

1 Monday, 1 July 2024

2 [Open session]

3 [The accused entered the courtroom]

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

5 PRESIDING JUDGE SMITH: [Microphone not activated].

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

9 PRESIDING JUDGE SMITH: Thank you. I note that all the accused
10 are present in court today.

11 We will start hearing the evidence of Prosecution
12 Witness W04752. Before we start with the witnesses, there are some
13 preliminary matters the Panel would like to address.

14 First, I note that our Order on the Conduct of Proceedings has
15 very clear directives in connection with the interposing of
16 objections. Specifically, paragraphs 115 and 116 clearly require the
17 objections to be concisely stated and clearly prohibits speaking
18 objections. These rules are not always being followed.

19 I want to remind all counsel that the Panel reiterates the fact
20 that there shall not be speaking objections to questions put by an
21 opposing party or from the Judges. I can assure you that a concisely
22 stated objection can be understood by the Panel and normally does not
23 need an extended explanation. If the objection is not understood,
24 the Panel will ask for clarification.

25 If a party needs to make a longer submission in connection with

1 the objection, it should take place outside the hearing of the
2 witness. Counsel should, in particular, refrain from commenting on
3 questions that might affect the witness's willingness or readiness to
4 answer a question fully and candidly.

5 If a speaking objection in the presence of a witness is made,
6 the Presiding Judge may overrule the objection as being in violation
7 of our Order on the Conduct of Proceedings.

8 Second, the Panel reminds everyone, as informed on Friday last
9 week, that the schedule for this week has been adjusted. W04752 will
10 no longer be able to testify on Tuesday afternoon but is instead
11 available to testify during the first session on Thursday.
12 Therefore, W04752 will testify all of Monday until the lunch break on
13 Tuesday, all of Wednesday, and the first session on Thursday. W04445
14 and/or W04051 will testify from the second session and onwards on
15 Thursday.

16 Third, on Friday, 28 June, the Selimi Defence filed F02414, a
17 request to exclude evidence of W04445. As W04445 may attend court as
18 early as Thursday, July 4th, an expedited briefing schedule is
19 required. The Panel therefore orders the SPO to file a response by
20 9.00 a.m. tomorrow. No reply will be entertained.

21 Mr. Misetic, I believe you had a matter you wanted to take up
22 concerning the next witness and a chart, and I think that should be
23 raised out of the presence of the witness. If you wish to go ahead.

24 MR. MISETIC: Yes, Mr. President. As I understand it, a chart
25 has been submitted, an organigramme purporting to be based on the

1 witness's evidence. We were now told in an e-mail that it will not
2 be shown to the witness. And so therefore we -- we had understood
3 the Panel's initial comments on organigrammes and charts to mean that
4 such charts would be put to witnesses. If they're not going to be
5 put to witnesses, then it's our submission that they amount to
6 nothing more than argument by one party about the witness's evidence,
7 and we would therefore object to argument being made on such a basis.

8 With respect to the specific objections to the organigramme.
9 First, we don't believe the witness suggested that Mr. Thaci reported
10 to the overall commander of the KLA through Sokol Bashota as the
11 chart depicts, and quite clearly said that Mr. Thaci reported
12 directly to the general commander of the KLA.

13 Second, the organigramme depicts the deputy commanders as being
14 on the same level as the overall commander, and it's unclear to us
15 the basis upon which anything in what the witness said would suggest
16 that the deputy commanders were at the same level as the overall
17 commander of the KLA. So those are our objections.

18 I would also offer that, to the extent the Chamber would like
19 such organigrammes just for its own orientation of the evidence, and
20 if they're not going to be put to witnesses to comment on whether the
21 witness agrees with the way the organigramme has been prepared, then
22 perhaps *inter partes*, you know, working together, submission to us
23 for our comments on the organigramme and then we could submit a joint
24 submission to the extent it's agreeable between the parties.

25 But at present, those are our objections, and we would prepare a

1 different organigramme showing a different depiction of what the
2 witness said was the organisational structure. Thank you.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. LAWSON: Thank you. The chart does accurately reflect the
5 witness's evidence. If counsel would like us to insert certain
6 arrows to clarify the lines, we're happy to do so. However, as was
7 already indicated *inter partes*, we're not intending to show the chart
8 to the witness. It's for reference purposes only, and I don't think
9 there needs to be further debate about this.

10 [Trial Panel confers]

11 PRESIDING JUDGE SMITH: It's not being offered at this time, so
12 we won't make a ruling on it at this time. We'll proceed.

13 Madam Usher, you may bring the witness in.

14 MR. EMMERSON: Your Honour, whilst the witness is being brought
15 in, may I just inquire what today's morning sitting schedule will be?

16 PRESIDING JUDGE SMITH: I should have mentioned that. Thank you
17 for reminding me. We will go from now until 11.00.

18 [The witness entered court]

19 PRESIDING JUDGE SMITH: We'll take a half-hour break, and we'll
20 be back on schedule then.

21 Witness, today we will start your testimony. We first ask you
22 to take a solemn declaration, which the Court Usher will hand to you.
23 You can read it and then say it aloud.

24 THE WITNESS: [Interpretation] Conscious of the significance of
25 my testimony and my legal responsibility, I solemnly declare that I

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1 will tell the truth, the whole truth, and nothing but the truth, and
2 that I shall not withhold anything which has come to my knowledge.

3 WITNESS: BISLIM ZYRAPI

4 [The witness answered through interpreter]

5 PRESIDING JUDGE SMITH: Thank you, Witness. You may be seated
6 now.

7 Mr. Counsel, would you please identify yourself for the record.

8 MR. VANREUSEL: My name is Rik Vanreusel. I'm the duty counsel
9 appointed to Mr. Zyrapi.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 Witness, we will today start your testimony as I previously
12 indicated. Your testimony is expected to last for approximately
13 seven days. As you may know, the Prosecution will ask you questions
14 first, and then the Defence has the right to ask questions of you,
15 and members of the Panel may also have questions for you.

16 The Prosecution estimate for your examination is eight hours.
17 The Defence estimates that it will need close to 25 hours. As
18 regards each estimate, we hope that the counsel will be judicious in
19 their use of their time. The Panel may allow redirect examination if
20 conditions for that are met.

21 Witness, please try to answer the questions clearly with short
22 sentences. If you don't understand a question, feel free to ask
23 counsel to repeat the question or tell them you don't understand and
24 they will attempt to clarify.

25 Also please try to indicate the basis of your knowledge of facts

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

6 Speak into the microphone and wait five seconds before answering
7 a question, and then speak at a slow pace to allow the interpreters
8 to catch up.

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

13 Please stop talking if I ask you to do so and also stop talking
14 if you see me raise my hand. These indications mean that I need to
15 give you an instruction. If you feel the need to take breaks, please
16 make an indication and an accommodation will be made.

17 Now, there is one more issue we need to address before we start
18 with the questioning by the SPO. We are aware that counsel has been
19 assigned to the witness as there is a risk that an issue of
20 self-incrimination might rise in his estimation.

21 Witness, I remind you that, as per the solemn declaration that
22 you have just read, you are obliged to tell the truth. That said,
23 you are hereby advised that you are not required to answer a question
24 that is incriminating unless and until the Panel compels you to
25 answer in accordance with Rule 151(2) and determines if an assurance

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1 under Rule 151(3) should be provided to you.

2 You are hereby advised that in the event such a question of
3 self-incrimination arises, you or your assigned counsel may raise the
4 issue to the Panel, and we will proceed to determine whether or not
5 and under what circumstances you may be compelled to answer.

6 I want to be quite clear that this decision and any actions in
7 response are entirely in the hands of the witness, his attorney, and
8 the Panel.

9 Now, Witness, we will begin with the questioning. We start with
10 the questioning by the Special Prosecutions Office who are seated to
11 your left. Please give them your attention.

12 Go ahead.

13 THE WITNESS: [Interpretation] Thank you.

14 MS. LAWSON: Thank you.

15 Examination by Ms. Lawson:

16 Q. And good morning, Mr. Zyrapi.

17 A. Good morning.

18 Q. We have met previously, and I will be asking you questions on
19 behalf of the SPO today and probably some of tomorrow. As the Judge
20 indicated, if my questions are not clear, please let me know and I'll
21 be happy to repeat or to try and rephrase it if necessary.

22 As I explained last week, rather than asking you questions about
23 all relevant topics, it may be possible to admit some of your prior
24 statements containing this information into evidence. In order to do
25 so, there are a number of procedural steps to follow, and we'll start

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1 with those.

2 Can you please state your name for the record.

3 A. I am Bislim Zyrapi.

4 Q. And what is your date of birth?

5 A. 9 July 1962.

6 Q. Do you recall being provided with an opportunity to read your
7 prior statements and testimonies over the past few weeks?

8 A. Yes.

9 Q. When giving those statements and testimonies, were you truthful
10 to the best of your ability and knowledge?

11 A. Yes, entirely.

12 Q. Do you recall being provided with an opportunity to provide
13 corrections and clarifications in relation to those statements
14 recently last week?

15 A. Yes.

16 Q. And do you recall that these clarifications and corrections were
17 included in notes which were read back to you?

18 A. Yes.

19 Q. Thank you. We might refer to a number of your statements during
20 your testimony, but for these procedural steps I'll focus on just two
21 of them initially.

22 MS. LAWSON: First, can we please call up IT-05-87.1 P00428-80.

23 Q. Do you recall giving this testimony to the ICTY over five days
24 in November 2006?

25 A. Yes.

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1 Q. And was it part of the materials that you read over the past
2 couple of weeks?

3 A. Yes.

4 MS. LAWSON: Second, can we please call up 083280-TR-AT Part 1.

5 Q. Do you recall giving this interview to the SPO in 2019?

6 A. Yes.

7 Q. And was this also part of the materials that you read over the
8 past couple of weeks?

9 A. Yes.

10 Q. Subject to the corrections and clarifications that you made last
11 week and that were read back to you, is the information provided in
12 these two prior statements that we've just looked at accurate and
13 truthful to the best of your knowledge and belief?

14 A. Yes.

15 Q. And, again, subject to the corrections set out in the notes, do
16 these prior statements accurately reflect what you would say if you
17 were questioned about these topics again?

18 A. Yes.

19 MS. LAWSON: Your Honour, I'd like to seek admission, please, of
20 the prior statements and associated exhibits. The ERNs were set out
21 in our e-mail last week. And we'd also seek admission of Preparation
22 Note 1, the corrected version, which is 121756 RED.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. MISETIC: Subject to the previous objections, we have no
25 additional objections.

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1 PRESIDING JUDGE SMITH: No objection.

2 MR. ROBERTS: The same for us, Your Honour.

3 MS. ALAGENDRA: [Microphone not activated].

4 PRESIDING JUDGE SMITH: IT-05-87.1 P00428-80 is admitted.

5 THE COURT OFFICER: Your Honour, I would propose that I
6 circulate the list with all the relevant statements and associated
7 exhibits with assigned exhibit numbers to the parties, participants,
8 and Your Honours.

9 PRESIDING JUDGE SMITH: Okay. Because of the numbers, that
10 seems to be a good solution.

11 All right. 083280-TR-AT Part 1 is admitted. And Prep Note 1
12 and the associated exhibits, Prep Note 1 being 121756 RED, plus the
13 associated exhibits are admitted. And as suggested, an e-mail note
14 from the CMU will be given to the parties later today with the
15 detailed exhibit numbers.

16 Ms. Lawson, you may continue.

17 MS. LAWSON: Thank you.

18 Q. And, Witness, because those statements have been admitted, I'm
19 not going to ask you questions about all relevant events and instead
20 try and focus my questioning on supplementary information or
21 additional detail. To the extent possible, I'm going to try and
22 proceed chronologically.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 Before you go further, the statement is only Part 1 or are you
25 admitting all parts?

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1 MS. LAWSON: Yes, thank you, Your Honour. We're seeking
2 admission of all parts.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. LAWSON: 1 to 14.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 To the extent that is not in the record, all 14 parts of the SPO
7 interview is admitted.

8 I'm sorry to have interrupted you. Go ahead.

9 MR. EMMERSON: I do apologise. I was just seeking clarification
10 of the order that Your Honour made in relation to the admission of
11 the exhibits to Prep Note 1, and I wasn't quite sure what that was a
12 reference to --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 The associated exhibits to the interview.

15 MR. EMMERSON: Very well.

16 PRESIDING JUDGE SMITH: Correct, Ms. Lawson? Yeah. All right.

17 MS. LAWSON: That's correct, Your Honour.

18 Q. So, Witness, as I said, I am going to aim to proceed
19 chronologically, and we'll start in March, April, and May 1998. Was
20 there fighting happening already in Kosovo during that time period?

21 A. I was not in Kosovo at the time. But based on the information,
22 there was fighting, including in Drenica, and, as it's well known,
23 the massacre of the Jashari family happened. There was fighting also
24 in other locations in April and May.

25 Q. And how did you hear about the fighting?

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1 A. I heard from colleagues in Tirana, when I was in Tirana. I
2 heard this from members of the logistics at the time who were
3 reporting on what was going on in Kosovo. So I learned this from
4 them.

5 Q. While you were in Albania waiting for approval to join the KLA,
6 you've described that one of the matters you were tasked to help with
7 was doing a technical check on weapons.

8 MS. LAWSON: I'm referring here, for counsel's benefit, to
9 Part 1, page 18.

10 Q. Who was it who asked you to help with that?

11 A. At the time I worked together with the members of the logistics,
12 who were Ilir Konushevci, Raif Gashi, Naim or known as Dilaver by
13 name. So I usually was with them when asked to inspect weapons or
14 review the technical features, if they were fine to be purchased and
15 then sent into Kosovo for further use.

16 Q. And who was responsible for the purchase of the weapons?

17 A. At the time, we're referring to March, April, I understood these
18 were the persons who had the means and purchased weapons. I don't
19 know about others.

20 Q. And by "these," you're referring to members of the KLA logistics
21 department that you were working with in Albania; is that correct?

22 A. I mean, these people who worked in the KLA logistics. At the
23 time, I'm not sure whether it was referred to as a directorate, but
24 they were in charge of the logistics in Albania.

