

1 Wednesday, 3 April 2024

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: Thank you. And good morning, everyone.  
11 For the record, the accused are all present in court.

12 Today, we will first resume and complete W04147's testimony,  
13 and, thereafter, we will resume with W04739's testimony.

14 Madam Court Usher, please bring the witness into the courtroom.  
15 And please stay in public session.

16 [Trial Panel confers]

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: Good morning, Mr. Byrnes.

19 THE WITNESS: Good morning, Your Honour. I hope you and your  
20 colleagues had a nice Easter weekend.

21 PRESIDING JUDGE SMITH: Thanks, you too. We hope you did, too.

22 Witness, today we will complete your testimony, hopefully within  
23 the next one to two hours. I remind you to please try to answer the  
24 questions clearly with short sentences. If you don't understand a  
25 question, feel free to ask counsel to repeat the question or tell

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1       them you don't understand and they will clarify.

2               Also, please remember to try to indicate the basis of your  
3       knowledge of the facts and circumstances upon which you will be  
4       questioned.

5               I also remind you you are still under an obligation to tell the  
6       truth as stated by you in your solemn declaration.

7               Please also remember to speak into the microphone and to wait  
8       five seconds before answering a question and speak at a slow pace for  
9       the interpreters to catch up.

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

12              Witness, we will first hear further questions from the Krasniqi  
13      Defence. You can see that Mr. Ellis is standing.

14              Mr. Ellis, you have floor.

15              MR. ELLIS: Thank you, Your Honour.

16                              WITNESS: SHAUN BYRNES [Resumed]

17                              Further Cross-examination by Mr. Ellis:[Continued]

18      Q.     Good morning, Witness.

19      A.     Good morning, sir.

20              MR. ELLIS: Your Honours, could we move into private session for  
21      the first series of questions due to the provider of the documents.

22              PRESIDING JUDGE SMITH: Yes. Into private session, please, for  
23      provider's security.

24                              [Private session]

25                              [Private session text removed]

Witness: Shaun Byrnes (Resumed) (Private Session)  
Further Cross-examination by Mr. Ellis (Continued)

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Witness: Shaun Byrnes (Resumed) (Private Session)  
Further Cross-examination by Mr. Ellis (Continued)

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Further Cross-examination by Mr. Ellis (Continued)

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Witness: Shaun Byrnes (Resumed) (Private Session)  
Further Cross-examination by Mr. Ellis (Continued)

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Witness: Shaun Byrnes (Resumed) (Private Session)  
Further Cross-examination by Mr. Ellis (Continued)

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Witness: Shaun Byrnes (Resumed) (Private Session)  
Further Cross-examination by Mr. Ellis (Continued)

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12 [Open session]

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

14 MR. ELLIS: Thank you.

15 PRESIDING JUDGE SMITH: Go ahead, Mr. Ellis.

16 MR. ELLIS:

17 Q. I just have a couple of other shorter topics to deal with you,  
18 Witness. The first is that His Honour Judge Mettraux asked you on  
19 28 March at page 14004 in the transcript, line 18, whether you had  
20 been made aware that Mr. Krasniqi, in addition to his role as  
21 spokesperson, had been appointed as deputy commander for support  
22 service within the General Staff. And your answer was:

23 "I was not."

24 It's right, isn't it, that in all your interactions with  
25 Mr. Krasniqi he never held himself out as a deputy commander for

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1 support services, did he?

2 A. No, he did not.

3 Q. Always as the spokesperson?

4 A. Yes. Yes.

5 Q. Were you aware at the time or later that Sokol Bashota was the  
6 deputy commander and later deputy commander for operations, sir?

7 A. I was not aware of that at the time.

8 Q. Very well. Then His Honour Judge Barthe asked you on 27 March,  
9 at page 13935 in the transcript, about paragraph 28 of your witness  
10 statement, and I'll just read it back to you. It said:

11 "In September or November 1998, I brought up the issue of  
12 intra-Albanian killings and the killing of collaborators with the  
13 troika and they flatly denied that this took place."

14 Mr. Misetic asked you some questions about this on Thursday.  
15 And in response to him, you thought that this might relate to the  
16 alleged killing of Albanian Catholics in Gjakove. Do you recall that  
17 exchange?

18 A. I do.

19 Q. Now, we looked together at a cable from US KDOM dated 3 November  
20 1998 which recorded that you had not seen Mr. Krasniqi or heard from  
21 him for some time. Do you recall seeing that cable?

