

1 Wednesday, 27 November 2024

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: I note that all the accused are present  
11 in court today.

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

15 On 25 November 2024, 123452 to 123453 and its corresponding  
16 translation was admitted as P01861. Following admission, the Panel  
17 noted that the English translation did not contain the date of the  
18 report which was reflected in the Albanian version, and, therefore,  
19 asked the SPO to provide a revised version.

20 In Disclosure Package 1512, the SPO disclosed a revised version  
21 of 123452 to 123452-ET. The Panel, therefore, instructs CMU to add  
22 123452 to 123452-ET disclosed in Disclosure Package 1512 to P01861.

23 This concludes the Panel's order.

24 It's been brought to the Panel's attention that the Veseli  
25 Defence would like to raise a legal issue before the Panel.

1 Counsel for Mr. Veseli, you may make your submissions. Please  
2 do so in five minutes.

3 MR. DIXON: Thank you, Your Honours. We did ask to do it at the  
4 end of all of the cross-examination before the questions from the  
5 Bench because it concerns those questions.

6 PRESIDING JUDGE SMITH: We'll do it now.

7 MR. DIXON: All right. And it is on behalf of all of the teams.  
8 I understand that the other Defence teams want to add as well. But  
9 Mr. Pace, I think, wants to object to me making an objection.

10 MR. PACE: Indeed, Your Honours, I do. And yesterday, when the  
11 Defence notified us in the afternoon about their intention, we asked  
12 them, pursuant to paragraph 7 of the Order on the Conduct of  
13 Proceedings, to tell us the basis and the nature of their objection  
14 or of the issues they wish to raise since initially they only phrase  
15 them as legal issues.

16 This morning at 8.21 we just were informed by the Defence and  
17 they said they wish to raise legal issues concerning the proposed  
18 documents for use by the Panel; specifically, the appropriateness,  
19 lawfulness, and fairness of use of these documents, and the prejudice  
20 that arises from indicating that the Panel intend to use a number of  
21 one of the two documents that had not been disclosed prior to the  
22 notification.

23 Once again, in accordance with the Order on the Conduct of  
24 Proceedings, even though we were only informed of this moments ago,  
25 we responded - this probably hasn't reached you yet, it was a few

1 minutes ago - that we object to them raising these issues in advance  
2 of the Judges' questions including because, based on the information  
3 provided, such submissions are going to be duplicative of F2718 which  
4 is still before Your Honours and which we responded to in writing  
5 earlier this week in F2747, on 25 November, in fact.

6 So in light of Defence's notification of the scope of their  
7 submissions and the written submissions that already address this  
8 issue, we see no point in delaying the proceedings, especially at a  
9 moment like this when we have two witnesses ready to go after this  
10 one and when this issue has been litigated not only in filings  
11 currently before the Panel but also in previous filings also subject  
12 to a decision by the Appeals Panel on the matter.

13 So those are our initial submissions as to why there's no reason  
14 to hear the submissions at least as outlined in the e-mail that we  
15 were provided noting the scope thereof. Thank you.

16 PRESIDING JUDGE SMITH: Thank you. And I am not arguing with  
17 you at all, but we're going to go ahead and hear this, but we're  
18 limiting it to five minutes for exactly the reasons that you've  
19 raised.

20 MR. DIXON: Yes. Your Honours, it concerns the notification  
21 about the documents to be used. These are documents under Rule 102,  
22 103 that were disclosed. And we are objecting to those.

23 And contrary to what Mr. Pace says, we are entitled as the  
24 Defence to object to evidence coming in. That's the point of having  
25 Defence counsel. So I do appreciate, Your Honours, the opportunity

1 to address you very briefly on this matter. And there are two parts  
2 to it. One, we were given hundreds of pages yesterday for the first  
3 time. We simply haven't had the time to go through all of that.

4 JUDGE METTRAUX: Well, Mr. Dixon, I'll stop you there maybe for  
5 a second. You haven't been given these pages yesterday, have you?

6 MR. DIXON: No, we've had them for some time, but this is the  
7 first time we've been told --

8 JUDGE METTRAUX: Yes.

9 MR. DIXON: -- that we're using them in relation to this  
10 witness.

11 JUDGE METTRAUX: Well, my question to you, if I may, is my  
12 understanding is every single one of the documents of which you've  
13 been given notice of, you, the Veseli team, had had it in your  
14 possession for years; am I right?

15 MR. DIXON: We've had it for some time. The other teams  
16 haven't. But Your Honours will know that the way it works in an  
17 adversarial trial is the Prosecution, if they're going to use a  
18 document, tells us. We get a prep note. We get time then to look at  
19 it to object to relevance. If it comes just before the questions are  
20 due to come from the Judges after we've done cross-examination,  
21 that's not proper notice. That's unfair. It's prejudicial. That  
22 goes to the heart of the matters that are raised in our motion, and  
23 I'm not going to go over those again. That will be ruled on in due  
24 course.

25 But we're saying we do need more time considering that this has

1 been identified for the first time. So that's my first point.

2 The second is, Your Honours, in relation to the admissibility of  
3 the documents which may well arise, and I may need to address you  
4 further on this later. But there are a number of documents here that  
5 are simply inadmissible, and I'll just deal with three of those  
6 briefly.

7 First of all, in relation to the statement of Ferat Shala. He  
8 hasn't been called as a witness in this case.

9 JUDGE METTRAUX: Well, Mr. Dixon, the statement of Mr. Shala is  
10 not in issue, you raised it last week, is it?

11 MR. DIXON: We are objecting to it being admitted because it can  
12 only come if the witness comes or you go through one of the *lex*  
13 *specialis* rules, Your Honour, as you've said before --

14 JUDGE METTRAUX: No one has offered it, Mr. Dixon.

15 MR. DIXON: Well, it may well be offered through Your Honours'  
16 questions, and that's why we're marking the objection now. That's  
17 the first point.

18 The second one is in relation to the Drini trial proceedings.  
19 And there, once again, Your Honours have ruled on this on 24 July  
20 2023, saying that, yes, events that take place outside the  
21 indictment, you can lead evidence on it, but you need to show how  
22 it's relevant to something inside the indictment. We've had no  
23 notice of that in relation to the use of these particular documents.  
24 Once again, if the Prosecution did it, rightly, they'd give us  
25 notice, and then we'd have a chance to respond.

1           So we're in a situation here where we don't know what's coming.  
2           We asked for particular pages to be identified overnight. That  
3           hasn't happened either. If we'd done that with Mr. Pace, he would  
4           have responded.

5           This is the problem we're in where essentially what's coming is  
6           a case from Your Honours, from the Bench, where we're not getting  
7           proper notice.

8           And then, thirdly, the last point on admissibility in relation  
9           to documents, there's a KFOR document, purportedly coming from KFOR,  
10          which is the document 3. Once again, it makes allegations about this  
11          witness in 2000, outside of the indictment, being involved in a  
12          kidnapping. Now, once again, no basis for knowing what that  
13          allegation is about, where it comes from. And it's prejudicial  
14          because we can't cross-examine if we don't know what the allegation  
15          is, and a witness is not going to be called about that, let alone the  
16          fact that it's outside the indictment.

17          So those are our points on admissibility, but our main one is  
18          the first one I made which is that we do need more time to consider  
19          these documents because this has come out of the blue.

20          JUDGE METTRAUX: Can I ask you this, Mr. Dixon: In relation to  
21          document 102(3), do I understand the procedure correctly that you  
22          received notice under that rule from the Prosecution of documents  
23          that you might elect to obtain if you consider them relevant --

24          MR. DIXON: Yes.

25          JUDGE METTRAUX: -- right? And am I right to understand that

1 you asked for each and every one of those from the Prosecution on the  
2 assumption that they were relevant. Can I therefore assume that you  
3 had reviewed them at the time?

4 MR. DIXON: Yes. We asked for exculpatory material because,  
5 obviously, from the Defence point of view --

6 JUDGE METTRAUX: No, no, I'm not asking about 103. I'm asking  
7 about 102(3). Those are documents that you specifically asked the  
8 Prosecution to provide for you on the assumption that they were  
9 relevant and that were disclosed on that basis to you.

10 MR. DIXON: Yes, we asked for a whole range of documents to  
11 prepare the Defence, and they were all taken into account, including  
12 with this witness. But when the Prosecution doesn't notify us that  
13 they're going to use that material, they've said it's unused  
14 material, then we focus on the material that is coming.

15 This is the first time we now know that this material is going  
16 to be used with this witness to seek to bolster the evidence in some  
17 way, so the notice is coming now as to its use. And it's a big  
18 difference to have material that you know could be relevant and then  
19 have material that you know is going to be relied on when a witness  
20 comes by the Prosecution.

21 That's our submission for consideration, Your Honours.

22 PRESIDING JUDGE SMITH: [Microphone not activated].

23 Thank you. A decision will be made --

24 MS. TAVAKOLI: Sorry, Your Honours.

25 PRESIDING JUDGE SMITH: -- in due course. Yes?

1 MS. TAVAKOLI: We have a separate, as indicated by Mr. Veseli --  
2 sorry, Mr. Veseli's counsel, the Selimi Defence and the Thaci Defence  
3 have a slightly different issue which is that three documents for us  
4 and one for Selimi, we did not have at all in our possession. We had  
5 not requested them pursuant to Rule 102(3), so we didn't have them  
6 until yesterday.

7 Now, as I understand that rule, the SPO has to provide notice to  
8 the Defence of any material in its possession and the Defence can  
9 request that which is material to its preparation. So the Defence  
10 makes an assessment of what it needs to see in order to defend its  
11 client. The SPO did not include those items in its exhibit list, and  
12 these items have never been in any party's PQ, presentation queue,  
13 which underscores that the Thaci Defence did not think that these  
14 three items were relevant to it.

15 Therefore, the first time that we got a copy of those was  
16 yesterday. It's a hundred pages of material midway through a  
17 witness's evidence, which is insufficient time to seek instructions  
18 from the client whilst in court. If we'd have known exactly which  
19 pages would have been relevant, we could have asked and taken, you  
20 know, more directed instructions, but we didn't.

21 And, again, if the SPO, reiterating Mr. Dixon's point, had come  
22 to Court and asked midway through a witness's evidence to add three  
23 documents to their queue that the Defence had never received, I would  
24 assume that Your Honours would deny that for being prejudicial due to  
25 a lack of notice. I'm not quite sure why the same doesn't apply when



1 the documents come from the Bench.

2 So that's our objection. Just because they're disclosed to us  
3 under Rule 102(3) doesn't mean we have a copy of them because we're  
4 only required to request those which we think are material, and we  
5 have to make an assessment because otherwise it becomes unwieldy and  
6 impossible for the Defence to do its job properly.

7 Thank you.

8 MR. PACE: Your Honour, if I may briefly respond now that we've  
9 heard the substance. Thank you.

10 First of all, I will start by saying that the submissions by  
11 counsel for Mr. Veseli are premature. It's premature to ask for more  
12 time. We haven't heard what, if any, of those documents will be used  
13 by the Panel. If there were to be such a request for more time, that  
14 should follow afterwards. We are not, as counsel incorrectly said,  
15 making objections to evidence coming in. There is no tender of  
16 evidence by the Judges at this stage, and so this is not what we're  
17 dealing with.

18 In terms of the submission of receiving hundreds of pages for  
19 the first time, this has already been covered. They are not being  
20 received, hundreds of pages, for the first time, at least not by the  
21 Veseli team who had all the items. In that regard, I also note that  
22 almost every one of the documents notified by the Panel mention the  
23 witness currently on the stand specifically by name. 217 of those  
24 pages are in the statement which was mentioned of Mr. Ferat Shala.  
25 Part 7 of that very statement was put to a witness by the Krasniqi

1 Defence during cross-examination on 18 July, and, as previously  
2 mentioned by Judge Mettraux, that statement, Parts 1 and 2 thereof in  
3 particular, were even referred to during judicial questioning just  
4 last week.

5 Next, I'd like to clarify that the SPO is under no obligation to  
6 include all the documents it intends to use with a witness in its  
7 witness preparation note. The place for that is the presentation  
8 queue. Certainly most usually, I would say all, of the documents are  
9 addressed in witness preparation, but there is no obligation on us to  
10 actually use those in the preparation session with the witness. We  
11 can put them on our queue as long as they have been duly notified and  
12 as long as we follow the procedures and then use them for the first  
13 time in court with the witness. So that is just to clear the record.

14 Again, premature submissions on admissibility. And in terms of  
15 the statement of Ferat Shala, everybody here knows, the Panel most of  
16 all would know, admissibility of a prior statement can only go in  
17 under certain provisions of the rules, so that is clearly not at  
18 issue here.

19 Another thing to clarify from counsel for Mr. Veseli's  
20 submissions is that we are not -- the SPO is not under any obligation  
21 to provide page numbers of documents on its presentation queue. To  
22 my recollection, the past few weeks there was one instance where a  
23 witness did not answer questions during witness preparation. The  
24 Defence noted there were two or three items which were quite lengthy  
25 on our presentation queue, and because they had no indication of the

1 pages, we told them which we may use with the witness. That was in  
2 the specific circumstances and, frankly, out of the goodness of our  
3 own heart because we are not obliged to do so nor should we be.  
4 Similarly, in terms of the request to the Panel to indicate the  
5 pages, there is no basis for that either.

6 I think hopefully by now the 102(3) procedure, having been at  
7 trial for so long, is clear to everyone. Notification is there. The  
8 parties may do as they wish. The parties are fully aware, in  
9 accordance with the disclosure framework, which I believe has been in  
10 place since the pre-trial phase, that the Judges get all the material  
11 on the list. And so, obviously, the parties' choice not to request  
12 specific items is their own and the consequences follow from that as  
13 well.

14 As to yesterday's request for disclosure, we immediately  
15 approached the Defence to sort out the issue. We noted that the  
16 Thaci Defence were missing three items. They were disclosed, I  
17 believe, within an hour, and one item to the Selimi Defence. Again,  
18 any argument that there should be a delay or time now before the  
19 Judges ask any questions is premature. Certainly, once the Judges  
20 ask their questions, if the Defence can come and make a reasoned,  
21 grounded argument as to why they need a reasonable amount of time to  
22 review a certain document and particular parts which were put to the  
23 witness or relevant to context, we can deal with it then.

24 Thank you.

25 MR. DIXON: If I might just say --

1 PRESIDING JUDGE SMITH: Just a second.

2 MR. DIXON: -- one line.

3 PRESIDING JUDGE SMITH: Just a second.

4 MR. DIXON: Okay.

5 PRESIDING JUDGE SMITH: Victims' Counsel, do you wish to have  
6 any comment on this?

7 MR. LAWS: No, thank you, Your Honour.

8 PRESIDING JUDGE SMITH: Now, Mr. Dixon, quickly.

9 MR. DIXON: Yes, one line. I do appreciate Mr. Pace saying that  
10 subject to Your Honours' order, that we may have some time after the  
11 questions and we can address it then.

12 But then just one other sentence which is in relation to the  
13 Mr. Shala, we did object last week to the use of his testimony. And  
14 it shouldn't be a substitute to read the testimony onto the record  
15 instead of looking at admitting the statement. Because if the  
16 testimony goes on the record that way, we still don't have the right  
17 to cross-examine him. That's our main objection. We have the right  
18 to cross-examine evidence that's used against us.

19 Thank you, Your Honours.

20 PRESIDING JUDGE SMITH: Thank you. We will make a decision and  
21 file it timely.

22 Yes, Mr. Ellis.

23 MR. ELLIS: Your Honour, if I may very briefly, just to clarify  
24 our position on 102(3) material.

25 It's worth recalling that the original list was some 68.000

1 documents. We've requested documents from those. We've used them as  
2 basis for Defence investigations. But it's another thing entirely to  
3 be prepared for the use of any one of the documents from that by now  
4 much more than 68.000 list with a specific witness, and that's where  
5 the issue with notice arises.

6 PRESIDING JUDGE SMITH: Mr. Tully.

7 MR. TULLY: No, I support the submissions of our colleagues, and  
8 Ms. Tavakoli addressed our specific concern. Thank you, Your Honour.

9 PRESIDING JUDGE SMITH: Thank you very much. As I said, we will  
10 make a [Microphone not activated].

11 So we will continue with the evidence of Prosecution  
12 Witness W03873.

13 Madam Court Usher, please bring the witness in.

14 Yes, Mr. Ellis.

15 MR. ELLIS: Your Honour, I've reviewed the position overnight,  
16 and I will not have any questions for the witness this morning.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 MR. ELLIS: No.

19 MR. PACE: I have brief redirect, Your Honour.

20 PRESIDING JUDGE SMITH: All right.

21 [The witness takes the stand]

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

24 Good morning, Witness.

25 Good morning, Duty Counsel.

1 MR. KOCI: Good morning, Your Honour.

2 PRESIDING JUDGE SMITH: Witness, today we are going to continue  
3 your testimony. I remind you to please try answer to the questions  
4 clearly, with short sentences. If you don't understand a question,  
5 feel free to ask counsel to repeat the question or tell them you  
6 don't understand and they will attempt to clarify. Also, please  
7 remember to try to indicate the basis of your knowledge of the facts  
8 and circumstances upon which you will be questioned.

9 I remind you that you are still under an obligation to tell the  
10 truth as stated by you in your solemn declaration. I also remind you  
11 that the assurances provided to you by the Panel are still applicable  
12 and that refusal to give testimony may be sanctioned with the  
13 imposition of a fine.

