

1 Thursday, 6 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 case  
9 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,  
10 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

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

14 Before we start, the Panel would like to address two preliminary  
15 matters. First is the SPO in a position to provide a list of the  
16 witnesses for the next block either now or after the next break?

17 MR. HALLING: We can inquire for after the next break. We'll  
18 send an e-mail today certainly, but we can give an oral update  
19 earlier --

20 PRESIDING JUDGE SMITH: It would be good if we can have it after  
21 the big break at 11.00, 11.00 --

22 MR. HALLING: Yes.

23 PRESIDING JUDGE SMITH: -- to 11.30.

24 You wish the floor?

25 MR. EMMERSON: Yes, Your Honour.

1 I wanted, if I may, just to raise a question relating to the  
2 preparation and arrangements for - just give me a moment for the  
3 cypher - Witness 04752. It might be better in order to discuss  
4 certain issues arising if this were done in private session, I think.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 I'm sorry. Private session, please, Madam Court Officer.

7 [Private session]

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1 [Open session]

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

3 MS. ALAGENDRA: Your Honours, I would also like to indicate that  
4 I'll be a lot shorter than I anticipated.

5 PRESIDING JUDGE SMITH: Thank you very much. And I appreciate  
6 the updates we've received this week. Thank you for the cooperation.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Good morning, Witness. Welcome back.  
9 Today we're going to continue --

10 THE WITNESS: [Interpretation] Good morning.

11 PRESIDING JUDGE SMITH: -- your testimony and we believe we will  
12 finish it.

13 I remind you to please try to answer the questions clearly with  
14 short sentences, as I've told you before. If you don't understand a  
15 question, ask for a clarification or ask it to be repeated and the  
16 lawyers will accommodate you.

17 Also, please try to remember to indicate the basis of your  
18 knowledge of the facts and circumstances upon which you will be  
19 questioned. I remind you that you're still under oath and under an  
20 obligation to tell the truth as stated by your solemn declaration.

21 Please also remember to speak into the microphone and to wait  
22 five seconds before answering a question and then speak at a slow  
23 pace to allow the translators to catch up.

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

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1 We continue with Mr. Tully, representing the Selimi Defence.

2 Give him your attention, please.

3 WITNESS: NUHI BYTYQI [Resumed]

4 [The witness answered through interpreter]

5 Cross-examination by Mr. Tully: [Continued]

6 Q. Good morning, Witness. Welcome back.

7 A. Good morning.

8 Q. I expect to have 30 minutes' worth of questions, and I'll try  
9 not to go back over a lot of the extensive answers you've given  
10 already to this point, but I may recap once or twice, but I don't  
11 need you to repeat to extent things you've already said. Okay?  
12 Okay.

13 So you've mentioned that you had editors and a reviewer of your  
14 book, and Bajram Kosumi was your reviewer; is that right?

15 A. Yes, Bajram Kosumi was the reviewer of the book.

16 Q. And can you tell the Court who Bajram Kosumi is?

17 A. Bajram Kosumi is an outstanding political activist, a patriot, a  
18 former political prisoner, former prime minister of the Republic of  
19 Kosovo at a certain period. He worked as journalist, publicist now.  
20 He is a professor and rector of the university, Kadri Zeka University  
21 in Gjilan.

22 Q. So a well-respected and well-read man.

23 A. Yes, indeed.

24 MR. TULLY: Now, can I have on the screen, please, SPO -- wait.  
25 Sorry, one second. Sorry, this is from the pages of the book that

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1 weren't part of the original book tendered by the Prosecution so --

2 PRESIDING JUDGE SMITH: That were not?

3 MR. TULLY: That were not, yes.

4 PRESIDING JUDGE SMITH: Okay.

5 MR. TULLY: So it's SPOE00351217 to 00351603, and it's at page  
6 SPOE00351231. And we have submitted a translation on our own, and  
7 this is DRS00758.

8 Q. What I'm about to bring up, Witness, is the preface to your  
9 book, the foreword by Mr. Kosumi. I just want to bring your  
10 attention to one or two things that he said.

11 MR. TULLY: If you can zoom in towards the bottom, please. I  
12 think it's the last part of this -- of the last paragraph.

13 THE WITNESS: [Interpretation] You don't have the original in the  
14 Albanian place.

15 MR. TULLY:

16 Q. I'm waiting for it to come up. There's a just slight delay on  
17 the computer. If you could just bear with us. The equipment is a  
18 bit slow today.

19 My apologies, Witness. As usual, we're at the mercy of the  
20 machines.

21 A. I want to say that some words of mine are missing at the  
22 beginning.

23 Q. That's -- I'll -- we can discuss that in one second. I'm just  
24 waiting to ...

25 If we can move it along, sorry, it doesn't seem like it's coming

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1 up any time soon, but I'm going to read out -- I'm going to read out  
2 in English and they will translate it for you what he said. So at  
3 the end of the page, he said:

4 "By reading the autobiographical accounts of Nuhi Bytyqi, the  
5 reader will return once again to experience, at least a little, our  
6 newest history; the story experienced from a personal angle, by a  
7 journalist, who leads his entire mission in the service of the basic  
8 values of society. Of course, this is a very personal account and  
9 the reader should keep in mind that he's reading an autobiography and  
10 not a history book."

11 So you've touched on this yourself, Witness, and you've stated  
12 repeatedly that this is not to be taken as historical fact, what's  
13 written in your book, and you confirm that again?

14 A. Yes, correct. I said it also in -- and the book shows that they  
15 are my memories as a journalist but not at all as a historian,  
16 because history is written based on concrete facts and documents.  
17 These are merely my views regarding the events that I testified to  
18 before, during, and after the war.

19 Q. I understand that. But Mr. Kosumi is arriving at this  
20 conclusion independently as your reviewer. And within the problems  
21 with presenting an autobiography, if you agree, is that the author  
22 will presumably not expect to be answering questions in a witness box  
23 about the book, and they might also include their own editorialising  
24 or speculation on certain facts where there is a gap in their own  
25 knowledge. I think that's what you were getting at; isn't that

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1 right?

2 A. Correct.

3 Q. Okay. Now, you've been very clear on your position several  
4 times in the course of your testimony and in your statements that you  
5 didn't have any understanding about the organisational structure of  
6 the KLA or its hierarchy and you were not interested in it. And I  
7 understand that. You've said it several times. You don't need to  
8 repeat it.

9 But do I also understand that your own military service was  
10 quite limited? You didn't spend very long in the army; is that  
11 right?

12 A. What do you mean by "military service"?

13 Q. Well, did you perform military service?

14 A. In which army?

15 Q. In 1982, did you not perform national military service in the  
16 Yugoslav Army?

17 A. Yes, yes. Yes, I did my military service.

18 Q. And how long did you spend there?

19 A. One year.

20 Q. And you remained as a private, is that right, or at a low rank?

21 A. Yes, a private.

22 Q. Okay. So -- so --

23 A. I knew that there was a hierarchy there. Every commander had  
24 their own soldiers and responsibilities. In the Kosovo Liberation  
25 Army, being a voluntary army coming out of the people's ranks, there



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1 was no hierarchy.

2 Q. That's okay. That's not what I'm -- what the purpose of the  
3 question. What I'm getting at is that, without any extensive  
4 military experience, where you make assumptions and speculation in  
5 your book, it's not based on any wealth of knowledge you have  
6 personally about how a military should or should not function; right?

7 A. Right.

8 Q. So I want to take you to a passage in the book where you discuss  
9 Mr. Selimi.

10 MR. TULLY: And this is P12 -- I don't need it on the screen,  
11 but it's P1264. And it is SPOE00128760 to 761.

12 Q. And when you're making a comment about Mr. Selimi, you say:

13 "Without a doubt Rexha was a very determined fighter and with  
14 his experience as a member of the General Staff he had great  
15 influence on all the decisions and developments during the war."

16 Now, we talked earlier on about editorialising and filling in  
17 gaps in knowledge. This is an example of you editorialising and  
18 making an assumption based on what you saw and not what you knew; is  
19 that right?

20 A. Yes, correct. After the war -- this book was published after  
21 the war, and I tried to give a realistic presentation of my work as a  
22 journalist and my views on the Kosovo Liberation Army the way I saw  
23 them, the young men, young women. And I tried to emphasize it even  
24 more thinking that this book would help the Prosecution and this  
25 Court -- you should bear in mind that this is a public -- publicity

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1 book, let's say, and I tried to raise as high as I could the values  
2 of the war and the KLA.

3 We cannot say that there was no war, no KLA, and there were  
4 sacrifices made by these fighters. And thanks to these sacrifices of  
5 the martyrs, and thanks to the assistance of NATO, Kosovo was  
6 liberated and is an independent state now, and I feel proud of what I  
7 did to contribute whatever I could to this.

8 Q. Okay, Witness. I understand that and you've said it several  
9 times in your book and in your testimony. We all understand that.  
10 I'm limited by time, though.

11 Can I ask you then, just on the context of what we are talking  
12 about, you were never actually present in any General Staff meetings;  
13 isn't that right?

14 A. No, never.

15 Q. And --

16 A. Never.

17 Q. And it -- it follows then that you were never aware of any  
18 positions taken by individual members of the staff or how any  
19 decisions were reached; isn't that right?

20 A. I wasn't aware. That's true.

21 Q. Okay. So I want to move then to my final broad topic, and this  
22 is about the films you shot. And I'm not going to show you films,  
23 but I'm going to discuss about the context in which you shot those  
24 films and your intent behind shooting them.

25 So before I do that, I want to go to the middle of this page

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1 again, staying on Mr. Kosumi's foreword. And it's the line that  
2 begins: "In this view ...". Do you see it? I'm going to read it out  
3 anyway. But he's describing your work and the work generally of  
4 journalists, and he said:

5 "In this view, there is often no line between a journalist and a  
6 freedom fighter, only the weapons are different."

7 So does this sentence encapsulate what you did? You volunteered  
8 your camera to assist as best you could? This line sums all of that  
9 up, doesn't it?

10 A. Yes. Mr. Kosumi assessed right the work of a journalist in war  
11 circumstances. And my weapon -- my main weapon was informing people,  
12 producing TV programmes, presenting the KLA, telling about the  
13 sacrifice of the Albanian people for freedom in the media and  
14 elsewhere. This was my main weapon which I think contributed, gave a  
15 concrete contribution in support of the just and fair war of the  
16 Kosovo Liberation Army.

17 Q. And on that support, you'd agree that two other parts of what  
18 you would be doing with your films would be to assist -- boost morale  
19 within the KLA and also to encourage recruitment to the KLA. Those  
20 are two extra extensions of what you're talking about with support  
21 among the Albanian people; is that right?

22 A. Right. These are concrete steps and forms. To encourage the  
23 Albanian youth to support the Kosovo Liberation Army, and this was my  
24 main aim.

25 Q. Okay. Thank you.

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1 MR. TULLY: Mr. President, can I tender that page from  
2 Mr. Bytyqi's book, please.

3 PRESIDING JUDGE SMITH: Any objection?

4 MR. HALLING: We have no objection. As we said earlier in the  
5 week, we would propose it be added to P01264.

6 MR. TULLY: That's fine with us.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 SPOE00351217 to 00351603 -- what specific page?

9 MR. TULLY: SPOE00351231.

10 There's also --

11 PRESIDING JUDGE SMITH: Page --

12 MR. TULLY: Sorry.

13 PRESIDING JUDGE SMITH: What? No, what did you want to say?

14 MR. TULLY: Oh, there's -- I don't know if it matters, but the  
15 translation is our own. Do I need to read that onto the record as  
16 well? Sure. It's also -- our translation is DRS00758.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 The page and the translation is admitted.

19 MR. MISETIC: Mr. President, I'm just going to rise because  
20 we've had an issue. We admitted portions of the book or had tendered  
21 portions of the book yesterday, and I've been told by CMU that there  
22 is a technical issue with joining them to the P exhibit, so we may  
23 have to have separate Defence exhibits for those. But I leave it to  
24 the Court Officer on how we do it.

25 MR. EMMERSON: I wanted to rise, if I may, just to seek a

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1 clarificatory ruling from Your Honours as to what exactly is to be  
2 admitted under that exhibit? Because in -- during the course of this  
3 witness's testimony, certain passages have been put by the  
4 Prosecution, certain passages have been put by the Defence from what  
5 the Prosecution had translated, and passages had been put from the  
6 Defence on Defence translations of the untranslated material.

7 In my submission, those are the portions of the book that should  
8 be admitted rather than the entire document, because the document  
9 itself, the witness has already indicated, is not a document that can  
10 be relied upon as evidence of all -- in all accurate respects. His  
11 key relevance is the videos and photographs that speak for  
12 themselves, which everybody's had an opportunity to look at.

13 But given the way that the witness has commented on his own role  
14 and the function of the book, and, indeed, the questions that  
15 Mr. Tully has just put to him elaborate on that, this is not a  
16 document of any evidentiary value beyond those passages upon which  
17 the witness has been asked to answer questions, both by the SPO in  
18 interview and in testimony and by the Defence.

19 PRESIDING JUDGE SMITH: I don't think at this time we're  
20 intending to offer the entire book. It's just --

21 MR. EMMERSON: Well, I noticed the way that Mr. Halling worded  
22 his intervention [Overlapping speakers] ...

23 PRESIDING JUDGE SMITH: He has said he's willing to do it, but  
24 he hasn't really tendered it as such.

25 MR. EMMERSON: Very well. That -- on that common

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1 understanding --

2 PRESIDING JUDGE SMITH: I understand your request.

3 MR. MISETIC: I need to preserve my position which -- I'm sorry  
4 to interrupt, but now that that issue has come up. The -- without  
5 getting into a long discussion.

6 The Panel has ruled over our objection that, for purposes of  
7 143, "the statement" means an entire statement under Rule 154, 155,  
8 et cetera. Now if you admit portions of this, I'm just going to say  
9 that we object and it's inconsistent with the Panel's earlier ruling  
10 as to what a statement --

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. MISETIC: In other words, because this is now being treated  
13 as a witness statement for purposes of Rule 154 --

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. MISETIC: The book.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 THE INTERPRETER: Microphone, please.

