

1 Thursday, 5 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: Thank you.

11 I note that the accused are all present in court today.

12 Today we will continue hearing the evidence of Prosecution
13 Witness W04401.

14 Before the witness is brought in, the Panel would like to know
15 if the SPO is in a position to confirm the witnesses for the next
16 evidentiary block, not only confirm them but the order in which they
17 will testify.

18 MR. HALLING: Not right now, but we'll look into it and see what
19 we can provide today.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 I believe it's supposed to be on file today.

22 MR. HALLING: Yes, but I'm -- if you would like an advance --

23 PRESIDING JUDGE SMITH: No.

24 MR. HALLING: -- indication, we can get --

25 PRESIDING JUDGE SMITH: No, close of business today is fine.

1 MR. HALLING: Thank you, Your Honour.

2 PRESIDING JUDGE SMITH: The Panel will issue an oral order on
3 the Veseli Defence's objection to the use by the Panel of a document
4 during judicial questioning.

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

6 [Private session]

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: For the record, Duty Counsel is present
24 in the court today.

25 Good morning, Duty Counsel.

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Mr. Misetiç (Continued)

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1 Mr. Bashota, good morning to you.

2 THE WITNESS: [Interpretation] Good morning.

3 PRESIDING JUDGE SMITH: We have some more questions for you, but
4 I am reasonably confident this will be your last day on the stand.
5 So I'm sure you're happy to hear that.

6 Go ahead, Mr. Misetiç.

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

8 WITNESS: SOKOL BASHOTA [Resumed]

9 [The witness answered through interpreter]

10 Further Cross-examination by Mr. Misetiç:

11 [Continued]

12 Q. Good morning, Mr. Bashota.

13 A. Good morning.

14 Q. I would like to next turn to a topic that was raised by the
15 Panel with you, which is the issue of how decisions were taken in the
16 General Staff. And I'd like to show you a few documents and then ask
17 you some questions about the process.

18 MR. MISETIC: If we could please have on screen Exhibit P00621
19 in both the English and the Albanian, please. It's in the most
20 recently released queue, Madam Court Officer.

21 Q. Now, Witness, you see this document on the screen. It purports
22 to be an order issued by Bislir Zyrapi as chief of the General Staff.
23 And I'd first like to ask you about a word that appears in the
24 Albanian. In point number 1, there's a word there in Albanian,
25 "*referimi*." Could you tell us what "*referimi*" means?

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Further Cross-examination by Mr. Misetić (Continued)

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1 A. I may -- I may speak to the extent that it is to submit
2 something. I don't know what Mr. Zyrapi had in mind, though. What
3 that means is to report something to.

4 Q. All right. It's a report. He's ordering them, in the original
5 Albanian, it says -- if I read it correctly -- who's issuing this
6 order if you read the opening paragraph?

7 A. It looks like it's Bislim Zyrapi.

8 Q. Yes. And he's ordering, in point 1, that the heads of the
9 directorates, right, report, it should be in the English, it says:

10 "... at 12:00 at the [General Staff] headquarters there will be
11 [reporting] of the Heads of the Directorates of the [General Staff]
12 of the KLA."

13 Correct?

14 A. Yes.

15 Q. And he's the one that's ordering the reporting to be done;
16 correct?

17 A. Yes.

18 Q. Who -- he issued this order on his own?

19 A. Most certainly because his name appears below there, and that's
20 what it is. It says there it is for the directorates, and it appears
21 to be his order.

22 Q. Yes. He didn't issue the order after first consulting with the
23 other members of the General Staff to see if he could issue the
24 order; correct?

25 A. I think he had powers to issue this order single-handedly given

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Further Cross-examination by Mr. Misetić (Continued)

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1 that he was the chief of staff.

2 Q. Yes. Let's take a look at another document.

3 MR. MISETIĆ: Exhibit -- and this is, Madam Court Officer, in
4 the original queue, Exhibit 1D29, please.

5 Q. Mr. Bashota, take a look at the document on the left-hand side
6 of your screen. Can you tell me if you've ever seen that document
7 before?

8 A. No, I haven't.

9 Q. Okay. If you look at the document, can you tell us who issued
10 the order?

11 A. Bislīm Zyrapi.

12 Q. Did he issue it pursuant to his powers or --

13 A. That's what I can see.

14 Q. Yeah. Did he issue it -- as far as you can tell from the
15 document, did he issue it pursuant to his powers or did he consult
16 with the General Staff and issue it on behalf of a collective body?

17 A. He had powers to issue this one on his own.

18 Q. If you look at point 4, it says:

19 "The arrest, detention or imprisonment of persons without an
20 order from a brigade commander or above is prohibited, except in the
21 case of a critical combat situation or when various criminal offences
22 are being committed against members of the KLA, against individuals
23 or the civilians authorities."

24 Did he issue that pursuant to his personal powers?

25 A. I won't be able to prejudice this, but I know that he had powers

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Further Cross-examination by Mr. Misetiç (Continued)

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1 to issue this kind of order. It is one of Bislím Zyrapi's orders. I
2 cannot decipher his motives in issuing it in their entirety, but it
3 is an order that he issued by the looks of it.

4 Q. Well, let me ask it a different way: Did he consult with you,
5 did he consult with you before issuing the order in point 4?

6 A. No.

7 Q. As far as you know, did he consult with anyone else in the
8 General Staff? As far as you know.

9 A. I don't know.

10 Q. So then you have no reason to believe that this was a collective
11 decision of the General Staff; correct?

12 A. No, it was within Bislím's powers. As you can see, his name is
13 there, and he had that right.

14 MR. MISETIÇ: If we could have, Madam Court Officer, in the new
15 queue, Exhibit P628, please.

16 JUDGE BARTHE: Before we do that, Mr. Misetiç, I apologise for
17 interrupting you, but I have a question, a little bit late, but in
18 relation to the previous document, P00261, not --

19 MR. MISETIÇ: 621. 621.

20 JUDGE BARTHE: 621. 621. I'm sorry.

21 MR. MISETIÇ: Yes.

22 JUDGE BARTHE: I wrote it wrong, probably. Not for the witness,
23 but for you.

24 MR. MISETIÇ: Oh, okay.

25 JUDGE BARTHE: Is it your case -- I think the witness can stay

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Mr. Misetić (Continued)

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1 here. Is it your case that this document does not contain a
2 reference to a meeting? The word "*referimi*" --

3 MR. MISETIĆ: Yes.

4 JUDGE BARTHE: -- does it mean that -- or is it your case that
5 it means what the witness said?

6 MR. MISETIĆ: Yes.

7 JUDGE BARTHE: Because we have to check that, I guess.

8 MR. MISETIĆ: Yes, it is. And we will have it -- we will ask
9 the Prosecution to have it corrected. It should be they should
10 "report."

11 JUDGE BARTHE: Okay. That's on the record. Thank you very
12 much.

13 MR. MISETIĆ: Thank you.

14 Yes, if we could have P628, please.

15 Q. What about this document, Witness? Is this -- who's issuing
16 this document?

17 A. It looks like this one has also been issued by Bislim Zyrapi.

18 Q. Pursuant to his individual powers?

19 A. Yes.

20 MR. MISETIĆ: If we could have P630 on the screen, please.

21 Q. What about this document? Who's issuing this document?

22 A. This is also a document issued by Bislim Zyrapi as one can see
23 here.

24 Q. As far as you can tell, is it being issued under his personal
25 powers or is this a collective order of the General Staff, or

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1 ordinance?

2 A. I have no knowledge that this is an order issued by the
3 General Staff, but this appears to have been an individual order
4 issued by Bislime Zyrapi.

5 Q. Am I correct that it was Bislime Zyrapi on behalf -- sorry,
6 Bislime Zyrapi as chief of the General Staff who would issue
7 operational orders to the KLA?

8 A. I can see that there are all other kinds of orders apart from
9 operational orders. I don't know what kind of orders
10 Mr. Bislime Zyrapi issued in relation to the commands of the
11 operational zones. I am not aware of their contents, and I am not
12 able to ascertain on whether these are of an operational nature. He
13 was the man in charge, but from three orders I am unable to come to a
14 conclusion as to what they were. But you can see here that these
15 have been sent to the zone commanders and cover different issues.

16 Q. Well, in your last answer you just said:

17 "I don't know what kind of orders Mr. Bislime Zyrapi issued ..."
18 How do you not know what kind of orders he issued? Why don't
19 you know?

20 A. Because he never asked me.

21 Q. Okay. So Bislime Zyrapi would issue orders without convening the
22 General Staff, consulting with the General Staff, because you were a
23 member of the General Staff; right?

24 A. I did not attend all the meetings of the General Staff. But in
25 those meetings that I attended, I did not see such an order issued by

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1 Bislīm Zyrapi. This is part of his line of work with the zone
2 commanders, and I have no knowledge on whether he consulted anyone
3 from the General Staff on these matters. He had full authority to do
4 it single-handedly.

5 MR. MISETIĆ: Yes, I'm being told that on the transcript at page
6 11, line 24, it should say "this is not an order of the
7 General Staff." That's what the witness said. That's what I heard,
8 anyway.

9 Q. Let me take you to something that was raised at provisional
10 transcript page 85, which is something that Judge Mettraux put to you
11 yesterday about examples that were given by Mr. Rexhep Selimi of
12 collective decisions, and I want to ask you about some of those
13 decisions, one of them being the appointment of Adem Demaci as a
14 collective decision of the General Staff.

15 MR. MISETIĆ: Now if we could please have on the screen
16 Exhibit 1D50, please.

17 Q. Now, you'll recall I asked you a few days ago about the
18 appointment of Adem Demaci, and you said that you personally did not
19 participate in that decision; correct?

20 A. Correct.

21 Q. Now, this is Political Declaration No. 7 that announced that
22 Adem Demaci had been appointed as a political representative. And if
23 we look at the bottom, the date that this was released is 13 August
24 1998. Do you see that?

25 A. Yes.

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1 MR. MISETIC: If we could go now to Exhibit P653, please, which
2 is another document I showed during my cross-examination.

3 Q. And this was notes of -- allegedly of General Staff meetings in
4 the summer of 1998.

5 THE COURT OFFICER: Can we have the number again?

6 MR. MISETIC: P00653. It should be in our original queue,
7 unless it was in the Prosecution queue. 643? Sorry, it could be 643
8 I'm being told. Yes. And if we could go to the next page, please.
9 Yes.

