

1 Wednesday, 29 January 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: The record will reflect that the accused  
11 are all present in court today.

12 Before we continue hearing the evidence of Prosecution  
13 Witness W04743, there is one preliminary matter that the Panel would  
14 like to address.

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

16 [Private session]

17 [Private session text removed]

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[Private session text removed]

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1 [Private session text removed]

11 [Open session]

12 THE COURT OFFICER: Your Honours, we are now in open session.

13 PRESIDING JUDGE SMITH: Thank you.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: I note for the record that Duty Counsel  
16 for W04743 is available outside of the courtroom should W04743 want  
17 to request his advice. However, we have been advised that there  
18 could be a short delay in the event that that is necessary.

19 Good morning, Witness.

20 THE WITNESS: [Interpretation] Good morning.

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

1 basis of your knowledge of the facts and circumstances upon which you  
2 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 on Monday 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 before the Specialist Chambers, except under  
9 Article 115(2) of the Law and Rule 65 - are still applicable and that  
10 refusal to give testimony may be sanctioned with the imposition of a  
11 fine.

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

15 If you feel the need to take a break, please make an indication  
16 and an accommodation will be made.

17 We continue now with the questions from Selimi Defence. Please  
18 give them your attention.

19 Mr. Roberts, you have floor.

20 MR. ROBERTS: Thank you, Your Honour.

21 WITNESS: NASER KRASNIQI [Resumed]

22 [The witness answered through interpreter]

23 Cross-examination by Mr. Roberts: [Continued]

24 Q. And good morning, Mr. Krasniqi.

25 A. Good morning.

1 Q. I'd like to now ask you some questions in relation to the  
2 Krojmir case that you discussed with the Prosecution yesterday, of  
3 Pjetershtice.

4 Now, this relates to Ajvaz Korpuzi, Dalip Durmishi, Syle Qeriqi,  
5 Azem Olluri, and Arsim Haziri; is that correct?

6 A. It's five people altogether.

7 Q. Yes, those five people that I mentioned, albeit with my limited  
8 pronunciation.

9 A. Correct.

10 Q. Now, according to the report that we saw yesterday, that's  
11 P2010 -- sorry, 2010, at page 083060, three of these individuals  
12 reported to the military police in Klecke at 3.00 on 30 April 1999,  
13 and then they were disarmed. That's right, isn't it?

14 A. I know that all five of them were detained and disarmed, but I  
15 am unable to give you names and what happened to who when.

16 Q. Okay. That's understandable. Now, after this point you went to  
17 look or you told the SPO that you went to look for Sokol Dobruna, but  
18 instead of finding him you found Rexhep Selimi; is that right?  
19 That's what you told the SPO, and that's P2007.4, so that's Part 4 of  
20 your interview, page 12.

21 A. No.

22 Q. You didn't find Rexhep Selimi?

23 A. I did not request to see Rexhep Selimi and neither did I meet  
24 him. I requested to meet Sokol Dobruna. I did not find him. And it  
25 is likely that I met Mr. Kryeziu or someone else, but I don't think

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Cross-examination by Mr. Roberts (Continued)

1     that I met Rexhep Selimi at the General Staff in connection with this  
2     issue.

3     Q.    Well, you only met him once in relation to this issue, didn't  
4     you?

5     A.    Yes. We only met once in connection with this issue as I  
6     clarified it, and that happened during the confrontation that we had  
7     with the detained people.

8     Q.    Yes.

9           MR. ROBERTS: If we could just put on screen P2019, which is the  
10    handwritten notes that you were shown yesterday.

11    Q.    And if you can see those on screen, Mr. Krasniqi.

12    A.    I do see it.

13    Q.    And the top left-hand corner of that handwritten document it  
14    states Divjake, 1 May 1999. And that was the date of the meeting  
15    that you had with Mr. Selimi; is that right?

16    A.    It may well be this date, but I cannot be certain about the date  
17    of our meeting. If I'm allowed to add, though, the meeting happened  
18    on the day of the release of the detainees. So if it can be  
19    ascertained from the paperwork as to which date the detainees were  
20    released, then that is the date of the meeting.

21    Q.    And this document obviously refers to Divjake, doesn't it,  
22    rather than Klecke?

23    A.    That's what I see on this piece of paper, even though the  
24    authorship of this document remains unclear to me. If I were to know  
25    who had written it, that would be of help to me.

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Cross-examination by Mr. Roberts (Continued)

1 Q. But this would suggest that, if this was a document authored by  
2 Mr. Selimi, that this meeting actually occurred in Divjake; is that  
3 right?

4 A. I can testify here about where the meeting occurred and not  
5 what's written on this document. If we were to look at this  
6 document, it is correct that it says "Divjake." I do not know who  
7 has written this document and when. All I can tell you here is my  
8 truth. However, by reference to the document that you are making,  
9 one can see that it is correct that "Divjake" is written there.

10 Q. Now, you don't know why Mr. Selimi came to see you or who had  
11 asked for him? That's what you told the SPO in P2007.4, pages 13 to  
12 14; is that right?

13 A. The reason on the arrival of Mr. Selimi was to meet the  
14 detainees to clarify the basis upon which the above-mentioned  
15 individuals or the individuals mentioned earlier here were detained.

16 Q. Right. And were you aware at this time, so that's the end of  
17 April, beginning of May, that the General Staff had been relocated  
18 outside of Divjake, over to the Nerodime zone?

19 A. As I stated earlier, the General Staff and all the other units  
20 were on the move during the war because of all kinds of  
21 circumstances. However, the general headquarters of the -- the  
22 general headquarters remained in Divjake. So I do not know how many  
23 of the members of the General Staff or who stayed in Divjake, but I  
24 know that some of them did remain in Divjake, including Mr. Selimi.

25 Q. Yes. Mr. Selimi was one of the only ones who remained there, is

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Cross-examination by Mr. Roberts (Continued)

1 that consistent with your recollection, if not the only one who  
2 remained in Divjake at the time?

3 A. I cannot state with any certainty as to who stayed behind.  
4 However, on the basis of the meeting that occurred, Mr. Selimi did.  
5 Who else stayed there, however, I cannot be certain about.

6 Q. Okay. Now, you just told us a minute ago that when Mr. Selimi  
7 was there, he -- the reason for the arrival of -- his arrival was to  
8 clarify the basis upon which these five individuals were detained.

9 You told the SPO that you believed that he considered you and  
10 Asman Hoxha to be potentially subjective in this case; is that right?

11 MR. ROBERTS: And for the record, that's page 13 of P2007.4.

12 THE WITNESS: [Interpretation] I think that he dealt only with  
13 me, to be frank, and not Asman Hoxha, because the case rested with  
14 me. Regardless of the fact that during the questioning I had great  
15 assistance by Asman Hoxha, I was the one who primarily dealt with  
16 this issue.

17 MR. ROBERTS:

18 Q. But his concern -- and I'll read out what you said:

19 "... I, together with Osman Hoxha, were there present. It could  
20 have been someone else was there, but I don't know, and he asked  
21 about ... the facts that we had based on" --

22 Sorry, I'm reading the wrong quote. Sorry, just before that:

23 "And Mr. Selimi is supposedly thinking that we were being  
24 subjective ..."

25 And that's what you told to the SPO. Is that what you



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Cross-examination by Mr. Roberts (Continued)

1 considered his concern to be?

2 A. That was my -- what I thought and it was an assumption, even  
3 though I don't know what Mr. Selimi thought. However, the fact of  
4 his arrival and the questioning on the basis upon which the people  
5 had been detained at a time when I had submitted the whole paperwork  
6 in front of him, that -- the fact that he requested the basis upon  
7 which they'd been detained, that led me to the conclusion that I  
8 drew.

9 Q. Okay. Now, you stated in the preparation session, and it's also  
10 in the documents that we saw yesterday, that one of the complainants  
11 in the case was Faik Shala, do you recall that, who came from a  
12 village nearby, Ngucat?

13 A. Yes, he was from the village of Ngucat.

14 Q. And the order that was discussed yesterday that required the  
15 suspected individuals to report to Klecke refers specifically to  
16 those individuals being involved in the beating of Faik Shala.

17 MR. ROBERTS: And for the record, that's P2010 at page 083059.

18 Q. Do you recall that?

19 A. It is not only Faik Shala's case but all the other cases that  
20 are noted down.

21 Q. But from the information that we have, you would accept that  
22 this incident with Faik Shala was a principal factor in the summons  
23 and arrest of these individuals; is that fair?

24 A. I cannot limit it to Faik Shala's case. The cases had all been  
25 brought together, and the people were detained when evidence was

1 found. I can't say here which of the cases was the primary one. One  
2 of the main ones was Faik Shala's. However, it is difficult for me  
3 to weigh all those cases with the lapse of time, but I can state here  
4 that it's all the cases together that led us to the decision that was  
5 taken.

6 Q. So you said that Faik Shala's was one of the main ones. Did he  
7 have a family relationship with Haxhi Shala, do you recall? Is he  
8 related to Haxhi Shala, your brigade commander?

9 A. Let me say it one more time that I don't think that the other  
10 cases were of less significance than Faik Shala's, but Faik Shala's  
11 case maybe is at the outset of the documentation and that's why it  
12 gains this significance. There were others that were no less  
13 important.

14 However, on the relationship between Faik Shala and Haxhi Shala,  
15 I'm not aware of any family relationship. At least I have no  
16 knowledge of any such things.

17 MR. ROBERTS: If we go to -- and if we can put this on the  
18 screen. So this is P2010, 082919 to 083087 at page 083069.

19 Q. And this is a statement from the case file that you collected  
20 from Azem Olluri. If you just bear with us for a few seconds,  
21 please, Witness.

22 Now, this is a declaration taken of Azem Olluri, one of the  
23 individuals concerned. And two-thirds of the way through the  
24 interview, he's talking about the incident with Faik Shala, and I'll  
25 just read it:

1            "... Syle Qiriki said to them, 'Why didn't you come when we told  
2            you to come'. Then, without any reason, he turned to me and said,  
3            'This is none of your business; it is you who started this'. Syle  
4            said to him, 'You've got no business with him; I am asking you a  
5            question', whereas he said to me, 'I have Haxhi there and you will  
6            see who I am' ..."

7            Could you see where that was recorded in the Albanian?

8            A. Yes, I can see that part. However, I cannot recall the  
9            specifics of the situation, also owing to the fact that I did not  
10           question this individual. As I say, I can see and read this but I  
11           cannot recall it in specifics.

12           Q. So I would suggest to you on the face of this statement from  
13           Azem Olluri, as he recounts this incident with Faik Shala, that Faik  
14           Shala was seeking to rely on his connection with Haxhi Shala in this  
15           dispute. Do you have any reason to dispute that understanding?

16           MS. IODICE: Objection, speculation.

17           PRESIDING JUDGE SMITH: Overruled.

18           You can answer.

19           THE WITNESS: [Interpretation] All I can say is that we based our  
20           work upon concrete facts and evidence, and that this sentence has not  
21           had any significance. And to this day I do not possess any bit of  
22           information to suggest that this individual had any links to  
23           Mr. Haxhi Shala. Faik Shala comes from the village of Ngucat whilst  
24           Haxhi Shala comes from the village of Banje in Malisheve.

25           Q. Okay. Now --

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Cross-examination by Mr. Roberts (Continued)

1 A. That's all I can say.

2 Q. Now moving on to the scope of the case, you told the SPO that it  
3 was quite a big case and garnered the General Staff's interest and it  
4 could impact on the image of the KLA. I think you mentioned  
5 something similar yesterday.

6 Now, referring to the handwritten notes, so if we could go back  
7 to P02019, one of the issues that seems to arise in this case were  
8 that military policemen were not reporting to higher bodies and were  
9 acting independently. Do you recall telling Mr. Selimi about these  
10 issues?

11 MR. ROBERTS: And if we can go to the first page of that  
12 document.

13 Q. About four or five lines down, it talks about the independence  
14 of decisions and not reporting to higher bodies. Do you recall  
15 discussing that with Mr. Selimi?

16 A. We discussed the progress of the case with Mr. Selimi. Whilst  
17 based on the items that I have here in front of you, I can say that  
18 they correspond to the case, and it may be seen as a summary, as a  
19 possible summary of that particular case.

20 Q. Right. So you accept that there were issues in relation to  
21 these five individuals not reporting to higher bodies; is that fair?  
22 Yes or no, if you can.

23 A. It was neither my nor my team's perceptions that led to the  
24 issue. It was, as a matter of fact, the complaints that came from  
25 the civilian population as well as the soldiers. That's the basis

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Cross-examination by Mr. Roberts (Continued)

1 for it.

2 Q. If we can move to the two pages along from that, so that's  
3 SPOE00226485, and this appears to be notes taken after discussion  
4 with N. Krasniqi, commander of ZOP PU company, which is Nexhmi  
5 Krasniqi; is that right?

6 A. At the time, Nexhmi Krasniqi was the commander of the military  
7 police in the Pashtrik operational zone.

8 Q. And, again, there are issues there listed about not being under  
9 the chain of command and disobeying the high command. Was that  
10 consistent with your understanding of the information in the case,  
11 the evidence you collected in the case?

12 A. As I stated, these notes being shown to me correspond with the  
13 contents of the violations or with the documentation of the case.

14 Q. And, again, the following page, so that's 6486, the same thing.  
15 This is with Avni Shala, the commander of the 2nd Squad of the  
16 121 Brigade, and he again is complaining about them "not [reporting]  
17 to me" and also about the fact that "there are occasions when they  
18 ... acted without orders."

19 Now, do you see that?

20 A. Yes, I can see it. But the document has no date, so we don't  
21 know when these notes were taken.

22 Q. Of course. Now, was it the case that there were some factions  
23 within Brigade 121 who didn't recognise Haxhi Shala's authority as  
24 brigade commander?

25 A. I don't know. What I can say is that in the command of

1 Brigade 121, there were no factions, no divisions, and I can say this  
2 with responsibility. I cannot say anything any further.

3 Q. These individuals, the four or five military police officers  
4 that make up this case, were they not part of a group that didn't  
5 effectively recognise Mr. Shala's authority as brigade commander?

6 A. I don't think so. I don't share the same opinion.

7 Q. Well, if we go to page, of these handwritten notes, ending in  
8 6484, so I think that's back two pages, and this is -- appears to be  
9 notes of what Mr. Haxhi Shala has said, and I'll just read it for the  
10 record:

11 "- I refer to IS records.

12 "- I have contributed to overcome the shortcomings, but without  
13 success.

14 "- I have drawn their attention on this matter."

15 Now, is it a fair understanding of this, these notes, to suggest  
16 that Haxhi Shala had previously tried to instill some form of  
17 discipline on these individuals but didn't manage to?

18 A. The disobedience of the soldiers in question or their violations  
19 have nothing to do with the fact on whether they like or not  
20 Haxhi Shala or recognise him as a commander or not. They violated  
21 the internal rules of the KLA or, simply put, human norms.

22 Q. But it does recognise or it does state in there "without  
23 success," so Mr. Shala is recognising that he has not been able to  
24 resolve the issue; is that right?

25 A. When the persons commit repeated violations, they are repeated

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Cross-examination by Mr. Roberts (Continued)

1 offenders.

2 Q. Sorry, Witness --

3 A. These things can happen in peacetime as well, not only during  
4 war.

5 Q. I don't want to cut you off, but if you could just answer the  
6 question. The question was about what the note was saying of  
7 Haxhi Shala's position. He appears to be recognising that he's not  
8 been able to succeed in that situation. Is that a fair assessment of  
9 what's written?

10 MS. IODICE: Objection, asked and answered.

11 MR. ROBERTS: Well, asked but not answered, Your Honour.

12 PRESIDING JUDGE SMITH: You may answer the question.

13 The objection is overruled.

14 THE WITNESS: [Interpretation] I don't know. This question  
15 should be put to Mr. Haxhi Shala.

16 MR. ROBERTS: Okay.

17 Q. But the point I'm trying to make is that in these circumstances  
18 in relation to this situation, do you accept that it was -- that an  
19 outside individual, such as Mr. Selimi, was simply trying to act as a  
20 mediator in this situation to prevent or to resolve these issues of  
21 insubordination?

22 A. Now, whether Mr. Selimi acted as a mediator between Haxhi Shala  
23 and other persons, I don't know that. All I know, and all I can say,  
24 is that -- I can say what I witnessed during the confrontation with  
25 these persons who were detained.

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Cross-examination by Mr. Roberts (Continued)

1 Q. Okay. Now, you've been very clear that Mr. Dobruna was not  
2 available when you arrived with these individuals. Am I right that  
3 you didn't know where he was or how long he'd be away?

4 A. That's correct.

5 Q. And as you said yesterday, there was no other judge around, was  
6 there, because Mr. Dobruna never appointed another judge to the  
7 military court?

8 A. Correct.

9 Q. And as you told the Prosecution in your preparation session - so  
10 that's P2009, at paragraph 101 - when he first arrived, when  
11 Mr. Selimi first arrived, he congratulated you on your work in  
12 relation to this case; is that correct?

