

1 Tuesday, 3 September 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

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

12 Today we will start hearing the evidence of Prosecution
13 Witness W01511.

14 Madam Court Usher, please bring the witness in.

15 [The witness entered court]

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 Please remain standing.

18 THE WITNESS: [Interpretation] Yes.

19 PRESIDING JUDGE SMITH: Good morning, Witness. The Court Usher
20 will provide you with the text of the solemn declaration, which you
21 are asked to take pursuant to Rule 141(2) of the rules. Please look
22 at the document and then read it aloud.

23 THE WITNESS: [Interpretation] Solemn declaration, Rule 141(2):
24 Conscious of the significance of my testimony and my legal
25 responsibility, I solemnly declare that I will tell the truth, the

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1 whole truth nothing, and nothing but the truth, and that I shall not
2 withhold anything which has come to my knowledge.

3 WITNESS: RRUSTEM TETAJ

4 [The witness answered through interpreter]

5 PRESIDING JUDGE SMITH: Thank you. You can be seated now.

6 Witness, today we will start your testimony, which is expected
7 to last approximately two days. As you may know, the Prosecution
8 will ask you questions first. Once they are finished, the Defence
9 has the right to ask questions of you, and members of the Panel might
10 also have questions for you.

11 The Prosecution estimate for your examination is three hours.
12 The Defence estimates that it will need five hours. As regards each
13 estimate, we hope that counsel will be judicious in the use of their
14 time. The Panel may allow redirect examination if conditions for it
15 are met.

16 Witness, please try to answer the questions clearly with short
17 sentences. If you don't understand a question, feel free to ask
18 counsel to repeat the question or tell them you don't understand and
19 they will clarify. Also, please try to indicate the basis of your
20 knowledge of facts and circumstances that you will be asked about.

21 In the event you are asked by SPO to attest to some corrections
22 made regarding your statements, you are reminded to confirm on the
23 record that the written statement as corrected by the list of
24 corrections accurately reflects your declaration.

25 Please also speak into the microphone, wait five seconds before

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1 answering a question, and then speak at a slow pace so the
2 interpreters can catch up.

3 During the next days while you are giving evidence in this
4 Court, you are not allowed to discuss with anyone the contents of
5 your testimony outside of the courtroom. If any person asks you
6 questions outside of this Court about your testimony, please let us
7 know immediately.

8 Please stop talking if I ask you to do so and also stop talking
9 if you see me raise my hand. These indications mean that I need to
10 give you an instruction.

11 If you feel the need to take breaks or take a break, please make
12 an indication and an accommodation will be made.

13 We begin now with the questions by the Prosecution. They are
14 seated to your left. Please give them your attention.

15 Go ahead, Mr. Prosecutor.

16 MR. QUICK: Thank you, Your Honour.

17 Just to note at the outset that, in our Rule 154 motion, we had
18 indicated that we reduced the direct examination estimate to
19 two hours from three hours. I expect to be somewhere around that.

20 PRESIDING JUDGE SMITH: Thank you.

21 Examination by Mr. Quick:

22 Q. Good morning, Mr. Witness.

23 A. Good morning.

24 Q. Mr. Witness, we have met before, but I will introduce myself
25 again. I am Nathan Quick with the SPO. I will be asking you some

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1 questions. I expect that my questioning will take about two hours.

2 As I explained during your preparation session, rather than
3 asking you questions about every relevant issue that you may have
4 information about, it may be possible to admit some of your prior
5 statements into evidence. In order to do so, there are a number of
6 procedural steps to follow which I will turn to after establishing
7 your identity.

8 Mr. Witness, what is your name?

9 A. Rrustem Tetaj.

10 Q. And your date of birth, Mr. Witness?

11 A. 27 April 1953.

12 Q. And you've appeared here today pursuant to a summons; is that
13 correct?

14 A. Correct.

15 Q. Now, Witness, as already indicated, my next questions relate to
16 your prior statements to the ICTY and to the SPO.

17 MR. QUICK: Court Officer, if we could please pull up
18 U002-9294-U002-9317. And if we can go to page 1, the cover page.
19 And if we can also pull up the Albanian version. Thank you. Thank
20 you.

21 Q. Witness, near the top of the statement on your screen there's
22 your name, your personal details, and near the bottom of the page,
23 the interview dates - if we can scroll down a little bit - which were
24 in July and August 2002. Do you see that information?

25 A. Yes.

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1 Q. And do you remember being interviewed by the ICTY in July and
2 August 2002?

3 A. Yes.

4 MR. QUICK: Court Officer, if we can please move to page 23 of
5 the English version and page 26 of the Albanian.

6 Q. Mr. Witness, this page contains an acknowledgement dated 8
7 August 2002. Is that your signature on the English version?

8 A. Yes.

9 Q. And do you recall recently being given the opportunity to review
10 the statement?

11 A. Yes.

12 MR. QUICK: Court Officer, we can take that statement down.
13 Thank you. And if we can please pull up document 074569-TR-AT Part 1
14 Revised RED.

15 Q. Witness, at the top at line 1, do you see the date 20 February
16 2020?

17 A. Yes.

18 Q. And do you see your name at line 8?

19 A. Yes.

20 Q. Do you remember being interviewed by the SPO in February 2020?

21 A. Yes.

22 Q. I won't show all eight parts of the transcript, but do you
23 recall recently being given the opportunity to review this statement?

24 A. Yes.

25 Q. And before your testimony today, were you given the opportunity

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1 to make clarifications and corrections to both the transcripts of
2 your SPO interview and the 2002 ICTY statement that we just
3 discussed?

4 A. Yes.

5 Q. And, Witness, do you recall these clarifications and corrections
6 being included in a note which was read back to you at the end of the
7 preparation session?

8 A. Yes.

9 Q. And do you recall being asked to confirm that the information in
10 this note reflected your account fully and accurately?

11 A. Correct.

12 Q. Subject to the corrections set out in the note, does your 2002
13 ICTY statement and your 2020 SPO interview, which we just looked at,
14 accurately reflect your evidence and what you would say if asked the
15 same questions again?

16 A. Yes, it does.

17 MR. QUICK: Your Honours, having fulfilled the 154 criteria, the
18 SPO seeks admission of Preparation Note 1 with ERN 122449-122458, and
19 the English and Albanian versions of the two statements, and seven
20 associated exhibits listed on pages 9 to 10 of Preparation Note 1.

21 And for classification, the 2002 ICTY statement and the seven
22 associated exhibits can all be classified as public. The SPO
23 interview and Preparation Note 1 should remain confidential as they
24 contain personal information relating to the witness and to safeguard
25 the rights and interests of third parties. Thank you.

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1 PRESIDING JUDGE SMITH: Any objection to the tender?

2 MR. MISETIC: Subject to the objections in the written response
3 to the Rule 154 application, we have no additional objections.

4 MS. O'REILLY: We have no further objections either.

5 MR. ROBERTS: The same for us, Your Honour.

6 MR. ELLIS: The same, Your Honour.

7 PRESIDING JUDGE SMITH: U002-9294 to U002-9317, English and
8 Albanian, is admitted.

9 THE COURT OFFICER: It will be assigned Exhibit P01593,
10 Your Honours. Thank you.

11 PRESIDING JUDGE SMITH: 074569-TR-ET Part 1 Revised RED -- all
12 eight parts, Mr. Quick?

13 MR. QUICK: That's correct, Your Honour. And the English.

14 PRESIDING JUDGE SMITH: Pardon me?

15 MR. QUICK: As well as the English versions.

16 PRESIDING JUDGE SMITH: Yes. English and Albanian and all eight
17 parts is admitted.

18 THE COURT OFFICER: Thank you, Your Honours. 074569 in both
19 English and Albanian will be assigned -- Part 1 will be assigned
20 Exhibit P01594.1. The second part will be assigned Exhibit P01594.2.
21 The third part will be assigned Exhibit P01594.3. The Part 4 will be
22 assigned Exhibit P01594.4. Part 5 will be assigned Exhibit P01594.5.
23 The Part 6 will be assigned Exhibit P01594.6. Part 7 will be
24 assigned Exhibit P01594.7. And Part 8 will be assigned
25 Exhibit P01594.8. All classified as confidential. Thank you,

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1 Your Honours.

2 PRESIDING JUDGE SMITH: Finally, Prep Note 1, which is
3 122449-122458, is admitted, together with the seven associated
4 exhibits.

5 THE COURT OFFICER: Prep Note 1, which is ERN 122449 to 122458,
6 will be assigned Exhibit P01595, classified as confidential.

7 As for the associated exhibits, U000-1940 to U000-1940-ET with
8 the corresponding Albanian version will be assigned Exhibit P01596,
9 and it will be classified as public, if I understood the Prosecution
10 correctly.

11 MR. QUICK: Yes, that's correct. Thank you.

12 THE COURT OFFICER: The IT-04-84bis P00190.E and the
13 corresponding Albanian version will be assigned Exhibit P01597,
14 classified as public.

15 The next exhibit number, ET-U002-0362-U002-0362 and the
16 corresponding Albanian version will be assigned Exhibit P01597,
17 classified as public.

18 MR. QUICK: Sorry.

19 PRESIDING JUDGE SMITH: Yes, go ahead, Mr. Quick.

20 MR. QUICK: Sorry to interrupt. I think we may have assigned
21 the same exhibit number as the last --

22 PRESIDING JUDGE SMITH: Yes --

23 THE COURT OFFICER: Exactly.

24 PRESIDING JUDGE SMITH: -- we did.

25 MR. QUICK: Yes.

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1 PRESIDING JUDGE SMITH: It should be 8.

2 THE COURT OFFICER: Yes, it is P01598. Thank you so much.

3 IT-04-84bis P00159.E and corresponding Albanian version will be
4 assigned Exhibit P01599.

5 Then the U001-4223 to U001-4224-ET and corresponding Albanian
6 version will be assigned Exhibit P01600, classified as public.

7 IT-04-84 P00162.E and corresponding Albanian version will be
8 assigned Exhibit P01601, classified as public.

9 And the last associated exhibit which is IT-04-84bis P00192.E,
10 and the corresponding Albanian version will be assigned
11 Exhibit P01602, classified as public.

12 Thank you, Your Honours.

13 PRESIDING JUDGE SMITH: Thank you. And just for the record, the
14 P01593 will remain confidential as requested.

15 Go ahead, Mr. Quick.

16 MR. QUICK: Sorry to make another correction, but it's actually
17 P01594, the SPO interview, that would remain confidential, and P01593
18 can be public.

19 PRESIDING JUDGE SMITH: I thought you said the other way.

20 [Microphone not activated].

21 MR. QUICK: No problem.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Go ahead.

24 MR. QUICK: And just to note one other procedural issue before
25 we move on.

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1 In decision F02328, the Panel ordered the SPO to make
2 submissions after this witness's testimony about whether it could
3 lift the redactions in that decision. I can confirm now that those
4 redactions are no longer necessary in relation to this witness.

5 PRESIDING JUDGE SMITH: Thank you very much. They will be
6 lifted then.

7 MR. QUICK: The SPO sent a brief summary of the witness's
8 Rule 154 statement. If I could please read that.

9 PRESIDING JUDGE SMITH: Go ahead.

10 MR. QUICK: The witness held various positions in the Dukagjini
11 operational zone in summer 1998, including on the zone command staff
12 and at Prapaqan barracks.

13 He has knowledge of efforts by certain KLA members to target
14 perceived opponents, including persons associated with the LDK and
15 the armed forces of the Republic of Kosovo and alleged collaborators.
16 Q. Mr. Witness, as you've already heard, your prior statements have
17 been admitted, so I have questions on only a few limited topics. In
18 my questions, I will refer to many documents and page numbers. As
19 you've already heard this morning, those document numbers can often
20 be quite long and confusing, but you do not need to be concerned
21 about them. Just focus on the topic of my question.

22 The first topic concerns your appointment to Prapaqan barracks.

23 Mr. Witness, you previously stated that you were appointed
24 commander at Prapaqan barracks and you were responsible for the
25 barracks' formation.

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1 MR. QUICK: And this is at Prep Note 1, which is now P01595,
2 paragraph 15, and the SPO interview, which is P01594, pages 9 to 10.

3 Q. Witness, when were you appointed to that position at Prapaqan?

4 A. First of all, before I was appointed, in Glllogjan, on 24th of --
5 Glllogjan, and during that meeting we set up the staff of Glllogjan led
6 by Ramush Haradinaj and with the consent of all the villages. Then,
7 we expanded and set up a military barracks in the village of Prapaqan
8 where I was appointed commander of the Prapaqan barracks.

9 Those barracks --

10 PRESIDING JUDGE SMITH: Witness, try to listen to the question
11 that's asked. You're giving far more information than was asked.

12 Would you repeat the question, please, Mr. Quick.

13 MR. QUICK: Yes, Your Honour.

14 Q. Mr. Witness, my question was when you were appointed to the
15 position at Prapaqan barracks. You mentioned a meeting in late May
16 1998. How long after that meeting were you appointed?

17 A. To my recollection, that was three, four, five days to set up --
18 I was asked to set up the barracks in Prapaqan.

19 Q. And, Mr. Witness, who asked you to set up the barracks in
20 Prapaqan?

21 A. The staff of the Dukagjini plain. After the formation of the
22 Glllogjan staff, the zone expanded and we set up the staff of the
23 Dukagjini plain, which I was part of. So the staff took the decision
24 in the course of a number of meetings to have a training centre in
25 the barracks of Prapaqan.

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1 Q. Thank you, Witness. You stated you were responsible for
2 formation of the barracks, for setting them up. What tasks did that
3 entail?

4 A. My task was, first of all, to set it up, to organise, and that
5 for all the soldiers who had not completed the military service and
6 were inexperienced, to come there with light weapons and undergo a
7 short training.

8 Q. And when you were setting up the Prapaqan barracks, how did you
9 obtain supplies to do so?

10 A. We received supplies and equipment from the free zone, from
11 Malisheve, which was the freest town and could provide supplies. All
12 the equipment came from this town.

13 Q. And what was the process to obtain this equipment or these
14 supplies from the free zone of Malisheve?

15 A. The process was that the barracks had to be functional, they had
16 to be set up and equipped in order for every soldier to be part of
17 the internal organisation of those barracks, if I understood your
18 question correctly.

19 Q. My question had a little bit of a different point. I would like
20 to know how you obtained the supplies or the equipment from
21 Malisheve.

22 A. We sent all that through our soldiers. First, they -- we had to
23 pay for those supplies and equipments, which was done by or through
24 the -- Ramush Haradinaj and Lahi Brahimaj at the Dukagjini level
25 staff.

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1 Q. So you said this was done through your soldiers. Did you send
2 the soldiers to get the supplies?

3 A. Yes. I sent my soldiers with several vehicles, and they brought
4 us all the needed supplies and equipment for the barracks.

5 Q. And when you were sending the soldiers to obtain these supplies
6 in Malisheve, would you give them a travel authorisation or a travel
7 permit?

8 A. Yes, certainly.

9 Q. And did you issue travel permits for any other reasons to your
10 soldiers? So in addition to their movement to Malisheve to obtain
11 supplies.

12 A. Yes.

13 Q. What other reasons did you issue travel permits to your soldiers
14 for?

15 A. We issued permits when somebody had to go from one village to
16 another. In every village, there was a point with village guards,
17 and every person who went through those points needed to carry such a
18 document.

19 Q. Was any movement allowed without these permits?

20 A. Usually no.

21 Q. And you testified before that the soldiers -- that the supplies
22 would be paid for by Ramush Haradinaj and Lahi Brahimaj. How would
23 they pay for the supplies?

24 A. At that time, the currency was Deutschmark. They gave us the
25 amount of money. We kept the receipt. And that --

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1 Q. When you say -- sorry to interrupt. When you say you kept the
2 receipt, you kept the receipt of the supplies that were purchased in
3 Malisheve or what do you mean?

4 A. Yes, they received invoices actually. The invoices. That's
5 true.

6 Q. Okay. And what -- after you had that receipt, what was the
7 process for obtaining compensation from Lahi Brahimaj or Ramush
8 Haradinaj?

9 A. Based on the invoices, we would then deduct the amount of money
10 we had paid for that equipment and see what is left.

11 Q. Did the soldiers go to, for example, Jabllanice to obtain the
12 money from Lahi Brahimaj, or how was the compensation obtained?

13 A. No. From what I can remember, because this was a long time ago,
14 I had 18.000 Deutschmarks, for beds, equipment, and anything else.
15 So they gave me the money, and I then gave the money to the soldiers.

16 Q. So when you say "they gave me the money," who do you mean?

17 A. I mean Ramush Haradinaj.

18 Q. Did Lahi Brahimaj give you money as well?

19 A. I don't remember about Lahi, but what I remember is that he was
20 the head of the finances, because there was a time when Ramush said
21 that if other things are needed, implying that if other money is
22 needed, then you have to address Lahi. However, the fightings in the
23 terrain, in the ground, did not give us any possibility to do
24 anything else, because the money that I mentioned were used to buy
25 beds for soldiers, to buy supplies in the kitchen. They were used

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1 for logistics for the barracks in Prapaqan.

2 Q. Witness, who told you that Lahi Brahimaj was the head of
3 finances?

4 A. From what I know, Ramush Haradinaj.

5 Q. And when did he tell you this?

6 A. At that time. That's what I remember. I don't exactly remember
7 when, but that was around the time that I heard about it. Because 24
8 years have passed by since then, I don't exactly know when it was,
9 but I remember that there was such a discussion happening.

