

1 Thursday, 13 July 2023

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 Today we'll continue with the testimony of Witness 04746. I
12 note that Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi are all
13 present in the courtroom.

14 Before I invite the witness into the room, I remind you that, as
15 previously communicated, today we will not be sitting the third
16 session. The hearing will, therefore, be adjourned at 1.00 p.m.
17 until tomorrow morning at 9.00.

18 Madam Court Usher, please bring in the witness.

19 Madam Prosecutor, is there any update on timing?

20 MS. LAWSON: I expect to be finished today, Your Honour.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MS. LAWSON: I expect to finish today. I think I will take
23 most, if not all, of the first session and then we'll assess. But I
24 will finish today.

25 [The witness takes the stand]

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

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1 PRESIDING JUDGE SMITH: You may be seated.

2 Good morning, Witness. Today we will continue with your
3 testimony. Thank you for being with us again today. I remind you to
4 please try to answer the questions clearly with short sentences. If
5 you don't understand a question, feel free to ask counsel to repeat
6 the question, or tell them you don't understand and they will attempt
7 to clarify.

8 Also, please remember to try to indicate the basis of your
9 knowledge of the facts and circumstances upon which you are
10 questioned.

11 I remind you that you are still under the obligation to tell the
12 truth stated by you in your solemn declaration.

13 Please also remember to speak into the microphone, wait five
14 seconds before answering a question, and speak at a slow pace for the
15 interpreters to catch up.

16 If you feel the need to take breaks, please let us know and we
17 will accommodate you.

18 We will resume with the direct examination by the SPO.

19 Madam Prosecutor, you have the floor.

20 WITNESS: W04746 [Resumed]

21 [Witness answered through interpreter]

22 Examination by Ms. Lawson: [Continued]

23 Q. Good morning, Mr. Mustafa. You've mentioned Adem Demaci a
24 number of times in your testimony. What was his official position in
25 the KLA?

1 A. He was director of the political directorate of the Kosovo
2 Liberation Army. But above all, he was a leader of Albanians -- of
3 Albanian people for many years while we were under Serbian
4 occupation.

5 Q. Are you referring there to the overall political directorate of
6 the KLA or are you referring to a specific political office?

7 A. For me, this was the biggest political directorate of the KLA.

8 Q. So I understand that for you it was the most important one, but
9 which one was it?

10 A. For me, the office led by Adem Demaci in Prishtine was the most
11 important one.

12 Q. So it was the KLA political office in Prishtine that he led; is
13 that correct?

14 A. Correct.

15 Q. You've just indicated he was someone that was very important to
16 you. Did you know him well?

17 A. Yes, I did know him well.

18 Q. And clearly he had influence over you on political matters; is
19 that right?

20 A. Yes, in general I was very cooperative with Teacher Demaci.

21 Q. Would you say more so over you than other members of the KLA?

22 A. He was in general for the Albanian people and the KLA in its
23 entirety, but to me, in my honest view, I -- I recognise he was even
24 more special to me.

25 MS. LAWSON: Your Honour, I'd like to go into private session

1 for a short series of questions relating to a specific individual.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 Please take us to private session.

4 [Private session]

5 [Private session text removed]

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Witness: W04746 (Resumed) (Private Session)

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Examination by Ms. Lawson (Continued)

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Witness: W04746 (Resumed) (Private Session)

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Examination by Ms. Lawson (Continued)

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1 [Private session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: Thank you.

6 You may proceed, Ms. Lawson.

7 MS. LAWSON: Thank you.

8 Can we bring up document SITF00243091, and the English is the
9 same with ET at the end. It is one we looked at yesterday, and we'll
10 just call it up briefly again today. It should not be broadcast.
11 And if we can please go to page 243132 in each.

12 Q. Mr. Mustafa, can you please look at entries number 14 and 15.

13 Under the release column, it says:

14 "He has been engaged in U/55."

15 What does "U/55" refer to?

16 A. Ulpiana 55.

17 Q. Thank you.

18 MS. LAWSON: We can remove the document again.

19 Q. Yesterday, when we were discussing the extent to which
20 Nazif Mehmeti reported or provided information on detainees to the
21 zone headquarters, you stated it happened very rarely. And that's
22 T5573 to 74. I'd like to refer to one of your prior statements.

23 MS. LAWSON: With leave, Your Honour, one of the witness's prior
24 statements.

25 PRESIDING JUDGE SMITH: Granted.

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

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1 MS. LAWSON: This was before the court in 2003. And the
2 reference is SPOE00119323 at 119331. That's the English. And the
3 Albanian is SPOE00119334 at 9343.

4 Q. And I'm going to read a portion of that to you.

5 "I kept myself informed about detainees but I was not always
6 informed about everything. There were peoples whose job it was to do
7 that. Reports from all units were sent to the chief of staff, it
8 might be possible [that] 1, 2 or 3 detainees might be brought in and
9 I would not be brought in and some would be there for different acts.
10 I asked for and received a report from Nazif Mehmeti directly. He
11 was under obligation to report to the Headquarters any minor change.
12 I believe there was some written instruction about that."

13 Is that correct, that he was in fact under an obligation to
14 report to the headquarters when making changes?

15 A. Your frequent questions now, but also the questions at the time
16 by the prosecutor, seem to exaggerate this matter. It was not as
17 important as we want to portray it. However, I stand by what I've
18 always said. By insisting on the same question, we're just
19 exaggerating things. As was the case with the administrative
20 documents we discussed earlier of which I had no knowledge, but in
21 regards to which I have no reason reject them, so I accept what I
22 have said here.

23 Q. Thank you. So I understand from that that the issue of
24 detentions is being exaggerated but that you accept the information
25 provided in this statement that I just read to you; is that right?

1 A. I accept that Nazif Mehmeti was in charge, did his job
2 honourably, and dealt with the detainees. And whenever this was
3 necessary, he came and reported to me and to the zone headquarters of
4 the operative zone with respect to the works being conducted or
5 carried out there.

6 Q. And he was, in fact, obliged to do so; isn't that right?

7 A. Certainly.

8 Q. Did relatives ever come to the Llap zone command looking to
9 locate the bodies of persons who had been detained there?

10 A. I don't remember specifically. However, they were allowed to
11 come and visit their relatives.

12 Q. So I'm going to change topic. Yesterday, we were discussing
13 visits by General Staff members to the Llap zone in the second half
14 of 1998, and specifically October was my question. I indicated then
15 that there was a document I wanted to show which we would come back
16 to, and we'll do that now.

17 MS. LAWSON: Can we please call up Mr. Zhitia's book. The
18 reference is SPOE00055678 at page 55838. And the English is
19 SPOE00055699-ET Revised 1 at page 55838.

20 Q. So it's referring here to a visit on 27th and 28th October 1998
21 by Hashim Thaci, Jakup Krasniqi, Bislime Zyrapi, and Rame Buja. Do
22 you now remember that visit?

23 A. I know a visit took place. However, I'm not certain about the
24 details as explained in the book. I know that Mr. Zhitia wrote a
25 good book and I complimented him on that. However, I cannot remember

Witness: W04746 (Resumed) (Open Session)
Examination by Ms. Lawson (Continued)

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1 details as described in the book, but I have no reason to deny it
2 either.

3 Q. Where did they come to? Was it the newly established
4 headquarters in Llapashtice?

5 A. It is true that I do not remember. This was a time of
6 exceptional and extraordinary times and commitment for each of us,
7 and I don't remember. However, the records used as a source by
8 Mr. Zhitia could be accurate.

9 MS. LAWSON: And given that the witness indicated he didn't
10 remember, I'd like to refer to a prior statement, Your Honour.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 It's granted. Thank you.

13 MS. LAWSON: The reference is Part 5, page 10 in English. And
14 it's Part 5, page 11 in Albanian.

15 Q. And I'll just read a small portion for now on this precise
16 point:

17 "So on that date, end of October, those four. And when they
18 actually came to the zone, that would have mean they would have come
19 to what, to your headquarters in Llapashtice?"

20 That was the question.

21 Your answer:

22 "Yes."

23 "Q. Your newly established headquarters?

24 "A. Yes."

25 Does that assist?

1 A. I said it also in relation to the book of Zhitia that this could
2 be the case, but I do not remember the specifics. I know they came
3 for a visit. I cannot recall the details now.

4 Q. Did they have the opportunity to meet with all of your command
5 staff?

6 A. I don't think the members of the General Staff requested to meet
7 with all commanders, but we certainly have introduced those they
8 asked to meet with.

9 Q. And where did the delegation eat and sleep?

10 A. In those houses where we stayed.

11 Q. So in the same facilities that you were using in Llapashtice; is
12 that correct?

13 A. I am not certain it was the same house, but somewhere in the
14 area, in one of the houses in the village. You could use my prior
15 statements prior to this. I stand by those. I have no reason to
16 hide or conceal the visit from the General Staff.

17 Q. Yes.

18 MS. LAWSON: And, Your Honour, I will please put a small portion
19 of a prior statement.

20 PRESIDING JUDGE SMITH: All right.

21 MS. LAWSON: It's Part 5, page 17 in English. And Part 5, page
22 19 in Albanian.

23 Q. The question was:

24 "All right. Well, did you introduce them to your senior
25 commanders?"

1 "A. Yes.

2 "Q. For example, Latif Gashi.

