

1 Wednesday, 4 December 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Today we will continue hearing the  
11 evidence of Prosecution Witness W04401.

12 I note that the accused are present in court.

13 Before the witness is brought in, the Panel will issue seven  
14 oral orders.

15 First, the Panel will issue its ruling on the Defence objections  
16 to the use by the SPO of two documents in its re-examination of  
17 W04401.

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

19 [Private session]

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: The Panel will now issue an oral order  
25 admitting P01874 MFI into evidence.

1           The SPO tendered P01879 MFI into evidence after having put  
2           several portions of the document to W04401 during its direct  
3           examination of the witness. The Panel notes that the document  
4           consists of a timeline on the LPK's history prepared by Emrush  
5           Xhemajli.

6           The SPO submitted that this document has been repeatedly  
7           discussed in court last week during the testimony of this witness and  
8           W03873 and is therefore *prima facie* admissible.

9           The Thaci and Veseli Defence responded that W04401 has provided  
10          no testimony regarding the circumstances in which the document was  
11          created, nor has he authenticated or accepted the propositions in the  
12          document.

13          The Panel notes that the document was extensively used during  
14          the direct examination of W04401 as well as during his  
15          cross-examination by the Krasniqi Defence. When confronted with the  
16          document, the witness has commented upon it and offered his views on  
17          its consistency with the LPK programme and statute in its description  
18          of the creation of a military force within the LPK and the LPK's  
19          shift from political to military work. The author of the document is  
20          identified by name, the organisation to which it relates is  
21          identified, and the document is dated.

22          The Panel is therefore satisfied that P01874 MFI is relevant,  
23          *prima facie* authentic, and has probative value. In light of the fact  
24          that the Defence was in a position to cross-examine the witness on  
25          the document, the Panel is also satisfied that the probative value of

1 P01874 MFI is not outweighed by its prejudicial effect.

2 In light of the above, the Panel admits P01874 MFI into  
3 evidence.

4 This concludes the second oral order.

5 The Panel will now issue an order rejecting the admission of  
6 P01879 MFI into evidence.

7 The SPO tendered P01879 MFI into evidence, having put several  
8 portions of the document to W04401 during its direct examination of  
9 the witness. The Panel notes that the document is said to be an LPK  
10 study on intelligence tactics said to have been recovered by the  
11 Serbian forces in Kosovo and given to the ICTY.

12 The Thaci and Veseli Defence objected to the admission of the  
13 document, arguing that the Rule 138 requirements, in particular in  
14 relation to its authenticity, authorship, and provenance, have not  
15 been met, and that the document cannot be admitted only based on  
16 certain similarities it allegedly bears with the witness's  
17 description of KLA anti-collaborator efforts.

18 Having reviewed the P01879 MFI and the transcript portions where  
19 W04401 was confronted with the document and discussed it, the Panel  
20 is satisfied of the *prima facie* relevance of those portions of the  
21 document that were put to the witness and that are now on the record  
22 along with the witness's comments thereon, which can be relied upon  
23 by the SPO for similarity purposes.

24 Turning to the Defence's objection on the basis that provenance  
25 of the document has not been established, the Panel recalls that

1 proof of authorship or provenance of a document is not a prerequisite  
2 to its admission into evidence, provided that the tendering party has  
3 otherwise established its *prima facie* authenticity and reliability.  
4 The issues of authorship and provenance go to the weight to be given  
5 to the evidence and not to its admissibility and will, therefore, be  
6 decided by the Panel at the end of the trial having regard to the  
7 entire body of evidence.

8 In the present circumstances, however, the Panel is of the view  
9 that the fact that the LPK study allegedly bears certain similarities  
10 with the witness's understanding of the KLA anti-collaborator efforts  
11 is not sufficient to establish its *prima facie* authenticity.

12 The Panel therefore finds that the SPO has failed to establish  
13 sufficient *prima facie* indicia of authenticity of the LPK study, and  
14 admission of the document is therefore not warranted at this stage.  
15 This is without prejudice to the SPO seeking to offer the item once  
16 the Rule 138(1) requirements have been fully met.

17 For these reasons, the Panel denies admission of P01879 MFI into  
18 evidence without prejudice.

19 This concludes the third oral order.

20 The Panel will now issue an oral order rejecting the admission  
21 of 1D00219 MFI and 1D00220 MFI into evidence.

22 The Thaci Defence tendered into evidence 1D00219 MFI - a note  
23 prepared by the Thaci Defence regarding a meeting with W04401 - and  
24 1D00220 MFI - a correction thereof - after having confronted W04401  
25 with both documents during its cross-examination of the witness.

1           The Defence argued that the admission of both documents is not  
2           barred by Rule 153 to 155, and the Panel should therefore admit them  
3           under Rule 138(1).

4           The SPO objected to the admission of 1D00219 MFI and 1D00220  
5           MFI, arguing that, contrary to what happened in the past, the  
6           documents were not discussed during the preparation session of the  
7           witness, who was not given the possibility to review the two items  
8           and make corrections thereto.

9           At the outset, the Panel notes that Rule 143(3) does not  
10          regulate the question of admissibility of the material used by a  
11          cross-examining party but the scope of permissible questioning in  
12          cross-examination.

13          The Panel notes that the Thaci Defence used 1D00219 MFI and  
14          1D00220 MFI during its cross-examination of the witness insofar as it  
15          deemed them liable to affect the witness's credibility. As such, the  
16          relevant portions of the note which were put to the witness as well  
17          as his comments thereupon are on the record and will be duly  
18          considered by the Panel in its assessment of the witness's  
19          credibility in light of the totality of the evidence.

20          The Panel is therefore of the view that admission into evidence  
21          of the note and correction thereof is not warranted at this stage.

22          In light of the above, the Panel denies admission of 1D00219 MFI  
23          and 1D00220 MFI into evidence without prejudice.

24          This concludes the fourth oral order.

25          The Panel will now issue an oral order admitting portions of

1 P01883 MFI and P01884 MFI into evidence.

2 The SPO tendered P01883 MFI and P01884 MFI into evidence, having  
3 put one page from each of the two documents to W04401 during its  
4 redirect examination of the witness. The Panel notes that the  
5 documents consist of a book chapter containing an interview with  
6 Rexhep Selimi and an interview with Sylejman Selimi.

7 The SPO tendered the entirety of the two interviews, submitting  
8 that both are relevant and probative and need to be understood in  
9 their entirety.

10 The Veseli and Selimi Defence asked that only the pages shown to  
11 the witness be admitted and not the entire interviews.

12 The Panel notes that the interviews are relatively voluminous in  
13 size, especially considering that the SPO used only one page from  
14 each of them in its redirect examination of the witness.

15 The Panel therefore agrees with the Veseli and Selimi Defence  
16 that the admission of the entirety of the interviews based on the  
17 evidence given by the current witness is not appropriate at this  
18 juncture. This is without prejudice to the SPO seeking admission of  
19 the entirety of the documents in the future, including through  
20 relevant witnesses or from the bar table.

21 This being said, the Panel is satisfied that the portions of the  
22 interviews which were put to the witness are relevant, *prima facie*  
23 authentic, and probative, and therefore meet the Rule 138(1)  
24 requirements for admission. The Panel notes that the Veseli and  
25 Selimi Defence did not object to the admission of the portions of the

1 interviews which were discussed by the witness. The Panel therefore  
2 finds that the probative value of such portions is not outweighed by  
3 any prejudicial effect.

4 In light of the above, the Panel admits SPOE00131856 of P01883  
5 MFI and page 6D00078 of P01884 MFI into evidence, and directs the  
6 Registry to add the admitted page from P01884 MFI to Exhibit P01745.

7 This concludes the fifth oral order.

8 [Trial Panel and Court Officer confers]

9 THE COURT OFFICER: Your Honour, just for clarity of the record,  
10 can I vacate number P01884?

11 PRESIDING JUDGE SMITH: Yes.

12 THE COURT OFFICER: Thank you.

13 PRESIDING JUDGE SMITH: 01884 is being vacated because of the  
14 transfer of the document into -- joinder of the documents.

15 The Panel will now issue an oral order on a consolidated version  
16 of admitted extracts of Mr. Krasniqi's book.

17 The Panel notes that, in an e-mail sent on 30 October 2024, the  
18 SPO proposed, for ease of reference, that a consolidated version of  
19 all admitted extracts of Mr. Krasniqi's book be created by adding the  
20 relevant pages from Exhibits P00765 and P01277 to Exhibit P00189 and  
21 going forward to add all tendered extracts to Exhibit P00189.

22 The Defence did not respond to the SPO's e-mail of 30 October  
23 2024.

24 The Panel directs the Registry to add pages U015-8743,  
25 U015-8878, U015-8880, and U015-8879 from Exhibit P0765 and

1 corresponding translations as well as pages U015-8828 to U015-8841  
2 from Exhibit P01277 and corresponding translations to Exhibit P00189,  
3 with English version P00189\_ET. The Panel also directs the Registry  
4 to update the comment field of Exhibits P00765, P01277, and P00189  
5 and corresponding translations in Legal Workflow to reflect the fact  
6 that the relevant pages I have just mentioned have been added to  
7 Exhibit P00189. The Panel further instructs the parties and  
8 participants to: (i), endeavour to refrain from referring to the  
9 relevant pages of Exhibit P00765 and to Exhibit P01277 in relation to  
10 the admitted extracts of Mr. Krasniqi's book; and, (ii), seek  
11 addition to Exhibit P00189 of any extracts from the same book that  
12 will be tendered in the future.

13 This concludes the sixth oral order.

14 Lastly, the Panel notes that, in an e-mail sent on 3 December  
15 2024 to the Panel and the parties and participants, the Veseli  
16 Defence communicated that it agrees with the Victims' Counsel's  
17 proposal of 2 October 2024 regarding the chronology for  
18 Victims' Counsel's case and requests for reparations.

19 The Panel recalls that pursuant to the Panel's order of  
20 2 October 2024, any objections to the Victims' Counsel's proposal was  
21 to be filed by 2 December 2024.

22 Considering that the SPO and the Defence teams for Mr. Thaci,  
23 Mr. Selimi, and Mr. Krasniqi did not file any objections, the Panel  
24 would like to confirm on the record that the parties and participants  
25 agree that the Victims' case will be called after the SPO's case

1 closes, and following submissions, arguments and any decision  
2 relating to Rule 130 litigation, and before any Defence case begins.

3 The Panel would also like to confirm on the record that the  
4 parties and participants agree that any request for reparations  
5 should be filed by Victims' Counsel after the judgment in the case  
6 and after any verdicts on the counts are determined.

7 Does everyone agree? Mr. Prosecutor?

8 MR. HALLING: Yes, Your Honour.

9 PRESIDING JUDGE SMITH: Thaci Defence?

10 MR. MISETIC: Yes, Your Honour.

11 PRESIDING JUDGE SMITH: Veseli Defence?

12 MR. DIXON: Yes, Your Honour.

13 PRESIDING JUDGE SMITH: Selimi Defence?

14 MR. ROBERTS: Yes, Your Honour.

15 PRESIDING JUDGE SMITH: And the Krasniqi Defence?

16 MS. V. ALAGENDRA: Yes, Your Honour.

17 PRESIDING JUDGE SMITH: Thank you, everyone.

18 Having heard the parties and participants, the Panel orders the  
19 following: the Victims' case will be called after the SPO's case  
20 closes, and following submissions, arguments, and any decision  
21 relating to Rule 130 litigation, and before any Defence case begins.  
22 Any request for reparations should be filed by Victims' Counsel after  
23 the judgment in the case and after any verdicts on the counts are  
24 determined.

25 Anything to add to that, Mr. Laws?

1 MR. LAWS: Your Honour, no, nothing. Thank you.

2 PRESIDING JUDGE SMITH: This concludes the seventh oral order.

3 Madam Usher, please bring the witness in.

4 MR. HALLING: Your Honours, just one quick clarification point  
5 on the fifth oral order. The page of the Sylejman Selimi interview  
6 admitted got -- it looks like it cut off on the transcript. Just to  
7 make sure everything is clear, it's page 6 --

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. HALLING: So it's 6D000785 was the specific page shown, and  
10 that's what we understand has been admitted in that decision, and it  
11 would then be added to P1745.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Yes, 6D00078 of P01884 MFI.

14 MR. HALLING: Yeah, so the last number is 5. So 0785 are the  
15 last four digits on the particular page you --

16 PRESIDING JUDGE SMITH: I have four. P01884. Oh, I'm sorry.

17 In the last sentence: Add the remaining page to Exhibit P01745.

18 Yes, correct.

19 [Microphone not activated].

20 MR. DIXON: Your Honours, one point of clarification in relation  
21 to the first order. Perhaps we should go into private session for  
22 that, if I may. It'll be very brief.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. DIXON: This is the order related -- I'll wait.

25 [Private session]

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: Good morning, Witness.

12 Good morning, counsel.

13 THE WITNESS: [Interpretation] Good morning.

14 PRESIDING JUDGE SMITH: I apologise for the delay. I can assure  
15 you, we were all here at 9.00, but we had to take care of some other  
16 business, so that happens.

17 Witness, just before we begin I want to remind you to please try  
18 to answer the questions clearly, with short sentences. If you don't  
19 understand a question, feel free to ask counsel to repeat the  
20 question or tell them you don't understand and they will clarify.  
21 Also, please try to indicate the basis of your knowledge of facts and  
22 circumstances upon which you will be questioned.

23 Please also speak into the microphone and wait five seconds  
24 before answering a question, and then speak at a slow pace for the  
25 interpreters to catch up.

Witness: Sokol Bashota (Resumed) (Open Session)  
Re-examination by Mr. Halling (Continued)

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1           If you feel the need to take a break, let us know and we will  
2           accommodate you.

3           I remind you that you are still under an obligation to tell the  
4           truth as stated by you in your solemn declaration. I also remind you  
5           that the assurances provided to you last week by the Panel are still  
6           applicable and that refusal to give testimony may be sanctioned with  
7           the imposition of a fine.

8                               WITNESS: SOKOL BASHOTA [Resumed]

9                               [The witness answered through interpreter]

10           PRESIDING JUDGE SMITH: We continue now with some questions from  
11           the Prosecution.

12           Mr. Halling, you have the floor.

13           MR. HALLING: Thank you, Your Honour.

14                               Re-examination by Mr. Halling: [Continued]

15           Q. Good morning, Witness. I have just a couple other topics that I  
16           wanted to discuss with you this morning. The first one is in  
17           relation to the evidence that you gave about the release of  
18           Mr. Desku, Mr. Kastrati, and the two Serbian journalists.

19           You were questioned about this by the Thaci Defence at some  
20           length yesterday, including using a paragraph of investigator notes  
21           from a meeting you had with them in 2022.

22           Going back to the date of the release of these people, did you  
23           meet William Walker for the first time on the day of the  
24           Desku-Kastrati release?

25           A. I cannot recall on whether that was the first time that I met

Witness: Sokol Bashota (Resumed) (Open Session)  
Re-examination by Mr. Halling (Continued)

Page 23310

1 Walker. I think I'd met him earlier, but it might have been the  
2 first time. I really don't know.

3 Q. And as I understand it, William Walker and Shaun Byrnes were  
4 both at the scene during the release; is that right?

5 A. Yes, correct.

6 Q. Was there anyone else from the KLA side speaking at the scene  
7 that day with Walker or Byrnes besides yourself?

8 A. No, I don't think there was anyone there in my presence and in  
9 the presence of the media.

10 PRESIDING JUDGE SMITH: Excuse me just a moment.

11 Madam Court Officer.

12 [Trial Panel and Court Officer confers]

13 PRESIDING JUDGE SMITH: Sorry. Go ahead.

14 MR. HALLING: Thank you, Your Honour.

15 Could the Court Officer now please put up on screen 123941 to  
16 123949 and page 123947.

17 Q. Now, Witness, this is in English, the item on the screen, but  
18 it's an interview with William Walker from the early 2000s, and I  
19 wanted to ask you a couple of questions about some of the things he  
20 says.

21 He talks about talking about a local KLA leader introduced to  
22 him by Shaun Byrnes. And then he says at the top of the page here:

23 "... I told him that it would be very nice if they turned these  
24 guys over to me. I thought they had already agreed to do so, but he  
25 said, well, he was going to have to go off and talk to some other

1 people. He went off, I guess he talked by cell phone or radio or  
2 something and came back and said, okay, we'll turn them over to you  
3 and they'll be here in a few minutes."

4 And, Witness, my question for you is did you have a conversation  
5 with William Walker on the day of the release along these lines?

6 A. I don't recall having had this conversation with Walker during  
7 this meeting. Shaun called me in order to ensure the presence of the  
8 Serbian journalists, so they would be able to film the moment of the  
9 exchange of the other journalists.

10 Q. Do you have any reason to dispute that Walker is describing a  
11 conversation that he had with you on that day?

12 A. Speaking to me personally? I don't know. If -- I'm not clear  
13 on whether on the day of this event he called me to discuss the venue  
14 and the procedure of the handover. If he spoke to me over logistics  
15 having to do with this ceremony, yes, but I don't think there was  
16 anything more specific or specific enough.

17 Q. A little bit further down the page, Walker is talking about the  
18 two Serbian journalists, but then he says -- the two journalists  
19 being released, and then says:

20 "When I went over to get them I noticed in the back of this beat  
21 up vehicle there were two more people sitting with blindfolds on and  
22 with their hands tied."

23 Witness, do you remember if Mr. Desku and Mr. Kastrati had  
24 blindfolds on and their hands tied prior to their release?

25 A. No, I did not see that in the car. I was sitting on the side of

1 the journalists when the car with these people on board arrived.

2 Q. Do you have any reason to dispute Mr. Walker's recollection of  
3 what he saw on that day?

4 A. No, I don't. I'm sure he has said what he has seen, but that is  
5 not something that he talked over with me.

6 Q. Walker then says the following:

7 "I wondered about them, so when I saw the KLA leader a minute or  
8 so later, I said, what about those other two guys? Who are they? He  
9 said, don't worry about them, they're Albanian traitors who have been  
10 informing on us and we tried them and convicted them. Don't worry,  
11 we're taking them back to their village and we're going to release  
12 them as well, but they're not going to misbehave again."

13 Now, Witness, you told the Thaci Defence in 2022, and you  
14 confirmed it yesterday, that Mr. Walker and Mr. Byrnes did not leave  
15 any stones untouched to find out what happened to Desku and Kastrati.  
16 As part of leaving no stones untouched, did Mr. Walker ask you about  
17 these two people as indicated in the part I just read to you from his  
18 interview?

19 A. Not with me. No.

20 Q. Do you have any reason to dispute William Walker's recollection  
21 here about what you said about Desku and Kastrati on the day of their  
22 release?

23 A. I do not have any reason to contest Walker's account, but I can  
24 assure you that he did not have this conversation with myself.

25 During that ceremony of the handover of the journalists and

1 Mr. Cen Desku and Jakup Kastrati, there were numerous soldiers who  
2 also were present.

3 Q. Witness, Mr. Walker says that he was talking to the KLA leader.  
4 Who else could the KLA leader have been other than yourself that day?

5 A. I cannot guess who he spoke to, but I can assure you that he did  
6 not have this conversation with myself.

7 MR. HALLING: The document can be taken off the screen, and in  
8 its place if we could put SPOE00357143 to SPOE00357154-ET, page  
9 SPOE00357147. It can take the entire screen. We actually -- the  
10 original version is in German, which is, I think, not going to assist  
11 the witness, although it may assist others.

12 Q. As this is being put up on the screen, Witness, you were asked  
13 many questions by the Thaci Defence about aspects of your  
14 collaborator evidence drawn from a 2022 investigative note.

15 What is on the screen now in English is a 1999 Sabri Kicmari  
16 article that was done in March 1999. And as a threshold question, do  
17 you know Sabri Kicmari?

18 A. I do know Sabri Kicmari. I met him after the war. He belonged  
19 to the same party as mine.

20 Q. And what was Sabri Kicmari's role in the LPK, if you know?

21 A. I don't.

22 Q. Yes.

23 MR. HALLING: And for the record, he's mentioned in the history  
24 document now admitted as P1874.

25 Q. Kicmari is talking about the KLA in this part of the interview,

1 and I'll read to you the relevant section. He said:

2 "In view of the infiltration attempts by the Serbian  
3 intelligence services, the KLA had to fight not only against Serbian  
4 police and members of the army, but also against those Albanians who  
5 collaborated with the Serbs. The General Staff of the KLA first  
6 investigated the activities of these collaborators and after it was  
7 established that they were guilty, it gave orders to carry out  
8 attacks against them."

9 And then the interviewer asked:

10 "In 1996, that ultimately resulted in the killing of more than  
11 20 people..."

12 And Kicmari responds:

13 "But in every single case a procedure was followed. The  
14 decision was only carried out after the General Staff made the  
15 decision."

16 Now, Witness, here Kicmari is describing the KLA's approach to  
17 collaborators and he responded that the procedure depended on  
18 General Staff decisions that led to the deaths of more than 20 people  
19 in 1996.

20 Is what you said in the preparation session that the procedure  
21 that Kicmari is describing here did exist but the collaborators  
22 targeted were fighters? Is that what you said?

23 A. Mr. Kicmari was never in Kosovo during the war, so I do not know  
24 what authority he had to be able to write about issues that occurred  
25 during the war. Whereas as far as what you're mentioning about the

1 preparation session, I do stand by it.