22 A. Yes.

23 Q. And it's right, isn't it, that Sokol Bashota was your go-to  
24 contact or your primary contact, and you had extensive contact with  
25 him in this period?

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1 A. Yes.

2 Q. And you also sometimes had telephone contact with Rame Buja;  
3 correct?

4 A. Yes.

5 Q. So when you say in your statement that this issue was raised  
6 with the troika in September or November 1998, it could be that you  
7 spoke by telephone with Mr. Bashota or perhaps Mr. Buja, couldn't it?

8 A. The issue was intra-Albanian conflict?

9 Q. Yes, which you then clarified to Mr. Misetic related to the  
10 Albanian Catholics in --

11 A. Right.

12 Q. -- Gjakove. That issue.

13 A. Would you mind, Mr. Ellis, would you mind repeating the question  
14 then? Thank you.

15 Q. Sure. The question was when you say that this issue was raised  
16 with the troika in September or November 1998, it could be that you  
17 spoke by telephone to Mr. Bashota or perhaps Mr. Buja, couldn't it?

18 A. Yes, that's certainly possible.

19 Q. And, indeed, whenever your witness statement says something was  
20 raised with the troika, that could be via telephone call to one of  
21 them, couldn't it?

22 A. Yes.

23 Q. Thank you.

24 MR. ELLIS: Just a moment, Your Honours.

25 Q. And, sir, if you spoke to one of them on the telephone, you

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1 wouldn't know if they communicated that to the others? You wouldn't  
2 know if that happened behind the scenes?

3 A. Yes.

4 MR. ELLIS: Thank you, Your Honours.

5 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

6 Mr. Emmerson, you have the floor.

7 Further Cross-examination by Mr. Emmerson:

8 Q. [Microphone not activated] ... can you remind us from your own  
9 knowledge of the dates of the two sessions of Rambouillet, the first  
10 and then the second?

11 Sorry, my question was can you remind us of the dates of the  
12 first and the second Rambouillet assembly.

13 A. I'm sorry, I cannot do that off the top of my head.

14 Q. Well, we'll have those dates provided to you just in a moment or  
15 two.

16 I want, if I may, to focus on two aspects of the Judges'  
17 questions. The first is a question asked by Judge Barthe on 27 March  
18 at page 13939, line 12. And Judge Barthe asked you this:

19 "... Mr. Byrnes, just on a related issue, which is still not  
20 completely clear to the Panel. Did you have any personal knowledge  
21 at the time, that is in 1998 or 1999, about where Mr. Veseli was from  
22 November 1998 onwards or what he was doing?"

23 To which you replied:

24 "The only -- sir, the only information that we had was that  
25 Mr. Veseli was in Albania, and we did not know what his

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1 responsibilities were. There were rumours, but we didn't -- we had  
2 no specific information that we could validate about what his  
3 responsibilities were."

4 And then Judge Barthe clarifies, so apart from the rumours, you  
5 didn't know what exactly he was doing in Albania, and you said that's  
6 correct.

7 You remember that question and answer?

8 A. I do.

9 Q. So the rumours as to what he was doing in Albania, did they  
10 relate to rumours of liaison with the Albanian SHIK and with other  
11 intelligence services?

12 A. I don't remember.

13 Q. You don't remember what the content of the rumours was?

14 A. That's right.

15 Q. Thank you. Okay. We'll leave it at that then.

16 But I do want, if I may, to ask you one or two questions about  
17 the connection between those dates and the question and answer you  
18 gave to Judge Barthe and the series of questions that were then asked  
19 by Judge Mettraux about each of the instances of abduction and  
20 release, from the Serb Tanjug journalists to the arrest of Cen Desku  
21 and Jakup Kastrati, to the detention and then release of the Serb  
22 prisoner of war Goran Zbilic and the release of the Tanjug  
23 journalists in Dragobil, as well as the capture and release of the  
24 eight VJ soldiers.

25 Now, just one moment.

1 MR. EMMERSON: Your Honour, the complete file of the passport  
2 supplied by the Swiss authority recording Mr. Veseli's movements  
3 during this period has been included in our queue as DKV1215 to 1234.  
4 I don't propose, at this stage -- a version of this document has  
5 already been admitted and given a D number. This is the file with  
6 the covering documentation of authorisation from the Swiss  
7 authorities who held the document and produced it.