18 MR. MISETIC: It had been tendered under Rule 154.

19 PRESIDING JUDGE SMITH: No.

20 MR. MISETIC: Okay. Then I withdraw it. Thank you.

21 PRESIDING JUDGE SMITH: No, I think they were anticipating the  
22 possibility, but they never got to it. Am I correct?

23 MR. HALLING: Yes, Your Honour. We explicitly did not tender  
24 the book under Rule 154.

25 PRESIDING JUDGE SMITH: So we are going to have separate --

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1 excuse me. We are going to have separate submissions out of the book  
2 not -- because of what was pointed out last night, because we can't  
3 combine them all into one because apparently they came from two  
4 different issues. Correct? That's what we were told by CMU.

5 MR. HALLING: Yeah, yeah, we defer to the Court Officer on this.  
6 If that procedure is not possible, separate exhibits, there is  
7 certainly no objection from us.

8 PRESIDING JUDGE SMITH: I think we have to leave them as  
9 separate exhibits or we're going to get confused. So we will leave  
10 them as separate exhibits.

11 Any objection up here?

12 Okay. We'll proceed with that. And you may admit that one  
13 single page and the translation.

14 [Trial Panel and Court Officer confers]

15 PRESIDING JUDGE SMITH: Go ahead.

16 THE COURT OFFICER: Your Honours, if we can resolve the matter  
17 of assigning exhibit number by e-mail with the parties.

18 PRESIDING JUDGE SMITH: We'll try to get something sorted out on  
19 this so that it makes some sense and you will get an e-mail  
20 concerning it, but it is going to be -- the document you're offering  
21 is going to be admitted. It's just a question of where.

22 THE COURT OFFICER: Thank you, Your Honours.

23 PRESIDING JUDGE SMITH: All right.

24 MR. TULLY: Thank you, Your Honour. I don't mean this as any  
25 criticism of my colleagues, but I hope the clock was stopped for the

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1 purposes of my time.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. TULLY: Okay. That's good to know. Okay.

4 Q. Witness, I'm moving on now to the exact film you shot. So do I  
5 have it correct as well from your book that you stayed mainly in the  
6 Pashtrik zone because you deemed that to be perhaps more organised  
7 than other zones, I think in your own words, but that -- that's it.  
8 Your scope of your knowledge and your view was limited mostly to  
9 Pashtrik?

10 A. That's correct. I operated mostly in this area where I shot  
11 most of my filming, but I was also in Llap zone, Dukagjin zone,  
12 Shala, and so on.

13 Q. Understood. But I'm going to focus on Pashtrik because even  
14 with your view that Pashtrik was perhaps more organised, it's still  
15 apparent from your book that you needed to contribute your skills as  
16 a director to make it seem even more organised than it actually was.  
17 It needed a little bit of Hollywood flair, let's say; is that right?

18 A. That's right. And the organisation was better in this zone  
19 because Radio Free Kosovo was there, KosovaPress Agency, and some  
20 other free institutions operated in the area during the war.

21 Q. Yes. Okay. So speaking about specific instances, we're going  
22 to talk about, I think, four, and the first one is the oath-taking  
23 ceremony. Now, you've been pretty clear about this, that you  
24 required several takes to shoot this. And in discussing the first  
25 take, and what you weren't happy about, I'm going to read out a quote



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1 from your book, which is SPOE00128642, and you said:

2 "Perhaps Abaz and I did not have experience of such recordings  
3 and wanted to present the KLA as a little more majestic, more  
4 emancipated, more urban, and at the same time more powerful."

5 So this is the director and producer's hand coming into what we  
6 see on film; right?

7 A. Right. The main aim was to present the KLA in the most serious  
8 manner in front of the Albanian and international opinion. We tried  
9 to film the oath ceremony in Luzhnica. We had the first take but we  
10 were not satisfied with it, and therefore we filmed then in Klecke  
11 the same ceremony on 26 June. We brought in many more soldiers from  
12 other zones as well, Drenica, and other various brigades from  
13 Pashtrik and Drenica zone.

14 Q. So you're implying a level of organisation and power which did  
15 not reflect reality at the time. That's a fair way to summarise it;  
16 right?

17 A. That's the way we can put it.

18 Q. Okay. So I want to go to the context in which you shot this  
19 piece of film.

20 MR. TULLY: And if I can have on the screen 1D000473.

21 It's IT-05-87 1D00018 and the page number is 1D0000473.

22 Q. Now, this is a report from the ICRC, Witness, which is  
23 describing activities that occurred in Kosovo, and it's describing  
24 around 15 June 1998. And can you remind us what date was the  
25 ceremony shot?

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1 A. Yes, the oath ceremony was shot on 26 June 1998 in Klecke.

2 Q. Okay. So this is -- this is an update from about a week and a  
3 half before the ceremony was shot. And, now, you were aware at the  
4 time that there was quite a crisis happening in that region of Kosovo  
5 that --

6 A. Yes, there was a crisis. I was present myself there. I  
7 witnessed this ongoing crisis.

8 Q. Okay. And I want to just read from the document the -- sorry,  
9 the ICRC's account of the situation.

10 MR. TULLY: It's page 251 in the PDF if that helps.

11 Q. Sorry, Witness, it's a very big document.

12 MR. TULLY: Thank you. It's down. It's down a little bit.

13 Yeah. And it's Update No. 98/04. And I'm going to read out from the  
14 line beginning: "Thousands of people ..."

15 Q. And it's describing the Yugoslav government deploying heavier  
16 military means, control over the Decan, Djakovica, Pec areas close to  
17 the Albanian border. And down below it says:

18 "Thousands of people, mostly women, children, and the elderly,  
19 have left their homes and sought refuge elsewhere in Kosovo, and up  
20 to 3,000 have crossed into neighbouring Montenegro. Some 10,000 have  
21 made the laborious journey across forbidding mountain -- mountain  
22 passes into Albania. Their consistent reports of artillery fire,  
23 direct threats to the lives of unarmed civilians and the deliberate  
24 destruction of houses convey a disturbing picture of the situation  
25 which they have fled."

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1           So does this accurately reflect your memory of the context in  
2           which you shot that ceremony?

3           A.    Yes, counsel. This is my memory as well. And actually the  
4           situation was even more -- it was graver than described here. The  
5           Serbian police and army were constantly launching offensives against  
6           the KLA but also against the civilians. They did not spare  
7           civilians. The situation was dire.

8           Q.    And can tell me what effect did this have, in your opinion, on  
9           the faith in the Albanian people in the ability of the KLA to protect  
10          them against this? Did it shake them?

11          A.    People started becoming aware that without the KLA war, Kosovo  
12          would not be liberated. This was important as I stated yesterday.  
13          Because of the fact that the Albanian leadership was not up to their  
14          task, a part of the population was still reluctant to join the KLA,  
15          and this is what the problem was.

16          Q.    And if this was -- if this was perhaps the largest of the  
17          onslaughts so far by the Serbs, it was a portent of what was going to  
18          come in the future. This is just the beginning of what Serbia was  
19          prepared to do. Isn't that what was on the minds of people when you  
20          shot that ceremony?

21          A.    [No interpretation].

22          Q.    Sorry, could you repeat your answer? It wasn't picked up by the  
23          transcript.

24          A.    We -- we initially filmed the conditions of the civilians  
25          surviving in those circumstances but also the functioning and the

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1 organisation of the KLA, because this was the beginning of the  
2 organisation and the general mobilisation. But the most dramatic  
3 situations occurred later, in August, September, October, November  
4 1998.

5 Q. Well, we will get to that. And I just want to move on from the  
6 oath ceremony, but just then to close this off. It's true then that  
7 the higher the danger the KLA faced, the more a push you felt to  
8 portray the KLA as that organised, powerful army. The intent behind  
9 you shooting those videos became stronger the more threat it faced  
10 from the outside world, whether or not that was true; is that fair?

11 A. It is true that this was our aim, and I believe we managed to  
12 present the KLA in front of the international factor as a serious  
13 voluntary army, and that the political direction of the KLA, very  
14 efficient, made it convince the international factor to support them.

15 Q. Okay. And I'll move on.

16 MR. TULLY: Can I tender that report, Your Honour? That's --  
17 just that page. It's IT-05-87 1D00018, pages 1D000473.

18 PRESIDING JUDGE SMITH: Any objection?

19 MR. HALLING: We certainly wouldn't say the relevance is strong,  
20 but no objection.

21 PRESIDING JUDGE SMITH: IT-05-87 at page 1D000473 -- you also  
22 said 1D00018. I don't know how that fits into this.

23 MR. TULLY: This is a defence exhibit from the ICTY,  
24 Your Honour.

25 PRESIDING JUDGE SMITH: Is the correct call 473? The one ending

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1 in 473?

2 MR. TULLY: Well, the ERN of the document is IT-05-87 1D0018.  
3 That's the entire document. And the page is -- I see the  
4 Court Officer nodding.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. TULLY: All right.

7 PRESIDING JUDGE SMITH: That doesn't make any sense.

8 MR. TULLY: It didn't really to me. That's why I had some  
9 trouble reading it out [Overlapping speakers] ...

10 PRESIDING JUDGE SMITH: The 1D00018 is an exhibit number.

11 MR. TULLY: An exhibit number filed at the ICTY by one of the  
12 defence teams.

13 PRESIDING JUDGE SMITH: Oh. You didn't say that. All right.

14 I'll start over. IT-05-87 1D00018, also called 251, which is  
15 page 1D000473, is admitted.

16 THE COURT OFFICER: Your Honour, that one page will receive  
17 Exhibit 3D00024, and classification is public.

18 PRESIDING JUDGE SMITH: All right.

19 THE COURT OFFICER: Thank you.

20 MR. TULLY:

21 Q. To my second-last topic. You described several times in your  
22 book needing to assist people in delivering messages to the camera.  
23 And to that end you spoke with Ismet Jashari, I believe, who had  
24 trouble getting his message across to your camera; isn't that right?

25 A. That's right. During the filming of the interview with Ismet

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1 Jashari, Commander Kumanova, Kosovo hero, he was emotional as a  
2 freedom fighter, and I had to interrupt the filming on several  
3 occasions because I wanted him to convey the message that he was a  
4 fighter from Kumanova and that he -- his message had to go through to  
5 the Albanian population that everybody needed to join the Kosovo  
6 Liberation Army, including those coming from abroad, and I think we  
7 achieved our aim.

8 Q. Okay. So it was a recruitment drive essentially?

9 A. Yes.

10 Q. And then to Sahit Jashari, when you interviewed him on 18 July,  
11 I believe also that you needed to assist him with what to say to the  
12 camera because he was reluctant to come in front of the camera; is  
13 that right?

14 MR. HALLING: Objection, misstates the evidence. It says the  
15 interview was on 18 July. I believe that's when the footage was  
16 broadcast.

17 MR. TULLY: Oh, my apologies.

18 PRESIDING JUDGE SMITH: I believe you're correct.

19 MR. TULLY: My apologies.

20 Q. But when you interviewed Mr. Jashari --

21 A. It was broadcast on 18 July --

22 Q. Okay.

23 A. -- the documentary.

24 Q. And --

25 A. It was filmed on 26 June 1998.

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1 Q. Okay. So still in the context of the offensives that we're  
2 talking about earlier on with the oath ceremony?

3 A. Yes, there were offensives during that time period as well, but  
4 the largest offensives took place later.

5 Q. Okay. And you needed to assist Mr. Jashari with what to say to  
6 the camera -- or to overcome his reluctance as well? You managed  
7 what he would say to the camera too; right?

8 A. That's right. He was inexperienced, and I had my design and  
9 concept of the documentary in my head, so I wanted Ismet Jashari to  
10 be introduced to the people as a fighter who had voluntarily joined  
11 the KLA, coming from abroad where he left his family. So this was a  
12 message for other Albanians living abroad to come and join the KLA.  
13 So I suggested and directed him as to what and how he should say  
14 things.

15 Q. The part of this interview when he says to the camera, and this  
16 is from P840 at page 6, and this is Mr. Jashari speaking:

17 "The military police of Kosovo Liberation Army are  
18 professionally prepared and always ready to carry out the orders  
19 given by the General Staff of Kosovo."

20 Did you help him to say that -- did -- with the content of what  
21 he'd say to the line? Is that some of your work in there?

22 A. Here too I helped Mr. Sahit Jashari, because he was also  
23 inexperienced in speaking to the media. And I directed him how to  
24 speak, to address the public opinion, saying that the army had a  
25 leadership, to influence as much as possible the public opinion. I

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1 did not know, in fact, if there was a staff, how did it function,  
2 what were its prerogatives.

3 Q. Understood. Now my last topic, and I'm going to focus for a  
4 little bit longer on the New Year's Eve footage that you shot in  
5 which you depict Mr. Selimi and Mr. Fatmir Limaj.

6 Now, you already touched on it but this is a particularly --  
7 don't give too many details at the moment, but we'll -- we'll get  
8 into it. But it's a challenging time for the KLA, to say the least,  
9 in December 1998; isn't that right? Yes?

10 A. Very challenging. Because a few days earlier, on 14 December  
11 1998, in the mountains of Pashtrik, the most devoted fighters of the  
12 Kosovo Liberation Army fell, 38 soldiers including  
13 Commander Muje Krasniqi, Kapuci, and his soldiers. This was a great  
14 loss for the KLA, a significant event, and it impacted the KLA. And  
15 the population was -- understood that further efforts needed to be  
16 made to strengthen the KLA and continue the battles of the KLA for  
17 the liberation of Kosovo.

