

1 Wednesday, 19 July 2023

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Today we will continue the testimony of
11 Witness 02153 and possibly start the testimony of Witness 04586.

12 I note that Mr. Thaci, Mr. Veseli, Mr. Selimi, and Mr. Krasniqi
13 are present in the courtroom.

14 And before I invite the witness in, there are a few matters to
15 deal with.

16 First of all, for the current questioning, and forever, we have
17 to slow down the question and answer because the record suffers when
18 we don't. We need to have a delay between the question and the
19 answer for the interpreters to catch up. I know it's difficult,
20 especially when both the witness and the examining attorney are
21 speaking the same language. It's easy to forget that it's being
22 interpreted, but it is. So please do your best and help the witness
23 with it also to get him to pause because he's doing the same thing
24 that you are. And I do the same. So please be aware of that.

25 First, the Panel yesterday granted a request from the SPO for an

1 extension of the word limit for the SPO's second Rule 155 motion.
2 The Panel would now like to hear submissions on whether an equivalent
3 extension of the word limit need be granted for the Defence
4 responses.

5 Mr. Prosecutor, do you have anything to add to that?

6 MR. BAARLINK: No, Your Honour.

7 PRESIDING JUDGE SMITH: All right.

8 Mr. Laws.

9 MR. LAWS: No, nothing to add. Thank you.

10 PRESIDING JUDGE SMITH: Mr. Thaci's Defence.

11 MR. KEHOE: Yes, Your Honour. We'd just ask the same leeway
12 that is given to the other side.

13 PRESIDING JUDGE SMITH: All right.

14 Mr. Veseli, the same?

15 MS. O'REILLY: Your Honour, we haven't seen it. We haven't seen
16 it, their filing, but I imagine we will need a similar extension.
17 Yes. Hard to say in the abstract.

18 PRESIDING JUDGE SMITH: Okay. Thank you.

19 Mr. Selimi's Defence.

20 MR. TULLY: I'm always in favour of shorter filings,
21 Your Honour, but I -- perhaps we might need the same once we see it.
22 Thank you.

23 PRESIDING JUDGE SMITH: And Mr. Krasniqi's Defence.

24 MR. ELLIS: Your Honour, yes. We would in principle seek an
25 equivalent extension. There is another issue following on from that,

1 that we would likely seek an extension of time for the response to it
2 given --

3 PRESIDING JUDGE SMITH: Hold on with that thought for just now.

4 The Panel extends the word limit of any responses to the SPO's
5 second Rule 155 motion to 12.000 words. It doesn't mean you have to
6 use it, but it's available to you just to be fair.

7 Moving on, the Panel notes that yesterday Victims' Counsel
8 requested the Panel to issue a public redacted version of its oral
9 order of 14 July 2023 on Victims' Counsel to question Witness 04746.

10 Any view on this, Mr. Prosecutor?

11 MR. BAARLINK: No, Your Honour.

12 PRESIDING JUDGE SMITH: All right.

13 And, Mr. Thaci's Defence?

14 MR. KEHOE: No, Your Honour.

15 PRESIDING JUDGE SMITH: Anything from the Veseli Defence?

16 MR. EMMERSON: No, Your Honour.

17 MR. TULLY: No, Your Honour.

18 MR. ELLIS: No, Your Honour.

19 PRESIDING JUDGE SMITH: All right. Thank you.

20 The Panel orders the reclassification as public of its oral
21 order of 14 July 2023 on Victims' Counsel's request to question
22 Witness 04746, transcript page 5689, line 21, to page 5691, line 9.
23 The Panel also orders the redaction of the victim's name and last
24 name mentioned at page 5690, lines 11 and 22, and at page 5691,
25 line 5.

1 This concludes the second oral order.

2 Then the Panel notes that yesterday the SPO stated its intention
3 to call Witness 03879 to testify after the judicial recess from
4 Monday, 14 August 2023, to Thursday, 17 August 2023. The SPO also
5 requested that, for organisational and logistical reasons, a deadline
6 be set for the Defence to revise their cross-examination estimates
7 for the next block of witnesses.

8 The Defence argued that it is difficult to make any
9 determination unless the SPO provides the list of the next witnesses
10 it intends to call and the order in which they're going to be called.

11 The Panel invited the SPO to communicate its next five witnesses
12 in sequence by Friday, 28 July 2023.

13 The Panel recalls that cross-examination estimates impact the
14 SPO's witness scheduling and can disrupt the expeditiousness of the
15 evidentiary phase of the proceedings. Moreover, the Panel considers
16 that accurate cross-examination estimates are also crucial for the
17 SPO to provide the Defence with timely notice of the witnesses it
18 intends to call.

19 The Panel, therefore, orders the Defence to revise their
20 cross-examination estimates for the next five witnesses by Friday,
21 4 August 2023, at 4.00 p.m.

22 The Panel strongly encourages the four Defence teams to engage
23 in ongoing communications amongst themselves and with SPO with a view
24 to provide accurate cross-examination estimates throughout the trial.

25 This concludes the third oral order.

1 Lastly, the Panel notes yesterday that counsel for Mr. Veseli,
2 Mr. Emmerson, sought an oral order from the Panel regarding the
3 parameters governing the extent to which counsel may object to
4 judicial questions. While Mr. Emmerson did not provide any legal
5 basis for his request, the Panel is prepared to provide the following
6 as guidance to the parties and participants for any future objections
7 to judicial questioning.

8 First, while the rules do not provide for the possibility of
9 objections to judicial questioning, the Panel is prepared to accept
10 that a party might have to raise an objection to a judicial question
11 in order to preserve the possibility of raising the matter objected
12 to on appeal.

13 On that basis, the Panel is prepared to accept, as it has up to
14 this point, that parties can object to judicial questions. However,
15 the Panel makes it clear that any such objections must be made in a
16 manner consistent with, A, the Code of Professional Conduct for
17 Counsel, in particular, Article 10(A); B, the Panel's Order on the
18 Conduct of Proceedings, in particular, paragraphs 115 to 116; and, C,
19 the Court of Appeal Panel's Decision on Judicial Questioning, in
20 particular, paragraph 32 and following.

21 In particular, objections shall not be argumentative nor contain
22 comments or misrepresentations. The Presiding Judge will rule on any
23 objections to judicial questions.

24 The Panel has also considered Mr. Emmerson's characterisation of
25 judicial questions of Witness W04647 as tendentious or partisan, as

1 transgressing the legitimate bounds of appropriate judicial conduct,
2 the claim that he was shouted out, and that a Panel member tried to
3 engage in an argument with him. The Panel has found no merit in any
4 of these complaints.

5 These submissions mischaracterise the record and misrepresent
6 the nature of the questioning and fail to account the fact that the
7 Panel can put to witnesses any questions deemed necessary for the
8 clarification of testimony or the discovery of the truth, including
9 in respect of matters relevant to the Panel's determinations
10 regarding the relevance and reliability of testimony or the
11 credibility of witnesses.

12 This concludes the fourth oral order.

13 Madam Court Usher, please bring in Witness 02153.

14 MR. BAARLINK: Your Honour, if I could raise a matter briefly
15 before the witness comes in.

16 PRESIDING JUDGE SMITH: Certainly.

17 MR. BAARLINK: The next witness, Witness 04586, is due to
18 testify next. It would greatly assist the SPO if we could get an
19 indication from the Defence as to how long the cross-examination is
20 expected to continue just --

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. BAARLINK: The current one. Just in terms of the logistical
23 arrangements of getting the witness in place.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. KEHOE: Yes, Your Honour. I appreciate counsel's concern.

1 Taking Your Honours' lead from yesterday in that, A, he doesn't know,
2 I have taken -- gone back through the matters that I was going to
3 cover. And I was going to cover significantly more matters, but he's
4 indicated that he just doesn't know. So I've cut that out overnight.

5 And based on that, I probably will be finished before the break,
6 maybe around the break this morning. I mean -- and I'm talking about
7 the 11.00 break.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 Thank you very much.

10 Yes, Mr. Strong.

11 MR. STRONG: My estimate hasn't changed from --

12 PRESIDING JUDGE SMITH: Pardon me?

13 MR. STRONG: The Veseli estimate is unchanged from yesterday
14 evening.

15 PRESIDING JUDGE SMITH: Which was 20 minutes?

16 MR. STRONG: 20 minutes or less.

17 PRESIDING JUDGE SMITH: And I think everybody else was in at
18 around 20 minutes also?

19 MR. ELLIS: Not quite, Your Honours. I'm, I think, somewhere
20 between an hour and two hours.

21 MR. TULLY: You were correct for us, Your Honour. I'm hovering
22 at about 10, 15 minutes. Thank you.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MR. BAARLINK: It does, Your Honour.

25 PRESIDING JUDGE SMITH: All right. Thank you very much.

1 Now, Madam Usher, you may bring the witness in.

2 And if I have to interrupt you, Mr. Kehoe, on speed, it's
3 nothing personal. The problem is our wonderful court reporter back
4 here has to get every word in before it gets translated in many ways.

5 MR. KEHOE: Your Honour, I appreciate that. Sometimes in the
6 course of talking to a fellow English speaker we get carried away,
7 and I'm guilty of it, so I appreciate any intervention.

8 PRESIDING JUDGE SMITH: I'm sure all of us have experienced that
9 ourselves.

10 [The witness takes the stand]

11 THE WITNESS: [Microphone not activated]

12 PRESIDING JUDGE SMITH: Good morning. Are you hearing okay?

13 THE WITNESS: Yes.

14 PRESIDING JUDGE SMITH: All right. I remind you to please try
15 to answer the questions put to you clearly with short sentences. If
16 you don't understand a question, feel free to ask for clarification
17 or for it to be repeated.

18 Also, remember to try to indicate the basis of your knowledge on
19 questions that you're asked.

20 I remind you that you are still under the obligation to tell the
21 truth as stated by you in the solemn declaration yesterday.

22 Also, remember to speak into the microphone, and please wait
23 five seconds before answering Mr. Kehoe's question so that the
24 translators can translate, because they're translating from English
25 into two other languages. Do you understand?

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6094

1 THE WITNESS: Yes.

2 PRESIDING JUDGE SMITH: All right.

3 If you feel the need to take breaks, please let me know.

4 Mr. Kehoe, you have the floor.

5 THE WITNESS: May I have some paper to write on, Your Honour?

6 PRESIDING JUDGE SMITH: Pardon me?

7 THE WITNESS: May I have some paper to write on? It helps me to
8 answer the questions.

9 PRESIDING JUDGE SMITH: Does somebody have some ...

10 You have a pen I take it?

11 THE WITNESS: Yes. Thank you kindly.

12 PRESIDING JUDGE SMITH: One other thing. Please when you're
13 finished making whatever notes you're making, leave them here and we
14 will destroy them.

15 THE WITNESS: Right.

16 PRESIDING JUDGE SMITH: Thank you.

17 WITNESS: W02153 [Resumed]

18 Cross-examination by Mr. Kehoe: [Continued]

19 Q. Good morning, Mr. Ledwidge. Again to echo what Judge Smith
20 said, let's leave a little bit of space between my question and your
21 answer. You and I kind of stumbled over each other a bit yesterday.
22 I pleaded guilty for both of us in your absence that we were, in
23 fact, doing that, but I think we can take a little time to make it
24 easier on our translators this morning.

25 So, again, if there's any question that you don't understand

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6095

1 what I'm saying or if I cut you off, just please let me know. Okay?

2 A. Yes.

3 Q. Okay. Now, sir, I want to move ahead just a bit, and we should
4 be able to move through this relatively quickly, to the period of
5 time commencing in January, and starting, of course, at the Recak
6 massacre on 15 January and your investigation of various kidnappings
7 in January 1999.

8 Do I have you focused time-wise now?

9 A. Yes.

10 Q. So the kidnappings that you had investigated and you talked
11 about in your statement, they were after Recak, were they not?

12 A. Which specific kidnappings did you have in mind?

13 Q. The ones that you talked about in your statements, you know,
14 Savelic, Krasniqi, the two Krasniqis, and Ymer Xhafiqi. I think you
15 said in your statement that they were after Recak?

16 A. They were -- just a moment. As I recall it, the Savelics were
17 in late February. There were two kidnappings by, it seems, the KLA,
18 Morina and Elshani, they were in early February. And there were
19 several kidnappings of Albanian civilians by Serbian special forces
20 or Serbian forces, as I recall it, around -- yes, around the same
21 period.

22 Q. Now, let me turn just, if we will, as a jumping-off point to the
23 Recak massacre, because we will go in through much of this
24 information from there, and let me read to you the comment from "As
25 Seen, As Told" Volume 1.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6096

1 MR. KEHOE: And for your reading along, counsel, it's
2 SPOE00198098 to 00198366. And this is at 198164.

3 Q. And it writes in Volume 1:

4 "The mass killing at Racak/Recak (Stimlje/Shtime municipality)
5 on 15 January 1999 was an event both definitive in terms of
6 establishing international recognition that human rights violations
7 were at the core of the Kosovo conflict, and (together with two other
8 incidents later that month in Djakovica/Gjakova municipality, at
9 Rogovo/Rogove and Rakovina/Rakovine) [were] indicative of what was to
10 follow in the period from late March. The more frequent occurrence
11 in the period of OSCE-KVM's presence in Kosovo was, however, killings
12 on an individual basis."

13 Do you agree with that, sir?

14 A. I can't think, Your Honour, of any examples of what might be
15 termed mass killings in the period prior to Recak, which I suspect
16 defined Recak's importance. So that would seem to be an accurate
17 representation.

18 Q. And if I can turn your attention to the comments of your
19 additional superior, Ms. Ringgaard who testified in the Limaj trial.

20 MR. KEHOE: And this is at, counsel, IT-03-66, Limaj. It's at
21 the transcript 3348 to 3540, at 3532, lines 12 to 25.

22 Q. And she was asked:

23 "Ms. Ringgaard, thanks for your patience. Now, you've testified
24 that KVM received information on abductions by the KLA, including
25 so-called collaborators. Based on the information that you received

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6097

1 that KLA [sic] received, were you ever able to determine whether this
2 was the work of, say, rogue elements, to use a phrase, or was there a
3 broader policy at work here?

4 "A. The information that we had mainly through our liaison
5 officers to the KLA was that they were aware that they were rogue
6 elements and that they also sometimes found it difficult to control
7 all instances of personal revenge and cases [of the like]."

8 Now, were you aware, of course, of that sentiment of
9 Ms. Ringgaard and the information that your liaison officers were
10 giving her?

11 A. I think it was something that was a matter, A, of common sense,
12 in such a dynamic and volatile environment; and B -- no, I won't -- I
13 won't say B.

14 Q. Okay. And within this, I think you commented - and this is at
15 Exhibit 230, counsel, of your statement -- it's your statement I'm
16 quoting. I'm just giving the exhibit number, that's P230. And you
17 were talking about this period of time. And you note - and this is
18 at paragraph 35, counsel:

19 "At this time, there were incidents every day and cease-fires
20 breaking down everywhere, so there was a lot of reporting going on."

21 So would it be fair to say that during this entire period of
22 time after Recak, things got very chaotic both on the ground and for
23 you folks who had to report on it?

24 A. Things were chaotic from the moment we got to Rahovec. I speak
25 for our team. From the very first day, we were all busy from dawn

1 literally until dusk and way past it. We had not the ability -- the
2 bandwidth to deal with much beyond the present. Every day there
3 would be, since we arrived, I'm thinking of specific incidents,
4 shootouts, killings, human rights breaches, arrests, dead people
5 found, as well as the general day-to-day work of patrolling. We were
6 all involved in that.

7 There may have been an uptick after that, Recak. I would need
8 to see the reporting statistics. My recollection is there was not
9 one single day when we were not busy, all of us in our team, dealing
10 with the results of a highly active conflict into the middle of which
11 we were deployed.

12 Q. And, Mr. Ledwidge, and I admire the time you spent there and the
13 efforts that you and your team put forth. And trust me, just don't
14 take from my questions any reticence in giving you what you're due
15 and credit for what you folks did down there during that very
16 difficult time.

17 THE INTERPRETER: The interpreters kindly ask the speaker to
18 speak into the microphone. We cannot hear the counsel. Thank you.

19 MR. KEHOE: I'm sorry.

20 Q. So I'm just asking you questions in and around there for this
21 period. But again during this period of time, post Recak, is when
22 the Serb military authorities began their winter exercises south of
23 Mitrovica, didn't they?

24 A. I was not deployed to Mitrovica, with all due respect. I do
25 recall a brigade exercise taking place in our area not too far from

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6099

1 Shtime. I, myself, cannot attest to military activity in the zone
2 for which I -- the area for which I was responsible and active, which
3 is Rahovec because, as I say, things were pretty active all the time
4 anyway. If you say there was -- there were winter exercises, I would
5 be in no position to disagree.

6 Q. And if it's reported in "As Seen, As Told," again, SPOE00198367
7 to 198834 at 198851, it's again Volume 1, it was reported that
8 Yugoslav military "winter exercises" began in the south of Kosovo,
9 Mitrovica municipality, in late February. You don't have any reason
10 to disagree with that; is that right?

11 A. Late February? No, no reason to disagree. However, there were
12 extensive military activities, if I recall it, in December as well
13 around -- to which my -- our teams were deployed, reducing our
14 capacity. But, yes, I've no reason to disagree with what is said
15 there. One does not exclude the other, needless to say.

16 Q. And that led up to, of course, the Serb military campaign that
17 began in February and March and continued on for several months
18 throughout the area of Kosovo, did it not?

19 A. As you say.

20 Q. And I think that you folks -- the people at the OSCE in "As
21 Seen, As Told" reported that between March and June 1999, the FRY and
22 Serbian forces expelled some 863.000 Kosovo Albanians from Kosovo.

23 MR. KEHOE: And that's again Volume 1 of "As Seen, As Told,"
24 SPOE0019823, 243. And then to again stay on that document and stay
25 at the page of 198109.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6100

1 Q. That it has been estimated that over 90 per cent of the Kosovo
2 Albanian population, over 1.4 million people were displaced by the
3 conflict by June 1999. Do you have any reason to question the
4 statistics of the OSCE and "As Seen, As Told" on that score?

5 A. On the contrary, I would affirm them. Our teams were
6 subsequently -- or subsequent to the expulsion, to our expulsion,
7 deployed to Albania. I was one of those and saw the terrible
8 detritus of it. I think these are well-established facts and I
9 accept them fully, of course.

10 Q. So starting in February and moving into March, April, and on,
11 the expulsion of the Kosovo Albanian population took place forcibly
12 at the hands of Serbian forces, be it the military, the police, or
13 paramilitaries; am I right?

14 A. I saw some of those expulsions happen with my own eyes.

15 Q. And if we can turn to the -- actually, the exhibit that you had
16 placed into evidence that the Prosecution placed in, and we are
17 talking about P234. And if we can put that on the screen. That is
18 your chapter on Rahovec that we talked about and you talked about
19 yesterday with the Prosecution.

20 MR. KEHOE: And I don't believe there is an Albanian
21 translation. I think this is just in English.

22 THE WITNESS: I think there is.

23 MR. KEHOE: There may be. If we can put on the screen -- is it
24 on there? Okay. Thank you. And if we could turn to what I believe
25 is SPOE00198576. And if we can look at --

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6101

1 Q. This has to do with your report on Rahovec.

2 MR. KEHOE: And if we can just blow up the paragraph at the
3 bottom beginning "In April ..."

4 Q. Now, Mr. Ledwidge, if at any point you want to read additional
5 aspects of this report, please let us know. Okay?

6 A. Yes, Your Honour.

7 Q. And in this report, we are talking about Rahovec. And in that
8 paragraph, they said:

9 "In April," this is 1999, "there were reportedly confusing
10 signals of the intentions of the Serbian authorities, with the VJ
11 reportedly attempting to encourage Kosovo Albanians back to the town,
12 only for people to find that the next day the police were registering
13 Kosovo Albanians apparently in preparation for expelling them towards
14 Albania. Moreover, at the same time there were rumours of a 'black
15 list' and reports of the targeting of professionals or of people ..."

16 The last line in that -- the last two lines:

17 "On 5 April a 50-year-old and an 86-year-old woman, both related
18 to a well-known lawyer, were found shot in the head and their bodies
19 burned inside their house. Many young men were abducted and taken
20 into custody while they were walking in the street."

21 Did you assist in that reporting as to what was going on in
22 Rahovec?

23 A. I would suspect so. I cannot recall. If these -- if this is
24 the totality of the report on Rahovec, then I would say that there
25 were other cases during that time. But I cannot recall this

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6102

1 particular paragraph. I would be not -- I would not be surprised if
2 my reporting contributed to it.

3 Q. Let us turn on to Bellacerke --

4 A. Bearing on --

5 Q. I'm sorry?

6 A. I'm sorry.

7 Q. Go ahead.

8 A. If I might. Of course, at this time, we were either in
9 Macedonia or in Albania, so we were reporting on what we were told by
10 refugees. Obviously, we had no reason to doubt their reports. We
11 were not present on the ground.

12 Q. And I understand you included this information in this report
13 and that it was subsequently published; is that correct?

14 A. We were expelled.

15 Q. No, no --

16 A. Rendered --

17 Q. -- I'm just talking --

18 A. -- person non grata.

19 Q. Sometime down the line you chronicled this information and made
20 it part of "As Seen, As Told" as we see in Prosecutor's Exhibit 234.

