

Redactions applied pursuant to F2133RED.

1 Monday, 6 November 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Before we start the hearing, the evidence -- before we start the
13 hearing of the evidence of Prosecution Witness W03825, there is a
14 preliminary issue the Panel wishes to deal with; namely, the issue of
15 the publicity of the proceedings.

16 The Panel recalls that last May it ordered the parties and
17 participants to engage in *inter partes* discussions and to submit
18 proposals on concrete steps that could be taken to ensure a greater
19 degree of publicity of the proceedings.

20 The Specialist Prosecutor, the Defence, and Victims' Counsel
21 filed helpful submissions on 31 May and 1 June 2023.

22 On 30 October 2023, the Panel proposed a procedure for the
23 post-testimony review of private sessions of transcripts of hearings.
24 That day, the Panel granted the parties and the participants some
25 time to consider these proposals. Following on from this, the SPO

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1 proposed a revised procedure for the post-testimony review of
2 transcripts, and I believe it was mentioned favourably by
3 Mr. Emmerson a week ago.

4 The Panel would now like to hear the parties' and participants'
5 views on these proposals, starting with the Prosecution.

6 MR. HALLING: Thank you, Your Honour. As the Court is aware, we
7 sent the revised proposal on 1 November 2023 at 6.00 p.m. We have
8 nothing to add beyond what we've indicated in that proposal.

9 PRESIDING JUDGE SMITH: Mr. Kehoe.

10 MR. KEHOE: Yes, Your Honour. I had communicated with
11 Mr. Halling that, as his proposal goes, we have no objection to it.

12 I, of course, have the larger objection, which is, you know,
13 this -- what we're doing here is not open and is closed and nobody
14 can follow this. And whether or not this procedure, you know,
15 augments that problem or alleviates it, I do believe that it's not
16 going to help at all because, you know, we have closed session after
17 closed session, and people going back and reviewing these
18 transcripts, redacted or unredacted. I think the likelihood of
19 people going back to do that, absent academics, is remote. It's just
20 not going to happen. So if we engage in this as we moved forward,
21 we're just perpetuating the problem.

22 PRESIDING JUDGE SMITH: Thank you.

23 MR. KEHOE: And I'm not taking issue with what Mr. Halling has
24 put on the table. I'm taking issue with how we, collectively,
25 Your Honour, are handling this problem. We have to be in a situation

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1 where the public understands at the time it's happening what's
2 happening, and we are not close to that, putting aside the particular
3 witness that may be testifying today.

4 We need to go back to the witnesses that are coming up and take
5 a very, very hard look as to whether or not those witnesses merit
6 protective measures. It's hard for me to believe that we have a
7 situation where, for instance, one of the early witnesses who didn't
8 have protective measures and he comes in and says, well, I'm I
9 uncomfortable about it and gets --

10 PRESIDING JUDGE SMITH: Mr. Kehoe, shorten it up a bit.

11 MR. KEHOE: Yes. And I don't disagree with this procedure. I
12 think all of us disagree with the fact that we continue to perpetuate
13 a problem of non-disclosure of these proceedings. Thank you.

14 PRESIDING JUDGE SMITH: Thank you.

15 Mr. Emmerson.

16 MR. EMMERSON: We're entirely happy with the revised proposal as
17 the best that can be achieved. The only slight amendment I'd invite
18 Your Honours to consider is that, with the Court's permission, the
19 parties, in this case it will be the Defence, should have liberty to
20 apply to the Court to seek a further de-redaction if relevant
21 material becomes apparent to us.

22 In other words, if the situation changes, that we should have
23 the right to come back and ask for particular redactions to be lifted
24 if there's a good enough reason to persuade you that that ought to be
25 considered.

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1 PRESIDING JUDGE SMITH: Thank you, Mr. Emmerson.

2 MR. TULLY: Good morning, Mr. President.

3 PRESIDING JUDGE SMITH: Mr. Tully.

4 MR. TULLY: Good morning, Mr. President, Your Honours. We have
5 already agreed to the proposal by the Prosecution by e-mail, and I
6 have nothing to add. Thank you.

7 PRESIDING JUDGE SMITH: Thank you.

8 Mr. Ellis.

9 MR. ELLIS: Yes, nothing further to add, Your Honours. We've
10 also indicated our agreement.

11 PRESIDING JUDGE SMITH: All right. We will -- oh, I'm sorry.
12 Go ahead, Mr. Laws.

13 MR. LAWS: Yes, Your Honour. We've also indicated our
14 agreement, and we're content with the Prosecution's proposals. We're
15 doing this process in Case 04 as well, so we've had experience of it.
16 It is very time-consuming. And if I speak frankly, I would say we
17 were concerned about the turnaround time for the party receiving the
18 Prosecution's or the calling party's redactions, which was three
19 days. We would submit that that's not really going to be long
20 enough, and the SPO's proposal is much more sensible, we would say.

21 PRESIDING JUDGE SMITH: Thank you very much. We will consider
22 this and enter an oral order hopefully yet today.

23 I note that Mr. Krasniqi is appearing via videolink, and the
24 other accused are all present in court.

25 Today we start the hearing on the evidence of Prosecution

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1 Witness W03825.

2 Madam Court Officer, please bring the witness in.

3 MS. MAYER: Your Honour, before we do that, if I may. In the
4 e-mail to the parties and the Panel, there was a request for a
5 consideration of a special measure, which I know I included, I just
6 wanted to make sure that, if the Court wanted to address it, that we
7 did so before we brought the witness in. And if you would like
8 further discussion, I would just request that we go to private
9 session.

10 PRESIDING JUDGE SMITH: Has an application been made?

11 MS. MAYER: It was simply a notification since it's a special
12 measure. It's not a protective measure. And it was communicated in
13 the e-mail that was sent, the *inter partes* e-mail with the
14 preparation note.

15 So if we could move to private session, I can very briefly
16 explain the situation --

17 PRESIDING JUDGE SMITH: All right.

18 MS. MAYER: -- and --

19 PRESIDING JUDGE SMITH: Into private session, please. Briefly.

20 ~~(Private session)~~ [Open Session] Reclassified pursuant to F2133RED

21 THE COURT OFFICER: Your Honour, we're in private session.

22 PRESIDING JUDGE SMITH: All right.

23 Go ahead, Madam Prosecutor.

24 MS. MAYER: Thank you, Your Honour.

25 This witness indicated when he arrived -- when he was preparing

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1 to come to The Hague and then when he arrived in The Hague, that he
2 was interested in testifying in closed session. We advised him of
3 the standard, sought the specifics of why he was making such a
4 request, and after having multiple conversations, which have all been
5 disclosed, we have not made an application for protective measures in
6 this situation.

7 The witness has previously spoken publicly about this incident
8 and publicised the fact that he was coming here as a witness last
9 Friday -- or a week ago Friday.

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 We could use a code for just that one individual and keep
17 everything in open session, but I did want to raise it to the Court's
18 attention. [REDACTED]

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Can you hear us now?

21 SECURITY OFFICER: [via videolink] Yeah, but he is waiting for
22 the translator.

23 [Trial Panel and Court Officer confers]

24 PRESIDING JUDGE SMITH: Could the translators please say
25 something so we can see if that is getting through.

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1 [Trial Panel and Court Officer confers]

2 PRESIDING JUDGE SMITH: Mr. Krasniqi, can you hear?

3 SECURITY OFFICER: [via videolink] Yeah, he can hear you but he
4 can't speak English.

5 [Trial Panel confers]

6 [Technical difficulties]

7 PRESIDING JUDGE SMITH: Madam Court Officer, what's the status
8 with the audio?

9 [Trial Panel and Court Officer confers]

10 PRESIDING JUDGE SMITH: Could somebody from the translators
11 speak so we can test.

12 THE ACCUSED KRASNIQI: [via videolink] [Interpretation] Yes, I
13 can hear you now. Yes.

14 PRESIDING JUDGE SMITH: Thank you very much.

15 All right. Court Officer, you may bring the witness in.

16 MR. MISETIC: Mr. President, if I may just briefly. As I
17 understand, procedurally, the Prosecution is not -- the witness has
18 requested of the Prosecution protective measures, and the Prosecution
19 is not making that application. But under Rule 80(1), the rule
20 specifically grants a witness personal standing to bring an
21 application.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. MISETIC: Okay. Then we'll make our submissions after that.

24 [The witness entered court]

25 PRESIDING JUDGE SMITH: Good morning, Witness. Can you hear me

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1 or the translator?

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

3 PRESIDING JUDGE SMITH: The Court Usher will now provide you
4 with the text of the solemn declaration which you are asked to take
5 pursuant to Rule 41(1) of the rules. So please read that aloud.

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

10 WITNESS: W03825

11 [Witness answered through interpreter]

12 PRESIDING JUDGE SMITH: Thank you, Witness. You may be seated.

13 Witness, today we will start your testimony which is expected to
14 last approximately three days.

15 As you may know, the Prosecution may ask you questions first.
16 Victims' Counsel will not be asking you questions. Therefore, once
17 the Prosecution is finished, the Defence has the right to ask
18 questions. Members of the Panel might also ask questions of you.

19 The Prosecution estimate for your examination is six hours. The
20 Defence estimates that it will need 9.5 hours. As regards each
21 estimate, we hope that the counsel will be judicious in their use of
22 their time. The Panel may allow redirect examination if conditions
23 for it are met.

24 Witness, please try to answer the questions clearly with short
25 sentences. If you don't understand a question, feel free to ask

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1 counsel to repeat the question or tell them that you don't understand
2 and they will clarify.

3 Also, please try to indicate the basis of your knowledge of
4 facts and circumstances that you will be asked about.

5 In the event 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 Please also speak into the microphone and wait five seconds
10 before answering a question and speak at a slow pace for the
11 interpreters to catch up to you.

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

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

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

21 Do you understand all of this?

22 THE WITNESS: [Interpretation] Yes.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MR. MISETIC: Yes, Mr. President, I just think -- would
16 appreciate a clarification of the record. As I understood the
17 preparation note, the witness had a request for broader protective
18 measures than that.

19 PRESIDING JUDGE SMITH: That's the only one I noticed.

20 But is there anything else you wished to bring up, Witness?

21 MR. MISETIC: And I would just direct the Tribunal's attention
22 to paragraph 4 of the proofing note.

23 PRESIDING JUDGE SMITH: Well, that's -- we'll let him bring it
24 up --

25 MR. MISETIC: Yes.

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1 PRESIDING JUDGE SMITH: -- if he has anything.

2 Is there anything else you wish before starting your testimony?

3 THE WITNESS: [Interpretation] For the moment, I don't have
4 anything else.

5 PRESIDING JUDGE SMITH: [Microphone not activated].

6 Any other record by anyone on this?

7 MR. TULLY: Not from us, Your Honour, no.

8 PRESIDING JUDGE SMITH: Mr. Tully, nothing.

9 Mr. Ellis, nothing.

10 Mr. Emmerson, anything to add to this?

11 Thaci Defence?

12 MR. MISETIC: Mr. President, I don't know if I should be making
13 submissions in the presence of the witness or not on this --

14 PRESIDING JUDGE SMITH: No, you should not.

15 MR. MISETIC: Okay.

16 PRESIDING JUDGE SMITH: Do you wish to make a submission right
17 now?

18 MR. MISETIC: I have a brief submission on the one request
19 that's pending, which is -- I don't think it materially makes a
20 difference in public since it's so well-known anyway.

21 PRESIDING JUDGE SMITH: I'm trying to satisfy his request --

22 MR. MISETIC: Right.

23 PRESIDING JUDGE SMITH: -- not yours.

24 MR. MISETIC: I understand. And I'm making an argument on his
25 request.

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 Madam Court Officer, please take the witness back out of the
3 room for a short time.

4 [Trial Panel confers]

5 [The witness stands down]

6 PRESIDING JUDGE SMITH: [Microphone not activated].

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 PRESIDING JUDGE SMITH: [Microphone not activated].

