

1 Monday, 20 January 2025

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: I note for the record that the four  
11 accused are all present in the courtroom today.

12 Before we start hearing the evidence of today's witness, the  
13 Panel has one preliminary matter to raise regarding the Prosecution's  
14 recent request for video-conference testimony for W02714. This is  
15 filing F02837.

16 In particular, the Panel would like the parties, participants,  
17 and Registry to be in a position to provide submissions on the recent  
18 request for videolink orally in court tomorrow morning.

19 Is this feasible for everyone?

20 MR. MISETIC: It is, Mr. President. But we can already say  
21 that, on behalf of the Thaci Defence, we have no objection.

22 PRESIDING JUDGE SMITH: All right.

23 MR. DIXON: Yes, Your Honour. We will provide submissions by  
24 tomorrow as requested.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 MR. TULLY: And we already have no objection, Your Honour.

2 MR. ELLIS: Your Honour, we'll confirm tomorrow as requested.

3 PRESIDING JUDGE SMITH: Thank you.

4 We'll now start hearing the evidence of Prosecution  
5 Witness W02183.

6 Madam Court Usher, please bring the witness in.

7 [The witness entered court]

8 PRESIDING JUDGE SMITH: Good morning, Witness. Are you hearing  
9 well?

10 THE WITNESS: Very well. Thank you.

11 PRESIDING JUDGE SMITH: The Court Usher will now provide you  
12 with the text of the solemn declaration which you are asked to take  
13 pursuant to our Rules of Procedure, Rule 141(2). You may look at it  
14 and then read it aloud.

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

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

20 THE WITNESS: Thank you.

21 WITNESS: HANSJOERG STROHMEYER

22 PRESIDING JUDGE SMITH: Witness, today we will start your  
23 testimony, which is expected to last approximately two days. As you  
24 may know, the Prosecution will ask you questions first. Once they  
25 are finished, the Defence has the right to ask questions of you, and

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1 members of the Panel might also have some questions for you.

2 The Prosecution estimate for your examination is 1.5 hours. The  
3 Defence estimates that it will need six hours. As regards each  
4 estimate, we hope that counsel will be judicious in their use of  
5 their time. The Panel may allow redirect examination if conditions  
6 are met.

7 Witness, please try to answer the questions clearly, with short  
8 sentences. If you don't understand a question, feel free to ask  
9 counsel to repeat the question or tell them you don't understand and  
10 they will clarify.

11 Also, please try to indicate the basis of your knowledge of the  
12 facts and circumstances that you will be asked about.

13 In the event you are asked by the SPO to attest to some  
14 corrections made regarding your statements, you are reminded to  
15 confirm on the record that the written statement, as corrected by the  
16 list of corrections, accurately reflects your declaration.

17 Please also speak into the microphone and wait five seconds  
18 before answering a question and then speak at a slow pace so the  
19 interpreters can catch up.

20 During the next days while you are giving evidence in this  
21 Court, you are not allowed to discuss with anyone the content of your  
22 testimony outside of the courtroom. If any person asks you questions  
23 outside this Court about your testimony, please let us know.

24 Please stop talking if I ask you to do so and also stop talking  
25 if you see me raise my hand. These indications mean that I need to

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1 give you an instruction.

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

4 We begin first with the questions from the Prosecutor. They are  
5 seated to your left. Please give them your attention.

6 Go ahead.

7 MS. IODICE: Thank you, Your Honour. And good morning.

8 Examination by Ms. Iodice:

9 Q. Good morning, Mr. Strohmeier.

10 A. Good morning.

11 Q. My name is Vega Iodice, and I will be asking you questions on  
12 behalf of the SPO. As explained during our last meeting, rather than  
13 asking you questions about every relevant issue you may have  
14 information about, it may be possible to admit some of your prior  
15 statement containing such information into evidence. There's a  
16 number of procedural steps to follow in order to do so.

17 Before turning to this, I will first establish your identity.  
18 Could you please tell the Court your name.

19 A. Hansjoerg Strohmeier.

20 Q. And what is your date of birth?

21 A. February 5, 1962.

22 Q. What is your nationality?

23 A. German.

24 Q. And what is your profession?

25 A. Currently, I'm a United Nations staff member.

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1 Q. Thank you. Sir, you have given a statement to the SPO in the  
2 past and you were allowed to review it in preparation of testimony.  
3 Today, we will seek to tender the statement into evidence.

4 MS. IODICE: Could we please have ERN 101610-101634 RED and its  
5 Albanian translation, and it should not be broadcasted.

6 Q. Do you recall providing a signed statement to the SPO in 2021?

7 A. Yes.

8 Q. Do you remember reading it last week?

9 A. Yes.

10 Q. Do you recall that you had the opportunity to make corrections  
11 and clarifications to your statement?

12 A. Yes.

13 Q. Do you recall that those corrections were written in a note and  
14 that you read that note back?

15 A. Yes.

16 Q. Do you confirm that what you read back in that note reflects  
17 your changes fully and accurately?

18 A. Yes.

19 Q. Now, if we include all of the corrections and clarifications  
20 that you made last week, is the information in your statement  
21 accurate and truthful to the best of your knowledge and belief?

22 A. Yes.

23 Q. If you were asked those the same questions today about the same  
24 events, would your answers be the same?

25 A. Yes.

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1 MS. IODICE: Your Honour, having fulfilled the Rule 154  
2 criteria, and in accordance with decision F2720, paragraph 96, I  
3 would like to tender the statement 101610 to 101634 RED into evidence  
4 as confidential.

5 PRESIDING JUDGE SMITH: Any objection?

6 MR. MISETIC: We have no objection subject to the objections to  
7 the associated exhibits we've already made and the Panel has ruled  
8 on. However, in terms of the classification, unless there's a  
9 reason -- if there is a reason, we would ask that the Prosecution  
10 prepare a public redacted version of the statement so that that can  
11 be public.

12 PRESIDING JUDGE SMITH: Thank you.

13 Anybody else?

14 MR. DIXON: No objections, Your Honour.

15 MR. TULLY: No objection, Your Honour.

16 MR. ELLIS: Yes, no new objections beyond those previously.

17 MS. IODICE: Yes, Your Honour. Some documents are subject to --  
18 cited in the statement are subject to restrictions so that's why, but  
19 it's no problem to prepare a redacted version.

20 PRESIDING JUDGE SMITH: Thank you. ERN 101610 to 101634 RED  
21 plus the Albanian translation is admitted.

22 THE COURT OFFICER: It will be assigned Exhibit P01968,  
23 classified as confidential. Thank you, Your Honours.

24 MS. IODICE: And we would like to tender Preparation Note 1.  
25 That's ERN 124639 to 124647, also confidential.

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1           PRESIDING JUDGE SMITH: Any objection to the note?

2           MR. MISETIC: No objection. But, again, we'd like a public  
3 redacted version prepared as well. Thank you.

4           PRESIDING JUDGE SMITH: So ordered.

5           MR. DIXON: No objection.

6           PRESIDING JUDGE SMITH: No other objection being heard,  
7 Prep Note 1, ERN 124639 to 124647, is admitted.

8           THE COURT OFFICER: And this will be assigned Exhibit P01969,  
9 classified as confidential. Thank you, Your Honours.

10          PRESIDING JUDGE SMITH: Thank you.

11          Go ahead, Madam Prosecutor.

12          MS. IODICE: Yes, Your Honour. There are 11 associated  
13 exhibits. I will read them one by one into the record.

14          The first one --

15          PRESIDING JUDGE SMITH: Excuse me, just a second. Do you want  
16 them all listed under one exhibit or a separate exhibit number for  
17 each?

18          MS. IODICE: Separate exhibit numbers.

19          PRESIDING JUDGE SMITH: Go ahead.

20          MS. IODICE: The first one is 101960 to 101963 and can be  
21 public.

22          PRESIDING JUDGE SMITH: Any objection?

23          MR. MISETIC: No new objections, Mr. President.

24          PRESIDING JUDGE SMITH: None other heard. 101960 to 101963 is  
25 admitted.

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1 THE COURT OFFICER: Will be assigned Exhibit P01970, classified  
2 as public.

3 MS. IODICE: The second one is SP000203165 to 203171 and can be  
4 public.

5 PRESIDING JUDGE SMITH: Any objection?

6 MR. MISETIC: Yes, no new objections, Mr. President.

7 PRESIDING JUDGE SMITH: No other objections. Is that your  
8 standing objection on all of them?

9 MR. MISETIC: Yes, Mr. President.

10 PRESIDING JUDGE SMITH: It will be so noted.

11 SPOE00203165 to 203171 is admitted.

12 THE COURT OFFICER: And this will be assigned Exhibit P01971.  
13 It will be classified as public. Thank you.

14 MS. IODICE: The third exhibit is 012642 to 012643 and is  
15 confidential.

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 No other objection?

18 102642 to 102643 is admitted.

19 THE COURT OFFICER: This will be assigned Exhibit P01972,  
20 classified as confidential. Thank you, Your Honours.

21 MS. IODICE: And just as a correction to the record, I read out  
22 the second ERN incorrectly. It's 012642 to 012643.

23 The next exhibit is SPOE00209742 to 00209755 and can be public.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 No other objection? 00209742 to 00209755 is admitted.



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1 THE COURT OFFICER: This will be assigned Exhibit P01973 and  
2 will be classified as public. Thank you, Your Honours.

3 MS. IODICE: Next is SPOE00203174 to 00203187 and can be public.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 If there is no other objection, 00203174 to 00203187 is  
6 admitted.

7 THE COURT OFFICER: This will be assigned Exhibit P01974 and  
8 will be classified as public. Thank you.

9 MS IODICE: The next one is SPOE00246083 to 00246087 and should  
10 be confidential.

11 PRESIDING JUDGE SMITH: Subject to the same standing objection  
12 and with no other objection, 00246083 to 00246087 is admitted.

13 THE COURT OFFICER: This will be assigned Exhibit P01975 and is  
14 classified as confidential.

15 MS. IODICE: Next is SPOE00203088 to 00203093 and is  
16 confidential.

17 PRESIDING JUDGE SMITH: Subject to the standing objection and  
18 with no other objections, 00203088 to 00203093 is admitted.

19 THE COURT OFFICER: And this will be assigned Exhibit P01976,  
20 classified as confidential. Thank you, Your Honours.

21 MS. IODICE: Next is SPOE00246100 to 246102 and can be public.

22 PRESIDING JUDGE SMITH: Subject to the standing objection and no  
23 other objection being noted, SPOE00246100 to 246102 is admitted.

24 THE COURT OFFICER: And this will be assigned Exhibit P01977,  
25 classified as public. Thank you.

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1 MS. IODICE: Next is SITF00173049 to 173052 and is confidential.

2 PRESIDING JUDGE SMITH: Subject to the standing objection and  
3 with no other objection, SITF00173049 to 00173052 is admitted.

4 THE COURT OFFICER: And this will be assigned Exhibit P01978,  
5 classified as confidential. Thank you, Your Honours.

6 MS. IODICE: Next is SITF00172727 to 172735 and can be public.

7 PRESIDING JUDGE SMITH: Subject to the standing objection and  
8 with no additional objection, SITF00172727 to 172735 is admitted.

9 THE COURT OFFICER: Thank you, Your Honours. This will be  
10 assigned Exhibit P01979, classified as public. Thank you.

11 MS. IODICE: And the last one is SPOE00246107 to 246112 and is  
12 confidential.

13 PRESIDING JUDGE SMITH: Subject to the standing objection and  
14 with no further objection, SPOE00246107 to 246112 is admitted.

15 THE COURT OFFICER: This will be assigned Exhibit P01980, and  
16 it's classified as confidential. Thank you, Your Honours.

17 MS. IODICE: Your Honour, with your leave, I would like to read  
18 a short public summary of the witness's evidence.

19 PRESIDING JUDGE SMITH: Yes, go ahead.

20 MS. IODICE: W02183 was the legal adviser to the interim Special  
21 Representative of the Secretary-General for the United Nations  
22 Mission to Kosovo from June to September 1999. W02183 provides  
23 evidence about the situation he observed in Kosovo upon arrival and  
24 about meetings he had with KLA leaders and the issues discussed.

25 W02183 provides evidence about KLA police units and local

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1 authorities and the resulting tensions between UNMIK and the KLA  
2 Provisional Government of Kosovo.

3 MR. MISETIC: I'm sorry to interrupt. Mr. President, I've just  
4 been told that the document that's been admitted as P1978 has two  
5 English translations that were not read out. We presume that those  
6 are being admitted as well, but just for the record. Those -- they  
7 have two separate ERNs for the English translations.

8 PRESIDING JUDGE SMITH: Is that correct?

9 MS. IODICE: I will check and get back to you, Your Honour, with  
10 the correct ERN for the English translation.

11 PRESIDING JUDGE SMITH: Thank you.

12 MS. IODICE: [Microphone not activated].

13 I would like to now proceed with some additional questions.

14 PRESIDING JUDGE SMITH: Yes, go ahead.

15 MS. IODICE:

16 Q. Sir, in your statement at paragraph 49 and 58, for example, you  
17 talked about --

18 A. Excuse me, sorry. Would you be able to put up those --

19 Q. Yes.

20 MS. IODICE: If we could go to PDF page 13, paragraph 49. Yes.

21 Q. You said that you had to work along two challenging issues:  
22 Asserting UNMIK's authority over the KLA's control over government,  
23 administration, and policing, and security and law and order and the  
24 provision of essential services.

25 MS. IODICE: Now, if we could have on the other half -- while we

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1 keep the English paragraph, could we have on the other side  
2 SITF00011411 to 11413.

3 Q. Sir, this is an OSCE report dated 18 June.

4 MS. IODICE: And if we can go to the next page.

5 Q. So we can see here that the period covered is 15 and 16 June  
6 1999.

7 MS. IODICE: If we can go --

8 Q. First of all, was this the type of reports that you were  
9 receiving and discussing with your colleagues at the time?

10 A. Yes, this is the kind of reports we were receiving. Thank you.

11 MS. IODICE: And if we can scroll up a little bit towards the  
12 beginning of the page. Thank you.

13 Q. If you look -- do you remember how UNMIK -- if UNMIK received  
14 these reports and how? Whether it was orally or in writing?

15 A. I don't remember specifically how we received this report, but I  
16 do remember that, as is the case in many UN missions, we set up a  
17 distribution system relatively early on. So information that is  
18 non-classified would go into a distribution system, and as the legal  
19 adviser I would have certainly received or had access to these kinds  
20 of reports.

21 Q. Thank you.

22 MS. IODICE: And now if we focus on the text under "General  
23 Situation." Yes.

24 Q. These first two paragraphs --

25 A. Sorry?

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1 Q. These first two paragraphs discuss the KLA having taken over the  
2 court and police station buildings in Prizren and the PTT building in  
3 Ferizaj/Urosevac. Do you recall receiving this type of reporting  
4 regarding the KLA taking over buildings at that time?

5 A. Yes, I did. If I may just elaborate why I have a specific  
6 recollection of Prizren. One of our staff members very early on,  
7 Mark Baskin was sent very early on into Prizren in a way serving as  
8 the *de facto* regional administrator. And this shows that this  
9 Mark -- this situation in Prizren from the get-go was so dicey for  
10 us, so tense, that we had to have a staff member specifically in  
11 Prizren. Whereas in all the other places, we took a while longer to  
12 establish ourselves.

13 And so we heard both confirmations and other information through  
14 Mark on a daily, sometimes several hours, basis from Prizren.

15 Q. Thank you. And is this one of the examples of the reporting  
16 that you received about the KLA asserting control over government and  
17 administration?

18 A. Yes.

19 MS. IODICE: Now, if we scroll the statement down a little bit  
20 so that we can see paragraph 50. Thank you.

21 Q. In that paragraph, you stated how eventually you started  
22 receiving information about killings, disappearances, and other  
23 crimes.

24 MS. IODICE: And could we move to the next page of the OSCE  
25 report. Thank you.

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1 Q. Here in the third paragraph, it is reported that the head of the  
2 ICRC in Ferizaj/Urosevac reported to the OSCE that the KLA had  
3 carried out kidnappings. Is this the kind of reporting that you were  
4 receiving at that time regarding this issue?

5 A. Yes, we heard around this time of alleged or actual kidnappings.

6 Q. Thank you.

7 MS. IODICE: Your Honour, I would like to tender this document  
8 into evidence.

9 PRESIDING JUDGE SMITH: Any objection?

10 MR. MISETIC: No objection.

11 MR. DIXON: No objection, Your Honour.

12 MR. TULLY: No, Your Honour.

13 PRESIDING JUDGE SMITH: SITF0011411 to 0011413 is admitted.

14 THE COURT OFFICER: This will be assigned Exhibit P01981. It's  
15 currently classified as confidential.

16 MS. IODICE: It can be public.

17 PRESIDING JUDGE SMITH: Reclassified as public.

18 THE COURT OFFICER: Thank you, Your Honours.

19 MS. IODICE: Now, if we could have on the screen ERN

20 SITF00011414 to 11416. Thank you.

21 Q. So this is another OSCE report.

22 MS. IODICE: And if we can go to the next page. The period  
23 covered here is 16 and 17 June 1999. Could we move to the page  
24 ending 1415. That's the next page, I believe. Sorry, the previous  
25 page, the end of the page. Thank you.

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1 Q. The last paragraph of this report mentions that Serb civilians  
2 approached OSCE members, asking for assistance regarding the alleged  
3 kidnapping of their family members by the KLA. And it reports about  
4 two more buildings having been occupied by the KLA.

5 Is this another example of the kind of reports that you were  
6 receiving regarding kidnappings and takeover of buildings by the KLA?

7 A. Yes. And I was not present at any of these, but I heard reports  
8 like these. Yes.

9 Q. Thank you.

10 MS. IODICE: Your Honour, I would like to tender this document  
11 into evidence.

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. MISETIC: No objection.

