

1 Tuesday, 12 September 2023

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Mr. Misetic.

11 MR. MISETIC: Yes, Your Honour.

12 PRESIDING JUDGE SMITH: Did you have an opportunity to see the
13 documents?

14 MR. MISETIC: I have two points. I don't know if we should do
15 this in private session or --

16 PRESIDING JUDGE SMITH: We can do it in private session, yes, if
17 you wish.

18 MR. MISETIC: Thank you.

19 PRESIDING JUDGE SMITH: Madam Court Officer, please go to
20 private session.

21 [Private session]

22 [Private session text removed]

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10 [Open session]

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

12 PRESIDING JUDGE SMITH: While we wait, I will note that all four
13 accused are present in court today.

14 [The witness entered court]

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 THE WITNESS: [Interpretation] Good.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 This is Prosecution Witness 4255.

19 Good morning, Witness. The Court Usher will provide you with a
20 text of a solemn declaration in which you are asked to --

21 THE WITNESS: [Interpretation] Good morning.

22 PRESIDING JUDGE SMITH: -- take pursuant to Rule 141(2) of the
23 Rules. So please take a look at that and then read it aloud.

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

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

3 WITNESS: W04255

4 [Witness answered through interpretation]

5 PRESIDING JUDGE SMITH: Thank you. Please be seated.

6 Witness, today we will start your testimony, which is can
7 expected to last approximately three days. As you may know, the
8 Prosecution will ask you questions first. Once they are finished,
9 the Defence has the right to ask questions of you, and members of the
10 Panel here might also ask questions of you.

11 The Prosecution estimate for your examination is two hours. The
12 Defence estimates that it will need 12 and a half hours. As regards
13 each estimate, we hope that counsel will be judicious in their use of
14 the time. The Panel may allow redirect examination if conditions for
15 it are met.

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

22 In the event you are asked by the SPO to attest to some
23 corrections made regarding your statements, you are reminded to
24 confirm on the record that the written statements, as corrected by
25 the list of corrections, accurately reflects your declaration.

1 Please also speak into the microphone and wait five seconds
2 before answering a question, and speak at a slow pace for
3 interpreters to catch up.

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

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

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

14 Do you understand all of those statements?

15 THE WITNESS: [Interpretation] I do. Thank you.

16 PRESIDING JUDGE SMITH: All right. We will begin with the
17 Prosecution. The Prosecution is over here on your left and they will
18 start with their questions.

19 Go ahead, Mr. Pace.

20 MR. PACE: Thank you, Your Honour.

21 Examination by Mr. Pace:

22 Q. Good morning, Witness. We have met before. I'll introduce
23 myself --

24 A. Good morning.

25 Q. -- again. We have met before. I'll introduce myself again.

1 I'm James Pace, a Prosecutor with the SPO, and I'll be asking you
2 some questions for the next hour or so. Before I ask the Judge to
3 move into private session to elicit some of your personal details, I
4 note that, as I explained to you during your preparation session last
5 Sunday, rather than asking you questions about every relevant issue
6 you may have information about, it may be possible to admit some of
7 your prior statements containing such information into evidence. In
8 order to do so, there are a number of procedural steps to follow
9 which I will turn to after establishing your identity.

10 MR. PACE: And, Your Honour, in view of this witness's in-court
11 protective measures, we will move into private session for just about
12 a minute to elicit information on his identity.

13 PRESIDING JUDGE SMITH: Into private session for the protection
14 of the witness.

15 [Private session]

16 [Private session text removed]

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5 [Open session]

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

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

8 MR. PACE: Thank you.

9 And, Court Officer, I'd like to show the witness 071776-TR-ET
10 Part 1 RED2 side by side with 01776-TR-AT Part 1 RED2. The first
11 pages on both, please.

12 Q. Witness, do you see the two documents on your screen?

13 A. Yes.

14 Q. The one on the left is in Albanian and on the right in English.
15 And the document refers to an interview with the SPO in January 2020.
16 Do you recall that interview?

17 A. I do.

18 MR. PACE: The documents can be taken off the screen. And just
19 to be clear, they are not for public broadcast.

20 Q. Witness, do you recall being provided with an opportunity to
21 provide clarifications in relation to the statement over the last few
22 days?

23 A. I do.

24 Q. And do you recall that you made a number of clarifications to
25 this prior statement?

1 A. I do.

2 Q. Do you recall these clarifications and some corrections being
3 included in a note which was read back to you?

4 A. I believe I do.

5 Q. Subject to the corrections set out in that note that was read
6 back to you, is the information provided in this prior statement
7 accurate and truthful to the best of your knowledge and belief?

8 A. To my belief and knowledge, yes.

9 Q. And subject to the corrections set out in that note that was
10 read back to you, does the prior statement accurately reflect what
11 you would say if you were examined about the events recorded therein?

12 A. I believe that the additions have completed the first part and
13 they're there.

14 Q. Having made that clarification, can you confirm that the
15 additions, as you described them, in that note that was read back to
16 you together with the prior statements reflect what you would say if
17 you were examined about the events recorded in the prior statement?

18 A. Yes.

19 MR. PACE: Your Honour, we seek admission of the prior statement
20 and associated exhibits. The relevant ERNs of which are set out in
21 our 6 September 2023 e-mail as well as in Annex 1 to Preparation
22 Note 1. And we also seek admission of Preparation Note 1, which is
23 115143 to 115148.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. KEHOE: Other than the objections previously articulated.

1 PRESIDING JUDGE SMITH: [Microphone not activated]. Those stated
2 exhibits are admitted.

3 THE COURT OFFICER: Your Honours, the statements with ERN 071176
4 Part 1, Part 2, Part 3, and Part 4 will receive Exhibit P383.1 for
5 Part 1, P383.2 for Part 2, P383.3 for Part 3, and P383.4 for Part 4.