14 Please also remember to speak into the microphone and wait five  
15 seconds before answering a question, and speak at a slow pace for the  
16 interpreters to catch up.

17 If you feel the need to take a break, please let us know and we  
18 will accommodate you.

19 The cross-examination by the Defence teams is completed. The  
20 SPO has asked for leave to ask some redirect questions.

21 Mr. Pace, you have the floor.

22 MR. PACE: Thank you, Your Honour.

23 WITNESS: HALIL QADRAKU [Resumed]

24 [The witness answered through interpreter]

25 Re-examination by Mr. Pace:

Witness: Halil Qadraku (Resumed) (Open Session)

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Re-examination by Mr. Pace

1 Q. And good morning, Witness.

2 A. Good morning.

3 Q. I will first read some questions and answers from your  
4 cross-examination yesterday.

5 MR. PACE: And for those who would like to follow, this is from  
6 yesterday's realtime transcript where I will read from page 94, line  
7 15, to page 95, line 10.

8 Q. Witness, it won't be on your screen, so please listen to the  
9 interpretation in Albanian:

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

13 "A. I believe they had these positions in their zones. I did  
14 not know Ferat Shala or Elmi Recica during the war. I knew them  
15 after the war.

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

18 "A. I stated that I did not know them. It could be that I met  
19 them, but I did not know who's who.

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

22 "A. To my knowledge, yes. I do not know what ... their work.  
23 I did not know them.

24 "Q. So just to be clear, your answer is that you did ... know  
25 what work they were doing. Other than that, they were the G2s of the

1 two zones I've mentioned, Drenica and Nerodime, respectively; is that  
2 right?

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

6 Next, I'm going to take you to an excerpt from your SPO  
7 interview which has now been admitted into evidence, and then I'll  
8 ask you some questions.

9 MR. PACE: I'd like to call up P01854.5-ET alongside the  
10 Albanian, P01854.5-AT. In the English, I'm going to read from page  
11 9, lines 3 to 8, which correspond in Albanian to page 7, line 22, to  
12 page 8, line 2.

13 Yes, in the Albanian, we need to scroll down because from page 7  
14 I'm going to start at line 22, and then it continues on to page 8,  
15 line 2. Yes, that's good. Thank you.

16 Q. So, Witness, just again for clarity, what's on your screen right  
17 now, on the left in Albanian, on the right in English, is from your  
18 SPO 2019 interview which is now admitted into evidence.

19 "Q. So, who was his deputy, then, to your knowledge, to your  
20 understanding?"

21 Your answer:

22 "Ferat Shala and Ilmi Recica. I don't know if they were his  
23 deputies or part of his... members of his staff, but I know that I  
24 met them at the general headquarters."

25 And, Witness, to be clear, when you were asked "who was his



1 deputy," it's Kadri Veseli that's being referred to.

2 So, Witness, as we can see here, in your SPO interview your  
3 understanding was that Ferat Shala and Elmi Recica were Mr. Veseli's  
4 deputies or members of his staff. As we saw before, during  
5 cross-examination, you stated you believe they were head of G2 in  
6 Drenica and Nerodime, and then you stated you did not know what their  
7 work was.

8 So my question to you is, is it the case that while you did not  
9 know precisely what their work was, your understanding was that they  
10 were working with Mr. Veseli as deputies or members of his staff?

11 MR. DIXON: Your Honours, that's a misstatement of what's there  
12 in front of Your Honours. He never said that they were his deputies  
13 or part of his staff. He says, "I don't know ..."

14 So I think it needs to be put what's there as it's been read out  
15 and ask the witness, without leading him, what he means by that.

16 MR. PACE: Your Honour, what is leading is counsel's  
17 submissions. I read precisely from the SPO interview, and then I  
18 am -- and I put precisely what was said during cross-examination.  
19 This is, again, an objection that should not have been made in the  
20 presence of the witness, and I request --

21 PRESIDING JUDGE SMITH: The objection is overruled.

22 MR. PACE: -- that you overrule that.

23 Thank you.

24 Q. Witness, I will repeat the question. We saw here in your SPO  
25 interview your understanding being that Ferat Shala and Elmi Recica

1 were Mr. Veseli's deputies or members of his staff.

2 MR. DIXON: That's the mischaracterisation right there.

3 MR. PACE: I'm sorry, Your Honour. Counsel has been overruled.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 THE INTERPRETER: Interpreter's note: The speakers are  
6 overlapping. It is impossible to interpret. Thank you.

7 PRESIDING JUDGE SMITH: The objection was overruled, and it was  
8 also a speaking objection. And I will continue to overrule your  
9 objections if they are speaking objections. We have a procedure  
10 available to deal with a speech that you want to make, but it should  
11 not be in front of the witness.

12 MR. DIXON: Your Honour, all I was saying, he's mischaracterised  
13 what's read there.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 You've said that and it's been ruled on.

16 Go on.

17 Please don't interrupt again.

18 MR. PACE:

19 Q. Witness, once again, in your SPO interview your understanding  
20 was that Ferat Shala and Elmi Recica were Mr. Veseli's deputies or  
21 members of his staff. During cross-examination, you stated that you  
22 believed they were head of G2 in Drenica and Nerodime, and then you  
23 stated that you did not know what their work was.

24 My question is, is it the case that, while you did not know  
25 precisely what their work was, your understanding was that they were

1 working with Mr. Veseli as his deputies or members of his staff?

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 THE WITNESS: [Interpretation] I think I gave this statement in  
4 2019 to the Specialist Prosecutor's Office, 20 years after the war.  
5 My knowledge of Elmi Recica and Ferat Shala, I do know them now.  
6 However, I do not remember specifically when I met them, when I saw  
7 those two persons.

8 I can say that I think that because after the war they worked as  
9 collaborators of Kadri Veseli. This is what I heard. And perhaps it  
10 is in this context that in 2019 I said that I think that they  
11 collaborated or were part of the staff of Kadri Veseli.

12 However, as I have stated before, and as I'm stating it now,  
13 during the war I did not meet with them. With respect to the sector,  
14 I did not cooperate with them, I did not report to them, nor did they  
15 give me any orders in my sector.

16 Q. Witness, is your evidence now that -- sorry.

17 PRESIDING JUDGE SMITH: Just a second.

18 Yes?

19 MR. KOCI: [Interpretation] Your Honours, I'm very cautious not  
20 to influence the witness in any way by my interventions. But since  
21 we're going into some complex questions, perhaps it would be right to  
22 have the Albanian version of the question when that question is put  
23 up on the screen in English.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 MR. KOCI: [Interpretation] Because my client cannot understand

Witness: Halil Qadraku (Resumed) (Open Session)

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Re-examination by Mr. Pace

1 English. I have the English version of the question here on my  
2 screen, but I do not have the Albanian one. Thank you. I apologise.

3 PRESIDING JUDGE SMITH: Do you have the Albanian version  
4 available?

5 MR. PACE: Yes.

6 Q. And, Witness, in light of your answer, I'm going to go back a  
7 little bit in terms of reading to you the context of what was asked  
8 to you during the very same SPO interview, and then I will ask you  
9 another question.

10 So in the English --

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 Can he have that on the screen in Albanian, please?

13 MR. PACE: Yes. To note, first of all, Your Honour, what I read  
14 was already on the screen in Albanian.

15 PRESIDING JUDGE SMITH: All right.

16 MR. PACE: And what I'm going to read now is just a few lines  
17 over from the same page.

18 PRESIDING JUDGE SMITH: All right. That's all I'm -- I'm just  
19 checking to make sure we're on the same page.

20 MR. PACE: Yes. Thank you, Your Honour. And I may need some  
21 assistance from the Albanian-speaking staff because this is being  
22 done now on-the-fly.

23 In English, I'm going to read from page 8, line 10, of the same  
24 document that we're at, so just one page before. In Albanian, I'm  
25 hoping that it's going to be the same page from line 5. If perhaps

1 an Albanian interpreter could now confirm to me that page 8, line 10  
2 in English corresponds to page 7, line 5 in Albanian, that would be  
3 much appreciated.

4 THE INTERPRETER: The interpreter can confirm that line 5  
5 corresponds to line -- in Albanian corresponds to line 10 in English.

6 MR. PACE: Thank you. So, counsel, it is now --

7 MR. KOCI: Now it's okay.

8 MR. PACE: Thank you, yes.

9 Q. So, Witness, I'm going to read from the very same interview, in  
10 fact, from just a few lines before the question and answer I just  
11 read to you. I will do that, and then I have some questions:

12 "Q. Because that is what I'm trying to understand because  
13 Mr. Veseli would have had to coordinate whole of Kosovo. So, you...  
14 in whole Kosovo you may have common problems, one in Llap, one in  
15 Pashtrik, so I would expect that he would pass messages through the  
16 zone command that you work on the same aspect. Sorry, but [would  
17 you] not know if you don't... if you're not informed from the top  
18 level.

19 "A. My... all I did my entire work consisted solely in  
20 informing the general headquarters. This is all I did and nothing  
21 else, and I don't recall any such occasion when something in  
22 particular specific was requested from him or that he requested us to  
23 do something because we didn't leave space for such a request. We  
24 did what we had to do. And besides, the most of the time period I'm  
25 referring to during this time period, he was not in" - go to the next

1 page in English - "Kosovo. He was either in Rambouillet or Oslo,  
2 signed agreements. He was... he was abroad most of the time.

3 "Q. So, who was his deputy, then, to your knowledge, to your  
4 understanding?

5 "A. Ferat Shala and Ilmi Recica. I don't know if they were his  
6 deputies or part of his... members of his staff, but I know that I  
7 met them at the general headquarters."

8 Witness, as you see here, the question and answer I read to you  
9 before, you were responding in terms of a timeframe around the time  
10 at least of Rambouillet, which would be March 1999. Now, you are  
11 telling the Judges this morning during testimony that you believe you  
12 provided this answer in relation to the positions of Shala and Recica  
13 possibly after the war.

14 Can you explain this discrepancy between the prior statement  
15 that you gave to the SPO in 2019 and your evidence during  
16 cross-examination and earlier today to the Judges?

17 A. I think I'm telling the truth. I don't think I referred here to  
18 March, April 1999. On 1 April 1999, I met with Kadri Veseli, and I  
19 did not meet anymore with any deputy or any employee of our service  
20 at the General Staff. I only told you that when I was asked in  
21 Prishtine who could be the deputy. So I had 20 years then to know  
22 them, and I said this thinking that after the war they were  
23 associates or collaborators of Kadri Veseli or his office. But I did  
24 not have the knowledge to be able to state that they were deputies of  
25 his.

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1 I might perhaps have said things based on what I learned during  
2 the last 20 years. I don't believe I have mentioned the date, that  
3 is, March, April 1999, of them being his deputies. I might have  
4 omitted some things. This is what I knew and this is what I stated.

5 MR. PACE: No further questions.

6 PRESIDING JUDGE SMITH: Thank you.

7 MR. DIXON: Your Honours, sorry, if I may address just one  
8 matter of translation, perhaps without the witness.

9 PRESIDING JUDGE SMITH: Yes.

10 MR. DIXON: Just so if there's anything further arising,  
11 Mr. Pace can still ask further questions.

12 PRESIDING JUDGE SMITH: Go ahead if it's about the translation.

13 MR. DIXON: But perhaps in the absence of the witness out of an  
14 abundance of caution.

15 PRESIDING JUDGE SMITH: Yes, that's all right.

16 Witness, we're going to take a short break anyway. Before we  
17 get to the Judges' questions, we're going to take a break.

18 So you may leave the courtroom now with the Court Usher. Please  
19 do not speak to anyone.

20 [The witness stands down]

21 MR. DIXON: Thank you, Your Honours. I didn't want to interrupt  
22 any further. But I understand there is a translation issue in  
23 relation to this answer regarding Mr. Shala and Mr. Recica,  
24 translation in respect of his SPO interview, not in the court today,  
25 and I would ask that that's checked, and if any further matters arise

1 they could then be addressed.

2 PRESIDING JUDGE SMITH: Just give the page and the line numbers.

3 MR. DIXON: Yes. So in the English, it's on line 6 going over  
4 to 7. I understand - obviously I'm instructed on this, because I  
5 don't speak Albanian - that the words "of his staff" do not appear in  
6 the Albanian, so it simply reads:

7 "I don't know if they were his deputies or part of his," and it  
8 says, "members."

9 PRESIDING JUDGE SMITH: And that's what you want to have  
10 checked?

11 MR. DIXON: Yes, just checked whether "of his staff" was said by  
12 him in the interview in the Albanian and then recorded there. I  
13 mean, it may amount to nothing in relation to the questions, but just  
14 for accuracy for the record.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. DIXON: I was asked to have that checked.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 This was not from the transcript, though. This was from a  
19 previous statement.

20 MR. DIXON: Yes. So this wasn't from the transcript today.

21 PRESIDING JUDGE SMITH: So you need to present that in the  
22 proper manner to the Registry to have it checked.

23 MR. DIXON: Yes.

24 PRESIDING JUDGE SMITH: All right?

25 MR. DIXON: I just wanted to raise it for the record and then we



1 can go through it that way. If there's anything arising, I don't  
2 think there is, it could be dealt with later.

3 PRESIDING JUDGE SMITH: Do you wish to do anything further with  
4 this?

5 MR. PACE: No, not based --

6 PRESIDING JUDGE SMITH: Do you wish to call the witness back for  
7 any reason?

8 MR. PACE: No, not based on the suggested change. As  
9 Your Honour mentioned, it can be checked. But even if that were to  
10 be true, I would not have further questions on the matter.

11 PRESIDING JUDGE SMITH: All right. Fine.

12 MR. DIXON: We'll get that checked. Thank you for that  
13 opportunity, Your Honours.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 We'll take a 30-minute break at this point so that we can deal  
16 with your motions or your question and be back to you at about ten  
17 after the hour.

18 MR. DIXON: Thank you, Your Honours.

19 PRESIDING JUDGE SMITH: So we're adjourned until ten after  
20 10.00.

21 --- Break taken at 9.40 a.m.

22 --- On resuming at 10.36 a.m.

23 PRESIDING JUDGE SMITH: Before we continue with the Judges'  
24 questioning of Prosecution Witness W03873, the Panel will address two  
25 matters.

1 First, turning to the submission this morning. The Panel  
2 clarifies that it has not released a presentation queue. Rather, it  
3 has provided notice via e-mail of the subset of materials the Panel  
4 may use when questioning the witness.

5 Second, the Panel notes that in giving the parties and  
6 participants advance notice of Rule 102(3) and 103 material it may  
7 use, the Panel was responsive to the Defence's submissions about  
8 notice regarding such material. The Panel recalls that such notice  
9 is in line with the Panel's oral order of 5 June 2024.

10 Having heard the parties' submissions on the documents notified  
11 in advance of the Judges' questions, the Panel notes that similar  
12 submissions are before the Panel in F02718. Therefore, the Panel  
13 will not rule on this issue at the present time. Rather, the Panel  
14 will take into consideration the submissions from this morning when  
15 issuing a decision on F2718 and connected filings.

16 The Panel will therefore proceed with Judges' questions. If the  
17 Defence requires further time to prepare after Judges' questions,  
18 they can certainly make a specific request identifying why and how  
19 much time they need to prepare, and the Panel will consider such  
20 requests.

21 As to the issue of admissibility, this issue has not arisen at  
22 the present time and therefore will not be addressed in this order.

23 This concludes the Panel's oral order.

24 Number two.

25 On November 26, 2024, the Panel entered an MFI designation for

1 113623-02 as MFI P01863.

2 The SPO showed parts of 113623-02 to W03873 but sought admission  
3 of the entirety of 113623-02. The SPO argued that the entirety of  
4 113623-02, including the excerpts not shown to W03873, were relevant  
5 to the case and provided context to the excerpts shown to the  
6 witness.

7 The Veseli Defence objected to the admission of the entirety of  
8 the video, arguing that only the parts of the video shown to the  
9 witness should be admitted.

10 Having considered the parties' submissions, the Panel is  
11 satisfied that the entirety of 113623-02 is relevant as it provides  
12 context to the witness's evidence.

13 Regarding authenticity, the Panel is satisfied that the video is  
14 from television interview and bears all the relevant indicators of  
15 its origin.

16 Regarding the probative value of this item, the Panel notes that  
17 the witness confirmed that what he said in the video was true, and  
18 that several parts of the video were shown to the witness, including  
19 by the Defence, and that the witness confirmed the contents of the  
20 excerpts.

21 Lastly, the Panel considers that no prejudice arises. The  
22 Defence has been able to use MFI P01863 in its cross-examination of  
23 W03873.

24 This concludes the Panel's second oral order.

25 One additional thing before we begin. During Judges'

1 questioning, if you have issue with something that you want to raise,  
2 we will do it outside the presence of the witness. Just stand and be  
3 recognised, and I will then excuse the witness, and then we can go  
4 forward on that, and you can feel more free to say whatever you wish.  
5 So I hope that's understood.

6 Please bring the witness in.

7 THE COURT OFFICER: Your Honours, as a follow up on your second  
8 oral order, just to confirm that the evidentiary status of P01863  
9 will be changed from MFI to admitted. Thank you, Your Honours.

10 PRESIDING JUDGE SMITH: Thank you.

11 [Microphone not activated]. Sorry, I turned it off.

