

1 Tuesday, 3 December 2024

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: Ms. Rowan.

6 MS. ROWAN: [Microphone not activated].

7 PRESIDING JUDGE SMITH: Good morning.

8 MS. ROWAN: Your Honour, good morning. Could I raise one very
9 brief admin matter before we begin with the witness?

10 [Trial Panel and Court Officer confers]

11 PRESIDING JUDGE SMITH: After she calls the case.

12 MS. ROWAN: Oh, apologies.

13 PRESIDING JUDGE SMITH: That was my fault, not yours.

14 Go ahead.

15 THE COURT OFFICER: Thank you, Your Honours. This is file
16 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
17 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi. Thank you.

18 PRESIDING JUDGE SMITH: Thank you.

19 Now.

20 MS. ROWAN: Your Honour, I'm grateful. It's just in relation to
21 filing 2633, which was the SPO's application to admit expert
22 evidence.

23 On 20 November, the Defence teams jointly filed a request for
24 permission to sur-reply, which was F02737. We have yet to receive a
25 decision from the Panel as to whether or not we will be permitted to

1 do so.

2 I simply raise it as the Defence are, in general, anxious that
3 the matter of the expert evidence is resolved before the Christmas
4 break because the decision in the ultimate filing, 2633, will
5 significantly affect Defence preparation, and we are conscious that
6 the experts are the first witnesses that we are likely to deal with
7 in January.

8 So we would ask if the Panel could possibly give us an
9 indication as soon as possible as to whether or not we will be
10 permitted to sur-reply, and whether or not we will be able to receive
11 an ultimate decision before the Christmas break, please.

12 PRESIDING JUDGE SMITH: Fine. We will give you an answer yet
13 today.

14 MS. ROWAN: Thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 For the record, the Panel notes that the accused are all in
17 court today.

18 Today we will continue hearing the evidence of Prosecution
19 Witness 4401.

20 Madam Court Usher, you may bring the witness in.

21 MR. MISETIC: Good morning, Mr. President. I intend to be
22 finished within about 30 minutes this morning.

23 PRESIDING JUDGE SMITH: Okay. Thank you for the update.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 I note for the record that Duty Counsel for W04401 is present in
2 the courtroom.

3 Good morning, Witness, Mr. Bashota. And good morning,
4 Mr. Qerkini.

5 THE WITNESS: [Interpretation] Good morning.

6 PRESIDING JUDGE SMITH: Mr. Bashota, I remind you to please try
7 to answer the questions clearly, with short sentences. If you don't
8 understand a question, feel free to ask counsel to repeat the
9 question or tell them you don't understand and they will clarify.
10 Also please try to indicate the basis of your knowledge of facts and
11 circumstances upon which you will be questioned.

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

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

17 I remind you you are still under an obligation to tell the truth
18 as stated by you in your solemn declaration. I also remind you that
19 the assurances provided you on Thursday by the Panel are still
20 applicable, and that refusal to give testimony may be sanctioned with
21 the imposition of a fine.

22 WITNESS: SOKOL BASHOTA [Resumed]

23 [The witness answered through interpreter]

24 PRESIDING JUDGE SMITH: We continue now with the
25 cross-examination first by the Thaci Defence.

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1 Mr. Misetic, you have the floor.

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

3 Cross-examination by Mr. Misetic: [Continued]

4 Q. Good morning, Mr. Bashota.

5 A. Good morning.

6 Q. I'd like to start this morning by speaking of the Rambouillet
7 agreement. You were shown by the Prosecutor a document that
8 contained various signatures on it. And in your preparation session,
9 at Preparation Note 2, paragraph 16, it's recorded that you told the
10 SPO:

11 "This is the KLA's signed document affirming the Rambouillet
12 agreement, which was accepted despite difficulties with its terms."

13 Could you tell us a little bit about what the difficulties were
14 with its terms.

15 A. In the course of negotiations as to who would go to Rambouillet,
16 there were those who expressed disbelief in this conference, which in
17 turn was conveyed to some of the zone commanders, and that led to
18 Mr. Demaci expressing hesitation before proceeding to speak to zone
19 commanders and coming up with the conclusion that the General Staff
20 should not attend the Rambouillet because the result would not be too
21 favourable to Kosovo.

22 Q. [Microphone not activated]. What was Mr. Demaci's position,
23 then?

24 A. Mr. Demaci was against attending Rambouillet.

25 Q. And was there something specific about the terms of the

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1 Rambouillet agreement that was also controversial?

2 A. As I said before, the basic documents, the Hill documents that I
3 mentioned, had some elements that were unfavourable, and they were to
4 do with the fact that they would not lead to the fulfilment of the
5 aspirations of the Albanian people for independence.

6 From what I knew, I could say that nothing good was going to
7 come out of that conference.

8 Q. You say you would say that nothing good was going to come of
9 that conference. Was that your personal opinion at the time because
10 it would not lead to independence?

11 A. Not mine, Demaci's view.

12 Q. And let me show you another document concerning this issue.

13 MR. MISETIC: If we could please have on the screen 1D00117,
14 please, in both the English and Albanian.

15 Q. While this is coming up, do you recall that the zone commanders,
16 at least some of them, were opposed to Rambouillet?

17 A. Yes. I don't know how many were opposed. I think Remi was.
18 Shukri Buja I think was opposed too. I cannot recall about the
19 position of the others, but I know that there were those who were
20 against the departure for Rambouillet. They were -- as it were, they
21 were opposed.

22 Q. Okay. Now, this is a document -- it's a press release issued by
23 the LPK on 6 March 1999 where the LPK came out and also opposed
24 signing the Rambouillet agreement. Were you aware of the LPK's
25 option to the Rambouillet agreement as well?

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1 A. No, I wasn't. I had no such knowledge.

2 MR. MISETIC: We can take the document down, and we can put on
3 the screen P227, please.

4 Q. Now, this is the handwritten document that you were shown by the
5 Prosecution with the signatures on the bottom. My first question is
6 can you tell us why it's a handwritten document and not a typed
7 document?

8 A. I don't know why. All I know is that all of us present there
9 signed it.

10 Q. Now, it says, the text says:

11 "Sokol: We know about the content of the document but,
12 considering the attitude of the internal and external factor, we need
13 to think carefully about how to proceed. I think we need ... to take
14 a pause, to gain our strength. But I think that we should seize this
15 opportunity."

16 Now, is the Sokol that's referred to there you?

17 A. It's very likely. Very likely.

18 Q. Okay. Do you recall what you meant by these words? For
19 example, "the attitude of the internal and external factor, we need
20 to think carefully about how to proceed." Do you recall what you
21 were referring to there?

22 A. I don't know how much I'm able to recall of what I meant at the
23 time, but what I know is that the objective or the goal was for us to
24 be able to seize this opportunity offered to us by the international
25 community, that there was nothing to lose by us attending the

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1 Rambouillet talks, without being aware of how the proceedings
2 unfolded at Rambouillet, without any prejudice towards them.

3 My goal was in favour of us attending the Rambouillet talks and
4 unveiling our stance and our position.

5 Q. Okay. First of all, in terms of the timing of the document, is
6 this document signed before the Rambouillet conference or after?

7 A. If I recall correctly, this was signed as authorisation to
8 attend the Rambouillet talks.

9 Q. So it's not an authorisation to approve signing the Rambouillet
10 talks -- the Rambouillet agreement?

11 A. No, it is not to the best of my knowledge. To the best of my
12 knowledge. And I'm unclear about it.

13 Q. Let's look at the next paragraph. It says:

14 "In conclusion, following all assessments about the final
15 document, the KLA General Staff will pronounce its final opinion
16 about the document after consulting the ... Zone/ commanders. The
17 [General Staff] is in favour of /saying/ yes to the agreement."

18 Does that refresh your recollection that this is occurring after
19 a draft agreement had been negotiated for signature?

20 A. Yes, that's right.

21 Q. Now, the text of that second paragraph, first of all, it says
22 that the General Staff will pronounce its final opinion about the
23 document after consulting with the zone commanders.

24 Why did the zone commanders need to be consulted?

25 A. It was necessary owing to the fact that some of them were

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1 hesitant to approve the attendance of the Rambouillet talks and also
2 because they were in control of their zones and the soldiers. So
3 their consent was necessary because were an agreement at Rambouillet
4 to be signed, an agreement that did not fulfil the aspirations of the
5 Albanian people, the zone commanders might not accede to it. That is
6 why there was an interval between the Rambouillet and the Paris
7 talks, and that was in order to gain the opinion and the approval of
8 the zone commanders.

9 Q. Is it fair to say then that if the zone commanders did not agree
10 to this, then the agreement could not have been signed?

11 A. I don't know what would have happened, but the situation would
12 have been serious. The lack of consent on the part of the zone
13 commanders would have caused a lot of problems.

14 Q. Okay. If we continue on, it says:

15 "The [General Staff] is in favour of /saying/ yes to the
16 agreement. This is based on the positive opinions held in the army,
17 various Albanian State forums, opinions held by Albanian
18 personalities with authority in the political and social domain as
19 well as the influence by various international mechanisms."

20 Now, signing off on the Rambouillet agreement was a significant
21 event for the people of Kosovo. Do you agree?

22 A. Yes, I do.

23 Q. Do you also agree that, at the time, it threatened to be highly
24 controversial precisely because it did not contain a provision
25 providing for eventual independence?

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1 A. Yes, that risk was always there.

2 Q. And am I correct that the reason that all of you signed the
3 document is because you wanted to present a united front both
4 internally to the people of Kosovo and externally to show that you
5 were all on board with the agreement?

6 A. That's right.

7 Q. And none of you wanted to take on the personal responsibility of
8 being the sole person to sign on to something that did not include
9 independence for Kosovo. Do you agree?

10 A. I know because we had a lengthy discussion about it. Nobody
11 would have been able to take the individual responsibility to sign on
12 to this kind of thing without the prior agreement of everyone around.

13 Q. Let's turn to another topic, and this is the case of
14 Messrs Desku and Kastrati and the two journalists.

15 Now, you were not, as you've said, involved in their arrest,
16 either of Cen Desku and Jakup Kastrati or the two so-called
17 journalists; correct?

18 A. Correct.

19 Q. Now, you also said -- let me ask it differently. Were other
20 members of the General Staff aware of their arrests to your
21 knowledge?

22 A. I don't know.

23 Q. Okay. You've told the SPO that, as far as you are concerned,
24 there was no reason for Cen Desku to have been stopped or arrested;
25 is that correct?

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1 A. As I said before, Cen Desku was a significant personality in the
2 Kline municipality, somebody who had dedicated his entire life to the
3 service of the country, and somebody who had been mistreated time and
4 time again by the Serbian forces. He was somebody who worked in the
5 humanitarian field, distributing humanitarian aid, and in my view his
6 detention was more than a scandalous matter.

7 Q. Okay. And what about Mr. Kastrati? As far as you're
8 concerned -- sorry, as far as you're concerned, do you know of any
9 reason that he --

10 A. I came to know Mr. Kastrati only after the war, and my
11 impression was that he was a gentleman, a well-mannered person, and I
12 do not think that there was a single reason to have him detained.
13 That was the impression that I created after meeting him and -- after
14 the war.

15 Q. In Preparation Note 2 at paragraph 27, it's recorded that you
16 told the SPO that Adem Demaci was a man of "uncontested influence"
17 over zone commanders; is that correct?

18 A. Adem Demaci enjoyed authority over the entire population of
19 Kosovo. During the war, however, his influence was largest upon the
20 zone commanders. He used to meet them from time to time, went to
21 visit them.

22 Q. And what is your basis for saying that he had uncontested
23 influence over zone commanders? How did you know that?

24 A. I know that oftentimes zone commanders requested the presence of
25 Mr. Demaci during our meetings with them. They insisted on his

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1 presence. I cannot tell you what topics were discussed, but they
2 were insistent on the presence of Mr. Demaci.

3 Q. Can you recall which zone commanders insisted on him being
4 present?

5 A. Mainly was the main proponent but he had the support of
6 everyone.

7 Q. Can you repeat the name? It didn't get recorded in English.

8 A. Remi. Remi.

9 Q. Okay. Thank you. You said in Preparation Note 2 at paragraphs
10 32 to 35 that Adem Demaci had sent a letter the day before the
11 release of these two so-called journalists which indicated that these
12 persons were being handed over to William Walker; is that correct?

13 A. Yes.

14 Q. And is it correct what you told the SPO, that you do not know
15 who ordered the release of the two so-called journalists or
16 Messrs Desku and Kastrati?

17 A. Yes.

18 Q. You told the SPO that you only learned about them from
19 Shaun Byrnes and Adem Demaci; is that true?

20 A. Yes.

21 Q. I'd like to bring back the memo I showed you yesterday.

22 MR. MISETIC: Madam Court Officer, if we could please have
23 1D00219 MFI, please. Beginning at the bottom of page 3, please.

24 Q. These are again the notes of your meeting with lawyers for
25 Mr. Thaci. And just for your clarity, the beginning of the paragraph

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1 has been corrected in Exhibit 1D00220 MFI, so the reference shouldn't
2 be to Mr. Thaci. It should be to you. And it says:

3 "During the incident with two Serbian journalists, [you were] in
4 a village in Malishevo."

5 If we can stop there. Do you recall is that accurate? Did you
6 tell that to the lawyers for Mr. Thaci?

7 A. At Malisevo? Yes, yes.

8 Q. Okay. It says you said:

9 "[You were] waiting at home for a meeting with some Americans.
10 The driver of Mr. Adem Demaci arrived and told [you] that the
11 journalists were going to be released."

12 Is that what happened?

13 A. Yes. On the day when the release occurred, the release of the
14 two journalists and Cen Desku and Jakup Kastrati, I hosted an
15 American delegation for dinner at my place, at my house. So I went
16 very late to the village of Drenoc in Malisheve. And from there
17 onwards I went to Dragobil where the exchange occurred, to the best
18 of my recollection.

19 Q. Okay. And then you say:

20 "Mr. Byrnes contacted [you], Mr. Walker or Mr. Byrnes made a
21 discrete request to include Tanjug journalists in the group of media
22 that was present."

23 Is that accurate?

24 A. Yes.

25 Q. "[You] spoke with Mr. Demaci on the phone. Mr. Demaci stressed

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1 to you in his statement -- that ... in his statement [you] should
2 mention democracy as much as [you] could."

3 Is that accurate?

4 A. Yes. What he wanted to say was that internationals were very
5 much in favour of the use of this word.

6 Q. Okay.

7 "Mr. Demaci said Serbian media outlets could join the other
8 journalists."

9 Is that correct?

10 A. Yes. It was a request that came from Shaun Byrnes, too. I
11 think it was Shaun Byrnes who told me that two journalists of Serbian
12 ethnicity were going to come. I don't know whether they were Tanjug
13 or not. And he said that it would be best for them to be able to
14 film the events as they occurred.

15 Q. Well, according to the note of your discussion, you said:

16 "One person wearing a mask said that they had two LDK people as
17 well, but [you] did not agree that the two LDK people should appear
18 in front of the group of journalists."

19 Do you recall that?

20 A. Yes.

21 Q. You did not know much about the two LDK people, Cen Desku and it
22 should say Jakup Kastrati, "but had heard that their families and the
23 KVM and KDOM had been looking for them."

24 Is that correct?

25 A. Yes, they had been looking for them all over the place. KDOM

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1 and KVM also were looking for them. That's what they said.

2 Q. "Mr. Walker and Mr. Byrnes did not leave any stones untouched to
3 find them. [You were] never able to find out who took them."

4 Is that correct?

5 A. Correct.

6 MR. MISETIĆ: If we could turn the page, please.

7 Q. You said:

8 "The press conference was held in Dragobil in front of the
9 USKDOM office. [You] received instructions from Mr. Demaci. [You]
10 cannot recall that [you] got any instructions from Mr. Thaci."

11 Is all of that true?

12 A. I cannot recall any, no.

13 Q. Okay. You cannot recall any instructions from Mr. Thaci; is
14 that correct?

15 A. Correct.

16 Q. Okay. But you do recall receiving instructions from Mr. Demaci?

17 A. Yes, from Demaci. Yes. He forwarded a letter related to this
18 event.

19 Q. And my final question to you is just to identify someone. Did
20 you know someone named Nick Turnbull from the EU KDOM? Do you recall
21 ever speaking to or communicating with Nick Turnbull of EU KDOM?

22 A. No, I don't know. I can't recall.

23 Q. Okay. All right. Thank you very much for answering my
24 questions.

25 MR. MISETIĆ: That concludes my cross-examination,

1 Mr. President.

2 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

3 Mr. Dixon, your cross-examination.

4 MR. DIXON: Thank you, Your Honours.

5 Cross-examination by Mr. Dixon:

6 Q. Good morning, Mr. Bashota. My name is Rodney Dixon. I am going
7 to ask you some questions on behalf of my client, Mr. Kadri Veseli.

8 A. Good morning.

9 Q. I want to start, Mr. Bashota, with a document that was shown to
10 you yesterday regarding a meeting of the General Staff on 30 December
11 1998. Some notes were shown to you. Do you remember that?

12 A. I don't have it in front of me on the screen.

13 Q. Yes. Do you remember that?

14 A. Yes, yes.

15 Q. Mr. -- having explained to the Court that these notes were
16 seized by the Serbian authorities in Kosovo during the war period, do
17 you remember him putting that to you?

18 A. No. During the session. Not before.

19 Q. Yes, during your evidence yesterday.

20 A. Yes, yes.

21 MR. DIXON: I want to call up to show to you a document
22 regarding that matter, and it's going to only be in English, but I'll
23 read it to you and then ask you some questions about it.

24 The document starts at 111957, it's the reference that
25 Mr. Halling gave yesterday, through to 111966. That's the English

1 translation of a Serbian document. And the page to put on the
2 screen, please, is 111960. And it's number 47. If we could just
3 enlarge that one, please.