17 We're trying to avoid being in private session --

18 MR. MISETIC: As am I.

19 PRESIDING JUDGE SMITH: -- throughout this thing.

20 MR. MISETIC: Yes.

21 PRESIDING JUDGE SMITH: We can take this -- what I suggested to
22 him away and just tell him that we will go into private session.

[REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED] And

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1 then on your cross-examination you can handle how you want to go into
2 private session and when.

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 MR. MISETIC: As long as I'm not prevented from saying that.

15 PRESIDING JUDGE SMITH: You're not. No, you're not.

16 MR. MISETIC: Okay, then fine. That's fine. Thank you.

17 PRESIDING JUDGE SMITH: This is one person asked for this
18 particular relief and we're trying to grant it for him just to make
19 him comfortable getting through his testimony.

20 MR. MISETIC: That's fine. I had misunderstood and thought that
21 we were now giving that person --

22 PRESIDING JUDGE SMITH: No, no, no. No.

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 PRESIDING JUDGE SMITH: Yes. So that will be our best effort
5 and we'll move on.

6 Court Officer, you can bring the witness back in.

7 [The witness takes the stand]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 PRESIDING JUDGE SMITH: All right. We begin with the
15 Prosecution.

16 Madam Prosecutor, you may start.

17 MS. MAYER: Thank you, Your Honour.

18 Examination by Ms. Mayer:

19 Q. Good morning, Witness. You and I have met before, but for the
20 record I'll reintroduce myself. I am Deborah Mayer. I will be
21 asking you questions on behalf of the SPO today.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MS. MAYER: All right.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 Into public session, please.

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1 ~~[Open session]~~

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

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MS. MAYER: All right.

5 Q. Good morning again, Witness. I know that you and I have met
6 before. I'll reintroduce myself. My name is Deborah Mayer, and I'll
7 be asking you questions on behalf of the SPO.

8 First, I'd like to ask your personal details. Can you please
9 state your full name for the record.

10 A. Gjergj Dedaj.

11 Q. What is your date of birth?

12 A. 23 April 1954.

13 Q. And what is your citizenship and ethnicity?

14 A. I'm an Albanian, a Kosovan.

15 Q. What is your highest level of education or your highest degree?

16 A. I graduated from the University of Prishtine, philosophy and
17 sociology department, and finished studies in the faculty of law,
18 post-graduate studies, that is.

19 Q. I'd like to go very briefly through your professional
20 background. Were you a professor from approximately 1984 to 1998?

21 A. Yes, I was a professor.

22 Q. And in approximately 1991, did you found and become the chairman
23 of a party in Kosovo?

24 A. In 1991, we formed the Liberal Party. Initially, I was the
25 general secretary of the party, and in 1993, I was elected chairman

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1 of the Liberal Party of Kosovo.

2 Q. In 1998, did you leave your teaching and begin a career in
3 government service, in public service positions?

4 A. Because Serbia had intensified genocide and terror against the
5 civilian population of Kosovo, we were forced - and I'm speaking on
6 my behalf - to withdraw from the education and teaching, and I put
7 all my capacities towards the internationalisation of the Kosovo
8 issue and towards the organisation of the life of the population to
9 the extent we could. Since the schools in the Albanian language were
10 closed, the teachers were expelled, and we were trying to do as much
11 as we could to regulate the life in those difficult conditions.

12 These were the main reasons why I left education.

13 Q. Thank you. And when you left education, did you then start with
14 a number of positions in public service? So a member of parliament,
15 and then serving as minister in different departments, and ultimately
16 as ambassador.

17 A. I was never a minister during the war. I was an organiser of
18 all demonstrations against the butcher and criminal of the Balkans,
19 Milosevic. I organised about 60 demonstrations in Prishtine, which I
20 led in 1998, in order to sensiblise the issue of Kosovo, to
21 solidarise with the KLA and with NATO in order to intervene in Kosovo
22 to save the innocent civilians against whom an unprecedented violence
23 was being pressured.

24 In 1998, we also held some election which in a way was
25 controversial, but we wanted to have an address when internationals

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1 came to Kosovo to negotiate with. The Liberal Party won six deputies
2 in the, if I might say so, Assembly of Kosovo, and I was elected one
3 of the deputy speakers of that assembly. And that was the most
4 critical and most historical phase for Kosovo and its future.

5 Then in addition to other things, which we might refer to later,
6 in 2004, I became a member of the Kosovo Assembly. When the
7 transitional council was set up, I was a member of that council. I
8 was a deputy minister of several departments, and finally, foreign
9 deputy minister of the Republic of Kosovo. And recently, ambassador
10 of the Kosovo republic. And I was politically and forcefully obliged
11 to leave by the so-called President Osmani for political purposes,
12 because she replaced me with her husband. In cooperation with the
13 Turkish embassy in Skopje, they removed me from the position of the
14 ambassador.

15 Q. Thank you for your professional background. Were you a member
16 of the LDK ever?

17 A. Never. I never was and I never will.

18 Q. Were you ever a member of the KLA?

19 A. I was not a member of the KLA because not everyone had the
20 privilege or the bravery to become a KLA member.

21 Q. Sir, do you have any permanent injuries to your right arm?

22 A. I don't have an injury. I am injured in my heart. My heart is
23 full of wires. I have stents put in my heart. My soul is hurt, my
24 whole being, because Serbia killed 12 members of my family,
25 civilians, among whom two children, Nikola, 15 years old, and

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1 Lindon [phoen], 14 years old, students in the high school.

2 In this courtroom, in this composition, I spoke in face of
3 criminal Milosevic. Anton Dedaj and Merita Dedaj came to speak
4 against Milosevic, testifying to all his crimes committed in Kosovo
5 together with his collaborators.

6 Q. Witness, I'd like to direct your attention to September 1998.

7 Did you have a position in parliament at the time?

8 A. Yes, I was a member of parliament and deputy speaker of the same
9 parliament.

10 Q. Did there come a time in approximately August 1998 when you were
11 involved in organising a group of parliamentarians and others to
12 visit the local population?

13 A. Yes. After a talk with historic president Dr. Ibrahim Rugova,
14 we discussed that it would be a good thing for the leadership of
15 official Prishtine, who stayed in Prishtine but who were not facing
16 directly the war, to go and visit the war zones to form a direct
17 opinion of the situation of the civilian population, which, even if I
18 were to stay here for a month, I would not be able to describe.

19 You might not trust what I'm going to say. Only one who has
20 been a witness to it can.

21 So President Rugova said that he had talked with the chief of
22 the US diplomatic mission, Shaun Byrnes, that it would be a good
23 thing for us to form a delegation composed of people who can and are
24 brave enough to visit the war zones. I headed the delegation. It
25 was a large delegation. And the first visit that we conducted was on

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1 29 August. And then we continued with other visits in Malisheve,
2 Bllace, Bellanice, Ngucat, Senik.

3 The fourth visit was in Drenica where we heard that the
4 population was in a dire situation being under the permanent pressure
5 and terror of the Milosevic forces.

6 Q. All right. Witness, I'm just going to ask if you can limit your
7 answers, as best as possible, to just the question that I'm asking so
8 that I have an opportunity to ask follow-up questions. All right?

9 We talked about whether or not you were -- set up a delegation.
10 I'll get to the visits that you did. You mentioned that you
11 contacted President Rugova. Was there any tension at the time
12 between the KLA and other institutions of Kosovo when you went about
13 setting up this delegation?

14 A. Well, there was lack of coordination, lack of information. And
15 I am talking about the political leadership and parties in Prishtine
16 which were very concerned at the appearance of the Kosovo Liberation
17 Army, the guerilla units, which, in fact, turned out to be the
18 liberator of Kosovo.

19 So there were individuals, even among various political parties,
20 that disinformed the public regarding the KLA. And personally, I was
21 very willing to go to those zones, endangering our very lives because
22 we had to pass through Serb post blocks in order to reach the
23 civilian population.

24 You asked me to give brief answers, but what we are discussing,
25 the topic regarding Kosovo, cannot be explained with short answers,

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1 because by so doing, we came to a situation that we shouldn't be. So
2 I'm willing to stay here even a month to tell you the truth.

3 PRESIDING JUDGE SMITH: Witness, do your best to answer the
4 question as it is asked. The Prosecution will ask follow-up
5 questions, if necessary. She's correct. You are going on at length
6 about things that are not in the question. So please listen to the
7 question and just answer the question briefly.

8 MS. MAYER: Thank you, Your Honour. And just as an
9 administrative note, I've been informed that the materials that we
10 submitted *inter partes* that are now marked and have been disclosed,
11 we'd just ask, with the Court's permission, that they be added to the
12 presentation queue so that all the parties can use them. It's the
13 preparation note and the five items that were provided by the witness
14 to the SPO.

15 So I'd just ask for the Court --

16 PRESIDING JUDGE SMITH: Any objection to that process?

17 MR. MISETIC: No objection.

18 MR. TULLY: No objection.

19 MR. ELLIS: No objection, Your Honour.

20 PRESIDING JUDGE SMITH: Thank you.

21 [Microphone not activated].

22 MS. MAYER:

23 Q. So my question, sir, was, was there -- you said there was lack
24 of coordination, but would you say there was tension between the KLA
25 and the institutions of Kosovo? That's my question.

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1 A. There were tensions in the sense that from the -- from its
2 public appearance for the first time on 28 November 1997, at the
3 burial ceremony of Teacher Halil Geci in Llaushe, it was looked upon
4 with some reservation, but it started to grow, spread, and enjoy the
5 respect of all Kosovo.

6 So we political forces were rather jealous of its appearance --

7 PRESIDING JUDGE SMITH: Mr. Witness, the question was directed
8 to tension. You need to talk about the question of whether or not
9 there was tension.

10 THE WITNESS: [Interpretation] Yes. If we might say so, there
11 were failure, as I said, to coordinate, to understand what was going
12 on.

13 MS. MAYER:

14 Q. Were you a supporter of President Rugova?

15 A. Yes, I was certainly a supporter of President Rugova because
16 he's the founder of the platform of Kosovo republic and state, and
17 the later leader Hashim Thaci concluded the process of Kosovo
18 independence.

19 Q. And you mentioned that you spoke with President Rugova and that
20 there had been a suggestion to set up this delegation. What was your
21 intention? What were you going to do when you made these visits?

22 A. Look, I was the chairman of the Liberal Party of Kosovo, the
23 first and only political party in Kosovo which was part of the
24 European liberal -- democratic alliance with its headquarters in
25 Brussels. And I had several visits in NATO headquarters and other

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1 institutions, so I had to gather information from the grassroots in
2 order to be able to provide direct information.

3 PRESIDING JUDGE SMITH: Witness, the question was what did you
4 intend to do on your visits. That's all.

5 THE WITNESS: [Interpretation] Our aim was humanitarian -- of a
6 humanitarian nature, to see from close up, live, as you might say,
7 the terror, genocide, and crimes perpetrated by Serbs in legendary
8 Drenica, in brave Drenica, which was often subject to crimes,
9 discrimination, also in the past, and we wanted to get first-hand
10 information on what was going on.

11 MS. MAYER:

12 Q. And you mentioned that you went to several locations. Can you
13 just list the number of visits that you had and each location? So in
14 order.

15 A. You want me to describe all visits? But then I would be
16 speaking quite at length.

17 Q. Thank you for asking that clarification. I don't want you to
18 describe all visits. I want you to just list -- so tell us how
19 many -- how many visits --

20 A. Four.

21 Q. -- and then list the location of each visit.

22 A. Four visits --

23 Q. Okay. Just let's not speak over each other. So if you can just
24 tell us the number of visits --

25 A. [In English] Sorry.

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1 Q. -- and then list the locations of each visit.

2 A. [Interpretation] Four visits: Malisheve, Banje, Pagarushe,
3 Bellanice, Ngucat, up to Senik. The third visit, we were stopped by
4 Serbian paramilitaries in Peje, because we wanted to go to Glogjan,
5 where we had heard that in the Catholic church were gathered
6 thousands of displaced Albanians. But the paramilitaries forced us
7 to go back to Peje, threatening us, telling us that, "Go straight,
8 because if you stop somewhere, we are going to kill you." So they
9 forced us to go to Prishtine.

