

1 Monday, 25 November 2024

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 that all the accused are present
11 in court today.

12 Before we start the hearing on the evidence of Prosecution
13 Witness W03873, there are some preliminary matters the Panel would
14 like to address.

15 First, on November 18, 2024, counsel for Mr. Veseli requested
16 that part of the transcript of W04679's testimony that was heard in
17 private session and which concerned W03873 be classified as public.
18 The Panel agrees that the relevant parts can be reclassified as
19 public and, therefore, orders that the parts of P22340, line 1, to
20 page 22343, line 15, of the 18 November 2024 transcript that are in
21 private session can be reclassified as public.

22 This concludes the Panel's oral order.

23 Second, the Thaci Defence objects to the admissibility of
24 certain documents that the SPO wishes to use with W03873 on the basis
25 that their prejudicial effect outweighs any relevance or probative

1 value since: One, the material comes from a book with information
2 attributed to W04583, whom the SPO has dropped from its witness list
3 and who is the subject of a pending motion by the Thaci Defence; and,
4 two, the SPO cannot seek to admit portions of a book attributed to
5 W04583 for the truth of its contents while simultaneously denying the
6 accused the ability to cross-examine W04583.

7 The SPO responds that there is no reason why it should be
8 precluded from using and, as necessary, seeking to admit excerpts
9 from SITF00245112 to 00245415 through W03873 if the Rule 138
10 requirements are met since: One, the author of SITF00245112 and
11 00245415 is not W04583 but Bedri Islami; two, during the course of
12 the trial, excerpts of items concerning particular individuals who
13 will not be called to testify have routinely been put to witnesses
14 and admitted pursuant to Rule 138, and one of the primary subjects
15 addressed in SITF00245112 and 00245415 is the LPK, and the SPO has
16 notified Defence that it intends to question W03873 about the
17 relationship between LPK and KLA.

18 Having considered the submissions of the parties, the Panel
19 rejects the Thaci Defence's objections. Specifically, the Panel
20 recalls that admissibility of proposed exhibits is regulated by
21 Rule 138. In this respect, the Panel notes that books and articles
22 can be and have been admitted without their authors being called to
23 testify if they meet the *prima facie* requirements of Rule 138. The
24 fact that the author of a book or article is not being called to
25 testify is a factor to be taken into account when weighing the

1 evidence in light of the entire body of evidence before the Panel.

2 Therefore, the Panel finds that the SPO can use the documents
3 with the witness and admission will be addressed later if and when
4 the documents are tendered for admission.

5 This concludes the Panel's second oral order.

6 Mr. Court Officer, please bring us into private session.

7 [Private session]

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1 [Private session text removed]

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4 [Open session]

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

6 Thank you.

7 PRESIDING JUDGE SMITH: Thank you.

8 We will now starting hearing the evidence of Prosecution

9 Witness W03873.

10 Madam Usher, please bring the witness in.

11 [The witness entered court]

12 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear the
13 translation okay?

14 THE WITNESS: [Interpretation] Yes, I can.

15 PRESIDING JUDGE SMITH: I note for the record that Duty Counsel
16 for W03873 is present in the courtroom.

17 Good morning, counsel. Please identify yourself for the record.

18 MR. KOCI: [Interpretation] Good morning to everyone. I am
19 Arianit Koci, a lawyer from Prishtine.

20 PRESIDING JUDGE SMITH: Thank you, Mr. Koci.

21 Witness, the Court Usher will provide you with the text of a
22 solemn declaration which you are asked to take pursuant to our
23 Rule 141(2). Please read the document and then speak it aloud.

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

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22541

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

3 WITNESS: HALIL QADRAKU

4 [The witness answered through interpreter]

5 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
6 now.

7 Mr. Koci, I will go through some preliminary materials first,
8 and then we will get to the reason that you're here in the courtroom
9 today.

10 Witness, today we will start your testimony, which is expected
11 to last approximately two to three days. As you may know, the
12 Prosecution will ask you questions first. Thereafter, the Defence
13 has the right to ask questions of you, and members of the Panel might
14 also have some questions for you.

15 The Prosecution estimate for your examination is four hours.
16 The Defence estimates that it will need close to seven and a half
17 hours. As regards each estimate, we hope that counsel will be
18 judicious in the use of their time. The Panel may allow
19 re-examination if conditions for it are met.

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

25 In the event you are asked by the SPO to attest to some

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22542

1 corrections made regarding your statements, you are reminded to
2 confirm on the record that the written statement, as corrected by the
3 list of corrections, accurately reflects your declaration.

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

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

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

15 If you feel the need to take breaks, make an indication and an
16 accommodation will be made.

17 Witness, we are aware that counsel has been assigned to you so
18 that you are able to seek legal advice if he has any legitimate
19 concerns of self-incrimination.

20 Witness, I remind you that as per the solemn declaration you
21 have just read, you are obliged to tell the truth. Under our rules,
22 you are hereby advised that you are not required to answer a question
23 that is incriminating unless and until the Panel compels you to
24 answer in accordance with our Rule 151(2) and determines if an
25 assurance under Rule 151(3) should be provided to you.

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22543

1 Mr. Koci, have you and your client had an opportunity to discuss
2 the issue of self-incrimination and his testimony that is about to
3 begin?

4 MR. KOCI: Yes, Your Honour.

5 PRESIDING JUDGE SMITH: And are you seeking an assurance as
6 provided by Rule 151(3) of our rules?

7 MR. KOCI: Of course, yeah.

8 PRESIDING JUDGE SMITH: And you've explained that to him?

9 MR. KOCI: Yes, Your Honour.

10 PRESIDING JUDGE SMITH: And you've explained that if we grant
11 such an assurance, that he will be then required to answer all
12 questions?

13 MR. KOCI: Yes, Your Honour.

14 PRESIDING JUDGE SMITH: Witness, I remind you that you have been
15 called to testify and are obligated to testify and tell the truth.
16 And if you do not tell the truth, you might be sanctioned. And as
17 we've stated already, if you believe you may incriminate yourself by
18 answering a question, you may refuse to answer that question, but
19 your attorney has asked for what we call an assurance under Rule 151.
20 If ordered by the Court to answer questions after receiving such an
21 assurance, you are bound to do so. If you fail to answer questions
22 after you have been directed to do so by the Panel, you might be
23 subject to sanctions for it.

24 Please note that you are not -- I'm sorry. You have been
25 granted the assistance of counsel. The Panel would like to inquire

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22544

1 with you as to whether you have received fully the legal advice you
2 asked for from your Duty Counsel, Mr. Koci?

3 THE WITNESS: [Interpretation] Yes.

4 PRESIDING JUDGE SMITH: Your attorney has indicated that you are
5 seeking an assurance under our Rule 151.

6 The Panel notes that in confidential ruling F02715, the SPO has
7 informed the Panel that, if considered necessary by the Panel, the
8 SPO would have no objection to you being provided assurances in
9 accordance with our Rule 151(2) to (3) of the rules. The Panel,
10 therefore, does not consider seeking the *ex parte* views of the
11 Specialist Prosecutor under Rule 151(3) necessary, they having
12 consented to issuance of the assurance.

13 The Panel, however, would like to receive submissions from the
14 SPO as to whether and how the evidence that the witness would
15 provide, if compelled to testify, would be unique evidence relevant
16 to the case pursuant to our Rule 151(2)(b).

17 Mr. Pace.

18 MR. PACE: Yes, Your Honour. Briefly, and just by way of
19 example, the reasons for the question just asked include the
20 particular position occupied by the witness, including from January
21 1999, as head of the G2 sector in the Pashtrik operational zone, and
22 the information on reporting lines that he is uniquely placed to give
23 as the only person occupying that position at least in that period of
24 time.

25 PRESIDING JUDGE SMITH: Defence have any comments on this issue?

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22545

1 Mr. Koci, have I correctly stated the position that you've taken
2 and advised your client?

3 MR. KOCI: [Interpretation] I don't have any for the time being,
4 Your Honour. No.

5 PRESIDING JUDGE SMITH: Having heard the parties' submissions,
6 including the SPO's views in F02715, the Panel finds that, in light
7 of the importance of the witness's anticipated evidence, its unique
8 relevance to the case, the limited nature of the possibility of
9 self-incrimination, and the sufficiency of available protective
10 measures, should they become necessary, the elements listed in
11 Rule 151(2) have been met.

12 The Panel therefore compels the witness to testify.

13 Pursuant to Rule 151(3), the Panel assures the witness that the
14 evidence provided in response to the relevant questions:

15 "(a) shall be given *in camera*," unless sought otherwise by the
16 witness, "and shall not be disclosed in any manner to the public,
17 Kosovo, or any Third-State; and

18 "(b) will not be used either directly or indirectly against that
19 person in any subsequent prosecution before the Specialist Chambers,
20 except under Article 15(2) of the Law and Rule 65."

21 In this regard, the Panel warns the witness that refusal to give
22 testimony may be sanctioned with the imposition of a fine.

23 We will now go into an *ex parte* session -- not an *ex parte, in*
24 *camera* session, which would mean the blinds would be down and there
25 would be no transmission of the testimony.

Witness: Halil Qadraku (Open Session)
Procedural Matters

Page 22546

1 Is that your client's wishes, Mr. Koci?

2 MR. KOCI: [Interpretation] Your Honours, with your permission, I
3 would need one minute of consultation with my client.

4 PRESIDING JUDGE SMITH: Of course.

5 MR. KOCI: [Interpretation] Thank you.

6 [Duty Counsel and witness confer]

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

8 MR. KOCI: [Interpretation] Your Honour, I received clear
9 instructions from my client who wishes to proceed in open session or
10 public session, if that's possible.

11 PRESIDING JUDGE SMITH: He's aware of the fact that this will be
12 broadcast and anyone who tunes in to our broadcast would --

13 MR. KOCI: [Interpretation] Yes, he is.

14 PRESIDING JUDGE SMITH: -- be able to hear the testimony?

15 MR. KOCI: [Interpretation] Yes. I have explained all of this to
16 my client before. I did it again today. Therefore, we would kindly
17 request to proceed in open session.

18 PRESIDING JUDGE SMITH: Witness, do you understand that fully?

19 THE WITNESS: [Interpretation] Yes, I do.

20 PRESIDING JUDGE SMITH: All right. We'll proceed in open
21 session.

22 Mr. Pace, you may begin your direct examination.

23 MR. PACE: Thank you, Your Honour.

24 Examination by Mr. Pace:

25 Q. And good morning, Witness.

Witness: Halil Qadraku (Open Session)

Page 22547

Examination by Mr. Pace

1 A. Good morning.

2 Q. We've met before but I'll introduce myself again. I'm James
3 Pace, a Prosecutor with the SPO. And as the Presiding Judge
4 mentioned, I'll be asking you questions for the next four hours or
5 so.

6 Before I elicit some of your personal details, I note that, as
7 explained in your preparation session, rather than asking you
8 questions about every relevant issue you may have information about,
9 it may be possible to admit some of your prior statements containing
10 such information into evidence. And in order to do so, there are a
11 number of procedural steps to follow which I'll turn to after
12 establishing your identity.

13 What is your name, Witness?

14 A. My name is Halil Qadraku.

15 Q. Did you have any nicknames in 1998 or 1999?

16 A. My pseudonym was Fatosi.

17 Q. What is your date of birth?

18 A. I was born on 15 July 1964 in Sarajevo.

19 Q. And what is your nationality or nationalities?

20 A. I have only one citizenship and that is of Kosovo. So I'm
21 Albanian from Kosovo.

22 MR. PACE: I'd like to call up 070955-TR-ET Part 1 Revised
23 1_Corr Interp RED side by side with the Albanian version, which has
24 the same ERN other than the _Corr Interp. Thank you.

25 Q. Witness, on your screen you should be seeing two documents, on

Witness: Halil Qadraku (Open Session)

Page 22548

Examination by Mr. Pace

1 the left in Albanian and on the right in English. Can you confirm
2 that you can see those documents?

3 A. Yes.

4 Q. The documents refer to your interview with the SPO in December
5 2019. Do you recall meeting the SPO at that time?

6 A. Yes, I do I recall.

7 MR. PACE: I note for the record that this interview has six
8 parts. For now, we can take these documents down.

9 Q. Witness, do you recall in the last weeks being provided with an
10 opportunity to review and provide clarifications, including in
11 relation to your 2019 SPO interview?

12 A. Yes.

13 Q. Do you recall that you made a number of clarifications to your
14 SPO interview?

15 A. I do recall some of them.

16 Q. Do you recall that the clarifications and corrections to your
17 SPO interview were included in a note which was read back to you?

18 A. Yes.

19 Q. Subject to the corrections set out in the note, is the
20 information provided in your SPO interview accurate and truthful to
21 the best of your knowledge and belief?

22 A. The content of what we read at the end of that procedure, I
23 signed it and stand by it as mine.

24 Q. And just to clarify, Witness, in terms of the note that was read
25 back to you, I am the one who would have signed that, just to avoid

Witness: Halil Qadraku (Open Session)

Page 22549

Examination by Mr. Pace

1 confusion.

2 But I will go ahead. The other question is, subject to the
3 corrections in that note, does your SPO interview accurately reflect
4 what you would say if you were examined about the events recorded
5 therein?

6 A. In my opinion, yes.

7 MR. PACE: I'd like to seek admission of the six-part SPO
8 interview and the associated exhibit, the relevant ERNs of which are
9 set out in Annex 1 to Preparation Note 1. We also seek admission of
10 Preparation Note 1 which is 123823-123831. And as explained in that
11 preparation note and the prior e-mail, I note that the Part 1 of the
12 SPO interview, the version we are seeking to admit is that shown
13 today ending in _Corr Interp.

14 PRESIDING JUDGE SMITH: Any objection to the tender?

15 MR. DIXON: No objection, Your Honours.

16 MR. TULLY: None.

17 MR. ELLIS: Nothing beyond those previously notified.

18 PRESIDING JUDGE SMITH: 070955-TR-ET, in six parts, REV RED plus
19 Albanian translation is admitted.

20 THE COURT OFFICER: Your Honours, the ERN read on the record,
21 and specifically Part 1, which is 070955-TR-ET Part 1 Revised 1_Corr
22 Interp RED will be assigned Exhibit P01854.1 in both English and
23 Albanian. Part 2 of both languages will be assigned
24 Exhibit P01854.2. Part 3 will be assigned exhibit number ending with
25 .3. Part 4 will be assigned exhibit number ending with .4. Part 5

Witness: Halil Qadraku (Open Session)

Page 22550

Examination by Mr. Pace

1 will be assigned exhibit number ending with .5. And Part 6 will be
2 assigned exhibit number ending with .6. This goes for both
3 languages, and classification is confidential.

4 Thank you, Your Honours.

5 PRESIDING JUDGE SMITH: Thank you. Now the prep note numbered
6 123823 to 123831 is admitted.

7 THE COURT OFFICER: And will be assigned Exhibit P01855,
8 classified as confidential.

9 PRESIDING JUDGE SMITH: And the associated exhibits are
10 admitted.

11 THE COURT OFFICER: Thank you, Your Honours. 070949 to 070954,
12 in specific pages 070949 to 070950, in both English and Albanian,
13 will be assigned Exhibit P01856, classified as confidential. Thank
14 you, Your Honours.

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

16 MR. PACE: Yes. Just to note that, for now at least, the
17 associated exhibit can be reclassified to public. And then for the
18 other items, they should be confidential for now and we'll deal with
19 redactions at a future point.

20 PRESIDING JUDGE SMITH: The associated exhibits will be
21 reclassified as public.

22 THE COURT OFFICER: Thank you, Your Honours.

23 MR. PACE: Your Honour, on 20 November, we submitted a proposed
24 summary of this witness's now admitted Rule 154 statement. And with
25 your leave, I'll read that summary now.

1 PRESIDING JUDGE SMITH: Yes, go ahead.

2 MR. PACE: The following is a summary of W03873's SPO interview.

3 W03873 is a Kosovar Albanian who was a member of the LPK and
4 joined the KLA around March 1998. During his time with the KLA,
5 W03873 occupied various roles in multiple locations and served as
6 head of the G2 in the Pashtrik operational zone from January 1999.

7 W03873 provides evidence concerning the LPK, the creation of the
8 KLA, and his roles and responsibility in the KLA, including obtaining
9 weapons and participating in KLA operations and battle. W03873 also
10 provides evidence concerning the KLA structure and organisation and
11 the role and authority of KLA members, including members of the
12 Pashtrik operational zone and the KLA General Staff.

13 W03873 provides evidence about his interactions with
14 Hashim Thaci and Kadri Veseli, including in 1998, 1999, when W03873
15 accompanied Hashim Thaci, Kadri Veseli, and other KLA members to
16 Albania. In 1999, W03873 also met Kadri Veseli in Nishor, and, in
17 April 1999, Kadri Veseli asked W03873 to visit all guarding points
18 around the KLA General Staff headquarters during fighting in Klecke.

19 W03873 provides evidence about his knowledge of reports and
20 reporting lines within and between brigades, the operational zone,
21 and the KLA General Staff, including in relation to intelligence and
22 counter-intelligence matters.

23 W03873 also provides evidence about his keeping of records and
24 his knowledge of KLA documents, including documents he authored.

25 That concludes the summary.

Witness: Halil Qadraku (Open Session)

Page 22552

Examination by Mr. Pace

1 Q. Witness, in your SPO interview, you mentioned your involvement
2 with the LPK while you were in Switzerland and that you entered
3 Kosovo in March 1998 to take up your duties with the KLA. Could you
4 tell the Judges when you first considered yourself a KLA member?

5 A. I considered myself as a member of the KLA for the first time on
6 the day when I entered Kosovo, which is March 1998. However, morally
7 and spiritually, I considered myself to be one from the beginning of
8 the appearance of the first groups, because I supported them morally
9 and spiritually. In other words, I consider myself a soldier of the
10 KLA from March 1998.

11 Q. You mentioned that morally and spiritually you considered
12 yourself to be a member from the beginning of the appearance of the
13 first groups. When is that beginning and first appearance you are
14 mentioning?