14 PRESIDING JUDGE SMITH: No objection heard. SITF00011414 to  
15 11416 is admitted.

16 THE COURT OFFICER: Your Honours, this will be assigned  
17 Exhibit P01982. It's currently classified as confidential.

18 MS. IODICE: It can be public.

19 PRESIDING JUDGE SMITH: Reclassified as public, please.

20 THE COURT OFFICER: Thank you, Your Honours.

21 MS. IODICE: If we could now have SPOE00061169 to 61173. And  
22 this is also public.

23 Q. Sir, this is another OSCE report dated 23 July 1999.

24 MS. IODICE: And if we can go to the next page. The reporting  
25 period is 15 to 21 July. Can we go to the next page, fourth

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1 paragraph. Thank you.

2 Q. If you read this paragraph, it's mentioning the takeover of  
3 civil administration of towns and villages by the KLA and the fear  
4 that the KLA may try to maintain this monopoly over the political  
5 power in the municipalities. And it's stated that this is not in  
6 line with the administrative role of UNMIK as foreseen by the  
7 Security Council Resolution 1244.

8 Is this in line with what you observed at the time?

9 A. Yes, whether I observed it or heard about it, but at least these  
10 are the types of things we were discussing and privy to. Some of us  
11 sometimes saw it, some of us heard it, but this is in the early days  
12 or in these early weeks of our deployment. As I explained before, it  
13 was basically, Your Honour, a struggle for our mandate, and we feared  
14 that if we weren't able to show some presence in communities on the  
15 ground, that we would *de facto* - not *de jure* necessarily - lose our  
16 ability to set up a civil administration for Kosovo.

17 Q. Thank you. And now under the next --

18 A. Sorry, could I just add one -- sorry for interrupting. Just one  
19 small observation. If I go back to the paragraph 49, I believe, that  
20 you showed me before of my statement --

21 Q. Yeah.

22 A. -- and I said these were the two main tasks. So, obviously, if  
23 you see there, I described one task as the task that was mandated to  
24 us, to provide law and order and essential services, but this issue  
25 had become so big that I identified it as a separate task. It was



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1 not just one of the mandated tasks but one of the realpolitik tasks  
2 very early on, which was so big that it really became like its own  
3 pillar to how we would manage to safeguard or assert our mandate  
4 *vis-à-vis* the realities on the ground and all around.

5 So on this paragraph, I did not see, I did not observe, but I  
6 would say in every single office of UNMIK in those days of OSCE,  
7 these types of issues were observed or discussed.

8 Q. Thank you.

9 MS. IODICE: And now if we can move to the next page which falls  
10 under the "Human Rights" section. Yes, we can stay there.

11 Q. In the first paragraph, there is a report about escalating  
12 tensions after bodies of several Serbs allegedly killed by the KLA  
13 were found in Ramoc and Gjakove. And then a sentence later there's a  
14 report about minorities' movement being restricted as a result of  
15 reports of KLA abductions and allegations of KLA detention centres in  
16 Junik and Ponoshic.

17 Is this another example of reporting on crimes and detention  
18 facilities set up by the KLA members that you heard during your time  
19 in Kosovo?

20 A. Yes.

21 Q. Did you ever visit Peje during your time there?

22 A. Yes, I was there once or twice. I couldn't tell you exactly the  
23 dates anymore. And in my recollection, it was shortly after the  
24 arrival of our district administrators I think they were called.

25 Q. Do you recall on any of the occasions what the purpose of your

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1 travel to Peje was?

2 A. Yeah, on one of those occasions we went there to discuss these  
3 specific issues. And as I have indicated in other parts of my  
4 statement, one means of providing a measure of due process and a  
5 measure of visible UNMIK presence and contribution to managing the  
6 security and the law and order situation on the ground was that we  
7 very quickly appointed a mobile or a roving panel of judges, I think,  
8 through the emergency decrees that we issued.

9 And so the idea was to also then, prompted by some of the events  
10 - I'm not saying it's this specific event that is reported here - but  
11 by reports there, that we would move that roving panel of judges also  
12 to Peje, so that was prompted by the situation. I was not, myself,  
13 on those things because that was not my role, to be a judge or  
14 interim judge, but I do remember how we organised this. And I think  
15 those judges actually eventually went there by helicopter.

16 Q. And just to clarify what you said, you mean you deployed panels  
17 of judges to deal with the issues such as detentions and kidnappings?

18 A. Yes. We had created one panel of judges, a mix of different --  
19 reflecting the -- in our view, the configuration or a more diverse  
20 configuration of Kosovo plus international experts. I forgot -- I  
21 think it was seven, if I may -- if I remember correctly, or five, and  
22 this -- it was one panel that existed, was set up in Prishtine but  
23 would also then be flown to some of the places like Prizren or Peje  
24 if and when it was necessary and prompted by these types of reports  
25 or demands by the district administrators.

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1 Q. Thank you.

2 MS. IODICE: I would like to tender this document into evidence,  
3 and it can be public.

4 PRESIDING JUDGE SMITH: Any objection?

5 MR. MISETIC: No objection.

6 PRESIDING JUDGE SMITH: No objection is heard. SPOE00061969 to  
7 61973 is admitted.

8 THE COURT OFFICER: Thank you, Your Honours. This will be  
9 assigned Exhibit P01983 and is classified as public. Thank you.

10 PRESIDING JUDGE SMITH: Reclassified as public.

11 MS. IODICE: Yes, thank you, Your Honour.

12 So now in paragraph -- if we could have the statement again,  
13 that's P1968, and if we can go to PDF page 10. Just the -- yeah,  
14 that's fine. Just the English is fine.

15 Q. At paragraph 34, you mentioned that you became aware of KLA  
16 illegally forming police units and executing police functions.

17 MS. IODICE: And if we can go now to the next page of the  
18 statement, to paragraph 42.

19 Q. Here, you mentioned that these KLA police units did not have the  
20 hallmarks of regular police force.

21 MS. IODICE: Could we please have on the other half of the  
22 screen document ERN 012757-012766.

23 Q. This is a UN code cable dated 16 September. And if we can --  
24 yes, from the UN administration.

25 MS. IODICE: And if we could go to PDF page 5.

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1 Q. In this annex, it notes that it contains an incident reported in  
2 UNMIK situation reports. If you could please focus on the entries  
3 dated 21 July and 23 July.

4 MS. IODICE: So if we can scroll -- no, that's fine. Sorry.

5 Q. These two entries mention KFOR searching KLA detention  
6 facilities, rescuing detainees, KLA members reportedly kidnapping  
7 Albanians. And then on 23 July, one man reportedly killed by KLA  
8 members.

9 MS. IODICE: And now if we can scroll down a little bit and  
10 focus on the entries of 24th and 25th July.

11 Q. This contains similar reports about KLA-run prisons and the  
12 beatings by KLA military police -- a person beaten by KLA and reports  
13 of KLA military police expelling people from their homes.

14 If you have had the chance to look at them, we can move to the  
15 next page.

16 A. Yeah.

17 MS. IODICE: If we can focus on the top of the page, the entries  
18 of 4th, 5th, and 7th August. Thank you.

19 Q. And all these entries are reporting kidnappings and beatings by  
20 KLA members.

21 A. Yes.

22 Q. Is this the kind of reporting that you were receiving at the  
23 time regarding crimes reportedly committed by KLA members and members  
24 of the KLA military police?

25 A. Yes. Again, this -- I don't remember any of the specific

Witness: Hansjoerg Strohmeier (Open Session)

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Examination by Ms. Iodice

1 incidents, but these are the types of reports we would receive or  
2 have to act upon.

3 Q. Thank you.

4 MS. IODICE: Your Honour, I would like to tender this document  
5 into evidence.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MS. IODICE: I didn't hear you.

8 PRESIDING JUDGE SMITH: I thought it was already admitted.

9 MS. IODICE: I'm sorry. I will check.

10 PRESIDING JUDGE SMITH: I don't have an ERN number for it.

11 MS. IODICE: Okay. No, it's not been admitted, I'm told. It's  
12 ERN 012757 to ERN 012766.

13 PRESIDING JUDGE SMITH: Any objection?

14 MR. MISETIC: No objection.

15 MR. DIXON: Your Honour, I would just note that the witness was  
16 unable to give any information about any of the details that were put  
17 to him. Plus, this is a ten-page document with a whole range of  
18 incidents that have been set out which haven't been put to the  
19 witness.

20 I'm not necessarily objecting, but, you know, it goes to the  
21 weight of the document when there's actually no evidence given about  
22 it, and the weight is so minimal that we just wish to highlight that.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. ELLIS: Your Honour --

25 PRESIDING JUDGE SMITH: Primarily, he's indicating that it is

Witness: Hansjoerg Strohmeier (Open Session)

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Examination by Ms. Iodice

1 one of the reports that they are used to receiving. That was  
2 basically all the testimony there was.

3 MR. DIXON: [Microphone not activated].

4 PRESIDING JUDGE SMITH: So I understand your objection.  
5 Go ahead.

6 MR. ELLIS: Thank you.

7 PRESIDING JUDGE SMITH: Or your comment, I should say.

8 MR. ELLIS: Your Honour, even then it's that these were the kind  
9 of reports, not a specific report, that he recalls. And I do object  
10 on the basis of the answer that the witness doesn't remember any of  
11 the specific incidents.

12 PRESIDING JUDGE SMITH: The Court will give the document the  
13 weight it deems appropriate given the very limited statements made  
14 about the document, so it is admitted.

15 MS. IODICE: Thank you, Your Honour.

16 THE COURT OFFICER: Thank you, Your Honours. And the document  
17 will be assigned Exhibit P01984. It's currently classified as  
18 confidential.

19 MS. IODICE: It can be public.

20 PRESIDING JUDGE SMITH: Reclassified as public.

21 THE COURT OFFICER: Thank you, Your Honours.

22 MS. IODICE: Your Honour, for the remaining questions, I'd like  
23 to move in private session as the documents are subject to Rule 107  
24 restrictions.

25 PRESIDING JUDGE SMITH: Into private session, please.

Witness: Hansjoerg Strohmeyer (Private Session)

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Examination by Ms. Iodice

1 [Private session]

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Witness: Hansjoerg Strohmeyer (Private Session)

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Examination by Ms. Iodice

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Witness: Hansjoerg Strohmeier (Private Session)

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Examination by Ms. Iodice

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Witness: Hansjoerg Strohmeyer (Private Session)

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Examination by Ms. Iodice

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Witness: Hansjoerg Strohmeier (Private Session)

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Examination by Ms. Iodice

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1 [Private session text removed]

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3 [Open session]

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

5 PRESIDING JUDGE SMITH: All right. We'll take a ten-minute  
6 break. We're adjourned for that time.

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

8 --- On resuming at 10.11 a.m.

9 PRESIDING JUDGE SMITH: Please bring the witness back in,  
10 Madam Usher.

11 Back into private session, please.

12 MR. ELLIS: Your Honours --

13 PRESIDING JUDGE SMITH: Just a moment.

14 [Private session]

15 [Private session text removed]

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Procedural Matters (Private Session)

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Cross-examination by Mr. Misetic

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21 [Open session]

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

23 Thank you.

24 MR. MISETIC: Thank you.

25 Yes, Mr. President, our queue has been released.

Witness: Hansjoerg Strohmeyer (Open Session)

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Cross-examination by Mr. Misetic

1           PRESIDING JUDGE SMITH: Thank you.

2           MR. MISETIC: Thank you.

3       Q. Let me start again now that we're in public session,  
4       Mr. Strohmeyer. My name is Luka Misetic. I am Defence counsel for  
5       Mr. Thaci, and I will be asking you some questions over the next few  
6       hours.

7           My first question to you is have you communicated with anyone  
8       recently, other than the SPO, about your testimony to try to refresh  
9       your recollection?

10      A. No.

11      Q. In paragraph 23 of Preparation Note 2, you've said that you  
12      recently found notebooks relating to your time in Kosovo, but you did  
13      not review them as you were not sure it was still necessary; correct?

14      A. That's correct.

15      Q. How did you discover the notebooks?

16      A. We had a move. And as part of the move, in my private  
17      residence, we also moved boxes in and out of the basement, and there  
18      I saw the -- I had looked for the box before. I knew that I had some  
19      of my -- I'm a relatively meticulous note-taker, and I collect all my  
20      notebooks from all my years, my missions, and I couldn't find some of  
21      those Kosovo notebooks. And I saw in the box some of the notebooks  
22      that were attributable to that time.

23      Q. Okay. But you have not reviewed them?

24      A. No.

25      Q. Okay. Now concerning the beginning of your engagement with

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 UNMIK, you said in your SPO interview that you were reading about the  
2 UN's mission and mandate in Kosovo as you were flying to Kosovo on  
3 10 June 1999; correct?

4 A. Yes.

5 Q. And you said that both you and Mr. de Mello, who was to be the  
6 Special Representative of the Secretary-General in Kosovo, had to  
7 study the role and authorities under Security Council Resolution 1244  
8 and figure out how to implement it in practice; correct?

9 A. Correct.

10 Q. Okay. Now, what about 1244 was unclear?

11 A. First of all, Mr. de Mello was like this. He did this later on  
12 also with other mandates. He would go with different coloured  
13 highlighters through different aspects, and he just wanted to really  
14 understand -- really understood what was written, the black letter  
15 law that was in front of us. But, for example, the dynamics between  
16 what is NATO, what is -- what exactly in detail was expected of us,  
17 and, yeah -- so it was to get a feel, basically, for 1244.

18 We went over this quite a few times. And I do remember that  
19 Mr. de Mello sometimes called me back, and this was on the plane to  
20 Rome, and called me back and said, "I have a question here. How do  
21 you see this?" I mean, I don't remember the details anymore. But  
22 this I remember was quite over a number of hours having some -- a  
23 number of exchanges over different parts of 1244.

24 I'm not saying that the overall resolution was unclear.

25 Obviously, we had followed the political context and everything. We

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Cross-examination by Mr. Misetic

1 knew why that resolution was there and what it was trying to achieve  
2 and reflect, but it was about the details and the dynamics and to  
3 just get a better and more operational feel.

4 Remember, Mr. Misetic, this was the first time that the  
5 United Nations was given an executive mandate, which was an enormous  
6 responsibility for an SRSG who was not just an administrator but now  
7 *de facto* sort of the administrator of an -- executive administrator  
8 of a territory. And so it was in that light that he wanted to have  
9 as good a feel for the resolution as is possible.

10 Q. Okay. You personally entered Kosovo on 12 June 1999; correct?

11 A. Yes.

12 Q. And while you had been following the situation in Kosovo through  
13 the news, before you got to Kosovo you had no first-hand information  
14 about the situation on the ground and what had been happening;  
15 correct?

16 A. First-hand meaning have been there myself or --

17 Q. Yes.

18 A. No first-hand.

19 Q. Well, in paragraph 12 of your statement you say:

20 "... we had little first-hand information, particularly during  
21 the outflux of Kosovar Albanians, of the situation of those who  
22 remained inside Kosovo."

23 A. If I could maybe just qualify. So I was at the time working in  
24 the Office for the Coordination of Humanitarian Affairs of which  
25 Mr. de Mello was at the time the Under-Secretary-General. And so

1 this is the humanitarian coordination office of the United Nations.  
2 And, obviously, we were very familiar with the broader context and  
3 the military campaign in Kosovo and some of the information that we  
4 had from human and humanitarian movements and needs and so on, so  
5 there are daily sitreps.

6 But it was -- from what I remember, I've forgotten now exactly  
7 in what month it was, but maybe in April or May, there was, the  
8 Security Council admitted then or worked towards having a mission  
9 that was headed by Mr. de Mello, in fact, into Kosovo. There was a  
10 short tour. I don't remember anymore where they were. But he was  
11 definitely there prior to it with his Russian chief of staff at OCHA  
12 at the time, and I was not on that mission.

13 So we did have some first-hand information, but it was very  
14 difficult for anyone to have presence, organised presence, so we  
15 wouldn't see all. We weren't present in all corners of Kosovo in an  
16 organised manner. And UNHCR, which was the office set up to deal  
17 with refugees, was also hampered and was of the opinion that people  
18 should stay in their places in Kosovo and not leave. And because the  
19 civilian population - and that was during the campaign - did leave,  
20 even HCR in a way was overwhelmed and that led to a certain dearth in  
21 real-time information, again at the micro not at the macro level.

22 Q. Okay. Let me be more specific. You personally - you personally  
23 - did not have any prior information on KLA structures during 1998  
24 and 1999?

25 A. No.



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Cross-examination by Mr. Misetic

1 Q. You were not briefed about the organisational structure of the  
2 KLA?

3 A. No.

4 Q. Okay. It would be correct, then, that you have no basis to  
5 assess whether the KLA had a settled command and control system;  
6 correct?

7 A. Not based on prior briefings.

8 Q. Well, did you get a subsequent briefing?

9 A. No, but there was a reality once we were there, I mean, of  
10 individuals who presented themselves to us, and, prior to that, to  
11 the international community, as the ones representing the KLA but  
12 also with titles attached. And then fickle at some of the meetings  
13 that we had, also some of the actions then taken, when we appealed  
14 to -- you have to appeal to your forces, you have to do a public  
15 statement, you have to cut down on some of the violence or refrain  
16 from setting up courts, by the same individuals who represented  
17 themselves to us as the political leaders, they never said, "Well, we  
18 have nothing to do with this," you know. They took this on board and  
19 tried to act on this. So we had no reason not to believe that these  
20 were the people who were in command and in charge of that  
21 organisation.

22 And as I just referred to earlier, in the document that was  
23 shown to me, it was the chief of the General Staff of the UCK as  
24 which Mr. Ceku presented himself, and Mr. Thaci later on also as the  
25 commander of chief of the UCK. So that's what I'm saying. There was

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1 then, through our interactions and presence in Kosovo, there was  
2 definitely a much clearer assumption that that was -- that there was  
3 command and control that those individuals would exercise over at  
4 least some of their structures.

5 Q. So let's just understand it. You have no knowledge of command  
6 and control within the KLA prior to 12 June 1999; correct?