10 The fourth visit was in -- to Prekaz.

11 Q. I'm sorry, where was the fourth visit?

12 A. The fourth --

13 THE INTERPRETER: Correction.

14 A. -- was Drenica, because we got information that the Drenica
15 population was in an indescribable situation, unimaginable situation
16 for you. So we wanted, as I said, jeopardising our life, to see from
17 close up the civilian population in Drenica. And we stopped first at
18 Qirez village.

19 MS. MAYER:

20 Q. All right. So just to make sure we have a clear record: There
21 were four planned visits. You made the first two visits. On the
22 third visit, you were turned back by Serbian authorities. And your
23 fourth visit stopped in Qirez; is that right?

24 A. Yes, that's right.

25 Q. I want to focus on your visit, that fourth visit, the one to

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1 Qirez. Do you recall the date that you went on that visit?

2 A. It might have been 19th or 20th September 1998. Well, 25 years
3 have passed since then, and what we went through, I can't tell you.
4 I don't know how I am able to come and sit here before you.

5 Q. All right. About how many people were in this group when you
6 went on that visit to Qirez in September 1998?

7 A. Apart from some deputies, we were -- I don't -- I can't be
8 accurate, 10 or 12 deputies maybe. There were journalists, some
9 ladies, the drivers. Because we went wearing suits and ties, with
10 cars, like we were going to a wedding.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 THE WITNESS: [Interpretation] I told you why we went. And in
13 Qirez, maybe our group consisted of 30, 35 members. I don't want to
14 speculate, but more or less that was the number.

15 MS. MAYER:

16 Q. Do you recall the names of the delegates, so the members of
17 parliament that were on that visit?

18 A. I have a remark to -- critical remark. You haven't left me
19 here -- given me here a notebook to write the names -- to remember
20 the names, because 25 years have passed and I can't remember what I
21 did yesterday. If you take into account what I went through, you may
22 understand that I may have forgotten things, and I might appear as if
23 I am not sincere and truthful, which, in fact, I want to tell the
24 truth before this Court.

25 I was the chairman of this delegation. Nekibe Kelmendi was my

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1 deputy in a way, I would say. A lady whose husband and two sons were
2 later killed by the Serbs. They killed 12 members of my family.
3 There were other members, Jusuf Telaku, Agim Krasniqi, Hasim Dermaku,
4 Sokol Blakaj, Agim Krasniqi, Mehdi Bardhi. You have the names. So
5 the names I've given you, those are the names. Maybe I may have
6 forgotten one -- someone.

7 Q. Thank you. And if there is something that will refresh your
8 recollection, the Court will allow us to bring that up. So I'm going
9 to do that now.

10 MS. MAYER: If I could ask the Court Officer, with the Court's
11 permission, to bring up -- it's ERN SITF00055872 -- 55783 to 00055996
12 is the document. And then within that document, if you can go to
13 page 90 to 91 of the PDF. It's 55872 in the English and 873 in the
14 Albanian.

15 Q. Sir, do you see that document on the screen?

16 A. Yes.

17 Q. And are those the list of the names of the delegates that were
18 there in Qirez?

19 A. Yes.

20 Q. And to the right of their name, it has -- I'll start with you.
21 Your name is at the top, and it has PLK. What does that stand for?

22 A. Liberal Party of Kosovo.

23 Q. And following down the list, there are similar notations on the
24 right for each of the individual delegates. Are those the political
25 parties of each of those delegates?

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1 A. LDK, Democratic League of Kosovo, Democratic Popular Party of
2 Kosovo, independent trade unions, Christian Democratic Party of
3 Kosovo. These are the acronyms for the political parties.

4 Q. So my question is, those notations on the right, is that the
5 political party of the person that it's listed next to? So, for
6 instance, Ms. Kelmendi, she was LDK, so that's why that notation is
7 there?

8 A. Yes. Yes.

9 Q. Thank you. All right. I'd like to ask you if you can describe
10 how it is that you got to Qirez. Did you all go together in one
11 vehicle? Did you take separate vehicles?

12 A. No, we did not go by bus. We could not go by one vehicle. We
13 were too many persons. We went with several vehicles. I was with
14 Madam Kelmendi in the first vehicle. The other vehicles were
15 following up. We were stopped at checkpoints, we were checked, we
16 were threatened, we were offended, but we did proceed with the
17 journey.

18 Q. And when you say that you were stopped, were you stopped at
19 Serbian checkpoints?

20 A. At every Serb checkpoint. There were Serb checkpoints along the
21 road manned by paramilitaries, police officers, members of the
22 military, fascists, racists, whatever you could find at that time in
23 Kosovo.

24 Q. And did you -- you did get through those checkpoints, though,
25 unlike the earlier visit? You made it to Qirez; is that right?

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1 A. We went there because we wanted to go, but they could send us
2 back. They could imprison us. They could kill us. We were ready
3 for all possible variants.

4 Q. And my question is you did get through all those checkpoints on
5 this visit and make it to Qirez; is that right?

6 A. Yes, we did arrive in Qirez.

7 Q. Did you encounter the KLA on your journey to Qirez?

8 A. In Qirez, we saw -- more precisely, at the entrance to Qirez, we
9 saw KLA members. We went to the village mosque at the outset. As
10 far as I remember, it had been shelled by the Serbian forces at that
11 time. I visited the population, the civilian population, the ill,
12 the children, the women, who were in that mosque in deplorable
13 conditions. I spoke to them. We spoke to them to encourage them.

14 It's a mistake that you're not letting me describe this in more
15 detail. Because after these visits, we would go to the diplomatic US
16 mission in Kosovo and to the International Red Cross with these
17 details so that they could help the population.

18 So we visited them. Then, we visited a centre, information
19 centre of the LDK, an office, to be able to ask the local population
20 about the situation in Qirez.

21 Q. Sir, I appreciate that you want to add more detail, but I'm
22 asking you before you got to Qirez, though. So we haven't gotten
23 there yet. I may have other questions that get to what you're
24 speaking to.

25 So my question is did you encounter the KLA before arriving in

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1 Qirez, and I believe you said that it was at the entrance to the
2 village; is that right?

3 A. We saw a vehicle. It's a problem for me to remember all the
4 details -- to recall, in fact, the details. But they did not speak
5 to us, they just moved on, and we were not worried at all from the
6 KLA members. Our main concern was the situation of the civilian
7 population.

8 And to tell you the truth, when we saw the KLA, we were very
9 happy and very proud.

10 Q. Do you know if the KLA was aware of your visit ahead of time
11 before you arrived in Qirez?

12 A. I don't think so, because in Prishtine, there was a KLA office,
13 so-called office, headed by Mr. Adem Demaci. And as far as I know,
14 Albin Kurti, the current prime minister, was there in that office as
15 an interpreter or something like that. I don't know in what
16 capacity. But we did not inform that office because we didn't deem
17 it reasonable. Maybe it was our mistake. But we didn't deem it
18 reasonable to inform them. So the KLA was not aware that we were
19 going to go to Qirez.

20 Q. Had your visits to -- the earlier visits prior to Qirez, had
21 they been publicised in the media?

22 A. Yes, they were made public because never in my life had I done
23 secret visits or anything like that. Everything in my life was in
24 public.

25 Q. And so did you think that the KLA was aware because your

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1 visits -- your prior visits had been in the media?

2 A. I wouldn't be able to know that because I did not ask them.

3 Maybe they were, based on the media, but they didn't have time to
4 deal with the media. Their main concern was the Serbian terror and
5 the civilian population. So I wouldn't be able to know that.

6 MS. MAYER: I'd ask the Court to bring up 034236 to 034287. And
7 within that, in the English, page 034241. And in the Albanian,
8 034236. At the bottom, going to the top of the next page, if
9 possible.

10 My apologies. For the Albanian, could we go to -- I believe
11 it's bottom of 034250.

12 Q. Do you recall giving prior sworn testimony about this incident
13 back in 2014?

14 A. I can't possibly remember dates and years. You did not allow me
15 to bring in notes with me. If you allow me, I would like to say just
16 one word about myself with the permission of the Panel.

17 PRESIDING JUDGE SMITH: For now, just answer the questions that
18 are asked of you.

19 MS. MAYER:

20 Q. Sir, as you were instructed, the documents are up here on the
21 screen. So I know you don't have your own papers, but the documents
22 I'm asking you to look at are here on the screen. Can you see them
23 okay?

24 A. Partly.

25 Q. Do you see here where you talk about the KLA, encountering the

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1 KLA before entering the village of Qirez, and the Prosecutor asks
2 you:

3 "You told them why you were going there?"

4 And you said:

5 "Yes, but they also must have known because it had been in the
6 media and also they would have found out through their own people."

7 Do you recall giving that answer?

8 A. Listen, I was very clear. Although these things are irrelevant
9 as far as I am concerned, maybe they are relevant for you. Now,
10 whether I said they must have known or didn't know, these things
11 happened a long, long time ago, and it's difficult for us to remember
12 all the details. Because to be able to remember all the details, we
13 should have had a video camera, recorded all the visits, and recall
14 everything now.

15 We are talking about events that happened a quarter of a century
16 ago during a wartime and disregarding of what we went through, so now
17 it's difficult for us even to remember our own names.

18 Q. So my question, again, sir, is do you recall giving that answer,
19 the answer specifically in talking about the KLA, and being asked:

20 "You told them why you were going there?"

21 From the prosecutor. And your answer was:

22 "Yes, but they also must have known because it had been in the
23 media and also they would have found out through their own people."

24 Do you remember that now having had it read to you?

25 A. Look, whether they must have known or not, I can confirm even

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1 today that I don't know whether they knew or not. As I said, it was
2 irrelevant. This was something that was in the media. We did not go
3 there secretly. We didn't go to any of the visits secretly.
4 Everything was in public. And that's why I said that they could have
5 known from the media.

6 Q. I understand. And, Witness, neither you nor I determine what is
7 relevant. That's for the Judges to decide. All right?

8 In terms of other humanitarian visits, had you encountered the
9 KLA on previous visits, some of the earlier ones that you've told us
10 about?

11 A. Yes, yes. We encountered KLA members during our visit in
12 Malisheve municipality, Banje, Pagarushe villages, and they were
13 cooperative and appreciated our sacrifice and efforts to make those
14 visits.

15 Q. When you arrived in Qirez, you mentioned going to the mosque and
16 speaking with the population; is that right?

17 A. This is correct.

18 Q. And you've already told us that your purpose was to see the
19 humanitarian situation there. And how did you engage? Did you speak
20 to people one-on-one? Did you make remarks or a speech to a group?
21 What happened?

22 A. We spoke to the civilian population about their needs. There
23 were women who were ill, pregnant. There were children without
24 parents. So we asked them about their needs so that upon our return
25 to Prishtine, through the observation mission, US observation

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1 mission, and the International Red Cross, be able to help that
2 population. That's why we went there, to visit them, to meet them,
3 to collect information, because that information was of particular
4 importance to me because at the time, without exaggerating, I was
5 playing the role of the foreign minister, having contacts with
6 international centres. So I played that role to be able to help
7 Kosovo. This was the aim of this visit. We spoke with the local
8 population in Qirez as well as the people who had gathered there from
9 other villages of Drenica area.

10 Q. And about how long did you engage with the people and talk to
11 them? Do you recall how long that was?

12 A. Look, however I try, I wouldn't be able. That would be far from
13 the truth. For several hours, something like that.

14 Q. And after you met with the population, did there come a point
15 where you interacted with the KLA? So not just saw them but actually
16 engaged with them.

17 A. We then went to a room. As I said, we were told that it was the
18 information office of that village used by the LDK at the time. We
19 didn't know what that office was. Then we spoke to the population
20 and took note of their needs, concerns, and about the situation.

21 Before we entered that office, we came across Gani Koci, who I
22 knew from before. He was an LDK official before that. He had been
23 an LDK official in the past and had then joined the KLA. I don't
24 know what his rank was, but at the time he was KLA. Members of the
25 delegation discussed things with Gani, maybe not very pleasant

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1 discussions, "Who are you?" "Where are you from?" and so forth. And
2 there were some criticism against the KLA, that our efforts to
3 resolve the situation of Kosovo through dialogue was a utopia.