3 "A. Yeah, all of my staff, including brigade commanders, had
4 the opportunity to meet them and talk with them."

5 "So I can't tell you specifically, but I believe that everybody
6 met them, because they had the opportunity to meet them because they
7 were having their meals at the same place that we had our meals."

8 Does that remind you?

9 A. I see no -- nothing different from what I said earlier. I
10 cannot remember the details, but they would have been able to meet
11 the staff members. They were in my presence, too. I mean, the
12 members from my staff HQ.

13 Q. What was discussed in your meetings with them on that visit?

14 A. Generally, the organisation of the war and how to advance it
15 further. It was the time when -- of greater cooperation with an
16 array of international organisations, and, therefore, that was an
17 opportunity for us to advance our goals further.

18 Q. Did it include both combat and political matters, the
19 discussions?

20 A. The issue of preparations of the war effort on the part of the
21 units but also political matters, too.

22 Q. Did they provide instruction on anything in particular during
23 that visit?

24 A. There must have certainly been an exchange on both sides, but I
25 cannot recall anything in -- in particular. It was generally to do

1 with the conduct of the war and how it was proceeding. A number of
2 issues would have been discussed.

3 Q. How about civil administration structures?

4 A. It would have been possible to discuss that as well. The effort
5 was to expand the Kosovo Liberation Army across the territory, and
6 that was being done through the Directorate for Civil Organisation.

7 Q. And were there people selected during that visit to have
8 responsibility for various civil administration matters?

9 A. I don't think there were appointments made in the course of the
10 visit. However, we were able to appoint people afterwards. People
11 who were never able to complete the set of tasks assigned to them
12 because the offensives made that impossible.

13 Q. Did those people subsequently assume certain positions after the
14 war?

15 A. Some of them, yes.

16 Q. What positions?

17 A. Mayors.

18 Q. So mayors of municipalities; is that right?

19 A. Yes.

20 Q. And when approximately did they take up those functions?

21 A. By the end of the war.

22 Q. Can you give me an approximate date of what you're referring to?

23 A. Immediately after the entry of KFOR, the administration, at
24 KFOR's request, pleaded with us to appoint people who would be
25 responsible for the municipalities -- municipalities, which we did.

1 At that time, the provisional government had also become operational,
2 and so the heads of the municipalities in Prishtine and Podujeve were
3 appointed. I had an influence, so the people whose names I submitted
4 were the ones who later became the mayors.

5 Q. And did they fall under the provisional government structure
6 then?

7 A. To be frank with you, I cannot recall the organisational chart
8 at this point in time, but I know that they served as mayors for five
9 or six months. The people that we appointed, that is. The people
10 that we appointed in cooperation with all the relevant stakeholders
11 or actors of the time.

12 Q. So this would be June 1998. And on the General Staff visit, did
13 they provide you instruction on how to select those people and an
14 idea of how to govern the municipalities after the war and also
15 during the war?

16 A. Madam Prosecutor, we focused our conversations for the wartimes
17 so that we could expand even further. I don't think that the
18 General Staff or anyone else would have conceived at the time that we
19 would be liberated so speedily or what would happen after the war.

20 However, given that I had assigned tasks to people in the course
21 of the war because I respected them, I tried to -- to -- I tried so
22 much for them not to be bypassed but to be involved in politics in
23 the administrative capacities after the war.

24 Q. There was a cease-fire that had just come into operation at that
25 time, though, wasn't there?

1 A. Yes.

2 MS. LAWSON: And I'd like to put a short portion of a prior
3 statement to the witness, please.

4 PRESIDING JUDGE SMITH: All right. Go ahead.

5 MS. LAWSON: It's Part 5, page 15 in the English. And Part 5,
6 page 16 in the Albanian.

7 Q. And you said:

8 "So the same people that we appointed were the mayors after the
9 war. I think that the General Staff -- it was the reason the
10 General Staff came to visit us at that time, to instruct us how to
11 select people. And in order to have an idea how to govern the
12 municipalities after the war and also during the war."

13 Do you accept that, Mr. Mustafa?

14 A. Madam Prosecutor, that is exactly what occurred and how I
15 described it. However, this was not meant to be as influential in
16 the Llap operational zone as we are making it seem now. However, we
17 did discuss the organisation of -- of -- the political and civilian
18 administration in as good a manner as possible. And we discussed --
19 we discussed the names. We discussed names, but I don't think that
20 the General Staff at the time were aware of those names. This became
21 known later with the end of the war when they started exercising
22 their functions as mayors of those municipalities.

23 Q. During that visit by the General Staff members, were there also
24 matters that you wanted to raise with the General Staff?

25 A. Yes, it was -- it was a two-way conversation. It was to do

1 with the war effort, the organisation. We talked about everything,
2 the details of which I cannot recall at this point.

3 Q. What type of issues did you want to raise specifically with them
4 for discussion?

5 A. On the conduct of the war. Issues to do with the organisation.
6 I informed them that I had a specific type of organisation, that I
7 had involved political subject in the effort. It was a special kind
8 of organisation. I was -- because I was in close proximity to
9 Prishtine, I had the benefit of the advice from Demaci and his
10 advisers. And so we -- we had this kind of cooperation given the
11 area we lived in.

12 Q. And did the organisational matters that you wanted to raise, or
13 that you did raise, include, for example, representation of the zones
14 in the General Staff?

15 A. It may have been one of the issues discussed, but I cannot
16 recall it in particular.

17 Q. Did it include making public the composition of the
18 General Staff?

19 A. At this point, I'm not certain about it.

20 Q. Regulation of finances, was that an issue of concern to you?

21 A. The issues you mention were of a permanent nature, and we
22 discussed them every time we met. We spoke about logistical issues
23 and the -- and the -- all the issues that had to do with the conduct
24 of the war. However, I do not remember the details of what was
25 discussed in this particular meeting.

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Examination by Ms. Lawson (Continued)

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1 MS. LAWSON: I'd like to bring up a document, please. It's
2 P00181, and the English is the same with ET at the end. And we can
3 please go to page SPOE00226666.

4 Q. Mr. Mustafa, do you see at the top of the page it gives a date
5 of 27 October 1998, and it's headed: Meeting with the Llap zone
6 operational staff. Do you see that?

7 A. Yes, I do.

8 Q. And there's your name and there are notes of some matters that
9 you'd raised as needing discussion. Are those -- those are the type
10 of matters that we've just discussed that you would -- that would
11 come up at each meeting; isn't that right?

12 A. I would be reluctant to comment on an unclear piece of
13 handwriting whose origin is unknown, even though this -- I see
14 nothing wrong in it. However, I'm reluctant to comment on -- on
15 someone else's work.

16 Q. I understand. So starting with some of the delegation members.

17 MS. LAWSON: And we can take the document down. Thank you.

18 Q. What was Hashim Thaci's position in the General Staff at that
19 time?

20 A. I don't think I was aware of Hashim Thaci's position at that
21 time. He -- Hashim Thaci, however, had a number of tasks during and
22 after the war, and I may make a mistake here and there. However, at
23 the time I knew him as a soldier of the Kosovo Liberation Army,
24 someone of significance in our fight for freedom. However, at the
25 time that we are referring to in October, I don't think that I was

1 aware what position he held.

2 Q. Did you consider him to be an important person within the KLA?

3 A. People who visited were -- were often thought of as important
4 people within the Kosovo Liberation Army, and we -- we had
5 conversations with them. So everybody who came from Drenica,
6 Dukagjini, Shala -- or everyone who came could not have had a
7 conversation with me had he or she not been of significance. So from
8 this point you can infer that I thought of them as being significant.
9 He came in the company of the chief of staff and, therefore, he was
10 a -- an important figure.

11 Q. Was there anything else that gave you the impression he was
12 important?

13 A. I can't recall any -- any details.

14 Q. How did the other members of the delegation treat him or respond
15 to him?

16 A. At that time, I did not note anything in particular. It was too
17 early to ask questions about people's political stature.

18 MS. LAWSON: And, Your Honour, I'd like to put a prior statement
19 to the witness, please.

20 PRESIDING JUDGE SMITH: All right.

21 MS. LAWSON: It's Part 5, pages 12 going on to 13 in the
22 English. And Part 5, pages 13 going on to 14 in the Albanian.

23 Q. And to provide the full context, I'll start reading slightly
24 earlier in the transcript, which is entirely consistent with what you
25 have said in your testimony, and then get to the relevant point. You

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1 said:

2 "A. So this is about time when Hashim Thaci begins to emerge as
3 a very important figure in KLA. But for us, the recognisable persons
4 in here and in that hierarchy were Jakup Krasniqi and Bislrim Zyrapi.

5 "Q. Did you know what -- at the time that they visited at the
6 end of October, what their positions were? So Hashim Thaci, what did
7 you understand his position was?

8 "A. I know it may sound interesting to you, but I don't think
9 he himself knew at the time what his position. What I knew was that
10 he was important. With the benefit of hindsight, I know even more
11 about it. But at that time, I can assure you that I didn't ... all I
12 know is that they showed deference to him, and also I showed respect
13 for him.

14 "Q. When you say 'they showed deference,' you mean the other
15 three delegates who were with him?

16 "A. Since they were showing respects towards him, I also paid
17 my respects to him.

18 "Q. Right. So Jakup Krasniqi, Bislrim Zyrapi, and Rame Buja,
19 just so we're clear, were treating Hashim Thaci with a level of
20 respect?