15 A. The first resistance groups started in the 1990s, early 1990s -
16 1991, 1992, 1993 - considering the fighting in Prekaz, Zahir Pajaziti
17 fighting. For us in the diaspora, this was a spiritual inspiration,
18 and we tried to support them in any possible way. So I was
19 spiritually always with them.

20 Q. And when do you consider that the KLA was first established?

21 A. I think we discussed the subject as to what we understand by
22 "KLA." I indicated, Mr. Prosecutor, that members of the KLA were
23 also Tahir and Nebih Meha who were killed in 1991. I told you that
24 Rexhep Mala and Nuhi Berisha who were in 1984 were members of the
25 KLA. Afrim Zhitia, Fahri Fazliu, who were killed in 1989, were also

1 members of the KLA in my opinion. In our struggle against the
2 occupier, all these people throughout the two decades were in a way
3 KLA.

4 Now, if we're specifically talking about the formation and the
5 setting up of the KLA, there are dates when the groups came together,
6 when this organisation was named as the Kosovo Liberation Army, and
7 the date for that would be 17 November 1994. So we can refer from
8 that date on to the name KLA. Up until that date, we viewed all
9 those who fell in their struggle against the enemy as members of the
10 KLA but not with the name Kosovo Liberation Army.

11 Q. Was there any link or connection between your LPK membership and
12 your considering yourself a KLA member from the early 1990s as you
13 put it?

14 A. The Kosovo Popular Movement was a political-military
15 organisation from 1993. As a member of this organisation, and as a
16 hyperactive person as myself, I always considered myself as a
17 component or member of the KLA from the above.

18 Q. What was the highest authority or body within the LPK?

19 A. There was the LPK chairmanship within the LPK.

20 Q. And is that the highest body that the LPK had?

21 A. The highest structure of the LPK was its chairmanship.

22 Q. And when you joined the LPK, who was at the head of this
23 chairmanship?

24 A. I told you that when I joined, I -- this didn't go through a
25 competition or something. When I joined the LPK, when I was able to

Witness: Halil Qadraku (Open Session)

Page 22554

Examination by Mr. Pace

1 be in contact as a member of this organisation, from the early days,
2 I know that the chairman of the LPK was Fazli Veliu.

3 Q. And, Witness, just to clarify, in my question I made no
4 reference to any competition, but your answer is well taken. And
5 following Fazli Veliu, was there another president of the LPK -- or,
6 sorry, chairman of the LPK?

7 A. After Fazli Veliu, the chairman of the LPK was Bedri Islami.

8 Q. And to your knowledge, how long did Bedri Islami serve in that
9 role?

10 A. I am not able to tell you for how long because in 1998 I entered
11 Kosovo. However, I believe that until the fifth general meeting -
12 July, August 1998 - he was the chairman of the LPK, which means from
13 1994 to 1999, around five years. But I might be mistaken.

14 Q. Do you know Bardhyl Mahmuti?

15 A. I know Bardhyl Mahmuti because we were close to one another
16 during my stay in Switzerland. I know him as a member of the LPK, as
17 a friend, and we're still in contact.

18 Q. What was Mr. Mahmuti's role in the LPK?

19 A. Initially, he was a member of the LPK just like all of us. I
20 think he was a member of the general council of the LPK as well.

21 Q. And now we have reference, at least in English, to a general
22 council. Is that the same body that you previously referred to which
23 was at least translated as the chairmanship or is it something else?

24 A. The chairmanship and the general council are two different
25 things. The chairmanship is composed of nine members, whereas the

Witness: Halil Qadraku (Open Session)

Page 22555

Examination by Mr. Pace

1 general council had 36 or 37 members. The general council, it's at a
2 slightly lower level than the chairmanship.

3 Q. And to your knowledge, did Mr. Mahmuti ever serve within any
4 role in the KLA or in relation to the KLA?

5 A. Bardhyl Mahmuti had, in my opinion, a very important role within
6 the KLA being a member of the diplomatic corps who interacted with
7 the internationals on behalf of the KLA. He was a very valuable,
8 dignified representative who with his dedication and his efforts
9 helped us considerably in our war.

10 Q. Earlier you mentioned a general meeting. I believe the one in
11 1998. Were you yourself ever in any way involved in organising any
12 of these general meetings?

13 A. I mentioned earlier June 1999 when the fifth general meeting
14 occurred, I did not directly participate. I did as a delegate but
15 not as a representative of the general council or the chairmanship.
16 I do remember that, at the time, Bardhyl and other friends asked me
17 to conduct all the works for the -- that meeting that was held in
18 Prizren, technically speaking. I tried my best because we were in
19 the immediate aftermath of the war, three to four weeks after. So I
20 tried to at least technically make the necessary preparations for the
21 meeting.

22 Q. And just to have some clarity about dates, can you once again
23 state when the fifth general meeting took place? What month and
24 year?

25 A. I think it was at the end of June or beginning of July 1999. I

Witness: Halil Qadraku (Open Session)

Page 22556

Examination by Mr. Pace

1 am not certain about the dates.

2 Q. And is that the meeting that you were involved in after
3 Mr. Mahmuti and others sought your assistance?

4 A. Yes.

5 Q. Do you recall what was decided or at least the main decision at
6 that meeting?

7 A. A number of reports, work reports were presented during that
8 meeting, so what was done between these two meetings. However, I
9 think the key point for the chairmanship was whether the LPK would
10 transform into a political party because a new climate was in Kosovo,
11 a new political life, and the idea was that it was best for the LPK
12 to transform into a political entity in the country.

13 Q. And following that meeting was the LPK so transformed?

14 A. I think the majority in that meeting were in favour, although
15 there were members who expressed some frustration and were reluctant.
16 The members of the LPK had the democratic right to elect whoever they
17 wanted, to continue as they were, or to transform. Therefore, I
18 believe that a large part of the nomenclature of the LPK at the time
19 accepted and were part of the change. As a result of which, the
20 first political party to form at the time was FPBDK. I have
21 forgotten what the initials stand for exactly. The Party for the
22 Democratic Unification of Kosovo, I think.

23 Q. To be clear, is it FPBDK or just PBDK?

24 A. I think was PBDK.

25 Q. And once the PBDK was formed who was its first leader?

Witness: Halil Qadraku (Open Session)

Page 22557

Examination by Mr. Pace

1 A. When the PBDK was formed, its first leader was Bardhyl Mahmuti.

2 Q. And did the PBDK ever change name again after this change from
3 LPK to PBDK?

4 A. Yes, the PBDK became after a while PDK. And at the time, I was
5 in uniform. I didn't really deal with politics. I was not directly
6 involved in the formation of political parties. However, we were,
7 obviously, interested in what we would become. And I am stating here
8 my knowledge and what I know about these processes and this political
9 entity.

10 Q. Do you know Xhavit Haliti?

11 A. Everyone in Kosovo knows Xhavit Haliti today. I knew him at the
12 time as well. I knew him during our activities in Switzerland. And
13 since we were discussing the fifth meeting, I met with Xhavit Haliti
14 before this also in Albania -- including in Albania.

15 Q. To your knowledge, did Xhavit Haliti occupy any particular role
16 within the LPK?

17 A. Xhavit Haliti had continuously a more specific role in the LPK.

18 Q. And what was that role?

19 A. I think he was a member of the presidency, chairmanship of the
20 LPK for years, and in that role he had an honourable position.

21 Q. In your SPO interview, you mentioned Ali Ahmeti as one of the
22 people you were initially involved with in the LPK. To your
23 knowledge, did Ali Ahmeti have any particular role within the LPK?

24 A. Ali Ahmeti as well is one of the most distinguished men, hard
25 working, who contributed considerably to the LPK and to the forming

Witness: Halil Qadraku (Open Session)

Page 22558

Examination by Mr. Pace

1 of the liberation groups, which resulted then in the Kosovo
2 Liberation Army and the national liberation army.

3 Q. And to your knowledge, how did he contribute to the forming of
4 what then became the KLA, the national liberation army as you put it?

5 MS. TAVAKOLI: Sorry, I have an objection to the line of
6 questioning. It would just be good to get the source of this
7 witness's knowledge given his role in the LPK at the time and his
8 level and the things that the Prosecutor is asking him to speak about
9 are considerably higher than his level.

10 MR. PACE: Your Honour, we reject that objection. If I may
11 respond, I cited to the SPO interview where the witness said he met
12 Ali Ahmeti as one of the people he was initially involved with in the
13 LPK, and he already told us his knowledge of Ahmeti's role in the
14 LPK.

15 PRESIDING JUDGE SMITH: The objection is overruled. You can
16 certainly explore that information on your cross-examination, but
17 it's just general background information that this witness seems able
18 to testify to.

19 Go ahead, Mr. Pace.

20 MR. PACE: Thank you, Your Honour.

21 Q. Witness, my question was: To your knowledge, how did Ali Ahmeti
22 contribute to the forming of the national liberation army as you put
23 it?

24 A. Your Honour, I agree with the reaction of the Defence because it
25 is, indeed, very true that I was a mere member -- ordinary member of

Witness: Halil Qadraku (Open Session)

Page 22559

Examination by Mr. Pace

1 the LPK.

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 THE WITNESS: [Interpretation] So this was my level.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 Mr. Pace, you might repeat your question.

6 MR. PACE: Yes, Your Honour. Just to note, your microphone

7 wasn't on, so I don't think your -- your inter --

8 PRESIDING JUDGE SMITH: Oh, I'm sorry.

9 Just do your best to answer the questions that are given to you
10 by the SPO at this time. If you don't know an answer, just say you
11 don't know. That's perfectly all right.

12 THE WITNESS: [Interpretation] I know Ali Ahmeti, I knew him, and
13 I think that Ali Ahmeti was a crucial person. He played a large part
14 in the work leading to the formation of the Kosovo Liberation Army.

15 MR. PACE:

16 Q. And can you explain how, to your knowledge, he played that large
17 part? What did he do in that regard?

18 A. I think it is impossible for me to explain this, but I do know
19 we learned later that he was part of the group for special actions
20 appointed by the LPK to liaise with the armed groups within the
21 country. He was part of the groups that unified those groups. He
22 was a member of the group who decided on the name of the KLA. He was
23 a member of a number of future activities. Therefore, I have Ali
24 Ahmeti -- I have considerable respect for Ali Ahmeti in this regard,
25 just like the entire LPK.

Witness: Halil Qadraku (Open Session)

Page 22560

Examination by Mr. Pace

1 Q. And how did you learn this about Ali Ahmeti?

2 A. I am not able to indicate -- not that I don't want to, but I do
3 not know how we learned, because we ordinary members had the right to
4 ask from the chairmanship or general council to be informed on
5 specific matters as to what would happen to us, to Kosovo. But I'm
6 not in a position to indicate precisely how I learned this because
7 this is not something you learn in an hour, but it's a process that
8 went on for several years.

9 Q. Have you heard of someone called Sabri Kicmari?

10 A. Yes, Sabri Kicmari, I think I've seen him in person twice. As a
11 name, I know that he was part of the LPK in Germany. He was part of
12 the diplomatic corps as a representative of the KLA during the war in
13 Germany in the area where he lived. So he was an inseparable part of
14 all those activities that took place in Kosovo within the LPK and the
15 KLA.

16 MR. PACE: Your Honour, can I just check whether we're taking a
17 break or not?

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. PACE: Then we can pause now.

20 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute
21 break, and then we'll come back to the courtroom. Please do not
22 discuss your testimony outside of the courtroom.

23 MR. PACE: Your Honour, I have one brief matter to raise just
24 before that break unrelated to -- the witness can leave. It's about
25 the items that Your Honour authorised us to add to the exhibit list.

1 We have disclosed them -- or we're having issues with disclosure for
2 a technical reason. We intend to disclose them and add them to the
3 presentation queue. I am not sure whether CMU could assist with just
4 adding them to the presentation queue knowing that they are now on
5 our exhibit list.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: We are adjourned for ten minutes.

9 --- Break taken at 10.04 a.m.

10 --- On resuming at 10.14 a.m.

11 PRESIDING JUDGE SMITH: Please bring the witness in.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 You may continue, Mr. Pace.

15 MR. PACE: Thank you.

16 Q. Witness, while you were in Switzerland before you went to Kosovo
17 in March 1998, were you aware of any KLA fighting or operations in
18 Kosovo?

19 A. During my stay in Switzerland, while I was there, in relation to
20 all actions that were undertaken in Kosovo we learned from the LPK,
21 we had our newspaper *Zeri i Kosoves*, and through that organ we did
22 our best to propagate and write everything that was carried out by
23 the Serbian forces in Kosovo. So I was informed through our
24 newspaper and the information that we received through that
25 newspaper.

Witness: Halil Qadraku (Open Session)

Page 22562

Examination by Mr. Pace

1 Q. And do you recall what year you started, through the newspaper,
2 to receive information about KLA fighting in Kosovo?

3 A. The KLA actions -- of course, we could not hear about them as
4 such, as KLA attacks, before it was named. It received its name in
5 November 1994. However, all the actions launched by it, I think
6 we've read them all in 1996, 1997, 1998. Maybe there were actions
7 carried out by it even before that date, but those actions were not
8 called KLA. They were simply called actions by groups that fought
9 against the Serbian occupying force.

10 MR. PACE: I'd like to call up SPOE00131752-SPOE00131823
11 alongside the English translation which has the same ERN with -ET at
12 the end. And on both, I'd like to turn to page SPOE00131754, please.

13 Q. Witness, on your screen there is a document on the left in
14 Albanian and its translation on the right in English, and I note that
15 this is from a re-print of an interview of Blerim Shala with
16 Xhavit Haliti. Had you seen the item on your screen before I showed
17 it do you in witness preparation?

18 A. No, I haven't seen it before that.

19 Q. I'm going to read an excerpt, and I'm going to ask you some
20 questions.

21 MR. PACE: And let's please turn to page 00131770, where I will
22 read from the second paragraph. And I mentioned I'll be reading from
23 the second paragraph. If we can go a little bit up in English. And
24 in Albanian, it's okay.

25 Q. Witness, you can either listen to the interpretation or follow

1 in Albanian on the left of your screen.

2 "Nobody can deny the contribution of the LPK in supplying the
3 KLA with weapons, material means, and political representation in
4 Kosovo and abroad. Whoever tries to manipulate outside these lines
5 of history is wasting his time."

6 And, Witness, my question is do you agree that nobody can deny
7 the contribution of the LPK in supplying the KLA with weapons,
8 material means, and political representation in Kosovo and abroad?

9 A. Yes, I agree with this part, and this is true. Nobody can deny
10 the work and the activities of the LPK towards the organisation and
11 consolidation of all KLA formations.

12 Q. I'll continue reading:

13 "Adem Jashari, Zahir Pajaziti, Muje Krasniqi, Rexhep Selimi,
14 Sokol Bashota, Hashim Thaci, Kadri Veseli, Lahi Brahimaj and others
15 who acted towards the consolidation of the KLA were part of a common
16 structure."

17 And, Witness, my question is, to your knowledge, is that
18 correct?

19 A. I think that this information is correct.

20 Q. I will next read from the penultimate paragraph on the same
21 page.

22 MR. PACE: If we can scroll a little bit lower in the Albanian.
23 Thank you.

24 Q. "In 1993, during the meeting of the Assembly of the LPK which
25 was held in Switzerland, I proposed that in order to get out of the

Witness: Halil Qadraku (Open Session)

Page 22564

Examination by Mr. Pace

1 crisis a special military mechanism should be established. We spoke
2 with Xhavit Haziri about many things. The Assembly of the LPK in
3 Kosovo led by Mr. Haziri had taken a decision which authorised him to
4 deal with the military organisation process in Albania and diaspora."

5 Witness, is the special military mechanism mentioned here the
6 same group you were referring to when you were providing evidence
7 concerning Ali Ahmeti?

8 A. Yes, I think this refers to the group of special actions, as it
9 was called by the LPK, whose member was also Xhavit Haliti. The work
10 in 1997 and 1998 in Albania helps towards the improvement of the
11 organisation, at least at the time.

12 Q. And are you familiar with the LPK assembly decision mentioned
13 here authorising Xhavit Haziri to deal with the military organisation
14 process in Albania and the diaspora?

15 A. When we speak about it now, yes, I am aware. I was aware about
16 that after the war. However, in that time, in 1993, when the
17 chairmanship took such a decision to undertake such activities in
18 that field with the group for special actions in organising armed
19 groups in Kosovo, that was very distant for us and that was an
20 information that was guarded because there were many arrests going on
21 in Kosovo at the time and many comrades were lost.

22 So during the time that decision was made, I was not aware of
23 it, but I learned about it later on from my friends.

24 Q. And the friends that you learned from, were those LPK or KLA
25 members?

Witness: Halil Qadraku (Open Session)

Page 22565

Examination by Mr. Pace

1 A. In the last decade of the last century, I kept company with all
2 members of the organisation, because they were brave young men, they
3 were trustworthy. They were young men who strived to return the
4 dignity and hope to our people, and they achieved that by liberating
5 Kosovo.

6 Q. Witness, if I could ask you to focus on the question and answer
7 the question, which I don't think you did. I'll repeat that: The
8 friends you mentioned that you learned this information from, were
9 those LPK or KLA members?

10 A. They were always either members of the LPK or members of the
11 KLA.

12 MR. PACE: Your Honour, we seek admission of the two pages shown
13 from this item, which are pages ending 131754 and 131770.

14 PRESIDING JUDGE SMITH: Any objection?

15 MR. DIXON: Yes, Your Honours, we do object. Mr. Pace has done
16 the very bare minimum here of just putting lines to a witness to say,
17 "Is that correct?" Not going beyond that and asking why --

18 PRESIDING JUDGE SMITH: Just state the objection.

19 MR. DIXON: The objection is that this witness is not able to
20 authenticate what is said there in any meaningful way, and the
21 foundation for that has not been established by the SPO. That's why
22 we object.

23 PRESIDING JUDGE SMITH: [Microphone not activated].

24 MR. DIXON: Well, the foundation in order to authenticate the
25 document. He's simply somebody who's not able to comment on

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22566

1 the document.