10 Q. And about how long after this meeting that we mentioned before
11 at the end of May 1998 did Ramush Haradinaj tell you this?

12 A. I don't know.

13 Q. And did Ramush Haradinaj tell you what body Lahi Brahimaj was
14 head of finances in or as part of?

15 A. No.

16 Q. Witness, before you said the Prapaqan barracks were set up for
17 purposes of training. Who were the trainers who were conducted --
18 who were the --

19 A. Yes.

20 Q. -- instructors who were conducting the training?

21 A. They were military persons. They joined the barracks in
22 Prapaqan later on. So those were people that had military training
23 and they knew how to use the light weaponry.

24 Q. And can you tell us who those people are or were?

25 A. I don't remember the names. However, you can find the names in

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1 the documents. Now I don't remember any of the names.

2 Q. And the training that was being carried out at Prapaqan, what
3 did that entail?

4 A. First, it entailed information on how every soldier had to be
5 equipped with light weapons and how to use the weapons and how to
6 apply the military rules. They were also taught about the military
7 discipline. So these were the major topics that we would cover in
8 the training.

9 Q. And when you refer to military rules, what are you referring to?

10 A. I am referring to the rules of discipline, to be prepared for
11 the battlefield, for the attacks, and for the front line.

12 Q. Were these written rules?

13 A. Yes.

14 Q. And where did you receive them from?

15 A. We received them from the staff of the Dukagjini plain.

16 Q. Was there a particular person on the staff of the Dukagjin plain
17 who provided those to you?

18 A. From what I remember, Sali Veseli has mainly dealt with this
19 topic because he was the chief of staff of the Dukagjini plain.

20 Q. When the soldiers were undergoing training at the barracks, were
21 they following a standard training plan?

22 A. Can you please repeat the question once more?

23 Q. Of course. When the soldiers were undergoing training at the
24 barracks, were they following a standard training plan or programme?

25 A. We have tried to have such a plan, but then on how much we have

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1 managed to fulfil the plan, because of the fightings, that's a
2 different story. So we have not managed to fulfil everything that we
3 planned, but, nonetheless, we fulfilled many of the topics.

4 Q. Mr. Witness, where did the soldiers at the barracks come from?
5 How were they assigned to this training?

6 A. It was on a voluntary basis. The soldiers that came from the
7 nearby villages were notified, and they joined voluntarily. So they
8 wanted to join the KLA and they came there to be trained.

9 Q. And who did this notification that you just mentioned?

10 A. We used to have meetings. We had regular working meetings.
11 There, the representatives of villages would attend those meetings
12 and also the representatives of the local staffs. Therefore, it was
13 there that we would announce or notify of the training, and every
14 village would then give their own soldiers or send their own soldiers
15 to the training.

16 Q. And when you say "we used to have meetings," who is the "we"
17 that you're referring to?

18 A. I'm referring to the regional staff of the Dukagjini plain,
19 headed by Ramush Haradinaj.

20 Q. And in addition to training, was anything else discussed at
21 these meetings?

22 A. We discussed about the situation in the ground. So we had
23 regular daily meetings. And at the same time, we distributed the
24 tasks for the future days in the ground.

25 Q. Witness, I would like to show you a document.

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1 MR. QUICK: Court Officer, if we could please pull up document
2 with ERN IT-04-84 P00188 and its English translation. Thank you.

3 Q. Witness, the document on the screen, had you seen this before I
4 showed it to you in preparation last week?

5 A. Yes.

6 Q. And when had you seen it before?

7 A. I saw this after I was appointed as the chief of the setup of
8 the Prapaqani barracks and the chief of the centre.

9 Q. So you saw this in summer 1998? Am I understanding correctly?

10 A. Yes.

11 Q. Can you describe the circumstances in which you saw it?

12 A. To tell you the truth, I don't remember the circumstances. But
13 I know that we were organised in such a manner that the KLA was to be
14 built in a standard-like army and to develop it further.

15 Now, talking about the time when I was notified of this order or
16 when I saw this order, that I don't remember.

17 Q. Do you remember who on the staff was responsible for preparing
18 orders like this?

19 A. The chief of staff of the Dukagjini plain, so the chief -- the
20 operative staff chief of the Dukagjini plain, and that person was
21 Sali Veseli.

22 Q. Mr. Witness, the order concerns a centre for the preparation of
23 soldiers and officers in Prapaqan. Is that a reference to the
24 Prapaqan barracks that we were just discussing before?

25 A. That's the same thing. I'm just reading here one part of it. I

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1 can't see the whole document, but it talks about the same thing.

2 MR. QUICK: And maybe we can zoom out a bit so --

3 THE WITNESS: [Interpretation] Because I can't see the full page.

4 MR. QUICK: Great.

5 THE WITNESS: [Interpretation] Yes, yes.

6 MR. QUICK:

7 Q. And the preparation centre referred to in this document was to
8 be called Jusuf Gervalla. That's at paragraph 2 of the document. Is
9 that accurate?

10 A. It is. The name of the centre would be Jusuf Gervalla, a
11 national hero. The chief of the centre was Rrustem Tetaj, myself.
12 So I was charged with this task. And then Driton Zeneli was the
13 officer that was appointed as being responsible for the educational
14 processes. And all the persons from the Dukagjini plain, those that
15 were in leading positions, were to appoint and to direct soldiers to
16 this training centre. In particular, the commanders have the task of
17 helping into the execution of the teaching programme that was
18 established for the Dukagjini plain.

19 Whereas when it comes to the logistics needs, there was a
20 document about the appointment of someone, that was Naim Maloku, but
21 then we didn't manage to actually have Naim Maloku in that position
22 because he was wounded. So this is an order that was signed by
23 Commander Ramush Haradinaj.

24 Q. Thank you, Witness. Just to note that you went beyond the point
25 of my question before. I let you continue because I was going to ask

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1 questions about those topics. But in the future, it's important that
2 you respond directly to the question asked, and then I will usually
3 have follow-up questions. But I see that you were following the
4 order -- the topics of the order as you gave your answer.

5 In relation to Naim Maloku, you said that he --

6 A. Okay.

7 Q. In relation to Naim Maloku, you said that he was unable to take
8 up his appointment. Why is that?

9 A. Because he was wounded and he could not move. In the Prapaqani
10 barracks, he came later on, but he never took that position.

11 Q. Thank you. And you said before that the order is signed by
12 Ramush Haradinaj. Do you recognise the signature on the document?

13 A. Yes, I do. From what I see, I do.

14 Q. And whose is it?

15 A. It's the signature of Ramush Haradinaj.

16 Q. And how are you able to recognise that it's Ramush Haradinaj's
17 signature?

18 A. I have seen some other documents that were issued by him in the
19 same format. And from what I can see, I think it's his signature.
20 So stemming from what I remember from having seen from other
21 documents, this is his signature. Probably somebody else has signed
22 the document. However, in this case in question, for this particular
23 document, the document needed to be signed by the commander of the
24 Dukagjini plain. From what I can see, this signature belongs to him.

25 Q. And, Witness --

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1 A. Well, there are two signatures here. So there is the name of
2 Ramush Haradinaj which is printed, and then there is a signature
3 above the name.

4 Q. And you said that you saw other documents with a signature like
5 this. Did you see those other documents at the time, so in summer
6 1998?

7 A. Yes. At the time when I had the travel permit to go from one
8 area to another, the travel permits had to be signed as well by
9 Ramush Haradinaj. And I recall having seen the same signature.

10 Q. So you've mentioned that this document on the screen was the
11 type of document that would need Ramush Haradinaj's signature, and
12 now you've also said that he would need to sign travel permits. What
13 other types of documents needed the signature of Ramush Haradinaj?

14 A. Every order or ordinance that we would get from above, that is,
15 from the operational staff of the Dukagjini plain, should be
16 signed -- should have been signed by the commander of the zone of the
17 staff. That was Ramush Haradinaj back then.

18 MR. QUICK: Your Honours, I tender this document. It can be
19 public.

20 PRESIDING JUDGE SMITH: Any objection?

21 MR. MISETIC: No objection.

22 MS. O'REILLY: No objection.

23 MR. ELLIS: No, thank you, Your Honour.

24 MR. ROBERTS: Nothing.

25 PRESIDING JUDGE SMITH: IT-04-84 P00188 in Albanian and English

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1 is admitted.

2 THE COURT OFFICER: It will be assigned Exhibit P01603,
3 classified as public. Thank you, Your Honours.

4 MR. QUICK: Thank you. We can take that document down.

5 Q. Witness, you just mentioned a travel permit that you saw that
6 was signed by Ramush Haradinaj. I would like to show you a document.

7 MR. QUICK: Court Officer, if we can please pull up
8 U002-1249-U002-1256 and its English translation, and if we can go to
9 page 8, please.

10 Q. Witness, had you seen the document on the screen before I showed
11 it to you in preparation last week?

12 A. Yes, I had, because this was a travel permit that I used to have
13 while I was travelling in the war areas. I don't exactly know
14 whether this is the exact document that I've had, but this is a
15 document that is related to myself.

16 Q. If you don't remember if this is the exact document that you
17 had, do you remember that you had a document that looked like this or
18 was similar to this?

19 A. I have forgotten, but I think I have. However, what is the most
20 important thing is that this is a sample of a travel permit that we
21 would use to move from one zone to another and to leave the Dukagjini
22 area, the Dukagjini plain, and to go in other areas of the country.

23 Q. So is this the standard travel permit? Was this form the
24 standard that was used in the Dukagjini zone?

25 A. It can be.

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1 Q. And, Witness, do you recognise the signature on the document?

2 A. I don't think that this signature belongs to Ramush. So it
3 says, it reads "Ramush Haradinaj," but I'm not convinced that this
4 signature belongs to him.

5 Q. Whose signature do you think it belongs to?

6 A. I don't know. I can't tell.

7 MR. QUICK: Your Honour, the witness has confirmed that this
8 document was the standard form that was used in the Dukagjini zone,
9 and he believes he had a document like it. I would tender it at this
10 time.

11 PRESIDING JUDGE SMITH: Objection?

12 MS. O'REILLY: Yes, Your Honour. I would object to its
13 admission at this point. This is simply one instance of a travel
14 permit where the witness has now said he doesn't believe it's
15 Ramush Haradinaj's signature, and I think we can all see that there
16 are differences between the signature and the one in the last
17 document.

18 What is also critical here is when the travel permits came into
19 existence because that's an issue that goes to the organisation in
20 the Dukagjin zone. This is undated, it's one example, and the
21 requirements for admissibility certainly aren't met at this point.

22 PRESIDING JUDGE SMITH: We'll mark it MFI.

23 MR. QUICK:

24 Q. Witness, when were you using the --

25 PRESIDING JUDGE SMITH: Wait, just a second.

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1 Mr. Court Officer.

2 THE COURT OFFICER: Thank you so much. So U002-1249 to
3 U002-1256 and the corresponding English translation will be marked
4 for identification with Exhibit P01604, classified as confidential.
5 Thank you, Your Honours.

6 MR. QUICK:

7 Q. Witness, when were you using this permit or a permit like this?

8 A. Any time I went outside the zones of the Dukagjini plain, I
9 always held it with myself. But that does not mean that I simply had
10 this document. I might as well have other documents. However, there
11 was a need for us to keep this type of document with us. This is not
12 only true for myself but it is also true for other soldiers, and we
13 had to have it with us in every movement that we did.

14 Q. Thank you, Witness. I will move to another topic.

15 Witness, in your SPO interview, as clarified at paragraph 15 of
16 Prep Note 1, which is now Exhibit P01595, you stated that the first
17 time you met Hashim Thaci was after a meeting held on 21 August 1998,
18 when Tahir Zemaj was appointed zone commander. You stated that on
19 this occasion, you met Thaci and Bislrim Zyrapi in your office at
20 Prapaqan barracks, and that during this meeting you talked about the
21 war.

22 Witness, approximately how long after the meeting when
23 Tahir Zemaj was appointed did you meet Thaci in your office in
24 Prapaqan?

25 A. From what I remember, this happened before Tahir Zemaj was

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1 appointed. I remember of having met Hashim Thaci a couple of times,
2 two times. So the first time, I didn't have a lot of contacts with
3 him. But the second time, he was in my office with another person,
4 wearing civilian clothes. He was not wearing a uniform. And in that
5 second meeting Bislim Zyrapi was present as well. But it was before
6 21 August 1998 when Tahir Zemaj was appointed as the commander of the
7 Dukagjini plain.

8 Q. So you're saying it was before or was it after that meeting?

9 A. So there were two times before, but then after the appointment I
10 met him another time. I met him in the village of Zhabel in the
11 vicinity of Bardhaniq.

12 MR. QUICK: Your Honour, if I could refresh the witness's memory
13 with Prep Note 2.

14 PRESIDING JUDGE SMITH: Yes, go ahead.

15 MR. QUICK: If we can please pull up 122459.

16 Q. And, Witness, this is a note of our meeting from last week,
17 which you had read back to you and which you confirmed that it
18 accurately and fully reflected your evidence. It's in English, so I
19 will read to you one part of the statement to see if it refreshes
20 your recollection. It says:

21 "[The witness] met Hashim Thaci three times."

22 MR. QUICK: And this is paragraph 15, I'm sorry.

23 MR. MISETIC: Thank you.

24 MR. QUICK:

25 Q. It says:

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1 "[The witness] met Hashim Thaci three times."

2 MR. QUICK: I'm sorry, I meant to go to Prep Note 1, which is
3 P01595. Sorry for that. Before I said these numbers could get
4 confusing. That was another example of that. And it's paragraph 15
5 of Prep Note 1.

6 Q. So, Witness, you said -- you stated the first time you met Thaci
7 was when he came to Prapaqan with Bislim Zyrapi after the 21 August
8 1998 meeting and before the Zhabel meeting; is that correct?

9 A. Let me clarify something. I have seen Hashim Thaci two times
10 before the appointment of Tahir Zemaj. The third meeting was at the
11 time when we met in Zhabel. So I met him twice in Prapaqan and once
12 in Zhabel.

13 Q. Okay. And, Witness, the first time that you met Hashim Thaci in
14 Prapaqan, was anyone --

15 A. Yes.

16 Q. Was anyone else present for this meeting?

17 A. The first time attending the meeting were some soldiers as well,
18 but I saw him in distance. Whereas in the second meeting, I met with
19 him. He was wearing civilian clothing. He was in my village, in my
20 office in Prapaqan, and Bislim Zyrapi was as well taking part in that
21 meeting. Whereas the third meeting was the meeting that happened in
22 Zhabel.

23 Q. [Microphone not activated].

24 MR. QUICK: Sorry. I'm not sure if you intend to take a
25 ten-minute break at 10.00?

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. QUICK: Yeah. Just one more question and then we can break.

3 Q. In addition -- so you've said that Bislrim Zyrapi and
4 Hashim Thaci were present for the meeting in Prapaqan in your office.
5 Was there anybody else present in addition to the three of you?

6 A. There was another person as well, but I don't remember his name.

7 Q. And was the other person from Prapaqan barracks? Was it one of
8 your soldiers? Or did that person come with Hashim Thaci?

9 A. No, he was from there. But I don't remember the name of the
10 person. Many years have gone by, and I don't remember the name.

11 MR. QUICK: Thank you, Your Honour. We can take a break at this
12 time.

13 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute
14 break right now. Please don't speak with anyone about your testimony
15 outside of the courtroom.

16 [The witness stands down]

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

18 --- Break taken at 10.02 a.m.

19 --- On resuming at 10.12 p.m.

20 PRESIDING JUDGE SMITH: Please bring the witness in.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. Mr. Tetaj, we will continue
23 with the questions from the Prosecution.

24 MR. QUICK: Thank you, Your Honour.

25 Q. Mr. Witness, before the break, we were discussing a meeting that

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1 you said happened in your office in Prapaqan. You said that you
2 yourself, another person or soldier that you don't remember,
3 Hashim Thaci, and Bislrim Zyrapi were present for this meeting in your
4 office; is that right?

5 A. That's right.

6 Q. Witness, what was discussed during this meeting in your office?

7 A. The conversation was -- so there were two factions: The Kosovo
8 Liberation Army and the FARK forces. So there was pressure towards
9 us to leave FARK and become members of the KLA. Whereas, in reality,
10 we were all soldiers. Now, this was the main topic. I can't recall
11 it -- details of it, but I do know that the conversation was about
12 the Armed Forces of the Republic of Kosovo known as FARK.

13 Q. And you said that there was pressure. Where did that pressure
14 come from have?

15 A. The meeting itself and the presence of Hashim Thaci who
16 attended. He spoke more than the others during that meeting.
17 However, I can't recall all of it today. This was a long time ago,
18 so I'm not able to recall exactly what was said.

19 Q. If you can't remember exactly what was said, can you explain
20 generally what Hashim Thaci was saying during this meeting?

21 A. I think I said that the whole topic of this meeting was the
22 frictions between the FARK and the KLA.

23 Q. Witness, did you have any photographs in your office at
24 Prapaqan?

25 A. There was the photograph of Rugova. And so at that time, they

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1 were apparently giving it -- making it a priority to deal with Rugova
2 and the LDK supporters rather than focusing on the organisational
3 matters of the KLA.