13 A. Yes, that's correct. If I may add, this occurred when I  
14 presented to him the file, voluminous file, of the detained persons.  
15 He started looking at the initial, first pages. He could not read  
16 all of them. But after this, he congratulated me and added, "Can I  
17 take the whole file with me so that I can have a week to read it  
18 thoroughly?"

19 Q. Yes. So it was a request from him to ask you for the file. It  
20 wasn't an order, was it, to provide it to him?

21 A. The issue of the functioning of the structure of the KLA was not  
22 only a formal matter but also a matter of trust. It was a matter of  
23 the responsibility, level of responsibility of the person in  
24 question. In this case, mine. So the person who trusted the  
25 structure complied with it, regardless of the fact whether it was an



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1 order or a request. He asked for this kindly, politely. However,  
2 whoever would have asked for the file, I would have given that file  
3 to that person because of the trust in the structure.

4 Q. Yes. So when it's referred to as a confrontation, I think, in  
5 the preparation note, that's not consistent with the tone of this  
6 discussion you had with Mr. Selimi, is it?

7 A. Since I had to bring up for discussion the reasons for detaining  
8 these persons, the violations, the purpose, then they were given the  
9 opportunity to speak, and they claimed to be innocent. So they also  
10 took part in the conversation.

11 Q. Yes. What I mean is it wasn't an aggressive situation or it  
12 wasn't confrontational. It was seeking information on what the  
13 status of the case was from Mr. Selimi.

14 A. Never, in no conversation I have been or witnessed any  
15 aggressive behaviour.

16 Q. And you said it was a detailed file, and he took it away to  
17 study for a week because of the amount of information in it.

18 A. That is correct. Yes.

19 Q. Am I right you didn't ask Mr. Selimi to give the case file on to  
20 Mr. Dobruna given that he wasn't there?

21 A. I did not make any request to Mr. Selimi in relation to  
22 anything.

23 What I would like to add, with your permission, Your Honours, I  
24 hold in high esteem Mr. Selimi for his contribution to the liberty  
25 and statehood of Kosovo. In the context and the circumstances at the

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Cross-examination by Mr. Roberts (Continued)

1 time, Mr. Selimi might have undertaken the right course of action to  
2 release the detainees. I am not here to assess this. I am here to  
3 testify and give accurate information for what I have seen,  
4 witnessed, or what I know. My responsibility is to give a clear,  
5 accurate evidence about what happened but not to assess actions.

6 Again, he might have taken the right action. We were the  
7 persons who detained those individuals, not Mr. Selimi. Mr. Selimi  
8 was the one who released them.

9 Q. Yes. And when you said he released them, there was never a  
10 specific written decision that we've seen releasing them, was there?

11 A. No. What happened at the end of that meeting was oral. In  
12 other words, their release was done orally. They are to be released,  
13 and then the staff from detention centre released them.

14 Q. And am I right that you didn't object to this request for them  
15 to be released?

16 A. Not only in this case, but in no case have I challenged any  
17 release, because I had no interest in it. In this case, I know  
18 because this happened in our presence. But with respect to other  
19 cases, I don't even know when the detainees were released because  
20 this was not within my powers. In other words, it was not part of my  
21 functions to challenge such decisions.

22 And in addition to that, I don't think it would be the proper  
23 way for a person at a lower position to challenge a decision of  
24 someone who's at a higher position. And, again, in those  
25 circumstances, I thought he was doing the right thing.

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Cross-examination by Mr. Roberts (Continued)

1 Q. And why did you think he was doing the right thing?

2 A. Just like in other cases, just like when Agim Ceku sentenced a  
3 soldier to 25 days of imprisonment, other cases such as that of  
4 Blerim Kuqi who was detained and then released, these were matters  
5 dealt by other mechanisms. My personality, my character was such  
6 that I did not challenge any decision, order, request, instruction,  
7 coming from anyone, including those from above.

8 Q. You told us yesterday there were no standard procedure on how  
9 these cases were to be conducted when Mr. Dobruna was not there; is  
10 that right?

11 This is at provisional transcript page 114 yesterday. I'll just  
12 quote it:

13 "What I'm trying to say with this is ... there was no standard  
14 procedure. It was impossible to follow one."

15 Is that right?

16 A. I have said this on many occasions, that we did not have written  
17 clear procedures as to how to proceed with these cases, with the  
18 exception of the instructions I received from Mr. Dobruna.

19 Q. And if Mr. Dobruna was not there, there's no written procedure,  
20 you can't know or you can't say for sure that Mr. Selimi was aware  
21 what procedure should be followed?

22 A. I don't know.

23 Q. Now, moving on. You told the Court yesterday that the case was  
24 closed when the suspects were released. But in the absence of  
25 Mr. Dobruna, that wasn't actually the case, was it? It simply meant

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Cross-examination by Mr. Roberts (Continued)

1     that you no longer had the case file, which was with Mr. Selimi.

2     A.     For me and my team, this case was as a criminal case. We  
3     claimed, brought up allegations regarding suspicions of criminal  
4     offences having been committed. Then it was further processed at the  
5     brigade level as a disciplinary issue.

6     Q.     Yes. Just to maybe rephrase my question. Mr. Dobruna was not  
7     involved, obviously, in this decision. You've confirmed that. And  
8     you've given the case file to Mr. Selimi. You cannot definitively  
9     say that the case was closed. It's simply that you were no longer in  
10    possession of the case file. Yes or no, if you can, obviously, but  
11    please expand if you need to.

12    A.     In this case, just like in other cases, when I say the case was  
13    closed, what I mean is it was closed for us, but I do not know if  
14    this was processed further or not.

15    Q.     Yes, that's the --

16    A.     This -- I don't know about this part and I had no interest in  
17    knowing about it.

18    Q.     That's the question that I was trying to get towards is you  
19    didn't meet Mr. Selimi after this date to discuss anything to do with  
20    the case. You confirmed that in Preparation Note 2, paragraph 96.  
21    That's correct, isn't it?

22    A.     This was not my practice to get in touch in relation to a case  
23    which for me was over, finished, complete. Neither did I do it in  
24    this case or in other cases.

25    Q.     So you didn't speak to Mr. Selimi afterwards, and also you

1 didn't, to your recollection, have any discussion with Mr. Dobruna  
2 about this case afterwards, did you, either?

3 A. I might have discussed this with Mr. Dobruna in the sense that I  
4 was looking for him in relation to something and that I was not able  
5 to find him, but not formally. And I never discussed this again with  
6 Mr. Selimi.

7 Q. So you can't exclude that the case file was ultimately passed on  
8 to Mr. Dobruna, can you? You simply don't know what happened after  
9 you gave the case file over.

10 A. That's correct.

11 Q. And in relation to another case, Mr. Dobruna had told you that,  
12 during the war, these were not conditions for trial and execution of  
13 punishment, and that he would try cases in the regular courts after  
14 the war.

15 MR. ROBERTS: And for the reference, that's P2007.4, pages 9 to  
16 10.

17 Q. So Mr. Dobruna had the intention to potentially try cases after  
18 the war; is that correct?

19 A. Yes. He said that these cases will then be transferred to  
20 regular courts after the war.

21 Q. But in relation to a specific case where you asked why a certain  
22 case didn't go ahead - again that's the same reference - he told you  
23 that he didn't have the archive of the military court. Do you  
24 remember telling the SPO that?

25 A. This occurred after the war, not during the war.

1 Q. Yes. But you, again, can't exclude that the case file was  
2 provided to Mr. Dobruna and he decided to complete this case after  
3 the war?

4 A. Of course, I cannot exclude that possibility. I simply don't  
5 know.

6 Q. Understandable. Now, your evidence is that after these  
7 individuals were released, you reported to Haxhi Shala who took the  
8 decision to strip them of their military police status. That's  
9 right, isn't it? Just a simple yes is enough, or no.

10 A. Not only we reported to him, but we asked for him to strip them  
11 of their military police status.

12 Q. Yes. So he issued that. And then shortly afterwards, there was  
13 a public announcement of that decision by Haxhi Shala, which  
14 explained that the disciplinary measure of relief from duty and  
15 demotion had been taken against these five individuals. So this was  
16 after they'd been released?

17 A. They were released by the military police and then transferred  
18 to various points as ordinary soldiers.

19 Q. Now, your evidence from yesterday - this is provisional  
20 transcript of 28 January, page 66 - was that you stopped treating the  
21 case then as a criminal allegation once the individuals were released  
22 but instead as a disciplinary allegation. Do you remember saying  
23 that in court?

24 A. Yes. The decisions taken in relation to the persons in question  
25 were taken based on the competencies of the internal regulation on

1 disciplinary violations.

2 Q. And this is different from what you'd said in your preparation  
3 session - so that's paragraph 101 - which is when you stated that --  
4 upon being asked if you continued to investigate the case after the  
5 suspects had been released, you noted that you didn't because the  
6 case with Rexhep Selimi -- the case was with Rexhep Selimi who was  
7 part of the General Staff.

8 A. He had the file. And after this, I was not interested to follow  
9 the further developments in relation to criminal suspicions.

10 Q. But you did carry on conducting investigations in relation to  
11 these five individuals, did you not?

12 A. No, we did not carry on the investigation. We did not take any  
13 additional statements after this period of time.

14 Q. Maybe if we can --

15 A. Always referring to the same violations.

16 MR. ROBERTS: Maybe if we can go to P2010 at page 083070.  
17 That's page 81 of the PDF.

18 Q. So this -- can you -- I'll just wait for the Albanian to come up  
19 on the screen.

20 So you can see in the Albanian there this is a statement of Faik  
21 Shala again, and this is dated 2 May 1999. So this is after the  
22 individuals had been released, isn't it?

23 A. Who signed this document, please? Because I cannot see the  
24 signature.

25 MR. ROBERTS: If we can scroll down to the bottom or possibly to

1 the following page, I think. And scroll to the bottom of that.

2 Q. Do you recognise the signature in the bottom left-hand corner?

3 A. Yes, I recognise the signature. It is that of Asman Hoxha. Can  
4 we go back to the beginning of the page?

5 Q. Of course. Certainly.

6 MR. ROBERTS: If we go back to the previous page, please.

7 Q. And this is, as you can see, dated 2 May 1999 in the top  
8 left-hand corner, which does appear to be after the decision to  
9 release the individuals that you referred to earlier. So that  
10 implies, obviously, that the investigation was continuing afterwards,  
11 does it not?

12 A. Asman Hoxha can answer to this exactly. Or perhaps it is a  
13 matter of the protocol number which is indicated at a later stage.  
14 What I'm saying, however, is that there were no further  
15 investigations in relation to this case, to my knowledge, unless  
16 there were additional or new violations.

17 MR. ROBERTS: Well, let's go to then page 083074.

18 Q. Again, this is another statement taken in relation to this  
19 investigation. And if you look at the date in the top left-hand  
20 corner, again that's 6 May 1999. Do you see that in the top  
21 left-hand corner of that document?

22 A. Yes. If I can please see the signature block.

23 Q. Of course, yes.

24 MR. ROBERTS: If we scroll to the bottom.

25 Q. Do you recognise the signature at the bottom of that document?



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Cross-examination by Mr. Roberts (Continued)

1 A. Yes. This is not my signature.

2 Q. But if we go to the top of the -- top left of the document in  
3 both English and -- it is the military police who are continuing to  
4 carry out that investigation. So am I correct in understanding that  
5 your evidence is simply that you, individually, did not continue  
6 carrying out the investigation in this case?

7 A. I and Brigade 121, I don't think that we conducted any further  
8 investigations. I haven't personally, but I'm not aware of any from  
9 the brigade having done so either.

10 Q. Did you not just see the document from Asman Hoxha, which was  
11 within your brigade, continuing in the investigation after their  
12 release?

13 A. I think this question should be put to Mr. Asman Hoxha.

14 MR. ROBERTS: If we could just go to a further document in the  
15 same collection, but this hasn't been admitted. So this is part of  
16 the ERN range 082926 to 083087. And we're looking at page 083086  
17 within it.

18 Your Honours, I'm about five minutes away from ending, so  
19 possibly if we could just delay the break for a few minutes just to  
20 get to the end of these questions, that would be of assistance.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. ROBERTS:

23 Q. Now, do you see the document in front of you dated 11 May 1999?  
24 The 121st Kumanova Brigade, Protocol No. 21/2-2-77. Can you see that  
25 in front of you?

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Cross-examination by Mr. Roberts (Continued)

1 A. Yes, I can.

2 Q. And that's an arrest warrant, and you see the name, against Azem  
3 Olluri who is one of these individuals that we've been discussing in  
4 relation to Krojmir case, isn't it?

5 A. This document refers to the decision of 1 May, decision to  
6 transfer him in another unit in the brigade. The person in question  
7 did not comply with the decision in question, and then the commander  
8 took this decision. So this is based on the decision of 1 May.

9 Q. Yes. But it's an arrest warrant that was issued in relation to  
10 that decision but still under the jurisdiction of the 121st Brigade.  
11 They're still taking measures against this individual. That's  
12 correct, isn't it?

13 A. The redeployment of all these persons was naturally done by  
14 Brigade 121 because they were members of that brigade. But for the  
15 Trial Panel, this arrest warrant was not executed because the person  
16 in question presented medical reports. I think. I am not certain  
17 about this. But what I want to reiterate is that this is connected  
18 to the decision of 1 May.

19 Q. Yes.

20 MR. ROBERTS: If we could just go to the previous page as well,  
21 so 083085. Again, this is not part of the admitted collection.

22 Q. And this is a document dated 19 May 1999, again in relation to  
23 Dalip Durmishi, one of the individuals who was earlier released,  
24 about how his weapon had been confiscated. Do you see that in front  
25 of you?

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Cross-examination by Mr. Roberts (Continued)

1 A. Yes.

2 Q. Again, this is the military police continuing to take measures  
3 against these individuals after their release by Mr. Selimi?

4 A. This document has nothing to do with taking any measures, but  
5 it's about Mr. Durmishi surrendering his weapon in Brigade 121.  
6 Their weapons were seized at the moment they were detained, and these  
7 handguns were not given back to them at the moment of their release  
8 because, based on the regulation, the persons who are entitled to  
9 have a handgun were the squad commanders and above. Those persons,  
10 instead, as military policemen, did not have the right to carry  
11 handguns.

12 Q. The point I'm making to you is that the fact that these  
13 individuals had earlier been released didn't impede your  
14 investigation or measures being taken against them at the brigade  
15 level. Would you agree with that proposition?

16 A. They were released regarding any criminal offences, and they  
17 were sentenced in relation to disciplinary violations.

18 Q. And those disciplinary violations continued to be sanctioned or  
19 were sanctioned at the brigade level, so the effect of their release  
20 didn't prevent those disciplinary measures in any way. You agree  
21 with that, don't you?

22 A. This was within the powers of the brigade commander who  
23 exercised those powers and I think acted in the proper way.

24 Q. Thank you, Mr. Krasniqi.

25 MR. ROBERTS: Thank you, Your Honours. I'm finished.

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

2           Witness, we'll give you a ten-minute break at this time. Please  
3 do not speak to anyone outside the courtroom about your testimony  
4 here.

5           You may go with the Court Usher now.

6                               [The witness stands down]

7           MR. ROBERTS: Apologies, Your Honour. If I could just tender  
8 those last two pages that I used, whether they --

9           PRESIDING JUDGE SMITH: Any objection to those two pages?

10          MS. IODICE: No, Your Honour.

11          PRESIDING JUDGE SMITH: I believe it's 083086 and 083085.

12          MR. ROBERTS: That's correct, Your Honour.

13          PRESIDING JUDGE SMITH: They are both admitted and will be  
14 granted --

15          THE COURT OFFICER: Thank you, Your Honour.

16          PRESIDING JUDGE SMITH: -- perhaps one number for the two.

17          THE COURT OFFICER: I would propose that these are added to the  
18 Exhibit P02010 --

19          PRESIDING JUDGE SMITH: Okay.

20          THE COURT OFFICER: -- together with the remaining pages that  
21 were admitted yesterday.

22          MR. ROBERTS: No objection from us, Your Honour.

23          PRESIDING JUDGE SMITH: Thank you. That's fine.

24          THE COURT OFFICER: Thank you.

25          PRESIDING JUDGE SMITH: So we're adjourned for ten minutes.

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Cross-examination by Mr. Dixon

1 --- Break taken at 10.05 a.m.

2 --- On resuming at 10.18 a.m.

3 PRESIDING JUDGE SMITH: Please bring the witness in.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, next we have some  
6 questions from the Veseli Defence.

7 Mr. Dixon, you have the floor.

8 MR. DIXON: Thank you, Your Honours.

9 Cross-examination by Mr. Dixon:

10 Q. Good morning, Mr. Krasniqi. My name is Rodney Dixon. I am  
11 going to ask you some questions on behalf of my client,  
12 Mr. Kadri Veseli. I --

13 A. Good morning.

14 Q. I hope I will be able to make your answers short and clear, and  
15 if you could try and answer just what I'm asking you as briefly as  
16 possible, and we can move through this quite quickly then.

17 I want to start, Mr. Krasniqi, with you being appointed or  
18 assuming the role of the assistant to the commander of the military  
19 police in Brigade 121. That was in November, December 1998, wasn't  
20 it?

