

1 Monday, 23 September 2024

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Thaci appeared via videolink]

5 --- Upon commencing at 9.01 a.m.

6 PRESIDING JUDGE SMITH: Please call the case,
7 Madam Court Officer.

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

11 PRESIDING JUDGE SMITH: Thank you.

12 I note that all the accused except Mr. Thaci, who is appearing
13 via videolink, are present in court today.

14 Before we bring in the witness, there is a preliminary matter
15 the Panel would like to address.

16 For reasons beyond our control, it is necessary to adjust the
17 sitting schedule for Thursday, 26 September 2024. We will have a
18 lunch break from 1.00 until 2.00 p.m. instead of the 1.00 to
19 2.30 p.m., and the afternoon sitting block will start at 2.00 p.m.
20 and finish at 3.00 p.m. So that at 3.00 p.m. we will be finished for
21 the day on Thursday. No other change.

22 We will now start hearing the evidence of Prosecution
23 Witness W03885.

24 Madam Court Usher, please bring the witness in.

25 [The witness entered court]

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1 PRESIDING JUDGE SMITH: Good morning, Witness.

2 THE WITNESS: [Interpretation] Good morning.

3 PRESIDING JUDGE SMITH: Can you hear me all right?

4 THE WITNESS: [Interpretation] Yes, yes.

5 PRESIDING JUDGE SMITH: The Court Usher will now provide you
6 with the text of the solemn declaration which you are asked to take
7 pursuant to our Rule 141(2). Please read it aloud.

8 THE WITNESS: [Interpretation] Conscious of the significance of
9 my testimony and my legal responsibility, I solemnly declare that I
10 will tell the truth, the whole truth, and nothing but the truth, and
11 that I shall not withhold anything which has come to my knowledge.

12 WITNESS: DEMUSH KRASNIQI

13 [The witness answered through interpreter]

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 You can be seated now, Witness.

16 Witness, today we will start with your testimony, which is
17 expected to last approximately a half a day. As you may know, the
18 Prosecution will ask you questions first, and then the Defence has
19 the right to ask questions of you. Members of the Panel might also
20 ask questions of you.

21 The Prosecution estimate for your examination is 30 minutes.
22 The Defence estimates that it will need approximately two and a half
23 hours. As regards each estimate, we hope that the counsel will be
24 judicious in the use of their time. The Panel may also allow
25 redirect examinations if conditions for it are met.

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1 Witness, please try to answer the questions clearly with short
2 sentences. If you don't understand a question, feel free to ask
3 counsel to repeat the question or tell them you don't understand and
4 they will attempt to clarify. Also, please try to indicate the basis
5 of your knowledge of facts and circumstances that you will be asked
6 about.

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

11 Please also speak into the microphone and wait five seconds
12 before answering a question, and then speak at a slow pace so the
13 interpreters can catch up.

14 Please stop talking if I ask you to do so and also stop talking
15 if you see me raise my hand. These indications mean that I need to
16 give you an instruction.

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

21 If you feel the need to take a break, please make an indication
22 by raising your hand and an accommodation will be made.

23 We begin now with the questions from the Prosecution's Office.
24 They are seated to your left. Please give them your attention.

25 Mr. Prosecutor, you have the floor.

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1 MR. PACE: Thank you, Your Honour.

2 Examination by Mr. Pace:

3 Q. And good morning, Witness.

4 THE WITNESS: [Interpretation] I have a request.

5 PRESIDING JUDGE SMITH: Yes, sir.

6 THE WITNESS: [Interpretation] Your Honour, Your Honour, I wish
7 to present in front of you a rule of our family -- an event of my
8 family, if I'm allowed to.

9 PRESIDING JUDGE SMITH: We have no objection to you doing that,
10 but please let the Prosecution lead their questions first and then
11 you will have an opportunity to say that.

12 And, Mr. Pace, you can maybe make room for him to make whatever
13 statement he wishes.

14 Is that all right?

15 THE WITNESS: [Interpretation] All right.

16 PRESIDING JUDGE SMITH: Thank you.

17 MR. PACE:

18 Q. Witness, we've met before. I'll introduce myself again. I'm
19 James Pace, a Prosecutor with the SPO, and I'll be asking you
20 questions this morning for the next half an hour or so.

21 As I explained to you during your preparation session, which was
22 last week, rather than asking you questions on every relevant issue
23 you may have information about, it may be possible to admit some of
24 your prior statements containing such information into evidence. And
25 in order to do that, there are a number of procedural steps we would

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1 need to follow, and I'll turn to those steps after we establish your
2 identity.

3 So the first question is: Please state your name.

4 A. I am Demush Krasniqi.

5 Q. What is your date of birth?

6 A. 22 July 1956.

7 Q. What's your father's name?

8 A. Bajram.

9 Q. What is your nationality?

10 A. Albanian.

11 Q. What town or village were you born in?

12 A. I was born in the village of Vllashki in Drenoc, municipality of
13 Malisheve.

14 Q. And what level of education do you have?

15 A. I have completed the secondary school, technician in
16 communications.

17 Q. Are you currently employed?

18 A. No, I'm retired.

19 Q. And what was your occupation before you retired?

20 A. I worked at the Malisheve municipal administration.

21 Q. Prior to that, did you ever work as a taxi driver?

22 A. Yes.

23 MR. PACE: And the items I'll be calling up to be shown today
24 can also be shown to the public, and I'd like to start with 051757 to
25 051760 RED2 with the corresponding English, that is -ET. The first

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1 page of both items. Thank you.

2 Q. Witness, do you see two documents on your screen, on the left in
3 Albanian and on the right in English?

4 A. Yes, I do see them.

5 Q. And as you can see, these documents refer to your April 2016
6 interview with the SPRK. Do you recall that interview?

7 A. Yes, I do.

8 Q. On the page in Albanian, which is on the left of your screen,
9 there is a signature under your name. Is that signature yours?

10 A. Yes, it is my signature.

11 MR. PACE: And the Court Officer, let's please turn to the next
12 page in both documents.

13 Q. And, Witness, this is the second page from the same item, again,
14 on the left in Albanian and on the right in English. We see two
15 signatures on the left of your screen on the Albanian version. Are
16 those signatures yours?

17 A. Yes, both of them.

18 MR. PACE: And let's go to the last page of both documents, so
19 that's page 051670, please.

20 Q. Once again, Witness, two pages on your screen. Left, Albanian;
21 right, English. And we see your name on the bottom right-hand side
22 of the document in Albanian. Is that your signature underneath your
23 name?

24 A. Yes, this is my signature.

25 MR. PACE: I'd now like to call up 070966-TR-AT Part 1 Revised

1 RED and the corresponding English version, which is -ET. The first
2 page of both, please.

3 Q. Witness, do you see two different documents on your screen now,
4 on the left in Albanian and on the right in English?

5 A. Yes, I do.

6 Q. The document, as you can see, refers to an interview with the
7 SPO in December 2019. Do you recall meeting the SPO around that
8 time?

9 A. Yes, I do.

10 Q. And I note that this document consists of three parts.

11 MR. PACE: And it can be taken down for now, Court Officer.

12 Thank you.

13 Q. Witness, do you recall being provided with an opportunity last
14 week to provide clarifications in relation to your prior statements?

15 A. Yes.

16 Q. And do you recall that you made a number of clarifications and
17 corrections to those prior statements?

18 A. Yes, I do.

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

21 A. I understand.

22 Q. Subject to the corrections set out in the note which was read
23 back to you, is the information provided in your SPRK and SPO prior
24 statements accurate and truthful to the best of your knowledge and
25 belief?

1 A. Yes, it is the same statement I've given before and I stand by
2 it.

3 Q. And subject to the corrections set out in the note that was read
4 back to you, do your SPRK and SPO prior statements accurately reflect
5 what you would say if you were examined about the events recorded
6 therein?

7 A. Yes, I believe it would be the same.

8 MR. PACE: I'd like to seek admission of the prior statements
9 and associated exhibits. The ERNs are set out in our 19 September
10 2024 e-mail and in Annex 1 to Preparation Note 1, and we also seek
11 admission of Preparation Note 1, which is 122855-122859.

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. MISETIC: Subject to any objections previously indicated in
14 our Rule 154 response, we have no additional objections.

15 PRESIDING JUDGE SMITH: No one else? Thank you.

16 051757 to 051760 RED2 in English and Albanian is admitted.

17 THE COURT OFFICER: Your Honours, that will be assigned
18 Exhibit P01666. And if we can clarify classification.

19 MR. PACE: Public for the statements and also for the one
20 associated exhibit and the preparation note.

21 PRESIDING JUDGE SMITH: Thank you. So all will be public.

22 Next, 070966-TR-ET Part 1 Revised RED in three parts is
23 admitted.

24 THE COURT OFFICER: Your Honours, Part 1 will be assigned
25 Exhibit P01667.1; Part 2 will be assigned Exhibit P01667.2; and

1 Part 3 will be assigned Exhibit P01667.3.

2 PRESIDING JUDGE SMITH: Then the Preparation Note 122855-122859
3 is admitted together with the associated exhibits.

4 THE COURT OFFICER: Your Honours, that preparation note will be
5 assigned Exhibit P01668.

6 And the associated exhibit, as listed in footnote 13 of the
7 Rule 154 decision F02585, is ERN 070964 to 070965, and that will be
8 signed Exhibit P01669.

9 PRESIDING JUDGE SMITH: Thank you.

10 Go ahead, Mr. Pace.

11 MR. PACE: Thank you. And, Your Honour, on 19 September we
12 submitted a brief proposed summary of this witness's evidence
13 pursuant to Rule 154. We've received no objections. So with your
14 leave, I'll read it now on the record.

15 PRESIDING JUDGE SMITH: Yes, you may read it.

16 MR. PACE: The following is a summary of the Rule 154 statement
17 of Witness 03885. W03885 joined the Lumi unit in Balince, Malisheve,
18 around May 1998, and later served as a member of the military police
19 within Brigade 122 including in Dragobil.

20 W03885 was in Dragobil with Fehmi Kryeziu and Skender Hoti when
21 a vehicle with KLA insignia arrived with two soldiers who introduced
22 themselves as from the KLA General Staff and asked W03885 and others
23 to go and call two persons attending a meeting with the OSCE.