4 Q. Okay. Mr. Witness, when you say "they were apparently giving
5 it -- making it a priority," who's the "they" that you were speaking
6 about?

7 A. Every time Hashim Thaci came there, we had sort of problems in
8 the Prapaqan barracks precisely because of this. Because there were
9 two factions. We had great divergences. Whereas, in reality, we
10 were one sole army.

11 Q. Now, Mr. Witness, I'm talking specifically about the meeting
12 that happened in your office at Prapaqan that we were talking about
13 before. You said that there were photographs of Rugova in your
14 office. Was that discussed or a topic of discussion during that
15 meeting?

16 A. It was said that that photograph should be removed from the
17 wall.

18 Q. Did they say why it should be removed from the wall?

19 A. I don't recall. But there was pressure to not to have anything
20 that would -- anything associated to President Rugova or supporters
21 or members of the LDK. To my recollection, however, we were all
22 soldiers. We were not there as political party affiliates.

23 Q. Witness, what party or group were the soldiers at Prapaqan
24 affiliated with?

25 A. Look, I need to clarify this point. We set up the Kosovo

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1 Liberation Army in -- with its seat in the village of Gllogjan. Then
2 the Armed Forces of the Republic of Kosovo came in, called FARK, led
3 by Zemaj, and they were very much welcome in the Dukagjin plain. The
4 morale of soldiers went up. However, with the mediation or
5 intervention of the leaders of the Kosovo Liberation Army, attempts
6 were made for FARK name to be removed and to have only Kosovo
7 Liberation Army name used.

8 This is how I understood it at the time and during the years,
9 that, indeed, there were differences, statements made, books written,
10 both for FARK and the Kosovo Liberation Army.

11 Q. During the meeting in your office at Prapaqan that we've been
12 discussing, was there any discussion of appointment of the zone
13 commander for the Dukagjini plain?

14 A. I don't recall this event. It could be the case, but I don't
15 recall it. This was a rather short meeting, as far as I can
16 remember.

17 Q. And, Witness, in your answer before, you referred to leaders of
18 the KLA who were making attempts to remove the FARK name. When you
19 say "leaders of the KLA," who are you referring to?

20 A. All those officers led by Tahir Zemaj, they -- so all these
21 officers who came to the Prapaqan barracks were subjected to pressure
22 in order to have the Armed Forces of the Republic of Kosovo to cease
23 to exist at the time.

24 Q. Thank you, Witness. And who were the senior KLA leaders that
25 you said were exerting that pressure?

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1 A. The name that came up most of the time was Hashim Thaci.

2 Q. And was Tahir Zemaj at the Prapaqan barracks?

3 A. Yes, he was.

4 Q. And what was his role at the time of this meeting in your
5 office?

6 A. He was not present. He was in some other offices around the
7 barracks with his soldiers and carrying out other tasks. However,
8 during the meeting with him, he informed me on several occasions that
9 they had come and they had problems with the photograph of
10 Ibrahim Rugova and the denomination of the forces of the Republic of
11 Kosovo, FARK. This created a great distinction and caused harm to
12 us, serious harm, during the war because we were in favour of a
13 regular army, unified army, and the desire of all villages around was
14 to have Tahir Zemaj with his three brigades as an overall commander
15 of the Dukagjin plain.

16 Q. Thank you, Witness. I will move on to another topic now.

17 Now, in your SPO interview, as clarified at Prep Note 1 - and
18 this is Exhibit P1595, paragraphs 12 to 14 - you stated that you
19 attended a meeting at Zhabel, which is close to Bardhaniq, around the
20 end of August 1998. You stated that during this meeting,
21 General Staff --

22 A. Zhabel.

23 Q. Right. You stated that during this meeting, General Staff
24 representatives reappointed Ramush Haradinaj as commander of the
25 Dukagjini plain. You also stated that at one point during the

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1 meeting when tensions were high, Tahir Zemaj and Hashim Thaci stepped
2 aside from the meeting to call Ahmet Krasniqi.

3 Mr. Witness, after Tahir Zemaj and Hashim Thaci stepped aside
4 from the meeting, could you see them?

5 A. Can I clarify something here?

6 Q. If it's in relation to the question that I just asked, whether
7 you could see Tahir Zemaj --

8 A. It's in relation to the question. After Ramush Haradinaj,
9 Tahir Zemaj was appointed commander of the regional staff of the
10 Dukagjini plain with the consent of 40 villages. And as
11 Ramush Haradinaj accepted the position of deputy commander of the
12 Dukagjini plain zone. And everybody agreed to this. There was no
13 discontent or disagreements.

14 However, Hashim Thaci came a day before. I was not there. And
15 they held a -- convened a regular meeting in Zhabel after the --
16 three, four, five days after the appointment of Tahir Zemaj as
17 overall commander of Dukagjini plain. I was informed about this
18 meeting by Tahir Zemaj. Tahir told me, "We have a meeting, work
19 meeting in Zhabel," where our brigade was stationed, "and you have to
20 attend." I was not informed about these things and I objected to
21 going there, but he said, "You must be there. It is indispensable
22 that you come."

23 So we went there, waited for quite a long time, until Hashim
24 came with several persons, including Zyrap. I don't know about the
25 others. They were in uniforms. We would not meet often. We did not

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1 know each other. So we waited for quite a long time and then Hashim
2 came.

3 Can I continue?

4 Q. You can.

5 A. They brought envelopes for each of us and distributed them,
6 containing orders, positions, appointments. They were closed
7 envelopes. When we opened those envelopes, we saw our positions we
8 had been appointed to signed by the commander of the General Staff,
9 signed, but without a name. There was no name of the commander of
10 the General Staff. Therefore, we did not agree until -- to accept
11 those positions until we would be informed of the name, who was the
12 person that was the commander of the General Staff.

13 Tahir Zemaj was in the position -- who was in the position of
14 the commander of the Dukagjini plain, was replaced and Ramush was
15 appointed in his position. Tahir disagreed with that. Hashim Thaci
16 disagreed with that. So then we were waiting. Tahir and all of us
17 were constantly asking who is the commander. If we are zone
18 commanders, deputy zone commanders of the Kosovo Liberation Army, we
19 wanted to know who was our commander, commander of the General Staff.
20 They did not tell us. When I say "they," I mean Hashim Thaci who
21 came there. So problems started there.

22 They went to a shop a bit further down, made a call using a
23 satellite phone. I don't know if they spoke to the General Staff or
24 Ahmet Krasniqi. We don't know the content of the conversation. Some
25 voices were heard, though. So there was tension.

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1 Q. Mr. Witness, I'll stop you there. So my question was after
2 Tahir Zemaj and Hashim Thaci stepped aside, could you see them?

3 A. No, because they were inside, under a tent.

4 Q. Could you hear what was being said during the conversation?

5 A. We could hear what they were saying, but we, obviously, could
6 not hear what their interlocutors were saying. But we could hear
7 them because there was silence. It was an unpleasant situation. It
8 could have ended up with serious consequences. We were there, all of
9 us, for one single purpose, and we did not want to create problems.
10 So we left with the documents, those envelopes we were given, and
11 went back to our places.

12 Q. Witness, you said you could hear what was being said. What
13 exactly was being said during the separate meeting which you said was
14 in a tent?

15 A. An unpleasant voice was heard there. But I need to confirm --
16 to confirm here that we heard Hashim Thaci telling somebody, "We will
17 be done with you soon." I do not know who was he talking to.

18 Q. And when you say you heard "an unpleasant voice," what do you
19 mean by that? How was it unpleasant?

20 A. There were tensions between Tahir and Hashim Thaci in relation
21 to the position of the regional commander of Dukagjini plain.

22 Q. And you said there were tensions and you heard Hashim Thaci
23 telling somebody, "We will be done with you soon." Can you describe
24 how his voice sounded?

25 A. He was nervous. He was irritated.

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1 Q. And did he have a raised voice?

2 A. Not that much, but he could be heard clearly. The conversation
3 between the two of them, between Tahir and Hashim. But they were --
4 there was tension. They were nervous, both of them.

5 Q. [Microphone not activated].

6 Apologies. You said that you heard Hashim Thaci say this. Did
7 anybody else at the meeting hear this?

8 A. All those who were there with me heard this. It's just that
9 they don't want to speak. That was a very unpleasant situation to be
10 in. But there was the will of 40 villages in the Dukagjini plain,
11 after all those great offensives we had suffered from in the
12 Dukagjini plain, to have Tahir Zemaj as their commander and not
13 Ramush Haradinaj.

14 Q. And you said everyone at the meeting was able to hear this. Did
15 you discuss it at the meeting with anybody else who was present?

16 A. This was a topic. Every time we met with Zem -- soldiers of the
17 people who were present, this topic was discussed. They heard it.
18 It was much talked about. And there was a lot of criticism, as to
19 how Tahir Zemaj can end up being the deputy commander of the regional
20 Dukagjini command and replaced by Ramush. And Ramush during that
21 meeting just accepted his position and did not say anything.

22 We others threw the envelopes away. We did not accept them
23 until we were not -- told who the general commander of the Kosovo
24 Liberation Army was.

25 Q. Okay. And you said every time you met with the soldiers, the

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1 people who were present, this topic was discussed. Do you remember
2 the first time after the meeting that you discussed this topic with
3 other people?

4 A. This was mostly discussed when we had a meeting, all officers, a
5 work meeting with Tahir Zemaj, in a quiet, calm atmosphere. But we
6 were demoralised because of this event in the barracks of Prapaqan.
7 So this was discussed there. I don't recall details of any further
8 discussion. But this was a topic discussed on several occasions,
9 including by soldiers who were present there.

10 Q. And approximately how long after the meeting at Zhabel was this
11 discussed at Prapaqan barracks in the staff meeting?

12 A. That was the next day. On the next day, there was fighting. We
13 took our assignments at the Prapaqan barracks. And then it lasted
14 for several days, but I wouldn't know exactly how many days.

15 Q. Mr. Witness, at page 17 of Part 7 of the SPO interview, which is
16 P01594.7, you stated that Tahir Zemaj later told you that after
17 stepping aside with Thaci, Zemaj called Ahmet Krasniqi. And I'll
18 read you what you said at lines 14 to 17 on that page. It reads:

19 "But subsequently Tahir told me the conversation took place so
20 Ahmeti could persuade Tahir to accept the new [organisation], the new
21 structure."

22 So my question, Witness, is whether Tahir Zemaj also told you
23 whether Ahmeti succeeded in persuading Zemaj to accept the new
24 structure?

25 A. Yes, that's true. I also heard this story. There was once

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1 that, according to Tahir Zemaj, Ahmet Krasniqi tried to have an
2 impact on Zemaj so that he could accept the task of the deputy
3 commander of the Dukagjini plain, but Tahir Zemaj never accepted that
4 position. He was not convinced by Ahmeti. And then both of them
5 agreed on one direction. That's true.

6 Q. So both of them agreed during this conversation that they had
7 after --

8 A. Both Ahmet and Tahir, yes.

9 Q. [Microphone not activated]. When did Tahir Zemaj tell you about
10 this conversation that he had with Ahmet Krasniqi?

11 A. Can you repeat that once again, please?

12 Q. Of course. So when did Tahir Zemaj tell you he had -- tell you
13 about this conversation he had with Ahmet Krasniqi? When did
14 Tahir Zemaj tell you about it?

15 A. This is a conversation that happened in Zhabel. He only told me
16 on what Ahmet Krasniqi told him. So this was a discussion that
17 happened while we were there, but he told me what Ahmet Krasniqi told
18 him over the phone.

19 Q. I'm not sure I'm understanding your response, and it's probably
20 because my question is not very clear. What I'm asking you is when
21 did Tahir Zemaj tell you this? Was it at the meeting? Was it after
22 the meeting?

23 A. After the meeting. After we got back to Prapaqan. So in the
24 first meeting that we had together after the meeting of Zhabel he
25 told me that. That's what I remember.

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1 Q. And do you remember if you asked Tahir Zemaj about what was said
2 during the conversation or whether he volunteered the information?

3 A. No, he volunteered that information. And he told that thing not
4 only to myself but also to everyone else who was present there.
5 There were other officers that were with him, so he said that in
6 front of all of us.

7 Q. [Microphone not activated].

8 THE INTERPRETER: Microphone, please.

9 MR. QUICK: Sorry.

10 Q. And this was at the same staff meeting that we discussed before,
11 which you said was at the next day; is that right?

12 A. Let me explain once again. After the meeting in Zhabel, the
13 next day I went to the barracks in Prapaqan. It was then that this
14 topic was talked about.

15 Q. And did Tahir Zemaj tell you what happened next after his
16 conversation with Ahmet Krasniqi?

17 A. No. We had a conversation, we exchanged information, but what I
18 know is that Tahir Zemaj never accepted to be the deputy commander of
19 the Dukagjini plain.

20 Q. Did Tahir Zemaj tell you that Ahmet Krasniqi spoke to
21 Hashim Thaci?

22 A. Tahir told me that they spoke to one another, and he also told
23 me that they spoke to Ahmet Krasniqi while they were under the tent
24 in Zhabel. This is what Tahir Zemaj has told me.

25 Q. And did Tahir Zemaj tell you anything else about the

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1 conversation?

2 A. I don't remember.

3 Q. Did he tell you what happened after the phone call with Ahmet
4 Krasniqi?

5 A. They were discussing about those topics together with Ahmet.
6 But also Tahir -- like I said before, Ahmet was trying to convince
7 Tahir Zemaj to accept the task, the position, but then at the end of
8 the conversation both them agreed for Tahir Zemaj not to take up that
9 position. So this is what Tahir Zemaj has told me.

10 Q. I believe in your answer -- are you referring to the
11 conversation that Tahir Zemaj had with Ahmet Krasniqi?

12 A. Yes.

13 Q. And my question is after that conversation between Tahir Zemaj
14 and Ahmet Krasniqi, did Tahir Zemaj tell you that anything else
15 happened?

16 A. I don't remember.

17 MR. QUICK: Your Honour, if I could refresh the witness's memory
18 with his prior statement.

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. QUICK: If we can please go to Preparation Note 2, 122459 to
21 122472, and if we could look at paragraphs 17 and 18.

22 Q. Now, Witness, as I explained before, the preparation notes are
23 in English, so I will read the relevant part and then I will ask you
24 if that refreshes your memory.

25 MR. QUICK: If we can go down to the bottom of paragraph 17.

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1 Sorry.

2 Q. So that paragraph starts with:

3 "The atmosphere at the meeting" --

4 Or that part of the paragraph starts with:

5 "The atmosphere at the meeting was very tense. Tahir Zemaj and
6 Hashim Thaci were also arguing and left the table. Soon after the
7 meeting ended, Tahir Zemaj told [the witness] what was said in that
8 conversation. Tahir Zemaj talked to Ahmet Krasniqi, who put pressure
9 on Zemaj to accept the deputy commander post, but ultimately they
10 both agreed they would not accept that appointment. Then Thaci and
11 Ahmet Krasniqi spoke. [The witness] does not remember what else was
12 said and Zemaj did not tell [the witness] what else was said."

13 I'm now moving to paragraph 18:

14 "When referred to," and there's an exhibit number, and that
15 exhibit number refers to Tahir Zemaj's book, "Thus Spoke
16 Tahir Zemaj."

17 "When referred to [Tahir Zemaj's book]," and the page numbers of
18 the relevant excerpt are given, "[the witness] stated it was an
19 accurate reflection of what happened. [The witness] himself heard
20 Thaci say 'I will accomplish the mission with you very soon', but
21 does not know who he said it to, whether to Krasniqi, Zemaj, or both.
22 He could only hear what was being said, but could not see Zemaj and
23 Thaci. Soon after the meeting at Zhabel, Tahir Zemaj told [the
24 witness] that Thaci told him that he would fight him," meaning
25 Tahir Zemaj, "like the Serbians."

Witness: Rustem Tetaj (Open Session)

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Examination by Mr. Quick

1 Witness, is what I just read correct?

2 A. Yes, now I remember, and I do confirm what you read, what you
3 cited in your reference. I do confirm that. That's true.

4 Q. Okay. And specifically in relation to the last sentence that I
5 read, and I'll read it again:

6 "Soon after the meeting at Zhabel, Tahir Zemaj told [the
7 witness] that Thaci told him that he would fight him," meaning
8 Tahir Zemaj, "like the Serbians."

9 Do you confirm that's correct?

10 A. That is not something that I've heard, but that is something
11 that Tahir Zemaj told me. Whereas when it comes to the meeting of
12 Thaci with Tahir, I know of that, but I don't know of the content of
13 what he told Zemaj. Whereas everything else that you read,
14 everything is accurate.

15 Q. And how long after the meeting did Tahir Zemaj tell you that
16 this was said by Hashim Thaci?

17 A. I don't know. However, we met very frequently. We met
18 frequently at the Prapaqan barracks. It's there that he told me
19 that. Whereas the exact timing, I can't tell that. I don't know.
20 Otherwise, I would speculate.

21 Q. Was it at that staff meeting that we discussed before which you
22 said was the first staff meeting after the meeting at Zhabel?

23 A. It can be. So it could be the case. I don't know.

24 Q. Do you remember approximately how long after the meeting
25 Hashim Thaci told you this? Apologies. Let me correct. That

Witness: Rrustem Tetaj (Open Session)

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1 Tahir Zemaj told you this.

