

1 Monday, 30 September 2024

2 [Open session]

3 [The accused entered the courtroom]

4 --- Upon commencing at 9.02 a.m.

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

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

10 PRESIDING JUDGE SMITH: Good morning.

11 I note that the accused are all present in court today.

12 We will start the hearing on the evidence of Prosecution
13 Witness 4590 today.

14 Please bring us into private session.

15 [Private session]

16 [Private session text removed]

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1 [Private session text removed]

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16 [Open session]

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

18 PRESIDING JUDGE SMITH: All right.

19 Madam Court Usher, please bring the witness in.

20 [The witness entered court via videolink]

21 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear us?

22 Could you repeat? Can you hear us?

23 THE WITNESS: [via videolink] [Interpretation] Yes.

24 PRESIDING JUDGE SMITH: I will now read out the text of the

25 solemn declaration which you are asked to take pursuant to

1 Rule 141(2) of the Rules. I will ask you to repeat the text aloud
2 and to indicate your consent. So I will read a portion of the
3 document and then ask you to repeat it. Do you understand?

4 THE WITNESS: [via videolink] [Interpretation] Yes.

5 PRESIDING JUDGE SMITH: Conscious of the significance of my
6 testimony.

7 THE WITNESS: [via videolink] [Interpretation] Yes.

8 PRESIDING JUDGE SMITH: No, you have to repeat that. Conscious
9 of the significance of my testimony.

10 THE WITNESS: [via videolink] [Interpretation] Conscious of the
11 significance of my testimony.

12 PRESIDING JUDGE SMITH: [Microphone not activated].

13 And my legal responsibility.

14 THE WITNESS: [via videolink] [Interpretation] And my legal
15 responsibility.

16 PRESIDING JUDGE SMITH: I solemnly declare that I will tell the
17 truth.

18 THE WITNESS: [via videolink] [Interpretation] I solemnly declare
19 that I will tell the truth.

20 PRESIDING JUDGE SMITH: The whole truth and nothing but the
21 truth.

22 THE WITNESS: [via videolink] [Interpretation] The whole truth
23 and nothing but the truth.

24 PRESIDING JUDGE SMITH: And that I shall not withhold anything.

25 THE WITNESS: [via videolink] [Interpretation] And that I shall

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1 not withhold anything.

2 PRESIDING JUDGE SMITH: Which has come to my knowledge.

3 THE WITNESS: [via videolink] [Interpretation] Which has come to
4 my knowledge.

5 PRESIDING JUDGE SMITH: And do you agree to that declaration,
6 Witness?

7 THE WITNESS: [via videolink] [Interpretation] Yes, I do.

8 WITNESS: W04590

9 [The witness answered through interpreter]

10 [The witness testified via videolink]

11 PRESIDING JUDGE SMITH: Thank you. You can be seated.

12 Witness, today we will start your testimony which is expected to
13 last less than one day. As you may know, the Prosecution will ask
14 you questions first, then the Defence has the right to ask questions
15 of you, and members of the Panel might also have questions for you.

16 The Prosecution estimate for your examination is 40 minutes.
17 The Defence estimates that it will need two hours. As regards each
18 estimate, we hope that counsel will be judicious in the use of their
19 time. The Panel may allow redirect examination if conditions for it
20 are met.

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

1 about.

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

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

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

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

16 If you feel the need to take breaks, please let us know and we
17 will accommodate you.

18 Witness, we begin first with the Prosecution's questions for
19 you. Please give them your attention.

20 Mr. Prosecutor.

21 MR. DE MINICIS: Good morning, Your Honours. Can we please move
22 into private session.

23 PRESIDING JUDGE SMITH: Into private session, please,
24 Madam Court Officer.

25 [Private session]

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Examination by Mr. De Minicis

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Examination by Mr. De Minicis

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Examination by Mr. De Minicis

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Witness: W04590 (Private Session)

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Examination by Mr. De Minicis

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Examination by Mr. De Minicis

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25 [Open session]

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Examination by Mr. De Minicis

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

2 MR. DE MINICIS: I will now read the summary.

3 In 1998, 4590, a Kosovar Albanian civilian, was stopped by
4 certain KLA soldiers with entrance partly into a KLA base where he
5 and other prisoners were detained in extremely unsanitary conditions
6 and deprived of sufficient food and medical care. W04590 and other
7 co-detainees of his were severely beaten during their detention.

8 This concludes the summary, Your Honours.

9 PRESIDING JUDGE SMITH: Thank you.

10 MR. DE MINICIS: Could the Court Officer please pull up document
11 which is ET-U001-8511-U001-8525, page 2.

12 Your Honours, I'm just asking for the English version to be
13 pulled up for two reasons. First, the witness won't be able to read
14 the other document, also, because it's handwritten and kind of
15 difficult to read even by somebody without reading difficulties.

16 MS. ROWAN: Your Honours, apologies for the interruptions. For
17 those reasons, we would ask that the Albanian is on the screen.

18 MR. DE MINICIS: I have no problem with putting the Albanian on
19 the screen next to --

20 PRESIDING JUDGE SMITH: You're in public session, too.

21 MR. DE MINICIS: Yes, yes, that document should not be
22 broadcast. And now I'm going to move --

23 PRESIDING JUDGE SMITH: It can be on the screen. Put it on the
24 screen.

25 MR. DE MINICIS: Yes. And now I'm going to ask Your Honours to

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Examination by Mr. De Minicis

1 move back into private session to question the witness on the
2 content.

3 PRESIDING JUDGE SMITH: Into private session, please.

4 [Private session]

5 [Private session text removed]

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Witness: W04590 (Private Session)

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Examination by Mr. De Minicis

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Examination by Mr. De Minicis

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Examination by Mr. De Minicis

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Witness: W04590 (Private Session)

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Examination by Mr. De Minicis

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Witness: W04590 (Private Session)

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Examination by Mr. De Minicis

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Cross-examination by Ms. Menegon

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Witness: W04590 (Private Session)

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Questioned by the Trial Panel

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Witness: W04590 (Private Session)

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Questioned by the Trial Panel

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Witness: W04590 (Private Session)

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Questioned by the Trial Panel

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15 [Open session]

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

17 PRESIDING JUDGE SMITH: Thank you.

18 So we will step aside till about 10.20 to allow everyone to get
19 reorganised for the next witness. Thank you very much.

20 We're adjourned.

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

22 --- On resuming at 10.24 a.m.

23 PRESIDING JUDGE SMITH: Just an inquiry as to whether or not it
24 would be possible to have the Thursday witness put on call for
25 tomorrow in case we get through this witness today?

1 MR. HALLING: I believe the answer to that question is going to
2 be no, but I'll confer with the witness team and get back to you.

3 PRESIDING JUDGE SMITH: Yeah, and we know Wednesday has got to
4 be on Wednesday for that witness, according to the notes we had. But
5 we thought if possible, you could move him up. You can only do what
6 you can do. But, anyway, if you will inquire, we would appreciate
7 it.

8 MR. HALLING: Understood.

9 PRESIDING JUDGE SMITH: So we will now start hearing the
10 evidence of Prosecution Witness W04278.

11 Before we begin, the Panel notes that in F02470 and F02561,
12 Victims' Counsel notified the Panel of his intention to ask questions
13 of the witness.

14 In F02485, the Defence has recorded its objection to the
15 questioning of the witness by Victims' Counsel.

16 As per our usual practice, the Panel will defer its ruling on
17 the matter until after the SPO has concluded its direct examination
18 of the witness.

19 So if everyone's ready to proceed, we will call the witness in.
20 Madam Court Usher, please bring the witness into the courtroom.

21 [The witness takes the stand]

22 PRESIDING JUDGE SMITH: Good morning, Witness.

23 THE WITNESS: [Interpretation] Good morning.

24 PRESIDING JUDGE SMITH: The Court Usher will provide you with
25 the text of the solemn declaration which you are asked to take

Witness: Ahmet Rrahmanaj (Open Session)
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1 pursuant to our Rules of Procedure. Please take a look at the
2 document and then read it aloud.

3 THE WITNESS: [Interpretation] Thank you.

4 Conscious of the significance of my testimony and my legal
5 responsibility, I solemnly declare that I will tell the truth, the
6 whole truth, and nothing but the truth, and that I shall not withhold
7 anything which has come to my knowledge.

8 WITNESS: AHMET RRAHMANAJ

9 [The witness answered through interpreter]

10 PRESIDING JUDGE SMITH: Thank you, Witness. You can be seated
11 now.

12 THE WITNESS: [Interpretation] Thank you.

13 PRESIDING JUDGE SMITH: Witness, we will start today hearing
14 your testimony, which is expected to last a day or two. As you may
15 know, the Prosecution will ask you questions first, and then the
16 Victims' Counsel will ask you questions. And thereafter, the Defence
17 has the right to ask questions of you. Members of the Panel might
18 also ask questions of you.

19 The Prosecution estimate for your examination is one hour and
20 20 minutes. Victims' Counsel's estimate that he will need
21 20 minutes. The Defence estimates that it will need approximately
22 five hours. As regards each estimate, we hope counsel will be
23 judicious in their use of the time allocated to them. The Panel may
24 also allow redirect examination if conditions for it are met.

25 Witness, please try to answer the questions clearly with short

Witness: Ahmet Rrahmanaj (Open Session)

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

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

9 Also, speak into the microphone and wait five seconds before
10 answering a question, and then speak at a slow pace for the
11 interpreters to catch up.

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

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

19 If you feel the need to take a break, please give us an
20 indication and an accommodation will be made.

21 We begin, Witness, with the questions by the Prosecution, seated
22 to your left. Please give them your attention.

23 Mr. Prosecutor.

24 MR. HALLING: Thank you, Your Honour.

25 Examination by Mr. Halling:

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Examination by Mr. Halling

1 Q. And good morning, Witness. We've met before, but my name is
2 Matt Halling, and I'm going to be asking you some questions this
3 morning.

4 We'll just start with what is your name?

5 A. Ahmet Rrahmanaj.

6 Q. What is your date and place of birth?

7 A. I was born in the village of Bubel, Malisheve municipality, on
8 6 May 1971.

9 Q. Have you been previously interviewed by the SPO?

10 A. Yes.

11 MR. HALLING: We'd ask if the Court Officer could please put up
12 on the screen 059666-TR-AT Part 1 RED, page 1. And it can take the
13 whole screen.

14 Q. Witness, you see the document on the screen now. Is this your
15 SPO interview?

16 A. Yes.

17 Q. Have you recently had an opportunity to refamiliarise yourself
18 with the contents of this interview?

19 A. Yes, during the preparation sessions.

20 Q. Yes. And in that preparation session, you indicated some
21 changes and clarifications to this interview; is that right?

22 A. Correct.

23 Q. And those changes were reflected in a note that was read back to
24 you; correct?

25 A. Correct.

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Examination by Mr. Halling

1 Q. Do you confirm that what was read back in that note reflects
2 your changes fully and accurately?

3 A. Yes, I do confirm.

4 Q. And subject to the changes provided in that note, does this
5 interview accurately reflect what you said and what you would say if
6 asked again in court today?

7 A. Yes.

8 Q. Thank you.

9 MR. HALLING: Your Honours, having fulfilled the Rule 154
10 criteria, and in accordance with decision F02571, the SPO hereby
11 tenders all of 059666-TR in English and Albanian along with
12 Preparation Note 1, which is ERN 122995 to 123000.

13 Noting the reasoning of the Panel's Rule 154 decision and the
14 already-admitted items shown to this witness, there actually are no
15 associated exhibits to admit with the tendered statement.

16 PRESIDING JUDGE SMITH: Any objection to the tender?

17 MS. TAVAKOLI: No, Your Honour.

18 MS. V. ALAGENDRA: No, Your Honour.

19 PRESIDING JUDGE SMITH: None being heard, 059666-TR is admitted.

20 THE COURT OFFICER: Your Honours, I note that this statement has
21 eight parts, so each part will get a corresponding exhibit number.
22 Part 1 will be Exhibit P01694.1. Part 2 will be Exhibit P01694.2.
23 Part 3 will be Exhibit P01694.3. Part 4 will be Exhibit P01694.4.
24 Part 5 will be Exhibit P01694.5. Part 6 will be Exhibit P01694.6.
25 Part 7 will be Exhibit P01694.7. And, lastly, Part 8 will be

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1 Exhibit P01694.8.

2 The preparation note, ERN 122995 to 123000 will be assigned

3 Exhibit P01695.

4 And if we can kindly confirm classification.

5 MR. HALLING: Confidential, Your Honours.

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 MR. HALLING: There is a short public summary which we could
8 read into the record now.

9 PRESIDING JUDGE SMITH: You may read it.

10 MR. HALLING: W04278 is a former KLA military police member of
11 the Lumi unit. He provides evidence on his activities during the
12 war, the functioning of his unit, and persons detained in the
13 Malisheve area.

14 Q. Now, Witness, I have just a few questions arising from your
15 evidence that I wanted to ask you in the courtroom today. The first
16 one relates to something you said in your statement.

17 MR. HALLING: And this would be P1694.1, page 12. I think I can
18 just read it into the record. It's quite short.

19 Q. You were asked -- you were talking about your military police
20 responsibilities, and you were asked:

21 "Other than the weapons, what other issues did you raise with
22 the soldiers, if any?"

23 And you answered:

24 "We would advise them not to move away from the place where they
25 would be stationed without notifying somebody or having the permit or

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Examination by Mr. Halling

1 permission of somebody."

2 Witness, I would like to just focus on the last part of that.

3 Can you explain the permit or permission system and how it worked in
4 the Lumi unit when you were in the military police?

5 A. I've stated this before, and I reiterate it here, those permits
6 were issued in order not to have soldiers move around carrying
7 weapons in the presence of civilians. The permits were issued by
8 each point where they were assigned to.

9 Q. And what was your specific responsibility in relation to those
10 permits?

11 A. I say it again, that it was my request as a military policeman
12 that soldiers who are moving around armed, they should have a permit
13 indicating also the weapon they were carrying in order to avoid or
14 prevent any misuse of weapons at the time.

15 Q. When you say it was your request as a military policeman, was
16 this permit/permission procedure applied across the Lumi unit when
17 you were a military policeman?

18 A. The request was for the whole Lumi unit.

19 Q. And was this procedure applied in practice with the way the Lumi
20 unit worked?

21 A. Yes.

22 MR. HALLING: We'd ask if the Court Officer could please put on
23 the screen U001-8264 to U001-8269, and the first page of that.
24 There's also an English translation of it, which would be U001-8264
25 to U001-8265-ET. And if it can be half and half on the screen.

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Examination by Mr. Halling

1 Thank you.

2 Q. Witness, the first question, and focusing on the
3 Albanian-language version which is on the left side, is this one of
4 the permits we've just been discussing?

5 A. Yes, precisely.

6 Q. Do you recognise the signature on this particular one?

7 A. Yes.

8 Q. So where it says "Commander" and then there's a signature, whose
9 signature is that?

10 A. He's the person in charge of Lumi unit point number 2.

11 Q. And that person's name, what is it?

12 A. Ragip Begaj.

13 Q. So just to be clear, what is on this page in the lower
14 right-hand corner is the signature of Ragip Begaj who is the
15 commander of Lumi unit point 2; is that right?

16 A. Point number 2. He was in charge of that point. He was not a
17 commander.

18 MR. HALLING: If we go to the next page, which would be page
19 U001-8265, there's another permission slip.

20 Q. Is this also signed by Ragip Begaj in the lower right-hand
21 corner?

22 A. Yes.

23 Q. And it says "'Lumi', Point no. 2" at the top. The names here,
24 Ismet Kafexholli and Naser Hoxha, do you know either of those people?

25 A. I know Ismet Kafexholli. I don't know Naser Hoxha.

Witness: Ahmet Rrahmanaj (Open Session)

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Examination by Mr. Halling

1 Q. Was Ismet Kafexholli in the Lumi unit in July 1998?

2 A. Yes.

3 MR. HALLING: I'd like to show you one more of these. If the
4 Court Officer could please now put on the screen U000-5834 to
5 U000-5837, and it would be the last page of that in Albanian and
6 English, so U000-5837.

7 Q. Now, Witness, is this another Lumi unit travel permit on the
8 screen here?

9 A. Yes.

10 Q. The date of the English translation says 1999, but can you
11 confirm what is the date of this on the Albanian original in the
12 lower left-hand corner of the screen?

13 A. 26 July 1998.

14 Q. Do you know the names of either of the two soldiers in this
15 permit, Fatmir Fetiu and Nuhi Bytyqi?

16 A. No, I don't know the names.

17 MR. HALLING: Yes. And to be clear these are the names under
18 the "Soldier" line.

19 Q. And in the lower right-hand corner, do you recognise this
20 signature?

21 A. No, I don't.

22 Q. Is this signed on behalf of somebody else?

23 A. It appears so because we have in front the word "per," which
24 stands for "for."

25 Q. From the permit itself, are you able to tell on whose behalf it

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1 was signed?