24 W03885 and others retrieved Jakup Kastrati and Cen Desku from a
25 meeting and accompanied them to the vehicle. Kastrati and Desku

1 entered the vehicle. Another vehicle then appeared and both vehicles
2 took off.

3 W03885 was present when Kastrati, Desku, and others were
4 released around a month after they were taken away from Dragobil.

5 W03885 also provides information concerning his roles and those
6 of others in the KLA, and on the membership, structure, activities,
7 authorities, areas of responsibility, and reporting lines of KLA
8 units including the Lumi unit, Brigades 121 and 122, and the KLA
9 military police units.

10 We can continue in open session. And, again, the documents I'm
11 going to call up can be broadcast to the public. And I'd like to
12 call up U017-3195-U017-3213 side by side with its English
13 translation, which is the same ERN with -ET at the end, please. And
14 we could do the first page on both.

15 Q. Witness, do you see two new documents or different documents to
16 the ones previously shown on your screen? On the left, handwritten
17 in Albanian; and on the right, in English.

18 A. Yes, I do see it.

19 Q. And had you seen this document in Albanian before I showed it to
20 you last week?

21 A. No.

22 Q. And on the page in front of us, we see the heading: MP Proposed
23 List and several names.

24 MR. PACE: I'd now like to turn to the next page in both items,
25 which is 3196.

1 Q. And, Witness, on this page from the same document at number 2 we
2 see your name. And in the Albanian, if we can zoom into the entry
3 number 2, we see two letters, Z and K, appearing just above your
4 name. Do you know what those letters Z and K in Albanian above your
5 name refer to?

6 A. Deputy commander of the military police Brigade 122.

7 Q. And did you occupy that position in 1998 and 1999?

8 A. Yes, I did.

9 Q. On the same page, we see that the first entry refers to
10 Sejdi Paqarizi who is listed as the commander. Was Sejdi Paqarizi
11 the commander of the military police platoon in Dragobil?

12 A. Yes, the commander was Sejdi Paqarizi.

13 Q. And to be clear, that's the military police platoon within
14 Brigade 122?

15 A. Correct.

16 Q. Still on the same page, at number 3 we see the name
17 Tahir Ulluri. Was he a member of the military police platoon in
18 Brigade 122?

19 A. I don't think he was. He wasn't.

20 Q. Do you know Tahir Ulluri?

21 A. I met him during the war.

22 Q. And during the war, did you know what unit or brigade he
23 belonged to?

24 A. He was in Brigade 122.

25 Q. So can I just clarify, you recall he was in Brigade 122, but you

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1 don't recall whether he was necessarily in the military police. Am I
2 understanding correctly?

3 A. I can't recall the details.

4 Q. Do you know the person at number 6, Avni Krasniqi?

5 A. Avni Krasniqi. I can't recall.

6 Q. How about Beqir Bashota? Do you know that name?

7 A. I know Beqir Bashota.

8 Q. And to your knowledge, was he a KLA member in 1998, 1999?

9 A. Yes.

10 Q. Was he in Brigade 122?

11 A. Yes, Brigade 122.

12 MR. PACE: I'd like to turn to page ending 3198, please, in both
13 versions.

14 Q. And here, again, Witness, on the left in Albanian, on the right
15 in English, we see your name at number 2. Next to your name, it
16 states you are "in possession of an authorisation card and uniform."
17 In your SPO statement, you said that when you joined the military
18 police you were given a black jacket with insignia. And my question
19 is did you ever receive an authorisation card when you were in the
20 KLA?

21 A. I don't understand. What authorisation?

22 Q. Did you ever receive any kind of card indicating your membership
23 in the KLA in 1998 or 1999?

24 A. Yes. Yes, an authorisation.

25 MR. PACE: I'd like to turn to the next page in both documents,

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1 please, 3199.

2 Q. And, Witness, did the front of the card that you received in the
3 KLA look anything like the one on our screens now?

4 A. Yes, it does.

5 MR. PACE: And if we could go to the next page, 3200, please.

6 Q. Witness, do you recall if the back of the card you received when
7 you were in the KLA looked anything like the ones on our screens now?

8 A. Yes, it did.

9 MR. PACE: Your Honour, we seek admission of this item, and it
10 can be classified as public.

11 PRESIDING JUDGE SMITH: Objection?

12 MR. MISETIC: No objection.

13 MR. DIXON: Your Honour, we do object. This witness has
14 indicated that he's never seen any of these documents before. The
15 Prosecution can, obviously, ask the witness about his unit, the cards
16 that he had, what he had in his possession, which they have done.
17 That's in evidence. But this witness can't be used to bring the
18 document into evidence for the truth of its contents.

19 We're entirely content for it to be marked for identification.
20 There may well be a future witness who can speak about this document
21 as their document or a document they saw during the war or
22 thereafter, but this witness is simply unable to do that. That's why
23 we object.

24 PRESIDING JUDGE SMITH: Anybody else?

25 MS. V. ALAGENDRA: Your Honours, the witness has also said he

1 has not seen this document before.

2 MR. PACE: Your Honour, do I need to respond?

3 PRESIDING JUDGE SMITH: Yes, go ahead.

4 MR. PACE: May I respond briefly?

5 Thank you. As Your Honours will know, during the entire course
6 of this case, the fact that a witness may not have seen a document
7 before is not a bar to admission. We're here talking about admission
8 and not the weight that Your Honours will give. The witness, as
9 several other witnesses have done before on documents admitted by
10 Your Honours, has spoken to the content of the item. In this
11 particular case, identifying his own name, his position, and other
12 relevant details which certainly meet the criteria for admissibility
13 at this stage.

14 PRESIDING JUDGE SMITH: Thank you, Mr. Pace.

15 [Trial Panel confers]

16 PRESIDING JUDGE SMITH: The document will be admitted, which is
17 U017-3195 to U017-3213. It does meet the *prima facie* standard for
18 the admission of the document under 138. It is relevant, authentic,
19 and has probative value. The fact that he hadn't seen it before is
20 somewhat irrelevant to the admission at this stage. He has
21 identified all the pages as including himself and other persons he
22 knew, so it will be admitted.

23 Go ahead, Mr. Pace.

24 Oh, I'm sorry. We need to have an exhibit number.

25 THE COURT OFFICER: Yes, Your Honour. The exhibit number

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1 assigned will be P01670. And I note it will be classified as public
2 as mentioned.

3 PRESIDING JUDGE SMITH: It will be public.

4 Go ahead.

5 MR. PACE: Thank you. If we could next call up SITF00439028 to
6 00439030 side by side with the English translation, which is the same
7 ERN with -ET at the end. And I'd like the first page of both items,
8 please.

9 Q. Witness, on your screen is another document, once again on the
10 left in Albanian and on the right in English. Had you seen the
11 document in Albanian before I showed it to you last week?

12 A. No, I hadn't. Never.

13 MR. PACE: I would like to stay on the same page in Albanian,
14 but in the English I'd like to go to the next page, please. Thank
15 you. And on the Albanian page, if we could zoom in to the bottom
16 right-hand corner, please. Thank you.

17 Q. So, Witness, in the Albanian on your screen, we can see your
18 name here in the bottom right-hand corner at number 1 under the
19 heading "Reprimand for Absence." On the English page on our screen,
20 this is towards the middle on the right-hand side of the page.

21 And, Witness, next to your name we see a signature. Is that
22 signature yours?

23 A. Yes, it is my signature.

24 Q. And as I mentioned, your name appears below a heading or
25 subheading which says "Reprimand for Absence." Witness, do you

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1 recall in 1998 or 1999 ever been reprimanded for an absence or
2 absences in the KLA?

3 A. I had my family in the mountains of Turjake. I had my mother,
4 my wife, and my six children in the mountains. And at times I had to
5 go and visit them, check in on them, if they had food, and see their
6 life conditions there. So at times I would be late on my way back to
7 my comrades, so it must have certainly been one of these reprimands
8 because of my delay. And because I was the eldest, this reprimand
9 was given to me in order to convey a message also to the younger
10 fighters, saying Demush Laci was given a reprimand for being delayed.

11 Q. And you just referred to Demush Laci. We know because you
12 stated so earlier that you're Demush Krasniqi. Is that a name that
13 you were known as, Demush Laci, in 1998 and 1999?

14 A. Yes. My neighbourhood is called the Lac. And there were three
15 Demushes in my village alone. One was a judge, another one was a
16 teacher. And in order to -- not to confuse me from them, I was
17 called that. There were many notable events in my family. My
18 great-great-grandfather and grandfather were called with the Laci
19 after the neighbourhood, that is, and that is what my friends
20 continued to call me too.

21 Q. And, Witness, this reprimand or reprimands, do you recall what
22 period of time, what month and year, you would have received such a
23 reprimand in 1998 or 1999?

24 A. No, I do not.

25 Q. And beneath your name on the document on our screen, we see the

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1 names Burim Foniqi and Ekrem Gashi. Do you recall whether they were
2 members of Brigade 122?

3 A. Yes.

4 Q. And, Witness, do you recall the Provisional Government of Kosovo
5 being created around March or April 1999?

6 A. I cannot recall the exact time and day, but I was aware that the
7 interim government, the provisional government had indeed been
8 formed.

9 Q. And do you recall that when that government had been formed
10 there was a Ministry of Public Order that was created?

11 MR. ROBERTS: Your Honour, with all due respect, this is very
12 leading. I don't think it's particularly contested, but maybe if he
13 could just ask an open question, that would assist.

14 MR. PACE: Your Honour, I'm not sure why it would be contested,
15 but --

16 PRESIDING JUDGE SMITH: Overruled. Go ahead.

17 MR. PACE:

18 Q. Witness, I can repeat the question. Do you recall a Ministry of
19 Public Order being created when the Provisional Government of Kosovo
20 was created or around that time?

21 A. Yes, I remember it being created.

22 MR. PACE: And we could stay on the same page in Albanian. In
23 English, I'd like to go back to the first page, please. And if we
24 could zoom in on to the top part of the document in both pages, the
25 Albanian and the English. Thank you.

1 Q. And, Witness, as we can see the heading at the top of this page
2 refers to "public order police officers." Witness, do you have any
3 knowledge as to whether any members of the military police in the KLA
4 were transferred to the Ministry of Public Order at the time?