2 A. Tahir Zemaj, yes. I can't tell, but probably three or four days
3 after the meeting in Zhabel. Not longer than that.

4 Q. And did you ever discuss this with Hashim Thaci again?
5 Apologies.

6 A. No.

7 Q. I made the same mistake. Did you ever discuss this with
8 Tahir Zemaj again?

9 A. No, I don't remember. However, what I remember is that every
10 time Hashim Thaci came to the Prapaqan barracks, Tahir Zemaj used to
11 have issues with him. I have not been present there myself, but that
12 is something that was conveyed to me. There was always a problem
13 with the photos of Ibrahim Rugova, because he was insisting that the
14 photo of Ibrahim Rugova should not hang on the wall.

15 MR. QUICK: Court Officer, we can take the document down.

16 Q. Witness, you've had a chance to review your prior statements,
17 including your 2002 ICTY statement, which has been admitted as P1593.
18 In that statement, there's no mention of the meeting at Zhabel. Were
19 you asked questions about the meeting at Zhabel by ICTY
20 investigators?

21 A. If that is written down, it could have happened like that, but
22 now I don't have an answer to your question. I don't know what
23 questions were asked of me back then. It could be but I don't know.
24 However, I think that nobody asked me about these cases in the past.
25 I'm not sure.

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Examination by Mr. Quick

1 MR. QUICK: Your Honour, if I could just have one second.

2 PRESIDING JUDGE SMITH: Certainly.

3 [Specialist Prosecutors confer]

4 MR. QUICK: Thank you, Your Honour.

5 Q. Witness, I will now move on to another topic. You previously
6 stated that around the end of April 1998, you were interrogated by
7 Faton Mehmetaj and a person called Ujku about a trip you took to
8 Peje. They accused you of giving information to the Serbian police
9 in Peje. And that's at page 16 of your 2002 ICTY statement, which is
10 Exhibit P01595.

11 Now I want to show you a document.

12 MR. QUICK: Court Officer, if we can please pull up
13 U009-2010-U009-2060. And the English translation is
14 U009-2034-U009-2060-ET. And if we can please go to page U009-2037 in
15 both documents.

16 Q. [Microphone not activated].

17 JUDGE METTRAUX: Microphone.

18 MR. QUICK: Apologies.

19 Q. Witness, before I showed this document to you last week, had you
20 seen it before?

21 A. Never. I had not.

22 Q. Witness, I want you to look at the second paragraph on that
23 page, which in Albanian starts with the words:

24 "Between the dates of 23 April and 30 April 1998 ..."

25 MR. QUICK: And in the English, it starts with the witness's

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1 name, Rrustem Tetaj.

2 THE WITNESS: [Interpretation] Yes, I'm having a look at the text
3 in English.

4 MR. QUICK:

5 Q. Yes, so I will --

6 A. But not in Albanian, though. It's difficult to read the text.

7 Q. So in the Albanian on your screen - and maybe we can zoom in on
8 that paragraph - it's the second paragraph on that page, and it says:

9 "Between 23 April and 30 April 1998 ..."

10 Do you see that?

11 A. Yes, yes, I do.

12 Q. So, Witness, I will read this. If you can please follow along
13 in the Albanian version --

14 A. Yes. Yes, I have the text in front of me.

15 Q. So it reads:

16 "Rrustem Tetaj, former captain in the Yugoslav Army, disappeared
17 without [a] trace between 23 and 30 April 1998 although he tried to
18 set up something separate, not in the framework of the Kosovo
19 Liberation Army, in several villages, including Lluka, Beleg, Pozhar,
20 Lumbardh, Carrabreg, etc. He said then that he went to Jabllanica,
21 something that was proven not to be true. The aforementioned
22 admitted in front of the staff members that he had stayed during this
23 period in Bellopoja of Peja, just in front of the army barracks?"

24 Now, Witness, the trip to Peje that's mentioned, is that the
25 same trip that Faton Mehmetaj and Ujku interrogated you about?

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1 A. First, this is all slander. This is all defamation. This is
2 entirely not true. So this is a fabrication by Faton Mehmetaj.
3 Because on 23 April, this is not something that has happened.
4 Instead, this is something that happened before that, where the
5 village of Gllogjan was attacked on 24 April. It was several days
6 after 24 April that this event happened. I left towards Peje because
7 of health-related issues.

8 The town of Peje and all the surrounding villages were free back
9 then because there were no controls, no checkpoints. I mean we could
10 freely move through those areas. We could go to those areas before
11 24 April but also after 24 April. In this period of time, four to
12 five days before the attack in Gllogjan, citizens could freely move
13 there, go to the market, go to the town of Peje.

14 However, Faton Mehmetaj, having certain interests, and in order
15 to humiliate myself because I was a person that was entrusted by
16 people -- I am a military person. I have a military background. I
17 have a military education. I was kept in the military forces for
18 many years, and I had a reputation amongst the people. In 1987, I
19 was let go by the Yugoslav Army and I was sentenced with five years
20 of imprisonment. And I used to be a soldier many years before he
21 became a soldier and many others became soldiers. I knew that we
22 were on the verge of the war --

23 Q. Witness, I hate to interrupt --

24 A. -- and I wanted to get medications for myself. That's the
25 reason why I went to Peje.

1 Q. I apologise.

2 MR. QUICK: It's, I believe, the time for the 11.00 break, and I
3 will continue after.

4 THE WITNESS: [Interpretation] Okay.

5 PRESIDING JUDGE SMITH: Witness, we will take a half-hour break
6 at this time. We will be back in court at 11.30. You may leave the
7 courtroom now with the Court Usher.

8 [The witness stands down]

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

10 --- Recess taken at 11.00 a.m.

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

12 PRESIDING JUDGE SMITH: Yes, Ms. -- yes.

13 MS. O'REILLY: Thank you, Your Honour. Just before the witness
14 is brought back in.

15 Before the break, we embarked on an exercise which threatens to
16 be a lengthy one if we're following what's happening in Prep Note 2,
17 para 37. This is the first of about ten pages that the Prosecution
18 put to the witness during his preparation session.

19 Now, the issue with this exercise is that we -- we're dealing
20 with a document, the authorship of which is entirely unknown. It's
21 described as a collection of documents relating to Lahi Brahimaj.
22 So, first of all, we might inquire as to whether the Prosecution
23 intends to go through the whole exercise.

24 But, you know, if they do, we could waste quite a lot of court
25 time on a document that's ultimately, in our submission at least,

1 inadmissible. So I wonder if we could get some clarity on that.

2 The other thing I should say is a lot of what's to come, at
3 least based on the prep note, is allegations that the witness
4 disagrees with factually and are new. So we're talking about quite a
5 significant expansion of the witness's evidence with very late or
6 essentially no notice and, as I say, based on a document, the
7 provenance of which is, essentially, unknown to all of us.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. QUICK: Yes, Your Honour.

10 So in the witness's 154 statement, which has now been admitted,
11 the witness talks about a number of lists and about a number of
12 persons who were targeted by the KLA or were identified by the KLA at
13 different times. The witness himself is also -- and these persons
14 are named in the document, as is the witness himself. So the witness
15 is in a position to comment on the contents of these documents.

16 The scope of the direct examination has been clearly notified
17 from the beginning, and it was clearly notified that the witness
18 would speak about the persons who he had identified in his prior
19 statements and who he said had been targeted or elicited on these
20 lists. So --

21 PRESIDING JUDGE SMITH: I would just suggest if you wish to
22 interpose an objection to an admissibility issue, you may certainly
23 do so at the time.

24 We will go ahead with the examination.

25 [Trial Panel and Court Officer confers]

Witness: Rrustem Tetaj (Private Session)

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Examination by Mr. Quick

1 PRESIDING JUDGE SMITH: Just for the record, as to MFI 1604, I
2 will allow it to be admitted for the very limited purpose of just
3 showing its similarity to other passes used in that zone at other
4 times. No other purpose.

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: All right. Witness, we will continue
7 with the questions from the SPO.

8 Go ahead, Mr. Quick.

9 MR. QUICK: Thank you, Your Honour.

10 My next line of questions concern the same page on this document
11 but relate to personal information and allegations against a number
12 of individuals that the witness knows or has referred to in his prior
13 statements. To avoid further dissemination of this information,
14 which would be against the rights and interests of third parties, I'd
15 ask that we move into private session, please.

16 PRESIDING JUDGE SMITH: Private session to protect the parties'
17 interest.

18 [Private session]

19 [Private session text removed]

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Witness: Rrustem Tetaj (Private Session)

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Examination by Mr. Quick

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Witness: Rrustem Tetaj (Private Session)

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Witness: Rrustem Tetaj (Private Session)

Page 19476

Examination by Mr. Quick

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Witness: Rrustem Tetaj (Private Session)

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Examination by Mr. Quick

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Examination by Mr. Quick

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Witness: Rrustem Tetaj (Private Session)

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Witness: Rrustem Tetaj (Private Session)

Page 19481

Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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Examination by Mr. Quick

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20 [Open session]

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

22 Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. QUICK:

25 Q. Thank you, Mr. Witness. I don't have any further questions.

Witness: Rrustem Tetaj (Private Session)

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Cross-examination by Mr. Misetic

1 PRESIDING JUDGE SMITH: Cross-examination.

2 Mr. Misetic.

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

4 Cross-examination by Mr. Misetic:

5 Q. Witness, good afternoon. My name is Luka Misetic. I am counsel
6 for Mr. Thaci, and I'm going to have some questions for you this
7 afternoon.

8 MR. MISETIC: But at the outset, if we could just go briefly
9 into private session, please.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 [Private session]

12 [Private session text removed]

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Cross-examination by Mr. Misetic

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23 [Open session]

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

25 Thank you.

Witness: Rustem Tetaj (Open Session)
Cross-examination by Mr. Misetic

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1 MR. MISETIC: Thank you.

2 Q. Now, Witness, I would like to discuss the formation of the KLA
3 in your village and more broadly in the Dukagjin zone. During the
4 Haradinaj trial, you described the surrounding villages in your
5 area -- that surrounding the villages in your area were every day
6 harassed by the Serb forces. Do you recall that?

7 A. [Interpretation] Yes, yes.

8 Q. You testified that because of the daily harassment by Serb
9 forces, local villagers decided to organise themselves; is that
10 correct?

11 A. Yes.

12 Q. And the organisation of these villages, is it correct that the
13 pace of the organisation picked up after the attack on the Haradinaj
14 compound in March of 1998?

15 A. That's correct.

16 Q. And then individual villages started to create their own
17 headquarters that then joined up with the KLA; is that correct?

18 A. That's correct.

19 Q. Would it be fair to say that the KLA in the Dukagjin zone was
20 built from the ground up?

21 A. That's -- it is true that the Kosovo Liberation Army was
22 organised by the people and it was born from the people. It did not
23 come from higher levels. And I can explain this.

24 Again, at the time, had we had a superior higher structure, we
25 would have received decision from these higher structures. But we

1 formed the staff in Glogjan, and then we ourselves reorganised and
2 expanded to create the staff of the Dukagjini plain.

3 Q. Yes. And I was going to get to that next. Your personal
4 reaction to this harassment by Serb forces and the attack on the
5 Haradinaj compound was to go to the village of Glogjan where you met
6 with Ramush Haradinaj and discussed the possibility of organising
7 your village to join the KLA efforts; is that correct?

8 A. Correct.

9 Q. Now, you had a military background in the JNA; correct?

10 A. Correct. I completed the military academy. I worked for ten
11 years in the Yugoslav Army until 1987, when I was dismissed on the
12 allegation that I was Albanian.

13 Q. And Mr. Haradinaj did not seem to have any negative reaction to
14 the fact that you were a former JNA officer; correct?

15 A. Correct. There were no allegations at the time.

16 Q. You also said that at this time -- and I'm going to quote you.
17 You told the ICTY that at this time the KLA was "just [a]
18 disorganised thing." Is that accurate?

19 A. I don't recall stating it like that. It may be, though, because
20 this was the very beginning.

21 Q. Well, let me ...

22 [Specialist Counsel confer]

23 MR. MISETIC:

24 Q. Let me just -- I'll read it out to you.

25 MR. MISETIC: And for the benefit of the parties, I'll read the

1 citation. It's T000-9383-4-A-TR-ET, page 9, lines 4 to 8.

2 Q. You were asked at the ICTY:

3 "I agree with you completely about that."

4 And then you say:

5 "I say that because in the beginning of the war, when it all
6 started, there was no proper army. It was just [a] disorganised
7 thing ... that's why I'm saying the things I'm saying."

8 Is that correct? There was no proper army and it was
9 disorganised?

10 A. Correct. There was no military formations, rankings. We were
11 making attempts with the staff and the officers of the Dukagjini
12 plain to align the Kosovo Liberation Army as a regular army, make it
13 as a regular army.

14 Q. And I'd like to discuss those efforts with you now, starting
15 with a meeting that occurred in May of 1998. At that time, an
16 invitation came to village leaders to attend a joint meeting to
17 discuss further steps; is that correct?

18 A. Correct.

19 Q. And to be precise, that meeting occurred at the end of May 1998?

20 A. March -- I wouldn't know. I'm not certain. After the attack on
21 the Haradinaj compound and the village of Glllogjan.

22 Q. Well, let me just read to you what I have from your ICTY
23 testimony. It's T000-9383-5-A-TR-ET at page 20, beginning at line
24 25. The question is:

25 "But you say in your statement by the end of May, when most of

1 the villages in Dukagjin area were armed and militarily organised at
2 the village level, each village representative received a ..."

3 And it's indiscernible, but it should be "invitation." And your
4 answer is:

5 "And that's when the subzones were established."

6 So is it correct that it was at the end of May that this
7 invitation went out to have a meeting?

8 A. The meeting you're referring to, it is true, indeed, that we
9 divided the subzones in the course of this meeting for the Dukagjini
10 plain.

11 Q. Yes. And this meeting was called, according to your testimony
12 at the ICTY, because Serbian forces were closing in on Glllogjan; is
13 that correct?

14 A. Correct.

15 Q. And during this meeting, you were the one who proposed to divide
16 the area into four subzones; is that correct?

17 A. Correct.

18 Q. And as you told the SPO, one of the reasons for this division
19 was the conditions in your area, such as the terrain, lack of
20 communication, and means of transportation; is that correct?

21 A. Correct.

22 Q. And then you told the SPO that the participants at the meeting
23 decided to create these subzones; is that correct?

24 A. Correct.

25 Q. And is it therefore correct that the subzones were adopted by

Witness: Rrustem Tetaj (Open Session)
Cross-examination by Mr. Misetic

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1 vote at this meeting?

2 A. Correct, yes.

3 Q. So the creation of the subzones was not the result of a higher
4 -- an order from a higher command. It was the result of a vote at
5 the local level; correct?

6 A. And I said it before. Had we had a higher staff, we would have
7 received orders, but we did not have one. This was our own
8 initiative, how to organise ourselves rapidly in those circumstances.

9 Q. Now, let's discuss who was present at this meeting. Now, is it
10 correct that there were a number of former JNA officers present at
11 the meeting?

12 A. There were representatives of around 40 villages of the
13 municipality of Decan. I'm not sure about the number, though. And
14 there were, yes, also officers who -- amongst them who had completed
15 the military academy.

16 Q. And it was during this meeting that Ramush Haradinaj was elected
17 to be the overall commander; is that correct?

18 A. Not general commander but commander of the Gllogjan staff. He
19 was not called general.

20 Q. Yes, not of Dukagjin zone but of the Dukagjin plain, if you
21 will.

22 A. Of the Gllogjan staff. This is how we called it initially. The
23 staff of Gllogjan. That's the starting point.

24 Q. And you've stated in a witness statement that despite that
25 appointment, commanders of subzones did not always follow his orders;

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1 is that correct?

2 A. Could you please repeat the question?

3 Q. Well, I'll read what you said in a statement.

4 MR. MISETIC: And this is U016-0819 to U016-0877 at paragraph
5 63.

6 Q. You said:

7 "Ramush Haradinaj ordered me to undertake some military actions.
8 I undertook other military actions on my own. I informed
9 Ramush Haradinaj of all military actions I undertook. However, we,
10 the subzone commanders, did not carry out every order that came from
11 Ramush."

12 Is that accurate?

13 MR. QUICK: Perhaps the rest of the paragraph could be read to
14 the --

15 THE WITNESS: [Interpretation] Yes.

16 MR. QUICK: -- witness.

17 MR. MISETIC: I don't know why. I mean ...

18 PRESIDING JUDGE SMITH: Go ahead.

19 MR. MISETIC: Thank you.

20 PRESIDING JUDGE SMITH: You can do that on redirect if you wish.

21 MR. MISETIC: Did we get the witness's answer on the transcript?
22 Yes, okay. Great.

23 Q. Now, you also told the Haradinaj trial chamber that it was
24 actually impossible to consult with Mr. Haradinaj on everything in
25 advance; is that correct?

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1 A. It is true because we did not have the communication equipment.
2 This was a long distance regarding remote areas. We had no means to
3 do that.

4 Q. Okay. So as a result of the lack of communication, you often,
5 at the subzone level, would make your own decisions; is that correct?

6 A. Every subzone commander was in a position to make their own
7 decisions.

8 Q. Now, you explained during your testimony at the Haradinaj trial
9 that at this point, we're talking about May and June 1998, it was
10 still inappropriate to talk about commanders or headquarters because
11 the necessary structure simply was not there; is that correct?

