

Monday, 10 November 2025

[Open session]

[The accused entered the courtroom]

--- Upon commencing at 2.00 p.m.

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

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

PRESIDING JUDGE SMITH: Thank you.

First of all, I note that the accused are all present in court today. We will start hearing the evidence of Thaci witness 1DW-008.

Before we start hearing the evidence of the witness, there is a preliminary matter that the Panel would like to address.

The Panel notes in filing F03569 the Thaci Defence requested, first of all, an expedited briefing schedule for the filing; and, second, leave to amend its exhibit list to add one item that it intends to use with 1DW-008.

The SPO responded that it does not object to the request.

First, the Panel notes that the expedited briefing schedule for the request on Friday, 7 -- I'm sorry, I said that wrong. First, the Panel notes that it expedited the briefing schedule for the request on Friday, November 7th, 2025.

Second, in respect of the Thaci Defence request to add a video of the press conference by 1DW-008 and its corresponding transcript

1 to the exhibit list, the Panel notes that, one, the video was
2 disclosed on 16 October 2025; and, two, the Thaci Defence was only
3 able to assess the full evidentiary need of the video in the
4 preparation session it held with 1DW-008 on the evening of
5 5 November 2025. The Panel recalls that the relevance and importance
6 of certain items may become apparent to a party as the trial
7 proceeds. In addition, the Panel notes that the Thaci Defence made
8 the request two days after it realised the importance of the item.
9 The Panel therefore finds that the Thaci Defence has provided timely
10 notice.

11 The Panel observes that the document relates to the witness's
12 interactions with the KLA and his observations on the level of
13 organisation and command and control of the KLA in 1998. These are
14 topics relevant to the charges in the indictment. The Panel
15 therefore finds that the material is *prima facie* relevant and of
16 sufficient importance, and that there is good cause for its late
17 addition to the exhibit list.

18 Lastly, regarding prejudice, the Panel observes that the request
19 is limited in scope as the Thaci Defence only intends to use one
20 minute of the video. The Panel further notes that the SPO does not
21 object to the addition to the exhibit list. Given that the parties
22 and participants will have sufficient time to adequately review the
23 video and prepare for 1DW-008's testimony, the Panel finds that no
24 prejudice will arise from adding the video and its transcript to the
25 exhibit list.

1 The Panel therefore grants the request to add 129503-12 and
2 129503-12-TR-ET, as well as any corresponding translation, to the
3 Thaci exhibit list. The Panel orders the Thaci Defence to file a
4 revised exhibit list as soon as possible but by no later than Friday,
5 14 November 2025.

6 And this concludes the Panel's oral order.

7 Before we bring the witness in, the Panel reminds everyone that
8 in F03532, the Panel authorised certain measures under Rule 107 for
9 the present witness including that, one, the witness's testimony be
10 limited to certain topics listed and authorised in paragraphs 35 and
11 38 through 39 of the same decision; two, the scope of the
12 cross-examination be limited to the scope of direct examination and
13 issues of credibility; three, the witness may decline to answer
14 questions on the grounds of confidentiality; and, four,
15 representatives of the Rule 107 provider will be present in court
16 during the witness's testimony.

17 The Panel will not entertain questions that cannot be shown to
18 be clearly linked to matters authorised by Rule 107 provider and
19 relevant to the case. Where queried on the point, the questioning
20 party should be ready to state how certain lines of questioning fall
21 within the scope of the Rule 107 authorisation.

22 Madam Usher, please bring the witness in.

23 MR. MISETIC: Mr. President?

24 PRESIDING JUDGE SMITH: Oh, yes.

25 MR. MISETIC: Just one procedural matter. Now that the video

1 has been authorised to be added to the exhibit list, may we amend our
2 queue to add it to our queue?

3 PRESIDING JUDGE SMITH: Yes.

4 MR. MISETIC: Thank you.

5 [The witness entered court]

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 THE WITNESS: Good morning.

8 PRESIDING JUDGE SMITH: Good morning.

9 THE WITNESS: Good morning.

10 PRESIDING JUDGE SMITH: The Court Usher will now provide you
11 with the text of the solemn declaration which you are asked to take
12 pursuant to Rule 141(2) of the rules. Take a look at it and then
13 read it aloud.

14 THE WITNESS: Okay. Conscious of the significance of my
15 testimony and my legal responsibility, I solemnly declare that I will
16 tell the truth, the whole truth, and nothing but the truth, and that
17 I shall not withhold anything which has come to my knowledge.

18 WITNESS: CHRISTOPHER HILL

19 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
20 now.

21 Regarding introductions, the parties and participants may have
22 noticed that we have a representative of the United States Government
23 who is joining us this morning in connection with the witness's
24 testimony.

25 If you could please introduce yourself for the record.

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1 MS. GEARHART-SERNA: Yes, thank you, Your Honour. It's a
2 pleasure to be back with you. Terra Gearhart-Serna, the deputy legal
3 counsellor at the United States embassy in The Hague.

4 PRESIDING JUDGE SMITH: Thank you. And as I believe you knew,
5 we authorised you to have your laptop. That isn't for transmitting
6 material outside of court but for your own notes. And I know you've
7 done this before, so you recognise that.

8 Witness, today we will start your testimony. It is expected to
9 last approximately two and a half days. As you may know, the Thaci
10 Defence will ask you questions first, and then the remaining Defence
11 teams will ask you questions. Once they are finished, the SPO has
12 the right to ask questions of you, and members of the Panel may ask
13 questions of you.

14 The Thaci Defence estimate for your direct examination is three
15 to four hours. The remaining Defence teams will take approximately
16 three hours. The SPO estimates that it will need four and a half
17 hours. As regards each estimate, we hope that counsel will be
18 judicious in their use of time. The Panel may allow redirect
19 examinations if conditions for it are met.

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

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1 Please also speak into the microphone and wait five seconds
2 before answering a question, and then speak at a slow pace for the
3 interpreters to catch up. Even though we're speaking to each other
4 in English, you're going to be translated into two more languages in
5 addition, so they have to catch up with our talking too fast.

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

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

13 If you feel the need to take a break at any point or wish to
14 repeat anything, please make an indication and an accommodation will
15 be made.

16 Finally, I note that you are accompanied in the courtroom today
17 by one representative of the US Government. In this regard, the
18 Panel has made a prior ruling that your testimony will be limited in
19 scope, and the representative is in court today to help us with that.
20 Please, if you have any doubt about the scope of your testimony, you
21 may ask the Panel or the representative.

22 We begin now with the examination by the Thaci Defence. They
23 are seated to your right. Mr. Misetic is standing. You'll recognise
24 where he is now. Please give him your attention.

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

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Examination by Mr. Misetic

1 Examination by Mr. Misetic:

2 Q. Good afternoon, Ambassador Hill. At the outset, could you
3 please state your full name for the record.

4 A. My name is Christopher Robert Hill.

5 Q. And what is your date of birth?

6 A. 8/10/52. That is August 10th, 1952.

7 Q. And what is your nationality?

8 A. I'm a US citizen.

9 Q. And is it correct that you are a retired United States diplomat?

10 A. That is correct.

11 Q. And your title at the time of your retirement is ambassador?

12 A. Correct.

13 Q. Yes. Can you tell us a little bit about your background? What
14 degrees have you achieved?

15 A. Sure. I majored in economics in college and graduated from
16 Bowdoin College. I also received a master's from the Naval War
17 College some years later while I was in the State Department. Do you
18 want me to discuss my career in the State Department --

19 Q. We'll --

20 A. Okay.

21 Q. I think I've already started to speak too fast, so I will take a
22 pause for a second. We will get to your diplomatic career in a
23 moment.

24 A. Okay.

25 Q. I just wanted to ask you a question about your master's degree

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1 at the Naval War College. Can you tell us what the degree was in?

2 A. National security studies.

3 Q. Okay. And did your master's degree provide you any familiarity
4 with military structures and organisations?

5 A. Yes, it did.

6 Q. Okay. When did you start your diplomatic career?

7 A. I started my diplomatic career -- I entered the foreign service
8 in October 1977.

9 Q. And can you tell us what your postings were in your diplomatic
10 career prior to 1998?

11 A. Prior to 1998, I entered the service in October 1977. My first
12 assignment was in Belgrade, Yugoslavia, in summer of 1978. I was
13 there until the summer of 1980. I returned to the State Department
14 in 1980, and I was a watch officer in the State Department, and then
15 a member of the policy planning staff until I went to Warsaw, Poland,
16 in 1983. I departed Warsaw in 1985 and went to Seoul, Korea, in 1985
17 until 1988. At that time, I returned to the States. I worked for a
18 congressman on a fellowship within the framework of the
19 State Department from 1988 to 1989. And in 1989, I was the -- I
20 became the desk officer for Poland.

21 And in 1991, my next assignment was I went to Albania, Tirana,
22 Albania, where I opened the American embassy which had been closed
23 since 1946. I departed Tirana, Albania, in 1994, and at that time
24 became the director for the Balkans office in the State Department,
25 culminating in my participation in the Dayton peace talks which was

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1 in October until November 1995.

2 After that, I went to Republic of North Macedonia in summer
3 1996. And in 1998, while I was still in the Republic of
4 North Macedonia, I became the special envoy for the Kosovo-Serbian
5 issues and completed those assignments in the summer of 1999.

6 Q. Thank you. Just to follow up on that. In your postings in
7 Tirana and North Macedonia, did you have any opportunity to either
8 travel to Kosovo or to become familiar with the issues in Kosovo?

9 A. Kosovo was a major issue within the Balkans but, at that time,
10 not the number one issue, which, of course, was the wars that had
11 gotten underway including in Bosnia and between Serbia and Croatia.
12 Nonetheless, while in Albania, during those two years in Albania, I
13 learned a lot about the Kosovo situation. I did not actually visit
14 Kosovo until May 1998 when I was asked to take it on as an additional
15 responsibility to my responsibilities as the US ambassador to Skopje.

16 Q. Thank you. Did you return to the United States in 1999; and if
17 so, what positions did you hold in 1999 and 2000?

18 A. I returned to the United States in 1999, summer of 1999. And in
19 September 1999, I became the senior director at the National Security
20 Council staff, senior director for south-eastern European affairs,
21 namely, the Balkans. I did that -- I performed those duties until
22 the summer of 2000 at which point I went to Warsaw, Poland, as the US
23 ambassador.

24 Q. Okay. As part of your duties on the National Security Council
25 staff, was Kosovo part of your portfolio?

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1 A. Yes, it was.

2 Q. What languages do you speak?

3 A. Well, it's a function of what point in time, but I've spoken
4 Polish at a conversational -- better than a conversational level,
5 Serbian, and some -- I can speak some Albanian.

6 Q. Thank you. Now, you mentioned that you were involved in the
7 Dayton peace talks. Did you work with Ambassador Richard Holbrooke
8 at that time?

9 A. Every day.

10 Q. And was Kosovo an issue at the time of the Dayton talks?

11 A. The Dayton talks were very much focused on ending the war in
12 Bosnia. However, the issue of Kosovo had come up in some
13 circumstances where there were American citizens of Kosovo background
14 who wanted us very much to take on the issue of Kosovo, but the focus
15 continued to be on the crisis in Bosnia and that was what the Dayton
16 peace accords were about.

17 We, of course, did have conversations about Kosovo. I had some
18 direct conversations with President Milosevic in the context of the
19 Dayton peace accords because we knew that Kosovo would be the next
20 crisis.

21 Q. You just mentioned President Milosevic. At the time, meaning
22 around the Dayton Accords and prior, had you had an opportunity to
23 meet with the relevant officials or persons in the Balkans?

24 A. With respect to Kosovo?

25 Q. Kosovo, Bosnia, Croatia, Serbia?

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1 A. Well, during the Dayton peace accords, of course, we had the
2 president of Croatia, the president of Serbia, we had the senior
3 officials including the president of Bosnia, so I spoke with those
4 people on a daily basis. There were no representatives there from
5 Kosovo or Albania.

6 But prior to starting the Dayton peace talks, I did go and visit
7 Macedonia in the context of trying to address some of the issues that
8 Macedonia had.

9 I did not have an occasion to engage with Kosovo leadership. I
10 will say, though, that going back to -- in 1989, I did have the
11 occasion to meet Mr. Rugova at the American ambassador's residence,
12 that is, Ambassador Zimmermann's residence. So that was my first
13 conversation with Ibrahim Rugova. And so I met him subsequently in
14 1998, in May 1998.

15 Q. And just finishing up on your background, you've mentioned that
16 you became the -- you were posted to Poland in 2000. Following your
17 posting in Poland, what were your remaining postings in your career?