6 For the associated exhibits, ERN 071775 to 071775 and the
7 English translation of it will be Exhibit P384.

8 U0022777 to U0022777 will be Exhibit P385.

9 U0085541 to U0085572, and I understand from this only page
10 U0085569 is tendered, that will be Exhibit P386.

11 And last -- second-last, sorry, SITF00008196 to SITF00008197 and
12 the Albanian under SPOE00005059 to SPOE00005069 will be Exhibit P387.

13 And, lastly, the Preparation Note under 115143 to 115148 will be
14 Exhibit P388, Your Honours. Thank you.

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

16 All right. Mr. Pace, you may continue.

17 MR. PACE: Thank you, Your Honour. And, Your Honour, in our 6
18 September e-mail, we submitted a proposed summary of this witness's
19 now admitted 154 statement. We haven't received any objections, so I
20 propose to read that in open session now.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. PACE:

23 Q. Witness, I'm just going to read, as we're in open session, a
24 short summary of the statement that was just admitted.

25 MR. PACE: In 1998 and 1999, W04255, a Kosovar Albanian, was a

Witness: W04255 (Private Session)

Page 7741

Examination by Mr. Pace

1 member of the LDK as well as of the KLA, including as KLA commander
2 for a certain period of time. W04255 attended a meeting at which
3 Hashim Thaci introduced himself as being from the General Staff.
4 During another meeting which W04255 attended, Hashim Thaci was
5 referred to as the chief of other KLA members in attendance.

6 That's the end of the summary to be read in open session.

7 And Your Honour, for my supplemental examination, in view of
8 this witness's protective measures, I ask to move into private
9 session.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 Madam Court Officer, please take us to private session.

12 [Private session]

13 [Private session text removed]

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7742

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7743

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7744

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7745

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7746

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7747

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7748

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7749

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7750

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7751

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7752

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7753

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7754

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7755

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7756

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7757

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7758

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7759

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7760

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7761

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7765

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7766

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7767

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7768

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7769

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7770

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7771

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7772

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7773

Examination by Mr. Pace

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7774

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7775

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7776

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7777

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7778

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7779

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7780

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7781

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7782

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7783

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7784

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7785

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17 [Open session]

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

19 PRESIDING JUDGE SMITH: Thank you. We're adjourned until 11.30.

20 --- Recess taken at 11.02 a.m.

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

22 PRESIDING JUDGE SMITH: Mr. Misetiç, you had wanted to address
23 the Panel.

24 MR. MISETIÇ: Yes, Mr. President. If we could go back into
25 private session, please.

1 PRESIDING JUDGE SMITH: [Microphone not activated]

2 MR. MISETIC: Yes, Mr. President, if I may ask that we move into
3 private session, please.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 [Private session]

6 [Private session text removed]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7791

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7792

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7793

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7794

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7795

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7796

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7797

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7798

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7799

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7800

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7801

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7802

Cross-examination by Mr. Kehoe

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4 [Open session]

5 THE COURT OFFICER: Your Honours, we're in open session.

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. KEHOE: Thank you.

8 Q. Now, Witness, just -- and please, don't say anything that may
9 identify you, if you may. Now, Witness, you talked quite a bit in
10 your SPO statement about issues that came up after the war. You were
11 asked questions by the SPO in that regard. And I can just take you
12 through your activities -- the activities after the war consistent
13 with the SPO's questions.

14 It's true, is it not, that from 2001 to 2004, Mr. Thaci, as
15 leader of the PDK, joined a coalition with Mr. Rugova, the head of
16 the LDK, and that Mr. Thaci stepped back and allowed Bajram Rexhepi,
17 that's R-e-x-h-e-p-i, another PDK official, to become prime minister.
18 He did that, didn't he?

19 A. Yes.

20 Q. And it was Thaci who backed Rugova for president in the Kosovo
21 parliament, didn't he?

22 A. Yes, that's correct.

23 Q. And in 2004 to 2007, Mr. Thaci, still in opposition with PDK,
24 agreed to join Mr. Rugova -- President Rugova's unity team for Kosovo
25 status negotiations. And this is before President Rugova passed on.

1 And this was chaired by another leader of the LDK, Fatmir Sejdiu,
2 with Mr. Thaci, although -- working together, was still in the
3 opposition. He did that, didn't he? He worked with Mr. Rugova's
4 unity team, didn't he?

5 A. That's correct.

6 Q. And then from 2007 to 2010, Mr. Thaci won national elections and
7 became prime minister in the run up to the independence in February
8 2008. And when he did this, he invited the LDK to join him in a
9 coalition government, didn't he?

10 A. Yes.

11 Q. And Fatmir Sejdiu, the individual from the LDK we mentioned
12 before, he then became the president of Kosovo, didn't he?

13 A. Yes.

14 Q. And in 2014 to 2017, after Mr. Thaci won elections, he brought
15 LDK into a coalition government, and he gave the prime minister
16 position to an LDK leader, Isa Mustafa, didn't he?

17 A. Yes.

18 Q. He became Mr. Mustafa's deputy, didn't he?

19 A. Yes.

20 MR. KEHOE: And just one point to go into private session on one
21 matter, just one question. I think it's going to -- it will identify
22 him, so can we just go into private session for one --

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. KEHOE: Yes, right now for one question.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 To private session for the protection of the witness.

2 [Private session]

3 [Private session text removed]

4

5

6

7

8

9

10

11

12

13

14 [Open session]

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

16 PRESIDING JUDGE SMITH: Go ahead.

17 MR. KEHOE:

18 Q. And, Witness, in 2016, when Mr. Thaci was elected president, the
19 LDK voted for him, didn't they?

20 A. Yes.

21 Q. So through all this period of time, Mr. Thaci worked in
22 conjunction with you and the other LDK members for a better Kosovo,
23 didn't he?

24 A. Yes.

25 Q. Thank you, Witness. I have no further questions.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7806

1 PRESIDING JUDGE SMITH: Thank you.

2 Mr. Emmerson.

3 MR. EMMERSON: We are in open session, I think.

4 PRESIDING JUDGE SMITH: We are in public session --

5 MR. EMMERSON: Yes.

6 PRESIDING JUDGE SMITH: -- at this time.

7 MR. EMMERSON: Exactly.

8 Cross-examination by Mr. Emmerson:

9 Q. Could I begin, please, Witness, by asking you to be shown just
10 one small passage from the interview that you gave to the Prosecution
11 in this case.

