

1 Thursday, 18 September 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 file
8 KSC-BC-2020-06, The Specialist Prosecutor versus Hashim Thaci,
9 Kadri Veseli, Rexhep Selimi, and Jakup Krasniqi.

10 PRESIDING JUDGE SMITH: I note that all of the accused are
11 present in court today.

12 Today we will continue to hear the evidence of Thaci Defence
13 Witness 1DW-001.

14 Before we start with the witness, there are some preliminary
15 matters the Panel would like to address. First, in relation to next
16 week, can the Thaci Defence tell us whether there are any changes in
17 the order of the witnesses?

18 MR. MISETIC: Good morning, Mr. President. No, there are no
19 changes. And we will, before 4.00, send the notification of the
20 witness for next week.

21 PRESIDING JUDGE SMITH: Any changes in the estimates for
22 cross-examination for next week? And I'll start with the Defence.

23 MR. DIXON: No, Your Honours, not at this stage. And we will
24 assess it as we go along, of course.

25 PRESIDING JUDGE SMITH: Understood.

1 MR. ROBERTS: No change at this stage, no.

2 MR. ELLIS: Yes, not at this stage, Your Honour.

3 PRESIDING JUDGE SMITH: Anything from the SPO? Any change in
4 the estimate for next week?

5 MR. PACE: Sorry, the lawyer is -- no. No changes.

6 PRESIDING JUDGE SMITH: Lastly, in relation to the following
7 block, can the Defence provide an update on the Rule 107 provider's
8 clearances?

9 MR. MISETIC: The communication that the Panel requested that we
10 send was sent through the Registry yesterday and a request for an
11 urgent response was issued. We have not received a response yet,
12 though.

13 PRESIDING JUDGE SMITH: Thank you.

14 Madam Court Officer, you can bring the witness in now.

15 MR. MISETIC: Mr. President, if I may correct myself, the
16 message to the provider was sent on Tuesday, not yesterday.

17 PRESIDING JUDGE SMITH: Thank you. I lose track of the days
18 also.

19 [The witness takes the stand]

20 PRESIDING JUDGE SMITH: Good morning, Dr. Williams.

21 THE WITNESS: Good morning.

22 PRESIDING JUDGE SMITH: Today we will continue with your
23 testimony. I remind you to please try to answer the questions
24 clearly, with short sentences. If you don't understand a question,
25 feel free to ask counsel to repeat the question, or tell them that

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26940

1 you don't understand and they will clarify. Also, please try to
2 remember to indicate the basis of your knowledge of facts and
3 circumstances upon which you will be questioned.

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

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

9 And, finally, if you feel the need to take a break at any time,
10 please make an indication and an accommodation will be made.

11 So we will begin with questions from the Judges at this point.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE SMITH: Judge Barthe on my left, your right,
14 will begin the process.

15 JUDGE BARTHE: Thank you, Mr. President.

16 WITNESS: PAUL WILLIAMS [Resumed]

17 Questioned by the Trial Panel:

18 JUDGE BARTHE: And good morning, Dr. Williams.

19 A. Good morning.

20 JUDGE BARTHE: Dr. Williams, the Panel has a few more questions
21 for you to clarify some issues that are not entirely clear to us.
22 And for that purpose I would like to go through your statement, the
23 statement that you gave to the Defence in November 2021, April 2022,
24 and July 2025, and which we have admitted as Exhibit 1D375, and see
25 if you can help us in that regard.

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26941

1 A. Okay.

2 JUDGE BARTHE: I would like to start with a section called
3 "Involvement with Kosovo" in which you describe how you became the
4 *pro bono* legal adviser to the Kosovo Albanian delegation during the
5 peace conference at Rambouillet and Paris in February and March 1999.

6 In paragraph 17 of your statement, it is noted that at
7 Rambouillet or in Rambouillet you met with a member of the Kosovo
8 diaspora affiliated with the KLA, someone you knew well, as well as
9 an individual who identified himself as a KLA member. After your
10 meeting, the latter wrote a brief note on a scrap of paper, folded it
11 several times, and instructed you to deliver it to Hashim Thaci upon
12 your return to the chateau. And your colleague from the diaspora
13 explained that the note informed Mr. Thaci he could trust you to
14 serve as the delegation's lawyer.

15 Dr. Williams, my first question is, do you remember -- I can see
16 you nodding, do you remember --

17 A. I remember this, yes.

18 JUDGE BARTHE: -- saying this? Thank you. Can I ask you again
19 who were these people? First the one that you knew well, the man
20 from the Kosovo diaspora, that was Dino Hasani; right?

21 A. Yes, that is correct.

22 JUDGE BARTHE: And I note that you were asked the same question
23 by the Prosecution during your interview on 2 September 2025, but do
24 you know who the person was who wrote the note?

25 A. I visually recall the person, but I was not provided the

Witness: Paul Williams (Resumed) (Open Session)

Page 26942

Questioned by the Trial Panel

1 person's name. And I at the time, well, then and now, believed him
2 to be associated with the local command, if not a local commander.
3 So I can provide another sentence or two, but I do not know his name.

4 JUDGE BARTHE: That's all right. Thank you.

5 Dr. Williams, on page 84 of yesterday's transcript or realtime
6 transcript, you called Dino Hasani an adviser. Do you know whether
7 he was a formal member of the KLA or was he just affiliated with the
8 KLA, Mr. Hasani?

9 A. Yes. Because Dino Hasani was American, he would have been very
10 careful not to become a formal member of the Kosovo Liberation Army
11 given US law which prohibits American citizens from joining overseas
12 non-state armed actor movements. So he would have stayed within his
13 lane as an American who was providing advice and guidance to the KLA.

14 JUDGE BARTHE: Thank you. On page 90 of our transcript,
15 yesterday's transcript, you said that Mr. Hasani later became
16 provisional government representative of Kosovo in the United States;
17 is that right?

18 A. Yes, that is correct.

19 JUDGE BARTHE: Can you tell us or do you remember when he was
20 appointed, when he got that position?

21 A. To the -- very early in the process, to the best of my
22 recollection, it would have been in the summer of 1999 after the end
23 of the air campaign.

24 JUDGE BARTHE: And do you know who appointed him?

25 A. It would have been the provisional government that would have

Witness: Paul Williams (Resumed) (Open Session)

Page 26943

Questioned by the Trial Panel

1 appointed him.

2 JUDGE BARTHE: And who in the provisional government, if you
3 know?

4 A. No. He -- I can provide a little more additional context if
5 you'd like, but --

6 JUDGE BARTHE: Yeah, briefly.

7 A. So the provisional government was keen to have political
8 representation in Washington DC. In the way that unrecognised states
9 or unrecognised governments have political recognition, they needed
10 their man in Washington. They asked Dino, since he was an American
11 and did not need visas, et cetera, "Will you be our representative in
12 Washington and work the think tank community?", et cetera.

13 JUDGE BARTHE: And when he was appointed in summer 1999, as
14 you've said, after the air campaign, was that a problem for
15 Mr. Hasani or was that not a problem anymore that he became a
16 representative of an organisation that was labelled at least or
17 called by some people in the US administration early on in 1998, as
18 we have heard yesterday, a terrorist organisation?

19 A. I specifically did not provide Dino legal advice on US law.
20 It's outside of my scope of what I do. I am confident that Dino did
21 seek legal counsel in terms of the Foreign Agent Registration Act,
22 registration with the Department of Justice, and navigating the
23 rules. He was a businessman, he was well lawyered in his business
24 profession, so legally he navigated the complexities of that
25 position, if that's what you mean by causing him trouble.

Witness: Paul Williams (Resumed) (Open Session)

Page 26944

Questioned by the Trial Panel

1 JUDGE BARTHE: And, factually, are you aware of any problems

2 Mr. Hasani had in his position as the US representative of the

3 Provisional Government of Kosovo in the US?

4 A. The -- yes. The tension would have been putting the cart before

5 the horse. NATO had just ended the air campaign, they were seeking a

6 basis for international administration of Kosovo through UN

7 Resolution 1244 and other mechanisms, and the Kosovars, being very

8 proactive, had a representative in Washington DC. And so part of the

9 political reaction from the US government was: Hold on a second,

10 hold on a second, we're getting sorted. This is a little too early.

11 The Montenegrins had a trade representative, Zorica Maric, she

12 was doing similar activities on behalf of Montenegro. Other

13 non-state -- other self-determination movements had actors in town.

14 So Dino was mimicking what others had done. But, yes, there was

15 pushback. Let us figure out what we're going to do with the status

16 of Kosovo before we start receiving a representative of the

17 provisional government that looks like and walks like and talks like

18 political representation.

19 JUDGE BARTHE: So you just said it, political representation.

20 Can I ask you, if you know, of course, what Mr. Hasani did, actually

21 did in the US as representative of the PGoK, the Provisional

22 Government of Kosovo?

23 A. Yes. So Dino and I had a number of conversations about what he

24 could be doing. He ended up mostly being limited to the think tank

25 community, Brookings, Carnegie Endowment, AEI, and ensuring that

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26945

1 Kosovo was part of the conversation when they were discussing. They
2 all various working groups and events and things along those lines.
3 I don't think he had much access on Capitol Hill, because you still
4 had the National American Albanian Council, which was properly
5 registered, et cetera, and so I -- and I'm 60, 65 per cent confident
6 of these facts, so I want to just -- with full disclosure, that
7 Capitol Hill, the senators, the congresswomen would have been more
8 comfortable with the existing National American Albanian Council.
9 State Department would have been: We're still sorting this out. So
10 Dino would have spent his time with the think tank community.

11 JUDGE BARTHE: Do you know whether Mr. Hasani wrote letters to
12 representatives of the US administration or congressmen or other
13 people, politicians?

14 A. I do not know for sure. I did not review any letters that he
15 would have drafted, which, again, would have been outside -- full
16 context, as an American, whenever I'm working for one of my *pro bono*
17 clients, I avoid any advice about shaping US policy just because of
18 the nature of my role. So that is something where if Dino would have
19 said, hey, can you take a look at this letter to a senator, I would
20 have said that's outside my gambit. So let me go with that, if
21 you're comfortable.

22 JUDGE BARTHE: But you cannot recall whether this happened?

23 A. No.

24 JUDGE BARTHE: Whether Dino came to you and showed you a letter
25 and asked for advice? You can't remember?

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26946

1 A. Yeah, I can't remember, and I doubt he would have.

2 JUDGE BARTHE: Thank you. I would like to move on to a
3 different topic in paragraph 31 of your statement, you told the
4 Defence the following, and I quote:

5 "At the beginning of the Rambouillet round of negotiations, the
6 Kosovo delegation selected a Presidency of the delegation consisting
7 of Ibrahim Rugova, Hashim Thaci, and Rexhep Qosja. They agreed that
8 the 'chairman' would be selected by a representative vote.
9 Hashim Thaci was subsequently selected. Over time Vetton Surroi
10 assumed an informal role as the fourth member of the presidency, and
11 in fact one of the four signatories to the Agreement in Paris."

12 Dr. Williams, do you know how many members were in the Kosovo
13 Albanian delegations in Rambouillet and Paris?

14 A. 16.

15 JUDGE BARTHE: And do you know who the other members were? Can
16 you at least name a few, apart from Mr. Rugova, Mr. Thaci, and
17 Mr. Qosaj, and Mr. Surroi?

18 A. Bujar Bukoshi, Edita Tahiri, Jakup Krasniqi, Blerim Shala,
19 Dugolli, who we spoke about yesterday, was there present, and then
20 they had a rotate -- I'm trying to think through the other LDK
21 members. And then they had a rotating -- sorry, that's the -- from
22 going around -- visually around the table. They also then had a
23 rotating number of seats for Kosovar Albanian advisers that would
24 also enter the room. Bajram Kosumi was also a member of the
25 delegation, and then there was Marc, I, Mort Abramowitz, who were the

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26947

1 international -- Marc Weller, myself, and Ambassador Mort Abramowitz,
2 who were the external advisers.