2 Q. Yes. And to be clear, I'm not talking about Mr. Kicmari's  
3 credentials. I'm talking about the procedure he described. And is  
4 what you said in your preparation session that this procedure existed  
5 but that the collaborators targeted were fighters?

6 A. Yes. It's precisely with a reference to the local police, those  
7 who wore the uniform and had the weapons that had supplied by the  
8 Serbs. And as I said during my preparation session, those were the  
9 people who turned their weapons against the fighters of the Kosovo  
10 Liberation Army. This is the context in which I singled out this  
11 particular category.

12 Q. Thank you. You've now said in this courtroom that paragraphs 39  
13 and 43 in particular of your ICTY signed statement were mostly  
14 hypothetical questions, and you said something similar in the 2022  
15 investigative notes that were read to you by the Thaci Defence.

16 MR. HALLING: And the transcript pages for the record are 23100  
17 and 23101.

18 Q. I want to read to you a couple parts from those two paragraphs  
19 of your statement. This one is from paragraph 39 of P1871. You  
20 said:

21 "When someone was identified as a Serbian collaborator in the  
22 operational zone, punitive measures would be taken against them  
23 within the zone. In cases [where] they were caught in the course of  
24 their activities that person would be killed. The KLA General Staff  
25 would then be informed about the specific punitive measures that had

1     been taken."

2             Witness, is what you said here only hypothetical?

3     A.     Yes, because we had no information that such a case ever  
4     occurred, information coming from the zone commanders about their  
5     zones, that is.

6     Q.     And now from paragraph 43, you said:

7             "With regard to Serbian collaborators, operational zone  
8     commanders acted on the basis of the report that was provided to them  
9     by the soldiers under their command. After the person had been  
10    warned and the General Staff was satisfied that he was a Serbian  
11    collaborator, the collaborator could be killed by the KLA command  
12    structure if he continued his activities."

13            Is what you said here only hypothetical?

14    A.     Yes, because we have not had a case that this clearly happened  
15    during that time. That is why the question and the answer were  
16    hypothetical in nature.

17    Q.     Now, Witness, both of these paragraphs were read back to you  
18    verbatim by the ICTY at the end of your 2006 interview. Why didn't  
19    you indicate that these parts were hypothetical before signing your  
20    statement?

21    A.     We repeated this during the preparation session as well, but you  
22    know that I was under so much pressure and, additionally, we had a  
23    voluminous number of pages to go through. I was not fully schooled  
24    with the legal procedure. I did not have a defence lawyer present,  
25    and I was not able to focus properly or give the particular attention

1 to this issue during that time.

2 Q. Yes. But, Witness, in your preparation session, you said that  
3 you were telling the truth to the ICTY and that all your corrections  
4 made in the preparation session were voluntarily made and fully  
5 recorded. But you said you had no corrections to the summary  
6 statement beyond those made in the ICTY transcript, and you did not  
7 say anything suggesting that these paragraphs were hypothetical. Why  
8 didn't you do that?

9 A. Because I paid no heed to it. Maybe there were quite a few  
10 other things that needed attention, and I wasn't able to focus on  
11 this one in particular.

12 Q. At the beginning of your testimony here in the courtroom, why  
13 did you say that your ICTY statement reflected what you would say if  
14 asked again in this courtroom if these paragraphs were only  
15 describing hypotheticals?

16 A. As I said, I'm not fully aware of the procedure or the legal  
17 terms and as to what needs to be used when, but I have made it  
18 crystal clear that it was a hypothetical situation that pertained  
19 *vis-à-vis* this statement that I gave to the tribunal at the time.

20 Q. Why didn't you say in the course of around five hours of direct  
21 examination, including a great many questions about your ICTY  
22 collaborator evidence, that what you were describing was  
23 hypothetical?

24 A. Not everything in that statement was of a hypothetical nature,  
25 but a few of the questions and answers were indeed hypothetical. You

1 did not ask me during those five hours on whether that was  
2 hypothetical or not and that explains why it never occurred to me to  
3 state it that way.

4 Q. Why didn't you mention to the SPO that you had spoken with the  
5 Thaci Defence about matters covered in your testimony?

6 A. No one asked me about it.

7 MR. HALLING: Your Honours, if we could use Preparation Note 2,  
8 paragraph 63 at this time.

9 PRESIDING JUDGE SMITH: Yes, go ahead.

10 MR. HALLING:

11 Q. Witness, it's recorded from your preparation note that you had  
12 not discussed your testimony with anyone outside your immediate  
13 family, nor have you been approached by your testimony. Is that  
14 otherwise still true?

15 A. Yes.

16 Q. Is what you told the Thaci Defence in 2022 about your  
17 collaborator evidence being hypothetical something that Mr. Thaci  
18 wanted you to say to his Defence team?

19 A. Dear counsel, I take the Defence team of Mr. Thaci as part and  
20 parcel of this Chambers here, and I did not think that I had to  
21 reveal that I'd had spoken to them. I asked the counsel for  
22 Mr. Thaci on whether this was within the legal framework of this  
23 Chambers, but -- and I said, "You, as professionals, need to tell me  
24 that. You need to give me these reassurances." And they said, "Yes,  
25 you can tell us whatever you know." And they said, "It's all in

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Re-examination by Mr. Halling (Continued)

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1 order."

2 I have not spoken to anyone else apart from this meeting with  
3 Mr. Thaci's Defence counsel at the premises where it was held.

4 Q. Witness, I understand what you're saying, and nothing in my  
5 question is imputing anything to the Thaci Defence doing anything  
6 wrong, but you didn't answer my question.

7 Is what you told the Thaci Defence in 2022 about your  
8 collaborator evidence being hypothetical something that Mr. Thaci  
9 wanted you to say to his Defence team?

10 A. No, that is not true.

11 MR. HALLING: Your Honour, request to go into private session.

12 PRESIDING JUDGE SMITH: For protection of?

13 MR. HALLING: For protection of a document to be shown.

14 PRESIDING JUDGE SMITH: Into private session, please.

15 [Private session]

16 [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)

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Re-examination by Mr. Halling (Continued)

1 [Private session text removed]

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Re-examination by Mr. Halling (Continued)

1 [Private session text removed]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: I indicated I would give you a chance if  
4 you needed it to --

5 MR. MISETIC: Yes.

6 PRESIDING JUDGE SMITH: -- specifically question these  
7 particular matters.

8 MR. MISETIC: I'm not interested in being on my feet too long,  
9 Judge, but it's almost at the 10.00 break, and I could use the ten  
10 minutes to get ready.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 We'll take the ten-minute break now, Witness. There'll be some  
13 more questions. You can leave the courtroom now. Please don't speak  
14 to anyone about your testimony.

15 [The witness stands down]

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

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

18 --- On resuming at 10.09 a.m.

19 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
20 in.

21 Are you going to want to be in private session, Mr. Misetiç?

22 MR. MISETIC: No. First we'll start with the Walker interview.

23 PRESIDING JUDGE SMITH: Okay.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: All right. Witness, Mr. Misetiç has a

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Further Cross-examination by Mr. Misetić

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1 few questions for you.

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

3 Further Cross-examination by Mr. Misetić:

4 Q. Good morning again, Witness. I just want to ask you a few  
5 follow-up questions, first on the interview of William Walker that  
6 you were shown.

7 MR. MISETIĆ: And, Madam Court Officer, if we could please have  
8 on the screen 123941-123949 at page 123947, please. Yes. I believe  
9 it's at the second-to-last paragraph, please.

10 Q. Now, in the middle of that paragraph that's on your screen,  
11 Witness, I'll read it out, and this was shown to you. I just want to  
12 first see what Mr. Walker said in this interview. He said:

13 "When I went over to get them," meaning the two so-called Serb  
14 journalists, "I noticed in the back of this beat up vehicle there  
15 were two more people sitting with blindfolds on and with their hands  
16 tied. [And] I wondered about them, so when I saw the KLA leader a  
17 minute or so later, I said, what about those [two other] guys? Who  
18 are they? He said, don't worry about them ..." et cetera.

19 Now, Witness, I'd like to now compare what Mr. Walker said  
20 against the video of the event as it actually happened and ask you to  
21 compare whether Mr. Walker's recollection actually accounts with the  
22 video that we have.

23 MR. MISETIĆ: So, Madam Court Officer, if we could please have  
24 061427, please. P93. And if we could start at the 05:26 mark of the  
25 video, please.

1 Q. Now, you'll recall from what I just read out, Mr. Walker said  
2 that all of these people were in the same car, the two Serb  
3 journalists plus Mr. Desku and Mr. Kastrati.

4 THE COURT OFFICER: Sorry. It's a large file. It's taking a  
5 minute.

6 MR. MISETIĆ: As long as it's not our fault. Thank you. Play  
7 it from 05:26 to 05:39 and stop there.

8 [Video-clip played]

9 MR. MISETIĆ:

10 Q. Yes, Witness. Now, does this account -- is this consistent with  
11 your recollection of the two so-called Serb journalists having been  
12 in a red car, seated in the back?

13 A. I didn't see in what car they were and where they were sitting.

14 Q. Were you at this scene at the time they were released or they  
15 stepped out of the car?

16 A. Yes. I don't know because I was further from there, closer to  
17 the place where the journalists were.

18 Q. Not the Serb journalists. You mean the journalists who were  
19 reporting on the event?

20 A. Yes, yes. There was a large number of journalists and  
21 reporters, and I was sitting on the left-hand side.

22 Q. All right.

23 MR. MISETIĆ: And if we could continue playing a few seconds  
24 after -- from 05:39 to about 05:49.

25 Q. And if you can tell us if you see Mr. Walker or Mr. Byrnes.

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1 [Video-clip played]

2 MR. MISETIĆ: Actually, if we could continue playing it into  
3 06:20, please

4 [Video-clip played]

5 MR. MISETIĆ: If we can stop there for a second.

6 Q. Did you see William Walker there at all as these --

7 A. No.

8 MR. MISETIĆ: If we can continue with the video, please.

9 [Video-clip played]

10 MR. MISETIĆ: Stop there, please.

11 Q. Now do you see William Walker?

12 A. Yes.

13 Q. Do you see yourself in the frame?

14 A. No.

15 MR. MISETIĆ: Continue, please.

16 [Video-clip played]

17 MR. MISETIĆ: If we could stop one more time, please.

18 Q. Did you see at any point so far Mr. Desku or Mr. Kastrati?

19 A. No.

20 MR. MISETIĆ: We can continue, please.

21 [Video-clip played]

22 MR. MISETIĆ: If we can stop there and go to 12:03, please.

23 [Video-clip played]

24 MR. MISETIĆ: Stop there, please.

25 Q. Okay. Now, first, is it correct that -- do you see Mr. Desku

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1 and Mr. Kastrati?

2 A. Yes.

3 Q. Did you recognise the person in the grey hair there?

4 A. Yes.

5 Q. Who is that person?

6 A. Shaun Byrnes.

7 Q. Did you see whether Messrs Desku and Kastrati came in the same  
8 car or a different car as the Serb journalists?

9 A. I don't know. I don't know.

10 Q. If we could --

11 A. I didn't pay any attention.

12 MR. MISETIĆ: If we could play just a few more seconds and see  
13 if you see William Walker.

14 [Video-clip played]

15 MR. MISETIĆ: If we could stop there, please.

16 Q. Are you anywhere? Have you seen yourself anywhere in this  
17 scene?

18 A. No.

19 Q. Thank you. So, Witness, would you agree with me that what  
20 Mr. Walker said there, at least in those parts, is inaccurate about  
21 him peeking into a car and seeing Messrs Desku and Kastrati and  
22 asking you about them and who they were, et cetera? That wasn't  
23 accurate, was it?

24 A. I didn't see him earlier. As the Prosecutor put it, that Walker  
25 talked to me, he doesn't mention my name, so I can't say whether he

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1 did speak with someone. But as far as with me, he didn't. And I'm  
2 very sure of that. If he said that they were in the same car, again,  
3 I can say that I didn't pay any attention whether it was in the same  
4 car. If not, then it shows that he was inaccurate in what he was  
5 saying.

6 Q. We should probably speak to Mr. Walker about that; correct? Do  
7 you agree with me?

8 A. Correct. Yes.

9 Q. Let's turn to the topic of hypotheticals.

10 MR. MISETIC: Madam Court Officer, if we could please have on  
11 the screen P1870.3, page 18 in the English and in the Albanian.  
12 Beginning at line 3 in the English and line 2 in the Albanian.

13 Q. Now, let me read this question and answer to you again, and I  
14 want to ask you then a question about hypotheticals. You are asked:

15 "But are you saying that if the zone commander, after" --

16 And let me just -- again, for clarity here, this is your 2006  
17 ICTY testimony. So you're saying this in 2006. But the question  
18 you're asked is:

19 "But are you saying that if the zone commander, after making his  
20 investigation in the field with the help of his soldiers in the  
21 field, has established that someone is in his opinion a collaborator  
22 with the Serbs, could he -- and this person will not give up this  
23 information, he will deny that this is a fact, but the zone commander  
24 has made his investigation and he's completely clear to himself that  
25 this person is collaborating with the Serbs, could he have taken the

1 decision for himself to kill this person?"

2 And your answer is:

3 "Let's just bear one thing in mind. As far as I know, no  
4 collaborator as far as being able to communicate ... no collaborator  
5 was killed because of the fact ... he was a collaborator."

6 Now, do you believe that you were clear to the ICTY that you had  
7 no knowledge that anybody had been killed because they were a  
8 collaborator?

9 A. Yes.

10 Q. Now, after you give that answer --

11 MR. MISETIĆ: If we could scroll up to the next question -- or  
12 scroll down, I should say. Yeah.

13 Q. Now this question:

14 "But, just to go back to my question, would it have -- if [it]  
15 had happened could -- like I described earlier, if that happened in  
16 [that] way I originally explained it earlier, could they have made a  
17 decision to kill this person?"

18 How did you understand that question? Was it asking you for a  
19 fact or was it asking you a hypothetical?

20 A. It is a hypothetical, indeed, because it says: If that were,  
21 would it be.

22 Q. Okay. At no time after you give your answers here, am I correct  
23 that at no time did the ICTY investigators ask you specific basic  
24 questions such as who, what, when, where, why, how, to identify  
25 specific instances where anybody had been killed because they were a

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1 collaborator; is that right?

2 A. It is right.

3 Q. And in your preparation session, the Prosecutor didn't ask you  
4 any specific questions to identify anybody that had been killed based  
5 on your testimony in 2006; is that correct?

6 A. Yes, I think so.

7 Q. He never asked you to identify a victim who had been killed as a  
8 collaborator pursuant to a collaborator policy; correct?

9 A. We discussed for a whole day. I don't think he did that.

10 Q. He never asked you to identify a person in the General Staff who  
11 authorised the killing of a collaborator; correct?

12 A. Correct.

13 Q. He never asked you when such an event took place; correct?

14 A. Yes.

15 Q. So when he's asking you now why didn't you clarify or correct  
16 something, he never asked you for any details in the prep session if  
17 he really believed that this was testimony that this policy had  
18 actually ever been in effect; correct?

19 A. Correct.

20 Q. Now, a few minutes ago he put to you paragraph 43 of your ICTY  
21 statement and read it to you, and I'm going to read it to you again.  
22 Here's what's in the paragraph:

23 "With regard to Serbian collaborators, operational zone  
24 commanders acted on the basis of the report that was provided to them  
25 by the soldiers under their command. After the person had been

1 warned and the General Staff was satisfied that he was a Serbian  
2 collaborator, the collaborator could be killed by the KLA command  
3 structure if he continued his activities."

4 Now, "could be killed." Were you saying there that someone  
5 actually had been killed or were you saying this hypothetically?

6 A. It is hypothetical because such a case never happened. We  
7 didn't receive any report on such an event happening. At least  
8 myself, I never received such a report.

9 Q. Okay.

10 MR. MISETIC: And, Mr. President, if we can go into private  
11 session, please.

12 PRESIDING JUDGE SMITH: Into private session, please,  
13 Madam Court Officer.

14 [Private session]

15 [Private session text removed]

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1 [Private session text removed]

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7 [Open session]

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

9 MR. MISETIC: Thank you.

10 Q. Thank you, Witness.

11 MR. MISETIC: Thank you, Mr. President. That concludes my  
12 further cross-examination.

13 PRESIDING JUDGE SMITH: Anybody else want to follow that up?

14 MR. DIXON: Yes, thank you, Your Honours. Just a few additional  
15 questions.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 MR. DIXON: Yes. And it can be in public.

18 PRESIDING JUDGE SMITH: It is.

19 MR. DIXON: Yeah.

20 Further Cross-examination by Mr. Dixon:

21 Q. Mr. Bashota, good morning again. I just have a few questions  
22 arising as well. You would have heard this morning what Mr. Halling  
23 said about you at the end of his questions. It may not have been put  
24 explicitly, but essentially Mr. Halling is saying that you as a  
25 witness for the Prosecution are a biased witness; in other words, an

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1 unreliable witness. And in fairness, I wanted to give you the  
2 opportunity to answer that suggestion that's being made to you.

3 Have you come here to court over these days to be a biased  
4 witness and give evidence in favour of any of the accused regardless  
5 of the truth?

6 A. I am very aware of my responsibilities, both penal and legal,  
7 and I have not come here at all to defend anyone other than the truth  
8 and only the truth, and I took the oath to that effect.

9 You have to apologise sometimes when I don't remember  
10 everything, because here I come to testify to what I know, to what I  
11 have seen, and to what I remember.

12 Q. So it's right, isn't it, and this is for you to answer here in  
13 court today, that you have told the truth in relation to all the  
14 questions that you've been asked to the best of your recollection?

15 A. Yes, yes.

16 Q. Then just one other matter in relation to questions that were  
17 asked to you in the preparation sessions by Mr. Halling. Did he ever  
18 suggest to you in those sessions that you were a biased witness?

19 A. No.

20 Q. So he never suggested to you in any way that you were trying to  
21 cover for any of the accused?

22 A. No, he did not.

23 Q. And did he ever show you a copy of the indictment in this case,  
24 with all the charges, all of the incidents, or explain to you what  
25 was in the indictment?

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Further Cross-examination by Mr. Dixon

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1 A. No.

2 Q. So he never showed you any of the actual cases that are charged,  
3 that are alleged to be ones regarding collaborators, and ask you to  
4 comment on those actual cases and whether you knew anything about  
5 them?

6 A. Correct.

7 Q. Thank you, Mr. Bashota.

8 MR. DIXON: Those are my questions.

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

10 Anybody else? No one else seeking the floor.

11 Judge Barthe has some questions.

12 JUDGE BARTHE: Yes. Thank you, Judge.

13 PRESIDING JUDGE SMITH: Before you begin.

14 The same routine we did the other day. If you have something,  
15 anybody, to raise during the Judges' questions and the nature of a  
16 question or comment, please let us know by standing, and we will  
17 excuse the witness for that, and then we'll go on.

18 JUDGE BARTHE: Thank you, Judge Smith.

19 Questioned by the Trial Panel:

20 JUDGE BARTHE: And good morning, Mr. Bashota.

21 A. Good morning.

22 JUDGE BARTHE: The Panel, Mr. Bashota, has a few more questions  
23 for you which we believe are necessary to better understand your  
24 evidence and to clarify some issues that, in our view, need further  
25 clarification. And I would like to start with what you said in your

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Questioned by the Trial Panel

1 preparation session with the SPO and what is recorded in Preparation  
2 Note 2, paragraph 36 and paragraph 37.

3 These two paragraphs read as follows, Preparation Note 2,  
4 paragraph 36:

5 "The first core members of what became the Central Staff were:  
6 Azem Syla, Xheladin Gashi, Nait Hasani, Xhavit Haliti, and W04401,"  
7 that is you, Mr. Bashota. "They were not initially a 'staff' - just  
8 a group of friends who met to consolidate activities in the terrain.  
9 The Central Staff was later named in a communiqué - there were only  
10 small groups in Kosovo at the time, and W04401 laughed when the  
11 communiqué referred to the group as part of a liberation 'army'."

12 Paragraph 37:

13 "After the arrest of Nait Hasani and the killing of  
14 Zahir Pajaziti, this group disbanded and Xheladin Gashi went to  
15 Albania. W04401 was in Albania for two months, and then was mainly  
16 in Cerovik in 1997. The Central Staff was still issuing communiqués  
17 in 1997, but W04401 was not a part of it. W04401 does not know who  
18 was issuing these communiqués, but before his arrest communiqués were  
19 written by Nait Hasani and Xheladin Gashi."

20 Mr. Bashota, do you recall saying that to the Prosecution? And  
21 a yes-or-no answer would suffice at this point.

22 A. Yes.

23 JUDGE BARTHE: Thank you. You were shown two documents last  
24 week by the Prosecution, namely Communiqué No. 28 and  
25 Communiqué No. 29.

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1 Madam Court Officer, could you please put up on the screen  
2 Exhibit P273 both in English and Albanian. Thank you.

3 Mr. Bashota, I'm aware that you said you had not seen this  
4 communiqué before, but I would like to ask you to look at the first  
5 sentence where it says:

6 "On 26 December 1996 and 9 January 1997, in the operational zone  
7 no. 1, our armed units carried out two assassinations against  
8 collaborators of the Serbian occupier in Kosovo."