18 Q. Pause there. I just want to also --

19 A. These were difficult moments.

20 Q. If I can just summarise the state that the KLA is in at that  
21 point. You've lost not only Muje Jashari -- excuse me, Muje  
22 Krasniqi, but you've also -- also the loss of, in 1998, Agim Qelaj,  
23 Commander Kumanova, Fehmi Lladrovci. There had been major losses in  
24 the summer of 1998, and it was piling up at that stage in winter of  
25 1998; right? And I'll add to that that there was also a problem with



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1 numbers in the KLA. Recruitment was at an all-time low. People had  
2 gone back to their home countries.

3 A. It's true that there were some major blows to the KLA,  
4 distinguished senior officers and soldiers, including Sadik Shala,  
5 Ibrahim Mazreku, Nuhi Mazreku, and many, many other distinguished  
6 figures of the war, Bekim Berisha, Bedri Shala, who embodied the  
7 distinguished figures of the KLA. So these were significant blows to  
8 the KLA.

9 The civilians, at the same time, had gone back to their homes in  
10 harsh winter times, and they were barely surviving.

11 Q. Okay. And it was very clear what would happen once the weather  
12 cleared up, that the Serbs would renew the offensive; correct? And  
13 it's in that context that you went to Rexhep Selimi and Fatmir Limaj  
14 with your idea to shoot this video.

15 A. Yes. The main aim was to present the KLA, saying that even on  
16 New Year's Eve, it is ready to face possible attacks from Serbian  
17 forces. The main message was to present the KLA as holding their  
18 positions, visiting martyrs' families. Mr. Selimi, Limaj, and Shala  
19 and other co-fighters would go and pay condolence visits to their  
20 comrades' families.

21 So this was an attempt. And we produced this special programme  
22 about the resistance of the KLA, the will of the KLA, and saying that  
23 on the next year, the upcoming year we would be even stronger, better  
24 organised to achieve the final goal of liberating Kosovo.

25 Q. I want to read from your book at SPOE00128779, and you said:

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1 "I proposed that we should visit some units which were on  
2 duty ..." and so on and so forth.

3 So when you spoke with Mr. Selimi and Mr. Limaj, similar to what  
4 you did with Messrs. Jashari, you told them what you wanted them to  
5 present to the camera in order to get your message across that would  
6 help the KLA? You directed them; is that right?

7 A. Yes. I tried to direct Mr. Limaj and Mr. Selimi some of my  
8 ideas to stress some points in this special programme.

9 Q. And I want to go to what you say when you interview Mr. Selimi.  
10 This is on --

11 MR. TULLY: Perhaps we can have this on the screen. It's just a  
12 transcript. It's P1290 at page 2.

13 THE WITNESS: [Interpretation] There are some mistakes on the  
14 transcript. Instead of Sadik Shala it reads "Sali Shala," second  
15 paragraph.

16 MR. TULLY:

17 Q. Okay. Understood. I'll take that into account. But I want to  
18 look now to -- to your reaction with Mr. Selimi here.

19 A. In Albanian it's the correct spelling. In English, it's wrong.

20 Q. Okay. We'll note that and we'll correct it. But for now, I  
21 just want you to look at your interaction with Mr. Selimi here. And  
22 in particular, I want to look you -- look at the question that you  
23 set Mr. Selimi up with at the very end of what you say, and it's:

24 "Mr. Rexhep, can you tell us what the readiness of the Kosovo  
25 Liberation Army forces looks like during this holiday?"

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1           And before we go to the response, I want you to cast your mind  
2 back to a disagreement that Mr. Misetic described or discussed with  
3 you that you had with Mr. Thaci, where you didn't want to present  
4 anything on screen that might degrade the image of the KLA.

5           So could you tell us, if Mr. Selimi had said on camera, "The KLA  
6 is in a sorry state, the hierarchy is not functioning, and we're not  
7 sure what the future holds," would you have broadcast that?

8           A. No, absolutely not. I would not have broadcast it.

9           Q. Okay. So what he does say to you, and he stays on script with  
10 your message is:

11           "The Kosovo Liberation Army and its General Staff are always  
12 ready to fulfil their military tasks and their obligations towards  
13 their homeland. So even tonight at the end of one year and beginning  
14 of another, the KLA soldiers are in their positions, fulfilling their  
15 duties, promptly following all orders of the General Staff and other  
16 command centres to the hierarchy."

17           And crucially at the end:

18           "So we could say without any reservation that the KLA even  
19 tonight is on the same level it has been before the offensives."

20           Now, Mr. Selimi is delivering that reassuring message and he's  
21 importantly saying that the symbol of the General Staff is there  
22 behind everybody. Whether or not that's true, he's reassuring the  
23 troops who have seen all the death around them and are thinking about  
24 leaving the KLA. Isn't that what's happening here?

25           A. That's correct. As I stated earlier, this was my aim, to

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1 present the KLA that they are up to the task, they are ready to face  
2 the Serbian forces' attacks, so that the civilian population would  
3 feel safer.

4 Q. So how -- then back to what you said about your own book, about  
5 relying on it for its historical accuracy. For his comments on the  
6 General Staff, the "soldiers are in their positions, fulfilling their  
7 duties, promptly following all orders of the General Staff and other  
8 command centres according to hierarchy," you would agree with me that  
9 it would be foolish to place any type of faith in the accuracy of  
10 that statement, wouldn't you?

11 A. Can you repeat it, please?

12 Q. When it said that the "soldiers are in their positions,  
13 fulfilling their duties" -- it's -- I want you to focus on "promptly  
14 following all orders of the General Staff and other command centres  
15 according to the hierarchy." This is not the purpose of your shot.  
16 The purpose is the reassurance, not necessarily to be factually  
17 accurate here; right?

18 A. Yes.

19 Q. Okay. So --

20 PRESIDING JUDGE SMITH: Mr. Tully, Mr. Tully, we need to take a  
21 break.

22 MR. TULLY: I have one last question.

23 PRESIDING JUDGE SMITH: Okay.

24 MR. TULLY: So, finally, I want to direct you to P1091, and it's  
25 at page 2. Sorry, 1291.

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1 Q. And down towards the end of the page, Mr. Selimi is on your  
2 camera saying:

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

7 Now, Witness, did you ever see any order of the General Staff  
8 ordering anybody not to fire?

9 A. No --

10 Q. Did --

11 A. -- no, there wasn't any order. I didn't see any.

12 Q. And did you hear Mr. Selimi give that order to anybody, except  
13 for describing it in your camera?

14 A. No.

15 Q. Did you hear anybody else give that order?

16 A. No.

17 Q. Thank you. I wish you a safe journey home, Witness.

18 MR. TULLY: Those are my questions, Your Honour.

19 THE WITNESS: [Interpretation] Thank you.

20 PRESIDING JUDGE SMITH: We'll take a short break, ten minutes,  
21 as has been our practice.

22 You may go with the Court Usher.

23 [The witness stands down]

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

25 --- Break taken at 10.06 a.m.

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1 --- On resuming at 10.16 a.m.

2 PRESIDING JUDGE SMITH: Please bring the witness in,  
3 Madam Usher.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: All right. Witness, we will now have  
6 Ms. Alagendra from the Krasniqi Defence. She's to your right.  
7 Go ahead.

8 MS. ALAGENDRA: Thank you.

9 Cross-examination by Ms. Alagendra:

10 Q. Good morning, Mr. Bytyqi. I'm Venkateswari Alagendra, and I  
11 represent Mr. Jakup Krasniqi.

12 A. Good morning.

13 Q. I'd like to ask you a few questions on the filming of the first  
14 public appearance. Now, you've told us yesterday that once the name  
15 of the spokesperson of the KLA became public on 11 June, it was you  
16 that made the efforts to contact him to film the first appearance; am  
17 I correct?

18 A. Correct.

19 Q. And your first meeting with Mr. Krasniqi was on the early hours  
20 of 14 June 1998; is that correct?

21 A. Correct. In the final hours of the 13 June, before midnight,  
22 and the early morning of 14 June.

23 Q. Right. And on 4 June, you've testified that the initial  
24 appearance was recorded at the Pellumbi headquarters.

25 MS. ALAGENDRA: And for the reference, it's the transcript of 4

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1 June 2024, page 16645, line 24; and then at page 16646, line 8.

2 Q. Now, the first -- this initial appearance was not recorded at  
3 the Pellumbi unit headquarters, was it? It was at the Celiku unit  
4 headquarters; is that correct?

5 A. Yes. The first public appearance of the spokesperson of the  
6 KLA, Mr. Krasniqi, was shot at the headquarters of Celiku unit in  
7 Klecke. I don't know why you mentioned Pellumbi.

8 Q. There seems to be -- that seems to have been recorded on 4 June  
9 2024 from your evidence, Witness.

10 A. I don't know the relevance. It's not related. It must be  
11 wrong.

12 Q. Yes, right. And in your book you stated that Mr. Krasniqi came  
13 from Divjake for this interview to make the first public appearance;  
14 is that correct?

15 A. I didn't see where he came from, but I thought he came from  
16 Divjake because the General Staff was there. That's why I thought he  
17 came from there, but I didn't see him coming from there.

18 Q. All right. And announcing the spokesperson by his first and  
19 last name brought significant risk to Mr. Jakup Krasniqi, didn't it,  
20 at the time, given the situation at the time?

21 A. Certainly it did. It was a major sacrifice not only for  
22 Mr. Krasniqi but especially for his family that lived in Negroc  
23 village. His father was also alive. His broad family, extensive  
24 family was there. So it was really risky to present someone by name  
25 and last name before the public.

1           As a journalist, having worked all my life publicly, even though  
2 I was given the first historic, I would say, opportunity to conduct  
3 this public -- first public interview with him was risky because my  
4 family was living in Shkoze of Malisheve. Even for me it was risky  
5 to appear publicly, by name and last name, before the camera for this  
6 interview. So it was very important but also very risky for me.

7           I consulted with Mr. Krasniqi, and he asked me about the  
8 questions I was going to ask him. I had already prepared them. And  
9 I said, "Thank you very much for trusting me, but I cannot appear  
10 before the camera and ask you the questions publicly because of the  
11 security or the risk for my family," because the Serbian police might  
12 have arrested me and I would no longer work as a journalist. That's  
13 why I didn't ask the questions before the camera of Mr. Krasniqi.  
14 Only to be able to continue to work and to describe the work of the  
15 KLA, to present the situation in the war zones of the civilian  
16 population in the conditions of the occupation. That was the truth.

17 Q.   Yes. And you mention that you consulted with Mr. Krasniqi, and  
18 you've said it a couple of times in your evidence that you had  
19 consulted with Mr. Krasniqi. When you say "consulted," I just want  
20 to be clear, Witness, you mean discussions that you had? You were  
21 giving ideas and exchanging suggestions? Is that what you mean by  
22 "consulting"?

23 A.   Yes. I knew Mr. Krasniqi from before. He was a known public  
24 figure, an outstanding activist, a patriot, formerly political  
25 prisoner, and he had been a member of the LDK in Drenoc, the chairman



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1 of the LDK local branch. And then he had joined the KLA out of his  
2 own free will to contribute to the liberation of the country.

3 So I trusted him, he trusted me, and we consulted about the  
4 content of the interview. As I said, I had my own thesis. He had  
5 his own vision as to what he wanted to speak about. So I as an  
6 intellectual, as a courageous intellectual and historian, he managed  
7 to convey a clear message to the public about the liberation war, who  
8 supports this army, what it was fighting for, and so on.

9 Q. Thank you. After the filming of that first public appearance  
10 was completed, Mr. Krasniqi left Klecke, didn't he?

11 A. Yes, Mr. Krasniqi --

12 Q. That very night.

13 A. -- left Klecke. As to where he went, I don't know. It was  
14 after midnight. It was 14 June 1998. I remained there all night in  
15 the same room. That's where I slept, together with Abaz Zeka, my  
16 cameraman, and Fatmir Limaj.

17 MS. ALAGENDRA: I'm told, Your Honours, that there is an error  
18 on the transcript, and it reads at line 25 of page 39 as "Drenoc"  
19 when it should be Drenas. If that can be corrected, please.

20 Q. Witness, I would like to show you and if I could call up  
21 DJK00812, please.

22 Witness, earlier -- Witness, you were shown a video when you  
23 were questioned by the Prosecution, and this appears to a video of an  
24 interview -- or, rather, you were interviewed by *Frontal*. Do you see  
25 that? Do you recall that?

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1 A. Yes, I recall that. But you have to play the video for me to be  
2 able --

3 Q. Yes.

4 A. -- to comment, because we are talking about two different dates.

5 Q. Yes, I agree. But I just want to ask you, in that interview by  
6 *Frontal*, you also spoke about the filming of the public appearance of  
7 Mr. Krasniqi, didn't you, the KLA spokesperson public announcement?

8 A. Yes.

9 Q. Yes, you spoke about that.

10 A. Yes, I did.

11 Q. And this is a screenshot taken at 02:25 of that interview, and  
12 you are quoted as saying:

13 "They had set up a table with a computer on it. Jakup Krasniqi  
14 was sitting on a chair."

15 Now, that's what you said in that interview, isn't it, Witness,  
16 the caption?

17 A. Yes.

18 Q. Right. Now, when Mr. Krasniqi came from Divjake, the  
19 preparations for the filming had already been done, am I correct?  
20 The setting up of the table and the computer on it?

21 A. Yes.

22 Q. Mr. Krasniqi did not come to Klecke with a computer, did he?

23 A. No, no.

24 Q. And neither did you see him taking that computer and leaving  
25 Klecke; am I correct?

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1 A. No, I didn't. I didn't see him.

2 Q. Now, yesterday in your evidence you were shown a documentary or  
3 part of an interview, and that is at 061427-28, which is part of an  
4 interview with Mr. Krasniqi which was broadcast on 18 July 1998.

5 MS. ALAGENDRA: We can take the photo down off the screen,  
6 please. Thanks.

7 Q. And your testimony at page 5, lines 15 to 23 of that transcript,  
8 is this:

9 "We don't" --

10 MS. ALAGENDRA: We can put up the English version of it, if it's  
11 possible. No, it was the transcript from yesterday, please. Ah,  
12 it's only a provisional transcript, I'm told.

