

1 Wednesday, 5 June 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: For the record, I note that the accused
12 are all present in court today except Mr. Krasniqi, who is following
13 via videolink.

14 Before we continue with hearing the evidence of Prosecution
15 Witness W04410, we have one oral order to issue.

16 The Panel is seized of a request by counsel for Mr. Thaci to
17 amend the Panel's earlier decision concerning use of documents in
18 judicial questioning. The Defence asks of the Panel to give the
19 Defence notice of material which one of the Judges plans to use or
20 might use in questioning where that material was disclosed to the
21 Defence pursuant to Rule 103 in addition to material disclosed under
22 102(3).

23 The Panel is prepared to ensure fair and timely participation by
24 both the Defence and the Prosecution to grant the amendment of the
25 Panel's earlier order from 19 March 2024, stating that the Panel will

1 endeavour to give timely notice to the parties of any such material
2 prior to judicial questioning.

3 This ends the Panel's order.

4 Now, we will continue with the evidence of Prosecution
5 Witness W04410.

6 Madam Court Officer, please bring the witness in.

7 MR. HALLING: And, Your Honours, just to anticipate, when the
8 witness comes in, if the Court Officer could please have P1268 at
9 timestamp 30 seconds on the screen. Thank you.

10 PRESIDING JUDGE SMITH: And also just for the record, we
11 continue today in public session.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: Good morning, Witness. We hope you had
14 a good evening.

15 Today, we are going to continue your testimony. I remind you to
16 please try to answer the questions clearly with short sentences. If
17 you don't understand a question, feel free to ask counsel to repeat
18 the question or tell them you don't understand and they will clarify.

19 Also, please remember to try to indicate the basis of your
20 knowledge of the facts and circumstances upon which you will be
21 questioned.

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

24 Please also remember to speak into the microphone and to wait
25 five seconds before answering a question and speak at a slow pace for

1 the interpreters to catch up.

2 And if you feel the need to take a break, please let us know.

3 The Prosecution continues with their questioning at this time.

4 Please give them your attention.

5 Go ahead, Mr. Halling.

6 MR. HALLING: Thank you, Your Honour.

7 WITNESS: NUHI BYTYQI [Resumed]

8 [The witness testified through interpreter]

9 Examination by Mr. Halling: [Continued]

10 Q. And good morning, Witness. I have some additional questions for
11 you starting with a follow-up question from yesterday.

12 You can see on your screen this is the second Hashim Thaci
13 extract from the Agim Qelaj documentary I asked you about yesterday.
14 And just briefly before we continue, around when was the interview
15 with Hashim Thaci you see on the screen here filmed?

16 A. First of all, I wish to say that -- answering to the question of
17 the Presiding Judge if I had a good rest, I must say that I was
18 worried. And the questions put to me by the Prosecutor yesterday, to
19 which I did not have an answer because I did not have knowledge,
20 generated some stress and concern, so I did not have a great rest.

21 Yesterday, for example, in the media in Kosovo, my testimony in
22 court was reported in the media saying that 10.000, for example, Serb
23 civilians were killed during the war, which was a misunderstanding, a
24 great mistake, because what I stated here was that 10.000 Albanian
25 civilians were killed, so I would like to make sure that the

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1 information is conveyed in an accurate way.

2 PRESIDING JUDGE SMITH: Witness, just please do your best to
3 answer the questions that the Prosecutor chooses to ask you. If
4 there's a problem with a question, the Panel will decide that.

5 And, number two, we have no control over what the press
6 publishes. We notice statements that they put in the press that are
7 contrary to what we have said as well. So just do your best, answer
8 the questions. The Prosecutor will choose what questions to ask you.

9 MR. HALLING: Thank you.

10 Q. And, Witness, again, the question for the moment is quite
11 straightforward. It's just when was the interview filmed with
12 Hashim Thaci for this documentary?

13 A. This interview was filmed in 2009. It might have been June
14 2009.

15 Q. Thank you.

16 MR. HALLING: I'd now ask the Court Officer to please pull up
17 061427-28 at timestamp 05:12. And we would ask the Court Officer to
18 then play from 05:12 to 05:58.

19 Q. Witness, another video is going to be put on the screen. I'm
20 going to play a small part of it and ask you some questions.

21 MR. HALLING: So 061427-28 is the video. So not -- so a
22 different ERN than the one that's currently on the screen. And it
23 would be starting from the 05:12 mark of that video.

24 [Video-clip played]

25 MR. HALLING: And it would be page 1 of the English transcript.

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1 Thank you, Madam Court Officer. The video can be played.

2 [Video-clip played]

3 THE INTERPRETER: [Voiceover] "The Kosovo Liberation Army has
4 presently its hierarchic organisation, from the general staff down to
5 its lowest units. Kosovo Liberation Army has its institutional
6 organisation and it will soon be established in the territories
7 liberated by the Kosovo Liberation Army, the military-civil power,
8 the people's power, which will be independent and functional."

9 MR. HALLING:

10 Q. Witness, do you recognise this footage?

11 A. Yes.

12 Q. Please describe what it is.

13 A. This is a part of the documentary dedicated to the Kosovo
14 Liberation Army, broadcast on 18 July 1998 on the Albanian
15 television. Mr. Krasniqi is asserting things about the
16 organisational matters of the Kosovo Liberation Army, which is part
17 of his tasks. In the circumstances that I mentioned yesterday,
18 Kosovo did not have government institutions or a state. The purpose
19 was to present and portray the Kosovo Liberation Army as organised as
20 possible in order for the people, the civilians, to be deeply
21 convinced that the Kosovo Liberation Army was an army that was
22 fighting for the people and the liberation of the country and that it
23 should be supported by the entire people.

24 Q. Witness, I understand that part of this footage ends up in the
25 18 July documentary. When was it first filmed?

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1 A. It was filmed after the oath ceremony in Klecke, sometime
2 towards the end of June 1998.

3 MR. HALLING: And, Your Honours, this is the footage from the
4 original filming that then forms the cut used in the documentary. We
5 would tender this exhibit at the time, 061427-28.

6 PRESIDING JUDGE SMITH: Any objection?

7 None shown. 061427-28 from the 05:12 to 05:55 seconds --

8 MR. HALLING: Apologies. That one is actually the entire ERN
9 that we would like admitted. We just played that part for the
10 witness to be able to comment on it.

11 PRESIDING JUDGE SMITH: Okay. Yes.

12 MS. ALAGENDRA: Your Honours, I'm told that there is an error in
13 the transcript where it says:

14 "... which is part of his tasks."

15 It should read as "tasks of the spokesperson." Could I just
16 have that clarified, please?

17 PRESIDING JUDGE SMITH: You can clarify it on cross-examination.

18 MS. ALAGENDRA: Thank you.

19 PRESIDING JUDGE SMITH: So you don't want the short clip. You
20 want the entire ERN?

21 MR. HALLING: Correct.

22 PRESIDING JUDGE SMITH: Okay. Is that 27 to 28 entirely?

23 MR. HALLING: It's 061427-28. Just that ERN.

24 PRESIDING JUDGE SMITH: Yes. That's it. Okay.

25 061427-28 is admitted.

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1 THE COURT OFFICER: Your Honours, that video, with its
2 corresponding transcripts, will receive Exhibit P01284. Current
3 classification is confidential.

4 PRESIDING JUDGE SMITH: And that will be reclassified as public.

5 MR. HALLING: Thank you.

6 We'd now ask the Court Officer to please pull up SPOE00204121,
7 which is a photograph.

8 Q. And, Witness, as the photograph is being pulled up on the
9 screen. After the oath ceremony in June, did you do further filming
10 in Bajrak of Luzhnica?

11 A. Yes. In June 1998, we filmed in the village of Bajrak in
12 Luzhnica on several occasions together with my cameraman Abaz Zeka.
13 This is a photograph extracted from the filming where we see
14 Commander Ismet Kumanova and myself and Kadri Veseli.

15 Q. And, Witness, I understand you identified those persons going
16 left to right in the photograph; is that correct?

17 A. Correct.

18 MR. HALLING: Your Honours, this is just a blown-up version of a
19 photograph on page 347 of the witness's book. The corresponding text
20 is pages 283 to 84. Just because it's easier to see, we would tender
21 it for admission.

22 PRESIDING JUDGE SMITH: Any objection? None. SPOE00204121 is
23 admitted.

24 THE COURT OFFICER: Your Honour, it will receive Exhibit P01285.
25 Current classification is confidential.

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1 PRESIDING JUDGE SMITH: And that will be reclassified as public.

2 THE COURT OFFICER: Thank you.

3 MR. HALLING: We'd now ask the Court Officer to please pull up
4 P838, which is 061427-30, and go to the 06:44 mark.

5 Q. Witness, you talk at page 286 of your book about filming a
6 meeting with the KLA and civilians at Malisheve in late June 1998; is
7 that correct?

8 A. Yes. 29 June in 1998, a rally was held, a gathering, in
9 Malisheve with the citizens of Malisheve. The developments in war
10 zones were discussed as well as the need for a further stronger
11 support for the KLA to face the constant provocations and assaults
12 from the Serbian army.

13 Q. Right.

14 MR. HALLING: And it's page 2 of the English transcript. If we
15 could please now play 06:44 to 07:14.

16 [Video-clip played]

17 THE INTERPRETER: [Voiceover] "I greet you on behalf of the
18 soldiers of the front line units Celiku and Lumi. The Lumi-Celiku
19 unit is one and only despite the rumours spread in the area. It's
20 one because it is under the command of the General Staff of Kosovo
21 Liberation Army. So let's get rid of those thoughts, because there
22 is no army over the country, the army is not a party, it is only
23 one."

24 MR. HALLING:

25 Q. Witness, is this footage of that Malisheve meeting you were just

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1 discussing in your evidence?

2 A. Yes.

3 Q. Who is speaking here?

4 A. Fatmir Limaj, Commander Celiku.

5 MR. HALLING: And if we go to the 1-second mark of the same
6 video and just as a still. Just the first second just to see the
7 people at the podium. That's the 01:01 mark, but that also suffices.
8 We can stop here.

9 Q. Witness, can you just please identify the gentlemen on the
10 screen in the video from left to right?

11 A. From left to right we can see Fatmir Limaj, Dini Krasniqi, and
12 Shukri Buja on the right-hand side.

13 Q. What I heard in the transcript was Dini Krasniqi. Is it Dini or
14 Gani Krasniqi?

15 A. Gani Krasniqi.

16 Q. Thank you.

17 MR. HALLING: Could the Court Officer now please pull up
18 096352-096352 in Albanian and English.

19 And just, Your Honours, the video just played is already
20 admitted again as Exhibit P838.

21 Q. Witness, you can see the Albanian version of this document on
22 the left side. Do you recognise it?

23 A. Yes.

24 Q. Is that your signature on the bottom of it, which would just be
25 a little further down?

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1 A. Yes, it's my signature.

2 Q. And on the top it indicates a date of 6 July 1998. Was this
3 request sent around that time?

4 A. Yes.

5 Q. What is this request?

6 A. This is a request of our crew, which I was the leader, with Abaz
7 Zeka, with the support of Migjen Kelmendi. So our crew needed
8 equipment to film in the war zones, because we didn't know how long
9 the war would last, so we had to prepare ourselves for a longer
10 period of time in order to inform the wider public about the
11 developments. This is a request to purchase cameras and some other
12 technical equipment in order to prepare, edit programmes,
13 documentaries that we were to film in war zones.

14 Q. The request is -- on the top it says: "For Seven and Gjarperi."
15 Who is Gjarperi?

16 A. Gjarperi was Hashim Thaci. At the time, I did not know who was
17 the Seventh.

18 Q. If you didn't know who the Seven was at the time, why did you
19 write it to Gjarperi and Seven?

20 A. These are two persons I communicated with at the time, and I
21 thought they could assist in procuring and purchasing this equipment.

22 Q. And just to be clear, is it that you no longer remember who this
23 person is or did you not know even at the time who the person is?

24 A. I most probably knew at the time, but I have forgotten now. I
25 do not want to say a name which I'm not sure of. I must be

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1 responsible and certain in my statement.

2 Q. Perhaps another witness remembers.

3 MR. HALLING: Your Honours, we would tender 096352 to 096352 for
4 admission.

5 PRESIDING JUDGE SMITH: Objection?

6 MR. MISETIC: No objection.

7 PRESIDING JUDGE SMITH: No objection heard. 096352 to 096352 is
8 admitted and is public.

9 THE COURT OFFICER: Your Honours, this document will receive
10 Exhibit P01286. Just to clarify, it was reclassified now to public,
11 because original classification was confidential.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. HALLING: It should be public, Your Honours, yes.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 THE COURT OFFICER: Okay. Thank you.

16 MR. HALLING: Thank you.

17 The next item that we'd ask the Court Officer to please pull up
18 is K050-8439 to K050-8449 on page 4. And it can actually be the
19 whole screen.

20 Q. Even though it's in English, we will read this to you, Witness,
21 through interpretation. And as that's being pulled up, on page 482
22 of your book you can see a picture of this, but on 17 October 1998
23 did you conduct an interview with Jakup Krasniqi for *Zeri*?

24 A. When? Which date?

25 Q. On 17 October 1998.

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1 A. Yes, I published the interview with Mr. Jakup Krasniqi on this
2 date.

3 Q. I'll read to you part of what's on the screen. It's sort of
4 just above the middle of the page:

5 "[Zeri] What truth is there in the accusations of Belgrade about
6 the UCK's supposed crimes against the Serbian civilian population in
7 Kosova?

8 "[Krasniqi] The UCK has frequently declared, and I repeat it
9 now, that it has not taken up weapons to fight civilians, but first
10 to fight police and then military forces. The other sign that the
11 UCK has not been involved with the Serbian civilian population is
12 that it has not burned a single Serbian house, it has not looted
13 their property, and has not burned a single school or church."

14 Witness, is this exchange from that October 1998 *Zeri* interview?

15 A. Most probably, yes, but I don't have the original here. I
16 should be able to see the original and not just a transcript. It
17 should show in parallel the original of the transcript and not
18 proceed in a selective manner. You're proceeding in a biased way. I
19 do not know English very well.

20 Q. Witness, we do not have an Albanian original of this document
21 beyond the picture in your book. But if we go to page 1, we can see
22 in the metadata "*Zeri* in Albanian 17 Oct 98," and then a little
23 further down the page:

24 "[Interview with Jakup Krasniqi, spokesman of the General Staff
25 of the Kosova Liberation Army, by Nuhi Bytyqi ...]"

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1 MR. HALLING: Your Honours, we would submit that this article
2 satisfies the admissibility criteria and we would tender it at this
3 time.

4 PRESIDING JUDGE SMITH: Any objection?

5 THE WITNESS: [Interpretation] Mr. Prosecutor, since we're --

6 PRESIDING JUDGE SMITH: Excuse me, Witness --

7 THE WITNESS: [Interpretation] -- since you asked --

8 PRESIDING JUDGE SMITH: Witness, wait. [Microphone not
9 activated].

10 K050-8439 to K050-8449 is admitted.

11 THE COURT OFFICER: Your Honours, the document will receive
12 Exhibit P01287. Current classification is confidential.

13 MR. HALLING: It can also be public, Your Honour.

14 PRESIDING JUDGE SMITH: Without objection, it is reclassified as
15 public.

16 THE COURT OFFICER: Thank you.

17 MR. HALLING: We would now ask to please put on the screen an
18 item that was admitted yesterday as an associated exhibited, and this
19 would be P01256. And just to leave it at the 1-second mark once it's
20 put on the screen. It would be page 1 of the English transcript.

21 Q. And, Witness, while this is being put on the screen, you filmed
22 the first public appearance of Hashim Thaci; is that correct?

23 A. Correct.

24 Q. Where did you film that?

25 A. This was filmed in the village -- in the new village, Fshati i

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1 Ri at the end of October, beginning November 1998.

2 Q. Are Fshati i Ri and Novoselle the same place?

3 A. Yes. In Albanian, it's Fshati i Ri. In Serbo-Croatian,
4 Novoselle.

5 Q. Understood.

6 MR. HALLING: If the Court Officer could please play the video
7 now to the 00:57 mark.

8 [Video-clip played]

9 THE INTERPRETER: [Voiceover] "The Kosovo Liberation Army forces,
10 under the leadership of its General Staff, faced many offensives of
11 the Serbian occupiers this year. It managed to face successfully all
12 these offensives. Thus, the Kosovo Liberation Army is today better
13 prepared, both in the national and international aspects. In the
14 national aspect, despite the propaganda and the special war, the
15 Kosovo Liberation Army waged before, during, and after the Serb
16 occupier, assisted by autonomist elements, the Kosovo Liberation Army
17 only consolidated, got more professional, and it has achieved today
18 the highest level of its political-military organisation."

19 MR. HALLING:

20 Q. Witness, is this footage of that first appearance of
21 Hashim Thaci?

22 A. Yes. This is the filming of the first appearance of
23 Mr. Hashim Thaci as a political leader of the KLA.

24 Q. You speak on pages 380 and 381 of the book about you talking to
25 Mr. Hashim Thaci about using more diplomatic language than appeared

1 in an earlier draft of these remarks. Is what we just saw on the
2 screen the more diplomatic language?

3 A. Yes. During the preparations for the filming of this public
4 appearance, the aim -- since this was the first public appearance and
5 that Mr. Thaci was inexperienced in public appearances, he was
6 nervous, which is a normal thing, and that can happen also to
7 experienced reporters like us. It's a natural thing because a public
8 appearance means also responsibilities in front of the public.

9 So Mr. Thaci tried to come out publicly with his position and
10 stance that the Kosovo Liberation Army must receive the biggest
11 support possible from the population and the leadership in Prishtine,
12 because at that time, as we know, the political leadership in
13 Prishtine, led by Ibrahim Rugova, the chairman of the LDK --

14 Q. Witness, you've answered my question.

15 A. -- was not at the level of responsibilities required by the
16 circumstances and the situation at the time.

17 Q. Thank you. And you used parts of Hashim Thaci's remarks on the
18 screen here in your "Here Are" documentary that aired in November
19 1998; is that correct?

20 A. Yes, part of it was included in the documentary which was
21 broadcast in November 1998 titled, "Here They Are."

22 MR. HALLING: And just for the record, that's P1261.

23 Q. Who made the decisions as to which parts of these remarks got
24 included in that documentary?

25 A. I, together with Migjen Kelmendi who was chief of the editorial

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1 board. At that time the board was located in Prishtine. Together
2 with him and people who worked on it, we were a small team that tried
3 to inform the public of all the war developments.

4 Q. Witness, when making that documentary, were you concerned about
5 the sentence of Hashim Thaci in these remarks talking about special
6 war and autonomist elements?

7 A. At that period, as I already said, the situation was very grave.
8 The Serbian forces had undertaken offensives against the civilian
9 populations and the KLA positions. And the political leadership in
10 Prishtine was not up to the required level of responsibility needed
11 at that time to assist the KLA, to call on the people to support the
12 army - the KLA, that is - and this was reflected at the grassroots
13 level, because Kosovo was, indeed, in a very bad situation. The
14 civilians had taken shelter in the mountains, in forests. Many
15 houses were burned. Thousands of civilians were ousted from their
16 homes --

17 Q. Witness --

18 A. -- many women --

19 Q. -- this is not --

20 A. -- were raped.

21 Q. This is not the question that I asked you. Let me repeat it.
22 When making that document, were you concerned about the sentence of
23 Hashim Thaci in these remarks talking about special war and
24 autonomist elements?

25 A. I was not at all concerned, but I insisted to ensure that his

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1 public appearance helped the unification of the military and
2 political factors in Kosovo and create the opinion that the KLA
3 should be further supported also by the leadership in Kosovo, which,
4 as I already pointed out, was not at the required level.

5 Rugova was a political leader with great authority in Prishtine,
6 but he lacked the courage, determination to come out publicly and
7 call on the people to give a powerful support to the Kosovo
8 Liberation Army.

9 Q. And, Witness, if I put it to you that the first three sentences
10 of this speech are in the "Here Are" documentary, the two sentences
11 after the one about special war and autonomist elements are in the
12 documentary, and that the second half of the sentence which does not
13 mention those words appears in the documentary, could you explain why
14 that particular half sentence was not included?

15 A. During the assembly of the documentary, some sentences are
16 dropped, some are added, depending on the narrative and the arguments
17 presented in it.

18 Q. So your evidence is that the sentence on special war and
19 autonomist elements, just that half of it was cut for time?

20 A. Yes, that is one of the elements. Because we had limited time.
21 You can't have a documentary last two hours.

22 Q. You just said time was one of the elements for why that half
23 sentence wasn't included. What were the other elements?

24 A. There were other elements. The idea was to appeal to the
25 public, to the population, to be closer to the soldiers of the KLA,

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1 and the political leadership assume their task, as they should,
2 because they were not up to their task at that time when we were
3 fighting. It was a life-and-death struggle being waged.

4 Q. Did you consider that Hashim Thaci's reference to special war
5 and autonomist elements would not appeal to the public?

6 A. At that time there were such elements, but we didn't think it
7 was important to focus on them. The important thing was for
8 Mr. Thaci to appear serious and appeal to the public and inform the
9 public of the Kosovo Liberation Army and win the support also of the
10 international factor.