12 We'll go one hour at this time, and then we'll take a half-hour  
13 break and then finish up until noon or lunch recess. And then we'll  
14 see how much more time we need.

15 [The witness takes the stand]

16 PRESIDING JUDGE SMITH: Witness, we apologise for the long  
17 delay, but sometimes things are necessary and have to be addressed.  
18 So we will proceed now. Some of the Judges have questions for you.

19 We'll begin with Judge Barthe, who is to my left, your right.  
20 Please give him your attention.

21 JUDGE BARTHE: Thank you, Judge Smith.

22 Questioned by the Trial Panel:

23 JUDGE BARTHE: And good morning, Mr. Qadraku and Mr. Koci.

24 Mr. Qadraku, the Panel has --

25 A. [No interpretation].

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1 JUDGE BARTHE: -- more questions for you, which we believe are  
2 necessary to better understand your evidence and to clarify some  
3 issues that were raised by the parties.

4 My first question is about what you told the Prosecution during  
5 your preparation session last week and what is reflected in  
6 Preparation Note 1. According to paragraph 5 of that note, you told  
7 the Prosecution that you were arrested and, I might add, later  
8 sentenced to 18 months in prison for, as you said in your preparation  
9 session, allegedly saluting with your fist in honour of the Albanian  
10 President Enver Hoxha who had died on 11 April 1985.

11 My question is simply this: Did you or did you not raise your  
12 fist in honour of the late president, Albanian President Enver Hoxha  
13 at that day or on that day?

14 A. Your Honour, at the time I told the Yugoslav Army prosecutors  
15 that that was not true because I would not offend the then president  
16 Enver Hoxha in front of the Yugoslav Army. Mr. Enver Hoxha had its  
17 own Albanian flag. We had the Yugoslav flag. And I would never have  
18 done such an offence.

19 JUDGE BARTHE: Thank you. In other words, the accusation was  
20 wrong. Is that what you are saying? You didn't raise your fist?

21 A. That's correct. I didn't.

22 JUDGE BARTHE: That's what I wanted to clarify. Thank you.

23 My next question is -- or my next questions are about paragraph  
24 13 of Preparation Note 1, more specifically about what you said,  
25 according to that note, on page 6.

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1           There you said, or according to what the SPO recorded in the  
2           note, that when you re-entered Kosovo from Albania with a group of  
3           around 18 people in January 1999, you were among the first to do so  
4           after the groups of Commander Drini, Ekrem Rexha, Muje Krasniqi, and,  
5           as you said here, students from Krushe e Madhe had been ambushed. Do  
6           you recall saying that to the Prosecution during your preparation  
7           session?

8           A.    Yes, sir.

9           JUDGE BARTHE: Thank you. Do you know that there were  
10          allegations that Commander Drini was responsible for the ambush  
11          and/or the death of Muje Krasniqi?

12          A.    Your Honour, at the time I was there. I saw off  
13          Commander Drini, Muje Krasniqi, and the 140 comrades that set off on  
14          14 December. Following their ambush, of course all of us, Xheladin,  
15          Plaku, and I can here specify Ramadan Krasniqi, the brother of  
16          Mr. Selimi, all our comrades, we all tried to understand what  
17          happened with the ambush of 14 December when 46 of our soldiers were  
18          killed.

19          I never remember to have blamed somebody specifically with a  
20          name and a surname, because this was an ambush, this was an unequal  
21          confrontation. And to what I know from my stay in Cahan at the time,  
22          nobody blamed Commander Drini for this event because he himself was  
23          part of that large group.

24          JUDGE BARTHE: So you haven't heard of any allegations against  
25          Commander Drini that he was responsible for the ambush or for the

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1 death of specifically Muje Krasniqi. Is that what you are saying?

2 A. Your Honour, today, 25 years after the war, my memory, my  
3 recollection has various information stored. I spoke on the name of  
4 the KLA staff that was at the time in Cahan. After the war, many  
5 articles, many newspapers, many people who were politically  
6 orientated against us had various conspiracies, and many things were  
7 talked about to that extent that it would be impossible for me to  
8 summarise all the accusations that came from our political opponents  
9 with the aim of blemishing one or another. This is all ill-intended  
10 and defamation.

11 JUDGE BARTHE: Thank you. Do you know whether Muje Krasniqi was  
12 related to one of the accused in this courtroom?

13 A. Much later I learned that there was a family relation between  
14 Rexhep and Ramadan Selimi, maternal uncle-nephew, that relationship.

15 JUDGE BARTHE: Just to be clear, you mentioned Mr. Rexhep and  
16 Mr. Ramadan Selimi. Are you talking about Muje Krasniqi? Because I  
17 was asking about Muje Krasniqi and whether he was related to one of  
18 the accused here.

19 A. I don't know. I don't know exactly. I read that there was a  
20 family relationship between Rexhep Selimi and Ramadan Selimi, who is  
21 Rexhep's brother, and this is information I read on newspapers.

22 JUDGE BARTHE: So you don't have any information whether Muje  
23 Krasniqi was related to one of the accused? And you can leave  
24 Mr. Ramadan Selimi aside. We're not talking about the same person,  
25 Mr. Muje Krasniqi and Mr. Ramadan Selimi.

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1 A. I didn't have such knowledge personally.

2 JUDGE BARTHE: Thank you. I'd like to move on to paragraph 16  
3 of Preparation Note 1, where you talked about the KLA general  
4 headquarters in Klecke. And you said it is, according to that note,  
5 it is possible you went to Radio Free Kosovo and then to the KLA  
6 General Staff in Klecke. There was no need for you to go there at  
7 other times because if there was information for the KLA  
8 General Staff to provide, it would be sent to the Pashtrik  
9 operational zone commander, and all information you had for the KLA  
10 General Staff would be transmitted through the Pashtrik operational  
11 zone commander.

12 Mr. Qadraku, my first question is: Was the general headquarters  
13 or the headquarters of the General Staff, KLA General Staff, in  
14 Klecke or was it in Divjake? At the time, I mean.

15 A. I remember that the seat of the General Staff was in Klecke. I  
16 do not know the distinction between Klecke, Divjake, and Berisha.  
17 I'm not very familiar with those villages. I've been there on two or  
18 three occasions, and I'm not familiar with the borders or delineation  
19 between these villages, where Klecke ends and where Divjake begins.

20 JUDGE BARTHE: So do you know whether these two villages, Klecke  
21 and Divjake, were close each other?

22 A. I believe they're close, but I don't know which is which.

23 JUDGE BARTHE: Thank you. On a different issue but concerning  
24 the same paragraph, you said, and you repeated that I think yesterday  
25 during your examination by the parties, that you personally never



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1 contacted the General Staff directly. I mean, apart from the letter  
2 we saw dated 14 March 1999, where you said you don't know whether  
3 this letter reached the General Staff. But my question is: Is that  
4 still your evidence, that you never contacted the General Staff  
5 directly during the time you were head of the intelligence and  
6 counter-intelligence in the Pashtrik operational zone?

7 A. During the war, I was at the General Staff on three occasions.  
8 I always tried to maintain the contact through my command. I do not  
9 recall to have contacted the General Staff without notifying the  
10 commander apart from the documents that we read yesterday.

11 JUDGE BARTHE: Thank you. And by your commander, you're  
12 referring to Commander Drini; is that right?

13 A. Yes. When I speak about the command, it's Commander Drini, it's  
14 Commander Tahir Sinani, and it's Deputy Commander Sadik Halitjaha.  
15 They are all part of the Pashtrik operational zone.

16 JUDGE BARTHE: That would have been my next question. So there  
17 was no difference between the time Mr. -- or Commander Drini was  
18 commander of the Pashtrik operational zone and Tahir Sinani was  
19 commander and Mr. Sadik Halitjaha was deputy commander? There was no  
20 difference in that regard?

21 A. I didn't quite understand the purpose of this question. There  
22 was no difference. The difference was that Drini was another  
23 commander and Tahir Sinani was another commander. When Drini was  
24 commander, Sadik Halitjaha was his deputy. When Mr. Tahiri came, the  
25 number of clashes and battles increased, so I don't know what

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1 specifically you want me to say. If you could please specify, I will  
2 do that.

3 JUDGE BARTHE: No, that's okay. You answered my question. You  
4 said there was no difference; is that right?

5 And when Commander Drini was commander of the Pashtrik  
6 operational zone, and later Mr. Sinani was commander, you said  
7 yesterday you reported to them, and it was up to the commander, you  
8 said -- and I take it from your statement now that you were referring  
9 and you're referring to both Mr. Rexha, Commander Drini, and  
10 Tahir Sinani. It was up to the commander to inform and to report to  
11 the General Staff; is that right? Is that what you said yesterday?

12 A. Yes, sir. If he deemed it necessary and reasonable to report my  
13 proposals and notifications to the command, it was his duty to inform  
14 the General Staff.

15 JUDGE BARTHE: Thank you.

16 Mr. Qadraku, do you have reason to believe that either  
17 Commander Drini or Tahir Sinani did not send your reports or that  
18 they did not inform the General Staff about what you told them during  
19 the time you were head of ZKZ in the Pashtrik operational zone?

20 A. When I realised that some of my proposals did not reach the  
21 General Staff, I wrote a letter that we mentioned here yesterday and  
22 day before yesterday, when I attempted to indirectly, in another  
23 manner, inform the General Staff of what I wanted to inform. I do  
24 believe that he always reported and informed them, but when I  
25 realised that he could possibly not have informed them, I thought of

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1 this other way to inform the General Staff, Mr. Bislim Zyrapi, that  
2 is.

3 JUDGE BARTHE: Thank you. I was more interested in another  
4 aspect of your testimony. Namely, you told us that you were -- or  
5 your task was to -- as head of the intelligence and the task of the  
6 intelligence and counter-intelligence section in the Pashtrik  
7 operational zone was to gather information about, collect information  
8 about Serbian positions, the strength, the weaponry, and so on.

9 And I would like to know from you have you heard of complaints  
10 by the members of the General Staff or by other people that they did  
11 not receive -- the General Staff did not receive important  
12 information you had gathered, your department or your intelligence  
13 service had gathered about the positions of Serbs, Serb forces, or  
14 their strength, that they did not receive anything from your  
15 operational zone? Have you heard of such complaints?

16 A. I never had a complaint from any of the commanders, be it  
17 Commander Drini or Tahir Sinani, or information that a complaint had  
18 arrived from General Staff about my reporting or lack of it on the  
19 positions and movements of the enemy forces. There was no complaint  
20 addressed against me. And I think that I was also always consistent  
21 in this respect and provided them with all the information they  
22 needed.

23 JUDGE BARTHE: Thank you. I think this point is clear now.

24 I would like to move on to more questions I have, and now I have  
25 questions about Preparation Note 2 and what was recorded in that

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1 note. It's also about what you, according to the Prosecution, told  
2 them during your preparation session last week.

3 And my first set of questions is about paragraph 16 of  
4 Preparation Note 2, where you said that in May or June 1998, possibly  
5 with a group including Zyrapi on 30 May 1998, on the way back from  
6 Albania, Hashim Thaci, whom you did not know at the time, was  
7 carrying two snipers on his back.

8 I assume you're referring to two sniper weapons; is that right?

9 A. This is how I remember, that he was carrying on his back two old  
10 Russian-made sniper rifles. I think this person was Hashim Thaci.  
11 Later on I knew who he was. During that trip, I did not know who he  
12 was. Then later on, I thought about this and remembered.

13 JUDGE BARTHE: Thank you, Mr. Qadraku. We'll come to that. But  
14 to continue, you also said that Mr. Thaci twisted his foot, and you  
15 took the sniper weapons and helped Mr. Thaci, or the person you  
16 believe was Mr. Thaci, walk. And it's also said here that you told  
17 the Prosecution that you did not know about Mr. Thaci being given a  
18 mandate to set up the war structures.

19 Do you remember saying this to the Prosecution last week?

20 A. Yes, sir. I said that I did not know at the time, and I do not  
21 know to this day, that he had the task to form or create the KLA.

22 JUDGE BARTHE: And do you know now, 25 years later, what  
23 position Mr. Thaci had in May and June 1998, if he had any?

24 A. No, sir, I don't know even today for that time. I know that at  
25 a later stage he was part of the KLA diplomatic leadership, but I do

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1 not know at the time what position he had or if their positions had  
2 been assigned.

3 JUDGE BARTHE: Do you know now whether Mr. Thaci was a member of  
4 the General Staff, the KLA General Staff, or the Central Staff as it  
5 was called, as we have heard here, before it was called or renamed  
6 General Staff? Do you know whether he was a member of the KLA  
7 General or Central Staff?

8 A. I don't know what to say. All our comrades who were mentioned  
9 after the war, we perceive all of them as members of the  
10 General Staff, be that Azem Sylja, Xhavit Haliti, Hashim Thaci,  
11 Rexhep Selimi, Jakup Krasniqi, Kadri Veseli. I am not able to say  
12 today exactly how many members had the General Staff of the KLA or  
13 the Central Staff as it was called up to a certain moment in time. I  
14 would not know exactly how it was.

15 My perception as a fighter is that I accept all these names as  
16 members of the General Staff regardless of their specific tasks  
17 within the staff -- the General Staff.

18 JUDGE BARTHE: Thank you. Mr. Qadraku, do you know or do you  
19 have any knowledge whether Mr. Thaci and/or Mr. Veseli had been  
20 working on the organisation of the KLA by, among other things,  
21 liaising between General Staff or Central Staff members in Kosovo and  
22 elsewhere already before the war? Do you have any knowledge about  
23 that?

24 A. I do not have any personal knowledge about that.

25 JUDGE BARTHE: Thank you. I would like to move on to page 6 of

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1 Preparation Note 2, again paragraph 16, where you said, and I think  
2 you repeated that yesterday during the examination by the parties,  
3 that there was -- and this is what is recorded in Preparation Note 2  
4 as your words, there was an autonomy in terms of organising, and you  
5 think that this is how it was in all the regions since you could not  
6 oblige anyone to set up the KLA. And considering what happened in  
7 your area, you believe that in every municipality there was a person  
8 who started the work on their own and, in time, they would organise  
9 people.

10 Just to be clear, Mr. Qadraku, what your evidence is in this  
11 regard. Does this mean that in your view the General Staff was not  
12 involved in organising the structure of the KLA, and you are talking  
13 here about the time May, June 1998, in May, June 1998 or before that  
14 at all?

15 A. I think that the General Staff could not have organised all the  
16 organisations and villages on the ground, but they always had a man,  
17 a person. I can take my own example. And that from that example, we  
18 can perhaps understand that this was the case also in other  
19 locations.

20 JUDGE BARTHE: And in paragraph 17 of Preparation Note 2,  
21 correct me if I'm wrong, you confirmed that the General Staff, or, as  
22 it was called, Central Staff, already existed before the war; is that  
23 right?

24 A. As a person living abroad in Switzerland, I read about the  
25 Central Staff in newspapers. Perhaps it did exist before the war,

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1 but I did not have any knowledge as to who they were. But we did  
2 read material in our news organisations. We had *Zeri i Kosoves* in  
3 Switzerland. So it is possible I might have received this knowledge  
4 from newspapers and other press and not as a personal, direct  
5 knowledge.

6 JUDGE BARTHE: I understand. You also confirmed or said that  
7 the name "KLA" was given on 16 November 1994. I'm also or again  
8 referring to paragraph 17 of Preparation Note 2. Is that right? Did  
9 you tell this to the Prosecution?

10 A. Yes, sir, I've said this. Maybe I was wrong on the date. This  
11 is what we knew. This is what our friends told us. This is what we  
12 heard. We were told that on 17 November 1994, a proposal was made by  
13 the comrades to give a name to the Kosovo Liberation Army. It was  
14 proposed that that armed group or armed groups or the unification of  
15 those armed groups would come together under the name of Kosovo  
16 Liberation Army. So it is correct.

17 JUDGE BARTHE: And who decided that? Who decided that the group  
18 or organisation, as you said, should receive the name "Kosovo  
19 Liberation Army"? Do you know that?

20 A. Again, I do not have personal direct knowledge. My knowledge  
21 comes from material I read at a later stage after they became active  
22 as such. I do not have any direct knowledge from the group of  
23 friends who were involved in this.

24 JUDGE BARTHE: But you said your knowledge -- or you received  
25 your knowledge, you got your knowledge from what you read at a later

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1 stage. Did you read anything about who decided that the group was  
2 called or should receive the name "KLA" then?

3 A. From what I read, I think it might have been the chairmanship of  
4 the LPK or the group in charge of special actions, who was also part  
5 of the chairmanship of the LPK. Now, who specifically made the  
6 proposal, I wouldn't know by name, but I do know that it came from  
7 them.

8 JUDGE BARTHE: Thank you. My next questions are about paragraph  
9 21 of Preparation Note 2, where you talked about a person named Sabit  
10 Geci. And you said you saw Mr. Geci, or Geci, in Albania in summer  
11 1998 when you went to visit a hospital with a doctor you knew from  
12 Switzerland who was with the KLA and was responsible to assist the  
13 wounded. And you also told that after the war you met Mr. Geci when  
14 they -- the two of you were detained at the same time. Is that what  
15 you told the Prosecution during your preparation session?

