

1 Tuesday, 26 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 for the record that the accused  
11 are all in court today.

12 We will now continue hearing the evidence of Prosecution  
13 Witness W03873.

14 Madam Court Usher, please bring the witness in.

15 [The witness takes the stand]

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

18 Good morning, Witness.

19 THE WITNESS: [Interpretation] Good morning, Your Honour.

20 PRESIDING JUDGE SMITH: Today we are going to continue your  
21 testimony. I remind you to please try to answer the questions  
22 clearly with short sentences. If you don't understand a question,  
23 feel free to ask counsel to repeat the question or tell them you  
24 don't understand and they will clarify. Also, please remember to try  
25 to indicate the basis of your knowledge of the facts and

Witness: Halil Qadraku (Resumed) (Open Session)  
Procedural Matters

Page 22660

1 circumstances upon which you will be questioned.

2 I remind you that you are still under an obligation to tell the  
3 truth as stated by you in your solemn declaration. I also remind you  
4 the assurances provided to you yesterday by the Panel are still  
5 applicable and that refusal to give testimony may be sanctioned with  
6 the imposition of a fine.

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

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

12 WITNESS: HALIL QADRAKU [Resumed]

13 [The witness answered through interpreter]

14 PRESIDING JUDGE SMITH: So we continue now with the questions  
15 from the Special Prosecutor's Office. Please give them your  
16 attention.

17 Mr. Pace, you have the floor -- oh, I'm sorry, Mr. Koci.

18 MR. KOCI: [Interpretation] Good morning, Your Honour. Good  
19 morning to everyone.

20 With the greatest respect for the Court, I have some remarks I  
21 need to make in relation to interpretation or translation. I am  
22 fully aware of my specific role in this procedure, but with the  
23 Court's permission, I would have a couple of words to say in relation  
24 to the translation or interpretation. Again, with all due respect  
25 for the Court.

Witness: Halil Qadraku (Resumed) (Open Session)  
Procedural Matters

Page 22661

1 I will start with the wrong pronunciation of my family name.  
2 It's pronounced Koci where, in fact, it is Koci. My impression is  
3 that oftentimes the interpreters do not know and are not familiar  
4 with the Kosovo context and the language spoken there, although we  
5 speak the same language.

6 For example, when somebody says he died of a natural death,  
7 which is the same word in Albanian, "death" twice.

8 PRESIDING JUDGE SMITH: Mr. Pace.

9 MR. PACE: Yes. Yes, Your Honour, thank you. And I'm sorry to  
10 interrupt counsel, but in our submission, this is improper  
11 submissions being made by Duty Counsel for a witness. These concerns  
12 can be addressed in some other manner, certainly not by Duty Counsel,  
13 or certainly at least not while we are trying to conduct examination  
14 of a witness.

15 PRESIDING JUDGE SMITH: We have to agree, counsel. This is  
16 beyond your capacity in this case at this time to make a lengthy  
17 submission. So please wait for later. Perhaps it will come up that  
18 there is a necessity for you to interrupt.

19 MR. KOCI: [Interpretation] I fully agree with the Prosecutor. I  
20 simply thought that it was also my duty to assist the Court. Thank  
21 you.

22 PRESIDING JUDGE SMITH: Thank you, Mr. Koci. And if I'm not  
23 pronouncing your name properly, I'm sorry, but I'll do my best.

24 MR. KOCI: No, Your Honour. Now you are pronouncing good.

25 PRESIDING JUDGE SMITH: All right, Mr. Pace. You may proceed.

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

Page 22662

1 MR. PACE: Thank you.

2 Examination by Mr. Pace: [Continued]

3 Q. And good morning, Witness.

4 A. Good morning.

5 Q. We're going to continue with the video we were discussing when  
6 we broke off yesterday.

7 MR. PACE: So if we could please call up 113623-02, and we will  
8 go to minutes 54:18 to 55:26. As we did yesterday, we won't call up  
9 the Albanian transcript, which is 113623-02-TR Revised, but what we  
10 will see corresponds to page 13, the bottom half, and I'll start with  
11 the corresponding excerpt to: "Halil Qadraku: *Ne qofte*," until the  
12 end of that page. Along alongside the video, we'll call up the  
13 English transcript which is 113623-02-TR-ET Revised, and there we're  
14 going to look at from the last two lines in page 13 until the first  
15 half or so of the next page. I'll end at: "... disciplinary  
16 committee ..."

17 Once again, the excerpt is short. As I did yesterday, after we  
18 hear it play, I will read the English transcript again and then I  
19 will ask the witness some questions.

20 I see that we are at 54:18, so I ask the Court Officer to play  
21 and stop at 55:26. Thank you.

22 [Video-clip played]

23 MR. PACE: Thank you.

24 Q. And as I said, I will now read the transcript again just so that  
25 we're clear about what was being said.

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

Page 22663

1 "Halil Qadraku: If there were segments inside the LDK that were  
2 against us, they were individuals, not the LDK.

3 "Journalist: Were there such individuals inside the LDK?

4 "Halil Qadraku: I did not come across any such cases. For  
5 example, we heard a little bit about some disagreements with Fetah  
6 Rudi in Malisheva.

7 "Journalist: Yes.

8 "Halil Qadraku: From what I remember, the soldiers went to  
9 collect flour in several villages in order to distribute it to the  
10 residents, the residents were sheltered in the valleys.

11 "Journalist: Yes.

12 "Halil Qadraku: There were 10 thousand in one location,  
13 15 thousand in another location, who had no flour. So, they took,  
14 there was an order issued by the General Staff to look after the  
15 population who were in the fields, displaced from their houses. So,  
16 the army went in the villages to collect flour. So, he, as the LDK  
17 leader, while being at the same time a KLA soldier, Fetah Rudi, a KLA  
18 soldier, but the LDK leader of that particular village, comes  
19 forward. 'No, you shouldn't take it'. 'Why?' 'No, I'm in charge  
20 here.' 'But, young man'... so only in that case they had a  
21 disagreement, they detained him and send him to the Zone ... to the  
22 disciplinary committee ..."

23 Witness, first of all, how do you know about the General Staff  
24 order to look after the population which you mentioned in this  
25 excerpt?

1 A. There was no order as such, but there was a communiqué of the  
2 General Staff issued on 31 March 1999, which contained two issues.  
3 The first one was the general mobilisation of every person capable of  
4 fighting, and the second issue was the obligation for all KLA members  
5 on the ground to help this population for their needs. Perhaps in  
6 this regard I referred to this as an order, but this was a  
7 communication through the communication means available at the time.

8 I gave this interview last year, and only very late I understood  
9 or learned about the problem. Somebody can make a problem out of  
10 nothing. It started as a good thing between the KLA soldiers and the  
11 soldier Fetah Rudi, who simultaneously was probably also a member of  
12 the Mother Teresa charity. He had a certain quantity of flour in his  
13 warehouse, the soldiers asked him to distribute some of it to the  
14 population in the areas where it was sheltered or displaced.

15 So this was a disagreement which should not have become a bigger  
16 problem as it is portrayed here. That's all I know about this.

17 Q. Now, Witness, just as a reminder, please focus on the question I  
18 asked. I only asked you about the General Staff order. We'll get to  
19 other matters when I ask you about them.

20 You mentioned that what you termed in the video as an order  
21 issued by the General Staff was something via a communiqué. How did  
22 you learn of that communiqué or its content?

23 A. I think I said it clearly that this was done through the  
24 communication means. Kosovo was informed at the time through Radio  
25 Tirana or the Albanian television, which had a half-an-hour slot

1 dedicated to this. We also had our radio, *Kosova e Lire*, Free  
2 Kosovo, which would broadcast in our area and to which we proudly  
3 listened. That communiqué, that appeal of the General Staff was  
4 broadcast and heard by all the Albanians in Kosovo, Albania,  
5 Macedonia, and other areas.

6 Q. Now, turning to the other matter addressed in the excerpt we  
7 just saw and heard. Could you tell the Judges how do you know about  
8 the Fetah Rudi incident that's mentioned in this excerpt and that you  
9 just testified about a little while ago?

10 A. As I said, these things were heard after the war, in corridors,  
11 in conversations with friends who would say so-and-so, that soldier  
12 Fetah Rudi made a problem out of something that was not a problem, in  
13 fact. I met friends from the Brigade 122, which operated in the  
14 Pashtrik operational zone, and most probably I learned from them how  
15 this problem started. And they told me that the problem started as I  
16 explained it. This is what I know about this.

17 Q. Who are these Brigade 122 friends who provided this information  
18 to you?

19 A. There were over 1200 soldiers in Brigade 122, so, therefore, I'm  
20 not able to give you names, specific names. I met with many of them,  
21 in Malisheve, in Prizren, in Rahovec, during commemorations or  
22 national celebrations or gatherings, so I wouldn't be able to specify  
23 where and how, but I learned it from them.

24 Q. Who was the commander of Brigade 122?

25 A. I think that at the end of the war the commander of Brigade 122

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

Page 22666

1 was Vllaznim Kryeziu, and at that time.

2 Q. What was the area of responsibility of Brigade 122?

3 A. I think the area of responsibility of this brigade was in the  
4 western part of the road Rahovec to Malisheve. The lower part of  
5 Malisheve was the area where this brigade operated.

6 Q. Did that include Bubel?

7 A. Yes.

8 Q. You said you learned about the Fetah Rudi incident after the  
9 war. When precisely did you first learn about it?

10 A. I am not able to say when, but it was after the war. Late after  
11 the war. Perhaps in the last 10 or 12 years.

12 Q. Do you recall hearing anything about this incident when you were  
13 based in Rahovec in June 1999 or in Prizren in July 1999?

14 A. Perhaps, but I do not recall it now.

15 Q. In the video excerpt, you say that Fetah Rudi, they sent him to  
16 the zone. To your knowledge, where in the zone was he sent?

17 A. I was not present when this happened, I was not present at the  
18 headquarters of the Pashtrik operational zone. But both the soldiers  
19 who asked for flour and those who refused them flour, they all went  
20 together to the zone to submit their reasons. Those who were asking  
21 for the flour would detail the reasons why they were asking for it,  
22 and those who are refusing to give it, they would give their reasons.

23 So they went there as a group, as co-fighters, as part of the  
24 same brigade, because Fetah Rudi and those who went with him were  
25 co-fighters. So this is not about somebody taking somebody by force



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

Page 22667

1 somewhere. They went there to clarify the situation.

2 Q. You told the Judges that you were not present when this incident  
3 happened. So when did this incident happen?

4 A. I do not recall exactly when it happened. However, this must  
5 have happened after April, May 1999. We were perhaps engaged in  
6 fighting somewhere else with other zone members. But I do know that  
7 one thing was mentioned. It was mentioned, but this was such an  
8 insignificant incident, giving or not giving flour. This was not  
9 worth discussing at the command. Had it been a bigger issue, I am  
10 convinced it -- the co-fighter himself, Fetah Rudi, would have  
11 reported this in his brigade or the Pashtrik operational zone as an  
12 incident that he was involved in or that somebody ill-intentioned had  
13 done something to him.

14 This was not, therefore, reported as an incident. This became  
15 an issue after the war. After the war, there were many tendencies in  
16 Kosovo and a trend to throw anathema on Kosovo fighters, which I  
17 object to because this was not true. Your Honour, Kosovo had 20 LDK  
18 mayors throughout Kosovo. None of them ever had any issues or  
19 problems with Kosovo Liberation Army soldiers.

20 So this is about an individual or somebody trying to make a  
21 problem out of something that was not a problem. This became a  
22 problem much later when they thought they could use this for  
23 political gains or purposes.

24 Q. Witness, once again, you're going far beyond the scope of my  
25 question. My question was when the incident happened. I have

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

Page 22668

1 limited time, so kindly answer my question and only that.

2 Earlier we heard you tell the Judges, you referred to those  
3 refusing to give the flour, "those" being plural. To your knowledge,  
4 was anyone other than Fetah Rudi also taken to the zone with him or  
5 around that time?

6 A. I am convinced that somebody must have been with him. One  
7 single person cannot protect or distribute flour. He probably was  
8 with a group of co-villagers or co-activists in the Mother Teresa  
9 charity. But I was not there. I cannot say. The communiqué of the  
10 General Staff was issued on 31 March. This happened most probably in  
11 April, May 1999. But what is described now is not true. This is not  
12 how things unfolded.

13 They went there to clarify this point: The first group asking  
14 for flour, and the second group refusing to give them flour. This  
15 was not a problem. It later became one.

16 Q. Witness, what are you referring to when you say:

17 "... what is described now is not true. This is not how things  
18 unfolded."

19 What description? What is not true?

20 A. Your Honour, the person in question, Fetah Rudi, my co-fighter,  
21 KLA soldier, in Kosovo, and through the media, fabricates this issue  
22 or problem, alleging that he had problems, he was threatened by the  
23 KLA soldiers while being himself a member of the KLA. So I don't  
24 know what you have, where you're basing this.

25 What I said last year was based on hearsay that I had heard in

1 the media at the time, which reported that he was accusing the KLA of  
2 allegedly somebody threatening him in relation to that matter. This  
3 is why I gave this interview and spoke about that on television last  
4 year. I did not know this would be used here today. However, I'm  
5 not disputing any of this or denying any of this.

6 We can go to Kosovo any time you want, or you can bring here  
7 Fetah Rudi and those who were with him here. They will tell about  
8 it, and you will realise that the matter was as I'm explaining it.  
9 It was not a problem at the time. It became one after the war only  
10 because of their twisted political desires.

11 Q. In the excerpt in the video, you said that Fetah Rudi was sent  
12 to the zone to the disciplinary committee. What is this disciplinary  
13 committee which you specifically referred to during your televised  
14 interview?

15 A. The disciplinary committee in the zone was  
16 Commander Tahir Sinani, deputy commander of Tahir Sinani, the entire  
17 operational zone of Pashtrik, which was at the slightly higher level  
18 of Brigade 122. And, obviously, if a problem happened in the  
19 brigade, then they would go to the zone. If it happened to the  
20 company, they would go to the battalion. They thought that going to  
21 the zone would be a higher organ or instance in order to sort this  
22 matter of flour, which now became prominent.

23 MR. PACE: We can take the video and transcript down.

24 And, Your Honour, we seek admission of the video and transcript  
25 and translation. To be clear, the entirety.

1           PRESIDING JUDGE SMITH: Any objection?

2           MR. DIXON: Your Honours, I understand that the interview is  
3 about an hour long, so what I would ask is -- there's no objection to  
4 those parts that have been shown to the witness being admitted.

5           PRESIDING JUDGE SMITH: I don't believe you're offering the  
6 entire video, are you?

7           MR. PACE: I am, Your Honour, and we do want the entire video to  
8 go in. If I'm going to be precluded from admitting the whole video,  
9 then I can spend the next hour going through other excerpts of it.  
10 In our submission, that is not necessary.

11           First of all, I put multiple excerpts from the video to the  
12 witness. The witness, even before that, confirmed that what he said  
13 was the truth. The excerpts not shown to the witness are all  
14 relevant to the case. They also provide relevant context to the  
15 excerpts that were shown.

16           MR. DIXON: Your Honour, it's only that the witness hasn't  
17 commented on the other parts. I mean, he might well do that in  
18 cross-examination, but we should go just with the parts that the  
19 parties put so that we have the evidence in relation to those  
20 sections.

21           PRESIDING JUDGE SMITH: We'll leave it as marked as MFI until  
22 after the cross-examination.

23           MR. DIXON: Thank you, Your Honours.

24           PRESIDING JUDGE SMITH: Go ahead.

25           MR. PACE: Yes, in that case, Your Honour, should you not admit

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

Page 22671

1 the whole video, I would then request additional time to go through  
2 further excerpts. But I --

3 PRESIDING JUDGE SMITH: I understand that.

4 MR. PACE: Thank you.

5 And could we next, please --

6 Q. Actually, Witness, yesterday you testified about Ilaz Kadolli.  
7 Oh, sorry.

8 MR. PACE: I think we need an MFI number.

9 [Trial Panel and Court Officer confers]

10 THE COURT OFFICER: Your Honours, ERN 113623-02 with both  
11 English and Albanian transcript will be marked for identification  
12 with P01863, classified as confidential. Thank you, Your Honours.

13 MR. PACE: It can be public.

14 Q. Witness, yesterday you testified about Ilaz Kadolli, and we even  
15 looked at some excerpts from his book. I'm going to show you another  
16 page from this book, and then I have some questions.

17 MR. PACE: So let's please call up 057924-058024 alongside its  
18 English translation, which is the same ERN with -ET Revised. And  
19 we'll go to page 058011 in both, please.

20 Q. Now, Witness, as the relevant page is being called up, do I  
21 remember correctly that yesterday you said you co-created with  
22 Sadik Halitjaha the Eye of the Eagle Unit, of which Ilaz Kadolli was  
23 the deputy; is that right?

24 A. That's right.

25 Q. So on your screen is, as I mentioned, a page, on the left in

1 Albanian, and on the right in English.

2 MR. PACE: We can please zoom in on the left-hand side in each.

3 Q. And I'm going to read and then I have some questions.

4 MR. PACE: On the left-hand side, please. Yes. And the same in  
5 English.

6 Q. And I'm going to read from the beginning, and it will stay on  
7 the first page, until halfway through.

8 "Processing of Cases

9 "The guard of the building in which the detainees were held  
10 informed me that they had brought in a person suspected of propaganda  
11 against the KLA and of communicating with the Serbian forces. He  
12 explained that he was an activist of a political party and added that  
13 his name was Rudi. It sounded very familiar, but I was not sure if  
14 it was the same person who we had met at the beginning of September  
15 1998 in the villages of Rud and Grap, when Rudi helped us to find  
16 shelter for the wounded in battle. The room in which the suspect was  
17 being held was in a one-storey concrete building with steel door and  
18 windows, which had been a car repair shop before. In war  
19 circumstances, the building met all the requirements to be used as a  
20 temporary detention facility. The suspect was exactly the man I  
21 thought he was, Fetah Rudi, whom I had met before. He was pale and  
22 frightened. Perhaps he had been hit during the arrest. I greeted  
23 him and introduced myself and he introduced himself in a weak tone of  
24 voice. I asked him if he knew the reason he was there.