25 Q. What type of weapons were being obtained?

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1 A. At the time, we purchased weapons needed for war. Infantry
2 weapons, mostly Kalashnikov, AK-47, or semiautomatic rifles;
3 anti-tank weapons like RPGs 150, 500; heavy machine-guns, 12.7
4 calibre. Whatever we could find to purchase at that time.

5 Q. I'm moving now to when the group you were organising got to
6 Drenoc after you entered Kosovo. Who greeted you there?

7 A. In May 1998 when we entered Kosovo, first in Drenoc village,
8 we -- we were come and greeted by a part of the local command staff
9 in Drenoc who consisted at the time of Xheme Gashi, known by his
10 nickname as Gjermani, Isuf Gashi, part of that command, the 500 or
11 Mensur Zyberi. These were the people who greeted us in this village.

12 Q. And did they already know the members of the General Staff who
13 you were travelling with?

14 A. Yes.

15 Q. How did they know each other?

16 A. They knew each other from before. The members of the
17 General Staff who were with me had met with them before because the
18 Drenoc base was one of the bases used to move from Albania to Kosovo
19 and from Kosovo to Albania, through this base.

20 Q. I'd like to show you a document.

21 MS. LAWSON: It's P01269 MFI. And the English has ET at the
22 end. And it may be broadcast.

23 Q. First, Witness, who is Daja that this appears to be addressed
24 to?

25 A. I don't know exactly. But at the time, we referred to -- used

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1 the word "daja" to refer to the general commander Azem Syla.

2 Q. And you've already explained that Gjermani is Xheme Gashi in the
3 Drenoc staff; is that correct?

4 A. Correct.

5 Q. Is the information in this document accurate?

6 A. The information is correct, what it says and what it reads.

7 MS. LAWSON: Your Honour, I'd like to tender the document,
8 please. It was already an MFI, so it has a number assigned.

9 PRESIDING JUDGE SMITH: Any objection?

10 MS. ALAGENDRA: Your Honours, this witness is not the maker of
11 the document. There's no evidence as to whose handwriting it is and
12 whether there were multiple different people who wrote it. There's
13 also no evidence as to the chain of custody of this document.

14 PRESIDING JUDGE SMITH: Anybody else?

15 P01269 MFI-ET is admitted and will be given an exhibit number.

16 THE COURT OFFICER: Your Honour, this document will now become
17 P01269. Also classification is confidential.

18 MS. LAWSON: It may be classified publicly.

19 THE COURT OFFICER: Thank you.

20 PRESIDING JUDGE SMITH: Reclassified as public, please.

21 THE COURT OFFICER: Thank you.

22 MS. LAWSON: There's a second document I'd like to show you,
23 please. It's P00663 MFI. And, again, the English has ET at the end.
24 It may be shown publicly.

25 PRESIDING JUDGE SMITH: Madam Prosecutor, did you say 0063 or

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1 00663?

2 MS. LAWSON: The latter, 663.

3 PRESIDING JUDGE SMITH: The record needs to be corrected to be
4 663.

5 MS. LAWSON:

6 Q. Witness, this document refers to Mahir Hasani. Was he one of
7 the officers who came into Kosovo with you at that time?

8 A. Yes.

9 Q. Is it correct that he had attended military academy?

10 A. Yes. He completed the military academy in former Yugoslavia.

11 Q. And is it correct that he was assigned to stay in Drenoc with
12 the staff there?

13 A. Yes.

14 Q. It refers to Bis, who I assume is you, and Maxhupi. Do you know
15 who Magjupi is in this context?

16 A. I don't know in this context. I know Magjupi was Lahi Brahimi,
17 who at that time was not there. Bis is me. The local command asked
18 for Mahir Hasani to be assigned there and help the organisation at
19 this local staff, to which I agreed.

20 Q. So aside from the reference to Magjupi, is the rest of the
21 information in the document correct?

22 A. It's correct that I approved the assignment of Mahir Hasani
23 there and Gjermani as the commander of the local staff at the time
24 there. Yes, correct.

25 MS. LAWSON: And, Your Honours, again I'd like to tender this,

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1 please.

2 PRESIDING JUDGE SMITH: Any objection?

3 MS. ALAGENDRA: Your Honours, I raise the same objections,
4 including the fact that this document does not appear to be a
5 complete document. The bottom right still has details missing.

6 PRESIDING JUDGE SMITH: Thank you. P00663 MFI-ET is admitted
7 and will be assigned an exhibit number.

8 THE COURT OFFICER: Your Honour, this document will now become
9 P00663, and classification is public. Thank you.

10 MS. LAWSON:

11 Q. Witness, I'd like to move on to when you arrived in Likoc. Who
12 did you meet in the first days after you arrived there?

13 A. On the first day when we arrived in Likoc together with a group,
14 apart from the members of the staff who were with me, I met also with
15 Sokol Bashota - we're referring to the first day - and the zone
16 commander for Llap zone, Rrustem Mustafa, and the commander of the
17 Shala zone, Rrahman Rama.

18 Q. Shortly afterwards, did you meet any of the other zone
19 commanders?

20 A. The one I mentioned, the members of the staff I was with, and
21 then I met with Sokol Bashota, Rexhep Selimi. I do not meet any
22 others on the first days. Then at a later stage, yes, I did.

23 Q. So when did you first meet Sylejman Selimi?

24 A. It might have been after some days, after I was asked to visit
25 the Drenica zone and help with the restructuring. So I visited the

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1 zone and the units and met with him for the first time as zone
2 commander, and I was able to visit the zone and help assist them with
3 the restructuring process.

4 Q. Do you remember where you met him?

5 A. I can't recall. It might have been Likoc or another village in
6 Drenica.

7 Q. And the officers who came in with you, were they assigned?
8 Could you please describe where they were assigned to, please?

9 A. After we entered Kosovo the first day, as I mentioned before, I
10 mentioned the people I met in the zone. So the Llap zone commander
11 was there, the Shala zone commander was there. They took with them
12 some of the officers. Rrustem Mustafa took Kadri Kastrati for the
13 Llap zone, and Rrahman Rrahmani took Mensur Kosumi and Hyseni Ahmeti
14 for the Shala zone. So they took them with them and went back to
15 their zones, because these people were originally from these zones,
16 from these territories, and had known each other from before.

17 Q. Do you remember when you first met Jakup Krasniqi?

18 A. In June 1998 when he came to take over his duties, tasks, as a
19 spokesperson of the Kosovo Liberation Army.

20 Q. Do you remember who else was present on that day when you first
21 met him?

22 A. I met with him for the first time in the courtyard of a private
23 house where we were, and Sokol Bashota was present.

24 Q. Anyone else?

25 A. No, I was not inside in the meeting to see who was there.

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1 MS. LAWSON: I'd like to please call up P00606, and the English
2 has ET after it.

3 Q. Witness, the document being brought up now is an interview you
4 gave to Zeri in 1999. Do you recall giving that interview?

5 A. Yes.

6 MS. LAWSON: We can go to page 3 in the English, please. And in
7 the Albanian, it's the third column just above the text box. Thank
8 you.

9 Q. I'll read a portion of it to you.

10 "After this check of the front lines which I made I returned to
11 the base and reported my findings to Hashim Thaci, Kadri Veseli and
12 Sokol Bashota. On that date I had a meeting with and made the
13 acquaintance of Jakup Krasniqi, who exactly at that time accepted the
14 duties of the KLA spokesman. At that time there was the matter of
15 Kijevo which was surrounded by KLA units and was quite a problematic
16 issue. I made my report on the current situation on the ground
17 before the members of the General Staff and suggested to them what
18 further action should be taken."

19 Is that account that I just read accurate?

20 A. Yes, it is.

21 MS. LAWSON: Sorry, we can take down the document. Thank you.

22 Q. You have described how in Likoc you were tasked to visit the
23 different units and make proposals for reorganising and training.

24 MS. LAWSON: This is SPO Part 2, page 8, for counsel.

25 Q. Where was the first place that you started on that task of

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1 reorganisation?

2 A. The reorganisation started immediately upon my arrival. As I
3 was assigned in my capacity as operational senior officer, my duty
4 was to make an assessment of the situation on the ground and then put
5 forward proposals as to how to proceed with the further
6 reorganisation of the Kosovo Liberation Army. This process started
7 immediately upon taking my duties.

8 Q. And which area did you start working in first?

9 A. I first started in Drenica and then continued on in other zones.

10 Q. Who was it that gave you that task?

11 A. To assess the situation, to do the -- to carry out these tasks,
12 I was asked to do this by Sokol Bashota, the director of the
13 operational directorate.

14 Q. And who asked you to go to Drenica to start -- well, to start
15 with Drenica?

16 A. Sokol Bashota.

17 MS. LAWSON: I'd like to put a prior statement with Your
18 Honours' leave. It's IT-04-84bis T675 for the English, and the same
19 for Albanian with AT at the end.

20 MR. ROBERTS: Your Honour, could we just have an explanation of
21 why counsel would like to put the prior statement? I have no
22 understanding as to why she needs to at this stage, but, well --

23 MS. LAWSON: It's in response to the witness's answer to my last
24 question. I'd like to put some different information to the witness
25 to see if it assists his memory.

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1 MR. ROBERTS: But there's no indication that he's forgotten
2 anything. I just want to be very clear, and from the outset, as to
3 exactly what purpose we're ever doing this for.

4 PRESIDING JUDGE SMITH: She's wanting to correct his [Microphone
5 not activated].

6 MR. ROBERTS: To correct his evidence, Your Honour?

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Correct what he said.

9 MR. ROBERTS: But --

10 PRESIDING JUDGE SMITH: Give him the opportunity to reflect on
11 it and refresh his memory.

12 MR. ROBERTS: To refresh his memory, but there's been no
13 indication that he has forgotten anything, Your Honour. It was a
14 straight question and a straight answer, as far as I could see.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 Obviously, the SPO thinks there is something different about it,
17 so we'll wait and see, and you can still interpose your objection.

18 Go ahead.

19 MR. ROBERTS: Thank you, Your Honour.

20 MS. LAWSON: And can we go to page 757 in both, please.

21 Q. I'm going to read from lines 2 to 7 in the Albanian. You say:

22 "I cannot recall exactly how long I stayed, was it two or three
23 days, I don't know, but it was a very brief period; after which,
24 pursuant to the orders issued by the operational commander at the
25 time, Rexhep Selimi, I was tasked with a duty to go to the

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1 operational zone of Drenice in order to render my advice for the
2 development of the operational zone of Drenice."

3 Is that accurate, Witness?

4 A. Yes, it's correct, both Rexhep Selimi and Sokol Bashota were at
5 the operational directorate. I remember that the first one that
6 instructed me when I went on the ground to Drenica was Sokol Bashota
7 and later on Rexhep Selimi.

8 Q. Thank you. Did you visit Llapushnik in June or July 1998?

9 A. Yes.

10 Q. Do you recall how many times?

11 A. I cannot recall exactly how many times, but I would say two to
12 three times.

13 Q. So let's take the first time. Do you remember approximately
14 when and why you went there?

15 A. The first time we went to visit the positions, and I think the
16 first occasion was when we installed the machine -- heavy
17 machine-gun, 12.7, at the position. This is to what I remember.

18 Q. Who did you go there with on that occasion?

19 A. As far as I remember, I went together with Rexhep Selimi on that
20 occasion.

21 Q. Anyone else?

22 A. The commander of the local Llapushnik unit was there, too. This
23 is on the first occasion. And on another occasion was also
24 Fatmir Limaj.

25 Q. Do you believe that Fatmir Limaj was on a different occasion to

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1 the time when you went to advise on installing the weapon?

2 A. You asked me on how many occasions. I replied that I was there
3 on two or three occasions. Now, whether that was on the second or
4 the third or the first, I cannot recall the details. I don't know
5 whether he was when the weapon was installed.

6 MS. LAWSON: Your Honour, maybe I'll refer to a prior statement
7 to assist the witness's recollection on this point.

8 PRESIDING JUDGE SMITH: All right. Go ahead.

9 MS. LAWSON: It's IT-03-66 T6837. It's page 6857 in the
10 English, and it's page 23 going on to 24 in the Albanian. Thank you.

11 Q. So I'm reading from line 9 there, and you were asked:

12 "And this occasion, it was you, Fatmir Limaj, and who else that
13 went, if you recall?"

14 And you answered:

15 "Agim, Agim Qelaj and Hans. Hans is the pseudonym of the person
16 called Nusret Krasniqi. He was an experienced army officer because
17 he had served in the former Yugoslav army and he served as an escort
18 for us during our visits to many places."

19 I'm moving down slightly the page, and the question is:

20 "Did you go to Lapusnik with Fatmir Limaj or was he already
21 there when you arrived?"

22 And your answer was:

23 "To my recollection, we met him on the way between Orlate and
24 Lapusnik villages. I think when we met him he was with
25 Rexhep Selimi, I think. And he instructed us to go and see this

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1 weapon and help the soldiers place it in the best possible position
2 in the Lopusnik gorge.

3 "Q. Who instructed you? Fatmir Limaj?

4 "No. When we met it was Rexhep [Selimi] with him, and he said
5 that we should go together with Fatmir to see where the mortar was,
6 12.7, was placed so that we could come up with the best possible
7 location for that mortar."

8 I'll stop reading there. Does that assist you that Fatmir Limaj
9 was there on the occasion of the placement of the weapons together
10 with Rexhep Selimi?

11 A. Yes. I already said that he was there. I just couldn't
12 remember exactly on which occasion, but it is precisely how it
13 happened, just as it is described in this statement.

14 Q. Thank you. Who were the local commanders that you met there?

15 A. There, I met with the local commander, Voglushi. His real name
16 was Imer Alushani. He was the commander of the unit in Llapushnik.
17 We are speaking about the unit on the right-hand side of the
18 Llapushnik road.

19 Q. Did he have a deputy?

20 A. I think he did have a deputy. I think his pseudonym was
21 Mesuesi, but I don't remember. It's been a long time since.

22 Q. And you mentioned that this was on the right-hand side of the
23 gorge. Who was on the other side? Which commander or unit?