16 A. Yes, that's correct.

17 JUDGE BARTHE: I would like to know from you now what was  
18 Mr. Geci's role in the KLA, if he had any?

19 A. No, sir, I'm not able to say what his role was. I only met him  
20 once in passing during a visit I was paying to my wounded comrades in  
21 the hospital in Tirana. I do not know what was the task of  
22 Sabit Geci in the KLA.

23 JUDGE BARTHE: I'm asking because, Mr. Qadraku, you were  
24 detained, as you said, with him, together with him at the same time,  
25 and I thought maybe the two of you had talked to each other about the



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1 time, what you did during the war. So my question is you did not  
2 talk to Mr. Geci about -- at any time after the war about what he did  
3 or what you did during the war?

4 A. Your Honour, when I was arrested in 2001, I was not involved in  
5 the same case as Sabit Geci, but he was arrested also in Prishtine in  
6 a different case. I can say that in the prisons where we were kept  
7 and suffered, it was strictly forbidden to communicate amongst us;  
8 meaning, KLA soldiers, amongst them. The UNMIK police had isolated  
9 us from one another. There were very strict and rigid rules  
10 preventing any contact amongst us.

11 I was only able to see Sabit Geci from the window when he went  
12 for a walk or he could see me when I went out for a walk. But we did  
13 not have the opportunity or possibility to spend time together or to  
14 talk to one another.

15 JUDGE BARTHE: So you don't know, if I understand you correctly,  
16 you don't know whether Mr. Geci was or had been dealing with, like  
17 you, intelligence or counter-intelligence during the war? You've no  
18 information about that?

19 A. I know that I saw Sabit Geci in Albania. I never saw Sabit Geci  
20 in Kosovo during the war. And I don't know if he ever was in Kosovo,  
21 but I never saw him.

22 JUDGE BARTHE: Thank you. Before we take a break, one or two  
23 brief questions about the next paragraph, paragraph 22, where you  
24 said or you confirmed that it is correct that while you were the  
25 chief of the G2, you collected information inside, it's said here, of

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1 UCK to find out where was the enemy, their positions, and what kind  
2 of weapon they had.

3 I'm interested in knowing what you meant by "collected  
4 information inside of UCK." What did you mean by that, if you had  
5 said so to the Prosecution?

6 A. Yes, Your Honour. Our territory where we were was bordered by  
7 the main roads which were under Serbian forces control. All of our  
8 soldiers of the KLA who were the first guards close to those main  
9 roads, who were also observers of the Serbian forces movements in one  
10 or the other direction, these guards had the obligation to report to  
11 their command or to us in order for us to be able to have updated  
12 information at any given time about Serbian forces movements and  
13 numbers.

14 And, therefore, I said that within the KLA we collected  
15 information about the Serbian forces, and this information came from  
16 the KLA soldiers themselves who were on the first dividing lines.

17 JUDGE BARTHE: Thank you. I think it's a good time to take a  
18 break.

19 PRESIDING JUDGE SMITH: All right. Witness, we'll take a  
20 half-hour break at this time. You'll come back to the courtroom at  
21 11.40 -- no, it is 11.40, I'm sorry. At 12.10. And we will continue  
22 at that time.

23 [Trial Panel and Court Officer confers]

24 [The witness stands down]

25 PRESIDING JUDGE SMITH: So the break will be until 11.50. We're

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1 adjourned until then.

2 --- Recess taken at 11.21 a.m.

3 --- On resuming at 11.51 a.m.

4 PRESIDING JUDGE SMITH: The video that we admitted this morning  
5 that was an MFI prior to today should be reclassified as public.

6 THE COURT OFFICER: Thank you, Your Honours.

7 PRESIDING JUDGE SMITH: And you can bring the witness in.

8 [The witness takes the stand]

9 PRESIDING JUDGE SMITH: All right. Witness, we will continue  
10 with Judge Barthe's questions now.

11 JUDGE BARTHE: Thank you. And welcome back, Mr. Qadraku,  
12 Mr. Koci.

13 I'd like to move on to paragraph 25 of Preparation Note 2,  
14 according to which you said the following to the Prosecution in your  
15 preparation session, I quote:

16 "KLA members near borders with enemy forces had checkpoints  
17 where the identities of anyone coming in or leaving would be  
18 verified. Of course, in those checkpoints there were names of people  
19 that KLA members would not have liked to enter their territory  
20 because, in one way or another, they had lost trust in such people  
21 who would harm KLA activities by seeing how many KLA members there  
22 were and similar information."

23 Mr. Qadraku, I would like to know from you, are you talking  
24 about people who collaborated with the enemy by providing information  
25 about the KLA to the enemy forces here?

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1 A. I was referring here to the persons who were still working with  
2 the Serbian police or were in some way connected to the regime at the  
3 time. It could be a prosecutor, a judge, an investigator, a prison  
4 ward, a policeman, a member of the administration of that apparatus,  
5 occupying apparatus. Therefore, we were protecting our territory and  
6 ourselves from them.

7 JUDGE BARTHE: And just to be clear on that point, it didn't  
8 matter whether these people were Serbian, or Serbs, or Albanian; is  
9 that right?

10 A. That's right. It didn't matter. The important factor was that  
11 they were part of that occupying apparatus.

12 JUDGE BARTHE: Thank you. And in the same paragraph, it is  
13 recorded that you told the Prosecution that "KLA members knew the  
14 names of many who had acted and worked against their interests." And  
15 that 70 per cent of those mistreating or torturing prisoners during  
16 the 1970s and 1980s were Albanian, and "that is why KLA members were  
17 also afraid of other Albanians.

18 Is that correct? Did you tell the Prosecution this?

19 A. Yes, Your Honour. All these words, I said them to the  
20 Prosecutor, and I still think that 70 per cent of that apparatus,  
21 occupying apparatus from 1945 to 1999 were Albanians, unfortunately.

22 We knew those names because they had beaten us up, they had  
23 imprisoned us, they had maltreated us. Therefore, we did not want  
24 them to cause further harm to us during the war or at the liberation  
25 time.

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1 JUDGE BARTHE: Thank you. And who within the KLA decided  
2 whether a person was not allowed to enter the territory because he or  
3 she would harm the KLA or the KLA's activities? Who would decide  
4 that?

5 A. First, based on the information we would receive from a friend  
6 or somebody else, I would receive that information, I would discuss  
7 it with the command. And then, following my proposal, the zone  
8 commander would make a decision and would convey that to the brigade  
9 commander who would then pass it on to the checkpoint or the simple  
10 soldier. So this was a general decision. We were all trying to  
11 protect our territory, to protect the KLA, to protect the civilians.  
12 It was not just one person.

13 JUDGE BARTHE: So this is what actually happened in reality, is  
14 that right, the way you just described the procedure?

15 A. I didn't know any better method to protect myself, to protect  
16 the KLA, and to protect our territory. I thought this was the  
17 appropriate way, and I thought this was how we could protect  
18 ourselves.

19 JUDGE BARTHE: And, Mr. Qadraku, you said in paragraph 27 of  
20 Preparation Note 2, this is the last sentence, that, I quote:

21 "Some countries have admitted to collateral damage, but no  
22 collateral damage has been considered in relation to the KLA since  
23 everything is considered a crime."

24 Do you recall saying that to the Prosecution, and could I ask  
25 you to explain what you meant by that sentence?

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1 A. What I meant with this sentence is that in those war  
2 circumstances, at the line of fire, killings being committed, we had  
3 many victims - children, elderly, women. It was possible that any  
4 human being, because we are human beings, it was possible for a human  
5 being to be excessive, to alienate themselves after witnessing  
6 crimes. Therefore, in a way or another, any person could give a bad  
7 look to someone or shout at another person in a more harsh way,  
8 sending that person back or removing that person from the area. This  
9 is what I qualified as collateral damage, that a person -- referring  
10 to actions that a person could take under pressure or in hot -- in a  
11 tense situation.

12 In my writings, my proposals submitted to the Pashtrik  
13 operational zone command were done in this emotional state. Perhaps  
14 in the current circumstances and conditions, I wouldn't have acted --  
15 I wouldn't act the same way. But at the time, we were in the  
16 conditions that we were -- we were conditioned by all the killings  
17 and massacres and the trouble that we were going through.

18 JUDGE BARTHE: Mr. Qadraku, assuming that a person was wrongly  
19 suspected or identified as a collaborator, and that person was  
20 detained by KLA members, mistreated, and maybe even killed, would  
21 that also be a collateral damage for you?

22 A. No. No, sir.

23 JUDGE BARTHE: Thank you. Can you tell us why this person would  
24 not fall under the definition of collateral damage, as you just said?

25 A. You said it yourself. If that person was detained, maltreated,

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1 that means that there was time and room to think. What I said  
2 before, acting in the heat of the moment, refers to some action taken  
3 instantaneously, which can be wrong or a mistake.

4 But in the event there were investigations, detentions, and  
5 maltreatment, and then that person was killed, this is not something  
6 done in the heat of the moment. The intent is there. I'm quoting  
7 your words and making an assumption.

8 JUDGE BARTHE: Thank you for this clarification. Mr. Qadraku,  
9 I'd like to move on to a different topic, and I would like to deal  
10 with what you said, according to the preparation note, to the  
11 Prosecution in paragraph 36.

12 In that paragraph, you talked about several people, and you  
13 mention also -- you also mentioned Mr. Thaci and Mr. Kadri Veseli,  
14 and you said that they were "a part," together with other people, "of  
15 the diplomatic structures of the KLA that mainly dealt with meetings  
16 and international activities within the diplomatic framework rather  
17 than issues related to the war on the ground in Kosovo."

18 And again my question, as always, do you remember saying this to  
19 the Prosecution?

20 A. Yes, Your Honour. I remember.

21 JUDGE BARTHE: I would like to ask you how do you know that  
22 Mr. Thaci and Mr. Veseli were part of diplomatic structures of the  
23 KLA. You just said a couple of minutes ago or at the beginning of  
24 the questioning, my questioning, that you didn't know Mr. Thaci and  
25 Mr. Veseli from your time in Switzerland, you didn't know what

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1 positions they had in May, June 1998, and you were still in the dark  
2 in relation to what they did or where they were -- or you didn't say  
3 where they were, but now you just confirmed that you knew that they  
4 were part of diplomatic structures and they were participating in  
5 meetings and international activities. So what's the basis for or of  
6 this statement?

7 A. If this question was asked of me 1998 and 1999, I wouldn't  
8 probably know, but I was asked this question in 2019 and 2024. As I  
9 said before, my knowledge now is based on what we saw during the war,  
10 what we saw after the war, and what we read. Therefore, I base my  
11 statement on the fact that all those who were responsible to speak  
12 for the General Staff, they said this.

13 Also I would like to add one more thing. For the last 25 years,  
14 the Kosovo press is overloaded with all sorts of writings, positive  
15 and negative. In no newspaper, including those of our opponents, I  
16 have never read the name of Hashim Thaci referred to as  
17 "General Hashim Thaci," or "General Kadri Veseli." This demonstrates  
18 that they did not have military operational activity during the war  
19 in 1998, 1999. Their tasks were rather those to contact and interact  
20 with international structures.

21 Again, I'm saying all this based on what I've seen, what I've  
22 heard, but not based on my contacts with the General Staff or  
23 anything else. These are things that I have heard or read.

24 JUDGE BARTHE: Thank you.

25 Mr. Qadraku, in the following paragraph, paragraph 37, you



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1     apparently said that, during the war, Mr. Thaci and Mr. Veseli and  
2     other KLA General Staff members travelled back and forth to Albania  
3     more than 40 times and every journey would take one or two weeks.

4             Again, I have to ask you how do you know this? Did you read  
5     this somewhere in a newspaper, or did you hear this from someone?  
6     What's the basis of this statement of your belief that they travelled  
7     back and forth more than 40 times, and they were not in the country,  
8     and that each of the journey -- or every journey would take one or  
9     two weeks?

10    A.    I told the Prosecutor and to you, Your Honour, that I was in  
11    contact with my comrades from Brigade 126 from Has who were more  
12    involved in helping with the border crossing. We're talking about  
13    the quantity first, so the number. I said over 40 times. Perhaps  
14    that's knowledge that comes from them who would have told me, "I  
15    escorted him on this occasion, on that occasion," so I have this from  
16    our soldiers.

17             With respect to the duration of these, meaning that it took  
18    weeks, I think last year I said in a public televised programme that  
19    it is true that perhaps the border crossing itself can take one or  
20    two days. But to get close to the border and to move further beyond  
21    the border takes more time. If you're going to Brussels or Vienna or  
22    London, it take time. So this was my assumption when I said that the  
23    trip could take one, two weeks, up until the meeting with the  
24    internationals. I was not referring to any specific trip for which I  
25    had no knowledge. I spoke in general terms assessing the time needed

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1 for someone to travel from Kosovo to Europe or from Europe to Kosovo.

2 JUDGE BARTHE: Thank you, Mr. Qadraku. If you multiply 40 trips  
3 by one and a half weeks, you get a total of 60 weeks. That's more  
4 than a year. This is why I was asking. So you're not saying that  
5 Mr. Thaci and Mr. Veseli were not in Kosovo for more than a year? Or  
6 are you saying this? I'm asking you.

7 A. Your Honour, now you're doing the math. I did not do that. I  
8 did not think that every single one of these trips lasted one or two  
9 weeks. Perhaps some lasted only one or two days. You're taking a  
10 different approach to this.

11 I know that all of these trips which I cannot -- I do not have  
12 evidence for. Perhaps you do. You would see that it is, indeed,  
13 very true that they travelled frequently. I also know that I saw a  
14 statement of a Serbian army commander given after the war who said  
15 that during the war there was not only one Hashim Thaci. He said, "I  
16 am convinced that they are three, because it is not possible for him  
17 to be today in Kosovo, tomorrow in Tirana, and the day after  
18 somewhere else."

19 So I based my statement in all this knowledge, not on something  
20 specific or mathematically true.

21 JUDGE BARTHE: Thank you. I think you made that clear now.

22 I would like to move on to paragraph 40 of Preparation Note 2,  
23 where you said that every time you were in Nishor, where the zone  
24 command was, the command of the Pashtrik operational zone, you and  
25 others held meetings at 9.00 a.m. regardless, you said, of whether

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1 you had information to report. And you also said, according to that  
2 paragraph in Preparation Note 2, that all the chiefs of G sections  
3 who were available would attend such meetings, and that you would  
4 state everything you had to report in front of everyone who was part  
5 of the commanding structure because you believed the commander should  
6 be informed of everything regardless of whether the reporting was  
7 positive, negative, or just your opinion.

8 Do you recall saying this to the Prosecution?

9 A. Yes, Your Honour. I remember.

10 JUDGE BARTHE: So is it fair to say that it was important to you  
11 that your commander, Commander Drini, and later Commander Sinani, and  
12 other members of the zone command were always informed about your  
13 activities, the activities of your section, the ZKZ? Is that fair to  
14 say?

15 A. Yes, Your Honour. I think it's fair.

16 JUDGE BARTHE: And this is also in paragraph 40 but on the next  
17 page, page 14 of Preparation Note 2. You said, in the middle of the  
18 page, the centre of the page, that you sent letters to the KLA  
19 General Staff through the zone command almost every day concerning  
20 what you saw and experienced since you believed the KLA General Staff  
21 should receive a copy.

22 Do you recall saying this to the Prosecution as well?

23 A. Yes, Your Honour.

24 JUDGE BARTHE: So I would like to ask you again, is it fair to  
25 say that it was also important to you that the General Staff was also

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1 informed about what happened in your area of responsibility or about,  
2 as you said, what you saw and experienced every day?

3 A. Your Honour, I made all the copies consciously. I printed a  
4 copy for the General Staff. The decision for that was that of the  
5 commander of the Pashtrik operational zone. He would assess whether  
6 the General Staff would need to know or to have that copy. He, in  
7 any event, had my printed copy available. It was his authority to  
8 act, to order, or to prevent us from undertaking actions in this  
9 direction or that direction.

10 JUDGE BARTHE: Now, Mr. Qadraku, I understood that, but I was  
11 only asking you whether it was important to you to provide  
12 information to the General Staff as well about what you saw and  
13 experienced. So was it important to you or not?

14 A. Certainly it was. And I thought that there was a structure. I  
15 thought that the General Staff had a well-organised structure which  
16 would receive all of our reports that we were sending from the  
17 ground, that they would analyse, assess them, and have a clearer  
18 picture of the movements, including those of the enemy's.

19 Therefore, I thought this information coming from me should be  
20 passed on until there. Had I not thought that, I wouldn't have  
21 printed a copy for them.

22 JUDGE BARTHE: I understand. Mr. Qadraku, in your SPO interview  
23 from December 2019, and I'm referring to Part 4 of that interview, of  
24 the transcript pages 18 and 19, you said the following, and I will  
25 quote from what you said according to the transcript. You said:

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1            "Tahir Sinani, as zone commander, was in charge of defending a  
2 part of the territory. So, all these Gs, various G sectors, informed  
3 Tahir Sinani of what they had to inform. Every one of them informed  
4 about his zone field of operation. And whilst there is an analysis  
5 was performed on this, the information you provided, he acted based  
6 on joint information and depending on the capacities. Whereas  
7 Kadri Veseli and General Staff, he had the same responsibilities,  
8 duty to inform Azem Sylja just as I had the," and I would like to add  
9 here the word "obligation" or "duty," because there's a word missing  
10 apparently, "to inform Tahir Sinani. Difference being that ... the  
11 obligation of the General Staff was not a particular zone, they... it  
12 was not solely a particular zone, but seven operational zones in  
13 Kosovo."