21 "A. I'm saying -- yes, I'm confirming it. And I can also say
22 that at the time, I thought that he was the one writing communiqués.
23 But now -- of course, now with later on I came to know more. But at
24 that time, I thought that he was a clever man who used to write
25 communiqués. And even himself, he was not interested in portraying

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1 himself as somebody important."

2 Were the other members of the delegation treating Hashim Thaci
3 with deference?

4 A. As I said at the time, yes. And I reaffirm it today.

5 Q. Jakup Krasniqi, what was his role in the General Staff?

6 A. He was the Kosovo Liberation Army spokesman.

7 Q. Was there a time when he also occupied a second role?

8 A. I know I have seen documents that describe him as a deputy.
9 However, as far as we're concerned, he was always known as a
10 spokesman of the Kosovo Liberation Army. However, I am aware that
11 records have emerged that suggest that he was -- he has also been a
12 deputy.

13 And when I mentioned Hashim Thaci as writing communiqués, what I
14 was referring to was the fact that he was communicating with the
15 public. At the time, I thought of him as somebody in charge of
16 public communications, communicating with the mass media.

17 Q. And when you say "deputy," do you mean deputy commander of the
18 overall KLA?

19 A. Yes, that's what some records that I saw suggest. I -- through
20 trials and other sources after the war, that's what I saw. However,
21 I am saying here that at the time I knew Jakup Krasniqi as a
22 spokesman of the Kosovo Liberation Army. He was a significant figure
23 who I respected and I continue to respect.

24 Q. Rexhep Selimi, what was his -- he was another delegation member.
25 What was his position in the General Staff -- or, sorry, he wasn't on

1 this occasion. What was his position in the General Staff?

2 A. He served as inspector in the Kosovo Liberation Army and a staff
3 member too.

4 Q. So general inspector; is that correct?

5 A. Yes, general inspector in the Kosovo Liberation Army.

6 Q. And also a member of the zone command -- apologies,
7 General Staff. Correct? Also a staff member, you said? Also a
8 member of the General Staff?

9 A. Yes, I think so.

10 Q. Did you consider him to be an important figure in the KLA?

11 A. Yes. Ever since I first met Rexhep Selimi, I respected him as a
12 brave soldier and a significant figure in the war effort. He was
13 persistent in the best organisation of the KLA just like the rest of
14 us.

15 Q. What was Kadri Veseli's role in the General Staff?

16 A. I knew and respected him. I knew he was in the General Staff.
17 However, I know him a lot less than the others we've been discussing
18 here. I'm not sure that I was aware of his -- of what position he
19 held during the war. After the war, a lot has emerged that may
20 affect the way I -- I think now of what I thought at the time. I
21 don't think we've ever discussed his position, so there's nothing to
22 say.

23 PRESIDING JUDGE SMITH: Ms. Lawson, there's a technical issue
24 going on in the courtroom. We need to take a few minutes' break so
25 that that can be sorted out. So we'll be adjourned for a matter of

1 maybe 5 to 15 minutes.

2 You may escort the witness out.

3 [The witness stands down]

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 --- Break taken at 9.56 a.m.

6 --- On resuming at 10.05 a.m.

7 PRESIDING JUDGE SMITH: We're told everything is working now.
8 Something technical. Speaking of technology, there's a lot of
9 equipment in here that generates a lot of heat. Yesterday, it got
10 quite warm in here, at least from up here. So if you notice that,
11 please let us know because it's important that we're all comfortable
12 in this environment.

13 So you can bring in the witness, Madam Usher.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Ms. Lawson.

16 MS. LAWSON:

17 Q. Were you yourself a member of the General Staff at any point in
18 time, Mr. Mustafa?

19 A. Yes, Ms. Prosecutor, I was told that I was. For a time.

20 Q. When was that?

21 A. It could be February.

22 Q. Approximately how long were you a member of the General Staff?

23 A. Perhaps two weeks. And then I returned to my zone, to my
24 region.

25 Q. Who told you that you were a member of the General Staff?

1 A. I am certain that Bislim Zyrapi knew, but also those who were
2 permanent members there knew about this. When I left my position, I
3 don't remember informing anybody about that. Or if I did, I must
4 have informed Bislim Zyrapi. I left my position on my own decision.

5 Q. Was there someone who appointed you or told you to come and join
6 the General Staff?

7 A. The chief of staff.

8 Q. Bislim Zyrapi?

9 A. I think so.

10 Q. Is there anyone else it could have been, or do you think it was
11 Bislim Zyrapi?

12 A. It could have been Jakup Krasniqi, but I don't think that it was
13 someone else who communicated this decision to me.

14 Q. You don't think it was someone else apart from one of those two;
15 is that right?

16 A. I can't think of a third person who could have been involved in
17 this now.

18 Q. Were you given a particular assignment?

19 A. Yes, I was in charge of the logistics country-wide.

20 Q. What matters fell under logistics? What type of issues were you
21 dealing with?

22 A. Everything needed to -- everything related to the needs of a
23 soldier and KLA -- and the KLA. At the time, I understood this
24 primarily as related to weapons supplies of the KLA. This was the
25 priority to me.

1 Q. Where were the weapons sourced from?

2 A. From everywhere. Everywhere we could get them from.

3 Q. Can you give a couple of examples of places that you were able
4 to obtain weapons from?

5 A. In my zone, I obtained weapons also from Serbia. Albania was a
6 source where we could obtain weapons from, but also other locations.
7 Wherever we could. Not in large quantities but as weapons we could
8 carry on our shoulders.

9 Q. Bosnia, was that a location?

10 A. Yes, there were occasions when weapons came also from Bosnia.

11 Q. What were the supply routes for weapons coming into Kosovo?

12 A. There were no regular routes, but we got them wherever we could
13 get them from. And -- but the most realistic possibility and place
14 we could get weapons from was Albania. As zone commander bordering
15 Serbia, I could get also weapons from Serbia using business supply
16 lines.

17 Q. Who was Plaku?

18 A. I know who you're referring to, but I did not know him.

19 Q. Where was he based?

20 A. If we're thinking about the same person, because there were
21 other people having the same nickname, but I knew a person by the
22 nickname of Plaku who stayed in Albania. I didn't know him, but I
23 was aware that a person with this nickname was staying in Albania.

24 Q. Do you know what type of matters he dealt with?

25 A. Collecting goods and equipment for the war.

1 Q. Where did funding come from for the KLA?

2 A. Whoever could, there was a fund of the war called the
3 3 per cent. I, in my region, was mainly financed, sponsored by
4 people. Perhaps I had the priority of being close to the capital.
5 So businessmen and companies from Prishtine areas financed the war.

6 Q. Were there also collections made abroad?

7 A. Yes, from everywhere where there were Albanians, Albanian
8 residents, there were organisations and collection -- money
9 collections.

10 Q. Who was Ali Ajeti?

11 A. Ali Ajeti is a martyr. He was killed in 1989.

12 Q. Do you know anyone else by that name?

13 A. No.

14 Q. Do you recall when the Rambouillet negotiations were?

15 A. This occurred in the course of February and March. Maybe
16 January as well. I am not certain.

17 Q. 1999. Right?

18 A. The process started earlier on, but it was sometime in 1999.
19 But these negotiations were mentioned or the start of the
20 negotiations was probably mentioned also in 1998.

21 Q. Were there internal meetings of the KLA held between members of
22 the General Staff and the zone commanders in the lead up to and
23 around that time?

24 A. Yes.

25 Q. Were they frequent at that time?

1 A. They were not frequent, but we met and knew each other better
2 as -- in relation to the discussion and the questions that you put to
3 me earlier on, that I came to know Hashim Thaci and others better.

4 Q. Were you in favour of the KLA sending a delegation to
5 Rambouillet?

6 A. Yes, we all were.

7 Q. And were you in favour of it?

8 A. Yes, I was in favour of going to Rambouillet. However, my
9 favoured person to go there was Adem Demaci, but he refused to be
10 part of the delegation.

11 Q. Did he have a meeting with General Staff members before refusing
12 to attend?

13 A. You mean Adem Demaci?

14 Q. Yes, right.

15 A. Yes.

16 Q. Did the delegation members subsequently come and consult with
17 other senior leadership of the KLA, including yourself, on the terms
18 of the agreement?

19 A. Yes. When they came back from Rambouillet, I was there. I
20 attended.

21 Q. When it came to signing the agreement, what was your view on
22 what should be done?

23 A. I was against it before they came back and talked with us.

24 Q. And after you had spoken to them?

25 A. I spoke to them over the phone and asked them to not sign the

1 agreement. But upon their return, they explained everything, and we
2 agreed that they would go back to Rambouillet to continue the
3 negotiations and sign the agreement.

4 Q. So in the end, you accepted; is that correct?

5 A. Yes.

6 Q. What made you decide not to try and spoil the agreement by
7 opposing?

8 A. All my friends spoke with me. There were also other external
9 factors that convinced me. Also, Adem Demaci said that we should
10 continue on this path and sign the agreement, despite the fact that
11 he was against it.

12 MS. LAWSON: I'd like to show a document, please.

13 PRESIDING JUDGE SMITH: All right.

14 MS. LAWSON: It's SPOE00228796. And the English is the same
15 with ET after it. And the Albanian can be scrolled down slightly.