3 JUDGE BARTHE: And you were asked several times whether you
4 remember Mr. Veseli, Kadri Veseli as a member of the delegation or as
5 being present in Rambouillet or in Paris, and you said you can't
6 remember. Is this still the case?

7 A. That's still the case. I would add Rama to my list of people
8 that I do remember. Sorry, my mind is catching up.

9 JUDGE BARTHE: No problem. No problem. Dr. Williams, do you
10 know why Mr. Thaci was selected as chairman? You already said that
11 you were not present during the election or the selection procedure,
12 but was Mr. Thaci a well-known personality in Kosovo at the time in
13 February 1999?

14 A. So two different parts of the question. In my knowledge for
15 the -- as the chief Judge suggested, I share my basis of knowledge.
16 My knowledge with the three of them being selected by consensus comes
17 from the minutes of a February 7 meeting that Edita Tahiri shared
18 with me in part because the minutes also recorded that Mort, Marc,
19 and I would be the external advisers, so: Here's your ticket to
20 enter the chateau.

21 Rugova was LDK. Qosja was LBD, which had broken from the LDK.
22 And then Hashim Thaci was KLA. The decision was made on a 2-to-1
23 vote. Thaci voted for himself, and then Qosja voted for Thaci
24 because of his transition away from Rugova. So that's the -- how it
25 came out as the 2-to-1 vote for the chairman.

Witness: Paul Williams (Resumed) (Open Session)

Page 26948

Questioned by the Trial Panel

1 The second part of your question, and correct me if I'm wrong in
2 misstating it, is why was Hashim Thaci put up as the face, as the
3 negotiator for the KLA. But I'll pause there to make sure that
4 that's a correct restatement.

5 JUDGE BARTHE: That is right.

6 A. Okay. The idea being -- and jump in if I provide too much
7 context -- is that there was a desire -- the process of Kosovo
8 independence was multi-faceted. Rugova stood as the pacifist who --
9 independence. He would not open his mouth without saying
10 "independence," and that was important and crucial. There was work
11 that Bukoshi was doing, to be more nuanced, working with the
12 Americans and the Europeans. There was the action of the non-state
13 armed actors, which in many self-determination movements is
14 important, and then there is the dimension of the peace negotiation.

15 You pick a different character, a different face for whatever
16 dimension of self-determination strategy you're pursuing. So at the
17 negotiations, you want someone representing the KLA who looked like,
18 walked like, and engaged like a diplomat, a negotiator, someone who
19 could be a trusted partner. This may -- if this is too much context,
20 let me know.

21 When I advise -- and I did not give this advice to the Kosovar
22 Albanians. But when I advise my clients in peace negotiations, I say
23 your delegation has to have a range of characters so that any moment
24 in time you can move a piece, a character to the front of the
25 negotiation. You want the negotiator to present a certain way.

Witness: Paul Williams (Resumed) (Open Session)

Page 26949

Questioned by the Trial Panel

1 You'll with want a hardliner, you'll want a compromiser, you'll
2 definitely want a lawyer, you'll want an expert. And so when you're
3 building a team, you think about the characteristics that they bring
4 to play.

5 Additional context, but please stop me if you think I'm going
6 too far. When in -- thinking back, in two-thirds of the three dozen
7 negotiations that I've worked on, the person with command and control
8 authority has not been in the room. Recently, when I was advising
9 the Syrian opposition coalition on their negotiations at Geneva, I
10 specifically advised them to keep the president of the Syrian
11 opposition coalition outside of the negotiation in Geneva, different
12 hotel from the delegation, for strategic reasons.

13 So that would be a comprehensive contextual answer to your
14 question.

15 JUDGE BARTHE: The reason why I was asking the question was also
16 that it could be regarded as a surprise that it was not Mr. Rugova
17 who was elected as chair or selected as the chairman, because
18 Mr. Rugova, back in the days, was still the elected president of
19 Kosovo; is that right?

20 A. Correct, he was still the elected president. No, it was not a
21 surprise. And I can explain why if you'd like.

22 JUDGE BARTHE: Please.

23 A. President Rugova, who was my initial and first and primary
24 *pro bono* client through Bujar Bukoshi, deeply respected, deeply
25 admired. Every conversation that an international had with

Witness: Paul Williams (Resumed) (Open Session)

Page 26950

Questioned by the Trial Panel

1 President Rugova began and ended with two sentences: Independence,
2 non-use of force. Okay. Let's discuss, da, da, da. Independence,
3 non-use of force.

4 President Rugova played an important role at Rambouillet
5 representing the people of Kosova. The international community would
6 have been deeply frustrated if they needed to negotiate with him
7 directly as the head of the delegation, though. With a role -- his
8 role was very important. He embodied pacifism, he embodied the
9 aspiration for independence. He did not negotiate. If that helps.
10 So that wasn't -- that's one dimension.

11 And the other -- and, again, just raise your hand if you want me
12 to stop. I want to be helpful but not long-winded. Is there was a
13 changing kaleidoscope of political and other realities on the ground.
14 And if the Albanians would have showed up and said, "You know,
15 Bujar Bukoshi, the prime minister, you know Ibrahim Rugova, we're now
16 going to negotiate," the internationals would have said, "Where are
17 the non-state armed actors? They're playing a role. If we
18 negotiating with you, sure, we'll get an agreement, it'll say
19 independence, but it will be Potemkin, it'll be faux." You needed
20 that constellation of all of the actors present at the time. The KLA
21 was seen as a crucial dimension of the political fabric of Kosovo.

22 JUDGE BARTHE: Thank you, Dr. Williams.

23 My next questions are about paragraph 32 of your statement,
24 where you described that Mr. Thaci left the chateau for the day to
25 travel to Slovenia to meet with Mr. Demaci, Adem Demaci. And it is

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26951

1 said here that you understood this to be a critical meeting to secure
2 the support of Mr. Demaci to sign the agreement.

3 Again, you remember saying this to the Defence?

4 A. Yes.

5 JUDGE BARTHE: Can you tell us, Dr. Williams, when that was?
6 Was that on 19 February 1999 when Mr. Thaci left the chateau to
7 travel to Slovenia?

8 A. I do not remember the specific date, but it was toward the
9 latter quarter of the negotiations, and I think it was either the day
10 of or the day after Chris Hill had gone to see Milosevic. And I only
11 mention that because it's, like, wait, why is everybody leaving the
12 chateau.

13 JUDGE BARTHE: Thank you. Can you please explain what you
14 meant? Did you mean that the meeting with Mr. Demaci was critical or
15 that the support of Mr. Demaci was critical for the signing of the
16 peace agreement, the proposed peace agreement, or both?

17 A. So I'm pausing not only for the translators, because I don't
18 want to get yelled at again, but I can share with you my view that I
19 held at the time I was in Rambouillet, and I'll stick with that. And
20 then if you care to ask me if my view has evolved or become more
21 nuanced, I'm happy to share that.

22 But if I go back in time to at Rambouillet, the dynamic was that
23 there -- the Kosovar delegation, including Hashim Thaci, was under
24 pressure from two points. The local -- multiple points. Let's say
25 multiple points, because I don't want to exclude civil society and

Witness: Paul Williams (Resumed) (Open Session)

Page 26952

Questioned by the Trial Panel

1 refugees and IDPs and friends and allies. But specifically for the
2 purposes of this conversation, pressure from the local commanders,
3 control from the local commanders, and then ideological and cultural
4 sway from specifically Adem Demaci --

5 JUDGE BARTHE: Can I stop you here, Dr. Williams. We will come
6 to this --

7 A. Okay.

8 JUDGE BARTHE: -- in a second, but if you could answer my
9 question first.

10 A. Okay.

11 JUDGE BARTHE: My question was what you meant. Was the support
12 of Mr. Demaci critical for the signing of the agreement or was the
13 meeting critical or both?

14 A. Yes. So the meeting was critical because Hashim Thaci needed to
15 demonstrate that he was engaging with Adem Demaci, because
16 Adem Demaci was saying a lot from the outside. Adem Demaci was a
17 senior, elder intellectual ideologue, so in order to tick the box of
18 moving forward with an agreement, it was necessary for him to go to
19 Adem Demaci and -- and I'm trying to choose my words carefully, and
20 have a conversation with him.

21 I was not specifically told or did not specifically form the
22 impression that he needed to get approval or even that it was a light
23 consultation. This was something that was imperative, it needed to
24 happen, caused a stir when Hashim left the chateau, and so -- I'm
25 trying to be as specific as possible. I know I used the word

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26953

1 "support," but it was to moderate Adem Demaci so that Adem Demaci
2 would not be so vociferous in his objection to what was happening
3 inside the chateau, if that helps.

4 JUDGE BARTHE: Thank you. That helps, Dr. Williams.

5 On page -- I believe it helps. On page 86 of yesterday's
6 transcript, you said you were told by your American Albanian
7 colleagues in the chateau that Mr. Thaci's meeting with Adem Demaci
8 was necessary for political and cultural reasons. Is this, what you
9 just described, what you meant by political and cultural reasons?

10 A. Yes.

11 JUDGE BARTHE: Thank you. I think this is clear now.

12 And, Dr. Williams, do you know -- you said yesterday, if I'm not
13 mistaken, that you never met Mr. Demaci; right?

14 A. Correct.

15 JUDGE BARTHE: But do you still know whether Mr. Demaci had a
16 position or role or whether he was a member of the KLA at all,
17 whether he had a position or role in the KLA or whether he was a
18 member?

19 A. Subsequent to my time at Rambouillet, I Googled him. And
20 according to the internet, spokesperson for the KLA. But that was
21 not knowledge that I possessed at the time in the chateau.

22 JUDGE BARTHE: Thank you. And we know that Mr. Thaci was not
23 able to secure Mr. Demaci's support for the peace agreement. Just to
24 be sure that I understood you correctly, was the problem that
25 Mr. Demaci insisted on full and immediate independence, was that the

Witness: Paul Williams (Resumed) (Open Session)

Page 26954

Questioned by the Trial Panel

1 problem?

2 A. So two parts on that question. The second is, yes, Adem Demaci
3 was -- in the way that Rugova was a one-talking point, quite
4 appropriately, representative of independence, pacifism, Adem Demaci
5 was -- I guess it's a two-talking point, a two-talking point repeat
6 record, independence and we're willing to fight for it. So that was
7 -- he did not move from that from what I gathered.

8 I would, if appropriate, also like to add that part of going to
9 visit Adem Demaci was to go visit him, ideally if he would have
10 supported or ideally if he would have changed his rhetoric. But if
11 you have pressure from the local commanders and you have ideological
12 sway from Adem Demaci, one way of reducing this pressure is to go and
13 have a conversation. And at least you've given it the college try,
14 you're consulting, having a conversation.

15 JUDGE BARTHE: So, Dr. Williams, during the internal discussions
16 in the chateau among the members of the Kosovo Albanian delegation,
17 can you tell us what was Mr. Thaci's position on the question of
18 independence? Was he in favour or was he against independence as a
19 *conditio sine qua non*, an indispensable prerequisite for signing the
20 agreement?

21 A. Yes, Hashim Thaci and, I would say, every single member of the
22 Kosovar delegation and their Kosovar Albanian experts -- independence
23 was necessary. I spent a lot of time - again, cut me off - a lot of
24 time walking them through how they could get to independence if the
25 "I" word wasn't in the Rambouillet accords. That required a lot of

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26955

1 energy and a lot of conversations and a lot of thinking. But you if
2 you show up and you say, "Hi, I'm so-and-so from Kosovo,"
3 "independence" was the next sentence out of their word -- out of
4 their mouth. And Hashim Thaci was locked in with that like everybody
5 else. Lockstep with that approach.

6 JUDGE BARTHE: Thank you. Dr. Williams, I have a brief question
7 about paragraph 35 of your statement where you said that you first
8 met Mr. Thaci at Rambouillet, and it seemed to you that he was
9 selected to be part of the KLA component of the Kosovo delegation
10 because he had spent time in Switzerland, and you said he had a
11 certain degree of familiarity with the international community.