21 A. Is this Prosecutor's Exhibit 234?

22 Q. It is.

23 A. Yes, we will have done that, our team. Yes.

24 Q. Okay. And, again, just to remind you, and this is by way of
25 clarity, this is the document that the Prosecutor introduced into

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6103

1 evidence with you yesterday. So just so we're clear. Okay?

2 Let's turn into the next village, Bellacerke.

3 MR. KEHOE: And if we can just scroll up to 198577, and I
4 believe that's the next page.

5 Q. The second paragraph, just talking about Bellacerke:

6 "Only a few hours after the start of the NATO bombing of the FRY
7 on 24 March Serbian forces occupied the village. Much of the
8 population, which at that time included IDPs," that's internally
9 displaced people, "from the surrounding areas, started to ..."

10 And I'm not sure what that word is covered.

11 "In the early hours of 25 March, VJ and police arrived in Bela
12 Crkva with tanks, positioned them on a hill and began shelling the
13 850 homes and burning the village. The villagers fled in different
14 directions but many failed to escape. People were rounded up and ...
15 extorted in exchange for the lives of some of the men. Serbian
16 forces then rounded up a group of over 50 men, and after robbing them
17 of their IDs, they summarily executed them."

18 MR. KEHOE: If we can go to the next page.

19 Q. At the bottom of that page, starting with "An unnamed man ..."
20 and we'll go over after that line onto the next page.

21 "An unnamed man who had returned to Bela Crkva the night before
22 to seek survivors along the riverside reportedly told an interviewee
23 that he discovered 13 bodies, all from one family. With the bodies
24 was a two-year-old boy who had been alone for up to 15 hours and
25 survived."

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6104

1 Now, that is the reporting that came from Bellacerke. And that,
2 you told us, is coming -- that you folks put together from the
3 refugee centres after you had been expelled persona non grata in
4 March?

5 PRESIDING JUDGE SMITH: Mr. Prosecutor.

6 MR. BAARLINK: Yes, Your Honour, I note Mr. Kehoe is asking
7 questions about a Prosecution exhibit. I don't want to object at
8 this point, but I also note there is a provision in the conduct of
9 proceedings order about questioning focused on advancing a tu quoque
10 defence and the justice of war. So I would just ask, in accordance
11 with paragraph 104 of the conduct of proceedings order, that the
12 relevance of that line of questioning be made clear.

13 MR. KEHOE: Your Honour, quite clearly, this is a Prosecution
14 exhibit that they put in, and I am examining on a Prosecution
15 exhibit. We did not --

16 PRESIDING JUDGE SMITH: Yes, overruled. Go ahead.

17 MR. KEHOE:

18 Q. So that was the reporting that you got from -- you received from
19 refugees after they had -- you had departed the area and your
20 organisation began to speak with them; is that right?

21 A. In that case, partly. The case of Bellacerke I remember
22 vividly, and I would like to remember our colleague, whose name I
23 recall was Irfan Popaj, who was killed there, whose courtesy and
24 courage I've not forgotten. And I personally, with our colleagues,
25 investigated the site of his and these other murders. I suspect

1 results of our investigation are represented here. Those results --
2 or, rather, those investigations took place after we returned to the
3 province following the NATO bombing.

4 During that time, our team conducted investigations, such as the
5 one described here, into all of the major murder sites in our area
6 and many more less well represented.

7 Q. Let us move on in the document if we could, sir. If we can stay
8 on that same page of P234 and go to the bottom and talk about the
9 village of Celine. Am I pronouncing that correctly, Celine?

10 A. Celine.

11 Q. Celine?

12 A. I think so. Celine, yeah.

13 Q. Okay. And it reads in the second paragraph again:

14 "Serbian police and military were present and around Celina
15 every day for several days, beginning on or around 23 or 24 March
16 until at least 29 March 1999. During this time houses were looted
17 and destroyed, families were split up and robbed, and many people
18 were killed. Men were beaten and robbed of their ID, and money was
19 stored under threat of death, while others were shot and killed."

20 If we can go to the next page, in the second-to-last paragraph,
21 and we are still dealing with Celine.

22 "On 26 March shooting started again. The remaining villagers
23 fled to the mountains where there were approximately 4,000 people
24 from the surrounding villages. Some of the people went down into the
25 village to get food. On coming back they reported finding many dead

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6106

1 bodies in various locations. One man returning to Celine from the
2 mountains with a group of other men said that they buried a total of
3 86 bodies that were found in various locations."

4 Now, was this an investigation that you and -- you folks and
5 your team did after you returned, or was this from refugee
6 information? If you recall.

7 A. I suspect both. I cannot recall -- sorry, I cannot recall. I
8 suspect both.

9 Q. And, sir, any time you don't recall, that is quite all right.
10 Just let us know you don't.

11 MR. KEHOE: And if we can go to the next page at the bottom of
12 the page.

13 Q. This has to do with several villages, Krushe e Madhe and Krushe
14 e Vogel.

15 MR. KEHOE: And if we can go to the next page.

16 Q. And I believe we're speaking about Velika Krusa or Krushe
17 e Madhe at this point.

18 "VJ and police appear to have been present intermittently in and
19 around the area over a period of four or five days beginning on
20 24 March. After surrounding and shelling the two villages, VJ and
21 police then entered and began systematically burning and looting the
22 homes of Kosovo Albanians living there. Over a period of three days
23 the Serbian forces along with Serb civilians were looting and burning
24 houses in the area. During this time more than 1,000 people were in
25 Mala Krusa, many from the surrounding areas moving from one place to

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6107

1 another ... other groups of people went into the mountains from where
2 they could see the VJ, police and Serbian civilians looting and
3 burning ... private vehicles were driven out of Mala Krusa filled
4 with items [that were] stolen from the houses. After houses were
5 looted the buildings were then burned. At night some of the
6 villagers returned and hid in the cellars."

7 Skip that next paragraph and just go down to the next one.

8 "On 27 March villagers saw police arrive with trucks full of
9 dead bodies and start to dump them in the river. The villagers who
10 were still there remained inside their houses. On or around 31 March
11 when police again started to force the remaining villagers out they
12 observed that the trucks and some of the remaining dead bodies were
13 still there near the river. KFOR later removed a truck from the
14 river; bones were found in the back."

15 Continue on to the next page.

16 PRESIDING JUDGE SMITH: Mr. Kehoe, before going further, would
17 you mind stating your case on this particular line of questioning --

18 MR. KEHOE: Yes, Your Honour.

19 PRESIDING JUDGE SMITH: -- to the witness so that he -- not to
20 me, to the witness --

21 MR. KEHOE: Understood.

22 PRESIDING JUDGE SMITH: -- so that he understand where it's
23 going. And how that -- I believe that we were quite clear that this
24 had to have some impact on the structure of the KLA or upon the acts
25 alleged to have occurred with these four accused.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6108

1 MR. KEHOE: Yes, Your Honour.

2 Q. And I will put this to you, sir, consistent with -- and there
3 are more in this report. That as a result of -- not completely, but
4 as a result of this activity by the Yugoslav forces, when the Kosovo
5 Albanians -- the over 600.000 Kosovo Albanians returned, you had
6 reported, or your organisation had reported, that there was a revenge
7 component, a significant revenge component in -- that accounted for
8 much of the crime that was taking place in Prizren where you were and
9 elsewhere.

10 And that is the reason we're going through these, to detail not
11 just these crimes individually where, obviously, the KLA wasn't there
12 to protect these people but what happened thereafter.

13 PRESIDING JUDGE SMITH: So, correct me, you're saying that the
14 revenge was on the part of the Serbs in this case.

15 MR. KEHOE: No, the revenge was on the part of the returning --

16 PRESIDING JUDGE SMITH: There hasn't been any mention of
17 revenge.

18 MR. KEHOE: Well, I am going to go talk about that --

19 PRESIDING JUDGE SMITH: Then talk about that. I don't think we
20 need anymore examples of what went on.

21 MR. KEHOE: Yes, Your Honour.

22 Q. So then we can turn to the next aspect of it. When we had these
23 Kosovo Albanians returning, there was a significant amount of revenge
24 with those people when they returned. And, obviously, their families
25 had been killed and their homes had been burnt, their possessions had

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6109

1 been stolen, and friends and family were murdered; is that right?

2 A. I don't think that's unreasonable. I think the same applies to
3 the kidnapping and murder of the 47 Serbians, Romani, and Albanians
4 who were killed in late July 1998. That is one of the hypotheses we
5 were working on, which has not yet been raised, I think.

6 Q. And the reason why, and you noted in -- this is Exhibit 230 at
7 paragraph 16, that you note a far greater portion of the KVM time and
8 effort was spent on dealing with Albanian missing and dead than with
9 the Serb missing and dead. And that's again in paragraph 16.

10 The reason for that is, of course, there were significantly more
11 Kosovo Albanian victims. I think that you estimate in "As Seen, As
12 Told" that there were over 7.000 missing Kosovo Albanians; right?

13 A. Yes, and over 1.000 missing Serbs, representing statistically --

14 Q. I understand.

15 A. -- perhaps a higher proportion. But I will absolutely not take
16 issue with the atrocities, mass murder committed in a systematic --
17 apparently systematic basis by Serbian forces.

18 Q. And I wouldn't expect you to you, sir.

19 A. It seems like the KLA were doing -- or some elements of the KLA
20 were doing much the same thing.

21 Q. And I wouldn't expect you to, sir. But there were significantly
22 more Kosovo Albanians, and you had to spend significantly more of the
23 OSCE time getting engaged in reviewing or looking for those missing
24 people, didn't you?

25 A. At what point in our mission --

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6110

1 Q. [Overlapping speakers] ... mission, sir.

2 A. -- which lasted from November until several years after? I can
3 say that in both periods, which is to say before the bombing and
4 during the -- well, the three periods, really, during the bombing and
5 after the bombing, that is absolutely the case, yes, because, as you
6 point out, the number of victims of Serbian -- number of people
7 murdered by Serbian authorities exceeded the number of those murdered
8 by KLA personnel. So, yes, that is the case. Yes.

9 Q. And that would account for the reason why, as you noted,
10 significantly more time - and, again, this is in your P230 at
11 paragraph 16 - why significantly more time was spent investigating
12 Albanian missing and dead. Because there were more; right?

13 A. I've just said that.

14 Q. And that has nothing to do with anyone being pro-Albanian or
15 pro-Serb, does it?

16 A. I was about to say that for us they were missing people.

17 Q. Exactly. So when you -- as you sit here today, and you had made
18 some comments about Ambassador Walker, for instance, you sit here
19 today, are you saying that Ambassador Walker, for his work with the
20 OSCE, was pro one side or the other?

21 A. Which comments are you addressing?

22 Q. Addressing the comments that you have made that you had talked
23 in senior leadership.

24 A. Which statement? Because I corrected the first statement --

25 Q. Okay.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6111

1 A. -- very clearly.

2 Q. And your correction -- I'm sorry.

3 A. Very clearly corrected it.

4 Q. And in your correction, you note, and I'll read that into the
5 record as well, that's P233, at your SPO note. You stated:

6 "... at the time he did believe the political of KVM was not
7 interested in the Serbians, but now believes it is likely this was
8 due to certain political pressures. W02153 stated that there is a
9 natural tendency for juniors to blame their seniors ..."

10 And at the time, you may not have understood the political
11 pressures at the higher level.

12 So to be clear, you're not saying at this point, as you testify
13 here today, that anybody like Ambassador Walker was prejudiced either
14 one way or the other, are you?

15 A. I'm saying that with the advantage of 25 years of hindsight and
16 limited experience, I understand that at the highest levels of
17 international leadership sometimes trade-offs are to be made. That
18 much is common sense. Those trade-offs are often not understood by
19 subordinates, and that applies in all areas of activity within
20 conflict. And that was certainly, I would imagine, the case during
21 the time we were there. And as such, I stand by what I said.

22 Q. You stand by what you said in the statement to the Prosecutor
23 [Overlapping speakers] ...

24 A. That's correct.

25 Q. Now just going back to the revenge aspect. And you noted that

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6112

1 there was some revenge -- there was revenge for the returning Kosovo
2 Albanians. That was, in fact, a hallmark of the "As Seen, As Told"
3 report, beginning with Ambassador Kouchner's forward; is that right?
4 Or would you like me to read that to you?

5 A. No, it's okay. I think it's fair to say, since you're asking
6 for my comment and not a gloss on Ambassador Kouchner's, that revenge
7 was a hallmark of the conflict in its entirety, in my experience of
8 it, from late 1998 onwards and evidently more so mid-1998.

9 Q. So when Ambassador Kouchner says this report -- this is "As
10 Seen, As Told," Volume 2, page 1529 to 1871 at page 1523. It says:

11 "This report underscores just how difficult the task is;
12 vengeance and fear are all too common in post-conflict Kosovo ..."

13 That's consistent with your -- what you just said, is it not?

14 A. Vengeance and fear were hallmarks of the conflict from the start
15 at all levels and with all -- I'll rephrase.

16 Q. But as a consequence --

17 A. Vengeance -- if you'll allow me to finish.

18 Q. Absolutely.

19 A. Vengeance and fear were a hallmark of the conflict, in my
20 experience of it from the day we got there, on all sides.

21 Q. And, again, please do stop me if I ever cut you off because I
22 certainly don't intend to do that.

23 A. You did so several times yesterday.

24 Q. Okay. I'm sorry?

25 A. You did so several times yesterday.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6113

1 Q. Yes, and I apologise ahead of time if I did it, and I don't
2 intend to do that.

3 So it is -- is it clear to you that -- well, I'll put it this
4 way. Let me read what Mr. Shaun Byrnes said about what was going on.
5 But before we do that, there was, in fact, an element of -- and I'm
6 talking about the post-conflict time period in Prizren and other
7 places you were. I mean, there was a element of criminal gangs
8 operating, weren't there?

9 A. Certainly.

10 Q. And they were, likewise, a criminal element coming in from
11 Albania that were taking advantage of the unrest in Kosovo post
12 conflict; right?

13 A. I say "certainly" because my experience of that started with our
14 return from Albania, as I state in my, I think, first statement,
15 where I observed and heard allegations of young women being taken for
16 the purposes of human trafficking, Albanian women. Addressed this to
17 the KLA's intelligence chief in our zone who displayed no interest in
18 that.

19 Clearly, in a post-conflict zone, such as Kosovo or any other
20 such area, you will get organised crime taking advantage of the
21 chaos. I have also suspicion, for what it's worth of, which is not
22 mentioned in my statements of --

23 Q. Just tell us what you know, sir.

24 A. -- forms of -- forms of serial killing taking place out with
25 political elements.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6114

1 Q. I don't mean to cut you off, but just tell us factually.

2 A. That was facts.

3 Q. We had -- we had armed gangs, a criminal element --

4 A. Yes.

5 Q. -- what you said, organised crime?

6 A. Yes.

7 Q. All coming in from the post conflict, after the conflict; right?

8 A. I think -- I think it was a pretty -- the organised crime was a
9 common feature prior to what you call the conflict -- or, I suppose
10 you mean the NATO bombing. That was dominated by Serbian gangs in
11 cooperation, I suspect, with ethnic Albanians. And the same carried
12 on afterwards, taking advantage of the lawlessness and chaos, and
13 carried on subsequently and some say to -- even until today.

14 Q. And the lawlessness that was taking place there was -- made any
15 type of analysis difficult -- excuse me, let me withdraw that
16 question. You do know that, for instance, KLA uniforms were readily
17 available throughout Kosovo and on the Albanian border, do you not?

18 A. I've absolutely no doubt that's the case.

19 Q. So in addition to the organised crime, these criminal elements,
20 armed gangs, you had people that had available to them uniforms of
21 the KLA?

22 A. Military uniforms. I'm not sure the KLA had their own uniforms.
23 But, yes, military uniforms.

24 Q. And into this void, if you will, was supposed to be some law
25 enforcement that was taking place at the hands of UNMIK and/or KFOR;

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6115

1 is that --

2 A. Yes.

3 Q. -- right? And that didn't happen, did it?

4 A. By "that didn't happen" --

5 Q. Well --

6 A. -- what do you mean?

7 Q. -- would you agree with me that as far as any type of law
8 enforcement on the street, that the UNMIK was very slow in responding
9 to any law enforcement effort?

10 A. I think that is very fair to say. There were also efforts made
11 by soldiers of KFOR to attempt to stem disorder of one kind or
12 another which had some limited success in some places and less
13 success in others, as I think is well known.

14 Q. Well, I mean, it -- and, in fact, there have been -- well, let
15 me put this on the screen.

16 MR. KEHOE: This is SITF00385175 to -178. This is a Kosovo
17 assessment team report dated 25 and 26 June 1999. And if we could
18 just go to that first paragraph. If we can blow that up.

19 Q. And I go two sentences down, "The situation in Mitrovica," do
20 you see that, sir?

21 A. I do.

22 Q. It notes that:

23 "The situation in Mitrovica is tense, the Serbs block half of
24 the city, they check personal documents, Albanians do not have access
25 to their property on the other side of the river, KFOR is not

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6116

1 impartial, they are only concentrated in the southern side of the
2 city, Albanians are going to demonstrate on Saturday at 10.00 am."

3 So were you aware of the situation in Mitrovica, that your
4 organisation stated that KFOR was not impartial?

5 A. I didn't serve in Mitrovica, Your Honour.

6 Q. I am just saying --

7 A. But the answer to your question is, to the extent I was aware of
8 Mitrovica, and we were quite focused on our own area, I would suggest
9 that Mitrovica was as difficult as anywhere else, but that's the
10 limit of my knowledge. And I think that to even today it remains
11 very difficult, the situation there. Beyond that, I can't say. I
12 know all the reporters here. I have very high regard for all of
13 them, and I have no doubt that what they say is absolutely correct.

14 MR. KEHOE: Your Honour, at this time I'll offer into evidence
15 SITF00385175, the document that's on the screen.

16 MR. BAARLINK: Well, Your Honour, I'm not sure this witness is
17 an appropriate witness for this document. His knowledge of that
18 document is very limited.

19 PRESIDING JUDGE SMITH: I'll admit the exhibit based upon the
20 witness's assessment of the reporters.

21 SITF00385 -- was it 157 or 175?

22 MR. KEHOE: Your Honour, the number is 175 to 178.

23 PRESIDING JUDGE SMITH: So 175 to 178 --

24 MR. KEHOE: Yes, Your Honour.

25 PRESIDING JUDGE SMITH: -- is admitted.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6117

1 Please assign a number to it.

2 THE COURT OFFICER: Your Honours, that will be Exhibit 1D35.

3 MR. KEHOE:

4 Q. And, sir, you were aware that as a result of your Security
5 Council Resolution 1244, that the entities responsible for governing
6 Kosovo was the UN; right?

7 A. Yes.

8 Q. And we'll just talk a little bit about law enforcement.

9 MR. KEHOE: And if I can put on the screen a document from "As
10 Seen, As Told." And that will be Bates stamp number SITF00001529,
11 001825, and I'm interested in page 1548.

12 Q. And just so you know, Mr. Ledwidge, these are exhibits that are
13 part of Volume 2 of "As Seen, As Told," and this is one of the
14 exhibits in there. Okay?

15 A. Yup.

16 Q. That's the document. Now, this is a document that designates
17 the UNMIK police deployment as of 30 October 1999. And as you can
18 see, the amount coming in in June was virtually minuscule; is that
19 right?

20 A. It seems so.

21 Q. Do you have any reason to question this chart that was in "As
22 Seen, As Told"?

23 A. No. And to shortcut any further discussion, I'm more than happy
24 if -- if you would like, I'm more than happen to say that my
25 experience in our area of policing was that it was inadequate, partly

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6118

1 because of the numbers, partly because of organisational immaturity,
2 and the general appalling security environment against which they
3 worked and tried to work.

4 MR. KEHOE: Your Honour, at this time I will offer into evidence
5 SITF0001548.

6 THE WITNESS: I would also say with respect to the --

7 MR. KEHOE: Excuse me a second. I just have a --

8 THE WITNESS: Oh, of course, yes.

9 MR. KEHOE: If you could just give me a second.

10 THE WITNESS: Apologies.

11 MR. KEHOE: I don't mean to cut you off but --

12 THE WITNESS: Sure.

13 MR. KEHOE: -- I just made a --

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. BAARLINK: [Microphone not activated].

16 The same objection as before, Your Honour. In my submission,
17 these documents -- well, the witness should have some knowledge of
18 the documents in order to admit those documents through this witness.

19 PRESIDING JUDGE SMITH: The exhibit will be admitted.

20 SITF0001529 to 1825.

21 Are you just submitting the one page?

22 MR. KEHOE: Just the one page, Judge.

23 PRESIDING JUDGE SMITH: That's page 1548.

24 MR. KEHOE: And, Your Honour, the witness --

25 THE COURT OFFICER: Your Honour --

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6119

1 MR. KEHOE: I'm sorry, [REDACTED] Pursuant to In-Court Redaction
Order F1686RED

2 THE COURT OFFICER: Your Honours, that will be Exhibit 1D36 for
3 the page SITF0001548.

4 MR. KEHOE: My apologies again, [REDACTED] Pursuant to In-Court
Redaction Order F1686RED

5 The witness had something else to say. So if I could just turn
6 it back and give him the floor for a moment.

7 PRESIDING JUDGE SMITH: Go ahead.

8 THE WITNESS: It was a difficult security situation, let's say
9 that.

10 MR. KEHOE:

11 Q. Now --

12 A. To put it mildly.

13 Q. I'm sorry?

14 A. To put it mildly, sir.

15 Q. Yes, sir. And obviously, UNMIK, who was responsible, was slow
16 to get up and running to prevent the lawlessness that was taking
17 place; isn't that right?

