

1 Monday, 4 December 2023

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 10.00 a.m.

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

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

10 PRESIDING JUDGE SMITH: Before we continue hearing the evidence
11 of Prosecution Witness W04765, there are a few preliminary matters to
12 address.

13 First of all, you'll notice that Judge Gaynor is with us on
14 videolink. He had some transportation issues.

15 Can you hear all right, Judge?

16 JUDGE GAYNOR: [via videolink] I can hear you. Thank you very
17 much, Judge Smith. Good morning.

18 PRESIDING JUDGE SMITH: As regards the hearing schedule today, I
19 note first that we will be starting, as you've seen today, late. The
20 first session will be from before 10.00 till 11.30, then we will have
21 a half-hour break, and then from 12.00 to 1.30, and then a one-hour
22 break, and then we will recommence at 2.30 until 4.00.

23 Second, I remind all of you that we have only two sessions in
24 court this Wednesday, December 6th. The first two sessions we will
25 be in court, and the third session we will not be able to hold.

1 Third, I inform you that there will be no hearing on Monday,
2 19 February 2024. You'll need to correct your schedule. That is the
3 day of the -- the declared day of celebration for Kosovo's
4 independence and is a national holiday in Kosovo, so we will take
5 that day without court hearings.

6 We'll now continue with an oral order by the Panel on the
7 admission of the public redacted version of Exhibit P680.

8 Exhibit P680 was admitted on 7 November 2023 through
9 Witness W03825. That was at transcript pages 9511 to 9512. The
10 Panel notes that the SPO has disclosed the public redacted version of
11 Exhibit P680 on 16 November 2023 under ERN 034236 to 034287 RED PRV.

12 The Panel understands that the Defence has no objections to the
13 redactions and the PRV. The Panel therefore admits 034236 to 034287
14 RED PRV and asks the Court Officer to link that to the existing
15 Exhibit P680.

16 And this concludes the Panel's oral order.

17 Now, I think, Mr. Roberts, you had something you wanted to bring
18 up to the Court.

19 MR. ROBERTS: Yes, very briefly, Your Honour. Just to inform
20 the Court that yesterday when the witness who is just about to return
21 travelled over, they were placed next to a member of the Defence team
22 on the flight over. No words were exchanged. There was no
23 communication. But I just wanted to inform the Court and the
24 Prosecution as to what happened just in case there is any issues or
25 questions to be raised.

1 PRESIDING JUDGE SMITH: Thank you very much --

2 MR. ROBERTS: Thank you.

3 PRESIDING JUDGE SMITH: -- for that advice.

4 Yes, sir.

5 MR. KEHOE: One brief issue that goes back to some of the events
6 that happened in the past week. My client has not had -- had been
7 refused contact with his family for the past 17 days --

8 MR. PACE: Your Honour, can I just interrupt here and say we've
9 received no notice of this, and it's inappropriate not out -- as a
10 matter of courtesy, but also as a matter of following the Order on
11 the Conduct of Proceedings. As per paragraph 7 of the order, this is
12 not the forum in which to discuss any issue counsel wants to discuss,
13 especially where it does not pertain to the next witness.

14 MR. KEHOE: Please [Overlapping speakers] ...

15 MR. PACE: So we would really, Your Honour, appreciate --

16 MR. KEHOE: May I finish before and not be interrupted by
17 counsel here.

18 PRESIDING JUDGE SMITH: Just a second. Let him finish.

19 MR. PACE: Your Honour, I would really appreciate notice being
20 given and for Your Honour to rule that this is inappropriate and that
21 we can proceed after notice is given. And --

22 MR. KEHOE: It's inappropriate for counsel to constantly
23 interrupt.

24 PRESIDING JUDGE SMITH: Excuse me, at this point I don't know
25 what it's about. So just --

1 MR. KEHOE: Just --

2 PRESIDING JUDGE SMITH: -- briefly, what's this about?

3 MR. KEHOE: This is about contact between my client and his
4 family that has been denied for the past 17 days and asking some
5 remedy from the Court that he can have a telephone call or a Zoom
6 call, something with --

7 PRESIDING JUDGE SMITH: Our order is on file.

8 MR. KEHOE: I understand, Judge, but it's not been implemented,
9 and for the past 17 days he has -- or since your order, he has been
10 refused contact with his family.

11 PRESIDING JUDGE SMITH: Our order will be implemented as soon as
12 possible and that will be the time that that type of visitation will
13 occur.

14 So let's continue with the testimony of W04765. I note that all
15 the accused are present in court today, including Mr. Krasniqi.
16 Thank you.

17 Madam Court Officer, please bring the witness in.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: Good morning, Witness.

20 THE WITNESS: [Interpretation] Good morning.

21 PRESIDING JUDGE SMITH: Today we will continue -- today we will
22 continue with and presumably finish your testimony. We will first
23 hear from some further questions from the SPO, if they have any. And
24 thereafter, the members of the Panel will have questions for you.

25 I remind you to please try to answer the questions clearly with

1 short sentences. If you don't understand a question, feel free to
2 ask counsel to repeat the question or tell them that you don't
3 understand and they will try to clarify. Also, please remember to
4 try to indicate the basis of your knowledge of the facts and
5 circumstances upon which you will be questioned.

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

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

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

13 Mr. Prosecutor, do you have any redirect?

14 MR. PACE: No, Your Honour. We had indicated one minute, but we
15 actually don't have further questions.

16 PRESIDING JUDGE SMITH: Thank you.

17 We will begin with some questions from the Judges then.

18 Judge Barthe.

19 JUDGE BARTHE: Thank you.

20 MR. KEHOE: Your Honour, just on -- before Judge Barthe. My
21 apologies, Judge. I didn't mean to interrupt you.

22 JUDGE BARTHE: [Microphone not activated].

23 MR. KEHOE: Obviously there was a document that came up in
24 redirect that we didn't have before. I can take care of that during
25 any questioning post judges' questioning, so ...

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1 The document that was not on their queue that they put on their
2 queue at the 11th -- after -- on redirect is, obviously, going to be
3 something that will possibly come up. It will come up during the
4 Judges' questions. So I take them -- my redirect from there. I just
5 want to reserve that right, because they put something on -- they've
6 been asking questions about a document that wasn't on their queue
7 with no notice -- speaking about notice, no notice to the Defence,
8 and we have some additional questions about the document that they
9 brought up.

10 MR. PACE: Your Honour, just on that. In terms of procedure,
11 our submission would be that the appropriate time for those further
12 questions would be now before the Judges' questions.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 JUDGE BARTHE: Thank you, Judge Smith.

15 WITNESS: W04765 [Resumed]

16 [The witness answered through interpreter]

17 Questioned by the Trial Panel:

18 JUDGE BARTHE: Good morning, Witness.

19 A. Good morning.

20 JUDGE BARTHE: As you can imagine, the Panel has followed your
21 testimony so far with great interest. However, we have identified
22 some points where my colleagues and I think we need more information
23 or clarification from you. I will try to achieve this by going
24 through the statements you made before us about two weeks ago in
25 chronological order, so it may be that some topics are addressed more

1 than once, but this is not a problem because your evidence is very
2 important to us. Do you understand that?

3 A. I do.

4 JUDGE BARTHE: Thank you. So let me start with the first day of
5 your testimony on 13 November 2023.

6 During your examination by the SPO, by the Prosecution, you told
7 us that the conversation between Halil Qadraku and Commander Drini
8 about Mr. Qadraku becoming head of intelligence and
9 counter-intelligence in the Pashtrik operational zone took place in
10 Albania, and that Drini told Mr. Qadraku, I quote, "You shall be
11 appointed at the zone level as an intelligence and
12 counter-intelligence head G2."

13 For the record, this is from page 9958 of the transcript, lines
14 5 to 8.

15 So my first question is the following: When was that
16 conversation between Commander Drini and Mr. Qadraku? In which month
17 and year?

18 A. Mr. Qadraku crossed the border from Kosovo to Albania, and vice
19 versa, more than 30 times during the war. During the time Drini was
20 in Albania from September 1998 to December -- 14 December 1998, he
21 met during this period of time with Qadraku somewhere in Albania, in
22 Krume or Kukes. But they certainly met more than once, two or three
23 times.

24 Now, Drini, having seen the activity of Qadraku, that he was
25 bringing in weapons, men into Kosovo, and bringing wounded from

1 Kosovo to Albania, so having seen the devotion and dedication of
2 Qadraku, Drini told him -- promised him that, "When we return to
3 Kosovo, you will be assigned -- you'll be given the task of the
4 intelligence and counter-intelligence chief." This is how it was.

5 JUDGE BARTHE: Thank you. So it was the period between
6 September and December, 14 December 1998, that conversation; is that
7 right?

8 A. That's correct.

9 JUDGE BARTHE: Thank you. And were you also present during that
10 conversation?

11 A. No, I was constantly at war at the front line. The moment I
12 entered Kosovo from 7 June 1998, I never left the war area and I was
13 constantly in Kosovo. But I was told this by Mr. Qadraku.

14 JUDGE BARTHE: Thank you. And was Commander Drini's decision to
15 appoint Mr. Qadraku as G2, to your knowledge, approved by the KLA
16 General Staff later on?

17 A. Yes, it was approved in January 1999.

18 JUDGE BARTHE: Thank you. My next question relates again to the
19 evidence you gave on 13 November 2023; namely, to page 9963 and the
20 following of the transcript.

21 Madam Court Officer, could you please show Exhibit P500 on the
22 screen. Only the Albanian version. And could you please go to
23 page 2.

24 PRESIDING JUDGE SMITH: You should all know that we're having
25 some difficulty with the videolink with Judge Gaynor, and he's going

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1 to have to stop and reconnect periodically, and that's going to
2 happen in about five minutes.

3 So if you have a short question, bear that in mind.

4 JUDGE BARTHE: Thank you.

5 Now, Witness, if you take a look at the bottom left page of the
6 document, can you see the word "SHIK," followed by what was
7 translated as "at the General Staff" in the English version of the
8 document under number 3.

9 A. Yes, I do see it at the bottom of the page. It reads "SHIK at
10 the General Staff."

11 JUDGE BARTHE: Thank you. I believe you had a long discussion
12 with Mr. Emmerson from the Veseli Defence about the meaning of the
13 word "SHIK" and where it originally came from.

14 My only question in this context is, are you saying that there
15 was no intelligence and counter-intelligence directorate at the KLA
16 General Staff at that time, that is in March 1999, when the document
17 was allegedly drafted, regardless of whether you call it SHIK, ZKZ,
18 or J2?

19 A. It did not exist. However, Halil Qadraku put it there because
20 he had been theoretically prepared in Albania and the relevant
21 literature there referred to SHIK, the Albanian intelligence service.
22 Therefore, he wrote here "SHIK" thinking that Kosovo should also have
23 a similar service.

24 JUDGE BARTHE: Just so that I can understand your evidence. Is
25 your evidence that there was no such directorate in March 1999 at the

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1 General Staff level?

2 A. Perhaps it existed in March, sometime towards the end of March.
3 I don't know the date of this document. But when Halil Qadraku was
4 appointed, there was no such service. It was just one person. If
5 you could please scroll up so I can see the date of the document.

6 JUDGE BARTHE: Yes, please, Madam Court Officer, to page 1.

7 A. I am not sure there was an intelligence and counter-intelligence
8 directorate on 14 March 1999. This was later on, came into existence
9 later on. There was absolutely no SHIK at this period of time.

10 JUDGE BARTHE: So if there was no such directorate, what was
11 Mr. Veseli doing at the time, if you know? Did he have any official
12 position within the General Staff or the KLA at all?

13 A. To my knowledge, the intelligence/counter-intelligence
14 directorate was not fully staffed at the time. Certainly Mr. Veseli
15 was engaged in that directorate, but he did not have staff. The
16 directorate was not staffed.

17 JUDGE BARTHE: Thank you.

18 PRESIDING JUDGE SMITH: Judge Gaynor, do you want to now
19 reconnect with your ...

20 JUDGE GAYNOR: [via videolink] Sure, I'll do that right -- right
21 now.

22 PRESIDING JUDGE SMITH: Okay.

23 JUDGE GAYNOR: [via videolink] Thank you.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 Can you hear all right, Judge Gaynor?

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1 JUDGE GAYNOR: [via videolink] Yes, I can hear you. Thank you,
2 Judge Smith. Please proceed. Thank you.

3 PRESIDING JUDGE SMITH: All right.
4 Go ahead, Judge Barthe.

5 JUDGE BARTHE: Thank you.
6 Sorry for the interruption.

7 Witness, my next question is still about your first day of
8 testimony on 13 November 2023. According to our transcript pages
9 9922 to 9923, you stated that, I quote:

10 "If we had orders from the General Staff, mostly we expect
11 Adem Demaci, who was an idol for me. We expected orders from him.
12 He told us don't meet with journalists without his permission, so we
13 didn't give any interview without his permission. So everything we
14 expected from him. Otherwise, there was no protocol of orders from
15 any party. At the zone level to the lowest level, the commanding
16 structure went very well."

17 First of all, Witness, if you know, was Mr. Demaci, who you
18 described as being the person in charge of war policies or political
19 representative, formally a member of the KLA General Staff?

20 A. Based on what I knew at the time and what I know now,
21 Adem Demaci was a political representative, and his office was in
22 charge of war policies. So it is true what I have stated.

23 JUDGE BARTHE: So was he a member of the KLA General Staff or
24 was he not a member of the KLA General Staff?

25 A. I think that he led the KLA General Staff politically. This is

1 what I think now and this is what I thought then.

2 JUDGE BARTHE: I understand. And how many orders did you get
3 from Mr. Demaci apart from the order or the instruction not to meet
4 with journalists without his permission?

5 A. I had two occasions when journalists came to me with a piece of
6 paper bearing his handwriting and saying that they had been
7 authorised to interview me. Therefore, based on this, I understood
8 that we needed written evidence from Adem Demaci in order to interact
9 with journalists. And I remember these were reporters from Paris,
10 from France, and I speak French myself.

11 This would be the sort of document we would expect and we
12 received from Adem Demaci.

13 JUDGE BARTHE: Did you receive other orders apart from that?

14 A. I mentioned two cases where I had such orders authorising me to
15 interact with journalists. On another occasion, I met with him in
16 Lladrovc where we had a lengthy discussion in which he detailed some
17 of his war projects.

18 JUDGE BARTHE: Thank you. Now to a completely different topic.
19 Again, on 13 November 2023, you told us, in response to a question of
20 the Prosecution, that you learned from your relative Jakup Muharremi
21 that Skender Hoxha and Sabahudin Cena, two high-ranking KLA members,
22 were both, I quote, "directly involved in Jakup Muharremi's detention
23 and mistreatment." You also said that Mr. Muharremi told that he was
24 sent to the KLA General Staff in order to punish him even further.
25 And this is from pages 9907 to 9912 and 9936 to 9937 of the

1 transcript.

2 However, during your cross-examination by the Thaci Defence on
3 16 November 2023, you said that there was no direct conflict between
4 Skender Hoxha and Jakup Muharremi, but somebody close to Skender
5 Hoxha was in trouble, had a dispute before the war with Jakup
6 Muharremi, and took advantage of the situation to bring him in there
7 and accuse him as a spy, as a collaborator of the Yugoslav secret
8 service and maltreated him. I'm referring to page 10246, lines 14 to
9 19 of the transcript.

10 So, first, who was that person who had a dispute with
11 Mr. Muharremi before the war and who took advantage of the situation?
12 Did Mr. Muharremi tell you this during your conversations with him?

13 A. To tell you the truth, he gave me the name but I have forgotten
14 it. It is someone from the village of Pirane with whom he had a
15 dispute before the war. This person had access and could influence
16 somebody in the close circle of Hoxha. So the origin of all this is
17 a private dispute between Jakup Muharremi and somebody else.

18 JUDGE BARTHE: But you said you learned from Mr. Muharremi that
19 Mr. Hoxha and Mr. Cena were directly involved in Mr. Muharremi's
20 detention and maltreatment. Can you tell us again how Mr. Hoxha and
21 Mr. Cena were involved according to Mr. Muharremi? What did they do
22 exactly?

23 A. Someone else, apparently this Mullabazi or someone else within
24 this group took him to the brigade command in Reti, so we are talking
25 about Jakup Muharremi, and there Sabahudin Cena and Skender Hoxha

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1 dealt with him.

2 JUDGE BARTHE: What do you mean with "Sabahudin Cena and Skender
3 Hoxha dealt with him"?

4 A. According to Jakup and to what he said, and you certainly have
5 his statements, he said that they beat him up. They abused him
6 physically.

7 JUDGE BARTHE: Both of them?

8 A. He said both of them. I wouldn't know. I was not there.

9 JUDGE BARTHE: Thank you. And, lastly, you said Tahir Sinani, I
10 assume in his capacity as zone commander, issued a warning to Skender
11 Hoxha; correct?

12 A. I learned this later on, that Tahir Sinani had issued a warning
13 to Skender Hoxha, indicating, warning him that if there would be
14 other similar cases he would discharge him. I learned this after the
15 war. Had I known it at the time, I would have probably been even
16 more revolted and irritated because Jakup Muharremi is a relative of
17 mine.

18 JUDGE BARTHE: So why did Mr. Sinani issue that warning? What
19 was the reason for that measure? Was it the detention and/or the
20 maltreatment of Mr. Muharremi?

21 A. I don't know exactly. Probably for both.

22 JUDGE BARTHE: Thank you. On 15 November 2023, you told
23 Mr. Emmerson from the Veseli Defence that Halil Qadraku became head
24 of ZKZ, intelligence/counter-intelligence, in January 1999, and that
25 Mr. Qadraku had arrived several days before Commander Drini who

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1 entered Kosovo on 16 December 1998. Do you remember saying this?

2 A. Yes, I do. This is how I said it.

3 JUDGE BARTHE: I was referring to page 10158 of the transcript,
4 lines 4 to 6, and 23 to 24.

5 My question is, Witness, what did Mr. Qadraku do between his
6 arrival in Kosovo in December 1998 and his appointment as head of ZKZ
7 in the Pashtrik operational zone in January 1999? What was his
8 function, if he had any, in that time period?

9 A. At the time the zone was still not fully staffed. The brigade
10 was being consolidated. Mr. Qadraku was within Brigade 124, and he
11 certainly waited for Drini to return in order to receive his
12 appointment and start working. This is how it was.

13 JUDGE BARTHE: Thank you, Witness. You also told Mr. Emmerson
14 that you agreed with the description Mr. Qadraku had given to the
15 SPO, that he had to begin setting up intelligence structures from
16 scratch when he took over in January 1999. I'm referring to page
17 10159 of the transcript, lines 3 to 8.

18 Who or which institution fulfilled intelligence functions in the
19 area of what later became the Pashtrik operational zone before
20 January 1999?

21 A. There was no intelligence/counter-intelligence before January.
22 Such structure was not organised. Soldiers who carried out such
23 tasks, like finding out and uncovering enemy forces, these were
24 reconnaissance units. They conducted surveillance operations of the
25 enemy. It was after January that intelligence/counter-intelligence

1 structures began being set up. Halil Qadraku was alone when he
2 initially appointed and then later on he continued his work.