25 "'Yes,' Rudi said, 'on suspicion of propaganda and communication

1 with the Serbs.'" "

2 Witness, as we see here, Mr. Ilaz Kadolli refers to a building  
3 in which detainees were held and to Fetah Rudi being held in a  
4 one-storey concrete building with steel doors and windows which had  
5 been a car repair shop before, noting that "in war circumstances this  
6 building met all the requirements to be used as a temporary detention  
7 facility."

8 And, Witness, my question for you is whether you're familiar  
9 with such a location within the Pashtrik operational zone's area of  
10 responsibility?

11 A. I'm not receiving interpretation. I read the article, the page,  
12 but I did not receive interpretation. I do not know what the  
13 question was.

14 PRESIDING JUDGE SMITH: Madam Usher, please check on his  
15 listening device.

16 THE WITNESS: [Interpretation] Yes, now it's working. I did not  
17 understand. I couldn't hear the question, actually.

18 MR. PACE:

19 Q. I'll repeat the question. So my question: First, as we saw in  
20 the excerpt, or you heard in the excerpt as I read, Mr. Kadolli in  
21 this excerpt refers to a building in which detainees were held, and  
22 he says Fetah Rudi was held in a one-storey concrete building with  
23 steel doors and windows which had been a car repair shop before,  
24 noting that "in war circumstances, this building met all requirements  
25 to be used as a temporary detention facility."

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

Page 22674

1           And my question, Witness, is whether you are familiar with such  
2           a location within the Pashtrik operational zone's area of  
3           responsibility in 1998 or 1999.

4           A.    I'm not aware at all.  And, moreover, had I known that such  
5           things happened, I wouldn't have allowed for them.

6           Q.    To be clear, are you aware of the members of the operational  
7           zone where you were a G2 using a building that was a car repair shop  
8           for any purpose?

9           A.    No, sir.

10          Q.    Earlier in the excerpt, and as you were explaining to the  
11          Judges, you were saying that the incident with Fetah Rudi was a  
12          disagreement about flour.  But as you can see from this excerpt,  
13          Mr. Kadolli states that both the guard and Fetah Rudi mentioned to  
14          him that Fetah Rudi was there on suspicion of propaganda and  
15          communication with the Serbs.

16          Had you heard anything about those allegations?

17          A.    No, sir, because what I heard about Fetah Rudi from -- is that  
18          from May, June 1998, he was part of the KLA, soldier of the KLA.  And  
19          these words that I hear for the first time here, or, rather, that I'm  
20          reading in this book for the first time, is something that I never  
21          heard of.

22          Q.    You told us you were known as Fatos, Fatosi, in 1998, 1999.  To  
23          your knowledge, was anybody else known by that pseudonym?

24          A.    Not in the zone.  In the leading structure of the zone, no, I  
25          didn't know of any person with the pseudonym Fatos.



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

Page 22675

1 Q. And within the ZKZ or the G2 unit, was there anybody named  
2 Xhavit besides Xhavit Bajraktari?

3 A. No. Apart from Xhavit Bajraktari in the G2 sector, there was no  
4 other person by the name of Xhavit.

5 Q. Are you familiar with the town or village Zhur?

6 A. I know where the village Zhur is.

7 Q. And in 1998 and 1999, was that within the Pashtrik operational  
8 zone's area of responsibility?

9 A. Geographically speaking, Zhur was always within the Pashtrik  
10 operational zone. However, Zhur as such, I do not think that there  
11 was a KLA organisation there because the organisation was in the  
12 Vrrini area. Therefore, Zhur geographically belongs to Pashtrik  
13 operational zone.

14 Q. Have you heard or do you know about a person called or known as  
15 Zarko?

16 A. I think that Zarko was a member of the Serbian police at the  
17 time in Zhur. I think I had such information about him in my papers  
18 at the time, and this name was mainly mentioned in the context of a  
19 violent person. That is it. I do not remember anything else about  
20 this name.

21 MR. PACE: Your Honour, with your leave, I'd like to move into  
22 private session for around three to five minutes, and it's for the  
23 protection of third parties.

24 PRESIDING JUDGE SMITH: Into private session, please,  
25 Mr. Court Officer, for the protection of a witness or private party.

Witness: Halil Qadraku (Resumed) (Private Session)

Page 22676

Examination by Mr. Pace (Continued)

1 [Private session]

2 [Private session text removed]

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

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Witness: Halil Qadraku (Resumed) (Private Session)  
Examination by Mr. Pace (Continued)

Page 22684

1 [Private session text removed]

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5 [Open session]

6 THE COURT OFFICER: Your Honours, we're in open session. Thank  
7 you.

8 MR. PACE:

9 Q. And, Witness, as the document is being called up on the screen,  
10 do you recall that during witness preparation you were shown a series  
11 of photographs that were taken from your Facebook profile?

12 A. I do recall, yes.

13 Q. And do you recall writing certain names and corresponding  
14 numbers on those photos and then signing and dating those pages?

15 A. Yes, I do.

16 Q. I'd like you to have a look at the page on your screen just for  
17 a moment.

18 MR. PACE: And then for now we can switch to the next photo, the  
19 next page. And now the next page, please. And the next. And the  
20 last page.

21 Q. Witness, although you've only looked at these briefly as we  
22 skimmed through, do you recall these being among the photos that we  
23 discussed and you added your notes to during witness preparation?

24 A. Yes, sir. I do.

25 MR. PACE: And can we scroll down to the bottom of this page for

1 now.

2 Q. Can you confirm that the signature there is yours?

3 A. Yes.

4 MR. PACE: Your Honour, I note the time. I think it's time for  
5 a break. If we take a ten-minute break, I can be done in 15 minutes  
6 after that if that's okay.

7 PRESIDING JUDGE SMITH: Witness, we'll give you a ten-minute  
8 break at this time. You may leave the courtroom with the Usher.  
9 We'll be back in court in ten minutes.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: Public session?

12 MR. TULLY: Public session is fine.

13 PRESIDING JUDGE SMITH: Okay.

14 MR. TULLY: We received the presentation queue from Your  
15 Honours. And thank you. There is -- item number 7, we're having  
16 trouble finding that ERN, so if we could perhaps ask if the ERN is  
17 still in effect because between two of us, we weren't able to locate  
18 it.

19 PRESIDING JUDGE SMITH: We'll double-check that during the  
20 break.

21 MR. TULLY: Thank you.

22 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

23 --- Break taken at 10.02 a.m.

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

25 PRESIDING JUDGE SMITH: [Microphone not activated].

1 I take it that material is all solved now?

2 MR. TULLY: Not quite, Your Honour. In the early days of this  
3 case, as you know, the 102(3) material disclosure practice was that  
4 some teams would get documents and others wouldn't. So as a result  
5 of that, there's one document we don't have from the list, and I  
6 believe Thaci are missing three, so we're in the process of trying to  
7 sort that out with the Prosecution at the moment. Thank you.

8 JUDGE METTRAUX: Yes, I've checked that for you at the break,  
9 Mr. Tully, and it seems that if the document you are referring to is  
10 SPOE00070003, it seems that it's disclosed under 102(3), and that all  
11 other three teams have requested it and you haven't yet. So the  
12 suggestion we'd have for you is ask the SPO to disclose it to you.  
13 And the same would go for Thaci, if that's the same issue.

14 MR. TULLY: And that's what we've done, and Mr. Pace has --

15 JUDGE METTRAUX: Thank you.

16 MR. TULLY: -- liaised with us at the break.

17 JUDGE METTRAUX: Thank you.

18 PRESIDING JUDGE SMITH: All right.

19 Madam Usher, you may bring the witness in.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: All right. Witness, the SPO has a few  
22 more questions for you. Please give them your attention.

23 [Microphone not activated].

24 MR. PACE: Thank you. And if we could go back to the first page  
25 of this document, which is SPOE00361052. And if we can zoom out so

1 we can see all the names on the side as well.

2 Q. And, Witness, I know that we went through this, but it's  
3 important for clarity. Could you just remind us or tell us who the  
4 person numbered 1 in this photo is? Just the name.

5 A. The person under number 1 is Selim Gashi. Shall I continue?

6 Q. Please, but every time say the number and then the name. Thank  
7 you.

8 A. Number 2 is Hajdin Abazi, also known as Lum Haxhiu, the  
9 pseudonym; number 3, Kadri Veseli, Luli; number 4, Sadik Halitjaha;  
10 number 5, Adem Grabovci; number 6, Mensur Zyberaj; number 7, Naim  
11 Gashi; number 8, Safet Sylja; number 9, me; number 10, Isuf Krasniqi;  
12 and number 11, Nuri Bexheti with the pseudonym Hoxha, which I do  
13 remember now and which I couldn't remember a week ago.

14 Q. What was the role of number 8, Safet Sylja, in the KLA?

15 A. From what I know and from what I can remember, Safet Sylja was  
16 chief of communications at the General Staff, in charge of  
17 communications through radio devices.

18 Q. In relation to number 10, Isuf Krasniqi, yesterday you mentioned  
19 his pseudonym. Could you please repeat it and spell the pseudonym in  
20 Albanian?

21 A. The pseudonym of Isuf Krasniqi is Mesuesi.

22 Q. Could you spell that, please?

23 A. M-e-s-u-e-s-i.

24 Q. And does that mean teacher?

25 A. Correct. It means teacher.

1 Q. And, Witness, do you agree with me that this photo looks similar  
2 in some ways to the photo shown in the video of your 2023 televised  
3 appearance that we also discussed yesterday?

4 A. This photograph is similar to that one and it was taken at the  
5 same time, and I indicated that this photograph was taken in order  
6 for Lum Haxhiu or Hajdin Abazi to have it. I saw this after the war.  
7 I did not have it in my possession until recently.

8 Q. So to be clear, both these photos were taken in March 1999 in  
9 Nishor?

10 A. Correct. Two or three photographs were taken in March 1999 in  
11 Nishor.

12 Q. And the one we have here and the one we saw yesterday on your  
13 video, do you remember when in March 1999 they were taken?

14 A. I indicated that it could be sometime in the second half of  
15 March, 15th, 16th, or 17th March. I do not recall the exact date,  
16 but it was March.

17 MR. PACE: Let's turn to the next page, please.

18 Q. And on this page your identifications are clear, so I won't go  
19 through them again. I just want to ask, first of all, when this  
20 photo was taken?

21 A. This photo was taken in Krume around March, April 1999 -- 1998,  
22 my apologies.

23 Q. And you identified the person standing in the middle at the back  
24 as Gani Krasniqi. Do you recall where he was coming or where he was  
25 going when this photo was taken?

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

Page 22689

1 A. Standing in the middle is Gani Krasniqi from Malisheve. We went  
2 together from Kosovo to Albania. He -- I learned later, not at the  
3 time we went there, he had business and needed to meet the  
4 Prime Minister Bukoshi. He was a member of Mother Teresa charity  
5 from which he had received a considerable amount of -- so he had  
6 received a considerable amount of money from him for the charity  
7 Mother Teresa.

8 MR. PACE: Let's go to the next page, please.

9 Q. And if we zoom out here, we see that you identified yourself on  
10 the left, and then Selim Gashi on the right. And at the top we see  
11 that you dated this 17 July 1999. Is that date correct to your  
12 knowledge?

13 A. Yes, the date is correct. This was the first anniversary of the  
14 Rahovec battle, as the battle had taken place on 17 July 1998. And  
15 I'm certain about this because I was in charge of the security of a  
16 number -- many guests who were attending this event in Rahovec.

17 MR. PACE: Let's go to the next page, please.

18 Q. And here you identified yourself and Isuf Krasniqi. Could you  
19 tell us when and where this photo was taken?

20 A. This photo must have been taken in the first days when I went  
21 from Rahovec to Prizren, so it could have been July 1999, in the  
22 building of the female student dormitory where the KLA Pashtrik  
23 operational zone was stationed. I am depicted in this photograph  
24 with Isuf Krasniqi whose function was intelligence chief.

25 MR. PACE: Let's go to the next page, please.

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

Page 22690

1 Q. And here - if we scroll a bit down, thank you - we see you  
2 identified, from left to right, yourself, Dr. Haki Gashi, and then  
3 Nezir Kryeziu. Can you tell us if you know when and where this was  
4 taken?

5 A. I said it clearly that I do not remember when, but it must have  
6 certainly been on the occasion of festivities or celebrations or  
7 commemorations because this is the sort of events, festive events  
8 during which I would meet with Mr. Haki Gashi, a very respected man.

9 MR. PACE: Your Honour, we seek admission of this document,  
10 which is, I believe, five pages long.

11 PRESIDING JUDGE SMITH: Any objection?

12 MR. DIXON: No objection, Your Honours.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 No objection is heard. SPOE00361052 through 361056 is admitted.

15 THE COURT OFFICER: That will be assigned Exhibit P01865.

16 Classified as confidential.

17 MR. PACE: It can be public.

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 Reclassified as public, please.

20 THE COURT OFFICER: Thank you, Your Honours.

21 MR. PACE: And I'd like to take this down.

22 Q. And I'd like to show you one last document for my questions for  
23 now, Witness.

24 MR. PACE: And that will be SITF00069370-SITF00069375. And  
25 we'll start with page 370 side by side with 373 from the same



1 document since it contains within itself Albanian and English. Yes,  
2 thank you. If we can zoom in in both pages to see their totality --  
3 sorry, zoom out to see their totality.

4 Q. So, Witness, on the left is a document in English which is a  
5 translation of the document on the right in Albanian. I ask you to  
6 have a quick look at the document in Albanian on the right for now.

7 MR. PACE: Now I'm going to ask to go to the next page in  
8 both -- in both, let's say, documents, so the next page in both.

9 Q. So, Witness, this is the second page of the same document.

10 MR. PACE: And, again, if we can zoom out so we can see its  
11 totality. And, finally, we'll move to the last page in each one.

12 Q. And, Witness, at the bottom right-hand corner of the document in  
13 Albanian we see a signature beneath your name. Is that your  
14 signature?

15 A. Yes, it's my signature.

16 Q. The first page referred to 3 March 2000 and this document being  
17 sent to the commander of the 2nd Protection Zone. Could you tell us  
18 the name of that commander at the time?

19 A. The document is dated 3 February 2000 and not 3 March. At the  
20 time, the commander of the 2nd Protection Zone in Prizren was  
21 General Sali Veseli.

22 Q. Yes, and I apologise, you're correct as to the date.

23 MR. PACE: And focusing in on the page in front of you at the  
24 moment, I'd like the Court Officer to zoom in on the third paragraph  
25 in both, please. So the one starting: "When it is known ..." And in

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

Page 22692

1 Albanian, "*Kur dihet ...*"

2 Q. So, Witness, here you told us the signature is yours. Can I  
3 safely assume that you also wrote the document?

4 A. Yes, I wrote this document.

5 Q. Here we see the following:

6 "When it is known that the 'Government of Bukoshi' was for us a  
7 traitor ..."

8 Witness, can you explain why you describe the government of  
9 Bukoshi as a traitor in this document?

10 A. This is my opinion at the time. I still think the same to this  
11 day because we - all KLA soldiers - were sidelined at the most  
12 difficult and dangerous times for us and the people, sidelined and  
13 abandoned by the government of Kosovo who did not care to deal with  
14 any of the problems we were facing as soldiers, problems that  
15 civilians were facing or Kosovo was facing.

16 Again, this is my opinion at the time based on the failure to  
17 act or to show readiness for everyone to do their job and their  
18 share. I think that Prime Minister Bukoshi did not carry out his job  
19 considering all the possibilities to act that were given to him by  
20 his function and as he was elected -- or given to him by the people.

21 MR. PACE: Your Honour, I seek admission of this document.

22 MR. DIXON: No objection, Your Honours.

23 PRESIDING JUDGE SMITH: No objection is heard. SITF00069370 to  
24 SITF00069375 is admitted in Albanian and English.

25 THE COURT OFFICER: Thank you, Your Honours. And it will be

1 assigned Exhibit P01866, classified as confidential.

2 MR. PACE: It can be public. And I have no further questions  
3 for the witness at this stage.

4 PRESIDING JUDGE SMITH: Reclassified as public.

5 THE COURT OFFICER: Thank you, Your Honours.

6 PRESIDING JUDGE SMITH: Ms. Tavakoli.

7 MS. TAVAKOLI: No, it's Mr. Dixon first.

8 PRESIDING JUDGE SMITH: Oh, all right. Mr. Dixon. No one told  
9 me you're first.

10 MR. DIXON: Thank you, Your Honours. We switched the order  
11 slightly.

12 PRESIDING JUDGE SMITH: That's no problem.

13 Cross-examination by Mr. Dixon:

14 Q. Mr. Qadraku, my name is Rodney Dixon. I'm going to ask you  
15 first some questions on behalf of Mr. Kadri Veseli.

16 Mr. Qadraku, I want to take you back to the beginning of the war  
17 in March, April, May 1998. It's correct, isn't it, that in your town  
18 of Radoste, or village, you were initially asked to be the commander  
19 there of those in your village, but that's something that you refused  
20 to take up?

21 A. That's correct.

22 Q. You instead put yourself forward to be the person in charge of  
23 going across the border to Albania to collect weapons and bringing  
24 those back into the region, the Has region, which was where you were;  
25 is that right?

1 A. I think that I was never qualified to be or -- to be a  
2 commander. And I said at the time that my role would be better being  
3 an ordinary soldier and helping the army in various ways. So it is  
4 correct as you're putting it.

5 Q. Thank you. So you put yourself forward and took on that role of  
6 going across the border, and you've said you went many times - 36  
7 times in all - to get weapons; that's right?

8 A. For that period of time at the beginning of the war, the most  
9 indispensable thing was to arm the KLA members rather than doing  
10 anything else. Therefore, I thought I would give my best  
11 contribution doing precisely that. Although, it was more dangerous,  
12 because crossing the border from Albania to Kosovo was passing next  
13 to a snake, which you could avoid being bitten once but not the  
14 second time. So I put myself in danger and did this.

