

1 Tuesday, 11 November 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 For the record, I note that the accused are all present in the
12 courtroom today.

13 We continue hearing the evidence of Thaci Defence
14 Witness 1DW-008.

15 Madam Court Officer, please bring the witness in.

16 [The witness takes the stand]

17 THE WITNESS: Good morning.

18 PRESIDING JUDGE SMITH: Good morning, Ambassador Hill. We trust
19 you had a pleasant evening. I hope you did.

20 THE WITNESS: I wouldn't go that far, but ...

21 PRESIDING JUDGE SMITH: As good as can be expected. Okay.

22 I remind you to please try to answer the questions clearly, with
23 short sentences, as you continue your testimony. If you don't
24 understand a question, feel free to ask counsel to repeat the
25 question or tell them you don't understand and they will clarify.

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

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

5 Please also remember to speak into the microphone and to wait
6 five seconds before answering a question, and then speak at a slow
7 pace for the interpreters to catch up.

8 If you feel the need to take a break at any time, please make an
9 indication and we will accommodate you.

10 Lastly, as for the US representative, thank you for joining us
11 again this morning. I remind you that if at any time you need a
12 moment to speak with the witness or wish to address the Panel, you
13 can raise your hand in order to be granted permission to do so by the
14 Panel.

15 Just so you know what we're going to do, we will spend about --
16 a different schedule than yesterday. We will spend about an hour and
17 take a ten-minute comfort break. Another hour after that, that will
18 get us to 11.00. We take a half-hour scheduled break at 11.00. At
19 11.30, we'll reconvene and go until 1.00, which is when we start our
20 lunchtime. And then at 2.00, we will finish up, 2.00 to 4.00. So
21 we'll be finished with this by 4.00. There is some possibility you
22 could be finished prior to that. I hope so for your sake if that's
23 the case, but we'll see how it goes.

24 All right. Mr. Misetic, you may have the floor.

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

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Examination by Mr. Misetic (Continued)

1 WITNESS: CHRISTOPHER HILL [Resumed]

2 Examination by Mr. Misetic: [Continued]

3 Q. Good morning, Ambassador Hill.

4 A. Good morning.

5 Q. Picking up where we left off yesterday, I'd like to turn to the
6 NATO bombing campaign. When the NATO bombing campaign began, did you
7 have any contact with Mr. Thaci?

8 A. No, I did not.

9 Q. Did you have any contact with the so-called Provisional
10 Government of Kosovo?

11 A. No, I did not. I should -- as a way of background, when the
12 NATO bombing began, I reverted to my primary assignment, which was
13 the ambassador to Macedonia and my responsibilities to take care of
14 our embassy.

15 Q. Thank you. Did you continue to be actively involved in
16 resolution of the Kosovo conflict during the NATO bombing campaign?

17 A. I had conversations with people in Washington, but primarily I
18 was concerned with my embassy in Skopje as we had been overrun by
19 several thousand demonstrators.

20 Q. Do you remember what you were doing when the conflict in Kosovo
21 ended?

22 A. You're referring to the end of the -- when the bombing ended?

23 Q. Yes.

24 A. I was -- that night, I was having -- I just want to amend what I
25 said that I had nothing -- I was working on Macedonia. At a certain

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Examination by Mr. Misetic (Continued)

1 point, still during the bombing campaign, Mr. Rugova, who had been
2 held in Belgrade, went to the Vatican to be -- he was released by
3 Belgrade, and he went to the Vatican at the invitation of the -- I
4 think it was called Santa Georgia [phoen], if I have that correct.
5 It's the Vatican kind of foreign ministry. And he was there during
6 the latter part of the bombing campaign.

7 I was asked to visit him and to, essentially, find out what his
8 intentions were and whether he was planning to make any public
9 statements about the bombing campaign. I did that. He was not
10 planning any public statements, so I went back to Skopje.

11 To answer your question on the -- when the bombing campaign
12 stopped, it was the day that NATO military -- senior military command
13 had a meeting in Kumanovo in northern Macedonia to talk with Serbian
14 military about plans to move the -- make sure all Serb military and
15 police forces were to vacate Kosovo and be replaced by NATO personnel
16 who would take over security.

17 On that evening, which -- I forget exactly the date, but it was
18 in early June, I was having a social evening with some Macedonian
19 friends, and we were very pleased at the prospective end of this
20 conflict. I went home that night and as soon as I walked into the
21 house, I received a call from the American AID official who was at
22 the refugee camp and was reporting that there was some unrest in the
23 camp and could I come out to help calm things down. That was late at
24 night, about 11.00.

25 I asked him to describe the issues. He told me in a very

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Examination by Mr. Misetic (Continued)

1 agitated and concerned voice that the people living in the camp had
2 found a Roma family that some people believed were involved in
3 helping some kind of Serbian unit in terms of destroying homes in
4 some village, it was very unclear, but that there was an effort to
5 administer justice, if you will, to this Roma family. And the Roma
6 family had been taken by a German NGO, as I understood the story on
7 the telephone, to a building where it was being -- the family was
8 being protected by a German NGO but was surrounded by very angry
9 people in the camp.

10 I was asked to go out to the camp and try to diffuse this. I
11 was also asked by the AID official to please contact the Macedonian
12 government and ask them not to send in any police because they felt
13 that introducing Macedonian police into the refugee camp would
14 exacerbate the situation.

15 So what I did was I agreed to go out to the camp that night at
16 around 11.00.

17 Q. Thank you. You are, of course, familiar with the passing of
18 Resolution 1244?

19 A. Yes.

20 Q. Can you tell us your assessment of when the war between the KLA
21 and Serbian forces ended as far as you were able to observe.

22 A. As far as I observed, it was during those immediate days after
23 the meeting in Kumanovo. That is, the Serbs began to withdraw from
24 Kosovo, the Serbian military and police units began to withdraw from
25 Kosovo, and NATO began to move in from where it had been staging,

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Examination by Mr. Misetic (Continued)

1 including in Macedonia. So it moved from Macedonia into Kosovo to
2 begin to patrol the situation in Kosovo.

3 Q. Thank you. Did there come a time that President Clinton visited
4 the region in the summer of 1999?

5 A. Yes, he did. President Clinton did come to the region. He came
6 shortly after the fighting ceased and NATO had moved into Kosovo.
7 And he came to Macedonia to thank the Macedonian authorities for
8 having housed so many refugees, and he also went out to the refugee
9 camp and encouraged people not to go to their homes until NATO
10 authorities had said it was safe to do so.

11 Q. Do you recall whether there was any concern about sending
12 President Clinton into an area of ongoing armed conflict?

13 A. I cannot testify to any concern that came to me. I can only
14 imagine that his security was concerned about him going into a place
15 that was very near a war zone. That said, I do not recall having any
16 incidents or problems with his visit.

17 Q. Ambassador Hill, have you been asked in the past to be
18 interviewed by prosecutors or defence lawyers in international war
19 crimes cases?

20 A. Some years later, I'm putting this in the timeframe of 2002,
21 2003, when I was ambassador in Warsaw, I was asked to testify in a
22 war crimes tribunal. I was active-duty Foreign Service, I was
23 ambassador to Poland. And while I did not decline, I talked to
24 people in the State Department and indicated I'd rather stay with my
25 current functions which I had, where I had a full plate of things to

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1 do, that is, being the US ambassador to Poland.

2 Q. Have you ever previously agreed to be interviewed or to testify
3 in a war crimes trial or investigation?

4 A. Not to my recollection. The prosecutor actually came to see me
5 in Warsaw in my office. His name was kind of memorable,
6 Geoffrey Nice. And I had a conversation with him. After that, I was
7 in Washington for some consultations about matters pertaining to
8 Poland, and I met with the State Department legal representative
9 whose name was Taft, and I also talked to the deputy secretary of
10 state named Richard Armitage about my preference not to be involved.

11 Q. Why have you decided to be involved in this trial and agree to
12 be a witness called by Hashim Thaci?

13 A. Well, time does not cure everything, as it's said, but I think
14 25 years is a considerable amount of time to think of things. And I
15 have, first of all, no reason to believe that Mr. Thaci was involved
16 in such activity. I have no reason to believe nor did I hear at the
17 time that he had ordered such illegal activity. And my understanding
18 is he has been incarcerated for some time over these issues, so I
19 felt when I was asked -- I did not approach people. People
20 approached me. I felt I should tell what I know about the situation.

21 Q. Thank you very much, Ambassador Hill, for coming to testify.

22 MR. MISETIC: That concludes my direct examination.

23 PRESIDING JUDGE SMITH: Thank you, Mr. Misetic.

24 Mr. Dixon, still no questions?

25 MR. DIXON: Thank you, Your Honours. No questions.

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Examination by Mr. Misetic (Continued)

1 PRESIDING JUDGE SMITH: Mr. Roberts, same?

2 MR. ROBERTS: Same for me at this stage, Your Honour, yes.

3 Thank you.

4 PRESIDING JUDGE SMITH: All right, Mr. Ellis. We're ready for
5 you then.

6 MR. ELLIS: Thank you. Can I have a moment? I'm not quite
7 there.

8 PRESIDING JUDGE SMITH: Sure. Sure. Take your time.

9 THE WITNESS: Could I have a moment to speak to the
10 State Department representative, as I have no idea who you've just
11 been talking to.

12 PRESIDING JUDGE SMITH: Absolutely.

13 THE WITNESS: Okay.

14 PRESIDING JUDGE SMITH: Do you want to step out of the room?

15 THE WITNESS: No, I just want to --

16 PRESIDING JUDGE SMITH: Okay. Go ahead.

17 THE WITNESS: -- know who's who.

18 PRESIDING JUDGE SMITH: I will tell you, first of all, Mr. Ellis
19 represents Mr. Krasniqi.

20 THE WITNESS: Okay.

21 PRESIDING JUDGE SMITH: Okay. That helps a little bit.

22 THE WITNESS: Okay. Well, maybe that's all I need to know.

23 PRESIDING JUDGE SMITH: Well, go ahead.

24 THE WITNESS: Yeah.

25 PRESIDING JUDGE SMITH: Feel free.

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1 MR. ELLIS: Yes.

2 THE WITNESS: Okay.

3 PRESIDING JUDGE SMITH: I should have used Mr. Krasniqi's first
4 name. It's Jakup Krasniqi.

5 THE WITNESS: Yes.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. ELLIS: Yes.

8 Cross-examination by Mr. Ellis:

9 Q. Yes, good morning, Ambassador. Sorry, I hadn't introduced
10 myself. I was shuffling my papers. It's Aidan Ellis representing
11 Jakup Krasniqi. I have a few questions this morning following up on
12 matters that were discussed in the course of your evidence yesterday.

13 A. Okay.

14 Q. The first relates, please, to a passage of the interview with
15 Blerim Shala document, which was DHT12206 to 12372 at page DHT12292.

16 MR. ELLIS: If we could have that on the screen again, please.

17 JUDGE METTRAUX: Mr. Ellis, we're being told we haven't received
18 your queue, so they're going to have to use the Thaci queue. Can you
19 make sure the queue is with the Registry, please.

20 MR. ELLIS: I'm being told it's being released and therefore in
21 the process of coming to you. But it's fine to use the version in
22 the Thaci queue for this.

23 JUDGE METTRAUX: Thank you.

24 MR. ELLIS: Thank you. Because I'm going to move to a couple of
25 pages in the document, it's maybe helpful to use that version rather

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1 than the admitted exhibit. Thank you.

2 Q. You were asked some questions yesterday about the passage which
3 begins there with Mr. Shala asking:

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

6 And your answer began:

7 "Looking for the person in charge of the KLA was not something
8 that you would succeed at."

9 And you were asked some questions prompted, I think, by
10 His Honour Judge Gaynor about what time period that related to, and
11 your response was:

12 "Late summer, early fall 1998."

13 What I want to do is just show you a couple of pages before that
14 in the document to try to help with the date that this related to.

15 A. Okay.

16 MR. ELLIS: So if we could move back two pages, please, to
17 12290. And if we could scroll down to the bottom of that page.

18 Q. You'll see that Mr. Shala starts asking you a question about
19 something that was rejected by French diplomacy in December 1998, and
20 then he carries on at the bottom of the page with a question:

21 "... in December 1998 you were already stepping to the idea that
22 we should have an international conference."

23 Do you see that?

24 A. Ah, yes, I do. I'm not sure if I recall being asked about an
25 international conference until Madeleine Albright called me, which I

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1 believe was later than this December period. I might add that it
2 often happens in these circumstances, that is, of a conflict which
3 people are finding very difficult to extinguish, it often happens
4 that people say, well, why don't we just get everyone together in a
5 room and surely we should be able to solve this.

6 I was sceptical that a conference could solve this. Moreover, I
7 was sceptical and rather fatigued by the idea that Dayton was a model
8 for solving the problem in Kosovo which I found to be a very
9 different kind of conflict.

10 Q. I see.

11 MR. ELLIS: And if we could turn over, then, to the next page,
12 12291.

13 Q. Firstly, if I could take you towards the middle of the page,
14 you're recorded that --

15 MR. ELLIS: If we could scroll down a little bit further so you
16 can see the full answer. That's fine.

17 Q. You're recorded there as saying:

18 "... when in doubt; there is always this idea" --

19 A. Yeah.

20 Q. -- "let's have a conference." Is that paragraph expressing the
21 same idea that you've just mentioned this morning, that people were
22 always proposing conferences, but you yourself were a little
23 sceptical about what it might achieve on this occasion?

24 A. It is interesting that 25 years after making these comments I do
25 have the same predilection about such conferences. Yes --

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1 Q. Thank you.

2 A. -- in answer to your question.

3 Q. And you'll see that just after that answer Mr. Shala asks:

4 "Another question was, who was in reality keeping contacts with
5 the KLA in autumn and winter of 1999 ... Larry Rossin was more or
6 less in charge?"

7 Presumably that's relating to the autumn of 1998, moving
8 forwards into January, February 1999?

9 A. Yes, so the date is wrong. Larry Rossin was the office director
10 who in the general scheme of these issues which involved the -- the
11 time of the secretary of state, Larry was rather junior in these
12 issues. So I don't know why Blerim has this view.

13 Q. Thank you.

14 MR. ELLIS: Then if we turn over to page 12292.

15 Q. When Mr. Shala asks you:

16 "Did you at that period know who was in charge of the KLA?"

17 Following from the previous pages, it's referring to November,
18 December 1998 probably, isn't it?

19 A. I assume so.

20 Q. And if it helps, I can show you your statement or the summary of
21 your statement to the Thaci Defence. I'll just read you what's
22 recorded at paragraph 53. It says:

23 "... in the fall and winter of 1998, it was not possible to
24 identify a person in charge of the KLA."

25 Does that remain your evidence?

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1 A. Yes, that is why it took so many months and months to even have
2 any real discussions with people in the KLA, and that is the reason
3 for the complexity of putting a Kosovo Albanian delegation together
4 with different peoples and personages.

5 Q. Yes. And then to finish on this topic, you also gave some
6 evidence about it in your preparation session last week, where you
7 said, and it's paragraph 33:

8 "... the reason that they could not find anyone in charge of the
9 KLA was because there was no one in charge. The fact that [you] kept
10 looking for so long suggested they had not solved the problem."

11 A. I think that is 100 per cent accurate. Sometimes when you're
12 looking for something and can't find it, it's because it doesn't
13 exist.

14 Q. Thank you. Now, I'm going to move to a different topic which is
15 the 6 November 1998 meeting in Dragobil which you had with Mr. Thaci,
16 Mr. Jakup Krasniqi --

17 A. Yeah.

18 Q. -- and some others. Was that the first time you had met
19 Jakup Krasniqi?

20 A. I believe it was, yes. I believe, too, that this meeting was
21 organised by our representatives to KDOM.

22 Q. That would be Shaun Byrnes at that time?

23 A. Correct, yes.

24 Q. Now, you said yesterday in the transcript at page 54 that you
25 were focused entirely on seeing what they felt about your Kosovo

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1 plan. Is that fair in terms of your approach to the meeting?

2 A. Yes, I -- my job was to try to come up with a plan to end the
3 conflict, and so the opportunity to meet people that Shaun told me
4 were in the KLA was such an opportunity.

5 MR. ELLIS: Can I then have on screen P01069.

6 Before I do that, Your Honour, I should have tendered the two
7 pages of the interview that I showed to the ambassador.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MR. ELLIS: I think 90 and 91.

10 PRESIDING JUDGE SMITH: Yeah, that's what -- I said it
11 backwards.

12 MR. ELLIS: Yeah, thank you.

13 PRESIDING JUDGE SMITH: Any objection to those?

14 MR. PACE: No.

15 PRESIDING JUDGE SMITH: DHT12292 and DHT12291 are admitted.

16 MR. ELLIS: Can they be added to the Thaci exhibit, which I
17 think was 423, 1D423.

18 PRESIDING JUDGE SMITH: Yes. Please add it to 1D423.

19 MR. PACE: Can we clarify, was it 90 and 91?

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE COURT OFFICER: I believe there were two pages, DHT12290 and
22 91.

23 MR. ELLIS: Yes.

24 THE COURT OFFICER: DHT12292 was already admitted.

25 MR. ELLIS: That's right.

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1 PRESIDING JUDGE SMITH: Okay. [Microphone not activated].

2 THE COURT OFFICER: Thank you, Your Honour. Those two pages
3 will be added to the Exhibit 1D00423. Classification is public.

4 MR. ELLIS: Thank you. And if we could turn to page -- on the
5 document on the screen to 075334. It's paragraph 19. It's not the
6 best copy.

7 Q. Are you able to see --

8 A. Yeah.

9 Q. -- that on the --

10 A. I can --

11 Q. -- screen there?

12 A. -- see this. Yeah.

13 Q. Ambassador, this is from a cable written sometime after that
14 meeting. And it says, if you can see it, that:

15 "The KLA, for example, required nearly three weeks to coordinate
16 its response to Ambassador Hill's November 1 draft. As a result, the
17 KLA response did not reach Ambassador Hill in time to be considered
18 for inclusion in the revision of the November 1 document. While much
19 of this time was surely taken up by internal political debate among
20 the leadership, we expect that communications difficulties
21 contributed to the delay."

22 It's right, isn't it, that there was a delay of some three weeks
23 in the KLA getting a response to your proposal?

24 A. Yes, there were many delays. This -- it's important to
25 understand a little context for what a cable -- why there would be a

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1 cable from Belgrade on this subject. This, I presume, is coming
2 directly from Shaun Byrnes to the embassy in Belgrade where it is
3 re-typed and sent out as a telegram from Belgrade.

4 Judging from -- and this is the first time I've seen this. I
5 must have seen it 25 years ago, but it's the first time I've seen it
6 lately. This to me suggests that Shaun felt that the delays were
7 technical in nature and not personnel in nature; that is, they were
8 caused by a lack of equipment. I must say to you I'm sceptical that
9 equipment is the issue here. I think the issue was no one was in
10 charge.

11 Q. Very well.

12 MR. ELLIS: Now that document can come down. Thank you.

13 Q. You were also asked some questions yesterday at -- towards page
14 51 in the provisional transcript about your statement in the
15 interview with Blerim Shala that "a lot of the energy of the KLA at
16 that meeting was devoted to telling us what a terrible guy Rugova
17 was." And that was something that you had addressed in your
18 preparation session last week. At paragraph 15, you clarified you
19 meant:

20 "... a terrible guy in a facetious way, in the sense of Rugova
21 not being up to the challenge."

22 A. Absolutely.

23 Q. I think you mentioned yesterday as well that there was a
24 perception that you yourself might be too close to the Rugova
25 faction, and that there was this view that you needed to broaden your

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1 horizons. I mean, at this point in time, you were trying to conduct
2 negotiations between Serbia and Milosevic on the one hand and various
3 different groups of Albanians on the other hand. That's the
4 position, isn't it?

5 A. That's accurate. And the squabbles among Albanians were not my
6 primary concern. My primary concern was carrying out US policy,
7 which was to try to find a means by which Belgrade and the various
8 factions in Kosovo could reach some understanding and stop the
9 violence.

10 Q. Yes. And one of the things that the KLA representatives wanted
11 to do is to ensure that they were part of those discussions. That's
12 right, isn't it?

13 A. Correct. And at all corners, they wanted to say that Rugova was
14 not up to the challenge.

15 I want to add, too, that in talking to Blerim Shala about this,
16 it was a very informal context, which why you see slang terms and
17 people being referred to as "guys" and things like that. I must tell
18 you I never dreamed that I'd see these words again 25 years later.

19 Q. In the course of a cross-examination in court --

20 A. You got it.

21 Q. -- I imagine? Thank you. Now, you also conveyed yesterday that
22 one of the things you were trying to get across to people was that
23 government is a set of services, "and if you can have those set of
24 services provided by yourselves, not by a foreign entity, that is, if
25 you could have complete autonomy, and if you're part of a broader

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1 structure such as the European Union, you should not be so focused on
2 what I used to talk to them as 19th-century sovereignty issues."

3 Do you recall making that point yesterday?

4 A. Yes, I believe it today too.

5 MR. ELLIS: Now, could I have on the screen, please, the note
6 from your preparation session last week, which was DHT12557 to
7 DHT12569. I understand this is on the calling party's presentation
8 queue, so I would seek to use it from the Thaci presentation queue.

9 PRESIDING JUDGE SMITH: Yes, go ahead. Thank you.

10 MR. ELLIS: Thank you. If we could have page 12568. And if we
11 could scroll down so that you can see paragraphs 38 and 39.

12 Q. I just want to go through those with you. You started by saying
13 that you "did not specifically recall any element of the so-called
14 'Hill Plan' which related to local policing."

15 Does that remain your position?

16 A. I don't specifically recall elements of it. Certainly, in
17 Dayton, with respect to the Dayton peace accords, we had an entire
18 annex devoted to policing. I'm sure, though I don't recall it today,
19 I'm sure we were giving some thoughts to the issue of how policing
20 would be accomplished in the context of an agreement.

21 Q. Yes. And you continued in the preparation session that you
22 "knew that the best solution for Kosovo was local governance, and
23 local police would have been a part of this."