8 I don't want to take up court time, unless anybody asks me to,  
9 and go in through each individual stamp, because they're obviously  
10 not in chronological order within the passport. But what I will do  
11 is just to put the factual information relating to eight entries  
12 spanning the period of 11 October 1998 down to 13 January 1999 and  
13 summarise exactly what they say. We can, if necessary, point to the  
14 individual stamps which support what I'm going to put to the witness.  
15 But I'm going to put that in relation to the chronology of the events  
16 that Judge Mettraux questioned the witness about, if I may.

17 Q. So if we could please -- I think probably the easiest way to do  
18 this is to pinpoint the chronology which you were taken through more  
19 than once about the dates of detention and arrest and the dates of  
20 release of these individuals. And I'm going to put them in overall  
21 chronological order, because as you would be aware, some people were  
22 arrested after others and released before them, and there were  
23 overlaps between detentions and so on. But if I could just give you  
24 the dates that have emerged during your examination from documents  
25 put to you and either confirmed from your own documentation or from

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1 other contemporaneous material.

2 So the first incident of note in time is 18 October 1998, which  
3 was the date of the detention of the two Serb Tanjug journalists,  
4 Nebojsa Radosevic and Vladimir Dobricic.

5 The next date of significance is 30 October, which is the date  
6 of the detention of Cen Desku and Jakup Kastrati, the two LDK  
7 officials that were arrested.

8 So following those two arrests, the next event of note is  
9 17 November 1998 when the Serb policeman Goran Zbilic was arrested,  
10 and he was, according to the records, released one week later on  
11 24 November.

12 Three days after that, on 27 November, the Tanjug journalists  
13 and the LDK officials were both -- or, rather, all released at the  
14 same time on 27 November in Dragobil.

15 And then the arrest and release of the eight VJ soldiers  
16 occurred on 8 January 1999, that's the arrest, where they were  
17 captured near a KLA encampment in an area of Mitrovice, and I think  
18 you observed that it seemed as though they'd wandered -- lost their  
19 way and wandered into a KLA camp and been taken as prisoners of war,  
20 but were then released five days later on 13 January.

21 Now, with those dates in mind -- first of all, let me give you  
22 the record from the passport.

23 MR. EMMERSON: But before I do that, could we please bring up on  
24 the screen a document we've seen a few times before, P652. Now,  
25 there's an Albanian text as well. Thank you very much.

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1 Q. This is a document that we've come to refer to as the FARK  
2 agreement reached in Tirana between representatives of the armed  
3 forces of the government-in-exile, the Bukoshi government,  
4 represented by a man called Halil Bicaj, who you said -- I think it  
5 wasn't a name you were familiar with, on the one hand, and by  
6 Bislum Zyrapi, on the other, respectively assisted in the case of  
7 Mr. Bicaj by Xhafer Jashari and in the case of Mr. Bislum Zyrapi by  
8 Kadri Veseli. And then there was one other representative of each  
9 side present.

10 Now, first of all, we've had testimony that this agreement was  
11 reached in Tirana and that all participants were in Tirana at the  
12 time this agreement was negotiated and adopted.

13 And if you look at the very top of the page, you can see that it  
14 was adopted as the culmination of a series of meetings in Tirana but  
15 finally adopted on 31 October 1998 in the presence of the named  
16 individuals, including for our purposes Kadri Veseli. Can you see  
17 that?

18 A. I can.

19 Q. So as we know the detention of Cen Desku and Jakup Kastrati took  
20 place on the day before this document was signed during a period of  
21 time when all of the named people were engaged in joint meetings in  
22 Tirana.

23 MR. EMMERSON: I'm sorry, I can see Your Honour leaning forward.

24 PRESIDING JUDGE SMITH: I'm waiting for a question.

25 MR. EMMERSON: No, no, no, there is going to be a question. The



1 ultimate question is does this information corroborate the witness's  
2 answer to Judge Barthe that he is quite sure of one thing, which is  
3 that although they didn't know what Mr. Veseli was doing --

4 PRESIDING JUDGE SMITH: Now you're giving the answer. Just ask  
5 the question to him.

6 MR. EMMERSON: Yes, I'm sorry, that's the question when I've  
7 been through each of these comparisons.

8 PRESIDING JUDGE SMITH: Well, we've been ten minutes on this --

9 MR. EMMERSON: Very well.

10 PRESIDING JUDGE SMITH: -- long pre --

11 MR. EMMERSON:

12 Q. Would you accept -- well, the question can easily be put in this  
13 way. I'll use the same formula that Judge Mettraux used when  
14 questioning on these incidents.