12 MR. EMMERSON: The reference is now P383, and it's Part 3. And
13 the English translation is page 9 at line 1. And the Albanian
14 translation is page 8, line 15.

15 Q. Do you have line 15? Can you see it on your screen in the
16 Albanian?

17 A. Yes.

18 Q. And the question is, you were asked:

19 "Did you ever see or know Kadri Veseli in 1998 and 1999?"

20 And you replied:

21 "Nobody knew him.

22 "Q. So did you hear anything about him during the conflict?

23 "A. No, I didn't."

24 Those answers were truthful and accurate, I presume?

25 A. Yes. When I said that nobody knew him, what I had in mind was

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7807

1 people within my staff.

2 Q. Yes. Including yourself?

3 A. Yes, yes.

4 Q. Thank you.

5 MR. EMMERSON: We can take that down from the screen now.

6 Mr. President, I am now going to turn to look at a map which
7 includes this witness's village and area of responsibility. And
8 taking my cue from the way in which the evidence in chief was
9 presented, I'm assuming that the ruling is that should be done in
10 private session.

11 I don't see Mr. Pace --

12 PRESIDING JUDGE SMITH: [Microphone not activated] ... the SPO's
13 position.

14 MR. PACE: Your Honour, it would depend on how specific we're
15 getting. It might be safer to do it in private session. There are
16 perhaps some things that could be done in open, but I think it would
17 be treading dangerously if we do so.

18 MR. EMMERSON: Well, as is always the position, we will invite
19 the review of the transcript subsequently and the release into the
20 public domain of anything that can be released without prejudicing
21 the interests of the state. But on that basis, we'll --

22 PRESIDING JUDGE SMITH: We'll stay in public session for now.

23 MR. EMMERSON: Very well.

24 PRESIDING JUDGE SMITH: Please be attentive, though. And if we
25 need to move out of public session, we'll be glad to do it.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7808

1 MR. EMMERSON: Yes. May I seek to clarify the dividing line
2 because I just -- is it considered by the Prosecution that anything
3 that relates to this witness's position within the area where he was
4 operating would identify him? Because if it is, then, obviously, I'm
5 in some difficulty doing any of that. I just don't know -- I don't
6 want to err on the side of being in private session. I want to err
7 on the side of being in public session.

8 PRESIDING JUDGE SMITH: To be perfectly honest, this is somewhat
9 of a moveable target.

10 MR. EMMERSON: Exactly.

11 PRESIDING JUDGE SMITH: Go ahead.

12 I don't expect absolute clarity from your side either. It's a
13 complicated issue.

14 MR. PACE: No, certainly, Your Honour. I do note that counsel
15 now in open session has said the map, for example, will include the
16 witness's village and area of responsibility. So if we were then to
17 show the map in open session, that is already two additional indicia.
18 When we put that together with certain other submissions made in open
19 session about this witness, we could be getting very close to a
20 dangerous situation.

21 Our position, for the witness, for this witness, would be that
22 the map and the identification be done in private session, and that,
23 as counsel has said, we can always lift -- sorry, we can unredact, so
24 to speak, the transcript later on.

25 MR. EMMERSON: Very well. On that basis, I'm happy to start in

Witness: W04255 (Private Session)

Page 7809

Cross-examination by Mr. Emmerson

1 private session and then we'll take it from there.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 All right. We will move to private session, please,

4 Madam Court Officer.

5 MR. EMMERSON: Could we please bring up DKV -- sorry, sorry.

6 One thing at a time.

7 [Private session]

8 [Private session text removed]

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7810

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7811

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7812

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7813

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7814

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7815

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7816

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7817

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7818

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7819

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7820

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7821

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7822

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7823

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7824

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7825

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7826

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7827

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7828

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14 [Open session]

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

16 PRESIDING JUDGE SMITH: [Microphone not activated]

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

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

19 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness

20 in. Go on.

21 Some sort of a conclusion on timing from your joint discussion?

22 MR. EMMERSON: Well, I think it's fairly clear, I'm afraid, that
23 the witness will go into tomorrow morning.

24 PRESIDING JUDGE SMITH: Tomorrow morning. Everyone is
25 comfortable that you will be finished by the end of the first session

1 tomorrow?

2 MR. EMMERSON: I think so, yes. Yes, I think that must be right
3 judging by the time estimates.

4 PRESIDING JUDGE SMITH: Well, I've got to bring this gentleman
5 back to --

6 MR. EMMERSON: Yes.

7 PRESIDING JUDGE SMITH: -- testify so ...

8 MR. EMMERSON: I think the first -- the first break tomorrow
9 will combine --

10 MR. ROBERTS: I can confirm from my side, yes, we'll definitely
11 be finished by the first break tomorrow.

12 PRESIDING JUDGE SMITH: And what about -- yes, Mr. Ellis,
13 something?

14 MR. ELLIS: Yes, Your Honour, I'll do what I can to make that
15 happen. We're likely to be short.

16 PRESIDING JUDGE SMITH: Okay.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: All right, Witness. We're ready to
19 proceed. Mr. Emmerson still has some questions for you. Thank you.

20 THE WITNESS: [Interpretation] Okay.

21 PRESIDING JUDGE SMITH: Mr. Emmerson.

22 MR. EMMERSON: I think we are in private session? I think we
23 need to return to private session for the geography questions.

24 PRESIDING JUDGE SMITH: [Microphone not activated]. Private
25 session.

Witness: W04255 (Private Session)

Page 7832

Cross-examination by Mr. Emmerson

1 [Private session]

2 [Private session text removed]

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7833

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7834

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7835

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7836

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7837

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7838

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7839

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7840

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7841

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7842

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7843

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7844

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7845

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17 [Open session]

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

19 PRESIDING JUDGE SMITH: Thank you.

20 MR. EMMERSON: Could we --

21 MR. PACE: Sorry, may I just very briefly. I know there is an
22 exhibit on the screen. Can I just make sure that is not being
23 publicly broadcast? Thank you.