21 A. I was appointed to work alongside the commander without a clear  
22 instruction of status. However, we continued to work together until  
23 the beginning of February 1999.

24 Q. Yes, thank you. And that person was Mr. Nexhmi Krasniqi, who,  
25 at the beginning of February, moved up to the head of the military

1 police at the zone level, and you then took over his position at that  
2 time at the brigade level; is that right?

3 A. Yes. I replaced him on an interim basis as a platoon commander,  
4 and I stayed in that position until the end.

5 Q. Until the end of the war, that is?

6 A. Correct.

7 Q. And it was Mr. Haxhi Shala, the commander of the brigade, who  
8 appointed you into that position, wasn't it?

9 A. Yes, correct.

10 Q. And he did that by speaking to you and telling you in person  
11 that you were now going to be the commander of the military police;  
12 is that right?

13 A. To be clear, I hesitated in accepting this task and that's why I  
14 worked in an acting capacity. There were others, under those  
15 circumstances, that would have been hesitant to assume these  
16 responsibilities because of the difficulties. This was, however,  
17 given to me verbally, orally, and there was nothing in writing.

18 Let me add -- forgive me, counsel --

19 Q. Yes.

20 A. -- that this would have taken the formality when it was done at  
21 the brigade level. There is no log of it. In the majority of cases,  
22 the note-taking did occur. But if such a meeting took place, and if  
23 such notes were taken at the brigade level, then this appointment  
24 would have had the formal character that you're asking about.

25 Q. Yes. But you haven't seen anything in writing, have you? It

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1 was done orally. I'm not pointing that out as an error or problem.  
2 I'm just trying to work out factually what happened. You were told  
3 orally about assuming this position.

4 A. Let me repeat. The appointment was either communicated to me  
5 orally or is part of the notes of any meeting at the brigade level.  
6 I just cannot be more specific than this.

7 Q. Okay. Thank you. In February or March, then, 1999, moving  
8 ahead, you were similarly appointed by Mr. Shala, the brigade  
9 commander, to become the commander of ZKZ in the brigade; is that  
10 right?

11 A. Yes. However, the difference with the first instance is that on  
12 this occasion Mr. Shala made this appointment in writing.

13 Q. Yes. I'll come back to that later on. But can I just clarify  
14 that he did speak to you in person about this appointment and  
15 explained to you that he wanted you to take that position and give  
16 you an opportunity to respond to that; is that right?

17 A. Regarding the appointment of myself to the ZKZ sector by  
18 Mr. Shala, I do not recall having discussed this in advance. It's  
19 only that the appointment that was given to me is the one that I  
20 accepted.

21 Q. Yes. So you had no prior discussions with him, but he told you  
22 that you were going to take up this position and you accepted it. Is  
23 that a fair summary?

24 MS. IODICE: Could we have a citation for this?

25 MR. DIXON: I'm asking the witness to recall what he remembers.

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1           PRESIDING JUDGE SMITH: Overruled.

2           Go ahead. If you know, answer.

3           THE WITNESS: [Interpretation] As I said, I can't exclude the  
4 possibility, but I do not recall any prior discussion. Again, I  
5 don't exclude that possibility.

6           MR. DIXON:

7           Q. Very well. Thank you.

8           MR. DIXON: And there is a reference, P02006.3 at page 7, where  
9 the witness talks about being appointed in 1999 by Mr. Shala.

10          Q. Can I then ask you, if you remember, at the time when you  
11 assumed this position, the ZKZ commander, you weren't taking over  
12 from anybody who was in that position already. Is that how you  
13 remember it?

14          A. I don't know. I'm not sure about it.

15          Q. But can you remember that you didn't speak to anyone else, did  
16 you, who had been in that position before in a kind of handover when  
17 you took up that position; is that right?

18          A. If you are referring to a handover from a predecessor, no. Such  
19 a thing did not happen. I agree.

20          Q. Thank you. Now, you've discussed in quite a lot of detail in  
21 your evidence your role as the commander of the military police. I'm  
22 not going to go through all of that again with you. But if we can  
23 focus on your role and tasks in the ZKZ sector as the commander in  
24 the brigade.

25          You have, is this right - and I refer here to your preparation



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1 note, this is at paragraph 115 for those following - you've described  
2 your role as rather fictional and one in which you did not receive  
3 ZKZ training during the war. Do you remember that? Is that right?

4 A. Yes, correct.

5 Q. And you say it was fictional. Is that because really the  
6 appointment of you into this position was about completing the formal  
7 structure of the brigade and completing the organigramme, and you  
8 didn't really have a functioning structure under you for this work?  
9 Is that a fair assessment?

10 A. Yes.

11 Q. And you had no training during the war in ZKZ work. That only  
12 came later for civilian intelligence after the war; is that right?

13 A. Yes, correct.

14 Q. And in relation to your work in intelligence, I'm going to cite  
15 to you something that you said to the SPO in your interview. I'll go  
16 through it slowly.

17 MR. DIXON: There's no need to call it up, but for those  
18 following it's at P02006.3, page 11, line 6 onwards.

19 Q. Mr. Krasniqi, you said this when you were asked about your role:

20 "Look ... the duty of any intelligence service is gathering of  
21 information and this was, I think, more /as a description/ in the KLA  
22 organigramme then there were any capacities for any genuine  
23 action ...

24 "However, we tried to complete that task that job and if we  
25 had... if we received any information, we would transfer it, but as

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1 far as I remember, we didn't receive any important information. This  
2 was perhaps to give that information... as to give us information as  
3 to how our soldiers were behaving in conformity with regards to the  
4 discipline, and it was almost impossible getting any information from  
5 the enemy. This was impossible. For the time that I was there, I  
6 could say that this was the sector that... with very limited  
7 possibilities."

8 You can see that there on your screen. Do you recall saying  
9 that to the SPO?

10 A. I don't have it on the screen before me, but I do remember  
11 having said that.

12 Q. Yes, I was just wondering if you had it on the transcript, but I  
13 apologise. But you've answered anyway. Thank you.

14 Just to have one or two follow-up questions about that evidence.  
15 When you say you had limited possibilities, does that mean that, in  
16 reality, you couldn't really carry out intelligence work while you  
17 were in that position during the war?

18 A. I think I said that it is beyond the limited capabilities. And  
19 I said that with the exception of some information that came from  
20 Mr. Baftiu, were those to be set aside, then this post that I had  
21 within Brigade 121 would be nothing but fictional. Even the  
22 information that was brought by this individual was not of any  
23 significance. He would have passed on the same bit of information to  
24 any unit of the KLA that he would meet randomly. This means that  
25 that was not the kind of information that would be of interest to

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1 secret services or the ZKZ.

2 Q. Yes, thank you. I'll come on to ask you a bit more about  
3 Mr. Baftiu when we look at the case of Mr. Sabit Shala, which you've  
4 talked about before. But I just wanted to clarify in terms of  
5 getting information, you've said it was extremely limited, but when  
6 you got it, it's right, isn't it, that you would pass that on to your  
7 brigade commander, Mr. Shala? That was the usual procedure.

8 A. Yes.

9 Q. You wouldn't pass it on any higher up. It would simply go to  
10 your brigade commander; is that right?

11 A. Yes.

12 Q. And you certainly weren't passing any information on to  
13 Mr. Kadri Veseli, who was the head of ZKZ?

14 A. I agree.

15 Q. Can I then also look at one part of your preparation note -  
16 that's paragraph 112 for those who are following - and I'll read it  
17 out to you, sir, so you can then comment on it. You said that:

18 "[You] once met Mr. Halil Qadraku by accident in Terpeze or  
19 Fshati i Ri during the war. Qadraku introduced himself as the Chief  
20 of the ZKZ for the Pashtrik Zone. No further information related to  
21 ZKZ was ever exchanged. [You] did not know about Qadraku's  
22 obligations, if Qadraku reported to the General Staff, and [you were]  
23 not updated by Qadraku. [You] communicated issues related to ZKZ and  
24 military police to [Mr.] Haxhi Shala."

25 You remember saying that?

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1 A. As I have stated before, the meeting that I had with Mr. Qadraku  
2 was quite by chance. It was nothing to do with the post that he had  
3 and of which I learned there and then. So during the war, there was  
4 never any formal kind of correspondence or cooperation with  
5 Mr. Qadraku during the war.

6 Q. Yes, thank you.

7 MR. DIXON: Can I call up now a document that was shown to you  
8 by the SPO. It's P02010, and it's at page 083044.

9 Q. It's a decision regarding your police platoon. You should be  
10 able to see that on your screen.

11 A. There is no decision in front of me.

12 Q. It should be up now. You were asked questions about this  
13 decision yesterday. I don't want to go over those again. But I  
14 wanted to confirm with you that it's right that in your position as  
15 ZKZ commander, you never ever issued a similar decision like this,  
16 instructing people to do various tasks for you; is that right?

17 A. Neither ZKZ commander or commander of the military police  
18 platoon did this happen. This is called a decision. It does not  
19 mean that that moniker is right. This has to do with tasks given to  
20 the squad of military police at Bellanice in order to protect the law  
21 and order under the prevailing circumstances.

22 Q. Yes. So it's completely separate, is it not, to any of your  
23 tasks, however limited those were, that you were undertaking on the  
24 ZKZ side; is that right?

25 A. Yes, correct.

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1 Q. And is it also right, Mr. Krasniqi, that given what you've  
2 explained to the Court today you were undertaking at the time, there  
3 was clearly a lot of fighting and combat against the Serbs forces,  
4 but then the vast majority of your time was taken up doing work for  
5 the military police?

6 A. Initially, the priority was to join the fighting where there was  
7 fighting, and the tasks and duties of military police followed. And  
8 I am referring to the tasks that were assigned by the brigade.

9 Q. Yes. Just while we have this document up, you've listed a  
10 number of names here of persons who were in the military police. Can  
11 you help us with this: Do you recall whether someone from your  
12 village, Banje, Mr. Lulzim Shurdhaj, was a member of the military  
13 police or working with the military police in some way?

14 A. I'm sorry, where are you reading this?

15 Q. I'm not reading it in the document. I'm just noting that you've  
16 mentioned some names here, and I'm asking you about another name,  
17 Mr. Lulzim Shurdhaj, if I've got the pronunciation correct. Is he  
18 somebody you've worked with in the military police or knew of?

19 A. I have never mentioned the person by the name of Lulzim  
20 Shurdhaj. He is from the village of Banje, but he was not a member  
21 of the military police that I led.

22 Q. Yes. But was he in the military police, if you know, or in the  
23 KLA, from your knowledge? He was in the same village as you. I  
24 wondered if you might know that information.

25 A. From what I can remember, Mr. Lulzim Shurdhaj was in the KLA

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1     until the end of the first offensive or perhaps shortly -- until  
2     shortly after the first offensive, and then he left the country. I  
3     don't know the circumstances in which he left the country, but he did  
4     not rejoin KLA.

5             With the respect to his tasks and duties until the moment he  
6     left the KLA, I do not know them.

7     Q.    Okay. Thank you. I want to go on to ask some questions now  
8     about alleged collaborators because this was a topic touched on by  
9     the SPO with you.

10            You have said in your interviews to the SPO that -- when you  
11    were asked about this, and I'll quote it again.

12            MR. DIXON: For those following, it's P02007.4, from page 1,  
13    line 20 onwards.

14     Q.    And I'll read it again and then ask you some questions about it,  
15    sir. You said:

16            "I think I elaborated this a little bit yesterday that this  
17    field was completely unknown for us. There was no material that we  
18    could refer to the capabilities in order for us to receive any  
19    important information was missing, but if you're referring to the  
20    conditions and circumstances of that time, if someone wanted to  
21    transmit any information to the KLA, it was easier to transmit that  
22    information to a soldier of the KLA or to a military policeman rather  
23    than to the ZKZ."

24            Do you remember saying that?

25     A.    I have said this in the sense that that was the easiest way or

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1 -- to have this first communication with a person wearing a uniform,  
2 on which occasion the person would convey this information on his  
3 first encounter with a uniformed soldier.

4 Q. Yes. And you've said that if persons had information, that  
5 could have been passed on whether to the ZKZ or without the ZKZ.

6 MR. DIXON: That's over the page for those following.

7 Q. Do you remember saying that?

8 A. Yes, that's correct.

9 Q. So it's right, isn't it, that in any of your roles, you weren't  
10 yourself actively going out to get information on collaborators. You  
11 weren't being proactive in that regard. Is that a fair assessment?

12 A. That is a fair and accurate assessment.

13 Q. Now, you mentioned Mr. Naim Baftiu earlier on. And in relation  
14 to the case of Mr. Shala, Sabit Shala, there was one point that was  
15 made during your questioning by the SPO about how you came across him  
16 or got information from him as part of the ZKZ. You might remember I  
17 stood up when that was said. I wanted to read the full passage to  
18 you so you could comment on that. You said:

19 "But what is important, I think ... Naim Baftiu brought  
20 information when I was part of ZKZ and when I wasn't part of ZKZ,  
21 because this -- because his... part of his goal was to help the KLA."

22 MR. DIXON: That's at P02007.4, Part 4, page 3, that the  
23 Prosecution referred to as well.

24 Q. Do you remember saying that in your interview?

25 A. Apart from the fact that I do remember it, this is also proven

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1 by the fact that Mr. Baftiu passed on information even before I was  
2 appointed at the ZKZ sector.

3 Q. And it's right, isn't it, you go on in your SPO interview to say  
4 that in relation to his role, you were asked:

5 "Was he a KLA soldier?

6 "He wasn't a regular soldier," you said, "with a uniform [he]  
7 would stay in regular formations of the KLA."

8 You were then asked:

9 "Was he an informant?"

10 And you said he started as an informant and then he became a  
11 collaborator with you, assisting you.

12 Is that an accurate description of what his role was?

13 A. I can say that he started off as an informant. Then he became a  
14 regular associate, collaborator. And until the end of the war he  
15 also was given the status of a KLA soldier. But as I've indicated,  
16 he was not uniformed and armed in the KLA points or the front line.

17 Q. So he wasn't designated as a member of the military police or a  
18 member of the ZKZ. He was really a freelance associate who helped  
19 you get information from time to time; is that right?

20 A. He did not have any formal appointment. He assisted the KLA  
21 just like others did, be that from Switzerland or other countries.  
22 In this case, Naim Baftiu helped, assisted, the KLA to the extent of  
23 the means available to him.

24 Q. Yes, thank you. And in relation to the arrest of Mr. Sabit  
25 Shala, we've looked at this quite extensively, you've testified that



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1     you were ordered to arrest him by Mr. Dobruna. We don't need to go  
2     back over that. But it's right, isn't it, that in relation to this  
3     particular arrest, you said the following to the SPO, and I'm going  
4     to just read that out again.

5             MR. DIXON: For those following, it's P02007.4 at page 4, line  
6     18 onwards, and the particular line is line 22.

7     Q. You said the following:

8             "Since there was this arrest, this verbal arrest order, the  
9     suspicions were confirmed also by Naim Baftiu, in the preliminary  
10    report prepared against Sabit Shala which was handed over to Sokol  
11    Dobruna, I referred to the information received by the intelligence  
12    service. In regard of that informations, the... the decision was  
13    taken by the competent organ that," and there's an indiscernible  
14    part, "report. The final decision was taken by the competent organ.

15            "As far as the informations supplied Naim Baftiu regarding any  
16    possible... any other case, there were no other arrests based on  
17    those informations."

18            Do you remember saying that?

19    A. Yes, but I need to clarify a matter. First of all, the period  
20    of time we are talking about, there was no *de facto* intelligence  
21    service in place. This was based on the information passed on by  
22    Baftiu who had been a collaborator even before my arrival and my  
23    appointment there. And instead of pointing out that this information  
24    came from a collaborator, we said this was an information provided by  
25    the intelligence service where there was no one in place.

1 But when the brigade refers to the intelligence service, this is  
2 a contradictory information because there was no such service in  
3 place at the time. I have said this on other occasions, that on  
4 numerous occasions the terminology used might have been wrong, but we  
5 had to extract the purpose from the context. We were not necessarily  
6 professionally trained people in the respective field and in the  
7 given circumstances at the time.

8 Q. Yes, thank you.

9 MR. DIXON: In that regard, can we call up - so you can look at  
10 the document, sir - 2D00020.

11 Q. Mr. Krasniqi, it should come up on the left side there. This  
12 was a document that was shown to you, a criminal report that you  
13 signed regarding Mr. Shala.

14 Given the evidence that you have just gone through now, it's  
15 right, isn't it, that when you look at a sentence in the middle of  
16 that report which reads, "This is demonstrated by statements made by  
17 the accused and reports of the KLA Intelligence Service," that really  
18 what you're referring to there is some information that you got from  
19 Mr. Baftiu, nothing to do with any intelligence service structure  
20 that you've said was not in place at the time; is that correct?

21 A. Yes, that's correct.

22 Q. And just to complete this issue --

23 MR. DIXON: That document can be taken down.

24 Q. In Prep Note 2 at paragraph 65 --

25 A. Could I see the document again, please?

1 Q. Yes. We'll do that, then come on to your prep note afterwards.

2 Is there something else you wanted to say in relation to my question?

3 A. Yes. This case, as you can see from the date, occurred after my  
4 appointment at the ZKZ sector. This is what I wanted to confirm and  
5 clarify.