16 Q. Do you recognise any of the signatures in that document?

17 A. I can see that one of those resembles my signature.

18 Q. And in the Albanian version, if we look at the left of the
19 signatures, do you see a partial KLA stamp there?

20 A. Yes.

21 Q. The text in the paragraph just above those signatures reads as
22 follows:

23 "In conclusion, following all assessments about the final
24 document, the KLA General Staff will pronounce its final opinion
25 about the document after consulting the operational zone commanders.

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1 The General Staff is in favour of saying yes to the agreement. This
2 is based on the positive opinions held in the army, various Albanian
3 state forums, opinions held by Albanian personalities with authority
4 in the political and social domain, as well as the influence by
5 various international mechanisms."

6 Do you remember what this document refers to, Mr. Mustafa?

7 A. I don't recognise the document and I don't remember anything,
8 but I do know that if my -- these people here have signed, I must
9 have signed as well. But I don't remember anything in relation to
10 this document.

11 MR. EMMERSON: I'm sorry, I do apologise for interrupting. I'm
12 rising to my feet. But the reading from the last line of that
13 passage of text was -- introduced another word or two to those which
14 those appear so that the transcript is no longer corresponding. And
15 it may be important -- the words may be important, about influence of
16 international factors. But it was based on various things "as well
17 as on various influential international mechanisms."

18 MS. LAWSON: Yes, I --

19 MR. EMMERSON: Rather than "influence" in relation to that.

20 PRESIDING JUDGE SMITH: Thank you.

21 MS. LAWSON: Do you wish me to re-read the last line or is the
22 record now clear?

23 MR. MISETIC: If I can assist, I am told that there has been a
24 revised English translation provided to this, and I believe it's not
25 the same as what's on our screen.

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Examination by Ms. Lawson (Continued)

1 PRESIDING JUDGE SMITH: So which is the valid one?

2 MS. LAWSON: Yes, it should be the revised version. I should
3 have --

4 PRESIDING JUDGE SMITH: You are reading the revised version?

5 MS. LAWSON: I should have called the revised number.

6 PRESIDING JUDGE SMITH: Oh, you did not. Okay. Let's start
7 over with that then.

8 MS. LAWSON: So it's the same number with Revised after it.

9 PRESIDING JUDGE SMITH: Any change in what you read from the
10 revised?

11 MS. LAWSON: No, it's consistent with what I read.

12 PRESIDING JUDGE SMITH: All right. Thank you.

13 MR. EMMERSON: And so I withdraw my comment now we have the
14 explanation.

15 PRESIDING JUDGE SMITH: Thank you for pointing it out, though.

16 MS. LAWSON: And, Your Honours, I would like to tender this
17 document, please.

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MR. MISETIC: No objection.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 No objection being heard, SPOE00228796-ET Revised and the
22 Albanian are admitted. Please assign a number.

23 THE COURT OFFICER: Your Honours, that will receive
24 Exhibit P227.

25 PRESIDING JUDGE SMITH: Thank you.

1 You may proceed, Ms. Lawson.

2 MS. LAWSON:

3 Q. Around the time of the Rambouillet negotiations, were there also
4 internal discussions happening about the composition of the
5 General Staff?

6 A. Yes. We discussed everything in relation to a better
7 organisation and better possibilities, opportunities for the Kosovo
8 Liberation Army.

9 Q. With you a new general commander, in fact, appointed at that
10 time?

11 A. Yes, I remember that, for me, he was the first commander. I had
12 no knowledge that there was a commander before.

13 Q. And who was appointed?

14 A. Sylejman Selimi was appointed.

15 Q. Had there been other candidates proposed for the role?

16 A. I don't remember anybody else being proposed.

17 Q. Was Bislim Zyrapi considered?

18 A. Now I remember that Bislim Zyrapi was considered as an option.

19 Q. Who was present at the meeting when the appointment of
20 Sylejman Selimi was made?

21 A. The zone commanders were present.

22 Q. Were there also members of the General Staff present?

23 A. I don't remember. I know there was a misunderstanding. I think
24 a member of the General Staff, Sokol Bashota, was there, but then he
25 left the meeting.

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Examination by Ms. Lawson (Continued)

1 Q. Was Rexhep Selimi present?

2 A. Yes, he might have been present.

3 Q. Why was the --

4 MR. KEHOE: Excuse me, Your Honour. Can we just take a quick
5 break, if I may?

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. KEHOE: If we can just take a five-minute break, if we
8 could, with the Court's permission.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 THE INTERPRETER: Microphone.

11 PRESIDING JUDGE SMITH: We'll be adjourned for five minutes.
12 Thank you.

13 [The witness stands down]

14 --- Break taken at 10.29 a.m.

15 --- On resuming at 10.35 a.m.

16 PRESIDING JUDGE SMITH: Please bring the witness back.

17 MR. MISETIC: I thank the Court for the pause and I apologise
18 for the interruption. So thank you.

19 PRESIDING JUDGE SMITH: Well, I hope you're feeling all right.

20 THE INTERPRETER: Your Honours, before we start --

21 PRESIDING JUDGE SMITH: Let us know if you need another break.
22 We can do that.

23 THE INTERPRETER: Before we start, Your Honours, the
24 interpreters have a request. If the microphones could be brought
25 closer to the witness, please.

1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: You may be seated.

3 The interpreters also ask, Witness, that you sit a little closer
4 to the microphones so that they can pick up your statements more
5 easily.

6 Ms. Lawson, we're ready for you.

7 MS. LAWSON:

8 Q. So, Mr. Mustafa, we had been discussing the change in general
9 commander of the KLA. Why was that change made?

10 A. It did not constitute a change as far as we're concerned. As
11 far as I was concerned, that was an appointment.

12 Q. Did you consider how it might impact the delegation in
13 Rambouillet?

14 A. It was one of the additional reasons. We wanted to assist the
15 delegation to suggest that we would not accept any old agreement
16 offered to us, but that the agreement ought to be fully consistent
17 with the interests of the nation.

18 Q. So it was intended to provide additional support to the
19 negotiations; is that correct?

20 A. This was one of the reasons, but we also needed to have a
21 commander and for everybody to know who that commander was.

22 Q. I am going to change topic. Was one of the purposes of the
23 intelligence sector to gather information on collaborators?

24 A. It may have been one of the goals, yes.

25 Q. Was discovering psychological and propagandistic activities one

1 of the tasks of the intelligence sector?

2 A. With hindsight, I can focus on intelligence in wider terms. But
3 at the time, I wasn't able to understand the necessity in the terms
4 that we're discussing now.

5 MR. EMMERSON: I'm sorry, may we have some clarity when the term
6 "intelligence sector" is used, if the witness is being asked about
7 the Llap zone or something else, and over what period of time.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. EMMERSON: I'm sorry?

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 THE INTERPRETER: Microphone, please.

12 MR. EMMERSON: Well, as opposed to anything other than the Llap
13 zone, but yes, as opposed to the General Staff, and also time,
14 properly timed questions.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MS. LAWSON: Yes, I'm referring to the intelligence sector in
17 the Llap zone which the witness would presumably be most familiar
18 with and from its operation.

19 Q. Was your answer based on that understanding, Mr. Mustafa?

20 A. Yes. I was aware that there was an individual in every unit who
21 would take care of potential risks that the unit and the entire zone
22 could be facing.

23 Q. Was one of the duties of the sector for morale to pay attention
24 to the special warfare campaign?

25 A. You mean the sector for morale?

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Examination by Ms. Lawson (Continued)

1 Q. Yes.

2 A. I can't recall its tasks, but every sector within the Kosovo
3 Liberation Army worked towards the empowerment and further the
4 development of the war effort that it had undertaken.

5 MS. LAWSON: We can call up a document, please. It's P00149.
6 And the English is the same with ET after it.

7 Q. We looked already at this document on the first day,
8 Mr. Mustafa. It's the regulation of the Llap operational zone which
9 you issued in December 1998.

10 MS. LAWSON: Could we please go to page 3? That is 242140 in
11 the Albanian, and I think it's just page 3 in the English.

12 Q. If we look at the fifth paragraph from the bottom of the page,
13 it states that one of the duties of the sector for morale was:

14 "To observe, in cooperation with the intelligence sector, the
15 methods and means of action of the enemy on the
16 psychological-propagandistic and subversive plane in the special
17 warfare campaign."

18 Do you see that?

19 A. Yes, it will have come from the literature of the time. I don't
20 know what the origin was, but I accept it at face value.

21 Q. It refers to propaganda. Was spreading propaganda against the
22 KLA considered to be a form of special warfare?

23 A. I don't know whether it was special, but there was a lot of
24 propaganda during the war.

25 MS. LAWSON: And if we can just briefly go back one page,

1 please. Page 2 in the English; and 2139 in the Albanian.

2 Q. Under the heading "Intelligence Sector," we can see at the
3 fourth bullet point that, as you confirmed, one of the tasks there
4 was discovering "psychological and propagandistic activities of the
5 enemy in a timely manner."

6 Was special warfare an issue of concern for the KLA?

7 A. Madam Prosecutor, we drafted these documents based on the
8 literature that we were able to procure. The tasks were set as such.
9 However, the duties of this sector were to gather information that
10 had to do with the units they represented.

11 Q. And was special warfare an issue of concern for the KLA?

12 A. All of those points are here because the risk existed.
13 Otherwise, they wouldn't be here. However, I don't think that at
14 that time we had -- we had capacities or the means to -- to be able
15 to carry it out, to be frank with you.