18 A. Okay. After Poland -- I left Poland in 2004, and at that point
19 I went to Korea as ambassador. I had been there earlier, as I
20 mentioned, from 1985 to 1988, so I went back to Korea in 2004
21 immediately after Poland.

22 However, the Secretary of State, Condoleezza Rice, asked me to
23 conclude my assignment in Korea and become the assistant secretary
24 for Asia Pacific, which I started in the spring of 2005. At that
25 time, they also asked me to take on the responsibility of heading the

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1 US delegation to the North Korean talks, which I did for some four
2 years, from 2005 until 2009.

3 In 2009, the incoming administration of President Obama, they
4 asked me to go to Baghdad and become the US ambassador to Iraq, which
5 I did in 2009. And I retired from the Foreign Service in 2010, went
6 into academia, and then went back into the Foreign Service in 2022 as
7 the US ambassador to Serbia. I stayed in that position until January
8 of this year, 2025.

9 Q. Thank you. In these experiences in your diplomatic career,
10 would you regularly meet with heads of state?

11 A. Oh, yes, I did.

12 Q. Would you meet with government ministers?

13 A. All the time.

14 Q. Would you meet with military officials?

15 A. Yes, many.

16 Q. Would you meet with foreign intelligence officials?

17 A. Of course, yes.

18 Q. Non-state actors, would you meet with non-state actors?

19 A. You mean such as business people and -- people like that, people
20 who are not in the -- not in foreign governments? Yes, I would.

21 Q. Yes. As a diplomat, was it your job to assess the roles and
22 authorities of persons with whom you interacted?

23 A. All the time. That was my main job, to understand situations,
24 to listen carefully, to understand power relationships, whether
25 within a government or outside of a government, and to try to help

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1 formulate US policy based on this knowledge.

2 Q. And you mentioned you were in academia. Can you tell us what
3 posts you've held in academia?

4 A. In academia, I became dean of the International School at the
5 University of Denver. Then I -- I did that for some eight years at
6 which point I was an adviser to the chancellor at the University of
7 Denver. After that, I went and taught at Columbia University for a
8 semester. And after that, I rejoined the Foreign Service as
9 ambassador to Serbia.

10 Q. And do you hold any posts in academia today?

11 A. Yes, I'm a professor of practice at Fletcher School, school of
12 international law at Tufts University.

13 Q. Thank you.

14 A. If I could just say, Fletcher School's international --
15 diplomacy and international law.

16 Q. Thank you. Turning to your first engagement on the issue of
17 Kosovo. When were you first engaged by the United States Government
18 in trying to resolve tensions in Kosovo?

19 A. I was first engaged by the US Government in May 1998.

20 Q. And who asked you to get involved in that issue?

21 A. I had a telephone call from then Secretary of State
22 Madeleine Albright, and she asked me if in addition to my duties as
23 US ambassador to Macedonia, that I would take on the position as
24 special envoy to Kosovo.

25 Q. And as special envoy to Kosovo, to whom did you report?

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1 A. I reported to -- as special envoy to Kosovo, I reported to
2 Secretary of State Madeleine Albright. I should add, however, that
3 by this time Holbrooke, former Assistant Secretary Holbrooke was very
4 much interested in the issue and frequently advised me on issues, and
5 I kept him informed.

6 Q. Did you have an understanding that Secretary Albright was
7 relying on your assessments as the special envoy?

8 A. She relied on a lot of my assessments, but I think she also got
9 information from other people as well.

10 Q. What was your mandate as the special envoy for Kosovo?

11 A. Early on, it was understood that we should support a
12 political -- some kind of political solution, and to try to step away
13 from the growing potential and -- the growing potential violence. So
14 early on, I began to try to put together with colleagues in the
15 State Department an autonomy plan that would restore Kosovo's
16 autonomy and give Kosovo its self-governance. So that was the idea
17 to pursue with Kosovo and with Serbia.

18 Q. Why was it important to try to achieve a political solution?

19 A. Well, I think it is always preferable to achieve a political
20 solution rather than some other approach, but it was especially
21 important here because our European partners and allies, a number of
22 them were concerned about the outbreak of violence again on their
23 continent and very much wanted to see a political solution achieved.

24 And so for that reason, we worked very closely with the
25 Europeans as we had in the lead up to the Dayton peace accords as

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1 well.

2 Q. And in working with your European allies, was there something
3 known as the Contact Group; and if so, could you explain what it was?

4 A. Excuse me. I'm trying to wait this five seconds, but I can see
5 I'm not doing a good job of that.

6 The Contact Group was a kind of coordinating mechanism which
7 involved the interests of Russia, the United States, and the
8 Europeans. And so it did not include all of the European states that
9 had a particular interest in it. It included Germany, it included
10 France, it included the UK, and later on began to include Italy
11 because of Italy's great interest in the Balkans, which are very
12 close to Italy. So it also included a representative from Russia
13 and, of course, the US.

14 The Contact Group was at several levels. There was my level as
15 a negotiator, but there were also -- the ministers would get together
16 on the basis of being in the Contact Group and discuss the way
17 forward on Kosovo.

18 Q. Thank you. In terms of your preparing for your work as special
19 envoy, did your daily routine include reading press reports from the
20 region or about the region?

21 A. Yes. My daily routine included reading press reports and also
22 coordinating with interested parties, which included, of course, a
23 number of European states beyond just the Contact Group.

24 Q. Did you read cables, US diplomatic cables?

25 A. Yes. Yes, I read cables and I wrote some myself.

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1 Q. Do you recall from which posts the cables were written?

2 A. They were written from a number of different posts. You might
3 have a cable written from a European country because the ambassador
4 there had had a discussion and the issue of Kosovo had come up, and
5 so the embassy in a given European post might send in a cable on it.

6 Cables in the -- were quite numerous and, to be diplomatic about
7 it, some were more useful than others.

8 Q. Did you read intelligence reports regularly?

9 A. As part of my duties, yes.

10 Q. Was it raw intelligence or was it reviewed?

11 A. Well, I would say it was both.

12 Q. Would you get briefings from embassy staff?

13 A. Yes.

14 Q. And would that include the Belgrade embassy?

15 A. Yes, it did include the Belgrade embassy, but the -- by the time
16 I was there, the person on the ground was myself, and then, of
17 course, they created -- we created, actually, this monitoring
18 organisation.

19 Q. Would you receive information from other parts of the
20 State Department and the National Security Council on the issue of
21 Kosovo?

22 A. Yes. Kosovo was a primary issue. So if the secretary, for
23 example, hosted a foreign minister from a European country, chances
24 were very high that one of the first discussion points would be about
25 Kosovo. So someone on the secretary's staff would make sure that I

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1 knew that she had had a conversation with somebody about Kosovo.

2 The secretary, of course, is always prepared with a number of
3 talking points. Some of those issues, they could range all over the
4 waterfront of US-European relations, for example, but in those days
5 Kosovo would likely be one of the issues. And at least with respect
6 to Kosovo, people would make sure I knew what the secretary had said
7 or what she had heard from some foreign diplomat.

8 Q. As part of your mandate to find a political solution, did you
9 try to identify points of contact and authority on both the Serb side
10 and the Kosova side?

11 A. Yes, I did. It was very important to talk to various parties
12 who were going to be either part of the solution or part of the
13 problem. And so, yes, I did. I spent a lot of time trying to deal
14 with people both from Kosovo and from Serbia.

15 Q. And on the Serb side, who did you work with?

16 A. On the Serb side, I worked primarily with President Milosevic
17 and his team. That included his former foreign minister, then
18 prime minister at one point, Milutinovic. But basically, on the Serb
19 side, it was very limited and it was mainly Milosevic.

20 Q. And on the Kosovo Albanian side, did you find anyone who could
21 speak with authority on behalf of Kosovo Albanians?

22 A. That was a very challenging and, at times, vexsome operation of
23 trying to find people who could speak with authority. Everyone had
24 an opinion about it. It was never a problem to find someone with an
25 opinion. It was a problem to find someone with authority.

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1 One of the people was, of course, the head of the League of
2 Democrats of Kosovo, the LDK, and that was Ibrahim Rugova. He had
3 been at it for -- he had had a leadership position in Kosovo, albeit
4 informal leadership position, for well over a decade. As I mentioned
5 to you, I first met him in 1989 at Ambassador Zimmerman's home, and
6 he was already well-established as a Kosovo leader. But unlike in
7 Serbia, President Rugova was not the only person that one could talk
8 to in Kosovo, because he did not represent the range of views.

9 Q. Can you describe the difference in 1998 between your engagement
10 with the Serbian side and with the Kosovars in terms of organisation,
11 structure, line of authority, and decision-making.

12 A. Let me be sure I understand the question. You want to know
13 lines of authority and decision-making within Serbia and lines of
14 authority and decision-making within Kosovo, or among the Kosovo
15 Albanians?

16 Q. Yes, and what the differences were, if any.

17 A. Well, in Serbia, I don't mean to be facetious and call it
18 one-stop shopping, but one could get a lot of information and a lot
19 of clarity in a conversation with President Milosevic. This
20 situation was not mirrored in Kosovo. In Kosovo, these were
21 discussions I had with President Rugova, but it was not sufficient to
22 get a broad enough understanding of the Kosovo position, nor was
23 president -- I call him president because Rugova had a title as head
24 of the LDK, president of the LDK. But nor if I talked to him could I
25 count on something being implemented, so we needed to go further.

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1 Q. You mentioned that Ambassador Holbrooke had an interest in this
2 issue. Can you tell us what Ambassador Holbrooke's role was in this
3 period?

4 A. I think it's fair to say Ambassador Holbrooke, having made a
5 historic contribution to peace and security in the Balkans in Dayton,
6 felt a certain frustration that Dayton was -- that there were
7 continued serious problems in the Balkans, and that because he had
8 been so focused on Bosnia at Dayton, which was the purpose of Dayton,
9 he felt that he needed to somehow be engaged and help get Kosovo to a
10 better -- to a solution.

11 And so he gave me a lot of advice on what to do in Kosovo, some
12 of which I asked for, some of which I did not ask for. And he also
13 gave advice to Secretary Albright, and I think the same goes for her,
14 some of the advice she wanted to get from him and some she didn't.
15 Ambassador Holbrooke was extremely active personage who had many
16 opinions and many of them were very valid opinions, and so one would
17 pay attention to what he had to say.

18 Q. Was there ever a time when the United States encouraged
19 Mr. Rugova to meet with Mr. Milosevic; and if so, why?

20 A. Yes. This was the first time that Ambassador Holbrooke went to
21 Prishtine. I went with him. And we sat down with President Rugova.
22 And while we hadn't really discussed this in advance,
23 Ambassador Holbrooke thought it would be a good idea if Rugova met
24 with Milosevic in Belgrade because he hoped that this meeting could
25 solve a lot of problems. I must say, I was more sceptical.

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1 Q. Do you recall when this meeting between Mr. Rugova and
2 Mr. Milosevic took place and where?

3 A. This took place in Belgrade, at the presidency in Belgrade, and
4 it took place at the end of May or in early June. And that's an
5 empirical question that I should be able to give you a precise date
6 for.

7 Q. That would be May or June 1998?

8 A. 1998, yes. That was soon after I started my role as special
9 envoy to Kosovo.

10 Q. Do you know if Mr. Rugova's meeting with Mr. Milosevic had any
11 impact on Mr. Rugova's standing in Kosovo Albanian society?

12 A. I think it is fair to say this is a matter of analysis and
13 opinion which is what I can give you on this. I think it hurt him.
14 It hurt Mr. Rugova because I don't think there was a strong body of
15 opinion in Kosovo to the effect that a meeting with Mr. Milosevic
16 would help. And so I had reservations whether it would help him, and
17 I continue to have those reservations whether it did help him. And
18 he also was very concerned about whether this was a good idea, but he
19 didn't want to be in a position of -- in his first meeting with
20 Ambassador Holbrooke, he didn't want to be in a position of turning
21 down his suggestion.

22 Q. Was there any opposition to Mr. Rugova in Prishtine itself?

23 A. I think it is fair to say that Mr. Rugova had been the kind
24 of -- he had been the informal leader of all of Kosovo, and I think
25 the opposition to him was growing because there was a sense that he

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1 was not making any progress.