4 We then entered the office, that room, spoke to the population.
5 If you want me to continue, I will continue. If you want me to stop
6 here, I will stop here.

7 Q. Thank you. I'll ask a follow-up question. You mentioned -- I
8 asked if you encountered the KLA. You said yes. You mentioned an
9 individual named Gani Koci. How did you know Gani Koci was in the
10 KLA?

11 A. Yes. We knew that because he was dressed in KLA uniform, and we
12 had heard that from LDK he passed on to KLA. He became a member of
13 the KLA.

14 Q. And were there other members of the KLA there also in uniform?

15 A. Then when we talked inside this room with the inhabitants,
16 Person 1 entered the room with two other people or three. I can't be
17 accurate. And he asked us, "Who are you?"

18 Q. Before we get there, did you see other members of the KLA
19 besides the people that you recognised, or was it only one or two
20 people? Were there other members of the KLA also dressed in
21 uniforms?

22 A. In Qirez, we didn't meet anyone else, other members of the KLA.

23 Q. Well, do you recall black vehicles arriving with members of the
24 KLA and coming to you at the community office in Qirez?

25 A. To tell you the truth, I wasn't concerned with looking for

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1 vehicles. I was focused on listening to what the civilian population
2 was telling me about the alarming situation of the population which
3 were displaced and terrorised, you know, in Drenica.

4 MS. MAYER: If we could go to the document that's up on the
5 screen now. In the English, at page 034242, and in the Albanian,
6 034251. In the middle, towards the bottom. I think for the English,
7 it's a little bit higher up. For the Albanian, it's towards the
8 bottom. Thank you.

9 Q. Sir, do you recall being asked when you gave testimony in 2014,
10 in talking about your visit to Qirez:

11 "When did you next see the KLA?"

12 And your answer was:

13 "After we made speeches, black vehicles of the KLA arrived and
14 they entered into the community office."

15 Do you recall that?

16 A. I don't recall that.

17 Q. Okay. Having had that read to you, does it refresh your memory
18 that you saw black vehicles pull into Qirez and come -- and then
19 people entered -- people from the KLA entered the community office?

20 A. To tell you the truth, the reason for this visit or the truth
21 about this visit. I said that on the same day two hours after my
22 return. You have the recording, the video. I said that to the VOA.
23 I said that at the meeting of the presidency four five days after
24 that event. So you can have access to all these public documents.

25 The other things I have said during the days when we buried the

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1 members of the family, so many things I have forgotten. I was
2 distressed. So even a letter I sent a year ago, in that letter I
3 said these are close things for me. Maybe not for you.

4 PRESIDING JUDGE SMITH: Please answer the question. Did you see
5 the black vehicles?

6 THE WITNESS: [Interpretation] I didn't see any black vehicles.
7 I don't -- I can't distinguish between the colours even today.

8 MS. MAYER:

9 Q. And going to the next question, I also just asked you about
10 seeing other people in military uniforms. And you were asked this
11 question:

12 "How did you know it was the KLA?"

13 Your answer was:

14 "Because they were in their uniforms, there were some in
15 civilian clothes. Those in uniforms were wearing mostly black
16 military uniforms and insignia."

17 The prosecutor then asked:

18 "What insignia?"

19 Your answer was:

20 "UCK. The acronym in Albanian for KLA."

21 So do you remember now, having had that read to you, that you
22 saw -- you saw members in uniforms, including in black uniforms with
23 insignia, in Qirez?

24 A. I already told you we heard about Gani Koci, that he had joined
25 the KLA. Person 1 also was in the media, that he was injured or not

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1 injured, things to do with him. And maybe there were some other
2 people accompanying him because it was a dramatic moment. We may
3 suppose that there were KLA members, but whether they had insignia
4 and to be so specific, I couldn't do that. I didn't have the chance
5 to do that.

6 Q. All right. And you started telling us that there were some
7 insults and there were questions about why you were there. What were
8 you asked about by the KLA in this community office? What did they
9 ask you?

10 A. Not the KLA but Person 1. He insulted us, "Why are you here?
11 What do you want? Who are you? Why have you come here?" He
12 collected our IDs, and he ordered that the ladies, members of the
13 delegation, the drivers, the journalists accompanying us to go back
14 to Prishtine. Whereas we others remained, about 13 deputies, members
15 of different parties that we read earlier.

16 He didn't give us back our IDs, telling us that, "We have to do
17 some talking with you, so you have to stay on because we need to talk
18 to you."

19 Then the vehicles came and took us, for the moment, it was
20 unknown for us where, until we found out that we arrived in Baice.

21 Q. Okay. Well, I want to stay in Qirez for just a moment. Did you
22 see Hashim Thaci in Qirez?

23 A. No, I never saw in my life Hashim Thaci in Prishtine or in
24 Qirez. I saw him in Baice two, three hours after what happened.

25 MS. MAYER: If we can go to the document that's on the screen in

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1 the English. It's bottom of page 034242 to the top of 034243. And
2 in the Albanian, it's 034252.

3 Q. Do you recall being asked this question in 2014:

4 "At that moment when you arrived, did you have contact with
5 members of the KLA?"

6 And your answer was:

7 "I never had any contacts in my life with them before that day.
8 But I knew Hashim Thaqi because a few months before that, he gave an
9 interview to a newspaper and there was a picture, many pictures, of
10 him. They used to call him the snake 'Gjarpri'. So I knew he was
11 the one. Sabit Geci was there too. After listening to the cassette
12 player, they asked to see our IDs. We have them our IDs -- gave them
13 our IDs."

14 I believe that's a typo.

15 "We told them that most of us were members of the parliament."

16 Do you recall saying that?

17 A. No, I don't recall that. Probably that interview has taken
18 place after these events. Maybe it was then that I recognised
19 Hashim Thaci as far as Qirez goes. I told you that it was in Baice
20 that I met Hashim Thaci for the first time, and in Paris, at the
21 Rambouillet conference.

22 Q. Well, are you aware that Hashim Thaci himself admitted to being
23 in Qirez on the day that you were all detained?

24 A. You can ask him. I will answer about myself, and I am
25 responsible to everything I have done, to this Panel and to everyone.

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1 Q. Right. You also mentioned Individual 1. Had you seen him
2 before?

3 A. No, but I knew about him. Like we knew Gani Koci. In Baice, I
4 knew also Tahir Desku from Prishtine. I saw him there. But I didn't
5 have the privilege of knowing Hashim Thaci in Prishtine.

6 Q. All right. So getting back to the delegation. You said that --
7 what happened with the women and the journalists? Tell us what
8 happened.

9 A. They were told to go back to Prishtine, and they did so. They
10 ordered them to go back to Prishtine.

11 Q. And for the delegates who remained, what were you told? Were
12 you told that you were under arrest?

13 A. No, we were not under arrest. We were not arrested. We were
14 told to stay on. Such an extended delegation like ours was, if we
15 think about that, which was going to the war zones wearing ties and
16 civilian clothes and in cars, would have raised suspicions for every
17 army in the world, let alone for the KLA, as to who these people are.
18 Among these people, maybe there was someone -- I'm not saying that
19 there was, but supposedly there might be suspects. Maybe they have
20 come to get information about the KLA. Maybe they serve certain
21 services that were flourishing in Kosovo then, like Serbs, Soviet,
22 you name it.

23 So they were completely in their right to have suspicions. That
24 would be the case with every army in the world.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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1 THE WITNESS: [Interpretation] That was the purpose of why they
2 stopped us there, to know who we were, why we were there.

3 MS. MAYER:

4 Q. When you previously testified, you describe what you were told
5 as being told that you were "under arrest."

6 A. No, I was not under arrest. I was arrested often by the Serbian
7 forces.

8 MS. MAYER: I'd ask --

9 THE WITNESS: [Interpretation] But never by the KLA.

10 MS. MAYER: I'd ask the Court to go with the same document on
11 the screen in the English to 034244, and in the Albanian I think
12 towards the bottom of 034253.

13 Q. In your 2014 testimony, you were asked the following question by
14 the prosecutor:

15 "What happened exactly?"

16 And your answer was:

17 "The KLA came in. After they had listened to the speech on the
18 tape, they said 'you are under arrest'."

19 Do you recall giving that testimony?

20 A. No, I don't recall that, that I have said "under arrest."

21 Further on, I have some criticism regarding being questioned, that I
22 never had a lawyer, I never had a legal adviser. I am not a lawyer.

23 Q. Sir, at this testimony, you were advised at the outset of this
24 testimony that you were being asked to give evidence in a criminal
25 investigation. Do you remember that?

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1 A. No. Frankly speaking, I could not even think that a people
2 fighting for freedom, like the case is with Ukraine now, is going to
3 be penalised for that.

4 Q. Sir, that's not my question. My question is do you recall. You
5 mentioned not having -- knowing what was going on or not having a
6 lawyer. Do you recall being given an advisement at the beginning of
7 your testimony in 2014 about why you were being asked to give
8 testimony? Do you remember that?

9 A. I don't remember that. I am not very sure.

10 MS. MAYER: If we can go to the first page at the bottom of each
11 of these -- the document on the screen.

12 Q. [Microphone not activated]

13 THE INTERPRETER: Microphone, please.

14 MS. MAYER:

15 Q. You can see on the screen there on the first page -- you
16 actually testified in May on two different dates: On 19 May 2014,
17 and then again on 21 May 2014. Do you recall that?

18 A. I don't recall the dates.

19 Q. Well, do you remember coming to talk twice?

20 A. Probably, yes. It's possible.

21 Q. And that you were given the same advisement on both days at the
22 beginning of your testimony before you were asked questions. Do you
23 remember that?

24 A. I don't recall that.

25 Q. Well, you see here it says you were warned that this was -- you

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1 were giving evidence in a criminal investigation. That you were
2 obligated to testify. That you are obligated to tell the truth.
3 That if you didn't tell the truth, you could be prosecuted. That if
4 you believed you might incriminate yourself as a result of answering
5 a question, you may refuse to answer. And that you need not answer a
6 particular question if it is likely that you would expose yourself or
7 a close relative to disgrace, considerable financial loss or criminal
8 prosecution.

9 Do you remember those advisements? And you can read them on the
10 screen if you want to. Do you recall that?

11 A. I think you are doing me an injustice because you are asking me
12 about things that have happened 25 years ago. You should remember
13 that in front of you is someone who has made sacrifices, a lot of
14 sacrifices, in the Balkans, in Europe, and you should regard me with
15 consideration.

16 I can't remember every statement I have given. I was under
17 electoral, emotional pressure, thinking what happened to the members
18 of my family who were returned to us mutilated, dead. Maybe when I
19 gave this statement, I was not myself. I was immature, and I feel
20 bad about that now, and I publicly apologise. But they are not
21 really linked to the reality.

22 Q. Well, sir, I want to stick with what you just told the Panel,
23 which is you've told us that you didn't really understand what was
24 going on and that you were never given an attorney, and you should
25 have been given an attorney. Do you recall just giving that

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1 testimony?

2 A. Yes, yes. I would have had a lawyer, a legal adviser. I should
3 have been explained things, because now you are talking to a living
4 corpse.

5 Q. Sir --

6 A. I, in fact, was then and now a corpse.

7 Q. Sir, and that's what I'm trying to go through. I just read you
8 the explanation that you were, in fact, given at the beginning of
9 your testimony on both of those days. So those things were explained
10 to you. Do you recall that?

11 A. I don't recall them being explained to me. And it seems that
12 they were trying to get as many incriminating elements against the
13 KLA as possible. For what reason, I don't know.

14 Q. Well, sir, as it says, you were told that you were testifying in
15 a criminal investigation, and that you were obligated to tell the
16 truth. I also -- you mentioned about having an attorney. The next
17 sentence on the screen, if you can look at it, says you are advised
18 if you believe you need the assistance of an attorney as a result of
19 answering a question, you may hire and consult an attorney.