24 A. On the left side of the Llapushnik road of the gorge, when you
25 go towards Prishtine from Malisheve, there the Pellumbi unit was

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1 stationed led by Shala, Ferat Shala.

2 Q. When did you first go to Klecke?

3 A. I do not remember the exact date, but I remember it was in
4 June 1998 when I went to visit the front line. I think it was in
5 June.

6 Q. And you mentioned that you went to visit the front line. Did
7 you have an additional task there as well?

8 A. On that day when I went to visit the front line stretching
9 towards Qafa e Duhles, my task there was to assist the units how to
10 report, how to salute, how to make formations, and I think there is a
11 recording that demonstrates this. And this is the day when I went
12 for the first time to Klecke and when I visited the front line.

13 Q. Did you meet the commander there in Klecke?

14 A. Yes, there I met with Fatmir Limaj and together we went on the
15 front line that, as I said, stretched towards Qafa e Duhles.

16 Q. Did the General Staff have a house or a base in that area at
17 that time?

18 A. As far as I remember, not at that time.

19 Q. Were you ever tasked to assist in finding a premises for the
20 General Staff?

21 A. Yes, later on. That was sometime in November and December when
22 we were finding houses, premises in the territory of Berisha
23 mountains for the General Staff.

24 Q. Okay. I'm still referring to the June 1998 period.

25 MS. LAWSON: So with leave, I'll show a prior statement,

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1 Your Honour.

2 PRESIDING JUDGE SMITH: Go ahead.

3 MS. LAWSON: The reference is IT-03-66 T6837. It's page 6854
4 going on to 55 in the English, and it's page 19 in the Albanian.

5 Q. And I'm reading from the top of the page. The question is:

6 "You testified that you were sent there to assist him and also
7 to prepare a house for the central staff. Correct?"

8 And your answer was:

9 "Yes. Correct."

10 And then you were asked how long you stayed in Klecke on that
11 occasion.

12 Do you recall that?

13 A. Yes, yes.

14 Q. Do you remember who had asked you to go and assist, prepare the
15 house, or what the task was?

16 A. At that time, I remember that Sokol Bashota from the operational
17 directorate told me to find a house suitable for operational room
18 where all the maps and everything would be kept. However, we were
19 not successful in finding a house due to the activity and the work we
20 had at the time.

21 Q. Thank you. I'd like to show another document.

22 MS. LAWSON: It's --

23 MR. MISETIC: Mr. President, are we breaking at 11.00?

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. MISETIC: Okay.

1 MS. LAWSON: Then we'll stop now. Thank you.

2 PRESIDING JUDGE SMITH: Witness, we'll take a half-hour break at
3 this time, which is a little unusual because you just started, but we
4 will be back at 11.30 and continue on.

5 [The witness stands down]

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

7 --- Recess taken at 11.03 a.m.

8 --- On resuming at 11.37 a.m.

9 PRESIDING JUDGE SMITH: Yes, Mr. Misetic.

10 MR. MISETIC: Yes, Mr. President. In light of the Panel's
11 instruction about speaking objections, I thought it would be better
12 if I raised the matter without requiring the witness to leave in the
13 middle of the direct examination.

14 It concerns the use of books, in particular Mr. Krasniqi's book,
15 and also materials obtained either from Mr. Krasniqi or Mr. Selimi.
16 My objection would be that putting it to the witness that this is
17 Mr. Krasniqi's book is leading because it may suggest that it's more
18 credible, the proposition that's being put to him. So I would ask
19 that the matters first be exhausted, whatever the matter is, with the
20 witness to determine what does the witness actually know about a
21 particular topic. And then if the book needs to be put to him, it
22 can be put to him without saying to him, "This is Mr. Krasniqi's
23 book," again, because I think it's leading and suggestive of
24 credibility of whatever the proposition is.

25 PRESIDING JUDGE SMITH: What do you want us to call it?

1 MR. MISETIC: As I said, first it should be what does he know
2 about a meeting or anything about the matter first without just
3 putting the book to him.

4 PRESIDING JUDGE SMITH: I think you're getting into trying to
5 tell the Prosecution how to run their case --

6 MR. MISETIC: Yeah, but the --

7 PRESIDING JUDGE SMITH: And I don't think that makes any sense,
8 and I don't think there is any legal authority for it.

9 MR. MISETIC: It's leading is what the objection is.

10 PRESIDING JUDGE SMITH: Saying this is so-and-so's book?

11 MR. MISETIC: Yes.

12 PRESIDING JUDGE SMITH: Well, it -- [Microphone not activated].

13 MR. MISETIC: Okay.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 You can't hand something like that to somebody and say, "Here's
16 a document. What do you think of it?" You have to tell him what it
17 is, what you're handing him.

18 MR. MISETIC: What you could say is this is an excerpt --

19 PRESIDING JUDGE SMITH: Just saying "here's a document," is that
20 a leading question? Of course it is, but it's a permissible one.

21 MR. MISETIC: Well, you're giving the source of the information.
22 It's just like saying, "So-and-so says this occurred. Do you agree
23 with so-and-so's account?"

24 PRESIDING JUDGE SMITH: Well, to the extent that's an objection,
25 it's overruled.

1 MR. MISETIC: Okay.

2 MS. ALAGENDRA: [Microphone not activated].

3 PRESIDING JUDGE SMITH: Please bring the --

4 MS. ALAGENDRA: [Microphone not activated].

5 Your Honours, I join that submission of my learned friend.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 Please bring the witness in.

8 MS. LAWSON: Your Honour, while the witness is coming in --

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MS. LAWSON: While the witness is coming in, I have one
11 housekeeping matter.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MS. LAWSON: Thank you to the Court Officer for circulating the
14 exhibit numbers of the Rule 154 package for this witness. All of
15 those items can be reclassified as public with the exception of the
16 SPO interview, all parts, and Prep Note 1. Thank you.

17 PRESIDING JUDGE SMITH: It is --

18 MR. MISETIC: Yeah, I would object to the classification on the
19 same basis that we did with the previous witness.

20 The SPO interview is the witness's direct testimony, and so we
21 propose the procedure that we're adopting for the prior witness,
22 which is if there's information subject to a protective order in the
23 SPO interview, then it should be redacted as we're redacting with
24 transcripts so that the witness's testimony, most of it, can remain
25 public. But not the entire testimony is now -- that is in the

1 witness statement is private and confidential.

2 MS. LAWSON: Your Honour, we've no objection to that. It's just
3 that it cannot be reclassified at the moment until we've had an
4 opportunity to review for relevant portions.

5 PRESIDING JUDGE SMITH: Can you give us a timetable for doing
6 that?

7 MS. LAWSON: I wouldn't imagine it would be before I've finished
8 my direct examination at least.

9 PRESIDING JUDGE SMITH: That seems reasonable.

10 MR. MISETIC: Mr. President, as far as I'm concerned, we can
11 adopt the same procedure we use with the prior witness, which is at
12 the same time that the transcript redactions are being done, we can
13 do it with the witness statement as well and then do it all at once
14 and submit it at that time.

15 PRESIDING JUDGE SMITH: My problem with that? It would be good
16 if you'd just talk about these things beforehand. It's sort of a
17 waste of time to do it in the courtroom.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: Welcome back, Witness. We will continue
20 now. The SPO continues to have questions for you. Please give them
21 your attention.

22 Go ahead, Ms. Lawson.

23 THE WITNESS: [Interpretation] Thank you.

24 MS. LAWSON: Thank you.

25 Q. Before the break, I was going to show another document.

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1 MS. LAWSON: It is SPOE00232474. And the English has ET at the
2 end. It's the Revised 1 version.

3 Q. First, Witness, this document refers to a local operational
4 staff. What was that term used to refer to at the time?

5 A. The local operational staffs at the time are mentioned because
6 there were many local units not organised from military point of view
7 fully but groups, so that's why they were called operational -- local
8 operational staffs. Such staffs existed in areas, in municipalities,
9 not in zones because the zones did not exist at the time, but there
10 were subzones.

11 Q. Do you recognise the unit names mentioned here, for example,
12 Celiku and Lumi?

13 A. Yes, I do.

14 Q. Did you assist in unifying these commands?

15 A. Yes, I did assist in June 1998.

16 Q. And does the document accurately reflect your understanding of
17 the structure at the time, that these units were under the command of
18 Musa Jashari, the commander of the local operational staff?

19 A. I see it for the first time as a document. However, it is true
20 that Lumi, Celiku units were in Pashtrik operational zone and that
21 Musa Jashari was assigned commander of that zone.

22 MS. LAWSON: Your Honour, I'd like to tender the document,
23 please.

24 MR. MISETIC: Objection. I can't make the objection without
25 explaining my position, Mr. President. But the substance hasn't been

1 put to a witness who's competent, if I can speak in generalities.

2 There's no --

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: Yes, then let's do that, please.

5 PRESIDING JUDGE SMITH: We will excuse the witness for just a
6 few minutes.

7 We need to make some record outside of your presence, Witness.

8 [The witness stands down]

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. MISETIC: Mr. President, the document has no date, it's not
11 signed, it's not stamped. The Prosecutor -- it purports to be issued
12 by the General Staff. This witness was an officer in the
13 General Staff, and the Prosecutor doesn't put to him: What do you
14 know, and was this document issued by the General Staff as far as you
15 know? He was in the staff at the time.

16 So our position is that this is not a document that existed at
17 the time. The witness says he's seen it for the first time now. So
18 we would object to admission without putting to this witness, who may
19 be competent to testify as to its authenticity and whether it was
20 contemporaneously written, and to just sort of nibble around the
21 edges and try to get it admitted that way is improper.

22 MS. LAWSON: Thank you, Your Honour.

23 First, the document does bear a date. It's dated 21 June. And
24 the witness has just described that he was involved in unifying the
25 command of these units in June 1998.

1 MR. MISETIC: May I respond, Mr. President?

2 PRESIDING JUDGE SMITH: Sure.

3 MR. MISETIC: First of all, what I was referring to was the top
4 left-hand corner is not dated. There's no stamp, there's no
5 signature. And it's different to say the witness was involved and to
6 say that the General Staff issued a decision unifying these units.

7 As you'll recall from the last witness we had, there is a
8 document that does bear signatures that we took from Facebook
9 concerning these units. And, therefore, this is a matter at issue,
10 and we should see what the witness says about the authenticity of a
11 document that's unsigned, undated in the upper left-hand corner, and
12 doesn't have a stamp.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. ALAGENDRA: Your Honours, if I may add to the submissions of
15 my learned friend. This document, I am told, is printed from a
16 workstation that was seized from Jakup Krasniqi. Now, there is no
17 evidence before the Court that this document was ever printed at the
18 time, and the witness has clearly said that this is the first time
19 he's seen it.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. ROBERTS: Your Honour, if I can just add very briefly, and,
22 again, outside the presence of the witness, it's also noted that it's
23 issued from Prishtine, which would be surprising to note for anyone
24 that the General Staff was issuing orders from the Prishtine at the
25 time. So, again, in terms of issues relating to its credibility, I

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1 would put that out there as well.

2 [Trial Panel confers]

3 PRESIDING JUDGE SMITH: All right. I began to say, and I will
4 now continue to say, I think I agree to a certain extent that you
5 need to deal with this a little more specifically as to what he knows
6 about the authenticity of the document and certainly ask any other
7 questions you had, but I would like to have some more information
8 before I admit it.

9 Please bring the witness in.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: All right. Witness, we will proceed
12 now.

13 Go ahead.

14 MS. LAWSON: Thank you.

15 Q. And, Witness, we're still looking at the document that's on the
16 screen before you. You mentioned that you assisted in unifying the
17 commands of these units in June 1998. Could you please describe a
18 bit further what your involvement was.

19 A. We discussed the unifying of these units. Of these tasks, I had
20 more in Suhareke area where these units, Celiku and Lisi, were
21 operating. Lumi was in the territory of Malisheve municipality.
22 These two units were unified in the Suhareke area into one local
23 staff which was at the time called Suhareke local staff. This would
24 be, in short, my contribution in unifying these units at the time.

25 Q. And did you make recommendations or proposals to the

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1 General Staff in relation to the unification of these units?

2 A. Yes, because I was sent there, first of all, by Sokol Bashota,
3 since these two units operating in that area had problems. They were
4 not in good relations. So to eliminate these problems and unify the
5 two units, I went there, spoke to both units, unified them, and we
6 established the local staff of Suhareke.

7 And, of course, once this was completed, I informed the
8 operational directorate about the unification of these two units and
9 about the establishment of the Suhareke operational staff, local
10 staff.

11 Q. And did the General Staff approve this unification and the
12 proposals that you had made?

13 A. First of all, the General Staff at that time was called
14 Central Staff. Of course, I informed the operational directorate,
15 that is Sokol Bashota as the head of the operational directorate.

16 MS. LAWSON: And, Your Honour, I do still intend to tender this
17 document, but I'll perhaps show the next document to him first as it
18 relates also to what he has just mentioned.

19 PRESIDING JUDGE SMITH: All right.

20 MS. LAWSON: So I'd like to show you another document from June
21 1998. It's 1D00164, and the English has ET after it.

22 Q. Now, Witness, you just mentioned unifying two units in Suva
23 Reka. Do you recognise the document in front of you?

24 A. Yes, I do.

25 Q. And the units mentioned?

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1 A. Yes.

2 Q. It refers to a meeting on 26 June when a decision was taken to
3 merge those two units. Do you recall that?

4 A. Yes, entirely.

5 Q. And did you attend that meeting as is reflected in the document?

6 A. I did, yes.

7 Q. And do you recognise the names of the commander, deputy, chief
8 of staff, and others mentioned in it?

9 A. Yes, I do.

10 Q. And did these units then fall under Musa Jashari as referenced
11 in the previous document we just looked at?

12 A. No. Something else is written in the other document. This
13 document reflects the unification of the staff -- local staff of
14 Suhareke. The previous document is for the zone. Because Lumi, as I
15 said, is a totally different unit operating in a different area,
16 which was in Malisheve area. This is as far as the previous document
17 is concerned.