2 A. The travel permit is the same as the previous one, but this
3 could be second point in Bllace.

4 Q. So you make reference to the second point. Is this signed on
5 behalf of the same Ragip Begaj that you mentioned in connection with
6 the other two?

7 A. It should be like that.

8 Q. Was it necessary for the Lumi unit military police members to
9 have these kinds of permits to travel around the Malisheve free zone?

10 A. No.

11 Q. So were you able to move freely around the free zone without any
12 such document like this; is that right?

13 A. We never needed any such permits to move around within the free
14 zone of Malisheve.

15 Q. Thank you.

16 MR. HALLING: Your Honours, we'd like to tender the travel
17 permits that were shown to the witness. These would be U001-8264 to
18 U001-8265 from the first document shown, and U000-5837 from the
19 document on the screen now, with confidential classification.

20 PRESIDING JUDGE SMITH: Any objection?

21 None being heard, U001-8264 to U001-8265 is admitted.

22 THE COURT OFFICER: Your Honours, that will be assigned
23 Exhibit P01696.

24 PRESIDING JUDGE SMITH: And then U000-5834 -- I'm sorry, at 5837
25 is admitted.

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1 THE COURT OFFICER: Your Honours, that page will be assigned
2 Exhibit P01697. And we confirm the classification confidential.

3 MR. HALLING: That's correct.

4 Q. Witness, I'd like to show you another document now that was
5 shown to you in the preparation session.

6 MR. HALLING: Could we please now have on the screen U001-8677
7 to U001-8712, and we can start on page U001-8678 in the Albanian.
8 The English translation of this item is actually a condensed version
9 of the original, so even though I'm going to show three different
10 pages in the Albanian, it's actually just page 1 of the English
11 transcript for all three.

12 Q. And, Witness, please just bear with us one moment to get the
13 English version on the screen.

14 So, Witness, you can see on the screen on the left side "Duty
15 notebook - Lumi Operative Unit - Malisevo." I was wondering if you
16 could explain what the Lumi unit duty notebooks were during the war.

17 A. This was a report containing the shifts of the soldiers who were
18 guarding a specific point, and this was noted down in a report.

19 Q. Was this something that Lumi unit soldiers were told they had to
20 fill out in the course of their duties?

21 A. Correct.

22 Q. Did you yourself have to fill in entries in books like this one?

23 A. No. But in my capacity as a military police, I happened to
24 verify these records.

25 MR. HALLING: If we go to the next page of the book in the

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1 Albanian only. The English translation is already there.

2 Q. You can see here a series of names with "Point number three" on
3 the top. Number 1, where it says "Ruzdi," and then there's a kind of
4 brackets with "point number four," do you know who that person is,
5 Ruzdi?

6 A. There is no last name, but it could be Ruzhdi from that village
7 who was a KLA soldier.

8 Q. What was the last name of that Ruzhdi KLA soldier?

9 A. Kryeziu.

10 Q. And was he in the Lumi unit at point 4?

11 A. Yes.

12 Q. The third name which says Ilmi, or possibly Ilmija, do you know
13 who that person is?

14 A. Yes.

15 Q. And who is that?

16 A. Ilmi Kryeziu, a soldier of the Lumi unit, in this case of point
17 4.

18 Q. Thank you.

19 MR. HALLING: And if we can go to the next page in the Albanian
20 version, and then just scroll down on the English page.

21 Q. We see here a report that begins: "Report - point no.4," and
22 then goes on to discuss shift changes, Serb police firing, et cetera.
23 Is this the kind of information that would be recorded in Lumi unit
24 duty notebooks?

25 A. Yes, correct.

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1 Q. We have four different numbered points now all on this same
2 page. Where was Lumi unit point 1?

3 A. I might be mistaken but I think it was in the village Balince.
4 However, this document is not dealing with the points but with the
5 matters within point 4 in Rahovec.

6 Q. Understood. And we'll just fill in the rest of the points just
7 to be clear. You mentioned Lumi unit point 2 earlier in your
8 evidence. Where is that point or where was that point?

9 A. Point number 2 was on the road Malisheve-Duhel in the village of
10 Bllace.

11 Q. And Lumi point 3, where was that?

12 A. In Astrozub on the road Malisheve to Rahovec.

13 Q. And this being a report of point 4, where was point 4?

14 A. In the village Bubavec on the road Malisheve-Kieve.

15 MR. HALLING: And, Your Honours, you can see Bubavec at the top
16 of the entry on this page. We could keep showing pages along these
17 lines, but the witness has explained the purpose of a book like this
18 and identified Lumi unit points and members within its initial pages.

19 The book itself is 36 pages, but the condensed English version
20 is just 17, and we tender the book for admission.

21 PRESIDING JUDGE SMITH: Any objection to the book?

22 MR. DIXON: Yes, Your Honours, we do object. The Prosecution
23 counsel hasn't even had the courtesy of asking the witness whether he
24 recognises this document, whether this is something that he's seen
25 before that he can give evidence about. He's said in his preparation

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1 session that he hadn't seen this before.

2 If Prosecution counsel wishes to ask about the members of the
3 unit, he can go ahead and do that. Otherwise, this is just really an
4 exercise in reading. It's not about getting to the real value of
5 this evidence. So our objection is that it hasn't been
6 authenticated, and it therefore should not be admitted.

7 MR. HALLING: Your Honour, this is books of a class, and the
8 witness has identified the class of books to which this notebook
9 belongs and explained its purpose.

10 PRESIDING JUDGE SMITH: The objection will be overruled.

11 U001-8677 and U001-8712 in English and Albanian will be
12 admitted, having met the *prima facie* standard of Rule 138.

13 Go ahead.

14 I'm sorry, we have to get a number for it.

15 THE COURT OFFICER: Your Honours, that will be assigned
16 Exhibit P01698. And if we can confirm classification.

17 MR. HALLING: Confidential classification, please.

18 Q. Now, Witness, we're going to take our break, as I understand it,
19 Your Honours, at 11.00 still, so I think we can at least start with
20 the next item.

21 MR. HALLING: If the Court Officer can please put on the screen
22 P838, which is a video, and specifically the timestamp 06:44 to
23 07:14, and we would ask that that timestamp be played. It has
24 subtitles in English.

25 Q. And, Witness, after the excerpt is played, I'm going to ask you

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1 a few questions about it.

2 MR. HALLING: This item is publicly classified, and we have no
3 objection to broadcasting this item.

4 [Video-clip played]

5 MR. HALLING: Your Honours, I didn't see the subtitles on that
6 particular version when played. I don't know. Perhaps it's just
7 most straightforward at this point to just read into the record the
8 corresponding portion.

9 PRESIDING JUDGE SMITH: Unless there's some objection.

10 MR. DIXON: [Microphone not activated].

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MR. DIXON: As long as the transcript of it can be read --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. DIXON: -- onto the record.

15 MR. HALLING: So this would be 061427-30-TR-ET Revised, which
16 should be P838-ET, on page 2. And what is attributed to Fatmir Limaj
17 here is:

18 "The Limaj - Celiku unit is one and only despite the rumours
19 spread in the area. It is one because it is under the command of the
20 General Staff of the Kosovo Liberation Army. So, let's get rid of
21 those thoughts once and for all, because there is no army over the
22 army, the army is not a party, it is only one."

23 Q. Witness, in the portion of the video played for you, do you
24 recognise the event where Fatmir Limaj is speaking?

25 A. Yes.

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1 Q. What is this meeting?

2 A. This is about the relationship between the Lumi and Celiku unit.

3 Q. Witness, you speak at length in your SPO interview about a
4 Celiku-Lumi unit meeting about two weeks after Jakup Krasniqi's first
5 appearance as spokesperson. Is the meeting that's being -- on the
6 screen here, is this before or after that meeting you discuss in your
7 interview?

8 A. After the meeting.

9 Q. Do you remember how long after that meeting it was?

10 A. It could be three to five days after. I can't be certain.

11 Q. And you said it's about the relationship between the Lumi and
12 the Celiku unit. What about the relationship was being discussed at
13 this meeting in the video on the screen?

14 A. It's about the contradictions that were there at the beginning
15 and the relationship, which was not good, between the Lumi and Celiku
16 unit soldiers. And it is in this context that he states here this
17 and that and saying that there is only one army.

18 Q. So is this meeting announcing a kind of resolution between the
19 disagreements of these units?

20 A. Certainly. It was a commitment to harmonise and to prevent any
21 disagreements.

22 Q. Were you at this same event?

23 A. I remembered it after I saw, watched the video, towards the end
24 of it.

25 MR. HALLING: And if we could go full screen at timestamp 09:35,

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1 please.

2 Q. Witness, the gentleman in the lower right-hand corner of the
3 screen, who is that?

4 A. At the end, it's -- that's me.

5 Q. And the person in the middle with the black uniform and the PU
6 on the arm, who's that?

7 A. My friend Tahir Ulluri.

8 MR. HALLING: Your Honour, at this point we can take the break.

9 PRESIDING JUDGE SMITH: All right. Witness, we will take a
10 half-hour break at this time. You may leave the courtroom now with
11 the Court Usher. Please don't speak to anybody about your testimony
12 in the court. We'll see you back here at 11.30.

13 THE WITNESS: [Interpretation] Thank you.

14 [The witness stands down]

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

16 --- Recess taken at 11.01 a.m.

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

18 MR. HALLING: Just, Your Honour, to update on what you asked
19 about Witness 1158. We did confer with the witness team. The
20 witness's prep session will not be finished in time for him to
21 testify on Tuesday.

22 PRESIDING JUDGE SMITH: All right. What is your best estimate
23 on the balance of your direct examination?

24 MR. HALLING: I'll finish in the first half of this session, and
25 hopefully by 12.00.

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1 Q. Yes. At the time that you met him, around what area was he in
2 the KLA?

3 A. When I met him, as a soldier he was in Rahovec.

4 Q. And so am I correct that he was stationed at Rahovec but you met
5 him at Malisheve; is that right?

6 A. Yes. He was with civilian clothes.

7 Q. Describe your encounter with Asllan Klecka in Malisheve.

8 A. Asllan Klecka was in a shop in Malisheve, in a café. And
9 exaggerated with alcohol consumption, he started to make trouble, to
10 break things. We passed by that café accidentally, and being
11 military police, we were asked to intervene to calm him down so that
12 he doesn't make any problems.

13 Q. Now, you already said that he wasn't wearing a uniform at the
14 time. Can you describe what Asllan Klecka was wearing?

15 A. He was wearing civilian clothes, jeans and a shirt.

16 Q. Did he have tattoos?

17 A. Yes. That was surprising for me, the tattoos at the time, and
18 he had a necklace with teeth of a lion which really was striking for
19 us at the time.

20 Q. And you said that "he started to make trouble, to break things."
21 What was he breaking?

22 A. Glasses where they served alcohol.

23 Q. How do you know that this person that you encountered was Asllan
24 Klecka?

25 A. We knew because when we arrived at the café, we asked, first of

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1 all, for him to identify himself, to produce an identification
2 document, because he was unknown to us and to me personally.

3 Q. And did he produce that identification document?

4 A. Yes. After I asked him, he showed me his ID document.

5 Q. And the ID document confirmed that this was Asllan Klecka; is
6 that right?

7 A. That's right.

8 Q. So after he showed you his identification papers, what happened
9 next?

10 A. We told him not to use any alcohol anymore and to stop breaking
11 things and causing problems and disturbing public peace.

12 Q. What did he say to that?

13 A. Those accompanying him assured us, they paid the bill, and they
14 went their way.

15 Q. So those were the others with him. Did Asllan Klecka say
16 anything in particular to you in the course of this interaction?

17 A. Not to me in person, but he introduced himself to the others as
18 a soldier of the KLA.

19 Q. Did he say anything else, other than that he was a soldier in
20 the KLA?

21 A. No. He thought he was free to break things. As the saying
22 goes, "I pay for it. I can do whatever I want and break things."

23 Q. So you said "as the saying goes." Did Asllan Klecka say these
24 words that you were just telling us?

25 A. Yes. The saying goes like this: I break, I pay. So he did not

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1 refuse to pay the bill.

2 Q. I'd now like to turn to something you say in your statement.

3 MR. HALLING: And just for the record, this is P1694.4 across
4 pages 10 and 11.

5 Q. You are talking -- and, Witness, I can just summarise for you.
6 You are talking about a forestry guard in the Kline municipality who
7 was killed on the pretext of being a collaborator. What is the name
8 of that person?

9 A. Avdyl Gashi.

10 Q. And you said in your SPO interview that he was killed with this
11 pretext of being a collaborator. Why was a forester like Avdyl Gashi
12 considered a collaborator?

13 A. Well, I did not consider him a collaborator personally. I knew
14 him. But maybe because he was a forest ranger at the time and was
15 amongst the rare and scarce number of people who was still employed
16 with Serbian authorities.

17 Q. So as I understood it, at the time, in order to do forestry
18 work, it was necessary to liaise with the Serbian authorities; is
19 that right?

20 A. Yes.

21 Q. Do you have any information as to around when this person was
22 killed?

23 A. Not a precise one.

24 Q. Was it sometime in the first half of 1998? Are you able to give
25 any approximation?

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1 A. I would say end of 1998 or beginning of 1999. It was later.

2 Q. And do you know anything about the circumstances of how he was
3 killed or who killed him?

4 A. No, I don't.

5 Q. I'd now like to turn to a different person. Do you know a man
6 by the name of Fetah Rudi?

7 A. Yes, he is a friend.

8 Q. Was Fetah Rudi in the KLA during the war?

9 A. Yes, he was.

10 Q. Was he also an LDK member from the Malisheve area?

11 A. I would say that 90 per cent of the KLA soldiers at the time
12 were part of the LDK. I personally was never a member of the LDK,
13 but Fetah Rudi continued with his activity in this party during the
14 war and after the war.

15 Q. Do you know if Fetah Rudi was ever detained by the KLA in the
16 course of the war?

17 A. This was during the time when I was not a military police. But
18 pursuant to Fetah's account, yes.

19 Q. So, yes, split up what you said into two parts. First, you left
20 for Slovenia, you say, in your interview in September 1998. Was
21 Mr. Rudi's detention after you left?

22 A. Yes.

23 Q. And you said that you know the story pursuant to Fetah's
24 account. Did Fetah Rudi tell you himself that he was detained by the
25 KLA?

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1 A. He did, yes.

2 Q. When did Mr. Rudi first tell you the story of his detention?

3 A. I believe it was in July 1999 when I came to Kosovo. And he
4 repeats it every now and then to this day whenever I spend time with
5 him.

6 Q. Please recount the story of Fetah Rudi's detention as he
7 explained it to you.

8 A. I don't know how important it is for me to explain his story on
9 his behalf, but anyways, I can do that.

10 Fetah Rudi told me that following a problem that occurred
11 amongst certain KLA soldiers, he was taken under escort and arrested.
12 He suspected this was due to his political activity. Because at the
13 time he would move around, and although being a KLA soldier, he would
14 travel to Prishtine to take part in the meetings of the LDK.

15 Q. You said that Mr. Rudi was taken under escort and arrested.
16 Where was he taken after being arrested?

17 A. He was taken to my village, and that's where he was kept for
18 several days.

19 Q. So your village is Bubel. Where was he detained in Bubel?

20 A. He was detained in a house in that village that served as a
21 headquarters of the KLA, and he was kept in one of the toilets in
22 that house.

23 Q. Do you know if Mr. Rudi was detained with any other persons
24 during the period of his detention?

25 A. He was detained together with a cousin of mine who had been

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1 accused of a theft at the time, which was an unbased accusation, and
2 was kept there for several days as well.

3 Q. What was the name of that other person?

4 A. Avdullah Shabanaj.

5 Q. How does Fetah Rudi get out of detention? What is the rest of
6 the story?

7 MS. V. ALAGENDRA: Your Honours, the witness has heard it from
8 Fetah Rudi, so maybe it would be better to ask him whether he was
9 told how he got out.

10 MR. HALLING: We've set the foundation up at the beginning. I
11 think it's clear.

12 PRESIDING JUDGE SMITH: Just go ahead.

13 MR. HALLING: Thank you.

14 Q. Witness, would you like me to repeat the question? I'll repeat
15 it. How does Fetah Rudi get out of detention? What is the rest of
16 the story?

17 A. According to Fetah, he was taken somewhere to a military court,
18 as he said, and that's where he was told that he was free to go and
19 was released afterwards.

20 Q. There's one other person that I want to ask you about, and it's
21 a person named Ramiz Hoxha who you discussed in your SPO interview.