12 A. That's correct.

13 Q. Now, I'd like to turn to a meeting that took place on 21 June
14 1998. Do you recall discussing that meeting with the SPO when you
15 were interviewed?

16 A. Which venue, location where the meeting was held? Because I
17 can't recall now.

18 Q. A meeting in Isniq on 21 June 1998.

19 A. It might be there was one. I stand by my statement. But I
20 would need more content, the content of our discussions in that
21 meeting.

22 Q. Yeah. I will show you what the SPO showed you. And to be fair
23 to you, you said to the SPO that you didn't recall the meeting, but
24 they showed you some minutes from that meeting.

25 MR. MISETIC: And so if we could please put on the screen

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1 Exhibit P1598, please, at page 1 in both versions.

2 Q. Now, if we look at the second paragraph there, Ramush Haradinaj,
3 it's recorded as him saying:

4 "The reason for the meeting is to coordinate the joint
5 activities at the Dukagjin level. So far we can say that there has
6 been a self-proclaimed Dukagjin Staff to some extent."

7 Do you see that?

8 A. That's correct. However, this meeting you're claiming took
9 place in Isnig when Ramush Haradinaj -- where Ramush Haradinaj spoke.
10 I know that we had a meeting in Jabllanice where Ramush Haradinaj was
11 elected, chosen as a commander of the staff of the Dukagjin plain.
12 The meeting you're referring to occurred after the formation of the
13 Dukagjini plain staff.

14 Q. Well, we'll get to that meeting in a second.

15 MR. MISETIC: But if we could scroll to the top of the page in
16 Albanian.

17 Q. Do you see, sir, at the top right-hand side of the page it says,
18 in handwriting, "Isnig"?

19 A. That's a mistake. The meeting could not be held in Isnig. It
20 was the staff of the Dukagjini plain, regional staff. And Ramush
21 himself seems to have stated here that until now it was referred to
22 as the Glllogjan regional staff, and from now on it will be referred
23 to as Dukagjini plain staff. With respect to the date, I don't know.
24 It could have been in Jabllanice.

25 MR. QUICK: If I could just interrupt just very briefly. Maybe

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1 the witness could be specifically asked about the spelling. So it's
2 Irzniq, and you and the witness are referring to Isnig, and I believe
3 they are two different places.

4 MR. MISETIC: Okay. Fair enough.

5 Q. Is it Irzniq, perhaps, that the meeting took place in?

6 A. We held our meetings in Irzniq and the meetings with
7 Ramush Haradinaj. Irzniq is fine. However, this work meeting of the
8 regional staff of Dukagjin cannot be held in Irzniq if the regional
9 staff of the Dukagjini plain was not formed in Jabllanice. We formed
10 that first in Jabllanice, where Ramush Haradinaj was appointed
11 commander. After which Ramush states, as it is indicated here, that
12 it will not be referred to as a regional Glogjan staff but as the
13 Dukagjini plain staff.

14 Q. Okay. Well, the minutes that I read out to you, the portion
15 that I read out to you, quotes Ramush Haradinaj as referring to the
16 Dukagjin staff as "self-proclaimed." Do you see that?

17 A. Yes, I can see that.

18 Q. Okay.

19 A. But I disagree with the word "self-proclaimed," because we had
20 the regional staff of Glogjan and the regional staff of Dukagjini
21 plain.

22 Q. Well --

23 A. Why was that used or -- I don't know.

24 Q. Well, let me phrase it a different way then. Is it fair to say
25 that Mr. Haradinaj there was pointing out that the Dukagjin staff had

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1 been created on the ground and not as a result of a higher order by a
2 higher authority?

3 A. That is very true, indeed. And I'm stating that the regional
4 staff of the Dukagjini plain and the KLA itself in that area were
5 born from the people, from the ground, not from -- it didn't come
6 from a superior level.

7 Q. Okay.

8 A. There is no household where -- which members didn't take up arms
9 to defend their homes, their families, with whatever means we have.
10 Therefore, starting from that point, we needed to reorganise and
11 organise things in a better way so that it would appear more like an
12 army, because we were under attack from all sides.

13 Q. Okay. You told the SPO that at this -- among -- sorry. You
14 told the ICTY that among the things that were discussed at this
15 meeting was the fact that you were having problems with coordination
16 of the various units within the Dukagjin plain; is that correct?

17 A. Correct, yes.

18 MR. MISETIC: If we turn to page 3 in the English and page 4 in
19 the Albanian, please. There's a point -- yes, the portion that
20 starts with Ramush Haradinaj allegedly -- no, if we could scroll up,
21 please. There you go.

22 Q. There's a portion there where we see Ramush Haradinaj being
23 recorded as saying:

24 "There are Regulations on the Military Police which will carry
25 out regular tasks and keep the peace in the Dukagjin region."

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1 Do you see that?

2 A. Yes.

3 Q. Now, you told the SPO - and this is at Part 4 of your interview
4 at page 16 - that you don't recall any discussion about military
5 police at this meeting; is that correct?

6 A. That's correct.

7 Q. And you told the SPO, at Part 4, page 21 of your SPO interview,
8 that you do not remember whether there were any changes to the
9 military police following this meeting; is that correct?

10 A. Most probably, yes. I -- I cannot recall it now. I cannot
11 recall all the details, but it might be so.

12 Q. And you told the Haradinaj trial - and this is at page 3740,
13 Exhibit IT-04-84 T3690 to T3787 - that as of the end of June, it was
14 your testimony that there was no military police organisation in the
15 Dukagjin region; is that correct?

16 A. If that's what it reads what I've stated, then that's how it is.
17 I can't recall everything now. This was over 20 years ago.

18 Q. Well, have you seen anything since your testimony in the
19 Haradinaj trial that would lead you to believe that there was a
20 military police presence in the Dukagjin zone in June of 1998?

21 A. No.

22 Q. Okay. Now let's turn to the meeting of 23 June where
23 Ramush Haradinaj was elected commander of the zone.

24 You've testified -- or you told the SPO - and this is Part 6,
25 page 7 of your SPO interview - that at this time, on 23 June, you had

1 no knowledge about the General Staff or its potential members; is
2 that correct?

3 A. Could you please ask the question again?

4 Q. Yes. As of 23 June, the meeting where Ramush Haradinaj was
5 elected, you told the SPO that you had no knowledge about the
6 General Staff and its potential members; is that correct?

7 A. This wasn't the SPO. It was something different. However,
8 Ramush Haradinaj was appointed commander of the Dukagjini plain on
9 that date. I'm not sure about the dates, though, but it was in
10 Jabllanice.

11 Q. Okay. Well, here's what's recorded in your SPO interview.
12 You're saying:

13 "As far as [I was] concerned, at that moment... at that moment
14 in time, from what I remember ... there wasn't a General Staff. Even
15 to this day, it's only a matter of, you know, me thinking ... you
16 know, the General Staff ... existed [in] the first place or, you
17 know, were in existence.

18 "We were never told who the members of the General Staff were at
19 that moment... at that time."

20 Is that correct?

21 A. Finally. Now I understood the question. Thank you. Until we
22 formed the regional staff of the Dukagjini plain in Jabllanice, and
23 we elected Ramush Haradinaj as the commander of the Dukagjini plain
24 regional staff, we elected him. Had there been a staff, higher,
25 superior staff, we would have received orders: Rrustem would be in

1 this position, Ramush in that position. But that was not the case.

2 Rexhep Selimi was present there as well. And we voted to elect
3 Ramush Haradinaj. Rexhep proposed Lahi Brahimaj, but he was not
4 elected, but Ramush Haradinaj was elected instead commander of the
5 Dukagjini plain. This is an element indicating that had there been a
6 superior staff structure, as it is alleged, we wouldn't have needed
7 to raise our hands and to vote. Because commanders in normal armies
8 are not voted or adopted by vote but they are appointed by decisions.

9 Therefore, I am absolutely clear on that, that at the time we
10 absolutely didn't know that there was a Kosovo General Staff. And
11 even if it existed, to this day I'm still convinced that it was only
12 fictional, because we have to have in mind that the Kosovo Liberation
13 Army was born from the people of Kosovo, not from two or three
14 individuals. There were elderly people, young men, women, children
15 who took up arms and weapons to defend their country.

16 Q. Thank you. You told the SPO that you do not recall any occasion
17 on which a military action in the Dukagjin zone was implemented based
18 on the General Staff's instructions; is that correct?

19 A. Because there wasn't one. There was no order.

20 Q. You told the SPO that you do not know in what way, if any, the
21 General Staff communicated with individual zones; is that correct?

22 A. That's correct.

23 Q. Now, the main topic of the meeting on 23 June was the
24 transformation of the Glllogjan regional headquarters into the
25 Dukagjin zone; is that correct?

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1 A. That's correct.

2 Q. And my last question before the break: You told the SPO during
3 your interview that you have no recollection that the idea or the
4 proposal to create a Dukagjin zone was somehow prompted by the KLA
5 General Staff; is that correct?

6 A. If there had been one, I would have known. But I don't think
7 there was one. And I was not aware of any.

8 Q. Thank you, Witness.

9 MR. MISETIC: Mr. President, this is a good time for a break.

10 PRESIDING JUDGE SMITH: Thank you.

11 Witness, it's time for a lunch break. We will take an hour and
12 a half for lunch. Please do not speak with anyone outside the
13 courtroom about your testimony. We will begin again at 2.30.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: Could I have an update on times for
16 cross-examination estimates, accurate estimates, please?

17 MR. MISETIC: Mr. President, I think I've asked for two and a
18 half. I've used about a half an hour, so I would say I'm going to be
19 close to that. Two to two and a half, I would say.

20 PRESIDING JUDGE SMITH: Thank you.

21 Anybody else?

22 MS. O'REILLY: I'd estimated an hour. Some of my questions
23 won't be necessary anymore, so we'll see how it goes, but I still
24 think over half an hour.

25 PRESIDING JUDGE SMITH: Mr. Roberts.

1 MR. ROBERTS: I'd actually reduced mine to half an hour, I
2 think, yesterday by e-mail. In light of some of the answers that
3 have just been given, it's potentially less than that, but certainly
4 no more at this juncture, anyway. Obviously dependent on what
5 arises --

6 PRESIDING JUDGE SMITH: I'm not arguing about the amount. I
7 just want to know something so we can kind of --

8 MR. ROBERTS: Yes.

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

10 MR. ELLIS: The estimate was an hour. It's going to be less
11 than that as a result of some of the questions just asked.

12 PRESIDING JUDGE SMITH: All right. Thank you all. We'll see
13 you all back at 2.30. We're adjourned until then.

14 --- Luncheon recess taken at 1.02 p.m.

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

16 PRESIDING JUDGE SMITH: Mr. Court Officer, you needed some time
17 to make a correction in the record?

18 THE COURT OFFICER: Yes, thank you, Your Honours. At today's
19 transcript, at page 8, lines 10 to 20, it states that the ERN
20 IT-04-84bis P00190.E and its corresponding translation are assigned
21 Exhibit P01597. And the ERN ET-U002-0362-U002-0362 and its
22 corresponding translation are assigned Exhibit P01598. However,
23 these exhibit numbers were inadvertently reflected in the
24 Legal Workflow presentation queue.

25 Therefore, for the clarity of the records, the ERN U002-0362 to

1 U002-0362 and its corresponding translation are assigned
2 Exhibit P01597. The ERN IT-04-84bis P00190.E and its corresponding
3 English are assigned Exhibit P01598. Both are classified as public.

4 Thank you, Your Honours.

5 PRESIDING JUDGE SMITH: Thank you.

6 Madam Usher, will you bring the witness in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Welcome back, Witness.

9 Mr. Misetic, from the --

10 THE WITNESS: [Interpretation] Thank you.

11 PRESIDING JUDGE SMITH: Mr. Misetic from the Thaci Defence will
12 continue his questions.

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

14 Q. Good afternoon again, Witness. I'd like to pick up where we
15 left off before the lunch break. And before the lunch break you said
16 that, as far as you were concerned, the General Staff -- the
17 existence of the General Staff in June 1998 was fictitious, I believe
18 is the word you used.

19 Could you tell us --

20 A. Yes, that's what I thought. Back then, this is what I thought.

21 Q. Okay. Could you tell us what was your understanding as to
22 who -- as to whether Faton Mehmetaj was reporting to anyone.

23 A. He was one of us. He was charged with many tasks. But I don't
24 know who he reported to. None of us did.

25 Q. What about Idriz Balaj, Toger?

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1 A. Idriz Balaj was the commander of the Black Eagles. So he used
2 to work at the village of Isniq. And from what I know, he was
3 independent.

4 Q. So he wouldn't -- as far as you were aware, he was reporting to
5 no one. When you say "independent," is that what you mean?

6 A. Yes, I'm talking from what I think. My opinion is that he was
7 independent at the time.

8 Q. Okay. Was Mr. Mehmetaj independent as far as you knew?

9 A. Faton Mehmetaj had a lot of tasks. He was a joker, and he was
10 involved in everything.

11 Q. When you say he "had a lot of tasks," who gave him these tasks?

12 A. I had once heard that Sahit Ahmetaj [phoen] -- from Sahit
13 Ahmetaj, that was the person who told me, that Faton Mehmetaj has
14 become a political factor in the operational zone of the Dukagjini
15 plain. So we had to propose him, if that was the case. And I
16 remember one of the cases where Ramush Haradinaj was asking us how
17 come that he is playing such a role, and I answered I don't know
18 anything about that.

19 Or, for instance, there were cases where soldiers amongst my
20 unit where Faton Mehmetaj was chosen as the political representative,
21 they wanted to shoot him. And I'm talking about people that were
22 very close to where he lived. And in a nutshell, I can tell you that
23 I don't know exactly what functions he carried out and who he
24 reported to.

25 Q. Okay. But that last answer, you said that Ramush Haradinaj

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1 asked you why he was so important; is that correct?

2 A. It was me asking him. I was just wondering on whether
3 Ramush Haradinaj proposed him to that position. But the answer that
4 he gave to me was that, "I don't know. I am not aware of anything."
5 He was not aware that Faton Mehmetaj was the political representative
6 of the General Staff of the KLA. Political representative, that is.

7 Q. Well, if it is fictitious as far as you were aware -- if the
8 existence of the General Staff was fictitious as far as you were
9 aware --

10 A. Yes.

11 Q. -- then who would he have been a political representative of?

12 A. Well, that's the -- that's the real question. I think that you
13 have the answering to that question. That was unknown. At the time,
14 and that is something that I also highlighted a little bit before in
15 this court of law, that if the General Staff existed, so if there
16 were a General Staff of the KLA, there would be no need for us to
17 vote for Ramush Haradinaj.

18 Q. All right. Okay.

19 A. So probably it would be best for you to ask him on how he has
20 been voted for. So what I am trying to say is that there would be no
21 way for the General Staff to exist at the time, because otherwise the
22 developments would have been different.

23 Q. Let me show you a document which you were shown by the SPO.

24 MR. MISETIC: And this is --

25 THE WITNESS: [Interpretation] Yes.

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1 MR. MISETIC: Yes. Just one second, please. ET-U001-3816 to
2 U001-3819, and the same in the Albanian.

3 Q. These are minutes of the meeting on 23 June. And you see here
4 that these are the minutes. And you are listed as a person that was
5 present. It says "Tetaj." Do you see that?

6 MR. MISETIC: If we could -- yes.

7 THE WITNESS: [Interpretation] Yes.

8 MR. MISETIC:

9 Q. And you see Smajli there. Do you know who Smajli is?

10 A. I have come to know who Smajli is after the war, because
11 Ramush Haradinaj was given by first name and last name. Whereas
12 Smajli, back then, that's a name that I'd never heard.

13 Q. You've come to know that Smajli is Ramush Haradinaj; is that
14 correct?

15 A. Yes.

16 MR. MISETIC: Then let's take a look at page 3 of this document.
17 And if we could -- yes.

18 Q. In the middle of the page in the English, and the same in the
19 Albanian, it's recorded that Smajli said at this meeting, meaning
20 Ramush Haradinaj:

21 "The central staff is not giving us the necessary instructions.
22 It is not present."

23 So is this consistent with your understanding at the time that
24 the Central Staff or the General Staff was fictitious?

25 A. The document in the screen is something which I am just having a

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1 look at, because the fact of the matter is that nobody has introduced
2 that person as Smajli to us. I was looking at the dates before, and
3 I believe that the documents have been written after the actual
4 events and just to pretend as if there were documents in place.

5 So, for instance, if you look at the document, and if you see my
6 name, that I propose Commander Smajl, that's a total lie. That's not
7 something that I've said. So that's a made-up document.

8 Q. Is it possible that the note-taker knew him to be under the name
9 Smajl or Smajli and you didn't?

10 A. It is. It is possible. However, I would have known something
11 about that. So because if I knew, I would have asked the question:
12 Who is Smajli? Who are we talking about?

13 Q. Okay. Let's look at a different version of someone else's notes
14 from this meeting.

15 MR. MISETIC: And if we could look at U001-5407 to U001-5411-ET,
16 page 3. I will have to find the Albanian. I assume the Albanian is
17 the same. And we're going to page 3 in the English. Actually, if we
18 could keep it on page 1 just so the witness gets oriented first.

19 Q. Again, now this version of the notes specifically identifies
20 Ramush Haradinaj as being present, along with Captain Rr Tetaj. Do
21 you see that?