15 Would you agree that if it's correct that there was a series of  
16 meetings in Tirana culminating in the signing of this document by  
17 Mr. Veseli and others on 31 October 1998, then he could not have been  
18 present in Kosovo at the time of the arrest and detention of  
19 Cen Desku and likely not at the time of the arrest of the two Tanjug  
20 journalists either? Would you agree with that?

21 A. Yes.

22 Q. Thank you.

23 MR. FERDINANDUSSE: Your Honour, just for the record. We ask  
24 that re-cross is limited in some manner, whether it is that counsel  
25 is held to the time estimate he has previously given or whether that

1 it's limited to new matters raised. These are two different ways to  
2 limit re-cross, but it can't be that it's not limited in time and  
3 that counsel gets free way to ask whatever question, no matter how  
4 repetitive. This witness has stated at least five times that he does  
5 not know where Mr. Veseli was already on cross-examination.

6 MR. EMMERSON: Well, he's now been shown a document in the same  
7 manner that Judge Mettraux took him through documents he hadn't seen  
8 and asked him to compare the documents and draw conclusions. That's  
9 exactly the method I'm using.

10 PRESIDING JUDGE SMITH: His testimony was clear the first time,  
11 but go ahead.

12 MR. EMMERSON: Well, his testimony was clear that he didn't know  
13 what he was doing. But he's now seen a document which clarifies that  
14 he can't have been in the country at the time of those arrests, if  
15 it's true on its face.

16 Q. Now, the passport that we have in the evidence then picks the  
17 story up at that stage, and we have eight relevant date stamps. On  
18 11 October 1998 is a stamp proving that he left by plane the airport  
19 in Bern, Switzerland. And on the same date, a second stamp proving  
20 that he entered Tirana airport, Rinas airport as it's known, on the  
21 same day.

22 So clearly -- if I can just ask you to clarify two things. It  
23 would not have been possible for Mr. Veseli to fly out of Prishtine  
24 airport at any time between October 1998 and the end of the war. Do  
25 you agree with that?

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1 A. Yes.

2 Q. Thank you. So we can see that on 11 October he flew from Bern  
3 in Switzerland to Albania, and it must follow, mustn't it, that he  
4 was somewhere other than Kosovo or Albania or Switzerland when he  
5 began that journey?

6 A. Yes.

7 Q. So is that consistent with your understanding that he was  
8 outside Kosovo during the relevant period, even if you don't know  
9 what he was doing?

10 A. Yes.

11 Q. Thank you. Now, still in November, we have a stamp on  
12 19 November showing that he left Tirana airport by plane going  
13 outwards. Now, there is no indication of an inbound arrival stamp in  
14 November. So you would agree with me, I imagine, that therefore  
15 having come in on 1 October, he has at some point left on  
16 19 November.

17 Now, if we look at the second set of incidents. We've dealt  
18 with the arrests of the journalists and the LDK officers.  
19 17 November, being the next significant date, is the arrest of Goran  
20 Zbilic, and 24 November is his release. So whatever the position was  
21 at the time of his arrest, we can be sure that Mr. Veseli left the  
22 country between the time -- left Albania going outwards at around the  
23 same time and between the arrest and release; correct?

24 A. Yes. But a correction. I thought you said earlier that he  
25 arrived in Tirana on 11 October, and you just said he'd arrived in

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1 Albania on 1 October.

2 Q. Sorry, I do apologise. If I said that, it's a slip of the  
3 tongue.

4 A. But --

5 Q. He arrived in Albania from Switzerland on 11th --

6 A. 11th.

7 Q. -- of October, and then the next stamp in time is 19 October,  
8 proving that he left Tirana at that stage once again.

9 A. And, again, to your actual question, the answer is yes.

10 Q. Thank you. Now, on 27 November, the Tanjug journalists and the  
11 LDK officials were released in Dragobil. And at that stage, since  
12 Mr. Veseli has left Tirana airport, the next entry in time shows him  
13 in Bern, in Switzerland, on 11 December, where he had his visa  
14 extended and left then Switzerland on that date, on 11 December. And  
15 he didn't return until 31 December to Tirana airport.

16 So would you agree with me that according to the stamps in his  
17 passport, he was not in the country nor even in Albania at the time  
18 of the arrangements for the release of the Tanjug journalists and the  
19 LDK officials Cen Desku and Jakup Kastrati?