24 MR. EMMERSON: No, it's not, apparently. But may it be tendered
25 at this point?

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7846

1 PRESIDING JUDGE SMITH: What is the reason for taking down the
2 map?

3 MR. PACE: So the reason for not showing the map to the public
4 is because it indicates certain villages. And before, where we were
5 already in open session, counsel made submissions about how those
6 villages relate to the witness. And we have no objection to the --

7 PRESIDING JUDGE SMITH: Do you need the map for the next
8 portion?

9 MR. EMMERSON: No, I don't.

10 PRESIDING JUDGE SMITH: Okay. We'll take the map down then.

11 MR. EMMERSON: But we do want to tender it, if that's
12 acceptable, at this stage.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. PACE: No objection. I'm not sure whether the record
15 captured the sequence of colours used, so I'm not sure how we can use
16 that later. Perhaps counsel can put it on the record --

17 MR. EMMERSON: Yes.

18 MR. PACE: -- just so it's easier to follow. Maybe it was done.
19 I missed it.

20 MR. EMMERSON: Well, it is. But I'll summarise it.

21 The towns that are circled in red are the towns that comprised
22 the collective group of mutual defence that was responsible for --
23 we're in private session?

24 PRESIDING JUDGE SMITH: We are in public session.

25 MR. EMMERSON: Ah, exactly. So it's probably better if I don't

Witness: W04255 (Private Session)

Page 7847

Cross-examination by Mr. Emmerson

1 put it on the record then.

2 PRESIDING JUDGE SMITH: Let's go back to private session and get
3 this straight and then we can get rid of the map.

4 [Private session]

5 [Private session text removed]

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)

Page 7848

Cross-examination by Mr. Emmerson

1 [Private session text removed]

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Witness: W04255 (Private Session)
Cross-examination by Mr. Emmerson

Page 7849

1 [Private session text removed]

2

3

4

5

6 [Open session]

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

8 MR. EMMERSON: Could we call up U0015407 to U0015411-ET, which
9 is the English translation, and the Albanian should be the same
10 reference, yes.

11 Q. Now, these are minutes of a meeting held in the nearby Dukagjin
12 area of a meeting similar to the one that you described in which you
13 were elected. So it's an early meeting trying to organise in the
14 Dukagjin area. And it's dated 23 June. And I just want to ask you
15 about one passage and see if you recognise this. This is -- in the
16 same way as you were elected at the one we have discussed, this is
17 the meeting that led to the election of Ramush Haradinaj as the zone
18 commander for the Dukagjin zone.

19 MR. EMMERSON: Could we turn to page 3 in the English
20 translation. Just turn to page 3 in the English translation. And I
21 have to find the equivalent. I think it's probably better if I read
22 from the English. The equivalent is obviously the same, but it's
23 difficult to find on the handwritten version.

24 Q. On page 3 in the penultimate line in the minutes of this
25 meeting -- so the pagination is at the bottom of the page. In the

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7850

1 penultimate line -- I don't think it's the same page in -- oh, I
2 think -- yes, I'm so sorry. Maybe this point can be made.

3 MR. EMMERSON: This is a draft translation which is -- in fact,
4 there is a proper translation on the system and I thought loaded up
5 into our queue. Yes, if we add -- there it is. There it is. So
6 page 3 of the corrected translation. And at the bottom of that page.
7 Q. So as the -- we're now in second half of June as the zone is
8 self-forming in Dukagjin, we see:

9 "Commander Ramush: The central staff is not providing us with
10 the orders that we require, it is absent."

11 Now, that was there. Was that -- do you recognise that then as
12 being the same as what was happening in your area, which later became
13 the Pashtrik zone? The same position in your area as it was in
14 Dukagjin, that: "The central staff is not providing us with the
15 orders that we require, it is absent." Is that correct?

16 A. Which period of time are we referring to?

17 Q. The document is dated 26 June -- 23 June, I apologise. It is a
18 minutes of meetings in which the Dukagjin zone was formed and
19 Ramush Haradinaj was elected as the commander. The various villages
20 came together and formed a zone command. And I'm just asking you
21 about that one line, the second up from the bottom. It appears,
22 would you agree, that the experience you had was the same as the
23 experience he had or they had, which was:

24 "The central staff is not providing us with the orders that we
25 require, it is absent."

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7851

1 At that stage in June.

2 A. More or less with different formulations, writings, opinions,
3 but the -- the request was this, the unifications. We all asked for
4 unification and a structure.

5 Q. If we can just turn over to the next page, various people at the
6 meeting are elected or given titles, and I want to ask about the
7 realism of these titles. If we can just go to the list at the bottom
8 of the page there. So, obviously, we can see Commander
9 Ramush Haradinaj, chief of staff, and so forth.

10 In your area of responsibility, did you appoint anybody to be
11 chief of artillery in your area?

12 A. No, I did not have this position.

13 Q. Did you appoint anybody to be the commander of the anti-armoured
14 unit combat? Are you having difficulty hearing? There's no --

15 A. I didn't -- couldn't hear this part.

16 Q. I'm going to ask that question again. It may just have been a
17 translation problem. Can you hear my voice?

18 A. Yes, I can.

19 Q. So I'd asked you about artillery. Did you have anybody in your
20 area under your command at this time in June that would have been
21 appointed as the commander of the anti-armoured combat unit?

22 A. I did not have many positions, no. I had my deputy, I had a
23 head of the operations, a commander for the rapid reaction unit, and
24 unit commanders.

25 Q. And so you didn't have, for example, at the bottom of the

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7852

1 line -- bottom of this list, somebody appointed as the commander
2 responsible for chemical and biological defence?

3 MR. PACE: Your Honour, before the witness answers, could
4 counsel perhaps clarify, because we're reading from a document which
5 seems to be referring to an operational zone staff. Is the witness
6 being asked about the operational zone where he was or his specific
7 unit? I don't think we're comparing like with like, so it's unclear.

