

1 Tuesday, 28 January 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: First, I believe, Madam Court Officer,
11 you have a correction to make on one of the exhibit numbers from
12 yesterday.

13 THE COURT OFFICER: Yes, thank you, Your Honour.

14 Yesterday during the admission of the preparation note P02009,
15 ERN read on the record was 124938 to 124951. However, the correct
16 ERN is 124938 to 124958. Thank you.

17 PRESIDING JUDGE SMITH: Thank you.

18 I note that the accused are all present in court today.

19 Before we continue hearing the evidence of Prosecution
20 Witness W04743, there are some preliminary matters that the Panel
21 would like to address.

22 The Panel notes that, by e-mail of 23 January 2025, the SPO
23 notified the Panel and the parties and participants that, in
24 Disclosure Package 1558, it disclosed revised English translations of
25 items 043853 to 043854-ET, which has been admitted as P00851-ET, and

1 SPOE00230134 to SPOE00230134-ET. The SPO submitted that this was due
2 to identified translation discrepancies between the two partial
3 duplicates.

4 By e-mail of 27 January 2025, the SPO asked that P00851-ET be
5 replaced with the revised translation with ERN 043853 to 043854-ET
6 Revised.

7 Any comments on that from the Defence?

8 MR. MISETIC: No objection.

9 PRESIDING JUDGE SMITH: All right. Thank you.

10 The Panel approves the request and directs the Registry to
11 replace P0851-ET with 043853 to 043854-ET Revised.

12 This concludes the oral order.

13 Madam Court Officer, please bring us into private session.

14 [Private session]

15 [Private session text removed]

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[Private session text removed]

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1 [Private session text removed]

14 [Open session]

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

16 PRESIDING JUDGE SMITH: Further now, on Friday, 24 January 2025,
17 the SPO filed F02860, a Rule 154 and video-conference request
18 concerning W00542. As anticipated via e-mail on Monday 27 January
19 2025, the Panel would now like to hear oral submissions in response
20 to F02860 and any replies thereto.

21 Does Victims' Counsel wish to be heard on this?

22 MR. LAWS: [Microphone not activated].

23 PRESIDING JUDGE SMITH: No.

24 Defence counsel, please.

25 MR. DIXON: Thank you, Your Honours. On behalf of the Veseli

1 Defence, we have no objection in respect of both the 154 application
2 and the videolink or video-conference application as well. We do
3 wish to make it clear for the record that we don't believe the
4 threshold has necessarily been met in respect of each of those
5 applications. But for expeditious hearing, given that this
6 particular witness, we understand, is scheduled to come on Monday,
7 the 10th of February, before the much bigger witness who is due to
8 come that week, for that reason we don't wish to hold up matters and,
9 therefore, have no objection for that witness coming in then.

10 And while we're on that point, we would also ask if the
11 Prosecution can give any indication to whether there could be any
12 other witnesses of this nature slotted in then to give enough time
13 before the larger witness comes, because we don't want to be in a
14 situation like we were with this witness, where we get a prep note on
15 Saturday afternoon and the witness is coming early in the week.

16 So any time that can be afforded, as we've asked already, in
17 addition to this witness, we would ask that that be used. And it's
18 for that reason that we don't have any objections. We want this to
19 go ahead in this fashion.

20 PRESIDING JUDGE SMITH: Thank you for your submission.

21 MS. TAVAKOLI: The Thaci Defence joins the Veseli Defence
22 submissions.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. TULLY: As do we, Your Honour. Thank you.

25 MS. V. ALAGENDRA: So do we, Your Honour.

1 PRESIDING JUDGE SMITH: All right. We'll leave that to the
2 discretion of the Prosecution. However, it is -- on some of these
3 very large witnesses, it would really be important and helpful to
4 have the notes, the preparation note done a bit earlier than it has
5 been so that there is adequate time to prepare and we don't end up
6 with a delay because of that.

7 We will issue our ruling on this matter in due course.

8 We will now continue hearing the evidence of Prosecution
9 Witness W04743.

10 Madam Court Usher, please bring in the witness.

11 Madam Prosecutor, do you have a time estimate at this point?

12 MS. IODICE: No, Your Honour. But I will update you as I go
13 along to ensure I comply with the three hours.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 You can be seated, Witness.

17 I note for the record that Duty Counsel for W04743 is available
18 outside the courtroom should W04743 want to request his advice.

19 Good morning, Witness.

20 THE WITNESS: [Interpretation] Good morning, Your Honour.

21 PRESIDING JUDGE SMITH: Today we're going to continue your
22 testimony. I remind you to please try to answer the questions
23 clearly, with short sentences. And if you don't understand a
24 question, feel free to ask counsel to repeat the question or tell
25 them you don't understand and they will clarify. Also, please try to

1 remember to indicate the basis of your knowledge of the facts and
2 circumstances upon which you will be questioned.

3 I remind you that you are still under an obligation to tell the
4 truth as stated by you in your solemn declaration. I also remind you
5 that the assurances provided to you yesterday by the Panel, namely
6 that any response provided to relevant questions will not be used
7 either directly or indirectly against you in any subsequent
8 prosecution by the Specialist Chambers, except under Article 15(2) of
9 the Law and Rule 65, they are still applicable, and that refusal to
10 give testimony may be sanctioned with the imposition of a fine.

11 Please speak into the microphone and wait five seconds before
12 answering a question for the interpreters to catch up.

13 And, once again, if you feel the need to take a break at any
14 time, just let us know, raise your hand, and we'll accommodate you.

15 So we continue now with the Prosecution's questions. Please
16 give them your attention.

17 Madam Prosecutor, you may begin.

18 MS. IODICE: Thank you, Your Honour.

19 WITNESS: NASER KRASNIQI [Resumed]

20 [The witness answered through interpreter]

21 Examination by Ms. Iodice: [Continued]

22 Q. Good morning, Mr. Krasniqi.

23 Yesterday when we left off, we were talking about your duties in
24 the 121 Brigade.

25 MS. IODICE: Could we please have on the screen ERN 124959 to

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 124990 and go to PDF page 31, which is ERN 124989.

2 Q. Mr. Krasniqi, do you remember providing this document to the SPO
3 last week?

4 A. Yes.

5 Q. How did you obtain it?

6 A. This document was drafted during the war in January 1999. I did
7 not know where I had placed it for a while, but then, accidentally, I
8 found it together with some other documents of mine.

9 Q. Thank you.

10 MS. IODICE: And if we can zoom out a little bit so the entire
11 document is visible in Albanian. If we can scroll down to the
12 signature block. Thank you.

13 Q. And do you recognise your signature?

14 A. Yes, certainly. This is my name and my surname which I have
15 written.

16 Q. Did you author this document?

17 A. Yes, that is correct.

18 Q. Thank you.

19 MS. IODICE: And if we can focus on the first paragraph or the
20 upper part of the page.

21 Q. This paragraph states that you're writing this complaint because
22 the two policemen were not at the required level of task regarding
23 the decision of the finance directorate at the KLA General Staff
24 number 90/III, dated 31 December 1998, on setting the obligations for
25 the Kosovo citizens who are temporarily employed abroad.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 What did this decision establish?

2 A. As the first paragraph reads, this had to do with the money
3 coming in for the needs of the Kosovo Liberation Army, money that had
4 to be given, donated by the Kosovars living abroad, and this was an
5 obligation and they had to give this money in Kosovo. I'm referring
6 to the territory covered by Brigade 121, the unit -- specifically,
7 the military police unit of Brigade 121.

8 Q. Thank you. And do you know what the amount of the contributions
9 was, how it was divided?

10 A. The amount of the contribution depended on the country. This
11 was -- apologies. This was specified in the decision, and it varied
12 from 1.000 to 2.000 Deutschmarks or Swiss francs.

13 Q. And what happened if someone did not comply with the payment?

14 A. In accordance with the duties assigned, if the people in the
15 diaspora had not fulfilled their obligations in Kosovo, their
16 passport would be seized and kept until they would comply with their
17 obligations.

18 Q. Thank you. And do you remember if you received the decision,
19 the General Staff decision?

20 A. We, as a military police unit, received this decision from the
21 brigade, specifically from the brigade commander Mr. Shala.

22 Q. Thank you.

23 MS. IODICE: And now if we move towards the end of the document,
24 towards the last two paragraphs.

25 Q. If you look at the last part of the document, there's a note

1 saying that:

2 "We are of the opinion that the functioning of the LDK and its
3 Assembly are the main reason for obstacles in our work in the
4 village."

5 MR. MISETIC: Objection.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. MISETIC: Mr. President, I need -- I don't know if I need to
8 go into private session, but I also think the witness should be
9 excused for this.

10 PRESIDING JUDGE SMITH: All right. Please take the witness out.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: Go ahead.

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

14 With respect to this, we made submissions on this, as you know,
15 about the prejudice to the Defence from the use of this document.
16 Yesterday, the Prosecutor made a proffer as to what the purpose of
17 the document was. That's at provisional transcript page 12, lines 13
18 to 17 yesterday, and I quote:

19 "The last document, as we know, is a January 1999 complaint with
20 a header signed by 4743 concerning disciplinary measures in relation
21 to Brigade 121 military police officers. Yet again, the topic of
22 disciplinary measures, which is the key issue in this item, is
23 discussed at length in W04743's statement."

24 That's the proffer.

25 The Panel's ruling, which was on provisional transcript page 96,

1 beginning at line 24, going to 97, line 3, your ruling was:

2 "While the Defence was not on notice of the specific documents,
3 the Panel agrees with the SPO that it was on notice of W04743's role
4 within the KLA, including the structure and the role of the 121st
5 Brigade."

6 Now, up until now I have not objected, but this particular
7 portion has nothing to do with disciplinary measures, which was the
8 proffer as to why the document is being offered. The prejudice to
9 the Defence is precisely what we were afraid of, which is that there
10 is no mention in the pre-trial brief of a village called Bllace,
11 which is what this incident apparently refers to. There is no
12 allegation about the LDK having a problem in that village. There is
13 no mention of the person who is referenced in this document under
14 "Remark" beginning with Muhamed. All of this are things that the
15 Defence could have investigated about this village, interviewed that
16 person, figured things out before cross-examination starts, and we
17 are prejudiced by going into this area. And I again reiterate that
18 this was not an area that the Prosecutor yesterday told you was an
19 area they were going to go into with this document. Thank you.

20 PRESIDING JUDGE SMITH: Thank you.

21 [Trial Panel confers]

22 PRESIDING JUDGE SMITH: All right. The objection is overruled.
23 This is a relevant matter and we will hear it.

24 Go ahead.

25 As I stated yesterday, you can certainly request --

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Examination by Ms. Iodice (Continued)

1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: -- a re-call of this witness after
3 further investigation if you feel the need.

4 All right. Go ahead, Madam Prosecutor.

5 MS. IODICE: Thank you, Your Honour.

6 Q. So I was showing you the last part of this document, where you
7 noted that the functioning of the LDK and its Assembly were the main
8 reason for obstacles in your work in the village, meaning the village
9 of Bllace. Can you tell us why the functioning of the LDK and its
10 assembly was an obstacle to your work? What were you referring to
11 here?

12 A. This was a form of reporting regarding the reasons for the
13 failure to implement the tasks in this village. At least this was
14 the information at the time. This is what I thought and this is how
15 I prepared this document for the brigade commander.

16 Q. And just so that it's clear for the record, you received
17 information that the LDK was an obstacle to the implementation of the
18 collection of money from the diaspora?

19 A. Yes, this was the information we received at the time.

20 Q. Thank you. Did you receive any information as to why the LDK
21 was an obstacle to that implementation?

22 A. I am not able to be more specific than what I have written in
23 the document and what I have declared.

24 Q. Thank you.

25 MS. IODICE: I would like to tender this document into evidence.

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 PRESIDING JUDGE SMITH: Objection?

2 MR. DIXON: Yes, Your Honours, we would object to it. We'd ask
3 that it be marked as an MFI document for now because, as Your Honours
4 have said, there may well be a need, through further investigation,
5 to re-call the witness on this matter. It's not possible to say now.
6 So for that reason, given our objection from the outset, we would ask
7 that it be MFI'd.

8 I also wish to point out that - and I think this is an important
9 matter in the context of a criminal trial - the witness has indicated
10 that he has the original of this document. No blame on the witness,
11 of course. But no effort, it seems, has been made by the SPO to get
12 the original of this document, which seems to be a reoccurring theme
13 in this case. If originals are available, we fail to understand why
14 that shouldn't be brought before the Court as would happen in any
15 proper criminal trial.

16 MR. MISETIC: In light of our objections up until now with
17 regard to the use of this document, we object to the admission of the
18 document.

19 MS. IODICE: Your Honour, if I may respond.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MS. IODICE: The witness has authenticated the document. He
22 talked about its content. There is no further requirement for us to
23 obtain the original copy considering that he stated how he obtained
24 it, how he wrote it, and that he wrote it himself.

25 Regarding to the first part of Mr. Dixon's submissions, there is

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Examination by Ms. Iodice (Continued)

1 no need to MFI the document at this stage because maybe in the future
2 there could be an investigation. The document has been commented on
3 now. The witness has sufficiently commented on it to fulfil the
4 requirements of Rule 138.

5 PRESIDING JUDGE SMITH: The document will be admitted. It meets
6 the minimum requirements of Rule 138. That's ERN 124990 to 124989 --
7 you specifically just want page 31?

8 MS. IODICE: Yes, Your Honour.

9 PRESIDING JUDGE SMITH: At page 31.

10 THE COURT OFFICER: Thank you, Your Honour. Page with the ERN
11 124989 to 124989, from a larger document with ERN 124959 to 124990,
12 will receive Exhibit P02015. And classification is confidential.
13 Thank you.

14 MS. IODICE: Thank you, Your Honour.

15 So now could we have, please, ERN U000-5976 to U000-6009. And
16 if we could go to PDF page 10, which is ERN U000-5985.

17 Q. Mr. Krasniqi, do you remember seeing this document last week
18 during our preparation session?

19 A. Yes. I was presented with this document during the preparation
20 session, which means I saw it.

21 Q. Does the content of this document reflect the order that you
22 received and implemented regarding the collection of contributions?

23 A. I do not know who wrote this document. However, its content
24 corresponds with the duties we had.

25 Q. Thank you.

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 MS. IODICE: I would like to tender this page into evidence.

2 PRESIDING JUDGE SMITH: Any objection?

3 MR. DIXON: Yes, Your Honour. We have the same standing
4 objection. The witness is not able to identify this document. It's
5 not his. He can give his evidence about what he recalls his tasks
6 and operations were but not about a document that purports to come
7 from the General Staff that he's not part of.

8 MS. V. ALAGENDRA: [Microphone not activated] ... Your Honours.
9 He's clearly said that he is not -- he doesn't know where this
10 document comes from or who wrote it.

11 MS. IODICE: Your Honour, the witness was able to comment as to
12 content and to the order he received and implemented separately.

13 PRESIDING JUDGE SMITH: U000-5976 to U000-6009 at page 10 is
14 admitted. It meets the minimum requirements of Rule 138.

15 THE COURT OFFICER: Thank you, Your Honour. And for the record,
16 the ERN of the page 10 is U000-5985. It will receive Exhibit P02016.
17 Classification is confidential. Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 MS. IODICE: I believe this could be public, this page.

20 PRESIDING JUDGE SMITH: You can reclassify this document as
21 public -- or this exhibit.

22 MS. IODICE:

23 Q. Sir, do you recall the existence of any additional KLA
24 regulation related to the collection of funds through taxes or
25 tariffs?

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Examination by Ms. Iodice (Continued)

1 A. Could you be more specific in your question, please?

2 Q. Do you remember whether you implemented any other collection of
3 funds through the imposition of tariffs or taxes?

4 A. We had a task to cash in money coming from vehicles registered
5 by the occupier's institutions. This was a duty; however, the extent
6 to which it was implemented is a different matter.

7 Q. Can you explain in greater detail what do you mean by an order
8 "to cash in money coming from vehicles registered"? How was this
9 order implemented in practice?

10 A. I tried to explain this theoretically, which was that all
11 vehicles circulating in the KLA territory with registration plates
12 issued by the occupier at the time were supposed and had to pay a
13 tariff, which was between 300 and 400 Deutschmarks. This was
14 possible to be implemented in some areas or in some cases. In other
15 cases, it was not possible. But as a task, it did exist.

16 Q. Thank you. Did you pass this task on to your units? Did you
17 inform your units of this task?

18 A. Every task that I received, I would transmit that to my two
19 units who worked within the Brigade 121.

20 Q. And do you have any reason to believe that your units did not
21 implement it?

22 A. I believe that they carried out their tasks. They tried to do
23 so to the extent they were able to do so given the context and the
24 circumstances.

25 Q. Do you recall who issued this regulation regarding vehicle

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Examination by Ms. Iodice (Continued)

1 taxes?

2 A. In this case, like in the previous case, we received the order
3 or the duty from the brigade. When I say "we," I refer to the
4 military police. Now, where did the brigade or, in this case, the
5 brigade commander receive it from, they know that. But they referred
6 to the General Staff.

7 Q. Thank you. So I would like now to move on to some of the
8 documents that you provided.

9 MS. IODICE: And if we could please have ERN 082926 to 083087.
10 And if we could go to page that's PDF 119, ERN 083044 in both
11 languages. If we can scroll down in the Albanian -- yes, thank you.

12 Q. Do you recognise this document?

13 A. Yes, certainly.

14 Q. Do you know who signed it?

15 A. Yes. This is my signature.

16 Q. Did you issue it?

17 A. Yes.

18 Q. Was it implemented by your units?

19 A. I think it was, although we did not at all times have the
20 possibility or the mechanisms to verify this. I do think, however,
21 that this was implemented to a large extent, if not entirely.