18 In this document, only the local staff of Suhareke is treated.
19 That is, that that staff was established.

20 Q. And did the local staff of Suva Reka fall within the Pashtrik
21 zone?

22 A. Yes.

23 Q. And did they come under the authority of Musa Jashari?

24 A. Yes, at that time.

25 MS. LAWSON: Your Honour, I'd like to tender the prior document

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1 again, please. It was SPOE00232474.

2 MR. MISETIC: The same objection, Mr. President. The substance
3 hasn't been put to the witness.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 1D00164-ET is admitted as is SPOE00232474-ET under 138.

6 MR. MISETIC: Mr. President, just for the record, 1D00164 is
7 already an admitted exhibit.

8 PRESIDING JUDGE SMITH: That's right. That was your evidence,
9 yes.

10 THE COURT OFFICER: Your Honour, document SPOE00232474 to
11 00232474 and its English translation will receive Exhibit P01381, and
12 it's classified as confidential.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Thank you. You may go on.

15 MS. LAWSON: And it can be classified as public.

16 PRESIDING JUDGE SMITH: Reclassified as public.

17 THE COURT OFFICER: Thank you.

18 MS. LAWSON: I would like to show you some notes from around
19 that same time. This would be P00075. And the English has ET at the
20 end. The relevant page is 9270 or page 24 of the PDF.

21 Q. Witness, I'd like you to look at the entry at the top left part
22 of the page. And first at the bottom of that entry, it says: "Agim,
23 Breshanc." Do you know who that would be a reference to?

24 A. Agim is the name, whereas Breshanc is the name of a village.
25 That's where the command of the Suhareke local staff was stationed.

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1 That is, of Brigade 123.

2 Q. And as we saw on the previous document, Agim Kuqi was the chief
3 of staff there; is that correct?

4 A. Yes, in the Suhareke local staff.

5 Q. At the top of the document it appears to be:

6 "Talk with /?Bislim/."

7 Is this the type of information that you were giving to units
8 and local staffs at the time in relation to structure?

9 A. Yes.

10 MS. LAWSON: So please bring up SPOE00225796.

11 Q. So first looking at the bottom of the document. Do you
12 recognise the name at the bottom?

13 A. Yes.

14 Q. Is it correct that he was the commander of the local staff in
15 Suva Reka at the time? This is dated 1 July.

16 A. Yes.

17 Q. This is a request for KLA number plates. Is it correct that
18 certain KLA vehicles had specific KLA number plates?

19 A. Yes, that's correct.

20 Q. And in the last sentence it also requests two further number
21 plates for military police. Were there specific military police
22 number plates as well?

23 A. I don't recall. I know that there were KLA plates, but I don't
24 know about the military police. I don't recall it.

25 MS. LAWSON: Your Honour, I'd like to tender the document,

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1 please.

2 MS. ALAGENDRA: Your Honours, I raise the same objection as I
3 did this morning.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Anyone else?

6 MR. MISETIC: I'll object also because it's an unsigned
7 document.

8 PRESIDING JUDGE SMITH: SPOE00225796 is admitted, having met the
9 *prima facie* standard of Rule 138.

10 THE COURT OFFICER: Just to confirm on the record, both pages of
11 the document should be admitted?

12 MS. LAWSON: Can we please turn to the second page? But, yes,
13 that's [Indiscernible]. Yes, it's the back of the same document.

14 MS. ALAGENDRA: Your Honours, we object to the second page going
15 in. It's just some scribbles on it, and who scribbled it we don't
16 know or it's not been established.

17 PRESIDING JUDGE SMITH: The objection is overruled.

18 Go ahead.

19 THE COURT OFFICER: Your Honours, document with ERN SPOE00225796
20 to SPOE00225797 and its English translation will receive
21 Exhibit P01382. Classification is confidential.

22 PRESIDING JUDGE SMITH: Thank you.

23 THE COURT OFFICER: Thank you.

24 MS. LAWSON:

25 Q. Witness, a short time ago we looked at a document appointing

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1 Musa Jashari as commander of the local operational staff
2 headquartered in Malisheve. Did his responsibilities expand beyond
3 just the three units mentioned in that decision - Celiku, Lumi, and
4 Lisi?

5 A. A correction: He was not appointed commander of the local staff
6 of Malisheve. Musa Jashari was appointed commander of the staff of
7 the operational zone of Pashtrik. When we say "local Malisheve
8 staff," it's a different much lower unit compared to what his exact
9 position was.

10 Q. And by approximately when was he exercising the responsibilities
11 over the Pashtrik zone?

12 A. From the time he was appointed until November 1998.

13 Q. From approximately when were you aware of him exercising those
14 functions or having been appointed?

15 A. After he was appointed. I would say end of June, beginning
16 July.

17 Q. I'd like to go back to the visits you were making to different
18 units in the summer of 1998. As a general matter, in June and July,
19 when you were assigned to visit units to assist with their
20 organisation, how would you know where the KLA units were based or
21 which villages to go to?

22 A. I'll give you an example. So in the beginning, in June, apart
23 from what I explained earlier, the unification of the local staff in
24 Suhareke, following this, I went to the local unit's staff in
25 Prizren. At the time in June, towards the end of June,

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1 representatives from this region came to the staff, Central Staff,
2 and had discussions with Sokol Bashota. Sokol Bashota called me and
3 instructed me to go in this territory to assist them in organising
4 the units in this territory and, obviously, in this process, to form
5 the staff in Prizren.

6 So either representatives of local staff would come to the
7 Central Staff and ask for this or I would do this when going from one
8 staff in one zone to another staff in a different zone.

9 Q. You have said it was around the end of -- the very end of June
10 that you went to Prizren to assist. Were there Serbian forces
11 present in the area around Drini or Vrrin at that time?

12 A. Yes, there were. Around the territory of Vrrini, not inside.

13 Q. So surrounding it but not within the area; is that correct?

14 A. Correct, surrounding. Not inside the zone.

15 Q. And approximately what geographic area was covered by that zone?

16 A. The geographical area covering the territory of Vrrin is the
17 south-east of Prizren area.

18 Q. You have said previously that the local staff there was based in
19 Jeshkove. I'm referring to SPO Part 2, page 12. Can you please
20 describe the buildings and headquarters being used in Jeshkove at the
21 time?

22 A. The local staff, after I went there and it was set up, the
23 command was based in Jeshkove in a private house. In addition to
24 this private house, there was also the old school where the military
25 units of the local staff were stationed.

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1 Q. Were there military police there at the time?

2 A. Yes, there was. There was a squad, such a squad.

3 Q. Where were they based?

4 A. In the school, in Jeshkove.

5 Q. Do you recall who the commander and deputy commander of the
6 military police squad was?

7 A. The commander of this unit was Selajdin Berisha. I don't recall
8 the deputy.

9 Q. You've described that Remzi Ademi became the local staff
10 commander there. Did he have a nickname?

11 A. Yes, Remzi Ademi was the commander of the local staff. His
12 nickname was Petriti. And the group was referred to as Petriti.
13 Just as we mentioned before regarding other units - Lumi, Celiku -
14 the Prizren unit group was named Petriti.

15 Q. And you've previously described the commander in Leskovec was
16 Naser Berisha, and in Billushe was Zafir Berisha. Who were they
17 reporting to in the structure?

18 A. Both were battalion commanders, 1st and 2nd Battalions. Naser
19 was the 1st commander battalion in Leskovec, and the second one in
20 Billushe. They reported to the local staff commander.

21 Q. Is that Remzi Ademi in Jeshkove?

22 A. Yes, with the command based in Jeshkove.

23 Q. Which brigade were these units converted into or brought under?

24 A. Later on when brigades were formed, they were converted into
25 Brigade 125.

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1 Q. Do you remember any of the people who were working in logistics
2 there at the time?

3 A. Yes.

4 Q. Can you please mention who you remember?

5 A. The deputy commander for logistics was Selim Krasniqi, and his
6 assistant was Xhemshit Krasniqi.

7 MS. LAWSON: Can we please show P00070, 7-0.

8 Q. Do you recognise the locations being referred to here?

9 A. The locations, yes. But I'm seeing this for the first time.

10 Q. Were you involved in the effort to unify command in that area?

11 A. Yes.

12 Q. Can you describe your involvement, please?

13 A. I worked in this territory the same way I worked in other
14 territories, to unify groups, units existing in those territories.
15 We worked in this territory to establish the 2nd Battalion in the
16 Pashtrik zone. Actually, in the Rahovec area. And I worked on
17 unifying the units in these various villages, and they were -- they
18 merged, brought under regional staff as they were referred to, local
19 staffs - Suhareke, Prizren, Rahovec staffs - which then further
20 formed brigades.

21 But at that time, yes, I worked in this territory to unify the
22 units.

23 Q. And where were these units brought under in terms of the command
24 structure?

25 A. They are part of it as a 2nd Battalion of the Rahovec local

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1 staff. Then Brigade 124.

2 Q. Binak Gashi, who is mentioned there, is he one of the officers
3 who came in from Albania with you?

4 A. Yes, one of the officers who entered Kosovo together at the same
5 time with me.

6 Q. And he was based in Drenoc, is that right, or assigned to
7 Drenoc?

8 A. He was also assigned in Drenoc because he was from the area of
9 Gremnik, originally born there. And he knew the people, they knew
10 him, so it was easier for him to be assigned there and work for the
11 unification of these groups and units and to form the 2nd Battalion.

12 Q. We can see that this document refers to a General Staff meeting
13 held on 30 June. Did you attend that meeting?

14 A. No.

15 Q. Had you made your recommendations or proposals to someone in
16 relation to this restructuring?

17 A. We were already in the territory of Rahovec with the purpose of
18 restructuring. I made these proposals to the units, and also I
19 reported to the operational directorate, Sokol Bashota, suggesting
20 that they could be brought closer, make a unit as a 2nd Battalion
21 within the local staff.

22 Before that, I had been in the territory of Vrrin in Prizren, so
23 I was not there during those days.

24 Q. Now, you've confirmed previously - and I'm referring here to
25 P01356, that's the Sainovic testimony, at page 6017 - that by

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1 mid-July, the KLA held up to approximately 50 per cent of the
2 territory of Kosovo more or less. You couldn't confirm the exact
3 percentage. Are you familiar with the term "free zone"?

4 A. Yes, certainly. A free zone is a zone which is controlled by
5 the units. For us, the free zone was a zone that was under KLA
6 control or a zone where there was no Serbian forces presence.

7 Q. Was there an area in Kosovo that was referred to as a free zone
8 at that time? So that's June and the first half of July.

9 A. Yes. In June, most of Drenica, Pashtrik, and Dukagjin. There
10 were many locations where there were free zones.

11 Q. In the free zone area in Pashtrik, was there a place that was
12 considered the capital of the area at the time?

13 A. As a town or municipality, it was Malisheve, which was a free
14 zone under full control of the Kosovo Liberation Army.

15 Q. Now, you've described being informed that you were appointed
16 head of the operational directorate. When approximately were you
17 informed of that?

18 A. Sometime in the middle of July, three or four days before the
19 offensive in Rahovec.

20 MS. LAWSON: I'd like show an exhibit, please. It's
21 SPOE00223376, page 2 in the English. And in the Albanian, it's the
22 top of the second column of text.

23 Q. And I'll read it. You're responding to a question, and you say:

24 "While later I understood this matter quite clearly, after we
25 entered Kosovo and after a meeting with the members of the

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1 General Staff which I had in June, at which I too was accepted as a
2 member of the General Staff and as Head of the Operational
3 Directorate (15 June 1998). At that time the members of the
4 General Staff were: Hashim Thaci, Kadri Veseli, Sokol Bashota,
5 Rexhep Selimi, Jakup Krasniqi and Lahi Brahimaj. All of these
6 accepted me as a member of the General Staff and as Head of the
7 Operational Directorate in the General Headquarters.

8 "On that day Jakup Krasniqi was in charge. In that meeting I
9 made the acquaintance of all the members of the /General/ Staff and
10 what their positions were, and they informed me that the Commander of
11 the KLA General Staff was Azem Syla. But his name had to be kept
12 secret because of his activity outside Kosovo."

13 Based on what you just testified, I believe that date should be
14 July rather than June; is that correct? 15 July. But other than
15 that, is the information --

16 A. That's correct.

17 Q. Other than that, is the account accurate?

18 A. Yes, that's accurate.

19 Q. And so that's also when you were informed of Azem Syla's role
20 but also told that it must be kept secret; is that correct?

21 A. Correct.

22 Q. Where was this meeting held where the General Staff members
23 accepted you as head of the operational directorate?

24 A. I don't remember exactly. We were in a house, a private house
25 in the area of Malisheve, but I don't know exactly where.

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1 Q. And at the time of your appointment, did you have discussions
2 with the General Staff members about how to organise the operations
3 directorate?

4 A. We spoke briefly, not in detail, because we did not have time to
5 discuss it. Immediately after this, we had to go in the area of
6 Dukagjin where we had a meeting planned with a commander of the zone.

7 Q. What were the topics that you did discuss at that time?

8 A. Developments were discussed, assessing how the unification of
9 local staffs was going in subzones, and how the further
10 reorganisation of the Kosovo Liberation Army was going. So these
11 were the topics discussed.

12 Q. Did you have any discussion of potential staffing for the
13 operations directorate?

14 A. No, apart from the fact that I was given the position in this
15 directorate. Together with me was Agim Qelaj. So at that time we
16 were just two as officers, with the assistance given to me by
17 Rexhep Selimi and Sokol Bashota at the time. However, we did not
18 have other members. We were told to work in bringing in new officers
19 in order to complete the positions within this directorate.

20 Q. In June and July 1998, what was the procedure for authorising
21 KLA operations?

22 A. In general, the units had first to be ready in the operational
23 sense. If they were ready and well equipped, supplied with
24 sufficient logistics, then we could continue with the operations.
25 Otherwise, the General Staff could allow for operations, which are

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1 operative and strategic operations. Whereas at the lower tactical
2 level, this was decided by zone commanders as per the situation and
3 the needs. They would act within their own territory.

4 Q. Now, you've told us that very shortly after your appointment you
5 went to Dukagjini. Where did you first go?

6 A. We first went to the meeting with the zone commander of the
7 Dukagjin area, Commander Ramush Haradinaj. We met in Jabllanice, the
8 village of Jabllanice.