6 Q. Yes, it's 20 March 1999 is the relevant date.

7 A. Precisely.

8 Q. Thank you.

9 MR. DIXON: That document can be taken down.

10 Q. And just to go then to your prep note, paragraph 65 for those  
11 following, you said -- and I just wanted to check that this was  
12 correct. You said that the information that you received from  
13 Mr. Baftiu was information that was taken into account for the arrest  
14 of Mr. Shala. But you said:

15 "... but he would have arrested," this is you would have  
16 arrested, "[Mr.] Shala irrespective of information he ... received  
17 from Baftiu because Dobruna had issued an order to arrest him and had  
18 given [you] reasons for [that] arrest."

19 That's right, isn't it?

20 A. The basis for the arrest of Mr. Shala was not information given  
21 by Mr. Baftiu but the order issued by Mr. Dobruna.

22 Q. Thank you. And in that regard - if I can just before the break,  
23 Your Honours - take you, Mr. Krasniqi, to a document that was shown  
24 to you by the SPO but which they didn't seek to admit into evidence,  
25 which His Honour Judge Mettraux asked about.

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1 MR. DIXON: And that is the document SPOE00226490 in English,  
2 with the original in Albanian. If that could be put up, please.

3 Q. Now, you said yesterday, Mr. Krasniqi, that you hadn't seen this  
4 document before, but you believed it was issued by Mr. Sokol Dobruna.  
5 We see the date here, December 1998, the 19th. Do you see that  
6 there?

7 A. Yes. If I'm not mistaken, I must have seen this document for  
8 the first time in the Klecke case.

9 Q. So you think you did see it in the Klecke trial that you were  
10 involved in?

11 A. Correct.

12 Q. And you see here it says:

13 "The people in charge of KLA Military Police Units are  
14 instructed to report arrest cases to the Military Court in order that  
15 the latter deals with the ascertainment of relevant facts regarding  
16 the material truth as authorised pursuant to the KLA Military Penal  
17 Code."

18 You said yesterday that you didn't have a code at the time. Is  
19 it right that that was in the process of being drafted but it hadn't  
20 been finalised?

21 A. This does not mean that there was no court. I don't know. What  
22 I said is that we, as a military police unit, did not have it.

23 Q. Yes. We see here that an instruction is coming from Mr. Dobruna  
24 to both report arrest cases. Is it right that he could also order  
25 that you arrest persons as occurred with Mr. Sabit Shala?

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1 A. As I mentioned it, this was the only case in which he ordered.  
2 It did not happen in other cases. Although, I can say and testify  
3 here that we fully complied with these instructions. Despite the  
4 fact that I did not see this particular written instruction, I  
5 received several, numerous oral instructions.

6 Q. Yes. So this document is in conformity with how you recall  
7 getting instructions and acting upon them in your role as the  
8 commander of the military police. That's correct, isn't it?

9 A. That's correct. And I would add that the instructions I  
10 received from Mr. Dobruna go beyond this written instruction on the  
11 screen now.

12 Q. Yes. Thank you, sir.

13 MR. DIXON: Your Honours, I note the time, but I would ask that  
14 this document be admitted into evidence. Given the witness's  
15 testimony on it, it's clearly relevant and probative and authentic.

16 PRESIDING JUDGE SMITH: Any objection to the tender?

17 MS. IODICE: No, Your Honour.

18 PRESIDING JUDGE SMITH: Anybody else? No.

19 SPOE00226490 is admitted.

20 THE COURT OFFICER: Thank you, Your Honour. That document will  
21 receive Exhibit 2D00042. Classification is confidential. Thank you.

22 MR. DIXON: Thank you, Your Honours. I'll continue after the  
23 break, if that's in order.

24 PRESIDING JUDGE SMITH: Thank you.

25 We have a half-hour break at this time, Witness, just as we did

1 yesterday. You may leave the courtroom with the Court Usher.

2 [The witness stands down]

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

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

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

6 PRESIDING JUDGE SMITH: Do you anticipate being finished within  
7 the hour you suggested or not?

8 MR. DIXON: Your Honours, I am going to go a little over that  
9 just because of the number of questions that were asked by the SPO,  
10 which also went over their limit. I'm going to try to keep it to  
11 another half hour to 45 minutes, if that's in order, given the issues  
12 that have arisen.

13 PRESIDING JUDGE SMITH: Thank you.

14 MR. DIXON: Thank you, Your Honours.

15 PRESIDING JUDGE SMITH: Please bring the witness in.

16 Try to make it a half hour.

17 MR. DIXON: Yes, Your Honours, I can --

18 PRESIDING JUDGE SMITH: I know you'll do your best.

19 MR. DIXON: I can say that the other Defence teams have said  
20 that they have very little to ask, so we have to take that into  
21 account as well in order to move the schedule forward.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Mr. Krasniqi, we will continue with the  
25 questions from Mr. Dixon. Please give him your attention.

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1 MR. DIXON: Thank you, Your Honours.

2 Q. Mr. Krasniqi, I have some more questions for you now. I wanted  
3 to start with what you said yesterday about Mr. Kadri Veseli, and  
4 this is at provisional transcript page 73. I'll just remind you what  
5 you said, and I have some questions arising. You said, in response  
6 to this question:

7 "... before that day, had you ever had any other meeting with  
8 Mr. Veseli such as this one?"

9 And that day, you had referred to a particular time when you met  
10 Mr. Veseli. You said it was several days after a number of documents  
11 that were shown to you regarding the Krojmir case, the last one was  
12 one of the documents that you'd brought here to the Court dated 6  
13 May. So as I understand it, several days after 6 May you had this  
14 meeting.

15 And then you were asked had you ever had any other meeting with  
16 Mr. Veseli, and you said:

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

20 And then the question:

21 "And did you meet Mr. Veseli on any other occasion after this  
22 meeting?"

23 That's the one that I've just referred to:

24 "I might have seen him. But to be more specific, after the war  
25 he offered me to join SHIK.

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1 "And did you join SHIK eventually?

2 "Yes, I received this offer, as I recall, towards the end of  
3 1999, and gave my answer or my decision to join sometime in the  
4 beginning 2000 or spring 2000."

5 Do you remember saying that yesterday, first of all?

6 A. Yes, I do.

7 Q. Thank you. Now, I just wanted to ask you in relation to that  
8 meeting that you said you had several days after these documents  
9 referring to the Krojmir case. It's right, isn't it, that Mr. Veseli  
10 had not been involved in any of the investigations in that case and  
11 any of the decisions regarding that case?

12 A. That's right.

13 Q. You just had, as you said, a general discussion where summary  
14 information had been relayed to him?

15 A. Correct.

16 Q. And it's right also, isn't it, based on what you said yesterday,  
17 that Mr. Veseli was not involved in the investigations of any other  
18 cases that you know of or in any of the decisions regarding those  
19 cases?

20 A. That's right.

21 Q. And he wasn't involved in any of the decisions, therefore, to  
22 detain persons at Klecke or release persons there. That's right,  
23 isn't it?

24 A. Yes.

25 Q. Now, you've said that you did join SHIK at the end of 2000,



1 beginning of spring 2000. You accepted Mr. Veseli's offer. And I  
2 just wanted to go through one part of your SPO interview on this.

3 MR. DIXON: And that's P02006.3, and it's page 18 onwards.

4 Q. You said this. I'll read it again, and I just want to ask you  
5 some questions about it:

6 "After accepting the offer of [Mr.] Kadri Veseli, I was told...  
7 he told me to wait that in order to complete the training and only  
8 after training ... after completing training, you could be active in  
9 [the] tasks in terrain. After a short period of time, I was invited  
10 and I underwent the training in Prishtine. Usually training lasted  
11 two to three months. After completion of this training, I started to  
12 operate. Started to work.

13 "What was the nature of your tasks?

14 "My tasks were concentrated on two areas: anti-terrorism, and  
15 organised crime. This was the main areas of my job. Because  
16 trainings were also done based mainly on those two areas. Trainings  
17 were done with internationals, the international... with friendly  
18 international agencies that were held in English language ... Right  
19 now we have an interpreter. But I don't know from which countries  
20 they came because I wasn't allowed to ask them where they were from.  
21 Of course, the higher superiors could have known where they were  
22 from."

23 Do you remember giving that evidence to the SPO?

24 A. Yes, that's right.

25 Q. So this was the first time, when you got these trainings from

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1       internationals, that you had had any training in intelligence  
2       matters?

3       A.     Yes, that's correct.

4       Q.     And just to be absolutely clear about this, you were now in the  
5       national civilian intelligence service, the SHIK. So this had  
6       nothing to do with the military side of intelligence?

7       A.     Yes, that's right.

8       Q.     Now one other thing that you said yesterday on page 73 about  
9       Mr. Veseli was that:

10            "During the war, he was initially known as the leader or the  
11       chief of the ZKZ. And then later on, after the establishment of  
12       SHIK, he led SHIK."

13            Do you remember saying that yesterday, first of all?

14       A.     Yes.

15       Q.     And do you recall -- you may know this, that's why I wanted to  
16       inquire. Do you recall when Mr. Veseli moved from the chief of the  
17       ZKZ, which is the military side of intelligence in the KLA, to the  
18       civilian side, SHIK? Was that in April 1999?

19       A.     I do not know it exactly, but such a thing would have occurred  
20       after the formation of the Provisional Government of Kosovo.

21       Q.     Yes. So he became the Minister of Kosovo Intelligence Service  
22       in the provisional government at the beginning of April; is that  
23       right? Is that how you recall it?

24       A.     Yes. This appointment would have followed the formation of the  
25       provisional government.

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1 Q. Yes. That occurred after the discussions and talks in  
2 Rambouillet, which were in February. Do you remember those taking  
3 place?

4 A. Can you please repeat the question?

5 Q. Do you remember the discussions taking place in Rambouillet  
6 about the future of Kosovo which took place in February?

7 A. Yes, I certainly remember.

8 Q. And do you recall - you may know this - that Mr. Veseli was  
9 there, he was in Rambouillet? He was abroad during this time, and  
10 then came back after that to move to the Provisional Government of  
11 Kosovo.

12 PRESIDING JUDGE SMITH: Is that a question or a statement of  
13 fact?

14 MR. DIXON: I'm asking if he knows that.

15 THE WITNESS: [Interpretation] I know that he was at Rambouillet,  
16 but I do not know what period of time, when he went, when he  
17 returned. I cannot give you exact dates.

18 MR. DIXON:

19 Q. Yes, thank you. And, Mr. Krasniqi, can I just clarify, when  
20 we're talking about the period here March, April, May, including this  
21 meeting that you had with Mr. Veseli, at that time the only dealing  
22 that you had with him was the one several days after 6 May; is that  
23 right?

24 A. I might have seen him before, and I certainly have, but we have  
25 never had a meeting to go over matters that are similar to this or

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1 formal in a way of speaking.

2 Q. Yes. So can I take it then that, at that time, it's correct  
3 that you never received any orders from Mr. Veseli in your role at  
4 that time?

5 A. That's correct.

6 Q. Now I want to move on to look at the matter regarding Mr. Sabit  
7 Shala again because I want to ask you some questions about the head  
8 of the Klecke prison, Mr. Agim Zogaj.

9 First of all, I just wanted to clarify so we get where you were  
10 at the time. At paragraph 64 of Prep Note 2, and you've said in your  
11 evidence previously, it's right that you cannot recall in detail  
12 whether you yourself took Mr. Shala to Klecke prison but it is  
13 possible that you did so. That's your evidence, isn't it?

14 A. Yes, that's right.

15 Q. Now, in relation to Mr. Zogaj, who's the head of the Klecke  
16 prison, we know - you've referred to this before - that you were put  
17 on trial for what happened there, and part of the evidence led at the  
18 trial was that of Mr. Zogaj. That's right, isn't it?

19 A. Yes, that's right.

20 Q. And you've said in your evidence - this is at P2007.4, page 18,  
21 line 22 onwards - that the evidence that he gave was found to be a  
22 lie by the first court instance and the higher courts as well.  
23 That's correct, isn't it?

24 A. Yes, correct.

25 Q. And you regard that the statements that have been given by

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1 Mr. Zogaj about what happened there to be untruthful; is that  
2 correct?

3 A. Yes. The trial panel came to the same conclusion on four such  
4 cases. There have been four judgments issued.

5 Q. Yes. I just want to look at one of those judgments with you.

6 MR. DIXON: And I want to call up, first of all, SITF00391837.

7 That's the judgment of the district court with a trial panel composed  
8 of the EULEX and local judges.

9 Q. This is just the cover page to start with. Okay. It's only in  
10 English, so I'm just going to have to go through it with you.  
11 Everyone else can follow.

12 This is just a cover page in the Basic Court of Prishtine, and  
13 it's the judgment of 17 September 2013. And you've got set out there  
14 who the trial panel is composed of, the EULEX judges. Is that one of  
15 the cases that you've referred to?

16 A. The date of 17 September 2013 is the date of the issuance of the  
17 first instance court in a trial that was, in fact, a retrial. It was  
18 the second time it was being held. The first time around, the  
19 judgment came out in May 2012.

20 Q. Yes. And this was the case in which you were accused. You're  
21 absolutely right, this was the retrial judgment. That's correct,  
22 isn't it?

23 A. Yes, correct.

24 Q. I just want to show you certain parts of that judgment, starting  
25 at SITF00391920. It's only going to be in English, but I'll read it

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1 out so it'll be translated for you.

2 MR. DIXON: This is page 134 of the judgment. It is in various  
3 parts, that's the problem. It's been broken up. But I think that's  
4 the right reference. So it's 391920, page 134. Yeah, the full ERN  
5 starts at 391887. That's 920.

6 THE COURT OFFICER: Can counsel please mention the page number  
7 of the PDF?

8 MR. DIXON: 134. Unfortunately, the judgment is broken up into  
9 different files. There's six all together.

10 THE COURT OFFICER: The document has 50 pages.

11 MR. DIXON: Yes. So we -- I need to give you the other ERN,  
12 though, for the next 50 pages. So it starts 00391887. Yes, that's  
13 the right page.

14 And there is an Albanian translation for this section, which is  
15 00331775. So that can be put on the left-hand side. The full ERN is  
16 00331737, starting there, and then it's 1775. I'm only going to go  
17 to two pages, so it should be simple after this. And it's page  
18 331775. So 00331775.

19 THE COURT OFFICER: I'm not able to find it in the queue. I  
20 apologise.

21 MR. DIXON: Okay. So I'll try one last time for the Albanian  
22 full reference. It's 00331735 -- is that a 9? Sorry. I couldn't  
23 read the handwriting. My fault. 00391737 to 00391786. And the page  
24 is 00391775. Maybe that's why it's wrong, because of the 9 that I  
25 was mispronouncing.

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1           So if we go to the bottom of that page. So is that 1775 that's  
2   up? So it's the top of the page on the Albanian, the bottom of the  
3   page in English.

4   Q.   The relevant part that I wish to refer to you to comment on is:

5           "There are substantial inconsistencies and contradictions in the  
6   evidence of Agim Zogaj. His evidence is also contradicted by other  
7   evidence. His evidence was full of lies. On his own admission he  
8   has lied to investigators in the past."

9           MR. DIXON: Then if we continue over the page in the English.  
10   You're going to have to scroll down in the Albanian, starting,  
11   "However ..."

12          So over the page in the English. Yes.

13   Q.   "However, in numerous material [aspects], to which reference is  
14   made herein, the evidence Agim Zogaj gave is not only inconsistent  
15   but is substantially contradicted by other evidence. The  
16   inconsistencies and contradictions found by the court are not  
17   discrepancies that might be the product of an honest but imperfect  
18   recollection, observation or reconstruction of the events about which  
19   he gave evidence."

20          I'm continuing, sir:

21          "The ... Panel finds that many of the events to which Agim Zogaj  
22   refers in the war diary are correct. For example, evidence given by  
23   witnesses about the dates they say they were detained at the prison  
24   in Klecka is consistent with entries in the diary, including  
25   information regarding the identity of other persons detained during

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1 the same period. However, none of that evidence corroborates the  
2 evidence of Agim Zogaj regarding who, he says, committed the offences  
3 charged in the indictment.

4 "Any finding of this Trial Panel regarding the identity of the  
5 perpetrators of the crimes charged in this indictment rests  
6 substantially upon the evidence of Agim Zogaj. His credibility is  
7 therefore central to the prosecution case. Having considered all of  
8 the evidence in this case, the Court finds that Agim Zogaj is not a  
9 credible witness and that in consequence it would be unsafe to rely  
10 upon his evidence."

11 That's all I wanted to refer to you. Is that the judgment in  
12 the retrial of the Klecke case that was given in your favour?

13 A. Yes, correct.

14 Q. Okay. I'm going to ask you some further questions about matters  
15 arising.

16 MR. DIXON: Your Honours, I'll come back to this matter in terms  
17 of admissibility later so it doesn't interrupt the flow or waste  
18 time, because I know there will be legal issues regarding findings of  
19 other courts.