11 Q. Witness, that doesn't answer my question. Please, with just a
12 yes or no, did you consider that Hashim Thaci's reference to special
13 war and autonomist elements would not appeal to the public?

14 A. I deemed it right not to include this element because, as an
15 experienced journalist, my aim was not to be equivocal. Because as
16 things were, there were dilemmas in Prishtine, and it was very
17 important for the Kosovo Liberation Army to enjoy greater support by
18 all the strata, all the population, from the intellectuals, the
19 immigrants, and the international factor. That was what I considered
20 critical. That's where I focused.

21 Q. So, Witness, this was not just cut for time. You chose to not
22 include this half sentence deliberately, didn't you?

23 A. This is how I thought. To include what I included in it.

24 MR. HALLING: And, Your Honours, we'll leave it there. We will
25 note for the record, P303, page 043862 --

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1 THE WITNESS: [Interpretation] It's not about censorship.

2 MR. HALLING: -- which is a document the Judges may have
3 reviewed recently mentioning very similar language on late October,
4 early November 1998.

5 Q. Thank you, Witness.

6 MR. HALLING: Could the Court Officer now please pull up video
7 069758-04, and this one is an extract of just minutes 04:40 to 20:02.
8 And within that extract, if we could please play from the 09:13 mark
9 to the 10:17 mark.

10 Q. Witness, as this is being pulled up on the screen, you filmed,
11 and talk in your book about filming, the KLA Flag Day celebrations on
12 28 November 1998; is that right?

13 A. Yes. On 28 November 1998, in Divjake, there was a central rally
14 organised devoted to the Flag Day, the day of the independence of the
15 Albanian state.

16 Q. Thank you.

17 MR. HALLING: And if the Court Officer could please play the
18 reference whenever it's ready. It's page 2 of the transcript. Yes,
19 the Court Officer has it. Thank you.

20 [Video-clip played]

21 THE INTERPRETER: [Voiceover] "The Kosovo Liberation Army fought
22 on many -- fought on with greater fierceness against an entire
23 military propaganda machinery. It faced the most unprecedented
24 military offensives in Kosovo. It coped with a coordinated special
25 war from outside and inside, and it advanced unstoppably. Both

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1 friends and foes were surprised at the Kosovo Liberation Army
2 survival, its readiness and determination in the field of battle.
3 The spectrum of enemies aimed to get rid of the KLA, eliminate it
4 from the political life, and then impose on Kosovo an insignificant,
5 contemptible pacifist or Gandhist solution."

6 Witness, is what we just saw part of that Flag Day footage that
7 you took on 28 November 1998?

8 A. Yes.

9 MR. HALLING: And now if the Court Officer could please go to a
10 still at the 05:36 mark, just to get a shot with all of the people on
11 the podium on the screen.

12 Q. Witness, to the extent that you know, please, going from left to
13 right, identify the people in the shot that you see on the screen.

14 A. It is unclear. I will try to identify the persons --

15 Q. And to be clear, starting with the first standing gentleman on
16 the left side of the screen. Yes.

17 A. Yes. Yes. He's Shefqet Bucaj, commander, teacher; Rame Buja;
18 the father of the hero of Kosovo, Zejnullah Mazreku. Then Jakup
19 Krasniqi, the one who is speaking. There is the father of a martyr,
20 I don't know his name. Then Fatmir Limaj; Naim Maloku;
21 Commander Muse Jashari; and Commander Tahir Jashari.

22 Q. Thank you.

23 THE INTERPRETER: Sorry, Tahir Sinani.

24 MR. HALLING:

25 Q. Thank you, Witness. Just one small follow up. The gentleman

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1 that you identified as Rame Buja, you can see faintly another person
2 behind him, the second person to the left in the line. Do you know
3 that person standing behind the gentleman that you identified as
4 Rame Buja?

5 A. He's a civilian, probably the parent of some hero. I don't know
6 him, but I might identify him.

7 Q. Yes.

8 MR. HALLING: Your Honours, we would tender this extract of
9 069758-04 into evidence. The extract once again is from the 04:40
10 mark to the 20:02 mark.

11 PRESIDING JUDGE SMITH: Any objection? None apparent. All
12 right. 069758-04 from 04:40 to 20:02 is admitted.

13 THE COURT OFFICER: Your Honour, this video and its
14 corresponding transcripts will receive Exhibit P01288. Current
15 classification in Legal Workflow is confidential.

16 PRESIDING JUDGE SMITH: This can be reclassified as public as
17 well.

18 THE COURT OFFICER: Thank you.

19 MR. HALLING: The next video will be 069758-05. This is also an
20 extract from 19:15 to 24:12. And from within the extract we'll be
21 playing 02:22 to 03:06.

22 Q. And, Witness, while that is being pulled up. On the same day as
23 the flag ceremony, did you also film Fatmir Limaj at a celebration
24 event following the flag ceremony?

25 A. Yes. That day in the evening, together with the KLA fighters,

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1 we were participating in this national celebration in the new
2 village, Fshati i Ri.

3 Q. Yes. And as -- Fatmir Limaj was giving a kind of speech for the
4 youth as you describe it in the book; is that right?

5 A. Yes. Mr. Fatmir Limaj had in his hand the magazine of Xhevdet
6 Doda High School in Prishtine, in which they had published some
7 articles of the students of the school on the liberation army of
8 Kosovo in which they had expressed their willingness to support and
9 help the KLA. And Mr. Limaj addresses these students of the school
10 and thanks them for their support for the liberation war.

11 Q. Thank you.

12 MR. HALLING: If the Court Officer could please play the
13 extract.

14 [Video-clip played]

15 THE INTERPRETER: [Voiceover] "My advice to you is not to stop,
16 to act, to work independently because only then can you be a pure
17 youth and only then in that way you can find the right way, the way
18 to freedom and independence. I ask of you not to be influenced, not
19 to fall prey to party intrigues or some so-called professors who
20 prepare a moderate way, but for you to act with reason and a sound
21 mind and to be active and ready when the homeland requires it."

22 MR. HALLING:

23 Q. Witness, is this the footage you were just describing of
24 Fatmir Limaj with the school paper in his hand?

25 A. Yes, that's it.

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1 MR. HALLING: Your Honours, we would tender this into evidence.
2 Again, this is -- the extract of which it's part is what's tendered,
3 and it's 069758-05 from the 19:15 mark to 24:12.

4 PRESIDING JUDGE SMITH: Any objection? No objection is heard.
5 069758-05 from 19:15 to 24:12 is admitted.

6 THE COURT OFFICER: Your Honours, that video with its
7 corresponding transcripts will receive Exhibit P01289, and current
8 classification is confidential.

9 PRESIDING JUDGE SMITH: Reclassified as public.

10 THE COURT OFFICER: Thank you.

11 MR. HALLING: The next one. Can the Court Officer please put on
12 the screen 108459-01 at the 12:43 mark.

13 Q. And, Witness, while that is being put up on the screen, you talk
14 at page 405 of your book about doing filming in the Llap zone on 27,
15 28 December 1998, and also filming New Year's celebrations with the
16 KLA; is that correct?

17 A. Yes, that's correct.

18 MR. HALLING: So if this could be played from the 12:43 mark to
19 12:57, and it's on page 4 of the transcript.

20 [Video-clip played]

21 THE INTERPRETER: [Voiceover] "The enemy used their full military
22 arsenal with over 100 tanks."

23 MR. HALLING: Yes.

24 Q. So, Witness, I'm not sure that you heard the sound, but just to
25 make it clear on the record. It said:

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Examination by Mr. Halling (Continued)

1 "Since the Kosovo Liberation Army came on the scene, Llap
2 Operational Zone was able to form a professional army which was also
3 shown during the enemy offensives in the past days, recent days."

4 Who is this person that's on the screen?

5 A. There was no sound in Albanian. Your equipment are not
6 functioning.

7 I want to confirm that he's Kadri Kastrati, pseudonym Daja. He
8 was a military senior in the Llap operational zone.

9 Q. And is this part of the footage you took from the Llap zone in
10 27, 28 December 1998?

11 A. Yes. On the 27th and 28th of December, 1998, I was in this zone
12 to film for a special programme broadcast by the Albanian television.

13 Q. Yes.

14 MR. HALLING: And if we can go earlier into this same ERN, to
15 the 02:33 mark, and that's page 1 of the English transcript. And we
16 would ask to play this from the 02:33 mark to the 03:05 mark.

17 [Video-clip played]

18 THE WITNESS: [Interpretation] There is no sound. Please. See,
19 because there is no sound.

20 MR. HALLING:

21 Q. Yes. Witness, we noticed the same thing. The video in
22 Legal Workflow does have sound. But, Witness, just once again to
23 make you hear what was supposed to be audible, it's said:

24 "Fatmir Limaj: Soldiers and superiors, greetings."

25 And then it said:

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Examination by Mr. Halling (Continued)

1 "Attention! At ease!"

2 And then Fatmir Limaj said:

3 "On this last night of 1998, when the years switch places, on
4 behalf of the General Staff of the Kosovo Liberation Army army, allow
5 me to wish you a Happy New Year celebration."

6 And then the soldiers say:

7 "Thank you."

8 Witness, from the footage, is this the footage of the New Year's
9 Eve filming with the KLA that you did?

10 A. Yes. This filming was made on 31 December 1998 in the zone
11 under the command of Fatmir Limaj.

12 Q. And the remarks that I read to you and the person on the screen,
13 that was Fatmir Limaj speaking; is that correct?

14 A. Yes. It was Mr. Fatmir Limaj speaking, telling the KLA soldiers
15 that: The coming year, we will celebrate the new year in freedom.
16 And that's how it happened.

17 Q. Thank you.

18 MR. HALLING: We'll pull up a different ERN and hopefully we'll
19 have better luck with the sound. This is for 108460-01, and this is
20 an extract of the 04:10 mark to the 09:47 mark. And we would ask to
21 have played 00:54 to 03:00, and this is on pages 2 to 3 of the
22 English transcript.

23 Yes, and it can be played now.

24 [Video-clip played]

25 THE INTERPRETER: [Voiceover] "They are respecting the decision

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1 of the General Staff in the case of --

2 "Are there any violations of rules?

3 "Of course. The General Staff issues concrete decisions in
4 every situation. For New Year's Eve, the General Staff gave an order
5 not to shoot with firearms. This order is being strictly followed,
6 and we have not recorded any case of this rule have been violated.

7 "We are leaving a year where the Kosovo liberation force has
8 become a real political and military force in the battles for the
9 liberation of Kosova. Can you tell us briefly about the results this
10 army has achieved this year?

11 "During 1998, we spent a year full of sacrifices for the people
12 of Kosovo.

13 "Among the soldiers of the Sadik Shala Battalion, we met also
14 two members of the General Staff of the KLA, Mr. Rexhep Selimi, who
15 is also the General Inspector of the staff, and Mr. Fatmir Limaj.
16 Mr. Rexhep, could you tell us what is the readiness of the forces of
17 the liberation army during this holiday?

18 "The Kosovo Liberation Army and its General Staff are at all
19 times at the level of the military duties, at the level of their
20 duties to the homeland. Even tonight as we move to the new year, the
21 KLA soldiers are in positions, they are on duties, and they are
22 meticulously implementing all the orders of the General Staff and
23 other commands in the hierarchy. We can confidently say that the KLA
24 even tonight is at the same level as it has been before the
25 offensive."

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1 MR. HALLING: Thank you.

2 Q. Witness, is this your interview with Rexhep Selimi on
3 31 December 1998?

4 A. Yes. On 31 December, I had this interview with
5 Mr. Rexhep Selimi about the new year celebration, the mobilisation of
6 the KLA soldiers, to analyse a successful year on the front line.

7 Q. And where was this filmed?

8 A. It was filmed in the region where Brigade 121 of the KLA
9 operated, Ismet Jashari, Kumanova, in the vicinity of Javor village
10 and Luzhnice. Between the two villages.

11 Q. Thank you.

12 MR. HALLING: Your Honours, we would at this time tender these
13 last two videos shown, 108459-01 and then 108460-01. For the latter,
14 just the extract from the 04:10 mark to 09:47.

15 PRESIDING JUDGE SMITH: Any objection? None heard.

16 108459-01 is admitted.

17 THE COURT OFFICER: Your Honours, that video and its
18 corresponding transcripts will receive Exhibit P01290. And current
19 classification in Legal Workflow is confidential.

20 PRESIDING JUDGE SMITH: That will be reclassified as public.

21 THE COURT OFFICER: Thank you.

22 PRESIDING JUDGE SMITH: And then we also admit 108460-01 from
23 the 04:10 mark to the 09:47 mark.

24 THE COURT OFFICER: Your Honours, that video and its
25 corresponding transcripts will receive Exhibit P01291. And the same

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Examination by Mr. Halling (Continued)

1 as with the previous one, the current classification is confidential
2 in Legal Workflow.

3 PRESIDING JUDGE SMITH: And that will be reclassified as public.

4 THE COURT OFFICER: Thank you.

5 THE INTERPRETER: The interpreters kindly ask the witness to
6 speak closer to the microphone, please.

7 MR. HALLING:

8 Q. Witness, you may have heard. The interpreters have asked if you
9 could just speak closer to the microphone.

10 MR. HALLING: And, Your Honours, we note the time. It's
11 about --

12 PRESIDING JUDGE SMITH: Yes, we'll take a break.

13 MR. HALLING: -- 10.00 right now. We will finish in the second
14 half of this session.

15 PRESIDING JUDGE SMITH: We'll give you a ten-minute break now,
16 Witness. So you can join the Court Usher to leave the room. And
17 we'll be back here at 10 minutes after 10.00.

18 [The witness stands down]

19 PRESIDING JUDGE SMITH: We are adjourned until 10.10.

20 --- Break taken at 10.01 a.m.

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

22 PRESIDING JUDGE SMITH: Please bring the witness back into the
23 room, Madam Usher.

24 MR. HALLING: As the witness is being brought in, the next video
25 to put on the screen would be 108460-02, and there's actually going

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1 to be three separate extracts played. This is the first: 00:00 to
2 04:31, and to freeze at the 00:10 mark of that extract.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: All right. We continue with the SPO's
5 questions, Mr. Witness.

6 Go ahead, Mr. Halling.

7 MR. HALLING: Thank you, Your Honour.

8 Q. So, Witness, we have another video on the screen. And, first,
9 if you could just -- do you recognise the footage from the still?

10 A. Yes, this is Mr. Fatmir Limaj.

11 Q. And what does the badge that he's wearing say?

12 A. It's the Kosovo Liberation Army emblem.

13 Q. Is it a General Staff badge?

14 A. It's not legible, but it appears to be like that.

15 MR. HALLING: If we go to the 00:00 mark of the extract.

16 Q. Is it legible now?

17 A. Yes.

18 Q. What does it say?

19 A. Kosovo Liberation Army, General Staff.

20 MR. HALLING: If we could please play this video from the 00:39
21 mark to the 01:08 mark.

22 [Video-clip played]

23 THE INTERPRETER: [Voiceover] "On behalf of the General Staff and
24 on my own behalf as a former commander of this brigade, I would like
25 to wish you a Happy New Year. I wish that next year will come -- we

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1 will be even more committed, more disciplined and prepared for the
2 challenges that time will bring. We hope that next year we will face
3 the enemy being stronger, more disciplined, respecting all the orders
4 and tasks given to us by the General Staff."

5 MR. HALLING:

6 Q. Witness, who is speaking here?

7 A. The person speaking was Fatmir Limaj.

8 Q. And where and when was this filmed?

9 A. This was filmed in the village of Terpeze in Malisheve on
10 31 December 1998.

11 Q. So was it filmed -- it was also filmed on New Year's Eve 1998.

12 MR. HALLING: If we could go to the second extract of this ERN,
13 108460-02, to 33:34:49, and play this extract from 00:00 to 00:49
14 seconds.

15 [Video-clip played]

16 THE INTERPRETER: [Voiceover] "Like everyone, we also did the
17 annual analysis of how the year was, what experiences we had, how
18 many losses we incurred, and how many victories during this year. At
19 the same time, we are preparing for the war and future battles.
20 After all, this is just the beginning of the war. Analysed how many
21 Albanians were killed, how many Albanians were beaten up, how many
22 Albanians were mistreated, how many sisters were raped, how many
23 Albanians fled their homeland. This is what the analysis looked like
24 before. There was never anything about our victories. This means
25 that over time this -- the first year that we analyse not only the

1 losses incurred we are used to but also the victories, the damages we
2 caused to the enemy."

3 MR. HALLING: And I'm not sure the English transcript aligned
4 with the part of the video played, but with the subtitles it could be
5 followed.

6 Q. Witness, who is speaking in the video that was just played?

7 A. This was Mr. Fatmir Limaj in the family of the hero of Kosovo,
8 Nuri Mazreku, where he speaks about the situation at the time, the
9 battles, the martyrs fallen, the sacrifices of the people, and the
10 struggle for freedom.

11 Q. Where and when was this filmed?

12 A. This was filmed in the village of Gurisht on New Year's Eve, in
13 the municipality of Malisheve.

14 Q. And there are three people in uniforms sitting in the back of
15 the still on the screen now, which is at 00:49. Can you identify
16 those three in uniform from left to right?

17 A. Yes, there's Haxhi Shala, Rexhep Selimi, and Fatmir Limaj.

18 Q. Thank you.

19 MR. HALLING: And the last extract of this ERN would be from the
20 52:15 mark to the 56:17 mark. And if we could go to timestamp 02:36.

21 Q. Witness, did you also film a speech of Ajet Kastrati on New
22 Year's Eve?

23 A. Yes. We filmed the speech of the military senior officer Ajet
24 Kastrati. This was done in the village of Javor on 31 December 1998.

25 Q. And was Ajet Kastrati a battalion commander at the time?

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1 A. I don't know his exact position at the time, but he was one of
2 the KLA commanders.

3 Q. On the screen now at the 02:36 mark, who are these two people
4 whose faces you can see from left to right?

5 A. From left to right, Ajet Kastrati and then Fatmir Limaj.

6 MR. HALLING: Now if we could please play to the 03:18 mark.

7 [Video-clip played]

8 THE INTERPRETER: [Voiceover] "... coming from the vertical line,
9 so the military chain of the command has been respected. I would
10 like to thank the brigade command who, together with the battalion
11 commanders, twice a week analysed the work which shows the strengths
12 and weaknesses, and from that meeting we always come up with
13 proposals to eliminate the weaknesses and increase that period. In
14 the end, once again, I promise that I will carry out all the orders
15 that come from the General Staff, the brigade command, and so on."

16 MR. HALLING:

17 Q. Witness, is this the Ajet Kastrati speech you were just
18 discussing in your evidence?

19 A. Yes, this is the speech of Ajet Kastrati who, like any other
20 senior officer, given the circumstances, then made an analysis of the
21 year that had passed, adding that there was a KLA hierarchy where, in
22 fact, there was no hierarchy and he didn't even know himself of any
23 such hierarchy, but he was delivering this speech for the soldiers.

24 Q. Witness, you said yesterday that you have no knowledge about the
25 KLA hierarchy. So on what basis do you say now that there was none?

1 A. I stated it yesterday, and I'm saying it today, that there was
2 no. I gave many concrete examples yesterday proving that there was
3 no proper hierarchy as in regular armies. This was a voluntary-based
4 army. No one could force anyone to carry out any tasks. Mr. Thaci
5 was responsible for media but his words were not heeded by some local
6 village commanders. So, this is my statement.

7 Q. Thank you, Witness.

8 MR. HALLING: Your Honours, we can now tender these three
9 extracts. They're all from 108460-02. But it's just the three
10 extracts presented, which would be from 00:00 to 04:31, from 33:00 to
11 34:39, and then from 52:15 to 56:17.

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. MISETIC: No. No objection.

14 PRESIDING JUDGE SMITH: No objection is heard. 108460-02, the
15 three excerpts as stated, are admitted.

16 I think the three statements can be Part 1, Part 2, and Part 3,
17 or .1, .2, and .3.

18 MR. HALLING: Yes, that makes sense, Your Honour.

19 THE COURT OFFICER: Yes, Your Honour, the first extract with the
20 timestamp of 00:00 to 04:31 will receive Exhibit number P01292.1.
21 The second one, from 33 minutes to 34:39, will receive
22 Exhibit P1292.2. And the third one from 00 -- sorry. Apologies.
23 52:15 to 56 and 171 --

24 MR. HALLING: 56:17.

25 THE COURT OFFICER: 56:17 will receive Exhibit P01292.3,

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1 together with their corresponding transcripts. And current
2 classification for all extracts is confidential.

3 PRESIDING JUDGE SMITH: Reclassified as public.

4 THE COURT OFFICER: Thank you.

5 MR. HALLING: Thank you.

6 We'd now ask the Court Officer to please put on the screen
7 U015-8743 to U015-8935, and specifically page U015-8885 in Albanian
8 and English.

9 Q. And, Witness, as this is being put on the screen, you write in
10 your book about the establishment of KosovaPress and Kosova e Lire
11 radio in January 1999. And this is pages 413 and 414 of the book.
12 Do you remember this part?