22 Q. Thank you.

23 MS. IODICE: And could we now go to the next page in --

24 JUDGE GAYNOR: Sorry, counsel, can I interrupt for a moment?

25 MS. IODICE: Yes.

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Examination by Ms. Iodice (Continued)

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1 JUDGE GAYNOR: Witness, could you read the last sentence of the
2 document above 8 February 1999? Just read that out, please. Could
3 you read it aloud, I should say.

4 THE WITNESS: [Interpretation] "Each patrol shall have its leader
5 appointed (police officers shall take turns) and once completed, the
6 patrol leader shall compile a written report."

7 JUDGE GAYNOR: Right. And immediately under that is a sentence
8 ending with "01.03.1999." Could you read that sentence, please?

9 THE WITNESS: [Interpretation] Yes.

10 "The order enters into force on 01.03.1999."

11 JUDGE GAYNOR: Okay. Thank you. I think that's missing from
12 the English.

13 MS. IODICE: Thank you, Your Honour, for spotting that.

14 May I continue?

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. IODICE: Thank you. Your Honours, I'll show a few pages in
17 sequence and then I'll deal with the tendering later.

18 So if we could go to the next page in both languages, that's ERN
19 083045.

20 Q. Mr. Krasniqi, do you recognise this document?

21 A. Yes, certainly.

22 Q. Do you remember why you issued it?

23 A. Yes, I do.

24 Q. Can you briefly state the reason for issuing this document.

25 A. Before this document was issued, Bajram Gashi and I asked the

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Examination by Ms. Iodice (Continued)

1 two units of the military police that were operational on both sides
2 of the mountain where the 121 Brigade was operational, we asked of
3 them to give us details about every single military policeman. Upon
4 receipt of these notes, we observed that there were some omissions,
5 so we wanted additional information in order to complete the dataset
6 for each and every single one who was part of the unit of the
7 military police.

8 Q. Thank you.

9 MS. IODICE: And I'd just note for the record that the witness
10 said "Bajram Gashi." I believe it's been recorded as "Blerim."

11 Q. Is this your signature on the document?

12 A. Yes.

13 Q. And was it implemented?

14 A. Yes, it was implemented.

15 Q. Thank you.

16 MS. IODICE: And if we could now go to the next page, and that's
17 ERN 083046.

18 Q. Do you recognise this document?

19 A. Yes, I have seen it.

20 Q. Who issued it?

21 A. This document was issued on behalf of the brigade and its
22 commander. However, it was signed by the chief of personnel of the
23 brigade.

24 Q. Cerkin Dukolli?

25 A. Yes, correct.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. And you mentioned that you have seen it. Did you receive it at
2 the time?

3 A. Yes, I certainly received this document because, as can be seen
4 here, it has to do with an order for the military police unit of
5 Brigade 121. It was *modus operandi* concerning the tasks we were
6 assigned with.

7 Q. Did you implement it?

8 A. Every task was implemented to the extent permitted by the
9 conditions of war.

10 Q. Thank you.

11 MS. IODICE: Could we now go to PDF page 125, that's ERN 083050.

12 Q. Do you recognise this document?

13 A. Yes.

14 Q. Do you know who issued it?

15 A. Yes, it was the brigade commander.

16 Q. Whose signature is that?

17 A. This signature appears to be the same as that of other
18 documents, and it appears to be that of Mr. Haxhi Shala.

19 Q. Did you receive it?

20 A. Yes, certainly.

21 Q. Did you implement it?

22 A. Again, as I stated earlier, every task assigned to us was
23 implemented to the extent permissible by the conditions of the time.
24 Every task assigned to us was undertaken with the seriousness it
25 required, and we've tried to implement it.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. Thank you.

2 MS. IODICE: And if we could now move to page PDF 127, that's
3 ERN 083052.

4 Q. Do you recognise this document?

5 A. Yes.

6 Q. Do you recognise who signed it?

7 A. Yes.

8 Q. Who signed it?

9 A. The brigade commander.

10 Q. Did you receive it?

11 A. Yes, I did.

12 Q. Did you implement it?

13 A. I have the same answer as before. Every task, order, and so on,
14 was implemented to the extent that was possible at the time.

15 Q. Okay.

16 MS. IODICE: And if we could now go to page PDF 162 in both
17 languages, that's ERN 083087.

18 Q. Do you recognise this document?

19 A. Yes, I have seen it.

20 Q. And you said in your statement that Shefqet Bylykbashi was one
21 of your military police officers and, later, administrators. Did he
22 send this report to you? Do you recall whether you received --

23 A. Yes. Yes, he did.

24 Q. Thank you.

25 MS. IODICE: Your Honour, I would like to tender these pages

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Examination by Ms. Iodice (Continued)

1 into evidence. These are ERN 083044, 083045, 083046, 083050, 083052,
2 and 083087.

3 PRESIDING JUDGE SMITH: Any objection? None seen --

4 MR. ROBERTS: No objection.

5 PRESIDING JUDGE SMITH: 083044, 083045, 083046, 083050, 083052,
6 and 083087 are all admitted.

7 MS. IODICE: Your Honour, if I may --

8 THE COURT OFFICER: I note that --

9 MS. IODICE: Sorry. Could they maybe be added to the Exhibit
10 P2010?

11 THE COURT OFFICER: Yes, that is what I was going to suggest.
12 The pages read out by the Presiding Judge will be added to the
13 Exhibit P02010. And classification is confidential. Thank you.

14 MS. IODICE: Thank you. I would now like to show you two
15 photographs. Could we have 074396 to 074435 and go to PDF page 7,
16 which is ERN 074402.

17 Q. Do you remember seeing this photo last week?

18 A. Yes, I do.

19 Q. Do you recognise anyone on this photo?

20 A. Of the six people shown in this photograph, I am certain about
21 four at least.

22 Q. Can you start identifying them from the left to the right. So
23 the first man on the left with the goatee, do you recognise that
24 person?

25 A. Yes, I do.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. Who is it?

2 A. Mr. Shukri Buja.

3 Q. And there's a woman next to him. Do you know who that is?

4 A. I am not sure. It resembles someone I think I know, but I'm not
5 certain.

6 Q. Okay. And there's a man to the right of that woman. Do you
7 recognise him?

8 A. Yes. The individual who comes third in the order in this
9 picture is Mr. Fatmir Limaj.

10 Q. And to the right of Fatmir Limaj?

11 A. Do you mean to the right or to the left?

12 Q. To the right. So the fourth person from the left. There's --

13 A. That's Mr. Naser Shala.

14 Q. Did Naser Shala have a nickname?

15 A. Yes, he was known with the nickname Fytyra.

16 Q. Thank you. The man with the beard next to Naser Shala, do you
17 recognise him?

18 A. I am not certain of this one either, largely due to the quality
19 of this image. He resembles someone I think I know. And the last
20 person here, I am certain that it is Mr. Shpetim Telaku.

21 Q. Okay. Thank you. And the person that you said that man you
22 think resembles somebody, can you tell us the name of the person you
23 believe it could be?

24 A. He looks like an individual called Fatmir Shurdhaj.

25 Q. Thank you.

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 MS. IODICE: I would like to tender this photo into evidence,
2 and maybe it could be added to P1095, if admitted.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. ROBERTS: Relevance.

5 PRESIDING JUDGE SMITH: It is relevant. And 074396-074435 at
6 page 5 is admitted and it will be added to P1095.

7 MR. ROBERTS: Sorry, Your Honour, what was it relevant to? If
8 the Prosecution could explain? I don't quite understand, apart from
9 the fact that it's a photograph of people.

10 MS. IODICE: Yes, Your Honour. The witness has talked about his
11 cooperation with these people in his statement and in his testimony,
12 so it's relevant to corroborating the witness's evidence.

13 Q. Before we remove it, I'd like to ask you whether you recognise
14 the location of the photo.

15 A. The location resembles the premises of the headquarters of
16 Brigade 121 which -- the area used before the offensive of 1998 by
17 the unit Celiku. I do not exclude the possibility, however, that
18 this might have been taken at the village of Fshati i Ri.

19 Q. Thank you.

20 MS. IODICE: If we could now have SPOE00204138.

21 Q. Do you remember seeing this photograph last week?

22 A. I saw this picture last week. But apart from that, this is a
23 picture that has been publicly available and has circulated in a
24 number of outlets throughout.

25 Q. And do you recognise the people on the photo?

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 A. Yes, I know all of them.

2 Q. Can you tell us who they are, starting from the people sitting
3 at the table from the left to the right?

4 A. The first individual sat there is Mr. Fatmir Limaj. The second
5 individual is Mr. Hashim Thaci. And the third of the sitting
6 individuals is Mr. Sylejman Selimi.

7 Q. And who is the man standing behind Fatmir Limaj?

8 A. The person sat behind Mr. Limaj is Mr. Shpetim Telaku.

9 Q. Do you know what Shpetim Telaku's role was?

10 A. From what I know, Shpetim Telaku worked as the bodyguard of
11 Mr. Fatmir Limaj.

12 Q. Thank you. And who is the man standing behind Sylejman Selimi?

13 A. That is Mr. Naser Shala with the nickname Fytyra.

14 Q. Thank you.

15 MS. IODICE: Your Honour, I'd like to tender this document into
16 evidence.

17 PRESIDING JUDGE SMITH: Objections?

18 MR. MISETIC: No objection.

19 PRESIDING JUDGE SMITH: SPOE00204138 is admitted.

20 THE COURT OFFICER: It will receive Exhibit P02017. Current
21 classification is confidential.

22 MS. IODICE: I believe it could be public.

23 PRESIDING JUDGE SMITH: Reclassified as public, please.

24 MS. IODICE: And, Your Honour, I note the time. Do you want to
25 break now?

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 We'll give you a ten-minute break at this time, Witness. You
3 may leave the courtroom with the Court Usher.

4 [The witness stands down]

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

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

7 --- On resuming at 10.10 a.m.

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

10 MS. IODICE: Your Honour, as the witness is being brought in,
11 the examination will be quite document-heavy. And having seen how
12 we've gone so far, it is possible that I'll be going over a little
13 bit of my three hours if that --

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 What's a little bit?

16 MS. IODICE: I think probably 30 minutes.

17 [The witness takes the stand]

18 MS. IODICE: I can be more precise in a bit.

19 PRESIDING JUDGE SMITH: Okay. Thank you.

20 All right. Witness, we will continue with the questions from
21 the Prosecution. You may go ahead.

22 MS. IODICE: Thank you, Your Honour.

23 Q. Mr. Krasniqi, I would like to show you now another document, and
24 this is ERN 124959 to 124990 at page PDF page 29, which is 124987.

25 MS. IODICE: And English translation.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. Do you remember providing this document to the SPO last week?

2 A. Yes, that is correct.

3 Q. How did you obtain it?

4 A. I received this document during the war for the purposes in
5 relation to my appointment in the position as referred to here. And
6 then I ended up finding this document together with other documents
7 after quite a long time.

8 Q. Thank you. And do you know when you received it? If you're
9 able to be more precise.

10 A. I am not able to tell you exactly when. But based on the date
11 of the issuance of this document, I must have received it after
12 1 March 1999. When I say "after 1 March," this could be several days
13 after, a week or two after, I cannot be more precise than that.

14 Q. And who signed it?

15 A. The brigade commander, Mr. Haxhi Shala.

16 Q. And do you recall how you received it?

17 A. There was no other possibility other than me receiving it in
18 person. This would usually happen during brigade-level meetings that
19 we would have. That would be the only possibility or circumstances
20 in which I received this document.

21 Q. And you said that this is in relation to your appointment in the
22 position as referred to here, and this document refers to your
23 appointment as chief of the sector "*Sherbimit informativ*" of
24 Brigade 121. In your statement, you talked about being appointed to
25 ZKZ. Is this the letter appointing you as chief of ZKZ?

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Examination by Ms. Iodice (Continued)

1 A. Yes, that is correct. I think the wrong terminology might be
2 used. However, this referred to the ZKZ sector.

3 Q. Thank you.

4 MS. IODICE: I would like to tender this document into evidence.

5 PRESIDING JUDGE SMITH: Objection?

6 MR. DIXON: Yes, Your Honour. We have the same objection as
7 before because of the last-minute disclosure, and therefore we'd
8 request, as we did with the previous document, that it's MFI'd only.

9 PRESIDING JUDGE SMITH: The document will be admitted, which is
10 page 124987, plus the English translation.

11 THE COURT OFFICER: Thank you, Your Honour. Just a
12 clarification. We have one page already admitted from this document,
13 that's as P02015. Should we add this one to that exhibit number?

14 MS. IODICE: Yes, thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. IODICE: Thank you.

17 Could we now have ERN SPOE00226490 and its English translation.

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

20 A. No, I had not seen this document before.

21 Q. And who is Petrit Ujmiri? Do you know?

22 A. To be fair, in the period of time the document refers to, I did
23 not know who Petrit Ujmiri was. I later on understood that because
24 it became public, and I know that it was Mr. Sokol Dobruna.

25 Q. Thank you. And you mentioned that you had never seen it before.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Did you ever receive it during the war?

2 A. When I said that I had not seen it before, this means that I
3 could not have possibly received it before.

4 Q. Thank you. And this document makes a reference to a KLA Penal
5 Code. Did you ever receive a KLA Penal Code?

6 A. I did receive instructions from Mr. Sokol Dobruna, but I did not
7 receive a military penal code in written form at any given time.

8 Q. Thank you. I would like to now move on to the case of
9 Safet Muhaxheri which you discussed in your statement.

10 MS. IODICE: And this is in P2007.1, pages 14, 19, and 22 to 24.

11 Could we please bring up ERN 082926 to ERN 083087 and go to PDF
12 page 2, which is ERN 082927.

13 Q. This is a document dated 10 June 1999. Was it taken during the
14 course of the case against Safet Muhaxheri?

15 A. Yes, that's correct.

16 Q. Do you recognise the signature on the right side?

17 A. Yes, I certainly do.

18 Q. In the last paragraph, Muhaxheri is recorded saying that he was
19 stopped by the military police and taken to the military police in
20 Fshati i Ri on 9 June. Do you see that part? Where it says:

21 "Two Military Policemen came on 06 June ... to detain me."

22 It's the penultimate paragraph.

23 A. Yes, I see it.

24 Q. Thank you.

25 MS. IODICE: And if we could now please move to the next page in

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 both languages.

2 Q. And this is another document dated 12 May --

3 PRESIDING JUDGE SMITH: Excuse me, was he going to name the
4 person who signed the document? He just said he recognised it.

5 MS. IODICE: I'm sorry, Your Honour. I missed that.

6 Q. You said you recognised the signature on the document. Whose
7 signature was that?

8 A. That is the signature of Mr. Asman Hoxha.

9 Q. Thank you.

10 Now, can you look at the signatures on this document and tell me
11 whose they are, if you recognise them?

12 A. The first signature is that of the suspect, Safet Muhaxheri.
13 The second signature in the middle is that of Asman Hoxha. And the
14 signature on the right should be that of Nexhmi Krasniqi.

15 Q. And then if you look at the content of this document, it notes
16 that Muhaxheri was questioned several times. He was once held in
17 Malisheve without being questioned, and then he was questioned in
18 Bellanice in February 1999. Do you recall whether you were informed
19 about his questioning in Bellanice in February 1999?

20 A. In Bellanice, the military police unit led by Uke Gegaj
21 operated. Asman Hoxha was the administrator. And with respect to
22 all their duties, including the interview of the suspect, they
23 reported back.

24 Q. Thank you. And did this document also become part of the file
25 that you eventually transferred to the military prosecutor?

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Examination by Ms. Iodice (Continued)

1 A. Certainly. Every case that was dealt with by the military
2 prosecutor and the military court at the time had the signature of
3 Mr. Dobruna or Mr. Kryeziu as an evidence to further process the
4 case.

5 MS. IODICE: And I'd like to take you to that report, and that's
6 page 1 in this bundle. It's ERN 082926. And for the record, this is
7 part already of the associated Exhibit P2010.

8 Q. Is this the military -- I'll wait until the English is on. Is
9 this the report that you prepared for this case?

10 A. I am aware of this document. However, it was prepared and
11 signed by Mr. Asman Hoxha. Therefore, I can conclude that out of
12 nine criminal complaints, this is the only one which bears the
13 signature of Mr. Asman Hoxha.

14 Q. And do you know whose signature is on the left side of the
15 document?

16 A. Yes. This is the signature of the military prosecutor at the
17 time who received the case file on 15 June 1999.

18 Q. So that's a confirmation of receipt?

19 A. Correct. Confirmation of receipt. Or delivery and reception of
20 the case file.

21 Q. Thank you. And we have seen in the prior document that I showed
22 you a moment ago that this person was stopped on 9 June, and the
23 military report is dated 15 June. Are you able to explain how come
24 this case took more than 72 hours to complete?

25 A. I think this is the only case in which the 72-hours deadline was

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Examination by Ms. Iodice (Continued)

1 not met, because, as I've mentioned in the preparation session, each
2 case had their own specifics and imposed a different procedure. This
3 might have been because from the 10th or 11th or 12th June, I was not
4 there anymore. I had moved to Prizren. And Mr. Hoxha, who had never
5 signed any criminal complaints until that moment must have had
6 dilemmas as to how to act, how to proceed. When he saw that the
7 deadline had expired, he signed this document, this criminal
8 complaint for the first time in order for it to be submitted.

9 Q. Thank you. And can you please state for the record the name of
10 the military prosecutor who signed this report?

11 A. Based on my knowledge and my experience, the only military
12 prosecutor there was Mr. Kryeziu, Haki Kryeziu.

13 Q. Thank you. And do you know if Safet Muhaxheri was detained in
14 Klecke; and if so, for how long?

15 A. Based on the case file documents, it can be seen that Mr. Safet
16 Muhaxheri was detained, but I do not know for how long and when was
17 he released. I cannot know it for this case or any other case
18 because it was not the task of the military police any longer.