4 Q. I'm going to read out this passage at number 47 to you,
5 Mr. Bashota, and then ask some questions.

6 "'KLA Main Staff, notes from the meeting on 30 December 1998',
7 for which no time, location or circumstances of discovery were noted,
8 but on the basis of comparisons with other documents it was
9 determined that the handwriting corresponds to the handwriting on the
10 document 'Interview with [Mr.] Sokolj Basota by *Glas Kosova* dated
11 25 December 1998', which was found during the breaking up of a KLA
12 stronghold in the general area of Metohija in April and May 1999, as
13 described in the Official Note of the Prizren CRDB, Pec ORDB,
14 no. 1926 dated 15 May 1999. On the basis of a comparison, it was
15 determined that the handwriting in the notebooks from the meeting of
16 the Main Staff corresponds to the handwritten annotations on the
17 aforementioned interview, which indicates that the author is the same
18 person, i.e. that the document is authentic, and that it was most
19 likely found at the same location. On the basis of a comparison, it
20 was confirmed that the handwriting had noticeable similarities in
21 general, specific and graphic characteristics and that it can be said
22 with certainty that the writing was produced by the same individual,
23 namely Sokolj Basota."

24 You see that there, Mr. Bashota?

25 A. Yes.

1 Q. Now, just to orientate you regarding this passage, it comes from
2 a report of the Serbian Ministry of the Interior, which was dated 5
3 May 2022. It's a report that was sent to the SPO in response to one
4 of their Requests for Information about where the documents come
5 from, when were they found, et cetera. You understand that?

6 A. I do.

7 Q. Now, do you recall during your testimony yesterday that you were
8 shown a copy of an interview that you did to *Glas Kosovo*, and you
9 were asked by Mr. Halling whether you recognised your handwriting on
10 the left-hand side.

11 MR. DIXON: That was 099794 for reference.

12 Q. Do you remember that?

13 A. The handwriting was something else. The newspaper was something
14 else. I don't know what document do you mean. I can't separate one
15 from the other.

16 Q. Yes. Just to be clear, you were shown -- and you are right, it
17 is separate. You were shown an interview and you were asked whether
18 you recognised your handwriting on the left-hand side, and you said
19 in your evidence that you don't know. Do you remember giving that
20 evidence?

21 A. Yes, yes.

22 MR. HALLING: Just to confirm for the record, this wasn't shown
23 yesterday. This was shown on 28 November. It's now admitted as
24 P1876.

25 MR. DIXON: Yes, thank you for the correction, Mr. Halling.

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1 Q. It was shown on Friday to you -- Thursday. We weren't sitting
2 on Friday. It was shown on Thursday last week to you; is that right?

3 A. Yes, yes.

4 Q. And just so we're clear, you said then that you did not know
5 whether that was your handwriting or not when it was shown to you on
6 Thursday last week?

7 A. Yes. Yes.

8 Q. Now, do you agree with me that here in this report from the
9 Serbian MUP that it says that the notes of the meeting of 30 December
10 1998, and I'm referring to the notes that you were now shown
11 yesterday, they're separate, you were shown those yesterday, it says
12 here that there was "no time, location, or circumstances of discovery
13 that were noted"? You'd agree with me that it says that here in the
14 report?

15 A. Yes.

16 Q. And is it right, Mr. Bashota, that as far as you can recall, you
17 still cannot remember whether or not you wrote those notes about the
18 meeting on 30 December at the time or at a later date? It could have
19 been a later date; is that right?

20 A. I don't remember.

21 Q. So are you able to say whether you remember whether the notes
22 were written at the same time as the meeting?

23 A. No, I don't know. I can't say.

24 Q. So it's possible, then, that the notes were written later, not
25 at the time of the meeting, but at a later date in the months that

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1 followed?

2 A. It is possible. I don't know. It is possible.

3 Q. Yes, thank you.

4 MR. DIXON: Can we just go to another page before we take this
5 off the screen in that report, and that is at 111964. And if we can
6 just go to the middle of the page where you see number 18 and 58.

7 Q. I'm going to read a section again, Mr. Bashota:

8 "More specific evidence about the origin, time, location and
9 manner of discovery were not found because a part of the MUP
10 documentation was destroyed during the airstrikes against Serbia in
11 1999, and therefore details on the provenance of the following
12 documents listed by number were not found:"

13 And you see there number 58:

14 "'Manual entitled 'Study - Strategy and Tactics of the Homeland
15 War in Kosovo - Intelligence and Counter-Intelligence Service,'
16 People's Movement of Kosovo, Pristina, 1993".

17 You see that written there?

18 A. Yes.

19 Q. That refers, doesn't it, and I'm going to take you to it now, to
20 the study that you were shown that was purportedly written in 1993,
21 doesn't it?

22 A. Yes.

23 MR. DIXON: This is the document that's been marked MFI P01879,
24 Your Honours, which you are still to rule on in terms of
25 admissibility.

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1 Q. I want to now go, Mr. Bashota, to the study document itself.

2 MR. DIXON: And if that could please be called up.

3 Q. You remember being shown that on Thursday?

4 A. Yes.

5 MR. DIXON: So that's the document P01879 MFI.

6 THE COURT OFFICER: I'm sorry. I have multiple parts for an
7 English translation. Do we know a point?

8 MR. DIXON: If we could just go to the first cover page to start
9 for all my questions, and then there will be some parts I'm going to
10 take the witness to thereafter. Thank you very much.

11 MR. HALLING: If it assists counsel, the first page would be
12 0189-1161.

13 MR. DIXON: Thank you very much, Mr. Halling.

14 Q. This is the cover page for the document, "A Study." The date
15 was given as 1993. You remember being shown that? We have this in
16 Albanian as well.

17 A. Yes.

18 Q. Now, Mr. Bashota, you have said that you have never seen this
19 document before. And it's correct, isn't it, that it's -- from what
20 you have looked at it now, it's not a document that you understand to
21 be one that was produced by the LPK in 1993; is that right?

22 A. I cannot contest it if it was produced by the LPK, but I have
23 expressed my doubts regarding these documents with a person. I don't
24 know whether it's true, but I can't contest it. It may be so, but I
25 don't know.

1 Q. Yes. But it's certainly not a document that you saw when you
2 were operating in the LPK; is that right?

3 A. It was the first time here that I saw it.

4 Q. So you've never seen it in your work in the LPK, and, in fact,
5 you've never seen it in your work in the KLA either; is that right?

6 A. Yes. Yeah, it's correct.

7 Q. So it was not a document - is this correct - used in the
8 formation of the KLA to guide what its work would be?

9 A. No, I don't believe so.

10 Q. And it's also right, isn't it, that it certainly wasn't used in
11 any way in the KLA to guide the formation of the intelligence
12 structures and the tasks that would be undertaken by those structures
13 in the KLA during the war?

14 A. Personally I was not involved in the establishment of those
15 structures, but I don't believe this document would serve as a guide
16 for those structures.

17 Q. Yes, thank you. I want to now just take you to one or two parts
18 of this, because you said you had your doubts about the document.

19 MR. DIXON: And if we could go, first of all, to 0189-1161.

20 PRESIDING JUDGE SMITH: That's the first page.

21 MR. DIXON: Right. That's the first page. So I then need to go
22 to 1163 to get to a heading called "Our oath!"

23 Q. You will see the section, Mr. Bashota, headed "Our oath!" And
24 in the first paragraph, I'll read it, you can follow in Albanian:

25 "I, being a member of the Popular Movement of Kosovo, on bended

1 knee before the National Flag, in the name of my people, do swear:
2 that I will be loyal to the War of National Liberation, unyielding to
3 the end, ready at every moment to be unsparing even with my own life
4 in the liberation of the occupied Albanian lands and their
5 unification with Albania."

6 Do you see that there?

7 A. Yes.

8 Q. Now, it's correct, isn't it, from your experience, that the
9 position of the LPK was never that there should be any unification of
10 Kosovo with Albania?

11 A. From what we knew, and I explained it here, I was involved in
12 the local organisation in Kline commune, so I don't know what the
13 exact position was of the LPK presidency. But at that time, our
14 motto was for Kosovo republic.

15 Q. Yes. It was not for the unification with Albania, was it?

16 A. No, it was not for unification with Albania to my recollection.

17 Q. Yes.

18 MR. DIXON: Well, can we go to another document then. I will
19 come back to this document, but seeing we're on this point, can we go
20 to 1D00203, please. And I'm looking for particular page 4460 in the
21 English, and I think it's the same in the Albanian.

22 Q. This here is a document of the programme and statute of the LPK.
23 It was shown to you during your preparation sessions, and you said
24 you weren't able to recognise it. You hadn't seen it before. But I
25 just want to read out a passage to you, and you can follow it in

1 Albanian. It's the last paragraph, which says that:

2 "The liberation and creation of an independent state of Kosovo
3 does not bring any harm to the other people in the Balkans. On the
4 contrary, it will be an example of welfare, cooperation, and equality
5 among nations."

6 Do you see that there?

7 A. Yes.

8 Q. So is this how you recall it, that the focus of the LPK's
9 programme was for an independent state of Kosovo, not one that would
10 unify with Albania?

11 A. This is what's written here, and I said that it was merely just
12 for the Republic of Kosovo. I'm talking about 1993.

13 Q. Yes. That's what I'm talking about particularly in light of the
14 study document that's been shown to you by the SPO. Thank you.
15 There are other parts in that document. I'm not going to take time,
16 but they all reinforce the same point.

17 MR. DIXON: Can we go back to the study document then, please,
18 and in particular to page 0189-1224. I think the Albanian and the
19 English are still the same.

20 Q. Yes. And I'm particularly interested in the third paragraph
21 down. I'll wait for it to come up. Okay. The paragraph that
22 starts:

23 "When the Albanians in Macedonia were gathered for the
24 inauguration of the University of [Tetovo]," I think that's a
25 translation error. It shouldn't be University of Kosovo, it should

1 be Tetovo, but you can confirm that.

2 "... in February of 1995 the police had been notified in advance
3 and had surrounded the whole area."

4 Do you see that paragraph there?

5 A. Yes.

6 Q. Now, do you remember an incident in 1995 when this happened at
7 the University of Tetovo in Macedonia?

8 A. I don't remember it.

9 Q. But you would agree with me, wouldn't you, that there is a
10 serious contradiction here if an event in February 1995 is being
11 discussed in a document that's dated 1993?

12 A. I can't identify this event. It is unknown to me.

13 Q. Yes, I understand that. But we've got a document here, the
14 study that's dated from 1993, and yet we see a report in it about an
15 event in 1995. Does that strike you as odd?

16 A. If the document is of 1993 and it refers to a 1995 event, it
17 doesn't make any sense at all, because you can't foresee something
18 that's going to happen in 1995, when, in this case, it refers to an
19 event that happened in 1995. So it's not compatible.

20 Q. Yes, thank you.

21 MR. DIXON: Can we go to then page 189-1175 in the English. And
22 I think the Albanian is the same as well.

23 Q. Yes, I'm interested in the first paragraph:

24 "The activity of the intelligence service must be universal and
25 diverse."

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1 Do you see that there?

2 A. Yes.

3 Q. There's a line further down that says:

4 "The informants should be spread across to become the eyes and
5 ears of the liberation war."

6 Do you see that phrase used there, "eyes and ears"?

7 A. Yes. Yes, yes.

8 Q. From your knowledge, is this a term that was used by Albanian
9 intelligence from the earlier communist times? Is it an expression
10 that you recall harking back to then?

11 A. I don't know. I can't make any comments on it because I have
12 not heard this expression. Or if I have heard, I can't recall it
13 now.

14 Q. Yes. And without going there, to save time, there are some
15 other expressions in the document there. There's one at page
16 0189-1242 where there's a lot of talk about the partisans. Is that a
17 term that you're familiar with that relates back to the Albanian
18 communist period?

19 A. Yes. Yes.

20 Q. So it was a term associated with communist times in Albania. Is
21 that how you recall it?

22 A. Yes, yes.

23 Q. Now, Mr. Bashota, you may not have had an opportunity to look at
24 all of this document, but are you able to say whether or not you have
25 seen in it a number of these kind of terms that hark back to

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1 communist times relating to what happened in Albania, not Kosovo?

2 Would that be a fair assessment of what you've been able to see?

3 MR. HALLING: Yeah, it has to be limited to what he's seen. He
4 was not shown this in the preparation session.

5 MR. DIXON: But that's why I've asked him from what he's seen.

6 PRESIDING JUDGE SMITH: Overruled. Go ahead.

7 THE WITNESS: [Interpretation] Can you repeat the question,
8 please?

9 MR. DIXON:

10 Q. Yes. I'm saying from what you've seen of this document, I
11 understand this was the first time that you saw it, you haven't used
12 this document ever, but from what you've seen, is it a fair
13 assessment that there are a lot of terms in here that hark back to
14 the communist period in Albania and concern Albania, not Kosovo?

15 A. It is hard for me to come up with such a definition from what I
16 have seen of this document, but it does resemble what you are putting
17 to me.

18 Q. Thank you, Mr. Bashota.

19 MR. DIXON: Those are my questions on this document. It can be
20 taken down. And that would be a good time for a break if convenient
21 for Your Honours.

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

23 Witness, we will give you a ten-minute short break now at this
24 time. Then we'll come back to the courtroom in ten minutes. You may
25 go with the Court Usher out of the courtroom.

1 [The witness stands down]

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

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

4 --- On resuming at 10.11 a.m.

5 PRESIDING JUDGE SMITH: Yes.

6 MR. MISETIC: Mr. President, I just have a housekeeping
7 matter --

8 PRESIDING JUDGE SMITH: Sure.

9 MR. MISETIC: -- if I may.

10 PRESIDING JUDGE SMITH: Sure.

11 MR. MISETIC: On 28 November 2024, the SPO filed a new --
12 notification of new witnesses to be called in January, F02752. This
13 request included both the information required pursuant to paragraph
14 74 of the Order on the Conduct of Proceedings, which includes --
15 sorry, which then requires us to provide our cross-examination
16 estimates and objections to proposed exhibits within seven days, as
17 well as a request under Rule 154.

18 Defence, thus, have two different deadlines for responding to
19 the two different parts of this request, one of seven days and one of
20 ten days. The Defence are therefore seeking to have the earlier of
21 the two deadlines extended to allow it to file its response to both
22 parts of the SPO request together on Monday, 9 December.

23 The Defence have consulted with the SPO who have indicated that
24 they do not oppose the extension. Thank you.

25 PRESIDING JUDGE SMITH: The request is approved.

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1 Please bring the witness in.

2 [The witness takes the stand]

3 PRESIDING JUDGE SMITH: All right. Mr. Bashota, we continue
4 with Mr. Dixon's questions of you.

5 Go ahead, Mr. Dixon.

6 MR. DIXON: Thank you, Your Honours.

7 Q. Mr. Bashota, I now want to go to 1997 and ask you some questions
8 about the Central Staff then.

9 MR. DIXON: And I'm referring here to Preparation Note 1,
10 paragraph 4 and 36. Don't worry, you don't need to go there.

11 Q. But it's correct, isn't it, that you've said that there was no
12 General Staff in 1997. It was a Central Staff. And you said that
13 the first core members of what became the Central Staff were
14 Azem Sylja, Xheladin Gashi, Nait Hasani, Xhavit Haliti, and yourself.
15 You said they were not initially a staff, "just a group of friends
16 who met to consolidate activities in the terrain." That's correct,
17 isn't it?

18 A. Yes.

19 Q. So at that time, Mr. Kadri Veseli was not part of your group?
20 That's correct, isn't it?

21 A. He was not.

22 Q. And as far as you know, just going back a bit further, he hadn't
23 been part of any of the LPK meetings and developments in Switzerland
24 either, if you know that?

25 A. No, I do not know. I don't know about Switzerland, either.

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1 Certainly, I wasn't there before the war.

2 Q. Yes. You at that time were in Kosovo, in 1993 and the years
3 thereafter. That's right?

4 A. But I'm not aware of him having participated in -- having
5 participated in any meeting.

6 Q. We're talking about meetings in Switzerland now; is that right?
7 I just want to confirm that, that you're not aware of him
8 participating in any LPK meetings in Switzerland; is that correct?

9 A. I have no knowledge, no.

10 Q. Now, moving forward from 1997 and this "staff" that you talked
11 about. By June of 1998, you have, and you've been referred to this a
12 few times, said that there was this meeting in Negroc. Do you
13 remember giving evidence about that?

14 A. Yes.

15 Q. And this is in Prep Note 2, paragraphs 46 and 47, you said that
16 there were attempts made then to set up a reorganisation of the KLA,
17 and Mr. Veseli and others were participants in that meeting. That's
18 right, isn't it?

19 A. Yes.

20 Q. But then I wanted to read you this from Prep Note 2 and then ask
21 you some questions about it.

22 MR. DIXON: This is paragraph 47.

23 Q. "This was the meeting where Jakup Krasniqi became the
24 spokesperson of the KLA. Other appointments were mentioned, but
25 these remained only on paper. But these appointments on paper were

1 not to directorates like G1/G2/G3/etc. at this time. The agreement
2 was that the other appointments made would not be introduced because
3 not everyone from the General Staff was present and secrecy was
4 needed for people to move around a bit more freely."

5 Do you remember saying that? Is that a correct understanding of
6 the position at the time?

7 A. Yes. There were small organised groups of the Kosovo Liberation
8 Army at the time as well.

9 Q. Yes. And you were seeking here at this meeting to attempt to
10 start reorganising the KLA; is that right?

11 A. Yes.

12 Q. Now, you've said that appointments were mentioned but they
13 remained on paper. It's right, isn't it, that in those discussions
14 what you were doing is you were for the first time identifying
15 different appointments, different sectors, but you weren't actually
16 at that point deciding to start establishing them yet; is that
17 correct?

18 A. Even during the preparation session, and here as well, I
19 mentioned that there were discussions about certain appointments. I
20 don't know who was concerned or why because at that time it was too
21 early to think of a core leadership team that would be in charge of
22 the war. Our focus was to appoint a single person who would serve as
23 spokesman of the Kosovo Liberation Army, and the decision was made to
24 have Mr. Jakup Krasniqi appointed to this position, a very well-known
25 personality, a patriotic figure, and I think that he was somebody who

1 carried out his task better than anyone else.