5 A. No, I don't recall.

6 MR. PACE: Your Honour, we seek admission of this page, which is
7 page SITF00439028. That's one page in the Albanian. In the English,
8 it's the first and the second page because the translation carries
9 over there.

10 PRESIDING JUDGE SMITH: Objection?

11 MR. DIXON: Your Honours, yes, we do object. The witness has
12 said that he's never seen this document before. It's particularly
13 relevant here because it follows, logically on its face, that if he's
14 never seen the document before, even though he recognises his
15 signature, he couldn't have put his signature there. It would
16 require further evidence to explain how his signature got there if he
17 says he's never ever seen this document before.

18 He never said, "I don't remember," "I need to be refreshed." He
19 said, "I've never seen it before." Nothing adverse is being said
20 about the witness, but it requires further evidence. Hence, the
21 document cannot come in.

22 The witness, of course, can give his evidence about what
23 happened, but the Prosecution would have to look to elicit further
24 evidence in relation to this document, and perhaps they could say
25 whether there is a witness coming who can indicate what this document

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1 is all about, where it came from, because then we could wait for that
2 moment.

3 There's also lots of other evidence potentially on this
4 document, other signatures. If it is admitted now as a full exhibit,
5 well, that could then all be used later on without having to come
6 back to that again. That's the danger of doing it in this way.
7 Hence, we propose marking it for identification at this stage early.

8 PRESIDING JUDGE SMITH: SITF00439028 to 00439030 is admitted
9 under -- having met the minimum standards of Rule 138.

10 MR. PACE: Just to clarify, Your Honour. We're only tendering
11 the page shown to the witness, which covers 028. So the --

12 PRESIDING JUDGE SMITH: Only 028?

13 MR. PACE: Yes. And in English it's the first and second --

14 PRESIDING JUDGE SMITH: Yes, I'm sorry. I said the other part
15 as part of the string, but it will be only 028 is admitted.

16 THE COURT OFFICER: Your Honours, SITF00439028 for the Albanian,
17 and SITF00439028 to SITF00439029, which are the two pages, will be
18 assigned Exhibit P01671. And can we confirm classification?

19 MR. PACE: Public. Thank you.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 MR. PACE: Your Honour, I have no further questions for the
22 witness. What I will do now, in line with Your Honours'
23 instructions, is to give the witness scope to speak.

24 Q. Witness, I have no further questions for you at this stage. You
25 indicated at the beginning of your testimony that there was something

1 you wanted to say to this Court.

2 Before doing so, could you tell us what this matter concerns?
3 What is it about that you want to speak about? I also remind you
4 we're in open session, should that be relevant.

5 A. When I received an invitation to come and testify here as a
6 former a Kosovo Liberation Army soldier, a large number of guests
7 showed up, friends, veterans. That's what I wanted to say. There
8 were people from the surrounding villages amongst them. And their
9 message was for me to greet the heads of the Kosovo Liberation Army,
10 President Hashim Thaci, Speaker Jakup Krasniqi, Kadri Veseli, and the
11 Kosovo Assembly MP Rexhep Selimi. Friends asked me to pass on this
12 message, and I do not know if I was able to do them justice.

13 Thank you. That's all I had.

14 Q. Witness, could you tell us who these friends who asked you to
15 pass on that message are? What are their names, please?

16 A. Villagers from the surrounding areas. When they heard that I
17 had been invited, they came to see me and to plead with me to greet
18 these men who are here.

19 Q. Yes. And do you recall the names of any of these villagers from
20 the surrounding area who said this to you?

21 PRESIDING JUDGE SMITH: Are you asking for the names of the
22 people or the names of the villages? It sounds like you're asking
23 for --

24 THE WITNESS: [Interpretation] Some I do.

25 PRESIDING JUDGE SMITH: -- the names of the villages.

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1 MR. PACE:

2 Q. The names of the people.

3 A. These were people from the villages.

4 Q. What were their names, of the people?

5 A. They are my friends.

6 Q. Witness, did any of these friends that visited you tell you what
7 to say or not to say during your testimony before this Court?

8 A. No, no.

9 Q. And just to be clear, your --

10 A. It was only my own desire to convey this message here.

11 Q. I understand. And just one clarification on this issue. You
12 referred to when you were invited to testify. Could you clarify
13 you're referring to the last few months when you were informed to
14 come here? Is that when these people reached out to you?

15 A. No. This happened on the day before I was due to depart to come
16 here. One day before I set off to come here.

17 Q. And were you the person who told these friends of yours that you
18 would be coming to testify or did they learn about your testimony
19 some other way?

20 A. They had heard about it because I had made it public that I was
21 going to come and testify here.

22 Q. Thank you, Witness.

23 MR. PACE: No further questions, Your Honour.

24 PRESIDING JUDGE SMITH: Cross-examination by the Thaci Defence,
25 please.

1 MR. MISETIC: Yes, thank you, Mr. President.

2 Cross-examination by Mr. Misetic:

3 Q. Good morning, Witness. My name is Luka Misetic. I am counsel
4 for Mr. Thaci, and I have some questions for you this morning.

5 A. Thank you.

6 Q. Yes. Witness, I just want to start with some background
7 questions. You joined the KLA in May 1998; is that correct?

8 A. Yes.

9 Q. And you told the SPO that before you joined, you had heard from
10 people around you about the existence of a unit in the area around
11 you; is that correct?

12 A. Yes.

13 Q. And you heard that there was a unit of the KLA in Balince and
14 that the commander there was Enver Hoti; is that correct?

15 A. Yes.

16 Q. When you first joined you received a uniform?

17 A. Yes.

18 Q. But you had to bring your own personal weapon; is that correct?

19 A. Yes.

20 Q. And you told the SPO that at the beginning there weren't many
21 uniforms available, so people would wear whatever uniform they could
22 go ahead and hold of; is that correct?

23 A. Correct.

24 Q. Now, this unit that you joined in Balince in May 1998, it was
25 part of a wider unit known as the Lumi unit; is that correct?

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1 A. Yes, correct.

2 Q. And at the time you joined you were a simple soldier; correct?

3 A. Yes.

4 Q. And you received no professional training when you joined the
5 KLA; is that correct?

6 A. I did not.

7 Q. And whatever training you received was training that you had
8 done -- the soldiers had done amongst themselves; is that correct?

9 A. Correct.

10 Q. And prior to that, the only military training that you received
11 was your obligatory JNA military service; is that correct?

12 A. Yes.

13 Q. Now, this unit in Balince was part of a greater Lumi unit in
14 Malisheve led by Isni Kilaj; is that correct?

15 A. Yes.

16 Q. And you were part of the Lumi unit point in Balince; correct?

17 A. Yes.

18 Q. And the commander of your unit was Enver Hoti?

19 A. Yes.

20 Q. And Isni Kilaj's command of the Lumi unit was headquartered in
21 Malisheve; is that correct?

22 A. Yes.

23 Q. And you told the SPO last week in Preparation Note 1, which is
24 Exhibit P01668, at paragraph 11, that the Lumi unit itself was
25 founded by Gani Krasniqi who was a person of authority in the unit;

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1 correct?

2 A. Yes.

3 Q. Now, you know Gani Krasniqi personally; correct?

4 A. Yes, I do.

5 Q. How long have you known him?

6 A. I've known him since before the war.

7 Q. And how did you know him before the war?

8 A. He had been a political prisoner, and our villages are close by.

9 Q. What kind of relations did you have with Gani Krasniqi prior to
10 the war?

11 A. None.

12 Q. Had you met him before the war?

13 A. Yes.

14 Q. Were you both members of the LDK before the war?

15 A. Yes.

16 Q. I believe you told the SPO last week that you were in the LDK
17 prior to the war; correct?

18 A. Yes.

19 Q. And you led an LDK branch prior to the war; is that correct?

20 A. Yes, we founded the LDK in our village. I was a member of the
21 steering board of the LDK in the village until the war erupted. When
22 the war started, then I ceased being an LDK member.

23 Q. When you say "when the war started," is that with the attack on
24 the Jashari compound?

25 A. Yes.

1 Q. So you ceased being an LDK member in around March 1998; is that
2 correct?

3 A. I was no longer an LDK member as of March 1998. I joined my
4 comrades within the Kosovo Liberation Army, and I'm proud about that.

5 Q. What was Gani Krasniqi's role in the LDK?

6 A. I don't know.

7 Q. Do you know if he was in the LDK?

8 A. In the beginning, yes.

9 Q. Do you know how he left the LDK?

10 A. No, I don't.

11 Q. You're also friends with Isni Kilaj; is that correct?

12 A. Yes.

13 Q. Isni, you went to his house to wish him good health and the best
14 as he was preparing to come to The Hague. That's what you told the
15 Prosecutor last week; correct?

16 A. Yes.

17 Q. And you -- and you would consider yourself friends?

18 A. Yes, he was one of my friends.

19 Q. Okay. Now you are aware, are you not, that in addition to the
20 unit in the Malisheve area, there was also a unit known as the Celiku
21 unit; correct?

22 A. Yes.

23 Q. And that was the unit led by Fatmir Limaj; is that correct?

24 A. Yes.

25 Q. And in 1998, you are aware, are you not, that there was a

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1 rivalry between the Celiku unit and the Lumi unit; correct?

2 A. No, I did not know.

3 Q. You weren't aware at all of any tensions or rivalries between
4 Lumi and Celiku?

5 A. I was not, no.

6 Q. During your time as a simple soldier in the Balince point of the
7 KLA, you were deployed in the villages of Balince, Llazice, and
8 Vermice; is that correct?

9 A. Vermice.

10 Q. While you were a soldier in the Lumi unit, you told the SPO that
11 you do not recall ever witnessing a visit by superior commanders of
12 the KLA; is that correct?

13 A. Correct. Correct.

14 Q. Now, you were asked some questions about joining the military
15 police, and you told the SPO that you received an invitation from a
16 fellow Lumi unit soldier to join them at the military police; is that
17 correct?

18 A. Yes.

19 Q. And you told the SPO that it was a simple soldier that invited
20 you to join the military police; is that correct?

21 A. Yes.

22 Q. And you said the reason he invited you was because you were
23 considered one of the eldest people available; is that correct?