9 And this is my first question for you: What and/or where was  
10 operational zone number 1?

11 A. As I said earlier, and you affirmed it, Your Honour, it's a  
12 communiqué that I haven't seen before. And I do not recall that  
13 there was any operational zone number 1 at the time. Xheladin Gashi  
14 and Nait Hasani were the ones who dealt with those zones or subzones  
15 as they were called at the time, so I do not know on whether the  
16 reference here is to the Drenica or the Llap zones. I do not have  
17 that organisational chart of the Central Staff of the time that had  
18 delineated the directors as they existed at the time.

19 In my view, this is a communiqué that was meant just for the  
20 public opinion, and I do not think that there is anything there that  
21 is verifiably true.

22 JUDGE BARTHE: Thank you, Mr. Bashota. We have information that  
23 initially - that is, in the years before the war started - until late  
24 1998, there were operational subzones within one operational zone  
25 which encompassed all of Kosovo, and this terminology changed and the

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1 subzones were transformed into zones. Have you heard of that?

2 A. They could have existed on paper. But what I'm stating here is  
3 that during the years 1996 and 1997, there were no more than three or  
4 four groups which had organised as self-defence groups. They were  
5 not even properly consolidated amongst themselves.

6 The mentioning of zones might have just been as a plan for the  
7 future, thinking that maybe the number of KLA soldiers would increase  
8 and that they would exist only as plans, as preparatory plans for the  
9 conduct of the future war.

10 JUDGE BARTHE: Thank you, Mr. Bashota. Just to be clear, I'm  
11 only talking about terminology. So you mentioned the Drenica zone,  
12 and I will ask you directly: Could it be that operational zone  
13 number 1 is a reference to the whole of Kosovo?

14 A. I think that the entire Kosovo was called an operational zone.

15 JUDGE BARTHE: And, for example, the Drenica operational zone,  
16 could it be that this was at the time, at least when it comes to  
17 terminology, a subzone?

18 A. A subzone, yes.

19 JUDGE BARTHE: Thank you. Mr. Bashota, have you heard of a  
20 person called Faik Bellopoja mentioned here in the second paragraph  
21 of this communiqué?

22 A. No, Your Honour.

23 JUDGE BARTHE: Do you know whether there was an attack on  
24 someone in Besi or Podujeve in December 1996?

25 A. I don't recall.

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1 JUDGE BARTHE: Can you tell us where you were in December 1996?

2 A. In December 1996 I was in my native village.

3 JUDGE BARTHE: For the record, this is where?

4 A. Caravik. My first son was born at the time on December 1st, and  
5 I know it for a fact that I was in Caravik.

6 JUDGE BARTHE: Thank you. Do you know whether a forester was  
7 attacked by the KLA in December 1996?

8 A. No.

9 JUDGE BARTHE: And have you heard that a person was killed in  
10 Prishtine in Lagjia, that is spelled L-a-g-j-i-a, Spitalit, at the  
11 hospital neighbourhood? Have you heard about that?

12 A. No.

13 JUDGE BARTHE: Thank you. Yesterday, Mr. Bashota, during your  
14 questioning, or during questioning by the Krasniqi Defence, you were  
15 shown a newspaper article about an interview with a person called  
16 Fatmir Sheholli.

17 And could we have the exhibit on the screen. It's gone. This  
18 one. Thank you. A little further down to the communiqué. Thank  
19 you.

20 Do you remember, Mr. Bashota, that you were shown a newspaper  
21 article about an interview with a person called Fatmir Sheholli  
22 yesterday by the Krasniqi Defence?

23 A. Yes.

24 JUDGE BARTHE: Thank you. For the record, that's admitted  
25 Exhibit 4D00098.

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1 I would like to know from you do you know the second person  
2 mentioned in Communiqué No. 28, Maliq Sheholli, who was allegedly a  
3 Serbian Socialist Party, or SSP, member of parliament?

4 A. No.

5 JUDGE BARTHE: Do you know anything about what happened to that  
6 person, whether he was killed or who killed him?

7 A. No, I do not. I have no knowledge about it.

8 JUDGE BARTHE: Thank you. Mr. Bashota, you said on Thursday  
9 last week - and I'm referring to pages 22987 and 22988 of the  
10 transcript - that communiqués were used to inform the Albanian  
11 population in Kosovo and elsewhere as well as to warn people who  
12 collaborated with the enemy; is that right?

13 A. Yes.

14 JUDGE BARTHE: Do you know how communiqués were submitted to the  
15 media before they were published? Did the KLA, for example, send  
16 faxes to the media?

17 A. As I stated here, I have never had a written communiqué in my  
18 hands, and I do not know how they were forwarded. We did what was  
19 possible during the war, dependent on the circumstances. In the  
20 majority of cases, we had no access to the media, be it printed or  
21 electronic, so I do not know.

22 JUDGE BARTHE: Thank you. In paragraphs 37 and 59 of  
23 Preparation Note 2, and also in this courtroom, you mentioned a  
24 person named Zahir Pajaziti. Do you remember that?

25 A. Yes.

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1 JUDGE BARTHE: Was that person with the name Zahir Pajaziti a  
2 KLA member?

3 A. Yes.

4 JUDGE BARTHE: Did he, Mr. Pajaziti, have a nickname?

5 A. I don't remember.

6 JUDGE BARTHE: Could it be that his nickname was Ujku, or, in  
7 English, Wolf?

8 A. I don't think so. I never heard it.

9 JUDGE BARTHE: Do you know where Mr. Pajaziti was operating?

10 A. Mr. Pajaziti comes from Podujeve and he would have operated in  
11 that part of the region by all accounts.

12 JUDGE BARTHE: Thank you.

13 Madam Court Officer, could you please bring up Exhibit P275 both  
14 in English and Albanian. Thank you.

15 Mr. Bashota, can you see this communiqué titled  
16 "Communiqué No. 30" that was on the right side of the page of that  
17 newspaper?

18 A. Yes.

19 JUDGE BARTHE: Do you see that a Zahir Pajaziti is mentioned in  
20 this communiqué?

21 And if we zoom out a little in the Albanian, please. On the  
22 left side of the screen. And a little bit further to the left,  
23 please. Yeah, that's it. Thank you.

24 You can also see a photo of a person with that name and the  
25 words in brackets, I hope you can read it, "1962 to 1997." Can you

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1 see that, Mr. Bashota?

2 A. Yes.

3 JUDGE BARTHE: Is the person in the photo on the left the man  
4 you knew as Zahir Pajaziti?

5 A. It appears to be the same person. I can't identify him clearly  
6 from the picture, but it appears to be the same person.

7 JUDGE BARTHE: Thank you.

8 And could we have the communiqué in Albanian a little bit  
9 larger, please. Thank you.

10 Mr. Bashota, the first paragraph of this communiqué reads:

11 "On 31 January 1997, in the late hours of the afternoon three  
12 members of our military units: Hakif Zejnullahu, Zahir Pajaziti and  
13 Edmond Hoxha while on their way to carry out a special mission  
14 encountered a large number of occupying Serbian forces. After a  
15 heroic resistance, in an uneven battle, they gave their lives for the  
16 liberation of the country."

17 Mr. Bashota, is this description in line with what you know  
18 happened to Zahir Pajaziti in 1997, January?

19 A. I know that they were killed in an ambush. As to what tasks  
20 they were about to perform, as it's written here, I don't know, but I  
21 know that they were killed.

22 JUDGE BARTHE: That would have been my next question. So you  
23 don't know what special mission -- or what the special mission was  
24 that Mr. Pajaziti and his co-fighters were supposed to carry out?  
25 You don't know that?

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1 A. No, I did not know it even at the time.

2 JUDGE BARTHE: Thank you. Mr. Bashota, have you heard of the  
3 funeral of a person with the name Milos Nikolic, who was allegedly  
4 executed on 25 October 1996?

5 A. I can't remember.

6 JUDGE BARTHE: Madam Court Officer, could we please have  
7 Exhibit P273 back up on the screen only in the Albanian. Can we zoom  
8 in a little bit on Communiqué No. 28 on the right, bottom right.  
9 Yeah, thank you.

10 Mr. Bashota, you said last Thursday, on page 23001 of the  
11 transcript, that this communiqué was issued outside Kosovo. I would  
12 like to ask you why did you say that? I'm asking because you stated  
13 you saw this communiqué for the first time here in this courtroom  
14 last week on Thursday. So how do you know that it was issued outside  
15 Kosovo, especially if you look at the bottom right where it says that  
16 it was written or at least issued by the Central Staff of the KLA in  
17 Prishtine on 12 January 1997?

18 A. Your Honour, I mentioned the *Zeri i Kosoves* newspaper which used  
19 to be published in the West. Whereas the reference here that this  
20 was issued in Prishtine is not something that I remember. But this  
21 newspaper came out in Switzerland alone as far as I know, and that is  
22 what I had in mind.

23 JUDGE BARTHE: So is it correct that you actually don't know  
24 where it was written, whether it was written in Prishtine or outside  
25 Kosovo or elsewhere in Kosovo?

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1 A. No, I do not know it with any certainty.

2 JUDGE BARTHE: Thank you for the clarification.

3 Madam Court Officer, could we -- or could you please bring up  
4 Exhibit P274 both in English and Albanian. Yes, thank you. There it  
5 is.

6 Mr. Bashota, please take a quick look at this document and tell  
7 us whether you know a person named Fazli Hasani from Braboniq,  
8 Mitrovice. Do you know that person?

9 A. No, I don't, Your Honour.

10 JUDGE BARTHE: Do you know whether this person was actually  
11 killed in January 1997?

12 A. No, I do not.

13 JUDGE BARTHE: Have you heard, if you look at the third  
14 paragraph, at least in the English, it should be the same in the  
15 Albanian, have you heard about an assassination attempt on the rector  
16 of the Serb university in Prishtine, Radivoje Papovic and/or the  
17 wounding of his personal driver Nikola Lalic? Have you heard about  
18 that?

19 A. Yes, I heard it through the media because the Kosovo media at  
20 the time covered it extensively. So, yes, I have heard about this  
21 case.

22 JUDGE BARTHE: Just two or three more questions before we break.  
23 Can you tell us what you have heard about what happened to  
24 Mr. Papovic and his driver?

25 A. At the time it was reported that the rector, Papovic, was

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1 wounded as a result of an explosion in Prishtine.

2 JUDGE BARTHE: Did you hear who was responsible for that  
3 explosion?

4 A. No.

5 JUDGE BARTHE: Do you know what caused the explosion?

6 A. I don't know.

7 JUDGE BARTHE: Maybe I can help you with that. Have you heard  
8 that the explosion was caused by a remote-controlled car bomb? Does  
9 that help you?

10 A. That's what was reported at the time, that it was an  
11 assassination against Rector Papovic through a remotely controlled  
12 bomb.

13 JUDGE BARTHE: Do you know whether Mr. Papovic and/or his driver  
14 survived the attack?

15 A. If I recall correctly, yes.

16 JUDGE BARTHE: And my last question before the break. Do you  
17 know -- if you look at the fourth paragraph, it should be the same in  
18 the Albanian. Do you know a person called Xun Dervishi from  
19 Skenderaj?

20 A. No. No, I don't.

21 JUDGE BARTHE: Do you know whether he was killed or wounded in  
22 January 1997?

23 A. No, I do not know, Your Honour. I can't remember.

24 JUDGE BARTHE: Thank you. That's it for the moment.

25 PRESIDING JUDGE SMITH: We'll take a half-hour break now,

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1 Witness. We'll reconvene at 11.30. You may leave the courtroom now  
2 with the Usher.

3 [The witness stands down]

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

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

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

7 PRESIDING JUDGE SMITH: Please bring the witness in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: Mr. Bashota, we continue with questions  
10 from the Panel. Judge Barthe has the floor.

11 JUDGE BARTHE: Thank you.

12 And welcome back, Mr. Bashota and Duty Counsel.

13 A. Thank you.

14 JUDGE BARTHE: Mr. Bashota, during your testimony here in this  
15 courtroom and also in your preparation session - I'm referring to  
16 Preparation Note 2, paragraph 37 - you mentioned a person named  
17 Nait Hasani as a member of the Central Staff, and you told us that he  
18 was arrested. Do you remember that?

19 A. Yes.

20 JUDGE BARTHE: And you confirmed on Monday, on page 23134 of the  
21 transcript, in response to a question by the Thaci Defence, that  
22 Nait Hasani had been arrested in January 1997. Is that correct as  
23 far as you know?

24 A. Yes. To my recollection, yes. In January.

25 JUDGE BARTHE: Thank you. Can you tell us who arrested

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1 Nait Hasani and why he was arrested?

2 A. I don't know the reasons because I never saw the indictment  
3 against him, but I saw that he'd been arrested by the secret services  
4 of Serbia in Kosovo.

5 JUDGE BARTHE: But you don't know why he was arrested?

6 A. I do not.

7 JUDGE BARTHE: You also said that Xheladin Gashi went to  
8 Albania; is that correct?

9 A. Yes. He stayed in Prekaz at the legendary commander Adem  
10 Jashari's initially before proceeding to Albania.

11 JUDGE BARTHE: And can you say when exactly Mr. Gashi left and  
12 went to Albania? Was that also in January or February 1997?

13 A. I think it was later, but I can't be certain.

14 JUDGE BARTHE: But in 1997, still in 1997?

15 A. Yes, 1997.

16 JUDGE BARTHE: And do you know why Mr. Gashi left Kosovo?

17 A. As I said, with the incarceration of Nait, Zahir's killing, and  
18 Bislim Zogaj's arrest, we were dispersed, and they deemed it  
19 impossible to stay on in Kosovo. That's why they went to Albania.  
20 If there was any other reason, that is not known to me.

21 JUDGE BARTHE: So from the answer you just gave in response to  
22 my question, is it, from your point of view, possible that Mr. Gashi  
23 left Kosovo and Mr. Hasani was arrested because -- or in connection  
24 to their activity as members of the Central Staff?

25 A. It is likely.

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1 JUDGE BARTHE: So, in other words, it had nothing to do with --  
2 the arrest of Mr. Hasani, with any other criminal activities, drug  
3 dealing, or other criminal acts as far as you know?

4 A. I used to know Nait Hasani from the time when he was a student,  
5 and I don't think he was involved with any other activity. He's  
6 somebody who'd been imprisoned earlier as well if I recall correctly.  
7 And apart from his patriotic activity, I don't think there was any  
8 other reason to explain why he was arrested.

9 JUDGE BARTHE: Thank you. You further stated last Thursday on  
10 page 23002 of the transcript, and also earlier this week, that at the  
11 time of the Central Staff, it was said that communiqués were written  
12 abroad and that Xheladin Gashi and Nait Hasani were those who dealt  
13 mostly with these. Do you recall saying that?

14 A. Yes.

15 JUDGE BARTHE: I would like to know who said that? Because you  
16 said it was said. Who said that communiqués were written abroad?  
17 When and where did you learn this?

18 A. When we discussed the issue of communiqués with Nait Hasani,  
19 Nait said that, "This issue is something that we deal with," meaning  
20 him and Plaku, meaning Xheladin Gashi. So that information came to  
21 me from him.

22 JUDGE BARTHE: Was that before or after his arrest?

23 A. Before.

24 JUDGE BARTHE: Can you remember when it was approximately? Was  
25 it in 1996?

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1 A. It's possible it was even earlier.

2 JUDGE BARTHE: Can you try to be a little bit more precise?

3 A. Maybe around 1994 or 1995. I'm not sure about it. I have not  
4 paid any particular attention to that, Your Honour.

5 JUDGE BARTHE: Thank you. That's not a problem.

6 You also stated here that Xheladin Gashi and Nait Hasani were  
7 those who dealt mostly with communiqués. And, of course, this calls  
8 for the question who else in the Central Staff dealt with communiqués  
9 in 1996, 1997, apart from Mr. Gashi and Mr. Hasani, because you said  
10 "mostly"?

11 A. Nait Hasani told me that communiqués are also being issued  
12 abroad. And when he said "abroad," that means outside the territory  
13 of Kosovo.

14 JUDGE BARTHE: And he didn't mention any names, who was  
15 responsible, who was doing that, issuing communiqués from abroad,  
16 from outside Kosovo?

17 A. No.

18 JUDGE BARTHE: Did he specify from which country these  
19 communiqués came or were issued?

20 A. No, he did not mention.

21 JUDGE BARTHE: Mr. Bashota, you confirmed last week, on page  
22 23001 of the transcript, that you were part of the Central Staff in  
23 December 1996 and January 1997. I would like to ask you who else was  
24 a member of the Central Staff at that time. You talked about in  
25 Preparation Note 2 in paragraph 36 about the first core members of

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1 what became, you said, the Central Staff. But I'm now interested in  
2 knowing from you who was a member of the Central Staff apart from you  
3 and, I assume, Mr. Hasani and Mr. Gashi, Xheladin Gashi, at that  
4 time, December 1996, January 1997?

5 A. Azem Sylja, Xheladin Gashi, Nait Hasani, myself, Ali Ahmeti.  
6 It's six people altogether. I don't know if I mentioned them all.

7 JUDGE BARTHE: The Presiding Judge just said it could be five.  
8 Can you try to count again and make sure that you're -- what you said  
9 in your statement is correct?

10 A. Azem Sylja, Xhavit Haliti, Ali Ahmeti, myself, Nait Hasani, and  
11 Xheladin Gashi.

12 JUDGE BARTHE: That's six. Thank you.

13 Mr. Bashota, on Monday you said, during your cross-examination  
14 by the Thaci Defence, that Mr. Thaci was not a member of the  
15 Central Staff in 1996 and 1997. He only became a member of the  
16 General Staff in November 1998; is that correct?

17 A. Yes.

18 JUDGE BARTHE: You also said, in response to a question by the  
19 Veseli Defence yesterday, that Mr. Veseli was also not a member of  
20 the Central Staff; correct?

21 A. Yes, correct.

22 JUDGE BARTHE: And Jakup Krasniqi was also not a member of the  
23 Central Staff in 1997; is that correct?

24 A. Correct.

25 JUDGE BARTHE: So just to be clear, the only accused, according

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1 to your statement, who was indeed a member of the Central Staff in  
2 1997 was Mr. Rexhep Selimi; is that correct?

3 A. In my statement, I said that when Xheladin Gashi went to  
4 Albania, he mentioned that Rexhep Selimi and Lahi Brahimi should also  
5 join the Central Staff. However, I was neither able to contact  
6 Mr. Selimi -- I wasn't able to contact Mr. Selimi or be able to make  
7 the Central Staff and its functions operational.

8 JUDGE BARTHE: Indeed, Mr. Bashota. According to Preparation  
9 Note 1, paragraph 5, you told the Prosecution the following, I quote:

10 "When Xheladin Gashi left for Albania, it was decided that  
11 Rexhep Selimi and Lahi Brahimaj should join the Central Staff because  
12 so much of the staff had left Kosovo (and these two were still in  
13 Kosovo). W04401," that's you, Mr. Bashota, "does not believe that  
14 Rexhep Selimi was able to do anything at all in the Central Staff in  
15 1997."

16 Could I ask you to tell us again why was Mr. Rexhep Selimi not  
17 able to do anything in the Central Staff in 1997?

18 A. That was because the group had not been consolidated enough.

19 JUDGE BARTHE: You said last Thursday in response to a similar  
20 question by the Prosecutor at page 22972 of the transcript:

21 "According to my information. We did not meet very often at the  
22 time. We didn't spend time together at the time."

23 I would like to ask you what was the information that made you  
24 believe that Mr. Selimi was not able to do anything at all in the  
25 Central Staff in 1997? In other words, who told you this?

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1 A. The rump of the Central Staff left behind in Kosovo consisted  
2 only of myself, because Xhavit Haliti, Ali Ahmeti, and Azem Sylja were  
3 abroad. I don't know whether it was in Albania or Switzerland.  
4 Xheladin Gashi went to Albania. Nait Hasani was arrested. And I was  
5 the only one of the Central Staff left behind in Kosovo. So to all  
6 intents and purposes, that staff had been dissolved as far as its  
7 activities inside Kosovo were concerned.

8 JUDGE BARTHE: So just to be clear, you're saying this because  
9 you and Mr. Selimi were the only members of the Central Staff who  
10 remained in Kosovo; is that right?

11 A. In -- yes. But there was no official meeting to make the  
12 membership of Rexhep Selimi and Lahi Brahimaj members of the  
13 Central Staff. Plaku said that he should be co-opted in there, but  
14 he did not delve any further into this matter because he went to  
15 Albania.

16 JUDGE BARTHE: Just, again, I'm seeking clarification from you.  
17 Does that mean that Mr. Selimi was, indeed, not a member of the  
18 Central Staff in 1997? That he was only supposed to become a member?  
19 He didn't become a member because you didn't meet or you didn't have  
20 the opportunity to meet with members of the Central Staff -- other  
21 members of the Central Staff to decide whether he should become a  
22 member or not?

23 A. I think what you're saying is correct to the best of my  
24 knowledge.

25 JUDGE BARTHE: So, again, for my understanding. It was

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1 necessary -- was it necessary that a decision was taken to -- so that  
2 Mr. Selimi could become a member of the Central Staff, collegial  
3 decision by the other members of the Central Staff? Is that what you  
4 are saying?

5 A. Yes.

6 JUDGE BARTHE: I think I understand now. Thank you for the  
7 clarification.

8 Mr. Bashota, let me ask you the following question, and this is  
9 really important, and I will tell you in a second, if you bear with  
10 me, why I'm asking the question again. Were you personally involved  
11 in writing or publishing communiqués after the arrest of Nait Hasani  
12 in January 1997?