10 Q. You see that it goes from a meeting on 23 July, and then the
11 next meeting, at least in this notebook, is 16 August 1998. Do you
12 see that?

13 A. Yes, I do.

14 Q. At least according to this notebook, the General Staff did not
15 meet until three days after it was publicly announced that
16 Adem Demaci had been appointed. Do you agree?

17 A. I don't know this.

18 Q. Well, at least as -- if you were to rely on this notebook, do
19 you agree with me that the General Staff would not have met until
20 three days after it was publicly announced that Adem Demaci and
21 yourself, amongst others, were political representatives of the KLA?

22 MR. HALLING: Objection, misstates the evidence. The witness
23 and Mr. Demaci are in different paragraphs of the previous documents
24 shown.

25 MR. MISETIC: It's the same document.

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1 MR. HALLING: They are not equally political representatives,
2 and Mr. Demaci is not listed as being formally appointed as one in
3 1D50.

4 PRESIDING JUDGE SMITH: Correct.

5 MR. MISETIÇ: He's not listed as formally appointed? Is that
6 what I heard?

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 He's not listed as being formally appointed.

9 MR. MISETIÇ: Okay.

10 Q. He's announced as the political representative three days before
11 a meeting allegedly on 16 August; correct?

12 A. It's possible. I have difficulty reading this handwriting, and
13 I don't know on whether Adem Demaci is being mentioned on the text
14 that's in front of me on the screen. I just don't see him.

15 Q. He isn't. He's not mentioned. Okay? So I'm going to ask you
16 again and put it to you, as I understood your testimony on my
17 cross-examination, you have no personal knowledge of how Adem Demaci
18 was announced as the political representative of the KLA; correct?

19 A. Correct.

20 Q. Okay. Now, the next thing Mr. Selimi mentioned as a collective
21 decision was the decision to participate in the Rambouillet
22 conference.

23 Now, did you participate in any meetings where participation in
24 the Rambouillet conference was discussed?

25 A. Yes, if I recall correctly I did.

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Further Cross-examination by Mr. Misetiç (Continued)

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1 Q. Who was present for that meeting or meetings?

2 A. I really can't give you the names at this point in time, but I
3 know that we discussed the participation at Rambouillet. After the
4 Hill document that was discussed on several occasions, the idea to
5 hold the Rambouillet conference was presented, but I do not know who
6 selected the names of those who would go to Rambouillet.

7 Q. Well, that was my next question. You -- in the meetings you
8 attended at the General Staff, you didn't discuss and appoint who
9 would be the representatives of the KLA at the conference; correct?

10 A. Correct. This is correct.

11 Q. So somebody else must have had the authority to appoint the
12 representatives of the KLA to the delegation; correct?

13 A. Yes.

14 Q. Would you assume -- who would you assume had that authority to
15 make --

16 MR. HALLING: Objection, calls for speculation.

17 MR. MISETIC: Sorry. I'll use --

18 PRESIDING JUDGE SMITH: Sustained.

19 MR. MISETIC: I'll remove the word.

20 Q. Based on your experience in the General Staff, who would you
21 expect to have made the appointments?

22 A. This could have been done by -- normally by Azem Syla.

23 Q. Okay. Now, as for meetings where this was discussed, would that
24 have been sometime in the proximate time to the beginning of the
25 Rambouillet conference?

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Further Cross-examination by Mr. Misetiç (Continued)

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1 A. Approximately, yes. When the idea was proposed for this
2 conference.

3 Q. Now, the Panel has heard evidence that Mr. Thaci was not in
4 Kosovo from 16 November to 10 March. So my question to you is: If
5 Mr. Thaci was not in Kosovo, who would be having these discussions in
6 the General Staff about the Rambouillet conference and whether to
7 participate?

8 A. We discussed that mainly with international representatives at
9 the conference, at the meeting. We discussed the form of conference,
10 how it should be organised. At least I remember a meeting with
11 Shaun Byrnes about this issue. Mainly with them.

12 Q. Do you remember any meetings of internal KLA meetings - internal
13 KLA meetings - where there was discussion about whether to
14 participate in the Rambouillet conference?

15 MR. HALLING: And, Your Honours, we've been patient because
16 there were questions about General Staff decision-making raised by
17 the Judges, but this can't give license for counsel to ask about
18 every single decision the General Staff made. At some point it's
19 beyond the scope of Judges' questions.

20 MR. MISETIC: Mr. President, this specific decision was cited by
21 Judge Mettraux and put to him.

22 PRESIDING JUDGE SMITH: Overruled as to this question.

23 Go ahead.

24 MR. MISETIC:

25 Q. Do you need me to repeat the question?

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Further Cross-examination by Mr. Misetiç (Continued)

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1 A. Yes, please.

2 Q. Do you remember any meetings, internal KLA meetings where there
3 was discussion about whether to participate in the Rambouillet
4 conference?

5 A. Specifically, no, I don't recall to have had such a meeting.

6 Q. And then the final point was -- that was raised by Mr. Selimi
7 and put to you by Judge Mettraux that I want to raise with you is the
8 agreement on appointing the prime minister of the PGoK, the
9 Provisional Government of Kosovo.

10 Did you participate in a meeting where that appointment of the
11 prime minister of the Provisional Government of Kosovo was discussed?

12 A. I am not sure whether it's that meeting with the zone
13 commanders. I don't know whether it was discussed there. As far as
14 I remember, the proposal about the person who'd lead the delegation
15 to Rambouillet, meaning Mr. Thaci, it was taken in Rambouillet. I
16 don't know whether it was decided in Rambouillet and then it was
17 conveyed to us as a proposal made regarding Mr. Thaci as an appointee
18 to become prime minister of the provisional government.

19 Q. Okay.

20 [Specialist Counsel confer]

21 MR. MISETIC:

22 Q. Now, one more question about collective decision-making and
23 whether it was a collective body but specific to Mr. Thaci's role in
24 the General Staff.

25 Could, as far as you know, Mr. Thaci issue orders to soldiers in

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Mr. Misetić (Continued)

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1 the zones? And this is --

2 A. No.

3 Q. Okay.

4 MR. MISETIĆ: And for the Panel, this is in reference to a
5 document in our queue, DHT704920 to DHT704921, which is the relevance
6 of this line of questioning.

7 Q. Could he issue orders to people who may have been detaining
8 alleged collaborators?

9 A. No.

10 Q. Let's turn to my final topic, and this is the Azem Sylja
11 interview that was put to you by Judge Mettraux.

12 MR. MISETIĆ: Now, that document is, for the record, P847.

13 Q. The date of the document is 2 October 1999. Do you understand?
14 So it's a few months after the conflict ended is when Mr. Sylja gave
15 that interview where he -- you were asked questions, if you recall,
16 by Judge Mettraux about Azem Sylja having given an interview where he
17 named ten people as original members of the General Staff. Do you
18 recall those questions?

19 A. Yes.

20 Q. And what I'm telling you, we don't have to put the document up,
21 but that interview was published on 2 October 1999. Do you
22 understand?

23 A. Yes.

24 Q. Now, Mr. Sylja gave this interview just as political parties were
25 being established in Kosovo following the conflict; correct?

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Further Cross-examination by Mr. Miletic (Continued)

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1 A. Correct.

2 Q. And is it correct that you were one of the original founders or
3 members of the PDK party?

4 A. Yes.

5 Q. Now, the interview is on 2 October 1999. Do you recall that
6 Mr. Thaci formally announced the creation of the PDK party just days
7 after Mr. Sylja gave this interview?

8 A. I don't remember the dates correctly, but I know because I was
9 present when the Democratic Party of Kosovo was founded.

10 Q. Yes. I will put to you that it was founded in early October
11 1999, and you were one of the original people who founded it.

12 Now, it's also true that Mr. Sylja ultimately joined the PDK as
13 well; correct?

14 A. Correct.

15 Q. Has it been your experience in Kosovo that people have
16 exaggerated their own roles and the roles of others for political
17 purposes in Kosovo?

18 A. After the war, we saw the publication of many books, giving of
19 many interviews, people tried to glorify the whole process of the
20 wartime. And in this context, there were also excessive egoistical
21 aims, attributing to themselves merits which they in reality didn't
22 have just to be as -- attractive to citizens and maybe to get votes
23 from the people or for certain purposes they knew.

24 Q. Yes. And one of the exaggerations would be for Mr. Sylja to
25 paint a picture that the new founders of the new PDK party were also

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Mr. Misetić (Continued)

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1 the original founders of the KLA. Could that also be?

2 MR. HALLING: Objection, calls for speculation.

3 MR. MISETIĆ: Based on his experience. That's why I asked him
4 the first question.

5 Q. And, well, I'll ask the ultimate --

6 PRESIDING JUDGE SMITH: Just -- go ahead.

7 MR. MISETIĆ:

8 Q. I'll actually ask that question myself. That's my last
9 question. We'd have to ask Mr. Sylja what he was thinking when he
10 said that; right?

11 A. Since it's his interview, it would be the best thing to ask him
12 to explain. I don't have the right to comment on the authorship of
13 something else -- of someone else. There are many books in Kosovo
14 that you cannot even read because of excessive merits the authors
15 attribute to themselves. And in the majority of cases, it does not
16 correspond to the reality. Even we who were part of the
17 General Staff, all the soldiers liked to speak about that period.
18 But it was -- we couldn't do -- couldn't restructure the army as we
19 would have liked to. But thankfully the war ended soon, and it
20 enabled us to create, to establish a proper army after the war.

21 Q. Yes. Thank you, Mr. Bashota.

22 MR. MISETIĆ: I have no further questions.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 JUDGE BARTHE: Thank you.

25 PRESIDING JUDGE SMITH: Before we get to you, Mr. Dixon.

Witness: Sokol Bashota (Resumed) (Open Session)

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Further Questioned by the Trial Panel

1 JUDGE BARTHE: For the witness.

2 Thank you, Judge Smith.

3 Further Questioned by the Trial Panel:

4 JUDGE BARTHE: Good morning, Mr. Bashota again. You were just
5 asked - two questions for you now - by Defence counsel for Mr. Thaci
6 on page 18 of the realtime transcript. I quote from the transcript
7 now:

8 "Could, as far as you know, Mr. Thaci issue orders to soldiers
9 in the zone?"

10 And you said:

11 "No."