22 A. Yes, I do.

23 MR. MISETIC: Now, if we could go to page 3.

24 Q. And here --

25 MR. MISETIC: If we could scroll down, please. Or it might be

1 page 4. In the Albanian, it's page 4. And if we could scroll down
2 in the English, please. Yes, that's it at the bottom.

3 Q. Now, Witness, do you see where now it says:

4 "Commander Ramush: The central staff is not providing us with
5 the orders that we require, it is absent."

6 Do you see that?

7 A. No, I can't see it. In the page in front of me with number 4, I
8 can't read anywhere what you said.

9 Q. Do you see that at the top of the page, the second speaker?

10 A. Yes. "Commander Ramush: The central staff ..."

11 Q. Does it say the --

12 A. Yes, yes. Now, yes, I'm reading it. But I've never seen this
13 document before. I have no idea who has written this document.
14 Because, otherwise, if I saw that at the time, I would have been
15 remembered of it.

16 Q. Okay. Well, do you recall that Ramush Haradinaj, at this
17 meeting, expressed dissatisfaction --

18 A. Yes.

19 Q. -- with the General Staff and its presence in the Dukagjin zone?

20 A. I do not remember anything about this case. This might be
21 written down as it is. However, this can be something that is
22 written afterwards. Because I was looking at some names like Toli
23 and others who are people I don't know at all. So this is something
24 that might have happened after the event, or probably something that
25 somebody was conceptualising or wanted to put in black and white,

1 because, otherwise, I can't explain this document. I cannot believe
2 that Ramush has said that the staff is not present, and then me not
3 knowing anything that Ramush has said. If I were present there, I
4 would have known.

5 MR. MISETIC: Can we go to the previous page in the Albanian
6 version, please.

7 Q. Now, it records you --

8 MR. MISETIC: If we scroll towards the bottom, please.

9 Q. At the very bottom, it says:

10 "Rr. Teta: I propose [Ramush] Haradinaj."

11 It says:

12 "I state /illegible/ and Lahi, but they are nephew and uncle. I
13 have seen them around. You have not."

14 Do you recall proposing Ramush Haradinaj to be the commander?

15 A. Yes. So this is at the staff at Jabllanice. It is true that I
16 have proposed Ramush Haradinaj to be the commander. But about these
17 minutes, I have no idea who have -- who is the person who have kept
18 these minutes. I don't know whose handwriting this is.

19 Q. Okay.

20 MR. MISETIC: Mr. President, I'm going to tender both documents,
21 both notes of this meeting, which is ET-U001-3816 to U001-3819. And
22 the other version is --

23 PRESIDING JUDGE SMITH: I have it here if you need it.

24 MR. MISETIC: Okay. Great. Thank you.

25 PRESIDING JUDGE SMITH: Can I ask is a quick question?

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1 MR. MISETIC: Sure.

2 PRESIDING JUDGE SMITH: At the bottom of that page there is a
3 Mustafa identified. Could you please ask who Mustafa is?

4 MR. MISETIC: Sure.

5 Q. Witness, you heard the Presiding Judge. Do you know who Mustafa
6 is who attended this meeting?

7 MR. MISETIC: And I think we can turn the page in the Albanian
8 so that you can see it.

9 Q. Yes. The third speaker there is listed as Mustafa.

10 A. Yes.

11 Q. And he says:

12 "We have not created a regular army. /?I am/ in favour of
13 Ramush."

14 A. I have no idea.

15 MR. MISETIC: Can we go to the first page, please?

16 THE WITNESS: [Interpretation] I don't know this person.

17 PRESIDING JUDGE SMITH: Okay. Thank you.

18 As to the first one, is there any objection to those two
19 tenders?

20 MR. QUICK: No objection.

21 PRESIDING JUDGE SMITH: The first one is U001-3816 to U001-3819
22 in English and Albanian and it is admitted.

23 THE COURT OFFICER: It will be assigned Exhibit 1D00184.
24 Currently classified as confidential.

25 PRESIDING JUDGE SMITH: And then U001-5407 to U001-5411-ET in

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1 English and Albanian.

2 THE COURT OFFICER: Will be assigned --

3 PRESIDING JUDGE SMITH: Just at page 3, correct, or do you want
4 the --

5 MR. MISETIC: All the notes.

6 PRESIDING JUDGE SMITH: The whole document.

7 MR. MISETIC: Yeah.

8 PRESIDING JUDGE SMITH: Is admitted.

9 THE COURT OFFICER: Will be assigned Exhibit 1D00185. Currently
10 classified as confidential.

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

12 Q. Now, to assist again with the President's question, if you look
13 at the first page it identifies a person named Mustafa Hajdari. Do
14 you know who Mustafa Hajdari is?

15 A. No, I don't know that person. Never heard of this name.

16 Q. Okay.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. MISETIC: Yes, okay.

19 Q. Now, Witness, let me turn to the issue of FARK. Now, it was
20 around the time of this meeting that FARK entered the -- or officers
21 of FARK entered the Dukagjin zone; is that correct?

22 A. Yes.

23 Q. And you say in your SPO interview that political friction
24 started with the arrival of FARK; is that correct?

25 A. Yes.

1 Q. And FARK was on the -- what you referred to in your statement as
2 the institutional line; is that correct?

3 A. That's correct.

4 Q. Institutional line means that the FARK officers would report to
5 the Ministry of Defence in exile, so Ahmet Krasniqi; is that correct?

6 A. Yes.

7 Q. And Ahmet Krasniqi was supposed to report to the prime minister
8 in exile, Mr. Bukoshi; is that correct?

9 A. Correct.

10 Q. So their reporting line would be different from a reporting line
11 that would go to the KLA General Staff; correct?

12 A. Certainly. I don't know the details on what happened in the
13 Albanian state because we are only aware of what happened where we
14 were. But what happened in Tirana or in Divjake where the
15 General Staff was located, that I don't know. However, I can tell
16 you about our forces that were located in the war zones.

17 However, we were hoping that something was happening and that we
18 would be supported by everyone, and that we would conquer the enemy.

19 Q. Okay. Now, despite the fact that the FARK officers had a
20 different reporting line, I believe you said to the SPO that they
21 would, nevertheless, wear KLA uniforms; is that correct?

22 A. Correct.

23 Q. They didn't wear different emblems on their uniforms; is that
24 correct?

25 A. No, they didn't. Can I explain something here?

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1 Q. Sure.

2 A. We started with the establishment of the KLA. We decided to
3 join the KLA as soldiers in order for us to protect our country. In
4 the meantime, we were waiting for other people to join us, for other
5 soldiers, for people that are capable of using the weapons, for
6 people that knew something about the war, or people that had the will
7 of joining the war. We operated under FARK, and we operated
8 according to the Constitution of Kacanik. So we recognised the
9 president of Kosovo, that was Ibrahim Rugova. He was the supreme
10 commander.

11 Q. Yes.

12 A. In the context of FARK, the armed forces of Kosovo, so FARK was
13 responsible for the territorial defence as a component, but at the
14 same time we also had the KLA. So this was what happened at that
15 period of time. But with the passing of time, the situation got
16 worse and there was a friction between the KLA and FARK. All the
17 soldiers that belonged to FARK and to KLA, they were soldiers of
18 Kosovo. They all fought for Kosovo.

19 So we are not fighting for different sections or factions within
20 the country, but we wanted to fight against the enemy.

21 Q. Yes, I understand. But for now, if we could just try to focus
22 on the question I'm asking. The FARK officers wore uniforms that had
23 patches that said "KLA" on them; correct?

24 A. Correct.

25 Q. Okay. And then it's correct, is it not, that around 10 July

1 FARK officers arrived in Prapaqan; correct?

2 A. 10 July? Probably it was a bit earlier than that. Around
3 10 July.

4 Q. And at that time, the barracks in Prapaqan were the best
5 facility that you had in the Dukagjin zone; correct?

6 A. Correct.

7 Q. So within a few days of the arrival of the FARK officers in the
8 Dukagjin zone, they had taken over the best facility that the KLA had
9 in the Dukagjin zone; correct?

10 A. Correct.

11 Q. I'd like to show you an article right now and I'll ask you for
12 your comments on it.

13 MR. MISETIC: It's DHT03646 to DHT03648 in both the English and
14 Albanian. And if we could scroll down in the English, please.

15 Q. Now, the article states -- and it's written by a historian named
16 Tim Judah. It says:

17 "In June, at the height of its fortunes, the Kosovo Liberation
18 Army ... not only controlled large swaths of territory but appeared
19 to have consigned Ibrahim Rugova, Kosovo's pacifist leader, to the
20 dustbin of history. That was not the case. Down, but not out,
21 Rugova and his colleagues in the government-in-exile began to fight
22 back.

23 "The mastermind behind that government's attempt to seize
24 control of the KLA was Xhafer Shatri, Rugova's minister of
25 information, based in Geneva. Working with Bujar Bukoshi, the head

1 of the government, who lives in Bonn, he dispatched 14 military
2 officers to Albania and Kosovo. The two cabinet members also
3 activated the dormant Ministry of Defence, appointing Ahmet Krasniqi
4 as minister.

5 "The 14 officers, although formally operating under the aegis of
6 their own Armed Forces of the Republic of Kosovo (FARK), had as their
7 goal the takeover of the KLA. The idea was that once this had been
8 achieved, Rugova could proceed" - if we could turn the page, please -
9 "to the negotiating table in a position of strength--with a
10 government, a parliament, and an army."

11 Now, according to the article, the objective of the LDK,
12 Mr. Bukoshi, and Mr. Rugova was to use FARK to take over control of
13 the KLA. My question to you is were you aware of such plans by the
14 Bukoshi government to take over the KLA?

15 A. No.

16 Q. Would you agree with me, Witness, that if it were true that
17 Bukoshi's government, indeed, was trying to take over control of the
18 KLA, that that was one of the reasons for frictions between the FARK
19 and the KLA?

20 A. No, we were part of our institutions. Every country has armed
21 forces. And within them, the Territorial Defence, the KLA, the
22 Civilian Defence, we did not want to move away from the institutions.
23 We protected and defended the Republic of Kosovo proclaimed with the
24 Constitution of Kacanik in an institutional way, and there was
25 nothing wrong with this.

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1 We were all Albanians or others who were fighting for the land
2 of Kosovo. And this is why these frictions occurred. The photograph
3 hanging on the wall, photograph of Ibrahim Rugova, was a problem for
4 them. And how come that after the war, it didn't -- it was not a
5 problem for them to go and pay homages to the grave of
6 Ibrahim Rugova. So all this caused harm to us during the war.

7 In my opinion, the biggest mistake was made by Ramush Haradinaj,
8 whom, by the way, I consider as one of the most successful fighters
9 and commanders at the time. The mistake was when he accepted their
10 decision or signature in Zhabel. Had he not accepted that on that
11 day, we would be today a regular army.

12 Q. Okay. We'll get there step by step. Let me show you what you
13 said about this in your ICTY statement.

14 MR. MISETIC: If we could have on the screen, please,
15 U016-0819-U016-0877 at paragraph 98 in both versions.

16 THE COURT OFFICER: Would it be possible to have the ERNs back
17 on the --

18 MR. MISETIC: Yes. U016-0819-U016-0877. It's at paragraph 98,
19 please. [Microphone not activated].

20 I'll read it out in the English.

21 Q. You see the Albanian version on the screen, Witness. What you
22 told the ICTY --

23 A. Yes.

24 Q. -- was that:

25 "In fact, when the FARK was entering Kosovo from Albania (around

1 22 June 1998), they were stopped in the village of Jasic by Ramush
2 Haradinaj, Naim Maloku, and Sali Veseli, for the following reasons:

3 "- they were afraid that Tahir Zemaj would take over the
4 command;

5 "- they were afraid that FARK would rule out the UCK; [and]

6 "- the FARK was known to be the official army of the Government
7 of Kosovo in exile, presided by Bujar Bukoshi, and the UCK did not
8 recognise this Government as such."

9 Is that accurate?

10 A. This is what they thought.

11 Q. When you said that they thought that the FARK would rule out the
12 UCK, what did you mean by that?

13 A. I did not say this. I don't see it anywhere that I have said
14 that. It is a fact, though, that they were stopped in the village of
15 Jasiq, and that the mentioned persons took part in this. That it was
16 a tense situation. However, I was in another zone and I was informed
17 about this event later on.

18 Five days later, Sali Cekaj came in the barracks of Prapaqan
19 together with five soldiers to see and monitor where the soldiers
20 were being based and stationed.

21 Q. If you look at the paragraph on your screen, the second bullet
22 point, can you read that out in Albanian? Paragraph 98, the second
23 bullet point.

24 A. "They were afraid that FARK would rule out the KLA or would
25 dismiss the KLA."

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1 Q. Okay. What does that mean? What did you mean by that?

2 A. I don't think I've ever said these words.

3 Q. Well, this is your witness statement to the ICTY.

4 A. I don't know what's the meaning here, because I would have never
5 said this, because this was not our goal. It might be that I
6 guessed, because they were stopped in the village of Jasiq, it might
7 have this meaning.

8 Q. Okay. Well, let me then take you to your proofing note, your
9 Preparation Note 2, at paragraph 28 and 29. And here's what you told
10 the SPO last week.

11 A. Yes.

12 Q. Actually -- yes, last week:

13 "After Tahir Zemaj arrived, he was the commander, oversaw
14 training, and divided soldiers into brigades and units. In addition
15 to those soldiers incorporated into Zemaj's forces, units from
16 headquarters all over the Dukagjini Zone, not just FARK, were also
17 trained at Prapaqan, which was the training centre. After receiving
18 training, they returned to their headquarters.

19 "While W01511," that's you, "stopped going to meetings with the
20 Dukagjin Zone Staff under Ramush Haradinaj after Tahir Zemaj arrived
21 in the beginning of July 1998, there were some meetings W01511
22 attended with this Staff at Irzniq, in the school that W01511 went to
23 when he was younger."

24 Why did you stop going to Dukagjini zone staff meetings under
25 Ramush Haradinaj after Tahir Zemaj arrived?

1 A. No, we did go, Tahir and myself and -- we had our regular
2 meetings in the school of Irzniq. We went there. We attended until
3 the decision making Tahir Zemaj a commander upon a proposal from all
4 the villages. We did have meetings with Ramush Haradinaj.

5 Q. Witness, this preparation note you signed -- or it says it was
6 read back to you in Albanian and you confirmed that it reflected your
7 account fully and accurately; correct? And I read back to you a
8 portion where you specifically told the SPO last week that you
9 stopped going to meetings with the Dukagjin zone staff under
10 Ramush Haradinaj after Tahir Zemaj arrived in the beginning of July
11 1998. That's what you told the Prosecution last week; correct?

12 A. That's a misunderstanding. This is true that when Tahir Zemaj
13 was made commander of the Dukagjini plain, we stopped going to these
14 meetings. That's why the sentence was misunderstood. But until
15 Tahir Zemaj was not elected commander, we went there. And there are
16 many officers who did attend. There are work reports that attest to
17 that.

18 But from the moment Tahir Zemaj was elected commander, we did
19 not need to go there anymore.

20 Q. Well, I'll put to you, Witness, that the paragraph doesn't make
21 sense if that's your explanation, because the rest of the paragraph
22 says you stopped going to the meetings of Dukagjin zone staff under
23 Ramush Haradinaj after Tahir Zemaj arrived in the beginning of July
24 1998, but there were some meetings you attended with this staff,
25 meaning the Dukagjini zone staff, at Irzniq, in the school that you

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1 went to when you were younger.

2 So if now you're saying that you stopped going to meetings with
3 Ramush Haradinaj after Tahir Zemaj was appointed around 20 August,
4 why would you continue to then go to meetings with Ramush Haradinaj
5 in Irzniq?

6 A. That's a slip of the tongue or an omission. After -- not after
7 the arrival of Tahir Zemaj, but after his appointment as a commander,
8 we did not need to go and attend meetings with Ramush Haradinaj any
9 longer because he was a deputy. But that period of time lasted --
10 was very short, because two or three days later we met again in
11 Zhabel. That's the meaning.

12 When you say when Tahir Zemaj arrived, that's not accurate
13 because he arrived -- entered from Jasiq. So we did not turn our
14 backs when he arrived but when he was appointed, and that's the
15 actual meaning of that sentence.

16 Q. Okay. So you -- you're now saying that after Tahir Zemaj's
17 appointment as commander, you did not meet with Ramush Haradinaj
18 anymore; is that correct?

19 A. Correct.

20 Q. Okay. So that paragraph is just, as you say, a lapsus; correct?

21 A. That's how it should be.

22 Q. Now, I'd like to show you or ask you questions about the FARK
23 oath. Now, during your ICTY testimony, you testified that on 20 July
24 1998 you attended a swearing-in ceremony in Vranoc; correct?

25 A. In Vranoc?

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1 Q. Yes.

2 A. Can you please repeat the question? It's unclear to me.

3 Q. Yes. I'll read to you the question and answer at the ICTY.

4 MR. MISETIC: And this is IT-04-84 T3690 to T3787 at page 3465,
5 lines 6 to 10. The question was:

6 "Are you aware of a swearing-in ceremony that took place in
7 Vranoc on the 20th of July in which Ramush Haradinaj and Tahir Zmaj
8 jointly swore-in a large number of volunteers?"