19 Q. Thank you.

20 A. If I may add, the moment the case was submitted to the military
21 court or to the military prosecutor, this meant the end of the tasks
22 of the military police platoon.

23 Q. Thank you.

24 MS. IODICE: Your Honour, of the three pages I've shown, I would
25 like to tender into evidence 082927, which is the only one that's not

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Examination by Ms. Iodice (Continued)

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1 already part of P02010.

2 PRESIDING JUDGE SMITH: Any objection to that page? None.

3 082927 is admitted.

4 THE COURT OFFICER: Thank you, Your Honour. That page will be
5 added to Exhibit P02010. Classification is confidential. Thank you.

6 MS. IODICE: Thank you.

7 Q. Now I'd like to move to a different case. You told us already
8 in your statement that Sokol Dobruna ordered the arrest of Sabit
9 Shala, and that's at P2007.4, pages 4 and 5.

10 MS. IODICE: Could we please bring up Exhibit 2D00020.

11 Q. Do you recognise the signature on this document?

12 A. Yes, I do.

13 Q. Can you tell us whose signatures those are?

14 A. The signature of the person who prepared and submitted this
15 report is mine, on the right-hand side, with a name and signature.
16 And on the left-hand side, we have the signature of the person who
17 received the case.

18 Q. And whose signature is that?

19 A. That of Mr. Sokol Dobruna. Sokol Dobruna.

20 Q. And do you recall, once Sabit Shala was arrested, where was he
21 first taken?

22 A. He's the only person who was detained based on an order from
23 Sokol Dobruna. And he was the only person who was detained in
24 Terpeze in a house where I stayed with Bajram Gashi and some nurses.
25 One of them was a sister of Bajram Gashi. While we were preparing

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Examination by Ms. Iodice (Continued)

1 the file, we transmitted and submitted the file to Mr. Sokol Dobruna.

2 Q. Thank you.

3 MS. IODICE: And can we go to the --

4 THE WITNESS: [Interpretation] To the detention centre.

5 MS. IODICE:

6 Q. Sorry, could you please repeat the last part of your answer

7 because I interrupted you, and I believe I overlapped with the

8 interpreters. You said that you transmitted and submitted the file

9 to Mr. Sokol Dobruna, and then did you mention anything else?

10 A. Just like in any other case, in this case the case file and the

11 person were sent to the detention centre. To the detention centre.

12 Q. That being --

13 A. In Klecke.

14 Q. Thank you.

15 MS. IODICE: If we could now go to the next page of this

16 document.

17 Q. Is this a record of your interview with Sabit Shala?

18 A. Yes, correct.

19 Q. Were you present during the interview?

20 A. Yes.

21 MS. IODICE: Can we scroll down to the -- yes.

22 Q. And there's a signature at the bottom on the right side. Whose
23 signature is that?

24 A. Regardless of the poor quality, I think it is my own.

25 Q. Do you recall if anyone came looking for Sabit Shala?

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Examination by Ms. Iodice (Continued)

1 A. Yes, I do.

2 Q. Can you tell us who?

3 A. In Terpeze, at the house where we stayed with Bajram Gashi and
4 the other persons I mentioned earlier, the father of Safet Shala came
5 to inquire about his son. He was in the company of someone -- of
6 another person, and this happened several days later.

7 Q. And what did he inquire? What did he ask you?

8 A. He inquired about the whereabouts of his son, and I told him
9 that his son was at the detention centre in Klecke.

10 Q. Can you tell us what happened next?

11 A. He said that he had come in order to replace his son so that he
12 would stay in detention for his son to be released, and I told him
13 that that is not part and parcel of my powers. And after I told him
14 that this was within the powers of the military court, he asked for a
15 meeting to be set up with the chief of the military court to discuss
16 this.

17 And given that Bajram Gashi as commander of the military police
18 knew Habib, we decided to give him the favour of taking him all the
19 way to Divjake to meet Mr. Sokol Dobruna. In order to gain entry to
20 the office of Sokol Dobruna, you had to go past a guard. There was a
21 Laura [phoen] there and a guard. Those two people stayed at that
22 point and I went to Mr. Sokol Dobruna myself.

23 I explained to Sokol Dobruna everything that I mentioned
24 earlier, i.e. who had come and why they had come, and that they would
25 like to have a meeting with Mr. Sokol Dobruna. He said, "How is it

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 possible to have a criminal come so that another criminal would be
2 freed?" Not only did he not ask -- did he not accept to meet Habib's
3 father [as interpreted], but he ordered a unit of the General Staff
4 to send two individuals in order to detain Mr. Habib Shala.

5 Q. Okay. I'm going to stop you because you're speaking a little
6 too fast. So I'd like to just clarify a couple of points.

7 You said:

8 "He said, 'How is it possible to have a criminal come so that
9 another criminal would be freed?'"

10 Who said that?

11 A. Mr. Sokol Dobruna said there is a criminal who has come to free
12 up another criminal or to serve as guarantee for a criminal.

13 Q. And you say -- it's recorded that you said "he did not accept
14 two people -- to free Habib's father, but he ordered a unit of the
15 General Staff to send two individuals in order to detain Habib
16 Shala."

17 Did you mean he did not accept to free Sabit's father -- or,
18 sorry. He did not accept to free -- to replace Sabit with Habib?

19 A. From what he said and then proceeded to order for Habib to be
20 arrested, it follows that he did not even contemplate meeting with
21 him or discussing the case further.

22 Q. Thank you. And you said that he sent two people from the
23 General Staff units to arrest Habib Shala. Who did he send? Which
24 unit did these people belong, do you know?

25 A. I don't know who those two individuals were, but I know that

1 this was a task that he gave to the person who was in chief of that
2 unit, Mr. Ramiz Sertolli, and he asked Mr. Ramiz Sertolli to make
3 this happen. And then he kept me behind to discuss some other cases,
4 and there was no further discussion of this case.

5 Q. And do you know to which General Staff unit Sertolli belonged?

6 A. I'm not sure. It may have been a unit of the military police or
7 some other unit, but it was one of the units under the auspices of
8 the General Staff.

9 Q. At that time and before Dobruna issued an arrest for Habib
10 Shala, had you investigated him?

11 A. Alongside the oral order of Mr. Dobruna to arrest and detain
12 Mr. Shala, Dobruna had also stated the suspicions based on which he
13 wanted that individual detained. So he had provided elements of the
14 suspicions that he had about collaboration on his part. And given
15 that I had an individual who cooperated with me during the war, I
16 gave him these instructions in order to corroborate the suspicions of
17 Mr. Dobruna. However, regardless of what this associate of mine was
18 going to bring to me, that would have no impact whatsoever on the
19 order that had been given.

20 Q. Who are you talking about, Sabit Shala or Habib Shala?

21 A. I am referring to Sabit Shala all the time. We did not deal
22 with the issue of Habib Shala. That is not something we dealt with.
23 I mean, us as military policemen.

24 Q. Okay. So you did not investigate Habib Shala?

25 A. Absolutely not.

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Examination by Ms. Iodice (Continued)

1 Q. Do you know what he was accused of, Habib?

2 A. No. With the exception of what his son had stated in his own
3 statement, I have never had anything concrete in my possession about
4 him.

5 Q. Thank you. And do you know if Habib and Sabit were detained in
6 Klecke?

7 A. It is known that Sabit was in detention because we sent him
8 pursuant to the order of detention and the case file that is in front
9 of you. Whereas Habib was detained at the moment when we went up to
10 the General Staff as I mentioned earlier.

11 Q. Thank you. Do you know how long they were detained for?

12 A. I do not know how long they were kept in detention, and this
13 applies to these two or anyone else. And as I mentioned, after some
14 time, and I don't know how long afterwards, I chanced upon him in one
15 of the gorges, like the gorges of Shala, Kishnareke, and so on and so
16 forth, where a large number of the civilian population had gathered,
17 and in one of those gorges I met Habib and I came to realise that he
18 had been released. However, I had no further interest in looking
19 into it anymore.

20 Q. And just so that the record is clear, to your knowledge, at
21 which location were they detained?

22 A. At the detention centre at Klecke.

23 Q. Thank you. Now I'd like to ask you about Muje Telaku.

24 MS. IODICE: Could we please go to -- sorry, we have to go back
25 to document 082926 to 083087 and go to page PDF 64, which is ERN

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Examination by Ms. Iodice (Continued)

1 082989. And this specific page is already part of the associated
2 Exhibit P2010.

3 Q. Do you recognise this report -- sorry. Do you recognise this
4 report?

5 A. Yes, I do. I have seen it.

6 Q. Did you sign it?

7 A. Yes, correct.

8 Q. Whose signature is on the left side?

9 A. It's 20 March 1999, and it was admitted or received by
10 Mr. Sokol Dobruna.

11 Q. Thank you. And the allegations against Telaku as stated in this
12 document are that he arbitrarily detained a civilian, Sylejman
13 Ramadani. Is that your recollection?

14 A. Even though the qualification would have been too harsh given
15 that we were not professionals at the time, Mr. Telaku detained an
16 individual. However, not being fully aware of the legal formulations
17 at the time, we called that an arbitrary detention -- or arrest,
18 rather.

19 Q. Thank you. And in the penultimate paragraph, it notes that you
20 attached the written statements to this report. Is that your
21 recollection?

22 A. Everything you see written down here would have happened,
23 because at the moment of the -- at the moment when the case file was
24 submitted before Mr. Dobruna, that should have had attached all the
25 documents that we as military policemen had in our possession as a

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 basis for the case.

2 MS. IODICE: And could we now go to PDF pages 67 and 68. Those
3 are ERN 082992-082993.

4 Q. Was this taken during the course of your work on this case?

5 A. Yes. Given that it pertains to the case file we're mentioning,
6 it would follow that it would have been taken at that particular
7 point in time.

8 Q. And do you recall who typed it?

9 A. I think that the same would have been typed out at the unit of
10 the military police at Bellanice, the team led by Uke Gegaj, and
11 typed out by Asman Hoxha. So I think that the typing was done by
12 Asman Hoxha.

13 Q. And do you know why Ramadani was stopped, what the allegation
14 against him was?

15 A. From what I was told at the time and what's contained in the
16 documents, there was an unfounded suspicion of collaboration, which
17 means that not a single bit of evidence was submitted to enable us to
18 proceed any further. And in consultation with Mr. Dobruna, the
19 decision was taken to free him up in the morning. So he was kept in
20 detention overnight, and Mr. Hoxha stayed with him throughout the
21 night as some sort of a guarantee.

22 This individual was not only released but also escorted up to
23 some houses where he felt safe enough to be able to travel further
24 onwards.

25 Q. Thank you. And when you say -- just so that it's clear, when

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Examination by Ms. Iodice (Continued)

1 you say "suspicion of collaboration," what type -- who were they
2 accused of collaborating with?

3 A. When the term "collaborator" is mentioned, it means cooperation
4 with the Serbs. However, there was no factual basis for this
5 suspicion.

6 Q. Which is why he was freed?

7 A. Yes, he was freed.

8 Q. In the centre of this paragraph, it's noted that Ramadani said
9 that he assisted the KLA disposing of a body, and that later on he
10 found out that the person that he discarded was Muhamet Shapeta. Do
11 you know if this allegation by Ramadani was ever investigated by
12 anyone?

13 A. What I can state here before the Trial Panel is that every
14 single individual who was questioned gave a statement which was
15 accurately recorded in that statement. So I do not know on whether
16 this information contained in this statement was correct. I did not
17 know then or later.

18 And with reference to the concrete question by the Prosecutor, I
19 do not know on whether investigations were done. However, even were
20 that to have been a true fact, it would not have been up to
21 Brigade 121, so it was -- it would not have been up to us to
22 investigate. If an investigation was carried out, other units or
23 brigades would have done it. However, the fact remains that these
24 details were all submitted as part of the case file to Mr. Dobruna --
25 before Mr. Dobruna. Our powers did not permit us to pursue these

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1 matters any further.

2 MS. IODICE: Your Honour, I have about five minutes to complete
3 this line of questioning. Should I proceed? Thank you.

4 PRESIDING JUDGE SMITH: Yes, if you can do it in that time
5 period.

6 MS. IODICE: Can we go to page 65 of this PDF, and that's
7 082990.

8 Q. Is this the report by your squad commander, noting that Telaku
9 had stopped Ramadani who was held overnight?

10 A. Yes, this is a report. It's not from the platoon commander but
11 the commander of the squad of military police at Bellanice.

12 Q. Thank you.

13 MS. IODICE: And if we can go now to PDF page 66. That's ERN
14 082991.

15 Q. Do you recognise the signatures on this report?

16 A. Yes, I do. The report has been signed by the squad commander
17 Uke Gegaj and the administrator of this squad Mr. Asman Hoxha.

18 Q. And it notes that Ramadani was released following a verbal order
19 of the zone military police commander. That was Nexhmi Krasniqi;
20 correct?

21 A. What I am able to say here is that the order was issued after my
22 consultation with Mr. Dobruna. I don't know if Mr. Nexhmi Krasniqi
23 had knowledge of this or on whether he had dealt with this
24 tangentially. However, this came after my consultation with
25 Mr. Dobruna given that there was no evidence for the continued

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1 detention of the suspect.

2 Q. Thank you. And to your knowledge, was Telaku arrested or
3 detained during -- or as a result of this case?

4 A. From what I know, Mr. Telaku, who we sent a criminal report on,
5 was taken in for questioning by Mr. Dobruna but not detained.

6 Q. Thank you.

7 MS. IODICE: Your Honour, I'd like to tender the additional
8 pages into evidence and add them to P02010, and these are the pages
9 082990 to 082993.

10 PRESIDING JUDGE SMITH: Any objection? None.

11 082990 to 08299 -- I missed -- I've lost that. What's the end?

12 MS. IODICE: Your Honour, the pages I'm tendering are 082990 to
13 993.

14 PRESIDING JUDGE SMITH: Those will be admitted and added as
15 requested.

16 THE COURT OFFICER: Thank you, Your Honour. Those pages will be
17 added to Exhibit P02010. Classification is confidential.

18 MS. IODICE: Thank you.

19 PRESIDING JUDGE SMITH: Witness, we take a half-hour break at
20 this time. You can leave the courtroom now, and we'll be back at
21 11.30.

22 [The witness stands down]

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 --- Recess taken at 11.02 a.m.

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

1 PRESIDING JUDGE SMITH: Mr. Misetic, you had something for the
2 record?

3 MR. MISETIC: Yes, we just wanted to state our position on the
4 record. Towards the end of the Prosecution's direct before the
5 break, there was a document put to the witness about an allegation by
6 Mr. Ramadani concerning the alleged execution of someone named
7 Muhamet Shapeta and the disposal of the body. And then a follow-up
8 question was asked as to whether an investigation was done into that
9 incident.

10 We have no -- not only is there no allegation in the indictment
11 or pre-trial brief about any person named Muhamet Shapeta, but we
12 have no disclosures other than this one document about any such
13 person having ever been killed or even that he existed. And,
14 therefore, we would object to the Prosecution using that evidence
15 because we have no notice of it. Thank you. Of the allegation.

16 PRESIDING JUDGE SMITH: Well, let's -- first of all, do you
17 intend to use that information for any purpose?

18 MS. IODICE: Your Honour, I asked that question within the
19 context of the witness's knowledge and what his duties were and how
20 he dealt with cases and --

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 You were not trying to prove some other point?

23 MS. IODICE: No.

24 PRESIDING JUDGE SMITH: Your point is well taken. Thank you.
25 Bring the witness in, please.

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: We'll proceed now, Witness, with the
3 questions from the Prosecution continuing.

4 Go ahead.

5 MS. IODICE: Thank you, Your Honour.

6 Q. Mr. Krasniqi, I'd like to talk now about the case of
7 Naser Hasani.

8 MS. IODICE: Could we please have 082926 to 083087 and go to
9 page 082939 and 082940. And I'd like to note for the record that
10 these two pages have been already admitted as P263.

11 Q. Is this your report to the military prosecutor in the
12 Naser Hasani case?

13 A. Yes.

14 MS. IODICE: Could we please go to the next page.

15 Q. Do you recognise your signature on this document?

16 A. Yes.

17 Q. Do you know whose signature we see on the left side?

18 A. On the left side, we see the signature of the prosecutor
19 Haki Kryeziu.

20 Q. Thank you. And what were the accusations against Hasani? Do
21 you recall?

22 A. Naser Hasani -- so, first of all, I need to mention that he was
23 a member of the KLA. Then, while wearing a KLA uniform, and in the
24 name of the KLA and the General Staff, he committed some burglaries
25 in houses in a village in Shtime while -- and in the process wounded

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Examination by Ms. Iodice (Continued)

1 three civilians.

2 Q. Thank you.

3 MS. IODICE: Can we go to page PDF 16. That's ERN 082941. And
4 scroll page by page to -- go to the next page and then the page
5 after.

6 Q. Whose signatures do you see at the end of this page?

7 A. As we can see in the document, the first signature is that of
8 the suspect, Naser Hasani. The signature in the middle is that of
9 the recorder, Asman Hoxha. And the third signature is my signature
10 in my capacity as the booking official.

11 Q. And do you remember who took the statement?

12 A. As it can be seen in the document, I took the statement together
13 with Asman Hoxha -- or with the assistance of Asman Hoxha.

14 Q. Do you remember where it was taken?

15 A. Yes. This statement was taken in Klecke.

16 Q. Where?

17 A. At the location at the -- where the detention centre was, on the
18 upper floor of the house, there was a room which was used to
19 interview persons by Mr. Dobruna. Because of limited resources on
20 premises, we would use on some occasions this room upon consent of
21 Mr. Dobruna.

22 Q. And do you recall if Dobruna was present when this statement was
23 taken?

24 A. No, during this statement Mr. Dobruna was not present. As he
25 himself told me, Dobruna interviewed him after we submitted the case

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Examination by Ms. Iodice (Continued)

1 file to him.