8 MR. EMMERSON: Well, that's a point of argument. I've made it
9 very clear the question I'm asking. I'm asking the witness to
10 just --

11 PRESIDING JUDGE SMITH: [Microphone not activated] I'm sorry. I
12 was off mic. It is clear. You may continue.

13 MR. EMMERSON:

14 Q. Did you have anybody in your zone -- I think from your previous
15 answers we could probably guess the answer. But did you have anybody
16 in your zone appointed as commander responsible for chemical and
17 biological defence?

18 A. No.

19 Q. And that's because it would have been fanciful and completely
20 unrealistic, isn't it, because these people were, as you said,
21 farmers and teachers by day and soldiers by night; correct?

22 A. In the sense of the activity, this is how they were, farmers,
23 teachers. Now, with respect to the age, I had people who had been
24 captains, commanders, and they helped me a lot.

25 Q. No, I understand that. But, Witness, what I'm trying to explore

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7853

1 with you is it would have been completely unrealistic, wouldn't it,
2 to have given names like this to the people in your villages because
3 there isn't such a thing as a chemical and biological defence inside
4 the KLA, is there?

5 A. That's correct.

6 Q. More generally -- and there's no shame in admitting this. More
7 generally, some of these titles are being handed out in parts of
8 Kosovo to give the appearance that the KLA is a better organised
9 armed formation than it really is; is that correct?

10 A. One of the main, most important tasks is the -- is maintaining
11 high morale.

12 Q. Exactly. And one way of helping to maintain high morale is to
13 pretend people have got jobs that they haven't really got. Would you
14 agree?

15 A. For the time we're referring to this how it should have been.

16 Q. Exactly. Because in the middle of June when the KLA was forming
17 out of village defence units around the country, it would have been
18 ludicrous to give these kind of ranks any meaning, wouldn't it?

19 A. Yes.

20 Q. Thank you. Now, the -- I'll just be careful about -- no, I'm
21 going to leave that for a final section in closed session.

22 Then just one or two further questions, if I may, relating to
23 some other findings, in this case judicial findings, in relation to
24 the Dukagjin zone organisation and to ask you if the same things were
25 applicable in your part of Kosovo.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7854

1 MR. EMMERSON: Could we -- yes, the judgment, it's in the
2 Defence queue. It's DHT00612. Sorry, would Your Honour just give me
3 a minute.

4 Could we turn, please, first of all, to paragraph 21.

5 Now, for those following, Colonel John Crosland is the -- or was
6 the British military attaché to the British embassy in Belgrade and
7 spent this period in Kosovo.

8 Q. So I'm just going to read this to you because there's no
9 Albanian translation. But it says:

10 "The Chamber," that is the court, "heard from John Crosland
11 that, while the KLA was organised, to call the body at the top of it
12 'the General Staff' was misleading. He did not think that the
13 General Staff had effective control over the KLA. John Crosland
14 concluded that there was not a 'great deal' of coordination between
15 the zones and the General Staff."

16 Now, that evidence and finding --

17 A. Yes.

18 Q. -- relates to 1998, throughout 1998, not 1999. I want to ask
19 you, based on the evidence of the military attaché, whether you would
20 agree that to call the body at the top of the KLA a "General Staff"
21 was misleading?

22 MR. PACE: Objection, Your Honour. The witness should not be
23 asked this question based on evidence given by someone in another
24 case. Counsel is perfectly able to put such a question without this
25 reference. It's completely unnecessary. In fact, counsel has put

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7855

1 questions of this nature. So I don't understand the need to use this
2 or the relevance.

3 MR. EMMERSON: Well, I'm not going -- if Your Honours don't find
4 it helpful, I won't pursue the point on this passage. But it is,
5 obviously, highly relevant to the issues and --

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. EMMERSON: Thank you.

8 PRESIDING JUDGE SMITH: Ask the question and then leave that
9 position.

10 MR. EMMERSON: In order to avoid a compound question, I was
11 going to ask three questions on the paragraph.

12 PRESIDING JUDGE SMITH: Okay.

13 MR. EMMERSON:

14 Q. Do you agree that to call the General Staff of the KLA a
15 "General Staff" as such in military terms was misleading as well?

16 A. And I am the best evidence to this, because I did not recognise
17 that there was a proper structure.

18 Q. The expert witness in that case thought that throughout 1998,
19 the General Staff did not have effective control over the KLA in
20 Kosovo. Do you agree with that?

21 A. Yes.

22 Q. And he also concluded that there was not a great deal of
23 coordination between the zones and the General Staff. Do you agree
24 with that?

25 MR. PACE: Objection, Your Honour. The witness is being asked

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7856

1 very broad questions. Perhaps at least, first, a basis of knowledge
2 can be elicited as to whether the witness can even give an opinion,
3 if Your Honours want to hear that opinion, about zones in general and
4 the General Staff.

5 PRESIDING JUDGE SMITH: Overruled.

6 Go ahead.

7 MR. EMMERSON:

8 Q. Do you agree with the expert witness's conclusion that there was
9 not a great deal of coordination between the operational zone
10 commanders and the General Staff?

11 A. I think this is how it was.

12 Q. Thank you. And now I want to look at certain other findings
13 which has to do with the pattern. The extent to which your
14 experience was a pattern or reflects a pattern.

15 MR. EMMERSON: Could we begin at paragraph 45, please. The last
16 three lines of paragraph 45 of the judgment.

17 PRESIDING JUDGE SMITH: Of what?

18 MR. EMMERSON: Of the same document. This is the judgment
19 making certain findings about organisation both in the Dukagjin zone
20 and across Kosovo in relation to 1998. And since this witness has
21 given his own evidence and experience, he's obviously in a position
22 to comment on whether this is -- his experience is reflected.

23 Q. So if we look at the paragraph 45 in the last four lines, the
24 judgment says -- so just to be clear, this is the ICTY court judgment
25 in Haradinaj:

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7857

1 "As reflected above, the gathering of small groups of men in the
2 villages was not centrally organised; it was done at the initiative
3 of the villages. This became known as the village defence
4 organisation or the village guard organisation."