13 A. Yes, I've mentioned in my book the foundation of two free
14 independent information institutions, KosovaPress agency and Radio
15 Free Kosovo.

16 Q. And so I'm going to show you a page now from Jakup Krasniqi's
17 book, "The Big Turn," that was also shown to you in the preparation
18 session. On this page -- and I'll just wait for the English to
19 match.

20 MR. MISETIC: Mr. President, while we're waiting for that, I
21 just wanted to note I'm told that we are going to request an
22 interpretation check on line 32 -- sorry, page 32, line 24.

23 PRESIDING JUDGE SMITH: Thank you for making the record.

24 MR. HALLING: It's 8885. So that's 8850. I think it's page 143
25 of the PDF. Yes. Thank you.

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1 Q. So, Witness, you were shown this page in the preparation
2 session. I'll just read to you a couple of specific parts. Krasniqi
3 writes:

4 "Sometimes there was also support coming from some programmes
5 produced by journalist Nuhi Bytyqi and 'commander' Abazi (A. Zeka)
6 with his TVSH/Albanian Television/ camera."

7 It then later talks about how:

8 "... the enemy 1998 Summer offensives obliged us to consider
9 setting up a news agency, a radio station, a TV channel and a
10 newspaper. So, in the meeting I mentioned we appointed the people
11 who would be in charge of these media. The main people in charge
12 included: Berat Luzha and Ahmet Qeriqi ..."

13 It then it also says at the end:

14 "... the two institutions started operation on 4 January 1999 in
15 the Berisha Mountains."

16 Is what Jakup Krasniqi writes on this page about you and
17 KosovaPress and Kosova e Lire correct?

18 A. Yes, that's correct.

19 MR. HALLING: Yes. And, Your Honour, in the same vein, we would
20 tender this page. It's part of a three-page section of this book,
21 U015-8884 to U015-8886, and we would just tender those three pages.
22 And it can be added to the previous exhibit number for Mr. Krasniqi's
23 book.

24 We noted yesterday that the admitted parts of the book are
25 already across different ERNs, so we don't know if they can all be

1 consolidated into a single exhibit at a later time, but for now we
2 just tender those three pages.

3 PRESIDING JUDGE SMITH: Any objection?

4 MS. ALAGENDRA: Your Honours, only one page, I believe, was
5 indicated by my learned friend.

6 MR. HALLING: As I stated, this page falls in a three-page
7 section of the book, and just to understand the page and its context
8 we just tendered this section of the three pages.

9 MS. ALAGENDRA: Your Honours, only one page has been put to the
10 witness to confirm whether or not it is accurate.

11 MR. HALLING: I can go page by --

12 PRESIDING JUDGE SMITH: You might ask him about the other two
13 pages just to see if they're identified.

14 MR. HALLING: It's --

15 Q. Witness, if we go to the previous page, Jakup Krasniqi is
16 starting a chapter about "Information Institutions," and he's talking
17 about media support during the war, and he talks at the end on this
18 page:

19 "In Albania, press gave less coverage to the KLA war ..."

20 And:

21 "We counted on a powerful support for our struggle by TV
22 companies, world media superpowers, including: CNN and BBC."

23 Witness, this matches your evidence as well on the Albanian
24 press and the world media coverage; is that right?

25 A. Yes. These information institutions tried to inform the public

1 opinion on the developments in war zones, but also those in Prishtine
2 and other areas when there was no frontal war. These two
3 institutions played in a crucial role, information role, during that
4 period of time because, as I stated yesterday, we were in an
5 information darkness. There were no daily newspapers, no television,
6 no radio. So these two institutions played the role together with
7 the Albanian television and other international media, such as one of
8 the most powerful information networks, CNN, BBC, and others, to
9 inform the public opinion.

10 MR. HALLING: Your Honour, again, the page after the one
11 previously shown would then complete this part. But again we would
12 just say that these three pages, just as a set, to be understood for
13 context, be admitted.

14 PRESIDING JUDGE SMITH: The three pages will be admitted and
15 added to the previous -- well, we'll just admit them for now. We'll
16 just admit them as enumerated.

17 THE COURT OFFICER: Your Honour, these three pages will be added
18 to the Exhibit P00189. Thank you.

19 MR. HALLING: Thank you.

20 If the Court Officer could now please pull up 101928-01. It's
21 another video. An extract of 36:19 to 38:48. And we will be playing
22 timestamps 01:10 to 01:41. If we can just get the first timestamp on
23 the screen.

24 Q. Witness, you talk about in your book on pages 472 to 473 about
25 assisting in the preparation of a special programme that was

1 broadcast on 4 and 5 June 1999. Do you remember that?

2 A. Yes, I was in Tirana at the time, the Albanian television. A
3 tape was brought to me from the war zone about the situation in the
4 war zones and about the radio *Kosova e Lire* and the press agency.

5 Q. Yes.

6 MR. HALLING: And if we can just play from 01:10 to 01:41 in
7 just a moment for the transcript to come up.

8 Q. While we wait, who are the two people on the screen on the right
9 side, from left to right?

10 A. From left to right, Berat Luzha, in charge of the news agency
11 KosovaPress, and Mr. Hashim Thaci.

12 MR. HALLING: If the Court Officer could please play the
13 extract.

14 [Video-clip played]

15 THE INTERPRETER: [Voiceover] "We needed special assistance.
16 We're an agency established lately, but we have proved ourselves
17 through work. And we are now well respected in the European and
18 world setting for information we provide. Have a good trip.
19 Goodbye. Have a good trip. Goodbye."

20 MR. HALLING:

21 Q. Witness, is what we just saw part of the footage used for those
22 4 and 5 June 1999 broadcasts?

23 A. Yes, it's a part of a portion of the special programme that was
24 broadcast on the 4th and 5th June, 1999.

25 Q. And is this the visit of the leaders and team of a KosovaPress

1 news agency led by Berat Luzha described in your book?

2 A. Yes.

3 Q. I appreciate that this wasn't something you filmed yourself, but
4 can you approximate when it was filmed?

5 A. I don't know. It might have been May 1999. Most probably in
6 May. Since the tape arrived in Tirana through land road, considering
7 that the border was manned and there was a heavy presence of Serbian
8 military and police presence, the tape must have followed the
9 itinerary followed by KLA leaders -- by KLA soldiers and personnel to
10 supply themselves with weapons.

11 MR. HALLING: Your Honour, we would tender this part and its
12 corresponding transcript. Again, it's 101928-01 and only the portion
13 extracted which is 36:19 to 38:48.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. MISETIC: No objection.

16 MS. ALAGENDRA: No objection.

17 PRESIDING JUDGE SMITH: 101928-01 from 36:19 to 38:48 is
18 admitted.

19 THE COURT OFFICER: Your Honours, this video and its
20 corresponding transcripts will receive Exhibit P01293. Current
21 classification in Legal Workflow is confidential.

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

23 THE COURT OFFICER: Thank you.

24 MR. HALLING: The next one for the Court Officer, if we could
25 please put on page 519 of the witness's book. This is P1264, page

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Examination by Mr. Halling (Continued)

1 SPOE00128889.

2 Q. Witness, as this is being pulled up from your book, were you
3 filming in Lladrovc on 13 March 1999?

4 A. Yes.

5 Q. And on the lower right-hand side of the page, as you see there,
6 there's a picture of you and another gentleman. Who is in that
7 picture?

8 A. Which picture?

9 Q. The middle right of the page. The caption says:
10 "With Kadri Veseli, one of the organisers" --

11 A. This --

12 Q. -- "of the armed resistance --

13 A. This one here?

14 Q. -- "against Serbia, Lladroc, 13 March 1999."

15 So another way to ask the question is: Is that caption correct?

16 A. Yes, it is correct. It's myself and Kadri Veseli. The picture
17 was taken on 13 March 1999 in Lladrovc village of Malisheve
18 municipality.

19 MR. HALLING: If we could now pull up 069758-07 it's transcript
20 page 1, and it will be from the 00:30 to the 01:11 mark.

21 Q. Witness, at this same day and place did you also interview
22 Hashim Thaci?

23 A. Yes, on 13 March. When a delegation of the KLA set out for
24 Paris, I conducted a special interview with a leader of the Kosovo
25 delegation which was going to participate in the international

1 conference that started on 6 February and ended on 23 February in
2 Rambouillet, in 1999, in Paris. I had this interview with him in
3 Lladrovc regarding the stance of the KLA regarding the proposed
4 agreement that was supposed to be signed in Rambouillet but was
5 signed in Paris on 18 March 1999.

6 MR. HALLING: If we can now play the excerpt 00:30 to 01:11.

7 [Video-clip played]

8 THE INTERPRETER: [Voiceover] "After consultation which the
9 General Staff of the Kosovo Liberation Army and the whole
10 organisational structure of the Kosovo -- held with the mass of the
11 people, the Kosovo Liberation Army and its organisational structure
12 came down to the lowest levels to talk, consult, and come to a most
13 fair decision which we will express in Paris. The position of the
14 General Staff of the Kosovo Liberation Army will be the position of
15 opinions achieved in Kosovo."

16 MR. HALLING:

17 Q. Witness, is what just played your interview with Hashim Thaci in
18 Lladrovc on 13 March 1999?

19 A. Yes, that is the interview that I conducted with Mr. Thaci, who
20 speaks about the consultations that took place at all levels in
21 Kosovo regarding the final text of the international agreement
22 proposed by international mediators to reach a peaceful settlement
23 regarding the future of Kosovo in Paris, France, which was signed on
24 18 March by Mr. Thaci and the other members of the delegation of
25 Kosovo.

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1 Q. Thank you.

2 MR. HALLING: Your Honours, we would tender this video for
3 admission, 069758-07.

4 PRESIDING JUDGE SMITH: 069758-07, just the single video?

5 MR. HALLING: Yeah, that ERN of the video.

6 PRESIDING JUDGE SMITH: That entire video?

7 MR. HALLING: Correct.

8 PRESIDING JUDGE SMITH: Okay.

9 Any objection?

10 MR. MISETIC: No objection.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 069758-07 is admitted.

13 THE COURT OFFICER: Your Honour, that video and its
14 corresponding transcripts will receive Exhibit P01294. Current
15 classification in Legal Workflow is confidential.

16 PRESIDING JUDGE SMITH: Reclassified as public.

17 THE COURT OFFICER: Thank you.

18 MR. HALLING: Thank you.

19 Q. Just a couple more.

20 MR. HALLING: If we could please now go to 049186 to 049186.
21 We've made an extract of this video as well from 05:33 to 07:40. And
22 if we can start just with a freeze of the 11-second mark of that
23 extract. This would be pages 3 to 4 in the English transcript.

24 Q. Now, Witness, as the transcript is being pulled up, I
25 acknowledge this is not your -- your footage; correct?

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Examination by Mr. Halling (Continued)

1 A. Correct. It's not filmed by my team. It's some foreign crew
2 that came there on the occasion of the liberation of Kosovo in June
3 1999.

4 Q. Where is this filmed?

5 A. I saw it also on YouTube. It is in Malisheve on 16 June 1999,
6 when Kosovo -- when Malisheve too was liberated.

7 Q. And going from left to right, who can you identify in the
8 picture here?

9 A. The first is Avdi Rraci, then Haxhi Shala. Then Rexhep Selimi,
10 even though he has his back but it seems to be him. Then Sabit
11 Shala, the brother of Sahit Shala who fell a martyr.

12 Q. Who is Avdi Rraci?

13 A. He was a fighter of the KLA, a very good fighter of the KLA.

14 MR. HALLING: Could we now play from the 00:00 mark to 00:57 of
15 the extract.

16 [Video-clip played]

17 THE INTERPRETER: [Voiceover] "Footage of a group of KLA members,
18 including Rexhep Selimi, walking in a street. Look what the Serb
19 police and army has done? It has burned to the ground all the
20 buildings of Malisheve. Many civilians were killed, among them my
21 uncle and six civilians from my villages. In other villages where I
22 stayed in Drenica, they killed Nezir Shabani. I stayed in his family
23 and many -- and many -- they killed people in many other villages of
24 Kosova."

25 THE WITNESS: [Interpretation] This is at the time when Malisheve

1 was liberated and the KLA fighters celebrate the victory.

2 MR. HALLING: Yes, the witness was talking over the remarks in
3 that video, but I believe the answer gave sufficient authentication
4 to what we were interested in.

5 Your Honours, we would tender this extract of the video from
6 05:33 to 07:40. The video is available open source as the witness
7 himself indicated. It is produced by Pal Refsdal. We would argue
8 that the video also has relevance even independent of Mr. Refsdal
9 just of Rexhep Selimi at the time he was minister of public order
10 being in Malisheve around this time.

11 So we tender it for admission in this regard. Mindful of the
12 discussion yesterday, our intention is not to show any further
13 extracts of Mr. Refsdal's book which make reference to the same
14 video, but to instead file a renewed bar table request explaining how
15 the book connects to the totality of the evidence. So for now, we
16 only tender this video extract.

17 PRESIDING JUDGE SMITH: Any objection to the extract?

18 MR. TULLY: I'd like to hear a little more on relevance for
19 Mr. Selimi at the time being minister of public order being in
20 Malisheve around this time. And furthermore, we -- I won't move into
21 it now, but we have a lot to say on the introduction of Mr. Refsdal's
22 book and the way it's being used by the Prosecution, but we'll come
23 to that.

24 PRESIDING JUDGE SMITH: This is just about this extract.

25 MR. TULLY: I understand, Your Honour. I just wanted to put on

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1 the record.

2 PRESIDING JUDGE SMITH: Anybody else? Apparently no other
3 objection. 049186 to 049186, the extract from 05:33 to 07:40, is
4 admitted.

5 THE COURT OFFICER: Your Honour, that video and its
6 corresponding transcripts will receive Exhibit P01295. And
7 classification is public.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 THE COURT OFFICER: It is public already. Thank you.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 You said it was open source. So thank you. That's all.

12 MR. HALLING: And the last video. If the Court Officer could
13 please pull up 087008-01 at the 02:10 mark.

14 Q. Witness, my last questions are about you talking about the
15 demilitarisation discussions in your book. And I just have a
16 question or two about that in June 1999.

17 Just as an initial question, do you know if Kadri Veseli was
18 involved in the demilitarisation discussions?

19 A. I don't know for sure whether he was part of such negotiations
20 on demilitarisation of the KLA, but I do know that Mr. Thaci and
21 Mr. Krasniqi did take part and aligned their stand with the James
22 Rubin stand in the new village and in Divjake. Then the agreement
23 was signed on 21 June 1999 in the KFOR base in Prishtine between
24 Mr. Thaci and KFOR General Michael Jackson.

25 MR. HALLING: Given that, before playing this last video, if we

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Examination by Mr. Halling (Continued)

1 could please go to page 692 of the book, which would be P1264, page
2 692. We only need the English version of the book because it's just
3 a question about the photograph, and I can read the caption into the
4 record. Once again, the page is SPOE00128935.

5 Q. In the photo on the top, the caption reads:

6 "Kadri Veseli, Fatmir Limaj, Agim Ceku and representatives of
7 NATO and KFOR command, Pristina, 21 June 1999."

8 Witness, does that caption accurately reflect the photo
9 displayed at the top of the screen here on the left?

10 A. Yes, it does. It's Kadri Veseli, Fatmir Limaj, Agim Ceku and a
11 senior officer of NATO KFOR. You asked me whether Mr. Veseli took
12 part in negotiations, this I don't know, but he was present together
13 with senior officers of the KLA. There were many such officers who
14 were not in Rambouillet but who participated in the signing ceremony
15 of the agreement between KLA and KFOR on 21 June 1999.

16 When you formulate the question, you have to be more clear,
17 because I am a journalist and I have to convey only the truth.

18 Q. Thank you for the precision, Witness.

19 MR. HALLING: We can now play the portion of the video. Please
20 play from 02:10 to 02:40. And again it's 02:10 to 02:40.

21 [Video-clip played]

22 MR. HALLING:

23 Q. Witness, I appreciate what we just saw isn't your own footage,
24 but do you know where this was filmed?

25 A. It seems to be an amateur video. The date is 17 June 1999. It

1 seems to be in the new village of Fshati i Ri.

2 Q. And on the screen now, going left to right, who are these people
3 to the extent that you know?

4 A. The grey-haired man is an observer from the KDOM mission, it
5 seems to me. I have seen him several times in Dragobil. Then in the
6 middle is Fatos Klosi, the chief of the Albanian information service,
7 and Kadri Veseli.

8 MR. HALLING: Now if we could please play from the 03:50 mark to
9 the 04:15 mark.

10 [Video-clip played]

11 MR. HALLING:

12 Q. Witness, on the screen now on the right side, who is that
13 person?

14 A. Mr. Kadri Veseli.

15 MR. HALLING: Your Honours, this video, between the
16 identifications given by the witness, the timestamp, and the
17 discussion in the book about Kadri Veseli's presence at
18 demilitarisation discussions, satisfies the admissibility criteria
19 for this particular video, and we would tender it for admission into
20 evidence.

21 PRESIDING JUDGE SMITH: Any objection? None heard.

22 087008-01 -- do you want the two clips?

23 MR. HALLING: The entire ERN for this one.

24 PRESIDING JUDGE SMITH: Is admitted.

25 THE COURT OFFICER: Your Honour, that video and its

1 corresponding transcripts will receive Exhibit P01296, and current
2 classification is public. Thank you.

3 PRESIDING JUDGE SMITH: Go ahead.

4 MR. HALLING: Thank you, Your Honours. We have no further
5 questions.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 THE INTERPRETER: Microphone.

8 PRESIDING JUDGE SMITH: [Microphone not activated] ... five
9 minutes. We'll take our break now. We'll take up your
10 cross-examination after the break at 11.30.

11 We'll take a half-hour break now, Witness, as scheduled.
12 Remember not to speak to anyone outside the courtroom about your
13 testimony in court.

14 [The witness stands down]

15 MR. MISETIC: Mr. President, just for planning purposes. I note
16 the SPO went significantly over on direct in terms of the time
17 estimate, which I have no objection on. But it's likely that I'm
18 going to go -- have to go beyond the two hours I initially planned,
19 or I'm going to ask to go beyond the two hours I initially planned.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. MISETIC: I can't hear you. I'm sorry.

22 PRESIDING JUDGE SMITH: When you get close to the two-hour mark
23 you can let us know --

24 MR. MISETIC: Yes.

25 PRESIDING JUDGE SMITH: -- and tell us about how much you think

1 you're going to need at the time.

2 MR. MISETIC: I will. I just wanted you to be aware of that.

3 PRESIDING JUDGE SMITH: No problem.

4 MR. MISETIC: Thank you.

5 PRESIDING JUDGE SMITH: No problem.

6 You're still down for 30 minutes, Mr. Emmerson?

7 MR. TULLY: I'm down for two. I'll try to do it less than that,
8 but I don't want to change it on the record for now. Yeah, I'll try
9 to do it in 1, 30. Yeah.

10 MS. ALAGENDRA: Your Honours, we are down for two hours as well
11 and I think we probably need that.

12 PRESIDING JUDGE SMITH: Thank you all. We will break now till
13 11.30.

14 We're adjourned.

15 --- Recess taken at 10.57 a.m.

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

17 PRESIDING JUDGE SMITH: I must say I appreciate everybody's
18 efforts. These weeks are a test of our endurance sometimes, so we
19 understand if you feel some fatigue because I do too.

20 So please call the next witness in, please, madam.

21 It appears that this witness will probably take the balance of
22 the week, given the estimates that you've given me. We will probably
23 release the second -- at least the second witness, backup witness,
24 possibly the first one too, but we'll kind of check that out later on
25 today. But I understand the need to question this particular

1 witness, and the extra time for the direct examination is all
2 understood as well. So we'll do our best. It would be nice to
3 finish him this week, though.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, now you have some
6 questions from the Defence. We begin with the Thaci Defence.
7 Mr. Misetic will be handling the questions. Please give him your
8 attention.

9 You have the floor, Mr. Misetic.

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

11 Cross-examination by Mr. Misetic:

12 Q. Good morning, Witness. My name is Luka Misetic. I am counsel
13 for Mr. Thaci, and I have some questions for you as well.

14 Witness, I'd like to start with a photo that the Prosecutor
15 showed you yesterday.

16 MR. MISETIC: If we could please call up Exhibit P01272.

17 Q. Now, Witness, you testified yesterday that this picture was
18 taken on 17 June 1998 in Bardh i Madh; is that correct?

19 A. That's correct. This photograph was taken on the date you
20 mentioned.

21 Q. I'd ask you to take a close look at the photograph and take a
22 look and keep in mind the clothes that you're all wearing.
23 Particularly if you can look at what Mr. Veseli is wearing and what
24 you're wearing in the photograph.

25 And now I'd like to take you to a video that Mr. Halling played

1 for you, which is --

2 MR. MISETIC: Madam Court Officer, I'll try not to play too many
3 videos, but it's P01280, starting at the 14-second mark, until the
4 20-second mark. Sorry, it should be the 14-second mark until the
5 22-second mark. Sound is not needed for this.