18 A. That's an assessment of some -- I mean, I --

19 PRESIDING JUDGE SMITH: If you don't know, sir, you can say so.

20 THE WITNESS: I think -- I think I would have an opinion on it,
21 but it's based on hearsay and general impressions. I would say that
22 in the area in which I worked, that was the case. However, it was a
23 very immature mission in the sense that it had just started, and it's
24 difficult for everybody.

25 MR. KEHOE:

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6120

1 Q. And in addition to the policing, the UNMIK was very slow in
2 setting up civil governmental structures as well, weren't they?

3 A. It took -- it took -- I can speak to my area, where I can say
4 that it took some time for regional administrator to be -- finally to
5 be appointed, yes. The area concerned being Orahovac/Rahovec. But
6 given that the -- I think to be fair, given that the organisation was
7 entering what amounted to an anarchic situation, these matters are
8 always extremely difficult, and, as you know, politically and
9 practically complicated, and technically extremely difficult. So I
10 think we understood the difficulties at first, yes.

11 Q. And during this period of time and going through from the post
12 conflict, I am talking about the post NATO bombing - you corrected me
13 on that, justly - Hashim Thaci was consistently in the community and
14 in the media advising Kosovo Albanians to stop the violence and he
15 was promoting an interethnic Kosovo, wasn't he?

16 MR. BAARLINK: Objection. Foundation, Your Honour.

17 PRESIDING JUDGE SMITH: You might first ask if he has knowledge
18 of those statements.

19 MR. KEHOE:

20 Q. Well, do you have knowledge of Mr. Thaci's statements both in
21 the media, printed and video --

22 A. No.

23 Q. -- advising people in Kosovo to cease the violence and to
24 promote an interethnic --

25 A. I did not follow Mr. Thaci's media declarations.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6121

1 Q. Well --

2 A. Or anyone else's, except our own.

3 Q. And I'm asking you were you aware of the fact that Hashim Thaci
4 was doing that?

5 A. I don't recall it being something I was very conscious of one
6 way or the other. We had our day-to-day work.

7 Q. Well, you do note that in the -- you have in your report --

8 MR. KEHOE: And I believe, if I may, just short-circuit this,
9 Judge, and go back to the Prosecution's summary as opposed to reading
10 the entire --

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 MR. KEHOE: I just want to -- I just want to advise the Court.
13 I'm going to ask him the question, but this is where it's coming
14 from.

15 Q. And in the Prosecution's summary, you noted that:

16 "In and around November 1999, you," Mr. Ledwidge, "heard from
17 several people that Hashim Thaci gave a speech to a gathering in
18 Rahovec in which he declared that the time of speaking Serbian in
19 Rahovec was over."

20 Do you recall saying that in your statement?

21 PRESIDING JUDGE SMITH: Excuse me, that doesn't have anything to
22 do with the question you just asked him before.

23 MR. KEHOE: I'm just following that on with ...

24 The question I was asking before was, was he aware of what
25 Mr. Thaci's pronouncements were, and now we're turning to his part of

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6122

1 it.

2 PRESIDING JUDGE SMITH: To be accurate, you asked about specific
3 statements that Thaci was making to the people of Kosovo, not the
4 Rahovec question.

5 MR. KEHOE: And now I'm turning to the one he commented on.

6 Q. I understand that, Mr. Ledwidge, you said you didn't know
7 anything about Hashim Thaci's --

8 A. I didn't say that.

9 Q. I'm sorry, go --

10 A. I said that I didn't follow Mr. Thaci's media comments. It may
11 be that we were briefed by our media people in daily or weekly
12 briefings, but I don't recall.

13 Q. But you --

14 A. I don't recall this being a major aspect of the work that I was
15 doing, and therefore it didn't -- it wasn't something that especially
16 occupied my attention any more than the announcements or
17 pronouncements of other politicians.

18 Q. So as we sit here, you don't recall whether or not you were, in
19 fact, briefed on the comments made by Mr. Thaci throughout --

20 A. No, I --

21 Q. -- Kosovo to the media and to the Kosovo people; is that right?

22 A. That's what I just said, yes. I don't recall one way or the
23 other.

24 Q. And when you were in Kosovo, were you aware of an event in July
25 1999 when Mr. Thaci went to Kosovo -- went to Mitrovica, excuse me,

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6123

1 in June, to talk down any type of violence that took place in
2 Mitrovica? Were you aware --

3 A. I may not have been --

4 Q. -- of that?

5 A. -- aware at the time, but in fairness, I am aware now, because
6 again, by whatever coincidence, I read about it last week. But it
7 may well have taken place. I was not aware of it at the time. Was
8 it in July?

9 Q. It was in -- the exact date -- I will give you the exact date of
10 the video. The exact date is -- why don't we just play this and see
11 if this is something you recall --

12 A. No, the reason -- if I might ask [Overlapping speakers] ...

13 Q. 17 July.

14 A. Yes.

15 MR. KEHOE: And I will go to ERN DH --

16 PRESIDING JUDGE SMITH: The witness had a question.

17 MR. KEHOE: I'm sorry.

18 THE WITNESS: The reason I asked the date, which you've now
19 answered, is that during July, and there are a couple of weeks during
20 July, that in the town for which I was responsible there was a major
21 crisis concerning the deployment of soldiers, whether they should be
22 Russian or Dutch, in Rahovec. I've a feeling it was around that
23 time. I think it was. It was a major international incident and
24 clearly a lot of attention in our area was being focused on that.

25 It may be that I missed Thaci's speech. I am aware that it took

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6124

1 place now because I read about it in the last couple of weeks, I
2 think even last week. So I'm -- more than that, I cannot say.

3 MR. KEHOE: And I would like to play for you --

4 MR. BAARLINK: Well, Your Honour, if I can object to this.

5 Having read about it last week cannot be an adequate foundation for
6 questions in this Court, Your Honour.

7 PRESIDING JUDGE SMITH: Sustained. There's nothing to be gained
8 from this. He's indicated he knows nothing about it. He's indicated
9 he didn't hear about it until a week ago. We're not going to go into
10 that.

11 MR. KEHOE: Yes, Your Honour.

12 Q. And what was the circumstances for your learning about this a
13 week ago?

14 A. It may have been the same ones I think I've -- you recall -- you
15 recall on the last session the Panda bar. I think I was looking for
16 a media report on Rahovec and it came up on a search. I can't really
17 recall the Thaci comment. It may have been on one of the little
18 sidebars or perhaps somewhere else. I really don't know.

19 Q. So --

20 A. I make thousands of searches, hundreds, certainly every week.
21 I'm an academic, so I --

22 Q. And the speech that --

23 A. -- like to research things.

24 Q. I'm sorry. I think I cut you off, sir.

25 A. You did. I like to research things. So whilst I wasn't

1 particularly researching Mr. Thaci's pronouncements, this came up.
2 But the most significant thing I learned last week was about the
3 Panda bar, an event we addressed yesterday.

4 Q. In the speech that you were talking about in -- that you
5 maintain that Thaci gave a speech to a gathering in Rahovec in which
6 he declared that the time for speaking Serbian in Rahovec was over,
7 you did not attend that speech; is that right?

8 A. Your Honour, that is right. As I recall -- and perhaps you may
9 assist in this -- assist my recollection. But as I recall, that was
10 on flag -- on or around flag day in November, which, as I recall, is
11 in late in the month. Sometimes they -- I think the Kosovo flag day
12 is slightly different from the Albanian one. But whatever flag day
13 it is.

14 And around that time, there was a particular volatility, a very
15 great sense of threat on the streets. I remember it vividly and
16 viscerally. And it was considered unsafe for us to - that is to say,
17 myself and my small team - to travel from Prizren to Rahovec that
18 day, if I remember rightly.

19 And, therefore, the contents of the speech, to the extent you
20 have addressed them, were relayed to me by staff in - and, indeed,
21 others as I recall - in the town. Now, as I said, I was not there,
22 and I have offered the reason why as I recall it.

23 Q. So you said you weren't there. And you also didn't read
24 anything in the Serb media about it. Is that right?

25 A. I do not read Serb media.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6126

1 Q. Well, were you made aware of anything in the Serb media about
2 this speech by Mr. Thaci?

3 A. Not as I recall.

4 Q. And you don't -- well, obviously, if the Serbs had -- based on
5 your experience, you had been dealing with the Serbs using things
6 like missing people as propaganda material; right?

7 A. Well, I -- I was familiar with the Serbian government using the
8 missing as pretexts the previous year. Yes, I have -- I have said
9 that already. The Serbs to which I spoke did not use that because
10 they were wrecked. The community was wrecked for a number of
11 reasons, not least the absence of 40 of their non-combatant friends
12 and relatives.

13 Q. And you do not know of the Serb media using this alleged
14 statement by Mr. Thaci about not speaking Serbian anymore in Rahovec;
15 do you?

16 A. I remember -- or I recall, actually, it was not any Serbian
17 interlocutor but it was in fact Albanian ones, that is my
18 recollection, who told me of this, who were present.

19 Q. Well, did you read any articles, any media articles that covered
20 this?

21 A. Not that I recall. I was not in the habit of doing so. We were
22 rather too busy for that.

23 Q. I put to you, sir, and I will show you the articles from
24 international media and Albanian media, that no such statement by
25 Hashim Thaci was made.

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6127

1 A. I was not there. I cannot assist any further. That is what I
2 was told.

3 Q. So you have no reason -- well, you have no reason to dispute
4 that virtually none of these media sources reported that such a
5 statement was made by Hashim Thaci; isn't that right?

6 A. Sorry, I -- can you repeat the question? I did not understand
7 it.

8 Q. Well, you --

9 A. I already made clear to you I do not -- or did not at the time
10 read media. We did not have the internet as we do now. I do not
11 recall, therefore, reading about it. I do not know whether it took
12 place for sure. I was not there. I was told that such comments were
13 made. I think possibly a transcript might settle that or a recording
14 of it. More than that, I cannot say.

15 Q. And just following that up, you can also say that you did not
16 read any media at any point anywhere that reflected such a comment by
17 Hashim Thaci, have you?

18 A. It would not be something that I would consider important. My
19 job was to find missing people even then and deal with human rights
20 abuses. To the extent we discussed provincial or regional politics
21 tended to be of an international nature or involve UNMIK in some way.
22 But, no, I don't think I did. I think that the -- it was simply too
23 busy.

24 At that period, I will stress to you again, it was particularly
25 dangerous for those who were not Albanian to go on the streets both

Witness: W02153 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

Page 6128

1 in Prizren and - I was informed, but not there - in Rahovec. I
2 suspect probably less dangerous there. Either way, if it was made on
3 flag day or around flag day - it may not have been, because I don't
4 remember - then I was certainly not in the town.

5 And it's something I recall because I made objection to that, to
6 not being allowed there. If it was made at some other time -- well,
7 either way, I was not present at the speech.

8 MR. KEHOE: If I may, Judge. If I may just have a moment.

9 [Specialist Counsel confer]

10 MR. KEHOE: [Microphone not activated]

11 [Specialist Counsel confer]

12 MR. KEHOE:

13 Q. So one final question -- several questions. It's never one
14 question with lawyers.

15 A. So I have observed.

16 Q. Well, sir, was it your duty as an OSCE officer to report up the
17 line that the prime minister of the Provisional Government of Kosovo
18 allegedly said at a speech that, "The time for speaking Serbian in
19 Rahovec is over." Was it your duty to report that?

20 A. I suspect if it was reported to me or I was there, then it might
21 be something I might have found of interest.

22 Q. Well --

23 A. And, therefore, worth reporting. And it's possible I did.

24 Q. Have you seen any report, in your many discussions with the SPO
25 and in your research, where you reflect that you reported to anyone

1 at the time that the prime minister of the Provisional Government of
2 Kosovo made such a statement in Rahovec at any point?

3 A. Did I see such a report recently? No, I did not. No. No.

4 Q. So you haven't seen any report reflecting -- any OSCE report
5 reflecting that Mr. Thaci made such statements, and you haven't seen
6 any media - written or visual - that reported that Hashim Thaci
7 declared that the time for speaking Serbian in Rahovec was over;
8 isn't that correct?

9 A. I've already said that several times. And, as I say, this was
10 reported to me. I think the matter could be settled very easily with
11 a recording of this speech one way or the other. I put no particular
12 stress on it as it is, as you would say in the legal world, hearsay.

13 Q. Thank you, Mr. Ledwidge.

14 MR. KEHOE: Your Honour, I have no further questions of this
15 witness.

16 PRESIDING JUDGE SMITH: Mr. Strong.

17 MR. STRONG: Thank you.

18 PRESIDING JUDGE SMITH: You have the floor.

19 MR. STRONG: Thank you, Your Honour.

20 Cross-examination by Mr. Strong:

21 Q. Mr. Ledwidge, my name is Andrew Strong and I will be asking you
22 questions today on behalf of Mr. Kadri Veseli.

23 I don't have very many questions for you, but I want to start by
24 asking you some questions about the context against which you started
25 your work in Kosovo.

1 First, it's right to say that you arrived in Kosovo in the
2 middle of November 1998; is that right?

3 A. Yes. Yes, broadly. Slightly -- slightly after that.

4 Q. Okay. And I think the date that I have for you deploying to
5 Prizren is 18 November? Does that sound right?

6 A. No, I think it was after that. I flew into the country on the
7 18th, a couple of days in Belgrade, if that, two or three days maybe
8 in Prishtine, and then Prizren. So, yes, on or around that time.

9 Q. Okay. That's helpful, and I appreciate the accuracy.

10 A. I think just for fullness or completeness, I recall we set up
11 our little headquarters about the 25th or 26th November.

12 Q. Okay. And it's right that in deploying to Prizren, you said you
13 had only received very general briefings about what was happening on
14 the ground specifically --

15 A. Yeah.

16 Q. -- in Rahovec at the time.

17 A. Yes.

18 Q. Right.

19 A. If that.

20 Q. And also it's right to say that you were deploying to an active
21 combat zone?

22 A. Well, we were deploying to an active combat zone. The intention
23 of the whole mission was to verify the supposed cease-fire.

24 Therefore, I think the overall intention was that we were deploying
25 to an area where a cease-fire was in force. It turned out not to be

1 the case.

2 Q. Yes, I think you put it more eloquently than I did. You said
3 yesterday - and this is at transcript T9, line 8 - that it was quite
4 a kinetic period where people were being killed on both sides and --

5 A. Yes. I think that's fair to say.

6 Q. All right. And it's so in that context of landing in that
7 active theatre, your remit was to look backwards three to four months
8 to a period where you weren't in Kosovo and to gather information to
9 try to determine the fate of missing people. Is that accurate?

10 A. Absolutely not.

11 Q. Absolutely not?

12 A. No.

13 Q. Right.

14 A. No, if I might elucidate.

15 Q. Yeah.

16 A. So there were 20 of us in the team. I was initially an
17 operations officer, so my role initially was to man the radios and to
18 try and direct our teams, receive reports of incidents, report them
19 up our chain - that was at that time KVM - and receive and implement
20 guidance from my chief, Ian Macleod and his deputy. We were a very
21 small team, a very active environment. And what had happened during
22 the summer, whilst of, at that time, passing interest, rather paled
23 against, as I said yesterday, what was happening today.

24 Q. Yes. Yes, and I appreciate that distinction. I think to be
25 fair to you, you have said consistently that looking backwards was --

1 that you had little head space for it or little bandwidth because of
2 how dynamic the situation was on the ground as you landed.

3 A. To relitigate my answers yesterday, Mr. Strong, I would say
4 this: That whilst it is -- and I respect your -- your and your
5 colleague's position - fairly straightforward with, I note, 17
6 lawyers in the room, and support staffs, to look back with the
7 assistance of an organisation who is acting in its own interest on a
8 history that is disputed, when you are in a -- as you say, a kinetic
9 zone with a small team, we had none of those resources, none of the
10 bandwidth, and at that time - which is to say, the first week of our
11 deployment - no will to look back to excavate command structures or
12 disputed historical incidents. We were concerned with what was
13 happening during the day.

14 Q. Yeah, I appreciate that answer. And so I am not going to ask
15 you any questions about military organisation or command structures.
16 What I'm interested in - and this is -- this is from an answer you
17 gave yesterday - is your role as a human rights investigator. And
18 that may not have happened when you landed, but as I understand your
19 answer, at some point you took on an investigative capacity --

20 A. Ah, I see. Yes.

21 Q. -- specifically for events that occurred in July 1998; is
22 that --

23 A. Yes.

24 Q. -- accurate?

25 A. I was appointed missing persons officer, as I recall, in either

1 late January, perhaps even early January, 1999. It's in statements.
2 But the same principles apply. We were faced with a stonewalling
3 organisation which would tell us nothing, were defensive in their
4 comments, to put it mildly. The structures of my organisation were
5 such that senior -- a term disputed yesterday, but senior KLA
6 officers were the remit of another team.

7 My job, as I saw it - there was no such direction, but I saw
8 it -- we were in a situation where direction understandably was
9 limited, but such direction as I got was excellent from my chain of
10 management in Prishtine - was to determine where these 47 missing
11 people were on the Serbian Romani side and some two or three
12 Albanians and also to determine the whereabouts of graves of Albanian
13 murder victims.

14 Those are two slightly different tasks, and we set about that as
15 best we could. And by "we," I mean myself and perhaps one or two
16 assistants who were part time until March when I think I got somebody
17 who was -- who was dedicated with me to that task. I think you --
18 you see my point? We had a number of tasks, the primary one of which
19 was to determine the whereabouts and fate of 47 missing people in the
20 context of these proceedings here as I understand them.

21 Q. Thank you. That's helpful. Can I just say, going forward --
22 I've noticed a slight expansion in your answers, and if you could try
23 to keep them as concise as possible --

24 A. Yes, my apologies.

25 Q. -- we will be able to --

1 A. I will endeavour to do so.

2 Q. Okay. Now, just picking up on your last answer, and I want to
3 make sure I get it accurate.

4 A. So whilst you look, if I can elucidate slightly. We began in a
5 way, which perhaps now might seem rather naive, in physically
6 searching certain areas having received information, as I outlined in
7 my statement --

8 Q. Okay. I'm just going to stop you there because that is an
9 example of just what I asked you to please be mindful of, of
10 expanding your answers. I will ask you questions and the Prosecution
11 will have a chance to redirect you with -- to clarify anything that
12 you aren't able to say.

13 A. Good.

14 Q. Okay. What I'm interested in is some of the challenges that you
15 faced in gathering information, specifically as it relates to the
16 events you just described in 1998, in July 1998. And I want to
17 outline three different areas that I think that I want to explore
18 with you today.

19 And the first --

20 MR. STRONG: If I can have the assistance of the Court Officer,
21 it's SPOE00196138. Could we call that up. Thank you.

22 Q. Now, first, Mr. Ledwidge, do you recognise this document?

23 A. Absolutely.

24 Q. Excellent. And just at the top, it's the Kosovo Verification
25 Mission Coordination centre 1.

1 A. Yes.

2 Q. Was that the coordination centre that you worked out of?

3 A. Yes.

4 Q. Excellent. Thank you.

5 MR. STRONG: Could we go to the very last page of this document.
6 And if we could scroll down to the bottom.

7 Q. There it looks like the author of this document is Ian Macleod?

8 A. Yes, that is the official author. That's right. As part of our
9 staff procedures, the head would -- I would author -- in this case --
10 in this case, I recall authoring this document. Although, I have to
11 say Ian played a part because our whole team took part in this, if
12 you can call it, investigation. But, yes, it is signed there, as you
13 see, by our head, Ian Macleod.

14 Q. Thank you. That's very helpful.

15 MR. STRONG: Could we go to the -- I believe it's -- well, it's
16 SPOE00196141. That's perfect.

17 Q. Just under the section "Problems with unsourced reporting," we
18 see:

19 "CC1 has made contact with the relatives of the majority of the
20 relatives of the missing and has, in the circumstances a good
21 relationship with them. They regularly attend at the CC" --

22 I assume that's command -- coordination centre?

23 A. Coordination centre.

24 Q. "... in Orahovac for the purpose of, more than anything else
25 letting off steam. As well as that they pass information that they

1 have received often from local Albanians. Some of the information
2 referred to above came this way.

3 "The danger in receiving information that is unsourced like this
4 is that there is the strong likelihood that many of these reports,
5 particularly those involving people that have been seen recently,
6 which seem to corroborate each other, are merely the result of
7 circular reporting. That is to say that one report is recycled and
8 'improved' with each telling. Much of the 'new' information came in
9 this way."

10 Now, you've told us you're the author of this report.

11 A. I recall writing much of it, if not all of it. Yes.

12 Q. Okay. This was a problem that you were alive to, that you
13 needed to be vigilant to separate out what appeared to be new
14 information corroborating other information from the circular nature
15 that information can travel in these sort of settings; is that right?

16 A. Yes, this is a particular problem, as I indicate there, with
17 supposed sightings, be they in a particular valley or, indeed, on the
18 streets of Rahovec or Prizren where people were seen, or allegedly
19 seen, in the backs of cars and so forth.

20 Q. And is it right that the people who are meeting weekly -- or,
21 sorry, I'm sorry, regularly at the CC, that they're the relatives of
22 the victims that you were -- that you were tasked to look for?