13 I'm now explaining to you why I'm asking the question again.  
14 Because we have heard from the Prosecution - that's on page 23080 of  
15 the transcript - that Mr. Rexhep Selimi has apparently stated that  
16 you were "one of the people who dealt" -- or "that dealt with  
17 communiqués during 1997."

18 So I would like to ask you again, Mr. Bashota, is it still your  
19 evidence that you were not involved in writing or publishing  
20 communiqués or that you were not dealing with communiqués at all in  
21 1997?

22 A. I have not written a single communiqué, Your Honour.

23 JUDGE BARTHE: I understand. But again I'm seeking  
24 clarification. Do you have any explanation why Mr. Selimi said that  
25 you were one of the people that dealt with communiqués in 1997?

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1 A. I don't know what Mr. Selimi has said. The Prosecutor said, if  
2 I remember correctly, that "Mr. Selimi did not say that you have  
3 mainly dealt with this one," or whether I dealt with it. He might  
4 have made an assumption there. But the reality is that I have not  
5 written a single communiqué.

6 JUDGE BARTHE: Mr. Bashota, I checked the quote myself. What's  
7 in the transcript is that Mr. Selimi had said, I'm quoting now from  
8 what is recorded in the transcript, that you were -- Sokol Bashota  
9 was "one of the people that dealt with the communiqué during 1997."  
10 So this is what is recorded.

11 And I know, of course, you were not there. I wasn't there,  
12 either. So this is why I'm asking you whether you have an  
13 explanation why he's saying that. The only reason.

14 A. I have no way of knowing why he would have stated that, but I  
15 can state here with full responsibility that I have not written a  
16 single communiqué myself.

17 JUDGE BARTHE: And you have also not published or dealt  
18 otherwise with communiqués, giving input, giving information,  
19 providing information to the people who wrote the communiqués in  
20 1997, because you were in Kosovo?

21 A. I was in Kosovo in 1997, yes; and for part of the time, I was in  
22 Albania too. But I have not written any communiqués.

23 JUDGE BARTHE: And you had not given information, as I just  
24 indicated, provided information to someone who wrote communiqués or  
25 published communiqués about events in Kosovo, what happened on the

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1 ground, while you were in Kosovo?

2 A. I cannot recall ever having been able to suggest anything to  
3 anyone.

4 JUDGE BARTHE: Thank you. As far as you know, was one of the  
5 accused involved in writing or publishing communiqués in 1997? The  
6 accused here in this courtroom.

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

8 JUDGE BARTHE: Can you tell us why you don't believe that one of  
9 the accused was involved in writing or publishing communiqués in  
10 1997? I'm only talking about the time 1997.

11 A. Because none of them had any such responsibility at the time.

12 JUDGE BARTHE: Again, just to be clear about that point.  
13 Assuming that communiqués were not written in Kosovo, they were  
14 written abroad, as you said, or also abroad, how can you be sure that  
15 they were not written or published by, for example, accused who were  
16 not in Kosovo; for example, according to your statement, Mr. Thaci or  
17 Mr. Veseli who were not living in Kosovo at the time either?

18 A. What I mentioned was the post that they did not hold within the  
19 Kosovo Liberation Army at the time. I cannot assume if somebody had  
20 been able to write a communiqué or not. However, they had no such  
21 official responsibility, so I do not know on whether they had been  
22 able to write one or not.

23 JUDGE BARTHE: I understand that there was no -- according to  
24 your statement, no official responsibility to write or publish  
25 communiqués, but I would like to know who had the authority within

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1 the Central Staff to write or publish communiqués in 1996, 1997? Who  
2 could do that?

3 A. I did state here about Nait because he told me that "we deal  
4 with this" from 1996 until Nait's arrest. And as I said, I have not  
5 dedicated some time trying to find out the origin of the drafting of  
6 these communications. I don't know whether it was Azem Syla,  
7 Xhavit Haliti, or others who stayed abroad in Albania, or whether it  
8 was members of the Kosovo People's Movement, because a number of  
9 communiqués came out of their press organ. So I do not know if --  
10 otherwise if these people had authority to write them at the time.

11 JUDGE BARTHE: So Mr. Hasani had the authority or at least he  
12 acted and issued and published communiqués before he was arrested,  
13 together with maybe Mr. Xheladin Gashi, as you said. But would you  
14 have had the authority to write or publish a communiqué in 1996,  
15 1997? If you had wanted to do that, of course.

16 A. No, I did not have such authority to write a communiqué.

17 JUDGE BARTHE: Can I ask you why you didn't have such an  
18 authority? Because you were a member of the Central Staff, and other  
19 members of the Central Staff, like Mr. Hasani and Mr. Gashi, wrote  
20 and published communiqués. Why didn't you have the authority to do  
21 that?

22 A. Nait Hasani was in charge of the Central Staff at the time, and  
23 I did not have a responsibility to write one. Azem Syla was  
24 mentioned as being the commander, and I do not know what level of  
25 cooperation they had between the two of them in the drafting of these

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1       communiqués.

2               JUDGE BARTHE: And who gave the two, Mr. Hasani and Mr. Gashi,  
3 the authority to write and draft communiqués? Was that Azem Sylja or  
4 another person, or was it decided among the members of the  
5 Central Staff before the arrest of Mr. Hasani and Mr. Gashi leaving  
6 the country? I'm sorry, go ahead.

7       A. Azem Sylja must certainly have given that authorisation. Or it  
8 was just a question of cooperation or information. That's the kind  
9 of procedure that I think should have been followed.

10              JUDGE BARTHE: And for you, Mr. Bashota, it was okay, you  
11 accepted that other people, other members of the Central Staff, like  
12 Mr. Hasani and Mr. Gashi, issued communiqués on behalf of the  
13 Central Staff and in the name of the Central Staff; is that right?  
14 Personally, for you personally.

15       A. It wasn't a problem for me.

16              JUDGE BARTHE: Thank you.

17              Now, Mr. Bashota, the Panel would like to know from you the  
18 following: Who was responsible for writing and publishing  
19 communiqués, political or other declarations of the KLA during the  
20 war in 1998 and 1999?

21       A. I had absolutely no interest in finding out who did that, and I  
22 do not. I paid no attention to the writing of the communiqués. That  
23 wasn't a task that I was able to perform. And I never asked anyone  
24 or as to who was drafting them and who was issuing them, whether it  
25 was being done inside Kosovo or abroad. I have no information, and

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1 as such, I just dare not single out somebody for -- as the author of  
2 them.

3 JUDGE BARTHE: So it's still your evidence that you have no  
4 personal knowledge of who was writing and publishing communiqués from  
5 February 1997 until the end of the war as you have confirmed during  
6 cross-examination by the Thaci Defence? Is that still your evidence?

7 A. If I -- to the best of my recollection, I do not think that  
8 anyone from amongst the members of the General Staff would have been  
9 able to write them.

10 JUDGE BARTHE: And do you know who was writing or issuing  
11 political declarations for the KLA during that time? I'm not talking  
12 about communiqués now. I'm talking about political declarations or  
13 other statements on behalf of the KLA. The General Staff of the KLA  
14 to be more precise.

15 A. I don't know for sure, but I think that it was possible to do  
16 that from the office of Mr. Demaci regarding the various matters. I  
17 don't know for sure whether the director of political directorate,  
18 Mr. Thaci, had this. He had the power but I don't know if he did  
19 write any such statements. This I don't know.

20 JUDGE BARTHE: Mr. Bashota, if I remember correctly, you said  
21 that you were a member of the General Staff and at least for some  
22 time also the deputy commander of the KLA, and -- and this is why I'm  
23 saying, or in relation to what I would say, correct me if I'm wrong,  
24 also a member of the political directorate; is that right? Were you  
25 a member of the political directorate?

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1 A. Yes.

2 JUDGE BARTHE: I'm asking that because we have heard in this  
3 courtroom from other witnesses that the political directorate had  
4 only very few members and was chronically understaffed. Would you  
5 agree with that proposition?

6 A. Yes.

7 JUDGE BARTHE: So you said that it could be that the office of  
8 Mr. Demaci was issuing political declarations on behalf of the KLA.  
9 But if I understood you correctly, it could also be that the  
10 political directorate - in this case, Mr. Thaci - had issued  
11 political declarations, but you don't know whether he actually did  
12 that. Is that your evidence?

13 A. Yes, correct.

14 JUDGE BARTHE: So if there were only a few people in this  
15 political directorate, can you explain to us why you don't know what  
16 other members -- the few other members of the political directorate  
17 did? Were you not present when other members were working or ...?

18 A. Your Honour, I don't know what impression is created regarding  
19 such forums and the General Staff of the KLA. In addition to the  
20 seat in Divjake, we didn't have an organised staff per se like in the  
21 conditions of peace. It was a wartime, and we met very rarely then.  
22 And in most cases, not everyone attended.

23 I said that in those few -- very few meetings, each and everyone  
24 reported on their meetings. If I had a meeting with Shaun or  
25 somebody else, I reported on that meeting, on what we said.

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1 Jakup Krasniqi, if he had discussed with some internationals, also  
2 did the same, and Mr. Thaci, who mainly was responsible for  
3 higher-level meetings like with Petritsch and other personnel,  
4 international personalities. They reported on the specific work they  
5 had done and the specific meetings they had had.

6 As to the communiqués, I don't know how they went about it.

7 JUDGE BARTHE: Very well. Mr. Bashota, my final questions  
8 concern Preparation Note 2, paragraphs 32 to 35, where you talked  
9 about the arrest and detention of the two Serbian journalists and the  
10 two political activists, Cen Desku and Jakup Kastrati. Do you  
11 remember that, that you talked about that during your preparation  
12 session and also, of course, in this courtroom?

13 A. Yes.

14 JUDGE BARTHE: Mr. Bashota, let me ask you directly: Is it  
15 still your evidence that you don't know who made the decision to  
16 release the four prisoners?

17 A. Yes, Your Honour.

18 JUDGE BARTHE: Indeed, you already said in your preparation  
19 session - that's in paragraph 35 of Preparation Note 2 - that you  
20 don't know who made, at least what is recorded here, the order to  
21 release any of the persons, but you learned about them from  
22 Shaun Byrnes and Adem Demaci's letter; is that right?

23 A. Not exactly. There is something wrong in your description.  
24 Demaci sent me a letter through his driver, I think, or some  
25 associate of his. In the meantime, he -- Shaun Byrnes called me, and

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1 he said that he had discussed this issue with Mr. Demaci, and that  
2 he -- there was a request for the presence of two journalists from a  
3 Serbian agency who wanted to be present during this ceremony.

4 He merely notified me of two Serbian journalists who were  
5 supposed to come and be present during this ceremony.

6 JUDGE BARTHE: Did you talk to anyone from the General Staff  
7 about what you should do or say in relation to the prisoners?

8 A. No, with no one. I was waiting that day for a US delegation  
9 from KDOM, US KDOM, to come there to my family for dinner, about five  
10 or seven people. And I referred only to that letter which I wrote  
11 down in a notebook of mine because I wasn't clear about the ceremony,  
12 how it would develop. I tried to learn the letter by heart. And in  
13 the video, you can see that I did not remember all the words --  
14 accurately all the words that Demaci wrote in his letter. I tried to  
15 describe the contents of that letter, which I uttered there.  
16 Sometimes you can notice some muttering in the way I spoke because  
17 that was my first public appearance before the media and in the  
18 presence of such a large number of journalists. I had never been in  
19 that situation before.

20 JUDGE BARTHE: I understand. And, Mr. Bashota, you said  
21 yesterday you couldn't recall getting instructions from Mr. Thaci,  
22 but you could recall receiving instructions from Mr. Demaci who told  
23 you on the phone that you should mention democracy as much as you  
24 could in your speech to the press? Is that right? Did you have a  
25 phone call with Mr. Demaci before you went to the location where the

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1 prisoners were released, ultimately released?

2 A. Yes. After that letter, we communicated with Mr. Demaci about  
3 this.

4 JUDGE BARTHE: You just said "we." At least according to our  
5 translation:

6 "... we communicated with Mr. Demaci ..."

7 Are you referring to yourself and another person or only to  
8 yourself?

9 A. I said "we," but I have to correct it. I meant myself. During  
10 these three, four days, I was asked so many questions, Your Honour,  
11 that I sometimes can get mixed up. I meant myself. I spoke with  
12 him.

13 JUDGE BARTHE: Not a problem at all. This is why I asked.

14 So there was a phone call. You had a phone call with  
15 Mr. Demaci. And is it correct, as it was described, I think, in the  
16 note we saw yesterday during cross-examination, that Mr. Thaci  
17 advised you or recommended to mention democracy as much as you could,  
18 or was it an instruction?

19 MR. MISETIC: I'm sorry, Your Honour. I think you --

20 JUDGE BARTHE: Yes.

21 MR. MISETIC: -- used the wrong name in the question.

22 PRESIDING JUDGE SMITH: You said Thaci.

23 JUDGE BARTHE: Did I say Thaci? I meant -- I meant, of  
24 course -- I'm very sorry for that mistake. I meant Mr. Demaci.

25 I repeat my question. Is it correct, because I was thinking

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1 about the note the Thaci Defence showed to us, that Mr. Demaci told  
2 you on the phone to mention democracy as much as you could in your  
3 speech to the press?

4 A. Yes, that's correct.

5 JUDGE BARTHE: And did you, in fact, mention democracy as much  
6 as you could?

7 A. I mentioned something. I think I did mention democracy or  
8 democratic.

9 JUDGE BARTHE: And just to be clear about that, was Mr. Demaci a  
10 member of the KLA General Staff at the time; that is, in or at the  
11 end of November 1998?

12 A. I cannot say that he was part of the General Staff with some  
13 official duty, but he was appointed by the General Staff as a  
14 political representative of the KLA and as the adequate person to set  
15 up the institutions of Kosovo at the time. Yes, he was.

16 JUDGE BARTHE: Thank you. And just to be clear on another point  
17 because we had different -- we heard from different views or there  
18 were different views about what an instruction is, an order is, or an  
19 advice is, or recommendation. Was that what Mr. Demaci told you on  
20 the phone, from your perspective, of course, from your point of view,  
21 was that an instruction, an order, a military order, or an advice,  
22 recommendation, that he -- when he mentioned that you should mention  
23 democracy as often as possible?

24 A. I don't think it was an order, but mainly I would say it was a  
25 recommendation.

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1 JUDGE BARTHE: Was it possible that Mr. Demaci had the authority  
2 to give orders to members of the KLA General Staff at the time, in  
3 November 1998 or later?

4 A. I cannot say it was an order in the classical sense of the word,  
5 but he had an influence and the authority. Adem Demaci was an emblem  
6 and remains as such for all Albanians of Kosovo. Therefore, it was  
7 not possible to say for sure it was an order or an advice. But if he  
8 said something, most probably -- for example, in the case of the  
9 Rambouillet delegation, other than that issue, we didn't have any  
10 issue, any confrontation with him.

11 JUDGE BARTHE: So would it be -- because you said he had the  
12 authority. Would it be possible for him to order you or to instruct  
13 you to step down from your position or other members of the  
14 General Staff? Could he order, instruct, give such an instruction  
15 that somebody from the General Staff is replaced by another person,  
16 for example?

17 A. Not this, but if he had put up such -- if he submitted such a  
18 request to the General Staff, provided he argued that request, I  
19 think that would have been fulfilled.

20 JUDGE BARTHE: And what about -- I know this is hypothetical  
21 and -- because I don't think that he ever gave such an order or  
22 instruction or recommendation. If Mr. Demaci had asked the  
23 General Staff to stop the war, would that instruction,  
24 recommendation, order, have been followed?

25 A. I think that during the war-time period, even if the

1 General Staff itself had issued such an order, I don't think the  
2 zones would have complied with that order because it was the will of  
3 the people, of the citizens at that time to join this war, and it was  
4 a voluntary war, and that the idea of liberation had penetrated  
5 everywhere in every family, was embraced by all individuals, so all  
6 tried to contribute to the liberation of Kosovo from Serbia.

7 JUDGE BARTHE: So you just talked about the General Staff, but I  
8 was asking - hypothetically, of course - about an order, instruction,  
9 recommendation, whatever you want to call it, by Mr. Demaci to the  
10 General Staff to stop the war. Would such an order or  
11 recommendation -- would the General Staff have complied with such an  
12 order, recommendation, advice?

13 A. I drew a parallel that such a request would be very dangerous  
14 for that time, but I don't think it would have been respected.

15 JUDGE BARTHE: So let's leave the hypotheticals aside and go  
16 back to the facts. Two or three more questions from me. About what  
17 happened at the prisoner exchange, I would like to know from you were  
18 there other members, any other members of the General Staff present  
19 apart from you, or were you the only member of the General Staff at  
20 the end of November 1998 when the four prisoners were released?

21 A. You mean present there?

22 JUDGE BARTHE: Yes, at the site where the prisoner release  
23 occurred.

24 A. To my recollection, there wasn't anyone -- anyone else other  
25 than me. I don't think there was anyone else.

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1 JUDGE BARTHE: Thank you. Can you -- we saw some -- of course,  
2 we watched the video and we saw masked men with weapons in the video.  
3 But from what you know, can you say who else was there from the KLA  
4 that you know?

5 A. I don't know. To tell you the truth, I don't think there was  
6 someone that I remember so that I could mention them by name. So  
7 many years have passed since then, so now I can't think of anyone  
8 else being present or whether I knew any one of them.

9 JUDGE BARTHE: Was an operational zone commander present?

10 A. I don't think so. I don't think so.

11 JUDGE BARTHE: Thank you. And, finally, Mr. Bashota, you  
12 confirmed yesterday that you had told the Thaci Defence during a  
13 meeting in April 2022 that - and this was put in brackets here in our  
14 transcript - you were never able to find out who took the two LDK  
15 activists. That is a reference to Cen Desku and Jakup Kastrati, I  
16 assume; is that right?

17 A. Yes.

18 JUDGE BARTHE: So you told the Thaci Defence in April 2022 that  
19 you were not able to find out who took Mr. Desku and Mr. Kastrati?

20 A. Correct.

21 JUDGE BARTHE: Can you tell us what you did exactly in order to  
22 find out what had happened to Mr. Desku and Mr. Kastrati? Did you  
23 talk to other people, or what did you do?

24 A. I personally couldn't do anything. I cannot claim to have done  
25 something. When I was asked by internationals, I tried to inquire

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1 whether someone knew anything about their fate, and I didn't get any  
2 answer from the persons I asked. It's not that I asked in many  
3 places. I don't remember accurately whom I asked. But we knew  
4 nothing until the moment of their release. Then after their release,  
5 I gave no further thought to that issue.

6 JUDGE BARTHE: I'm asking that because, Mr. Bashota, you said in  
7 relation to, I think, Mr. Desku, if I'm not mistaken, that it was a  
8 scandal that this person was arrested and detained by other people,  
9 and this is why I'm asking what you did. You just said it's -- after  
10 their release, it was not -- or you gave no further thought to that  
11 issue.

12 So did you do anything after their release, after the release of  
13 Mr. Desku and Mr. Kastrati? Did you talk, for example, to or with  
14 one of the accused about it or other people?

15 A. No, no, because I could not talk to them, because I didn't even  
16 know they were responsible for their arrest. But I just rejoiced at  
17 the fact that Cen Desku was released and that he was in the bosom of  
18 his family and among ourselves. He was a very good person, a  
19 distinguished activist of the national issue, somebody who was  
20 mistreated, beaten by the Serbian regime as a result of his activity.  
21 So for me it will be a scandal what happened, by whoever that may  
22 have been done.

23 Jakup I knew after the war. And from my meeting with him, I  
24 created the best impression of him as a person and as a personality.

25 JUDGE BARTHE: Thank you, Mr. Bashota. I have no further

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1 questions.

2 PRESIDING JUDGE SMITH: Judge Mettraux.

3 JUDGE METTRAUX: Thank you, Judge Smith.

4 And good morning, Mr. Bashota.

5 A. Good morning, sir.

6 JUDGE METTRAUX: Are you able to confirm that sometime in 1999 a  
7 directorate for foreign relations and civilian administrations, or  
8 G5, was created within the KLA General Staff?

9 A. When we did the restructuring of the KLA with the organisational  
10 chart by Mr. Zyrapi, I know that they referred to this G1, G2, G3,  
11 but for me it was an unknown form of organisation, military  
12 organisation, because I am not versed in them. There were from G1, I  
13 think, to G7 or G8. I don't remember how many Gs there were, but  
14 there were. I can't say for sure what you -- I cannot confirm for  
15 sure what you are putting to me.

16 JUDGE METTRAUX: Well, let me put it in that way. Do you know  
17 Rame Buja?

18 A. Yes, I do.

19 JUDGE METTRAUX: And can you confirm that in November 1998 he  
20 was a member of the General Staff of the KLA?

21 A. Yes.

22 JUDGE METTRAUX: And which directorate do you remember him to be  
23 heading at that time?

24 A. I don't know for sure whether it was called the civilian affairs  
25 directorate or local affairs directorate. Something similar.

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1 JUDGE METTRAUX: Thank you. And would you be able to confirm  
2 that if and when the KLA General Staff created a directorate, the  
3 General Staff would at the same time, or shortly thereafter, adopt  
4 certain regulations to regulate the way in which the said directorate  
5 would function? Can you confirm this?

6 A. Yes, there was something to that effect.

7 JUDGE METTRAUX: And can you also confirm that at the zone level  
8 there were no such things as directorates? Are you able to confirm  
9 that?