6 [Video-clip played]

7 MR. MISETIC:

8 Q. Now, Witness, are you able to see what you're wearing there in
9 the photo?

10 A. Yes.

11 Q. Is it a white shirt and blue jeans?

12 A. Yes.

13 Q. And are you able to see Mr. Veseli further back?

14 MR. MISETIC: And perhaps we can go to the 35-second still, a
15 still at 35 seconds which might give us a better picture. Now if we
16 could go back to the 22-second mark, please.

17 Q. Do you see that it appears that Mr. Veseli is wearing the same
18 clothes as in the picture that you said was the 17 June picture in
19 Bardh i Madh?

20 A. Yes, the same clothes. This is how it appears to be.

21 MR. MISETIC: And if we can go to another video that Mr. Halling
22 showed you.

23 Q. And, by the way, this is a video you say was taken on 26 June in
24 Klecke; correct?

25 A. Yes, on 26 June 1998 in Klecke.

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Cross-examination by Mr. Misetiç

1 MR. MISETIC: If we can now play P01281 beginning at the
2 33-second mark to the 49-second mark.

3 [Video-clip played]

4 MR. MISETIC: I'm not sure this is the correct video. It should
5 be P1281.

6 [Video-clip played]

7 MR. MISETIC: Yes, that's the right video.

8 [Video-clip played]

9 MR. MISETIC: Stop there, please.

10 Q. Witness, do you see Mr. Veseli's clothes there?

11 A. Yes.

12 Q. Are those the same clothes he's wearing in the photo which
13 you've identified as having been taken on 17 June in Bardh i Madh?

14 A. They seem to be the same, yes.

15 MR. MISETIC: If we could play the video, please, to the
16 49-second mark.

17 [Video-clip played]

18 MR. MISETIC: If we could go back one frame. Just one second to
19 48 seconds, please. Yes.

20 Q. Witness, is Mr. Thaci -- does he appear to be wearing the same
21 clothes he was wearing in the picture on 17 June 1998 which you say
22 was taken on that date in Bardh i Madh?

23 A. Yes.

24 Q. Are you wearing the same clothes?

25 A. He seems to wear the same clothes. Yes, the same.

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Cross-examination by Mr. Mistic

1 Q. And are you wearing the same?

2 A. On 26 June.

3 Q. Yes. But for the record -- so the record is clear, are you
4 wearing the same clothes?

5 A. Yes.

6 Q. Is it possible that three of you were wearing the same clothes
7 for nine consecutive days?

8 A. It is possible because in war times we did -- we were not in a
9 position to change clothes every day. I stayed for a long period of
10 time in war zones, so I did not go back to Prishtine to get changed,
11 to change my clothes. It was impossible to change clothes every day.

12 Q. Okay. So this is a wedding, though. So even going to a
13 wedding, you don't think that there was an opportunity to change
14 clothes?

15 A. No, it was war. It was war. We were in war circumstances.

16 Q. Witness, you say you obtained these dates because you kept notes
17 of times and places where you recorded videos; is that correct?

18 A. I have said this in the book and in my statement, that I kept
19 notes of the programmes that I filmed and broadcasted. The dates of
20 when they were filmed and produced and then broadcasted. This was an
21 important day, 26 June 1998, a historic date, the oath ceremony. And
22 together with Abaz Zeka we filmed the oath ceremony and the first
23 wedding in war circumstances. So this is unforgettable.

24 Q. Okay. But what about all -- let's say the photo taken in Bardh
25 i Madh. Did you have, when you wrote your book, notes of the dates

1 that certain pictures or videos were taken when you wrote your book,
2 or did you do it all from memory?

3 A. No, I did not have them noted in my diary because it was
4 impossible to keep a diary in war circumstances. But on 16 June
5 1998, Imer Krasniqi fell martyr, from Malisheve, and he was the first
6 martyr from that area where I live and my family lives.

7 On the next day, the 17th, he was buried with military honours
8 and in the presence of a large number of people from Llapush. So I
9 remember very well the date of 17th, when we went with, together,
10 Mr. Thaci and Mr. Veseli in Bardh i Madh to see the situation on the
11 open pit coal mine.

12 Q. So you get those dates from your memory; correct?

13 A. Yes.

14 Q. You told the SPO, and this is in Preparation Note 2, paragraph
15 74, and I'll read it to you, you said:

16 "When preparing programmes for Albanian television, [you know]
17 ... the programme aired because [you] took contemporaneous notes
18 about these broadcasts. [You] left these notes at home during the
19 war so they would stay safe. When writing [your] book, [you] then
20 took all the known dates [you] had and used them to anchor the rest
21 of the timeline."

22 Is that accurate?

23 A. Yes, that's correct.

24 Q. So the notes were used to help you anchor the timeline in your
25 book; correct?

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Cross-examination by Mr. Misetić

1 A. That's correct.

2 Q. Yes.

3 MR. MISETIĆ: If we could, Madam Registrar, put on the screen
4 document 5014328 to 5014329, please. In both English and Albanian,
5 please. Oh, that's it? Okay.

6 THE WITNESS: [Interpretation] I see only the English version.

7 MR. MISETIĆ:

8 Q. Yes. There is a second page in Albanian, but I believe it's
9 behind this page. It's the next page.

10 MR. MISETIĆ: Is there any way to put them on the screen
11 together, Madam Court Officer?

12 Q. Now, Witness, do you recall that before your SPO interview in
13 2019, you were served with an order to produce records by the
14 Prosecution?

15 A. Yes, I remember very well. The order was in written form.

16 Q. Yes. And is that the order that you see on your screen in
17 Albanian?

18 A. I can't see it entirely. If we can see the bottom if it's
19 signed or not. Yes.

20 Q. I'd just like to take you through what you were requested to
21 produce. And number 1 says:

22 "All audio and/or video records, including raw footage ..."

23 And then it says:

24 "... and other records relating to the Kosovo Liberation Army
25 (KLA) Political Directorate and KLA General Staff created between 1

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Cross-examination by Mr. Misetic

1 May 1998 and 30 September 1999, including but not limited to records
2 of statements and appearances of members of the KLA Political
3 Directorate and KLA General Staff, as well as any records of events
4 at which such persons were present."

5 Did you produce to the Prosecution all records in your
6 possession that fit in that category of documents?

7 A. Yes, I gave it to the Prosecutor, but I gave it also to the
8 Defence. All the material that I produced to the Prosecutor, I gave
9 it also to the Defence.

10 Q. So you say you gave it to the Prosecution? I just want to
11 confirm that because --

12 A. Yes, yes.

13 Q. When you say "the Defence," to whom on the Defence did you give
14 it?

15 A. I have written down some names back in Prishtine of the members.
16 I gave a copy to all the accused members of the Defence teams, to all
17 of them without an exception.

18 Q. Let's look at number 3, and we'll examine that claim in a little
19 bit. Number 3 asks you to produce:

20 "All audio and/or video records, including raw footage, and
21 other records of KLA activities produced for purposes of the
22 following documentaries/television programmes."

23 And then it lists four documentaries or TV programmes including
24 "Here they are" broadcast on 24 November 1998; correct?

25 A. Correct.

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Cross-examination by Mr. Misetiç

1 Q. Did you produce all such records in your possession to the
2 Prosecution?

3 A. Yes, I did.

4 Q. Okay. So the reference in paragraph 74 of Preparation Note 2
5 that you had notes at home during the war which anchored the dates
6 around which you built your timeline, specifically did you produce
7 those notes to the Prosecution?

8 A. No.

9 Q. Why didn't you produce those notes?

10 A. Because they don't ask for it. These are personal notes and
11 they didn't ask for them.

12 Q. I just want to be clear. Points 1 and 3 ask for other records
13 relating to "appearances of members of the KLA Political Directorate
14 and KLA General Staff, as well as any records of events at which such
15 persons were present."

16 Did you not consider that your notes would fit within that
17 category or in the category under section 3 of:

18 "... records of KLA activities produced for purposes of the
19 following documentaries ..."

20 A. I understood that I was asked to produce films, footage,
21 recordings. I wasn't asked explicitly about notes or anything else.
22 They did not specify. I understood it to be about recordings.

23 Q. Okay.

24 MR. MISETIC: If we could then go to the next order, which is
25 5007784 to 5007793, please.

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Cross-examination by Mr. Misetic

1 Q. Now, it's correct, after this order was issued and after your
2 SPO interview, the SPO did follow up with you with another order
3 claiming that you still needed to produce more materials. Do you
4 recall that?

5 A. Yes, there was a second order. I then searched my archive,
6 which was not complete at the time because part of it had been burned
7 in 2012 at the public television in Kosovo. And in the meantime, I
8 found other recordings which were public. Most of it had been
9 broadcast in the Albanian television. And I deemed it reasonable
10 that if the international justice needed them, they could be used by
11 them.

12 Q. Yes.

13 MR. MISETIC: And if we could go to the first page -- there
14 should be an English page on the right side. If we can go to the
15 next page, please. Yes.

16 Q. Witness, I'll let you scroll through it if you need to, but is
17 this the second order you received in September 2019?

18 A. I don't know if this the first or the second order. I didn't
19 remember the date of the first order.

20 Q. The date of the first order was in June 2019, and so if you read
21 the order, it asks -- in the first paragraph it mentions that order
22 and says that you --

23 A. Yes.

24 Q. -- still need to --

25 A. Yes.

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Cross-examination by Mr. Misetiç

1 Q. -- yes, comply.

2 A. Yes. This is the first order. I handed over part of the
3 material after the first order, and then I handed over the other
4 material after the second order. The date there was September.
5 Sometime in September, right?

6 Q. Yes. And if we look through all of the points that the SPO
7 asked you for additional information about, it was all raw footage,
8 except if we go to number 9, please.

9 MR. MISETIC: If we go to 5007787, please.

10 There, there's one request that asks not only for footage but
11 also other documents. Do you see that?

12 A. Yes.

13 Q. Did you not consider that your notes could be construed as
14 documents that are responsive to request number 9 there?

15 A. No. I understood it to be about the recordings, not about other
16 material.

17 Q. And at no point from September 2019 until today, is it correct
18 that at no point since September 2019 has the SPO suggested to you
19 that you need to produce those documents that you reference in
20 paragraph -- those notes that you reference in paragraph 74 of
21 Preparation Note 2; correct?

22 A. No, they didn't ask for anything else.

23 MR. MISETIC: Mr. President, I tender the two orders into
24 evidence.

25 PRESIDING JUDGE SMITH: Any objection?

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Cross-examination by Mr. Misetić

1 MR. HALLING: We object as to relevance. We don't understand
2 why they'd be tendered.

3 MR. MISETIĆ: I --

4 PRESIDING JUDGE SMITH: I think it's relevant and we will admit
5 it. So 5014328 to 5014329 is admitted. And 5007784 to 5007793 is
6 admitted.

7 THE COURT OFFICER: Your Honours, the first document will
8 receive Exhibit 1D00156. And the second one will receive
9 Exhibit 1D00157. Both are classified as confidential.

10 MR. MISETIĆ: I think they can be public unless the Prosecution
11 has a reason that they be confidential.

12 MR. HALLING: I think under the circumstances, we have no
13 objection to these two being public.

14 PRESIDING JUDGE SMITH: They will be reclassified as public.
15 Go on.

16 MR. HALLING: Apologies though. One thing that does occur to me
17 is that the signature of a former staff member at least appears on
18 one of the documents. So with that in mind, if they could actually
19 have a confidential classification so that that could be redacted.
20 Apologies.

21 PRESIDING JUDGE SMITH: [Microphone not activated] ... request it
22 to be public after that?

23 MR. HALLING: That's the only part that requires confidential
24 classification.

25 PRESIDING JUDGE SMITH: All right.

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1 MR. HALLING: The content can be fully public.

2 PRESIDING JUDGE SMITH: It can remain confidential to allow
3 redaction. And after that, we will reclassify it as public.

4 MR. MISETIĆ: Thank you.

5 THE WITNESS: [Interpretation] Dear counsel, can I add something
6 in relation to additional material? Can I?

7 MR. MISETIĆ:

8 Q. What would you like to say?

9 A. Regarding the material asked from me from the Prosecution, it's
10 very important to stress that among the material I handed over to the
11 Prosecution were hundreds of hours of material taken -- of statements
12 given by hundreds of survivors of Serb massacres, and I was never
13 asked any question in relation to these recordings or this material
14 yesterday by the Prosecutor.

15 PRESIDING JUDGE SMITH: Witness.

16 MR. MISETIĆ:

17 Q. I understand.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. MISETIĆ: Microphone.

20 PRESIDING JUDGE SMITH: Please don't add material that is not
21 relevant to the questions being asked of you. That was completely
22 not necessary.

23 [Microphone not activated].

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

25 Q. Witness, you still work as a journalist; is that correct?

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1 A. No, I'm currently retired. But I write books, monographs. I
2 also participate in producing documentaries.

3 Q. When did you retire?

4 A. I retired on 17 August 2020.

5 Q. Is it correct that you started covering the KLA -- sorry, let me
6 rephrase.

7 When is the first time you started covering the KLA as a
8 journalist?

9 A. Immediately after the epic battle and resistance in Prekaz,
10 March 1998, I took the initiative to volunteer as a journalist to
11 inform people in war zones, because we didn't have any TV or daily
12 newspapers as was *Rilindja*. In cooperation with the
13 government-in-exile at the time and other colleagues who were working
14 in the public radio and television in Prishtine, the editorial board
15 in Tirana, we took the initiative that I would engage together with
16 Sadik Shabani, Abaz Zeka, Kelmendi, in order to produce some TV
17 programmes for the Albanian television. So it was March, April 1998.

18 Q. And is it correct that you decided to pursue that through one of
19 your contacts in Prishtine named Shaban Shala?

20 MR. HALLING: I would just query as to if Shaban Shala was the
21 name counsel intended to ask for this question?

22 MR. MISETIC: Yes. I'm looking at his book.

23 PRESIDING JUDGE SMITH: Go ahead.

24 MR. MISETIC: And I'll do the reference: SPOE0012 -- sorry,
25 it's P01269 -- or 4 -- P01264 at page SPOE00128582.

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Cross-examination by Mr. Misetic

1 Q. And I'll read the sentence from your book since it's been
2 questioned, Witness. You wrote:

3 "A few days earlier, before I left for Drenica, I met Shaban
4 Shala who was the KMLDNJ ... deputy chairman, at the headquarters of
5 KMLDNJ ... in Prishtina."

6 Is that accurate?

7 A. That's correct. Shaban Shala was deputy chairman for the
8 council of protection of human rights and liberties. But I also
9 learned that he was -- had engaged in the KLA, so I discussed with
10 him, because this was very -- a difficult journey. There were
11 Serbian checkpoints and it was very difficult to go through Serbian
12 checkpoints freely because I did not have an accreditation as a
13 journalist, and it was therefore very difficult to go into war zones.

14 Q. Yes. And you relied on Shaban Shala to establish contact with
15 the KLA General Staff so that you could coordinate with them in terms
16 of informing the public of what was happening with the war; is that
17 fair?

18 A. Yes, that's fair.

19 Q. Okay. And your book says this took place in April 1998. Does
20 that refresh your recollection of the month?

21 A. Yes, it was in April. I don't remember the exact date. I
22 didn't write them down, but it was in April 1998.

23 Q. And it was Shaban Shala who spoke to several local commanders in
24 Drenica on your behalf; is that correct?

25 A. I don't know. Maybe he did.

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Cross-examination by Mr. Misetić

1 Q. Let me read what you say in your book.

2 MR. MISETIĆ: Again, this is P01264 at page SPOE00128602.

3 Q. You write:

4 "I did not want such a thing to happen to me, because I had the
5 will and the readiness to support the war. Shaban Hoxha talked with
6 Ilaz Selimi, the brother of Rexhep Selimi and several other
7 commanders in the Drenica zone, but he had not received any
8 assurances. However, he told me, 'Nuhi, if you are ready, you can
9 come with me to go to Drenica, and at least I can help you contact
10 Ilaz Selimi, one of the KLA commanders in Drenica.'"

11 Is that accurate?

12 A. Yes, it is very accurate.

13 Q. So is it correct that instead of addressing the KLA
14 General Staff initially, you dealt with local commanders in the
15 Drenica zone first; is that correct?

16 A. Correct. Because I didn't know what this staff was. We didn't
17 know then.

18 Q. And while the General Staff was considering your request, you
19 nevertheless decided to go to cover developments in Llaushë, Drenica,
20 on 22 May 1998; is that correct?

21 A. Yes. I went to Mitrovicë first where I met the cameraman, Sadik
22 Shabani, who lived there. And from Mitrovicë, together with Halit
23 Barani and hero Agim Ramadani, we went to Polac, Prekaz, and other
24 villages, Qirez, Likoshan, and then in Llaushë.

25 Q. And then that reporting was broadcast on Albanian national TV;

1 is that correct?

2 A. Correct. It was aired in the Albanian television.

3 Q. And then according to your book, after that aired on Albanian
4 television was when you then were contacted by Rexhep Selimi who told
5 you that he liked your reporting; is that correct?

6 A. Yes, correct. As I said yesterday, at that time, the Albanian
7 television and other media outlets used the term "protection of the
8 house threshold," and Rexhep Selimi criticises incorrect
9 formulations, saying that the KLA fights for the liberation of
10 Kosovo, not only for their homes. And I went there even though there
11 were many policemen and activists of Mother Teresa humanitarian
12 organisation. I went to Skenderaj. It was a gloomy atmosphere,
13 without people, houses burned, and I went to this Council for the
14 Protection of Human Rights, took the phone and reported on the
15 situation in Llaushe and Skenderaj and used the terms that the KLA is
16 fighting for the liberation of Kosovo.

17 And when I met Rexhep Selimi, he said, "You did a good job, like
18 an objective journalist."

19 Q. Okay. And it was that event that, would it be fair to say, won
20 you some trust of the KLA General Staff following that report that
21 you had done on your own; is that correct?

22 A. Correct. It was a phone report for the Albanian television news
23 programme.

24 Q. And all of that took place before the first public appearance of
25 the KLA spokesman in June 1998; correct?

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Cross-examination by Mr. Mistic

1 A. Correct.

2 Q. And now in terms of how this first appearance was organised of
3 the spokesman, did they contact you or did you -- was it on your
4 initiative that this first appearance take place?

5 A. It was my initiative to contact the fighters of the KLA and to
6 have their support to reflect the real situation in the war zone. As
7 I have written in my book, I met in Drenoc Mr. Thaci, who promised me
8 that, "If somebody is going to make a presentation on the situation,
9 it will be you." And this is how it happened.

10 On 14 June, I -- in Klecke I did the first appearance of
11 Mr. Krasniqi.

12 Q. Okay. Your reporting, was it more often done at your own
13 initiative throughout 1998 or was it done at the initiative of the
14 KLA? In other words, did they contact you or would you contact them
15 about doing a story?

16 A. After we agreed with Mr. Thaci, I had his approval, being what
17 he was, responsible for information, that we covered the situation
18 that are in the zone, in all the zones, and we had the support of the
19 fighters of the KLA in the zones which were under their control.

20 Q. Okay. But there were times where you would proceed with doing a
21 story without approval of the KLA General Staff, is that correct,
22 such as the Llapushnik gorge battle?

23 A. Yes, that's correct. I was an independent journalist, and I did
24 what I could to provide an objective information. Of course, I
25 consulted the people responsible for information in the KLA, but I

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1 always used my professional judgment to provide a realistic
2 information.

3 Q. Witness. I'm told that perhaps something was lost in
4 translation. When I asked you earlier, throughout 1998, did they
5 contact you or would you contact them about doing a story, whose idea
6 was it? What did you say as to whose idea it was?

7 A. The idea was ours. But they contacted us on the phone several
8 times, and we cooperated.

9 Q. Now, getting back to the Llapushnik gorge, that was a occasion
10 when you filmed and did a story without permission of the
11 General Staff; correct?

12 A. That's correct.

13 Q. And in that story, you filmed a statement from Shaban Shala, a
14 KLA soldier; is that correct?

15 A. Correct. We left Drenica with Shaban Shala to go to Drenoc of
16 Rahovec, and we passed through Llapushnik gorge, and Shaban started
17 to speak on the battle of Llapushnik. And I said, "It's better if we
18 do some film footage where the battle took place with the Serb
19 forces." And Shaban says, "It's not good to film it without having
20 the approval of the people responsible for information." But I
21 insisted to film that -- what Shaban said about this important event,
22 and then that was aired in the Albanian television.

23 Q. Yes. And that caused some friction between you and Mr. Thaci;
24 is that correct?

25 A. It was a minor friction, because I upheld my professionalism,

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Cross-examination by Mr. Mistic

1 saying that I filmed the interview and I don't consider it proper not
2 to broadcast it. But maybe Thaci thought that it should be the
3 spokesperson of the KLA to appear and speak. So he might have had
4 his reasons for not wanting Shaban Shala to speak about that. But I
5 upheld my line, my professional line, that it should be broadcast and
6 it was broadcast.

7 Q. And on some occasions, even with approval of the General Staff,
8 you would then find yourself in the zone - for example, the Dukagjin
9 zone - and even with that permission, you weren't able to film
10 without permission of the zone commander; is that correct?