23 A. Widows, mothers, brothers.

24 Q. Right. And they also knew each other quite well?

25 A. I think some of them knew each other very well; others less so.

1 Those from the villages would not have known anybody in -- in the
2 town, I suspect. The town was the -- the *gradzeni* [phoen], which is
3 to say the Serbians of Rahovec, were about 2 -- numbers differ but
4 perhaps somewhere in excess of 2.000. Those in the villages -- each
5 village perhaps a couple of hundred. So the villagers -- villagers
6 will have known each other and those in their vicinity, especially
7 Albanians. They were close to them before the war.

8 Q. Yeah.

9 A. And on both sides. So, yes, it's a small town, but I can't
10 assume that they all knew each other at all. Those from the
11 villages, I doubt anyone will have known.

12 Q. Sure.

13 A. But there we are.

14 Q. But the villagers from the villagers would have likely known the
15 other relatives of victims from the villages?

16 A. Certainly.

17 Q. Right. And am I right in thinking that because this information
18 was so profoundly emotionally charged, people wanted to believe the
19 rumours or gossip that they heard that was coming in in this circular
20 manner; is that accurate?

21 A. They wanted to believe that their relatives were alive and not
22 burned and dead in ditches, yes.

23 Q. Do you remember when these meetings began? These regular
24 meetings?

25 A. Very shortly, Mr. Strong -- or Your Honour, after we arrived.

1 THE INTERPRETER: The interpreters kindly ask the speakers to
2 make a pause between question and answer. Thank you very much.

3 THE WITNESS: Yes. Apologies.

4 MR. STRONG: That's noted. Thank you.

5 All right. If we could go now to another document, which is the
6 statement that you made to the SPO. It's P230.

7 THE WITNESS: May I say something, Your Honour?

8 PRESIDING JUDGE SMITH: Yes, go ahead.

9 THE WITNESS: There are still people who believe that their
10 relatives are alive.

11 PRESIDING JUDGE SMITH: Thank you.

12 MR. STRONG: And could we go to paragraph 25, please.

13 Q. So I want to just put this paragraph to you.

14 MR. STRONG: I'm sorry. I apologise. It's paragraph -- give me
15 a second. Paragraph 22. I apologise, Madam Court Officer.

16 Q. And just reading it out, it says:

17 "With respect to my basis for the statement that it was in the
18 'perc[ei]ved interest of the Serbian authorities for these persons to
19 remain 'missing' and for the open cases not to be solved,' this was
20 based on the fact that the Serbs were attempting to use the issue of
21 the missing to galvanise support among Kosovar Serbs by encouraging
22 the sense of victimisation. I believe the calls made to victims'
23 families were part of this effort conducted by Serbian provocateurs.
24 There were regular slots on Serbian television that were clearly
25 designed to stimulate emotion and sympathy for the families of the

1 missing for political purposes."

2 Now, I just want to ask you first, the second-to-last sentence
3 there, there were calls made to the victims' families that were part
4 of this effort conducted by Serbian provocateurs. Could you explain
5 what that means?

6 A. Yes. Some of the relatives would receive telephone calls
7 purporting to be from their relatives or those who had seen them, as
8 I recall. And in the circumstances, given that the people were, A,
9 in fact dead, or, B, at the time were thought were likely to be, we
10 felt these were unlikely to be real calls. For many other reasons as
11 well which are obvious. I am not sure where they came from. I would
12 not be surprised if it was some form of Serbian play or deception
13 operation. We know -- I will slow down a bit.

14 We know -- or I was informed by, as you know, from the
15 statements, a senior Serbian military -- or rather, police
16 intelligence officer, Colonel Milan Petrovic, that Serbian
17 authorities, to expand on this paragraph, were fully aware of
18 where -- of the fate of these people. And I think we had a feeling
19 that that was likely to be the case. But they were saying nothing,
20 much as the KLA were saying nothing.

21 Q. Thank you.

22 MR. STRONG: And this is just for the record. This paragraph
23 that I've just read out is clarifying a section of the ICTY statement
24 P232, it's at page 13, under "Attitude of Serbian authorities."

25 Q. And I think there, Mr. Ledwidge, you talk about phone calls that

1 individuals were sighted in places such as Kukes or in Bosnia that
2 would inflame the -- I think very naturally, the sentiments of the
3 victims.

4 A. Yes, Your Honour. And, Your Honour and the Court will probably
5 be aware that the same dynamic happened in Bosnia. And when I was in
6 Bosnia, I met some Srebrenica widows who were, for much the same
7 reasons, believing their relatives were in mines in Serbia or
8 wherever. That seemed to be a common pattern in these circumstances.

9 Q. So is it fair to say that just in terms of highlighting the
10 challenges of this information ecosystem, that the first one that we
11 saw in the KVM report is that the nature of circular reporting, where
12 reports get passed from one person to another, new information is
13 added, and they take on a life of their own; and the second is that
14 false information is being intentionally added to this environment?
15 Is that fair?

16 A. I don't think it's unfair. That's why we took statements from
17 the relatives based on facts or what they felt to be facts and their
18 own personal experience.

19 Q. Yes, yes. Just in that last sentence, with respect to the
20 Serbian television programming that was designed for political
21 purposes to stimulate emotion, did you see those programmes?

22 A. In the house I lived, there was a television. The television
23 had two channels -- well, two that I recall. One was Euronews and
24 the other one was Serbian -- Serbian television. I recall certainly
25 on Serbian television emotional slots, as I say, or slots that were

1 intended to be -- or intended to be emotional with -- with quotations
2 and clips from relatives, statements, interviews, the camera. I
3 don't recall anyone from Rahovec being in any of those videos,
4 because, as you know, there were many hundreds of -- or several
5 hundred missing people taken by the KLA all over the province.

6 I don't think that our, if I can call them "our," Rahovec
7 relatives were involved in that particular operation directly, but
8 they certainly were victim of it.

9 Q. So just -- the answer is that, yes, you did see personally these
10 television programmes?

11 A. The answer is yes.

12 Q. Okay. Thank you.

13 A. Maybe once or twice, but yes.

14 Q. So I'm just turning just to the final area that I want to go
15 through with you. You touched on it yesterday with Mr. Kehoe. But
16 in addition to the previous two challenges in terms of gathering
17 information for a period where you weren't in Kosovo, you said this
18 to Mr. Kehoe, and this is at page 70. You said -- you were asked:

19 "So you do know that they were using -- they were torturing
20 people to get information, weren't they?"

21 And by "they," I believe that's the Serbian authorities. And
22 the answer:

23 "Absolutely. They were -- in that case, of course, they were
24 torturing KLA prisoners for information about the Serbian prisoners,
25 kidnapped and missing."

1 That's the context of that particular statement, which is your
2 SPO statement. And then you said:

3 "It was a torturing state, yes."

4 And my question is: That's just another layer of challenge that
5 you faced in trying to gather accurate information. Along with the
6 false information that was being phoned in to relatives, the circular
7 nature of this group of relatives, you needed to be alive to the
8 danger that some of the information circulating in the area could
9 have been extracted through torture; is that fair?

10 A. I just don't begin to answer -- to understand the question.
11 There was a statement about several things.

12 Q. Yes.

13 A. But what is --

14 Q. So the statement is --

15 A. Which -- which -- please.

16 Q. I'm happy to rephrase. The question is simply this: You needed
17 to be alive to the danger that some of the information circulating in
18 the area while you were collecting it could have been extracted
19 through the use of torture?

20 A. First thing. It's a terrible irony that the torture I referred
21 to yesterday by Serbian forces took place in the same place that,
22 according to the relatives, the KLA were torturing their prisoners,
23 which was Malisheve police station.

24 The second element you mention, the circular nature of
25 reporting, I repeat, referred to the continuing assertions of

1 relatives receiving phone calls indicating their relatives were
2 alive.

3 The third, and I think your direct -- to answer your direct
4 question, none of my interlocutors were tortured. None of my Serbian
5 interlocutors were tortured. They were entirely willing.

6 Q. Yes, no, I --

7 A. Informants.

8 Q. I'm not suggesting that at all.

9 A. So what -- I'm not clear what are --

10 Q. My question is a little different.

11 A. -- you are suggesting, so I can answer it.

12 Q. My suggestion is that you are entering -- as an investigator,
13 you're entering an area, an information environment that you weren't
14 personally in, and that you needed to be alive to the fact that the
15 information that was circulating came from various places, one of
16 which, because the Serbian state was engaged in the torture of
17 individuals to obtain information, could have been through torture.

18 And the question is were you alive to that danger?

19 A. I was, of course, alive to the --

20 Q. Thank you. That --

21 A. -- the danger that -- wait, please. Allow me to finish. That
22 torture is part of the Serbian government or was part of the Serbian
23 government's mechanism for what they call law enforcement. However,
24 none of my interlocutors -- Serbian interlocutors were subject to
25 such measures. And I was not able to speak to, because they were

Witness: W02153 (Resumed) (Open Session)

Page 6144

Cross-examination by Mr. Strong

1 stonewalling from start to finish, any Kosovo Liberation Army
2 personnel.

3 The question of torture, to perhaps address your point more
4 directly, did come up, though, and you're right about this, in my
5 discussions with Colonel Petrovic who, whilst not stating outright,
6 did indicate very strongly that there had been such measures used to
7 extract the information he told me about concerning -- the
8 information he said he had concerning the location of the bodies.
9 That was much later. It was just before we left.

10 I have no concern that any of my informants, Serbian informants,
11 were subject to torture, Your Honour.

12 Q. Thank you. Mr. Ledwidge, those were my questions.

13 PRESIDING JUDGE SMITH: Mr. Tully, looks like you've got
14 15 minutes.

15 MR. TULLY: Well, Your Honour, it looks like I'll have far less
16 than that. The areas of interest for us have been covered. I will
17 ask no questions of the witness. Thank you.

18 PRESIDING JUDGE SMITH: Mr. Ellis, since you have more of an
19 extended period, perhaps we should take the break now and come back
20 and you can go through the entire.

21 MR. ELLIS: I think that would be wise, Your Honour.

22 PRESIDING JUDGE SMITH: So we will break now. Please be back
23 here at - I can't read that clock very well - 11.15 -- 11.20. Make
24 it 11.20.

25 We are adjourned. You may take the witness out.

1 [The witness stands down]

2 --- Recess taken at 10.46 a.m.

3 --- On resuming at 11.20 a.m.

4 PRESIDING JUDGE SMITH: All right. Madam Usher, you may bring
5 the witness back in.

6 [The witness takes the stand]

7 PRESIDING JUDGE SMITH: Witness, can you hear all right?

8 THE WITNESS: Yes, thank you.

9 PRESIDING JUDGE SMITH: The next step will be Mr. Ellis from the
10 Krasniqi Defence will be asking you questions --

11 THE WITNESS: Thank you.

12 PRESIDING JUDGE SMITH: -- in cross-examination.

13 Mr. Ellis, you have the floor.

14 MR. ELLIS: Thank you, Your Honour.

15 Cross-examination by Mr. Ellis:

16 Q. Good morning, Mr. Ledwidge.

17 A. Good morning to you.

18 Q. Mr. Ledwidge, I am going to try to move through this material in
19 the course of the next session so that we are finished before lunch,
20 but I think in order to do that, we will need to move relatively
21 quickly through some of the earlier sections. So I will ask you at
22 this point to keep your answers brief when we cover material that
23 you've perhaps mentioned before. Do you follow me?

24 A. I'll answer the questions you ask.

25 Q. Thank you. Now, the purpose of your work in Rahovec, you've

1 said already, was to determine the fate and the location of the
2 missing?

3 A. One of many purposes, yes, Mr. Ellis.

4 Q. You didn't regard yourself as carrying out a criminal
5 investigation, did you?

6 A. I was not there in that capacity. So the answer would be no,
7 Your Honour.

8 MR. ELLIS: Could we have on the screen, please -- sorry, before
9 I get there.

10 Q. In this period in late 1998, and into 1999, Christopher
11 Cobb-Smith was one of the liaison officers working with you in the
12 Rahovec area, was he?

13 A. Yes, I know Chris.

14 MR. ELLIS: Could I have on the screen please 075959 to 075992.
15 I'm looking in particular for page 75969, paragraph 40.

16 Q. And this is from a statement from Mr. Cobb-Smith.

17 A. Yes.

18 Q. Can I just invite you to read paragraph 40 for a minute?

19 A. Yes, I've read it.

20 Q. Before I can even take a sip of water, Mr. Ledwidge.

21 A. There you go.

22 Q. What he says there is right, isn't it? He's identified you as
23 being the person most involved in this issue?

24 A. Oh, yes. That's correct. Chris is right.

25 Q. And he's confirmed there that you didn't have time to engage in

1 investigative activity and you were not told by your chain of command
2 to follow up on such matters?

3 A. No, that is incorrect. He is clearly referring to his own role
4 here, and I would agree with him. There was not time to follow up on
5 individual cases. I would suspect there, and he would be right, that
6 he is speaking about his own role. "We," I would suspect, though you
7 will have to ask him, is himself and, of course, Andy Lefever
8 [phoen], who was the other KLA liaison officer.

9 Q. What you said, I think, yesterday, and then repeated to
10 Mr. Strong this morning, was that you didn't have the bandwidth to
11 deal with much beyond the present?

12 A. I did not have the bandwidth to excavate command structures or
13 historical events within the previous six months to the extent
14 required by Mr. Kehoe, Your Honour. That is right.

15 Q. And you confirmed, I think this morning, that it wasn't part of
16 your intention to excavate the command structures of the KLA from
17 July 1998. I think those were your words.

18 A. And even -- even if it had been, I had not the contacts nor the
19 will on the part of the organisation who committed these -- allegedly
20 committed these crimes to do so.

21 Q. No. You weren't the person within the OSCE who was tasked with
22 contact with the KLA, were you?

23 A. That is quite right. As I said, that was Andy Lefever and Chris
24 Cobb-Smith here.

25 Q. And you were asked some questions about the KLA military

1 structure in Rahovec and your answer was it wasn't within your remit
2 to try to find out what those were; correct?

3 A. I may have answered that. I think that broaches the truth, yes.
4 To the extent that it was relevant and we were capable of doing so
5 and might assist us in our primary task. But, of course, it was very
6 difficult to penetrate an organisation so opaque and so unwilling to
7 answer any questions concerning the disappearances of the summer and
8 subsequent killings.

9 Q. And if that follows for Rahovec, it's true also for the
10 structure of the KLA in Malisheve in July 1998?

11 MR. BAARLINK: Objection. Foundation, Your Honour.

12 PRESIDING JUDGE SMITH: Overruled.

13 You may answer.

14 THE WITNESS: Was the question that -- the question was --

15 MR. ELLIS:

16 Q. You wouldn't have known, would you, the structure of the KLA
17 units in Malisheve in July 1998?

18 A. I don't recall knowing, no.

19 Q. And you didn't regard it as within your remit to find out about
20 the KLA leadership?

21 A. I would -- I would have regarded it as my remit had there been
22 any chance whatsoever of doing so and had I the time and resources
23 accorded to yourselves or to other -- or more recently. But I did
24 not have those resources and nor had we the will, as I repeated, on
25 the part of our interlocutors in the KLA, and as Chris here has

1 confirmed, to -- to deal with that. In other words, the guys in the
2 KLA liaison team, as I said, also had not the time to do that.

3 Q. It's not intended as a personal criticism of you, Mr. Ledwidge.

4 A. It's not taken as such.

5 Q. The questions that I'm asking [Overlapping speakers] ...

6 A. I'm trying to answer your question.

7 Q. But you were operating in an extremely difficult environment
8 with certain limitations that come from that.

9 A. As I've said, I don't take it as a personal slight. I'm trying
10 to answer your questions.

11 Q. I'm grateful. You did know the name Jakup Krasniqi, didn't
12 you --

13 A. Yes.

14 Q. -- because he was the spokesperson of the KLA.

15 A. Your Honour, I knew his name primarily because of his presence
16 at Malisheve as recorded by the witnesses I interviewed. However,
17 they told me he was the spokesman. I can't say I was aware that he
18 was the spokesman before that. We were very new to this environment.
19 And to be candid with you, well, as I'm trying to be in answering all
20 questions, I don't remember whether I knew that before I was told it
21 or after. I suspect after.

22 Q. There came a point when you understood that his role was as a
23 spokesperson; correct?

24 A. That would be correct, yes.

25 Q. And we can't pin down when that was exactly?

1 A. Correct.

2 Q. Before that time, you wouldn't have known his name or his role?

3 A. I may not have. I do not recall knowing his name or his role
4 prior to being mentioned by the relatives.

5 Q. But you've said in your statement, I think, that he was well
6 known.

7 A. Yes.

8 Q. And is that not because he was appearing in the media and in the
9 news as the spokesperson?

10 A. I have no doubt that's the case. That certainly appeared to be
11 the case after -- throughout -- throughout the period I was there.
12 Although I did not see his appearances on the television nor read
13 them in the newspapers, I am given to understand that those are
14 things he did.

15 Q. Nor have you met him, have you?

16 A. No, I have not.

17 Q. All right.

18 A. We did make efforts, of course, to do so through our chain of
19 command, let's call it that. My information, as I recall it, was
20 that meetings were either refused or non-productive. I can't recall
21 now from my earlier statements whether they -- my colleagues met him
22 to discuss this matter. I suspect they did. But there was no --
23 nothing forthcoming about -- from those meetings.

24 Q. Well, can I go to deal with that straightaway, please, because
25 as you've explained it in your statements, the OSCE was

1 compartmentalised; correct? So there were liaison officers in your
2 level at Rahovec and it was their job to try and contact the local
3 KLA in Rahovec; correct?

4 A. Yeah. That's correct.

5 Q. And those liaison people were the people you were in daily
6 contact with because they were with you in Rahovec?

7 A. I wouldn't say daily contact. We saw them occasionally.

8 Q. I see. So even with the liaison officers in your own area, you
9 were meeting them occasionally?

10 A. Well, it's important to mention, Your Honour, I think in -- in
11 answering your question, that within the opstina, as I think it's
12 called, of Prizren, or was called, there are several -- sorry, I'll
13 rephrase. Within the region of Prizren, there are several opstinas,
14 which are areas, one of which was Rahovec. I think Cobb-Smith, Chris
15 Cobb-Smith, and Andy Lefever had regional remit. So they would visit
16 each of the CCs which were in the opstinas, or the major towns, as
17 often as they could.

18 PRESIDING JUDGE SMITH: Could I ask both of you to speak at a
19 much slower rate --

20 THE WITNESS: Yes.

21 PRESIDING JUDGE SMITH: -- for the purposes of the court
22 reporter.

23 MR. ELLIS: Noted, Your Honour. That's my first strike.

24 Q. So the answer was, I think, that even with the liaison officers
25 in your own area, your meetings with them weren't, I think, daily;

1 correct?

2 A. Oh, yes. That's correct. Yes.

3 Q. And their job was to meet the local KLA, meaning the KLA
4 structure in that area?

5 A. In the --

6 Q. Not any form of higher structure; correct?

7 PRESIDING JUDGE SMITH: Witness, witness, please pause as we've
8 asked you.

9 THE WITNESS: Yeah. My understanding is that they would meet
10 the regional commanders and those below. So the other officers,
11 senior, as it were, and junior.

12 MR. ELLIS:

13 Q. Quite. And so any contact with Mr. Krasniqi, as the
14 spokesperson for the KLA, would be from Prishtine from the OSCE;
15 correct?

16 A. That would be my understanding.

17 Q. And you aren't personally aware of what contact or what meetings
18 he may have had with them; correct?

19 A. I was made aware when our headquarters -- I'll rephrase that. I
20 would have been made aware when our headquarters staff met him. I do
21 not recall being made aware on any specific occasion. I've a vague
22 recollection or a recollection. I mention it somewhere in one of my
23 statements. But right now I can't say more than that.

24 Q. So in terms of any comment you make about Mr. Krasniqi's
25 cooperation with the OSCE in Prishtine, we're talking about a vague

1 recollection of a conversation 25 years ago; correct?

2 A. Yes. Some of my recollections 25 years ago, Your Honour, are
3 quite vivid. I do -- I do recall this issue of contacting
4 Mr. Krasniqi coming up on a regular basis with our -- with my senior
5 team, which is the human rights team. Indeed, I will have pressed
6 them on this regularly. They will have responded regularly, because
7 they were very good at keeping -- answering requests and liaising
8 with us.

9 My recollection is that, as I said earlier, I believe there were
10 meetings, but those meetings were not productive.

11 Q. And when you talk about the human rights team in Prishtine, is
12 that Ms. Ringgaard Pedersen?

13 A. Yes. And Sandra Mitchell who was the director of our human
14 rights department.

15 Q. I see. Did you know that Mr. Krasniqi had meetings with the
16 OSCE and with KDOM in Dragobil?

17 A. I recollect that, yes. Are we speaking now in December or
18 November of 1998?

19 Q. I'm asking you generally whether you were aware --

20 A. Yes.

21 Q. -- of him having meetings there.

22 A. Yes.

23 Q. Do you recall him having meetings with William Walker and others
24 from OSCE in January 1999?

25 A. I have a recollection of being told that and have no reason to

1 doubt it.

2 Q. I see. So the people to ask about the contents of those
3 meetings would be someone other than yourself; correct?

4 A. Absolutely right.

5 Q. I'm going to ask you some questions next about the notes from
6 your interviews, which you were shown, I think, in the course of your
7 preparation session and then again by the Prosecution in your direct
8 evidence yesterday.