24 A. Yes.

25 Q. Now, you told the SPO that you were assigned the position of

1 deputy commander of the military police platoon of Brigade 122;

2 correct?

3 A. Yes.

4 Q. And you joined in Dragobil; correct?

5 A. Yes.

6 Q. Now, you told the SPO - and this is at Exhibit P01667.1, page 21

7 - that when you joined the military police unit in Dragobil, there

8 was snow on the ground; correct?

9 A. Yes, it was in the autumn.

10 Q. Yes. But there was snow on the ground?

11 A. Yes. If I'm not mistaken, yes, there was some snow.

12 Q. Okay. Would that mean that the earliest you could have joined,

13 if there was snow on the ground, was sometime in November?

14 A. I do not recall the exact date, but it was in the autumn,

15 towards the end of the year. But I cannot remember the date or the

16 month.

17 Q. Okay. At the time you joined, you told the SPO that the

18 commander of the military police was Jakup Hoti; is that correct?

19 A. No, it wasn't Jakup Hoti. It was Sejdi Paqarizi.

20 Q. So the moment you joined the military police, the commander was

21 Sejdi Paqarizi; is that your testimony?

22 A. Sejdi Paqarizi.

23 Q. Yes. And you served in this unit until the Rambouillet

24 negotiations began; is that correct?

25 A. Yes.

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1 Q. And then you told the SPO you returned and served in the KLA
2 military police in your village; is that right?

3 A. Yes.

4 Q. Now, in terms of your tasks as a member of the military police,
5 I just want to go over a little bit about what you told the SPO. You
6 said to the SPO that your tasks as a military policeman were to
7 provide -- were to check on the civilian population; is that correct?

8 A. Correct.

9 Q. And specifically you told the SPO, and this is at P01667.1, page
10 21 in the English:

11 "... our duty sometimes was to go to different villages in order
12 to check whether the population had flour and whether they had food."

13 Is that correct?

14 A. Yes.

15 Q. You told the SPO that as a military policeman your duties did
16 not include providing security or logistical arrangements for
17 higher-level commanders visiting the area; is that correct?

18 A. Yes.

19 Q. You told the SPO that your duties did not include arresting
20 people; correct?

21 A. Correct. That wasn't included.

22 Q. And you told the SPO that this includes that you did not have
23 the authority to arrest fellow soldiers, and that's at P01667.2,
24 page 12. Is that correct?

25 A. That is correct.

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1 Q. You told the SPO that during your time with the military police
2 you never received any written orders; is that correct?

3 A. Correct, yes.

4 Q. You did not receive any lists of people to arrest or consider as
5 suspicious; is that correct? That's what you told the SPO?

6 A. We had no such list.

7 Q. And you told the SPO, at Part 2, page 11 of your interview, that
8 you also did not receive any lists of -- or did not receive any
9 instruction that people who were involved in the LDK should be
10 stopped or treated as potentially suspicious; is that correct?

11 A. Correct.

12 Q. You told the SPO that, as a member of the military police, you
13 were not tasked with transporting people to a different location for
14 the KLA to question them; is that correct?

15 A. Correct, yes.

16 Q. And you told the SPO that the military police where you served
17 was not tasked at all in dealing with potential collaborators; is
18 that correct?

19 A. Correct.

20 MR. MISETIC: Mr. President, I note the time, and I don't know
21 if you wish to take the break.

22 PRESIDING JUDGE SMITH: Yeah, we'll take a break.

23 MR. MISETIC: Okay.

24 PRESIDING JUDGE SMITH: We're going to give you a ten-minute
25 break, Mr. Witness. Please don't speak to anybody outside of the

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1 courtroom about your testimony in court. You may go with the Court
2 Usher now out of the room.

3 [The witness stands down]

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

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

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

7 PRESIDING JUDGE SMITH: Madam Usher, you may bring the witness
8 in.

9 [The witness takes the stand]

10 PRESIDING JUDGE SMITH: All right. Witness, we will continue
11 now with the cross-examination by the Thaci Defence.

12 Go ahead, Mr. Misetic.

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

14 Q. Witness, I'd like to turn your attention now to the case of
15 Messrs Desku and Kastrati.

16 And where I'd like to start is over the course of the last 25
17 years, the media have reported that you, Mr. Hoti, and Fehmi Kryeziu
18 were the ones that arrested Messrs Kastrati and Desku; correct?

19 A. A lot of media reported alleging that we arrested them, I did,
20 which is not true. In my first statement and in my second statement,
21 I said: "Please, don't use the word 'arrest' because that is not
22 true."

23 Q. Yes, but my point is that, and you told this to the SPO last
24 week in Preparation Note 1 at paragraph 19, that these media
25 coverage, these allegations in the media over the last 25 years have

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1 been "like a stain" on the three of you; is that correct?

2 A. Correct.

3 Q. Let's turn to what you know about their case. You've told the
4 SPO that you were simply hanging out on the street with two of your
5 fellow soldiers from the brigade, Skender Hoti and Fehmi Kryeziu,
6 when a car arrived; is that correct?

7 A. Can I repeat it? We were -- can I --

8 Q. If you just --

9 A. -- retell the story --

10 Q. I want to -- no.

11 A. -- how it happened?

12 Q. No. I want to go step by step. So I just want to set the
13 scene. You're on the street with Skender Hoti and Fehmi Kryeziu, and
14 by coincidence a car comes by; is that correct?

15 A. Yes.

16 Q. And again, by coincidence, it's a car that you recognise as
17 coming from the KLA General Staff; correct?

18 A. Correct. It had the KLA markings.

19 Q. Yes. But KLA markings don't typically have anything saying
20 "General Staff" on them; right?

21 A. Correct, it doesn't.

22 Q. So first question to you how -- if the car just says "KLA" on
23 it, how do you know it's a car from the General Staff?

24 A. The persons who came out of the vehicle were two soldiers. They
25 saw us conversing there, Fehmi, Skender Hoti, myself, and some other

1 soldiers, and they addressed us saying, "We are here to take two
2 persons who are here inside the OSCE house." We did not who they
3 were talking about. Fehmi, who was younger, went to the house,
4 knocked on the door and called them.

5 Q. Hold on.

6 A. When they came out, we saw who these two persons were.

7 Q. So let's stop. I want to first talk about the car. You agree
8 with me that there's nothing about the car that says "General Staff";
9 correct?

10 A. Correct.

11 Q. So you don't know by seeing the car that they're from the
12 General Staff. So now these two soldiers, whom you did not
13 recognise, you don't know who these people are; correct?

14 A. Correct.

15 Q. To this day you're unable to identify them; correct?

16 A. Correct. I don't know them.

17 Q. They didn't tell you their names; correct?

18 A. Correct, they didn't. They just said, "We're here to pick up or
19 take two persons who are here." We thought they were their people.

20 Q. Yes. But now I'd like to know, they don't identify themselves,
21 they say they're there to take two people, how do you know they're
22 from the General Staff?

23 A. "We are here to take them for a conversation. We have to talk
24 to them." We didn't know what sort of conversation. We thought
25 these were their people they had dropped off and they were there to

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1 pick them up again.

2 Q. That's not my question. My question is how do you know that
3 these two ordinary soldiers are from the General Staff?

4 A. This is how they introduced themselves.

5 Q. Okay. Now you went on to tell the SPO that they weren't members
6 of the General Staff, that they were just ordinary soldiers of the
7 General Staff. Now, how do you know they weren't members of the
8 General Staff?

9 A. I don't understand your question.

10 Q. Well, how did you know, for example, that they weren't -- the
11 overall commander of the KLA had come to personally arrest them? How
12 did you know what positions they had in the General Staff? You've
13 told the SPO they were ordinary soldiers.

14 MR. PACE: If I may get a reference to where the witness said
15 this to the SPO, please.

16 MR. MISETIC: Sorry, to the SPRK. And this is his 2016
17 statement, which is Exhibit P01666, page 3.

18 Q. And I'll read it out to you:

19 "This person told" --

20 This is what you said in 2016:

21 "This person told us from the car in which is Cene and Jakup
22 entered that Cene and Jakup were going to give a statement regarding
23 the meeting with the US officials. These persons were not public
24 persons, members of the General Staff, but ordinary soldiers."

25 A. This is what I stated.

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1 Q. Yes. And my question is how do you know they weren't members of
2 the General Staff but ordinary soldiers?

3 A. We could not see or -- any distinctive sign on them apart from
4 the uniform, the KLA uniform.

5 Q. And what kind of distinctive sign would you have expected to see
6 on a member of the General Staff?

7 A. There were no distinctive signs whatsoever, other than the way
8 they introduced themselves.

9 Q. And they didn't ask you to identify yourselves either; correct?

10 A. Correct.

11 Q. So we have people coming, you don't know who they are, they
12 don't know who you are; correct?

13 A. Correct.

14 Q. And then these two people -- and all of this is a coincidence;
15 right? They happen to come across at the same time that you're on
16 the street; correct?

17 A. The entire thing was coincidental. We didn't know who was
18 inside that place or who would come out when we would call on them.
19 Only when we saw them coming out, Cen and Jakup.

20 Q. Well, you told -- you've said that actually they asked someone
21 of the three of you to go inside and to call out the two people in
22 the American office; correct?

23 A. Correct.

24 Q. Let me read what you said to the SPO. This is P01667.2, page 5:

25 "So, they addressed us and they addressed me and they said:

1 'Gentleman, is it possible to call two people?' We went there by the
2 door... we went near the door, and Fehmi, who was younger than us, he
3 knocked on the door and he said: 'Is it possible, these two soldiers
4 are calling for you?'"

5 A. That's how it was.

6 Q. Okay. And then you say eventually Mr. Desku and Mr. Kastrati
7 step out of the office; correct?

8 A. Correct.

9 Q. And you personally knew Cen Desku and Jakup Kastrati from
10 before; correct?

11 A. I knew both of them as teachers.

12 Q. Yes, they were well-known people in the area; correct?

13 A. Like anyone else.

14 Q. Well, they were teachers, as you said; yes?

15 A. Correct.

16 Q. And they were leaders in the LDK branch there; correct?

17 A. I don't know about them being leaders. I knew they were LDK
18 members.

19 Q. And you said you explained to Cen Desku and Jakup Kastrati that
20 the two soldiers were looking for them for a consultation; correct?