13 Q. I'll read to you what you said yesterday, Witness. Hopefully  
14 you'll follow from that.

15 A. Okay.

16 Q. You're asked to describe the documentary, and you said this:

17 "This is a part of the documentary dedicated to the Kosovo  
18 Liberation Army, broadcast on 18 July 1998 on the Albanian  
19 television. Mr. Krasniqi is asserting things about the  
20 organisational matters of the Kosovo Liberation Army, which is part  
21 of his tasks."

22 Now, I was told yesterday that you had, in fact, said that it  
23 was part of his tasks as a spokesperson. I just want to clarify,  
24 when you mentioned "part of his tasks," what tasks were you referring  
25 to? Did you say "tasks as a spokesperson"?

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1 A. Yes, I had in mind his main tasks as a spokesperson of the KLA.

2 Q. And you'd agree with me that part of the tasks of the  
3 spokesperson, as you put it, was to portray the Kosovo Liberation  
4 Army to be as organised as possible; yes?

5 A. Correct. The duty of every spokesperson, not only of  
6 Mr. Krasniqi in this case, is to give a very dignified reflection of  
7 the work of an institution that they represent.

8 Q. I'll move now to an interview with *Zeri* that you were shown  
9 yesterday.

10 MS. ALAGENDRA: If I could have P1287 on the screen, please.  
11 Yes.

12 Q. Do you recall being shown this interview yesterday, Witness?

13 A. Yes, I recall it.

14 Q. Yes. And you confirmed that you had published this interview on  
15 17 October 1998; that's correct? Yes.

16 A. Yes. On 17 October, in the weekly magazine *Zeri*, I published  
17 this interview with Mr. Krasniqi.

18 Q. Right. You were only shown an English version of the document,  
19 Witness, and not the Albanian version of it, so when asked by the  
20 Prosecution if this reflected the exchange from the October 1998 *Zeri*  
21 interview, your answer was:

22 "Most probably, yes, but I don't have the original here. I  
23 should be able to see the original and not just a transcript. You  
24 should show in parallel the original of the transcript and not  
25 proceed in a selective manner."

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1 Do you recall saying that?

2 A. Yes, I do. I said that because I wanted to compare the original  
3 with the translation. I do have the original of this interview. If  
4 you need it, I might provide it to you.

5 Q. But it's correct, isn't it, that without the original version  
6 you are not in a position, 25 years later, to confirm every word on  
7 this interview as published in the English; am I correct? Or as  
8 produced in the English, rather.

9 A. Very correct. And this is an international court and should be  
10 more serious and show both the original and the translation, because  
11 the original has extraordinary value. Only the original can  
12 represent concrete evidence, because there may be mistakes in the  
13 translation.

14 Q. Right. And interviews such as this were being conducted under  
15 very difficult circumstances at the time, weren't they?

16 A. Yes, it's true. After the constant offensives of the Serbian  
17 forces in Drenica, Dukagjin, Llapushnik, Llap, all the regions of  
18 Kosovo, especially in August and September of 1998, I did this  
19 interview with Mr. Krasniqi in October 1998 to reflect the real  
20 situation in the war zones and the efforts of the KLA to assist the  
21 civilian population, provide greater security, because there were  
22 thousands of civilians sheltered in the Berisha mountains and other  
23 zones of Drenica and Llapush.

24 The situation was very difficult. It was a humanitarian crisis.  
25 The Mother Teresa association was providing assistance along with

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1 American and European organisations because the local population  
2 lacked the most elementary food stuffs and other things to survive in  
3 the mountains. I remember that even the Albanian school was  
4 operating in the Berisha mountain, putting up tents, and having the  
5 teachers from the villages, you know, teach the kids.

6 And it was very hard for me to watch children and teachers learn  
7 in those conditions. It was a fight for survival that made me think  
8 to prepare this documentary after the war, after -- with my  
9 colleagues. And it was awarded prizes in international competitions.  
10 It was, as I said, a dire situation. And so in this context, I  
11 realised also the interview with Mr. Krasniqi, that was a very  
12 realistic depiction of the situation.

13 Q. Thank you.

14 MS. ALAGENDRA: I would like to now refer to page 553 to 555 of  
15 P1264. The ERN is at 128922 to 24, ending 24.

16 Your Honours, while that's coming up, if I could have the  
17 earlier document shown on the screen, DJK00812, marked as evidence.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. HALLING: We have no objection, Your Honour.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE INTERPRETER: Microphone, please.

22 PRESIDING JUDGE SMITH: DJK00812 is admitted.

23 MS. ALAGENDRA: Okay.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MS. ALAGENDRA: The page is 128922.

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1 THE COURT OFFICER: If I may assign an exhibit number, please.

2 MS. ALAGENDRA: Ah, yes. Sorry.

3 THE COURT OFFICER: DJK00812 will receive Exhibit 4D00065.

4 Classification is public. Thank you.

5 MS. ALAGENDRA: Thank you. So on this document, could I have  
6 page 128922, please, to 24. We'll start with 922. Yes.

7 Q. Would you like to take a moment to read it, Witness? The  
8 relevant part is:

9 "The first post-war visit of a Kosovo delegation to the US."

10 Yes. This visit of the Kosovo delegation was in September 1999;  
11 am I correct?

12 A. Yes, correct. In September 1999, the delegation from the  
13 Kosovo -- a provisional government of Republic of Kosovo was in  
14 Washington, invited by the State Department, with the State Secretary  
15 Mrs. Albright.

16 Q. And you left on 11 September 1999 for Washington to join the  
17 delegation; yes?

18 A. Yes, because the delegation went there a day before. I had to  
19 wait for a visa to be issued at the embassy in Skopje, and then I  
20 joined the delegation.

21 Q. Yes. And Mr. Krasniqi was one of the members of that delegation  
22 to Washington; am I correct?

23 A. Yes, he was a member of the delegation of the Provisional  
24 Government of Kosovo led by Hashim Thaci in the meeting with  
25 Ms. Albright.

1 Q. And at the time, Mr. Krasniqi was the minister of reconstruction  
2 and development in the provisional government; is that correct?

3 A. Correct. He was minister of this ministry, but he was at the  
4 same time a spokesperson of the Provisional Government of Kosovo.

5 Q. Right.

6 MS. ALAGENDRA: If I can have on the screen DJK00811, which is a  
7 video. And the transcript at DJK00811-TR, please.

8 If you could play just the first three to five seconds of the  
9 video.

10 [Video-clip played]

11 THE INTERPRETER: [Voiceover] "Good morning ..."

12 MS. ALAGENDRA: Three to five seconds.

13 [Video-clip played]

14 THE INTERPRETER: [Voiceover] "... welcome to everybody."

15 MS. ALAGENDRA: Yes.

16 Q. Now, we have the transcript of the speech. Did you attend this  
17 conference, Witness?

18 A. Yes, I did.

19 Q. Right. And this was a speech by Mr. Krasniqi at the Conference  
20 on Reconstruction in the Balkans that was held on 20 September 1999;  
21 am I correct?

22 A. Yes, correct. This was held in Prishtine, this international  
23 conference, where Mr. Krasniqi is speaking in his capacity as a  
24 minister.

25 Q. Witness, just to confirm. Was this meeting in Washington or in



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1 Prishtine?

2 A. To my knowledge, it was in Prishtine. We -- I don't have the  
3 transcript in Albanian. There was an international conference held  
4 in Prishtine. I was not in the conference held in Washington. I did  
5 not attend. So I would probably need to see -- to watch the video or  
6 have the transcript in Albanian.

7 Q. Right. This is a conference that was held in Washington on  
8 20 September 1999, so you were not at this conference?

9 A. I was -- on 20 September, I was not. I was in Washington but  
10 not on 20 September. We returned with Mr. Thaci and other members of  
11 the delegation on 17th. We returned to Prishtine.

12 Q. Right. And Mr. Krasniqi did not return in that delegation then,  
13 would that be correct?

14 A. Correct. He stayed for further planned activities as a  
15 minister. And I don't know who else stayed there. We had to return  
16 because in Prishtine on 18 September 1999 we had to attend a rally  
17 for freedom in Prishtine.

18 Q. Right. Thank you.

19 MS. ALAGENDRA: Yes, if I could have that video and the  
20 corresponding transcript tendered, Your Honours.

21 MR. HALLING: No objection, Your Honour.

22 PRESIDING JUDGE SMITH: DJK00811 and the transcript is admitted.

23 THE COURT OFFICER: Your Honour, that will be 4D00066, and  
24 classification is public. Thank you.

25 MS. ALAGENDRA: Those are all my questions, Your Honour.

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Re-examination by Mr. Halling

1 Q. Thank you very much, Witness.

2 PRESIDING JUDGE SMITH: Thank you.

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. HALLING: We do, Your Honour. I'm hoping to finish by the  
6 break. If not, immediately after the break.

7 And if the Court Officer could please -- to start, please pull  
8 up P1264, which is the book, page 280, and this would be SPOE00128650  
9 in English and Albanian.

10 Re-examination by Mr. Halling:

11 Q. And, Witness, while this page of your book is put on the screen,  
12 I want to ask you about a few of the incidents that you discussed in  
13 the course of your cross-examination with the Thaci Defence. And I  
14 want to start with this incident with the Dukagjin soldiers that you  
15 write about in the book where, even though Hashim Thaci is with you,  
16 you were told you didn't have permission to film.

17 First, around when did that incident occur?

18 A. It was in June 1998, second half of June. Towards the end of  
19 June. End of June most probably.

20 Q. And was Ramush Haradinaj the superior officer of the soldiers  
21 that you spoke to?

22 A. Yes. Ramush Haradinaj was the commander of the operational zone  
23 of Dukagjin. And his soldiers told us that they had an order from  
24 the commander, Haradinaj, not to allow us to film any footage in the  
25 area of Dukagjin.

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Re-examination by Mr. Halling

1 Q. Right.

2 MR. HALLING: And for reference, this is discussed on page 16777  
3 of the transcript from yesterday.

4 Q. I believe, Witness, that what you're describing now is on this  
5 part of the page in the last paragraph somewhere in the middle:

6 "When we met some KLA fighters in Broliq, Dubovik, and Krushec  
7 ... they told us that without the approval of Commander Ramush  
8 Haradinaj we could not film."

9 So, Witness, as I understand your evidence, this exchange showed  
10 that there's no functioning hierarchy because they would not let you  
11 film without the consent of their commander; is that right?

12 A. Yes, without the permission of Commander Haradinaj, we could not  
13 film in Dukagjin. I assessed that Mr. Thaci was responsible in  
14 charge of information throughout Kosovo, throughout the entire  
15 territory of Kosovo, and that he had the prerogative to authorise  
16 filming, including in the area of Dukagjin. This is the truth.

17 Q. I understand Hashim Thaci was present with you. Did he give any  
18 orders in the course of this exchange with the Dukagjin soldiers?

19 A. No. Hashim Thaci heard the exchange between me and the KLA  
20 fighters. He did not wish to go into a dispute or conflict with them  
21 because they only recognised the command of Ramush Haradinaj, and I  
22 did not want to have an incident there. As I said yesterday, upon my  
23 insistence -- so I insisted to get some images about the burned  
24 down -- the burnt houses and the situation, the conditions of the  
25 civilians in the area of Dukagjin. So I violated the order. I

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1 filmed. I took some images not of the military part but of the  
2 civilians.

3 Q. So you said in your last answer that "he did not wish to go into  
4 a dispute or conflict with them." Witness, you met Ramush Haradinaj  
5 in the Dukagjin zone also around 29 April 1998; is that correct?

6 A. Correct. I met Mr. Haradinaj on 29 April 1998 in Gllogjan in  
7 the Selmani family house.

8 MR. HALLING: And this is on page 225 to 226 of the book. If we  
9 could please go there. It's SPOE00128595, and it would be at the  
10 bottom of the page.

11 Q. So here it says in your book, and this is in relation to that  
12 29 April 1998 meeting, that meeting was about you wanting to film in  
13 the Dukagjin operative zone; is that correct?

14 A. Correct. I went there, introduced myself. I went there on my  
15 own free will. This was a meeting prior to the meeting with  
16 Mr. Thaci. And I insisted that -- upon the consent and agreement of  
17 the operational staff of the Dukagjini zone to have a cameraman and  
18 take some images depicting the situation in Dukagjin, but the images  
19 were not taken -- he said that -- Ramush said that the images could  
20 not be shot during that month, and he added -- asked me for my phone  
21 number and he said, "I'll get in touch with you whenever this is  
22 possible."

23 Q. Exactly what is written here, and it's the last paragraph on the  
24 page:

25 "Ramush received my proposal to report from Dukagjin Operative

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1 Zone very well, but he said, for the time being the KLA General Staff  
2 had ordered no filming in those areas."

3 Witness, is that what happened?

4 A. This is what happened.

5 Q. Okay. Next, you talk about an incident with Idriz Vehapi.

6 MR. HALLING: And this is on page 16778, 16779.

7 THE WITNESS: [Interpretation] Idriz Vehapi.

8 MR. HALLING:

9 Q. And this was discussed with the Thaci Defence yesterday.

10 MR. HALLING: If we could now please go to page 287 of your  
11 book, which is SPOE00128657, which is where this incident is  
12 discussed.

13 Q. And, Witness, as I understand it, this is also an occasion where  
14 you were with Hashim Thaci and wanted to film, and Idriz Vehapi did  
15 not let you film even though Hashim Thaci said it was all right. Is  
16 that a fair description of the incident?

17 A. Yes, that's correct. Mr. Thaci was there. I insisted to film,  
18 but Idriz Vehapi said, "No, you can't film," and we didn't.

19 Q. And is Idriz Vehapi related to you?

20 A. Not directly but indirectly. They are the in-laws of my  
21 brother. But I don't have any direct close family relations.  
22 However, Idriz and Flurim Gashi, who was with me, he called me  
23 "uncle," and sometimes Idriz would address me also as Uncle Nuhi.