9 A. Of course.

10 Q. Okay. But before that, can I just show you a passage from your
11 second preparation note. And I think the reference is 114260 to
12 114272.

13 THE COURT OFFICER: For the record, that's Exhibit P233.

14 MR. ELLIS: I'm sorry. I mean the second preparation note.

15 Q. No, I can perhaps -- I can perhaps read you the section,
16 Mr. Ledwidge.

17 A. Please.

18 Q. It's simply this --

19 MR. BAARLINK: I'm sorry, if I can assist with that ERN of the
20 second preparation note, perhaps. It's 114249 to 114252.

21 MR. ELLIS: Thank you. And is there also an ERN I should be ...

22 PRESIDING JUDGE SMITH: [Microphone not activated]. Pardon?

23 MR. ELLIS: Your Honours, I was just checking whether there was
24 an exhibit number I should be using, but I think we're good with
25 114249 as the ERN.

1 Q. And it's paragraph 3 of that that I was going to ask you to have
2 a look at.

3 A. Yes.

4 Q. And it says there:

5 "When asked whether he had any sources other than the persons
6 named in the document, W02153 stated that the interviews were the
7 only source."

8 A. Yes, this goes to the question asked by your colleague, I
9 suppose, concerning circular reporting. We were keen -- or, rather,
10 yeah, I think it's fair to say we were keen that we would get each --
11 each witness to give their own statement rather than consolidate
12 their accounts.

13 Q. And it's these nine statements, then, the nine interview notes
14 that form the basis for -- the only source as you put it, for what
15 you subsequently said?

16 A. No, I had hundreds of sources. These are -- these interviews
17 here consolidate the evidence of each witness. So my knowledge is
18 based on these statements and on four months or three and a half
19 months in the area, I suppose. I'm not clear what you mean. Perhaps
20 I should have added there where the only source -- perhaps it's
21 misphrased. I'm not quite sure.

22 MR. BAARLINK: Perhaps we could be more precise about what
23 counsel means by what the witness subsequently said.

24 MR. ELLIS:

25 Q. What you're saying there is that your only source is the

1 material recorded in those notes from those interviews with the nine
2 victims, Witness. You --

3 A. The only source for what?

4 Q. Well: When asked whether he had any other sources --

5 A. Yes. No, that -- that --

6 Q. -- the witness "stated that the interviews were the only
7 source."

8 A. No, I would say that they are the primary source.

9 Q. I see.

10 A. Yes. I mean, I didn't have access to those statements when I
11 made previous -- to the statements of the relatives when I made
12 previous statements to this Court and its predecessor.

13 Q. Yes, that's what I was about to ask you next because I think you
14 were shown those for the first time in 20 years --

15 A. That's right, yeah.

16 Q. -- at the weekend in your preparation session.

17 A. Yeah. I think that's misphrased. I think probably [Overlapping
18 speakers] ...

19 Q. But at the time you were writing your statements to the ICTY and
20 to this Prosecution, you didn't have the statement -- the interview
21 notes in front of you?

22 A. I will say that, as I said earlier, that this -- at the time the
23 first statement was made to the ICTY, which would be in 2000, I did
24 have electronic copies of some of the other documents. I can't
25 remember which. But I will also say that this was and remains the

1 most searing period of my life, and my recollections even now of much
2 these details are quite strong, clearly, as you will no doubt
3 appreciate, coloured by many years.

4 Q. I see. And in the course of the interviews, you had a Serbian
5 interpreter in the interview to assist you?

6 A. Yes.

7 Q. And I think you said yesterday there might be two or three other
8 staff with you?

9 A. We were concerned not to -- and this was a general organisation,
10 or at least our regional practice, not to compromise people by close
11 contact with -- with any particular group of sources. I recall here
12 there was a slightly different approach taken. I suspect the -- if
13 I -- I know the interpreter here, or at least one of -- one of them
14 was closely involved with this process. In other words, she was a
15 relative herself. But we did use other interpreters, and I cannot
16 recall which one or which of them took each statement right now.

17 Q. No, of course. But --

18 PRESIDING JUDGE SMITH: Gentlemen, would you -- both of you are
19 instantaneously answering each other. We need to have a pause.

20 MR. ELLIS:

21 Q. So in terms of the people in the room for each interview --

22 A. Yeah.

23 Q. -- it would be yourself and one other interpreter who might be
24 one of several interpreters from your pool; correct?

25 A. One of two or three, yes.

1 Q. I see. And were you the person taking handwritten notes of the
2 interviews?

3 A. I suspect I was. I'm not -- I don't recall. That would be my
4 general practice, yes.

5 Q. And you haven't been shown the original handwritten notes in the
6 course of preparing for any of your statements or interviews;
7 correct?

8 A. These statements or interviews, you mean?

9 Q. The ICTY statement and the statement you gave to the
10 Prosecution.

11 A. I have --

12 Q. Or, indeed, on Sunday in your preparation session.

13 A. I have a notebook, but the notebook begins, I think, around
14 Christmas or perhaps slightly after and does not contain, so far as I
15 know, these particular statements. No.

16 Q. So the answer is no, you haven't reviewed the handwritten notes?

17 A. That would be right.

18 Q. I see. And who typed them up into the form that we see on --

19 A. I recall doing that with one particular interpreter in the CC in
20 Rahovec. I recall who she is. Actually, to be candid with you, I
21 cannot recall her name, but I remember her very well. And together
22 we -- we did that.

23 Q. And given all the other tasks that you had going on at the time,
24 I imagine the interview notes were not typed immediately, were they?

25 A. No, but it was a matter of some urgency. We did not, as I

1 recall, take the statement contemporaneously as I recall. We may
2 well have done. We did have in the room -- in fact, they may have
3 been taken contemporaneously now you mention it, or typed up then. I
4 have [Overlapping speakers] ...

5 Q. Well, your answer a moment ago was:

6 "We did not, as I recall, take the statement
7 contemporaneously ..."

8 A. Yes, I -- I -- my recollection about the detail is not strong.
9 However, I do recall typing up these -- or, rather my associate
10 typing up these statements, and I sitting next to her, on a computer.

11 Q. I see.

12 A. Now, whether that was in the presence of one of our
13 interlocutors, to be candid I cannot recall to be -- yeah, I cannot
14 recall.

15 Q. Fair enough. 25 years have passed.

16 A. Yes.

17 Q. How long do you recall the interviews taking with each of these
18 people?

19 A. As long as required to obtain the information. So to be
20 specific, I would say each person in excess of an hour.

21 Q. Because I noticed that, looking at the dates on the documents,
22 it seems that five interviews took place on 4 January --

23 A. Yes.

24 Q. -- 1999; is that right?

25 A. If it says so, yes.

1 Q. So you're saying five hours interviewing through an interpreter
2 on that day?

3 A. It may well -- it may well be. Perhaps you can remind me
4 that -- those were the interviewees who were asked to assemble at the
5 church in Velika Hoca. And that was a full day's activity or as near
6 as you can imagine. Perhaps it was three hours, perhaps eight. It
7 was a day's task.

8 Q. And there is no record, is there, of how long each individual
9 interview took?

10 A. Well, as you pointed out earlier, this was not a criminal
11 investigation. This was for the purpose of trying to determine the
12 whereabouts of these people. Therefore, the niceties and formalities
13 of legal process sadly did not come first in our priorities at that
14 time in the war.

15 Q. And I'll read to you another part, I think, from the same
16 preparation note. You were asked by the Prosecution whether the
17 person interviewed had a chance to review these statements, and your
18 response was you assume that would have been your practice, but you
19 do not remember.

20 A. That -- that would be right.

21 Q. It's 25 years ago. You don't remember one way or another;
22 correct?

23 A. On that particular point, as you say.

24 Q. But you would accept, wouldn't you, that when a person reviews a
25 statement, it's good practice to get them to sign it or initial it or

1 make some mark to confirm that they agree it's accurate?

2 A. I repeat my answer to your penultimate question, which was that
3 the niceties of legal process did not come first in our minds in
4 those circumstances, in a cold winter's night, during a war, in a
5 priest's house, beset by emotional relatives who had lost relatives
6 and would never find them again. I should have taken more care to
7 satisfy the usual requirements of statement-taking, but the
8 exigencies of the circumstances prevailed, I suspect.

9 Q. Because you know, don't you, that none of these statements have
10 a signature, an initial or any handwritten confirmation?

11 A. I know that, yes, Your Honour.

12 Q. Yes.

13 A. They are electronic copies.

14 Q. And, indeed, these notes are the only written record of any
15 contact that you had with these individuals?

16 A. That I possess now, yes.

17 Q. And you said yesterday that the way in which these statements
18 came about was that there came a time when you decided to formalise
19 their accounts for the purpose of reporting and assisting yourselves
20 with the inquiry.

21 A. Right.

22 Q. That's the thought process that led to these interview notes,
23 statements being recorded; correct?

24 A. I think that's a fair summary.

25 Q. And when formalising their accounts, you would want to have

1 included all the important information they'd given you; correct?

2 A. Yes.

3 Q. Now, we heard the Prosecution read in your summary yesterday
4 that there were two people who told you that Jakup Krasniqi was
5 present at the detention centre in Malisheve, and those two people
6 were Snezana and Krunislava or Slavka Baljosevic; correct?

7 A. That seems to be the record, yes. I would suspect if anybody
8 else had seen those characters, it would be recorded, and I cannot
9 recall whether it is, but those are the two who were particularly
10 adamant on the -- on the issue.

11 Q. Well, we've got the records of your nine interviews, and there
12 is no other reference to Mr. Krasniqi there.

13 A. So be it.

14 Q. And you don't mention in your statements taking any steps to
15 verify that identification of Mr. Krasniqi. That's right, isn't it?

16 A. Mrs. Baljosevic -- or Mrs. Baljosevic -- both Mrs. Baljosevics
17 were adamant and very clear as to the identity of the individual.

18 Q. I see. Well, you've practiced, haven't you --

19 A. As you've said, if I might, this was a well -- if what you say
20 is correct, this was a well-known individual in any event, so I
21 suspect they would know him, and most people knew him as the
22 spokesman for the KLA. And I would suspect, but cannot recall, that
23 that is why they knew him.

24 Q. My question was you didn't verify that. And when you say --

25 A. How --

1 Q. -- you suspect --

2 A. How would I --

3 Q. -- you --

4 A. -- do that?

5 Q. I'm sorry, I was asking the question, Witness.

6 A. Yes.

7 Q. My question was you didn't verify that. And when you say you
8 would suspect, you would suspect, that's something that you're adding
9 now 25 years later. That's not a verification at the time, is it?

10 A. My question to you for a -- to elicit a reasonable answer is
11 what -- what procedures would you suggest that one use in such
12 circumstances, Mr. Ellis?

13 Q. Well, the starting point is you would take a detailed
14 description, wouldn't you, of the man that they said was
15 Jakup Krasniqi.

16 A. Those facilities were not available at the time in the
17 exigencies of the moment. And, as you see, the purpose -- the
18 purpose -- if you would allow me to finish. The purpose of these
19 proceedings that I was conducting at the time, or these statements,
20 let us say, were not to be litigated in a criminal court some 25
21 years later or at any point. They were to inform ourselves as to
22 what had happened.

23 I had had no denial, by the way, and have not until this very
24 moment, that Mr. Krasniqi was there. There was, as far as I'm aware,
25 no dispute about that in any event.

1 But to repeat, and to be concise about it, the purpose of these
2 statements was to inform ourselves for the purpose of trying to
3 determine the fate of people we now know are dead and buried but did
4 not know at that time. In early January, it was beginning to dawn
5 upon us -- to continue and to expand upon the answer to your question
6 about which I am aware. We were not yet certain by any means that
7 these people were dead, so the purpose was to try and find them.

8 Q. All right. Let me deal with a number of points in that answer.
9 The first is you say:

10 "I had had no denial, by the way, and have not until this very
11 moment, that Mr. Krasniqi was there."

12 Now, it's correct, isn't it, that you had no contact with
13 Mr. Krasniqi either during or after the war?

14 A. That is correct.

15 Q. So when you say you've had no denial, you haven't ever put this
16 to him to give him the chance to deny it, have you, sir?

17 A. I have not. I did not have that opportunity, no.

18 Q. No.

19 A. Nor the pleasure of what I believe is a very learned and
20 impressive individual and his conversation. I mean that sincerely.
21 And, by the way, I would also remind that -- Your Honour, that the
22 statement did indicate that Mr. Krasniqi treated the two informants
23 well and they were impressed with him.

24 Q. And the other point that I wanted to come back on is just this:
25 Did you take a detailed description of the man they said was

1 Jakup Krasniqi; yes or no?

2 A. No.

3 Q. And when you say you didn't have the exigencies at the time,
4 that would have been the matter of what? A few more questions at the
5 end of your interview with them?

6 A. Well, if your assertion is that I was in some way derelict in my
7 duties, then I must concede to that, but I would plead in extenuation
8 and mitigation the circumstances which were somewhat confined.

9 Q. Yes. And, again, it's not a personal criticism. It --

10 A. Well, it certainly appears that way.

11 Q. Well, I'm sorry if it appears that way. We all understand very
12 well the circumstances in which you were operating.

13 A. I do hope so. And by the way, I might add, never mind my
14 circumstances, but the circumstances of the victims themselves and
15 their relatives --

16 Q. Well, we'll come to those --

17 A. -- who were distressed.

18 Q. We'll come to those as well in a moment, Mr. Ledwidge.

19 A. Yes.

20 Q. But the point is, isn't it, that as a former criminal barrister,
21 you were practicing, I think for a number of years before --

22 A. Yes, I was.

23 Q. -- going on tour in Bosnia?

24 A. Yes, yes, yes. And I'm going to repeat my answer to you that I
25 just made. If this is a personal criticism that I did not take

1 statements concerning identifications which I've no reason to doubt,
2 then I will have you to concede that and I will not say any more
3 about it than that.

4 Q. Now, you prosecuted and defended cases, I believe, in the
5 British criminal courts?

6 A. As you well know, yes.

7 Q. No doubt you'd have been aware of the problems encountered with
8 identification evidence in criminal trials, Mr. Ledwidge?

9 A. I'll repeat my answer, with some firmness, that we were not
10 preparing this as a case to be litigated in this or any other court.

11 Q. And as a result of that, it wasn't within your remit to carry
12 out investigations of the truth of the identification; correct?

13 A. I don't understand that question. The remit of my
14 investigations was to locate the missing. We were fairly -- or had
15 some reason to believe were alive or may be alive or some may be
16 alive at that time. That was our remit.

17 Q. So you get the information from the victims and there it stops.
18 You don't do any investigation to see if there are any facts to show
19 that Jakup Krasniqi was or was not there.

20 A. Oh, on the contrary. These statements, I believe, which is why
21 you have them, were passed up through the chain to OSCE headquarters
22 who were amply aware of Mr. Krasniqi's alleged involvement in this
23 matter. And that goes back to the start of your cross-examination
24 where we discussed, first, whether or not he was -- well, whether or
25 not he was there in the first place and the degree to which senior

1 OSCE officials may or may not have contacted him.

2 One of the reasons they would -- or at least the human rights
3 department would be keen to contact him, and did, was because of
4 these very assertions made by the relatives in a situation of some
5 emotion.

6 Q. Yes. And situations of some emotion are one of the things that
7 can affect the -- you are smiling --

8 A. I am.

9 Q. -- because you know it's right, don't you, that situations of
10 emotion can affect the quality of an identification?

11 A. I have no doubt they did not affect the quality here because you
12 have -- you yourself have asserted, Mr. Krasniqi was a well-known
13 individual and they recognised him. More than that, I cannot say.
14 There -- there may have been someone who like -- looked like
15 Mr. Krasniqi or some other possibility. I was not there at the time.
16 However, they were and they were adamant. And furthermore, they had
17 conversations with the man.

18 Q. We're going to come to the detail of that in a moment,
19 Mr. Ledwidge. But let me just be clear. In your interview with
20 Snezana Baljosevic, what you said in your preparation note was that:
21 "... it was extremely difficult for her for understandable
22 reasons. She appeared very emotional and upset by comparison to the
23 others."

24 That being, I think, a comparison to the others that you
25 interviewed in those days. That's right, isn't it?

1 A. That's what I wrote.

2 Q. And you also wrote in relation to Slavka Baljosevic that she,
3 too, was "extremely upset, emotional and bitter." That's what you
4 wrote, isn't it?

5 A. It's there, yes.

6 Q. Right.

7 MR. ELLIS: Can we have on screen, please, the interview notes,
8 which are SPOE40010571. I think they were marked for identification,
9 so there may be an exhibit number. P235.

10 Q. Now, this first statement that we have on screen is in relation,
11 I think, to the cases of Dusko Dolasevic and Djordje Baljosevic.

12 A. Baljosevic.

13 Q. Your pronunciation will be much better than mine, I'm sure,
14 Mr. Ledwidge. But that's one of the statements that you took;
15 correct?

16 A. Yes.

17 Q. And it deals with the kidnapping of these two individuals after
18 they had gone to Termoment to finish a job.

19 A. Indeed.

20 Q. And if we move through the pages to page 575, to the bottom of
21 that page, please, this is where the statement of Snezana Baljosevic
22 starts.

23 A. Yes.

24 Q. And in paragraph 1 there, she describes there being five people
25 in the vehicle, I think, Sasa Baljosevic -- so you may not be able to

1 read all of that in the English.

2 MR. ELLIS: Could it be moved slightly further across, please?

3 Sorry, back to the previous page. It was just the right-hand side
4 wasn't visible at the bottom. It's paragraph 2. I'm sorry.

5 Q. She says that there was herself, her baby, her mother-in-law,
6 and the people that she's identifying there are five people:

7 Herself, Krunislava Baljosevic, father-in-law, Sasa Baljosevic, and
8 the baby. Five people.

9 A. Yes, it seems so.

10 Q. Could we go to your ICTY statement, please.

11 MR. ELLIS: Which is P232. Bottom of page 8, please.

12 Q. And you say there, dealing with, I think, one of the
13 Baljosevics, that she was returning from holiday with Sasa, Tomislav,
14 and Djordje.

15 A. Yes.

16 Q. That's a mistake, isn't it? You added Djordje Baljosevic who
17 was involved in an entirely separate incident [Overlapping speakers]
18 ...

19 A. It does seem so, yes.

20 MR. ELLIS: While we have that statement open, could we go to
21 page 14, please.

22 Q. Now, we've got a section titled "Jakup Krasniqi." And you've
23 said there that:

24 "Slavka Baljosevic stated that he was the first person that she
25 met when she arrived at the detention facility."

Witness: W02153 (Resumed) (Open Session)

Page 6170

Cross-examination by Mr. Ellis

1 A. Yes.

2 Q. Do you see that?

3 A. I do.

4 MR. ELLIS: Can we go back to the other document, please,
5 Exhibit 235. And it's the page ending 576.

6 I'm sorry, I'm just going to try and find it in my notes for a
7 moment. I'm sorry, it's 577, the page number.

8 Q. If I've got the reference right this time, Mr. Ledwidge, you'll
9 see the statement of Slavka Baljosevic; correct?

10 A. Yeah.

11 Q. And the passage I invite you to have a look at is paragraph 4.
12 And what you will see there is that she says:

13 "We were immediately presented to Jakup Hoti, who was the main
14 UCK man in Malisevo."

15 A. Yeah.

16 Q. So now that you've seen that original again, there's a mix-up in
17 your ICTY statement, isn't there, because you say the first person
18 she was presented to was Jakup Krasniqi, but her statement to you was
19 Jakup Hoti.

20 A. That seems so.

21 Q. It's an easy mistake to make, isn't it, with two similar names.

22 A. Hoti -- sorry, was that a facetious question or an actual
23 question? Hoti and Krasniqi? No, the reason is --

24 Q. No, both called Jakup, Witness.

25 A. Oh, yes. To be honest, to me, they would be Hoti and Krasniqi.

1 But to -- if I might anticipate a point, if I may, Your Honour. The
2 first statement to the ICTY was made, as I recall, without reference
3 to these statements. Whereas, of course, you have the recent
4 statement in front of you here, and I would suggest that's probably
5 more likely to be correct. I'm sure you would concede that. And
6 that's what I would say to you.

7 Q. Yes. You would accept that there could be mistakes in your ICTY
8 statement because you're only remembering what you've recorded close
9 contemporaneously in these notes; correct?

10 A. Yes, but I suspect it's not because they're both called Jakup.
11 In fact, until this moment I hadn't actually noticed that.

12 Q. I'm sorry. I didn't hear that. Would you mind repeating?

13 A. It's not because they're both called Jakup, Mr. Ellis. It's
14 because of a failure of memory, I suspect, on my part.

15 Q. I see. Well, we can come back to that. But looking down the
16 rest of this page, there is no other mention of Jakup Krasniqi in
17 that document, is there?

18 A. If you say so. I can't see one.

19 Q. No. And if Slavka Baljosevic had mentioned Jakup Krasniqi to
20 you when you were formalising the statements, you would have put that
21 in, wouldn't you?