2 The focus was not to set up any of such directorates, and let
3 alone put names to it like Azem Syla or Xhavit Haliti. Mr. Thaci and
4 Mr. Veseli, as far as I recall, went into Albania several times,
5 which meant that we were never able to turn even that appointment to
6 a certain function into a reality. In fact, I'm not even aware of
7 any appointments having been made. All I'm aware of is that there
8 were discussions.

9 And that is why I summarised my position to your questioning by
10 saying that these appointments did not even exist on paper.

11 Q. Yes. You've acknowledged that they were discussions, but that
12 there were no decisions taken to establish any directorates. Is that
13 a fair summary?

14 A. Yes.

15 Q. And the reality is, is it not, that there were no directorates
16 at the General Staff level operating after that, from July, August,
17 September. They simply weren't in existence?

18 A. They weren't. They did not exist.

19 Q. Now, we'll come on to what happened from November 1998 onwards,
20 but it wasn't until then, is this right, that the first steps to
21 establish those directorates were taken, from mid-November 1998?

22 A. That's right.

23 Q. So I want to try and understand here, Mr. Bashota, what you were
24 doing in this grouping in the months of June, July, September, up
25 until November. Were you able to, as a group, direct any combat

1 operations in the different areas where there were KLA units?

2 A. No, we were not. These were self-organised units, and where the
3 zones had been formed, the relevant zone commanders were in charge.
4 But the likes of us as a group were unable to do anything. We hadn't
5 even been able to identify ourselves as such in front of them.

6 Q. But was there a time in that period, though, that some members
7 of this staff did go to some of the zones? Not all members but some.
8 Do you recall that?

9 A. No, I don't. I don't know.

10 Q. And do you know if certain members of the staff did try and
11 visit the zones to find out what was happening on the ground? Do you
12 recall any efforts made in that regard in this period?

13 A. As far as I recall, Bislir Zyrapi was the one who went out and
14 about because he was also dealing with the restructuring of the
15 Kosovo Liberation Army. I have no information about the movements of
16 the others because our possibilities of meeting face-to-face were
17 very limited. It was a time of numerous offensives by the Serbian
18 authorities, and there was fighting in several parts of Kosovo.

19 Q. So is it right that you didn't have any face-to-face meetings as
20 that group in that time period after June 1998?

21 A. I don't believe so. I can't recall.

22 Q. And did Mr. Zyrapi, once he came in and started his work, did he
23 report to you what he was doing?

24 A. No, not until he finished off what he had undertaken which was
25 towards the beginning of November. I was staying in my native

1 village where there was an offensive. It was the first village that
2 is adjacent to the Drenica area. There was uninterrupted fighting
3 there, and a large group of young men had convened there, and I found
4 it necessary to be near them during this fighting. So this was most
5 of the time. As I mentioned yesterday, this was during the period of
6 June when I lost my father and I had to deal with family matters.

7 So I do not recall if there was any meeting as such.

8 Q. Yes. So the November meeting that we will come on to was really
9 the first time, wasn't it, that as many of you as could get together
10 got together to share information; is that right?

11 A. Yes, I think so. I think it was the first time.

12 Q. And you said there was heavy fighting before then. We'll come
13 on to that. But it's right that that made it very difficult to
14 communicate and meet up?

15 A. There was huge risks moving from one part of the territory to
16 another because you never knew where Serbian forces had been
17 stationed. There were mobile units who were on the move all the
18 time, and these movements were in addition to the regular checkpoints
19 that they manned throughout.

20 Q. So in that context, would it be right that you really left it to
21 the zones to get on with it, to do the best they could to fight the
22 Serbian forces?

23 A. The zones which had been formed, yes. But even where zones had
24 not been formed, the local units that had self-organised were the
25 ones facing off with the Serbian forces. So these were units that

1 had organised themselves.

2 Q. And it was left to the zones to make appointments of persons who
3 would take up various functions and tasks. That wasn't your
4 responsibility at this time?

5 A. The decision on appointments within the zone was taken at the
6 zone level, including on the appointment of the commander of the
7 zone.

8 Q. Yes. And you got to hear about many of these appointments after
9 the fact or after they'd already been done?

10 A. Yes.

11 Q. I want to just come back to one thing you were saying about
12 Mr. Zyrapi going off to have meetings in some of the zones. You said
13 that he didn't report back to you. Do you know if he was reporting
14 back to anyone else in the General Staff at that time?

15 A. I don't know. I don't even know if the need arose because the
16 staff had not even been formed at the time. His work involved
17 cooperation with the zone commanders in the -- those points where
18 there was a gathering of soldiers in various areas. His work was to
19 take stock of the numbers of the soldiers, the armaments, and the
20 appointments that had been made at a zone level. He submitted all of
21 this in November.

22 Q. Yes, we'll come to November now, but I'm just trying to
23 understand before that the degree to which there was collective
24 coordination between the members of the General Staff. And I'm just
25 trying to find out whether or not you know whether any steps or

1 decisions that Mr. Zyrapi or others were taking were then shared with
2 you or others in the General Staff.

3 A. I don't think that I'd met Zyrapi more than once or twice during
4 that period, and I'm not even sure about it. We met him once when he
5 first came, and then maybe once or two times because he was visiting
6 soldiers gathered around the territory of Kosovo. He had limited
7 opportunity to report to anyone.

8 Q. So is it safe to say then that there was no, at that time,
9 system in place for your group in the General Staff to share
10 information amongst each other so you knew what was going on? There
11 was no such system; is that right?

12 A. Correct. We did not have a functional system. Everyone went to
13 the place where they deemed it necessary to be. As I said, I myself
14 stayed at a point where my brothers and my co-villagers were there
15 near the village of Kieve where a dangerous hot point existed. It
16 was a place which was bombed and shelled on a daily basis by the
17 Serbian forces. The fighting lasted until, I think, November or
18 December, until we were defeated, and we had to locate to a higher
19 position.

20 Q. Yes. So when you say people went where they deemed it
21 necessary, members of the General Staff would go wherever they
22 thought they could perform a role, but this wasn't something that was
23 decided together as to what should happen; is that right?

24 A. That's right. Yes.

25 Q. And you've said that Mr. Veseli went to Albania a number of

1 times during this period, that is, in July and August. Do you recall
2 that?

3 A. Yes.

4 Q. And did he need to get any authority from you or other members
5 of the General Staff to do that, or did he take his own initiative
6 performing the tasks he thought were necessary?

7 A. He did it on his own initiative.

8 Q. And did you even know what tasks he was performing when he went
9 to Albania?

10 A. No, I do not. But I know that each time he came back into
11 Kosovo, he brought weapons with him. But I'm not aware of what
12 specific tasks he performed. At the time, we did not ask him about
13 it.

14 Q. And it's right at that time, in July and August, that many
15 people were going across the border to get weapons to bring them back
16 to try and bolster the units that were in Kosovo to be able to repel
17 or seek to repel the Serbian attacks?

18 A. Yes. After the looting of the weapons depots in Albania, it
19 became easier for everyone to get possession of a weapon, including
20 people who on an individual basis or as groups made the travel or the
21 journey to Albania to get weapons.

22 Q. Yes, thank you. I want to now ask you about one particular
23 battle in particular and that's the one in Rahovec in July 1998. And
24 in your prep note, you said that -- at paragraph 64, that there was
25 no discussion about attacking Rahovec at the General Staff level

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1 before it was attacked in July 1998. Do you remember saying that to
2 the SPO?

3 A. Yes.

4 Q. And it's right, isn't it, that the decision to launch that
5 attack was taken by the local units there? There was no order given
6 by you and the General Staff to do that.

7 A. Yes, there was never any order issued to that effect by the
8 General Staff. Indeed, it was a very great mistake, the involvement
9 of that group, but we were unable to control it.

10 Q. Yes. When you say it was a "great mistake," do you mean because
11 of the very strong reaction that you then got from the Serbian forces
12 in response?

13 A. We were not prepared about it, to attack a place where there are
14 civilians living there, because it was very dangerous for the
15 citizens. We never dared undertake such an action in urban areas.
16 That was why. Then it had its consequences. We suffered major
17 losses, and the soldiers fell disorganised and everything.

18 Q. So it was a lack of preparation, is that right, which the
19 General Staff was not involved in in any way?

20 A. Right.

21 Q. And is it right that it is for reasons like this that Mr. Sylja
22 decided to bring Mr. Zyrapi, who you've mentioned, into Kosovo as a
23 professional soldier who would seek to try and reorganise and
24 restructure the KLA? Is that why it happened?

25 A. From all the names present in that meeting where the

1 spokesperson was elected, I may say that none of us had any military
2 expertise. The coming of Zyrapi and the other officers to Kosovo
3 gave a sense to the organisation of the liberation army, and we
4 started the process of restructuring the KLA from the smaller units
5 to the General Staff. I think they did a very good job. They
6 brought the experience of many other countries, adapting it to the
7 circumstances and possibilities we had as a KLA.

8 But even after restructuring, we had issues and problems because
9 of the battles, what happened in November, because of the coming
10 winter, but gradually we managed to finalise that restructuring.

11 Q. Yes, I'm going to come on to the period from November onwards
12 until the end of the war next, but just a few other questions about
13 the period before to complete this section.

14 You have said in your prep note that in relation to the battle
15 of Rahovec - and this is at paragraph 65 - that you do not know if
16 Hashim Thaci, Kadri Veseli, or Rexhep Selimi went to that area after
17 the attack; is that right?

18 A. Yes, I don't remember to have met them. I don't recall that.

19 Q. So you went to the area, but you didn't see them there. Is that
20 how it happened?

21 A. Yes. When I heard of it, I took a soldier and I went to Rahovec
22 of my own free will, and there we met those soldiers that couldn't
23 enter, I'm talking about that part near Malisheve, because of the
24 Serbian attacks.

25 Q. Yes, thank you. I just want to ask you one question about all

1 of the Serbian offensives. I don't want to go into the detail of
2 this. There's been much, much evidence about it, and you've talked
3 about it as well. But I want to bring up one document from the end
4 of September. It's an ECMM document.

5 MR. DIXON: It's only going to be in English, but I want to see
6 if this accords with your knowledge of the situation on the ground
7 late, late September. It's SPOE00304290 through to 4293, and I'm
8 looking at pages 1 and 2, please.

9 Q. There's no Albanian, but I want to read out the relevant
10 sections because this comes from those international observers who
11 were monitoring on the ground. And it's entitled at the top of the
12 page a "Snapshot of Current Situation in Kosovo," and this is
13 23 September 1998. Do you see that there at the top of the page? I
14 have just translated it for you.

15 A. Yes.

16 Q. And there's a heading "Military Situation" in the middle of the
17 page, and it reads:

18 "Since the VJ and security forces began their offensives in late
19 July, they have successfully regained most of the territory
20 previously under UCK control, principally the areas around Malisevo,
21 Decani, Junik, much of Drenica and now Shala [as well]."

22 And then the rest is blacked out.

23 When it says Shala, where is that region? Is that a region in
24 the southern part of Kosovo?

25 A. It is in the northern part of Kosovo.

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1 Q. Yes. Thanks for that correction. So it's a section that
2 includes Prishtine and then up to the north, up to the border with
3 Serbia; is that right?

4 A. Yes, that part it is. I don't think it includes Prishtine, but
5 it's that part.

6 Q. So in the north going up to the border of Serbia, just so we can
7 orientate ourselves?

8 A. Yes.

9 Q. Thank you.

10 MR. DIXON: And if we go over the page, please, on to page 2,
11 and the heading "What has happened to the UCK?", KLA.

12 Q. "The UCK appears to have collapsed. The infrastructure of the
13 UCK, although never sophisticated, has been successfully cut and the
14 UCK has been reduced to pockets, dispersed throughout the
15 countryside. This geographical dislocation appears to be matched by
16 an ideological dislocation, with a perhaps varying level of
17 commitment to the ultimate goal of independence. Demaqi himself as
18 admitted that the UCK has now split into several autonomous
19 groupings, opening up the potential for rivalry and infighting."

20 Do you see that part there? I've read it out. I hope it's been
21 translated to you.

22 A. Yes.

23 Q. Where it says that the KLA has collapsed, is that an accurate
24 description of what had occurred in the months of July, August,
25 September with the Serbian offensives?

1 A. I wouldn't say it was destroyed or collapsed because -- oh, I
2 could say it was collapsed but not destroyed, because they were very
3 large-scale offensives undertaken by the Serb army, and we suffered a
4 very major blow there, in all the strongholds of the KLA, and we lost
5 territories which fell under the Serbs.

6 Q. And what about the comment here about opening up the potential
7 for rivalries and infighting? Is that something you were concerned
8 about at the time in your position?

9 A. Can you repeat the question, please?

10 Q. Okay. The question is that this report mentions that this
11 situation, the collapse of the KLA, has also opened up the potential
12 for rivalry and infighting in the organisation. I'm just trying to
13 understand if that was something that concerned you in your role at
14 the time.

15 A. You mean about internal issues?

16 Q. Yes.

17 A. I have no information about that. I mean, to that extent as to
18 damage the KLA. I have no information.

19 Q. Yes. And what about difficulties that you were experiencing,
20 you've given some evidence about this, with being able to control
21 persons in certain of the zones in Kosovo? Was that something that
22 had arisen and was continuing during this period?

23 A. The movement was very much restricted. It is true that the
24 supply from Albania was very much difficult -- I mean, supply of
25 weapons from Albania became very difficult. We lacked other items of

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1 logistics like -- I mean, we had major difficulties ensuing from
2 that.

3 Q. Yes. And it's right, though, that that can and did put
4 stressors and strains on the organisation, fractured as it was, to
5 staying united? Would that be a fair assessment?

6 A. It would be a fair assessment.

7 Q. And we will come on to this soon, November onwards, but that's
8 what you were aiming to address in November with Mr. Zyrapi, wasn't
9 it, to try and piece this all together again after these damaging
10 offensives from the Serbian forces?

11 A. I don't know that we suffered that much as to suffer as a KLA,
12 so damage the KLA.

13 Q. Sorry, I'm not sure I understand your answer. I was simply
14 putting it to you that the KLA was damaged as a result of the Serbian
15 offensives, and you were trying to deal with that in November. Is
16 that how you remember the sequence of events?

17 A. Yes.

18 Q. And just one more part of this document, if I may, at page 3,
19 over the page, the heading "Humanitarian Situation." It reads:

20 "The summer offensives have exacerbated an already severe
21 situation. It is estimated that approximately 250,000 have now been
22 displaced, both internally and externally. Albania has approximately
23 15,000 refugees, and [Macedonia] 1,000 and Montenegro 40,000."

24 You see those figures here that I've read out to you?

25 A. Yes.

1 Q. I mean, do you recall being there at the time on the ground huge
2 numbers of displaced persons moving from village to village to try
3 and survive and across the border to many countries as well?

4 MR. HALLING: Query as to the relevance of this line of
5 questioning.

6 PRESIDING JUDGE SMITH: Overruled.

7 You can answer the question.

8 THE WITNESS: [Interpretation] Yes, there were movements of
9 citizens from one village to another, beginning from my own family
10 which went to about 15 different places. That was the case with
11 other families in Kosovo who were displaced and tried to survive in
12 different centres. And often they were in thousands, gathered
13 together in one area, in some mountain area or some other places.

14 MR. DIXON:

15 Q. What I want to ask you of relevance to your position is what
16 challenges did this create for you in the General Staff? Were you
17 having to deal with this particular problem?

18 A. Yes. Firstly, the KLA had to focus more on the protection of
19 the refugees, if you like, or the people being displaced so that they
20 didn't fall prey to the enemy attacks, as much as it could, of
21 course. So we had to take greater care of their movements. Because
22 many of the citizens didn't know where the positions of the Serb
23 forces were, so we had to engage our soldiers to show them the way
24 where to go. So it was a challenge for us. And often they had
25 problems with food supplies and other needs that, in many cases, KLA

1 soldiers tried to help them, the Albanian citizens who then we called
2 refugees.

3 Q. Yes. And also to assist them to get over the border as well,
4 which was not safe to do either, was it?

5 A. Yes. I don't have any information, actually, about the border
6 issue. But within the areas, I do know because my family was one of
7 them. But certainly somebody had to organise also their passage
8 through the border in the best places possible for them not to run
9 into any risks.

10 Q. Okay. Thank you.

11 MR. DIXON: Your Honours, we would ask that this ECMM daily
12 summary report of 3 September 1998 is admitted into evidence having
13 met the *prima facie* threshold for admissibility.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. HALLING: No objection provided that the item is admitted
16 with a confidential classification.

17 PRESIDING JUDGE SMITH: SPO --

18 MR. DIXON: Well, Your Honour, I think there are redactions made
19 to the parts that are sensitive, so I can't understand why it can't
20 be public for the rest of it.

21 MR. HALLING: I believe it's a condition of the provider of this
22 document.

23 MR. DIXON: All right. Then I will go on that basis providing
24 it's admitted.

25 PRESIDING JUDGE SMITH: All right. SPOE00304290 to 0304293 is

1 admitted and will remain confidential.

2 THE COURT OFFICER: Your Honours, that will be assigned
3 Exhibit 2D33.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. DIXON: Yes. Thank you --

6 PRESIDING JUDGE SMITH: You may continue.

7 MR. DIXON: -- Mr. Bashota.

8 Q. Just one more matter before the break. In this period now, the
9 end of September, there were negotiations going on with FARK abroad,
10 in Albania and Turkiye. Do you recall that? Were you aware of that?

11 A. No, I wasn't informed about that. After the agreement was
12 concluded with FARK, Bislím Zyrapi told me that we managed to have an
13 agreement with FARK; namely, that FARK officers and soldiers enter
14 Kosovo but under the auspices of the KLA. That's all what Zyrapi
15 told me.