16 MS. LAWSON: We can take down the document for now.

17 Q. Did the General Staff discuss special warfare either in public
18 statements or in meetings?

19 MR. EMMERSON: I'm sorry, again. Before the witness answers
20 that question, it's clear that counsel is asking about special
21 warfare, and the witness is answering about special warfare, with no
22 on-the-record explanation of what is meant by that term. And might
23 I, therefore, request counsel to clarify what it is that she's
24 cross-examining the witness about exactly and what is meant by
25 "special warfare" in her questions and in the answers.

1 PRESIDING JUDGE SMITH: That would be helpful. I don't think
2 it's come up in your questioning thus far. Perhaps just as a
3 foundational question for the witness.

4 MS. LAWSON:

5 Q. What do you understand by the term "special warfare"?

6 A. I -- there is nothing in my mind at the moment. It depends on
7 the context of its usage.

8 Q. Are you familiar with the phrase?

9 A. Madam Prosecutor, I know it now, but when I was a zone commander
10 at the age of 26, the environment was different and my knowledge was
11 much more limited. However, there was some literature available
12 which we put into these documents, but that does not mean that
13 everything that you -- we saw was something that we were about or we
14 were able to accomplish for that matter.

15 Q. Did the General Staff use the phrase "special warfare" and refer
16 to it, either in public statements or in meetings?

17 A. I cannot recall. I don't think it was. And if it was, it was
18 used in a situation akin to this document. It might have been part
19 and parcel of some literature. However, this was not discussed at
20 the General Staff.

21 Q. Did they --

22 A. At least I don't remember.

23 Q. Did they issue warnings to people engaged in special warfare?

24 A. In fact, we did not know who they were.

25 Q. Who are you referring to as "they"? You "did not know who they

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1 were"?

2 A. Those who were carrying out this special warfare. We were
3 fighting against enemy troops, and within the enemy troops you would
4 find -- you would find special warfare units. They were on the part
5 of the enemy.

6 MS. LAWSON: I'd like to bring up a document. It's P00156. And
7 the English is the same with ET at the end. It's Communiqué 54.

8 Q. And, again, it's a document which we already discussed on the
9 first day of your testimony. Can you please read the last sentence
10 of the bold text at the top of the page? It's the second paragraph
11 of bold text, the last sentence. I apologise. Could you please read
12 it out loud.

13 A. Which line do you mean? Because I'm not entirely certain.

14 Q. So at the top of the page, there are two paragraphs of bold text
15 going all the way across the page. I'd like you to read the last
16 sentence of the bold text.

17 A. "The defeat in the field of battle has made the enemy angrier.
18 It went all along, taking revenge on the civilian population, on
19 women and children, destroying dwellings."

20 Q. Can you look at the -- I can read the sentence, if that's
21 easier. It's the last sentence of the bold text at the top of the
22 page, and it reads:

23 "'All enemy missionaries and those who propagate for the special
24 war, whoever they might be, will be treated according to the law in a
25 war situation,' the Kosovo Liberation Army's Communiqué No. 54

1 states."

2 So the General Staff did address special war, didn't they?

3 A. It did treat this via a communiqué aimed for the public, but not
4 with the zone commanders like us.

5 Q. These should be taken as a propaganda means, Madam Prosecutor.
6 This does not mean that these issues were discussed within the forums
7 of the Kosovo Liberation Army. Or, rather, that maybe somebody --
8 somebody would have spoken about this, but nobody paid any heed.
9 Commanders like us came from the ground. We saw people who were
10 being burned alive, friends -- and friends who had died all around
11 us. And we were -- did not have at the time the luxury of talking
12 about this kind of stuff. We can discuss this now but not then.

13 MR. EMMERSON: Again, I promise this is the last time, and
14 certainly on this issue. It's been extremely helpful to have that
15 clarification explored. At page 36, line 21, the witness emphasised
16 that the term "special forces" related to enemy forces. And in this
17 passage that he's been taken to as well there is a reference to
18 special forces being part of the enemy forces.

19 The questions that were being posed earlier were apparently
20 premised on the notion that the special war related to something that
21 the KLA was involved in. So can the questions please clarify that we
22 are talking solely about a unit of the Serbian -- or units of the
23 Serbian side, rather than asking questions in a way which is
24 inconsistent with the evidence that they rely on.

25 PRESIDING JUDGE SMITH: If this witness has that information,

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1 yes.

2 MR. EMMERSON: I'm just referring to page 36, line 21 in the
3 transcript of today's answers, which is just a few lines higher up,
4 where he gave that answer in quite some detail.

5 MS. LAWSON: Well, I believe it's not inconsistent with evidence
6 that's being relied upon. If we look at the actual language, it says
7 "enemy missionaries and those who propagate for the special war." So
8 I don't believe that the materials are confined in the manner in
9 which you just indicated.

10 MR. EMMERSON: I'm so sorry. If you read the entire bullet
11 point, it begins with:

12 "'Following the Serbian forces retreat it looks as if their
13 place is being taken by some collaborators and ... political
14 activists who are spreading defeatism ...'"

15 It then goes on.

16 The answer on the transcript is not from the document. The
17 answer on the transcript is page 36, line 21. It might be an idea if
18 we all looked at that. And this answer -- this passage from this
19 paper says exactly what the witness has just said, which is entirely
20 different from the basis on which the questions were being put.

21 MS. LAWSON: Well, I believe the very text that you just read,
22 Mr. Emmerson, indicates that it is not confined in that manner.

23 MR. EMMERSON: I'm sorry, again, I don't want to descend into an
24 argument, but could we address the answers given by the witness at
25 page 36, line 21.

1 PRESIDING JUDGE SMITH: Once again, perhaps on
2 cross-examination, it would be better for you to try to explore that
3 and clarify it. She has done her best to clarify it. This witness
4 has done his best to clarify it. So we'll move on. Thank you.

5 MS. LAWSON:

6 Q. Was it a continuing concern for the KLA, special warfare? Was
7 it expressed in other public statements around this time?

8 A. Special warfare has never been separate from the enemy forces,
9 the Serbian forces. And Serbian forces in the -- the apparatus of
10 war has always been of concern to us. But I would not confine myself
11 to this term.

12 Q. It was people who were considered to be acting in the interests
13 of the enemy forces; is that correct?

14 A. Those who collaborated or those who were part of the structures
15 of the enemy forces.

16 Q. Did the Llap zone ever issue statements or written materials
17 expressing concern about special warfare or propaganda activities?

18 A. It may have been expressed in general terms and -- and given
19 that we see this from the General Staff, the Llap operational zone
20 may have followed or -- or written about the same. However, it was
21 not of any special significance as far as I'm concerned at the time.

22 Q. I'd like to show you a document. And, again, it's one that
23 we've looked at previously and you are familiar with.

24 MS. LAWSON: It is P00155. And the English translation is the
25 same with ET.

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1 THE COURT OFFICER: Your Honours, the requested document is not
2 in the presentation queue.

3 MS. LAWSON: It's a document that we showed on the first day, so
4 I will recheck the reference. But if now is a good time to break. I
5 see it's two minutes to 11.00.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 THE INTERPRETER: Microphone, please.

8 PRESIDING JUDGE SMITH: We will be taking a break now, Witness,
9 for a half hour. You will be back here at 11.30.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

12 --- Recess taken at 10.59 a.m.

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

14 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness
15 in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: You may be seated.

18 Thank you, Witness. We're ready to proceed.

19 Ms. Lawson, you still have the floor.

20 MS. LAWSON: Thank you.

21 Q. And just before the break, we were discussing whether the Llap
22 zone ever issued statements or written material expressing concern
23 about special warfare.

24 MS. LAWSON: The document, the number that I should have called
25 was P00151, and the English version has ET at the end. And we can

1 please go to the last page in both English and Albanian.

2 Q. I'm going to read the last sentence. It says:

3 "And we dare the propagators and agitators who did the
4 occupier's work during its offensive, and immediately afterwards, to
5 try and play the same role. KLA will not be merciful any more for
6 those who repeat the faults."

7 Did the Llap zone prepare or issue a brochure or a pamphlet
8 about special war?

9 A. This one seems to be indeed a pamphlet.

10 Q. Are you aware of any other similar pamphlets about special war
11 issued by the Llap zone?

12 A. There might be similar pamphlets, but I don't remember them. As
13 a matter of fact, I don't remember this one either, but I am ready to
14 accept it as mine.

15 MS. LAWSON: I would like to show another document. It is
16 P00164, and the English has ET at the end. And we can stay on the
17 first page to begin.

18 Q. Can you please read the title and the date out loud.

19 A. I do not recognise this text you're -- Madam Prosecutor.

20 Q. Can you please read the title and the date out loud.

21 A. 15 April 1999, it seems. "Kosovo Liberation Army, Public
22 Information Service, Special Warfare."

23 Q. And the date under that heading?

24 A. November 1998.

25 MS. LAWSON: Can we please go to the second-last page. It's

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1 U002-2821 in both versions.

2 Q. You can see there that it was issued by the Llap Operational
3 Zone Information Service.

4 A. Yes, I see it. I don't remember it, but this seems to be
5 propaganda material based on literature sources of the time.