20 A. It appears that's the case.

21 Q. Thank you. Now, let's move to January, because in January --  
22 there were three stamps in January. One of them is 5 January. So  
23 Mr. Veseli having left Tirana again on 31 December, the next stamp is  
24 a flight that arrives in Brussels, Belgium, on 5 January. And it's  
25 clear Mr. Veseli remained in Belgium between the 5th and 10th January

1 because there's a stamp indicating that he left Brussels by plane on  
2 10 January. So between the 5th and 10th January, he was in Brussels,  
3 leaving on 10 January, and then, again, not clear where exactly the  
4 journey took him in the first instance, but on 13 January, the  
5 passport records him arriving in Fernetici, in Slovenia.

6 So we can be certain from those, would you agree, that  
7 Mr. Veseli was not just out of the country but out of Albania and in  
8 western Europe throughout the time that the officers had been -- the  
9 VJ soldiers had been arrested and released?

10 A. Well, it's obvious we don't know where he was between 10 January  
11 and 13 January, but I would agree it's unlikely that he was in  
12 Albania.

13 Q. Well, he certainly wasn't in Kosovo.

14 A. Yes.

15 Q. But if we look at the dates, the arrest was 8 January, and he  
16 was most definitely in Belgium then --

17 A. Yes.

18 Q. -- and the release was on 13 January, and he was in Fernetici,  
19 in Slovenia then. So we can say with certainty he wasn't involved in  
20 the events inside Kosovo in relation to the arrest or the release of  
21 those officers. Would you agree with that?

22 A. I cannot because he may have been involved in the discussions  
23 involving these matters by telephone.

24 Q. Yes, I'm sorry. He wasn't --

25 A. But the basic --

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1 Q. -- within Kosovo --

2 A. -- answer is I don't know.

3 Q. Very well. Very well. But you can confirm for me that on the  
4 dates we've seen, it appears that your understanding that he was  
5 outside of Kosovo was correctly founded?

6 A. Yes.

7 Q. I want to go in that context then, please, to a document that  
8 you were taken to on a number of occasions and you were taken to, I  
9 believe, also by Judge Mettraux, which is P303. Yes, you were  
10 questioned -- I'm sorry, I don't have the reference, but I don't  
11 think there will be any dispute about this.

12 So this is the document -- no, I'm sorry.

13 JUDGE METTRAUX: It's the next page, Mr. Emmerson.

14 MR. EMMERSON: Ah, exactly. I was going to say I think I have  
15 the wrong number, yes. The translation is the next page, 043862 at  
16 the bottom. Yes, there we have it. And I'm just checking, do we  
17 have it, the correct -- oh, it won't matter particularly because the  
18 witness is going to be following in the English version.

19 Q. And I just want to ask you about this because you can see that  
20 the second paragraph describes the arrest of the KLA -- I'm sorry,  
21 the two LDK officials, which took place on 30 October, the day before  
22 the document was being signed in Tirana making a collaboration with  
23 FARK. That was the date of the arrest. This document is published  
24 on 1 November, the following day.

25 And it's expressed in the second paragraph to be an allegation

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1 against these two individuals, essentially an allegation of  
2 undermining the war effort and surrendering weapons in cooperation  
3 with a named collaborator. But all of that information in the  
4 language of whoever wrote this article that was published in the  
5 newspaper, it's recorded as saying:

6 "According to the information of the KLA Intelligence  
7 Service ..."

8 Now, when you were asked about this by Judge Mettraux at 13 --  
9 well, it's a passage beginning 13980, line 5, and running to 13981,  
10 line 18, and I'm looking at lines 3 to 18, where the passage of that  
11 paragraph was read to you up to the word "Kosovo" at the end of that  
12 central paragraph, and you were asked the question:

13 "Now, there were two references here to information having been  
14 received and provided by the KLA intelligence service. Is that  
15 consistent with what you said earlier, that you had indication  
16 already at the time," that's the beginning of November, "that an  
17 intelligence service was functioning within the KLA?"

18 And you said it is consistent with that understanding.

19 A. Yes.

20 Q. And if I can just take it to the next passage in relation to  
21 that. You were asked about information that you had about the  
22 structure of the KLA, and this is Judge Barthe's question, 13937,  
23 lines 7 to 17, and this time it's in reference to one of the  
24 diplomatic telegrams, the November 1998 telegram, that there was an  
25 information department, which is what was mentioned in the 1998

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1 telegram, the November 1998 telegram, but that you didn't know  
2 exactly what its function was.

3 And this was the question:

4 "In paragraph 42 and the following, Mr. Byrnes, you made  
5 observations on the KLA structure and the General Staff. And you,  
6 among other things, said that the KLA had seven zones and a  
7 General Staff, and that you believe that the KLA General Staff by  
8 November 1998 was comprised of six departments; namely, political,  
9 information, logistics, police, justice, and operations."