12 Could you explain what you meant by "familiarity with the
13 international community"?

14 A. Yes. The -- I'm trying to think of how the -- yeah. So the --
15 at the time, that was part of the one-paragraph explanation when I
16 would ask an American Albanian or someone else, "Right, so,
17 Hashim Thaci." "Oh, he's young. He studied in Switzerland. He fits
18 for what we need for the face of negotiations." As a factual
19 statement, that is what I heard and so that's why that's in my
20 statement.

21 And the degree of familiarity with the international community,
22 and I want to be cautious how I describe this, was he had gotten out
23 of Kosovo. He -- I'm trying to be careful in the words that I use so
24 that I don't -- well, anyways, he wasn't a villager, and that was
25 their way of saying he's not a villager, he's not from the rural

Witness: Paul Williams (Resumed) (Open Session)

Page 26956

Questioned by the Trial Panel

1 hinterlands, he's studied in Switzerland, he knows how to carry and
2 conduct himself with the international community, because there was
3 that anxiety, as there always is with non-state armed actors, that
4 they develop a certain persona and they behave according to that
5 persona in a negotiation and it's disruptive of the negotiations.

6 Is that -- too much granular context, but that's what I think
7 they were getting at.

8 JUDGE BARTHE: No, no, it's fine.

9 A. I'm trying to be polite in my --

10 JUDGE BARTHE: This answers --

11 A. -- description.

12 JUDGE BARTHE: This answers my question. Thank you.

13 Another question and it was about paragraph 37 of your
14 statement, where you said that Mr. Thaci's lack of authority was
15 manifested when it became time to formally commit to the agreement
16 being brokered by Secretary Albright. And you said that the
17 translator for some reason left out the word, when Mr. Thaci
18 explained that he or that he could not sign the agreement, that
19 Mr. Thaci was not authorised to agree to the proposal. Instead, the
20 translator focused his translation, you said, according to this
21 statement, on the introductory part of Thaci's statement, where
22 Mr. Thaci expressed his gratitude for America and his enthusiasm for
23 the peace process. And then Mr. Surroi spoke up and indicated that
24 the translator had not translated the last sentence of Mr. Thaci's
25 statement where he indicated that he could not sign.

Witness: Paul Williams (Resumed) (Open Session)

Page 26957

Questioned by the Trial Panel

1 Dr. Williams, I apologise for being -- or for asking for more
2 precision, but can you remember what Mr. Thaci said exactly? Did he
3 say he was not authorised to agree to the proposal, or did he say
4 that he could not sign the agreement?

5 A. It was Veton translating to English what Thaci had said in
6 Albanian. I can give you the context of those dramatic 12 minutes if
7 you'd like, or not.

8 JUDGE BARTHE: Maybe I can --

9 A. [Overlapping speakers] ...

10 JUDGE BARTHE: -- ask you to answer my question first, if you
11 can.

12 A. Okay. I do not specifically recall the words that Veton used
13 other than Veton -- I do not recall specifically the words Veton
14 used. Veton was translating Hashim's statement, and the point of
15 Veton's intervention was to literally say, "Whoa, whoa, whoa, stop.
16 Madam Secretary, you have just been misinformed," the reason why, if
17 I may continue, was -- Mort Abramowitz and I knew that the answer was
18 no. This is why this was in my head, because we'd been in a meeting
19 in the morning to -- as Albright and Chris Hill came in, they sat
20 down. They asked Rugova, chat, chat, chat, independence, but we'll
21 say yes. Asked Qosaj, chat, chat, sounds good. Asked Thaci, chat,
22 chat, and the translator froze for that last sentence. And
23 Madeleine Albright started to celebrate and started to -- so Veton's
24 sole purpose was: Madam Secretary, please, stop. The translator
25 failed to convey the point that there was not agreement for

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26958

1 signature.

2 So that's as precise as I can be.

3 JUDGE BARTHE: Thank you. In paragraph 39 of your statement, it
4 is said that you told the Defence that you were not surprised when
5 Mr. Thaci indicated that he, as is said here, did not have the
6 authority or could not sign on behalf of the KLA, and that you
7 were -- that you did not expect anyone of Mr. Thaci's limited
8 standing to be able to commit on behalf of the local KLA commanders
9 without first receiving their consent.

10 And, again, apologies for asking for more details, but it's
11 important. Can you remember whether Mr. Thaci explicitly said that
12 he had to receive the regional or local commanders' consent before he
13 was able to sign the agreement? Did he say that?

14 A. I'm thinking through to see whether he said that specifically to
15 me or to the delegation, or whether it was my impression from the
16 wholistic multidimensional negotiations. My sense is that
17 Hashim Thaci -- as an international lawyer, Hashim would have not
18 said, "Paul, buddy, lawyer, I can't sign this because X, Y, Z have
19 said no. They've got me." None of my clients would say that. But
20 the reasons for not signing -- so oftentimes when I work with a
21 non-state armed actor, and we'll say, "Okay, I can't sign because
22 this, this, I need this, I need this changed, I need that changed."
23 Hashim was: It doesn't provide for independence and therefore I
24 cannot sign it.

25 And with the phone calls, with the conversations with the

Witness: Paul Williams (Resumed) (Open Session)

Page 26959

Questioned by the Trial Panel

1 diaspora, with the fact that my becoming Hashim's lawyer was because
2 of a piece of paper that somebody outside, who I believed to be a
3 local commander, said, "You can trust him. He's your lawyer," that
4 -- now, that doesn't indicate specific exercise in control, but he
5 wasn't, like, "So what? You're Bukoshi's guy. Go away." He's like,
6 "Okay. Sit here. Let's go for a walk." So those things together
7 gave me this sense. And then as my comment -- contemporaneous
8 comment to David Wilson from the KVM, controlled by the local
9 council.

10 But I want to be cautious not to sit here and say, oh, yeah, he
11 took me out for coffee and said, "These five guys control me." But
12 that was my distinct impression at the time.

13 JUDGE BARTHE: Thank you. Dr. Williams, I'm asking now as a
14 lawyer, from a lawyer's standpoint, do you know whether the consent
15 of the commanders -- the regional commanders of the KLA was formally
16 required? In other words, are you aware of a provision or a rule
17 that required Mr. Thaci to seek -- or, first, to consult with the
18 local commanders and then to seek their -- get their approval?

19 A. I was unaware -- no is the answer. I'm not aware. I would have
20 been deeply surprised if there was anything written down or -- yeah,
21 I would be -- rule-based structure does not come to mind when I think
22 about that level of interaction. It would have been more normative,
23 more cultural, more power and authority, and less rules-based, if
24 that makes sense.

25 JUDGE BARTHE: Yes, thank you.

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26960

1 And one last point. You mentioned in this context, you
2 mentioned a high degree of emotional stress and also - and this can
3 be found on page 87 of yesterday's transcript - an ideological and
4 cultural pressure. I think this was in connection with Mr. Demaci,
5 the latter.

6 Apart from this pressure or stress, do you know whether
7 Mr. Thaci was explicitly or implicitly threatened by anyone during
8 the negotiations in Rambouillet, either from someone from the
9 delegation or from someone outside the chateau? Do you have any
10 information in that regard?

11 A. I was going to joke and say Madeleine Albright threatened him,
12 to close off the border and do other things. If I may, I'm going to
13 describe it this way with -- there is -- there was a definite --
14 sorry, to specifically answer your question, then to provide
15 additional context if I may.

16 I was not specifically made aware that person X had made a
17 threat. I hold that perception of stress and threat -- on the
18 morning of the 8th when I was there, the French sent in a typical
19 protocol photographer. This photographer almost broke the
20 Rambouillet negotiations. He came into the delegation room and took
21 a picture of Hashim and Rugova and others, and Hashim Thaci lost it.
22 He didn't know -- Hashim Thaci became very agitated and was anxious
23 that pictures of him in the negotiation chateau would somehow be used
24 by Serbia to target him. I didn't exactly make that connection.

25 There was seldom a photographer ever in the delegation room

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26961

1 again unless it was Albright or Cook or Vedrine in the delegation
2 room as well. But that level of anxiety of personal safety because a
3 protocol photographer who was French took his picture.

4 There was a level of anxiety that because he had held this
5 position as chair of the delegation, that brought him additional and
6 wider attention to Serbian security forces.

7 And, again, broader context, but stop me if I'm wrong, over a
8 dozen of my *pro bono* clients who have been negotiators have been
9 assassinated by the other side. So a fear of being a negotiator and
10 being targeted is not an unrealistic fear. Take that for -- as it
11 is. But there was that sense of you now have an additional target on
12 your back by being the chief negotiator, by playing a prominent role
13 in negotiations.

14 JUDGE BARTHE: And what about the other members of the
15 delegation? I mean, Mr. Rugova was, of course, a well-known person,
16 but the other members like Mr. Surroi, were they also losing -- or
17 did they also lose it as you said?

18 A. The -- less so on the photographer because they were -- Rugova,
19 Veton, and Bukoshi were more comfortable with the protocol. Bukoshi
20 had done media interviews. When Bukoshi would go to -- on Capitol
21 Hill, a staffer would take a picture and put it in the local
22 newsletter for the senator. They were more -- they oftentimes sought
23 the camera, so they were comfortable with that.

24 Now, that said, Rugova had a certain position of hands off. And
25 the State Department would -- I'll clarify what I mean by that. The

Witness: Paul Williams (Resumed) (Open Session)

Page 26962

Questioned by the Trial Panel

1 State Department on -- the State Department made clear to Milosevic:
2 Hands off Rugova. If the Serbian forces were to have done something
3 to Rugova, that would have crossed a particular line. Bukoshi was
4 based in Germany. Veton stayed in Prishtine during the air campaign,
5 and there were intense efforts to try to provide support to Veton,
6 from friends, from the internationals, et cetera, and intense efforts
7 to have messages sent to Milosevic: Hands off Veton. Meaning, don't
8 send your MUP forces to take him from where he was hiding in
9 Prishtine.

10 Again, that's outside the context of the chateau, but Hashim was
11 not the only one with a stress point over time, and there were
12 reasons why Rugova and Bukoshi were more insulated from that stress
13 point.

14 JUDGE BARTHE: Thank you, Dr. Williams. I'm now coming to my
15 final questions.

16 Yesterday, you discussed with counsel for Mr. Thaci a provision
17 that you drafted in Rambouillet for the Kosovo Albanian delegation
18 that called "on all parties to this agreement to fully cooperate with
19 the ICTY," with the International Criminal Tribunal for the former
20 Yugoslavia. Do you remember saying this --

21 A. Yes.

22 JUDGE BARTHE: -- or discussing this?

23 A. Yes.

24 JUDGE BARTHE: And if I'm not mistaken, you confirmed it was
25 clear to the members of the delegation, including Mr. Thaci, that

Witness: Paul Williams (Resumed) (Open Session)

Page 26963

Questioned by the Trial Panel

1 this proposal would include full cooperation in the arrest and
2 transfer to the ICTY of members of the Kosovo Liberation Army, the
3 KLA, and the gathering of evidence against members of the KLA;
4 correct?

5 A. Correct.

6 JUDGE BARTHE: Dr. Williams, do you know whether the KLA and/or
7 the Provisional Government of Kosovo later actually fully cooperated
8 with the ICTY and gathered evidence or arrested and transferred
9 members of the KLA who were suspected of having committed war crimes
10 or other crimes falling within the jurisdiction of the ICTY to the
11 ICTY; and, if so, can you give us examples of cases where this
12 happened?

13 A. Off the top of my head, I do not recall whether that cooperation
14 occurred, so I wouldn't want to speculate.

15 JUDGE BARTHE: And my final question. Are you aware of cases
16 where suspects from the Kosovo Liberation Army were arrested and
17 transferred to UNMIK or KFOR in 1999?

18 A. I'm aware -- yeah -- I'm aware that Kosovar Albanians appeared
19 before the International Criminal Tribunal for the former Yugoslavia
20 based on indictments. I don't recall specifically off the top of my
21 head how they got there.