6 Q. What would the purpose of such material have been?

7 A. Propaganda material, perhaps. I wouldn't be able to tell now
8 exactly. I would probably need to see the entire material to give a
9 comment. It's drafted by officials who were close to me, and they
10 intended to prepare this type of document and they did.

11 MS. LAWSON: We can turn to page U002-2811.

12 Q. There's a heading, "Special warfare during the Serbian
13 offensive." And the first sentence under that heading reads:

14 "Special warfare reached its highest point during the Serbian
15 offensive."

16 Do you understand that to be a reference to the summer 1998
17 offensive?

18 A. I wouldn't comment on it because I don't remember the document
19 itself. However, I don't see anything wrong in it. War propaganda
20 officials, my people from my zone, sat down and drafted this document
21 on -- based on available literature. I have not read this.

22 Q. Was there a focus on collaborators and special warfare at the
23 time and after the Serbian offensive?

24 A. Not special.

25 Q. You mean there wasn't in particular a heightened -- it wasn't a

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1 heightened issue, is that what you mean, at that time?

2 A. No, these were dealt with when events happened there and then, a
3 danger occurring. So depending on the developments on the ground
4 and involving our units. Now, you know that in every war we should
5 exercise caution with respect to the enemy collaborators, and this
6 was one of the things that we did as well.

7 MS. LAWSON: And I'd like to refer to a prior statement. It's
8 Part 4, pages 2 to 3 in English. And, again, Part 4, pages 2 to 3 in
9 Albanian.

10 Q. And there's a reference there to the loss of territory
11 previously held, and the fact that enemy forces were able to enter
12 any part they really wanted. And then the question was:

13 "Was this, amongst other factors, but did that heighten, did
14 that raise the view that collaborators revealing military secrets,
15 positions, really were a major problem, because it had -- you have
16 this situation now?

17 "A. Not in our -- in our zone specifically, no.

18 "Q. But across the other areas of the KLA, the offensive, the
19 September offensive was Kosovo-wide?

20 "A. Yes, yes, it was. Yes, it was a great -- it was a very
21 general -- or it went all over the territory, and this became a much
22 greater issue after that. So I can give you my opinion why, what I
23 assume was why. Maybe it was easier for us to find fault with the
24 people close at hand rather than with the enemy. The enemy was so
25 big. We wanted to point the blame or put the blame on someone who

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1 was close at hand.

2 "Q. So easier to blame perceived collaborators or those who
3 were operating behind your backs against you?

4 "A. That's my opinion now. That's what I assume."

5 Is that your opinion, Mr. Mustafa?

6 A. As you noted reading it, this was an assumption. I agree we had
7 this discussion.

8 Q. And you confirm that that is your assumption or opinion? That's
9 your assessment?

10 A. It's an assumption, an opinion. I did not -- I -- this is how I
11 thought at times.

12 Q. Did the Llap zone command issue any communiqués?

13 A. It depends on what you call a communiqué. Press releases? Yes,
14 we did. They might have been called communiqués.

15 Q. Well, more specifically, did the zone command issue any
16 communiqués concerning special war?

17 A. With the title "communiqué," I don't know. But I do know that
18 documents were issued for the public from the zone where I was.

19 MS. LAWSON: I'd like to bring up an extract from the archives
20 of Radio Free Kosovo covering the period March and April 1999. Can
21 we please bring up 008348, and the English is the same with ET after
22 it.

23 Q. As a preliminary matter, what was Radio Free Kosovo?

24 A. It was a radio who cooperated closely with us. We considered it
25 to be our radio.

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1 Q. By "our," do you mean the KLA?

2 A. We thought it to be ours. I am not sure whether it was ours or
3 not. But we communicated with them as we did with our -- our
4 entities and just like we did with other Albanian media.

5 Q. The heading indicates that this is a "Communiqué of the Command
6 of the Llap Operational Zone of the KLA."

7 A. Madam Prosecutor, depending on the journalist or the reporter
8 and the KLA, the denomination was agreed upon or decided. So it
9 could be just an information, but I accept it as it is.

10 Q. And the second paragraph on the first page of the document
11 refers to individuals who "hide behind the so-called 'legal'
12 political parties and quasi state institutions."

13 And we see in the first sentence of the second paragraph a call
14 on these people to "stop [their] destructive and completely
15 anti-national activity."

16 MS. LAWSON: And, finally, if we go to 008356, which is a
17 continuation of the same communiqué.

18 THE COURT OFFICER: Apologies, the item is not in the
19 presentation queue.

20 MS. LAWSON: I may have called the wrong number. It's 008350.
21 It's part of the same document. I apologise.

22 Q. And it states that these people started a special war against
23 the KLA to discredit and eliminate it from the stage so that they can
24 "continue swimming in their dirty waters."

25 MS. LAWSON: We've finished with the document. Thank you.

Witness: W04746 (Resumed) (Open Session)
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1 Q. You indicated earlier that special warfare may have been
2 referred to in public statements, but it wasn't addressed in meetings
3 with the General Staff. Is that your position?

4 A. Yes, it's still my position. Allow me to say that I did not
5 recognise the last document, and this is not the wording I would have
6 used or my collaborators would have used. It must have been drafted
7 by a journalist, a reporter or somebody else. I wouldn't be able to
8 say who.

9 Q. Let me show you another document.

10 MS. LAWSON: It is IT-05-87.1 P00446. And the English is the
11 same number with a .E after it.

12 Q. We can see at the top that this is a December 1998 report on the
13 statements of the operative zones, and it's addressed to the deputy
14 general commander of the General Staff.

15 MS. LAWSON: Can we please go to the last page.

16 Q. Do you recognise the signature?

17 A. Yes, and the name is there. I wouldn't have been able to
18 recognise the signature, but now that I see the name above it.

19 Q. Whose signature is it?

20 A. It reads Bislim Zyrapi, Colonel Bislim Zyrapi, Chief of Staff of
21 the KLA.

22 MS. LAWSON: Can we please go to the third page of the document
23 under the heading "Defence and safety."

24 Q. And it's reported that:

25 "Special units and military police provide special help by

Witness: W04746 (Resumed) (Open Session)
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1 successfully facing the enemy's special war and its collaborators."

2 So special war was a matter the zones were reporting on to the
3 General Staff; right?

4 A. I don't remember these things. Now, this is a document that if
5 it was extracted from the archives, I have no reason to object to it.
6 I don't remember it, and I haven't seen it. This is the time I was
7 referring to yesterday in relation to numerous recommendations that
8 we didn't follow necessarily.

9 MS. LAWSON: Your Honours, I'd like to tender the document,
10 please.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 Any objection?

13 MR. MISETIC: I guess we would have an objection. The witness
14 has said he has no recollection of the document, and there may be
15 perhaps witnesses coming who will have a better opportunity to lay
16 some foundation for the document.

17 PRESIDING JUDGE SMITH: Anybody else?

18 MR. EMMERSON: Nothing to add.

19 MS. ALAGENDRA: Nothing to add, Your Honour.

20 MR. ROBERTS: Sorry, nothing to add, but support the objection.

21 PRESIDING JUDGE SMITH: It appears to be *prima facie* in line
22 with 138. IT-05-87.1 P00446 is admitted.

23 THE COURT OFFICER: Your Honours, that will be Exhibit P228.

24 MS. LAWSON: Let's look at another document, and it's one we
25 discussed already this morning. It's P00181, and the English has ET

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Examination by Ms. Lawson (Continued)

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1 after it. We can go to page SPOE00226666 initially, please.

2 Q. Do you remember that we discussed this document earlier this
3 morning?

4 A. Yes, I remember seeing it for the first time today.

5 MS. LAWSON: Can we go to the next page, please, to 6667.

6 Q. Your name is written at the top. And under that, there's what
7 appears to be a situation report. At bullet point 6, it says:

8 "Special war and propaganda, not present."

9 Is that correct that there wasn't special war or propaganda
10 present in the Llap zone at that time?

11 A. I cannot know that there was no propaganda at all, but we did
12 not notice something in particular.

13 Q. So there wouldn't have been an issue with special war such that
14 you would need to have raised it with the General Staff?

15 A. I don't remember it being a concern.

16 MS. LAWSON: And we can take down the document. Thank you.

17 Q. What was the national guard?

18 A. These battalions were formed sometime after the beginning of the
19 NATO bombing. They are special units that came out of the --
20 composed of experienced fighters and operated under the zone command.
21 Every zone was supposed to have a battalion. I know for my zone we
22 did have a such battalion. I don't know about the other zones.

23 Q. Did you have involvement in its creation? You just mentioned
24 that you established the battalions under the Llap zone command; is
25 that correct? Were you involved in that?

1 A. I ordered the formation, creation of this battalion.

2 Q. Who did you receive the instruction or order from to create the
3 national guard?

4 A. I am not certain, but I think the national guard was formed at
5 the national level, country level. I was -- I don't remember any
6 more details. I was more focused on my zone and the battalion under
7 my command.

8 MS. LAWSON: Can we look at SPOE00228147. And the English is
9 the same with ET at the end.

10 THE COURT OFFICER: There is only an English version in the
11 presentation queue.

12 MS. LAWSON: If we can see the top of the screen, please.

13 Q. There's a fax mark there showing it was sent on 14 May 1999.
14 Does that sound approximately right in terms of the date when you
15 would have been establishing the national guard?