5 That was the same for you, wasn't it?

6 A. If we're referring to the official name, the local staff means
7 literally the staff of that locality, a local staff, [REDACTED]
Pursuant to In Court Redaction Order F1784RED.

8 [REDACTED] Pursuant to In Court Redaction Order F1784RED.

9 Q. Thank you.

10 MR. EMMERSON: Could we turn to paragraph 47, please.

11 Q. Again, I want to see how this relates to your own experience.
12 This is the court's finding:

13 "Villagers also organised rosters to keep watch, dig trenches
14 and build fortifications to protect the village. A 'village
15 commander' was also chosen; the village commander was usually elected
16 from within the village. A large number of villages did not have
17 anybody with prior military experience living in the village, and the
18 villagers then decided on a farmer, village leader or elder to be in
19 charge of the military defence."

20 That's a description of the Dukagjin zone, but it's, would you
21 agree, entirely the same in your area?

22 A. Yes, but I would add the most trusted person, somebody who
23 enjoyed authority within the area.

24 MR. EMMERSON: Could we turn to paragraph 50 and compare on
25 another aspect a pattern in Dukagjin with the pattern in your area.

1 Q. "In Lluke-e-Ulet ... in Decan ..., night guards were appointed
2 to monitor any suspicious person coming in and out of the village and
3 to check their identity; they were initially unarmed volunteers and
4 did not wear a uniform. Most village defenders did not have a
5 uniform. In Lluke-e-Ulet ... some village defenders chose to wear
6 black pants and a black shirt to identify themselves as KLA
7 supporters. In April 1998, some villagers gained access to military
8 attire and KLA patches to put on their clothes. Communication was
9 poor as villages, such as Isnig ..., only had hand-held radios of
10 poor quality."

11 Again, is that reflective of the experience you had in your
12 area?

13 MR. PACE: Your Honour, I object. The paragraph read out to the
14 witness has, I don't know, four or five, perhaps, different clauses,
15 so the witness is being asked a compound question. Further, the
16 witness has already been asked about many of these matters, and
17 putting an excerpt from a judgment to him does not move the needle
18 anywhere.

19 MR. EMMERSON: Well --

20 MR. PACE: The witness's answers can already speak for
21 themselves regardless of this passage. If the passage is to be read
22 out, it needs to be broken down into separate clauses.

23 MR. EMMERSON: May I respond, because it's self-evident
24 nonsense, with respect, to say that this isn't relevant because it's
25 a pattern, and the extent of the pattern is absolutely critical to

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7859

1 any decision you have to make. If this witness's evidence is
2 typical, it casts an entirely different light on the evidence in this
3 case.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. EMMERSON: So each paragraph -- I'd be putting the
6 proposition one at a time. If I have to do that, obviously it's
7 going to take longer.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. EMMERSON: Very well. Very well.

10 Q. Sir, I'm afraid this is going to be a slightly slower process.
11 Let me start it again:

12 "In Lluke-e-Ulet ... in Decan ..., night guards were appointed
13 to monitor any suspicious person coming in and out of the village and
14 to check their identity."

15 Is that something that happened in your area?

16 A. Yes. After the staff command became operational it was soldiers
17 who checked along the main roads. They were the ones who checked,
18 communicated with our villages and our citizens helped them along and
19 so on.

20 Q. "They," that is the night guards, "were initially unarmed
21 volunteers and did not wear a uniform."

22 Was that true in your area?

23 A. No. From [REDACTED] Pursuant to In Court Redaction Order F1784RED.,
24 when we opened the staff command, there was no
25 such thing as a guard. There were only soldiers assigned specific
tasks. This changed from village to village depending on the degree

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7860

1 of organisations, I guess.

2 Q. Thank you.

3 "Most village defenders did not have a uniform."

4 Is that true in your area?

5 A. Yes.

6 Q. The next proposition, obviously, is the black pants and T-shirt,
7 which we've already agreed is not particularly helpful.

8 "In April 1998," it goes on, "some villagers gained access to
9 military attire and KLA patches ..."

10 Did that happen in your area as early as April?

11 A. Yes, I mentioned it earlier. We used to go to Albania. We used
12 to go there to procure weapons and to some extent uniforms too.

13 Q. And, lastly:

14 "Communication was poor as villages, such as Isnig ..., only had
15 hand-held radios of poor quality."

16 What sort of communications equipment did you have in your area
17 in the first half of 1998 or, indeed, in the summer of 1998?

18 A. We had a lot less than this.

19 Q. Would you just bear with me a moment.

20 On the following paragraph - again, I don't need to go into this
21 in quite so much detail - but there is a finding that from the end of
22 April, late May, Serbian forces had increased in the Dukagjin zone
23 and most of the villages in that zone were surrounded by Serbian
24 forces and had begun to set up these defences. And it goes on:

25 "When a village would come under attack, other village defence

1 organisations would come to assist."

2 Now, you've told us about the Serbian attack on the village in
3 the north of your area of responsibility at the beginning of July.
4 Were you similarly aware of a build up of Serbian forces in the
5 April, May, June period in your area?

6 A. Yes, I was.

7 Q. Did you find many of the villages in your area and the
8 surrounding area surrounded or threatened tactically by the presence
9 of Serbian forces during April, May, and June?

10 A. No, but there was a lot of shelling from these positions in
11 Dukagjin. The shelling occurred from there and targeted our
12 villages.

13 Q. How did this affect your ability to coordinate, communicate and
14 collectively organise with other KLA forces? How did the shelling or
15 the attacks from Serbian forces affect your ability to collectively
16 organise?

17 A. Our first task was to look after the civilian population, to
18 defend them, because there were occasions where 65 shells would fall
19 on a single village within the same day. So we needed to protect the
20 population whilst trying to procure more weapons.

21 Q. And as in that area, I think you've already told us that -- and
22 you illustrated it by reference to what happened in July, the
23 villages in your area would rush to the support of any village in
24 your area that was under attack, is that right, collectively?