24 Q. Right. And here it says, and this is in the paragraph at the  
25 bottom of the screen:

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1            "Uncle Nuhi, I am very sorry but there can be no filming,  
2 because the decision of the General Staff of the KLA is in force,  
3 that is to say nobody can film without permission. I am sorry but  
4 for as long as I do not have a written decision you may not film."

5            Does that accurately reflect what happened?

6            A. Yes, it does.

7            Q. And then a later on the page at the end, it says:

8            "Thaci said: 'Nuhi has our approval', while Idriz said: 'OK,  
9 but you yourselves have made the decision that without special  
10 written permission no-one may film. While that decision is in force,  
11 I am obliged to respect it.'"

12           Witness, did that happen as described in your book?

13           A. Yes, that's correct.

14           Q. Now, Naim Maloku. This was discussed on transcript page 16780  
15 yesterday. You said in response to a question of the Thaci Defence  
16 that Mr. Thaci wanted to be consulted before you interviewed  
17 Naim Maloku. But if we could now go to page 371 of the book. This  
18 would be SPOE00128741.

19           Because, Witness, as I do understand it, you did have a  
20 discussion with Hashim Thaci about this interview prior to its  
21 publication; is that correct?

22           A. Correct. After conducting the interview with Mr. Maloku, he  
23 asked, "What did you do," and I informed him that I had done an  
24 interview with Mr. Maloku, and the conversation went on as to should  
25 we broadcast it or not. I stood by my position, my professional

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1 position, that this should be broadcast. My professional ethics  
2 would not allow me not to broadcast an interview that had been  
3 realised unless there is a major reason, so I insisted for it to be  
4 broadcast.

5 Q. And Hashim Thaci's reaction is described in the paragraph on the  
6 top of this page. It starts with:

7 "In an instant he said to me ... 'If you publish it we shall  
8 review further collaboration with you.' Fatmir Limaj and Shaban  
9 Dragaj were present there. Shaban did not support me at all. He  
10 took Hashim's side. Fatmir did not get involved at all, being  
11 convinced that I know my own business and that I was not harming the  
12 KLA in any way. Hashim again insisted that it should not be  
13 published."

14 Witness, does this reflect the conversation you had with  
15 Hashim Thaci before this was published?

16 A. It's described very accurately.

17 MR. HALLING: And if we could go to the next page.

18 Q. And as that's pulled up. And despite that conversation,  
19 Witness, you published the interview anyway; right?

20 A. Yes, I published it.

21 Q. And then you had a conversation with Hashim Thaci about that  
22 decision after the article's publication. Also correct?

23 A. Yes. I met him by chance in the Llap operative zone where I  
24 went to film. Mr. Thaci was there in a meeting. We greeted each  
25 other, including with Mr. Selimi and Mr. Krasniqi, and he said to me,

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1 "Nuhi, so you published the interview with Mr. Maloku," and I said,  
2 "Yes, I did." So he said, "It's fine." He smiled and he left the  
3 place.

4 Q. He seems to have said a little more than that. On the top of  
5 the page in this paragraph, it says as follows:

6 "When they came out of the meeting, we met Hashim face-to-face.  
7 He said to me: 'Nuhi, you made public the interview with Maloku.  
8 You published it, why did you publish it!' I said to him" --

9 A. Yes.

10 Q. -- "'Yes, I told you that I would publish it, because I am an  
11 independent journalist and I had no reason not to publish it.' He  
12 told me that 'It was a good interview!' but he wanted to tell me,  
13 however, that I had to respect his decision."

14 Witness, is that what happened?

15 A. More or less, yes, that's how it is.

16 MR. HALLING: Your Honours, I do have a few more questions.  
17 We'll be finished in the first ten minutes after the break.

18 PRESIDING JUDGE SMITH: All right.

19 Witness, it's time for the 11.00 break. We'll be back at 11.30.  
20 You may leave the courtroom in the company of the Court Usher.

21 [The witness stands down]

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

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

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

25 PRESIDING JUDGE SMITH: Anything to report, Mr. Halling?



1 MR. HALLING: Yes, Your Honour. We would request to go into  
2 private session to give the update requested.

3 PRESIDING JUDGE SMITH: Into private session, please.

4 [Private session]

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1 [Open session]

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

3 MR. HALLING: Yes. And as the witness is being brought in, the  
4 next page of the book on the screen would be P01264, and it's page  
5 SPOE00128602, which is page 232 of the book.

6 [The witness takes the stand]

7 PRESIDING JUDGE SMITH: All right. Witness, we continue.  
8 Go ahead, Mr. Halling.

9 MR. HALLING: Thank you, Your Honour.

10 Q. Witness, I only have a few more questions for you following the  
11 discussion you had in cross-examination. In addition to the  
12 questions that you were asked by the Thaci Defence, the Selimi  
13 Defence asked you briefly about your first meeting with  
14 Fehmi Lladrovci. Do you remember that?

15 A. Yes, very well. I remember very well my first meeting with  
16 Fehmi Lladrovci, who was a very important figure in the war of the  
17 KLA. We met in the Abri e Eperme village at the beginning of May  
18 1998.

19 MR. HALLING: Yes. So this was page 16838 of yesterday's  
20 transcript.

21 Q. Witness, here on the bottom of the page it's talking about that  
22 meeting, and it begins:

23 "Later that night, I asked Lladrovci to give an interview for  
24 TVSh about the war of the Kosovo Liberation Army. He was always open  
25 with the ..."



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1 MR. HALLING: And if the Court Officer could please turn over  
2 the page.

3 Q. "... he was always open with the journalists because he  
4 understood the importance of the media. However, he said, 'Nuhi,  
5 talk to the KLA GS. Without the permission of the competent people I  
6 cannot give an interview.'"

7 Does that accurately reflect what Fehmi Lladrovci said to you?

8 A. Yes, it does. Very accurately.

9 Q. You were also asked by the Selimi Defence about your first  
10 meeting with Rexhep Selimi.

11 MR. HALLING: And if we could go to the next page of the book,  
12 where that is discussed.

13 Q. So in the second paragraph on the screen in English, it says:

14 "Likewise, Rexhep Selimi told me, 'As KLA GS, we have not yet  
15 made a decision as to who among the journalists can be authorised to  
16 report from the war zones, who could be always present in those  
17 zones. When we come to an agreement with the General Staff, we will  
18 let you know'."

19 Did Rexhep Selimi say that to you?

20 A. Yes, approximately so. Yes.

21 Q. Witness, today the Selimi Defence asked you a variety of  
22 questions about how the KLA's organisation was presented by you, even  
23 using "Hollywood flair" at one point, and this is in a question at  
24 page 23 of the realtime transcript.

25 Witness, as an independent journalist, was your aim to

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1 objectively report the facts of the war?

2 A. Yes. It was a very responsible task, for me and for my  
3 colleagues with whom we work in those difficult circumstances, to  
4 give a real representation of the situation in war zones and the  
5 actions of the KLA to protect the civilian population in those  
6 circumstances where the entire Kosovo was under Serbian siege.

7 Q. So your aim wasn't Hollywood flair. It was to present the war  
8 as it really was; is that right?

9 A. Yes, that was the main objective. But also to present the KLA  
10 as a modern, serious army that had the support of the United States  
11 and its allies, and to help the citizens and the public opinion, to  
12 create the opinion that the KLA is not an army that commits crimes  
13 against the Serbian civilian population but that fights against the  
14 Serbian police and army. That was the main purpose.

15 Q. So presenting the objective facts of the war included presenting  
16 the KLA "as a modern, serious army." Is that your evidence?

17 A. Yes, that was our objective, because every journalist,  
18 especially us, who were very few in numbers in the war zones, in  
19 addition to the presentation of the real situation of the civilian  
20 population, we wanted to give the idea that this was a serious army.  
21 That was the main purpose.

22 Q. And, Witness, all of the footage that we have seen this week -  
23 soldiers in formation taking oaths, saluting commanders, expressing  
24 the hierarchical superiority of the General Staff time and again -  
25 was this you presenting the reality of the war?

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1 A. Yes, I did my best to present the reality of the war and of the  
2 KLA.

3 MR. HALLING: Nothing further.

4 PRESIDING JUDGE SMITH: Witness, your testimony is completed.  
5 You may leave the courtroom now. We thank you for being with us.

6 THE WITNESS: [Interpretation] Your Honour, since I responded to  
7 the questions of the Prosecution and the Defence, I wanted to thank  
8 you for giving me the opportunity before this honourable Court and  
9 the public opinion to present my testimony of my work as a journalist  
10 during the war period, which I considered as one of the most  
11 important periods of my professional expert experience. I tried to  
12 present the truth, and I saw that part of the book I wrote is  
13 presented by the Prosecution as evidence. I would kindly ask you to  
14 remember that --

15 PRESIDING JUDGE SMITH: Please -- please -- please --

16 THE WITNESS: [Interpretation] -- they are my memories.

17 PRESIDING JUDGE SMITH: Please, Witness, you are getting into  
18 materials that have already been asked and answered of you. You may  
19 leave the room now. Thank you.

20 THE WITNESS: [Interpretation] I -- I --

21 PRESIDING JUDGE SMITH: You may leave the room now.

22 THE WITNESS: [Interpretation] -- wanted to thank you once again  
23 for enabling me to come here and to express my views as a  
24 journalist --

25 PRESIDING JUDGE SMITH: You've said that. Witness -- Witness --

1 THE WITNESS: [Interpretation] Please. [Microphone not  
2 activated].

3 PRESIDING JUDGE SMITH: Witness, I've turned your microphone  
4 off. I want you to please leave the room now.

5 THE WITNESS: [Interpretation] I wanted only to add that as an  
6 independent journalist --

7 PRESIDING JUDGE SMITH: Witness -- Witness --

8 THE WITNESS: [Microphone not activated].

9 PRESIDING JUDGE SMITH: Witness, your microphone is off.  
10 Mr. Witness, I will have security remove you if you will not leave  
11 the room.

12 [The witness withdrew]

13 PRESIDING JUDGE SMITH: We will take a 20-minute break to set up  
14 for the next witness.

15 We're adjourned for 20 minutes.

16 --- Break taken at 11.49 a.m.

17 --- On resuming at 12.13 p.m.

18 PRESIDING JUDGE SMITH: Yes, sir.

19 MR. MISETIC: Mr. President, I rise just to say that the next  
20 witness will be handled by co-counsel, Ms. Menegon, and to introduce  
21 Jakub Kamenicky to the Trial Panel, who is making his first  
22 appearance in court today. Thank you.

23 PRESIDING JUDGE SMITH: Just a couple of notes, a couple of  
24 comments. It's quite obvious that about all we can do is three days  
25 and three days as many times as it takes to finish the witness we

1 were talking about earlier this morning. We will expect Prosecution  
2 to backfill some backup witnesses into those Thursdays that we cannot  
3 now use. There are plenty of opportunities for short witnesses so  
4 that we don't waste that day.

5 Secondly, it looks to me, since this is a 154 witness, that the  
6 estimates that have so far been submitted, which are now somewhat  
7 old, are excessive.

8 You have 33 hours for Defence. You have over ten hours with a  
9 154 witness. I'd like everybody to take a serious look, knowing what  
10 you now know, at those estimates, collaborate a little bit amongst  
11 yourselves, and especially on the Defence side. How you split up the  
12 time is up to you, but we think 20 hours is sufficient if you divide  
13 it up. If you can do it for less than that, that's great too. But I  
14 would like to have this resolved in a reasonable period of time given  
15 the restrictions that we now know that we have.

16 So, anyway, that's our comment. We will make decisions on this.  
17 Please get us a revised estimate within three days.

18 MS. O'REILLY: Your Honour, we might need a little more than  
19 three days. I mean, we're just finishing this block. Obviously, we  
20 know, broadly speaking, what his evidence is about, but we need to  
21 both look at it comprehensively, the prep that's been done so far,  
22 and speak to each other. So I would say by next Wednesday, or  
23 Thursday perhaps, we could give you that information.

24 MR. MISETIC: And, Mr. President, if I could just add, I don't  
25 know if that order also applies to the Prosecution, but giving them

1 the -- the volume of material that's coming in and prior statements  
2 plus ten hours plus proofing notes is -- it's difficult to foresee --

3 PRESIDING JUDGE SMITH: I did say that it applies to everybody.

4 MR. MISETIC: Okay.

5 PRESIDING JUDGE SMITH: I think the ten hours is excessive  
6 considering the type of submission you're going to make. I'm just  
7 asking you to please take a look at it. It'll be due Wednesday. All  
8 right, everybody? Thank you.

9 I believe we're ready for the next witness, 4824.

10 Madam Usher, you can bring in him. Or Mr. Court Officer I think  
11 it is.

12 [The witness entered court via videolink]

13 THE COURT OFFICER: [via videolink] Your Honours, for the record,  
14 present in the remote VTC room are Witness W04824, and myself,  
15 Court Officer.

16 PRESIDING JUDGE SMITH: Could you ask the witness to please back  
17 up a little bit if there's room.

18 THE COURT OFFICER: [via videolink] Unfortunately, there's not a  
19 lot of room.

20 PRESIDING JUDGE SMITH: Oh, okay. Well, then --

21 THE COURT OFFICER: [via videolink] It will be better once he  
22 sits down.

23 PRESIDING JUDGE SMITH: All right.

24 Can you hear me, Witness? Can you hear the translators?

25 THE COURT OFFICER: [via videolink] It appears there's --

Witness: Zoran Stankovic (Open Session)  
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1 THE WITNESS: [via videolink] [Interpretation] I hear you now. I  
2 hear you now.

3 PRESIDING JUDGE SMITH: Good.

4 Good morning, Witness.

5 THE WITNESS: [via videolink] [Interpretation] Good morning.

6 PRESIDING JUDGE SMITH: The staff member with you will now  
7 provide you with the text of a solemn declaration which you are asked  
8 to take pursuant to our Rule 141. Take a look at the document and  
9 then read it out loud.