10 A. You mean the civilian directorate or also the other directorate,  
11 like a replica of the directorates of the General Staff?

12 JUDGE METTRAUX: Well, we'll do both. Can you first confirm  
13 whether there were directorates, to your knowledge, at the  
14 operational zone level?

15 A. No, I don't think so.

16 JUDGE METTRAUX: And therefore, I think you confirmed it  
17 implicitly, no directorate on civilian affairs at the zone level;  
18 correct?

19 A. Yes. I don't remember this, whether they existed at the local  
20 level. Maybe yes. But I don't know what Mr. Buja did all the time,  
21 because I resigned, as you know, and I submitted my resignation at  
22 the beginning of February. I learned about the directorates in  
23 January. But I can't be accurate about that.

24 JUDGE METTRAUX: No problem. I'll ask you about a few things  
25 you said about the decision-making process within the General Staff.

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1           Now, last week, on the questioning from the SPO, I understood  
2           you to agree to the proposition that the decision-making process at  
3           the General Staff was collective in nature. That's page 22987 of the  
4           transcript. Did I understand this correctly?

5           A.    Yes.

6           JUDGE METTRAUX: Now, this week, you told Mr. Misetic, who is  
7           counsel for Mr. Thaci, that there were instances where decisions of  
8           the General Staff would be taken without consultation of all the  
9           members of the General Staff. Did I understand this correctly?

10          A.    Yes. Because it was not very relevant for the General Staff,  
11          when somebody was missing in a certain meeting, to wait for that  
12          person to come and have the meeting on another day and make the  
13          decision, because it was a wartime and so that might happen. They  
14          might make the decision in that way.

15          JUDGE METTRAUX: And now so that you know what I'm about to ask  
16          you to do, I'll put to you a number of propositions that have been  
17          made by certain individuals and I will then ask you to comment upon  
18          it.

19          Now, the first thing I want to ask you is this: In an interview  
20          he gave - and I will give the reference in a second -  
21          Mr. Rexhep Selimi described the leadership of the General Staff as,  
22          and I quote, "collective leadership." That's Exhibit P761, Part 5,  
23          page 12.

24          Now, is that a description that you would agree with in terms of  
25          how you understood the General Staff to function?

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1 A. I do not think it was like that. I don't have the interview in  
2 front of me, Your Honour, to be able to see what Mr. Selimi said in  
3 order to be able to work out why he had that view.

4 JUDGE METTRAUX: Well, then I'll ask the Registry, please, to  
5 assist in that respect. It's Exhibit P761, 5, and it's at page 12.

6 So this is -- in the English I'll start at line 10. I'll go to  
7 the question. The investigator is asking Rexhep Selimi the  
8 following:

9 "Was there a sort of someone step forward and say, 'I'll take  
10 care of that'? Did Krasniqi say, 'You ensure that the zone  
11 commanders know to do this'? Explain to me exactly, mechanically,  
12 how decisions about how to deal with that."

13 And then Mr. Selimi is recorded as answering this:

14 "If you haven't got a very accurate picture from my explanation,  
15 it also means that not everything was perfect within the work of the  
16 General Staff. We mustn't forget that I did mention at the beginning  
17 that our leadership was a collective leadership rather than  
18 leadership of one person alone."

19 So now that you have context, I'll ask my question again. Do  
20 you agree with Rexhep Selimi's depiction of the leadership of the  
21 General Staff of the KLA as being collective leadership?

22 A. Your Honour, the passage that you read was not shown in my  
23 screen, so I can't see it.

24 MR. HALLING: Your Honour, if it assists the Court, it's the  
25 next page in the Albanian version.

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1 JUDGE METTRAUX: Thank you for that, Mr. Halling.

2 Are you now able to locate the answer? I think it's in the  
3 middle of your page, sir.

4 A. I can see it now.

5 JUDGE METTRAUX: So do you agree with that suggestion of  
6 Mr. Selimi?

7 A. I agree with the conclusion that not everything was perfect  
8 within the General Staff, but that people who were present could have  
9 taken the responsibility for certain issue regardless of the number  
10 of General Staff members present therein. The absences of attendance  
11 were due to the difficulties of movement within a territory that was  
12 largely controlled by Serbian forces.

13 JUDGE METTRAUX: Well, I don't think you've answered my  
14 question. I'll ask it a third time. Do you agree with Mr. Selimi's  
15 suggestion that your leadership in the KLA General Staff was a  
16 collective leadership? Do you agree or disagree with that  
17 proposition?

18 A. Your Honour, I tried to explain. When we say "collective,"  
19 that's what I tried to explain, collective for me also entails the  
20 number of people that took part in a certain meeting. Those members  
21 who were able to were the ones who met. If they were not in favour  
22 of a certain decision, the decision was taken by a majority, and  
23 those who were against a certain decision did not dispute the  
24 outcome.

25 JUDGE METTRAUX: I see. Can we go to page 15, 1-5, of the same

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1 document, please, in the English. And it should be 15 in the  
2 Albanian as well. Can we scroll back up a little bit in the English,  
3 please? Thank you.

4 Mr. Bashota, can you try and find a question by the investigator  
5 where it says:

6 "It doesn't matter whether a member of the General Staff is  
7 ordering another member ..."

8 Do you see that in the Albanian?

9 A. No, that is not on the screen.

10 JUDGE METTRAUX: Can we scroll down the page in the Albanian,  
11 please.

12 And can you see it now? And if not, we'll go to the next page.

13 MS. V. ALAGENDRA: I believe it's on line 13, Your Honours.

14 JUDGE METTRAUX: Thank you.

15 MS. V. ALAGENDRA: Of page 16.

16 JUDGE METTRAUX: We'll go to page 16 now.

17 Can you see a question which in the English says:

18 "It doesn't matter whether a member of the General Staff is  
19 ordering another member of the General Staff to do something ..."

20 Do you see that?

21 A. Number 16, it's not there. It's at 12 and 13.

22 JUDGE METTRAUX: So read it and when you reach the end of the  
23 page, please let me know.

24 And if you can scroll down a little bit for Mr. Bashota. Thank  
25 you.

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1 And here is the --

2 A. That is the question. Yes, that is the question.

3 JUDGE METTRAUX: I'll read the English for you, and then I'll  
4 turn the page in the Albanian for you. The question is -- or the  
5 comment by the investigator is:

6 "It doesn't matter whether a member of the General Staff is  
7 ordering another member of the General Staff to do something, or it's  
8 a collective discussion among equals about how to proceed, or  
9 somewhere in between. But that is the piece that we're trying to  
10 understand. And if [it's] varied, okay. Maybe it wasn't the same  
11 way every time, but can you give us a sense of that?"

12 And the recorded answer of Mr. Selimi is:

13 "I would say that [this] is the one -- that it changed from  
14 meeting to meeting, from issue to issue. But I would like to say  
15 again" -- and we'll turn in the Albanian.

16 "But I would like to say again that a decision on the  
17 General Staff was a decision that was taken with everybody agreeing  
18 to that decision. This is what I consider a decision of the  
19 General Staff."

20 Do you see that?

21 A. Yes, I do.

22 JUDGE METTRAUX: And do you agree with that proposition?

23 A. Yes.

24 JUDGE METTRAUX: And I think you said it, but put it in your own  
25 words, does it mean that a decision of the General Staff reflected

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1 the views of all of its members?

2 A. Certainly, yes, if it came up with a decision, if it ended up  
3 with a decision.

4 JUDGE METTRAUX: And if I can ask, perhaps, the same question  
5 but in a different way: Is there any decision of the General Staff  
6 of the KLA, or of the Central Staff of the KLA, for that matter, that  
7 was taken and that you would disagree with as of today?

8 A. It's been a long time, and I can't give you an example on  
9 whether there was a topic that I disagreed with or on whether I was  
10 unhappy with, because if I had been present, I would have been able  
11 to state my views on that particular topic. However, if the majority  
12 decided to approve it, that became -- that decision would have been  
13 acceptable to me. But I cannot give you an example. Maybe there  
14 were instances, but it's been such a long time that I cannot retrieve  
15 an example.

16 JUDGE METTRAUX: Thank you. Now I want to ask you about  
17 something Jakup Krasniqi said, and I'll use his own words, and then  
18 I'll do the same thing and ask you whether you agree with that. And  
19 I'll provide the reference in a second.

20 Speaking of the General Staff or the work of the General Staff,  
21 Jakup Krasniqi described the work within the KLA General Staff as,  
22 and I quote, "collective work." And he also talks of a collective  
23 command within the KLA General Staff.

24 And for the record, it's U015-8743, that's Mr. Krasniqi's book,  
25 at page 8775, and statement to the same effect in P1091 and P1138,

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1 page 9.

2 Now, would you agree with the description that Mr. Krasniqi gave  
3 of the work of the General Staff as collective work and its way of  
4 functioning as collective command? Would you agree with that?

5 A. Your Honour, it is true that we did carry out collective work  
6 because we ironed out all differences in there. However, every  
7 single one of us had their own responsibilities.

8 JUDGE METTRAUX: Understood. Now, I'd like to go a bit further  
9 in trying to understand exactly how this collective endeavour  
10 functioned. It's been suggested - and I'll provide the reference in  
11 a second - that the way in which the General Staff was functioning  
12 and how you interacted with your fellow General Staff members was, in  
13 effect, horizontal in nature in the sense that you were not giving  
14 orders to each other. Would you agree with that?

15 A. Yes.

16 JUDGE METTRAUX: And for the record, that's SPOE00053380 at page  
17 385. And it's Mr. Selimi.

18 You also said, I think, and again qualify it if you feel you  
19 should, that at least when it was possible to do so, and we  
20 understand there were exceptions, that there would be a process of  
21 consultation between General Staff members before decisions of the  
22 staff were made; is that correct?

23 A. Yes. Every topic raised was followed up with discussions and  
24 ended up in a decision if the need was to come up with one.

25 JUDGE METTRAUX: I want to ask you to look at something again,

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1 and I will ask you then to comment upon it. It's something that was  
2 said, so that you understand, by Bislrim Zyrapi. And the reference,  
3 if I may, is IT-05-87.1 P00427.

4 And so that you know what you're looking at, Mr. Bashota, it's  
5 an ICTY statement of Bislrim Zyrapi.

6 And the ERN is, I believe, the same for the Albanian.

7 Do you have that in front of you, Mr. Bashota?

8 A. Yes.

9 JUDGE METTRAUX: Can we please go to page 9 in both languages,  
10 please.

11 And I'll ask you, sir, to look at paragraph 37. While you're  
12 looking at it, I'll read what the English version says. It says:

13 "Decisions regarding" -- well, first I should say he's speaking  
14 about 1999 at this point.

15 He says:

16 "Decisions regarding operations would be taken following  
17 [consultations], in a face to face meeting, within the General Staff  
18 and the relevant Zone Commander."

19 And he said:

20 "After March," speaking of March 1999, "it became difficult if  
21 not impossible to have face to face meetings with the zone commanders  
22 so discussions would take place via phone or radio communication.  
23 When this type of communication was not possible, Zone Commanders  
24 would have authority to act using their own discretion, informing the  
25 General Staff as soon as possible."

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1           Now, we understand that at some point in 1999 you resigned your  
2           position and left the KLA General Staff, but would that description  
3           given by Mr. Zyrapi of how the process of consultation was being  
4           carried out correspond to your own experience of this matter while  
5           you were a member of the General Staff?

6           A.    I don't know if I ever experienced such a thing.  However, under  
7           the conditions of war, in his capacity as chief of staff,  
8           Bislim Zyrapi would have been able to consult every single member of  
9           the General Staff and -- or zone commander regarding operations to be  
10          carried out.

11          JUDGE METTRAUX:  May I take this to mean that you have no reason  
12          to dispute the account of Mr. Zyrapi as to how this process was being  
13          conducted?

14          A.    Yes.

15          JUDGE METTRAUX:  Now, I want to ask you a little bit about the  
16          process of reporting within the General Staff.

17          Could the Registry please bring up Exhibit P761, and it would be  
18          Part 4, please.

19          And again, sir, for your guidance and understanding, this is  
20          part of an interview of Mr. Rexhep Selimi given to the Office of the  
21          Prosecutor here in late November 2019.

22          And I'll ask to go to page 7 in the English, please.  If we can  
23          scroll down the English a little bit, please.  Can we scroll back up  
24          the English, please.  Then to the previous page.

25          So in the English, it would start on that page at line 21, and I

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1 believe it's also page 6 in the Albanian.

2 Can I ask you, sir, to find a question by the investigator that  
3 says:

4 "And I assume if the general commander had been present at a  
5 meeting, that various directorate heads would report events within  
6 the authority of [the] directorates?"

7 Can you see that?

8 A. [No interpretation].

9 JUDGE METTRAUX: I heard you say yes. Have you found the  
10 passage, sir?

11 A. I can see it.

12 JUDGE METTRAUX: So I'll read it in the English and then I'll  
13 ask you about it. So, again, this is Mr. Selimi being asked about  
14 the inner workings of the General Staff and how reporting was  
15 occurring within the General Staff. And he's asked:

16 "And I assume if the general commander had been present at a  
17 meeting, that various directorate heads would report events within  
18 the authority of their directorates?"

19 And this is Mr. Selimi's recorded answer:

20 "This is how it went: In the absence of the general commander,  
21 and due to practical issues, we reported within" - please turn the  
22 page - "the meetings of the General Staff. Each of us reported in  
23 the General Staff meetings whatever we [wanted] to report. The  
24 nature of the work of each of the directorates was different. And,  
25 of course, the reporting was different from each other.

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1 "There weren't just reports. There were also analyses. There  
2 were also important decisions. There were analyses and information.  
3 There were also joint meetings with zone commanders. Therefore, I  
4 can't specify which was the typical nature of the General Staff  
5 meetings.

6 "However," he goes on to say, "the heads of the operational  
7 directorates, being staff officers, couldn't give orders and could  
8 not accept orders. In the meetings of the General Staff, important  
9 decisions were taken that are now known by the public opinion. I  
10 mentioned one of them earlier on, which was the appointment of  
11 Mr. Demaci as the representative of the KLA in Prishtina, the  
12 [decisions] and the decision to participate in the Rambouillet  
13 conference, the agreement on appointing the zone commanders, and the  
14 agreement on appointing the prime minister of the provisional  
15 government. These were also some of them important decisions that  
16 were taken by the General Staff."

17 And he goes on to say -- if we can scroll back a little bit.

18 And, Mr. Bashota, let us know if you need the page turned for  
19 you. It says:

20 "And there was, of course, there were debates and discussions  
21 about ... decisions. And naturally, there were different opinions.  
22 But in the end, the general opinion was respected. This is how the  
23 General Staff operated as a body. Most of the decisions were  
24 collegial decisions."

25 Now, would you agree with this description that Rexhep Selimi

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1 gave of the inner workings of the General Staff as far as you know  
2 it?

3 A. Yes, that's the way it functioned roughly. He mentioned some of  
4 the decisions that were taken, like the Rambouillet talks, the  
5 decision on the delegation to attend. Yes.

6 JUDGE METTRAUX: And I'll put a general proposition to you, and  
7 we'll go into a bit of detail in a second, but would you agree with  
8 the suggestion that, as a military organisation, reporting from the  
9 ground, or in your case from the zone, was an important aspect of the  
10 decision-making process because before you take a decision you should  
11 know what's happening on the ground? Would you agree with that  
12 suggestion?

13 A. Yes, you can say that. However, though, there were many  
14 decisions that were taken by the zone commanders on the ground,  
15 people who had their autonomous decision-making powers. If there was  
16 anything specific, we would be able to visit. The meetings of the  
17 General Staff, as I said, were few and far between. Not everybody  
18 was able to attend because of the risk posed on the ground.

19 However, if a decision had been arrived at, even if you did not  
20 agree with it, you had to go along if the majority had taken that  
21 decision.

22 JUDGE METTRAUX: I understand this. I just want -- I'll ask the  
23 question in a different way. Were there occasions, to your  
24 knowledge, when the General Staff took a decision without first  
25 informing itself about what was happening on the ground?

1 A. I can't recall that.

2 PRESIDING JUDGE SMITH: Witness, it's time for a lunch break.  
3 You will be excused for an hour and a half. We'll be back here at  
4 2.30. Please do not speak with anyone outside the courtroom about  
5 your testimony, and you may leave the courtroom now with the Court  
6 Usher.

7 [The witness stands down]

8 MR. HALLING: Your Honour, just a short question in relation to  
9 the reserve witness. The reserve witness is in The Hague. We still  
10 believe there's at least a good prospect of this witness starting and  
11 finishing tomorrow. Do you want that reserve witness here on standby  
12 for the third session?

13 [Trial Panel confers]

14 PRESIDING JUDGE SMITH: Keep him available, yeah.

15 MR. HALLING: Understood.

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

17 --- Luncheon recess taken at 1.00 p.m.

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

19 PRESIDING JUDGE SMITH: Ms. Rowan, go ahead. Oh.

20 MR. DIXON: Your Honours, it's --

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. DIXON: If I may stand to make this objection - I did follow  
23 your guidance, obviously, Your Honours, not to do it with the witness  
24 present - and that's in relation to the current line of questioning,  
25 which, in our submission, can only be viewed as putting a case of

1 collective responsibility in respect of the General Staff and all of  
2 those involved in it, which is consistent with the case put by the  
3 Prosecution of the joint criminal enterprise. So we are objecting on  
4 that basis particularly because of the way in which it's being put as  
5 a case with leading questions.

6 And, Your Honours, our request would be, one, that if these  
7 matters are to be explored - of course, matters can properly be  
8 explored by Your Honours in relation to these core issues - then they  
9 should not be done in the mode of putting a case. That's our first  
10 point.

11 And, secondly, in fairness to the Defence, if collective  
12 responsibility is at the heart of this, and that's the focus of the  
13 questioning, then the specific decisions that are going to be relied  
14 on should be identified, depending on who was involved in those  
15 decisions, which accused were there or not present, so that the issue  
16 of responsibility can be clear.

17 PRESIDING JUDGE SMITH: The question of collective  
18 decision-making was not raised by the Panel in the first place, it  
19 came up by several people, and it's being explored now. Your  
20 objection is overruled. Thank you.

21 MR. DIXON: Thank you, Your Honours.

22 PRESIDING JUDGE SMITH: Please bring the witness in.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: All right. Mr. Bashota, we will  
25 continue with questions from Judge Mettraux.

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1 JUDGE METTRAUX: And good afternoon, Mr. Bashota.

2 A. Good afternoon, sir.

3 JUDGE METTRAUX: Do you recall that before we parted before  
4 lunch we were discussing the process of reporting within the  
5 General Staff, and I had put a passage of a statement of  
6 Rexhep Selimi.

7 Is it right that the directorates of the General Staff would  
8 report to the General Staff about their activities?

9 A. Yes, there have been instances of them reporting whenever they  
10 have deemed it necessary.

11 JUDGE METTRAUX: And in terms of the process of how this would  
12 occur, would it be the director of the directorate who would report?  
13 Would it be a staff of the directorate? Would it be a mixture of the  
14 two?

15 A. When the director or some staff who was also a member of the  
16 General Staff, depending on the nature of the work they did, they  
17 have reported.

18 JUDGE METTRAUX: I see. And this would be the case, for  
19 example, about G2. The intelligence directorate would report to the  
20 General Staff; correct?

21 A. I don't remember about the intelligence directorate member be  
22 present during the meetings of the General Staff because of the fact  
23 that their chief moved out of Kosovo because of his duties.

24 JUDGE METTRAUX: I'll then put something to you and ask you to  
25 comment on it. It's, for the English version, SPOE00053380 to

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1 SPOE00053393-ET. And I believe that the Albanian has a slightly  
2 different ERN. That is SPOE00053377.

3 And just so that you can orientate yourself, this is, in effect,  
4 a book of interviews given by Rexhep Selimi to a journalist called  
5 Adriatik Kelmendi. First, do you know that book, sir?

6 A. No, Your Honour.

7 JUDGE METTRAUX: We'll go to page SPOE00053392 in the English,  
8 please. And in the Albanian, I believe it would be page 16 of the  
9 PDF. It should be page 16 towards the bottom.

10 Can you find the sentence that starts with the words:

11 "SHIK /Kosovo Intelligence Service/ was established by the  
12 Provisional Government and was supposed to be extinguished [by] it."

13 Do you see that in the Albanian?

14 A. Yes. Yes.

15 JUDGE METTRAUX: So here is the exchange between Mr. Kelmendi  
16 and Mr. Rexhep Selimi on that issue.

17 Mr. Kelmendi: "At this time, and this has been a topic of  
18 discussions lately, the Kosovo Intelligence Service - SHIK was  
19 established."

20 Mr. Selimi: "No. We should bear [in mind one thing]. At this  
21 time, there was no intelligence service. The KLA did not have a  
22 SHIK. The KLA had its own department - G2, which was a military  
23 intelligence department with its own tasks, as in ... other army.  
24 Just like other armies have their Intelligence Departments, the KLA,  
25 too, had its own Intelligence Directorate."

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1 I'll stop there for a second. Is it correct up to that point  
2 what Mr. Selimi is saying here?

3 A. As far as I know, he was chief of intelligence service. I'm not  
4 clear whether he was chief of G2. I said to you that such names like  
5 G1, G2 are unknown to me. But what you are putting to me seems to be  
6 unclear to me, to my recollection.