2 Q. Do you know who may have been leading any opposition to him
3 within Prishtine?

4 A. I'm not in a real position to say who, but I can tell you that
5 people that we often met with had great frustrations with Rugova and
6 the LDK structures. Some of those people joined us at the
7 Rambouillet conference the following year. So Mr. Rugova, I think,
8 was having a difficult time projecting leadership and any sense of
9 accomplishment in dealing with Serbia. And I want to stress the
10 context of this was that somehow Bosnia had a way forward thanks to
11 Dayton and Kosovo was still stuck.

12 Q. Did you have any opportunity to discuss with intellectuals such
13 as Veton Surroi and Rexhep Qosja what their views were of Mr. Rugova?

14 A. Yes, I did. And I think it's fair to say there was a lot of
15 scepticism about his ability to accomplish any -- to make any
16 progress. The immediate issue for Kosovo was to try to create a
17 separate republic. The Serbs did not agree to that because they saw
18 a separate republic as leading to a secessionist agenda, just as
19 separate republics in western Yugoslavia had declared their
20 independence.

21 Q. In addition to the issues you've just testified about in terms
22 of criticisms of his ability to lead Kosovo, were there any other
23 issues that led to criticism of Rugova and the LDK?

24 A. Well, the LDK -- the LDK was a very well-organised political
25 entity in Kosovo. It essentially funded an underground school, an

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1 educational organisation, so kids did not have to go to Serbian
2 school but could go to kind of underground Albanian school. For
3 that, it needed funds, and it raised funds in western Europe where
4 there are substantial Albanian -- ethnic Albanian communities. And I
5 think there was -- it's fair to say there was a lot of criticism
6 about whether all these funds were well spent.

7 Q. Okay. Let's turn to your first contacts with the KLA. Do you
8 know when anyone acting on behalf of the United States first made
9 contact with the KLA?

10 A. Well, that should be a simple question to answer but it is not.
11 The big problem, of course, with the KLA was the inability to find
12 leadership there and find people who could speak with authority.

13 So Robert Gelbard, who had held the position that I held until
14 he was asked to focus entirely on Bosnia, that is, in May 1998, he
15 had some meetings with Kosovo Albanians in Switzerland and had heard
16 that they were in charge of the KLA. I didn't believe that was true,
17 and nor has there been any evidence to suggest that they were. And
18 I'm sorry, I don't recall who they were. But I know there was an
19 effort by him and others to try to find who was running the KLA. And
20 it was clear from those conversations that the people he talked to
21 were extremely sympathetic to the KLA goals, that is, of a more rapid
22 move toward independence, but it was not at all clear that they had
23 anything to say about it anymore than anyone else did.

24 Q. You've mentioned Ambassador Gelbard. Did there come a point
25 where Ambassador Gelbard had referred to the KLA as a terrorist

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1 organisation?

2 A. Yes. And that was part of a sequence of events that brought the
3 issues in Kosovo to a kind of crisis level. Ambassador Gelbard, as
4 many Foreign Service officers do, drew heavily on past experiences.
5 His past experiences had been in Latin America where he dealt with
6 narcotics trade and other issues involving organised crime. At one
7 point, he made a statement to the effect that he has dealt with
8 various organised criminals, and he used the term "terrorists," and
9 that he viewed the KLA as terrorists. It was a press -- it was a
10 comment he made to the press, and it was soon followed by an incident
11 in which Serbian security forces surrounded the home of the Jashari
12 family with the consequence that everyone was killed in this. It was
13 a major, major outbreak of hostilities.

14 There was a lot of criticism that Gelbard's statement that the
15 KLA were terrorists had somehow precipitated this particular incident
16 on the part of the Serbian security forces, that they had felt that
17 Gelbard had somehow signalled a green light for this. I
18 parenthetically would add that I don't think there is any evidence
19 for that. But this was certainly what was being discussed, that if
20 the American envoy calls the KLA terrorists, then somehow it's a
21 signal to the Serbs to move against them.

22 Gelbard then took a very tough view on the Serbs for doing this,
23 for engaging in this attack on these people, and it also included a
24 very tough conversation with -- that Gelbard had with Milosevic, with
25 the consequence that Milosevic said he would not see Gelbard anymore.

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1 So the whole issue in May was started by Gelbard speaking about
2 his prior knowledge of criminals and terrorists from Latin America,
3 culminating in the -- in this attack, if you will, on the Jashari
4 family. Gelbard then making a serious course correction, and
5 Milosevic refusing to see Gelbard anymore. So it really took an
6 issue that was serious and made it even more serious and more deadly.

7 Q. Just as a background question: Does the United States have a
8 formal process for designating foreign terrorist organisations?

9 A. The US does have a formal process of designating terrorist
10 organisations, and, to my recollection, that was not ever done with
11 respect to the KLA.

12 Q. Thank you. When did you first make contact with the KLA?

13 A. The issue for me in the summer of 1998, working with my staff
14 and with others, was to find a KLA official or group of officials who
15 could really speak for the KLA. I might add that I worked on this
16 for some time, and without success, such that we are certain --
17 certainly our operating conclusion was that there was no such
18 leadership, that this is very much groups of people at local levels,
19 which was, I think, a much more accurate description of what we were
20 dealing with.

21 I did at one point go to -- at -- I went to Tirana, Albania, to
22 meet someone who had been described to us as the head of the KLA. My
23 conclusion, the conclusion of my colleagues, was: Yes, he's
24 certainly operating within that movement, but, no, he could not speak
25 for the KLA.

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1 And then we continued to work on trying to find people who could
2 really speak for it. And at one point, going to the town of Likovc,
3 and I would have to check precisely, but all this was in the summer
4 and fall of 1998 as we tried to find an interlocutor.

5 Q. First, if we go step by step.

6 A. Yeah.

7 Q. The first contact you mentioned in Tirana, do you recall the
8 name of the individual you met with?

9 A. If you mentioned it, I would. Do you have a name?

10 Q. I'll read to you the Preparation Note --

11 A. Yeah.

12 Q. -- that we took.

13 A. Yeah, I'm sorry.

14 Q. It's paragraph 7, and I'd ask if this refreshes your
15 recollection:

16 "Ambassador Hill confirmed that the information provided in this
17 interview is correct and his first contact with the KLA was actually
18 in Tirana in June 1998 with Xhavit Haliti" --

19 A. Correct.

20 Q. -- "aka Zeka."

21 A. That's correct, yes.

22 Q. Now, did there ever come a time when you discussed with anyone
23 from the KLA in Kosovo whether the KLA people in Switzerland had the
24 authority to speak on their behalf?

25 A. I don't recall having discussions with the KLA in Kosovo about

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1 the group in Switzerland. I do recall having discussions with
2 various Albanians in Kosovo, and the conclusion was: No, these
3 people in Switzerland are not in charge of the KLA.

4 Q. Okay. And you just testified about an encounter with the KLA in
5 Likovc. But prior to that, did there come a time when you and
6 Ambassador Holbrooke encountered anyone from the KLA?

7 A. Yes, although the significance of it was greatly overstated at
8 the time. We went to a -- we went out into an area that had been
9 attacked by the Serbs, and our Kosovo friends wanted us to see this
10 and talk to people there. It was a village, it was accessible on a
11 main road, so we went out there, and the name of the village was
12 Junik.

13 And as we were talking to the various farmers about their very
14 difficult experiences with facing Serbian security forces, a
15 gentleman walked in, with a very thick beard, who -- and camouflage
16 uniform, and Holbrooke remarked to me and to many others that he had
17 the appearance of Che Guevara. And he, I think it's fair to say, was
18 also very media savvy, because we were all sitting on the floor
19 talking to -- drinking tea and talking to these Albanian farmers, and
20 this gentleman came in, and there was not really room between -- next
21 to Holbrooke but somehow he made room, so he had the appearance of
22 sitting on Holbrooke's lap. The picture was taken and it went around
23 the world, and it looked like Holbrooke had made contact with the
24 KLA. We subsequently determined that he may have been a self-styled
25 member of the KLA, but he was not a leader in any way, shape or form.

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1 MR. MISETIC: Mr. President, I should have asked at the
2 beginning what breaks you wanted to take.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: At 3.30? Okay.

5 PRESIDING JUDGE SMITH: Sorry, 3.30.

6 MR. MISETIC: Thank you.

7 PRESIDING JUDGE SMITH: Just so everyone knows, it'll be a
8 15-minute break.

9 MR. MISETIC: Thank you.

10 Q. Now, you've mentioned a meeting with the KLA in Likovc.

11 A. Yeah.

12 Q. Do you recall who was travelling with you to that meeting?

13 A. Yes. Fehmi -- I think in this meeting we had a member of the
14 LDK, Fehmi Agani. We had two other prominent Albanians who were
15 journalists; one was Veton Surroi and the other was Blerim Shala.
16 And I also had with me in the backseat of the large vehicle
17 Tina Kaidanow and Phillip Reeker.

18 Q. Can you tell me --

19 A. The only thing I am not 100 per cent sure of is whether
20 Fehmi Agani was on that trip or a subsequent trip.

21 Q. Can you tell us who Tina Kaidanow and Phil Reeker were?

22 A. Tina Kaidanow was my assistant and very knowledgeable about the
23 Balkans. She was a junior Foreign Service officer at the time, and
24 her second assignment was in Belgrade, and she was very effective,
25 and so she was seconded to me.

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1 Phillip Reeker was my press spokesman at the embassy in Skopje
2 who came with me on these trips to Kosovo, and later, like Tina, was
3 together with me at Rambouillet.

4 Q. Okay. Can you tell us why you went to Likovc on that trip?

5 A. It was -- to the best of my recollection, it was to try to get a
6 better sense of who is running the KLA and can we entice them into a
7 political process.

8 Q. I'd like to show you an excerpt from a book. But first let me
9 ask you, do you recall giving a lengthy interview to Blerim Shala
10 while you were ambassador to Poland in 2002?

11 A. I do recall giving a lengthy interview. I do not recall it
12 being as lengthy as some of the -- what I read later on that he wrote
13 but ...

14 Q. Okay. Let me show you one excerpt from that interview.

15 MR. MISETIC: Madam Court Officer, if we could please have
16 DHT12206 to DHT12372 at page DHT12274.

17 Q. Now, before we start to review this portion, can you tell us who
18 Mehmet Hajrizi was?

19 A. I'm sorry, I cannot. I don't remember.

20 Q. Okay. Well, maybe -- I'll show you this in case it refreshes
21 your recollection. This is purporting to be you speaking to
22 Blerim Shala. It says, towards the top middle part of the page:

23 "Time is wasting ..."

24 Do you see that?

25 A. "So, I went back to Hajrizi ..." This is -- the first-person

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1 singular is me?

2 Q. Yes. It says, if you look from the fifth line down or sixth
3 line down: "Time is wasting ..."

4 A. "Time is wasting, and meanwhile many people are losing their
5 homes ..."

6 Q. Yes. If you could just read that paragraph so I don't read it
7 out loud.

8 A. Well, I must tell you, I do not recall him. Except I do recall
9 trying to put together a negotiating team and find people who were
10 mutually acceptable among the Albanian factions.

11 Q. Okay.

12 A. And I felt a certain sense of urgency because we had this draft
13 autonomy paper, but we had not succeeded in negotiating elements of
14 it because no one would engage on it until everyone was there. And
15 you would not have a situation whereby engaging on it you were
16 somehow not -- you were somehow out ahead of other people.

17 And so it was a constant frustration to find people who could
18 speak for others.

19 Q. Okay. Then going back to this trip to Likovc.

20 MR. MISETIC: If we could scroll down to the bottom of the page,
21 please.

22 Q. There is the fourth line from the bottom, "So Mehmet ..." Then
23 it says:

24 "So Mehmet agreed that we would try something the next day. The
25 next day, instead of going South, we went North, and then in a rather

1 round-about way, to get over to the Drenica valley to Likovc."

2 A. That's correct. When we went south, we went through Shtime, I
3 think, and we encountered a fire-fight there. And in that trip I
4 remember Fehmi Agani said it's a Serb provocation. And since our
5 vehicle took some rounds, some bullets in the -- it was an armoured
6 vehicle, fortunately. But I remember saying to Fehmi Agani, "If it's
7 a provocation, it's a very good one, so we're not going to continue
8 on this trip." So we took another route to get to Shtime.

9 This was all based on the idea that we could get to people in
10 Likovc who could actually speak for a broader constituent.

11 Q. Okay. If we continue on, it says, "As we were ..." and it goes
12 to the next page.

13 "As we were going, we were met by KLA escort" --

14 A. Yeah.

15 Q. -- "and escorted over these dirt roads. We could see hundreds
16 of families, with their tractors, and their trailers, loaded with all
17 the family's belongings as they're escaping the fighting."