12 And I would like to ask you why was Mr. Thaci not able to issue
13 orders to soldiers in the zones?

14 A. Because a director of a political directorate couldn't issue
15 orders of a military nature. He was merely the director of a
16 political directorate. That was the exclusive power of
17 Bislim Zyrapi, to communicate with the zone commanders, because he
18 was chief of staff.

19 JUDGE BARTHE: So you're talking about military orders,
20 operational orders, or orders in general?

21 A. I mean all the orders related to the zones. I don't think that
22 there was a political order on the zones. That was the realm of
23 activity of the political directorate.

24 JUDGE BARTHE: And you were also asked by counsel for Mr. Thaci
25 on page 19 of the realtime transcript, I quote:

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Further Questioned by the Trial Panel

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1 "Could he issue," "he" meaning Mr. Thaci, "orders to people who
2 may have been detaining alleged collaborators?"

3 And you also said: "No."

4 And I would like to know why was Mr. Thaci not able to issue
5 those kind of orders?

6 A. For the same reason I mentioned above.

7 JUDGE BARTHE: So you're aware that Mr. Thaci became
8 prime minister in the Provisional Government of Kosovo in April 1999.
9 Are you aware of that?

10 A. Yes.

11 JUDGE BARTHE: Does that change anything from your point of
12 view, or was the situation the same after Mr. Thaci became
13 prime minister for the Provisional Government of Kosovo?

14 A. I didn't understand the question, Your Honour.

15 JUDGE BARTHE: Are you aware of -- that was my first question.
16 Are you aware that Mr. Thaci became the prime minister of the
17 Provisional Government of Kosovo in April 1999, April, May 1999?

18 A. Yes.

19 JUDGE BARTHE: Yes. And you said Mr. Thaci, as the head of the
20 political directorate, was not able to issue orders to soldiers in
21 the zone as well or he was also not able to issue orders that
22 concerned collaborators.

23 And my question was does it also -- or is it also true or is it
24 also your evidence that he was not able to issue any orders to
25 soldiers in the zone as prime minister of the Provisional Government

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Further Questioned by the Trial Panel

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1 of Kosovo?

2 A. From what I know, because I said here that as of February I was
3 no longer a member of the General Staff, but I know that Mr. Thaci
4 dealt with the composition or the formation of the cabinet, governing
5 cabinet. And from what I remember, he had his own challenges to set
6 up this cabinet or government, because this happened after they
7 returned from Rambouillet and after the liberation of Kosovo in June.
8 When the Rambouillet Agreement for the establishment of the
9 Provisional Government of Kosovo was undermined, I don't know if that
10 is -- sabotaged, if that is the best term to use, but -- because at
11 that time the LDK decided to leave the government. So I don't know
12 whether he did have the possibility to issue such orders, but I do
13 know that he was working for the establishment of the government. He
14 was nominated. He was not elected.

15 JUDGE BARTHE: So after you left the General Staff in February,
16 you don't know whether Mr. Thaci could give orders as the
17 prime minister of the Provisional Government of Kosovo?

18 A. I don't know.

19 JUDGE BARTHE: I just want to understand --

20 A. I don't know.

21 JUDGE BARTHE: -- what you just said. You were talking about
22 the time when Mr. Thaci became prime minister, but I'm not clear.
23 But your answer is you don't know whether he was able to give orders.
24 So your statement is -- is -- yes?

25 A. I don't know. I'm sorry.

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1 JUDGE BARTHE: You don't know. Thank you very much.

2 PRESIDING JUDGE SMITH: Thank you.

3 Just a second, Mr. Dixon.

4 Do you wish to address any of those questions that came on late?

5 MR. MISETIC: I don't want to -- wish to address. Just for the
6 record to note that my questions were limited to the scope of
7 Judge Mettraux's questions, which was related to collective
8 decision-making within the General Staff.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: Thank you.

11 PRESIDING JUDGE SMITH: Understood. Thank you.

12 Now, Mr. Dixon. Sorry to have delayed you.

13 MR. DIXON: Not at all. Thank you, Your Honours.

14 Further Cross-examination by Mr. Dixon:

15 Q. Mr. Bashota, just a few follow-up questions. Firstly, in
16 relation to a question that Judge Barthe asked you yesterday. And
17 this at page 60, line 23 of the provisional transcript:

18 "I understand that there was no -- according to your statement,
19 no official responsibility to write or publish communiqués, but I
20 would like to know who had the authority within the Central Staff to
21 write or publish communiqués in 1996, 1997? Who could do that?"

22 That was the question that was asked to you by the Judge
23 yesterday. And you said:

24 "I did state here about Nait," this is Nait Hasani, "because he
25 told me that 'we deal with this' from 1996 until Nait's arrest. And

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1 as I said, I have dedicated some time trying to find out the origin
2 ... of these communications. I don't know whether it was Azem Sylja,
3 Xhavit Haliti, or others who stayed abroad in Albania, or whether it
4 was members of the Kosovo People's Movement, because a number of
5 communiqués came out of their press organ. So I do not know if --
6 otherwise if these people had authority to write them at the time."

7 Do you remember giving that evidence yesterday?

8 A. Yes.

9 Q. And in relation to the participation of Mr. Nait Hasani and his
10 arrest, also Judge Mettraux asked you questions about this.

11 MR. DIXON: Just for the record, that's at page 107, line 7.

12 Now, I'd like to call up a document regarding Mr. Hasani's
13 arrest because I want to ask you some questions about the timings of
14 communiqués coming out.

15 Q. Judge Barthe referred you yesterday to three communiqués, 28,
16 29, and 30, of 16 January 1997, 23 January 1997, and 6 February 1997.

17 MR. DIXON: So if we could have on the screen, so I can look at
18 the timings around this, DKV1590 to 1591.

19 Q. As it's coming up, I'll give you the context. This is a report
20 by Amnesty International from 24 October 1997. It's only in English,
21 but I'll read the relevant parts about the arrest and then ask you
22 some questions about the timings of communiqués then.

23 MR. DIXON: If you could just enlarge it. It's the paragraph
24 that starts:

25 "Waves of arrests were carried out by police ..."

1 Yes, thank you.

2 Q. I'm going to read you this part now, and it's in the middle of
3 the paragraph:

4 "Nait Hasani, the first accused in the new trial," and they're
5 referring here to the trial that started in October 1997, "was
6 arrested on 28 January," that's 1997, "and within 48 hours he was
7 taken to hospital by police to treat injuries received in custody.
8 On 31 January he 'disappeared', the authorities denying knowledge of
9 him until he 'reappeared' on 28 February. That day an investigating
10 magistrate formally questioned him in the presence of his lawyer.
11 Nait Hasani alleged that he had been taken by police from the
12 hospital and was held at an unknown location where he was tied to a
13 bed. He claimed that he was tortured with electric shocks with the
14 aim of making him sign self-incriminating statements."

15 Now, do you, first of all, recall, from when you were there,
16 Mr. Hasani's arrest on 28 January and him disappearing for a month?

17 A. I don't remember the exact date, but I know that it was at the
18 beginning of 1997.

19 Q. And do you remember, thinking back, the allegations arising of
20 him disappearing for the month of February and the allegations of him
21 being tortured in that time?

22 A. Yes, I heard about them.

23 Q. And you heard about that at the time?

24 A. No, it was after the war.

25 Q. But you knew at the time about his arrest, that he'd been taken

1 away and that he had disappeared; is that right?

2 A. Yes. Yes, certainly.

3 Q. So then just looking at the timings of this and the
4 communications that were shown to you, the communiqués that
5 Judge Barthe referred you to, it must be right, mustn't it, that the
6 Communiqué No. 30 of 6 February 1997 could not have been put out by
7 Mr. Hasani if he was disappeared and tied to a bed and being tortured
8 in February 1997; is that right?

9 A. Yes.

10 Q. It must have been somebody else that was involved in putting out
11 that particular communiqué?

12 A. I think so. Yes.

13 Q. Yes. You have mentioned some other names, and you have said you
14 were trying to get to the bottom of who was putting them out. But I
15 just wanted to ask you whether you knew this in terms of timings
16 again. The next communiqué that came out, there was something of a
17 gap, wasn't there? It only came out in April 1997. Do you remember
18 that?

19 A. I don't remember that. But I wanted to make a correction in
20 what you said.

21 Q. Yes, please.

22 A. I was told that Nait was putting out the communiqués. I didn't
23 try to find out who really wrote them. Since he told me, I took him
24 at his word. I didn't try to find out who really wrote them.

25 Q. Yes. But it must be right that he couldn't have written the one

1 in February, 6 February 1997. That's correct, isn't it?

2 A. Yes. Correct.

3 Q. And when you said here, "I didn't try to find out who really
4 wrote them," was one of the reasons for that that you yourself, being
5 in Kosovo, were obviously very worried about being arrested at that
6 time by the Serbian forces?

7 A. That's why I said earlier we dispersed. Xheladin Gashi went to
8 Drenica, Prekaz, to legendary commander Adem Jashari. I went to my
9 village, to my native village. It was a zone under our control
10 mostly. We tried to prevent the Serbian forces from entering there.

11 Q. So it's correct, isn't it, that you were acting extremely
12 cautiously and secretively in order to ensure that you weren't found
13 out and arrested by the Serbian forces?

14 A. Yes, yes.

15 Q. And, obviously, isn't this right, you didn't want to be arrested
16 because you knew what would happen to you? You could be tortured and
17 you would then have to reveal information about your inner workings;
18 isn't that right?

19 A. I tried three times arrests and inhuman tortures like the case
20 was with us at the time of the former Yugoslav and Serbia regime.
21 They put us under most inhuman tortures. So it was a time when I was
22 unable to cope again with a new arrest and tortures, so I was very
23 cautious indeed.

24 Q. So it was always best, wasn't it, to have as little information
25 as possible about what was going on because if you got caught, you

1 would be forced to reveal it by force?

2 A. If you are unable to cope with tortures, this is normal to
3 happen. You may try -- you may be forced to speak, to reveal things.

4 Q. Yes, thank you.

5 MR. DIXON: Your Honours, I would ask that this one page, this
6 report from the renowned international human rights organisation
7 Amnesty International, is admitted into evidence, it meeting the
8 *prima facie* threshold given its source and also what the witness has
9 been able to say about the document.