7 A. Correct.

8 Q. And your basis for saying that there was an established -- or,  
9 sorry, a settled command and control system is what you just  
10 described?

11 A. Yes.

12 Q. And to clarify, you did not receive any briefing from anyone in  
13 a military position on command and control within the KLA subsequent  
14 to 12 June 1999; correct?

15 A. No.

16 Q. Okay. No, you did not?

17 A. No, I did not.

18 Q. Thank you. Now, you served as legal adviser until August 1999;  
19 correct?

20 A. September. I think I was until the end of July, and then I went  
21 back to New York for two weeks, and I came back for four weeks or so.  
22 I think that's end of August or September. I don't remember my  
23 departure date exactly.

24 Q. Let me see if we can refresh your recollection.

25 MR. MISETIC: If we could have DHT04968 to DHT04968 on the

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Cross-examination by Mr. Misetić

1 screen, please.

2 Q. This is your published biography on the web site of the  
3 International Organisation for Migration.

4 MR. MISETIĆ: And if we could scroll down, please. Yes, right  
5 there in the second paragraph from the bottom.

6 Q. It says in the -- beginning in the second line, from June to  
7 August 1999 you served as the legal adviser to the Special  
8 Representative of the Secretary-General in Kosovo.

9 MR. MISETIĆ: And then I'd like to show you one more document,  
10 DHT04969 to DHT04986, please.

11 Q. Mr. Strohmeyer, do you recall that you published an article in  
12 the American Journal of International Law in 2001?

13 A. Yes, I do.

14 Q. Okay. We're going to put that article on the screen.

15 THE COURT OFFICER: Could I have the ERN, please, again?

16 MR. MISETIĆ: DHT04969 to DHT04986.

17 Q. Let me just state that the article was published in 2001;  
18 correct? So two years after you left Kosovo. Is that the article?

19 A. Yes, I think so.

20 Q. Okay.

21 MR. MISETIĆ: If we could --

22 Q. It says: "Collapse and Reconstruction of a Judicial System: The  
23 United Nations Missions in Kosovo and East Timor, By Hansjörg  
24 Strohmeyer\*, " with an asterisk.

25 MR. MISETIĆ: And if we could scroll down to the bottom so we

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Miseti

1 can see the asterisk, please. If we could blow that up so it is more  
2 visible. Thank you.

3 Q. Now there you wrote in the middle of that paragraph there:

4 "From June to August 1999, he served as the legal adviser to the  
5 [SRSG] in Kosovo."

6 Do you see that?

7 A. Yeah.

8 Q. Do you accept that it may be that -- since this is closer in  
9 time, that it was in August that you ceased your function?

10 A. As I said before, I don't remember anymore when exactly I left  
11 Kosovo. If that's what I said there, there is a likelihood that  
12 that's correct.

13 MR. MISETIC: Okay. Mr. President, I tender both papers into  
14 evidence.

15 PRESIDING JUDGE SMITH: Any objection?

16 MS. IODICE: No, Your Honour.

17 PRESIDING JUDGE SMITH: DHT04968 to DHT04968 is admitted.

18 THE COURT OFFICER: Thank you, Your Honours. This will be  
19 assigned Exhibit 1D00225, and it's currently classified as public.

20 MR. MISETIC: And there's one more.

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 DHT04969 to DHT04948 --

23 MR. MISETIC: 86, Mr. President.

24 PRESIDING JUDGE SMITH: 86, I'm sorry, is admitted.

25 THE COURT OFFICER: And this will be assigned Exhibit 1D00226,

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Cross-examination by Mr. Misetic

1 again classified as public. Thank you.

2 MR. MISETIC: Thank you.

3 And I see the time, Mr. President.

4 MS. IODICE: Your Honour, may I clarify if for this other  
5 document we are -- they are tendering the first page only? It's an  
6 18-page document.

7 MR. MISETIC: I may actually need to put more pages in further  
8 on in my cross-examination so I was tendering the whole thing. But  
9 if you want to wait until I use the other pages, that's fine too.

10 PRESIDING JUDGE SMITH: Do you have some objection to the whole  
11 thing?

12 MS. IODICE: No, Your Honour.

13 PRESIDING JUDGE SMITH: We'll leave it as is, as stated.

14 MR. MISETIC: Thank you.

15 PRESIDING JUDGE SMITH: Witness, we take a half-an-hour break at  
16 this time. Please leave the courtroom with the usher. Please,  
17 we'll --

18 THE WITNESS: Thank you.

19 PRESIDING JUDGE SMITH: -- see you in a half hour.

20 [The witness stands down]

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

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

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

24 PRESIDING JUDGE SMITH: Madam Usher, you can bring the witness  
25 in.

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Cross-examination by Mr. Misetić

1 MS. IODICE: Your Honour, may I -- Your Honour, may I inquire if  
2 we can release the next witness, 4874?

3 PRESIDING JUDGE SMITH: [Microphone not activated].

4 MS. IODICE: If we can release him.

5 MR. MISETIĆ: For today?

6 MS. IODICE: For today.

7 PRESIDING JUDGE SMITH: Yes.

8 MR. MISETIĆ: Yes.

9 MR. DIXON: Your Honours, and while the witness is being brought  
10 in, could I also just indicate that we don't oppose the videolink for  
11 2714 either, so I think you have a full house now.

12 PRESIDING JUDGE SMITH: Thank you, everybody, for letting us  
13 know. We won't have the need to have any submissions tomorrow  
14 morning, and we will enter an order authorising the video appearance.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: All right. Mr. Strohmeyer, we continue  
17 now with the cross-examination by the Thaci Defence team.

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

19 Q. Mr. Strohmeyer, just to continue where we left off. You've said  
20 that you left for two weeks to Germany at some point?

21 A. No, to New York.

22 Q. Okay. Okay. You went to New York for two weeks, and that would  
23 have been when?

24 A. And, again, I don't exactly remember the day. I do remember  
25 that on the day, and I think that was a Friday, so I'm -- on the day

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Cross-examination by Mr. Misetic

1 of the Gracko event, incident, that I was supposed to leave, but I  
2 think I postponed it then by a day or two. And I -- from my  
3 recollection, that day may have been a Friday or so, but I don't  
4 exactly -- so one or two days after that I left, and then I think I  
5 was away for two weeks.

6 Q. Okay. So all told, you were -- if you, in fact, did leave  
7 Kosovo in -- let's say at the end of August 1999, you would have been  
8 in Kosovo approximately two and a half months; right?

9 A. Yeah.

10 Q. Okay. Now, I want to turn to your meetings with Mr. Thaci and  
11 the KLA. You've testified that you attended regular meetings between  
12 the SRSG, Special Representative of the Secretary-General, and  
13 General Jackson in the first weeks after your arrival; correct?

14 A. Correct.

15 Q. And as we saw on direct examination, you also attended meetings  
16 of the Joint Implementation Council, the JIC, on the demobilisation  
17 of the KLA; correct?

18 A. Correct.

19 Q. Now, about the Provisional Government of Kosovo, who formed the  
20 Provisional Government of Kosovo?

21 A. I cannot talk about who formed the government. What I can --

22 Q. That's all -- that's all I need to know.

23 A. Okay.

24 Q. Where was it formed?

25 A. The same answer.

Witness: Hansjoerg Strohmeier (Open Session)

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1 Q. When was it formed?

2 A. Well, what I can attest to is that an organigramme was presented  
3 to us in the meeting at the Grand Hotel with the ambition that said  
4 that a Provisional Government of Kosovo was being or was planned or  
5 was about to be formed. So for us there was -- there was an idea.  
6 It was not just a hearsay that we've heard it somewhere. There was  
7 some, at least, evidence as to the ambition to form this.

8 Q. Was it formed before or after your arrival in Kosovo?

9 A. I mean, as I said, the meeting at the Grand Hotel took place two  
10 or three days or a few days after our arrival. And that's the first  
11 time we were confronted with the situation of a Provisional  
12 Government of Kosovo being formed, having been formed, I don't know,  
13 but with the existence -- with the ambition of a Provisional  
14 Government of Kosovo.

15 Q. Okay. I'm putting aside when you were informed. I'm asking you  
16 a very specific question: When was the Provisional Government of  
17 Kosovo established?

18 A. That I told you before. I don't know --

19 Q. Okay.

20 A. -- when it was established.

21 Q. Okay. Why was the Provisional Government of Kosovo established?

22 A. In our impression, the Provisional Government of Kosovo was a  
23 reflection of the ambition of at least the KLA leaders to create a  
24 government, an administration that was of its -- that was designed  
25 not by the Security Council, UNMIK, but was a design of their own.



1 Q. You say it was "our impression." When you say "our," who are  
2 you speaking on behalf of?

3 A. Those who were, for example, in that meeting, present at the  
4 Grand Hotel or who later on spoke about this. As from that moment  
5 on, we were aware that there was an ambition to form a Provisional  
6 Government of Kosovo.

7 Q. Yes, but I'm asking you now the why. Why was it formed; right?  
8 And I believe your answer is basically what your impression was after  
9 you came in-country; correct?

10 A. So you're asking me whether it was -- before you asked me  
11 whether it was formed before or after, so I said I do not know when  
12 or whether -- whatever the constituting acts of that were. But what  
13 I can tell you is that in this meeting at the Grand Hotel, it was an  
14 organigramme, an idea was presented to us, and that was not presented  
15 to us by anyone else but that was Mr. Thaci. There were others in  
16 the room. I don't remember exactly anymore who. I believe  
17 Mr. Selimi maybe. But Mr. Thaci definitely was the one presenting  
18 this.

19 And from that moment on, we were aware why -- that this was an  
20 ambition of that particular part of -- of those individuals at least,  
21 but probably the KLA, to form a Provisional Government of Kosovo that  
22 was different from the administration that we were supposed to set up  
23 under 1244. And as -- exactly as to the why, that was very much, in  
24 our impression again, a move to establish an administration by their  
25 own design and by their own demand -- by their own command or

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1 control.

2 And so that -- anyway, as to the why. Why, what the constituent  
3 elements were of this, whether there was an assembly or a document  
4 underpinning this, I don't know.

5 Q. Okay. Is it fair to say that prior to 1244, the United Nations  
6 had no role in negotiating a political resolution to the conflict in  
7 Kosovo?

8 A. Yes. I mean, I think that's correct.

9 Q. Okay. So at the Rambouillet conference, the United Nations had  
10 no presence there; correct?

11 A. I don't know anymore, to be honest. We all know that it was in  
12 the very last days, very short -- quick before our -- before our  
13 deployment or before the cease-fire that Kofi Annan sort of managed  
14 to get the mandate towards the UN. Our assumption throughout, which  
15 goes to your earlier question of first-hand presence or impressions  
16 on the ground, this was at the time left to the OSCE and the KVM, and  
17 which also is a reason for why -- I'm not saying we were surprised,  
18 because we knew for a number of days, but it was not a role that we  
19 could have prepared ourselves for for, like, three or four months.  
20 It was a relatively short -- whether Kofi Annan or who from the UN  
21 was in Rambouillet, I don't know anymore.

22 MR. MISETIC: Okay. Mr. Court Officer, if we could have  
23 Exhibit 1D69 on the screen, please.

24 Q. Mr. Strohmeyer, what I'm showing you now is an agreement reached  
25 in Rambouillet on 23 February 1999 establishing the Provisional

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1 Government of Kosovo. I'd ask you to take a look at that in English.  
2 If you look at it, you'll see that this was -- the provisional  
3 government was a government created by three parties: The KLA, where  
4 Mr. Thaci signed; the LDK, where Mr. Rugova signed; and the LBD, for  
5 which Rexhep Qosja signed.

6 And what they decided was to form the Provisional Government of  
7 Kosovo; that they would have a mandate to govern until the first free  
8 elections in Kosovo; and that the mandate to form a government by  
9 mutual agreement was given to a representative of the KLA.

10 "The three political groups will have an equal representation in  
11 Government, adding to this number the mandate holder and other  
12 potential independent members."

13 Now, this is the first time you've seen this document; correct?

14 A. Yes.

15 Q. The conclusions you reach in your statement about why the  
16 provisional government was formed were made without any knowledge of  
17 the actual background to how the provisional government was formed;  
18 correct?

19 A. Yes.

20 MR. MISETIC: If we could turn, please, to a different exhibit,  
21 DHT04955 to DHT04967.

22 Q. I'm going show you an article which discusses the creation of  
23 the Provisional Government of Kosovo.

24 MR. MISETIC: If we could go to page -- this is from something  
25 called the Balkan Crisis Report. And if we could go to page

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1 DHT04961, please. It's page 7 of 13 in the PDF, I believe.

2 Q. And the third paragraph from the top says:

3 "At the same time, aware of their failure to present a credible  
4 united front at Rambouillet, the KLA and the LDK have agreed to form  
5 a new (shadow) government. In the proposed new structure, Rugova  
6 will remain president, while the KLA's Thaci has been nominated to be  
7 prime minister. The loser will be Bujar Bukoshi, the current  
8 prime-minister-in-exile, who since 1992 has been isolated by Rugova  
9 and considered a nemesis to the KLA. He will be forced out and, more  
10 importantly, turn over control of the foreign-raised reserves  
11 (roughly estimated by many to be \$300 million) to the new government.  
12 As the KLA and LDK find common ground, the true test will be keeping  
13 the KLA from splitting between the hard liners (independence or  
14 nothing) and the moderates (side-lining independence in exchange for  
15 the presence of NATO ground troops)."

16 Now, this article was published in February 1999 as well. You  
17 did not see anything prior to seeing this article, you saw nothing in  
18 the press about what the provisional government arrangement was;  
19 correct?

20 A. Not to my knowledge, no.

21 Q. Prior to today, you did not know that it was Mr. Rugova who  
22 co-created the Provisional Government of Kosovo; correct?

23 A. From today's recollection, no.

24 Q. Okay.

25 MR. MISETIC: I tender the article into evidence, Mr. President.

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1           PRESIDING JUDGE SMITH: Any objection?

2           MS. IODICE: Your Honour, the entire range seems to be a  
3 collection of articles, so I have no objections to pages 6 and 7, so  
4 that is this specific article, but I would object to the other  
5 articles.

6           MR. MISETIC: That's fine with me, Mr. President.

7           PRESIDING JUDGE SMITH: DHT04955, pages 6 and 7, are admitted.

8           THE COURT OFFICER: Thank you, Your Honours. In that case,  
9 DHT04960 and DHT0496 -- let me do it again -- DHT04961 will be  
10 admitted as Exhibit 1D00227, classified as public. Thank you,  
11 Your Honours.

12          MR. MISETIC: Mr. President, if I could also ask that the cover  
13 page be added so that we have a date and where it was published.

14          PRESIDING JUDGE SMITH: That would be 4955?

15          MR. MISETIC: Yes. Yes.

16          PRESIDING JUDGE SMITH: Any objection to that?

17          MS. IODICE: No, Your Honour.

18          PRESIDING JUDGE SMITH: All right. 4955 will also be included  
19 in the exhibit.

20          THE COURT OFFICER: Thank you, Your Honours.

21          MR. MISETIC: Thank you.

22          Mr. Court Officer, if we could have Exhibit 1D148, please, on  
23 the screen. And if we could go --

24 Q. Mr. Strohmeyer, I'm showing you now a State Department code  
25 cable from April 1999, again, two months before you entered Kosovo.

1 MR. MISETIC: And if we could go to page DHT04961. It discusses  
2 a conversation Madam Albright, Secretary Albright had with  
3 representatives of the KLA. Again, it's DHT04961. No? I'm sorry.  
4 I'm looking at the wrong page, sorry. DHT01539, please. If we could  
5 scroll to the bottom.

6 Q. It says:

7 "Political issues.

8 "Secretary Albright stressed the need for a broad-based Kosovo  
9 'provisional government.' It was good places had been reserved for  
10 the LDK, and it was important to continue to reach out to Rugova.  
11 While we could not recognise the provisional government, we would  
12 certainly ..."

13 If we could turn the page, please.

14 "... want to work with it in practice. We were all confused  
15 about Rugova's status. He had to be under duress as he made his  
16 recent statements of support for a political deal."

17 Now, again, Mr. Strohmeier, prior to today, you did not know  
18 that the provisional government had the support of the United States  
19 before you came into country; correct?

20 A. I did not have knowledge of the content of this specific  
21 document that you just showed me.

22 Q. Okay. Did you have any briefing or any background prior to  
23 entering Kosovo as to what the plans were for post-war Kosovo before  
24 1244 was agreed and negotiated?

25 A. No.

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1 Q. Okay.

2 MR. MISETIC: If we could have Mr. Strohmeyer's witness  
3 statement on the screen, please. This is P1968, paragraphs 25 to 26,  
4 PDF page 7. And if we could go down to paragraph 26, please.

5 Q. Mr. Strohmeyer, you can read that to yourself and then ask us to  
6 turn the page when you're ready.

7 A. 25 and 26?

8 Q. Yes.

9 A. Yes.

10 MR. MISETIC: If we could turn the page, please, in English.

11 THE WITNESS: I finished 26. 27 as well?

12 MR. MISETIC: No, 26 is fine.

13 Q. Mr. Strohmeyer, it's correct that you made the statements in  
14 paragraph 26 in the absence of any knowledge of how, when, where or  
15 why the provisional government was formed; correct?

16 A. At least in my today's recollection, yes.

17 Q. Okay. So it's incorrect what you say in paragraph 26, that the  
18 KLA had unilaterally created the provisional government; correct?  
19 You say in paragraph 26:

20 "To that explanation, the reaction of Thaci and the other KLA  
21 leaders" --

22 A. Could I see? Is that at the beginning of 26?

23 Q. I'm sorry, yes.

24 MR. MISETIC: Yes, if we could go back one to the bottom.

25 Q. It starts -- to the bottom -- so paragraph 26:

1            "... I explained the content of ... 1244, which was that the UN  
2            was the only legitimate governing authority in Kosovo. To that  
3            explanation, the reaction of Thaci and the other KLA leaders was  
4            clear. They had unilaterally established what they called  
5            Provisional Government of Kosovo ..., which was composed mainly of  
6            KLA representatives."