18 And I'll stop there for a second.

19 Does that refresh your recollection that this meeting took place
20 before or after the Serbian offensive that started in July 1998?

21 A. I think this was after the Serbian offensive.

22 Q. It continues:

23 "Hundreds and hundreds that we saw of these people. We finally
24 [got] to the KLA headquarters where they seemed to be more interested
25 in ceremony than in anything else: they had flags, they had an honour

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1 guard."

2 Is that consistent with your recollection?

3 A. Indeed, it is.

4 Q. It continues:

5 "We went into a room with a green filled table, there were
6 drinks lined up along the centre of the table, just like some formal
7 meeting that you might have in some NATO country, and these guys were
8 wearing their uniforms."

9 A. Yes, green felt table.

10 Q. Green felt.

11 A. With bottles of mineral water.

12 Q. Thank you.

13 A. There was a lot of desire to show this was a normal meeting with
14 military staff.

15 Q. It continues:

16 "We sat down, and then I turned to Hajrizi and I said: 'well,
17 Mehmet it's all yours, go ahead.' Mehmet turned and said, well I'd
18 rather can you look at the meeting. And, I thought to myself, well
19 I've driven all the way out here, if I'm going to do the meeting,
20 I'll do the meeting."

21 A. Yeah.

22 Q. Is that consistent with your recollection?

23 A. Yes, it is, and it's actually bringing back some recollection,
24 because I remember -- now I'm beginning to remember who Mehmet was.
25 And he was supposed to be a little more active in this, and instead

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1 he turned to me, because nobody wanted to take any responsibility for
2 saying something that would suggest they were prepared to engage on a
3 document which did not achieve their objectives.

4 Q. Okay. You then continued:

5 "So I made the request to the KLA that we want to restructure
6 the government, and that we're going to have a new prime minister
7 with Mehmet Hajrizi here, but the real purpose of this whole thing is
8 to get a negotiating process going, cease-fire and the negotiating
9 process."

10 A. Yes, because what was going on was the idea -- earlier I
11 referred to Rugova as president, and that was because it was an
12 entire structure. The Serbs would have called it make-believe, the
13 -- but the Albanians, it was a government -- it was a government
14 structure in their view.

15 So the idea was to expand the government structure and have
16 different groups participate as opposed to just the LDK. And I saw
17 no harm in this, but I was more interested in people who would
18 participate in a negotiation rather than people who would participate
19 in a government structure which nobody recognised or no foreign
20 entity recognised.

21 Q. And then it continues:

22 "So the KLA, the guy in charge, Rexhep Selimi said: well, thank
23 you very much, and we will convey this to the chief of staff. I
24 said, that's terrific, but I thought you were the chief of staff,
25 that's why I'm here. You know, our vehicle took actually a bullet on

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1 the back of it, we went over some very dangerous terrain, we were
2 exposed to number of shooting, we had refugees going everywhere, and
3 you're telling me you're not the person to make the decision. He
4 said, no I'm not. So needless to say, I was very disappointed. So,
5 I said when [can we] get your decision, he said, maybe next week. I
6 said, I am sorry, but next week is not an acceptable answer, we have
7 to move much more quickly."

8 Is that consistent with your recollection of that conversation
9 with Rexhep Selimi?

10 A. Yes, very much. And it was very frustrating to me that we were
11 told we could meet someone who had something to say about things,
12 but, again, nobody would take responsibility for really -- for any
13 real discussion. And it was quite an effort to get there. I did not
14 have security people with me, and I can tell you the State Department
15 security would have not been enthusiastic about this trip given that
16 it also included our vehicle taking some rounds, which we didn't even
17 report to people, although we saw the marks on the back of the
18 vehicle, so it did happen.

19 So we took a lot of risk, both bureaucratic and personal risk,
20 to get to a guy whose only answer was: We'll convey your message.

21 Q. Okay.

22 A. You know, when you're in these circumstances, you're trying your
23 best, and it's sometimes frustrating when you think other people are
24 not trying their best, because it should be more important to them
25 than to you.

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1 Q. Understood. You continue then in this interview:

2 "In the meantime Mehmet Hajrizi pulled out a piece of paper, in
3 which the paper contained changes in the government, and including a
4 denunciation of Rugova or calling for his dismissal."

5 Do you recall Mehmet Hajrizi denouncing Rugova in this meeting?

6 A. Again, I think there was a lot of frustration with the LDK's
7 monopoly on the Kosovo Albanian view, and that was reflected in
8 this -- I don't want to call it a so-called government because it
9 meant a lot to people, but it was a government that people not in the
10 LDK did not feel that it represented their views. So these people
11 focused on expanding the government.

12 I took expanding the Kosovo government more as a metaphor for
13 getting people who can actually negotiate on the document, so I kind
14 of played along with the idea that we're trying to make the
15 government more inclusive, but the real issue was to get -- to use
16 inclusivity to get a negotiating team that could represent all points
17 of view.

18 Q. And I'll conclude with this excerpt by reading the last
19 paragraph. It says:

20 "It was clear to me that Hajrizi was not able to deliver the KLA
21 at that point, which was a big disappointment because I had worked
22 very hard" --

23 A. Yeah.

24 Q. -- "to get him accepted as the prime minister. First I thought
25 he could deliver them, then I thought he could deliver them after I

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1 met with the KLA, and both turned out to be wrong. I left that
2 meeting pretty discouraged, and convinced that we simply don't have
3 the luxury of waiting around for these guys in their fatigues to go
4 and find out who the general staff is and whether they get
5 permission. It was clear to me we didn't have interlocutors. At
6 that point, I had to make a strategic decision. By that point we
7 were beginning to do some drafts."

8 A. Yeah.

9 Q. Now, in this excerpt you say that you "left that meeting pretty
10 discouraged, and convinced that we simply don't have the luxury of
11 waiting around for these guys in their fatigues to go and find out
12 who the general staff is and whether they get permission."

13 Did you believe at this point that there really was such a thing
14 as a General Staff in charge of the KLA?

15 A. No, I did not. And I think a lot of this effort to demonstrate
16 that there was an army with its usual vertical lines of authority was
17 really an effort to show us -- just as people were showing us that
18 there was a government there, was an effort to show that there are
19 normal political and military structures, and that we could take them
20 seriously. And yet, as this paragraph shows, we couldn't get
21 anything from them. And I think they were exercises really in people
22 trying to show that they were more important sometimes than they
23 actually were. So this was discouraging.

24 But I might add, which goes beyond your question, that I made my
25 views known to a number of people on the issue that I'm not sure that

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1 we're looking for something that really exists.

2 Q. Ambassador Hill, at this point did you think the KLA was a
3 vertically organised structure with a hierarchical organisation?

4 A. No.

5 MR. MISETIC: Mr. President, I would like to tender this excerpt
6 from the Shala book, the cover page and the pages that I've shown to
7 him. So it should be -- the full range is DHT12206 to DHT12372. And
8 we will tender DHT12206 as the cover page, and then DHT12274 to
9 DHT12275.

10 PRESIDING JUDGE SMITH: From the Defence, any objection to that?
11 The rest of the Defence?

12 SPO, any objection?

13 MR. PACE: No.

14 PRESIDING JUDGE SMITH: From the range of DHT12206 to DHT12372,
15 DHT12206 is the cover page, and DHT12274 to 12275 is the excerpt.

16 MR. MISETIC: Yes.

17 PRESIDING JUDGE SMITH: And the cover page and the excerpt are
18 admitted.

19 THE COURT OFFICER: Thank you, Your Honour. The cover page and
20 two pages will receive Exhibit 1D00423. Classification is public.

21 MR. MISETIC: Thank you.

22 Madam Court Officer, now I would like to show another excerpt
23 from this book, DHT12206 to DHT12372 at page DHT12292, please. And
24 if we scroll down to -- that's it, yes.

25 Q. Ambassador Hill, this is another excerpt from that interview,

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1 and you were asked by Mr. Shala:

2 "Did you at that period know who was in charge of the KLA? Who
3 was the most important person in the KLA?"

4 And your answer is recorded as:

5 "Looking for the person in charge of the KLA was not something
6 that you would succeed at. There were different groups of people,
7 there was the Dukagjini crowd, there were the Drenica people, there
8 were various local commanders, there were key logistics people (like)
9 Xhavit Haliti, there were finance people in the Western countries.
10 So I don't think there was any one telephone number or satellite
11 telephone number that we could have called. There were different
12 people, and that's why there was such an effort to try to talk to
13 these different people even though in talking to them we frequently
14 confused them more than we enlightened them. So when we started
15 thinking there was more than one policy, etc. and then it gave life
16 to sort of Serb paranoia that gee the US is talking about reaching an
17 agreement, the Hill plan, etc., the real US approach is to help the
18 KLA with the military victory, etc., etc. All this sort of
19 paranoia."

20 Now, is that excerpt of your interview consistent with your
21 assessments of the KLA at the time?

22 A. Yes, this excerpt is consistent with our assessments of the KLA,
23 and it also reflected our continued frustration at not finding any
24 leadership that we could engage.

25 JUDGE GAYNOR: Mr. Misetic, could I ask you to perhaps elicit

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1 some clarification as to what period "that period" is referring to in
2 the question by Shala?

3 MR. MISETIC: Yes.

4 Q. Ambassador Hill, you've heard the Judge's question. Do you
5 recall what period of time this is?

6 A. I think this would have been late summer, early fall 1998.

7 JUDGE GAYNOR: Thank you.

8 MR. MISETIC: Mr. President, I tender this page as well and ask
9 that it be added to 1D00423. That's page DHT12292.

10 PRESIDING JUDGE SMITH: Objection? SPO?

11 MR. PACE: No.

12 PRESIDING JUDGE SMITH: DHT12292 is admitted and will be
13 attached to the previously admitted documents.

14 THE COURT OFFICER: Your Honour, that page will be added to the
15 Exhibit 1D00423, and it's classified as public as well.

16 MR. MISETIC: Thank you.

17 Madam Court Officer, if we could please have the video at 129503
18 to -12, beginning at 37:26 mark of the video, please.

19 Q. Ambassador Hill, I'm going to show you a video of a talk you
20 gave at the Woodrow Wilson Center in Washington, D.C., on
21 4 September 1998, with John Lampe, and ask if the excerpt there is
22 consistent with your recollection today of your assessment of the
23 KLA.

24 A. Okay.

25 PRESIDING JUDGE SMITH: Maybe make that a little bit bigger,

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1 please, Madam Court Officer. Thank you.

2 MR. MISETIC: We were actually hoping to show just the video
3 rather than the transcript.

4 [Video-clip played]

5 "... on the other hand, I don't think there is any one person
6 who would speak for the UCK anyway. So I'm not sure it's that easy
7 to bring the UCK into the -- onto the table unless you have a big
8 table. I think the best way to deal with it is to show that the
9 process can succeed, show that the process is moving forward, and as
10 people gain -- gain a sense of optimism from the process, they will
11 want to be a part of it and will understand that it is going to lead
12 to better lives. It will improve their -- it has a better chance of
13 improving their lives than the continuation of arms struggle."

14 MR. MISETIC:

15 Q. Ambassador Hill, is what you said in that event consistent with
16 what your assessment was of the UCK at the time?

17 A. Yes, very much, in the sense that we hoped it would become a
18 more inclusive process, but that would only happen when people felt
19 that it was moving in the right direction. So, yes.

20 Q. And can you tell us, when you say you can't bring the UCK to the
21 table unless you have a very big table, what --

22 A. Meaning --

23 Q. -- did you mean by that?

24 A. Meaning that you would have all kinds of different opinions,
25 and, therefore, no one single person at a small table could speak for

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1 everybody. You would have to have a lot of people at a table.

2 Q. Thank you.

3 MR. MISETIC: Mr. President, I tender that excerpt from the
4 video into evidence.

5 PRESIDING JUDGE SMITH: Any objection, SPO?

6 MR. PACE: No.

7 PRESIDING JUDGE SMITH: 129503 to 12, beginning at 37:26 -- what
8 was the end point?

9 MR. MISETIC: 37:41. Oh, sorry. 38:09, please.

10 PRESIDING JUDGE SMITH: 38:09 is the end point. That is
11 admitted. Please give it a number.

12 THE COURT OFFICER: Thank you, Your Honour. A portion of the
13 video at 37:26 to 38:09 will receive Exhibit 1D00424. And
14 classification is confidential?

15 MR. MISETIC: It can be public.

16 PRESIDING JUDGE SMITH: Reclassified as public, please.

17 THE COURT OFFICER: Thank you, Your Honour.

18 MR. MISETIC: Thank you.

19 Q. Ambassador Hill, in the summer of 1998, did Mr. Rugova identify
20 members of the Kosovo Albanian negotiating team?