22 MR. HALLING: And just for the record, this is P1694.3, across
23 pages 36 to 38.

24 Q. You say that this person was accused of being a Serb
25 collaborator and that he was killed even though he wasn't a

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1 collaborator. And I was wondering if you could tell the story,
2 first, why was Ramiz Hoxha accused of being a collaborator?

3 A. Mr. Prosecutor, I was asked these questions then and now, but I
4 can explain this because of my close family relations with him,
5 although I wasn't present myself.

6 Q. Thank you. Please explain.

7 A. Following a request by the villagers of Bellanice village to go
8 out and collect the harvest of the autumn, and they were not free to
9 do this activity because the Serbian police and army were very close
10 to the plots of land where they were supposed to do this work. So
11 they decided to go and speak to the Serbian army to inform them of
12 their intention to go and do the work on the fields.

13 Following these discussions, and after they had gone to the
14 fields to do the work, Ramiz Hoxha was taken.

15 Q. Okay. Just to pause there for a moment. You're talking about
16 speaking with the Serbs about the autumn harvest. What was Ramiz
17 Hoxha's role in the course of those discussions?

18 A. He was only an interpreter of the village representatives.
19 Ramiz Hoxha used to live in Slovenia and he spoke Serbian.

20 Q. How do you know that Ramiz Hoxha had this role interpreting in
21 the course of these negotiations?

22 A. The inhabitants of the village say so, but more specifically,
23 his brother and son confirmed this.

24 Q. Now, you said that they'd gone to the fields to do the work, so
25 does that mean some agreement was reached with the Serbian

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1 authorities so that the harvest could happen?

2 A. Yes. And it is said that the leaders, military leaders of the
3 Serbian army, they asked for the KLA that was present in the area
4 where these inhabitants came from not to interfere.

5 Q. You also said that he was taken. Do you know that he was taken
6 because of the same people that told you about the harvest
7 negotiations, Ramiz Hoxha's brother and son?

8 A. Yes.

9 Q. Just to make sure we're clear on these people, can you please
10 give their names? What is the brother's name?

11 A. I don't remember his brother's name, but his son's name is
12 Fadil. He's a friend of mine.

13 Q. Okay. How long after these negotiations was Ramiz Hoxha taken?

14 A. Three days after the negotiations.

15 Q. And these people that informed you about him being taken,
16 Ramiz Hoxha's brother and his son Fadil, were either of them present
17 at the moment that Ramiz Hoxha was taken?

18 A. His brother, yes. But Fadil was not present because at the time
19 he was with me in Slovenia.

20 Q. From what these people told you, describe how Ramiz Hoxha was
21 taken.

22 A. It is said that they went to the mosque of the village during
23 the daily ritual and asked for the imam of the village. And Ramiz
24 went out and told them, "I was the interpreter during that meeting
25 and whatever questions you might have, I can explain." The persons

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1 who were wearing masks took Ramiz Hoxha and told him that he had to
2 go with them.

3 Q. Then what happened?

4 A. It is said that he asked for his brother to go along with him,
5 but they told him that he couldn't.

6 Q. Now, just to say where exactly are we, what town is this mosque
7 in?

8 A. It is in Ramiz's village, in Bellanice village, in the centre of
9 the village.

10 Q. So it is said that he, I guess that's Ramiz Hoxha, asked for his
11 brother to go with him, but they told him he couldn't. What happened
12 then?

13 A. He was then taken and the people who took him left the mosque.

14 Q. How did they leave?

15 A. It is said that he was put in the trunk of the car. And when
16 his brother asked to go along with him, they told him that there was
17 no space for him.

18 Q. Do you know if this car was a KLA car?

19 A. It was said so since the people were with masks.

20 Q. Were there any indicators on the car itself that it was a KLA
21 car?

22 A. I personally don't know, but it was said it had.

23 Q. When you say "it was said it had," what were the indicators on
24 the car?

25 A. They were not described precisely whether there were

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1 registration plates or other distinctive signs of the KLA.

2 MR. HALLING: And, Your Honour, with that, we'd ask to go to
3 Preparation Note 2, paragraph 34, to see if there's any inconsistency
4 here.

5 PRESIDING JUDGE SMITH: Thank you. Go ahead.

6 MR. HALLING:

7 Q. So, Witness, you said in your preparation last week that:
8 "They were thrown into the trunk of a vehicle with a KLA
9 emblem."

10 Was there a KLA emblem on the car?

11 A. According to those who told the story, yes.

12 Q. And this would include Ramiz Hoxha's brother who, as you said,
13 was there at the site when this happened? Did he also say this to
14 you?

15 A. Yes.

16 Q. Was anyone else thrown into the trunk of this car along with
17 Ramiz Hoxha?

18 MS. TAVAKOLI: I hesitate to interrupt, but please can we get
19 the source of this hearsay evidence.

20 MR. HALLING: Your Honour, I think I've been pretty consistent
21 in --

22 PRESIDING JUDGE SMITH: He's already -- it's been stated
23 already.

24 [Microphone not activated].

25 MR. HALLING: Thank you.

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1 Q. Witness, would you like me to repeat my question?

2 A. Yes, please.

3 Q. Was anyone else thrown into the trunk of this car along with
4 Ramiz Hoxha?

5 A. Yes. It is said that another person was in the trunk with him
6 who was found dead together with Ramiz.

7 Q. Who is that other person?

8 A. Later on, it turned to be a person by the surname Binishi.

9 Q. Do you remember the first name of that person?

10 A. I knew before, but I can't recall it now.

11 MR. HALLING: And, Your Honours, with that, we'd ask leave to
12 just refresh the witness's recollection with the same paragraph,
13 paragraph 34 of Preparation Note 2.

14 PRESIDING JUDGE SMITH: Yes, go ahead.

15 MR. HALLING:

16 Q. So, Witness, in the preparation session last week you said:

17 "Around 5-6 days after the harvest agreement was reached, Ramiz
18 Hoxha and Selman Binishi (who happened to be in a store nearby) were
19 taken from the Bellanice mosque by men wearing masks."

20 Does that refresh your recollection as to the first name? Is it
21 Selman?

22 A. [No interpretation].

23 Q. And I heard the witness, but if you could just repeat your
24 answer.

25 A. Yes. First of all, the village mentioned in the interpretation

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1 is not Balince but Bellanice. And, yes, the person, the second
2 person is Selman Binishi, whom I did not know.

3 Q. And was that person in a store nearby the mosque when he was
4 taken?

5 A. Yes.

6 Q. Now, once the people are taken away, Ramiz Hoxha and Selman
7 Binishi, what happens next?

8 A. It is said that they were found dead ten minutes after being
9 taken on the side of the road.

10 Q. Do you know from how far away from the mosque the bodies were
11 found?

12 A. I can guess between 1 and 2 kilometres from the mosque.

13 Q. Who found these bodies? You said it was ten minutes after they
14 were taken.

15 A. The son of Ramiz and another co-villager.

16 Q. From the people who have told you about this incident, did you
17 hear any information about the circumstances as to how Ramiz Hoxha
18 and Selman Binishi were killed?

19 A. No. It is only said that they found them shortly after they had
20 been killed. Meaning, they had been killed a few minutes before.

21 Q. And you talked about Ramiz Hoxha being involved in
22 interpretation for this autumn harvest. Was Ramiz Hoxha a
23 collaborator with the Serbs?

24 A. In my opinion, no. He wasn't then and he's not now.

25 Q. Thank you.

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1 MR. HALLING: Your Honours, this witness talks about other
2 detentions and killings in his 2019 interview and is confronted in
3 particular about the male prisoners of Malisheve in his Rule 154
4 material. Noting that that record is in evidence, we have no
5 additional questions.

6 PRESIDING JUDGE SMITH: Thank you.

7 Mr. Laws.

8 MR. LAWS: Your Honours, I do have some questions for this
9 witness. I know that there's an outstanding objection to it from the
10 Thaci Defence. I think it was notified on the basis that it was at
11 least a possible objection. I don't know whether it needs to be
12 resolved.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 The Panel notes that in F02470 and F02561, Victims' Counsel
15 indicated he wishes to question the witness regarding the KLA
16 offensive against Rahovec in July 1998, their fate, and the location
17 of their remains insofar as these are matters of great importance to
18 the considerable number of victims participating in the proceedings
19 who were detained and whose relatives were arrested and killed or
20 disappeared.

21 The Panel is satisfied that, contrary to Defence submissions,
22 the areas that the Victims' Counsel wants to question the witness
23 about, as identified in F02470 and F02561, are linked to the personal
24 interests of the victims participating in the proceedings.

25 The Panel further notes that Schedules A and B to the indictment

1 list several victims of murder and arbitrary detention at locations
2 relevant to Victims' Counsel's questioning. In addition, the Panel
3 notes Victims' Counsel's submission that there are at least three
4 dual status victims whose identities are known to the Defence who
5 were affected by these events and have a legitimate interest in them.

6 The Panel is of the view that there is no need for any further
7 disclosure of the names of additional victims participating in the
8 proceedings which may potentially be affected by the
9 Victims' Counsel's questioning.

10 The Panel finds that the defendants rights to cross-examine
11 W04278 and to have adequate time to prepare for such
12 cross-examination will not be infringed upon by Victims' Counsel's
13 questioning of W04278.

14 The Panel therefore rejects the Defence's objections and permits
15 Victims' Counsel to ask questions of W04278 as identified in F02470
16 and F02561.

17 This conclusions the Panel's oral orders.

18 So, Victims' Counsel, you may now ask the questions you had to
19 the victim.

20 MR. LAWS: Thank you, Your Honour.

21 Questioned by Victims' Counsel:

22 Q. And good afternoon, Witness. I'm going to introduce myself. My
23 name is Simon Laws. I am Victims' Counsel in this case, and I
24 represent people whose relatives were murdered after being held in
25 Malisheve in the summer of 1998. Understood?

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Questioned by Victims' Counsel

1 A. Understood.

2 Q. If we cast our minds back to Malisheve in the summer of that
3 year, it was what you called a free zone, wasn't it?

4 A. That's correct.

5 Q. And by that, you meant that there weren't any Serbs in the town
6 and it was under the control of the KLA?

7 A. There were no Serbian forces. Correct.

8 Q. And the second part, it was under the control of the KLA?

9 A. Correct.

10 Q. And we've heard descriptions of how the cafés and the
11 restaurants were open, and KLA members would come to the town in
12 order to relax and to meet with their friends and have a coffee.

13 A. It could be that, too.

14 Q. So it was an attractive place for the Albanian community and
15 somewhere that you could enjoy a sense of freedom; yes?

16 A. And a place where people could get supplies they needed.

17 Q. Understood. But it was not a safe place for a Serb to be, was
18 it?

19 A. There were no Serb residents at the time in Malisheve.

20 Q. No, there were no Serb residents. But you know that some Serbs
21 were brought there, don't you?

22 A. I do not know. I do not know that somebody brought Serbs in
23 Malisheve, apart from one family.

24 Q. Well, the family that you're referring to are a family of Serbs,
25 are they not?

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Questioned by Victims' Counsel

1 A. Correct.

2 Q. So you do know that Serbs were brought to Malisheve in July
3 1998, don't you?

4 A. I know about that family because I was the first contact with
5 them.

6 Q. Yes. And it would not be a safe place for Serbs to find
7 themselves, would it?

8 A. I think it was safe for Serb civilians, not for Serb forces.

9 Q. What about for Serb men? Would it be safe for a group of Serb
10 men to come into Malisheve and to sit down and have a coffee and
11 strike up conversations with people from the KLA? Would that be a
12 safe thing to do?

13 A. They -- if they were residents of Malisheve and they were not
14 involved in any crimes, the place would be open to them as well.

15 Q. Just a few moments ago, you said that there weren't any
16 residents of Malisheve who were Serbs at this time.

17 A. Correct. Not only at that time but never in time, with the
18 exception with the village of Kieve.

19 Q. Do you think it's fair to say that it would be obvious to anyone
20 that bringing Serbs to Malisheve would put them in danger?

21 A. I don't think so.

22 Q. You don't think so?

23 A. I don't. Because this Serb family is a fact to that effect, and
24 they have provided statements as to how we behaved towards them.

25 Q. The Serb family that you are speaking about were put by you into

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1 accommodation where you hoped that no soldiers would have access to
2 them; is that right?

3 A. Not only soldiers, but I mostly wanted them to feel safe and
4 relaxed because they were traumatised from what they had gone through
5 in Rahovec.

6 Q. Yes. And don't misunderstand me, please, Mr. Witness. I'm not
7 here to accuse you of anything. I just want your help with a bit of
8 background. You understand that, don't you?

9 A. I'm not misunderstanding you. I just took the oath that I will
10 say only what I know and what I'm certain about.

11 Q. All right. Well, let's look at something that you said in your
12 interview in 2019.

13 MS. LAWS: Could we have Part 3 of the interview, which is
14 059666-TR-ET. Could we have page 4 in both the English and the
15 Albanian, please. It starts at line 9 in the English, and for the
16 Albanian we'll need to go down the page, please, to line 22.

17 Q. On the screen you've got an extract from your interview, and I'm
18 just going to read a part of what you said about dealing with this
19 family. All right?

20 "I called the guard of the HQ that was downstairs, and I told
21 him that his duty was to guard their daughter. Nobody would enter
22 the room unless I was to come back."

23 And you talk about going home to change, and you continue at
24 line 13 in the English:

25 "I told the guards that nobody was allowed to enter the room,

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1 and I told the women that they -- the only person they were to deal
2 with was me."

3 Did you feel that they were in some danger in your custody and
4 that you needed to make special arrangements for them to try to
5 prevent any harm coming to them?

6 A. Yes. When we know the fact that at the time a number of
7 massacres and crimes had been committed by the Serbs against
8 civilians in Malisheve and the surrounding area, I feared that
9 someone who had suffered in their families would take revenge. This
10 was the reason.

11 Q. Yes. And it brings me back to the question that I asked you a
12 while ago, and I'm going to return to it, I'm afraid, again in a few
13 moments, is that bringing Serbs to Malisheve was something that put
14 them in danger, wasn't it?

15 A. These were unknown Serbs who came from areas we did not know.

16 Q. If you forgive me for saying so, sir, that's not an answer to my
17 question, which is quite a straightforward one. Bringing Serbs to
18 Malisheve in July 1998 was to put them in danger, wasn't it?

19 A. Not in my opinion.

20 Q. All right. Well, you know now that, as a matter of fact, a
21 number of male Serbs who were taken to Malisheve were taken away and
22 they were murdered. You know that now, don't you?

23 A. I've heard this from the Prosecution, but I never knew it
24 before.

25 Q. Are you saying that you only learned of it in 2019 when you were

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1 interviewed by the SPO?

2 A. Correct. That they stayed in Malisheve, I only heard this from
3 the SPO. Never before.

4 Q. You never heard it before. You told the SPO about having seen a
5 news item on the television about bodies being exhumed, and you said
6 that they hadn't dropped from the sky, these bodies. Did that news
7 item not make it clear to you that there had been --

8 A. [Overlapping speakers] ...

9 Q. Just let me finish the question. That these Serbs had been kept
10 in Malisheve, taken away, and executed?

11 A. I had never heard that they had stayed in Malisheve. I heard
12 that they were found killed.

13 Q. All right. Well, when you did first find out about it, and you
14 say that would have been in 2019, because that's the date of your SPO
15 interview, you must have been horrified to learn about the fact that
16 men kept in the town where you were a military policeman had later
17 been murdered. It must have been horrifying news to hear.

18 A. It was not horrifying news. It's news that I to this day do not
19 believe that somebody stayed in Malisheve and was not talked about
20 until 2019. I don't believe it.

21 Q. Let me make sure I understand what you're saying. Are you
22 saying that you don't agree that there were men detained in Malisheve
23 whose remains were later exhumed and that those men had been Serb
24 prisoners of the KLA? You don't believe that?

25 A. Can I have the interpretation again because there is a huge

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1 difference between what you're stating and what's the interpretation.

2 MR. LAWS: Has the -- it's not a question for me to answer.

3 PRESIDING JUDGE SMITH: Have you repeated the interpretation?

4 MR. LAWS:

5 Q. Have you had the interpretation repeated?

6 A. Yes.

7 Q. Thank you. Are you clear about the question; and if so, would
8 you like to answer it --

9 A. Yes.

10 Q. -- please.

11 A. I do not believe, and I had never heard, that these men were
12 kept in Malisheve. The part or the location where they were found, I
13 learned this through the media which reported that Serb victims were
14 found there. And now with respect to where they came from, this is
15 related to my statement when I mentioned that they could not have
16 dropped from the sky.

17 Q. Yes. And I don't want to take up much time with this issue of
18 when you first heard about it. It's not the most important thing I
19 want to ask you about, but I'm just going to read you, if I may, from
20 Part 3 of your interview for those that are following.