11 A. That's correct. We went together with Mr. Thaci and Selimi to
12 Dukagjin, and with Lahi Brahimaj. Avdi Rraci was with us. We went
13 to Dukagjin to film some footage there. We had only from Drenica and
14 Pashtrik film footage. I proposed to go to Dukagjin to film there
15 too.

16 When we went to Krushec and Drenoc villages, we met some KLA
17 fighters who were under the command of Dukagjin operational zone,
18 Mr. -- and together with Mr. Thaci and Selimi and Lahi, we passed
19 through very dangerous roads, and I did not respect the order of the
20 KLA fighters. I said, "I will film the burnt houses, the civilian
21 population, and not the KLA."

22 So without their orders, I filmed those -- that footage because
23 I thought it was very important for our public opinion.

24 Q. Yes. And that was in July 1998?

25 A. In June 1998.

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Cross-examination by Mr. Miseti

1 Q. Okay. And nevertheless you filmed but without consent of the
2 zone command; is that correct?

3 A. Yes, that's correct. Without his consent. I took the danger
4 upon myself as a journalist because I thought it was very important
5 to have images from the Dukagjin zone. I was aware of the
6 consequences, but it's part of a journalist's duty to take risks.

7 I felt sorry that Mr. Thaci's order there was not respected, I
8 felt very bad, but I acted in accordance with my professional ethics.

9 Q. Okay. And you discuss this incident in your book at P01264
10 beginning at SPOE00128650.

11 You told the SPO that, as a result of this incident, you formed
12 an impression of how local commanders were responding to orders of
13 the KLA General Staff.

14 MR. MISETIC: And that's at Preparation Note 2, paragraph 16.

15 Q. Could you tell us what impression you formed?

16 A. I formed the impression that there was no hierarchy in the KLA
17 army, that the orders of the competent persons responsible for
18 information were not complied with. Every village has its -- had
19 their own commanders who were responsible for everything, and so the
20 orders of the General Staff were not so -- were not given any weight.

21 So in Rahovec, I met the village commander, Idriz Vehapi, and he
22 ordered my cameraman not to take any film footage. Mr. Thaci was
23 there. And I regretted that Mr. Thaci's order was not respected. So
24 we returned without any film footage.

25 Q. Okay.

1 THE INTERPRETER: Could the witness be asked to slow down when
2 he speaks, please.

3 MR. MISETIĆ: Yes.

4 Q. Witness, the interpreters are again asking if you [could slow
5 down the pace and speed at which you speak because they're having a
6 hard time following you and translating into English.

7 A. I apologise. I will try to speak slower.

8 Q. Thank you. Witness, you write of another incident in your book
9 when you were not allowed to -- at first to film from the Zatriq
10 uplands. Do you recall that incident?

11 A. Yes. In Zatriq, we went together with Mr. Thaci and Shaban
12 Shala. And I ordered my cameraman, because I was respectable of the
13 crew, television crew, to shoot some images of Rahovec in the Drenica
14 area. It was a good position to take some shots, but the local
15 commander of Zatriq village, Professor Idriz Vehapi, ordered us not
16 to shoot anything. That's the truth. And I describe it also in my
17 book.

18 And I felt ill at ease at that moment because I had passed
19 through many Serbian police checkpoints, and then I was prevented to
20 successfully perform my duty as a journalist.

21 Q. So is it correct that Idriz Vehapi prevented you from filming
22 despite the fact that Hashim Thaci was there with you?

23 A. Yes, that's correct.

24 Q. When did this take place?

25 A. In June 1998.

1 Q. Now, another event that took place was your interview with
2 Naim Maloku in October 1998. Do you recall that?

3 A. Yes, I remember it very well. I conducted this interview with
4 Naim Maloku in 1998 in Lladrovc village of Malisheve.

5 Q. Yes. And you decided to interview Naim Maloku because you
6 considered him a good officer; is that correct?

7 A. Yes, this is what I thought of him, and this is how he was.

8 Q. And it was your decision to interview him?

9 A. It was my decision. I didn't ask anyone.

10 Q. Okay. And what was Naim Maloku's role at the time, if you know?

11 A. I don't know exactly, but he was one of the senior officers of
12 the KLA. He was part of the operational staff. I don't know exactly
13 what role he had, but I thought very high of him. He was an
14 intellectual and a senior officer who was very active in all war
15 zones.

16 Q. And you didn't ask for permission or tell anyone in the
17 General Staff that you were going to interview Naim Maloku; correct?

18 A. Correct. I met him by chance. It was war. I met him in
19 Lladrovc of Malisheve, and I asked him to give me an interview. We
20 went to another room to conduct this interview for the weekly
21 magazine *Zeri*.

22 Q. And when Hashim Thaci found out that you had interviewed
23 Naim Maloku, he felt that he should have been consulted, is that
24 correct, before you interviewed him?

25 A. Yes. Yes, that's correct. That's what Mr. Thaci told me. He

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1 probably thought that it was the task of the spokesperson of the KLA
2 to speak on behalf of the KLA, Mr. Krasniqi. But I broke that order
3 thinking that it was in the interest of the public to know about the
4 heroic struggle of the liberation army.

5 Q. And is it correct that despite Mr. Thaci's resistance or
6 pushback to you having conducted that interview, you nevertheless
7 published it?

8 A. Yes, I published it. And I think that I did well, that I
9 published it. I was an independent journalist, and it was not
10 correct to receive orders from anyone.

11 Q. Did you suffer any repercussions from the General Staff for
12 conducting and publishing the interview without approval?

13 A. No, I didn't have any repercussions. When I met in Llap after
14 the interview with Mr. Thaci, he said, "You published the interview?"
15 And I said, "Yes, I did." He just smiled and went his own way
16 together with his colleague.

17 Q. Okay. Now, in terms of your coverage of the Llap operational
18 zone in October 1998, do you recall the first time you went to cover
19 the KLA in the Llap zone?

20 A. Yes, I remember very well. I was at the editorial board of the
21 *Zeri* newspaper to give them an article to publish. I met Fehmi
22 Bakhiu there who was working in the office of the political
23 representative of KLA in Prishtine, Adem Demaci. And he said,
24 "Mr. Adem asks you to, if possible, to go to the Llap operational
25 zone to give them a coverage of the situation there."

1 I had never been there, and I asked Mr. Demaci to give me a
2 driver, Shasivari. Together with Abaz Zeka, my cameraman, in October
3 1998 we went to the Llap operational zone.

4 Q. Yes. So it was Adem Demaci who asked you to go into the Llap
5 zone to do some interviews; correct?

6 A. Yes, Mr. Demaci. He asked me, and it was a very reasonable
7 request. He made it possible for me to go there, and I went and did
8 what I wanted to do.

9 Q. And he was the one who coordinated your ability to go into the
10 KLA Llap zone; is that correct?

11 A. Yes, Mr. Demaci coordinated our visit to Drenoc --

12 THE INTERPRETER: Llap, correction.

13 MR. MISETIĆ: Llap zone, yeah, okay.

14 Q. What was your understanding of who or what role Adem Demaci had
15 at the time?

16 A. Adem Demaci's role was very important not only for the KLA but
17 for the entire public because he was a symbol of the resistance for
18 freedom and independence. And it was a good thing that he was
19 appointed general political representative with his seat in
20 Prishtine, in the centre of Prishtine. It was a good location
21 because there he could meet with the international Western
22 representatives to propagate the right, the just struggle of Kosovo
23 Liberation Army, and to set up institutions in Kosovo to form a form
24 of assembly involving all the entities, military and political ones.
25 But as is known, he could not accomplish that mission because some of

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1 the Albanian factors were not up to the required level and had
2 dilemmas regarding developments in the war zones and developments in
3 general.

4 Q. Okay. And what did you understand Mr. Thaci's role to be at the
5 time? Beginning in June and later on through the year, what did you
6 understand his role to be? Actually, let's begin with May and then
7 go through November.

8 A. The main role of Mr. Thaci, from what I understood, was to
9 provide information. I cooperated closely with him during my work in
10 the war zones. I don't know that he dealt with other things. From
11 what I know, he dealt only with information until when he was elected
12 political representative of the KLA.

13 Q. Did you ever witness him giving orders to KLA units, military
14 orders?

15 A. No, never.

16 Q. Now, let me turn your attention to a different issue, which is
17 that do you recall in September 1998 you had what you call in your
18 book a disagreeable discussion with Hashim Thaci in the presence of
19 Jakup Krasniqi and Bislīm Zyrapī? Do you recall that?

20 A. Yes, I do very well remember this unpleasant discussion. After
21 my filming in Drenica zone mainly, covering burnt houses and other
22 things, murders, and other cruel acts committed by the Serb police
23 and army, together with cameraman Abaz Zeka, horrible images, and I
24 informed Mr. Thaci, he insisted that at the end of the documentary be
25 written that this programme was supported by the directorate for

1 information of the Kosovo Liberation Army. I said, "It doesn't do
2 you any honour to say that when the programme reflects the burns, the
3 massacres committed, when the KLA had failed in its resistance
4 against the Serb forces, who were much more equipped and greater in
5 numbers." And I thought that it wouldn't do it any honour to write
6 what he asked me to.

7 Q. And how did that situation resolve? Did your position prevail?

8 A. It was not a matter of winning or losing, but I abided by my
9 professional ethics. That's why I insisted on not writing it. I am
10 a reasonable, tolerant person. I consulted Mr. Krasniqi who was
11 older, and he advised me, "It's good that you respect the suggestion
12 of Mr. Thaci. I too would like you to write that subtitle." But in
13 the interest of cooperating my work -- continuing my work, because
14 without their support I could not accomplish my duty, I ceded and not
15 to insist on my opinion and include that subtitle at the end of the
16 documentary.

17 It was not a lengthy unpleasant discussion.

18 Q. Okay. Let's turn to how you first came to be introduced to
19 Hashim Thaci. Would that have been around May 1998 that you first
20 came in contact with him?

21 A. Yes, yes. At the end of May 1999 to my --

22 Q. 1998.

23 A. -- recollection. 1998.

24 Q. Yes. And is it correct that you first met him in Isuf Gashi's
25 Baca house?

1 A. Yes, that's correct that I met Mr. Thaci in the house of my
2 son -- the son-in-law of family, Isuf Gashi.

3 Q. Okay. And how did that come about? Can you explain how he
4 arranged for you to meet Mr. Thaci?

5 A. I went there with my nephew, the son of Baca, Flurim, who was a
6 journalist who worked for Zeri. And knowing that Baca was engaged in
7 the Kosovo Liberation Army, Flurim suggested that, "It's good for you
8 to come there and meet with people in charge of the information."

9 I met with Mr. Thaci. I presented my idea to be in the service
10 of informing the opinion about the developments in war zones.
11 Mr. Thaci supported my idea. And we agreed that after some days
12 after appointing the -- Mr. Krasniqi as the spokesperson of the KLA,
13 I would film the first public appearance.

14 Q. Now, you told the SPO that your family is connected to
15 Hashim Thaci through Isuf Gashi. Can you explain what the connection
16 is?

17 A. Isuf Gashi's families are in-laws in our family. His wife was
18 the daughter of my paternal uncle, so we were connected to Isuf
19 Gashi. Whereas Isuf Gashi has family relations with Hashim Thaci.
20 This is how we build trust. Because at the time everybody needed to
21 have trust - the KLA, the journalists, people who operated in war
22 zones. You needed trusted people to fulfil their duties and tasks
23 with -- based on trust and dignity.

24 Q. When you met Mr. Thaci, did he tell you what his function was in
25 the KLA or what he was responsible for?

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1 A. No, he didn't say. He said in charge of information, dealing
2 with journalists. I didn't ask him his name or his position or
3 anything. These were difficult times. It was unimaginable to ask
4 somebody his name, his place of origin, his tasks and duties and
5 positions. These were questions that one wouldn't ask.

6 Q. Okay. But my point was he did tell you that he was responsible
7 for information and dealing with journalists; correct?

8 A. Correct. This is how he said it, and this is how I understood
9 his role to be.

10 Q. Now, it was after that contact then that Mr. Thaci, you say,
11 contacted you about the first appearance of the spokesman of the KLA;
12 is that correct?

13 A. Correct. Mr. Thaci contacted me on the phone after some days.
14 It was 10th or 11th June 1998.

15 Q. Okay. And that was about eight to ten days after you first met
16 Mr. Thaci?

17 A. It would be that time period, yes.

18 Q. If I could just have a moment, please.

19 Witness, let me ask you, you interviewed Bislim Zyrapi as well,
20 is that correct, in August 1998?

21 A. Yes. In the second half of August 1998, I interviewed
22 Mr. Bislim Zyrapi in Likoc in Drenica.

23 Q. And was it a pre-planned encounter or was it a chance encounter?

24 A. No, it was a chance encounter. I was coming back from the
25 Dukagjin operational zone after Glogjan fell, after the offensive in

1 Dukagjin where I had filmed some images. I stayed two days there,
2 then I returned to Drenica, and I met Mr. Bislir Zyrapi by chance.

3 Q. And did you ultimately interview Mr. Zyrapi?

4 A. Yes. I thought it would be of interest to interview Mr. Zyrapi
5 because in August 1998, there was a large offensive of Serbian
6 military and police forces against all zones where the KLA was
7 operating and which resulted in houses burnt down and killings and
8 schools destroyed and everything.

9 Q. And did you need anybody else's permission, other than
10 Mr. Zyrapi, to interview him?

11 A. Mr. Zyrapi was a senior officer of the operational staff, head
12 of the operational staff, and it would not be necessary for him to
13 ask for permission from anyone else.

14 MR. MISETIC: Mr. President, if I could go into private session
15 for just the next few questions.

16 PRESIDING JUDGE SMITH: Into private session, please, to protect
17 the witness.

18 [Private session]

19 [Private session text removed]

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1 [Private session text removed]

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1 [Private session text removed]

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23 [Open session]

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

25 PRESIDING JUDGE SMITH: Go ahead, Mr. Misetić.

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

2 Q. Witness, let's turn to the release of some Serbian "journalists"
3 on 27 November 1998. Were you also present at the release of two
4 Serbian journalists and two Albanian activists in Dragobil on 27
5 November 1998?

6 A. Yes. On 27 November 1998, I was present and covered the release
7 of two Serb journalists and two political activists, Albanian
8 activists in Dragobil in Malisheve.

9 Q. How were you informed that they were going to be released?

10 A. I don't know exactly. I don't even know how I've explained this
11 in my book. But I do know that on 28 November, our Flag Day, it was
12 agreed, together with KDOM, the American KDOM, and the head of the
13 OSCE observers in Kosovo, Ambassador William Walker, to release two
14 Serb journalists and two Albanian political activists.

15 We went there together with other colleagues. There were
16 representatives of Albanian and international media. We went from
17 Prishtine and covered this event.

18 Q. Witness, let me just take you to what you told the SPO. And
19 this is Exhibit P01252.1, page 62, lines 10 to 13 in English, and
20 just to see if it refreshes your recollection. You were asked:

21 "And did you ... were you informed the day of the liberation by
22 whom that the liberation was about to happen?"

23 You said:

24 "We were informed by the -- Adem Demaci's office, and all the
25 journalists were present there."

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1 Do you recall that?

2 A. Yes, now I remember it. That's correct. The office of
3 Adem Demaci informed us. Because at that time I was in Prishtine. I
4 learned about this, and we, together with colleagues, took a taxi and
5 went there.

6 Q. Were you contacted in advance of those releases by anyone from
7 the KLA General Staff?

8 A. I don't recall, but we received this information from
9 Mr. Demaci's office. I cooperated with Muhamet Mavraj, who was the
10 chief editor of the newspaper, and we went there together in 1998,
11 27 November.

12 Q. And did you see any members of the General Staff present at the
13 release?

14 A. Yes. From the General Staff, there was Sokol Bashota who, in
15 the name of the General Staff, together with Ambassador Walker,
16 released the journalists -- the Serb journalists and the two
17 political activists in the presence of other media representatives
18 who were in Kosovo.

19 Q. And did you obtain any information on that day as to why the two
20 Serbian "journalists" had been detained in the first place?

21 A. There was no written official information, but it was understood
22 that they had exceeded their prerogatives as journalists, and they
23 had been met in war zones without a KLA authorisation, and they had
24 gone beyond their competencies as journalists.

25 Journalists have the duty only to inform and not to take

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1 recordings or notes that are not in line with their duties.

2 Q. Can you recall from whom you obtained any information about why
3 the journalists were detained?

4 A. From KLA fighters.

5 Q. Do you recall which fighters?

6 A. No, I don't.

7 Q. Did you get a chance to speak to the two Albanian activists on
8 the day of their release?

9 A. Yes. When the two Albanian activists were released -- can I
10 mention their names?

11 Q. Yes.

12 A. Jakup Kastrati and Cen Desku, present there was also the head of
13 the American mission, Shaun Byrnes, during the release. And I asked
14 my cameraman, Abaz Zeka, to film that moment. Mr. Desku gave a
15 statement there indicating that this had been a misunderstanding,
16 that the LDK and the KLA had the same aim, and that everything was
17 fine, everything will be fine, the aim is the same. This was a small
18 misunderstanding. Everything is fine. And I wish the fathers the
19 Flag Day.

20 So this was a very spontaneous statement given by Mr. Desku on
21 this matter.

22 Q. Did you have any impression of their physical condition upon
23 their release?

24 A. Their physical condition was fine. I did not notice anything
25 that would indicate any mistreatment or anything. They were in a

1 good mood. This was the impression I got, and this is how it was.

2 Q. And what about the physical condition of the two Serb
3 "journalists"?

4 A. Their physical condition was good. They gave a short statement
5 saying that it was fine, it's a good thing we were released, and
6 that's it. I did not notice any bad things or negative things on
7 them.

8 Q. Witness, let me ask you a few questions about the LDK. In your
9 book --

10 MR. MISETIĆ: And if we could put this on the screen, please,
11 P01264 at page SPOE00128600 in English and in Albanian.

12 Q. Now, Witness, the first paragraph on this page, I'll read it
13 out, it says:

14 "At the time when in Drenica and Dukagjin the Serbian military
15 and police forces met with resistance, in Prishtina, the US and
16 European diplomats came to talk with the President of the Democratic
17 League of Kosovo, Ibrahim Rugova. The same day when Rugova met with
18 the US diplomats Richard Holbrooke and Robert Gelbardt, he stated,
19 '... we do not know who is fighting', and that 'they are the long
20 hand of Serbia'. Meanwhile, the US diplomat Gelbardt had stated
21 that, 'The KLA might be designated a terrorist organisation'. On the
22 other hand, Serbia wanted to show its force. It simply was not ready
23 to talk with the Albanians for the future of Kosovo."

24 Now, if I could just clarify. In that paragraph when you quote
25 someone as saying "we do not know who is fighting," who are you

1 quoting there?

2 A. These are the words of Ibrahim Rugova.

3 Q. And the quote that says "they are the long hand of Serbia,"
4 whose quote is that?

5 A. Rugova's.

6 Q. What did you understand Rugova to be saying -- well, first of
7 all, let me ask this question: Did you actually hear him say that?

8 A. He said these things on several occasions during press releases
9 he would have with journalists on Fridays, these are public, and when
10 I would ask the other journalists about his statement. So this would
11 approximately be how -- his expressions.

12 I said it earlier, the political leadership in Prishtine was not
13 up to the task and their responsibilities considering the war
14 circumstances. They didn't have the courage, but they were
15 opportunistic, saying that nothing was happening in war zones despite
16 the fact that people were fighting for freedom in those zones. So
17 they lacked readiness to support by all means the Kosovo Liberation
18 Army, to support the civilian population, to support the struggle for
19 freedom.

20 Because, of course, this opportunistic approach, many unpleasant
21 developments followed in the war zones because had Kosovo had a
22 Franjo Tudjman as Croatia had, or had Kosovo had an Alija Izetbegovic
23 as in Bosnia who led the fight of their people for freedom, had
24 Kosovo had Rugova heading the resistance and the fight for freedom,
25 the situation in the war zones and in Kosovo in general would have

1 been more favourable. The people would have further supported the
2 KLA and the war would have had less consequences.

3 So this is the essence of it.

4 Q. Again, I just need to be clear here. When the sentence says
5 "they are the long hand of Serbia," who was he referring to there?
6 Who is "they"?

7 A. To the KLA. It's understood.

8 Q. Were you able to see any reactions within the KLA to such
9 statements? Did you witness any responses or --

10 A. I was not able to see any public reaction in those
11 circumstances. Because I was travelling for entire days in the war
12 zones, I did not have enough time to follow the media. But I do know
13 that within the ranks of the KLA, there was no hatred towards the LDK
14 or towards Rugova or anyone else. There were remarks saying that
15 Rugova and the political factor of Kosovo must unite and support --
16 give a stronger support to the Kosovo Liberation Army. This was the
17 essence of it. It should not be misunderstood in this quarter and
18 the wider opinion that the KLA was of LDK or any political party. It
19 was not the time to fight for a receipt or positions but to liberate
20 Kosovo.

21 Q. And where he says, "we do not know who is fighting," did you
22 understand that to mean that he's not recognising the existence of an
23 actual organisation and therefore he's just saying that "we don't
24 know who it is"?