16 A. It seems so, yes.

17 Q. The document was copied to the zone commands. Do you remember
18 seeing or receiving this document?

19 A. No, I don't remember it. I don't even remember using fax during
20 the war, fax machine.

21 Q. Yesterday you identified a photograph showing the location of
22 the Kolovice headquarters. When did you enter Prishtine?

23 A. On 11 June 1999.

24 Q. How did you enter?

25 A. Based on an operative order I had prepared with my staff, the

1 national guard was with me. Whereas the other units were on both
2 flanks of the zone at the entry of Prishtine.

3 Q. Did the national guard report to you or who did they report to?

4 A. They reported to the staff. But at this time, I was very close
5 to them. I was directly involved in this matter.

6 Q. "The staff" being the Llap zone command staff; is that correct?

7 A. Yes, the staff that I was leading.

8 Q. Where were your headquarters in Prishtine?

9 A. At Kolovice. You mean after 11 June?

10 Q. Correct. Was that the location you identified in the photograph
11 yesterday?

12 A. Yes.

13 Q. Was your zone command staff based there with you?

14 A. Partly.

15 Q. Which parts?

16 A. The public information sector, the chief of communications, and
17 other parts. However, several officers were discharging duties in
18 other areas of the zone.

19 Q. Was Latif Gashi with you?

20 A. No. Latif Gashi had been tasked with waiting for a group of
21 British military forces arriving in the villages and mountains of
22 Gollak.

23 Q. That was at the time of entry; is that correct?

24 A. Yes.

25 Q. So after that, was he subsequently based at the Kolovice

1 headquarters with you?

2 A. His task was to stay in Podujeve because on 19 September, KLA
3 forces entered the city there. And they went and stabilised
4 themselves the way -- the best way they could. Along with Kastrati
5 and the brigade commander Arif Muqolli, he had been tasked with
6 looking after the troops of the Kosovo Liberation Army as well as
7 establish contact with KFOR and the international community in order
8 for the situation there to stabilise.

9 Q. It may have been just an interpretation issue, but did you refer
10 to September, to 19 September?

11 A. No, it may have -- it may have been a mistake. It is June, 19th
12 of June.

13 Q. How long were you based there for?

14 A. I am not certain, but until the conditions were created for the
15 headquarters to move to the centre of Prishtine. It may be a period
16 of eight to nine months, but I'm not certain. However, records exist
17 of when we moved from one place to another.

18 Q. Do you today accept the verdicts which found you responsible
19 pursuant to joint criminal enterprise liability and command
20 responsibility for the detention and mistreatment of civilians?

21 A. I accepted the judgment as was. However, with my lawyers, I
22 objected to parts of that judgment. However, I accepted the final
23 verdict rendered.

24 Q. Do you accept that detainees in the Llap operational zone were
25 beaten and killed?

1 A. No, I don't accept it. There was no system of beating or murder
2 there. They could have been beaten up during the journey. However,
3 when they arrived at our command, at the detention facilities, their
4 care for them was good.

5 Q. So are you accepting that it could have occurred that people
6 were beaten in the Llap zone after they were arrested?

7 A. I had no knowledge, but I cannot exclude it. I -- I had no
8 knowledge of a single case, however.

9 Q. So just so we're clear on your position. You have no knowledge
10 of beatings having occurred in the Llap zone, but you don't exclude
11 it having happened after people were arrested by the KLA?

12 A. There was no need for me to express any concern whatsoever on
13 this issue because there has never been a report on it.

14 Q. I want to be clear with you and tell you what our case is. It's
15 our case that this did occur, that you'd good reason to know that,
16 that you had the means to know that, and that you did in fact know
17 what happened to the detainees. I'm going to put some points to you.

18 You described to us already that you had a relationship of trust
19 with Latif Gashi; isn't that correct?

20 A. Yes, I had a relationship of trust with all the officers of the
21 time.

22 Q. You told us that Latif Gashi was a member of the Llap zone
23 command; isn't that right?

24 A. Yes.

25 Q. You told us that you yourself appointed him to his position;

1 right?

2 A. Yes. It was a question of cooperation with the entire members
3 of the staff at the time. However, I accept that as being my
4 decision.

5 Q. You told us that Latif Gashi reported directly to the zone staff
6 that you led. That is, he reported to yourself, your deputy and your
7 chief of staff; correct?

8 A. Correct.

9 Q. You told us that you appointed Nazif Mehmeti to his command role
10 in the military police; correct?

11 A. As a deputy -- deputy commander he was. As a representative of
12 [Indiscernible].

13 Q. And that he reported directly to the zone command, that is, to
14 yourself, your deputy and the chief of staff; correct?

15 A. Correct.

16 Q. And that the zone command did receive reports from him; correct?

17 A. Correct.

18 Q. You also visited the police command building in Llapashtice;
19 right?

20 A. Yes.

21 Q. The police command building, which was where the detainees were,
22 was less than 200 metres from your headquarters; correct?

23 A. I cannot say any closer. How -- however, they were close to us
24 at all times.

25 Q. And you even ate your meals at the police command building;

1 isn't that right?

2 A. This did not happen all the time, but there were occasions when
3 I had my food at the police building.

4 Q. And you saw some of the detainees around the place?

5 A. Yes.

6 Q. You authorised or ordered certain arrests; correct?

7 A. Yes.

8 Q. You made decisions about the continued detention or release of
9 certain detainees; correct?

10 A. Depending on the documents that came to me for signature, that
11 is what I did. I signed them.

12 Q. You received information on the circumstances of some of the
13 arrests, didn't you?

14 A. Yes.

15 Q. And, for example, you know that some people resisted, don't you?

16 A. Yes, as I was able to explain yesterday.

17 Q. And you accept that those people could have been beaten, don't
18 you?

19 A. I state that given -- at the point where they were under the
20 control of my soldiers, they could have been beaten up to the point
21 where their resistance had been defeated.

22 MS. LAWSON: I'd like to call up a prior statement, please.

23 It's SPOE00087274 at page 87290.

24 Q. And you state there:

25 "Your Honour, there were no systematic policies of torture.

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1 Someone could have been tortured up until the point when they were
2 detained, at the time when they would arrive at the detention
3 centres, at the houses, where we would hold them, I had reason at any
4 time to suspect that anyone was abused."

5 MS. LAWSON: And if we go to the SPO transcript, Part 11,
6 page 6, and Part 11 Revised, page 7 in the Albanian.

7 Q. You say:

8 "It's not that it [was] allowed. But we had cases where people
9 resisted, and it's possible that they were beaten up until they were
10 brought to the detention centre where Nazif Mehmeti was. And from
11 the moment that they entered the detention centre, there was never
12 any complaint that anybody was beat."

13 Were there complaints of beatings from before people entered the
14 detention centre?

15 A. No, I did not receive any complaints at the time. I spoke here
16 about the possibility regarding the behaviour of my soldiers and
17 policemen.

18 Q. And the reality is that beatings did occur; isn't that correct?

19 MR. MISETIC: Mr. President, I've let a long string of leading
20 questions go, and at this point I'm forced to rise because it looks
21 like going to continue to be a cross-examination. So I object to the
22 leading.

23 MS. LAWSON: Your Honour, I believe pursuant to paragraph 107 of
24 the Conduct of Proceedings, I'm entitled to lead the witness where I
25 need to put my case to him.

1 PRESIDING JUDGE SMITH: And you have put your case to him, and
2 you will be allowed to continue your questions.

3 MS. LAWSON: I can re-read my last question.

4 Q. The reality is that beatings occurred; isn't that correct?

5 A. As far as I'm concerned, it is not.

6 Q. Do you believe that Latif Gashi and Nazif Mehmeti were lying to
7 you about the treatment of the detainees?

8 A. I continue to believe that they exercised their functions in a
9 just way, manner.

10 Q. And you could have entered the detention buildings at any time
11 to inspect them if you had wanted to, couldn't you?

12 A. There was no obstacle, but there was never a reason for me to do
13 that or to doubt that somebody was being mistreated in there.

14 Q. It was authorised for collaborators to even be executed, wasn't
15 it?

16 A. No, this was never allowed. And there were no such cases,
17 Madam Prosecutor.

18 Q. Were there collaborators executed in the Llap zone?

19 A. If you think that there has been murder before the war, during
20 the war, that was a wartime. However, there is not a single case of
21 somebody who would have been detained and executed afterwards.

22 Q. Did you authorise assassinations of collaborators?

23 A. No, I authorised no such thing. But I took responsibility for
24 everything that happened within my command, and I have expressed
25 myself publicly about those cases.

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1 Q. Did you conduct assassinations of collaborators?

2 MR. EMMERSON: I'm -- I rise before the witness answers that
3 because, obviously, the line of questioning has been permitted on the
4 basis that the Prosecution is putting its case.

5 Can I ask that it be clarified whether the Prosecution is
6 alleging that this witness assassinated anybody; and if so, on what
7 basis. If it's not, then it's not part of their case.

8 PRESIDING JUDGE SMITH: No, you may not. It was merely a
9 question by the Prosecutor.

10 You may proceed.

11 MS. LAWSON:

12 Q. Can you answer my question, please, Mr. Mustafa?

13 A. I was a fighter, Madam Prosecutor.

14 Q. Did you conduct such assassinations?

15 A. I do not know -- I am not in -- I am not certain that I've ever
16 killed a person.

17 MS. LAWSON: I'd like to show a document, please. P00118. Both
18 the English and Albanian versions are in that same document. One is
19 at 68267. Yes. And then the same document has the Albanian in it as
20 well. Thank you.