20 Do you recall being given that advisement before you were asked
21 any questions in that investigation?

22 A. I don't think I was.

23 Q. You also mentioned about what the purpose was. Do you recall
24 being advised that this was a criminal investigation seeking the
25 truth and the most accurate recollection of the facts that you can

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1 provide. If you do not understand the question being asked, you
2 should request that the question be asked differently. If you
3 believe there is a document or other evidence that may help you
4 answer a question more accurately or remember the facts more vividly,
5 you are obligated to tell us.

6 Do you recall being given those advisements before you were
7 questioned?

8 A. I always tell the truth regardless of the price. I do not
9 remember receiving such advisement. And regarding the emotional
10 family situation at the time, collecting dead bodies, burnt bodies, I
11 was then taken in for questioning, and this, for me, constituted a
12 violation of human rights.

13 Q. Do you recall that at the end of your testimony on both days you
14 actually swore and signed your statement at the end, saying that you
15 have read the minutes in English with the assistance of an
16 interpreter, and that you acknowledge the testimony is yours, and you
17 sign the record without objection. Do you remember doing that?

18 A. I don't remember anyone asking me about an oath, a solemn oath.
19 Where my signature is, I will confirm that at any time, will not deny
20 it.

21 However, let me repeat it once again. The moment, the
22 situation, the developments in terms of my family and me as a person,
23 90 per cent of the statements I gave after the war, I was not, so to
24 say, normal and able to tell the truth. I am now ready to face
25 everything just as I was ready in the past to sacrifice my life for

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1 Kosovo. My life has no other value.

2 As I said today, I am a living dead. I don't know why I am
3 alive. I am a courageous man by nature. I was ready and I am ready
4 to sacrifice my life for a cause, but never ever to label or blemish
5 a titanic and epic liberation army, which is one of the cleanest
6 armies in the history of world wars, and that is the Kosovo
7 Liberation Army.

8 Q. You said that you could confirm your signature.

9 MS. MAYER: If we could go to page 034244 for the May 19th
10 portion. And there is no signature on the corresponding Albanian, so
11 it's just in English.

12 Q. Do you see also your initials at the bottom of the page, sir?
13 Do you see that? Your initials are at the bottom of each page.

14 A. Yes.

15 Q. So you initialled every single page of your testimony?

16 A. Every single page I initialled, and on every page you'll find my
17 initials and signature.

18 Q. [Microphone not activated].

19 That's your signature on the screen there at page 034244?

20 A. On the English version, yes.

21 Q. Do you recall who specifically told you that you were under
22 arrest or that you were detained, under detention? Who told you
23 that?

24 A. We were not told that we were under arrest but that we had to
25 stay there, that they needed to talk to us. And this we were told by

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1 Person 1.

2 Q. Well, it wasn't just that you needed -- they needed to talk to
3 you. When we met on Friday, you indicated that you weren't sure the
4 exact words but it was either -- you weren't sure if they exactly
5 said "you are under arrest," or "under detention," or "we will ask
6 you questions."

7 So when we spoke at the end of last week, you actually weren't
8 sure about which of those words were used. So it could have been
9 that you were under arrest or under detention; is that right?

10 A. That's why I don't want to speculate. To say "under arrest," I
11 could be lying. I'm talking about the aim, the goal of our
12 detention. They wanted to know whether there were suspicious persons
13 amongst us. And to tell you the truth, I thought this was a good
14 solution because we didn't want to go back to Prishtine.

15 There were patriots all over the world making statements who
16 were not courageous enough to come and fight themselves in Kosovo.
17 They were saying things about allegations --

18 Q. Sir, I just want to --

19 A. -- about delegations --

20 Q. -- stick with my question.

21 A. -- about the KLA. There was this mountain of accusations. I am
22 here before a court just as if I am in primary school before a
23 teacher.

24 Q. Well, if you mean by that that there are rules in the court,
25 that is true, there are rules, and we all have to follow them

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1 together. All right?

2 A. I respect this Court. It was not you who established this
3 Court. It was politics that established it. Somebody above you.

4 Q. If we can just focus on when you were all stopped, the
5 delegation, and the women were sent away. The KLA members that were
6 there, were they armed?

7 A. The escorts, they did have weapons. I think they did. I did
8 not see the rest. Those who had arms maybe were in state of
9 readiness because there was fighting going on against Serbian
10 population, and they were probably getting ready to defend the
11 civilian population.

12 Q. And did you have a cellphone with you, or did people in your
13 group have cellular telephones with you on that visit?

14 A. We had. Some did. I did not make notes about that, who had,
15 who didn't. At the time, the call sign was 063 for the phones.
16 During the fascist Milosevic times, that is.

17 Q. Did the KLA take away your cellphones when they detained you?

18 A. They took the phones to check whether there were suspicious
19 calls made or received, just like today, to collect information.
20 Just like you take phones today in Kosovo. The phones at the time
21 were not operational. We say there were no waves which means there
22 was no reception. The reception was very poor, and you could hardly
23 use them. You had to go up to Cicavica to be able to use them.

24 Q. When you were detained by the KLA, told that they had more
25 questions for you, were you free to walk away? Could you have left?

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1 A. We were told that we had to leave, to get into the vehicles and
2 go to another village. There was no reason for us to leave because
3 we were not worried. We were amongst our own army.

4 Q. But if you had wanted to walk away, could you have walked away?
5 That's my question.

6 A. I cannot say now without being in such situation. Had I walked
7 away, maybe I would have been stopped, maybe I wouldn't. To tell you
8 the truth, I was the last that wanted to leave from there. I was the
9 head of the delegation, and I was at the head of all the dangers in
10 Kosovo during 1998, 1999. In Prishtine, I was person number 1 who
11 took upon himself all the risks existing in Prishtine at the time.

12 MS. MAYER: If we can, with the same document, go to page 034257
13 in English, and starting at the bottom of page 034273 in Albanian.
14 And for the English, if you can just move it up a little bit. Thank
15 you.

16 Q. Sir, does this refresh your memory about whether you could walk
17 away, being asked the following questions. The prosecutor asked:

18 "They said you were under arrest. Did they do anything else to
19 effect that arrest?"

20 Witness, that's you:

21 "They told us to get out, after which they put us in different
22 vehicles.

23 "Prosecutor: After they told you to get out, did you feel
24 detained?"

25 "Witness: Yes. I absolutely did not believe that such a thing

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1 could happen because we had not done anything wrong. We had only
2 taken the risk and risked our lives in order to be with the
3 civilians.

4 "Prosecutor: Did the persons who told you to get out have any
5 weapons on them?

6 "Witness: They may have had. I did not see any weapons on
7 Hashim Thaqi. He was in civilian clothes. But the other members of
8 the KLA outside were armed.

9 "Prosecutor: Were they involved in putting you into the
10 vehicles?

11 "Witness: Yes, we were 13 people and they had to put us into
12 different cars.

13 "Prosecutor: What prevented you or any other member of your
14 delegation from walking away from this?

15 "Witness: I did not dare because KLA were outside surrounding
16 us with vehicles.

17 "Prosecutor: Were you detained?

18 "Witness: Yes. They took away our cellphones [sic] and they
19 took us to the school building."

20 Does that refresh your memory about whether or not you could
21 have walked away and why you couldn't have walked away, because the
22 KLA were surrounding you and they were armed?

23 A. There was no reason for us to leave. And I absolutely deny the
24 word "arrest," because whenever I would be arrested by the Serbian
25 police, they would handcuff me and take me to the police station.

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1 That would be an arrest. Now, if somebody stops you to have a
2 conversation with you, that cannot be called an arrest or detention.
3 I am categorical in this respect.

4 After I had buried 12 victims, members of my family, I had no
5 time to go back in time to think about things. And maybe at that
6 time I wanted to strike Hashim Thaci because we were political rivals
7 in political campaigns, but I did not see him. I'm not the lawyer of
8 our honourable president, Mr. Thaci, but I have the obligation to
9 tell the truth here. I did not see Hashim Thaci in Qirez. And
10 whenever you ask me of this, you will receive the same answer, even
11 if you execute me here.

12 Q. I understand. That wasn't my question. I didn't have a
13 question about Mr. Thaci at that point. I was asking you about
14 whether or not you were detained --

15 A. [Overlapping speakers] ...

16 Q. Sir, we can't speak over each other. So I was asking you about
17 whether or not you were detained and whether you could walk away, and
18 you said that you never would have walked away. But in your earlier
19 testimony, you said you did not believe such a thing could happen
20 because you didn't do anything wrong. Do you recall saying that?

21 A. Yes. I did not believe that they had suspicions regarding us.
22 Because a suspicion is the only way to come to the truth. They were
23 right to have suspicions to come to the truth. And after two days,
24 they came to the truth that there was nothing wrong with the
25 delegation, so I didn't even think or try to flee. That was not in

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1 my mind. Never in my mind have I fled something. I don't know what
2 fleeing is.

3 When I was in danger, when I was surrounded by the Serbian
4 police, in demonstrations, in war, never in my life, because what we
5 did, we did out of our own free will. There was no reason to go
6 away, and the most so in my capacity as the head of delegation,
7 so ...

8 Q. You mention that you were then put into vehicles and driven to
9 this other location. Why didn't you just get back in the vehicles
10 that you had driven yourselves? Why were you put into vehicles by
11 the KLA?

12 A. Because our cars were used to take the distinguished ladies and
13 the journalists back to Prishtine, because they couldn't walk from
14 Qirez to Prishtine. So the KLA members put us into their own cars
15 and took us to Baice.

16 Q. And when you were taken to Baice, who was in the vehicle with
17 you?

18 A. I remember that the driver was Sylejman Selimi. There was
19 someone else with me. I am not very certain who the person was.
20 Believe me. And if I am not certain about something, it might be
21 unjust to mention someone by name. It's better to assume all
22 responsibility myself rather than having my words causing damage to
23 someone else by mentioning names I am not sure about.

24 Q. I understand that you're not sure now. Do you recall testifying
25 nine years ago in 2014 that you were in the car with Rexhep Selimi?

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1 A. Maybe it was him. Not because he's here now. Because you might
2 think I am subjective in my statement. But the person who was in the
3 car with me, and I am not sure it was Rexhep Selimi, he behaved
4 towards me like I was his parent. I'm telling you a detail I never
5 revealed before.

6 I was very thirsty. Like now, I don't have any coffee or any --
7 maybe we all should have some coffee, without wanting to interfere in
8 your rules, and I apologise if I am doing so. I -- in front of a
9 house, I saw someone selling some drinks, and I kindly asked the
10 person with me to go out and buy this drink for me, which he did. I
11 didn't have any issue with the driver or with the person next to me.
12 But I didn't know Rexhep Selimi, I had never seen him, so I'm not
13 sure it was him.

14 Q. Well, you said the person who you rode with was nice to you. Do
15 you recall whether or not you spoke with that person? Do you recall
16 whether or not you spoke with that person who you previously
17 identified as Rexhep Selimi about why you were under arrest?

18 A. [Overlapping speakers] ...

19 Q. Sir, you just have to wait until I finish my question because
20 not only can the interpreters not interpret, but there's a record of
21 the proceedings, and they can't get it down if we speak over each
22 other. All right?

23 A. [In English] Sorry.

24 Q. So do you recall having had a conversation in the vehicle on
25 your way to Baice with the person that you've previously identified

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1 as Rexhep Selimi?

2 A. [Interpretation] Yes, we discussed, as far as I remember, about
3 my work, where I teach as a professor, what subject I teach. Things
4 like that. Like two brothers might discuss with one another.

5 Q. Do you recall asking that person why you were being detained,
6 why you were under arrest, and letting them know that you were the
7 deputy speaker of the parliament, the president of the Liberal Party,
8 and affiliated with the liberals of Brussels, and asking that
9 person --

10 A. They knew because the Liberal Party was the next party after the
11 LDK. We were very well known in the political scene of the Kosovo.
12 I personally was known. The others might not be as known as I was.
13 I was a public persona. So the talk was quite normal, ordinary talk
14 between two people, two friends, two brothers.