2 MS. IODICE: Now could we go to the next page, that's

3 ERN 082944. If we can -- yeah, thank you.

4 Q. Was this also taken in the course of your work on this case?

5 A. Yes, because the suspect, Naser Hasani, had committed a series
6 of violations which were then dealt with in a joint case. I mean in
7 a joint criminal report which included the violations committed by
8 the suspect, Naser Hasani.

9 Q. And do you recognise the signatures on this document?

10 A. The same as in the previous document. The first signature is
11 that of the suspect Naser Hasani, the second one is that of Asman
12 Hoxha, and the third one is my signature.

13 MS. IODICE: Could we please go to the next page, that's
14 ERN 082945.

15 Q. Was this also taken in the course of this case?

16 A. Yes. This was prepared in the course of this case and then
17 attached to the same, with the same persons as previously, signed by
18 the suspect, the recorder, and the booking official.

19 Q. Thank you.

20 MS. IODICE: Could we go page by page from PDF page 21, that's
21 082946, to PDF page 40, and that's 082965.

22 Q. Mr. Krasniqi, if you could look at these pages as we go through
23 them and tell us if they were taken in the course of this
24 investigation. Can we go to the next page?

25 A. Yes. These were prepared in the course of the same case.

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Examination by Ms. Iodice (Continued)

1 Q. And I'll ask you the question again at the end. I'll now move
2 on through the pages. If you can look at each page, and then I'll
3 ask you the question at the end.

4 A. We can go to the next page. Again. Next one. Next one. Next
5 one. Next one. Next one. Next one. Next one. This is hardly
6 legible. The copy is very poor. However, its content is more or
7 less clear to me.

8 Q. Thank you.

9 MS. IODICE: And just for the record, the witness is referring
10 to the page ending -- the page 082959.

11 THE WITNESS: [Interpretation] Understood. Next one. Next one.
12 Next one. Next one.

13 MS. IODICE:

14 Q. So all these documents I showed you, were they all part of the
15 Naser Hasani file?

16 A. Yes, that's correct. All the documents we saw were part of the
17 file of Naser Hasani.

18 MS. IODICE: And if we can go now to the next page, that's 41.

19 Q. Are these notes part of the Naser Hasani file?

20 A. These are notes made by one of my associates whom I mentioned
21 earlier and are directly related to the case of Naser Hasani.

22 Q. And can you tell us who your associate was?

23 A. If I can say this in a public session, I will.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE WITNESS: [Interpretation] It was Mr. Naim Baftiu.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 MS. IODICE:

2 Q. And you mentioned in your statement that he was bringing you
3 information when you were part of ZKZ; and that's in P2007.4, page 3.

4 MS. IODICE: Now if we can go to the next page.

5 MR. DIXON: Your Honours, is there a question coming after that?
6 I don't know why the Prosecution has summarised some evidence there
7 and just left it like that.

8 PRESIDING JUDGE SMITH: She hasn't left yet, so ...

9 MS. IODICE:

10 Q. What is this?

11 A. They have no relevance to this case or to any other case. These
12 are simply invoices in Serbian which were used by my associate to
13 write things on the back page.

14 Q. So this is the back of the notes; right? The notes were written
15 on the back of these receipts?

16 A. That's correct. Yes.

17 MS. IODICE: Can we please now move to page PDF 51, and that's
18 082976.

19 Q. Do you recognise the signature on this page?

20 A. Yes, this is the signature of Mr. Baftiu.

21 MS. IODICE: If we could please now go to page PDF 53, and
22 that's 082978. And now to page 58, which is 082983.

23 Q. Are these also notes taken by your associate Baftiu regarding
24 the Hasani case?

25 A. They are notes of the same associate. However, they might also

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1 contain information of other nature, as we can see at the end of the
2 page.

3 Q. And do you -- why in this case, why did you take so many
4 statements?

5 A. This was a complicated case in which other soldiers were also
6 involved, who provided assistance in one shape or the other, and
7 dozens of witnesses were interviewed in order for us to shed light on
8 the case.

9 Secondly, the other reason is that in the context of the
10 circumstances at the time, we did not have always sufficient time to
11 deal with a case. In this particular case, we gave it more time and
12 it took more time until we elucidated the case. This is the reason
13 why I mentioned that every case had their own specifics.

14 Q. And do you know whether Hasani was detained as a result of these
15 proceedings?

16 A. Yes, he was detained.

17 MS. IODICE: Your Honour, I'd like to tender these additional
18 pages into evidence, and these are 082941 to 082983. And if they are
19 admitted, they could maybe be added to P263, which is the original
20 report.

21 PRESIDING JUDGE SMITH: Any objection?

22 MR. DIXON: Your Honours, there's no objection, but I do wish to
23 come back to the point I made earlier, perhaps at another stage when
24 the witness is not here, because the part of the evidence that was
25 put, there was no question, and it wasn't a full summary of what the

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 witness said. I know I can return to it in cross-examination --

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. DIXON: -- but I wanted to highlight that now. Thank you,
4 Your Honours.

5 PRESIDING JUDGE SMITH: Thank you.

6 Anybody else? No.

7 So 082941 to 082983, is that the full range?

8 MS. IODICE: Yes.

9 PRESIDING JUDGE SMITH: It's admitted and will be added to P263.

10 MS. IODICE: Thank you.

11 Could we now please have Exhibit ERN IT-03-66 P30, and the
12 translation IT-03-66 P30a.

13 Q. Do you remember that I showed you this document last week?

14 A. Yes.

15 Q. And do you know whose handwriting this is?

16 A. I think this is the same handwriting which is that of
17 Mr. Baftiu.

18 Q. Thank you. And if you have a look at the first notes, you can
19 see that there's notes about specific individuals. Is this the type
20 of information that Baftiu also provided you?

21 A. More or less, this is of the same nature.

22 Q. Thank you.

23 MS. IODICE: And if we can go, please, to the next page.

24 Q. Are these receipts similar to the ones that were used by Baftiu
25 in the Naser Hasani case?

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Examination by Ms. Iodice (Continued)

1 A. I think they are. These must be same or similar invoices.

2 MS. IODICE: If we could now go to PDF page 11, this is marked
3 U003-3322.

4 Q. Do you recognise this signature?

5 A. Yes.

6 Q. Whose signature is it?

7 A. This is the signature of Mr. Baftiu.

8 Q. Thank you.

9 MS. IODICE: Your Honour, I'd like to tender this document into
10 evidence.

11 PRESIDING JUDGE SMITH: Any objection? None.

12 Is this just the single page?

13 MS. IODICE: No, it's a range of several pages.

14 PRESIDING JUDGE SMITH: [Microphone not activated] That one?

15 MS. IODICE: Yes, it's IT-03 --

16 PRESIDING JUDGE SMITH: IT-03-66 P30 and the translation at P30a
17 is admitted.

18 THE COURT OFFICER: Thank you, Your Honour. That document and
19 its English translation will be assigned Exhibit P02018.
20 Classification is public.

21 PRESIDING JUDGE SMITH: Thank you.

22 MS. IODICE: Thank you.

23 Q. Now, I'd like to ask about the case of Hysni Lika.

24 MS. IODICE: And could we please have, again, 082926 to 083087
25 and go to page PDF 84, which is 083009.

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Examination by Ms. Iodice (Continued)

1 Q. Do you recall this case or regarding a man called Hysni Lika?

2 A. Yes, I do recall it because we discussed this during the
3 preparation session.

4 Q. And in this document, it's stated that he was called to the MP
5 in Shale/Sedllar for a conversation. Does that match your
6 recollection?

7 A. Yes. I recall that the military police squad in Sedllar
8 informed us about the case and we dealt with it.

9 Q. And do you recall what the allegations against him were?

10 A. I think there were suspicions or indications of collaboration.

11 Q. Okay. Thank you.

12 MS. IODICE: Now could we go to PDF page 85, which is ERN
13 083010.

14 Q. So this is dated 2 January. Was this part of the Hysni Lika
15 file?

16 A. Yes, this is a document that is connected to Hysni Lika's case.
17 It's a statement taken by the squad commander at Sedllar.

18 Q. Do you know who signed it?

19 A. As I said it, it was the commander of the military police squad
20 at Sedllar named Avni Shala.

21 Q. And here it confirms that Lika was taken for an interview on
22 2 January, which was also noted in the previous document. Do you
23 confirm? Is that according to your recollection?

24 A. Yes, that's what must have happened.

25 MS. IODICE: Can we please go to PDF page 82, that's ERN 083007.

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Examination by Ms. Iodice (Continued)

1 And if we could see the signatures on the -- thank you.

2 Q. Was this also part of the file?

3 A. I can state that this was the last document of the case in
4 point.

5 Q. And whose signatures do we see?

6 A. These signatures belong to the following people: The first is
7 the suspect, even though it states there that he was a witness; in
8 the middle, you see the signature of Shefqet Bylykbashi; and the one
9 on the right belongs to Mr. Sokol Dobruna.

10 Q. Who carried out the interview in this case?

11 A. Given that we had only just begun to take our responsibilities
12 as military police within the brigade, and that the case was reported
13 by the Sedllar people, and in the absence of a sufficient legal
14 knowledge of how to handle these cases, we wanted to consult
15 Mr. Dobruna, who expressed his willingness to accompany us. And on
16 this occasion he did the interviewing, so he questioned Hysni Lika.

17 Q. Thank you.

18 MS. IODICE: Okay. Could we go please to the next page, and
19 that's PDF 83, ERN 083008.

20 Q. Is this also part of the Lika file?

21 A. Yes. From what I recall, this document forms part of the same
22 case file too.

23 MS. IODICE: And if we can scroll down the Albanian. Thank you.

24 Q. Do you know who signed it?

25 A. On the right, we see the squad commander who was Avni Shala.

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1 However, the signature is not his. It looks like what's written
2 there is PU Abeja. If I am deciphering this correctly, Abeja was the
3 nickname of the military policeman of this squad named
4 Afrim Shamolli.

5 Q. Thank you. And do you know, to your knowledge, did Dobruna
6 issue a decision in this case?

7 A. As I stated earlier, the document shown earlier was the final
8 document of this case file, and he did not deem it necessary or
9 well-grounded for the case to continue any further. Mr. Dobruna,
10 that is. And I considered that case to have been closed there and
11 then.

12 Q. Thank you. Do you know if Lika was ever detained in Klecke?

13 A. What I'm able to state here is that he might have been detained,
14 but that he was not detained by the military policemen of Brigade
15 121, even on the occasion that he might have been detained.

16 Q. Okay. Thank you.

17 MS. IODICE: I'd like to tender these pages into evidence, and
18 these are 083007 to 083010.

19 PRESIDING JUDGE SMITH: Any objection?

20 MR. ROBERTS: No objection, Your Honour.

21 PRESIDING JUDGE SMITH: None.

22 MS. IODICE: If they could --

23 PRESIDING JUDGE SMITH: 083007 to 083010 are admitted.

24 MS. IODICE: Could they be added to P2010?

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 If no objection, it will be added to P2010.

2 MS. IODICE: Thank you.

3 Q. I'd like to now move on to the case that you referred to as
4 Krojmir case. You have discussed in your statement the case of four
5 military police officers and a soldier and Rexhep Selimi's
6 involvement in the case. And this is at P2007.4, pages 10 to 17.

7 MS. IODICE: Could we please bring up page PDF 130 of this same
8 range, and that is 083055.

9 Q. Here we can see a statement by Faik Shala. Is this one of the
10 victims in the case?

11 A. Correct, yes. He's one of the victims of the individuals you
12 mentioned. He comes from the village Ngucat.

13 MS. IODICE: And can we go to the next page, please.

14 Q. Here at the bottom it states that he added a biography and a
15 medical report.

16 MS. IODICE: So if we can move to the next page.

17 Q. Is this one of his attachments?

18 A. Yes, that is correct. It is an autobiography of Mr. Shala, a
19 brief one, and I think that he himself compiled it.

20 MS. IODICE: And this is, for the record, 080357. Could we go
21 to the next page, that is 083058.

22 Q. Is this the medical report that he attached?

23 A. This report also forms part of the documentation of this case.
24 It is a medical report in which the injuries that Mr. Shala had
25 suffered are reflected.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 MS. IODICE: Can we go now to page PDF 138. That's ERN 083063.

2 So if we can move to the next page.

3 Q. This is a declaration by Elmi Olluri. And was this also part of
4 the file?

5 A. Yes. This is Dr. Elmi Olluri who submitted a complaint against
6 some suspects, and this was attached to the case file.

7 MS. IODICE: Can we go to the next pages and scroll page by page
8 until page 083066.

9 THE WITNESS: [Interpretation] This is the same document that we
10 saw earlier, of the doctor, that is. However, this here is in
11 handwriting. In order to be able to read it more easily, we
12 transcribed it and typed it out.

13 MS. IODICE: And can we go to the next page and then to the one
14 after that. Yeah, and to the next one. Oh, sorry. If we can go
15 back.

16 Q. This was another -- this was the end of the statement by Olluri;
17 right?

18 A. Yes, this is the end of the statement of Dr. Olluri. And as you
19 can see there, I think he writes in there:

20 "I send you my greetings, Dr. Elmi Olluri."

21 MS. IODICE: Can we now move to PDF page 144, which is ERN
22 083069.

23 Q. Do you recognise this document?

24 A. Yes, I do.

25 Q. What is it?

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 A. This is a statement taken from the detained individual, one of
2 the five detained persons. This is what this document contains.

3 Q. Who signed it?

4 A. This was a statement taken and signed by Mr. Asman Hoxha.

5 Q. And just so that the record is clear, when you say "detained
6 individual," do you mean a suspect or a victim?

7 A. It's what I -- what was mentioned earlier, that there were four
8 military policemen who were suspects, including this soldier, one of
9 the regular soldiers of the KLA.

10 MS. IODICE: Could we now go to page PDF 145, which is
11 ERN 083070.

12 Q. Is this also part of the case file?

13 A. Yes, it is.

14 MS. IODICE: Can we go to the next page. If we can scroll down.
15 Thank you.

16 Q. Do you recognise the signatures?

17 A. Yes. It's the individual, the victim mentioned earlier,
18 Mr. Faik Shala. And the person who took the statement is Mr. Asman
19 Hoxha.

20 MS. IODICE: Could we now go to the next page, that's
21 ERN 083072.

22 Q. Is this also part of the case file?

23 A. This is a document of a person who was questioned in the
24 capacity of a witness, and it is related to the case of the suspects.

25 Q. Thank you. The suspects in the Krojmir case?

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 A. Yes, those ones.

2 MS. IODICE: Can we go to the next page.

3 Q. Do you recognise the signatures on this page?

4 A. Yes. The signature of the witness whose statement was taken and
5 of Mr. Asman Hoxha.

6 Q. Thank you.

7 MS. IODICE: Could we please move to the next page, that's
8 ERN 083074.

9 Q. Is this also part of the case file?

10 A. Yes, this document also forms part of this case file. It's
11 another witness, if I'm not mistaken. And there are, in fact, two
12 witnesses and two signatures. And the note-taker and the booking
13 official again continues to be Mr. Asman Hoxha.

14 MS. IODICE: And can we please go to the next page, that's
15 ERN 083075.

16 Q. The same question: Is it also related to the case of Krojmir?

17 A. Yes, it is related to the Krojmir case. And it has been signed
18 by the person giving the statement and by Asman Hoxha, who has signed
19 in both capacities as the note-taker and the booking official.

20 MS. IODICE: Could we please now go to PDF 134, and that is ERN
21 083059.

22 Q. Do you recognise this document?

23 A. Yes, I do.

24 Q. Is it part of the Krojmir case?

25 A. Yes.

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Examination by Ms. Iodice (Continued)

1 Q. And who signed it?

2 A. This is a document which has been signed by the brigade
3 commander.

4 MS. IODICE: Could we now go to page PDF 137, that's ERN 083062.
5 This is also dated 30 April.

6 Q. Do you recognise this document?

7 A. Yes.

8 Q. Who signed it?

9 A. This is a document which has been signed by Mr. Nexhmi Krasniqi.

10 Q. Was it part of the Krojmir case?

11 A. Yes, it was.

12 MS. IODICE: Could we please go to PDF page 142, and that is
13 ERN 083067. And this is an order dated 30 April.

14 Q. Do you recognise it?

15 A. Yes, I do.

16 Q. Is it part of the same -- was it done in the course of your work
17 on the Krojmir case?

18 A. In fact, this is a summons to two military policemen who are
19 being asked to report to the military police command in Klecke.

20 Q. Were these two of the suspects?

21 A. Yes, these are two of the five suspects.

22 Q. And who signed this document?

23 A. It was signed by Mr. Nexhmi Krasniqi.

24 MS. IODICE: Could we please now go to page 135 in PDF, and the
25 ERN 083060.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. Do you recognise this report? This is dated 30 April.

2 A. Yes, I do.

3 Q. Was it part of the case?

4 A. Yes.

5 Q. Do you know who signed it?

6 A. Mr. Nexhmi Krasniqi.

7 MS. IODICE: Can we please go to the next page.

8 Q. The same questions in relation to this document. Was it part of
9 the case file?

10 A. Yes, it was.

11 Q. Who signed it?

12 A. Mr. Krasniqi.

13 MS. IODICE: Can we now go, please, to page PDF 143, that's
14 ERN 083068, and this is a decision dated 1 May.

15 Q. Do you recognise this document?

16 A. Yes, I do.

17 Q. Who signed it?

18 A. It was signed by Mr. Nexhmi Krasniqi.

19 Q. And in the first paragraph, there is -- it's stated what the
20 allegations against the four people were. And it states that they
21 committed arbitrary arrest, mistreatment of civilians, isolation of
22 persons, and so on.