22 A. Is it on the next page?

23 MR. ELLIS: Can we see the next page.

24 THE WITNESS: Yes, that seems to be the case.

25 MR. ELLIS:

1 Q. Yes. So no record at the time, is there, saying that she told
2 you that Jakup Krasniqi was there, Witness?

3 A. That seems to be the case, Mr. Ellis. Yes.

4 MR. ELLIS: Now, if we could go on then to -- or, sorry, go back
5 in the document to page 574. I'm sorry, that reference isn't right.
6 It's to the statement from Snezana Baljosevic, and I'll find it in my
7 paper copy. It begins on 575. It's at the very bottom of 575.

8 Q. And what you've recorded there at the very bottom of the page,
9 very end of paragraph 3.

10 "... the family friend who was with the UCK known to me as Hoti
11 told me that the commandant was Jakub ..."

12 And if we can move the page.

13 A. Krasniqi.

14 Q. "... Krasniqi."

15 A. Yeah.

16 Q. So what that's recording, isn't it, is not that she saw him, but
17 that she was told by another that Jakup Krasniqi --

18 A. That seems to be the case, yes.

19 Q. And there's no other reference in that -- or perhaps to be
20 clear, the reference to Hoti must be to Jakup Hoti who we saw
21 referred to in the other statement; yes?

22 A. Well, in this statement or in the other statement?

23 Q. In the other statement. Is there another Hoti that you're
24 saying could be involved?

25 A. I -- I don't know. I can't say it.

1 Q. I see. I see.

2 A. I don't recall there being -- as I said before, I don't recall
3 there being any denial previous to today that Mr. Krasniqi was there.
4 But I'm looking at the statements that I took.

5 Q. And I think I put it to you last time --

6 A. And I cannot recall if there were -- I cannot recall who else
7 may have told me or did tell me that Mr. Krasniqi was there. I do
8 recall speaking about it to Colonel Petrovic. I made a note of that
9 in my notebook in late -- in mid-March who told me, I think, and we'd
10 have to look at the notebook, that Mr. Krasniqi made statements from
11 Malisheve. So we were pretty conscious or cognisant, let's say, that
12 Mr. Krasniqi was there, but it seems that these statements do not
13 necessarily support that.

14 Q. No, the statements that you wrote at the time don't support
15 that, do they, Mr. Ledwidge?

16 A. It seems from what you have said that is the case.

17 Q. And you haven't said in either of your previous statements that
18 Colonel, is it, Petkovic told you --

19 A. Petrovic.

20 Q. Petrovic. I apologise. You haven't said in any of your
21 previous statements: Colonel Petrovic told me that Jakup Krasniqi
22 was there; correct?

23 A. That is right. However, I did review my notebook over the
24 weekend and saw that and took a short note on it, but that's the only
25 other reference that I can recall to Mr. Krasniqi being there in any

1 of my written notes. So we're referring here to written notes.

2 Q. All right.

3 A. And my memory is pretty clear that Mr. Krasniqi, there was no
4 dispute that he was there, but there is no record of that on these
5 particular statements.

6 Q. Well, you say no dispute that he was there. But, again, you've
7 never put this --

8 A. No.

9 Q. -- to anybody in the KLA directly, have you?

10 A. No, but this was --

11 Q. So --

12 A. This was the constant rationale behind -- for the purposes of
13 the Rahovec people, the constant purpose behind our requests to my
14 management or directors that they speak to Mr. Krasniqi about this.
15 I think it was commonly thought amongst the Rahovec key people that
16 he was there. As I said, there were many sources for this, and I
17 can't recall who they are. And that's the best I can do for you,
18 Mr. Ellis.

19 Q. Well, so you're coming here to a criminal trial to say that
20 there are other sources who say this but you can't
21 recall [Overlapping speakers] ...

22 A. That is -- that's the best I can do.

23 MR. BAARLINK: Your Honour, I would object to that. This is
24 argumentative. There is no value in that question.

25 PRESIDING JUDGE SMITH: Sustained.

1 MR. ELLIS: All right.

2 Q. And Colonel Petrovic is the torturer that you referred to
3 earlier; correct?

4 A. Colonel Petrovic was the commander of -- deputy commander, I
5 think, of the police force in Prizren. And, yes, I -- well, I,
6 yeah -- well, there is no doubt at all that he had either condoned or
7 engaged in those practices.

8 Q. And he admitted that to you, saying that there was blood on the
9 walls?

10 A. Yes. That was in connection with other matters. But, yes,
11 that's right.

12 Q. And --

13 A. Also by the way, Mr. Ellis, from my notes, blood on the walls,
14 as in handwritten notes from my notebook from the same conversation,
15 as I recall. Although, I would have to have another look at my
16 notebook. If you would like me to do that, I might be able to do it.

17 Q. Now, this is happening in a context when you're aware, aren't
18 you, that the Serbian side were trying to use these events for
19 certain propaganda purposes of their own; correct? I think that was
20 the answers you gave to Mr. Strong before the break.

21 A. They were -- they were using the fact of the missing, yes, as --
22 as -- as a provocation. That's correct.

23 Q. And there would be a value to the Serbian side in trying to link
24 the spokesperson of the KLA to those events?

25 A. Yes.

1 Q. Yes.

2 A. However, I don't think that -- I don't think that that -- that
3 the Serbians made no -- as I recall, made no -- the Serbian
4 government made no issue of that. I wouldn't necessarily know if
5 they had, but I don't recall them making a particular issue of his
6 presence there. The issue arose amongst the Rahovcani [phoen], the
7 Rahovec relatives and -- to the extent that it existed.

8 Q. And when -- you weren't yourself following the Albanian media at
9 the time; correct?

10 A. No, I was not.

11 Q. So you're not aware of when any public statements would have
12 been made by Mr. Krasniqi; correct?

13 A. No. Correct.

14 Q. You're not able to direct us to any in the period 17th to 26th
15 July, which is when these detentions, you say, took place?

16 A. I am repeating myself: I did not and do not follow Albanian
17 media on these matters.

18 Q. And we still have the statement on screen, I think. And if you
19 could look at paragraph 6, it ends by saying:

20 "Hoti was there and indeed he said that when the commander
21 Krasniqi went to Albania he himself would release the rest of the
22 prisoners."

23 A. Yes.

24 Q. Correct? And not doing any follow up, you wouldn't have
25 investigated whether Jakup Krasniqi went to Albania in July 1998;

1 correct?

2 A. I would -- would not have been able to do that.

3 Q. No. But if he didn't --

4 A. For the reasons I've outlined many times, that the KLA were not
5 a -- cooperative with us --

6 Q. Well, I'm going to put it to you --

7 A. -- in this respect.

8 Q. -- that he did not go to Albania in July 1998, sir, and that
9 would be one reason to suggest that this identification is flawed.

10 Now, these two interviews, I think, take place on 28 December
11 and 9 January; correct?

12 A. It seems so from the -- from the -- yes, I -- it seems so from
13 dates on it. Yeah.

14 Q. And the two individuals are closely related, aren't they; mother
15 and daughter-in-law?

16 A. Correct.

17 Q. Very likely, isn't it, that between the five months since the
18 events happened till the time when they interviewed them, they'd
19 spoken about it amongst themselves?

20 A. Yeah.

21 Q. And perhaps even between your interviews they would have spoken
22 about it between themselves; no?

23 A. It may be so.

24 Q. I see. Now, the following day after they arrived in Malisheve,
25 the Baljosevics, Jakup Hoti brought the Lukic family into room where

1 Snezana and Slavka Baljosevic were, didn't he?

2 A. Is that in a statement?

3 Q. Well, do you recall the Lukic family being detained with the
4 Baljosevic sisters or you recall them [Overlapping speakers] ...

5 A. I have a vague recollection of reading something recently. It's
6 a -- it's a vague recollection.

7 Q. I see. You interviewed Jovan Lukic --

8 A. Yes.

9 Q. -- didn't you? And we'll see his interview towards the end of
10 this document. I think beginning at page 578. Now, he, I think,
11 told you that he was taken to Malisheve but was held separately from
12 the other members of his family with the men in the group; correct?

13 A. So it seems.

14 Q. And there's no mention in his statement of a Jakup Krasniqi;
15 correct?

16 A. So it seems.

17 Q. We don't have any notes of any interviews with the other members
18 of the Lukic family. Is that because you didn't speak to them?

19 A. That's right. I recall Mr. Lukic, who lived -- and it may not
20 be the same family. I'm not aware that they are. They certainly did
21 not approach us. And, indeed, Mr. Lukic did not approach us. I have
22 a vague -- I -- I visited him at his house. I recall him being alone
23 there, but that's all I can say at this distance in time.

24 Q. Now, did you know that in 2006, Krunislava Baljosevic was given
25 a photo board of identification pictures and was unable to pick out

1 Jakup Krasniqi?

2 A. I have not followed this case at all since I left, save for one
3 particular individual who is not those.

4 Q. No. Well, I can take you through it if it would assist.

5 MR. ELLIS: If we can have on screen SPOE00194018 at the fourth
6 page. I'm sorry, if we can go on to the next page.

7 Q. You can see this is a list of the photos that were shown. And
8 you can see Jakup Krasniqi, photos 5, 7, and 14? Do you see that on
9 your screen?

10 A. Yes.

11 MR. ELLIS: Could we then go to SPOE00194062 to SPOE00194084
12 RED3.

13 Q. And you can probably see there on the page whilst it's loading
14 that this is an interview with the witness Krunislava Baljosevic;
15 yes?

16 A. Yeah.

17 MR. ELLIS: Could we go to page SPOE00194081.

18 Q. Now, I'll just take you through this quickly. We'd need to go
19 on to something on this page and something on the next page. But
20 photograph 5, the answer is: "I don't know."

21 Photograph 7: "I don't know the name. I don't know anything."

22 And on the next page, photo 14: "Nothing ..."

23 A. Yes.

24 Q. -- is the answer. So as you confirmed, you wouldn't have known,
25 when preparing your evidence, that Krunislava Baljosevic had been

1 unable to identify Mr. Krasniqi in 2006 --

2 A. I can only give my own evidence. I am not sure it would have
3 made a difference one way or the other, but I knew nothing of this.

4 Q. Were you aware that she had also given a statement to the
5 Department of Internal Affairs in Rahovec before she spoke to you?

6 A. No.

7 MR. ELLIS: Can we have that on screen? It's U000-5328.

8 MR. BAARLINK: Objection, Your Honour. The witness has no
9 knowledge of that statement, and I'm not sure what the purpose of
10 these questions is.

11 PRESIDING JUDGE SMITH: Overruled at this time.

12 Go ahead.

13 MR. ELLIS: Thank you.

14 Q. So you can see there on the right side of the screen, it's the
15 statement of 31 September 1998, Krunislava Baljosevic; correct?

16 A. Yes.

17 Q. I don't know if you want to take the time to read it all
18 through, but I can tell you that there is no reference to
19 Jakup Krasniqi in that document.

20 A. I accept that. I must admit that had I known the existence of
21 this document, it would have made my job slightly easier at the time,
22 which was -- but there you are. The Serbians were not helping us
23 either.

24 Q. Quite.

25 MR. ELLIS: Very well. We can take that down. Thank you.

1 Q. Now, you are aware, I imagine, that Krasniqi is a very common
2 surname in Kosovo and in the Malisheve area in particular, sir?

3 A. Indeed so.

4 Q. And I think you've confirmed already that you weren't aware of
5 the structure of the KLA in Malisheve as it stood in July 1998?

6 A. That's correct.

7 Q. So you wouldn't be able to give factual evidence about the chain
8 of command in that place at that time; correct?

9 A. We've discussed that extensively yesterday.

10 Q. I see.

11 A. That is correct.

12 Q. And I think despite, you say, trying to do so, you weren't able
13 to speak to Mr. Jakup Hoti, the other person you mentioned; correct?

14 A. Nor any other of the principals except Sosi, Sabahudin Cena, and
15 several others, after the entry of KFOR.

16 MR. ELLIS: Could we go into private session for a moment
17 Your Honours, for the protection of a witness.

18 PRESIDING JUDGE SMITH: Into private session, please,
19 Madam Court Officer

20 [Private session]

21 [Private session text removed]

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Witness: W02153 (Resumed) (Private Session)

Page 6182

Cross-examination by Mr. Ellis

1 [Private session text removed]

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Witness: W02153 (Resumed) (Private Session)

Page 6183

Cross-examination by Mr. Ellis

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Witness: W02153 (Resumed) (Private Session)

Page 6184

Cross-examination by Mr. Ellis

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Witness: W02153 (Resumed) (Private Session)

Page 6185

Cross-examination by Mr. Ellis

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Witness: W02153 (Resumed) (Private Session)

Page 6186

Cross-examination by Mr. Ellis

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Witness: W02153 (Resumed) (Private Session)

Page 6187

Cross-examination by Mr. Ellis

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16 [Open session]

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

18 MR. ELLIS: I'm grateful. And if we could have next on screen
19 SPOE00196138, which I'm sure by now has a P number. I apologise to
20 the Court Officer. 247, I think.

21 Q. You were discussing this document, I think, with Mr. Strong
22 earlier this morning.

23 A. Yes.

24 Q. This is the report, I think, signed in Mr. Macleod's name at the
25 end.

1 A. Right.

2 Q. But you've confirmed that at the very least parts of it were
3 drafted by yourself; correct?

4 A. Yes, I would think most of it.

5 Q. Could I take you to the final page, please, and the paragraph
6 I'm interested in is point 5.

7 A. Yeah.

8 Q. If you're able to read it, your eyesight is better than mine.

9 A. I doubt that.

10 Q. But the point I'm looking at says -- this is "a summary of the
11 current information -- summary of what current information leads the
12 CC to believe has happened."

13 A. Yeah.

14 Q. "Jakup Hoti was a senior officer at facility in Malisevo. There
15 may have been a Jakup Krasniqi also in a command position."

16 A. Right.

17 Q. Expressing certainty about Mr. Hoti and something else about the
18 presence of a Jakup Krasniqi, sir.

19 A. That is so.

20 Q. And you had been provided, hadn't you, with various lists of
21 suspects by the Serbian authorities which you attached, I think, to
22 your ICTY statement?

23 A. Yes.

24 Q. Correct? None of those lists of suspects gives the name
25 Jakup Krasniqi, does it, sir?

1 A. I can't recall. If you say that's the case. I didn't attach
2 too much importance to them at the time because, as I said to you
3 many times, my purpose was not the condemning of individuals but the
4 location of the missing, now dead.

5 Q. Quite. And there's just one final thing that I wanted to put to
6 you in terms of documents, and it's DJK00206. And it's at page
7 DJK00216. So document 206 at page 216.

8 Were you aware that the information you had gathered and various
9 other evidence was reviewed by UNMIK in 2006, Mr. Ledwidge?

10 A. I haven't seen this document before.

11 Q. No, I --

12 A. The answer is no.

13 Q. I just want to take you to one very specific part of it. It's
14 page 216. Now, I just want to read you a section there that says:

15 "The fact that Snezana" --

16 By this point, a description had been provided by Snezana of the
17 man she described as Mr. Krasniqi.

18 A. Yes.

19 Q. And this is the reviewing officer saying:

20 "The fact that Snezana described Krasniqi as being 40 and having
21 black hair makes it somewhat unlikely that she met Jakup Krasniqi,
22 who was closer to being fifty at the time of the war with greying
23 hair. It's more likely, in my view, that Snezana encountered either
24 Gani Krasniqi (although he was also nearly fifty at the time) or
25 Skender Krasniqi (who was almost exactly forty years old)."

1 And who we saw in the photograph a moment ago had black hair at
2 the time, Witness.

3 A. Yeah.

4 Q. You wouldn't have been aware of that evidence or that interview
5 previously, would you?

6 A. First time I've seen it.

7 Q. Quite. Witness, I'm going to put my case to you directly, sir.
8 Jakup Krasniqi was not in the detention facility in Malisheve from
9 the dates you've given, from 17th to 26th July 1998, nor indeed was
10 he ever in a KLA detention site, sir. What you've given in your
11 statements is your opinion, isn't it, because you weren't there in
12 July 1998; correct?

13 A. It derived from statements of witnesses and what I'd heard, yes.

14 Q. Yes. It's your opinion derived from what you were told by
15 Krunislava and Snezana Baljosevic; correct?

16 A. And to be fair, I think, in the circumstances, the common
17 impression of the town, yes. As I said, there were dozens of people
18 I spoke to.

19 Q. There were dozens of people that you spoke to --

20 A. Yeah.

21 Q. -- but you haven't identified any other as saying that
22 Jakup Krasniqi was there at the time, sir.

23 A. No, that's correct.

24 Q. And given the time and the resources, you didn't have the
25 capacity to carry out a criminal investigation nor was that your

1 remit into whether Mr. Krasniqi was there or not?

2 A. As I've said many times, our purpose was to identify people who
3 might be able to tell us where the kidnapped, now murdered, reside or
4 lie.

5 Q. And that's why, as you said earlier, you were taking statements
6 from relatives based on facts or what they felt to be facts?

7 A. That is correct.

8 Q. That's what you were doing?

9 A. Yes.

10 Q. And you've never spoken to Mr. Krasniqi to hear his side of the
11 story, have you?

12 A. No.

13 Q. And --

14 A. I understand he's a very brave man and it would be an honour to
15 meet him, but I doubt we ever will.

16 Q. And you've already confirmed, I think, you didn't know the
17 command structure in the KLA in Malisheve --

18 MR. BAARLINK: Objection, Your Honour. There's a series of
19 questions now that the witness has already answered.

20 PRESIDING JUDGE SMITH: Overruled.

21 Go ahead.

22 MR. ELLIS:

23 Q. You've already confirmed you didn't know the command structure
24 of the KLA in Malisheve in July 1998, Witness?

25 A. I have.

1 MR. ELLIS: If I may take just a moment, Your Honours.

2 [Specialist Counsel confer]

3 MR. ELLIS:

4 Q. Witness, I'm coming towards the end of the questions now. But
5 earlier when I was asking you questions, I put it to you whether it
6 was easy to make a mistake between two similar names, and your
7 response was:

8 "To be honest, to me, they would be Hoti and Krasniqi."

9 Do you recall saying that?

10 A. Yes.

11 Q. And you also said in answer to a question that the statements
12 you received indicate that Mr. Krasniqi treated the two informants
13 well and they were impressed with him; correct?

14 A. Yes, that was my impression throughout the discussions with the
15 people in Rahovec. Yes, there was no complaint from anybody about
16 Mr. Krasniqi's demeanour as I recall.

17 Q. I see. But one thing your ICTY statement says is that both say
18 in the circumstances Hoti treated them well.

19 A. Yes.

20 Q. So are we not confusing between Krasniqis and Hotis again,
21 Witness?

22 A. I never heard -- I never heard any complaint about Mr. Krasniqi.
23 The rest -- yeah.

24 Q. Could I just show you that passage in the ICTY statement.

25 A. Yeah.

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6193

1 Q. It's 01 --

2 A. But I accept -- I accept -- I accept what you're saying. But
3 more than that, I cannot -- I cannot say. It's a long time ago now,
4 but my --

5 Q. Thank you.

6 A. My recollection is that Mr. Krasniqi was highly regarded by most
7 people in the town.

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

9 [Microphone not activated].

10 MR. BAARLINK: No, Your Honour.

11 PRESIDING JUDGE SMITH: Mr. Laws, anything?

12 MR. LAWS: No, thank you, Your Honour.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 JUDGE BARTHE: Thank you, Mr. President.

15 Questioned by the Trial Panel:

16 JUDGE BARTHE: Good afternoon, Witness. I'm here. Can you see
17 me?

18 A. Ah, yes. Your Honour, yes.

19 JUDGE BARTHE: Good afternoon, Witness.

20 A. Good afternoon to you.

21 JUDGE BARTHE: I have only a few questions for you, and I would
22 like to apologise in advance, that the answers you may give might
23 contain opinions or, rather, conclusions. But as the Presiding Judge
24 told counsel for Mr. Thaci yesterday, sometimes it's difficult to
25 distinguish facts from opinions. So my questions are the following,

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6194

1 Mr. Ledwidge.

2 In your first ICTY statement from November 2000. This would be,
3 for the record, P232 on page 7, 401068157, you talked about the
4 Rahovec kidnappings in summer 1998. And you mentioned in this
5 context that the KLA occupied Rahovec town on 17 July 1998 and that
6 two days later, or around 19 July 1998, the Serbian forces began a
7 counterattack with armour and artillery, making no distinction
8 between combatant KLA and non-combatant Kosovar Albanians during this
9 assault.

10 And you also told the ICTY that there was no evidence that the
11 KLA put forward any resistance and that one person told you "that
12 they just ran away and left us to face the consequences." And I
13 believe this last part was already read to you by Mr. Kehoe in his
14 cross-examination yesterday.

15 So first of all, Mr. Ledwidge, do you recall saying that to the
16 ICTY, that part I just read?

17 A. That the KLA -- I've no doubt I did, and that was my impression
18 and remains it.

19 JUDGE BARTHE: Thank you. My questions are about the next
20 paragraph where you reported that according to your knowledge at the
21 time, about 150 Albanian civilians, or as you said yesterday, perhaps
22 more, were killed in this attack, and that you believe the latter may
23 have had some bearing on what happened to the Serb kidnapped victims
24 from the area.

25 A. Sorry, Your Honour, what letter?

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6195

1 JUDGE BARTHE: The latter, the -- the killing of about 150
2 Albanians. But this would be my question for you.

3 A. Yes.

4 JUDGE BARTHE: Maybe I can first ask you that question.
5 Mr. Ledwidge, my first question is: Could you please explain what
6 you meant when you said the killing of 150 or more Albanian civilians
7 in Rahovec may have had some bearing?