10 PRESIDING JUDGE SMITH: Could you repeat the ERN numbers,
11 please, for me?

12 MR. DIXON: It's DKV1590 to 1591.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. HALLING: None to those two pages.

15 PRESIDING JUDGE SMITH: DK --

16 MR. DIXON: It is over two pages. Thank you, Mr. Halling. So
17 both pages --

18 PRESIDING JUDGE SMITH: Both pages.

19 MR. DIXON: Thank you.

20 PRESIDING JUDGE SMITH: DKV1590 to 1591 is admitted.

21 THE COURT OFFICER: Your Honours, that will be assigned
22 Exhibit 2D34. And if we can confirm classification as there is none
23 indicated in Legal Workflow.

24 MR. DIXON: It can be public. It's a public report by the NGO.

25 PRESIDING JUDGE SMITH: It will be reclassified as public.

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1 MR. DIXON: Thank you, Your Honours.

2 I have about another 20 minutes to 25 minutes. Should we have
3 the break now then?

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Witness, we're going to give you a ten-minute break. Then we'll
6 come back to the courtroom and Mr. Dixon will be able to complete his
7 questions during the next session. So you may leave the courtroom
8 now.

9 [The witness stands down]

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

11 --- Break taken at 10.00 a.m.

12 --- On resuming at 10.12 a.m.

13 PRESIDING JUDGE SMITH: Please bring the witness in.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: All right. Mr. Dixon, you may proceed.

16 MR. DIXON: Thank you, Your Honours.

17 Q. Mr. Bashota, I've now got some questions to ask you about
18 questions that were put to you by Judge Mettraux on the collective
19 leadership topic. This is from page 74, line 21 onwards. There were
20 a number of questions about this issue.

21 And one in particular where His Honour, Judge Mettraux, said:

22 "And I think you said it, but put it in your own words, does it
23 mean that a decision of the General Staff reflected the views of all
24 of its members?"

25 This is at page 79, line 20.

1 And you said:

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

4 Do you remember that evidence? I'll ask you some questions
5 about it now, but I just want to confirm that you recall it.

6 A. Yes.

7 Q. And then over the page another section at page 80, line 23:

8 "Now, would you agree with the description that Mr. Krasniqi
9 gave of the work of the General Staff as collective work and its way
10 of functioning as collective command? Would you agree with that?"

11 That's a further question that was put to you.

12 And you said:

13 "Your Honour, it is true that we did carry out collective work
14 because we ironed out [our] differences in there. However, every
15 single one of us had [our] own responsibilities."

16 You remember saying that?

17 A. Yes.

18 Q. And you were asked more questions about consultations between
19 the General Staff:

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

25 And you said:

1 "Yes. Every topic raised was followed up with discussions and
2 ended up in a decision if the need was to come up with one."

3 Do you remember saying that?

4 A. Yes.

5 Q. And then, finally, on page 86, you were asked questions about
6 reporting from the ground and the importance of getting that
7 information for your decision-making process. Do you remember being
8 asked questions about that?

9 A. Yes.

10 Q. Now, certain questions arising directly from that that I want to
11 ask you. First of all, in relation to decisions of the
12 General Staff, it is right, isn't it, that you did not all decide
13 together on all decisions?

14 A. That's correct.

15 Q. And it's right as well that decisions could be taken, and they
16 were taken, without you or others necessarily knowing about that
17 decision being taken; is that right?

18 A. It wasn't possible to -- for all to be present on several
19 occasions. That's why decisions were taken in the absence of
20 someone. The movements of the members of the General Staff were very
21 limited at the time, and the meetings were few and far between. We
22 would be able to convene only on very significant matters, because
23 otherwise the possibilities were very limited.

24 Q. Yes, I understand. I'll come back to a significant matter,
25 Rambouillet, later, but it's right that particularly because of the

1 Serbian offensives, as you've described, in July, August, September,
2 it was extremely difficult to meet and all decide together on
3 decisions; is that right?

4 A. Yes.

5 Q. So decisions could be taken then, you would agree, without you
6 knowing about those decisions?

7 A. Yes, certainly.

8 Q. And it wouldn't matter whether you necessarily agreed or
9 disagreed with that decision. It was taken because it had to be
10 taken in the heat of the moment.

11 A. Yes, that's right.

12 Q. So would it be right then that when Mr. Kadri Veseli was abroad
13 from November conducting meetings, as we've looked at in your
14 evidence previously, with international intelligence agencies, if he
15 was seeking to cooperate with them, make decisions, you wouldn't have
16 known about that?

17 A. When we first discussed this issue I said that I do not recall
18 anything like that.

19 Q. Yes. To be fair to you, you said that you didn't receive any
20 reports from Mr. Veseli while he was abroad reporting back what he
21 was doing; is that correct?

22 A. Correct.

23 Q. And it's also correct, isn't it, that during that time you
24 weren't sending reports to him? That's right, isn't it?

25 A. Correct, yes.

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1 Q. So, for example, we looked at this document in your testimony,
2 P01109.

3 MR. DIXON: We don't -- in fact, let's bring it up so that it's
4 clear for the witness. This was the meeting of 30 December 1998 of
5 the General Staff. If we could bring up page U002-2861.

6 MR. HALLING: Your Honours, this document's been extensively
7 covered in cross. Objection, beyond the scope.

8 PRESIDING JUDGE SMITH: It is beyond the scope of the questions
9 by the Judges. No one brought that up. No one discussed it.

10 MR. DIXON: Your Honour, I'm looking at some of the decisions
11 that were made and whether those were collective decisions or not.
12 That's the key. It's an example of showing it's not a collective
13 decision, in my submission.

14 PRESIDING JUDGE SMITH: [Microphone not activated] ... go on.
15 Then go on.

16 MR. DIXON: Thank you, Your Honours.

17 Q. I would ask you to focus on the top part of this document where
18 it says at number 1: "Establishing committees." It says: "The
19 Personnel Council, the Promotions Council, the Council for the
20 Delineation of Operational Zones." Those committees were all
21 established at that meeting; isn't that right?

22 A. Most certainly. But as I said, I do not recall this exact
23 meeting. I don't know how this document was drafted. But I know
24 that committees were -- had been formed, yes. But they never became
25 operational. Those ones you see here on paper, that is.

1 Q. Yes, but my question, it's right, isn't it, that
2 Mr. Kadri Veseli wasn't at that meeting? He did not participate in
3 the decisions about establishing those committees. That's correct,
4 isn't it?

5 A. It was not absolutely necessary for someone to have been present
6 at a meeting for their name to be noted down there. The committees
7 that are mentioned here were only an idea on paper, an idea for
8 organisation with names alongside it so that when the time came
9 people would undertake to perform the tasks that they had been given.
10 But let me repeat it one more time that owing to the circumstances of
11 the time, they never became operational.

12 Q. Yes. But to be clear, Mr. Kadri Veseli did not participate in
13 the discussions to establish those committees, whether they ended up
14 being established or not is a different matter. He didn't
15 participate --

16 PRESIDING JUDGE SMITH: He's answered that question already.
17 He's answered that question.

18 MR. DIXON: Your Honour, if he could just answer that so that
19 it's clear on the record.

20 PRESIDING JUDGE SMITH: [Microphone not activated] ... can
21 remember the answer. Read the transcript. Let's move on.

22 MR. DIXON: Yes. If that's clear, it's a point that goes to
23 collective decision-making. That's the only reason why I'm exploring
24 it.

25 PRESIDING JUDGE SMITH: Is it your case that it is only a

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1 collective decision made if 100 per cent of the members were present?

2 MR. DIXON: No, Your Honour. Our case is that if my --

3 PRESIDING JUDGE SMITH: Because it sounds like that's what your
4 case is.

5 MR. DIXON: My case is that if my client wasn't involved in
6 making a decision --

7 PRESIDING JUDGE SMITH: And you've made that --

8 MR. DIXON: -- he can't be held responsible for that decision
9 because he wasn't there. He doesn't know about it.

10 PRESIDING JUDGE SMITH: You've made that point.

11 MR. DIXON:

12 Q. If we can move on then from that meeting to a time before that,
13 and this is in relation to the discussions to integrate FARK into the
14 KLA. Do you recall giving your evidence about this and who was
15 involved in that?

16 MR. HALLING: Objection, beyond the scope. I don't think FARK
17 appeared once in the transcript yesterday.

18 PRESIDING JUDGE SMITH: FARK was not mentioned in the Judges'
19 questions.

20 MR. DIXON: Your Honours, once again, I want to explore whether
21 there was involvement of the whole General Staff in making the
22 decision.

23 PRESIDING JUDGE SMITH: You should have done that during
24 cross-examination. This has to do with the questions that arise from
25 the Judges' questions. That's all it's for.

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1 MR. DIXON: Well, in my submission, it does arise because
2 Judge Mettraux said that, in putting forward a proposition, there was
3 collective decision-making.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. DIXON: I'm refuting that.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. DIXON: Well, could I then ask this question, Your Honours?
8 There was a report by Shaun Byrnes which commented on the state of
9 the General Staff at the relevant time and its ability to make
10 decisions, and I wish to put that to the witness to see whether that
11 accords with what he recollects from the time.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. DIXON: Thank you, Your Honours.

14 I don't need to bring this up, but I will give the details for
15 everyone following. [REDACTED] Pursuant to In Court Redaction Order
F2759RED.

16 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

17 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

18 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

19 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

20 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

21 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

22 [REDACTED] Pursuant to In Court Redaction Order F2759RED.

23 MR. DIXON: I understand that this is a private document,
24 although it was shown in public session previously, but out of an
25 abundance of caution I will go into private session. Thank you,

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1 Your Honours.

2 PRESIDING JUDGE SMITH: Into private session, please.

3 [Private session]

4 [Private session text removed]

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1 [Private session text removed]

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9 [Open session]

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

11 MR. DIXON: Thank you, Your Honours.

12 Q. I now want to come to the Rambouillet talks because there were
13 specific questions posed about that. And to ask you, Mr. Bashota,
14 you were shown a document - we don't need to bring it up, it's P227 -
15 where a number of signatures appear on it, deciding to go ahead with
16 the agreement. Do you remember that?

17 A. Yes.

18 Q. And would you agree with me that that was a significant decision
19 and that's why everyone was involved and signing?

20 A. Yes, certainly.

21 Q. It was really the exception to the norm, wasn't it? That one
22 everyone had to be involved because it was so critical.