3 JUDGE BARTHE: And who or which institution collected
4 information about people who collaborated with the enemy, if there
5 was such an institution or somebody who collected these informations?

6 A. Up until that moment, they would usually -- civilians would
7 intervene in the village councils. Some people had personal revenge
8 reasons; others had other reasons. So they would come up with
9 information such as, oh, this one is a collaborator, that one is a
10 collaborator, but this kind of information was irrelevant to us.

11 JUDGE BARTHE: Witness, you also confirmed to the Veseli Defence
12 that between June and November 1998, when you were commander of the
13 battalion in Budakove, nobody was performing military policing
14 functions. For the record, this is from page 10159 of the
15 transcript, lines 16 to 21.

16 To be clear about this, are you saying that there were no
17 military police in the entire area of what later became the Pashtrik
18 operational zone and that nobody else was performing functions of the
19 military police?

20 A. I don't know with respect to other zones and other units. At
21 that time, I was a battalion commander. And in such capacity, I set
22 up a squad, a rapid reaction unit with selected agile, brave
23 soldiers. And then later the police unit in the battalion in
24 Budakove was formed. I don't know if in other structures there were
25 such police units because we were not communicating in a way.

1 JUDGE BARTHE: For example, if a soldier in your battalion had
2 deliberately violated one of your orders, would you or would you not
3 have been able to ask someone to disarm or to arrest that soldier?
4 Was that the task of the rapid reaction unit you established?

5 A. And that was the reason why this unit was set up, in case there
6 would be problems between soldiers or when the enemy would attack.
7 So these guys were better trained and would intervene rapidly. In
8 the event of disciplinary issues with a soldier, I would have them
9 call the soldier, disarm him, have him do some other physical work
10 for a few days. And I never had any occasion where I had to fully
11 disarm a soldier and discharge him completely. I would remove his
12 weapon temporarily or his badge, but that's it.

13 JUDGE BARTHE: Thank you. According to the next few lines on
14 pages 10159 to 10160 of the transcript, you said that sometime
15 towards the end of March, beginning of April 1999, Nexhmi Krasniqi
16 was appointed as the head of the military police in your zone.

17 And my question is do you know what functions Nexhmi Krasniqi
18 had before his appointment as head of the military police in your
19 operational zone? I assume he was already with the KLA at that time;
20 right?

21 A. He was certainly from the beginning part of the KLA war. I know
22 he comes from the village of Terpeze. He was in other units which I
23 had no contact with during the war, but I know he was a good fighter.
24 And when he came to the Pashtrik zone appointed as commander of the
25 military police company, he came with two, three, or four military

1 policemen. He was not staffed.

2 It was later that the military police platoons were formed at
3 the brigade level.

4 JUDGE BARTHE: In the same context, you told us that there was a
5 need to have military police at the zone level, at least, at the end
6 of March and April 1999. Do you remember saying this two weeks ago?

7 A. Yes, and that's correct. This is what I stated.

8 JUDGE BARTHE: My question is why was there a need to have
9 military police at the zone level in March, April 1999? Why not
10 before or after that?

11 A. The need was from the beginning. However, we did not have these
12 structures. We barely managed to set them up at that time -- at the
13 indicated time. We didn't know how long the war would take. Every
14 army needs a military police and a disciplinary entity or an entity
15 or body dealing with disciplinary matters. So this is how it was.

16 JUDGE BARTHE: And why was it necessary to establish the
17 position as head of military police on the operational zone level or
18 at the operational zone level for Mr. Nexhmi Krasniqi?

19 A. It was necessary for us to set up the hierarchy of the military
20 police. It was necessary for us to have a commander, a deputy
21 commander, and, of course, the smaller units like the squads, the
22 platoons, and so on and so forth.

23 Tahir Sinani had that responsibility to appoint and to be in
24 constant contacts with the military police through Nexhmedin
25 Krasniqi.

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1 JUDGE BARTHE: Just a second, please.

2 Was there a military police on the brigade or battalion level
3 before end of March, beginning of April 1999?

4 A. No, only what I said before about the battalion in Budakove.
5 Because the brigades, after the appointment of Nexhmedin Krasniqi,
6 started to establish the military police. It was later on, not
7 during that time.

8 JUDGE BARTHE: Witness, the Panel needs clarification from you
9 on another point. In your interview with the Prosecution in January
10 2020, you said that Nexhmi Krasniqi, in his capacity as head of
11 military police in the Pashtrik zone, reported to Tahir Sinani as the
12 operational zone commander, to you as deputy operational zone
13 commander in case Mr. Sinani was not around, and also directly to
14 Fatmir Limaj, the military police commander within the KLA
15 General Staff. You said in this context, and I quote:

16 "Police had a special hierarchy. It is also said in the
17 structure there. So it's the military police that had a direct
18 report line to the staff up there."

19 And this is from Exhibit P707.4, pages 1 to 2.

20 Whereas during your cross-examination by the Selimi Defence,
21 page 10320 and the following of the transcript, you said that
22 Mr. Krasniqi was only reporting to Mr. Sinani and, in case of
23 Mr. Sinani's absence, to you.

24 So my question is what is right here? Did Mr. Krasniqi only
25 report to the zone command or also to the General Staff, namely to

1 Mr. Limaj, as you've stated in your SPO interview in January 2020?

2 A. I am positive that he reported to Tahir Sinani. In the absence
3 of Tahir Sinani, he has reported to myself as well. Whereas when it
4 comes to his relationship with the General Staff, I can't say
5 anything about that. I don't know how much contact he had with the
6 General Staff. That, because of the fact that the General Staff was
7 very mobile. They were constantly on the move. Therefore, it was
8 impossible for him to meet with the General Staff, and that's the
9 reason why he contacted the zone commander. I don't know what kind
10 of a relationship he had with Fatmir Limaj.

11 JUDGE BARTHE: And how was the situation when Commander Drini or
12 when Drini was commander of the operational zone? Was there a direct
13 reporting line from the military police or Nexhmi Krasniqi to the
14 General Staff and Mr. Limaj?

15 A. I don't know. I have no idea how the relationship between Drini
16 and the General Staff was. However, through the briefing what we
17 knew was that everything that happened at the zone level has to be
18 notified to the General Staff; in particular, to the chief of staff.
19 Drini used to have good relations with the chief of staff. Whereas
20 with the remainder of the people, I don't know. So there was no need
21 for him to report to me. I mean that was not something that I had to
22 know by all means.

23 JUDGE BARTHE: Madam Court Officer, could you please put
24 Exhibit P707.4, page 7 for us on the screen. The English version
25 should suffice.

1 Witness, I will read to you what you also said during your SPO
2 interview in January 2020, so please listen carefully. And this is
3 page 7, lines 9 to 15:

4 "Q. Did you have regular meetings with the commander of the
5 military police at the zone command -- at zone level?

6 "A. No, we didn't have regular meetings because the
7 commander -- so they had direct report line with the centre, except
8 in the cases when it would go through the zone command, Tahir. As I
9 show that in the structure, it's shown there. And they would report
10 to the general police commander, Fatmir Limaj."

11 So I ask you again: Why did you state in January 2020 that
12 there was a direct reporting line to the General Staff and to
13 Mr. Limaj?

14 A. That's not correct. If I said in January, that's not correct.
15 It might have been towards the end of March. It should have been
16 like that in the -- because I think that the police should have
17 reported to the central level, but that's not what has happened
18 because the people from the General Staff were not present. What I
19 have said is that it should have been fair for him to report to the
20 Limaj. But, otherwise, I wouldn't know. I didn't have any report or
21 any information that told me this.

22 What I have said is instead that he should have reported to
23 Commander Limaj. This is not correct. So -- but, anyway, this is
24 not relevant for January because Nexhmedin was not there in January.

25 JUDGE BARTHE: Witness, now on a different subject. During the

1 questioning by the Veseli Defence, you spoke about the different
2 directorates in the KLA General Staff, and you said in this context
3 that, for example, the few people who worked in the political
4 directorate might not have known the duties of another directorate.
5 And you continued by saying that, I quote:

6 "A brigade commander didn't know what was going on in the other
7 brigade because we couldn't keep very close relations. That's why
8 I'm saying one wouldn't know what the tasks were in another
9 department."

10 My question is, is it your evidence that there was no contact
11 between brigades, no meetings with the operational zone commander, no
12 communication whatsoever, and that, therefore, there was also no
13 communication, no contact among the heads of the different
14 directorates at the KLA General Staff level?

15 A. Your Honour, this is something that I've said. What I've said
16 is that there's been no horizontal connection. There's been no
17 direct communication and order line. But there has been some
18 vertical connection, and this is the context of what I mean. So
19 there has been no ordering from one department director to the other.
20 So the zone has taken decisions in its own briefings and sessions,
21 and we have notified the chief of staff, of the General Staff, that
22 is.

23 The directorates that were part of the organigramme that you've
24 seen from my book, I mean, they have had no impact to one another.
25 So they should be seen from the horizontal point of view, and they

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1 have had no impact whatsoever on one another. The only connection
2 they had was to the General Staff, so they reported to the
3 General Staff. That's what the situation was.

4 JUDGE BARTHE: So did you or did you not, in your capacity as
5 deputy operational zone commander, communicate or coordinate with
6 other deputy operational zone commanders?

7 A. With the other operational zones, we had no coordination, no
8 relationship whatsoever. There were cases when we sent soldiers to
9 help them out. If there was a battlefield or if there was a clash
10 with the enemy forces, we sent soldiers to Dukagjin or to Shala. But
11 there has been no impact. There was no coordination, so there was no
12 impact on our end from the Pashtrik zone to other zones.

13 Whereas when it comes to the other brigades of the Pashtrik
14 zone, everything has happened from the hierarchical line at the time
15 that I was appointed as the deputy commander of the zone and
16 Tahir Sinani was appointed as commander of the zone.

17 JUDGE BARTHE: How did you know that help was needed in a
18 different or another operational zone?

19 A. There were two ways of communicating. There was a request
20 through the couriers, and there was the radio connection requests.
21 And there came a time where we had satellite telephones as well. It
22 was this the way or the means that we were notified. And we also
23 assisted the civilians. So we sent different units in order for them
24 to help with the battlefield, with the wars of other brigades.

25 JUDGE BARTHE: Can you remember when you got these telephones,

1 these satellite telephones? What month?

2 A. I can't remember exactly. It was somewhere about the end of
3 March or beginning of April. However, I do know the dates when we
4 sent assistance to Dukagjin or when we went to intervene with the
5 other brigades in terms of fighting against the enemy. However, I
6 can't tell you a date exactly in answer to your question. It was
7 about the end of March or beginning of April, though.

8 JUDGE BARTHE: 1999 I assume; right?

9 A. Yes, sure. 1999.

10 JUDGE BARTHE: Thank you.

11 Witness, you told us that between December 1998 up until
12 15 January 1999, you were stationed within the General Staff for
13 about a month. And you also said that you were not there all the
14 time because you had to take part in the war to save the population,
15 and that you fought for four and a half days. And I refer to page
16 10181 of the transcript, lines 11 to 20.

17 And you also confirmed, a few lines further below, what you have
18 already or what you had already told the Prosecution; namely, that
19 you think that Mr. Veseli was not in Kosovo between the beginning of
20 January 1999 and later in the year, that is, in April 1999, when you
21 gave him a lift to more remote villages.

22 Now, my question for you is why do you think that Mr. Veseli was
23 not in Kosovo during that time? Is it just because you did not see
24 him at the headquarters? I'm asking because you weren't there all
25 the time either, as you said; right?

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1 A. I said that I was there at the beginning of December up until
2 15 January. When the Recak massacre happened, I went to coordinate
3 the fightings in Budakove and the Nerodime zone in order to protect
4 the civilian population there.

5 Once I got back from the war, I got back to the headquarters as
6 well, and I didn't see Mr. Veseli at any place. Therefore, I came to
7 the conclusion that he was somewhere abroad.

8 JUDGE BARTHE: I understand. Just for the record, where exactly
9 was the General Staff headquarters at that time? In what location?
10 Was that in Klecke? I'm referring to December 1998 and January 1999
11 when you were stationed there.

12 A. Back then, the headquarters was in Klecke. The headquarters
13 itself. I am not talking about the members of the staff. So --
14 however, the headquarters moved very frequently, so sometimes they
15 went to Divjake, to Klecke, to other places as well. So they moved
16 to -- about in different locations in Kosovo.

17 At the time it was located in the headquarters, it was myself,
18 it was a couple of technicians that worked with computers, some
19 guards as well. This is all there was.

20 JUDGE BARTHE: Did you see other members of the General Staff at
21 the headquarters or elsewhere in December 1998 and January 1999? You
22 think I said you briefly met Adem Grabovci before he left; correct?

23 A. There I met with Adem Grabovci. He was the chief of J1, and he
24 handed over his task to me because he went somewhere abroad as well.

25 On 15 January, when the Serbian offensive happened in Prekaz, I

1 found the chief of staff, Bislim Zyrapi, in the operational
2 directorate. And there of a couple of other people there, but I
3 don't remember who they were. We asked for assisting our forces, and
4 I was told that, "If you're physically fit," because I was wounded
5 and injured -- but I was told that, "If you are fit to go, you can go
6 there because you have connections with the soldiers of Budakove.
7 You are connected with the Budakove and Nerodime zone." And they
8 told me that, "If you wanted to go, you could go there." And this is
9 how I went there. I went to the Recakut war with the orders of
10 Bislim Zyrapi. Whereas for others, I didn't see anyone else there.

11 JUDGE BARTHE: Were there regular meetings, let's say, once a
12 week or every other week, at the headquarters or were there no
13 meetings at all during the time you were there in December 1998 and
14 January 1999?

15 A. During that time, there was no meeting. During that time when I
16 was en route to Lladrovci, I met with Adem Demaci. So it was cold.
17 He was travelling via jeep, and he talked to me in English. So don't
18 talk to me. And I was just telling Adem, "How is it possible that
19 your jeep is speaking in English, too?" It was a joke, of course.

20 So we talked about the war, about the developments of the war,
21 about the further developments. But other than that, there was no
22 real meeting of the General Staff during that time.

23 JUDGE BARTHE: Did you see or meet Mr. Demaci in Klecke during
24 that time? Did you see him there or ever?

25 A. In Lladrovci. Lladrovci is further down than Klecke. I did not

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1 meet him in Klecke.

2 JUDGE BARTHE: Witness, you further mentioned that Mr. Veseli
3 returned from Rambouillet or Albania and that he came to your
4 operational zone in Nishor where you had a conversation with him in
5 which Mr. Veseli told you that he wanted to go to more remote
6 villages and that you took him in your car and escorted him. This is
7 on page 10182 of the transcript. Do you remember saying this?

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

9 JUDGE BARTHE: Thank you. Did Mr. Veseli tell you where he came
10 from; that is, whether he came from Rambouillet or from Albania or
11 from another place?

12 A. To tell the truth, that was my conclusion; namely that he was
13 coming from Rambouillet. But I don't know exactly because we didn't
14 talk in details about the place where he came from. We mostly talked
15 about the number of injured, the situation of the civilians, on
16 whether we had enough ammunition. I mean, these were the types of
17 talks that we made with Mr. Veseli.

18 JUDGE BARTHE: So you actually don't know whether he was already
19 in Kosovo or whether he came from Rambouillet or from Albania or from
20 another place?

21 A. I was convinced that he was not in Kosovo up until that time. I
22 was convinced myself that he came from abroad. My zone, the Pashtrik
23 operational zone, was on the border to Albania. And if he had to go
24 to Albania, he had to come through the Pashtrik operational zone.
25 And this is why I came to the conclusion that he came from abroad.

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1 On whether he came from Albania or from Rambouillet, that I don't
2 know.

3 JUDGE BARTHE: So did Mr. Veseli tell you what he wanted to do
4 in those remote villages?

5 A. No, he didn't. He only asked me to send him to Divjake or to
6 Terpeze, and that's what I did. I accompanied him, I travelled with
7 him with my car, with another person that was accompanying us, and I
8 got back to the zone.

9 JUDGE BARTHE: Were you not interested in learning what he
10 wanted to do there?

11 A. I had the impression he knew better than myself. He asked for
12 my assistance, for my help in the context of the zone, and that was
13 all.

14 JUDGE BARTHE: I understand.

15 [Trial Panel confers]

16 JUDGE BARTHE: Witness, moving on to my next question. When
17 Defence counsel suggested that Mr. Veseli was not the only person who
18 used the name Luli, you answered on page 10182 of the transcript,
19 lines 18 to 19, that, I quote:

20 "There were tens of Luli, Cungo, Bungu, Guri, such nicknames.
21 There were many, many."

22 The Panel would like to know who else did call himself or
23 herself Luli? Which other person had this nickname during the war?
24 Could you give us a name of that person or those persons?

25 A. I don't know, to tell you exactly. But what I can say is that

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1 there were people using this nickname Luli in Drenica, in other areas
2 as well. I know that there were other nicknames like Guri, Graniti.
3 Whereas for myself, I never used a nickname. I don't know the names
4 of those people, because you could know the nicknames but not
5 necessarily the name. It was difficult to discover the real names of
6 people back then.

7 JUDGE BARTHE: So just to understand you correctly, you weren't
8 referring to some specific person when you said there were other
9 Lulis; right?

10 A. No, I didn't have a specific person. But I knew of the fact
11 that there were other Lulis as well because the soldiers would
12 mention the name Luli. For instance, in my zone, we had a Luli.
13 There were other people in other zones that were called with the same
14 name, with Luli.

15 I didn't know that Kadri Veseli was called Luli, but I knew
16 Kadri Veseli when he came to meet me because the uncle of
17 Kadri Veseli was a friend of mine. His name is Sabit Veseli. So I
18 used to know Sabit Veseli. And at the time that he told me that his
19 last name was Veseli, I had a very high consideration of him. I
20 thought he was the brother of Sabit Veseli.

21 PRESIDING JUDGE SMITH: Okay. We break now for just a moment
22 while Judge Gaynor reconnects.

23 JUDGE GAYNOR: [via videolink] Judge Smith, I am now reconnected.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 Can you see us, Judge Gaynor?

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1 JUDGE GAYNOR: [via videolink] Yes, I can see you and I can hear
2 you. Thank you very much. Please go ahead.

3 PRESIDING JUDGE SMITH: You might want to go back. You missed
4 some of the witness's answer. There was a question at line 20 of the
5 transcript. You may want to look at that and then go through the
6 answer.

7 JUDGE GAYNOR: [via videolink] Sure, thank you. Yes, I have
8 access to the transcript, and I will indeed look at that. Thank you.

9 PRESIDING JUDGE SMITH: Okay. We'll give you a minute to do
10 that.

11 JUDGE GAYNOR: [via videolink] That's fine. I've read it now.

12 PRESIDING JUDGE SMITH: All right.

13 JUDGE GAYNOR: [via videolink] Thank you, Judge Smith.

14 PRESIDING JUDGE SMITH: Go ahead, Judge Barthe.

15 JUDGE BARTHE: Thank you.

16 And, Witness, are you aware of another person within the KLA
17 General Staff who used the nickname Luli at the time? That is, in
18 1998 and 1999.