8 A. Ah, yes. It's -- we discussed earlier in the day, Your Honour,
9 the issue of revenge. And the one hypothesis that the townspeople
10 had, and, indeed, sounds to me quite reasonable, or a reasonable
11 hypothesis is that the missing may have been taken, A, as to offer an
12 exchange for Kosovan prisoners; or, B, or both, secondly and
13 additionally, were killed in -- as an act of vengeance for the
14 murders committed by Serbian forces on or in the -- in the early 20,
15 21st, 22nd -- 19th to 21st, wasn't it, of the Serbian attack.

16 So the idea was that they were either taken -- initially taken
17 for exchange and then killed for revenge.

18 JUDGE BARTHE: And correct me if I'm wrong, the basis for your
19 conclusion or your belief was conversations with -- or the
20 conversations you had with townspeople, is that right, from Rahovec?

21 A. That would be right.

22 JUDGE BARTHE: Thank you. And this brings me to my last
23 questions already.

24 Mr. Ledwidge, during your time in Kosovo in 1998, and later
25 again in 1999, did you ever hear the term "collaborator" or

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6196

1 "collaborators"; and if so, in what context?

2 A. I'm almost certain I will have done. It will have been in the
3 context of kidnappings that took place in early 1999. From memory,
4 initially I think there was Elshani and Morina, and then, of course,
5 Mr. Xhafiqi later on in our tenure there in March, as I recall,
6 without access to my statements.

7 I would have heard -- I am certain that I would have been told
8 at some point by some people that they were collaborators.

9 I was also aware in the town that there was a certain party who
10 regarded the Rugova faction and the Bukoshi faction, as I recall
11 them, as being either collaborators or traitors in some form. More
12 than that, I cannot say.

13 JUDGE BARTHE: Thank you very much. I've no further questions.

14 PRESIDING JUDGE SMITH: Judge Mettraux.

15 JUDGE METTRAUX: Thank you, Judge Smith.

16 And good afternoon, sir.

17 A. Good afternoon, sir.

18 JUDGE METTRAUX: I want to ask you a couple of questions about
19 the time when you were tasked with investigating the fate of the
20 missing.

21 A. Yes.

22 JUDGE METTRAUX: And I think you placed it starting at the
23 beginning of January 1999. The first thing I want to ask you is
24 which sources did you go to, did you try to reach out to in order to
25 try to fulfil that mandate?

1 A. The primary target would have been clearly KLA sources who would
2 know the fate of these people. We were obstructed at every level
3 concerning that. Obviously, there was interviewing of witnesses.
4 There were even times when we would physically search areas, although
5 that was before I was appointed.

6 We then adopted a strategy or approach of uniting the Serbian
7 and -- or ethnic Serbian, Albanian, Romani, and -- yeah, missing in
8 one list, to consolidate that list. And so we felt that rather than
9 try and delve into matters that would involve war crimes, to take a
10 more neutral approach and focus on where these -- as I said before,
11 where these people might be or their bodies.

12 We were fairly certain from February onwards that they were
13 dead. We did not inform the relatives of that because we had no
14 evidence for it, really. But in discussions with Albanian
15 interlocutors and Serbian interlocutors, we attempted to arrange some
16 form of exchange of information. We set up, as I say in one of the
17 statements, a little committee of people we trusted and with whom we
18 had good relationships who had -- would have access or we thought
19 might have access to some of this information.

20 So that was the approach we adopted really from -- as soon as we
21 realised most of these people were dead. And this began to bear
22 fruit in March, early March, when I was approached, as I indicated
23 before, by Serbian -- someone I believe to be a Serbian intelligence
24 officer, who was the deputy commander of Prizren police, with whom I
25 met -- had a long meeting at least once, and a meeting I have

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6198

1 detailed notes of, and where all this was discussed very bluntly.

2 So we -- we moved across from trying to deal with, and failing
3 completely, KLA sources to, first, cooperate -- try to get
4 cooperation between the two sides and get civil -- I'll now call it
5 civil societies to work -- civil society to work together. And then
6 there was a lot of hope, I would attach a lot of hope -- would have
7 attached a lot of hope to the involvement we had with this particular
8 individual, and the reason for that is that he, let's call it a
9 gesture of good faith, presented us with dozens, I think 52 files,
10 of -- indicating the fate and locations of Albanian victims of the
11 murders outlined by your learned colleague -- or, rather, mentioned
12 by your learned colleague in -- on July 19th to 21st.

13 So those files consisted of photographs. As I recall it, there
14 were circumstances of death and basic forensic detail and locations
15 of the graves. We were not allowed to keep those. And the next
16 stage was to be -- these would be exchanged, perhaps a quixotic --
17 but it's the best we had, quixotic hope, it's the best we had, they
18 would be exchanged with the KLA with no penal or criminal liability
19 being mentioned of any kind at that stage.

20 The idea was just to find -- find where these people were
21 buried. So those were the strategies we adopted.

22 So in default of the KLA, we used civil society, as I would call
23 it now, and we moved then into what looked to be the possibility of
24 what would amount to a body exchange. But we -- that was at a very
25 early stage when we were forced to leave.

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6199

1 JUDGE METTRAUX: And during your time performing these
2 functions, did you also receive what I will call actionable
3 information from members of the KLA as to where these missing persons
4 might be?

5 A. No.

6 JUDGE METTRAUX: And to the extent you have had contacts, or
7 maybe some of your colleagues might have had contacts, with members
8 of the KLA in relation to this matter, were you ever told yourself,
9 or your colleagues, to the extent you know, that the persons you
10 reached out to were not competent or responsible to take care of
11 these matters? In other words, were you ever told, "Go somewhere
12 else to make these inquiries. I am not responsible for it"?

13 A. Yes. I met a commander known as Drini, who was held in high
14 regard by my colleagues, in, as I recall it, late December -- well,
15 December -- late 1999, in the office of a colleague. Perhaps even
16 the head of -- head of region. So coincidental meeting. And he
17 seemed to know who I was when we were introduced. And
18 Commander Drini, whose real name I think is Rexhep -- somebody will
19 remind me.

20 Anyway, Commander Drini said to me, "You're the guy looking for
21 the missing." And I said, "Yes." He said, "You should be looking --
22 pay more attention to Albanian missing." I said, "We paid as much
23 attention to Albanian missing as Serbians. We drew no distinction,"
24 which is the case. And he said, as I recall it, "You should be
25 speaking to Sosi," who is Cena. We discussed him during the course

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6200

1 of yesterday. Sabahudin Cena. And that's what he said.

2 Unfortunately, Commander Drini was murdered some months later.
3 That's the only time I was referred by KLA authorities that I can
4 recall. I may have had discussions with one person who has been --
5 or was named by the Serbians about it who denied all knowledge. In
6 fact, I did have such discussions halfway through 1999, but that came
7 to nothing.

8 JUDGE METTRAUX: I'm grateful, sir. Thank you.

9 A. Thank you, Your Honour.

10 PRESIDING JUDGE SMITH: Judge Gaynor.

11 JUDGE GAYNOR: Thank you, Judge Smith.

12 Mr. Ledwidge, you've been very clear in your evidence that you
13 consider that the statements that you took in late December 1998 and
14 January 1999, you weren't taking them in the context of a criminal
15 investigation, you said.

16 A. Absolutely not.

17 JUDGE GAYNOR: Did you anticipate at the time of taking them
18 that they might be used by the ICTY?

19 A. No, not really. That was way beyond my remit. The first time
20 the ICTY was mentioned in any context that I can recall, and this is
21 against the background of -- I was more than conscious of the ICTY
22 since I had worked on operations in Bosnia connected with them. But
23 the first time, as I remember, ICTY was mentioned was in connection
24 with a -- an evening we were detained, and I mentioned it to a
25 particular Serbian commander.

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6201

1 When I met Colonel Petrovic, he asked had I authority to deal
2 with the ICTY. This would be in mid- -- early to mid-March. I went
3 to my colleagues in Prishtine and asked did we have such authority,
4 and I -- I was told yes. And it may have been partly on that basis
5 that Colonel Petrovic agreed to cooperate with us, but, as I say,
6 that cooperation ended very quickly and we were rendered persona non
7 grata.

8 JUDGE GAYNOR: I just want to turn back to those statements that
9 you took in December 1998 and January 1999.

10 In your ICTY witness statement of 10 November 2000, you said:

11 "I took statements from all of those released from KLA captivity
12 that I could find. These were passed on through the KVM chain and
13 should be in the files."

14 A. Yes.

15 JUDGE GAYNOR: "However, I may be able to locate my own
16 electronic copies. If so, I will pass them on to the Tribunal as
17 soon as possible."

18 So, presumably, at that point you did intend for those
19 statements to be used by the ICTY as part of their investigation.

20 A. At the time they were taken?

21 JUDGE GAYNOR: No, at the time that you gave them --

22 A. Oh, yes.

23 JUDGE GAYNOR: -- to the ICTY investigator.

24 A. I didn't give them. I never found them.

25 JUDGE GAYNOR: Right. So insofar as there was an intention for

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6202

1 these statements to be used in criminal proceedings, that intention
2 came when you were dealing with the ICTY investigator.

3 A. Yes.

4 JUDGE GAYNOR: Okay. Now, I just want to follow up by
5 clarifying a paragraph in the report "As Seen, As Told."

6 When you took those statements, did you understand that you were
7 compiling them in order to be used in the report that became "As
8 Seen, As Told"?

9 A. No. "As Seen, As Told" arose after the NATO actions started.
10 It was conceived as a unique and pioneering record of human rights
11 abuses. When we went to Albania, which is to say, again, obviously,
12 after the bombing, OSCE deployed to Albania and Macedonia, there was
13 an OSCE operation there to -- which I was part of, to take initial
14 statements, not signed or attested, but just information, which --
15 information which would assist the ICTY in prosecuting events such as
16 Celine, Bellacerke, Pastaselle, Rahovec, and other such crimes --
17 alleged crimes.

18 So that report was part of this overall effort to record the
19 thousands of abuses of human rights, mostly committed by Serbian
20 authorities but also by KLA and others. And as I recall it, that
21 was -- that idea came up in the middle of 1999.

22 JUDGE GAYNOR: Now, there's a reference in "As Seen, As Told" on
23 a page which bears the number SPOE00198140. And it says:

24 "As it had done when deployed inside Kosovo (see above), when
25 collecting data in Albania and the former Yugoslav Republic of

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6203

1 Macedonia following its evacuation, the OSCE-KVM Human Rights
2 Division implemented strict security and confidentiality safeguards.
3 At the end of every interview with a refugee, the interviewee was
4 asked if he/she would allow the information to be passed on to the
5 ICTY."

6 So my question is this: Was that practice in place at the time
7 that you did your interviews in December 1998 and January 1999?

8 A. Absolutely not.

9 JUDGE GAYNOR: Absolutely?

10 A. Not. No, sir.

11 JUDGE GAYNOR: Now, you've alluded earlier to the part of your
12 November 2000 ICTY statement about your conversations with
13 Colonel Petrovic.

14 A. Yes.

15 JUDGE GAYNOR: Yesterday, Defence counsel suggested that "at
16 least some of the information that was being gathered," by you in
17 essence, "was being done so as to further some investigation."

18 I just want to give you an opportunity to give observations on
19 that assertion by Defence counsel.

20 A. I'm afraid, Your Honour, I don't quite follow.

21 JUDGE GAYNOR: The assertion by Defence counsel, when you look
22 at that part of your statement, is that Colonel Petrovic said,
23 according to you:

24 "[He] led [you] to believe that there was a great deal more
25 information available, if he were to obtain the necessary clearance

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6204

1 to disclose it. We arranged to meet again for additional
2 discussions ..."

3 And then later on you say that you "passed an offer to meet
4 Colonel Petrovic together with the *Chef de Cabinet* of the OSCE in
5 Kosovo, to discuss the information that he may have been prepared to
6 provide ..."

7 And you go on to say that:

8 "No reply was received."

9 I think the point that Defence counsel is trying to make is that
10 it appears that you may have been, in some way, authorised or under
11 some kind of instruction to carry out an investigation when you were
12 speaking to Petrovic.

13 A. I wanted to -- my purpose, which was passed through the OSCE
14 chain of command, was to -- to try and round off, if I can put it
15 so -- in such a cavalier manner, round off the investigations we had
16 begun back in November to try to determine where all these people
17 were. We were unsuccessful in that. It went nowhere. It was --
18 that was my purpose at the time.

19 JUDGE GAYNOR: So were you or were you not acting at the
20 instigation of the ICTY, for example?

21 A. No, I am pretty sure we were not.

22 JUDGE GAYNOR: All right. I have no further questions. Thank
23 you very much, Mr. Ledwidge.

24 PRESIDING JUDGE SMITH: Judge Barthe has another question.

25 JUDGE BARTHE: I apologise. Very briefly, Mr. Ledwidge, one

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6205

1 question in order to complete your testimony. In response to my
2 question on the term "collaborator," you said, according to the
3 transcript, that you were aware in town "that there was a certain
4 party who regarded the Rugova faction and the Bukoshi faction ... as
5 being either collaborators or traitors in some form."

6 Could you or can you remember which party that was?

7 A. The LDK. Yeah. So, for example, we would always be told -- oh,
8 no, that's not quite right. So some of our interlocutors would be
9 identified in a not unpleasant way as LDK supporters or people who
10 were of that line of thinking. In other words, were not necessarily
11 in favour of the way the KLA were doing things. So almost all our
12 interlocutors fell into that category. Very few people -- people
13 would concede that they were part of the political wing. In fact,
14 nobody of the KLA at that time. Many -- some people would have
15 said - well, this was street talk, you know - they're on the wrong
16 side or they -- you know. Because there were plenty of
17 collaborate -- I'll rephrase, plenty of KLA supporters around. I
18 won't say it was the majority at all. There were some. And -- yeah.

19 So, in other words, it was in the air. I can't say I took a
20 particularly great interest in it, but it was certainly in the air --

21 JUDGE BARTHE: Thank you.

22 A. -- if you'll forgive the phrase.

23 JUDGE BARTHE: Thank you very much.

24 PRESIDING JUDGE SMITH: All right. Any questions arose from the
25 Judges' questions?

Witness: W02153 (Resumed) (Open Session)
Questioned by the Trial Panel

Page 6206

1 Mr. Prosecutor.

2 MR. BAARLINK: No, Your Honour.

3 MR. KEHOE: No, Your Honour.

4 MR. STRONG: None.

5 MR. ELLIS: None.

6 MR. TULLY: None, Your Honour.

7 PRESIDING JUDGE SMITH: Mr. Laws, I skipped you.

8 MR. LAWS: No, thank you, Your Honour.

9 PRESIDING JUDGE SMITH: All right. We'll break for lunch.

10 Witness, your testimony is now finished. You will be free to
11 leave. Thank you for being with us, for sharing your information
12 with us. And the usher will escort you out.

13 THE WITNESS: Thank you.

14 PRESIDING JUDGE SMITH: He should leave the notes [Microphone
15 not activated].

16 THE WITNESS: [Microphone not activated]

17 [The witness withdrew]

18 PRESIDING JUDGE SMITH: [Microphone not activated]

19 MR. BAARLINK: Yes, Your Honours. There is an outstanding
20 ruling on the exhibit that had been marked for identification as
21 P235.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. BAARLINK: Thank you, Your Honour.

24 PRESIDING JUDGE SMITH: We will rule on that before we start
25 this afternoon.

1 MR. BAARLINK: Yes. And the next witness, I'm told, is ready to
2 proceed at 2.30.

3 PRESIDING JUDGE SMITH: Okay. Thank you. We are adjourned
4 until 2.30.

5 --- Luncheon recess taken at 1.04 p.m.

6 --- On resuming at 2.31 p.m.

7 PRESIDING JUDGE SMITH: I have an oral order on the admission of
8 P00235 MFI.

9 The SPO tendered for admission item SPOE40010571 to
10 SPOE40010579, marked for identification as P00235 MFI.

11 The Krasniqi Defence objected that it tendered records that are
12 not signed and, therefore, do not meet the requirements for admission
13 under Rule 155. The Krasniqi Defence then requested the Panel to
14 defer its ruling in relation to the tendered records until after its
15 cross-examination of Witness 02153.

16 The Panel notes that the tendered records were discussed at
17 length during the witness direct examination by the SPO as well as
18 during his cross-examination by the Krasniqi Defence.

19 The Panel is, therefore, satisfied that these do not constitute
20 statements under Rule 153 to 155 as they were not taken in the
21 context of or in connection with legal proceedings, and are
22 admissible instead as exhibits pursuant to Rule 138(1) as they are
23 relevant, authentic, and have probative value which is not outweighed
24 by their prejudicial effect.

25 For these reasons, the Panel admits the tendered records under

1 Rule 138.

2 This concludes the Panel's oral order.

3 Please assign a permanent exhibit number.

4 THE COURT OFFICER: Your Honours, that document will retain the
5 number P235, and its exhibit status will be changed from MFI to
6 admitted.

7 PRESIDING JUDGE SMITH: Thank you very much.

8 Now we will start hearing the evidence of Prosecution
9 Witness 04586.

10 Before we start, Madam Court Officer, please bring us into
11 private session just for a moment.

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12 [Open session]

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

14 PRESIDING JUDGE SMITH: Oh, okay. She's gone. I didn't see her
15 get up.

16 [The witness entered court via videolink]

17 PRESIDING JUDGE SMITH: Good afternoon, Witness.

18 THE WITNESS: [via videolink] [Interpretation] Good afternoon.

19 PRESIDING JUDGE SMITH: Are you hearing me all right?

20 THE WITNESS: [via videolink] [Interpretation] Yes. Yes, I can
21 hear you very well.

22 PRESIDING JUDGE SMITH: Before we start with your testimony, I
23 will read to you the text of the solemn declaration which you are
24 asked to take pursuant to Rule 141 of our Rules. I will ask you to
25 repeat the text that I read to you and then to indicate your consent.

1 You understand?

2 THE WITNESS: [via videolink] [Interpretation] Yes, I understand.

3 PRESIDING JUDGE SMITH: So I will read a portion of the
4 statement, and then ask you to repeat it. Understood?

5 THE WITNESS: [via videolink] [Interpretation] It's clear.

6 PRESIDING JUDGE SMITH: All right. So this is the statement:
7 Conscious of the significance of my testimony. Can you repeat that?
8 Let me say it again. Let me say it again.

9 THE WITNESS: [via videolink] [Interpretation] Yes, yes.

10 PRESIDING JUDGE SMITH: I'm going to read some words, and I want
11 you to repeat them. Do you understand?

12 THE WITNESS: [via videolink] [Interpretation] Yes.

13 PRESIDING JUDGE SMITH: Conscious of the significance.

14 THE WITNESS: [via videolink] [Interpretation] Conscious of the
15 significance.

16 PRESIDING JUDGE SMITH: Of my testimony.

17 THE WITNESS: [via videolink] [Interpretation] Of my testimony.

18 PRESIDING JUDGE SMITH: And my legal responsibility.

19 THE WITNESS: [via videolink] [Interpretation] And my legal
20 responsibility.

21 PRESIDING JUDGE SMITH: I solemnly declare.

22 THE WITNESS: [via videolink] [Interpretation] I solemnly
23 declare.

24 PRESIDING JUDGE SMITH: That I will tell the truth.

25 THE WITNESS: [via videolink] [Interpretation] That I will tell

1 the truth.

2 PRESIDING JUDGE SMITH: The whole truth.

3 THE WITNESS: [via videolink] [Interpretation] The whole truth.

4 PRESIDING JUDGE SMITH: And nothing but the truth.

5 THE WITNESS: [via videolink] [Interpretation] And nothing but
6 the truth.

7 PRESIDING JUDGE SMITH: And that I shall not.

8 THE WITNESS: [via videolink] [Interpretation] And I shall not.

9 PRESIDING JUDGE SMITH: Withhold anything.

10 THE WITNESS: [via videolink] [Interpretation] Withhold anything.

11 PRESIDING JUDGE SMITH: Which has come to my knowledge.

12 THE WITNESS: [via videolink] [Interpretation] Which has come to
13 my knowledge.

14 PRESIDING JUDGE SMITH: Do you understand and accept that
15 obligation?

16 THE WITNESS: [via videolink] [Interpretation] Do you understand
17 my obligation?

18 PRESIDING JUDGE SMITH: No, Witness. I'm asking you if you
19 understand what you just stated.

20 THE WITNESS: [via videolink] [Interpretation] Yes, I do. It's
21 clear to me.

22 PRESIDING JUDGE SMITH: Good.

23 WITNESS: W04586

24 [Witness answered through interpreter]

25 [Witness appeared via videolink]

1 THE COURT OFFICER: [via videolink] Your Honours, just to confirm
2 on the record, in the remote location present are Witness W04586,
3 WPSO staff member, and myself, Court Officer.

4 PRESIDING JUDGE SMITH: Thank you.

5 Witness, today we will start your testimony. As you may know,
6 the Prosecution will ask you some questions, and then counsel for the
7 victims, and once they are finished, for the Defence. And the
8 members of the Panel may ask you some questions as well.

9 The Prosecution will be judicious in their use of time as will
10 the Defence.

11 Please try to answer the questions clearly with short sentences.
12 If you don't understand a question, feel free to ask the counsel to
13 repeat the question or tell them you don't understand and they will
14 make it clearer. Also, try to indicate the basis of your knowledge
15 of facts and circumstances that you will be asked about.

