 publishing council. You can have a look at those newspaper issues,
5 and you can see there that Rugova was a member of the publishing
6 council of that newspaper. So I knew him before the establishment of
7 the Democratic League. I had also spiritual ties with him. As I
8 said, he was the spiritual leader of Albanians.

9 Q. Yes, I understand. I was just trying to clarify that it's right
10 you were never challenged at the Dukagjin zone level about any of
11 these kinds of matters. That's correct, isn't it?

12 A. That's correct.

13 Q. Yes. I want to then move on to one final topic, and that is you
14 were shown a document yesterday, P2097.

15 MR. DIXON: We don't have to call it up.

16 Q. It was the minutes of a meeting that you attended on 30 January
17 1999. You remember there was a list of various platoon commanders
18 there, and one of the people who attended was Lulzim Morina. You
19 remember giving evidence about that yesterday?

20 A. Yes.

21 Q. Now, it's right, isn't it, that Mr. Lulzim Morina, he became the
22 commander of the 135 Brigade in the Dukagjin zone?

23 A. That he became commander of 135 Brigade? This I don't remember.
24 If he became commander, maybe it was after I left the Dukagjini area
25 on 8 May. Otherwise, Brigade 135 was in Lugu i Drinit, as we say,

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1 and its seat was in Terstenik. During the time I passed through
2 Terstenik to go to 133 Brigade, Lulzim Morina was not part of that
3 structure that received me in Terstenik and escorted me until
4 Studenice where the brigade staff -- the 135 Brigade staff was.

5 The appointment of Lulzim Morina may have happened after May
6 1999.

7 Q. Okay. I'll come back to his appointment shortly, but I just
8 wanted to check. Lulzim Morina, was he known as Luli? Because his
9 name is Lulzim, that's a short form, Luli, for Lulzim, is it not?

10 A. Yes, somebody called him Luli, but we all knew that it was
11 Lulzim Morina. Even the soldiers knew that and the staff of the
12 brigade that he was Lulzim Morina. Usually, pseudonyms are used when
13 you don't -- the structure or the circle when a person acts doesn't
14 know him. But in this case, when somebody is called Lulzim, for
15 short we call them Luli. It's not a pseudonym. It's a shorter form
16 of the name.

17 Q. Yes, I wasn't suggesting it was a pseudonym. It was just a, as
18 you say, short version of the name Lulzim. And it's right that he
19 was known as Luli?

20 A. Yes, the short version.

21 Q. Yes. I just want to then come back to this issue of when he was
22 appointed.

23 MR. DIXON: If I could call up one document in that regard,
24 U001-4608. That's the Albanian with the English translation.

25 Q. You'll get that on your screen, Mr. Maloku. Yes. If we could

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1 just scroll down, you'll see this is an order dated 22 March 1999,
2 signed by Lulzim Morina, the commander of the 135 Brigade. You see
3 that there?

4 A. Yes.

5 Q. Do you recognise his signature?

6 A. No, I never saw his signature before.

7 Q. But you would agree with me that this order confirms that he was
8 the commander of the 135 Brigade at that time, 22 March 1999, from
9 what this order says?

10 A. If you can roll it down, the document, please.

11 Q. So you can see the top, yes, please.

12 A. I don't see here any stamp or any sign that this is an official
13 document issued by the Dukagjini operational zone. Usually such
14 documents were kept by Emrush Xhemajli. He was responsible for the
15 documents of the Dukagjini operational zones. I don't see any sign
16 that it's a document of the Dukagjini operational zone.

17 And the date, 22/03/99, I don't frankly remember that he was a
18 brigade commander. At least I didn't know him to be in that
19 position.

20 Q. Yes. There's one more document, then, that I want to show you
21 just to see if this assists.

22 MR. DIXON: And that is U000-3661 to U000-3661, it's just one
23 page, with the English translation.

24 Q. You see that there. This was another document that was
25 disclosed to us which has 135 Brigade written in, dated 18 March

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1 1999. It doesn't have any of those in the battalions below filled
2 in, but it does have the commander Lulzim Morina filled in there, do
3 you see that, with a deputy commander as well?

4 A. Yes, I see that.

5 Q. And does this assist you in remembering whether he was the
6 commander of that brigade at that time?

7 A. No, I didn't know until now that at that time he was a brigade
8 commander.

9 Q. I think you said in your evidence earlier he might have been
10 appointed into that position, but you think it was later; is that
11 right?

12 A. Yes. Yes, this is what I thought.

13 Q. And would it be correct that if in any documents the 135 Brigade
14 is referred to as having a Commander Luli, that that would be
15 referring to Lulzim Morina?

16 A. If Lulzim Morina was a brigade commander, then many soldiers and
17 superior officers of various structures in Dukagjin may have said
18 that he was the brigade commander, that is, 135 Brigade commander.

19 Q. Yes. And that the words Commander Luli would refer to him
20 because his name was Lulzim and that's a short form for Lulzim?

21 A. Yes, it's logical.

22 Q. Okay. Thank you, Mr. Maloku. I have no further questions for
23 you.

24 MR. DIXON: Thank you, Your Honours.

25 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

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1 THE WITNESS: [Interpretation] Thank you, counsel.

2 PRESIDING JUDGE SMITH: Mr. Maloku, we'll give you a ten-minute
3 break now and we'll come back to the courtroom in ten minutes.
4 Please don't speak with anyone outside the courtroom. You may go
5 with the court attendant to leave the room.

6 [The witness stands down]

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

8 --- Break taken at 9.59 a.m.

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

10 PRESIDING JUDGE SMITH: Please bring the witness in.

11 [The witness takes the stand]

12 PRESIDING JUDGE SMITH: Mr. Roberts, representing the Selimi
13 Defence, will be next to ask you questions. Please give him your
14 attention.

15 MR. ROBERTS: Thank you, Your Honour.

16 Cross-examination by Mr. Roberts:

17 Q. And good morning, Mr. Maloku.

18 A. Good morning.

19 Q. I would hope, with a bit of luck, I may be able to finish by the
20 break at 11.00. I've got a few different discrete topics, and
21 hopefully my questions should be clear and your answers should
22 hopefully be able to be "yes" or "no" to most of my questions.
23 Obviously, if you need to expand, please feel free to do so.

24 I hope that's all clear.

25 A. Thank you, counsel.

1 Q. So you mentioned multiple times in court and throughout your
2 interviews, so provisional transcript of 24 March, pages 37 and 38,
3 about how the KLA was a volunteer army, and you mentioned that
4 throughout your SPO interview.

5 MR. ROBERTS: I won't give all the references, but P2090.4,
6 page 5; P2090.3, pages 17 to 18.

7 Q. And you also said the same in your ICTY interview back in 2005.
8 That's all clear and accurate; isn't it?

9 A. Yes. From the first to the last soldier, the entire structure
10 of the KLA was voluntary.

11 Q. Yes. And when you demobilised in June or requested to
12 demobilise on 20 June 1999, you specifically referred to the fact
13 that you joined voluntarily, and if your request is not fulfilled,
14 you will leave voluntarily the army ranks as well. That's right,
15 isn't it?

16 A. Yes, certainly. It is my right. If I joined voluntarily, then
17 I have the right to leave voluntarily if my request to be demobilised
18 is not approved in writing. Every soldier -- counsel, there were
19 soldiers who were members of the KLA for a month, others two months,
20 and then others who stayed throughout the time, but they are all
21 veterans because no one can deny their contribution to the KLA even
22 if that was one day.

23 In other armies, for example, in the Croatian army, you need to
24 have stayed at least six months within the army to be recognised the
25 status of veteran. Whereas in the KLA, one single day would suffice

1 for a person to be recognised as a veteran. This is the distinction,
2 the difference between a structure that is set up voluntarily and
3 other armies which are set up on an institutional basis based on laws
4 adopted in official institutions such as assemblies, et cetera.

5 Q. Thank you. Sorry, when I was just signaling, I was just trying
6 to indicate that I just wanted to clarify the question so, again, you
7 can provide a short and direct, concise answer if possible.

8 The point I was making is that that situation didn't change
9 throughout the entire war, did it? At any point from when you
10 enlisted or when you joined up until June, you felt you could leave,
11 as a volunteer?

12 A. Yes.

13 Q. And that was the same for the other soldiers that you were
14 fighting with on the ground. They also believed they could leave
15 when they wished to. That's right, isn't it?

16 A. That's right. With your permission, one minute.

17 Q. Of course, yes.

18 A. Two soldiers came from Switzerland. They had taken their annual
19 leave; one, a month, and the -- another one, a month and two days.
20 Once they finished their annual leave, they said, "Commander, I need
21 to go back to work." They laid down their weapon and went back to
22 Switzerland. The second one had another two weeks available and was
23 unfortunately killed three days later in Morine. He's now a martyr.
24 This is how it functioned.

25 Q. Thank you. And that, I think, helps to clarify. The question I

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1 was going to ask was the difficulties that that voluntary nature
2 posed for being able to structure an army. If people could leave
3 whenever they wanted, that made, surely, it difficult for any units
4 to function effectively, did it not?

5 A. It is difficult from one perspective; for example, in
6 maintaining a constant structure. A regular army which functions
7 constantly in the same way, it builds up experience whereas -- so we
8 had soldiers who would come and go, and then the new recruits had to
9 be trained from scratch. So this is about the compliance with the
10 chain of command orders.

11 For example, we were not in a position to tell to a soldier, "I
12 order you to go here and there," but the request would be "Would you
13 go here and there," or "Who is willing to go to this," we call them
14 intense points. So we selected, chose volunteers. We would say,
15 "Who is willing to go to this or that position," positions that were
16 more dangerous.

17 It is difficult to explain the numerous problems faced by a --
18 in a voluntary army by the commanding structures. It is difficult to
19 explain this complexity in a court proceedings here.

20 Q. Understood. I'd just like to move on now to the operations
21 directorate.

22 Now, you've explained in your preparation session that the
23 operations directorate and the General Staff as a whole was created
24 in December or started operating in December 1998. So that's
25 paragraph 7 of your prep note, so P2091. But you also told the SPO

1 that in July 1998 Bislim Zyrapi had visited you and told you that he
2 was setting up the operational directorate. Do you remember giving
3 that evidence? That's the provisional transcript of yesterday, pages
4 31, 32.

5 A. Yes.

6 Q. So at the time in July, effectively the operations directorate
7 was Mr. Zyrapi himself only, is that right, when he was starting to
8 set it up?

9 A. Yes. Because the operational directorate needs to be first
10 established in order to have a clear picture of the entire territory.
11 Bislim had gone out to visit all territories under KLA control in
12 order to get to know all the units there, see who was there, so that
13 he would have a clear picture of the whole territory, the logistical
14 resources, and the capabilities, human capabilities in -- throughout
15 the territory of Kosovo. And this is a normal process in such
16 activities.

17 Q. And to your knowledge, before that meeting in mid-July 1998 with
18 Mr. Zyrapi, there wasn't an effective operations directorate, was
19 there?

20 A. Correct. There wasn't.

21 Q. And so between this time in July 1998 and when you joined the
22 General Staff in November, Mr. Zyrapi presumably was in the process
23 of trying to organise and establish this directorate, but it wasn't
24 actually functioning up until November and December; is that right?

25 A. You're right. If I may give a short additional explanation. I

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1 met Zyrapi on 17 July. Actually, when he visited me in my brigade in
2 Junik. We met in a village because I was visiting at that time
3 another unit.

4 On the 17th or 18th August when I was extracted from the
5 Prapaqan operational zone because I was wounded to Breshanc in
6 Suhareke, Bislrim Zyrapi was not in Kosovo any longer. He returned
7 only in November 1998. So, in other words, he was not present in the
8 territory of Kosovo.

9 Q. So the planning was being done elsewhere outside of Kosovo by
10 Mr. Zyrapi?

11 A. Yes.

12 Q. And when -- sorry. And when you joined, you mentioned that the
13 director of the operative direction or directorate was a
14 General Ramiz Beiqi, but he never took up his post and remained
15 outside Kosovo throughout the entire conflict; is that right?

16 A. Yes, this is what I was told by Bislrim Zyrapi, which is that the
17 chief of the operational directorate would be Ramiz Beriqi, a
18 renowned general in Bosnia. And during my stay in the operational
19 directorate at the General Staff, I remember Ramiz Beriqi calling on
20 two occasions, and I happened to be there, so I picked up the phone
21 and we had a conversation. He introduced himself as Ramiz Beriqi,
22 inquired about what was happening, so we were waiting for him to
23 come. We were expecting his arrival.

24 Q. But he never arrived throughout the conflict, is that right, to
25 your knowledge?

1 A. He never arrived.

2 Q. And, obviously, having a head of the operation directorate
3 outside the country, outside the theatre of conflict, that undermined
4 the ability of the directorate to function; is that fair?

5 A. We were forced to work with the available resources. Counsel,
6 the senior officers, like Ramiz Beriqi, Rrahim Ademi, a very known
7 person in the war in Croatia, it was difficult for them to join or
8 assume functions in staffs if there are no institutions in place that
9 would legitimise decisions or decisions made by a supreme commander.

10 So to them and for them it was difficult to make that decision.
11 We're talking about individuals who had such an extraordinary career
12 in high-level positions, so I understand both of them and their
13 difficulty in making the decision to join.

14 Q. Yes. It wasn't seeking to blame Mr. Beriqi in any way. I was
15 merely suggesting that the consequence of him not coming over, the
16 consequence of not having the head of the operational directorate in
17 Kosovo complicated the work of that directorate. That's fair, isn't
18 it?

19 A. I had the honour to have Sali Veseli as the second in command
20 there who then became chief of the operational directorate. I think,
21 therefore, that we carried out our tasks to the extent it was
22 possible for us and based on the available resources.

23 So there were three people: The chief of staff --
24 Bislim Zyrapi, the chief of staff; Sali Veseli, who was the chief of
25 the operational directorate; and myself, as an officer.

1 I had completed my military academy more into the second line or
2 logistical aspects, but because of the needs, I had to carry out the
3 tasks that I carried.

4 Q. Just moving on to another topic now, and that's the evidence you
5 gave about the inspector general or the general inspector. And you
6 gave evidence on Monday about the general inspector, and I'll just
7 read it out now so it's clear what you've said.

8 MR. ROBERTS: The question -- sorry, for the reference, this was
9 24 March at pages 58 and 59.

10 Q. The question was:

11 "To your knowledge, what did the role of the KLA's general
12 inspector entail?"

13 Your answer:

14 "The general inspector's role for the KLA, I do not know how
15 much that inspector managed to develop that [inspectorate].
16 Actually, his duty was to appoint inspectors at operational zones,
17 maybe ... at the brigades. They should propose the General Staff and
18 appoint them as inspectors whose duty was to supervise all the
19 activity of the units in the operational zones, in the brigades, all
20 over the territory over Kosovo, to identify any irregularities that
21 they may identify as such, to report to the General Staff chief, and
22 to propose measures to redress such shortcomings or irregularities."

23 And at the end you then continued:

24 "This is what I know in relation to the responsibility of a
25 general inspector in an army. As to how much such a general

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1 inspector managed to develop this sector, I don't know, because you
2 know that in January I left the General Staff and went to Dukagjin."

3 Now, I just wanted to familiarise yourself with that evidence.

4 Do you recall that from Monday?

5 A. Yes, certainly. A short explanation, if I may.

6 Q. Maybe if I could just ask some --

7 A. The inspector general --

8 Q. Maybe if I ask the questions and --

9 A. Thank you.

10 Q. -- then if you still need the explanation, then please feel
11 free. Now, just to be clear, this is what you understood, in theory,
12 the role of an inspector general to be in an army. That's what you
13 said on Monday?

14 A. Yes.

15 Q. And this post, this role of inspector general wasn't one that
16 came from the JNA; is that right? There isn't a specific post of
17 inspector general in the JNA army at least back in the 1990s?

18 A. There was in the JNA one such position. It was referred to with
19 a different name. There was such a role. Every army has an
20 inspector general. This is a very important role in identifying
21 irregularities at the various organisational levels of the units
22 under the command of the chief of staff and the staff.

23 In order to report them to the chief of staff, those
24 irregularities, the inspector general had only the right to propose
25 measures in order to redress irregularities or difficulties

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1 encountered during the work. So once lower-level inspectors are
2 appointed at brigade levels, so zone levels, the inspector general
3 identifies difficulties, shortcomings, and reports them back to the
4 General Staff and proposes measures to rectify or correct those.

5 I said this yesterday, underlining also that I do not know how
6 -- to what extent was this possible to be set up properly.

7 Q. Yes. And to be clear, so your evidence is based on your
8 understanding of what that position in the JNA carried out; is that
9 right?

10 A. No. We -- the chief of staff took -- used also regulations and
11 rules from NATO countries. We tried to set up directorates and
12 functions based on the organigrammes of staffs from NATO Member
13 States.

14 Q. So this --

15 A. And Mr. Zyrapi explained this here, that we translated those
16 rules to Albanian and distributed them to the various directorates.

17 Q. So just --

18 MS. V. ALAGENDRA: Sorry to interrupt. I believe there is a
19 transcript error. At page 32, line 4, where it says "reports them
20 back to the General Staff," it should read as "reports them at the
21 chief of staff." Perhaps that could be clarified.

22 PRESIDING JUDGE SMITH: What he said was "General Staff."

23 MS. V. ALAGENDRA: I'm told by my team that it's chief of staff.

24 MR. ROBERTS: I can clarify.

25 Q. When you said that it was reported back, did you say that it was

1 reported back to the General Staff or to the chief of staff?

2 A. Unless I omitted a word, he should have reported to the chief of
3 staff.

4 Q. Thank you. So just so I understand, when you're talking about
5 the general inspector, this was a post that was based on, therefore,
6 an amalgamation of NATO countries' regulations as well as perhaps
7 something equivalent in the JNA; is that right?

8 A. Look, as a matter of fact, there are very small differences
9 between various armies when it comes to setting up structures. To my
10 knowledge, the entire documentation that was translated at the
11 General Staff came from various NATO countries. I do not know which
12 one in particular. But as far as I can remember, there was a
13 translators' team who dealt with the translation of those rules and
14 regulations and functions. So these were our attempts to set up a
15 General Staff where each directorate and each position had their
16 duties and responsibilities based on the rules.