19 A. I'm not sure there was somebody with a nickname Luli at the
20 General Staff, but now I know that Kadri Veseli had the nickname
21 Luli. For others at the headquarters, I don't know. Whereas when it
22 comes to wider, I mean, to other areas in Kosovo, like I said, there
23 were many people having that nickname.

24 JUDGE BARTHE: Thank you. A little bit later during your
25 cross-examination, you fully agreed with the Defence for Mr. Veseli

1 that in other operational zones it was altogether much more chaotic.
2 And this is on page 10191 of the transcript, lines 20 to 24.

3 My question is how do you know that in the other operational
4 zones it was much more chaotic? Did you talk to other operational
5 zone commanders or deputy commanders about their situation? I think
6 you said -- you already said that there was communication between the
7 different operational zones; is that right?

8 A. That's my opinion. It was my opinion back then and it is my
9 opinion now. I think that the situation was worse. I won't say
10 chaotic, but the situation was much worse, because we had assisted
11 the other zones with weaponry, with wheat. So we have sent
12 assistance, we have sent our soldiers, we have assisted them in
13 logistical aspects as well. And we have sent assistance to Shala as
14 well.

15 And knowing these developments, I came to the conclusion that
16 their situation was worse and they were less organised than we were.

17 JUDGE BARTHE: Thank you. The reason why I was asking was the
18 Panel wanted to know why you were saying that, so the basis of your
19 knowledge. Thank you. I think it's clear now.

20 Witness, my next question concerns a document called "Kosovo
21 Liberation Army General Staff, Disciplinary Regulations for the
22 Kosovo Liberation Army, Pristina 1998." This is Exhibit P715. And I
23 believe my colleague Judge Mettraux will ask you more questions about
24 this document later, so my only question at this stage is are you
25 still saying that this document was drafted by you, Nuredin Abazi,

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1 and Halil Qadraku in March or April 1999 on your operational zone
2 command laptop and that it was sent to the KLA General Staff and/or
3 to Mr. Demaci, Adem Demaci, where somebody backdated the document to
4 the year 1998? Is that what you're still telling us? Is that your
5 opinion?

6 A. My opinion is that when it comes to this regulation, this
7 regulation was copied from the similar regulations of Albania. It
8 was signed by Fehmi Baftiu, because the day that you showed the
9 document to me I saw the signature, but it -- I couldn't give more
10 details about it, but Fehmi Baftiu was an experienced lawyer. He was
11 the person who processed the information, he was the person who
12 provided some information for the KLA.

13 So this is a regulation that was prepared in the office of
14 Adem Demaci in Prishtine. It never ended up in my hands. So we had
15 our own regulations, because I thought that was a zone regulation.
16 We have prepared zone regulations with Nuredin Abazi, with other
17 people there at the zone staff. Whereas when it comes to this
18 regulation, this regulation is copied from the regulations of
19 Albania, and it never came in my hands. It never ended up in my
20 hands. I saw it for the first time here.

21 When this regulation was shown to me by Emmerson, I thought that
22 this was one of those regulations that we used or we prepared in the
23 zone, that were two or three regulations in Prishtine. So, probably,
24 they have received some elements from the regulations of the KLA, but
25 like I said before, this was a regulation that was copied and pasted

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1 from similar regulations of Albania.

2 JUDGE BARTHE: Thank you. I believe we will come back to this
3 later today.

4 On 15 November 2023, you also told us that Halil Qadraku, as
5 head of the ZKZ or G2 in the Pashtrik operational zone, was reporting
6 to operational zone commander Tahir Sinani and/or to Bislim Zyrapi as
7 chief of the KLA General Staff at least until April 1999 when
8 Mr. Zyrapi was replaced by Agim Ceku. And this is from page 10209 of
9 the transcript. And you said that you believe that Mr. Qadraku did
10 not report to Kadri Veseli because it was not possible for
11 Mr. Qadraku to meet Mr. Veseli since Mr. Veseli was not in Kosovo
12 until April 1999; correct?

13 A. Yes, that is correct, the last part of what you said. Whereas
14 when you say that from 15 December, there was no ZKZ on 15 December,
15 because Mr. Qadraku was appointed in January 1999. So except for
16 this correction, everything that you said is true.

17 JUDGE BARTHE: But you included Mr. Veseli as head of
18 intelligence and counter-intelligence, or J2, in your organigramme of
19 the KLA General Staff on page 8 of your book; right?

20 A. Yes, that's correct. But the date is not correct, because you
21 said that he has reported starting from 15 December and that's not
22 true.

23 JUDGE BARTHE: And as head of intelligence and
24 counter-intelligence in the KLA General Staff, did Mr. Veseli
25 regularly visit the brigades and the command in your operational zone

1 as long as he was still in Kosovo, if you know?

2 A. I have not happened to meet him at the zone level or at lower
3 levels. He might have as well visited them, but I'm not aware of
4 such visits.

5 JUDGE BARTHE: He didn't visit you when you were deputy
6 commander?

7 A. No, I have not met him. No.

8 JUDGE BARTHE: Now, my next question concerns one of the answers
9 you gave to the Thaci Defence during your cross-examination on
10 16 November 2023, when you said that you took over the command of the
11 Pashtrik operational zone after Commander Drini had left to become
12 the head of the military academy and his deputy, a person called
13 Sylejman Kollqaku, deserted. And this is from page 10249 of the
14 transcript.

15 And, Witness, on 15 November 2023, you told us that Drini was
16 replaced by Tahir Sinani as operational zone commander on 17 March
17 1999. Is that correct, that he was replaced -- Mr. Sinani was --
18 excuse me, Commander Drini was replaced by Mr. Sinani on 17 March
19 1999?

20 A. Yes, that's correct.

21 JUDGE BARTHE: I was referring to page 10173 of the transcript,
22 lines 6 to 10.

23 My question in this context is when exactly did Commander Drini
24 leave to become the head of the military academy, if you know?

25 A. I think it was sometime in the beginning of March. Beginning of

1 March when he was appointed at the General Staff in charge of the
2 military academy. And towards the end of February, Sylejman Kollqaku
3 was absent because he deserted. He left. So there was -- at the
4 zone level that position was vacant, and we continued fighting
5 without them.

6 JUDGE BARTHE: So you took over at -- the command of the
7 operational zone at the end of February or beginning of March 1999
8 until Mr. Sinani showed up; right?

9 A. That is the way I acted. However, I never self-appointed as a
10 zone commander. And now, even 20 years later, Tahir Sinani is dead
11 now, I never said I was a zone commander. However, we were put in
12 that situation where we had to face the battles and I had to assume
13 that role.

14 JUDGE BARTHE: So, just for my understanding, at the time
15 Mr. Qadraku and you wrote the letter to the KLA General Staff
16 complaining about Commander Drini, Exhibit P500, that is on 14 March
17 1999, Drini had already left his position as commander of the
18 Pashtrik operational zone and was working in his new position as head
19 of the military academy; is that correct?

20 A. We didn't know at the time whether he had been appointed or not.
21 We knew he was absent. We knew we had no relations in the zone, at
22 the brigade level, and we -- Drini and Sylejman Kollqaku were not
23 there either. So the purpose of this letter was to create norms and
24 relations between the subordinating units.

25 JUDGE BARTHE: I think I understand now. Thank you.

1 Now moving on to a different topic. Again, during your
2 cross-examination by the Thaci Defence, you said that the political
3 directorate led by Mr. Thaci was not at the level you would have
4 desired or the war would have required because it was only staffed
5 with Mr. Thaci and two or three other persons. And this can be found
6 on page 10273, lines 9 to 15, and in page 10278, lines 2 to 3 of the
7 transcript.

8 Witness, the question is how do you know that the political
9 directorate was only staffed with Mr. Thaci and two or three other
10 people? Did you meet Mr. Thaci during your time at the KLA
11 General Staff in Klecke in December 1998 or January 1999?

12 A. No, we're not talking about December 1998 or January 1999. I
13 met Mr. Thaci in July 1998, and he was with two or three persons,
14 soldiers, or his staff. He was visiting the Budakove battalion. In
15 December 1998 and January 1999, I did not meet Mr. Thaci at the
16 General Staff. I met him on one occasion coincidentally. I can't
17 remember the date. And I was going to Klecke to get ammunition at
18 the central warehouse, and I saw him cleaning his face in the front
19 of the General Staff early in the morning. And he asked me, "Why you
20 are here?" And I said, "I'm here to ask for ammunition because we
21 will have battles to fight." And he said, "If there is a battle
22 coming up, I will come with you. I will join you and fight." To
23 which I replied, "No, the battle is expected to happen in two or
24 three days." And it ended there.

25 I've seen Mr. Thaci no more than two or three times during the

1 war.

2 JUDGE BARTHE: During the time when you were stationed at the
3 General Staff in Klecke in December 1998 and January 1999, did you
4 see an office or did you meet and talk to employees of Mr. Thaci?

5 A. No, no.

6 JUDGE BARTHE: So correct me if I'm wrong, but actually you
7 can't say for sure how many people worked for Mr. Thaci, worked in
8 the political directorate with Mr. Thaci, at least not after June or
9 July 1998; is that correct?

10 A. That's correct. That was my perception, and you're right.

11 JUDGE BARTHE: It's just your opinion; yeah?

12 A. My opinion. Right.

13 JUDGE BARTHE: And you also said that you don't know where
14 Mr. Thaci was from mid-November 1998 to February 1999, that is before
15 Rambouillet, and you don't know if he was in Kosovo or in Albania or
16 elsewhere and what he was doing; is that right? During that time,
17 mid-November 1998 to February 1999.

18 A. That's right. That's correct.

19 JUDGE BARTHE: And when you confirmed in response to a
20 suggestion by Mr. Kehoe from the Thaci Defence that Mr. Thaci could
21 not give orders to anyone apart from his few employees, that was only
22 your opinion as well, right, since you did not see or meet him during
23 that time?

24 A. You're absolutely right. I speak in my name. And we did not
25 receive any orders at the zone level. I cannot know about others.

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1 However, based on his tasks and based on his position, he was not a
2 decision-maker or was not issuing decisions.

3 JUDGE BARTHE: So, in other words --

4 THE INTERPRETER: "Orders," apologies.

5 JUDGE BARTHE: -- he could have given orders to more than two or
6 three people without your knowledge? It's just you don't know that?
7 Or maybe not?

8 A. I am not aware of that.

9 JUDGE BARTHE: Thank you. Witness, you also said on page 10259,
10 lines 14 to 16 of the transcript, that you wanted to meet Mr. Thaci
11 after the war, but you were unable to meet him. And as we cannot ask
12 Mr. Thaci, I'm asking you why were you not able to meet him, and why
13 did you want to meet him? What was the reason for your desire to
14 meet Mr. Thaci after the war?

15 A. After the war, I was in the KPC for three years. And then for
16 another three years, I was the chairman of the war veterans
17 association. So I would have had the opportunity to meet him on
18 numerous occasions and not only once. However, I never managed to
19 meet him because these people who become big important ministers,
20 prime ministers, they have many phones, they have many people who are
21 close to them, associates. So you ask one of these associates to
22 meet with him. They say, "Yes, I will tell him." And so you have to
23 go through a lot of intermediaries, and as a result of which I never
24 managed to meet with him.

25 As a result of this, I am not grateful at all. I'm quite

1 irritated and angry at him that he didn't meet with him. I don't
2 know what's his issue with me. He certainly didn't want to meet with
3 me. It's his business. I wouldn't know why. However, this is not
4 as it should be.

5 JUDGE BARTHE: My next question is about what you told us in
6 response to a suggestion by the Selimi Defence when you were talking
7 about Mr. Holbrooke's visit to Junik in June 1998. And you said, I
8 quote:

9 "Shortly after my arrival, he," Mr. Holbrooke, "was in Junik
10 where he met with Hajdin Abazi, aka Lum Haxhiu. And he saw that
11 there was a command centre, there were uniforms, insignias, symbols,
12 weapons, and a chain of command, an organised structure. From that
13 moment onward, it," means the KLA, "was not referred to as a
14 terrorist group but as a liberation army, organisation."

15 Witness, is it your evidence that in June 1998, the KLA did not
16 have uniforms, insignia, symbols, weapons, a chain of command and an
17 organised structure? That it was all a deception or as counsel for
18 Mr. Selimi called it a public relations exercise to persuade the
19 United States of America and other allied states to intervene
20 militarily or otherwise? Is that your evidence?

21 A. That's not quite right. First of all, it's Hajdin Abazi, not
22 Hajrudin Abazi, with the nickname Lum Haxhiu. Perhaps you read it
23 the wrong way. So it's true that he found there a well-organised
24 structure in Junik. There were weapons, insignia, uniforms. Because
25 Junik is very close geographically to Albania, so they had better

1 supplies in terms of weapons and uniforms.

2 Therefore, he found order, organisation in that command, guards,
3 relationship structures, and the conversations were at the
4 appropriate level. I learned about this when Hajdin Abazi came to my
5 zone and explained me the whole event. Therefore, it was noted there
6 was a liberation organisation, there was a voluntary army which had
7 norms, rules, discipline, uniforms, insignia, weapons, and a command.
8 And based on this, it was called the Kosovo Liberation Army.

9 Because initially, the Serbs tried to portray this as a
10 religious-based conflict, Islamist one, then terrorist organisation,
11 until the organisation was recognised by the internationals as a
12 liberation -- Kosovo Liberation Army. So what I said is correct
13 except for that -- the fact that we would have deceived them wearing
14 uniforms. There were uniforms and all the rest.

15 With the exception of the name of Hajdin Abazi that I corrected,
16 everything was right.

17 JUDGE BARTHE: Thank you. Just a second.

18 [Trial Panel confers]

19 JUDGE BARTHE: And, Witness, the same question as before in
20 relation to Mr. Thaci. You said that Mr. Selimi, as inspector
21 general of the KLA, had only two or three people around him. This is
22 also your opinion; right?

23 A. With respect to Mr. Selimi, I said that I met him in my zone.
24 He was with two soldiers. I don't know if they were his associates
25 or staff or just ordinary soldiers. I don't know whether the

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1 inspectorate had any staff members or how many. It was called the
2 inspectorate general.

3 During the war, the Kosovo Liberation Army had no ranks. This
4 was -- and this is my opinion.

5 JUDGE BARTHE: Just for the record, I was referring to page
6 10302, line 7 of the transcript.

7 My question is you didn't meet Mr. Selimi in December 1998,
8 January 1999, when you were at the KLA General Staff headquarters in
9 Klecke? You didn't meet him; right?

10 A. No, I didn't see Rexhep Selimi there. I would have recognised
11 him based on the appearance of his brother, because Ramadan Selimi
12 was one of my comrades in our underground activities, patriotic
13 activities, and I've seen him in Nishor, in the Pashtrik operative
14 zone. I only knew him as Rexhep Selimi. It was only later on that I
15 learned he was the inspector general.

16 JUDGE BARTHE: During your time at the headquarters of the KLA
17 General Staff you didn't talk -- or didn't see or talk to some of
18 Mr. Selimi's employees? You didn't see an office there; is that
19 right?

20 A. No, I didn't know his subordinates or his staff. And to this
21 day, I do not know who were Rexhep Selimi's associates or staff
22 members.

23 JUDGE BARTHE: And you already said that a couple of minutes
24 ago. You met him twice, Mr. Selimi, right, during the war?

25 A. I remember well meeting him once. I don't remember twice. He

1 went through my zone on one occasion. And as I have explained, there
2 was a fighting that broke out there. But I do not recall meeting him
3 twice.

4 JUDGE BARTHE: I was referring to what you said last time, two
5 weeks ago, when you spoke of or you told us that Mr. Selimi came to
6 your zone and fell into an ambush as you called it last time; right?

7 A. That's right. That's how the situation was.

8 JUDGE BARTHE: And can you say when that happened? When did
9 Mr. Selimi come to your zone? Was that in April 1999?

10 A. In April 1999. I don't recall the exact date. It was mid-April
11 or beginning April, but it was April 1999.

12 JUDGE BARTHE: And apart from this visit, Mr. Selimi never came
13 to you to inspect troops, neither in 1998 when you were battalion
14 commander nor in 1999 after you became deputy zone commander?

15 A. I don't think that he existed or he had been appointed as
16 inspector general in 1998. Now, if you call it a proper professional
17 inspection, I'm not aware of him doing -- conducting such an
18 inspection in our zone. He went through our zone. Maybe he
19 conducted inspections at the brigade level. I'm not aware of this.
20 My conviction is he conducted routine visits and gathering
21 information about the overall situation.

22 And when you say that I met -- I would have met him twice, what
23 I said is that there were two brigades he could have met with: My
24 brigade in the Pashtrik zone and another brigade further up. And
25 this was what I meant when I said there are two brigades that he

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1 might have visited. This is my opinion.

2 JUDGE BARTHE: You just said that it is your conviction that he
3 conducted routine visits and gathered information about the overall
4 situation. My question is how do you know that? Because he wasn't
5 there. You just met him once; right?

6 A. I think that -- I haven't come across any document, any report
7 proving that he conducted any inspections. This is why I deducted,
8 and this is my opinion, that his visits were routine visits.

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: All right. We'll have a break at this
11 time, Witness. We will be back together at 12.00.

12 And, Madam Usher, would you please escort the witness out.

13 Do not talk with anyone about this case, as I've warned you
14 before.

15 THE WITNESS: Okay. Okay.

16 [The witness stands down]

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 --- Recess taken at 11.32 a.m.

19 --- On resuming at 12.01 p.m.

20 PRESIDING JUDGE SMITH: Please bring the witness in.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: All right. Witness, are you hearing
23 okay? All right.

24 THE WITNESS: [Interpretation] Yes.

25 PRESIDING JUDGE SMITH: Judge Barthe has a few more questions

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1 for you.

2 Go ahead, Judge Barthe.

3 JUDGE BARTHE: Thank you, Judge Smith.

4 Witness, just before I give the floor to my colleague,
5 Judge Mettraux, I'll just have a few more questions for you.

6 During your cross-examination by the Selimi Defence, you further
7 discussed the establishment of the so-called Provisional Government
8 of Kosovo in March and April 1999, and you were asked by counsel for
9 Mr. Selimi who replaced some of those individuals in the KLA
10 General Staff who became members of the PGoK, the Provisional
11 Government of Kosovo.

12 And you also discussed this with the Veseli Defence at the last
13 hearing, but unfortunately we didn't have enough time and it got a
14 bit confusing. So in order to clarify things, I would like to ask
15 you this: Could you tell us more about the relationship between the
16 KLA General Staff and the Provisional Government of Kosovo at the
17 time? If I understood you correctly, you said that none of the four
18 accused here was dismissed or replaced in their positions within the
19 KLA General Staff that they might have been or -- and that they might
20 have exercised both roles simultaneously; is that correct?

21 A. I am not aware of any decision existing regarding any positions
22 being vacated and assuming other roles. It is possible that Mr. Ceku
23 made appointments or appointed other people. I do not know them. I
24 know these people. When the provisional government was formed, I had
25 very little information. I only knew that Azem Sylja was minister of

1 defence, that Hashim Thaci was the provisional prime minister, and
2 that Fatmir Limaj was deputy minister of defence at a later stage --
3 and it would appear that he was appointed later on as a minister of
4 public order.