15 Q. Yes, Mr. Qadraku. Thanks for those details. I've got quite a  
16 lot of questions to ask you, so I'm going to please request that you  
17 just focus on the question I've asked and address it. And if there's  
18 anything further, I'll come to that in additional questions, please.

19 You understand that?

20 A. Yes.

21 Q. It's right, isn't it, that when you didn't want to take up the  
22 position of the commander in your village, you yourself put forward a  
23 family member of yours, a cousin, to become the commander?

24 A. Yes, sir. That's correct.

25 Q. You at the time, and this is -- we're talking about March,

1 April, May. You weren't receiving orders from anyone to do this.  
2 You were taking these steps on your own initiative in your village;  
3 is that correct?

4 A. That is correct.

5 Q. And you know that at the time, is this right, that the same was  
6 happening in other villages surrounding yours? People were taking  
7 the initiative to get rudimentary command structures in place in  
8 order to seek to defend their villages; is that right?

9 A. That's right. This is how it happened, and everything happened  
10 on a voluntary basis.

11 Q. Those villages weren't getting orders from anywhere to set up  
12 those structures, were they? They were doing it themselves.

13 A. That's correct.

14 Q. They had to do that because they needed to defend themselves  
15 against potential attacks from the Serbian forces; is that right?

16 A. Yes, that's correct.

17 Q. And at this time, Mr. Qadraku, is it right that there wasn't any  
18 centralised command or coordination in your region, the Has region,  
19 between the different villages? They were acting very much on their  
20 own, doing the best that they could. Is that a fair assessment?

21 A. Yes. I think that every village, every company in those  
22 villages were autonomous to act based on the circumstances and the  
23 risks at hand.

24 Q. And you said earlier that you made these crossings over the  
25 border. Was that up until August 1998?

1 A. I made the border crossings up until 7 January, when I returned  
2 for the last time from Albania. That was the 35th time. So August  
3 was not the last time. It was the only time when I fell in an ambush  
4 but not the last time that I had crossed from Albania.

5 Q. Yes, thank you for that clarification. So just to be clear, in  
6 March, April, May, June, July, August, you were making many crossings  
7 over the border to Albania and back with weapons. That was your main  
8 role in those months; is that right?

9 A. Yes, this was my role.

10 Q. And you weren't performing any intelligence functions in those  
11 months. That's correct, isn't it?

12 A. Yes, that's very correct.

13 Q. That came later, which I'll come to in due course, but I just  
14 want to focus on the early period first. In these months, it's  
15 right, isn't it, that you didn't have any contact with the  
16 General Staff of the KLA?

17 MR. PACE: Objection, Your Honour. Could we please clarify what  
18 months are being referred to? We've talked about different periods  
19 of time at different stages thus far.

20 PRESIDING JUDGE SMITH: Yeah.

21 MR. DIXON: Yes, I thought I was bookending it quite carefully.  
22 So we're talking about the months of March, April, May, June, July,  
23 August, when he was going across --

24 PRESIDING JUDGE SMITH: Of?

25 MR. DIXON: -- the border. Of 1998.

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22697

Cross-examination by Mr. Dixon

1           PRESIDING JUDGE SMITH: Okay.

2           MR. DIXON:

3           Q.    So in that period, you didn't have any contact with the  
4           General Staff of the KLA. That's right, isn't it?

5           A.    Yes, sir, that's correct. I did not have contact with the  
6           General Staff, regardless of the fact that during those tours to  
7           Albania and back to Kosovo it could have been that there were members  
8           of the General Staff amidst the groups whom I didn't know at the  
9           time.

10          Q.    So it's right, isn't it, following on from that, that you didn't  
11          know who the members of the General Staff were at that time? We're  
12          talking about the same period again.

13          A.    The only contact I had in March when I went to Likoc, I knew  
14          that 10 was a member of the General Staff. However, I didn't know  
15          that that person was Rexhep Selimi.

16          Q.    Yes. And you didn't know Mr. Kadri Veseli at that time and what  
17          his role was. That's correct, isn't it?

18          A.    No, I didn't know him.

19          Q.    You hadn't had any contact with him prior to the war in  
20          Switzerland either; is that right?

21          A.    That's right. That's very correct. I would have been very  
22          proud to have known them then, but I did not know Kadri Veseli before  
23          the war during my time in Switzerland.

24          Q.    Yes, thank you. In fact, the first time that you did see him  
25          was on 16 November 1998 when you were travelling to Albania; is that

1 right?

2 A. It could be correct. I do not know when I came to know him.  
3 But it is correct that to be with him, to speak to him eye-to-eye,  
4 the first time was on 16 November 1998.

5 Q. Yes. I'll come on to that initial interaction very soon. I  
6 just want to ask you before that, though, so this is the period now  
7 July, August, September, that was a period, was it not, of intense  
8 fighting with the Serbian forces in your area?

9 A. Yes, this is very correct. We had quite big offensives.

10 Q. And your structures of the KLA, such as they were in that  
11 period, were completely decimated. Would that be an accurate  
12 assessment of what happened during those months?

13 A. Yes. The KLA units in those beginnings were very small and  
14 lacked weapons. We didn't have weapons for everyone. It is true  
15 that in terms of strength, we were very weak, small.

16 Q. And is it right - you were there, you can tell us - that you  
17 were overrun by the Serbian forces in that period?

18 A. Always. In March, at the end of the war, and up to the end of  
19 the war, the Serbian forces were -- in terms of power and strength  
20 and weapons, they were superior to us.

21 Q. I'm just focusing on the period now in July, August, September.  
22 Is it right that the Serb offensives in that time period in your area  
23 caused the KLA and your soldiers to disperse, broke up your  
24 structures? Is that a fair assessment?

25 A. Yes, sir.



1 Q. I mean, in your village, do you recall, I mean, how many  
2 soldiers were left there in that period? It was a very small number,  
3 wasn't it? Most people had dispersed or run away.

4 A. I remember those days as very difficult for me. I remember that  
5 on 3 September during the September offensive, out of the entire unit  
6 in my village, only four or five persons remained.

7 Q. Yes, thank you. I'm now going to move on to that trip to  
8 Albania on 16 November 1998 that you mentioned. And you have in some  
9 detail set this out in Prep Note 1, paragraph 12, for those following  
10 this. I just want to go through the sequence of events with you.

11 It's right that you were acting as a coordinator for movements  
12 to and from Albania at that time because you knew the border area  
13 very well, and you were assisting taking people over the border to  
14 Albania if that was needed; is that correct?

15 A. I cannot call myself a coordinator. However, since we were  
16 organised with those comrades, I was part of that group that were  
17 responsible for going to Albania and coming back. I was not the  
18 coordinator. I coordinated with them, cooperated with them, and I  
19 knew those who were responsible for this task in the Has area.

20 Q. Yes. And you heard that Mr. Hashim Thaci and Mr. Kadri Veseli  
21 and others were travelling to Albania, and it's right, isn't it, that  
22 you took the opportunity to join that group because you wanted to  
23 relay some information which had been requested by  
24 Mr. Xheladin Gashi; is that right?

25 A. Yes. During these trips made by several comrades, Plaku -

1 Xheladin Gashi, that is - had asked us who were close to the border  
2 to draw a sketch of the Serb positions at the borderline in the  
3 Pashtrik mountains.

4 Q. Yes. So you took the opportunity with this trip going over the  
5 border to join them and take this information to him in Albania; is  
6 that correct?

7 A. Yes, counsel. As I've explained it to the Prosecution, on  
8 16 November - and why I remember this date, usually you associate  
9 dates with certain events - on that date we had carried out an attack  
10 on the police of Rahovec with some comrades. And when we returned to  
11 the villages where we were stationed, we learned that some comrades  
12 from the General Staff had arrived who were going to go to Albania,  
13 and we wanted to go there to speak to them and tell them that we also  
14 would need to go to Albania to pass on the information to  
15 Xheladin Gashi, the information that he had asked for.

16 Q. Yes. So you all travelled over together. You said it took one  
17 night on foot to reach Cahan, which is in Albania; is that right?

18 A. Yes, counsel. That's how it happened.

19 Q. And at that point, it's correct, isn't it, that Mr. Thaci and  
20 Mr. Veseli, they then went their own way from there, and you went the  
21 other way to Kukes where you met with Commander Drini for the first  
22 time? Is that how you recall it?

23 A. Your Honours, when you would enter Albania, the first stop was  
24 Cahan. That's where Xheladin Gashi, Plaku, was stationed. I stopped  
25 there to speak to Plaku, to Xheladin Gashi that is. Whereas the

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22701

Cross-examination by Mr. Dixon

1 other members, I neither dared to ask them where they were going and  
2 I didn't know where they were going. I know for myself that I  
3 stopped at Cahan together with Nexhmedin Berisha to pass on the  
4 information that he required.

5 The meeting with Drini happened two or three days later after I  
6 went to Kukes.

7 Q. Yes. So you yourself went to Kukes to see Mr. Drini, and you  
8 say that happened two or three days later. Whereabouts did that  
9 first meeting occur?

10 A. I didn't know that Drini was there. I didn't know  
11 Commander Drini. I went to meet soldiers from Kosovo who were  
12 staying in Kukes, in Krume. I wanted to meet them. I wanted to tell  
13 them about the reorganisation that we were striving to make in  
14 Kosovo. I didn't go there to meet anybody specific, but when I went  
15 there I knew Mr. Kovaci, the owner of that shop, and he introduced  
16 us, who we were, what we were. And I went there maybe every day for  
17 two or three days in a row. And after a couple of days, Drini  
18 informed me that he had elected me for a position that I took later  
19 on. However, at that point in time, I didn't know what it was and I  
20 was not -- I didn't even have the ambition for such a post. This is  
21 how it happened.

22 Q. Yes. Mr. Drini asked you to become the head of the ZKZ or G2 in  
23 the Pashtrik zone. Is that what you're referring to?

24 A. Yes, counsel, this is what I'm referring to.

25 Q. And you've said - and this is in Prep Note 1, paragraph 12 -

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22702

Cross-examination by Mr. Dixon

1 that this was a big bang for you who did not know what that position  
2 was. What did you mean by when you said this was a "big bang" for  
3 you?

4 A. I personally, when he told me that he had elected me for this  
5 post, I was quite surprised, because I had no knowledge about this  
6 sector. I didn't know what I was expected to do. I was used to  
7 being a simple soldier, a hard-working soldier who was more prone to  
8 doing physical work than to do something in secret, because he said  
9 it was sort of secret service. So I had no knowledge about this  
10 sector and this field.

11 Q. You had never done any intelligence work before; is that right?

12 A. I had never done intelligence work.

13 Q. And just so the timing is clear, you discussed this with  
14 Mr. Drini over a number of days, did you not, before you decided  
15 eventually to take on the role based on him approaching you? Is that  
16 how it happened?

17 A. Yes, this is how it happened, because I consistently refused  
18 because I thought I would not be the person suited for this sector,  
19 to lead this sector. I don't know why he had selected me. However,  
20 upon his insistence and advice that we need a person who we trust and  
21 who has enough energy, he convinced me, and I accepted for the sake  
22 of the cause and not for my own sake or out of my ambition.

23 Q. You had not met Mr. Drini before this, as you've explained. You  
24 met him over a number of days. Did you build up a trust with him in  
25 that period before he left to go back into Kosovo?

1 A. The first days when I met him, he introduced himself and he  
2 informed me that he had been elected the commander of the Pashtrik  
3 operational zone once he went into Kosovo. I, of course, went to  
4 Plaku during these three, four days, and asked Plaku as well, "Is  
5 this true what Drini is saying?" And he said, "Yes, it is true.  
6 He's been selected to be the commander of the zone." So he had the  
7 power and the opportunity to choose his own staff.

8 This is when I came to know Drini, how he was selected to his  
9 post, how he was going to enter Kosovo, and why he wanted me to  
10 become chief of one of the sectors.

11 Q. And this appointment that he made was not an appointment made by  
12 the General Staff. That was done by him there, was it not, when you  
13 were having these meetings; is that correct?

14 A. In November, Drini selected me for this sector. However, the  
15 appointment on paper, I received it on 8 January from the chief of  
16 staff of the General Staff, Mr. Bislum Zyrapi.

17 Q. Yes. Was that something that you got in writing?

18 PRESIDING JUDGE SMITH: That's what he just said, Mr. Dixon.

19 MR. DIXON: I was just checking that, Your Honour. Could I just  
20 confirm.

21 Q. Was that something you say you got in writing?

22 A. The appointment in writing, I received it from the chief of  
23 staff of the General Staff, Mr. Bislum Zyrapi, on 8 January.  
24 However, the proposal for this position from Commander Drini, I  
25 received that proposal in November 1998.

1 Q. Yes. And in respect of that proposal from Mr. Drini,  
2 Mr. Kadri Veseli was not involved in that process or that discussion  
3 in any way; is that right?

4 A. I didn't know of this sector. I didn't know that this sector  
5 existed. Commander Drini told me that we are in the process of  
6 forming the zone, the zone needs this sector. So everything was  
7 being formed, established for the first time.

8 Q. Yes. But just to be clear, Mr. Veseli was not involved in any  
9 way in these discussions with Commander Drini and yourself on your  
10 appointment into the G2 sector? That's right, isn't it?

11 A. From my side, I never saw Mr. Kadri Veseli to speak about me or  
12 to me, so it was not Kadri Veseli the one who selected me or Mr. --  
13 Commander Drini did not tell me anything in this regard. He  
14 personally, based on the knowledge he had acquired from the soldiers  
15 who knew me from my trips to Albania, had come up with that proposal.

16 PRESIDING JUDGE SMITH: We'll take the morning --

17 MR. DIXON: Yes.

18 PRESIDING JUDGE SMITH: -- break.

19 MR. DIXON: Thank you, Your Honour. Sorry for going over. I  
20 was just trying to finish.

21 PRESIDING JUDGE SMITH: We'll give you a half-hour break now,  
22 Witness. We'll be back in court at 11.30.

23 [The witness stands down]

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

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

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

2 PRESIDING JUDGE SMITH: Please bring the witness in.

3 [The witness takes the stand]

4 PRESIDING JUDGE SMITH: All right. Witness, Mr. Dixon has some  
5 more questions for you. Please give him your attention.

6 MR. DIXON: Thank you, Your Honours.

7 Q. Mr. Qadraku, I wanted to ask you one question about paragraph 12  
8 again in Prep Note 1, and I'm just going to read it out to you what  
9 you said and then ask you a question about it. It states here:

10 "When [you] asked what ZKZ or G2 was" - this is to Drini -  
11 "Drini would say it was similar to SHIK since SHIK was more known at  
12 the time, and that they would collect intelligence. Drini said it  
13 was like intelligence and counter-intelligence in the Eastern  
14 countries, and similar to SHIK in Albania. Until the end of the war,  
15 [you] could not distinguish between G2, ZKZ and SHIK."

16 Do you remember saying that?

17 A. Yes, I remember. Because in November 1998, Commander Drini,  
18 when he proposed my name and told me what I was selected for, he told  
19 me, "You will be chief of G2." Up until that moment, I had never  
20 heard the G2 denomination. I didn't know what it stood for. Then I  
21 asked him, "What is G2?" And he said, "In the Eastern armies, it's  
22 intelligence or counter-intelligence, or similar to that in Albania,  
23 SHIK, which is the national informative service." He gave this  
24 description to explain what he had selected me for.

25 It is true that on that day I heard for the first time about

1 this, and up until the end of the war I was unable to make a  
2 distinction between these acronyms - ZKZ, SHIK, or intelligence,  
3 counter-intelligence.

4 Q. So it's correct, then, that during the war you would use these  
5 terms interchangeably to describe your role in intelligence and  
6 counter-intelligence?

7 A. It is true. I always thought that my name was sufficient to  
8 indicate who's reporting or who's notifying or who's proposing. The  
9 acronyms preceding my name, is it chief of G2, ZKZ, or SHIK? The  
10 Prosecutor showed a document earlier on with my name and my signature  
11 with the acronym head of DI, the information department, because we  
12 were also called the information department.

13 Therefore, I always thought this was the same thing, and that I  
14 signed for the same thing without knowing the distinction or  
15 difference between these three acronyms.

16 Q. Yes, thank you. And your use of the word SHIK for your role,  
17 that came from Commander Drini explaining to you that SHIK was a term  
18 used to collect intelligence. It came from him, didn't it?

19 A. Yes, counsel, that's correct. I heard from him, in relation to  
20 me, that this was like SHIK or intelligence, counter-intelligence. I  
21 heard this from him for the first time.

22 Q. And it's right, isn't it, that after the war you then understood  
23 what the distinction was between ZKZ and SHIK? ZKZ referring to  
24 military intelligence; whereas SHIK, like in Albania, that referred  
25 to civilian intelligence.



Witness: Halil Qadraku (Resumed) (Open Session)

Page 22707

Cross-examination by Mr. Dixon

1 A. Yes, counsel, that's true. After the war, I think I went to the  
2 General Staff, most probably for the weekly meetings we had with the  
3 sectors, and I remember Fadil Kodra, whom I met for the first time  
4 there, he told me they are now different entities. SHIK is one  
5 thing; intelligence and counter-intelligence is another thing. And,  
6 indeed, it is true that I understood after the war that these two  
7 entities are different.

8 Q. And the Fadil Kodra that you're referring to there, he was head  
9 of military intelligence, ZKZ in the KLA at that time after the war;  
10 is that right?

11 A. That's right. Fadil Kodra was the head of the intelligence,  
12 counter-intelligence at the General Staff after the war. We  
13 continued wearing KLA uniforms until 19 September, but also after the  
14 transformation, Fadil Kodra continued to be the head of that sector  
15 in the KPC.

16 Q. Yes. I want to come back now -- I'll come to the later period  
17 in due course, but I just want to come back to that time in November,  
18 December now in 1998. You were in Albania still, in Kukes. We know  
19 that, and this has been said in your evidence, that Commander Drini  
20 left on 14 December 1998.

21 Did he give you any instructions before he left on what tasks  
22 you would have to perform in the intelligence sector of the zone?