16 Q. So I take it then that he didn't come to you before he went off
17 to these meetings with FARK, and he went with Mr. Veseli, if you know
18 that. He didn't come to you beforehand to get a collective authority
19 to go abroad to have these negotiations; is that right?

20 A. He didn't consult me about this trip of his.

21 Q. And do you know if he consulted with Mr. Veseli, any other
22 members in the General Staff, before they went off on these trips to
23 do these negotiations?

24 A. This I don't know.

25 Q. So the first time you had heard what was going on and what had

1 happened was when they got back, Mr. Zyrapi and Mr. Veseli got back
2 from their travels, and they reported that the deal was done. Is
3 that how you remember it?

4 A. I don't recall about Mr. Veseli and Zyrapi. But when I met him,
5 this is what he told me: That FARK agreed to send its officers and
6 soldiers under the emblem of the KLA. I wasn't provided any accord
7 or any other document regarding this issue.

8 Q. Yes. And that was, was it not, a positive development when you
9 heard that, because going forward then, in November, you would have
10 FARK professional soldiers part of the KLA to look to restructure and
11 seek to repel the Serbian forces; is that right?

12 A. Yes. Not being well versed in the military art or how to
13 organise the KLA, the arrival of the career officers was a good omen
14 and a good thing for everyone, because even though they had done
15 their schools, their studies in the former Yugoslavia, being in exile
16 helped them to acquire other knowledge which they implemented in
17 Kosovo. So I considered it a good act. I never criticised it. I
18 merely welcomed their arrival, because they gave a new dynamic to the
19 situation.

20 Q. Thank you, sir.

21 MR. DIXON: If we could break now, Your Honours, if that was
22 appropriate.

23 PRESIDING JUDGE SMITH: Thank you.

24 Witness, we'll give you a half-hour break now at this time.

25 Please leave the courtroom with the usher, and we'll see you back

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1 here at 11.30.

2 MR. DIXON: And, Your Honours, as an update in terms of timing,
3 I expect to be done in about 45 minutes in the next session, if that
4 is in order.

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

6 [The witness takes the stand]

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

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

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

10 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
11 in.

12 MS. V. ALAGENDRA: Your Honours?

13 PRESIDING JUDGE SMITH: Yes.

14 MS. V. ALAGENDRA: I had indicated four hours for this witness.
15 I would be significantly less, approximately two hours.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MS. V. ALAGENDRA: Thank you.

18 PRESIDING JUDGE SMITH: Thank you for letting us know.

19 MR. ROBERTS: Your Honours, just by the same token, I'd
20 indicated an hour and a half last night. I'll be significantly less
21 than that, if anything.

22 PRESIDING JUDGE SMITH: Thank you.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: All right. Witness, we will continue
25 with questions from Mr. Dixon.

1 You have the floor, Mr. Dixon.

2 MR. DIXON: Thank you, Your Honours.

3 Q. Mr. Bashota, I wanted to ask you about something that we left
4 off on about FARK. You had said previously -- and I'm referring here
5 to Prep Note 1, paragraph 10. You don't have to go there. I'll go
6 through it with you. That the appearance of FARK insignia -- this
7 was before September and before the process that we talked about in
8 terms of the unification. But the appearance of FARK insignia was
9 something that you had thought was information that had been brought
10 by the intelligence service. And you said in your prep note:

11 "The sources of the information brought by the intelligence
12 service to [you] were unknown persons. [You] did not know who they
13 were, but he thought they were from the intelligence service."

14 Do you remember saying that to the SPO?

15 A. Yes, I do.

16 Q. So is it right, then, that you have no concrete information that
17 any information emerging about FARK insignia had come from any
18 intelligence service in the KLA; is that correct?

19 A. Correct.

20 Q. You did not know who these persons were or who they were working
21 with or reporting to?

22 A. Correct. I did not.

23 Q. And then also you were asked in relation to Tahir Zemaj - you
24 might recall this - about information that you had received about him
25 being a drug dealer, and that this had come from the intelligence

1 service. Do you remember that?

2 A. Yes.

3 Q. It's right, isn't it, that, likewise, you have no concrete
4 information that this information came from any intelligence service
5 person or group in the KLA?

6 A. Correct. I do not recall what function they held, but on the
7 basis of the significance of this information, I came to the
8 conclusion that it would have come from the service itself. But that
9 is only an impression of mine.

10 Q. So it's only an assumption that you made. You didn't have any
11 concrete information that it came from any intelligence body; is that
12 right?

13 A. I did not know those people, they were ordinary individuals, and
14 I thought that it came from the intelligence service.

15 Q. You also said, though, that it was publicly known that there
16 were these allegations about drug dealing. So was that something
17 that was widely known, that many people discussed?

18 A. Yes, but I came to learn this later. I also heard -- I heard it
19 after the war but also due to the fact that there was a trial held.

20 Q. Yes. But just to clarify this point. It's right, and we're
21 talking about period before November, that at your level in the
22 General Staff, there was no intelligence service or sector at that
23 time, was there?

24 A. Can you please repeat what month are you referring to?

25 Q. I'm referring to the period before November. I'll come on to

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1 discuss November next. But before that time, going back, there was
2 no intelligence sector at your level at that time, at the
3 General Staff level?

4 A. Correct. There wasn't.

5 Q. So if there was any intelligence being done, it may have been
6 happening in the zones or in organisations within the zone command.
7 Is that how you remember it?

8 A. Yes.

9 Q. But there was no coordination of any of that work at your level,
10 the General Staff level; is that right?

11 A. Not at the time, because the local staffs and zone commanders,
12 they underwent their own restructuring based on the military models
13 coming from elsewhere, from, say, Albania or elsewhere, and based on
14 those models they did structure their own units.

15 Q. Yes. And you hadn't, at the General Staff level, issued any
16 orders or regulations as to how that work should be undertaken; is
17 that right?

18 A. Correct. There wasn't any.

19 Q. And you didn't get any reports back to you at the General Staff,
20 did you?

21 A. No.

22 Q. And in relation to disciplining soldiers in the KLA at that
23 time, I'm talking about November going back, November 1998, it wasn't
24 the role of you and those with you in the General Staff to discipline
25 soldiers or oversee that work, was it?

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1 A. Correct.

2 Q. Just one final matter before we move on to November. In your
3 prep note - and this is Prep Note 1 at paragraphs 12 and 13 - you
4 mentioned disciplinary matters in relation to Ramush Haradinaj's
5 soldiers in the Dukagjin zone. Do you recall discussing that matter?

6 A. Yes.

7 Q. And is it right, you've clarified these matters in your
8 Prep Note 1 here, that as far as you recall, you have no information
9 that Mr. Veseli was involved in any way in disciplining Ramush
10 Haradinaj's soldiers? That was a matter for him on his own, wasn't
11 it?

12 A. Yes, correct.

13 Q. Thank you. I now want to move on to the November meeting that
14 we've mentioned a few times. And it's correct, isn't it, that that
15 took place in November, the 12th and 13th, 1998; is that right?

16 A. I do not know the exact date, but, yes, it may be that date in
17 November.

18 Q. Okay.

19 MR. DIXON: We can bring up handwritten notes of this meeting,
20 it is 4D00011, and we've got this in English and Albanian, to see if
21 this accords with your memory. These are handwritten notes from that
22 meeting on the 12th and 13th November.

23 Q. Do you recognise the handwriting on the left side there in
24 Albanian?

25 A. No, I do not.

1 Q. And do you recognise any of the information in this note, the
2 meeting taking place, as we see there, on 12 November, and then a
3 further entry on 13 November, with various persons present?

4 A. It may be so. However, this is not a document that I've seen
5 before.

6 Q. Very well. Well, can you assist us then with - you were there -
7 what were the main discussions at these meetings? We've heard
8 earlier that this was a coming together for the first time since
9 June. What did you focus on doing at this meeting in summary,
10 please?

11 A. It's been 25, 26 years now, sir. The details might escape me.
12 And I also did not know that these would come in useful at some point
13 in my life to be able to memorise them. However, we discussed the
14 structuring that Bislum Zyrapi submitted to the General Staff as well
15 as the appointments, starting with the commander, the deputy
16 commanders, the chief of staff, and the G1, G2, G3, and G4, which are
17 military terms that I did not know at the time and do not know to
18 this day.

19 Q. So it's correct that the aim now was to look to establish
20 directorates at the General Staff level?

21 A. Yes.

22 Q. And you were doing this on the recommendation of Mr. Zyrapi in
23 order to try and put some order on the chaos; isn't that right?

24 A. Yes, correct.

25 Q. And you're also doing it to try to show -- you may well have

1 discussed this at this time, to try and show the international
2 military forces that you could be taken seriously as a credible
3 military force, that you would at least try and look like their
4 structures?

5 A. Dear counsel, the structuring of a military unit under
6 conditions of war can only be guessed at by anyone, as well as the
7 array of issues that we faced with during that time. Every citizen
8 of Kosovo at the time desired to have the best hierarchy as far as
9 the General Staff of the Kosovo liberation was. So our goal was to
10 appear as organised as possible before the domestic and international
11 opinion to -- in order to let everybody know that we were well
12 organised. We came out with them -- we came out with all kinds of
13 statements and -- statements, and the ultimate goal was for us to
14 prevent ourselves in the best light possible.

15 Q. Yes. But that didn't happen immediately. You needed December,
16 January, February, you needed some time to set the foundations and
17 seek to put this in place; is that correct?

18 A. Correct. Yes, it is correct. And with the problems that we
19 encountered with the zone commanders, and so on and so forth, this
20 process took us up until February and March.

21 Q. Yes. I'm not going to cover the ground that we have gone over
22 already with the difficulties in relation to command issues, but what
23 I wanted to ask you about was in relation to Mr. Kadri Veseli. Do
24 you recall that he was at part of this meeting on 12 November?

25 A. It is impossible for me to know the names of everyone present

1 because there were -- there was a much larger number of us present in
2 there, so I cannot say with certainty whether Kadri Veseli was there.
3 I cannot recall.

4 Q. Do you remember, perhaps if I explain it this way, that he came
5 there with Mr. Zyrapi because they had been involved in the FARK
6 negotiations, and he came there for this meeting and was there for
7 part of it? Does that jog your memory in any way?

8 A. No, I do not remember. As I said, when Mr. Bislum Zyrapi
9 arrived there, I wasn't aware that he was in the company of
10 Mr. Veseli. And I cannot recall at all on whether Mr. Veseli did
11 take part in that meeting or how long he stayed for. It may have
12 been the case, but I don't know.

13 Q. Very well. And do you recall this: That it was then that the
14 discussions took place and an agreement was made that he would be in
15 charge of the intelligence directorate, G2?

16 A. Yes.

17 Q. And that as a result of that, he was sent abroad, out of Kosovo,
18 to get training. This was after the meeting in November. Do you
19 remember that happening?

20 A. Bislum Zyrapi told me this during our free time when he told me
21 that Mr. Veseli needs to make contact with foreign services and get
22 the adequate training given that it's a new sector that's being
23 created within the Kosovo Liberation Army, so he needs to be well
24 prepared in order to lead this work. And from that moment onwards
25 and for a very long time, I did not see Mr. Veseli again.

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1 Q. Yes. It was only after Rambouillet, and I'll come on to that,
2 that he came back. But I just wanted to clarify what Mr. Zyrapi said
3 to you. Did he say that he was sending Mr. Veseli abroad both for
4 training but also to meet with foreign intelligence services; is that
5 right?

6 A. Yes. Roughly, yes.

7 Q. So did he say he was going to be doing external intelligence
8 work abroad in order to build relations with foreign intelligence
9 services to seek to help the KLA?

10 A. Look, I cannot recall all these details. Only that he said that
11 there is a need for him to go overseas and establish contacts with
12 foreign services, in addition to getting training to compete the
13 tasks that he's got.

14 Q. And do you recall were there also discussions about the fact
15 that this could assist showing the international community that the
16 KLA was starting to develop a professional army because it would also
17 have contacts with intelligence sectors abroad?

18 A. I can't recall this.

19 Q. No, I appreciate this was a long time ago. I'm just trying to
20 explore what you knew at the time.

21 A. Okay.

22 Q. You say you don't recall Mr. Veseli being there. Do you recall
23 any discussions at that meeting about establishing the G2?

24 A. Yes. When Bislim Zyrapi submitted the organisational chart, G1,
25 G2, G3, and a number of these numbers were mentioned. I can't

1 remember how many. But, yes.

2 Q. Now, when Mr. Veseli was abroad, you've mentioned you didn't see
3 him for some time. Did you or others in the General Staff have any
4 contact with him during that time? Do you recall?

5 A. I did not have any personally. I don't think so. I don't think
6 I was able to be in contact with him.

7 Q. And as far as you know, there was no system in place within the
8 General Staff to keep him informed of what was happening; is that
9 right?

10 A. I don't know.

11 Q. But you say you didn't have any discussions with him. Do you
12 know if anybody else in the General Staff had any discussions with
13 him while he was away during that time?

14 A. I don't know. I can't remember.

15 Q. Do you know if he was being sent any reports from inside of
16 Kosovo to where he was in different places, if you can remember that?

17 A. I do not remember any reports having been sent to Mr. Veseli
18 from the staff or anyone else. That's not something that I remember.

19 Q. Very well.

20 MR. DIXON: Can we call up P01109. This is the note that you
21 were shown that I referred to earlier on the meeting of the
22 General Staff on 30 December 1998. And it's written in Albanian, and
23 we have the English translation. I need to go to page 7, please.

24 Q. That's the one that you were shown.

25 MR. DIXON: Yes, thank you.

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1 Q. And you've identified your signatures here. You remember seeing
2 that --

3 A. Yes.

4 Q. -- previously?

5 A. Yes, I do.

6 Q. And it says here: "The next meeting," this is at the bottom,
7 "will be held on 5th January."

8 Do you recall if that did, in fact, take place?

9 A. I do not recall, no.

10 Q. Now, it's correct, given what you've said there, that
11 Mr. Kadri Veseli was not present at this meeting. He was abroad at
12 this time; is that right?

13 A. I do not know on whether he was abroad, but what I know is that
14 I did not meet Mr. Veseli for a very long time. I did not meet him
15 for a very long time. I don't know whether that was then during the
16 Rambouillet talks or afterwards.

17 Q. Yes. We'll come on to Rambouillet now in a moment. But I just
18 wanted to check, it's right that he wasn't at this meeting that you
19 were at? You didn't see him there?

20 A. I didn't see him.

21 Q. And after this meeting on 30 December, did you or anyone else
22 report to him about what had happened at this meeting?

23 A. No, I cannot recall.

24 Q. And it's right, though, that he never sent any information from
25 where he was to this meeting to be taken into consideration in the

1 meeting?

2 A. I don't think so. At least I do not know if he was able to send
3 us any information from wherever it was that he was. I simply do not
4 have that information.

5 Q. Yes. And you were asked here where you had written "(Kadri's
6 deputy)" next to "Intelligence Service" -- you see that part? Right
7 in the middle of the document. You were asked about that. I just
8 want to confirm that you were asked about that.

9 A. Yes, that's fine. Where -- is it where we were talking about
10 the promotions committee --

11 Q. It says number c. --

12 A. -- or elsewhere?

13 Q. -- "Commission for the Delineation of Operational Zones." Do
14 you see that, in the middle of the document? And then it says:

15 "/Intelligence Service/ (Kadri's deputy)."

16 Do you see that part?

17 A. Yes. And to tell you the truth, I just do not know what the
18 conversation centred on. But it may certainly have been the case
19 that in the absence of Kadri somebody else would have been appointed
20 as chief. The idea was it -- it is fairly possible that this is not
21 to appoint a deputy to Kadri as a function, as a post, but to have
22 someone in place of him. As far as I know, Kadri had not been in a
23 position to have any deputy. And the information that I have does
24 not suggest that there was ever anyone appointed as deputy to Kadri
25 as chief of the intelligence service.

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1 So this is my likely explanation to a document that was drawn up
2 some 27 years ago or so and which I have difficulty giving details
3 on.

4 Q. Yes, thank you. But it's right, as far as you recall, that
5 Mr. Kadri Veseli had no deputy appointed who was attending this
6 meeting? That's correct, isn't it?

7 A. That's correct, yes.

8 Q. And there was no deputy there. We see no name here. But there
9 was no deputy there reporting to him from this meeting? That's
10 right, isn't it?

11 A. No, there wasn't any deputy. That's why it's in brackets.

12 Q. And there's a phone number down on the bottom left here, 0041,
13 and it says "Luli" underneath it. You see? You were taken to that
14 part as well.

15 A. Yes.

16 Q. Do you know whose number that is? It's a foreign number, a
17 Swiss code. Do you know who would have been on the other end of that
18 number?

19 A. To tell you the truth, I don't remember. And I don't know if
20 that phone number can be ascribed to Luli. This I can't ascertain.

21 Q. Did you ever phone that number at the time?

22 A. I don't remember. I don't remember.

23 Q. And do you remember if anyone else phoned that number, used that
24 number at the time?

25 A. I don't remember this memo here. It's likely that it's not part

1 of the General Staff records but it's done for my own purposes. I
2 even have forgotten it as such. So in normal records you can't do
3 such annotation. It's not logical. So I don't remember about this
4 number, whether -- to whom it belonged.

5 Q. Well, that's something else I wanted to ask you, Mr. Bashota.
6 Were there any formal recorded minutes of this meeting or any of your
7 General Staff meetings that you remember?

8 A. My name is Bashota.

9 Q. Yes, I was asking you, Mr. Bashota, were there any formal
10 minutes of any of these meetings?

11 A. I think there was an official minutes. But I don't think this
12 is an official one, because in that case, I would not allow such
13 scribbles, such notes be made on a formal minutes of the
14 General Staff. I don't know why I have made it, but probably for my
15 personal needs. And it's not an official document to be used for the
16 needs of the staff.