14            Mr. Qadraku, I would like to ask you the following question now:  
15 Would you agree that based on your statement it was even more  
16 important that the General Staff was well informed of what was going  
17 on in the seven operational zones?

18            A. This is how I thought. This is how I thought it should be. The  
19 same we had in the Pashtrik operational zone, I thought they would --  
20 should have the same at the General Staff.

21            JUDGE BARTHE: Thank you. I was only -- to be clear about that,  
22 I was only asking for your view and you were giving me your view. So  
23 that's fine. Thank you.

24            I would like to move on to a different topic and to another  
25 paragraph in your preparation -- or in Preparation Note 2, namely,

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1 paragraph 44. In that paragraph, you talked about the relationship  
2 between the KLA and FARK, and you also talked about that yesterday  
3 during the examination -- your examination by the parties.

4 And you said in your preparation session, according to paragraph  
5 44, that back then, and even now, you believe that FARK had been set  
6 up to sabotage the KLA. And I think, Mr. Qadraku, you confirmed and  
7 reiterated that yesterday. So can I ask you, is this still your  
8 opinion, that FARK was set up to sabotage the KLA? Just a "yes" or  
9 "no".

10 A. Yes, Your Honour.

11 JUDGE BARTHE: Thank you. And you went on by saying in  
12 paragraph 44, at least according to the note, what was recorded in  
13 the note, that you were involved in a commission evaluating  
14 applications for veteran status in 2015. You would not have accepted  
15 FARK applications because they were not fighters in Kosovo.

16 Did you say that to the Prosecution, and is this still what you  
17 believe?

18 A. Yes, Your Honour. I said this and I stand by it. They did not  
19 deserve to have that. Those who were not in Kosovo, who were not in  
20 the war, they did not deserve to be recognised the status of war  
21 veterans.

22 JUDGE BARTHE: Just to be clear on that point. Those who were  
23 not in Kosovo and who were not members of the KLA who were  
24 participating in diplomatic conferences. Because you're not  
25 referring to those people, right, as people who do not deserve to get

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1 a war veteran status? You are only talking about FARK here; right?

2 A. Yes, Your Honour. I'm referring only to the FARK members,  
3 because they stayed in their locations in Tirana, full of themselves,  
4 watching on TV how people, soldiers, children were killed, and they  
5 stood there idle, doing nothing. And to this day, I think that they  
6 do not deserve to be recognised as war veterans because they did  
7 not -- they did not participate in the war.

8 JUDGE BARTHE: Have you discussed this with other former members  
9 of the KLA either during the war or after the war?

10 A. On many occasions. I have discussed this with friends and  
11 others. This has consistently been my position, and I have never  
12 changed it.

13 JUDGE BARTHE: Is this just your position, your belief, or is it  
14 a common belief among other members, your friends, other former  
15 members of the KLA, that people who were members of the FARK and who  
16 did not fight in Kosovo, who were apparently -- who apparently stayed  
17 in Albania or elsewhere, did not deserve to get war veteran status?

18 A. First of all, this is my position. But I know, based on the  
19 conversations that I had with friends, that many people share my  
20 opinion although they don't express it. Some are cautious, some do  
21 not wish to speak up, but there are many who hold the same views as I  
22 do in Kosovo.

23 JUDGE BARTHE: Thank you. It is, Mr. Qadraku, also recorded in  
24 paragraph 44 of Preparation Note 2, that you mentioned the LDK's  
25 permanent request to come to an agreement with the Milosevic and

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1 Milutinovic -- with Milosevic and Milutinovic to give Kosovo  
2 autonomy, which would not fulfil your and others' aspirations and  
3 aims for Kosovo and was much less favourable for Kosovo than the 23  
4 March 1989 agreement.

5 Do you remember saying this to the Prosecution; and if so, can  
6 you explain what you meant by that?

7 A. Yes, Your Honour, I remember. What I meant by these words is  
8 Serbia, as occupying force in Kosovo, on 23 March 1989 suppressed the  
9 autonomy. The autonomy at that time was within the federation. Ten  
10 years after that, our historical leader signs an agreement with  
11 Milutinovic and then with Milosevic for another autonomy, which was  
12 not based on the federation anymore because Yugoslavia dissolved, but  
13 it was based on Serbia being above it.

14 For me, this autonomy was probably 50 times smaller than the one  
15 that was suppressed earlier. Therefore, I thought at the time, and I  
16 still think, and I will think the same to my last day, that that  
17 agreement was very malicious and ill-intentioned. It was humiliating  
18 for our people, for the victims, we had suffered up until that  
19 moment. The agreement was signed on 1 May 1999. We had already had  
20 over 13.000 victims, over 20.000 raped women. Perhaps at the time I  
21 had this opinion in the emotional state I was, but today I think the  
22 same, even 30 times stronger. This is my personal opinion.

23 JUDGE BARTHE: Thank you. So, Mr. Qadraku, you were fighting -  
24 "you," I mean the KLA and your comrades - you were fighting for full  
25 autonomy, for full independence; is that right?



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1 A. Our oath as Kosovo Liberation Army soldiers was for the  
2 liberation of Kosovo, the liberation of Kosovo as an independent  
3 sovereign state, which we declared in 2008 thanks to our political  
4 leadership.

5 JUDGE BARTHE: So just to be clear about that, does that mean  
6 from your point of view that by requesting to come to agreements with  
7 Milosevic and Milutinovic, the Serbian government, does that mean  
8 that this case, and you are referring here to the LDK, that the LDK,  
9 or at least representatives of the KLA, were undermining your  
10 struggle for the liberation of Kosovo, the KLA's struggle for the  
11 liberation of Kosovo?

12 A. No, sir. This is wrong. I do not think that the LDK is  
13 involved in this. The LDK never held a rally, a party rally to  
14 decide or authorise their historical leader to enter into this  
15 agreement with Milosevic or Milutinovic. His agreement with  
16 Milosevic was done -- I think, because I have not read prior  
17 consultation he would have had with other people, and I don't blame  
18 the LDK here, because I remember when he entered into this agreement,  
19 212 LDK intellectuals declared from Skopje that from that day onwards  
20 they would not recognise the signature of Rugova, whatever he would  
21 sign in Belgrade. Therefore, this agreement between Milosevic and  
22 Rugova was not a product of the LDK. This was his personal product.

23 JUDGE BARTHE: With "his personal product," you mean -- you're  
24 referring to Mr. Rugova? Did I understand that correctly?

25 A. Yes, I'm referring to Rugova.

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1 JUDGE BARTHE: What about the government-in-exile, the Bukoshi  
2 government? Is it your view that they are or they were working  
3 against the interests of the KLA, against the interests of the  
4 population of Kosovo at the time; and if so, do you still believe  
5 that?

6 A. My conviction, Your Honour, for the government at the time, the  
7 Kosovo government at the time, is that they did not act. I blame  
8 them for not acting, failure to act. Their failure to act made them  
9 evil spectators to all the bad things and horrible things that  
10 happened in Kosovo. Their failure to act or non-action was a bad  
11 thing in itself.

12 JUDGE BARTHE: What would you have expected them to do?

13 A. At that time as a young man, 34 years old that I was at the  
14 time, I thought that, as a government since 1992 until 1998, they  
15 should have contacted, worked, cooperated, acted, in order to supply  
16 us the necessary means to fight the occupier. They had formed --  
17 they claim to have been formed for the Republic of Kosovo. They  
18 claimed to work for the Republic of Kosovo, but they never called  
19 Serbia as an occupying force. I never read from 1989 that they  
20 qualified Serbia an occupying force. So if you don't make that  
21 qualification, I don't think you can fight against that force.

22 Therefore, I think that with their failures they damaged us as a  
23 people, as a young man, as an army, and as a country.

24 JUDGE BARTHE: Would you have expected them, I mean the  
25 government-in-exile, to send troops or money or weapons to Kosovo to

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1 fight against the enemy?

2 A. I never expected them to give us money. We did not need money.  
3 We only needed weapons, ammunition. That's all. We wouldn't have  
4 been even able to spend the money.

5 JUDGE BARTHE: What about soldiers?

6 A. The soldiers were fed by the people. We did not need money from  
7 the government. Every village, every location, every municipality  
8 took care of us. The people took care of us for everything we needed  
9 during the war. They didn't.

10 JUDGE BARTHE: Now, in paragraph 45 of Preparation Note 2, you  
11 talked about Mr. Tahir Zemaj who had been briefly commander of the  
12 Dukagjini operational zone, and you said that Mr. Zemaj managed to  
13 become zone commander with Haradinaj -- I assume that you're  
14 referring to Ramush Haradinaj here; correct? Is that correct?

15 A. Yes, Your Honour. I was referring to Commander Ramush  
16 Haradinaj.

17 JUDGE BARTHE: Yes. And Commander Ramush Haradinaj as deputy,  
18 you said here. The KLA General Staff did not allow Zemaj as  
19 commander.

20 I have to ask you this again: Is this correct, did you tell  
21 this? Did you tell the Prosecution this?

22 A. Yes, Your Honour. This is correct. And this is information  
23 that I read after the war. I did not know this during the war. But  
24 I did say that, and I think that was the case.

25 JUDGE BARTHE: And you said the KLA General Staff did not allow

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1 Mr. Zemaj as commander. Do you know what, if at all, the  
2 General Staff did in that regard? Did you read anything about that  
3 or have you heard anything about that?

4 A. From what I read and from what I know, the General Staff reacted  
5 because he had brought into Loxhe, where he was, an army and wanted  
6 the commander to be elected by a vote, and this is how he achieved  
7 the goal to become a commander and Ramush his deputy. And I think it  
8 was based on this, the reaction of the General Staff, so that the  
9 leading structures of the command be not elected in this way.

10 This is what I read after the war, but it can also not be true.  
11 This is what I read. That's it.

12 JUDGE BARTHE: And what exactly did the General Staff do, or  
13 what was the reaction of the General Staff?

14 A. I do not know the exact reaction. I know that they went there,  
15 they agreed, and they returned, and I think that changed. Ramush  
16 Haradinaj became again commander and Tahir Zemaj his deputy. But how  
17 this was decided, I don't know. I wasn't there.

18 JUDGE BARTHE: Just to be clear on that point. You said "they  
19 agreed." Are you saying that Mr. Haradinaj, Mr. Zemaj, and whoever  
20 went there from the General Staff agreed that Mr. Zemaj was replaced  
21 by Mr. Haradinaj, that Mr. Haradinaj was reinstated as commander of  
22 the Dukagjini operational zone?

23 A. Yes, that is what happened. Ramush Haradinaj remained commander  
24 afterwards up until the end of the war.

25 JUDGE BARTHE: So from what you know - and I accept that you

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1 said that you only read about it - is that there was an agreement  
2 between at least three parties - Mr. Haradinaj, Mr. Zemaj, and the  
3 General Staff. Is that what you read or heard?

4 A. Yes, I believe it was like that.

5 JUDGE BARTHE: Thank you. Now to a different topic, and this  
6 should be brief. In paragraph 51 of Preparation Note 2, you  
7 mentioned, in the context of Ismet Tara, the KLA general inspector.  
8 I would like to know from you if you know who the general inspector  
9 of the KLA was in 1998, 1999, if there was such a position at all?

10 A. I remember that I heard that the general inspector was  
11 Mr. Rexhep Selimi. I never had contacts in this respect. I don't  
12 know whether that was a post or if that is something that we called  
13 it so, but I think that the general inspector was Rexhep Selimi.

14 JUDGE BARTHE: Do you know when Mr. Selimi became general  
15 inspector? Do you have any information about that?

16 A. No, I don't have information about that. I don't have any  
17 information concerning any members about dates of posts and so forth.  
18 We were not informed when there were rotations. When people were  
19 changed, we were not notified in our zones, in our units, in 1998,  
20 about changes. We didn't have anything documented as to the dates of  
21 appointments of each and every member of the General Staff.

22 JUDGE BARTHE: So you also don't know how Mr. Selimi became a  
23 general inspector, if this is what happened, because you said you  
24 don't have valid information -- first-hand information about that;  
25 right?

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1 A. Yes, Your Honour, I don't have first-hand information about  
2 that, and we were never informed about his appointment. "We" meaning  
3 us as Pashtrik operational zone.

4 JUDGE BARTHE: Thank you. Now to a different issue. I would  
5 like to talk to you briefly about or discuss with you briefly what  
6 happened, as far as you know, in Prizren. And I'm referring to  
7 paragraphs 57 and the following of Preparation Note 2 where you  
8 discuss this. And you also mentioned yesterday, Mr. Qadraku, that  
9 you know that the zone command, the Pashtrik operational zone staff  
10 was based in the girls dormitory in Prizren. And what is recorded in  
11 this note and this paragraph of the preparation note is that you also  
12 had an office there, but it's said that you always slept in Rahovec;  
13 is that right?

14 A. Yes, Your Honour. That's correct.

15 JUDGE BARTHE: And you further said during your preparation  
16 session, according to paragraph 57 of Preparation Note 2, that you  
17 did not visit the school for deaf and mute in Prizren in June, July  
18 1999. If I'm not mistaken, you also mentioned that or you confirmed  
19 that on Monday during your direct examination by the Prosecution.  
20 But you believe that Brigade 125 was based in the school for deaf and  
21 mute while Brigade 128 was based in Zym of Dragash or in Nashec, both  
22 of which were near or close to Prizren; is that right? Did you tell  
23 this -- did you tell the Prosecution this?

24 A. Yes, Your Honour. I apologise for pausing. But with the  
25 suggestion of Your Honour, I'm counting the five seconds after the

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1 interpreter finishes with the interpretation.

2 JUDGE BARTHE: That's not a problem. Maybe I should count the  
3 seconds as well. I'm not sure whether I did that in the past.

4 But, anyway, what I wanted to ask you -- first I wanted to give  
5 the reference to the transcript. This is on pages 22630 and 22631 of  
6 our transcript.

7 Mr. Qadraku, do you know or do you have any knowledge of what  
8 happened at or in the former MUP building in Prizren between the 16th  
9 and 18th June 1999?

10 A. No, Your Honour. I do not know what happened there. I do not  
11 know what happened in Prizren either because I was in Rahovec and its  
12 surroundings up until 1 July 1999.

13 JUDGE BARTHE: So you were never personally there. You were  
14 still in Rahovec, right, at the time, before 2 July -- or 1 July  
15 1999?

16 A. Yes Your Honour. That's correct.

17 JUDGE BARTHE: Did you hear anything about an encounter with  
18 German KFOR at the former MUP building after the withdrawal of the  
19 Serbian forces? Have you heard anything about that?

20 A. I don't know what encounter specifically you're interested in,  
21 but we've seen on TV the killing by the German KFOR of a Serb or two  
22 in a vehicle. But I really do not understand to which encounter you  
23 are referring. Maybe you can explain this.

24 JUDGE BARTHE: I will. To be more specific, do you know whether  
25 people were held and mistreated in the former MUP building after the

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1 withdrawal of the Serbian forces in mid-June 1999?

2 A. No, sir. I don't know.

3 JUDGE BARTHE: Have you heard anything about an elderly man who  
4 was found dead, tied to a chair, in the upper or on the upper floor  
5 of the building?

6 A. No, sir.

7 JUDGE BARTHE: Do you know of other crimes that were allegedly  
8 committed by members of the KLA in the days after the takeover of  
9 Prizren in summer 1999?

10 A. No, sir. I don't remember.

11 JUDGE BARTHE: But you were still the head of ZKZ and G2 -- or  
12 G2 in the Pashtrik operational zone, and I assume that Prizren  
13 belonged to your operational zone; is that right?

14 A. Yes, Your Honour. Of course, with all the appointments, I was  
15 responsible or in charge of the entire Pashtrik zone, but I had my  
16 subordinates. In all my documents, no information of this type was  
17 received from the relevant brigades, 124, 125, or 128.

18 JUDGE BARTHE: And you didn't hear anything about that, didn't  
19 see anything on TV, on television, or elsewhere? You were not  
20 informed by other sources, so to speak?

21 A. Your Honour, when I went to Prizren, I proposed to  
22 Commander Tahir Sinani to have more frequent meetings with KFOR and  
23 UNMIK. We had three weekly meetings with the UNMIK police, and one  
24 time a week we met with the multinational brigade. And in those  
25 meetings, we did bring this request at both UNMIK and KFOR in this



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1 respect. All these events were noted in my documents. But when I  
2 was arrested, all these documents were destroyed or taken from me.

3 So today I do not know what to say or to think about these  
4 things, which are very delicate issues, and I cannot give myself the  
5 right to speak about them. I did have facts, I did have papers, I  
6 did have complaints in this respect, and I did help both UNMIK and  
7 KFOR in uncovering these cases, but these documents were taken from  
8 me by the UNMIK police.

9 So as I said on the first day of my testimony, I feel  
10 handicapped before you to speak. If I had those documents before me  
11 today, we could have documented in a much clearer manner everything,  
12 including this after-war, post-war period in Prizren.

13 JUDGE BARTHE: That's all right. I understand.

14 Now, Mr. Qadraku, my final question. You said yesterday during  
15 your cross-examination by the Veseli Defence that Kadri Veseli became  
16 head of SHIK in April 1999, and that SHIK was dealing with civilian  
17 intelligence whereas ZKZ, or G2, at the General Staff dealt with  
18 military intelligence. Is that right? Do you remember that?