9 Q. Were there others who travelled with you to that meeting?

10 A. Yes, members from the staff. We went together.

11 Q. Who went with you from the General Staff?

12 A. It was me, Jakup Krasniqi, Hashim Thaci, Kadri Veseli,
13 Rexhep Selimi, Lahi Brahimi.

14 Q. And did all of those persons also attend the meeting with the
15 zone commander in Jabllanice?

16 A. Yes, on that same day.

17 Q. You mentioned that Lahi Brahimaj was one of the people who
18 travelled with you. Do you know what his function was at that time
19 in the General Staff?

20 A. I know he was in the General Staff at the time. From what I can
21 remember, he was in the finances directorate. But what his position
22 was prior to that, I don't know.

23 Q. Were you there for the whole meeting that was held in
24 Jabllanice?

25 A. Yes. And in addition to being present during the meeting, I

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1 stayed after the meeting in the Dukagjin zone to get to know the
2 zone, the situation in the zone. So I stayed for several days after
3 in that territory.

4 Q. What was discussed at the meeting? And then we'll go to when
5 you travelled on into the rest of Dukagjini.

6 A. We discussed matters of supplies, logistics, development of the
7 Kosovo Liberation Army, its expansion, and its strengthening. From
8 what I can remember, these were the topics we discussed at the time.

9 Q. So you started to tell us but now please proceed. After the
10 meeting, what did you do?

11 A. After the meeting, I continued on with the zone commander to
12 familiarise myself with the zone and went to the command of the
13 Dukagjini zone in Gllogjan. And together with Sali Veseli, who was a
14 former commander of that staff, we went to visit the units in
15 Dukagjini area, in Gllogjan, Jabllanice, Lugu i Baranit, and these
16 areas. And, of course, we visited the territory of Reka e Keqe,
17 which was on the other side, closer to the border with Albania.

18 MS. LAWSON: I'd like to show you some documents. So the first
19 one is U001-5562. And the English has ET-1 after it.

20 Q. So this document is dated 28 July. Is it correct that that
21 would be shortly after your visit to Dukagjini?

22 A. This was shortly after the visit, which was a long time before
23 this document.

24 Q. I'd just like to clarify your answer slightly. You visited in
25 the middle of July, is that correct, and this document is dated

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1 28 July, so it's a short time after you visited the zone.

2 A. Yes, not maybe a short time. Maybe a bit longer than that,
3 because on the 9th I was in -- 19th, I was in the area of Rahovec.
4 And what is reported here are events on the 28th of that month and
5 year. But it could be as you said.

6 Q. So I'd like to look at some of the content of the document just
7 to see if it reflects what you observed while you were there.

8 MS. LAWSON: Could we go down a bit further, please, on page 1.

9 Q. And in the second-last paragraph, it refers to three assault
10 brigades having been formed. Was that accurate at that time?

11 A. Yes. At the time when I was visiting, these brigades were in
12 the phase of being formed, structured.

13 Q. Did you assist in that or have any involvement?

14 A. Yes, a little bit in terms of the command. How to organise the
15 command.

16 MS. LAWSON: We can go to page 2, please.

17 Q. And we can see there in the second-last paragraph it refers to
18 military police having been established. Did you observe that at the
19 time? Is that accurate?

20 A. Yes, that's accurate.

21 MS. LAWSON: Your Honour, I'd like to tender the document,
22 please.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. MISETIC: No objection.

25 PRESIDING JUDGE SMITH: No objection being heard, U001-5562-ET-1

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1 and the Albanian translation is admitted. Please assign an exhibit
2 number.

3 THE COURT OFFICER: Your Honour, just for the record, it is
4 U001-5562 to U001-5563 and the English translation. It will receive
5 Exhibit P01383, and the classification is confidential.

6 MS. LAWSON: So again it may be public.

7 PRESIDING JUDGE SMITH: Reclassified as public, please.

8 THE COURT OFFICER: Thank you.

9 MS. LAWSON: Now I'd like to show SPOE00232227.

10 Q. Does this reflect your understanding of Sali Veseli's position
11 in the Dukagjini zone?

12 A. Yes, he was in this position.

13 Q. Did he have any additional or dual role apart from being head of
14 the operational sector?

15 A. At the time, he was also chief of staff of the Dukagjini
16 operational subzone.

17 MS. LAWSON: I'd like to tender the document, please.

18 MS. ALAGENDRA: Your Honours, I raise the same objection. In
19 addition, this is a document that is extracted from a workstation.
20 There is no evidence before the Court when this document was prepared
21 and who prepared it.

22 The witness has also not been asked if he had knowledge of such
23 a document being in existence.

24 I also wish to indicate that there is at the top no reference
25 number, and the date appears to suggest either 1998 or 1999, which

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1 clearly shows that this document could well have been prepared in
2 1999.

3 MR. MISETIC: I would join in that objection, Mr. President, for
4 the same reasons I objected in the -- previously. And, again, the
5 heart of the matter is not being put to a witness even though the
6 document purports to be coming from the General Staff.

7 MS. LAWSON: Your Honour, the document provides a meeting date
8 for when the decision was made, and the witness has confirmed that it
9 accurately reflects his knowledge of the individual's position at the
10 time.

11 [Trial Panel confers]

12 PRESIDING JUDGE SMITH: The objection is overruled.
13 SPOE00232227 will be admitted. Please assign an exhibit number.

14 THE COURT OFFICER: Your Honour, just to mention for the record
15 that this is a two-page document, but the second page seems to be
16 empty. So --

17 PRESIDING JUDGE SMITH: Just the first page.

18 THE COURT OFFICER: Just the first page.

19 SPOE00232227 and its English translation will be assigned
20 Exhibit P01384, and the classification is confidential.

21 MS. LAWSON: So again this can be public.

22 PRESIDING JUDGE SMITH: Is this to be public?

23 MS. LAWSON: Yes, it can be public. Thank you.

24 PRESIDING JUDGE SMITH: It'll be reclassified as public.

25 MS. LAWSON: Can we please call up U000-2579.

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1 So first if we please scroll down the page so that we can see
2 the signature block.

3 Q. Do you recognise the signature, Mr. Zyrapi?

4 A. Yes.

5 Q. Does this document reflect your understanding of the area of
6 responsibility that Shemsedin Cekaj had?

7 A. Yes, when I visited this zone.

8 Q. And also the role of Sali Veseli, which we have just discussed
9 in the prior document?

10 A. Yes. It is addressed to the chief of the operational staff,
11 just as I described it.

12 MS. LAWSON: And I'd like to also tender this document, please.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. MISETIC: No objection.

15 PRESIDING JUDGE SMITH: No objection is heard. U000-2579 is
16 admitted. Please assign an exhibit number.

17 THE COURT OFFICER: Your Honour, the document and its English
18 translation will receive Exhibit P01385. Current classification is
19 confidential.

20 MS. LAWSON: It can also be public.

21 PRESIDING JUDGE SMITH: Reclassify it as public.

22 THE COURT OFFICER: Thank you.

23 MS. LAWSON: And I'd like to call up document U000-2555.

24 Q. So again starting at the bottom of the page, do you recognise
25 the signature?

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1 A. Yes.

2 Q. And does this reflect your understanding of Faton Mehmetaj's
3 role at the time?

4 A. Yes.

5 Q. Did you meet him when you were making your first visit to
6 Dukagjini?

7 A. Yes.

8 MS. LAWSON: I'd like to tender the document, Your Honour.

9 PRESIDING JUDGE SMITH: Any objection? None seen.

10 U000-2555 is admitted.

11 THE COURT OFFICER: Your Honours, the document will receive --
12 and its English translation will receive Exhibit P01386.

13 Classification is public. Thank you.

14 MS. LAWSON: Can we call up U002-2562. And for this document,
15 the ET comes before the number.

16 Q. Now, we see there the typed name of Faton Mehmetaj, whose role
17 we've just discussed, and it's addressed to the commander of the
18 Rapid Units headquartered at Irzniq. What units were they?

19 A. During my visit in Irzniq, there was the rapid intervention unit
20 led at the time by Togeri which was under the command of the
21 commander of the Dukagjini operational subzone.

22 Q. What is Togeri's full name, his real name?

23 A. Toger's full name is Idriz Balaj.

24 Q. And did this unit, this rapid unit have a name, rapid
25 intervention unit? Did it have a name that it was known by?

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1 A. Yes, later on it was called *Shqiponjat e Zeza*, or Black Eagles.

2 Q. Did you go to Irzniq during your visit to Dukagjini in July?

3 A. Yes.

4 Q. And did you meet Toger there?

5 A. Yes, I met him there.

6 MS. LAWSON: I'd like to tender the document, Your Honour.

7 PRESIDING JUDGE SMITH: No objection being heard, U002-2562 is
8 admitted.

9 THE COURT OFFICER: Your Honours, the document and its English
10 translation will receive Exhibit P01387. Classification is
11 confidential.

12 MS. LAWSON: So it can be public. Thank you.

13 PRESIDING JUDGE SMITH: Reclassify it as public.

14 THE COURT OFFICER: Thank you, Your Honour.

15 MS. LAWSON: I'd like to call up U000-2573. And, again, for the
16 English, the ET comes before the number.

17 THE COURT OFFICER: Can counsel please mention the ERN number of
18 the Albanian version? I'm not able to find it.

19 MS. LAWSON: I believe it should be the same numbers. I believe
20 it should be U000-2573.

21 Okay. We're about to come to a lunch break, so we'll skip this
22 and go to the next document. U001-4546. And this, again, has ET at
23 the start for the English version.

24 Q. So starting at the bottom, do you recognise the signature here?

25 A. Yes.

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1 Q. And do you recognise the person who's mentioned in this
2 document, Qerim Kelmendi?

3 A. Yes. He worked with the logistics in Albania.

4 Q. Was that at the General Staff level?

5 A. Yes, he was together with the others that I knew at the
6 logistics basis, the KLA logistics base. I don't know why this
7 authorisation is issued when he was already a logistics officer.

8 MS. LAWSON: Your Honour, I'd like to tender the document.

9 PRESIDING JUDGE SMITH: Any objection? None. U001-4546 is
10 admitted.

11 THE COURT OFFICER: Your Honour, the document and its
12 corresponding English translation will receive Exhibit P01388.
13 Current classification is confidential.

14 PRESIDING JUDGE SMITH: Please --

15 MS. LAWSON: It can be public.

16 PRESIDING JUDGE SMITH: -- reclassify as public.

17 THE COURT OFFICER: Thank you.

18 MS. LAWSON: And if we can call U000-2575. Again, the ET is at
19 the start for this number.

20 Q. Do you recognise the signature in this document?

21 A. Yes.

22 Q. And do you know who Fan Nol Bardhi is as referenced in it?

23 A. Yes, I know who he is. He also worked with logistics in Albania
24 together with Qerim Kelmendi in the area of Bajram Curri.

25 MS. LAWSON: Your Honour, I would like to also tender this

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1 document.

2 PRESIDING JUDGE SMITH: Any objection? None heard. U000-2575
3 is admitted.

4 THE COURT OFFICER: Your Honours, this document and its
5 corresponding English translation will receive Exhibit P01389.
6 Current classification is confidential.

7 PRESIDING JUDGE SMITH: Please reclassify as public.

8 THE COURT OFFICER: Thank you.

9 MS. LAWSON: I will do one more document before the break,
10 please. This is SPOE00232246. Can we go on to the next page,
11 please. Yes, thank you.

12 Q. Witness, do you recognise the name of the individual who's
13 mentioned there, Burim Mormellaku, aka Dervishi?

14 A. Yes.

15 Q. Can you please describe what his role was?

16 A. As far as I remember, at the time he was a sort of a courier
17 through whom, as needed, things were sent to Albania from Kosovo and
18 vice versa. But for the first time in this document I see him
19 mentioned in the context of supply sector. I didn't know that.

20 Q. Did he have any role in logistics or logistical matters?

21 A. I don't know. What I know is that he was a courier, and I don't
22 know about his involvement in logistics.

23 MS. LAWSON: Your Honour, we'll take a lunch break, please.

24 PRESIDING JUDGE SMITH: Witness, it is time for our lunch break.
25 It will be an hour and a half. You'll come back at 2.30, and then we

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1 will have a two-hour session to end the day. So thank you so far.

2 You may go with the usher. We hope you have a good lunch.

3 THE WITNESS: [Interpretation] Thank you.

4 [The witness stands down]

5 PRESIDING JUDGE SMITH: If there's nothing further, we'll be
6 adjourned until 2.30.

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

8 --- On resuming at 2.31 p.m.

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

11 MR. ROBERTS: Your Honour, just for planning, are we breaking at
12 halfway through for ten minutes or are we continuing through?

13 PRESIDING JUDGE SMITH: Well, we hadn't discussed it, but I
14 think we should break for ten minutes. Yes.

15 MR. ROBERTS: Thank you, Your Honour.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Welcome back, Witness. We will proceed
18 now and continue. As I told you, this session goes for two hours.
19 After one hour, we will take a ten-minute break, and then we will
20 continue on until 4.30.

21 Please give your attention to the Specialist Prosecutor.

22 MS. LAWSON:

23 Q. Good afternoon.

24 A. Good afternoon.

25 MS. LAWSON: Can we please call up P00879.

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1 Q. Now, Witness, you can take a minute to read it if you want.
2 This document prohibits communicating with journalists about military
3 issues, giving political assessments without special permission of
4 the General Staff, or giving interviews. Does that reflect KLA
5 policy at the time as you understood it?

6 A. I see this document for the first time. With respect to the
7 policies, normally the communications should have been limited or at
8 least the persons who would be allowed or able to communicate should
9 be known. Yes.

10 MS. LAWSON: And I'd like to bring up U000-2988. In the English
11 version, the ET goes at the start.

12 Q. Witness, first, do you recognise the signature on this document?

13 A. Yes.

14 Q. And do you recognise the locations that it's addressed to at the
15 top of the document? It's the first line.

16 A. Yes.

17 Q. Were they all areas with KLA units within the Dukagjini zone?

18 A. The document says it's for the Dukagjini zone, so I don't see
19 other zones.

20 Q. But based on your knowledge of those locations, did they fall
21 within the Dukagjini zone?

22 A. Yes.

23 Q. [Microphone not activated].

24 MS. LAWSON: Thank you.

25 We can see that this makes reference to the General Staff

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1 decision that we've just looked at. I'd like to bring up a further
2 document. It is SPOE00225272.