21 MR. LAWS: And it's on page 26, line 24.

22 Q. You're asked by the SPO that you'd never heard about this
23 before, and you said:

24 "Never, until victims were found in -- somewhere in the
25 territory of Klina. That's when people started saying that those

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1 people were held in Malisheve, but I'd never heard before then."

2 So you seem to be saying in 2019 that you had, indeed, heard
3 that they'd been held in Malisheve before. Do you want to help us
4 with that, please?

5 A. I did not hear that they were kept in Malisheve, but I heard
6 that the bodies of Serb victims were found.

7 Q. All right. Well, it's not what you said in 2019, but let's not
8 waste time.

9 When you were told that in 2019, are you saying you didn't
10 believe the SPO when they told you that people had been held in
11 Malisheve and then found dead? Is that what you're saying?

12 A. And I still don't believe it. Had this happened, I would have
13 heard of it.

14 Q. Well, when you heard about it from them in 2019, did you ever
15 ask your former colleagues about it? Your former colleagues in the
16 military police.

17 A. I did not discuss any of the questions put to me by the
18 Prosecution in 2019 with friends or close relatives because this was
19 the instruction given to me by the Prosecution.

20 Q. All right. Then it may matter more that you said in 2019 that
21 you had heard already about the men having been held in Malisheve.
22 But I want to just be clear with you. Have you ever asked Jakup
23 Hoti, for example, about whether male Serbs were held in Malisheve
24 and then murdered?

25 A. Never.

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1 Q. Haxhi Shala, have you ever asked him about whether male Serbs
2 were held in Malisheve and then murdered?

3 A. I did not have the opportunity to ask Haxhi Shala because we --
4 there were differences, political differences we had during the war
5 and after the war, so I did not have that opportunity.

6 Q. What about Isni Kilaj? Have you asked him if he knows anything
7 about this?

8 A. No.

9 Q. He's a friend of yours, isn't he?

10 A. To some extent. The political views have set us apart.

11 Q. Well, is he enough of a friend of yours that you could say to
12 him simply the question: Have you ever heard about these men being
13 executed after they were in the custody of the military police in
14 Malisheve?

15 A. It is not part of my ethics to receive information or inquire
16 about things that are meaningless and are not part of me.

17 Q. You're going to have to help us as to why this is meaningless.

18 A. To me, they are meaningless because they have nothing to do with
19 my life or my work.

20 Q. Did you ever understand why it was that these people were being
21 brought to Malisheve by the KLA?

22 A. I understand your insistence. However, I am saying that I did
23 not hear about this. I can only speak with respect to things I was
24 involved in.

25 Q. I'm going to stay then with something you were involved in. You

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1 have said that it was just one family that you were involved in. Did
2 you ever understand why that family had been brought to Malisheve?
3 What the purpose of it was?

4 A. Nobody knows how they penetrated or how they were brought in
5 Malisheve. I have said this in my statement, that even the guard of
6 the headquarters of the staff in Malisheve did not know the persons
7 who brought them, in because there was fighting ongoing during those
8 days in Rahovec and all the residents were moving out of the town.

9 Q. Well, it's not the case that nobody knows, with respect, sir, is
10 it, because you told the SPO that they were brought there by the KLA;
11 right? You knew that much.

12 A. This is what they told, those who brought them in, when I
13 conversed with them. They said, "KLA uniformed men brought us here."

14 Q. Exactly. And so it's not the case that nobody knows. Some
15 people in the KLA do know why these civilians were brought to
16 Malisheve, why they were separated from their men who were then later
17 taken away and killed. Someone knows, don't they?

18 A. I did not know.

19 Q. And I'm not asking you whether you knew. I'm asking you, in the
20 light of you saying a few moments ago no one knows, whether you agree
21 with me that the position is that someone does know? That's obvious,
22 isn't it, from the fact that, as you've said, the KLA brought them
23 there.

24 A. I interpreted the words they uttered. They told me that the KLA
25 had brought them in.

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1 Q. And in the many years that have gone by since, have you never
2 tried to find out why it was that the KLA brought them there?

3 A. First of all, this was not my job or my profession. If I were
4 an investigator or a judge, I would have certainly inquired. I am a
5 farmer and deal with my daily matters.

6 Q. So is the answer to the question no, you have not ever tried to
7 find out?

8 A. Correct.

9 Q. Thank you.

10 PRESIDING JUDGE SMITH: Thank you.

11 Ms. Tavakoli.

12 Cross-examination by Ms. Tavakoli:

13 Q. Good afternoon, sir. My name is Nina Tavakoli, and I represent
14 Hashim Thaci, and I'll be asking you some questions on his behalf.

15 And I want to ask you, first of all, about the growth of the KLA
16 in 1998. When you spoke to the SPO in 2019 - and the reference is
17 P01694.7, pages 4 to 5 - you agreed with them that the KLA grew
18 significantly after the Serbs had attacked the Jashari family
19 compound in March 1998. Do you remember saying that?

20 A. Yes, correct.

21 Q. And you said last week to the Prosecutor - Prep Note 1,
22 paragraph 38 - that that attack created panic in villages across
23 Kosovo.

24 A. Yes, panic and for other possible attacks on other families.

25 Q. And who did they think was going to be the attacker?

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1 A. The Serb forces who had positions everywhere in Kosovo.

2 Q. So there was a concern that the Serb forces would attack
3 Albanian civilians; correct?

4 A. Yes.

5 Q. And you told the SPO - and that is Prep Note 1, paragraph 38 -
6 that because of that panic, and these are your words, they got
7 "organised." And then you went on to tell the SPO how they got
8 organised, and you said - and reference for this is P01694.7 at
9 page 4 - you said this: Every village was guarding its entrance, in
10 particular villages that had Serbs living close by, and that people
11 started showing up with hunting weapons first.

12 Do you remember saying that?

13 A. Correct.

14 Q. And were these their own personal weapons?

15 A. Yes.

16 Q. And would I be right that Kosovo is quite a heavily militarised
17 society in the sense that lots of ordinary people have weapons? It's
18 quite normal?

19 A. Yes. And I can explain, if you allow me, why.

20 Q. Okay.

21 A. Because especially since 1990, when our institutions were
22 dissolved and people remained without jobs, we lived in fear and we
23 experienced maltreatment by the Serb authorities at the time. And to
24 protect our families, for this reason we wanted to secure weapons for
25 ourselves to protect our families, not to attack them.

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1 However, in 1990s, the Serbian regime began with arming all male
2 Serbs capable of fighting, from 18 upwards. So that's why we did
3 this to be able to protect ourselves.

4 Q. So you got weapons for self-defence purposes; correct?

5 A. Correct.

6 Q. And then in terms of this organisation that occurred, you also
7 told the SPO - and the reference is P01694.7 at pages 4 to 5 - these
8 were your words:

9 " It wasn't an overall organisation, but every village sort of
10 looked after themselves. And I was the first -- one of the first
11 people to organise things for my ... village."

12 And so can I ask you, sir, did you mean by that phrase that
13 every village rallied together to protect the civilians within it,
14 and this was organised from the bottom up rather than from the top
15 down?

16 A. Correct. And it was mostly in shifts doing guard duty in the
17 evenings in the villages. It was from the bottom up.

18 Q. And you also told the SPO last week - and the reference is Prep
19 Note 1, paragraph 38 - that in your area they started to get
20 organised and guard themselves at night. And you said the very first
21 structures were put in place by the LDK.

22 What did you mean by that?

23 A. What I meant is that the only political party that was active in
24 all villages was the LDK. And in one of the meetings at the central
25 level of the LDK, a decision was made to raise awareness amongst the

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1 villagers about the arming of the Serb civilians, and this is the
2 reason why we started organising ourselves in the villages.

3 Q. Thank you. Now, I want to go on to your role in the KLA. You
4 joined in April 1998; correct?

5 A. Yes.

6 Q. And initially you helped the doctors driving around because you
7 had a car; correct?

8 A. Yes, correct.

9 Q. And would I be right to assume that you drove the doctors around
10 to treat the wounded Albanian civilians?

11 A. Yes.

12 Q. Now, you told the SPO - and the reference P01694.1, page 9 -
13 that you didn't report to anyone as there was no one to report to.

14 A. Yes.

15 Q. And also that you had no rank at the time.

16 MR. HALLING: I'm sorry, if we could just clarify what "at the
17 time" is in this context.

18 PRESIDING JUDGE SMITH: Please.

19 MS. TAVAKOLI: In April 1998.

20 PRESIDING JUDGE SMITH: April 1998.

21 MS. TAVAKOLI: Yeah.

22 THE WITNESS: [Interpretation] Yes. May I explain?

23 MS. TAVAKOLI:

24 Q. Okay.

25 A. While we were at the stage of being self-organised, we did not

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1 have any responsibility to report higher up. We were groups
2 collaborating with each other, and we would make decisions on
3 individual basis.

4 Q. So this was a village by village sort of town hall organisation;
5 correct? Not "town hall" but --

6 A. In the very beginnings, yes, that's correct. Village by
7 village. At that stage, there wasn't even communication between
8 villages, especially in remote ones, in the mountainous villages.

9 Q. Is that because there was no communication devices?

10 A. We didn't have communication devices even at the end of the war,
11 let alone at that time.

12 Q. So you were all just volunteers trying to help out in any way
13 you could; correct?

14 A. Yes.

15 Q. Now, in June 1998 you become part of the military police in your
16 area; correct?

17 A. Yes.

18 Q. And there were three of you - Tahir Ulluri and Jakup Hoti and
19 yourself; correct?

20 A. Yes, correct.

21 Q. And you told the SPO - and the reference is P01694.1, page 15 -
22 that you agreed between yourselves that Hoti would be the leader;
23 i.e., no one appointed him, you yourselves agreed that. Correct?

24 A. May I explain?

25 Q. Okay.

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1 A. In our tradition and in our families, the elders have priority.
2 Jakup Hoti was the eldest and was more prepared. He had finished his
3 education, was working, and we put all our trust in him. Since I had
4 all this respect for Jakup Hoti, we decided that he became our leader
5 and our organiser. Although, I myself had finished law school and
6 was well prepared for that position.

7 Q. Now, you told the SPO also - and the reference is P01694.1, page
8 15, that you don't know who, if anyone, Jakup Hoti reported to;
9 correct?

10 A. Yes. It wasn't right to do the reporting because during that
11 period the reporting was amongst the three of us.

12 Q. Now, at that time you didn't attend any high-level meetings if
13 they happened. For example, that meeting that the Prosecutor -- the
14 meeting between the Celiku and Lumi units. That wasn't at your
15 level, was it?

16 A. Correct, I did not participate in them.

17 Q. And I understand that now you're a successful businessman, but
18 25 years ago, as you described yourself in that period when you were
19 a member of the KLA, you were, in your words, a simple soldier;
20 correct?

21 A. Correct. That's how it was.

22 Q. Now, after that meeting that the Prosecutor -- he showed you the
23 video, do you remember, of that meeting? I think that was the after
24 meeting that you were at. Do you remember that?

25 A. Yes, my memory was refreshed when I watched it, and I was

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1 surprised because that was the only document from the war as not
2 everything is documented during the war. I do remember it.

3 Q. And there was a transcript in English of what was said at that
4 meeting. If I could just read you a section of it, please.

5 MS. TAVAKOLI: So that's P00838 and it's at page 2 of that.
6 It's in the section about Fatmir Limaj.

7 Q. And he says this:

8 "By a decision of the local staff, the department for civil,
9 administrative, and public relations ..., former political prisoner,
10 distinguished activist, patriot, coming from a family ... is
11 appointed as head of this department ..."

12 Now, would you understand that to be describing Gani Krasniqi?

13 A. Yes, it's about Gani Krasniqi.

14 Q. And you heard, didn't you, as I read it, that, in fact,
15 Gani Krasniqi had been appointed by a decision of the local staff to
16 head up the department for civil, administrative, and public
17 relations; correct?

18 A. Correct. And up to then, as I said, the relation between the
19 soldiers of Lumi and Celiku units were not good, and this was purely
20 for collaboration between these two units at the time.

21 Q. I understand. But my point is more -- I want to talk about his
22 role. You had said in your SPO interview, you'd agreed with the
23 Prosecutor that Gani Krasniqi had become a political representative
24 for Malisheve, and my point was that that was mistaken and that, in
25 fact, he'd been appointed as an administrator.

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1 Can you see that now after I've read you that section?

2 A. He was appointed as a civilian authority in relation to the
3 problems that occurred at the time.

4 Q. Thank you. Now, in your SPO interview the Prosecutor asked you
5 if Gani Krasniqi had been appointed by the General Staff.

6 MS. TAVAKOLI: And the reference to that is P01694.4 to 5 --
7 pages 4 to 5.

8 Q. And when you were asked that, you said this:

9 "And these sorts of questions are more to address people that
10 were of a higher rank. I was a simple soldier, and I couldn't have
11 known."

12 Do you remember saying that?

13 A. Yes. I said I didn't know because these were not -- this was
14 not my business.

15 Q. So would I be right to understand from that that you weren't
16 trying to be unhelpful. You were just trying to be honest, that you
17 can only help the Prosecutor and this Court with matters that
18 happened at your level, that of a simple soldier; is that correct?

19 A. Correct.

20 Q. And, really, those questions need to be asked to those people
21 who operated at a higher level than you; correct?

22 A. Yes, correct.

23 Q. And would you agree with me that the reason for that is that you
24 may get something wrong as you didn't know it first-hand; correct?

25 A. Well, you could say so. But I can explain --

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1 Q. No. I prefer just to -- to stay with --

2 A. -- when we speak about hierarchy.

3 Q. No. I just want you to answer my question, please, that you are
4 best placed to talk about things at your level; correct?

5 A. Yes, correct.

6 Q. In fact, I think you told the SPO when they interviewed you -
7 and the reference is P01694.7, page 3 - that you did not understand
8 at the time that you were a member of the KLA that there was a
9 General Staff purportedly leading it. Do you remember saying that?

10 A. I did say that, and I was not aware of such a headquarters or
11 staff at the time.

12 Q. Thank you. Now, you left the KLA in Kosovo on 20 September 1998
13 and went to Slovenia; correct?

14 A. Yes.

15 Q. And you told -- and when did you return to Kosovo? Was it in
16 July 1999? Do you remember the date?

17 A. In July. Yes, I do. I think it was 2 July.

18 Q. Thanks. And you told the SPO last week - and the reference is
19 Preparation Note 1, paragraph 27 - that you didn't have any
20 information on what the KLA was doing after you left for Slovenia in
21 September 1998. There was no organisation in Slovenia which
22 supported the Homeland Calling Fund, which made access to information
23 difficult. That's why you didn't know what happened when you were
24 outside; correct?

25 A. Correct.

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1 Q. And so would you agree with me that anything you told the
2 Prosecutor's Office about the KLA and the events in Kosovo after you
3 left the KLA in September 1998 you learnt from other people?

4 A. That's correct.

5 Q. Now, one of the areas that the Prosecutor asked you about in
6 your interview last week and today was the identification and
7 mistreatment, including killing, of so-called collaborators.

8 A. Yes, I remember the Prosecutor's questions.

9 Q. Now, whatever happened to all of these individuals that you were
10 asked about - so that's Jakup Kastrati, Cen Desku, Ramiz Hoxha,
11 Selim Binishi, Fetah Rudi - happened when you were no longer within
12 the KLA; correct?

13 A. Correct.

14 Q. And some of them, if not all, I can't check now, happened when
15 you were not in the country; correct?

16 A. Correct.

17 Q. And you heard about all of these things from other people. You
18 do not know yourself whether what other people told you is true, do
19 you?

20 A. Even in my answers to the Prosecutor, I stated clearly that
21 those were things that I had heard from others.

22 Q. Thank you. And, for example, just one example, Fetah Rudi, you
23 told the Court, told you that he had been taken because he was LDK
24 and a Rugova supporter. But did you also hear that he was taken
25 because he was involved in a quarrel about humanitarian aid or food

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1 aid? Did you hear that?

2 A. Well, I told the version of Fetah. And, yes, it was said that
3 there was a disagreement about the humanitarian -- or distribution of
4 humanitarian aid.

5 Q. You told the version of Fetah. You don't know if Fetah's
6 version is accurate, do you?

7 A. That I wouldn't know.

8 Q. Now, you told the Prosecutor - and the reference is -- I'm
9 sorry. Would that go for all of the versions that you heard? You
10 couldn't know if they were accurate, could you?

11 A. I couldn't. I did not confirm myself whether they were correct
12 or not, but I did mention the source of the information. And in this
13 particular case, it was Fetah.

14 Q. Now, you told the SPO - and the reference for that is P01694.8
15 at page 4 - that you were aware that the KLA people have made
16 mistakes, "but I believe there wasn't a scenario as such ... there
17 were people that were irresponsible, who had overcome their powers,
18 and they had mis -- they had acted in a bad way toward civilians ..."