21 A. I don't recall. At a certain point he did, and he was never
22 holding back in terms of naming people from his group. He was not
23 enthused about naming anyone who was outside the LDK.

24 Q. Yes. Let me just --

25 MR. MISETIC: Mr. President, may I refresh the witness's

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1 recollection?

2 PRESIDING JUDGE SMITH: Yes, you may.

3 MR. MISETIC: Thank you.

4 Q. Ambassador Hill, at paragraph 23 of the summary of your
5 evidence, it reads as follows:

6 "[Therefore], Hill contacted Rugova, who agreed to designate LDK
7 members for the negotiating team, which he did in mid-August 1998."

8 Does that refresh your recollection?

9 A. Yes, there was no problem having Rugova naming LDK members.

10 Q. Okay. Thank you. Do you recall whether the KLA ultimately made
11 an announcement as to who could negotiate on behalf of the KLA? And
12 I can refresh your recollection if you --

13 A. Please do.

14 Q. Okay.

15 A. Because I do recall that the KLA was upset at my frustration
16 after that meeting in Likovc, and they did make some statement but I
17 cannot remember what it was.

18 Q. Okay.

19 MR. MISETIC: Madam Court Officer, could we please have on the
20 screen Exhibit 1D50, please. If we could just have the English
21 version.

22 Q. Ambassador, this is a political declaration purporting to be
23 issued by the General Staff of the KLA titled "Political Declaration
24 no 7," and dated 13 August 1998, so right around the time you say
25 that Mr. Rugova designated LDK members. And if you look at the

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1 third --

2 A. Yeah.

3 Q. -- paragraph from the top, it says:

4 "... the General Staff makes it known to the public that
5 Jakup Krasniqi, Xhavit Haliti, Bardhyl Mahmuti, Hashim Thaci,
6 Faton Mehmetaj and Sokol Bashota are the political representatives of
7 the KLA. The public announcement of the KLA's political
8 representatives facilitates the coordination of political activity at
9 the national level."

10 And then the last paragraph says:

11 "For the purpose of expediting the process of creating the
12 institutions of Kosovo, the General Staff of the Kosovo Liberation
13 Army gives complete trust to Adem Demaci to take a leading role in
14 this process. Not being under any party umbrella the Kosovo
15 Liberation Army asks Adem Demaci to withdraw from party activism."

16 Now, do you have any recollection of this declaration?

17 A. "Not being under any party umbrella ..." I don't -- I don't
18 recall. Adem Demaci was frequently trying to speak for the KLA, and
19 I think this is an effort to clarify his role with the KLA. But I
20 remember this well in the sense that the KLA knew that we were very
21 disappointed with their inability to name negotiators, and this was
22 an effort to show that they are doing so. But I thought this was
23 more as a public relations effort by someone.

24 Q. Okay.

25 PRESIDING JUDGE SMITH: It's time for the break.

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1 MR. MISETIC: Yes. If I could just have one --

2 PRESIDING JUDGE SMITH: Sure.

3 MR. MISETIC: -- last question on this topic.

4 PRESIDING JUDGE SMITH: Sure. Go ahead.

5 MR. MISETIC:

6 Q. Ambassador Hill, this declaration is about three weeks before
7 your statement that we just saw that you made at the Woodrow Wilson
8 Center on 4 September. Given that context, can you tell us, based on
9 your last answer, how credible you found this statement that these
10 people could speak on behalf of the KLA?

11 MR. PACE: Objection, Your Honour. The witness said he doesn't
12 recall this statement.

13 PRESIDING JUDGE SMITH: Sustained.

14 MR. MISETIC: Okay.

15 Q. Well, at this point, given that these people have been -- did
16 any of these names that are in this document to you, by 4 September,
17 did you recognise them by 4 September as people who spoke on behalf
18 of the KLA?

19 A. I recognise some of these names. I did not recognise that they
20 spoke for the KLA. And the fact that it wasn't until 1999 that we
21 had representatives suggests that this did not move forward.

22 Q. Thank you.

23 MR. MISETIC: It's time for the break.

24 PRESIDING JUDGE SMITH: Ambassador Hill, we'll give you a
25 15-minute comfort break. We'll be back here in 15 minutes --

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1 THE WITNESS: Okay.

2 PRESIDING JUDGE SMITH: -- and then we'll go on until 5.00 as
3 previously agreed.

4 THE WITNESS: Okay.

5 PRESIDING JUDGE SMITH: Thank you. You may leave. Yes, follow
6 her.

7 THE WITNESS: [Microphone not activated].

8 PRESIDING JUDGE SMITH: No, we were letting you leave the
9 courtroom first.

10 THE WITNESS: [Microphone not activated].

11 [The witness stands down]

12 PRESIDING JUDGE SMITH: All right. We're adjourned for
13 15 minutes.

14 --- Recess taken at 3.32 p.m.

15 --- On resuming at 3.47 p.m.

16 PRESIDING JUDGE SMITH: Please bring the witness in.

17 MR. MISETIC: Mr. President, we left off talking about Political
18 Declaration No. 7, and I would just like leave to see if I can
19 refresh the witness's recollection by referring him to paragraph 23
20 of his summary of evidence.

21 PRESIDING JUDGE SMITH: Whose summary?

22 MR. MISETIC: The witness's summary.

23 PRESIDING JUDGE SMITH: Okay.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: All right. We're ready to proceed

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1 again. We're still with Mr. Misetic.

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

3 Madam Court Officer, could we please have on the screen DHT12160
4 to DHT12169 at page DHT12163, please.

5 Q. Ambassador Hill, you'll recall before the break we were
6 discussing this Political Declaration No. 7, which purported to
7 announce who the political representatives of the KLA were. Do you
8 recall that discussion?

9 A. Yes.

10 Q. Okay. I'd like to show you the summary of your interview with
11 the Defence, and if we could scroll down to paragraph 23, and see if
12 this refreshes your recollection. It says:

13 "Thereafter, Hill contacted Rugova, who agreed to designate LDK
14 members for the negotiating team, which he did in mid-August 1998.
15 This ultimately led the KLA to make an announcement, a few hours
16 later, that Adem Demaci and some others could act on behalf of the
17 KLA. Hill felt to some extent that these people were appointing
18 themselves as KLA representatives and he did not have any confidence
19 in Demaci's truthfulness."

20 Is that consistent with your recollection?

21 A. Yes. Yes.

22 Q. Thank you. Ambassador Hill, did you form any conclusions in
23 your discussions or contacts with the KLA from 1998 and into 1999
24 about what the KLA's objectives were?

25 A. Well, I didn't really know them at all, so it was hard to assess

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1 what their objectives were. It was very difficult to have meaningful
2 meetings with anybody. But certainly, they -- of the people we
3 talked to, there was a view that you could not negotiate with the
4 Serbs, and that therefore what they wanted to do was achieve an
5 independence, and that we would help them get there.

6 Q. Did you form an impression -- or, actually, let me ask you a
7 different question based on your last answer. Did you form an
8 impression as to whether the KLA had any long-term goals *vis-à-vis*
9 engaging the United States?

10 A. They were interested in working with the US because they felt
11 that the US was in a position to realise their objectives, which was
12 near-term independence for Kosovo.

13 Q. Did you form any impressions as to whether the KLA had a goal to
14 seize power in Kosovo for itself?

15 A. Well, I certainly gained the impression they were not interested
16 in working with the LDK, and they did what they could to undermine
17 the LDK's reputation. Rather than have Rugova being the voice of
18 Kosovo Albanians, they wanted to be the voice, but it's hard to be a
19 voice when no one knows who you are. And so I think it was to
20 displace Rugova, and that they would speak for Kosovo, an independent
21 Kosovo.

22 Q. Did you ever hear that the KLA's ultimate goal was for the KLA
23 itself to run Kosovo?

24 A. That kind of fidelity, I didn't hear that kind of specificity to
25 it. It was more a generalised thought that they didn't want to go

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1 back to autonomy or even negotiate in the autonomy. They wanted
2 independence, and they thought they were the ones to achieve it and
3 they could work with the Americans.

4 Q. Turning now to your goals. Did you believe you could put
5 together a proposal that would offer Kosovo Albanians independence?

6 A. No. And the reason for that is I had talked to the Serb side,
7 and it was pretty clear they had no interest in working on a document
8 that led to independence. So trying to take two divergent points of
9 view, I thought the best way was to regain autonomy for Kosovo even
10 though the autonomy we had in mind was much broader than that that
11 was described in the 1974 Yugoslav Constitution. So I hoped we could
12 get autonomy.

13 And then we had hoped that, in this context, the EU could do
14 more on the membership track for countries in the Balkans such that
15 these issues of sovereignty would -- sovereignty -- whether it was
16 autonomy or sovereignty, these issues would be more theoretical
17 issues and that everyone would eventually be in the European Union.
18 So that the pathway to the European Union would mean that we didn't
19 have to go to these problems that were unsolvable, that is, whether
20 Kosovo could be independent or not.

21 So ultimately I tried to describe to people that government is a
22 set of services, and if you can have those set of services provided
23 by yourselves not by a foreign entity, that is, if you could have
24 complete autonomy, and if you're part of a broader structure such as
25 the European Union, you should not be so focused on what I used to

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1 talk to them as 19th-century sovereignty issues.

2 Q. What was your understanding as to the position of Mr. Rugova and
3 the LDK? Were they for autonomy or independence?

4 A. They were for independence completely, but they were prepared to
5 work with us on stages and to -- and they understood that there was
6 another side. That is, you had to make Serbia agree to something,
7 and they knew that Serbia wasn't going to agree to independence for
8 Kosovo.

9 So it was really a question -- you know, this comes up in
10 negotiation, who can kind of be a little more reasonable versus who
11 can just restate their position. And I think the Rugova people had
12 the same outcome as the KLA, but they were less -- they were more
13 reasonable in terms of how to achieve it.

14 Q. Did you encounter any criticism for pursuing an autonomy plan
15 rather than independence, whether within Kosovo or outside of Kosovo?

16 A. I did encounter a lot of that because I think there was this
17 view in Kosovo that the US was in favour of immediate independence
18 for Kosovo, and this implicit assumption that we were more interested
19 in a future relationship with Kosovo than we were in our relations
20 with our Western European allies, and that, therefore, we would be
21 more inclined to take the Kosovo independence course rather than a
22 course that worked with our allies and worked on peace and security
23 in the region.

24 So people in Kosovo, and you got this in the press and various
25 places, were disappointed in my -- I would call it pragmatism, but

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1 they would call it somehow that I was excessively solicitous of this
2 view that autonomy was the goal rather than immediate independence.
3 So there was a sense of disappointment with me coming from some
4 quarters. But people who understood that this is a complex problem,
5 and it's not given to sort of binary yes/no solutions, understood I
6 was trying my best.

7 Q. Thank you. What is your recollection as to the first time you
8 met with Hashim Thaci?

9 A. My recollection was it took place in this house, and if you
10 could refresh my memory on the name of it?

11 Q. If I were to suggest the place was Dragobil, would that --

12 A. Yeah. Yeah.

13 Q. Okay. Do you recall who else was present at this meeting in
14 Dragobil?

15 A. I think I recall that Krasniqi was there, and there was one
16 other person. There were three people there.

17 Q. Let me try to --

18 MR. MISETIC: Mr. President, may I refresh?

19 PRESIDING JUDGE SMITH: Yeah.

20 MR. MISETIC: Thank you.

21 PRESIDING JUDGE SMITH: Yes, you may.

22 MR. MISETIC:

23 Q. Let me show you the book interview with Mr. Shala.

24 A. Yeah.

25 MR. MISETIC: Madam Court Officer, could we please have DHT12206

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1 to DHT12372, please, at DHT12287. If we could scroll to the bottom
2 of the page, please.

3 Q. And Mr. Shala --

4 MR. MISETIC: Sorry, if we could -- yes, that's it.

5 Q. In the fourth question, so it says:

6 "Shala: In that period, as far as I remember, you had the first
7 meeting with Hashim Thaci in Dragobil, giving him this proposal of an
8 interim accord. So, what was your impression of him at that first
9 meeting, what was the whole meeting about?"

10 Your answer:

11 "I remember they all filed in ..."

12 Mr. Shala says:

13 "... this was the first meeting with him?"

14 Your answer:

15 "I think it was the first meeting with him."

16 If we go to the next page, please.

17 "... officially, of course, you didn't have any unofficial ..."