23 A. Yes, certainly, because we think that that document paved the
24 way for Kosovo to sign up to the Rambouillet document and in turn
25 start with the building of the institutions of Kosovo, which

1 eventually led to the independence of the country.

2 Q. Yes. And is it correct that thereafter steps were then taken to
3 look to put a provisional government in place? Do you recall that?

4 A. Yes.

5 Q. I wanted to ask one matter in relation to what Judge Mettraux
6 put to you about getting reports from the ground about military
7 matters coming up to the General Staff and how important that was.
8 Do you remember being asked about that?

9 A. Yes.

10 Q. And it's right, isn't it, that, of course, you would look to get
11 as much information as you could from the ground, but that wasn't
12 always possible. You simply weren't able to always find out what was
13 going on?

14 A. Yes. The information mainly came from the zones to the chief of
15 staff. But let me repeat once more that the movement between the
16 zones during that war was difficult, and therefore it was difficult
17 to receive information in real-time to deal with certain issues.

18 Q. So sometimes you just simply had to make decisions without
19 getting all the information from the ground. Otherwise, you would
20 have been paralysed; isn't that right?

21 A. Yes.

22 Q. One final matter in relation to questions raised by
23 Judge Mettraux. That's at page 91, line 23. You were asked a lot of
24 questions about Mr. Kadri Veseli and his position as head of the
25 directorate of intelligence.

1 Just to clarify. As far as you recall, the intelligence
2 directive was referred to as G2, wasn't it, at the time?

3 A. As I stated here, I do not recall the directorate of
4 intelligence being called as a G2. As I said, that organisation was
5 instituted by Bislim Zyrapi, and I just cannot recall what G1, G2, G3
6 and so on stood for, so I cannot assert that here.

7 Q. Yes, that's fair. In relation to the intelligence directive,
8 which you've given evidence about being established after November
9 1998, you do know that Mr. Kadri Veseli was the head of that. You
10 gave evidence about that. But it's right, isn't it, that you never
11 received any reports from him in that role?

12 MR. HALLING: Objection, asked and answered.

13 PRESIDING JUDGE SMITH: Overruled.

14 Go ahead. You may answer.

15 THE WITNESS: [Interpretation] I haven't received a single report
16 from Mr. Veseli.

17 MR. DIXON:

18 Q. And you didn't send any reports to him; is that right?

19 A. I did not.

20 Q. Okay. Thank you for your answers.

21 I want to move on to one final matter where questions were
22 raised by Judge Gaynor, and this was at provisional transcript page
23 124, lines 9 onwards, where His Honour says:

24 "Second question I want to discuss is the provision to the
25 General Staff of intelligence information. Okay?"

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1 And he then goes through part of your interview where you talked
2 about information about Tahir Zemaj coming to you. And you were then
3 asked:

4 "So ... what is [this] intelligence service [that] was providing
5 information to the General Staff?"

6 That's at line 24. And your answer was:

7 "Your Honour, I specified in my note that these were people who
8 assumed -- who ... assumed worked for the intelligence service. I
9 had no ... idea of what the intelligence service was. I don't even
10 have a good understanding of ... to this day. But simply due to the
11 significance of the information that was passed on, I assumed that
12 they were people who worked for the intelligence service."

13 And then Judge Gaynor says:

14 "And they were passing intelligence to the General Staff; is
15 that correct?"

16 And you said:

17 "No, they gave it to me personally. I don't know their names,
18 but I just assumed."

19 Now, I want to ask, following on directly from that, when you
20 met these people, did you ask them who they worked for?

21 A. No, I did not. They gave the information which appeared of
22 significance to me given that we did not have such information
23 before, and I assumed that it was coming from people who worked for
24 the intelligence services. It's not that they told me. I don't even
25 know them individually. But that is what I assumed.

1 Q. And this was just information given to you orally. I mean,
2 there was no written report or anything, was there?

3 A. No, it was not written. It happened on that occasion. There
4 was nothing in writing.

5 Q. And when you got that information, you didn't pass it on to
6 anyone, did you?

7 A. No, it was a random meeting. The meeting has not been set
8 pursuant to an agenda. It was just a bit of information which
9 appeared to me to be interesting.

10 Q. And it's right, at that time, that you had no knowledge of any
11 intelligence service acting in the KLA. That's correct, isn't it?

12 A. I did not.

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

14 MR. DIXON: Thank you, Your Honours.

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

16 Mr. Roberts.

17 MR. ROBERTS: Thank you, Your Honour. Just five to ten minutes
18 maximum, I would have thought.

19 Further Cross-examination by Mr. Roberts:

20 Q. Good morning, Mr. Bashota. My name is Geoff Roberts. I am
21 counsel for Mr. Selimi.

22 A. Good morning.

23 Q. I literally have only a couple of questions, and it's just to
24 clarify a couple of questions answers you gave to the Judges'
25 questions yesterday. So I'll just remind you of the evidence that

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1 you gave and just ask a question afterwards.

2 So at page 57 of the provisional transcript yesterday, you were
3 being asked about who was a member of the Central Staff in 1997, and
4 you stated:

5 "... I was the only one of the Central Staff left behind in
6 Kosovo." This was after Nait Hasani's arrest. "So to all intents
7 and purposes, that staff had been dissolved as far as its activities
8 inside Kosovo were concerned."

9 And you were asked by Judge Barthe:

10 "So just to be clear, you're saying this because you and
11 Mr. Selimi were the only members of the Central Staff who remained in
12 Kosovo ... right?"

13 And you answered:

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

19 That's all clear, your evidence from yesterday?

20 A. Yes.

21 Q. And Plaku was Xheladin Gashi, wasn't he?

22 A. Yes.

23 Q. And then Judge Barthe continued in reference to Mr. Selimi that
24 he was supposed to become a member, and that he didn't become a
25 member because you didn't meet, and you confirmed that.

1 A. Yes.

2 Q. And then later on, and this is at page 97, Judge Mettraux asked
3 you similar questions about Mr. Selimi's membership in the
4 Central Staff. And he stated:

5 "Since you [asked me] Rexhep Selimi, I'll ask you about him.
6 When, in your understanding ... what year, I should say, did
7 Rexhep Selimi become a member of the General Staff, or the
8 Central Staff as it was known at the time?"

9 And you answered:

10 "The first effort was in Negroc, in the meeting we had there, to
11 get together as a staff."

12 Do you remember that?

13 A. Yes.

14 Q. And just to be clear, when you're referring to this meeting in
15 Negroc, that's the one in the middle of 1998; is that right? In May
16 or June 1998, I believe.

17 A. Yes, yes.

18 Q. So your evidence is very clear that Mr. Selimi, to your
19 recollection, was not a member of the Central Staff in 1997 up until
20 that meeting at the earliest in the middle of 1998?

21 MR. HALLING: Objection, misstates the evidence.

22 MR. ROBERTS: I'm just verifying the evidence with him,
23 Your Honour.

24 PRESIDING JUDGE SMITH: Overruled.

25 THE WITNESS: [Interpretation] Can you repeat the question,

1 please?

2 MR. ROBERTS:

3 Q. Certainly, yes. I'll just read it:

4 "So your evidence is very clear that Mr. Selimi, to your
5 recollection, was not a member of the Central Staff in 1997 up ... to
6 that meeting at the earliest in the middle of 1998?"

7 Is that right?

8 A. I tried to explain the order -- or the instruction of
9 Xheladin Gashi was that you cannot be a member of the staff without
10 being confirmed. Until that time, that day, he was not a member of
11 the staff. But in Negroc, we discussed this and decided.

12 Q. Thank you. And just to therefore verify. So later in
13 Judge Mettraux's questions - this is page 111 - he states:

14 "Now, do you agree with the suggestion that in 1997, and I think
15 you've told us before, you and Mr. Rexhep Selimi were the only two
16 members of the Central Staff present in Kosovo; is that right? "

17 And you answered:

18 "Yes, but in different places, not in one place."

19 So I just want to verify exactly your answer there because that
20 seemed to conflict with the evidence that you've just given here now.
21 Did you -- sorry, please go ahead.

22 Do you mean to agree with the proposition from the Judge that
23 Mr. Selimi was a member in 1997? Because that appears to be
24 different from the answer you've just given.

25 A. No. I tried to explain, but I don't know how well it was

1 transmitted. From what I remember, I meant this: If we assume that
2 Rexhep Selimi -- by this Court, that Rexhep Selimi was admitted
3 member of the General Staff with only word by Xheladin Gashi when he
4 went to Albania. Myself and Rexhep Selimi were in different places
5 during that period of the war. But for me personally, he could not
6 be a member of the General Staff when he was not elected by a forum,
7 by a group. And I was the only one there, and I was unable to
8 transmit that to him or to meet him about -- to discuss
9 organisational matters with him.

10 Q. Thank you. I think that's clear. And you didn't meet with him,
11 you didn't have contact with him in 1997, that's your evidence,
12 because you're in different places. Is that right?

13 A. Yes.

14 Q. And as a --

15 A. Yes.

16 Q. -- consequence, you would have no reason to expect him to have
17 any knowledge of what the activities of the Central Staff were during
18 1997 either, would you?

19 A. That's correct.

20 MR. ROBERTS: Thank you, Your Honours. That was my questions.

21 PRESIDING JUDGE SMITH: Thank you, Mr. Roberts.

22 Ms. Alagenda.

23 Further Cross-examination by Ms. V. Alagenda:

24 Q. Good morning, Mr. Bashota.

25 A. Good morning.

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 Q. Now, yesterday Judge Mettraux asked you a number of questions
2 about the members of the Central Staff, and at page 98 of the
3 provisional transcript, you confirmed that Jakup Krasniqi was never a
4 member of the Central Staff. That's your evidence; yes?

5 A. No --

6 Q. Do you understand the question?

7 A. -- I mean -- the period before? Can you repeat it again,
8 please?

9 Q. Yes. Judge Mettraux asked you --

10 A. Yes, now it's correct.

11 Q. -- about the members of the Central Staff. And at page 98 of
12 our transcript from yesterday, it shows you've confirmed that
13 Jakup Krasniqi was never a member of the Central Staff. That's your
14 evidence; correct?

15 A. Correct.

16 Q. Now, you then agreed with Judge Mettraux, at page 101 of the
17 transcript, that if someone would have known who the members of the
18 General Staff or Central Staff were at the time, it would be
19 Azem Syla because he was the commander of that group. Do you
20 remember saying that?