17 Q. Understood. If we could just try and focus on just the
18 inspector general rather than the General Staff as a whole. But so I
19 understand your evidence, you consider that the rules or the
20 regulations in relation to the inspector general therefore were
21 inspired or came from NATO countries; is that right? Just in
22 relation to the inspector general.

23 A. Not for everything. For all the directorates.

24 Q. And so this wouldn't have been something that many soldiers
25 would have had experience of if it came from a NATO country. That's

1 obviously different from the JNA, as we said. Is that fair?

2 A. I don't know how to reply because I had left the JNA in 1985. A
3 long time had passed, counsel, since then. Mr. Zyrapi had experience
4 from the war in Bosnia. He commanded nine brigades there.
5 Certainly, he must have had some experience from that time. But
6 these were experiences that some of us were familiar with, some knew
7 about them in theory during the time we were in school, but we tried
8 to render our contribution to the establishment of a staff with the
9 respective directorates having their spelled-out duties and
10 responsibilities.

11 I wasn't engaged in the translation and drafting of these
12 regulations.

13 Q. Understood. And, again, all of my questions at this point are
14 just focused on that role of general inspector, just to try and focus
15 your evidence. And hopefully you'll be able to confirm there was no
16 inspector general, obviously, therefore before -- inspector general
17 post before November or December 1998, is that correct, to your
18 knowledge, within the KLA?

19 A. There wasn't any before December 1998.

20 Q. And when the post was assumed by Mr. Selimi, I think you said in
21 your preparation session that there were various members of the
22 General Staff who didn't have military knowledge or training. So
23 that's Prep Note 2, paragraph 3. Mr. Selimi was one of those men,
24 wasn't he? He didn't have a military background, to your knowledge?
25 A formal military background, I should suggest, a formal military

1 background within JNA.

2 A. I don't know if he had carried out his military duty in the
3 former Yugoslav Army. But in all the armies engaged in war,
4 experience is gained during the war, and promotion to different ranks
5 is acquired also during the war. We have war generals, for example,
6 who have not gone through any professional, formal training, but
7 during the war they became generals.

8 Q. Yes.

9 A. Mr. Selimi was from the very first days a member of the KLA.
10 And based on the experience he gained during his entire activity from
11 the first days of the founding of the KLA, I may say that Mr. Selimi
12 was a ranking -- a high -- senior officer with a respectable
13 experience in the structure of the KLA General Staff.

14 Q. If we can just now ask about the actual -- the reality of the
15 inspector general. Now, the inspector general is not a director of a
16 directorate, is he? There is no directorate within the General Staff
17 of the inspector general? You can confirm that?

18 A. I said also yesterday, I don't know how much he managed to
19 develop that sector. Then when the network of inspectors was in
20 place and functioning, then it was possible to be called general
21 inspector or director of inspection at the General Staff. I don't
22 know about the names, what the General Staff would decide on calling
23 them.

24 Q. But there was never a network of inspectors appointed in the
25 zones, was there, to your knowledge?

1 A. When I went to Dukagjin, I don't remember that there was any in
2 Dukagjin. I know that the commander of the Dukagjin operational zone
3 gave me the duty in a way to inspect all the units at the front line
4 and the brigades in that area; that is, Dukagjin area.

5 Q. So you were, effectively, carrying out inspections within that
6 remit, according to your evidence, within the Dukagjin zone after
7 mid-January 1999? You were inspecting the troops and checking for
8 irregularities and et cetera; is that right?

9 A. Yeah, you may say so. One of my duties and powers in the
10 Dukagjin operational zone which I carried out during the second half
11 of January until 8 May when I moved to 138 Brigade in Koshare, one of
12 my tasks was to inspect all the units under the jurisdiction of
13 Dukagjin operational zone.

14 Q. And in this role, which I think you talk about extensively in
15 your preparation session as well, so that's Prep Note 2, paragraphs
16 7, 30, 37, and 62, where you talk about all the different inspections
17 you carried out in the Dukagjin zone, in that role you never reported
18 directly to Mr. Selimi as the inspector general, did you?

19 A. No.

20 Q. And, in fact, you didn't have any relationship with him at all
21 after leaving the General Staff in January 1999; is that right?

22 A. Right. I didn't have any communication and I didn't even see
23 him.

24 Q. And just at that time, you can also confirm, I hope, there was
25 no offices of the inspector general to your knowledge?

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1 A. There wasn't to my knowledge.

2 Q. And no other staff that Mr. Selimi -- well, that were working
3 directly for Mr. Selimi as the inspector general?

4 A. All what I wanted to say regarding the visits I made to brigades
5 up to the platoon level within the Dukagjin operational zone, all my
6 remarks I communicated to the commander of that zone, suggesting the
7 measures to be taken, based on my knowledge, and I proposed the
8 relevant measures to be taken.

9 Q. And I just want to discuss quickly now the meetings or the
10 briefings that you talked about at the General Staff and the zone
11 commanders. I think you confirmed to my colleague Mr. Misetic
12 yesterday that there were two meetings when you were at the
13 operational directorate and the General Staff, one in December and
14 one in January. That's page 108 of yesterday's provisional
15 transcript.

16 In your preparation note, the one with the Prosecution in the
17 preparation session, you clarified that these meetings were "only
18 attended by the KLA GS Chief of Staff," so that's Mr. Zyrapi, "the
19 directors of the directorates, and the zone commanders." That's
20 paragraph 8 of Preparation Note 1, which is P2091. Do you recall
21 telling the SPO that, and is that accurate?

22 A. Yes, that's accurate.

23 Q. Now, I would suggest that there's a difference between the
24 director of a directorate, so, for example, Rame Buja, who was, I
25 believe -- was he a director for civilian affairs, director of --

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1 A. [No interpretation].

2 Q. -- directorate for civilian affairs? Sorry, I think the answer
3 was not recorded. Was that right?

4 A. Yes, Rame Buja.

5 Q. And I would suggest there's a difference between him and the
6 post of inspector general which, as I said or suggested to you
7 earlier, is not a director of a directorate because there is no
8 inspectorate -- there is no directorate of the inspector general,
9 sorry. Would you accept that there's a difference between the two?

10 A. There is a difference. There is a difference between Rame Buja
11 and Bislim Zyrapli. They were part in the meeting. Then Mr. Selimi
12 was there as a general inspector. The way I understood it was that
13 he was a member of the staff. It's not that I looked and I knew the
14 organisational structure of the staff name -- by names and last
15 names.

16 Regarding those two meetings, the first held in December, I know
17 more or less the topics discussed there. Regarding the second
18 meeting, I don't know, because the next day I left the General Staff
19 and went to the Dukagjin operational zone.

20 Q. When you say that you know more or less the topics there, I
21 think you confirmed yesterday that you weren't actually at the
22 meetings though. That's right, isn't it?

23 A. I explained, counsel, that the minutes of the meeting, the
24 topics, the written reports that came from the zone commander, they
25 came to the operational directorate of the GS, and all these

1 materials were drafted in the form of reports from the meeting of the
2 General Staff.

3 Q. Yes. But the point I was making is that as you weren't
4 personally present at the meeting, you can't say from your personal
5 knowledge who was actually at either of those meetings.

6 A. That's correct.

7 Q. And so if there were gaps in information or mistakes in the
8 minutes you received, you wouldn't have a way of verifying that or
9 comparing it with your personal knowledge. That's right, isn't it?

10 A. Yes, certainly.

11 Q. And I just want to move on to one last topic, I think, now, and
12 I know you've already covered this with Mr. Misetic in part, and this
13 is just about your demobilisation.

14 Now, you said in your preparation note that you and KLA members
15 - this is Preparation Note 2 - "were not concerned about Serbs
16 re-entering Kosovo at the time because there were 45,000 KFOR troops
17 present." And then you said:

18 "The demobilisation process was completed without incident or
19 resistance by the KLA."

20 So that's Prep Note 2, paragraph 15.

21 You recall saying that to the SPO, don't you?

22 A. Yes, I remember. And I'm telling you that demobilisation was
23 carried out in phases as was agreed on with the internationals. The
24 final phase was transformation of the KLA into Kosovo Protection
25 Corps. It went on, as I said, with phases foreseen in the agreement

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1 beginning from the Rambouillet Agreement, then Kumanovo Agreement,
2 conducted by NATO, and so on.

3 Q. And your --

4 A. In phases.

5 Q. And your request to demobilise was 20 June, we've seen the
6 documentation of that, and then you left on 27 June 1999. That's
7 right?

8 A. The request I think was made on the 20th. You have the date on
9 the request there.

10 Q. Yes.

11 A. The order, I received the order on 1 July.

12 Q. And your --

13 A. On the 25th, I submitted the military equipment, and then I
14 waited for the order of demobilisation. I remained in Peje in my
15 village.

16 Q. In your view, it was very clear at that point, was it not, that
17 the war was ended and there was no chance that it would --

18 A. Yes.

19 Q. -- start again, because, as a proud military man who had helped
20 the KLA for the last 18 months, you simply would not have demobilised
21 if you genuinely thought there was any risk that hostilities would
22 resume; is that right?

23 A. Yes, that's right.

24 Q. And by the same token, the KLA, in your view and in your
25 conversations with the other members of the KLA, the KLA would not

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1 have demobilised and would not have completed that demobilisation
2 without incidents, or resistance as you say, if any of them genuinely
3 believed there was a chance of hostilities resuming after 20 June
4 1999; is that right?

5 A. I am very convinced that if somebody was distrustful in the
6 ranks of the KLA, then they would not have given up weapons. They
7 would have taken to the mountains.

8 Q. But that didn't happen, did it? There was a demobilisation
9 process because there was a genuine belief that the war had finished
10 on 20 June at the latest?

11 A. Yes, we all believed, all the soldiers of the KLA, its
12 structures and all the people believed that the war was over and
13 Kosovo was liberated. There was no doubt whatsoever in any of the
14 members that there was going to be war again in Kosovo for as long as
15 the KFOR forces were there.

16 Q. Thank you very much, Mr. Maloku. I tried to keep my questions
17 before the 11.00 break, and with your assistance I've managed to do
18 so.

19 MR. ROBERTS: Thank you, Your Honours. No further questions.

20 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

21 THE WITNESS: [Interpretation] Thank you, counsel. Thank you
22 very much.

23 PRESIDING JUDGE SMITH: We'll take a break now so that you don't
24 have to start and stop in five minutes.

25 We'll give you the normal half-hour break at this time. It

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1 might be 35 minutes. We'll be back here at 11.30. You may leave the
2 courtroom now with the Court Usher. Please do not speak with anyone
3 about your testimony.

4 [The witness stands down]

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

6 --- Recess taken at 10.54 a.m.

7 --- On resuming at 11.33 a.m.

8 PRESIDING JUDGE SMITH: Please bring the witness in,
9 Madam Usher.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: Mr. Maloku, Ms. Alagendra, representing
12 Mr. Krasniqi, will have some questions for you now. Please give her
13 your attention.

14 Cross-examination by Ms. V. Alagendra:

15 Q. Good morning, Mr. Maloku. I am Venkateswari Alagendra, and I am
16 counsel for Mr. Jakup Krasniqi.

17 A. Good morning. Thank you.

18 Q. I would first like to ask you some questions about your time in
19 Divjake. You said that you arrived in Divjake on 15 November 1998.
20 That's correct?

21 A. Correct.

22 Q. And its correct, isn't it, when you arrived in Divjake on or
23 around 15 November 1998, there was one functional building, the white
24 house as you describe it, and there were two other buildings in the
25 same compound which had been used for livestock which were under

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1 renovation; is that correct?

2 A. Correct.

3 Q. So am I right that yourself, Mr. Sali Veseli, and Bislim Zyrapi
4 were initially in an office in the white house?

5 A. Yes. Sali and I, yes. I do not remember which office Bislim
6 stayed at.

7 Q. Right. And you then said that between 18 and 27 November 1998,
8 after receiving your first task from Bislim Zyrapi, you were not in
9 Divjake; is that correct?

10 A. Correct.

11 Q. Then on 28 November, you attended the Flag Day ceremony, didn't
12 you?

13 A. Correct.

14 Q. So, effectively, it was only after 28 November that you were
15 based in the KLA General Staff headquarters in Divjake; is that
16 correct?

17 A. Yes. A barn was renovated and the operational directorate set
18 their offices in that house.

19 Q. Right. And since you were not in Divjake between 18th and 28th
20 November 1998, you personally would not know who was and who was not
21 there on those premises; am I correct?

22 A. Yes.

23 Q. But you can speak about Divjake in December 1998 and January
24 1999 until the moment you left Divjake to go back to the Dukagjin
25 zone; yes?

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1 A. Yes, correct. Until around 21 January 1999 or 22nd.

2 Q. Right. Now, you told the Prosecution in your preparation
3 session, and you also confirmed on Tuesday --

4 MS. V. ALAGENDRA: And for the reference, it's P02091, Prep
5 Note 1, paragraphs 5 and 7, and it's the transcript of 25 March at
6 page 96. This would be the provisional transcript, Your Honours.

7 Q. Now, you told the Prosecution that you consider that the KLA
8 General Staff started to be functional in December 1998. That's
9 right, isn't it?

10 A. Correct.

11 Q. And on Monday when you said that Jakup Krasniqi was there all
12 the time, you were referring to Divjake. Do you recall that?

13 A. Yes, I'm talking about Divjake.

14 Q. And when you say that Mr. Krasniqi was there all the time, you
15 were speaking of him being in Divjake in the months of December 1998
16 and January 1999, the period that you were actually in Divjake to
17 observe that; am I correct?

18 A. Yes.

19 Q. Now, after November 1998, the operational directorate was
20 composed of former career officers; correct?

21 A. Correct. Sali Veseli was the chief. I was his subordinate.

22 Q. You'll agree with me that military knowledge and expertise are
23 very important to be able to make operational decisions and to deal
24 with military issues, including logistics such as weapons,
25 ammunitions, et cetera. Do you agree with that?

1 A. These are responsibilities of the operational directorate. It's
2 not only that area of expertise, but these are responsibilities of
3 that directorate. Correct.

4 Q. Now, at paragraph 3 of the Preparation Note 2 -- by "preparation
5 note," I mean what was recorded when you met with the Prosecution
6 last week. Now, you're recorded as saying:

7 "... there were only three officers," including yourself, "that
8 had professional capacity and knowledge, and they are the ones who
9 knew how to organise the KLA [General Staff] and how to assign
10 responsibility to the directorates. The rest of the KLA
11 [General Staff] members had no military knowledge or training."

12 That's correct, isn't it?

13 A. That's correct.

14 Q. And when you refer to the three officers, that would be
15 Bislrim Zyrapi, Sali Veseli, and yourself; correct?

16 A. Correct. I think a certain Safet Sylja arrived in December and
17 he was in charge of the communications systems. This was a very
18 specific profession, but he had completed his military training at
19 the academy in this field, and I think he gave his contribution in
20 the communication -- developing of the communication systems. I
21 don't know how much he was able to develop it, but this was his area
22 of expertise.

23 Q. Thank you. Now, operational and military matters fell within
24 the competence of the operational directorate because the military
25 professionals were best equipped to assist the zones and the units on

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1 the field; correct?

2 A. Correct, the operational directorate and the chief of staff.

3 They deal with organisational structures and matters related to the

4 war.

5 Q. And you are also recorded as saying at paragraph 55 of

6 Preparation Note 2 that whenever you received information and

7 requests from units on the ground, you would resolve any requests

8 that you could. Do you recall saying that?

9 A. Correct.

10 Q. And --

11 A. Apologies. They were taken by the operational directorate. The

12 operational directorate was in communication with the operational

13 zones. The operational zones would direct their request to the

14 operational directorate or to the chief of staff.

15 Q. All right. And if I can just read paragraph 55 to you, it says

16 that you would resolve any requests that you could take, and take

17 note of those that you could not resolve and inform Bislim Zyrapi

18 about them when Bislim Zyrapi returned. That's what you're recorded

19 as telling the Prosecution in paragraph 55; is that correct?

20 PRESIDING JUDGE SMITH: Is there an answer?

21 MS. V. ALAGENDRA:

22 Q. We didn't get an answer, I'm sorry.

23 A. Correct.

24 Q. Now, you've also told the Prosecution that the rest of the

25 General Staff members had no military knowledge or training. So it's

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1 correct, isn't it, that Jakup Krasniqi was one of those you're
2 referring to who did not have any military knowledge or expertise?
3 He was a history professor before the war; correct?

4 A. Jakup Krasniqi was the spokesperson of the Kosovo Liberation
5 Army, and he might have been chief of the directorate for information
6 at the General Staff of the KLA.

7 Q. We'll come there, Mr. Maloku. Now, on Monday you said that in
8 the two months preceding his appointment to the Rambouillet
9 delegation, Jakup Krasniqi's main task and duty was as spokesperson
10 of the KLA in charge of information and media. That's your evidence;
11 yes?

12 A. I think you've gotten this a -- understood it wrongly. I said
13 that for only two months he assumed another additional function,
14 because the function of a spokesperson was his throughout the time,
15 from the moment he was appointed as the spokesperson of the KLA. And
16 he is the first man who made a public appearance with his face and
17 name and surname, and after which Jakup Krasniqi was constantly and
18 only spokesperson of the KLA with the exception of those two months
19 during which he assumed an additional position. And I explained the
20 procedural rules that we officers thought justified our decision to
21 give them these functions, this additional function, and I think I
22 explained that.

23 Q. Yes. And that's the secondary position of the deputy commander
24 that you say he held for two months; yes?

25 A. Only two months.

1 Q. Now, you're very clear that that position was a secondary
2 position because Jakup Krasniqi's tasks and primary focus did not
3 change, continued to carry out his work as a spokesperson of the KLA?

4 A. Certainly, miss.

5 Q. And you'll agree with me that one of the main goals of the
6 former or career officers in the General Staff was to present the KLA
7 as a structured and organised army; correct?

8 A. Yes, certainly. But at the time, there was the international
9 monitoring mission mandated by the Security Council of the
10 United Nations. They were in communication with us. We had advanced
11 in our recognition by the international factor. We were seen as an
12 army which was now being monitored by international missions.