9 And your answer was:

10 "I was present there. I have also the medal at home. I was
11 there with Ramush and Tahir. It's true."

12 Is that correct?

13 A. I am not aware of having ever said such a thing, and I don't
14 have a medal.

15 Q. Okay. So it's a lapsus on the transcript, then?

16 A. I don't know where these things are coming from. I never had a
17 medal. It was not a time for medals.

18 Q. Okay.

19 MR. MISETIC: Mr. Court Officer, can I have on the screen,
20 please, DHT04086-EN, please. And the original, if we can.

21 Q. Witness, this is a Facebook page of -- in the name of FARK. And
22 there's a picture on the screen.

23 A. Yes.

24 Q. It says:

25 "[The] Operative Units of the Barani Valley, the Oath of Brigade

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1 131 'Ardian Krasniqi' before the Commander of this Brigade,
2 Major Nazi Ramabaja!

3 "In the photo: Colonel Tahir Zemaj, Major Nazif Ramabaja,
4 Ramush Haradinaj and Rrustem Tetaj."

5 Are you in the photo?

6 A. Yes. This is the oath of the new soldiers not in Vranoc but in
7 Baran. We had three brigades. One was stationed in Prapaqan, the
8 second one in Baran, and the third one in Zhabel. And the new
9 recruits -- I even gave a speech together with Ramush and Tahir, when
10 soldiers took the military oath. What I heard before was something
11 different. But with respect to me being awarded a medal or
12 something, I'm hearing this for the first time.

13 Q. Okay. Let me show you a text of the FARK oath.

14 MR. MISETIC: And if we could please have on the screen
15 U008-4990 to U008-4991-ET and in the original Albanian. If we could
16 scroll down to the bottom in the Albanian, please.

17 Now, actually, if you could scroll to the top for a second.

18 Q. Now, this swearing-in ceremony purports to be the same one we
19 see in the Facebook post:

20 "A formal swearing-in ceremony was organised for the soldiers of
21 the 3rd Adrian Krasniqi Brigade at the Baran school ..."

22 Do you see that?

23 A. Yes.

24 Q. Now, the oath that was administered, I'd like to ask you some
25 questions about it at the bottom of the page.

1 MR. MISETIC: Perhaps it's on the next page in the Albanian.

2 It's the correct page in the English. Yes. Okay.

3 Q. The last paragraph, it says:

4 "I," and then a blank space for the name of the soldier, "a
5 soldier of my people, swear in the name of the homeland and the
6 constitution, before God and the national flag, that I will be loyal
7 and unsparing in the struggle for the liberation of Kosovo from the
8 invader and the traitors to the nation, to the last drop of my blood.
9 I will be an obedient and disciplined soldier, and will responsibly
10 carry out orders and duties from superior commands that concern the
11 liberation struggle, the army, and military secrets. If I betray
12 this oath, may my death go unavenged."

13 And it says:

14 "I swear."

15 Now, my first question to you is about the sentence that says --

16 A. Yes.

17 Q. -- that requires the soldier to be "loyal and unsparing in the
18 struggle for the liberation of Kosovo from the invader and the
19 traitors to the nation ..."

20 Who were "the traitors to the nation"?

21 A. If there were --

22 Q. Well --

23 A. -- or there would be. I am not able to classify who they were.

24 Q. Well, you must have had some idea as you're administering this
25 oath to young soldiers or soldiers --

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1 A. [Overlapping speakers] ...

2 Q. Excuse me. Let me finish the question.

3 A. [In English] Oh.

4 Q. You're asking them to swear that they will be unsparing to
5 traitors to the nation. You must have had some idea of who "traitors
6 to the nation" might be. Was it collaborators?

7 A. [Interpretation] This is the text of a military oath that every
8 army has. We joined with the will and desire in order to be one
9 against the enemy. So just like I took the oath here to tell the
10 truth, every soldier would take an oath not to betray their own
11 people and not to betray their land. This is how I understand it.

12 Q. Yes. But the text actually says that the soldier promises to be
13 unsparing to the traitors to the nation, and I'm asking you is that a
14 reference to collaborators within the nation?

15 MR. QUICK: Objection, asked and answered.

16 PRESIDING JUDGE SMITH: Overruled.

17 You can answer the question. Answer the question.

18 THE WITNESS: [Interpretation] Shall I answer?

19 PRESIDING JUDGE SMITH: Yes.

20 THE WITNESS: [Interpretation] That's not how I understand it. I
21 understand it as it is and as I said it earlier: Every soldier is
22 responsible and takes the oath as the content of this text. And the
23 person who does not follow this text can also be considered a traitor
24 or something along those lines. We're talking here about every
25 soldier who took that oath, military oath. This is how I understand

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1 it.

2 MR. MISETIC:

3 Q. Witness, at the time did you think there were some people who
4 were collaborating with the Serb side?

5 A. Are you asking me if I thought at the time? Of course, we took
6 that into account. But there are other appointed by these organs who
7 dealt with these tasks.

8 Q. Well, who in the FARK dealt with uncovering collaborators?

9 A. I cannot call anyone a collaborator. But within the structure
10 of FARK, there was the chief of the intelligence and
11 counter-intelligence service. And within FARK, this person was Ismet
12 Ibishi, an officer.

13 Q. And where was he stationed?

14 A. He was appointed -- he was in Prapaqan, in the barracks in
15 Prapaqan.

16 Q. And you say that Ismet Ibishi was a FARK officer on the
17 institutional line?

18 A. Yes.

19 Q. His job was to -- amongst other things, was to uncover
20 collaborators?

21 A. Observation, information. All those matters of interest.
22 Taking down notes of enemy movements and conduct. All these were
23 part of his tasks. He was appointed -- he was appointed as an
24 officer, soldier, together with Tahir Zemaj.

25 Q. Okay. But my specific question was, in addition to tracking

1 enemy movements and conduct, was part of his job to uncover
2 collaborators?

3 A. I am not certain but that might be part of it, because we did
4 not have other sectors that would have dealt with such matters. We
5 did not have officers.

6 MR. MISETIC: Mr. President, I'd like to tender the Facebook
7 post, which is DHT04086. I'd like to tender this document that's on
8 the screen, which is U008-4990 to U008-4991.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: And I do -- I did forget to tender the Tim Judah
11 article.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. MISETIC: I can't hear you, Mr. President.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 The one that has IT-04 T3690?

16 MR. MISETIC: No, it's DHT03646 to DHT03648.

17 PRESIDING JUDGE SMITH: Okay.

18 MR. MISETIC: Yeah.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Any objection?

21 MR. QUICK: We object to the Tim Judah article. The relevant
22 part or the part that counsel thought was relevant was read onto the
23 record so that's unnecessary. The other two, no objection.

24 PRESIDING JUDGE SMITH: Do you still need it?

25 MR. MISETIC: If everyone's satisfied that that's sufficient,

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1 then that's fine with me.

2 PRESIDING JUDGE SMITH: Well, it's in the record.

3 MR. MISETIC: Yeah, that's fine.

4 PRESIDING JUDGE SMITH: So DHT04086-EN is admitted.

5 THE COURT OFFICER: Thank you, Your Honours. And its
6 corresponding Albanian version will be assigned Exhibit 1D00186.
7 Currently classified as public.

8 PRESIDING JUDGE SMITH: And also admitted is U008-4990 to
9 U008-4991 in English and Albanian.

10 THE COURT OFFICER: This will be assigned Exhibit 1D0187. And
11 they are classified as confidential.

12 PRESIDING JUDGE SMITH: Thank you.

13 MR. MISETIC: [Microphone not activated].

14 JUDGE METTRAUX: Mic.

15 MR. MISETIC: DHT04086-EN, which is now 1D00186, we would also
16 like the Albanian admitted as well. It's done?

17 PRESIDING JUDGE SMITH: No problem. That should be admitted.

18 THE COURT OFFICER: That was my understanding that the Presiding
19 Judge --

20 MR. MISETIC: Thank you.

21 THE COURT OFFICER: I would just confirm that this is DHT04086,
22 both Albanian and English version.

23 MR. MISETIC: Yes.

24 PRESIDING JUDGE SMITH: That's correct.

25 THE COURT OFFICER: Thank you.

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1 MR. MISETIC: Mr. President, do we wish to take the ten-minute
2 break?

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: Okay.

5 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute
6 break like we did this morning. We'll be back in the courtroom at
7 20 minutes to 4.00.

8 [The witness stands down]

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

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

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

12 PRESIDING JUDGE SMITH: Please bring the witness in.

13 [The witness takes the stand]

14 PRESIDING JUDGE SMITH: Witness, the Thaci Defence will continue
15 with their questions.

16 MR. MISETIC: [Microphone not activated].

17 Q. Witness, let me just ask you a few questions about an incident
18 that took place on 10 July. In your testimony in the Haradinaj
19 trial, you discuss this incident that took place between
20 Ramush Haradinaj and Tahir Zemaj, when Mr. Haradinaj expelled FARK
21 officers from the barracks in Prapaqan. Do you recall that incident?

22 A. Yes, I do. I've not been present myself there. I went later.
23 But by the time that I went there, everyone from FARK was -- left. I
24 mean they left from the barracks in Prapaqan.

25 Q. And after this incident, you said that you spoke to soldiers in

1 Prapaqan and tried to calm the situation; is that correct?

2 A. I saw Ramush at the end of the school. The soldiers were all
3 there at the place where the flag was raised. The officers were on
4 the main road, and they were waiting for further developments. What
5 I did was that I approached Ramush, and we discussed the topic with
6 Ramush.

7 So Ramush took the floor, I took floor as well, and we tried to
8 calm down the soldiers. This is what happened.

9 Q. And you were able to bring Ramush and Tahir Zemaj together in
10 Lluca and they were able to resolve their issues there; is that
11 correct?

12 A. All the time I have tried to play the role of a mediator. I've
13 tried to reconcile both parties. I've taken part in many meetings,
14 and there have been several occasions that I have reconciled people.

15 Q. Yes. And this was one such occasion; is that correct?

16 A. Yes.

17 Q. Now, after they resolved their issue, Ramush Haradinaj and
18 Tahir Zemaj agreed to create three new brigades; is that correct?

19 A. Those brigades were already established. The three brigades
20 were in place already. Ramush Haradinaj's stance was that the
21 brigades and soldiers in brigades should not be staying any longer in
22 the barracks in Prapaqan, but they should instead go to the front
23 line.

24 However, according to the strategy, the brigades were
25 concentrated in the centre, like was the case of Prapaqan, and in

1 line with their tasks and responsibilities, they go to the front line
2 and they get back to the barracks. So that was the point of
3 confusion for him.

4 Q. But these brigades that were created, they were blended
5 brigades; right? Blends between FARK and what had been the KLA
6 there; correct?

7 A. There were more people from FARK rather than people from the
8 KLA. So the officers came from FARK rather than the KLA.

9 Q. But the soldiers that they were commanding were from the KLA?

10 A. The soldiers, yes. So there was a blend between FARK and KLA.

11 Q. When Ramush Haradinaj agreed to this blend where FARK commanders
12 would be commanding KLA soldiers, you never heard him mention that he
13 needed permission from any senior commanders in order to agree to the
14 creation of these blended brigades; correct?

15 A. No.

16 Q. Okay.

17 A. I haven't heard of that.

18 Q. Okay. Now, you had -- there was another meeting on 25 July
19 concerning several issues, but I wanted to ask about the military
20 police. You told the Haradinaj trial chamber -- and I'll read this
21 out to you and ask you if that's correct. And this is now on or
22 around 25 July 1998.

23 MR. MISETIC: And the citation is IT-04-84 T3690 to T3787 at
24 page 3741, lines 13 to 17.

25 Q. You're asked:

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1 "Q. Now, you've told us a moment ago that there was no military
2 police in existence as at the 21st of June. Is it also the position,
3 therefore, from this minute, that there was no military police in
4 existence, as at the 25th of July; although, efforts were being made
5 to try and create one?"

6 And your answer was:

7 "That's correct, that's true."

8 Is that still your testimony?

9 A. Certainly, yes. If I've signed the document, of course, yes. I
10 don't remember everything, but if you have that written down in black
11 and white, that should have been the situation.

12 Q. Okay. I'd like to show you another document.

13 MR. MISETIC: This is IT-04-84bis P00267.E, and the same in the
14 Albanian without the .E.

15 Q. Now, this document purports to --

16 MR. MISETIC: If we could scroll down a little bit in the
17 Albanian, please. Yes.

18 Q. It's unsigned but it purports to be a document from
19 Ramush Haradinaj to the KLA General Staff on 28 July 1998. Have you
20 ever seen this document before?

21 A. No, I've never seen it. No.

22 Q. And in the last sentence of the first paragraph, the document
23 states:

24 "In view of the current situation I note a sluggish and
25 unjustified lack of activity on your part that is not focused on the

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1 war."

2 Was that, as far as you understood, at the end of July, a
3 general feeling within the Dukagjin zone, that the KLA General Staff
4 was sluggish and had an unjustified lack of activity in the Dukagjin
5 zone?

6 A. I don't remember. I have no comment.

7 Q. Let me turn your attention to a different topic.

8 MR. MISETIC: If we could have on the screen, please,
9 Exhibit 1D00050.

10 Q. This is Political Declaration No. 7 issued by the Political
11 Directorate of the Kosovo Liberation Army on 13 August 1998, so about
12 one week before the meeting where Ramush Haradinaj turned over
13 command to Tahir Zmaj. Have you ever seen or heard about Political
14 Declaration No. 7?

15 A. I've never heard of it and I've never seen it.

16 Q. Okay. Paragraph 3 of this declaration says that the KLA
17 General Staff announces who its political representatives are,
18 including Jakup Krasniqi, Xhavit Haliti, Bardhyl Mahmuti,
19 Hashim Thaci, Faton Mehmetaj, and Sokol Bashota. Do you see that?

20 A. I have seen this document during the preparation session, and I
21 have told the Prosecutor that I have never, ever been aware of this
22 information. I'm reading the names now, but that is an information
23 which I was not aware at the time.

24 Q. Now, it goes on in the last paragraph to say:

25 "For the purpose of expediting the process of creating the

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1 institutions of Kosovo, the General Staff of the Kosovo Liberation
2 Army gives complete trust to Adem Demaci to take a leading role in
3 this process. Not being under any party umbrella the Kosovo
4 Liberation Army asks Adem Demaci to withdraw from party activism."

5 Now, were you aware at the time that Adem Demaci had been asked
6 by the Kosovo Liberation Army to take a leading role in the process
7 of creating the institutions of Kosovo?

8 A. I've heard about it, but I don't exactly know if Adem Demaci
9 accepted this task or on whether he dealt with the leaders of the
10 General Staff.

11 Q. Now, when you say "I've heard about it," did you hear about it
12 at the time or after the war?

13 A. After the war, I think.

14 Q. Now, were you aware at the time that there was public discussion
15 of who would represent the Kosovo Albanian population in negotiations
16 with Serbia in mid-August of 1998?

17 A. I don't remember everything about it.

18 Q. Let me ask you a different question then.

19 MR. MISETIC: If we could have on the screen, please,
20 Exhibit P00487-ET.8. And if we could go to page 01892761. That's
21 it.

22 Q. Witness, this purports to be a communiqué of 17 August 1998 on
23 behalf of the operative units of the KLA in Lugu i Baranit in the
24 Dukagjin zone.

25 MR. MISETIC: If we can scroll to the bottom, please, in the

1 Albanian. Yeah.

2 Q. Signed by Nazif Ramabaja. Have you ever seen that document
3 before?

4 A. No.

5 Q. The text of the communiqué announces that the KLA in Lugu
6 i Baranit "support unreservedly the President of the Republic of
7 Kosovo, Mr. Ibrahim Rugova and the negotiation group appointed for
8 the talks." And that the KLA in Lugu i Baranit would "not allow that
9 individuals such as Demaci, Cosja, Hajrizi and their failed
10 satellites, play with the fate of the people, nor are they allowed to
11 lead the KLA operative units in Lugu i Baranit.

12 "Only those who are trusted by the people should decide on the
13 fate of the people, and they are the Parliament and the President of
14 the Republic of Kosovo."

15 Now --

16 A. I'm not aware of this.

17 Q. So you were not aware that units within your zone were making
18 political declarations and issuing political communiqués?

19 A. I was not.

20 Q. Now, I showed you political declaration of the General Staff,
21 Political Declaration No. 7, which was issued only four days prior to
22 this communiqué -- three days prior to this communiqué by the
23 political directorate of the General Staff.

24 Now, is it common that, quote/unquote, subordinate units would
25 issue communiqués to refute the positions of a General Staff?

1 A. The armed forces of Kosovo have not accepted the General Staff.
2 They do not recognise the General Staff. That's a fact. Based on
3 the declarations, based on the documents that have been issued, those
4 documents have been issued on behalf of the Republic of Kosovo. I'm
5 in particular referring here to the documents from Tahir Zemaj and
6 others. So they did not recognise the General Staff.

7 And like I said, these are documents that I've never seen
8 before, so I can't provide further details and explanations regarding
9 to such documents.

10 Q. Well, let's follow up on -- you say the FARK didn't recognise
11 the General Staff. Do I understand you correctly that that means
12 that the FARK officers from Tahir Zemaj on down --

13 A. No.

14 Q. -- in the Dukagjin zone did not recognise the General Staff as
15 being a superior body to them?

16 A. They did not recognise the staff because we didn't know who the
17 commander of the General Staff was. That is something that I
18 explained before as well and that something that is covered in the
19 village of Zeka.