2 PRESIDING JUDGE SMITH: Thank you. The objection is overruled.

3 MR. DIXON: Call the persons who wrote this document.

4 PRESIDING JUDGE SMITH: The objection is overruled. We already
5 ruled on this earlier.

6 Go ahead.

7 MS. TAVAKOLI: We would support that objection. I understand
8 that it's been overruled, but *[REDACTED] Pursuant to In-Court Redaction
Order F02750RED.*

9 *[REDACTED] Pursuant to In-Court Redaction Order F02750RED.*

10 PRESIDING JUDGE SMITH: Just a second. [Microphone not
11 activated]. It's on the record. I stated it at the beginning today.

12 MS. TAVAKOLI: And then perhaps the Panel could also take into
13 consideration what *[REDACTED] Pursuant to In-Court Redaction Order
F02750RED.* said himself about this specific
14 interview when he said --

15 PRESIDING JUDGE SMITH: No, no --

16 MS. TAVAKOLI: -- it's propaganda.

17 PRESIDING JUDGE SMITH: -- please just make your objection.
18 Speaking objections are not allowed. The one you asked earlier was a
19 law school definition of a speaking objection. It was to give a
20 message to the witness, and we aren't going to have that.

21 [Microphone not activated].

22 I'm sorry. The admission is for SPOE00131754 and SPOE00131770.

23 THE COURT OFFICER: Thank you, Your Honours. Those two pages,
24 in both English and Albanian, will receive Exhibit P01857. Both
25 classified as public.

Witness: Halil Qadraku (Open Session)

Page 22567

Examination by Mr. Pace

1 PRESIDING JUDGE SMITH: I'd invite both of you to please re-read
2 our rules on conduct of proceedings when it deals with how to
3 interpose an objection and the outlaw of speaking objections.

4 [Microphone not activated].

5 MR. PACE: Thank you. We can take this document down, and
6 instead I would like to call up SITF00245112-00245415, and for now
7 we'll just do the version in Albanian. We'll start with the first
8 page, 245112. Thank you.

9 Q. And, Witness, there is another document on your screen at the
10 moment.

11 MR. PACE: If we could now turn to the next page in this item,
12 which is 245113. And if we can zoom out so we can see the entirety
13 of this page, please.

14 Q. Witness, had you seen this book before I showed it to you in
15 witness preparation?

16 A. I've not seen this book before.

17 MR. PACE: In the Albanian, can we please turn to page
18 SITF00245167. And side by side with that, we'll call up the English
19 translation, which is SITF00245167-SITF00245169-ET Revised, and it's
20 the first page in the English. And I'm going to start reading in
21 both pages from -- well, I'm going to read from the English. It
22 corresponds the same in Albanian from the penultimate paragraph and
23 then onto the next page.

24 Q. So, Witness, as I was explaining, I'm going to read a passage
25 and then I have some questions:

Witness: Halil Qadraku (Open Session)

Page 22568

Examination by Mr. Pace

1 "I have always respected professor Fazli Veliu. Later on, when
2 the events brought me to parts from the People's Movement of Kosovo
3 archives, I saw that many of the things that had originated from him,
4 not only had those been useful but also necessary. Each of these at
5 time carried a big secret that had to be kept within.

6 "I will mention one of them: the establishment of the 'special
7 sector' or more precisely the People's Movement of Kosovo military
8 section."

9 MR. PACE: If we can go to the next page in both, please, I'll
10 continue reading there.

11 Q. "This sector which was no more or no less than the core of KLA
12 General Staff, will be created by a very internal special decision of
13 the People's Movement of Kosovo Presidency, and only the leadership
14 had the right to know about the work and the activities of this
15 group. Through the special sector, the special structures of the
16 Kosovo Liberation Army, structure to the detail, that, the movement
17 of vehicles and people is achieved, logistics networks have been set
18 up, people have been contacted, a lot has been done, which at that
19 time was of vital importance.

20 "Xhavit Haliti, head of the 'Sector of Special Importance'
21 (military) had stated."

22 And the following is in quotes:

23 "'In the meeting of the leadership of the LPK ... in emigration
24 in Switzerland in 1993, I have proposed that in order to get out of
25 the crisis a special military mechanism should be created... At the

Witness: Halil Qadraku (Open Session)

Page 22569

Examination by Mr. Pace

1 meeting in Switzerland, held in the apartment of a friend from
2 Kosovo, I proposed what and how it could be done, how the LPK should
3 be reorganised, including the military structure and the way it
4 functions ... My first proposal was to create a military sector, or a
5 sector that would deal with military issues within the LPK, in other
6 words within the spectrum of the LPK, who would be accountable only
7 to the Leadership and no one else and, in this case, all the
8 priorities of handling material assets and decision-making for
9 everything were in the competence of the Sector of special
10 importance.

11 "In this sector, originally there were only myself and Ali
12 Ahmeti, and then later Jashar Salihu got involved, and after
13 Azem Sylja's arrival from Kosovo, he too was co-opted.

14 "This was the testimony of the ... 'Special Sector', more
15 precisely of the military sector of the LPK, that together with the
16 structures within Kosovo, took upon themselves to create the KLA."

17 Witness, my question is, to your knowledge, is the Special
18 Sector being referred to here the same as the group of special
19 activities that you referred to earlier in your testimony today?

20 A. Yes.

21 MR. PACE: And let's now in the Albanian please turn to page
22 ending 245279. And in English, we're going to have to call up
23 another partial translation, and that is SITF00245274-SITF00245296-ET
24 Revised, and it will be on the same page, so 245279, please.

25 And just for clarity, these items are public and can be

1 broadcast. I will let the Court Officer know should any of the items
2 not be for public broadcast today.

3 Q. And, Witness, I'm going to read from the top of this page, and
4 then once again I have some questions.

5 "The 3rd entry in Kosovo took place in 1993, by decision of the
6 Organisation Leadership. The trip was organised by Atdhetar
7 Labinishti. Our task was to organise the Conference of the Movement.
8 I held the conference in Kollar village, in Kercova and called it the
9 Consultative Meeting. In this Conference, conclusions were drawn for
10 the preparation of an armed uprising, since the peaceful means were
11 not being fruitful. It is this conclusion that will guide the
12 Movement for the formation of the armed units, which during the
13 organisation were incorporated in the Kosovo Liberation Army. The
14 coordination for the establishment and organisation of the KLA was
15 led by the 'Sector of Special Importance', which had been formed by
16 the leadership of the LPK ... in compliance with the competencies
17 that had been assigned to it by the General Council of our
18 Organisation. The Participants of this Conference were, among
19 others, Ahmet Haxhia, Xhavit Haziri, Ramadan Avdia, Gafurr Elshani,
20 Azem Syla. Hashim Thaci, Bajrush Xhemajli, Hulusi Beqiri, Atdhetar
21 Labenishti and others. Beqir Limani was in charge of the technical
22 organisation and the security aspects of this Conference. The
23 conference was held at Zeqir Zeqiri's house. This Conference was a
24 preparation to subsequently hold the General Meeting in Kosovo in
25 1994. Many personalities attended this meeting."

Witness: Halil Qadraku (Open Session)

Page 22571

Examination by Mr. Pace

1 Witness, my question is do you have any knowledge of the
2 conference or consultative meeting at Zeqir Zeqiri's house?

3 A. At the time when this consultative meeting was held, it was top
4 secret. Today I have information just like you have, but not more
5 than that.

6 Q. How did you obtain this information, Witness?

7 A. As a member of the LPK, during our meetings we always had a
8 guest from the leadership or the general council, and that guest
9 could have informed us about this consultative meeting. However, not
10 with all the details because some things had to be kept secret. I do
11 not know the exact date and manner how I was informed, but I was
12 always informed by my friends, by members of the LPK. I received
13 this as information much later than the date when it was held.

14 Q. And, Witness, when you say much later than when it was held,
15 what time period are you referring to?

16 A. Maybe the same year but later. Upon the completion of the
17 consultative meeting, upon the return of the friends, and once there
18 was no risk for their return, then I received that information.

19 Q. And could you clarify whether it's people who were returning
20 from such a meeting that would have informed you about what happened,
21 although not with all the details, as you said?

22 A. Not all of these persons could meet members of the general
23 council in municipalities or cantons in Switzerland, but it was
24 either Gafur or Ramadan Avdyli. Some of them.

25 Q. And once again, to be clear, Gafur or Ramadan that you

Witness: Halil Qadraku (Open Session)

Page 22572

Examination by Mr. Pace

1 mentioned, am I understanding correctly, would have been at this
2 meeting and subsequently in the same year informed you about some of
3 what happened at that meeting?

4 MR. DIXON: That's leading [Microphone not activated].

5 MR. PACE: Your Honour, it was merely seeking clarification.

6 PRESIDING JUDGE SMITH: It was leading. You can rephrase it.

7 MR. PACE: Okay. Thank you, Your Honour.

8 Q. Okay, Witness, Gafur or Ramadan -- you mentioned Gafur, I
9 believe, Elshani and Ramadan Avdyli. To your knowledge, had they
10 taken part in this meeting that is described in the excerpt?

11 A. At the time, they never mentioned that they were or were not
12 participants in this consultative meeting. They just conveyed it as
13 information that there was a consultative meeting held, and they
14 offered this information to us. So they -- the purpose of that
15 information was just to make us aware that that meeting was held.
16 However, they did not say that they themselves participated in that
17 meeting.

18 Q. Witness, do you recall, during witness preparation when this
19 excerpt was read to you, stating that it was delegates who went back
20 to Switzerland after meeting at Zeqir Zeqiri's house in 1994 who told
21 you and others about that meeting?

22 A. I recall that we discussed this, but I do not remember saying
23 that the delegates told me. They certainly informed all the members
24 of the chairmanship presidency in Switzerland. Each of the 24
25 cantons in Switzerland had their own council. They, obviously,

1 couldn't meet with all of them, but they gave this information within
2 the organisation. I do not exactly how this information reached us
3 because this was 30-some years ago. However, I was aware that this
4 consultative meeting was held, and I learned this after it was
5 actually held. It was in 1998.

6 Q. Sorry, what was in 1998?

7 A. This consultative meeting was held in 1993. And we, as members
8 of the LPK council, received this information in the same year, 1993,
9 but after the meeting, after the members went back to their homes,
10 Switzerland, Germany, Kosovo, Albania. We received this information
11 after the meeting from the higher structures, the general council, or
12 somebody in particular. We were -- we lived in the same area with
13 Gafur Elshani. Ramadan Alija lived in Geneva. I was in Lausanne.
14 So we might have received this information in a way or another, but
15 I'm not able to tell you how precisely this information was received
16 by us.

17 MR. TULLY: Sorry, Your Honour, just before we go further, I was
18 waiting for it, but I was just wondering could we have the reference
19 to the preparation session that counsel referred to at page 38, line
20 18, please.

21 MR. PACE: Certainly. It's Preparation Note 2, which is
22 123832-123859, paragraph 13.

23 And, Your Honour, I seek to tender the pages from this item
24 shown to this witness.

25 PRESIDING JUDGE SMITH: I'm not sure I got the numbers. Could

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22574

1 you indicate the two pages that you want to enter?

2 MR. PACE: Certainly. So it's the two cover pages which are
3 245112 and 245113. And then we went to 245167 and 245168, and then
4 the last excerpt was from 245279.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 SITF00 -- I'm sorry. [Microphone not activated].

7 MR. DIXON: Yes, Your Honours, if I may. And is it in order to
8 do it in front of the witness, because I don't want any suggestion
9 made that I'm acting improperly in any way because it's not founded.

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 I don't know what you're going to say, so you have to use your
12 judgment and ask if he should leave the room.

13 MR. DIXON: Well, Your Honour, it's a legal objection, so I'm
14 going to proceed on that basis.

15 PRESIDING JUDGE SMITH: Go ahead. That's fine.

16 MR. DIXON: And the objection is that this witness is unable to
17 authenticate this particular document and those entries. He can be
18 asked about what he remembers. But the important point,
19 Your Honours, which hasn't been explored by the Prosecution, and this
20 goes directly to the authentication point, is that he's not able to
21 say what actually happened in these meetings and who was there.
22 That's why the Prosecution's trying to get it [Overlapping speakers]
23 ...

24 PRESIDING JUDGE SMITH: That's -- now you're going beyond the
25 legal question. Now you're talking about fact testimony.

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22575

1 MR. DIXON: Your Honour, it's a legal point I'm making on
2 authentication. He hasn't given it --

3 PRESIDING JUDGE SMITH: All right. You've made -- you've made
4 your point.

5 MR. DIXON: So there's no basis, therefore, to introduce the
6 document through him. Somebody else but not the witness.

7 PRESIDING JUDGE SMITH: I think I answered that earlier this
8 morning in one of my earlier oral orders, that it was admissible.
9 And we've heard testimony that he could authenticate the material
10 that happened, so it is admissible. It's hearsay. I understand
11 that. It's given the same weight as any other hearsay, and it's up
12 to the Court to determine whether or not it can be used and to what
13 extent.

14 MR. DIXON: I understand.

15 PRESIDING JUDGE SMITH: But I accept you're making the record
16 with your objection.

17 MR. DIXON: Yes. Thank you, Your Honour.

18 PRESIDING JUDGE SMITH: Ms. Tavakoli.

19 MS. TAVAKOLI: We have -- adopt the objection by my learned
20 friend Mr. Dixon. At this point reiterate our objection in our
21 e-mail dated 18th of the 11th 2024.

22 PRESIDING JUDGE SMITH: Thank you.

23 MR. TULLY: Just to note that it's already been read onto the
24 record by counsel, but no objection beyond that.

25 PRESIDING JUDGE SMITH: [Microphone not activated].

Witness: Halil Qadraku (Open Session)

Page 22576

Examination by Mr. Pace

1 SITF00245167 is admitted.

2 [Trial Panel and Court Officer confers]

3 PRESIDING JUDGE SMITH: I'll list them all. I've listed that
4 one. We will also have SITF00245112 and 113, and SITF00245279.

5 MR. PACE: Only one is missing, Your Honour, it's 245168. 167
6 started from there and then I also read on 168.

7 PRESIDING JUDGE SMITH: Those are all admitted, then. Thank
8 you.

9 THE COURT OFFICER: Thank you, Your Honours. And they will be
10 admitted with the P01858, both in English and Albanian. Thank you,
11 Your Honours.

12 PRESIDING JUDGE SMITH: Thank you.

13 Go ahead, Mr. Pace.

14 MR. PACE: Thank you. And those can be public exhibits, and
15 they can be taken down from the screen.

16 And instead of those, could we please call up P --

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 The admitted documents are reclassified as public.

19 All right. Now, Mr. Pace.

20 MR. PACE: Thank you, Your Honour. I apologise, Your Honour.

21 If we could please now call up P00075 alongside P00075-ET, and
22 in both let's go to page U001-9249, please. Thank you.

23 Q. Witness, on your screen, we're getting to the right page still,
24 at least on the right, you can see a document in English, which is
25 on -- also not on the right page.

Witness: Halil Qadraku (Open Session)

Page 22577

Examination by Mr. Pace

1 Okay. So on the left, yes, that is the correct page. And we're
2 calling it up in English.

3 MR. PACE: Nope, that's not it. Just again, it's page 9249.
4 The next one. And actually, I apologise, in Albanian it's also not
5 correct. We need 9249. And I should have said, I apologise to the
6 Court Officer, the document is not in sequence, so it's actually page
7 61 of 62 on the PDF. That's why there's an issue. Sorry, that
8 should have been said at the outset. Yes. Good.

9 Q. Witness, on the left is a page handwritten in Albanian, and on
10 the right, typewritten in English. Had you seen the document on the
11 left in Albanian before I showed you it to you during witness
12 preparation?

13 A. No, I hadn't.

14 MR. PACE: In both the Albanian and English, let's please zoom
15 in on the left-hand side of the document for now. And I'd like to
16 see the full page still, so let's zoom out a little bit, if possible,
17 and scroll down a little bit in the English -- English is good,
18 actually. And in the Albanian -- yes, that's good. Thank you.

19 Q. Witness, we see -- that's good. And I'm focusing on the
20 left-hand side of the page in Albanian. We see that it refers to the
21 3rd Company at the top, and we can see a list of items and then some
22 names. And towards the bottom of the page we see your name with what
23 seems to be the word either Jaguar or Jaguar and 985/40226. Do you
24 know what these letters and numbers next to your name could refer to?

25 A. I think this is about our unit in my village Radoste in Malesi e

1 Vogel. It contains information about the amount of weaponry and
2 ammunition that we had in those early days of the organisation. The
3 last names, including mine, are to indicate the handguns that we had.
4 I don't know if I'm allowed to mention the names?

5 Q. Yes.

6 A. So we have Binak Gashi, who later became the commander of our
7 company; Sali Salteku, co-villager of mine; Dervish Qoshaku, my
8 cousin; myself; Adem Krasniqi, co-fighter; Ismail Zena, it says
9 "Rena" in English but it's Zena, and the weapon that each of them
10 possessed. Where my name is, it indicates Jaguar. I think it's a
11 mistake when it was typed. It should have been SIG-Sauer or
12 something similar. I think it's just a typing mistake.

13 Q. You mentioned that it concerns a unit in your village, Radoste
14 or Malesi e Vogel. Was that unit ever known by any particular name
15 or code-name?

16 A. Our unit in Malesi e Vogel went by the name Kodra.

17 Q. And on this page, we also see a reference to: "Number of people
18 - 131." To your knowledge, was there a time when the Kodra Company
19 had 131 people or around that number?

20 A. The Kodra unit, at its height, had 175 or 176 members. At the
21 time when this page was prepared, it most probably had 131 members.

22 Q. And do you recall what month or months the unit had around 131
23 members?

24 A. This might have been -- we'd stationed there in May 1998, so
25 this could have been towards the end of May or beginning of June

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22579

1 1998.

2 MR. PACE: And if we could now zoom in on the right-hand side of
3 the page in both English and Albanian, please. Thank you.

4 Q. Witness, so as you can see, this is from the same page, just on
5 the other side of it. And I'm going to start at the bottom half
6 where we see a reference to the 1st Company, and then a list of what
7 appear to be locations. Are you familiar with the locations listed
8 below the, let's call it subheader, "1st Company"?