23 To your recollection, were these the allegations against the
24 suspects in the Krojmir case?

25 A. Yes. There were arrests. The more adequate term is arbitrary

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Examination by Ms. Iodice (Continued)

1 arrests. There were cases of mistreatment of civilians. All of
2 which are based upon the statements made by the individuals, the
3 civilians that formed part of the case.

4 Q. In the second sentence -- in the second paragraph at the end,
5 there is a reference to Shala zone. Can you clarify what that is
6 referring to?

7 A. Yes, I can. The reference here is not to the operational zone
8 of Shala but for the Sedllar -- for the houses. We're talking about
9 the areas inhabited in Shala or around it.

10 Q. Thank you. And this is the decision to strip these suspects of
11 their military police status. To your knowledge, was it implemented?

12 A. Yes, it was implemented. However, let me add that the decision
13 was taken by the brigade commander. What I see here is a decision
14 signed by someone else. However, it is based on the order of the
15 brigade commander who had the powers to issue this kind of decision.

16 Q. Thank you.

17 MS. IODICE: Could we please go to page PDF 158, and this is
18 ERN 083083. And this is an announcement dated 15 May.

19 Q. Do you recognise this document?

20 A. Yes.

21 Q. Is this related to the same case referred to as Krojmir case?

22 A. Yes.

23 Q. Who signed it?

24 A. Mr. Nexhmi Krasniqi.

25 MS. IODICE: Could we please bring up ERN 124959 to 124990 and

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Examination by Ms. Iodice (Continued)

1 go to the PDF page 30, which is ERN 124988.

2 Q. Do you remember providing this document to the SPO last week?

3 A. Yes, correct.

4 Q. How did you obtain it?

5 A. This document would have been obtained at the time of these
6 events or when this decision was taken. However, I found it much
7 later, as was the case with other documents. So it was found as part
8 of some of my personal documents.

9 Q. Do you recognise the signature on it?

10 A. Yes.

11 Q. Whose is it?

12 A. This document was signed by the brigade commander,
13 Mr. Haxhi Shala.

14 Q. And is the format of this document consistent with the other
15 documents issued by Haxhi Shala and the brigade command?

16 A. It is not true that there was a standard format. As you can
17 see, some documents were printed out of a computer, others on a
18 typewriter, but it is one of the formats used by the brigade. I am
19 aware of this case, however, and I know that this was issued by the
20 brigade.

21 Q. And is it related to the Krojmir case?

22 A. Yes, certainly.

23 Q. And can you explain at point 1 what he means with the complaint
24 is dismissed?

25 A. On the basis of a document we saw earlier which said that the

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Examination by Ms. Iodice (Continued)

1 brigade commander has taken an issue to strip the military policemen
2 of the status of military policemen, and for them to be transferred
3 to a different unit to serve as privates of the KLA, pursuant to this
4 they sent a complaint up to the brigade commander. Having assessed
5 them, the brigade commander dismissed these complaints as unfounded,
6 these complaints made on 1 May 1999.

7 Q. Thank you.

8 MS. IODICE: Your Honour, I'd like to tender the documents that
9 I've used so far, and these are 083055 to 083075, 083083, and 124988.

10 PRESIDING JUDGE SMITH: Any objection?

11 MR. DIXON: Your Honours, we don't object to the documents that
12 we've had notice of except the last one, which was notified very late
13 as we've highlighted before. So we would object to that last one
14 being admitted on the same basis. Otherwise, there'd be no
15 consequence for the SPO in doing this with this witness or other
16 witnesses before the end of the Prosecution case.

17 PRESIDING JUDGE SMITH: 083055, 083075, 0830 -- is it 85?

18 MS. IODICE: [Microphone not activated].

19 PRESIDING JUDGE SMITH: 83.

20 MS. IODICE: [Microphone not activated].

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MS. IODICE: Sorry, Your Honour. I was tendering the range
23 083055 to 083075, and 083083.

24 PRESIDING JUDGE SMITH: I'll start over. 083055 to 083075 is
25 admitted. Also 083082 and 124988 --

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1 MS. IODICE: And it was 083083.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 The last document objected to by Mr. Dixon is -- the objection
4 is overruled based upon our previous ruling.

5 THE COURT OFFICER: Thank you, Your Honour. Just for the
6 clarity, I'll repeat once again. The first document is the range
7 083055 to 083075, and single page 083083, and those are to be added
8 to P02010?

9 MS. IODICE: [Microphone not activated].

10 THE COURT OFFICER: The last one originates -- the last one is
11 the page where we also already had a couple of pages admitted as
12 P02015.

13 MS. IODICE: [Microphone not activated].

14 THE COURT OFFICER: Yes. So the page 124959 -- sorry, 124988 to
15 124988 will be added to Exhibit P02015. Thank you.

16 PRESIDING JUDGE SMITH: All right. Thank you.

17 MS. IODICE: [Microphone not activated].

18 Q. I'd like to go back to the evidence that you already provided
19 about this case. You stated that you summonsed the suspects to your
20 office, disarmed them, and put them in prison in Klecke. I'm
21 referring to P2007.4, pages 11, 13. And you said that Dobruna wasn't
22 there, and the case could affect the public opinion and the KLA, and
23 Rexhep Selimi came. That's all at that reference.

24 Now, how important was this case?

25 A. First of all, I would like to make a correction. They were

1 summonsed in the same office, in the office where Mr. Dobruna
2 interviewed the suspects, which, in fact, was not our office but
3 which we used at times because we did not have enough premises.

4 This case was important to us because it damaged directly the
5 reputation of the KLA in the eyes of the population, and this was
6 absolutely important to us all. And also there were numerous
7 complaints against these people, not only from civilians but also
8 from soldiers, hence the size and volume of the case.

9 Q. Do you recall whether it was discussed at a higher level?

10 A. Precisely, I -- on this occasion, I needed to consult with
11 Mr. Dobruna. I went to see him. But from what I know, he was not
12 present, so I came back. The person who informed me about
13 Mr. Dobruna's absence might have been Mr. Kryeziu or somebody else,
14 whom I informed about the reasons I wanted to meet with Mr. Dobruna.

15 However, the confrontation with the suspects occurred on the
16 next day.

17 Q. Okay. And you have provided details about this incident in your
18 statement and that's already in evidence, so I'll just ask you a
19 couple more details.

20 Did you continue investigating this case once Rexhep Selimi
21 released the suspect?

22 A. I think we should make a distinction or a clarification. Until
23 the moment the suspects were confronted in the presence of
24 Mr. Selimi, the case was being qualified as suspicions for criminal
25 offences. After this case was closed and they were released, then we

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Examination by Ms. Iodice (Continued)

1 within Brigade 121 treated the case as a disciplinary violation based
2 on the competences of the brigade commander, and this is what
3 occurred.

4 Q. Thank you. From what you say, my understanding is that the
5 decision to dismiss them as military police officer came after the
6 meeting with Selimi; is that correct?

7 A. That is correct. Because such an action was within the powers
8 or competencies of the brigade commander.

9 Q. Thank you. Do you recall if Rexhep Selimi took notes during
10 that meeting?

11 A. Given this was a long time ago, I might not be very specific or
12 certain about this detail. I am not certain that he did take notes.
13 It might be the case, but I'm not sure.

14 Q. Thank you.

15 MS. IODICE: Could we please have ERN SPOE00226483 to
16 SPOE00226489. And these are handwritten minutes dated 1 May.

17 Q. Do you remember seeing this document last week?

18 A. Yes, I saw this document for the first time last week during the
19 preparation session. This document was not part of the case file
20 documents which we prepared within the brigade.

21 Q. Thank you. And at the top it says 121 Bashkim Fino. From your
22 evidence, that was your pseudonym; is that correct?

23 A. In Brigade 121, Ismet Jashari, Kumanova, there was no other
24 individual who went by the same pseudonym.

25 Q. Other than you?

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Examination by Ms. Iodice (Continued)

1 A. Perhaps I was misunderstood. There was no other person than me
2 with the same pseudonym, which means that this person must be me.

3 Q. And in addition to your military police duties, here it's noted
4 "*Sherbimi Informativ* - Intelligence Service." Those were also your
5 duties in May 1999?

6 A. The duties were as explained in the beginning of the hearing
7 when we were discussing the appointment.

8 Q. Thank you. And then we can see a number of allegations listed
9 here, including arbitrary imprisonment, unreported isolations, use of
10 physical violence. Are these allegations consistent with those
11 against the military policemen and the soldier in the Krojmir case?

12 A. I do not know who wrote this document. We already discussed
13 about this. However, I can say that it is related to the case we've
14 been discussing until now, which is the Krojmir case.

15 Q. Thank you.

16 MS. IODICE: If we can please go to the next page. These are
17 notes regarding Haxhi Shala.

18 Q. Was he involved in the Krojmir case?

19 A. Yes, he was involved, because we saw a series of documents which
20 proved that he was involved. This was treated as a disciplinary case
21 by Mr. Shala.

22 MS. IODICE: And if we can go to the -- two pages from here, so
23 page 5.

24 Q. At the top, there is notes about Ajvaz Korpuzi. Was this one of
25 the suspects?

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1 A. Yes, one of the suspects and one of the detainees.

2 MS. IODICE: And can we go to the next page.

3 Q. The same question, was Syle Qeriqi also one of the suspects?

4 A. Yes, same.

5 MS. IODICE: And if we can go to the next page.

6 Q. Arsim Haziri, was he also one of the suspects?

7 A. Yes.

8 MS. IODICE: Your Honour, I would like to tender this document
9 into evidence.

10 PRESIDING JUDGE SMITH: The entire range that you mentioned
11 first?

12 MS. IODICE: Yes.

13 PRESIDING JUDGE SMITH: Is there any objection?

14 MR. DIXON: Yes, Your Honour, the same objection. All of that
15 evidence could have been given without showing the witness the
16 document. And his evidence on those matters, which is, of course,
17 legitimate, is being used as a way to get in a document that he knows
18 nothing about, not part of a case file, not written by him.

19 PRESIDING JUDGE SMITH: The objection is overruled.

20 SPOE00226483 to 00226489 is admitted as meeting the *prima facie*
21 standard of Rule 138.

22 THE COURT OFFICER: Thank you, Your Honour. I just have a
23 question about the translation. We have two translations, English
24 translations, one ending at 6489 and 6490.

25 MS. IODICE: The ending 89 is the correct range.

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1 THE COURT OFFICER: Thank you. And the document will receive
2 Exhibit P02019. And classification is confidential. Thank you.

3 MS. IODICE:

4 Q. Did you discuss this case --

5 PRESIDING JUDGE SMITH: Can it -- wait. Can it be reclassified?

6 MS. IODICE: Yes, Your Honour.

7 PRESIDING JUDGE SMITH: It can be reclassified as public.

8 MS. IODICE:

9 Q. In 1999, did you discuss the Krojmir case with anyone else?

10 MR. DIXON: Your Honour, I'm going to object to this line of
11 questioning. I think Your Honours will know why. I can do it with
12 the witness here in general terms or I can do it in the absence of
13 the witness.

14 PRESIDING JUDGE SMITH: The witness will be excused for a few
15 minutes.

16 MR. DIXON: Thank you, Your Honour.

17 [Trial Panel and Court Officer confers]

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MR. DIXON: Okay. Thank you, Your Honour.

21 THE COURT OFFICER: Thank you, Your Honour. The last document
22 was incorrectly admitted as P02018. It should be P02019. Thank you.

23 PRESIDING JUDGE SMITH: All right, Mr. Dixon, now.

24 MR. DIXON: Thank you, Your Honours, for the opportunity. This
25 goes back to the objection that I raised yesterday about paragraphs

1 97 and 98 of Prep Note 2 which concern an entirely new allegation
2 against my client. If Your Honours had the opportunity to look at
3 the pre-trial brief, paragraph 145, where the allegations in relation
4 to this case are set out, they do not mention my client in any way
5 whatsoever. So this is the first time that the allegation has been
6 put to us.

7 Your Honours ruled yesterday that it should not be excluded
8 because it was not being offered for admission by the Prosecution.
9 But if the Prosecution are going to ask the questions today, then it
10 is now being offered for admission by leading live evidence. The
11 late notice is not remedied simply because the Prosecution leads it
12 live as opposed to if it was in some written form. So we're
13 objecting on the basis that it's entirely new, we've never been
14 notified about it before.

15 And, Your Honours, it's not remedied by saying that we could
16 investigate and bring the witness back because the "damage" will be
17 done when the witness comes today and gives that evidence, if he
18 does, and we're not in a position to be able to cross-examine on it
19 because it was so late.

20 Plus, also, as I've stressed before, the Prosecution has to have
21 some consequence for late notice. Otherwise, they're going to keep
22 raising new allegations. They can't do that when they've had
23 ample -- years and years and years to do it, to raise it for the
24 first time now. So therefore the remedy has to be, in our
25 submission, that it should be excluded and the Prosecution should not

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1 be able to lead this evidence live.

2 That's our request, Your Honours.

3 PRESIDING JUDGE SMITH: Thank you.

4 [Trial Panel confers]

5 PRESIDING JUDGE SMITH: All right. Our previous ruling will
6 still apply. The questions may be asked.

7 Please bring the witness back in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Sorry, we will continue now with questions.

11 MS. IODICE:

12 Q. So in 1999, after this incident, did you discuss this with
13 anyone? With anyone else?

14 A. This case was discussed in the brigade, with somebody at the
15 General Staff, and also after several days it was discussed also with
16 Mr. Kadri Veseli.

17 Q. Can you tell me about that discussion with Mr. Kadri Veseli?
18 When did that happen?

19 A. As I said, this occurred after some days. I wouldn't know
20 exactly how many days after. He asked for me in the premises in the
21 building where we stayed in Fshati i Ri. I don't know if he found me
22 there on the second or third occasion. So we left the building, and
23 he asked me about the case, what had happened or what was happening.

24 Q. And what did he ask you exactly? Do you recall?

25 A. He asked about the content of the case, what was this about,

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Examination by Ms. Iodice (Continued)

1 because it's likely that he had heard about the case as such.

2 Q. And do you recall whether you told him the details of the case?

3 A. I wouldn't say in detail because this was a short conversation.

4 However, I can say that I informed him in general terms, provided him
5 with a summary.

6 Q. Do you recall whether you mentioned the allegations against the
7 suspect or what the allegations were?

8 A. We did not document this conversation. Therefore, I am not able
9 to give you the exact words of our conversation. But logically, we
10 would have mentioned the bases for -- that led to the detention of
11 the persons in question.

12 Q. And do you recall what Mr. Veseli replied?

13 A. In relation to the actions in their regard, I did not really
14 receive an answer, nor did I ask him anything. As I said, the case
15 file contained much more documents, many more. There were numerous
16 complaints from citizens and soldiers against the persons in
17 question. However, on the day of the confrontation,
18 Mr. Rexhep Selimi took the whole file with him in order to review it
19 and he had to return it a week later. On that occasion, I mentioned
20 the case file matter with Mr. Veseli to which he reacted saying,
21 "You've made a mistake because he will not return that file to you
22 anymore."

23 Q. Thank you. And at that time, did you know who Kadri Veseli was?

24 A. Of course I knew. Not only me, but as I said yesterday, at the
25 brigade command, we knew the majority of the positions of the members

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Examination by Ms. Iodice (Continued)

1 of the General Staff because of our geographic -- physical proximity
2 with them.

3 Q. And what was his position? Or what did you know his position to
4 be?

5 A. During the war, he was initially known as the leader or the
6 chief of the ZKZ. And then later on, after the establishment of
7 SHIK, he led SHIK.

8 Q. Thank you. And before that day, had you ever had any other
9 meeting with Mr. Veseli such as this one?

10 A. A meeting to discuss a similar matter? No. I might have seen
11 him, but it never occurred that we dealt with any specific case or
12 matter.

13 Q. And did you meet Mr. Veseli on any other occasion after this
14 meeting?

15 A. I might have seen him. But to be more specific, after the war
16 he offered me to join SHIK.

17 Q. And did you join SHIK eventually?

18 A. Yes, I received this offer, as I recall, towards the end of
19 1999, and gave my answer or my decision to join sometime in the
20 beginning 2000 or spring 2000.

21 Q. Thank you.

22 MS. IODICE: Your Honour, I note the time, and I note that I've
23 gone over my allotted time. I still would like to have a few
24 additional -- a little bit more time to complete the examination. I
25 have about four pages and a few more documents that I'd like to the

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1 witness to authenticate.

2 PRESIDING JUDGE SMITH: Can you estimate the time, please?

3 MS. IODICE: I would think at least 45 minutes, Your Honour.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 We'll break now.

6 Witness, we'll have a lunch break at this time. We'll be back
7 at 2.30. Please don't speak to anyone about your testimony.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: Go ahead.

10 JUDGE METTRAUX: Thank you, Judge Smith.

11 Ms. Iodice, there is one document that you used but haven't
12 offered for admission, and I wanted to check whether it's an omission
13 or whether that was intentional. That's SPOE00226490. It's an
14 instruction from Petrit Ujmiri, dated 19 December 1998.

15 MS. IODICE: I didn't want to tender it, Your Honour. Thank
16 you.

17 JUDGE METTRAUX: Thank you.

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

19 --- Luncheon recess taken at 12.59 p.m.

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

21 PRESIDING JUDGE SMITH: Madam Court Usher, please bring the
22 witness in.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: All right. Witness, we continue with
25 questions from the Prosecution.

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Examination by Ms. Iodice (Continued)

1 You have the floor, Madam Prosecutor.

2 MS. IODICE: Thank you, Your Honour.

3 Q. Good afternoon, Mr. Krasniqi. I'd like to ask you whether you
4 recall a person by the name of Sami Duga?

5 A. I remember this individual Sami Duga roughly as somebody who was
6 interviewed somewhere, somehow. I can't recall anymore. If you were
7 to offer me some evidence that might jog my memory, that would be
8 fine.