22 JUDGE BARTHE: Thank you very much. That's all for me.

23 THE WITNESS: Okay.

24 PRESIDING JUDGE SMITH: Judge Mettraux.

25 JUDGE METTRAUX: Thank you, Judge Smith.

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26964

1 And good morning, Doctor.

2 A. Good morning.

3 JUDGE METTRAUX: I'd like to start by asking you a number of
4 questions about Bujar Bukoshi. And from what you said yesterday, I
5 understood you to be saying that you would consider him not just a
6 client but a person for whom you had respect. Would that be correct?

7 A. Correct. I would -- yes, correct.

8 JUDGE METTRAUX: And were you generally familiar with
9 Mr. Bukoshi's political views; in other words, what he stood for
10 politically?

11 A. Yes.

12 JUDGE METTRAUX: And how would you characterise those views?

13 A. Bujar Bukoshi's political views were 100 per cent aligned with
14 President Rugova's views of independence for Kosovo with -- nuanced
15 of an understanding that external self-determination, independence,
16 is a process. The same political views as Rugova, more nuanced in
17 the need for a process to get there, and more nuanced in a need to
18 work with international partners and allies, governments and
19 dimensions of governments to make that happen.

20 JUDGE METTRAUX: Thank you. And if you may, how would you
21 contrast those views with those of the KLA leadership, if you know,
22 of course?

23 A. The views of the KLA leadership were reflective of the views of
24 President Rugova - independence - and less nuanced than the views of
25 Prime Minister Bukoshi in terms of external self-determination being

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26965

1 a process and that process being a political process as well as an
2 armed movement process. The KLA, given its origins in the villages,
3 was a more simplified non-state armed actor approach to independence:
4 It's our goal, we're victims of atrocity crimes, we need to do
5 something rapidly in order to achieve independence.

6 I want to be careful, though. Those views of evolved as they
7 were part of the -- well, part of the summer, part of the October,
8 and part of the Rambouillet. And I've seen this with many of the
9 non-state armed actors that I've worked with, as they go into a
10 process there are micro "aha" moments. And so in that sense there
11 was, I think, increasing movement together.

12 JUDGE METTRAUX: Can you tell us what political party
13 Mr. Bukoshi was a member of?

14 A. LDK.

15 JUDGE METTRAUX: And would that be true as well of the other
16 members of his government-in-exile, if you know?

17 A. My understanding -- yes. My understanding, all members of the
18 government-in-exile were LDK.

19 JUDGE METTRAUX: And from what you've -- what we've heard from
20 you yesterday, would it be fair to suggest that you had a rather
21 good, and put the adjective if you have a better one than mine, but a
22 good understanding of the political dynamic, as it were, in Kosovo in
23 1998, 1999? Would you agree with that?

24 A. I am actually often asked that question, and my answer is I
25 would probably be at 70 to 75 per cent of an understanding. By

Witness: Paul Williams (Resumed) (Open Session)

Page 26966

Questioned by the Trial Panel

1 virtue of being their *pro bono* lawyer, you're brought into
2 confidences. By being a Californian, I am not Albanian, I am not
3 Kosovar, I am not fully brought into the confidences. So I don't
4 want to overstate or understate, but I would go with 70 per cent. If
5 that's responsive.

6 JUDGE METTRAUX: That's extremely responsive, sir. Now, in that
7 context, how would you characterise the relationship between, on the
8 one hand, Mr. Bukoshi as prime minister and his government and, on
9 the other, the KLA leadership throughout 1998 and up to Rambouillet?

10 A. I would characterise it, and I'll say this slowly for the
11 translators because I think -- both tense and intense.

12 JUDGE METTRAUX: Now, yesterday you were asked whether before
13 Rambouillet you were aware of tensions, you've just used the
14 expression, or problems between Mr. Bukoshi and KLA commanders. I
15 want to ask you if you ever became aware of such tensions and
16 problems between them, whether before or after Rambouillet.

17 A. The nature of my aware -- well, can I tell a story? Let me tell
18 a story. Cut me off if -- I hope it's responsive, because this is
19 how the Albanians -- sorry. This is how Bukoshi dealt with me and
20 dealt with this tension.

21 So when I arrived in Paris, I was greeted by Bujar Bukoshi,
22 Marshall Harris and I were greeted by Bujar Bukoshi. He went into
23 the chateau on the 7th. I joined the chateau on the 8th. The table
24 was like this. Bujar was sitting here, KLA was here, the chairmen
25 were here, the experts were here. I came in and as I was going to

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26967

1 sit next to Bujar Bukoshi, he put his arm on the chair next to where
2 I was going to sit, and he looked at me and he said, "Do not sit next
3 to me, because then you're my lawyer. Go sit somewhere else and
4 change your seat every day." And that was his way of saying: If
5 you're going to be the lawyer for the delegation, they have
6 perceptions of me - of Bukoshi - tensions with me - Bukoshi - and if
7 you are seen as my guy, great for me, not great for you, not great
8 for the delegation.

9 So despite the intense, tense relations, the protocol and the
10 culture of an international adviser was: Don't carry that.

11 And I do remember the first time I sat with the KLA -- I didn't
12 brave it on the first day, but after I had my little note, the next
13 day I sat with the KLA delegation. And as I walked over to the KLA
14 delegation, because they had seen that I and Mort bounced,
15 Jakup Krasniqi pulled the chair out next to him so that I would be
16 invited to sit with the KLA. They knew I was Bukoshi's guy, no
17 question about that. But for my relationship, it was important not
18 to incorporate those tensions.

19 JUDGE METTRAUX: Thank you, sir. And I think you're entitled to
20 an official break at this stage.

21 THE WITNESS: Cookies.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 THE WITNESS: Okay.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE WITNESS: Great. Thank you.

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26968

1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 [The witness stands down]

3 PRESIDING JUDGE SMITH: We're adjourned until 10.10.

4 --- Break taken at 10.01 a.m.

5 --- On resuming at 10.10 a.m.

6 PRESIDING JUDGE SMITH: You can bring the witness in.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: We'll continue now with your
9 cross-examination -- or examination by the Judges. I'm sorry, it's
10 not a cross-examination.

11 Go ahead.

12 JUDGE METTRAUX: Thank you, Judge Smith.

13 And good morning again, Dr. Williams.

14 A. Good morning.

15 JUDGE METTRAUX: I'll go into some details, but I first want to
16 ask you a general question. Are you aware of a number of public
17 statements being made by KLA leaders in 1998 and 1999 in respect of
18 Mr. Bukoshi or his government?

19 A. I recall that one dimension of the tense and intense
20 relationship was an effort by the KLA to create political space by
21 delegitimising the LDK, to a degree, which is perfectly natural and
22 normal, but in particular Bujar Bukoshi, because he was the
23 prime minister, because he was outside of Kosovo, and because he was,
24 to a large degree, the public face.

25 JUDGE METTRAUX: Would you recall, in that context in

Witness: Paul Williams (Resumed) (Open Session)

Page 26969

Questioned by the Trial Panel

1 particular, a number of statements repeated over the course of 1998,
2 and I seem to recall 1999 as well, statements by members of the KLA
3 leadership demanding of Bujar Bukoshi and his government to provide
4 the funds which KLA leaders believed Mr. Bukoshi had at his disposal?
5 Do you recall those?

6 A. Yes.

7 JUDGE METTRAUX: And in your evaluation, was this part of these
8 points of tension that you have highlighted a moment ago?

9 A. Yes. And I can provide a little additional context if you
10 prefer or not.

11 JUDGE METTRAUX: Please.

12 A. The LDK was quite effective at raising funds from the diaspora.
13 And while Bukoshi did not control those funds, he was part of the LDK
14 team that did control those funds. Frequently, there were requests
15 from members of the Kosovar Albanian community, be it refugees, be it
16 other actors, be it the KLA, for those funds to be spent in a
17 particular way. So the KLA, like others, would have said, "Wait, you
18 have all of this money. We need X, Y, or Z. Why are you hoarding,
19 husbanding, being frugal?" And, again, someone has \$100, everybody
20 thinks it's 100.000. I do not know how much money the LDK had
21 abroad.

22 JUDGE METTRAUX: And just for the record, and for the benefit of
23 counsel, I would just note Exhibit P270.2, Exhibit P284,
24 Exhibit 270.15, Exhibit P578, P579, P271, and P515.17.

25 Did you become aware of any reluctance on the part of

Witness: Paul Williams (Resumed) (Open Session)

Page 26970

Questioned by the Trial Panel

1 Bujar Bukoshi to provide financial assistance to the KLA as was
2 demanded of him?

3 A. Yes. Bujar Bukoshi was reluctant to provide financial
4 assistance to the KLA.

5 JUDGE METTRAUX: Are you able to say why?

6 A. The resources that the diaspora had collected were earmarked,
7 were collected on the basis to fund the parallel education system
8 that was operated in Kosovo and to fund the parallel healthcare
9 system. And so Bujar -- there was a two-pronged response. We had
10 maybe one or two brief conversations. Again, when it comes to money
11 and weapons, I'm like: This is not a conversation. Let's talk about
12 self-determination and human rights.

13 But he had indicated two issues. He had said, "We raised this
14 money from the diaspora for health and education, and that's what we
15 need to be spending it on." And then they were also using it, I
16 believe, for some of the refugees and others. And then secondly, and
17 I don't want to be glib about this, but secondly, if they want to
18 raise money for weapons, there's ways to do that. And, ultimately,
19 that did play out.

20 JUDGE METTRAUX: Just on your last sentence, does that mean
21 there was reluctance on the part of either Mr. Bukoshi or his
22 government to help arm the KLA, or would that be an overstatement?

23 A. I would -- I would say that there would be a reluctance because
24 of the competing political nature and because of the -- "earmarked"
25 is an American term, it's too precise, but the designation of these

Witness: Paul Williams (Resumed) (Open Session)

Page 26971

Questioned by the Trial Panel

1 funds for education and healthcare, and that would be inappropriate
2 to do so even if they wanted to do so. I don't think they wanted to
3 do so.

4 JUDGE METTRAUX: I'll now turn to a number of documents, and
5 I'll ask you to assist, if you can, and if you are able to, of
6 course.

7 I'll ask the Registry to bring up Exhibit P310, please.

8 I'll give you a moment to acquaint yourself with the document,
9 Doctor. I'll describe it for the record. This purports to be a
10 public statement by Hashim Thaci as head of the political directorate
11 of the KLA General Staff, and it was published in *Zeri i Kosoves* on
12 Thursday, 28 January 1999. And I think there's an indication further
13 in the paper, but it's of limited concern to you, that the interview
14 was either taken or transcribed on 18 January 1999. Do you see that?

15 A. Yes.

16 JUDGE METTRAUX: First, were you aware that Mr. Thaci was, in
17 January 1999, representing himself as head of the KLA General Staff
18 political directorate?

19 A. No.

20 JUDGE METTRAUX: Are you or were you aware at that time that he
21 would sometimes talk to the media regardless of the capacity in which
22 he would do so?

23 A. Not to my recollection, no.

24 JUDGE METTRAUX: What about the newspaper in question, *Zeri i*
25 *Kosoves*, are you familiar with this publication?

Witness: Paul Williams (Resumed) (Open Session)

Page 26972

Questioned by the Trial Panel

1 A. Yes.

2 JUDGE METTRAUX: Would it be fair to suggest that it's a
3 publication that was editorially friendly to the KLA at the time?

4 A. That I do not specifically recall.

5 JUDGE METTRAUX: I'll ask the Registry to please scroll down the
6 document a bit.

7 Q. And if, Dr. Williams, you feel you should read the document,
8 please say so.

9 I'll start with the paragraph that starts with the words "The
10 recent statements by the Bukoshi 'government' ..." Do you see that?

11 A. The very bottom, the penultimate paragraph?

12 JUDGE METTRAUX: Yes.

13 A. Yes.

14 JUDGE METTRAUX: I'll read it for the transcript:

15 "The recent statements by the Bukoshi 'government' are very
16 irritating, biased and offensive considering what is happening in
17 Kosovo and wider and they are followed by untruths, blackmail, even
18 threats."