16 Also, please note that you should speak into the microphone, you
17 should wait five seconds before answering a question, and speak at a
18 slow pace for the interpreters to catch up.

19 During the next days while you are giving evidence in this
20 court, you are not allowed to discuss with anyone the content of your
21 testimony outside of the courtroom. If any person asks you questions
22 outside the court about your testimony, please let us know.

23 When you're talking or answering a question, if I ask you to
24 stop, please stop, or I may put my hand up to let you know I want you
25 to stop, so I can give you further instruction.

Witness: W04586 (Private Session)

Page 6225

Examination by Mr. Bradfield

1 If you need to take a break, please let us know.

2 We will begin with the Prosecution.

3 Go ahead.

4 Examination by Mr. Bradfield:

5 Q. Mr. Witness, good afternoon.

6 A. Yes, good afternoon.

7 Q. I hope you can see and hear me.

8 A. Yes, I can.

9 Q. Very good. Mr. Witness, my name is Paul Bradfield, a lawyer for
10 the Prosecution. And we met last week to review your statements.

11 MR. BRADFIELD: Your Honours, if we can go briefly into private
12 session to record the personal details of the witness.

13 PRESIDING JUDGE SMITH: Repeat what you said, please?

14 MR. BRADFIELD: Could we please go into private session to
15 record the private details of the witness.

16 PRESIDING JUDGE SMITH: Yes.

17 Please go into private session, Madam Court Officer.

18 [Private session]

19 [Private session text removed]

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Witness: W04586 (Private Session)

Page 6226

Examination by Mr. Bradfield

1 [Private session text removed]

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13 [Open session]

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

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MR. BRADFIELD:

17 Q. Mr. Witness, you have previously given testimony in Kosovo, and
18 the first time you did so was in 2004 in UNMIK proceedings.

19 MR. BRADFIELD: Court Officer, if I can bring up the following
20 ERN, please: SPOE00208912-00208929 RED_F01664. And I'd be grateful
21 if the Court Officer in the videolink location could present the hard
22 copy to the witness, but he does not need to read it at this point.
23 And this document is not for the public, just to be sure.

24 THE COURT OFFICER: [via videolink] It is now being presented,
25 the same document --

Witness: W04586 (Open Session)

Page 6227

Examination by Mr. Bradfield

1 MR. BRADFIELD: Very good.

2 THE COURT OFFICER: [via videolink] -- in Albanian version.

3 MR. BRADFIELD: Thank you.

4 Q. Mr. Witness, your 2004 statement, which is before you, was read
5 back to you last week during our preparation session. In that
6 session, you confirmed that it was yours, but can you confirm for the
7 Court now, please, that this is indeed your prior testimony?

8 MR. BRADFIELD: I'm not sure if the translation has finished,
9 but I'll ask it again.

10 Q. Mr. Witness, the document before you now --

11 A. Please, I'm listening.

12 Q. The document before you now --

13 A. Yes.

14 Q. -- is your testimony from 2004. This very document was read
15 back to you last week when I was present, and you confirmed it was
16 yours. Can you please confirm for the Judges today that this is, in
17 fact, your testimony?

18 A. I don't understand. So you're talking about a document I spoke
19 about a week ago? I gave some information, but I now don't
20 understand how did I do this. My memory is failing me. I'm
21 suffering from sugar levels, my blood ...

22 Q. Mr. Witness, do you need a break right now or are you fine to
23 continue?

24 A. No, we -- we can continue.

25 Q. Mr. Witness, do you remember meeting with me and an interpreter

1 last week?

2 A. Yes.

3 Q. And in that meeting, do you remember statements being read back
4 to you?

5 A. Yes, I do remember.

6 Q. Mr. Witness, there were three statements that were read back.
7 One of them is before you now in a physical copy. And you confirmed
8 to us in the meeting it was your testimony. Now, I'm simply asking
9 can you confirm for the Judges that it is, in fact, your testimony?

10 A. I see the statement I have in front of me. I can declare what
11 you asked me about.

12 MR. BRADFIELD: Your Honours, I don't know if that satisfies the
13 requirements for the first statement.

14 PRESIDING JUDGE SMITH: You might want to try again.

15 MR. BRADFIELD:

16 Q. Mr. Witness, the statement before you in hard copy was read back
17 to you last week. Do you remember hearing those statements read back
18 to you last week?

19 A. Yes, I understand this was read, but I don't know how the -- the
20 start, the very beginning of it. What is the reason that I would
21 need to answer for?

22 Q. Mr. Witness, do you remember confirming to us when we met that
23 the statements read back to you were your testimony?

24 A. I understand I gave this before. I gave a statement about my
25 brother.

Witness: W04586 (Open Session)

Page 6229

Examination by Mr. Bradfield

1 PRESIDING JUDGE SMITH: Ask him if this is his statement.

2 MR. BRADFIELD: Very good. We'll move on to the second one so,
3 Your Honours, if that's satisfied.

4 Court Officer, if we can bring up --

5 PRESIDING JUDGE SMITH: No.

6 Witness, Witness, you said you gave a statement concerning your
7 brother; is that correct?

8 THE WITNESS: [via videolink] [Interpretation] Correct.

9 PRESIDING JUDGE SMITH: And is the document in front of you that
10 statement?

11 THE WITNESS: [via videolink] [Interpretation] Yes, I gave this
12 statement concerning my brother.

13 PRESIDING JUDGE SMITH: Go ahead, Mr. Bradfield.

14 MR. BRADFIELD: Thank you, Your Honour.

15 If we could bring up the second statement, please. ERN
16 SITF00180616-00180659 RED. Again, not for public, please. And,
17 again, if the hard copy can be presented to the witness, please.
18 Thank you.

19 Thank you.

20 THE COURT OFFICER: [via videolink] The Albanian translation.

21 MR. BRADFIELD: Thank you.

22 Q. Mr. Witness, the second statement you gave was in 2005, again in
23 UNMIK proceedings, and the hard copy is before you now. And, again,
24 this very statement was read back to you last week. Do you remember
25 that?

Witness: W04586 (Open Session)

Page 6230

Examination by Mr. Bradfield

1 A. Correct.

2 Q. And can you confirm for the Judges here today that this is, in
3 fact, your testimony?

4 A. Is this about the case concerning my brother? I'm asking.

5 Q. Correct.

6 A. We're starting again this story of my brother's case, how this
7 happened, what happened to me, how my brother in 1998 lost his life.

8 Q. Correct, Mr. Witness. And that story --

9 A. His life was taken by individuals --

10 Q. Yes. That story is contained in your testimony in the document
11 before you. So my question is: Can you confirm that this is, in
12 fact, your testimony?

13 A. Yes.

14 Q. Thank you.

15 MR. BRADFIELD: The final statement the Prosecution seeks to
16 tender is your interview with the Prosecution from 2020. And the
17 relevant ERNs are 074780-TR-ET Parts 1 to 4 RED2. And if the first
18 page of Part 1 could be brought up in court and also the Albanian for
19 the witness, please.

20 THE COURT OFFICER: [via videolink] The first page in Albanian is
21 being shown to the witness.

22 MR. BRADFIELD: Thank you.

23 Q. Mr. Witness, your interview with the Prosecution from 2020, that
24 is three years ago, is now before you in hard copy. Do you remember
25 this being read back to you last week?

1 A. I forget things because of my sugar levels in my blood, but this
2 statement is true indeed. However, I forget. I am not in full
3 possession of my abilities. I don't remember things. But if you
4 want an answer, like a basic, peasant-style answer in relation to my
5 brother -- because this grammar -- with the grammar rules and
6 grammatically correct written things, I don't understand them.

7 Q. I understand that, Mr. Witness. My question is very simple,
8 though. Is the statement before you, which is your interview with
9 the Prosecution, is it yours?

10 A. Yes.

11 Q. Thank you. And, Mr. Witness, during our preparation meeting
12 last week, you were given an opportunity to review all of your
13 statements; isn't that correct?

14 A. It is true. However, I said that my memory is weak due to my
15 sugar levels, and I forget things very easily.

16 Q. I understand that, Mr. Witness. Do you remember after reading
17 your statements you gave some clarifications to us? Do you remember
18 that?

19 A. Yes, it is. I understood what I said, and I said everything in
20 relation to the criminal act against my brother. Now, if you wish to
21 ask me to tell you the account about what happened to my brother, I
22 will tell you in simple words, in peasant words, but not in a
23 sophisticated manner.

24 Q. Mr. Witness, to be clear, we don't need to go through your
25 entire story today. But just to go back, do you remember your

Witness: W04586 (Open Session)

Page 6232

Examination by Mr. Bradfield

1 clarifications being recorded in a note that was read back to you
2 last week?

3 A. To be honest, I forget things. My diabetes makes me forget
4 things, and I can't be precise with these things. But I'm willing
5 and I want to give a statement in relation to what happened to my
6 brother. Otherwise, I don't really understand things.

7 Q. Mr. Witness, do you remember me asking you certain questions
8 last week? And you made some changes to your statements. Do you
9 remember that?

10 A. I remember very little of this. Not the statement. I didn't
11 make any changes. I told the story of my brother, how this unfolded,
12 how everything happened.

13 Q. Mr. Witness, do your statements that were read back to you last
14 week fully and accurately reflect your evidence and what you would
15 say if you were asked the same questions today in court?

16 A. Yes.

17 Q. Thank you.

18 MR. BRADFIELD: Your Honours, at this point the SPO formally
19 tenders the prior statements of the witness pursuant to Rule 154 as
20 identified on the record. And with these statements, there are also
21 a number of associated exhibits which are as follows: Exhibits 1 to
22 4 as listed in ERN 074773-074778 RED2, which contains certain
23 certificates and a newspaper article, and the translation for the
24 article is ERN 074778-074778-ET.

25 And the final exhibit is a photo lineup used in the witness's

Witness: W04586 (Open Session)

Page 6233

Examination by Mr. Bradfield

1 testimony. The ERN for this is SITF00299055-00299087. And in light
2 of our conversation, I will not be tendering the preparation note at
3 this point.

4 But with Your Honours' permission, having satisfied these
5 requirements, I will now read a summary of the witness's evidence.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. KEHOE: No, Your Honour.

8 MS. O'REILLY: No, Your Honour.

9 MR. TULLY: No, Your Honour. Thank you.

10 MS. ALAGENDRA: No, Your Honour.

11 PRESIDING JUDGE SMITH: Thank you all very much. We will
12 proceed.

13 Go ahead.

14 MR. BRADFIELD: Thank you.

15 Q. Mr. Witness, your evidence is now part of the record --

16 PRESIDING JUDGE SMITH: Wait, excuse me. Do you want this in
17 public session?

18 MR. BRADFIELD: Please, yes.

19 PRESIDING JUDGE SMITH: All right, go ahead.

20 MR. BRADFIELD: We're public? Yes. Thank you.

21 Q. Mr. Witness, your statements are now part of the evidential
22 record, and you don't need to go through your full story with me now.
23 But what I will do now is read a summary for the benefit of the
24 public.

25 MR. BRADFIELD: And it is as follows.

Witness: W04586 (Open Session)

Page 6234

Examination by Mr. Bradfield

1 In July 1998, the witness and his family were returning home
2 from a family event. On their way back, they were stopped at a KLA
3 checkpoint near Drenoc. KLA soldiers ordered one of the witness's
4 family members out of the car.

5 The witness saw his family member being led away and put inside
6 a vehicle. After around three hours, the KLA ordered the witness and
7 the rest of his family to continue their journey, but the family
8 member singled out by the KLA remained detained at the checkpoint.

9 In the following days, the witness's relatives went to Drenoc in
10 order to access their family member. However, he was never seen by
11 his family again and his remains were only discovered and formally
12 identified years later.

13 Your Honours, at this point we have no further questions for
14 this witness.

15 PRESIDING JUDGE SMITH: Mr. Laws.

16 MR. KEHOE: Excuse me, Mr. Laws, just before.

17 Could we have exhibit numbers for those? Oh, I'm sorry,
18 Court Officer.

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 THE COURT OFFICER: Thank you, Your Honours.

21 The first statement, SPOE00208912 to 00208929 RED_F01664 and its
22 Albanian translation will be Exhibit P250.

23 The second statement under ERN SITF00180616 to 00180659 RED will
24 be Exhibit P251.

25 The third statement, all four parts of it, will be -- under ERN

Witness: W04586 (Open Session)

Page 6235

Questioned by Victims' Counsel

1 number 074780-TR-ET Parts 1 to 4 RED2 and TR-AT Parts 1 to 4 RED2
2 will be Exhibit P252.1 for Part 1, P252.2 for Part 2, P252.3 for
3 Part 3, and P252.4 for Part 4.

4 And the associated exhibits, 074773 to 074778 RED2, and the
5 English translation, will be Exhibit P253.

6 And, lastly, SITF00299055 to 00299087 will be Exhibit 254,
7 Your Honours. Thank you.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. LAWS: Thank you, Your Honour.

10 Questioned by Victims' Counsel:

11 Q. And good afternoon, Mr. Witness. As you know, my name is
12 Simon Laws and I am the Victims' Counsel in this case. And we have
13 met by videolink twice, in fact.

14 A. Yes.

15 Q. Can you see me and hear me all right?

16 A. I can hear you, but I cannot see you well because my -- I have a
17 vision impairment because of my diabetes.

18 Q. We understand. I hope that you understand what has happened,
19 Mr. Witness. The statements that you've been asked about have all
20 been read by the Judges, and we don't need to go through the story of
21 what happened to your brother. I hope you understand that.

22 A. Yes.

23 Q. Very good. I just want to ask you one question, and it's this:
24 How has the loss of your brother affected you?

25 A. It has affected me. I went to pick up [REDACTED] Pursuant to Post
Session Redaction Order F2348. of my son, and

Witness: W04586 (Open Session)

Page 6236

Questioned by Victims' Counsel

1 we went to the village of [REDACTED] Pursuant to In-Court Redaction Order
F1686RED. On our way to that village,

2 [REDACTED] Pursuant to In-Court Redaction Order F1686RED, we were stopped
by three

3 individuals --

4 MR. LAWS: May I just interrupt and say it isn't what I asked
5 him, but if we're going to have this account, it's going to need to
6 be in private session.

7 PRESIDING JUDGE SMITH: Why don't you start over again and see
8 if you can just get him to answer your question.

9 MR. LAWS: Yes.

10 Q. Mr. Witness, could just listen to me for a moment. Nobody wants
11 to stop you explaining what happened, but the Judges have already
12 read all of the documents that you've been shown today, the three of
13 them, and they know exactly what happened. All right? So we don't
14 need you to tell us again. Do you understand that?

15 A. I understand.

16 Q. So the question that I asked you isn't about what happened that
17 day and about your brother being taken away. It's not about that.
18 It's a question about how the loss of your brother has affected your
19 life. You understand what I mean?

20 A. It has affected me very deeply. From that day, I declare
21 diabetes. I had developed a heart condition from that day. I am not
22 even aware of my -- my physical presence, my own physical presence
23 when I'm going to walk outside. I can't sleep. I am in a very bad
24 condition.

25 We could not find my brother anywhere. We asked everywhere. We

Witness: W04586 (Open Session)

Page 6237

Questioned by Victims' Counsel

1 looked for him everywhere. I sent my paternal uncle's son. I sent
2 my nephews, my sister's sons. I sent two other nephews of mine.
3 They kept saying, *[REDACTED] Pursuant to In-Court Redaction Order*
F1686RED

4 *[REDACTED] Pursuant to In-Court Redaction Order F1686RED* I did not dare
do that and look for

5 him because I knew what would they do to me, those persons.

6 Q. And we understand that, Mr. Witness, and I'm not going to ask
7 you any more questions about what happened. When I asked you a few
8 moments ago how the loss of your brother has affected you, you said:

9 "It has affected me very deeply."

10 Is there anything that you want to add to explain --

11 A. That's correct.

12 Q. Is there anything that you want to add to explain to the Judges
13 the ways in which his loss has affected you?

14 A. Yes.

15 Q. Then please do so.

16 A. The first point is that I was highly impacted by his loss.

17 Second is that I was done all different sorts of things, why I was
18 stopped at the checkpoint. *[REDACTED] Pursuant to In-Court Redaction*
Order F1686RED

19 *[REDACTED] Pursuant to In-Court Redaction Order F1686RED* I
20 was waiting for two hours and a half there. It was very hot. It was
21 about 37 Celsius degrees. Two sons of mine and one of my daughters
22 was in the same car as me. They were crying out loud. They were
23 shouting. *[REDACTED] Pursuant to In-Court Redaction Order F1686RED* in
the car as well. And they took my

24 brother away. And I asked them, "What is it that we did?" They shot

25 with the Kalashes in the air, those individuals, those bandits.

Witness: W04586 (Open Session)
Questioned by Victims' Counsel

Page 6238

1 I departed. I was allowed to continue ahead. [REDACTED] Pursuant
to In-Court Redaction Order F1686RED came in

2 the car. [REDACTED] Pursuant to Post Session Redaction Order F2348.

3 [REDACTED] Pursuant to Post Session Redaction Order F2348.

4 [REDACTED] Pursuant to Post Session Redaction Order F2348.

5 [REDACTED] Pursuant to Post Session Redaction Order F2348.

6 When I went back home, we made sure that [REDACTED] Pursuant to
In-Court Redaction Order F1686RED would get off

7 the car, and [REDACTED] Pursuant to Post Session Redaction Order F2348.
This is not something that is

8 in line with the Albanian traditions. I was driving the car without

9 having a permission. I didn't know what else to do. I just wanted

10 to get away from that place. I didn't know how to drive.

11 Nonetheless, I had no other choice.

12 When we got [REDACTED] Pursuant to Post Session Redaction Order
F2348. off the car, my older brother asked me,

13 "What happened?" And I said, [REDACTED] Pursuant to In-Court Redaction
Order F1686RED He asked, "Who took

14 him?" I told him, [REDACTED] Pursuant to In-Court Redaction Order
F1686RED with two other people whom I did

15 not know." I did not know the two other people. And they told me,

16 "You have to come and take your brother from us tomorrow." I told

17 them back, "He is not young. He [REDACTED] Pursuant to In-Court
Redaction Order F1686RED years of age." They told me,

18 "This is what we're telling you. You have to come and see us in
19 order for your brother to get back." And this is what I told them.

20 I told them, "Yes, I will come and pick him up." I lied to them.

21 When dawn came, we got up. We were discussing with my oldest
22 brother --

23 MR. LAWS: Your Honour, I'm very reluctant to interrupt.

24 PRESIDING JUDGE SMITH: Go ahead now.

25 MR. LAWS: I'm very reluctant to interrupt the witness, but I'm

Witness: W04586 (Open Session)
Questioned by Victims' Counsel

Page 6239

1 in the Court's hands. We're going to have, I think --

2 PRESIDING JUDGE SMITH: I think he's told us enough about what
3 happened.

4 MR. LAWS: Yes.

5 Q. Mr. Witness, nobody wants to interrupt you, but we have all of
6 this information in your statement. And for the moment, I'm going to
7 ask you no more questions. All right? Thank you.

8 PRESIDING JUDGE SMITH: Thank you, Mr. Laws.

9 Mr. Kehoe.

10 MR. KEHOE: Your Honour, I have some questions, but I won't be
11 too long, but to start at 5.00, I think it might be -- excuse me,
12 4.00, it might be a little bit difficult on the witness.

13 PRESIDING JUDGE SMITH: Witness, it is time for the Court to
14 close today, so we will ask you to come back tomorrow morning and we
15 will try to finish your testimony in the morning. And these same
16 people will be there to help you. Do you understand?

17 THE WITNESS: [via videolink] [No interpretation]

18 PRESIDING JUDGE SMITH: Translation? Is there a translation?

19 THE WITNESS: [via videolink] [Interpretation] Yes, yes, I do
20 understand.

21 PRESIDING JUDGE SMITH: Thank you.

22 Madam Court Officer, you may escort the witness out of the room.

23 [The witness stands down via videolink]

24 PRESIDING JUDGE SMITH: What kind of timeframe are you looking
25 at?

1 MR. KEHOE: Well, Your Honour, as we always say, when a witness
2 comes to the stand, you edit your questioning accordingly, which I
3 will. I will go back through this and make it quite brief. I can't
4 anticipate being that long.

5 So I have one other matter before your question -- my colleagues
6 answer.

7 MS. O'REILLY: Your Honour, we'll be considering whether to ask
8 any questions, but it's looking unlikely that we will, given the
9 circumstances.

10 MR. TULLY: And we follow suit with our colleagues on the Veseli
11 team, Your Honour. Thank you.

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 MS. ALAGENDRA: At the most, maybe about 15 or 20 minutes,
14 Your Honour.

15 PRESIDING JUDGE SMITH: All right.

16 What other thing do you have?

17 MR. KEHOE: The other matter, Judge, and I addressed this with
18 the Court Officer, President Thaci would like to appear by videolink
19 tomorrow, and he will sign the appropriate waiver to do that.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. KEHOE: Yes, I just wanted to bring it to Your Honours'
22 attention.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MR. KEHOE: Yes, Your Honour.

25 MR. EMMERSON: The same application on behalf of Mr. Veseli if

1 that's acceptable.

2 MR. TULLY: And the same for us, Your Honour.

3 MR. ELLIS: And us, Your Honour.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 We are adjourned until 9.00 tomorrow.

6 --- Whereupon the hearing adjourned at 3.58 p.m.

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