9 A. Yes.

10 Q. And do you recall what KLA unit those locations fell under?

11 A. The 1st Company is part of the unit in Drenoc village. Sanovc,
12 Pastaselle, Polluzhe, Sopniq, Cifllak, Doberdol, this is what it
13 reads here, and they might have been part of this 1st Company which
14 operated in Drenoc.

15 Q. To your knowledge, were they part of the 1st Company in 1998?

16 A. To my knowledge, they were not referred to by the name of
17 "company" at the time. It was a unit. But from what I can remember,
18 in Drenoc and the -- above Zatriq there was the name Kurriz, which is
19 the highest point of that area.

20 Q. And you said they weren't -- you don't think they were known as
21 the 1st Company. They were a unit. Did they -- like your unit was
22 known as Kodra, did they have a name or a code-name that they were
23 known as?

24 A. I think, and I -- as I recall it, because of the geography, they
25 were called Kurrizi, the high point. With respect to the

1 organisation, Drenoc had the number 500, referring mainly to the --
2 Mensur Zyberaj, now a martyr, who at the time was a member of the
3 staff.

4 Q. And in relation to this, I think you said, Kurrizi unit and the
5 Kodra unit, did they fall within any -- let's say a common group, or
6 were they independent?

7 A. We were separate because we were in my village in Malesi e Vogel
8 in Radoste. They were in Drenoc and Zatriq. However, as an
9 entirety, we were part of the municipality of Rahovec, part of what
10 would become later Brigade 124.

11 Q. And could you give any more specificity in terms of what would
12 later become Brigade 124? Were these units attached to the brigade
13 or to a part of that brigade -- what would become that brigade?

14 A. Yes.

15 Q. And what would that be?

16 A. Brigade 124 Gani Paqarizi.

17 Q. Did that brigade have battalions?

18 A. After December 1998, I think battalions were formed, companies
19 were formed, and other subordinate units, but the denominations were
20 as I indicated them at the beginning. And this is what my knowledge
21 about it is.

22 PRESIDING JUDGE SMITH: Mr. Pace, it's time for the morning
23 break. Mr. Pace, it's time for the break.

24 MR. PACE: Yes, Your Honour. If I could have one minute just to
25 finish up on this document?

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22581

1 PRESIDING JUDGE SMITH: All right. Go ahead.

2 Q. Witness, you mentioned the Kodra unit and the Kurriz unit, and
3 on this page we also see a reference to a 2nd Company. Do you know
4 what that could be referring to?

5 A. I think the 2nd Company was rather concentrated in the village
6 of Ratkoc. It had more soldiers, the village was bigger, and I think
7 it only included the village of Ratkoc where the commander was Smajl
8 Latifi.

9 MR. PACE: Thank you. We can take this document down, and
10 that's a good time for a break.

11 PRESIDING JUDGE SMITH: Witness, we take a half-hour break at
12 this time. You may leave the courtroom with the Court Usher. Please
13 do not speak with anyone about your testimony. And we'll see you
14 back here at 11.30.

15 [The witness stands down]

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

17 --- Recess taken at 11.03 a.m.

18 --- On resuming at 11.32 a.m.

19 PRESIDING JUDGE SMITH: Please bring the witness in.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: [Microphone not activated].

22 MR. PACE: Thank you, Your Honour.

23 Q. Witness, to your knowledge, what was Jakup Krasniqi's role in
24 the KLA?

25 A. To my knowledge, from June 1998, Jakup Krasniqi was the

Witness: Halil Qadraku (Open Session)

Page 22582

Examination by Mr. Pace

1 spokesperson of the Kosovo Liberation Army.

2 Q. And when did you learn about Mr. Krasniqi's role that you just
3 described?

4 A. I think there was a publication in the media, in a newspaper or
5 television, that Jakup Krasniqi was elected the spokesperson of the
6 KLA. However, I do not remember the exact date and the exact way of
7 how I was informed.

8 Q. To your knowledge, what was Sokol Bashota's role in the KLA?

9 A. I did not know Sokol Bashota during the war. From what I heard
10 after the war, he was part of the General Staff of the Kosovo
11 Liberation Army. And I'm saying this not based on my knowledge
12 during the war, but I learned this after the war.

13 Q. Witness, do you recall during witness preparation saying that
14 you think you learned that Bashota was in the KLA General Staff in
15 1998?

16 MR. PACE: And for my colleagues, that's Prep Note 2, paragraph
17 15.

18 THE WITNESS: [Interpretation] I do not recall. It could be so.
19 But personally, I did not know Sokol Bashota.

20 MR. PACE:

21 Q. Are you aware whether Mr. Bashota was known by any other names
22 in 1998 or 1999?

23 A. I now know that his pseudonym was 11.

24 Q. And do you recall when you first heard of that pseudonym, 11?

25 A. No, I don't.

Witness: Halil Qadraku (Open Session)

Page 22583

Examination by Mr. Pace

1 Q. In your SPO interview, you discuss crossing into Albania with
2 Hashim Thaci, Kadri Veseli, and others on 16 November 1998. Could
3 you tell the Judges whether you had met Hashim Thaci before this
4 occasion?

5 A. I think that during my travellings from Kosovo to Albania or
6 Albania to Kosovo, it is possible that I had met Hashim Thaci without
7 knowing who he was and what he was within the KLA.

8 Q. And do you recall what might have happened on such an occasion
9 when you might have -- when you possibly met Mr. Thaci without
10 knowing who he was at that time?

11 A. Yes. I believe I've recounted you an excerpt from a travel,
12 30 May 1998, a date when from Albania seven professional military
13 officers from the former Yugoslav Army entered Kosovo. I remember
14 that during that travel one of the co-fighters had needed help, he
15 injured his leg. We took the weapons from him to carry them. And
16 later on, I don't know exactly when, I learned that that person was
17 Hashim Thaci. During that occasion, I've told you that Adem Grabovci
18 was also one of the persons travelling. That was a person whom I
19 knew from the 1990s. Maybe Kadri Veseli and others were there, too.
20 But as I said, I learned that that person was Hashim Thaci later.

21 Q. As set out in your now admitted witness preparation note, you
22 said that in March 1998 a person who introduced himself to you as
23 Dhjete, whom you later found out was Rexhep Selimi, told you to go to
24 Drenovc in Rahovec where you would meet Mensur Zyberaj, known as 500,
25 with whom you would organise the work there.

Witness: Halil Qadraku (Open Session)

Page 22584

Examination by Mr. Pace

1 And my question, Witness, is do you know whether Mensur Zyberaj,
2 500, was acquainted with Hashim Thaci?

3 A. It is true. When I arrived from Switzerland, I did not know
4 where to go. Together with my friend Selim Gashi, we went to
5 Drenica. Although, I did not know Drenica very well. I didn't know
6 Kosovo very well as I lived in Kosovo for a very short time. I
7 mainly lived in Croatia, Bosnia, and Switzerland, and very shortly in
8 Kosovo. But we asked and we arrived in Likoc. We introduced
9 ourselves, told them who we were, that we had come from Switzerland,
10 that we were members of the movement, that we wanted to meet some
11 friends and mobilise ourselves together.

12 And I think that at that time, although I did not know him, I
13 met with Rexhep Selimi who introduced himself as 10.

14 Q. Yes, Witness. Once again, I'd ask you to focus on my question
15 and answer only the question. My question specifically was do you
16 know whether Mensur Zyberaj, 500, was acquainted with Hashim Thaci?

17 A. Whether Mensur Zyberaj was acquainted with Hashim Thaci at the
18 time, I didn't know and did not understand that. But the
19 General Staff told me that I could go to Rahovec, that 500 was there,
20 and this led me to believe that somebody knew him. As to whether
21 Mensur Zyberaj knew Hashim Thaci at the time, I did not know that
22 because then I did not know Hashim Thaci or Mensur Zyberaj.

23 Q. Did you ever gain any knowledge as to whether Mensur Zyberaj was
24 friends with Hashim Thaci?

25 A. It was spoken about. And later on we spent a lot of time with

Witness: Halil Qadraku (Open Session)

Page 22585

Examination by Mr. Pace

1 Mensur Zyberaj, we almost lived together, and the terrain connected
2 us. And you could tell that they knew each other, that they studied
3 together. That's all. Maybe he told me himself, but I do not
4 remember.

5 Q. Do you know whether Kadri Veseli was acquainted with or friends
6 with Mensur Zyberaj, 500?

7 A. I believe -- I think that it's the same thing as with
8 Hashim Thaci when we speak about the rapport between Mensur Zyberaj
9 and Kadri Veseli. I think they were the same generation. The
10 organisation was based on trust. And to the information they had,
11 they trusted Mensur Zyberaj.

12 Q. Besides mentioning the encounter with Rexhep Selimi in
13 March 1998 in your now admitted preparation note, you also said that
14 you also met him on 26 April 1998 when you discussed the ambush near
15 Prizren that had taken place earlier that day and the need for the
16 KLA to come out publicly in Drenoc. And my question is the
17 following: Do you recall meeting or seeing Rexhep Selimi on any
18 other occasion other than these two in 1998 or 1999?

19 A. It appears to me that I met Rexhep Selimi on one or two
20 occasions during entering Kosovo from Albania. As I've already told
21 you, I've travelled between these two countries more than 36 times
22 with weapons supply groups. I remember it was either in June or July
23 when we left Albania, more precisely Dobruna, with a group, not very
24 large group, and Rexhep Selimi and also Xheladin Gashi, Plaku, were
25 part of that group.

Witness: Halil Qadraku (Open Session)

Page 22586

Examination by Mr. Pace

1 Xheladin Gashi, to what I remember, became very tired during
2 that trip, and I remember that we stopped for him to have some rest.
3 So to my recollection, I've met him once or twice during these trips
4 from Albania to Kosovo.

5 Q. And just to be clear, Witness, June or July, do I take that
6 correctly as 1998?

7 A. Yes. Always June and July denote 1998 because in 1999 the
8 country was freed at that time.

9 Q. And besides Xheladin Gashi, you told us, known as Plaku, do you
10 recall anyone who was with Rexhep Selimi on this occasion or
11 occasions when you saw him crossing?

12 A. I'm not able to recall. I know that there was some young men
13 who were in Tirana who, as part of the KLA, helped the logistics
14 there. I don't recall the names of these young men either. And
15 usually we wouldn't ask many questions, but with some, the
16 circumstances would lead us to asking questions of each other and get
17 to know each other.

18 Q. Do you recall on this occasion or occasions when you saw
19 Mr. Selimi at the crossings whether you knew where he was coming from
20 or where he was going to specifically?

21 A. No, sir. I did not have the right to ask anybody where they
22 were coming from and where they were going. My duty was to go from
23 Kosovo to Albania, to Cahan or Krume, and a day later to return from
24 Cahan to Kosovo. That was it, my duty at the time.

25 Q. And did you have a deputy or deputies once you took up your

1 position as head of the G2 within the Pashtrik operational zone in
2 January 1999?

3 A. Yes. I was chief of both sectors, the intelligence sector and
4 the counter-intelligence sector. The chief of the intelligence
5 sector up to 2 May was Xhavit Bajraktari. When he was killed, he was
6 replaced by Isuf Krasniqi, Mesuesi. In the counter-intelligence
7 sector, Nezir Cocaj was there. And I was the chief of intelligence
8 and counter-intelligence, of both.

9 Q. And besides the persons that you just mentioned, was there
10 anyone else who worked or was a member of your G2 unit in the
11 Pashtrik operational zone?

12 A. Yes. Starting from February 1999, Shefkije or Peka Gashi was
13 also part of our office.

14 Q. In what capacity?

15 JUDGE METTRAUX: Mr. Pace, before you go further, the
16 transcript, I think, mistyped the name of the head of the
17 counter-intelligence sector which I think was Nezir Cocaj. Could you
18 ask the witness if that's what he meant?

19 MR. PACE: Certainly.

20 Q. Witness, earlier did you say the chief of the
21 counter-intelligence was Nezir Cocaj, just because we seem to have an
22 issue with the transcript?

23 A. Yes.

24 Q. Thank you. And then I asked you in what capacity was Shefkije
25 or Peka Gashi part of your office from February 1999?

1 A. Peka, at the time, carried out analysis and made descriptions of
2 situations that we had to report on or to learn from.

3 Q. And could you tell the Judges what your role as head of the G2
4 in the Pashtrik operational zone entailed?

5 A. My duties, starting from January 1999 when I accepted this post,
6 was to protect and secure all our formations, military formations
7 that is, and the territory that was free to some extent where we
8 operated. So to protect and secure the formations and the territory
9 from the enemy and those who wanted to cause us harm.

10 Q. And could you tell the Judges how you went about fulfilling
11 those tasks, that role that you just described?

12 A. Well, Your Honours, initially when I took up this duty, I
13 arrived in Kosovo and nothing from this sector had been formed or
14 established within the Pashtrik operational zone where I was
15 appointed to this post. Nothing existed within the brigades that
16 operated in that area. There were, more or less, five brigades that
17 operated there. And I tried, for the most part, to deal with the
18 organisation, the filling of the numbers, and the appointments of the
19 sectors from above to below. We were not very successful in these
20 tasks because many things happen, many operations, many battles.

21 So my duty at the time was consolidation and organisation of my
22 sector in the operational zone of Pashtrik and down the line to
23 brigades and battalions and companies.

24 Q. Did your role as head of the G2 in the Pashtrik operational zone
25 entail the collection of information?

1 A. My role was to collect every piece of information in order to
2 have a clear picture of what we had in terms of strength of people
3 and also in terms of the enemy. We had been surrounded at the time
4 by many enemy forces. So my role was to collect information, to
5 analyse that information, and to inform my commander, who at the time
6 was Tahir -- Drini, and later on Tahir Sinani, about the situation in
7 every location in every brigade, at least in the areas where I was
8 able to work.

9 Q. Earlier you mentioned your deputies, at first Xhavit Bajraktari,
10 then replaced by Isuf Krasniqi, who you said were in charge of
11 intelligence. And you also separately mention Nezir Cocaj who was in
12 charge of counter-intelligence. Could you tell us the difference in
13 roles of these people? So what was the role of the person dealing
14 with the intelligence and what was the role of the person dealing
15 with counter-intelligence beneath you in the G2 unit in Pashtrik?

16 A. In normal circumstances, the intelligence sector uncovers the
17 enemy forces, evaluates, assesses the enemy forces, assesses the
18 danger, the risk, the direction that that risk can come from, and
19 this includes many things in itself.

20 However, in my opinion, and based on what Commander Drini told
21 me himself as to what my duty was within the sector at the time, the
22 intelligence sector had as its task to guard our territory, to guard
23 the locations where we were stationed not from uniformed elements but
24 elements that were most probably even more dangerous than the enemy
25 forces themselves.

Witness: Halil Qadraku (Open Session)

Page 22590

Examination by Mr. Pace

1 Q. And could you clarify what was meant by these "even more" --
2 "most probably even more dangerous" -- so you're not from uniformed
3 elements but elements most probably that were more dangerous. Who
4 are these most probably more dangerous elements?

5 A. I will try to explain this in brief points. The non-uniformed
6 element that services the enemy or the opposing side could include
7 the workers within those services operating in Kosovo at the time.
8 There were many such services within the Serbian occupying forces,
9 and this element was very sophisticated. They used all possible
10 means, including civilian means, to detect or uncover what the
11 strength of the KLA forces was in villages where we were positioned.
12 They could also send observers, civilians to count our forces, where
13 our notebooks were, where our weapons were. We did not know in
14 advance who they would send, but we protected ourselves from those
15 who had already been mentioned as people who were working and were in
16 the service -- at the service of the Yugoslav forces and who were
17 Albanians. And there were many of those.

18 In this respect, I think that the counter-intelligence had to
19 know and be informed about this.

20 Q. You stated just now:

21 "The non-uniformed element that services the enemy or the
22 opposing side could include the workers within those services
23 operating in Kosovo at the time. There were many such services
24 within the Serbian occupying forces ..."

25 Could you explain or give some examples of these services that

1 these people were operating in or working in?

2 A. Within the organised structures of the Serbian state, there were
3 many illegal structures, open structures that were part of the UDB,
4 that were part of the state security, that they were part of the
5 Serbian militia or former members of the Serbian militia. They made
6 use of all their resources and capacities willingly or through
7 blackmail. There were Albanian elements within these structures,
8 although these were Serbian occupying structures.

9 Q. And how did you know there were Albanian elements within these
10 structures?

11 A. Your Honour, the state security in the area where I lived,
12 Rahovec, Prizren, and other towns, all the UDB members were
13 Albanians. So within the UDB there were several of them. In Prizren
14 alone, there were 10 or 12 of them, and they were shamefully
15 Albanians. I am ashamed for them today. Although, some might be
16 proud of what they did. This was also the case in Rahovec and other
17 towns. They have names and surnames, and it's publicly known
18 information. Everybody knows them and probably you do too.

19 Q. And could you clarify whether these Albanian elements within
20 these structures were people you were aware of including in 1998 and
21 1999?

22 A. These were persons we knew by name but not their faces
23 or because they were acquaintances or anything. These were persons
24 who never hid the fact that they were what they were.

25 Q. And did you know these persons' names in 1998 and 1999?

Witness: Halil Qadraku (Open Session)

Page 22592

Examination by Mr. Pace

1 A. We knew the names of those persons, including before 1998 and
2 1999, during our political activities conducted in Kosovo and abroad.

3 MR. PACE: I'd like to call up SPOE00052989-00053037, and we'll
4 stay on the first page, which is only in Albanian, just for now.

5 Q. Witness, had you seen this document before I showed it to you in
6 witness preparation?

7 A. No, I hadn't.

8 MR. PACE: Let's turn in this document to page SPOE00053011, and
9 next to it call up the English translation, which is from
10 SPOE00052992-SPOE00053035-ET Revised, and there we'll go to the same
11 page, please. I'm not sure the document on the right is the correct
12 one. I asked for the English translation which is -ET Revised. So I
13 can repeat, the ERN is SPOE00052992-SPOE00053035-ET Revised. And the
14 page is the same one in Albanian, which is 53011, please.