13 Q. Yes. So the efforts were to give them the impression as well
14 that the KLA was a regular army because you needed to get the
15 support of -- the international support, put it that way.

16 A. Every spokesperson, every information directorate has this task
17 and duty in any army, to improve and maintain the image of that army
18 in the war. This is part of the propaganda during the war. This is
19 one of the main weapons. It's part of the war.

20 I can give my personal assessment which is that Mr. Krasniqi was
21 not entirely up to the task, because he should have held briefings
22 with journalists and reporters. And we were now known through the
23 international monitoring missions, but more needed to be done to
24 raise awareness and make us known.

25 This was the duty of Mr. Krasniqi. I explained this yesterday

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1 as well. His duty was to set up information centres of the KLA. We
2 had them set up by Mr. Krasniqi, whether in Berlin, Vienna, London,
3 Washington, Paris, including Prishtine and Tirana. We had an
4 information office in Prishtine and also an office in Tirana,
5 information office of the KLA. So this was his work.

6 There is no -- it's almost the most important thing in a war, to
7 inform. Propaganda is a very powerful weapon. It's one of the most
8 important and powerful tools an army can have.

9 Q. Yes. Now, I'm going to your evidence on Monday.

10 MS. V. ALAGENDRA: And for the reference of the Court, it's page
11 25749 of the transcript of 24 March 2025.

12 Q. Now, your evidence was that in a regular army there needs to be
13 a higher position than that of the chief of staff to decide for
14 brigades commanders in the zone. And you went on to say that "we had
15 to come up with a position above the chief of staff in order to fill
16 this position."

17 Do you recall saying that?

18 A. Yes, yes. Allow me to clarify. We created two positions, two
19 deputy commanders. One, 11th, which I learned after the war was
20 Sokol Bashota, his duty, task was dealing with the international
21 monitors, liaising with the -- as a liaison officer between the
22 international monitoring missions and the chief of staff. And the
23 other position was created because in order to appoint brigade
24 commanders and zone commanders, we needed a position higher than the
25 chief of staff. So the chief of staff proposes the commander of the

1 operational zone, but you need a higher position to make that
2 appointment, effectively.

3 We were making these attempts to transform a volunteer army into
4 a regular army. So I'm repeating this: Kosovo Liberation Army was a
5 regular voluntary army. And this is a unique case in history where a
6 people, in 14 months, sets up a regular voluntary army which welcomes
7 over 60.000 soldiers during a period of 14 months. I don't think
8 we've had a precedent like this. We were not in a position to have
9 institutions. Had we had institutions like a supreme commander,
10 general commander, laws, Ministry of Defence, and had the KLA had
11 been incorporated into state institutions, Mr. Krasniqi wouldn't have
12 needed to sign those orders.

13 Q. Right. So what you're actually telling us is that this position
14 was created simply to formalise the proposals and decisions made by
15 others, in particular, the chief of staff or from the department of
16 operations, to sign written documents; correct?

17 A. The operational directorate would direct their requests to the
18 chief of staff. In specific cases when there were reports of the
19 General Staff, and the chief of staff was a member of that staff,
20 from the procedural point of view we could not give that report of
21 that meeting to the chief of staff. But from what I can remember, a
22 summary of the meeting would be prepared, signed by the chief of the
23 operational directorate Sali Veseli, who, as a matter of fact, was
24 the only one who had the right to sign documents that came out of the
25 operational directorate. Then he would deliver this to Mr. Krasniqi

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1 as a report, as an information --

2 Q. Yes. We'll come -- we'll come --

3 A. -- of what happened in the meeting. I know of one meeting only,
4 and I was not present when the report of the second meeting that was
5 held in January was done.

6 Q. We will come to the report, Mr. Maloku. What I'm trying to ask
7 you is, when it came to the position of deputy commander and why it
8 was created, Mr. Krasniqi was the deputy commander for support; yes?

9 A. I think he was deputy commander -- deputy commander of the
10 staff --

11 Q. Well, if --

12 A. -- General Staff.

13 Q. -- I could call up --

14 A. There were two.

15 Q. Yes.

16 MS. V. ALAGENDRA: If I could call up on the screen --

17 THE WITNESS: [Interpretation] Mr. Krasniqi was not in the
18 logistics, support and logistics. He was in the General Staff.

19 MS. V. ALAGENDRA: I'll show you a document. Now, if we could
20 have on the screen 4D00011, please.

21 Q. Now, these are said to be notes from a General Staff meeting on
22 12 November in Lladrovc. Now, at the top of this document it says:

23 "In this meeting the organisational restructuring of the KLA ...
24 /General Staff/ was carried out."

25 Do you see that?

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1 A. Yes.

2 Q. Now, the new General Staff structure provides for one commander
3 and two deputy commanders, which you've told us, one for operations
4 and one for support. That's what this document shows; correct?

5 A. Correct.

6 Q. And in the middle of the page, the third bullet point from the
7 bottom, we see:

8 "Jakup Krasniqi - Deputy Commander for Support."

9 Do you see that?

10 A. Yes, I do.

11 Q. So when you say that the position of deputy commander was
12 created to sign or -- written documents; right? Now, this was simply
13 to formalise --

14 MR. PACE: Objection, Your Honour. Could counsel refer to where
15 the witness said that as opposed to herself saying it?

16 PRESIDING JUDGE SMITH: Yes, please give us a cite.

17 MS. V. ALAGENDRA: I'll put it as a question, Your Honours.

18 PRESIDING JUDGE SMITH: Oh, okay. All right.

19 MS. V. ALAGENDRA:

20 Q. Now, is it correct that this position of deputy commander was
21 created to simply formalise in writing the decisions or proposals
22 that were made, for instance, by the chief of staff?

23 A. Yes, there's no other reason.

24 Q. And Mr. Krasniqi was chosen for this role. As you told us on
25 Monday, he had been announced by his first and last name. So would

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1 you agree with me that he was chosen for this role because he was
2 known by his first and last name? Everyone else had a pseudonym. Am
3 I correct?

4 A. He was the first to introduce himself in June 1998 by his name
5 and surname as the spokesperson of the KLA. At the General Staff,
6 then people started coming out using their own names, Rame Buja and
7 so on. But I'm talking about Mr. Krasniqi, when he made his first
8 appearance as the spokesperson of the KLA.

9 Q. Right. And yesterday at page 112 of the provisional transcript,
10 your evidence was that:

11 "We tried to create order and rules as those that are followed
12 in regular armies."

13 And further on, when speaking about Mr. Krasniqi, you say, and
14 I'm going to read to you:

15 "... it was thought at the time that Jakup Krasniqi would also
16 have the role of a deputy commander who would appoint or dismiss zone
17 commanders. Because an operational zone commander would be appointed
18 or replaced upon a proposal of the chief of staff, just as it
19 happened with me, in my case.

20 "This is what we tried to put in place because the Kosovo
21 Liberation Army was not -- did not exist within the institutions."

22 So that's your evidence from yesterday. So is it correct that
23 these efforts were put in place by those with military knowledge and
24 experience? They tried, as you say, to be put in place; is that
25 correct?

1 A. Yes, yes. Mr. Sali Veseli, who was responsible for that, and
2 Bislim Zyrapi tried -- this is -- we tried to give the impression of
3 a regular army. We built the General Staff in December. These were
4 the first efforts. You cannot do things overnight. Today you build
5 a General Staff, and tomorrow everything will function perfectly like
6 in an army that has been there for 100 years. I think this is what
7 you should bear in mind.

8 Q. Yes. But the reality, Mr. Maloku, was that there weren't
9 actually any zone commanders that were replaced or dismissed in the
10 two months that Mr. Krasniqi was deputy commander for support;
11 correct?

12 A. I don't know if there were any written appointments of zone
13 commanders, but irrespective of that, even though it was not
14 necessary to do, such a position was necessary, even if there wasn't
15 any such changes or appointments. I think that in April a commander
16 of an operational zone, Ekrem Rexha, Drini, was replaced by Tahir
17 Sinani, to my recollection. But at that time, as I know,
18 Mr. Krasniqi was in Rambouillet.

19 Q. Yes. Now, I'd like to move to your evidence yesterday - and
20 that's page 85 of the provisional transcript - that the first and
21 only order that you received from the General Staff was when you were
22 transferred from the operational directorate to the Dukagjin
23 operational zone. You recall saying that, Mr. Maloku?

24 A. Yes, I do.

25 Q. Now, you told us yesterday that you were asked if you wanted to

1 go to the Dukagjin operational zone, and this was following a request
2 from Mr. Ramush Haradinaj; is that correct?

3 A. Yes, it's correct.

4 Q. And in your 2019 interview - for the reference, it's P2090.2 at
5 page 12 - you have said:

6 "... at the request of the commander of the operational zone, I
7 was relocated -- operational zone Dukagjini, I was relocated at my --
8 with my consensus - I was injured - as help to the operational zone
9 of Dukagjini."

10 That's in your 2019 interview. Do you recall that?

11 A. Yes. And I want to explain. Mr. Krasniqi couldn't move me
12 without my consent. Because you have to bear in mind that I was a
13 voluntary soldier, and you cannot move someone - a voluntary - from
14 one place to another without their consent. I was informed, I was
15 told that, "The commander of the Dukagjini operational zone wants you
16 to go to that brigade for assistance. Do you agree?" Had I said no,
17 I would have remained where I was. That's how it was. Is it clear
18 now?

19 Q. Yes. And that took place in the presence of Mr. Haradinaj, yes,
20 according to your evidence?

21 A. Yes.

22 Q. And in your preparation session last week, paragraph 21 of Prep
23 Note 1, it says that you had informed Mr. Haradinaj that you had not
24 fully recovered, and Mr. Haradinaj had told you that he did not
25 expect you to be directly engaged in combat activities, and that

1 you'd be useful because you were from Dukagjin area and you were
2 known there; is that correct?

3 A. Yes. There were three persons there, Mr. Haradinaj -- in the
4 office of Mr. Krasniqi. And I explained to Mr. Haradinaj my
5 situation, that I cannot be very active in military combat, and he
6 said those words. This was a conversation we had when they asked me
7 whether I agreed to be transferred from the operational directorate
8 of the GC to the Dukagjini operational zone. It's correct.

9 Q. Right. And you're also recorded as saying that you had agreed
10 to the transfer. And at a later time, Krasniqi sent a soldier to
11 fetch you. You then went to Krasniqi's office, and Krasniqi gave you
12 the order for your transfer. So the written document came at a later
13 time; correct?

14 A. One day after that meeting. One day after I expressed my
15 concern.

16 Q. So the document that you received was just a formalisation of
17 what had already been agreed the day before with Mr. Haradinaj; am I
18 correct?

19 A. Yes, correct.

20 Q. Now, earlier just now, and in your 2019 interview, you gave
21 evidence about some written reports that were compiled on the basis
22 of the information the operational directorate had received from the
23 zones, and these were from two briefings with the zones, two reports
24 were created, one in December 1998 and one in January 1999; is that
25 correct?

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1 A. Yes.

2 Q. And your evidence is that these two reports were compiled and
3 given to Mr. Krasniqi to be used in the logistics sector. That's
4 what you've said in 2019 at Part 5, page 3. Correct?

5 A. I know only about the first meeting report but not the second
6 meeting because the next day I left the General Staff, the
7 operational directorate, and that report was compiled a few days
8 later. It was based on a request of the operation zones for
9 logistics, notifications about the number of soldiers, the number of
10 the injured soldiers, hospital equipment in the zones.

11 Initially, we dealt with the secondary and tertiary training.
12 Then when the situation became aggravated in the spring of 1999, I'm
13 talking of Dukagjin, we had to transport the injured for secondary or
14 tertiary treatment outside Kosovo. These were the issues raised by
15 the zone commanders at that meeting presenting their respective
16 requests. We drafted a report based on them and then submitted the
17 report to the deputy commander.

18 Q. Right. And at Part 3, page 6 of your 2019 interview, you said:

19 "And then I don't know who [Jakup Krasniqi] gave it to ..."

20 Can you confirm? Can you confirm -- okay, before I go there.

21 And when you said that, you also said:

22 "... but I suppose that he then gave it to the chief logistics
23 officer in Tirana."

24 Do you recall saying that in 2019?

25 A. That would have been the case logically speaking. I don't know

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1 where those documents ended. I only know that that document --
2 because we are talking about one document. Because in the second
3 meeting I wasn't present. Sali Veseli signed them off, read them,
4 and I don't know where they ended up and what sector dealt with the
5 relevant issues. This I don't know.

6 Q. Right. In terms of what the reports or the report contained,
7 you've just explained what it contained, it's correct, isn't it, that
8 this report, you've said you only recall one, never contained any
9 information about arrests, detentions, or mistreatment of civilians;
10 correct?

11 A. No, there wasn't such an information in that report. There
12 weren't any such reporting by the zone commanders to this effect, not
13 even in the daily reports. In December, we tried to install a
14 communication line to have a daily communication to receive
15 information pertaining to the operational directorate on the
16 movements of the enemy forces, military duties, or combats in
17 operation zones, the brigades involved, in what zones, the losses of
18 parts of territory which were under the control of the brigades, some
19 village, or taking of some territory, then the number of soldiers
20 killed, injured, so our losses in human and in technique, losses
21 claimed by the operational zones inflicted on the enemy, and such
22 things, such material things.

23 But this information -- we received this information, but I may
24 say that we couldn't -- we were not in a position to identify the
25 truthfulness of that information. We sent them to the operational

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1 room or the situation room which was next to the logistical
2 directorate, and in the map we marked the information we had received
3 to be able to follow the developments on the ground. And based on
4 this information on the movements of the Serb forces and their
5 number, we tried to foresee where the enemy might attack in the
6 coming days.

7 So we tried to foresee based on our experience as officers, to
8 foresee and to warn the operational zones, the brigades, because the
9 brigades were the most important units, fundamental units of the KLA.
10 We didn't have larger units than brigades. As you know, in other
11 armies there are brigades, regiments, and some corps. The brigades
12 for us was the most important unit as KLA.

13 So during all the time of the hostilities, based on that
14 information we tried, as I said, to foresee what brigade might be
15 attacked in the coming days. That was the work of the operational
16 directorate during those two or, better say, one and a half month I
17 was there.

18 Q. Thank you. I'm now going to move to another topic. You've said
19 earlier that Mr. Krasniqi was the chief of the information
20 directorate; yes?

21 A. Yes. Not only spokesperson but because now we had the
22 information centre set up, they were there spokespersons, logically
23 speaking, I think from spokesperson he should be promoted to chief of
24 directorate for information. We, as I said, started -- we had
25 already established the General Staff, and I thought that it should

1 be further developed to a broader directorate and with a larger
2 number of staff dealing with information, propaganda, and so on.
3 That's my logic. It's not that I saw that happening.

4 Q. Correct. So that was your understanding or assumption given the
5 role that he played as a spokesperson.

6 Now, if I could just take you back to what's on the screen, the
7 document on the screen. If you could look at the document on the
8 screen, the last bullet point, there is a list of names. In the
9 middle of the page, there is a list of names with positions. Do you
10 see that?

11 A. Yes.

12 Q. And the last bullet point says:

13 "Berat Luzha - [responsible] for Press and Radio."

14 Correct?

15 A. Yes, we set up also a radio station.

16 Q. Yes.

17 A. He was responsible for that.

18 Q. Yes.

19 MS. V. ALAGENDRA: Can we go to private session, please, for
20 provider reasons.

21 PRESIDING JUDGE SMITH: Into private session, please,
22 Mr. Court Officer, to protect a provider.

23 [Private session]

24 [Private session text removed]

25

Witness: Naim Maloku (Resumed) (Private Session)

Page 25952

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25953

Cross-examination by Ms. V. Alagendra

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25954

Cross-examination by Ms. V. Alagendra

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Witness: Naim Maloku (Resumed) (Open Session)

Page 25955

Cross-examination by Ms. V. Alagendra

1 [Open session]

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

3 Thank you.

4 PRESIDING JUDGE SMITH: Now you may proceed, Ms. Alagendra.

5 MS. V. ALAGENDRA: Thank you.

6 Q. I'm moving to another topic and that's the topic of communiqués,
7 Mr. Maloku.

8 Now, in his interview with the Prosecution, Bislim Zyrapi, the
9 chief of staff, has said that he doesn't know who wrote the
10 communiqués because that wasn't his responsibility. You have no
11 reason to dispute that, would you?

12 A. No, I have no reason to do that. I only expressed my opinion.
13 That is, when the international mission came to Albania [as
14 interpreted], it was no longer necessary to issue communiqués but
15 only to hold briefings, issue press releases, meet foreign
16 journalists at least three times a week, because now it was known
17 that we were an army that had seven operational zones. My
18 co-fighters who may hear me in this public session know that there
19 was a plane that was taking pictures from the air, so there was
20 nothing secret about us at that time. And communication should be
21 open. That is my logic.

22 MS. V. ALAGENDRA: Your Honours, I believe there's a transcript
23 error, and that's at line 24 of page 63. It says "when the
24 international mission came to Albania." It should read as "to
25 Kosovo."

Witness: Naim Maloku (Resumed) (Private Session)

Page 25956

Cross-examination by Ms. V. Alagendra

1 THE WITNESS: [Interpretation] Yes, to Kosovo. Yes.

2 MS. V. ALAGENDRA:

3 Q. Right. Would you agree with me, Mr. Maloku, that you personally
4 do not know who wrote the communiqués?

5 A. No, I don't.

6 MS. V. ALAGENDRA: If we could, again, go into private session,
7 Your Honours.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MS. V. ALAGENDRA: It's regarding some documents that were shown
10 by the Prosecution to the witness, which are for provider purposes --
11 provider purpose.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 I couldn't hear you.

14 Into private session, please.

15 [Private session]

16 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25957

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25958

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25959

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25960

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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Witness: Naim Maloku (Resumed) (Private Session)

Page 25961

Cross-examination by Ms. V. Alagendra

1 [Private session text removed]

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5 [Open session]

6 THE COURT OFFICER: Your Honours we're in public session. Thank
7 you.

8 PRESIDING JUDGE SMITH: Thank you.

9 MS. V. ALAGENDRA: Thank you.

10 Q. So I'm now moving to the meeting that you attended in Bellanice
11 village. Now, Bellanice is very close to Ngucat; is that correct?
12 My apologies for my pronunciation.