9 Sami Duga, if I recall correctly, was arbitrarily detained by
10 these suspects, and that's all I remember about it.

11 Q. And you mean the suspects in the Krojmir case?

12 A. Yes, exactly.

13 Q. And do you know if he was ever detained in Klecke?

14 A. I heard of it during the Klecke case. So when going through the
15 paperwork of the Klecke case, that's when I learned that he had been
16 detained. I did not know this during the war.

17 Q. Thank you. I'd like to move to the case of Petrit Hoxha.

18 MS. IODICE: And if we could please have 082926 to 083087 at
19 page 9, which is ERN 082934. And for the record, this is already
20 admitted as Exhibit P264.

21 PRESIDING JUDGE SMITH: What was the name again of the person
22 you're calling -- you're talking about?

23 MS. IODICE: Petrit Hoxha.

24 PRESIDING JUDGE SMITH: Thank you.

25 MS. IODICE:

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1 Q. Do you recognise this document?

2 A. Yes, I do.

3 Q. Is this one of the cases you dealt with?

4 A. Yes, correct.

5 Q. Do you recognise the signatures at the bottom?

6 A. Yes, I do.

7 Q. Whose signatures are those?

8 A. The authorised individual who has signed this criminal report is
9 myself. On the left of this document with the date of 15 September
10 1999, you'll find the signature of the military prosecutor who has
11 received the case file.

12 Q. Thank you.

13 MS. IODICE: And if you could now move to page 10 of the PDF,
14 which is ERN 082935.

15 Q. Do you recognise this document?

16 A. Yes, certainly.

17 Q. Does it belong to the same case file?

18 A. Yes. This is the statement taken from the suspect.

19 MS. IODICE: And could we now go to the next page. And to the
20 next page again.

21 Q. Do you recognise the signatures at the bottom of this statement?

22 A. Yes. At the bottom you see the statement by the suspect Petrit
23 Hoxha and the booking official who, on this occasion, is Asman Hoxha.

24 MS. IODICE: Could we please go to the next page, which is ERN
25 082938.

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Examination by Ms. Iodice (Continued)

1 Q. Do you recognise this report?

2 A. Yes. I saw this as part and parcel of this case, and I think
3 that this is the initial document that set off this whole case.

4 Q. Thank you. And do you recall if you received it?

5 A. Yes, given that it became part of the documentation of the case,
6 I would certainly have seen it.

7 MS. IODICE: Could we please now go to page PDF 123, and that is
8 ERN 083048.

9 Q. Are you able to tell if this document was part of the Petrit
10 Hoxha case?

11 A. I thought that it ought to belong to the Petrit Hoxha case file,
12 even though the dates appeared not to correspond to that case,
13 because otherwise I cannot connect it to any other case.

14 Q. Okay. Do you recognise the signature on it?

15 A. Yes, it is the signature of Mr. Nexhmi Krasniqi.

16 Q. Do you recall if Petrit Hoxha was detained in Klecke prison?

17 A. I have not taken the statement personally and neither have I
18 seen Petrit Hoxha physically. However, from all I know, and based on
19 the case file, this individual should have been detained. But even
20 if he had been detained, I still don't know who would have sent him
21 to the detention centre.

22 Q. Okay. Thank you.

23 MS. IODICE: Your Honour, I'd like to tender these additional
24 pages into evidence, and these are 082935 to 082938, and 083048. And
25 if admitted, could they be added to Exhibit P264.

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Examination by Ms. Iodice (Continued)

1 PRESIDING JUDGE SMITH: Any objection?

2 082935 to 083048 -- I'm sorry, let me start over. 083035 to
3 083038 plus 083048 are admitted.

4 MS. IODICE: Your Honour, may I clarify the ERN numbers? I
5 tendered 082935 to 082938, and 083048.

6 PRESIDING JUDGE SMITH: All right. My mistake. Thank you.
7 They are admitted.

8 THE COURT OFFICER: Can I just clarify. Yesterday, we admitted
9 pages 082934 to 082937 as associated exhibits, as P02010.

10 MS. IODICE: Yes. So then there would be only 38 and 083048.

11 THE COURT OFFICER: Then they should be added to 2010?

12 MS. IODICE: 10, yes, thank you.

13 THE COURT OFFICER: Thank you.

14 PRESIDING JUDGE SMITH: Thank you.

15 THE COURT OFFICER: Pages 082938 and 083048 will be added to
16 Exhibit P02010. Thank you.

17 MS. IODICE: Thank you.

18 And I'd like now to bring you to the case of Osman Korpuzi.
19 Could we go to page 77 of this document, and that is 083002.

20 Q. Do you recall this case?

21 A. Yes. This is criminal report number 2 sent to the military
22 court, to the military prosecutor, and it was handed over to
23 Mr. Sokol Dobruna, military court chief, on 19 -- on 1 February 1999.

24 Q. And do you recognise the signatures at the bottom?

25 A. Yes. I prepared this criminal report, and it was signed by

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1 Mr. Nexhmi Krasniqi, who at the time was the chief of the military
2 police platoon of Brigade 121. And to the left is the signature of
3 Mr. Sokol Dobruna, including receipt of the weapon that the suspect
4 used to commit the offence.

5 Q. Thank you.

6 MS. IODICE: Could we now go to the next page, that is
7 ERN 083003.

8 Q. And do you recognise this document?

9 A. Yes, I certainly do because I took the statement of this
10 suspect, and it contains my signature too.

11 MS. IODICE: Can we go to the next page. And again to the next
12 page. Thank you.

13 Q. And this is the end of the statement with your signatures at the
14 bottom?

15 A. Yes. In the middle and on the right you find my signature,
16 whilst to the left is the signature of the suspect.

17 MS. IODICE: Could we now please go to page PDF 124, which is
18 ERN 083049.

19 Q. Do you recognise this document?

20 A. Yes, certainly.

21 Q. Was it issued as part of the Korpuzi case?

22 A. Yes. It is part of the Korpuzi casework but not with the
23 criminal reports submitted to Mr. Sokol Dobruna. This document
24 includes activities carried out after the case file had been handed
25 over.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. And who signed it? Who issued it?

2 A. The document was issued by the commander of Brigade 121, and in
3 it he asks the chief of the military police platoon -- the chief of
4 the military police, which was myself, and in which he -- the weapons
5 which Osman Korpuzi had obtained in an irregular manner should be
6 seized from him and sent to Klecke to the 121 Brigade.

7 Q. Did you implement it?

8 A. Yes.

9 Q. Do you know whether a decision was issued in this case?

10 A. I have no knowledge of this case or of any other case in which a
11 decision ought to have been taken.

12 Q. Do you know if Osman Korpuzi was detained?

13 A. Yes, he was. That's correct.

14 Q. Where was he detained?

15 A. I think he was detained by the unit at Sedllar, but I do not
16 know who it was who sent him to the detention centre in Klecke.

17 Q. Okay. Thank you.

18 MS. IODICE: Your Honour, I'd like to tender these documents.

19 These are ERN 083002 to 083006, and 083049.

20 PRESIDING JUDGE SMITH: Any objection? No objection is entered.

21 083002 through 083006 and 083049 are all admitted.

22 THE COURT OFFICER: Thank you, Your Honour. These pages will be
23 added to P02010. Thank you.

24 MS. IODICE: Thank you.

25 Q. Now, I'd like to bring you to the case of Islam Cadraku. Do you

Witness: Naser Krasniqi (Resumed) (Open Session)
Examination by Ms. Iodice (Continued)

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1 remember this case?

2 A. Yes, I do.

3 MS. IODICE: Could we please now go to PDF page 61, which is
4 ERN 082986.

5 Q. Do you recognise this document?

6 A. This document formed part of the case file of Cadraku, even
7 though it is a bit difficult to read in the Albanian language.

8 Q. Do you know who signed it?

9 A. It must be the signature of Mr. Nexhmi Krasniqi.

10 MS. IODICE: And could we now go to page 59 of this document,
11 and that is ERN 082984, which is already admitted as Exhibit P260.

12 Q. Is this the criminal report related to the Islam Cadraku file?

13 A. Yes, it is the criminal report which must have been prepared by
14 Mr. Asman Hoxha and signed by Mr. Nexhmi Krasniqi. On the left, you
15 see that it has been admitted or accepted by the military prosecutor,
16 Haki Kryeziu.

17 MS. IODICE: Thank you.

18 And, Your Honour, I'd like to tender page 082986 into evidence.

19 JUDGE METTRAUX: Ms. Iodice, could you perhaps go back to the
20 previous document at page 61 of the PDF. That's 082986.

21 MS. IODICE: Yes.

22 JUDGE METTRAUX: You asked the witness about the signature on
23 the right. Could you ask him about the signature to the left, if
24 he's able to identify it?

25 MS. IODICE: Yes.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 Q. Do you know whose signature we can see on the left side of this
2 document?

3 A. I can understand it from what's been written there, the name of
4 Ilir Dukolli, but I cannot tell you which Ilir they are talking
5 about.

6 JUDGE METTRAUX: Thank you.

7 MS. IODICE: Thank you.

8 PRESIDING JUDGE SMITH: Was there an objection to the tender of
9 082986?

10 MS. V. ALAGENDRA: Your Honours, the witness has said that he
11 couldn't read the document in the Albanian language. And we also
12 note that the signature on this document and the previous document
13 was put to the witness. The signatures do differ on a visible --
14 it's quite visible that they are different. And we obviously see an
15 English version with a name next to it. So we cannot, at this stage,
16 ascertain whether or not the witness is identifying that signature
17 because he sees an English version with the name Nexhmedin Krasniqi
18 because he says: It must be Nexhmedin Krasniqi's signature.

19 PRESIDING JUDGE SMITH: Do you wish to respond?

20 MS. IODICE: Yes, Your Honour. The witness has said that it is
21 not very legible, but it belongs to the case file of Islam Cadraku.
22 He saw this document in prep without seeing the English translation,
23 to the second point the Defence raised. However, he has commented
24 sufficiently for the purposes of Rule 138.

25 PRESIDING JUDGE SMITH: The document will be admitted, which is

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1 082986. It meets the *prima facie* qualifications of Rule 138. It's
2 admitted. Please assign a number.

3 THE COURT OFFICER: Thank you, Your Honour. Page 082986 will be
4 added to the Exhibit P02010. Thank you.

5 MS. IODICE: Thank you.

6 Q. Now moving on to the case of Behram Krasniqi.

7 MS. IODICE: Could we please go to page 4 of the PDF. That is
8 ERN 082929.

9 Q. Do you recognise this document?

10 A. Yes, certainly.

11 Q. Do you recognise the signatures on it?

12 A. It's -- yes, it's a criminal report against the suspect
13 individual. It must have been prepared by Mr. Asman Hoxha. It has
14 been signed by Mr. Nexhmi Krasniqi. Likewise, this document was
15 accepted by Mr. Sokol Dobruna.

16 Q. Do you recognise the signature under the printed name of Nexhmi
17 Krasniqi?

18 A. Yes, I do. It is his routine signature, even though I'm not an
19 expert in handwriting matters, so it must be his own.

20 Q. And on the left side, is that Sokol Dobruna's signature?

21 A. Yes. As I said earlier, this signature, above it, it says
22 accepted or admitted on 8 June 1999, and the signature is that of
23 Mr. Sokol Dobruna.

24 Q. And just to clarify, this is the case against Behram Krasniqi.
25 I believe the transcript recorded Bajram.

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 A. Yes, yes, you're right. It's Behram Krasniqi.

2 Q. Thank you.

3 MS. IODICE: Could we go to the next page, that is ERN 082930.

4 Q. Is this also part of the Krasniqi file?

5 A. Yes. This is the document or the statement of the platoon
6 commander that set off this case.

7 MS. IODICE: Can we go to the next page.

8 Q. Is this also part of the file?

9 A. This document called a statement is a result of the questioning
10 of Mr. Behram Krasniqi done by Asman Hoxha, and both parties have
11 signed on to it.

12 Q. Thank you.

13 MS. IODICE: And can we go to the next page. And if we go to
14 the next page, then we see the signatures on this document.

15 Q. Is this also part of the file?

16 A. Yes. I didn't concentrate heavily enough, but it may be the
17 same document which would initially have been taken in handwriting
18 and then typed out.

19 Q. Thank you.

20 MS. IODICE: I would like to tender these pages into evidence.
21 This is 082929 to 082933.

22 PRESIDING JUDGE SMITH: Any objection?

23 MR. MISETIC: We have no objection to admissibility, but it has
24 come up that these cases, like Behram Krasniqi, are not noticed in
25 the pre-trial brief or the indictment. So in terms of what it can be

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1 used for, we object to the use of it for other than what has been
2 stated before, to explore what duties the witness had.

3 PRESIDING JUDGE SMITH: Do you have any other intention?

4 MS. IODICE: Your Honour, the primary purpose of tendering these
5 documents in this manner is to show the duties of the witness, the
6 policy that was followed, what the work of his unit did, and how it
7 functioned.

8 MR. MISETIC: Mr. President, if I may just put on the record.
9 The use of the word "the primary purpose" suggests there is a
10 secondary purpose, and we object to any other purpose. Thank you.

11 PRESIDING JUDGE SMITH: Well, we don't know of any other purpose
12 right now, so that's what we will restrict ourselves to.

13 MR. MISETIC: Thank you.

14 PRESIDING JUDGE SMITH: 082929 to 082933 inclusive are admitted.

15 THE COURT OFFICER: Thank you, Your Honours. Those pages will
16 be added to Exhibit P02010. Thank you.

17 MS. IODICE:

18 Q. Now, Witness, I have a few more questions for you. While
19 interviewing suspects, do you recall whether defence counsel was
20 present?

21 A. If I am to respond directly, I can state that there was no
22 defence counsel present.

23 Q. Did Sokol Dobruna ever tell you whether a defence counsel should
24 be present?

25 A. All the instructions that he gave to us, starting from the

1 beginning of December, we implemented them entirely. We did not
2 receive such an instruction, meaning that a lawyer should be present.
3 In particular, considering the circumstances and the conditions, even
4 if he had given such an instruction, we wouldn't have been able to
5 implement it.

6 He did not give such instruction. I confirm we did not have
7 this instruction nor did we have any resources or qualified persons
8 to appoint as a lawyer. Also, I did not know more in terms of
9 procedure because I only implemented what was given to me.

10 Q. Thank you. Now I'd like to ask you about the Lladrovc prison.
11 In your statement - and this is at P2007.3, pages 21 to 22 - you
12 mentioned that you heard about the existence of a prison in Lladrovc.

13 Now, did you ever go to Lladrovc?

14 A. The issue of Lladrovc was mentioned I think for the first time
15 in the Klecke case. However, I think this was not sufficiently
16 elaborated. What I know is that there was no prison in Lladrovc.
17 One case outside Brigade 121 was directed there, which was dealt with
18 by Mr. Sokol Dobruna. Now, the reason I am aware of this case is
19 that at that time I was in Terpeze, close to Lladrovc, and Sokol
20 Dobruna took me with him in order for me to see how an interview is
21 conducted, in order to learn from him. This is what I can say in
22 relation to Lladrovc.

23 Q. Do you recall more or less when this was, when you went with
24 Dobruna?

25 A. I am not able to give you a time period because I did not keep

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Examination by Ms. Iodice (Continued)

1 notes because this was not my case or that of Brigade 121. This was
2 a soldier detained who was from another zone and was brought before
3 Mr. Dobruna who dealt with the case.

4 Q. Thank you. And do you recall who the suspect was?

5 A. Yes. The suspect was Hamdi Thaci, known by the pseudonym
6 Rrushli.

7 Q. What was he accused of?

8 A. He was accused of a conflict he had had with one of his superior
9 officers in Drenica; namely that the suspect would have attempted to
10 use his weapon against him.

11 Q. Which officer did he try to use his weapon against?

12 A. Based on what I can remember, it was Mr. Sahit Jashari.

13 Q. And what was the outcome of the case?

14 A. More specifically, I remember that he was interviewed for the
15 first time by Mr. Dobruna. On the second or the third occasion, I'd
16 rather say on the second occasion, when he went to interview him
17 again, he took me with him, but we did not find the detainee at the
18 location where he was detained.

19 Q. Where was the detainee? How come you could not find him?

20 A. As you may understand now my role, I was only an observer in
21 this case. Nothing more. What I do recall is that somebody to whom
22 Mr. Dobruna spoke said that somebody had come and released that
23 person the night before.

24 Q. What was Dobruna's reaction to that?

25 A. We started our journey back. And this was part of the

1 conversation, the case. And I remember that, amongst other things,
2 he said to me, "This is a bad example because I would have released
3 him as well. It was not my intention to execute him, either. But I
4 would have released him following some regular, proper procedures,
5 and thus sending a message to the soldiers in order to strengthen and
6 reinforce discipline. Whereas this way of doing will have a
7 countereffect and send the opposite message."

8 Q. Thank you. So I'd like to now ask you a question about a
9 different topic. Do you recall a KLA member called Sami Vehapi?

10 A. Yes, I recall it.

11 Q. What was his role?

12 A. Sami Vehapi must have initially been an ordinary soldier of the
13 KLA like many others. Then, with time, he must have become military
14 policeman at the zone level or somewhere else, but he was not within
15 our brigade.

16 Q. When you say "must have become," do you know that he was
17 military police at the zone level?

18 A. I cannot possibly remember everything with the highest accuracy.
19 I think he might have been. I cannot be absolutely certain as I am
20 when I'm speaking about persons who were members of Brigade 121.

21 Q. Thank you. Mr. Krasniqi, I only have a couple of more questions
22 to you, which I will put to you in fairness to you so that you can
23 provide your answer and acknowledging the fact that you were tried in
24 Kosovo for events that took place at the Klecke prison.

25 Did you ever take part in mistreatment of people who were

Witness: Naser Krasniqi (Resumed) (Open Session)

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Examination by Ms. Iodice (Continued)

1 detained in Klecke?