15 Q. And, Witness, I'm going to read to you from the third question
16 and answer, and then I have some questions for you:

17 "Baton Haxhiu: What were the responsibilities and aims of SHIK
18 at that time?

19 "Kadri Veseli: The purpose of G2 was to obtain information
20 about the movements of the enemy. The G2 had its own structure
21 divided in units, brigades, battalions and companies, whose duty it
22 was to get information on the movements of the enemy and to carry out
23 concrete actions in the service of the liberation war, such as to
24 ensure our defence, but also to attack."

25 Witness, my question for you is does this answer correspond to

Witness: Halil Qadraku (Open Session)

Page 22593

Examination by Mr. Pace

1 your knowledge of the G2 duties and of the KLA's intelligence
2 structure when you were a member thereof in 1999?

3 A. Yes.

4 MR. PACE: Your Honour, we seek admission of the pages shown,
5 which are 52989 in Albanian only, and then 53011 in Albanian, along
6 with the English translation.

7 PRESIDING JUDGE SMITH: Any objection?

8 MR. DIXON: Yes, Your Honour. I make the same objection as
9 before. I know it's a question of weight, but our submission is that
10 so little weight can be attached there's no point in even admitting
11 it.

12 PRESIDING JUDGE SMITH: Thank you.

13 Anybody else?

14 It is admitted.

15 THE COURT OFFICER: Your Honours, page SPOE00052989 in Albanian
16 and SPOE00053011 both in English and Albanian will be assigned
17 Exhibit P01859, classified as public. Thank you, Your Honours.

18 MR. PACE: Thank you. We can take the documents down.

19 Q. Witness, did KLA members have an obligation to report
20 information concerning, for example, enemy locations and enemy
21 movements?

22 A. Yes. All of those who were geographically close to areas where
23 danger could come from had the obligation to report to their
24 superiors, the closest ones.

25 Q. In your SPO interview, you stated that the detection of

1 collaborators to see the damage they do to the army during the war
2 was naturally a task of yours in the G2 sector, and you also
3 mentioned some tasks in relation to certain persons you described as
4 tasks of your deputies.

5 Could you tell the Judges how you went about fulfilling your
6 task in relation to the detection of collaborators?

7 A. We were not able to carry out the tasks, because this is not
8 homework. We lived with the people. In the location or area where
9 we were stationed, there were 30, 40 villages around who lived with
10 us, who faced the same danger, exposed to the same enemy. So we were
11 the same as the civilians.

12 The people in the midst of which we were, they helped us,
13 helping themselves by asking us to apply caution and to prevent any
14 element whom they viewed as working against us, to prevent them from
15 entering in our area. If I knew them by the names, as I mentioned
16 before, there were such cases, but I could not have the knowledge the
17 people had, the extent of knowledge. So this information came from
18 the people, the civilians who were living with us, but also from our
19 people, soldiers who would report what they had seen or what they
20 knew. We collected all this information, analysed it, weighed in
21 this information, and gave it the consideration that we assessed was
22 reasonable. If it was not important at all, we would not give any
23 consideration at all.

24 Q. Could you tell the Judges how or in what format the civilians
25 reported such information to you or to your unit?

Witness: Halil Qadraku (Open Session)

Page 22595

Examination by Mr. Pace

1 A. I can tell you that they might have brought us information in
2 written form. It was also possible that they would come in person
3 and say that they had seen a person who, according to their opinion,
4 was a collaborator or a member of the UDB, that they had seen that
5 person in town. So such information could be brought in either
6 physically or in writing.

7 I do not know what else to say, but there were various ways of
8 passing on information which they thought was valuable for us to
9 know.

10 Q. And could you tell the Judges, in relation to the information
11 the civilians provided to you in written form, what information or
12 details did that document have in it about the persons addressed in
13 it?

14 A. As we speak now, I am not able to tell you specifics. However,
15 Your Honour, when I was arrested, I had a large amount of
16 documentation, which was seized together with -- at the time when I
17 was arrested. This was 300 to 400 kilogrammes of documents,
18 documents where I describe my daily tasks and work during the war.

19 During my arrest in 2001, those documents were translated by
20 UNMIK police translators. They were analysed by the investigators,
21 court investigators who were in Kosovo from 2000 to 2008. Therefore,
22 I stand here today handicapped because I don't have those documents.
23 If I had those documents, we could go through them, all of us,
24 together. We would be able to assess and analyse them.

25 Therefore, Mr. Prosecutor, I do not know what to tell you with

1 respect to your question about the specifics. Specifically, I
2 received every information that was offered to me and which I thought
3 would be useful in assessing potential damage that would be caused.

4 Q. Could you tell the Judges then, in more general terms, when a
5 civilian brought you information about persons suspected of being
6 collaborators, what information did they write there? Did they write
7 the name, something beyond that?

8 A. For example, if somebody came over -- I'll take an example. If
9 somebody came over and told me that, "This person is a UDB
10 collaborator, I know that he meets with this specific person in
11 Prizren or Suhareke," then I would take that name. Probably I would
12 discuss that name with somebody else, and gave that name to the
13 guards, to our guards who were on the front line facing the enemy, in
14 order for them to prevent that person from entering in our
15 territories so that he wouldn't be able identify us or gather
16 information about our forces or our positions. This is an example.

17 But this doesn't mean that I followed the same process for every
18 single name I was provided. I would need some more detailed
19 information as to the biography and activities of that person in
20 order to further assess this information and give this name to the
21 guards with the instructions I mentioned before.

22 Q. Now, in your answer you were discussing a scenario where
23 somebody told you, I understand it, orally about a person who could
24 be a collaborator. Earlier you said that the reporting was done
25 sometimes orally and sometimes in writing. So my question is when a

1 civilian provided you something in writing about a suspected
2 collaborator, what kind of information did that written document
3 contain?

4 A. I do not know specifically, but in general that would have been
5 about his work, his background, the work that person did up until
6 that moment. I am not able to tell you today something specific in
7 that regard. However, I think that every information needed to be
8 analysed, reviewed, given due consideration, because the risk was
9 very high. We were surrounded by the enemies. Therefore, every
10 information in this regard was good and helpful for us to protect our
11 ranks.

12 Q. And now we've been talking about civilians providing you
13 information about suspected collaborators. I want to turn to KLA
14 members who you also mentioned would provide such information. And
15 my question specifically is how did the KLA members provide you or
16 your unit with information about suspected collaborators?

17 A. How would the soldiers give us information. We said before that
18 soldiers who were on the front line, they had to report to their
19 company or battalion commanders. Although, they never managed to
20 form an intelligence, counter-intelligence sector in the company, in
21 the battalion. And in some brigades, only the S1 or the head of the
22 G2 sector.

23 We did not have room, Your Honour, for that, because from 8
24 January until 12 June when -- the period of time during which I
25 exercised my functions, this is five months and four days. More than

1 half of this time was spent in fighting. Therefore, we did not
2 manage to consolidate ourselves or to operate as a well-organised
3 structure in this sector. And I regret not having had the sufficient
4 time to consolidate this sector.

5 Q. Witness, I'm not quite sure you answered my question, so perhaps
6 I'll rephrase or break it down. Did I understand you correctly
7 earlier to say that other than civilians, KLA members - soldiers -
8 also gave you information about suspected collaborators; is that
9 correct? Let's start from there.

10 A. Correct.

11 Q. Now, you discussed how the information came from the civilians.
12 You told us sometimes in writing, sometimes orally. Focusing only on
13 the KLA members that provided such information to you, was that in
14 writing, orally, both, something else?

15 A. It depended on the situation. If I went to visit them there,
16 they would provide such information orally. If this came from lower
17 ranks, from the battalion to the chief of staff of the zone, then the
18 chief of staff would share that information with every one of us in
19 the zone.

20 So the information could be passed on by the soldiers to us in
21 various manners. There were not only these two ways, orally or in
22 writing, but there are also other ways as I explained.

23 Q. Did the KLA operate checkpoints within the Pashtrik operational
24 zone?

25 A. The KLA had checkpoints in the locations where it was thought

1 that unauthorised people could enter. These checkpoints were to
2 identify people and to protect or preserve our territory for the time
3 we were there. Yes. The answer is yes.

4 Q. And to your recollection, when were those checkpoints first set
5 up within your zone, the Pashtrik operational zone?

6 A. They were set up for the first time at the entrance of the
7 village of Drenoc on 26 April 1998. The first checkpoint was there
8 to prevent Serbian forces from entering the village of Drenoc. Since
9 you mentioned the action where our comrades fell. So the first KLA
10 checkpoint in the village of Drenoc was set up on 26 April 1998.

11 Q. You mentioned, or at least in English it's translated as:

12 "These checkpoints were to identify people and to protect or
13 preserve our territory ..."

14 Could you explain to the Judges what this identification meant
15 in practice? What did the people at those checkpoints do in relation
16 to the people trying to go in or out?

17 A. The persons manning those checkpoints, so if we take that first
18 checkpoint in Drenoc, every person who would enter in their village,
19 Drenoc, would have been stopped, identified. If that person was from
20 their village, they would have recognised him or her, they would have
21 escorted that person. If that person was alien, they would have
22 asked questions: Where are you going? It's wartime. Why are you
23 going into this territory which was under attack from Serbian forces?
24 In other words, this was the duty or the task, the purpose of a
25 checkpoint: To protect our formations and to protect the village as

Witness: Halil Qadraku (Open Session)

Page 22600

Examination by Mr. Pace

1 a whole, which was full of civilians.

2 Q. Was any information provided to the persons, let's say,
3 operating or manning the checkpoints in relation to who they should
4 not let through, for example?

5 A. As the war went on, because on the first day nobody in Drenoc
6 had any single name, we did not know who should we be cautious about
7 apart from the enemy. As time passed by, and depending on the
8 developments on the ground in our area, with us and the civilians, we
9 would have written some or any names of people who were not -- who
10 were undesired in our area in those war circumstances.

11 Q. And what would be done with these written names? Would they be
12 given to the people at the checkpoints or something else?

13 A. Yes, I think they would be given to them. These names would be
14 at the checkpoint regardless of the rotation of guards. Although,
15 barely any checkpoint managed to survive because of the numerous
16 repeated Serbian attacks and offensives. So we changed those
17 checkpoints' locations very often. We changed our deployment or
18 activities. But in any event, wherever they were, they tried to
19 protect themselves and the civilian population from elements that had
20 been determined as our opponents.

21 Q. And could you clarify who gave those names to the persons
22 operating or manning the checkpoints?

23 A. Now to speak about who gave those names today in 2024, it's
24 impossible to find a name or a group of people who would have given
25 those names. However -- and I'm referring here again to the village

Witness: Halil Qadraku (Open Session)

Page 22601

Examination by Mr. Pace

1 of Drenoc because this was the first village where we set up a
2 checkpoint. Knowing that Drenoc had become a -- some sort of a
3 centre for the Kosovo Liberation Army for our municipality, all
4 freedom-loving people tried in different ways to come and visit us,
5 to tell us what was going on in areas where we were not present.
6 They would come in Drenoc and tell us what was happening in Rahovec,
7 in Prizren, what they had witnessed themselves. So this may --
8 composed a whole set of information from which we would extract a
9 summary. And with time, names would come up or specific events would
10 become noticeable.

11 Q. To be clear, did you or members of your G2 unit in the Pashtrik
12 operational zone from January 1999 provide such names to persons at
13 checkpoints, names of persons that we've been discussing who should
14 not be let in, for example?

15 A. Yes, I believe so. I believe so.

16 MR. PACE: I'd like to call up P00500 side by side with
17 P00500-ET, please.

18 Q. Now, Witness, we're going to change subjects slightly, and I'm
19 going to show you a document. You already see the Albanian on your
20 screen. We're just waiting for the English.

21 MR. PACE: And if we can zoom out so we can see the totality of
22 the first page of each for now, please.

23 Q. And so, Witness, just have a look for now at the page on your
24 screen.

25 MR. PACE: And if we could now turn to the second page of both

Witness: Halil Qadraku (Open Session)

Page 22602

Examination by Mr. Pace

1 items. I note in Albanian it's two pages in total; in English, it
2 has a third. If we can zoom out in the Albanian so we can see the
3 whole page, please. And in English, we could just turn to the third
4 page just for a second. Now we can stay here for a moment.

5 Q. Witness, do you recognise the document on your screen in
6 Albanian?

7 A. Yes.

8 MR. PACE: And could we zoom in to the bottom right-hand corner
9 in Albanian where we have the signature block, please.

10 Q. Witness, is that your signature we see?

11 A. Yes.

12 Q. Are you the person who typed this document in Albanian?

13 A. I am the person who typed this document because I had a computer
14 and printer in my office. However, it was composed together with
15 Mr. Sadik Halitjaha, the deputy chief of Pashtrik operational zone.

16 MR. PACE: We can take this document down, and instead I'd like
17 to call up P00650 alongside P00650-ET. And we'll start with the
18 first page on both, please. Again, if we can zoom out in both so we
19 can see for now the totality of the page. Thank you.

20 Q. So, Witness, this is another document. Again, on the left in
21 Albanian; on the right, in English.

22 MR. PACE: And I'm going to ask to now turn to the second page
23 in each one, please. And, again, to zoom out so we can see the
24 totality. Thank you.

25 Q. And now, Witness, I'm going to ask to move to the third and

Witness: Halil Qadraku (Open Session)

Page 22603

Examination by Mr. Pace

1 final page in the documents. Now, Witness, do you recognise the
2 document on the left of your screen in Albanian?

3 A. Yes, sir.

4 Q. Did you type this document?

5 A. Yes, I did.

6 Q. Now I'm going to ask you about certain parts of it.

7 MR. PACE: And let's go back, please, to the second page, so the
8 one ending 1745, in both English and Albanian. Thank you.

9 Q. And, Witness, I'm going to start reading from the words in the
10 second paragraph, "Precisely on 1 March ..." I'm going to read, and
11 then I have some questions.

12 "Precisely on 1 March 1999 I asked Commander 'Drini' to permit
13 me to go along with officer Sadik Halitjaha to that brigade and to
14 correct all of the problems of those villages, then make propositions
15 for personnel movements through which the misunderstandings and
16 unpleasantness in these villages could be overcome, but once again
17 the response was negative, and so I gave up on this because I saw
18 that nobody was interested in these being solved.

19 "I also contacted the General Staff about this with Ferat, and I
20 told them about these problems, where they come from, and how they
21 should be overcome."

22 I'm going to pause there for a moment, Witness. And my question
23 is whether you remember the conversation described here with Drini on
24 1 March 1999?

25 A. I remember many of such conversations, including this one. I do

Witness: Halil Qadraku (Open Session)

Page 22604

Examination by Mr. Pace

1 remember it, yes.

2 Q. And focusing on this particular conversation, where did that
3 take place? Let's start with geographically.

4 A. Your Honour, we, as officers of the zone, as assistant commander
5 of Drini in Pashtrik operational zone, whenever possible, we had
6 briefings or weekly meetings so that everyone from the sectors could
7 report on their problems. All the problems that I've mentioned here,
8 I discussed them with Commander Drini during those weekly meetings.
9 And given that he refused this complaint or request, I tried to apply
10 other ways to inform the General Staff about these phenomenon that,
11 at least to me, was negative in that time. This conversation
12 occurred in Nishor.

13 Q. In the last part of what I read to you, it said as follows:

14 "I also contacted the General Staff about this with Ferat, and I
15 told them about these problems, where they [came] from, and how they
16 should be overcome."

17 Could you tell the Judges who the Ferat being referred to here
18 is?

19 A. I think we clarified this last week. In my attempts to contact,
20 I'm convinced here that I discussed, or, rather, gave a letter, this
21 letter to Ferat Ademaj who was the driver of the chief of the staff
22 of the General Staff, that is, of Mr. Bislum Zyrapi.

23 Q. And, Witness, could you explain or clarify how you're saying you
24 gave this letter to Ferat but the letter itself says:

25 "I also contacted the General Staff about this with Ferat ..."

Witness: Halil Qadraku (Open Session)

Page 22605

Examination by Mr. Pace

1 Could you explain why that could be?

2 A. Maybe I expressed it the wrong way, this letter. What I wanted
3 to say is that on many occasions I tried to inform the General Staff
4 about the negative phenomena, at least that that appeared to me as
5 negative phenomena. It could be lack of initiative, lack of actions.
6 So I tried to speak about these things, and maybe this was one of
7 those attempts to inform them through the driver of the chief of
8 staff of the General Staff.

9 Had I contacted somebody from the General Staff, there would
10 have been no need to read this report or this complaint that you are
11 reading out today.

12 Q. And in such prior contact or attempts at contact with the
13 General Staff, what did you say about the problems addressed in this
14 letter and how those problems should be overcome?

15 A. Look, my perception of the war compared to that of career
16 officers was perhaps different. I was more of an initiative-taking
17 person. Their defensive way of -- that is, of the officers who were
18 with us, I was not fond of that type of work. So that is why I asked
19 the General Staff to have an impact on this so that the level of
20 organisation, the quality of work, the quality of organisation would
21 increase. This was written in that spirit.

22 Q. And was this a normal approach for you in terms of providing
23 information to the General Staff, to give it to Ferat or someone to
24 provide it to the General Staff?

25 A. We always tried to send the information to the General Staff.

1 If we would see somebody going to the General Staff, we would say to
2 that person, "Take this there." So this is an understandable way to
3 speak to the driver of the chief of staff of the General Staff, maybe
4 not about all the problems that I've mentioned, but simply that there
5 are problems and that there is need to contact them.

6 Q. I'll continue reading from where we left off, and that is -- I
7 can see it is still on our page.

8 MR. PACE: Perhaps we can scroll a bit down in both English and
9 Albanian. It's from "Regarding Nasim Mullabazi ...". That's good in
10 English. And a little up in Albanian. Thank you.