19 A. Yes, Your Honour. This was on the media as well. With the  
20 formation of the Provisional Government of Kosovo in April 1999, it  
21 was a good news that we had a provisional government, we had  
22 ministers, and amongst them as one minister was Kadri Veseli, that  
23 is, as the director of the intelligence service.

24 JUDGE BARTHE: I would like to know from you now, since you were  
25 also dealing with intelligence and counter-intelligence, could you

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1 explain to us what the tasks were of the civilian intelligence as  
2 opposed to the military intelligence. So what was Mr. -- what were  
3 the responsibilities of Mr. Veseli at the time and his department?

4 A. I wouldn't be able to say anything. I don't know. I know that  
5 in Kosovo, from the American KFOR, English KFOR, British KFOR, the  
6 UNMIK police, I know that I've heard that SHIK is legal, that SHIK  
7 cooperates with all international structures present in Kosovo. I  
8 know this. I have this knowledge and information.

9 But to answer your question what were the specific duties of  
10 SHIK, I would just have to do guesswork, and I don't think my  
11 guesswork would be of any use to you.

12 JUDGE BARTHE: I would say that depends. Let me ask a follow-up  
13 question. You said that -- earlier that G2 and also you in your  
14 position as head of G2 at the zone level, you were dealing with  
15 military intelligence, or also dealing with military intelligence;  
16 for example, information about positions of the Serbian forces and  
17 their strength and weaponry and so on.

18 Would you assume that this also fell into the responsibility of  
19 SHIK, or was that a matter that would still be dealt with by the  
20 military intelligence, G2?

21 A. What you mentioned was dealt by the G2 or the military  
22 department of the G2. However, for the civilian service, I really  
23 have knowledge about that because I never was part of it. I thought  
24 I was part of SHIK, and as I explained, I've written there chief of  
25 SHIK, chief of G2, chief of ZKZ, chief of department once. So at the

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1 time I thought I was chief of all these acronyms, thinking that they  
2 were one and the same thing. But I don't have any knowledge about  
3 the work of the national intelligence service apart from the work of  
4 the G2 office.

5 JUDGE BARTHE: So you were not interested in knowing what the  
6 SHIK was doing since you were also dealing with intelligence and  
7 counter-intelligence?

8 A. I was quite interested, Your Honour, but I knew that there were  
9 trusted people in those structures. There was no need for me to  
10 check on them. They had their duties. I did my best to do my duties  
11 and tasks honourably, although I was not a professional in this  
12 field. This would be all I can say at this moment.

13 JUDGE BARTHE: So you never asked anybody about what SHIK was  
14 doing, what the responsibilities were of SHIK?

15 A. I didn't ask in the way you are alleging as to "what do you do?"  
16 I asked, "How are you?" "How is it going?" "Do you need any help?"  
17 But not as to what they were doing. That was not ethical in my view.

18 JUDGE BARTHE: Thank you, Mr. Qadraku. Those were my questions.

19 PRESIDING JUDGE SMITH: Thank you, Mr. Qadraku. We will break  
20 for lunch now. You may leave the courtroom with the Court Usher.  
21 Please do not speak to anyone about your testimony outside of the  
22 courtroom, and we'll see you back here at 2.30.

23 [The witness stands down]

24 PRESIDING JUDGE SMITH: Mr. Court Officer, take us into private  
25 session, please.

1 [Private session]  
2 [Private session text removed]  
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1 [Private session text removed]

2

3 [Open session]

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

5 Thank you.

6 PRESIDING JUDGE SMITH: Thank you, Mr. Court Officer.

7 We are adjourned until 2.30.

8 --- Luncheon recess taken at 12.59 p.m.

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

10 PRESIDING JUDGE SMITH: Please bring the witness in,

11 Madam Usher.

12 [The witness takes the stand]

13 PRESIDING JUDGE SMITH: Witness, we now have some questions from

14 Judge Mettraux, who is seated next to me to my right, your left.

15 JUDGE METTRAUX: Thank you, Judge Smith.

16 And good afternoon, Witness.

17 A. Good afternoon, Your Honour.

18 JUDGE METTRAUX: I'd like to start with a few questions about  
19 your time in Switzerland and follow up on some of the questions that  
20 were asked of you about this period of time.

21 Now, just to be certain about the schedule, you said you arrived  
22 in Switzerland in 1987 and left, as I understand it, on 11 March  
23 1998; is that correct?

24 A. Yes, Your Honour.

25 JUDGE METTRAUX: And you explained already that while you were

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1 in Switzerland you were active in the LDK and -- in the LPK, I'm  
2 sorry, in the LPK, and that you took part in a number of meetings and  
3 rallies organised by the LPK; is that right?

4 A. That's right.

5 JUDGE METTRAUX: The first thing I want to ask you is whether  
6 these meetings that you had with fellow LPK members in Switzerland,  
7 were they conducted clandestinely, privately?

8 A. No, Your Honour. The meetings in Switzerland were done legally.  
9 We had no reason to hide in Switzerland.

10 JUDGE METTRAUX: I wasn't suggesting anything illegal, sir. I  
11 was asking this, whether they would be private meetings. Other than  
12 rallies that were public, were there also discussions and meetings  
13 that you would be organising in a private setting?

14 A. Your Honour, in Lausanne, where I was active, we were 32 members  
15 of the LPK, never more than that number. I think we would meet every  
16 two weeks to discuss about the political situation in Kosovo, about  
17 our possibilities to help from Switzerland, and to communicate about  
18 the communication or the liberation. We had these meetings. At  
19 times we had cultural events, protests in front of embassies or the  
20 United Nations offices in Geneva. We were trying to conduct this  
21 propaganda and to inform people about this classic form of occupation  
22 that was taking place in Kosovo.

23 JUDGE METTRAUX: The reason -- maybe I'll explain it to you.  
24 The reason I'm asking you this is whether you had any concerns  
25 already during your time in Switzerland, as you were participating in

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1 LPK activities, of Serbian infiltrations or attempts to infiltrate  
2 your organisation? Was that concern already present while you were  
3 in Switzerland?

4 A. I think that the LPK took precautions in this regard. We  
5 applied criteria to know better the person before that person would  
6 be accepted, to know his background, the family background. I am not  
7 aware of any specific case as you referred to. However, I think that  
8 someone above me at a higher level must have also considered such  
9 cases.

10 JUDGE METTRAUX: And other than verifying the family background  
11 of would-be members, are you aware of any other precaution that was  
12 taken within the LPK to try to prevent this sort of infiltration?

13 A. No, Your Honour. I do not know about other measures.

14 JUDGE METTRAUX: I'll come back to that in a moment, sir. But  
15 can you first tell us how the LPK was organised in Switzerland in the  
16 years preceding the conflict?

17 A. In the last decade of the last century, I can speak more of that  
18 because I was there. As I said before, we were organising each  
19 canton. We tried to bring in more people, supporters. We conducted  
20 consultations and looked for ways to solve the problem in Kosovo. We  
21 paid a membership fee, symbolic, small amount, and we would also  
22 cover the membership fees, part of it, for our members inside Kosovo  
23 who could not afford to pay. This is how it started at the  
24 beginning.

25 At some point later, the fund Homeland Calling was set up in

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1 order to support the armed groups in Kosovo because they needed this  
2 help. I personally did not go beyond Lausanne or the council I was  
3 in, but I think that my friends from the general council or the  
4 chairmanship of the LPK had the task to pass on these decisions in  
5 the regional councils to the place where these decisions were to be  
6 implemented.

7 JUDGE METTRAUX: So just from the geographical point of view,  
8 and tell me whether that's correct, there was a division of the Swiss  
9 territory into geographical areas, districts, and within these  
10 districts there was a council that operated for that region; am I  
11 right?

12 A. Yes, Your Honour.

13 JUDGE METTRAUX: And again talking about period of time when you  
14 were in Switzerland, and I'll come Lausanne in a moment, quite a few  
15 of the LPK members with whom you interacted went on to become KLA  
16 members and then joined the war in Kosovo; is that right?

17 A. Yes, Your Honour.

18 JUDGE METTRAUX: Now, can you tell us who do you recall from  
19 your LPK years in Switzerland who did that, joined the war on the  
20 side of the KLA?

21 A. Yes, Your Honour, I remember. From the council of the district  
22 of Lausanne, Ismet Jashari, Kumanova, joined the war. He came from  
23 the Kumanovo region. Haxhi Shala, Topi, from Banje in Malisheve.  
24 Myself. And in the last two years, 1997, and January, February 1998,  
25 we had also Fatmir Limaj who had come close to Lausanne. So these



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1 are the four persons I am aware of who left Switzerland and went to  
2 Kosovo to fight.

3 JUDGE METTRAUX: Thank you. And are you able to confirm or  
4 otherwise whether Haxhi Shala was a relative of Fatmir Limaj, to  
5 start with?

6 A. I do not know the family -- about any family relation, but I  
7 know they come from the same village, Banje in Malisheve.

8 JUDGE METTRAUX: What about Xhavit Haliti, is it another  
9 Swiss-based LPK who joined the KLA during the war?

10 A. Yes, Your Honour. Xhavit Haliti was in the council of the  
11 region of Zurich. He was part of the general council and the  
12 chairmanship. He was a member of the LPK and took part in the war.

13 JUDGE METTRAUX: And so with Emrush Xhemajli whom you know;  
14 correct?

15 A. Yes, Your Honour. He did too.

16 JUDGE METTRAUX: Would it be fair to suggest that Emrush  
17 Xhemajli is someone who made an important contribution first to the  
18 LPK and then to the KLA? Would you agree with that suggestion?

19 A. Yes, Your Honour. I agree. Emrush Xhemajli and his entire  
20 family gave a great contribution to the organisation, activities, and  
21 the struggle for the liberation of Kosovo.

22 JUDGE METTRAUX: And whether you know it, could you confirm that  
23 he worked for sometime in *Zeri i Kosoves* in Switzerland?

24 A. Your Honour, during my stay in Switzerland, I know that the seat  
25 of *Zeri i Kosoves* was in Biel/Bienne. I think it's in the Bern

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1 canton. He -- I think he was one of the persons responsible for the  
2 newspaper with Destan Hajdini and others, many other comrades. He  
3 was one of the persons responsible for the newspaper *Zeri i Kosoves*,  
4 which was the news organisations of the LPK.

5 Until 1991, 1992, because of financial instability,  
6 unsustainability, I, with my friends - I didn't do it personally -  
7 but we transferred the newspaper to Lausanne, and it was published  
8 there until, I think, to my recollection, it continued to be  
9 published there until 1995, 1996.

10 JUDGE METTRAUX: And while you were in Switzerland, in Lausanne,  
11 just literally down the lake from you was Sadik Halitjaha; is that  
12 right?

13 A. Yes, Your Honour. Sadik Halitjaha was based or he resided in  
14 Sion in the canton of Valais.

15 JUDGE METTRAUX: And in between Mr. Halitjaha and yourself in  
16 the canton of Vaud was Ramush Haradinaj and Bardhyl Mahmuti; correct?

17 A. Bardhyl Mahmuti was living in the canton of Lausanne in a  
18 village, Vevey or Aigle. I did not know Ramush Haradinaj. I didn't  
19 know where he lived or where he worked.

20 JUDGE METTRAUX: What about Adem Grabovci and Shukri Buja? Did  
21 you know them from your years in Switzerland?

22 A. Adem Grabovci, I knew him from the 1990s, when we were in the  
23 process of national blood feud reconciliation. And I knew  
24 Shukri Buja during 1998, during the war, while I was travelling from  
25 Kosovo to Albania.

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1 JUDGE METTRAUX: Were you aware that both of them were in  
2 Switzerland and activists in the LPK at the time?

3 A. Yes, Your Honour. I know. Adem Grabovci was in the canton of  
4 St. Gallen. I do not know about Shukri Buja, but I know about his  
5 brother, Agush Buja, whom I knew better.

6 JUDGE METTRAUX: And I think you mentioned it, but I'll ask you  
7 to confirm, also present at that time in Switzerland and active in  
8 the LPK were Ali Ahmeti and Fazli Veliu; is that right?

9 A. Yes, Your Honour. Ali Ahmeti and Fazli Veliu were in  
10 Switzerland. I think they were in Luzern canton.

11 JUDGE METTRAUX: And maybe Zug for the latter.

12 Now, you are recorded in your SPO interview as suggesting that,  
13 and I quote - it's Part 1, page 17, it's now Exhibit P1854, for the  
14 record - as suggesting "all LPK members knew that the KLA was being  
15 formed," talking about your years in Switzerland. Do you recall  
16 saying that?

17 A. Yes, Your Honour.

18 JUDGE METTRAUX: And you and other LPK activists, including  
19 those in Switzerland, in effect endeavoured to set up a military body  
20 to fight the war in Kosovo. Would you agree with that proposition?

21 A. Obviously, I would have been very happy to. I think we all  
22 tried to expand the ranks and organise the liberation war wherever we  
23 lived in Kosovo.

24 JUDGE METTRAUX: And you are recorded - and that's Preparation  
25 Note 2, paragraph 7 - as suggesting that the LPK set up or created

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1 the KLA; is that right?

2 A. Your Honour, I might have been wrong. The LPK gave the name  
3 which I think we discussed earlier with Your Honour. This was on  
4 17 November 1994. But based on what I have read, the LPK contributed  
5 towards the unification of all those groups who had been active and  
6 fighting even before 1994. I think it did a good job, a positive  
7 thing in this regard. But with respect to forming or creating it,  
8 they were already formed and created before the KLA. I think the LPK  
9 played a very important role in the unification and organisation of  
10 all these groups.

11 JUDGE METTRAUX: Well, I'll read to you what's recorded, and  
12 you'll tell me whether you wish to amend in any way. That's  
13 Preparation Note 2, paragraph 7. You are recorded as saying:

14 "[I] might have said [I] was involved in setting up the KLA  
15 because [I] was an LPK member and the LPK set up or created the KLA  
16 ..."

17 Now, do you accept that proposition? Is that reflecting your  
18 evidence, or would you wish to qualify it?

19 A. No, Your Honour, I don't need to correct it. I think I accept  
20 it. This is how I said it. It created it, but it created it from  
21 the groups which pre-existed the creation of the KLA and, obviously,  
22 with our participation.

23 JUDGE METTRAUX: And you also said, and I quote, this time from  
24 paragraph 9:

25 "The idea of the KLA was born out of the LPK."

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1 Is that true and accurate to your knowledge?

2 A. Yes, we discussed this earlier as well. The idea of naming or  
3 unifying of all those groups under one emblem was -- the idea was  
4 that of the LPK.

5 JUDGE METTRAUX: And then you are recorded as saying that you  
6 joined the KLA in 1994 from being an LPK member, and the expression  
7 is used "automatically."

8 So we've heard you became a KLA member. Would it be fair to  
9 suggest - and, again, correct me if you feel you should - that in  
10 that capacity as an early member of the KLA in 1994, you were one of  
11 the individuals who contributed to the establishment of the KLA from  
12 the LPK? Would you accept that suggestion?

13 A. Yes, Your Honour. However, when we discussed this with the  
14 Prosecutor as well, my opinion was that I felt morally a member of  
15 the KLA from the day it was named by the LPK, because I was only  
16 waiting to be called or when the need would arise. Because from that  
17 date, from 1994, I was ready any day to go to Kosovo and fight if I  
18 was asked to do so or if I was instructed by my friends. And this  
19 was the case for every member of the LPK in Switzerland, Germany,  
20 United States, everywhere in the world.

21 JUDGE METTRAUX: I'll come to 17 November in a second, sir. But  
22 who would you say were the other individuals who helped create or set  
23 up the KLA from the LPK?

24 A. I am -- I regret, but apart from those names I mentioned as  
25 members of the special groups, I do not have more knowledge. I do

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1 not know the specifics. I was not inside those groups. I am just a  
2 part of the LPK.

3 JUDGE METTRAUX: Okay. So I'll do that differently, sir.

4 Can the Registry please bring up document ERN 074625. And the  
5 Albanian has the same ERN number, if that helps.

6 So I'll give you a bit of context, sir, and we'll look at it  
7 together. This is a document -- if we go to the last page, please,  
8 in both languages. Thank you.

9 As you can see, this is a document that was prepared or created  
10 by Emrush Xhemajli, the man you mentioned a moment ago as an  
11 important member of the LPK and the KLA, and he prepared it in  
12 February 2002 pursuant to a decision of the LPK General Council  
13 Chairmanship.

14 We can go back to the first page, please.

15 And as you can see from that page, this is, in effect, a short  
16 history of the -- what is called the "People's Movement of Kosovo" on  
17 the cover page from "1982 - 2002, 20 years of activity."

18 Now, my first question for you is are you familiar with this  
19 document? Have you already seen it before?

20 A. Yes, Your Honour, I've seen it. Although this newspaper was  
21 published in 2002. I was in prison at the time. After my release  
22 from prison in March 2003, I read it. I maybe do not remember the  
23 entire content, but I read it.

24 JUDGE METTRAUX: If we can turn to page 6, please, of both the  
25 English and the Albanian.

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1 And, sir, if I can ask you to please focus on the bullet point  
2 with the dates 1993 to 1995. Do you see that?