20 But if I could continue to look at another document. If this  
21 could be brought up, P00980, and this is at pages 00009589 to 9590.  
22 It's a duty report by Mr. Zogaj that is referred to in the witness's  
23 evidence, Your Honours.

24 Your Honours, so that you're following, these are all materials  
25 that came in through Mr. Zogaj's Rule 155 evidence.



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1           So on the right-hand side, we have Mr. Zogaj's report, and then  
2   on -- well, we need the next page for the English translation, then  
3   everyone can follow. It's just quite a hefty document because it  
4   consists of a lot of his materials that were admitted 155.

5           9590. Yes.

6   Q.   Now, Mr. Krasniqi, you were shown this document previously. I  
7   think you said you hadn't seen it before. It's a duty report that is  
8   in evidence in this case purportedly by Mr. Agim Zogaj. Do you see  
9   that on the screen in front of you?

10   A.   Yes, I do.

11   Q.   Now, if you look down to entry 13, Sabit Shala, you see there  
12   the date that he was brought in, 21 March 1999, and then a release  
13   date, 2 April 1999.

14   A.   Yes, I do.

15   Q.   Now, first of all, just to be clear, Habib Shala is above that.  
16   You've said, haven't you, that that date must be wrong because from  
17   your recollection of the case, he was brought in after Sabit Shala;  
18   is that right?

19   A.   The name is misspelled. It should be Habib, not Habi. He was  
20   taken into custody after Sabit Shala. That is right.

21   Q.   Yes. And then if we move up to number 7, Milan Mitrovic, the  
22   date he was brought in was 21 March 1999 and released on 2 April  
23   1999. You see that there?

24   A.   Yes, I do.

25   Q.   Now, Mr. Zogaj has given evidence, which is evidence in this

1 case, that Mr. Mitrovic was brought there to Klecke by my client,  
2 Mr. Veseli, and also was given directions on when to release them,  
3 when a Serb offensive occurred. That's evidence that Mr. Zogaj has  
4 given.

5 What I want to ask you is if you look at Mr. Sabit Shala's date  
6 of being brought in, it's exactly the same as the date of  
7 Mr. Mitrovic, 21 March. You see that there?

8 A. Yes.

9 Q. So according to this report, they arrived on the same day.  
10 According to this report. Do you see that?

11 A. The person under number 7, the Albanian version doesn't match  
12 with the English version under number 7. There is a discrepancy in  
13 the last column.

14 Q. Can you just explain what that discrepancy is? Because you'll  
15 need to do it. We don't speak Albanian.

16 A. The last column in the Albanian version reads "General Staff,"  
17 whereas in the English version there is also a name between brackets.

18 Q. Yes. Yes. I understand what you're saying, and we'll have that  
19 checked. That's not a matter that you need concern yourself with.

20 What I wanted to ask you is given that you say you may have  
21 brought Mr. Sabit Shala there on 21 March, did you see Mr. Mitrovic  
22 being brought there on the same day?

23 A. First of all, I am not certain whether he was taken there or if  
24 we took him there on 21 March. Secondly, Mr. Habib Shala was taken  
25 there some days later by somebody else. And thirdly, I have never

1     seen anyone else taking any person to the detention centre, including  
2     in this case.

3     Q.    Yes.  So you've never seen Mr. Kadri Veseli taking anyone to the  
4     detention centre.  That's right, isn't it?

5     A.    Firstly, I don't know if this is indeed true.  I saw this  
6     document for the first time in the Klecke trial.  But answering to  
7     your specific question, it is true that I have never seen him taking  
8     anyone in that place.

9     Q.    Yes, thank you.  Leaving aside the correctness of the document,  
10    that's not for us to determine, but thank you for your evidence on  
11    what you are able to help us with, what you saw.

12           Can I also just check whether later on, when persons were  
13    released in April, were you in the Klecke area at all during that  
14    time?

15    A.    I was in the Klecke area until the end of the war or, more  
16    precisely, until the first half of June 1999.

17    Q.    Yes.  But you never saw Mr. Mitrovic being released, did you?

18    A.    Not only that I did not see him being released, but I did not  
19    even hear of any such thing.  Of course, I could not have seen him.  
20    The right question would be have you heard of this.

21    Q.    Yes, well, have you heard anything of it?  If you could assist  
22    us with that, please.

23    A.    Absolutely not.  I have not heard during the war about this,  
24    except in the Klecke trial when I heard and saw this document for the  
25    first time.

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Cross-examination by Mr. Dixon

1 Q. Yes. I want to ask you one further question about what you  
2 might know, if this triggers any memory for you.

3 MR. DIXON: And, Your Honours, if we could go into closed  
4 session, private session, for this to be secure.

5 PRESIDING JUDGE SMITH: What are we protecting? What's the  
6 protection?

7 MR. DIXON: It's the witness who I'm going to ask him about.  
8 It's a witness matter.

9 PRESIDING JUDGE SMITH: Into private session for the protection  
10 of a witness.

11 JUDGE BARTHE: And, Mr. Dixon --

12 MR. DIXON: Yes.

13 JUDGE BARTHE: -- since the document on the left side is still  
14 on -- yeah, let me just finish my comment.

15 MR. DIXON: Is it in public -- public session still?

16 JUDGE BARTHE: No, it's -- I would like to make a comment and it  
17 will be brief.

18 MR. DIXON: Yes.

19 JUDGE BARTHE: But I would like to ask you whether you can put  
20 the correct or the original version of the document, which is on  
21 page 589, one page before this document on the left side on the  
22 screen, this could help you and also assist the Panel in relation to  
23 what is in the document.

24 MR. DIXON: Yes, Your Honours. I --

25 JUDGE BARTHE: In the Albanian version, what is not in the

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1 document.

2 MR. DIXON: I'm more than happy to have that, because there is  
3 no issue being taken over translation. I'm asking what the witness  
4 remembers from the time. So let's get the accurate translation on  
5 the screen, please.

6 JUDGE BARTHE: Thank you very much.

7 MR. DIXON: And that is, I understand, at 9589.

8 JUDGE BARTHE: Exactly.

9 MR. DIXON: So it might have been a different translation, and  
10 that's why I didn't want to bother the witness with that matter,  
11 because we could have checked that ourselves.

12 JUDGE BARTHE: Thank you.

13 MR. DIXON: Okay. So the correct Albanian one is on the right  
14 side. And if we could have the correct English one, because there's  
15 no issue over this, on the screen.

16 JUDGE METTRAUX: The correct English one is one page down, so  
17 90.

18 [Private session]

19 [Private session text removed]

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1 [Private session text removed]

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22 [Open session]

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

24 MR. DIXON:

25 Q. Just on this matter, one final issue, Mr. Krasniqi. Mr. Dobruna

1 himself has given evidence about this matter, and that's at P01955.8,  
2 Part 8, page 18, where he was asked whether this reference here to  
3 the "Main HQ" and "Luli" referred to Mr. Kadri Veseli, and he said:

4 "Are you aware of any case in which Kadri Veseli was involved?"

5 He said:

6 "No, nothing. No. I am even surprised about this. How was it  
7 possible for him to even go there."

8 He continues:

9 "... I cannot remember that Kadri Veseli was ever mentioned.  
10 No."

11 Did you ever discuss this matter of Mr. Mitrovic with  
12 Mr. Dobruna? You've heard what he said. Do you recall discussing  
13 that with him?

14 A. Not only the case of -- that the case of Milan Mitrovic was not  
15 discussed with him, but to my recollection, none of these names,  
16 except for number 13 and to some extent number 12, were discussed  
17 with him, and number 5. The other cases were never discussed with  
18 Mr. Dobruna as individual cases. Never.

19 When we had conversations with Mr. Dobruna, this was about the  
20 rules to be followed but not individual names.

21 Q. Yes. And Mr. Dobruna also said that he never spoke to  
22 Mr. Veseli about the court.

23 MR. DIXON: That's at P1955.9, page 4.

24 Q. It's correct that you also didn't ever have any discussions with  
25 Mr. Veseli about the court and what was happening to people before

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1 the court?

2 A. No, I have never had any conversations with Mr. Veseli in  
3 relation to such procedures.

4 Q. Okay. Thank you, Mr. Krasniqi. There's one last topic I want  
5 to go on to, and that's in relation to the new document that you  
6 brought to the Court when you came. This is your appointment letter,  
7 P0215. Do you remember being shown that yesterday?

8 A. Yes, correct.

9 MR. DIXON: And if it could be brought up so that we can look at  
10 the wording of it. It's 124987. P21 -- sorry, 2015. Thank you,  
11 Your Honours. I noted that. Yes.

12 Q. This was the appointment letter that you found that was given to  
13 you by Mr. Shala; is that right?

14 A. Yes, that's correct.

15 Q. Now, it says here that the decision was taken by the KLA  
16 General Staff on 11 February 1999. You see that there?

17 A. Yes.

18 Q. Were you ever given anything in writing from the General Staff  
19 of that date or any other date about your appointment?

20 A. To my recollection, I have said this before, that apart from  
21 this appointment, I never had any other document, which implies that  
22 I was never given any other document by anyone.

23 Q. Yes. Do you know this - you may, you may not, if you could  
24 assist us - that there was a meeting of the General Staff, or some  
25 members of the General Staff, on 11 February? Mr. Bislim Zyrapi, who



1 was the chief of staff, testified about that, in which certain  
2 personnel matters were discussed. Did you ever hear about that?

3 A. I might have heard about it, but I am not able to recall any  
4 details.

5 Q. Right. Mr. Zyrapi testified about that.

6 MR. DIXON: This is at transcript 17656 for those following.

7 Q. You are aware, though, you said this earlier, that at that time,  
8 11 February 1999, this was when Rambouillet was going on, that, as  
9 far as you can recall, Mr. Veseli wasn't in the country at that time;  
10 is that correct?

11 A. It might be as you're putting it. But as I said before, I do  
12 not know the exact movements of the members of the General Staff.

13 Q. Yes, I appreciate that. Do you know, though, that Mr. Zyrapi,  
14 the chief of staff, refused to sign a number of appointments for the  
15 zone levels and the battalions, saying that those were matters for  
16 the zones and the brigades and battalions to deal with, that it  
17 wasn't for him and the General Staff to deal with? Did you hear  
18 that?

19 A. I cannot say anything in this regard because I do not recall it.

20 Q. Yes, I appreciate you weren't part of those meetings. I just  
21 wondered whether you knew that there hadn't been anything signed by  
22 Mr. Zyrapi because he said that was for people like Mr. Shala to do.

23 A. It might have happened, but I am not able to remember any  
24 specifics in this regard.

25 Q. Very well. And then lastly, you mentioned earlier on about

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1 Rambouillet and that taking place in February. Were you also aware  
2 in February that in the General Staff there was something of a coup  
3 going on, from 6 February onwards, where Mr. Sylejman Selimi came in  
4 as the head of the KLA taking over for Mr. Azem Sylja? And, in fact,  
5 your zone commander, Commander Drini, was removed shortly thereafter  
6 as well. Do you remember that?

7 A. I recall when Mr. Selimi became the commander of the  
8 General Staff, the head of the KLA, but I do not know the exact dates  
9 when this occurred.

10 Q. Do you know that was in the first half of February? Are you  
11 able to narrow it down to that?

12 A. I am not able to give a specific time, but it does mean that it  
13 did not happen at that time.

14 Q. So do you recall at that time in February when you were  
15 appointed, that it was a fairly tumultuous time within the  
16 General Staff with lots of changes taking place?

17 A. As per the document that I have, I was not appointed in February  
18 but in March. This document corroborates my evidence given in 2011  
19 when I said that I was appointed at the sector by the Brigade  
20 Commander Haxhi Shala. This proves what I said, which is that I was  
21 appointed by Haxhi Shala.

22 The additional information you're asking from me, only  
23 Haxhi Shala can give that information and the person who drafted this  
24 document and whose initials, C and D, are put on this document.

25 Q. Okay. Thank you, Mr. Krasniqi. Those are my questions.

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Cross-examination by Ms. V. Alagendra

1 MR. DIXON: Your Honours, thank you. I will come back to the  
2 admission of the judgment, but I could do that at any time because  
3 there might be some backwards and forwards on that, I imagine.

4 PRESIDING JUDGE SMITH: Thank you.

5 Ms. Alagendra.

6 MS. V. ALAGENDRA: Thank you, Your Honours.

7 Cross-examination by Ms. V. Alagendra:

8 Q. Good afternoon, Mr. Krasniqi. I am Venkateswari Alagendra, and  
9 I represent Mr. Jakup Krasniqi. I only have a few questions for you.  
10 Now, yesterday you were shown Exhibit P0216.

11 MS. V. ALAGENDRA: Could we have Exhibit P2016 on the screen,  
12 please.

13 THE COURT OFFICER: If counsel can clarify, is it P0216 or  
14 P02016?

15 MS. V. ALAGENDRA: 2016, 02016.

16 THE COURT OFFICER: Okay. Thank you.

17 MS. V. ALAGENDRA: Yes.

18 Q. So you recall being shown this document yesterday, Mr. Krasniqi?

19 A. Yes.

20 Q. And your evidence yesterday was that you don't know who wrote  
21 this document, but the "content corresponds with the duties we had."  
22 That was your evidence yesterday.

23 MS. V. ALAGENDRA: And for the reference, it's page 24620, lines  
24 21 to 24.

25 Q. Do you recall that evidence yesterday?

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Cross-examination by Ms. V. Alagendra

1 A. Yes, correct.

2 Q. All right. If I can take you -- I'm aware you don't know who  
3 wrote this document, but if I can just take you to the second  
4 paragraph of this document, and it reads:

5 "We have invited you to talk about the issue, how to proceed. I  
6 agree that those of you who are present give out as much as possible  
7 and we would say that you have paid."

8 Now, confining ourselves to what we see in these notes, it  
9 speaks of inviting people who are present to discuss about the  
10 contribution they could make; am I correct?

11 A. It could be as you're putting it, but I have not analysed this  
12 in detail.

13 Q. That's why I say let's confine ourselves to what we see on the  
14 document in front of us. Now, one of the options that has been given  
15 here is that those present could give what they could and that would  
16 be recorded as a contribution paid; yes?

17 A. That's how it should be, I suppose.

18 Q. And below that, we see the amount of money that's received is  
19 listed; yes?

20 A. Yes, we can see the amounts, several amounts in the document.

21 Q. Right.

22 MS. V. ALAGENDRA: If you could now move to page U000-5986,  
23 please. The larger ERN is U000-5976 to U000-6009. And the specific  
24 page would be U000-5986. Yes. If we could just move one page  
25 earlier first, please. Right.

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Cross-examination by Ms. V. Alagendra

1 Q. So you'll see this is the same document that we saw earlier,  
2 yes, with the amounts received listed?

3 MS. V. ALAGENDRA: And if we could now move to the next page,  
4 please.

5 Q. And you'll see at the top, Mr. Krasniqi, that there is written:  
6 "Total [Deutschmark] 88,520." Do you see that?

7 A. Yes.

8 Q. And that appears to be a total of the sums that were indicated  
9 on the previous page. Would you agree?

10 A. Yes, certainly. I agree.

11 Q. So this appears to be the continuation of the earlier page; yes?  
12 Now, if I can just go on to read what it then says below that:

13 "for the period of 8 months of fighting, although we have still  
14 reserves in stock. However, the average amount has fallen to  
15 [Deutschmark] 100 for soldier, from [Deutschmark] 100 a month, for  
16 food ... clothes. This amount is used for armaments, medication to  
17 treat soldiers, clothes (including coats, socks, long-legged  
18 underpants, hats) shoes, as well as fuel, wood, and all that is  
19 needed for a soldier. Although, there have been occasions when we  
20 did not have even food for two or three days. [Deutschmark] 17,000  
21 were spent only on medication.

22 "Mattresses, blankets, fuel, and so on."

23 Now, you'll agree with me that this reflects the conditions at  
24 the time, doesn't it? Available funds were being used for food,  
25 clothing, blankets, mattresses, medication, basic necessities;

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Cross-examination by Ms. V. Alagendra

1 correct?

2 A. Of course. They wouldn't have been used for any other purpose.

3 Q. And a large part of the funds that were being collected were  
4 being spent on medication to treat people; correct?

5 A. Correct.

6 Q. And it's quite clear here, isn't it, that soldiers even had to  
7 go without food for two to three days only so funds could be used for  
8 medication; yes?

9 A. I think so. But if I'm allowed, I would give a clarification.  
10 When dealing with this task or order, this does not mean that  
11 everybody had to give aid to the war effort. The majority -- I might  
12 not be certain about it, but the majority of people supported  
13 voluntarily the KLA, as we joined the war voluntarily. I emphasize  
14 the fact which is that one of the tasks we had was to cash in the  
15 finances for people who hadn't done it before. This was done in a  
16 limited context and way, and we have some cases, which might be 10,  
17 20, 30, or 40 cases. We are not talking here about hundreds and  
18 thousands of cases.

19 This might not have been the case in other brigades or other  
20 zones. When I spoke, I referred only to the military police platoon  
21 in my brigade. And it's not for me to interpret whether this was the  
22 right way to proceed. I testified that we had this task given by the  
23 commander of the brigade who based it on the upper-level mechanisms.