11 Q. So once again, Witness, I'm going to read another part, and then
12 I have some questions.

13 "Regarding Nasim Mullabazi we have in mind that up until
14 recently he worked in the Serbian police and that he was kicked out
15 of the SPB ... only when they ... threw him out like a used rag, and
16 then he came to us. However, he still hoped to go after the early
17 activists and again continued with the same old tune following me,
18 Selim Gashi, and other comrades. When he was put into the SHIK
19 sector, we didn't have the chance to exchange information among us
20 for the reasons that he doesn't collaborate with me, and even worse
21 he has never reported on these issues and problems that are happening
22 today, i.e. he hasn't even made a record of these negative
23 phenomena."

24 Witness, my first question is who is Nasim Mullabazi?

25 A. Nasim Mullabazi is, as described here, a former member of the

Witness: Halil Qadraku (Open Session)

Page 22607

Examination by Mr. Pace

1 Serbian police. When I arrived in Kosovo, when I went to 124
2 Brigade, I learned that he, too, was appointed by somebody there as
3 chief of S1, which was part of my sector. And of course, in this
4 respect, I opposed this because at the time, and even today on this
5 date, I did not think and I do not think that members of the Serbian
6 police or their family members should be part of sectors that were of
7 special importance to the KLA.

8 MR. PACE: We can take this document down, and instead I would
9 like to call up SPOE00328676-00328733, and this is in Albanian, and
10 there we'll start with page SPOE00328723. The English translation
11 for this is in 108011-108040-ET where we would please go to page
12 108035. Thank you. If we could zoom in on the Albanian version on
13 the right-hand part of the document, please. Yes. And we can
14 move -- thank you. That's good.

15 Q. Witness, as you can see, this is an article dated 9 March 2017
16 that refers to you as the author, and it's here shared on the
17 Facebook profile of Sadik Halitjaha on 6 November 2020.

18 Witness, are you the author of this article?

19 A. Yes.

20 Q. And do you recall its content?

21 A. Generally speaking, yes.

22 Q. And do you stand by what you wrote in this article?

23 A. To every full stop, to every comma.

24 MR. PACE: I'm going to start reading the article, which is on
25 the entirety of the shown page in English. In the Albanian, it

1 starts here and then it goes on to the next two pages.

2 Q. And I will pause as I'm reading and ask you some questions,
3 Witness. So:

4 "The month of March /is synonymous/ with the Albanians, the
5 Jashari's, the demonstrations, it is the red month, it is the month
6 of the army. The month of March!

7 "Today I will write about the March of 1999. It was the
8 bloodies March in the history of our state and people. On 18 March,
9 the Rambouillet Agreement was signed in Rambouillet On 24 March the
10 NATO bombing started. Today, however, I will write about the
11 deserting of the FARK member, Sylemajn Kollqaku, who was a Deputy
12 Commander in our Pashtrik Zone. At the time our commander was Ekrem
13 Rexha, Drini. This was an event or a stain in the history, which
14 sealed the fact that FARK and the Kosovo 'institutions' were aiming
15 at sabotaging the war. This was the second most important incident,
16 right up there with the fleeing of ZOD ... Commander Tahir Zemaj."

17 And I'll pause here. And, Witness, my question for now is why
18 did you write that "FARK and the Kosovo 'institutions,'" with
19 "institutions" in inverted commas, "were aiming at sabotaging the
20 war"?

21 A. I wrote it then and I think so today that this is what they were
22 because their absence, the absence of their work efforts, assistance,
23 operational engagement for the benefit of the war, or for helping us
24 because we needed all -- everything. We needed a dog, we needed a
25 horse, we needed a donkey to transport weapons. And in those years

1 they were staying in Tirana. More than 5.000 FARK members were in
2 Tirana, Albania, and did not find it reasonable to enter us and help
3 us, or at least bring the weapons to the border for us.

4 So that is why even today I think that they were born to
5 sabotage the war. This is my personal opinion. This is what I
6 thought then and what I still think today.

7 Q. I'll continue reading:

8 "It was 11 March and we did not want the 1981 demonstrations
9 anniversary to pass without celebrations, although we were in the
10 midst of the war. Because there were only a few of us, the former
11 illegal activists, Sadik Halitjaha, at the time the Head of the
12 Sector for Morale and Politics, and I agreed to properly celebrate
13 this historic event, which marked a huge turn in our national
14 history.

15 "We all took the necessary measures, notified the General Staff,
16 reinforced all the surveillance and check points, took care of the
17 cultural aspect and invited many artists. I, as the Head of the KLA
18 ZKZ ... or the Intelligent Service in the ZOP ... was dedicated to
19 the security and management of this anniversary of the Glory."

20 And I'll pause here again, Witness. And my question is what did
21 you notify the General Staff about in relation to the March 1999
22 celebrations?

23 A. We notified the General Staff about this manifestation. It was
24 a huge event attended by 35.000 people. We informed it so that we
25 would be more vigilant when it came to that part on the other side of

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22610

1 the main road that connected us with them. And we informed them
2 because it was an event of great importance and which we held at high
3 regard.

4 Q. And where was the General Staff based at this point in time, so
5 March 1999?

6 A. The General Staff was based in Berisha mountains, in Klecke, in
7 Berisha, in Divjake. Usually in Klecke.

8 Q. And do you recall who within the General Staff was notified
9 about the issue that you just mentioned?

10 A. No, I don't. And I've written it there that the villages that
11 participated in the celebration or in this anniversary were
12 surrounded on all sides by territories from where we could anticipate
13 attacks from the Serbs. So that day, from the morning and up to the
14 end, I was busy checking all that area so that the Serb forces would
15 not find out about this celebration. And if they were to attack us
16 from Duhle or from any other part, given the large presence of
17 people, there would have been a huge bloodshed.

18 So I do not remember any particularities about the
19 manifestation. I just know that I was in the movement the whole day
20 just to protect and provide safety and security for all these
21 citizens who had gathered there on that day.

22 MR. PACE: Your Honour, we seek to admit these pages shown,
23 which we say should be added to P719 and P719-ET which already
24 contains other admitted excerpts from the same document. And just
25 for clarity, the pages shown from the Albanian are the ones ending

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22611

1 328723, 724, and 725; and in English, it's only page 108035.

2 PRESIDING JUDGE SMITH: Any objection?

3 MR. DIXON: No, Your Honours. No objection.

4 PRESIDING JUDGE SMITH: No objection being made, SPOE00328723,
5 724, and 725 are admitted and will be added to P719.

6 THE COURT OFFICER: Thank you, Your Honours. And also the ERN
7 108035 will be added to P00719-ET. Thank you, Your Honours.

8 PRESIDING JUDGE SMITH: Thank you.

9 MR. PACE: We can take the documents down.

10 Q. And, Witness, do you know somebody called Ismet Tara?

11 A. Yes, I know him.

12 Q. Was he a KLA member?

13 A. Ismet Tara was a KLA member from the very beginning until the
14 end of the war.

15 Q. And do you know what role or roles he occupied in the KLA
16 throughout the war?

17 A. I think that at the beginning of the war, he was part of the
18 Arti unit command, a unit of Rahovec city. That was the pseudonym,
19 Arti, that is, of this unit. And Ismet Tara was part of this unit's
20 command where also Toni and Mici were. Sabahajdin Cena and Ismet
21 Tara were also part of that command. Toni was the commander.

22 Q. And after that role, are you aware of Ismet Tara occupying any
23 other roles within the KLA?

24 A. I think that when I started my duty at G2, Ismet Tara was chief
25 of the finance sector. I think it was G6. He was in that position

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22612

1 for some time until, on his own will, he went to his comrades of --
2 in Rahovec municipality.

3 MR. PACE: Your Honour, I note that there is a break time soon,
4 but I think I can start and finish a related document in two or three
5 minutes if that's okay.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. PACE: I'd like to call up SPOE00226524-SPOE00226526
8 alongside its English translation which has the same ERN and then -ET
9 Revised, please. Thank you.

10 Q. Witness, had you seen the document in Albanian on the left side
11 of your screen before I showed it to you during witness preparation?

12 A. No, I hadn't seen it before. You were the first to show it to
13 me.

14 MR. PACE: If we zoom in in both languages on the first bullet
15 point on this page, please. Yes, in Albanian, that's good. If we
16 can do the same for the English.

17 Q. And, Witness, we'll see here or you can see here there is
18 mention of you receiving money from soldiers of Rahovec to supply
19 weapons. Do you recall that taking place?

20 A. Yes, sir. It was 14th or 15th July 1998 when I took from Arti
21 point 55.000 German Deutschmarks to buy weapons, or, rather, more
22 sophisticated weapons for them in Albania.

23 Q. If we look more closely at the fourth bullet point, we see there
24 a reference to Commander Toni. And, Witness, is it correct that you
25 just told us that Commander Toni was the commander of the unit within

Witness: Halil Qadraku (Open Session)

Page 22613

Examination by Mr. Pace

1 which Ismet Tara served before joining the zone staff in Pashtrik; is
2 that correct?

3 A. Yes, that's correct.

4 MR. PACE: And if we could please turn to the second page of
5 both items, and there I'd like to zoom in on the penultimate bullet
6 point. In English starting: "In Albania we asked ..." Yes, that's
7 good for the Albanian.

8 Q. Witness, in this --

9 MR. PACE: Thank you. That's good in English.

10 Q. In this bullet point, there is a mention of you having supplied
11 the weapons you purchased with the money from Rahovec to other KLA
12 units. Is that correct to your recollection?

13 A. I told you that this trip of mine occurred on 15 July. I
14 remember the date because it was my birthday. And the offensive on
15 17 July began in Rahovec, that is, two days after my trip to Albania,
16 and it was a four-day offensive, one of the greatest that happened.

17 At the time in Albania, I met with Azem Syla and Xheladin Gashi.
18 Present there in Cahan or at the headquarters with Xheladin was a
19 large group of soldiers who had no weapons. At that point, Azem Syla
20 told me to give those weapons to these soldiers who were waiting to
21 enter Kosovo. He knew that these weapons were for Arti unit in
22 Rahovec. However, because of the offensive, he said that they would
23 take care of that so that that unit receives the weapons later on.
24 In the meantime, I went back and forth. When I brought the weapons
25 for Rahovec on 23 August, I fell into an ambush in Has area. And at

Witness: Halil Qadraku (Open Session)

Page 22614

Examination by Mr. Pace

1 that ambush, a carload of weapons was destroyed.

2 So what Ismet Tara wrote here is very true. However, what I'm
3 saying, on the other side, is very true as well. I'm not opposing to
4 what Ismet said here.

5 Q. And if we turn to the third page in both versions, we see that
6 among those this letter was submitted to were the KLA General Staff
7 ZKZ and the KLA General Inspector. And my question, Witness, is
8 whether you were aware that Ismet Tara had informed them about the
9 issues addressed in this letter?

10 A. I don't know about that, and I never came to learn this from
11 anybody else except from you last week.

12 MR. PACE: And one brief question, Your Honour, before I
13 conclude on this.

14 Q. If we go back to the first page, Witness, on the top left
15 corner, we see this document is dated 16 March 1999 and there is a
16 reference to Kasterc. Do you recall whether the Pashtrik operational
17 zone used any buildings in Kasterc at the time?

18 A. Not by General Staff. Kasterc and Nishor are adjacent villages.
19 They are like one. Ismet Tara lived in a building that was part of
20 the Pashtrik operational zone.

21 MR. PACE: I see the transcript says "the General Staff." I
22 don't know if I misspoke or if it's a transcript error, but what I
23 meant to say was the Pashtrik zone staff.

24 That concludes my questioning on this document, and we seek
25 admission, Your Honour.

Witness: Halil Qadraku (Open Session)

Page 22615

Examination by Mr. Pace

1 PRESIDING JUDGE SMITH: Any objection to the tender?

2 MR. DIXON: Yes, Your Honours. For the same reasons as before,
3 particularly in light of the witness's last two answers.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. PACE: Your Honour, if I may, I can respond unless --

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. PACE: Yes, just to say, Your Honour, that the document, the
8 witness has authenticated its contents which specifically refer to
9 him. He told us about the position that Mr. Tara occupied as
10 reflected in the signature block, the location there, other persons
11 mentioned. And I could also make further submissions which serve to
12 the relevance of this document based on where we obtained it from,
13 but that would have to be in the absence of the witness. So unless
14 that's necessary, I won't do so.

15 PRESIDING JUDGE SMITH: We don't need that at this point. It's
16 been authenticated. It's admissible under 138.

17 SPOE00226524 to SPOE00226527 -- you added a second -- another
18 page; is that right?

19 MR. PACE: So it's the entirety of the document which goes from
20 24 to --

21 PRESIDING JUDGE SMITH: 27.

22 MR. PACE: To 26. In both the English and the Albanian.

23 PRESIDING JUDGE SMITH: 26.

24 MR. PACE: To 26, yes. It's just three pages, 24 to 256.

25 PRESIDING JUDGE SMITH: All right. It's admitted, please.

Witness: Halil Qadraku (Open Session)

Page 22616

Examination by Mr. Pace

1 THE COURT OFFICER: And will be assigned Exhibit P01860,
2 classified as confidential. Thank you, Your Honours.

3 PRESIDING JUDGE SMITH: Thank you.

4 Witness, it's time for lunch. You'll be excused for an hour and
5 a half, and we'll be back here at 2.30. Please do not speak with
6 anyone outside the courtroom about your testimony. You may leave the
7 courtroom now.

8 MR. PACE: Your Honour, and just as that's happening, just to
9 update in terms of my examination, I think I need around 1.5 more
10 hours, which hopefully is still within my estimate.

11 PRESIDING JUDGE SMITH: It's close.

12 [The witness stands down]

13 PRESIDING JUDGE SMITH: We're adjourned until 2.30.

14 --- Luncheon recess taken at 1.09 p.m.

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

16 PRESIDING JUDGE SMITH: Madam Usher, please bring the witness
17 in.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: Good afternoon, Witness.

20 THE WITNESS: [Interpretation] Good afternoon.

21 PRESIDING JUDGE SMITH: We will continue with the questions from
22 the SPO. Please give them your attention.

23 Mr. Pace, you have the floor.

24 MR. PACE: Thank you.

25 I'd like to call up P01856, admitted earlier today. We can just

Witness: Halil Qadraku (Open Session)

Page 22617

Examination by Mr. Pace

1 do the Albanian version for now. Thank you.

2 Q. Witness, on your screen is a sketch that you drew during your
3 SPO interview in relation to the structure of the Pashtrik
4 operational zone staff, which you also discussed in the same
5 interview.

6 MR. PACE: And I'd like to call up side by side with this
7 document P712, and the first page of that, which is 209321. Thank
8 you.

9 Q. And, Witness, ignoring just for a moment the document on the
10 left side of your screen, have you read the book, the cover of which
11 is on the right side of your screen?

12 I don't think your answer was reflected on the record. Could
13 you repeat that?

14 A. Yes, I have read it.

15 MR. PACE: And can we turn in the document on the right side of
16 the screen to page ending in 209330, please. That's not the right
17 page. It should be SPOE00209330. It's next page, I believe. Yes,
18 thank you. Yes.

19 Q. Now, Witness, on the left of your screen is the document that
20 you -- the sketch that you drew, and on the right is a page from the
21 Sadik Halitjaha book that we just looked at. And focusing now your
22 attention to the zone level, we can see that yourself and
23 Mr. Halitjaha list several people in the same positions. And we see,
24 for example, Tahir Sinani, Mr. Halitjaha, yourself as the G2, Vesel
25 Maliqi as the G1, Skender Krasniqi as the G4, and Sabahajdin Cena as

Witness: Halil Qadraku (Open Session)

Page 22618

Examination by Mr. Pace

1 the G5. We see Mr. Halitjaha lists Nexhmi Krasniqi as the Pashtrik
2 operational zone military police commander. Is that correct to your
3 knowledge?

4 A. Yes.

5 Q. When did he serve in that role?

6 A. I think Nexhmi Krasniqi carried out this task or had this
7 position from January or February 1999. I do not recall the exact
8 date.

9 Q. And until when if you recall?

10 A. Until the end of the war.

11 Q. We can also see that Mr. Halitjaha lists Nuredin Abazi as a
12 legal adviser. Is that correct to your knowledge?

13 A. I did not know at the time that he had a legal adviser and that
14 that person was Mr. Nuredin Abazi. However, if he wrote this, I
15 accept it as a fact.

16 Q. We also see that Mr. Halitjaha includes Nezir Kryeziu in
17 relation to the Eye of the Eagle. And was Nezir Kryeziu the
18 commander of that unit?

19 A. Yes. Nezir Kryeziu was the commander of the sabotage
20 reconnaissance unit Eye of the Eagle within the Pashtrik operational
21 zone.

22 Q. And when did serve in that role?

23 A. I think that it was from its formation which should be beginning
24 of March 1999.

25 Q. As G3 you list Bajram Bekteshi while Mr. Halitjaha lists

1 Nexhmedin Kastrati. Could you explain this discrepancy?

2 A. I think both are accurate because Nexhmedin Kastrati was part of
3 the operational sector for a while, and then he was selected by the
4 chief of the General Staff, Mr. Bislir Zyrapi, to accompany him to
5 Albania in order to organise the Operation Arrow or something like
6 that. And then he was replaced by Mr. Bajram Bekteshi at the
7 operational department who served in this position until the end of
8 the war.

9 MR. PACE: If we scroll a little bit to see the right part of
10 the sketch, we can see G7. Yes.

11 Q. There we see that you list as G7 Sami Sejda while Mr. Halitjaha
12 has Mr. Sejda as the G6. Could you explain that discrepancy?

13 A. I think this was just filling in the boxes. I think G7 is the
14 communications sector and G6 is the finances sector where
15 Mr. Ismet Tara was.

16 Q. So to be clear, to your recollection, Ismet Tara was the G6 and
17 was Sami Sejda the G7?

18 A. That's correct.

19 Q. In Mr. Halitjaha's diagram we also see that he addresses the
20 brigades, and he lists names under the brigades. Could you tell us,
21 to your knowledge, who the persons Mr. Halitjaha listed under each
22 brigade, what position those people occupied?