7            And if we could turn the page, please.

8            "The PGK had been established in order to exercise control in  
9            Kosovo to the exclusion of the international presence and any other  
10           ethnic Albanian organisations/political parties."

11           Right? All of that is wrong?

12           A. That reflects my memory as I -- as I stated it. I mean, I think  
13           the fundamental thing that provides --

14           Q. Mr. --

15           A. No, but --

16           Q. Let me just ask you --

17           A. [Overlapping speakers] ...

18           Q. If you could answer my question first and then you can explain.

19           A. Sure.

20           Q. All of that is wrong; correct?

21           A. This is my recollection. And you've just presented me with  
22           documents that would -- at least from the point of view of when those  
23           agreements were reached over the PGK, would suggest that at least  
24           parts of my recollection may not have been accurate in the sense that  
25           this was just an idea of the KLA.



1 Q. Well, let me first start with this. You're a judge in Germany.  
2 Would you agree that your experience is that it's generally not a  
3 good idea to make sweeping statements with incomplete information?

4 A. Sir, Mr. Defence Counsel, what I would like to repeat is that at  
5 the best of -- to the best of my knowledge, this was a meeting --  
6 this was the impression that we got at the meeting. That's what I'm  
7 reflecting.

8 Q. Okay.

9 A. I'm not commenting on whether we thought that was a sweeping or  
10 not observation or conclusion. It may appear so from your point of  
11 view of today. But I do think that what you don't mention, if I may  
12 say that, whatever happened before, 1244 was a fundamental  
13 game-changer.

14 Q. Yes --

15 A. It was a fundamental game-changer.

16 Q. I understand. But let's look at what you --

17 A. And that's our reference, that's our judging point, that's our  
18 reference point for this.

19 Q. Where I struggle -- and we have to be careful because we're both  
20 speaking in English, so we can't speak over each other for the  
21 benefit of the court reporter and the interpreters.

22 A. Sorry.

23 Q. Where I'm struggling with paragraph 26, and I will note that you  
24 corrected a portion of this in your Preparation Note 1 at paragraph  
25 14, where you say:

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1           "The sentence starting 'The PGK had been established in order to  
2   exercise control in Kosovo ...' is a conclusion [you] drew, resulting  
3   not from one single event, but from a combination of many events  
4   [you] observed, like a mosaic. The underlying conclusion is correct  
5   and is not only based on what [you] observed at that meeting but  
6   throughout [your] time in Kosovo."

7   A.    Correct.

8   Q.    Correct, okay. Now, where I struggle with paragraph 26 is the  
9   way it's written. It says you laid out 1244.

10       MR. MISETIC: And if we can go back just so that the witness can  
11   see. Back one page, please. And scroll down.

12   Q.    The first sentence says you explained 1244, and then you say:

13        "To that explanation, the reaction of Thaci and the other KLA  
14   leaders was clear."

15        And now you say that what you write after that is an impression  
16   that you reached. So what was the reaction of Mr. Thaci that was  
17   clear?

18   A.    Well, in the further -- if you scroll down, sorry. It's just  
19   the page break, we have to go back and forth. But if you go to the  
20   continuing part of para 26, it was our impression, and that was what  
21   was stated to us, that their plans were to create this Provisional  
22   Government of Kosovo. They were expecting us to offer a support  
23   role. I mean, as I said before, it was not about "you have no place  
24   here" but in a support role. Whereas we had just highlighted and  
25   continued to reinforce that 1244 envisaged a different construction

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1 and a different reality.

2 Q. Well, in Preparation Note 1 at paragraph 13, you say you're  
3 fairly certain that this meeting took place at the Grand Hotel --

4 A. Yeah.

5 Q. -- but you do not remember any other details of the conversation  
6 between de Mello and Thaci when Thaci presented the organigramme.

7 Correct?

8 A. Correct.

9 Q. Okay. So it's fair to say that you don't really recollect what  
10 Mr. Thaci's reaction was to your spelling out of the terms of 1244?

11 A. Not -- not in -- not verbatim in terms of reaction, but I do  
12 remember as a reaction that -- and I've always reflected this  
13 reaction in my statements, that the reaction was one that envisaged a  
14 different construction for the administration of Kosovo, which was  
15 one that was run by the -- through the PGK with the UN as a support  
16 role, and that definitely I remember that -- that from the meeting  
17 because, from then on, it was basically clear that that's the point  
18 we had to address, you know, to avoid having a parallel system, a  
19 government and system of institutions there, and that's the  
20 conclusion I and everyone else took away from that meeting.

21 I do not remember the day or anything, but I do remember that it  
22 was -- I mean, sort of the room and higher up, so I'm pretty certain  
23 it was in the Grand Hotel, and that's why I made that small  
24 recollection, because the premises in Sunny Hill looked very  
25 different.

1 Q. Okay. Now, you said in your statement that the meeting took  
2 place about a week after your entry into Kosovo; correct?

3 A. I think that's what I said. It could also have been three or  
4 four days, in there.

5 MR. MISETIĆ: If we could scroll up to paragraph 25, please.

6 THE WITNESS: Yeah.

7 MR. MISETIĆ:

8 Q. It says --

9 A. Yeah.

10 Q. -- "Approximately a week after we arrived in Kosovo, we met with  
11 KLA leaders for the first time."

12 Right?

13 A. That's what it says, yes.

14 Q. Okay. So that would be somewhere around 19 June?

15 A. If it was a week -- if it was a week. It could have also been a  
16 few days before -- or I doubt it was a few days after.

17 Q. Okay. So if it was a few days before, which I think you may be  
18 right, let's look at DHT04937 to DHT04950.

19 MR. MISETIĆ: This document is called timeline of the UN in  
20 Kosovo, 11 June to 12 July 1999. And if we can go to page 3 in the  
21 PDF, please.

22 Q. And it says under day 7, June 17, it says:

23 "Sergio Vieira de Mello and Gen. Jackson, met with the Patriarch  
24 of Belgrade, who was in Pristina to discuss the exodus of Serbs from  
25 the province."

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1 And then it also says:

2 "De Mello also met with the newly-appointed head of the Federal  
3 Republic of Yugoslavia Committee for Cooperation and Links with the  
4 United Nations, Nubojsa Vujovic, in Pristina. He also met with all  
5 three of the Kosovo Albanian political parties, the LDK, the LDP and  
6 the UCK, who endorsed the UN Mission in Kosovo and committed their  
7 support for a multiparty democracy in the province."

8 Now, the date 17 June more or less corresponds with your  
9 recollection of the first meeting with the KLA; correct?

10 A. As I said before, forgive me, I don't -- I couldn't say it was  
11 on 17 June it was the same meetings, but it was within a few days,  
12 within that first week or so of us being there. And it was not on  
13 the first or second day. It was a few days after, so --

14 Q. Okay.

15 A. -- within that range of ...

16 Q. Now, it says that the person -- and it refers to the KLA here as  
17 a political party. So a person acting on behalf of a political wing  
18 of the KLA committed to support -- or endorsed UNMIK "and committed  
19 their support for a multiparty democracy in the province."

20 Correct?

21 A. That's what the document says.

22 Q. Now, would you agree that those conclusions would be somewhat  
23 inconsistent with your recollection of the first meeting with the  
24 KLA, in terms of imposing itself as the only authority, subordinating  
25 the UNMIK to itself, et cetera?

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1 A. First of all, I don't remember -- I cannot say whether the  
2 meeting referred to here on 17 June is the meeting that I'm referring  
3 to. If, indeed, this was -- this was a separate -- this was not a  
4 meeting with all three parties together. It was a meeting  
5 individually with the KLA, and I remember Mr. Thaci being there. I  
6 know that there were others in the room, but I couldn't tell you it  
7 now exactly anymore how many and who exactly else was there.

8 But I do remember that there were subsequent meetings, and I was  
9 in one of them, and it may have been in that time as well where those  
10 three were in the room adjacent to the SRSG's office in the old JNA  
11 headquarters that we had set up our initial headquarters. I don't  
12 know whether that's the same meeting or not.

13 But as for the statement "support for a multiparty democracy in  
14 the province," that may very well be that people in such a meeting  
15 reinforced this and mentioned this, and there were other occasions  
16 where that was mentioned, but there was also a reality. And so it is  
17 also quite conceivable that the impression that I and others had were  
18 impressions that looked at factors beyond declarations of political  
19 leaders in meetings.

20 Q. Okay. So you're saying that it could be that KLA political  
21 representatives in one meeting are saying they're for multiparty  
22 democracy and supporting of UNMIK; and then roughly at the same  
23 period, the political representatives are meeting with you and saying  
24 they're for subordination of UNMIK and the complete takeover of power  
25 in Kosovo by the KLA?

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1 A. I haven't used the word "subordination." What I did say was a  
2 setup that conceived, that envisaged a different role, a support role  
3 for the UN rather than an executive role of providing and forming the  
4 administration. And, yes, it is conceivable that in and around the  
5 same time, in different meetings, different things were being  
6 discussed. If this indeed was a meeting where Sergio Vieira de Mello  
7 would meet with all three of them together in a room, it was  
8 different -- slightly different messaging and a different openness  
9 from the meeting that we would have in private. I'm just saying that  
10 is not inconceivable. But there is also a reality around this, and  
11 that reality was definitely being expressed in that meeting,  
12 envisaging more of a support role for the UN *vis-à-vis* a -- that  
13 provisional government *vis-à-vis* the role -- the 1244 role that we  
14 had.

15 Q. That's clear.

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

18 PRESIDING JUDGE SMITH: Any objection?

19 MS. IODICE: Yes, Your Honour. The witness wasn't able to  
20 identify the meeting, and it's a 14-page document. If necessary,  
21 this can be admitted just this one page for reference. It has very  
22 little value.

23 MR. MISETIC: I'm happy to admit the cover page and this page,  
24 Mr. President.

25 PRESIDING JUDGE SMITH: That would be DHT0930, and what's the

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1 second page?

2 MR. MISETIĆ: The first page would be -- sorry, I believe it's  
3 DHT04937 is the cover page, and then this page is DHT04939.

4 PRESIDING JUDGE SMITH: So DHT04937 and DHT04939 are admitted.

5 THE COURT OFFICER: Thank you, Your Honours. Those two pages  
6 will be assigned Exhibit 1D00228, classified as public. Thank you.

7 MR. MISETIĆ: Thank you.

8 Q. Now, Witness, we read out in paragraph 26 where you said that  
9 the KLA had been formed "to the exclusion of the international  
10 presence and any other ethnic Albanian organisations/political  
11 parties."

12 Do you accept now that the provisional government had, in fact,  
13 been formed by also the LDK?

14 A. The documents that you showed me from Rambouillet would indicate  
15 that, yes.

16 Q. Okay. Now in paragraph 27.

17 MR. MISETIĆ: And if we could, for the benefit of the witness,  
18 have P1968, PDF page 8, please. And that's paragraph 27. If we  
19 could scroll down. Oh, yes. Next page, I believe. Yes. In this  
20 paragraph -- and we can take down the other document.

21 Q. In this paragraph, towards the middle, you say --

22 PRESIDING JUDGE SMITH: Could you identify the paragraph by  
23 number.

24 MR. MISETIĆ: Sorry, it's paragraph 27 for the record.

25 Q. It says: "The KLA" --



1 And this is now about six lines down:

2 "The KLA was very well aware of the political vacuum within  
3 Kosovo, so I think the primary motivation behind challenging the UN's  
4 overall authority in Kosovo was not so much to test the UN or the  
5 international presence but to move quickly to fill this vacuum  
6 *vis-à-vis* other Kosovar Albanian groups, most notably Ibrahim Rugova  
7 and the LDK by establishing facts on the ground. In other words, the  
8 KLA was not so much trying to challenge the UN per se, but rather to  
9 establish themselves as THE political authority [in] Kosovo."

10 Now, again, as we've seen, it was Mr. Rugova who co-created the  
11 provisional government, and you know that now; correct?

12 A. I mean, look, I think we're -- the co-creation, this was  
13 something that happened in Rambouillet. But after Rambouillet, there  
14 was 1244, and 1244 altered everything. So that was the reality. And  
15 after 1244, that may have altered basically the -- not that there was  
16 a -- I don't dispute that there was -- as you showed me in the  
17 documents, that there was a creation of the provisional government.

18 But what I can tell you is I do not recall a meeting in which  
19 the LDK presented to us an organigramme of the Provisional Government  
20 of Kosovo. So post 1244, putting against the letter and the ambition  
21 of 1244 to establish or leave the executive authority and the  
22 administration in the hands of UNMIK, to present us with a proposal  
23 and a structure of a Provisional Government of Kosovo could not be  
24 seen as anything else but a challenge to the mandate we were given by  
25 the Security Council.

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1 Q. Did the organigramme that Mr. Thaci presented include reserve  
2 seats for the LDK?

3 A. As I said before, I don't recall the details of the organigramme  
4 anymore that was presented to us.

5 Q. Well, that would be an important fact in assessing your  
6 conclusion here that the purpose of the provisional government and  
7 the KLA's motive was to exclude the KLA.

8 A. But I'm also not saying -- I don't think in my statement I've  
9 ever said that -- anything relating to the structuring of the  
10 organigramme, that I thought there were only KLA members listed, but  
11 it was only the KLA members who presented this to us and insisted on  
12 it.

13 And so the conclusion from our side could not be any other than  
14 that the KLA was, through the presentation of the PGK, presenting a  
15 challenge to the authority of UNMIK under 1244.

16 Q. You don't know --

17 MR. MISETIC: And if we could have Exhibit 019752 to 019753 on  
18 the screen, please. And if we could also keep the witness statement  
19 on the right-hand side. If we could scroll down, please.

20 Q. This is an article from before your entry into Kosovo, 21 May  
21 1999. It says:

22 "The Kosovo Liberation Army leader Hashim Thaci speaks at a news  
23 conference in Tirana May 21. Thaci said he had invited moderate  
24 ethnic Albanian 'president' Ibrahim Rugova for talks in Tirana to  
25 build a unified political platform."

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1           You don't have any knowledge of anything related to this prior  
2   to your entry into Kosovo; correct?

3   A.    I have not seen this. I don't recall having seen this --

4   Q.    Okay.

5   A.    -- article.

6           MR. MISETIC: Then let's go to 1D88, please.

7           THE COURT OFFICER: If I may ask for a clarification, should we  
8   remove both of the documents?

9           MR. MISETIC: Just remove the article on the left, and the  
10   statement on the right can stay.

11   Q.    Now, this is an article while you were in-country, and you've  
12   told the Prosecutor that you were receiving reports while you were  
13   in-country. And it says: "Kosovo Albanian leader condemns violence,"  
14   and this is 6 July 1999, and it relates to comments from Mr. Thaci.  
15   It says he:

16           "... distanced himself on Tuesday from violence which has  
17   plagued the southern Serbian province in recent weeks.

18           "Thaqi's statement came after leaders of Serb minority in Kosovo  
19   threatened to withdraw cooperation with ethnic Albanians because of  
20   attacks against members of their community.

21           "Thaqi, a leader of the Kosovo Liberation Army ... guerillas who  
22   fought against Serb rule and now prime minister of a self-proclaimed  
23   provisional government, condemned lootings, thefts and vandalism as  
24   'mindless and irresponsible'.

25           "He also issued a warning to rival ethnic Albanian leader

1 Ibrahim Rugova and his ... (LDK) party, telling him he would give  
2 them only until the end of this week to take up their positions in  
3 the provisional government.

4 "Thaqi insisted the KLA was not responsible for attacks on  
5 Serbs, who had been targeted by ethnic Albanians seeking revenge for  
6 Serb violence against them."

7 Now, you were in-country at this point. Were you aware that  
8 Mr. Thaci was appealing to Mr. Rugova to join the provisional  
9 government?

10 A. I don't know that anymore, whether I was aware of that fact.

11 Q. Okay. Your conclusions in paragraphs 26 and 27 about the  
12 provisional government being created for the purpose of exclusion of  
13 other Albanian political parties was made with incomplete  
14 information; is that fair?

15 A. What I described before was that I -- I'm giving you the  
16 impressions and conclusions that we had based on the presentation.  
17 This was the -- of the Provisional Government of Kosovo by the -- the  
18 provisional government organigramme plans and so on were not  
19 presented to us by anyone else but the KLA and Mr. Thaci. And --

20 Q. Mr. Witness, I'm sorry to interrupt you but my time is limited.  
21 It's a very simple question: Is it fair to say that the conclusions  
22 you reached were based on incomplete information?

23 MS. IODICE: Objection, asked and answered.

24 PRESIDING JUDGE SMITH: Overruled. You can answer the question.

25 THE WITNESS: I don't want -- obviously, I never -- or no one

1 ever claims that they had all the pieces of information available in  
2 Kosovo or prior to our deployment in Kosovo, and neither did I. But  
3 I can say that what I stated here was my impression, as is noted  
4 here, for the reasons that I tried to explain.

5 MR. MISETIC: Okay. We can take the document down on the left,  
6 please. And if we could move to paragraph 33 of the witness's  
7 statement.

8 Q. Now, this paragraph says:

9 "I attended regular meetings between the SRSG and KFOR Commander  
10 (COMKFOR), General Mike Jackson, in the first weeks of my arrival.  
11 KFOR's stance was that they were not in Kosovo to uphold law and  
12 order. They were there to prevent any escalation of the volatile  
13 situation after the cessation of armed conflict, and it was UNMIK's  
14 responsibility to maintain civil law and order and to rebuild the  
15 infrastructure of Kosovo."

16 Now, according to this, the KFOR commander said that the armed  
17 conflict had ceased. When did he say it had ceased?