17 I may have referred to it regarding the order of business, but I
18 don't think it's an official document.

19 Q. I mean, do you know if anyone was assigned in your group to take
20 official minutes or not?

21 A. I don't remember that, that there was an official person.

22 Q. Yes. Thank you. Just one last question about this number that
23 I've asked you about. Is it possible that that number might have
24 been added later? In other words, you didn't record this at the time
25 or when you first made this note, but you added it at a subsequent

1 time? Because it says here "1999."

2 A. It is possible. It is. Simply, I don't know whom it belongs
3 to. But in an official document, I wouldn't have written such a
4 number.

5 Q. Yes.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 The translators are asking that you pause after the -- so that
8 the translation can be completed before your next question.

9 MR. DIXON: Yes, I apologise for that, and I'll make sure I do
10 it. Thank you.

11 That document can now be taken down, and in its place could we
12 have P00182.

13 Q. This is the document, Mr. Bashota, that you were shown earlier,
14 and I just want to go to one page of it. It's regarding a meeting of
15 6 February 1999.

16 MR. DIXON: And it's SPOE00226401.

17 Q. Have a look at the wording there. I'll come back to it now, but
18 just so that you have the context, you were asked questions about
19 this because zone commanders were critical of your appointment as
20 deputy commander. And they were also raising here this point about:

21 "The Intelligence Service (SHI) cannot look after the army from
22 abroad.

23 "I think we should appoint a professional as Commander, who
24 should be accountable to us."

25 This is coming from some of the zone commanders at a meeting you

1 were referred to on 6 February 1999. Do you remember this issue
2 being raised about the intelligence service being abroad?

3 A. No, I don't remember.

4 Q. You don't have any recollection of zone commanders complaining
5 that the intelligence is not in the country, it's abroad, and we need
6 to appoint somebody who can be accountable to us?

7 A. I don't know whether I was present at this meeting. I don't
8 remember.

9 Q. Yes. To be fair to you, you have said that. I just wondered if
10 you'd heard about this complaint being raised about the intelligence
11 not being in the country. This is February 1999.

12 A. No, no.

13 Q. Very well.

14 MR. DIXON: That document can be taken down. Thank you.

15 Q. I want to come on to Rambouillet now, as I had mentioned
16 previously. Were you involved in any of the discussions in the
17 General Staff about who would be sent there to negotiate?

18 A. No, I don't think so. I think Azem Sylja was in Kosovo at that
19 time, and to my knowledge, he was the one who decided who would go
20 there. I don't know whether this issue was discussed also in the
21 General Staff. I don't have any accurate memories of it.

22 Q. So it wasn't a collective decision of the General Staff to
23 decide who would go and what they would say there; is that right?

24 A. Based on the fact that the composition of the delegation was
25 made of people who dealt with internationals, I think this is easy to

1 understand that they were the ones who should go there. I don't
2 remember whether it was the direct decision by Azem Sylja, but in my
3 logic, it was so.

4 Q. And he didn't consult with you about making that decision, did
5 he?

6 A. I don't remember that anyone consulted me about that, about the
7 delegation.

8 Q. Do you recall knowing that Mr. Veseli was one of those who went
9 to Rambouillet to participate in the negotiations?

10 A. I heard that he was in Rambouillet. I don't recall from whom I
11 heard it. But I know it was spoken that he was there, too. But from
12 what I remember, he was not appointed by the General Staff to go
13 there. In what capacity he went there, I don't know. With whom he
14 consulted, I don't know. But I heard that he was in Rambouillet. I
15 didn't have any direct information about that.

16 Q. So once again, this wasn't something that you were consulted
17 about, him going there or being appointed to go there; is that right?

18 A. Yes, that's right.

19 Q. Now, you've said you last saw him in the -- well, actually, you
20 weren't sure if he was at the November 1998 meeting. I suggested to
21 you that he had been there for some of the time, but you weren't
22 sure. You've then said he was then away for a long period.

23 When was it the next time that you saw him again? Was it after
24 Rambouillet?

25 A. After Rambouillet, I think. Yes.

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Cross-examination by Mr. Dixon

1 Q. Was that late March 1999?

2 A. I don't remember accurately. But from what I remember, I think
3 he was present also in the meeting about the Rambouillet agreement.

4 Q. Yes. And do you recall getting any report-backs from him in
5 particular about Rambouillet?

6 A. No.

7 Q. Is it correct that shortly thereafter, at the beginning of
8 April, Mr. Veseli then moved from out of your General Staff to become
9 the minister for the Kosovo intelligence service as part of the
10 Provisional Government of Kosovo as this was set up following the
11 Rambouillet process? Is that how you recall it occurring?

12 A. At that time, I don't think Kadri Veseli was a minister. After
13 the war, he was only chief of the information service, intelligence
14 service.

15 Q. Do you recall him, on 2 April, being appointed to the
16 provisional government structure?

17 A. I don't recall that. I was not present at that meeting because
18 I resigned at that time from the staff. And I don't know whether in
19 that meeting he was appointed minister or only chief of that service.
20 But after the war, I do know that he was chief of the intelligence
21 service.

22 Q. And this was the Kosovo intelligence service, the civilian
23 intelligence service; is that right?

24 A. Yes. Yes, after the war.

25 Q. So when you resigned, what was the date of that?

1 A. In February, in the middle of February 1999, after the revolt of
2 the zone commanders that I mentioned earlier.

3 Q. Yes.

4 A. So I think it was in February.

5 Q. And you had no contact with Mr. Veseli as a result of resigning
6 after that; is that correct?

7 A. Yes. You may understand it that way. It was not forbidden for
8 us to have contacts, but I think it was as you are saying.

9 Q. Now, I just want to ask you a few questions in my remaining time
10 about Mr. Sokol Dobruna. Do you know who I'm referring to? He was
11 appointed as the chief of the judicial service in late 1998.

12 A. Yes.

13 Q. And do you recall, because you were in the General Staff then,
14 that his role was to look at setting up a professional legal service
15 within the KLA?

16 A. Yes, that was why he was appointed for.

17 Q. And do you recall that he started doing that in early 1999,
18 looking at getting the legal codes in place and the necessary
19 legislation?

20 A. I don't know his job description because I didn't have any
21 contacts with him, ever, about his work. And I don't know whether
22 the work he did was discussed with his staff, because I think he had
23 a staff. I don't think it was discussed in the General Staff.

24 Q. So once again, there were no collective discussions in the
25 General Staff about his role; is that right?

1 A. From what I remember, because I didn't stay there long, as I
2 said, in February I resigned, so I was unable to see what Sokol
3 Dobruna was doing in the General Staff.

4 Q. Yes. But before you resigned, in December, January, there were
5 no discussions as a group, were there, about what he was going to do
6 or what his responsibilities were?

7 A. No, I don't remember that.

8 Q. And there was no requirement, was there, within the General
9 Staff that any information on collaborators should be sent to him.
10 That's right, isn't it? That was never required of you?

11 A. No, no, I don't think so.

12 Q. Okay. Thank you. One last matter I wanted to ask you about.

13 MR. DIXON: And if we could bring up the document on the screen,
14 please, which is P00303 in English and Albanian.

15 Q. It'll be in Albanian, Mr. Bashota.

16 MR. DIXON: Yes, so it's 00303. It should be press release
17 number 4. Yes, that's it there.

18 Q. If you could please look at that, Mr. Bashota. You were asked
19 some questions earlier on today about this matter, and I just wanted
20 to ask you whether you ever saw this press release number 4 regarding
21 this matter. It's dated 1 November 1998.

22 A. I don't remember to have ever seen this.

23 Q. Is this the first time that you're seeing it now?

24 A. Yes. I don't know whether I saw it during the prep session.
25 But before that, I never saw it.

Witness: Sokol Bashota (Resumed) (Open Session)

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Cross-examination by Mr. Dixon

1 Q. And it's headed: "Two LDK officials were arrested by the KLA
2 Military Police Directorate." You see that at the top of the page.
3 And then it's signed by or written at the end: "Kosovo Liberation
4 Army Military Police Directorate."

5 Do you see that? You see that at the end?

6 A. Yes, I see it.

7 Q. Now it's correct, isn't it, Mr. Bashota, that in November 1998,
8 there was no such thing as a military police directorate of the KLA;
9 isn't that right?

10 A. On 5 November 1998, I think you are right. I don't think there
11 was a police directorate. There were no directorates then.

12 Q. Yes. I gave the date of 1 November. But whether it's the 1st
13 or the 5th, there was no military police directorate at this time in
14 the KLA, was there?

15 A. No, I don't think there was any directorate of military police
16 at that time.

17 Q. And there was also no intelligence directorate of the KLA at
18 this time either, beginning of November 1998?

19 A. That's correct. I said the directorates were established
20 sometime in the middle of November after the reporting by
21 Bislum Zyrapi. It was then that it was decided to set up the
22 directorates and the respective staffs.

23 Q. So whatever this document is then, it's right, isn't it,
24 Mr. Bashota, that it could not have been issued by a military police
25 directorate of the KLA? That's correct, isn't it?

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Cross-examination by Ms. V. Alagendra

1 A. Yes, it is.

2 Q. Thank you, Mr. Bashota. Those are my questions.

3 MR. DIXON: Thank you, Your Honour.

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

5 Mr. Roberts.

6 MR. ROBERTS: Thank you, Your Honour. No questions at this
7 stage. Thank you.

8 PRESIDING JUDGE SMITH: Ms. Alagendra.

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

10 Cross-examination by Ms. V. Alagendra:

11 Q. Good afternoon, Mr. Bashota. I am Venkateswari Alagendra, and I
12 represent Mr. Jakup Krasniqi.

13 A. [No interpretation].

14 Q. Now, in your preparation session, and again yesterday and today,
15 you've said that in 1997 the members of the Central Staff were
16 Azem Sylja, Xheladin Gashi, Nait Hasani, Xhavit Haliti, and yourself;
17 correct?

18 A. Yes, yes.

19 Q. And Mr. Jakup Krasniqi was not part of that group; is that
20 right?

21 A. That is right.

22 Q. And you're aware, aren't you, Mr. Bashota, that Mr. Krasniqi was
23 the head of the LDK branch in Glllogoc until April 1998?

24 A. I don't know until what date, but I do know that he was part of
25 the LDK and that he was very active at that time.

1 Q. Right. And that would be in early -- until early 1998, if you
2 can recall? Is that possible?

3 A. I don't know.

4 Q. Fair enough. Now, as far as you are aware, Jakup Krasniqi was
5 never a member of the LPK; correct?

6 A. I have no information about that. I know that he was a
7 political prisoner, but as to what political organisation he
8 belonged, this I don't know. I know that he was imprisoned for
9 illegal activity at that time. This I know.

10 Q. Right. Now, yesterday you confirmed that the restructuring of
11 the KLA became fully operational with the arrival of Bislum Zyrapi in
12 Kosovo, and it was a process that ended with the full structuring of
13 the KLA by the end of 1998. Do you recall saying that?

14 A. Yes.

15 MS. V. ALAGENDRA: If we can have on screen 4D00011, please.
16 Right.

17 Q. These are the notes from a meeting of the General Staff from the
18 12th and 13th November 1998, Mr. Bashota. And at the top, the
19 document explains that:

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

22 Yes?

23 A. Yes.

24 Q. And this was the meeting at the end of 1998 where you speak of
25 the restructuring; am I correct?

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Cross-examination by Ms. V. Alagenda

1 A. Yes, yes.

2 Q. Now, at the top of the document we see the new structure of the
3 KLA provides for one commander and two deputy commanders, one for
4 operations and one for support. Correct?

5 A. Yes.

6 Q. And you were appointed deputy commander for operations and
7 Jakup Krasniqi was appointed as deputy commander for support;
8 correct?

9 A. Correct.

10 Q. Now, as part of the restructuring of the General Staff,
11 Bislrim Zyrapi was appointed the chief of staff; yes?

12 A. Yes.

13 Q. And in your preparation session last week - that would be
14 paragraph 50 of Prep Note 2 - you said that Bislrim Zyrapi was the
15 head of the operational directorate, and that it was Azem Sylja and
16 not yourself that gave tasks to Bislrim Zyrapi; is that right?

17 A. Yes.

18 Q. Now, on Thursday last week, you told the Prosecution that "when
19 Bislrim Zyrapi arrived in Kosovo, he created a completely new dynamic
20 with respect to the restructuring of the KLA." Do you recall saying
21 that?

22 A. Yes.

23 Q. And that was because he was an experienced military
24 professional, a career officer, wasn't it?

25 A. Correct.

1 Q. And Bislim Zyrapi's duty in the operational directorate --
2 deputy, sorry. His deputy his operational directorate was
3 Sali Veseli; am I correct?

4 A. I think so. I do not remember it. But it was him, I think. He
5 was also a career officer. It might have been him.

6 Q. Yes. And there was also Naim Maloku and Safet Syla, do you
7 recall that, who joined the operational directorate?

8 A. I do not recall. But I know that Naim Maloku arrived into
9 Kosovo as well.

10 Q. And Safet Syla?

11 A. I can't remember.

12 Q. Right. But you can confirm that Sali Veseli and Naim Maloku
13 were career officers; yes?

14 A. Yes.

15 Q. Now, Azem Syla did not have a military background, did he? He
16 was a chemistry teacher before the war?

17 A. Yes. I'm one of his pupils.

18 Q. And, of course, you've already told us that neither yourself nor
19 Mr. Krasniqi were military professionals either; yes?

20 A. Correct.

21 Q. Now, at paragraph 51 of Preparation Note 2 you're recorded as
22 saying:

23 "It was also Bislim Zyrapi who would give the descriptions of
24 the details of the General Staff directorates ..."

25 Do you remember saying that?

1 A. He did the drafting of the whole thing, he drew it up, yes.

2 Q. Right.

3 MS. V. ALAGENDRA: If we can have on screen P1408, please.

4 Q. Now, these are notes from a meeting of the directorates of the
5 General Staff in Divjake on 29 December 1998. Now, if we look at the
6 list of attendees, the meeting was attended by Bislim Zyrapi,
7 Adem Grabovci, Fatmir Limaj, Berat Luzha, Rame Buja, and Sali Veseli;
8 correct?

9 A. Yes.

10 Q. Neither you nor Mr. Krasniqi were present at this meeting; am I
11 correct?

12 A. Correct.

13 Q. Now, looking at the meeting agenda point 1, it says:

14 "Briefing by the leadership and the Command of the
15 General Staff."

16 Do you see that?

17 A. It's point 1, isn't it?

18 Q. Yes. And below -- and just below, it says:

19 "The meeting was chaired by Mr. [Bislim] Zyrapi, who spoke about
20 leadership and command structure."

21 Yes? That's what it says?

22 A. Yes.

23 Q. Right. So that's accurate, isn't it, and consistent with what
24 you've said in your preparation session. It was Bislim Zyrapi who
25 briefed the directorates about the leadership and command structures;

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1 yes?

2 A. Yes.

3 Q. And the directorates reported to Mr. Zyrapi, didn't they, not to
4 you?

5 A. No, never to us.

6 Q. Right. At paragraph 50 of Preparation Note 2, you are recorded
7 as saying:

8 "Though they rarely occurred, it would be Bislim Zyrapi who
9 would have General Staff meetings with the zone commanders."

10 That's correct, isn't it?

11 A. Yes.

12 MS. V. ALAGENDRA: If we can have SITF00009426 to 9430 on the
13 screen, please. And if we can go to page 2 of the document, please.
14 Right.

15 Q. Now, this is a statement that you've given in 2011, Mr. Bashota.
16 It was given to the SPRK in Kosovo; yes?

17 A. Yes.

18 Q. I'd like to read to you the questions and answers starting with
19 number 5, and it says:

20 "The base of the HQ" --

21 The question:

22 "The base of the HQ, where was it?"

23 "In Divjake.

24 "So you would go to Divjake from time to time?"

25 "Yes.

Witness: Sokol Bashota (Resumed) (Open Session)

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Cross-examination by Ms. V. Alagendra

1 "Who was the head of the HQ?

2 "Bislim Zyrapi."

3 That's accurate, isn't it?

4 A. Yes.

5 Q. As spokesperson of the KLA, Mr. Krasniqi was one of the KLA
6 members who was also a focal point for the internationals, wasn't he?

7 A. Yes.

8 Q. And Mr. Krasniqi often met internationals like Shaun Byrnes
9 along with you and Mr. Rame Buja, didn't he?

10 A. Yes. It happened on several occasions where we met Hill,
11 Walker, Petritsch, David Meyer, and that was in the company of
12 Jakup Krasniqi and Jakup -- and Rame Buja. There were occasions when
13 I was only with Jakup. But then again, Jakup himself met them
14 without my presence or Rame Buja's presence.

15 Q. Right. And in the build up to the Rambouillet conference,
16 Mr. Krasniqi was engaged in meetings with the internationals and in
17 preparations for the negotiations, wasn't he?

18 A. Yes.

19 Q. Now, yesterday you answered some questions about the opposition
20 of the zone commanders to yourself, Mr. Krasniqi, and Azem Sylja, and
21 I'd like to show you some documents on those issues. Yeah?

22 MS. V. ALAGENDRA: If we can have on screen 4D00073, please.

23 The Albanian reference?

24 THE COURT OFFICER: Yes. Your Honours, I note the Albanian is
25 not in the presentation queue, but I can pull it out from the

1 admitted [Overlapping speakers] ...

2 MS. V. ALAGENDRA: My apologies for that. It's U009-1991 to
3 1994, please. Yes.

4 Q. Now, Mr. Bashota, this is a document in the name of Ramush
5 Haradinaj addressed to the KLA General Staff, and this document is
6 dated 19 January.

7 Now, at point 5 at the top, that's the first section at the top,
8 there's point 5, and I'll read it to you. It says:

9 "I ask that the General Staff allocate more space to zone
10 commanders in its composition, and free itself from the pseudo
11 patriots who have given themselves the right to act as cadres and
12 members of the Staff."

13 Do you see that?

14 A. Yes.

15 Q. So one of Ramush Haradinaj's requests was for more space to be
16 given to the zone commanders like himself, wasn't it?

17 A. I had not received this request of his sent to the
18 General Staff. It's the first time that I'm seeing it. Yes. That
19 he had that kind of ambition, that is widely known.