7 JUDGE METTRAUX: And what's unclear to you up to the point that  
8 I've read to you?

9 A. Because I don't know if Kadri Veseli was chief of G2.

10 JUDGE METTRAUX: Well, I haven't gotten there yet. Now, I'll  
11 read the rest of it. But what I've read so far, is there anything  
12 you take issue with in what Mr. Selimi said?

13 A. For this part until this paragraph, it may be as he says.

14 JUDGE METTRAUX: Then the exchange goes like this.

15 The journalist, Mr. Kelmendi: "Who led this Directorate?"

16 Rexhep Selimi: "It was led by Kadri Veseli from the moment when  
17 it was established and up until the establishment of SHIK. He was  
18 then assigned chief of SHIK. What I am saying is that the KLA did  
19 not have a SHIK. It had a G-2, an Intelligence Department, just like  
20 any other army in the world."

21 So I understand your previous answer to suggest that it is your  
22 evidence that you don't know whether Kadri Veseli was head of G2; is  
23 that right?

24 A. Correct.

25 JUDGE METTRAUX: Now it goes as follows:

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1 Mr. Kelmendi: "Who did this Service provide with information?"

2 And Rexhep Selimi is recorded as saying:

3 "Similar to other commanding structures, the KLA Intelligence  
4 Directorate with the coded name G-2 (in all the armies ...) ... it is  
5 called G-2), reported directly to the ... General Staff, or rather I  
6 will call it leadership organ."

7 So are you in a position to confirm or dispute what Mr. Selimi  
8 is saying here about the reporting of the intelligence directorate to  
9 the General Staff of which you were a member?

10 A. If this happened, it must have happened after my departure from  
11 the General Staff, because I have no information whether these  
12 departments were restructured again, what happened with them. But  
13 during my stay there, I don't know that G2 reported to the  
14 General Staff, and I don't remember whether Kadri Veseli was the one  
15 who reported -- who did the reporting.

16 JUDGE METTRAUX: So when you took decisions, operational  
17 decisions, who was providing you information about what the situation  
18 was on the ground and, in particular, where Serbian troops were?

19 A. Mainly it was done through the reports, the relationship of  
20 Mr. Zyrapi with the zone commanders. He was informed by them, and  
21 from them he got a more realistic idea of the positions of the Serb  
22 forces.

23 JUDGE METTRAUX: So your evidence today is that you never  
24 received, at least when you were present with other members of the  
25 General Staff, information from the intelligence directorate? Do I

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1 get that right?

2 A. We did not receive reports in the General Staff as much -- as  
3 much as I know when I was there. I don't recall to have received  
4 such reporting.

5 JUDGE METTRAUX: Now, I want to ask you about the chronology of  
6 your involvement with the KLA and with the General Staff as I was not  
7 entirely clear about this, so I want to give you an opportunity to  
8 clarify what may be.

9 Now, when do you say you were first involved with the KLA?

10 A. Personally, I joined the KLA from the beginning of our efforts  
11 at the time when there was some organised groups for the defence,  
12 self-defence. I was one of those persecuted by the Serb regime, and  
13 then I got armed and refused to fall alive in the hands of the  
14 Serbian police.

15 When we were students, we were part of that parallel education  
16 system in improvised facilities in Prishtine.

17 JUDGE METTRAUX: I'll stop you there, Mr. Bashota. My question  
18 was not precise enough. I'll ask it again. What year you say you  
19 were first involved with the KLA?

20 A. In 1994.

21 JUDGE METTRAUX: And between the period of 1994, 1995, 1996, and  
22 1997, you were involved in a number of operations and actions on  
23 behalf of the KLA; is that right?

24 A. At the time, our duty was to deal mainly with the unification of  
25 these groups that had spread out in Kosovo, establish the logistical

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1 base for them, in order for us to come up to the point of arming.  
2 Usually, at the time we organised trips to Albania to get weapons.

3 JUDGE METTRAUX: And you also organised trips to Macedonia to  
4 get weapons; is that right?

5 A. Once we were in Macedonia.

6 JUDGE METTRAUX: And that was with Nait Hasani and  
7 Rexhep Selimi; is that right?

8 A. I don't know whether Rexhep Selimi was with us. Maybe he was.

9 JUDGE METTRAUX: And that occasion was in 1996; is that right?

10 A. I don't remember the year exactly, but we didn't enter the  
11 territory of Macedonia. The weapons were brought to us by someone  
12 whose name I don't know.

13 JUDGE METTRAUX: Now, I understood you to say - and, of course,  
14 correct me if that understanding isn't correct - that you were one of  
15 the first to join the Central Staff of the KLA; is that correct?

16 A. Among the first. Not the first.

17 JUDGE METTRAUX: Yes, among the first. I understand that. And  
18 the others whom you said you recall are the other five that you  
19 mentioned earlier today; is that right?

20 A. Yes, correct.

21 JUDGE METTRAUX: And I think you explained when you gave your  
22 interview to the ICTY, your statement to the ICTY at the time - and,  
23 again, correct me if that's incorrect - that one of the first things  
24 you did with this group of individuals was to elect your commander,  
25 Azem Sylja; is that right?

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1 A. Yes, that's right.

2 JUDGE METTRAUX: And did I understand correctly that at that  
3 time you were part of the political directorate of the KLA?

4 A. No. At that time there was no political directorate  
5 established.

6 JUDGE METTRAUX: And I think you said this morning that you  
7 joining the KLA General Staff, according to your account, would have  
8 been in 1996, late 1996, early 1997. Is that a correct  
9 understanding? Or was it earlier?

10 A. No. I joined the KLA to the Central Staff in 1994.

11 JUDGE METTRAUX: I see. My mistake. I'm grateful.

12 Now I'd like to show you something you were already shown I  
13 think it was yesterday. It's Exhibit P847, please.

14 Do you recall being shown this interview of Azem Sylja? Do you  
15 recall being shown this earlier in your questioning?

16 A. Yes.

17 JUDGE METTRAUX: I'd like to take you to the same part as you  
18 were taken in questioning, and it's at page SITF00243001. I think in  
19 the English, it should be the next page. It bears the same ERN for  
20 some reason.

21 I'll ask you, sir, to find a question which in English reads:

22 "When was the KLA's General Staff created, and who were its ...  
23 members?"

24 And Azem Sylja goes on -- I think it's to the left of your screen  
25 in the first column. Can you see that?

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1 A. Yes.

2 JUDGE METTRAUX: Now, you've already been taken to that part,  
3 and I'll read it. It says that, according to the record:

4 "Those who decided on the declaration were also the first  
5 General Staff of the KLA. It was comprised of Azem Syla,  
6 Sokol Bashota, Kadri Veseli, Xheladin Gashi, Ali Ahmeti,  
7 Xhavit Haliti, Hashim Thaci, Rexhep Selimi, Lahi Ibrahim and another  
8 colleague."

9 Now, I have a couple of questions about that. Do you agree that  
10 on this account, the account of your commander Azem Syla, there are  
11 ten members of the General Staff: nine that he names and one that he  
12 doesn't name? Do you agree with that?

13 A. No, I don't agree, Your Honour. If his answer covered the  
14 entire war of the KLA, I may agree because they were, indeed, members  
15 of the General Staff. But if he refers to an earlier time period,  
16 after these six persons I mentioned earlier, there were not others.

17 I don't know why Azem Syla has done this after the war.

18 JUDGE METTRAUX: Well, let me continue with that. The rest of  
19 the document indicates what period of time he talks about. But can  
20 you first confirm that there are nine mentioned names and one that he  
21 doesn't name. He refers to "another colleague." Do you see that?

22 A. Yes, nine.

23 JUDGE METTRAUX: So if one were to compare your list to his, the  
24 two that would be missing are Hashim Thaci and Kadri Veseli and the  
25 other unnamed colleague. Do you agree with that?

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1 A. Yes, I agree with that.

2 JUDGE METTRAUX: Now, I think you've been asked about it, but  
3 I'll ask -- yes?

4 A. If I may. If we take it for granted that -- what is said about  
5 these two persons, they could not meet him and discuss this issue.  
6 But I said the composition of the Central Staff at that time  
7 comprised six persons. I don't know why Azem Syla said this. Maybe  
8 it's one of those interviews given after the war with the aim of  
9 trying to become a protagonist in the event or -- instead of giving a  
10 realistic picture of the war.

11 JUDGE METTRAUX: Then let me ask you this: Would this list  
12 correspond to the state of the General Staff in late 1996 and early  
13 1997 -- or sometime in 1997, I should say?

14 A. I cannot say that because Rexhep Selimi and Lahi Brahimaj, in  
15 their case, we didn't have a decision made to accept them based on  
16 the proposal of Xhavit Gashi. At that time, the staff was not very  
17 well organised. I don't know how much it was functional in Albania,  
18 because the person who -- who are here --

19 JUDGE METTRAUX: Let's -- let's --

20 A. -- know what the situation was.

21 JUDGE METTRAUX: Let's stop here. Since you've mentioned  
22 Rexhep Selimi, I'll ask you about him. When, in your  
23 understanding did Rexhep Selimi -- what year, I should say, did  
24 Rexhep Selimi become a member of the General Staff, or the  
25 Central Staff as it was known at the time?

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1 A. The first effort was in Negroc, in the meeting we had there, to  
2 get together as a staff.

3 JUDGE METTRAUX: I'll stop you there. So let me be clear. If  
4 it were suggested that Rexhep Selimi became a member of the  
5 Central Staff sometime in 1997, would you dispute it?

6 A. In my opinion, one cannot become a member of the General Staff  
7 with all those powers on the basis of an oral instruction, which I  
8 couldn't even technically realise. I was alone in Kosovo. There  
9 were no other people with whom to discuss this issue whether to admit  
10 Rexhep Selimi and Lahi Brahimi in the General Staff, I mean a  
11 functional staff. If we refer to it merely on paper, then yes.

12 JUDGE METTRAUX: Thank you. Now what about Jakup Krasniqi? To  
13 your knowledge, when did he become a member of the Central Staff?

14 A. Jakup Krasniqi was never a member of the Central Staff.

15 JUDGE METTRAUX: Can we please see Exhibit P793.

16 So this, for your information, Mr. Bashota, is the ICTY  
17 statement of Jakup Krasniqi of 23rd and 24th May 2007.

18 And if we can go to the second page, please. And I'll ask that  
19 the page be scrolled up a little bit to paragraph 4 in both versions.

20 So that's what Rexhep -- I'm sorry, that's what Jakup Krasniqi  
21 told the ICTY prosecutor when he was being interviewed. It's  
22 paragraph 4:

23 "After my release from prison in 1991, I was engaged in  
24 political activities. Specifically, I was a member of the Democratic  
25 League [of] Kosova, in the Drenoc local branch, a democratic

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1 alternative movement. I joined the KLA in March 1993 and became a  
2 member of the General Staff in late 1996. I was officially appointed  
3 as the KLA spokesperson on 11 June 1998."

4 So this record suggests that Mr. Krasniqi himself said that he  
5 became a member of the General Staff in late 1996. Do you see that?

6 A. Yes.

7 JUDGE METTRAUX: And do you have a comment about that?

8 A. I don't seem to be able to understand properly what kind of  
9 General Staff Mr. Jakup Krasniqi is talking about. But as per the  
10 staff whose composition I am fully aware, Mr. Krasniqi has not been  
11 able to take part in any meetings.

12 JUDGE METTRAUX: So I'll stop you there.

13 A. If -- if --

14 JUDGE METTRAUX: I'll stop you there. You are disputing the  
15 suggestion that Mr. Krasniqi is making that he was a member of the  
16 General Staff in late 1996; is that right?

17 A. What I was going to say by way of clarification is that  
18 Jakup Krasniqi has probably been involved in the war effort by  
19 meeting other personalities. It is known that he had an excellent  
20 relationship with the legendary commander Jakup Krasniqi -- Adem  
21 Jashari. So if he's referring to that, that's fine. But as far as  
22 I'm concerned, I do not know that Jakup Krasniqi has ever been a  
23 member of the Central Staff.

24 JUDGE METTRAUX: Can we please see Exhibit P794.

25 And for your information, this is the record of the testimony of

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1 Jakup Krasniqi or a part of the record of the testimony of  
2 Jakup Krasniqi before the ICTY when he testified in the Limaj *et al.*  
3 case on 10 February 2005.

4 And if we can go to page 3305 of that transcript.

5 And I apologise to you, sir, there is no Albanian translation  
6 that I could find.

7 Thank you. And if we can scroll down a little bit.

8 Now, you can see he is being -- Mr. Krasniqi is being asked  
9 questions about his involvement with the KLA, of course, and he's  
10 being asked:

11 "Now," line 12, "did there come a time when you became a member  
12 of the General Staff of the Kosovo Liberation Army?"

13 "A. Yes.

14 "Q. When was that, please?"

15 "It might have been end of 1996 and beginning of 1997."

16 Do you understand, sir?

17 A. Yes, I do.

18 JUDGE METTRAUX: So again I ask you whether you have an  
19 explanation as to why Mr. Krasniqi would admit, under oath, to being  
20 a member of the General Staff at a time when you yourself are a  
21 member of that group. Are you still saying that you are not aware of  
22 him being aware of the General Staff at that time?

23 A. Yes, Your Honour.

24 JUDGE METTRAUX: Now, Mr. Krasniqi also testified in another  
25 case, and there's no Albanian so I'll read it to you. But he says

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1 that at that time - I'll give the reference in a second - there were  
2 approximately ten persons in the General Staff, so similar to what  
3 Mr. Syla had mentioned. And it's testimony of 30 May 2007 at  
4 page 5026. And he says -- maybe I should read the whole quote to you  
5 so you can opine it. He says:

6 "... during this period of time, the General Staff consisted of  
7 approximately ten persons but not all of them knew each other because  
8 some were acting illegally, some legally, some were abroad."

9 So I'll ask maybe the question in that way: Is it possible,  
10 Mr. Bashota, that there might have been members of the General Staff,  
11 or Central Staff as it was known at the time, who were members of  
12 that organisation that you did not know of?

13 A. Given that the question is asked as "could it have been," I have  
14 no way of pre-judging it. But to the best of my knowledge,  
15 Jakup Krasniqi was not a member of the Central Staff for the time  
16 period we're referring to. That is all I know.

17 JUDGE METTRAUX: And would you agree with the proposition that  
18 if someone would have known who the members of the General Staff or  
19 Central Staff were at the time, it would be Azem Syla because he was  
20 the commander of that group? Would you agree with that?

21 A. Yes, I do.

22 JUDGE METTRAUX: Now, during the period of time of 1995 to March  
23 1998 that you've given some evidence about, you had contacts with  
24 members of the Central Staff; is that right? I mean other members.

25 A. Yes.

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1 JUDGE METTRAUX: And during that period you also had some  
2 contacts with Hashim Thaci; is that right?

3 A. Can you kindly mention the year again, Your Honour? I couldn't  
4 quite recall it, remember it.

5 JUDGE METTRAUX: Sometime between January 1995 and March 1998,  
6 do you recall having contacts with Hashim Thaci?

7 A. Yes. I know that they entered Kosovo during that period of time  
8 in 1998, the two of them, Hashim Thaci and Kadri Veseli. I do not  
9 know on whether they did that jointly or separately, but I know that  
10 they entered Kosovo during the spring of 1998.

11 JUDGE METTRAUX: And before the entry of Mr. Thaci and Veseli,  
12 which we heard might have occurred in March 1998, in the year and  
13 month before that, did you have contacts with Mr. Thaci?

14 A. I cannot recall exactly. I don't know if it was in 1998 or  
15 when, because Mr. Thaci frequently went to Albania. But I remember  
16 one occasion when he returned to Kosovo carrying weapons, and I met  
17 him once. However, I cannot be exact as to what year that was.

18 JUDGE METTRAUX: Can we please see Exhibit P739.6, please. Can  
19 we scroll down a little bit in the English, please. And to the next  
20 page.

21 Simply to perhaps put some context for you, it's an interview  
22 given by Mr. Thaci to the Office of the Prosecutor.

23 Here. Here it is. In the English, it starts at line 4 on that  
24 page, and in the Albanian it should be -- I'll read you the sentence.  
25 Sir, there's a question that says:

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1 "Well, that raises my next question, which concerns the period  
2 of time you were in Switzerland. Were you communicating with other  
3 KLA personnel during that time?"

4 Do you see that question? I think it's line 15 in your  
5 language, sir.

6 And the answer of Mr. Thaci is:

7 "Yes.

8 "Q. With whom did you communicate most regularly?

9 "A. I communicated with Lahi Brahimaj. I communicated with  
10 Sokol Bashota. On the main, it was these two.

11 "How did you communicate?

12 "They came to Albania, but I also entered Kosovo illegally.

13 "During that time ... you were in Switzerland?

14 "A. [In English] Yes. [Interpretation] I came through the  
15 mountains of Albania.

16 "How frequently would you communicate with Mr. Bashota or  
17 Mr. Brahimaj while you were in Switzerland?

18 "A. Once or twice a year.

19 "Q. Once or twice a year?

20 "A. [In English] Yes. Yes. [Interpretation] Because I never  
21 communicated by phone with them."

22 So does that account given by Mr. Thaci correspond to your own  
23 recollection of your contact with him during that period?

24 A. As I said, I think I only met him once when he came from Albania  
25 bearing weapons. I don't know who else he was with, but that was the

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1 time when I met him. I cannot recall anything else.

2 JUDGE METTRAUX: So you cannot recall anything else. Can you  
3 recall having contacts in 1996 as well with Jakup Krasniqi? Do you  
4 recall that?

5 A. I met Mr. Krasniqi after his release from prison numerous times  
6 because he was a personality and we met to discuss other issues of  
7 the time. He was involved within the Democratic League of Kosovo,  
8 and there were many gatherings and social gatherings and meetings  
9 held at the time. I went to his own house, he came to mine. I met  
10 him several times.

11 JUDGE METTRAUX: Now, I want to move on to something you've  
12 already discussed with, I think, all parties and with my colleague  
13 Judge Barthe, and that has to do with the communiqués of the KLA  
14 Central Staff and then General Staff. Do you recall these questions?

15 A. Yes.

16 JUDGE METTRAUX: And one thing you said last week in answer to a  
17 question - it's page 22975 - is that these communiqués, talking about  
18 the communiqués of January 1997, so Communiqué 28 and 29, you said  
19 were written abroad and that Xheladin Gashi and Nait Hasani were  
20 those who dealt mostly with these. Do you recall saying that?

21 A. Yes, and I think that's the way it was.

22 JUDGE METTRAUX: And I think you said, correct me if I'm wrong,  
23 that Xheladin Gashi was with you in Kosovo in 1996 and 1997, up until  
24 the time when Nait Hasani was arrested when he went to Albania. Did  
25 I understand that correctly?

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1 A. Yes.

2 JUDGE METTRAUX: Now, if we could please see SPO -- if we could  
3 -- I think I have a problem with the microphone.

4 THE COURT OFFICER: If the interpreter could release the  
5 microphone.

6 JUDGE METTRAUX: 1, 2. Thank you.

7 Can the Registry please bring up SPOE00053380 to SPOE00053393.

8 And what you have here, sir, is the same as I showed you a  
9 moment ago. It's a book of interviews with Rexhep Selimi with a  
10 journalist called Adriatik Kelmendi.

11 And I will ask the Registry to please go to SPOE00053383. It's  
12 the same page in the Albanian.

13 And I think, sir, in your language, in Albanian, this would be  
14 the column to the left, so that's page 62. There's a question:

15 "Who participated in the attacks and who drafted the  
16 communiqué?"

17 Can you see that?

18 A. Yes.

19 JUDGE METTRAUX: And the recorded answer of Rexhep Selimi here  
20 is:

21 "I had nothing to do with the communiqué."

22 He's talking about -- maybe to give you context. He's talking  
23 about the first communiqué, so Communiqué 11 that had been published.

24 And he says:

25 "I had nothing to do with the communiqué. Nait Hasani was our

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1 chosen person - the right and competent person for communiqués and  
2 communication with the outside world, such as various organisations  
3 abroad, including clandestine political organisations at the time,  
4 such as People's Movement of Kosovo and other entities and patriots  
5 who were active outside Kosovo and had proven their patriotism  
6 through their activity."

7 So here, according to Mr. Selimi, the person who dealt with the  
8 communiqués of the Central Staff at the time was Nait Hasani. And  
9 that, you agree -- you would agree, is consistent with what you told  
10 us; is that right?

11 A. Yes.

12 JUDGE METTRAUX: And you've told us that in January or February  
13 1997 Nait Hasani was arrested; right?

14 A. Yes, correct.

15 JUDGE METTRAUX: And he was arrested in Kosovo; correct?

16 A. Yes. In Prishtine, I think.

17 JUDGE METTRAUX: Yes. And so when he was taking care of the  
18 communiqués - Nait Hasani, that is - he was doing so in Kosovo, not  
19 abroad; is that right?

20 A. Yes, he was inside Kosovo.

21 JUDGE METTRAUX: One of the things that Mr. Selimi says - and if  
22 you need to see the passage, I'll show it to you - is that up until  
23 his arrest, Nait Hasani was the one who would keep in touch with the  
24 LPK from Kosovo.

25 Were you aware of that?

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1 A. I don't know on whether he was in contact with the LPK himself,  
2 but I know that he was in contact with Azem Sylja who, in turn, kept  
3 those contacts. And I think with Ali Ahmeti, too.