24 Q. Yes. Thank you very much, Witness.

25 MS. V. ALAGENDRA: Your Honours, those are my questions.

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Re-examination by Ms. Iodice

1           PRESIDING JUDGE SMITH: Thank you.

2           Mr. Misetic.

3           MR. MISETIC: No questions from us.

4           PRESIDING JUDGE SMITH: Any redirect questions?

5           MS. IODICE: Just two points briefly, Your Honour.

6           PRESIDING JUDGE SMITH: Go ahead.

7           MS. IODICE: Thank you.

8                         Re-examination by Ms. Iodice:

9           Q. Mr. Krasniqi, this morning, earlier today, you were asked  
10          about -- you were shown some statements that were taken within the  
11          Krojmir case that were dated between 2nd and 8th May. You told us  
12          also earlier today, page 28 this morning, that the Krojmir suspects  
13          "were released regarding any criminal offences, and they were  
14          sentenced in relation to disciplinary violations."

15          Do you recall within which part of the investigation did you  
16          take those statements in early May, the disciplinary part or the  
17          criminal part of the investigation?

18          A. So many years have elapsed and I won't be able to recall every  
19          single detail. However, I stand by what I stated, that until the  
20          moment when the detainees were freed, they had been investigated on  
21          suspicion of criminal matters. After that, it was disciplinary  
22          matters.

23          There were some statements that had to do with the -- with the  
24          statements by the accused, but they did not have my signature on it.  
25          What I mean to say is that I cannot recall everything in detail at

1 this point in time, but I can state that there were other mechanisms  
2 in place on the same ground at the same time.

3 Q. Thank you.

4 MS. IODICE: And now I would like to call up SPOE00052992 to  
5 SPOE00053035. This is in the new PQ that we released, sorry. And if  
6 we could please go to page PDF 19, which is SPOE00053010.

7 Q. Mr. Krasniqi, this is an interview that Kadri Veseli gave to  
8 Baton Haxhiu. And here it states, at the top of the page, to the  
9 question:

10 "When does [this] history of SHIK begin?"

11 Mr. Veseli responded:

12 "I already said, from the founding of the UCK we were in need of  
13 intelligence. Then with the passage of time ..."

14 And then next question is:

15 "When did Kadri Veseli become chief of SHIK?"

16 And Mr. Veseli responded:

17 "In fact, we have had our responsibilities during the entire war  
18 time, in the period 92-98."

19 MS. IODICE: Now could we go, please, to the next page.

20 Q. And again, here Mr. Haxhiu asks:

21 "What is G1 and G2?"

22 And Mr. Veseli responds:

23 "G2 was the Intelligence Service Directorate of Kosovo. This  
24 decision was taken in June of '98 ..."

25 Do you have any reason to believe that Mr. Veseli was incorrect



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Re-examination by Ms. Iodice

1 about his duties as he stated here?

2 A. Mr. Veseli would be best placed to clarify this. But what I can  
3 state here for the Trial Panel is that we came to know that within  
4 the KLA as the ZKZ, the directorate or department of intelligence and  
5 counter-intelligence, and I cannot give you any other specifics.

6 Q. Thank you. I have no further questions.

7 MS. IODICE: And I would like to tender page 19, SPOE00053010.  
8 The other -- the second page is already admitted as P01859.

9 [Trial Panel and Court Officer confers]

10 PRESIDING JUDGE SMITH: Any objection to the tender?

11 MR. DIXON: [Microphone not activated].

12 PRESIDING JUDGE SMITH: No objection is heard.

13 SPOE00053010 is admitted.

14 [Trial Panel and Court Officer confers]

15 PRESIDING JUDGE SMITH: Oh, I'm sorry. SPOE00053010 is  
16 admitted. Please give it an exhibit number.

17 THE COURT OFFICER: Thank you, Your Honour. I propose that this  
18 page is added to P01859, where the other two pages were admitted, the  
19 same exhibit number.

20 MR. DIXON: Yes, if it could be given the same number. That  
21 makes much more sense.

22 PRESIDING JUDGE SMITH: That's fine. Thank you.

23 THE COURT OFFICER: Thank you.

24 PRESIDING JUDGE SMITH: Judge Barthe.

25 Oh.

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1 MS. V. ALAGENDRA: Your Honours, I do --

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MS. V. ALAGENDRA: -- apologise. I would like to tender the  
4 page that was referred to the witness, and that is U000-5986.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. V. ALAGENDRA: That single page.

7 PRESIDING JUDGE SMITH: Any objection?

8 U000-5986 is admitted and it will be given an exhibit number.

9 THE COURT OFFICER: Thank you, Your Honour. I note that one  
10 page from the same document has already been admitted as P02016, so  
11 we can add this one --

12 MS. V. ALAGENDRA: Sure.

13 THE COURT OFFICER: -- to that.

14 MS. V. ALAGENDRA: Because it's a continuation of the earlier  
15 page. Thank you.

16 PRESIDING JUDGE SMITH: It will be added. Thank you.

17 THE COURT OFFICER: Thank you.

18 MR. DIXON: Your Honours, and if now is an appropriate time, I  
19 would like to ask for the admission of just those pages of the Klecke  
20 retrial judgment that I referred the witness to, the cover page and  
21 then just the findings. Not the factual aspects, because I  
22 understand Your Honours have ruled before that going into factual  
23 matters is for Your Honours. Of course, the overall findings are for  
24 Your Honours as well. But I would ask you to refer back to one of  
25 your decisions previously before you make a ruling, F01733, where you

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1 did allow a portion of a judgment in for contextual purposes, noting  
2 that, of course, you're not bound by the same findings of a EULEX  
3 court. But it's important as one of the contextual matters to take  
4 into account given that this witness has testified about this matter.  
5 And also given that Mr. Zogaj, who's a 155 witness, has passed away,  
6 I'm not able to cross-examine him, but he's made allegations against  
7 my client. This is one of the matters, together with all the other  
8 evidence - Mr. Dobruna's evidence, other evidence - to take into  
9 account.

10 It's not a question of this in any way being admitted in order  
11 to predetermine the matter, but for context only. You have allowed a  
12 judgment in previously on that basis, and I'd ask Your Honours to do  
13 the same for just those portions without admitting the factual  
14 portions which weren't admitted in the previous decision either.

15 PRESIDING JUDGE SMITH: Do you wish to be heard?

16 MS. IODICE: Yes, Your Honour. We object on the basis of  
17 relevance. As my colleague stated, Your Honours have already ruled  
18 on 5 September that such judgments are not admissible.

19 These findings were reached in the context of other cases with  
20 different records. In addition, Mr. Dixon has read out the portions  
21 into the record. Also, the question put to the witness was nothing  
22 but getting the witness to confirm that that was the judgment, and  
23 therefore there is no substantive comment of the witness on that  
24 part.

25 MR. DIXON: Your Honours, if I could reply briefly. It's

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1 clearly relevant because it's an allegation the Prosecution relies  
2 upon. But, secondly, also the Prosecution has said, at the end of  
3 its questioning, that they put a proposition to the witness about  
4 whether he's telling the truth or not. And he has been acquitted in  
5 this judgment, so it's also important to take into account for that  
6 contextual purpose as well.

7 So for that limited purpose I ask that it be admitted.

8 PRESIDING JUDGE SMITH: We'll mark it MFI and we'll make a  
9 decision on it. Thank you.

10 MR. DIXON: Thank you, Your Honours.

11 PRESIDING JUDGE SMITH: Judge Barthe has a question? Oh, I'm  
12 sorry. We need to have a number for that.

13 THE COURT OFFICER: Could counsel please read the ERNs again  
14 just so --

15 MR. DIXON: [Microphone not activated].

16 The cover page -- because this is in six parts, and I appreciate  
17 it might be difficult to piece together. But the cover page is  
18 SITF00391837.

19 PRESIDING JUDGE SMITH: That's correct.

20 MR. DIXON: And then the portions that I put to the witness are  
21 at 00391887 to 00391936. That's the overall batch. But the specific  
22 page is then 00391920 to 922. So a further three pages. So it would  
23 be four pages only altogether.

24 THE COURT OFFICER: Thank you, Your Honour.

25 MR. DIXON: Thank you, Your Honours.

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1 THE COURT OFFICER: Those three pages in English and their  
2 corresponding Albanian translation will receive Exhibit 2D00043. And  
3 classification was confidential --

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 THE COURT OFFICER: MFI, apologies. Will receive MFI number.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 THE COURT OFFICER: And classification is confidential.

8 [Trial Panel confers]

9 PRESIDING JUDGE SMITH: Judge Barthe has some questions.

10 JUDGE BARTHE: Thank you, Judge Smith.

11 Questioned by the Trial Panel:

12 JUDGE BARTHE: And good afternoon, Mr. Krasniqi.

13 A. Good afternoon.

14 JUDGE BARTHE: The Panel has a few more questions for you on  
15 some aspects of your testimony or your statement which we believe  
16 require further elaboration and/or clarification. Is that clear?

17 A. Yes, it is.

18 JUDGE BARTHE: Thank you. My first question is the following.  
19 In your interview with the SPO, with the Prosecution, and also here  
20 in this courtroom, you mentioned Mr. Fatmir Limaj whom you said you  
21 already knew from your time in Switzerland; is that right?

22 A. No, it is not.

23 JUDGE BARTHE: You didn't know Mr. Limaj before you met him in  
24 Kosovo from your time in Switzerland?

25 A. I have known Mr. Limaj since we were children because we come

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1 from the same place, and so we knew each other on a personal basis  
2 and the families knew each other too.

3 JUDGE BARTHE: So you knew him before you moved -- the two of  
4 you moved to Switzerland; is that right?

5 A. Exactly. We left Kosovo for the service of the same cause.

6 JUDGE BARTHE: Thank you. And you also said that Mr. Limaj  
7 became the commander of Brigade 121 after the two you had gone back  
8 to Kosovo; is that correct?

9 A. He was initially commander of the Klecke point before the first  
10 offensive. And after the restructuring began, he was appointed  
11 brigade commander.

12 JUDGE BARTHE: Mr. Krasniqi, for the record, when did Mr. Limaj  
13 become commander of Brigade 121? Which year and which month?

14 A. The year is 1998. I cannot be precise in terms of dates or  
15 months. But as soon as Brigade 121 was formed, Mr. Limaj became the  
16 commander, and this I think, and if I'm not mistaken, happened  
17 immediately or a short time after the first offensive. Or to be more  
18 precise, it was the case from the moment of the founding of this  
19 brigade.

20 JUDGE BARTHE: I have to ask you this, Mr. Krasniqi, again, for  
21 the record, when was the first offensive?

22 A. This is also a debatable issue amongst the operational zones or  
23 the locations where the KLA was operational. However, according to  
24 me, the offensive began in July and it finished at the end of the  
25 month of August or the beginning of September.

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1 JUDGE BARTHE: So correct me if I'm wrong, but according to your  
2 evidence, Mr. Limaj became commander of Brigade 121 at the end of  
3 August, beginning of September, after the offensive?

4 A. September would be more accurate, but I cannot give you anything  
5 more precise.

6 JUDGE BARTHE: That's fine. Thank you. And where was Mr. Limaj  
7 based when he was commander of that brigade, of Brigade 121?

8 A. As a brigade commander, he was located at Sabit Zogaj's house at  
9 Fshati i Ri. So after the withdrawal from the Klecke point, he went  
10 to the same house as point commander and continued to stay there as  
11 commander of this brigade at Fshati i Ri. So he was located in that  
12 house whilst he was commander of the point and also whilst he served  
13 as brigade commander.

14 JUDGE BARTHE: Thank you. How far away is Fshati i Ri from  
15 Klecke?

16 A. It depends on the initial point of reference. If you take the  
17 point where the brigade was or the Celiku point was located, then  
18 that distance would be roughly 4 kilometres or maybe 3 or 4, 3 or 4  
19 and a half kilometres.

20 JUDGE BARTHE: Thank you. And later, so after the end of  
21 August, beginning of September, when Mr. Limaj became commander of  
22 Brigade 121, you said Mr. Haxhi Shala became first Mr. Limaj's deputy  
23 and ultimately replaced Mr. Limaj as commander of the brigade; is  
24 that right?

25 A. Yes. From what I recall, yes.

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1 JUDGE BARTHE: Again, just for our record, I was referring to  
2 paragraph 88 of Preparation Note 1.

3 Mr. Krasniqi, I'd like to ask you the following: When was that,  
4 when did Mr. Shala replace Mr. Limaj as brigade commander?

5 A. If I recall correctly, Mr. Shala replaced Mr. Limaj towards the  
6 month of October. It must be the month of October 1998.

7 JUDGE BARTHE: And where was Mr. Shala based when he became  
8 commander of Brigade 121?

9 A. If I remember correctly, Your Honour, Mr. Shala came from  
10 overseas. He was abroad. And I'm referring to that particular  
11 period of time.

12 JUDGE BARTHE: And was Mr. Shala also based in Fshati i Ri like  
13 Mr. Limaj?

14 A. When he was appointed to that position, he must have stayed  
15 there. However, one needs to remember that the brigade command  
16 must -- may have moved to Klecke again following the withdrawal of  
17 the Serbian forces implementing the Milosevic-Holbrooke Agreement.

18 JUDGE BARTHE: I understand. And, Mr. Krasniqi, you said it  
19 already, for example, in paragraph 32 of Preparation Note 1,  
20 Mr. Limaj moved to the General Staff and became a member of the  
21 General Staff; is that correct?

22 A. Yes. I came to learn of this when Haxhi Shala was appointed the  
23 brigade commander. So the way I understood that move had to do with  
24 the appointment of Mr. Shala to the position held by Mr. Limaj  
25 previously.



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1 JUDGE BARTHE: Thank you. Since you said that Mr. Shala was  
2 appointed in October 1998, was Mr. Limaj -- or did Mr. Limaj become a  
3 member of the General Staff also in October 1998 as far as you know?

4 A. No. Mr. Shala was appointed deputy commander to Mr. Limaj in  
5 October. Mr. Shala became a brigade commander in the month of  
6 November 1998, if I'm not mistaken. It may have been in the middle  
7 or the end of October, possibly the beginning of December too, but I  
8 believe that this occurred in the second half of November.

9 JUDGE BARTHE: Thank you. And what position did Mr. Limaj take  
10 in the General Staff? What was his role or his function?

11 A. From what I was able to understand at the time, and from what we  
12 were told, he became the director of military police.

13 JUDGE BARTHE: Thank you. Mr. Krasniqi, now I have some further  
14 questions for you about the -- I repeat, now I have some further  
15 questions about the Krojmir case.

16 In your preparation session with the SPO -- God bless you --  
17 with the SPO in paragraph 101 in Preparation Note 1, and also in your  
18 testimony here, you mentioned that Mr. Rexhep Selimi released five  
19 suspects - the four military policemen and the other soldier - after  
20 you had given him an overview of the case, and Mr. Selimi had  
21 congratulated you on the work, on your work; is that right?

22 And I'm specifically referring to paragraph 101 of Preparation  
23 Note 1 and also paragraphs 79 to 100 of Preparation Note 2.

24 A. Yes, entirely correct.

25 JUDGE BARTHE: You were asked by the Selimi Defence earlier

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1       today whether the conversation or the meeting you had with Mr. Selimi  
2       could have occurred in Divjake rather than in Klecke. Do you  
3       remember that?

4       A.    Yes, I do.

5           JUDGE BARTHE: For the record, I was referring -- or I'm  
6       referring to pages 6 and 7 of today's realtime transcript.

7           But, Mr. Krasniqi, you confirmed that the meeting was in Klecke  
8       where the suspects were held; is that correct?

9       A.    Yes.

10          JUDGE BARTHE: In fact, you said in your preparation session,  
11       paragraph 65 of Preparation Note 1, that the prison in Klecke was on  
12       the western side of Klecke, bordering Divjake, between the  
13       headquarter of the General Staff in Divjake and Brigade 121  
14       headquarter in Klecke, with a distance of approximately 1200 metres  
15       to each headquarters; is that correct?

16       A.    As far as the geography is concerned, I can say that I'm not  
17       that good at it, but it is correct that the Klecke detention centre  
18       was located in the middle of the brigade headquarters and the general  
19       headquarters.

20          JUDGE BARTHE: Thank you. So my question is, if I understood  
21       you correctly, Mr. Selimi came to you. You did not go to Mr. Selimi.  
22       Is that right?

23       A.    Yes, entirely correct. If I'm allowed to add. He did not come  
24       to see me personally but to see the other people too, as I clarified  
25       earlier. So this was a joint meeting. It was not a meeting just

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1 with myself.

2 JUDGE BARTHE: Indeed. You said that the suspects were present  
3 during your conversation with Mr. Selimi and defended themselves.  
4 That's in paragraph 101 of Preparation Note 1. Is that right?

5 A. Correct, yes.

6 JUDGE BARTHE: Thank you. I think this is clear now.

7 And I think it's a good time for a break now.

8 PRESIDING JUDGE SMITH: All right. We'll break for lunch,  
9 Witness. You may leave the courtroom now. Don't speak to anyone  
10 about your testimony outside the courtroom. We'll be back here at  
11 2.30.