13 A. It is close to the village of Ngucat. So between the village of
14 Ngucat and Lladroviq. These are the closest villages to Bellanice.
15 Then you have Senik, Lladrovc, where my maternal uncles live.

16 Q. Right. And you told the Prosecution that you have family
17 members from your mother's side in Bellanice; am I correct?

18 A. Correct.

19 Q. And you went to a meeting in Bellanice because you had relatives
20 in Bellanice, as you had said in your preparation session at
21 paragraph 6; is that correct?

22 A. No, it's slightly different. I have explained this in clear
23 terms, counsel. I've given evidence under oath in a court in Gjakove
24 in relation to this case. I testified there. And I'm -- and I
25 regret, because the trial was public, but in the recent days I looked

Witness: Naim Maloku (Resumed) (Open Session)

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Cross-examination by Ms. V. Alagendra

1 it up in Google and *Betimi per Drejtesi* portal where I saw that only
2 two words of what I stated were published there.

3 That meeting was held, and in December the brigade commander was
4 replaced. So the deputy commander took over the position of brigade
5 commander. Then the new commander organised a meeting with the
6 villagers and the units of the KLA in Bellanice.

7 I was part of that meeting. So the attendees were the brigade
8 commander, the chief of staff of the brigade, and myself. The
9 meeting was called by the brigade commander, organised with the chief
10 of staff of the brigade. And because of my connections and my
11 knowledge and the fact that I was known in that area, I kindly asked
12 to be -- to accompany them and be part of that meeting. This is the
13 truth of what happened. I've explained this in Ljubljana, here, in
14 the court in Gjakove, and to be honest, I am quite burdened with this
15 thing the last ten years. Because this was three months before.
16 When the incident occurred, I was wounded and I was sheltered in
17 Sedllar in Lipjan municipality. I just accompanied the brigade
18 commander and the chief of staff in this meeting.

19 Q. Yes. I just wanted to clarify that it was you that requested to
20 go with them. That's correct; yes?

21 A. No. It would appear that the brigade commander, who had also a
22 distant connection through my mother, because the brigade command was
23 close to the building of the General Staff, so he, perhaps, asked
24 Mr. Krasniqi that I would attend. And Mr. Krasniqi said, "Will you
25 go? Maybe it would be good that you go because they know you."

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Cross-examination by Ms. V. Alagendra

1 So they picked me up with their vehicle, and we went to that
2 rally or meeting in Bellanice attended by around 5-, 600 residents of
3 Bellanice and the surrounding area.

4 MS. V. ALAGENDRA: If we could have on screen 126097 to 126100,
5 please. And the Albanian version is at 126097 to 126100. And in
6 both documents, if we could have page 126098, please, on the screen.
7 It's in the middle of the page. On the English version, it's a few
8 lines above -- it's in that big paragraph.

9 Q. And I'm going to start reading from: "Because of my popularity
10 amongst the people ..." Do you see that in the corresponding
11 Albanian version? Okay. Maybe I go higher. Yeah. "During this
12 time the General Staff ..."

13 Do you see that, Mr. Maloku? This is your testimony that I'm
14 referring to in the --

15 A. Yes, yes.

16 Q. Yeah. Now, do you see in the middle of the paragraph where it
17 says that:

18 "During this time the General Staff and the brigades within the
19 operational zone were restructuring, and the commander of the 121
20 Brigade, who was appointed in December 1998, and the Brigade Chief of
21 Staff, Shaban Dragaj, held a meeting with the populations. Because
22 of my popularity amongst the people, as my family is originally from
23 that area, I asked them whether I could accompany them to this
24 meeting."

25 Do you see that?

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Cross-examination by Ms. V. Alagendra

1 A. Yes.

2 Q. And that was your evidence before the Gjakove Basic Court on
3 16 January 2018; am I correct?

4 A. Yes.

5 Q. And in your 2019 interview with the Prosecution, you've said
6 that you were there as a guest of the brigade commander --

7 A. Pardon me. One clarification here. It is not true that I said
8 here I understood in that meeting or I learned in that meeting about
9 the killing of those two. That is not true.

10 Q. I'm not going into that --

11 A. This was a much discussed and spoken about case. My evidence
12 here is not reflected accurately. One word can change a lot of
13 things.

14 Q. Now, at Part 2 of your 2019 interview with the Prosecution --
15 Mr. Maloku?

16 A. Yes.

17 Q. Right. In your 2019 interview at Part 2, you've said that you
18 did not report back to anyone at the General Staff about what
19 happened at the meeting in Bellanice or what you heard at the
20 meeting. That's correct; yes?

21 A. Correct.

22 Q. Thank you very much, Mr. Maloku. I have no further questions
23 for you.

24 A. Thank you.

25 PRESIDING JUDGE SMITH: Thank you, Ms. Alagendra.

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Re-examination by Mr. Pace

1 If the Prosecution has a redirect?

2 MR. PACE: Yes, Your Honour.

3 We can take the document on the screen down, please.

4 Re-examination by Mr. Pace:

5 Q. Good afternoon, Witness. I have some further questions for you.

6 During cross-examination yesterday, you testified about whether
7 you had a commander before November 1998.

8 MR. PACE: And for those in the courtroom, I'm referring to page
9 25848, lines 2 to 5.

10 And I'd like to call up P02090.2-ET and AT. These are on our
11 original presentation queue. And I'd like to turn to page 10 in both
12 versions.

13 Q. And, Witness, what I'm calling up is part of your SPO interview.
14 I'm going to read an excerpt, and then I have some questions.

15 MR. PACE: So we'll turn to page 10 in both versions. I'm going
16 to read in the English lines 3 to 11; and in Albanian, it will be
17 lines 3 to 10.

18 Q. This is part of what you said in 2019 to the SPO:

19 "And in mid-June, Sali Veseli came from Germany, and we set up
20 an operative subzone, and a formation unit was a brigade. We had
21 1500 armed soldiers. From the village Jasim Gjotl -- from the
22 villages Jasic and Gjotl, above Junik, and all the way to Cabrat
23 close to Djakovica. All these villages fell under our control then.
24 They became part of our control zone.

25 "Sali Veseli became the commander of the operative subzone and

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Re-examination by Mr. Pace

1 of the brigade, and I became the deputy commander. I occupied this
2 position until 25 July."

3 My question, Witness: Do you recall how long after Sali Veseli
4 arrived in mid-June that you became his deputy?

5 A. Dear counsel, you showed me the document that I saw for the
6 first time about the meeting in Dobrosh, which occurred on the 15th,
7 16th, or 20th June, with -- meeting between the commanders of the
8 villages of Junik and 19 other villages around it. Is that correct?

9 In that meeting, Mr. Sali Veseli, who had entered Kosovo towards
10 the end of May, with the approval of all the 20 village commanders,
11 became brigade commander. And I, with the consent and approval of
12 the commanders of the 20 villages, the staffs of 20 villages, became
13 deputy commander.

14 I did not lie to Mr. Misetic either, and I told him, explained
15 how the Kosovo Liberation Army was set up and developed.

16 So when I arrived there, there was only one staff, in Smolice.
17 The other villages did not have one.

18 Q. Witness, you're going far beyond my question.

19 A. So do you understand? So there is no difference or --

20 Q. Please stop. You're going far beyond my question --

21 A. -- in anything here.

22 Q. You are going far beyond my question. It was a simple question.
23 I take your answer. Is it correct, as you stated in the interview
24 that I read, that you were Sali Veseli's deputy commander until you
25 were injured on 25 July 1998?

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Re-examination by Mr. Pace

1 A. No. I was the deputy commander of Aziz Hyseni, and we clarified
2 this point in the preparation session. When Aziz Hyseni arrived,
3 which was sometime in the beginning of July, he came with Kamer
4 Elejzi and a Finnish lieutenant, a volunteer, who were set up in the
5 Luani unit in Morine. Then Aziz Hyseni became brigade commander and
6 I became his deputy.

7 Q. And then you were Aziz Hyseni's deputy until you were injured on
8 25 July 1998?

9 A. Yes, we clarified this together.

10 Q. That's okay. Just answer my questions and we'll take it from
11 there.

12 A. We spoke about this.

13 MR. PACE: We can take the document on the screen down.

14 Q. During your cross-examination yesterday, you said that from
15 April 1998 until your injury in July 1998, Ramush Haradinaj did not
16 have any authority over you other than mutual respect and that he did
17 not issue any orders to you.

18 MR. PACE: And the reference for those in the courtroom is page
19 25848, lines 6 to 11.

20 Witness, my question is: Do I understand you there to have said
21 Ramush Haradinaj did not issue any orders specifically addressed to
22 you during this period of time, April 1998 until July 1998?

23 A. Yes, that's correct.

24 Q. To your knowledge, during this timeframe, April to July 1998,
25 did Ramush Haradinaj issue any orders applicable within your area of

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Re-examination by Mr. Pace

1 responsibility in Dukagjini?

2 A. Not to the brigade where I was deputy commander. But one week
3 after the staff of the brigade in Junik was set up, Sali Veseli moved
4 to Gllogjan, Gllogjan to -- and 40 villages who had 40 village
5 staffs. He went there to set up the command of the zone. We didn't
6 call it operational zone but the zone of the region of Dukagjin.

7 He, Sali Veseli, thought to make Gllogjan the staff -- to set up
8 the staff of the operational zone because it was in the middle of
9 these 60 villages. So 20 villages in Junik and the surrounding area
10 and 40 other villages around Gllogjan.

11 MR. PACE: I'd like to call up P02092 and P02092-ET. These were
12 admitted on Monday, and they are in the SPO's original presentation
13 queue. And I'd like to turn to the second page in both language
14 versions, please.

15 MR. MISETIC: Mr. President, may I inquire, the Prosecutor has
16 twice referred to his original presentation queue. Is there another
17 one? Because we haven't received one.

18 MR. PACE: No.

19 MR. MISETIC: Okay.

20 MR. PACE: Sorry, I didn't need to specify, but it's the one.

21 Q. Witness, during examination on Monday, you testified in relation
22 to the page on your screen.

23 MR. PACE: And if we could zoom out so we can see the totality
24 of it, please.

25 Q. You said it was issued by the brigade commander Sali Veseli and

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Re-examination by Mr. Pace

1 that you recognised his signature on it.

2 MR. PACE: And that's from page 25715, line 22, until 25716,
3 line 7.

4 Now, I'd like to zoom in next on to the top half of the document
5 in both language versions, please. A little more. That's -- yes,
6 the -- that's good in Albanian. And the same in English, please.

7 Q. I'm going to read part of this item, and I have a question for
8 you. We see:

9 "Based on the military situation in the combat area of
10 responsibility, as well as based on the Dukagjini Plane Operative
11 Staff Commander Ordinance, aiming at the organisation, restructuring,
12 enhanced readiness, coordination and common actions, as well as the
13 security measures for the defenceless population:

14 "I hereby order

15 "1. I shall forbid the movement of fighters, officers and
16 population in the area of my responsibility without the permission of
17 the Dukagjini Operative Staff commander and my personal permission as
18 allowed by the village staff commander."

19 Now, Witness, as we see and we discussed on Monday, the document
20 is dated 15 June 1998. My question is who was the Dukagjini
21 operative staff commander at that time?

22 A. Look, I told you, respected counsel --

23 Q. Witness, could you just please answer --

24 A. -- also in Ljubljana --

25 Q. -- the very simple question: Who was the Dukagjini --

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Re-examination by Mr. Pace

1 A. Please.

2 Q. -- operative zone -- operative staff commander at that time?

3 It's a simple question. I need a name, or you don't know.

4 A. I do not know because the thought was -- the idea was to set up
5 the Dukagjini operative zone. Sali Veseli had this idea, and a week
6 after he went there to set it up. The idea was to set it up. I
7 don't know who was at the time. He issued the order in anticipation
8 of his arrival there so that he -- when he would arrive there, he
9 would have the order ready.

10 PRESIDING JUDGE SMITH: Please do your best to just answer the
11 questions that are asked. You're adding additional material. Just
12 answer the question. It was straightforward. And you've answered
13 it. You don't need to say anything more.

14 MR. PACE:

15 Q. Witness, we're going to move on. During cross-examination
16 yesterday, you were asked about KLA General Staff organisation, and
17 you said you understood the KLA General Staff could only be referred
18 to as such from December 1998.

19 MR. PACE: And I'm here referring to page 25854, lines 10 to 22.

20 I'd now like to take this document down and instead call up
21 P02090.3-ET and also the AT version. And in the English, let's
22 please turn to page 20, and I will read from lines 9 to 16. In
23 Albanian, it's at page 20 as well, and there it's 8 to 15 for the
24 lines.

25 Q. So, Witness, as we've done before, and you can see on your

Witness: Naim Maloku (Resumed) (Open Session)

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Re-examination by Mr. Pace

1 screen, this is on the left in Albanian from your 2019 SPO interview.
2 I'm going to read questions and answers, and then I have a question
3 for you.

4 "Q. And at this time, is the Dukagjini operational zone
5 directly reported to the General Staff; no?

6 "A. I don't know.

7 "Q. When --

8 "A. Until I became part of the General Staff on 15 November,
9 I've no idea how things were --

10 "Q. But at least --

11 "A. -- arranged."

12 Now, Witness, my question for you is: Is it correct, as is
13 stated here, that until you became part of the General Staff on 15
14 November 1998 you had no idea of how things were arranged at the
15 General Staff?

16 A. That's correct.

17 MR. PACE: We can take this document down, and I'm going to
18 refer to something different.

19 Q. Witness, during cross-examination --

20 MR. MISETIC: Mr. President, I'm just noting the time, and we
21 have a short lunch break anyway, so I don't know if we're going to
22 continue.

23 MR. PACE: I don't know how hungry people are, but I have one
24 topic to cover. It should take five minutes, maximum ten.

25 PRESIDING JUDGE SMITH: Yes, I'd rather --

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Re-examination by Mr. Pace

1 MR. PACE: I'm happy to do it after.

2 PRESIDING JUDGE SMITH: -- get finished with the redirect, if we
3 could. And we'll give you the one hour anyway.

4 MR. PACE:

5 Q. During cross-examination yesterday, you said the following,
6 which is from page 25853, lines 21 to 25 of the transcript.

7 "Kosovo was the target of a special warfare. The enemy waged a
8 special warfare since the inception of the KLA in 1992. The Serbian
9 secret services constantly tried to sow divisions and conflicts
10 within the ranks of the KLA. This has come from outside. This is
11 special warfare."

12 My question to you, Witness, is: Do you recall any members of
13 the KLA General Staff ever discussing the concept of special warfare
14 in 1998 or 1999?

15 A. No, this is my personal assessment. We would discuss with
16 Bislim Zyrapi and Agim Ramadani in Tirana already, but this is my
17 personal assessment.

18 MR. PACE: I'd like to call up P01288, and we will play minutes
19 09:10 to 10:17 with sound. The relevant excerpt I'm going to play
20 contains English subtitles. For the record -- we don't need to call
21 up the English translation, but for the record, it's P01288-ET, the
22 first paragraph on the second page. Side by side with the video,
23 let's call up the Albanian transcript, P1288-AT, and there we'll zoom
24 in on the top paragraph of page 2, please. It's a short excerpt, and
25 I will read the relevant excerpt again after we hear it and I ask

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Re-examination by Mr. Pace

1 some preliminary questions about it.

2 Q. So, Witness, as I was saying, you're going to see and hear a
3 video. You can hear the Albanian spoken in the video. You can also
4 follow what is said on the transcript that's on your screen at the
5 moment. Yes.

6 MR. PACE: And we might need to go to the second page of the
7 transcript in Albanian and zoom in on the top paragraph, and the
8 video should be called up side by side. So we'll play from minutes
9 09:10 to 10:17.

10 [Video-clip played]

11 MR. PACE: Thank you. That's good. Let's keep the screen over
12 there.

13 Q. Witness, who was speaking in the excerpt that we just listened
14 to and saw?

15 A. It was Mr. Krasniqi.

16 Q. And we are now at 10:17 in the video. Could you tell us who you
17 see on screen? Which one is Mr. Krasniqi?

18 A. Jakup Krasniqi is the person speaking.

19 Q. And is it correct he's the one holding a piece of paper and
20 standing behind the podium?

21 A. Yes.

22 Q. Do you know the person to Jakup Krasniqi's left, the first one?

23 A. This is the father of a martyr.

24 Q. Who is the next person on the left?

25 A. Fatmir Limaj.

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1 Q. Who is to Fatmir Limaj's left?

2 A. Myself.

3 Q. And who is to your left?

4 A. Muse Jashari.

5 Q. Do you recall who else was present on this occasion?

6 A. Rame Buja was present as well.

7 Q. And what was the occasion?

8 A. And -- the occasion was the celebrations of the Flag Day, 28
9 November.

10 Q. Can you specify the year?

11 A. 1998.

12 Q. I'm now going to read the text again, and then I have a
13 question.

14 MR. PACE: It will be very short, Your Honour.

15 Q. We heard Jakup Krasniqi say:

16 "The Kosovo Liberation Army fought on many increasingly fierce
17 and tricky fronts. It fought against an entire military-propaganda
18 machinery, it faced the most unprecedented military offensives in
19 Kosovo since the World War II, it coped with a coordinated special
20 war from outside and inside, and its advancement was unstoppable.
21 Both friends and foes were surprised the Kosovo Liberation Army
22 survived, was militarily prepared and steadfast. The spectrum of
23 enemies aimed to get rid of the KLA, eliminate it from the political
24 life, and then impose on Kosovo an insignificant, contemptible,
25 pacifist or Gandhian choice."

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Re-examination by Mr. Pace

1 Witness, my question for you is in --

2 MS. V. ALAGENDRA: Your Honours.

3 MR. PACE: Yes? Sorry.

4 MS. V. ALAGENDRA: We're raising an objection that this is
5 outside the scope of cross-examination.

6 MR. PACE: Your Honour, I don't know how it would be outside the
7 scope. The witness talked about a special war. He then said he
8 didn't remember being present when a General Staff member did.