10 THE WITNESS: [via videolink] [Interpretation] Conscious of the  
11 significance of my testimony and my legal responsibility, I solemnly  
12 declare that I will tell the truth, the whole truth, and nothing but  
13 the truth, and that I shall not withhold anything which has come to  
14 my knowledge.

15 WITNESS: ZORAN STANKOVIC

16 [The witness answered through interpreter]

17 [The witness testified via videolink]

18 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated  
19 now. Very good.

20 Witness, today we will start your testimony which is expected to  
21 last approximately two hours. As you may know, the Prosecution will  
22 ask you questions first. Once they are finished, Victims' Counsel  
23 will have some questions for you. And after that, the Defence has  
24 the right to ask questions of you. Members of the Panel might also  
25 ask questions of you.

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1           The Prosecution estimate for your examination is 30 minutes.  
2           Victims' Counsel estimates that it will need approximately  
3           15 minutes. The Defence estimates that it will need approximately  
4           1.5 hours. As regards each estimate, we hope that counsel will be  
5           judicious in the use of their time. The Panel may allow redirect  
6           examination if conditions for it are met.

7           Witness, please try to answer the questions clearly with short  
8           sentences. If you don't understand a question, feel free to ask  
9           counsel to repeat the question or tell them you don't understand and  
10          they will clarify.

11          Also, please try to indicate the basis of your knowledge of  
12          facts and circumstances that you will be asked about.

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

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

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

24          Please stop talking if I ask you to do so and also stop talking  
25          if you see me raise my hand. These indications mean that I need to



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1 give you an instruction.

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

4 We begin with the questioning by the Prosecution. They will  
5 begin at this time. Please give them your attention.

6 Go ahead, Mr. Michalczuk.

7 MR. MICHALCZUK: Thanks, Your Honour.

8 Examination by Mr. Michalczuk:

9 Q. Good morning, Witness. We met before earlier this week, but let  
10 me introduce myself again. My name is Cezary Michalczuk, and I'll be  
11 asking you questions on behalf of the SPO. Are you ready?

12 A. I am.

13 Q. What is your name and surname?

14 A. Zoran Stankovic.

15 Q. What is your date of birth?

16 A. 23 May 1973.

17 Q. And what is your place of birth?

18 A. Gnjilane.

19 Q. Your ethnicity, sir?

20 A. I am a Serb.

21 Q. Witness, have you been previously interviewed by the SPO?

22 A. Yes.

23 MR. MICHALCZUK: Madam Court Officer, could we please pull up  
24 the following documents. They will be shown next to each other.  
25 English version, 092954-TR-ET Part 1 RED. And next to it, Serbian

Witness: Zoran Stankovic (Open Session)  
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1 version of the same, with the same numbers, the only difference is  
2 ST.

3 Q. Witness, do you see these documents in front of you on the  
4 screen?

5 A. Yes.

6 Q. Did you give that statement?

7 A. Yes.

8 MR. MICHALCZUK: Madam Court Officer, could we now pull up  
9 please the next set of documents, also Serbian and English versions.  
10 The English would be at pages SITF00162664 to SITF00162674-ET RED2,  
11 and the corresponding version, the same ERN number just with RED at  
12 the end.

13 Q. Witness, can you see both statements in front of you on the  
14 screen?

15 A. Yes.

16 Q. Did you give that statement?

17 A. Yes.

18 MR. MICHALCZUK: Could we now have on the screen another set of  
19 documents. English number is SITF00195352 to SITF00195370-ET Revised  
20 RED2. And the Serbian version bears the same number with RED at the  
21 end. Could we scroll down the Serbian version a little bit to the  
22 end of this page. Yes, this is enough. Thank you.

23 Q. Witness, take a look at the bottom of the page. Is that your  
24 signature?

25 A. Yes.

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Examination by Mr. Michalczuk

1 Q. Did you give this statement?

2 A. Yes.

3 MR. MICHALCZUK: Could the Court Officer please pull up now the  
4 last set of documents. English version would be at SITF00271891 to  
5 SITF00271891-ET. And the Serbian version, the same without anything  
6 at the end, just the numbers. Could we please scroll down to the  
7 bottom of this page. Thank you.

8 Q. Witness, do you recognise your signature at the bottom of this  
9 page?

10 A. Yes.

11 Q. Did you give this statement?

12 A. Yes, I did.

13 Q. As part of your preparation for your testimony today, did you  
14 have the opportunity to review the contents of these statements?

15 A. Today? You mean now during this --

16 Q. No.

17 A. -- that's going on?

18 Q. Do you remember meeting me earlier this week?

19 A. Yes.

20 Q. Did you review your statements, all these statements on that  
21 day?

22 A. Yes, I did.

23 Q. During that preparation session that we had, did you have the  
24 opportunity to make corrections and clarifications to these  
25 statements?

Witness: Zoran Stankovic (Open Session)

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Examination by Mr. Michalczuk

1 A. No.

2 Q. But you recall the meeting that you had with me on Monday;  
3 correct?

4 A. Yes.

5 Q. Did we give you an opportunity to make corrections to these  
6 statements and clarifications?

7 A. Yes, yes. Yes, yes, right, I did correct something.

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

10 A. Yes.

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

13 A. Yes.

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

17 A. I did not understand. Can you please repeat because --

18 Q. Yes, of course. I'll try to simplify it.

19 A. -- there are also some moments when I stop receiving sound  
20 through my headphones.

21 Q. So let me ask this question again. Subject to these changes  
22 provided in that note, do your statements accurately reflect what you  
23 said and what you would say if asked again in court today?

24 A. Yes.

25 MR. MICHALCZUK: Your Honour, having fulfilled the Rule 154

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Examination by Mr. Michalczuk

1 criteria, and in accordance with decision F02339, the SPO hereby  
2 tenders all the prior statements of this witness in all three  
3 languages together with the associated exhibit bearing the number  
4 092952 to 092953, identified at para 26 of that decision, along with  
5 the Preparation Note 1 bearing the number 121296 to 121301 that was  
6 sent on 3 June.

7 PRESIDING JUDGE SMITH: Any objection?

8 MS. MENEGON: No objection, Your Honour.

9 MS. O'REILLY: None.

10 MR. ROBERTS: Nothing, Your Honour.

11 MR. BAIESU: No objection.

12 PRESIDING JUDGE SMITH: All right. 192 -- I'm sorry.

13 092954-TR-ET Part 1 RED plus the Serbian version is admitted.

14 THE COURT OFFICER: Your Honour, Part 1, with English, Albanian,  
15 and Serbian, will receive Exhibit P01297.1. Classification is  
16 confidential.

17 We also have two other parts of the same statement.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 THE COURT OFFICER: Part 2 of the same statement, English,  
20 Albanian, and Serbian, will receive Exhibit P01297.2. And Part 3,  
21 English, Albanian, and Serbian, will receive Exhibit P01297.3.  
22 Classification is confidential for all three parts. Thank you.

23 PRESIDING JUDGE SMITH: Do you wish to remain in -- keep them  
24 confidential?

25 MR. MICHALCZUK: [Microphone not activated].

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Examination by Mr. Michalczuk

1           PRESIDING JUDGE SMITH: All right. Now, SITF00162664 to  
2           SITF00162674-ET RED2 is admitted, plus the Serbian version.

3           THE COURT OFFICER: Your Honour, that statement, Serbian  
4           version -- I believe Albanian translation as well?

5           PRESIDING JUDGE SMITH: [Microphone not activated].

6           MR. MICHALCZUK: [Microphone not activated].

7           THE COURT OFFICER: Yes, thank you. Will receive  
8           Exhibit P01298, and the classification is confidential.

9           PRESIDING JUDGE SMITH: [Microphone not activated] ... remain  
10          confidential.

11          SITF00195352 to SITF00195370-ET Revised RED2, plus Serbian and  
12          Albanian, is admitted.

13          THE COURT OFFICER: Your Honour, that statement will receive  
14          Exhibit P01299. Classification is confidential.

15          PRESIDING JUDGE SMITH: Classification remains the same.

16          Now, on SITF00271891 to SITF00271891-ET, plus Serbian and  
17          Albanian, it's admitted.

18          THE COURT OFFICER: That statement will receive Exhibit P01300.  
19          Classification is confidential. Thank you.

20          PRESIDING JUDGE SMITH: [Microphone not activated].

21          That classification remains.

22          The note, I believe I have the numbers right, 121296 to 121301,  
23          is admitted.

24          THE COURT OFFICER: Preparation note will receive  
25          Exhibit P01301. Classification is confidential.

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1           PRESIDING JUDGE SMITH: And then the associated -- is it just  
2 one associated exhibit?

3           MR. MICHALCZUK: [Microphone not activated].

4           PRESIDING JUDGE SMITH: Yes. 092952 to 092953, it's admitted.

5           THE COURT OFFICER: Your Honour, associated exhibit will receive  
6 Exhibit P01302. Classification is confidential.

7           PRESIDING JUDGE SMITH: The classification remains the same.  
8 You may continue.

9           MR. MICHALCZUK: [Microphone not activated] ... of this witness's  
10 statement.

11          PRESIDING JUDGE SMITH: You may do so.

12          MR. MICHALCZUK: In mid-June 1999, Witness W04824 and his family  
13 were stopped by armed KLA members. W04824 and one of his relatives  
14 were told to disembark and then were beaten and insulted. They were  
15 then taken to the dormitory building in Gjilan/Gnjilane. At the  
16 dormitory, W04824 and his relative were interrogated and beaten.  
17 They were both released after several hours on the same day.

18          That concludes the summary, Your Honours.

19          PRESIDING JUDGE SMITH: Thank you. You can --

20          MR. MICHALCZUK: I've got a few supplemental questions.

21          PRESIDING JUDGE SMITH: Go ahead.

22          MR. MICHALCZUK:

23 Q.       Witness, I have a few questions for you. In your statement, you  
24 indicated that during the war you worked in a school. And my  
25 question would be could you explain what duties you were performing

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1       there in that school?

2       A.     I was a concierge, janitor.

3       Q.     And could you tell the Court what school was it?

4       A.     I can.

5       Q.     So what was the name of the school?

6       A.     It's a higher teacher's school, teacher's college.

7       Q.     And in which location was that school?

8       A.     It was about 200 metres from the students' hostel dormitory.

9       Q.     In which city or town?

10      A.     In Gnjilane.

11      Q.     Did you carry any weapons as a janitor?

12      A.     I did not.

13      Q.     During your preparation session earlier this week, you clarified  
14      that your brother Igor was never mobilised; is that correct?

15      A.     Correct. I was talking about Igor.

16      Q.     Yes, exactly. Do you know why he was never called up?

17      A.     He was unfit for the army for medical reasons.

18      Q.     Could you tell the Court what the nature of his medical issue  
19      was, in general terms?

20      A.     He has a kidney condition to this day.

21      Q.     Did he or had he done at least his mandatory military service?

22      A.     No.

23      Q.     Witness, you stated that you and your brother were arrested by  
24      KLA members and taken to the dormitory in Gjilan. And my question is  
25      did you or your brother resist the arrest?



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Examination by Mr. Michalczuk

1 A. No, we did not.

2 Q. During your detention by the KLA, were you ever informed about  
3 criminal charges against you?

4 A. No.

5 Q. How about your brother Igor, was he informed about any charges  
6 against him?

7 A. No, neither.

8 Q. Were you given any explanation as to why your detention and that  
9 of your brother's was considered necessary?

10 A. They said nothing. Absolutely nothing.

11 Q. Were you given the opportunity to challenge your detention to  
12 any judge or other official?

13 A. Never.

14 Q. Were you perhaps given any decision regarding your arrest,  
15 detention, or release?

16 A. Not at all.

17 MR. MICHALCZUK: I don't have any further questions for this  
18 witness, Your Honour.

19 PRESIDING JUDGE SMITH: Thank you.

20 Ms. Menegon.

21 MS. MENEGON: Yes. I think the Victims' Counsel has some  
22 questions.

23 PRESIDING JUDGE SMITH: I can't hear you.

24 MS. MENEGON: Sorry. I think the Victims' Counsel has some  
25 questions.

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Questioned by Victims' Counsel

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1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           MS. RADZIEJOWSKA: Thank you, Your Honour.

3                           Questioned by Victims' Counsel:

4           Q. Good afternoon, Witness. Can you hear me well?

5           A. Good afternoon. I can hear you.

6           Q. My name is Maria Radziejowska, and I am Victims' Counsel in this  
7 case. I will ask you a couple of questions so that we can understand  
8 better the consequences and the effect that your detention and  
9 mistreatment by the KLA in June 1999 have had on you and on your  
10 life. All right?

11          A. All right.

12          Q. You have described in your statements how you were stopped and  
13 beaten in the street and then taken to the dormitory. There, you  
14 were subjected to beatings and interrogation by the members of the  
15 KLA.

16          MS. RADZIEJOWSKA: And this is, for the record, for example, in  
17 P01297.2, page 8, lines 20 to 21, and page 13, lines 22 to 23.

18          Q. Witness, at the time, what did you think will happen to you and  
19 your brother when you were in the dormitory, detained and mistreated?

20          A. I thought we were going to be killed.

21          Q. Can you tell the Judges what were the physical injuries that you  
22 have sustained from these beatings?

23          A. Yes, I can.

24          Q. Go ahead.

25          A. Well, we had our hands bound behind our backs. We were

Witness: Zoran Stankovic (Open Session)  
Questioned by Victims' Counsel

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1 blindfolded. And after a while, they started beating us with planks  
2 and chains. They were hitting us all over our bodies.

3 Q. And what were you --

4 A. And then after --

5 Q. Go ahead.

6 A. Then a friend of my father's stopped by. The man's name was  
7 Ferik. He was wearing a black uniform. And when he entered the room  
8 where we were being mistreated, he recognised both my brother --

9 Q. Witness --

10 A. -- and me -- and then --

11 Q. Witness, I'm sorry --

12 A. -- he told the beaters --

13 Q. I'm sorry. Your statements in which you have described what  
14 happened in detail have been admitted into evidence, and we have all  
15 read those statements, so there is no need for you to describe in  
16 detail what happened. But I would like you just to tell the Judges  
17 what were the injuries that you sustained from the beating.