12 [The witness stands down]

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

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

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

16 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
17 in.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: All right. Mr. Krasniqi, we will  
20 continue with questions from Judge Barthe at this time.

21 JUDGE BARTHE: Thank you, Judge Smith.

22 And welcome back, Mr. Krasniqi. Before the lunch break, we were  
23 talking about your conversation with Mr. Rexhep Selimi about the  
24 investigations in the Krojmir case. And my next question is the  
25 following: Did Mr. Selimi tell you during your meeting why he

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1 released the suspects?

2 A. The suspects were released at the end of the meeting, and I do  
3 not recall having heard any reasons for their release or their  
4 detention.

5 JUDGE BARTHE: Thank you. Did he, Mr. Selimi, tell you on what  
6 basis or by what authority he released the prisoners or the suspects?

7 A. No, he did not give any such explanation, and no such  
8 conversation took place as far as I can remember.

9 JUDGE BARTHE: And did you ask him that, did you ask on what  
10 basis or on what authority he took that decision?

11 A. No, I did not ask him because, as I said earlier, I never would  
12 ask any such questions in any other cases when somebody above would  
13 take action.

14 JUDGE BARTHE: Mr. Krasniqi, you said earlier today, on page 10  
15 of our realtime transcript, that you were not aware of any family  
16 relationship between one of the alleged victims in the case, Mr. Faik  
17 Shala, and your brigade commander, Mr. Haxhi Shala. Do you remember  
18 this?

19 A. Yes, that is correct.

20 JUDGE BARTHE: In this context, I would like to know did  
21 Mr. Selimi mention during your conversation that he had concerns  
22 about the impartiality of you and/or Mr. Haxhi Shala because there  
23 was some form of relationship between one or more of the alleged  
24 victims and one of the persons in charge of the investigation? Did  
25 he mention that?

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1 A. I do not recall him saying this, and I do not believe he would  
2 have said that.

3 JUDGE BARTHE: Why would you not believe that he would have said  
4 that?

5 A. Because if he had said that, I should have been able to remember  
6 it.

7 JUDGE BARTHE: Thank you. Did you tell Mr. Selimi that you had  
8 not informed Mr. Dobruna about the case?

9 A. I am not sure but I don't think I did. I am not certain,  
10 though.

11 JUDGE BARTHE: In your preparation session with the SPO, with  
12 the Prosecution, in Preparation Note 1, paragraph 101, you said that  
13 you personally did not continue to investigate the case because the  
14 case was now with Rexhep Selimi who was part of the General Staff.  
15 Do you remember saying this to this Prosecution?

16 A. Yes, correct.

17 JUDGE BARTHE: Did you believe that Mr. Selimi or the  
18 General Staff would further investigate the case or would take any  
19 further actions?

20 A. In this case, just like in the other cases, I did not show any  
21 interest in inquiring to know further about these cases.

22 JUDGE BARTHE: That's clear. Thank you. According to paragraph  
23 102 of Preparation Note 1, you told the Prosecution that you didn't  
24 think that Mr. Zogaj, as the person responsible for the prison in  
25 Klecke, could have opposed a request by another General Staff member,

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1 just like you did not oppose Mr. Selimi's release of the suspects in  
2 the Krojmir case. Did you tell the Prosecution this? Do you recall  
3 this?

4 A. Yes, that is correct. And I meant this in the specific  
5 circumstances of the cases as it was done at the time.

6 JUDGE BARTHE: In paragraph 96 of Preparation Note 2, the  
7 following is stated, and I quote:

8 "W04743," that is you, Mr. Krasniqi, "noted that when the case  
9 file was handed over, W04743 considered his work complete and in the  
10 hands of the superior authority, i.e. the General Staff, as he and  
11 his fellow soldiers were all aware of the role of Rexhep Selimi."

12 Mr. Krasniqi, do you recall saying this in your preparation  
13 session with the Prosecution?

14 A. Yes, that's correct.

15 JUDGE BARTHE: Can you tell us again what Mr. Selimi's role or  
16 function was within the KLA General Staff?

17 A. Based on what I knew, and others in Brigade 121, the role of  
18 Mr. Selimi was inspector-general of the KLA.

19 JUDGE BARTHE: So you considered Mr. Selimi to be a person in a  
20 higher position compared to you, as you stated earlier today on page  
21 18 of our realtime transcript, and the General Staff - I'm again  
22 referring to paragraph 96 of Preparation Note 2 - a superior  
23 authority; is that correct?

24 A. Certainly that in relation to me and others around me, he was.

25 JUDGE BARTHE: Mr. Krasniqi, this morning you said in response

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1 to a question by the Selimi Defence that, under the circumstances,  
2 you thought that Mr. Selimi was doing the right thing by releasing  
3 the suspects. And this can also be found on page 18 of today's  
4 realtime transcript.

5 Can you tell us why you thought Mr. Selimi was right to release  
6 the suspects?

7 A. If I need to rephrase what I stated, I must have said that  
8 Mr. Selimi could have done the right thing. I am testifying on an  
9 impartial, accurate, and correct truth. Now, I don't think I am the  
10 right person, the competent person to assess his actions.

11 JUDGE BARTHE: Thank you. Finally, you mentioned the case of a  
12 detainee named *[REDACTED]* pursuant to In Court Redaction Order F2872RED.  
13 that was handled by Agim Ceku, the chief  
14 of the KLA General Staff. Do you remember that?

15 A. The case of *[REDACTED]* pursuant to In Court Redaction Order F2872RED.  
16 was decided on by Mr. Agim Ceku, who  
17 at the time was chief of the General Staff. However, I'd learned  
18 about this fact during the Klecke trial.

19 JUDGE BARTHE: Thank you. And is it correct that Mr. Ceku gave  
20 Mr. *[REDACTED]* pursuant to In Court Redaction Order F2872RED. 25 days of  
21 imprisonment?

22 A. It is true based on the case file of the Klecke trial, which I  
23 think should be part of the case file of the Prosecutor.

24 JUDGE BARTHE: And since Mr. Ceku was neither a judge nor a  
25 prosecutor, in what capacity did he act when he dealt with the case?  
26 You said he was the chief of the KLA General Staff. Did he act in  
27 this capacity?

28 A. My opinion is that such action might have been taken by him in

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1 the absence of Mr. Dobruna. Further, I am not certain whether I can  
2 give any additional useful information or clarification for the  
3 Court.

4 JUDGE BARTHE: Thank you.

5 Mr. Krasniqi, you, like Mr. Zogaj, could not oppose this because  
6 of the role or position that Mr. Ceku had in the General Staff; is  
7 that right?

8 A. If you allow me, I would connect my answer to an answer I gave  
9 to a question of Mr. Selimi's Defence. This does not mean that  
10 within the KLA there were opposing actions taken or individuals who  
11 opposed certain decisions or actions. The issue of the  
12 implementation of orders and decisions is also related to the sense  
13 of responsibility and trust in the KLA and the General Staff.

14 I was guided more by human and moral principles because at the  
15 time, as I mentioned, I was not familiar with the law, I did not have  
16 a proper training, I had no prior experience in that field.

17 JUDGE BARTHE: Thank you, Mr. Krasniqi. I have no further  
18 questions.

19 PRESIDING JUDGE SMITH: Thank you, Judge.

20 Judge Mettraux.

21 JUDGE METTRAUX: Thank you, Judge Smith.

22 And good afternoon, Witness.

23 A. Good afternoon.

24 JUDGE METTRAUX: I'd like to ask you first about an individual  
25 whom you mentioned to the SPO, Mr. Jashar Salihu. Could you first



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1 confirm that you know who that person is?

2 A. Jashar Salihu, now deceased, he died after the war. I knew him  
3 as a prominent figure of the Popular Movement of Kosovo in  
4 Switzerland, but I did not know him personally. I knew him as a  
5 respected individual who gave a valuable contribution to the  
6 liberation of the country and who, at the same time, was the chairman  
7 of the Homeland Calling Fund.

8 JUDGE METTRAUX: Thank you, Witness. I think you've answered  
9 almost five of my next questions on this. But just to clarify, when  
10 you say he was a prominent figure of the Popular Movement of Kosovo,  
11 do you mean the LPK?

12 A. Yes, precisely.

13 JUDGE METTRAUX: And you've indicated as well that Mr. Salihu is  
14 now dead, and you said he died after the war. Can you remember the  
15 approximate year when he died?

16 A. I do not know exactly when, but he passed away following a  
17 serious disease in the first years after the war. I knew him as a  
18 important, prominent figure and an activist of the national cause,  
19 but I did not have any personal contacts with him.

20 JUDGE METTRAUX: And you've indicated in your answer just a  
21 second ago that he was, in your understanding, the head or the  
22 president of the Homeland Calling Fund; is that right?

23 A. Yes, Homeland Calling. This is how I knew it at least to be.

24 JUDGE METTRAUX: And would it be fair to suggest that the  
25 purpose or one of the primary purposes of that fund was to assist the

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1 war effort of the KLA? Would that be fair?

2 A. I think that this was not one of the purposes, but the main  
3 purpose should have been - must have been - the sponsoring of the  
4 liberation war that was about to start in Kosovo.

5 JUDGE METTRAUX: And that would be in that capacity that I  
6 understand Mr. Salihu or the Homeland Calling Fund paid for your  
7 ticket from Switzerland back to Kosovo; is that right?

8 A. Yes, exactly. Mr. Salihu welcomed me at the airport in Zurich  
9 where he gave me my flight ticket and some other items I had to bring  
10 with me in Kosovo.

11 JUDGE METTRAUX: Other than this function as a head or president  
12 of the Homeland Calling Fund, do you know whether Mr. Salihu ever  
13 exercised any other function within the KLA?

14 A. I don't know. I am not sure.

15 JUDGE METTRAUX: Now, there's something else you told the  
16 Prosecution this time during your preparation session.

17 And for the record, that's Preparation Note 2 at paragraph 6.

18 You recall telling the Prosecution about the process by which  
19 you, Mr. Krasniqi, became a member of the LPK. Do you remember  
20 discussing that?

21 A. Yes.

22 JUDGE METTRAUX: And if you feel at any point that you need to  
23 see your preparation note, that can be arranged, but I'll ask you the  
24 questions in this way. Do you recall explaining that in order for  
25 someone to become a member of the LPK, someone who was already in the

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1 movement had to vouch for you? In other words, you needed some sort  
2 of recommendation or guarantor. Do you recall saying that?

3 A. Yes. These were the procedures in place within the country  
4 until the moment of the taking of the oath, which I did not take  
5 because my engagement, my involvement went through Ragip Shala, a  
6 co-villager of mine. And he was probably in a way some sort of a  
7 guarantee in this case, but maybe I -- my vetting process was done  
8 following the attempt by the Serbian forces to arrest us. Because in  
9 1996, we theoretically were already members of the KLA and member of  
10 the LPK through Ragip Shala, but I formally became a member of the  
11 LPK in Switzerland through the persons I mentioned before: Xhavit  
12 Hoxha, Sejdi Gegaj, Xhavit Bajraktari. There were other persons whom  
13 I don't remember.

14 JUDGE METTRAUX: If I understand well, Ragip Shala was your  
15 guarantor, the person who vouched for you; is that right?

16 A. Through Ragip Shala, this is the first contact and my  
17 penetration, if I may call it so, to the LPK. I don't think that he  
18 was required expressly by somebody a guarantee in this regard.

19 JUDGE METTRAUX: And Ragip Shala, is he a relative of  
20 Fatmir Limaj?

21 A. I cannot say a relative, but they are from the same village.  
22 They have different family names and they are from different  
23 neighbourhoods.

24 JUDGE METTRAUX: And while we are on the Shala family, is  
25 Haxhi Shala a relative of Fatmir Limaj, to your knowledge?

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1 A. Haxhi Shala is a nephew in the neighbourhood of Fatmir Limaj but  
2 not directly his nephew.

3 JUDGE METTRAUX: Now back to the LPK. Can you explain to us, if  
4 you know, of course, why it was important within the LPK to have this  
5 vetting process at the time to know who was becoming a member of the  
6 movement?

7 A. These are procedures which I learned from Mr. Ragip Shala. When  
8 I mentioned the process of the oath taking, which was followed in  
9 several cases, but in this case it was not for safety reasons, Ragip  
10 Shala didn't do that. So we remained in small circles and not apply  
11 some procedures of the underground movement in order to avoid any  
12 leaks.

13 In other words, some procedures that Shala had himself to go  
14 through were not applied by him in my case because we had frequent  
15 leaks of information.

16 JUDGE METTRAUX: And that was my next question. These  
17 procedures that Mr. Shala had to go through was because of a concern  
18 that there could be infiltration within the movement by unwanted  
19 individuals, in other words, people who would provide information to  
20 the Yugoslav authorities; is that correct?

21 A. This was his assessment and his judgment.

22 JUDGE METTRAUX: Do you know who within the LPK had been tasked  
23 with filtering out these individuals?

24 A. No, I don't.

25 JUDGE METTRAUX: Do you know who had been tasked to investigate

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1 the leaks that you've just mentioned?

2 A. I do not know the organisation in such detail to be able to give  
3 an answer. Simply put, I don't know.

4 JUDGE METTRAUX: Now, I want to ask you about a number of cases  
5 that you have already mentioned to my colleague, Judge Barthe, and to  
6 the counsel here, but I'll start with a few general questions about  
7 these.

8 Am I right that the between seven to nine cases which you've  
9 dealt with, the record of which we've seen, they all pertain to your  
10 zone of responsibility? In other words, the zone of responsibility  
11 of the 121 Brigade.

12 A. I stated this in front of the Prosecutor as well that there are,  
13 in total, ten cases out of which -- among these cases we have the  
14 case of Sedllar, for which we have the minutes of the interview  
15 conducted by Mr. Dobruna who advised and instructed how to proceed.  
16 And then we have the criminal reports. So we have nine criminal  
17 reports. Out of these nine cases, we have two which we prepared  
18 initially with Mr. Nexhmi Krasniqi in Brigade 121, then four cases I  
19 prepared --

20 JUDGE METTRAUX: I'll stop you simply because my question was  
21 maybe not precise enough. What I'm interested in is a point of  
22 geography. All these cases you dealt with pertain to incidents that  
23 had allegedly been committed within the territory of the 121 Brigade.  
24 Is that correct or not?

25 A. Thank you for the clarification. That is correct. There were

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1 nine cases which occurred within the territory of Brigade 121.

2 JUDGE METTRAUX: There's one case I'll put aside for you and  
3 I'll come back to it. But how many, if any, of these cases dealt  
4 with allegations of mistreatment or killings of suspected  
5 collaborators, if any?

6 A. Could you please repeat the question?

7 JUDGE METTRAUX: Yes. In terms of the substance of what was  
8 being investigated, the nature of the breaches that you were looking  
9 at, did any of these cases pertain to allegations that a KLA member  
10 had mistreated or murdered a suspected collaborator?

11 A. I am not certain I'm understanding the question correctly.  
12 Suspected collaborator -- Mr. Sylejman Ramadani I think was sent to  
13 Bellanice as a suspected collaborator but who was then released in  
14 the morning because there were no grounds or reasons to hold him any  
15 further.

16 JUDGE METTRAUX: Again, I'll take the blame, sir, for not being  
17 very clear. I'm not asking for cases where the subject of the  
18 investigation, Mr. Sabit Shala or Ramadani, were alleged to have been  
19 collaborators. I'm asking whether you ever investigated a KLA member  
20 for reasons pertaining to allegations that he had either murdered or  
21 mistreated a suspected collaborator?

22 A. Now I understand the question, I think. This did not occur  
23 because we dealt with emergency situations which were brought to us  
24 or occurred. It was not possible to deal with any such cases because  
25 we didn't have the capabilities, nor the time, nor did we receive any

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1 such requests. And, in addition, we completely lacked the resources  
2 to conduct such an investigation.

3 JUDGE METTRAUX: Thank you. Now I want to ask you about the  
4 Krojmir case. I have a couple of questions.

5 And I understand the case, and please correct me if my  
6 understanding is incorrect, that the four military policemen that  
7 were initially arrested was because they set up a detention facility  
8 and detained people without authorisation from their superiors; is  
9 that correct?

10 A. Yes. Krojmir had to do with the detention centre in the village  
11 of Pjetershtice.

12 JUDGE METTRAUX: So if I understand correctly, at least in your  
13 area of responsibility, a group of KLA military policemen did not  
14 have the authority to set up a detention facility and detain people  
15 in it, that's why in your report it specified that they acted without  
16 the knowledge of higher authorities. Is that understanding correct?

17 A. Entirely correct.

18 JUDGE METTRAUX: Now, I want to ask you, again, to be sure that  
19 I've understood your evidence correctly, is that a case or an  
20 investigation, such as the one you discussed, could be triggered, if  
21 you may, in two particular ways. One of these ways, you told us, was  
22 through the filing of a criminal report by the military police to  
23 Mr. Dobruna; is that correct?

24 A. When we submitted the criminal report before Mr. Dobruna, that  
25 marked the end of our engagement. We did not pursue the matter

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1 further. Mr. Dobruna may have done so. However, I cannot state this  
2 with any certainty.