25 A. That's right. There were numerous occasions where we attacked

1 Serb positions in the Dukagjin zone only to distract them, distract
2 them from attacking the Dukagjin villages that were adjacent to us.

3 Q. And apart from the attack on Rahovec, which was, I think, lots
4 of people -- lots of villages from across -- a much larger part of
5 Kosovo ended up converging on Rahovec; is that right?

6 A. I think so, but I'm not entirely certain.

7 Q. I mean, just give us -- give the Judges a flavour of the
8 intensity of the Serbian attack. We've heard some official records
9 of that -- during that period of time, in the June and into July
10 period.

11 One of the pieces of evidence that we've seen describes all the
12 villages on either side of the road to Malisheve having been burned
13 by the Serbs to the ground. Is that what we're to understand was the
14 conditions under which you were trying to operate and organise?

15 A. The situation was awfully difficult.

16 Q. Very well.

17 MR. EMMERSON: Can I now call up -- and this -- for this, I
18 think, we can be in open session. We are in open session.
19 Excellent.

20 Can I call up 061168. This is ET. This is a document that
21 Mr. Kehoe took us to this morning. There's also an Albanian version,
22 but it's got -- for reasons that are not entirely clear at the
23 moment, only part of the whole Albanian document has been translated.
24 So this is the passage that has been translated and which was brought
25 up by Mr. Kehoe.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7863

1 Could I also ask, please, that in the original, page ERN 061170
2 be displayed on the screen. It's just a list of names, but it is the
3 appendix to this document.

4 Q. Now, you told us earlier on this afternoon about your
5 satisfaction that following the complications and the bedding in
6 confusion when the institutions and their forces entered Kosovo,
7 there had been a substantial regrouping and emerging of the two
8 organisations and their command structures together. Do you remember
9 telling us that?

10 A. Yes.

11 Q. And you said because you're an institutionalist, you were
12 pleased about that because it meant that the institutions - that is,
13 the Bukoshi government in exile - were now fully integrated into the
14 KLA structures and so forth. Correct?

15 A. Yes.

16 Q. Now, I want to take you to the document. I'm going to have to
17 work from the English translation.

18 MR. EMMERSON: And for Your Honours' benefit, there is to be
19 evidence which will establish that the location of the document shown
20 on the bottom left is incorrect and, in fact, this document was
21 concluded in Tirana, in Albania. And some of these witnesses -- some
22 of the questions that I'm going to ask now will, I think, help to
23 assist in relation to that.

24 Q. So, Witness, I'm just going to ask you about the identities of
25 some of the people who were party to this agreement.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7864

1 MR. EMMERSON: I see Mr. Pace is on his feet again. No.

2 MR. PACE: I was just going to object to counsel giving
3 evidence. If there's going to be evidence later, counsel can lead
4 that, but he cannot assert it as a matter of fact for the Panel.

5 MR. EMMERSON: Well, it's just to indicate what the significance
6 of the documents are --

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MR. EMMERSON: -- and the cross-examination. I'm not --

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MR. EMMERSON: It's not something for the witness.

11 PRESIDING JUDGE SMITH: Let's just go with questions. It's much
12 easier and more efficient.

13 MR. EMMERSON:

14 Q. So I'll read some of the passages out to you. The document
15 begins:

16 "After many joint meetings between the authorised officers,
17 finally on the date of 31 October 1998 in the presence of ..."

18 And then there's a list of people.

19 "The decision was made to approve the new structures of the KLA
20 (Kosovo Liberation Army) General Staff.

21 "The approval was made with complete competence for the
22 organisation, leadership, and direction of the KLA's war in Kosovo
23 with the only purpose being the liberation of the integral territory
24 of Kosovo.

25 "The structure presented has the task of completing the KLA's

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7865

1 structuring, bearing in mind all of the imperative elements of the
2 time facing the military.

3 "The formation of the General Staff implies a full inclusion of
4 all the progressive military forces.

5 "Kosovo's national and political structure is requested to
6 support our people's just war under the direction of the KLA with
7 this structure of the General Staff."

8 And then in brackets it says:

9 "(See the structure ... attached to this document ...)"

10 Now, pausing there for a moment, Witness, the term "Kosovo's
11 national and political structure," is that an expression which, in
12 your understanding, is intended to refer to the institutions of the
13 government in exile?

14 A. Not only to the government -- in fact, it's the first time that
15 I see this document, but that's the gist of it. That's what should
16 have happened.

17 Q. It goes on:

18 "This decision authoritatively eliminates the possibility of
19 every manipulation of the people towards freedom, being aware that
20 only the full unification of all its potential and energy and the
21 principled and brotherly support for the motherland by other
22 freedom-loving people will accomplish our goal for an independent
23 life with the criteria of the civilised world.

24 "The KLA General Staff will unify all of the war's leadership
25 and vital sectors as soon as possible."

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7866

1 And then it goes on the passage you were taken to by Mr. Kehoe:

2 "In order for the decision to achieve its full force it must
3 also be approved in an ensuing meeting ..." by Adem Demaci.

4 He was a political representative of the Kosovo Liberation Army;
5 correct?

6 A. Yes.

7 Q. Sorry. Just checking that you heard the question. Adem Demaci
8 was the political representative of the Kosovo Liberation Army; is
9 that correct?

10 MR. PACE: I'm sorry, just briefly, Your Honour.

11 PRESIDING JUDGE SMITH: Mr. Pace.

12 MR. PACE: Just to avoid confusion, counsel keeps referring to
13 the document being shown or referred to by Mr. Kehoe. I don't recall
14 that. I just want some clarity --

15 MR. EMMERSON: Check the transcript, because it was. And I'm
16 about to deal with the part that Mr. Kehoe --

17 MR. PACE: Sorry, then can you refer to the transcript where he
18 did so? Thank you.

19 MR. EMMERSON: Can you find me the transcript reference? Oh,
20 I'm sorry. I absolutely stand corrected. This was brought in with a
21 different witness, with the previous witness. For that, I apologise
22 and I stand corrected.