19 Now, the first thing I'll ask you is would you know what
20 statements Mr. Thaci would be referring to here in the middle of
21 January 1999?

22 A. No, I do not recall what specific statements. But if I may,
23 that would be reflective of Bukoshi's -- Prime Minister Bukoshi's
24 rather dismissive attitude of the KLA's request. So specifically no,
25 but not surprised that this would be stated this way.

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26973

1 JUDGE METTRAUX: It goes on to say:

2 "The Bukoshi government has not recognised and responsibly
3 supported the Kosovo Liberation Army."

4 And if we can turn over the page, please.

5 "The KLA [General Staff] have no knowledge of the financial
6 means collected allegedly for the war effort, and where have they
7 been allocated to. The General Staff of the Kosovo Liberation Army
8 appeals to the compatriots not to fall into the trap laid by 'the
9 institutionalists'."

10 Now, I'll stop there for a second. What do you understand to be
11 "the institutionalists," or who do you understand that to refer to?
12 A. That is not a word, and it may be because -- sorry, that is not
13 a word that I heard in the context of my work with the Kosovar
14 Albanians. They would say LDK or -- et cetera. So I don't want to
15 guess, but that's not an immediately recognisable word, "Oh, that's
16 who they're talking about."

17 JUDGE METTRAUX: Were there institutions, perhaps, that existed
18 in Kosovo at the time, a parliament, a presidency, a government?

19 A. There were institutions that existed partially in Kosovo and
20 partially abroad. President Rugova was based in Kosovo.
21 Prime Minister Bukoshi was based in Germany. Edita Tahiri, the
22 foreign minister, was based in Kosovo. And then the institutions --
23 the Ministry of Health, the Ministry of Education would be operating
24 in Kosovo, but there was an intense fabric with the diaspora. So
25 parallel, shadow government, some in Kosovo, some outside.

Witness: Paul Williams (Resumed) (Open Session)

Page 26974

Questioned by the Trial Panel

1 JUDGE METTRAUX: The article continues or the reported interview
2 continues:

3 "On the other hand, as far as their financial contributions,
4 that are kept frozen, are concerned they should exert pressure on
5 'the institutionalists' in order to disburse them to the KLA fund
6 'Motherland calling' ..."

7 I'll spare you the pronunciation of the Albanian. Were you
8 familiar with the Motherland Calling or it's sometimes called in
9 English the Homeland Calling Fund?

10 A. I was not familiar with the Motherland Calling or the Homeland
11 Calling Fund specifically.

12 JUDGE METTRAUX: Did you become aware of it later?

13 A. No. I was aware that there was fundraising going on for the
14 KLA, but the specific name of the fund, no. And I -- yes.

15 JUDGE METTRAUX: The record continues:

16 "Bukoshi should clarify to the people and the respected
17 compatriots that spared no expense even sharing their bread with the
18 KLA, where this money is and what it is used for."

19 And then:

20 "The KLA General Staff has reliable information that about
21 [Deutschmark] 100 million have been misused by you and those around
22 you in the 'service of the people' (you admitted at last that 60
23 million were spent, including USD 10 million just for a failed
24 contract). This amount of money was used by you to finance the
25 Interior Ministry as well. You financed the murder and attempted

Witness: Paul Williams (Resumed) (Open Session)

Page 26975

Questioned by the Trial Panel

1 murders of KLA commanders, your dossier includes plans for the
2 liquidation of the KLA [General Staff] and some distinguished
3 personalities of the Kosovo stage."

4 Now, as far as you know, of course, that's all we can ask, is
5 there any truth, to your knowledge, in any of the allegations that
6 are recorded here?

7 A. There is nothing to my knowledge as to the truth of these
8 allegations, full stop. These are talking points that I had heard
9 among the American Albanian diaspora not as talking points being
10 asserted for the truth of the matter, but, "Paul, just so you have
11 some context, there's some tension going on here. Everybody thinks
12 Bukoshi's got a pile of money, da, da, da. It should be used for X,
13 Y, or Z," and there are intense tensions relating to the non-state
14 armed actor and their evolution. Hopefully that's responsive.

15 JUDGE METTRAUX: I'll follow up with one question. Using your
16 modest 70 per cent understanding of the dynamic at the time, would a
17 statement of this sort, in particular the suggestion of Mr. Bukoshi
18 being engaged in a murderous enterprise, would those accusations or
19 allegations be such as to cause disrepute to Mr. Bukoshi and his
20 government?

21 A. These allegations, the way they're -- I'm more comfortable with
22 the first half of the paragraph, which is not the question you asked.
23 But I'm more comfortable with "they have extensive resources from the
24 diaspora, they're not allocating them appropriately" as a way of
25 casting shade, casting disrepute, and something that, while I

Witness: Paul Williams (Resumed) (Open Session)

Page 26976

Questioned by the Trial Panel

1 wouldn't believe to be true, might stick as a disrepute just given
2 the nature of money and diaspora and movements.

3 The second statement of financing murder and attempted murders
4 strikes me as a rather assertive talking point given Bujar Bukoshi's
5 personality and approach. I'm trying to stay within my knowledge and
6 my perceptions.

7 Is that responsive?

8 JUDGE METTRAUX: It was. Thank you.

9 Can the Registry please bring up Exhibit P4166. Thank you.

10 I'll give you again a moment to acquaint yourself with the
11 document, Doctor. But you will see it starts with a Political
12 Declaration no. 23, that's dated 17 January 1999. And the
13 publication in question is the same as the previous one, *Zeri i*
14 *Kosoves*, this one from Thursday, 21 January 1999.

15 And I will ask the Registry to scroll down, please, the page.
16 Thank you.

17 And here it contains or purports to contain the record of an
18 interview with Jakup Krasniqi, who's represented here as being a KLA
19 political representative and spokesperson. Do you see that?

20 A. Yes, I do.

21 JUDGE METTRAUX: Now, if you look at the last -- or the first
22 question, just under the name "By Adnan Asllani." Do you see that?

23 A. "*Zeri i Kosoves* /Voice of Kosovo/ ..."

24 JUDGE METTRAUX: That's it. I'll put it on the record and then
25 I'll ask you questions about it. The journalist is recorded as

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26977

1 asking this:

2 "Mr. Jakup, on 17 January 1999, the Albanian TV broadcast a
3 statement from Bukoshi's 'government', where the so-called government
4 claims that it has contributed 60 million [Deutschmark] for Kosovo.
5 Has KLA received any of this money?"

6 And the recorded answer of Jakup Krasniqi is this:

7 "Bukoshi could pat himself on the back for his unlimited term as
8 'Prime Minister', for unverified expenses of embezzlers, etc. I do
9 not know the amount of [Deutschmark] he has given to his friends" -
10 please turn the page - "and mates, or how much he has stuffed their
11 pockets with, but I can say with certainty that the KLA General Staff
12 has not received a single dime."

13 Now, my first question -- and, again, I'm only asking you to
14 state what you know. And if you don't know, say so. Are you aware
15 of Mr. Bukoshi's government embezzling any money they had received
16 from the diaspora or otherwise?

17 A. I am not aware of Mr. Bukoshi's government embezzling any funds
18 from the diaspora.

19 JUDGE METTRAUX: What about the claim that Mr. Bukoshi or his
20 government did not contribute any financial assistance to the KLA?
21 Do you know that to be true or false, or you don't know?

22 A. I do not know that to be true, full stop. I can share an
23 impression if you'd like, but ...

24 JUDGE METTRAUX: Please, if it puts light on your answer.

25 A. I would not be surprised if that were true given Bujar Bukoshi's

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26978

1 tense and intense relationship.

2 JUDGE METTRAUX: The second question here is, from the
3 journalist:

4 "Where has this money gone then?"

5 And the recorded answer of Mr. Krasniqi is:

6 "I know that some of it has been used to undermine KLA defence
7 capabilities, through financing war deserters."

8 Now, again, based on what you know and what you might have
9 discussed with Mr. Bukoshi, do you know if there's any truth to that
10 assertion?

11 A. I do not know whether there is any truth to that assertion, and
12 that is an assertion that I had not previously heard.

13 JUDGE METTRAUX: And, again, feel free to say that you can say
14 no more. From your knowledge, close contacts with Mr. Bukoshi, would
15 it be something you would consider him capable of doing?

16 A. You mean financing war deserters?

17 JUDGE METTRAUX: Yes.

18 A. That would be a different course of action than: These are the
19 resources for the government-in-exile, health, education. We're not
20 going to use them to transfer them to someone else.

21 Actively paying for deserters would be an additional dimension
22 to that, which I would find out of the ordinary. But, again, I'm one
23 step removed from that.

24 JUDGE METTRAUX: I'll read the next three questions and answers
25 to you, and feel free to do it for yourself. The journalist says --

Witness: Paul Williams (Resumed) (Open Session)

Page 26979

Questioned by the Trial Panel

1 there's a sentence, we don't know if it's the journalist, in fact, or
2 Mr. Krasniqi, says:

3 "In this statement, he asked that Homeland Calling Fund be shut
4 down."

5 And then there's a question from the journalist:

6 "He has also asked for pressure on his 'government' for funds to
7 stop, especially from Homeland Calling Fund. What is your comment on
8 this?"

9 To which Jakup Krasniqi is recorded as saying:

10 "In this statement, he asks that Homeland Calling Fund be shut
11 down, the only Fund with a genuine contribution to our struggle from
12 the very beginning and continuing to this day. His request consists
13 in blocking Kosovo Liberation Army access to funding, making thus
14 impossible the continuation of the struggle for freedom and
15 independence."

16 The journalist asks:

17 "He still keeps the funds blocked. How long, are he and his
18 'government' going to carry on like this?"

19 Recorded answer of Mr. Krasniqi:

20 "He is going to carry on like this until our fellow Albanians
21 realise that by denying KLA access to funds, he has given fascist
22 Serbia the opportunity to carry out successive massacres, until they
23 understand that they are responsible for sending their hard-earned
24 money to the wrong address. Bukoshi's responsibility *vis-à-vis*
25 history and his own people is huge."

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26980

1 Journalist:

2 "This is not the first time he makes such statements. Every
3 time a Serbian offensive or massacre happens, he declares that his
4 'government' has given that much money for our struggle. Does this
5 represent an attempt to sway immigrants after Recak massacre so that
6 he can fill his coffers?"

7 Recorded answer:

8 "Bukoshi and his 'government' have used massacres committed in
9 Likoshan, Qirez, Prekaz and including Recak, to raise war funds which
10 he keeps frozen and, in many instances, has used those funds against
11 our struggle. Even now, he keeps playing with patriotic feelings of
12 our fellow Albanians abroad. Now I think, it is the last opportunity
13 for Bukoshi and his people to reflect where they are heading to."

14 Now, my first question to you is whether you are able to comment
15 on the truth or otherwise of any of these statements that are being
16 made there, in particular that Mr. Bukoshi was acting in a way that
17 undermined the KLA's efforts?

18 A. I'm not in a position to comment on the truth of the matter
19 asserted that Bukoshi was proactively seeking to undermine the
20 efforts of the KLA other than to add, if I may, his reluctance to
21 take the LDK diaspora fund for health and minorities and other things
22 and share that with the KLA.

23 And, secondly, without commenting on the specifics of the
24 statement, this would be generally consistent with the narrative that
25 would have been playing out over the time: Government-in-exile has

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26981

1 resources because of diaspora. Non-state armed movement needs
2 resources. They should share those resources. If you say it
3 politely and nicely, it doesn't have much of an impact, but if you
4 give it an edge, which this would be an edge, it would serve those
5 purposes.

6 JUDGE METTRAUX: Thank you. We can take that document down, and
7 I will ask the Registry to bring up another document with an ERN
8 KSC-BC-2020-06-IT-05-87-1D00018. And it's book that you've been
9 shown already. It's the book of Marc Weller, "The Crisis In Kosovo
10 1989-1999." And I will ask the Registry in a second -- thank you.
11 Could we go to page 338 in the book, and it's page 335 of the PDF,
12 and it bears an ERN 1D0 -- that's the one. Thank you very much.