23 A. Yes, counsel. During the stay in Kukes, where he was also  
24 present until 14 December when he left for Kosovo, we met frequently,  
25 maybe every week or every three, four days. He explained, quickly

1 probably, the tasks I had to prepare for, I had to read about, gather  
2 knowledge, to know what I was expected to do once in Kosovo. I  
3 remember him telling a number of things, sharing his knowledge as a  
4 career officer.

5 Q. And he gave you some literature on intelligence to read, didn't  
6 he? What literature was that?

7 A. I did not receive any literature from Commander Drini. However,  
8 during our stay in Kukes we met with Colonel Maliq Doqi, to whom, in  
9 the presence of Drini as well -- I knew that person before, so I  
10 asked him to assist me, to help me in this regard, to provide me with  
11 something related to this sector so that I would be better prepared  
12 and would know how to act because I had never exercised these  
13 functions before.

14 Therefore, I would say that Colonel Maliq Doqi, a career officer  
15 from Albania, helped me more in this regard. This person became  
16 later a member of the KLA during Operation Arrow, based on what I  
17 heard later on.

18 Q. So you were connected with Colonel Doqi who was from the  
19 Albanian army. What kind of material did you get to read into?

20 A. I remember that he gave me some manuals from the Albanian army  
21 related to the rules of this sector. It was not something specific  
22 or studying material. It was more something quick for me to  
23 understand the role of this sector. They came in the form of small  
24 books or interviews. I did not spend much time there, from 20  
25 November when this started, with frequent interruptions, because I

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22709

Cross-examination by Mr. Dixon

1 went to visit also the larger group which was attempting to enter  
2 Kosovo. So in short, I had very little material to read about this.

3 Q. Yes. It's right, isn't it, that you had very little training  
4 when you were there in Albania on how to conduct your activities  
5 before you went back into Kosovo?

6 A. That's correct.

7 Q. Now, you've said you travelled back into Kosovo on 7 January  
8 1999. That's right?

9 A. That's correct.

10 Q. I'll come on to looking now at what you did when you went back  
11 in. But just in terms of the overall timeline to confirm this,  
12 please: You talked about your seeing Kadri Veseli on 16 November.  
13 It's correct that you didn't see him again until, as you've said in  
14 your evidence, the second half of March, 15, 16, 17 March 1999, in  
15 Nishor, when some photographs that were shown to you were taken. Is  
16 that correct in terms of the timeline?

17 A. Yes, that's very correct. From 16 November until March, I do  
18 not recall having seen Kadri Veseli.

19 Q. And in that time, it's right that you didn't have any contact  
20 with him either?

21 A. That's correct. I did not have any contacts with him.

22 Q. You did not receive any orders from him in that time, and you  
23 didn't report to him in that time. That's right, isn't it?

24 A. Never. During my entire activity, from 8 January until the  
25 moment I left my functions on 20 April 2000, I never received any

1 order from Kadri Veseli or any order from the respective relevant  
2 sector from the General Staff. I would have been very proud if I had  
3 received any order from them, any task for action, but I never  
4 received one. I always acted based on my understanding of which --  
5 what would be the best way to proceed. I always attempted to inform  
6 my commander and, through my commander, those at the General Staff  
7 about what was occurring in the Pashtrik operational zone. This was  
8 all done on my own initiative, on my understanding, my opinion, my  
9 assessment as to how we should proceed in specific situations with  
10 the aim of securing protection.

11 Q. Yes. Thank you for that. I want to come on now to look at  
12 precisely what you did from 8 January 1999 onwards when you entered  
13 Kosovo. You said that you had to establish your intelligence sector  
14 from scratch. You had to start from scratch. Do you recall saying  
15 that?

16 A. Yes, sir, I remember saying this. When I took up my post from  
17 Mr. Bislim Zyrapi, I came to the zone. I met with Commander Drini.  
18 I met with the deputy commander Syle Kollqaku, who was not mentioned  
19 earlier on by the Prosecutor. On 11 March, while we were  
20 commemorating the protests of 1981, he left his functions. So I met  
21 both of them and I asked them, "Do I have subordinates or people I am  
22 supposed to work and cooperate with?" They replied saying, "There is  
23 nothing in place, and you have to set up everything yourself."

24 Therefore, I started from scratch. I worked and cooperated with  
25 the brigade commanders in order to have subordinates in battalions

1 and companies.

2 Q. So from what you've said, it's right, isn't it, that when you  
3 arrived there in January 1999, there was no intelligence structure at  
4 the zone level. There hadn't been anything before that. You had to  
5 create it all from zero.

6 MR. PACE: Objection, Your Honour. Counsel previously asked:

7 "You said that you had to establish your intelligence sector  
8 from scratch. You had to start from scratch."

9 We're going over the same exact thing now.

10 PRESIDING JUDGE SMITH: Overruled. Go ahead.

11 MR. DIXON: Thank you, Your Honours.

12 Q. Do I need to repeat the question or you have it in your head  
13 still?

14 A. No, there's no need to repeat it. I think I will be able to  
15 answer. It is true that I started from scratch. I was not able to  
16 appoint people myself within brigades because I didn't know anyone.  
17 I had to go in each brigade and approach the brigade commanders or  
18 their chiefs of staff and to first inform that a sector had been set  
19 up in the Pashtrik operational zone and this sector would deal with  
20 intelligence and counter-intelligence matters. Therefore, I'm asking  
21 from you, as commanders, to create that same structure within  
22 battalions and brigades and companies in order to have some sort of a  
23 hierarchy, which I believed at the time was necessary to be  
24 established.

25 Therefore, my subordinates in brigades were appointed by the

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22712

Cross-examination by Mr. Dixon

1 brigade commanders in question.

2 Q. And you had no intelligence regulations or any rules governing  
3 intelligence at that time, did you?

4 A. From January until the end of the war, I never had any  
5 regulation, a specific regulation from the commander or the  
6 General Staff for us to know how this sector should function. I have  
7 not seen, I did not have any specific regulation about this sector.

8 Q. So would it be right then that you really had to react to  
9 situations as they emerged? You had to deal with issues for the  
10 first time as you undertook your role?

11 A. That's right. Every situation I had to face would be a first.  
12 Every time I tried to report to my commander Drini or Tahir Sinani,  
13 that would be on a case basis, depending on what had occurred.  
14 Perhaps I was wrong, but at the time, and today, I thought and I  
15 think that I acted in the most appropriate way to the extent of my  
16 knowledge to carry out my duties.

17 Q. Now, in your sector, the G2 sector, you had a relatively tiny  
18 group of people who could take on these tasks; is that right? You  
19 described having Mr. Cocaj there.

20 A. Yes, sir.

21 Q. And you describe Mr. Xhavit Bajraktari, who was killed on 2 May,  
22 so he was there up until that date; is that right?

23 A. That's right.

24 Q. Is it right that he was only in post from late April 1999 for a  
25 few days until 2 May? So he wasn't there for very long. Is that how

1 you recall it?

2 A. Yes, sir. Because Xhavit Bajraktari was also assigned as a  
3 correspondent of *Radio Kosovo e Lire*, to feed the radio station with  
4 information from the ground. I believe it is as you put it. I  
5 wouldn't know the exact dates, but I believe that's the case.

6 Q. And he was then replaced by Mr. Isuf Krasniqi, you've said.  
7 That's right?

8 A. That's right.

9 Q. So it was, in reality, the three of you together with  
10 Mrs. Gashi, who you said was somebody there to assist you. That was  
11 your sector, was it not?

12 A. Yes, sir. We were four people. It's Ms. Gashi, not Mr. Gashi.

13 Q. Yes, sorry. Yes. Can I ask you to give us an understanding  
14 briefly about how you as a group interacted? How often did you meet?  
15 How did you share information about the tasks that you were  
16 undertaking, please?

17 A. I can describe this with a few words.

18 Q. Yes, as a summary.

19 A. When we were able to -- for example, we had a morning meeting  
20 during which we would discuss how we would proceed, what we could do  
21 to check -- to go and visit and inspect our units, brigades, to see  
22 if there was anything of interest to us. Are there enemy movements,  
23 are there matters of concern for us. So we used our time to inquire  
24 about reasons and causes which we needed to know.

25 And as you can see from the documents that were seized on the

1 occasion of my arrest in 2001, I do not have -- or at least I had  
2 very few reports from the sectors in brigades and battalions. All  
3 the knowledge we had, we had to go there in person - me, Xhavit,  
4 Nezir, or Isuf Krasniqi, and others - to go there in person, inspect  
5 the situation, check if everything was fine, because there wasn't a  
6 culture of reporting or documenting things.

7 In my documents, Your Honour, you would see two of my complaints  
8 indicating that various sectors in brigades and battalions were not  
9 reporting. This depended on them, whether they wanted to report or  
10 not. There was no such mechanism in place that would have obliged  
11 them to report. We were looking into matters that would be of  
12 interest to us as a sector for the security and safety of the area or  
13 territory where we were and where the civilian population was.

14 Q. Yes, I'll come on to your two complaints in due course, but I'm  
15 just trying to understand how you were operating at this time. This  
16 is from January 1999 onwards.

17 If you had information, is it right that you would report that  
18 information to your zone commander? Was that the line of reporting?

19 A. Yes, sir. Everything, serious or not, it was our duty to report  
20 during our meetings with the commander, the deputy commander, and  
21 other sectors, the other six Gs. These were -- we had daily meetings  
22 with the commander and weekly meetings with the sector.

23 Our duty was to inform only the commander who would then assess  
24 the necessity of reporting this information to the General Staff or  
25 not.



Witness: Halil Qadraku (Resumed) (Open Session)

Page 22715

Cross-examination by Mr. Dixon

1 Q. So it's right, then, isn't it, that you never reported directly  
2 to the General Staff on any matters regarding your work? That went  
3 through the zone structure through the zone commander; is that right?

4 A. That's correct, sir. This can be seen from my documents that I  
5 always reported to the commander, and I never reported directly to  
6 the General Staff. Perhaps the Prosecutor last week or even  
7 yesterday showed me a document which indicates a situation where I  
8 thought and tried to report through the driver of Bislum Zyrapi,  
9 chief of the General Staff, Ferat Ademaj, to report about what was  
10 happening at a lower level because the commander for some reason  
11 wasn't considering this a necessity or didn't want to report himself  
12 to the General Staff. But in general, I did not report to the  
13 General Staff.

14 Q. Yes, thank you for that. We'll look at that document further in  
15 due course. I just wanted to ask you, though, in reporting to the  
16 zone commander with your information, did you do that both at the  
17 meetings you've talked about? Did you do anything in writing?

18 A. I think that my reports to the zone commander were always made  
19 in writing. There might have been a situation where the information  
20 was conveyed *ad hoc* orally, but then I would include that oral report  
21 in the next week's report in writing.

22 In my -- I have included in my reports all the information,  
23 notifications, or proposals, reports sent to Commander Drini or  
24 Tahir Sinani.

25 Q. Yes. During this time, it's right, isn't it, that you didn't

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22716

Cross-examination by Mr. Dixon

1 send any reports about the information you were gathering, what you  
2 were doing, directly to Mr. Kadri Veseli?

3 A. I never reported directly to Kadri Veseli. But, as I said,  
4 through the commander I always tried to inform the General Staff with  
5 a copy, and it was within the remit of the competences of the  
6 commander whether he would send that report to the General Staff.

7 Q. Now, as part of your tasks, is it right that you also helped  
8 with logistics in March when persons who had been negotiating in  
9 Rambouillet were coming back into the country through Macedonia,  
10 coming back into Kosovo? Do you recall that?

11 A. It was part of our duty as well, I think, that through other  
12 soldiers, the trips of the General Staff representatives were also  
13 organised. Whether they were going to Macedonia or Albania, it  
14 didn't matter. I think that the members of our zone provided  
15 logistical help to assist the members of the General Staff.

16 Q. And it's in that context, isn't this right, that you had a  
17 second interaction with Mr. Kadri Veseli when he was coming back from  
18 being abroad for Rambouillet, coming back into the country from  
19 Macedonia around the middle of March; is that right?

20 A. Middle of March, maybe we came ourselves, but I know that we met  
21 around that time.

22 Q. Yes. I mean, we've seen some photographs of that, and you've  
23 said that this was a few days before Rambouillet was signed, which is  
24 18 March 1999. And you've dated it at roughly 14th, 15th, 16th  
25 March. Is that correct looking back now?

1 A. I think it's correct. This is all I can remember. Since it was  
2 not my photograph, I had not seen that photograph. I remember it  
3 being taken but it had escaped my memory, and Hajdin Abazi sent it to  
4 me after the war.

5 I believe that those dates that you mentioned, which I mentioned  
6 earlier, were the dates when the photograph was taken.

7 Q. Yes. And you've said - and this is set out in Prep Note 1,  
8 paragraph 15 for those following - that you had some discussions with  
9 Mr. Veseli and others then in relation to Rambouillet. You were  
10 discussing the agreement and whether it would be implemented. Do you  
11 remember that?

12 A. Not how it would be implemented. I remember, Your Honours, and  
13 you, counsel, that during those days the comrades from the LPK abroad  
14 were against the signing of the Rambouillet agreement. They were  
15 against it because they were not familiar with the reality in Kosovo  
16 and the war zones. Therefore, a confusion was created as to whether  
17 the Rambouillet agreement was to be signed or not.

18 I'm not saying that I'm the factor who spoke with Adem Grabovci,  
19 Veseli, or Lum Kadriu whether they should sign it or no. However, I  
20 remember that, on that day, Sadik Halitjaha, the commander, and all  
21 other comrades discussed the topic of signing or not signing the  
22 Rambouillet agreement. And I remember that a gap since that moment  
23 was created between the comrades who were abroad and us who were on  
24 the ground, who had different opinion about the agreement of  
25 Rambouillet. Thanks to a positive attitude and opinion, I think it

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22718

Cross-examination by Mr. Dixon

1 was a good thing that we signed that agreement to be able to protect  
2 whatever could be protected up until that moment in March 1999.

3 Q. Yes, thank you. It was a big issue at the time, wasn't it,  
4 whether to sign or not. Is that how you remember it?

5 A. It was quite a big issue which, for us, had the meaning of to be  
6 or not to be, to exist or not to exist. We were running out of  
7 ammunition. The border between Albania and Kosovo was blocked. And  
8 I'm very familiar with this issue. It was reinforced with additional  
9 Serbian forces.

10 PRESIDING JUDGE SMITH: Please try to just answer the question  
11 that's asked rather than adding additional information. The lawyer  
12 will ask you if he needs additional information.

13 MR. DIXON: Thank you, Your Honours.

14 Q. I was to raise exactly the same point, to try and focus,  
15 otherwise we'll be here for a long time because there are a number of  
16 questions I have to go through, as I've said before. You understand,  
17 Witness?

18 You said in your prep note that you and others offered Veseli  
19 their support even though the LPK disagreed with signing the  
20 agreement. Do you remember that, offering support for this  
21 initiative?

22 A. Yes, sir. I remember.

23 Q. And did you discuss anything else in these interactions, or was  
24 it all about Rambouillet and whether it would be signed or not?

25 A. It was a meeting of friends. It is possible that normal things

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22719

Cross-examination by Mr. Dixon

1 you would discuss with friends could have been discussed, but I know  
2 that one of the main topics was this one because it was the focus of  
3 all events.

4 Q. Yes. Mr. Veseli, it's right, then left from Nishor at that  
5 time; is that right? Do you remember that?

6 A. That night after the meeting I think that he left from Nishor,  
7 and I did not see him up until 1 April in the General Staff.

8 Q. Yes, we'll come to that final interaction on 1 April. But I  
9 just wanted to clarify, between then and 1 April, you sought to hold  
10 a defensive line against the Serbs in your area; is that right? Do  
11 you recall setting up that defensive line?

12 A. Yes, sir, I recall that. Because we knew that offensives would  
13 follow, and we were ready to face such offensives launched by the  
14 Serb forces.

15 Q. Yes. Because the NATO bombing started in that period, late  
16 March, so it's correct that you were expecting attacks and you were  
17 preparing for that; is that right?

18 A. That's right, counsel.

19 Q. So it was a front line from Dragobil to Suhareke, approximately  
20 30 kilometres long. You've said in Prep Note 1 at paragraph 18. Is  
21 that right?

22 A. Yes, counsel, that's right. Based on the decision taken by the  
23 command, or, rather, Commander Tahir Sinani and Deputy Commander  
24 Sadik Halitjaha, a decision was made for the territory to be  
25 protected from Dragobil up to Suhareke or Bllace. It was a long

1 front line, about 30 kilometres long. The command, the soldiers, the  
2 brigade commanders were all well prepared. It is true.

3 Q. Yes, you anticipated my question, Mr. Qadraku, as where you got  
4 the orders to do that from. Were those orders in writing, or how was  
5 that front line set up?

6 A. I told you that, as a zone, the commander, deputy commander  
7 would have meetings with the sectors. And we, the sectors, had  
8 weekly meetings. I know that the command of the Pashtrik zone,  
9 namely, Commander Sinani and Deputy Commander Sadik Halitjaha,  
10 together with the brigade commanders, that is, the brigade commanders  
11 of 122, 123, and 124 Brigades, so perhaps in joint decision with the  
12 commanders of those four brigades -- I presently was not -- I  
13 personally was not present in that meeting, but a decision was made  
14 for this front line to be set up.

15 Q. And moving forward, it's right, isn't it, that the Serbian  
16 forces managed to break your defensive line and you had to  
17 immediately start withdrawing towards the Klecke area?

18 A. Yes, counsel. From the 23rd or the 24th, when we took up  
19 positions on that front line, and up until 1 April, we stayed there.  
20 We had many victims, many injured. We had consistent attacks,  
21 serious attacks. And on 31 March, going on to 1 April, that front  
22 line was broken up.

23 Q. So that's how you got to Klecke area on 1 April. You withdrew  
24 in order to look to protect the General Staff headquarters there; is  
25 that right?

1 A. Yes. Following this, it was again the command's decision to  
2 withdraw and go and protect the General Staff.

3 Q. And on 1 April, there was again heavy fighting in that area, in  
4 the Klecke area where you were; is that correct?