18 Your answer:

19 "... I don't think I'd seen him before that. He was wearing
20 fatigues; he was accompanied by several others, including
21 Jakup Krasniqi, one other ..."

22 Mr. Shala then interrupts:

23 "... Sokol Bashota, I think, was there ..."

24 And you say:

25 "... what was the name of the guy...?"

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1 And Shala says:

2 "Rame Buja" --

3 A. Buja, yeah.

4 Q. -- "who was also with Thaci in Rambouillet."

5 And you say:

6 "... no other guy, who was a big hero? Anyway, I remember one
7 guy wanted to bring his gun in, some big fighter-type, not from
8 Rambouillet. So the first thing I did was, I said no guns; leave
9 your guns outside, along with your boots. We sat down on the floor
10 and began to discuss what we had in mind. A lot of the energy of the
11 KLA in that meeting was devoted to telling us what a terrible guy
12 Rugova was, and my point to them was 'I don't care what you think of
13 Rugova.' Some day if you have a democracy you can have a pleasure of
14 voting against him. And, that's how you'll take care of Rugova,
15 (with) democratic means, and speaking was democratic means, that is
16 exactly what our draft is trying to do. So, I kept trying to focus
17 them on the draft, they kept trying to tell what a terrible guy
18 Rugova was, and also how they needed to get, essentially, an
19 independent state."

20 Mr. Shala says:

21 "So that was the discussion with them?"

22 Your answer:

23 "Yes. It was not all productive ..."

24 Mr. Shala then says:

25 "Did they say that they would deliver their remarks?"

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1 You say:

2 "They said they would deliver their remarks. I could tell there
3 weren't too many lawyers among them. I think they appreciated being
4 brought into the process."

5 Ambassador Hill, does that refresh your recollection of the
6 content of your meeting with Mr. Thaci and others in Dragobil in
7 November 1998?

8 A. Yes, it does. I think it's important to understand that, as we
9 discussed sometime earlier, there was a perception that somehow I was
10 too close to the Rugova faction, if you will. Now, you'll recall,
11 Rugova was the symbol of Kosovo for the previous ten years, and I
12 think there was this view that I needed to broaden my horizons, and
13 they wanted to make sure I knew that Rugova is not as appreciated in
14 their circumstances as he was in my circles.

15 I was trying to disabuse them of any notions that I played
16 favourites among various factions. I was trying to make clear with
17 that remark, if you don't like Mr. Rugova, you can vote him out, and
18 try and get them focused in the draft rather than getting involved
19 in, you know, who likes whom in Kosovo politics.

20 So, yes, I recall this meeting. Not to be trivial about it, I
21 don't remember why would I say we sat on the floor because we
22 actually sat on some benches. I remember that. But I do remember
23 them coming in with guns, and I just said I don't really want to
24 negotiate with people sitting next to their guns. So we tried to get
25 guns and muddy shoes on the outside of the house.

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1 Q. Okay.

2 A. If I could just add that there was not enough of an
3 understanding that I was representing the US Government and trying to
4 move forward a political arrangement. And there was this assumption
5 that Americans were more emotionally involved in these issues than we
6 were or should have been. So that is why I said, look, I don't want
7 to discuss your views of Rugova. You can vote him out when you have
8 free elections. So I really tried to keep people focused on a draft.

9 Q. Did you get the impression that Mr. Thaci spoke on behalf of
10 anyone in this meeting?

11 A. No, because I don't think he said he did. And I was getting to
12 the point where to ask someone that, I just didn't have any
13 confidence I'd get an honest opinion, so I'd rather just talk about
14 what people thought of a draft and draw my own conclusions.

15 Q. Did you get the impression that Mr. Thaci was a military
16 commander?

17 A. No.

18 Q. What impression did you get?

19 A. He spoke softly, thoughtfully. And I had the impression I was
20 dealing with someone from more of a university environment than a
21 military environment. I did not tell him that because I don't think
22 that would have worked very well for him and his colleagues. But to
23 me, he was -- he did not remind me of a military person.

24 Q. Did you get the impression that Mr. Thaci was someone who was in
25 control of the KLA?

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1 A. I had no basis for that. I think he was -- of the three people
2 I recall walking in, I think he was the leader of those three people.
3 I did not get the sense of someone in control of a big organisation.

4 Q. Thank you.

5 A. There was just no basis for it.

6 Q. Okay. To the best of your recollection, was there any
7 discussion in this meeting about people allegedly -- people who were
8 allegedly detained or kidnapped by the KLA?

9 A. I think if you went through the various activities of the KLA,
10 you would talk about killings and kidnappings. I do not recall
11 kidnappings as a focal point on the issue of rules of war, et cetera.
12 I do recall there were issues involving employees of an electrical
13 plant north of Prishtine and the question of what happened to them,
14 because family members were concerned, and, of course, later on, I
15 want to say December, there was the issue of the eight Serbian
16 soldiers. But, no, I do not recall specifically dealing with a
17 kidnapping issue that needed to be addressed.

18 Q. Do you recall any discussion of detained people in this meeting?

19 A. No, not in that meeting. Although, the issue of detained people
20 was discussed generally, but I do not recall it being a particular
21 focus of the meeting.

22 Q. Well, does that mean it wasn't discussed?

23 A. I do not recall it being discussed --

24 Q. Thank you.

25 A. -- at this meeting. I was -- again, I was focused entirely on

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1 seeing what they felt about our Kosovo plan.

2 Q. Okay. Did anyone ever tell you at any time in 1998 or prior to
3 June 1999 that Mr. Thaci might have been involved in torture or other
4 human rights abuses?

5 A. No, nobody ever addressed that with me.

6 Q. This meeting on 6 November, do you recall whether Shaun Byrnes
7 attended that meeting?

8 A. I don't recall. I recall Tina Kaidanow was there. It would
9 have been logical for Shaun to be there, I just don't recall that he
10 was there. This is 25 years ago.

11 Q. Okay.

12 A. If I can amend my previous answer did I hear anyone say anything
13 about Thaci. The only person I ever heard on that subject, but it
14 was more in a general comment, was from Milosevic.

15 Q. Yes. We'll get to that --

16 A. Okay.

17 Q. -- in a second. But based on that answer then, is it correct to
18 say that Shaun Byrnes never suggested to you that Mr. Thaci was
19 involved in human rights abuses?

20 A. No, I do not recall Shaun Byrnes ever suggesting that.

21 Q. Thank you. Turning to this issue of Mr. Milosevic.

22 MR. MISETIC: If we could please, in this book that's on the
23 screen, turn to page DHT12272, please. And if we could scroll down a
24 bit.

25 THE INTERPRETER: Interpreter's kindly ask the speaker to read

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1 slowly when quoting. Thank you.

2 MR. MISETIC: Yes. And if we could -- yes, if we could scroll
3 down all the way, please. That's it.

4 Q. It says -- the discussion is about Mr. Milosevic, just to give
5 you the context. So the "he" in the question "How much was he
6 informed" refers to Mr. Milosevic:

7 "How much was he informed about the relations within Albanians?
8 You once mentioned that he was thinking that Bukoshi has his own
9 army, Rugova his own army, and the KLA its own army. Did he have any
10 real information, or was he just guessing?"

11 And your answer is:

12 "I think he did a lot of guessing. I think he occasionally
13 would get some report, which may or may not be credible. He would
14 draw accessibly on" - I think it means excessively - "on one data
15 point, on one report. And he would have his own sort of imagination.
16 I remember he was utterly convinced that Hashim Thaci was a very
17 fierce warrior who had personally tortured people and had been
18 involved in many killings. I don't know whether this is a compliment
19 to Thaci or not, he's not that sort of a person."

20 Is that excerpt consistent with your understanding of Mr. Thaci,
21 first of all?

22 A. No, it is not. With respect to Milosevic saying this --
23 although I do not recall "fierce warrior" coming out of his mouth, I
24 just don't recall that term. But I think I would summarise some of
25 Milosevic's comments or analysis of the Kosovo Albanians as aimed at

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1 influencing us rather than informing us.

2 Q. Thank you.

3 JUDGE METTRAUX: Mr. Misetic?

4 MR. MISETIC: I'm going to clarify, but yeah?

5 JUDGE METTRAUX: If you are to move on from this, would you be
6 able to ask the witness to put a date or an approximate date on the
7 meeting where that exchange between himself and President Milosevic
8 took place.

9 MR. MISETIC: Yes. Could we scroll to the previous page,
10 please.

11 Q. Ambassador Hill, I'm going to let you -- you've heard the
12 question from Judge Mettraux. Could you take a look at the document
13 on your screen and see from the context of when it is that you think
14 you may have had this conversation with Mr. Milosevic?

15 A. I believe this would have taken place in fall 1998, with
16 Milosevic having a growing concern that we were moving away from a
17 Rugova-only interaction to one that would involve KLA, and I think
18 this was an effort by Milosevic to tell us not to work with the KLA.
19 And so I think as we got on into the fall and we knew and we started
20 meeting more personages from the KLA structures, I think he was
21 worried that we were going to give them too prominent a role in an
22 eventual negotiation.

23 So I don't have the answer to the Judge's question about when
24 this was, but I would think it would have been October, November, in
25 that timeframe.

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1 JUDGE METTRAUX: Thank you.

2 MR. MISETIC:

3 Q. Now --

4 A. And I might add that this line that Milosevic had, which was
5 they have, you know, thousands of negotiators, was his view that
6 Albanians can never come together on anything. It was more of an
7 ethnic slur than an assessment of data.

8 Q. Okay. So let me break it down, then. What was your assessment
9 of his assertion that Hashim Thaci was a very fierce warrior or
10 something to that effect?

11 A. Yeah, I -- I knew that he had never met Hashim Thaci or I was
12 pretty sure he had never met Hashim Thaci, so I kind of preferred to
13 go on my own judgment.

14 Q. Which was what?

15 A. That he was not a fierce warrior. He was not a warrior. He was
16 a political personage who drew on a background that was more
17 historical and political science than military science.

18 Q. And as for the assertion that -- Milosevic's assertion that he
19 had personally tortured people and had been involved in many
20 killings, you go on here in this excerpt to say:

21 "I don't know whether this is a compliment to Thaci or not, he's
22 not that sort of person."

23 A. Yeah. Not only did I assess that he's not that kind of person,
24 but I did not hear that from anybody. I think it's important to
25 understand that, throughout this, I was in touch with Rugova, and he

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1 had plenty of opportunities to denounce people by name and he did not
2 do that.

3 Q. Thank you.

4 MR. MISETIC: Mr. President, I would like to tender the excerpts
5 from the book that I've shown him and ask that it be added to 1D243.
6 And that is the excerpt of page DHT12287 to DHT12288 as well as the
7 excerpt at DHT12272 to DHT12273.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. MISETIC: Yes. The first one is -- the page is at DHT12287
10 to 88.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. MISETIC: I can't hear.

13 PRESIDING JUDGE SMITH: I have the first one as DHT12160 to
14 12169 at 12163.

15 MR. MISETIC: No, that's the summary of his -- that's the
16 summary of his --

17 PRESIDING JUDGE SMITH: So you're not offering that?

18 MR. MISETIC: No.

19 PRESIDING JUDGE SMITH: So the next one is 12206 to 12372.

20 MR. MISETIC: Yeah, that's the full range of the book.

21 PRESIDING JUDGE SMITH: Yeah.

22 MR. MISETIC: And now I just need the excerpts.

23 PRESIDING JUDGE SMITH: And at page DHT12272.

24 MR. MISETIC: And to 73.

25 PRESIDING JUDGE SMITH: It's 73?

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1 MR. MISETIC: 12272 to 73.

2 PRESIDING JUDGE SMITH: To 73. Okay. All right.

3 MR. MISETIC: And then there's another excerpt. There's two
4 separate excerpts, right?

5 PRESIDING JUDGE SMITH: What's the other one?

6 MR. MISETIC: I showed it to him earlier. It's DHT12287 to 88.

7 That was the portion about his meeting with Mr. Thaci in Dragobil.

8 PRESIDING JUDGE SMITH: Just say it again.

9 MR. MISETIC: The pages I'm looking to tender are pages DHT12287
10 to DHT12288.

11 PRESIDING JUDGE SMITH: Just a second. Okay.

12 MR. MISETIC: And the second excerpt is DHT12272 to DHT12273.

13 PRESIDING JUDGE SMITH: Those two?

14 MR. MISETIC: Yes.

15 PRESIDING JUDGE SMITH: DHT12272 to 73 is admitted.

16 THE COURT OFFICER: Thank you, Your Honour. Those two pages
17 will be added to Exhibit 1D00423.

18 PRESIDING JUDGE SMITH: And the second one is 12387 to 12288.
19 Both of them are admitted.

20 THE COURT OFFICER: Those two pages will also be added to the
21 Exhibit 1D00423. They are all classified as public.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 MR. MISETIC: Thank you.