24 A. Yes. Yes. Yeah.

25 Q. Is that in part because local police were one of the set of

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1 services that you were talking about could be delivered in an
2 autonomous Kosovo by Kosovo?

3 A. Yes. Local police is something the world over that is
4 considered a better way to handle local law enforcement; that is,
5 have police who are closer to the actual population.

6 Q. And in the preparation session, it continues:

7 "[You] did not specifically recall any conversation with the KLA
8 about the part of the plan dealing with local policing, beyond the
9 fact that the Kosovar Albanians wanted a unitary state, and they did
10 not want a situation where a part of their population was reporting
11 to Belgrade rather than to Albanian commanders in Pristina. So the
12 idea of local police was worrisome to Kosovo Albanians if it meant
13 they would report to a Serbian authority."

14 A. I think that is -- that is true as far as my knowledge goes. I
15 think there was a concern that when we talked about local police or
16 local anything, that this was some kind of plan to keep the overall
17 general structure in Belgrade's hands, and, therefore, there was a
18 scepticism at modifying police with the word "local."

19 That said, I think there was also -- more on their part than on
20 my part, there was a notion that that organisation that controls
21 police will control Kosovo, and they hinted at the fact that law
22 enforcement is the key aspect of control.

23 Mind you, I preferred to talk about local assemblies and other
24 means of delivering other services, the totality of which would have
25 amounted to full autonomy. But I think there was maybe an excessive

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1 attention to local police on the part of people who felt that the
2 issue began and ended with security.

3 Q. Yeah. And there was a concern that there couldn't be trust in a
4 police force that reported to Belgrade, to Milosevic, wasn't it?

5 A. Yeah. These were people who believed in full independence, who
6 saw Kosovo as entitled to full independence. Again, I cannot stress
7 this enough, I was not representing them. I was not representing
8 other factions in Albania -- in Kosovo. I was not representing
9 Serbia. I was representing the United States. And in my extensive
10 conversations with Secretary of State Albright and with
11 Ambassador Holbrooke, we were trying to get an autonomy plan because
12 we felt that was the plan by which we could end the violence and help
13 the situation such that we could move on with the task of making the
14 Balkans a place -- places that could be part of Europe.

15 Q. Of course. And these proposals for a local police never
16 actually came into effect because, of course, then you had
17 Rambouillet and then you had UNMIK coming in in due course?

18 A. That is correct. You know, one of the -- if I could add, for
19 texture, really, that by the time we got to Dayton for the Bosnian
20 settlement, we knew what it would look like, and we were in a
21 position to elaborate on how security would be handled, hence the
22 police annex.

23 With respect to Kosovo, we were on a much more basic level of
24 how to stop the violence and address some of the underlying concerns,
25 and we were not ready to configure a police force.

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1 Q. Could I then take you to a different document which you may not
2 have seen before.

3 MR. ELLIS: And it's 1D00141.

4 Q. So you can see from the heading, it's an Austrian embassy cable
5 dated 30 September 1998.

6 MR. ELLIS: And if we could scroll down, please.

7 Q. It is in relation to a meeting between Contact Group ambassadors
8 and Milosevic and their subsequent meeting with Rugova. And I think
9 as one of the Contact Group ambassadors you would have been a part of
10 that.

11 A. No, I was not. I don't think -- I think this refers to --
12 again, this is the first time I've seen this, so --

13 Q. Yes.

14 A. I think this refers to ambassadors representing Contact Group
15 countries in Belgrade.

16 Q. And were -- was Austria part of that Contact Group?

17 A. No, it was not. But, of course, with Wolfgang Petritsch, the
18 Austrian ambassador to Belgrade who was named the European Union's
19 special envoy, I suspect, although I'm not privy to this, that he
20 would have been involved.

21 Q. I see. He would have been involved through the European Union
22 rather than Austria per se?

23 A. That would be my understanding, yes.

24 Q. I see. Let me ask you then about the penultimate bullet point,
25 which is on a list of things that President Milosevic conveyed to the

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1 Contact Group ambassadors. It says:

2 "'Security coordinators' are already in place in 70 villages in
3 western Kosovo (list received by Amb. Hill on 29 Sept. and to be
4 transmitted in a separate report)."

5 Do you recall --

6 A. I do not. I do not recall any such list. I just don't recall
7 any of that.

8 Q. Very well. Were you aware that Milosevic was setting up local
9 security, local police units in villages particularly in western
10 Kosovo?

11 A. No, but had I been aware of that, I would have suggested that
12 was a bad idea. Not every initiative of President Milosevic's was
13 acted on or, frankly, even taken seriously.

14 Q. One moment. I'm going to move to a different topic, thank you,
15 which is to the VJ prisoner exchange negotiations in January 1999.

16 Now, it's right, isn't it, that these negotiations in January
17 1999 were the first and only prisoner exchange between the KLA and
18 the VJ during the conflict?

19 A. To the best of my recollection, that is accurate.

20 Q. And as a unique issue in the conflict, it became a big political
21 issue at the time.

22 A. It was a -- yes, it was a major issue because it had never been
23 done before, and there was a lot of scepticism about being able to
24 pull it off --

25 Q. Yeah.

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1 A. -- get it done.

2 Q. And I think you've said to the Thaci Defence that Milosevic was
3 threatening to unleash hell unless something was done.

4 A. I think that is a line from a movie, which I don't think I would
5 have used, but something to the effect that he was planning to take
6 harsh retribution.

7 Q. Thank you. I want to look briefly at your account of your
8 meeting with Mr. Krasniqi, Mr. Jakup Krasniqi and others, from your
9 book, which is page DHT08787 to 09214.

10 MR. ELLIS: And could we get page 08921, please.

11 Q. You refer there to Mr. Krasniqi "taking a hardline position on
12 the ten-day delay, insisting that the swap be in perfect symmetry."
13 And you were -- and it's right, isn't it, that Mr. Krasniqi's
14 position was that the exchange should be simultaneous?

15 A. Yes.

16 Q. And when a staggered release was put to him, his response was,
17 as you put it in the book:

18 "How could I ever trust Milosevic?"

19 That's right, isn't it?

20 A. Absolutely.

21 Q. And I think you said to the Thaci Defence in your statement that
22 you understood he was concerned that Milosevic would renege or change
23 conditions if a deal was agreed.

24 A. Yes, but I said very specifically: That's not your problem.
25 That's my problem.

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1 Q. And I think as you've explained again in your book and in the
2 interview with the Thaci Defence, what you were saying to
3 Mr. Krasniqi rhetorically was the issue is whether you trust America.

4 A. Yes, I confess to a certain rhetorical flourish in making that
5 point, but I think it's the underlying point for why we were involved
6 in the first place.

7 Q. And what you were doing, effectively, was to put the American
8 relationship on the line.

9 A. Yes, I think we would put that getting out on the edge of your
10 skis, but I felt I had enough backing in Washington to make that
11 point.

12 Q. Yeah.

13 A. And the reason I did was that the idea of a ten-day hiatus
14 was -- which was my idea to push for that, was supported in
15 Washington because no one had a better idea.

16 Q. And in making the point --

17 A. I just want to make clear, these were tough situations. You're
18 getting on the phone with Washington. The last thing people want to
19 hear about is some new problem in Kosovo. And so sometimes bad ideas
20 were supported because the other ideas were worse.

21 Q. But I imagine you also knew in making that point that the KLA
22 was aware that it needed American support and international support?

23 A. That thought definitely crossed my mind.

24 Q. And Jakup Krasniqi was as aware of that as anyone, wasn't he?

25 A. I'd hoped he was.

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1 MR. ELLIS: Can I then have on the screen, please, the summary
2 of your interview with the Thaci Defence, which is DHT12160 to
3 DHT12169.

4 THE WITNESS: While we are researching where that is, I'd like
5 to make one point where I had an understanding of how Washington
6 operated having worked there for decades. I also understood that you
7 could get different viewpoints in Washington. I felt at some times
8 the Kosovo Albanians had a lot of contacts in Washington and
9 sometimes exaggerated the degree to which their contacts were
10 actually making decisions. So it was important for me to try to
11 bring this back to the issue of the fact that I was talking to
12 Secretary Albright and Ambassador Holbrooke; that is, I was talking
13 to people who really had decision-making.

14 MR. ELLIS:

15 Q. Thank you.

16 MR. ELLIS: I'm looking for paragraph 32, which I think is on
17 the page ending 65.

18 Q. If I could give you a moment to look at paragraph 32,
19 Ambassador.

20 A. 32, okay. Yeah, I made my point to him at this meeting. He did
21 not indicate that he was supportive of it. I don't recall any answer
22 at all. I just recall ending with my point. But soon thereafter,
23 and I do not recall how, I learned that it had been accepted and that
24 there would be a release of the soldiers very soon.

25 Q. Very well. And it's right, isn't it, that as recorded in this

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1 summary, that you don't know who exactly in the KLA approved the
2 release of the VJ soldiers?

3 A. Correct. And this was an ongoing issue with the KLA. We never
4 knew who was actually doing things.

5 Q. And you thought that Krasniqi had received some instructions on
6 that, because you didn't think that he was that big of a deal. Do
7 you recall saying that?

8 A. Yes. Again, these are beliefs not well substantiated, but in
9 the absence of contradictory information, yes.

10 Q. So your impression from what you had seen was that Mr. Krasniqi
11 was not that big of a deal within the KLA; is that correct?

12 A. Yes, that was my impression.

13 Q. I'm going to jump forwards again in time, please. I'm not going
14 to ask you anything about Rambouillet itself. I want to ask you a
15 little bit about the position afterwards.

16 MR. ELLIS: And if I could take you to 1D00358, which I think,
17 again, would be on the Thaci presentation queue.

18 Q. And this is a document you were asked about yesterday.

19 MR. ELLIS: If we could scroll down so that you're able to see
20 paragraph 1. So this is dealing with the return after the
21 Rambouillet conference.

22 Q. Had you yourself already returned to Kosovo with the delegation?

23 A. I did not go with the delegation. My recollection was
24 Ambassador Huntzinger, who was the French ambassador to Macedonia,
25 had brought the delegation, had staged them together in Skopje and

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1 brought them to Rambouillet, and my recollection is that the French
2 government had also taken care of their return.

3 Q. And if I could simply take you to the first paragraph there, it
4 records:

5 "The Albanian delegation to the Rambouillet conference returned
6 to Kosovo without problems. The Serbian authorities posed no
7 difficulties. US KDOM transported the KLA delegation -
8 Jakup Krasniqi, Rame Buja and Azem Sylja - from Pristina airport to
9 Sedlare, about 30KMS to the south-west, unhindered."

10 A. Okay. I don't recall that, but I'm sure that's accurate.

11 Q. Okay. You yourself wouldn't have been a part of that.

12 A. No, I was not.

13 Q. It would have been, presumably, Shaun Byrnes and US KDOM --

14 A. I think it would have been Shaun Byrnes. I thought they had
15 returned on a French aircraft, but I see they had not.

16 Q. Well, it could be that they returned on a French aircraft and
17 were then assisted by US KDOM to get back to Sedllar, could it?

18 A. From Prishtine, yeah. I'm surprised, but I didn't know that.

19 Q. Okay.

20 A. I just know there was not an incident. I was at a point where
21 if there were no problems, I kind of didn't track it.

22 Q. But presumably, the need for KDOM to escort them to the village
23 of Sedllar is because it's not safe to leave three KLA
24 representatives in Serbian-controlled Prishtine; yes?

25 A. That sounds logical to me.

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1 Q. It's also recorded here that there was a -- further down the
2 same paragraph, I think, that there was a serious conflict inside the
3 KLA over Rambouillet, and that the principal antagonist was KLA
4 political representative Adem Demaci. Is that consistent with your
5 understanding at the time?

6 A. We knew that Adem Demaci was opposed to any and all negotiations
7 with the Serbs and was opposed to anything less than independence.
8 So when there were serious problems, we made the assumption that
9 Demaci was on one side of them.

10 Q. And what you were expecting was that the representatives in
11 favour of signing were going to have to go out and sell the deal
12 to the rest of them.

13 A. That was our understanding, yes.

14 Q. Because there still at that point wasn't any single person who
15 could reach the agreement.

16 A. That was certainly our view then, yes.

17 Q. Thank you.

18 PRESIDING JUDGE SMITH: Mr. Ellis, we're going to take a break,
19 unless you're almost finished, and then you can have -- if you have
20 two or three minutes.

21 MR. ELLIS: I'm almost, but I think it's probably five rather
22 than two or three.

23 PRESIDING JUDGE SMITH: We'll give you a ten-minute break,
24 Witness. We all will take a ten-minute break, and we'll see you back
25 here in ten minutes.

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1 [The witness stands down]

2 PRESIDING JUDGE SMITH: We'll break for ten minutes.

3 --- Break taken at 10.00 a.m.

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

5 PRESIDING JUDGE SMITH: Please bring the witness in. Oh, just a
6 moment, before you go.

7 I managed to foul up the timing for this afternoon's break. So
8 we will start at 2.30 and go until 4.30, as we have in the past.
9 Sorry about that. That's what you get for having old men do this.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: All right. Ambassador Hill, we'll
12 continue with the cross-examination by Mr. Ellis.

13 MR. ELLIS: Thank you, Your Honour.

14 Q. It's just a few more questions from me, Ambassador.

15 MR. ELLIS: Firstly, whilst we're on this document, if we can go
16 to the second page and to paragraph 6.

17 Q. It says that:

18 "... Buja commented that the General Staff was meeting that
19 afternoon with Demaci. Buja indicated that he, Krasniqi and Sulja
20 would participate. Asked about Demaci, both Krasniqi and Buja said
21 stiffly that they would 'take care of him' and that his opposition
22 both to the Rambouillet package and to the provisional government
23 proposed by Rugova, Qosja and Thaqi on February 24, would be
24 overcome."

25 And my question is, presumably, you wouldn't know the exact

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1 internal processes within the KLA to reach the position where they
2 agreed to the negotiations in Paris?

3 A. No, I'm not privy to their internal negotiations. My sense is
4 that we were on the way to having -- to getting to yes, and that some
5 of this was their own need to satisfy all their various constituents.

6 Q. Exactly. To get to yes, they needed to satisfy their various
7 constituents within the KLA; yes?

8 A. Yes.

9 Q. I understand.

10 MR. ELLIS: Can that document come down then, and I want to look
11 at another document you were shown by the Thaci Defence yesterday,
12 which was 1D00310.

13 THE COURT OFFICER: I presume this document is also in the Thaci
14 Defence queue?

15 MR. ELLIS: It would be, yes. Thank you.

16 THE COURT OFFICER: Thank you.

17 MR. ELLIS: I think it was page 2874 that you were shown
18 yesterday. If you could scroll down, please. Yes.

19 Q. Now, you were shown yesterday the entry about 8 March 1999. And
20 you said that the date of 8 March could be more or less accurate. Do
21 you recall seeing that?

22 A. Yes. The only question I have is I would have been with
23 Holbrooke, so how did I go from a meeting in Prishtine to a meeting
24 with Holbrooke in one day. So I'm a little sceptical of the
25 timeline, but more or less, yes.

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1 Q. Okay. Can I suggest to you that any meeting with KLA
2 representatives probably didn't take place in Prishtine at that time
3 either.

4 A. That would make sense. But -- yeah, I just don't -- I don't
5 understand how that could work time-wise.

6 Q. Okay. I follow. The phrase you used to describe this encounter
7 in your preparation session was that it was taking the temperature.

8 A. Yes, that's when I went out to a place, and I don't recall
9 where. I do recall that we were being pursued by a lot of
10 journalists so that we took evasive action to get to our destination
11 without the journalists. And it was to take their temperature and
12 make sure we were on the track which we thought were, which was that
13 the Kosovo side was agreeing to the Rambouillet Accords.

14 Q. Exactly. And although you didn't think you got finality from
15 that meeting, the signs were favourable. Is that a fair summary?

16 A. Yes, because I had essentially erased the word "finality" from
17 my vocabulary.

18 Q. Those were my questions. Thank you.

19 PRESIDING JUDGE SMITH: Thank you, Mr. Ellis.

20 Mr. Pace.

21 MR. PACE: Yes, thank you. And to start, we can take the
22 document off the screen.

23 Cross-examination by Mr. Pace:

24 Q. And good morning, Witness. I'm James Pace. I'm a Prosecutor
25 with the SPO. And I have five hours, but hopefully we can get

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1 through this much more quickly.

2 A. Yes, I share that aspiration.

3 MR. PACE: And before I start, just to note that any of the
4 items I call up can be broadcasted to the public unless I note
5 otherwise.

6 Q. Witness, you testified about meeting Xhavit Haliti, Zeka, in
7 Tirana in June 1998. That was your first meeting with a KLA member;
8 right?

9 A. To the best of my recollection, yes.

10 Q. And as you noted during your witness preparation session, when
11 you met Xhavit Haliti, Zeka, you did not know what his significance
12 was in the KLA; right?

13 A. Correct. Some people had told me he was very senior, other
14 people told me he was a friend of the KLA. I wasn't really sure.
15 But it represented a desire to follow all leads.

16 Q. Your next meeting with the KLA was with Ambassador Holbrooke in
17 Junik; correct?

18 A. I would not call that a meeting with the KLA. That was a
19 meeting with farmers in Junik who had been -- who had suffered from a
20 Serbian attack on that village, and we were hearing their story,
21 during which someone in kind of full military fatigues, with a very
22 full black beard, walked in and sat next to Holbrooke briefly for
23 what appeared to be a photo -- a photographic opportunity. So I'm
24 reluctant to call that a meeting with the KLA.

25 Q. Prior to that occasion in Junik, you hadn't had any direct

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1 contact with any KLA members; right?

2 A. Direct contact, no. But a number of people from other
3 embassies, including our own diplomats, and members of the
4 intelligence services, in their interest in trying to find out about
5 the leadership of the KLA, had had meetings and reported the
6 substance of those meetings to me.

7 Q. Now, you just mentioned, and as you also testified yesterday,
8 about the presence at this meeting of a man Ambassador Holbrooke
9 remarked had the appearance of Che Guevara. And my question is
10 whether this is the same person who you described in your Defence
11 interview in July as someone reportedly from the KLA and whom no one
12 took very seriously.

13 A. Again, he walked into the middle of the meeting and then walked
14 out before the meeting was over and seemed to be there for the
15 purpose of a photograph. So, no, we did not conclude this was any
16 kind of serious person, nor was it a meeting with him.

17 Q. Neither you nor anyone else within the US authorities had,
18 indeed, set up any meeting or encounter, whatever you want to call
19 it, with KLA members that day in that location; right?

20 A. No, we did not set up a meeting with the KLA in that place. I
21 would like to add, however, that the photograph of Holbrooke sitting
22 next to this gentleman went out on wire services and greatly angered
23 Milosevic in Belgrade so much so that he had sent a note to Holbrooke
24 saying he wouldn't meet with Holbrooke anymore because of this,
25 quote/unquote, meeting with the KLA. At which point, Holbrooke asked

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1 me to go to Belgrade and try to calm that down.

2 Q. And because, as you just said, no such meeting was set up in
3 advance, any KLA members in Junik had no reason to be expecting you
4 or Ambassador Holbrooke that day; right?

5 A. I would not make that conclusion. After all, there are not too
6 many secrets in that part of the world, so I'm sure people knew we
7 were heading there. And when we did go, there were at least 10,
8 perhaps 20 vehicles with press people knowing that the destination
9 was out to that part of Kosovo. So I'm sure there was adequate time
10 for anyone to have known that we were there.

11 Q. Do you recall when you or Ambassador Holbrooke had decided to go
12 there? How many days, weeks, or months in advance?

13 A. I don't recall. It would have been no more than days. And it
14 was really one of Holbrooke's first, and perhaps only, visits to
15 anywhere outside of Prishtine.

16 Q. And when you did get to Junik, eventually you met people at the
17 house of Junik's mayor; is that right?

18 A. Yes, it was a farmhouse and we all sat on the floor.

19 Q. Did you ever learn the name of the person who sat next to
20 Ambassador Holbrooke at the Junik encounter?

21 A. I don't recall the name. I don't recall being told who he was.
22 Later, I heard he was an ethnic Albanian who lived somewhere in
23 Western Europe and was back in Kosovo, but I don't recall anything
24 about his identity.

25 MR. PACE: If we could please call up SPOE00405207-00405219,

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1 please. As I mentioned before, this can be broadcast to the public,
2 and we can stay on the first page.

3 THE COURT OFFICER: I just note that the document is marked as
4 confidential in Legal Workflow.

5 MR. PACE: Yes, the reason for that is that it relates to the
6 witness. The witness's identity is confidential until he appears, so
7 that's why I gave the disclaimer that anything I call up, unless I
8 say otherwise, can be public.

9 Q. Witness, we see this is an article on your screen dated
10 6 September 2021, with the title "The Soldier in the Photograph: In
11 Memory of Richard Holbrooke."

12 MR. PACE: Let's please turn to the next page, the one ending in
13 08, and there let's scroll down and zoom in on the photograph being
14 held, please.

15 Q. And this is Ambassador Holbrooke alongside the man you've been
16 describing, right, Witness?

17 A. Yes.

18 Q. If we scroll down on the same page, please, we see it reads as
19 follows:

20 "Following the easing of COVID-19 lockdown measures in Australia
21 in June this year, I met Kosovo's then ambassador to the country,
22 Hajdin Abazi, at a restaurant in Canberra to discuss the ongoing
23 Serbia-Kosovo dialogue.

24 "I was ecstatic to discover Abazi is the person who Western
25 media continue to refer to as the 'unidentified' Kosovo Liberation

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1 Army, KLA, soldier from a somewhat enigmatic photograph with the late
2 US Ambassador Richard 'Dick' Holbrooke."

3 Does it name Hajdin Abazi sound familiar, Witness?

4 A. It does not to me.

5 MR. PACE: Let's, in the same document, please turn to page
6 ending 211, and there zoom in on the second paragraph, please.

7 Q. At the top of the page, we see:

8 "During the Kosovo War, from 1998 to 1999, Abazi's *nom de guerre*
9 was Lum Haxhiu, a name given to him by the Commander of Dukagjini,
10 Ramush Haradinaj."