5 A. On 1 April, there was fighting going on in that area as well.  
6 There were attacks from the air and other equipment of the Serbian  
7 forces. It is true.

8 Q. And is it right that the Serbian forces overran that area around  
9 that time, 1, 2 April, and took charge?

10 A. On the 1st and 2nd April, maybe in the area where we were  
11 stationed, from Dragobil to Suhareke and the villages there, it could  
12 be so. Where we were at the General Staff, I think that we protected  
13 the General Staff and prevented the penetration of the Serb forces in  
14 the territory where the General Staff was.

15 Q. Yes. And then coming to your contact with Mr. Veseli on  
16 1 April. It was in that area, in the Klecke area, the General Staff  
17 area, where you came across him on 1 April; is that right?

18 A. Yes, counsel. It's very correct. It was a chaos. During  
19 night, 4.000 soldiers would enter the area of Klecke and Divjake, and  
20 amidst that chaos I did meet Kadri Veseli.

21 Q. And do you recall that he asked you to go and check whether the  
22 KLA soldiers were at their guard posts in the surrounding area?

23 A. Yes, sir. I remember because we discussed security. I  
24 personally did not know where the defensive line of the General Staff  
25 was, so he proposed that I went and visited them to see whether

1 everything was in order. And I carried out that task from the  
2 evening until the morning and, in my opinion, successfully.

3 Q. And when you came back in the morning, it's right, isn't it,  
4 that Mr. Veseli wasn't there any longer? You didn't report back to  
5 him about this when you got back in the morning.

6 A. Very correct. When I came back I met only Azem Sylja, the  
7 general commander. I apologise, calling him only by his name. And  
8 seeing me in the situation I was, he felt sorry. I was very tired.  
9 I had not slept for seven or eight days. I remember he told me to go  
10 to his room and sleep, and this for me was a great honour. I did not  
11 meet Kadri Veseli when I returned in the morning.

12 Q. And just so we've got the date correct, that's the morning of  
13 2 April 1999?

14 A. I think it is 2 April.

15 Q. Mr. Qadraku, could we now go to P500.

16 MR. DIXON: And it can be called up onto the screen in English  
17 and Albanian.

18 Q. This is one of the documents you were shown earlier and that you  
19 were referring to in your testimony when I was asking you questions.

20 MR. DIXON: It's P500, please.

21 Q. Yes. You recognise the document, Mr. Qadraku?

22 A. Yes, I do.

23 MR. DIXON: Could we scroll down to the end of the document just  
24 to see where you signed it.

25 Q. You confirmed that was your signature, your document, and you



1 signed it.

2 A. Yes, sir.

3 Q. Now, it's correct, isn't it, that, as far as you know, this  
4 document was recovered in documents that were at your house?

5 A. Yes.

6 Q. Do you know whether this is the original of the document or not,  
7 or can you not help us one way or another with that?

8 A. I think it's a copy. Otherwise, my signature would be in blue  
9 ink.

10 Q. So would it be your usual practice, just to clarify, to sign all  
11 of the copies of the documents that you produced?

12 A. Normally, yes. All the copies, all the information, all my  
13 proposals, I tried not to release any of them without signing them  
14 first.

15 Q. And in respect of this document, do you know one way or the  
16 other whether you actually sent this document on?

17 A. I don't remember. I believe I gave it to Commander Drini or  
18 Sadik Halitjaha, who was deputy commander. And I believe that  
19 through the command I sent it to where it was supposed to go.

20 Q. So is it right, then, that you followed the usual chain of  
21 command and gave this statement to either the command of the zone,  
22 Commander Drini, or the deputy? Is that your evidence?

23 A. Yes, sir. This is what I'm saying. Because Commander Sadik  
24 Halitjaha himself was part of the command. He was the deputy of  
25 Tahir Sinani. He was part of the command during Drini's time. So

1 the mentioning of his name on this document shows that he too could  
2 send this document to Commander Drini.

3 Q. So do you know if Commander Drini got this document?

4 A. I don't know.

5 Q. And do you know if he or Mr. Halitjaha sent the document from  
6 the zone command to the General Staff? Do you know if that happened?

7 A. I think that we submitted it to our command. Whether it was  
8 sent further up, that I don't know.

9 Q. And can I just confirm, where it says here, "Done in triplicate:  
10 1. Archive," which archive is that referring to? Is that the zone  
11 archive?

12 A. Yes, always. Archives refer to the zone archive.

13 Q. So when you sent it to the commander of the zone, it would then  
14 go into the zone archive. Was that the usual practice?

15 A. I tried at all times to provide the zone archive with a copy.

16 Q. But what I'm trying to clarify is when you sent it to  
17 Commander Drini, do you know where he would keep it at the zone  
18 command level?

19 A. That I don't know. I had no right to ask him.

20 Q. And where it says here "General Staff," is that sending it  
21 through the zone command to the General Staff of the KLA? Is that  
22 what you're intending there?

23 A. Yes, sir. This was our intention. Because the General Staff,  
24 Mr. Bislim Zyrapi, who was chief of staff there, we intended that  
25 this copy went to him. And that's why this went through the command

1 of the Pashtrik zone through Commander Drini at the time, because I  
2 believe this is February 1999. This statement, that is.

3 Q. It's -- this statement is, we can see it at the top, 14 March  
4 1999. Do you want to confirm that?

5 MR. DIXON: Can we --

6 THE WITNESS: [Interpretation] Yes.

7 MR. DIXON: -- just go up, please?

8 THE WITNESS: [Interpretation] No, I do not need to confirm it.  
9 I believe you. Maybe it was my mistake when I said February.

10 MR. DIXON:

11 Q. Yeah. And then number 3 here, you've got: "SHIK at the  
12 General Staff." When you said "SHIK" there, who were you intending  
13 to get a copy of this?

14 A. With "SHIK at the General Staff," I meant to send this to the  
15 superior in my sector, regardless of whether there was somebody  
16 present there or not. I wanted that they too had a copy of the  
17 statement. I did not write any specific name, just the sector, the  
18 intelligence sector, which I believed was the G2 sector.

19 Q. Yes.

20 MR. ELLIS: Your Honours, I apologise for rising. I'm told  
21 there's a possible mistake in the Albanian translation.

22 At lines 5 or 6, in relation to Mr. Zyrapi, I'm told that the  
23 witness said: "For us, the General Staff was Bislum Zyrapi."

24 PRESIDING JUDGE SMITH: We'll have to check with the  
25 translators.

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22726

Cross-examination by Mr. Dixon

1           Go ahead, Mr. Dixon.

2           MR. DIXON: Thank you, Your Honours.

3           Q. So when you say here SHIK, the intelligence sector at the  
4           General Staff, you were aware that on 14 March 1999, that's when this  
5           statement was prepared, that the person who was the head of that  
6           sector in the General Staff was Mr. Veseli; is that right?

7           A. Yes, I was aware. I thought that that was the case. But just  
8           like myself, I should have written it: "G2 of the General Staff."  
9           But as I explained earlier, I made no distinction between these  
10          acronyms. They meant the same to me.

11          Q. Yes. But you've said in your evidence that this was sent  
12          through the zone command, through the zone commander. Can I confirm  
13          with you that there was no attempt on your behalf with this statement  
14          to circumvent the zone commander and go directly to the  
15          General Staff? Is that correct?

16          A. I did not attempt. I indicated how many times I went to the  
17          General Staff, but I did not attempt to send something secretly from  
18          the zone command. I never did that and I had no reason to. I always  
19          thought that the zone commander at the zone command would need to see  
20          the problem first. Then if needed, they would take this to the  
21          General Staff. I always thought to go through the zone and its  
22          commander.

23          Q. You never got any response to this statement from the  
24          General Staff, did you?

25          A. Correct. I never received an answer on this statement.

1 Q. And did you get any response through the zone command through  
2 Commander Drini or his deputy to this statement?

3 A. No, I did not receive any response from him. Our relationship  
4 was in a way a bit distant, so he did not give me any answer.

5 Q. Yes. It's right that you respected Commander Drini, but you had  
6 some personal disagreements and grievances with him; would that be  
7 fair?

8 A. Yes, sir. I am by nature an ambitious, hard-working,  
9 initiative-taking man. I saw in him a more quieter, on-the-defensive  
10 type of person, and I oftentimes disagreed with his actions. This  
11 does mean that I did not comply with his orders. Every order given  
12 to me by him or everything asked from me, I implemented it  
13 irrespective of whether I agreed or not with it.

14 Q. So it was really a disagreement in some circumstances over  
15 military tactics, the way to shape military action. Would that be an  
16 accurate assessment?

17 A. Sometimes about military tactics. Sometimes about different  
18 appointments, or organisational matters. At times, it was about not  
19 giving due consideration to a matter -- a specific matter. So it was  
20 not only issues of one nature. I oftentimes thought I was -- I had  
21 the right to give a different proposal from his opinion regardless of  
22 whether he would accept that or not.

23 Q. But it's right, isn't it, that you didn't feel restricted in  
24 that you could raise grievances if you wanted, as you have done in  
25 this statement?

1 A. I always told to him and Tahir Sinani what I thought. I spoke  
2 my mind, in writing, in person, in the presence of other people. I  
3 never withheld my opinion on these matters because I was convinced I  
4 was right. My remarks were made openly and went through him.

5 Q. But you always respected the military chain of command; is that  
6 right?

7 A. I have always respected the military chain of command regardless  
8 of our relations and my convictions.

9 Q. Okay.

10 MR. DIXON: We can take down that document. I want to call up  
11 the second document that you were referred to and that you've  
12 mentioned a few times as well. That's P650, please, English and  
13 Albanian.

14 Q. It'll come up, Witness, for you to have a look at again.

15 MR. DIXON: And can we scroll down to the end again where the  
16 signatures section is.

17 Q. You'll see here, Mr. Qadraku, that, as you've said previously,  
18 this document is not signed by you. It's another one of those  
19 documents that was taken at your house, isn't it?

20 A. Yes, it appears so.

21 Q. And as it's not signed, I mean, do you know one way or the other  
22 whether this statement was sent to Commander Drini or the deputy  
23 through the usual procedure as you've explained?

24 A. I believe this was passed on through the standard procedure.  
25 Perhaps I did not sign the copy I kept for myself. That's a

1 possibility. However, the content of this article, its content is  
2 mine and I accept it as such.

3 Q. Do you know, then, whether this document got to the general  
4 inspector, as you've said here at number 2, and the General Staff?

5 A. I don't know how it went. I know that I gave this document to  
6 the command for them to pass it on through their procedure to the  
7 general inspector and the General Staff. I gave it to the commander.  
8 He would then find a way -- because we communicated with the  
9 General Staff through him. He would then find a courier or somebody  
10 who was travelling the road to the General Staff. It was not my duty  
11 to deliver the letter or the notification there. I did not -- I was  
12 not in a position to do so, and I did not have the right people to do  
13 that.

14 Q. So it's right, then, just to clarify, that you never gave this  
15 statement or anything similar like this directly to a courier or a  
16 driver to take directly to the General Staff, cutting out the zone  
17 command and Commander Drini or his deputy?

18 A. I have never circumvented the command of the Pashtrik  
19 operational zone. I never sidelined them. I always attempted to go  
20 through them. If they insisted and wouldn't listen to what I was  
21 saying, I tried to find other solutions but not circumventing the  
22 command of the Pashtrik operational zone.

23 Q. And did you ever get a response to this statement from anyone at  
24 any level, General Staff level or the zone level?

25 A. During these four, five months I was writing documents, I never

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22730

Cross-examination by Mr. Dixon

1 received any response from the General Staff, although I always  
2 included a copy for them. They never sent a response.

3 Q. And what about from your zone commander? Did you ever get any  
4 responses from him?

5 A. If we could go back to the first page, please.

6 Q. Yes, we can do that.

7 A. I think that Commander Drini read this statement in his own way,  
8 and I think that the changes I asked for in Brigade 124 were done  
9 together with the commander of Brigade 124. I think, therefore, that  
10 this letter had an impact. Even though there was no response in  
11 writing, it did have an impact, I believe, to appoint the suitable  
12 person at the G2 sector in Brigade 124 -- S2 sector, sorry.

13 Q. And those changes were made by the zone command, by  
14 Commander Drini; is that right?

15 A. I believe that it was following the intervention or proposal of  
16 Commander Drini to Brigade 124 which had an impact on this, because I  
17 did not have that possibility or I could not impose or force any  
18 decision on the commander of Brigade 124.

19 Q. Yes, thank you, Witness.

20 MR. DIXON: We can take that document down now.

21 Q. I now want to move on to a different topic before the lunch  
22 break regarding collaborators. You gave evidence yesterday about  
23 this where you were asked about --

24 MR. DIXON: And I'll give the provisional page number for those  
25 following, page 60, line 2 onwards.



1 Q. "Could you tell the Judges how you went about fulfilling your  
2 task in relation to the detection of collaborators?"

3 And you said:

4 "We were not able to carry out the tasks, because this is not  
5 homework."

6 Do you remember saying that?

7 A. Yes, sir, I remember that. This was not homework. We could  
8 not, from our position, exercise this function because we were  
9 divided in zones. There were areas where the Serbian military police  
10 were operating. We were in a more isolated area with the Kosovo  
11 Liberation Army and the civilians, so we could not. It was not a  
12 part of our tasks.

13 Q. Okay. I just want to explore this a bit further. Is it right,  
14 then, that you in your sector didn't have any cases where you were  
15 investigating persons for collaboration and taking action against  
16 them? Is that what you're saying here in your evidence?

17 A. Yes, sir. This is what I've stated. We were not keen to  
18 investigate this part.

19 Q. But when you say "we were not keen," what do you mean? Does  
20 that mean you were unable to do that? Did you not have the  
21 resources, the ability? Could you enlighten us on what you mean by  
22 that?

23 A. I explained earlier that we had our territories sort of divided,  
24 separated. We lived in rural areas. They lived in urban areas. We,  
25 as a matter of fact, didn't have the possibility to conduct extensive

1 investigations. Maybe a little bit within our possibilities. We did  
2 not have any great interest to endanger people investigating what was  
3 happening outside our territory. We were focused on protecting our  
4 territory, to prevent Serbian forces from breaching in or to prevent  
5 any individual who would come in to -- or for purposes related to  
6 Serbian forces' interests. We were focused and dedicated to  
7 protecting that territory, the KLA and the civilians in the area.

8 Q. Yes, I understand the defensive role. But what I'm trying to  
9 understand, Mr. Qadraku, is when you said yesterday in answer to  
10 questions from Mr. Pace that you would get information from civilians  
11 and from KLA soldiers about persons who might endanger you, and you  
12 gave evidence that you accepted that information, did you initiate  
13 any investigations with it?

14 A. What you just said is right. In our attempts to protect our  
15 territory, the location where we were sheltered, we obviously  
16 received information from the civilians. We didn't even know where  
17 we were. I didn't know where Nishor or Kervasari, Banje, and  
18 Malisheve was located. So naturally, I -- it was of interest for me  
19 to know what are the surroundings, who are the people close to us,  
20 who can endanger us, who would infiltrate or penetrate our territory.  
21 This was a continuous interest on our side and the information we  
22 received from the civilians, because we didn't know who were the  
23 people around us.

24 And not -- this didn't apply only to me. Commander Drini came  
25 from another area. Vesel Maliqi came from the mountains of Suhareke.

1 None of us was originally from the area. So we wanted to know who  
2 are we living with, who could potentially endanger us, who are the  
3 people around us, is there any name that could pose a threat to us.

4 In this sense, we took notes with the purpose of allowing or not  
5 allowing people to come in. But we never went to Prizren, Rahovec,  
6 or anywhere else to receive information about anything. Although  
7 there were people openly working for the UDB, we did not want to  
8 endanger the civilians. Because for a killing of a Serb  
9 collaborator, the retaliation would result in hundreds of civilians  
10 killed.

11 Q. Yes. Once again, Witness, I can understand why this information  
12 would be important, but if you could just focus on what I am trying  
13 to get specific information about from you.

14 When you gathered all of this material, did that ever lead you  
15 to investigate any person, to take action against them in the form of  
16 investigating them, potentially detaining them, prosecuting them?  
17 Did you ever take any of those steps at the time?

18 A. No, sir. I never initiated any proceedings or investigation  
19 against anyone. And in March 1999, I sent a request to the  
20 General Staff, to the Pashtrik operational zone, to establish a court  
21 and a complete judicial system with a prosecution, investigators,  
22 court, because we were under pressure from the civilians as well.  
23 Amongst them, you had brothers that had disputes, neighbours, friends  
24 that were coming to us, and I didn't know how to deal with these  
25 legal issues.

1           Therefore, I asked from the zone, the General Staff to permit  
2           the establishment, the creation of judicial structures in the  
3           Pashtrik operational zone. I never received any response, and they  
4           never accepted the formation of such structures.

5           I think you have it in typed form. It was in March -- because  
6           this was shown to me in Prishtine. In March, I submitted my request  
7           to the General Staff and to the Pashtrik operational zone to allow us  
8           to set up the court, the prosecution office, and the prison. I  
9           openly asked for this continuously but never received any approval  
10          from the General Staff nor the Pashtrik operational zone. Therefore,  
11          I did not deal -- I was not involved in investigations. I was not  
12          allowed to do so and I was not qualified to do this. In addition,  
13          this was not my task. My task was intelligence and  
14          counter-intelligence.

15          Q.    Yes, this is what I was coming to. Witness, if I could ask you  
16          again please to try and focus on just answering my question. Was it  
17          your task in intelligence to investigate these kinds of cases? Did  
18          you understand that to be part of your role or not?

19          A.    The very name, intelligence and counter-intelligence, means to  
20          uncover cases that would endanger us. It's -- now either I'm not  
21          understanding you clearly or I'm unable to express myself in a clear  
22          manner. Intelligence and counter-intelligence means to uncover bad  
23          phenomena inside and outside our territory. Our role was to identify  
24          matters, issues, situations that would endanger and threaten our  
25          well-being and our position.

1 Q. Yes. You've said in your evidence previously that you naturally  
2 saw this as part of your role. What I'm trying to explore with you  
3 is whether you were able to do this in reality, and you've said that  
4 you didn't have the capacity to do so in these months we're talking  
5 about, early 1999. Would that be a fair assessment of the situation,  
6 that you were just simply unable to fulfil that role?