24 MR. PACE: Can I just clarify if the correct pages were
25 admitted? In the second one I heard the Judge say 12387, but I heard

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1 counsel refer to 12287 to 8. And also for the record, we don't
2 object on either range.

3 MR. MISETIC: Yes, it's 12287.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. MISETIC: Okay.

6 Q. Ambassador Hill, let's turn to the Rambouillet conference. What
7 was your role and mandate at the Rambouillet conference?

8 A. I was trying to get both delegations, the Serbian delegation and
9 the Kosovo delegation, to agree on a text. And that, even from the
10 start, looked like mission impossible.

11 Q. Why did it look like mission impossible?

12 A. First of all, I was not in favour of bringing them together at a
13 conference in Rambouillet. I knew that at Dayton, which people often
14 tried to model Rambouillet on, that it worked at Dayton, therefore it
15 could work at Rambouillet, the circumstances and the timing was
16 completely different. So I was not informed by the success, relative
17 success at Dayton to think that we would get success at Rambouillet.

18 Secondly, the document had become closer and closer to
19 independence. First of all, the use of the term "interim," which was
20 introduced a week or two before Rambouillet, had really -- I think,
21 to the extent the Serbs were going to engage on this document, that
22 word "interim" had become a very serious obstacle for them.

23 Secondly, colleagues in Washington had added that at a certain time
24 we would have a referendum on Kosovo's eventual disposition, and I
25 knew that the -- and I knew this from Dayton, but I knew this from

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1 talking to Serbs, that this simply was not going to lead us anywhere.

2 Q. Thank you. Can you tell us who represented the Kosovo Albanian
3 delegation?

4 A. Well, we had three groups. We had the LDK group under
5 Ibrahim Rugova. He was rather passive. He was not outspoken or an
6 active participant. He was rather passive as we kind of expected.
7 Then we had the KLA delegation, and they were active collectively,
8 although I can't say any one of them stood out from the others. And
9 then we had the independent intellectuals. That's a term you would
10 not use in the United States, so I had a lot of people asking me why
11 in the world would you refer to someone as an intellectual in a
12 conference like this, but that's a side note on American culture, I
13 guess. But among these independent intellectuals, you had people who
14 ranged from people who really understood the give and take of it,
15 like Blerim Shala, to Rexhep Qosja who was there really as a grand
16 historian of Albania's right to Kosovo.

17 So it was three groups to form one delegation, but it did not
18 work very well.

19 Q. Do you know who the head of the delegation was?

20 A. I think nominally it was Rugova, and then because he was older
21 than the others, Rexhep Qosja. And then on the KLA, we --
22 Hashim Thaci's name was the only one we were really aware of. But we
23 never refer to people as being the heads of delegations because we
24 felt it would just exacerbate problems.

25 Q. What was the substance of the proposal at Rambouillet that the

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1 United States and other members of the Contact Group were proposing?

2 A. It involved establishing full autonomy for Kosovo, and
3 ultimately the Rambouillet Accords included the idea of a referendum
4 on its eventual disposition. And importantly, it laid out the idea
5 that NATO would provide security for Kosovo, no longer any Serbian
6 police or military units. It also -- an underlying principle was the
7 idea to try to push things down to be as local as possible, because
8 that was certainly our sense of how Kosovo was run. But it was also
9 a way to protect the Serb communities, because there was an
10 understanding that if this became a Kosovo state, that the Serb
11 communities would want to leave.

12 Q. Now, during the negotiations, did there come a time when the
13 United States asked Mr. Thaci to accept the proposal on the table?

14 A. Yes. And this was important because the view among the foreign
15 ministers, and they attended Rambouillet from time to time, not
16 always there, but the view was that if one side accepted the
17 Rambouillet Accords and the other side did not, we would back the
18 side that had accepted it and oppose the rejectionists.

19 And so if both sides approve the Rambouillet Accords, we would
20 have a deal. But no one was so sanguine, so optimistic that that
21 would happen.

22 And, finally, if both rejected the accords, then we would be in
23 a situation where we would apparently walk away from it. I was
24 always sceptical of that kind of take-it-or-leave-it type of
25 proposition, but that certainly was the sense that if we can't get

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1 anyone to agree to this, why are we here.

2 Q. And did Mr. Thaci accept the proposal that you put before him?

3 A. He did not. He showed sympathy to what we were doing. He
4 understood the argumentation of what we were doing, meaning that you
5 can't just have a proposal that only works for one side. But his
6 concern was that he could not be in a position to accept a proposal
7 that did not put independence out there in clear terms.

8 Q. Do you recall what he told you as to the reasons why he couldn't
9 accept a proposal that didn't include independence?

10 A. Yes, I do recall that. And he said that on a couple of
11 occasions that if he went back to Kosovo having accepted a proposal
12 that did not involve Kosovo independence, he would be killed. I did
13 not follow up and say: By whom, or where, or how? I just took it to
14 mean that he was not in a position to say yes.

15 Q. Thank you.

16 MR. MISETIC: Madam Court Officer, could we please have on the
17 screen DHT08787 to DHT09214 at page DHT08927, please.

18 Q. You recognise the book?

19 A. I do. I do.

20 Q. This is, of course, your book, Ambassador Hill. And if we look
21 at that second paragraph, you write -- first, can you tell us when
22 the book was published? Do you recall?

23 A. 2014.

24 MR. MISETIC: If we --

25 THE WITNESS: Could I -- and I don't mean this as a book

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1 advertisement, but I would like to point out that the book had some
2 of Rambouillet, a lot of Dayton, and a lot of North Korea, and a lot
3 of Iraq. So it was a lot of different experiences I had in the
4 Foreign Service.

5 MR. MISETIC: Yes, thank you.

6 Q. I'll just read out the second and third and fourth paragraphs on
7 this page. It says:

8 "Just before the recess ..."

9 And this is now talking about the recess of the Rambouillet
10 negotiations:

11 "Just before the recess that was set to be called two weeks into
12 the process, Thaci, to our great concern, left the conference on
13 February 18, returning two days later with even tougher demands. He
14 never said where he had gone, though the suspicion was that he went
15 to see Adem Demaci, the firebrand self-appointed political leader of
16 the KLA, who had refused to take part in Rambouillet. For months,
17 Demaci had made outlandish and outlying pronouncements to the press
18 in Pristina, so much that the Serbs never interfered with him, such
19 was his contribution to their argument that the KLA was simply a
20 group of crazed radicals.

21 "'Why can't you agree to this?' I asked Thaci, truly not
22 understanding whether he comprehended the near-fatal consequences for
23 the Kosovars of a 'no' answer.

24 "'It is you who doesn't understand,' he replied. 'If I agree to
25 this, I will go home and they will kill me.'"

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1 Does this excerpt from your book accurately reflect what

2 Mr. Thaci told you during the Rambouillet conference?

3 A. Yes, it does. One thing that in -- in reading the second
4 paragraph, I did not mean to imply that he had gone to see Demaci.
5 Demaci was the public face of this intransigence, but I never got the
6 impression that Demaci, the self-styled leader, was really in a
7 position to tell anyone anything. So I took it to mean it was more a
8 collective view from people back in Kosovo that: You can't accept
9 this.

10 Q. Thank you.

11 MR. MISETIC: Mr. President, I tender the cover page of the book
12 and this page of the book. So DHT08787 to DHT09214 is the full
13 range, and we tender page DHT08787 and DHT08927.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. PACE: No.

16 PRESIDING JUDGE SMITH: DHT08787 to DHT09214 at DHT08927 is
17 admitted.

18 THE COURT OFFICER: Thank you, Your Honour. I believe there
19 were two pages.

20 PRESIDING JUDGE SMITH: Huh?

21 THE COURT OFFICER: I believe there were two pages, the cover
22 page and one more page.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 THE COURT OFFICER: Yes, those two pages will be assigned
25 Exhibit 1D00425. Classification is public. Thank you.

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1 MR. MISETIC: Thank you.

2 Q. Ambassador Hill, how did the Rambouillet conference conclude in
3 February 1999?

4 A. It didn't appear to be heading toward any kind of success. That
5 is, it looked like both sides had rejected the Rambouillet Accords.
6 But on the last day, Veton Surroi, who had the worldliness and
7 intellectualism to understand that what -- that rejecting this
8 Rambouillet would be a last and best chance for the Kosovars, had
9 addressed the Kosovo delegation, and he came up with a very good
10 proposal which he then brought to the assembled foreign ministers,
11 saying that: We accept - we, the Kosovo Albanian delegation - accept
12 the proposal but we need to go back and essentially make the case to
13 our constituents.

14 So this was taken as an acceptance which represented the idea
15 that we would back the Kosovo delegation. It was not signed,
16 however. And what Surroi suggested, and it was accepted, was that
17 three weeks later they would come back and sign it after checking
18 with constituents. So that's how it ended. They came back, we had a
19 signing ceremony in Paris where the three people representing the
20 three groups signed, and at that point that was the end of
21 Rambouillet.

22 We knew that this probably meant -- because there started to be
23 an uptick of violence on the ground coming from Serb units, we knew
24 that this was probably going to lead to NATO action.

25 Q. Thank you. Do you recall who the constituents back home might

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1 have been that needed to be consulted?

2 A. No, I did not, but I certainly had the impression that this was
3 a retail business, and they had to go to a lot of different
4 constituents. There was no one person or, you know, group of leaders
5 that they had to talk to; that they had to go out into the hinterland
6 and try to sell this. So hence the three weeks that it would take.

7 I did not have the impression that there was a chance that this
8 would fail. I think Veton Surroi understood that if people went back
9 and explained where they were, it would be accepted. So I think
10 that, you know, that's basically what happened. They went back and
11 talked to a lot of local area constituents. And I do not recall
12 anyone saying, "Well, we went back and talked to Mr. X and Mr. X was
13 okay with this." I don't recall any leadership. The idea was to
14 get -- was to find out whether there was going to be -- whether the
15 Kosovo would be up in arms about this or would be supportive.

16 MR. MISETIC: Madam Court Officer, could we please have on the
17 screen Exhibit P1076.

18 Q. Ambassador, this is a cable.

19 MR. MISETIC: And if we could scroll down a bit, please, for the
20 date. Or scroll up. Up. Yeah, right there.

21 Q. Can you tell us what the date is?

22 A. I see the declassification date.

23 Q. To the left above the --

24 A. Yeah.

25 Q. -- embassies.

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1 A. The [indiscernible] group was February 1999.

2 Q. Yes, I believe it should be 25 February.

3 A. 25, yeah.

4 Q. So right after the --

5 A. Yeah.

6 Q. -- break in the conference; correct?

7 A. Right.

8 MR. MISETIC: Yes. So if we can scroll down a little bit,
9 please.

10 Q. Point 1 says:

11 "At COM's instruction, late today US KDOM Chief Byrnes extended
12 the invitation contained [in] REFTEL through KLA spokesman
13 Jakup Krasniqi to Krasniqi and fellow KLA General Staff members
14 Hashim Thaqi and Rame Buja. Krasniqi expressed appreciation for the
15 invitation and said the KLA would be pleased to accept an invitation
16 from the United States ... he said he would consult immediately with
17 his colleagues about timing but volunteered that it would probably be
18 preferable for the KLA delegation to go to Washington immediately
19 prior to the reconvoation of the Rambouillet conference because of
20 the problems the KLA delegation now faced. Krasniqi pledged to [go]
21 back to Byrnes ASAP."

22 MR. MISETIC: And if we can go to the next page, please, to
23 paragraph 4.

24 Q. So there was a supposed invitation for the KLA to go to
25 Washington. Paragraph 4 says:

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1 "While we wait for the dust to clear, COM Miles," which I
2 believe is Chief of Mission Miles?

3 A. Yes. Yes.

4 Q. "... Ambassador Hill and KDOM Chief Byrnes also believe it
5 essential to include military commanders in the delegation. They are
6 the ones who need to understand what the transition of the KLA into
7 democratic institutions means. Pending the outcome of the KLA's
8 current internal discussions, we recommend the following KLA ...
9 commanders be considered for inclusion in the proposed delegation:

10 "New KLA 'Commander' Sylejman Selimi aka Sultan. Selimi
11 formerly commanded the key Drenica zone in central Kosovo and is one
12 of the KLA's founders. He is ... reportedly close to
13 Hashim Thaqi ..."