21 A. Yes.

22 Q. Right.

23 MS. V. ALAGENDRA: If we could have P847 on the screen, please.
24 In the Albanian, I believe the relevant part would be page 2, the
25 middle of the left column. And on the English, it's page 3. The

Witness: Sokol Bashota (Resumed) (Open Session)
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1 Albanian I believe has to move down. Yes, that's good. Thank you.

2 Q. Now, you were shown this document by Judge Mettraux, and at page
3 95 of the provisional transcript that's where it was shown to you.
4 Now, Azem Syla lists the members of the Central Staff as Azem Syla,
5 Sokol Bashota, Kadri Veseli, Xheladin Gashi, Ali Ahmeti,
6 Xhavit Haliti, Hashim Thaci, Rexhep Selimi, Lahi Brahimi, and another
7 colleague. Do you see that? My focus is on "another colleague." Do
8 you see that on the screen?

9 A. I don't know if you said it, but through the interpretation it
10 sounded different. Maybe you didn't pronounce it right. I got the
11 last name differently. The word -- I mean, the name Ali Ahmeti.

12 As to the question the other person, I don't know who that
13 person is. I don't know what Azem Syla meant.

14 Q. Right.

15 MS. V. ALAGENDRA: If you could scroll to the bottom of the
16 document, please. On the Albanian, please.

17 Q. Now, you'll see at the bottom that this interview was on
18 2 October 1999; correct?

19 A. Yes.

20 MS. V. ALAGENDRA: If we could have on the screen 067269 to
21 067710-ET Revised, and the specific page would be page 480 of the
22 PDF, and the reference is 067709, please.

23 MR. HALLING: Your Honours, this one was not shown during the
24 Judges' questions. Objection, beyond the scope.

25 PRESIDING JUDGE SMITH: Sustained.

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 MS. V. ALAGENDRA: Your Honours, in order to ask my follow-up
2 questions, which is relevant to the Judges' questioning, I have to
3 put this document up on the screen so the witness can be asked the
4 question.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE INTERPRETER: Microphone.

7 PRESIDING JUDGE SMITH: It's beyond the scope of the Judges'
8 questions.

9 MS. V. ALAGENDRA: Your Honours, yesterday Judge Mettraux had --

10 PRESIDING JUDGE SMITH: No argument. It's beyond the scope of
11 the Judges' questions.

12 MS. V. ALAGENDRA: Well, I'll go on without the document,
13 Your Honours.

14 JUDGE METTRAUX: Before you do so, Ms. Alagendra, can you tell
15 me this: Is it your case that Mr. Krasniqi was not a member of the
16 Central Staff in late 1996, early 1997, and that therefore he lied in
17 his testimony before the ICTY under oath?

18 MS. V. ALAGENDRA: Your Honours, our case is that Mr. Krasniqi
19 was not a member of the Central Staff.

20 JUDGE METTRAUX: So he lied to the ICTY?

21 MS. V. ALAGENDRA: He did not lie to the ICTY, Your Honours.
22 We've seen on numerous occasions where witnesses are given the
23 opportunity to review their previous statements and make corrections.

24 JUDGE METTRAUX: I'm talking of his testimony in court,
25 Ms. Alagendra, where he took the oath to tell the truth and confirmed

Witness: Sokol Bashota (Resumed) (Open Session)
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1 his prior statement.

2 MS. V. ALAGENDRA: Your Honours, I'm fully aware of that.

3 JUDGE METTRAUX: You can proceed. Thank you.

4 MS. V. ALAGENDRA: Thank you.

5 Q. Now, in an interview by Azem Syla that was published on
6 25 September, Mr. Bashota, he is recorded as saying this:

7 "The KLA was founded in December 1993. The people who --
8 attending that meeting were Sokol Bashota, Xhavit Haliti,
9 Xheladin Gashi, Ali Ahmeti, another friend whose name we cannot
10 mention at the moment, and I."

11 Just so you know that this is an interview that was given on
12 25 September 1999. Are you aware of that interview?

13 MR. HALLING: Objection. This is reading from the same document
14 she was just told not to show. Objection, beyond the scope of
15 Judges' questions.

16 PRESIDING JUDGE SMITH: The purpose of this questioning is to
17 ask questions that arose from the Judges' questions.

18 MS. V. ALAGENDRA: Yes, Your Honours. And there was -- there
19 was a question from Judge Mettraux very suggestive as to who that
20 "another colleague" could be. So --

21 PRESIDING JUDGE SMITH: You can ask --

22 MS. V. ALAGENDRA: -- I'm just trying to explore --

23 PRESIDING JUDGE SMITH: You can ask him if he knows who the
24 other person is.

25 MS. V. ALAGENDRA: I'm going to put to him a proposition and see

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 if the witness would accept that, Your Honours.

2 PRESIDING JUDGE SMITH: Ask him if he knows first, please.

3 MS. V. ALAGENDRA:

4 Q. Do you know who that other colleague that Mr. Syla could not
5 mention at the time was, Mr. Bashota?

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

7 Q. Now, you've mentioned that Nait Hasani was arrested in early
8 January 1997; right?

9 A. Yes.

10 Q. And he was a member of the Central Staff?

11 A. Yes.

12 Q. And he was imprisoned by Serbian authorities from early January
13 1997; am I correct?

14 A. Correct, yes.

15 Q. And at the time of Mr. Syla's interview, taking the one in
16 October 1999, right, Nait Hasani was still in prison in Serbia at the
17 time; am I correct?

18 A. Yes, yes.

19 Q. And at page 27 of today's transcript, line 14, you said you have
20 heard of the tortures that Nait Hasani had been subjected to during
21 his detention by the Serbian authorities; correct?

22 A. Correct. This is what they did with all political prisoners at
23 that time.

24 Q. And exposing Nait Hasani's name as a member of the KLA
25 Central Staff while he was in a Serbian prison could have put

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 Nait Hasani at even greater risk. Would you agree with that? And we
2 have you saying at page 29 of today's transcript that the Serbian
3 regime put Kosovan Albanians through the most inhuman tortures;
4 correct?

5 A. Yes, correct. He might have suffered much more.

6 Q. Right. And would you agree with me that the fact that
7 Nait Hasani was in the hands of the Serbs in detention was a good
8 reason why his name was not publicly given by Azem Syla in that
9 interview?

10 A. It is likely. But since it is an interview given by Azem Syla,
11 I cannot comment on that aim. If he had this in mind, then I think
12 it is a noble aim.

13 Q. Right. And by September and October 1999, it was well over a
14 year since Jakup Krasniqi had been publicly announced as the
15 spokesperson of the KLA General Staff, from June 1998; am I correct?

16 A. Yes.

17 Q. And since June 1998, Jakup Krasniqi had made several appearances
18 publicly in the media as the KLA spokesperson; am I correct?

19 A. Correct.

20 Q. So you'll agree with me, if Jakup Krasniqi had been a member of
21 the Central Staff in 1996 and 1997, there would be no reason for
22 Azem Syla to hide Jakup Krasniqi's name as an early member; am I
23 correct? He had no reason to do that in 1999. Would you agree?

24 A. He had no reason, no. From what I know, they had a good
25 relationship, so there was no reason not to mention his name.

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 Q. No reason also because there would have been no additional risk
2 to Mr. Krasniqi had his name been exposed in 1999; am I correct?

3 A. That's correct. There was no danger for him at that time.

4 Q. Right. Now, at the provisional transcript page 60, His Honour
5 Judge Barthe had asked you:

6 "As far as you know, was one of the accused involved in writing
7 or publishing communiqués in 1997?"

8 And you've said:

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

10 Yeah? Do you recall that answer?

11 A. Yes.

12 Q. And at page 109 of the provisional transcript, His Honour
13 Judge Mettraux read to you a passage from Mr. Selimi's interview, and
14 that would be P761, in which Mr. Selimi said:

15 "In April 1998, we appointed -- officially appointed a
16 spokesperson, who then dealt with the communiqués and also the
17 appearances -- the first appearances in television, and that was
18 Jakup Krasniqi."

19 Do you recall that, or would you like to see the document?

20 A. Yes, yes.

21 Q. You recall it. Right. Now, you told us on Thursday that
22 Jakup Krasniqi was appointed spokesperson in June 1998. That's
23 correct, isn't it?

24 A. It is.

25 Q. Not in April 1998; yes?

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 A. Not in April. This I'm sure about.

2 Q. Right.

3 MS. V. ALAGENDRA: And if we could have P763 Part 3 on the
4 screen, please. Page 3, lines -- yeah. Page 3, please. On the
5 Albanian, I believe it's on page 3 to 4. I'm just trying to get the
6 lines in the Albanian.

7 Q. Well, in English, I'll read it to you, Mr. Bashota. Now, this
8 is another interview of Mr. Selimi on 19 February 2020. And I
9 believe it's line 13 on the Albanian version.

10 I'll read it to you. When asked about drafting of communiqués,
11 Mr. Selimi says this:

12 "I know because nobody else drafted them. And, at the same
13 time, there wasn't another team that was drafting these communiqués.
14 Based on this, I concluded myself that it was them that drafted and
15 issued these communiqués."

16 Do you see that?

17 A. Yes.

18 Q. So what Mr. Selimi is saying here is that it was his own
19 conclusion, an inference that he drew, not something he knew; am I
20 correct?

21 A. It appears so.

22 Q. All right.

23 MS. V. ALAGENDRA: And if we can move down to lines 18 to 20 on
24 the English. It's on page 4 in the Albanian. I believe it's at line
25 9 of the Albanian version.

Witness: Sokol Bashota (Resumed) (Open Session)
Further Cross-examination by Ms. V. Alagendra

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1 Q. Now here Mr. Selimi is asked:

2 "Did either Jakup Krasniqi or Hashim Thaci ever admit to you or
3 tell you that they drafted the communiqués?"

4 And he says:

5 "Not exactly."

6 Do you see that?

7 A. Yes.

8 Q. Now, in answer to Mr. Misetic yesterday - and that's at
9 provisional transcript page 137, lines 11 to 15 - you agreed that it
10 was possible that operational groups could communicate directly with
11 someone outside the country to relay information that ended up in
12 communiqués. Do you recall saying that?

13 A. Yes, it was possible.

14 Q. All right. So you'll agree with me that it was possible that
15 there were multiple different people writing communiqués. Do you
16 agree with that?