10 And Judge Barthe says:

11 "I would like to know now what do you mean or what did you mean  
12 when you said 'information'? So did you mean or do you mean  
13 intelligence or a department for public relations or a different  
14 thing?"

15 And you clarified that in that diplomatic telegram of 1998 at  
16 paragraph 42, what you had been telling Washington was that, in  
17 addition to political, logistics, police, justice, and operations,  
18 your understanding was that there was a public relations department.

19 A. That's correct.

20 Q. So --

21 A. And at the time, I thought that at the time that public  
22 relations department was, in fact, the information department.

23 Q. Yes. So I'm just going back then to the question Judge Mettraux  
24 asked you about the passage in this document. Is that reference to  
25 intelligence, he said, consistent with what you said earlier, that



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1 you had an indication already that an intelligence service was  
2 functioning within the KLA, that is, in November 1998.

3 A. Yes.

4 Q. Did you have information that there was any central intelligence  
5 service functioning inside the KLA at a national or General Staff  
6 level as long ago as November 1998?

7 A. No, we did not.

8 Q. Thank you. You may have heard different terms being bandied  
9 around, ZKZ, and later, after the NATO bombing and as the  
10 collaboration between NATO and the KLA got closer, they started using  
11 NATO nomenclature, like J2, G2, and so forth, for military  
12 intelligence units. But those two essentially were one and the same.

13 We've been told by a witness recently who was in a position to  
14 know that the ZKZ and the G2 or J2 units, which came to be called  
15 that following NATO collaboration, are one and the same, and they  
16 were operating not at a national level but at a local level. Whereas  
17 SHIK, which you must have heard of as well, was announced on 2 April  
18 following the establishment of the provisional government. Are you  
19 aware of that?

20 A. No, I'm not.

21 Q. Did you know the distinction between the civilian SHIK as in the  
22 Department of Intelligence in the provisional government and those  
23 who were running around on the ground claiming some authority either  
24 as secret police or military police or, indeed, as intelligence?

25 A. Sir, you're bandying around lots of terms. SHIK referred to the

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1 Albanian national intelligence service. The Kosovo intelligence  
2 service, which, as I understand, was established after the war,  
3 perhaps earlier, was known as -- sorry, KSHIK, K and then SHIK. So  
4 now I need to go ask you to repeat your question.

5 Q. Well, it may be that you answered it, in fact. You thought it  
6 was after the war, but it was definitely part of the process of  
7 establishing a civilian government as NATO had moved in and planned  
8 for the stabilisation of Kosovo; correct?

9 A. That makes sense.

10 Q. And so it had to have a foreign ministry, it had to have a  
11 Ministry of Defence, it had to have various entities for NATO to be  
12 able to deal with the Kosovo Liberation Army. Do you agree?

13 A. That makes sense. Most governments have an intelligence  
14 service.

15 Q. And, indeed, most governments have a foreign ministry and a  
16 Ministry of Defence and so on, don't they? A Ministry for  
17 Reconstruction, for example, in a period after a war?

18 A. Yes.

19 Q. And for NATO to be able to identify a point person for each of  
20 these major tasks, someone had to take that role, didn't they?

21 A. Yes.

22 Q. And Mr. Veseli was appointed to SHIK in that process. Were you  
23 aware of that?

24 A. No.

25 Q. Not at any time before the end of the war. Or before --

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1 A. Yes.

2 Q. -- June --

3 A. Not --

4 Q. -- I should say.

5 A. -- at any time before the end of the war.

6 Q. Because I noticed that in both your first and second diptels,  
7 which were on the -- well, the first is in December of the ones that  
8 we have. On 18 December, there's no reference there. But then as we  
9 move forward, the two that were published in March, both of them had  
10 no link between Mr. Veseli and the proposed intelligence service; is  
11 that correct?

12 A. Again, I'm confused.

13 Q. Well --

14 A. Please repeat --

15 Q. I'm sorry.

16 A. -- your question.

17 Q. 4 February 1999 is -- perhaps we can just bring it up for the  
18 sake of convenience.

19 MR. EMMERSON: It's P1074. With 4 February, we're going to  
20 page 5. We seem to have a slight mishap over here. One of the --  
21 ah, here we go.

22 MR. FERDINANDUSSE: Your Honour, allow me to note for the record  
23 that Mr. Emmerson has crossed on this specific page already in  
24 cross-examination, page 13877.

25 MR. EMMERSON: Well, in fact, that's a fair point because I have

1 done. And the only issue to emerge from that is that even by --  
2 perhaps we can just put it that way.