5 Apart from that, I don't know how they were appointed, what
6 happened to their positions, did they vacate their positions or if
7 somebody else was appointed to replace them. Mr. Ceku might know
8 this because he was appointed head -- chief of the General Staff on
9 17 April 1999. Bislrim Zyrapi was in the Operation Arrow before that.
10 So this is the only exact information and something we know for sure.

11 JUDGE BARTHE: So to ask you individually, are you or are you
12 not aware that Mr. Thaci was dismissed from or replaced in the
13 General Staff after he became prime minister of the provisional -- or
14 in the Provisional Government of Kosovo?

15 A. In my opinion, none of them returned to the General Staff, and
16 none of them met with the zone commanders after the Rambouillet
17 conference. And this is an indignation I have, why the entire
18 General Staff was suspended. I only knew about the existence of
19 Agim Ceku, and I didn't have any information as to the presence of
20 anyone else in the General Staff. In a certain way, we were left on
21 our own.

22 JUDGE BARTHE: Let me ask you in relation to Mr. Selimi, are you
23 aware or are you not aware that he was dismissed from or replaced in
24 the KLA General Staff after he became minister of public order in the
25 Provisional Government of Kosovo?

1 A. I am convinced that somebody must have replaced him there, but I
2 do not know who was that person. I don't have such information. I
3 do not know which Selimi you're referring to. Please, could you
4 please specify whether we're talking about Sylejman Selimi or
5 Rexhep Selimi?

6 JUDGE BARTHE: No, of course, I'm talking about
7 Mr. Rexhep Selimi.

8 A. To my knowledge, Rexhep Selimi was minister of public order in
9 the provisional government, and I do not know if somebody replaced
10 him at the General Staff or if his position was left vacant.

11 JUDGE BARTHE: Thank you. And what about Mr. Veseli who,
12 according to the Prosecution, became chief of the Kosovo intelligence
13 service or minister of the intelligence service in the Provisional
14 Government of Kosovo? Was he dismissed or replaced in the KLA
15 General Staff, if you know?

16 A. I do not know the exact date when the intelligence service of
17 Kosovo was formed. I considered it to be the
18 intelligence/counter-intelligence structure and service until
19 12 June. I do not know when the intelligence service as such was
20 formed.

21 JUDGE BARTHE: So you cannot say whether Mr. Veseli was replaced
22 or whether he was dismissed from the KLA General Staff? Is that your
23 testimony?

24 A. That's correct. Mr. Veseli can answer exactly when, and the
25 chief of staff, Agim Ceku. They can say if somebody was appointed

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1 there. Word has it that somebody was there, but I don't know who
2 that person might have been.

3 JUDGE BARTHE: And, Witness, finally, what about Mr. Krasniqi,
4 Jakup Krasniqi? Was he dismissed or replaced in the KLA
5 General Staff as far as you know?

6 A. To tell you the truth, I learned here about his role in the
7 provisional government; meaning that he was the spokesperson of this
8 provisional government. The last time I saw Mr. Krasniqi was on the
9 20th or 22nd January 1999, and this was in the courtyard of the
10 General Staff.

11 JUDGE BARTHE: So, in other words, you're not aware that he was
12 dismissed or replaced in the KLA General Staff; is that right?

13 A. With respect to your question, the two parts of your questions,
14 whether these people were replaced when they joined the provisional
15 government, we don't have any knowledge. This matter was not
16 discussed at the zone level. They proceeded as they deemed necessary
17 and reasonable. We didn't have any access to such information.

18 JUDGE BARTHE: Thank you. For the record, I was referring to
19 page 10325 and the following of the transcript. And that concludes
20 my questioning.

21 Thank you very much, Witness. I've nothing further.

22 PRESIDING JUDGE SMITH: Thank you very much, Judge Barthe.
23 Judge Mettraux.

24 THE WITNESS: [Interpretation] Thank you, Your Honour.

25 JUDGE METTRAUX: Thank you, Judge Smith.

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1 And good afternoon, Witness. I'd like to start with following
2 up on something Judge Barthe asked you. I think he asked you a
3 couple of times whether, to your knowledge, Adem Demaci ever became a
4 member of the General Staff, and I'm not sure that we got an answer
5 to that question.

6 So can you please tell us whether, to your knowledge,
7 Adem Demaci ever became a member of the General Staff?

8 A. As far as I know, and it is my opinion, that he would have been
9 the leader of the General Staff. Because if we reflect the war and
10 the KLA in a civilian situation, the president and the prime minister
11 are more important than the head of the army. So in this case, he
12 was the number one representative of the army. This is how I
13 perceive it and I think this is how it should be.

14 JUDGE METTRAUX: So I'll ask the question a fourth time. But to
15 your knowledge, did he ever become a member of the General Staff?

16 A. I am convinced that, yes, and he led the war policies.

17 JUDGE METTRAUX: Thank you. I'll ask you about something the
18 Thaci Defence and the Prosecution asked you about, and this is about
19 the lists of collaborators. Do you recall discussing this subject?

20 A. Can you please be more specific, Your Honour?

21 JUDGE METTRAUX: Sure. Do you recall telling the Prosecutor
22 that during the war you saw, and I use your expression, many lists of
23 collaborators? Do you recall saying that?

24 A. No, I didn't say "many lists." I received one such list in the
25 battalion of Budakove. It was torn. And another list was shown to

1 me by the Specialist Prosecutor. I could not identify who had
2 compiled that list. I couldn't recognise this -- there was no
3 signature. There were many names in it, indeed.

4 JUDGE METTRAUX: I'll come to that one list in a second, but in
5 what is Exhibit P707, Part 5, page 7, you are recorded as saying:

6 "I was many times given lists of people considered as
7 collaborators."

8 Is that inaccurate?

9 A. It is not possible that this happened on many occasions. It is
10 possible, however, that somebody brought a piece of paper with two,
11 three names that a soldier would have obtained from somebody in the
12 street. The reality is about those two lists we just mentioned.

13 JUDGE METTRAUX: So as of today, you can't remember more than
14 two occasions of when you saw such lists? That's your evidence;
15 correct?

16 A. Correct.

17 JUDGE METTRAUX: And you told us that you recall an occasion
18 when you were handed such a list by the village council; is that
19 right?

20 A. That's right.

21 JUDGE METTRAUX: And can you tell us what it looked like? Was
22 it handwritten? Was it typewritten? Tell us what you recall of the
23 form, first, of that document.

24 A. It had been handwritten, using a pen, on a sheet from a
25 notebook.

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1 JUDGE METTRAUX: And I think you said you recognised some of the
2 names on that list; is that right?

3 A. Yes, I did recognise names because they were my co-villagers.

4 JUDGE METTRAUX: And how many names do you recall,
5 approximately, of course, featured on that document?

6 A. About 16 or 18 persons.

7 JUDGE METTRAUX: And is our understanding correct that you
8 understood these people to be suspected collaborators of the Serbian
9 authorities?

10 A. Knowing the persons, I knew for a fact that they could not be
11 collaborators, and I knew that they could not have harmed anyone
12 there in the community, in the village, or in the surrounding areas.
13 And given this fact, I did not accept the list, and I did not agree
14 to consider them collaborators. And that's the reason why I teared
15 the piece of paper up.

16 JUDGE METTRAUX: I'll come back to what you did, but my question
17 is -- perhaps wasn't very clear. But those who handed you the list,
18 they suspected that these individuals could be Serbian collaborators.
19 Is that a fair proposition?

20 A. Yes, that's correct. They suspected that those people were
21 collaborators, because amongst these people, there were people owning
22 shops, taxis, vehicles. They had access to the Serbian people. They
23 had contacts with them. Because according to these people, they were
24 eating together, spending time together, and that's the reason why
25 they were considered as collaborators. This is how they came to this

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1 conclusion. But that was not the truth. At least in my point of
2 view, that was not true.

3 JUDGE METTRAUX: And you said you destroyed that list.

4 A. Yes, correct.

5 JUDGE METTRAUX: You destroyed that list because, as I
6 understand it, you were concerned that harm could otherwise be done
7 to these people; is that fair?

8 A. That was my concern. So those people could have morally been
9 harmed, and I just didn't want those lists to end up into the hands
10 of other people and so that they could be used for revenge or for
11 other purposes, because I didn't see it fair. In a point in time
12 when you target someone as a collaborator, you are not only targeting
13 a certain individual but you are instead targeting their nephews and
14 their friends and their family, and that's the reason why I tore the
15 piece of paper down.

16 JUDGE METTRAUX: And you were concerned, I suppose, that fellow
17 villagers could be physically harmed as well, right? Those who
18 appeared on that list.

19 A. Yes, I feared that as well. I feared that somebody out of
20 revenge could harm somebody, and I just wanted to stop these types of
21 events, be it within the KLA but also amidst the civilians.

22 JUDGE METTRAUX: And you accept, I think, that other than the
23 village council, which you've told us about, the intelligence service
24 or the ZKZ was involved in collecting information about
25 collaborators; is that right?

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1 A. At that time, there was no ZKZ structure. It was just the
2 beginning of the war. Therefore, there was no structure in place
3 back then.

4 JUDGE METTRAUX: Well, I'll come back to the question of
5 structure in a moment, but I want to read to you what you said. And
6 it's again Exhibit P707, Part 5, page 9. You were asked this:

7 "To your knowledge, were ZKZ officials involved in the
8 collection of information with regards to lists of collaborators?

9 "A. I believe they had evidence. But I'm speaking about
10 myself. And I spoke -- and I was speaking about my first -- the
11 first part of the war when I was battalion commander. Otherwise,
12 afterwards, it was not my responsibility. But I believe that they
13 kept notes."

14 So do you wish to change that account or do you accept that they
15 were keeping what you called notes on suspected collaborators at the
16 time?

17 A. No, I don't want to change that, Your Honour. I just want to
18 make a distinction between the different phases. If we're talking
19 about the beginning of the war, there was no intelligence and
20 counter-intelligence unit. But if we talk about after 1 April 1999,
21 I can tell you that there was an intelligence and
22 counter-intelligence unit. That's the correct statement. But you
23 have to be cautious. You have to distinguish two different stages or
24 phases.

25 JUDGE METTRAUX: We are very cautious. I can guarantee you

1 that. What I'm asking you is whether, to your knowledge, the
2 intelligence service or ZKZ - and I will split my question in two -
3 whether they kept notes on collaborators? Forget about the dates.
4 I'm going to ask you about the date in a second. So, yes, did they
5 keep notes on collaborators to your knowledge?

6 A. I don't know on whether they have kept notes or saved the notes,
7 but what I know is that such notes have been -- ended up in many
8 commands. I don't know whether they have kept any notes of their own
9 or they have kept those notes. They were not obliged to keep such
10 notes. What they had to do was to discover the weaponry of the
11 enemy, their attacks, their location. These were the kind of stuff
12 that they were responsible for.

13 JUDGE METTRAUX: Well, let's keep with the notes on
14 collaborators for the time being.

15 Now, what is your evidence? To your knowledge, these notes that
16 you mention in your SPO interview, and, again, to your knowledge, of
17 course, when did the intelligence service or ZKZ start taking notes
18 on collaborators? And I'm speaking of your zone, of course.

19 A. There was no specific date as when to start taking notes and
20 when to end taking notes, or if notes were to be taken or if notes
21 were not to be taken. I can't say.

22 JUDGE METTRAUX: Okay. So let's try to see a document that
23 might help us get to an answer there.

24 Can the Registry please bring up Exhibit P711 MFI.

25 Sir, do you recall being shown that list by the SPO in your

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1 testimony two weeks ago?

2 A. I can't see it completely, but I think this is the list that I
3 saw.

4 JUDGE METTRAUX: Yes. And I think you identified -- we'll take
5 one page at a time over the course of my questions, so don't worry
6 about the other pages. But I think you identified five individuals
7 on this list under number 24, 25, 53, and 54, and 50 -- 58. Do
8 you --

9 A. 24 and 25, these are two numbers I can't see on this page.

10 JUDGE METTRAUX: Can we please -- can the Registry please go to
11 the next page.

12 So first 24 and 25. Imer Bytyqi, Jakup Bytyqi. Do you
13 recall --

14 A. Yes.

15 JUDGE METTRAUX: -- identifying those?

16 A. Yes, I do.

17 JUDGE METTRAUX: Next page, please. If you look under 53 and
18 54, Latif Dulla with his son --

19 A. Yes.

20 JUDGE METTRAUX: -- Glauk Dulla, Vesel Krasniqi, and under 58,
21 Qerim Buzhala.

22 A. Yes.

23 JUDGE METTRAUX: And those were the ones --

24 A. Yes.

25 JUDGE METTRAUX: -- that I understand you identified as people

1 you considered to have collaborated with Serbia; is that fair?

2 A. Yes, that's fair. Qerim Buzhala used to be a police person, so
3 he served at the Yugoslav service. Whereas Latif Dulla was a high
4 inspector of the Yugoslav intelligence service in Prizren. He
5 tortured myself while I was imprisoned.

6 Vesel Latifi was helping him as well. He tortured me as well,
7 and he was the chief of the intelligence service in Prizren and the
8 surrounding area. He served in that post for more than ten years.
9 11 years, if I'm not mistaken.

10 So you told me not to mention the names, but I think that it's
11 good that you mention the names altogether.

12 JUDGE METTRAUX: Oh, yes, feel free to mention the names.

13 Now, do you know what happened to these five individuals during
14 the conflict?

15 A. I know that Vesel Krasniqi died after the war. I met him after
16 the war. I didn't want to take revenge on him. I could do that
17 because I still had the weapons by the time that I had met him, but
18 that was not my cause. So our aim was not to take revenge on people,
19 because we knew what the situation was in Bosnia. We didn't want to
20 fall in the conditions, you know, of Bosnia or in Palestine, and that
21 is the reason that we didn't want to end up in that situation.

22 We never took revenge during the war, after the war, or at any
23 point in time.

24 Latif Dulla is still alive. He lives in his house as well.

25 And, again, in this case, I didn't want to take revenge on him.

1 About Qerim, I met him ten years ago. I'm talking here about
2 Qerim Buzhala. Qerim Buzhala explained to me that he was beaten up,
3 and he told me that somebody beat him up in Shkodra. He was in a
4 wedding in Shkodra, Albania, and he was tortured by someone. He
5 ended up in the hospital.

6 So he asked for a coffee with me. We had a coffee together in
7 my village. I had no hatred against him. I had nothing personal
8 with him, and we had that coffee. So he was very respectful towards
9 myself. And he told me that, "If I knew you in person, I would have
10 joined you in the war." And I told him, "Well, you should have done
11 that." And that's all I know about him.

12 JUDGE METTRAUX: And if we can turn to the next page in both
13 languages, please. It suggests that this is a list of suspected
14 persons. Is your understanding identical, that these people would
15 have been listed because they were suspected of something?

16 A. Somebody has come up with this list. As a name and as a person,
17 I know this person, Ulusi Badallaj, he donated a jeep to me during
18 the war, and I have driven this jeep up until the end of the war.

19 Xhemali Shasivari is somebody that I've heard by the name, but I
20 don't know him in person.

21 Gyneri is somebody else that I have heard as a name, but I don't
22 know him in person.

23 Isuf Halimi, I don't know him either.

24 I don't know where you have found this list. Whereas the person
25 that is under 61 is a very good person. We still have a very good

1 relationship with him. He still is alive. He comes from Zhura, the
2 village of Zhura.

3 JUDGE METTRAUX: I'll ask you about a few of the other people
4 who are on this list, but for the time being, can you tell us how
5 this list compares to the list you received from the village council?

6 A. No, they are not from my village. They are not from the
7 surrounding villages either. They are from far afield. One is from
8 Opoje, the other is from Zhuri. The others, I don't know where they
9 come from.

10 JUDGE METTRAUX: Sorry, sir. My question was not clear. The
11 list that you have in front of you, how does it compare, first, in
12 terms of form or style, with the list you told us you had received
13 from the village council, the list of collaborators? Is it similar,
14 is it different? Anything you observed?

15 A. This list is printed. It contains numbers as well. Whereas the
16 list that we received from the village council was handwritten. This
17 is a minor distinction, I think, but that's what I can tell.

18 JUDGE METTRAUX: And is it fair to suggest that when you talked
19 to the Prosecutor, you drew the conclusion or you adopted the opinion
20 that this list must have been prepared by the ZKZ or the intelligence
21 service? Do you recall telling them that?

22 A. No. The list that I saw before, and now that I'm looking at
23 these names, I can tell that this list has come from someone that was
24 serving the secret service of former Yugoslavia or former policeman.
25 So Nasim Mullabazi probably might be one person that have compiled

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1 this list because he served at the Yugoslav service and he joined
2 Brigade 124. This is what I said.

3 JUDGE METTRAUX: Well, I'll read to you what you said, it's,
4 again, Exhibit P707, Part 6, page 2. You're being asked this:

5 "Is that what the lists you received looked like?"

6 And your answer is:

7 "No, this is written in order. This should have been written
8 down by a counter-intelligence sector or somebody making an
9 official note of this. My notes that I've seen were little scraps of
10 paper.

11 "Q. What makes you think that this would be coming from a
12 counter-intelligence or somebody was making a formal note?

13 "A. Because it's in order. It's good handwriting. It's
14 something which -- it looks in order. It can be read."

15 So are you changing your suggestion that you made to the office
16 of the Prosecutor that it looks like something that came from the
17 counter-intelligence sector or somebody making an Official Note?

18 A. I don't want to change anything. So if that is what you have,
19 let us be like that. But I think that somebody from the Yugoslav
20 secret service did that, not somebody from the counter-intelligence
21 service. But if the Prosecutor says that that's the right version, I
22 mean, you can take it as is.

23 My opinion, though, is what I told you now.

24 JUDGE METTRAUX: And what's the basis, sir, for your suggestion
25 that the Serbian or Yugoslav, you said, secret services drew up this

1 list? What's the basis for that suggestion?

2 A. The basis of my suggestion is knowing the names and based on the
3 principle of work, the way on how people are listed down in that
4 list, based on that, I've come up to the conclusion that somebody
5 from within the service knew these people this well. Because the
6 intelligence and counter-intelligence service might have come up with
7 one name, two names, or three names, but not this type of a list with
8 so many names in it.

9 JUDGE METTRAUX: I see. Now, who do you recall performing
10 intelligence or counter-intelligence functions within your zones in
11 the early stage of the war - June, July, August? Who can you name
12 that was doing these sort of things?

13 A. I've said that already. I've said it several times that there
14 was no intelligence and counter-intelligence structure at the time,
15 so there was no structure in place up until 1999. If something of
16 this nature existed or was brought to the commands, they were brought
17 by the civilians in the villages. Whereas something like this, the
18 list -- the kind of list that we are looking at, that did not exist
19 because this is a very long list.