3 JUDGE METTRAUX: But that would have triggered his  
4 responsibility to act. Would you agree?

5 A. I agree. And my staff and I did what we did pursuant to the  
6 recommendations and advice of Mr. Dobruna, following the oral  
7 instructions that he had passed on to us, given we never had that in  
8 writing. So according to the instructions he gave us, our work came  
9 to an end upon the moment we submitted the criminal report.

10 JUDGE METTRAUX: And I understood you to say that Mr. Dobruna  
11 could also act *proprio motu*, on his own, in other words, make an  
12 order of arrest as he did, for example, in the case of Sabit Shala  
13 or, for that matter, his father Habib; is that correct?

14 A. I have stated an opinion on the basis of what has occurred, not  
15 on the basis that I had seen anything in written -- with regard to  
16 the powers of Mr. Dobruna and the other members higher up in the  
17 hierarchy.

18 JUDGE METTRAUX: Understood.

19 Can we please see Exhibit 2D20, please.

20 What I'm about to show you, sir, is a document you've seen  
21 already several times. It's the record or part of the record of the  
22 case of Sabit Shala, and there's a clarification I would like to get  
23 from you, if I may.

24 First, do you recall being shown this document, sir.

25 A. Yes, I do.



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1 JUDGE METTRAUX: And just for the record, the date is 20 March  
2 1999. That's about three weeks after you had been appointed to  
3 head -- to be head of ZKZ within the brigade; is that correct?

4 A. Yes, correct.

5 JUDGE METTRAUX: Now, Mr. Dixon read to you a sentence in the  
6 middle of this document. I'll read them again for the record. It  
7 says:

8 "The accused has continuously committed these felonies from  
9 August 1998 until the day of detention.

10 "This is demonstrated by: statements made by the accused and  
11 reports of the KLA Intelligence Service."

12 Now, looking at this reference to reports of the KLA  
13 Intelligence Service, does that refer to reports that you yourself  
14 drew up or does that refer to anyone else's report?

15 A. It has to do solely with the information that had been brought  
16 over to me by my associate, Mr. Baftiu.

17 JUDGE METTRAUX: So if I understand properly, what this reflects  
18 is your activities during that time as ZKZ officer collecting  
19 information about Sabit Shala, a suspected collaborator; is that  
20 right?

21 A. The same activity ought to have been carried out with or without  
22 the ZKZ. The ZKZ has been mentioned only because I had been  
23 appointed to serve at that -- within that sector. The idea was only  
24 to keep that name going. But the same information would have  
25 obtained with or without the ZKZ.

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1 JUDGE METTRAUX: Now, what would happen to these reports  
2 prepared by the KLA Intelligence Service on the suspected  
3 collaborators such as this one? Would you archive it with the  
4 brigade? Would you pass it on to the brigade commander?

5 A. Your Honour, as I have mentioned, these are bits of information  
6 that coincided with the first ones that I'd received from  
7 Mr. Dobruna. The same individual brought information on the Krojmir  
8 case too, and there isn't another one. However, these bits of  
9 information and any eventual information that would arrive, if deemed  
10 to be of significance, would have been passed on to the brigade  
11 level, namely, to the brigade commander. However, I do not recall  
12 any such significant information that I would be able to share with  
13 you at this point.

14 JUDGE METTRAUX: Thank you. Now, I want to ask you about a  
15 second case that you've mentioned, that of Mr. Osman Korpuzi. Do you  
16 recall that case?

17 A. Yes, I do.

18 JUDGE METTRAUX: Do you know perhaps whether he was from the  
19 village of Shala or Sedllar?

20 A. Based on surname, he is from the village of -- he was from the  
21 village of Sedllar or Shale.

22 JUDGE METTRAUX: Do you know perhaps what nickname he went by?  
23 And maybe you're familiar with the nickname of The Chinese, Kinezi?

24 A. Yes, that is correct. I heard about it and it is correct.

25 JUDGE METTRAUX: And I understood you to say, and, again,

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1 correct me if I'm wrong, that you don't know what happened to  
2 Mr. Korpuzi once he was detained in Klecke. Did I understand that  
3 correctly?

4 A. He must have been detained on the other side, on the Sedllar  
5 side, and from there sent on to Klecke. I don't know how I came by  
6 that information. I took a statement and I wrote a criminal report,  
7 and that statement was attached to the criminal report and then filed  
8 with Mr. Dobruna or the military prosecutor. I remember on this  
9 occasion that it was submitted to Mr. Dobruna because we submitted,  
10 alongside the criminal report, the handgun with which an injury had  
11 been caused by him, if I recall correctly.

12 JUDGE METTRAUX: Do you know someone by the name of Shkelzen  
13 Ahmeti?

14 A. This name does not bring back any recollection, no.

15 JUDGE METTRAUX: What about Adem Imeri? Do you know someone by  
16 that name?

17 A. No, I don't.

18 JUDGE METTRAUX: Idriz Zeka?

19 A. No.

20 JUDGE METTRAUX: And someone by the name or nickname of Arben  
21 Sejdiu? Do you know anyone by that name or nickname?

22 A. No.

23 JUDGE METTRAUX: Now, there's one last case I want to ask you  
24 about, and that's the case of [REDACTED] pursuant to In Court Redaction  
Order F2872RED.

25 You indicated during your preparation session - that's

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1 Preparation Note 2, paragraph 49 - that he was brought to Klecke by  
2 Sheremet Thaci and Asman Hoxha. Do you recall saying that?

3 A. Yes.

4 JUDGE METTRAUX: Could you tell us how you know that?

5 A. I know it because Asman Hoxha told me about it.

6 JUDGE METTRAUX: Thank you. Those are my questions. Thank you.

7 PRESIDING JUDGE SMITH: Anything? Yes.

8 JUDGE GAYNOR: Thank you, Judge Smith.

9 Good afternoon, Mr. Witness. I think you've told us in respect  
10 of Mr. Ramadani, you said yesterday.

11 "From what I was told at the time and what's contained in the  
12 documents, there was an unfounded suspicion of collaboration, which  
13 means that [there was] not a single bit of evidence was submitted to  
14 enable us to proceed any further."

15 Do you remember saying that?

16 A. Yes, I do. That's correct.

17 JUDGE GAYNOR: Now, as a general matter, what did the military  
18 police in your brigade do to determine whether there was a factual  
19 basis in cases of suspected collaboration? What steps did you take?

20 A. There was no standard procedure to follow, as I've mentioned to  
21 the Prosecution. Every single case is discrete and separate. If a  
22 case was started on an emergency basis by someone, we would take the  
23 evidence by the individual who'd reported it. But on this occasion,  
24 there wasn't a single piece of evidence upon which it could be based  
25 to pursue the matter further, so we did not have any mechanisms or

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1 procedures that needed to be followed. We just did our work on the  
2 basis of what was put before us. We had no facilities to hold a  
3 person and continue the investigation.

4 Every single time, though, that there was a dilemma about what  
5 course of action to follow, I consulted, and I consulted Mr. Dobruna.  
6 Mr. Dobruna was the individual I went to for advice.

7 JUDGE GAYNOR: But as a general matter, was there a practice of  
8 interrogating the suspected collaborator in order to see what their  
9 position was in respect of the allegations of collaboration?

10 A. This was not implemented in practice with the exception of cases  
11 where somebody would have started the case. It was not a practice  
12 for us to investigate. All we did was act upon people reporting  
13 issues. The Shala case, the Ramadani case, or any other case, are  
14 all cases that were started by someone else. We did not have the  
15 capabilities, be they professional or otherwise, to take the  
16 initiative ourselves in order to investigate individuals and compile  
17 a list of who they are and what they're up to. At least during my  
18 engagement, I never saw a list with such names. Never.

19 JUDGE GAYNOR: Now, in many of the documents that we've seen,  
20 we've seen that they were copied -- the documents created by  
21 Brigade 121. We've seen that they were copied to an archive. Where  
22 was that archive kept?

23 A. To be frank with you, I don't know because every document and  
24 report in our possession was sent up to the brigade, and I do not  
25 know what happened any further, where they kept the archives, if they

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1 did. I do not have that information, I'm afraid.

2 JUDGE GAYNOR: No further questions. Thank you.

3 PRESIDING JUDGE SMITH: Any follow-up questions from the  
4 Prosecution based on the Judges' questions?

5 MS. IODICE: No, Your Honour.

6 PRESIDING JUDGE SMITH: Mr. Roberts, any follow-up questions?

7 MR. ROBERTS: I would just like a couple of minutes to consult  
8 with my client before responding to that. Thank you, Your Honour.

9 PRESIDING JUDGE SMITH: Go ahead.

10 [Specialist Counsel confer]

11 MR. ROBERTS: Thank you, Your Honour. Nothing further from us.

12 PRESIDING JUDGE SMITH: Thank you.

13 Mr. Dixon.

14 MR. DIXON: Your Honours, yes, just a few questions. I won't be  
15 long.

16 PRESIDING JUDGE SMITH: Fine, go ahead.

17 MR. DIXON: Thank you.

18 Further Cross-examination by Mr. Dixon:

19 Q. Mr. Krasniqi, just a few more questions arising from the Judges'  
20 questions.

21 First of all, in relation to a question asked by Judge Barthe.  
22 This is at page 85. You were asked about both yourself placed  
23 together with Mr. Agim Zogaj, whether a request from a member of the  
24 General Staff could be opposed by you. Do you remember that?

25 A. Yes, I do.

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1 Q. It's correct, isn't it, that as far as Mr. Zogaj is concerned,  
2 you don't know of any requests that were made directly to him by any  
3 member of the General Staff. That's right, isn't it?

4 A. That's right, yes.

5 Q. And then in relation to a question asked by His Honour  
6 Judge Mettraux about the document.

7 MR. DIXON: We don't have to bring it up again.

8 Q. That's the one that was signed by you in your capacity as the  
9 commander of the military police platoon. That's the document of  
10 20 March 1999. You were asked about this reference here to the KLA  
11 Intelligence Service and reports of that service. Do you remember  
12 that?

13 A. Yes.

14 JUDGE METTRAUX: It's 2D20, if that helps, Mr. Dixon.

15 MR. DIXON: Yes. I'm not going to bring it up, unless  
16 Your Honour wants it. But for the record, it's 2D20. Thank you,  
17 Your Honour.

18 Q. Do you recall being asked that question earlier?

19 A. Yes.

20 Q. Right. What I wanted to clarify with you is in your evidence  
21 earlier on today, and this is at page 41, you said that you wanted to  
22 clarify a matter in relation to this document, and you said the  
23 following:

24 "... the period of time we are talking about, there was no *de*  
25 *facto* intelligence service in place. This was based on the

1 information passed on by Baftiu who had been a collaborator even  
2 before my arrival and my appointment there. And instead of pointing  
3 out that this information came from a collaborator, we said this was  
4 an information provided by the intelligence service where there was  
5 no one in place.

6 "But when the brigade refers to the intelligence service, this  
7 is a contradictory information because there was no such service in  
8 place at the time."

9 Do you remember saying that?

10 A. Yes, I do.

11 Q. So this reference here in your report of 20 March 1999 to  
12 "reports of the KLA Intelligence Service" is an incorrect one in the  
13 sense that there was no service at the time and you had no reports  
14 from that service that you were basing any of your findings on.

15 That's right --

16 MS. IODICE: Objection.

17 MR. DIXON:

18 Q. -- isn't it?

19 MS. IODICE: Compound question.

20 PRESIDING JUDGE SMITH: Yes, it was compound. Please break it  
21 down.

22 MR. DIXON: Well, I'll do so like this, Your Honour.

23 Q. Where you said here "reports of the KLA Intelligence Service" in  
24 this document, first of all, there was no service at that time?

25 MS. IODICE: Objection, beyond the scope. It was addressed in



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1 cross-examination.

2 PRESIDING JUDGE SMITH: I don't believe any of the Judges  
3 brought that question up.

4 MR. DIXON: Well, Your Honour, Judge Mettraux specifically said  
5 that these were --

6 PRESIDING JUDGE SMITH: Yes.

7 MR. DIXON: -- reports about collaborators from the KLA  
8 intelligence service.

9 PRESIDING JUDGE SMITH: Yes, you're right. Overruled.  
10 Go ahead. You can answer.

11 MR. DIXON:

12 Q. Do you want me to repeat the question? There was no KLA  
13 intelligence service in existence at the time. This is 20 March  
14 1999. That's right, isn't it?

15 A. As I said earlier, from what I know, the intelligence service  
16 was formed after the formation of the provisional government. The  
17 mention in that document by myself is based ultimately on the  
18 appointment that was made for me. Even that appointment by the  
19 brigade is a contradiction in terms, and that contradiction in terms  
20 has been followed up even further.

21 I have clarified this further where I say that this made a  
22 reference to the ZKZ, then that reference continued. However, I -- I  
23 never heard of the use of the secret service anywhere else. We used  
24 to use ZKZ throughout. During the wartime, however, we did not pay  
25 that much attention to the terminology being used. But in terms of

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1 its formation, I think that it came into existence after the  
2 formation of the provisional government.

3 Q. Yes, thank you for that. So can I then just clarify in terms of  
4 the answer that you've given that there was at that time no ZKZ  
5 report on this particular case, the one of Mr. Shala. It was merely  
6 information that you'd got from Mr. Baftiu. That's right, isn't it?

7 A. Let me clarify that -- I had the impression that this report was  
8 made a long time before, and that's why I asked for that document to  
9 be brought back into the screen in order to verify the date there.  
10 And once we've ascertained the date, we came to the conclusion that  
11 this was a document that had been compiled after my appointment to  
12 the ZKZ sector.

13 Q. Yes, you very helpfully clarified that. What I want to clarify  
14 is that there wasn't any report from the ZKZ on this particular case.  
15 What you had was information, as you've said before, from Mr. Baftiu.

16 A. That's right. This is correct.

17 Q. Yes.

18 MR. DIXON: Thank you, Your Honours. I have no further  
19 questions.

20 PRESIDING JUDGE SMITH: Thank you.

21 Ms. Alagenda.

22 MS. V. ALAGENDRA: No questions, Your Honour.

23 PRESIDING JUDGE SMITH: And Mr. Misetic.

24 MR. MISETIC: No questions.

25 PRESIDING JUDGE SMITH: Thank you.

1 MS. V. ALAGENDRA: Your Honour, while the witness --  
2 Your Honour, while the witness is still here, I believe there is a  
3 transcript error. If I could get Your Honours' guidance. It's on  
4 page 69. It's on line 14, Your Honours.

5 PRESIDING JUDGE SMITH: It would be best if you would just  
6 submit this and ask the translators to verify it.

7 MS. V. ALAGENDRA: Certainly.

8 PRESIDING JUDGE SMITH: We can't do it from here, so ...

9 MS. V. ALAGENDRA: Certainly.

10 PRESIDING JUDGE SMITH: Yeah.

11 Mr. Krasniqi, that ends your testimony. You are allowed to  
12 leave the Court now. We thank you for being with us and sharing your  
13 information with us. We wish you well.

14 THE WITNESS: [Interpretation] Thank you.

15 [The witness withdrew]

16 PRESIDING JUDGE SMITH: Anything else that needs to be  
17 addressed?

18 MR. ROBERTS: Not to be addressed, but just for tomorrow, as  
19 it's a videolink witness, our client will be filing a waiver to be  
20 following it back from the detention unit. Thank you very much.

21 PRESIDING JUDGE SMITH: All right. Anybody else that wants to  
22 do that may do so.

23 We will commence at 11.00. We'll do two one-hour sessions from  
24 11.00 to 12.00, with a 15-minute break, 12.00 to 1.00, and then we'll  
25 finish up if necessary.

1 Most of you have said you wanted 45 minutes. I don't know if  
2 that's still the case.

3 MR. MISETIC: It should be much less, I would think,  
4 Mr. President. But I just wanted to confirm, my understanding was  
5 that the time was 11.30, and if that's --

6 PRESIDING JUDGE SMITH: Oh, was it? Oh, I'm sorry.

7 MR. MISETIC: -- been moved up, that would be great.

8 PRESIDING JUDGE SMITH: My mistake. No, if it is 11.30, it's --  
9 it is 11.30. Okay. We'll just do --

10 MR. MISETIC: I think we all have a --

11 PRESIDING JUDGE SMITH: -- 11.30 to 1.00 then, and then whatever  
12 else after [Overlapping speakers] ...

13 MR. MISETIC: Some of us are trying to make it a  
14 get-out-of-The-Hague day tomorrow, so thank you.

15 MR. DIXON: Your Honours, I can say we have very little, if  
16 anything, to ask this witness. Thank you.

17 MR. TULLY: As do we. I think we officially dropped ours to  
18 about 10 to 15 minutes. So thank you.

19 MR. MISETIC: We will be about the same, maybe 30 minutes max.

20 MR. ELLIS: I think probably 10, 15.

21 PRESIDING JUDGE SMITH: Thank you.

22 MR. ELLIS: Yes.

23 PRESIDING JUDGE SMITH: Thank you all for being here today. We  
24 will see you tomorrow morning at 11.30.

25 --- Whereupon the hearing adjourned at 3.29 p.m.