25 A. He was an opportunist. His approach and programme was that

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1 Kosovo could be liberated without waging war, through peaceful
2 negotiations and through other means, but Serbia would not consider
3 those.

4 Q. But I'm asking you a very specific question, and that's how you
5 understood this or how we're to understand this. When he says "we do
6 not know who is fighting," is that -- did you understand that
7 effectively to mean that he's not recognising that a KLA exists?

8 A. That's how I understood it. And to some extent he admitted to
9 it but did not support it. As the leader of the Albanian people, he
10 had a large support of the people. He was hesitant. The people were
11 hesitant. Would they join the fight or wait for instructions from
12 Rugova? Rugova didn't give such order or instructions to join the
13 war effort.

14 Q. Let me take you to one more document before the break.

15 MR. MISETIC: If we could have on the screen DHT03972, please.

16 Q. Now, Witness, this is an article from the *New York Times* on 14
17 August 1998, and it discusses the formation by Ibrahim Rugova in
18 mid-August 1998 of a delegation that would, under international
19 auspices, negotiate with Serbia to end the conflict. Do you recall
20 that being an issue in the summer of 1998 about who would speak on
21 behalf of Kosovo Albanians in negotiations with Serbia?

22 A. Yes. There were attempts to form a unity group where only
23 Albanian political representatives would participate, excluding the
24 military and political factor represented by the KLA.

25 Q. Yes. So Mr. Rugova was continuing through the summer to keep

1 the KLA out of officially being able to be part of representation of
2 the people -- of the Albanian people in Kosovo; is that correct?

3 A. That's correct. He didn't do it.

4 Q. Okay. If we look at the third paragraph, and I'll read it to
5 you -- or, actually, it's in Albanian on the screen as well. And
6 this is now what the internationals were proposing in the summer and
7 fall of 1998. It says:

8 "Perhaps even more devastating to the Western diplomatic
9 strategy, Mr. Rugova's chief aide predicted that the negotiating team
10 would unquestionably fail because Western governments insist it
11 cannot negotiate independence for Kosovo, which almost all ethnic
12 Albanians demand."

13 First question: Is it correct that in the summer of 1998,
14 almost all -- as far as you know, as far as you could observe, almost
15 all ethnic Albanians demanded independence for Kosovo?

16 A. Yes. This was the determination for -- of all the Albanian
17 people for independence. This was their will, for independence.

18 Q. Were you aware in the time that in the summer and fall 1998, the
19 international community was insisting that the most that could be
20 negotiated for Kosovo Albanians was autonomy within the Federal
21 Republic of Yugoslavia?

22 A. That's correct. The international factor in Serbia thought that
23 they could give some rights to the Albanians, which would consist of
24 some sort of autonomy. Not independence.

25 Q. Thank you, Witness.

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1 MR. MISETIC: Mr. President, I tender this document before the
2 break.

3 PRESIDING JUDGE SMITH: Any objection?

4 MR. HALLING: None, Your Honour.

5 PRESIDING JUDGE SMITH: DHT03972 is admitted and should be
6 classified public if it is not.

7 THE COURT OFFICER: Yes, Your Honour. It's classified as
8 public. Just a clarification. Is it only this one page or both
9 pages?

10 MR. MISETIC: The one page is fine.

11 THE COURT OFFICER: One page.

12 MR. MISETIC: Yeah.

13 THE COURT OFFICER: DHT03972 and its corresponding Albanian
14 translation will be assigned Exhibit 1D00158. Thank you.

15 MR. MISETIC: Thank you. Mr. President, I see the time, so ...

16 PRESIDING JUDGE SMITH: Witness, it's time for a lunch break.

17 We will break for an hour and a half just like yesterday. We'll be
18 back here at 2.30 to continue with your testimony.

19 You may leave the courtroom now.

20 [The witness stands down]

21 MR. MISETIC: For planning purposes, Mr. President, I think I'm
22 back on track, so I'm going to be around two hours.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: No, no, no. Like around -- around another half an
25 hour I should be finished.

1 PRESIDING JUDGE SMITH: Very good.

2 MR. MISETIC: Thank you.

3 PRESIDING JUDGE SMITH: So we are adjourned until 2.30.

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

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

6 PRESIDING JUDGE SMITH: Before we begin, we will admit MFI
7 P01274, P01275, and P01276. Those were three news articles. They
8 are authentic and relevant and probative of at least the issue of
9 notice to the General Staff of unlawful detention and mistreatment.
10 Not for the truth of the facts asserted but for those purposes only.

11 We will not admit MFI P01283, which is a photograph of
12 Mr. Jashari on a motorcycle. It lacks probative value.

13 And that's all. We're read to proceed.

14 You can call the witness in, Madam Usher.

15 MR. HALLING: And, Your Honour, just one question about the item
16 that was denied. We would say that that photo has independent value
17 of its provenance just as a photo identifying the military police
18 commander in a particularly clear picture. Is it available to admit
19 for that purpose alone?

20 PRESIDING JUDGE SMITH: We could not see the probative value of
21 it, no.

22 MR. HALLING: Understood.

23 PRESIDING JUDGE SMITH: I mean, not arguing who he is. You
24 know, I don't think anybody is arguing who he is.

25 MR. HALLING: Understood.

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1 PRESIDING JUDGE SMITH: Okay.

2 MR. HALLING: One other small matter. Given the exchange in the
3 courtroom yesterday, we would argue that our request to add an item
4 to the exhibit list which is currently classified as confidential at
5 F02355 no longer needs to be, and we would request it be reclassified
6 as public.

7 PRESIDING JUDGE SMITH: If there's no objection, we would
8 reclassify it as public. There appears to be no objection.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: Witness, we are ready to proceed.
11 Mr. Misetic continues with his examination.

12 Go ahead, Mr. Misetic.

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

14 Madam Court Officer, if we could please have P01264 on the
15 screen, please, at page SPOE00128727, please.

16 Q. Witness --

17 MR. MISETIC: Actually, if we could scroll to the bottom.
18 There. And there.

19 Q. Witness, in the bottom right-hand box, who is that?

20 A. On the right-hand side, it's me.

21 Q. Do you see the shirt you're wearing there?

22 A. Yes.

23 Q. Okay. I'd ask you to keep that in mind, the shirt you're
24 wearing there, because I'd like to show you another exhibit.

25 MR. MISETIC: And if we could go to P0323, please. And just get

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1 a still at the 3-second mark.

2 [Video-clip played]

3 MR. MISETIÇ: Okay. If we could just stop there for a second.

4 Q. You recognise who the person is on the video?

5 A. Yes, I know him.

6 Q. Who is he?

7 A. Uke Bytyqi.

8 Q. And this is the video you shot on 24 June 1998, is that correct,
9 according to your book?

10 A. That's correct. On 24 June 1998, we took the statement and
11 filmed the statement of Uke Bytyqi.

12 Q. Okay.

13 MR. MISETIÇ: If we could go to the 3-second mark and just stop
14 there. Oh, sorry. Okay. If we could just play the video for
15 another second or two.

16 [Video-clip played]

17 MR. MISETIÇ: Right there. Oh. I'd just like to see the arm
18 that comes into the video.

19 [Video-clip played]

20 MR. MISETIÇ: Right there.

21 Q. Witness, that's you wearing the same shirt that we just saw in
22 the previous picture; correct?

23 A. Yes, that's my hand. Correct.

24 Q. Now, Witness, I want to just talk to you about dates for a
25 second. In your SPO interview, P01264, Part 1, beginning at line 10,

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1 you said the following:

2 "And they ... and things can be forgotten and maybe certain
3 things -- certain dates may be a few days either side of the one
4 stated, and I just wanted to be open and honest with you."

5 Do you recall telling that to the SPO?

6 A. Yes, I said that in Prishtine and here in The Hague.

7 Q. And when you came to The Hague last week, you provided some
8 notes to the Prosecutor. Do you recall that?

9 A. Yes.

10 Q. And I just want to read a portion of the notes and ask you if
11 it's accurate. You say:

12 "As I mentioned in my first testimony in front of the Prosecutor
13 on 30 and 31 July 2019 in Prishtine, during the war I did not dare
14 keep a diary on some names and dates noted in the book, and some
15 names and dates noted in the book might not be accurate. I ask for
16 understanding on the part of the Panel and the public."

17 Do you stand by that remark?

18 A. Yes, that's exactly what I said.

19 Q. Now, what I'm going to suggest to you, Witness, is this morning
20 I showed you that on the 17th -- or at least what you claim to have
21 -- or what you say was 17 June at Bardh i Madh, you were wearing --
22 you, Mr. Veseli, Mr. Thaci are all wearing certain clothes, and then
23 on the 26th you're wearing the same clothes. And your answer to me
24 was it was not unusual to you that you would have been wearing the
25 same clothes for nine days.

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1 But now I'm showing you the still that, in fact, on 24 June you
2 clearly did change clothes. Do you see that? So what I'm suggesting
3 to you is that the dates that you've provided, despite your best
4 efforts to provide accurate dates, might in fact be wrong, as you've
5 stated in your notes and you told the SPO. Do you agree with that?

6 A. It might be the case. But I know that this date is exact, 24
7 June 1998, when we filmed this statement.

8 Q. That's fine. But do you accept that the dates that you provided
9 in the book and even in your testimony, to the extent they rely on
10 your memory, they might not be accurate as now I've demonstrated to
11 you that you did change clothes in those nine days. Do you see that?

12 A. It's normal that I did not wear the same clothes all the time.
13 When I had the possibility to change clothes, I did. When we could
14 go back to Prishtine and get some clothes, we did. So we would wear
15 the same clothes for two, three weeks at times, so it really
16 depended. I don't know if you understand me.

17 Q. I understand. But what I'm trying to suggest to you is that the
18 dates, as I said, the dates in your book, as you say in the notes you
19 provided to the SPO and in the interview you provided in 2019, might
20 not be accurate. Do you accept that?

21 A. That's correct. And I have admitted to it at the time and now.

22 Q. Thank you. Witness, when I left off at the break, we discussed
23 the policy of the international community in August that had been put
24 forward to the Albanian representatives that only autonomy was going
25 to be allowed in any negotiation with Serbia and that independence

1 was not on the table. You do recall that discussion; correct?

2 A. Yes, I remember it very well. This was the power relationship
3 with the internationals at the time. And if they had -- if they
4 asked Serbia, it still does not recognise the state of Kosovo. And I
5 also consider this Court to be an attempt to undermine the state of
6 Kosovo, because these are institutions that have been formed by the
7 independent state of Kosovo.

8 Q. Witness, I'm just asking you, you understand that the policy of
9 the internationals was autonomy; correct?

10 A. Yes. At the time this was the talk. They were not offering
11 more than that.

12 Q. Okay. Were you aware that Slobodan Milosevic, at the end of
13 September, had been declaring, including to international
14 representatives, that the KLA had effectively been destroyed?

15 A. Yes, this is what Milosevic thought, and he wanted to instill
16 fear to the Albanian people so they would not support the KLA. In
17 November 1998, I prepared a special documentary which stated that the
18 KLA exists, the KLA is here, is acting, operating, and working to
19 finally liberate Kosovo.

20 Q. Yes. And that's the video where Mr. Thaci appears; correct?

21 A. Yes, the same documentary.

22 Q. And you were shown a sentence from the Prosecutor this morning
23 where Mr. Thaci is discussing the fact that Serbian institutions had
24 been conducting special warfare against the KLA essentially to
25 portray it as having been destroyed; correct?

1 A. Correct.

2 Q. And with respect to the reference to with some autonomist
3 elements, you don't know whether Mr. Thaci was referring to the
4 internationals who had been coming to Kosovo with a plan to propose
5 autonomy or whether he was referring to someone else, do you, or
6 something else?

7 A. I don't know what Mr. Thaci was thinking. But at the time, some
8 internationals also thought that autonomy was sufficient for Kosovo.
9 There were probably as well as some individuals in Prishtine who were
10 satisfied with the solution of autonomy for Kosovo and thought it
11 sufficient. Mr. Thaci did not agree with this.

12 And then when all the peaceful means were exhausted to
13 realise -- to obtain independence, the people organised, the KLA
14 organised to lead the struggle and the fight against the Serb forces.

15 Q. But were you aware, for example, that not only in the summer but
16 into the fall, for example, Christopher Hill was coming with plans
17 that were being presented to, amongst others, the KLA which had
18 autonomy as the proposal?

19 A. Yes, I was aware of this.

20 Q. Now, Witness, let me get to another subject. But first, just
21 some background.

22 You're a well-known journalist. By the time you wrote your book
23 in 2019, were you aware of something called the Marty report?

24 A. Yes, I heard of it.

25 Q. Had you read the Marty report?

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1 A. I read this report and I consider it to be unreal and an attempt
2 of Serbia and Russia to criminalise the just war of the KLA.

3 Q. If you read it, then you know it references the Drenica Group
4 and Hashim Thaci in it; correct?

5 A. Correct.

6 Q. You must have -- I'll put to you that the Marty report was
7 published in 2011. You must have seen references in the media to the
8 report and rumours that Mr. Thaci was the target of the
9 investigation; correct?

10 A. That's correct. The KLA was accused of organ trafficking, which
11 was a ridiculous accusation. It was baseless and it was a lie.

12 Q. Now, Witness, in the interest of getting the full picture in
13 front of the Panel, I'm going to read different portions of the book
14 to you just so that we get an accurate understanding of your
15 relationship to Mr. Thaci at the time the book was written. Do you
16 understand?

17 A. Yes.

18 MR. MISETIC: If we could have P01264. Yeah. So this is one of
19 the sections that I don't believe is in the P admitted exhibits, so
20 I'll call it up by its ERN. DHT04004 to DHT04006 in the English, and
21 SPOE00351217 to 00351603 at page 636 and 637. We'll start at 636 in
22 the Albanian.

23 THE WITNESS: [Interpretation] I can't see the text in Albanian.

24 MR. MISETIC:

25 Q. It'll be there in a minute.

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1 MR. MISETIC: I'm told to call up 351357. That's the page.

2 [Microphone not activated].

3 PRESIDING JUDGE SMITH: I'm sorry, in the microphone. Is it a
4 different number than 357?

5 MR. MISETIC: No, that's the right page. It's just not loading
6 for some reason.

7 THE WITNESS: [Interpretation] You may ask the question, counsel.
8 I'm ready to answer.

9 MR. MISETIC: Okay.

10 Q. Then I'll read out the relevant issues or portions of the book.
11 But, first of all, this part of the book discusses your efforts to
12 obtain financial support from the government of Kosovo to prepare
13 documentaries about the KLA and about the war; is that correct?

14 A. Yes, that's correct. I produced several documentary films, but
15 we did not receive sufficient support from the government and
16 institutions at the time for their production.

17 Q. Okay. I'll read out the relevant portions. You wrote in the
18 book:

19 "I am sorry to say, but the Office of the former Prime Minister
20 of Kosovo, Hashim Thaci, and the government cabinet of Prime Minister
21 Ramush Haradinaj, as leaders and supporters of the liberation war,
22 have not sponsored any documentary film project, even though I had
23 submitted both the script and the official request."

24 And then it goes on:

25 "... I have submitted several scripts and requests for financial

1 support for these important projects to our institutions, primarily
2 the Government of the Republic of Kosovo, but unfortunately, they
3 have not adequately supported me.

4 "In 2008 and 2009, I submitted a request to the Thaci Government
5 for support of the documentary film about Kosovo's journey to its
6 liberation and independence, but I did not receive any support. The
7 requested amount was very minimal, 14,000 euros, but since it was
8 requested to be reduced even further, although this insistence seemed
9 unserious to me, I accepted."

10 Now, do you recall those events? And it bothered you at the
11 time you wrote the book sufficiently that you put it in the book;
12 correct?

13 A. This is true what you just read. I presented the real
14 situation, which is the support given by the institutions of the
15 Republic of Kosovo not only to my projects but to other projects who
16 aimed to portray the recent painful history of our nation.

17 MR. MISETIĆ: And if we go to page -- no, we stay on page 637, I
18 believe. The next page in English. Or it's the right page? No,
19 that's right. That's right.

20 Q. The second paragraph from the bottom in English says:

21 "Many judicial" --

22 Because of the failure to make the documentaries:

23 "Many judicial processes against the liberators have followed;
24 many files and international arrest warrants have been issued against
25 them by the Belgrade regime, and accusations and lawsuits have been

1 filed with EULEX by people who collaborated with the occupier."

2 Now, you're writing there that you're aware that there have been
3 judicial processes by people who had, as you wrote, collaborated with
4 the occupier. What did you mean by that term?

5 A. I wanted to underline that in Kosovo after the war a number of
6 judicial processes took place against former KLA fighters, processes
7 which received the contribution of some individuals also who were
8 instrumentalised by Serbia for known objectives now, which is to deny
9 the just war of the KLA and to accuse the KLA of having allegedly
10 committed crimes.

11 There were several judicial processes in Kosovo but also in
12 The Hague against Mr. Limaj and Mr. Haradinaj.

13 Q. Okay. So you were aware, obviously, that the people who had
14 been put on trial were being put on trial for alleged crimes against
15 people who were alleged to be collaborators; correct?

16 A. There were such judicial processes and the public knows this.

17 Q. And if we go down in the paragraph, you even mention:

18 "There has also been pressure from international circles ..."

19 In the last paragraph on the screen:

20 "There has also been pressure from international circles for the
21 establishment of the Special Court for War Crimes ."

22 You're referring there to this Court; correct?

23 A. Yes, correct.

24 Q. So by the time you wrote the book, you were aware that people
25 are being put on trial for crimes against collaborators and that this

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1 Court had been set up; correct?

2 A. Correct.

3 MR. MISETIĆ: If we could go next to page 677 in the English
4 version, which is SPOE00351557, please, in the Albanian.

5 Q. And while we get that on the screen, the next part of the book
6 that I'd like to look at, you discuss -- you had applied to become
7 the director of RTK, Radio TV Kosovo; correct?

8 A. That's correct.

9 Q. And I'll read what you wrote in the book:

10 "Hashim submitted" --

11 MR. MISETIĆ: I don't know if we have the -- sorry, I'll wait
12 for the Albanian.

13 THE WITNESS: [Interpretation] You may ask the question, counsel.

14 MR. MISETIĆ:

15 Q. You wrote in the book, with respect to your application to
16 become the director of RTK:

17 "Hashim submitted his objection to me. I left there very
18 disappointed in Hashim. His behaviour was ignorant, disingenuous,
19 not at all grateful for my sacrifice during the war and for the media
20 support I had given him and his comrades in the most difficult and
21 challenging moments, when they had very few supporters. Despite all
22 the support I had given to Hashim and his friends since the
23 liberation war period as well as in the post-war period, I was aware
24 that I was not very suitable for Hashim and his friends, because they
25 could not manipulate me for their own daily interests. My previous

1 support for him and his comrades was because of the political
2 background from the liberation war, so it was not support that meant
3 manipulation by them against others."

4 It's pretty clear there, Witness, that you were upset with
5 Hashim Thaci at the time you wrote the book about how he had handled
6 your application to become director of RTK; correct?

7 PRESIDING JUDGE SMITH: Mr. Misetić, could we get to something
8 relevant? I haven't taken a note for 15 minutes. It might give you
9 some clue as to how relevant this particular line of questioning is.

10 MR. MISETIĆ: Well, it's setting up the next portion of my
11 cross, which will then be finished.

12 THE WITNESS: [Interpretation] I was not upset. I wrote the
13 reality. Upon the insistence of some of my friends and colleagues at
14 the RTK, I applied for the position of the director. To be honest, I
15 knew at the time that I would not be selected, because the politics
16 need more flexible people, more obedient people, then and now.
17 However, I expressed a reality that was then, but I was not upset
18 about it.

19 MR. MISETIĆ:

20 Q. Witness, let me go to the portion of your book where you discuss
21 preparation of the documentary in November 1998. And, first, you say
22 that Mr. Thaci had a draft that he prepared. Did you have a copy of
23 that draft when you prepared the book?

24 A. No, we did it together. I gave him some ideas, thesis on which
25 he would have made comments. He had a draft. And then the version

1 which was more acceptable to the public was realised. Because I had
2 a longer experience than Mr. Thaci. Mr. Thaci did not have
3 experience in presenting things in front of the public. I had an
4 experience as a journalist, as a person who lived in Prishtine. I
5 knew the mentality of people in Prishtine, which -- and of people who
6 lived in zones that had not been affected by war as opposed to those
7 who lived in areas that were affected by war.

8 Q. Witness, let me just ask one question I should have asked at the
9 end of what I just asked you. When you say, and you were -- and this
10 was led by the Prosecutor on direct, you said that you met with
11 Mr. Thaci, having read the book, and he said the book was very real.
12 Do you recall that?

13 A. Yes, I recall that.

14 Q. Did it surprise you -- did it surprise you, having now read out
15 the portions that specifically reference him, that he would not take
16 objection to what you had written and say it was very real? Wouldn't
17 that surprise you given the tenor of your description of him in the
18 book?