15 Q. Well, do you recall previously describing this conversation not
16 as brothers but being told -- after you asked why you were under
17 arrest, being told that you have no right to ask any questions
18 because you're under arrest. Do you recall saying that?

19 A. No, I don't believe that. I don't remember that.

20 MS. MAYER: Can we go in the document to 034258 in English, and
21 034274 in the Albanian, please.

22 Q. The prosecutor says:

23 "Go on. You spoke to the person next to you?"

24 And you answered:

25 "I asked Selimi who he was and he answered 'Guri'. I asked him

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1 where we were, which village is this? He answered that I have no
2 right to ask because I am under arrest. I said, I, Deputy Speaker of
3 Parliament, President of the Liberal Party and affiliated with the
4 Liberals in Brussels. He said yes."

5 Do you recall that?

6 A. No, I don't recall that. 25 years have passed by and you're
7 asking me. If you ask me about the recent things, things I did two,
8 three days ago, I wouldn't be able to say.

9 Q. You indicated that you were being taken to Baice. Where
10 specifically did you go when you arrived in Baice?

11 A. To an elementary school, Migjeni was its name, in Baice village.

12 Q. And was that all of the delegates that had been in Qirez? Did
13 you all arrive at the schoolhouse at Baice?

14 A. Yes, all of us. Initially, they took us to a hall, like a
15 corridor, before going to the classroom. There were some chairs
16 there. We sat there, all of us.

17 Q. Rexhep Selimi, was he there?

18 A. Yes, he was there.

19 Q. Did he have anything to do with your ID cards? You mentioned
20 earlier that your ID cards were taken. Did he have anything to do
21 with your ID cards?

22 A. Yes -- no, Person 1 collected our IDs. And I didn't meet
23 Rexhep Selimi in Qirez at all. Then Rexhep Selimi returned very
24 politely all our IDs, addressing us as professors, intellectuals. He
25 apologised and gave back our IDs to us.

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1 Q. Well, prior to giving back your IDs, did he ask you questions
2 after addressing you as professors and intellectuals? Did he ask you
3 any questions?

4 A. When he gave them back to us, the IDs, he said those words.
5 Then there was no conversation other than that. It was late
6 afternoon.

7 PRESIDING JUDGE SMITH: Madam Prosecutor, we can take the
8 morning break at this time if it's a convenient spot.

9 MS. MAYER: Happy to stop whenever Your Honours are ready.

10 PRESIDING JUDGE SMITH: Okay. We will.

11 Witness, we'll have a morning break for a half an hour to give
12 you a little time to rest. Thank you. Please, you may be
13 accompanied by the Court Officer.

14 [The witness stands down]

15 PRESIDING JUDGE SMITH: We are adjourned until 11.30.

16 --- Recess taken at 11.02 a.m.

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

18 PRESIDING JUDGE SMITH: Madam Court Officer, you can bring the
19 witness into the courtroom.

20 [The witness takes the stand]

21 PRESIDING JUDGE SMITH: Witness, we will continue with the
22 direct examination by the Prosecution.

23 Madam Prosecutor, you have the floor.

24 MS. MAYER: Thank you, Your Honour.

25 Q. Picking up where we left off before the break, we were talking

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1 about Rexhep Selimi and your identification cards. Do you recall
2 previously describing Rexhep Selimi sitting in the front of a
3 classroom and talking with you, the members of the delegation, about
4 why you were there while he was looking at your ID cards? Do you
5 recall that?

6 A. He was sitting on the chair. We were sitting as well. He
7 looked at the ID cards and gave them back to us. He said that some
8 of us were professors, others had various professions, all
9 intellectuals. He said, "We are sorry we have to go through this."
10 He returned our IDs and left. We were left there sitting on those
11 chairs.

12 Q. So your testimony now is that he apologised to you? Is that
13 your testimony?

14 A. Look, this is how it was, because he was right to apologise,
15 indeed. I wouldn't see -- Person 1 took our IDs in Qirez. It wasn't
16 him.

17 MS. MAYER: If we could pull up on the same document on the
18 screen going to page 034258, the bottom of that page, in the English.
19 And in the middle of the page on 034275 in Albanian.

20 Q. Do you recall testifying in 2014, the prosecutor asked:

21 "When you were in the school, who did you recognise there?"

22 Your answer was:

23 "They put us into a classroom with chairs. Rexhep Selimi sat at
24 the place where usually the teacher sits, with our ID cards. He said
25 how come you guys, you are all professors, intellectuals, how did you

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1 come here? I told him we had come there as members of a humanitarian
2 mission and by doing so we had endangered our lives but we thought
3 our lives would be endangered by the Serbs ... not ... the KLA."

4 And at the top of the next page in the English.

5 "Prosecutor: Where were the other members of the KLA you
6 mentioned when Selimi was saying this?"

7 Your answer:

8 "They may have been upstairs. They had their own offices. In a
9 given moment, a group entered the classroom."

10 Do you recall now that Rexhep Selimi asked you what you were
11 doing there and there's no mention of an apology? Do you recall
12 giving that testimony under oath?

13 A. Look, I don't remember giving any statement under oath in
14 [REDACTED]. I said it before that I gave a statement without the
15 presence of a lawyer or any legal adviser, and in extraordinary
16 circumstances, abnormal circumstances, with respect to my general
17 state. I wouldn't want to go back into those details then.

18 Rexhep Selimi, when he returned our IDs, when I received my ID,
19 he said, "Professor, I'm sorry this happened." This is what I mean.

20 Now, in order to be really precise and correct in front of this
21 honourable Panel and in front of you, I should have had, which is
22 impossible, a camera and record these events.

23 Now, 25 years after the war, no one, including a robot, can
24 remember all details, who said what and how. This is pretty
25 difficult. So you're putting me in an uncomfortable position, which

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1 is your right and I respect it. But I said it before, I really
2 struggle to provide accurate details.

3 Q. I understand. After Rexhep Selimi gave you back your ID cards,
4 did anyone else enter the classroom?

5 A. Rexhep Selimi gave us our IDs not in the classroom but in the
6 corridor, in the lobby of that school building. Then we went into
7 the classroom. In this classroom, there were no chairs where
8 students would sit but there were beds.

9 Q. Okay. I want to stay then -- after Rexhep Selimi gave you your
10 ID cards back, did KLA soldiers then approach your delegation?

11 A. After this, Rexhep Selimi left. I wouldn't know exactly how
12 many minutes after this because I didn't check my watch. After
13 which, a group of young men came in. Now, the way I perceived them,
14 they were wearing masks, they didn't bear any KLA insignia, and they
15 entered that lobby.

16 A verbal altercation ensued, exchanges, debates, various insults
17 against us, directed to us. I don't know what information they had
18 as to who we were and why we're there. So this whole thing lasted a
19 minute or half a minute or a minute and a half. I wouldn't want to
20 speculate. I wouldn't know for sure.

21 Q. Well, before we get to what happened, you said that they were
22 wearing masks. Do you recall previously describing that they were
23 also wearing -- most of them were wearing uniforms as well as masks?
24 Do you recall testifying to that in 2014?

25 A. No, no, they were not wearing uniforms. Look, maybe some of

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1 them had a jacket or -- combined with jeans or something. They were
2 not an army in -- like a regular army with uniforms and KLA insignia.
3 I don't know how to qualify them, because I am not the right person
4 to do this. I didn't have enough knowledge.

5 We people in Prishtine were not really familiar with the KLA
6 because we were living normal lives in Prishtine. We were going in
7 restaurants and cafés as if there was no war at all.

8 MS. MAYER: If we can pull up in the English 034259, and in the
9 Albanian, bottom of 034275. On the English, just a little bit
10 higher. Sorry, in the Albanian it's towards the bottom.

11 Q. Well, to refresh your memory, do you recall saying that:

12 "Tell us about that group," the prosecutor asks.

13 And your answer is:

14 "The group belonged to the KLA, most of them were wearing
15 uniforms as well as masks and they said to the first person who was
16 seated there. They called them by name. They began maltreating that
17 person. They began beating him up with a wooden stick."

18 Do you remember giving that testimony where you describe them as
19 wearing uniforms as well as masks?

20 A. I don't think I said with uniforms. This was a group of young
21 men, ill-informed, incited by I don't know what, and I did not see
22 any KLA insignia on any of them.

23 Q. Okay. So your testimony today is you didn't see any uniforms or
24 KLA insignia?

25 A. That's right.

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1 Q. Do you recall approximately how many of them were in the group?

2 A. You're asking me very tough questions, but I need to -- I have
3 to ask, and this is why I'm here. They were probably four, five,
4 six. Around this number. It was not a large group.

5 Q. And what did this group of four to six, approximately,
6 individuals do?

7 A. Look, I've lived the last 25 years from that event as a snake
8 under a stone, denigrated, insulted, humiliated, because of the
9 opinion of what happened on that day, because specific anti-KLA
10 circles exaggerated the events with the assistance of Serbian forces,
11 the Serbian secret service. I witnessed this. Meaning that they
12 tried by all possible means to denigrate and insult the KLA. I was
13 insulted in the media. I ran for MP, and I was only once elected.

14 Q. Sir, sir, I understand. If you could just stick with my
15 question, which is what did these four to six KLA members do.

16 A. They did nothing. Nothing extraordinary. Nothing that would
17 justify my presence here today. As a matter of fact, I wouldn't -- I
18 should not be here today with -- in relation to the Qirez events, but
19 I should be on the side of my co-fighters that are sitting here as
20 accused.

21 I am a European person in mind, and I respect you very much.
22 However, exaggerating this event and making it a central topic for a
23 very important court with international credibility is exaggerated.
24 This was cooked up by Serbian services, secret services, different
25 circles.

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1 So there was a heated exchange there. We had debates, like
2 things that happened in stadiums, parliaments, and this was what
3 happened. That's it.

4 Q. Okay. Well, let's not go with Serbian intelligence services,
5 their words. Let's use your words. Do you recall being asked in
6 2014 at page 034268 in English, and in Albanian at 034285, so 268 in
7 the English, 285 in the Albanian:

8 "Who did the beatings?"

9 And your answer was:

10 "It was a group. There were 4 or 5 men."

11 Your words:

12 "They beat us together. The beating was seen by all the members
13 of the group."

14 That's the delegation, right, not Serbians? Is that right?

15 A. Look, the Serbs are the ones who built up this case. The Serbs
16 are the reason for my presence here. The Serbs are those who
17 terrorised and killed people in Kosovo. Serbs are those who did not
18 leave Kosovo alone today, and Serbs are the reason why these people
19 shouldn't be here in this courtroom.

20 You have not given any answer to the massacre in Meqe of over
21 400 Albanians and many other massacres, and it's because of the Serbs
22 that I am here today. You should only summons me here only in
23 relation to the Serbs. I don't have any problems with the KLA, and
24 I've never had any problems with them.

25 Q. My question, sir, is did these four to six KLA members beat you

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1 and other members of the delegation?

2 A. I am not sure they were KLA members. They might have been, but
3 I'm not certain. Because as long as I did not see KLA insignia, they
4 were not wearing uniforms and they were not carrying weapons, I
5 cannot say they were KLA. This would be a speculation, and I'm not
6 here to speculate.

7 Again, I am ready to confront and to be confronted and say the
8 truth at any cost. I have never considered the cost of things I
9 would be doing. I am ready for that. However, when you talk about
10 beating, I've heard in the media saying: Oh, we were hit by iron
11 rods, axe handles, wooden sticks. This is absolutely untrue because,
12 to tell the truth, and maybe I'm exaggerating a little bit, I
13 personally don't believe that there is an Albanian person in Kosovo
14 who would raise their hands against me, as they wouldn't do it
15 against Anton Cetta or the statue of Mother Teresa or the Skanderbeg
16 statue. I don't want to compare myself to them, but I'm not a person
17 that would justify somebody using violence against me. I was there
18 to calm people down. The whole purpose of this visit was to bring
19 the KLA closer to us, and I was acting as an intermediary.