23 A. Each of these positions as mentioned by Commander Sadik
24 Halitjaha are true. Vllaznim Kryeziu, Brigade 122; 121, Haxhi Shala;
25 123, Gezim Hazrolli; 124, Skender Hoxha; 125, Nehat Basha; 126, Safet

Witness: Halil Qadraku (Open Session)

Page 22620

Examination by Mr. Pace

1 Gashi; 127, Shefkat Halimi. However, this brigade never formed, in
2 actual terms. It did not -- have no structures. And Brigade 128,
3 which operated in the peaks of Pashtrik, and Mr. Ruzhdi Saramati who
4 was part of the Operation Arrow.

5 Q. And the listed persons, to your knowledge, is it correct as
6 Mr. Halitjaha describes them, they were the brigade commanders for
7 the respective brigades?

8 A. Yes.

9 MR. PACE: If we can turn to the second page of the document on
10 the left, please.

11 Q. And here, Witness, that's the second page from your sketch and
12 your SPO interview, and we see a reference to the Brigades 121 to
13 128, but the names that you mention next to those brigades are
14 entirely different from those Sadik Halitjaha lists as the
15 commanders. Could you clarify the role of the persons you mentioned
16 in your sketch on this page in relation to those brigades?

17 A. Sorry. The persons I've written down are from the G2 sector
18 within the specified or respective brigades. On the right-hand side,
19 the sketch drawn by Commander Sadik Halitjaha, the names of the heads
20 of G2 sectors, which I was responsible of, are not mentioned.

21 Q. And the translation at least is that they were the heads of the
22 G2 sectors of the brigades. Was that also known as the S2 sector in
23 a brigade?

24 A. Yes. Within the brigade, our sector went by the acronym S2.

25 MR. PACE: We can take the document down.

Witness: Halil Qadraku (Open Session)

Page 22621

Examination by Mr. Pace

1 Q. And, Witness, a moment ago you mentioned the Eye of the Eagle
2 and you told us Nezir Kryeziu was the commander. I believe you said
3 it was formed around March 1999. And could you tell us who created
4 this unit, the Eye of the Eagle?

5 A. Yes. The unit Eye of the Eagle, people who initiated this
6 formation are myself and Sadik Halitjaha. We deemed it necessary to
7 have a unit in the area of Pashtrik which would be capable of
8 intervening rapidly wherever there was a need and would prevent the
9 risks and dangers coming from whatever direction of the enemy. This
10 was accepted by Commander Drini and Commander Tahir Sinani. I do not
11 know if at a higher level, meaning the General Staff, they were
12 informed about this. This was an elite, valuable unit which
13 operated -- conducted very good operations in our area.

14 Q. Could you explain to the Judges why, as the head of the G2 in
15 the Pashtrik operational zone, you are one of two people who, as you
16 put it, initiated this unit?

17 A. I can try to explain. As you know, my sector dealt mostly with
18 the dangers -- where the danger was coming from, and we thought it
19 necessary to have a unit established in that territory, in the
20 Pashtrik operational zone, which would be capable to conduct rapid,
21 precise operations to protect the population and our positions from
22 sudden, unannounced attacks of the enemy.

23 Therefore, I thought this was a good undertaking on our side.
24 We did this on our own initiative, without having received any order
25 from anyone. We believe that we did the right thing. And if we

Witness: Halil Qadraku (Open Session)

Page 22622

Examination by Mr. Pace

1 explain this further, I think we would all agree that it was the
2 right move to set up this unit, which was very successful, indeed.

3 Q. How many members did this unit have?

4 A. Depending. I can make assumptions. Their number reached up to
5 50 members. This was because within Brigade 124, a smaller part was
6 formed, set up, which went by the same name, the Eye of the Eagle,
7 but was smaller in size. However, throughout the territory of the
8 Pashtrik operational zone this number went up to 50 or 70 members.

9 Q. And did the smaller unit with the same name in Brigade 124 still
10 have as, let's say, the commander Nezir Kryeziu or was it somebody
11 else?

12 A. The Eye of the Eagle Unit within Brigade 124 had its commander
13 Xhavit Elshani. And Nezir Kryeziu was at the zone. They could have
14 coordinated their work amongst them, or they might have been in
15 contact.

16 Q. Who appointed Nezir Kryeziu as the commander of the Eye of the
17 Eagle Unit at the zone?

18 A. I think Nezir Kryeziu was -- ended up in that position because
19 of his valour in battle, his courage. He was a man who had proved to
20 be very successful, brave. I did not know him, but those who were
21 around him came up with this proposal or at least told Commander
22 Sadik and to myself that the proposal to place as a leader of this
23 group -- of this unit, they proposed that this person should be Nezir
24 Kryeziu.

25 Q. Did Mr. Kryeziu have one or more deputies?

1 A. From what I can remember, Ilaz Kadolli was the deputy of Nezir
2 Kryeziu. A very good fighter as well.

3 Q. Do you know what Mr. Kadolli had studied before the war?

4 A. I did not know Mr. Kadolli before the war. I met him during
5 this time when we were setting up these units, and I understood at
6 the time that he had a law degree. That's all.

7 MR. PACE: I'd like to call up 057924-058024 alongside the
8 English translation which has the same ERN with -ET Revised, and
9 we'll start at the first page of both, please.

10 Q. So, Witness, you can already see on the left side of your screen
11 part of a book. And my question is, for now, have you seen this book
12 before?

13 A. I have not read this book before.

14 Q. Have you heard about it?

15 A. Yes.

16 MR. PACE: Let's please turn to page 057971 in both language
17 versions.

18 Q. And I'm going to start reading, Witness, from the second
19 paragraph on the left-hand side of the page in English and in
20 Albanian. I'm going to read and then I have some questions about the
21 excerpt read.

22 "As the war became more massive and the front and battles
23 expanded and as a result of the imbalance of forces, the need arose
24 for the creation of special elite units, with brave soldiers with
25 experience in fighting Serbs. These units had a small number of

Witness: Halil Qadraku (Open Session)

Page 22624

Examination by Mr. Pace

1 soldiers and they carried out surprise attacks from all directions
2 and from ambushes in order to inflict losses to the enemy's hardware
3 and manpower.

4 "This is the reason for the creation of the subversive assault
5 unit, Eagle's Eye. Everyone agreed that the unit should be named
6 after our national symbol, eagle. My reasoning was that the main
7 feature of an eagle were its sharp eyes that targeted prey from great
8 distances and it was liked by all. The unit operated under the
9 Pashtrik Operational Zone Command and its area of operation was the
10 area covering the municipalities of Suhareka, Malisheva, Rahovec and
11 a part of Prizren. The unit operated where it was needed and where
12 the unit command deemed it necessary.

13 "Its success in fighting the Serbs let the Eagle's Eye unit [to]
14 gain authority in the Pashtrik Operational Zone ..."

15 MR. PACE: And in the Albanian could we also scroll to the next
16 side, the same page but the next side of it. Yes. And from the top.
17 Thank you.

18 Q. "... in the Pashtrik Operational Zone and the entire KLA. This
19 unit sowed horror and panic among the Serbian army and police ranks.

20 "The Eagle's Eye unit carried out over 30 successful operations
21 against the Serbian invading forces only in the months of March,
22 April, May and June 1999.

23 "The Eagle's Eye unit's attacks often resembled kamikaze attacks
24 and were very effective because they would completely destroy Serbian
25 invading forces, whereas the losses to the unit were minimal, often

1 non-existent. The main principle of the unit during the war was
2 attack and only attack. Thus we proved in practice the saying that
3 attack is the best defence. The number of soldiers in the unit never
4 exceeded 30, including logistics and medical personnel.

5 "The unit never had difficulties with recruitment because
6 soldiers volunteered constantly to join it, usually the best. Only
7 those in whose blood ran the passion for the art of warfare found
8 themselves in this elite KLA formation.

9 "Even though the KLA was always short of weapons, weapons were
10 found for those who fought with dedication. The supply with weapons
11 was done by the soldiers themselves, who would cross the border with
12 Albania at least once before joining the KLA to bring supplies of
13 weapons. In most cases, weapons were carried on the back and also
14 rarely using horses, which were provided by the residents of the
15 villages in the Kosovo-Albania border area.

16 "Pashtrik Operational Zone Commander Tahir Sinani also took care
17 in particular that the unit is supplied with weapons, who had issued
18 a special order for supplying weapons to this unit."

19 And, Witness, my question is, is the information in this excerpt
20 correct to your knowledge?

21 A. Yes. I think this describes the same thing that I said up until
22 now, with the exception of the number of its members. It reads here
23 that it did not exceed the number of 30 members. However, I thought
24 that including those within Brigade 124 it could be between 50 and
25 70. But he also mentions here that volunteers could enter this list,

Witness: Halil Qadraku (Open Session)

Page 22626

Examination by Mr. Pace

1 so this list was not fixed in time.

2 MR. PACE: I'd like to turn to page 058022 in the same document,
3 both in English and Albanian. And there we'll zoom in on the
4 right-hand side of the pages in both languages, please. 058022.
5 Yes. If we can zoom in on the right-hand side of each of them,
6 please. Thank you. And, yes, zoom out so we can see the full page
7 here -- the full side of the page. Thank you. That's good in
8 Albanian.

9 Q. Witness, this is another page from the same book, and I'd like
10 you for now to have a look at the names listed over here, and then I
11 have some questions.

12 A. I agree with this list, although I do not know all of them. But
13 if he wrote them down, he knows them better.

14 MR. PACE: Could we turn to the next page in both language
15 versions, please.

16 Q. And this is a continuation of the previous page. We see we have
17 some more names here. I'm just asking you to read until the names.
18 And does the same apply, to your knowledge, would these have been
19 people -- members of the Eye of the Eagle Unit?

20 A. I do recall two or three names out of those here but not all of
21 them.

22 Q. And do you recall where the Eye of the Eagle Unit was based, the
23 one attached to the zone?

24 A. I think that Nezir Kryeziu and Ilaz Kadolli were stationed with
25 the part of the unit in Nishor, Kasterc, Kervasari, or the villages

1 around. They had settled in various houses because they were not
2 able to stay, all of them, in one single place. But those who were
3 within the zone mostly stayed in these three villages - Nishor,
4 Kasterc, and Kervasari.

5 Q. And how about in June and July 1999? To your knowledge, where
6 were members of the Eye of the Eagle Unit based then?

7 A. I think that with the end of the war on the 12th or 13th June,
8 there was no need nor the possibility for the unit Eye of the Eagle
9 to exist any longer. Therefore, I do not have any knowledge about
10 the continuation of combat activities of this unit for the period of
11 time you are referring to.

12 Q. Let's then focus on the commander, Nezir Kryeziu. Do you know
13 where he was based in June and July 1999?

14 A. Nezir Kryeziu was stationed in Prizren, I think. When I went
15 there from Rahovec a month later, I found Nezir Kryeziu in the
16 position of deputy commander of the police in Prizren.

17 Q. And do you recall in which building or office Mr. Kryeziu was
18 when you were there in Prizren? To be clear, where he was based.

19 A. When I went to Prizren one month after the liberation, all the
20 members of the command, including Tahir Sinani, Sadik Halitjaha,
21 Nezir Krasniqi -- Nexhmi Krasniqi, I met all of them at the student
22 dormitory, female student dormitory at the time. The University of
23 Prizren nowadays.

24 MR. PACE: Your Honour, we seek admission of the pages of this
25 item shown to this witness, and those should be added to P12, P12-ET,

Witness: Halil Qadraku (Open Session)

Page 22628

Examination by Mr. Pace

1 which contains other admitted excerpts from this book. And to be
2 clear, the pages shown that require admission are 057971 and 058022,
3 058023.

4 PRESIDING JUDGE SMITH: Any objection?

5 MR. DIXON: Yes, Your Honours. We have the same standing
6 objection as we've had for other pages in this book as well, so do I
7 wish to repeat that on the record. Thank you.

8 PRESIDING JUDGE SMITH: Thank you very much.

9 Anybody else?

10 MS. TAVAKOLI: We adopt Mr. Dixon's position.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 057971, 058022, and 058023 are all admitted and will be joined
13 with P12.

14 THE COURT OFFICER: Thank you, Your Honours.

15 MR. PACE: We can take the documents down.

16 Q. Witness, in your SPO interview, you said that on the 9th or 10th
17 June 1999 you were ordered to get closer to towns, and that the zone
18 commander sent you to Rahovec where you stayed for a month before
19 going to Prizren sometime in July 1999. In fact, you just mentioned
20 going to Prizren in July 1999. And you also confirmed this
21 information in your preparation session where you said it was
22 peaceful when you entered the neighbourhoods -- the first
23 neighbourhoods of Rahovec.

24 My question is whether you recall the exact dates when you
25 entered Rahovec.

1 A. I think that it was 11 June when we entered the first
2 neighbourhoods of Rahovec.

3 Q. And before entering the first neighbourhoods of Rahovec, you
4 think on 11 June, where did you leave from? So where did you go from
5 to Rahovec?

6 A. I did not understand the question. Could you please be more
7 specific?

8 Q. Yes. Where were you based immediately before you went to
9 Rahovec on 11 June?

10 A. Before going to Rahovec, we were always stationed or based in
11 Nishor. Following the Kumanovo Agreement, I believe there was a
12 meeting between Tahir Sinani, Sadik Halitjaha, and other members, and
13 there we distributed the rows amongst us in order to be close to the
14 soldiers and be in the flow with the events in our respective
15 municipalities in the operational zone of Pashtrik.

16 So I wouldn't maybe call it an order, but it was decided that I
17 went to Rahovec, Tahir Sinani to go to Suhareke, and Sadik Halitjaha
18 to Prizren, and somebody else from there to Malisheve. So we
19 distributed these tasks amongst us on that day.

20 I believe it was on the 10th that we set off towards Rahovec
21 municipality, the villages of that municipality. There I met with
22 the soldiers of Rahovec, and I believe it was on the 11th that
23 together with them we entered Rahovec city.

24 Q. You have previously stated you then entered Prizren sometime in
25 July. Do you recall the date in July when you entered Prizren with

Witness: Halil Qadraku (Open Session)

Page 22630

Examination by Mr. Pace

1 any more specificity?

2 A. I cannot remember the exact date when I went to Prizren, because
3 I went to Prizren from Rahovec as well to help with the fifth general
4 meeting of the LPK. I went to Prizren again while I was in Rahovec
5 at the invitation of Commander Sadik Halitjaha. I've told you of
6 this event when 19 trucks attempted to enter Kosovo from Albania.

7 So when it comes to exact date when I went to Prizren, I really
8 don't recall it.

9 Q. You testified earlier that when you did go to Prizren, all the
10 members of the zone command were in the female student dormitory.
11 Was that also where you had your office?

12 A. Yes.

13 Q. Did you visit the school for deaf and mute in Prizren in June or
14 July 1999?

15 A. No.

16 Q. Do you know who from the KLA was based at that location in June
17 or July 1999?

18 A. I think it was 125 Brigade, the one that was stationed there
19 with its commander.

20 Q. And do you know where Brigade 128 was based in June and July
21 1999?

22 A. To what I remember, the 128 Brigade, since it came back from
23 Operation Arrow, I remember there were two locations. However, I
24 cannot say which was the first and which was the second one. They
25 were in Nashec, which is a village near to Prizren, but also in Zym

Witness: Halil Qadraku (Open Session)

Page 22631

Examination by Mr. Pace

1 of Opoje near Dragash. So these were the two locations where
2 128 Brigade was mainly based or stationed.

3 Q. Do you know Kimete Krasniqi?

4 A. I know her from after the war.

5 Q. When did you first get to know Kimete Krasniqi?

6 A. Approximately in July, beginning of July, mid-July, around those
7 dates when I went to Prizren.

8 Q. And how did you get to make contact or to get to know Kimete
9 Krasniqi at that time?

10 A. Kimete Krasniqi had come to us with some officers from Drenica
11 operational zone maybe on my proposal or suggestion. I needed
12 somebody from Drenica to uncover a case of criminal activity that had
13 occurred in Drenica but who were in hiding in the surrounding areas
14 of Drenica. Now I think this could have been part of those efforts
15 on our side in liaison with comrades from Drenica. She was brought
16 there as the appropriate person for what we needed.

17 Q. And at the time, did you understand that Kimete Krasniqi was a
18 member -- was a soldier within the Drenica operational zone?

19 A. Yes, I think so since she came there with them and was
20 introduced to me as a former KLA soldier from Drenica. She was
21 unknown to me, but those who brought her knew her.

22 Q. And who were the persons that you're saying brought her to you?

23 A. Now I don't remember who brought her. However, I know that it
24 was somebody from Drenica headquarters. I don't remember the names.
25 I would have probably forgotten Kimete as well if she was not

Witness: Halil Qadraku (Private Session)

Page 22632

Examination by Mr. Pace

1 mentioned to this extent.

2 MR. PACE: And, Your Honour, I'd like to move to private session
3 for around five minutes for the protection of third parties.

4 PRESIDING JUDGE SMITH: Into private session, please,
5 Mr. Court Officer.

6 [Private session]

7 [Private session text removed]

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Witness: Halil Qadraku (Private Session)

Page 22633

Examination by Mr. Pace

1 [Private session text removed]

2

3

4 [Open session]

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

6 Thank you.

7 PRESIDING JUDGE SMITH: Thank you.

8 Go ahead, Mr. Pace.

9 MR. PACE: Thank you. And I'd like to call up 123452-123453,
10 and I'd like both pages side by side since the first is in Albanian
11 and the second is in English. Thank you.

12 Q. Witness, so on the left on the screen we have a document in
13 Albanian.

14 MR. PACE: If we can zoom out so we can see the entirety of it
15 including the signature block, please.

16 Q. And on the right, it's in English. Do you recognise the
17 document on the left side of your screen dated 6 July 1999?

18 A. Yes.

19 Q. And do you recognise the signature underneath your name as
20 yours?

21 A. Yes, this is my signature.

22 Q. Do you recognise the signature under the name Isuf Krasniqi as
23 that of Isuf Krasniqi?

24 A. Yes, I think this is Isuf Krasniqi's signature.

25 Q. Who wrote this document?

1 A. I think this was a report by Isuf Krasniqi that was either
2 recommended to me or composed by both of us. However, since his name
3 is mentioned here, I think this was a report intended for me from
4 him. And I accept that this problem or this issue was something that
5 we dealt with, and I, therefore, fully accept this document.