3 A. Yes, Your Honour.

4 JUDGE METTRAUX: So I'll read it to you and I'll ask you a  
5 couple of questions about it. It starts in these words:

6 "Parts of the LPK Councils in Skenderaj, Gllogoc (Drenas),  
7 Klina, Ferizaj, Prishtina, Podujeva (today Besiana), Suhareke  
8 (Theranda), Prizren, Rahovec, Malisheva, Decan, Gjakova, Peja,  
9 Gjilan, Kercova, Tetova, Skopje, Kumanova, were transformed, some  
10 earlier than others, into the first armed units."

11 My first question is, is it right that before the conflict, in  
12 particular in the early 1990s, the LPK was also organised both in  
13 Kosovo and in Macedonia into the same sort of local council that you  
14 described in Switzerland?

15 A. Yes, I think that's right.

16 JUDGE METTRAUX: And then slowly with time, as this document  
17 describes, some of these councils were turned into armed units when,  
18 in effect, the LPK morphed into the KLA. Would you agree with that?

19 A. Yes, Your Honour. I agree. Every member of the LPK considered  
20 themselves as a soldier of the Kosovo Liberation Army.

21 JUDGE METTRAUX: Then the document goes on to say this:

22 "The most well-known activists who shifted from political to  
23 military work included: Durmish Gashi, Halil Cadraku, Selim Gashi,  
24 Xheladin Gashi, Sokol Bashota, Fatmir Limaj, Ragip Shala,  
25 Rexhep Selimi, Muje Krasniqi, Isa Krasniqi, Asllan Pantina, Skender

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1 Rexhepi, Fadil Nimani, Rexhep Bislimi, Qerim Kelmendi, Adrian  
2 Krasniqi, Gursel Sylejmani, Beqir Limani, Xhemajl Jashari, Ismet  
3 Sylejmani, Shaqir Shaqiri, [and] Jonuz Musliu, etc."

4 Now, would you agree with the suggestion that is being made  
5 here, to the extent you know these people, of course, that these are  
6 well-known activists who shifted from political to military work  
7 during that period?

8 A. I agree that we were in the service of.

9 JUDGE METTRAUX: So you have no issue here with any of the  
10 names?

11 A. I don't, sir. 99 per cent, 100 per cent of these names, I know  
12 them -- or, I apologise, I knew, because the majority of them have  
13 passed away or were killed.

14 JUDGE METTRAUX: Now, I'll ask you, if you may, to read the next  
15 bullet point in this document. May you take a moment to read it.

16 So I'll read it. For the non-Albanian speakers, it says:

17 "17 November 1998, Aarau, Switzerland: The first military  
18 Communiqué was issued. The LPK Chairmanship, at the insistence of  
19 the armed groups within the country, decided to start issuing  
20 communiqués by taking responsibility for them. After a promised  
21 discussion, considering also the proposals of the military groups in  
22 the field, the Chairmanship decided that the new military  
23 organisation would be called 'Kosovo Liberation Army'. It was  
24 decided that the communiqué would bear no. 11. Participants in this  
25 meeting included: Fazli Veliu, Emrush Xhemajli, Ali Ahmeti,



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1 Xhavit Haliti, [and] Gafurr Elshani."

2 Now, I think you have already, but can you confirm that the  
3 first KLA military communiqué was issued on that date, 17 November  
4 1994?

5 A. Yes, I think so.

6 JUDGE METTRAUX: And would you agree that this was an important  
7 occasion for the KLA? Would you agree with that?

8 A. Your Honour, this, in my opinion, was a very important occasion  
9 specifically for the KLA and in general for all of Kosovo and the  
10 Albanian people.

11 JUDGE METTRAUX: Because the KLA was coming out under its own  
12 name and in its own voice. Do you agree?

13 A. Yes. Because a formation named, not an illegal person, not an  
14 ex-person, but an organised unity came out that would communicate  
15 with the enemy by using weapons, and this was for the first time that  
16 this happened.

17 JUDGE METTRAUX: Now, we see who Mr. Xhemajli suggests was at  
18 that meeting on 17 November 1994. Xhavit Haliti has suggested that  
19 the authors of this first communiqué were himself, Xhavit Haliti,  
20 Azem Sylta, Emrush Xhemajli, and Ali Ahmeti. Do you have any reason  
21 to doubt the suggestion?

22 A. No, I don't, Your Honour, because all of them were either  
23 members of the chairmanship or of the group for special action. So  
24 all these names stand to what is written there.

25 JUDGE METTRAUX: I forget to ask you this a moment ago. But

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1 when you left Switzerland on 11 March 1998, I understood you took a  
2 plane to, was it, Tirana; is that right?

3 A. No, Your Honour. I went from Zurich to Prishtine.

4 JUDGE METTRAUX: And who did you leave Switzerland with, if  
5 anyone? Was any other LPK member from Switzerland with you on that  
6 occasion?

7 A. I travelled by plane on my own. And the comrades that I  
8 mentioned earlier, they first went to Albania and were to enter  
9 Kosovo on foot. I myself went by plane to Prishtine.

10 JUDGE METTRAUX: Does that mean they arrived shortly after you  
11 or had they already arrived in Kosovo when you made it there?

12 A. Sir, I don't think that they arrived before me. I arrived in  
13 one and a half hour, and their trip lasted for at least three or four  
14 days, their equipment with weapons and preparations to enter Kosovo.

15 JUDGE METTRAUX: Thank you. Now, there's something else,  
16 something different, sir, that I want to clarify with you. It's  
17 something you were asked about and which you answered to during your  
18 SPO interview. That's at Part 1, page 9 in particular, of P1854.  
19 And you were asked at the time whether you had any criminal  
20 conviction. And there's an exchange that follows on this issue where  
21 your lawyer intervenes and says that there was an investigation, an  
22 indictment, but that you were acquitted and released by an UNMIK  
23 court.

24 Do you recall that exchange?

25 A. Yes, Your Honour.

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1 JUDGE METTRAUX: Now, I'd like to clarify this with you. What  
2 was this case that was being mentioned when there was an  
3 investigation, an indictment, and, you say, a release from UNMIK  
4 court? What case was that?

5 A. Yes, Your Honour. In 2001, on 8 May, I was arrested under the  
6 charge of killing Commander Drini. I spent two years in prison.  
7 After 126 sessions, trial sessions, three panels, because none of the  
8 panels could reach a decision, on 23 March 2003 I was acquitted. And  
9 later on, the members of the group with whom I was arrested were also  
10 released.

11 And after that, I was convicted for illegal possession of  
12 weapons, for weapons that were kept in my house. I was sentenced to  
13 two and a half years for illegal possession of weapons and not for  
14 the -- on the charges that I was initially arrested. For those  
15 charges, I was acquitted.

16 JUDGE METTRAUX: Well, I'm grateful for this clarification, sir,  
17 because I'm looking at the judgment, and you were, indeed, from these  
18 records, acquitted of an allegation of complicity in a plot to kill  
19 Drini but convicted of, as you said, weapons possession. So you  
20 have, in fact, a criminal conviction; is that right?

21 A. Yes, Your Honour. That's right.

22 JUDGE METTRAUX: And your fellow defendant and fellow KLA member  
23 Sali Veseli was convicted, if I understand, for a plot to murder  
24 Drini; is that right?

25 A. At the moment I was acquitted, he was sentenced to 15 years, but

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1 I know that one year afterwards he was acquitted and released as  
2 innocent.

3 JUDGE METTRAUX: And then he was re-tried and convicted once  
4 again; is that right?

5 A. I don't remember, Your Honour. I might make a mistake. What I  
6 remember is that he was acquitted once and released. I don't  
7 remember the rest.

8 JUDGE METTRAUX: Now can we please go into private session,  
9 please, for the protection of the witness.

10 [Private session]

11 [Private session text removed]

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Witness: Halil Qadraku (Resumed) (Private Session)

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Witness: Halil Qadraku (Resumed) (Private Session)

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Witness: Halil Qadraku (Resumed) (Private Session)

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17 [Open session]

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

19 Thank you.

20 PRESIDING JUDGE SMITH: We'll take a ten-minute break, Witness.

21 [The witness stands down]

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

23 --- Break taken at 3.41 p.m.

24 --- On resuming at 3.50 p.m.

25 PRESIDING JUDGE SMITH: Please bring the witness in.

1 MR. DIXON: Your Honour, I did ask just for five minutes before  
2 the witness came in just so as --

3 PRESIDING JUDGE SMITH: Hold on.

4 MR. DIXON: -- not to interrupt. And I just wanted to raise a  
5 concern, and the other Defence teams can add as well.

6 Just in relation to this particular document, I think  
7 Your Honours will know from my cross-examination that there's no case  
8 being put that this is one big forgery, and the same for P500, which  
9 I'll come on to later in relation to Judge Barthe's question.

10 So in that regard, what we're concerned about is the Bench  
11 seeking to impugn a witness on a matter that's not relevant to the  
12 Defence case. That hasn't been put forward. Likewise, the  
13 Prosecution is relying on his credibility as well. They are relying  
14 on this witness as a witness of truth.

15 So neither party in the courtroom has challenged the credibility  
16 of the witness. And for the Bench to be doing that for the first  
17 time is a matter that we would object to. That's not the role of  
18 the --

19 PRESIDING JUDGE SMITH: I believe I recall --

20 MR. DIXON: -- the Judges' questions.

21 PRESIDING JUDGE SMITH: I believe I recall the witness saying  
22 the exact opposite, though. That he did not think it was -- he  
23 thought it was phony. He didn't like it.

24 MR. DIXON: Yes, but that's not the case we are putting  
25 forwarded and I didn't cross-examine on that basis, and nor has the

1 Prosecution. And what we're saying, it's then improper for the Bench  
2 to be asking those questions.

3 PRESIDING JUDGE SMITH: No. No, it's not. And thank you for  
4 the submission, but he will go forward with that.

5 MR. DIXON: If Mr. Pace wishes to add, there is one other small  
6 matter I wish to add on to that afterwards.

7 PRESIDING JUDGE SMITH: Mr. Pace.

8 MR. PACE: Thank you. Yes. Just to say that I think counsel  
9 should limit himself to making submissions as to what he and his  
10 client think are credible and not put the Prosecution's case forward.  
11 We conducted our examination and, as always, reserve the right to  
12 make submissions as to what parts of a witness's evidence to rely on  
13 and which to disregard at the end of the case, having heard  
14 everything. Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 MR. DIXON: And thank you, Your Honours. One final matter.  
17 It's just in relation to this. Once again, nothing might turn on it  
18 now, but it's a matter of principle for future issues.

19 The witness was asked about a graphology expert examining a  
20 document, and essentially --

21 JUDGE METTRAUX: He wasn't asked, sir. He volunteered the  
22 point.

23 MR. DIXON: Yes, but my concern, and I do just wish to raise  
24 this for the record, is that we now have expert evidence introduced  
25 through this witness as a result of questions from the Bench.



1 JUDGE METTRAUX: Mr. Dixon --

2 MR. DIXON: And that's improper, we say.

3 JUDGE METTRAUX: There was no expertise. He was simply asked  
4 whether he knew that one had been called, because he raised the  
5 point, which he said he recalled being asked for. To which I then  
6 asked him if he remembered what the conclusion --

7 MR. DIXON: Yes.

8 JUDGE METTRAUX: -- of the graphologist was, which is in the  
9 document of which you have had notice, which was determined in that  
10 case, for what it's worth, that the handwriting of the statement in  
11 question was determined to be that of Kimete Krasniqi. He wasn't  
12 asked for his own expertise.

13 MR. DIXON: That's my objection, that through his evidence, the  
14 evidence of an expert has come onto the record when we haven't had  
15 the opportunity to look at that, cross-examine on that. Not that  
16 it's necessarily an issue with this particular document, but it may  
17 arise in the future with other documents, and it's a matter of  
18 principle. That's why I'm placing it on the record as an objection.

19 PRESIDING JUDGE SMITH: We'll address those things when they  
20 come up.

21 MR. DIXON: Thank you, Your Honours.

22 PRESIDING JUDGE SMITH: Please bring the witness in.

23 [The witness takes the stand]

24 PRESIDING JUDGE SMITH: Witness, Judge Mettraux has some more  
25 questions for you.

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1 JUDGE METTRAUX: Thank you, Judge Smith.

2 Can the Registry please bring up SPOE00035842. And hopefully --  
3 if you could go to page SPOE00035880, please. And would you be able  
4 to split the screen in half and have the next page, which is  
5 SPOE00035881, on the other half, please.

6 So that, sir, is the statement of Kimete Krasniqi which was  
7 found, the record suggests, at your place. I'll give you a moment to  
8 read it, and I'll read the English for the non-Albanian speakers. It  
9 says:

10 "I became a member in the lines of the K.L.A. on [10 April 1998  
11 at the operational zone Drenica] with the superior officer  
12 Fehmi Lladrovci. As a condition to become a soldier was an execution  
13 of an action of an Albanian-speaking person who worked for security  
14 for the Serbian country.

15 "I accepted this condition with a desire, as I was in a state to  
16 find anything, just to be a soldier. People who knew about this  
17 action were Mus Jashari, Fehmi Lladrovci, Jahir Demaku, etc. On [15  
18 April 1998] I took the weapon and on [19 April 1998] at 5.35 ... p.m.  
19 the action was finished. In the action also took place Skender  
20 Halili who was responsible, and Fadil Demaku. But, even though the  
21 action was well prepared and came at the time set, the person named  
22 Hamez Shtutica, after so much fired rounds of automatic weapons and  
23 the receiving of 7 wounds, he still rescues. Around the month of  
24 May, I heard from some friends that he was in Macedonia and the  
25 K.L.A. had kidnapped him, but now I again got notified that he is

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1 free in the town of Glogovac and that we are endangered by him for  
2 the reason that he knows that I prepared the action against him. For  
3 this reason I can't operate in the [operational zone Drenica]."

4 Can we go back to private session for a moment, please.

5 [Private session]

6 [Private session text removed]

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1 [Private session text removed]

2 [Open session]

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

4 Thank you.

5 JUDGE METTRAUX: Thank you.

6 Now, there's one last document I want to show you and ask you to  
7 comment upon if you are able to. That's SITF00245381 to  
8 SITF00245385-ET. Thank you. And if I may have, perhaps for the  
9 assistance of the witness that will be easier, there's an Albanian  
10 version which is at SITF00245112, please. If we could split the  
11 screen, that would probably be the best.

12 So while it comes up, sir, I'll tell you what that is. That's  
13 something you've already discussed yesterday, I think. It's an  
14 excerpt from a book written by Bedri Islami, and it is about Ali  
15 Ahmeti, principally, and it's called "The Truth Ali Ahmeti." Do you  
16 recall or can you confirm that you are acquainted with this book?

17 A. No, Your Honour. I haven't read it so far.

18 JUDGE METTRAUX: Then I'll ask you to -- if we can scroll down a  
19 little bit the Albanian version, please.

20 And, sir, if you could start reading from the words "*frika*  
21 *per ...*" Do you see that? So please read at your leisure and tell  
22 me when you reach the end of the page.

23 In the English version, it starts with the words: "The first  
24 suspicion thus came" -- well, I should maybe give you a bit of  
25 context there.

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1           The author is basically dealing with the fears and concerns  
2           within the KLA about infiltration and about the LPK in this context.  
3           And the first paragraph that I would ask you to read starts with the  
4           words:

5           "The first suspicion thus came from somewhere unexpected, from  
6           the prison cells. In the joint meeting held between the  
7           representatives of the LPK inside Kosovo and the presidency of the" -  
8           and if we can turn in the English - "Council of the Expatriate Branch  
9           from 23 December to 25 December 1993, it was stated expressively that  
10          Xhavit Haziri, who was in prison, had sent word via members of his  
11          family that 'The house which we have started to build, we should  
12          leave alone completely, its bricks are poor, and it will collapse at  
13          once, so let the colleagues return and study where they were before.'

14          "This was our first warning and from what Xhavit Haziri told me  
15          later, in the short period between his release from prison and his  
16          disappearance after being kidnapped by the Serbs in [the] spring  
17          1999, the facts and the questions put to him by the Serbian  
18          investigators and their Albanian collaborators showed that they had  
19          begun to pick up the tracks of the first armed organisations."

20          Now, first question here, briefly, sir, is: Do you know who  
21          Xhavit Haziri is?

22          A. I have only read about him. I did not know him.

23          JUDGE METTRAUX: And can you confirm that he was for a time,  
24          including in 1993, detained by the Yugoslav authorities?

25          A. Yes, I think I've read about this.

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1 JUDGE METTRAUX: The book goes on to say:

2 "In the meeting which followed the following took part,  
3 according to the minutes: Besim (Azem Sylja), Daja (Fazli Velju),  
4 Bashkim (Adnan Asllani), Qamil (Halil Selimi), Selim (Hashim Thaci),  
5 Abaz (Ali Ahmeti), Muhamet (Emrush Xhemajli), and Zeka  
6 (Xhavit Haliti)."

7 Now, my first question on this is were you made aware of the  
8 occurrence of that meeting from 23 December to 25 December 1993?