20 Q. Okay. So the blended brigades that we talked about a few
21 minutes ago that now had FARK officers commanding them --

22 A. Yes.

23 Q. -- do I understand you correctly that they're following a line
24 of command that goes to Ahmet Krasniqi, and they don't recognise the
25 General Staff? Do I understand you correctly?

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1 A. Yes.

2 Q. Now, let's turn to the 20 August meeting. This is the meeting
3 where Ramush Haradinaj -- or that Tahir Zemaj becomes the commander
4 of the Dukagjin zone. Now --

5 A. Yes.

6 Q. -- you told the SPO that the replacement of Ramush Haradinaj by
7 Tahir Zemaj was "agreed"; is that accurate?

8 A. Can you please repeat the question once again?

9 Q. You said that the replacement of Ramush Haradinaj as commander
10 of the Dukagjin zone by Tahir Zemaj was agreed; is that correct?

11 A. It was approved by the General Staff at the moment when they
12 sent those envelopes to us.

13 Q. No, no, no. I'm talking about the meeting on 20 August when
14 Tahir Zemaj became the commander of the zone.

15 A. Yes.

16 Q. At that meeting, how was agreement reached to make Tahir Zemaj
17 the new commander?

18 A. Now I understand. In the enemy attacks happening in the village
19 of Gllogjan, there were a lot of forces that came towards Prapaqan.
20 Two days after those fightings, we were in the front lines together
21 with the forces that had joined us. Following these two days of
22 stability, there was a meeting convened of the 14 villages. That
23 meeting happened in Prapaqan. And upon the proposal of the
24 representatives of the villages, there was an agreement to appoint
25 Mr. Zemaj as a commander. So Ramush was present at that meeting. I

1 was myself present at the meeting. There were other people attending
2 as well. So it was in that meeting that we agreed for Tahir Zemaaj to
3 be the commander of the Dukagjini plain.

4 Q. Okay. And Ramush Haradinaj also agreed; correct?

5 A. Of course.

6 Q. And there were no representatives of the General Staff of the
7 KLA at this meeting; correct?

8 A. There were not.

9 Q. And Ramush Haradinaj --

10 A. In fact, the way in how I read it here, so Faton Mehmeti was
11 supposed to be a representative, but we didn't know such information.
12 We were not aware that Faton was a representative from the
13 General Staff. However, he was attending that meeting. I'm
14 referring to the document that I saw on the screen a moment ago. So
15 that read that Faton Mehmeti was a representative of the
16 General Staff of the KLA. Faton Mehmeti was there, but we were not
17 aware of the fact that he was a representative to the General Staff
18 of the KLA.

19 Q. And was Faton Mehmeti opposed to the Tahir Zemaaj appointment?

20 A. No. No, he even took the floor. He was not opposed to that.

21 No. He is in favour of that.

22 Q. Now --

23 A. He agreed to Ramush Haradinaj.

24 Q. -- Mr. Haradinaj never said that he needed to consult with the
25 General Staff or to seek its approval before he agreed to the change;

1 correct?

2 A. And that's the reason why I'm sure of the things that I'm saying
3 here in front of you. Because if somebody knew that the
4 General Staff existed back then, it would have been much easier for
5 myself to speak and to give the testimony before you. The Commander
6 Ramush Haradinaj was not aware of the fact that such a General Staff
7 existed. Or probably he knew and he never admitted that, that I
8 don't know. However, he accepted the task of being the deputy
9 commander of the Dukagjini plain.

10 Q. Right. So as far as you were concerned, Ramush Haradinaj had no
11 authority superior to him that he had to report to. Do I understand
12 you correctly?

13 A. He never told us anything of that nature. Every time we went to
14 him, we were constantly in consultations with him, we had open
15 meetings with Ramush Haradinaj even before Tahir Zemaj arrived.

16 Q. Now, I'll just put to you that Bislime Zyrapi testified in public
17 here.

18 MR. MISETIC: And for the parties, this is page 17596, lines 15
19 to 22.

20 Q. He said, concerning this change:

21 "... we had no information whatsoever about such changes, as was
22 said back then, about an agreement of this sort for Tahir Zemaj to
23 become commander, to take over the zone. So we, the staff, did not
24 have that information, and neither was there a permission by the
25 general commander that this change takes place."

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1 Now, my question to you is, as a former JNA officer, if
2 Ramush Haradinaj believed that he had a commander, then you would
3 have expected him to seek permission from the superior commander
4 before he turned over command to someone else; correct?

5 MR. QUICK: Objection, calls for speculation.

6 MR. MISETIC: He's a military officer.

7 PRESIDING JUDGE SMITH: Overruled.

8 You can answer the question, if you know.

9 THE WITNESS: [Interpretation] I know that Bislim Zyrapi knew. I
10 don't know why he gave a different statement. Bislim knew about the
11 meeting, the meeting in Prapaqan. He did not attend, but he knew
12 that Tahir Zemaj was made --

13 MR. MISETIC:

14 Q. Let's clarify here. What he's talking about is he didn't know
15 prior to the appointment of Tahir Zemaj that that change was going to
16 take place.

17 A. I don't know about that.

18 Q. Now, my question to you was, as a former military officer, would
19 you expect Ramush Haradinaj, if he believed that he had a superior
20 commander, to seek permission from that superior commander before he
21 turns over command to someone else?

22 A. It seems to be obvious. He should have consulted. If he knew
23 that he was an important person within the General Staff.

24 Q. Okay.

25 MR. MISETIC: Now, if we could go, please, to document

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1 P00487-ET.8 at page 01892762.

2 Q. Now, this is a joint request sent by, amongst others, Nazif
3 Ramabaja, who I believe at the time this was sent was the acting
4 chief of the KLA operational staff in the Dukagjin zone; is that
5 correct?

6 MR. MISETIC: If we could scroll to the date, please.

7 Q. 23 August. He's the acting chief of the KLA operational staff
8 in Dukagjin; is that correct?

9 A. Yes.

10 MR. MISETIC: And if we could scroll to the top, please. The
11 first paragraph.

12 Q. It says:

13 "The Forum of Intellectuals, the political subjects, the clergy
14 representatives of the two /illegible/ as well as the operative units
15 of the Kosovo Liberation Army of Lugu i Baranit, demand from
16 President Rugova to announce the mandate of the Government of the
17 Republic of Kosovo as soon as possible, in accordance with the will
18 of the people decided by the elections of 22 March of this year."

19 And if you scroll to the bottom as to who some of these
20 political subjects are who are sending this document together with
21 KLA units, it includes LDK Subbranches, LDK Youth Forum, et cetera.

22 Now, was it standard for military units to be sending political
23 statements together with political parties? Was that a common
24 practice?

25 A. Nazif Ramabaja was based in Baran, and all these, the Forum of

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1 Intellectuals and LDK and so on, were from Lugu i Baranit.

2 Therefore, I was not aware of these matters. I don't know.

3 Q. Were you aware generally that KLA units and FARK officers were
4 sending political statements into the public together with the LDK
5 while purporting to act as KLA units?

6 A. I know that every statement or declaration issued by FARK would
7 have been issued through the institutional line. I do not know about
8 their content because we did not have the luxury to follow all the
9 developments.

10 Q. So in terms of -- it's shortly after this that Mr. Zyrapi and
11 Mr. Thaci arrive in the Dukagjin zone; correct?

12 A. Most probably.

13 Q. And you were unaware of the political activity of KLA subunits
14 in the zone when you gave your evidence about what was discussed
15 concerning the visit of Mr. Thaci and Mr. Zyrapi to the Dukagjin
16 zone. Is that your testimony?

17 A. Yes, I don't recall.

18 Q. Now, you were asked several questions by the Prosecutor today
19 about the meeting that took place on 2 September where Mr. Thaci,
20 Mr. Zyrapi, and Mr. Selimi were present, and I'd just like to ask you
21 a few questions about that.

22 Now, if we go to your Preparation Note 2.

23 MR. MISETIC: And if we could have that on the screen, please.

24 [Microphone not activated]. If we could go to paragraph 17, which is
25 page 3, please.

1 Q. Now, here is what's recorded as what you told the SPO last week.

2 You said:

3 "When asked, W01511 stated that he did not discuss the request
4 contained in [a document] with the General Staff members at the
5 Zhabel meeting. The atmosphere at the meeting was very tense.
6 Tahir Zemaj and Hashim Thaci were also arguing and left the table.
7 Soon after the meeting ended, Tahir Zemaj told W01511 what was said
8 in that conversation. Tahir Zemaj talked to Ahmet Krasniqi, who put
9 pressure on Zemaj to accept the deputy commander post, but ultimately
10 they both agreed that they would not accept that appointment. Then
11 Thaci and Ahmet Krasniqi spoke. W01511 does not remember what else
12 was said and Zemaj did not tell W01511 what else was said."

13 That's what you told the Prosecutor last week; correct?

14 A. And I explained this today to the Prosecutor.

15 Q. But that's accurate, I'm saying?

16 A. Yes. Although, I don't have the Albanian version, but I'm
17 seeing it in English. Everything I have stated is true.

18 Q. And then what happened at the preparation session, it continues
19 in the next paragraph, paragraph 18. It says that you were then
20 referred by the Prosecutor to Tahir Zemaj's book. Is that correct?

21 A. Yes.

22 Q. So before they showed you Tahir Zemaj's book, as I understand
23 your testimony in paragraph 17, you had no independent recollection
24 of what was said between Hashim Thaci and Ahmet Krasniqi, and you
25 said that Zemaj did not tell you what was said.

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1 A. No, I had the book and I read it, but I was offered to see it
2 again by the Prosecution. And whatever I have stated stands. I have
3 nothing else --

4 Q. Right. So --

5 A. -- to add.

6 Q. -- I'm just trying to follow the process here. You had no
7 independent recollection of when they asked you first, and then they
8 showed you the book of what Tahir Zemaj says happened during the
9 discussion between Mr. Thaci and Mr. Krasniqi, and then you adopted
10 what Tahir Zemaj said in his book; correct?

11 A. I don't know now.

12 Q. Well, that's what it says --

13 A. I don't recall. I don't recall it. However, I stand by
14 everything I have stated.

15 Q. Well, you've stated many things, so I'm trying to figure out
16 what it is that you stand by. So what you said and what it says in
17 the note is exactly what I just put to you. You had no independent
18 memory of anything that was discussed on the phone call between
19 Mr. Thaci and Mr. Krasniqi. And then you were shown the book written
20 by Tahir Zemaj, and then you adopted what Tahir Zemaj said about that
21 phone call; correct?

22 MR. QUICK: Maybe in fairness to the witness, paragraph 18 can
23 just be read to the witness instead of summarising in that way.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. MISETIC: It's a long paragraph, Mr. President, but ...

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1 PRESIDING JUDGE SMITH: Well ...

2 MR. MISETIC: I'll read it, but ...

3 PRESIDING JUDGE SMITH: Yeah. Rather than a summary.

4 MR. MISETIC: Okay.

5 Q. Here's the whole paragraph. So we get to the point where they
6 asked you without reference to the book. You said: I don't remember
7 what else was said and Zemaj did not tell me what was said.

8 Then it goes on, they refer you to Tahir Zemaj's book, and then
9 you state that this is "an accurate reflection of what happened."
10 And then you state that you yourself heard Thaci say, "I will
11 accomplish the mission with you very soon."

12 Which is a quote from the book; correct? "I will accomplish the
13 mission with you very soon" is a quote from the book; right?

14 A. I have nothing to add here. I have nothing to add.

15 Q. Then you say:

16 "... but does not know who he said it to, whether to Krasniqi,
17 Zemaj, or both. He could only hear what was being said, but could
18 not see Zemaj and Thaci. Soon after the meeting at Zhabel,
19 Tahir Zemaj told [you] that Thaci told him that he would fight him
20 (Tahir Zemaj) like the Serbians."

21 And then it goes on to something that's not relevant to this
22 point. Right?

23 A. I have explained everything to the Prosecutor during the
24 preparation sessions, and I stand by everything I have stated. And I
25 have nothing else to add.

1 Q. Then let me move on. Concerning this meeting on 2 September.
2 Do you agree that if the General Staff believed that the Dukagjin
3 zone should be connected to the KLA General Staff, as a military
4 officer, it was appropriate for Mr. Zyrapi and the others to try to
5 reassert the link to the General Staff?

6 A. The General Staff with their orders, after the meeting in
7 Zhabel, they exerted pressure in all forms for the FARK forces to
8 cease to exist and to have only the KLA in existence. For me, they
9 are both the most sublime things we have within our country. So
10 there were -- there was pressure in different forms, and it was only
11 luck that with all that amount of weapons present -- the worst could
12 have happened. But we on the FARK side were calm and composed, and
13 we avoided this kind of --

14 Q. Let me ask a different question.

15 A. -- escalation.

16 Q. Let me ask a different question. You're a former JNA officer.
17 Bislim Zyrapi is a former JNA officer. So let me ask you a question:
18 In the JNA, if an officer in command of a unit turned over command to
19 someone without permission of senior Yugoslav command, what would you
20 have expected to happen?

21 A. I do not want to pre-judge a situation. What would he have
22 thought, what would I have thought, these are assessments that are
23 made on the spot --

24 Q. So in the Yugoslav --

25 A. -- what course of action is to be taken. I do not want to go

1 into these kind of hypothetical assessments.

2 Q. It's not really a hypothetical. It's -- you understand the code
3 of military conduct in the Yugoslav Army; correct? What would you
4 expect --

5 A. I do not wish to go into -- I do not wish to go into the code of
6 the army, because I left in 1987. Bislim Zyrapi did so ten years
7 later --

8 Q. Witness -- Witness, may I suggest --

9 A. -- so certain things might be fresher to him than to me.

10 Q. May I suggest that the reason you don't want to go into it is
11 because you know that in the Yugoslav Army the senior command would
12 take measures against a commander who turned over his command without
13 permission? That's logical; correct? That's not a big ...

14 A. That's how it is. I don't understand why you're putting
15 pressure on me to accept that it is like that, because it's logical.
16 It's -- if there was a line. But we were in the process of being
17 formed. We did not have that -- those organs or bodies who would
18 implement these and deal with consequences. So this would be the
19 case in normal circumstances.

20 Q. Well, Bislim Zyrapi, as I said, is a former Yugoslav officer,
21 and it's normal, is it not, that when he receives information that
22 the entire Dukagjin zone command has been turned over to an
23 institution that does not recognise the KLA General Staff, as you've
24 now testified, it's perfectly normal for him to go on the ground and
25 to try to change that situation. Would you agree?

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1 A. Of course. But he did not make any such attempts. Had he made
2 any attempts, he would have told Ramush, "Don't accept the position
3 of deputy commander," if we're still talking about Bislrim Zyrapi.

4 Q. Well, isn't that what was said?

5 A. That's a logical thing.

6 Q. Isn't that what they came and said?

7 A. That's -- that's what it was. But now having in mind the
8 circumstances we were in, these were abnormal circumstances, and it
9 was impossible to follow the statutes of a -- or military laws and
10 statutes.

11 Q. During your preparation session with the Prosecution, you said
12 that prior to Mr. Thaci's visit to the Dukagjin zone at the end of
13 August, you did not know who he was; correct?

14 A. I don't recall this.

15 Q. Well --

16 A. I knew the name Hashim Thaci, but I did not know what his
17 function was --

18 Q. Well, I'm going to --

19 A. -- in what capacity was he.

20 Q. In Preparation Note 1, paragraph 15, which is now your evidence
21 here, this is what is said:

22 "At the time, [you] did not know what Thaci's position was and
23 had never heard of him before."

24 Is that accurate?

25 A. That's correct. And I just said it. I did not know his

1 function.

2 Q. And you'd never heard of him before.

3 A. And I heard the name Hashim as Hashim. But I did not know his
4 function, his capacity -- in what capacity was he.

5 Q. Now concerning this picture of Mr. Rugova on the wall, you
6 personally did not witness Mr. Thaci saying that he wanted
7 Mr. Rugova's picture taken down from the wall; correct? You only
8 learned about it later from Mr. Zemaj, you've said.

9 MR. QUICK: Objection, characterisation.

10 PRESIDING JUDGE SMITH: Overruled.

11 You may answer. You may answer.

12 THE WITNESS: [Interpretation] I don't know. What is this about?

13 MR. MISETIĆ:

14 Q. You -- I'm saying you did not witness Hashim Thaci saying he
15 wanted the picture of Mr. Rugova taken down. You heard about that
16 later from Tahir Zemaj.

17 A. Correct. That's very correct.

18 MR. MISETIĆ: Mr. President, I see the time. I can be done in
19 20 minutes tomorrow.

20 PRESIDING JUDGE SMITH: Okay.

21 MR. MISETIĆ: All right.

22 PRESIDING JUDGE SMITH: Witness, we're finished for today. We
23 will excuse you now. You'll have to be back here tomorrow morning at
24 9.00. We'll try to finish your testimony tomorrow.

25 Remember not to speak to anyone about your testimony in this

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1 courtroom. And if someone tries to approach you to talk about it,
2 please let us know.

3 We hope you have a good evening.

4 THE WITNESS: [Interpretation] Thank you.

5 [The witness stands down]

6 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

7 tomorrow.

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

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