20 Q. Yes. And if you could now -- I understand you've not seen this
21 document before, but if I could now take you to the second-last
22 paragraph on that page.

23 MS. V. ALAGENDRA: If we could scroll down, please.

24 Q. And if I can read:

25 "I ask that the zone commanders or I, in the capacity of zone

1 commander, be informed of the criteria applied in appointing
2 commanding cadres to the General Staff. More concretely, I would
3 like to know the criteria used in the appointment of Jakup Krasniqi
4 as Deputy Commander of the General Staff."

5 Were you also aware that these were the sentiments at the time?

6 A. We had heard that they were unhappy with my appointment, Jakup's
7 appointment, and Azem Sylja's appointment on it, and later this became
8 known during a meeting held in Likoc. I had not seen this document
9 before. I don't even know what date it bears or when it was sent on.

10 Q. But the contents of it are information that you're aware of; am
11 I correct?

12 A. Yes.

13 Q. Right. And according to the document, he then goes on to
14 propose new appointments for the general commander and the deputy
15 commander. Were you also aware of that at the time?

16 A. No.

17 MS. V. ALAGENDRA: If we can now have on the screen 4D00068,
18 please. I think we have the wrong document on the screen. The ERN
19 would be SPOE00226473. Yeah, that page, please. I think it's the
20 right document but the wrong page. Right.

21 Q. Now, these are notes from a meeting attended by members of the
22 General Staff and the zone commanders on 21 January 1999. Were you
23 present at this meeting, Mr. Bashota?

24 A. I don't think so. I don't know. I can't recall, but I don't
25 think so.

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Cross-examination by Ms. V. Alagendra

1 Q. Now, point 1 of this document notes that:

2 "There is criticism on the organisation of [the General Staff],
3 Sokol Bashota ..."

4 Do you see that? It's at point 1. The second -- the second
5 point 1.

6 A. Yes.

7 Q. Right. Is that consistent with what you knew at the time?

8 A. The word that precedes my name is illegible.

9 Q. But it speaks of criticism on the organisation of the
10 General Staff and yourself. That's consistent with what was
11 happening at the time; yes?

12 A. Yes.

13 Q. Right. And the second bullet point from the bottom reads:

14 "The issue of deputy commander Jakup Krasniqi should be
15 explained."

16 That again is consistent with what you knew at the time;
17 correct?

18 A. Yes.

19 MS. V. ALAGENDRA: If we could have P00182 at page SPOE00226402,
20 please. Yes.

21 Q. These are from the meeting notes of 6 February 1999 that
22 Mr. Misetic discussed with you yesterday. Do you recall the
23 discussion on that point?

24 A. Yes.

25 Q. Now, on this page, Sylejman Selimi is speaking, and looking at

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1 point 2 on the page, it's recorded as saying:

2 "The appointments that have been made in the General Staff are a
3 matter of concern. (Sokol Bashota and Jakup Krasniqi). I think
4 Sokol Bashota is not up to the job of the Deputy Commander. The
5 General Staff has ignored the requests we have made about this
6 issue."

7 That is consistent with what you knew at the time, Mr. Bashota?
8 These are the kind of complaints that were being raised?

9 A. Yes, correct.

10 Q. Right.

11 MS. V. ALAGENDRA: And if we could go to the next page, please.

12 Q. And the first line reads:

13 "Jakup Krasniqi, too, with all the respect he commands, is not
14 the right man for the post of the Deputy Commander."

15 That's also consistent with what you knew at the time; yes?

16 A. Yes.

17 Q. And on the next page, the last line reads:

18 "If Sokol Bashota and Jakup remain in these posts, I will not
19 report to the General Staff."

20 Again, that is consistent with what was happening at the time;
21 yes?

22 A. Yes.

23 MS. V. ALAGENDRA: And if we could go to page SPOE00226407,
24 please.

25 Q. And it reads:

1 "Until we have new appointments, I will not respond to any
2 requests from or brief you and I think even my post as Commander of
3 the Operational Zone will be contested."

4 That's what it says; yes?

5 A. Yes.

6 Q. So it's correct, isn't it, Mr. Bashota, that although yourself
7 and Mr. Krasniqi were appointed by the General Staff in November 1998
8 as deputy commanders, the zone commanders never accepted those
9 appointments; yes?

10 A. Correct.

11 Q. Now, between the 6th and 25th February 1999, Mr. Krasniqi was
12 away from Kosovo attending the peace conference in Rambouillet;
13 correct?

14 A. Yes, Mr. Krasniqi did go to Rambouillet.

15 MS. V. ALAGENDRA: If we could now have 4D00047 on the screen,
16 please.

17 Q. There's no Albanian version, so I'll read you the relevant part
18 of the document. Now, this is an AFP report dated 13 March 1999, and
19 it reads:

20 "Pristina, Yugoslavia, March 13 (AFP) - The Kosovo Albanian
21 delegation left here Saturday on board a French plane for talks in
22 Paris on the future of their province, eyewitnesses reported."

23 That's correct, isn't it, Mr. Bashota, that Mr. Krasniqi left by
24 13 March 1999 for France for the second round of negotiations ; yes?

25 A. Yes, that is correct, because in the company of Shaun Byrnes and

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1 David Meyer, I was able to see the itinerary all the way to the
2 airport.

3 Q. Right. And during the period of around two weeks between the
4 two rounds of negotiations, Mr. Krasniqi and the rest of the KLA
5 delegation were mostly engaged in discussions with KLA members to
6 obtain the agreement to the draft proposal of the peace agreement.
7 That's right, isn't it?

8 A. Yes.

9 Q. Now, you're aware, Witness, aren't you, that Mr. Zyrapi has
10 testified in this Court?

11 A. Yes, I know.

12 Q. And in his evidence on 2 July 2024, Mr. Zyrapi was asked by the
13 Prosecution whether following the meeting of 27 February 1999
14 Mr. Krasniqi actually resigned from his position as deputy commander
15 for support, and his answer was:

16 "... in fact, yes, because following this, Mr. Krasniqi went
17 with the delegation to Rambouillet when the signing took place, and
18 then he did not return to Kosovo. He remained in Albania."

19 Now, that's correct, isn't it? From Paris, Mr. Krasniqi left
20 for Albania and did not return to Kosovo.

21 A. On the same day, Jakup Krasniqi, Azem Syla, and myself resigned
22 from our positions pursuant to the request by the zone commanders. I
23 did explain the reasons here why we undertook this course of action.
24 We discussed during that meeting that Jakup, as a matter of fact, may
25 not resign. In fact, they pleaded with him not to resign. But, as a

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1 matter of fact, he went to Rambouillet, and I do not think he
2 continued to exercise his functions as deputy commander given that he
3 was travelling to Rambouillet.

4 Q. Yes. And then he went to Paris, and from Paris he went to
5 Albania and did not return to Kosovo till mid-1999, around June; yes?

6 A. I don't know it, because after the resignation from the
7 General Staff, I do not know what happened with the other members of
8 the General Staff. So I do not know how long he stayed in Albania or
9 when he returned.

10 Q. Right.

11 MS. V. ALAGENDRA: If we can have on the screen SPOE00228668,
12 please.

13 MR. HALLING: Your Honours, I think the transcript might be
14 down.

15 PRESIDING JUDGE SMITH: It has frozen.

16 MS. V. ALAGENDRA: Is it appropriate to stop here and continue
17 after the lunch break?

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 [Trial Panel and Court Officer confers]

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 We'll break for lunch now.

22 Witness, you may leave the courtroom. We'll have our lunch
23 break now. You'll be back in court at 2.30. Thank you for your
24 attendance.

25 [The witness stands down]

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

2 --- Luncheon recess taken at 12.57 p.m.

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

4 PRESIDING JUDGE SMITH: Prior to continuing, the Panel will
5 issue an oral order on the joint Defence request for sur-reply to the
6 Prosecution's reply relating to filing F02633.

7 On 20 November 2024, the Thaci, Selimi, Veseli, and Krasniqi
8 Defence requested leave to file a sur-reply to the SPO's reply
9 relating to filing F02633. The filing was given number F02737.

10 The Specialist Prosecutor's Office responded on 21 November 2024
11 in filing F02741, submitting that the request for a sur-reply should
12 be denied.

13 The Panel notes that in filing F02633, the SPO sought the
14 admission of expert evidence under Rules 138, 149, and 154, and the
15 Panel is satisfied that the Defence had an opportunity to respond in
16 full to the SPO's motion and to raise any admissibility issues in its
17 response. The Panel is also satisfied that in its reply relating to
18 filing F02633, the SPO addressed arguments arising from the Defence's
19 response in regards to the admissibility issues and no new issues
20 were raised.

21 Therefore, the Panel denies the Defence request for a sur-reply
22 to the Prosecution's reply relating to filing F02633.

23 This concludes the oral order.

24 Madam Court Officer, you may bring the witness in.

25 MR. HALLING: Your Honours, prior to that, there's one other

1 small housekeeping matter we wanted to raise. The SPO is intending
2 to file a consolidated Rule 155 application this month. For that
3 purpose, we need an extra thousand words for our request.

4 We asked the Defence teams if they had any objection to that
5 extension. As I understand the position, they don't object so long
6 as they get a reciprocal extension of words, and we'd like to request
7 that now.

8 PRESIDING JUDGE SMITH: Your request is approved for the 1.000
9 additional words.

10 If you have a request --

11 MR. DIXON: Yes, Your Honour --

12 PRESIDING JUDGE SMITH: -- you can make it now or you can make
13 it later in writing, either way.

14 MR. DIXON: Thank you, Your Honours. This is just a brief
15 transcript point while we have a moment so that it's on the record,
16 and it comes from me mentioning the meeting of the 30th of December.
17 I think I referred to it in two places as a meeting of 30 November,
18 and I just wanted to correct that so that we all know we're on the
19 same page. And that's on line 50 -- sorry, page 56, line 13; and
20 page 57, line 13. It should be 30 December 1998 there, not 30
21 November.

22 PRESIDING JUDGE SMITH: Both instances?

23 MR. DIXON: In both instances, yes.

24 PRESIDING JUDGE SMITH: Thank you very much.

25 MR. DIXON: I'm grateful.

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1 PRESIDING JUDGE SMITH: So, anyway, if you wish a word
2 extension, once you've looked at this, you can certainly ask for it,
3 and it sounds as though there would be no objection.

4 [Microphone not activated].

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: Mr. Bashota, we continue with the
7 questions from Ms. Alagendra. She will continue now. Please give
8 her your attention.

9 MS. V. ALAGENDRA: Your Honours, I had called up for a document
10 just before the break. I'll withdraw that question and move to
11 another section.

12 Q. Mr. Bashota, I'd like to now move to the period between
13 November 1998 and late February 1999. Yesterday, you gave evidence
14 that you had meetings constantly with the internationals who came to
15 Kosovo. Do you recall that evidence?

16 A. Yes.

17 Q. And it's your evidence that during this period, your activity
18 was mostly of a political nature; yes?

19 A. Yes.

20 Q. And in particular, you've said that you're a trusted contact of
21 and had the best rapport with Shaun Byrnes; yes?

22 A. Yes.

23 Q. Cooperation with and assisting the internationals was a priority
24 for you and the KLA's political group who were in contact with the
25 internationals, wasn't it?

1 A. Yes.

2 Q. And given your close relationship with Shaun Byrnes at the time,
3 you'll agree with me you found him to be honest in his interactions
4 with you; yes?

5 A. I believe he was correct with all of us, not only with me but
6 with everybody who had an occasion to act with him.

7 Q. Now, turning to your evidence yesterday on the incident of the
8 two Serbian woodcutters, your evidence is that you had no prior
9 information about this incident and only became aware of it when
10 Shaun Byrnes informed you of it; am I correct?

11 A. Yes.

12 MS. V. ALAGENDRA: If we could go into private session, please.

13 PRESIDING JUDGE SMITH: For the purpose of?

14 MS. V. ALAGENDRA: I think the provider restrictions.

15 PRESIDING JUDGE SMITH: Yes. Go into private session, please,
16 to protect provider information.

17 [Private session]

18 [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagenda

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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Witness: Sokol Bashota (Resumed) (Private Session)

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Cross-examination by Ms. V. Alagendra

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19 [Open session]

20 THE COURT OFFICER: Your Honours, we're in public session.

21 MS. V. ALAGENDRA: Thank you.

22 PRESIDING JUDGE SMITH: Thank you.

23 MS. V. ALAGENDRA:

24 Q. In 1996 and 1997, Central Staff communiqués were published by

25 *Zeri i Kosoves*, weren't they?

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1 A. I don't know for sure because *Zeri i Kosoves* did not come to
2 Kosovo at that time, so I don't know.

3 MS. V. ALAGENDRA: Can we have on the screen 074625 to
4 074633-ET, please. The Albanian is with the same reference.

5 Q. And while that's coming up, *Zeri i Kosoves* was the newspaper of
6 the LPK, Mr. Bashota; is that right?

7 A. Yes.

8 Q. Right. You were shown this document by the Prosecution last
9 week.

10 MS. V. ALAGENDRA: Now, if you could go to page 2, please.

11 THE COURT OFFICER: Your Honours, if I can just put on the
12 record that this is Exhibit P1874.

13 MR. HALLING: And I believe it's still currently marked MFI.

14 MS. V. ALAGENDRA:

15 Q. Now, this is a timeline of LPK activities which you were shown.
16 Yes?

17 A. Yes.

18 Q. Now, the first entry on page 2 says:

19 "During 1983: The *Zeri i Kosoves* equipment and editorial team
20 are moved to Switzerland."

21 Do you see that?

22 A. Yes.

23 MS. V. ALAGENDRA: And if you could go to page 7 of the
24 document, please. And it's the fourth entry from the bottom. Right.

25 Q. And if I can read it to you, it's:

1 "December 1999: The LPK organ *Zeri i Kosoves* started to be
2 published in Kosovo, following 18 years of publication abroad."

3 So between 1983 and December 1999 it was only published abroad.
4 Would you agree?

5 A. Yes.

6 Q. And your evidence last week was that in 1997 communiqués were
7 written abroad as well; yes?

8 A. Yes. This is what Nait Hasani told me and Gani Gashi.

9 MS. V. ALAGENDRA: If we could have P273 on the screen, please.

10 Q. This is Communiqué No. 28 dated 12 January 1997 and published in
11 *Zeri i Kosoves* on 16 January 1997. Now, you were shown this document
12 by the Prosecution last week, and you said that you did not see this
13 communiqué at the time it was published; correct?

14 A. Correct.

15 Q. I'd like to go to the second paragraph of the document. Now,
16 the document claims responsibility for the assassination of Maliq
17 Sheholli, who is described as a Serbian Socialist Party member of
18 parliament and an old UDB collaborator; correct?

19 A. Yes.

20 Q. Yes.

21 MS. V. ALAGENDRA: If we could have DJK01097 on the screen,
22 please. Both Albanian and English, please.

23 Q. Right. Now, this is a newspaper article published in *Epoka e Re*
24 on 29 September 2020, now -- reporting on a number of statements made
25 by Fatmir Sheholli, the son of Maliq Sheholli. Can you take a minute

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1 to read it, please, Mr. Bashota.

2 MS. V. ALAGENDRA: I think you'll have to scroll down in the
3 Albanian, please.

4 THE WITNESS: [Interpretation] Do you want me to read the text in
5 its entirety?

6 MS. V. ALAGENDRA:

7 Q. Yes, please. That would be helpful.

8 A. "The father of Fatmir Sheholli" --

9 Q. No, you can read it to yourself and I'll ask you some questions.
10 You've read it? Thank you.

11 JUDGE BARTHE: Ms. Alagendra, excuse me for interrupting, is
12 there a second page? On the bottom right of the Albanian version,
13 you can see that it's page 1 out of 2. Probably there's a second
14 page. I would be interested in having the second page as well.

15 MS. V. ALAGENDRA: The whole text -- I don't think so,
16 Your Honours, but I'll check and I'll come back [Overlapping
17 speakers] ...

18 JUDGE BARTHE: Thank you very much.

19 MS. V. ALAGENDRA: Right.

20 Q. Now, Fatmir Sheholli refers to Communiqué 28; yes?

21 A. Yes.

22 Q. And he says here:

23 "It's both a family conclusion and my own: the UCK had no role
24 in my father's murder"; yes?

25 He goes on to say --

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1 A. Yes, yes.

2 Q. My apologies. He goes on to say that what was reported in
3 Communiqué 28 was entirely untrue in three aspects; yes?

4 A. Yes.

5 Q. Is it possible, Mr. Bashota, that *Zeri i Kosoves* was publishing
6 information it received without verifying whether these guerilla
7 actions had, in fact, been carried out by the KLA?

8 A. I think it's probably one of the best examples to illustrate
9 what you're stating here.

10 Q. And in 1996 and 1997, communiqués were an instrument of
11 propaganda, weren't they?

12 A. Yes.

13 Q. And they were used to give the impression that the KLA was an
14 organised structure which was ready and capable of fighting the
15 Serbian forces; correct?

16 A. I haven't been able to read all the communiqués. However, from
17 what we've been able to observe, yes.

18 Q. But the reality was quite different, wasn't it? At the time,
19 the KLA was small, uncoordinated guerrilla groups; yes?

20 A. Yes.

21 Q. And, in fact, at the time, there was propaganda even saying that
22 the KLA did not exist; am I correct?

23 A. I do not know if it pertains to that time. But, yes, there was
24 a period of time during which it was said that the KLA did not exist.

25 Q. Claiming responsibilities for incidents was one way to show the

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1 KLA existed and was organised and was more effective than it actually
2 was. Would you agree with that?

3 A. Yes.

4 MS. V. ALAGENDRA: Your Honours, it's been checked and the
5 second page were advertisements, so the text of what was required is
6 already on the screen. There is a link at the top in the
7 translation, Your Honours. Perhaps that would assist.

8 Your Honour, I would like to tender the article in both
9 versions, please.

10 MR. HALLING: We note the person in the article says it's a
11 family conclusion and his own, but we have no objection to admission.