23 Q. It's a document that has been seen but not with you.

24 Adem Demaci was the political representative of the Kosovo
25 Liberation Army; is that correct?

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7867

1 A. That's what we heard.

2 Q. Bujar Bukoshi was the prime minister of the institutions of
3 self-government; correct?

4 A. Yes, in exile.

5 Q. And he was, as you said, outside Kosovo at all times; correct?

6 A. Correct.

7 Q. The representatives of the KLA is the next one, and then Halil
8 Bicaaj. Now, Halil Bicaaj was the minister of foreign affairs for the
9 Kosovo institutions of self-government; is that right?

10 A. Minister of defence.

11 Q. Minister of defence. I do apologise. Also based outside Kosovo
12 at all relevant times; correct?

13 A. Yes.

14 Q. Yes. Hence the foundation for the proposition that this
15 document was not signed in Prishtine. If we look at the "drafted by"
16 and the stamps, we see on the left-hand side Bislim Zyrapi who was, I
17 think, at that time chief of staff of the KLA; is that right?

18 A. I believe so.

19 Q. And Kadri Veseli, who you've told us you knew nothing about
20 during the war. And then on the other side, Halil Bicaaj, the
21 minister of defence, Xhafer Jashari, signed -- both of them have
22 signed the document, with the stamp of the Republic of Kosovo
23 Ministry of Defence. So this is the unification statement and
24 agreement. Did you never see that document before?

25 A. Never before.

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7868

1 Q. But you presumably heard about that agreement because that,
2 indeed, was the basis for your sense of satisfaction that everything
3 had been resolved? Yes?

4 A. We had heard of it, but this is the first time that I see it
5 with my own eyes.

6 Q. But you can see that it's signed by somebody who was never in
7 Prishtine at the relevant time; correct?

8 A. I'm not certain about it. At the time, I did not know the
9 majority of these names.

10 Q. Yes, but you do know who Halil Bicaj is because you volunteered
11 a moment ago he was the minister of defence.

12 A. Yes, but I have never met him physically.

13 Q. No. But at all relevant times, with Bujar Bukoshi, the
14 ministers of the alternative government in exile were outside Kosovo,
15 weren't they?

16 A. Yes, they were.

17 Q. And then if we turn to the other page, because it refers in that
18 document you've just seen to the new composition of the
19 General Staff, and I want to make certain propositions to you. Just
20 give me one second.

21 I just want to check the remainder of the names on this list
22 because, obviously, there are names of people from the KLA side and
23 names of people who were nominated by the government side. And I
24 want to just check with you if you know which, if you like, side of
25 these negotiations or of this agreement the following people come

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7869

1 from.

2 Ismet Alija. I'm going to suggest he was an appointment from
3 among the ranks of the government institutions.

4 A. I don't know that name.

5 Q. Very well. Ramiz Beiqi?

6 A. I don't know him.

7 Q. Well, if we look now at the next one, J4, Xhafer Jashari,
8 together with two other names, Mark Shala and Xhafer Kabashi, I think
9 you do know, don't you, that Xhafer Jashari was from the Bukoshi
10 Ministry of Defence because he has signed the other document on
11 behalf of the Ministry of Defence with a stamp on it.

12 So Xhafer Jashari, at least, we can be certain, as one of the
13 signatures to this agreement from the government side, the Ministry
14 of Defence, was incorporated into the proposed General Staff; is that
15 right?

16 A. We are referring to a structure that my position at the time
17 would not have enabled me to be able to know about.

18 Q. Fair enough. I won't ask you about the others, unless you
19 happen to know -- do you happen to know whether Enver Basholli or
20 Shaban Dragaj -- do you know those names at all?

21 A. No, I don't. After the war I met Agim Ceku, those names.
22 Sokol Bashota is someone who I'd known before the war, during the
23 war, and after the war. Bislum Zyrapi is someone I came to know
24 during the war. Rexhep Selimi is someone I've known before the war,
25 I knew him during the war and after the war. Hashim Thaci is someone

Witness: W04255 (Open Session)
Cross-examination by Mr. Emmerson

Page 7870

1 who I knew him during the war. After the war we served in the same
2 institutions. Kadri Veseli is someone I had not known before until
3 after the war when he held certain public functions. Adem Grabovci
4 is someone who I came to know when he had public functions. So
5 otherwise all the other names are unknown to me.

6 Q. That's helpful. Last question then: What was clear to you,
7 though, was that as part of this agreement to ensure that there was a
8 unified force from the institutions originally under President Rugova
9 of the LDK, the government in exile, as the agreement to bring these
10 two sides together involved bringing a proposal, at least, to bring
11 representatives of both sides onto the newly formed General Staff; is
12 that right?

13 A. With the little knowledge that I had of the area where I worked,
14 this is what we were aiming for. This kind of unification.

15 Q. Thank you.

16 MR. EMMERSON: Those are my questions, Your Honour.

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 MR. ROBERTS: No, Your Honour. And even less in the seven that
19 we have left.

20 PRESIDING JUDGE SMITH: Okay. All right. Well, I don't want to
21 start you and stop you in seven minutes, so --

22 MR. ROBERTS: Much obliged.

23 PRESIDING JUDGE SMITH: -- we will call it a day.

24 Witness, you will have to come back again tomorrow. You will be
25 excused now. Be back at 9.00 in the morning, and hopefully we finish

1 with you tomorrow. Thank you for being with us and sharing your
2 information with us. The Court Usher will escort you out.

3 THE WITNESS: [Interpretation] Thank you.

4 PRESIDING JUDGE SMITH: Wait. One other thing. I failed to
5 advise you. Please do not discuss your testimony outside of this
6 courtroom with anyone. If someone tries to contact you, please let
7 us know immediately.

8 THE WITNESS: [Interpretation] Thank you, Your Honour.

9 PRESIDING JUDGE SMITH: Thank you. That's all.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 Anything that needs to be attended to?

13 MR. KEHOE: No, Your Honour.

14 PRESIDING JUDGE SMITH: We are adjourned until 9.00 tomorrow.

15 --- Whereupon the hearing adjourned at 3.55 p.m.

16

17

18

19

20

21

22

23

24

25