21 A. We did not even have a conversation with them there.

22 Q. Well, let me read to you what you said to the SPO - P1667.2,
23 page 5, beginning at line 23 - and you say:

24 "Yes. And, we told them that 'These two soldiers are calling
25 for you in order to go and have a consultation.' After they entered

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1 the vehicle with them, I heard... After they entered the vehicle with
2 them, another vehicle came and both vehicles went towards Marali...
3 went ... towards Pagarushe."

4 So did you tell them, "These two soldiers are calling for you in
5 order to go have a consultation"?

6 A. Now I cannot recall the specifics, but we did not have a
7 conversation. Even if I told them "these two soldiers are calling
8 for you" is nothing wrong with that, because I knew them. And we
9 were -- we thought they were going for a normal conversation.

10 Q. Okay. In 2016 in your SPRK statement, you stated that one of
11 the two men that came with the car told you that "Cene and Jakup were
12 going to give a statement regarding the meeting with the US
13 officials." Is that right?

14 A. I don't know about this part of this statement. However, they
15 did not mention the names of Cen or Jakup, these two soldiers I mean.
16 They just said, "We're looking for two persons who are inside." When
17 they came out, we saw who these two persons were.

18 Q. Well, let me tell you -- let me read to you what you told the
19 SPRK. And this is P01666 at page 3. You said:

20 "This person told us from the car in which Cene and Jakup
21 entered that Cene and Jakup were going to give a statement regarding
22 the meeting with the US officials."

23 Did the person in the car tell you this?

24 A. No.

25 Q. So that part of your statement is incorrect; is that right?

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1 A. No, they didn't tell me.

2 Q. And once Cen and Jakup entered the car, did the two soldiers
3 also get in the car?

4 A. Yes.

5 Q. Are you able to describe the physical appearance of the two
6 soldiers?

7 A. Their physical appearance was they looked in their 40s. At the
8 time I was 40 years old, so they looked the same age. Now, I'm not
9 able to say exactly they were younger or older than that.

10 Q. Now, you say at that point another vehicle came, is that
11 correct, when they got --

12 A. Another vehicle came.

13 Q. And you said you didn't recognise any of the people in the
14 second vehicle; correct?

15 A. Correct, I did not.

16 Q. And you also when asked by the Prosecutor to identify the
17 vehicle, you said:

18 "... it was a civilian vehicle, it was some kind of ... Mercedes
19 or Ascona, I don't know."

20 Is that correct?

21 A. That's correct. I don't recall the make of the vehicle.

22 Q. Now, you told the SPRK, and this is at P01666 at page 4, and
23 I'll read it to you. It says:

24 "Another car was driving behind the car that Cene and Jakup got
25 into at Dragobil village; I do not know whether it was following the

1 /first/ car or it just happened to go that way."

2 Do you recall telling that to the SPRK?

3 A. Yes, I do recall. I do not know if these two cars were together
4 or the second car just happened to be there driving on that same
5 road. I don't know if they were together.

6 Q. So your testimony is you don't know whether that second car had
7 anything to do with the case of Messrs Desku and Kastrati; correct?

8 A. Correct, I don't know.

9 Q. Now, you told the SPO that you did not see Hashim Thaci at all
10 on the day that Cen Desku and Jakup Kastrati got into the car; is
11 that correct?

12 A. Correct, he wasn't. I did not see him. He wasn't.

13 Q. You were also asked by the SPO - and this is at P01667.2, page
14 10 - you were asked:

15 "At that time, had you ever seen Hashim Thaci, or did you know
16 who he was by name or nickname?"

17 And your answer was:

18 "No, no. No. After the war. Only after the war I knew him."

19 Is that correct?

20 A. That's correct.

21 Q. Now, you told the SPO that about two days after Cen Desku and
22 Jakup Kastrati left in the car, you were informed that they had been
23 arrested; correct?

24 A. Correct, we were informed.

25 Q. And this information was being spread as gossip among people;

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1 correct?

2 A. Amongst people.

3 Q. Do you recall who specifically informed you that they had been
4 placed under arrest?

5 A. I don't know who did, but their family members came to our
6 houses, our homes.

7 Q. Now, you had witnessed -- you had been a witness to the fact
8 that they had been asked to exit the OSCE building and get into this
9 car with two people.

10 A. Yes.

11 Q. After the talk started within two days that they had been
12 arrested, did you report to your commander, Enver Hoti, that you and
13 two other members of Enver Hoti's unit had witnessed Cen Desku and
14 Jakup Kastrati being taken away by two soldiers of the General Staff?

15 A. I explained that two persons were taken and that we had noticed
16 once they exited the building that it was Jakup and Cen, and also
17 that I did not know the reasons why they were taken. I did not know.
18 I had no information.

19 Q. Who did you tell that to?

20 A. To my friends, people I was with.

21 Q. Did you tell it to Enver Hoti?

22 A. I saw him much later. Because at that moment in time, I was
23 with Sejdi Paqarizi. I mostly stayed with him. He was the military
24 police commander.

25 Q. So you told Sejdi Paqarizi?

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1 A. Correct.

2 Q. Did you tell Isni Kilaj?

3 A. I met with Isni Kilaj much later. But he was informed about
4 this event as well.

5 Q. By whom?

6 A. By people, soldiers, civilians. There was talk about Cen and
7 Jakup having been taken for questioning, taken in for questioning.

8 Q. And how do you know that he was informed?

9 A. Everybody knew that they had been taken.

10 Q. Would Gani Krasniqi have also known?

11 A. I don't know. I believe he did, but I don't know because I did
12 not meet with him.

13 Q. Okay. So you didn't tell him?

14 A. Correct, I didn't.

15 Q. And you told the SPO that you personally did not know where they
16 were kept during the time they were detained; correct?

17 A. Correct.

18 Q. And you told the SPO that you did not know their whereabouts --
19 or any knowledge that you had about their whereabouts during
20 detention is based on what you read or heard thereafter; correct?

21 A. Correct.

22 Q. Now, as you said, you were visited by Cen Desku's family;
23 correct?

24 A. Correct.

25 Q. And you met with them personally?

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1 A. Yes, I did.

2 Q. And did you tell them the same evidence that you've given here,
3 that you simply were on the street and -- let me finish.

4 A. The same thing.

5 Q. You told them the same thing that you've told us here?

6 A. Correct, I told them the same thing.

7 Q. And you never yourself saw a written order by the General Staff
8 to arrest Cen Desku and Jakup Kastrati; is that correct?

9 A. Correct, there wasn't.

10 Q. And is it correct that you never showed Cen Desku's family a
11 written order from the General Staff to arrest them?

12 A. Correct.

13 Q. Now, you were present when Cen Desku and Jakup Kastrati were
14 released; is that correct?

15 A. Yes, I was present.

16 Q. And you weren't there in any official capacity. You said you
17 just happened to be there; correct?

18 A. I can't hear anything. I didn't hear anything. Yes.

19 Q. All right. Just to be clear, you said in your --

20 A. No.

21 Q. Let me just clarify this. In your preparation with the SPO last
22 week, at P01668, paragraph 19, you said you were not present in an
23 official capacity when Kastrati and Desku were released. You just
24 happened to be in Dragobil and heard that they were being released,
25 so you went to see the release; is that correct?

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1 A. It is correct.

2 Q. And you yourself were based in Dragobil during your time with
3 the military police; correct?

4 A. Yes.

5 Q. And you were shown a video by the SPO during your interview of
6 the release, and at 36 seconds in the video the SPO showed you images
7 of the building in Dragobil behind the released people. Do you
8 recall watching the video?

9 Sorry, let me just clarify it. I'm talking about your SPO
10 interview.

11 A. Yes.

12 Q. Do you recall being shown a video during your interview?

13 A. Yes, I do.

14 Q. Do you recall being asked questions about a certain building in
15 the video?

16 A. Yes.

17 Q. And this is in your SPO interview, P01667.2, page 18, line 22,
18 you're asked:

19 "Do you at all recognise the building that is behind them?"

20 You say:

21 "Yes, these are in Dragobil.

22 "Q. Do you [know] anything about that building? Was it used by
23 the KLA?"

24 And your answer was:

25 "No."

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Cross-examination by Mr. Misetic

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1 Is that correct?

2 A. Yes.

3 Q. Okay. Now, are you aware that Jakup Kastrati, in his statement
4 in 2016 to local investigators in Kosovo, mentions you as one of the
5 people involved in his arrest?

6 A. I am hearing this now.

7 Q. Jakup Kastrati recalled that you told him you had orders to
8 arrest him and that you had to implement such orders; is that true?

9 A. No.

10 Q. Now, you were asked by the SPO during your interview that at the
11 time Cen Desku and Jakup Kastrati were taken away in the car, you did
12 not know the reason behind it; correct?

13 A. Correct.

14 Q. But then you say - and this is again at P01667.2, page 11, lines
15 12 to 21 - you say:

16 "Later I understood that they were taken in... over there to
17 question them."

18 And you say:

19 "They were taken as people of the LDK."

20 Is that correct?

21 A. There were a lot of us who were from the LDK, even amongst the
22 Kosovo Liberation Army. That was no obstacle at all.

23 Q. Well, let me just take that step by step. You say it was no
24 obstacle. It was no obstacle to be a member of the LDK and to also
25 join the KLA; is that correct?

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Cross-examination by Mr. Miletic

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1 A. Yes, correct.

2 Q. So when you testified earlier that you left the LDK in March and
3 joined the KLA, there was no requirement for you to leave the LDK in
4 order to join the KLA; is that correct?

5 A. There were no special requirements for it. No.

6 Q. Okay. Now going back to this question that I had. You told the
7 SPO, referring to Messrs Desku and Kastrati:

8 "They were taken as people of the LDK."

9 My question to you is why did you say that?

10 A. They were LDK members, but they were not taken because they were
11 LDK members. I thought they were taken in their capacity as teachers
12 for a conversation with them.

13 Q. Well, how do you know why they were taken?

14 A. I know it from the moment they were taken, not before or later.

15 Q. Well, in terms of a motive for taking them, how do you know --
16 for example, you told the SPO they were taken as people of the LDK.
17 Today, you say they were taken as teachers. How do you know the
18 motivation of the persons that took them?