12 PRESIDING JUDGE SMITH: DJK0907 is admitted.

13 THE COURT OFFICER: Your Honours, that will be assigned
14 Exhibit 4D98. And if we can confirm classification. It's currently
15 public.

16 MS. V. ALAGENDRA:

17 Q. At paragraph 16 of --

18 MS. V. ALAGENDRA: Yes, it's public. Sorry.

19 PRESIDING JUDGE SMITH: It shall be reclassified as public.

20 MS. V. ALAGENDRA: Thank you.

21 Q. At paragraph 16 of Preparation Note 1 - that's P1872, I believe
22 - that's the note from your preparation session, Mr. Bashota, and
23 you're recorded as saying:

24 "KLA soldiers were informed that the civilian population was not
25 to be touched, but such orders did not emanate from the political

1 directorate. W04401," and that's yourself, "knows about such orders
2 from communiqués, but these communiqués were not themselves orders.
3 Communiqués were political statements directed at the population so
4 they would be prepared."

5 Do you recall saying that?

6 A. Yes, I do recall having said that.

7 Q. Political declarations set out the political views of the KLA in
8 general terms; correct?

9 A. Yes. Yes. And they served as guidance to the citizens and
10 others who referred to them.

11 MS. V. ALAGENDRA: If we can have on screen P545, please.

12 Q. Now, this is part of a compilation of political declarations
13 which was included in a book published by Mr. Krasniqi in 2019. And
14 what you see at the bottom of the page is the text of political
15 declaration number 2 published on 27 April --

16 MS. V. ALAGENDRA: Can we scroll down, please. Thank you.

17 Q. Published on 27 April 1998.

18 MS. V. ALAGENDRA: Now if we could go to the next page, please.

19 Q. The third paragraph from the top states:

20 "The KLA condemns terrorism and other forms of violence against
21 the civilian population and those held prisoner. The KLA recognises
22 and respects the International Acts of the United Nations and the
23 Convention relating to war."

24 Now, this is an example of a General Staff public statement
25 condemning any form of violence against the civilian population; yes?

1 A. Yes.

2 Q. And this political declaration was particularly important
3 because it was the first declaration in which the KLA set out its
4 policy; am I correct?

5 A. Yes.

6 Q. And was this what you were referring to in your preparation
7 session when you said there were orders from communiqués that the
8 civilian population was not to be touched?

9 A. Yes, maybe. I could easily have referred to a statement or
10 communiqué of this kind.

11 Q. Right. And such communiqués were a powerful instrument of
12 propaganda, weren't they? Communiqués generally.

13 A. Yes, most certainly. As occurs with every war, the propaganda
14 of those who were advocating against the Kosovo Liberation Army
15 existed, so our goal was to use this means in order to shed light on
16 the clear and pure vision of the Kosovo Liberation Army to obtain the
17 liberation of the people.

18 Q. Right. And the aim of the communiqués was also to boost the
19 morale of the soldiers and the Albanian public, giving them an image
20 of the KLA as a modern, organised army that was winning the war; am I
21 correct?

22 A. Yes. There was always this message of hope that the war waged
23 by the Kosovo Liberation Army will bring about freedom.

24 MS. V. ALAGENDRA: If we could have on screen SPOE00304903 to
25 00304915, please. Ah, my apologies. There's an earlier reference,

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1 that's P269, first, please. It's ET.16 at the end. In Albanian, the
2 reference would be 2760 to 2761, please. Yes, if we could scroll
3 down, please.

4 Q. Yeah, if you could take a moment to read that, Mr. Bashota. And
5 let us know when you have finished reading so we can move to the next
6 page for you.

7 MS. V. ALAGENDRA: In the English it would be towards the bottom
8 of the page, please. Yes. 26 November.

9 THE WITNESS: [Interpretation] Okay.

10 MS. V. ALAGENDRA: And if we could go to the next page in the
11 Albanian, please.

12 Q. Yeah, so it's the paragraph starting with 26 November. Can you
13 see that? Maybe it's easier if I just read it to you in English:

14 "On 26 November, a special KLA unit attacked Golesh aerodrome.
15 A 'Cessna 310' airplane was hit and brought down, and five enemies
16 were killed. The unit returned to its base without losses."

17 Do you see that?

18 A. Yes.

19 Q. All right.

20 MS. V. ALAGENDRA: Can we now have on the screen SPOE00304903 to
21 304915, and the page would be 304914, please.

22 Q. Again for the entry on 26 November 1997, and I'll read it to
23 you. It says:

24 "A Cessna 310 aircraft was shot down near Pristina. Five people
25 died in the crash (though UCK claimed responsibility for this

1 incident, the plane crash is thought to [be] an accident)."

2 That's what it says. And this is a report by the European
3 Community Monitoring Mission, Mr. Bashota, for your information.

4 Now, it's true, isn't it, that in 1997 the KLA did not have the
5 means or capabilities to shoot down a plane?

6 A. I think the only weapon that was in our possession at the time
7 were Kalashnikovs. I'm not aware of any weapon of a heavier calibre.

8 Q. Right. So this would be another example of *Zeri i Kosoves*
9 publishing a communiqué with the KLA taking credit and responsibility
10 for an action that had nothing to do with it; am I correct?

11 A. Correct.

12 MS. V. ALAGENDRA: Your Honours, I seek to tender the document
13 -- this page, SPOE00304914, please.

14 PRESIDING JUDGE SMITH: Any objection to that page?

15 MR. HALLING: Similar to another document earlier today, no
16 objection so long as it's admitted with confidential classification.

17 PRESIDING JUDGE SMITH: SPOE00304914 is admitted and will remain
18 confidential.

19 THE COURT OFFICER: Your Honours, that will be assigned
20 Exhibit 4D99 and will be confidential.

21 MS. V. ALAGENDRA:

22 Q. Last week and yesterday, Mr. Bashota, you mentioned several
23 times the local police. Do you remember that?

24 A. Yes.

25 Q. Local police units were created by the Serb administration and

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1 were made up of armed Serbian, Albanian, and Roma citizens, weren't
2 they?

3 A. Yes.

4 Q. And they were effectively part of the Serbian police and were
5 involved in operations together with the Serbian police and military;
6 yes?

7 A. Yes.

8 Q. And they were set up throughout Kosovo, weren't they?

9 A. In many parts of Kosovo, yes.

10 MS. V. ALAGENDRA: If we could have on screen DJK01023 to
11 01038-ET. And the Albanian version -- oh, no, it's the Serbian
12 version is DJK00992 to 01022.

13 Q. So this is a transcript of a meeting of the Provisional
14 Executive Council of the Autonomous Province of Kosovo and Metohija
15 dated 4 February 1999. Do you see that?

16 A. Yes.

17 Q. Now, the subject of the meeting is: "Activities to date in
18 forming the local security ..."

19 I'm not sure if you read Serbian, but that's what it says;
20 right?

21 A. No, I don't. I can't claim to know the Serbian language very
22 well. I know some of it, but I don't know it very well.

23 Q. Right. Unfortunately, there's no Albanian version of this
24 document, but I'll just read on.

25 MS. D'ASCOLI: Now, if we could go to page DJK01035-ET, please.

1 Right.

2 Q. Now, at the top of the page, one of the attendees,

3 Mr. Stanojevic, is recorded as saying:

4 "Local security has been established in seven municipalities so
5 far. Uniforms, pistols, truncheons and handcuffs have been provided
6 for them in Djakovica."

7 Now, is that consistent with your understanding that the Serbian
8 government entities in Kosovo had armed these local police officers?

9 A. Yes, that is an information that we did have at the time. Yes.

10 Q. Right. And a few lines below, he continues:

11 "We have already had results, as already in the beginning,
12 three-four persons have been apprehended and taken to the local MUP
13 /Ministry of Interior/, in cooperation with the local security. In
14 addition, we have caught thieves on their way to commit theft. So
15 far they were Albanians, and that is why we must take care of
16 people's property, so that the MUP and the local security enjoy good
17 cooperation. They have cooperated well in other matters too, as we
18 have received a list of two thousand of those terrorists through
19 local security."

20 Now, when Serbian representatives speak about terrorists, that
21 was a word that they used to describe Albanians, including the KLA,
22 didn't they?

23 A. Yes.

24 Q. And were you aware that these local police were involved in
25 arrests and providing lists of Albanians and KLA members to the MUP?

1 Were you aware of that?

2 A. I wasn't aware of any list. However, we did have concrete
3 examples. One in particular, for instance, where one of our soldiers
4 was wounded at the hands of people like those, whilst two others were
5 arrested because they passed by his house, even though that was where
6 the road passed by.

7 Q. Right. And about halfway through the page, Mr. Stanojevic is
8 recorded as saying:

9 "The local security has operated by and large since July and
10 they have had a huge impact. About 80 terrorists have been
11 apprehended, which after all is a good result."

12 Again here, the terrorists they're referring to would be the KLA
13 members, wouldn't it?

14 A. Very likely, because I don't think there were any other military
15 organisations there at the time.

16 Q. Right.

17 MS. V. ALAGENDRA: Your Honours, I seek to tender the document,
18 DJK01023 to 01038, please.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 MS. V. ALAGENDRA: The range.

21 PRESIDING JUDGE SMITH: The entire page? I mean, one page or
22 the entire document?

23 MS. V. ALAGENDRA: The entire range. The entire document,
24 Your Honour.

25 PRESIDING JUDGE SMITH: Any objection?

1 MR. HALLING: No objection, Your Honour.

2 PRESIDING JUDGE SMITH: DJK01023 to DJK01038-ET plus the Serbian
3 translation is admitted.

4 THE COURT OFFICER: Your Honours, that will be assigned
5 Exhibit 4D100, and I note that it's currently public in
6 Legal Workflow.

7 PRESIDING JUDGE SMITH: All right.

8 Witness, we're going to give you a ten-minute break at this
9 time. So you may leave the courtroom with the usher, and we will
10 recommence in ten minutes.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 --- Break taken at 3.29 p.m.

14 --- On resuming at 3.39 p.m.

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

17 Ms. Alagendra, can you give us a hint as to how much time you
18 have left?

19 MS. V. ALAGENDRA: I was just about to do that, Your Honours.
20 After looking over the rest of my notes, I think I have finished my
21 questions with the witness.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MS. V. ALAGENDRA: Yes. Yes, thank you.

24 MR. HALLING: Actually, Your Honour, for the record, for
25 redirect, we would like to do it. We did release a redirect

1 presentation queue. There have been multiple objections already over
2 e-mail to that queue. I don't know if that was to be discussed
3 outside the presence of the witness before we continue.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Do not bring the witness in yet.

6 All right. The objection.

7 MR. MISETIC: Yes, thank you.

8 MR. HALLING: For the Thaci objection in particular, we may need
9 to go into private session.

10 MR. MISETIC: Well, we have two objections, so I'd start with
11 the one that's public first, and then all of the Defence teams can
12 make submissions on that, and then we can go to the next one, if
13 that's okay with the Panel.

14 PRESIDING JUDGE SMITH: Go ahead.

15 MR. MISETIC: Thank you.

16 So our first objection is to Exhibit 123941-123949. This
17 exhibit was disclosed to us for the first time at 10.10 a.m. this
18 morning, after the conclusion of my cross-examination of this
19 witness. It was disclosed pursuant to Rule 102(3), which on its
20 terms requires the Specialist Prosecutor to disclose, upon request by
21 the Defence, material which the Defence believes is material to the
22 preparation of the Defence.

23 It was not disclosed under 102(1)(b), and we object to the
24 attempt to use 102(3) as basically a back door to escape a disclosure
25 violation.

1 This is a document that's from the early 2000s. It purports to
2 be from a witness who was on the witness list of the SPO. There's no
3 conceivable reason why this shouldn't have been disclosed a long time
4 ago, even in the pre-trial phase. And to now submit it in this
5 fashion, with no explanation of why it's being disclosed late, so
6 late that it's after the conclusion and to the -- to our prejudice
7 because it's after our cross-examination was completed, is improper
8 and shouldn't be allowed.

9 Rule 110 specifically authorises the Panel to exclude evidence
10 that has not been disclosed as required by the rules.

11 There has been a similar situation where the Panel previously
12 ruled, and this is in F01352, at paragraph 20 it says:

13 "This being said, should the SPO foresee that it will use any
14 such material during witness testimonies, including, for example, to
15 refresh a witness's recollection or, with leave of the Panel to
16 confront an adverse witness, the obligation to seek the Panel's
17 authorisation to amend the Exhibit List would be triggered. The SPO
18 would be required to provide timely notice and show good cause for
19 such late amendment and to explain, in particular, why in the
20 exercise of its due diligence, the SPO did not seek leave to amend
21 its exhibit list at an earlier point in time."

22 We've had no submissions as to why in the exercise of due
23 diligence this couldn't have been found earlier. As we've quickly
24 looked through the material, it appears that this material is
25 directly relevant to matters that were raised in direct, to matters

1 that were discussed with this witness in the prep session at
2 paragraphs 32 to 35 of Prep Note 2. Nothing new triggered this in
3 cross-examination. Why it wasn't raised with the witness in prep or
4 on direct is also unexplained. But we object to this as a way to get
5 in new evidence that hasn't been disclosed after cross-examination
6 has been completed. And we think it's improper and sets a poor
7 precedent going forward to the SPO that you can use 102(3) to do --
8 basically use any document you want in redirect.

9 Thank you.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 Does this statement on this issue stand for all the Defence?

12 MR. DIXON: Yes, Your Honours. We support that unanimously.

13 MR. ROBERTS: The same for us, Your Honour. Thank you.

14 MS. V. ALAGENDRA: And us, Your Honours.

15 PRESIDING JUDGE SMITH: Okay.

16 You may answer now.

17 MR. HALLING: Thank you, Your Honour.

18 Counsel's objection has two distinct parts. They -- and I think
19 it's important to separate them.

20 First as to the issue of this being disclosed today. This is
21 something that was disclosed following open source searches following
22 receipt of the Defence investigator's notes with this witness, which
23 is now 1D219 MFI. It is something that we've registered disclosed in
24 the last 24 hours. It's an open source document. We are only using
25 a single page. And I can give the page now even, if it helps. We

1 would only use page 123947. And we're fully aware it's a Rule 102(3)
2 document. There is no intention of tendering this item today. So
3 that's the first half of that.

4 On the second half about the propriety of putting Rule 102(3)
5 items on a redirect presentation queue. This issue was briefly
6 advanced in September and then we abandoned the attempt, but it
7 becomes live again now because this actually isn't the only
8 Rule 102(3) item on our presentation queue today. Our position is
9 that the requirement that items be on lists of exhibits for
10 presentation queues should be a requirement for direct examination
11 only.

12 Redirect is an inherently reactive thing. Items take on new
13 relevance because of the cross-examination in the courtroom. And
14 there are certain issues that have arisen in the hearing since we
15 finished our direct examination that necessitate additional questions
16 with Rule 102(3) items, and we think we should be allowed to do that.

17 MR. MISETIC: May I respond, Mr. President?

18 JUDGE GAYNOR: Sorry, just one question.

19 Mr. Halling, just to confirm, did this item come into your
20 possession - that is, the SPO's possession - today?

21 MR. HALLING: It's an open source item, so it's been accessible
22 throughout, but it was only registered and disclosed today.

23 JUDGE GAYNOR: Okay. Thank you.

24 PRESIDING JUDGE SMITH: You may respond, quickly.

25 MR. MISETIC: Thank you. First, the fact that it's an open

1 source material goes -- is a factor against allowing them to use it.
2 Why wasn't it discovered earlier is the first question. It's
3 something that they clearly could have found earlier. And as I've
4 read the Panel's decision that I cited, that doesn't explain why in
5 the exercise of due diligence they couldn't have discovered it
6 earlier.

7 Just one moment, please.

8 And the second point is it's not enough to just say that matters
9 have arisen in a conclusory fashion and not point out what new
10 matters have arisen. I put in my initial submissions all of this was
11 covered, at least on -- *prima facie*, from what we can gather from the
12 document, in prep with the witness, paragraphs 32 to 35 of Prep
13 Note 2, and covered again in direct, and all we did was respond to
14 their case.

15 So I think, in our submission, there should be something more
16 specific -- again, to use the Panel's phrase in paragraph 20 of the
17 decision I cited, good cause requires something more specific as to
18 what has arisen that's new that couldn't have been expected by the
19 SPO prior to cross-examination that now justifies this.

20 Thank you.

21 MR. HALLING: Yes. While we can say the issue itself was,
22 indeed, something that was discussed in the preparation session, I'm
23 just describing the inquiry that was actually done. We were looking
24 for open source material that corresponded in particular to page 3 of
25 the Thaci Defence investigator's notes talking about Mr. Desku and

1 Mr. Kastrati. So this is, indeed, material that is related to things
2 that we asked about, but the inquiry itself gave us the registration
3 and the disclosure in the way I've described.

4 [Trial Panel confers]

5 PRESIDING JUDGE SMITH: Next objection, please.

6 MR. MISETIC: Yes, Mr. President. Can we go into private
7 session, please.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 [Private session]

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2 [Open session]

3 THE COURT OFFICER: Your Honours, we're in public session.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right, Witness.

6 Ms. Alagendra, any further questions?

7 MS. V. ALAGENDRA: No, Your Honours.

8 Q. Thank you, Mr. Bashota. I have no further questions.

9 PRESIDING JUDGE SMITH: Is there a redirect?

10 MR. HALLING: Yes, Your Honour. Thank you.

11 Re-examination by Mr. Halling:

12 Q. Witness, just a small point on something that you just told the
13 Krasniqi Defence. You were talking about the two disappeared Serbian
14 woodcutters, and you said, and this is realtime transcript page 87:

15 "I have no idea where they were taken to but -- because they
16 were detained and then they were taken by the KLA soldiers."

17 Do you remember saying this?

18 A. What I said is that there was initial speculation that they had
19 been captured by civilians. And we had no idea who had captured them
20 and what direction they'd been sent to. It is possible that they
21 were captured by the soldiers too, but I did not know.