13 If it can be enlarged, please, for everyone's benefit. Thank
14 you.

15 So that's an excerpt from Mr. Weller's book, Doctor. I would
16 just ask you to look at the item 32 so that you have context. It
17 refers to a letter from the UN, United Nations, Secretary-General
18 addressed to the President of the Security Council, 23 March 1999.
19 And the first annex contains a letter from the OSCE chairman. But
20 what interests me is at the bottom right-hand corner of the page,
21 please. Thank you.

22 And if it can be enlarged just a little bit, the last paragraph
23 to the right.

24 I'll ask you to look at the item under "Political situation."
25 If you can just read it for yourself, and then I'll ask you a couple

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26982

1 of questions.

2 A. Okay.

3 JUDGE METTRAUX: Now, the first item I'm interested in, it
4 suggests that:

5 "Adem Demaci resigned as a political spokesman for the KLA on 2
6 March," that would be 1999, "in what appeared to be an indication of
7 a shift within the KLA towards acceptance of the Interim Agreement
8 advocated at Rambouillet."

9 Now, first things first, were you aware of Adem Demaci's
10 resignation from the KLA on 2 March 1999?

11 A. On 2 March 1999, I was not aware of his resignation.
12 Subsequently, I have become aware.

13 JUDGE METTRAUX: And I don't want to put words in your mouth,
14 but you described that positioning, if you want, the diplomatic and
15 political positioning of the KLA changed over time. And here it says
16 that the resignation of Mr. Demaci was "an indication of a shift
17 within the KLA towards acceptance of the Interim Agreement ..."

18 Would you share?

19 A. Yes. And I can provide additional context to the nature of that
20 shift, if you'd like.

21 JUDGE METTRAUX: Please.

22 A. So the negotiation in Rambouillet was multidimensional. There
23 were three dimensions that were important. The first were the text
24 of the agreement, which I was involved in and -- does it work,
25 doesn't it work, does it say independence, does it not say

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26983

1 independence.

2 The second was the nature of the security annex and what NATO
3 would do if the political agreement was signed and NATO was able to
4 deploy.

5 And then there was the third, which I'll mention in just a
6 second.

7 And the dynamic there was similar to the dynamic at Dayton,
8 where I was advising the Bosnians, which is: It doesn't precisely
9 matter what the agreement says, you get tens of thousands of NATO
10 troops in your country to protect your people. TMI -- sorry. At
11 Dayton, I was in a meeting when Izetbegovic was specifically told,
12 "Sign the lunch menu. You get 50.000 NATO troops." That's what the
13 Dayton accords were about. I did not hear that specifically stated
14 at Rambouillet, but many of the folks from Dayton, et cetera, that
15 was the theme.

16 The third dimension, which -- well, I'll just say it. The third
17 dimension is the Americans and their European allies had no
18 difficulty doing a 180-degree switch. We're here to protect the
19 human rights of the Kosovar Albanians, we're -- and this is what
20 prompted Mitch McConnell, Senator Mitch McConnell to come to
21 Rambouillet. We're here to protect the rights of the Kosovar
22 Albanians, we're going to do these things, we're going to deploy
23 NATO. If you don't sign, you are our enemy, and we will cut off all
24 your funding, we'll abandon you. *Helaas*, the Serbs can do what they
25 want. That would have prompted this shift. There would have been

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26984

1 Americans in contact with the local commanders conveying this
2 message. It was also conveyed in the chateau.

3 And so if you're thinking, whoa, wait, that was a quick switch,
4 it was, but the Americans were able to -- and I don't say this with
5 pride, the Americans were able to turn on a dime and become a
6 frenemy.

7 JUDGE METTRAUX: The next sentence in that document says that:

8 "On 3 March the eight Kosovo Albanian political parties,
9 including the Democratic League of Kosovo (LDK) of Ibrahim Rugova,
10 represented in a shadow 'Parliament of the Republic of Kosova',
11 called on Kosovo Albanians to support the Rambouillet Interim
12 Agreement."

13 Were you aware at that time, sir, of that call by these parties?

14 A. Yes, in the context that on the last day of Rambouillet, the
15 Kosovar delegation, while they did not agree to sign the Rambouillet
16 accords at the Rambouillet chateau, they provided a letter to
17 Madeleine Albright saying: We intend to sign the Rambouillet accords
18 after consultation - I forget exactly the precise words; it may be in
19 Weller's book - with the people of Kosovo. And they also reaffirmed
20 that they understood the penultimate paragraph to be referendum, free
21 will of the people, and that they accepted transformation of the KLA.

22 So the narrative was the Kosovars did not sign at Rambouillet,
23 which was true. The second part of the narrative is they intended to
24 sign after they went and consulted, and this would have been calling
25 on the Albanians to support the Rambouillet interim agreement.

Witness: Paul Williams (Resumed) (Open Session)

Page 26985

Questioned by the Trial Panel

1 JUDGE METTRAUX: Well, that brings me nicely to my last two sets
2 of questions for you, Doctor.

3 The first one you've already visited it with the parties and my
4 colleague, Judge Barthe, is the planned meeting between Hashim Thaci
5 and Adem Demaci during this interim period when Mr. Thaci was
6 believed to have flown out of France into, we're told, Slovenia for
7 the purpose of that meeting.

8 My first question is a very basic one: Do you have any
9 information whether the meeting did actually take place?

10 A. I have always assumed it took place. That would be my answer.
11 Well, to be responsive to your answer, I do not have specific factual
12 information whether it did or not. And until you've asked me this
13 question, I've always stated he flew to Slovenia to meet with
14 Adem Demaci, assuming that it had all played out that way. But to be
15 precise, I could not provide factual evidence of that.

16 JUDGE METTRAUX: I'll ask a follow-up question, though I think I
17 know the answer from your first answer. You never received a report
18 by anyone - or if you did, please correct me - about what the content
19 or the nature of such a meeting, if it took place, would have been.
20 Would that be fair or right?

21 A. The response to my question -- to my -- the fellow -- to the
22 Kosovar delegation members of, "Where is Thaci today?" "He went to
23 Slovenia to meet with Demaci?" "Why?" But I sort of knew why,
24 because you'd hear throughout the chateau with the -- the angst with
25 the role that Demaci was playing from the outside. And I don't

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26986

1 remember what the words were, "to consult," "to have a conversation."
2 I did not ask for a readout. Again, keeping my distance from getting
3 into their internal discussions.

4 JUDGE METTRAUX: I'll ask you the same about what were believed
5 to be the necessity of meetings between -- meeting or meetings
6 between Mr. Thaci and KLA zone commanders, which you mention in
7 particular in paragraph 39 of your statement but you've repeated it
8 here. Do you know of any such meetings actually taking place during
9 that interim period?

10 A. So this, I would have a greater degree of certainty. So to
11 specifically answer your question, if I could list off which
12 commanders and when, I couldn't. If you would ask me do I know and
13 could I prove that he had met with them, the answer would be no.

14 The reason why I hold the view that he met with them is, when I
15 returned to Washington, I had extensive conversations with American
16 Albanian diaspora, which we were tight, and from them I could ask,
17 "What's going on? In order for me to be helpful, et cetera, what is
18 going on?" And they had said, "Hashim Thaci needs to go to the local
19 commanders. He" -- and this is hearsay, I'm repeating what they had
20 told me, "He's going through the forest, one zone at a time, carrying
21 a piece of paper, getting their signatures." Again, American
22 Albanians telling me, me telling you, "Getting their signatures one
23 at a time, so he could show that others had signed and was collecting
24 their consent." And this led a little bit into the Bob Dole
25 situation, which we can talk about if you'd like or not.

Witness: Paul Williams (Resumed) (Open Session)

Page 26987

Questioned by the Trial Panel

1 But that is where I have confidence in saying that he was in the
2 bush, as they would say, collecting signatures of the zone
3 commanders.

4 And then -- well, I'll just add this. I apologise if I'm giving
5 too much context. This -- adjacent to this, there was a significant
6 political cost with the relationship with Bob Dole because he was in
7 the field -- sorry, I said "in the bush." My Sudanese clients always
8 tell me, "I'm out of touch. I'm in the bush." So he was in the
9 field. He was unable to meet with Senator Dole, and that cost him
10 some political capital.

11 So that would lend -- give me assurance that that is what he was
12 doing.

13 JUDGE METTRAUX: Well, we heard about that last point. And,
14 again, I mean absolutely no criticism of you. Were you ever able to
15 verify the information that you were given, as you said yourself,
16 maybe second- or third- or more hands, from outsiders, that Mr. Thaci
17 had actually ever met any of these commanders, and if so, whether a
18 name or names were given to you about those he was supposed to have
19 met?

20 A. No. And I don't take it as criticism, because implicit in my
21 relationship with the Kosovar Albanians was staying within the
22 knowledge base that I need. So, for instance -- and, again, cut me
23 off if this is too much context. When I met Dino Hasani, who I knew
24 well, in the village and he said, "These are my friends." I did not
25 pass out my business card. I did not ask who they were. I -- that

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26988

1 was -- those are -- these are these folks.

2 As an American former State Department official, everyone
3 assumes I'm a CIA person before I demonstrate otherwise, and I do
4 live in north Arlington, so I am exceedingly cautious about pushing
5 into that level of detail.

6 JUDGE METTRAUX: And, again, I'm simply trying to explore what
7 you are able to say, but --

8 A. No.

9 JUDGE METTRAUX: -- with the caveat that you mention about the
10 nature of the information that you received and where it came from
11 and your own abilities, was there any indication at that stage that
12 any of the zone commanders - from the information you received, I'm
13 only limiting it to that - had not been consenting to the signing of
14 the Rambouillet agreement from, again, what you personally heard?
15 Or, I should say, either way, whether they resisted or did not resist
16 or if you haven't had that information.

17 A. There was a -- a meeting with Dino Hasani in the village, there
18 was a clear indication -- and that I played a small -- that was asked
19 to play a small role in this. There was a clear indication that the
20 zone commanders needed to be brought along. So trying to be as
21 precise as possible. "Inside the chateau, you cannot determine the
22 future status of Kosovo. So, Paul, we trust you. You're in, you're
23 out. Here's this password, piece of paper. Go become the KLA lawyer
24 as well as Bukoshi's and everyone else's lawyer. Keep us informed,
25 with complete transparency and knowledge that this was happening, of

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26989

1 what is happening and where it is going so that the commanders can be
2 informed as well." Not necessarily that they were pondering the
3 specific language, but are we getting independence, are we getting
4 NATO, things along those lines. It wasn't sipping coffee and waiting
5 for an agreement, or they weren't all aligned, I would say. If they
6 were all aligned with Adem Demaci's view, they would not have been in
7 Rambouillet trying to constructively -- I will slow down for the
8 translators. They would not all been involved in Rambouillet seeking
9 constructive engagement with the negotiation process.

10 JUDGE METTRAUX: Thank you, Doctor. Those were my questions.
11 Thank you.

12 THE WITNESS: Okay.

13 PRESIDING JUDGE SMITH: We'll give you a half-hour break at this
14 time --

15 THE WITNESS: Okay.

16 PRESIDING JUDGE SMITH: -- as scheduled.

17 THE WITNESS: Great. Thank you.

18 [The witness stands down]

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

20 --- Recess taken at 10.58 a.m.

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

22 PRESIDING JUDGE SMITH: All right. Madam Court Officer, you can
23 bring the witness in.

24 [The witness takes the stand]

25 PRESIDING JUDGE SMITH: All right. Doctor, the next set of

Witness: Paul Williams (Resumed) (Open Session)

Page 26990

Questioned by the Trial Panel

1 questions are from Judge Gaynor, here at the far end.

2 THE WITNESS: Okay.

3 PRESIDING JUDGE SMITH: Please give him your attention.

4 JUDGE GAYNOR: Thank you, Judge Smith.

5 Dr. Williams, according to your evidence, and Appendix A to your

6 CV, it's clear that you've represented a range of governments and

7 non-state actors in Europe, Africa, and Asia in complex negotiations.