3 Q. Is that even by 10 March, ten days before the bombing, all you  
4 knew about Mr. Veseli was that he had been an adviser at Rambouillet,  
5 all your diptel contained; is that right?

6 A. Yes.

7 Q. Yes, thank you very much. And you went through, as you were  
8 asked at one stage, both in your evidence in chief and in the  
9 questions that you were asked by Judge Mettraux on abductions and the  
10 arrangements for release of each of those incidents - Qirez  
11 delegation, the Tanjug journalists, the LDK officials, the Serb  
12 policeman Goran Zbilic, the eight VJ soldiers, and the five elderly  
13 Serb civilians - which senior KLA members -- you gave evidence of  
14 which senior KLA members were either involved in the negotiations or  
15 close to them, and you've given various accounts at various times,  
16 but -- and I'm not going to go through them in detail. But you  
17 mentioned that Sokol Bashota was, for example, the go-to guy for  
18 these types of situations, and so on.

19 You mentioned a number of members of the General Staff. You  
20 mentioned Sabit Geci, who was in an intelligence role, I think you  
21 would accept. And various other individuals had some role to play  
22 either in connection with detention or talking to the people involved  
23 in the detention or intercepted giving instructions or in some way or  
24 another involved in either the detention or the release --

25 PRESIDING JUDGE SMITH: [Microphone not activated].

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1 MR. EMMERSON:

2 Q. Yes?

3 A. Mr. Emmerson, would you mind speaking closer to the --

4 Q. Oh, I'm sorry. I'm afraid --

5 A. -- to the microphone. I cannot hear your comments clearly.

6 PRESIDING JUDGE SMITH: If you would just -- also, Mr. Emmerson,  
7 just ask him a question if you have it.

8 MR. EMMERSON: Yes.

9 PRESIDING JUDGE SMITH: Your speeches are getting longer and  
10 longer.

11 MR. EMMERSON:

12 Q. Well, you've given evidence about various members of the  
13 General Staff and others associated with the General Staff, like  
14 Sabit Geci, who was at least in a senior intelligence position, and  
15 roles that they are said to have had in connection with any of those  
16 incidents, and you've had the telephone intercepts put to you.

17 Have you seen anything at any stage to suggest that Kadri Veseli  
18 was in any way involved in any of those arrests or in the  
19 negotiations for the release or that he even knew about them?

20 A. The answer to your question is I did not.

21 Q. Thank you.

22 MR. EMMERSON: Those are my questions, Your Honour.

23 PRESIDING JUDGE SMITH: Thank you.

24 Mr. Byrnes, it appears your testimony has come to an end.

25 THE WITNESS: Wow.

1           PRESIDING JUDGE SMITH: And I'm sure you're glad to hear that.

2           Thank you very much for being with us, for exercising and  
3 showing your patience, and spending this time with us and sharing  
4 your information. You are released now, and we hope you have a  
5 pleasant end of your journey and enjoy getting back home.

6           THE WITNESS: May I make a comment or two? I'll be brief.

7           PRESIDING JUDGE SMITH: [Microphone not activated].

8           THE WITNESS: First, I'd like to thank you, Your Honour, for  
9 your generous use of breaks. I'm speaking as probably the oldest  
10 person in the -- oh, Your Honour, I'd like to thank you for your  
11 generous use of breaks, speaking as probably the oldest person in  
12 this courtroom.

13          PRESIDING JUDGE SMITH: What I'm saying is I'm very close to the  
14 same, so ...

15          THE WITNESS: Okay. And the second question relates to  
16 protocol. At this point, now that my testimony is complete, am I not  
17 to have any contact with either the SPO or Defence counsel going  
18 forward? And if so ...

19          PRESIDING JUDGE SMITH: I can't order you not to, but it's  
20 probably the best -- the best solution is for you. But I leave that  
21 to your own --

22          THE WITNESS: Okay.

23          PRESIDING JUDGE SMITH: -- personal good sense. You are under  
24 no obligation to talk to anybody.

25          THE WITNESS: Right. Well, thank you very much.

1           PRESIDING JUDGE SMITH: We also want to thank your wife for  
2 being patient with the change in plans, and I hope she got to see the  
3 Keukenhof.

4           THE WITNESS: No.

5           PRESIDING JUDGE SMITH: If not, you still should.

6           THE WITNESS: No, we did, along with, it appeared to be,  
7 hundreds of thousands of others despite the rain.