2 A. No, never. I think this was also established in the Klecke case
3 by a final decision.

4 Q. Thank you. And I'd like to put the proposition to you that you
5 saw and did more than you are willing to share, and that you knew
6 that detainees were being mistreated in Klecke. What do you say to
7 that?

8 A. Could you please repeat the question?

9 Q. The proposition that I'd like to put to you is that you saw and
10 did more than you are willing to share, and that you knew that
11 detainees were being mistreated in Klecke.

12 A. No, this was absolutely not true because, first of all, I'm not
13 aware of any mistreatments having taken place there; and, secondly,
14 it was not within my duties to know about that. So it was impossible
15 for me to know, considering that I don't even know whether these
16 things happened at all. Even if they did happen, I was not in a
17 position to know.

18 Q. Thank you.

19 MS. IODICE: No further questions.

20 MR. DIXON: Your Honours, can I just clarify, before the
21 Prosecution stops asking questions, whether that's a proposition from
22 the Prosecution or what is the basis of the source of that
23 proposition? Because that's a direct attack potentially on the
24 credibility of the witness. Is that coming from the Prosecution or
25 another source?

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Examination by Ms. Iodice (Continued)

1 MS. IODICE: I wonder whether I should answer in the absence of
2 the witness, Your Honour.

3 PRESIDING JUDGE SMITH: You can answer.

4 MS. IODICE: It comes from the evidence we have in our
5 proceedings regarding the witness's involvement in mistreatment.

6 MR. DIXON: So it is the Prosecution's case then, as I
7 understand it?

8 PRESIDING JUDGE SMITH: Mr. Selimi -- I mean, Mr. Selimi's
9 attorney, it's your cross-examination.

10 MR. ROBERTS: Was that a question from counsel from Veseli or?

11 PRESIDING JUDGE SMITH: No, there's nothing on the table.

12 MR. ROBERTS: Okay. I thought the clarification -- maybe I can
13 ask the clarification then. So it's the Prosecution's case that --

14 PRESIDING JUDGE SMITH: That's what she said.

15 MR. ROBERTS: Okay. Thank you.

16 If you can just bear with me one second, I'll just get myself
17 sorted.

18 PRESIDING JUDGE SMITH: And we will take a break at 3.30.

19 MR. ROBERTS: Thank you, Your Honour.

20 Cross-examination by Mr. Roberts:

21 Q. Good afternoon, Mr. Krasniqi. My name is Geoffrey Roberts. I
22 am counsel for Mr. Selimi. I will be asking you some questions this
23 afternoon and probably tomorrow morning as well. Obviously, if any
24 of my questions are not clear, please feel free to ask me to rephrase
25 or to repeat them. And please keep your answers focused on my

1 questions as you have been doing so far. Is that all clear?

2 A. That's clear.

3 Q. So I'd just like to start off with your arrival into Kosovo and
4 -- in April 1998, which you told the SPO about in your interview, and
5 how you had multiple attempts to enter the country which were
6 unsuccessful. Do you recall telling the SPO that?

7 A. Yes, that's correct.

8 Q. And ultimately you were taken by an imam to Likoc. And you
9 didn't know this imam from Albania but he took upon himself to help
10 you.

11 A. He was from the municipality of Kline. At that time, he had
12 come to Albania to get weapons supplies and then go back to Kosovo.

13 Q. And so he knew the way in; is that right?

14 A. Yes, because he had done that journey on other occasions as
15 well.

16 Q. And was Likoc the first place you arrived into?

17 A. We travelled through territories. We paused for a few minutes
18 in Drenoc, in Zatriq, and then we did not make any other stops until
19 Likoc.

20 Q. And Likoc was an area that many people coming into Kosovo from
21 Albania would go to?

22 A. That's correct. That's correct.

23 Q. Now, when you arrived, you told the SPO that after you rested
24 you went to see a person called Agron, and I think you mentioned that
25 again in court this morning. Do you recall that?

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Cross-examination by Mr. Roberts

1 A. The person in charge of the group from Albania to Likoc was
2 Ramiz Qeriqi, Luani. We were part of the group. I went and met him
3 in person. This process was led by Luan, but we were together.

4 Q. And when did you learn -- and you told us, sorry, in your
5 interview - that's P02006.1, Revised Corrected Part 1, pages 12 to 13
6 - that you learned later on that Agron was Rexhep Selimi. When did
7 this happen? When did you learn it?

8 A. I might have learned this after a few weeks. I am not able to
9 tell you exactly when. However, it was before the offensive of 1998.

10 Q. Okay. Now, you told the SPO that Agron also told you that
11 Fatmir Limaj, Haxhi Shala, and Ismet Jashari were all in Klecke, and
12 that's why you requested to go there as well. Do you remember
13 telling the SPO that?

14 A. From the moment I left Switzerland in the direction of Kosovo,
15 my final destination was the location where Mr. Limaj and the others
16 that you mentioned were. I did not know, though, which location
17 exactly they were in. I learned this from Mr. Selimi, whom I knew at
18 the time as Agron.

19 Q. Now, to your knowledge, these three had all gone voluntarily by
20 themselves to Klecke, is that right, before you arrived?

21 A. When I arrived, they were in Klecke, or I found them in Klecke,
22 because they had entered Kosovo several weeks before, at least two,
23 three weeks before.

24 Q. But to your knowledge, they had just gone there of their own
25 choice; is that fair?

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Cross-examination by Mr. Roberts

1 MS. IODICE: Objection, foundation.

2 PRESIDING JUDGE SMITH: Overruled.

3 Go ahead. You may answer.

4 THE WITNESS: [Interpretation] I think it's difficult for me to
5 give a precise answer as to how they went there. They are the only
6 persons who can give that precise answer. All I can say is that I
7 found them in Klecke. I'm not excluding the possibility of it being
8 as you're putting it. However, it is difficult for me to give you an
9 accurate answer.

10 MR. ROBERTS:

11 Q. That's fair enough. Do you know if they had family links to the
12 area?

13 A. Mr. Limaj? Yes, he had.

14 Q. And it was consistent with what most KLA volunteers did, to your
15 knowledge? When they arrived into Kosovo, they went to the areas
16 where they had family connections or friends; is that fair?

17 A. If we're talking about the time period before the first
18 offensive, this could be the case, and people mostly operated in this
19 manner.

20 Q. Yes. To be clear, we're talking about the time of your arrival,
21 April, May 1998?

22 A. Precisely.

23 Q. And you didn't need permission to go to Klecke, did you?

24 A. I don't know what to say about this.

25 Q. In the sense that -- maybe I'll rephrase it. When you told the

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Cross-examination by Mr. Roberts

1 SPO that you requested to go to Klecke, is it more accurate to say
2 that you were informing people that you were going there to go with
3 Mr. Limaj, Mr. Shala, and the third member you mentioned, Ismet
4 Jashari?

5 A. Since I think that Mr. Selimi informed Mr. Limaj that I was in
6 Likoc, shortly after, after a few days, Mr. Limaj came and picked me
7 up in Likoc.

8 Q. And it was your wish to go there, to Klecke?

9 A. Certainly that it was my wish. But also when Mr. Limaj left
10 Switzerland to go to Kosovo and I remained there for a little more
11 time, the purpose, the aim was to be together, because we had left
12 Kosovo.

13 Q. Okay. And Mr. Selimi, or Agron, as you described him at the
14 time, he wasn't directing you to that unit, was he?

15 A. To be correct, when we were in Albania, Daja told us, "You go
16 and get in touch with Agron. He will then give you further
17 directions." But when I met with him, with Mr. Selimi, I asked him,
18 "Where is Mr. Limaj?" He told me about his whereabouts, contacted
19 him and informed him, I don't know, probably through the phone, who
20 then came and took me. This does not mean that he delivered any --
21 or gave me any permission or authorisation or anything like that.

22 Q. So it's actually effectively Mr. Limaj rather than Mr. Selimi
23 who is having a role in where you ended up?

24 A. In what sense, please? It's unclear to me.

25 Q. Certainly. So it was Mr. Limaj who you said came and collected

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Cross-examination by Mr. Roberts

1 you, so it was Mr. Limaj who was the one involved in your travel over
2 to Klecke.

3 A. I learned and understood from Mr. Selimi that Mr. Limaj was in
4 Klecke, and it was then Mr. Limaj who came and collected me and sent
5 me to Klecke.

6 JUDGE METTRAUX: Mr. Roberts, would you kindly ask the witness
7 to tell us which Daja he's referring to that he met in Albania?
8 There's at least two persons using that nickname.

9 MR. ROBERTS: Certainly.

10 Q. Witness, did you hear the question from His Honour
11 Judge Mettraux as to which Daja you met in Albania?

12 A. At that time, I did not know the real name of Daja, but later on
13 I learned that it was Mr. Azem Syla.

14 JUDGE METTRAUX: Thank you, Mr. Roberts.

15 MR. ROBERTS: Thank you, Your Honour.

16 Q. You also told the SPO that Luan, who was Ramiz Qeriqi -- sorry,
17 this is in your SPO interview. So that's P2006.1, 082908-TR-ET
18 Part 1 Rev_Corr Interp Revised, page 13. I apologise for the long
19 reference. But you told the SPO that Ramiz Qeriqi got an order from
20 Likoc to establish a unit in Carraleve in the area of Krojmir. Do
21 you recall telling the SPO that?

22 A. Now, the terminology used can be debatable. However, I remember
23 Mr. Selimi telling to Ramiz Qeriqi, who would be in the best position
24 to testify about this, to set up a point or to expand the KLA
25 presence in that territory, in that area.

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1 Q. And when you say "the terminology can be debatable," do you mean
2 whether that was a request from Mr. Selimi or some other form of
3 direction?

4 A. Precisely. This is the reason why I said the terminology is
5 debatable. Because when he told him or requested, asked him, to form
6 a point in that territory which Mr. Qeriqi would be part of, this can
7 then be qualified in various ways. I am only testifying about what I
8 witnessed and what I saw. I don't think I should be the one
9 qualifying the terminology to be used in this case.

10 Q. Understood. But that's why I just want to verify it, because
11 you used the word "order" in the SPO interview, and you've now given
12 your evidence in relation to that.

13 Again, just on this point, I'm correct, aren't I that --

14 A. I think that I said that he asked him or gave him the task to --
15 because even the matter of tasks can be subject to interpretation.
16 At the end of the day, we had gone to Kosovo to fight. And every
17 person who came to Kosovo from abroad had no information as to what
18 location would be best for them to deploy to, and it was a sensible
19 thing to receive that sort of information from people who had been in
20 the territory before or had joined before them. Now, were those to
21 be referred to as ordinances, decisions, instructions is a different
22 matter.

23 Q. Well, to be clear, Mr. Qeriqi could have refused that, couldn't
24 he, and gone somewhere else at the time?

25 MS. IODICE: Objection, speculation.

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Cross-examination by Mr. Roberts

1 PRESIDING JUDGE SMITH: Overruled.

2 You can answer that if you know.

3 THE WITNESS: [Interpretation] Now I think this is an assumption.

4 I do not know how one would have acted in the specific circumstances.

5 I know that Mr. Qeriqi and all of us who went there at that time went
6 with the intention to join the KLA, and I am not aware of reasons for
7 which we would have refused. Even if we had refused, then I don't
8 know how things would have unfolded further, because this was the
9 beginning of the establishment of the KLA.

10 Q. And just finally on this point before we break. Again,
11 Mr. Qeriqi had a family connection, did he not, to the area where he
12 went to in Krojmir?

13 A. Not family connections, but Mr. Qeriqi was originally from that
14 area. He was from the village of Krojmir.

15 Q. Yes, sorry. It was his village.

16 MR. ROBERTS: Thank you, Your Honour. That's a good time.

17 Q. Thank you, Witness.

18 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,
19 Witness.

20 [The witness stands down]

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

22 --- Break taken at 3.30 p.m.

23 --- On resuming at 3.41 p.m.

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

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: All right. Mr. Roberts, you may
3 continue.

4 MR. ROBERTS: Thank you, Your Honour.

5 Q. Just two follow-up questions to what we were discussing before
6 about your entry into Kosovo, Mr. Krasniqi. First, is it fair to say
7 or summarise that your decision to go to Klecke was taken with
8 Mr. Limaj in Switzerland before you even came to Kosovo?

9 A. Would you kindly repeat the question, please?

10 Q. Certainly. Was the decision to go to Klecke, to end up in
11 Klecke, taken by you and Mr. Limaj effectively before you even
12 entered Kosovo? Was that your intention?

13 A. I had no idea of where Mr. Limaj would be. I learned of this
14 when I arrived in Likoc. Maybe for questions of security, Mr. Limaj
15 did not want to disclose his whereabouts on the phone. What was the
16 purpose, though? I wanted to join Mr. Limaj wherever he was.
17 However, I did not know where he was until I arrived into -- inside
18 Kosovo.

19 Q. Okay. But you definitely had the intention to be with Mr. Limaj
20 wherever he ended up?

21 A. Correct, yes.

22 Q. Thank you. And just in relation to Likoc and Prekaz, is it fair
23 that Likoc is the closest town to Prekaz or closest reasonably sized
24 town to Prekaz?

25 A. I don't know how near it is, but I know that when we were in

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1 Likoc it was near the village of --

2 THE INTERPRETER: The interpreter did not catch the name of the
3 other village.

4 THE WITNESS: [Interpretation] But, I mean, this was a question
5 of a few days and no more.

6 MR. ROBERTS:

7 Q. I'm sorry. Can you just repeat your answer? The interpreter
8 didn't catch the village that you mentioned in your answer. You
9 started off by saying:

10 "I don't know how near it is, but I know that when we were in
11 Likoc, it was near the village of ..."

12 Can you just continue from there?

13 A. Likoc was close to the village of Plluzhine. Because when we
14 stayed there pending the arrival of Mr. Limaj, we travelled along
15 this itinerary, Likoc and Plluzhine. They were close to each other.

16 Q. Okay. But Prekaz at the time was under the control of the Serb
17 forces, was it not, after the Jashari massacre?

18 A. I don't know. It may be so. Certainly.

19 Q. Okay. Now, when you arrived into Klecke, you didn't have a
20 specific role, did you? As you told the SPO, you just wanted to, I
21 think you said, spread the feeling of the KLA among the population;
22 is that right?

23 A. I wasn't the only one without a concrete role. I think that
24 others were in the same situation, too.

25 Q. Yes. But there wasn't any -- well, there wasn't any defined

1 roles from your group of fighters; is that fair?

2 A. At the outset, we thought Mr. Limaj was responsible for that
3 point. And I think that at that time, the KLA did operate via these
4 points. The tasks that I have carried out and that others carried
5 out were carried out without any formal appointment as such. It is
6 that we started getting busy, and that's what we kept doing until the
7 end of the first offensive.

8 Q. Yes, you were a volunteer, were you not?

9 A. I think that there was some internal division of labour within a
10 point, a point, with the willingness of all parties, and I'm talking
11 here about the Klecke point. I don't know how the situation was like
12 -- or what the situation, rather, was like at other points.

13 Q. Yes. But in Klecke point, you were all volunteers who were
14 doing the best you could within your small group of fighters. Is
15 that a fair assessment of your role?

16 A. I think that all the KLA members were volunteers. The KLA was
17 created out of volunteers. However, at the Klecke point, the person
18 responsible was Mr. Limaj, and we respected him as such.

19 Q. Yes. And Mr. Limaj was a volunteer as well, was he not?

20 A. Yes. Given that he returned from Switzerland, that's what it
21 means. No one forced him. It was an obligation towards the
22 motherland. There was no legal obligation for him to return to
23 Kosovo. It was only a moral obligation that made him return, made
24 him and made myself and others do the same.

25 Q. And I think how this operates in practice was explained in your

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1 SPO interview, where you referred to how you went to fight in the
2 Llapushnik gorge.

3 MR. ROBERTS: And for the record, the reference for that is
4 P2006.1, Part 1 Revised, pages 15 and 16.

5 Q. And you state that:

6 "I remember in Llapushnik it was the first time that the gorge
7 of Llapushnik was taken. A few friends of mine, we, on voluntary
8 basis, we went to assist them, to help them. I remember ... I went
9 to assist in Llapushnik as well whilst there was a fighting."

10 So is that an accurate understanding of what volunteer meant,
11 that volunteer meant not only coming to Kosovo as well but also in
12 which actions you partook in?

13 A. As I stated earlier, it was our moral obligation to return to
14 Kosovo and to do the best for our country. As far as the Llapushnik
15 battle is concerned, it may be the day when the Llapushnik gorge and
16 the main road was captured, and it stayed like that until the Serbian
17 offensive.

18 As far as the operation of points at that time that operated
19 independently, without any relationship of dependence, the situation
20 was such that wherever there was fighting, we went to the aid of each
21 other because we were facing up to the same enemy.

22 Q. Yes. You went to the aid of other units or other groups, but
23 that was your choice to do so on a voluntary basis; is that right?

24 A. Yes, it is.

25 Q. And you told the SPO again - I won't read the entire reference,

1 but it's P2006.1, Part 1, page 21 - that you estimated -- you were
2 asked how many individuals were fighting in your group. This was
3 before the summer offensive:

4 "I could be mistaken. I could have the wrong numbers. It could
5 have been 20, 30, 40 men. I am not certain now. I'm not sure."

6 But that's your best recollection, that, essentially, you're
7 talking about, even up into June 1998, that total amount of fighters?

8 A. Every single time I'm referring to the Klecke point.

9 Q. And up until June 1998 or July 1998, before the summer
10 offensive, is that right, in terms of timing?

11 A. Yes, until the beginning of the offensive.

12 Q. Now, you also told the SPO that you became aware of the arrival
13 of certain professional army officers that arrived in June 1998,
14 including Agim Qelaj, Bislim Zyrapi, and Naim Maloku, who you saw in
15 Klecke but were located all over Kosovo. Do you recall telling the
16 SPO that?