3 Q. And before we look at this document, were you aware of issues
4 within the Dukagjini zone in relation to people speaking with
5 journalists?

6 A. Yes, there were.

7 MS. LAWSON: Could we go to the second page, please, in the
8 Albanian. So I'd like to correct the number. Apologies. It's
9 225755. Yes, thank you.

10 Q. Witness, do you recognise the signature on this document?

11 A. Yes.

12 Q. And at point three, we can see that it's confirming
13 implementation of the General Staff order that we just looked at; is
14 that right?

15 A. Yes.

16 MS. LAWSON: Your Honour, I'd like to tender both of those
17 documents, please. So that's the current one, SPOE00225755, and the
18 prior document, U000-2988.

19 PRESIDING JUDGE SMITH: Any objection?

20 MS. ALAGENDRA: To the first document that was shown to the
21 witness, Your Honours, I object on the basis that the document is
22 incomplete and is not signed.

23 PRESIDING JUDGE SMITH: Thank you. The objection is overruled.

24 U000-2988 and SPOE00225755 are both admitted.

25 THE COURT OFFICER: Your Honours, just a clarification for the

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1 first document. Is it only first page?

2 MS. LAWSON: Yes, it's the page we looked at.

3 THE COURT OFFICER: Okay. The first document, first page of
4 U000-2988 and its English translation will receive Exhibit P01390.
5 Classification is confidential.

6 And the second document, SPOE00225755, and its English
7 translation will receive Exhibit P01391. Classification is
8 confidential as well.

9 MS. LAWSON: Thank you. They can both be public. And it may
10 have been the second page that we looked at for the first document,
11 but we will verify that and get back to you. It's the one that we
12 looked at.

13 PRESIDING JUDGE SMITH: Both are to be reclassified as public,
14 please.

15 THE COURT OFFICER: Thank you, Your Honour. They will be
16 reclassified as public.

17 MS. LAWSON:

18 Q. Now, returning to the chronology, you've already described that
19 you had to return from Dukagjini to assist with the fighting in
20 Rahovec. Did you hear at the time that there had been an attack on
21 Opterushe?

22 A. No.

23 MS. LAWSON: I'd like to show a prior statement, Your Honour,
24 with leave.

25 MR. ROBERTS: Your Honour, just on this, if we could just

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1 explain, is it 143(1) or 143(2)? Is this refreshing or is this some
2 other basis?

3 MS. LAWSON: Well, the witness said no, so this is a prior
4 inconsistent statement that I'm putting.

5 MR. ROBERTS: So it's 134(2) that the Prosecution counsel is
6 putting this statement. If we could just be clear on the basis each
7 time, I think that would help the record, Your Honour.

8 PRESIDING JUDGE SMITH: Go ahead.

9 MS. LAWSON: The reference is IT-05-87_1 T2489. And the page is
10 2508 in the English, and page 22 in the Albanian.

11 Q. So in the English, I'm reading from line 17. The question was:

12 "Do you know that in July 1998 the KLA attacked the village of
13 [Opterushe]?"

14 "A. I heard that there was an attack in Opterusa, but I was not
15 there, I was outside the territory of the Pashtrik Zone. I was in
16 another zone in the outskirts of Prizren. It's there that I heard
17 about it."

18 Does that refresh your recollection?

19 A. Yes.

20 Q. So is that portion that I just read to you accurate?

21 A. Yes, it's accurate.

22 MS. LAWSON: Now I would like show P00643, and we'll stay on
23 page 1, please, to start. And it can be broadcast.

24 Q. Do you see the date of 23 July on the page, Witness?

25 A. Yes.

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1 Q. And under that, it mentions that you came to the headquarters
2 and assumed the position of the head of the operational directorate.
3 And then there's some discussion of Rahovec. Do you remember this
4 meeting?

5 A. I assumed the functions of the head of the directorate earlier.
6 Rahovec case was indeed discussed, how it happened and how it all
7 occurred.

8 Q. And does the discussion in these notes, so far as you can read
9 it, reflect your understanding at the time of what had occurred in
10 Rahovec?

11 A. Yes.

12 Q. Where was this meeting held?

13 A. I don't recall. This was a time of attacks, offensives. I
14 don't recall exactly the location. Most probably, based on what we
15 can see here, in the territory of Malisheve, but I don't recall where
16 exactly.

17 Q. Do you remember who attended?

18 A. No.

19 Q. Now, you've previously indicated that you asked Tahir Zemaj and
20 a couple of other officers to join you in the operations directorate.

21 MS. LAWSON: This is SPO Part 3, page 32.

22 Q. And down near the bottom of this page, it's the second-last
23 paragraph, and it says that a decision was taken regarding certain
24 people to report to the General Staff. The names include T Zemaj,
25 Rrustem Berisha, what could be N Maloku and another. Can you provide

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1 further context to this, please?

2 A. Yes, it is true. I remember very well that after returning from
3 my visit in Dukagjin and in Rahovec, in the course of this meeting, I
4 discussed with some officers who were in the territory of Dukagjin,
5 Tahir Zemaj, Rrustem, Naim Maloku, and others. It was asked that
6 these officers be transferred to the operations directorate because
7 of their experience and skills, and this was approved by the staff.
8 However, despite this approval -- request and approval, only Naim
9 Maloku responded to the appeal, to this call, and came to the
10 operations directorate.

11 MS. LAWSON: Can we please bring up P00913.

12 MR. MISETIC: Mr. President, I'm told that a portion of the
13 witness's answer at the end was not translated.

14 MS. LAWSON:

15 Q. Witness, I'll read to you the last part of your answer that's
16 recorded on the transcript. And if there was anything that you want
17 to add to that, please add it. What we have on the transcript is
18 that:

19 "... only Naim Maloku responded to the appeal, to this call, and
20 came to the operations directorate."

21 Did you say anything after that?

22 A. No. The others did not answer the call and did not show up.

23 MR. MISETIC: Just for the record, that's what I understood he
24 said in the prior answer.

25 MS. LAWSON:

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1 Q. Now, does this decision on the screen at the moment reflect what
2 you've just described to the Court?

3 A. Yes.

4 Q. So you've told us that of these people, only Naim Maloku
5 responded to the call. Were you successful in getting any other
6 officers other than these people?

7 A. No. The fighting -- fierce fighting started in -- throughout
8 the territory of Kosovo, and we did -- we were not able to deal with
9 this matter or helping other zones to defend themselves.

10 Q. When did Kemal Shaqiri get assigned to the Drenica zone?

11 A. At the same time when I visited the Dukagjini zone, Kemal
12 Shaqiri reported, and he was then sent to the Drenica zone where he
13 was appointed chief of staff of the Drenica zone. There was also
14 Shaban Draga who also came from this group and joined Brigade 121 in
15 the highlands of Berisha as commander of the brigade.

16 MS. LAWSON: Now, I'd like to go back to P00643, please, and
17 this time we'll go to page 2 of both the English and Albanian. And
18 we'll look at the portion of the page under the 16 August heading,
19 please. Thank you.

20 Q. So under the 16 August heading, it says there was a long talk
21 about appointment of commanders and formation of brigades, and then
22 there's a list of some of the zones and brigades. Did you also
23 attend that discussion?

24 A. With respect to 16 August, yes. This must have been a
25 discussion we had in the Drenica zone.

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1 Q. Who else was part of that meeting?

2 A. I don't recall all the attendees, but certainly there must have
3 been the representatives of the operations. This was in August and
4 several offensives were ongoing. I am not sure were the members of
5 the staff, were all of them there, but certainly somebody from the
6 staff must have been there. The situation was discussed, and it was
7 agreed to transform the local staffs into brigades. But I do not
8 recall exactly who the attendees were.

9 Q. Now, you've previously described a visit to Llap during the
10 offensives, and I would like to show you a document, 090568. Do you
11 recognise the stamp and signature on this document?

12 A. Yes.

13 Q. Is it correct that Kadri Kastrati was the deputy commander of
14 the Llap zone?

15 A. Yes, that's correct.

16 Q. And was it at approximately this time that you were making your
17 visit to the Llap zone?

18 A. Yes.

19 MS. LAWSON: Your Honour, I'd like to tender the document,
20 please.

21 PRESIDING JUDGE SMITH: Any objection?

22 MS. LAWSON: And --

23 PRESIDING JUDGE SMITH: No objection being made, 090568 is
24 admitted.

25 MS. LAWSON: And it can be public.

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1 PRESIDING JUDGE SMITH: And is reclassified as public.

2 THE COURT OFFICER: Your Honours, 090568 and its English
3 translation will receive Exhibit P01392, and it's now reclassified to
4 public.

5 MS. LAWSON:

6 Q. So you've also previously described making a second visit to
7 Dukagjini around the end of August 1998, together with Hashim Thaci,
8 Rexhep Selimi, and Lahi Brahimaj, to address the issue of who should
9 be zone commander.

10 MS. LAWSON: This is SPO Part 3, page 20.

11 Q. So I will only ask you some supplementary questions on this for
12 now. How were you informed that there had been a change in the
13 Dukagjini zone commander?

14 A. In August, there were offensives going on, in particular in the
15 Drenica zone and in the Pashtrik area. I know that Rexhep Selimi
16 informed me at the time that the change had happened in the Dukagjini
17 zone, because we did not have this information, and we left with him.
18 We met with other staff members in the territory of Malisheve, and we
19 continued on to and went to Dukagjin.

20 Q. After you had addressed the issue, did the other General Staff
21 members also travel back with you from Dukagjini or did they go
22 somewhere else?

23 A. We went there together, Rexhep Selimi, Hashim Thaci,
24 Lahi Brahimaj. This was the group.

25 Q. And on the way back, did you travel back together as well?

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1 A. I don't recall -- yes, we returned together from there.

2 Q. Did you pass through Jabllanice on the way there and back?

3 A. Yes. In particular, on the way back through Jabllanice, on
4 foot, we crossed the river Drini i Bardhe and went into Malisheve
5 territory, in Panorc and Mrasor.

6 Q. Did you stop at Jabllanice to inspect units or do anything
7 there?

8 A. We stopped in Jabllanice, we rested for a while, and then we
9 continued during the night, because we waited for night to come in
10 order to move into that territory which I mentioned before at night.

11 Q. So changing slightly. Did you also go to Sferke around this
12 time? Sorry, did you hear my question or would you like me to repeat
13 it?

14 A. If you could repeat it, please.

15 Q. So I was asking did you go to Sferke also at around this time,
16 the end of August, start of September?

17 A. You mean in the village of Sferke, Sferke e Gashit? We passed
18 by on our way to Dukagjin and also on our way back from Dukagjin.

19 Q. Did you attend a meeting there at some time around this time
20 period?

21 A. Not during this period of time.

22 Q. Approximately when do you recall having a meeting there?

23 A. Before this time that we went to Dukagjin. When we were
24 discussing the unification of units operating in villages, those that
25 I mentioned earlier, to unify them into one battalion, which was, in

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1 fact, the 2nd Battalion of the local staff of Rahovec.

2 MS. LAWSON: I'd like to show P00075. And the relevant page
3 9300.

4 Q. Now, over on the left-hand column, there's a heading: "Questions
5 for the General Staff," and then there's a list of different issues.
6 One of the items listed there is -- well, first, can you tell me who
7 attended the meeting that you remember going to in Sferke?

8 A. This meeting at this time on our way back from there did not
9 happen in Sferke but in Mrasor village. It is close to Sferke area.
10 It is the same group that returned from Dukagjin.

11 Q. So that was you, Rexhep Selimi, Hashim Thaci, and Lahi Brahimaj;
12 is that correct?

13 A. I think so. That was the composition of the group, because I
14 cannot remember or think of another meeting at this period of time.

15 Q. Who did you meet with there from the local staff?

16 A. With the members of the local staffs in Mrasor. Binak Gashi was
17 there as well. There were also representatives of the Rahovec local
18 staff there because there were problems with some units operating in
19 Ratkoc, in that area. From what I remember, based on this document,
20 this is what I remember about the event.

21 Q. So the problems with the units in Ratkoc is what you recall from
22 the agenda item that's listed, Ratkoc and Radoste cases; is that
23 right? Or I don't know if it's an agenda item, but it's a bullet
24 point.

25 A. Yes. There were problems, and these were the issues that were

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1 discussed.

2 MS. LAWSON: So we can take the document down. Thank you.

3 Q. We know that in September 1998 you left Kosovo to carry out some
4 other duties and then returned again in November. And you've
5 described participating together with Kadri Veseli and others in
6 discussions with the government-in-exile during the time you were
7 outside of Kosovo.

8 MS. LAWSON: That's SPO Part 14, pages 33 to 37.

9 Q. Did you brief the other General Staff members back in Kosovo on
10 the outcome of those discussions when you returned?

11 A. Yes, after we returned. But before returned, some of the
12 members of the staff were also in Albania, like the general
13 commander, and they already knew and were informed.

14 Q. And then did Kadri Veseli go back into Kosovo with you when you
15 were briefing the people who had not been in Albania?

16 A. Yes, we returned together in November.

17 MS. LAWSON: I'd like to show you SPOE00229217. It's a Revised
18 1 version for the English. And it can be broadcast.

19 THE COURT OFFICER: For the record, this is 4D00011.

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

21 MS. LAWSON: So, Your Honour, I believe that a slightly lesser
22 redacted version, which is just revised, has been tendered as --
23 well, been admitted as 4D00011-ET. And this is a Revised 1 version,
24 and when I finish asking the witness questions about it, I would ask
25 for this version to replace or be added to the existing number --

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1 exhibit number. There are small corrections. I can mention what
2 they are if you want, but --

3 PRESIDING JUDGE SMITH: Yes.

4 MS. LAWSON: -- otherwise I'll just proceed.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MS. LAWSON: So, for example, the date of 13 November 1998 was
7 omitted from the prior English version, and the formatting of this
8 has also been adjusted to be more reflective of the original
9 Albanian.