8           PRESIDING JUDGE SMITH: Thank you very much.

9           THE WITNESS: You're welcome, sir.

10          PRESIDING JUDGE SMITH: We wish you well.

11          THE WITNESS: Thank you.

12                               [The witness withdrew]

13                               [Trial Panel confers]

14          PRESIDING JUDGE SMITH: So in the switch over to the other  
15 witness, we will break now until 10.30 and then start up again with  
16 that witness. Thank you all.

17          We're in open session, so we are adjourned until 10.30.

18                               --- Recess taken at 10.07 a.m.

19                               --- On resuming at 10.30 a.m.

20          PRESIDING JUDGE SMITH: Mr. Misetić, I understand you have an  
21 issue.

22          MR. MISETIĆ: Yes, Mr. President. Thank you.

23          I just wanted to ask for the Panel's permission for our legal  
24 associate, Matej Pustay, who is sitting to my right, in the future,  
25 for planning purposes, to be given permission to cross-examine

1 witnesses by the Panel. He is not co-counsel. He's a legal  
2 associate. I've asked the Registry if that's allowable. From the  
3 Registry's perspective, they say it is, and the SPO has no objection  
4 either, but I wanted to ask for the Panel's --

5 PRESIDING JUDGE SMITH: The Panel has no -- we have no  
6 objection, of course.

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

8 PRESIDING JUDGE SMITH: Just so we know where we're heading yet  
9 today. We'll meet now until 11.30, take a half-hour break at that  
10 time, come back at 12.00, and go until 1.00 and then have the normal  
11 lunch break, and we'll be back on schedule.

12 So into closed session, please, Madam Court Officer, for the  
13 next witness.

14 For the record, this is Witness 4739's continued testimony.

15 [Closed session]

16 [Closed session text removed]

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Witness: W04739 (Resumed) (Closed Session)

Page 14289

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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[Open session]

17

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

18

PRESIDING JUDGE SMITH: Thank you.

19

We're adjourned until 12.00.

20

--- Recess taken at 11.34 p.m.

21

--- On resuming at 12.00 p.m.

22

PRESIDING JUDGE SMITH: Have we a correction agreed upon?

23

MR. EMMERSON: We've discovered exactly what's happened. It's

24

been half corrected in its first revision, but there is a further

25

correction to be done. We've agreed precisely what it is. And I

Witness: W04739 (Resumed) (Closed Session)  
Cross-examination by Mr. Roberts (Continued)

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1 understand that we need to file a transcript correction verification  
2 request with the Registry, and then it will be done.

3 PRESIDING JUDGE SMITH: Thank you very much.

4 MR. EMMERSON: Thank you.

5 PRESIDING JUDGE SMITH: Into closed session, please,  
6 Madam Court Officer.

7 [Closed session]

8 [Closed session text removed]

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14331

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14332

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14333

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14334

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14336

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14340

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14341

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14342

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14343

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)

Page 14346

Cross-examination by Mr. Roberts (Continued)

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Witness: W04739 (Resumed) (Closed Session)  
Cross-examination by Mr. Roberts (Continued)

Page 14347

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17 [Open session]

18 THE COURT OFFICER: Your Honours, we are now back in public  
19 session.

20 PRESIDING JUDGE SMITH: We are adjourned until 2.30.

21 --- Luncheon recess taken at 12.58 p.m.

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

23 PRESIDING JUDGE SMITH: Back into closed session,  
24 Madam Court Officer.

25 [Closed session]

Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14351

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14355

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagendra

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14361

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14362

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagendra

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14374

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

Page 14375

Cross-examination by Ms. Alagenda

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6 [Open session]

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

8 PRESIDING JUDGE SMITH: We're adjourned until 3.40.

9 --- Break taken at 3.32 p.m.

10 --- On resuming at 3.41 p.m.

11 PRESIDING JUDGE SMITH: Back into closed session, please.

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13 [Closed session text removed]

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Witness: W04739 (Resumed) (Closed Session)

Page 14376

Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Ms. Alagenda

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14381

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14382

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14383

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14384

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14385

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14387

Cross-examination by Mr. Misetic

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Page 14388

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14389

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14390

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14391

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14392

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

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Cross-examination by Mr. Misetic

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Page 14394

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14395

Cross-examination by Mr. Misetic

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Witness: W04739 (Resumed) (Closed Session)

Page 14396

Cross-examination by Mr. Misetic

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1 [Closed session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: Thank you.

6 We are adjourned until 9.00 a.m. tomorrow.

7 --- Whereupon the hearing adjourned at 4.30 p.m.

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