7 MR. PACE: Objection, Your Honour. Asked and answered. And the  
8 fact it was asked and answered is encapsulated in counsel's own  
9 question, where he asked the question and refers to the answer the  
10 witness gave to that question earlier.

11 PRESIDING JUDGE SMITH: We have gone over it several times.  
12 Go ahead. Answer the question.

13 MR. DIXON: I'm just asking as a summary so we can move on.

14 PRESIDING JUDGE SMITH: Yeah.  
15 Answer the question.

16 THE WITNESS: [Interpretation] I did not have the possibility.  
17 It was -- the investigation and legal proceedings were not part of  
18 what I was to do. But as I mentioned before, I requested this.

19 MR. DIXON:

20 Q. Yes. And would you also accept, Mr. Qadraku, that at that time  
21 it was very difficult to be able to set up these structures to  
22 investigate and take forward actions against persons simply because  
23 of the difficulties faced on the battlefield, lack of personnel and  
24 resources at the time?

25 A. That's correct. I accept it.

1 Q. You were spending much of your time fighting the Serbian forces.  
2 You simply didn't have the time and capacity to take these various  
3 steps that would be taken by intelligence services in normal times.

4 A. I believe that, throughout this time, we were busy either with  
5 preparations or attacks or daily fighting. And in particular, 1999  
6 was very tense in terms of fighting in the territories where we were  
7 staying. Therefore, we did not have that mechanism either.

8 And I also think that it was not part of my tasks, my job to  
9 investigate. My job was to identify, to uncover things, and then the  
10 investigations or further legal proceedings would be done by other  
11 authorities. My job was to uncover things.

12 Q. And is it right that you were overwhelmed by the civilian  
13 population coming forward in your area with many persons who they  
14 were concerned about, because they were concerned about their safety?  
15 Is that how you remember it?

16 A. We lived with the villagers of the area where we were staying.

17 PRESIDING JUDGE SMITH: Just answer the question.

18 THE WITNESS: [Interpretation] Then --

19 MR. DIXON:

20 Q. Do you need to have the question repeated? I'm just trying to  
21 ask you whether it's true that you were overwhelmed with civilians  
22 coming forward with information.

23 A. Yes, we were overwhelmed.

24 PRESIDING JUDGE SMITH: It's time for the lunch break.

25 MR. DIXON: Yes, that's a good time. Thank you, Your Honours.

1           PRESIDING JUDGE SMITH: Witness, we'll take an hour-and-a-half  
2 lunch break. We'll be back here at 2.30. Please do not speak about  
3 your testimony outside the courtroom.

4           You may go with the Court Usher now and leave the courtroom.

5                           [The witness stands down]

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

7                           --- Luncheon recess taken at 1.01 p.m.

8                           --- On resuming at 2.31 p.m.

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

11           Mr. Dixon, we count that you have one hour left. Is that going  
12 to be sufficient?

13           MR. DIXON: [Microphone not activated].

14           JUDGE METTRAUX: Mic.

15           MR. DIXON: Sorry. I did want to say I was endeavouring to get  
16 done in the next hour, by the next break. I think that should be  
17 sufficient.

18           PRESIDING JUDGE SMITH: [Microphone not activated].

19           MR. DIXON: Thank you.

20           MR. TULLY: And, Your Honour, while I have you, based on some of  
21 the answers that have come, I'll be considerably less. I believe  
22 close to 30, 40 minutes. Thank you.

23           PRESIDING JUDGE SMITH: Mr. Ellis, any update?

24           MR. ELLIS: Yes, Your Honour. We had reduced by e-mail on  
25 4 November to an hour and a half. I think I'll be very considerably

1 less than that, more like half an hour.

2 PRESIDING JUDGE SMITH: Ms. Tavakoli, you knew I was going to  
3 get to you eventually.

4 MS. TAVAKOLI: We reduced to half an hour on the weekend, but I  
5 think I'll be less than that.

6 PRESIDING JUDGE SMITH: Thank you very much, everybody.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Good afternoon, Witness.

9 THE WITNESS: [Interpretation] Good afternoon.

10 PRESIDING JUDGE SMITH: We continue with Mr. Dixon's questions  
11 of you. Please give him your attention.

12 MR. DIXON: Thank you, Your Honours.

13 Could I call up --

14 Q. Witness, I'm going to start with your recent television  
15 interview. You were shown some excerpts of it yesterday and today.  
16 I want to show you one other one that wasn't brought to your  
17 attention.

18 MR. DIXON: And that's MFI P01863. I just need the transcript  
19 of the interviews, the transcript in English and the transcript in  
20 Albanian. We don't need to watch the actual interview on video.

21 Q. We'll look at it in the transcript, if that's in order with you,  
22 Mr. Qadraku.

23 A. I'm fine with that.

24 MR. DIXON: And I'm looking to go to page 11. It starts there  
25 in both the English and the Albanian transcript. Yes, if you could



1 scroll down a little to -- further. That's good there, yes. Yes,  
2 I've located it. Thank you, Your Honours.

3 Q. Mr. Qadraku, there were some questions put to you by the  
4 journalist, and you will see he starts there with, towards the bottom  
5 of the page:

6 "It is mentioned there, they have probably come across it in the  
7 Prosecution's opening speech ..."

8 Do you see that part?

9 A. Yes.

10 Q. Now, if we can go a little bit further down, I just wanted to  
11 orientate us to a section where you're answering a question:

12 "What did those papers contain?"

13 MR. DIXON: So further down. It's, in fact, now going to be  
14 over the page onto page 12:

15 "What did those papers contain?"

16 Yes, that's only in the English. Stay on page 11 in the  
17 Albanian, please.

18 Q. And I'm just going to read this section to you here where you  
19 say these are your papers that were at your home.

20 "They were all from the time of war. From the time I was  
21 appointed as G-2 chief until my arrest."

22 Do you see that?

23 A. Yes.

24 Q. And then continuing, the journalist said:

25 "Among those letters, that you mention, did you have any letter,

1 an order, for example, to kill somebody?"

2 And your answer is:

3 "No, never. No, never. Because, not only order, but also, we  
4 did not even think or have intention to kill."

5 Journalist says:

6 "Yes."

7 And then you continue:

8 "Not even think or have intention to kill. For example, they  
9 often came ... Members of the population would come, /and say/ 'so  
10 and so has worked for UDB /Serbian security service/ but are still  
11 free, why don't you deal with them?' Why would we deal with them? I  
12 always thought, I always thought that our court would draft the  
13 vetting law.

14 "Journalist: Yes, yes."

15 And you continue:

16 "And the vetting law would deal with such people. And we did  
17 not want to deal with that issue."

18 Do you recall saying that in response to questions from the  
19 journalist?

20 A. Yes, sir, I remember, and this is how it was. Because I always  
21 believed that all those who worked against Kosovo, I always thought  
22 that there will be a court, a vetting court that will convict them,  
23 and not me or the KLA.

24 Q. Yes, it's correct that you thought there would be a court  
25 established in the future; is that right?

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22741

Cross-examination by Mr. Dixon

1 A. That's right. That's what I thought.

2 Q. However, there wasn't one yet established in March, April 1999,  
3 as you've said.

4 A. I thought that it would be established not only during the war  
5 but also after the war; a court that would deal with people who had  
6 harmed us for decades.

7 Q. Yes, but it's correct, is it not, and you've said this in your  
8 evidence, that you really only had five months. You had the time  
9 from January, when you came in in January 1999, until June to look to  
10 establish this organisation. It was a limited period, was it not?

11 A. Yes. It is quite a limited period filled with battles and  
12 fighting rather than working conditions.

13 Q. And it's correct that in that time you were not able to  
14 establish any structures that could deal with investigating these  
15 matters; is that right?

16 A. That's right.

17 Q. Thank you.

18 MR. DIXON: That can be taken down.

19 Your Honours, I would ask for that one page to be admitted  
20 together with the other pages, depending on Your Honours' decision on  
21 this matter, of course. So if that could be included in the MFI.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 We should give it a separate MFI, and then we can join them if  
24 we admit one.

25 MR. DIXON: Yes. So thank you, Your Honours.

1 [Trial Panel and Court Officer confers]

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 MR. DIXON: Yes. And our request was that only the particular  
4 pages that have been referred to should be admitted, but that's still  
5 to be decided by Your Honours. So we'd want to add this page into  
6 that as well.

7 PRESIDING JUDGE SMITH: Thank you.

8 MR. DIXON: Thank you, Your Honours.

9 Q. So you have explained, and I referred to this earlier, it's a  
10 matter, in fact, that came up in your television interview as well,  
11 that the population came to you with questions and information.  
12 Sometimes, it's right, isn't it, that they gave you lists of people  
13 that they were suspicious of?

14 A. That's very true. In the majority of cases, the information  
15 about these movements came from the civilian population because it  
16 was impossible for the soldiers to move around those areas that were  
17 not under the control of the KLA.

18 Q. And this information, these lists that came from these persons,  
19 you've said in your evidence that you handed over some of these to  
20 the soldiers on checkpoints in your zone. Do you remember saying  
21 that?

22 A. Yes, sir, I do. And that's what we did to protect our  
23 positions, our villages, and the civilian population in those  
24 villages.

25 Q. You didn't give those lists to people at checkpoints to arrest

1 anyone, did you?

2 A. No, sir. That was not the purpose. The aim was to protect and  
3 guard our territory, our positions, and everything that was within  
4 our territory.

5 Q. So what then did you expect the persons at the checkpoints to do  
6 with this information?

7 A. The soldiers at checkpoints had the right to check the identity  
8 of the persons. And if that person was not to be allowed to enter  
9 the territory, he would be sent back to where he came from.

10 Q. And this kind of information, was it passed on by yourself, you  
11 said, but by other persons as well in the zone, not only you?

12 A. This information dedicated to the checkpoints or the police at  
13 the checkpoints was not given by me. What I had, I would give that  
14 information to the commander, and the commander then decided that  
15 these lists were passed on to the adequate personnel who were  
16 guarding the entrance into our territories.

17 Q. Which commander, Mr. Qadraku, are you talking about here? Is  
18 that at the zone level or the brigade level or all of the above?

19 A. Initially, I had the right to give this information to the zone  
20 commander, up to March to Drini, and after March to Tahir Sinani, and  
21 then the commander was able to communicate with the brigade  
22 commanders to explain to them where the risks would be coming from.  
23 And this is how things evolved on the ground.

24 Q. Yes, thank you. It's correct that you never ever passed any of  
25 this information on to the General Staff. You passed it on to your

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22744

Cross-examination by Mr. Dixon

1 zone command and no further; is that right?

2 A. That's right. I always handed over this information only to the  
3 zone commander and our command.

4 Q. And you didn't get any lists of suspected persons from the zone  
5 command going to you, did you?

6 A. I don't remember. Had it been so, I would have probably  
7 mentioned it in one of my reports and submitted it as such in one of  
8 those briefings or meetings that we had.

9 Q. So is this then a matter that you would have discussed in the  
10 zone meetings, how to man checkpoints and what should be done there?

11 A. Of course this was discussed at briefings because they were also  
12 members of the command, and I believe we all took those decisions  
13 jointly. However, the main decision would be taken by the zone  
14 commander together with the deputy commander.

15 Q. Yes. And it's correct that there were no orders given at the  
16 zone command level to arrest any persons or detain them if they were  
17 suspicious; is that right?

18 A. I don't recall to have had such cases, to have had requests to  
19 arrest somebody.

20 Q. And what about the military police unit in the zone? They were  
21 a separate body from the intelligence sector, weren't they?

22 A. Yes. I think that the military police was a separate structure  
23 from the intelligence sector. It was under the direct command of the  
24 zone commander. However, the military police could also be used as  
25 assistance for other units in various areas during fighting.

1 Q. You were not able to, as the intelligence sector person, order  
2 the military police to do anything, were you?

3 A. I don't know what to say about this. However, I could ask from  
4 a police to carry out the job better. For example, in relation to  
5 the guards in front of the command or the ammunition depot or the  
6 guards at the water springs, because that's where we had also guards,  
7 I could have, for example, asked them to caution them. They had  
8 their own commander. Their commander was Nexhmi Krasniqi. And I  
9 believe they took orders only from their commander.

10 Q. So if you wanted to ask them to do something, as you've outlined  
11 here, would you have to go through your zone commander or could you  
12 go directly to Mr. Krasniqi?

13 A. If it was very urgent or if the zone commander was not present,  
14 I could directly say it to the commander of military police,  
15 Mr. Krasniqi. However, when there were valid reasons, that was the  
16 best way, and that was what we did, we went through the command of  
17 Pashtrik operational zone.

18 Q. Yes. And you couldn't ask the military police, and you didn't  
19 do so, to conduct any investigations into any persons who were  
20 suspected of helping the Serbian forces; is that the correct  
21 position?

22 A. Within our territory, I don't think we had people who worked or  
23 collaborated with the Serb forces. And as for territories outside  
24 our own territory, we didn't put either our civilians or soldiers at  
25 risk. So I did not have the opportunity to order somebody to carry

1 out investigation and neither was it my duty to carry out  
2 investigations. My duty was to guard the geographical area where we  
3 were stationed.

4 Q. Yes. It is correct, though, just to follow up on that, that you  
5 did have persons in your territory who the civilian population and  
6 soldiers from time to time thought might be dangerous to your  
7 military efforts. You've given that evidence; isn't that right? I  
8 just want to clarify that.

9 A. I don't recall anything specific in this regard. It could be  
10 so, but I cannot recall any specific instance in this regard.

11 Q. Yes. Just so I could be clear, you have given evidence that  
12 there was coming from the civilian population people who were  
13 identified as being suspicious. You have said that. Do you recall  
14 that?

15 A. Yes, I said that, sir, because it was possible for the civilians  
16 to leave the territories -- our territories to go to other cities, to  
17 go to the markets to buy things. They were freer than we were.

18 Q. Yes. And my specific follow-up question is: It's right, isn't  
19 it, that you didn't ask the military police to investigate any of  
20 these suspicions?

21 A. As far as I remember, it is true that I never asked the military  
22 police to investigate suspicious persons who lived outside the area  
23 where we were.

24 Q. When you say "lived outside the area," I'm talking about in your  
25 area. You didn't ask them to investigate any persons who were in



1 your area; is that right?

2 A. I think that in the area where we lived and were active there  
3 were no such people, so there was no need to.

4 Q. Thank you. Can I ask you now about another part of the  
5 television interview. You don't need to watch it again. It was  
6 shown to you yesterday, and I'll just read out the relevant section.

7 MR. DIXON: It's on page 120 of the provisional transcript from  
8 yesterday from line 2 onwards.

9 Q. You've got here the interviewer saying to you:

10 "Based on the position you had, you had Kadri Veseli as your  
11 boss."

12 That's what the interviewer said. And you responded:

13 "Yes, until 1 April when he was elected ..."

14 And then it was cut off there, the journalist then interrupted.

15 Is it right that on 2 April, Mr. Veseli moved from being the  
16 head of KLA military intelligence to working in the civilian  
17 intelligence, looking to set up that branch in Kosovo?

18 A. It is true. This is what I thought, and maybe that's what I  
19 think now. I think that Kadri Veseli remained in this position until  
20 2 April 1999 when he was elected director of the intelligence service  
21 within the Provisional Government of Kosovo. And I believe what I  
22 told the journalist is true, but I could be mistaken.

23 Q. Yes.

24 MR. DIXON: I'm referring here to Preparation Note 2, paragraph  
25 69 for those following.

1 Q. You said here that he was since 2 April the head of SHIK while  
2 Fadil Kodra was the head of KLA General Staff ZKZ. That's what you  
3 said in your preparation session. That's correct, isn't it?

4 A. It is true that I mentioned Mr. Fadil Kodra, but I did not  
5 mention him as of 2 April because I really don't know. It was never  
6 read to us. We were never informed who held the position of the  
7 chief of intelligence and counter-intelligence as of 2 April 1999.

8 Q. So just to be clear then, from what you recall at the time, when  
9 you were speaking to the journalist on the television show, you  
10 answered yes to this question because you do remember that Mr. Veseli  
11 was the head of KLA intelligence in March. And then when you said  
12 "until 1 April when he was elected," what you meant was you think, as  
13 far as you can recall, he then went to the civilian SHIK intelligence  
14 body; is that right?

15 A. Yes, that's what I thought when I answered the journalist's  
16 question.

17 Q. And that's what you still think today?

18 A. That's what I still think today, that as of 1st or 2nd April,  
19 Kadri Veseli perhaps was even outside the country, that he was  
20 appointed director of the intelligence service within the Provisional  
21 Government of Kosovo which belongs to the civilian part of the  
22 structures.

23 Q. And in any event, it's right, isn't it, that at that time you  
24 had no contact with him? That's from 2 April onwards, no contact  
25 with Mr. Veseli.

1 A. I did no longer have contact with Kadri Veseli as of 1 April or  
2 the morning of 2 April. As of that moment, I did not have any  
3 contacts with Kadri Veseli.

4 MR. DIXON: Yes. I want to now bring up P709. This is a  
5 document that was also shown to you yesterday, a document dated 19  
6 August 1999, in English and Albanian.

7 Q. Mr. Qadraku, if you could look at that document again, please.

8 MR. DIXON: And if we could just go down to the bottom again so  
9 we can see signatures, notes, and the like. Yes, thank you.

10 Q. Now, I know, Mr. Qadraku, yesterday you were shown a similar  
11 document from the day before. I just want to focus on this one in  
12 asking you questions now. It's right that you've never seen this  
13 handwriting that's at the bottom of the document there?

14 A. That's right. I have not seen this document with the  
15 handwriting on the lower part until the day it was shown to me by the  
16 Prosecution.

17 Q. You've said that you think that the name there, Mr. Sinani, is  
18 his signature. He was the zone commander at the time. Had you seen  
19 his signature before this time and does it correspond to you?