9 PRESIDING JUDGE SMITH: The objection is overruled.

10 Go ahead.

11 MR. PACE:

12 Q. Witness, I'll start my question again. In 1998 or 1999, did you
13 ever hear Ibrahim Rugova's policy being described as pacifist?

14 A. I said that about Mr. Rugova. That was the politics at the
15 time. He was the spiritual leader of the Albanians who embraced
16 peace and pacifism as an ideology.

17 Q. Thank you, Witness.

18 A. There's nothing here ...

19 Q. Thank you, Witness.

20 MR. PACE: No further questions, Your Honour.

21 PRESIDING JUDGE SMITH: All right. Witness, we'll break for
22 lunch. We're just going to take an hour, keeping in mind your
23 schedule --

24 THE WITNESS: [Interpretation] Thank you.

25 PRESIDING JUDGE SMITH: -- so that we can finish with you.

1 We'll be back here at 2.15 and we'll be ready to go at that time.

2 [The witness stands down]

3 PRESIDING JUDGE SMITH: We're adjourned until 2.15.

4 --- Luncheon recess taken at 1.11 p.m.

5 --- On resuming at 2.15 p.m.

6 PRESIDING JUDGE SMITH: It appears as though we will need to all
7 be here on Tuesday because we don't have an answer yet from the place
8 where the witness is residing as to whether or not he will testify,
9 and we won't know that until right before we start, probably. And
10 then if he's not going to testify, that will be the end of the
11 proceedings for that day.

12 So, anyway, it's just one of those circumstances. I hope it's
13 not ruining everybody's travel plans.

14 MR. MISETIC: Let me take the opportunity then, Judge, just to
15 say that, on the point of travel plans, if the Panel has any
16 intention to have a status or anything like that next week -- all
17 right. Then we can make plans.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 After next week, we just wait for the 15th at the time that the
20 Prosecution will be in a position to rest their case. And at that
21 point, we'll start talking about other plans.

22 Any questions about any of that? Thank you.

23 You can bring the witness in.

24 We'll go until about 2.30 and take a short break at that time --
25 I mean, 3.30, and then continue on until we're finished.

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: Mr. Maloku, we will now have some
3 questions from the Judges, beginning with Judge Barthe, who is to my
4 left, to your right. This is Judge Barthe. He'll have questions
5 first.

6 JUDGE BARTHE: Thank you, Judge Smith.

7 Questioned by the Trial Panel:

8 JUDGE BARTHE: And good afternoon, Mr. Maloku.

9 A. Good afternoon. Thank you.

10 JUDGE BARTHE: The Panel has a few more questions for you and
11 would like to show you some documents to see if and what you can say
12 about them and whether you can contextualise them for us.

13 Could I ask the Court Officer to bring up the first exhibit,
14 which is 099990-099990-ET together with the corresponding Albanian
15 version, please. Thank you.

16 Mr. Maloku, this document reads in the English:

17 [As read] "Kosovo Liberation Army

18 "Rrafshi i Dukagjinit /Dukagjini plain/

19 "Operational staff RRDOZ

20 "24 June 1998

21 "Order to Rrafshi i Dukagjinit local staffs and population

22 "Based on military circumstances in the Rrafshi i Dukagjinit, in
23 order to carry out successfully combat operations, I issue this:

24 "Ordinance

25 "1. General call up of manpower and materials shall be carried

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1 out in the Rrafshi i Dukagjinit Operational Staff area of
2 responsibility.

3 "2. The qualitative preparation of the population, soldiers and
4 officers for combat needs shall be carried out.

5 "3. An inventory of the most capable soldiers of special
6 features for combat needs shall be carried out.

7 "4. Measures shall be taken to stop any activities against our
8 war."

9 And I will skip number 5 and number 7 and continue with number
10 6:

11 "Measures shall be taken immediately in case of opposition or
12 non-execution of the ordinance including, isolation, disarming,
13 detention, which shall be reported to the Rrafshi i Dukagjinit
14 Operational Staff, and the Kosovo Liberation Army General Staff
15 respectively."

16 And it ends with:

17 "Each commander of subzones' local staffs and the Rrafshi i
18 Dukagjinit Operational Staff are responsible for the execution of
19 this ordinance."

20 Sent to archive RRDOZ area of responsibility staffs, and on the
21 bottom right-hand side of the document it says "Commander," and then
22 there's a signature and the name Ramush Haradinaj.

23 Let me ask you first, Mr. Maloku, have you seen this document
24 before? And it suffices to answer with a "yes" or a "no" or "I don't
25 know."

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1 A. No, sir.

2 JUDGE BARTHE: Thank you. Do you know whether there was such a
3 general call up of manpower and material in the Dukagjini operational
4 zone in June 1998?

5 A. I don't know about this call up. But in the brigade where I was
6 then deputy commander, we had set up all the village staffs so it was
7 no longer possible to mobilise other soldiers or other voluntaries.
8 We didn't have the capacities.

9 JUDGE BARTHE: I understand. And if you look at the bottom
10 right of the document, can you see the signature?

11 A. Yes, I see that.

12 JUDGE BARTHE: Do you recognise the signature?

13 A. It says Ramush Haradinaj. But to tell you the truth, I'm not
14 familiar with signatures. But if I received such a document, I would
15 have accepted it as his. But I don't believe that a document like
16 that would be issued without the stamp of the Dukagjin operational
17 staff.

18 JUDGE BARTHE: Thank you. Indeed, you said that earlier today.

19 Mr. Maloku, do you have any reason to believe that this is not
20 Ramush Haradinaj's signature?

21 A. It's a questionable question. I would say yes. I would find a
22 reason in point 6. We didn't have the infrastructure at that time to
23 stop, isolate, detain someone. We didn't have a structure to that
24 effect. In the brigade where I was deputy commander, we didn't have
25 such a facility.

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1 JUDGE BARTHE: I understand that, Mr. Maloku, but my question
2 was slightly different. I was only asking about the signature. My
3 question was, and I repeat it, do you have any reason to believe that
4 this signature was not from -- or that this is not Ramush Haradinaj's
5 signature? I'm not talking about the content of the document now.
6 I'm only talking about the signature.

7 A. No, but -- sorry, but I have to rely on the content. Because if
8 we didn't have such infrastructure, how come that we -- we have this
9 order in front of us. That makes me have second thoughts. We didn't
10 have the infrastructure to detain or imprison people in the territory
11 where I was serving. This would be for me an indication to have
12 doubts about it. How can you order someone to do something if there
13 is no infrastructure for that?

14 JUDGE BARTHE: Thank you. I would like to move on.

15 And, please, Mr. Court Officer, could we have Exhibit IT-04-84
16 P00168 in the English and the Albanian on the screen. Thank you.

17 This document reads in the English:

18 [As read] "Kosovo Liberation Army

19 "Operative headquarters for Rrafshi i Dukagjinit

20 "Dukagjin

21 "5 July 1998

22 "State secret."

23 Then it says:

24 "Appointment of the deputy commander of the operative
25 headquarters of Rrafshi i Dukagjinit

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1 "Based on military circumstances, in order to direct and command
2 properly and enhance military readiness in operative subzone, I issue
3 the following

4 "Order

5 "1. Lahi Brahimaj is discharged from the service of the deputy
6 commander of SHORRD, Shtabi operative te Rrafshit te Dukagjinit,
7 Operative Headquarters of Rrafshi i Dukagjinit, and Nazmi Brahimaj is
8 appointed as deputy commander in his place."

9 Number 2:

10 "This order comes into effect immediately.

11 "Sent to the archive, Lahi Brahimaj, Nazmi Brahimaj."

12 And then if we scroll down, it says at the bottom right
13 "Commander," and in the English it should read: Signed Ramush
14 Haradinaj.

15 Again, my question, Mr. Maloku, do you know this document? Have
16 you seen it before?

17 A. No, sir. No.

18 JUDGE BARTHE: Can you help us with the signature?

19 A. It is the signature of Ramush, but I think we have to compare
20 both this one with the previous one. I don't know. It's a document
21 that I haven't seen before, Judge.

22 JUDGE BARTHE: I understand. In your --

23 A. I know Lahi and Nazmi Brahimi. There may be a connection there,
24 I don't know, but I don't know about this event. I don't -- I
25 haven't seen this document before.

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1 JUDGE BARTHE: Let me ask you the question first, Mr. Maloku.
2 Is it correct, according to your knowledge, that Lahi Brahimaj was
3 replaced by Nazmi Brahimaj as deputy commander of the operative or
4 operative headquarters of the Dukagjin operational zone in July 1998?

5 A. I already explained that. After the establishment of the
6 brigade of Junik, Sali Veseli went to establish the Dukagjin
7 operational zone with its seat in Gllogjan. As to what they have
8 done, who was where, and how things have occurred, in reality I am
9 not able to say. I'm sorry.

10 JUDGE BARTHE: It's not a problem. Do you know, Mr. Maloku,
11 whether Lahi Brahimaj had a nickname during the war?

12 A. I think his nickname was Magjupi. I am not very certain.

13 JUDGE BARTHE: Do you know where Lahi and Nazmi Brahimaj were
14 stationed during the war?

15 A. They were in Jabllanice or Gllogjan, in that area.

16 JUDGE BARTHE: And were they related to each other; and if so,
17 how?

18 A. Lahi and Nazmi were brothers to my knowledge. They were -- both
19 of them were Ramush's uncles on his mother's side.

20 JUDGE BARTHE: Thank you. I would like to call up the next
21 document with ERN IT-04-84bis P00248. Again, the English and the
22 Albanian version side by side, please. Thank you.

23 Mr. Maloku, this document reads:

24 [As read] "Kosovo Liberation Army

25 "Rrafshi i Dukagjinit /Dukagjin Plain/ operational staff

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1 "Dukagjin

2 "12 July 1998

3 "Formation of brigades and appointment of senior officers in
4 positions of battalion and brigade commander

5 "To: 2nd Brigade

6 "Pursuant to Combat Regulations of the Kosovo Liberation Army
7 General Staff, considering military circumstances in section
8 N/O/D/14.05, due to the increase of number of liberation Army units
9 and in order to achieve good leadership, command, subordination,
10 coordination and cooperation in carrying out military operations in
11 the above-mentioned sector, as well as in the leadership of the
12 command operations, I hereby:

13 "Order

14 "1. - The formation of the already determined brigades in the
15 sector of responsibility of the Rrafshi i Dukagjinit Operational
16 Staff.

17 "2. - The appointment in the 2nd Brigade of superior officer
18 Shemsedin Ceku as brigade commander and the appointment as battalion
19 commanders of this brigade ..."

20 And what follows are the names of the chief of staff, the
21 commanders of the 1st, 2nd, and 3rd Brigade -- Battalion, excuse me,
22 Battalion, and the name of the chief of artillery. And then it goes
23 on with:

24 "For the implementation of this order, I make responsible the
25 1st Brigade commander who is required and obliged to form the

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1 above-mentioned unit according to its lineup and structure."

2 Thank you.

3 And then it says at the end:

4 "Copy the archive

5 "2nd Brigade Command

6 "Senior Officer Shemsedin Cekaj."

7 And on the right side, "Commander Ramush Haradinaj," and
8 handwritten is also a signature.

9 Mr. Maloku, have you seen this document before?

10 A. No, Judge.

11 JUDGE BARTHE: Do you know whether such an order was given by
12 Ramush Haradinaj on 12 July 1998?

13 A. No, I don't.

14 JUDGE BARTHE: Are you familiar with the combat regulations of
15 the KLA General Staff mentioned in the first paragraph of the order
16 or in the preface to the order?

17 If you could go up, please, a little bit. Thank you.

18 A. No, I'm not.

19 JUDGE BARTHE: So you're not familiar with the combat
20 regulations?

21 A. No, I didn't see that at that time or even later.

22 JUDGE BARTHE: Do you recognise the signature at the bottom
23 right?

24 If you could scroll down again, I'm sorry.

25 A. It's the same as in the other documents. I know all of the

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1 persons mentioned here. I knew all of them. Syle Shabani, Shemsedin
2 Fetahaj, no. I know the others; that is, Shaban Dragaj, Musa
3 Gjakova, Driton Zeneli, but not the last two.

4 JUDGE BARTHE: And in relation to the people, the names you
5 recognised, were these the positions here in this -- mentioned in
6 these documents, were these the positions these people had at the
7 time as far as you know?

8 A. The first two are career officers and I knew both. Logically,
9 such positions were deserved on them based on their professionalism
10 and expertise, the academies they had graduated from.

11 JUDGE BARTHE: You're talking about first name, Shemsedin Ceku,
12 is that right, as brigade commander?

13 A. I am talking of Shaban Dragaj and Musa Gjakova.

14 JUDGE BARTHE: I see. Thank you. And do you know whether
15 Mr. Dragaj was, indeed, chief of staff in the 2nd Brigade?

16 A. I don't know about that. But I know that later he was the chief
17 of Brigade 121 in Pashtrik.

18 JUDGE BARTHE: Do you know whether Mr. Gjakova was the 1st
19 Battalion commander or the commander of the 1st Battalion?

20 A. Not that. But I know that Musa Gjakova was for a long time in
21 the war in Dukagjin area, and there he was injured.

22 JUDGE BARTHE: Thank you. Could we have the next document on
23 the screen, please. It's IT-04-84 P0199. Again, the English and the
24 Albanian versions side by side, please. Thank you.

25 This document reads:

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1 [As read] "Kosovo Liberation Army

2 "Operations staff of the plain of Dukagjin

3 "Dukagjin

4 "12 July 1998."

5 On the right side, it says:

6 "State secret

7 "Formation of brigades and appointment of officers to battalion
8 and brigade commander duties

9 "Concerns: First Brigade Command

10 "Under Combat Regulations of the Kosovo Liberation Army

11 General Staff, in view of the war situation in N/O/D/14,05 sector and
12 the growth of Kosovo Liberation Army units, and in order to ensure
13 leadership, command, subordination, coordination and cooperation in
14 the aforementioned sector and in conducting war operations

15 "I order

16 "Formation of the following brigades in the zone of
17 responsibility of the Dukagjin Plain ..."

18 Can we scroll down in the Albanian, please? Thank you.

19 "In the First Brigade I appoint Tahir Zemaj as brigade
20 commander, whereas as commanders of the battalions of this brigade I
21 appoint ..."

22 And then there are names of the brigade chief, the commanders of
23 the 1st, 2nd, and 3rd Battalion, and the name of the chief of
24 artillery.

25 And I will skip the rest of that document. I would like to draw

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1 your attention to the signature at the bottom right of the document
2 and the fact that there are copies sent to archive command of 1st
3 Brigade and Officer Tahir Zemaj.

4 Mr. Maloku, again, my question, are you aware of such an order,
5 that such an order was given on 12 July 1998?

6 A. No, Your Honour. I am aware that the officers who came with
7 Tahir Zemaj were incorporated with the existing officers and staff of
8 the Dukagjini operational zone. This is what we heard. I was in
9 Junik all the time.

10 I know some of these names, Kemal Shaqiri, Ismet Ibishi, Fadil
11 Hadergjonaj, and obviously I knew the officer Tahir Zemaj.

12 JUDGE BARTHE: Were these people, the people you know or
13 recognised, active in the operational zone of Dukagjin?

14 A. They came in to fight. I knew Kemal Shaqiri from Zagreb. I
15 know Ismet Ibishi in Postojna where he was an officer at the same
16 time I was an officer. I do not know about Fadil Hadergjonaj, what
17 academy he completed or where he served, but I know that he was a
18 professional officer. Tahir Zemaj was a senior officer, and he had
19 completed the military academy in Zar [phoen].

20 We only heard that they had been incorporated, systemised, and
21 this -- the process of setting up brigades started. This is what we
22 heard. But I did not see any of these documents, Your Honour, to be
23 able to tell you how the process exactly went.

24 JUDGE BARTHE: Thank you.

25 The next document I would like to show you is Exhibit U001-3408

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1 to U001-3409 in the English and Albanian, please. Thank you.

2 And, Mr. Maloku, I would like to ask you to focus on the first
3 paragraph, which reads:

4 [As read] "On 11 July 1998, Vesel Lekaj from Lumbardh refused to
5 become a member of the KLA. He continues to defend the LDK
6 /Democratic League of Kosovo/ and agitate against the army; he has
7 been collaborating with dark currents for 9 years now against the
8 progress of his own people; he is openly the spy of Fatmir Sejdiu,
9 the LDK Secretary General."

10 And this should suffice.

11 Mr. Maloku, do you know these two people, Vesel Lekaj and Fatmir
12 Sejdiu? Have you heard of them before?

13 A. I did not know Vesel nor do I know him now. I don't know if
14 he's still alive. Fatmir Sejdiu was the president of Kosovo after
15 Ibrahim Rugova.

16 JUDGE BARTHE: Thank you. And if we could scroll down to the
17 second page of the document, ending with 3409. Yes, thank you.

18 Mr. Maloku, the first paragraph reads:

19 "While Sali Veseli was in Gllogjan on a two-day mission, Naim
20 Maloku and certain officers from Reka e Keqe held a meeting against
21 the KLA, i.e. as a support for the Government people. Sali Veseli
22 cautioned Tahir Zemaj regarding the conduct of his officers who are
23 based in the area of Junik."

24 My question is, Mr. Maloku, do you remember having such a
25 meeting with officers from Reka e Keqe?

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1 A. I don't recall having held any meeting against the KLA when I
2 myself was involved in setting it up. Allow me, Your Honour, to say
3 that this does not correspond to the previous orders which indicated
4 that all the officers that came with Tahir Zemaj were incorporated in
5 the Dukagjini operational zone staff. So there's a real
6 inconsistency here.

7 Here now we're talking about officers being against the KLA,
8 while you showed me documents demonstrating that many of these
9 officers were incorporating in the commanding structure of the zone
10 that was in the process of being set up. I apologise, but this is
11 a -- there's a big discrepancy between these documents.

12 JUDGE BARTHE: Do you recall having such a meeting or a meeting
13 at all in Reka e Keqe with other officers of the KLA at some point in
14 time in 1998 or 1999 or at all?

15 A. We had meetings with the officers. But with respect to this
16 meeting in particular, that we would have acted against the army
17 which we were part of those who set it up, it's illogical. I cannot
18 accept this as a fact.