11 And, Witness, did he perhaps use the pseudonym Lum Haxhiu when
12 he met you, or did you ever hear that pseudonym in relation to him?

13 A. I did not hear any pseudonym. I don't recall him there for very
14 long. I recall him sitting there for a while, echoing Kosovo
15 nationalist desiderata and finally leaving, and I had no idea who he
16 was.

17 Q. And we see this here refers to Ramush Haradinaj, commander of
18 Dukagjini. Did you ever meet or have contact with Ramush Haradinaj?

19 A. I did not.

20 MR. PACE: Let's turn to page ending in 215, please.

21 Q. And I'll read from the second paragraph:

22 "Upon Abazi's entry into the farmhouse, Holbrooke was already
23 flanked on the rug by Hill on his right and the young Gani Shehu on
24 his left. Then, Mete Shala intervened for the third and last time:
25 he insisted that Shehu should make space so that Abazi, the most

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1 senior KLA officer present, could squeeze in next to Holbrooke. Like
2 a true diplomat, the host was opening communication between the two
3 most important figures from each delegation."

4 Witness, do you recall anyone insisting this gentleman squeeze
5 in?

6 A. I don't recall. He obviously did squeeze in, but I don't recall
7 whether he was invited to do so.

8 Q. I'm going to continue reading from the third paragraph on this
9 page:

10 "After the photo op, Holbrooke politely prodded the journalists
11 to leave 'to let us talk.' Over some Turkish coffee and spring
12 water, the inquisitive Holbrooke peppered his new KLA friends with a
13 variety of questions. At some point, he turned to Abazi and asked:
14 'Are you the writer with the gun?' Abazi was astounded that
15 Holbrooke knew something about his past. He says Holbrooke borrowed
16 the line from an article about him, possibly written by Schork, that
17 was published in the Western media not long before their parley."

18 And, Witness, did you, like Ambassador Holbrooke, know something
19 about this gentleman before the meeting or encounter?

20 A. No, we did not. I did not and Holbrooke did not.

21 Q. Let's turn --

22 A. The reference to Schork is a reference to Kurt Schork who was a
23 wire service reporter killed some years later in West Africa. So he
24 had died in 2000 -- in 1999, rather. I went to his funeral in
25 Washington.

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1 And if I can ask you, when was this article written?

2 Q. As we saw on the first page, it was September 6th, 2021, the
3 publication.

4 A. Okay. I have no recollection of this.

5 Q. Just to say, the article, I'm saying the one I'm reading from.

6 A. Yeah.

7 Q. The article referred to by Mr. Abazi in it, I don't --

8 A. Yeah.

9 Q. It's not specified.

10 A. Yeah.

11 MR. PACE: And if we could please, in the same item, turn back
12 to page SPOE00405210, and I'll read from the penultimate paragraph
13 there. So we can scroll down. Thank you.

14 Q. Here we see:

15 "Along with other Kosovo Albanian activists, Abazi in his early
16 twenties was imprisoned from 1979 to 1983 for his political activism.
17 His crime? Advocating for Kosovo to become a republic within
18 Yugoslavia."

19 Witness, in your interview with Blerim Shala you said that
20 Mr. Abazi, the person we've been discussing, was "not a very
21 inspiring sort of person." When you met him in June 1998, were you
22 aware he had spent four years in prison for his political activism?

23 A. Again, when we met in Junik, neither Holbrooke nor I had any
24 idea who this person was.

25 Q. So I take it that means that when you met him, you did not know

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1 whether he had been one of the persons heading the executive bureau
2 of the People's Movement for the Republic of Kosovo, the LPRK?

3 A. We had no idea.

4 MR. PACE: And in the article, let's please go to the next page,
5 I believe, 211.

6 THE INTERPRETER: The interpreters kindly ask the speakers to
7 make a pause between question and answer. Thank you.

8 MR. PACE: Certainly. My apologies to the interpreters.

9 Q. I think, Witness, you heard the same. But I am probably the one
10 who is most at fault.

11 A. Okay.

12 MR. PACE: And here I'm going to read from the last paragraph,
13 so we can scroll down. Thank you.

14 Q. Here we see:

15 "In Junik, Abazi - Officer for Morals, Politics and Information
16 in the Subzone's Quarter of Junik and Reka e Keqe - together with a
17 young Kosovo Albanian named Gani Shehu - Commander of the
18 Headquarters of the KLA for Junik - were jointly charged with KLA's
19 public relations."

20 And, Witness, again, based on your prior answers, I understand
21 that you did not know when you met him about his role as officer for
22 morals, politics, and information in Junik and Reka e Keqe; correct?

23 A. With the following amendment. He came in and it seemed to us
24 that his main interest was in sitting next to Holbrooke and having
25 his photograph taken. Therefore, it is hardly a surprise that he was

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1 apparently involved with public relations. But to answer your
2 question, no, we had no idea who he was.

3 Q. And would you know whether later on in the war, this person,
4 Hajdin Abazi, was appointed as the chief of the KLA General Staff's
5 public information sector after Kadri Veseli told him to take over
6 that sector?

7 A. Again, I want to emphasise my job was to work -- working with
8 the US Government as a -- under instructions from Washington to reach
9 an autonomy deal. I did not follow all the personnel shifts within
10 the KLA. My interest in the KLA was in finding a group of people who
11 could speak for a broader group of people and who could engage on the
12 issue of the autonomy deal.

13 MR. PACE: We'll turn to one last excerpt from this article that
14 we're looking at, and that's at the page ending in 216, please, where
15 I'll read from the second paragraph.

16 Q. Here we see the following:

17 "Holbrooke told Abazi that one of his key goals was to promote a
18 ceasefire between the KLA and rump Yugoslavia, and he asked whether
19 the rebel group would allow Serbian forces to access a certain part
20 of territory under the KLA's control in Junik. Abazi's response to
21 Holbrooke was 'the KLA wants peace, but that peace has to come with
22 freedom.' In other words, a ceasefire without a guarantee for
23 independence was not going to cut it. Besides, Abazi added, a
24 ceasefire is something that has to be discussed higher up the KLA
25 chain."

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1 Witness, do you recall this gentleman saying that peace had to
2 come with freedom at this meeting?

3 A. No, I do not recall any real substantive discussion.

4 Q. And do you recall him saying that a cease-fire is something that
5 had to be discussed higher up the KLA chain?

6 A. I recall only that he did not feel at liberty to speak for the
7 KLA, so he may have expressed it in the terms that the author of this
8 article suggested.

9 Q. And what made you understand that this individual did not feel
10 at liberty to speak for the KLA?

11 A. Because he just gave us slogans rather than analysis.

12 MR. PACE: Your Honour, we tender this article.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. MISETIC: No objection.

15 PRESIDING JUDGE SMITH: 00405207 to 00405219 is admitted.

16 THE COURT OFFICER: Thank you, Your Honour. This document will
17 be assigned P04492, which was a number previously assigned to another
18 document but then vacated by the Panel in its oral order of 2 October
19 2025.

20 PRESIDING JUDGE SMITH: Thank you.

21 THE COURT OFFICER: Classification is confidential currently.

22 MR. PACE: It can be public.

23 PRESIDING JUDGE SMITH: Reclassified as public, please.

24 THE COURT OFFICER: Thank you.

25 MR. PACE: We can take the document down.

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1 Q. Do you recall, Witness, attempting to meet KLA members on
2 26 June 1998, when you drove to the KLA's Kijevo checkpoint?

3 A. Yes, I do.

4 Q. And as you wrote in your memoire that we looked at yesterday,
5 there you hoped to meet the KLA and ask them to take you to their
6 leader; correct?

7 A. Correct.

8 Q. And you hadn't made any advance arrangements for such a meeting;
9 right?

10 A. No. I would like to say that this was Holbrooke's idea that I
11 should go out there and see if we could find some kind of contact
12 with the KLA. I was sceptical of it because this was a checkpoint,
13 and checkpoints are something you see a lot of during these
14 conflicts. But out of respect to Holbrooke, I said, okay, we'll go
15 out and see what we can do.

16 Q. As you also wrote in your memoire, using a technique you had
17 learned in Albania, you determined that the most senior person to
18 talk to at the checkpoint was the one with the most expensive pair of
19 sunglasses; correct?

20 A. I want to stress that I wrote this memoire to give as accurate a
21 view of what I was seeing in various parts of the world, and yes, but
22 that was not a very serious remark, that is, to look at people's
23 sunglasses and to determine their rank. It was more a comment that I
24 had seen elsewhere -- or that I had seen elsewhere that people better
25 dressed tend to be higher up in the ranks.

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1 So I'm a little sceptical of taking a comment in a memoire and
2 making it into this kind of evidentiary narrative.

3 Q. During your witness preparation session last week, you said that
4 at the checkpoint it was not the man with the sunglasses but a
5 different man who had some authority; right?

6 A. That's correct. So even this somewhat facetious explanation of
7 sunglasses didn't seem to work there.

8 Q. And you asked a soldier at that checkpoint to tell his
9 leadership that the United States wanted to be helpful to the people
10 of Kosovo, but that checkpoints and the prospect of conflict were not
11 conducive to such efforts; right?

12 A. That is correct.

13 Q. And around an hour later, a fighter approached you to explain
14 that his was a unit belonging to the Drenica command of the KLA, and
15 that was all he was authorised to tell you; right?

16 A. That is correct.

17 Q. This person also told you that you could leave but that your
18 driver could not; right?

19 A. That is correct.

20 Q. Your driver was Serbian; correct?

21 A. Correct. He worked for the US embassy in Belgrade, and the car
22 came from the US embassy in Belgrade.

23 Q. And KLA members at the checkpoint had taken your driver's
24 documents; right?

25 A. Correct.

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1 Q. KLA members at the checkpoint later reluctantly gave you your
2 driver's documents back when you asked for them; correct?

3 A. That is correct.

4 Q. And as you acknowledge in your memoire, it was reckless to drive
5 to a checkpoint and try to find a negotiating partner that way;
6 right?

7 A. I did it because Mr. Holbrooke suggested we should try it. In
8 retrospect, I think Mr. Holbrooke did not fully recognise the
9 potential danger that was involved, especially to the fact that we
10 had a Serbian driver.

11 Q. You testified about your vehicle being fired at in Shtime, and
12 that was on 28 July 1998; right?

13 A. It was not -- the vehicle was not fired at. We appear to have
14 taken some rounds that were being fired at the combatants. There was
15 a line of Serbian police behind which our vehicle had arrived. And
16 in a distant tree line, there were people firing at the Serbian
17 police.

18 When we turned that corner, this is just after the town of
19 Shtime, and we made a right turn, I do remember this, one of the
20 Serbian police motioned to us to get out, which I think, under the
21 circumstances, was rather good advice. As our driver turned, the
22 vehicle apparently took some rounds in the bumper area, which we only
23 discovered afterwards when we got back to safety.

24 Q. Understood. Do you recall whether that was on 28 July 1998?

25 A. I do not recall the date, but I'm sure that's an empirical

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1 question that I could look up.

2 Q. And you and the other persons with you on this occasion were on
3 another trip to try to find the KLA; right?

4 A. Yes, it was part of a long-standing effort to find someone who
5 could speak for a broader group in the KLA.

6 Q. And, again, you hadn't set up any meetings with KLA members in
7 advance of this trip; right?

8 A. My recollection -- my recollection was that the KLA in Likovc
9 was expecting us, and that, therefore, those -- there were -- there
10 was a meeting set up. What we did not anticipate was that there
11 would be this fire-fight in Shtime and that we would have to turn
12 back.

13 Q. And in your memoire, you acknowledge that this trip to find the
14 KLA might have been a bad idea. Why would that be?

15 A. I think any time you drive your car into a fire-fight and you're
16 an unarmed diplomat trying to interest people in an autonomy deal,
17 you're probably in the wrong location. So that is why I would
18 describe that as a bad idea, because the road was not safe. And we
19 realised that as we went through the town and no one was there, and
20 we especially realised that when we saw that there was shooting,
21 shooting that actually hit the back of the car.

22 Q. And Blerim Shala was with you on this occasion; right?

23 A. Yes. He was with us on that occasion along with Fehmi Agani,
24 who was the vice-president of the LDK.

25 Q. Do you recall Mehmet Hajrizi, the individual you discussed

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1 yesterday, also being there on this occasion?

2 A. No, I do not recall him being with us on this occasion. We had
3 Tina Kaidanow and Phil Reeker in the third seat of the Chevy
4 suburban. We had Blerim, I believe, Vetton Surroi and Fehmi Agani in
5 the second seat. There was an American driver who was a Foreign
6 Service officer, and me in the front seat. And there was no
7 security.

8 Q. You were heading towards Klecke when the incident in Shtime
9 happened; right?

10 A. I do not remember Klecke. I thought we were heading to Likovc.

11 Q. Do you remember heading to where you were heading because it was
12 where the General Staff of the KLA was located around the time?

13 A. We were trying to reach people in the KLA in Drenica, and we
14 were told that this was the best way to go. We subsequently decided
15 that was not the case. And when we made another trip there, we took
16 a more northerly route, but I would have to look at a map to
17 determine that.

18 Again, I would like to emphasise this was some 26, 27 years ago,
19 and I'm doing my best in terms of my memory of Kosovo geography.

20 Q. Of course.

21 MR. PACE: Could we please call up DHT12206-DHT12372 and turn to
22 page 12274. I believe this page has now been admitted as part of the
23 Defence tender yesterday.

24 Q. I'm going to read from the last three lines here. And, again,
25 just to orientate you, Witness, this is from the Blerim Shala

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1 interview which you've been shown several --

2 A. Yeah.

3 Q. -- excerpts of. And here we see -- sorry:

4 "... we headed south. And, as we got to Stimje, we turn
5 westward to head over to a place near Malisheve where the KLA was."

6 Do you recall that?

7 A. I recall being in Malisheve, but I don't recall that that was
8 the goal of where we were heading in our trip south-west from
9 Prishtine that took us through Shtime. So I don't recall Malisheve.
10 I do recall being there at one point and, of course, seeing some
11 destruction being carried out by Serbian security forces against
12 houses, villages in the vicinity, but I don't recall that that was
13 the same day.

14 MR. PACE: Let's take this item down, and, instead, let's please
15 call up SPOE00058041-00058445. And there let's please turn to the
16 page ending in 8041 -- or, rather, stay on that. That's the cover
17 page.

18 Q. And, Witness, just to orientate you for now, this is another
19 book by Blerim Shala, not the one containing your interview.

20 MR. PACE: Now if we could -- this is in Albanian. If we can
21 please, in this version, turn to the page ending 153. And then next
22 to it, we'll call up the corresponding English translation. So the
23 English translation is SPOE00058153-SPOE00058155-ET. And here on the
24 English we can also stay on this page, and I'm going to read from the
25 first line in the main text for now.

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1 Q. "The next day, that is on Tuesday, 28 July, we charged towards
2 Klecka where the KLA General Staff was located. Accompanying
3 Ambassador Hill were Mehmet Hajrizi, Hydajet Hyseni, Veton Surroi,
4 and I. However, as soon as we left Shtimje we faced shootings at the
5 Serb police roadblock. A bullet even hit the back of the American
6 armoured jeep. So, we had to turn back to Prishtina without carrying
7 out the job. There was fighting in all roads leading to the areas
8 controlled by the KLA."

9 MR. PACE: I'm going to continue reading from the second
10 paragraph of the next page in both, please.

11 Q. "Meeting the KLA officials in Likoc. On that Wednesday we made
12 our second trip to meet the KLA General Staff representatives."

13 So here, Witness, as you've seen or you've heard, Blerim Shala,
14 who you recalled was with you, noted that the direction you were
15 heading was towards the KLA where the -- towards Klecke where the KLA
16 General Staff was located. And then the second part of what I read,
17 he refers to the following day making a second attempt to meet KLA
18 General Staff representatives. Does that refresh your recollection
19 of the intention of this trip?

20 A. I recall making a second attempt by a different route. I don't
21 recall the name Klecke. I thought it was Likovc. But, again, I
22 yield to Blerim Shala on that matter.

23 The other slight discrepancy I see is when we encountered this
24 fire-fight that we had inadvertently gotten in the middle of, I
25 recall Fehmi Agani saying this is a Serb provocation, meaning that

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1 the Serbian forces were -- had started shooting in an effort to
2 dissuade us from going in that direction, that is, in an effort to
3 dissuade us from meeting with KLA. And I said to him it may have
4 been a provocation, but it was a successful one because we are not
5 going to go forward.

6 I think as a general comment I'd like to insert into this
7 narrative that this effort to go to places like Kijevo and places
8 like Shtime and on to wherever represented an effort to try to reach
9 people from the KLA because right through that period of time we did
10 not know who really spoke for the KLA. It was a source of continued
11 frustration to hear people say who was running things and then
12 subsequently to hear other people say no, it was someone else. And
13 it was a situation where you could not rely on others. You had to go
14 see for yourself.

15 I must say, though, going through essentially war zones for the
16 purpose of trying to get people to look at a piece of paper dealing
17 with autonomy in retrospect seemed rather dangerous.

18 Q. And as you saw or heard me read out here, Blerim Shala mentions
19 that Mehmet Hajrizi was with you on this occasion in Shtime. Does
20 that refresh your recollection?

21 A. I don't recall that.

22 MR. PACE: And, Your Honour, we tender the pages shown from this
23 item, which is the one ending 58041 in Albanian only, and then the
24 pages ending 58153 to 58154 both in Albanian and English.

25 PRESIDING JUDGE SMITH: Any objection?

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1 MR. MISETIC: I have no objection. I just was confused by
2 the -- by what the tender is.

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MR. MISETIC: Yeah, because he's offered two Albanian versions.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Could you go over it a little slower, Mr. Pace?

7 MR. PACE: Of course. So the tender is as follows: From item
8 SPOE00058041-00058445, we tender the first page, the cover page,
9 which is the one ending 58041; and then pages 58153 to 58154, which
10 covers the excerpts shown. That's the Albanian tender.

11 And in English, we don't have the cover page translated, so all
12 I'm tendering are the two pages shown, and those are from
13 SPOE00058153-SPOE00058155-ET, only the first two pages of that.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. MISETIC: Yes, it's clear now. I have no objection.

16 PRESIDING JUDGE SMITH: SPOE00058041 to 00058445, plus the cover
17 page, plus 58153 to 58154 in the Albanian, plus the English
18 translation, which is 000 - I hope I'm right on this, Mr. Pace -
19 58153 to 00058155.

20 MR. PACE: For the English, just the first two pages of that
21 item, so 53 and 54. And that's correct.

22 THE COURT OFFICER: Thank you, Your Honours. Those three pages
23 in Albanian and two pages from English translation will receive
24 Exhibit P04507. Classification is public.

25 MR. PACE: Your Honour, I see the time. I think it's time for a

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1 break.

2 PRESIDING JUDGE SMITH: We have a regularly scheduled half-hour
3 break right now. So please relax for a half hour and we'll see you
4 back here at 11.30. You may leave.

5 [The witness stands down]

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

7 --- Recess taken at 11.01 a.m.

8 --- On resuming at 11.31 a.m.

9 PRESIDING JUDGE SMITH: Please bring the witness in.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: We continue now with the questions from
12 Mr. Pace from the SPO.

13 Go ahead, Mr. Pace.

14 MR. PACE: Thank you, Your Honour. We can -- actually, we can
15 keep those there, the documents.

16 Q. Witness, the meeting you testified about with KLA members in
17 Likoc, Drenica, was on the day right after the Shtime incident we
18 were just discussing; right?

19 A. Okay.

20 Q. I take it you agree with me?

21 A. To the best of my knowledge, yes.

22 Q. As you told Blerim Shala during your interview with him, and as
23 you confirmed yesterday during testimony, when you were on your way
24 to Likoc that day, you were met by a KLA escort which escorted you to
25 the KLA headquarters in Likoc; right?

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1 A. I don't recall so, but it makes sense as we did not have an
2 escort the day before or the time before when we went through Shtime.
3 So I think it makes sense that we would have an escort. But I want
4 to stress that this is 27 years ago, and I do not recall the presence
5 of an escort.

6 Q. As you note in your memoire, the KLA members you spoke to in
7 Likoc wore camouflage uniforms with KLA insignia; right?

8 A. That I do recall, yes.

9 Q. You testified yesterday about Rexhep Selimi being at this
10 meeting in Likoc. Rexhep Selimi welcomed you to the meeting; right?

11 A. I recall him being there, and I assume that since he was there
12 he welcomed us, but I do not recall specifically a welcome.

13 Q. During that meeting, Rexhep Selimi stated that, in principle,
14 the KLA General Staff was of the opinion that it was time to
15 establish the new Kosovo government. Do you recall that?

16 A. I recall that he and others had tried to direct our interests to
17 the issue of the composition of a Kosovo governance. I also recall
18 that we -- and I specifically was less interested in that subject
19 than I was in who could participate in a negotiation on the issue of
20 Kosovo -- of restored autonomy for Kosovo.

21 So to summarise, the interest as to who participated in the
22 governance of Kosovo seemed to be an issue of great importance to the
23 Albanian side, less importance to those of us representing the US
24 government.

25 Q. Do you recall whether at this meeting Rexhep Selimi said the KLA

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1 did not recognise the 22 March elections and the president and
2 assembly that came out of those elections?

3 MR. ROBERTS: Your Honour, if I could -- just before that
4 question is answered, if I could object to, I believe, where this
5 line of questioning is going and possibly outside the presence of the
6 witness. Although I leave that up to you. It's merely that I
7 believe this goes outside the scope of permissible Prosecution
8 cross-examination. This appears to relate to aspects which don't
9 fall within the pre-trial brief or the case as charged.

10 PRESIDING JUDGE SMITH: Do you want to make more of a record?

11 MR. ROBERTS: I would, yes, Your Honour.

12 PRESIDING JUDGE SMITH: All right.

13 MR. ROBERTS: Very briefly. But I believe at this point, in
14 relation to our prior litigation, it is something I need to do.