21 Q. Do you know who Bajram Krasniqi is?

22 A. No, I can't recall the time. However, this is a document that
23 was assessed in 1993 and it was deemed to be false.

24 Q. Is the document false, Mr. Mustafa? I'm not asking for the
25 court's assessment. I'm asking for your position.

1 A. I expressed my opinion when I was asked by the court, and there
2 is a ruling on this document. I have nothing to say to what I stated
3 at the time.

4 Q. Can you please tell us what that opinion is?

5 A. As I stated at the time, it is a document that is false and I do
6 not recognise it as my own.

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

8 Q. What was your position in 1999 and 2000?

9 A. My position?

10 Q. Yes.

11 A. Zone commander. I continued to be a zone commander.

12 Q. Under what organisation in the year 2000?

13 A. The Kosovo Liberation Army was transformed into the Kosovo
14 Protection Corps, and I continue to be a commander with the Kosovo
15 Protection Corps.

16 Q. When did you leave the Kosovo Protection Corps?

17 A. In 2001.

18 Q. Since that time, have you ever worked for one of the accused in
19 this case?

20 A. You mean for one of the accused? I'm not sure I understand.

21 Q. Have you ever worked for Mr. Thaci, Mr. Veseli, Mr. Selimi or
22 Mr. Krasniqi since that time?

23 A. Yes, I did work as part of the Democratic Party of Kosovo, which
24 was led by Chairman Hashim Thaci.

25 Q. During what period of time?

1 A. I joined the Democratic Party of Kosovo in 1996, and I became a
2 deputy chairman of the Democratic Party of Kosovo.

3 Q. Are you still a member, or when did you leave it?

4 A. I continue to be a member, though not an active one.

5 Q. During Mr. Thaci's time as president, were you ever employed to
6 work for his office?

7 A. Yes, I served as adviser in Hashim Thaci's office.

8 Q. When was that?

9 A. I think it was in 2019.

10 Q. Do you remember how long you worked for his office?

11 A. I don't remember exactly, but I have been close to Mr. Thaci all
12 the time, ever since I joined the Democratic Party of Kosovo.

13 Q. Do you remember the date on which you were appointed to that
14 role?

15 A. No, I don't.

16 Q. Do you remember what your salary was, approximately?

17 A. I can't recall it exactly. It did change with time.

18 MS. LAWSON: Can we show document 076693, please. The Albanian
19 is at 76693, which is the first page. And the English is at 76697 of
20 that same document.

21 Q. Do you recognise what that document is?

22 A. I can't recall having had possession of it, but I see that it
23 has to do with the post that I held within the presidency of Kosovo.

24 Q. If we look at the first page, this indicates a date of
25 appointment of 14 February 2019. Does that sound accurate?

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1 A. That's what I see written here.

2 Q. Does it sound accurate?

3 A. I think so. There would have been no reason for someone to
4 forge it.

5 MS. LAWSON: And if we go to the third page of each, please.
6 It's 76699 in the English and 76695 in the Albanian. At the bottom
7 of each page.

8 Q. Your annual salary for working in the president's office is
9 indicated there as 18.000 euro. Does that sound accurate?

10 A. No, it -- no, it is not.

11 Q. What do you believe the salary was?

12 A. I -- I think it was lower. However, with bonuses, maybe I'll
13 accept it the way it is here.

14 MS. LAWSON: Your Honours, I'd like to tender this document,
15 please.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 Any objection?

18 MR. MISETIC: No objection.

19 MR. ROBERTS: No objection.

20 PRESIDING JUDGE SMITH: 076693, Albanian version, and 76697,
21 English version, is admitted.

22 THE COURT OFFICER: Your Honours, that will be Exhibit P229.

23 PRESIDING JUDGE SMITH: Thank you.

24 MS. LAWSON: Your Honours, I've no further questions at this
25 time, but I would like to tender some documents that I used during my

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1 examination.

2 MR. MISETIC: Mr. President, I have an objection now. I thought
3 that the case was going to be put to him on what she's using the
4 document for, and the witness should have an opportunity to comment
5 if there's going to be an allegation made concerning his salary with
6 the president's office. He should have a fair opportunity to comment
7 on any allegation that will be made later.

8 PRESIDING JUDGE SMITH: We don't know that he wants to comment.

9 MR. MISETIC: Well, we should ask him.

10 PRESIDING JUDGE SMITH: Ms. Lawson, please ask the witness if he
11 has any comment on that last document.

12 MS. LAWSON:

13 Q. Do you have any comments you wish to make on the document that
14 we just looked at?

15 MR. MISETIC: Mr. President, again, I'm sorry to interrupt.
16 It's not the document. It's what the allegation that the Prosecution
17 may make on the basis of the document is, and he should be able to
18 comment.

19 PRESIDING JUDGE SMITH: I don't think we need to lead him any
20 further from that objection.

21 The question is do you have any comment?

22 THE WITNESS: [Interpretation] No, I don't. I accept the
23 document as it is.

24 PRESIDING JUDGE SMITH: Thank you.

25 Ms. Lawson, how many documents do you wish to submit?

1 MS. LAWSON: I wish to tender the "Commander Remi Speaks" book,
2 the pages of the Zhitia book which I used during the examination --

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 Could I suggest, with leave from the Defence, that you make a
5 list, maybe over the noon hour or prior to tomorrow, and submit it at
6 that time so that we don't have to go through and recite the
7 entirety.

8 MR. MISETIC: Mr. President, to be helpful, we certainly are
9 also going to be using the book. It may be better if we wait until
10 the witness's evidence is finished so that we have one exhibit with
11 all the relevant pages that were used in his examination rather
12 than --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 I'm speaking of the entire group, not just one -- not just the
15 book.

16 MR. MISETIC: Oh, I see. Okay.

17 MS. LAWSON: Yes, Your Honour. We'll compile a list. We'll
18 share it with the Defence.

19 PRESIDING JUDGE SMITH: It's just a little more efficient and
20 less prone to error.

21 MS. LAWSON: Absolutely.

22 PRESIDING JUDGE SMITH: So we will do that. She can present
23 that tomorrow since we aren't going to be meeting again after today
24 until tomorrow -- or after this session, I should say.

25 Are you ready to proceed?

1 Oh, I'm sorry.

2 MR. MISETIC: I think --

3 PRESIDING JUDGE SMITH: Mr. Laws, I'm sorry, I don't mean to
4 skip you. Do you still wish to examine this witness?

5 MR. LAWS: Your Honour, yes, I do, please. And I have pending
6 my application for permission to do just that.

7 PRESIDING JUDGE SMITH: Hold on just a moment, please.

8 So the Panel notes that in F0 -- just give me a moment.

9 MR. MISETIC: Okay. All right.

10 PRESIDING JUDGE SMITH: -- 1285 and 1583 and 1655,
11 Victims' Counsel notified the Panel and the parties of its intention
12 to question Witness 04746 with the leave of the Panel as the witness
13 is not a victim, and some of Victims' Counsel's questions fall
14 outside the scope of paragraph 33 of the Order on the Conduct of
15 Proceedings. Victims' Counsel submits that these questions are of a
16 matter of a legitimate interest to victims participating in the
17 proceedings in seeking to establish the truth about what happened to
18 them.

19 The Panel also notes that during the 20 March 2023 Status
20 Conference, Victims' Counsel informed the Panel that he had liaised
21 with the SPO to ensure there would be no duplication of questions in
22 relation to these topics.

23 With this in mind, and in light of the questions already asked
24 by the SPO, the Panel would like to know from Victims' Counsel, as
25 you have stated, do you still intend to ask the questions.

1 I apologise for my voice. I seem to be losing it like you were,
2 too.

3 So, Mr. Laws, anything you want to add to your application?

4 MR. LAWS: Yes, please.

5 PRESIDING JUDGE SMITH: Go ahead.

6 MR. LAWS: Might it be better for the witness to withdraw --

7 PRESIDING JUDGE SMITH: All right.

8 MR. LAWS: -- whilst we deal with this issue. Thank you.

9 PRESIDING JUDGE SMITH: Madam Usher, would you please escort the
10 witness out of the room just for a moment to make a record.

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: All right, Mr. Laws.

13 MR. LAWS: Your Honour, thank you. As Your Honour has noted, my
14 application to cross-examine this witness goes beyond the harm done
15 to the victims participating in the proceeding and its circumstances
16 and consequences.

17 Pausing there, the principal victim in respect of whom I wish to
18 ask questions is a single-status victim who has the protective
19 measures of, amongst other things, anonymity. And I am conscious
20 that this discussion as it develops and, indeed, my cross-examination
21 will reveal implicitly to those listening his identity. So I'm going
22 to ask that we move into private session, please.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MR. LAWS: No.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

1 MR. LAWS: My request was --

2 PRESIDING JUDGE SMITH: You want to go into private session now?

3 MR. LAWS: I do.

4 PRESIDING JUDGE SMITH: All right. We will go into private
5 session.

6 [Private session]

7 [Private session text removed]

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19 [Open session]

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

21 PRESIDING JUDGE SMITH: Thank you.

22 We are adjourned.

23 --- Whereupon the hearing adjourned at 1.00 p.m.

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