19 What did you mean by people "who had overcome their powers"?

20 A. It is in the sense of not fearing any consequences because there
21 was no functional judiciary system at the time.

22 Q. And would you agree with me that these people weren't acting in
23 the name -- properly in the name of the KLA when they did these
24 things?

25 A. Yes, I agree, and that's how it was.

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1 Q. They were people that were abusing the uniform of the KLA?

2 A. Since we were volunteers and were not held responsible before
3 others, yes.

4 Q. And would you agree with me that these people may have been
5 taking personal revenge for issues in their past?

6 MR. HALLING: Objection, calls for speculation.

7 PRESIDING JUDGE SMITH: Sustained.

8 MS. TAVAKOLI:

9 Q. Can I please refer you then to your interview, SPO P01694.1,
10 page 14, 13 to 14. You were asked this by the Prosecutor. When you
11 were in the military police, you told the SPO that one of the areas
12 you advised soldiers on was not to make mistakes as they had weapons,
13 to be more careful or responsible as they had now joined as KLA
14 soldiers. You were asked:

15 "What kind of mistakes did you advise them against?"

16 And this was your answer:

17 "At the time, there were a lot of problems within our very own
18 people, and we were concerned that just because people had got hold
19 of a weapon that they would take revenge on others for various
20 reasons.

21 "Q. So that was one of the concerns you were educating the
22 soldiers about, was not using [the] weapons to take revenge?

23 "A. Yeah. Due to their past issues, for example."

24 Do you remember saying that? Do you remember saying that? Oh.

25 A. Yes, I remember. And that's what our role was at the time,

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1 advisory.

2 Q. So people taking revenge was a real concern and an issue;
3 correct?

4 A. Correct. Because as peoples, we had many problems, and we
5 thought that people could retaliate to settle accounts.

6 PRESIDING JUDGE SMITH: Ms. Tavakoli, it's time for a break.

7 MS. TAVAKOLI: Can I repeat the question?

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 MS. TAVAKOLI: Can I repeat the question?

10 PRESIDING JUDGE SMITH: Yes, go ahead.

11 MS. TAVAKOLI:

12 Q. And is it possible that when bad things were done to so-called
13 collaborators, that was people exacting personal revenge?

14 MR. HALLING: Objection, calls for speculation.

15 PRESIDING JUDGE SMITH: Sustained.

16 MS. TAVAKOLI: We'll go after lunch.

17 PRESIDING JUDGE SMITH: Witness, we will take a lunch break at
18 this time. It will be an hour and a half, and we'll be back at 2.30.
19 You may leave the courtroom.

20 Did you have a question?

21 THE WITNESS: [Interpretation] I have a question, indeed.

22 PRESIDING JUDGE SMITH: Go ahead.

23 THE WITNESS: [Interpretation] Your Honour, Your Honours, I wish
24 you to leave some time to express my view about the process, and I
25 also have a complaint about my treatment here. So I would like to --

1 you to spare some time for me to address you with these issues.

2 PRESIDING JUDGE SMITH: Thank you. We'll finish the questioning
3 first, and then we'll have some time left.

4 THE WITNESS: [Interpretation] Thank you.

5 PRESIDING JUDGE SMITH: You may leave the courtroom now.

6 THE WITNESS: [Interpretation] Thank you.

7 [The witness stands down]

8 PRESIDING JUDGE SMITH: We are adjourned until 2.30.

9 --- Luncheon recess taken at 1.04 p.m.

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

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 MS. TAVAKOLI: Yes, please.

13 I understand that our response to the latest SPO filing about
14 Rule 154 statements is due -- part of it's due on 1 October, that's
15 in response to F2593, and that's the cross estimates and objections
16 to exhibits, and the substantive response is due on 4 October.

17 We've spoken to our learned friends, the Prosecution, and they
18 have agreed they wouldn't object if we filed both parts together in a
19 composite response on 4 October. And I'll ask Your Honours' leave
20 for that.

21 MR. HALLING: Correct, no objection from the SPO.

22 PRESIDING JUDGE SMITH: No problem. That will --

23 MS. TAVAKOLI: Thank you.

24 PRESIDING JUDGE SMITH: -- be fine. Thank you.

25 MS. ROWAN: Your Honour, perhaps now is a good time. We were

1 going to make a similar application at the end of the day. The
2 Defence has two outstanding responses due. One is to a 155
3 application and one is to a 153 application. Those filing numbers,
4 for the record, are 2599 and 2601. They are both currently due on
5 7 October. The SPO have no objection to us returning responses to
6 those on 18 October, and we would ask that the Panel grant that
7 order, please.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 Does that impact the first week when we come back in any way?

10 MS. ROWAN: No.

11 MR. HALLING: Our position is described correctly again.

12 PRESIDING JUDGE SMITH: All right. That also will be approved.

13 Thank you.

14 All right. Madam Usher, you can bring the witness in.

15 About how much longer?

16 MS. TAVAKOLI: Not long, ten minutes maybe.

17 PRESIDING JUDGE SMITH: No problem.

18 [The witness takes the stand]

19 PRESIDING JUDGE SMITH: All right. Witness, we will continue
20 now. We have some more questions from the Thaci Defence. Please
21 give them your attention.

22 MS. TAVAKOLI:

23 Q. Good afternoon, Witness. Now, when you were interviewed by the
24 Prosecution, you were shown a document - the reference is 1D0006 -
25 which was a decision dated 10 July 1998, purportedly signed by

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1 Gani Krasniqi, that all political parties, organisations, and other
2 offices on the 3rd floor should be vacated. Do you remember being
3 shown that?

4 A. Yes.

5 Q. Now, you were asked a couple of times in your interview by the
6 SPO if you understood it to be an order to shut down the activities
7 of the LDK.

8 A. Yes, there was a question of this nature.

9 Q. And you replied on each occasion that you were asked - and the
10 reference for the record is P01694.2 at pages 18 to 19 - that the
11 order was not to shut down the LDK. Do you remember that?

12 A. That's correct.

13 Q. You said that you understood that essentially it was an issue of
14 office space, that the KLA needed that space, and so the political
15 parties had to vacate their offices. Do you remember that?

16 A. Yes, because this was a socially owned premise.

17 Q. And you said - and the reference for the Court is P01694.4 at
18 page 23 - and these are your words, you explain that you thought that
19 "because in the decision and in the actions that followed the
20 activity of the LDK did not shutdown but it just moved to a private
21 property."

22 "If the intention was to shutdown the activity, he wouldn't have
23 allowed them to still continue to operate in a private property."

24 A. That's correct.

25 Q. Is that still your evidence today?

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1 A. They continued somewhere else. Yes.

2 Q. So it wasn't -- this order wasn't about shutting down the LDK,
3 was it?

4 A. Correct. It was only to vacate the offices.

5 Q. Now, your own -- I know you weren't a member, but your own
6 family and your own village were all members or with the LDK and
7 still support them to this day. That's right, isn't it?

8 A. That's correct.

9 Q. So --

10 A. With my exception.

11 Q. So there was no issue, so to speak, about being a member of the
12 LDK and the KLA at the same time, was there?

13 A. 90 per cent of the KLA soldiers were such.

14 Q. You didn't have to resign your membership of the LDK to become
15 part of the KLA, did you?

16 A. Correct. It was not a condition.

17 Q. And you told the SPO - and the reference here is P01694.7 at
18 page 1 - that the aim of the KLA was to achieve independence from
19 Serbia. Do you remember that?

20 A. That's correct.

21 Q. Did the LDK share that goal?

22 A. They shared the same goal. The only difference is that at the
23 time they believed in a peaceful resolution of this, which never came
24 about.

25 Q. Now, you delivered the letter to your friend Jakup Kastrati,

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1 didn't you?

2 A. To my friend and my teacher, I personally did, yes.

3 Q. And you told the SPO - and the reference is P01694.2 at page 22
4 - that Jakup Hoti could not have ordered you to deliver it even
5 though he was your boss.

6 A. Correct. He could not issue an order.

7 Q. What -- and why couldn't he do that?

8 A. Because we were both volunteers.

9 Q. And you were asked if you or Jakup Hoti had refused to execute
10 the decision, would you have been scolded or punished. And you told
11 the SPO - and the reference is P01694.2 at page 23:

12 "No, they couldn't at the time because we were all volunteers.
13 I had joined voluntarily and I could have left voluntarily and
14 returned home."

15 A. That's correct.

16 Q. So nobody could force you to join the KLA, could they?

17 A. Correct.

18 Q. Nobody could --

19 A. They couldn't.

20 Q. -- stop you from leaving?

21 A. Absolutely not.

22 Q. And nobody could force you to do anything, including executing
23 an order from your higher-ups; correct?

24 A. Correct. No one could force you to do something against your
25 will.

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1 Q. Thank you.

2 MS. TAVAKOLI: No further questions.

3 PRESIDING JUDGE SMITH: Thank you.

4 Mr. Dixon.

5 MR. DIXON: Thank you, Your Honours.

6 Cross-examination by Mr. Dixon:

7 Q. Sir, my name is Rodney Dixon. I act on behalf of
8 Mr. Kadri Veseli. I'm going to ask you some questions now.

9 Sir, you explained to us that you became a member of the
10 military police in the middle of June 1998. That's right?

11 A. Yes.

12 Q. And you also gave evidence that until the middle of July 1998
13 there was a so-called free zone in Malisheve. That's right?

14 A. That's how we called it. Correct.

15 Q. And you called it that because, essentially, there were no Serb
16 forces in that area.

17 A. Correct.

18 Q. No Serb policemen were coming in there for that period.

19 A. Correct.

20 Q. And we're talking about a relatively short period of one month,
21 from the middle of June when you came into the military police until
22 the middle of July 1998. That's all.

23 A. Correct.

24 Q. And in your unit, it's right, isn't it, that there were three,
25 three people in total in your unit working on military police issues?

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1 A. Correct, we were only three.

2 Q. And in that period of one month, you've given evidence about how
3 you tried to organise activities. For example, you were shown some
4 travel permits earlier this morning. You remember that?

5 A. Yes.

6 Q. And you said that you were designing this procedure to try and
7 help create some order and to make it harder for KLA members to
8 either unlawfully sell their weapons or have them out in public, for
9 example, in the market in Malisheve; is that right?

10 A. The most important thing was to prevent them from displaying
11 them in public.

12 Q. Yes, displaying them to civilians in public, including in the
13 market; is that right?

14 A. That's correct.

15 Q. And you also said you made a request, I think this was the word
16 that was used, to have the weapon's serial numbers included in those
17 permissions, those travel permissions. But it's right, isn't it,
18 that in practice this never happened?

19 A. No.

20 Q. So no weapon details were recorded in any of those leave
21 permits. That's right, isn't it?

22 A. Correct. Only the names of those who were moving around.

23 Q. You also have given evidence that you could only really give
24 soldiers in the KLA advice as opposed to ordering them what to do
25 because it was a volunteer army. That's correct, isn't it?

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1 A. That's correct.

2 Q. You said in your interview that:

3 "We couldn't do much with [people], because they had weapons and
4 we had weapons. So it was more of in the form of ... advice."

5 Do you remember saying that?

6 A. Yes, that's what I stated and that's how it was.

7 Q. So they didn't have to listen to you, did they?

8 A. No, because we were in the same hierarchy. We were both sides
9 volunteer soldiers.

10 Q. You were, you have said already, concerned about revenge from
11 persons who had weapons in the KLA because of past issues, past
12 scores. Were you able to take any steps to address those concerns?

13 A. We played a role as mediators to reconcile them and calm
14 tensions.

15 Q. And when you say you played the role of mediators, was that
16 between the people who had scores or wanted to take revenge?

17 A. Certainly, yes.

18 Q. I want to now show you, sir, another part of the notebook that
19 you were shown this morning that was admitted as a whole. There are
20 other pages in that that I'd like to show you and get your evidence
21 on.

22 MR. DIXON: Could I please have P01698 at page 7 of the English.
23 It's a report dated 7 July 1998. Yes. I think we're trying to find
24 the Albanian, Your Honours. Page 10.

25 Q. So, sir, this is a report written on 7 July 1998.

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1 MR. DIXON: We need 7 July, not -- that is the right one. Thank
2 you.

3 Q. There's a section in there, I'm going to read it to you, the
4 second paragraph:

5 "Gazmend Kryeziu was absent during this shift. In the third
6 shift [from] (1300-2000), the following soldiers were not present:
7 Sejdi Berisha (who was replaced by Mehmet G. Gashi); Bashkim Gashi
8 (these two were absent from point number four); Bedri Krasniqi (from
9 point number two) as a sign of revolt why he was on duty on the
10 second point and not on the first."

11 Do you see that there?

12 A. Yes.

13 Q. Is this an incident that you recall?

14 A. No, we did not deal with this incident. It was resolved within
15 the point where they were taking those shifts.

16 Q. Is this reflective of the kinds of incidents that arose during
17 this time in early July 1998, when persons would simply not turn up
18 to do their duty? Did that happen in this time?

19 A. Yes, certainly.

20 Q. Was there anything that you in the military police could do
21 about this?

22 A. No. We would have gone there, advised him, reasoned the person,
23 telling him that no injustice was committed or done to you, so that
24 we would convince them to go back to their duty.

25 MR. DIXON: And if we go over the page to page 8, there's

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1 another report on 9 July.

2 Q. You'll see there there's a remark in the second line which says:

3 "... the village guards did not report on duty between 0100 and
4 0600 ... and the person appointed for guard duty - Xhevdet Kryeziu -
5 did not show up."

6 Do you see that there?

7 A. Yes.

8 Q. Would you agree with me that this is another example of village
9 guards simply not attending to fulfil their duties?

10 A. As I stated earlier, they were not obliged to. This was an
11 organisation -- a volunteer organisation to stand guard.

12 Q. And there was nothing that you as the military police could do
13 to force them to go there, was there?

14 A. Absolutely not.

15 Q. And you couldn't discipline them, could you?

16 A. Correct, we never did. We only advised them.

17 Q. In fact, you said in your SPO interview - and this is Part 4 at
18 page 16 for those following - you said in relation to keeping law and
19 order:

20 "It's a little bit silly. It's a bit laughable. Three people
21 can't necessarily keep the law and order."

22 Do you remember saying that, and is that right?

23 A. That's how it was.

24 MR. DIXON: Okay. That can be taken down. Thank you.

25 Q. Sir, in this time period, it's correct, is it not, that you had

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1 no written regulations that regulated your work as military police
2 and which applied to you on a day-to-day basis?

3 A. Correct, we didn't have.

4 Q. It was done very much orally and on an *ad hoc* basis?

5 A. That's correct. Within our group consisting of three persons.

6 Q. Yes. I want to come now to the period at the end of that one
7 month when the free zone no longer continued as a free zone. And for
8 this purpose, I'd like you to look at a map, if I may.

9 MR. DIXON: I think it will help orientate all of us as to where
10 we are and where things were happening from the middle of July
11 onwards. It is DKV0007-0007.

12 Q. This is a map, Witness, you'll see, of the Malisheve area coming
13 up.

14 A. Yes.

15 Q. Now, we know from what you have told the SPO, and you can
16 confirm this if it's right, that you didn't participate yourself in
17 any of the military operations in Rahovec which started on 17 July
18 and continued for a few days thereafter; is that right?

19 A. That's correct.

20 Q. At that time were you in your home village?

21 A. Yes. On the first day, I was in Malisheve. And on the other
22 days, I was in my village.

23 Q. And that village is Bubel?

24 A. Correct.

25 Q. If you could assist us just so we can orientate. Can you

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1 indicate on the map where that is? You can be asked to, I
2 understand, mark the map. If that can be done, please.

3 A. [Marks]

4 Q. And if you can just put a 1 next to it so we know we're talking
5 about that's where you were from, you say, 18 July onwards.

6 A. [Marks].

7 Q. That's right?

8 A. Correct.

9 Q. And if you could mark - I know it's obvious, but just so we have
10 it clear - Malisheve town as well with a 2.

11 A. [Marks]

12 Q. And then Rahovec where the battles took place that I've referred
13 to, if you can mark that with a 3, please.

14 A. [Marks]

15 Q. And it's correct, just so we have it accurately, that Malisheve
16 is both a town that you've marked and then it's a municipal area as
17 well, a municipality. It's a surrounding area, is it not?

18 A. Correct, it's a municipality.

19 Q. And could you roughly mark in where the boundaries of that
20 municipality are on this map?

21 A. A map?

22 Q. Yes, please.

23 A. These are the main roads.

24 Q. Yes. So the area in the middle of those markings is the
25 Malisheve municipality?

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1 A. Correct.

2 Q. Now, you have said in your evidence that on 17 July there was
3 the KLA advance on Rahovec. You weren't part of it. Do you recall
4 that?