20 A. I do not recall the signature of Tahir Sinani. I only read it  
21 here that it is Tahir Sinani. I can't recall any longer what type of  
22 signature he had. This was 25 years ago. But as I stated to the  
23 Prosecutor, it makes no sense. This makes no sense for me to have  
24 written a document a day before to Tahir Sinani and then on the next  
25 day to write the exact same thing.

1 I don't know. I again kindly ask from the Court -- amongst all  
2 the documents that were shown to me contain the stamp or the header  
3 of the Serbian MUP. This is illogical to me. I was arrested in 2001  
4 in Prizren. The documents were sent to Serbia and then back here.  
5 This document can also be forged, supplemented, because these are  
6 copies. However, to me, this document seems illogical because I  
7 wrote it a day before and then it contains this handwriting of the  
8 next day.

9 I have my suspicions on this document. I don't know what else  
10 to say.

11 Q. Thank you, sir. We only have these documents to go on. But  
12 what I wanted to ask you about was the reference here to Chief Luli.  
13 You said in your evidence yesterday that it was also illogical for  
14 that to be written there if that was a reference being made to  
15 Mr. Kadri Veseli, because he at that stage was no longer in the KLA  
16 General Staff as the head of military intelligence; is that correct?

17 A. That's very correct. And this is what I was trying to explain  
18 until now.

19 Q. And it's illogical, isn't it, because from what you know from  
20 your experience, the SHIK, the civilian intelligence body, can't be  
21 giving orders to the KLA intelligence military body about what to do  
22 with its personnel?

23 A. That's very correct. In particular in this time period, August  
24 1999, which is two months after the liberation, at the time when  
25 everybody knew that Fadil Kodra was at the General Staff, chief of G2

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22751

Cross-examination by Mr. Dixon

1 sector, and not Luli.

2 Q. So they are completely separate structures, the military  
3 intelligence structure and the civilian one; is that right?

4 A. I state that the G2 structure of the KLA after the war is  
5 entirely different from the civilian part in which Kadri Veseli,  
6 Luli, operated.

7 Q. So can we agree on this: That whatever this document is here,  
8 this written part, it would be a clear error for it to be sent like  
9 this to the civilian structure to be involved in a matter of this  
10 nature? That must be wrong?

11 A. I also think that something is not in order in this respect,  
12 because Tahir Sinani --

13 Q. Could you just answer that question first, please.

14 A. I agree.

15 Q. And now what was the other part that you wanted to add?

16 A. I think Tahir Sinani, the commander, had a computer, had -- was  
17 in a position to respond to me, to give me an order or instruction,  
18 but the document would bear his signature and not in this form, to  
19 write again what I had written in my request. Therefore, there is  
20 something highly suspicious here for me and illogical.

21 Q. Do you know if there was ever any response to this official  
22 notification?

23 A. I don't know. I don't believe so.

24 Q. So Ms. Krasniqi just stayed in the Pashtrik zone as far as you  
25 recall. You don't remember seeing any follow-up document.

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22752

Cross-examination by Mr. Dixon

1 A. Yes. Mrs. Krasniqi stayed until such time as she saw it  
2 reasonable to stay in Prizren, despite what Tahir Sinani had  
3 declared.

4 Q. Yes, thank you. I want to come on to a final set of topics now  
5 before I conclude.

6 The first is you have clarified that Mr. Veseli was no longer in  
7 the role of head of intelligence of the KLA and the General Staff  
8 from 2 April onwards. But in the period before that, so from January  
9 until April, it's correct, is it not, that you did not know if he had  
10 any deputies working for him?

11 A. That is correct. I am not aware because I never went to him to  
12 report or anything or to contact Kadri Veseli in his office at the  
13 General Staff.

14 Q. And it's right, isn't it, that Mr. Ferat Shala and Mr. Elmi  
15 Recica were your counterparts? They were head of G2 in Drenica and  
16 Nerodime, respectively, reporting to their zone commanders.

17 A. I believe they had these positions in their zones. I did not  
18 know Ferat Shala or Elmi Recica during the war. I knew them after  
19 the war.

20 Q. You had no dealings with them during the war, any interactions,  
21 conversations. That's right, isn't it?

22 A. I stated that I did not know them. It could be that I met them,  
23 but I did not know who's who.

24 Q. And as far as you know, they were not working as deputies for  
25 Mr. Veseli. That's right, isn't it?

1 A. To my knowledge, yes. I do not know what was their work. I did  
2 not know them.

3 Q. So just to be clear, your answer is that you did not know what  
4 work they were doing. Other than that, they were the G2s of the two  
5 zones I've mentioned, Drenica and Nerodime, respectively; is that  
6 right?

7 A. That's right. But, again, I did not know them personally, and I  
8 might be mistaken here. I believe they were in their zones, one from  
9 Nerodime and the other one from Drenica.

10 Q. Yes, thank you. You have said - and for those following, this  
11 is paragraph 17 of your Preparation Note 1 - that you may have seen  
12 them together eating something and you told them to enjoy it, and you  
13 were asked about when that was. Do you recall discussing this in  
14 your preparation session?

15 MR. PACE: Objection, Your Honour. Could we provide some more  
16 context? In that particular paragraph, the witness also explained  
17 where this was. That would help the matter --

18 PRESIDING JUDGE SMITH: Yes.

19 MR. PACE: -- a great deal.

20 PRESIDING JUDGE SMITH: Yes.

21 MR. DIXON: I'm --

22 PRESIDING JUDGE SMITH: Yes.

23 MR. DIXON: -- happy to read the whole paragraph out. I have it  
24 here in front of me.

25 PRESIDING JUDGE SMITH: Go ahead.

1 MR. DIXON: I'll do that.

2 Q. So this is paragraph 17 of your preparation note, and it says,  
3 this is you:

4 "... recalls meeting Ferat Shala and Ilmi Recica at the KLA  
5 General Headquarters in Klecka but is not certain when. This was not  
6 when [you] received his G2 appointment, because on that occasion he  
7 only met Zyrapi who advised [you] there for an hour or so. It could  
8 be that [you] met Shala and Recica when he went," that's you went,  
9 "to Radio Free Kosovo or on 1 April ... When they met, Shala and  
10 Recica were eating something and [you] told them to enjoy it."

11 Do you remember saying that?

12 A. Yes, I remember saying that. However, there's also another  
13 occasion which I omitted to say. After the liberation around the  
14 16th -- 13th, 14th, or 15th of June, I was at the General Staff to  
15 deliver some trucks that had come with aid from Albania through Has.  
16 It could be that there was this meeting. I answered to the  
17 Prosecutor saying that I have seen them, but I do not remember when.

18 Now, it could be that also I saw them five, six days after the  
19 liberation when I sent those lorries loaded with the weapons and  
20 armament from Has to Klecke. I did not know Elmi Recica and Ferat  
21 Shala well at the time. Therefore, it -- so all of this is included  
22 in my description when I say that I think I've seen them sometime at  
23 the General Staff, but I do not know when.

24 Q. So am I right in understanding your evidence there that you  
25 might have seen them later than 1 April. So not on 1 April but later



1 in June 1999?

2 A. This is what I wanted to say, that four, five days after the  
3 liberation I went back again. Some lorries with armament had come to  
4 Rogove of Hasit, and I directed the drivers of those lorries to go to  
5 Klecke because I didn't know where I would send them to. And as a  
6 result of this, I went there on another occasion.

7 Q. Thank you. Mr. Qadraku, I want to ask you lastly about your  
8 Facebook post of 6 November 2020 - we don't have to call it up - when  
9 you were commenting on your personal views on FARK. Do you remember  
10 that being shown to you yesterday?

11 A. I do remember seeing it yesterday. It's not just an article.  
12 I've written dozens of articles. I think that they damaged us  
13 greatly. I think they could have helped us more. Had they been with  
14 us, the war would have developed better. I accept all articles in my  
15 social network as mine, as expressing my opinion and my thoughts.

16 Q. And would you accept, Mr. Qadraku, that, as you said yesterday,  
17 these are very much your own personal views and opinions?

18 A. Always, be that during the war, my writings during and after the  
19 war, my posts on social media. I could not -- I was not in a  
20 position to take or make decisions. I was always an adviser. The  
21 chief of G2 acts as an adviser to the commander. Therefore, I always  
22 try to fulfil my role of the adviser.

23 So these are always my views, my opinions. And this is what I  
24 thought at the time, and this is what I think now.

25 Q. And you are aware in saying that that many in the KLA did not

1 share your personal opinion; is that right?

2 A. It's absolutely correct. Everyone has the right to their own  
3 opinions. I did not act against them. I expressed an opinion, which  
4 is that they were wrong.

5 Q. And you know, don't you, that various steps were taken by  
6 persons in the General Staff, including Mr. Veseli and Mr. Zyrapi -  
7 Mr. Veseli and Mr. Zyrapi - to integrate the FARK into the KLA so  
8 that there wouldn't be any division?

9 A. Yes, I'm aware of this.

10 Q. So you are aware that in early November 1998, there was an  
11 agreement reached with the Bukoshi government abroad and the KLA to  
12 unite the armies so that they could be stronger together?

13 A. I am not aware about November -- any agreement having been  
14 reached in November 1998. But I know that on 28 November 1998, the  
15 largest group of FARK entered Kosovo and was stationed in Pashtrik  
16 zone. 148 members were there. I was there when they left for  
17 Kosovo. I know it. I am not talking about the part that entered  
18 Kosovo. I am talking about the part of FARK that remained outside  
19 Kosovo which damaged us greatly. Those who entered Kosovo, they were  
20 just like us. They fought like we did.

21 I make a distinction. I criticise the part of those who  
22 remained abroad in Switzerland and Germany having fun and a good time  
23 while people were being slaughtered in Kosovo. This is why I raise  
24 accusations against them, for failure to act.

25 Q. Yes, Mr. Qadraku. I'm just trying to understand what your views

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22757

Cross-examination by Mr. Dixon

1 were. So you're saying now that you were happy with the persons who  
2 came in and integrated, fighting together with the KLA. You had no  
3 problems with them; is that right?

4 A. Correct. We did not have problems with them. They were  
5 organised. They were appointed. They had a commanding structure.  
6 Every one of them was a commander in several brigades. We welcomed  
7 them and we fought together very well.

8 Q. So there was no policy within the KLA during the war, then, to  
9 target those people from FARK who had come in to fight side by side?  
10 That's right, isn't it?

11 A. We never targeted them, first of all. Secondly, those who knew  
12 themselves that they were not clean, they left by themselves. On  
13 25 March, the deputy commander of the Pashtrik operational zone left.  
14 The highest-ranking person from FARK left, Syle Kollqaku. He left us  
15 alone without -- never saying why. If he had a family problem, we  
16 would have understood. We were all family people. I am convinced  
17 that he entered with bad intentions. He realised that there was no  
18 room for him to act or manoeuvre, and then he left.

19 Therefore, those FARK members who came to fight were welcomed by  
20 us. But I, personally, as Halil Qadraku, was always fearful to some  
21 extent that they would do something similar to what happened with  
22 Tahir Zemaj in Dukagjini area.

23 Q. It's right, isn't it, that your views were very much shaped by  
24 what you knew had happened in respect of Mr. Zemaj in the Dukagjin  
25 area when he had left?

1 A. That's very correct. Because this was a huge blow, that what  
2 happened to Ramush Haradinaj in the Dukagjini zone.

3 Q. And you were always concerned that the same might happen in your  
4 zone, that you might be left stranded?

5 A. I am probably by nature excessively idealist, and I was afraid  
6 that the same thing that happened in Dukagjin would happen to us. I  
7 was afraid to some extent. But I was not opposed to them at all. I  
8 was happy. I rejoiced when they came in. They were career officers,  
9 regardless of the fact that they had been trained by the Yugoslav  
10 Army. They were Albanians. We were happy that they had decided to  
11 come in and join the fight for the fatherland.

12 Q. And it's right that you needed every soldier that you could get  
13 to stand up to the might of the Serbian forces?

14 A. We needed every single person. I said it yesterday. We needed  
15 even a dog, a donkey, a horse. We needed everything. We were in  
16 small numbers, especially in March, April, when we were left only  
17 with 12 soldiers, a bunch of soldiers with the entire civilian  
18 population. This was a bloody time. We had shortages of war  
19 equipment, food, everything. And hence my concern and my continuous  
20 fear of problems that would come from them.

21 Q. So you would agree with me then that it was a very positive  
22 initiative for Mr. Zyrapi and Mr. Veseli to go abroad in September  
23 and October to ensure that an agreement was reached with the Bukoshi  
24 government and FARK to unite with the KLA. Is that a correct  
25 statement?

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22759

Cross-examination by Mr. Dixon

1 A. I fully agree. If they reached that agreement, that is a good  
2 agreement, and we needed that.

3 Q. And do you know that as a result of that agreement, from your  
4 experience, FARK soldiers did come in to Kosovo in November and  
5 thereafter and they worked together successfully with the KLA  
6 soldiers?

7 A. Counsel, I know that amongst 5.500 -- of the 5.500 members that  
8 FARK had, only 148 came in Kosovo on 28 November, and I respectfully  
9 bow in front of them. But the other 5.300 remained in Switzerland  
10 and Germany.

11 Q. Yes. And those who did come in, you had no problems with them.  
12 You worked effectively with them; is that right?

13 A. I worked with all of them without any problems, although at  
14 times I had a dosis of suspicion or fear that something could happen.  
15 It did not happen with all of them, but it did happen with one of  
16 them.

17 Q. You're referring to the person in your zone command who left; is  
18 that right?

19 A. That's right. He was the commander of all these. Syle Kollqaku  
20 was the commander of all these 148 persons when they entered Kosovo  
21 on 28 November 1998.

22 Q. And this is the person you've written about in that blog on  
23 Facebook; is that right?

24 A. Yes, that is the person I wrote about on Facebook.

25 Q. But just to confirm, there was no policy in your zone or in the

1 KLA to take any negative actions against these persons by detaining  
2 them or committing acts of violence against them. That's right,  
3 isn't it?

4 A. Correct. That is correct.

5 Q. Thank you, Mr. Qadraku. Those are my questions.

6 MR. DIXON: Your Honours, thank you. That concludes my  
7 cross-examination.

8 PRESIDING JUDGE SMITH: We'll take a ten-minute break at this  
9 time.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: We're adjourned for ten minutes.

12 --- Break taken at 3.30 p.m.

13 --- On resuming at 3.41 p.m.

14 PRESIDING JUDGE SMITH: Please bring the witness in.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 Ms. Tavakoli representing the Thaci Defence will have some  
18 questions for you now.

19 Cross-examination by Ms. Tavakoli:

20 Q. Good afternoon, sir. I'd like to first talk --

21 A. Good afternoon.

22 Q. -- speak to you about the LPK. Now --

23 A. All right.

24 Q. -- you became a member of the LPK in Switzerland, didn't you?

25 A. Yes, madam.

1 Q. You weren't one of the founders of the LPK, were you?

2 A. No, I wasn't, madam.

3 Q. And you weren't a member of the LPK higher or central structures  
4 such as the presidency or steering committee, were you?

5 A. No, I was never a member of the presidency or the steering  
6 committee.

7 Q. And you told the SPO last week, I think these are your words,  
8 that you were a simple LPK member; correct?

9 A. Correct.

10 Q. Now, last week with the Prosecutor and yesterday, you were shown  
11 an interview of Xhavit Haliti by Blerim Shala. Do you recall that?

12 A. Yes, madam.

13 Q. And you had not seen that interview before you were shown it by  
14 the SPO, had you?

15 A. That's correct.

16 Q. And you told the Court yesterday that in that interview  
17 Xhavit Haliti spoke about matters that you had no direct knowledge of  
18 at the time; correct?

19 A. Very correct, madam.

20 Q. And examples for the Court would include the 1993 meeting of the  
21 LPK and decisions emanating from it such as the creation of a special  
22 military mechanism. You learnt about these after the event, didn't  
23 you?

24 A. Yes, madam. Correct.

25 Q. And you were not part of the decision-making process, were you?

1 A. No, I never was.

2 Q. Now, we know that when you were shown Haliti's interview, you  
3 were asked if you agreed with certain excerpts that were put to you;  
4 correct?

5 A. Yes.

6 Q. And when the SPO showed you that article for the first time, did  
7 they tell you what Haliti himself has said about that interview? And  
8 I'm going to read to you what Haliti has said about that interview so  
9 that you can answer my question. And Haliti gave a statement. He  
10 was shown that interview. He was asked if he remembered it.

11 MS. TAVAKOLI: And the reference for the Court is 083544 at  
12 Part 1, page 9, and also page 11.

13 Q. And he said that he remembered the interview. He was asked:

14 "When you were giving the interview, were you trying to be  
15 truthful and accurate in response to the questions?"

16 And Haliti said this:

17 "In terms of these interviews, there have been a lot of  
18 interviews. And people have used them to do propaganda. It was part  
19 of being -- of arrangements to be settled in the politics of Kosovo,  
20 the fact that people have written books and have given interviews.

21 "What I have actually stated in this interview has never been  
22 confirmed by anybody in Kosovo. This was a ... political thing, to  
23 give an interview, rather than state [the] facts of where I'd been  
24 and what I'd done."

25 Then he's asked:



Witness: Halil Qadraku (Resumed) (Open Session)

Page 22763

Cross-examination by Ms. Tavakoli

1 "Well, there are a lot of facts ... in that interview. Are you  
2 telling me [that] they're not true?"

3 And Haliti replies:

4 "Most of it or a large amount of it is something wishful  
5 [thinking] and things that related to my future -- my political  
6 future."

7 And it goes on at page 11 to confirm that he said those things  
8 in the book, but, he said:

9 "It was propaganda, though."

10 Were you aware that Mr. Haliti had said those things about that  
11 interview?

12 A. No, madam. I did not read that book, that interview in its  
13 entirety.

14 Q. And would you agree with me as a general principle that after  
15 the war in Kosovo, many people wrote books or gave interviews to  
16 glorify or exaggerate their role in the war?

17 A. Yes, madam. It happened quite often for people to publish books  
18 for propaganda purposes, to achieve things. I'm not one of them. I  
19 never wrote things about myself. Maybe I've written short opinions  
20 in social media. However, I know that many people wrote books,  
21 perhaps not based on exact science and our reality.