18 A. Well, I had three of my ribs broken, and I was beaten black and  
19 blue. My body was black and blue. Half of it at least.

20 Q. You have described in your statements that at some point after  
21 the mistreatment at the dormitory, you were taken to wash up, and you  
22 said that you had difficulty walking on your own.

23 MS. RADZIEJOWSKA: And this is, for the record, P01297.2, page  
24 14, lines 21 to 22.

25 Q. How long did it take until you were able to walk normally by

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Questioned by Victims' Counsel

1     yourself?

2     A.    It took me two months.

3     Q.    And how long did it take for your body to heal completely from  
4     the injuries that you sustained?

5     A.    I also suffered from mental trauma that lasted for years.

6     Q.    I will ask you a couple of questions in relation to this.

7           MS. RADZIEJOWSKA:  But, Your Honours, I suggest that we go to  
8     the private session to do that for the privacy of the witness.

9           PRESIDING JUDGE SMITH:  Please, into private session,  
10    Madam Court Officer, for protection of the witness.

11                               [Private session

12                               [Private session text removed]

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Witness: Zoran Stankovic (Private Session)  
Questioned by Victims' Counsel

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1 [Private session text removed]

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20 [Open session]

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

22 MS. RADZIEJOWSKA:

23 Q. Witness, you have left Kosovo soon after you were detained at  
24 the dormitory; correct?

25 A. Yes.

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Questioned by Victims' Counsel

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1 Q. Have you ever been back since then?

2 A. No.

3 Q. How long had your family lived in Kosovo?

4 A. Three months.

5 Q. I mean before you left Kosovo, your family, how long they have  
6 been in Kosovo before? Since when?

7 A. From the Second World War.

8 Q. And how was it for you to leave Kosovo and your life there?

9 A. It was very hard. Very hard and very sad.

10 Q. Why?

11 A. Somehow your soul remains in your birthplace. The place where  
12 you were born is all you know, so it's very hard to leave it.

13 Q. Thank you, Witness.

14 MS. RADZIEJOWSKA: Your Honours, I have no further questions.  
15 Thank you.

16 PRESIDING JUDGE SMITH: Thank you, Ms. Radziejowska.

17 Now, Ms. Menegon.

18 MS. MENEGON: Thank you, Your Honour.

19 Cross-examination by Ms. Menegon:

20 Q. Mr. Witness, my name is Sophie Menegon, and I am going to ask  
21 you some questions on behalf of Mr. Hashim Thaci.

22 I would like to start with a few personal questions. So you  
23 were born in Gjilan; right?

24 A. Yes.

25 Q. And you had lived in this town for all your life until you left

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Cross-examination by Ms. Menegon

1 it in 1999; right?

2 A. Yes.

3 Q. You told the SPO that Gjilan was not a big town, so most of the  
4 people knew each other; is that correct?

5 A. Correct.

6 Q. Thank you, Witness. In the past with your previous  
7 communication with the SPO, you mentioned that you had some memory  
8 problems, that you took medicines. You mentioned it today as well.  
9 So do you still have these memory problems?

10 Sorry, I didn't hear the answer.

11 A. Yes, I do.

12 Q. So do you think you are still able today to remember well what  
13 happened 25 years ago in 1999?

14 A. [No interpretation].

15 Q. Thank you. Now --

16 THE INTERPRETER: The interpreter didn't quite understand what  
17 the witness said. Could he repeat it, please.

18 MS. MENEGON:

19 Q. Sorry, Mr. Witness. Can you please repeat your answer. Do you  
20 need me to repeat the question?

21 A. Please repeat it.

22 Q. My question was do you think that you remember well today the  
23 events which occurred in 1999 in Gjilan?

24 A. I can.

25 Q. Okay. So I would like to discuss briefly the atmosphere in the

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Cross-examination by Ms. Menegon

1 town before the NATO bombing. How would you describe the situation  
2 in the town at the time? Was it calm?

3 A. In the part of town where I lived, it was quiet.

4 Q. So there were no fights?

5 A. There were none.

6 Q. There was no KLA presence in Gjilan at the time before the NATO  
7 bombing?

8 A. There weren't any.

9 Q. And, Witness, can you tell us, at the time were some Kosovo  
10 Albanians subject to some mistreatment by the Serbians? Are you  
11 aware of that in Gjilan?

12 A. Could you repeat that, please?

13 Q. Sorry, I was not clear. Were you aware about some tensions  
14 between the Serbian and the Albanian population in Gjilan at the  
15 time, leading to the Serbian forces, for instance, attacking some  
16 Kosovo Albanians?

17 A. Yes.

18 Q. Thank you, Mr. Witness. I just would like to ask you about two  
19 incidents. Are you aware that, in April, Serb forces would have  
20 extorted and physically abused ethnic Albanians in this town,  
21 according to refugee reports. And that some refugees also claim that  
22 on 16 April, the paramilitary units ordered all ethnic Albanians out  
23 of the town, or be killed. At least 1.000 people would have departed  
24 and would have been harassed by the Serb forces along the way.

25 MS. MENEGON: And I'm quoting, for your reference, the document



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Cross-examination by Ms. Menegon

1 DHT03974-DHT03986.

2 Q. Did you hear about that?

3 MR. MICHALCZUK: Your Honours, objection, relevance.

4 PRESIDING JUDGE SMITH: What is the relevance of this? This is  
5 about this man's experience. That's all he testified about in  
6 direct.

7 MS. MENEGON: I thank you, Your Honour. Indeed, I wanted to ask  
8 you those questions because the SPO pre-trial brief has talked about  
9 the events in Gjilan only from June 1999, so I thought it was  
10 relevant to understand the context in the town before those events at  
11 the dormitory. And it's also a question about the credibility of the  
12 witness as to whether he had knowledge of such incidents. But I will  
13 move on.

14 PRESIDING JUDGE SMITH: I haven't heard a credibility question  
15 yet. You may ask that.

16 MS. MENEGON: I will move on. Thanks.

17 Q. Now, Witness, I would like to review your family relationship  
18 with the Serbian army or police. I understand you have two brothers,  
19 Igor and Dejan Stankovic; right?

20 A. Right.

21 Q. Do you have any other brothers?

22 A. I have a cousin, Dragan. He is the son of my paternal uncle.

23 Q. And the father of Dragan is called Milorad Stankovic; right?

24 A. Yes.

25 Q. Witness, during your SPO interview, you told that at the time of

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1 course you had weapons during the war.

2 MS. MENEGON: I am referring to his SPO interview, P1297.2, at  
3 page 16.

4 Q. So how many weapons did you have at the time?

5 A. I have not understood the question. I'm having breaks in  
6 transmission. I'm sorry.

7 Q. I will repeat. You told the SPO that during the war you had  
8 weapons. I would like to know how many weapons you had and what type  
9 of weapons you had in your house.

10 A. I can't remember. There was one rifle belonging to my brother  
11 Dejan, and also a uniform, and we had hunting weapons.

12 Q. Thank you. Did the Serbian authorities also arm the civilians  
13 when the conflict started in 1998?

14 A. Well, I don't know. I guess they armed some people and did not  
15 arm others.

16 Q. Okay. And can you confirm that the general mobilisation came  
17 later in March 1999, when the NATO bombing started?

18 A. Yes.

19 Q. Thank you.

20 MS. MENEGON: I think it's time for a break, for the lunch  
21 break, or I can continue if you want.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Thank you very much.

24 Witness, we're going to take a lunch break now. You'll have  
25 time for lunch for an hour and a half, and then we'll be back in the

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1 courtroom at 2.30.

2 Madam Court Officer, you may escort the witness out.

3 THE WITNESS: [via videolink] [Interpretation] Thank you.

4 [The witness stands down via videolink]

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

6 --- Luncheon recess taken at 1.03 p.m.

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

8 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
9 in. Madam Usher, you can bring the witness in.

10 [Trial Panel and Court Officer confers]

11 [The witness takes the stand via videolink]

12 PRESIDING JUDGE SMITH: Witness, can you hear all right?

13 THE WITNESS: [via videolink] [Interpretation] Yes.

14 PRESIDING JUDGE SMITH: Good. We will continue now with your  
15 testimony.

16 Ms. Menegon, you're next.

17 MS. MENEGON: Thank you, Your Honour.

18 Q. Mr. Witness, I will continue with my questions. And so I wanted  
19 to ask you a few questions about the involvement of your family with  
20 the Serbian forces.

21 So you have mentioned that your brother Igor was never mobilised  
22 but this was because of health issues. Is it right that the  
23 people -- don't you think that the people who arrested him would not  
24 have known about his health concerns and so they would not have known  
25 that he could not be mobilised?

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1 MR. MICHALCZUK: Calling for speculation, Your Honour.

2 PRESIDING JUDGE SMITH: Sustained.

3 MS. MENEGON:

4 Q. Mr. Witness, yourself, you confirm that you were mobilised as a  
5 guard at the higher pedagogical school in Gjilan. How much time did  
6 it last?

7 MR. MICHALCZUK: Your Honour, excuse me, just  
8 mischaracterisation. It was janitor, not a guard. It's a totally  
9 different function.

10 MS. MENEGON: Can the witness reply.

11 PRESIDING JUDGE SMITH: Yes, just go ahead. Ask your question.  
12 Use the right term. He was a janitor, not a guard.

13 MS. MENEGON: Yes.

14 Q. Mr. Witness, for how much time were you working at the school as  
15 a janitor?

16 A. Three months.

17 Q. Thank you, Witness. Now, Witness, do you know that your brother  
18 Igor was interviewed by an investigating judge of the High Court in  
19 Belgrade, and that he did say that at the time you and him had worn a  
20 uniform at some point? Were you aware of that?

21 MS. MENEGON: I'm referring to SITF00195371-SITF00195397-ET,  
22 page 8 of the PDF.

23 Q. Did you hear my question? Should I repeat it?

24 A. Yes.

25 Q. Did you know that your brother Igor was interviewed before a

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1 judge in Belgrade, and he said that at some point during the war both  
2 you and him had worn a uniform? Did you know that?

3 A. Yes.

4 Q. Thank you. During your preparation session - and I'm referring  
5 to P1301, paragraph 9 - you confirmed that your brother Dejan was  
6 also called as an army reservist during the war; right?

7 A. Yes.

8 Q. Pursuant to our information - and I refer to 077583-TR-ET  
9 Part 1, page 8, 10 - your cousin, Dragan Stankovic, did his military  
10 service in 1991, 1992, and then during the conflict in 1998, 1999, he  
11 was also working as a police reservist for the Serbian MUP and then  
12 as a military reservist. Does that accord with your knowledge?

13 A. He didn't work as a -- he was just a military reservist.

14 Q. And do you know where he operated as a military reservist?

15 A. Well, he was there in the town.

16 Q. And do you know whether he was given a weapon as a reservist?

17 A. Yes.

18 Q. Thank you. Dragan's father, Milorad Stankovic, was also  
19 mobilised and engaged within the military during the war; is that  
20 correct?

21 A. He was just a driver, and he wore civilian clothes.

22 Q. So pursuant to your information, he was not mobilised or he was  
23 not a reservist?

24 A. No, he wasn't.

25 Q. Witness, pursuant to our information, Dragan himself did say

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1 that his father, Milorad, was mobilised.

2 MS. MENEGON: And I'm referring to 007583-TR-ET Part 1, page 10.

3 Q. So do you agree that Dragan would know better what happened with  
4 his father, whether he was mobilised or not?

5 A. Yes, he was mobilised, but he wore civilian clothes because he  
6 was in charge of driving a truck. He was a driver.

7 Q. Thank you, Witness. So isn't it right, Witness, that most if  
8 not all the men in your family were mobilised by the Serbian army  
9 during the conflict at some point?

10 MR. MICHALCZUK: Your Honour, objection. We just mentioned  
11 three individuals, and the question was about "most men." Maybe  
12 there were 20 or 30 men in the family.

13 PRESIDING JUDGE SMITH: Yes, let's be more specific. Please  
14 re-ask the question.

15 MS. MENEGON: Yes.

16 MR. MICHALCZUK: Yes, be specific. Thank you, Your Honour.

17 MS. MENEGON: Yeah. Thank you.

18 Q. So, Mr. Witness, so it's right that in practice both you, your  
19 cousin Dragan and Milorad were mobilised during the war as a  
20 reservist? That's what we hear you have confirmed; right?

21 A. My brothers were, but I was not a reservist.

22 Q. But you mentioned that you were mobilised as a janitor at the  
23 school. It was part of the mobilisation effort. Is that what I  
24 understood from your testimony?

25 A. No. For three months, I had a contract to work as a janitor at

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1 the school because the persons who previously discharged the duties  
2 of janitors, they had been mobilised.

3 Q. Thank you, Witness. And is it right that in a town such as  
4 Gjilan, which is a small place, everyone will know about the  
5 occupation of people at the time; for instance, whether someone was  
6 mobilised or not? Is that right? Like your neighbour.

7 A. Yes, yes.

8 Q. Now, I would like to move to the issue about the fact that your  
9 house was burnt. So you did say that it was burnt; right? But you  
10 also confirmed that you were not present --

11 A. Yes.

12 Q. -- when this happened.

13 PRESIDING JUDGE SMITH: You're going to have to let him  
14 answer --

15 MS. MENEGON: Sorry.

16 PRESIDING JUDGE SMITH: -- before you go on.

17 MS. MENEGON:

18 Q. So, yeah, I see that you confirm that it was burned. Just can  
19 you please confirm again: You were not present when it happened;  
20 right?

21 A. Correct.

22 Q. So you were not able to see yourself whether the burning was  
23 accidental or whether it was done on purpose by someone?