20 I mean, there is a long list of names, and you can see that
21 somebody was from Zhuri, from Opoje, from other areas.

22 JUDGE METTRAUX: Sir, I'll stop you there. I'm not asking you
23 about a structure. I'm asking you who, which persons. Now I'll give
24 you the chance -- give us names, the people you can recall who were
25 performing intelligence work, including gathering information about

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1 collaborators, within your zones in the period of June, July, and
2 August 1998. If you can't recall --

3 A. I've already told you. I told you, Your Honour, that we didn't
4 have an intelligence and counter-intelligence structure back then.
5 There were no such persons appointed or named to deal with these
6 types of tasks.

7 JUDGE METTRAUX: Okay. So let me ask it in that way. Do you
8 know someone by the name of Safet Krasniqi?

9 A. Yes. As a name, I do know him.

10 JUDGE METTRAUX: Can you tell us what his function was?

11 A. I only know that he was part of Brigade 125. Nehat Basha was
12 his commander. About his tasks and functions, that I can't tell
13 anything about. I know that he was a KLA soldier, he was part of
14 Brigade 125, and his commander was Commander Basha.

15 JUDGE METTRAUX: So what did you mean when you told the
16 Prosecutor that he was cooperating with the ZKZ? What did you mean
17 to say there?

18 A. I don't know on whether intelligence and counter-intelligence
19 was developed under Brigade 125. I don't know who S1 and S2 under
20 Brigade 125 was. I know that his name was mentioned and a couple of
21 other names were mentioned as well, but I can't tell anything about
22 his tasks and responsibilities.

23 So we're talking about zone level, G2, the General Staff level,
24 G2; whereas in the S2 level, I can't tell who was the commander of
25 the S2 level.

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1 JUDGE METTRAUX: So just let's look at what you've said there.
2 You said you've heard his name mentioned. You've heard his name
3 mentioned in relation to intelligence and counter-intelligence
4 activities; correct?

5 A. I have only heard his name, but I don't know anything about his
6 role.

7 JUDGE METTRAUX: So what did you mean, and I ask you again, when
8 in Part 4 of your SPO interview, that's P707, you said that Safet
9 Krasniqi was cooperating with the ZKZ? What did you mean?

10 A. I have heard his name, and my opinion was that he cooperated
11 with the ZKZ. On whether he was part of the structure, he was the
12 chief of the ZKZ or the deputy chief, that I can't know. I don't
13 know. The only thing that I know was that he was joining Brigade 125
14 under the commander of Commander Basha. That's all.

15 JUDGE METTRAUX: And his nickname was Ardit or Arditi; right?

16 A. I don't remember that. Probably.

17 JUDGE METTRAUX: And two other people I think you mentioned to
18 the SPO was, as you recall them back then, being members or
19 cooperating with the ZKZ were Elbasan Shoshaj and Skender Berisha; is
20 that right?

21 A. Yes, I know these people, and I am convinced that they were
22 collaborating with the intelligence and counter-intelligence service.

23 JUDGE METTRAUX: And what about the brigade level during that
24 period of June and July 1998? Who was in charge of the intelligence
25 and counter-intelligence?

1 A. I'm telling you that we didn't have a structure dedicated to
2 intelligence and counter-intelligence in 1998. I don't know on
3 whether you are understanding what I'm saying. Probably somebody
4 else has given a different information or testimony. But from what I
5 know, there was no intelligence and counter-intelligence structure
6 back in 1998. Probably they served to their commander or to their
7 unit. I don't know how to call that formation, but I can tell you
8 for a fact that was not a intelligence and a counter-intelligence
9 structure.

10 JUDGE METTRAUX: For example, you have no knowledge of
11 Ilaz Kadolli performing intelligence or counter-intelligence
12 functions in 1998 within your brigade?

13 A. No. He was never in the intelligence and counter-intelligence
14 structure. He was a legal adviser instead because he graduated in
15 law and that was his task and responsibility, but he never dealt with
16 intelligence and counter-intelligence. I know Ilaz Kadolli. I used
17 to know him before the war. I, of course, knew him during the war,
18 and I still know him. So --

19 JUDGE METTRAUX: And do you have knowledge of Isa Morina
20 performing intelligence or counter-intelligence roles in 1998?

21 A. No, no, in 1998. Your Honour, please don't confuse the stages.
22 In 1998 it was S2. So you're just confusing dates here, 1998 with
23 1999.

24 JUDGE METTRAUX: Well, I'm not trying to confuse you. When I
25 say "counter-intelligence or intelligence," I include S2 if you

1 prefer that expression. What I mean is that people - so that we are
2 clear - people collecting information about collaborators. And I am
3 not talking about civilians. I am talking about members of the KLA.
4 Do we understand each other?

5 A. Yes, we understand each other very well. But it was not my
6 responsibility to work with G2, S2, or to deal with the collection of
7 information. You can't expect every possible answer to your
8 question, because I was not involved with G2. So Ilaz was the legal
9 adviser. You can ask him. You can ask other persons as well. I was
10 not involved in any form or shape with this type of information.

11 JUDGE METTRAUX: All right. Can the Registry please bring up
12 Exhibit P651 MFI. And for the record, it's ERN U000-6550-U000-6598.

13 I'm going to ask you to look at, in effect, two documents
14 together in a moment, sir. I'll start with this one so that you can
15 situate yourself a bit. It looks to be a notebook, and from its
16 content, as you will see in a moment, it suggests it was prepared by
17 someone from the intelligence service.

18 My first question, and I think I know the answer, but have you
19 seen this document before?

20 A. No, I have not. Impex? So probably this is a document that was
21 drafted after the war, because I have never heard of Impex. I don't
22 know of its existence during the war or after the war.

23 JUDGE METTRAUX: Well, the date on the document, sir, is 19 July
24 1998. Do you see that?

25 A. Yes, I see the date. I do.

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1 JUDGE METTRAUX: So if we can first go to page U000-6553, first,
2 please. It's the same in the Albanian.

3 There it describes -- and take a moment to read that page. It's
4 not very long. And please tell me when you're done.

5 And, sir, for the record, the English is incorrect. It mentions
6 19 July 1999. It should be 19 July 1998.

7 My first question for you is whether you're aware of this
8 particular incident that is described in there?

9 A. No, not at all. So this seems to have happened in some villages
10 near the border with Albania, in Vermica. I have not heard of it.
11 So this should have happened near the border if it is related to
12 Brigade 128. But the date, 1998, the brigade was not existing back
13 then, so I can't tell anything about this.

14 JUDGE METTRAUX: Or Brigade 125; right? Close by.

15 A. Brigade 125 was in place not as a brigade. It was at a
16 battalion level. It was the Vrrin 2nd Battalion. Later on, it
17 became Brigade 125. There might have been people from that part of
18 the country.

19 JUDGE METTRAUX: And, I mean, are you aware of incidents of that
20 sort when members of the KLA would go to Albania to obtain weapons
21 and be attacked on their way back?

22 A. Usually we went to Albania to get weaponry, or we bought weapons
23 from the smugglers. But there were cases where we fell into ambush.
24 For instance, in the case of myself coming from Albania on
25 28 September, the guides, Commander Haxhi Hoti, otherwise known as

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1 Commander Lleshi, was killed, as well a white horse that was charged
2 with weapons. Usually these were the types of things that happened
3 when we entered in the country from Albania. There were several
4 incidents of this nature during that time.

5 283 soldiers or fighters have fell in the border between Albania
6 and Kosovo as they were passing into the border of Kosovo with arms
7 from Albania.

8 JUDGE METTRAUX: Thank you. Can we go to page 6567 in the
9 English, and I think the Albanian is 6568.

10 And here, sir, you will see an entry from 22 July 1998. Tell me
11 when you see it.

12 A. It reads 20 March. I still can't see it in the Albanian
13 version.

14 JUDGE METTRAUX: This would be 6568 in the Albanian version.
15 Apologies. There you go. Can you see the entry under 22 July 1998?

16 A. It's not clear if it's 23rd or 22nd. It's hard to read this.
17 But, yes, the paragraph is visible.

18 JUDGE METTRAUX: So it says that:

19 "Ciga, Idajet was taken in for questioning today

20 "By Sami Sulaj, Xhevat Berisha, Selman Berisha, Elbasan Shoshaj
21 and others."

22 First thing is do you know who Idajet Ciga is?

23 A. No, I don't. I'm hearing this for the first time. I do have a
24 friend who goes by the name of Idajet, Idajet Hoti. But I have no
25 knowledge about this Idajet.

1 JUDGE METTRAUX: But you know Xhevat Berisha and Elbasan
2 Shoshaj; right? You know who they are?

3 A. Yes, Xhevat is now a martyr. Elbasan lives somewhere in
4 Prizren. I don't know his activity or anything. I knew him by name.

5 JUDGE METTRAUX: And while you're on the topic, Xhevat Berisha
6 would have died around or on 1 September 1998; correct?

7 A. The large Serb offensive occurred in the surroundings of Vrrin
8 on the 1st, 2nd, 3rd, 4th, and 5th of September. 19 soldiers were
9 killed including Xhevat Berisha during this offensive.

10 JUDGE METTRAUX: And do you know the individual who comes under
11 the next entry there, a person by the name of Zlatko Roksanovic? Do
12 you know that person?

13 A. No, I have no idea. And I need to clarify a small detail which
14 is that the -- territorially speaking, Drini and the -- Vrrini, the
15 area of Vrrin, and the position of my command are 50, 60 kilometres
16 distant and in a rugged landscape. So we did never -- these reports
17 were never coming to the zone level or to us.

18 JUDGE METTRAUX: So you don't know him to be a Serbian police
19 officer, this person, Zlatko Roksanovic?

20 A. No, I can't know him because for the last ten years I had been
21 in Switzerland. I hadn't been in Kosovo at all. I mean, ten years
22 prior to the war I was not in Kosovo at all. Perhaps he was.

23 JUDGE METTRAUX: Can we go to page 6557, please. It should be
24 the same in the Albanian. Can you see the part that starts with
25 "Dossier: Fetah Fetahu - 21 July 1998"?

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1 A. Yes, I see it.

2 JUDGE METTRAUX: And do you know who Fetah Fetahu is?

3 A. I know a Fetah but not a Fetah with the surname Fetahu. I know
4 a Fetah but not Fetah Fetahu.

5 JUDGE METTRAUX: Make a note of a couple of things, if you may.
6 You see the next line mentions the fact that he is the cousin of
7 Osman Fetahu and --

8 A. Yes, I see it.

9 JUDGE METTRAUX: And the LDK chairman from Kuk is Kapllan
10 Fetahu. Do you see that?

11 A. I see it. You skipped one when it said that the chairman for
12 Kuk, the LDK chairman is Kapllan Fetahu. I don't know. Kuk is in
13 the mountains of Sharr highlands. It's a very remote area close to
14 Albania. I have nothing to do with this dates and -- so when the
15 Budakove battalion existed, these people were completely unknown to
16 me. I only had approximate information that there was a unit there,
17 but we didn't have any communications. Even after the war when I was
18 deputy zone commander, I never went there. It's very remote. You
19 have to go -- it's almost inaccessible.

20 Even Nihat Basha never had access to that battalion.

21 JUDGE METTRAUX: Only tell us what you know, sir. If you don't
22 know, you don't know.

23 Can you look further down on that page. It refers to an
24 individual called Naser Arifi, director of Kuk Komerc. Do you know
25 anything about him?

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1 A. I see it, but I don't know him. I have absolutely no relations
2 or connections to Kuk or Dragash. I've probably been only twice in
3 the last 20 years in that area. I know nobody there.

4 JUDGE METTRAUX: Just keep these two names in your mind for the
5 time being, that of Naser Arifi from Kuk and that of Osman Fetahu
6 from Kuk.

7 If we can go to page 6593 for a second, and that would be 6594
8 in the Albanian.

9 So here it tells us that:

10 "We have three arrest warrants for ..."

11 And it goes on to name three people. Is the second one the
12 person you've mentioned before as someone you know?

13 A. Yes, it's the same person.

14 JUDGE METTRAUX: And do you know why there would be an arrest
15 warrant for him in July 1998?

16 A. I don't understand this. In my opinion, he's a very good man.
17 He was a good man before the war. He was a good man after the war.
18 I don't know who put his name in here. It would appear that these
19 things were mostly done for personal revenge reasons or personal
20 hatred, disputes which has nothing to do with -- I don't know the
21 other two.

22 JUDGE METTRAUX: Can we go back to document Exhibit P711 MFI,
23 please, for a second.

24 I'm going to go back, sir, to the documents I showed you a
25 moment ago. The documents where you identified five individuals who

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1 you thought had collaborated with Serbia.

2 Now, if you look under number 1 on that list, there's the name
3 of Osman Fetahu from Kuka. Does that appear to be the same
4 individual who we discussed a moment ago?

5 A. He must be the same because it -- in both documents it refers to
6 Kuk, the place, the location. So it's the same.

7 JUDGE METTRAUX: And can we go, please, to the next page. That
8 would be 7855. Can you look at number 35, please. Does it look that
9 it's the same man as we discussed a moment ago, Naser Arifaj from
10 Kuka?

11 A. It's the same location but not the same person. Perhaps it's
12 that same Naser we saw in the other document. Yes, it's the same
13 indeed.

14 JUDGE METTRAUX: And if we can go to the next page, please --
15 or, I'm sorry, to the -- it would be the last page of the document.
16 The previous page, please. I apologise.

17 And here under number 61, can you confirm that this is the same
18 person, the same individuals --

19 A. Yes, he's from Zhur, Ulusi Badallaj, Zhur. It's the same
20 person, number 61.

21 JUDGE METTRAUX: And can we please go to page 7855, backwards,
22 in this document. Can you look at the names under 36 and 37 there?
23 There's Hasan, father name Rystem, or Rrustem, Krasniqi - agent, and
24 Nezir Sahitaj from Qifllak. Do you see that?

25 A. Yes, I do.

1 JUDGE METTRAUX: And do you know either of these individuals?

2 A. No, I don't know the names. I know Hasan Rrustemi was killed
3 after the war. I don't know who killed him, but I know it was
4 reported in the media and the newspapers. It was still a time when
5 we had newspapers in Kosovo. We don't have them anymore. Hasan
6 Rrustemi was killed somewhere in Xerxe at the marketplace.

7 I don't know the other one, Nezir Sahitaj.

8 JUDGE METTRAUX: Can we go to the next page, please. If you can
9 go and look at number 41, there's a Pal Morina. And I'll spare you
10 the name of the village. But do you know that individual?

11 A. No, I don't.

12 JUDGE METTRAUX: Can we go back --

13 A. The village is in the area of Gjakove, the Dukagjin part. Shall
14 I -- shall I say the name of the village? Perhaps I shouldn't. But
15 I don't know Pal Morina. I know a Pal Polluzha who's a martyr, but I
16 don't know this one.

17 JUDGE METTRAUX: Can we go back to Exhibit P651 MFI. That's the
18 same notebook I showed you a moment ago, sir.

19 And I'll ask the Registry to go to page 6569 in the English, and
20 I think it's 6570 in the Albanian. I think in the Albanian it should
21 be 70. It should be the next page, I think. Thank you.

22 Can you look under -- thank you. In the Albanian version,
23 there's a name that's underlined, that's Hasan, father's name,
24 Rrustem, Krasniqi. Can you see that?

25 A. Yes, I can. It's better -- it's easily read in the English

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1 version, but I see it.

2 JUDGE METTRAUX: And does it look like the same person we saw on
3 the other document a second ago?

4 A. Yes, it's the same person. It's the same person.

5 JUDGE METTRAUX: Can we go to the next page, please.

6 And it goes on to speak here of Azem Berisha, who was "a thief
7 who collaborated with the Serbs," and "he lives in Bajram Curr at
8 Nezir Sahiti's home."

9 Do you see that?

10 A. Yes, I do.

11 JUDGE METTRAUX: And does it look like the same man, Nezir
12 Sahiti, that we saw under number 37 in the list I showed you a moment
13 ago?

14 A. I don't know. I'm not certain. We saw an Azem Berisha there,
15 but it reads here that he was a thief. In the other one, he was on
16 the list of the spies. I don't know. I don't know. It could be the
17 same.

18 JUDGE METTRAUX: Can we go page 6574 in the English, and it
19 would be 75 in the Albanian. And here if we go a bit further down in
20 the Albanian. Thank you.

21 Can you locate the passage that starts with B Gashi. Can you
22 see that? It says this:

23 "B. Gashi

24 "He has had close relations with Skender Kryeziu, member of the
25 Prizren Hunters Association and owns a weapon with a license from the

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1 Prizren SPB.

2 "He has had and continues to maintain contacts with the Qesko
3 brothers, who are suspected of dubious activities in recent months in
4 the Tusuz neighbourhood ..."

5 Now, do you know who B. Gashi could have referred to in this
6 document? I'll ask you in that way: Do you know a Bajram Gashi?

7 A. No, I don't know him. Bajram Gashi was another person. He was
8 a fighter, political prisoner. I don't know this one. He seems to
9 be -- to have had an authorisation from the Ministry of Internal --
10 Interior Affairs of Serbia. I do not know, however, who compiled --
11 who drafted this letter. And it's very difficult to read here.

12 JUDGE METTRAUX: Can we turn to the next page, please. That's
13 7856. Here it says that:

14 "Mr. Bashkim Krasniqi, son of Deme, can testify about their
15 activity.

16 "Also, B. Gashi has contacts also with Pal Morina, owner of
17 Tivol (Tifan) Cafeteria in Prizren who lives in Grazhdanik village."

18 Does that look like the person we saw on the list I think
19 under -- I think it was under number 61 a moment ago?

20 A. It seems to be the same person, B. Gashi, Bajram Gashi. Now, I
21 don't know who were the people to reach these -- such conclusions.

22 JUDGE METTRAUX: And further in that same page it refers again
23 to Hasan Krasniqi, son of Rrustem, who we saw a moment ago; is that
24 right?

25 A. Yes, that's -- it's the same person.

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1 JUDGE METTRAUX: We can take down the document. Thank you.

2 Can we go back to Exhibit P711 for a second. And to the last
3 page, please. That would be the next page, please.

4 Now, can you have a look at the bottom right-hand corner of the
5 Albanian, sir. Do you see a signature there?

6 A. Yes, and we also saw it before during my testimony. I could not
7 distinguish the handwriting. This was part of the list I identified
8 earlier.

9 JUDGE METTRAUX: We have a date there, 1998; correct?

10 A. Yes, it reads 1998.

11 JUDGE METTRAUX: And the name you see there, to the extent you
12 can, could it perhaps be Berisha?

13 A. The second part looks like it, but the first letter, I don't
14 know. But the second part might be Berisha.

15 JUDGE METTRAUX: Let me ask you this in this way: In July 1998,
16 within what would become the Pashtrik zone, how many Berishas did you
17 know operated with the ZKZ/intelligence/S2? How many of them did you
18 know?

19 A. I know many Berishas, not within the ZKZ. We mentioned before
20 Skender Berisha in relation to the ZKZ. Could this be Skender
21 Berisha?