6 Q. Could you clarify who the ZKZ superior who made the request
7 concerning the engagement of Kimete Krasniqi in the Pashtrik
8 operational zone as MP mentioned here in the first sentence is? So
9 who is the ZKZ superior being referred to?

10 A. As I said a bit earlier, during the meeting of the G2 sectors of
11 Pashtrik zone, I might have asked for assistance from Drenica. And
12 based on the request of the ZKZ officer or superior, since it is
13 written here -- I personally did not ask for her. I simply asked for
14 assistance for someone that they deem reasonable to be sent to me. I
15 personally did not know her by her name and last name.

16 Q. In the fourth paragraph of this document, we see reference to
17 Sadik Halitjaha giving Kimete Krasniqi the possibility to choose
18 where she wanted to work and that she chose the ZKZ section. Is that
19 correct to your recollection?

20 A. I think it is very correct. With her arrival, I informed both
21 Sadik Halitjaha and Tahir Sinani. I informed them of the reasons why
22 I asked for somebody from Drenica to come as assistance. They deemed
23 it fit for her to stay in Prizren. She had to be systemised
24 somewhere. They asked her where she wanted to be based or deployed.

25 We had the opportunity to put her in the military police, but

1 she chose for the ZKZ. It was in our interest and we did this.

2 Q. In the fifth paragraph, we see a mention of Ferat that,
3 according to this paragraph, Kimete referred to. To your knowledge,
4 who is the Ferat being mentioned here?

5 A. Last week, too, I told you that this document was produced on
6 the suggestion of my deputy, Isuf Krasniqi. Judging from where this
7 person comes from, geographically speaking, I think it refers to
8 Ferat Shala. Both were in the same unit and they both come from the
9 same village.

10 Q. Do you know what misunderstandings Kimete Krasniqi and Ferat
11 Shala had, the misunderstandings being mentioned in the same
12 paragraph, the fifth paragraph?

13 A. I don't know the misunderstanding between them, and I would not
14 have been able to go into that because that was their private matter.

15 MR. PACE: Your Honour, we seek admission of this document.

16 PRESIDING JUDGE SMITH: Any objection?

17 MR. DIXON: Your Honours, in this case no objection.

18 PRESIDING JUDGE SMITH: No objection is heard. 123452 to 123453
19 is admitted in Albanian and English.

20 THE COURT OFFICER: And will be assigned Exhibit P01861,
21 classified as confidential. Thank you, Your Honours.

22 PRESIDING JUDGE SMITH: Thank you.

23 JUDGE METTRAUX: And, Mr. Pace, before you leave the document,
24 you might have noted that the English does not contain the date of
25 the report, which I think in the Albanian is 6 July 1999. You may

Witness: Halil Qadraku (Private Session)

Page 22636

Examination by Mr. Pace

1 wish to provide us with a revised version.

2 MR. PACE: Yes, noted, and we will do that, Your Honour.

3 And we can take this document down. And I'd like to once again
4 move into private session for around five minutes for the same
5 reason, protection of third parties, please.

6 PRESIDING JUDGE SMITH: Into private session, please,
7 Mr. Court Officer, for the protection of a witness.

8 [Private session]

9 [Private session text removed]

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Witness: Halil Qadraku (Private Session)

Page 22637

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22638

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22639

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22640

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22641

Examination by Mr. Pace

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9 [Open session]

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

11 Thank you.

12 PRESIDING JUDGE SMITH: Thank you.

13 Now we're adjourned for ten minutes.

14 --- Break taken at 3.33 p.m.

15 --- On resuming at 3.44 p.m.

16 PRESIDING JUDGE SMITH: Please bring the witness in.

17 MR. PACE: And while we do that, Your Honour, if we could move
18 back into private session for a few more minutes for the same
19 reasons, please.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: All right. Mr. Qadraku, we will
22 continue with questions from the SPO. Please give them your
23 attention.

24 Mr. Court Officer, into private session for protection of a
25 witness.

Witness: Halil Qadraku (Private Session)

Page 22642

Examination by Mr. Pace

1 [Private session]

2 [Private session text removed]

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Witness: Halil Qadraku (Private Session)

Page 22643

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22644

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22645

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22646

Examination by Mr. Pace

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Witness: Halil Qadraku (Private Session)

Page 22647

Examination by Mr. Pace

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17 [Open session]

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

19 Thank you.

20 PRESIDING JUDGE SMITH: Thank you.

21 Go ahead, Mr. Pace.

22 MR. PACE: Thank you. We can take the documents on the screen
23 down, and instead of those call up P01445 and P01445-ET. Thank you.

24 Q. Witness, on the left of your screen is a handwritten document in
25 Albanian and on the right is its English translation. Is the

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22648

1 document on the left the one that you were telling me just before
2 that is the document you saw in Gjilan during the trial but you had
3 not read it before that trial?

4 A. Yes, this is the document.

5 Q. We see that at the top of the document it reads: "Statement [of]
6 Kimete Krasniqi," and then the last sentences of the document:

7 "But then again I was informed that he was free" --

8 Sorry. And then we see the last paragraph reading:

9 "However, although the operation was well prepared and he
10 arrived on time, and in spite of the discharge of many automatic
11 weapons' volleys and suffering seven wounds, the individual named
12 Hamez Shtutica, managed to escape. I then heard from some associates
13 that he was in Macedonia round May and that he had been abducted by
14 the KLA. But then I was again informed that he was free in the town
15 of Gllogovc and that this person was a danger to us because he knew
16 that I prepared the operation against him. For this reason, I cannot
17 operate in DOZ."

18 Witness, to your knowledge, could this be the statement that you
19 gave to Tahir Sinani in an envelope but which you never read?

20 A. It could be. I did not read it. I did not know it. But I do
21 know that the UNMIK international court in Kosovo dealt also with
22 this problem, with Kimete Krasniqi, with people mentioned here, and I
23 believe it is easier for you to take into your possession all
24 accompanying acts and documents in relation to the case.

25 However, I do not think it's the same level when it comes to

Witness: Halil Qadraku (Open Session)

Page 22649

Examination by Mr. Pace

1 Kimete and Fehmi Lladrovci.

2 MR. PACE: We can take this document down, and I'd like to call
3 up --

4 JUDGE METTRAUX: Mr. Pace, maybe to assist, could you simply ask
5 the witness, perhaps, to confirm whether the town of Glllogoc is
6 within the DOZ, the Drenica operational zone? Thank you.

7 MR. PACE: Certainly.

8 Q. Witness, first of all, is the town of Glllogoc known by any other
9 names?

10 A. Glllogoc was in Serbian language. In Albanian language it's
11 Drenas, and it is within the Drenica operational zone.

12 JUDGE METTRAUX: Thank you.

13 MR. PACE: Thank you. And this document can be taken down, and
14 instead I'd like to call up P709 and P709-ET alongside it. Yes. And
15 if we can zoom out in the Albanian so we can see the totality of its
16 content, please.

17 Q. Witness, the document on the left in Albanian, do you recognise
18 that document?

19 A. The document in question looks similar to the document we saw
20 before. However, the date here is 19 August 1999. The previous one
21 was dated 18 August 1999. So these are two identical notifications
22 with the same identical content. The difference being that there is
23 a handwritten addition here with a stamp. I do not recall the
24 document. I accepted earlier on that the document was mine entirely.

25 Q. And just for clarity, when you say, "I do not recall the

Witness: Halil Qadraku (Open Session)

Page 22650

Examination by Mr. Pace

1 document," are you talking about the one in Albanian currently on
2 your screen?

3 A. As I mentioned, the handwriting at the bottom of my document is
4 unknown to me.

5 MR. PACE: Now, if I could ask to please keep the document in
6 Albanian, P709, on the left, and to take down the English translation
7 and instead call back up 123451-123451. I apologise. I didn't take
8 note of the now -- the exhibit number. I will just do it in Albanian
9 as well.

10 PRESIDING JUDGE SMITH: Just for the record --

11 MR. PACE: I'm told it's --

12 PRESIDING JUDGE SMITH: -- it's P01862.

13 MR. PACE: Yes, thank you. I was just told the same thing.

14 Q. Now, Witness, as you can see --

15 MR. PACE: And if we can in the document on the right, 1862,
16 also zoom out so we can see the totality of its content.

17 Q. Witness, as you can see, on the left is what we're referring to
18 as P709; on the right is what we're referring to as P1862. On the
19 left is dated 19 August, as you mentioned, and the right is dated 18
20 August.

21 Now, other than the difference in date and the handwritten
22 annotation at the bottom, would you agree with me that, for example,
23 the words "Official Notification" appear in a different location and
24 format?

25 A. Yes.

1 Q. And in the second paragraph of each of the two documents, in the
2 document on the left, we can see the word in Albanian, and I
3 apologise for my pronunciation, "*hakmarrjeje*," whereas in the
4 document on the right we see, instead of that word, the word
5 "*fatkeqsie*," which, per the English translation, since those are not
6 on the screen, we have "*fatkeqsie*" translated as "misfortune" and
7 "*hakmarrjeje*" as "retaliation." Do you see those differences between
8 the two documents, Witness?

9 A. Yes, I see this difference. However, I'll say it again, it's
10 the same content, it's the same writing, maybe with some minor
11 differences in the font. I don't know why we have to compare them.
12 On this one, the handwritten note, that I do not remember. However,
13 the content of the official notification is the same -- in the same
14 document. And I don't see the reason why I would write two reports
15 with the same words, with the same content, addressing the same
16 people, and yet one on the 18th and the other on the 19th.

17 I -- this doesn't make sense, at least to me, because I had no
18 reason to change anything. I think that the words written there on a
19 computer are my words.

20 Q. And to be clear, Witness, are you now saying that you think the
21 words written on a computer in both documents are your words or only
22 the one in the document dated 18 August?

23 A. I am saying that both notifications on both pages, the words
24 typed on a computer are my words, and they are the same.

25 Q. We've mentioned the handwritten notification in the document on

Witness: Halil Qadraku (Open Session)

Page 22652

Examination by Mr. Pace

1 the left, P709, and also the stamp.

2 MR. PACE: If we could please zoom in on that stamp.

3 Q. First of all, Witness, do you recognise that stamp?

4 A. Although it's not very visible, it resembles the stamp of the
5 second zone of the Kosovo Liberation Army, and the signature below it
6 is that of Tahir Sinani, T. Sinani.

7 Q. So you recognise it as Tahir Sinani's signature?

8 A. Yes, I think this is Tahir Sinani's signature.

9 Q. The handwriting reads:

10 "To take up her duties only after receiving the written order
11 from Chief Luli."

12 And, Witness, my question to you is: To your knowledge, who is
13 Chief Luli?

14 A. Now, I saw this document for the first time here a week ago.
15 Commander Tahir Sinani was a person who knew some things and our
16 military hierarchy, and I believe he knew that at the time this
17 notification was written, 18th or 19th August, which is more or less
18 two months after the war, I believe he knew that Chief Luli -- I
19 believe he addressed Kadri Veseli with Chief Luli. However, at that
20 time Kadri Veseli was not at the military G2. At the General Staff,
21 we had Kodra.

22 You've seen, Your Honours, that many documents that were seized
23 from me during my arrest and many documents that came to you here
24 came from Serbia. Now, I don't know how documents from Prizren were
25 taken to Serbia and from Serbia then here, so this leaves room for

Witness: Halil Qadraku (Open Session)

Page 22653

Examination by Mr. Pace

1 fraud.

2 Therefore, I said that I have not seen the handwritten part of
3 this document. And even if it is so, if it is true, I don't see
4 anything disputable here.

5 MR. PACE: We can take this document down.

6 Q. And, Witness, moving on to something different. Do you recall
7 appearing on television on 11 April 2023 and discussing events
8 related to the war?

9 A. Yes, I do.

10 Q. And were you truthful in the information you provided during
11 this interview?

12 A. At all times in my life I've tried to say the truth, be it on
13 social network posts, be it in front of -- before various courts
14 where I testified, and today before you. I believe that I always
15 told the truth.

16 MR. PACE: I'd like to call up 113623-02, please. And when we
17 get to this video, we're going to start by playing minutes 32:58 to
18 34:06 with sound. It can be broadcast to the public. The Albanian
19 transcription, which we won't call up for now, but just for the
20 interpreters' assistance is 113623-02-TR Revised. And I'll be
21 starting from page 4 where we see: "*Gazetari: Po kjo realisht ...*"
22 until the fourth line on page 5.

23 When we call up the video, we'll share the screen with the
24 English translation, which is 113623-02-TR-ET Revised, and there I'll
25 start from page 4 from: "*Journalist: But, in fact ...*"

Witness: Halil Qadraku (Open Session)
Examination by Mr. Pace

Page 22654

1 To repeat, the minutes will be 32:58 to 34:06. Thank you. Yes.
2 And in the English, we need to go towards the lower half of the page.
3 Yes, that's correct. So I will ask for this video to be played with
4 sound. Once it's played - it's a short clip - I will read from the
5 English transcript again so that what is said is clear to all.

6 And as I said, please stop at 34:06.

7 [Video-clip played]

8 MR. PACE: Yes, thank you. So as I mentioned, I'll read it
9 again from the English.

10 Q. And, Witness, you can once again hear the interpretation into
11 Albanian.

12 "Journalist: But, in fact, this justice that you considered as
13 'crooked', it has started to work. It has been a week that the trial
14 against the former senior leaders of the Kosovo Liberation Army has
15 started. Based on the position you had, you had Kadri Veseli as your
16 boss.

17 "Halil Qadraku: Yes, until 1 April when he was elected ...

18 "Journalist: I believe you are following it ... several
19 photographs which show you during the war together with
20 Mr. Veseli ...

21 "Halil Qadraku: Yes, this picture was taken in Nishor. It was
22 March 1999 ...

23 "Journalist: He ...

24 "Halil Qadraku: ... when we had conversations, which here
25 involved the signing or not signing the Rambouillet Agreement.

Witness: Halil Qadraku (Open Session)

Page 22655

Examination by Mr. Pace

1 Kadri Veseli is at the top, close to him is Mensur Zyberaj, who is a
2 Martyr from Drenovc, Adem Grabovci is below ...

3 "Journalist: Yes."

4 MR. PACE: If we go to the next page in the English, same in
5 Albanian for the interpreters.

6 Q. "Halil Qadraku: Down below is this Hoxha, the professor ... I
7 can't recall his name.

8 "Journalist: And you.

9 "Halil Qadraku: And me, of course. Here, that is, we were
10 discussing that topic ...

11 "Journalist: Should you sign or not."

12 Now, Witness, my first question, is this the interview that you
13 recall giving in April 2003 and in which you said that you were being
14 truthful?

15 A. Yes.

16 Q. And is what you said in this excerpt correct?

17 A. I think yes.

18 MR. PACE: In the video, let's please go to minute 35:10 just to
19 see a screenshot of that particular timestamp. Thank you.

20 Q. And, Witness, there is a photo on the screen in front of you.
21 Is that the photo that you were describing in the excerpt that we
22 just looked at and heard?

23 A. Yes, that's the photograph.

24 MR. PACE: In the video, let's please go to minute 36:00, and
25 we'll play until minute 36:18. Once again, we won't call up the

Witness: Halil Qadraku (Open Session)

Page 22656

Examination by Mr. Pace

1 Albanian transcript. But for the interpreters' assistance, they are
2 going to read from page 6, the lines which are 13 to 15, although
3 there is no numbers. And in the English translation, which can stay
4 on our screen, we need to go to page 6, and there it's lines 17 to 19
5 in the middle of the page.

6 And, again, after the short excerpt, I will read the text so
7 that it is clear.

8 [Video-clip played]

9 MR. PACE: Thank you.

10 Q. And as I said, this excerpt reads as follows:

11 "Halil Qadraku: Hashim Thaci is a giant, Hashim Thaci is ... If
12 there is a God up there, for Kosovo he is down here, whatever people
13 would do to downplay him. If it were not for Hashim Thaci, what has
14 happened in Kosovo today would not have happened at all."

15 Witness, can you explain to the Judges what made you say this
16 about Hashim Thaci?

17 A. Yes. On this occasion, and for 25 years, I think that this is
18 what Hashim Thaci is. Kosovo, our state, has been occupied for
19 millennia, and Kosovo always had fighters who fought for their
20 fatherland. The last war I think was well oriented thanks to the
21 politics led by this political structure with Hashim Thaci at its
22 head and other converts who were abroad, Xhavit Haliti, Bardhyl
23 Mahmuti, and so forth. And that's why I think that the political
24 direction, the political agreements with NATO and other international
25 mechanisms. We know that no country has ever been freed without

Witness: Halil Qadraku (Open Session)

Page 22657

Examination by Mr. Pace

1 alliances. And in this respect, I think that Hashim Thaci has most
2 of the merits, and I personally thank him on my behalf, on behalf of
3 my family and of the people for the work that he has done. It was a
4 gigantic effort.

5 MR. PACE: And, Your Honour, I have another excerpt from this
6 interview that I'd like to play for the witness, but that feeds into
7 something else. And putting that aside, I do want to make an
8 application. I think I am now over my four-hour estimate. So with
9 your leave, I would like to request an extra maximum of one hour
10 tomorrow to complete the examination of this witness.

11 [Trial Panel confers]

12 PRESIDING JUDGE SMITH: We will grant your request for the
13 additional time. Let's hold it to one hour, if possible.

14 MR. PACE: Yes, Your Honour. I'll even try to be less. And in
15 that case, then this is a good time to stop for today, and we'll take
16 up with this video in the morning again.

17 PRESIDING JUDGE SMITH: Witness, that concludes your testimony
18 for today. You will be excused now for the evening. We hope you
19 have a restful evening. You'll need to be back here tomorrow morning
20 at 9.00 to start again.

21 Thank you for being with us today. You can leave the courtroom
22 with the Court Usher.

23 Thank you also, Mr. Koci.

24 THE WITNESS: [Interpretation] Thank you.

25 [The witness stands down]

1 PRESIDING JUDGE SMITH: Anything else before the Court today?

2 We're adjourned until 9.00 tomorrow.

3 --- Whereupon the hearing adjourned at 4.27 p.m.

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