18 A. Well, there was a cease-fire or the -- maybe that's technically  
19 the wrong term, but the declaration of -- what was it? On 9 June  
20 or -- which led us actually to leave New York on 10 June, the  
21 standing down from any further armed action by NATO was -- I don't --  
22 I forgot now whether it was -- probably not a cessation of  
23 hostilities or a cease-fire but something of the sort. I forgot now  
24 exactly what the legal terminology was, but that was the reference  
25 point. So anything after the 9th or 10th June was considered a

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1 different situation --

2 Q. So the 10th of June --

3 A. -- from before.

4 Q. Up to the 10th of June, you understood to be armed conflict;  
5 after the 10th of June, the armed conflict had ceased?

6 MS. IODICE: Objection, calls for speculation and ultimate  
7 issue.

8 MR. MISETIC: Sorry, it's in his statement, Mr. President.

9 PRESIDING JUDGE SMITH: [Microphone not activated].

10 Overruled. You can answer.

11 THE WITNESS: Yes. We were under the impression that, I mean,  
12 plainly speaking, that there was armed -- armed action, armed  
13 conflict in Kosovo, and that from -- that KFOR's deployment and the  
14 UN resolution was aiming at preventing another outbreak of armed  
15 conflict in whatever configuration.

16 MR. MISETIC:

17 Q. Yes, but I'm looking for the date. And as I understood your  
18 previous answer, the 10th June is it date that separates --

19 A. I think there was something on 9 June, which I don't fully  
20 remember. But 10 June was sort of a -- yeah, a big day for us. That  
21 was also why we only left on 10 June, once that cessation or whatever  
22 technically it was had been declared.

23 Q. Okay.

24 MR. MISETIC: If we could have Exhibit 1D209 on the screen,  
25 please. And keeping that statement on the right.

1 Q. Now, this is a report of the Secretary-General of the UN.

2 MR. MISETIC: And if we could go to SPOE00000755, please, to go  
3 to the report I'm looking for, which is a -- yes, that's the report,  
4 I believe.

5 Q. The document is dated 12 July 1999. It is the Report of the  
6 Secretary-General of the UN Interim Administration Mission in Kosovo.  
7 Now, what role did UNMIK itself have in helping the secretary-general  
8 prepare these interim reports?

9 A. I would say the first -- or the core of the draft was probably  
10 prepared in Kosovo by the staff of UNMIK, but I really couldn't tell  
11 you anymore who in New York had what impact on the final version of  
12 this and what political considerations were applied. I mean, it  
13 was -- that's the standard practice that -- of any UN mission, that  
14 the mission sort of takes a first stab, but it doesn't mean that  
15 every single word in the final version is the word of the mission on  
16 the ground.

17 Q. Okay.

18 MR. MISETIC: If we could go to paragraph 8, I believe, in this  
19 document. Sorry, 88. Is that the only -- that's the next page?  
20 Okay. That's fine.

21 Q. Witness, at paragraph 88 here, it says:

22 "A particularly acute human rights problem in Kosovo is  
23 uncertainty about the whereabouts of family members who have gone  
24 missing during the conflict. Abductions have also occurred after the  
25 conflict ended."

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1           Now, this document is prepared on 12 July 1999, and where it  
2       says "after the conflict ended," based on your previous answer, are  
3       we to understand that to mean after 10 June?

4       A.    I mean, looking at the paragraph overall, I do think that this  
5       suggests that this is more the -- maybe the hostilities or violence  
6       caused by forces on the ground. Whereas 10 June marks the day -- the  
7       end of the NATO action. And so for us, technically speaking, that  
8       marked the end of the conflict. Otherwise, we wouldn't have gone  
9       there, you know.

10      Q.    Okay.

11           MR. MISETIC: If we could look at one more document. And,  
12       again, this is your 2001 paper, which is 1D226, please.

13           THE INTERPRETER: Interpreter's note: For the benefit of  
14       interpretation, we would kindly ask the counsel to slow down when  
15       quoting documents. Thank you very much.

16           MR. MISETIC: I will do that. Thank you.

17      Q.    And, Mr. Strohmeyer, again, this is your 2001 article.

18           MR. MISETIC: And if we could go to page 3, footnote 5, please.

19      Q.    Now, in footnote 5 you cite to the UN report I just showed you,  
20       the 12 July 1999 secretary-general's report, and you say:

21           "At the end of the Kosovo conflict, out of a population  
22       estimated at 1.7 million, almost half (800.000) had sought refuge  
23       abroad, mainly in neighbouring Albania, the former Yugoslav Republic  
24       of Macedonia, and Montenegro. In addition, an estimated 500.000  
25       people were internally displaced within Kosovo."



1           And then you cite to that report that I just showed you,  
2   paragraph 8 of that report. Now, there you write that those are the  
3   statistics at the end of the Kosovo conflict. Again, are you  
4   referring there to 10 June, that these were the refugee statistics up  
5   until 10 June?

6   A.   I just saw when you were scrolling down from the first page that  
7   I actually, I think in the first or second paragraph, refer to  
8   10 June as the end of the air strikes or something like this. So  
9   when you -- so that -- as I said, that is sort of -- overall, that  
10   was our reference point, 10 June.

11   Q.   All right. Thank you.

12           MR. MISETIC: Now let's turn to -- we can take that document  
13   down on the left.

14   Q.   You discuss crimes against minorities beginning at paragraph 29  
15   your statement.

16           MR. MISETIC: If we could go back one page. Sorry, next page,  
17   please. Sorry. There we go.

18   Q.   You say:

19           "... there was wide-scale lawlessness and disorder because there  
20   was no organised, lawful and existing civilian police force."

21           And that is based on the security briefings and meetings you had  
22   with NATO and KFOR; correct?

23   A.   Yes. At the very beginning, I mean, at first, we depended very  
24   much on these KFOR briefings. The longer we were there, we, of  
25   course, had our own reports, our own observations. There was the

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1 OSCE, there were the interactions with people that we had that would  
2 have confirmed that very same impression. That's why I think I say  
3 here security briefings and meetings we had with NATO and KFOR. But  
4 somewhere else I actually say that it was more -- it was this mosaic,  
5 you know, of information, where you have different types of  
6 interlocutors. So in the early days it was very much NATO, KFOR, and  
7 OSCE reports, and then our information became, obviously, more -- or  
8 our sources of information became more diverse as we had our own.

9 Q. Yes, but I just want to be clear. You did not personally  
10 witness attacks against minorities; correct?

11 A. I did, but in the same sort of scattered way as they were  
12 reported. I mean, I do remember, and I think I described this  
13 somewhere, where we drove down from the Sunny Hill neighbourhood to  
14 downtown Prishtine and saw on the left side, as was common in some of  
15 those -- in those days, sort of a couple packing up, putting things  
16 on their -- on the roof of their car. And it was a restaurant with  
17 Cyrillic script, so we concluded at the time that it was -- that it  
18 was Serbs who were leaving. And I've forgotten now what we had to  
19 do, maybe just pick up something. Relatively shortly thereafter, 20  
20 minutes, half an hour, we drove in the opposite direction back to  
21 Sunny Hill, and we did see that the same place was burning and the  
22 car. So we stopped, spoke to that couple or to those people who had  
23 said that a Molotov cocktail had just been thrown into their premises  
24 and burned not only the premises but also most of their belongings on  
25 the car, and that, indeed, they were Serbs who wanted to leave.

1           And so I don't know whether there were other things, but we were  
2   aware of some of the personal threats against some of the  
3   non-Albanian members of those judges that we had appointed. We had  
4   staff. I had at one point a driver who took me down to Skopje who  
5   told me that he was going to leave in two or three days, and he was  
6   from the non-Albanian Muslim minority and had been told that they  
7   don't belong here anymore.

8           So it was a lot of these types of things. I mean, I'm saying I  
9   was not -- I didn't have endless observations because that was not my  
10   role. I wasn't going after recording those incidents. But even from  
11   my vantage point, I would have interactions or see some of these  
12   types of things. And then, of course, we would read and discuss  
13   these reports, human rights and other reports, that we would receive  
14   on a daily basis.

15   Q.   Okay. The human rights -- the reports you received, they  
16   included reports from Sandra Mitchell?

17   A.   From the OSCE. I mean, I think Sandra Mitchell was the head of  
18   maybe the human rights section of OSCE, and then maybe Rob Pulver was  
19   the head of legal or judicial affairs in OSCE. We would mostly meet  
20   with both of them together, sometimes others, and try to ascertain.  
21   And sometimes it was like that we were also prompted or we had read  
22   information in a KFOR -- in a NATO report, I had heard something  
23   there that we would cross-check whether this was the same incident,  
24   just slightly different. So it's these kinds of things that you do  
25   at the beginning.

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1 Q. Okay. Witness, I'd like to show you a video. It's 38 seconds.

2 MR. MISETIĆ: It's 1D76, please. And just to give you some  
3 background to it, it's a video of the Pentagon spokesman Kenneth  
4 Bacon speaking prior to the entry into Kosovo, I believe it's on  
5 5 June, that we'll see in the video, describing the plans for entry  
6 into Kosovo and what they expect to find.

7 THE WITNESS: Sorry, that would be the NATO plans of entry  
8 into --

9 MR. MISETIĆ: Yes --

10 THE WITNESS: -- Kosovo?

11 MR. MISETIĆ: -- KFOR.

12 [Video-clip played]

13 "The fact of the matter is that I don't think that Kosovo is  
14 going to be a very happy place for Serbs when NATO comes in, and I  
15 don't think Serbs will want to stay there. I think they will want to  
16 return to Serbia. We don't know how big the Serb minority is there.  
17 It could -- it's probably about 100.000. It could be a little more  
18 than that. But as Kosovar Albanians flow back in, our assumption is  
19 that many Serbs will probably return to Serbia.

20 "It sounds like you're encouraging the Serbs who now live in  
21 Kosovo then to leave?

22 "I'm not encouraging them at all. I'm just stating what we  
23 anticipate the facts will be."

24 MR. MISETIĆ:

25 Q. He says there that: We anticipate that Kosovo will not be a

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1 very happy place for Serbs.

2 Did you receive any intelligence briefings prior to entering  
3 into Kosovo or during your time in Kosovo?

4 A. We received -- so we left New York on the 10th, arrived in Rome  
5 in the early morning hours of the 11th, and went over to Skopje. And  
6 I think in the afternoon of the 11th, we received a first briefing by  
7 COMKFOR. This was a first meeting that the SRSG Vieira de Mello had  
8 with COMKFOR and Martin Griffiths, his deputy, who was present, I was  
9 invited to come and maybe Fabrizio Hochschild. And so that's when we  
10 discussed modalities of the entry then into Kosovo on the next day,  
11 but also that was our first sort of more detailed briefing.

12 But this is just to say we also had deployed Martin Griffiths  
13 and another staff member to Skopje already for two or three weeks  
14 before that to start with the outlines of a report and --

15 Q. Yes. So --

16 A. And may I just say we had also some sources of information from  
17 our own side.

18 Q. Okay. But are they intelligence briefings?

19 A. Not intelligence -- well, the NATO one, I don't know whether  
20 that was an intelligence officer present or not, but they were not  
21 necessarily labelled intelligence briefings.

22 Q. Now, you saw the video. Were you briefed to expect and  
23 anticipate that emotions would be high, and there may be a danger of  
24 revenge crimes against Serbs and that you needed to do something to  
25 make sure you did the best you could to prevent them, both you and

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1 KFOR?

2 A. I'm not sure whether I received a briefing. I just don't -- I  
3 don't recall this anymore. Maybe someone said so, we discussed this,  
4 but that was our assumption, and that was the reality after a few  
5 days on the ground certainly.

6 Q. The reality was there were a lot of revenge crimes?

7 A. There was -- there were -- there were enormous tensions, and we  
8 would expect that, of course. I mean, I think there is in one part  
9 of my statement, I don't remember the paragraph anymore, I do refer  
10 to some of the conversations that we had among ourselves, and I think  
11 it was prompted by the incident that I just referred to myself where  
12 this Serb restaurant had been -- had been burned.

13 And so when we went back and I went to Martin Griffiths and  
14 Sergio Vieira de Mello, and we said we cannot just be here as the UN  
15 and accept this. And so there was -- and so then we had discussions  
16 where a similar sentiment was voiced among colleagues as was voiced  
17 by the State Department spokesperson.

18 Q. So, in other words, you were told to anticipate revenge crimes,  
19 and you actually then saw revenge crimes? It's a yes or no.

20 A. Yes, the second part of what you said, yes. The first part, I  
21 don't recall that I was -- I have no recollection whether anyone told  
22 us. But, I mean, you know, many of us, as I said before, had served  
23 in the Balkans for years, and that was, I think, everyone's  
24 assumption, that this would be -- I mean, as he said, it's not going  
25 to be a happy time for people, you know.

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1 Q. Okay.

2 MR. MISETIC: If we can go back to your statement, P1968,  
3 paragraph 53, which is PDF page 14. Yes.

4 Q. Now, in this paragraph you say:

5 "... the KLA guys came in and they had a plan. They knew what  
6 they wanted, and that was power. Their [whole] mindset was that this  
7 whole war was about getting the Serbs out and them in to take over  
8 control of Kosovo."

9 My first question to you is the term "Serbs," who does that  
10 refer to? Are you referring to all Serbs, Serb forces, who?

11 A. The Serb forces.

12 Q. Okay. Now, was the factual basis upon which you draw  
13 conclusions about the mindset --

14 A. Sorry, could I just correct my previous -- it's the Serb forces  
15 and the Serb administration, obviously. The whole apparatus  
16 basically.

17 Q. Okay. So we should read that to mean that the KLA's mindset was  
18 to eject Serb forces and the Serb administration; correct?

19 A. I think primarily yes, but I wouldn't limit it to that because  
20 I'm saying that the KLA -- I do think that there were -- in our  
21 impression, there were elements of the KLA, and I'm not saying that  
22 any of the specific individuals that I'm talking about here, but that  
23 there was a mindset also to -- and there were definitely discussions  
24 to say they have to leave, they don't belong here.

25 So there was also a civilian presence that was seen as sort of a

1 extension of that occupation in a way through Serb forces and Serb  
2 governance -- government apparatus. So there was -- you cannot -- I  
3 know, I realise that saying Serbs is like earlier Kosovars, it is not  
4 defined, but it's very difficult for us to say this was not just a  
5 technical discussion of the Serb administrative apparatus and  
6 security apparatus leaving. There were very clearly attempts,  
7 elements to force a much broader withdrawal of Serb, meaning Serb  
8 nationals or Serbian -- of Serbian origin, people, to force them out  
9 of Kosovo.

10 Q. Let's go to the next paragraph in your statement. Here you say  
11 that the KLA --

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 MR. MISETIC: I'm sorry? Paragraph 55 of your statement, yes.

14 Q. Here you say that the KLA was opposed to a multi-ethnic Kosovo  
15 and sought to create a Kosovo that was "only for Kosovar Albanians."

16 And in paragraph 60, if we can go to paragraph 60, here you say:

17 "... it was quite tangible that the KLA took a far more  
18 aggressive stance towards assuming power ..."

19 Perhaps it's on the next page:

20 "... the KLA took a far more aggressive stance towards assuming  
21 power in Kosovo and turning Kosovo into a 'Kosova-for-Kosovars-only'  
22 place."

23 Do you see that?

24 A. Yes.

25 Q. Now, you are aware that Mr. Thaci repeatedly, throughout the



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1 summer and fall of 1999, publicly called for a multi-ethnic Kosovo;  
2 correct?

3 A. I saw the statement that you showed me earlier.

4 Q. Well, in --

5 A. And I was aware that even -- there were some occasions where we  
6 asked him to make some of these statements. I mean, that was --

7 Q. Yes. Paragraph 92 of this statement, you acknowledge that you  
8 know he made those statements.

9 MR. MISETIC: If we can show it to him.

10 THE WITNESS: Yeah.

11 MR. MISETIC: It's PDF page 23, please. And it is paragraph 92.

12 Q. It says:

13 "Thaci promised several times to 'do his best' to improve the  
14 security situation. And he also made public speeches about  
15 reconciliation and peaceful co-existence between Kosovo Albanians and  
16 Kosovo Serbs."

17 So were you aware at the time you gave your statement that  
18 Mr. Thaci gave such speeches for a multi-ethnic Kosovo; correct?

19 A. I was aware that these happened because some of them -- we asked  
20 him to do some of them. He may have done in his own motion earlier.  
21 I wasn't aware of this very specific one that you showed me. But  
22 generally speaking, yes. But, again, what I -- what I explained  
23 before, one thing is what we asked and what was sort of necessary in  
24 the -- in the situation to also -- in our conclusion, in our  
25 impression, to allay some of the political pressures that were

1 mounting in that direction. Another thing is the realities on the  
2 ground.

3 Q. Well, we're going to get into that in a bit, how you drew your  
4 conclusions. But for now, let's start chronologically.

5 MR. MISETIC: If we could have DHT04937 to DHT004950. This is  
6 again the UN timeline that I showed you earlier. If we could go to  
7 DHT04942, please.

8 THE COURT OFFICER: May I seek clarification, should we keep the  
9 statement on the screen?

10 MR. MISETIC: You can keep it --

11 THE COURT OFFICER: We can keep it?

12 MR. MISETIC: -- on, just on the right-hand side.

13 THE COURT OFFICER: No problem.

14 MR. MISETIC: Yes, page DHT04942, please.

15 Q. Now, this is day 14, June 24th, and it says:

16 "In their first public encounter at the headquarters of ...  
17 UNMIK, the Serb Archbishop Artemije and KLA leader Thaci shook hands  
18 and exchanged a few words."

19 Are you familiar with this event?

20 A. I think, yes, but familiar might be -- I sort of have some  
21 recollection of them meeting, but I have no recollection of any of  
22 the detail.

23 MR. MISETIC: Okay. Mr. President, I tender this page and ask  
24 that it be added to 1D228, please.

25 PRESIDING JUDGE SMITH: Any objection? DHT04942 is admitted.

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1 THE COURT OFFICER: And will be assigned -- will be added to the  
2 already assigned Exhibit 1D00228. Thank you, Your Honours.