19 A. No, I don't. I do not know why they were taken.

20 Q. Okay.

21 A. Even though they were LDK members, the reason why they were
22 taken is not known to me.

23 Q. Do you know if Messrs Desku and Kastrati had a hostile
24 relationship with Gani Krasniqi in October 1998?

25 A. No, I do not.

1 Q. Now, you've said that you know -- you knew both Isni Kilaj and
2 Gani Krasniqi before you joined the KLA; correct?

3 A. Yes.

4 Q. You've said to the SPO - at Part 1, page 14 of your SPO
5 interview - "he was a person of ... big authority," referring to Gani
6 Krasniqi; correct?

7 A. Yes.

8 Q. You told the SPO that you knew that Isni Kilaj and Gani Krasniqi
9 shared an HQ; correct?

10 A. Yes.

11 Q. The three of you that were present on the day they got into that
12 car - meaning you, Fehmi Kryeziu, and Skender Hoti - were members of
13 the Lumi unit led by Isni Kilaj and Gani Krasniqi; correct?

14 A. Yes.

15 Q. Now, am I correct that - and I think you've already testified to
16 this this morning - Isni Kilaj and Gani Krasniqi used to be members
17 of the LDK branch in Malisheve; correct?

18 A. Yes. Yes, yes.

19 Q. And as you've testified both today and told the SPO last week,
20 you were the founder of the LDK in Llashkadrenoc and the leader of
21 the branch there; correct?

22 A. I was at Vllashki Drenoc yes.

23 Q. And just to be clear, you were the founder of the LDK in
24 Vllashki Drenoc; correct?

25 A. Yes.

Witness: Demush Krasniqi (Open Session)
Cross-examination by Mr. Misetić

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1 Q. As the founder of the LDK in Vllashki Drenoc, were you aware of
2 an extraordinary assembly of the LDK in February 1998 in Malisheve?

3 A. No. I have no knowledge about it.

4 Q. So you were not aware that within the Malisheve municipality in
5 February 1998, there was an extraordinary assembly of the LDK where
6 Gani Krasniqi and Isni Kilaj were part of an effort within the LDK to
7 remove Ibrahim Rugova as the head of the LDK?

8 A. I'm hearing this for the first time now.

9 Q. And so are you aware that Gani Krasniqi and Isni Kilaj also left
10 the LDK in or around March 1998, around the same time you did?

11 A. I do not recall the time when.

12 Q. Were you aware, however, that they did leave the LDK at some
13 time in the spring of 1998?

14 A. Yes.

15 Q. Were you aware that Gani Krasniqi and Isni Kilaj, upon leaving
16 the LDK, tried to shut down the LDK office in Malisheve?

17 A. I don't know about it.

18 Q. Were you aware that Gani Krasniqi and Isni Kilaj had a personal
19 grudge against those who remained within the LDK branch in Malisheve
20 including Cen Desku and Jakup Kastrati?

21 MR. PACE: Objection, Your Honour. Counsel hasn't provided
22 foundation for this. If he has foundation, he needs to lay it before
23 asking such a question and stating it as a fact.

24 PRESIDING JUDGE SMITH: Overruled.

25 MR. MISETIC: Thank you.

Witness: Demush Krasniqi (Open Session)
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1 PRESIDING JUDGE SMITH: You may answer.

2 MR. MISETIC:

3 Q. Do you need me to repeat the question?

4 A. Please, yes.

5 Q. Yes. Are you aware that Gani Krasniqi and Isni Kilaj had a
6 personal grudge against those that remained within the LDK branch in
7 Malisheve including Cen Desku and Jakup Kastrati?

8 A. No. No. They had no grudge against anyone.

9 Q. Are you aware that Cen Desku and Jakup Kastrati provided their
10 political support to Fatmir Limaj as the commander of the Celiku unit
11 at the time?

12 MR. PACE: Your Honour, again, objection, foundation. Where is
13 this coming from? We don't know. We can't just assert facts to the
14 witness and pull them out of thin air.

15 MR. MISETIC: Your Honour, this is --

16 PRESIDING JUDGE SMITH: Overruled.

17 MR. MISETIC: Just for the record --

18 PRESIDING JUDGE SMITH: You may answer the question.

19 MR. MISETIC: I have a transcript reference and I'll give it to
20 the counsel on the break.

21 Q. Are you aware, Witness, that Cen Desku and Jakup Kastrati turned
22 their support to Fatmir Limaj, the commander of the Celiku unit, at
23 the time?

24 A. No, I don't know about this.

25 Q. Okay. Now, you recall that Cen Desku and Jakup Kastrati were

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1 supposed to give a statement regarding their meeting with US
2 officials at the time. I asked you this before, but let me ask you
3 it again: Did the person in the car tell you that they had come to
4 take Cen Desku and Jakup Kastrati for questioning regarding their
5 meeting with US officials?

6 MS. V. ALAGENDRA: Your Honour, sorry to interrupt. There is a
7 transcript error at page 47, line 19, where it says "Jakup Krasniqi."
8 It should be "Jakup Kastrati."

9 PRESIDING JUDGE SMITH: That's correct. [Microphone not
10 activated].

11 MR. MISETIC:

12 Q. Did the person in the car, the soldier in the car, tell you that
13 they had come to take Cen Desku and Jakup Kastrati for questioning
14 about their meeting with US officials?

15 A. No.

16 Q. The arrest of Desku and Kastrati within the Malisheve region,
17 did that taint them and their reputations at the time?

18 A. I don't know what to say about that. Every arrest is a stain on
19 an individual, but it all depends on the way they interpreted it.

20 Q. Yes. But you've testified that there was a lot of talk amongst
21 the population, including by yourself, in the first few days after
22 they were arrested. Was part of that talk that they were now being
23 suspected as being collaborators?

24 A. I am not aware of what people said because they did not say that
25 in my presence.

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1 Q. Witness, I'm going to just ask you for your comment on this.
2 But if someone were to say that it was you, Skender Hoti, and Fehmi
3 Kryeziu who arrested Cen Desku and Jakup Kastrati on orders from your
4 superiors in the Lumi unit, and that you are now attempting to
5 protect your friends by making up a story that two anonymous soldiers
6 from the General Staff took them away and that you were only a
7 witness, how would you comment on that?

8 A. Can you please repeat it and be a bit brief? It was too long
9 for me.

10 Q. Okay. I'm going to put a proposition to you, because I think
11 it's only fair that you get to comment. If it were to be suggested
12 that, in fact, you, Skender Hoti, and Fehmi Kryeziu arrested
13 Cen Desku and Jakup Kastrati on orders from your superiors in the
14 Lumi unit, how would you comment on that?

15 A. There were no orders from the Lumi unit. It was all a
16 coincidence, counsel. We were there by chance.

17 Q. And if it were to be suggested that you are now saying that it
18 was two anonymous soldiers who came to take them away and that you
19 were only a witness, this is not true and is an attempt to cover your
20 own involvement as well as the involvement of other superiors in the
21 Lumi unit, how would you comment on that?

22 A. There was no involvement by any of the Lumi unit's superiors,
23 and there was no involvement of the military police with the arrest.
24 It so happened that we met them by chance, and we went and told them
25 that two people were seeking them. That is all that happened.

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1 Q. Understood. Thank you very much, Witness. I have no further
2 questions.

3 MR. DIXON: I have no questions for this witness, Your Honours.
4 Thank you.

5 PRESIDING JUDGE SMITH: Thank you, Mr. Dixon.

6 MR. ROBERTS: Nothing from me, Your Honour. Thank you.

7 PRESIDING JUDGE SMITH: All right.

8 MS. V. ALAGENDRA: I do have some questions.

9 PRESIDING JUDGE SMITH: All right. We'll take the break and
10 come back at 11.30 and take up your questions at that time.

11 Witness, you will have a half-hour break. Please do not speak
12 with anyone about your testimony, and you may leave the courtroom now
13 with the Court Usher.

14 [The witness stands down]

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

16 --- Recess taken at 10.55 a.m.

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

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

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 Ms. Alagendra from the Krasniqi Defence has some questions for
23 you. Please give her your attention.

24 Cross-examination by Ms. V. Alagendra:

25 Q. Good morning, Witness. My name is Venkateswari Alagendra, and I

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Cross-examination by Ms. V. Alagendra

1 represent Mr. Jakup Krasniqi. I only have a few questions for you.

2 A. Good morning.

3 Q. Now, you're aware, aren't you, Witness, that Dragobil was being
4 used regularly for meetings between the American officials and KLA
5 members?

6 A. Yes.

7 Q. And in the autumn of 1998, US KDOM was also based in Dragobil,
8 wasn't it?

9 A. Yes.

10 Q. Now, the American office in Dragobil was used for meetings
11 between international representatives and members of the KLA,
12 including General Staff members; am I correct?

13 A. Correct.

14 Q. And you've already told you the Prosecution that although you
15 were a military police member stationed in Dragobil, you were not
16 involved in providing security to the KLA members who did come to
17 Dragobil to meet the internationals; correct?

18 A. Correct.

19 MS. V. ALAGENDRA: If we could have P1667.2 on the screen,
20 please. It would be pages 2 and 3, lines 18 to 11 on the next page
21 of the English version; and page 2 and 3 in the Albanian version,
22 lines 18 to 7 on the next page. Yes.

23 Q. Witness, if you could take a moment to just read what's stated
24 at lines -- from lines 18 onwards in the Albanian version of page 2.

25 MS. V. ALAGENDRA: And if we could then move to the next page,

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1 please.

2 Q. Can we move to the next page, Witness?

3 A. Yes.

4 Q. And you can stop at line 7 of the Albanian version.

5 A. Yes.

6 Q. All right. Do you recall in 2019 you were asked if you had seen
7 any high-level KLA officials during your time in Dragobil, not
8 limited to the day of Desku and Kastrati's arrest, but referring to
9 the whole period you were in Dragobil? Do you see that?

10 A. Yes.

11 Q. And your response was that:

12 "... we did not stay regularly in Dragobil. Once I was informed
13 that Jakup Krasniqi had been there. For... with regards to ... other
14 occasions, I don't know. I don't remember all who had come there."