14 It goes on.

15 MR. MISETIC: If we could scroll down, please.

16 Q. "Remi and Selimi are considered the KLA's most aggressive
17 commanders. Remi is reportedly in line for greater responsibilities
18 and is a fierce opponent of Rambouillet."

19 Does this refresh your recollection at all about a need to --
20 about a trip to Washington and a need to include certain commanders
21 to get them on board?

22 A. Well, I think what's important to understand is that these were
23 suggestions being made by Shaun Byrnes as to who was a player and who
24 was -- who needed to be convinced. Trips to Washington are often
25 kind of thrown in as a sweetener in various deals. I mean, this

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1 comes up a lot in diplomacy, so this was not an unusual thing to do.

2 I think it is fair to say that some of this suggests more
3 structure than I would have suggested. I mean, these are individuals
4 that, fine, if we want to convince them, and that a trip to
5 Washington would be the way to convince them, but I'm -- I'm not sure
6 I'm comfortable with some of the descriptions of who they were and
7 what they were doing.

8 I also, if I were working in the White House, I might be a
9 little hesitant about having these people meet the president, if
10 that's what they had in mind. So I notice they don't seem to address
11 that issue. But I think this needs to be looked at as simply an idea
12 to try to get Kosovo to yes, and this was an analysis of who the
13 naysayers are and how we can move the naysayers over to yes.

14 Q. Okay. I'd like to show you a different document.

15 MR. MISETIC: And, Madam Court Officer, if we could please have
16 on the screen DHT05401 to DHT05405.

17 A. And, Ambassador, this is an OSCE report from 25 February 1999.
18 So, again, its about two days after the conclusion of the Rambouillet
19 talks.

20 MR. MISETIC: And if we could please go to page 3 of this
21 document, so DHT05403.

22 Q. The "Developments in the Mission Area," and the second paragraph
23 under bullet -- under number 2 says:

24 "The office of Adem Demaci, a KLA political representative,
25 declared null and void an agreement reached by the Kosovo Albanian

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1 delegates in Rambouillet to form a provisional government led by a
2 member of the KLA. The KLA news agency *Kosova Press* reported that
3 the delegation members decided on 23rd February that the government
4 would administer the Province until elections could be held. The
5 deal was struck between the KLA, the Democratic League of Kosovo
6 (LDK) and the United Democratic Movement (LBD). All three
7 organisations will have equal representation in the government and
8 the KLA, by mutual agreement, will nominate a Prime Minister.
9 However, Adem Demaci's office said in a statement that such a
10 government would lack legitimacy and constitute a 'faint attempt by
11 the people from the unsuccessful negotiations at Rambouillet to cover
12 up their failure.' Demaci's office said that the decision to form a
13 provisional government is completely at variance with the principles
14 set forth by the KLA Headquarters. The Kosovo Albanian newspaper
15 *Koha Ditore* reports Demaci's office as saying that 'this act also
16 provokes and manipulates the Kosovar opinion into accepting an
17 unfavourable agreement for the people of Kosova.'"

18 Now, you have not seen this before; correct?

19 A. No.

20 Q. Is Adem Demaci's behaviour as described in this report
21 consistent with Adem Demaci's behaviour as you understood it during
22 the Rambouillet Accords?

23 A. Yes.

24 Q. Okay.

25 A. And every other time we ever talked to him.

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1 Q. Okay. Were you familiar at the time that the KLA, the LDK, and
2 the LBD on the last day of the conference had agreed to form a
3 provisional government?

4 A. Yes, I was. But to be frank, this was a long-standing issue
5 they had about displacing the LDK, and I kept telling them that this
6 is their internal issues, that what we need to have is agreement on
7 the Rambouillet Accords.

8 Q. Mr. Demaci here is quoted as saying that "this act," meaning the
9 formation of a provisional government, "manipulates Kosovar opinion
10 into accepting an unfavourable agreement for the people of Kosova."
11 Did you have any understanding at the time of whether the formation
12 of the provisional government would have any effect on any remaining
13 hardliners in Kosovo?

14 A. Having been a -- having seen these issues happen before, forming
15 provisional governments, in my experience there, had led to more
16 problems than they solved, so I was not encouraging of this process.
17 And I think the fact that Demaci thought this was an opportunity to
18 once again to denounce everybody who was trying to get something
19 done, really to me was indicative of the fact that this was not the
20 way to solve their problems. They needed eventual elections.

21 MR. MISETIC: Thank you. Mr. President, I tender the document
22 DHT05401 to DHT05405.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. PACE: No.

25 PRESIDING JUDGE SMITH: DHT05401 to DHT05405 is admitted.

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1 Please assign a number.

2 THE COURT OFFICER: Thank you, Your Honour. That document will
3 receive Exhibit 1D00426, and classification is confidential.

4 MR. MISETIC: It can be public.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 THE COURT OFFICER: Thank you.

7 MR. MISETIC: Thank you.

8 Q. Ambassador Hill, did you have an opportunity to go to Kosovo
9 after the Rambouillet Agreement but before the Paris signing?

10 A. Yes. Yes, I did. And the purpose of that was to get some sense
11 of -- or I should say, the purpose of that was to confirm our sense
12 that the answer would be positive.

13 Q. And did you meet with anyone from the KLA on that trip?

14 A. Yes, but I do not recall precisely who. I just know it did not
15 include Hashim Thaci.

16 MR. MISETIC: If we could please have Exhibit 1D310 on the
17 screen, please.

18 Q. This is a report of the Congressional Research Service offering
19 a chronology of the Kosovo conflict from September 1998 to March
20 1999.

21 MR. MISETIC: And if we could please go to page DHT02874,
22 please. If we could scroll down to March 8th.

23 Q. The entry there says, on March 8th, 1999:

24 "After a long meeting with US envoy Christopher Hill in
25 Pristina, the KLA agreed to accept the Rambouillet peace agreement ."

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1 Does the date seem accurate to you, the date of March 8, 1999,
2 as the date of that meeting?

3 A. More or less. But what I'm focused on is whether the KLA agreed
4 to Rambouillet. I think it was favourable, but I think this is a bit
5 of an exaggeration.

6 Q. I'm just interested in the date for now.

7 A. I'm sorry, I'd need to look at a -- yeah, looks about right.

8 Q. Okay.

9 A. I can say that.

10 Q. Thank you. Did the KLA -- you say that you're not sure whether
11 it's correct that the KLA agreed to accept it.

12 MR. MISETIC: Mr. President, may I refresh the witness's
13 recollection with --

14 PRESIDING JUDGE SMITH: Did you ask him already if recalled
15 that?

16 MR. MISETIC: I believe he said that he --

17 MR. PACE: Yes, Your Honour. In our submission, it's also
18 unclear why we're refreshing recollection. The witness said this.
19 Has the witness said he forgot something? What's the purpose of this
20 -- of further attempts to refresh?

21 PRESIDING JUDGE SMITH: If he's actually forgotten it, you can
22 refresh it.

23 MR. MISETIC: Thank you.

24 MR. PACE: Your Honour, I'm sorry, but we haven't heard anything
25 about the witness forgetting anything. Can counsel clarify?

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MR. MISETIC:

3 Q. May I just refer you to paragraph 39 of your summary? And if
4 you would like I can put it on the screen. Would you like to read
5 it, the summary, or I can read it to you?

6 A. Just read it.

7 Q. Sure. It says:

8 "During these three weeks, Hill went back to Kosovo and met
9 several protagonists. As indicated in the U.S. Chronology ... on
10 8 March 1999, after a long meeting with Hill in Pristina, the KLA
11 agreed to accept the Rambouillet Agreement. He thinks they decided
12 to accept it because it ensured NATO's involvement."

13 MR. PACE: With respect, Your Honour, may I make a submission
14 before the witness answers the question. What we are being faced
15 with here is the witness giving an answer different to what he said
16 in the summary of his interview, and counsel now challenging him on
17 that answer. The witness has not said he does not recall. So what
18 is the purpose of counsel? Is he impeaching the witness? What is
19 the point?

20 MR. MISETIC: Either way, under Rule 143, I'm allowed to do it,
21 so I don't understand what the objection is.

22 PRESIDING JUDGE SMITH: Go ahead.

23 MR. MISETIC: Thank you.

24 THE WITNESS: I just recall that there was a favourable reaction
25 from my interlocutors. It was favourable, but, as usual, no one

1 would take an affirmative position. So -- but it was favourable. So
2 I can see why this is summarised that the KLA agreed to accept it,
3 but I don't recall finality like that.

4 MR. MISETIC: Okay. Thank you.

5 Q. Now, I believe you've already indicated that you don't believe
6 Mr. Thaci was present for the meeting; is that correct?

7 A. Correct.

8 Q. Did anyone at the meeting, to your recollection, tell you that
9 they could not take a final decision on the Rambouillet Agreement
10 until they could consult with Mr. Thaci?

11 A. Yes, I do recall that. But, again, the overall -- I hate to use
12 terms like "body language," but it was -- they were favourably
13 disposed, but nobody felt they could just say affirmatively, "We
14 hereby accept."

15 Q. Okay. I would like to now show you one of your statements from
16 the Shala interview.

17 MR. MISETIC: And if we could please have DHT12206 to DHT12372
18 at page DHT12332. And if we could scroll down to the bottom of the
19 page, please.

20 Q. And this is now in the context of this meeting that we're
21 talking about. Mr. Shala says to you:

22 "The key player there was Thaci. So, when you went to the KLA
23 headquarters you, more or less, found guys with very positive mood."

24 Your answer:

25 "I felt that there was a very positive mood."

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1 A. Yeah.

2 Q. "There was this question of where was Thaci ..."

3 He says:

4 "... during this first period ..."

5 And you say:

6 "I don't know if you recall, but Senator Dole, he was having a
7 lot of fun on this question 'where was Thaci'. They were telling me
8 that Thaci was coming back in the country, and at that point I had
9 suspected, it was pretty clear to me that Thaci was not any kind of
10 top commander."

11 Is that consistent with your views following that meeting that
12 he was not --

13 A. Yes. Yes, it's not inconsistent. I'm just trying to -- I know
14 that Dole was frustrated at not getting to see Thaci and was saying
15 publicly, "Where's Thaci?" The issue I was interested in is whether
16 they accept the Rambouillet Accords, because this was during that
17 time before which they were going to go back to Paris and sign. And
18 the -- as I said, the mood music was very positive, so I was -- I was
19 pleased about it.

20 But to -- on the second issue, or what I consider to be kind of
21 a separate issue, it was clear to me that Thaci was not some top,
22 quote/unquote, commander. The commanders were out in the field, and
23 that's what was going on.

24 Q. And what about this meeting leads you to form an impression that
25 he was not any kind of top commander?

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1 A. Well, it was not about -- I mean, this statement that he was not
2 there was -- suggested to me that he was out soliciting opinion like
3 everyone else, and that he was not someone who was making this
4 decision.

5 Q. Thank you.

6 MR. MISETIC: Mr. President, I will tender this page as well,
7 DHT12332, and ask that it be added to 1D423, please.

8 PRESIDING JUDGE SMITH: Any objection?

9 MR. PACE: No.

10 PRESIDING JUDGE SMITH: 12332 is admitted and will be added to
11 1D423.

12 THE COURT OFFICER: Thank you, Your Honour. This page will be
13 added to Exhibit 1D00423. Classification is public.

14 MR. MISETIC: Thank you.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. MISETIC: Okay. I can pause here then.

17 PRESIDING JUDGE SMITH: [Microphone not activated]. We finish
18 now today. You'll have to be here tomorrow at 9.00. We'll try to be
19 ready to go exactly at that time.

20 Remember not to talk to anyone about your testimony outside of
21 the courtroom. I know you know you're supposed to do that.

22 Have a pleasant evening, and you can go with the Court Usher
23 now.

24 THE WITNESS: Thank you.

25 [The witness stands down]

1 MR. MISETIC: Just for scheduling purposes, I have less than
2 30 minutes in the morning.

3 PRESIDING JUDGE SMITH: I'm sorry, less than 30 minutes. What
4 about you?

5 MR. DIXON: Your Honours, as things stand, I don't have any
6 questions at this point.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 MR. ROBERTS: I think I'm in a similar situation, Your Honour.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 MR. ELLIS: I do have questions, but it will be shorter than
11 indicated. I think maybe 45 minutes.

12 PRESIDING JUDGE SMITH: [Microphone not activated] ... a.m.
13 Thank you.

14 --- Whereupon the hearing adjourned at 4.59 p.m.

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