3 PRESIDING JUDGE SMITH: Thank you.

4 MR. MISETIC: Thank you.

5 Q. Now, two days after this, do you recall that there was a rather  
6 tense situation between Albanian and Serbian civilians in Mitrovice  
7 in the aftermath of the war? Do you recall that?

8 A. Was that on the bridge or --

9 Q. I believe so, yes.

10 A. Yeah, I think I may have even been there --

11 Q. Okay.

12 A. -- when that happened.

13 MR. MISETIC: Then let's pull up DHT04926 to DHT04927. And this  
14 document should not be broadcast to the public, please.

15 Q. Now, you see this is a code cable from 26 June 1999, and it's a  
16 note -- it's a cover page attaching a note that Mr. de Mello sent to  
17 New York about his visit to Mitrovice that morning. It says:

18 "As the UCK appear to have instigated a demonstration that could  
19 have caused a major bloody incident, I invited Mr. ... Thaci to  
20 travel this morning to Mitrovica in order to dissuade the local UCK  
21 leadership and the actual Albanian crowd from proceeding with their  
22 plan."

23 MR. MISETIC: Now, if we could turn to the next page for the  
24 details, please.

25 Q. It says in the first paragraph:

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1           "During a meeting with [Mr.] Thaci on 25 June the SRSG raised  
2     the volatile situation in Mitrovica, particularly with regard to the  
3     hospital (lies in the Serb part of the town to which the Albanians  
4     were trying to get by force). The SRSG asked Thaci to use his  
5     influence to calm the Kosovo Albanians in Mitrovica. Thaci  
6     instantaneously agreed to do this; the SRSG and Thaci then agreed to  
7     go together. DCOMKFOR General Thomann welcomed the initiative and  
8     offered a helicopter for the morning of 26 June."

9           You can see the details in the next paragraph of the visit to  
10    the hospital. It says:

11          "Thaci, in the presence of the SRSG, addressed the Serb and the  
12    Albanian doctors, giving his support to the agreement and emphasising  
13    the need for a peaceful resolution to the existing problems in  
14    Kosovo. His visit was well received."

15          And then it says in the next paragraph:

16          "After a short discussion it was agreed that Thaci address the  
17    crowd to calm the people down. In his speech he urged for calm,  
18    pointed out the success in the negotiations on the hospital,  
19    underlined the positive role of KFOR and asked for patience while the  
20    situation was improving. His speech had the desired effect: the  
21    people calmed down and started dispersing when the SRSG left. Just  
22    prior to the departure, a short meeting with COMKFOR, who had arrived  
23    in Mitrovica for a short visit, was arranged. He thanked Thaci for  
24    his intervention.

25          "Comment: A joint visit with Thaci to a KFOR base with a KFOR

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1 helicopter is an unusual thing. But the tense situation required  
2 this initiative."

3 Now, are you familiar, were you there when this event took  
4 place?

5 A. I mean, I do remember being on one of those trips to Mitrovice  
6 early on where the standoff over the bridge happened. I'm not sure  
7 whether it's the second or the first visit, but I was -- I think I  
8 was part of that visit.

9 Q. Yes. And do you accept that Mr. Thaci, for example, it says as  
10 soon as he was asked, instantaneously agreed to go and try to calm  
11 the situation?

12 A. I think that was the whole -- the intention behind having a  
13 joint mission to de-conflict the situation a little bit.

14 Q. Do you accept that this is an example of Mr. Thaci promoting a  
15 peaceful resolution of a rather chaotic situation?

16 A. As I said before, I mean I -- Mr. Thaci has on other occasions  
17 called upon -- this is another example of him playing, obviously, a  
18 very helpful role in resolving this situation, at least the short  
19 term.

20 Q. Thank you.

21 MR. MISETIC: Mr. President, I tender this document into  
22 evidence, and it should remain confidential.

23 PRESIDING JUDGE SMITH: Any objection?

24 MS. IODICE: No, Your Honour.

25 PRESIDING JUDGE SMITH: DHT04926 to 04927 is admitted.

Witness: Hansjoerg Strohmeier (Private Session)

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1 THE COURT OFFICER: Thank you, Your Honours. This will be  
2 assigned Exhibit 1D00229, classified as confidential. Thank you,  
3 Your Honours.

4 MR. MISETIC: Thank you.

5 Now, I'd like to, in the time -- five minutes we have before the  
6 break, show you SITF40000767 to 40000769, please.

7 And we can take both documents down.

8 MS. IODICE: Your Honour, I would ask that this document not be  
9 broadcasted, and if we can avoid reading out parts in public.

10 MR. MISETIC: Mr. President, may we move private session  
11 briefly, please?

12 PRESIDING JUDGE SMITH: Private session, please,  
13 Mr. Court Officer.

14 [Private session]

15 [Private session text removed]

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Witness: Hansjoerg Strohmeyer (Private Session)

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Witness: Hansjoerg Strohmeyer (Private Session)

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1 [Private session text removed]

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8 [Open session]

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

10 Thank you.

11 [The witness stands down]

12 MR. MISETIC: Mr. President --

13 PRESIDING JUDGE SMITH: Yes.

14 MR. MISETIC: -- just to give you an update on time. Things

15 have gone a lot slower, I think, because of the amount of documents,

16 and I think the witness has given some longer answers than I had

17 planned. So I'm going to move as fast as I can through this, but I

18 might take until the end of the day.

19 PRESIDING JUDGE SMITH: Thank you.

20 MR. MISETIC: Thank you.

21 MR. TULLY: And, Your Honour, if it helps, we've reduced our

22 time as we communicated in e-mail earlier. We're down from one and a

23 half to about half an hour maybe. Thank you.

24 PRESIDING JUDGE SMITH: Thank you.

25 Anybody else wish to reduce the time they've scheduled? No?

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1       Okay. Thank you.

2               All right. We're adjourned until 2.30.

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

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

5               PRESIDING JUDGE SMITH: Madam Court Usher, you can bring the  
6       witness in.

7                               [The witness takes the stand]

8               PRESIDING JUDGE SMITH: [Microphone not activated].

9               I pushed the wrong button, sorry.

10              Continuing on, Mr. Strohmeier. Please give the attention to the  
11     Thaci Defence.

12              Go ahead.

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

14     Q.       Good afternoon again, Mr. Strohmeier.

15              MR. MISETIC: Mr. Court Officer, if we can go into private  
16     session very briefly, please. Or Mr. President, I should say.

17              PRESIDING JUDGE SMITH: [Microphone not activated]

18                               [Private session]

19                               [Private session text removed]

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1 [Private session text removed]

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10 [Open session]

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

12 Thank you.

13 PRESIDING JUDGE SMITH: Thank you.

14 Go ahead.

15 MR. MISETIC: Thank you, Mr. Court Officer.

16 Mr. Court Officer, if we could please have a video at DHT00973  
17 and the accompanying transcript, which is DHT00973-TR-ET, side by  
18 side, please.

19 Q. And as this is coming up, Mr. Strohmeyer, this is a video of a  
20 press conference under the auspices of Mr. de Mello on 2 July 1999,  
21 where representatives of the various communities in Kosovo issued a  
22 joint declaration calling for a multi-ethnic Kosovo, an end to  
23 violence, and calling for the return of people who had left, and  
24 calling for Serbs and other minorities to stay in Kosovo.

25 MR. MISETIC: And if we could -- I'll play the video. And,

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1 Mr. Court Officer, if you could stop the video at 58 seconds to give  
2 the interpreters then an opportunity -- because at 58 seconds of the  
3 video, Mr. Thaci begins to speak in Albanian, and I'll ask the  
4 interpreters to be ready to translate into English for the record.

5 And, Mr. Court Officer, if we could play until 58 seconds.

6 [Video-clip played]

7 "Today, I believe, is the first time that Albanian and Serb  
8 leaders of Kosovo meet and talk to one another, establish a dialogue  
9 on the most pressing issue of the moment, which is the safety,  
10 security, the right to life, the right to property of all inhabitants  
11 of this province.

12 "Well done. I miss it."

13 MR. MISETIC: Yes. Now, again, I'll alert the interpreters that  
14 at this point I'd ask you to interpret.

15 Q. But before we start the video again, Mr. Strohmeier, you've seen  
16 the video. Do you recall whether you were present for this press  
17 conference?

18 A. I don't recall either way.

19 Q. Okay.

20 A. I do remember that this took place, but I'm not sure whether I  
21 was in that. Likely yes, but I don't remember.

22 MR. MISETIC: Okay. Mr. Court Officer, if we could now play the  
23 video until the 01:16 mark, please.

24 [Video-clip played]

25 THE INTERPRETER: [Voiceover] "I call on all the citizens of

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1 Kosovo, be them with the civil status or military status, to refrain  
2 themselves, and to have an impact on others, so that they would not  
3 embark onto acts of violence against their neighbours, and for such  
4 actions to be unacceptable, so those that are responsible for such  
5 actions will be brought before justice."

6 MR. MISETIC: Thank you.

7 Q. Now, Mr. Strohmeyer, this is Mr. Thaci reading excerpts of a  
8 joint declaration in public at a press conference; is that correct?

9 A. Yes.

10 Q. And this is a public call by Mr. Thaci and the other signatories  
11 to those engaging in violence to stop engaging in violence; correct?

12 A. Correct.

13 MR. MISETIC: Mr. President, I tender the video and transcript  
14 into evidence as well.

15 PRESIDING JUDGE SMITH: Any objection?

16 MS. IODICE: No, Your Honour.

17 PRESIDING JUDGE SMITH: DHT00973 and the transcript at  
18 DHT00973-TR-ET is admitted.

19 THE COURT OFFICER: Thank you, Your Honours. This will be  
20 assigned Exhibit 1D00231, and it's classified public. Thank you.

21 MR. MISETIC: Thank you, Mr. Court Officer. If we could please  
22 have on the screen exhibit DHT01302 to DHT01304, please.

23 Q. Mr. Strohmeyer, are you aware that Sergio Vieira de Mello  
24 published an op-ed on the pages of *The New York Times* on August 25th,  
25 1999?

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1 A. Now that I'm seeing it, it prompts some memory, but I wouldn't  
2 have remembered it without this -- seeing this excerpt.

3 Q. Okay.

4 MR. MISETIC: If we could go to page DHT01303. And if we could  
5 go to the part that starts with "A first step." And this is an op-ed  
6 where Mr. de Mello is appealing, as the headline says, to resist the  
7 temptation for apartheid in the Balkans; in other words, ethnic  
8 separation.

9 Q. And in the paragraph on the screen in front of you, he writes:

10 "A first step toward reconciliation is acknowledgement of past  
11 injustices. Under United Nations auspices, the main local Serbian  
12 leaders have come together to work with their Albanian counterparts  
13 to discuss concrete measures for improving security and to reaffirm  
14 the vital importance of maintaining Kosovo as a multi-ethnic entity."

15 If we can go to the next page, please.

16 "Albanian leaders have strongly condemned the violence and  
17 persecution against Serbian residents of Kosovo."

18 Now, as we've seen this morning, and now on the video, Mr. Thaci  
19 is one of the Albanian leaders to whom Mr. de Mello is referring;  
20 correct?

21 A. Sorry, are you asking me whether that's correct?

22 Q. Yes.

23 A. Yes.

24 Q. Thank you.

25 MR. MISETIC: Mr. President, I tender the op-ed into evidence.



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1           PRESIDING JUDGE SMITH: Any objection?

2           MS. IODICE: No, Your Honour.

3           PRESIDING JUDGE SMITH: DHT01302 to DHT01304 is admitted.

4           THE COURT OFFICER: Thank you. Your Honours, this will be  
5 admitted as Exhibit 1D00232. And if we can clarify the  
6 classification, please.

7           MR. MISETIC: It's public.

8           THE COURT OFFICER: Thank you. It's going to be classified as  
9 public. Thank you.

10          MR. MISETIC: Thank you.

11          Q. Now, Mr. Strohmeier, I'd like to take you to a statement that  
12 General Jackson gave to the High Court in England, and this is  
13 Exhibit 121483 to 121658. It's actually his trial testimony there  
14 that I'm taking you to in a trial in England.

15          THE COURT OFFICER: If I may, I see that Albanian translation is  
16 divided into two. Is there any need to put the Albanian translation  
17 on and which if?

18          MR. MISETIC: There's no need for my purposes right now.

19          THE COURT OFFICER: Thank you so much.

20          MR. MISETIC: And if we could go to page 121589, please,  
21 beginning at line 5.

22          Q. This is General Jackson speaking:

23                "Yes. I had no evidence myself that, as I think you are  
24 inferring -- forgive me if I have got this wrong -- that the KLA  
25 institutionally, by policy if you wish, were committing terrorist

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1 acts against whomever. I am not saying that individuals did not do  
2 this, but I have no evidence that this was KLA policy.

3 "Q. I just want to concentrate on the KLA and I am just  
4 focusing on the findings of Senator Marty?"

5 MR. MISETIC: Oh, sorry, that's the next page. Page 121595.

6 Q. The topic is brought up again, and beginning at line 23, it  
7 says:

8 "I just want to concentrate on the KLA and I am just focusing on  
9 the findings of Senator Marty?"

10 General Jackson says:

11 "You are beginning to imply that this was a policy of the KLA  
12 and I cannot say that I agree with you on that.

13 "Q. I am not suggesting that it is a policy of the KLA to  
14 cleanse out every single Serb, I am just taking your evidence and  
15 then we are moving from there, but there will be undoubtedly in time,  
16 as to how high up it went and so on, whether there is a policy. That  
17 has not been decided yet. I am relying on what Senator Marty has  
18 found after two and a half years, in relation to the KLA. Is this  
19 the position, that you had a relationship with the KLA when you were  
20 in Pristina, in that you would meet with them?"

21 General Jackson says:

22 "Of course."

23 MR. MISETIC: And if we could go to page 121594, please.

24 Q. Beginning at line 5:

25 "Insofar as your objectives were to prevent further humanitarian

1 crime or killings, therefore the most obvious group for you to  
2 protect would be the Serbs?

3 "A. Yes. We went to, as I have said, considerable lengths.

4 "Q. You have touched on that, but if and insofar as the KLA  
5 contained elements, to be neutral about it, that were intent on  
6 further atrocity of that kind, were you alive to that risk?"

7 General Jackson says:

8 "Yes.

9 "Q. Were you alive to what you might need to do to prevent the  
10 KLA, in part if not in whole, conducting themselves like that?

11 "A. There is a lot in that question.

12 "Q. So I am sorry, there is, but I think it may be --

13 "A. I say, I have no evidence that institutionally the KLA had  
14 adopted a policy of ethnic cleansing of the remaining Serbs."

15 Now, Mr. Strohmeyer, you did not see anything different than  
16 what General Jackson saw in the field; correct?

17 A. Well, I don't know that. I mean, the general situation was  
18 probably similar to him than it was to us, but he may have seen  
19 different things from me.

20 Q. Okay. Within the KFOR chain of command, he would have been at  
21 the top of the chain; correct?

22 A. Yes.

23 Q. And therefore he would have been receiving the reports, some of  
24 which you saw this morning, and he reached the conclusion that I just  
25 read out to you; correct?

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1 A. That seems to be his conclusion, yeah.

2 Q. Okay. Let me take you to a different document.

3 A. Could I just -- if you allow me just one comment, because I  
4 think that's important. Look, General Jackson is being asked in  
5 this, first, whether it was a policy to basically cleanse all Serbs,  
6 and then it goes much more specific here into a policy of ethnic  
7 cleansing, which is a sort of, at least, a paralegal term with a very  
8 specific connotation.

9 I just want to make it very clear that I do not believe that  
10 throughout my statement I speak about a policy, for example. A  
11 policy is a very deliberate decision towards something. But you can  
12 have conduct that enables and allows certain acts that fall short of  
13 a policy.

14 So I'm trying to say there may not be a difference in what  
15 General Jackson is stating here based on the observations that he has  
16 had from the observations and impressions that I have had, based on  
17 the observations and conclusions that I have done; namely that even  
18 if below a level of a declared policy there was widespread action  
19 against Serbs or violence against Serbs, that that was, our  
20 impression was, in part, neither prevented by -- despite public  
21 statements, and in some cases probably enabled. To what -- whether  
22 that amounted to a policy in the sense of a -- in a legal sense, that  
23 is not a judgment I have ever arrived at.

24 Q. Okay. Then let's look at the next document I wanted to show  
25 you.

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1 MR. MISETIC: If we could have on 076680 to 076688, please.

2 Q. This is a human rights report issued by the OSCE titled "As  
3 Seen, As Told," Volume II. Were you familiar with this publication?

4 A. I may have been aware at the time. I don't remember that  
5 necessarily anymore. But, I mean, I assume that we were probably  
6 informed of this, but I don't necessarily think that we were involved  
7 in the production of it.

8 Q. Okay. Well, let me then -- the forward was written by, as you  
9 can see on top of the page, the Special Representative of the  
10 Secretary-General Bernard Kouchner. So I'd like to take you to his  
11 assessment. And this is published, I believe, in November 1999.

12 MR. MISETIC: And if we could go, please, to 076685.

13 Q. Now, the paragraph there with the highlighting - if we could  
14 blow that up, please - he writes in November 1998:

15 "We are deeply concerned about the situation of minorities. A  
16 close look at the trend in crime shows a clear improvement. A drop  
17 from 50 murders during each of the first three weeks to three murders  
18 last week cannot be ignored. Of course, each and every crime is one  
19 too many. But things are changing. It is not fair to make  
20 comparisons with the situation before or during the war. At that  
21 time, ... for at least a decade, there was a systematic policy of  
22 apartheid, a subhuman status, or at least a subcommunity status for  
23 Albanians in Kosovo/Kosova. This is no longer the case today.  
24 Perhaps it may seem just as bad today for the Serbs or Roma who live  
25 in fear, who cannot move about freely or have to find a way to

1 protect their children, but it is no longer a matter of a policy.  
2 All the parties in Kosovo/Kosova, all leaders, Serbs and Albanians,  
3 have stated their positions in favour of a multi-ethnic society and  
4 co-existence among all communities. The crimes we see are the acts  
5 of individuals. No political party has claimed responsibility for  
6 them. Their representatives in the Kosovo Transitional Council have  
7 condemned these abuses every time, and they themselves have expressed  
8 their concern over these acts of intolerance. We cannot exclude the  
9 possibility of double talk, but we cannot presuppose it either."