15 That's correct, yes?

16 A. Yes, that's correct.

17 Q. And last week in your preparation session with the Prosecution,
18 you're recorded as saying, and if I can quote - and, for the
19 reference, it's ERN 122860, paragraph 5 - and you're recorded as
20 saying this, that:

21 "[You] did not see any KLA General Staff members in Dragobil.
22 According to [your] friends, Jakup Krasniqi went to Dragobil for some
23 meetings."

24 Do you recall saying that?

25 A. Yes.

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Re-examination by Mr. Pace

1 Q. Just so we are clear, Witness. You have not personally seen
2 Jakup Krasniqi in Dragobil. That's only something you've heard from
3 your friends, that he was attending meetings in Dragobil; correct?

4 A. Correct. That's correct.

5 Q. And on that particular day when you say two soldiers came and
6 asked for the men who were inside having a meeting, that's Cen Desku
7 and Jakup Kastrati as you later knew, Jakup Krasniqi was not there in
8 Dragobil; am I correct?

9 A. Correct. I don't have this information.

10 Q. Right. Thank you.

11 MS. V. ALAGENDRA: That's all my questions, Your Honours.

12 PRESIDING JUDGE SMITH: Thank you, Ms. Alagenda.

13 Any redirect, Mr. Pace?

14 MR. PACE: Yes, briefly, Your Honour.

15 Re-examination by Mr. Pace:

16 Q. Witness, earlier today, and I'm referring to page 36 of the
17 realtime transcript, counsel for Mr. Thaci asked you whether you told
18 Mr. Desku and Mr. Kastrati that two soldiers are calling for them in
19 order to go have a consultation, and you answered:

20 "Now I can't recall the specifics, but we did not have a
21 conversation."

22 And, Witness, my first question is, is it correct that you
23 yourself did not have a conversation with Mr. Desku and Mr. Kastrati
24 on the day when they were taken away from Dragobil?

25 A. Correct. We did not have a conversation.

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1 Q. And to your knowledge, on that same day did Skender Hoti or
2 Fehmi Kryeziu speak to Mr. Desku or to Mr. Kastrati?

3 A. No, none of them. To my knowledge, none of them.

4 Q. Do you recall telling the Prosecution last week that you
5 remember that Fehmi Kryeziu spoke to Mr. Desku and Mr. Kastrati when
6 they came out of their meeting and told them that they had to meet
7 with people from the General Staff?

8 A. Yes. Fehmi called for them and told them, "You need to go to
9 these two soldiers who have come to take you." That's all he said to
10 them.

11 Q. Thank you, Witness.

12 MR. PACE: No further questions, Your Honour.

13 PRESIDING JUDGE SMITH: Thank you, Mr. Pace.

14 Judge Barthe.

15 JUDGE BARTHE: Yes, thank you.

16 Questioned by the Trial Panel:

17 JUDGE BARTHE: Good morning, Mr. Krasniqi. I hope you can hear
18 me well.

19 A. Yes, I can.

20 JUDGE BARTHE: Mr. Krasniqi, thank you very much for your
21 evidence so far. The Panel has a few more questions for you about
22 the issues that need further clarification, and I would like to start
23 with the following question.

24 In your SPO interview - and I'm referring to Part 2 of your
25 interview, P01667.2, on page 5, lines 7 to 13 - you said the

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1 following:

2 "When Jakup and Cene came out, I saw there were both teachers,
3 intellectuals. We thought that they were calling them in order to
4 consult with them, in order to get some kind of an advice from them.
5 So, we didn't think that those soldiers would go in to take them in
6 order to arrest them, but we thought that there were calling them in
7 order to get some kind of advice from them."

8 My first question is what kind of advice or what advice did you
9 think Mr. Desku and Mr. Kastrati should give?

10 A. Advice, I don't know what advice, but I was thinking -- what I
11 meant was that they would have a conversation, considering that they
12 were teachers. I wouldn't know what the content of that conversation
13 would be.

14 JUDGE BARTHE: And to whom should they give advice or with whom
15 should they have a conversation? What did you think at the time?

16 A. At the time, I don't know who they wanted to talk to and in
17 relation to what.

18 JUDGE BARTHE: One other question for you in relation to what
19 you told the Prosecution back in 2019, and this is about what you
20 said according to the transcript of that interview. Again, Part 2,
21 P01667.2, page 7, lines 12 to 21. I quote:

22 "... after they went, after two days or so, we were informed
23 that Cene and Jakup... they were arrested."

24 And then you were asked:

25 "And who informed you of that?"

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1 And you said:

2 "We were informed by people, and they said that Jakup and Cene
3 were taken away."

4 Let me ask you again who informed you? Which people were you
5 referring to in your SPO interview?

6 A. Mainly their family members who were looking for them.

7 JUDGE BARTHE: So family members of Mr. Kastrati and Mr. Desku
8 informed you that both were arrested? Is that your evidence?

9 A. Yes, this is what was said.

10 JUDGE BARTHE: Did they tell you how they knew that they were
11 arrested, Mr. Kastrati and Mr. Desku, these family members?

12 A. I don't know.

13 JUDGE BARTHE: You also said on the same page in your SPO
14 interview in 2019 that:

15 "... after a few days we got the information that they went up
16 there at... at the Headquarters for an interview."

17 And again my question: Who told you this, or how do you know
18 they went up there, as you said, at the headquarters for an
19 interview?

20 A. Their family members.

21 JUDGE BARTHE: And another question for you in relation to your
22 preparation session with the SPO - and I'm referring now to P01668,
23 that is Preparation Note 1, and more specifically to paragraph 19 of
24 that note - where it is recorded that you, as you said or confirmed
25 earlier today, that you were not present in an official capacity when

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1 Mr. Kastrati and Mr. Desku were released. You just happened to be in
2 Dragobil and heard that they were being released, so you went there
3 to see their release. And this was also put to you by counsel for
4 Mr. Thaci today.

5 And I have a question in relation to next sentence, which was
6 not put to you, where it is said or recorded that you were pleased
7 that Mr. Kastrati and Mr. Desku, as is said here, were being
8 released.

9 And my question is why were you pleased about their release,
10 Mr. Kastrati's and Mr. Desku's release?

11 A. I was pleased because we were accused of having arrested them.
12 We have families as well. We have children, too. We don't want our
13 children to be told that your father arrested this one or that one.
14 So we were pleased when they were released. Why wouldn't we? I have
15 six children and I want them to live free, just like other people's
16 children, and that's why I was pleased when they were released.

17 JUDGE BARTHE: Did you feel guilty that you were involved in the
18 events which led to the, let's call it, detention of Mr. Desku and
19 Mr. Kastrati from which they had to be released?

20 A. No, we were not guilty at all.

21 JUDGE BARTHE: So you didn't feel guilty?

22 A. No. No, absolutely not. Never.

23 JUDGE BARTHE: Then please tell us again what was the problem?
24 Why were you pleased about their release when you didn't feel guilty?
25 You said you had six children. What was the problem?

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1 A. Because people were saying Demush Krasniqi, Skender Hoti, and
2 Fehmi Kryeziu arrested them, and this was not good for us. We had no
3 intentions towards them whatsoever. Therefore, we were pleased when
4 they were released. Why wouldn't we?

5 JUDGE BARTHE: Exactly my question, Mr. Krasniqi. Anyway, what
6 did you think would happen to them, to Mr. Kastrati and Mr. Desku,
7 when they were taken away since you had learned later, as you said,
8 from family members of them -- or their family members, that they
9 were arrested, according to what you heard from the family members?
10 What did you think would happen to them?

11 A. No, I didn't think that anything would happen to them.

12 JUDGE BARTHE: My next question is about what you told the
13 Prosecution again in your preparation session in what was recorded in
14 Preparation Note 2, and this was also put to you by counsel for
15 Mr. Krasniqi in paragraph 5 of Preparation Note 2. And I quote from
16 this paragraph now:

17 "W03885," this is you, "did not see any KLA General Staff
18 members in Dragobil. According to W03885's friends, Jakup Krasniqi
19 went to Dragobil for some meetings."

20 And my question is now do you know in what capacity
21 Mr. Krasniqi, Jakup Krasniqi came to Dragobil? Did you hear this
22 from your friends?

23 A. I had no idea. I didn't know in what capacity Jakup Krasniqi
24 came there. I did not stay there regularly.

25 JUDGE BARTHE: So your friends didn't tell you in what capacity

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1 he came to Dragobil for these meetings?

2 A. They didn't.

3 JUDGE BARTHE: Do you know what role or position
4 Mr. Jakup Krasniqi had in the KLA, if any, during the war?

5 A. No, I don't.

6 JUDGE BARTHE: Were you not aware that he was the spokesperson
7 of the KLA during the war?

8 A. I did not have information. We were in an area around Kieve,
9 Bubavec. I was not in a position to know.

10 JUDGE BARTHE: Do you know what role or position Mr. Thaci had
11 in the KLA?

12 A. No.

13 JUDGE BARTHE: Just to be clear, I'm not asking you what you
14 knew at the time. But do you know now what position he had, if he
15 had any?

16 A. To speak of Hashim Thaci now, at this time when we live free in
17 Kosovo, every Albanian knows the role of Hashim Thaci after the war.
18 We are proud of him. We're proud of his name. He declared our
19 independence. From Rambouillet and onwards, the deeds and efforts
20 and work done by Hashim Thaci for the people of Kosovo is known.
21 Even children who are born now are baptised with the name of
22 Hashim Thaci in Kosovo.

23 JUDGE BARTHE: Thank you. And what was his role and position?

24 A. I was informed after the war. I saw Hashim Thaci on television
25 for the first time in Rambouillet. He was in the political

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1 directorate.

2 JUDGE BARTHE: So during the war, you did not know that
3 Mr. Thaci was allegedly a political or the political representative
4 of the KLA?

5 A. No. After the war. We were informed after Rambouillet.

6 JUDGE BARTHE: And when you were informed after Rambouillet, did
7 you know that he was the prime minister of the Provisional Government
8 of Kosovo in 1999? Have you heard of that?

9 A. Yes.

10 JUDGE BARTHE: What about the other two accused, Mr. Veseli,
11 Kadri Veseli? Did you know what his role or position was during the
12 war, if he had any?