10 Q. Now, Witness, these notes appear to reflect meetings on 12 and
11 13 November 1998. Did you attend those meetings?

12 A. Yes.

13 Q. And what was the subject matter?

14 A. The subject matter of this meeting was the agreement with the
15 Ministry of Defence of the government-in-exile and the restructuring
16 of the General Staff to suit the needs of the time. And we began
17 with the restructuring of the staff at this meeting.

18 Q. Where was the meeting held?

19 A. We were all present at this meeting, members of the staff, that
20 is, and we discussed the transformation of the General Staff.

21 Q. So when you say "we were all present," could you please list who
22 was present?

23 A. As far as I remember, maybe not all of them because the
24 commander was not present, but it was Rexhep Selimi, myself,
25 Mr. Grabovci, Lahi Brahimaj, and some others whom I cannot remember

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1 at this moment. And we did discuss, as I said, the restructuring. I
2 can't remember whether Jakup or Hashim were there.

3 Q. And was Kadri Veseli, who had come back in with you, there?

4 A. At the beginning, yes, when we discussed the discussions, how
5 they went. But later on when we discussed the restructuring, he was
6 not present. This is to my recollection because a long time has
7 passed.

8 Q. And where were these meetings held?

9 A. This meeting was held in Berisha mountains in Fshati i Ri,
10 Novoselle.

11 Q. Was it at or around these meetings that you were appointed as
12 chief of staff?

13 A. At this meeting, when we started to discuss the restructuring.

14 MS. LAWSON: So, Your Honours, I mentioned previously I'd ask
15 that the Revised 1 version of the English be added to the exhibit
16 number, please, or replaced, whichever --

17 PRESIDING JUDGE SMITH: Any objections to that substitution?
18 No? Apparently not.

19 So please substitute SPOE00229217 Revised 1 for 4D00011-ET.

20 THE COURT OFFICER: Thank you, Your Honour. The revised version
21 of English translation will receive Exhibit 4D00011 and will replace
22 the previously admitted English translation -- version of the English
23 translation. Thank you.

24 PRESIDING JUDGE SMITH: Is that to be public?

25 MS. LAWSON: Yes, it can be. Thank you.

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1 PRESIDING JUDGE SMITH: Please do.

2 THE COURT OFFICER: It is already classified as public.

3 Apologies.

4 MS. LAWSON:

5 Q. Now, when you took over as chief of staff, were you provided
6 with any chart of the pre-existing structure of the General Staff?

7 A. No, I didn't have one for the previous structure. But as I
8 said, we started to discuss the new structure at this meeting, as you
9 can see.

10 Q. So how were you informed of the previous structure? Was it just
11 through the discussion that took place at this meeting?

12 A. Even before when I was appointed head of the operations
13 directorate, I had some knowledge about the existing directorates and
14 which ones were operational. There was the directorate for relations
15 with the public and with internationals, the information directorate,
16 and the financial directorate at the time, as far as I remember, that
17 were functioning.

18 Q. And do you --

19 A. And, of course, there was the spokesperson.

20 Q. And were these described to you or was it just through your
21 observation, or how did you become aware of which directorates were
22 operational?

23 A. I learned this after my appointment as head of the operational
24 directorate during my contacts on the ground.

25 Q. Now, you've mentioned information and finance. Were there other

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1 directorates prior to November?

2 A. That I don't know. I mentioned those that I know were
3 functional and operational.

4 Q. So there was an operations directorate, correct, because you
5 were the head of the operations directorate already?

6 A. Yes, correct.

7 MS. LAWSON: And I'd like to refer to Prep Note 2, paragraph 18.
8 It's 121825. It's only in English, so there's no need to bring the
9 document up. I'll just read it to you.

10 MR. MISETIC: I'm going to object to -- it's not in evidence,
11 Prep Note 2.

12 MS. LAWSON: I'm aware it's not in evidence. I'm presenting it
13 to refresh the witness's recollection or as a prior inconsistent
14 statement given that he has stated something inconsistent on the
15 stand just now.

16 MR. MISETIC: Okay, well, I -- again, I'm sorry to be a
17 stickler, but I would expect that leave would be sought if an
18 inconsistent statement is going to be put to the witness --

19 PRESIDING JUDGE SMITH: Are you asking leave?

20 MS. LAWSON: I am requesting leave. Thank you.

21 PRESIDING JUDGE SMITH: The Court grants leave.

22 MR. MISETIC: And just for the record, we only ask this just so
23 the record is clear as to whether the Prosecution was impeaching its
24 own witness on a particular point, and that's why we ask that it be
25 made clear.

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1 PRESIDING JUDGE SMITH: Thank you.

2 Go ahead.

3 MS. LAWSON:

4 Q. So now I'll read the paragraph. It says:

5 "[The witness]" --

6 This was in response to a question as to what directorates
7 existed prior to November 1998.

8 "[The witness] lists the following directorates as having
9 existed prior to November 1998: information; operations; finance;
10 intelligence; and logistics in Albania. Only after the
11 reorganisation in November 1998 ... was a personnel directorate, or
12 the other directorates."

13 Do you recall having said that last week?

14 A. Completely. And I think I just mentioned which were the
15 existing directorates before the reorganisation.

16 Q. So is the list that I just read to you accurate?

17 A. Yes, it is accurate. And I think I mentioned myself the
18 directorates.

19 MS. LAWSON: Can we please bring up P01016.

20 Q. Do you recognise the stamp and the signature on this document?

21 A. Yes.

22 Q. Whose signature is it?

23 A. Jakup Krasniqi's signature.

24 Q. This refers to the General Staff meeting held on 12 November.
25 Was this one of the matters that was discussed at that meeting as

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1 well?

2 A. Yes. As I mentioned, the reorganisation of the KLA was
3 discussed, of the staff and of the zones, and it was decided that the
4 subzones should become operational zones.

5 Q. Do you remember there ever having been a discussion within the
6 KLA about reducing the number of operational zones from seven down to
7 three?

8 A. I don't remember that.

9 Q. Now I'm skipping forward slightly in time but staying on the
10 topic of operational zones.

11 MS. LAWSON: And I'd like to call up P01108.

12 And if we could also scroll down slightly in the Albanian just
13 so that the signature block is visible. Thank you.

14 Q. Do you remember this project in relation to -- a commission in
15 relation to operational zone boundaries?

16 A. Yes.

17 Q. And were the people mentioned here - Rexhep Selimi,
18 Fatmir Limaj, and Sali Veseli - were these the people assigned to
19 work on it?

20 A. Yes.

21 Q. Was the boundary set centrally or did it also involve
22 cooperation or coordination with the zone command?

23 A. All the boundaries were coordinated on the level of zone
24 commanders and also centrally, depending on how their position was on
25 the ground.

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1 Q. So would the members of the General Staff go on the ground in
2 order to carry out this task?

3 A. No. The group that went there -- as I said, these boundaries
4 were discussed and delineated earlier. They were put on paper. And
5 this group, commission, then went to verify this and to see if any
6 improvements could be made to problematic areas, geographically
7 speaking.

8 MS. LAWSON: I'd like to call up SPOE00226624. And we'll start
9 on page 2, please.

10 Q. Now, we can see there at the bottom of the page a reference to
11 the commission for delineating operational zones, which we've just
12 discussed.

13 MS. LAWSON: If we go back to page 1.

14 Q. Down at the bottom of the page, there's a reference to a
15 promotions commission which appears to be crossed out. Do you recall
16 there being discussions about having such a commission?

17 A. Yes. Such commission was discussed, promotions commission, that
18 is, but at that time it wasn't possible to do that because promotions
19 requires a totally different system which was not in existence at
20 that time.

21 MS. LAWSON: And, Your Honour, I'd like to tender this document,
22 please.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. ROBERTS: Yes, Your Honour. I don't know where it's from or
25 who is purported to have written it. I don't think the witness has

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1 actually said much more than that there was some discussion. I don't
2 want to go further than that, but I don't think he's --

3 PRESIDING JUDGE SMITH: That's enough. Thank you.

4 Any response?

5 MS. LAWSON: Well, Your Honour, I think the witness has
6 described a number of matters contained in the document as fact that
7 he recalls having been discussed at the time. He's explained that
8 this one, which we see crossed out here, didn't actually go ahead.
9 He's also described the operational zone commission in relation to
10 previous documents. He's talked about its membership. I believe
11 there's a sufficient basis.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 Thank you. The document is relevant, authentic, and has
14 probative value at the level of *prima facie* which we require under
15 Rule 138. It is admitted.

16 SPOE00226624 -- just page 2, or do you want page 1 and 2?

17 MS. LAWSON: Yes, both pages, Your Honour.

18 PRESIDING JUDGE SMITH: Page 1 and 2.

19 MR. ROBERTS: Could we just -- sorry, Your Honour, could we just
20 see page 1? I've only got page 2 here. I just want to see what the
21 other page is.

22 PRESIDING JUDGE SMITH: You're looking at page 1, I believe, are
23 you not?

24 MR. ROBERTS: Whichever is the other page that we haven't seen.

25 PRESIDING JUDGE SMITH: Yes. Madam Court Officer --

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1 MS. LAWSON: So we saw both pages. We started on page 2. Can
2 we just go forward for counsel?

3 It refers to the commission for the delineation of operational
4 zones, we started on this page, and then we went back to page 1.

5 PRESIDING JUDGE SMITH: Thank you.

6 THE COURT OFFICER: Your Honour, SPOE00226624 to SPOE00226625
7 and its English translation will receive Exhibit P01393, and it's
8 classified as confidential.

9 MS. LAWSON: It can be public.

10 PRESIDING JUDGE SMITH: Reclassified as public.

11 THE COURT OFFICER: Thank you. Thank you, Your Honour.

12 MS. LAWSON: And, Your Honour, we can take the break now if that
13 suits the Court.

14 PRESIDING JUDGE SMITH: Yes.

15 Witness, we will give you a ten-minute break right now. Then
16 we'll come back and finish the last hour of the hearing.

17 [The witness stands down]

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

19 --- Break taken at 3.31 p.m.

20 --- On resuming at 3.41 p.m.

21 PRESIDING JUDGE SMITH: You may bring the witness in.

22 [The witness takes the stand]

23 PRESIDING JUDGE SMITH: Are you ready to go, Mr. Zyrapi?

24 THE WITNESS: [Interpretation] Yes.

25 PRESIDING JUDGE SMITH: Good. Thank you.

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1 Go ahead, Ms. Lawson.

2 MS. LAWSON: Thank you. So can we please bring up P00647.

3 Q. Can you describe what that is, please?

4 A. This is a registry of the protocol documents of the
5 General Staff.

6 Q. Were you familiar with such protocols or registries of documents
7 being kept?

8 A. Yes, I am aware that protocols were kept. They were in the
9 staff. I was a member of the staff. I had my protocol as chief of
10 staff. So it's known.

11 Q. Were there other protocols kept apart from the one that you kept
12 as chief of staff?

13 A. The directorates had one. This is from the General Staff, the
14 commander of the General Staff.

15 Q. And where was this book kept?

16 A. This was with the commander. I know it was with the commander.

17 Q. Do you mean in Albania or do you mean with the deputy commander
18 in Kosovo?

19 A. With the deputy commander in Kosovo. This was not kept in
20 Albania.

21 Q. Now, you've previously spoken --

22 MS. LAWSON: We can take the document down. Thank you.

23 Q. You've previously spoken about the interim rules for the
24 organisation of the internal life of the KLA, and you actually
25 provided a copy of them to the ICTY. Do you understand the document

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1 that I'm referring to?

2 A. The rules. The rules or the regulation?

3 Q. The interim rules for the organisation of the internal life of
4 the army. Yeah?

5 A. Yes, yes.

6 Q. When had you first seen or received a copy of them?

7 A. Normally I have seen this between November and December, because
8 I was not able to see this before, although it existed before, the
9 regulation. But I saw this at that period of time because it had to
10 be further improved and supplemented. The regulation, that is. And
11 we worked in that sense. I saw it in this period of time, not
12 before.

13 Q. But you were aware that it had existed before that?

14 A. Yes.

15 Q. So moving to a different document, and this time it is the
16 regulations.

17 MS. LAWSON: P00083, and the English just has ET at the end.

18 And if we can go on to the second page just so that the witness can
19 see the document. And the next page.

20 Q. Do you recognise what this is, Witness?

21 A. Yes, this is the document of the internal regulation of the KLA
22 of the General Staff.

23 Q. And do you recall there being these General Staff regulations?

24 A. Yes. This was worked on and supplemented in November, December,
25 during this phase of restructuring. And it was made available to the

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1 General Staff and the lower levels at the zone level.

2 MS. LAWSON: Now, if we can go to the last page of the document,
3 please. And down to the end.

4 Q. You can see that it appears to maybe be incomplete. Were there
5 also other pages to this document that aren't shown here? Did it
6 describe each of the directorates?

7 A. Yes, all directorates were included. The regulations contained
8 directions, instructions for the -- from the General Staff and down
9 to the lower levels. They were all explained in writing, including
10 tasks of the directorates of the General Staff.

11 MS. LAWSON: So I'd like to move to another set of regulations.
12 This is P00508.

13 Q. Do you recall there also being disciplinary regulations?

14 A. Yes.

15 Q. Do you remember when they were prepared?

16 A. I don't know. I said earlier, that there were. When we started
17 the restructuring process, we also started adjusting and making these
18 regulations functional for the Kosovo Liberation Army. However, we
19 did not manage to achieve this, despite the fact that this was not
20 the task of my directorate but that of the legal department, because
21 it requires lawyers to work on disciplinary regulations.

22 Q. So was there a version of these regulations that existed prior
23 to November 1998?

24 A. I don't know. Yes, there were, but I did not see it.

25 MS. LAWSON: Now, I'd like to call up SPOE00223619.

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1 Q. Can you please explain what this is?

2 A. This is a description of duties of G1 or S1, which is the
3 personnel department or sector. This is not from the General Staff,
4 but this is from the operative zones and brigades. It explains the
5 duties and responsibilities of this sector at these levels.