19 JUDGE BARTHE: I understand. And can I ask you, do you know
20 whether it's true that Sali Veseli cautioned Mr. Zemaj,
21 Mr. Tahir Zemaj, regarding the conduct of his officers? Have you
22 heard about that?

23 A. In the previous documents, if they are accurate, Sali Veseli at
24 that time was the chief of staff of the operational zone. He set the
25 operational zone up. Whereas all these officers, including

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1 Tahir Zemaj, are portrayed in those documents as having joined the
2 structure of the operational zone of Dukagjin.

3 Your Honour, I find myself unable to reconcile these things.
4 Meaning, this document, which might be a report or something of that
5 sort, referring to alleged disagreements between Sali Veseli and
6 Tahir Zemaj and the previous documents relating to the appointment of
7 Tahir Zemaj as a commander and the incorporation of other officers in
8 the commanding structure. Very honestly, I'm not able to give you
9 a --

10 JUDGE BARTHE: Let me interrupt you here. I wasn't asking you
11 to reconcile. This is not your task to reconcile anything. My
12 question was simple. I was asking you if you have heard anything
13 about Mr. Veseli cautioning Tahir Zemaj regarding the conduct of
14 officers of the latter, of Mr. Zemaj. Have you heard anything about
15 that? If not, that's also not a problem.

16 A. No, Your Honour.

17 JUDGE BARTHE: Thank you. Can we have the next document on the
18 screen, please, which is IT-04-84 P00230. Again, in the English and
19 the Albanian, please. Thank you.

20 This is, as you can see, Mr. Maloku, a relatively short
21 document. It reads:

22 [As read] "Kosovo Liberation Army
23 "Operational Headquarters of the Plain of Dukagjin
24 "Dukagjin
25 "1 August 1998

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1 "Order

2 "All young men from 18 to 35 years old should be recruited to
3 serve in the Kosovo Liberation Army. This recruitment does not
4 include those already in the front points or front line."

5 Copies to archive, village headquarters, brigades of operational
6 headquarters of Plain of Dukagjinit, and the military police. And on
7 the right side there is writing, "commander," and a signature, and it
8 says Ramush Haradinaj.

9 And my question is again, have you seen this document before?

10 A. No, Your Honour. I was seriously wounded at that time.

11 JUDGE BARTHE: Are you aware that Ramush Haradinaj gave such an
12 order or whether he gave such an order on 1 August 1998 to recruit --

13 A. No --

14 JUDGE BARTHE: -- all young men from 18 to 35?

15 A. No, Your Honour. Your Honour, no.

16 JUDGE BARTHE: Thank you. Let's move on to the next document,
17 please, which is Exhibit IT-04-84 P00227. And, again, the English
18 and the Albanian side by side, please.

19 Mr. Maloku, this document reads in the English translation:

20 [As read] "Kosovo Liberation Army

21 "Dukagjini Plain Operations Staff

22 "Dukagjin

23 "30 July 1998

24 "To: Faton Mehmetaj

25 "Appointment

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1 "Based on the KLA Provisional Regulations '98, and the decision
2 of Dukagjini Plain Operations Staff dated 23 June 1998, Faton
3 Mehmetaj is appointed assistant commander for intelligence and
4 counter-intelligence of the Kosovo Liberation Army in the Dukagjin
5 Plain Operations Staff."

6 Then it says:

7 "To the Archive."

8 And Faton Mehmetaj.

9 And on the right side, again, commander -- it says "commander,"
10 handwritten, or there is a signature, and it says Ramush Haradinaj.

11 I'm aware, Mr. Maloku, that you already mentioned earlier today
12 an individual called Faton Mehmetaj in connection to or with
13 intelligence. My question is simply this: Are you aware that
14 Mr. Haradinaj or whether Mr. Haradinaj made such an appointment in
15 July 1998 appointing Mr. Faton Mehmetaj as -- or to the assistant
16 commander for intelligence/counter-intelligence of the KLA in the
17 Dukagjin Plain operational zone? Are you aware of that?

18 A. No, Your Honour.

19 JUDGE BARTHE: You said earlier today that Mr. Mehmetaj, and you
20 said it also, I think it was on Monday, during your direct
21 examination by the Prosecution, that Mr. Mehmetaj was indeed, at
22 least to your knowledge, working in and for the intelligence and
23 counter-intelligence, at least the intelligence sector; is that
24 right?

25 A. Yes, Your Honour. But I learned about this in January 1999 when

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1 I returned to the Dukagjini operational zone. This is how I
2 understood it. From January to 8 May. To my knowledge, he was in
3 this sector.

4 JUDGE BARTHE: And again my question, can you help us with the
5 signature, or is it not possible for you to identify the signature?

6 A. This is a signature which purports to be that of Ramush. I am
7 not able to know exactly if that's the case.

8 JUDGE BARTHE: Thank you. Can we have next document on screen,
9 please, U002-1395 to U002-1395, English and Albanian. Thank you.

10 As you can see, Mr. Maloku, this is a handwritten document, and
11 it says in the English translation:

12 [As read] "SHIK /Kosovo Intelligence Service/ - KLA - Dukagjin."

13 Then it goes on:

14 "Invitation

15 "For the Commander of the staff in Kryshec village Muhamet
16 Berisha

17 "You are invited to take part in the inauguration of the
18 facility of SHIK - KLA for Dukagjini area, which will be held in
19 Kryshec village on 29 July 1998, starting from 09:00 hours (in the
20 building of the former village staff).

21 "The Dukagjin Plain Central Staff shall also be present."

22 And it ends with:

23 "Cordial greetings.

24 "Kryshec, 28 July 1998."

25 And if we can scroll down in the Albanian there is also a

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1 signature. Mr. Maloku, are you aware that or do you know whether
2 there was such an inauguration or a ceremony of the facility of SHIK
3 in Krushec village on 29 July 1998? Have you heard of such a --
4 about such a ceremony?

5 A. No, Your Honour. In the beginning of August I stayed for two
6 days in a hospital in Krushec, but I am not aware that there was such
7 a building there. I was wounded on 25 July 1998.

8 JUDGE BARTHE: So you were not invited and present at the
9 inauguration ceremony?

10 A. No, I was in Junik as deputy brigade commander.

11 JUDGE BARTHE: I understand.

12 Now I need your help in relation to two or three more documents.
13 It shouldn't take too long.

14 Could we bring up SPOE00225801 to SPOE00225801 on the screen,
15 please, again, in English and Albanian. Thank you.

16 This document reads:

17 [As read] "Kosovo Liberation Army

18 "Operational Staff of Dukagjin Plain

19 "Dukagjin

20 "Date: 2nd July 1998

21 "To: Kosovo Liberation Army

22 "General Staff."

23 And the first bullet point reads:

24 "According to the document Agron handed us, based on the

25 decision taken on 1st of July, 1998, in Prishtina, Lahi Ibrahimi was

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1 appointed the General Staff Coordinator for the Operational Subzone
2 of Dukagjin - 14-05."

3 And if we could scroll down, please. There is on the right side
4 again the signature and the name Ramush Haradinaj.

5 And I ask you again, have you seen this document before,
6 Mr. Maloku?

7 A. No, Your Honour.

8 JUDGE BARTHE: Do you know whether Lahi Ibrahimi was actually
9 appointed General Staff coordinator for the operational subzone of
10 Dukagjin in July 1998?

11 A. I have no knowledge about this, Your Honour.

12 JUDGE BARTHE: Thank you. Do you know who the person with the
13 name Agron is mentioned in the first paragraph of this document?

14 A. No, Your Honour.

15 JUDGE BARTHE: Can we have the next document on the screen,
16 please, it's U001-4082 to U001-4083, in English and Albanian. Thank
17 you. And please focus on the first paragraph, the first two
18 sentences.

19 The first sentence reads:

20 [As read] "The Dukagjini Staff with Ramush Haradinaj aka Smajl,
21 as its commander was formed on 22 June 1998, in the village of
22 Jablanica, one of the first villages to start the armed resistance in
23 the territory of Kosovo. Lahi from Jablanica was appointed Smajl's
24 deputy. Representatives of Dukagjini Plain staffs and sub-staffs
25 participated in this meeting."

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1 And the second paragraph, first sentence, reads:

2 "The Klina representative as well as the representative of the
3 Kosovo KLA Central Staff - Agron - who attended the meeting as an
4 observer, discussed certain problems and insisted on electing Lahi
5 commander of the Dukagjini Plain Operative Staff."

6 First of all, Mr. Maloku, do you remember -- or is it true that
7 the Dukagjini staff with Ramush Haradinaj was formed on 22 June in
8 the village of Jabllanice as it is stated here in this document?

9 A. No, Your Honour.

10 JUDGE BARTHE: Why not? Why is it not true?

11 A. No, I'm not saying that it is not true. What I'm saying is that
12 I have not seen these documents, and I am not aware that it was
13 established, set up on 22 June.

14 JUDGE BARTHE: Can you help us with the name in the second --
15 mentioned in the second paragraph as a representative of the Kosovo
16 KLA Central Staff or the nickname Agron? Can you tell us who that
17 person is?

18 A. No. No, Your Honour. I know some other names here. Rustem
19 Tetaj, Sali Veseli, Shemsedin Cekaj, because they were military
20 professionals. I don't know others.

21 JUDGE BARTHE: So you have not met a person who acted as a
22 representative or maybe as a member of the KLA General Staff with the
23 nickname Agron during the war?

24 MR. ROBERTS: Your Honour, sorry, if I could just request. I'm
25 not sure it says "nickname" there. It just says "Agron."

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1 JUDGE BARTHE: I assumed it's a nickname, but maybe the witness
2 can -- can also rephrase and say with the name Agron or nickname
3 Agron.

4 A. Your Honour, in the brigade where I acted as a deputy commander,
5 Agron was Rifat Sylejmani, the commander of the 2nd Battalion. And
6 there was another one with the real name Agron, Agron Rama from
7 Smolice, who then became commander of Brigade 134 and was killed at
8 the end of January 1999. I heard of these two Agrons during the war.
9 One of them is a nickname, Rifat Sylejmani, the battalion commander;
10 and the other one with the real name Agron Rama.

11 I don't know other people who go by the same name.

12 JUDGE BARTHE: The two people you just mentioned, the two names
13 you just mentioned, the two Agrons you know from back in the days,
14 were they -- or do you know whether they acted as representative of
15 the KLA General Staff at a meeting in the Dukagjini operational zone?

16 A. No, Your Honour. Rifat Sylejmani with the pseudonym Agron came
17 towards the end of May with Sali Veseli in Junik. Agron Rama was in
18 Smolice when I entered Kosovo on 22nd or 23rd April 1998. And at
19 this time, on 22 June, as indicated in the document, they were both
20 within the brigade where I was deputy commander at the time.

21 JUDGE BARTHE: That brings me to another question, very briefly.
22 You mentioned earlier today or you were asked during
23 cross-examination about people with the name or nickname Luli. Do
24 you remember that?

25 A. Yes.

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1 JUDGE BARTHE: Do you know a person, either a member or
2 representative or in any other way affiliated with the General Staff,
3 with the nickname or with the name Luli?

4 A. Yes, but I met or knew him in December 1998 somewhere close to
5 the General Staff. They referred to him as Commander Luli. Whereas
6 the one in Dukagjin was Lulzim Morina, whom we called Luli. He was a
7 brigade commander. I know these two -- I knew these two.

8 JUDGE BARTHE: And do you know the person you just referred to
9 as Commander Luli, who that person was?

10 A. Lulzim Morina.

11 JUDGE BARTHE: No, the other Luli. The one you just mentioned
12 in relation to being close to the General Staff.

13 A. Yes, I saw him once at the General Staff. And after the war, I
14 understood that he was Veseli.

15 JUDGE BARTHE: Could you give us the first name of Mr. Veseli
16 for the record? To avoid misunderstandings.

17 A. Hold on a second. Kadri Veseli. I apologise. Because I have
18 these moments when in particular circumstances I struggle to remember
19 even the name of my son. The Prosecutor is aware of this. It's not
20 that I did not want to say it immediately, straightaway. I just had
21 a moment of absence. I apologise.

22 JUDGE BARTHE: Not a problem. The last document I would like to
23 show to you is U001-4078 to U001-4078. And the Albanian version can
24 be found in the exhibit range U001-4078 to U001-4080. And this is a
25 document, for the parties, that is or that was MFI'd under the number

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1 1D00188. And if I'm not mistaken, this document is still MFI'd, but
2 it was tendered by the Prosecution in the bar table motion in
3 relation to documents of the Dukagjini operational zone as were all
4 other documents I used -- I have used with this witness.

5 Mr. Maloku, this document reads, very briefly:

6 [As read] "Kosovo Liberation Army

7 "Regional Staff of Dukagjini

8 "23 June 1998

9 "Jabllanice."

10 And it says:

11 "Decisions of the meeting of the Regional Staff of Dukagjini
12 held on 23 June 1998."

13 And we'll skip the rest and go straight to the last paragraph of
14 that document, full paragraph of that document, that reads:

15 "After those in attendance presented all of the advantages of
16 uniting and coordinating the forces, it was unanimously decided and
17 unanimously declared that the Regional Staff of Dukagjini be founded
18 with the following composition."

19 And then it reads: "The Regional Staff of Dukagjini," starting
20 with the commander Ramush Haradinaj.

21 If I could ask you to go through the other names until the
22 end --

23 A. Yes.

24 JUDGE BARTHE: Officer for chemical and biological defence,
25 Muhamet Berisha. And I would like to ask you, it's my final

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1 question, from what you know and what you remember, do you see
2 anything wrong in relation to the people mentioned here as members of
3 the regional staff of Dukagjini either in relation to the names or to
4 the positions that are ascribed to these people?

5 A. Yes, Your Honour. The person in chief for logistics --
6 responsible for logistics is Besniku, in brackets NM. It's me. It
7 was foreseen that I assumed this responsibility because of my
8 profession. My education in the military academy was such. This
9 position suited my education.

10 This is a document about which I knew, not that it existed but
11 that I knew that I was supposed to have that position. But there
12 were circumstances in my brigade in Junik did not allow me to leave
13 that position I had and take over the responsibility of logistics in
14 the Dukagjin operational zone staff. Also, Tahir Zemaj came with
15 three other officers who stayed at my brigade, I mean where I was a
16 deputy commander, Rustem Berisha, Agim Ramadani, and Sefedin Kuqi.

17 The brigade commander that should take this position was unable
18 to do so. Aziz Hyseni became the commander because the conditions in
19 my brigade were such that I could not leave my position because of
20 the military operations. So I was unable to take over this position.

21 JUDGE BARTHE: I understand that, Mr. Maloku. The person
22 Togeri, do you know who that person is? Can you see that?

23 A. Yes, Idriz Bala was the person. I knew him from 1991 in Gaspic,
24 when I had a voluntary brigade of Albanians. He was one of the
25 volunteers. So I knew him since then. His name is Idriz Bala.

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1 JUDGE BARTHE: Thank you very much. I have no further
2 questions. Thank you.

3 A. Thank you.

4 PRESIDING JUDGE SMITH: Judge Mettraux?

5 JUDGE METTRAUX: Thank you, Judge Smith.

6 And good afternoon, Mr. Maloku.

7 A. Good afternoon.

8 JUDGE METTRAUX: I have a few more questions for you, and I will
9 start with questions about a number of individuals that you already
10 mentioned. I would like a few more information about them.

11 The first one is Xheladin Gashi. And I will briefly summarise
12 what you told us already. You told us that you knew him, you told us
13 that his nickname was Plaku, and you told us that you knew him as a
14 KLA member dealing in logistics; is that correct?

15 A. Only something else, I never saw him in person. I knew about
16 him, that Plaku was responsible for logistics in Albania. Only after
17 the war I found out that it was Xheladin, Plaku. Because people
18 always referred to him as Plaku, that somebody should go to Plaku,
19 the unit should go to Plaku to get weapons, that Plaku got the
20 weapons and so on. So his name was mentioned -- this nickname was
21 often mentioned.

22 JUDGE METTRAUX: Thank you for the clarification, sir. And I
23 think you also said that he died of natural causes, I think you said,
24 after the war; is that right?

25 A. To my knowledge, yes.

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1 JUDGE METTRAUX: And in --

2 A. I don't know in which year.

3 JUDGE METTRAUX: Would you be able to say whether he died
4 perhaps five or six years after the war? In other words, not long
5 after the conflict. Would that be correct?

6 A. I wouldn't be able to say.

7 JUDGE METTRAUX: It's okay, sir.

8 The second individual I want to ask you about, and it's really
9 to be certain that we know who you are talking about. It's in
10 Preparation Note 1 at page 4, that's ERN 126644, paragraph 10. You
11 refer to two individuals when you met with the Prosecutor last week
12 by the names of Naser Idrizi and Jashar Salihi. Do you recall
13 mentioning these individuals?

14 A. Yes.

15 JUDGE METTRAUX: And when you mention Jashar, which is recorded
16 as Salihi in that note, are you refer to Jashar Salihi who worked for
17 the Homeland Calling Fund?

18 A. Yes, yes, the same person. In Switzerland he was.

19 JUDGE METTRAUX: And he too died a year or two after the war; is
20 that correct?

21 A. Yes, I think he died in France in hospital. I know that he died
22 abroad. He had a brain tumour.

23 JUDGE METTRAUX: The third person I want briefly to ask you
24 about is someone by the name of Xhemajl Fetahu. First, can you
25 confirm whether you know that person?

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1 A. I knew him, Your Honour. I met him for the first time in
2 January 1998 in Prague. He came there with Fehmi Lladrovci. I went
3 there from Ljubljana with Xhavit Haziri, and in Prague we met. Then
4 Xhemajl -- I met Xhemajl Fetahu in Brigade 138 Agim Ramadani in
5 Koshare. He died. He was killed in Koshare on the last day of
6 fighting. When the Kumanovo Agreement was signed and all military
7 activity was stopped. This is all I know about him.