5 A. Yes.

6 Q. The main units that went there were from that area, were they
7 not? An area outside of Malisheve.

8 A. Outside Malisheve.

9 Q. And the units that went there on the 17th were outside of that
10 area; is that right?

11 A. Right.

12 Q. You have also said that there wasn't any planning at the time
13 when this operation was launched by those units, and you said this
14 was the greatest mistake of the KLA. Do you recall that?

15 A. Yes, because we did not anticipate, we had not heard of this,
16 that it was going to happen.

17 Q. Why did you say it was the greatest mistake?

18 A. The greatest mistake because the population -- the civilians
19 there were mixed Serbs and Albanians, and also this was an urban
20 area, a town.

21 Q. You said that there was no planning at the time. Your unit
22 wasn't involved in that operation, was it?

23 A. Correct, it wasn't.

24 Q. But after that initial operation, some members of your units
25 went there to help?

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1 A. Correct. On a voluntary basis, they went there.

2 Q. On the second day, so that's the 18th now, and the third day,
3 the 19th July, you've given evidence that there was a Serb assault
4 against the KLA. And that as a result of that, in those days that
5 followed, many Albanian civilians fled from that area towards
6 Malisheve; is that right?

7 A. That's correct.

8 Q. And you said that about 700 alone came to your village of Bubel,
9 which you've circled, where you were; is that right?

10 A. Yes.

11 Q. So they fled from Rahovec down here in the south north towards
12 your village. Is that how it happened?

13 A. Yes, because they felt safer the furthest they were from the
14 area where the fighting was taking place.

15 Q. And you sheltered, you said in your evidence, the Shehu family,
16 70 persons, in your home; is that right?

17 A. That's correct.

18 Q. So at this time given your role in the KLA, you've said that
19 your responsibility was to look after these people, find them shelter
20 and food; is that correct?

21 A. Certainly, because we had family relations, prior family
22 relations with them.

23 Q. Now, in the days that followed, so after the 19th, is it correct
24 that the Serb forces then followed the civilians out of the Rahovec
25 area and came towards Malisheve?

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1 A. That's correct.

2 Q. Do you know which routes they took to get to Malisheve?

3 A. The road Rahovec to Malisheve.

4 Q. So they came along the road?

5 A. Yes, on that road.

6 Q. And it's correct, isn't it, that by 26 July Malisheve was
7 overrun by the Serb forces?

8 A. That's correct.

9 Q. Do you know about what was happening in some of the surrounding
10 areas? Were Serb forces moving not only to Malisheve but to other
11 areas surrounding that?

12 A. They moved also in the direction of Drenoc and in the direction
13 of Duhel.

14 Q. Okay. Can you just mark those on the map for completeness so we
15 can see where those are. Just give them a number, each of them. So
16 that will be number 3 -- sorry, number 4.

17 A. Shall I continue with number 4?

18 Q. Yes.

19 A. [Marks]

20 Q. And the other place that you mentioned, make that number 5.

21 A. [Marks]

22 Q. So it's right, isn't it, that during that time, second half of
23 July to the end of July, that whole area was overrun by the Serb
24 forces?

25 A. That's right, yes.

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1 Q. And the KLA disintegrated in that area, didn't it?

2 A. Yes, in small groups scattered in the woods.

3 Q. Yes. You were in your home village looking after persons. That
4 was what occupied your time during that period; isn't that right?

5 A. Yes. And we, too, had to leave the village and go to the
6 mountains together with the people who were staying -- sheltering
7 with us.

8 Q. Could you show us which mountains on the map you retreated to?

9 A. Shall I mark it with a number?

10 Q. Yes. If -- we are now up to 6, please.

11 A. [Marks]

12 Q. And at that time, the civilians were traumatised, very fearful
13 of what might happen to them.

14 A. Yes, that's correct, because the Serb police and military and
15 paramilitary forces, wherever they would enter a village, they would
16 set the houses on fire.

17 Q. Yes. So not a safe place at all at this time for Albanian
18 civilians.

19 A. The only safe place were the woods.

20 Q. That's where you were hiding away.

21 A. Yes, correct.

22 Q. Now, we know from your prior testimony that you left the KLA in
23 September, so shortly after this, you said because it had
24 disintegrated as an organisation; is that right?

25 A. That's correct. As far as that period of time is concerned.

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1 Q. And then you left the country altogether after these events and
2 went to Slovenia.

3 A. Yes, correct.

4 Q. But up until that point, you were on the ground in this area
5 witnessing what was going on.

6 A. Yes, correct.

7 Q. I want to just bring up two documents, which are international
8 reports --

9 JUDGE METTRAUX: Do you want to save that map, Mr. Dixon?

10 MR. DIXON: Yes, thank you very much, Your Honour. Otherwise,
11 we will lose it forever. So if we could save that map, and I would
12 ask that it be admitted as an exhibit with the markings on.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MR. HALLING: None, Your Honour.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 DKV0007 to 0007, being the map, is admitted. Please assign a
17 number.

18 THE COURT OFFICER: Your Honours, the marked map will receive
19 Exhibit 2D31. And can we confirm the classification for it?

20 PRESIDING JUDGE SMITH: It will be confidential? Or --

21 MR. DIXON: No, it can be public.

22 PRESIDING JUDGE SMITH: All right. It will be public.

23 MR. DIXON: Thank you, Your Honours.

24 Q. Just two more documents that I wanted to show you on this
25 period.

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1 MR. DIXON: The first is a document that is in evidence, 2D0004.
2 It's a sitrep from Colonel John Crosland, the British attaché to
3 Belgrade. It's only going to be in English.

4 Q. So, Witness, this is only in English, but I'll read out the
5 relevant part to ask you a question about it.

6 MR. DIXON: It's on page 2, paragraph marked 2.

7 Q. The sitrep is dated 5, 6 August 1998, and it says there -- I'm
8 going to read it out and then ask you a question about it:

9 "CIVPOP," so civilian population, "/wanton destruction.
10 Throughout entire area very few CIVPOP," civilian population, "were
11 seen. One humanitarian convoy seen exiting north from Malisevo.
12 Malisevo now completely gutted by fire and looting."

13 Now, sir, that is a report from early August 1998. Does it
14 accord with what you witnessed in Malisheve at that time and heard at
15 the time as well?

16 A. It does, yes. This is correct.

17 Q. Thank you.

18 MR. DIXON: That can be taken down.

19 And the last document, which is not an exhibit, so I'm going to
20 have to give you the long number, SPOE00304290.

21 PRESIDING JUDGE SMITH: Excuse me. Witness, what is it?

22 THE WITNESS: [Interpretation] Excuse me, I hear the lawyer in a
23 very high volume. Before I had difficulty listening and hearing him,
24 but now it's too much.

25 PRESIDING JUDGE SMITH: We'll see if we can correct that. Now,

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1 can you hear? Is this better?

2 THE WITNESS: [Interpretation] Now it's better, yes.

3 PRESIDING JUDGE SMITH: Go ahead, Mr. Dixon.

4 MR. DIXON: Thank you, Your Honours.

5 Q. This once again, Witness, is only in English, so I'm just going
6 to read two short sections and ask for your comment on those. The
7 first is on the first page, "Military Situation." This is a report
8 from the European monitoring headquarters, and it sets out an
9 overview of what the military situation -- it's dated 23 September
10 1998, going back the previous weeks:

11 "Since the VJ and security forces began their offensives in late
12 July, they have successfully regained most of the territory
13 previously under UCK control, principally the areas around Malisevo,
14 Decani, Junik, much of Drenica and now Shala."

15 If you can just hold that in your head for a moment, I'm going
16 to then go over the page to there's a heading "What has happened to
17 the UCK?"

18 "The UCK appears to have collapsed. The infrastructure of the
19 UCK, although never sophisticated, has been successfully cut and the
20 UCK has been reduced to pockets, dispersed throughout the
21 countryside."

22 So I've read those two sections of this report to you from
23 23 September 1998 at the time that you were leaving. It reports on
24 an assessment of before that period. Where it says here that the KLA
25 appears to have collapsed, is that a correct assessment of the

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1 situation on the ground at the time?

2 A. I think yes. And it is 100 per cent the same with my
3 description; that is, the description I gave to the Prosecution.

4 Q. And when it says that the infrastructure has been successfully
5 cut and it has been reduced to pockets, does that accord with how you
6 remember things in those months, July, August, September?

7 A. Yes.

8 Q. Thank you, Witness.

9 MR. DIXON: Thank you, Your Honours.

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

11 Mr. Roberts.

12 MR. ROBERTS: No questions from me today, Your Honour. Thank
13 you.

14 PRESIDING JUDGE SMITH: Thank you.

15 Mr. Ellis -- or, I'm sorry, Ms. Alagendra.

16 MS. V. ALAGENDRA: Thank you, Your Honours.

17 Cross-examination by Ms. V. Alagendra:

18 Q. Good afternoon, Witness. I am Venkateswari Alagendra, and I
19 represent Mr. Jakup Krasniqi.

20 A. Good afternoon.

21 Q. Witness, I'd like to take you through what you've told the
22 Prosecution in 2019 about the meeting in Malisheve around the end of
23 June or beginning of July 1998. You remember discussing that with
24 the Prosecution in 2019, Witness?

25 A. I do, yes.

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1 Q. And do you also recall discussing it last week with the
2 Prosecution where you made some clarification?

3 A. Excuse me. Yes, I do.

4 Q. Now, this meeting was held in a restaurant called Reforma; am I
5 correct?

6 A. Yes.

7 Q. And you recall there being journalists there at the time, and
8 you were told they were inside the meeting, the journalists; is that
9 correct?

10 A. Yes.

11 Q. Now, you did not take part in that meeting, did you, Witness?
12 You were outside a few metres away from the restaurant.

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

14 Q. And Jakup Hoti was also outside the venue, wasn't he? He was
15 with you; correct?

16 A. No, not Jakup. Tahir Ulluri was with me.

17 Q. Right. This is the first meeting in Reforma we are speaking
18 about, Witness. Just so we are clear which meeting we are talking
19 about. Yes?

20 A. Correct.

21 Q. Now, you've told the Prosecution that from a distance of a few
22 metres away you saw the people arriving and entering the restaurant.
23 Do you recall that?

24 A. Yes.

25 Q. And the ones you recognised were Gani Krasniqi, Isni Kilaj,

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1 Fatmir Limaj, Haxhi Shala, Muse Jashari, and Skender Krasniqi;

2 correct?

3 A. Yes, those that I knew, with the exception of Muse Jashari whom
4 I didn't know at the time but was later told who he was.

5 MS. V. ALAGENDRA: Right. If I could have DJK00239, please, on
6 the screen.

7 Q. Witness, this is a screenshot from an AP video. And could you
8 just confirm that this is the photo of Skender Krasniqi?

9 A. Yes.

10 Q. Thank you.

11 MS. V. ALAGENDRA: We can take the photo down.

12 Your Honours, if I may mark that photograph, please.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. V. ALAGENDRA: Tender it.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 MR. HALLING: None, Your Honour.

17 PRESIDING JUDGE SMITH: DJK00239 is admitted.

18 THE COURT OFFICER: Your Honours, that will be assigned

19 Exhibit 4D84. And if we can confirm classification.

20 PRESIDING JUDGE SMITH: Is that public or confidential?

21 MS. V. ALAGENDRA: It can be public, Your Honours.

22 PRESIDING JUDGE SMITH: Unless there is an objection, it'll be
23 public.

24 MR. HALLING: None, Your Honour.

25 MS. V. ALAGENDRA:

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1 Q. So we are clear, Witness, you did not see Mr. Jakup Krasniqi
2 entering that meeting venue; am I correct?

3 A. I didn't see him. He wasn't there.

4 Q. Yes. And last week, you've told the Prosecution - and for the
5 reference, it's Prep Note 1, P1695, paragraph 9 and 10 - after seeing
6 them enter, Jakup Hoti and you left together to go to another
7 village, and you returned about an hour later when the meeting had
8 already ended; is that correct?

9 A. Correct.

10 Q. So the person you were with was Jakup Hoti; am I correct?

11 A. There are two meetings. On the first one, Tahir was with me.
12 And on the latter one, Jakup was with me. But these are both --
13 these events were both on the same day.

14 Q. Right. And on both occasions, you did not see Mr. Krasniqi
15 there, am I correct, at those meetings?

16 A. I didn't see him at those meetings, no.

17 Q. Right. And as the meeting ended and those who attended were
18 leaving the meeting, you saw Jakup Krasniqi's car on the street
19 arriving in Malisheve; is that correct?

20 A. Yes. This was an hour or even more than an hour later after the
21 meeting had ended.

22 Q. Yes. And the car was entering, Mr. Krasniqi was entering
23 Malisheve at the time; correct?

24 A. Yes.

25 Q. And Mr. Krasniqi was dressed in a suit, civilian clothes, not in

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1 uniform, when he got out of the car; am I correct?

2 A. Yes, correct.

3 Q. Right. And you greeted Mr. Krasniqi at that point; yes?

4 A. Yes. I didn't know him, but Jakup knew him, so I took the
5 opportunity to greet him.

6 Q. Right. And you've mentioned in your statement that
7 Jakup Krasniqi is the nephew of Jakup Hoti, the son of the paternal
8 uncle of Jakup Hoti. That's correct, isn't it?

9 A. Yes, that's correct.

10 Q. And there were just greetings exchanged? No discussion about
11 any meeting that had taken place that day with Mr. Krasniqi; am I
12 correct?

13 A. Yes, just a conversation between an uncle and a nephew.

14 Q. And it's correct, isn't it, Witness, that that's the only time
15 you ever saw Mr. Krasniqi, Jakup Krasniqi, in Malisheve? That's your
16 evidence, isn't it?

17 A. The only occasion, and it was the first time that I saw him from
18 close distance. The rest of the times I've seen him on TV.

19 Q. Right. And the only other occasion you believe that
20 Mr. Jakup Krasniqi was in Malisheve was when you say there was a
21 dinner at Jakup Hoti's uncle's residence. Do you recall saying that
22 to the Prosecution?

23 A. This is what he told me, and I was also invited, but I was not
24 present, did not attend.

25 Q. Right. So you didn't attend the dinner, so you don't know if

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1 Mr. Krasniqi was there.

2 A. I don't. I don't know.

3 Q. Now, I'd like to now move to another topic, and this is what you
4 told the Prosecution about what Jakup Kastrati had told you.

5 MS. V. ALAGENDRA: For the Court's reference, it's P1694,
6 Part 6, page 13.

7 Q. Now, you said:

8 "Jakup Krasniqi accused Cen Desku and Jakup Kastrati in the
9 trial against Fatmir Limaj as collaborators. And because of what he
10 said, I have never invited him to be a guest at my house, despite
11 having been to my place as a guest tens of times after the war."

12 Do you recall saying that to the Prosecution in 2019?

13 A. Yes, but I mentioned that I was told this by the teacher Jakup,
14 Jakup Kastrati.

15 Q. Yes. And what Jakup Kastrati told you had made you feel bitter
16 towards Mr. Jakup Krasniqi; am I correct?

17 A. Correct. That's correct.

18 Q. And last week you clarified with the Prosecution that you did
19 not follow the trial against Fatmir Limaj. You were only told about
20 Mr. Krasniqi's testimony by Jakup Kastrati. That's correct, isn't
21 it?

22 A. Yes, correct.

23 MS. V. ALAGENDRA: For the Court's reference, that's Prep
24 Note 1, paragraph 35.

25 Q. And it was Jakup Kastrati that told you that Jakup Krasniqi had

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1 called Cen Desku, Jakup Kastrati, Ramiz Hoxha, and Selman Binishi
2 collaborators. That's what you heard from Jakup Kastrati; yes?

3 PRESIDING JUDGE SMITH: Yes?

4 THE WITNESS: [Interpretation] Could you please repeat because it
5 wasn't clear in the interpretation.

6 MS. V. ALAGENDRA:

7 Q. Sure. It was Jakup Kastrati that told you that Jakup Krasniqi
8 had called Cen Desku, Jakup Kastrati, Ramiz Hoxha, and Selman Binishi
9 collaborators. That's what Jakup Kastrati told you; is that correct?

10 A. Yes.

11 Q. And last week --

12 MS. V. ALAGENDRA: For the Court's reference, I'm referring to
13 paragraph 35 of Prep Note 2.

14 Q. Last week you were shown some pages of Jakup Krasniqi's ICTY
15 testimony; am I correct?

16 A. Yes, I was shown those documents and they prove that
17 Jakup Krasniqi did not say those words.

18 MS. V. ALAGENDRA: I misspoke. The paragraph I'm referring to
19 is paragraph 8 of Prep Note 2, Your Honours.

20 Q. And after being shown those pages, you informed the Prosecution
21 that it is possible that Jakup Kastrati misunderstood
22 Jakup Krasniqi's testimony. Do you recall saying that?