13 A. No.

14 JUDGE BARTHE: The same question in relation to Mr. Selimi,
15 Rexhep Selimi.

16 A. No, I did not know Rexh either.

17 JUDGE BARTHE: I have a question in relation to Exhibit P01671.
18 I would like to ask Madam Court Officer to put that on the screen for
19 us, please. Thank you.

20 Now, Mr. Krasniqi, earlier today we -- or you were asked
21 questions about this document by the Prosecution. And you said,
22 according to my notes, that you received reprimands for being absent;
23 is that right?

24 A. Yes.

25 JUDGE BARTHE: I'd like to know from you who gave you these

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1 reprimands for being absent?

2 A. Most probably the commander, Sejdi Paqarizi, did. We had our
3 families in the Turjake mountains. My family needed food. I visited
4 my family frequently, because it was only my mother and -- the mother
5 and six children in the mountains of Turjake. And most probably I
6 came back late on that day and that's the reason why.

7 JUDGE BARTHE: Did you also visit your family at the beginning
8 of your service in the KLA?

9 A. Yes.

10 JUDGE BARTHE: And were you also reprimanded then or only later?

11 A. Later most probably.

12 JUDGE BARTHE: And how were these reprimands given to you?

13 A. No, but I was the oldest amongst my friends. So if I was late,
14 then the others would be late. So this was fine.

15 JUDGE BARTHE: No, I understood that, but my question was
16 different. How, in what way, were these reprimands given to you?
17 Orally? Or did you get a document?

18 A. This was an oral reprimand.

19 JUDGE BARTHE: And apart from these two other soldiers mentioned
20 here under number 2 and 3, do you know whether other soldiers also
21 received reprimands for being absent?

22 A. We were from the villages. I was from Drenoc. Burim Foniqi
23 from Llozice. Ekrem Gashi from Vermice. These villages were along
24 the road, the road from Prishtine, Kieve-Prishtine. So it was quite
25 distant. And depending on weather conditions, the mud, rain, we

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1 would be late, and that was the reason.

2 JUDGE BARTHE: And what about other soldiers apart from the
3 three you just mentioned? So was it -- or do you know of other cases
4 where soldiers received reprimands?

5 A. No, no.

6 JUDGE BARTHE: I have one final question about what you said in
7 your statement or what was recorded in your statement in 2016 and
8 what you said earlier today in your cross-examination by the Thaci
9 Defence. I would like to -- or maybe it's better to put that
10 statement on the screen.

11 This should be Exhibit P01666, if I'm not mistaken. Yes.
12 Page 3. Thank you.

13 I will read, Mr. Krasniqi, the English sentence, or the sentence
14 in English, and maybe you could find it. I hope you can find it in
15 the Albanian version of the document. And the English sentence
16 reads:

17 "This person told us from the car in which Cene and Jakup
18 entered that Cene and Jakup were going to give a statement regarding
19 the meeting with the US officials. These persons," this is the
20 following sentence, "were not public persons, members of the
21 General Staff, but ordinary soldiers."

22 Can you see that sentence in the Albanian?

23 A. Yes, I found it.

24 JUDGE BARTHE: If I'm not mistaken, you said today that you
25 didn't -- or that this person didn't tell you this. I would like to

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1 to understand that it's the case why you -- or why it is recorded in
2 your statement in 2016 that the person told you that Mr. Kastrati and
3 Mr. Desku were going to give a statement regarding the meeting with
4 US officials? Can you explain that, please.

5 A. I must have heard it either from Fehmi or -- I actually do not
6 remember him saying this, because we did not have time to talk to
7 them.

8 JUDGE BARTHE: Is it the case that you don't remember it now?

9 A. No, I do not.

10 JUDGE BARTHE: [Microphone not activated].

11 Or is it your evidence that you didn't tell this to the Special
12 Prosecutor's Office in Kosovo in 2016?

13 A. I really don't remember.

14 JUDGE BARTHE: I note, Mr. Krasniqi, that, this is the Albanian
15 version, but in the English version it is said at the end, and this
16 is on page 051760 -- maybe we can go to that page, please.

17 At the very end it is said in English, or according to the
18 English translation:

19 "I do not have anything else to add to the testimony.

20 "The minutes were read out to me and I am signing the same
21 without /making/ any remarks."

22 And there is in the Albanian version your signature. And your
23 signature can also be found on each page, which you confirmed earlier
24 today, I guess, for the transcript.

25 So is it the case that the minutes were read out to you in 2016

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1 and that you signed it without making any remarks or corrections?

2 A. Yes, it was read back to me.

3 JUDGE BARTHE: And it's your signature, right, on that page?

4 A. Yes, it is.

5 JUDGE BARTHE: Thank you very much. I have no further
6 questions.

7 PRESIDING JUDGE SMITH: Judge Mettraux.

8 JUDGE METTRAUX: Thank you, Judge Smith.

9 And good afternoon, Witness. Do you recall being asked by --

10 A. Good afternoon.

11 JUDGE METTRAUX: Do you recall being asked by counsel for
12 Mr. Thaci about Gani Krasniqi earlier this morning? If you did not
13 hear my question, I'll repeat it. Do you recall being asked
14 questions --

15 A. Yes, please.

16 JUDGE METTRAUX: Do you recall being asked questions this
17 morning about Gani Krasniqi?

18 A. Yes, you can ask questions.

19 JUDGE METTRAUX: Now, to your knowledge, did Gani Krasniqi have
20 any role in the arrest and detention of Mr. Desku and Jakup Kastirati?

21 A. Gani Krasniqi had no role whatsoever in taking Cen and Jakup
22 away.

23 JUDGE METTRAUX: What about Isni Kilaj?

24 A. Neither did Isni Kilaj have a role in taking Jakup and Cen away.

25 JUDGE METTRAUX: It's been suggested to us that Gani Krasniqi

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1 might have wished to defame Jakup Kastrati. Do you know anything
2 about that?

3 A. No, I do not.

4 JUDGE METTRAUX: Did you personally, or Fehmi Kryeziu,
5 Skender Hoti, did you wish to defame Mr. Kastrati by having him
6 arrested?

7 A. No.

8 JUDGE METTRAUX: And did you personally, or, to your knowledge,
9 Mr. Kryeziu or Mr. Hoti, have any grievance with either Mr. Desku or
10 Mr. Kastrati?

11 A. No, with none of us.

12 JUDGE METTRAUX: Thank you, sir.

13 PRESIDING JUDGE SMITH: Judge Gaynor.

14 JUDGE GAYNOR: I've no questions. Thank you very much.

15 PRESIDING JUDGE SMITH: Any follow-up questions from the
16 Prosecution?

17 Anything?

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

19 Further Cross-examination by Mr. Misetic:

20 Q. Witness, you were just asked by Judge Mettraux whether Gani
21 Krasniqi had any role in the arrest of Cen Desku and Jakup Kastrati,
22 and you said no. How do you know?

23 A. When there is no information to that effect, you say no. I
24 don't know.

25 Q. Well, just because you have no information to that effect

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1 doesn't mean that it's true, correct, or not true?

2 A. When I have no information, I say no. I don't know.

3 Q. Okay. Well, that --

4 A. When I say "I don't know" or "no," that's one way of saying
5 things briefly.

6 Q. Okay. So the answer to Judge Mettraux's question did Gani
7 Krasniqi have any role, the answer should have been: I don't know.
8 Correct?

9 A. I don't know.

10 Q. And the same with respect to the question he asked you about
11 Isni Kilaj. You said he had no role. The answer should have been
12 you don't know whether he had a role; correct?

13 A. I don't know.

14 MR. MISETIC: Okay. Just one more minute.

15 Q. Now, if Gani Krasniqi or Isni Kilaj had a conversation with
16 Enver Hoti about Jakup Krasniqi [sic] or Cen Desku, you wouldn't
17 know; correct?

18 A. No, I do not.

19 Q. Thank you.

20 MR. MISETIC: Nothing further.

21 PRESIDING JUDGE SMITH: Thank you.

22 Ms. Alagenda.

23 MS. V. ALAGENDRA: Your Honours, I don't have a question. It's
24 just that the transcript keeps referring to Kastrati as Krasniqi. So
25 if that could be looked into, please.

1 PRESIDING JUDGE SMITH: I'm sure that will be corrected in due
2 course. You can check again tomorrow to see if there's been any
3 change.

4 Witness, you're -- I'm sorry, anybody else wishing to follow up
5 questions?

6 Witness, your testimony is now completed. We thank you for
7 being with us. You may leave the courtroom now, and your obligation
8 here to testify is over with. Thank you for being with us.

9 THE WITNESS: [Interpretation] Thank you.

10 [The witness withdrew]

11 PRESIDING JUDGE SMITH: Ms. Rowan.

12 MS. ROWAN: Your Honour, if I could please deal with an
13 administrative matter before we break for the day.

14 We've been in contact with CMU and it's to deal with the
15 replacement of a translation of an exhibit.

16 We would ask the Panel, please, to replace U001-8394 to
17 U001-8399-ET with the following ERN range: U001-8394-U001-8399-ET
18 Revised. I can deal with the procedural history in relation to that
19 exhibit. But in short, we requested a revised translation, one was
20 provided by the SPO, and we'd simply like for the initial translation
21 to be replaced with the new one.

22 PRESIDING JUDGE SMITH: Correct statement, Mr. Prosecutor?

23 MR. PACE: Yes. We have no objection to the request by the
24 Veseli Defence.

25 PRESIDING JUDGE SMITH: All right. The replacement will occur.

1 Thank you for the help.

2 MS. ROWAN: Thank you.

3 THE COURT OFFICER: Your Honours, if I can just note that is a
4 replacement of the translation for Exhibit 2D14. I don't think that
5 the exhibit number was mentioned.

6 MS. ROWAN: That's the correct exhibit number. My apologies.
7 Thank you.

8 PRESIDING JUDGE SMITH: Thank you very much.

9 So this is all we have for today. We have nothing for tomorrow.
10 We'll be here Wednesday morning at 9.00 to proceed at that time.
11 Hopefully, we can get through those two witnesses by Thursday.

12 Thank you all for being here. If there's nothing else, we're
13 adjourned until 9.00 a.m. on Wednesday.

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

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