8 A. Yes.

9 JUDGE GAYNOR: And am I right in understanding that many of
10 those were sensitive negotiations on agreements of great importance
11 to the populations of the countries involved?

12 A. Yes.

13 JUDGE GAYNOR: You said earlier today:

14 "... in two-thirds of the three dozen negotiations that I've
15 worked on, the person with command and control authority has not been
16 in the room."

17 A. Correct.

18 JUDGE GAYNOR: Now, I want to focus on the one-third of the
19 negotiations where the person with command authority was, in fact, in
20 the room.

21 Now, during those negotiations, when you're in the process of
22 trying to secure consent to the final agreement, would the person
23 with command and control simply sign the agreement without consulting
24 anyone, or was it more normal for that person to consult, whether by
25 telephone or in person, with people in their own country or

Witness: Paul Williams (Resumed) (Open Session)
Questioned by the Trial Panel

Page 26991

1 community?

2 A. I can answer that question -- I'm thinking through the different
3 cases. In the cases that immediately come to mind, they would have
4 signed in the room. And I can give you a couple of examples if that
5 would be helpful.

6 JUDGE GAYNOR: Go ahead, yes.

7 A. So with the -- when I represented the Armenians during the Key
8 West negotiations, it was President Kocharyan and Foreign Minister
9 Vartan Oskanian, and with Colin Powell, at the Truman White House,
10 they agreed to sign. These areas did not agree to sign. So that did
11 not play out.

12 In the Dayton negotiations, President Izetbegovic,
13 Muhamed Sacirbey, Haris Silajdzic, the three political leaders,
14 agreed to sign the Dayton negotiations.

15 In the Doha agreement, El-Tijani Sissi, who was representing the
16 El JEM, agreed to sign. That was a two-year negotiation, so there
17 was a degree of back and forth. And in that case, some of the other
18 Darfuri delegations, which, like the JEM specifically had -- had
19 Gibril and his brother Ibrahim was the commander, he would not sign
20 and did not sign but he was consulting. Hopefully that provides
21 context.

22 JUDGE GAYNOR: Yes. And have you been in situations where
23 during the process leading up to the final days before signature, the
24 person with command and control takes the position that they need to
25 consult with others in their own community to ask their views and, if

Witness: Paul Williams (Resumed) (Open Session)

Page 26992

Questioned by the Trial Panel

1 necessary, to persuade them that it is in the national interest to
2 sign the agreement?

3 A. I'm trying to roll through and think. One that would come -- so
4 in some instances, they have more recently -- so, for instance, the
5 Syrian negotiations, they brought wide segments of civil society to
6 Geneva so that there was, they would say, an ongoing consultation
7 during the negotiations, and there were breaks, Geneva 1, 2, 3, 4,
8 and 5, and so consultations would occur.

9 JUDGE GAYNOR: And would you consider it desirable in order to
10 secure a lasting peace that each party, before they sign an
11 agreement, has the true agreement of the community that that party
12 represents?

13 A. Yes.

14 JUDGE GAYNOR: And would you consider, therefore, that
15 consultation during the negotiations, whether by telephone or in
16 person, prior to signing the agreement is positive and in many way a
17 necessary element to ensure a durable peace?

18 A. Yes. Yes, generally speaking. There is the balance of being
19 able to make concessions and negotiate with some degree of
20 confidentiality. But, yes, from my personal opinion, inclusion,
21 transparency, communication is desirable for a durable peace.

22 JUDGE GAYNOR: Now, going back to the context of Rambouillet, if
23 Hashim Thaci was consulting by satellite telephone with other members
24 of the KLA, whether in Kosovo or in other countries, or if he went in
25 person to speak to zone commanders to explain the agreement, as you

Witness: Paul Williams (Resumed) (Open Session)

Page 26993

Questioned by the Trial Panel

1 described before the break, was there anything wrong with that, was
2 it undesirable, or was it, in fact, a positive way to work?

3 A. I would not characterise it as undesirable. And the way in
4 which you describe it would be positive, to consult and share
5 information. I'm hesitating because I'm trying to be slightly
6 cautious about imposing my cultural view of openness, transparency,
7 free flow and share of information and all of that, which is -- so I
8 want to be a little careful about that. But, yes, I agree with the
9 theme of your statements or questions.

10 JUDGE GAYNOR: And on an issue important to all the parties as
11 independence, whether independence should be in the agreement, on
12 that key explosive issue, was there anything wrong with Hashim Thaci
13 going to the commanders who were actually commanding the troops in
14 the field to check if they were okay with that element?

15 A. It was appropriate to do so.

16 JUDGE GAYNOR: Those are all my questions.

17 A. Okay.

18 JUDGE GAYNOR: Thank you.

19 PRESIDING JUDGE SMITH: Any follow-up questions, Mr. Misetic?

20 MR. MISETIC: Yes. Mr. President, yes, but we're going to need
21 a minute to release the queue if you don't mind.

22 PRESIDING JUDGE SMITH: No problem.

23 MR. MISETIC: Thank you.

24 PRESIDING JUDGE SMITH: Go ahead. Do you need us to step aside
25 or is it just a short ...

Witness: Paul Williams (Resumed) (Open Session)

Page 26994

Re-examination by Mr. Misetic

1 MR. MISETIC: We do need five minutes, if that's okay.

2 PRESIDING JUDGE SMITH: Okay. We'll step aside for five
3 minutes. You can go back into the waiting room for five minutes,
4 have one more cookie, and then we'll meet again.

5 THE WITNESS: I think I ate them all already.

6 [The witness stands down]

7 PRESIDING JUDGE SMITH: We'll adjourn for five minutes.

8 --- Break taken at 11.40 a.m.

9 --- On resuming at 11.48 a.m.

10 PRESIDING JUDGE SMITH: Please bring the witness in.

11 [The witness takes the stand]

12 PRESIDING JUDGE SMITH: After the Judges' questions, we have one
13 more round where everybody can ask anything dealing with what came up
14 during the Judges' questions.

15 THE WITNESS: Okay.

16 PRESIDING JUDGE SMITH: So Mr. Misetic will begin.

17 THE WITNESS: Great.

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

19 Re-examination by Mr. Misetic:

20 Q. Thank you, Dr. Williams, for being with us. I just have a few
21 follow-up questions. And my first set of questions relates to a
22 series of questions that were put to you by Judge Mettraux concerning
23 your knowledge of the relations between Bujar Bukoshi and the KLA.

24 MR. MISETIC: And if we could please have on the screen DHT03646
25 to DHT03648, please.

Witness: Paul Williams (Resumed) (Open Session)

Page 26995

Re-examination by Mr. Misetic

1 Q. And you'll see this is an article from October 9, 1998. And I
2 believe you've already testified that at this time you were already
3 advising Mr. Bukoshi about the summer negotiations and the October
4 negotiations; is that correct?

5 A. Correct.

6 Q. I also believe you've said you are familiar with who Tim Judah
7 is?

8 A. Yes.

9 Q. Mr. Judah wrote this article. And I'll start with the first
10 paragraph and see what you know about this:

11 "The war in Kosovo has taken a deadly new twist. Just when a
12 [unified] front is needed in face of a humanitarian disaster,
13 Kosovo's Albanian politicians are at one another's throats as never
14 before."

15 MR. MISETIC: If we go to the third paragraph.

16 Q. "In June, at the height of its fortunes, the Kosovo Liberation
17 Army ... not only controlled large swaths of territory but appeared
18 to have consigned Ibrahim Rugova, Kosovo's pacifist leader, to the
19 dustbin of history. That was not the case. Down, but not out,
20 Rugova and his colleagues in the government-in-exile began to fight
21 back.

22 "The mastermind behind that government's attempt to seize
23 control of the KLA was Xhafer Shatri, Rugova's minister of
24 information, based in Geneva. Working with Bujar Bukoshi, the head
25 of the government, who lives in Bonn, he dispatched 14 military

1 officers to Albania and Kosovo. The two cabinet members also
2 activated the dormant Ministry of Defence, appointing Ahmet Krasniqi
3 as minister."

4 MR. MISETIC: Can we scroll to the next paragraph, please.

5 Q. "The 14 officers, although formally operating under the aegis of
6 their own Armed Forces of the Republic of Kosovo (FARK), had as their
7 goal the takeover of the KLA. The idea was that once this had been
8 achieved, Rugova could proceed to the negotiating table in a position
9 of strength -- with a government, a parliament, and an army."

10 MR. MISETIC: And I'll pause for the interpreters.

11 Q. Now, did you have any knowledge of Mr. Bukoshi having a military
12 or developing his own military in the summer and fall of 1999?

13 A. Yes.

14 Q. And what was your knowledge?

15 A. My knowledge was that Prime Minister Bukoshi was attempting to
16 create the FARK, based initially in Albania and comprised of Albanian
17 officers and others who had previously served in the Yugoslavia armed
18 forces.

19 Q. Did you ever have a discussion with Mr. Bukoshi or anyone acting
20 on behalf of the government-in-exile about FARK?

21 A. The Bukoshi -- Bujar Bukoshi never specifically asked me for my
22 advice regarding the FARK. But in our conversations, my
23 conversations with Bukoshi, and my conversations with the American
24 Albanian diaspora, it was part of the conversation that it existed,
25 that it was contributing to the intense tension, and that it was a

Witness: Paul Williams (Resumed) (Open Session)

Page 26997

Re-examination by Mr. Misetic

1 new endeavour for the LDK to be creating an armed wing.

2 Q. Were there any conversations at the time that you can recall
3 about the Bukoshi government-in-exile using FARK as a vehicle to try
4 to take over control of the KLA?

5 A. My recollection would be that the FARK would be an additional
6 non-state armed actor that would fight on behalf of the people of
7 Kosovo, and because it would be professional, being comprised of
8 former officers of the Yugoslav Army, that it was likely to be more,
9 if not the most, effective non-state armed actor and therefore
10 displace the KLA.

11 Q. As Judge Mettraux mentioned, and I think you said you had a
12 70 per cent understanding of the dynamics, did you have any
13 understanding of what the dynamics would be if, in fact, they
14 succeeded in displacing the KLA?

15 A. Can you be more precise in terms of the dynamics *vis-à-vis* the
16 relationship between the two or --

17 Q. Yes. Between let's say --

18 A. Oh.

19 Q. -- Mr. Bukoshi and his government and the KLA.

20 A. Intensely unpleasant.

21 Q. You were asked several questions about Mr. Bukoshi's control of
22 money. And before I ask that question, I need to ask a foundational
23 question, which is: Do you have any knowledge of who Adem Jashari
24 was?

25 A. Not off the top of my head.

Witness: Paul Williams (Resumed) (Open Session)

Page 26998

Re-examination by Mr. Misetic

1 Q. Okay. Then we'll move on from that.

2 MR. MISETIC: We can take the document -- or, actually, before
3 we take the document down, if we could just scroll down a little bit.

4 Q. This person, Xhafer Shatri, did you have any contact with him?

5 A. The name does not ring a bell.

6 Q. Thank you.

7 MR. MISETIC: We can take the document down.

8 Q. You were asked by Judge Mettraux about Adem Demaci and whether
9 you knew if a meeting between the two of them actually occurred. Do
10 you recall that question?

11 A. Correct. I do recall that question.

12 MR. MISETIC: I'd like to pull up a *Washington Post* article. If
13 we could please have on the screen DHT12053 to DHT12056. And you'll
14 see that this is pulled from the International Justice Watch
15 archives. And if we scroll down to the bottom of this page, you'll
16 see that it's cross-posting a *Washington Post* article from
17 24 February 1999.

18 And if we go to the next page, please.

19 Q. And I'm going to read several portions of this article and then
20 ask you questions.

21 If we go to the second paragraph from the bottom on this page,
22 the *Washington Post* reported on 24 February:

23 "Thaqi, Hill said before leaving the site of negotiations, 'kept
24 getting calls from the field saying this was a bad deal -- that by
25 not accepting this, they could keep the war going and eventually NATO

Witness: Paul Williams (Resumed) (Open Session)

Page 26999

Re-examination by Mr. Misetic

1 would be forced to intervene anyway. But I kept saying that ... you
2 cannot have NATO without a political settlement."