22 JUDGE METTRAUX: Or Xhevat; right?

23 A. Otherwise, I don't know. It doesn't look like that. We can see
24 clearly Berisha, 1998. So it could be him.

25 JUDGE METTRAUX: Now, if you can recall, do you recall what

1 Xhevat Berisha's nickname was at the time?

2 A. No. I don't know who had the nickname Xhavit Berisha. I don't
3 remember this pseudonym.

4 JUDGE METTRAUX: Sorry, my bad. My question was poorly asked.
5 Do you recall what the nickname of Xhevat Berisha was?

6 A. I don't know who Xhavit Berisha is. Maybe you think
7 Xhevat Berisha. Xhavit Berisha, I don't know any Xhavit Berisha.

8 JUDGE METTRAUX: It's the accent, sir, and I apologise for it.
9 I'm meaning Xhevat Berisha. Do you know his nickname as Sokol or
10 Sokoli? Are you familiar with that?

11 A. I am not certain. He died early on, on the 1st or 2nd September
12 1998. We never had any contact in person with Xhevat or his
13 battalion. But it is possible. I wouldn't know.

14 JUDGE METTRAUX: So you never heard him referred to as Sokol or
15 Sokoli and never saw any documents that referred to him as Sokol or
16 Sokoli?

17 A. No, I never saw it. I wouldn't have forgotten if I saw him
18 because he's now a martyr. He's a hero, so I would have remembered
19 him.

20 JUDGE METTRAUX: Now, I want to ask you about something you
21 discussed with Mr. Emmerson for the Veseli Defence, and it's about
22 terminology. And I want to be sure that we are on the same page on
23 that topic. So let me summarise what I understand to be your
24 evidence, and if it's incorrect or incomplete, please say so.

25 So until such time when the Provisional Government of Kosovo was

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1 set up, the proper terminology to refer to those doing intelligence
2 or counter-intelligence was ZKZ or counter-intelligence. That's what
3 they were referred to as; correct?

4 A. Correct. You're right.

5 JUDGE METTRAUX: And during that period, and I speak again
6 before the PGoK, they were also sometimes referred, as you did here,
7 by the number, G2, J2, S2; correct?

8 A. Not the provisional government. They didn't have these codes.
9 But within the KLA, there were G2, J2, S2. So based on the rank.
10 But the provisional government didn't have these.

11 JUDGE METTRAUX: Thank you. And when the provisional government
12 was set up, the name was then changed to SHIK; is that right?

13 A. I only heard theoretically about SHIK. I never had access or
14 any connection. I never knew how it functions. I didn't know that
15 Kadri Veseli was the head of SHIK. I learned when SHIK was
16 dismantled because it was not functioning properly, and it was said
17 that this was a secret service that had been working for a fairly
18 long period of time.

19 But I don't know when it was formed, and I don't remember the
20 date of its dismantlement. This -- but I do know it was dismantled
21 shortly before or around the date of independence.

22 JUDGE METTRAUX: I'm just asking about terminology. So after
23 the provisional government is set up, the intelligence and
24 counter-intelligence service is or should be by then referred to as
25 SHIK; is that right?

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1 A. That's right. Correct.

2 JUDGE METTRAUX: But what we've seen -- and, again, correct me
3 if that's an incorrect proposition. What we've seen is that a number
4 of people, including Halil Qadraku, were somewhat confused about
5 terminology and they referred to SHIK even in March 1999; is that
6 right?

7 A. You're right. The majority of people, including in the civilian
8 population and the assembly, thought that this would be either a
9 joint service with Albania, that if Albania would be similar --
10 initially, it was not clear whether we would go towards independence
11 or towards a union with Albania. So this was confusing to many
12 people.

13 JUDGE METTRAUX: And what was confusing as well - and, again, I
14 try to summarise your evidence - is the fact that people would
15 sometimes refer to as intelligence as information; is that right? In
16 some of the reports, that's how intelligence would be referred to.

17 A. Yes, informative, information, you're right. So inform is those
18 who provide information. But knowing -- being unable to define
19 information, *informator*, or members of these structures, people don't
20 know -- the majority of people don't know about these structures.
21 You're absolutely right.

22 PRESIDING JUDGE SMITH: The transcript has stopped. Is that
23 what you were rising for? Okay.

24 [Trial Panel confers]

25 [Trial Panel and Court Officer confers]

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1 PRESIDING JUDGE SMITH: We need a minute to reboot.

2 [REDACTED] Pursuant to In-Court Redaction Order F1981RED. you
have this -- the rest of that answer that hasn't --

3 you can fill it in? Okay.

4 All right. I think we're ready to go again.

5 We'll break for lunch now so that we can get it back up and
6 running properly. So we'll be back here at 2.30.

7 Madam Court Officer, you can escort the witness out.

8 Witness, we'll take a break for lunch. Please don't speak to
9 anyone about the case.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: All right. We're adjourned until 2.30.

12 --- Luncheon recess taken at 1.18 p.m.

13 --- On resuming at 2.29 p.m.

14 PRESIDING JUDGE SMITH: Madam Court Officer, please bring the
15 witness in.

16 [REDACTED] Pursuant to In-Court Redaction Order F1981RED. do you
want to make your statement?

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

18 Just to put on the record that the redacted version that was
19 admitted this morning of P680 has been assigned number P680.1. Thank
20 you.

21 PRESIDING JUDGE SMITH: Thank you.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: All right. Witness, we will continue.
24 Judge Mettraux.

25 JUDGE METTRAUX: Thank you, Judge Smith.

1 And good afternoon, Witness.

2 A. Good afternoon.

3 JUDGE METTRAUX: I'd like to ask you a few questions now about
4 the military police. I have to say that you've answered questions
5 from the parties and from my colleague, Judge Barthe, on the subject,
6 and I want to be sure we understand what exactly you are telling us.

7 Now, I had understood you two weeks ago to suggest that there
8 was no military police within what would become the Pashtrik zone
9 until February 1999 when Nexhmi Krasniqi was appointed to be the head
10 of the military police. Then I understood you to say something
11 slightly different to Judge Barthe in response to his questions this
12 morning. So I want to give you another opportunity to tell us what
13 your evidence is on that point.

14 Are you saying there was no one performing military police
15 functions within the zone until February 1999, or are you saying
16 something slightly different which is those who were performing those
17 functions had not been formally structured into something called the
18 military police?

19 Can you explain to us which of these accounts is yours, or
20 another one?

21 A. Your Honour, neither the first option or the second one do not
22 stand. What I was saying is that there was no intelligence and
23 counter-intelligence service up until that moment in time. I was not
24 talking about the police at all. The police itself was structured
25 after the arrival of Nexhmi Krasniqi in the area. The Budakove zone

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1 was the only zone that had a police structure.

2 JUDGE METTRAUX: So your account is, other than the Budakove
3 battalion, which you were the head, the 2nd Battalion, there was no
4 military police performing functions within the zone until February
5 1999; is that correct?

6 A. That's correct.

7 JUDGE METTRAUX: I will first ask you about your own documents,
8 and then I'll move on to the broader area of your zone.

9 But can the Registry bring up Exhibit P722, please, and for the
10 record, it's U000-1547.

11 Sir, do you recall being shown that document during your
12 interview with the SPO?

13 A. Yes.

14 JUDGE METTRAUX: And on its face, it seems to be an order, or
15 it's called "authorisation" in English, by yourself, Sadik Halitjaha.
16 It's dated 5 September 1998, and it is by the battalion commander to
17 Budakove. And the authorisation goes to the military police from the
18 Budakove to collect weapon for the KLA in Grejkovc village. Are you
19 the author of that document?

20 A. Yes.

21 JUDGE METTRAUX: And is it what it purports to be? It's an
22 authorisation or an order from you to the military police to perform
23 a task; namely, to collect weapons?

24 A. Thank you very much for your question. I will try to explain it
25 as much as possible. And once again, thank you very much for showing

1 this document to me and for bringing up this case.

2 This is an authorisation for the village of Grejkovc so that
3 they could send it to the Yugoslav Army. And I wanted the Yugoslav
4 police to think that we were about to collect the weapons of the
5 village of Grejkovc, because, otherwise, they tortured the village of
6 Grejkovc, Sallagrazhde, and they would collect weapons forcibly from
7 the villagers.

8 So this is not for the police of the KLA, but this is something
9 that is addressed to the Yugoslav police. This is an alert, an
10 authorisation of myself that I have collected all the weapons of this
11 village, which was not true because they handed over the weapons
12 themselves. There was no need for me to go and collect weapons
13 there.

14 Thank you very much for bringing this up. Thank you for that.

15 JUDGE METTRAUX: So to summarise your evidence, if I understand
16 it properly, this document is not what it seems to be on its face.
17 It's a fake order for a fake seizure of weapons that you created with
18 a view to mislead the Serbs. Do I understand that correctly?

19 A. Correctly. Yes, I wanted the population to be saved. I just
20 didn't want the Serbian police to ask for weapons from the
21 population. That's what it was.

22 JUDGE METTRAUX: And then in your account, then the staff from
23 Grejkovc would have gone to the Yugoslav postal service and posted
24 this document to someone?

25 A. No. Whoever from the villages of Grejkovc, the idea for it was

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1 to put it in the postal box. I asked for them to be as cautious as
2 possible so that they could not be identified. So the idea of this
3 document was to make sure that the villagers were not beaten up and
4 they were not tortured in order for them to be taken weapons from.

5 So this is the first instance -- this is the first letter that I
6 have issued for the village of Grejtkovc, but -- so there was another
7 instance that I intervened because all the villagers were tortured.
8 All the families were subjected to torture by the Serbs.

9 JUDGE METTRAUX: So you were hoping that in the middle of the
10 war in Kosovo someone would place this order of yours in the mail and
11 that the Serbian security apparatus would find it. Do I understand
12 that correctly?

13 A. Yes, that's the reason that I wrote this authorisation. And I
14 think that I have served the population of this area greatly because
15 the violence of the Serbs was tremendous during that time.

16 JUDGE METTRAUX: Can we see Exhibit P723, please.

17 And that, sir, on its face, it's called a certificate in
18 English. Appears to be a report in execution of the order that we
19 saw a moment ago on its face; correct?

20 A. Yes. This was a second document that I was referring to before.
21 Because they were afraid, because if they were going to ask them how
22 many weapons have you collected and what was the procedure for doing
23 that -- I mean, this is the second certificate that is related to the
24 first document. So this is a backup for the first document, if you
25 will. And we say that we have collected 25 semiautomatic weapons.

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1 And these numbers are not accurate, of course. It's just imaginary
2 figures or numbers.

3 JUDGE METTRAUX: So it's part, in your account, of the same plot
4 to mislead the Serbian security apparatus; is that right?

5 A. The same.

6 JUDGE METTRAUX: And, again, a villager would have gone to the
7 mailbox somewhere and dropped it in the mailbox for the Serbs to
8 find?

9 A. Yes, that was the idea. And I'm very happy to have saved some
10 people from being tortured. I told them that whatever they tell you,
11 tell them that the KLA took the weapons from you, and tell them that
12 the KLA did forcefully take the weapons from you.

13 JUDGE METTRAUX: But you nevertheless kept copies of these two
14 documents in your archives; is that correct?

15 A. Yes, we kept copies. I don't know whether I still have a copy
16 of it or not.

17 JUDGE METTRAUX: Can we please see Exhibit P303.

18 And, sir, that's an excerpt from *Zeri i Kosoves* dated 5 November
19 1998.

20 And if we could go, please, to the next page in the English, and
21 it should be the same page in Albanian.

22 Can you see at the top of the page, sir, an article that
23 pertains to Press release No. 4 of the KLA Military Police
24 Directorate? Can you see that?

25 A. Yes, I see it well.

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1 JUDGE METTRAUX: So it looks like it's a Press Release No. 4 of
2 the KLA Military Police Directorate, and it's dated 1 November 1998,
3 Prishtine, and attributed to the Kosovo Liberation Army Military
4 Police Directorate.

5 Now, giving you a second to acquaint yourself with the content
6 of the document, just read through it and tell me when you're done.

7 A. Well, I just read it, and I don't agree with two issues, because
8 on 4 December there was no military police. And the content of this
9 document is totally new to me. During that time, I was still in the
10 battalion of Budakove. From 15 December, I was at the zone level.
11 This is some sort of a strange information to me. So this is the
12 first time for me to see this document.

13 JUDGE METTRAUX: You've answered my first question is you're not
14 familiar with this press release; correct?

15 A. No.

16 JUDGE METTRAUX: Are you familiar maybe with the incident that
17 it recounts? Namely, the arrest of two LDK activists, Cen Desku and
18 Jakup Kastrati.

19 A. I'm not aware. I never had information about them. About Remzi
20 Hoxha, I've heard about a trial in Prizren, but I didn't know
21 anything back then. Nothing at all.

22 JUDGE METTRAUX: Well, it's -- the press release is attributed
23 to the KLA military police directorate. Were you aware of the
24 existence of a military police directorate at the General Staff level
25 in November 1998?

1 A. I have no information. And theoretically speaking, I can't
2 gather that there was a military police directorate at the time.
3 Later on, yes. But at that time, I'm sure there was no military
4 police directorate. Somebody might have written this document on the
5 name of the police just to cause fear on to someone or to evoke a
6 certain feeling, but that information is not correct.

7 JUDGE METTRAUX: I see. And you see the first paragraph in that
8 document says that:

9 "The Military Police of the Operative sub-zone of Pashtrik on
10 30.10.1998 arrested" the two individuals in question.

11 Do you know anything about that?

12 A. That's mistakenly written that way because there were no
13 subzones back then. The zone was established in January. There were
14 no subzones. I don't know why somebody has used these big names.
15 Probably to have some impact, some propaganda purposes or some
16 psychological impact. I don't know the reason for that.

17 JUDGE METTRAUX: I'm more interested in the military police
18 aspect of it because here it suggests, doesn't it, that there's
19 military police in the Pashtrik zone in October 1998 which is
20 inconsistent with your account; correct?

21 A. And that's why it seems like strange to me. There was no
22 military police at the time. The reason as to why was there is an
23 involvement of the military police here, I don't know that. So
24 probably there was a propaganda reason or because they wanted to fear
25 someone, they have put a name to a structure that was not existent

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1 back then.

2 JUDGE METTRAUX: But as you said, you have no idea about who
3 arrested these individuals; correct? You don't know.

4 A. I don't know. And I don't know who has written this paper.

5 JUDGE METTRAUX: And it goes on to say:

6 "According to the information of the KLA Intelligence Service,
7 during their activity against the KLA liberation war ..."

8 And it goes on and on.

9 The question I have for you is are you aware that people were
10 being arrested by the military police in 1998 based on information
11 received from the intelligence service, or is it again something
12 you're not familiar with?

13 A. I'm not familiar with. From the document, I see that this is
14 something that was written in Prishtine. It was written on
15 1 November 1998. Probably somebody has issued some communication
16 from the train station or from some other place in Prishtine. I
17 don't know the purpose of this document. I'm not familiar with this,
18 and I can't tell you anything about it.

19 JUDGE METTRAUX: Sure.

20 Can the Registry please bring up a document, that's ERN 083227
21 to 083248-ET.

22 Sir, this is a report that was prepared and written by then
23 assistant commander of the 123 Brigade Sadri Emerllahu. Do you know
24 that individual?

25 A. The name should be Sadri Emerllahu. However, I don't think that

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1 he has written this document. So there is no date. I don't know
2 what it contains.

3 JUDGE METTRAUX: Well, we can go to page 13, 1-3. That's ERN
4 083239. And I understand you speak a bit of English.

5 A. Very little. I understand French very well, though.

6 JUDGE METTRAUX: And you can see here it's attributed to Sadri
7 Emerllahu. Do you see that?

8 A. Yes. Sadri. I see the name, yes.

9 JUDGE METTRAUX: If we can go back to the first page, please.
10 And if we go to the bottom of the page.

11 It's in effect -- so let me ask you this: Have you seen this
12 report before that was prepared by Mr. Emerllahu?

13 A. No. No. If I were the brigade commander, if I were in the
14 zone, I would have seen it, but I don't know who he has written this
15 document for.

16 JUDGE METTRAUX: And can you tell us what his function or
17 functions was or were in 1998 within your zone, if you can recall?

18 A. In 1998, everything was at the level of the battalions up until
19 the end of the year. Then towards the end of the year, the
20 structures of the brigades started to be completed, and the subzones
21 were established. The subzones were established towards the end of
22 January 1999. So that was how the KLA evolved in our area.

23 JUDGE METTRAUX: There in his account, it's the last paragraph
24 on page 1, he says this:

25 "As a result and consequences of the much work on the ground and

1 the need of unifying the military factor of the KLA's 123 Brigade was
2 formed. With the merger of these units on ..."

3 And we turn to the next page.

4 "... 15 June 1998 the KLA's 123 Brigade is formed in the area of
5 Suhareke with this command structure:"

6 First question is, is it correct that the 123 Brigade was
7 created on 15 June 1998?

8 A. No, that's not correct. It was established on 26 June, because
9 on the same day, the 2nd Battalion of Budakove was established. I
10 didn't happen to be there when these two establishments were formed.
11 I was in Budakove where the 2nd Battalion was established.

12 In answer to your question, the date was 26 June, not 15 June.

13 JUDGE METTRAUX: And then he has the structure as follows at
14 that point in time: Blerim Kuqi, and I will come back to him, was
15 appointed brigade commander; deputy brigade commander, Habib Elshani;
16 chief of staff, Agim Kuqi; assistant commander for intelligence and
17 counter-intelligence, Ilaz Kadolli; assistant commander for
18 logistics, Ruzhdi Gashi; and then assistant commander for the
19 military police is Isuf Krasniqi.

20 A. Up to the point where you read it, the fact of the matter is
21 that they deserted, all of them, on 22 August 1998. It is true that
22 they were part of the brigade that was established as a command, but
23 not all the battalions were in place at that time.

24 So where you can read Ilaz Kadolli, I don't know how much
25 Ilaz Kadolli has exercised this role from 26 June up until 22 August.

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1 So this is a structure under Brigade 123. And all the names, all
2 those that you can read here deserted and left for Albania on the
3 22nd and 23rd August 1998.

4 JUDGE METTRAUX: So one thing at a time. Do you agree that in
5 June - he says the 16th, you say the 26th - that a military police --
6 A. No, it's the 26th. I can guarantee it with my life. It's on
7 the 26th. It was on the same day that I established the
8 2nd Battalion. Sadri was with myself. Sadri Emerllahu was with me
9 in the 2nd Battalion. He was not with the brigade. He went with the
10 brigade when the zone was established. That's a mistake.

11 JUDGE METTRAUX: So do you agree that in June 1998, sometime in
12 June 1998, an assistant commander for military police, Isuf Krasniqi,
13 was appointed to that role? Do you accept that or are you disputing
14 it?

15 A. Yes, I agree with that, Your Honour, because I have a document
16 where this was established. It's true as an information, but the
17 date is 26 June.

18 JUDGE METTRAUX: Then if we go further down the page, please, to
19 the last paragraph on that page, Mr. Emerllahu says that:

20 "The units at the headquarters were also organised and began
21 their [formal] functioning in the whole territory covered by this
22 Brigade. The military police also functioned within these units at
23 the headquarters."

24 Do you accept his account in relation to the existence and
25 functioning of the military police at brigade level at that time?

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1 A. No, no, I don't.