15 PRESIDING JUDGE SMITH: Mr. Witness, you'll have to step outside
16 for just a moment while we say some things --

17 THE WITNESS: Sort that out.

18 PRESIDING JUDGE SMITH: -- outside of your presence.

19 THE WITNESS: Okay.

20 [The witness stands down]

21 MR. ROBERTS: Thank you, Your Honour. I know time is short, so
22 I'll be as brief as possible.

23 Obviously, as you're aware, we filed a motion before the Defence
24 case started expressing our concern that the Prosecution may seek to
25 introduce evidence which we say should not be introduced at this time

1 because the Prosecution case has closed.

2 The only allegation in relation to Mr. Selimi and this meeting
3 is in paragraph 270 of the Prosecution pre-trial brief, which states
4 that:

5 "During the Indictment Period, Likoc/Likovac also hosted
6 meetings between internationals and KLA members such as [Mr.] Thaci,
7 [Mr.] Krasniqi, [Mr.] Selimi, and Sylejman Selimi."

8 So we're not contesting, obviously, that it's part of the case
9 that the meeting was held, but the words that Mr. Selimi spoke at
10 those meetings in relation to what his personal belief is, that, if
11 it was an allegation against Mr. Selimi, should have been
12 specifically alleged in the pre-trial brief by the Prosecution.

13 If they are seeking to rely on that evidence of what Mr. Selimi
14 said, it therefore should have been notified to us, and we suggest as
15 it wasn't, it shouldn't be allowed as part of cross-examination.

16 MR. PACE: Your Honour, this is a meeting which the witness
17 testified at length about yesterday, including specifically specific
18 interactions with Rexhep Selimi during that specific meeting in
19 Likoc. This falls entirely within the scope of direct examination.
20 It is also, as you don't need me to remind you, our right to ask
21 questions which go beyond that which are relevant to our case.

22 As counsel for Mr. Selimi pointed out, the meeting itself is
23 part of our case. I haven't heard any jurisprudence backing up the
24 claim that the specificity counsel is alleging would be required in
25 the PTB, in the pre-trial brief, would be required. That is not the

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1 case.

2 Furthermore, putting aside the relevance to our case, because
3 the witness testified about this incident in direct examination, it
4 is fully within our rights to test his knowledge about other things
5 that were said at this meeting and explore it with him. We've also
6 heard nothing as to prejudice in terms of being allowed to elicit
7 this information. If it's elicited and there's something prejudicial
8 about it later on, counsel for Mr. Selimi can certainly argue. But
9 at the moment, all we are doing is testing or checking what the
10 witness does and does not remember in relation to this meeting.

11 [Trial Panel confers]

12 PRESIDING JUDGE SMITH: At this time, the objection is
13 overruled. We will continue.

14 You may continue with your line of questioning.

15 Bring the witness in, please.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Go ahead, Mr. Pace.

18 MR. PACE: Thank you, Your Honour.

19 Q. Witness, during the meeting we're discussing, which is, again,
20 to situate you --

21 A. Yeah.

22 Q. -- in Likoc in 1999, in July, you testified about Rexhep Selimi
23 being present. Do you recall whether at that meeting Rexhep Selimi
24 said the KLA did not recognise the 22 March elections and the
25 president and assembly that came out of those elections?

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1 A. I do not recall that. I would say that references to that were
2 not relevant to what I was doing but was further evidence that the
3 KLA wanted to be a part of this governance. I might add, governance
4 in Kosovo that was unrecognised by the rest of the world.

5 Q. I'm going to refer you to an item. It's already on our screens
6 because it's the item we were discussing before the break. And just
7 to remind you, this is from Blerim Shala's book. Not the one with
8 your interview, another book by Blerim Shala.

9 MR. PACE: And if the Court Officer could -- yes, we're on page
10 154. If we could scroll to the bottom, please. And I'm going to
11 read from in English the last four lines. It should be around the
12 same in Albanian.

13 Q. And here, Blerim Shala is talking about the 29 July 1998 meeting
14 at KLA Drenica headquarters, which would be Likoc. And Blerim Shala
15 writes as follows --

16 PRESIDING JUDGE SMITH: This page is -- this page is in --

17 MR. PACE: Sorry, this page is already in evidence. I'm going
18 to start --

19 PRESIDING JUDGE SMITH: But they're different numbers is what
20 I'm saying. You call it 154.

21 MR. PACE: It is 154, Your Honour, I believe. If the
22 Court Officer could scroll down in English --

23 PRESIDING JUDGE SMITH: It says 122 and 12 --

24 MR. PACE: Yes, 122 is the page on the book. 154 is the page on
25 the ERN.

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1 PRESIDING JUDGE SMITH: Oh, okay. You didn't say that.

2 MR. PACE: I apologise. And to note, this page is already in
3 evidence. I'm going to start on this page and read into the next
4 one.

5 Q. So here Blerim Shala writes:

6 "Following welcoming words by Rexhep Selimi, Ambassador Hill
7 took the floor. In his presentation Hill underlined among other
8 things that now the Kosovo issue has captured the utmost interest of
9 the US Administration and the whole West, also as a result of the KLA
10 resistance."

11 That far, does that reflect your recollection, Witness?

12 A. No, it does not.

13 Q. And what about that does not?

14 A. I don't recall saying that "as a result of the KLA resistance."

15 Q. Let's look at --

16 A. It would not make sense that I said that. I would also -- at
17 the risk of editorialising, Blerim Shala seems to -- his writing
18 seemed to be to the Kosovo war what Thucydides was to the
19 Peloponnesian War. I'm not sure I quite accept that, but please
20 continue.

21 Q. Seeing that I'm unfamiliar with the Peloponnesian War, I won't
22 go into that.

23 PRESIDING JUDGE SMITH: Probably best not to go into
24 editorialising on some of these questions.

25 THE WITNESS: Okay. That's good advice. But I just -- I'm a

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1 little surprised to be quoted by -- in things that I have absolutely
2 no recollection of saying.

3 MR. PACE:

4 Q. Witness --

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MR. PACE:

7 Q. And just to make sure we're all on the same page, although he is
8 referring to what you have said, this is not the book which contains
9 your interview with him.

10 A. Yeah.

11 Q. I just want to make sure that's clear.

12 A. All right.

13 MR. PACE: If we can go to the next page on both versions,
14 please, and this is the page ending in 55.

15 Q. I'm going to read from the third paragraph, and this continues
16 Blerim Shala's account of the meeting:

17 "'We do not recognise the 22 March elections.' In his response,
18 Rexhep Selimi said among other things that, in principle, the KLA
19 General Staff was also of the opinion that now it is time to
20 establish the new Kosovo Government. However, Selimi was direct with
21 regard to where KLA stood in relation to the structures that had come
22 out of 22 March elections: 'We do not recognise the 22 March
23 elections, we do not recognise the President and Assembly that came
24 out of these elections,' underlined Selimi. In addition, according
25 to him, there should be no place in the new government for

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1 compromised Kosovan politicians, although he did not specify who he
2 meant. Then, Rexhep Selimi said that Mehmet Hajrizi's proposal would
3 be taken into consideration by the KLA General Staff and the response
4 to this offer shall come in a week."

5 Does this reflect your recollection of the meeting?

6 A. I have no recollection of this issue. I took it as part of
7 their internal politics. And I'm assuming that the March 22
8 elections were elections conducted by the LDK that resulted in
9 Rugova's re-election as president. But I want to emphasise, I don't
10 know. This was not really in my -- this was not in my field of
11 vision. I was working on an autonomy plan and trying to get the KLA
12 to participate in a dialogue about the autonomy plan.

13 Q. What Blerim Shala writes in the last sentence about
14 Rexhep Selimi saying the General Staff would take it into
15 consideration, the proposal at the meeting, and get back to you in a
16 week, that is consistent with your testimony yesterday; right?

17 A. Yes, that is. And that has to do with the autonomy plan. Yes.

18 Q. And in your answer just now, while you told me you have no
19 recollection of this issue, you then said:

20 "I took it as part of their internal politics."

21 A. I'm talking about these March 22 elections.

22 Q. Do you recall those elections being discussed with you by KLA
23 members at any point?

24 A. Today, I cannot recall those elections being discussed. I do
25 recall that the people who were outside of the LDK and, therefore, in

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1 the KLA did not recognise these elections, which they felt resulted
2 in their exclusion and excessive inclusion of the LDK.

3 MR. PACE: Your Honour, the preceding page has already been
4 tendered as part of P04507. We seek to tender this page,
5 SPOE0058155, and that could be added to P04507.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. ROBERTS: Yes, Your Honour. We would object to this,
8 obviously, for the reasons that I've previously given in the absence
9 of the witness. This directly relates to an allegation against
10 Mr. Selimi that doesn't figure in the pre-trial brief and doesn't
11 form part of the Prosecution case in any shape or form to our
12 knowledge.

13 Also, the response of the witness was very clear. He has no
14 knowledge of this. I don't think he could be clearer. The fact that
15 the Prosecution has introduced a couple of other aspects of it, which
16 were already part of his examination-in-chief, to show that certain
17 small snippets might be consistent with his testimony, the central
18 paragraph that was read out is not something that he has any
19 recollection of and, as a consequence, should not therefore be
20 admitted.

21 MR. PACE: Your Honour, if I may respond.

22 PRESIDING JUDGE SMITH: Yes.

23 MR. PACE: Thank you.

24 This should be admitted. Admitting this would be consistent
25 with your prior decisions during the Thaci Defence case in relation

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1 to how and when items can be admitted by the Prosecution when
2 cross-examining. And in particular, this item clearly relates to a
3 matter that the witness discussed during direct examination. He also
4 is familiar and authenticated at least part of the excerpt put to
5 him.

6 And, moreover, what the witness does and does not recall about a
7 particular meeting is relevant to the Panel's assessment of the
8 witness's evidence in that regard. So as with previous instances
9 where you have overruled similar objections from Defence counsel
10 because the witness says he doesn't remember certain things in an
11 item put to him, that is not a reason to oppose admission. That is
12 not a reason to reject admission thereof.

13 And may I point out, in terms of any prejudice being alleged by
14 the Selimi Defence, they are fully able to cross-examine further or
15 to make a request to do so should that need arise later.

16 PRESIDING JUDGE SMITH: The exhibit will be admitted and the
17 objection is overruled.

18 THE COURT OFFICER: Thank you.

19 MR. ROBERTS: Sorry, Your Honour, just one brief additional
20 point. Can I clarify whether that's admitted for the truth of what's
21 said or whether that's admitted in relation to the last point that
22 the Prosecution raised as in the -- I believe the reliability or what
23 the witness does or does not recall, because I would submit that at
24 most it could be for the latter. It can't be tendered and relied
25 upon for the truth of what Mr. Shala, not a witness here, has said in

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1 relation to that meeting.

2 MR. PACE: If I may, Your Honour, our tender, as with all other
3 tenders in this case, is for the truth of its contents and for other
4 matters including reliability. It is not now, with one week of
5 witnesses to go, that we should be re-inventing the wheel. We have
6 not gained the practice of limited tenders in this regard. So it is
7 as Your Honour will have ruled, because that's what you rule when you
8 admit all items, that it's admitted for all purposes.

9 And, again, counsel has not pointed to any jurisprudence or any
10 argument to support this allegation that this incident will have had
11 to be specifically notified in the pre-trial brief.

12 PRESIDING JUDGE SMITH: It will be admitted for all purposes.
13 Proceed.

14 THE COURT OFFICER: Thank you, Your Honour. Page SPOE0058155
15 will be added to the Exhibit P04507. Classification is public.
16 Thank you.

17 MR. PACE: We can take the two items on our screen down, please.

18 Q. And, Witness, you testified, in relation to Rexhep Selimi and
19 this meeting in Likoc that we've been discussing, that it was
20 frustrating to you that you were told you could meet someone who had
21 something to say about things. And in your interview with the Thaci
22 Defence, you noted that someone must have told you Rexhep Selimi was
23 the person to talk to. Is that correct?

24 A. Yes, that's correct.

25 Q. And so in advance of this meeting, someone would have said

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1 something along those lines to you; right?

2 A. Yes. As a backdrop, we, the United States government, was
3 interested in meeting with the KLA to bring them into a discussion or
4 negotiation over autonomy, and we were told that we could get some
5 clear answers on this from Mr. Selimi if we journeyed up to their
6 headquarters.

7 Q. Do you recall who would have provided that information?

8 A. I do not recall that.

9 Q. As you told the Thaci Defence during witness preparation last
10 week, you and others had heard that Rexhep Selimi was very senior; is
11 that correct?

12 A. I don't recall being told he was senior except that he had an
13 opinion that would be valuable to solicit.

14 Q. Let's call up the prep note, please, and we'll see if we can
15 work out what was said.

16 MR. PACE: And that is DHT12557-DHT12569, please. And there we
17 should turn to paragraph 8, and that is on the third page.

18 Q. So, again, Witness, to orientate you, this is a note of the
19 preparation meeting that you had with counsel for Mr. Thaci. I
20 believe it was Wednesday and Saturday last week. And this is --
21 we're going to focus on paragraph 8, which reads as follows:

22 "Regarding the meeting in Likovc in summer 1998, referred to in
23 paragraph 18," and that would be paragraph 18 of your interview in
24 July this year, "1DW-008," that's you, "recalled they had heard that
25 Rexhep Selimi was very senior, but 1DW-008 concluded he was more of a

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1 local guy from the Drenica crowd."

2 Does this paragraph accurately capture what you told the Thaci
3 Defence last week or not?

4 A. I'd have to see it. But certainly we understood that Selimi was
5 in a position to provide answers but that he was from Drenica.

6 Q. And is it correct, as stated here in the last clause of the
7 sentence, that you concluded he was more of a local guy from the
8 Drenica crowd then?

9 A. I believed given the failure to produce answers that he was
10 representing some opinions within Drenica.

11 Q. Understood.

12 MR. PACE: We can take the document down.

13 Q. And in your interview with the Thaci Defence that's from July
14 this year, is it correctly stated that you said prior to the meeting
15 with Mr. Selimi in July in Likoc you did not have any knowledge of
16 the KLA General Staff and who was in it; is that right?

17 A. That is accurate that I said that. And that is what I believe,
18 yeah.

19 Q. You testified that Tina Kaidanow, Veton Surroi, Blerim Shala,
20 Phillip Reeker were at this meeting with you, the one we are talking
21 about. Do you recall Drenica zone commander Sylejman Selimi being
22 there?

23 A. I'm sorry, the same Selimi we've just been talking about?

24 Q. No, but I understand the confusion. We've been talking about
25 Rexhep Selimi, one of the accused in this case. I am now asking

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1 whether, along with Rexhep Selimi, there was Sylejman Selimi - same
2 surname, different first name --

3 A. Okay.

4 Q. -- who was the Drenica zone commander.

5 A. I do not recall meeting him.

6 Q. Do you recall whether at this same meeting there was the Drenica
7 deputy zone commander Sami Lushtaku?

8 A. I do not recall that name.

9 Q. Do you recall Bislim Zyrapi being at this --

10 A. I do --

11 Q. -- meeting?

12 A. -- not recall that name.

13 Q. Did you ever hear the name Bislim Zyrapi in 1998 or 1999?

14 A. Zyrapi did you say?

15 Q. Yes, Bislim Zyrapi.

16 A. I don't recall these names. I'm sorry.

17 MR. PACE: Let's please call up P01264 alongside P01264-ET. And
18 there, let's go to pages in both language versions ending 128674,
19 please.

20 Q. And, yes, while we have the cover page on the screen, I can
21 orientate you. This is from a book by a person, as you can see,
22 called Nuhi Bytyqi, and we're going to look at an excerpt from there.

23 MR. PACE: And to repeat, it's page ending 128674, specifically
24 on the second paragraph.

25 Q. So I'm reading from the second paragraph, and I'm starting from

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1 the date: "On 29 July 1998 ..."

2 You can follow on your screen or listen as I read:

3 "On 29 July 1998 I happened to be in the Drenica, in Likoc. I
4 found out that the American diplomat Christopher Hill was coming to
5 have talks with part of the General Staff of the KLA. This was the
6 first meeting within Kosovo by a senior American diplomat with
7 representatives of the General Staff of the KLA."

8 MR. PACE: Let's now turn to the next page in both, please.

9 Q. And I'll read from the top, talking about the same meeting:

10 "The meeting was held in Likoc in the headquarters of the
11 Operations Staff of the Drenica Operational Zone. The American
12 ambassador in Skopje, Christopher Hill, accompanied by the
13 representative of the US Office in Kosovo, Tina Kaidanow, took part,
14 as did the following from the General Staff of the KLA;
15 Rexhep Selimi, Head of the Operational Directorate of the KLA,
16 Bislim Zyrapi, Deputy Head of the Operational Directorate of the KLA,
17 Sylejman Selimi, Commander of the Drenica Operational Zone,
18 Sami Lushtaku, Deputy Commander of the Drenica Operational Zone, and
19 Shaban Shala, a member of the headquarters of the Drenica Operational
20 Zone. Hashim Thaci and Jakup Krasniqi were not there. From
21 Prishtina with Ambassador Hill had come Mehmet Hajrizi,
22 Hydajet Hyseni, Blerim Shala, and Veton Surroi."

23 And, Witness, does that refresh your recollection as to the
24 attendees at this meeting?

25 A. I have no recollection of these attendees apart from

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1 Rexhep Selimi. I might add that Tina Kaidanow worked for me and was
2 not the representative of the US office in Kosovo.

3 Q. And in your recollection of the people who were at this meeting,
4 do you recall Rexhep Selimi being the only one representing the KLA
5 or were there others on his side of the table, let's say?

6 A. There were others on his side of the table, but I don't recall
7 being introduced to them or having them speak.

8 MR. PACE: And we can take this document down.

9 Q. Witness, do you recall returning to meet with KLA members in
10 Likoc the next or a few days after this meeting, and on that occasion
11 meeting with Rexhep Selimi once again, this time joined by
12 Hashim Thaci?

13 A. I'm sorry, I do not recall that.

14 Q. So to your recollection, the first time you met Hashim Thaci was
15 many months later in November 1998 in Dragobil; is that right?

16 A. As I sit here today, I don't recall other meetings before that.

17 MR. PACE: The page turning is good. It means less questions.

18 Q. Now, let's focus on the Dragobil meeting in November 1998. You
19 just said you don't recall meeting Hashim Thaci before. Could you
20 clarify whether you had any contact with him whatsoever before
21 November 1998.

22 A. I do not recall having direct contact. I do recall people
23 mentioning his name as someone I should meet. Again, I want to
24 stress my interest was in talking to people who would engage on our
25 document.

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1 Q. The summary of your interview with the Defence in July
2 concerning this Dragobil meeting in November states that you
3 mentioned there was a man at the meeting who had a reputation for
4 being involved in shootings. And my question is whether that would
5 be the same person you told Blerim Shala wanted to bring his gun into
6 this November 1998 meeting?

7 A. The person who come in there with his gun was -- did not appear
8 to be a very senior person, but I could see he was not just some kind
9 of bodyguard or something. But I did not want to have any guns
10 inside the house.

11 Q. And do you recall telling the Thaci Defence in July that this
12 man had a reputation for being involved in shootings?

13 A. If they said I did, then I must have done that, but I don't
14 recall that, actually, as a reputation. I don't think I was
15 interested in meeting with people who were shooting people, so I'm a
16 little puzzled by that.

17 Q. And just to be fair, I will read from the paragraph --

18 A. Yeah.

19 Q. -- which is paragraph --

20 A. Thank you.

21 Q. -- 26. And you're talking about the November 1998 meeting --

22 A. Yeah.

23 Q. -- and the last sentences read:

24 "There is a picture of Hill and Thaci from their meeting in the
25 safehouse."

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1 A. Yeah.

2 Q. "There was another man present too, who had a reputation for
3 being involved in shootings. When you met Thaci, you really did not
4 feel like you were in the presence of a killer."

5 Do you recall saying that bit about --

6 A. Yes, I recall saying I did not feel I was in the presence of a
7 killer, but I don't recall making a comment about someone that didn't
8 know, that is, the person who was -- who had a gun that I asked him
9 to leave outside.

10 MR. PACE: If we could please call up P01086, and this is a
11 video. And side by side with it we can call up the English
12 translation. We're not going to call up the currently admitted
13 translation, because we've recently requested that the Panel replace
14 this with a revised version. So the English translation is
15 061427-03-TR Revised-ET.

16 MR. MISETIC: Mr. President, if I could just seek a
17 clarification. Page 67, line 8, I don't believe it's accurately
18 recorded, but I don't want to pre-judge. If that could be clarified.

19 MR. PACE: I know what you're saying.

20 Q. Witness, just at the moment the transcript reads as follows:

21 "When you met Thaci" --

22 I was reading to you:

23 "When you met Thaci, you ... did not feel like you were in the
24 presence of a killer."

25 And I said do you recall saying that. At the moment, it's on

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1 the transcript:

2 "Yes, I recall saying that I did feel like I was in the presence
3 of a killer ..."

4 Is that correct or not?

5 A. I'm sorry, say that again?

6 Q. Was your answer earlier that you did feel like you were in the
7 presence of a killer or that you did not?

8 A. Did not.

9 Q. Thank you.

10 MR. PACE: That clarifies, counsel.

11 Q. Yes. So, Witness, we're going to have a look at this video.
12 The English translation is on the right-hand side.

13 MR. PACE: But for now, we're not actually going to play the
14 sound, so it could be muted. And I'd like to start from the
15 beginning, so 00:00, and let's kindly pause at 00:23.

16 [Video-clip played]

17 PRESIDING JUDGE SMITH: We're still on Exhibit 1264, correct?

18 MR. PACE: No, this is Exhibit P01086, the video.

19 PRESIDING JUDGE SMITH: I'm sorry.

20 MR. PACE: And if we can pause at 23 seconds.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. PACE: Yes, we correctly paused there. I apologise,
23 Your Honour. Yes, we've now moved on to a video. It's P01086.

24 Q. And, Witness, in this video we -- are you familiar -- does it
25 location look familiar to you?

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1 A. No, it does not. I mean, this looks like it was in Kosovo,
2 though.