20 And now for you to mention me beatings? It would be better to
21 kill me, because I am not a man that gets beaten up. It would be
22 better to send me behind bars for 50 years or jail me for life than
23 beat me, because I'm not a man that somebody can beat up.

24 Q. Well, you were asked who was beaten up, and you answered -- this
25 is at page 259 in the English, and the middle of 276 in the Albanian.

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1 You were asked:

2 "Who was beaten up?"

3 And your answer was:

4 "Myself, Gjergj Dedaj, Agim Krasniqi, Mehdi Bardhi, Jusuf
5 Telaku, Sokol Blakaj and Kurtesh Devaja. I am absolutely certain of
6 this. When I came back, I had a picture taken."

7 Do you recall giving that testimony in 2014 under oath?

8 A. I have never taken an oath. And as I mentioned, if we use the
9 word "beating" to describe the process of pushing, insults, or -- it
10 was an altercation. I wouldn't know how to exactly qualify this
11 because I'm not a lawyer. I would have loved to have your
12 profession, but unfortunately, I'm not a lawyer.

13 There -- okay then. Perhaps you want me to say what you would
14 like me to say.

15 Q. Your only duty here before the Court is to tell the truth, sir,
16 as the Judge advised you at the beginning, and as you swore an oath
17 here today to do, and that's the only thing any of the parties here
18 would like. All right?

19 You mentioned something in the media about wooden or iron
20 sticks. Do you recall that you yourself described that this beating
21 that was done by, in your words, a group --

22 A. Never. Never.

23 Q. Okay, sir, if you could just let me finish my question.

24 MS. MAYER: If we could go to page 034259 in English, and
25 034275. I think we're actually on those pages, maybe.

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1 Q. Giving this description -- when you were asked about who had
2 beaten your group, your answer was:

3 "The group belonged to the KLA, most of them were wearing
4 uniforms as well as masks ..."

5 We just looked at that a moment ago. And at the end of that
6 answer, you say:

7 "They began beating him up with a wooden stick."

8 Those are your words, not the media. Is that right, sir?

9 A. I don't understand you. First you mentioned iron stick, now
10 wooden stick. Which is true?

11 Q. I'm actually -- if my question was unclear, I apologise. I'll
12 rephrase it. You a moment ago in your testimony said to the Court
13 that there was incorrect information, and I believe you used the word
14 "iron stick." So I'm asking you your testimony --

15 A. I said it was the media, anti-KLA and anti-Kosovo circles that
16 said that.

17 Q. Exactly my question. So you mentioned this media, this
18 information in the media about what was used. So I wanted to go to
19 your words and ask you if you recall saying that the beating included
20 -- that:

21 "They began beating him up with a wooden stick."

22 So that's not in the media. That's your description. Do you
23 agree with that?

24 A. I strongly disagree. And allow me to protest to keep my human
25 and family dignity. I am at a rather old age. I have very painful

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1 memories which you may never believe. But now that you mention me
2 this beating, you are destroying again my life and endangering even
3 my physical life.

4 PRESIDING JUDGE SMITH: Okay. Mr. Witness, it is up to you to
5 answer the question asked, and you're not doing that.

6 Please re-ask the question.

7 MS. MAYER: I can move on to another question, Your Honour.

8 Q. You also said when you were describing the beating in your
9 words, you were asked, and this is on page 259 in English, 275 in
10 Albanian, I believe it's just below the answers we were looking at.

11 "Prosecutor: When you say they beat you up, was this with
12 wooden sticks or with fists or feet?"

13 So asking which of those. And you answered:

14 "They used fists" -- okay.

15 A. Just --

16 Q. Sir, if you could just let me finish --

17 PRESIDING JUDGE SMITH: Witness, you have to wait until she
18 finishes her question before you answer.

19 MS. MAYER:

20 Q. Your answer was:

21 "They used fists as well but also wooden sticks."

22 Do you recall giving that testimony?

23 A. If I said wooden stick, I have exaggerated. It was not true.
24 And I already said -- but you are not allowing me to explain, and the
25 answers are incomplete and maybe misunderstood.

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1 I gave these statements in a very difficult state of mind, and
2 often I have gone too far, I have exaggerated, without knowing that
3 they would become the subject of our conversation, just that I never
4 thought that there would be a court against Kosovo.

5 Q. I understand. And I think the Court has heard your explanation.
6 You said just now that you had never been beaten before this
7 incident; is that right?

8 A. Are you speaking about this incident, whether I was ever beaten
9 up? Never in my life. I have never beaten anyone and have never
10 been beaten up by anyone. Never, never, never.

11 MS. MAYER: I think if we can stay on the same page in English,
12 and go to the middle of page -- sort of the top to the middle of page
13 034276 in Albanian.

14 Q. In describing what happened to you, you say -- let me find the
15 question. You say -- you were asked whether or not Rexhep Selimi was
16 there, and your answer was:

17 "He was there as well but I was in shock. I had never been
18 beaten before."

19 Indicating that you were then -- you had just been beaten.

20 "When I saw my friends bleeding. These were members of
21 Parliament as well as members of the steering committees and my brain
22 could not grasp all of this and so I cannot tell you now all that I
23 had seen there."

24 Is that what happened?

25 A. Look, I am -- I have already explained. After they returned our

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1 IDs, Rexhep Selimi left. I never saw him after that. The persons
2 who entered that room, for me, they were hooligans. Maybe citizens
3 of that area. They were masked without any KLA insignia, without any
4 KLA symbol.

5 [REDACTED] wasn't there, Rexhep Selimi wasn't there or
6 Hashim Thaci. This is true and this is the truth. Nothing else but
7 the truth.

8 They might have slapped us. I didn't record what happened. And
9 retell now after 25 years, it is impossible for me to do that now.
10 If I had video recorded it, then it would be okay.

11 This puts me in an embarrassing position in front of your eyes
12 and before the public, because I have a family, I have children,
13 grandchildren, and they are very worried. My wife was sick when I
14 left. So it's 25 years that we have been suffering. Every day I am
15 being insulted and threatened by certain individuals regarding this
16 case. I didn't want to live. Even now I don't.

17 Q. Sir, is your testimony that you now think it wasn't members of
18 the KLA who were involved in this physical altercation, that some
19 other group of people came into the school where the KLA was
20 detaining you? Is that your testimony?

21 A. Possibly, yes. It is possible, Ms. Prosecutor, because my mind,
22 my upbringing, my level, cannot understand, cannot believe that they
23 were KLA members. As to who incited them or ordered them to do that,
24 I cannot -- cannot speculate, because it would be dishonest. This is
25 the truth. They didn't use iron bars or wooden sticks.

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1 Q. Okay. Well, do you recall meeting with myself and my colleague
2 at the end of last week and confirming that your understanding of the
3 individuals who beat you, even though they weren't wearing the
4 insignia, were actually part of the KLA? Do you recall that, doing
5 that just three days ago?

6 A. They might have been KLA members. I didn't say they weren't.
7 But they may not have been KLA. But for them to be KLA, they should
8 have had those insignia or emblems. They didn't have anything.

9 MR. MISETIC: Mr. President --

10 MS. MAYER:

11 Q. All right. I understand.

12 MR. MISETIC: -- if I could just ask counsel to give citations
13 to the prep note when she puts things to the witness about what was
14 said in those communications with the witness. Thank you.

15 MS. MAYER: Do you want one for the previous?

16 MR. MISETIC: Yes, please.

17 MS. MAYER: [Microphone not activated]

18 PRESIDING JUDGE SMITH: Mic, please.

19 MS. MAYER: The prep note full ERN is 116768 through 116787, and
20 the specific section is starting on page 6, which is 116773 through
21 116774, and then continuing on to 116775. It's in multiple
22 paragraphs. It starts at paragraph 20, where there's a discussion of
23 not seeing insignia on them, but that it made sense that the KLA
24 stopped them, any army would have done this. And then going on to
25 the top of page 116775, paragraph 27, with specifically referencing

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1 the other individual: Why do you have to do this? You have a
2 problem with us? We are brothers. We are your parents. Not
3 Serbians.

4 MR. MISETIC: Mr. President, I think the way it was phrased to
5 the witness was that he had said that it was the KLA. And while
6 counsel may be inferring things from various things that he said, I
7 don't think it's actually said in the note that he said that.

8 MS. MAYER: I think in paragraph 20 where -- again, I'm sorry, I
9 should be addressing the Court.

10 In paragraph 20 where it says:

11 "Some of the delegates were slapped, some were pushed, because
12 the KLA was suspicious of the delegation. [Witness] did not see any
13 KLA insignia on the masked men."

14 That's modifying, but making clear that his understanding was
15 that it was the KLA although he did not see the insignia on them.
16 And this was read back to the witness verbatim.

17 PRESIDING JUDGE SMITH: Understood. Go on.

18 MS. MAYER:

19 Q. Going back to this physical altercation, as you now describe it,
20 were all of the members of the delegation involved in this physical
21 altercation, what you've previously described as beating, or was only
22 some of them involved?

23 A. No, not everyone. I would not have been involved had I not
24 stood up to calm people down, both sides.

25 Q. Well, tell us about that. What happened?

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1 A. From my chair.

2 Q. Tell us about that. What happened when you stood up?

3 A. I was sitting on a chair. I saw them, like, pushing,
4 altercation, and insulting each other. It was getting dark. My
5 brain wasn't functioning properly at that moment. It was an
6 incredible scene. And at one point, I stood up without anyone asking
7 me to do that, because I was the head of the delegation and whatever
8 might eventually happen, I wanted it to happen to me but not to my
9 colleagues.

10 So I stood up and started to ask them to stop, "We are your
11 parents, we are your people," and that was it. I addressed one of
12 them, saying, "Aren't you ashamed of what you are doing? We are your
13 brothers. We are your parents." And then after a minute, everything
14 ended and they disappeared.

15 Q. So how long did the beating or the physical altercation last?

16 A. How long? Whoever says that it lasted for this time is lying,
17 because we didn't measure the time. It was very -- something that
18 happened very quickly.

19 Q. I think you didn't hear my question. I said how long. Not -- I
20 didn't give you a time. I'm asking you --

21 A. I understand.

22 Q. Don't speak over each other.

23 A. [In English] I'm sorry.

24 Q. It's no problem. Just I'm asking you how long it lasted. So no
25 one has affixed a time. I'm asking you that question.

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1 A. [Interpretation] About a minute. It was very brief. But don't
2 say that I said one minute and it was one and a half minute. Maybe
3 less. It was a lightning thing, very quick.

4 PRESIDING JUDGE SMITH: Witness, please pause for five seconds
5 after the question is completed for the translators to catch up with
6 you. You are jumping in too quickly, and it's causing a problem with
7 the transcript.

8 Go ahead.

9 THE WITNESS: [Interpretation] Okay. Thank you.

10 MS. MAYER:

11 Q. Did this physical altercation, as you now describe it, did this
12 happen with the delegates individually or as a group?

13 A. No, no, with some of us.

14 Q. Let me try to clarify and ask a better question. When you say
15 "some of us," was this as a group or was it one by one? Were people
16 called individually by name?

17 A. No, no, as a group. It was spontaneous. People got up and some
18 sat -- didn't get up at all. I might have continued to sit, but I
19 got up to calm the situation.

20 MS. MAYER: If we can go to page 259 in the English -- oh, I
21 think we're there. And 275 at the bottom in the Albanian.

22 Q. We've looked at this answer a couple of times. I want to focus
23 on the middle part where you say:

24 "The group belonged to the KLA ..."

25 And then you say, in the middle of that answer:

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1 "... they said to the first person who was seated there. They
2 called them by name."

3 MS. MAYER: And then later, if we can go to page 269 in the
4 English, and 286 in the Albanian.

5 Q. You were asked -- oh, we're not there yet. I'll give it a
6 moment. The prosecutor asks:

7 "When were you -- [where] were you in the order of beatings?"
8 And you say:

9 "I [do not] remember."

10 The context of that suggesting that it's not together, it's
11 individual. And then the next question is:

12 "How long did each individual beating" --

13 Let me finish my question, sir.

14 "... each individual beating take?"