17 A. Since I don't know who wrote them, I cannot say for sure whether
18 they were written by one person or by several persons. But from what
19 we see, sometimes *Zeri i Kosoves*, or from the West, it appears, so I
20 can't be precise about that.

21 MS. V. ALAGENDRA: I'm going to go to a document, Your Honours,
22 and I see the time.

23 PRESIDING JUDGE SMITH: How much more do you have?

24 MS. V. ALAGENDRA: Another five to seven minutes, probably.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Sokol Bashota (Resumed) (Private Session)

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Further Cross-examination by Ms. V. Alagendra

1 MS. V. ALAGENDRA: I'll do my best.

2 If we could have on screen -- if we could go into private
3 session for this question, please.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Into private session, please.

6 Are you protecting a witness or a document?

7 MS. V. ALAGENDRA: A document, Your Honour.

8 PRESIDING JUDGE SMITH: Okay. For the protection of a document.

9 [Private session]

10 [Private session text removed]

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Witness: Sokol Bashota (Resumed) (Private Session)

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Further Cross-examination by Ms. V. Alagenda

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Witness: Sokol Bashota (Resumed) (Private Session)

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Further Cross-examination by Ms. V. Alagenda

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9 [Open session]

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

11 PRESIDING JUDGE SMITH: As I said, Mr. Bashota, your time
12 testifying here today is now completed. We thank you for being with
13 us. You have no further obligation to the Court, and you may leave.
14 And, Mr. Qerkini, we thank you for your assistance.

15 Yes, sir?

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

17 PRESIDING JUDGE SMITH: Just a second. What are you -- are you
18 wanting to make a statement of some sort?

19 THE WITNESS: [Interpretation] No, no, no. I had -- I had a
20 number of papers here on the desk until yesterday. I don't have them
21 here today, and I want to know what will happen to them.

22 PRESIDING JUDGE SMITH: If they are -- if they are --

23 THE WITNESS: [Interpretation] These were notes that I took
24 whilst I was here.

25 PRESIDING JUDGE SMITH: They will be destroyed. No one else

1 will get to see them or come into contact with them. They will be
2 destroyed. That is our practice.

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE SMITH: Thank you again. You may leave the
5 courtroom in the company of the Court Usher.

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness withdrew]

8 PRESIDING JUDGE SMITH: We'll take the half hour now. So we
9 will reconvene at 20 minutes until 12.00, and that will give time to
10 bring the next witness or get the next witness ready to come into the
11 courtroom. So we'll begin at that time.

12 We're adjourned until 11.40.

13 --- Recess taken at 11.10 a.m.

14 --- On resuming at 11.41 a.m.

15 PRESIDING JUDGE SMITH: We will now start hearing the evidence
16 of Prosecution Witness W01225.

17 Madam Court Usher, please bring the witness in.

18 MR. MISETIC: Mr. President, just so the Panel is aware,
19 Ms. Limani will be representing the Thaci Defence with this witness.

20 PRESIDING JUDGE SMITH: Okay. Thank you.

21 [The witness entered court]

22 PRESIDING JUDGE SMITH: Good morning, Witness.

23 THE WITNESS: [Interpretation] Good morning.

24 PRESIDING JUDGE SMITH: Witness, today -- I'm sorry. First of
25 all, the Court Usher will now provide you with the text of a solemn

1 declaration which you are asked to take pursuant to our Rule 141(2).

2 Please look at the document and then read it aloud.

3 THE WITNESS: [Interpretation] Conscious of the significance of
4 my testimony and my legal responsibility, I solemnly declare that I
5 will tell the truth, the whole truth, and nothing but the truth, and
6 that I shall not withhold anything which has come to my knowledge.

7 WITNESS: W01225

8 [The witness answered through interpreter]

9 PRESIDING JUDGE SMITH: Thank you, Witness. You can sit down
10 now.

11 Witness, today we will start your testimony, which is expected
12 to last approximately two hours and a half. As you may know, the
13 Prosecution will ask you questions first. Once they are finished,
14 the Defence has the right to ask questions of you, and members of the
15 Panel might also have questions for you.

16 The Prosecution estimate for your examination is one hour. The
17 Defence estimates that it will need approximately one and a half
18 hours. As regards each estimate, we hope that counsel will be
19 judicious in the use of their time. And the Panel may allow redirect
20 examination if conditions for it are met.

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

Witness: W01225 (Open Session)
Procedural Matters

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

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

8 During the next days while you are giving evidence in this
9 Court, you are not allowed to discuss with anyone the content of your
10 testimony outside of the courtroom. If any person asks you questions
11 outside the Court about your testimony, please let us know.

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

15 If you feel the need to take a break, please let us know and we
16 will accommodate you.

17 We begin first with the questions from the Special Prosecutor's
18 Office. They are seated to your left. Please give them your
19 attention.

20 Mr. Michalczuk, you have the floor.

21 MR. MICHALCZUK: Thank you.

22 Your Honour, one organisational remark. My examination-in-chief
23 is not going to take me more than 30 minutes.

24 PRESIDING JUDGE SMITH: Thank you very much.

25 Go ahead.

1 Examination by Mr. Michalczuk:

2 Q. Good morning, Witness. We have met before but let me introduce
3 myself again to you. My name is Cezary Michalczuk, and I'll be
4 asking you questions on behalf of the Prosecution.

5 Before we start, I would like to first establish your identity.

6 MR. MICHALCZUK: And for this, we should move into private
7 session.

8 PRESIDING JUDGE SMITH: Private session, please,
9 Madam Court Officer.

10 THE INTERPRETER: Interpreter's note: We have difficulties
11 hearing the counsel. Can you please put the microphone closer?
12 Thank you very much.

13 [Private session]

14 [Private session text removed]

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6 [Open session]

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

8 MR. MICHALCZUK:

9 Q. Witness, as explained during the meeting we had earlier this
10 week, rather than asking you questions about every relevant issue you
11 might have information about, it may be possible to admit your prior
12 statement containing such information into evidence, but there are a
13 number of steps that we need to take and I'll turn to these steps.

14 Witness, have you been previously interviewed by the SITF?

15 A. What is SITF?

16 Q. It's the Special Investigative Task Force. It's the predecessor
17 of the Specialist Prosecutor's Office.

18 A. Yes, I was.

19 MR. MICHALCZUK: Could the Court Officer please pull up the
20 following documents, English and Serbian. For English, it would be
21 009242-TR-ET Part 1 Revised RED2, page 1. And Serbian, the same
22 number without ET, also page 1.

23 Q. Witness, do you have the documents on the screen before you?

24 A. Yes, I have it.

25 Q. Looking at these documents, do you recognise them as your SITF

1 interview?

2 A. Yes, that's the document.

3 MR. MICHALCZUK: Madam Court Officer, can we now remove these
4 documents and pull another set of documents, English and Serbian.
5 For English, it would be SITF00081390 to SITF00081410-ET, page 1.
6 And Serbian, the same number without ET at the end.

7 Q. Witness, do you see these documents on the screen before you?

8 A. I do.

9 Q. Do you recognise this as your court testimony?

10 A. This is a decision on proclaiming me to be a protected witness.

11 Q. Yes.

12 MR. MICHALCZUK: If we could scroll down to the next page,
13 page 2.

14 THE WITNESS: [Interpretation] Yes, this is the trial itself.

15 MR. MICHALCZUK:

16 Q. So do you recognise it as your court testimony?

17 A. Yes.

18 MR. MICHALCZUK: Could you, Madam Court Officer, pull up the
19 last set of documents, English and Serbian next to each other. For
20 English, it would be SITF00160372-SITF00160452-ET. For Serbian, the
21 same range without ET at the end. Page 1 on both versions.

22 Q. Witness, do you see the documents in front of you on the screen?

23 A. Yes, I do.

24 Q. Do you recognise it as your court testimony?

25 A. Yes, that's on the second day of the trial.

1 MR. MICHALCZUK: We could remove these documents,
2 Madam Court Officer.

3 Q. As part of your preparation for your testimony today, did you
4 have the opportunity to review the contents of these documents?

5 A. Yes.

6 Q. During your preparation session, did you have the opportunity to
7 make corrections and clarifications to these statements?

8 A. Yes.

9 Q. Were these clarifications reflected in a note that was then read
10 back to you?

11 A. Yes.

12 Q. Do you confirm what was read back in that note reflects your
13 changes fully and accurately?

14 A. Yes.

15 THE INTERPRETER: Interpreter's note: Could the witness please
16 be instructed to speak a bit louder.

17 MR. MICHALCZUK:

18 Q. Could you please speak up a little bit when answering the
19 questions, please?

20 A. Apologies. Yes.

21 Q. Subject to the changes provided in that note, do these
22 statements accurately reflect what you said and what you would say if
23 asked again in court today?

24 A. Yes, that's correct.

25 MR. MICHALCZUK: Your Honours, having fulfilled Rule 154

1 criteria, and in accordance with your decision F02655, paragraphs 23
2 and 49(b) of 16 October 2024, the SPO hereby tenders, in English,
3 Serbian, and Albanian, the statements.

4 The first would be - and I'm going to just cite them in English
5 - 009242-TR-ET Part 1 to 5 Revised RED2. Let's keep it -- let's keep
6 them confidential. The second would be SITF00081390 to
7 SITF00081410-ET, also confidential. The last statement would be
8 SITF00160372 to SITF00160452-ET, also confidential. Along with the
9 preparation note, ERN 123950 to 123955. This also includes the
10 associated exhibits identified at paragraph 22 of Your Honours'
11 decision F02655.

12 PRESIDING JUDGE SMITH: Any objection?

13 MS. LIMANI: No objection, Your Honour.

14 MS. ROWAN: No, thank you.

15 MR. ROBERTS: No, thank you.

16 MR. BAIESU: No objection.

17 PRESIDING JUDGE SMITH: 009242-TR-ET Parts 1 through 5 Revised
18 RED2 is admitted.

19 THE COURT OFFICER: And will be assigned Exhibit P1884.1.
20 Apologies, Your Honours. For Part 1, it will be Exhibit P1884.1.
21 For Part 2, it will be Exhibit P1884.2. For Part 3, it will be
22 Exhibit P1884.3; Part 4, Exhibit P1884.4; and Part 5,
23 Exhibit P1884.5. I think I have them all. Thank you.