3 Q. And does the man that we saw carrying a gun, does he look
4 familiar to you?

5 A. No. I saw Hashim Thaci earlier, but I don't see the other
6 people.

7 MR. PACE: Let's keep playing again with no sound, and let's
8 pause at 00:30 at this time.

9 [Video-clip played]

10 MR. PACE: Actually, can we pause now.

11 Q. We saw -- thank you. We paused now. We saw that this man now
12 on the screen essentially on his own, with the car in the background,
13 he's the one with a gun. Does he look familiar?

14 A. I don't recall. I was inside the building. I did not greet
15 them outside.

16 Q. Okay.

17 MR. PACE: Let's go on until 00:30.

18 [Video-clip played]

19 MR. PACE: Pause.

20 Q. And do you recognise the person in the shirt?

21 A. Yes.

22 Q. Who is that?

23 A. I don't recall his name, but he worked for the United States
24 Government, and that's as specific as I can be.

25 MR. PACE: And let's continue and pause at 00:40.

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1 [Video-clip played]

2 THE WITNESS: I just saw Shaun Byrnes there as well.

3 MR. PACE: Yes, we'll pause here.

4 Q. And is Shaun Byrnes the same person on your screen now?

5 A. Yes.

6 Q. And does the location look familiar?

7 A. No. I went to that -- I think this is the meeting with me, and
8 I went immediately inside the building. I did not greet them
9 outside.

10 MR. PACE: Let's continue until 00:43, please, so just three
11 more seconds.

12 [Video-clip played]

13 MR. PACE: We can pause there.

14 Q. And is that you, and could you tell us who is to your left?

15 A. To my left is Jonathan Levitsky, who is a lawyer who was one of
16 the primary wordsmiths on the document, on the autonomy document. He
17 worked for the policy planning staff in the State Department and
18 worked for Jim O'Brien.

19 Q. Thank you.

20 MR. PACE: And let's continue until 00:47, please.

21 [Video-clip played]

22 MR. PACE: That's good.

23 Q. Do you recognise these two individuals?

24 A. I think that is Jakup Krasniqi sitting in the middle. And I
25 don't -- I don't recall the name of the person to his right. And to

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1 his left, I believe, as you came in -- as -- I think that was Thaci.

2 Q. Let's have a look.

3 MR. PACE: And we can continue and stop at 52.

4 [Video-clip played]

5 MR. PACE:

6 Q. Is that Hashim Thaci?

7 A. Yes.

8 MR. PACE: And let's next stop at 57, please.

9 [Video-clip played]

10 MR. PACE:

11 Q. And the individual on the left you've already identified. Could
12 you identify the man in the middle and then the person on the right,
13 please.

14 A. You know, the man in the middle I knew. I think he was perhaps
15 in our -- from our office in Prishtine. If someone said his name,
16 I'd probably be able to confirm that. And that was Tina Kaidanow
17 over on the side.

18 MR. PACE: Now I would like to go back to 00:50, and this time
19 with sound play from 00:50 to 00:58, and we can see the corresponding
20 transcript in English if we scroll down in the ET. That's good.
21 There's no Albanian transcript. The words are spoken in English. So
22 we can play with sound.

23 [Video-clip played]

24 "Which one?

25 "The officer standing in the door. He's the zone military

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1 commander.

2 "Okay."

3 MR. PACE: I think we need to go back perhaps a little more. If
4 we can do perhaps from 46.

5 THE WITNESS: Whose voice is that, if I can ask?

6 MR. PACE: I won't testify --

7 THE WITNESS: Okay.

8 MR. PACE: -- but let's go over this.

9 [Video-clip played]

10 MR. PACE: So if we can play from --

11 [Video-clip played]

12 "This is Commander Celik.

13 "Which one?

14 "The officer standing in the door. He's the zone military
15 commander.

16 "Okay."

17 MR. PACE: So we can pause. Thank you.

18 Q. And I'm not sure if you heard, but here the exchange was as
19 follows:

20 "This is Commander Celik."

21 And then you say: "Which one?"

22 And then the unidentified person says:

23 "The officer standing in the door. He's the zone military
24 commander."

25 And then you say: "Okay."

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1 Do you recall the commander Celik being introduced or being
2 identified at this meeting?

3 A. I don't recall. But I do believe that's Shaun Byrnes's voice.

4 Q. Thank you.

5 MR. PACE: And let's please, from the same video, now play from
6 00:57 until 01:02, again with sound. And, again, the corresponding
7 translation is at the bottom of the current page in English.

8 [Video-clip played]

9 "Mr. Krasniqi, you've been on television a lot."

10 MR. PACE: We can pause here.

11 Q. So here we heard you say:

12 "Mr. Krasniqi, you have been on television a lot."

13 What had Mr. Krasniqi been doing on television when or if you
14 saw such televised appearances?

15 A. By that time, he had been described as a spokesman for the KLA.
16 He had been interviewed in a lengthy interview with CNN's
17 Christiane Amanpour.

18 Q. And prior to that interview with CNN -- first of all, actually
19 do you recall when that interview took place?

20 A. I do not recall, but it was in the -- it was in 1998, and it was
21 in the context of finding out who could speak for the KLA.

22 Q. And in the summary of your interview with the Thaci Defence in
23 July, it's reported that you say:

24 "CNN's Christiane Amanpour interviewed Jakup Krasniqi as a
25 spokesman of the KLA. A few days later, in November 1998, Hill met

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1 up with him in Dragobil ..."

2 Is that accurate? To your recollection, was the CNN interview a
3 few days before 6 November?

4 A. I don't know how many days, but it was before 6 November, and
5 that is why I made that comment, "you've been on television a lot."

6 Q. In your memoire, you say, and this is in the context of where
7 you discussed the January 1999 meeting about the exchange of
8 prisoners:

9 "In Likove, we sat across the table from the 'KLA spokesman,' a
10 position I suspect had been created the moment our vehicle pulled
11 into the driveway."

12 Do you recall that part of your memoire?

13 A. I do, but I'm not sure I was accurate in my memoire because it
14 appears that he had spoken before we had this meeting, he had spoken
15 to Christiane Amanpour, so that would put it more than just a few
16 days. So I think my memoire with respect to the number of days prior
17 to meeting him was inaccurate.

18 Q. And to your knowledge, was Jakup Krasniqi already officially
19 acting as the KLA spokesman in the summer of 1998?

20 A. I am not in a position to say whether he was official or not,
21 but certainly he was self-described and described to
22 Christiane Amanpour as a spokesman.

23 MR. PACE: We can take the document down, both of them.

24 Q. Witness, I'm changing subjects slightly. In 1998 or 1999, did
25 you know whether Hashim Thaci was a member of the KLA General Staff

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1 political directorate?

2 A. At a certain point, he was described as a member of the
3 political directorate. I'm not in a position to tell you when that
4 came up, but it was at some point between -- at some point prior to
5 the Rambouillet negotiations.

6 Q. Do you know whether Hashim Thaci was one of the founding members
7 of the KLA?

8 A. I do not know whether he was a founding member. The fact that I
9 did not come across his name until later in the year suggests he was
10 not, but I am not in a position to confirm that.

11 Q. I understand. During the 6 November 1998 Dragobil meeting that
12 we've been discussing, of which we just saw a little video, you
13 submitted your proposed interim agreement, but Hashim Thaci did not
14 engage in negotiations because it was not a full-fledged commitment
15 to independence; right?

16 A. I don't know the reason, but he made clear that they were
17 seeking independence, and I don't know if that's why he did not
18 engage or whether there was some other reason. So I'm not in a
19 position to tell you why he did not engage.

20 MR. PACE: If we could please call up the summary of the
21 witness's interview with the Defence in July, which is
22 DHT12160-DHT12169, please.

23 Q. And, Witness, once again, on this occasion I'm going to take you
24 back to what is contained in the summary of your interview from July
25 and then ask you to clarify --

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1 A. Okay.

2 Q. -- or confirm.

3 MR. PACE: And it's at page DHT12164, paragraph 26, please, and
4 I'll read from the top of that.

5 Q. So here we see the following:

6 "At the time, the press was anxious to have a second Bosnia.
7 CNN's Christiane Amanpour interviewed Jakup Krasniqi as the spokesman
8 of the KLA. A few days later, in November 1998, Hill met up with him
9 in Dragobil, in Drenica valley, and he was with Hashim Thaci. Hill
10 submitted their proposed interim agreement. Thaci did not engage in
11 negotiations, because it was not a full-fledged commitment to
12 independence ..."

13 Do you recall saying that to the Defence?

14 A. I think I did say that, because the KLA -- no one had engaged on
15 this document because of the reason that it was not a commitment to
16 independence, and I presumed that that was his reason. But I just --
17 I cannot say I know what his reason was. It may have been he was not
18 authorised to do so. I just don't know. But this was a reasonable
19 estimate of why he did not engage, because it did not address their
20 core concern.

21 MR. PACE: We can take the document down.

22 Q. Witness, at this meeting, KLA members told you they would
23 deliver the remarks about the interim agreement to you in the future;
24 right?

25 A. Yes. I might add that they were seeking our recognition as an

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1 interlocutor, and we made very clear that if the KLA was going to be
2 a part of the process, they had to engage on the document concerned.

3 Q. And after your meeting in Dragobil, the KLA General Staff
4 rejected the proposed interim solution for the Kosovo issue; right?

5 A. I assume that's correct, but I would have to check. I want to
6 stress, we were not having much luck in terms of finding a KLA
7 interlocutor who could engage more broadly on what we were doing.

8 Q. As you put it in your interview with Blerim Shala, your contacts
9 with Xhavit Haliti, Rossin's and Holbrooke's contacts with Bardhyl
10 Mahmuti, Gelbard wanting to be involved, Shaun Byrnes doing stuff on
11 the ground, and the fact that Bill Walker and Byrnes would never talk
12 to each other, meant that you had too many cooks stewing the lunch;
13 right?

14 A. If we can accept that metaphor, yes.

15 Q. You testified about a perception that somehow you were too close
16 to the Rugova faction. My question is, that's a perception certain
17 KLA members had of you as well; right?

18 A. I think that was a perception that people not with Rugova had of
19 me, including some Americans as well.

20 Q. I'm going to change subjects, and now I'm going to turn to your
21 January 1999 meeting concerning the exchange of prisoners, and that
22 was touched upon briefly during your examination by counsel for
23 Mr. Krasniqi.

24 You testified about this meeting and you said Jakup Krasniqi was
25 there. There were others at this meeting; right?

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1 A. There were others, but I don't recall who. I might add, I was a
2 little surprised that I was dealing with him because he had been
3 described as a spokesman.

4 Q. And do you recall a first meeting about the exchange of
5 prisoners taking place on 11 January 1999 in Drenoc, Malisheve?

6 A. Prior to that meeting with Krasniqi?

7 Q. No, that being the meeting.

8 A. I recall that meeting.

9 Q. Do you recall that it was in Drenoc, in Malisheve?

10 A. I don't recall where it was, but I do recall being able to get
11 there without some of the problems we had had before.

12 Q. Do you recall Wolfgang Petritsch being present?

13 A. No, I do not. I recall Bill Walker being there. I recall Tina
14 Kaidanow there. And I recall Dana Atkins, who was a representative
15 to General Clark, was also there.

16 MR. PACE: Let's call up P01091-ET and P01091, please. And we
17 can stay on this first page.

18 Q. As you see, Witness, on your screen on the right it's going to
19 be in English. And it refers --

20 MR. PACE: If we can scroll back up a tiny bit in English,
21 please. Thank you. That's good.

22 Q. We see a reference to "Dr. Jakup Krasniqi, Book in course of
23 preparation, The KLA at the Rambouillet International Conference on
24 Kosovo and the NATO Bombings."

25 MR. PACE: And let's, within both language versions, turn to

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1 page ending 1062, please. And I'm going to read from the last
2 sentence going into the next page.

3 THE WITNESS: While we're waiting, "përpunim" means "in
4 progress"?

5 MR. PACE: That's what the SPO's translation says, yes.

6 THE WITNESS: Oh, okay. Good. All right.

7 MR. PACE: You're a better authority than me when it comes to
8 Albanian.

9 THE WITNESS: [Overlapping speakers] ... pleasantly surprised.
10 Oh, yeah.

11 MR. PACE: Yes, so I'm going to read from the very last sentence
12 on this page and then immediately go into the next page, please.

13 Q. I'm going to read and then I will ask you some questions.

14 "At this time not only were we in continual communication" -
15 next page - "with the KLA Operational Zones but also the
16 General Staff Meetings were more frequent for the reason that the
17 responsibility was very great. In these meetings the political
18 situation was analysed on the basis of the diplomatic meetings, we
19 monitored military morale, which was at a high level, monitored the
20 supply of arms (where we were having great difficulties) and rations,
21 as well as operational readiness in the ranks of the KLA; This
22 continued to be at a high level. In these meetings there were
23 wide-ranging and responsible discussions about the problem of the
24 Serb prisoners of war and what should be our counter-reply. After
25 many discussions, with arguments and counter-arguments, we decided on

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1 an exchange of the eight Serb soldiers, demanding the release of the
2 nine soldiers captured in the border zone in mid-December 1998. We
3 drew up our demand accordingly before going to the meeting already
4 scheduled for 11 January 1999 in the oda /guest room/ of Sadik (Jahe)
5 Morina, whose wife was later killed by Serb snipers. At the meeting,
6 on the international side were the American Ambassador in Skopje,
7 Christopher Hill, and the Austrian Ambassador Wolfgang Petritsch,
8 representing the EU, with a large number of colleagues. In Hill's
9 team there was also the present Head of the American Office in
10 Prishtina, Tina Kajdanova, who became the Ambassador after
11 independence. The meeting lasted more than five hours. During the
12 whole time we were in contact with the Head of the Political
13 Directorate and the other members of the KLA General Staff.

14 "As I said the meeting was held in the village of Drenoc i
15 Vllehve, in the Malisheva municipality. In the meeting were the
16 Western diplomats already mentioned, while the General Staff was
17 represented by Jakup Krasniqi, Sokol Bashota, Rame Buja, and
18 Adem Grabovci."

19 Now, Witness, does that refresh your recollection somewhat as to
20 the attendees at this meeting?

21 A. No. I don't recall Wolfgang Petritsch being there. I recall on
22 my left was Bill Walker, because this was supposed to be an
23 OSCE-arranged exchange, and it was to buttress, strengthen the OSCE's
24 role, and Walker was in charge of the OSCE as the Kosovo Verification
25 Mission. I just don't recall Petritsch there. If he were, he must

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1 have been then on my right, but I'm just not -- I don't recall.

2 I do recall, again, Colonel Dana Atkins and Tina Kaidanow, and
3 I'm sure there were other people there.

4 Q. I will be getting to some photos, so maybe we can resolve the
5 matter there.

6 A. Okay. Yeah, yeah.

7 Q. And focusing for now on another thing that Mr. Krasniqi wrote,
8 do you recall this meeting lasting more than five hours, or at least
9 lasting a while?

10 A. In the intervening 26 years, I've had many meetings around the
11 world. Usually I remember meetings that last five hours. I cannot
12 tell you I remember being in a five-hour meeting. I do know that it
13 was substantive and long. I just don't remember five hours.

14 Q. As we saw here, Mr. Krasniqi also writes that, during this
15 meeting, he and others were in contact with the head of the political
16 directorate and other members of the KLA General Staff. Do you
17 recall whether at this point in January 1999 you knew who the head of
18 the political directorate of the KLA General Staff was?

19 A. I don't remember if he said this and if he ever suggested he was
20 in touch with Mr. Thaci. I don't recall that at all.

21 MR. PACE: We can take this item down, and instead kindly call
22 up SPOE00130696 -00130696.

23 Q. Now, as promised, Witness, we see here a photo, and the
24 timestamp on the photo refers to 11/1/1999. Do you recognise anyone
25 in this image?

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1 A. Of course. Next to me is Wolfgang Petritsch. This looks like
2 that previous place where I met with Thaci. I think that is Krasniqi
3 in the middle. I don't know the two individuals to his left.

4 Q. Do you know the person in the front of the image?

5 A. I don't. Looks like an American working for the US Government.

6 Q. And you said that this looks like the previous place that you
7 met with Thaci. That would have been Dragobil in November that
8 you're referring to?

9 A. Yes.

10 Q. And do you recall Wolfgang Petritsch being in Dragobil with you?

11 A. I believe the photo, but I cannot recall that.

12 Q. Okay. What we see from the photo is, as you mentioned,
13 yourself, Wolfgang Petritsch, Jakup Krasniqi, and some others, and
14 the date being 11 January 1999. Do you recall whether this was the
15 occasion when you were discussing the release or the exchange of the
16 soldiers?

17 A. No, it was a different room. It was a more formal setup. A
18 larger room with a big table between us. This was not that meeting
19 at all.

20 Q. Do you recall whether after an initial meeting concerning the
21 exchange it was agreed to meet two days later, on 13 January, in
22 Likoc?

23 A. I'm sorry, I don't recall.

24 MR. PACE: We can take this item down. And instead, let's call
25 up the document we were looking at before, P01091-ET, P01091.

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1 Q. And, Witness, this is going to be another excerpt from
2 Mr. Krasniqi's book in progress.

3 A. Forthcoming. Yeah.

4 MR. PACE: And this time if we can turn to page SPOE00231064 in
5 both language versions, please.

6 Q. And in English, I'm going to read from the top of the page, from
7 "After a long discussion ..." Yes. So here we see:

8 "After a long discussion ..."

9 And here he's referring to a meeting about the exchange of
10 soldiers.

11 A. Yeah.

12 Q. "... we agreed that the next discussions, in which /William/
13 Walker would also take part, would be held at Likoc in the Drenica
14 area, in the building of the Operational Zone Headquarters, on
15 13 January 1999. The choice of Likoc had also its symbolic element.
16 Drenica was bearing the main brunt of the war, and conditions there
17 were the best for holding talks at this level in total security. The
18 talks required total security and had to be kept secure by the Kosovo
19 Liberation Army."

20 MR. PACE: I'm going to continue from the middle of the page,
21 from "The two delegations ..." So if we could go down a little.

22 Q. "The two delegations, with a large journalistic presence, had
23 come to Likoc at the scheduled time. From the internationals there
24 were: for the OSCE, /William/ Walker with a large number of
25 colleagues, the American side was represented by Christopher Hill

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1 with a colleague, while for the EU Wolfgang Petritsch and colleagues
2 and the French Ambassador in Skopje. The KLA General Staff was
3 represented by Jakup Krasniqi, Sokol Bashota, Rame Buja, and
4 Shaban Shala from the Drenica Operational Zone."

5 Do you recall a meeting in that formation soon after your first
6 one?

7 A. I'm sorry, I do not.

8 Q. Let's try with a photo again.

9 MR. PACE: And we can this down, and instead call up
10 SPOE00130702-00130702.

11 THE INTERPRETER: The Prosecutor is kindly requested by
12 interpreters to read more slowly for the purposes of interpretation.
13 Thank you.

14 MR. PACE: Certainly. I will try.

15 Q. Witness, we see here another photo. Could you tell us if you
16 recognise -- and we see the timestamp here is 13/1/1999. Could you
17 tell us if you recognise anyone in this photo.

18 A. Yes. First of all, I don't recognise the room. I don't believe
19 this is where I had discussions with Mr. Krasniqi. That looks
20 like -- the back of the head there looks like Wolfgang Petritsch
21 sitting there. Across from him is Bill Walker. That's Shaun Byrnes
22 standing up. I don't know who the gentleman is. He appears very
23 well dressed. And that's me with my eyes closed.

24 MR. PACE: And let's call up one other photo instead of this
25 one. SPOE00130703-00130703 please.

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1 Q. And I think you'll agree with me that this seems to be depicting
2 the same event, but it's from a different angle. Is there anyone
3 else you can identify in this image?

4 A. Well, to my left is Tina. To Tina's left is Phil Reeker. To
5 Phil's left, I don't know that well-dressed gentleman, but to his
6 left is Shaun, and, finally, Wolfgang sitting there. And I don't
7 know the gentleman off to the right of the picture. Oh, and that's
8 Bill Walker, of course.

9 Q. Thank you. Serb authorities had insisted the Serb prisoners be
10 released ten days before the KLA soldiers; right?

11 A. Right.

12 Q. And earlier, I believe you already testified that Jakup Krasniqi
13 took a hardline approach and he insisted on a simultaneous release;
14 right?

15 A. Correct.

16 Q. And William Walker was so upset with Mr. Krasniqi that he almost
17 walked out of the meeting at a certain --

18 A. Correct.

19 Q. The summary of your statement - we can take the image down -
20 says you don't have any recollection of Jakup Krasniqi using phones
21 at the time. And this is in the context of the meeting about the
22 exchange of prisoners. Do I understand that correctly to mean you
23 have no recollection of him using phones in your presence during this
24 meeting about prisoner exchange?

25 A. That is correct. I have no recollection of him using phones in

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1 my presence.

2 Q. As is also reported in the summary of your statement to the
3 Thaci Defence in July this year, during your meeting or meetings,
4 Jakup Krasniqi disappeared for a bit and then returned to the meeting
5 room. Again, the meeting concerning the exchange of prisoners.
6 Right?

7 A. That he disappeared and came back in?

8 Q. Yes.

9 A. I said that to the Thaci Defence people? Is that what you're
10 saying?

11 Q. Yes.

12 A. I have nothing to contradict that.

13 Q. To be in full fairness I can read the paragraph. It's from
14 paragraph 32.

15 A. Yeah.

16 Q. There is no need to call it up:

17 "Hill does not know who exactly in the KLA approved the release
18 of the VJ soldiers. He does not think it was Krasniqi since he came
19 in with a hardline view. As he recalls, Krasniqi disappeared for a
20 bit and came back. He thought he had received some instructions on
21 that, because he did not think he was that big of a deal. He has no
22 reason to believe that he would make such a big decision. Hill does
23 not have any recollection of Krasniqi using phones at the time."

24 Part of this was already put to you earlier. Does that capture
25 what you said in July?

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1 A. Yes. I would point out that cell phones were not ubiquitous at
2 those times, so I don't know what he did. I do recall by the end of
3 the meeting we still did not have an agreement.