17 A. Yes, I saw them in Klecke. There were other officers, too. I
18 couldn't recall all their names. But they moved on and about, but I
19 am not aware of their movements.

20 Q. And they were welcomed into Kosovo by people such as yourself
21 and your colleagues because of the assistance that they could provide
22 to your groups of fighters. Is that a fair assessment?

23 A. Yes, correct.

24 Q. But despite their role and their assistance, obviously, the Serb
25 forces had a vastly greater amount of weaponry, forces, and

1 individuals who were fighting in Kosovo at the time. It was a
2 mismatch between your forces and the Serb forces?

3 A. I think the situation that you've described would suggest that
4 there was no way you could compare two forces.

5 Q. Yes. And over the course of the summer offensive, so I'm
6 talking July, August 1998, the heavy weaponry and the forces that
7 were available to the Serb forces in the area devastated what units
8 or what groups were in operation; is that correct?

9 A. Yes, correct.

10 Q. And that devastation meant that no one could give any direction
11 nor orders to anyone else in terms of fighting units. And the
12 reference for that is your interview, Part 1, page 26.

13 A. Correct.

14 Q. And also at the same time, you couldn't communicate with your
15 unit back in Klecke. I think this was when you were in Arllat, if
16 I'm correct.

17 A. Initially we were at Arllat, then at Terpeze where I stayed for
18 a certain amount of time until the end of the first offensive, which
19 coincides with the beginning of the restructuring of the KLA, and
20 that includes up until the end of November 1998, where I stayed in
21 Terpeze initially at the battalion command headquarters and then we
22 moved. I continued staying in Terpeze but moved into a different
23 building where I stayed together with Bajram Gashi and some nurses.

24 Q. But it's fair to say that before that point, during the Serb
25 offensive, the continuation of the KLA as a fighting force, so to

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1 speak, was in question at that stage, was it not?

2 A. Yes, correct.

3 Q. And many fighters who had come over returned back to other
4 countries outside of Kosovo or had been killed or severely injured at
5 the time; is that also right?

6 A. Yes, correct.

7 Q. So all you could do at that time was simply try and survive and
8 regroup?

9 A. Yes, that's right.

10 Q. And when you started, and you referred to it a minute ago, the
11 restructuring, is it fair to say that you were, effectively, starting
12 from scratch, starting again from zero?

13 A. That is the reason why I told Madam Prosecutor last week that
14 reconstruction would be the better term rather than the
15 restructuring. Reconstruction would mean building up upon an
16 existing foundation.

17 Q. Yes. So there was a foundation but no more than a foundation.
18 You were not reorganising something that already was in existence.
19 You were basically starting again from nothing.

20 A. The offensive of the year 1998 returned the KLA to a situation
21 that was worse than the time when it operated out of certain points.
22 In practical terms, it returned it to square one.

23 Q. And in terms of, therefore, how quickly you could develop that
24 or complete the reconstitution or reconstruction of the KLA, that
25 was, obviously, going to be something that would take many months.

1 It wasn't going to be something that would happen overnight?

2 A. That is why in my interview in 2019 I told the
3 Specialist Prosecutor when asked the -- about the period after the
4 restructuring, I told them that there was no such period after the
5 restructuring because this was an ongoing process that never ended.
6 The efforts to consolidate the ranks of the KLA continued throughout.

7 Q. So a formal brigade might be formally announced as existing but
8 that didn't mean at the time that it would have anywhere near the
9 requisite number of soldiers to complete that brigade?

10 A. I don't know how many troops a brigade needs to have from a
11 military point of view, but I know that Brigade 121 amounted up to
12 1300 and a maximum of 1500 soldiers. The numbers varied all the
13 time. It was never a fixed number. It was changeable on a daily
14 basis. However, this figure was above 1.000. And this -- and I'm
15 talking about the latter phase. Initially, this number would most
16 certainly have been much lower.

17 Q. Thank you. I'd just like to move on to a different topic now
18 which is your relationship with Sokol Dobruna and the military court,
19 and the procedures and processes of the military court.

20 Now, it's fair to say that you had regular contact with Sokol
21 Dobruna from December 1998 onwards, is that correct, up until the end
22 of the war, up until mid-June?

23 A. Yes. The Dritan Gashi case marks the beginning of contacts with
24 Sokol Dobruna. That is the point at which we got to know each other
25 and started cooperating. Afterwards, I had the consent of the

1 brigade commander, Mr. Shala, to do this. And given that he was a
2 professional of the field, he was in a situation to advise us how to
3 carry out our duties and the responsibilities we had.

4 Q. Yes. He gave you, I think, lots of oral, verbal, and written
5 instructions is how you described it to the SPO; is that right?

6 A. The instructions were always given and received orally. During
7 the initial phases, however, I took notes of what he passed on
8 verbally. In my previous interview, I describe what it was, you
9 know, the forms about a criminal report, what it should look like,
10 and so on.

11 Q. Now, you didn't have a specific relationship with him according
12 to the KLA organigramme as you understood it, and that's what you
13 told the SPO in Part 3 of your interview at pages 13 and 14; is that
14 correct? So you didn't have a formal relationship with him.

15 A. The initial contacts with Mr. Dobruna were completely by chance.
16 However, the continued relationship and the contacts with him was, in
17 my view, of a formal nature. And this is due to the fact that the
18 preparation of a casework and including the criminal report with the
19 signatures by both parties and so on, these are all indicators of a
20 formality.

21 Q. Yes. And he was an experienced qualified lawyer, was he not, at
22 the time?

23 A. Yes, that is correct.

24 Q. And you were not a lawyer at the time, and it's fair to say that
25 you were concerned about your lack of professional experience?

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1 A. Correct. You're right. I was.

2 Q. And you showed a certain amount of deference towards what
3 Mr. Dobruna told you?

4 A. Yes, certainly. Because if he hadn't been there, I don't know
5 how we would have operated. I am not able to imagine how would we
6 have acted.

7 Q. I think in your preparation session, that's paragraph 60, you
8 described your relationship with Dobruna in the following way. I'll
9 just quote it:

10 "Now, what was important for [you] back then, W04743 back then,
11 was to follow Dobruna's instructions because you had no knowledge of
12 the law and, to him, Dobruna was the law."

13 As in to you, Sokol Dobruna was the law. Is that a fair
14 assessment of your relationship?

15 A. Yes. Given that we did not have any penal military code or any
16 criminal procedural code, military procedural code, or any other
17 written instructions, in this context I said that for me, in my eyes,
18 Sokol Dobruna was the law.

19 Q. And you were very reliant on what he told you the law was both
20 in terms of procedure and also substance?

21 A. Given that we had no other basis, as I said, we didn't have a
22 law which we would refer to, we had to refer to the instructions of
23 Mr. Dobruna. His instructions were not to be followed based on the
24 will or desire of the person. I also liked order and discipline.

25 Q. And Mr. Dobruna introduced himself to you as the president of

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1 the military court; is that right?

2 A. That's correct.

3 Q. Now, to your knowledge, the General Staff was always supportive
4 of the existence of a military court, was it not?

5 MS. IODICE: Objection, foundation.

6 MR. ROBERTS: It's a question, Your Honour.

7 PRESIDING JUDGE SMITH: You may answer the question.
8 The objection's overruled.

9 THE WITNESS: [Interpretation] Could you please repeat the
10 question, please?

11 MR. ROBERTS:

12 Q. Certainly. To your knowledge, the General Staff was always
13 supportive of the existence of a military court?

14 A. I can say that the military court must have been established by
15 Sokol Dobruna with the authorisations received from the General Staff
16 or the general commander. However, I do not know the procedure
17 because I did not belong. This was not part of what I did.
18 Therefore, I'm not able to give you a precise answer.

19 Q. But you certainly never in your conversations with Mr. Dobruna
20 were ever told by him of a lack of support. That's right, isn't it?

21 A. I don't recall him saying it. I do not recall such a thing.

22 Q. Now, Mr. Dobruna himself, he was not a member of the
23 General Staff?

24 A. I don't know.

25 Q. When you refer to the military court in general terms in your

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1 interview, is it fair to say that you are referring to Sokol Dobruna
2 alone? Is he what you would associate or understand the military
3 court to be?

4 A. Based on what Mr. Dobruna told me, he was the head of the legal
5 services for -- at the General Staff or the commander of the
6 General Staff and, therefore, had the powers to set up the court, the
7 prosecution office, and the detention centre. And Sokol Dobruna was,
8 at the same time, the president of the military court. Now, again,
9 according to what he told me and the explanations he gave to me
10 during the several months we worked, he said, "This is a military
11 court at the central level." Based on this, I drew the parallel that
12 the military court belonged to the central level, and to this day,
13 standing here in this court, I still believe the same.

14 Q. So your understanding, just to be clear, based on what
15 Mr. Dobruna told you, is that as the head of the legal services, in
16 your words, he had the power to create the court himself?

17 MS. IODICE: Objection, mischaracterisation.

18 PRESIDING JUDGE SMITH: Overruled.

19 You may answer.

20 THE WITNESS: [Interpretation] Not that he had the power to
21 establish it. But when I met Mr. Dobruna, he was already the
22 president of the military court. At least this is what he said he
23 was.

24 MR. ROBERTS:

25 Q. And as president of the military court, he was the one that set

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1 out the procedures for the military court and its jurisdiction?

2 A. I am not able to know those additional procedures, how it was
3 established or whether he did establish the military court.

4 Q. Is it fair to say that he was very independent in how he
5 exercised his role as president of the military court?

6 MS. IODICE: Objection, foundation.

7 PRESIDING JUDGE SMITH: Overruled.

8 You may answer.

9 THE WITNESS: [Interpretation] I don't know.

10 MR. ROBERTS:

11 Q. He never discussed with you how -- in your multiple encounters,
12 the importance to him of being independent from the General Staff in
13 how the military court functioned?

14 A. If we are referring to the notion of courts in general,
15 obviously they must be independent. I said it back then, and I'm
16 saying it today, this was a military court at the central level.
17 Now, the extent to which it was independent or dependent, he can
18 answer that, and the General Staff.

19 Q. Did Mr. Dobruna explain to you that he'd drafted the legal
20 framework for the military court?

21 A. What I recall from our frequent meetings is that he was working
22 on that framework. I'm referring here to the military penal code and
23 the military procedural code, which I never saw or had in my hands.
24 I do not know anything else in this regard.

25 Q. But you did rely on his indication, for example, that

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1 individuals could be stopped and detained for a maximum of 72 hours.

2 That was on the basis of what Mr. Dobruna told you.

3 A. Yes, that's correct. Correct.

4 Q. And you had no other option than to rely on what Mr. Dobruna was
5 telling you.

6 A. I think I said this earlier. We had no other place to rely on.

7 Q. Did Mr. Dobruna give the same advice to everyone else in a
8 similar position to you, similar role to you, to your knowledge?

9 A. I don't know.

10 Q. To your knowledge, was anyone else responsible for drafting any
11 of the rules or procedures of the military court, to your knowledge?

12 A. I cannot speak of a person in charge or a responsible person,
13 but I know that lawyers would come from Prishtine to help in this
14 process because I happened to meet and know one of them.

15 Q. And who is that?

16 A. He was Mr. Bajram Krasniqi, deceased now.

17 Q. And he, in your understanding, advised or assisted Mr. Dobruna?
18 Is that your evidence?

19 A. Based on what I was able to understand, he helped him, assisted
20 him in this legal framework as you're referring to, but I do not know
21 specifically what they were able to achieve or to complete, but I
22 know they were working in that direction. I do not know whether they
23 finalised anything.

24 Q. So Mr. Krasniqi was still working under, to your knowledge, the
25 direction of Mr. Dobruna? It was still Mr. Dobruna who had the final

1 say on how the procedures would be decided upon?

2 A. If we follow the procedures, this is how it should be. However,
3 I am not able to positively say how they interacted.

4 Q. And the system that Mr. Dobruna established as the president of
5 the court was dependent on investigations and cooperation being
6 conducted at the zone or brigade level; is that right?

7 A. I do not know what level of cooperation Mr. Dobruna managed to
8 establish with the zones and other areas. I am able to testify about
9 the relationship between the brigade and Mr. Sokol Dobruna. However,
10 I am not able to say anything in relation to the relationship with
11 other zones and other brigades.

12 Q. Fair enough. But in relation to your zone and your brigade, he
13 was dependent on you conducting investigations and then bringing
14 cases to him. He didn't have an independent authority or power to
15 initiate an investigation himself; is that right?

16 A. If we refer to his authority, we have at least one case in
17 which, based on his order, a person was detained.

18 Q. Yes. But in terms of the investigation of the case, the system
19 that he set up, as you understood it, is it right that it would be
20 dependent on you bringing cases to him after conducting an
21 investigation?

22 A. If you're thinking of proper investigations as the ones
23 conducted in peacetime, they could not be conducted during the war.
24 There were four, five cases -- two cases which I prepared together
25 with Mr. Nexhmi Krasniqi. So in total, six to seven cases we dealt

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1 with. We're not talking here about hundreds of cases. This work
2 lasted for five or six months because the war ended.

3 So we're talking in total of six to seven cases. And these --
4 dealing with the cases was not a priority when there was fighting
5 going on. So these cases were a secondary matter, not a primary
6 issue. The priority was the front line and the fight against the
7 Serbian forces. Therefore, there are not many cases, because we
8 lacked conditions, resources, everything.

9 For example, in the brigade, which you referred to in relation
10 to the investigations, we had 20 military police officers. Now,
11 imagine that entire territory, with highlands and woodland and
12 several municipalities, how much can 20 police officers do to
13 exercise control over that territory, knowing that they also lacked
14 proper and required qualifications to do so?

15 So each of these cases should be looked at in order to
16 understand the circumstances. But we cannot talk about
17 investigations or case files prepared properly as one would do
18 following the procedures.

19 Q. Yes. And those limitations and those circumstances which
20 affected your work evidently affected the work of the court as well,
21 did they not?

22 A. I have stated this before as well. To my knowledge, there was
23 only one judge and that was Mr. Sokol Dobruna. I'm not aware of any
24 other judge or any other prosecutor.

25 Q. Yes. And it was Mr. Dobruna who, again, appointed the

1 prosecutor who worked at the court, and there was only, I believe,
2 one of those; is that correct?

3 A. I said that there was only one prosecutor, based on my
4 knowledge, but I do not know who appointed him.

5 Q. But, again, obviously if Mr. Dobruna was, therefore, absent for
6 any reason or for any length of time, that would have prevented the
7 court from functioning properly?

8 A. It happened in at least two or three occasions to go there and
9 see that Mr. Dobruna was absent. In which cases we would submit our
10 case files to the military prosecutor. Despite the fact that now we
11 know - I did not know at the time - that the criminal reports should
12 be submitted with the prosecutor, we submitted them to the judge of
13 the military court.

14 What I'm trying to say with this is that there were no -- there
15 was no standard procedure. It was impossible to follow one. And
16 this is why I pointed out that each of these cases has its own
17 specifics.

18 Q. And is it fair to say that the lack of a standard procedure was
19 in large part due to the fact that Mr. Dobruna did not provide the
20 documentation to you that you needed?

21 A. First of all, I do not know whether Mr. Dobruna had one or if he
22 completed one. Secondly, even if he had provided us with that
23 document, this does not mean that we were trained enough to -- and
24 equipped and staffed with qualified people to start immediately with
25 its implementation.

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1 In any event, I did not have that document nor did my
2 subordinates.

3 Q. And when you state earlier, I believe, that there was
4 fighting -- I can't see exactly where that was. But when you said
5 there was fighting, obviously the investigation of cases took a
6 backseat, if I can use that expression?

7 A. The issue of the investigations was not a permanent issue. What
8 you said, which is what I said earlier, when there was fighting going
9 on, there was no other priority. But even when there was no fighting
10 going on -- so it doesn't mean that the moment the fighting stopped,
11 the investigations would be activated, because we had other duties
12 and proper permanent investigations could not be conducted. The ones
13 that could be carried out are those you have in front of you. So
14 what was done was what was possible. Regardless of whether this was
15 done professionally, rightly, what was done is what you have.

16 Q. So you were doing the best you could in the circumstances you
17 faced at the time?

18 A. I think so.

19 Q. And, obviously, where you were based in 121 Brigade around
20 Klecka, this was a centre of attacks by the Serb forces over the
21 course of April and May 1999; is that correct?

22 A. I know that there were air strikes, I think, using a MiG-29.
23 But if you're referring to it as the centre, obviously the brigade
24 command was in Klecka. And around Klecka, in Divjake, there was the
25 seat of the General Staff. In Selite [phoen], as well in Berishe, it

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1 was *Kosova e Lire*, Free Kosova. So in general, all those existing
2 mechanisms were in that highland area, and the Serbs concentrated
3 their offensive in that area, which naturally limited the functioning
4 -- functional capabilities of the KLA.

5 Q. And when you say "the KLA," is that fair to include both your
6 abilities to investigate and the court's ability to deal with any
7 cases provided to it?

8 A. No. I was referring in general to the functioning of the KLA.
9 Because the cases that were initiated by somebody, we tried to deal
10 with them to the extent we were able to do so based on the resources
11 available to us. But, again, we are talking about seven to eight
12 cases or in total nine cases. No more than that.

13 MR. ROBERTS: Your Honour, I see the time.

14 Q. Thank you, Mr. Krasniqi. I'll see you again in the morning.

15 PRESIDING JUDGE SMITH: That's the end of your testimony today,
16 Mr. Krasniqi. Please do not speak with anyone about the case
17 overnight. We will see you tomorrow morning at 9.00.

18 THE WITNESS: [Interpretation] Understood.

19 [The witness stands down]

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 --- Whereupon the hearing adjourned at 4.31 p.m.

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23

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25