24 THE INTERPRETER: Interpreter's note: We could not hear the  
25 witness well.

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1 MS. MENEGON:

2 Q. Mr. Witness, the interpreter didn't understand your answer. Can  
3 you please repeat?

4 A. They set it on fire deliberately.

5 Q. Since you were not present, why would you say that?

6 A. Well, I assume because my brothers had been mobilised by the  
7 army, maybe because of that. Maybe it was a fanatic, somebody who  
8 wanted to say that something was not right, and that may have been  
9 the reason.

10 Q. I understand. So it could have been, pursuant to what I  
11 understand from your testimony, by revenge.

12 Now, I would like to talk about what happened one day before  
13 your alleged detention. You say that some people came to your house  
14 and took some military equipment; is that right?

15 A. That's right.

16 Q. And you mentioned that two of the people who came were  
17 Mr. Gagica and Mr. Osmani. How did you know them? Were they from  
18 your neighbourhood?

19 A. No, they were not.

20 Q. Do you know where they came from?

21 A. I don't.

22 Q. How did you know them? Mr. Gagica and Mr. --

23 A. I did not recognise them. No, those -- those were my  
24 neighbours. But we had nothing to do with them. They lived there  
25 right next to my house.



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1 Q. Okay. They came from your -- they lived next to you. Thank  
2 you.

3 A. Yes, yes.

4 Q. Thank you, Mr. Witness. Now I would like to discuss about your  
5 questioning at the dormitory.

6 You told the SPO that they asked you whether you had any weapons  
7 at your house or elsewhere, and they also asked questions about your  
8 cousin Dragan.

9 MS. MENEGON: I'm referring to P01297.2 at page 12.

10 Q. So is that correct, Mr. Witness?

11 A. Yes.

12 Q. Thank you. Your brother Igor, who was interviewed in 2011, also  
13 mentioned that you were asked about whether you had killed anyone  
14 before; is that correct?

15 A. Yes.

16 Q. Thank you. And pursuant to your Preparation Note 1, P01301,  
17 paragraph 7, some of the people who were involved in your arrest,  
18 such as Adem and Muharrem, were from Gjilan; right?

19 A. Yes.

20 Q. So it's likely that these people knew that you or Dragan or his  
21 father had been mobilised; is that right?

22 MR. MICHALCZUK: Excuse me. The witness never said he was  
23 mobilised, Your Honour.

24 PRESIDING JUDGE SMITH: Sustained.

25 MS. MENEGON: I will rephrase.

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1 Q. So, Mr. Witness, is it correct that these people probably knew  
2 that Dragan, for instance, and his father had been mobilised?

3 A. Yes, because we were on friendly terms with them. We associated  
4 with them, socialised with them.

5 Q. Thank you. And so I note they asked you questions about Dragan.  
6 So is it possible they arrested you and your cousin because they  
7 thought all of you were active soldiers within the Serbian army?

8 MR. MICHALCZUK: Calling for speculation, Your Honours.

9 PRESIDING JUDGE SMITH: Sustained.

10 THE WITNESS: [via videolink] [Interpretation] Yes.

11 MS. MENEGON:

12 Q. Now, Mr. Witness, I will move to your release from the  
13 dormitory. You say that a friend of your father, Ferik, that you  
14 described as some kind of commander came to the room where you were  
15 held and helped you to get released; that's correct?

16 A. Yes.

17 Q. You then told the SPO that after Ferik talked to you, they  
18 ordered you to go to the bathroom to freshen up; right?

19 A. Yes.

20 Q. And then do you remember telling the SPO that Ferik took you to  
21 an office in the dormitory where another person that you describe as  
22 a commander in camouflage uniform was present; right?

23 A. Yes.

24 Q. And so you say that he talked with Ferik and shortly after you  
25 were released; right?

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1 A. Yes.

2 Q. So it appears that once this persons that you described as  
3 commanders got involved, the beatings stopped and you were released  
4 shortly after; right?

5 A. Yes.

6 Q. Could it be that -- do you think that the beatings were not done  
7 with their approval but maybe by local inhabitants, like you mention,  
8 who were acting by revenge?

9 MR. MICHALCZUK: Calling for speculation again, Your Honour.

10 PRESIDING JUDGE SMITH: Sustained.

11 MS. MENEGON: I will move on.

12 Q. Now, after your discussion with Ferik, your testimony is rather  
13 confusing as to whether or not you were released at the same time as  
14 your brother Igor. You first stated in 2002, so your first  
15 statement, that they let you go in order to bring back your weapon, a  
16 rifle, but they kept your brother Igor. Do you remember that?

17 And we have a Serbian police report -- sorry. Sorry, we don't  
18 have your answer on the record.

19 A. Well, I can't exactly -- but I think that, yes, that's how it  
20 was. I did not hear well.

21 MR. MICHALCZUK: Could we just maybe make this question less  
22 compound for the witness to understand?

23 MS. MENEGON: Yes.

24 PRESIDING JUDGE SMITH: Please do.

25 MS. MENEGON: Yes, thank you.

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1 Q. So, Mr. Witness, in your first 2002 statement, you stated that  
2 you were first released by the person who kept you in order to bring  
3 back a rifle; is that right?

4 A. I cannot remember it now.

5 MS. MENEGON: Maybe I will just call the document, please. So  
6 this would be P01300, please.

7 THE WITNESS: [via videolink] [Interpretation] Yes.

8 MS. MENEGON: Both in English and Serbian.

9 Q. Okay. Mr. Witness, so in the middle of the statement from 2002,  
10 it says that:

11 "They let me go in order to bring them the rifles, whereas they  
12 kept my brother Igor until my return."

13 Do you see it?

14 A. Yes, yes.

15 Q. Thank you.

16 A. Yes.

17 MS. MENEGON: You can remove it from the screen.

18 Q. Mr. Witness, we have also a Serbian police report which was  
19 based on this 2002 statement.

20 MS. MENEGON: And I'm referring to SITF00271889-SITF00271891-ET,  
21 page 1.

22 Q. Pursuant to this report, they recorded the same thing, which is  
23 that you were released in order to bring back a rifle while they had  
24 held Igor back until you returned.

25 Now, the SPO, during your interview, actually asked you whether

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1 this was really what happened, and you initially replied, "Yeah," and  
2 then added further explanation, concluding that actually you were  
3 released together with your brother. And I'm referring to P1297.2,  
4 page 4, 5.

5 MR. MICHALCZUK: Your Honour --

6 MS. MENEGON:

7 Q. Do you remember that?

8 MR. MICHALCZUK: -- it's compound again.

9 PRESIDING JUDGE SMITH: Just break your question --

10 THE WITNESS: [via videolink] [Interpretation] Yes, yes.

11 PRESIDING JUDGE SMITH: -- up into pieces that are  
12 understandable for the witness.

13 MS. MENEGON: Yeah.

14 Q. So, Mr. Witness, the SPO asked you whether you had said during  
15 your first interview that you had been released but that they kept  
16 Igor in order for you to bring back your weapon; right?

17 PRESIDING JUDGE SMITH: Excuse me, he's already said "yes" --

18 MS. MENEGON: Yeah.

19 PRESIDING JUDGE SMITH: -- to that.

20 MS. MENEGON:

21 Q. So my question, Mr. Witness, then with the SPO you added some  
22 explanation and you, pursuant to me, amended your statement. You say  
23 that you were released together at the same time. Do you remember  
24 that as well? So why didn't you say from the start that you were  
25 released together?

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1 MR. MICHALCZUK: There were two questions and -- two questions  
2 at the end and the witness might not be clear which one to reply to.

3 PRESIDING JUDGE SMITH: Same -- same --

4 MS. MENEGON: Sorry, Your Honour.

5 PRESIDING JUDGE SMITH: That's correct.

6 MS. MENEGON: Yeah. You're right.

7 PRESIDING JUDGE SMITH: And it's a bit argumentative as well.

8 MS. MENEGON: I will just ask this question about that.

9 Q. Mr. Witness, you told the SPO ultimately that you were released  
10 together with Igor, right, at the same time?

11 A. Yes. Yes.

12 Q. Thank you. You also told the SPO that when they let you go to  
13 bring weapons, you didn't have any; is that right?

14 A. That's right.

15 Q. And this is because you said the people who came to your house  
16 the day before had taken your rifle; right?

17 MR. MICHALCZUK: Excuse me, Your Honour, objection. We believe  
18 that it was ammo pouch and the uniform, not the rifle, that was taken  
19 the day before.

20 MS. MENEGON: I'm referring here to his SPO interview P1297.2,  
21 page 16. Maybe he can clarify.

22 PRESIDING JUDGE SMITH: Go ahead and ask your question.

23 MS. MENEGON:

24 Q. Mr. Witness, did they take the rifle from your house as well?

25 A. Yes.

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1 Q. And do you know that your brother Igor, when interviewed in  
2 2011, declared that after arrested you still had an automatic rifle  
3 that was in the trailer of the tractor?

4 MS. MENEGON: And I'm referring to SITF00195371-SITF00195397-ET  
5 at page 9 of the PDF.

6 Q. So did you know that, that your brother said you still have a  
7 rifle hidden in the trailer of the tractor?

8 MR. MICHALCZUK: Objection. How could he know what his brother  
9 said? The question could be, of course --

10 MS. MENEGON: Yeah.

11 MR. MICHALCZUK: -- framed differently, I believe.

12 MS. MENEGON: I will reframe.

13 PRESIDING JUDGE SMITH: Go ahead.

14 MS. MENEGON:

15 Q. Mr. Witness, did you have a rifle in the trailer of the tractor  
16 when you were arrested?

17 A. No.

18 Q. Thank you.

19 I have two last topics to address quickly. So I would like to  
20 discuss shortly the command at the dormitory. You repeatedly  
21 testified that you do not know who was in charge of those that  
22 allegedly detained you; is that correct?

23 A. Yes, yes.

24 Q. So would it be fair to say that you have no knowledge about the  
25 chain of command there or even if there was any; right?

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1 A. Yes.

2 Q. Thank you. And the last topic is the dormitory itself, its  
3 identification. You knew how the dormitory looked like and how it --  
4 what was its layout; is that right? Because I --

5 A. Yes.

6 Q. I understand you lived across the street from the dormitory;  
7 right?

8 A. Well, on the other side, next to the higher teachers college,  
9 about 200 metres away and across the road.

10 Q. Okay. So you were familiar with this building. During --

11 A. Yes, that's where I grew up.

12 Q. During your interview, the SPO showed you two pictures of a  
13 building. Do you recall that?

14 MS. MENEGON: Maybe we can call --

15 THE WITNESS: [via videolink] [Interpretation] Yes, I remember.

16 MS. MENEGON: Maybe we'll just call it. So it's the document  
17 P1302. Thank you.

18 Q. So, Mr. Witness, when shown this document by the SPO, you first  
19 said that it showed the hospital in Gjilan, and during your  
20 preparation session you added that one of -- the second picture  
21 showed the Selami Hallaqi school.

22 MS. MENEGON: Madam Court Officer, if you could move to the  
23 second page.

24 Q. Mr. Witness, I represent to you that both these pictures  
25 represent the dormitory. Would you agree?



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1 A. No, it doesn't look like the dormitory. No.

2 Q. Maybe can you describe how it looked like, the place where you  
3 were detained?

4 A. Well, it was a pink-coloured building, but this doesn't look  
5 like that building to me at all. It rather looks like the Sadri  
6 Hallaqi school to me.

7 Q. Thank you, Witness. We have no further questions.

8 PRESIDING JUDGE SMITH: Thank you.

9 Ms. O'Reilly.

10 MS. O'REILLY: We have no questions for this witness, Your  
11 Honour.

12 PRESIDING JUDGE SMITH: Thank you.

13 Mr. Roberts.

14 MR. ROBERTS: No questions from us either, Your Honour. Thank  
15 you.

16 MR. BAIESU: No questions from us either. Thank you.

17 PRESIDING JUDGE SMITH: Any redirect?

18 MR. MICHALCZUK: No redirect, Your Honour.

19 JUDGE BARTHE: Thank you.

20 Questioned by the Trial Panel:

21 JUDGE BARTHE: Good afternoon, Witness. I hope you can hear me  
22 all right.

23 A. Yes, Your Honour. I can hear you.

24 JUDGE BARTHE: Thank you. If I'm not mistaken you were talking  
25 about your cousin Dragan's father Milorad Stankovic, who is your

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1     uncle; right?

2     A.    Yes.

3           JUDGE BARTHE:  And you said in response to a question asked by  
4     the Thaci Defence that he was driving a truck, although he was not  
5     wearing a uniform.  Is that right?

6     A.    Yes, it was a civilian truck.

7           JUDGE BARTHE:  And what was he carrying in his truck?  Weapons?  
8     Soldiers?

9     A.    I think he carried weapons for the army.  That's what I suppose.

10          JUDGE BARTHE:  Thank you very much.  I have no further  
11     questions.

12          PRESIDING JUDGE SMITH:  There are no other questions from the  
13     Panel.

14          Any follow-up question --

15          MR. MICHALCZUK:  No, no questions.

16          PRESIDING JUDGE SMITH:  Ms. Menegon, any follow-up questions?

17          MS. MENEGON:  No, Your Honour.

18          MS. O'REILLY:  None.

19          PRESIDING JUDGE SMITH:  Mr. Roberts?  All right.

20          Witness, your testimony is complete.  We thank you for being  
21     with us.  We wish you well.  The Court Officer will -- the  
22     Court Officer --

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

25          PRESIDING JUDGE SMITH:  -- will escort you out of the room.

1 [The witness withdrew via videolink]

2 PRESIDING JUDGE SMITH: Thank you, everyone. We will get out as  
3 soon as possible an administrative order on dealing with the  
4 witnesses that we were discussing earlier today, and we will do our  
5 best to live up to it. So thank you again. Thank you for your  
6 cooperation and your suggestions when necessary.

7 We are adjourned for two weeks, so we'll see you at that time.  
8 We're adjourned.

9 --- Whereupon the hearing adjourned at 3.01 p.m.

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