4 Q. In your memoire, you describe Wolfgang Petritsch as
5 knowledgeable, intelligent, and all-around good diplomat --

6 A. Yeah.

7 Q. -- who knew the Balkans well; is that right?

8 A. That's correct.

9 Q. Do you know whether Wolfgang Petritsch was in touch with
10 Hashim Thaci about the exchange of prisoners?

11 A. You would have to ask him. I do not know directly. Or I do not
12 recall directly.

13 MR. PACE: Let's call up DHT03918-DHT03940-ET, please.

14 Q. And we see here --

15 MR. PACE: Yes, we can call up the German version as well. We
16 see here in the English-language version that this is a translation
17 of an interview with Dr. Wolfgang Petritsch. And let's please turn
18 to page 3940, the last page. And the English is sufficient for now.
19 And if we scroll to the bottom, we see here a reference to 5 January
20 2018 in Vienna.

21 And let's now go back to page, in the English, DHT03926-ET,
22 where I'm going to read from the first answer.

23 THE WITNESS: May I ask, what am I looking at? Is this an
24 interview with the press or what is this?

25 MR. PACE:

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1 Q. Yes. So this, as we saw in the first page, referred to an
2 interview with Dr. Wolfgang Petritsch. And the description, this is
3 an item that was provided to us by the Defence for Mr. Thaci, and it
4 refers to a book written by Faruk Ajeti. And I won't try to
5 pronounce the German name of that book. And it says that it contains
6 an interview with Dr. Wolfgang Petritsch. And the date of the book
7 is provided as 2022.

8 As we saw, according to this item, the interview with
9 Mr. Petritsch is dated 2018.

10 A. Okay.

11 THE COURT OFFICER: Can counsel please repeat the ERN of the
12 page.

13 MR. PACE: Yes, it's the correct one. It's 3926. We're there.

14 Q. So I'm going to read from, in English, the first question and
15 answer, or the first answer on this page:

16 "Dr. Petritsch: We identified Thaci as one of the political
17 leaders of the UCK relatively quickly in the course of 1998. I can
18 also remember that around January 10, 1999, in the course of the
19 negotiations on an exchange of Yugoslavian soldiers who had been
20 captured by the UCK, I received the okay for the proposal on how this
21 should proceed from Thaci by telephone. I had the advantage over
22 Chris Hill, the American mediator, and the head of the OSCE Kosovo
23 Verification Mission, William Walker, that I could speak German with
24 Thaci; his English was still rather fragile at the time. Thaci also
25 gave me proof that he had something to say in the UCK, which was

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1 important for the preparations for our negotiation process."

2 Were you aware Mr. Thaci gave Mr. Petritsch the okay for the
3 proposal on how the prisoner exchange should proceed?

4 A. I do not recall that I was. I just recall that they wanted
5 the -- Mr. Krasniqi wanted this on strict reciprocity. I don't
6 recall there was such a contact before.

7 Q. And you testified earlier that you don't believe it was
8 Jakup Krasniqi who you were speaking to in person who actually made
9 that decision; right?

10 A. Well, he seemed to be there perhaps in his spokesman role,
11 because I did not achieve any kind of give and take there. But I'm
12 not suggesting that I knew who was actually making decisions.

13 Q. And we saw that here Dr. Petritsch is reported as saying:

14 "We identified Thaci as one of the political leaders of the UCK
15 relatively quickly in the course of 1998."

16 Were you aware of that?

17 A. I am not aware of that. I don't know, is Ajeti a -- a magazine?
18 I don't know what this is.

19 Q. As I mentioned, this is from a book written by Faruk Ajeti. And
20 within this book we have this interview.

21 A. I see.

22 Q. Ajeti seems to be the Faruk Ajeti who published the book.

23 A. Okay.

24 MR. PACE: Your Honour, we tender the pages shown from this item
25 for admission. And those are DHT03918, both in German and ET; and

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1 then DHT03940, both in English and Albanian, that was the last page;
2 and, finally, the page we were just reading from, DHT03926-ET.

3 MR. MISETIC: Mr. President, we will object, but it'll take some
4 time. I would do it outside the presence of the witness, and it'll
5 have to be in private session, so I propose to do it at five minutes
6 to 1.00 so that we don't interrupt.

7 PRESIDING JUDGE SMITH: [Microphone not activated].

8 Mark those for identification, please.

9 THE COURT OFFICER: Thank you, Your Honour. Pages with ERN
10 DHT03918, English and German; DHT03940, English and German; and
11 DHT03926, English and German, will be marked for identification with
12 the number P04508. And classification is confidential. Thank you.

13 MR. PACE: Classification can be public.

14 THE INTERPRETER: Interpreter's note: All speakers are kindly
15 requested to pause between question and answer for the purposes of
16 interpretation. Thank you.

17 MR. PACE: We can take the documents down for now.

18 Q. I'm going to change subjects slightly, Witness, and I want you
19 to focus to the period just before the Rambouillet conference.

20 Just before that conference, Jakup Krasniqi publicly stated that
21 at Rambouillet, the KLA would propose a referendum on Kosovo's
22 independence after the expiry of any interim period. Do you recall
23 that?

24 A. I don't recall that, but it does make sense that they would have
25 said that.

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1 Q. And just before the Rambouillet conference, Jakup Krasniqi
2 publicly stated that at Rambouillet, a KLA representative should head
3 the Kosovo Albanian delegation; right?

4 A. I don't recall that. I have no doubt that was their view, but
5 that was not how we saw it.

6 Q. At the beginning of the Rambouillet conference, you publicly
7 stated that the Albanians had to stop talking about independence;
8 right?

9 A. I don't recall making such a statement except to say they needed
10 to engage on the documents that were the subject of the conference
11 and not on some other hoped for result.

12 MR. PACE: And we could call up 065781-065786, please. And we
13 see here that this is -- it refers to AP, the *Associated Press*. And
14 it's titled "France: Chairmen of Peace Talks Heckled By KLA
15 Supporters."

16 And if we can turn to the next page, please. We see it refers
17 to Rambouillet, France, February 6th, 1999.

18 And then if we can turn to page 065784 and scroll down a little
19 bit.

20 Q. Here we see the following at the very top of our page:

21 "The chief negotiator for the conference is Christopher Hill,
22 the US ambassador to Macedonia, who has been shuttling between the
23 parties for months.

24 "He said he expected both sides to compromise."

25 And then it says "Soundbite," in English, and there's a quote:

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1 "'The Albanians have to stop talking about independence, the
2 Serbs have to got to stop talking about the status quo and we have to
3 find something in the middle. I think there is a powerful incentive
4 to do that, the situation needs a political solution. Every day
5 people are getting killed and the situation has got to be changed and
6 fast.'"

7 And then it says:

8 "Super caption: Christopher Hill, Chief Negotiator."

9 Do you recall saying something on those lines at the time at the
10 outset of the conference?

11 A. I don't recall this actual statement, but it certainly reflects
12 my view and the view of my government that the parties needed to
13 start looking for ways to talk to each other rather than stating
14 their own views. So I lay out -- in that statement, I apparently lay
15 out the fact that the Serbs just wanted the status quo, and the
16 Kosovo Albanian side wanting independence, and that clearly we're
17 going to have to meet somewhere in the middle. So that makes perfect
18 sense.

19 MR. PACE: And I tender this item, Your Honour.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. PACE: I tender this item, Your Honour, 065781-065786. It
22 can be public.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: No objection.

25 PRESIDING JUDGE SMITH: 065781 to 065786 is admitted.

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1 THE COURT OFFICER: Thank you, Your Honour. That document will
2 receive Exhibit P04509. And classification is public.

3 MR. PACE: We can take the document down.

4 Q. Witness, KLA members, including Hashim Thaci, had made their
5 position on independence clear months before February 1999; right?

6 A. Correct.

7 Q. Do you recall, in October 1998, international media quoting
8 Hashim Thaci as a KLA representative saying that the KLA will punish
9 any individual or group which dare sign an agreement contrary to the
10 will of the people expressed in a 1991 referendum?

11 A. I don't recall that.

12 Q. Do you recall information that Hashim Thaci and his colleagues
13 would never support a political solution without some explicit
14 reference to independence in the final document, and this being said
15 prior to November 1998?

16 A. I don't recall that, but it does not surprise me.

17 Q. Towards the end of the Rambouillet conference, specifically on
18 18 February 1999, you publicly acknowledged that the KLA was going to
19 have to make tough choices; right?

20 A. That is correct.

21 Q. And you stated that it was certainly not easy for people in the
22 KLA who had been out in the forest, out in the woods fighting for
23 independence, which they were not going to get a Rambouillet
24 agreement; correct?

25 A. Yes, I think it was in the context of any time someone comes to

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1 a negotiations, it's always difficult to arrive at a conclusion that
2 was not the one they arrived at before.

3 Q. During a meeting on 20 February 1999, Hashim Thaci told you,
4 Secretary Albright, and others that the people of Kosovo must be able
5 to express their judgment about their status after the expiration of
6 the three-year interim period; right?

7 A. He said something along those lines. We had included in the
8 draft a willingness to have a referendum on eventual status. So he
9 was reflecting what the draft already said.

10 Q. At this meeting, Secretary Albright told Hashim Thaci that the
11 draft agreement did not preclude such a right, and that you,
12 Mr. Witness, would be willing to issue a public letter which
13 confirmed the right of the people of Kosovo to hold a referendum
14 after three years. Do you recall that?

15 A. I do not recall that because the draft already included that,
16 and the idea of having a side letter to restate part of the draft is
17 something I just don't recall. I might add, side letters are pretty
18 typical in these kinds of things, but I just don't recall that as a
19 suggestion.

20 PRESIDING JUDGE SMITH: It's time for the break, Mr. Pace.

21 MR. PACE: Yes.

22 PRESIDING JUDGE SMITH: It's time for lunch. We'll be back here
23 at 2.30. Enjoy your lunch. You may leave.

24 [The witness stands down]

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

1 MR. MISETIC: Thank you, Mr. President. At the request of a
2 provider, can we please go into private session.

3 PRESIDING JUDGE SMITH: Yes. Into private session, please.

4 [Private session]

5 [Private session text removed]

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18 [Open session]

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

20 PRESIDING JUDGE SMITH: Okay. Now we're adjourned.

21 --- Luncheon recess taken at 1.06 p.m.

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

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. MISETIC: Thank you, Mr. President. May we move into
25 private session, please.

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 Private session, please.

3 [Private session]

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1 [Open session]

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

3 PRESIDING JUDGE SMITH: Thank you. We will likely issue a
4 decision on this dispute in the morning.

5 Mr. Pace, we still intend to break at 3.30. Do you have some
6 idea of how much time you have left or that you need?

7 MR. PACE: I will try to finish by the end of today's session,
8 4.30, but I cannot guarantee that.

9 PRESIDING JUDGE SMITH: Okay.

10 MR. MISETIC: If it helps for your planning, we have no redirect
11 at the moment.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: We're ready to continue with the SPO's
14 cross-examination. Please give them your attention.

15 MR. PACE: Thank you, Your Honour.

16 Q. And good afternoon, Witness. On 6 March 1999, Senator Dole and
17 yourself participated in a press conference at the US embassy in
18 London at which you discussed the potential signing of the
19 Rambouillet agreement; right?

20 A. Yes, I recall the press conference. Yes.

21 Q. During that press conference, you noted that the issue was the
22 KLA General Staff giving permission for the signature of the
23 Rambouillet agreement; right?

24 A. I would have to see that. I certainly noted that the issue had
25 been to get the KLA to support the talks.

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1 Q. Let's indeed see that.

2 MR. PACE: Let's call up P04259, please. And once it's called
3 up, we can go to page 1D00-0696. And once we're there, we'll zoom in
4 on the bottom left.

5 Q. And to orientate you, Witness, this item is from a book by
6 Mark Weller, who you might be familiar with as a name.

7 A. Mark Weller, okay.

8 Q. It's not important if you don't recall.

9 A. Okay.

10 Q. And the item is just being called up.

11 THE COURT OFFICER: Can counsel maybe assist with the actual
12 page of the PDF of this document.

13 MR. PACE: It's page 0696. No, I cannot assist with the page of
14 the PDF. Yes. And if we could zoom in there on the bottom left of
15 this page.

16 Q. We see at number 3, "US Envoy Senator Dole and Amb. Hill Press
17 Conference, US Embassy London, 6 March 1999."

18 MR. PACE: And if we could please go to the next page, where we
19 will zoom in on the middle of the left-hand column, please. And I'm
20 going to read from the question: "Are you saying Hashim Thaci
21 wasn't ..." So if we could scroll a little bit more down. There,
22 yes.

23 Q. "Question: Are you saying Hashim Thaci wasn't part of the
24 delegation you met yesterday?

25 "Senator Dole: He wasn't there yesterday. We couldn't locate

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1 him. We've been trying for three days to find him. My understanding
2 based on other conversations is that the decision will be made
3 tomorrow and we hope to get it all signed up.

4 "Question: Can you have an agreement without Mr. Thaci's
5 signature?

6 "Senator Dole: No, he'll be part of it.

7 "Question: So how can you have any confidence in the process
8 where the main man doesn't turn up?

9 "Senator Dole: I don't know whether he is the main man or not,
10 I mean he is the leader but --

11 "Ambassador Hill: Senator Dole had two very good discussions
12 with Yacob Krasniqi yesterday and so the issue is the question of
13 whether the general staff will give the order for someone from the
14 KLA to sign. Obviously, a signature of the document has to include
15 someone from the KLA. I don't know whether that will be Mr. Thaci or
16 Mr. Krasniqi or someone else, but the issue is the general staff
17 giving that permission."

18 Is that consistent with your recollection?

19 A. It's not inconsistent. And the point being that Thaci and
20 Krasniqi were participants in Rambouillet, so we needed someone's
21 signature there. I don't know what I meant by "someone else."

22 MR. PACE: We can take the item down.

23 Q. You testified about a meeting on 8 March 1999 or thereabouts. I
24 think you were not certain about the accuracy of the date. And in
25 that meeting, it's correct that you met Jakup Krasniqi,

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1 Sokol Bashota, and Rame Buja, and discussed the signing of the
2 Rambouillet agreement; right?

3 A. Yes. Is that the meeting the picture of which you brought up?

4 Q. No, those were from January.

5 A. Okay.

6 Q. To orientate you, when you were asked about this earlier, it was
7 from a document the Defence showed you that had a chronology of
8 events, and it referred to an 8 March 1999 meeting. You were
9 wondering how you could have made it at the particular time and also
10 whether it would have been to Prishtine. Counsel for Mr. Krasniqi
11 asked you --

12 A. Yes, I was concerned that the two dates looked too close
13 together because there was a reference to Holbrooke going to
14 Belgrade, which I would have been with, and I don't see how I would
15 have done that in one day.

16 Q. And to orientate you a little further, earlier today you
17 testified that although you didn't get finality from this March 1999
18 meeting in terms of -- you were referring to the signature of the
19 agreement, the signs were favourable; is that correct?

20 A. Correct.

21 Q. And do you recall that at the end of this meeting it was decided
22 the meeting should continue another time?

23 A. I don't recall that, but it's logical.

24 MR. PACE: And let's please call up SPOE00233179

25 -SPOE00233179-ET, and alongside it the Albanian version which is

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1 SPOE00232874-00233387. And the page in Albanian is the same as that
2 in the English ERN, so SPOE00233179.

3 Q. And we can already start discussing it as the Albanian is being
4 pulled up. We have the English on the right-hand side of the screen.
5 And we see that this is an article titled "Despite the dilemmas, all
6 of us favoured a YES." And as we also see in English, it's by
7 Jakup Krasniqi. At the top, we see a date of 17 February 2000 and a
8 reference to *Zeri*. I'll just wait a moment until the Albanian is
9 available.

10 Or just in the interest of time, I will start reading from the
11 English version, and I'm going to be reading from the first
12 paragraph, the first substantive paragraph after the "By
13 Jakup Krasniqi." Here we see:

14 "On 5 March in Terstenik village in Drenica a meeting took place
15 between Wolfgang Petritsch and Christian Pauls - the first being the
16 EU mediator and the second the Chief of Staff on Bosnia and Kosovo at
17 the German Ministry of Foreign Affairs - and the GS represented by
18 the KLA commander/s/ Sylejman Selimi, Jakup Krasniqi, Rame Buja,
19 Fatmir Limaj and Rexhep Selimi."

20 Were you made aware of this meeting on 5 March 1999?

21 A. I don't recall it.

22 MR. PACE: We'll turn to the second page in the English
23 translation, please, where I'm going to read from the middle of the
24 page. I note the Albanian is not yet available. It's just one page
25 there.

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1 THE WITNESS: Do I -- just in -- to orient me, this is an
2 article in *Zeri* written a year later; is that correct?

3 MR. PACE:

4 Q. It's an article in *Zeri*, and the date of *Zeri*, the publication,
5 was 17 February 2000. So, yes, it would be a year later, 1999.

6 A. Okay. I was -- by that time, I was the ambassador to Warsaw,
7 Poland. I was not keeping up with the Kosovo press at that point.

8 Q. I understand. The meeting referred to in this article of
9 5 March we'll see later is referring to 5 March 1999 --

10 A. Okay.

11 Q. -- however. So I'm going to now read from the English page on
12 our screens. And as I said, it's from the middle of the page
13 starting on -- or a little further down, rather, "Based on ..." Yeah.
14 So again from the same article:

15 "Based on what we had managed to learn from the press, the mass
16 media and information we received from the field, the voices in
17 favour of signing off the final document of the Rambouillet Agreement
18 on Kosovo were growing stronger. Following a long and tiring
19 journey, Hashim Thaci came to the office of the General Staff one or
20 two days before we would set off to Paris. We had to make the final
21 preparations or, shall we say, have concluding discussions to decide
22 whether we were going to Paris or not.

23 "The truth is that we discussed at length if we should accept or
24 refuse the document in question."

25 Witness, were you aware that Hashim Thaci went to the KLA

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1 General Staff one or two days before Jakup Krasniqi and others would
2 set off to Paris?

3 A. No, I was not.

4 Q. Let's turn to the third page in the English translation, and
5 there I'm going to read from the first paragraph.

6 "Dilemmas over accepting or refusing the agreement":

7 "In many conversations and debates that took place in the KLA
8 GS, be they in small or large groups, the discussions were sincere,
9 politically well-thought out, fitting to the level of duties and
10 responsibilities everyone had in the military hierarchy. Perhaps for
11 the first time I witnessed how everyone there would take the floor
12 and discuss with responsibility about a serious matter.

13 "Hashim Thaci started off the meeting by informing us about the
14 talks he had in Albania with all of the state leaders and the
15 commitment of the Albanian state to stand by our decisions. But he
16 also spoke about Albania's political and social circles support 'for'
17 the Rambouillet document. He also informed us about the difficulties
18 he had encountered on his journey from Albania to the Berisha
19 Mountains. Further on, he thanked the GS that had trusted him to
20 become the Prime Minister in the National Unity Government of Kosovo.

21 "Then he briefed on the work of the Rambouillet Conference and
22 various meetings he had there. Dealing specifically with a 'Yes' or
23 'No' response to the Rambouillet Agreement, he stated: 'Let's reach
24 a conclusion based on our real strength and capabilities; we need to
25 know what they think. We cannot allow ourselves to reach a judgment

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1 based on feelings but need to have reason lead us.'" "

2 Witness, my question is were you aware of Hashim Thaci's
3 meetings with state leaders in Albania in the period between
4 Rambouillet and Paris?

5 A. At that time, I was not aware of that.

6 Q. Was there a time when you did become aware of it?

7 A. Later on I heard he went to Albania. I can't tell you when that
8 was. I do know that the US, we were in touch with state authorities
9 in Albania and elsewhere, and that Albania supported the Rambouillet
10 process.

11 Q. Let's turn to the last page of this English translation of the
12 article where I'm going to read from the second paragraph, starting
13 "Following the numerous ..."

14 "Following the numerous analyses on the possible results of the
15 'Yes' and 'No' response, all of the GS members had come to the
16 conclusion, albeit not a painless one, that the final response should
17 be 'Yes.' The OZ commanders who seemed to have not had the
18 opportunity of discussing the matter in detail and at length were
19 still wondering between the 'Yes' and 'No' but after a more detailed
20 analysis they did favour the 'Yes' as well. Those who had such
21 dilemmas were the commanders of Drenica and Llap, respectively
22 Sami Lushtaku and Rrustem Mustafa. I could completely understand
23 them but I was sure then as I am now that the opportunities to work
24 for the KLA would not shrink; on the contrary, they would increase;
25 everything depended on our willingness.

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1 "At the end of the meeting everyone consents to 'Yes' and signs
2 off the minutes' book of the KLA GS.

3 "The truth is that the GS of the Kosovo Liberation Army said
4 'Yes' not only due to the reasons we mentioned, which were mainly of
5 an internal character. We also said 'Yes' because our friends and
6 allies in many meetings, including those at the highest levels, told
7 us: 'Kosovo will never again be under Serbia and Yugoslavia.'"

8 And, Witness, my question: Jakup Krasniqi, the author of this
9 article, here, his assertion that the KLA General Staff said yes is
10 consistent with what you told the press in London on 6 March 1999
11 about the issue being the KLA General Staff giving permission that we
12 just looked at; right?

13 A. Yes, this is a logical sequence.

14 MR. PACE: Your Honour, I tender this item for admission. And
15 just for clarity, the English is SPOE00233179-SPOE00233179-ET, and
16 the corresponding Albanian page is from SPOE00232874-00233387, page
17 SPOE00233179. And it can be public.

18 PRESIDING JUDGE SMITH: Any objection?

19 MR. MISETIC: No objection.

20 MR. ELLIS: Your Honours, we would invite a check on the
21 translation, though, at the start of the article. I think when
22 Mr. Pace read it out, it was a reference to commanders
23 Sylejman Selimi, Jakup Krasniqi, Rame Buja, and others. Our
24 understanding is that the Albanian is "commander," singular,
25 "Sylejman Selimi," and then a list of other names.