9 A. No, Your Honour. We ordinary members had no knowledge about  
10 these meetings of prominent people, our leaders.

11 JUDGE METTRAUX: I'll come to the ordinary members in a second.  
12 I'll skip the next paragraph. You can read it. In the English it  
13 starts with: "I have not listed ..." and I'll go to the next which  
14 starts with:

15 "In fact in this period, after the arrests made in Kosovo on  
16 2 August 1993, when the following newly-elected members of the LPK  
17 General Council were arrested: Bajrush Xhemajli, Xhavit Haziri,  
18 Ahmet Haxhiu, Nehat Selimi in Prishtina, Hysen Gegaj, Ilaz Kadolli in  
19 Suhareke (Theranda), Behajdin Hallaqi in Prizren, Ramadan Pllana in  
20 Vushtrri: demands were made for the arrest of Ramadan Avdiu,  
21 Kadri Veseli, Ramiz Lladrovci and Ibish Neziri, while the following  
22 went underground: Hashim Thaci, Adnan Asllani, Halil Selimi and  
23 Azem Sylja, the people who used to meet in the Joint Meeting; they  
24 were the main leaders of the organisations and were responsible for  
25 setting up the armed organisations."

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1 Now, my first question for you is do you recall these arrests  
2 taking place in 1993 of prominent LPK/KLA leaders?

3 A. Yes, Your Honour, I remember. I was in Switzerland, but I  
4 remember the arrests. Approximately 100 or 104 persons were  
5 arrested.

6 JUDGE METTRAUX: And can you remember as well that a number of  
7 others were indicted or sought for by the Serbian system, including  
8 Kadri Veseli and Hashim Thaci? Do you recall that?

9 A. Charges were continuously brought by Serbian courts. I do not  
10 recall now specifically, but we were persecuted, arrested,  
11 imprisoned. But I do not recall something specific.

12 JUDGE METTRAUX: Can you recall that a number of these  
13 individuals, the people who were active trying to set up the KLA,  
14 went underground to try to protect themselves from the reach of the  
15 Yugoslav authorities?

16 A. Normally, all the members of the movement of LPK or other  
17 movements as LKCK, they all worked underground, clandestinely, so  
18 that they would not be noticed and avoid arrests.

19 JUDGE METTRAUX: Now, the next paragraph, sir, if you may, in  
20 the English it says:

21 "It is interesting that some of the fundamental organisations  
22 within the People's Movement of Kosovo, the People's Councils,"  
23 plural, "as they were called then, had an increase in their  
24 activities, for two basic reasons: An analysis of the causes which  
25 had led to the arrests was required and, more importantly, a new

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1 *modus operandi* was required ..."

2 A. Your Honour.

3 JUDGE METTRAUX: Yes.

4 A. I apologise. After the word "the People's Movement of Kosovo,  
5 the People's Councils," as they were called at the time, there was a  
6 freeze. And freeze means withdrawal from work, not increase of work.  
7 The word in the Albanian is "freeze."

8 JUDGE METTRAUX: And that was my question to you, sir. I want  
9 you to explain it in your own words, if you may, is how did these  
10 arrests and attempts by the Serbian system to either detain or  
11 otherwise deal with LPK members affect the people's council, and  
12 maybe you can speak about yours in Switzerland, but more generally if  
13 you may?

14 A. I remember this time, this period, Your Honour, when many of our  
15 people, prominent people, who had done good work for the good of  
16 Kosovo were arrested, and this was a real blow. As I mentioned  
17 earlier, more than 100 persons were arrested. And this was a concern  
18 for every member of the chairmanship and of the general council. How  
19 did this happen? There was something going wrong. There was  
20 mistakes made somewhere, because it was impossible for this number of  
21 people to be arrested in such a short time.

22 That's why the people's councils asked for a freeze, for a  
23 suspension, to pose the question: Why are all these arrests taking  
24 place, and why is this uncovering of our ranks happening.

25 JUDGE METTRAUX: And what, if anything, was the result of your



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1 analysis within the people's council, if that was done?

2 A. The people's councils were not able to do such an analysis.  
3 Such an analysis could be done only by those who were directly  
4 involved in the movements and the coordination within Kosovo. I,  
5 Your Honour, was not at that level, at that close circle of the time.

6 JUDGE METTRAUX: Thank you, sir. Those were my questions.

7 PRESIDING JUDGE SMITH: Judge Gaynor.

8 JUDGE GAYNOR: Thank you, Judge Smith.

9 Good afternoon, Witness. I just have a few more questions  
10 mainly to ask you to clarify some ambiguities in your evidence.

11 First of all, I think you've confirmed that Nexhmi Krasniqi was  
12 the military police commander at the zone level in the Pashtrik  
13 operative zone. Did you consider him to be a member of the zone  
14 command?

15 A. Nexhmi Krasniqi, the commander of military police, was  
16 considered part of the zone. Yes.

17 JUDGE GAYNOR: Of the zone command?

18 A. That I wouldn't know, but I believe, yes.

19 JUDGE GAYNOR: Now, earlier you said that if you wanted the  
20 military police to do something, my understanding was that the  
21 procedure was that you had to make a request to the zone commander,  
22 and then he would issue an order to the military police commander,  
23 which is Mr. Nexhmi Krasniqi. You remember saying that?

24 A. Yes, Your Honour.

25 JUDGE GAYNOR: My question is this: How do you know that this

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1 was the structure you had to follow? Did you have a written document  
2 setting out that procedure?

3 A. Your Honour, as a zone, we did not have rules, if you're  
4 referring to rules or regulations. But in March in 1999, myself,  
5 Sadik Halitjaha, with the approval of the commander Tahir Sinani,  
6 compiled a provisional rules on how to coordinate. We did have such  
7 rules. I had one in my documents which was about 12 A4 pages. We  
8 did not have general rules or regulations. This is something that we  
9 did ourselves. It was stamped by the commander Tahir Sinani and the  
10 Pashtrik operational zone stamp, and it was also stamped by  
11 Bislir Zyrapi with the General Staff stamp.

12 JUDGE GAYNOR: Was it your understanding that the zone  
13 commander, when issuing orders to the military police commander,  
14 Nexhmi Krasniqi, could then ensure that military police units at the  
15 brigade level and at the battalion level would follow that order?

16 A. Yes, Your Honour. Depending on the intervention. Sometimes  
17 there were cases when he would issue an order to the military police  
18 to carry out a task but then send a company, military company as a  
19 reinforcement for that military police unit. But Tahir Sinani was  
20 the one who could issue orders to all of us who were there.

21 JUDGE GAYNOR: Now, you said -- this is page 22714. You said:

22 "Everything, serious or not, it was our duty to report during  
23 our meetings with the commander, the deputy commander, and the other  
24 sectors, the other six Gs ... we had daily meetings with the  
25 commander and weekly meetings with the sector."

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1           You remember saying that?

2       A.    Yes, Your Honour.

3           JUDGE GAYNOR: Was the military police commander present at  
4 those daily meetings with the commander and deputy commander?

5       A.    Not at every meeting. He was present in most of the meetings.  
6 That is, he had the obligation to be present.

7           JUDGE GAYNOR: And during the period that you served as the ZKZ  
8 commander in the Pashtrik operational zone, did these daily meetings  
9 take place virtually every day?

10       A.    Every day whenever that was possible and when we were able to  
11 meet and discuss. Because there were days when there was fighting  
12 and offensives, and there was no time for meetings.

13           JUDGE GAYNOR: And were minutes taken of those meetings?

14       A.    I think so. I think minutes were taken by Tahir Sinani himself  
15 or Commander Drini. And we, who were his advisers or helpers, would  
16 provide him with information on paper for him to analyse and assess  
17 situations later on. That's why I mentioned it on several occasions  
18 that I had everything written in this report, every proposal, every  
19 opinion, every view of mine, so that he could discuss it during those  
20 meetings and decide on them later.

21           JUDGE GAYNOR: And speaking of the daily meeting minutes, were  
22 the daily meeting minutes transmitted to the General Staff?

23       A.    It was in the hands of the commander, this decision, whether  
24 they would be transmitted to the General Staff or not. If he thought  
25 it was important to forward them to the General Staff, he would; if

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1 he didn't, he wouldn't.

2 JUDGE GAYNOR: Now, earlier today in response to questions from  
3 Judge Barthe, I think you said that you realised at one point that  
4 the reports that you had been providing to the zone commander and  
5 where you had expressly said that they were to be copied to the  
6 General Staff, you realised at one stage that there weren't -- some  
7 of them weren't, in fact, being transmitted to the General Staff; is  
8 that right?

9 A. Yes, Your Honour.

10 JUDGE GAYNOR: How did you come to that realisation?

11 A. With the failure of the General Staff to intervene, with the  
12 failure to execute the changes that I requested in those reports,  
13 with the failure to materialise that request, I realised that nobody  
14 was dealing with these problems.

15 JUDGE GAYNOR: Do you know what proportion of the reports that  
16 you prepared were, in fact, sent to the General Staff and what  
17 proportion were not sent to the General Staff?

18 A. I wouldn't know that. I was not in a position to ask any of the  
19 commanders which were sent and which were not sent. It was in the  
20 commander's hands to decide.

21 JUDGE GAYNOR: Now, I want to ask you briefly about the weekly  
22 meetings with the sector. And you've told us a couple of times that  
23 you, the sectors, had weekly meetings. Could you explain for me,  
24 please, who would be present at the weekly meetings of the sectors.

25 A. If they were all healthy and sound, all of them would

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1 participate, starting from G1, 2, 3, 4, 5, up to the last one. If  
2 you want me, I can mention the names as well. Nexhmi Krasniqi was  
3 there, then the chief of staff, Nexhmedin Kastrati, that is, the  
4 commander, the deputy commander. So this was the composition that  
5 would meet weekly. And everyone would present their requests, what  
6 they needed, what they had done, what still needed to be done in  
7 relation to a specific thing.

8 JUDGE GAYNOR: So I still don't quite understand the distinction  
9 between the daily meetings with the commander and the weekly meetings  
10 with the sector. Because at the daily meetings, all of the sectors  
11 were represented, weren't they?

12 A. No, Your Honour. The daily meetings could be held in the open.  
13 It could happen on the road. You could greet the commander and ask  
14 him of something. However, the weekly meetings included the work  
15 done during that week, the requests for whatever the sectors needed,  
16 and so forth.

17 So the weekly ones were mandatory. They were briefings. The  
18 daily ones, you could meet, you could not meet; you could talk, you  
19 could not talk. These were smaller ones.

20 JUDGE GAYNOR: So just to clarify, were minutes taken of both  
21 the daily meetings and the weekly meetings?

22 A. Not during the daily ones. But, yes, during the weekly ones.

23 JUDGE GAYNOR: And were the minutes of the weekly meetings  
24 transmitted, to the best of your knowledge, to the General Staff?

25 A. I can speak for myself. Those that I took, I always took them

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1 with the intention for them to be forwarded to the General Staff.  
2 Now, whether they were, in fact, forwarded or not, that was within  
3 the competence of the commander, and I had no authority to ask him.

4 JUDGE GAYNOR: I'll have to move on to another subject. I'll  
5 start the next subject.

6 It concerns roadblocks. And you've given evidence that names  
7 would be written down and would be given to persons who were manning  
8 checkpoints, and these were names of persons who were suspected  
9 collaborators. Do you remember giving that evidence?

10 A. Yes, Your Honour. Not suspected collaborators but workers,  
11 employees of the Serb security and apparatus that occupied us. As  
12 for collaborators, there could have been some, but you may or may not  
13 call somebody a collaborator.

14 However, for the workers, employees of that apparatus, we did  
15 send the names at the checkpoint and made sure that the list, that  
16 writing was at all times at the checkpoints, because the guards there  
17 would change every two hours.

18 JUDGE GAYNOR: Right. I think we're out of time for today.  
19 I'll continue in the morning. Thank you very much.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 [Trial Panel confers]

22 JUDGE GAYNOR: I'll continue.

23 The steps that you would take after a person who was on the  
24 list, what were the instructions to the persons manning checkpoints?  
25 What were they to do with a person who was on the list?

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1 A. Your Honour, I stated here today with the other colleagues, they  
2 were supposed not to allow those persons to enter the territories  
3 where we were stationed and were operating. These names were just to  
4 protect ourselves and the population in the area where we were and  
5 not for actions outside our checkpoints. These persons were not  
6 allowed to enter the areas where we operated.

7 JUDGE GAYNOR: So my concern with your answer is that from the  
8 perspective of the security of KLA operations throughout Kosovo, were  
9 you not exposing the KLA to a significant risk by allowing known  
10 collaborators, known agents to continue to circulate within Kosovo?

11 So my question is why didn't you issue instructions to arrest  
12 those named persons at the checkpoints?

13 A. Sir, at checkpoints? Are you saying at checkpoints?

14 JUDGE GAYNOR: Yes. What I'm saying is your troops at the  
15 checkpoints had names of suspected collaborators. If they were to  
16 stop them, they were simply to say, "Don't enter the Pashtrik  
17 operational zone." Is that all they were instructed to do?

18 A. That was the instruction, not to allow them -- not in the  
19 Pashtrik operational zone, because Prizren, Dragash were in Pashtrik  
20 operational zone. I was protecting only the villages where we were  
21 stationed and that was a large area, so I wanted to make sure that we  
22 would be able to act and counteract against the enemy.

23 JUDGE GAYNOR: Yes. Very briefly. You said that there were  
24 5.500 FARK in Tirana, in Albania. Do you remember stating that?

25 A. Yes.

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1 JUDGE GAYNOR: And you also said that you criticised "the part  
2 of those who remained abroad in Switzerland in Germany having fun and  
3 a good time while people were being slaughtered in Kosovo." That's a  
4 direct quote of what you said.

5 A. Yes, sir. But the majority of them were in Tirana.

6 JUDGE GAYNOR: So on what basis do you believe there were 5.500  
7 FARK in Tirana?

8 A. Yes, sir. In 2015, Rrustem Berisha brought the list with the  
9 5.500 names of members of the FARK, asking for them to be awarded the  
10 status of war veterans.

11 JUDGE GAYNOR: But you do you believe that there were actually  
12 5.500 members of FARK sitting around in Tirana while the KLA was  
13 conducting operations in Albania and in Kosovo?

14 A. I cannot tell them, "Don't lie." It's them who said, "This is  
15 how many we were," the FARKists. Those who entered the territory  
16 were part of the KLA. They never had any other insignia on their  
17 shoulder. Those who were abroad, it's different. Those who entered  
18 the territory were on one occasion 150, on another occasion another  
19 20 or 30, so in total around 200. But those 5.300 who asked to be  
20 recognised the status of the veteran were outside. And I'm not  
21 speaking -- I'm not making this up. I'm speaking based on documents  
22 from the Ministry of Defence at the time.

23 JUDGE GAYNOR: Those are my questions. Thank you very much.

24 PRESIDING JUDGE SMITH: Thank you.

25 Are you going to have any additional questions, Mr. Prosecutor,



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1 based upon the Judges' questions.

2 MR. PACE: I would imagine I wouldn't have to start now,  
3 Your Honour. If I had some, I think it would be very minimal. I  
4 would appreciate until the morning to confirm that. But it would be  
5 less than ten minutes, I would assume.

6 PRESIDING JUDGE SMITH: And I assume questions over here, too.

7 MR. DIXON: Yes, just a few, but I would need some time to  
8 consider, particularly in light of some of the new documents being  
9 used as well.

10 PRESIDING JUDGE SMITH: All right. You -- witness, this  
11 concludes -- oh, yes.

12 MR. KOCI: [Interpretation] Honourable Court, I was expecting to  
13 finish today. I have a clarification. I raised my hand. I wish to  
14 address the Judge on your right-hand side. I wouldn't risk  
15 mispronouncing his name.

16 With respect to the unlawful possession of weapon based on  
17 Article 96 of the Criminal Code of Kosovo, my client is considered as  
18 not having a prior conviction because we have a legal institution  
19 called the rehabilitation. He indicated this information to the  
20 Prosecutor, and his sentence covered time spent in detention  
21 precisely. Then there was also an amnesty law after all this, and so  
22 this is a part of the legal rehabilitation. Those weapons were also  
23 war trophies, et cetera.

24 I also have a request which I will submit tomorrow since we're  
25 meeting again tomorrow.

1 PRESIDING JUDGE SMITH: Yes.

2 Witness, we had hoped we would be finished today also but that  
3 just didn't happen. You will have to come back tomorrow. We will  
4 get you home tomorrow at some time. Thank you for being with us. Do  
5 not speak with anyone about your testimony until you've finished  
6 testifying.

7 You may leave the courtroom now with the Court Usher.

8 Go ahead.

9 [The witness stands down]

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

11 Yes, Mr. Ellis.

12 MR. ELLIS: Your Honour, if it's convenient, there were two  
13 short matters that I wanted to raise at this point.

14 The first is in relation to the next witness, 4820. With  
15 Your Honours' leave, I would cross-examine first on behalf of the  
16 Defence, and my time estimate is reduced to 20 to 25 minutes.

17 The second is in relation to --

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 MR. ELLIS: I'm grateful. I'm grateful.

20 And the second is in relation to the further cross-examination  
21 of this witness. There's a document that I'm considering using which  
22 was on the 15 items that were notified by Your Honours. Would you  
23 require a presentation queue to be released from us if we were to use  
24 one of those documents?

25 PRESIDING JUDGE SMITH: Well, they're not actually on a

1 presentation queue at the present time, so you should probably add  
2 them to a presentation queue.

3 MR. ELLIS: I'm grateful. Thank you.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 We're adjourned until 9.00 a.m. tomorrow.

6 --- Whereupon the hearing adjourned at 4.39 p.m.

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