10 Now, do you accept the SRSG's conclusions that there was no  
11 policy to target Serb and Roma minorities in Kosovo after 10 June  
12 1999?

13 A. Sorry, first a clarification, this is of November 1999 --

14 Q. Yes.

15 A. -- report? November 1999. So after I was in Kosovo. Look,  
16 there are two things that I want to say. First of all, I think, if I  
17 understand the statement or the highlighted paragraph, the first  
18 part, correctly, it sort of tries to make the point that I was just  
19 trying to make, that there is a difference between a policy -- and I  
20 think he compares it to the -- the regime, particularly after 1989,  
21 over Kosovo that he likens to apartheid, and as a policy, systematic  
22 exclusion on matters of law, on matters of access to positions, and  
23 so on, which we would all agree with. And in that sense, he says,  
24 there was no such policy expressed by anyone, and I agree with that.  
25 It's not that there was a very clear statement to say: We will not

1     ever have a state in which a Serb can never hold an office. But the  
2     reality was such in -- and we may discuss this later, that there was  
3     pressure in that direction. So there is a difference between a  
4     policy and some of the realities that we observed.

5             Now, as far as the conclusion of the SRSG, and that's the second  
6     point, that these are the acts of individuals, that may have been his  
7     conclusion in November 1999. That would not have been my conclusion  
8     at the time when I was there. And I do think that he sort of, again,  
9     qualifies this a little bit towards the end of that paragraph by  
10    saying:

11            "We cannot exclude the possibility of double talk, but we cannot  
12    presuppose it either."

13            So I don't think from this -- from this highlighted paragraph, I  
14    take a very clear statement of -- policy statement on behalf of UNMIK  
15    at the time that Kouchner says there has never been any organised  
16    violence against Serbs. What he's saying, it is not a matter of  
17    policy, which I understand, and particularly a policy similar to the  
18    one that Serbia had established over Kosovo when it was under its  
19    control prior to 10 June.

20            So that's my interpretation of this paragraph.

21    Q.     Okay. You disagree with his statement that these are the crimes  
22    of individuals, and I'd like you to identify the factual basis of  
23    your disagreement with Mr. Kouchner.

24    A.     I didn't say that I disagree. I said that is his conclusion.  
25    My conclusion at the time that I was there was different and --

1 Q. Well, stop right there. Do you agree or disagree that these  
2 were crimes of individuals?

3 A. What I'm saying is when I was there -- no, but it's not for me  
4 to agree or disagree with his statement. This is his statement.

5 Q. So let me ask you, without asking you to agree or disagree with  
6 this statement --

7 A. Yeah.

8 Q. -- in Kosovo, the crimes that were committed, were they the acts  
9 of individuals?

10 A. Every act is an act of an individual --

11 Q. Okay.

12 A. -- but it doesn't mean that there isn't an organised -- that  
13 there isn't an organised enabling environment or a more coherent  
14 effort behind this. I mean, you have to put yourself in the  
15 situation in which we were.

16 Q. Stop.

17 A. There's one --

18 Q. I'm sorry to interrupt you. I'm just looking for facts. So  
19 just tell me the facts upon which you base your assertion that this  
20 was organised and coherent.

21 A. Well, I'm trying to -- that's what I'm trying to get to. There  
22 was one group essentially that claimed, presented itself to us, and I  
23 think, in fact, had the power to be organised. I do think that Agim  
24 Ceku, in one of the JIC meetings, even said so, that they had the  
25 organisation and the way to organise itself. They were bearing arms.



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1           If you look at some of the reports that we saw earlier, in  
2   almost all of them, or many of them, when KLA was apprehended, they  
3   were apprehended with arms. We had the undertaking, that was not an  
4   undertaking on the demilitarisation, disarmament of the Kosovar  
5   population altogether, it was a disarmament and demobilisation of the  
6   KLA. So there was some level of corporate organisation at least that  
7   we had to assume and a relatively systematic campaign of violence  
8   against Serbs. And that is why my impression and conclusion at the  
9   time very clearly was that I -- while I'm not saying this was a  
10  declared and agreed policy of some senior leadership ranks, that at  
11  least this was something that people were, if not only turning a  
12  blind eye to, but also creating at times an enabling atmosphere  
13  despite statements that were being made.

14          Again, I'm telling you, as you rightly pointed out, my  
15  conclusions and impressions of the two and a half months, or three  
16  altogether with a break in between, that I was present in Kosovo, if  
17  people afterwards arrived at different conclusions, not only is the  
18  -- is it their right, but they may have had other facts to establish  
19  that from.

20   Q.    So let me ask you a follow-up: Mr. Ceku told you or told the  
21  JIC that he had the ability to stop crimes being committed by the  
22  KLA?

23   A.    I don't remember anymore the statement exactly how it was made,  
24  but I mean I think we have a record if you want to look at.

25   Q.    Okay. And you say that the crimes were systematic and allowed

1 to happen, and Mr. Kouchner says it is no longer the case of a  
2 systematic policy of apartheid, subhuman status, and that it is no  
3 longer a matter of policy. Do you --

4 A. But, I mean, you're just making the case, if I may. Kouchner's  
5 statement of the policy is connected to his statement of the previous  
6 regime having been an apartheid regime, as he calls it. He's not  
7 connecting the -- one campaign of violence versus another campaign of  
8 violence. This is a declared policy of the state of Serbia at the  
9 time versus a reality that was being allowed to be -- to happen or  
10 that was being sort of created. That's the difference on the policy.  
11 I mean, there are different types of policies. And I do think -- I  
12 don't think that Kouchner in this talks about exclusively the  
13 violence in -- or when he compares that, the violence of Serbs versus  
14 Albanians or the violence of Albanians versus Serbs. So in sense,  
15 policy.

16 But I've also -- I don't need to justify the term "policy." I'm  
17 not saying it necessarily was a policy as such, but it was something,  
18 my conclusion, my observation, below that level. Now, if  
19 Mr. Kouchner, three months or four months after I left, arrives at a  
20 different conclusion, or even if we had disagreed at the time, we  
21 would have talked about this, and that's all I can say.

22 My impression, and I have to attest to what I have seen and what  
23 I have concluded, my conclusion was that it was more systematic than  
24 just acts -- random acts of violence of individuals.

25 Q. Okay.

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Cross-examination by Mr. Miseti

1 MR. MISETIC: Mr. President, I would ask that this page be  
2 tendered -- or I tender it and ask that it be added to  
3 Exhibit P00743, which is other pages of the same volume.

4 MS. IODICE: Your Honour, if I may. This is already part of  
5 Exhibit P760, I believe.

6 MR. MISETIC: We will check that, Mr. President. But in any  
7 event, I'd ask that it be admitted into evidence, and we can assign  
8 the correct number.

9 PRESIDING JUDGE SMITH: This is 076680 to 076688?

10 MR. MISETIC: That's the whole -- yes.

11 PRESIDING JUDGE SMITH: You just want the page?

12 MR. MISETIC: Actually, I think it would be best if just all of  
13 Mr. Kouchner's forward be included for context reasons, but ...

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 MR. MISETIC: The range, yes.

16 PRESIDING JUDGE SMITH: It will be admitted. We'll determine  
17 later where to place it.

18 THE COURT OFFICER: Thank you, Your Honours. And if I may seek  
19 another clarification. Does it go only for the English or both  
20 English and Albanian version?

21 MR. MISETIC: I think it would be better for both in case we  
22 need to use it again, but, Mr. President, I'm told that P760 are  
23 actually exhibits to Mr. Thaci's interview, and I think it would be  
24 easier and cleaner if we had it together with P743, which is another  
25 version of this volume.

Witness: Hansjoerg Strohmeyer (Open Session)

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Cross-examination by Mr. Misetic

1 MS. IODICE: Your Honour, all the pages are already in 760, so  
2 I'm not sure if it's -- in English. The Albanian, no. But the  
3 English is already all in Exhibit P760.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 P743 is where it will be.

6 Go ahead.

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

8 PRESIDING JUDGE SMITH: Oh, I'm sorry. Go ahead, [REDACTED]  
*Pursuant to Post-Session Redaction Order F03103.*

9 MR. MISETIC: Oh, sorry.

10 THE COURT OFFICER: Thank you, Your Honours. It is well noted  
11 that the entire range starting from 076680 to 076688, both English  
12 and Albanian, will be added to P743. Thank you, Your Honours.

13 MR. MISETIC: Thank you. Thank you, Mr. Court Officer.

14 Q. You will agree with me, Mr. Strohmeyer, that Mr. Thaci never  
15 told you that he believed Kosovo should only be for Kosovo Albanians;  
16 correct?

17 A. Mr. Thaci me personally or --

18 Q. Yes.

19 A. I don't recall that, I think.

20 Q. Okay.

21 MR. MISETIC: If we could have, please, Exhibit P1968 on the  
22 screen, PDF page 16.

23 Q. Mr. Strohmeyer, I'm just taking you to paragraph 61 of your  
24 statement. You say:

25 "The sentiment of 'Kosovo for the Albanians' was explained to me

1 personally by Thaci, although I could not say the specific words he  
2 used to express this concept. This came up during my first  
3 conversation with Thaci about why the Kosovo Albanians could not  
4 accept the then-applicable law, which they viewed as the law of the  
5 Serb occupiers."

6 Now, as I've indicated, you don't actually recall Mr. Thaci  
7 using -- or expressing a sentiment that he believed Kosovo should  
8 only be for Kosovo Albanians; correct?

9 A. No, you asked me before whether Mr. Thaci said to me Kosovo is  
10 only for the Kosovar Albanians, and that is not what I'm saying in 61  
11 here. What I'm saying is we had a conversation, and while I don't  
12 recall the exact words, the sentiment explained to me, and I mean  
13 this in a very neutral way, was -- you have to understand some of  
14 this was also for us to understand the motivations of all sides. And  
15 so in that sense, it was important how he explained to me why  
16 Albanians or why the Kosovo Albanians couldn't accept the laws after  
17 1989. This was in the context of the applicable law.

18 And so the sentiment of this is now -- this is now a territory  
19 or a place that is governed by Albanians for Albanians in a way, that  
20 sentiment was -- I took very clearly -- or I took away from that  
21 conversation.

22 So you asked me before very specific words, I said I don't  
23 recall those, but I do recall the explanation given for why this  
24 needed to have a much, much stronger now Kosovo Albanian imprint than  
25 before.

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 Q. I'm not sure I understand, Mr. Strohmeier. Are you saying that  
2 what you meant to say here is that Mr. Thaci said the position of  
3 Kosovo Albanians now needed to be taken into account?

4 A. No. Look, this is -- 61 is in the context of the applicable  
5 law. So we were talking about the law that is applicable in Kosovo.  
6 So that's --

7 Q. Yes, but I --

8 A. -- what I meant.

9 Q. What I'm trying to -- so is the distinction between you saying  
10 you don't recall him saying Kosovo should only be for Kosovo  
11 Albanians and what you say here, that he expressed the sentiment of  
12 Kosovo for the Albanians? What's the distinction?

13 A. Yeah. In one it's the context in the first statement that you  
14 put to me. It was meant as a statement to -- as a statement of  
15 policy in a way to say: We have decided that this is to the  
16 exclusion of everyone else. Whereas in this context on the  
17 applicable law, it is Kosovo for the Albanians, meaning it needed to  
18 have an Albanian predominance, feel, label, whatever it is to it, and  
19 in that sense it was not acceptable.

20 And this, again, is in the context of the applicable law, the  
21 conversation that we had, and has to be seen also that there needed  
22 to be a more acceptable version of law to the Albanian side because  
23 Kosovo was now ruled by the Albanians and no longer by the Serbs.

24 Q. Okay.

25 A. And this is, for me, a different statement from Kosovo, in a

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 way, is a place where only Albanians are allowed to live.

2 Q. Okay. We'll get back to the applicable law in a minute.

3 MR. MISETIC: But if I could take you to exhibit SITF40000700 to  
4 40000702, please. And this is a daily sitrep from Mr. de Mello to  
5 New York from 25 June 1999 wherein he --

6 MS. IODICE: Sorry, could it please not be broadcasted.

7 MR. MISETIC: Yes, that's fine. He says --

8 PRESIDING JUDGE SMITH: The document will not be broadcast.

9 MR. MISETIC: That's fine.

10 Q. If you look at the document, he says, in the second sentence:

11 "While our ability to verify at present is limited, these  
12 reports do give a sense of the current atmosphere in Kosovo, where  
13 feelings of revenge or for at least some form of retribution are  
14 running high."

15 Now, that's consistent with what you told us earlier, that you  
16 did find, in fact, that revenge feelings were prevalent in Kosovo  
17 when you arrived in Kosovo; correct?

18 A. I'm saying -- I don't think I've used the word "prevalent." It  
19 was clearly discernible. There were parts. But I've also said, and  
20 I've said this in my statement, that at least in the early -- in the  
21 early days, we had many interactions with Kosovar Albanians not least  
22 to understand and learn about really their sentiments and their  
23 hardship. And I've always said -- I think I've said it somewhere,  
24 while there was no love left, I also didn't feel that there was a  
25 widespread sort of bloodthirst, you know, out for revenge among the

1 population. That may have changed a little bit over time, that there  
2 was a bit more, but I did not think or feel that in every  
3 conversation or every other conversation that we had, someone said:  
4 We have to go after them, we have to go for revenge. I mean, that  
5 people were not crying, shedding tears over Serbs leaving is also  
6 true, but we've also met people, Albanians, who regretted that some  
7 of their neighbours and -- alerted us to the fact that not everyone  
8 was bad and that some of these people were good.

9 So I'm just saying I don't like to leave an impression as if we  
10 had decided after a few days that every Albanian was bloodthirsty and  
11 out for revenge and out for killing Serbs. That was not the  
12 impression that I had.

13 Q. I'm not suggesting that. I'm just asking you if you have any  
14 reason to dispute Mr. de Mello's report that feelings of revenge or  
15 at least some retribution are running high.

16 A. Certainly.

17 Q. You don't dispute it; correct?

18 A. I don't dispute that, no.

19 MR. MISETIC: Okay. Mr. President, I tender this document into  
20 evidence.

21 PRESIDING JUDGE SMITH: Objection?

22 MS. IODICE: No objection, Your Honour.

23 PRESIDING JUDGE SMITH: 40000700 to 40000702 is admitted.

24 THE COURT OFFICER: This will be assigned Exhibit 1D00233, and  
25 it's classified confidential. Thank you.



Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 MR. MISETIC: Thank you.

2 Q. Mr. Strohmeier, can you tell us what the International Crisis  
3 Group is?

4 A. It's an international think tank. I would say that it observes,  
5 follows countries, situations in crisis, and writes or issues  
6 periodical reports.

7 MR. MISETIC: If we could go -- I'm going show you a -- I'll  
8 call it ICG for short, an ICG report, "Who's Killing Whom?" in Kosovo  
9 from 2 September 1999. It's SITF00000360 to 00000381. And if we  
10 could go please to page 8, which is SITF00000367, please.

11 Now, the report -- if we can start with -- just scroll down a  
12 little bit, please, there you go.

13 Q. "Ceku also claims ..."

14 "Ceku also claims that the continued attacks on Serbs and other  
15 non-Albanian minorities by people wearing KLA uniforms were not  
16 sanctioned by the KLA leadership: 'It is not difficult for someone  
17 to acquire a KLA uniform...they are available all over Kosovo and  
18 Albania,' he said. In this, Ceku is correct - KLA uniforms and  
19 insignia are widely available at shops and kiosks throughout Kosovo  
20 and Albania and, after all, anyone can wear a mask."

21 I'll stop there.

22 First, did you also observe that uniforms were widely available  
23 in Kosovo?

24 A. Not at my time.

25 Q. Okay.

Witness: Hansjoerg Strohmeyer (Open Session)

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Cross-examination by Mr. Misetic

1 A. I mean, I don't recall that.

2 Q. Did you recall Mr. Ceku also saying in meetings that crimes  
3 committed against Serbs and other non-Albanians were not sanctioned  
4 by the KLA leadership?

5 A. I don't recall that, no.

6 Q. So Mr. Ceku never denied that the KLA leadership was behind  
7 crimes being committed?

8 A. That's a different -- I never told to Mr. Ceku's face that, "You  
9 are responsible for those killings," and so he never had to deny that  
10 he was not responsible for it. What I do remember is the  
11 conversations that we were having in the context of the JIC. And I  
12 do recall a conversation with one of the SRSGs, I forgot now exactly  
13 when it was, when Mr. Thaci explained to us that they couldn't  
14 control all the events, but they were trying their best, and so on.

15 And so we did have indications that at least the leadership that  
16 presented itself to us at the time didn't feel that they necessarily  
17 had full control over everything that was happening in Kosovo. At  
18 the same time, I mean, this -- again, this was early days. This was  
19 on 22 or 29th June. Ceku in one of the JIC meetings did say that  
20 they had -- you know, to at least a certain extent, they had the  
21 organisation and they had the means to control the situation.

22 Q. Well, you're saying that Mr. Thaci said that they didn't have  
23 control over certain elements, and that would be consistent with what  
24 Mr. Ceku apparently expressed here to ICG; correct?

25 A. Yes. I mean, maybe.

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 Q. Okay. It continues on. It says:

2 "It is also generally acknowledged that it is not in the  
3 interests of the KLA leadership to be seen sanctioning the  
4 increasingly barbaric attacks on Serbs. They are aware of the  
5 damaging effect of such assaults, often upon elderly and defenceless  
6 civilians, that are rapidly eroding the hard won sympathy that the  
7 Kosovo Albanians enjoy in the West."