22 Q. But then what you know now, do you know that the KLA took the
23 soldiers?

24 A. I'm totally confused at this time.

25 PRESIDING JUDGE SMITH: You said "soldiers." "Took the

1 soldiers."

2 MR. HALLING: Apologies.

3 Q. I'll ask the question again: But knowing what you know now, do
4 you know that the KLA took the two woodcutters?

5 A. No, I can't state that with any certainty.

6 Q. Then what did you mean with what you just told the Krasniqi
7 Defence when you said they were detained and then they were taken by
8 the KLA soldiers?

9 A. I didn't -- I don't think I said they were detained. What I
10 said was that there was speculation at the time that they had been
11 captured by citizens, and I had no further knowledge what happened to
12 them. And as I said here before you, I think that one of them died
13 and the other one lives to this day.

14 Q. Let's go on to the topic of zone commanders, which is something
15 that you've discussed in the hearing today in particular.

16 MR. HALLING: And I can give realtime transcript pages 33 to 34
17 as an example.

18 Q. There are certain things that you said in your ICTY statement on
19 the question of zone commanders. The first one is this one. It's
20 P1870.1, page 14. I can just read these to you. They're short:

21 "The General Staff organised an operational staff which
22 consisted of the commanders of the zones."

23 And then:

24 "Q. So is that a part of the General Staff or is it
25 subordinated to the General Staff?"

Witness: Sokol Bashota (Resumed) (Open Session)

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Re-examination by Mr. Halling

1 "A. It was subordinate to them.

2 "Q. And what -- did that consist of all the zone commanders?"

3 And you said:

4 "Yes."

5 Is that still your evidence?

6 A. Yes. After the restructuring, yes.

7 Q. Yes. You were talking about -- going to the existence of the
8 operational staff, when did the operational staff start to exist?

9 A. The operational staff began even at the time of the
10 Central Staff, and it continued with the General Staff after the
11 structuring of the KLA.

12 Q. Can you approximate around when the operational staff first came
13 into existence?

14 A. Do you mean the operational staff after the General Staff became
15 a reality? After the structuring?

16 Q. You said "the operational staff began even at the time of the
17 Central Staff." I just wanted to know when it was first established.

18 A. Around the years 1994.

19 Q. Thank you. And then another statement, this is P1870.1, page
20 12, you were asked:

21 "But then when you were a member of the General Staff and the
22 seven operational zones were created, you were involved in the
23 General Staff appointing commanders for zones?

24 "A. Yes, it was the political directorate and the General Staff
25 that took these decisions. But it was a collective decision."

Witness: Sokol Bashota (Resumed) (Open Session)

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Re-examination by Mr. Halling

1 Is that still your evidence?

2 A. Zone commanders were elected by the zones themselves at all
3 times. After the structuring occurred, the General Staff only
4 confirmed them in their position as zone commanders.

5 Q. If the General Staff hadn't confirmed them, what would happen?

6 A. I can't speculate what. It may have led to what occurred in
7 February 1999, however, which -- which I have said -- to the complete
8 change of the composition of the General Staff, because the zone
9 commanders would have made the same request about the entirety of the
10 General Staff. They did have those powers.

11 Q. Yes. And in this regard, I wanted to go to what you said about
12 the zones and their reporting. And this is also from your statement,
13 and it's P1870.2, page 4, and you were asked:

14 "... can you just explain how it worked. Could they make their
15 own decisions and did they report it to the General Staff?"

16 And you answered:

17 "They reported. They reported on all the actions that they
18 undertook in the zone of Dukagjini to the meeting of the operational
19 staff. We included members of the General Staff and we received
20 reports from them."

21 Is that correct?

22 A. Yes, when the reporting was to Bislum Zyrapi.

23 Q. And you were asked during cross-examination by the Thaci Defence
24 about whether Adem Demaci had uncontested influence over the zone
25 commanders. Do you recall that from earlier?

1 A. Yes.

2 MR. HALLING: If we could please pull up on the screen
3 SPOE00131824 to 00131857, and it's page SPOE -- and that's ET. It's
4 SPOE00131856 is the page, and that's from the SPO's original
5 presentation queue. The first page of this same item in Albanian
6 begins with SPOE00131751.

7 Q. Witness, you were asked about an interview with Rexhep Selimi
8 that was in a 2003 book in your preparation session, and I wanted to
9 go back to the page discussed in the preparation session.

10 Now, Witness, in this interview, Rexhep Selimi is talking about
11 Adem Demaci and Rambouillet, and he's asked:

12 "KLA's final divorce with Demaci happened in the Berisha
13 Mountains, did it not? The delegation returned from Rambouillet on
14 Thursday, while Demaci met with the General Staff on Saturday. How
15 did that meeting go?"

16 And the answer from Rexhep Selimi is:

17 "Demaci left the General Staff meeting. He insisted that the
18 deal was not signed at all and attempted to use his influence on zone
19 commanders, but the zone commanders ignored him, so his silence since
20 then has shown his disappointment or failure. His silence or
21 disengagement in the various processes has been unjustified and has
22 left a void had in his otherwise very fruitful life as a symbol of
23 national resistance."

24 Is your recollection to these events similar to that of
25 Rexhep Selimi here?

1 A. I don't know if I took part in this meeting. But I know that,
2 with the exception of this occasion, Demaci had influence over zone
3 commanders. And I was delighted with the fact that zone commanders
4 came around to the view of the General Staff to attend the
5 Rambouillet talks, and Adem Demaci played a role here. If they paid
6 no heed to Demaci on this occasion, this does not mean that they
7 ceased supporting him.

8 Q. Right. But from what you were just saying, the General Staff
9 confirmed the appointments of zone commanders who then reported to
10 them, and zone commanders did not follow Mr. Demaci on what the
11 General Staff wanted with the Rambouillet agreement. Is that a fair
12 summary of what you've said?

13 A. In general terms, yes. However, I said that on this occasion
14 Demaci did not manage to convince the zone commanders on this
15 particular issue. Then this followed up on the work done by the
16 General Staff to try to persuade the zone commanders to sign on to
17 the Rambouillet agreement.

18 MR. HALLING: If we could now please pull up IT-05-87 6D00067
19 and page 6D00-0785 and to put that on the screen.

20 Your Honours, two pages of this have been admitted as P1745, but
21 this is an additional page. And we can have it just on the screen in
22 English. The Albanian counterpart's typeface is too small.

23 Q. Witness, you were explaining to the Thaci Defence about
24 Rambouillet being something of a coup. Do you remember this
25 evidence?

1 MR. MISETIC: I object. Misstates the evidence. I don't think
2 he said Rambouillet was a coup.

3 MR. HALLING: I'll rephrase the question.

4 PRESIDING JUDGE SMITH: Okay.

5 MR. HALLING:

6 Q. When you were describing you no longer being the deputy
7 commander and the replacement of Azem Sylja with Sylejman Selimi as
8 general commander, you likened that to a coup. Do you recall that
9 evidence?

10 A. Yes.

11 MR. HALLING: 6D00-0785 is the page. So you can see the number
12 on the lower right-hand corner of the screen, so it needs to go
13 forward about 25 pages.

14 Q. Witness, what I am showing on the screen now is only in English,
15 but I'll read to you the relevant part. It's an interview of
16 Sylejman Selimi, and he is describing the same events that you were
17 describing in your evidence, and he says the following. So begins
18 at:

19 "The UCK delegation in Rambouillet was immediately informed
20 about the appointment. Hashim Thaci, Kadri Veseli, and, to a degree,
21 Jakup Krasniqi congratulated me. Azem did not say anything. We knew
22 Azem as a man who had been working in logistics. Nobody knew that
23 Azem had been the commanding general, because it was not publicly
24 known. Azem congratulated me after they came back from Rambouillet.
25 After I realised that he had been the commanding general, I wanted to

1 withdraw, but Azem himself told me that I should not withdraw, and
2 they accepted that it was their mistake that they had not resolved
3 this problem earlier.

4 "After they came back from Rambouillet, Hashim was the one that
5 would set up the Provisional Government, and as Prime Minister, as
6 there was no presidency, he officially took the duties of the UCK
7 commanding general."

8 Witness, how does Sylejman Selimi's recollection on these events
9 compare to yours?

10 A. First, the suggestion that Azem Sylja proposed Sylejman Selimi to
11 become the commander does not hold water. This appears to be an
12 interview taken after the war, not the war. And it was zone
13 commanders themselves who proposed Sylejman Selimi to become the
14 overall commander. Azem Sylja as commander would not have been able
15 to say, "I am proposing you as commander." Azem Sylja,
16 Jakup Krasniqi, and myself did not accede very happily to the request
17 of these zone commanders to that end. However, we succumbed because
18 we did not want to create an internal conflict within the Kosovo
19 Liberation Army soldiers in the face of the enemy only for the sake
20 of satisfying the ego of some commanders. And that is the ultimate
21 motive for which we yielded for the selection of Sylejman Selimi as a
22 commander.

23 Q. But Sylejman Selimi is not saying here that Azem Sylja proposed
24 him. He's actually saying that when he learned Azem Sylja was the
25 commander, he wanted to withdraw, and Azem Sylja told him not to. Is

1 that consistent with your recollection of these events?

2 A. I do not know about this. Maybe. This is new to me. This may
3 be in a way a play on words. All I know is that Azem Sylja was less
4 than happy with this reaction on the part of zone commanders.

5 Q. But on what you were saying, the result of the coup was that
6 Sylejman Selimi then became the general commander. Isn't that what
7 you told the Thaci Defence?

8 A. I don't know. I said here publicly that Sylejman Selimi did
9 become the commander.

10 MR. HALLING: Your Honour, both of the interviews just shown are
11 relevant and probative and need to be understood in their entirety.
12 As I was saying, two pages of this one have actually already been
13 admitted. We would tender SPOE00131824 to 00131857 in Albanian and
14 English, and that's the Rexhep Selimi interview, and the remaining
15 pages of IT-05-87 6D00067, and we would ask that that be added to
16 what is currently P01745.

17 PRESIDING JUDGE SMITH: Any objection?

18 MR. DIXON: Your Honours, there's no objection. I'm just trying
19 to work out which additional pages are sought for admission.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. DIXON: Because it should just be those ones and nothing
22 further. It's a long document.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. HALLING: Well, that's actually our submission, that taking
25 Sylejman Selimi's account of the war in a piecemeal, page-by-page

1 fashion doesn't fully explain the context. So we actually were
2 tendering the entirety of the item. It's 37 pages total, but it's
3 not all 37 because there's an Albanian version after the English in
4 the item itself.

5 PRESIDING JUDGE SMITH: So it's 37 pages including the Albanian?

6 MR. HALLING: Correct. It's 37 pages in a multilingual
7 document.

8 PRESIDING JUDGE SMITH: Does that satisfy your curiosity about
9 that?

10 MR. DIXON: Yes, Your Honours, but we would ask that only the
11 page that has been shown is admitted and not the entire interview or
12 the entire document and translation because we don't know why that's
13 all relevant. So it should just be what's relevant for this witness
14 and nothing further.

15 MR. ROBERTS: Your Honour, I have the same objection in relation
16 to the other interview that the Prosecution seeks to tender. It was
17 one small paragraph of the entire interview that was sought to be
18 tendered. I don't see any reason why anything more than that
19 paragraph needs to be admitted.

20 MR. HALLING: And we would say that the state of mind of the
21 alleged coup master in Sylejman Selimi and a statement of the accused
22 that is talking about the limits of Adem Demaci's influence are
23 relevant issues that should be understood in their context. We're
24 not tendering the entirety of the book with Rexhep Selimi's
25 interview, but this discrete chapter needs to be understood as a

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1 whole.

2 MR. ROBERTS: A 30-page chapter of which five lines were
3 referred to the witness. I don't think you can suggest -- I don't
4 think the Prosecution can in good faith suggest that the entire
5 context of that, which deals with a whole load of other issues, can
6 be admitted on the basis of this one short extract that was shown to
7 the witness.

8 Also, in relation to the other document, we note that the
9 witness is still -- this interview can still be shown to the person
10 who provided that information. That may be more relevant to admit it
11 through them.

12 [Trial Panel confers]

13 PRESIDING JUDGE SMITH: We will assign an MFI to these two
14 separate documents so that we can look at it also prior to admission.

15 THE COURT OFFICER: Your Honours, for the first item,
16 SPOE00131824 to SPOE00131857-ET and its corresponding Albanian, that
17 will be MFI P1883.

18 And for the second item, I note we already have an existing
19 admitted exhibit. Shall I assign a new number for the whole item?

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE COURT OFFICER: We already have Exhibit P1745 that the
22 Prosecutor mentioned has already some pages of the document.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 THE COURT OFFICER: And shall I MFI the entire document as a
25 separate number or .1, or add everything to P1745?

1 PRESIDING JUDGE SMITH: MFI the entire document and then we'll
2 determine it.

3 THE COURT OFFICER: In that case, Your Honours, that will be MFI
4 P01884.

5 MR. HALLING: Thank you.

6 Q. Witness, the next topic I wanted to go into is the presence of
7 Hashim Thaci and Kadri Veseli in the General Staff.

8 You mentioned that Hashim Thaci wasn't in the General Staff
9 until 1998. That's transcript page 23134. And you said the same
10 thing about Kadri Veseli at realtime transcript page 28 today.

11 I wanted to read to you a couple of additional documents from
12 former General Staff members to see how their evidence compares to
13 yours. The first is Jakup Krasniqi's testimony before the ICTY.

14 MR. HALLING: And for the record, this is P800, page 5026.

15 Q. Witness, Jakup Krasniqi said the following, he's talking about
16 people he knows:

17 "And you knew Sokol Bashota and Rexhep Selimi. Is that correct?"

18 "A. I knew Sokol at the time but not Rexhep.

19 "Q. So you knew Adem Jashari and Sokol Bashota. Did you know
20 Hashim Thaqi at the time by name?"

21 "A. Yes.

22 "Q. So did you know all three of them were members of the
23 General Staff in 1997, is that something you knew at the time?"

24 "A. Yes."

25 So, Witness, wasn't Hashim Thaci already in the General Staff

1 before 1998?

2 A. I clarified that he was -- there was no General Staff before
3 1998. The only thing that existed was the Central Staff. And
4 Hashim Thaci was not a member of the Central Staff.

5 Q. So can you explain why Jakup Krasniqi would say he was?

6 MR. MISETIC: Objection, calls for speculation.

7 PRESIDING JUDGE SMITH: Overruled.

8 You may answer. Go ahead.

9 THE WITNESS: [Interpretation] I wouldn't know what Jakup meant
10 to say when he stated that. But what I'm stating here is that from
11 what I know, he was not a member of the Central Staff of the KLA.

12 MR. HALLING:

13 Q. Witness, Azem Sylja, who you said earlier was an authority on the
14 history of the KLA, said the following as the first composition of
15 the General Staff, and this is P847, page SITF00243001. Witness,
16 this is short, and I can read it. Azem Sylja said:

17 "Those who decided on the declaration were also the first
18 General Staff of the KLA. It was comprised of Azem Sylja,
19 Sokol Bashota, Kadri Veseli, Xheladin Gashi, Ali Ahmeti,
20 Xhavit Haliti, Hashim Thaci, Rexhep Selimi, Lahi Ibrahimimi and another
21 colleague."

22 So, Witness, this is Azem Sylja putting both Hashim Thaci and
23 Kadri Veseli and Rexhep Selimi in the General Staff at a much earlier
24 point than what you're saying. Can you explain this?

25 A. I am stating here with full responsibility that neither

1 Hashim Thaci nor Kadri Veseli nor Rexhep Selimi were members of the
2 Central Staff at the time. It was me, Azem Sylja, Nait Hasani,
3 Xhavit Haliti, Ali Ahmeti, and Xheladin Gashi.

4 Q. Now, is Rexhep Selimi in your list or out of your list?

5 A. When Xheladin Gashi went to Albania, he said that Rexhep Selimi
6 and Lahi Brahimi need to be coopted because the General Staff had
7 dispersed at the time as a result of the jailing of Nait Hasani, the
8 killing of Zahir Pajaziti, and this resulted in the fact that they
9 were unable to carry out their tasks. If I remember correctly, Rexha
10 went to Drenica whilst Hashim and Kadri were not inside Kosovo. So
11 they had no way of being members of the Central Staff in Kosovo.

12 The first attempt to organise the General Staff was in Negroc,
13 the village of Jakup Krasniqi, and that remained an attempt. And
14 even that attempt could not have been implemented because of the
15 situation which I described earlier.

16 Q. Yes.

17 MR. HALLING: Your Honour, I've nearly exhausted the content I
18 can ask in redirect anyway and exhausted the time, so ...

19 PRESIDING JUDGE SMITH: Witness, we're finished for today.
20 You'll have to come back again tomorrow at 9.30. Thank you for being
21 with us.

22 You may leave the courtroom in the company of the Court Usher.

23 Thank you, Mr. Qerkini, as well for your attendance.

24 MR. MISETIC: Mr. President, I just want to -- did you mean to
25 say 9.30 or 9.00?

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 We will start again tomorrow at 9.00 a.m.

3 THE WITNESS: [Interpretation] Thank you.

4 [The witness stands down]

5 MR. HALLING: And, Your Honour, if it assists for timing, even
6 if everything we requested is granted, we'd be 20 minutes maximum
7 tomorrow.

8 PRESIDING JUDGE SMITH: Thank you.

9 JUDGE METTRAUX: And, Mr. Halling, while you're on your feet,
10 there's a document, I think it's Exhibit P268 -- let me check.
11 269.8. The English version appears to miss a word in the second
12 paragraph, so Exhibit P269.8. Could you verify this for us?

13 MR. HALLING: Yes. We'll look into it after the day.

14 PRESIDING JUDGE SMITH: All right. We're adjourned until
15 9.00 a.m. tomorrow.

16 --- Whereupon the hearing adjourned at 4.33 p.m.

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