6 Q. And were there such job descriptions for officers at the zone
7 level and at these levels?

8 A. Yes. All these were prepared later, in December 1998 and then
9 through to January 1999.

10 Q. Who prepared them?

11 A. Depending on the type of regulations. For the staff, it was
12 done within the staff. At the zone level, they started in the zones.
13 So the first group that entered following the agreement reached, they
14 had already translated version of duties and responsibilities, which
15 was then used to -- and distributed to other zones, other units, and
16 adopted then for use in their zones.

17 Q. So when you're referring to the first group, could you just say
18 expressly who it is or which group you're referring to there?

19 A. The group of officers which, following the agreement reached
20 with the government -- the Ministry of Defence of the
21 government-in-exile, the first group of officers who came in in
22 November. This document was obtained from them.

23 Q. [Microphone not activated].

24 MS. LAWSON: Thank you. I'd like to tender that document,
25 please.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MR. MISETIC: No objection.

3 MS. ALAGENDRA: We reserve our position in the -- as to the
4 search and seizure of the documents from the house of Mr. Krasniqi.
5 We stand by those objections.

6 PRESIDING JUDGE SMITH: SPOE00223619 is admitted.

7 THE COURT OFFICER: If I may seek clarification whether it is
8 only one page that is being admitted or three.

9 MS. LAWSON: It's the full document. Thank you. It's all one
10 document. And it may be public as well.

11 THE COURT OFFICER: Your Honours, the document with ERN
12 SPOE00223619 to 00223621 and its English translation will receive
13 Exhibit P01394. And current classification is confidential but --

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 THE COURT OFFICER: It will be reclassified as public. Thank
16 you.

17 MS. LAWSON:

18 Q. Now, from November 1998 until, let's say, March 1999, where was
19 the General Staff based?

20 A. From November 1998 to March 1999, the staff was most -- for most
21 of it, in the village of Divjake in the mountains of Berisha.

22 MS. LAWSON: So taking that March to November period, I would
23 like to call up SPOE00082284. And we'll start on page 2, please, for
24 both English and Albanian.

25 THE COURT OFFICER: Albanian version has only one page.

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1 MS. LAWSON: In that case, we're going to have to come back to
2 the document after we've verified whether there's a more complete
3 version. So instead, I'd like to please call up SPOE00229683.

4 Or, I apologise, I'm sorry to change my mind again, but I'm
5 going to skip a whole section until we can get that document, and I
6 will move to P00688. Thank you. And we'll start on the last page,
7 please, just to see the signature block initially.

8 Q. Do you recognise this stamp and signature on this document?

9 A. Yes.

10 Q. What stamp and whose signature is it?

11 A. It's the General Staff stamp and the signature of
12 Jakup Krasniqi.

13 MS. LAWSON: So we can go back to the first page, please.

14 Q. The document describes relations with OSCE observers, and
15 there's a list of individuals for different areas. To your
16 knowledge, was coordinating with the observers part of the
17 responsibilities of the persons mentioned here?

18 A. Yes.

19 Q. Thank you.

20 MS. LAWSON: We'll go to SPOE00225147.

21 Q. Now, looking down at the bottom of the document, do you know
22 which hospital is being referred to here?

23 A. Based on what I see here is the hospital in Drenica.

24 Q. And where was that based?

25 A. If I remember well, it was somewhere close to Likoc.

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1 Q. And the document is authored by Fadil Beka. Who was he?

2 A. Fadil Beka was the director of the hospital, and he was the main
3 person in charge for medical services within the Kosovo Liberation
4 Army.

5 Q. Who appointed him?

6 A. I don't know. He was already in this position when I joined.

7 Q. And we can see here that a request for certain support is being
8 made. Did the KLA General Staff provide this type of logistical
9 support to the KLA hospitals?

10 A. The staff supported whenever they had the possibility to do so,
11 they supported the hospitals, and not only in Drenica but everywhere.

12 Q. Were there also medical personnel in brigades apart from the
13 hospitals?

14 A. Yes. Almost every brigade had doctors, medical staff, which we
15 called medics within the brigades.

16 Q. For the 121 Brigade, who was the medical person there?

17 A. In Brigade 121, it was Filip Selimi, the doctor.

18 THE INTERPRETER: Fitim Selimi, correction.

19 MS. LAWSON: I'd like to tender this document, please.

20 PRESIDING JUDGE SMITH: Any objection?

21 MS. ALAGENDRA: The same objection, Your Honours. We stand by
22 our position on the search.

23 PRESIDING JUDGE SMITH: Thank you.

24 SPOE00225147 is admitted and will be made public.

25 MS. LAWSON: Yes, it may be public. Sorry, Your Honour.

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1 THE COURT OFFICER: Your Honours, the document will receive
2 Exhibit P01395, and it will be reclassified as public.

3 PRESIDING JUDGE SMITH: Thank you.

4 THE COURT OFFICER: Thank you.

5 MS. LAWSON: So can we call up SPOE00225789. And if we go down
6 to the bottom of the document to start, please. Over to the second
7 page, apologies.

8 Q. Do you recognise the signature on this document?

9 A. Yes.

10 MS. LAWSON: And now if we go back to the first page again,
11 please.

12 Q. So we can see it lists a number of documents from the
13 General Staff. The first one is the one that we just looked at a
14 short time ago relating to OSCE observers. The third one we also
15 looked at a short time ago relating to the transformation of subzones
16 into zones. The fourth one relates to the appointment of
17 Sokol Dobruna. Is it correct that he was appointed to the legal
18 department to the cabinet of the General Staff commander?

19 A. Yes.

20 MS. LAWSON: Going to the second page, please.

21 Q. And we can see that there are some queries and requests raised.
22 One of those relates to the chief of staff role in Dukagjini. Is it
23 correct that that post was not filled at the time?

24 A. Yes.

25 MS. LAWSON: Your Honours, I'd tender this document, please.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MS. ALAGENDRA: The same objection, Your Honours. We reserve
3 our position on the search.

4 PRESIDING JUDGE SMITH: SPOE00225789 is admitted.

5 MS. LAWSON: And it can be public.

6 PRESIDING JUDGE SMITH: Reclassified as public.

7 THE COURT OFFICER: Your Honour, that document will receive
8 Exhibit P01396, and it will be reclassified as public. Thank you.

9 MS. LAWSON: Can we bring up SPOE00225794.

10 Q. To start, do you recognise this signature on this document?

11 A. Yes.

12 Q. Do you recall receiving this request in relation to the manner
13 of salute?

14 A. Yes.

15 Q. Was it approved?

16 A. No. The salute that remained was with a flat hand.

17 Q. Do you recognise the handwriting on the document?

18 A. Yes, it's my handwriting.

19 MS. LAWSON: I'd tender the document, please.

20 PRESIDING JUDGE SMITH: Any objection?

21 MS. ALAGENDRA: The same objection, Your Honour.

22 PRESIDING JUDGE SMITH: [Microphone not activated]. I'm sorry.
23 SPOE00225794 is admitted. It will be reclassified as public.

24 THE COURT OFFICER: Your Honour, that document will receive
25 Exhibit P01397 and will be reclassified as public, together with its

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1 English translation. Thank you.

2 PRESIDING JUDGE SMITH: Thank you.

3 MS. LAWSON: And if we can just briefly please bring up P00638.

4 Q. Do you recognise this document, and is this the response you
5 issued to the request we just looked at?

6 A. Yes, this is my document, the signature is mine, and the stamp
7 is of the staff.

8 MS. LAWSON: So we'll move, please, to P00614.

9 Q. This document relates to Brigade 123 appointments. Do you
10 recall these appointments being made?

11 A. I cannot remember this document. It doesn't bear my signature.
12 If my signature was on it, I would have said that. But these persons
13 are not appointed by the operational directorate but by the
14 commanders of the operational zones.

15 Q. This is December 1998. Is there a reason why the operational
16 directorate might have dealt with it rather than zone command at that
17 time?

18 A. It could be because the zone commanders were still not appointed
19 and the staff itself was in the phase of being formed.

20 Q. And do you recall these persons having been appointed to the
21 123 Brigade?

22 A. Yes. These persons were appointed to those tasks within that
23 brigade but not by me; rather, by the zone commander.

24 Q. Do you recall when the appointments were made, approximately?

25 A. No, I don't.

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1 Q. Would it have been after this date, given that you indicated
2 that the zone commander wasn't in Kosovo yet at the time?

3 A. The zone commander was not there at this date, and the
4 General Staff was undergoing restructuring at that time. And as I
5 said, this document doesn't bear a signature or a stamp. Had they
6 been appointed by the staff and by me personally, the document would
7 have had a stamp and signature. At the time, I had the stamp, I had
8 my signature, and the protocol number.

9 Q. So if I understand your evidence correctly, you're saying these
10 people were not appointed by way of this decision, but they were
11 appointed at a time that you can't remember to these posts and it was
12 done by the zone commander. Is that an accurate summary?

13 A. Yes, correct.

14 MS. LAWSON: Now I'd like to call up SPOE00225132.

15 Q. Do you recognise the stamp and signature?

16 A. Yes, the stamp of the staff. The signature is of
17 Jakup Krasniqi.

18 Q. What does this relate to? Can you give a little context? And
19 why would it have been addressed to the 121 Brigade?

20 A. It was addressed to 121 Brigade because we were developing at
21 the time, and we did not have units within the staff that would have
22 helped Mr. Krasniqi to transport all the desks and chairs and other
23 equipment necessary for the house where the staff moved in Divjake.

24 Q. And did Divjake fall within the area of responsibility of the
25 121 Brigade?

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1 A. Yes. Not only Divjake village but the entire Berisha area was
2 under the area of responsibility of 121 Brigade.

3 Q. Can you please describe geographically the perimeters of the
4 121 Brigade area of responsibility?

5 A. As I've mentioned, the entire Berisha mountains area, starting
6 from Llapushnik, then part of Lipjan, municipality, village,
7 Kishnareke, Baice, Shale, Blinaje, Bjeshka, up to Pjetershtice, and
8 the -- part of Carraleve. And along the road
9 Prishtine-Shtime-Suhareke up to Qafa e Duhles. And below that road
10 to Bllace, Temeqine villages, from where it continued towards Banje
11 village, and up towards Lladrovc, and linking up again to Llapushnik
12 gorge.

13 There are other villages included which I cannot remember at
14 this moment.

15 Q. Did you have involvement in establishing the 121 Brigade area of
16 responsibility, the boundaries?

17 A. Yes, we did work on this at the time, the area of responsibility
18 of the brigade, myself, Rexhep Selimi, and the commander of the
19 brigade.

20 Q. Who was the commander of the brigade at the time that you were
21 working on it?

22 A. The commander at the time was Fatmir Limaj.

23 Q. Now, we spoke about zone boundaries earlier for brigade areas of
24 responsibility. What was the process for establishing them? So,
25 again, was it done centrally? Was it done in coordination with zone

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1 commands? Please explain.

2 A. I explained this earlier. As far as the operative zones are
3 concerned, it was determined by the centre. Whereas for the
4 brigades, that was in cooperation with the commanders of those
5 brigades and zones.

6 MS. LAWSON: [Microphone not activated]. I'd like to tender this
7 document before we move on, please.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 Objection, anyone?

10 SPOE00225132 is admitted.

11 THE COURT OFFICER: Your Honour, the document and its English
12 translation will receive Exhibit P01398. The current classification
13 is confidential.

14 MS. LAWSON: It can be public.

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

16 THE COURT OFFICER: Thank you, Your Honour.

17 MS. LAWSON: Can we bring up SPOE00225263. Thank you.

18 Q. Do you recognise the stamp and signature on this document?

19 A. Yes. It's the stamp of the General Staff and the signature of
20 Jakup Krasniqi.

21 Q. Now, this is a matter relating to the finance directorate. Did
22 Jakup Krasniqi have the authority to issue such orders?

23 A. As a deputy commander, yes.

24 Q. The soldier named here, Sami Vehapi, are you familiar with him
25 having this type of a coordinating role in relation to finances?

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1 A. At that time, he had such a role of coordinating the finances
2 between 123rd Brigade. At that time, there were financial councils
3 at municipal and local levels, and the aim was to have this
4 cooperation for funding purposes of these units.

5 MS. LAWSON: I would like to tender the document, please. And
6 it can be public.

7 PRESIDING JUDGE SMITH: Any objection?

8 MS. ALAGENDRA: Your Honours, the witness has not said that he
9 had seen this document at the time. He's merely being asked to read
10 off the document and has recognised a signature.

11 PRESIDING JUDGE SMITH: What's the objection?

12 MS. ALAGENDRA: The witness has no knowledge as to whether or
13 not this document was in circulation at the time. He's reading off
14 the document.

15 PRESIDING JUDGE SMITH: SPOE00225263 is admitted.

16 THE COURT OFFICER: Your Honour, that document will receive
17 Exhibit P01399. It's currently classified as confidential, but
18 counsel's --

19 PRESIDING JUDGE SMITH: Reclassify it as public.

20 THE COURT OFFICER: Thank you very much.

21 PRESIDING JUDGE SMITH: Ms. Lawson, it's the end of the day.

22 MS. LAWSON: Yes, we can finish here. Thank you.

23 PRESIDING JUDGE SMITH: Thank you.

24 Witness, we're finished for today. We thank you for being with
25 us. I know it was a long day. You may go with the Court Usher.

1 We'll see you tomorrow at 9.00 in the morning. You'll be finished
2 here by 1.00, and then, of course, you can leave at that time. And
3 we'll rearrange the rest of the week after tomorrow.

4 So thank you again for being with us.

5 [The witness stands down]

6 MR. MISETIC: Mr. President.

7 PRESIDING JUDGE SMITH: Yes.

8 MR. MISETIC: May I just inquire of the Prosecutor whether she
9 expects to take all of the time tomorrow? Just for organisational
10 purposes.

11 MS. LAWSON: Yes, Your Honour. I'm slightly under halfway, so I
12 would anticipate using most, if not all, of tomorrow.

13 PRESIDING JUDGE SMITH: Thank you. Thank you.

14 So we will see everybody tomorrow at 9.00 a.m. We're adjourned
15 until then.

16 --- Whereupon the hearing adjourned at 4.30 p.m.

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