4 JUDGE METTRAUX: And you'd agree that if someone is preparing  
5 these communiqués, it is important for that person to be in touch  
6 with the LPK because these statements are published in *Zeri i*  
7 *Kosoves*, the mouthpiece of the LPK? Would you agree with that?  
8 There is a need for coordination between the two.

9 A. I did mention it here as well. I was only a local activist for  
10 the LPK in the Kline municipality. I was not aware of the LPK's  
11 steering board. However, if Azem Sylja and Xhavit Haliti had any such  
12 links or responsibilities within the auspices of the LPK, then your  
13 proposition holds good.

14 JUDGE METTRAUX: And now after that date when Nait Hasani is  
15 arrested in or close to Prishtine in January or February 1997, who do  
16 you say took over the responsibility of dealing with the Central  
17 Staff communiqué?

18 A. There was a decision by someone. But as I said, initially it  
19 was Nait and Xheladin Gashi. And to all intents and purposes,  
20 Xheladin Gashi continued to do so. I do not know on whether he  
21 coordinated this effort with Azem Sylja because they come from the  
22 same region. In fact, they live close by to each other. But I don't  
23 know what form of cooperation it was. But I think Xheladin Gashi --  
24 I'm not saying that Xheladin wrote them but that he was involved with  
25 them because they were issued on behalf of the Central Staff.

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1 JUDGE METTRAUX: And Xheladin Gashi is dead; right?

2 A. He died after the war.

3 JUDGE METTRAUX: Do you remember the year?

4 A. I can't recall the exact year, but maybe around 2010. But I  
5 know that he died as a result of cancer.

6 JUDGE METTRAUX: Could it have been earlier than that, 2005  
7 perhaps?

8 A. Time is moving swiftly past, and I'm losing my bearings as far  
9 as the -- an exact moment in time on that, but it is easy to  
10 establish.

11 JUDGE METTRAUX: It's okay. It's okay. Can we please see  
12 Exhibit P761, please, and that would be Part 7.

13 And again so that you can situate yourself, it's the record of  
14 an interview given by Mr. Rexhep Selimi to the Office of the  
15 Prosecutor here on 13 November 2019. And I will ask that we go in  
16 the English to page 7, I believe it is. I'm sorry, it's page 5 in  
17 the English. I apologise. And in the Albanian, I believe it's page  
18 6.

19 So in the English, we can start at line 7. Mr. Selimi is being  
20 asked about the first communiqué, so Communiqué 11, of the  
21 Central Staff. Can you find that in the Albanian version? I think  
22 it's page 6 in the Albanian, somewhere towards the top of the page.

23 A. What I can see here is only the answer to a question.

24 JUDGE METTRAUX: Can we go to the previous page then.

25 A. I don't know whether it's further up.

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1 JUDGE METTRAUX: Yes. Can you see it here? There should be a  
2 question where Mr. Selimi is asked:

3 "Let's start with the ... first communiqué."

4 A. Yes.

5 JUDGE METTRAUX: Do you see that?

6 A. Yes, I do.

7 JUDGE METTRAUX: So in the English it goes like this:

8 "Q. Let's start with the ... first communiqué.

9 "A. This was when the KLA was just about being established.

10 The first communiqué also mentioned for the first time the name of  
11 the KLA. I know that it wasn't numbered as number 1 or number 2, but  
12 I do not remember the number of the communiqué."

13 Now, I'll stop there for a second. Do you recall that the first  
14 communiqué of the KLA Central Staff bore the number 11? Can you  
15 recall that now?

16 A. No, I can't recall it.

17 JUDGE METTRAUX: It's okay. And Mr. Selimi goes on to say:

18 "And from the very beginning until he was in prison, the person  
19 who dealt with the communiqués was one of our friends, namely,  
20 Nait Hasani, who was arrested in January 1997."

21 Do you see that, and can you confirm that is correct?

22 A. Yes.

23 JUDGE METTRAUX: And it goes on:

24 "Q. And thereafter?

25 "A. I remember that one of the people that dealt with the

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1     communiqué during 1997 was Sokol Bashota. However, the communiqués  
2     was mostly published in one of the publications of the LPK, namely,  
3     *Zeri e Kosoves*. In April 1998, we appointed -- officially appointed  
4     a spokesperson, who then dealt with the communiqués and also the  
5     appearances -- the first appearances in television, and that was  
6     Jakup Krasniqi."

7             And Mr. Selimi goes on to say:

8             "And at the same time, supported and aided by Hashim Thaci,  
9     whose tasks [and] responsibility later on was to inform the public  
10    opinion, and this is how it continued until almost -- how it  
11    continued until" - if we can go to the next page - "the end. Which  
12    of the communiqués were drafted by one or the others, I am not able  
13    to tell you because I do not know.

14            "I believe I have given ... a real picture of what happened."

15            Now, before I ask you the question, I'll go to another part of  
16    that same interview, and it's page 17 in the English, please. And in  
17    the Albanian, I believe it should be page 18, 1-8.

18            Can you, sir, identify a passage in the Albanian, I think it  
19    should be the middle, I think it starts with line 7, where Mr. Selimi  
20    says:

21            "I identified the time-periods and the people that dealt with  
22    these ..."

23            Can you see that in that paragraph?

24    A.     Yes.

25            JUDGE METTRAUX: Now, Mr. Selimi is recorded as saying this:

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1 "I identified the time-periods and the people that dealt with  
2 these, and I would like to reiterate it: Until he was imprisoned, in  
3 charge of these communiqués was Nait Hasani. He was replaced by  
4 Sokol Bashota during 1997. However, from April 1998 and almost until  
5 the end, there were two [sources] -- there were two people that dealt  
6 with them: The spokesperson and the leader or the head of the public  
7 information directorate.

8 "Q. That would be Mr. Krasniqi and Mr. Thaci?

9 "A. Yes. I don't remember anybody else dealing with the  
10 communiqués apart from these two people."

11 Now, I'll start with the suggestion of Mr. Selimi that in 1997  
12 it was yourself who was dealing with the communiqués. Do you have a  
13 comment to make upon that assertion?

14 A. Yes, certainly, Your Honour. I am repeating that I have not  
15 written a single communiqué. I don't know where this idea of  
16 Mr. Selimi comes from, but I am saying I never wrote a single  
17 communiqué. Had I done so, I would have acknowledged it, of course,  
18 because a communiqué is nothing to be contested. But merely I'm  
19 saying that I didn't write them.

20 At the beginning, it was rather confusing. In one line it said  
21 "I think it was Mr. Bashota," then the next line said they were  
22 drafted by *Zeri i Kosoves*. I don't know what stands of the two. But  
23 I didn't write communiqués.

24 JUDGE METTRAUX: Well, stop there for a second. Let me ask you  
25 in this way so that all the relevant propositions are being put to

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1 you fairly so that you can comment on them.

2 Now, putting aside the question of whether you drafted any of  
3 these communiqués, in 1997 did you play any role - any role - in the  
4 production, distribution, preparation of any of the Central Staff  
5 communiqués; yes or no?

6 A. No.

7 JUDGE METTRAUX: Now, do you agree with the suggestion that in  
8 1997, and I think you've told us before, you and Mr. Rexhep Selimi  
9 were the only two members of the Central Staff present in Kosovo; is  
10 that right?

11 A. Yes, but in different places, not in one place.

12 JUDGE METTRAUX: And do you have any reason to believe that  
13 Mr. Selimi would say such a thing if it weren't true? In other  
14 words, do you have an explanation as to why Mr. Selimi would make  
15 such a suggestion?

16 A. If I were to say what I would be doing, sometimes after time  
17 passes we may get mixed up in what we say, especially after the war,  
18 when we speak about the war period, based on different elements and  
19 sectors. Maybe that is the reason why he has done that. At least  
20 this is what I might do. Sometimes I get mixed up when I talk about  
21 certain elements because of the time element. Otherwise, I can't  
22 find any other reason for that.

23 But again referring to myself, I have never written any  
24 communiqués on behalf of the KLA which were later published.

25 JUDGE METTRAUX: Can we see Exhibit P739, please, and it would

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1 be Part 5. In English it would be page 5; and in the Albanian, I  
2 believe it is page 7.

3 And this, sir, that is about to come before you is the record of  
4 an SPO interview, so an interview that Hashim Thaci gave to the  
5 Office of the Prosecutor on 13 January 2020. And in the English, I  
6 would start at line 16. And I believe in the Albanian it should be  
7 page 7, towards the bottom of the page.

8 There's a question, sir, where Mr. Thaci is asked, and I will  
9 read it so you can find it:

10 "As respects the authorised communiqués, who was responsible for  
11 them, say, in 1996?"

12 Can you see that?

13 A. Yes.

14 JUDGE METTRAUX: So the question goes like this:

15 "As respects the authorised communiqués, who was responsible for  
16 them, say, in 1996?"

17 "A. 1996?"

18 "Yes, sir.

19 "Jashar Salihu," is the answer of Mr. Thaci.

20 Now, can you tell us first maybe who Jashar Salihu is? If you  
21 know, of course.

22 A. I only heard about Jashar Salihu after the war. It was said  
23 that he was in the West, living there, and worked for Homeland Calls,  
24 but I have no other idea about his work, his engagement.

25 JUDGE METTRAUX: And just so we have a clean transcript of that,

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1 and, again, correct me if I'm wrong, Jashar Salihu would be the  
2 president of the Homeland Calling Fund; is that right?

3 A. I don't know that. I know that he was engaged with it. This is  
4 what people said.

5 JUDGE METTRAUX: Thank you. The next question for Mr. Thaci is:  
6 "Did Nait Hasani have a role?"

7 "A. Yes, he was the person in charge. The head of operational  
8 staff in Kosovo at the time.

9 "Q. In 1996?"

10 "A. [In English] Yes. [Interpretation] He was arrested in" -  
11 and if we can turn the page in English - "January 1997.

12 "Q. Which predicts my next question. Following Mr. Hasani's  
13 arrest in January 1997, who was responsible for dealing with  
14 communiqués?"

15 "A. To be honest, while I was in Switzerland, I don't know  
16 exactly. The responsibility was of the operational engagements, that  
17 means Sokol Bashota, but more emphasised -- but a more leadership  
18 role was played by Xheladin Gashi."

19 Now, Mr. Thaci suggests that he doesn't know exactly, but he  
20 suggests that this function was played by two persons - yourself and  
21 Xheladin Gashi. Do you have a comment about that to make?

22 A. After the arrest of Nait in Kosovo, during a short period it was  
23 only myself and Xheladin Gashi present in Kosovo. But I never  
24 engaged in any work related to communiqués. Mainly, this was done by  
25 Nait Hasani and Xheladin Gashi.

1 JUDGE METTRAUX: So do you wish to explain why both  
2 Rexhep Selimi and Mr. Thaci when asked this would point to you as one  
3 of the persons responsible for these communiqués? Do you have an  
4 observation?

5 PRESIDING JUDGE SMITH: Yes.

6 Witness, you'll have to leave the room for a moment.

7 [The witness stands down]

8 MR. MISETIC: First, my -- may I consult with my -- sorry, may I  
9 consult with my client first?

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 MR. MISETIC: And then I'd like to say [Microphone not  
12 activated] ...

13 [Specialist Counsel confer]

14 MR. MISETIC: My client -- it turns out my client and I were  
15 going to say the same thing.

16 I believe it's only fair, if it's going to be put to him that  
17 way, that the rest of -- when it's expressly put at the bottom of the  
18 page what Mr. Thaci's position is with respect to whether he authored  
19 the communiqués, that that be read out to him as well.

20 JUDGE METTRAUX: I'm happy with -- which part?

21 MR. MISETIC: At the bottom of that page he's asked that  
22 question specifically. He says:

23 "I suppose. I don't know."

24 Line 18. Good. Thank you.

25 PRESIDING JUDGE SMITH: All right. The witness can be brought

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1 back in.

2 [The witness takes the stand]

3 JUDGE METTRAUX: Mr. Bashota, I'll read to you another exchange  
4 that's in the first page. And if you can't find it in your language,  
5 please let me know, but I think it's on the right page. There's a  
6 paragraph that's being jumped over, and then there's a question by  
7 the investigator that says:

8 "Moving forward then until later in 1997, you mentioned that  
9 Sokol Bashota had some involvement with the communiqués then?"

10 And the answer is of Mr. Thaci:

11 "I presume. But I am sure about Xheladin Gashi."

12 Now, I'll put the question to you again. Do you have a comment  
13 or an observation as to why both Mr. Selimi -- or Mr. Selimi would  
14 assert that you were the person responsible for the communiqués and  
15 Mr. Thaci believed at the very least that you might be. Do you have  
16 any comment on their understanding as expressed there?

17 [Specialist Counsel confer]

18 MR. MISETIC: I believe there's a translation issue into the  
19 Albanian which is causing a problem, and the witness is hearing that  
20 translation of what Mr. Thaci's position is.

21 JUDGE METTRAUX: I'll ask the question more generally, sir.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 JUDGE METTRAUX: I'll ask the question more generally, sir.

24 Now, do you have an explanation as to why people within the KLA  
25 leadership would either state or assume that you and perhaps

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1 Xheladin Gashi were responsible for the communiqués in 1997 from the  
2 time of the arrest of Nait Hasani up to the appointment of  
3 Jakup Krasniqi in April 1998 by the General Staff?

4 [Specialist Counsel confer]

5 [Trial Panel confers]

6 PRESIDING JUDGE SMITH: We'll continue, and you can, of course,  
7 delve into that more deeply on your follow-up questions if you wish.

8 [Microphone not activated].

9 JUDGE METTRAUX: I'll ask the question again in very general  
10 terms, sir.

11 I said do you have any explanation as to why people within the  
12 KLA leadership would either state or assume that you and perhaps  
13 Xheladin Gashi were responsible for the communiqués in 1997 from the  
14 time of the arrest of Nait Hasani up to the appointment of  
15 Jakup Krasniqi in April 1998 by the General Staff?

16 A. Your Honour, you are asking me to just surmise what they  
17 thought, but it is very relevant, I think, what I am saying here, in  
18 the sense that I am talking about myself in the first-person  
19 singular, and what about I'm saying. I'm very aware what I'm saying.  
20 I'm talking under oath. And I never wrote any communiqué, from the  
21 first to the last. So I don't know why they have made such  
22 suppositions. There may be one reason. Because of the fact that I  
23 was the only one among the members of the Central Staff present in  
24 Kosovo, maybe that is the reason why. But that I have written any  
25 communiqués, this is not true at all.

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1 JUDGE METTRAUX: Now, I've asked you a moment ago about the  
2 connections that Nait Hasani was said to have with the LPK and  
3 whether that would be relevant to the issuance of communiqués. Do  
4 you recall my questions on this?

5 A. Yes.

6 JUDGE METTRAUX: Now, during your time in Kosovo while a member  
7 of the General Staff, did you yourself have or kept contacts with the  
8 LPK while you were on the ground?

9 A. With the LPK? No. There was no LPK in Kosovo then.

10 JUDGE METTRAUX: I wasn't clear and I apologise for that. Did  
11 you keep contact with the LPK abroad? As in, when you were in  
12 Kosovo, did you keep contact with LPK members in other countries?

13 A. No.

14 JUDGE METTRAUX: Can we please see ERN 078019-TR-ET, and it  
15 would be Part 3. And in the English it would be page 17, 1-7. And  
16 in the Albanian, page 16. I believe it's toward the top of the page.

17 Mr. Halling, would you wish me to ask that question in closed  
18 session?

19 MR. HALLING: Your Honours, I think under the circumstances, it  
20 can be asked in public session.

21 JUDGE METTRAUX: Thank you.

22 Then I'll tell you what you are looking at, sir. This is the  
23 record of an interview conducted by the Office of the Prosecutor, the  
24 SPO here, with Ali Ahmeti on 2 September 2020. Do you understand  
25 that?

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1 A. Yes.

2 JUDGE METTRAUX: And if we can look -- I believe in the English  
3 it would be on line 3; and in the Albanian it would be towards the  
4 top as well. It goes like this:

5 "Mm-hm. Okay. What I'm try to ... to understand, this central  
6 operative staff was initially composed by a different group of  
7 people."

8 Do you see that in the Albanian?

9 A. Yes.

10 JUDGE METTRAUX: So what Ali Ahmeti says here is he says that:

11 "One group of people was -- were the commanders on the ground,  
12 and these are the persons that I just mentioned, yeah, and another  
13 group of persons, such as Xheladin Gashi, Sokol Bashota, and [Naim]  
14 Hasani, who were the direct link or communication with the LPK  
15 abroad. Is this correct.

16 "Is this correct?

17 "It is correct. But there were connections. I met with them  
18 sometime in 1993 or 1994 in Albania."

19 So I'll ask my question again. Did you, in those early years,  
20 1993, 1994, and onwards, have connections with the LPK?

21 A. I don't know whether Azem Sylja, Xhavit Haliti, or Ali Ahmeti  
22 played any role in the presidency of the LPK. If he referred to the  
23 meeting we had with them, I may say yes. But I didn't meet them as a  
24 member of LDK but as persons with whom we wanted to organise and  
25 unify the armed groups in Kosovo. I don't know what positions they

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1 had in LDK.

2 THE INTERPRETER: LPK, correction.

3 THE WITNESS: [Interpretation] And I wouldn't dare endanger  
4 myself and meet them in the mountains being LPK members.

5 JUDGE METTRAUX: And Mr. Selimi, Rexhep Selimi, also said, and I  
6 quote, I'll give the reference:

7 "Sokol Bashota also had contact /with LPK/ in a certain period;  
8 the contacts with abroad were not very expansive."

9 And the reference is SITF00242993 at page 7 for those who want  
10 to look at it.

11 Now, do you confirm during the time, 1994, 1995, 1996, 1997, you  
12 had contacts, including abroad, with LPK members; yes or no?

13 A. Only if here is referred to Azem Syla, Xheladin, Haliti, it may  
14 be so, because I knew their position in the LPK.

15 JUDGE METTRAUX: And you also had contact during that period, I  
16 suggest - and I will, if necessary, show you the document - have  
17 contact during that period with *Zeri i Kosoves*. Is that right or  
18 not?

19 A. What time period are you asking me about? I have only given one  
20 interview to *Zeri i Kosoves*.

21 JUDGE METTRAUX: I'm particularly interested in 1997. In 1997,  
22 did you have contact with *Zeri i Kosoves*?

23 A. I didn't have direct contacts but only with one journalist who  
24 wanted to take an interview from me.

25 JUDGE METTRAUX: And did that cover the period of 1997, sir?

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1 A. Maybe, yes.

2 JUDGE METTRAUX: In fairness to you, I'll put you the statement  
3 in question and ask you to comment upon it.

4 Can we see Exhibit 761.10. And in the English it would be page  
5 18; and in the Albanian it would be page 19, towards the bottom.

6 And for your guidance, this is the continuation of an interview  
7 of Rexhep Selimi with the SPO, the Prosecutor here. And I'll put two  
8 passages to you and then ask you to comment on it.

9 In the English version, it starts at the very top. And in  
10 Albanian, I believe, it's towards the bottom.

11 Sir, if you can look for a question that says:

12 "But you mentioned to us, I believe yesterday, that  
13 Mr. Sokol Bashota took over the communiqués at some point in 1997?  
14 Have I got that right?"

15 Do you see that sentence?

16 A. Yes.

17 JUDGE METTRAUX: And the answer Mr. Selimi gives is:

18 "I would like to clarify. I would like to clarify that he dealt  
19 with them. He didn't take over.

20 "How did you know that?

21 "I'm presuming.

22 "So you don't know?"

23 And he says:

24 "Because the only person that had contacts with people abroad  
25 and the LPK in Switzerland was him." Talking about you.

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1           And if we can go to page 19 of that same interview; that's page  
2   20 in the Albanian. It should be the bottom of page 20 in Albanian.  
3   And it's line 10 in the English.

4           Mr. Selimi says there:

5           "In 1997, the connections with the LPK, including *Zeri i*  
6   *Kosoves*, were only kept by one person, and this person was  
7   Sokol Bashota."

8           Now, is what Mr. Selimi asserts here true according to you, sir?

9   A.   No, it's not true.

10          JUDGE METTRAUX: The very last thing I have for you has to do  
11   with your nickname or the code that you were using. Were you known  
12   by a number, sir?

13   A.   Yes. When we had radio communication we usually used numbers.

14          JUDGE METTRAUX: And what was your number, sir?

15   A.   11.

16          JUDGE METTRAUX: And I'll put it that way to you. Do you know  
17   Nuhi Bytyqi? Do you know who he is?

18   A.   Yes.

19          JUDGE METTRAUX: He suggests in a book he wrote that the numbers  
20   that certain members of the General Staff received were given to them  
21   according to the order in which they joined the KLA. Is that, to  
22   your knowledge, correct?

23   A.   No, it's not correct.

24          JUDGE METTRAUX: So --

25   A.   How could Nuhi Bytyqi know how we got those numbers? Nuhi

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1 Bytyqi came later. He dealt with the war chronicles and followed  
2 developments in various zones.

3 JUDGE METTRAUX: So how do you say you got this particular  
4 number?

5 A. I don't know who did that, who did this ranking. It was just a  
6 number to identify us by. There were smaller numbers, 10, and higher  
7 numbers than 10. I don't know exactly who had what, but there wasn't  
8 any kind of order for the numbers assigned to us. Just numbers to be  
9 used when we used the radio communication.