19 A. Seen from a distance in time, like 26 years later, I looked at
20 the events of that time the way I describe them in the book. They
21 may not be in line with the actual situation, but in my opinion they
22 are real events. These are my opinions, my testimony to them. We
23 didn't have time to discuss at length on every single page, the
24 number being over 6, 700. But it was a general estimation, you know,
25 focusing on the most important events.

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1 Q. I accept that you believe it's real, but what I'm suggesting to
2 you is you told the Prosecution on direct examination that Mr. Thaci
3 told you the book was real, and I'm suggesting that should have
4 surprised you given your description of him in the book. Do you
5 agree?

6 A. I'm sorry. I don't understand what you are getting at.

7 Q. It's all right. I'll move on.

8 Witness, turning again to the preparation, I'm not sure I got an
9 answer to my question. When you wrote the book, did you still have a
10 copy of the draft that Mr. Thaci had purportedly written on or about
11 30 October 1998? Did you have a copy when you were writing the book?

12 A. I didn't have a copy, but he showed me how he thought to
13 formulate the first sentence.

14 Q. So that first sentence, you're writing 20 years after the fact,
15 it's based on what you remember you saw; correct?

16 A. Yes, correct.

17 Q. So you put quotes around that as if it's a direct quote. It's
18 really just your best recollection of what was written, but you can't
19 say for certain that those exact words were used in that first
20 sentence. Do you accept that?

21 A. I accept that. You are right.

22 Q. And do you accept that you're writing this at a time where you
23 have a certain -- as you express in the book, a certain negative
24 feeling towards Mr. Thaci at the time you write the book?

25 A. No, not at all. I didn't have any negative feeling towards him

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1 then or now or ever. I am not one of those journalists that, you
2 know, write to order or keep my anger towards somebody else.

3 Q. Okay. Thank you.

4 MR. MISETIC: Mr. President, the portions of the book, to the
5 extent they're not already in the P exhibit, I would ask that those
6 pages be admitted as well.

7 PRESIDING JUDGE SMITH: May I make inquiry if -- are you all in
8 agreement of adopting the entire book?

9 MR. MISETIC: I have no problem with it.

10 MR. HALLING: No objection.

11 PRESIDING JUDGE SMITH: I think, Mr. Emmerson, you mentioned
12 something about it the other day, and there was some resistance to
13 doing that, not from you, not from you, but you said there was some
14 resistance.

15 MR. EMMERSON: Yes. The concern has been that not the entire
16 book is available for translation, and this witness has given
17 evidence about those passages the parties deemed relevant both in his
18 witness statement and in his admitted proofing notes. I'm not sure
19 the basis for admitting further material from the book --

20 PRESIDING JUDGE SMITH: [Microphone not activated] ... just
21 asking if there is agreement to admit the whole book. Apparently
22 there isn't.

23 MR. EMMERSON: No.

24 PRESIDING JUDGE SMITH: Okay. That's fine.

25 MR. TULLY: I can confirm that we will bring him to certain

1 passages not translated, and that's fine, but we oppose the whole
2 book going in. Thank you.

3 PRESIDING JUDGE SMITH: All right. Well -- that's fine. No
4 problem.

5 MR. MISETIC: If you just give me a minute so I can get the
6 right pages to add now to the --

7 PRESIDING JUDGE SMITH: Yeah.

8 MR. MISETIC: Or perhaps not to waste time, I can do it via
9 e-mail.

10 PRESIDING JUDGE SMITH: You can do it in writing if you want to.

11 MR. MISETIC: That's what I mean. Yeah. That might be easier.
12 Thank you.

13 PRESIDING JUDGE SMITH: And the most accurate.

14 MR. MISETIC: Yes, thank you. That concludes my
15 cross-examination.

16 Q. Thank you, Witness, for your time.

17 PRESIDING JUDGE SMITH: Thank you.

18 Mr. Emmerson, it's your witness. At 3.30 we will take a short
19 break.

20 MR. EMMERSON: Your Honour, if you will give me one moment to --

21 PRESIDING JUDGE SMITH: Take your time.

22 MR. EMMERSON: -- organise my notes.

23 Cross-examination by Mr. Emmerson:

24 Q. Witness, you've disclosed to the SPO, and you say also to the
25 Defence, everything that you had in your possession; correct?

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1 A. Correct.

2 Q. And going through the material that you had in your possession,
3 there's a number of photographs or excerpts of videos showing
4 Kadri Veseli; correct?

5 A. Correct.

6 Q. And you can take it from me, and it'll be corrected if I'm
7 wrong, there is a gap in your records of -- in which there are no
8 images, either still or moving, of Kadri Veseli between the end of
9 June 1998 and 13 March 1999. Is that -- so far as you're concerned,
10 were you aware that Mr. Veseli was out of the country for a part of
11 that time?

12 A. I knew that he was out of the country, and I didn't have any
13 filming of him during that time because he was not a political
14 representative or someone authorised to make public statements.
15 That's why there are nothing on him during that period.

16 Q. And did you know -- you mentioned in the book his role with the
17 intelligence. Did you know what he was doing outside Kosovo? Did
18 you learn at any stage what he was doing outside Kosovo during that
19 period of absence?

20 A. No, I didn't know. But probably he did his duties, informing
21 the allied countries, the friendly countries of the developments in
22 Kosovo and other things. I don't know of any details.

23 Q. We're going to look at some footage that you have commented upon
24 in -- shot in June 1999 in which you mentioned Mr. Veseli in the
25 company of what was described, I think, in the transcript as the head

1 of the information section in Albania.

2 But I think, so that we're very clear as to what it is that we
3 are talking about there, the gentleman that you saw him with on the
4 17 June video was the head of the Albanian intelligence service,
5 SHIK, is that right, Fatos Klosi?

6 A. That's right, yes.

7 Q. Well, I want to try and approach these questions, if I may, in a
8 chronological order. We know that, sir, if we could look at the
9 period before, I want to rush, if I may, quickly through a couple of
10 short points of correction.

11 MR. EMMERSON: First of all, if we could just call up as a still
12 P1267 at 00:03 seconds. We don't need play it. You've had it played
13 to you already. Just give me a moment. I think we may need to go a
14 little -- one second further or a little -- couple of seconds
15 further. Yes.

16 Q. You remember being shown that portion of the documentary in
17 which the speaker describes an interchange involving a telephone call
18 from Kadri Veseli at the front?

19 A. Yes, counsel. Here we see Muje Rugova, Professor Muje Rugova,
20 speaking about his memories. He is responsible for what he says.

21 Q. No, exactly. But if you'll remember, at the time when you were
22 asked questions about this, I was seeking some clarification on the
23 dates that were put to you.

24 This is the video that was compiled concerning the military
25 career of Agim Qelaj; correct?

1 A. Correct. It is part of the documentary dedicated to Kosovo's
2 hero, Agim Qelaj.

3 Q. And if you remember, I'm not going to take you to it unless it's
4 necessary, but if you remember the comment that the speaker makes is
5 that on 12 March, after the murder of the Jashari people, Agim Qelaj
6 came to Kosovo government office in Bonn, and there was then a
7 telephone call from Kadri Veseli at the front line.

8 And you were asked by Mr. Halling: So what date was he
9 referring to as the date of the telephone call? And you said: I
10 think it was 12 March of 1998.

11 A. Counsel, this is what Muje Rugova says. Whether it's correct or
12 not, I can't say.

13 Q. Well, we don't need to go through the transcript directly on
14 this point because we all have it in evidence.

15 MR. EMMERSON: That's P, for those following, 1267.

16 Q. There wasn't a front on 12 March 1998, was there? There wasn't
17 a military front anywhere.

18 A. Correct. There wasn't any intensive frontal warfare. There
19 were some skirmishes but not any frontal battle.

20 Q. Exactly.

21 A. And I wasn't there in the war zones at that time, so I had no
22 information.

23 Q. You see, what the speaker actually says is, on 12 March, Agim
24 Qelaj came to Kosovo government offices in Bonn, and it's after
25 the -- without any specification of date. But the next event of

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1 conflict after the Jashari massacre was the influx of Serbian forces
2 into western Kosovo, culminating in the attack on the Haradinaj
3 compound on 24 March 1998. Do you agree with that?

4 A. Yes, on 24 March. I agree.

5 Q. And the next period of open conflict was much later in the year.
6 Do you agree? There was no front for Kadri Veseli to be calling from
7 on 12 March unless he was involved in the Jashari massacre, and
8 nobody suggests that.

9 A. You are right, counsel.

10 Q. Very well. So the witness -- the speaker must, would you agree,
11 have been referring to a later date than the date of 12 March, which
12 is the date, is it not, of the Jashari massacre itself?

13 A. It was a kind of orientation. All the volunteers who came from
14 the West and joined the KLA came after the massacre of -- against the
15 Jashari family, 4, 5, 6 March. It was then that a large influx of
16 Albanians came from Western countries and from America. The frontal
17 battle started at the end of April or beginning of May, 8, 9 May, the
18 Llapushnik gorge, and so on.

19 Q. Precisely. So apart from the frontal attack on the Jasharis and
20 the frontal attack on the Haradinajs in March, we are talking about
21 dates towards the end of April and early May, correct, before there
22 were front lines being open from which Kadri Veseli or anybody else
23 could have been making a telephone call?

24 You have to answer, I'm afraid. Would you agree with that
25 proposition?

1 A. Yes, I agree.

2 Q. Thank you. I want to take you -- just give me one second. I
3 want to take you next to the -- just give me one moment. I want to
4 make sure I've got everything in the correct order here.

5 You were shown by Mr. Halling a video of the wedding of a KLA
6 member, soldier called Naser Krasniqi. Do you remember that? And we
7 saw a number of people, including Mr. Veseli, in that video
8 discharging weapons into the air. Do you remember that?

9 A. Yes, I do. Certainly.

10 Q. And you made the remark that that is a common tradition at
11 weddings; is that right?

12 A. Yes, that's right. And it shows the real atmosphere prevailing
13 in weddings. People were happy. They sang not only for Naser but
14 for their comrades. Even now in Kosovo people have such atmospheres.

15 Q. Just to be clear. When you say it's a tradition, it's not a
16 tradition specific to the KLA. It's an ancient tradition --

17 A. It's a popular tradition. It's an old popular tradition of the
18 Albanian people.

19 Q. Which is as a -- it goes back as far as firearms were available
20 in that part of the world; is that correct?

21 A. Correct.

22 Q. It's one of the ways of celebrating weddings. And, indeed, I
23 think other major family events like the birth of a child as well.

24 A. Yes. At moments of joy people celebrate like that.

25 Q. Thank you. I want to move now to the meeting that you were

1 attending, that you attended for the purposes of filming the public
2 announcement of Mr. Krasniqi's role as the representative.

3 I just want to get one point clarified about the timings on
4 that. Am I right in thinking that you travelled that day on the 12
5 June because you expected the events to take place on 12 June?

6 MR. HALLING: Objection, misstates the evidence. The witness
7 was -- discussed 13 June in his direct examination for the travel.

8 PRESIDING JUDGE SMITH: I believe that's correct.

9 MR. EMMERSON:

10 Q. Let me put the question to you in a different form. Was it --
11 originally, was your journey planned for the 12th or the 13th?

12 A. On 12 June, I was in Negroc village of Drenoc where I made --
13 where I met Commander Pellumbi, and I stayed there until 13 June,
14 when in the evening we left for Klecke. This is the truth.

15 Q. And when you were in Negroc, were you aware then, at that time,
16 that there was going to be an announcement?

17 A. I knew earlier about the public appearance after we discussed
18 with Mr. Thaci, but then I met Mr. Kadri Veseli who told me that we
19 can go to the designated place. He gave me a fighter, Idriz Hysenaj,
20 who accompanied me up to the entry of Terpeze village. From Terpeze,
21 then Commander Topi accompanied us.

22 Q. And when, just to be clear, did you leave Prishtine for the
23 purpose of this visit?

24 A. I left Prishtine on the 11th or 12th, I can't be sure, of June.

25 Q. And you were pausing at that stage waiting for further

1 instructions as to the location and the precise arrangements for the
2 transmission -- for the recording; is that correct?

3 A. Yes, because I didn't know where the location would be for
4 filming the first public appearance of Mr. Krasniqi. That's why I
5 went to the local staff and then the house of Halit Hoxha, where I
6 met Mr. Veseli to go then to Klecke to conduct the first public
7 appearance.

8 Q. Thank you. Turning, if I may, to the 1999 period.

9 MR. EMMERSON: I want to ask if the Registry could please play a
10 passage of video marked in our queue as DKV01213 to 1213 -- sorry,
11 yes, it's the same -- that is the starting point at, first of all,
12 00:00 to 01:55.

13 Q. This is just two passages that need to be played together before
14 I ask you a question. Now, the date of this video is 11 April.

15 [Video-clip played]

16 THE INTERPRETER: [Voiceover] "Today is 8 April 1989. We are
17 transporting the wounded from Baice valley to Vucak."

18 MR. EMMERSON: We can pause it there. And then the second
19 extract is 02:02 to 02:19.

20 [Video-clip played]

21 MR. EMMERSON:

22 Q. Now, as you heard, I misstated the date. According to the
23 cameraman, that is 8 April 1999, so two weeks after the NATO bombing
24 began. Have you ever seen that video before, as far as you know?

25 A. Part of it I saw because it was used in a documentary on the war

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1 invalids.

2 Q. And, first of all, the overall scene that we are looking at
3 here, would you agree that that is the scene of refugees making their
4 way away from Kosovo and escaping?

5 A. Yes. Yes, sir. It is true that a large part of the civilian
6 population had left Kosovo not only from their homes in the war
7 zones, but a large number had fled Kosovo completely. They were
8 violently ousted from Kosovo, from Prishtine and all the other towns
9 of Kosovo. And a small number had remained in the mountains of
10 Drenica and Dukagjin.

11 Q. Now, you said that this was in a -- you'd seen it in a
12 documentary about the treatment of the wounded; is that correct?

13 A. Yes. I prepared a documentary on the war invalids, those who
14 were injured during the war. It's not the whole documentary, but
15 some parts of it were used for this documentary.

16 Q. Thank you very much.

17 MR. EMMERSON: Is that a convenient moment?

18 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,
19 Witness. We'll be back at quarter to -- 20 minutes until 4.00.

20 [The witness stands down]

21 PRESIDING JUDGE SMITH: We're adjourned until 3.40.

22 --- Break taken at 3.30 p.m.

23 --- On resuming at 3.40 p.m.

24 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
25 in.

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1 MR. EMMERSON: [Microphone not activated].

2 Could we resume the session with the same paused still as we
3 ended the last session, please.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, we continue with
6 Mr. Emmerson's questions.

7 Go ahead, Mr. Emmerson.

8 MR. EMMERSON: [Microphone not activated].

9 THE INTERPRETER: Microphone, please.

10 MR. EMMERSON: I do apologise. Could we resume at the beginning
11 of that portion, so it should be 02:02, and perhaps if we play it
12 until we get the right part, then I'll just pause it there.

13 [Video-clip played]

14 MR. EMMERSON: If you could pause it there, please. Thank you.

15 Q. Do you recognise the person in the video?

16 A. Yes, of course. It's Mr. Kadri Veseli.

17 Q. Were you aware, either at the time or in the research you did
18 for your subsequent documentary on the war, of Mr. Veseli's role in
19 the escorting of refugees and the treatment of wounded people?

20 A. Yes. He gave a great contribution together with other fighters,
21 together with the doctors, part of the KLA. They helped the civilian
22 population and in particular the wounded in war zones.

23 Q. And that's something that you discovered in the research for
24 your programme or that you knew at the time?

25 A. I knew because I was in contact with KLA fighters, with people

1 who lived in the Drenica area and other zones. They informed me.

2 Q. Is it possible for you to tell - it may or may not be - from the
3 video whether these are refugees leaving from the west or to the
4 south? Can you tell from the video? If you can't, then just say so.

5 A. I can't see any footage, specific footage, because at that time
6 I was not in the war zones. I was not in Kosovo. I was --

7 Q. Very well.

8 A. -- in Tirana. So I can't say more in detail. If I'm shown
9 other footage, I may be able to make -- to comment on them.

10 Q. Let's pause there for a moment on that video in that case.

11 Could we now move forward a little in time to the period of
12 demilitarisation and the withdrawal of the Serb forces, and I want to
13 look at a video that Mr. Halling took you to some very small
14 portions, I think a still, from. But it's something that you had
15 commented on when shown it to the Prosecution during your preparation
16 session prior to giving testimony.

17 And if we can get some context here in terms of timing. First
18 of all, would you agree with me that the approximate period during
19 which Serb forces began to withdraw was around about 9 June and
20 completed around about the 20th? Does that sound approximately right
21 to you?

22 A. Yes, that's correct. The Kumanovo Agreement was signed on the
23 9th, with the capitulation of the Serbian army and their withdrawal
24 from Kosovo. Then this continued until 20 June 1999, when the last
25 Serb army soldier or police officer left Kosovo.

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1 Q. And, again, do you know the date of the entry of the first KFOR
2 forces in June?

3 A. Yes, on 11 June 1999.

4 Q. And if I suggest to you that the date on the evidence we've
5 heard for the entry of KFOR forces into Prizren was 14 June, does
6 that sound right to you?

7 A. Yes.

8 Q. Now, are you aware also in that context that the -- a contingent
9 of forces was led by Commander Drini into Prizren on 13 June against
10 the express order of Agim Ceku?

11 A. I heard of this after the war, but I'm not in a position to
12 confirm that. I heard this. Because I myself entered Kosovo from
13 Albania on 14 June, so I was not in Prizren on the 13th.

14 Q. And did you know that Commander Drini had been relieved of his
15 command before that by Agim Ceku, and that --

16 A. No, I did not know.

17 Q. Very well.

18 A. I did not know.

19 Q. Very well. You know who Tahir Sinani is?

20 A. Yes, very well. Tahir Sinani was one of the most capable
21 commanders of the Kosovo Liberation Army.

22 Q. And he was, in fact, at that time, at the beginning of June, the
23 commander of the Pashtrik zone as that was understood; correct?

24 A. Yes, I know --

25 Q. Did you know there was --

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1 A. -- he was commander of the operational zone.

2 Q. Did you know that there was a period of time when
3 Commander Drini continued to act as if he was zone commander after
4 the appointment of Tahir Sinani?

5 A. I've heard.

6 Q. And that when instructed not to go into Prizren on 13 June, he
7 nevertheless did so before the entry of KFOR Prizren?

8 A. It could be accurate.

9 Q. And looking at that from the outside, would you agree with me
10 that it appears that the forces under Commander Drini were not
11 operating within the chain of command at that time?

12 MR. HALLING: Objection, goes to ultimate issue.

13 MR. EMMERSON: Oh, well, it -- but -- well, let me put it this
14 way, then, if Your Honour upholds the objection.

15 PRESIDING JUDGE SMITH: Well, it is a bit of a --

16 MR. EMMERSON: It's on the borderline.

17 PRESIDING JUDGE SMITH: -- final issue.

18 MR. EMMERSON: I'll try and find a way of putting it
19 differently.

20 Q. If the commander-in-chief in a regular army, Agim Ceku, in this
21 instance, is the -- being the chief of the General Staff, appoints
22 somebody else as a zone commander, and the original zone commander
23 then acts in breach of a direct instruction, how would you describe
24 that?

25 MR. HALLING: Objection, calls for improper opinion.

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1 MR. EMMERSON: All right. Well, we'll leave it. I think you
2 have the point.

3 PRESIDING JUDGE SMITH: I'm not sure he's the proper person to
4 testify about that anyway.

5 MR. EMMERSON: No, I accept that. But he -- what he can testify
6 about is what's going on with the actual leadership at this stage
7 because he's been asked by the Prosecution to give evidence about
8 that.

9 Q. First of all, the demilitarisation talks that culminated in the
10 arrival of General Sir Mike Jackson and the joint signature of the
11 demilitarisation agreement in which the KLA agreed to surrender its
12 weapons, that process took place, you told us, in what you call the
13 new village, the new town.

14 Just for the sake of absolute clarity of the record, it's Fshati
15 i Ri; is that correct?

16 A. Yes, correct. Some talks were held in this village in --
17 regarding the agreement, with the attendance of Mr. Thaci, James
18 Rubin, and others, including Mr. Veseli.

19 Q. Very well.

20 A. Then in -- in Divjake. And then from Divjake, with a special
21 KFOR helicopter, the KLA delegation went to the KFOR headquarters in
22 Prishtine where the demilitarisation agreement was signed on the --

23 Q. And the preliminary --

24 A. -- 21st June 1999.

25 Q. -- work -- thank you. And the preliminary work was being done

1 in, again, if my pronunciation is good enough, Fshati i Ri. Can you
2 locate that for us? I'm not going to ask you to put it on a map
3 because we can do that for ourselves. But it is to the east of
4 Prizren; is that right? I'm sorry, it's to the east of Prishtine. I
5 correct myself.

6 A. Correct.

7 Q. Approximately how far east of Prishtine?

8 A. One hour drive, approximately, from Prishtine. Probably less
9 than one hour.

10 Q. Is it close to the border?

11 A. No.

12 Q. No.

13 A. No. It's in the municipality of Malisheve. Close to the area
14 where the KLA General Staff and the Provisional Government of Kosovo
15 operated, because the Provisional Government of Kosovo had its seat
16 in Fshati i Ri.