2 JUDGE METTRAUX: Because in your account, that would only happen
3 months later, right, in 1999?

4 A. Yes, correct. Later. He has mixed up the stages. He has said
5 some things accurate, but the phases, the stages are mixed up.

6 JUDGE METTRAUX: I see. Can we please go to the next page in
7 that document. And I think -- I'm not sure why I'm denying you an
8 Albanian version, sir, but there should be an Albanian equivalent
9 with the same ERN number. And it should be read --

10 A. No problem at all. It's okay. So I take whatever you tell me
11 for granted, and I understand it through the interpretation.

12 JUDGE METTRAUX: Well, if you need the Albanian version, I think
13 we have one. But I'll read it to you.

14 A. That's okay. You can continue in English. That's fine.

15 JUDGE METTRAUX: Then in the first full paragraph on that page,
16 it says that:

17 "After the grassroots preparation the 2nd Battalion,
18 headquartered in Budakove was formed on precisely 26 June 1998."

19 So you're in line with Mr. Emerllahu's recollection about when
20 your battalion was created; right?

21 A. This is exactly what I said. And now I understand why he
22 mentioned an earlier date. I think that he wanted to give the merits
23 to another battalion before the establishment of the 2nd Battalion,
24 but that was not the case. The 2nd Battalion is the unit, the first
25 unit that was established in Suhareke.

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1 However, when it comes to the date, the date is accurate.

2 JUDGE METTRAUX: Then he says:

3 "Here too, the intensive organisation of this battalion began
4 with continual preparation. Sadik Halitjaha was appointed as the
5 commander of this battalion."

6 And then he goes on to list a number of individuals and their
7 respective positions. Can you confirm whether this is accurate or
8 inaccurate?

9 A. That is accurate. If you look at the name of Sadri Emerllahu,
10 you can read for yourself that he was part of the 2nd Battalion in
11 Budakove. But that is not true. So I guess you can read it in the
12 first line. So it says deputy commander and chief of staff of this
13 battalion Sadri Emerllahu, and that was not the case.

14 JUDGE METTRAUX: The one I'm interested in here is his
15 recollection that Musli Kololli was commander of an intervention unit
16 and the military police platoon within your battalion. And that's
17 correct; right?

18 A. Yes, but this happened later. That is correct but that has
19 happened later. That is later from the establishment of the
20 battalion. First, there was a platoon established for quick or rapid
21 intervention. Then that platoon was transferred into a military
22 police. Like I said, this happened later.

23 JUDGE METTRAUX: And the later is, in fact, in August 1998,
24 correct, when Mr. Xhemajl Rexha was killed; correct? That's when
25 Muse Kololli took over the military police.

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1 A. Xhemajl Rexha was not with the military police. He was the
2 commander of the 1st Company. He was killed on 23 August 1998.

3 JUDGE METTRAUX: But do you accept that Mr. Rexha was the one
4 who was performing military police functions up until the time when
5 he was killed in August 1998?

6 A. No, because there was no military police.

7 JUDGE METTRAUX: Well, I'll read to you what Muse Kololli has
8 said and I'll ask you to comment on that. He said:

9 "I joined the Kosovo" --

10 And for the record, this is SITF00032827. It's a statement of
11 Muse Kololli:

12 "I joined the KLA on 15 July 1998 ..."

13 And then I skip a sentence. It says:

14 "After the murder of the local Commander of Military Police in
15 Budakovo Xhemajli Rexha in the middle of August 1998 I took over that
16 duty.

17 "On the 24/08/1998 was a big battle in the region of the village
18 of Semetiste and some other villages also. One week before
19 approximately 15-17 of August 1998 a military police Mus Qerkini, who
20 lived in the village of Savrovo in the morning approx
21 0900-1000 hrs ..."

22 And it goes on to describe an incident. So by Mr. Kololli's
23 account, he took over the military police responsibilities of
24 Mr. Rexha sometime in the middle of August 1998. Do you dispute
25 that?

1 A. This is not accurate. What is accurate, that he took on these
2 functions towards the end of August and not from Xhemajl Rexha. When
3 Xhemajl Rexha was killed, he was commander of the 1st Company and he
4 was succeeded by Ise Morina after his death. Now, this one found a
5 ready unit for the police, and this man had been deputy police
6 commander in Prishtine during the Yugoslav regime, so he was an
7 experienced police officer. He came back to his native village in
8 Budakove. He joined and I immediately appointed him, which is when
9 the police unit of the Budakove battalion is formed.

10 So he was the leader of the police unit, but he doesn't know who
11 he took this assignment from because it did not function before that.
12 It did not function as a police unit.

13 JUDGE METTRAUX: So do I understand correctly what you just
14 said, that it is you at the end of -- or you said -- I think the end
15 of August 1998 who appointed Muse Kololli to his position as head of
16 the military police in your battalion; yes?

17 A. Yes, sometime around 20 August. I wouldn't know the exact date,
18 but this is the period of time.

19 JUDGE METTRAUX: And then would it be correct to suggest that he
20 served in that function all through the rest of the summer of 1998
21 into the autumn of 1998?

22 A. I think he had these functions constantly, throughout the time,
23 until the zones were formed, at which time he got another assignment
24 which was a training or education of the military police or something
25 like that. However, I do not know exactly because after November

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1 1998 I was not in Budakove anymore.

2 JUDGE METTRAUX: Let me check that with you. Wasn't Muse
3 Kololli promoted to be the head of the military police at brigade
4 level sometime in early October 1998?

5 A. Later on, it could be. But not at this time. And after this,
6 he was given the task of an instructor of the military police or some
7 similar function.

8 And after the liberation, he was the south commander in Prizren.
9 Now he's retired.

10 JUDGE METTRAUX: I understand your own report, and, if
11 necessary, we can go through it, sir, but it's SPOE00226697, to
12 suggest that he would have been appointed to that position sometime
13 in -- and, I mean, as head of the military police at brigade level,
14 sometime in October 1998. That is before you stopped being the head
15 of the battalion. Is that consistent with your own recollection?

16 A. It could be the case. I am not certain. However, this appears
17 to be too early for me. I don't think he went to the brigade level
18 at this moment in time. He went to the brigade at the end of
19 November. And he could not have become a head of the military police
20 there if there was no military police yet in place.

21 So the date -- the indicated date in October is too early.

22 JUDGE METTRAUX: So any documents that would suggest that he was
23 in that position in October and/or November 1998, you would dispute
24 it as being inaccurate; correct?

25 A. I am not aware of this. I don't know.

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1 JUDGE METTRAUX: I want to ask you about another individual who
2 you were asked about by the Thaci Defence, and that's a person by the
3 name of Blerim Kuqi. Do you remember being asked about him?

4 A. Yes, I do.

5 JUDGE METTRAUX: And is it fair to say that, in your
6 understanding, Mr. Kuqi, Blerim Kuqi, deserted his position as
7 commander of the brigade?

8 A. Correct.

9 JUDGE METTRAUX: And at the time, is it fair to suggest that
10 this would be an offence under the regulations of the KLA?

11 A. Yes, it was viewed as a desertion.

12 JUDGE METTRAUX: And do you know whether Mr. Kuqi was arrested
13 and detained for that offence?

14 A. No, I don't -- I'm not aware that he was arrested. This was
15 discussed and talked about. He himself denied it. I don't know.
16 Because the entire staff from Brigade 123 was with Kuqi, so I would
17 have known about the others in that case.

18 JUDGE METTRAUX: Well, let's see a couple of documents on this
19 where I want your assistance, sir. It's SPOE00248507-ET and the same
20 ERN for the Albanian equivalent. So take a minute to read it and
21 tell me when you've reached the end of it or if you need the document
22 to be scrolled down.

23 A. It may be a truthful, accurate document. However, it doesn't
24 bear no signature or stamp. And I don't know how Fatmir Limaj would
25 have had the right to put here his own name when, to my knowledge,

1 Sokol Dobruna was the legal adviser of the General Staff, not
2 Fatmir Limaj. It reads here Fatmir Limaj in the name of the police.
3 I don't know. I don't understand. I don't have any information, and
4 I have not seen this document before.

5 JUDGE METTRAUX: Well, let's take it a step at a time. And, of
6 course, you can only tell us what you know. And if you don't, say
7 so.

8 The first thing is do you agree that it's a document that comes,
9 as you just pointed out, from the military police? It has a number,
10 5/99. It's dated 16 January 1999 and it's signed by Fatmir Limaj.
11 There's no physical signature, as you pointed out, but it's
12 attributed to him. Do you agree with that?

13 A. It appears to be like you described it. However, I don't see
14 his signature or I don't see a stamp. I see a protocol number on top
15 of the document. But I have not seen this document before, and I do
16 not recognise it.

17 JUDGE METTRAUX: Do you agree that, again, on its face, and I'm
18 not asking you to guess, but on its face it's a decision of detention
19 for Blerim Kuqi from Suhareke for a period of three days, beginning
20 on 16 January 1999, concluding on 18 January 1999?

21 A. I fully agree with the content in the sense that it is clear,
22 unambiguous, but I don't know whether he was detained and for how
23 long. When Blerim Kuqi was asked this question publicly, he denied
24 it. He said, "I was not." Now, I don't know if I am to trust this
25 letter or Blerim Kuqi.

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1 JUDGE METTRAUX: We'll come to that in a second. Do you agree,
2 first, as a general proposition, that the military police would have
3 had the authority to detain someone accused of desertion, as in the
4 case of Mr. Kuqi? Do you agree with that?

5 A. I am not aware of any such powers of the military police and
6 such authorisations. I am not aware of any other similar cases of
7 any individual being detained by the police for desertion. So,
8 again, as you pointed out, the document is very clear, but I have not
9 seen it before.

10 JUDGE METTRAUX: Well, let me ask it in that way then. If one
11 member of your battalion or another member of the KLA committed
12 either a disciplinary offence or, in this case, a criminal offence,
13 who would be responsible to detain him? Would it be the military
14 police or someone else?

15 A. I will give you concrete examples. In my battalion, in Budakove
16 battalion, we did not have the right or the authority to detain
17 anyone, and we did not have any detainees or arrestees. Obviously,
18 if a soldier committed or had been in violation or caused some
19 trouble, we would bring the soldier in, we would disarm him, and give
20 him some kitchen tasks or things of that sort. We would remove his
21 weapon and his insignia. This was the -- these were the measures.

22 JUDGE METTRAUX: And I understand you are saying that there was
23 no such cases in your area. But if you had to, to use your
24 expression, bring in someone, you tasked the military police to bring
25 in that someone; correct?

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1 A. I don't know this practice. Perhaps it is like that.

2 JUDGE METTRAUX: You would agree that, again, on the face of
3 this document, this is another example of the military police
4 operating within the Pashtrik zone before the appointment of
5 Nexhmedin Krasniqi in February 1999? Do you agree? On its face.

6 A. On its face, this was before the arrival of Nexhmi Krasniqi.
7 However, it is possible that as a group or individuals, I wouldn't --
8 I don't know how to explain this. That's -- he was somewhere at the
9 staff or outside the staff where he would have worked as a military
10 police. But with respect to my zone and my battalion, it is how I
11 stated it. But the document reads like this. And we saw another
12 document before this that was even more outrageous.

13 JUDGE METTRAUX: And then there's something called in English a
14 legal notice at the bottom of that document, and he says that:

15 "An appeal to the investigative judge against this decision is
16 permitted within 24 (twenty-four) hours. The Appeal does not prevent
17 the execution of the decision."

18 Do you see that?

19 A. This is very interesting because I don't know where would they
20 have filed a complaint to. There were no higher instances. There
21 were no judges, no prosecutors, no -- nothing. The only person
22 present there was Sokol Dobruna as a legal adviser. Where would they
23 have filed their complaint? Unless they would have done this to the
24 Serb -- before the Serb authorities. It's really very weird.

25 Your Honour, we did not have structures. Where would they

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1 complain?

2 JUDGE METTRAUX: Well, we'll see that in a --

3 A. There was no law.

4 JUDGE METTRAUX: Well, we'll see that in a second where they
5 went to complain and what the procedure was. But do I understand
6 your response to mean that you don't know who the reference to the
7 investigative judge is to? In other words, do you know who that
8 person or that authority is supposed to refer to in that document?

9 A. All I know is that Sokol Dobruna was the legal adviser to the
10 General Staff. I might be naive, but I would have known, I suppose,
11 but I'm not aware of any investigative judge existing there.

12 JUDGE METTRAUX: Can the Registry please bring up SPOE00232264
13 to 65-ET, and that's the same in Albanian, same ERN.

14 And, again, I'll give you the time you need to go through that
15 document. I'll go through it with you in a second. Tell us when you
16 need to turn the page, sir.

17 A. I read the document up to the reasoning part.

18 JUDGE METTRAUX: Well, then we'll turn to the next page so that
19 you can have a look at it. And you can see the signature maybe at
20 the bottom as well.

21 A. Yes.

22 JUDGE METTRAUX: If we can go back to the first page, please.

23 So you agree, sir, that this appears to be an indictment against
24 Blerim Kuqi from the general military prosecutor or prosecution, and
25 it's being sent to the military court. Do you agree with that?

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1 A. That's correct, based on what this document contains. However,
2 I do not know who this Arben is, Arben Sejdiu who should have signed
3 the document. I don't know who this person is. I don't know the
4 laws referred to. Law number 1. Are these international laws, are
5 these Yugoslav laws, or laws from another country? I don't know what
6 authority they refer to. There was no general prosecution office,
7 there was no court, and there were no prosecutors.

8 I don't know what did they base their actions on. Kosovo didn't
9 have any proper laws. If they used Yugoslav laws, then fine. But I
10 don't know who is Arben Sejdi and which legal basis did they use for
11 this.

12 JUDGE METTRAUX: Can we go to the next page, that's 2265. If
13 you look at the first paragraph at the top, it says that:

14 "The General Military Prosecutor of the KLA, based on military
15 police report PP 5/99 of dates 16.01.1999 presented to the Military
16 Court a request to execute the investigations and determine the
17 custody on 17.01.1999."

18 Do you agree, sir, that it appears to be a reference to the
19 document that we saw a moment ago, 5/99?

20 A. Everything's fine in theory. In practice, we could have gone on
21 fighting for another 30 years, and we wouldn't have been able to
22 establish a general prosecution office, a first instance court, and
23 all these bodies and entities. It's an insinuation. It's unknown to
24 me the purpose or the intention behind this. I am not aware of the
25 existence of any such institutions.

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1 And I would certainly know if they existed. I would be aware of
2 them. It's just impossible.

3 JUDGE METTRAUX: So may I take your response to suggest that you
4 know nothing about these procedures, the various stages of the
5 procedure against Mr. Blerim Kuqi that are described in this
6 document? You know nothing about that?

7 A. Not only with respect to the procedures but also the structure.
8 Everything is incomprehensible to me. Absurd.

9 JUDGE METTRAUX: So you're not familiar with that?

10 A. No. Not at all. Absolutely not.

11 JUDGE METTRAUX: And Blerim Kuqi was a member of LDK; is that
12 right?

13 A. From the 1990s, everybody was in the LDK. But then some were in
14 the structures who were advocating for an army. Others left to
15 Albania. Blerim Kuqi is one of the first men who established a small
16 military unit in Theranda, a unit called Lisi, and then there was
17 simultaneously another unit, Habibi 50, commanded by Elshani. On 26
18 June, they merged and formed a brigade.

19 JUDGE METTRAUX: Is it fair to say, sir, that he remained
20 aligned with the LDK including during the conflict? Do you agree or
21 disagree with that? And it should say "he remained aligned." And by
22 "he," I mean Blerim Kuqi.

23 A. I don't know if he continued. However, he had the trust.
24 Undoubtedly, he had the trust of Sokol Bashota because he was
25 appointed as a brigade commander. I don't know if he continued to be

1 in the LDK and, besides, it's not relevant. He was appointed as a
2 brigade commander by Sokol Bashota.

3 PRESIDING JUDGE SMITH: The transcript has frozen again.

4 Is it? Okay. All right. Go ahead then.

5 JUDGE METTRAUX: Well, isn't it still relevant, sir, because in
6 the documents that -- well, call it a statement of 14 March 1999, and
7 I can bring it up if that's of assistance to you, that's the
8 statement you drew with Halil Qadraku. It's Exhibit P500. You
9 identify Mr. Kuqi with the leaders of the LDK; isn't that correct?

10 A. I don't think we said he was a part of the leading structures of
11 the LDK because I didn't know at the time. I don't know now. He
12 might have been at the time. Because there was no need. The army
13 and the LDK were not distinct. We had a lot of army officers and
14 soldiers, good ones, from the LDK. So it -- this is why I said it
15 was not relevant, because this -- these were not two opposing blocks.
16 There were from the KLA and the LDK, from the LDK and the KLA.

17 Now, it's a different matter if he deserted. The desertion is
18 something -- something else. It's another -- a different violation.
19 But not being a member of the LDK.

20 JUDGE METTRAUX: So the fact that you mentioned Blerim Kuqi and
21 the leaders of the LDK in your letter is not relevant. Do I
22 understand that right?

23 A. I don't know the context in which the LDK was mentioned there.
24 If this was about maintaining the civilian local authority or to
25 establish a wartime military authority, it could be in this context.

1 But being a member or not had no impact. If he did not perform
2 military tasks as he should, then it's a different matter.

3 JUDGE METTRAUX: Well, I'll read to you what is recorded in your
4 letter, and you can comment on it. It's Exhibit P500. It says --
5 and you complain about a lot of individuals who, according to you,
6 are disloyal or underperforming or have other shortcomings, and you
7 say:

8 "This coordination is also aided by liaison Blerim Kuqi, aka
9 'Kitra' ... while Uke Bytyqi assisted in spreading and preparing the
10 ground in all of the villages of Suhareka municipality by creating
11 civilian staffs from the leaders of the LDK."

12 So my question was why would you tie Mr. Kuqi and Mr. Bytyqi to
13 the LDK if that was not relevant?

14 A. It's correct as you explained it because creating parallel
15 civilian staffs was -- in parallel to the military staffs was not an
16 acceptable thing for us. If the war was to break out here, the
17 military takes over the authority. So we didn't need to have two
18 structures that would confront each other and have disagreements, and
19 so in this context, but not because they were members of that party.

20 JUDGE METTRAUX: I see. Can we please go to SPOE00248768 to
21 00248770. It should be the same -- it should be 48769 in Albanian.

22 Are you able to read it, sir?

23 A. Just keep it on the screen, please. Yes, now I can see it.

24 JUDGE METTRAUX: And if we could have the English as well,
25 please. It's SPOE00248768. Thank you.

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1 So this appears to be a duty report. It's dated 6 May 1999.
2 It's attributed to the Kosovo Liberation Army, Military Court, Prison
3 Directorate, and it has a number 1/99. And location, it's Klecke.
4 And the individual - if you scroll the Albanian a little bit, thank
5 you - you can see the signature of the author of the report as that
6 of Agim Zogaj, prison warden.

7 My first question is do you know who Agim Zogaj is?

8 A. I knew the name during the war and now, but I do not know the
9 individual. However, it is surprising to me. Are these detained?
10 Have they been summonsed or interrogated? The document seems
11 orderly, and it bears his signature.