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1 MR. PACE: I think there's a backslash S. But, yes, I mean,
2 even if admitted, there is a process for revision of items and that
3 can be seen to.

4 PRESIDING JUDGE SMITH: If you need to revise it, please go
5 through the process.

6 SPOE00233179-ET to 00233179 in the Albanian is admitted.

7 THE COURT OFFICER: Thank you, Your Honour. That page will
8 receive Exhibit P04510. Current classification is confidential, but
9 the counsel mentioned it can be reclassified to public.

10 PRESIDING JUDGE SMITH: I'm sorry, did you say it was public?

11 THE COURT OFFICER: It was confidential but --

12 PRESIDING JUDGE SMITH: Oh, it will be changed to public.

13 THE COURT OFFICER: Thank you very much.

14 MR. PACE: Thank you. And we can take the item down.

15 Q. Witness, at Rambouillet, James Rubin, as you wrote in your
16 memoire, went so far as to recommend combinations of suits and ties
17 for Hashim Thaci to wear; correct?

18 A. That is in my memoire. It refers to sort of the ongoing belief
19 that he was trying to groom Mr. Thaci as an eventual leader of
20 Kosovo, yes.

21 Q. And as you also wrote in your memoire in relation to
22 Rambouillet, you knew Ibrahim Rugova had enormous popularity and that
23 a tilt toward the KLA leadership might not serve you very well,
24 especially because you knew very little about Hashim Thaci at the
25 time; right?

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1 A. I'm sorry, might not serve whom?

2 Q. I said "serve you very well." I can take you to the --

3 A. Serve me?

4 Q. -- to the excerpt. Perhaps you are referring to the US
5 authorities, but to be more accurate, let's go to the excerpt from
6 your memoir.

7 MR. PACE: So let us please call up DHT08787-DHT09214. And
8 let's go to page DHT08925. I'll read from the last paragraph.

9 Q. "I had no problem with a focus on Thaci, especially the need to
10 get him on board, but given our reluctant European allies, on whose
11 continent this war was raging, I believed we should play it straight
12 with the others as well ..."

13 Next page, please.

14 THE INTERPRETER: The interpreters kindly ask the speakers to
15 pause between questions and answers, and read slowly, please.

16 MR. PACE: Yes.

17 Q. "... and not put ourselves into domestic Kosovo politics,
18 favouring those who engaged in violent resistance over those who for
19 decades had not. I knew Rugova had enormous popularity (he would
20 eventually be elected president in a free Kosovo) and that a tilt
21 toward the KLA leadership might not serve us well, especially as we
22 knew very little about Thaci at the time, whether he was a leader or
23 a front for someone else."

24 I'll stop there. Is that accurate to your recollection?

25 A. Yes, I think that is accurate. We needed the -- there were

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1 three factions at the Rambouillet on the Kosovo side: LDK, KLA, and
2 so-called independent intellectuals, and we certainly needed all
3 three to support the accords. That said, I make the point here, as
4 I've made the point in my earlier testimony, that I was not
5 interested in taking sides on internal matters.

6 MR. PACE: We can take this item down. I'm going to change
7 subjects slightly.

8 Q. You testified that you did not get the impression that
9 Hashim Thaci was a military commander. And you also testified that,
10 in your judgment, Hashim Thaci was not a warrior. During the
11 conflict, other than when you were at Rambouillet and Paris, you
12 recall contact with Hashim Thaci in one meeting in Dragobil in
13 November 1998, and I believe you also recall meeting him once in
14 summer 1999; is that correct?

15 A. I think that is correct. And I stand by that statement.
16 Certainly that photo you showed, showed him with his legs crossed
17 with several books on his lap. He did not strike me or anyone else
18 in our group of American diplomats as a war fighter. He seemed much
19 more on the political side.

20 Q. Sorry, just to clarify, could you explain which photo I showed
21 you of Hashim Thaci with the books?

22 A. You showed a picture of us sitting together at the meeting in, I
23 want to say, December but --

24 Q. Was it the video from Dragobil in November 1998 --

25 A. Yes.

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1 Q. -- with him on your right and then Jakup Krasniqi?

2 A. Yes.

3 Q. I understand.

4 A. And he had some books on his lap. I might add that although I
5 didn't have direct contacts, other Americans did. And our
6 impression, and I say it collectively, our impression was he was not
7 a war fighter.

8 Q. And focusing for now on your specific interactions. Outside of
9 Rambouillet, Paris, and Dragobil in November 1998, and the summer
10 1999 meeting, which we'll get to, besides meeting him face-to-face,
11 did you have any other form of contact with Hashim Thaci or was it
12 limited to those?

13 A. That was -- to the best of my knowledge, those were the direct
14 contacts with him. However, other people who reported to me had
15 contacts with him.

16 Q. Do you know whether in 1997 Hashim Thaci brought weapons into
17 Kosovo?

18 A. I am not aware of that. And, again, 1997 was before I was
19 involved.

20 Q. Do you know whether during the conflict Hashim Thaci visited KLA
21 troops on the ground?

22 A. I'm not directly aware of that, no.

23 Q. Do you know whether during the conflict Hashim Thaci was ever at
24 the front lines when the KLA was engaged in battle?

25 A. Engaged in battle? No, I have no knowledge of that.

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1 MR. PACE: I'd like to call up DHT12206-DHT12372, please.

2 Q. And, Witness, as this is being called up, this is once again
3 going to be the interview of yours with Blerim Shala.

4 A. Okay.

5 Q. And I'm going to take you to a page there.

6 MR. PACE: Specifically, we'll go to page DHT12258, please. And
7 here I'm going to read from the third question and going into the
8 next page.

9 Q. And to orientate you, Witness, here Blerim Shala is referring to
10 the meeting between Milosevic and Rugova which, as set out in the
11 summary of your Defence interview, took place on 5 May 1998.

12 A. Yes.

13 MR. PACE: I will start from "Shala: A week after this
14 meeting ..." so a bit further. Yes.

15 Q. "Shala: A week after this meeting we have the first and the
16 last session of the direct negotiations between Kosovo leaders and
17 Serbian leaders in Prishtina, taking part in the LDK headquarters.
18 You were there, somewhere near, as we know, but ... you were sitting
19 in Rugova's office ..."

20 "Hill... that's right. I was sitting in Rugova's office and
21 Veton Surroi was coming in and telling me how things were going.
22 And, from what I could tell, things were fairly positive. I remember
23 going back to Skopje, that Friday night, feeling that we had actually
24 achieved some success. And they were talking about various ground
25 rules for how the negotiation would proceed.

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1 "Shala: But, we know what happened afterwards. I think that
2 the offensive started in Decan during or a day after a meeting
3 between Clinton and ...

4 "Hill: It actually started a day before, when I was in
5 Washington. Partly, the fighting was an effort to, I think,
6 undermine Rugova, and of course undermine the peace process, and it's
7 a classic thing [where] radicals always undermine the peace process.
8 So, as soon as it happened, we knew what had happened. Essentially,
9 the facts of the case are, people still disagree with them, but I
10 think it was fairly clear the KLA came into Decan and cut the road.
11 In the process, Serbs ran away from there, and the Serb police came
12 back with heavier guns. In addition to re-establishing the road, the
13 Serbs went in and destroyed some of the neighbourhoods, by lighting
14 houses on fire and firing their weapons randomly at the site of
15 houses. So, it was something that, sort of, fit the classic: KLA cut
16 the roads, Serbs overreacting in a way caused it to look like they
17 started it. In fact, it was the KLA who started the action in
18 Decan."

19 Do you recall that?

20 A. First of all, I want to make clear that the syntax I see here is
21 not mine, so this is some kind of summary. I would have to ask the
22 author of this. It's some kind of summary of some discussion, so I
23 want to be clear about that.

24 The overall point that the KLA would start something and the
25 Serbs would overreact to it, that overall point is an accurate

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1 thought of mine.

2 I just have concerns with the fact that this is not me speaking.

3 This is someone extracting from what I said.

4 Q. Had you ever read this book containing your interview with

5 Blerim Shala before you were involved with the Thaci Defence?

6 A. No, I have not.

7 Q. And you mentioned, or at least you're reported as mentioning

8 here, that it was classic, KLA cut the roads, Serbs overreacting. Is

9 that accurate with your knowledge of events at the time?

10 A. Yeah, I think that's -- that's an accurate statement, yeah.

11 Q. And it's reported here that you said:

12 "Partly, the fighting was an effort to, I think, undermine

13 Rugova, and of course undermine the peace process ..."

14 Is that consistent with what action of that nature could have

15 had at the time?

16 A. I think that is consistent, yes.

17 Q. And do you know, Witness, whether any members of the KLA

18 General Staff were present in Decan during the battle which took

19 place there that's referenced here?

20 A. I have no idea.

21 MR. PACE: Your Honour, we tender these two pages for admission.

22 Other parts of this book have been admitted as a Defence exhibit, but

23 this would, of course, be a Prosecution one. And to be clear, the

24 pages shown are DHT12258 and going into the next page, which is the

25 one on our screen, 12259.

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1 PRESIDING JUDGE SMITH: Any objection?

2 MR. MISETIC: No. And I would suggest they be added to the
3 Defence exhibit.

4 PRESIDING JUDGE SMITH: DHT12258 and 12259, both admitted and to
5 be added.

6 THE COURT OFFICER: Thank you, Your Honour. They will be added
7 to the Exhibit 1D00423. Classification is public.

8 MR. PACE: Thank you. We can take the item down.

9 Q. Witness, the only time you recall seeing Rexhep Selimi is in
10 Likoc in July 1998; right?

11 A. I think that is correct, yes.

12 Q. During your witness preparation with Mr. Thaci's Defence last
13 week, you described Rexhep Selimi and Jakup Krasniqi as "driven
14 people." What did you mean when you said that?

15 A. They were very much dedicated to the proposition of Kosovo's
16 independence and as the KLA as the driving force.

17 Q. You do not recall a person named Kadri Veseli; correct?

18 A. I have heard the name, but you're asking me to recall names from
19 27 years ago. And I do not really recall exactly in what context I
20 heard the name or what was he involved in.

21 Q. You have no knowledge of any internal reporting system within
22 the KLA; right?

23 A. I am not aware of any reporting system. Obviously, the US had
24 our capacities to find out things about the KLA presumably in the
25 context of that capacity to find out what the KLA was thinking.

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1 There may have been excerpts of that reporting system, but I am not
2 familiar with what that system was.

3 Q. And you were not aware of any KLA intelligence operatives or any
4 KLA intelligence system; right?

5 A. I assume that they had such a thing, but I'm not aware.

6 Q. Earlier today you testified that people approached you to
7 testify in this case. Could you tell us who approached you
8 initially?

9 A. Which case?

10 Q. The one we're in right now.

11 A. I think it was Mr. Thaci's Defence lawyers who asked if I'd be
12 prepared to do that.

13 Q. When was your last contact with Blerim Shala?

14 A. A few years ago -- wait, he came to Belgrade when I was
15 ambassador there. I have not talked to him about this case, but I
16 have talked to him about other issues; namely, the ongoing impasse
17 between Prishtine and Belgrade.

18 Q. On 13 October of this year, so just last month, counsel for
19 Mr. Thaci informed the SPO that you had declined the SPO's request to
20 interview you. Can you tell us why you declined that?

21 A. You're referring to when I was ambassador in Poland?

22 Q. So on 9 October, my office, the SPO, sent an e-mail requesting
23 to interview you as having been called by the Thaci Defence, and we
24 asked the Thaci Defence to convey that to you. Do you recall being
25 asked by Mr. Thaci's Defence whether you would like to meet with the

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1 SPO for an interview in the last month?

2 A. In the last month? I don't think so, no. I was asked by
3 Thaci's Defence if I would be prepared to discuss what I knew and
4 potentially - potentially - testify at his trial.

5 Q. So to be clear, from 9 October, just over a month ago, you do
6 not recall being informed about my office's wish to interview you in
7 relation to these proceedings?

8 A. Not that I am aware of. I am tracking a lot of things in my
9 life, and I did not track that one. If that was something that
10 someone really wanted me to do, I'm sure I would have been prepared
11 to do it.

12 Q. Indeed, that was going to be my next question. Would there be
13 any reason why if you were asked whether you wanted to be interviewed
14 by us you would have declined that?

15 A. No.

16 Q. Changing subjects. As you note in your memoire, during your
17 July 1998 meeting with KLA members in Likoc, you learned that the KLA
18 unit you met with was "implacably opposed to Rugova and deeply
19 suspicious of Pristina's intelligentsia"; is that right?

20 A. That is correct.

21 Q. Veton Surroi had accompanied you there, July 1998, Likoc; right?

22 A. Correct.

23 Q. As you also note in your memoire, Veton Surroi was led off and
24 banned from this meeting; right?

25 A. Let me make this point about that. That is definitely my

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1 recollection that he did not take part in the meeting that we had and
2 only came back at the end. I asked him about that when I saw him in
3 Belgrade in the last year or two, and he said, no, that was not the
4 case.

5 So, again, in the intervening years, I was involved with Poland,
6 I was involved with Korea, I was involved in Iraq, and I allow for
7 the possibility, therefore, that I've not remembered this correctly.
8 But I did believe, and certainly at the time I wrote the book, that
9 he was banned from this discussion because he was someone whose
10 father had worked for Yugoslav authority -- or the Yugoslav foreign
11 ministry as a diplomat.

12 Q. Do you recall during a televised appearance you made last year
13 acknowledging that during the conflict in Kosovo there were lots of
14 crimes, including crimes against Serbs?

15 A. Lots of crimes, including crimes against Serbs? Yes, I think
16 there was -- I think I referred to them as violence, but, yes, there
17 was a lot of violence. All the more reason to try to end the
18 violence.

19 Q. And do you recall whether in the same televised appearance you
20 also noted that, as opposed to historians or lawyers who look back,
21 your function as a diplomat is to try to look forward?

22 A. That's a general comment I've made about a number of situations
23 where my job was to try to find means by which people could live
24 together, and those means would be such things as the Rambouillet
25 Accords which would enable people to live together in the future and

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1 be more tolerant.

2 Q. Changing subjects again. You testified about family members of
3 employees of an electrical plant north of Prishtine being concerned
4 about what happened to these employees. Did you ever speak to or
5 liaise with your brother Nicholas in relation to this or other
6 incidents or events concerning Kosovo?

7 A. I never talked to my brother Nicholas about any of these events.

8 MR. PACE: Can we call up P04220, please.

9 Q. And we see that this is a *BBC Monitoring Service* document dated
10 4 July 1998 and referring to text of a report by *Tanjug* news agency,
11 and the text refers to 2 July, and it reads as follows, in part:

12 "Belgrade, 2nd July: All nine workers of the Kosovo-Obilic
13 strip mine who were abducted by ethnic-Albanian terrorists on 22nd
14 June of this year are alive, according to what the union of
15 Electrical Power Industry of Serbia (EPS) knows, union official
16 Milenko Gostojic told a news conference Thursday [2nd July].

17 "Political secretary of the US embassy in Belgrade Nicholas Hill
18 promised at a meeting with representatives of the EPS union on 29th
19 June that, in contacts with representatives of ethnic Albanian
20 political parties who have links with the terrorist organisation
21 Kosovo Liberation Army, he would do his best for the abducted workers
22 to be released and all workers to be enabled to exercise their right
23 to work, according to a statement released by the EPS."

24 So, Witness, my question, is this incident reported here the one
25 you referred to earlier this morning, where the family members of

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1 these people were concerned?

2 A. I remember that one morning we learn of the takeover of this
3 electrical power-plant, which I recall was north of Prishtine, and --
4 but I do not recall at all having any discussions with anyone in
5 embassy Belgrade about that. This was in Kosovo. It was a sensitive
6 matter to have Kosovo still under the nominal purview of our embassy
7 in Belgrade as Kosovo was part of Serbia and at the same time have a
8 negotiator from the embassy in Skopje with a staff from Washington
9 and reporting directly to Washington. So I think there is quite
10 likely times when the embassy in Belgrade did things and reported
11 things that we were -- that were completely uncoordinated.

12 MR. PACE: We can take this document down.

13 Q. Witness, as the US special envoy to Kosovo, including in 1998,
14 would you have any input in the US Department of State report which
15 addresses Kosovo in the context of human rights practices for that
16 year?

17 A. No, I did not. That would have been solely embassy Belgrade's
18 responsibility. I was dealing with Kosovo on a very specific matter,
19 and that was the issue of finding some kind of agreement that could
20 be achieved.

21 Q. So would you have read the report or not?

22 A. I don't recall. But insofar as there are human rights reports
23 that I had to read and edit, those would have been about Macedonia.

24 Q. Do you recall reading or having knowledge of the detention of 13
25 Albanian politicians by KLA members in Qirez?

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1 A. I do not recall Albanian politicians. No, I do not recall that
2 matter. I do recall the issue of the abducted Serbian workers, and I
3 do recall expressing concerns about that.

4 Q. Just for clarity, the abducted Serbian workers are the ones we
5 were looking at in the article before, the ones you mentioned about
6 the electrical company --

7 A. I recall --

8 Q. -- or the mine?

9 A. I recall expressing concerns about that, but I don't recall who
10 I expressed concerns to. And, again, this is a sensitive matter
11 where embassy Belgrade had certain responsibilities, including the
12 logistical and other support to the KDOM contingent under
13 Shaun Byrnes.

14 Q. Do you recall Ibrahim Rugova ever speaking to you about any
15 threats, attacks, or crimes allegedly committed by KLA members?

16 A. No, I did not. I do not recall anything from Rugova. I do
17 recall other people in Prishtine expressing concerns for Rugova's
18 safety.

19 Q. And do you recall Ibrahim Rugova or anybody else mentioning to
20 you anything about KLA members threatening an Albanian historian or
21 an Albanian activist at KLA headquarters in Jabllanice in October
22 1998 after the individual had alleged criticised the KLA?

23 A. I'm sorry, I do not recall that.

24 Q. Nothing to be sorry about. In relation to the 6 November 1998
25 Dragobil meeting with Hashim Thaci and others, yesterday you were

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1 asked as follows, and I'm reading from page 54 of the realtime
2 transcript. We don't need to call it up:

3 "Q. Do you recall any discussion of detained people in this
4 meeting?

5 "A. No, not in that meeting. Although, the issue of detained
6 people was discussed generally, but I do not recall it being a
7 particular focus of the meeting."

8 Now, my question, Witness, is when was the issue of detained
9 people discussed generally?

10 A. I'm sorry. By "generally," I meant it came up but I cannot give
11 you specifics. I was not the note-taker in meetings. And perhaps I
12 would suggest that a careful reading of notes might reveal more
13 such -- more texture on when these things were brought up. But I --
14 again, I must emphasise I was focused on what the US Government asked
15 me to be focused on, which was to try to reach an agreement, an
16 autonomy agreement between the Albanians in Kosovo and Belgrade.

17 Q. And just to make sure I understand your answer both now and
18 yesterday, you do not recall discussion of detained people at the
19 November 1998 Dragobil meeting, be it general or otherwise?

20 A. At that meeting, I do not recall a discussion about that. I
21 would have to consult notes that were taken by Tina Kaidanow, but I
22 am not aware. I cannot recall today, however many years it is, 27
23 years ago, that we discussed that. I do recall the question of
24 whether the KLA would be prepared to negotiate on the issue of the
25 Rambouillet Accords.

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1 MR. PACE: Could we please call up P00792-ET and P00792, and in
2 both go to page SPOE00068088.

3 Q. And as you see on your screen on the right in English, this is
4 the transcript of a hearing in the Gjakova Basic Court on 2 February
5 2018.

6 MR. PACE: Let's please turn to the second page in both items.
7 Yes. At the top we see: "Witness Jakup Krasniqi is called ..."

8 So we're now going to turn to the next page, where I'm going to
9 read from the last question on this page, and it's the same in
10 Albanian as well, so the next page, the last question.

11 Q. So, Witness, again, to reorientate you, this is from testimony
12 of the -- it's from the hearing of Jakup Krasniqi at a court in
13 Kosovo on 2 February 2018.

14 A. This is Jakup Kastrati.

15 Q. Yes.

16 A. Not Krasniqi.

17 Q. Yes, that name, we will get to it. But as we -- if we can -- as
18 we saw earlier, it's Witness Jakup Krasniqi who is called, so he is
19 testifying.

20 A. Oh, okay.

21 Q. And then here, as you've kind of foreshadowed, we see:

22 "Prosecutor: The arrests of Jakup Kastrati and Cen Desku are
23 also mentioned in this press release. Did you have any knowledge
24 about their arrests at the time?

25 "Witness," who is Jakup Krasniqi:

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1 "Yes. I had heard about this. We were in a meeting in a house
2 in Dragobil, and the US ambassador in Macedonia Christ/opher/ Hill
3 was also there, and he raised the issue, and I told him that they
4 would be released, and they were released, and this was during the
5 month of November 1998."

6 Now, I'm putting this to you just to see whether it refreshes
7 your recollection, including having the names Jakup Kastrati and
8 Cen Desku here?

9 A. It does not refresh my memory of this. It is not unusual in a
10 meeting where you are prepared for a certain subject and you've
11 studied what you're going to do and at the last minute someone passes
12 you a note and says, "Please raise this issue." And I may have done
13 so, but I do not recall it.

14 MR. PACE: And, Your Honour, I see it's time for a short break.

15 PRESIDING JUDGE SMITH: We'll take a ten-minute break right now.
16 I know it seems like we take a lot of breaks, but we have, behind
17 that glass up there, lots of people working on translating everything
18 and it's very hard work, and down below is audio-visual people. So
19 we have to give them a break periodically or they'll come down and
20 beat me.

21 Thank you. We'll take ten minutes off.

22 [The witness stands down]

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 --- Break taken at 3.30 p.m.

25 --- On resuming at 3.42 p.m.

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1 [The witness takes the stand]

2 PRESIDING JUDGE SMITH: So we continue with the Prosecution's
3 cross-examination.

4 Go ahead, Mr. Pace.

5 MR. PACE: Thank you. We can take the documents down.

6 Q. Witness, do you recall around November 1998 intervening to
7 secure the release of two *Tanjug* journalists?

8 A. I do not recall that.

9 Q. Do you recall Ambassador Holbrooke ever publicly stating in your
10 presence that two *Tanjug* journalists would be dead were it not for
11 your efforts and those of Shaun Byrnes and Ambassador Walker?