23 A. Yes, I believe I said that after I was shown those facts.

24 Q. Yes. And you said that because Jakup Krasniqi does not
25 explicitly call Jakup Kastrati a collaborator in those pages that you

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1 were shown; correct?

2 A. Yes, correct. From what I saw, I believe and I know it is true
3 that he did not call them collaborators.

4 Q. Right. Are you aware, Witness, that Mr. Krasniqi has also
5 testified in the trial against Fatmir Limaj concerning the killing of
6 Selman Binishi and Ramiz Hoxha? Are you aware of that?

7 A. No, I'm not because I did not follow Fatmir Limaj's trial.

8 Q. Fair enough.

9 MS. V. ALAGENDRA: If I could have Exhibit P792 on the screen,
10 please. That's the Albanian version. And the English version is
11 with an ET at the end.

12 Would Your Honours like to take the break now or can I proceed?

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 MS. V. ALAGENDRA: Thank you. If I could move to page ending
15 68091, please, on both versions. Yes.

16 Q. Witness, if you could read from the top of the page till the
17 third answer of the witness. Just for your information, this is the
18 testimony of Mr. Jakup Krasniqi on 16 January 2018. So if you could
19 just read from the top of the page, please. Yes.

20 Now, were you shown this transcript last week by the
21 Prosecution?

22 A. No. I was shown a part of the minutes of the trial in the Limaj
23 case, Limaj trial.

24 Q. At the ICTY; yes?

25 A. Correct.

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1 Q. Not this one. Now, in that trial, Jakup Krasniqi was asked
2 about the arrest of Jakup Kastrati and Cen Desku, and you can see
3 from the minutes that Mr. Krasniqi immediately clarified that:

4 "Their arrest wasn't my issue."

5 Do you see that? You have to answer, Witness.

6 A. Correct. And I believe it was not his issue. And neither did
7 Jakup Kastrati ever said that Jakup Krasniqi had anything to do with
8 his arrest.

9 Q. Thank you. Now, Mr. Krasniqi was then asked whether they were
10 arrested as collaborators, and this is the response Mr. Krasniqi
11 gives:

12 "I don't believe they were taken as collaborators, because I
13 have known Cen Desku well and personally. During that time there was
14 a cease-fire. They were in the LDK, and they had a different policy,
15 and maybe they were considered an obstacle for the KLA, but they
16 weren't taken as collaborators, since we didn't have that
17 information."

18 That's what it says on the transcript. Am I correct, Witness?

19 A. Yes, correct.

20 Q. So you'd agree with me, Witness, wouldn't you, that not only
21 Jakup Krasniqi did not accuse Jakup Kastrati and Cen Desku of being
22 collaborators, he categorically excluded that, didn't he?

23 A. Correct. For reasons that are evident here. He knew Cen Desku
24 when he worked as a teacher at the elementary school, and
25 Jakup Krasniqi worked as a professor.

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1 Q. Yes. Now, turning now to Ramiz Hoxha and Selman Binishi.

2 MS. V. ALAGENDRA: If we could move to page ending 068090,
3 please, in both versions. If we could scroll down to the bottom,
4 please, in both.

5 Q. And if you could look at the second-last question on the page at
6 the bottom which starts off with:

7 "Did you hear about the killing of Selman Binishi and Ramiz
8 Hoxha?"

9 Do you see that, Witness?

10 A. Yes.

11 Q. If you could take a minute to just look at that question and
12 answer, please.

13 A. I read it.

14 Q. Now, when asked about the killing of Ramiz Hoxha and Selman
15 Binishi, Jakup Krasniqi's evidence is that he heard about it after
16 the war; am I correct?

17 A. Correct.

18 Q. And what he says is:

19 "... both then and now I am saying that the killing of every
20 Albanian was regrettable. In the war we organised against the army
21 and the police, not against civilians, be they the Serbs or
22 Albanians; that is, we didn't deal with innocent people."

23 That was his evidence. Do you see that?

24 A. Yes.

25 Q. Again, Mr. Krasniqi did not say that Ramiz Hoxha and Selman

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1 Binishi were collaborators, did he, Witness? He did not say that.

2 A. Correct. He didn't. We can see it here.

3 MS. V. ALAGENDRA: Now, I would like to take you to another
4 passage. If we could turn to page ending 68093, please.

5 Q. And I'm going to be reading from the middle of the second
6 paragraph at the top, Witness. In relation to Ramiz Hoxha and Selman
7 Binishi, Jakup Krasniqi explains, he says:

8 "The General Staff doesn't take responsibility for individual
9 killings that may have been done at that time for personal reasons.
10 I want to say a few words for the families of the injured parties and
11 Fatmir Limaj. I am convinced that Fatmir Limaj was not responsible
12 for those killings, since as far as I know one of them [who is a]
13 fellow villager, while the other was from a neighbouring village,
14 where he also has an uncle nearby, and so neither I nor Fatmir nor
15 the General Staff was involved with [the] villagers. He adds that
16 they had masks; I went without a mask since 12 June 1998, and in fact
17 we went public and from that moment on no one in the KLA had to use
18 masks, and if masks were used this was contrary to the KLA."

19 Do you see that, Witness?

20 A. Yes.

21 Q. Again here Mr. Krasniqi does not say that Ramiz Hoxha and Selman
22 Binishi were collaborators; am I correct?

23 A. Correct. You're right.

24 Q. I'd like to now move to another topic. During your preparation
25 session last week with the Prosecution, you were shown a communiqué

1 dated 25 June 1998 to which you responded that you do not remember
2 this specific communiqué, but this is generally the kind of
3 information that was reported in them. You then went on to say:

4 "... there were inaccuracies in the KLA communiqués.

5 Specifically: (i) KLA successes against the Serb forces would be
6 exaggerated ..."

7 Do you recall saying that, Witness?

8 MR. HALLING: In fairness to the witness, there is two points of
9 inaccuracy. We'd ask that the whole paragraph be read.

10 PRESIDING JUDGE SMITH: Yes, please.

11 MS. V. ALAGENDRA: I'd be happy for my learned friend to take it
12 on in redirect, Your Honours.

13 PRESIDING JUDGE SMITH: You can use it now, the whole paragraph.

14 MS. V. ALAGENDRA:

15 Q. And there's a second part to that paragraph which says:

16 "... the communiqués were incomplete in that they did not fully
17 report on the successes Gani Krasniqi and Isni Kilaj had in the
18 Malisheve free zone."

19 Yes? Now, I'm focusing on the first part where you speak about
20 the exaggerations and inaccuracies in the communiqués. Yes?

21 A. Correct. This is what I think.

22 MS. V. ALAGENDRA: If we could have P295 on the screen, please.

23 Q. And while that's coming up. Witness, you left Kosovo and the
24 KLA in September 1998 when you went to Slovenia; am I correct?

25 A. Yes, correct.

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1 Q. And you were able to witness the Serbian offensive in Rahovec,
2 Llapushnik, and Malisheve in July 1998; am I correct?

3 A. Correct.

4 Q. And you described this time, in 2019 when you spoke to the
5 Prosecution, you described this as a time of total chaos, didn't you?

6 A. And that was how it was.

7 Q. And it's true, isn't it, Witness, that the KLA was defeated in
8 all these locations and its structures were severely impacted?

9 A. Correct. And it's best described in the international press.
10 There was no -- at the time, there was no KLA presence.

11 Q. Right. I'm now looking at another communiqué on the screen, and
12 it is from *Zeri i Kosoves*, 8 October 1998, and it's title "Communiqué
13 ... 57."

14 Could I take you to the seventh paragraph of that document,
15 please?

16 MS. V. ALAGENDRA: Maybe we need to make it larger in the
17 Albanian version, please.

18 THE WITNESS: [Interpretation] 57.

19 MS. V. ALAGENDRA:

20 Q. If I can read to you what the seventh paragraph says, it says:
21 "During it's entire three-month offensive," referring to July,
22 August, and September 1998, "the enemy managed to cause immense
23 emotional pain and immeasurable damage to the Albanian people;
24 however, they still were not able to inflict any serious damage to
25 the military formations of the KLA."

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1 Now, from what you know, Witness, the KLA was defeated. You've
2 just confirmed that; yes?

3 A. Correct.

4 Q. So it wasn't true, was it, that the Serbian offensive was not
5 able to inflict any serious damage to the military formations of the
6 KLA?

7 A. These communiqués were prepared sitting on some comfortable
8 sofas in some Western countries, but they do not correspond with the
9 reality.

10 Q. Yes. And this would be one of the occasions when they were
11 exaggerating, what you've described as exaggerations; correct?

12 A. That's what I think.

13 Q. Thank you very much, Witness. Yeah, thank you very much.

14 MS. V. ALAGENDRA: That's all, Your Honours.

15 PRESIDING JUDGE SMITH: Thank you, Ms. Alagendra.

16 Redirect?

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

18 Re-examination by Mr. Halling:

19 Q. Witness, I just have a few additional questions following those
20 that you were asked by the Victims and Defence teams, and I actually
21 just wanted to go back to some of your prior statements in relation
22 to some of them.

23 MR. HALLING: If we could please put on the screen P1694.2, page
24 29 in the English, and then pages 32 at the bottom and page 33 in the
25 Albanian.

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1 Q. And as this is being pulled up on the screen, you remember being
2 asked questions by the Thaci and the Veseli Defence about reporting
3 and rank in the early days of the KLA and volunteers and discipline
4 within the KLA. Do you recall these questions?

5 A. Yes.

6 Q. And so on this part of the statement here --

7 MR. HALLING: And, apologies, the quote is not matching. Why
8 don't we do it this way, I'll read the quote into the record.

9 Q. So you were asked by the SPO:

10 "Mr. Rrahmanaj, you said a few times that because the KLA was a
11 volunteer army, there wouldn't be significant consequences for
12 violations of some of the codes of conduct we discussed."

13 And your answer was:

14 "Well, I meant the misconduct within. You know, with each
15 other. Not if there was a misconduct in terms of towards the
16 civilians or something else. We had to stop them and we had to take
17 the weapons off them."

18 Is that correct?

19 A. That's correct.

20 MR. HALLING: And why don't we just move on then to the next
21 one, which would be Part 4. This would be P1694.4, page 8 in the
22 English and page 9 in the Albanian.

23 Q. Now, Witness, you were asked certain questions by the Thaci
24 Defence in relation to the LDK office order that you discussed in
25 your SPO interview, and you said in your SPO interview that this was

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1 issued on behalf of Gani Krasniqi; is that right?

2 A. Yes.

3 Q. And you say on the page here that -- you were asked:

4 "I thought you were saying something before. I asked you about
5 what would happen if you refused an instruction from Gani Krasniqi,
6 and I thought you said something to the effect of, 'I could leave the
7 KLA'?"

8 And you answered:

9 "They would have taken my weapon away. I would have had to
10 leave the KLA. I joined voluntarily and I left voluntarily at the
11 end."

12 Is that correct?

13 A. That's correct.

14 Q. You were also asked questions about people taking revenge, and
15 you were also asked questions about revenge in relation to the Serb
16 family at Malisheve. In your prep note - and this is at P1695,
17 paragraph 25 - you said that you were "concerned that other KLA
18 members or civilians may hurt the Serb family at Malisheve. Many in
19 the area had lost family members because of the Serbs and could have
20 wanted revenge."

21 Were your concerns extended to KLA members and civilians hurting
22 the civilians at Malisheve?

23 A. Yes, I feared that at the time.

24 Q. And the women in that Serb family that you spoke to, did they
25 tell you that they didn't know where the men in their family were?

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1 A. They initially said that they don't -- didn't know where they
2 were. I told them that they were in Malisheve at the headquarters of
3 the Lumi unit. And, secondly, they didn't talk about their husbands.
4 Most certainly they were afraid of -- for their children, they feared
5 for their children and themselves.

6 Q. Now, you said this last week - and this is P1695, paragraph 26 -
7 that on the third of the three days you were taking care of the
8 women, the women did mention that they had been separated from their
9 men and did not know where they were. You had no information as to
10 which KLA soldiers brought these women to Malisheve or how they were
11 brought. Is that still your evidence?

12 A. Yes.

13 MR. HALLING: Now, staying within this interview part, but now
14 going to page 11 in the English and page 13 in the Albanian.

15 Q. In this part of your SPO interview, you're being asked questions
16 about collaborators and talking about:

17 "You said you did have suspicions of people; is that correct?"

18 MR. HALLING: And this is on page 11, starting at line 18. So
19 scrolling down on the English.

20 Q. "You said [did you] have suspicions of people; is that correct?"

21 And you said:

22 "No, we didn't because --

23 "Okay.

24 "-- if we did, we would have, you know, spoken to them, told
25 them off, [and] beaten them up. That's why we are such kind people

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1 or rather such respected people in the community where we live,
2 because of this, because of how we behave."

3 Is that correct? Is that what would have happened?

4 A. That's correct.

5 MR. HALLING: And now if we go to page 12 in the English and
6 page 13 in the Albanian.

7 Q. The SPO interviewer is further clarifying this point with you
8 and says:

9 "I want to know both. I want to know who is being accused of
10 being collaborators, and I know to know who they actually believe are
11 collaborators, real collaborators. This is a war, so presumably
12 there are some people who are actual collaborators, and there are
13 some people who are wrongly accused."

14 And you begin your answer like this:

15 "The first ones, the first group, the ones that were real
16 collaborators, they didn't wait for the KLA to become public. You
17 have plenty of them. They still live in Serbia even today. They
18 left early on. But you have injustices that have taken place."

19 When did the KLA become public in your area?

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 THE WITNESS: [Interpretation] I don't receive interpretation.

22 MR. HALLING: Just one moment for that to be resolved, and I'll
23 ask my question again.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 THE WITNESS: [Interpretation] That's fine.

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1 PRESIDING JUDGE SMITH: Can the interpreter interpret what I'm
2 saying so we can test?

3 THE WITNESS: [Interpretation] Yes, yes.

4 PRESIDING JUDGE SMITH: [Microphone not activated].

5 MR. HALLING: Thank you. And I took advantage of the small
6 break to correct the citation from the beginning of my redirect. The
7 first quote that I read was from P1694.2, page 29.

8 Q. But getting back to where we were. Witness, I'll ask my
9 question again. I read to you a comment from your SPO interview.
10 Would you like me to re-read that?

11 A. No, there's no need to.

12 Q. So you talk about the real collaborators left. They didn't wait
13 for KLA to become public. When did the KLA become public in your
14 area?

15 A. On 16 June 1998.

16 Q. And is what you say here about the real collaborators not
17 waiting for that date, is that still correct?

18 A. Yes, this is my opinion. This is how I believe it to be.

19 MR. HALLING: And, finally, if we can put P795 on the screen.

20 Q. Witness, you were asked several questions by the Krasniqi
21 Defence about Jakup Krasniqi's testimony, and you talk in your SPO
22 interview about what Jakup Kastrati told you of what Jakup Krasniqi
23 said in The Hague. And this is part of the transcript that was read
24 to you in your preparation session last week.

25 MR. HALLING: And if we could please go to page 3397 of this

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1 transcript. And because it's in English, I'll read, just as last
2 week, the relevant parts into the record. 3397 is the page.

3 Q. Now, in the top of the page you're asked by the prosecutor --
4 Mr. Krasniqi, rather, is asked by the prosecutor:

5 "Did you hear anything at the time about the arrest of
6 Jakup Kastrati and Cen Desku?"

7 And then Jakup Krasniqi's answer is in relevant part:

8 "Special war was mentioned here. It is true that at that time
9 [a] special war was waged by certain individuals and not only those
10 people who are armed -- who had joined the army, but there were
11 civilians as well because there were even in the KLA there were
12 former officers of the Yugoslav Army who had been part of the Secret
13 Service of the Yugoslav army. There were people who had been
14 punished or charged with criminal offences. And I would ... like to
15 say that after the summer offensive these people, they were -- they
16 handed over to the enemy 5.000 or 6.000 weapons."

17 And then it continues later down the same page:

18 "And there were people who asked for handing over -- the handing
19 over of guns in Malisevo. And this was done by," it says, "Januz
20 Kastrati and Cen Desku. And in the beginning it was suspected that
21 these had made an appeal to several soldiers to hand over their
22 weapons."

23 Witness, is that part of Jakup Krasniqi's testimony that
24 informed what you said in the preparation note last week?

25 A. Yes.

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1 MR. HALLING: And if we now go to the next page, which would be
2 page 3398, and if we scroll further down towards the bottom.

3 Q. Now Jakup Krasniqi is talking about -- I'll just actually read
4 the full question and answer. Jakup Krasniqi is asked:

5 "The article also refers to the execution of Selman Benici from
6 Baje and Ramiz Hoxha from Bellanice. Did you hear anything about
7 that happening at the time? Were you informed about that as KLA
8 spokesman and member of the General Staff?"