8 Now, you've also --

9 A. Mr. --

10 Q. You would agree with that, wouldn't you?

11 A. Mr. Defence Counsel, if I could make really -- which I do think  
12 is important. I mean, in those -- just as it mattered, a week was an  
13 eternity for us at the beginning in Kosovo. So if you look at some  
14 of the periods and the meetings that I drew my conclusions from and  
15 that I commented on, most of them were in June and July. And I do  
16 think that that's -- I mean, if I now recall the statement that you  
17 put to me, the forward that Mr. Kouchner did for the OSCE report, in  
18 that forward, he also says: While in the first few weeks 50 Serbs  
19 per week were being killed, now the situation is not so bad anymore.

20 So I'm not disputing at all that by November or towards the end  
21 of 1999 the situation may have improved. For whatever reasons, there  
22 were also massive -- had already been massive departures of Serbs by  
23 the time. But I do think that by that time, there was also a  
24 political environment that is important to take into account. All  
25 these individuals - Mr. Thaci, Mr. Ceku - they were also politicians,

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 and there was mounting pressure, increasing from -- including from  
2 the international community, that these things had to stop and they  
3 need to react to this as politicians.

4 So neither do I dispute that they made public statements, nor do  
5 I dispute that by the end of the year, in November, the situation was  
6 improving. But what I was commenting on and drawing my conclusions  
7 from was the early weeks and days, and even by the statements -- by  
8 the statement that you showed me before of Kouchner, that is  
9 undisputed that there were massive -- massive attacks or acts on  
10 Serbs, and that's what we drew conclusions from, and that's what we  
11 were looking at, who possibly could have had the responsibility, and  
12 that's why we did not go to anyone else. We did go to Mr. Thaci. We  
13 did go to Mr. Ceku. We did go to those KLA leaders and appeal to  
14 them to weigh in.

15 And I have to tell you, I have no information, and I do not  
16 recall ever having had information, that it was -- KLA uniforms were  
17 freely available. Maybe there were. Maybe there weren't. But I  
18 have not heard that -- anyone putting to us in defence, in June or  
19 July, "Look, there are all these uniforms." That was not something  
20 that we discussed.

21 So I'm just trying -- I'm saying that the timeline is important  
22 here. Some of the things that you are now putting to me, I don't  
23 dispute them, but they happened later than the period that I'm --  
24 that I'm mainly speaking to, which is June until 20-something of  
25 July, until I was there.

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 Q. Okay.

2 MR. MISETIC: Mr. President, I tender this page from the ICG  
3 report into evidence.

4 PRESIDING JUDGE SMITH: Objection?

5 MS. IODICE: No, Your Honour.

6 PRESIDING JUDGE SMITH: You just want page 8?

7 MR. MISETIC: Yes.

8 PRESIDING JUDGE SMITH: SITF00000367 is admitted.

9 MR. MISETIC: And I'm told the cover page as well, just so we  
10 know what the document is. I apologise.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. MISETIC: Yes, 360.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 You may assign a number.

15 THE COURT OFFICER: Thank you, Your Honours. So two pages, 360  
16 and 367, will be assigned Exhibit 1D00234, and they are classified as  
17 public. Thank you, Your Honours.

18 MR. MISETIC: Thank you.

19 Mr. Court Officer, if we could have on the screen, please,  
20 Exhibit 1D175, please.

21 Now, this is a report by the State Department of December 1999  
22 titled "Ethnic Cleansing in Kosovo: An Accounting." And if we could  
23 please go to DHT01473, please. Yes. And the paragraph that begins  
24 "The Roma population" at the bottom of the page, please, on the  
25 left-hand side. Yes.

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 Q. It says:

2 "The Roma population has also been the focus of retribution,  
3 being accused of collaborating in the expulsion of Kosovar Albanians.  
4 Historical animosity against the Roma community has also played a  
5 role. A July 20 statement condemning attacks on Serbs and Roma was  
6 released by the former UCK leadership, and former UCK leader Hashim  
7 Thaqi publicly denounced the July 23 Gradsko attack. There is no  
8 evidence that the former UCK leadership is orchestrating the  
9 violence. On the other hand, Kosovar Albanians have neither  
10 identified the perpetrators of these crimes, nor has the condemnation  
11 of these abuses by leaders of the Kosovar Albanian population been as  
12 broad, sustained or ..."

13 And then it goes on.

14 Now, would you agree that there is no evidence that the former  
15 UCK leadership was orchestrating the violence?

16 A. Sorry, that's a conclusion that this report draws.

17 Q. You agree or disagree with it?

18 A. That is his conclusion. I think I've made my conclusion pretty  
19 clear in my -- in my statement. It was our impression at the  
20 beginning in those first few weeks --

21 Q. I know.

22 A. But this is again December.

23 Q. If you could just refrain from repeating. It's either you agree  
24 or disagree.

25 A. I don't want to say whether I agree or disagree.

Witness: Hansjoerg Strohmeier (Open Session)

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Cross-examination by Mr. Misetic

1 Q. Okay. We'll move on then. Different topic. You say in  
2 paragraph 58 of your statement that there were not other structured  
3 organisations in Kosovo aside from the KLA.

4 "We did not negotiate disarmament with any other organisations  
5 besides the KLA because there was no one else to disarm."

6 Correct?

7 A. Sorry, can you repeat that again?

8 Q. We can put it on the screen.

9 MR. MISETIC: P1968, PDF page 15, please, paragraph 58.

10 Q. You can see on the screen there you say:

11 "Once the JNA and Serb police were gone, there was no other  
12 structured organisation in Kosovo aside from the KLA. If there had  
13 been another structured organisation in Kosovo, they would have  
14 played a role."

15 And then it says further on down:

16 "We did not negotiate disarmament with any other organisation  
17 besides the KLA because there was no one else to disarm."

18 Correct?

19 A. Yes.

20 MR. MISETIC: Okay.

21 If we could move into private session for -- at the request of a  
22 Rule 107 provider, please.

23 PRESIDING JUDGE SMITH: Private session, please,  
24 Mr. Court Officer.

25 [Private session]

Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

Page 23971

Cross-examination by Mr. Misetic

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22 [Open session]

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

24 Thank you.

25 PRESIDING JUDGE SMITH: Thank you. We will be adjourned until

Witness: Hansjoerg Strohmeier (Private Session)

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Cross-examination by Mr. Misetic

1 3.45.

2 --- Break taken at 3.36 p.m.

3 --- On resuming at 3.46 p.m.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 [The witness takes the stand]

6 PRESIDING JUDGE SMITH: All right. Mr. Misetic, you may  
7 continue.

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

9 May we go into private session, please.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 [Private session]

12 [Private session text removed]

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

Page 23975

Cross-examination by Mr. Misetic

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17 [Open session]

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

19 Thank you.

20 MR. MISETIC: Thank you. Let me take you now, Witness, to a  
21 witness statement that General Jackson provided in proceedings in  
22 England, and this is SPOE00000681 to 696 at paragraph 34, page 10.  
23 And if we could go to page 10, paragraph 34, please.

24 Q. Witness, you'll see here that General Jackson discusses a  
25 meeting with General Ceku. And he says:

Witness: Hansjoerg Strohmeyer (Open Session)

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1            "At the top level, I met with Agim Ceku, the KLA's Chief of  
2            Staff, on a weekly basis to hold him to the phased timetable in the  
3            Undertaking."

4            And you attended some of those meetings you've testified;  
5            correct?

6            A.    So sorry, this --

7            Q.    You attended some of those meetings where General Jackson and  
8            General Ceku were present?

9            A.    The first two, I believe.

10          Q.    Okay. The next sentence says:

11          "It was clear during these meetings that Agim Ceku had  
12          difficulty controlling certain elements of those below him who saw  
13          themselves as victors over the Serb forces."

14          Now, first as a background question, the minutes of the JIC  
15          meetings that you attended show that KLA zone commanders were also  
16          invited to those meetings. Do you recall that?

17          A.    Possibly. I don't remember anymore.

18          Q.    So you don't know why the zone commanders were also invited to  
19          those meetings?

20          A.    No. I mean, to be -- just to be clear, the undertaking was  
21          essentially an affair between KFOR and the UCK. I was -- because  
22          there was -- or KFOR wanted to have the UN involved sort of as  
23          witnessing this and also for some of the implications, and there was  
24          at some point some talk that they wanted us to witness this, and  
25          that's when I -- I was asked --



Witness: Hansjoerg Strohmeier (Open Session)

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1 Q. Witness, I'm sorry to interrupt, my time is limited. Do you  
2 know --

3 A. I know, but --

4 Q. Just a question: Do you know why the zone commanders were  
5 invited?

6 A. I'm just explaining why I couldn't necessarily or wouldn't  
7 necessarily know or wouldn't even have asked for this. So the thing  
8 is no, but I wasn't -- I wasn't into the details of who needed to be  
9 there for what reason for the implementation of the undertaking. I  
10 was more there to witness and present any questions from the UNMIK  
11 side of things.

12 Q. Okay. If you don't know something, you can just say "I don't  
13 know." You don't have justify why you don't know. Just in the  
14 interest of time.

15 Now, General Jackson here says in his statement that  
16 General Ceku "had difficulty controlling certain elements of those  
17 below him who saw themselves as victors over the Serb forces."

18 Now, do you accept that you are not qualified to dispute  
19 General Jackson's conclusions that General Ceku had difficulty  
20 controlling certain elements of the KLA below him?

21 A. I'm not qualified to make any military judgments. That is  
22 correct.

23 Q. Let's turn to a different document.

24 MR. MISETIC: If we could please go into private session again  
25 due to Rule 107 restrictions, please.

Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           Private session, please.

3                           [Private session]

4                           [Private session text removed]

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Witness: Hansjoerg Strohmeier (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Witness: Hansjoerg Strohmeyer (Private Session)

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Witness: Hansjoerg Strohmeyer (Private Session)

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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Cross-examination by Mr. Misetic

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7 [Open session]

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

9 Thank you.

10 MR. MISETIĆ: Thank you. Mr. Court Officer, if we can have  
11 020723 to 020725, please. At page 2, please.

12 Q. Let me just show you first. This is an *Agence France-Presse*  
13 article from 10 August 1999. I believe you're not certain if you  
14 were in the country at that time or not; correct?

15 A. Yeah, I'm almost certain that I wasn't on that -- on that  
16 10 August.

17 Q. Okay.

18 MR. MISETIĆ: If we could go to page 2, please.

19 Q. And this discusses attacks that had been taking place, violent  
20 incidents against peacekeepers.

21 MR. MISETIĆ: If we could go to the next -- scroll down to  
22 DHT -- sorry, to page 2, please. No, down -- scroll down. It's just  
23 above that. Just above that. And a little bit further. No, the  
24 other way. There you go. Right there.

25 Q. It says:

1 "There is ... a strong suspicion that the KLA has been behind  
2 recent violent incidents targeting peacekeepers, notably in Kosovska  
3 Mitrovica, where four days of protests have been carried out by young  
4 ethnic Albanians chanting the KLA's name."

5 If we scroll down:

6 "In an interview published the same day, Jackson said the recent  
7 attacks on his soldiers raised questions about the KLA's control of  
8 hardliners."

9 He says:

10 "'I can't say I am fully confident that they are in full  
11 control,' he told The Scotsman newspaper."

12 MR. MISETIC: If we go to the next page, please -- or, sorry,  
13 one more article, and this is DHT04111 to DHT04113 at DHT04112,  
14 please.

15 Q. And, again, this is another article, this one from *The Guardian*  
16 on 9 August 1999.

17 MR. MISETIC: And if we go to page DHT04112, please. He says --  
18 if we scroll to the bottom, please. Up a little bit, please. Right  
19 there.

20 Q. He says:

21 "Lieutenant-General Sir Mike Jackson, commander of the K-For  
22 peace force, said recent attacks suggested the Kosovo Liberation Army  
23 was losing control over hardliners in its ranks."

24 Do you know, first of all, who at the time was discussed as a  
25 hardliner?

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1 A. No.

2 Q. And it was no secret what General Jackson was saying here inside  
3 UNMIK or KFOR, was it, that there were hardliners within the KLA?

4 A. I don't think it was a secret, no, but I -- I mean, I have to  
5 say I don't recall details of those -- I mean, definitely not in  
6 terms of names but -- but also, I mean, maybe just to say  
7 increasingly, and I explained that before, from, like, the middle of  
8 July on, I was sort of pulling out, or maybe even a week or so  
9 earlier, out of those discussions around the understanding, around  
10 the UCK and KLA acts, so I wouldn't necessarily have been privy as  
11 much to some of those conversations as I was before because I had to  
12 focus more on those judicial and legal issues, which is what I was  
13 hired to -- or what I was brought to do.

14 Q. Okay. And now you have no reason to dispute General Jackson's  
15 assessment that his perception was that the leadership was losing  
16 control over hardliners; correct?

17 A. No.

18 MR. MISETIC: I'd like to go to one more document before we  
19 break. This is DHT04153 to DHT04157. It relates to the issue of  
20 detention facilities. It's a press briefing by Mr. de Mello on 30  
21 July 1999. And if we go to the last page, please.

22 THE WITNESS: Sorry, this would have been Mr. Kouchner, I think,  
23 at the time.

24 MR. MISETIC: No, it's Mr. de Mello.

25 THE WITNESS: On 30 July?

1 MR. MISETIC: It says "former." It says "former acting" --

2 THE WITNESS: Oh, former [Overlapping speakers] ...

3 MR. MISETIC:

4 Q. It says -- the paragraph -- the first full paragraph on your  
5 screen, he's quoted as saying -- sorry, he was asked:

6 "'Is the KLA behind organised crime in Kosovo and is it playing  
7 any unilateral policing role in any of these places?', the  
8 Under-Secretary-General was asked. Mr. Vieira de Mello said it was  
9 obvious that elements either now or formerly belonging to the KLA  
10 were attempting to establish a parallel or shadow police force. KFOR  
11 had uncovered two detention centres and when confronted, Mr. Thaci  
12 had denied that his KLA was in that sort of business. He had, in  
13 fact, welcomed the identification of the locations of the detention  
14 centres and the freeing of the Serb and Roma detainees found there.  
15 However, there was no UNMIK intelligence at present in Kosovo. Once  
16 the international police force was fully deployed and had a  
17 structured headquarters in Pristina, there would be more  
18 information."

19 MR. MISETIC: If we go down -- yes.

20 Q. Towards the middle of the second paragraph, he says:

21 "He," meaning Mr. Thaci, "had also claimed that many of those  
22 now committing crimes and presenting themselves as KLA through  
23 uniforms or insignia were not in fact KLA members. At present, there  
24 was not enough intelligence to make a determination, and in response  
25 to a follow-up question by another correspondent, Mr. Vieira de Mello



1 had said there had been no crackdown on such organisations by the  
2 time of his departure."

3 Now, you have no reason to dispute what Mr. de Mello said at  
4 this press conference, that Mr. Thaci had welcomed the discovery of  
5 the locations of the detention centres and the freeing of the Serb  
6 and Roma detainees found there; correct?

7 A. No.

8 Q. Okay.

9 MR. MISETIĆ: Mr. President, I note the time. I know that I've  
10 taken a lot of time, but I endeavour -- I have very little left to  
11 finish in the morning.

12 PRESIDING JUDGE SMITH: Okay.

13 MR. MISETIĆ: Thank you.

14 THE WITNESS: Could I just make one small comment, if you permit  
15 me, just on this, really. And I think this -- this is important.  
16 This is six weeks into the -- into our presence there. And as I said  
17 earlier, situations would -- the situation would evolve sometimes  
18 from one week over the next, and it's really important to bear this  
19 in mind.

20 So the longer the situation lasted, and I'm speaking about my  
21 impressions and my conclusions based on the facts that they presented  
22 themselves to myself, and I was there until the 23rd, 24th July,  
23 something like this, I've forgotten now exactly when Gracko happened.  
24 So in -- a lot of these things that played themselves out towards the  
25 middle or the end of July and further on, and it may well be that

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1       there was a broader understanding now that the UCK was controlling  
2       less than we assumed at the beginning or we were even left under the  
3       impression they were, but this doesn't necessarily make the  
4       conclusions that I -- or the observations that we had wrong. It just  
5       means that the situation clarified itself or evolved in that  
6       direction.

7               So I have no reason to dispute Jackson or Kouchner's later  
8       statements, or de Mello's from the end of July, or to even dispute  
9       that that was the case. But what I'm saying is the perceptions --  
10      because we didn't have all this information, the perception of us in  
11      the beginning was much clearer that the KLA -- or the assumptions  
12      maybe also were that the KLA was in command and that they had, in  
13      fact, much more control over what was happening on the ground. And  
14      these were the weeks when the massive, basically, violence and  
15      challenges to our mandate happened.

16             Anyway, I just -- as a clarification.

17             PRESIDING JUDGE SMITH: Thank you. That'll be it for today,  
18      Witness. We'll have to see you tomorrow morning at 9.00. Thank you  
19      for being with us today. Do not speak with anyone about your  
20      testimony outside of the courtroom. Thank you again.

21             THE WITNESS: Thank you, Your Honour.

22                       [The witness stands down]

23             MR. ROBERTS: Your Honour, just before you call time for the  
24      day, I just have a brief request.

25             The Defence is due to file a response to F2833, which is the

1 notification response in relation to upcoming witnesses, by this  
2 Wednesday. We would request an extension of time of three days to  
3 file the following Monday, which is the same time as our response to  
4 the Rule 154 application for the same witnesses.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 MS. IODICE: No, Your Honour.

7 PRESIDING JUDGE SMITH: That extension is granted.

8 MR. ROBERTS: Thanks, Your Honour.

9 PRESIDING JUDGE SMITH: Okay.

10 MR. ROBERTS: Much obliged.

11 PRESIDING JUDGE SMITH: All right. We're adjourned till  
12 tomorrow at 9.00.

13 --- Whereupon the hearing adjourned at 4.32 p.m.