3 MR. MISETIC: If we turn the page, please.

4 Q. In that top paragraph, in the middle of the paragraph where it
5 begins "US officials today ..." Do you see that?

6 A. Correct. Yes.

7 Q. "US officials today assigned part of the blame for the failure
8 to achieve a final settlement on Adem Demaci, the Kosovo Liberation
9 Army's political representative, who refused to attend the talks.
10 After first advising his colleagues in the rebel army against taking
11 part in the negotiations, Demaci met Friday morning in Slovenia with
12 Thaqi and encouraged him to take a hard-line tack, US officials said.

13 "'It was the man who wasn't there [in France] who blew it up' at
14 the last minute, one official said."

15 And it goes on, and you'll get to the -- to an additional
16 important part in addition to what I just read:

17 "But others close to the talks said the problem was larger. The
18 Kosovo Liberation Army 'is afraid of its future,' said a European
19 diplomat. 'Psychologically, they have problems dissolving their
20 organisation. This was the main obstacle to signing them up. They
21 did not get enough assurance that NATO would not be directed against
22 them' as well as government troops, who have been blamed for the bulk
23 of the violence. Paul Williams, an American University professor of
24 constitutional law who advised the ethnic Albanian negotiating
25 delegation, expressed the problem more gently: 'Some of the delegates

Witness: Paul Williams (Resumed) (Open Session)

Page 27000

Re-examination by Mr. Misetic

1 had particularly sensitive constituencies, and they wanted to be sure
2 they were taking a step forward, not backward' ..."

3 Now, my first question is, Dr. Williams, the "Paul Williams, an
4 American University professor of constitutional law," would that have
5 been you?

6 A. Yes.

7 Q. Would you have seen this article on or around the time it was
8 published?

9 A. Yes. I was frequently interviewed by Jeffrey Smith and would
10 have seen this article.

11 Q. The article, as I read out to you, states that "[Adem] Demaci
12 met Friday morning in Slovenia with Thaqi." Would you have seen that
13 at the time?

14 A. I would have likely read this article and seen this at the time.

15 Q. And just for the record, "Friday morning" would have been
16 February 19th --

17 A. Okay.

18 Q. -- just so you're oriented. I read out a paragraph earlier
19 where this article says that Thaci "kept getting calls from the
20 field." Is that consistent with what you have been telling us here?

21 A. Yes.

22 Q. And here you are quoted as saying that:

23 "Some of the delegates had particularly sensitive constituencies
24 ..."

25 Can you tell us who you were referring to there?

Witness: Paul Williams (Resumed) (Open Session)

Page 27001

Re-examination by Mr. Misetic

1 A. Hashim Thaci and the KLA.

2 Q. Thank you.

3 MR. MISETIC: Mr. President, I tender DHT12053 to DHT12056.

4 PRESIDING JUDGE SMITH: Any objection?

5 MR. PACE: No.

6 PRESIDING JUDGE SMITH: DHT12053 to DHT12056 is admitted. If
7 it's not public, it will be made public.

8 THE COURT OFFICER: Your Honours that will be assigned
9 Exhibit 1D379, and it is public.

10 MR. MISETIC: Thank you. Madam Court Officer, could we please
11 have on the screen DHT12508, please. I'm sorry, 12058, yes.

12 Q. Dr. Williams, this is a press release issued by the Slovenian
13 Ministry of Foreign Affairs on 19 February 1999, announcing that:

14 "... the press session with the head of the Kosovo Albanian
15 delegation at the Rambouillet peace conference, Hashim Thaqi, and the
16 political representative of the Kosovo Liberation Army, Adem Demaqi,
17 has been rescheduled to 5 pm local time Friday. Both Kosovo Albanian
18 representatives will be available to talk to the press at the
19 Ljubljana airport Brnik."

20 Is that consistent with your recollection that Mr. Thaci went to
21 Ljubljana to meet with Adem Demaci?

22 A. Yes.

23 MR. MISETIC: Mr. President, I tender the press release into
24 evidence.

25 PRESIDING JUDGE SMITH: Any objection, Mr. Pace?

Witness: Paul Williams (Resumed) (Open Session)

Page 27002

Re-examination by Mr. Misetic

1 MR. PACE: No.

2 PRESIDING JUDGE SMITH: DHT12058 is admitted and is public.

3 THE COURT OFFICER: That will be assigned Exhibit 1D380.

4 MR. MISETIC: Thank you.

5 And, Madam Court Officer, if we could please have on the screen

6 DHT12057. Thank you.

7 Q. Dr. Williams, do you recognise either of the individuals in the
8 picture?

9 A. I recognise Hashim Thaci, and the gentleman to his right looks
10 like Adem Demaci from photographs that I've seen subsequent.

11 Q. Thank you. And are you able to help us, one of microphones says
12 "TV SLO" on it. Are you able to help us with what that might refer
13 to?

14 A. Maybe TV Slovenia.

15 Q. Thank you.

16 MR. MISETIC: Mr. President, I tender the picture into evidence,
17 DHT12057.

18 PRESIDING JUDGE SMITH: Any objection?

19 MR. PACE: Do we have information as to the provenance of this
20 item, the date of the -- what are we seeing here? Is there anything
21 in the metadata?

22 MR. MISETIC: If you go to images.google.com, you will see it
23 purports to be a picture of the two of them in Slovenia on the date.

24 MR. PACE: Your Honour, it's not my job to go to
25 images.google.com. I was asking counsel for foundation for the

Witness: Paul Williams (Resumed) (Open Session)

Page 27003

Re-examination by Mr. Misetic

1 assertions that they're making and trying to make in this case. If
2 he's unable to give them, then we do object to admission. Thank you.

3 MR. MISETIC: It's in the metadata, I believe. Yes, it's in the
4 metadata, and the witness has provided some context and foundation
5 for this.

6 PRESIDING JUDGE SMITH: DHT12057 is admitted.

7 THE COURT OFFICER: Your Honours, that will be assigned
8 Exhibit 1D381.

9 MR. MISETIC: Thank you.

10 Q. Finally, Dr. Williams, you were asked several questions by
11 Judge Gaynor about the dynamic of having a leader in the room,
12 outside the room, and is it good to be consulting, going back to
13 consult with a constituency. Do you recall those questions?

14 A. Yes, I do.

15 Q. Okay. I'd like to ask you, have you ever had a negotiation
16 where a leader, let's call him an overall commander, is in the
17 negotiation and then a coup takes place on the ground while you're in
18 the conference having a peace negotiation?

19 A. I'm sort of thinking, rolling through the various ... not to my
20 immediate recollection.

21 Q. How would you -- given your experience, would you expect any
22 impact on the negotiating team if a coup takes place in the home
23 country?

24 A. Yes.

25 Q. And what would you expect?

1 MR. PACE: Objection, Your Honour. We are hypothesising. What
2 is the relevance of this and how does it directly arise from the
3 Judges' questions?

4 PRESIDING JUDGE SMITH: [Microphone not activated] ... how this
5 meets the Judges' questions?

6 MR. MISETIC: I was exploring Judge Gaynor's question about the
7 dynamic of going back, and this would relate to the need to go back.

8 PRESIDING JUDGE SMITH: I don't think anybody mentioned a coup
9 in any way.

10 MR. MISETIC: But that's part of what my point is, is would that
11 also be something you need to go back and consult about.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 THE WITNESS: If there was a coup, there would be a necessity to
14 go back and consult and to re-establish legitimacy for participating
15 in the process.

16 MR. MISETIC:

17 Q. Thank you very much for answering my questions, Doctor.

18 MR. MISETIC: And thank you, Mr. President.

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

20 Anybody else in the Defence?

21 MR. DIXON: No, Your Honours, no questions arising.

22 PRESIDING JUDGE SMITH: Mr. Roberts.

23 MR. ROBERTS: Nothing, Your Honour.

24 PRESIDING JUDGE SMITH: Mr. Ellis.

25 MR. ELLIS: Very briefly, if I may.

Witness: Paul Williams (Resumed) (Open Session)

Page 27005

Further Cross-examination by Mr. Ellis

1 PRESIDING JUDGE SMITH: Go right ahead.

2 Further Cross-examination by Mr. Ellis:

3 Q. Dr. Williams, I have a short set of questions which arise from a
4 document that you were shown by His Honour Judge Mettraux.

5 MR. ELLIS: And if we could have that back on screen, please.
6 It was P4166, I think.

7 Q. And just whilst that's coming up, Dr. Williams, if I can ask, in
8 the course of observing Kosovo, are you familiar with the Serbian
9 massacre that took place at Recak in mid-January 1999?

10 A. Yes.

11 Q. And it's right, isn't it, that that was a serious violation of
12 international humanitarian law in which many civilians were killed?

13 A. Yes.

14 Q. If the document has come back on your screen, are you able to
15 see the date in the top right-hand corner as the Thursday, 21 January
16 1999?

17 A. Yes.

18 Q. So this would be within a week of the massacre which took place
19 in Recak; is that right?

20 A. Yes.

21 Q. And from what you observed with the Kosovo delegation, is it
22 right that massacres like Recak had an emotional impact upon them?

23 A. Yes.

24 MR. PACE: Objection, Your Honour. Despite the fact that
25 Judge Mettraux may have used this document, could counsel explain how

Witness: Paul Williams (Resumed) (Open Session)

Page 27006

Further Cross-examination by Mr. Ellis

1 what he is now asking in relation to this item arises from what
2 Judge Mettraux asked. Emotional impact, I don't recall anything to
3 that effect.

4 PRESIDING JUDGE SMITH: Overruled.

5 JUDGE METTRAUX: My understanding, Mr. Pace, is he's exploring
6 why his client might have said certain things.

7 PRESIDING JUDGE SMITH: The objection is overruled.

8 Go ahead, Mr. Ellis.

9 MR. ELLIS: Thank you, Your Honours.

10 Q. And it's right, isn't it, that the KLA was in need of money in
11 January 1999 to buy weapons, equipment, to protect the civilian
12 population?

13 A. Yes.

14 Q. It was well known at that time that the government-in-exile,
15 that Bukoshi had collected a significant amount of funds, wasn't it?

16 A. Yes.

17 Q. And are you aware in January 1999 of any publicly available
18 accounting that would demonstrate how the government-in-exile was
19 spending that money?

20 A. No.

21 Q. One moment.

22 MR. ELLIS: I'm grateful, Your Honours.

23 PRESIDING JUDGE SMITH: Thank you.

24 MR. PACE: No further questions. Thank you.

25 PRESIDING JUDGE SMITH: All right. Dr. Williams, you're

1 finished.

2 THE WITNESS: Great. Thank you.

3 PRESIDING JUDGE SMITH: Thank you for being with us. Thank you
4 for sharing your information. We wish you well, and you can leave
5 the courtroom now.

6 THE WITNESS: Thank you very much.

7 [The witness withdrew]

8 PRESIDING JUDGE SMITH: Anybody have anything else they want to
9 put on the record?

10 MR. MISETIC: Yes, Mr. President. I just wanted to alert you
11 that we will, as I said, make the formal announcement of the witness
12 for next week. There will be no changes to the expected witness.
13 But given the time estimates right now, I think we're scheduled to go
14 into Wednesday morning. We have a three-day week, so we will not
15 have another witness to start after this witness is finished.

16 PRESIDING JUDGE SMITH: Understood. And I apologise for the
17 Thursday dropping out, but it couldn't be helped.

18 MR. MISETIC: No problem.

19 PRESIDING JUDGE SMITH: There was some scheduling we couldn't
20 deal with.

21 MR. MISETIC: No problem.

22 PRESIDING JUDGE SMITH: So we will see you next Monday for three
23 days - Monday, Tuesday, and Wednesday - and hopefully we can finish
24 with this witness in that time period so we will be ready to move on
25 the following week.

1 Thank you all, everyone, for your attendance today and your
2 participation. We'll see you Monday at 9.00.

3 We're adjourned.

4 --- Whereupon the hearing adjourned at 12.11 p.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25