9 And Jakup Krasniqi's answer is:

10 "I think the word 'execution' here has been used in another
11 sense of the word. They must have been killed according to the
12 information I had, but they were -- they were giving information to
13 the force -- to the Serbian forces in Malisheve."

14 And was that also read to you last week in the preparation
15 session?

16 A. Yes.

17 Q. And in Preparation Note 2, paragraph 7, it says:

18 "As concerns Jakup Krasniqi's testimony about Ramiz Hoxha and
19 Selman Binishi, this is consistent with what Jakup Kastrati told
20 [you]. What Jakup Krasniqi says about Hoxha and Binishi - in [your]
21 opinion - is untrue."

22 Correct?

23 A. Correct.

24 MR. HALLING: Nothing further.

25 PRESIDING JUDGE SMITH: Judge Barthe.

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Questioned by the Trial Panel

1 JUDGE BARTHE: Thank you.

2 Questioned by the Trial Panel:

3 JUDGE BARTHE: Good afternoon, Witness.

4 A. Good afternoon.

5 JUDGE BARTHE: I hope you can hear me all right.

6 A. Yes, I can.

7 JUDGE BARTHE: Thank you. I have one or two questions in
8 relation to Mr. Fetah Rudi who, according to your statement, was both
9 a KLA and an LDK member during the war and also a friend of yours.

10 You told us earlier today that another reason why Mr. Rudi was
11 arrested and detained by the KLA was a dispute about the distribution
12 of humanitarian aid. And this was in response to a suggestion by the
13 Thaci Defence on page 80 of our realtime transcript, lines 8 to 18.

14 First of all, do you remember saying this earlier today?

15 A. I first replied with yes, because that's what the Thaci Defence
16 said, and I mentioned that this was information that I acquired from
17 others.

18 JUDGE BARTHE: Exactly the case. According to our transcript,
19 you actually said that it was said that there was a disagreement
20 about the distribution of humanitarian aid.

21 Now, what I would like to know from you is who told you that the
22 reason or one of the reasons why Mr. Rudi was taken was a
23 disagreement about the distribution of humanitarian aid? Who told
24 you this?

25 A. It was used by others whose names I don't have. However, what I

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1 said is based only on what Mr. Rudi said. And this is what I heard
2 but not -- I cannot give you a particular name from whom.

3 JUDGE BARTHE: Just to be clear about this. Mr. Rudi didn't
4 tell you that he was arrested because of a disagreement about the
5 distribution of humanitarian aid, did he?

6 A. Correct, he didn't.

7 JUDGE BARTHE: Thank you. Those were my questions.

8 PRESIDING JUDGE SMITH: [Microphone not activated].

9 JUDGE METTRAUX: Thank you, Judge Smith.

10 And good afternoon, Witness. I have a few questions for you as
11 well. The first couple have to do with Haxhi Shala. First, are you
12 aware or can you confirm that he is a relative of Fatmir Limaj?

13 A. He comes from the same village.

14 JUDGE METTRAUX: I'll just repeat. Are you aware that they are
15 nephew and uncle? Are you able to confirm that?

16 A. No, I don't have any information to confirm that.

17 JUDGE METTRAUX: Back to my first question. Are you aware that
18 they are relatives?

19 A. It is said so, but I cannot be 100 per cent accurate on this
20 because I don't have close contacts with them.

21 JUDGE METTRAUX: Now, you've been asked quite a few questions
22 about the meeting in June or July 1998 between the Lumi and Celiku
23 unit where tensions were being ironed out. Do you recall those
24 questions?

25 A. I believe I do.

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1 JUDGE METTRAUX: My first question is was this meeting
2 successful in resolving these tensions between the two units?

3 A. I believe it was. At least it had a positive effect.

4 JUDGE METTRAUX: And after that meeting, were members of the two
5 units cooperating to a greater degree to your knowledge?

6 A. I think we were more respected by them, especially us who were
7 military police officers in Malisheve.

8 JUDGE METTRAUX: Any more problems between the two units after
9 that meeting that you're aware of?

10 A. No, I'm not aware of any.

11 JUDGE METTRAUX: Now, you were asked questions by both the
12 Krasniqi Defence and now just by the Prosecutor about Jakup Kastrati,
13 and I just have a couple of follow-up questions on this.

14 In preparation number 2 of last week, that's page 2, paragraph
15 8, you are recorded as saying the following:

16 "A person could be considered a traitor for encouraging KLA to
17 surrender their weapons to the Serbs ..."

18 Do you recall saying that to the SPO?

19 A. Yes, I do. And I replied to that question and I gave my
20 opinion, because the question was what my opinion was on that issue.

21 JUDGE METTRAUX: And you added, again in your words, that "it is
22 entirely untrue that Cen Desku or Jakup Kastrati did any such thing."
23 Is that what you told the SPO and do you stand by it?

24 A. Yes, that's what I told the SPO and I stand by it.

25 JUDGE METTRAUX: I have two other sets of questions, and I want

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1 to be sure that I understand your evidence correctly. The first one
2 has to do with the closing down of the LDK office in Malisheve. Do
3 you recall these questions?

4 A. Yes, I do.

5 JUDGE METTRAUX: Did I understand your evidence correctly that,
6 in your understanding, the KLA was asking the LDK to get out of their
7 offices because the KLA needed that space? Did I understand that
8 correctly?

9 A. Yes, that's how it was and how it is.

10 JUDGE METTRAUX: So when the LDK moved out, did the KLA move in
11 those offices as far as you know?

12 A. We did not manage to actually move, but we did start with the
13 renovations.

14 JUDGE METTRAUX: So the answer to my question is no, the KLA did
15 not move in; is that correct?

16 A. Correct. With the exception of the military police. The three
17 of us started to use it as an office.

18 JUDGE METTRAUX: And when did you start to use it as an office,
19 if you can recall the approximate date?

20 A. I believe it was around 25th to 30th June. It was only for five
21 or six days, not longer than that.

22 JUDGE METTRAUX: And then you moved out again; correct?

23 A. It's not that we moved out. The office was still there in use,
24 but because of the works, we could not access it.

25 JUDGE METTRAUX: So let me ask you the question did you and/or

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1 other members of the military police of the KLA ever move back in
2 that office after the renovation?

3 A. The renovations were never completed. The Rahovec battle was
4 going on, and Malisheve then fell into the hands of the Serbs.

5 JUDGE METTRAUX: So you did not move back in; correct?

6 A. We didn't.

7 JUDGE METTRAUX: Now, I want to be sure that I understand your
8 evidence correctly about the power and the roles of the military
9 police to which you belonged. Do I understand it correctly that your
10 evidence is that your role as military police was purely of an
11 advisory nature?

12 A. That's correct.

13 JUDGE METTRAUX: So in case you or your colleagues, Jakup Hoti
14 and your other colleague of the military police, were to witness a
15 member of the KLA violating or mistreating a civilian, what step
16 would you take to address such matters, if any?

17 A. Of course, we would first advise them not to repeat that.

18 JUDGE METTRAUX: So if your advice is not taken and the KLA
19 member in question continues to mistreat the civilian in question,
20 there was nothing more you could do other than to advise? Is that
21 your evidence?

22 A. In addition, we would contact their family, their parents, and
23 we would ask them to give their contribution to avoid any repeating
24 of such actions. But we did not have such incidents.

25 JUDGE METTRAUX: And in your account, if I understand you

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1 correctly, you did not have the power to arrest such individuals. Do
2 I understand that correctly?

3 A. That's correct.

4 JUDGE METTRAUX: Thank you.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 JUDGE GAYNOR: Thank you, Judge Smith.

7 Mr. Witness, I'd like to return to the order.

8 Perhaps, Madam Court Officer, you could bring it up. It's
9 1D00006. And this is the order that we've just been discussing about
10 the office space.

11 Now, when this document appears on your screen, you'll see that
12 it says -- you'll see that it says in the first paragraph --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 JUDGE GAYNOR: Sure.

15 THE WITNESS: [Interpretation] Yes, I can see it.

16 JUDGE GAYNOR: You can see it says:

17 "All the offices in use by the political party's, organisations
18 and all other offices on the third floor must be vacated."

19 Now, apart from the LDK, what other political parties had
20 offices on the 3rd floor?

21 A. There were no other political parties politically active in
22 Malisheve, but there were offices of the Council for the Protection
23 of Human Rights and Freedoms. There were offices of Mother Teresa
24 Association. And this is what all other political parties and
25 organisations refers to.

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1 JUDGE GAYNOR: Now, in the end you just needed office space for
2 three of you, I think you've said. Were there other offices on other
3 floors of the building that you could have used?

4 A. Yes, but there were also other offices that needed repair.

5 JUDGE GAYNOR: And were there other buildings in the vicinity
6 that the KLA could have used for office space?

7 A. No, because this was the only socially owned building. And the
8 offices of Lumi unit were located in a privately owned building.

9 JUDGE GAYNOR: And why is it relevant that you had to work in a
10 socially owned building?

11 A. Because there was also a private business that needed the
12 premises.

13 JUDGE GAYNOR: You said at page 12 of P1694.2, you said:

14 "... there was a big office on the 3rd floor where the LDK ...
15 operated and we needed smaller offices."

16 It appears from everything you've said that this order is
17 specifically targeting the office of the LDK. Would you agree with
18 that?

19 A. No, it had not to do only with the LDK offices. I mentioned two
20 other organisations who also had to vacate their offices.

21 JUDGE GAYNOR: Now, you see also the sentence which is under
22 number II, which says:

23 "The keys must be handed within one day otherwise the offices
24 will be demolished ..."

25 We'll stop there for a moment. Now, I think you've given

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1 evidence, you've said that the language used in the order is "not
2 just a little bit over the top. It's hugely over the top," is what
3 you said, if the intention is to get access to office space. Do you
4 remember saying that to the SPO?

5 A. Yes, I said that.

6 JUDGE GAYNOR: So if the intention is simply to get access to
7 office space for three military policemen, it does seem extraordinary
8 to threaten to demolish those offices if they are not vacated within
9 one day.

10 A. That is why I said that the language was a bit exaggerated.

11 JUDGE GAYNOR: So you were asked earlier today at pages 85 to
12 86, the question was:

13 "You said that you understood that essentially it was an issue
14 of office space, that the KLA needed that space, and so the political
15 parties had to vacate their offices. Do you remember that?"

16 And your answer:

17 "Yes, because this was a socially owned premise."

18 Do you continue to believe that this decision had nothing to do
19 with targeting the LDK offices in that building?

20 A. Correct. That is what I thought and believed then and that is
21 what I believe now, that that was not the focus.

22 JUDGE GAYNOR: I think you also said in your SPO interview that
23 the LDK went on to continue activities in a private building; is that
24 correct?

25 A. That's correct. That's how it was.

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1 JUDGE GAYNOR: And where is that private building?

2 A. 30 metres away from this building, and the owner of those
3 premises was a member of the LDK leadership.

4 JUDGE GAYNOR: And, finally, one point of clarification about
5 the socially owned status of this building. Until the KLA ejected
6 the LDK from this, the municipal authorities had been perfectly happy
7 to have the LDK operate an office in that building; is that correct?

8 A. Malisheve as a municipality did not function at that time. The
9 villages of Malisheve were distributed to three different
10 municipalities - to Kline, Suhareke, and Rahovec municipalities, that
11 is - and there was no municipal authorities present there.

12 JUDGE GAYNOR: Who controlled access to this building?

13 A. In the beginning, the LDK as an authority and the other
14 organisations and associations. And we asked for the offices because
15 it was owned -- it was a socially owned building. It was in the
16 ownership of the municipality.

17 JUDGE GAYNOR: But the municipality had tolerated the presence
18 of the LDK in that building; is that not correct?

19 A. That's correct.

20 JUDGE GAYNOR: I've no further questions. Thank you, sir.

21 PRESIDING JUDGE SMITH: Any follow-up questions from the
22 Prosecution?

23 MR. HALLING: None, Your Honour.

24 PRESIDING JUDGE SMITH: Mr. Laws?

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

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 MS. TAVAKOLI: Yes, thank you.

3 Further Cross-examination by Ms. Tavakoli:

4 Q. I want to talk about this building. Now, it's not correct,
5 firstly, Judge Gaynor's question, that the office space was only
6 intended to be used by three police officers. That's not correct, is
7 it, because it was also intended to be used by the civil public
8 directorate of Malisheve, i.e., the organisation that Gani Krasniqi
9 was appointed to head up; correct?

10 A. Correct. And that's why the separation began.

11 Q. And Gani Krasniqi left for Albania around 11 July; correct?

12 A. Correct.

13 Q. Now, you've said that after the KLA took control of -- this
14 letter was dated 10 July; correct?

15 A. Correct.

16 Q. And this is in relation to Judge Mettraux's questions,
17 specifically his question that you never moved in, which you said you
18 didn't move in, the KLA, I mean. Now, after it was vacated
19 renovations started; correct?

20 A. Yes. It was a larger space and it was then divided into smaller
21 offices.

22 Q. And the reason, would you agree with me, that the KLA never
23 moved in was because of the Serbian offensive?

24 A. That's correct.

25 Q. There was the Rahovec battle on 17 July, and about eight to ten

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Further Cross-examination by Ms. Tavakoli

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1 days later you have the Serbian offensive; correct?

2 A. That's correct.

3 THE INTERPRETER: The interpreter did not hear the first part of
4 the answer.

5 MS. TAVAKOLI:

6 Q. Could you repeat the first part of your answer, please?

7 A. Yes. It is correct that during that period, after seven or
8 eight days, the Serb forces entered Malisheve, and we never got to
9 use the offices.

10 Q. So you stand by your evidence that the intention was to move in
11 which was why the offices were vacated; correct?

12 A. Correct.

13 Q. But because this was a war and a fluid, fast-moving situation
14 and there was an attack and a battle, you were not able to; correct?

15 A. Correct.

16 Q. Thank you.

17 MS. TAVAKOLI: No further questions.

18 PRESIDING JUDGE SMITH: Thank you.

19 MR. DIXON: Nothing further.

20 MR. ROBERTS: Nothing from me, Your Honour.

21 PRESIDING JUDGE SMITH: All right.

22 MS. V. ALAGENDRA: No questions, Your Honour.

23 PRESIDING JUDGE SMITH: All right.

24 Witness, your testimony is completed. You said you wanted to
25 make a comment. We can give you just two minutes. Please do not

1 address the accused. Please do not start new testimony on things
2 you've already been asked.

3 You said you had a complaint and had a question about the
4 procedure. Go ahead and say that.

5 THE WITNESS: [Interpretation] Thank you, Your Honour.

6 First of all, greetings to you. However, I also greet the
7 accused, who come from my country, who left leading positions in
8 their country.

9 You reminded me of this although this was not a question. I
10 have a concern regarding my trip, my travel, and that of other people
11 who are coming to testify in this Court.

12 PRESIDING JUDGE SMITH: Let's go into private session for this.

13 [Private session]

14 [Private session text removed]

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Witness: Ahmet Rrahmanaj (Private Session)

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Procedural Matters

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23 [Open session]

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

25 MR. ROBERTS: Your Honour, actually, very briefly just before we

1 leave. Obviously, the hearing tomorrow afternoon, it's my client's
2 intention to remain back at the detention unit because it's a legal
3 discussion. I just wanted to flag that up and basically verify that
4 that's acceptable to the Panel with the waiver that we'll file this
5 afternoon, of course.

6 PRESIDING JUDGE SMITH: Yes, it's perfectly acceptable if they
7 don't want to be here for that. I don't blame them. And just make
8 sure you have the waiver on file so that we're clear.

9 MR. ROBERTS: We'll get it filed this afternoon. Thank you,
10 Your Honour.

11 PRESIDING JUDGE SMITH: Thank you.

12 MS. TAVAKOLI: Sorry.

13 PRESIDING JUDGE SMITH: Yes, Ms. Tavakoli.

14 MS. TAVAKOLI: It's a matter of housekeeping. I noticed - I
15 don't know if it's too late in the day - that I spoke over the
16 interpreter at one point, and that's 88.1. I said "nobody could stop
17 you," and those words "stop you" aren't in the transcript. I don't
18 know if I should write --

19 PRESIDING JUDGE SMITH: [Microphone not activated] ... with the
20 Registry -- you can do this with the Registry's ...

21 MS. TAVAKOLI: Thank you. And I'll speak to my learned friend
22 just to confirm --

23 PRESIDING JUDGE SMITH: Okay.

24 MS. TAVAKOLI: -- he remembers me saying that.

25 PRESIDING JUDGE SMITH: Okay. Thank you.

1 MS. TAVAKOLI: Thanks.

2 PRESIDING JUDGE SMITH: So we'll be adjourned until 2.30
3 tomorrow for a Status Conference. That's all.

4 We're adjourned.

5 --- Whereupon the hearing adjourned at 4.27 p.m.

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