8 JUDGE METTRAUX: So May 1999, would that be correct?

9 A. June 1999. The Kumanovo Agreement was signed on 9 June.

10 JUDGE METTRAUX: Thank you for that.

11 Do you know what his role was within the KLA during the
12 conflict, role or position?

13 A. Xhemajl Fetahu and Fehmi Lladrovci came to Prague. We met with
14 him. Their role was to collect funds for the KLA. There was also
15 Fadil Demiri and some other officers. We wanted to coordinate our
16 efforts for the war. Because I believe you know that Jashar Salihi
17 and Naser Idrizi engaged me in September 1997, they came to my home
18 in Ljubljana, and from that moment, I made myself available for the
19 KLA. And as of September 1997, I was engaged in various activities -
20 Germany, Czechia, Croatia - to organise people for the upcoming
21 conflict in spring.

22 JUDGE METTRAUX: Thank you for that, sir.

23 The next person I want to ask you about is, again, someone whom
24 you mentioned. It's Shaban Shala. Can you first confirm that you
25 know who that person is?

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1 A. I knew Shaban Shala.

2 JUDGE METTRAUX: Can you tell us what --

3 A. If you mean Shaban Shala from Negroc village or Gjergjice
4 village. I think Gjergjice village.

5 JUDGE METTRAUX: I think you said Negroc in your statement. But
6 be that as it may, can you tell us what his function was?

7 A. They are adjacent villages. Shaban Shala was in the same group
8 with me in prison in 1985. I knew him for the first time when I
9 received the indictment. Then I saw that he too had been in the same
10 network. And we had indirect connections, I would say.

11 Then I met him during the war in Kosovo. He came and met me in
12 Sedllar village when I was wounded, because his brother, Bedri Shala,
13 was killed in Junik. He came to fight in Junik from the Drenica
14 operational zone together with Bekim Berisha. And when I was
15 wounded, they withdrew me from Junik. Then after two weeks, his
16 brother was killed, Bedri Shala. That is all I know about him.

17 JUDGE METTRAUX: Do you know perhaps what operational zone of
18 the KLA he was active in during the war?

19 A. From what I know, in Drenica operational zone. And his military
20 participation was such that he was promoted to the rank of general
21 before he was killed.

22 JUDGE METTRAUX: And do you know what his function was during
23 the war within the Drenica operational zone? Do you know what his
24 position was?

25 A. No, I don't know.

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1 JUDGE METTRAUX: And you've just said that he was killed or he
2 died. Do you remember approximately when that was?

3 A. He died about four or five years after the war. I am not very
4 sure. I apologise that I'm not good at dates and years.

5 JUDGE METTRAUX: I am very bad at dates myself, sir, so worry
6 not about this.

7 There is another person that I want to ask you about, and it's
8 perhaps testing your historical knowledge rather than your insight
9 into the KLA, but do you know who is Esat Pashe Toptani?

10 A. From history, Esat Pashe Toptani was a pasha. He was killed in
11 Vienna as a traitor, and he has gone down in the history of the
12 Albanian people as a traitor. If we are talking of the same person,
13 Esat Pashe Toptani.

14 JUDGE METTRAUX: Thank you.

15 I now want to ask you a few clarifications about your evidence
16 on your trip to Bellanice, you say, in December 1998.

17 First, a couple of questions of geography, if you can help us
18 with that. Is it correct that Bellanice is located within the
19 municipality of Malisheve; is that right?

20 A. Yes.

21 JUDGE METTRAUX: And is it correct that as far as the KLA zoning
22 is concerned, this would have fallen within the zone of
23 responsibility of the Pashtrik operational zone; is that correct?

24 A. Yes.

25 JUDGE METTRAUX: And, again, a more general geographic question,

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1 if I may. Is it correct to describe Bellanice as being located in
2 the Dukagjin region or plain? Is that, again, a correct proposition?

3 A. No. No, it's not. We say Llapush. That region we call
4 Llapush. It's not Dukagjin. Dukagjin is a region that includes
5 Gjakove, Pet, Peje, Decan, Istok, Kline, not Dukagjin.

6 JUDGE METTRAUX: Thank you.

7 A. Malisheve is the central part of Kosovo.

8 JUDGE METTRAUX: Now, is it correct that at the time when you
9 visited Bellanice, the KLA had a position or a point in Bellanice at
10 the time; is that correct?

11 A. There was a unit, the unit of Bellanice, that operated there all
12 the time.

13 JUDGE METTRAUX: And did that unit include members of the
14 military police, if you know?

15 A. No, I have no information about that. It was part of Brigade
16 121.

17 JUDGE METTRAUX: And do you recall who was the head of the
18 military police of Brigade 121 military police in early October 1998?

19 A. No, Your Honour.

20 JUDGE METTRAUX: Now, you said that you were sent to Bellanice
21 by Jakup Krasniqi, and you explained that you had family in the area.
22 Now, what did Mr. Krasniqi tell you your mission was in that village
23 when he sent you there?

24 A. Your Honour, there is a difference in a word. He didn't --
25 Mr. Krasniqi didn't send me. He told me, "It would be good if you

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1 accompanied the brigade commander and the chief of staff because
2 there is going to be a rally with the citizens of Bellanice."
3 Because I am a military man, and in the military language, if you
4 send somebody somewhere, that person has to present a report. I
5 simply accompanied the brigade commander and the chief of staff in
6 their meeting with citizens which they had organised.

7 JUDGE METTRAUX: Well, I won't deal with the wording, sir. But
8 in your statement of 12 June 2016 that you gave to the SPRK, you
9 said:

10 "I was sent by the General Staff."

11 But putting that to one side. Mr. Krasniqi tells you there is
12 going to be a meeting with the local population. Did he tell you
13 what the meeting was about?

14 A. He didn't tell me what the meeting was about but that the
15 brigade commander has a meeting there. It was a rule that when a
16 brigade commander was changed, the new one, newly appointed
17 commander, held a meeting with citizens and the KLA units in the
18 entire area of responsibility of the brigade. That was a somewhat
19 larger meeting with the participation of some villages around
20 Bellanice.

21 JUDGE METTRAUX: Did Mr. Krasniqi send you or, as you have it,
22 ask you to go to any such meeting in any other location that you can
23 think of today?

24 A. Krasniqi? No. I told the SPO you have evidence that from
25 18 November to 27 November I was in another part of the Malisheve

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1 municipality --

2 JUDGE METTRAUX: Let's stop there.

3 A. -- with the Brigade 122.

4 JUDGE METTRAUX: So that's the one occasion that he sent you
5 somewhere or asked you to go somewhere as you testified.

6 In terms of the subjects that you discussed with this local
7 population, in your successive statement you indicate that you
8 discussed with the population the killing of Mr. Binishi and Hoxha;
9 is that correct?

10 A. It is amongst many other topics that were discussed there. The
11 brigade commander initiated this. And among the number of issues
12 that were discussed during that one hour and a half or two hours, a
13 local resident there, when I was advocating for support for the KLA
14 to liberate the country, that everybody's contribution was welcome, a
15 local resident present there raised his hand and said, "We suspect
16 the KLA killed two of our co-villagers."

17 JUDGE METTRAUX: And what did you tell them when -- or when he
18 or that person said that?

19 A. I have stated this in court in Gjakove as well. The brother of
20 Ramiz Hoxha himself admitted to it being like that. I said, "Kosovo
21 will be free and liberated, we will create our state, and nothing
22 will remain uncovered as to what has happened or is happening during
23 the war ." I even took an example, saying that there are still
24 trials going on regarding events that happened during the Second
25 World War. And I told them we will set up state organs and

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1 structures and everything will be resolved and elucidated. That
2 incident had happened three months ago.

3 This was my appeal to the civilians to the population. After
4 the war in 2000, the brother of Ramiz Hoxha came to me in
5 Prishtine --

6 JUDGE METTRAUX: Let's stay with war for the timing. What, if
7 anything, did you do to ensure that what you had told this person
8 would happen, that this case would be elucidated and resolved? What
9 did you or those who were with you, Haxhi Shala and Mr. Dragaj, what
10 step did you take to ensure that this would be the case?

11 A. I do not know what steps they undertook. In 2000, the brother
12 of Ramiz Hoxha came to me and reminded me at the meeting, the rally
13 in Bellanice and said, "I want my case to be resolved, elucidated."
14 I replied to him, "Kosovo still does not have justice institutions.
15 The rule of law is the competence of EULEX. Hire a lawyer, and only
16 the court can elucidate and shed light on your case."

17 He took the case to court. The proceedings went on. I gave the
18 same evidence in Gjakove. Ramiz Hoxha, I knew him from Slovenia.
19 The son of Ramiz Hoxha was a KLA soldier when his father was
20 killed --

21 JUDGE METTRAUX: I'll stop you there, sir. I think my question
22 was a bit simpler but maybe not clear enough. My question is:
23 During the war -- after this meeting, you commit or you indicate to
24 the person that steps will be taken to elucidate this case. During
25 the war, what step, if any, did you personally take to ensure that

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1 this would be the case?

2 A. No, during the war I did not take any steps, Your Honour. There
3 was the brigade commander and the chief of staff who had organised
4 the meeting, the rally. I did not know what steps I could have
5 possibly taken during the war.

6 JUDGE METTRAUX: And do you know of Mr. Haxhi Shala or
7 Mr. Dragaj having taken any such steps during the war?

8 A. No, Your Honour.

9 JUDGE METTRAUX: Thank you, sir. Those were my questions.

10 A. Thank you.

11 JUDGE GAYNOR: Thank you, Judge Smith.

12 Good afternoon, Mr. Maloku. Just a few more questions --

13 PRESIDING JUDGE SMITH: Just a second. As you can see we've
14 gone past 3.30. I was hoping we could just move on, but if we need
15 to take a break, we can do it quickly.

16 MR. MISETIC: Some of us may need to consult with our clients
17 just to see if we're going to have any recross. So if there's a
18 chance for a break somewhere, that would be great.

19 PRESIDING JUDGE SMITH: Okay. Well, then, we'll probably have
20 to -- we'll probably be after 4.30 before we can finish today. It's
21 okay. It's no problem.

22 MR. MISETIC: It may be I have no questions. I just need to
23 consult with my client.

24 PRESIDING JUDGE SMITH: No, I understand. But we need to take a
25 break now.

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1 We'll take a ten-minute break, Witness, and then we'll come back
2 to the courtroom and try to finish up your testimony.

3 [The witness stands down]

4 PRESIDING JUDGE SMITH: So we're adjourned for ten minutes.

5 --- Break taken at 3.39 p.m.

6 --- On resuming at 3.48 p.m.

7 PRESIDING JUDGE SMITH: We got your message. You want to do
8 some house cleaning. But if you don't mind, let's finish this up and
9 then we'll do it, and then we'll get you a mop and a bucket and you
10 can --

11 MR. MISETIC: Understood. Thank you.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: Judge Gaynor, at the far end here, has
15 some questions for you.

16 JUDGE GAYNOR: Thank you, Judge Smith.

17 Mr. Maloku, I just want to focus briefly on the distribution of
18 satellite telephones. Now, you told us yesterday that satellite
19 telephones started coming in in June 1998, you told us. And then you
20 said, "We gradually started being equipped with them." You said:

21 "To my knowledge, we managed to distribute them at the brigade
22 level only in November."

23 Do you remember saying that?

24 A. Yes.

25 JUDGE GAYNOR: Do you confirm roughly how many satellite phones

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1 came in?

2 A. No, Your Honour. I only know that we managed to equip every
3 brigade with satellite phones. We were not able to equip the lower
4 units. We only did that with brigades and operational zones and the
5 General Staff. But I wouldn't know the exact number of phones.

6 JUDGE GAYNOR: When they started coming in in June 1998, who did
7 you first distribute them to?

8 A. I initially received the phone in my territory. It was brought
9 to me by Muhamet Kelmendi and Naser Idrizi. Then when the brigade
10 was set up, this became the brigade phone. And when I was wounded
11 and evacuated for treatment, the phone remained with the brigade.

12 JUDGE GAYNOR: Do you remember when you received that phone?

13 A. Yes, I remember because I used it to make the first call to my
14 family.

15 JUDGE GAYNOR: So what date, please?

16 A. I'm not able to tell you the exact date, Your Honour.

17 JUDGE GAYNOR: Between June and November, this process of
18 distributing the phones was going on, would it be fair to say that by
19 November phones had been distributed to the brigades and to all of
20 the zone commanders and to the members of the General Staff?

21 A. I think -- I believe that in December when the communication
22 started with the operational zones, so between the operational
23 directorates and operational zones, they had satellite phones.

24 JUDGE GAYNOR: Okay. And that is December 1998, of course,
25 isn't it?

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1 A. Yes.

2 JUDGE GAYNOR: Thank you. I want to move now to the role of the
3 operational directorate. You told *Gazete e re Shqiptare* in an
4 interview published on 2 March 1999 - at page 126682 for our purposes
5 - you said:

6 "I am not a commander of any of the operational zones, but I am
7 in the operational directorate of the General Staff of the KLA, which
8 is a more senior position than an operational zone commander."

9 I'm not sure if you remember saying that.

10 A. Yes.

11 JUDGE GAYNOR: You do remember. Okay. Could you explain a
12 little bit more about how you understood the operational directorate
13 to be superior to the zone commanders?

14 A. This was an interview to a newspaper, Your Honour. I tried to
15 present the KLA as a professional army, to convince the Albanian
16 public that -- in Kosovo that the hopes and the hope for freedom lies
17 with the KLA. This was it. I had this position as an officer at the
18 operational directorate. Until the end of the war, I was assisting.

19 JUDGE GAYNOR: Did you consider that the director of the
20 operational directorate was able to issue commands to the zone
21 commanders?

22 A. No. The head of the operational directorate does not issue
23 orders. The chief of staff does. The ranking was higher than the
24 operational zones, like in any other army. We tried to create this
25 image for the monitoring mission, for the world to see that we have a

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1 hierarchy that is respected. So when a representative of some
2 foreign mission or monitoring mission would go to a zone commander,
3 they would say, "This person is at a higher position than I am, so
4 please direct your request to him," because we had the regular visits
5 from observers, including internationals, in zones and brigades.

6 JUDGE GAYNOR: Am I correct in understanding that the director
7 of the operational directorate was able to issue commands to the zone
8 commanders? Is that a correct understanding?

9 A. No. The chief of staff could give orders. The director of the
10 operational directorate dealt with operational information from the
11 ground, from the field, preparation of the operations -- operational
12 room, and information about combat activities on the ground. The
13 chief of staff then had that information.

14 JUDGE GAYNOR: When the chief of staff of the operations
15 directorate issued orders to the zone commands, he was doing so on
16 behalf of the General Staff; is that correct?

17 A. I have not seen such orders because I did not have access to
18 those documents. I am basing this on logical thinking. I did not
19 see those orders.

20 JUDGE GAYNOR: But that is the structure as you understood it
21 yourself; is that right?

22 A. That's right.

23 JUDGE GAYNOR: Did you understand that the chief of staff of the
24 operations directorate could issue orders to ZKZ units?

25 A. I don't think so. What was the connection with the ZKZ? That

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1 is a sector that collects information, analyses them, assesses it,
2 and passes that on to the chief of staff. It doesn't have any other
3 competencies.

4 JUDGE GAYNOR: I'll approach the issue from a separate
5 direction. I think you told us about the operations room in the
6 operations directorate, and you said there were topographic maps
7 there. This was on 24 April, pages 110 to 111. You said:

8 "All the information we received on the movement of the Serb
9 forces or expansion or reduction of territories of the zones we
10 placed on that topographic map. We had a table on the wall where we
11 wrote the daily losses, daily reports on alleged losses of the enemy
12 that we received from the operational zones."

13 Do you remember giving that evidence two days ago?

14 A. Yes, this was the job of the operational directorate.

15 JUDGE GAYNOR: Right. Now, the kind of intelligence or
16 counter-intelligence information, if you like, that you need to have
17 in order to understand where the Serb forces are moving was coming up
18 to your directorate via a communications line. I think you told us
19 there was a decision to have a daily communication between the
20 operational zones and the operational directorate of the
21 General Staff, and that decision was taken in the first meeting of
22 December with the commanders of the operational zones.

23 So it was the duty of the operational directorate to communicate
24 with the operational zones. You said that on 24 April, pages 110 to
25 111. Do you remember saying that?

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1 A. Yes.

2 JUDGE GAYNOR: So I want to discuss the flow of information
3 which was coming from the zones to ensure that your topographic maps
4 and your lists of daily losses were entirely accurate. That's what I
5 want to know more about. Can you explain to me how ensured that the
6 information coming from the zones was accurate and reliable and
7 frequent?

8 A. I told you that we were unable to verify the information we
9 received. I said it today. However, we took them to be accurate,
10 and we often would compare them with the newspapers, radio.
11 Deutsche Welle have a large network of reporters on the ground. So
12 we would often compare the information received with information we
13 would collect from the media and the press.

14 This situation was such that the territory was occupied. Most
15 of the brigades were isolated. They were not connected or had no
16 communication amongst them. And the only means of communication
17 including amongst -- between brigades and the operational zone was
18 the phone. There was no physical communication between zones or
19 brigades because you had to go through enemy lines.

20 Every zone had a ZKZ to collect the information. They would
21 present that intelligence information to the brigade. Then the
22 brigade, from 6 to 8, would convey this information to the
23 operational zone. The operational zones usually had a female soldier
24 employed who, over the phone, passed on that basic information
25 regarding troop movements, police, manpower, directions the forces

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1 were moving into, and military clashes, which were daily at the time.
2 We had losses including civilians. And this was sent further up to
3 the operational directorate, which had nothing - no connection - or
4 communication with the ZKZ.

5 JUDGE GAYNOR: Just clarify one point. You said from 6 to 8
6 they would convey this information to the operational zones. Just
7 exactly what do you mean from 6 to 8?

8 A. From 6 to 8 meaning the last 24 hours, every 24 hour report.
9 From 6 to 8.

10 JUDGE GAYNOR: So is it right that each zone was under an
11 instruction to send in a report to the operations directorate every
12 24 hours?

13 A. During my time in Dukagjin, this is how we did it. From 6 to 8,
14 all brigades would report to the operational zone, the command of the
15 operational zone, about the developments in the last 24 hours within
16 the territory of the brigade.

17 JUDGE GAYNOR: And then your zone command would relay that
18 information to the operations directorate immediately; is that right?