24 PRESIDING JUDGE SMITH: Next, SITF00081390 to SITF00081410-ET is
25 admitted in Albanian, Serbian, and English.

Witness: W01225 (Open Session)

Page 23503

Examination by Mr. Michalczuk

1 THE COURT OFFICER: And that will be assigned Exhibit P1885.

2 PRESIDING JUDGE SMITH: And then SITF00160372 to SITF0016452-ET
3 is admitted in Albanian, Serbian, and English.

4 THE COURT OFFICER: That will be assigned Exhibit P01886.

5 PRESIDING JUDGE SMITH: The note at 123950 to 123955 is
6 admitted.

7 THE COURT OFFICER: And will be assigned Exhibit P01887.

8 PRESIDING JUDGE SMITH: And the associated exhibits are
9 admitted.

10 THE COURT OFFICER: Your Honours, the associated exhibit with
11 number 009221 to 009241, English, Albanian, and Serbian versions,
12 will be assigned Exhibit P01888.

13 PRESIDING JUDGE SMITH: Thank you, Madam Court Officer.

14 Go ahead.

15 MR. MICHALCZUK: Thank you.

16 Your Honour, we sent to the Defence and to Your Honours also the
17 summary of this witness's statement, and we would like to read it
18 openly to the record.

19 PRESIDING JUDGE SMITH: You may do so.

20 MR. MICHALCZUK: In 1999, Witness W01225 was arrested by armed
21 KLA members and taken to their location where he was interrogated and
22 beaten. He also heard screams of other people being mistreated.
23 W01225 was released after several hours.

24 That concludes the summary. And I have a few questions for this
25 witness.

Witness: W01225 (Private Session)

Page 23504

Examination by Mr. Michalczuk

1 PRESIDING JUDGE SMITH: Go ahead.

2 MR. MICHALCZUK: For this, however, I would need to go into
3 private session.

4 PRESIDING JUDGE SMITH: Private session, Madam Court Officer.

5 [Private session]

6 [Private session text removed]

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Witness: W01225 (Private Session)

Page 23505

Examination by Mr. Michalczuk

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 Cross-examination by Ms. Limani:

2 Q. Good morning, Witness. My name is Fellenza Limani, and I'm
3 going to ask you today some questions on behalf of Mr. Thaci.

4 Witness, you've told the SITF during your interview that you
5 were a member of the Yugoslav Army in 1992, 1993, and 1994; is that
6 correct?

7 MR. MICHALCZUK: Your Honours, before we move on, I don't have
8 an objection to this question, but we might run into trouble in
9 relation to the identity of this witness which is protected. So my
10 suggestion would be -- maybe would be to go into private session.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MS. LIMANI: No, Your Honour. We can proceed.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 For the protection of the witness, with no objection filed by
15 the Defence, we will go into private session.

16 [Private session]

17 [Private session text removed]

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Witness: W01225 (Private Session)

Page 23507

Cross-examination by Ms. Limani

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10 [Open session]

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

12 MS. LIMANI: Thank you.

13 Q. Now, you've told the SITF that among other duties or tasks
14 within this unit that you served was manning the army trenches;
15 correct?

16 A. I was a private. I didn't have any particular duty.

17 Q. Well, you were asked by the SITF during your interview, and your
18 answer was:

19 "... we had trenches there. We manned the trenches; we went
20 into the woods because of it."

21 Is that one of the tasks that you had?

22 A. Yes. When I arrived, these were actually manholes where we
23 were.

24 Q. You've also told you SITF in the past, and you've clarified
25 during the preparation session, that while you weren't personally

1 present there at the time, you know that your unit was involved in
2 skirmish fighting; correct?

3 A. Yes, that's correct.

4 Q. Again during preparation session, you told the SPO that you had
5 heard about some murders committed there - and by "there," I'm
6 referring to your village - by Serbian forces, possibly
7 paramilitaries, during the war. Is that your recollection?

8 A. In my area while I was there nothing happened, so I didn't say
9 that.

10 Q. Well, I could refresh your recollection.

11 MS. LIMANI: And for the record, this is Preparation Note 2.

12 We might have to go into private session for this, Your Honour.

13 PRESIDING JUDGE SMITH: All right. Back into private session,
14 please.

15 [Private session]

16 [Private session text removed]

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Witness: W01225 (Private Session)

Page 23510

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23511

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23512

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23513

Cross-examination by Ms. Limani

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1 [Private session text removed]

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4 [Open session]

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

6 PRESIDING JUDGE SMITH: Thank you.

7 MS. LIMANI:

8 Q. So you say the streets were empty. However, you told the
9 ICTF -- sorry, the SITF during your interview that, as you were
10 coming back, there were a lot of people celebrating, Albanians. They
11 were shooting in the air.

12 A. I didn't say that the Albanians were celebrating. I said it was
13 *[REDACTED] Pursuant to In Court Redaction Order F2759RED.*
14 *[REDACTED] Pursuant to In Court Redaction Order F2759RED.* But there
15 was no firing in the smaller side
streets.

16 MR. MICHALCZUK: Could we move back to the private session,
17 Your Honour? And maybe [Overlapping speakers] ...

18 PRESIDING JUDGE SMITH: Yes. Ms. Limani, we're just going to
19 stay in private session.

20 MS. LIMANI: Okay, Your Honour.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 I'm sorry. For the record, back into private session, please.

23 [Private session]

24 [Private session text removed]

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Witness: W01225 (Private Session)

Page 23515

Cross-examination by Ms. Limani

1 [Private session text removed]

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Witness: W01225 (Private Session)

Page 23516

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23517

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23518

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23519

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23520

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23521

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23522

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23523

Cross-examination by Ms. Limani

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Witness: W01225 (Private Session)

Page 23524

Cross-examination by Mr. Roberts

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Witness: W01225 (Private Session)

Page 23525

Cross-examination by Mr. Roberts

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Witness: W01225 (Private Session)

Page 23526

Questioned by the Trial Panel

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Witness: W01225 (Private Session)

Page 23527

Questioned by the Trial Panel

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Witness: W01225 (Private Session)

Page 23528

Questioned by the Trial Panel

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Witness: W01225 (Private Session)

Page 23529

Questioned by the Trial Panel

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22 [Open session]

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

24 PRESIDING JUDGE SMITH: Okay. Go ahead.

25 MS. ROWAN: Your Honour, the first is if we could request from

1 the Panel, please, a suspension of filing deadlines from 16 December
2 to 13 January.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. ROWAN: Yes.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. ROWAN: And the second, Your Honour, is simply a query as to
7 whether and when we will get the decision on filing 2633. This is
8 the expert's evidence decision. Your Honour, the Panel's decision
9 will make a significant difference both to time estimates and to
10 preparation for those witnesses, and we'd ask for an indication as to
11 when we should anticipate receiving that decision.

12 PRESIDING JUDGE SMITH: It's our anticipation that you'll have
13 it before the winter recess begins.

14 MS. ROWAN: Is that before then 23 December?

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MS. ROWAN: So we won't have it during working time? We'll only
17 have it during the recess?

18 PRESIDING JUDGE SMITH: [Microphone not activated] ... didn't say
19 that. I said you will have it by then.

20 MS. ROWAN: By then. Okay.

21 PRESIDING JUDGE SMITH: Hopefully -- hopefully it will be before
22 that, but we have a few other things to do as well.

23 MS. ROWAN: Yes.

24 PRESIDING JUDGE SMITH: So I understand your request.

25 Does anyone want to speak to her request on the suspension of

1 filing deadlines for those dates?

2 First of all, let's ask the Prosecution.

3 MR. HALLING: Yes, Your Honour. We've had requests like this
4 previously. We've been generally amenable to them, but it does
5 depend on the specific filings at issue. So what we would suggest is
6 if the Defence could send an e-mail of the filings that they wish to
7 have the deadlines suspended over the recess, we could respond
8 *inter partes* and report back to the Panel.

9 PRESIDING JUDGE SMITH: Certain things cannot be suspended such
10 as the detention reviews that have to be done.

11 MS. ROWAN: And we would ask for a blanket suspension bar that
12 one form of filing.

13 PRESIDING JUDGE SMITH: Yeah, but we don't know what's going to
14 happen. We don't know what [Microphone not activated].

15 MS. ROWAN: Of course, Your Honour, there may be something that
16 is particularly urgent, but we would ask that the order is made that
17 there is a suspension of filings bar any emergency form of filing.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 Anybody else want to speak to this?

20 MR. ROBERTS: The only thing I would say, Your Honour, is we
21 don't know what the Prosecution is going to file. We do know I think
22 they've suggested a 155 filing. I would definitely suggest the
23 deadline for that doesn't need to be -- that can be extended because
24 obviously there's no urgency. The situation won't change.
25 Obviously, if there's anything that relates to witnesses that are

1 immediately upcoming, I think the situation is that sometimes that's
2 been different, but my understanding - and I'm entirely going to be
3 corrected if I'm wrong - is that all of our submissions in relation
4 to those have already been made. So I don't think there's anything
5 pending that needs to be responded during the recess -- or responded
6 to during the recess.

7 PRESIDING JUDGE SMITH: Could we ask the SPO to take a look at
8 what you have and respond and for you to list any specific items that
9 you would like to have suspended.

10 MS. ROWAN: If that's Your Honour's order, we'll comply.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 That will be what we will ask you to do and get them to us as
13 soon as possible.

14 We agree, in principle, that we don't want to be answering all
15 kinds of things during that break, but there sometimes are exceptions
16 and we have to leave room for those.

17 MS. ROWAN: Yes. As previously submitted, there's no issue with
18 dealing with exceptional circumstances.

19 PRESIDING JUDGE SMITH: But there's a difference between what I
20 just said and what you asked for which was a blanket suspension.

21 MS. ROWAN: Yes. We will respond to the list when the
22 Prosecution send it.

23 PRESIDING JUDGE SMITH: And you can respond with your list if
24 you have a list of particular items that you want to protect from
25 responsive filings.

1 MS. ROWAN: Very well.

2 PRESIDING JUDGE SMITH: All right.

3 Anything else?

4 This concludes today's hearing. We'll resume on Monday,
5 13 January 2025. We will endeavour to have an answer to the request
6 for the blanket filings as soon as possible. And please cooperate by
7 sending any information you have concerning that so that we don't do
8 it blind. That's all.

9 We are adjourned.

10 --- Whereupon the hearing adjourned at 1.04 p.m.

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