22 Q. Thank you. I'd now like to go to a second topic. Now, you gave  
23 evidence yesterday that after the LPK meeting in July 1994 in  
24 Prizren, the PBDK political party was created, and its first leader  
25 was Bardhyl Mahmuti. Do you remember saying that? Bardhyl Mahmuti,

1       sorry.

2       A.     I remember, madam.  It's July 1999, not 1994.

3       Q.     My mistake.  Now, you also gave evidence about the PDK.  And I'd  
4       like to show you a document on that, please.

5           MS. TAVAKOLI:  And if we can please bring up DHT04822 to  
6       DHT04826.  There's a copy in Albanian and in English.  And this is a  
7       section downloaded from the Democratic Party of Kosovo's web site.  
8       Now, if you could please go down to just below the picture to the  
9       text.

10      Q.     If you'd like to read that text, please, sir.

11           MS. TAVAKOLI:  If we could have all of the text on the page,  
12      please.  Sorry, Mr. Court Officer, can the Albanian show all of the  
13      text, please?  And the English at the side or not?  Can we -- we  
14      can't have them side by side, can we, to both show the text?  Thank  
15      you.

16      Q.     Now, it's correct, isn't it, from this, that the PDK was formed  
17      on 10 October 1999?

18      A.     It could be.  It is true.  And I think this is what I stated,  
19      too.  I said that in July --

20      Q.     If you let me just ask the questions, I'm trying to clarify  
21      exactly what you understood.

22           MS. TAVAKOLI:  If we could go to the second page, please.  
23      That's fine.

24      Q.     And you'll see here, the third paragraph down, it says:

25           "Since its establishment, the Chairman of the Democratic Party

1 of Kosovo, until 2016, was Mr. Hashim Thaci."

2 Can you see that? And --

3 A. Yes, madam.

4 Q. -- if we go back to the first page, please, it says here --

5 MS. TAVAKOLI: And if we can go to the text on both versions,  
6 please.

7 Q. It says here that this party was initially called the Party for  
8 Democratic Progress of Kosovo, which is the PPDK, but later it  
9 changed its name to the Democratic Party of Kosovo. Do you see that?

10 A. Yes, I do.

11 Q. There's no reference here to Bardhyl Mahmuti's party, is there,  
12 the PBDK? Just if you answer the question is there any reference  
13 there to that, yes or no?

14 MR. PACE: Your Honour, counsel -- I object. Counsel herself  
15 said that there's a reference to the PBDK when she read the text. I  
16 don't understand why she's now asking the witness that there is no  
17 such reference.

18 MS. TAVAKOLI: There's no reference to the PBDK. It's the PPDK.

19 Q. So there's no reference here, is there, to the PBDK, Mahmuti's  
20 party, is there? No?

21 A. The Party for Democratic Progress of Kosovo, to what I remember,  
22 because I was not part of the party, I was in the uniformed part, I  
23 remember that its first chairman was Bardhyl Mahmuti. Later on, in  
24 October or later, when it was named the Democratic Party of Kosovo,  
25 from the beginning of its existence up until 2016, I believe

1 President Thaci was chairman of that party.

2 This is the knowledge I have for the PPDK, that its first  
3 chairman was Bardhyl Mahmuti for a month or two months. This is what  
4 I know.

5 Q. I understand that's what you know, but I'm going to suggest that  
6 you are incorrect and that this document is correct. And if I'm  
7 going to just put my position to you, it's that Hashim Thaci set up a  
8 separate political party in October 1999 which was initially called  
9 the Party for Democratic Progress of Kosovo, and that this later  
10 changed its name to the Democratic Party of Kosovo, and this was a  
11 separate party to Bardhyl Mahmuti's party. Would you agree with  
12 that?

13 A. It could be so.

14 Q. And I understand that after Hashim Thaci set up this party, he  
15 invited other people to join and Bardhyl Mahmuti later joined. Did  
16 you understand that to be the case? That's our position.

17 A. I think that those who established the party know better. I was  
18 in uniform as far as I remember. As far as I know, this is how I  
19 heard it in 1999, the first chairman of the PPDK was Bardhyl Mahmuti  
20 because the KLA representative Hashim Thaci was, I think, touring  
21 Europe. And this is what the comrades said upon his return. It was  
22 Bardhyl's wish to hand over the party to Hashim Thaci to lead. This  
23 is what I know. My knowledge could be wrong, but this is how I knew  
24 it.

25 Q. Okay. I want to clear this up because I think it's quite

1 confusing. You said yesterday, and you've said it now, that you were  
2 in uniform, that you didn't really deal with politics, and you  
3 weren't directly involved in the formation of political parties;  
4 correct? And those that created the political parties, you would  
5 defer to them; correct?

6 A. Yes, I think that would be just. But this is my knowledge, the  
7 extent of my knowledge.

8 Q. You said yesterday -- can we just go through it one more time?

9 MS. TAVAKOLI: Sorry. Or should we leave it? Do you have my  
10 case, Your Honours?

11 PRESIDING JUDGE SMITH: You've asked his opinion, he gave it to  
12 you, and now you're arguing about it with him, so --

13 MS. TAVAKOLI: Okay. So as long as my case is on the record.  
14 Can I tender this document, please, into evidence?

15 PRESIDING JUDGE SMITH: Any objection to the document?

16 MR. PACE: No.

17 PRESIDING JUDGE SMITH: DHT04822 to 04826 is admitted.

18 THE COURT OFFICER: This will be assigned Exhibit 1D00216. And  
19 it's classified as public. Thank you, Your Honours.

20 PRESIDING JUDGE SMITH: Thank you.

21 MS. TAVAKOLI:

22 Q. Now, I want to go to -- to about Hashim Thaci himself. You  
23 didn't know Hashim Thaci when you were in Switzerland, did you, and  
24 you didn't have any contact with him there?

25 A. Correct. I didn't have contact with him, and I didn't know

1 Hashim Thaci in Switzerland.

2 Q. You've given evidence about two occasions in 1998 when you saw  
3 Hashim Thaci. Now, the first was on 30 May, and at that time you  
4 didn't know it was him, did you?

5 A. Correct. That's true.

6 Q. Okay.

7 A. On 30 May, a group of 70 persons entered --

8 Q. Thank you. Now, he had injured his leg, and you told the  
9 Prosecutor last week that he had two snipers on his back.

10 MS. TAVAKOLI: The reference is Preparation Note 2, paragraph  
11 16.

12 Q. And that you carried his weapons; correct? I just need a "yes"  
13 or a "no".

14 A. Yes.

15 Q. And would you agree with me that any KLA member who crossed the  
16 border from Albania into Kosovo had to carry weapons because it was  
17 how the KLA was supplied with those weapons on foot across the  
18 border; correct?

19 A. Yes.

20 Q. You also saw him on 16 November, and you've told my learned  
21 friend Mr. Dixon that you didn't see him again -- you didn't see  
22 Hashim Thaci again once he crossed the border into Cahan; correct?  
23 You didn't see him in Albania after that, did you?

24 A. That's correct. I didn't see him again.

25 Q. And you had no other interactions during the war with

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22769

Cross-examination by Mr. Tully

1 Hashim Thaci, did you?

2 A. No, I didn't, madam.

3 Q. Thank you.

4 MS. TAVAKOLI: No further questions.

5 PRESIDING JUDGE SMITH: Thank you, Ms. Tavakoli.

6 Cross-examination by Mr. Tully:

7 Q. Good afternoon, Witness. My name is Eric Tully. I am counsel  
8 for Mr. Selimi. I have 30 minutes left in the court day, and I think  
9 we can get the questions done in that time if you keep your answers  
10 as concise as you can.

11 I only have one topic that I really want to discuss with you,  
12 and this is the meeting that you say you had with Mr. Selimi on  
13 11 March 1998.

14 So just as some background. Before leaving Kosovo in 1978 due  
15 to your father's political persecution, it's correct that you have  
16 extensive family living in the Rahovec municipality in Kosovo; isn't  
17 that right?

18 A. Yes, sir.

19 Q. Okay. And I believe you mentioned in your SPO interview - this  
20 is in Part 1, 1854.1, at page 13 - there's Dervish Qadraku, Qamil  
21 Qadraku, Naim Qadraku, and they were all also arrested for political  
22 activity; isn't that right?

23 A. That's right.

24 Q. And before you arrived in 1998 in Kosovo, you had already sent  
25 your wife and children ahead of you to live in Rahovec; correct?

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22770

Cross-examination by Mr. Tully

1 A. That's correct.

2 Q. Okay. So prior to arriving in Kosovo, through your membership  
3 of the KLA, you were generally aware of the existence of the KLA, but  
4 am I right in saying that you didn't -- that simply by being a member  
5 of the party, you didn't know the specifics of how the KLA  
6 functioned; is that accurate?

7 A. Yes, sir. That's right.

8 Q. Okay. And so -- and this is based on an answer that you gave  
9 yesterday. When you went with your friend Selim Gashi to Drenica  
10 after arriving in Kosovo, you said you didn't know Drenica very well.  
11 You didn't know Kosovo very well. And you asked and arrived in  
12 Likoc, introduced yourselves, told them who you were, that you were  
13 members of the movement, "we wanted to meet some friends and mobilise  
14 ourselves together."

15 MR. TULLY: That's yesterday at page 50.

16 Q. You remember giving that answer?

17 A. Yes, sir, I do. And that's true.

18 Q. And so from this I can discern that you didn't have anybody in  
19 mind that you were going to meet. You were simply going there to  
20 hope to find somebody who would help you recruit into the KLA so you  
21 could volunteer your services; right?

22 A. That's correct, sir.

23 Q. So 11 March is right after the events of Prekaz, and you agree  
24 with me that after this event there was a large influx of recruits  
25 into Kosovo looking to join the KLA just like you were; isn't that



1 right?

2 A. That's correct. I just wanted to point out one thing. On  
3 11 March I travelled from Switzerland to Kosovo. So this doesn't  
4 mean that I arrived in Likoc on the same day. It could be three,  
5 four, five days later. But it was in March, around mid-March 1998.

6 Q. So 11, give or take, more likely give a few days. Okay.  
7 Understood.

8 A. Yes.

9 Q. So the issue then with all of these volunteers coming in was not  
10 so much a manpower issue for the KLA at that point in time, and as  
11 your job would later reflect, it was a weapons issue. They needed  
12 weapons more than men, for example, in Drenica. If you were to pick  
13 between the two.

14 A. Yes, sir. That's correct.

15 Q. Okay. And I'll get to that in a second. So you arrive in  
16 Likoc, and it's recorded in the preparation note that you asked them  
17 to -- you asked to meet --

18 MR. TULLY: This is at Preparation Note 1, paragraph 8.

19 Q. You asked to meet one of the superiors, following which someone  
20 later found out it was Rexhep Selimi and include -- introduced  
21 himself as Dhjeci. Now I'll get to Mr. Selimi in one second, but who  
22 did you speak to when you first arrived in Likoc? Was it guard  
23 standing at the entrance to the base or somebody generally hanging  
24 around? Do you remember who that person was?

25 A. Of course, we met the guard. It took quite a long time for us

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22772

Cross-examination by Mr. Tully

1 to explain to him who we were, where we were from, that we were  
2 friends of friends we knew. But we didn't know who was inside. We  
3 only knew who we were. I think they talked, communicated with  
4 somebody over the radio and then accepted us in.

5 Q. Okay, I understand. But this person that you spoke to could be  
6 described as a simple soldier. Would that be accurate; yeah?

7 A. The guard --

8 Q. The first one.

9 A. Yes. I think that was the case.

10 Q. So asking for a superior of his would by definition be any  
11 commander who was around, company commander, battalion commander, and  
12 so on? Just as a general principle. Right?

13 A. Correct.

14 Q. Okay. So the person you met who introduced himself as Dhjeci  
15 who you later determined to be Mr. Selimi, how long did your  
16 conversation with him last when you and Selim Gashi arrived in Likoc?

17 A. I do not recall now, but sufficient time needed to clarify,  
18 understand where we could contribute and take up tasks. Maybe an  
19 hour, 40 minutes.

20 Q. And given the fact that this was so soon after the massacre of  
21 the Jasharis, presumably they were paranoid about security; would  
22 that be right? Or at least concerned. Excuse me, it's the wrong  
23 word to use. Concerned about security for themselves and for the  
24 installation there in Likoc. Would that be fair?

25 A. I do not know very much about that time and those circumstances,

1 but they were concerned about the situation, the killings that had  
2 occurred, and, of course, they were also concerned with their  
3 security.

4 Q. Evidenced by the fact that a code-name was used and not a real  
5 name; right? That would be one example.

6 A. I think that is one example.

7 Q. Okay. So it's very unlikely that in this conversation then with  
8 the person you identified as Mr. Selimi that he told you his position  
9 or rank or membership of the General Staff, for example, within the  
10 KLA. Would that be a fair assumption?

11 A. We didn't ask him and we were not interested in this  
12 information.

13 Q. Very well. So this is something then, in the course of your  
14 conversation with him, you said it yourself, that you were interested  
15 to find out where you could be most of help. So, obviously, part of  
16 that was you told him or at least he asked you about where your  
17 family was originally from, and you told him from Rahovec. Would  
18 that be a fair assumption too?

19 A. Yes, sir. That's correct.

20 Q. Okay. And speaking strategically or geographically, Rahovec,  
21 Drenoc, is an ideal place to set up and maintain supply lines from  
22 Albania because of its access to the border and the nearby mountain;  
23 isn't that fair?

24 A. Yes, sir.

25 Q. So when Mr. Selimi told you to go back to your home

1 municipality, he essentially told you that your services were not  
2 best served in Drenica. That, in fact, it was better for you to  
3 volunteer your services back home in the municipality of Rahovec  
4 where they needed volunteers like you to help in the smuggling  
5 operation; isn't that right?

6 A. Yes, sir.

7 Q. And he directed you towards the person who was organising that  
8 area, Mr. Zyberri in Drenoc; isn't that correct?

9 A. Correct. But I do not remember if this was during our first  
10 meeting or second meeting. However, he instructed us, saying, "You  
11 have your man in Rahovec who goes by the pseudonym 500," "*peseqind*"  
12 [phoen].

13 Q. Okay. But Mr. Zyberri was already present in the region before  
14 you arrived in March and that's when you began your smuggling; isn't  
15 that right? Okay. You have to say it on record.

16 A. Yes, that's correct.

17 Q. Okay. And he was already working on the task of organising this  
18 area before you arrived; isn't that right? Mr. Zyberri.

19 A. Correct.

20 Q. Okay. And you've spoken about it in your preparation session  
21 and earlier today. And I'm going to read out two quotes from your  
22 preparation note, and this is at paragraph -- both from paragraph 16.  
23 It says:

24 "Considering what happened in [the witness's] area, [the  
25 witness] believes that in every municipality there was a person who

1 started the work on their own and, in time, they would organise  
2 people."

3 And then it says:

4 "There was an autonomy in terms of organising and [the witness]  
5 thinks this is how all regions -- [this] was in all the regions since  
6 you could not oblige anyone to set up the KLA."

7 Now, these two quotes, do I understand that you're saying in  
8 your area the person who was doing the organising work and working  
9 autonomously was Mr. Zyberi?

10 A. Yes, sir.

11 Q. And working without orders or direction from anybody else  
12 outside of that region; is that right?

13 A. I wouldn't know, but I believe that in the majority of cases  
14 they adapted to the nature and general circumstances.

15 Q. So essentially, once you went to -- when you left and you went  
16 to Drenoc, Mr. Selimi back in Drenica was not involved in this  
17 operation that you and Mr. Zyberi were carrying out, particularly in  
18 the Has region; isn't that right?

19 A. I think it is right. Because with Mensur Zyberi, we also worked  
20 with the Has structures to find pathways that were easier and more  
21 convenient to cross into Albania and then come back.

22 Q. Okay. So essentially where the prep note records you saying  
23 that you received tasks from Mr. Selimi to organise the Has region,  
24 based on your answers today the extent of Mr. Selimi's involvement in  
25 this matter was to direct you towards Mr. Zyberi who needed

1 somebody's help in his work organising that region. Isn't that a  
2 little bit more accurate?

3 A. Yes.

4 Q. And two more things. Since you were a volunteer for the KLA,  
5 and we're talking about tasks here, as a volunteer you weren't  
6 obliged to follow the tasks you were given when you signed up. This  
7 was something that you were volunteering to do; isn't that correct?

8 A. That is correct. And I could have ended my activity at any  
9 time. Everyone could leave this activity any time they wanted to.  
10 This was a voluntary war.

11 Q. Two more questions then, Witness. And I just want it to be  
12 clear, but it's right that you were not reporting to Mr. Selimi  
13 during this or any other period in either 1998 or 1999; isn't that  
14 correct?

15 A. That's correct.

16 Q. And to the extent of your knowledge, it's right also that  
17 Mr. Zyberi was not reporting to Mr. Selimi in either 1998 or 1999?  
18 That's correct, isn't it?

19 A. I cannot speak to that. I don't think he reported to him  
20 because all of Kosovo went through Drenoc, I would say, going to  
21 Albania. I don't know. I'm not certain about this.

22 Q. Very well. Thank you, Witness. I wish you a safe journey home.

23 MR. TULLY: Those are my questions, Your Honour.

24 PRESIDING JUDGE SMITH: Mr. Ellis, would you rather start in the  
25 morning rather than being cut off after just a few minutes?

Witness: Halil Qadraku (Resumed) (Open Session)

Page 22777

Procedural Matters

1 MR. ELLIS: I would, Your Honour. And that may assist me to cut  
2 down my time as well.

3 PRESIDING JUDGE SMITH: Witness, your testimony today is  
4 complete. You'll have to be back here tomorrow morning at 9.00 for  
5 some further questioning. Thank you for being with us.

6 You may leave the courtroom now with the Court Usher. And  
7 please do not speak about this case with anybody outside of the  
8 courtroom.

9 [The witness stands down]

10 PRESIDING JUDGE SMITH: [Microphone not activated].

11 --- Whereupon the hearing adjourned at 4.19 p.m.

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