19 A. Yes, to the -- between 8 and 10, yeah. During that time, they
20 would pass it on to the operational directorate.

21 JUDGE GAYNOR: And that's 8.00 to 10.00 p.m., is it?

22 A. No, 10.00 a.m.

23 JUDGE GAYNOR: I understand. I just want to focus on that
24 meeting that took place in early December 1998 involving all of the
25 zone commanders, and this was the start of what you described as

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1 monthly briefings involving the zone commanders and all of the
2 directors of the directorates of the General Staff.

3 Do you remember giving evidence about that?

4 A. Yes.

5 JUDGE GAYNOR: Now, you said -- I think you said -- I think you
6 were referring to the one meeting you were familiar with. You said:

7 "... the minutes of the meeting, the topics, the written reports
8 that came from the zone commander, they came to the operational
9 directorate of the GS, and ... these materials were drafted in the
10 form of reports from the meeting of the General Staff."

11 That's a quote from your evidence today. Could you clarify that
12 a little?

13 A. Yes.

14 JUDGE GAYNOR: Is it right that after the monthly briefing,
15 minutes of that meeting were prepared?

16 A. It would seem that the minutes were taken during the meeting,
17 but the request to report or the reporting from the operational zones
18 was then compiled in a summary report, which included all
19 territories, the KLA in general, about the needs, requests. And we
20 would then try to respond and fulfil those requests and needs based
21 on our available resources. However, we never managed to do so
22 entirely.

23 JUDGE GAYNOR: And at that meeting in early December 1998, who
24 represented the military police directorate?

25 A. I think it was in this meeting that it was decided that

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1 Fatmir Limaj was promoted from his position of brigade commander 121
2 to director of the military police. And the building was located in
3 a completely different village, in Lladrovce. I know where the
4 building was situated. I drove by. It was on the left-hand side.
5 Never went in, though. But those were the premises of the military
6 police directorate because the -- there was no room in the premises
7 of the farm we mentioned before to --

8 JUDGE GAYNOR: And at that early December 1998 meeting, who
9 represented the intelligence directorate, or intelligence and
10 counter-intelligence, if you prefer?

11 A. I don't know.

12 JUDGE GAYNOR: One final point and then I'll be finished. You
13 said you were an adviser to Mr. Thaci in September 1999. It was
14 unclear to me how long you were an adviser to Mr. Thaci for.

15 A. Look, it was either September or August, because I came from the
16 hospital in Mainz, in Frankfurt, where I was treated. So I came back
17 in August or September. I fulfilled this role until the date of the
18 transformation of the KLA into the KPC. I do not recall the exact
19 date, but until that date, I served as an adviser to Mr. Thaci for
20 security matters.

21 JUDGE GAYNOR: I see. And during that period, was there any
22 discussion with Mr. Thaci concerning persons who had gone missing
23 after they had been taken into custody by the KLA?

24 A. No, we did not have such discussions. I dealt with the matters
25 related to the transformation of the KLA into the KPC, the

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1 international community, Holbrooke holding meetings with the chief of
2 staff, and others who introduced themselves or not. So this was the
3 issue at hand: to transform the KLA as per the agreed conditions with
4 the internationals.

5 With respect to other areas, like public security and safety,
6 rule of law, all this was a prerogative of UNMIK and EULEX. We as a
7 provisional government had no prerogatives to deal with these
8 matters, apart from making public appeals or issuing public
9 statements to the effect that these missions -- rule-of-law missions
10 are in charge of these areas. Kosovo did not even have a police
11 force or anything of that sort.

12 JUDGE GAYNOR: Do you recall hearing about any complaints from
13 relatives of persons who were last seen in KLA custody and those
14 relatives were trying to find out what had happened to those
15 disappeared persons? Did you hear anything at all about that?

16 A. There were things in newspapers, in the press, but they had to
17 go to the UNMIK police and EULEX police. The rule of law was under
18 EULEX. They had investigators, judges. Kosovo had no official
19 resources or prerogatives or capacity to undertake anything in that
20 direction. The police was UNMIK.

21 JUDGE GAYNOR: Do you recall Mr. Thaci showing any interest in
22 this issue while you acted as his adviser?

23 A. Mr. Thaci, Mr. Rugova, and all political representatives in
24 Kosovo asked from the rule-of-law organs to elucidate cases, to
25 undertake all necessary steps in that regard. We had many

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1 disappeared, missing persons whom we did not know whether they had
2 been taken away by Serbia or they were imprisoned in Serbian jails,
3 so this was a very difficult and complicated situation immediately
4 after the war. There were 45.000 KFOR troops deployed in the
5 country. Kosovo had absolutely no prerogatives or capacities to
6 undertake anything in this regard, with the exception of issuing
7 public statements.

8 JUDGE GAYNOR: Those are my questions. Thank you, Mr. Witness.

9 PRESIDING JUDGE SMITH: Any follow-up questions from the SPO?

10 MR. PACE: No.

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

12 MR. MISETIC: Mr. Misetic. Yes, thank you.

13 Further Cross-examination by Mr. Misetic:

14 Q. Witness, I just have a follow-up question to a question that
15 Judge Gaynor asked you, and it was with respect to page 121 of the
16 transcript. You were asked:

17 "When the chief of staff of the operations directorate issued
18 orders to the zone commands, he was doing so on behalf of the
19 General Staff; is that correct?"

20 And your answer is:

21 "I have not seen such orders because I did not have access to
22 those documents. I did not see those orders."

23 And then the next question is:

24 "But that is the structure as you understood it yourself; is
25 that right?"

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1 And your answer is:

2 "That's right."

3 My question to you is: You have no knowledge, as I understood
4 your answer, about any communication between Bislim Zyrapi and
5 Azem Sylja; is that correct?

6 A. Correct.

7 Q. You say you did not see the orders. Are you aware that
8 Bislim Zyrapi issued orders and signed them in his capacity as chief
9 of the General Staff rather than as chief of staff? Are you aware of
10 that?

11 A. No, other than those that were shown to me here who have
12 followed the testimony of Mr. Zyrapi. Until that day, I had no
13 knowledge of the existence of such documents.

14 Q. You served in the Croatian armed forces. Are you aware in
15 Croatia, for example, the highest-ranking military officer is called
16 chief of the general staff; is that correct?

17 A. Yes, that's the case in all armies.

18 Q. Yes. So the chief of the general staff is itself a command
19 position and it's not acting on behalf of a collective; is that
20 correct?

21 A. Counsel, give me two minutes to explain.

22 Q. I don't know if we have two minutes, so if you can make it,
23 like, 30 seconds.

24 A. Please. In the case of voluntary brigade in Gaspic, I tell you
25 that the president of Croatia has not acknowledged it as being part

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1 of the Croatian army for 30 years. There were two people who were
2 killed then. He accepted that they were martyrs, aid, invalids,
3 whereas he did not acknowledge the existence of this brigade then.

4 Q. Okay.

5 A. The Kosovo Liberation Army was a voluntary army, too.

6 Q. Yes. I'm just asking you, the title of chief of the general
7 staff as opposed to chief of staff, chief of the general staff is a
8 command position, would you agree, in armies?

9 A. Yes, the chief of staff is so in every army. But in our case,
10 Croatia didn't command our brigade. When we went on an action, they
11 asked us whether we were going to join it.

12 Q. Okay. There's a confusion --

13 A. You have to understand that.

14 PRESIDING JUDGE SMITH: Witness, you're not answering the
15 question.

16 MR. MISETIC:

17 Q. Yeah, I'm not asking you about Croatia anymore. So let's put
18 Croatia aside.

19 A. Okay. Okay.

20 Q. I'm trying to draw the distinction between a chief of staff and
21 a chief of the general staff. Do you understand the distinction?

22 A. Yes. Chief of general staff is above a chief of staff.

23 Q. Yes. And chief of the general staff is a commander. Would you
24 agree?

25 A. Yes.

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1 Q. Good. Thank you very much.

2 A. Yes.

3 Q. Thank you very much, Witness.

4 A. Yes, you're right. I recognise -- I knew that after it war.

5 Q. Thank you very much.

6 PRESIDING JUDGE SMITH: Before we leave you, Mr. --

7 MR. MISETIC: [Microphone not activated].

8 PRESIDING JUDGE SMITH: Yeah, I know, Mr. Misetic. I've asked
9 our good translators if we can run a little bit over, so I don't want
10 to cut anybody off from asking questions that you think are
11 important. So --

12 MR. MISETIC: No, that's all, and I know Mr. Dixon has some
13 questions --

14 PRESIDING JUDGE SMITH: Okay.

15 MR. MISETIC: -- and I wanted to leave time for that.

16 PRESIDING JUDGE SMITH: Mr. Dixon, go ahead.

17 MR. DIXON: Thank you. Thank you, Your Honours.

18 Further Cross-examination by Mr. Dixon:

19 Q. Mr. Maloku, I just have a few follow-up questions. Firstly, you
20 were shown a document by Judge Barthe.

21 MR. DIXON: If that can be called up. It's 0021395. It's in
22 Albanian and English.

23 THE COURT OFFICER: I apologise. Can we have the ERN reference
24 again, please?

25 MR. DIXON: 0021395. Ah, this is going to be on the Judges'

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1 queue.

2 THE COURT OFFICER: It is, but it's U002-1395 to U002-1395. Is
3 that the document, perhaps?

4 MR. DIXON: Yes.

5 THE COURT OFFICER: Thank you.

6 MR. DIXON: Thank you.

7 Q. Now, sir, you said you didn't know anything about this document.
8 You hadn't seen it before. What I wanted to ask you is if you look
9 at the document in the Albanian, at the top left there it says
10 "SHIKI," with an I at the end of SHIK, then "UCK-Dukagjin." Do you
11 know what "SHIKI" stands for?

12 A. It is something written by someone who has only a
13 primary-education level and can't make the difference between SHIK
14 and SHIKI.

15 Q. So there is no such body as SHIKI, is that right, with an I on
16 the end like that? It's referred to in the document, in the body of
17 the document as well.

18 A. No. To my knowledge, no.

19 Q. And also after the word SHIKI, there's UCK. If you look at the
20 English translation, I'm not sure if you can read English, but it
21 says: "/Kosovo intelligence [agency]/" in the English translation.

22 Can you confirm that nowhere in the Albanian does it read
23 "Kosovo Intelligence Service." It's not there in the handwritten
24 note, is it?

25 A. No.

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1 Q. And can I also please confirm with you, sir, that this document
2 talks about an inauguration of a facility of the SHIK in the Dukagjin
3 area. It's correct that there was never ever a building which SHIK,
4 or SHIKI as it says in the original Albanian document, existed in the
5 Dukagjin area? There's no such building, was there?

6 A. I didn't see any such building in this village. And on the 28th
7 of the month when this document purports, I was injured, I was in
8 hospital in Isniq.

9 Q. So you never saw any such building in this village. Did you see
10 any building for SHIK or SHIKI anywhere else in the Dukagjin zone?

11 A. No, sir.

12 Q. Okay.

13 MR. DIXON: That document can be taken down. Thank you. And
14 then if we can call up U001-3408 to U001-3409. These are some notes
15 that were shown to you by Judge Barthe as well. Yes.

16 Q. Now, once again you said you had never seen this document
17 before. You don't know anything about it. It's right, isn't it,
18 that you have no idea who wrote this document?

19 A. It's correct. I didn't.

20 Q. Now, it's a series of entries over two pages. We don't know
21 anything about this document. But I wanted to ask you whether or not
22 you'd ever seen any documents like this in your time in Dukagjin,
23 similar kinds of notes. You've said that you received many reports,
24 you compiled reports, you sent them on all over. Have you ever seen
25 anything like this in your time there?

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1 A. No, I have not. I see some things here that have nothing to do
2 with my work in Dukagjin or in Kosovo.

3 Q. Yes, I understand that. You've given some evidence about the
4 content. But I'm asking have you ever seen anything in this form
5 before, these kinds of notes passed on to you or that were given to
6 you?

7 A. No. No, counsel.

8 MR. DIXON: And then if we can take that down and bring up one
9 final document which is U001-4082 to U001-4083, please.

10 Q. Now, once again, sir, these are some notes which set out dates
11 with information that were shown to you. You have never seen this
12 before. It's right, isn't it, that, once again, you have no idea who
13 prepared this document?

14 A. That's right. I have no idea who has compiled such kind of
15 reporting or documents.

16 Q. And once again, you've never seen a document like this in your
17 work in Dukagjin, that's right, when you were there compiling
18 reports, gathering information?

19 A. No, I have not, counsel.

20 Q. Okay. Thank you.

21 MR. DIXON: Those can be taken down.

22 Q. Just a few other questions, Mr. Maloku. You were asked by
23 Judge Barthe about Mr. Faton Mehmetaj, and you said that you learned
24 about this, that he was in the intelligence sector in January 1999,
25 when you returned to the Dukagjin operational zone.

1 When you say you learnt about this in January, that's from other
2 people. You didn't speak to Mr. Mehmetaj. You heard about this from
3 others; is that right?

4 A. It's very interesting. I never talked with Mr. Mehmetaj. But I
5 knew that Mr. Mehmetaj -- and people said that he was responsible for
6 intelligence/counter-intelligence. So these are documents that I
7 cannot give an explanation. I don't understand them myself.

8 Q. Yes. You were shown some documents from 1998. Is it right that
9 you heard that in 1998 he was in intelligence at that time? Because
10 we've seen some of the documents that were shown to you, I'm not
11 saying that you know about them, but is it right that you heard that,
12 that he was there in 1998?

13 A. No.

14 Q. And what you're saying is that you heard that he was in
15 intelligence when you came in in January 1999, but that's not
16 something that you were able to yourself verify; is that right? You
17 never checked that and confirmed that?

18 A. No.

19 Q. And then just one last matter also asked by Judge Barthe in
20 relation to the Commander Lulis. You said in your evidence that you
21 found out after the war that the Commander Luli who you were told was
22 Commander Luli who you met once at the General Staff was
23 Kadri Veseli, and you said you think - this is what you said in your
24 testimony today - this happened in December 1998, that you had this
25 one encounter.

1 I just want to go back to -- if I could just finish. I just
2 want to go back to your evidence. This is in Preparation Note 1,
3 paragraph 15, which is in evidence. I'm just going to remind you and
4 then ask you a clarifying question in relation to that encounter and
5 the timing of it.

6 You said that you hadn't seen this person in Albania before, but
7 that in Mr. Bislum Zyrapi's office, when someone walked past and
8 Zyrapi told you that the person was Commander Luli, who, after the
9 war, you learned was Kadri Veseli. You said that you did not speak
10 to him on this occasion.

11 And then you also said - and this is also at paragraph 15 -
12 that you never interacted with Mr. Veseli after seeing him then.
13 "They never had a conversation or were in the same room."

14 You recall that that's your evidence on this passing encounter?
15 A. I saw him from inside the room. He was outside. And I don't
16 remember to have been in the same room with him, ever, or to have
17 communicated with him.

18 Q. Yes. So in all your time when you were in Dukagjin before you
19 went to the General Staff and then when you were in the General Staff
20 and then thereafter when you went back to Dukagjin, you never ever
21 had any meeting with him or any conversation with Mr. Veseli. That's
22 right, isn't it?

23 A. Correct.

24 Q. And in terms of the timing of this passing encounter, you've
25 said in your Preparation Note 1, which is in evidence, this is

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1 paragraph 15, that you saw Veseli after 28 November when you returned
2 to the General Staff from the field. And then you say this:

3 "It could have been in December 1998 or January 1999."

4 That's your evidence, isn't it? It could have been any time
5 within that period.

6 A. Yes.

7 Q. I mean, the reality of the matter is that you're just not sure
8 when it was that this one single encounter occurred?

9 A. No, I told you, I have problems with the date, but I do know
10 that I saw him once.

11 Q. Yes, thank you, Mr. Maloku. Those are our questions.

12 MR. DIXON: Thank you, Your Honours.

13 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

14 Mr. Roberts.

15 MR. ROBERTS: No questions. Thank you, Your Honour.

16 PRESIDING JUDGE SMITH: Ms. Alagendra.

17 MS. V. ALAGENDRA: No questions, Your Honour.

18 PRESIDING JUDGE SMITH: Thank you.

19 Witness, you'll be glad to know that that means your testimony
20 is finished. It's been a long three days, and we thank you for being
21 with us. You may leave the courtroom now with the Court Usher with
22 our thanks, and we hope you have a pleasant evening.

23 [The witness withdrew]

24 PRESIDING JUDGE SMITH: So will the next witness be ready at
25 9.00 a.m. tomorrow, Mr. Pace?

1 MR. PACE: As far as I'm aware, yes, Your Honour. If there are
2 any updates that I learn after court, we will send an e-mail.

3 PRESIDING JUDGE SMITH: Now -- wait a second. Oh, we have
4 competing house cleanings. Go ahead.

5 MR. MISETIC: I was first. Yeah.

6 Your Honour, Judge Barthe used an exhibit which is MFI'd by the
7 Thaci Defence, which is 1D00188. I checked into it. It was MFI'd
8 for a translation issue. That has been resolved. It's also on the
9 SPO's Dukagjini bar table motion, so I assume there's no objection
10 now to admitting it as an exhibit.

11 PRESIDING JUDGE SMITH: I assume the same. Is that correct?

12 MR. PACE: Assuming that is all correct, we agree.

13 PRESIDING JUDGE SMITH: 1D00188 is admitted and the MFI will be
14 removed.

15 Now, Mr. Roberts -- oh, I'm sorry, let's just get the record
16 made.

17 THE COURT OFFICER: Thank you, Your Honours. I just wanted to
18 confirm that the evidence status will be changed for this. Thank
19 you.

20 MR. ROBERTS: Thank you, Your Honours. It's just to inform you
21 and request for tomorrow, as it's a videolink witness, that
22 Mr. Selimi will follow from the detention unit and we'll file the
23 appropriate waiver this afternoon.

24 PRESIDING JUDGE SMITH: Fine. And that goes for everybody else,
25 anybody who wants to. Just make sure the waiver is on file.

1 Thank you all for your efforts on this extended witness, and we
2 will see you tomorrow morning at 9.00.

3 We're adjourned.

4 --- Whereupon the hearing adjourned at 4.35 p.m.

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