12 A. I do not recall that. Ambassador Holbrooke was often given to
13 making strong pronouncements of that kind, but I do not recall that
14 one.

15 Q. Do you recall whether in February 1999 US KDOM engaged with the
16 KLA General Staff to obtain the release of two Serbian brothers who
17 were woodcutters?

18 A. I'm sorry, I do not recall that. I would say as a general
19 comment that it was important to us to convince Belgrade that these
20 structures we had set up in Kosovo were structures that were serving
21 both interests in Prishtine but also interests in Belgrade, and for
22 that reason, any good news of that kind we would want to publicise.
23 But I'm sorry, I do not remember the two woodcutters.

24 MR. PACE: Let's please call up P01078. And we can stay on the
25 first page for now. So with the document on your screen -- yes, we

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1 can zoom out a little bit. Yes, that's good, thank you.

2 Q. We see that this is a cable from the American Embassy in Skopje
3 to the Secretary of State in Washington, D.C., and others, and unless
4 I'm reading it wrongly, just above that, the date would be 1 March
5 1999. And further below, we see a reference to "U.S. KDOM report for
6 February 27-28, 1999," below which we see "Classified by Ambassador
7 Christopher R. Hill."

8 MR. PACE: And let's please turn to the last page of the
9 document, 075377.

10 Q. And here at the very bottom of the document, below paragraph 13,
11 above "Confidential" and "End of document," we see "Hill."

12 Now, you were the ambassador to Skopje at the time of the cable,
13 and you classified the cable as confidential as we saw in the first
14 page; correct?

15 A. All cables going out from an embassy will contain the person in
16 charge of the embassy in two places: One, as just the final word in
17 the embassy, meaning that the cable -- final word in the cable,
18 meaning the cable is over when they see your name; secondly, we have
19 a requirement to say who classified this document, who has the right
20 to classification. And in our posts, it tended to be the
21 ambassador's name. In the absence of the ambassador, it might have
22 been the next senior person at the embassy. But these are
23 administrative matters, and they have nothing to do with the
24 substance of the message.

25 Q. So based on the classification and your name at the end of it,

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1 it doesn't necessarily mean that you wrote it; correct?

2 A. Absolutely not.

3 Q. Considering it was a cable sent from your embassy, even if you
4 didn't write it, would you have read it at any point?

5 A. I might have read it, but there are a lot of cables. Today,
6 there are a lot fewer cables. People send point-to-point messages
7 through e-mails and other means. In those days, an embassy like
8 Skopje would have something on the order of 7 or 8.000 messages per
9 year.

10 So I would not necessarily have read it. There might have been
11 something that came to my attention earlier and this was simply for
12 the record. So I might have been aware of the information, but I
13 would not necessarily have read it.

14 MR. PACE: Let's go to page 075370, please, and I'm going to
15 read from paragraph 3. So if we can scroll down a little bit. There
16 is good.

17 Q. So here, still within the same cable, we read following:

18 "The KLA detained three Serbian wood cutters near Orahovac late
19 February 27. US KDOM was able to confirm that the three were alive
20 and to secure the unconditional release of one of the three early
21 February 28. As of late February 28, US KDOM was engaged with the
22 KLA General Staff and senior KVM officials to obtain the release of
23 the remaining two detainees ASAP."

24 Does that refresh your recollection at all about this incident?

25 A. No, it doesn't, but it certainly is not unusual. And when KDOM

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1 had success, we certainly wanted to make sure others knew about this
2 success, especially because Belgrade was always saying that the
3 structures that we were creating in Kosovo were somehow pro-Kosovo,
4 and we were trying to make the point that they were helpful to all
5 concerned.

6 So good news of this kind would be publicised. But as
7 ambassador, you often really, frankly speaking, focus on bad news
8 rather than good news.

9 MR. PACE: We can take this item down.

10 Q. Changing subjects slightly. You testified that when the NATO
11 campaign began, you did not have any contact with Hashim Thaci or the
12 Provisional Government of Kosovo. And during witness preparation
13 last week, you said you met Hashim Thaci during a visit to Kosovo
14 with James Rubin in summer 1999. Could you clarify?

15 A. That was after the bombing campaign, and that was in connection
16 with a trip that Jamie Rubin made. I left the Balkans on August 8th,
17 so I would say that had to take place sometime between the end of the
18 bombing and August 8th, and I think it reflected one of two visits I
19 made.

20 The first visit was in June when Ibrahim Rugova flew from Rome,
21 and I escorted him to Prishtine. So that was probably in July. This
22 was another trip, and I was with Hashim Thaci -- I mean, I'm sorry, I
23 was with Jamie Rubin at the time. And my recollection of that visit
24 involved going to Gjakove, which had been a particular target of Serb
25 security forces and where the market area of that otherwise very

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1 beautiful town had been destroyed.

2 Q. Now, do you recall ever visiting Prishtine, specifically meeting
3 members of the provisional government at the Dea hotel there?

4 A. I don't. I recall meeting members of the UN presence there. I
5 must have met some people from the provisional government, but I
6 don't recall precisely meeting them.

7 Q. Just in this case this helps refresh your recollection, this is
8 from the Blerim Shala interview, it's written that you said:

9 "I felt a little less optimistic when I met the provisional
10 government, I guess, in the Dea hotel. I was a little worried there
11 was a lot of petty squabbling about so-called ministries, and that
12 people seemed to be more concerned about positions than they were
13 about rebuilding a very desperate country."

14 Does that refresh your recollection in any way?

15 A. That's entirely consistent with how I looked at this and many
16 other issues where it was, to be sure, a very happy day when NATO was
17 able to move into Kosovo and take over security. But I think I'm
18 paid to look out for the next unhappy day, and you could see that
19 there were going to be problems, and that, yes, there was a lot of
20 squabbling. So I had hoped there would be more of a, let me call it,
21 honeymoon among the various factions, but it was clear that they had
22 problems early on.

23 Q. In the summary of your interview with Mr. Thaci's Defence from
24 July this year, we read the following:

25 "The concept that the conflict had continued after

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1 Resolution 1244 is grossly exaggerated. There was no sense that the
2 conflict was continuing at all, beyond the usual merry-go-round
3 taking some time to come to a full stop."

4 Is that --

5 A. I think that's probably -- that's accurate. The issues
6 immediately in that timeframe turn to the question of the
7 decommissioning of the KLA and how could that be accomplished,
8 because many people did not want to give up their guns. And so this
9 subject began -- in this subject began the whole notion of a Kosovo
10 Protection Corps, something that would take care of natural
11 disasters.

12 I was beginning to exit from this, and we had an ambassador
13 based in Washington, James Dobbins, who was going to take up the
14 issue of post-war reconstruction and government formation.

15 Q. Changing subjects yet again. Do you know whether KFOR reported
16 that in mid-July 1999, KLA soldiers moved into Vitina with the aim of
17 eliminating suspected Serb war criminals from the town?

18 A. I am not aware of that report, but it does not surprise me.

19 Q. Do you know whether the OSCE reported that KLA members were
20 observed controlling checkpoints in Rahovec in September 1999?

21 A. I am not aware of that. I was back in Washington at that time.

22 Q. This morning you testified about some of the reasons why you
23 agreed to be a witness called by Hashim Thaci. Your witness
24 preparation note reports that one of the reasons you agreed is that
25 you feel that "what is being done to Mr. Thaci is just wrong." Do

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1 you recall saying that to Mr. Thaci's Defence last week?

2 A. I don't recall saying that. My own view is that -- and
3 continues to be my view, is that the KLA tried to present itself as
4 an army with strong vertical lines. I have not seen that and did not
5 see that at the time, and so I have some real concerns about efforts
6 to -- at command and control. And I think given the lapse of time, I
7 felt comfortable making this case without getting involved in the
8 internal politics.

9 Q. Have you read the indictment in this case?

10 A. I have not read the full indictment, no.

11 Q. Have you read the Prosecution's pre-trial brief in this case?

12 A. I think I did, yes.

13 Q. And did you obtain that yourself or was it provided to you?

14 A. I'd have to check. I'm not sure. The main thing I read was a
15 stack of telegrams at the time from -- some of which you've shown me
16 here, and, of course, my own note to make sure I didn't have any
17 inaccuracies there.

18 Q. Have you followed the Prosecution's opening statements in this
19 case?

20 A. Before today?

21 Q. So the opening statements are the statements the SPO, my office,
22 gave at the commencement of this trial a couple of --

23 A. No.

24 Q. -- years ago --

25 A. I did --

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1 Q. -- now.

2 A. -- not.

3 Q. And have you followed, either live from our web streaming on
4 YouTube or via reports online, any of the testimony of the witnesses
5 in this case before you?

6 A. No, I have not.

7 Q. Thank you, Witness.

8 MR. PACE: No further questions, Your Honour.

9 PRESIDING JUDGE SMITH: Thank you.

10 Still no redirect, Mr. Misetic?

11 MR. MISETIC: If I could just have a few questions, if I may.

12 Re-examination by Mr. Misetic:

13 Q. And I appreciate your patience at the end of a long day, I know,
14 Ambassador Hill. If you just give me one moment.

15 I can start already while we're releasing the queue with new
16 documents.

17 MR. MISETIC: Madam Court Officer, in our original queue, if you
18 could please call up Exhibit P01077, please.

19 Q. Ambassador Hill, I'm pulling up another code cable from, I
20 believe, 25 February 1999, concerning a question you were asked by
21 the Prosecutor about 13 Albanian detained politicians. Do you
22 remember being asked that by the Prosecutor?

23 A. Yes.

24 Q. If you could take a look at the first page of this cable. I
25 believe it says it's sent from embassy Skopje; correct?

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1 A. This is -- it was a KDOM report. KDOM would write these reports
2 either coming to us or coming more often to Belgrade, write them, and
3 then send them out through our system.

4 Q. Okay. And you say it's KDOM. So let me see if you could help
5 us who you think authored it.

6 MR. MISETIC: If we could go to page 8 of this document. And
7 the date -- sorry.

8 Q. The date you can see is 25 February 1999 above US Embassy
9 Skopje.

10 MR. MISETIC: If we can go to page 8, please, to paragraph 7.
11 Can we go back? It's numbered paragraph -- yeah, one more back. If
12 we can scroll down please. Oh, maybe one more back. Yes.

13 Just one second.

14 Q. Yes, at number 7, you see a redaction, and it says:

15 "A [redaction] advised that Sahit Hasari had replaced Sabit Geci
16 as head of the KLA special police. The General Staff had relieved
17 Geci as a result of 'mistakes'. Our source cited Geci's decision
18 last September to detain a delegation of moderate Kosovar Albanian
19 politicians and continuing threats against LDK political figures as
20 some of the actions which led to his dismissal."

21 Now, do you have any recollection of that issue in a cable that
22 it was Sabit Geci who had detained these politicians that you were
23 asked about by the Prosecutor?

24 A. I don't have a recollection of this, but I would say these kinds
25 of things were happening, detentions of other people. And we,

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1 obviously, worked hard to get them undetained, and that was a big
2 part of what KDOM did.

3 Q. Okay. Thank you. I'll turn to a different document now, which
4 is a document that was used by the Prosecutor. I believe this is the
5 book by Blerim Shala, 1989 to 1999, which is different from the book
6 of your interview with him. I just want to show you an excerpt. You
7 were asked some questions about a General Staff meeting after your
8 meeting on or around 8 March 1999, and I want to show you just a
9 different excerpt.

10 A. Yeah.

11 MR. MISETIC: If we could please have SPOE00058337 to
12 SPOE00058341-ET on the screen, please. It's in our new queue.

13 Q. Now, if we scroll down to the bottom, it's Blerim Shala
14 discussing these events, so three or four days after your meeting
15 with the KLA, the last paragraph says:

16 "However, the unknown of the KLA General Staff decision
17 following their meeting on Thursday and Friday, 11 and 12 March, was
18 still hovering over. I came close for one moment to Jakup (Krasniqi)
19 and somehow managed to ask him what was decided the previous evening
20 at the Staff /meeting/. Jakup seemed calm and very obliging:
21 'Everything is fine ... We will sign the Agreement ...,' he
22 responded. It was not much longer afterwards when I came across
23 Hashim (Thaci). He looked tired, probably because of the long and
24 dangerous journey on foot through the border which separated
25 Albanians for a century. Thaci's presence in the General Staff was

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1 necessary in order to create an atmosphere in favour of the offered
2 Agreement. Hashim (Thaci) had now also the mandate of the new
3 prime minister of Kosovo. In the conversation we had explained" -- I
4 think it should say "he had explained to me how did the KLA
5 General Staff meeting go, how he had to calmly, through diplomatic
6 wisdom, convince the war leaders that we needed to accept this
7 historic offer, and that by signing they confirmed that they gave to
8 him (Hashim) the mandate to accept the Rambouillet Agreement.
9 'Believe me, I spoke in front of the KLA commanders, just like
10 Ambassador Hill elaborated and defended this agreement in front of us
11 in Rambouillet,' Hashim told me and then continued to tell the other
12 members of the Kosovo delegation about the great decision of the KLA
13 General Staff."

14 Pausing for the interpreters for a second.

15 Now, had you known previously that -- according to this at
16 least, that Mr. Thaci had used your arguments from Rambouillet in
17 order to convince the General Staff to accept the agreement?

18 A. I did not know that. But I will say, this is exactly how we
19 drew up the play. That is, after three weeks of tough -- after two
20 weeks of tough negotiations, they said they agreed but had to go back
21 and convince others, so this was part of that process. I understood
22 that there would be a lot of work ahead. And while it was nice to
23 hear that he used my talking points in front of the delegation, that
24 is not something I would dwell on. We had to get on with the work.

25 MR. PACE: Your Honour, could I ask counsel to clarify where,

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1 from the document, it says Mr. Thaci used Mr. Hill's arguments from
2 Rambouillet in order to convince the General Staff? I don't see
3 that. Perhaps I missed it.

4 MR. MISETIC: I literally read the sentence.

5 MR. PACE: Is it the sentence:

6 "'Believe me, I spoke in front of the KLA commanders just like
7 Ambassador Hill elaborated and defended this agreement in front of
8 Rambouillet ...'"

9 Because that's not what that --

10 MR. MISETIC: Well, this is argument. If he wants to raise
11 argument, it's -- I think it's quite clear [Overlapping speakers] ...

12 MR. PACE: I object to mischaracterisation.

13 MR. MISETIC: Well, I object to the objection. I mean ...

14 THE WITNESS: Could I add something?

15 MR. MISETIC: Yes, please.

16 THE WITNESS: During the final day at Rambouillet, it looked
17 very bleak. That is, the Serbs had already rejected the agreement,
18 and it looked like the Albanians were going to reject the agreement.

19 I went in front of the Albanian delegation in the basement room
20 at Rambouillet where they were located. It wasn't a basement. It
21 was a beautiful room but in a lower level of the palace. And I gave
22 a long explanation of why they should accept this, the Rambouillet
23 Accords. At which point, I left. And later on, some 30 minutes, one
24 hour later, Veton Surroi, having gotten in front of the delegation,
25 came and said that they've accepted it. And he went in and told the

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1 foreign ministers who were waiting in another room that the Kosovo
2 side had accepted the Rambouillet Accords, pending a time to consult
3 back in Kosovo.

4 So what I see here is that Thaci says that he said what I said,
5 but he said it to this KLA group, and I said it to the Albanian --
6 Kosovo Albanian delegation.

7 MR. MISETIC:

8 Q. Thank you for that clarification.

9 MR. MISETIC: Mr. President, I tender these pages into evidence
10 and ask that they be added to the portion already admitted by the
11 Prosecution at P04507.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 SPOE00058337 to 58431?

14 MR. MISETIC: 58341.

15 PRESIDING JUDGE SMITH: Oh. You said two. Those two pages?

16 MR. MISETIC: Yes, we can just use the two pages I used, so
17 58337 and 38.

18 THE WITNESS: Could I add something? Could I --

19 PRESIDING JUDGE SMITH: Just a second.

20 Say the last one again. 58438?

21 MR. MISETIC: No, let me try it again. SPOE00058337.

22 PRESIDING JUDGE SMITH: Yes.

23 MR. MISETIC: And then the following page, which should be 338.

24 PRESIDING JUDGE SMITH: You were talking. I couldn't hear what
25 he said. 338, okay.

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1 MR. MISETIC: Yes.

2 PRESIDING JUDGE SMITH: Okay. They are admitted and will be
3 attached as suggested and requested.

4 Yes, sir, now.

5 THE WITNESS: I just wanted to say that throughout this saga,
6 starting in May 1998 when I became involved in this, the problem was
7 to get people variously described as the KLA to support this process.
8 Often the KLA was more concerned in taking authority from the LDK,
9 and we've seen signs of that. But by the time we got to that two
10 weeks in Rambouillet, it became clear that the head of the KLA
11 delegation - that is, Mr. Thaci - had bought into the ideas that this
12 was the best way forward. And I think -- I had never seen this
13 before, but this offers some evidence that he understood not only
14 that this was the best way forward but the argumentation behind why
15 this was the best way forward.

16 And I -- you know, in those days, in February and March 1999, we
17 didn't know what would follow. There was violence on the ground.
18 There was a bombing campaign that lasted 77 days. We didn't know
19 where that would lead, how it would lead. Finally it ended. The
20 Serbs pulled their security forces out. And there was an effort to
21 calm the place down, and that effort I think ultimately proved
22 successful.

23 PRESIDING JUDGE SMITH: Anything else, Mr. Misetic?

24 MR. MISETIC: Just one other item, if I may.

25 Q. Ambassador Hill, if I could just show you, Madam Court Officer,

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1 P04510. You were shown this document, which was an article, I
2 believe, prepared by Mr. Krasniqi. And I'm just going to ask you
3 some questions because you were -- it was suggested to you that the
4 General Staff had agreed to Rambouillet and that you needed
5 confirmation from the, quote/unquote, General Staff.

6 And I just want to see, because we never went into who you
7 understand to be the General Staff. I just want to ask you a few
8 questions about that.

9 A. This was during the time period before the signing in Paris? Do
10 I understand that correctly? Is that what you're ...

11 Q. [Microphone not activated].

12 Sorry. That was that period March 8th to March 15th, somewhere
13 in there.

14 A. Yeah. Okay.

15 MR. MISETIC: Madam Court Officer, I should give you the actual
16 ERN range. SPOE00233179 to SPOE00233179-ET in the SPO queue. I
17 think the English will be sufficient. Yes, this is the article.

18 Q. You see the date again, 17 February 2000.

19 MR. MISETIC: And if we can go to page 4 of this document,
20 please. And if we could scroll down. Second paragraph there.

21 Q. He's discussing this meeting where the vote took place, and he
22 says --

23 A. This is Krasniqi --

24 Q. Yes.

25 A. -- discussing?

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1 Q. Yes. He says:

2 "Following the numerous analyses on the possible results of the
3 'Yes' and 'No' response, all of the [General Staff] members had come
4 to the conclusion, albeit not a painless one, that the final response
5 should be 'Yes.' The [operative zone] commanders who seemed to have
6 not had the opportunity of discussing the matter in detail and at
7 length were still wondering between the 'Yes' and 'No' but after a
8 more detailed analysis they did favour the 'Yes' as well. Those who
9 had such dilemmas were the commanders of Drenica and Llap,
10 respectively Sami Lushtaku and Rrustem Mustafa. I could completely
11 understand them but I was sure then as I am now that the
12 opportunities to work for the KLA would not shrink; on the contrary,
13 they would increase; everything depended on our willingness."

14 My question to you is, were you aware that in this decision by
15 the General Staff included members of the operative zones, the
16 commanders of the operative zones in making the final decision?

17 A. I don't think we were aware of that. I must emphasise there are
18 a lot of theories about the organisation of the, I'll say so-called,
19 General Staff. What we were interested in is having had one person
20 in Rambouillet to speak for the KLA who albeit needed to go back and
21 consult that the KLA had come to yes. What we were afraid of is we
22 would get LDK and this unfortunately named group of independent
23 intellectuals, that they would say yes, and the KLA would still say
24 no, and then what were we going to do.

25 So the fact is that Mr. Thaci took his -- he explained he had to

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1 go back -- he and the others had to go back, but he was the one who
2 had the difficulty of explaining to people who were sceptical.
3 Whereas I think Mr. Rugova had an easier task because most of the
4 people in the LDK wanted to see the end of this.

5 So I was not aware of this, but, again, I felt -- I felt very
6 positive seeing this now that our hunch was right of what we did.

7 Q. Thank you very much. And I again thank you for your testimony,
8 Ambassador Hill. That concludes my redirect.

9 PRESIDING JUDGE SMITH: Thank you.

10 Mr. Roberts, did you have something you wanted to bring up in
11 connection with that overruled objection?

12 MR. ROBERTS: No, Your Honour. Thank you.

13 PRESIDING JUDGE SMITH: All right. We will knock off now today.
14 We'll take this up again tomorrow at 9.00. You're almost to the end.
15 The Judges' questions will be tomorrow morning. Maybe a few other
16 questions after that, but you're getting close to the end.

17 Thank you for your attendance. We'll see you tomorrow at 9.00.

18 MR. PACE: Your Honour, just on scheduling, should this witness
19 be completed tomorrow, I think we're aiming for by 1.00 for his
20 benefit --

21 [The witness stands down]

22 MR. PACE: -- could the Defence confirm whether 1DW-009 is ready
23 to start tomorrow, considering that the estimates are not that long?

24 MR. MISETIC: Yes, the witness arrived this morning and should
25 be ready to go.

1 PRESIDING JUDGE SMITH: Great. So somewhere tomorrow we'll be
2 ready to go.

3 Thank you very much, everybody. We'll see you tomorrow at 9.00.
4 Is there something yet, Rodney? Oh.
5 We're adjourned.

6 --- Whereupon the hearing adjourned at 4.18 p.m.

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