12 JUDGE METTRAUX: So the document says, to answer your question:

13 "The report includes the period from 20.02.1999 until
14 06.05.1999. Down on the list are registered the persons which were
15 brought in and released during this period:"

16 Do you see that?

17 A. Yes, I do. I am looking at the list as well. I only know Jakup
18 Muharremi and Blerim Kuqi from this list. Nobody else. And I don't
19 know where these people were detained, where they were kept. Jakup
20 was up to the General Staff. He returned back within five, six
21 hours. Blerim already said that he was not imprisoned, he was not
22 detained by anybody. That is a public declaration that he made. And
23 the others, I don't know. I can't tell where this detention facility
24 was. I don't know on whether somebody has acted behind our backs?
25 That's a different story.

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1 JUDGE METTRAUX: Let's take things one step at a time again.

2 Are you aware of a detention facility in Klecke in May 1999?

3 A. No, I'm not.

4 JUDGE METTRAUX: And --

5 A. That's surprising to me.

6 JUDGE METTRAUX: And I suppose you're also surprised that Agim
7 Zogaj was the prison warden of that facility. That's not something
8 within your knowledge; correct?

9 A. No, it's not. I don't know that. Because in order for somebody
10 to serve as a prison warden, there is a need for a prison to exist.
11 There is a need for guards to be there present. There is a need for
12 courts, for prosecution offices. I don't know where he exercised
13 these tasks. Probably he had a shed somewhere. I don't know where
14 he kept these people, and I'm really -- I'm really worried.

15 JUDGE METTRAUX: Because your account is that there was no
16 prison facility in that area and in your zone in 1998 and 1999.

17 A. No, no, there has not been any prison facility in my area. No,
18 I am not aware of any detention facility or a prison existing in my
19 area. No.

20 JUDGE METTRAUX: Now let's look at number 8 in that document.
21 It's Blerim Kuqi. And the date that appears on this document
22 suggests that he was brought in in this prison facility on 27 January
23 1999, and it seems from the document that he would still have been
24 detained by the issuance of that decision, 6 May 1999. Do you agree?

25 A. According to the document, that's what should be the case. But

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1 it's very strange to me because from what I know, Blerim Kuqi
2 returned in November 1998 from Albania. Therefore, what's the point
3 of detaining him on 27 January 1999? Who investigated him? Who did
4 this to him? I can't explain. I don't know.

5 JUDGE METTRAUX: You can see in the last columns under
6 "Remarks," it suggests that the process that led to the detention is
7 one based on "Court Decision." Do you agree with that? On the face
8 of that document.

9 A. On the face of the document, yes. This is what it reads. But
10 what court? Except for Sokol Dobruna, I can't think of anyone else.
11 I haven't heard of anyone else carrying out those duties. Never.

12 JUDGE METTRAUX: Well, you indicated a moment ago that you did
13 not know anything about the court process that was shown to you;
14 correct?

15 A. No.

16 JUDGE METTRAUX: And there's -- in that -- stay in that last
17 column. It says, for example, under number 1, "Released by Celiku."
18 Can you tell us who Celiku is.

19 A. Celiku is the nickname for Fatmir Limaj.

20 JUDGE METTRAUX: And if you go further down under number 7,
21 there is a Milan Mitrovic who was detained for about two weeks, and
22 he was there either arrested or released by "Main HQ (Luli)." Do you
23 know who that refers to, "Main HQ (Luli)"?

24 A. I have no idea. The person who has written this document he
25 should know the reason as to why he wrote "Luli" or "Celiku." He

1 knows the explanation to these names. And I can't say anything else
2 about these people. I can't say anything about Fatmir Limaj whose
3 nickname was Celiku, or I can't say that Luli referred here to
4 Veseli, because there were so many people that were referred by Luli.

5 I'm really surprised by the content of this document.

6 JUDGE METTRAUX: I'll stop you there. I'll ask you the same
7 question Judge Barthe asked you earlier today. Do you know another
8 Luli in the main HQ of the KLA, or do you know only one?

9 A. In the main office, main staff, no. But I know other people
10 that were referred to by -- as Luli in the staff of Drenica, in that
11 of Dukagjini, and other parts of the country as well. On whether
12 this Luli was Kadri Veseli or not, or on whether this person gave the
13 order to release the person that you referred to, that is not
14 something very clear from the document that is in the screen.

15 The person that wrote the document first, I am not sure on
16 whether he was a prison warden or not. Where was the prison? There
17 was no prison. So this was a document that was just made up.

18 JUDGE METTRAUX: So to answer the simple question I asked you,
19 Mr. Veseli, Kadri Veseli, is the only person whom you know within the
20 main headquarter of the KLA that went by the nickname Luli; yes or
21 no?

22 A. Yes. I know no one else. Probably there was someone else
23 having the same nickname, but I don't know anyone else.

24 JUDGE METTRAUX: Can you look at number 17 in that list now?
25 There's a person named Sami Duga who was brought in on 22 April 1999

1 and released five days later on 27 April 1999 by Tenth. Do you know
2 anyone who used that nickname during the war?

3 A. No. No, I don't. So what I can read here is "Ten." I don't
4 know.

5 JUDGE METTRAUX: And having regular, you said, meetings or
6 encounters with members of the General Staff of the KLA, you don't
7 know anyone who at that time was using that nickname? Is that your
8 evidence?

9 A. No, Your Honour. There were no regular meetings. I haven't
10 taken part in any of the meetings at the headquarters. I have been
11 staying with them from the middle of December, from 15 December up
12 until January, and I don't know anyone having this nickname.

13 I haven't attended the meetings of the General Staff. What I've
14 said is that there have been regular meetings at the zone level.

15 JUDGE METTRAUX: All right. I want to go back to something else
16 you've discussed with the Defence of Mr. Veseli, and you answered
17 some questions from Judge Barthe this morning, but I have to say I'm
18 still not clear what your evidence is.

19 And this document can be taken down.

20 And that has to do with disciplinary regulations of the KLA. I
21 had understood you to say two weeks ago that you -- or you and, I
22 think, Nuredin Abazi, and you added one other person this morning,
23 were the authors of these regulations. And that, like Judge Barthe,
24 I had understood you to suggest that you sent them through the office
25 of Adem Demaci, that they were printed, backdated, location changed,

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1 and that it became the disciplinary regulations of the KLA.

2 This morning I understood you to say something slightly
3 different, so I want to give you an opportunity now to tell us what
4 exactly is your account on that point. Are you saying you are the
5 author of the disciplinary regulations that were used by the KLA all
6 through the territory of Kosovo?

7 MR. EMMERSON: I do apologise to interrupt.

8 First of all, that is not what the witness testified on the last
9 occasion. His testimony unequivocally was that these regulations
10 were never used.

11 Secondly, perhaps it would be helpful to the witness before
12 questions are put on a misleading basis like that if he could be
13 shown the documents he's being asked to comment on.

14 JUDGE METTRAUX: Well, Mr. Emmerson, keep the comments for later
15 submissions, but I will put the document --

16 MR. EMMERSON: Well, I'm raising an objection which I think I'm
17 allowed to make.

18 JUDGE METTRAUX: Yes, but you don't --

19 MR. EMMERSON: The question was misleading and misstated --

20 JUDGE METTRAUX: You don't qualify the objection --

21 PRESIDING JUDGE SMITH: There was no objection listed.

22 MR. EMMERSON: Well, the objection -- I object to the form --

23 PRESIDING JUDGE SMITH: And it's overruled.

24 MR. EMMERSON: -- of the question because it's a misleading,
25 inaccurate statement of the evidence.

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1 PRESIDING JUDGE SMITH: You'll have an opportunity to ask
2 questions. Your objection is overruled.

3 MR. EMMERSON: I can object to questions at the appropriate time
4 when they're deliberately misleading.

5 PRESIDING JUDGE SMITH: The objection is overruled.

6 JUDGE METTRAUX: Can the Registry please put document U009-1596
7 to -009 -- U009-1614-ET.

8 Sir, do you recall being shown this document by Mr. Emmerson?

9 A. Yes, Your Honour, I do. I wanted to admit this as my document
10 because we have been preparing regulations at the zone level. But
11 when we saw the content of it, which is copy-pasted from a regulation
12 of Albania, and when I saw the signature, Fehmi Baftiu, that is a
13 lawyer, an experienced one, and given that this was issued by the
14 office of Adem Demaci, that was never put in force because we had our
15 own regulations.

16 I thought -- at first time, I thought that it was my regulation.
17 The regulation that I had drafted. But when I saw the content of the
18 regulation, when I saw the seal and the signature of Fehmi Baftiu,
19 that's not my regulation, and that's not something that has been
20 applied in my zone.

21 If I said that that's my own document -- I just saw the title of
22 it. Just the appearance of it. Not the content of it. But when I
23 saw the content, I saw that that was not what I had prepared. That
24 is copied and pasted from Albania. That's not relevant at all.

25 JUDGE METTRAUX: So two things. First, and, if necessary, for

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1 anyone, I will read the pages. It's transcript 10198 to 10200. But
2 I want to be clear now what you are telling us.

3 Are you accepting that the document you now have in front of
4 you, you are not the author of that document? Do you accept that or
5 are you disputing it?

6 A. This is not a document of the Pashtrik zone. I have no
7 connection whatsoever with this document. I have not applied that.
8 I have not seen this document before. This is a document that was
9 introduced first by Mr. Emmerson. When I saw it, at first sight, I
10 thought that it was from my zone. But when I saw the content, it was
11 clear that I had no connection whatsoever with this document.

12 Fehmi Baftiu has signed it. There is a stamp on it as well,
13 Prishtine, the office of Adem Demaci. And I don't know what is not
14 clear about this document. If I made any mistake, then I am to be
15 blamed for it, but this is the reality. I'm telling you the truth.

16 JUDGE METTRAUX: And surely you are aware that there was a
17 disciplinary regulation in force within the KLA as a whole as early
18 as 1998; correct?

19 A. No, there was no such document in 1998. In 1999, we had a
20 regulation at the zone level. About the whole of the KLA, I don't
21 know. I don't think that there was such a regulation in force.

22 JUDGE METTRAUX: Can the Registry please bring up Exhibit P613
23 please. Exhibit P613.

24 So take a second to acquaint yourself with that document.

25 Now, first question. Have you seen that document before, sir?

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1 A. No, I have not. I can read that it was -- it has the name of
2 Bislum Zyrapi, but I can't see a signature by Bislum Zyrapi. One of
3 the names I know, this Vahid. This was a person that was supplying
4 Budakove with weapons. That's all I know about him.

5 I see the document, and I see that there is the name of the
6 General Staff head, Bislum Zyrapi. But like I said, it's not signed.
7 I haven't seen this document before.

8 I don't know based on what regulation this decision is issued.
9 I don't know.

10 JUDGE METTRAUX: Well, we'll look at that. One thing at a time.
11 Do you agree that it appears to be a verdict in a disciplinary
12 process and that the verdict or decision is signed by Bislum Zyrapi
13 in his capacity as chief of staff of the General Staff? Do you agree
14 with that?

15 A. I totally agree because it is written properly. It might as
16 well be such a decision, but the fact of the matter is I can't see
17 any signature. And the best person to explain the content of this
18 document is him. It's not my task to evaluate the tasks that were
19 performed by Bislum Zyrapi, I think.

20 JUDGE METTRAUX: Well, let me ask you this. In your knowledge
21 of how the KLA functioned, do you agree that the KLA General Staff
22 chief of staff, Colonel Bislum Zyrapi, had disciplinary authority?
23 Do you agree with that?

24 A. Yes, I agree. He had organisational authority, disciplinary
25 authority, he was entitled to give orders. Yes, I agree with that.

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1 JUDGE METTRAUX: And if you look under the section of
2 "Reasoning," you will see that in the first paragraph it says that
3 the individual concerned by the process, Mr. Morina from Vranjake
4 "was detained because of the disciplinary offence set forth in
5 article 17, line 1, point 1 of the Regulation on the Disciplinary
6 Responsibilities of the KLA and was sentenced to 25 days in prison."

7 Can you see that?

8 A. Yes, I see that. But it's not probable. It's not possible.
9 Well, 25 days in prison. How is it possible to keep this person in
10 25 days? Because we never were located in the same position. As the
11 KLA, we were moving within the week. Therefore, it's not possible.
12 It's not probable. This was a document that was probably written by
13 somebody else, although the name here is Bislim Zyrapi.

14 Probably it would be best to ask Mr. Zyrapi about it.

15 JUDGE METTRAUX: But for the time I'm asking you. Do you agree
16 that on 10 December 1998 there's a decision here in front of us that
17 contains two references to the regulation on the disciplinary
18 responsibilities of the KLA? Do you agree with that?

19 A. First of all, I don't agree that there was a regulation in force
20 in 1998. Second of all, I don't agree that there was a prison and
21 that you could keep a prisoner for 25 days in prison, because there
22 was no such thing as a prison.

23 Now, how we came up to this document, that I don't know.

24 Probably you have to ask other people about it. And, again, this
25 lady here, Vjollca Mali, I don't know her.

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1 JUDGE METTRAUX: So you know of no prison and of no disciplinary
2 regulations within the KLA in 1998; correct?

3 A. Correct. I have no knowledge. And that's the reason why in
4 1999 we were obliged to draft the regulations ourselves.

5 JUDGE METTRAUX: Can we see document IT-05-87 P02464-ET and
6 there's an Albanian equivalent with ERN K0535480. You will have the
7 Albanian in a --

8 A. I don't have the Albanian version.

9 JUDGE METTRAUX: -- in a second, sir. It's being looked for.
10 So take a second to read through it.

11 So, sir, this is an order from Commander Ekrem Rexha, Drini.
12 It's dated 1 February 1999. And do you agree that, on its face
13 again, it appears to order disciplinary measures against a member of
14 the KLA? Do you agree with that?

15 A. I don't believe that Drini has issued orders to detain someone.
16 He was not such kind of a person. He was a very well-educated
17 person. He was very respectful. He showed a lot of respect for the
18 civilians, for the people. And what it reads here is that Hasan O.
19 Bej has to be detained for 48 hours. I don't know who this person
20 was. Probably somebody has written this piece of paper, but not
21 Drini. I'm sure for that.

22 About the signature, I'm seeing the signature here, but I don't
23 recognise it as being Drini's.

24 JUDGE METTRAUX: Well, one thing at a time. Do you agree that
25 again this document, which is dated 1 February 1999, makes reference

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1 to the disciplinary regulations of the General Staff of the KLA? Do
2 you agree with that? That's the basis on which this order is being
3 made. Do you agree?

4 A. Yes, I agree. Yeah, but it can be read like based on the
5 regulation of the Pashtrik area. Or probably there was a regulation
6 at the KLA General Staff that I was not aware of. But I don't know
7 who has written this document, who has authored it, and who has
8 signed it. So at the time, there was a regulation of the zone.
9 About the General Staff, I don't know on whether the General Staff
10 already had a regulation in force.

11 JUDGE METTRAUX: And it's fair to say from what you just said
12 that you have never seen that order before; correct?

13 A. No, I have not seen this order before.

14 JUDGE METTRAUX: The person who is subject to that measure is a
15 person by the name of Hasan O. Bej. Do you see that?

16 A. I have never ever heard this last name. I have heard of the
17 first name Hasan. But O. Bej, this is the first time for me. I
18 don't know who this person might be. There are no such last names in
19 Kosovo.

20 JUDGE METTRAUX: But there is in Turkey; right?

21 A. Yes, it's possible that it's in Turkish.

22 JUDGE METTRAUX: Because that could be the person, isn't he, the
23 person who you say fled with Mr. Syle Kollqaku? You told Mr. Kehoe
24 that he left with him.

25 A. You're right. I understood the inference. Yes, his name was

1 Hasan, but I don't know his last name. But it's true, his first name
2 was Hasan. And I don't know how Drini could have ordered something
3 against the person that accompanies Sylejman Kollqaku. Because
4 Sylejman Kollqaku, being the deputy commander, could have issued this
5 order, not Drini. If we're talking about the same person, about the
6 same Hasan. It's possible that the last name is a Turkish one
7 because, like I said, I knew his first name, I never knew his last
8 name.

9 JUDGE METTRAUX: Do you accept or you are disputing that Drini
10 had the authority to issue such an order?

11 A. He had the authority to issue such an order, but I don't know
12 how he would have kept him detained because there was no place for
13 detention. Although, he had the authority to issue the order.

14 JUDGE METTRAUX: Now, I want to ask you about something else you
15 were shown. It's Exhibit P716.

16 Sir, do you remember being shown this document a couple of weeks
17 ago?

18 A. Let me see it a bit. I think I have seen it before, but let me
19 have a look at it. Yes. Yes, I've seen it before.

20 JUDGE METTRAUX: Do you recall being asked -- there's a
21 reference in there to you saying:

22 "Even though he will ..."

23 And that's paragraph 1 in this document:

24 "Even though he will suffer throughout his whole life because of
25 this incident, he will also answer to the court of second instance."

1 Do you recall being asked about that?

2 A. Yes, this was a question that was asked of me. This is the
3 occasion of wounding a soldier - Kryeziu is his last name - of
4 Brigade 122. Therefore, an order was issued for 124th Brigade and
5 122nd Brigade, because for a long time they were merged together. So
6 they were ordered to make sure that their weapons were kept
7 accordingly so that there was no unintentional wounding of soldiers,
8 and this was based on the Pashtrik regulation. Because like I've
9 told you several times, we had a regulation of our own.

10 JUDGE METTRAUX: And when you were asked about this particular
11 phrase, it's 13 November 2023, transcript 9972 to 9973, you said
12 this:

13 "You are putting one before the other, and this is not
14 unintentional ..."

15 That was a response you gave to Mr. Emmerson.

16 "... because before this, there was a request publicly made to
17 the General Staff asking for courts to be established in order to
18 deal with disciplinary matters regarding soldiers. We were having
19 soldiers who had loaded weapons and accidentally would wound, kill
20 people. So in our opinion, courts had to be established. This was
21 thought if the war lasted one, two, or three years. Otherwise, there
22 were no courts."

23 First thing I want to clarify here with you is when you said
24 there were, in effect, hope for -- hoped-for courts, you were talking
25 about the zone; right? Your zone.

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1 A. We're talking about our zone, but we're talking in general as
2 well, because these types of accidents have happened in the area of
3 Nerodime as well. So accidentally or carelessly a soldier was
4 killed. And this was the type of irregularities that I was talking
5 about, and this is why we needed to have disciplinary structures in
6 place or take disciplinary measures against soldiers.

7 And, therefore, in this context, this is how I said that it
8 would be good for us to have prisons, to have courts, to have
9 prosecution offices, but that was a very premature request. This is
10 what I said back then, and I think that that's what I'm saying right
11 now.

12 JUDGE METTRAUX: Thank you.

13 PRESIDING JUDGE SMITH: Witness, you're finished with your
14 testimony today. We'll see you tomorrow morning at 9.00. Remember
15 not to talk about this case with anybody outside of the courtroom.

16 Madam Usher, you may escort the witness out.

17 THE WITNESS: [Interpretation] Thank you.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.
20 tomorrow.

21 --- Whereupon the hearing adjourned at 4.01 p.m.

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