10 JUDGE METTRAUX: So you say they are random numbers?

11 A. Random, yes.

12 JUDGE METTRAUX: And who do you say gave you those numbers?

13 A. I don't remember that. But when we got access to radio  
14 communication, and for the needs of this communication, we got these  
15 numbers without any certain ordering. Maybe we just liked that  
16 number. It didn't make any -- I mean, it didn't make any -- it was  
17 not important.

18 JUDGE METTRAUX: Thank you. Those were my questions. Thank  
19 you, Mr. Bashota.

20 PRESIDING JUDGE SMITH: Judge Gaynor.

21 JUDGE GAYNOR: Thank you, Judge Smith.

22 Good afternoon, Witness. I have a few questions on four  
23 subjects. The first is Jakup Krasniqi's membership of the  
24 General Staff.

25 Now, in your interview with the Office of the Prosecutor of the

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1 ICTY in March 2006 - this is P1870.1 at pages 8 and 9 - you were  
2 asked a few questions about this. And you said you were a member of  
3 the General Staff yourself, the political directorate. You were  
4 asked:

5 "How many members were at this time? We're still in '97.  
6 Approximately."

7 You answered:

8 "It might be ... seven or eight, but I'm not entirely sure.

9 "Q. Do you remember who these were?

10 "A. It was Jakup Krasniqi."

11 And you went on to give the names of some others.

12 So do you remember stating that in 2006?

13 A. I don't remember accurately. If I see it on the transcript,  
14 maybe it would help me get a better idea of what I said. I'm not  
15 saying I didn't say it, but not for Jakup. I think he joined in 1997  
16 or 1996. I'm not sure.

17 JUDGE GAYNOR: In the interest of time, I'll move on. We do  
18 have the transcript for that.

19 Second question I want to discuss is the provision to the  
20 General Staff of intelligence information. Okay?

21 Now, in the same interview, you said:

22 "We had criticisms of the Dukagjini zone because Tahir Zemaj was  
23 established there. And on the basis of the intelligence service that  
24 we possessed within the KLA, we had been informed that he earlier had  
25 been a drug dealer and had been convicted in earlier years, years

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1 past."

2 And you went on to say -- you were asked a question:

3 "When you received the information that Tahir Zemaj had taken  
4 over from Ramush Haradinaj, do you remember how this information was  
5 -- came to the General Staff?"

6 Your answer:

7 "Well, as I said, it came through the people in the intelligence  
8 service."

9 So my question to you is: What is that intelligence service  
10 which was providing information to the General Staff?

11 A. Your Honour, I specified in my note that these were people who I  
12 assumed worked for the intelligence services. I had no clear idea of  
13 what the intelligence service was. I don't even have a good  
14 understanding of it to this day. But simply due to the significance  
15 of the information that was passed on, I assumed that they were  
16 people who worked for the intelligence service.

17 JUDGE GAYNOR: And they were passing intelligence to the  
18 General Staff; is that correct?

19 A. No, they gave it to me personally. I don't know their names,  
20 but I just assumed.

21 JUDGE GAYNOR: I'll move on to the next subjects.

22 MS. V. ALAGENDRA: Your Honour, if I can just correct a  
23 transcript error that I'm told. It's page 124, lines 5 to 6:

24 "... I didn't say it, but not for Jakup ."

25 It reads:

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1 "I think he joined in 1997 or 1996."

2 It should read as:

3 "I don't think he joined ..."

4 If we could have that corrected, please.

5 JUDGE GAYNOR: Thank you.

6 Mr. Witness, I'm going to move on to another subject and that  
7 concerns the communiqués. We've heard you -- I've heard you say  
8 repeatedly that you personally did not write communiqués, but I want  
9 to explore the issue a little further. At P1870.1, page 10, you were  
10 asked this question:

11 "And what was it that you were doing at this time, let's say ...  
12 during '97, what kind of work did you do? Was it planning for coming  
13 conflict --"

14 Your answer began:

15 "We were mainly involved in writing communiqués ..."

16 And then it continues.

17 Now, my question to you is what does the word "we" mean here?

18 A. What I meant to say is other people. Not that I -- something  
19 that I did myself, but others as a structure. We had no capabilities  
20 at the time because we'd been almost dispersed and dissolved. There  
21 were a number of communiqués that came out during that time, and  
22 that's what I made reference to, other groups, and not to myself. I  
23 was alone, left back in Kosovo. I couldn't have written communiqués  
24 in Kosovo, being on my own, without having a group of people who  
25 would have given their assent to it. That's the reason why.

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1 JUDGE GAYNOR: Well, I want to explore that with you. I think  
2 you've given evidence that two members of the Central Staff were  
3 drafting communiqués, Xheladin Gashi and Nait Hasani, and it's not  
4 clear to me whether you participated in discussions as a member of  
5 the Central Staff about the content of communiqués.

6 Could you please clarify your evidence on that?

7 A. I think I mentioned it earlier that I was not a part of this  
8 exercise.

9 JUDGE GAYNOR: So is it your evidence that there were either six  
10 or seven or eight of you in the Central Staff and you never discussed  
11 communiqués, but you were aware that communiqués were being published  
12 in *Zeri i Kosoves* purportedly on behalf of the Central Staff? Is my  
13 understanding correct?

14 A. Yes.

15 JUDGE GAYNOR: And would you accept that the language used in  
16 some of those communiqués which confirms the execution of purported  
17 collaborators, that is extremely serious language, is it not?

18 A. Yes, at times, from what I was able to see given that the mass  
19 media access was too limited in nature. But, yes, there were many,  
20 many instances when the language contained therein was, indeed, so  
21 severe.

22 JUDGE GAYNOR: And, nevertheless, you never discussed the  
23 content of those communiqués with your fellow members of the  
24 Central Staff?

25 A. I think I mentioned it earlier that Nait Hasani told me that,

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1 "This is an issue that I deal with alongside Plaku, i.e.  
2 Xheladin Gashi," and I did not inquire any further. We are  
3 mentioning Nait Hasani and Xheladin Gashi many times, but the fact is  
4 that he said, "We deal with this, I deal with this one, and  
5 Xheladin Gashi," and I did not pursue the matter further.

6 JUDGE GAYNOR: Now, I want to refer you to another answer you  
7 gave. This is P1870.3 at page 16, and you said:

8 "Well, generally in our earlier communiqués, in our first  
9 communiqués, we would communicate publicly that the KLA didn't permit  
10 any activities that were in -- which ran against the struggle being  
11 waged by the citizens of Kosovo and this appeal was issued several  
12 times. And in most cases decisions were made to kill them."

13 That's the answer you gave back in 2006. And once again, you  
14 say "our." Twice you used the word "our," and then you used the word  
15 "we." Now, when you're using those words, who are you referring to?  
16 A. It is for these reasons that a defence lawyer is needed in these  
17 processes. I never thought that this issue would crop up. In 2006,  
18 I gave an interview under a lot of pressures, something that I  
19 mentioned in the note as well. I was told that investigators do not  
20 care about you, they use interviewing techniques like the Americans  
21 in Guantanamo. And you will understand how easy or difficult it was  
22 to give an answer to people who were reminding me of the interviewing  
23 techniques used at Guantanamo.

24 I do not know the reason why, but I referred -- I made reference  
25 only to those parts that I was able to digest via the media. So I

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1 spoke about things that I had seen in the media.

2 JUDGE GAYNOR: I want to move now to the portion of your  
3 interview where your draft statement was being read back to you for  
4 your review. This is back in 2006. This is P1870.6, page 12.

5 And during that readback, the person said:

6 "If an operational zone commander upon receiving information was  
7 convinced that a certain person was a Serbian collaborator and would  
8 not admit it, he could order for that person to be killed."

9 Your answer was:

10 "That's right. In this case, if an accused person who was  
11 summoned made no contact with any KLA official person and did not  
12 surrender to the KLA authorities to receive the message, the military  
13 structures considered him to be a spy and took punitive measures  
14 against him."

15 Do you recall giving that answer?

16 A. Yes, Your Honour. But I mentioned that in the note, I don't  
17 know whether the clarification was made, that each time collaborators  
18 are mentioned, the reference is to the local police units that had  
19 been co-opted, uniformed, and equipped with weapons by the Serbs.  
20 These people, even though they were under a uniform and carrying  
21 weapons, we did not have any right to deal with them with the  
22 exception of the case where they turned their weapon against the  
23 Kosovo Liberation Army soldiers, because that activity would be  
24 hostile and it would undermine the soldiers of the Kosovo Liberation  
25 Army in front of the population.

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1 JUDGE GAYNOR: Well, on the next page, that's page 13, the  
2 question is put to you:

3 "If a collaborator continued ... with his activity, was the zone  
4 commander authorised, was he right to order his killing?"

5 Your answer was:

6 "As I mentioned earlier, it was the General Staff that on a  
7 collegial basis decided about the punitive measures against the enemy  
8 collaborators. They were warned through communiqués to stop their  
9 enemy activity."

10 Now, your answer there appears to me to be quite consistent with  
11 the language used in the communiqués that were shown to you today and  
12 yesterday during your testimony.

13 A. If you're looking for similarities, yes, you can find them,  
14 Your Honour. In practice, however, it is not a part of my nature or  
15 my language to use that. That is not a language that I used, neither  
16 it is in my nature to use that kind of language. The reference, as I  
17 have mentioned before, was for those who had been uniformed and  
18 served under the Serbian police and the army, be them Albanians or  
19 otherwise. They were people who worked under their orders.

20 JUDGE GAYNOR: You were also questioned about who gave the zone  
21 commander, the brigade commander, and other structures, like platoons  
22 and companies, who gave them the right to take action against  
23 perceived collaborators? The question was:

24 "... who was it that gave them that right? I mean, who did?"

25 Your answer:

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1 "The General Staff."

2 Now, in giving that answer, how did you know it was the  
3 General Staff that gave them that right?

4 A. Again, here, I made reference to the communiqués that were  
5 published in various media outlets where an appeal was sent to all  
6 these collaborators, as they are called, to relinquish that kind of  
7 activity. I gave -- I made reference only to the communiqués that  
8 were issued, and it is not that I had any such information that  
9 belonged or originated in the General Staff.

10 JUDGE GAYNOR: I'd like you to clarify another answer that you  
11 gave, if you would. This is at page 16 of the same exhibit number.  
12 And your answer was:

13 "Don't forget that once the order for the execution of the  
14 collaborator was given, it could be carried out by anyone who knew  
15 him because they would get in day and night. For the purpose of  
16 obtaining information from the KLA ranks, the collaborators would  
17 move around day and night through [the] secret channels."

18 So could you just clarify for me what did you mean by "the  
19 collaborators would move around day and night through [the] secret  
20 channels"? Could you amplify your answer a bit on that, please?

21 A. I mean the same people who had been a part of this. It's the  
22 local police who were employed by the Serbian police. These were  
23 co-villagers, people who lived in our midst. They did not come to  
24 the parts that were under our control as KLA soldiers, because there  
25 were parts that we could control, but they -- they went and bypassed

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1 us and -- in their attempts to try and obtain information of various  
2 kinds. That's what I meant to say.

3 JUDGE GAYNOR: Finally, we've discussed this earlier, but I'd  
4 just like you to clarify the basis of your knowledge. This is  
5 P1870.6, page 18.

6 And the question was:

7 "Once the order for the killing of the collaborator was given by  
8 the General Staff, it could be enforced by anyone who would identify  
9 the collaborator."

10 And I'd like to clarify, that is an interpreter reading back to  
11 you your draft statement.

12 And your answer was: "Yes."

13 So my question to you is this: How did you know that?

14 A. Can we -- can you repeat it one more time, Your Honour, because  
15 I did follow the gist of the argument, but I was unable to follow the  
16 exact question.

17 JUDGE GAYNOR: I will indeed, sir. The transcript says:

18 "[The Interpreter proceeds reading the summary of the statement  
19 to the witness]."

20 And then the interpreter says:

21 "Once the order for the killing of the collaborator was given by  
22 the General Staff, it could be enforced by anyone who would identify  
23 the collaborator."

24 And your answer was: "Yes."

25 So my question to you now is: How did you know that? What's

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1 the basis of your knowledge for that answer?

2 A. This comes from the reading of the communiqués that were  
3 published widely. They were widely known to the public opinion as  
4 well as the KLA soldiers. My reference was only to the communiqués  
5 which had issued that appeal pertaining to these categories. I then  
6 gave my own opinion as to what I understand with the word  
7 "collaborator." A citizen who cooperated with a Serb or had a  
8 business with a Serb could not have been labelled a collaborator.  
9 That is in my testimony. And my reference has always been *vis-à-vis*  
10 those who worked under the Serbian apparatus.

11 And that is information that I obtained via the media and that  
12 came from the communiqués that had been issued.

13 JUDGE GAYNOR: And as a -- for the period that you were a member  
14 of the Central Staff and the General Staff, could you clarify how the  
15 General Staff would disseminate or communicate to subordinate units  
16 an order to kill a collaborator? How would that take place?

17 A. The question was mostly of a hypothetical nature, but I am not  
18 aware that the General Staff has issued a discrete order for a person  
19 with a name and a surname to be executed. The appeal was of a  
20 general nature. The communiqués served mostly as propaganda on  
21 behalf of the Kosovo Liberation Army, but they also served as a  
22 warning to all who could have undermined the just war of the Kosovo  
23 Liberation Army through the use of arms and through turning those  
24 weapons against the Kosovo Liberation Army.

25 JUDGE GAYNOR: I've no further questions. Thank you.

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Further Cross-examination by Mr. Misetiç

1           PRESIDING JUDGE SMITH: Thank you.

2           Any follow-up questions from the Prosecutor?

3           MR. HALLING: None, Your Honour.

4           PRESIDING JUDGE SMITH: Mr. Misetiç.

5           MR. MISETIC: Yes, thank you, Mr. President.

6                           Further Cross-examination by Mr. Misetiç:

7           Q.    Witness, I have a few follow-up questions for you which I'll  
8           continue into tomorrow. First, if I can call up a document. You  
9           were asked a lot of questions about the composition of the  
10          General Staff or the Central Staff in 1995, 1996, 1997.

11          MR. MISETIC: So if I could please have a document we've just  
12          released in the queue, SPOE00209518-00209528-ET in the English; and  
13          in the Albanian, it's SPOE00209513 to 00209543.

14          Q.    And I'm going to show you an interview that Nait Hasani gave in  
15          2002 where he answered that question.

16          MR. MISETIC: And in English, if we could go to page 9520; in  
17          Albanian, the same. I believe it's at the bottom of the page. Yes.  
18          Top of the page? Oh, sorry. Top of the page. Yes.

19          Q.    If you see there, Witness, this is something he said in 2002:

20                "Who was part of the KLA Central Staff?"

21                His answer is:

22                "The staff included: Azem Syla, Nait Hasani, Xheladin Gashi,  
23                Sokol Bashota, Xhavit Haliti and Ali Ahmeti. Azem Syla was the Staff  
24                leader."

25                Now, is that -- are those six names consistent with the six

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1 names you've given us in your testimony here?

2 A. Yes, counsel.

3 Q. Thank you.

4 MR. MISETIĆ: Mr. President, I tender this -- just this page of  
5 the interview into evidence.

6 PRESIDING JUDGE SMITH: Any objection?

7 MR. HALLING: Again, we would actually say the whole interview  
8 would be worth exhibiting to be understood in context, but no  
9 objection.

10 MR. MISETIĆ: There's no context needed. It's a simple question  
11 of who was ...

12 PRESIDING JUDGE SMITH: Which page is it? I can't ...

13 MR. MISETIĆ: SPOE00209520.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 That page will be admitted.

16 THE COURT OFFICER: Your Honours, that page will be assigned  
17 Exhibit 1D223. And can we confirm the classification?

18 MR. MISETIĆ: Public, yes? It should be public. Thank you.

19 Q. Witness, I'd like to take you to another excerpt of a book  
20 called "Commander Remi Speaks," and this deals with the issue of who  
21 was issuing communiqués.

22 MR. MISETIĆ: And if I could please have on the screen  
23 SPOE00053263 to 00053359 in the English, and SPOE00330195 to 00330361  
24 in the Albanian. And the page I'm looking for in English is  
25 SPOE00053284; and in Albanian, SPOE00330226.

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1 THE COURT OFFICER: At this point can we clarify in which queue  
2 it sits?

3 MR. MISETIĆ: It's the original queue. Yeah.

4 Q. Witness, while this is being called up, Mr. Mustafa testified  
5 that he did not know who was in the General Staff until September  
6 1997. Did you know Rrustem Mustafa? Or can you tell us when it is  
7 that you first became acquainted with Rrustem Mustafa,  
8 Commander Remi?

9 A. I don't know. I cannot recall when my first meeting with him  
10 was.

11 Q. Well, he took over for Zahir Pajaziti eventually in the Llap  
12 zone; correct?

13 A. Yes. That's what I remember.

14 Q. If he was engaging in activities after the death of  
15 Zahir Pajaziti, was he coordinating with you or communicating with  
16 you?

17 A. At the beginning, he might have had communications with  
18 Xheladin Gashi, but, yes, it was later with me, but I just cannot  
19 remember when.

20 Q. Do you have any reason to dispute his testimony that it wasn't  
21 until at least September 1997 that he even knew who the members of  
22 the General Staff were?

23 A. It is possible.

24 Q. Okay. Now, this is from a book called "Commander Remi Speaks,"  
25 and he's asked the question:

Witness: Sokol Bashota (Resumed) (Open Session)  
Further Cross-examination by Mr. Misetić

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1 "When were the first statements in the name of KLA General Staff  
2 issued from?"

3 He said:

4 "I have no idea. It has always been said that the statements  
5 were issued from Prishtina, but I can't say much about the details  
6 regarding this. I know that Zahir himself compiled continuing  
7 statements. He communicated by a phone from a foreign country and  
8 that was how the statements were issued."

9 Question:

10 "Any more details?"

11 He says:

12 "I wouldn't focus on the first, second or third statements. I  
13 know that Zahir from National Theater in Prishtina issued several of  
14 these statements. At that time Hakif Zejnullahu's brother, Bajram,  
15 was a guardian at the National Theater and one of the Theater phones  
16 was used for issuing statements. This was a rather technical matter,  
17 which was done perfectly by Hakif's brother so that the phone could  
18 not be tapped."

19 Now, is it possible, what Mr. Mustafa is saying here, that the  
20 operational groups could communicate directly with someone outside  
21 the country to relay information that wound up in communiqués without  
22 going through anyone who was part of the Central Staff?

23 A. Yes, that's correct.

24 MR. MISETIĆ: Mr. President, this is part of a page from an  
25 already admitted exhibit, P00188, and I would ask that this page be

1 added to the exhibit.

2 PRESIDING JUDGE SMITH: Any objection?

3 MR. HALLING: None, Your Honour.

4 PRESIDING JUDGE SMITH: Page SPOE00053284, English and Albanian,  
5 is admitted and will be joined with Exhibit P0188.

6 MR. MISETIC: Thank you, Mr. President. And I see the time.

7 PRESIDING JUDGE SMITH: Witness, it's time to call it a day, so  
8 we thank you for being with us, and you may leave the courtroom now.  
9 Please don't speak with anyone overnight about your testimony.

10 We will be back here tomorrow morning at 9.00, and we will see  
11 you then.

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 [The witness stands down]

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

16 MR. DIXON: Thank you, Your Honours. I didn't want to  
17 interrupt, and also wait for the witness to leave.

18 [REDACTED] Pursuant to In Court Redaction Order F2758RED.

19 [REDACTED] Pursuant to In Court Redaction Order F2758RED.

20 [REDACTED] Pursuant to In Court Redaction Order F2758RED.

21 [REDACTED] Pursuant to In Court Redaction Order F2758RED.

22 [REDACTED] Pursuant to In Court Redaction Order F2758RED.

23 And as we have consistently objected previously, when the SPO is  
24 not entitled to look to call that evidence, certainly the Bench  
25 shouldn't be using it. We say it's inappropriate. They shouldn't be

1 using it in questions of the witness.

2 It's not evidence in the case, it's not relied upon by the SPO,  
3 and it violates our rights because we, as the Defence, are not able  
4 to cross-examine somebody who is not going to be called. So we  
5 maintain that objection, as we've done before, and would do so for  
6 future use of such material as well. So to put down that marker is  
7 my request. Thank you, Your Honours.

8 PRESIDING JUDGE SMITH: You're asking for a continuing  
9 objection?

10 MR. DIXON: Yes, Your Honours. Thank you.

11 PRESIDING JUDGE SMITH: Yes. Granted.

12 MR. HALLING: Your Honours, could we respond to that very  
13 briefly?

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. HALLING: That misstates the practice in this trial.  
16 Statements of people who are not SPO witnesses have been routinely  
17 shown to other witnesses. It make no difference whether the status  
18 of a witness has changed from being on the list to being off the list  
19 in this regard.

20 The Defence have also used the same SPO interview of the same  
21 witness on previous occasions. And I can give an example of the  
22 Thaci Defence using another part of this same interview at page 11817  
23 and 11818 of the transcript.

24 PRESIDING JUDGE SMITH: Yes.

25 MR. MISETIC: Mr. President, I need to respond to that.

1 I used the interview because they were calling him, and he was  
2 supposed to come, and he's the subject of a pending motion, so I  
3 think that's a little bit disingenuous to use that example. Thank  
4 you.

5 PRESIDING JUDGE SMITH: Thank you very much.

6 We'll make a ruling on it.

7 We're adjourned until 9.00 a.m. tomorrow.

8 --- Whereupon the hearing adjourned at 4.32 p.m.

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