17 Q. And obviously, during that period of time, there were, as you've
18 told us, preparatory talks being done between the various entities
19 involved in working out how to go about the process of, if I can put
20 it this way, disarming the KLA upon the entry of KFOR but disarming
21 them by consent; correct?

22 A. KFOR was already in Kosovo, but the agreement was to
23 demilitarise the KLA and transform it. So this was the exact -- how
24 the agreement was. The KFOR was already there, but they were taking
25 over the prerogatives regarding the security issues in Kosovo. And

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1 based on the Rambouillet Agreement, another agreement on the
2 demilitarisation and transformation of the KLA had to be signed.

3 Q. And were you aware of representatives of other countries
4 arriving in Kosovo for the process of those negotiations?

5 A. Yes. There were mainly American diplomats, with James Rubin,
6 other diplomats from NATO Member States, allies of the United States.

7 Q. Yes.

8 A. Including Albania.

9 Q. Thank you. And when you say "diplomats," is that a euphemism
10 for intelligence officials?

11 A. Diplomats and military personnel and different profiles.

12 Q. Well, Fatos Klosi wasn't a diplomat, was he, or a military
13 person? No.

14 A. Correct, he was not. He was head of the Albanian information
15 intelligence service.

16 Q. And in the video that you were shown in your preparation
17 session, it was to Kadri Veseli that Fatos Klosi was talking;
18 correct?

19 A. Yes, it can be seen in the video, Fatos Klosi, Kadri Veseli, and
20 an American.

21 Q. We'll look at the video in just a second. But that was all
22 taking place -- that video, as far as you could see, is it, it was
23 shot in Fshati i Ri during that period of time; correct?

24 A. Correct. In Fshati i Ri.

25 Q. So were you aware that there were intense negotiations going on

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1 during that period in that village involving multiparty
2 internationals?

3 A. Yes.

4 MR. EMMERSON: Can we then -- can we then play --

5 THE WITNESS: [Interpretation] Yes, I had information.

6 MR. EMMERSON: Thank you.

7 Can we then play -- so the video - give me a moment - is
8 087008-1, and the transcript is exactly the same, TR-ET, although
9 I'm -- yes, we can probably do it without the transcript because
10 there's not a lot of audible conversation. There is some. And there
11 are four sections I'd like to play on that video, if I may.

12 MR. HALLING: Yes. And, Your Honour, just for the record, this
13 is P01296.

14 MR. EMMERSON: Thank you very much. I apologise for that. So
15 if we start at 02:20 and at 02:26, first of all. In fact, 02:20
16 through to 02:40 would be the ideal place to start.

17 [Video-clip played]

18 MR. EMMERSON: And if we can go through to 02:40.

19 [Video-clip played]

20 MR. EMMERSON: And then if we please play from 04:41 to 04:45.

21 [Video-clip played]

22 MR. EMMERSON: I think there's some -- I think we may have to
23 redo that coordinate for a second.

24 We can play the video to a greater extent.

25 Q. But do you -- from that passage of the interior of that -- of

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1 those talks, did you recognise Ardan Meha [phoen], the head of the
2 external intelligence service of the Albanian intelligence service?

3 A. No.

4 Q. Do you --

5 A. No, I did not know him. I only knew Fatos Klosi.

6 Q. Very well. But did you know and would you recognise Ardan Meha
7 or know his significance?

8 A. I did not know him at the time.

9 Q. Very well.

10 A. I don't know him now. I know nothing about him.

11 Q. Now, the Prosecution in this case alleges that a number of
12 crimes were being committed in Prizren between the 15th and 23rd,
13 22nd June. As far as you knew, those talks continued all the way
14 through to the 21st when the agreement was signed; correct?

15 A. Correct. Until the 21st the talks went on, and then on the 21st
16 the agreement was signed in Prishtine.

17 Q. And you were present at that signing ceremony? I believe you
18 were.

19 A. Yes, I was.

20 MR. EMMERSON: If we could just call up then, and I'll just
21 check the P number it's been ascribed. Ah, yes. So it's in as
22 Exhibit DKV1239. It's first one.

23 Q. I want to show you two pieces of video from that ceremony.

24 MR. EMMERSON: We don't have -- well, there is in fact a
25 transcript, but, again, we can just play the video with the audio on.

1 [Video-clip played]

2 MR. EMMERSON:

3 Q. Now, do you recognise both Mr. Thaci and Mr. Veseli in that
4 piece of footage?

5 A. Yes, I recognise both Mr. Thaci and Mr. Veseli.

6 Q. And General Sir Mike Jackson, all arriving together. Did you
7 see that?

8 A. Yes, I saw him. He was a host, the first KFOR commander who
9 then signed the agreement.

10 Q. Precisely. I mean, I think it's right to say that the
11 negotiation process began some time before the arrival of General Sir
12 Mike Jackson; is that correct?

13 A. Correct. The negotiations went on for several days until the
14 final text of the agreement was agreed on, because I had information
15 that there were formulations which were not entirely acceptable to
16 the KLA.

17 MR. EMMERSON: And if we can play, then, please, DKV1240,
18 another short piece of footage from the 21 June signing ceremony.
19 Again, we don't need -- all right. I wouldn't -- yeah.

20 [Video-clip played]

21 THE INTERPRETER: [Voiceover] "At the KFOR command in Prishtine
22 on the 21st June, General Mike Jackson together with the former
23 political leader of the KLA and prime minister of the Provisional
24 Government of Kosovo Mr. Hashim Thaci signed the transitional
25 agreement on the transformation of the KLA."

1 MR. EMMERSON:

2 Q. So in that video do we see the actual signing itself in the same
3 part of the NATO headquarters as we just saw Mr. Veseli and Mr. Thaci
4 arriving with General Sir Mike Jackson?

5 A. Yes, on the same day. Mr. Veseli was there when the agreement
6 was signed by Mr. Thaci and General Sir Michael Jackson at the same
7 location, KFOR headquarters in Prishtine.

8 Q. And -- sorry, I just have a note. Just give me a moment. You
9 told us -- sorry, the last question I wanted to ask you on that video
10 was the man in the red jacket in the video, the second video, did you
11 recognise him as Larry Rossin?

12 A. Yes.

13 Q. At the time, was Larry Rossin a representative --

14 A. Yes, I recognised him. I recognised him even then. He's a
15 diplomat. I met him in Dragobil of Malisheve during the war period.
16 He was present also at the signing ceremony on the transformation of
17 the army and demilitarisation.

18 Q. And Larry Rossin, as you say, was at that time an American
19 diplomat but went on to become the Deputy SRSG, Special
20 Representative of the Secretary-General; is that right?

21 A. Yes.

22 MR. EMMERSON: Your Honour, may I tender those two portions of
23 video, please.

24 PRESIDING JUDGE SMITH: Any objection?

25 MR. HALLING: No objection, Your Honour. Just for the record,

1 we would also support the admission of the third video, which would
2 be DKV01213.

3 MR. EMMERSON: That's helpful.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 So DKV1239, DKV1240, and DKV01213? Is that the one you just --

6 MR. HALLING: Yes, it was the first video played, DKV01213.

7 MR. EMMERSON: That was the passage in the mountains Mr. Veseli
8 identified from what turned out to be --

9 PRESIDING JUDGE SMITH: We've seen that before.

10 MR. EMMERSON: Exactly. Well, I showed it to Shaun Byrnes but
11 he wasn't able to --

12 PRESIDING JUDGE SMITH: Okay. So those three are admitted.

13 MR. EMMERSON: Thank you. Can I just --

14 PRESIDING JUDGE SMITH: Just a second.

15 THE COURT OFFICER: Your Honours, video DKV01213 and its
16 corresponding transcripts will receive Exhibit 2D00022. Current
17 classification is confidential.

18 MR. EMMERSON: With Your Honours' leave, they can be
19 reclassified as public.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 Reclassified as public.

22 THE COURT OFFICER: Thank you.

23 Second video, DKV1239, will be assigned Exhibit 2D00023. It's
24 classified as public.

25 And the third video, DKV1240, will receive Exhibit 2D00024.

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1 It's also classified as public. Thank you.

2 PRESIDING JUDGE SMITH: All three are now reclassified as
3 public.

4 MR. EMMERSON: Thank you very much.

5 Q. And I think you said that all of the representatives involved in
6 the negotiations were flown from, as you described it, the new
7 village by a KFOR military helicopter to that signing ceremony in
8 Prishtine; is that correct?

9 A. [No interpretation].

10 Q. Yes, thank you.

11 MR. EMMERSON: Those are my questions, Your Honour.

12 THE WITNESS: [Interpretation] They came from Divjake to the KFOR
13 base in Prishtine.

14 MR. EMMERSON:

15 Q. Thank you.

16 PRESIDING JUDGE SMITH: Thank you, Witness.

17 Mr. Tully, your witness.

18 MR. TULLY: Thank you, Mr. President.

19 Cross-examination by Mr. Tully:

20 Q. Good afternoon, Witness. It's been a long day, so I hope -- I
21 think I'll take you up to the end of the day, and I'll have maybe
22 another half an hour or more for you in the morning. My name is
23 Eric Tully. I represent Rexhep Selimi.

24 I'm going to begin with some questions that you were asked
25 yesterday by the Prosecutor relating to your first visit to Drenica

1 when you met Rexhep Selimi for the first time. And the questions I'm
2 asking you are all revolving around an entry in a notebook that you
3 were shown. And the entry was dated 18 May 1998, and it indicated
4 that Nuhi Bytyqi was asking to film a special programme on aid
5 related to Drenica and the emergency council.

6 So first question: You remember that document, the one I'm
7 talking about, don't you? Sorry, you have to say "yes" for the
8 transcript, Witness.

9 A. Yes, I remember that. I remember it very well.

10 Q. It's okay. It's been a long day. I know you might be tired.
11 So I'm going to take you then to how you describe getting to Drenica
12 at that time of the year.

13 So, first of all, when you went to -- when you went to Drenica
14 at this time you were working as a freelance journalist but you had
15 an affiliation with TVSH; is that right? Okay. You have to say
16 "yes" again.

17 A. Yes, it's true. The Albanian television. I was an independent
18 journalist but voluntarily reported from the war zones.

19 Q. And years before this, you had worked at RTP and you had left
20 there in 1990; is that right?

21 A. Yes. On 5 June -- July, all the journalists and other employees
22 of Prishtine Radio Television were forced to leave their studios and
23 workplaces.

24 Q. Okay. So when you went to Drenica to try to film, you made it
25 clear to everybody about your affiliation with TVSH or people already

1 knew about your affiliation with TVSH. Do I have that right?

2 A. No. People didn't know that I worked for TVSH, because I had
3 prepared several programmes, but I wasn't part of Albanian television
4 staff.

5 Q. I'm not saying you were part of staff. But let me use an
6 example here. So in your book - and this is at page SPOE00128602 -
7 when you met with Fehmi Lladrovci, you say that:

8 "Later that night, I asked Lladrovci to give an interview for
9 TVSh about the war of the Kosovo Liberation Army."

10 So I'm not saying that you worked -- you were a staff member for
11 TVSH. But it was clear that if you were filming something as a
12 freelance journalist, it would be going to TVSH?

13 A. Yes, yes, it was for TVSH, that is, for Albanian television.

14 Q. Okay. So then to the timeline. According to your book, in
15 April 1998, you went to speak to Mr. Shaban Hoxha, who was a member
16 of the emergency council, to gain entry to the Drenica area so you
17 could film alongside your cameraman, Abaz Zeka; that's right?

18 A. Yes, that's right.

19 Q. And for the record, Shaban Hoxha acted as a liaison between, on
20 the one hand, the emergency -- the central emergency council and
21 communal emergency councils and, on the other hand, the KLA. He was
22 a go-between?

23 A. Yes, indeed. This is what I knew.

24 Q. Okay. So still in April, you then go to Musa Jashari, and you
25 meet with Musa Jashari.

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1 MR. TULLY: And I'm going to read from page -- it's at
2 page 232 -- excuse me, sorry. SPOE00128602.

3 Q. And you say:

4 "My first meeting with the KLA uniforms was in Baice of Drenas,
5 one evening of April 1998. Musa Jashari was wearing the uniform, who
6 was one of the members of the first KLA units and co-fighter with the
7 legendary KLA fighter, Adem Jashari."

8 So I know you're not 100 per cent on the exact date, but you're
9 sure that was April?

10 A. It may have been end of April, beginning of May. Even in my
11 book it's not accurate because I didn't know. I repeated it several
12 times. I didn't keep a diary.

13 Q. That's fine. I'm not asking for precision. But your book
14 records April, so you would stand by roughly April; yeah?

15 A. That's what I thought. That's what I said. It must have been
16 also the beginning of May.

17 Q. So you next met with Fehmi and Xheve Lladrovci, and this is
18 alongside Musa Jashari, Muharrem Xhemajli and other KLA fighters.

19 MR. TULLY: And this is -- the reference is on the same page.

20 Q. That's right? You went straight --

21 A. Yes, that's correct. We are talking about the same day and the
22 same event.

23 Q. Exact same day that you met Musa Jashari?

24 A. When I met with Musa Jashari, I met Fehmi Lladrovci and Xheme
25 Lladrovci.

1 PRESIDING JUDGE SMITH: You two are both going to have to pause
2 a bit between your questions and answers and go as slow as possible.

3 MR. TULLY: Understood, Mr. President.

4 Q. You heard the Judge.

5 So in your book then, it says:

6 "The next day ..."

7 So this is after meeting all of these people you go to the
8 Hysenaj house to meet with Ilaz Selimi. So we're talking about a
9 two-day period between meeting Musa Jashari and Ilaz Selimi?

10 A. Yes. We stayed there. And on the next day, I met Ilaz Selimi,
11 and then with Rexhep Selimi.

12 Q. And did Rexhep come -- excuse me. And then did Rexhep arrive at
13 the Hysenaj house on the same day you met Ilaz Selimi or at the very
14 next day?

15 A. From what I know, it was on the same day. Now 26 years have
16 passed since then. I know that I stayed there for two days. We
17 arrived there in the evening. There was no electricity. And on the
18 next day, we met with Ilaz Selimi first and then with Rexhep Selimi.

19 Q. So all of this passage we've described here takes place over two
20 days; is that right?

21 A. Yes.

22 Q. So just then to the date that's on that document, 18 May. It's
23 not possible that this meeting with Rexhep Selimi took place on 18
24 May, is it? It's much earlier, even with the lack of precision.

25 A. No, no. I said that it may have been beginning of May, but not

1 18 May.

2 Q. I just wanted to be clear on that.

3 So I'm going to go then to the content of the meeting that you
4 had then with Mr. Selimi.

5 Before you met -- well, let me say this. It's clear from what
6 Mr. Selimi said to you and his specific criticism that he had for
7 TVSH, that he understood also that you had a connection with TVSH,
8 that this is where your videos are being broadcast as well; isn't
9 that right?

10 A. Yes. I was already -- I already had made it known that I was
11 ready to prepare chronicles, reports for TVSH from the war zones.
12 And Rexhep made those critical remarks, which I also accepted. But I
13 was not part of that team, and I wasn't responsible for the way they
14 were presented. I did a volunteer work. I was willing to represent
15 a realistic description of the situation, especially in the war
16 zones.

17 Q. And as far as I understand it, the criticism focused on
18 humanitarian issues being at the forefront too much as opposed to an
19 active depiction of the KLA fighting its war of liberation. Would
20 that be a fair summation of what the criticism was centred around?

21 A. It was a general criticism. There were no images presented from
22 the war zones. Usually there were telephone reports given from
23 Prishtine. The journalist that reported from Prishtine hadn't a
24 realistic idea of the situation -- of the real situation in the war
25 zones. That's why I volunteered to provide images from the war zones

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1 and depict a realistic situation. It was, indeed, a very difficult
2 situation.

3 Q. And yesterday in response to a question by the Prosecutor, and
4 this is at the provisional transcript page 59, you said that:

5 "... the entire population [was] dissatisfied with information
6 regarding war zones ..."

7 So did you understand then -- or do I understand correctly from
8 what your response was there that Mr. Selimi's criticism was not
9 unique to him? It was something you'd heard from other people?

10 A. Yes. We didn't conduct any survey, so to say, whether everybody
11 was satisfied or not, but there wasn't a general opinion that was
12 happy with the reports from the war zones. Me too was dissatisfied.

13 Q. Okay.

14 A. It was a general opinion, not only Selimi's opinion.

15 Q. Okay. So yesterday when you were shown a political communiqué
16 of the KLA - that was at P286 - the criticism that was outlined in
17 that communiqué was something that was, you'd say, a general feeling
18 that people had against the reporting from the zones; is that right?

19 A. Yes, correct.

20 Q. Okay. So back to the note. The note also says -- it records
21 you as being Nuhi Bytyqi RTP reporter, and it says you were asking
22 him to film a special programme on aid related to Drenica and the
23 emergency council.

24 So no one who you interacted with -- especially because it was
25 defunct for eight years at this point, no one you interacted with on

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1 those two days in Drenica would have been under the impression that
2 you worked for RTP; is that right?

3 A. There was no RTP then. There was a small team that worked for
4 Albanian television, but that's how they identified me because I used
5 to work for this television.

6 Q. But whoever wrote down that entry in the notebook was not a
7 person you interacted with in those two days because they would have
8 known what your affiliation was with TVSH; right? Would you accept
9 that?

10 A. Yes. I met Ymer Halimi together with Shaban Hoxha in Prishtine,
11 and we consulted how to prepare a special programme on the situation
12 of the civilian population, humanitarian aid, supply with aid, with
13 the food stuffs and medical stuffs.

14 Q. This is what -- the -- what was shot on 22 May 1998? Is that
15 what you're talking about?

16 A. Yeah, probably it was filmed those days.

17 Q. And I'm going to leave this topic for now, and I have one thing
18 before we move on to link to what I'll discuss with you in a while is
19 that your description of what you shot when you -- when you made that
20 programme was, and this is on page SPOE00128608:

21 "For the first time, as a correspondent of the Albanian Radio
22 Television, in my chronicle I reported that the Kosovo Liberation
23 Army was fighting against the Serbian police and military forces,
24 [and] that KLA was consolidating its ranks more and more, it was
25 becoming stronger on the organisational level and was getting

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1 supplies of heavy armaments to oppose the Serbian forces in Llausha."

2 Okay. Now, this was in a sense an audition to be allowed to
3 film this?

4 A. Yes. It was not filmed. It is a phone report from Skenderaj.
5 As I said earlier, the date is correct. 28 May I went with my
6 cameraman to -- in Skenderaj. And in Skenderaj, from the office of
7 the council for human rights, I reported a chronicle for Albanian
8 television. There were no images, I mean actual images, but old
9 images from the archives. I stressed that the KLA was fighting for
10 the liberation of Kosovo. I described the situation, the stationing
11 of a large number of police forces in Skenderaj in the direction of
12 Llaushe and other villages of this municipality.

13 Q. And then one question on that before I move on. It says "heavy
14 armaments." What heavy armaments did the KLA have in April 1998?

15 A. We are talking about 22 May. Maybe the date is mixed up.

16 Q. 22 May, 22 May.

17 A. There was no heavy armament. But I wanted to create the
18 impression that the KLA has armaments so that people are not -- were
19 not scared, to encourage them to support it even more. That was
20 purpose.

21 Q. And that will be the theme of a lot of my questions tomorrow,
22 Witness.

23 MR. TULLY: Your Honour, is it possible to stop there? I have a
24 topic I'm going to go into here.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. TULLY: Yes, thank you.

2 Q. Witness, I will continue it tomorrow. Thank you.

3 PRESIDING JUDGE SMITH: Witness, we are finished with your
4 testimony for today. We will begin again tomorrow at 9.00. We hope
5 to be able to finish your testimony tomorrow, and I'm sure you do as
6 well.

7 So you may leave the courtroom now with the usher, and thank you
8 for being with us.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

12 MR. HALLING: Apologies, Your Honour. Just very quickly.

13 PRESIDING JUDGE SMITH: Oh. I'm sorry, I didn't see you
14 standing.

15 MR. HALLING: Just if there's any further guidance from the
16 Panel as to whether both reserve witnesses could be released
17 tomorrow.

18 PRESIDING JUDGE SMITH: We should at least release the second
19 one.

20 MR. HALLING: Thank you.

21 PRESIDING JUDGE SMITH: Depending on how long the -- the first
22 one is only a two-hour, approximate, direct and cross, so there is
23 still some possibility we could finish with that witness tomorrow.

24 MR. TULLY: If it assists, I won't be more than 45 minutes, I
25 imagine, tomorrow. Maybe --

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. TULLY: I'll try 30 even.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. ALAGENDRA: I may be around half an hour less, Your Honours.

5 PRESIDING JUDGE SMITH: Okay. So we have some chance of doing
6 that. But the second one can be released for tomorrow.

7 MR. HALLING: Thank you.

8 PRESIDING JUDGE SMITH: We're adjourned until tomorrow at 9.00.

9 --- Whereupon the hearing adjourned at 4.26 p.m.

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