15 Your answer:

16 "2 or 3 minutes until the person being beaten would fall down on
17 the floor. I was beaten by several persons. Apart from receiving
18 the blow on my arm, I was punched on my body. What I have said, I
19 would say anywhere."

20 Now, having been shown and read those previous answers, does
21 that refresh your recollection that these beatings took place
22 individually and not as part of an altercation as a group in a
23 hallway?

24 A. It was only pushing each other, altercation. As to other
25 states, emotional state, I don't know if you understand the emotional

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1 state of Kosovars. We have our own specificity which makes us
2 different from Europeans. Unfortunately, we all like to be involved,
3 to take revenge. We have a canon, I don't know if you have heard
4 about that. If you allow me to go on.

5 Q. Sir, as the Judge said at the outset, I only have a limited
6 amount of time. So if you could just focus on my question and answer
7 that question. I think you've answered the previous one, so I'm
8 going to move on to the next question.

9 Where were the delegates when people were being beaten? Could
10 you see each other? Could other people see what was going on? Could
11 you see the other people or were you separated?

12 A. No, they didn't separate us. And I would kindly ask you not to
13 use the word "beating."

14 Q. I understand, sir. I'm using your word from previous answers
15 that you used repeatedly, so I'm going to stick with that. And if I
16 have a question that differs, you can certainly -- it's your
17 testimony here, so you should use the words that you think are
18 appropriate.

19 A. I already told you the reasons why.

20 Q. I understand. And I've heard them, and the Court's heard them
21 multiple times, and I appreciate the explanation.

22 Can you describe what happened to you, the physical altercation
23 as you've said here today. Can you describe the nature of what
24 happened to you?

25 A. We were all together. We were not separated. And I said I was

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1 sitting when the -- I saw what was happening, which was unnecessary
2 and indecent. I got up and tried to calm people down. Maybe in the
3 course of that, I might have received a blow like in football when
4 you play, but it's got nothing to do with what happened. It's
5 nothing to me.

6 But as I said, you are talking with someone who is very special,
7 unique, an extraordinary person regarding the suffering and what he
8 has done for the freedom of Kosovo. Sometimes you might ask me what
9 my name is and I wouldn't be able to answer you.

10 MS. MAYER: If we can go to page 259 in the English, and top of
11 276 in the Albanian.

12 Q. When you were asked about if you'd -- oh, I'm sorry. I'll wait
13 until this is up on the screen.

14 When you were asked about whether you'd seen the individuals who
15 were beating you, if you'd seen them earlier in the day, you
16 answered:

17 "They may have been the ones who stopped us, but I cannot tell
18 you who they are because they were wearing masks. They began beating
19 us up. I don't remember which order they called us in but they beat
20 up six of us violently."

21 Do you recall giving that description as to the nature of the
22 beating that they gave?

23 A. Madam Prosecutor, I've been raised in the family patriarchal
24 European spirit which is that even insulting someone is a tragedy.
25 And I would make it a huge personal matter if somebody even pushed

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1 me, because I've never pushed someone or somebody has never pushed
2 me. So when I gave these statements, I exaggerated things, and I
3 admit to it publicly.

4 However, there was no violent beatings. This can be proved by
5 the video conference which took place two hours after the event,
6 after our release, and you can see that there are no bruises, no
7 signs of beatings, no anything at all. So there wouldn't have been
8 any reasons for us to be summonsed here at all.

9 Q. All right.

10 MS. MAYER: I'd like to pull up a different statement. This is
11 034138-034141 -- I'm sorry, the full ERN is 034135-034141 RED2. So
12 it's a multi-language document. In that document, if we can go to
13 page -- the bottom of page 034140. And then there's a different ERN
14 for the revised English translation, which is 034138-034141-ET, and
15 if we can go to page 034140-ET.

16 Oh, no, you're -- on this one, that's -- this is the Albanian.
17 Great. Thank you.

18 THE COURT OFFICER: What's the ERN for the English?

19 MS. MAYER: Oh, the ERN for the English is at the same page,
20 034140-ET -- oh, it's a different ERN on the English. The ERN is
21 034138-034141-ET. Thank you.

22 Q. Sir, this is a letter that you wrote -- a typed statement,
23 rather, that you provided to UNMIK in September 2001 when they
24 approached you to ask questions about this matter. Do you recall
25 looking at this before you testified just a few days ago, reviewing

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1 this letter?

2 A. Yes, I did write it.

3 Q. I'm sorry, I said "letter" again. I mean a typed statement.

4 It's not a letter. I apologise. And in it you said -- in describing
5 what had happened, you said:

6 "Shortly afterwards a few soldiers wearing masks came in and
7 called us one by one to the back of the room where they punched and
8 kicked and hit us mercilessly with wooden sticks. Six members of our
9 group suffered serious bodily injuries as a result of the beastly
10 treatment ..."

11 And then it lists Gjergj Dedaj, Agim Krasniqi, Sokol Blakaj,
12 Kurtesh Devaja, Mehdi Bardhi, and Jusuf Telaku.

13 Do you recall giving that statement describing the nature of the
14 physical altercation as being punched, kicked and hit mercilessly
15 with wooden sticks and that it being beastly treatment?

16 A. We had a physical altercation, but I don't remember saying and
17 it's not true that we were beaten up with sticks, wooden sticks or
18 iron sticks or anything of that sort.

19 Q. You mentioned that you tried to get up to sort of stop the
20 altercation. Was that in particular -- in response to a particular
21 person who was being pushed or being touched?

22 A. In that moment as we were having this physical altercation
23 with -- they were having this physical altercation with Sokol Blakaj,
24 the general secretary. I intervened and separated them. I tried to
25 calm down everybody and send people away.

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1 I also want to bring to your attention, and to the Panel's
2 attention, that you're being unfair to me.

3 Q. I appreciate you bringing that to my attention and the Panel's
4 attention.

5 When we met at the end of last week, you added it wasn't just
6 you trying to calm down the situation, that you actually got up and
7 told the individuals not to touch Sokol Blakaj because he was your
8 right hand. And you also asked them: "Why do you have a problem with
9 us? We are your brothers, your parents."

10 Do you recall telling us that just a few days ago?

11 [Microphone not activated].

12 A. That's true.

13 MS. MAYER: And I apologise, I should have given the reference.
14 The reference was 116768 to 116787 at page 116775, paragraph 27.

15 Q. Do you recall, though, in your previous testimony in 2014 --

16 MS. MAYER: And this is, if we can pull up 034236 to 034287.
17 The particular cite in English is 034269, and in Albanian it's
18 034286, towards the top.

19 Q. Do you recall previously describing when Sokol Blakaj was being
20 beaten, giving this answer:

21 "I remember when Sokol fell down on the floor while he was being
22 beaten and one of them actually lifted the wooden stick with the
23 intention of hitting his head. That is when I received the worst
24 blow because I tried to prevent him [from] hitting him on his head.
25 I told him don't, that we are brothers. He said 'what brothers? You

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1 all deserve to be killed? Sokol was a graduate from political
2 sciences. He was a very very good person. He died after the war."

3 Do you recall giving that explanation about the interaction with
4 Sokol Blakaj and your intervention?

5 A. There's an explanation which is more or less similar to a movie
6 script. So we, in a certain way, for a long time, we were opponents
7 with the KLA and specific individuals within the KLA. There are
8 individuals within the KLA I didn't agree with at the time. I don't
9 agree with them now, and I will never agree with them. But I do not
10 remember having seen anyone falling on the ground on that day. I
11 don't remember.

12 Q. Do you recall whether or not Sokol Blakaj had any visible
13 injuries or any blood on him?

14 A. Sokol did not have injuries because two hours after our return
15 in Prishtine, I provided you last week with a photograph of Sokol and
16 us during the press conference. You can obtain the video recording
17 of this press conference and see that we are all safe and sound, and
18 I was there wearing a tie and held this press conference.

19 MS. MAYER: If we can go, in the documents that are on the
20 screen, to 034261 in the English, and in the middle of the page
21 034278 in Albanian.

22 [Microphone not activated]. In the English, can you go a little
23 further down. Thank you.

24 Q. Do you recall in your 2014 testimony that's there on the screen,
25 sir, you were asked by the prosecutor:

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1 "Did you or anybody have any visible injuries for example
2 blood?"

3 And your answer was:

4 "Yes of course. Sokol Blakaj, the general secretary of the
5 Liberal Party, had injuries on his face. He is now deceased. The
6 others as well had injuries. They asked me to sign a statement there
7 stating that 'Rugova is a traitor'."

8 And then your initials below that.

9 Does that refresh your memory about whether or not you saw blood
10 on Sokol Blakaj at the time?

11 A. I don't recall having seen any drop of blood. I don't recall
12 having seen any blood. With respect to Person 1, who, in my opinion,
13 was the person in charge there, who decided on everything, he
14 maintained order, he gave orders. He also insulted President Rugova.
15 He also insulted us and people in Prishtine.

16 I think the others present there were impotent.

17 Q. And, again, if you can just stick with my question. It was just
18 whether or not that refreshes your memory about having seen blood on
19 Sokol Blakaj. Does that refresh your memory?

20 A. I don't recall seeing any blood on Sokol Blakaj or any of us.
21 However, this was 25 years ago.

22 Q. What about your injuries that you suffered? What, if any,
23 injuries did you suffer as a result of the treatment at the hands of
24 the KLA at this school in Baice?

25 A. I only suffered emotional injuries and moral ones, because we --

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1 there was no need to stop us or detain us, but the Person 1 was
2 adamant to stop us, detain us, identify us. I didn't see any
3 leading -- KLA leading structure there. Everybody did whatever they
4 wanted to do, and it could be that they also used KLA names or people
5 to -- for personal revenge, actions. And my life injuries are only
6 those I sustained in the hands of Serbia.

7 Q. Well, sir, you just told us that the injury that you suffered
8 was moral, so tell us why -- what was the moral injury that you
9 suffered from this?

10 A. For example, I was the deputy chairman of the parliament of
11 Kosovo, and I don't know why Person 1 would need my ID. Why that
12 person would tell me that, "I need you to -- I need to detain you
13 because we need to talk." I don't see why he would suspect me of
14 anything. Because I prayed God to have the honour and the privilege
15 to give my life for the liberty of the Kosovo and freedom of Kosovo.
16 And in -- being in this state of mind, I didn't understand why
17 somebody would -- had to deal with me.

18 Serbia dealt with me. They destroyed my life, my family, my
19 career. And to this day, Serbia is destroying me. I don't wish to
20 go back to [REDACTED]. I would want to have a coffin and sent back to
21 [REDACTED].

22 Q. In your 2014 testimony, you actually say that this incident
23 which was by the KLA was the biggest moral injury and that's what
24 destroyed your family.

25 MS. MAYER: If we can go to page 034260 in English, and the

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1 bottom of page 034276 in the Albanian.

2 THE WITNESS: [Interpretation] That's correct. Why? I'll give
3 you the reason why. Because that incident, that ordinary event,
4 small incident, was misused by the media, some media in particular,
5 some individuals, some circles, in order to destroy my career, to
6 denigrate my family, to humiliate us. [REDACTED]
7 [REDACTED], many lives for
8 the freedom of our country. Somebody caused -- assaulted us,
9 attacked us, and this is the moral damage we suffered, because we are
10 not the kind of family that would allow for anything that would
11 humiliate us.

12 MS. MAYER:

13 Q. I understand. But back in 2014, you were asked by the
14 prosecutor:

15 "Can you describe your injuries."

16 And your answer is as follows:

17 "First of all, the biggest injury, is the moral integrity. They
18 destroyed my moral identity, my family identity, my political career,
19 my will to live. In other words they destroyed everything ... I had.
20 These physical injuries were the very last thing."

21 And you went on to be asked to please describe briefly, in brief
22 terms, what your physical injuries were, even though they weren't as
23 important to you. And you answered:

24 "They were very serious because for a few days my whole arm
25 became black all the way to my fingernails and when the weather

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1 changes, my right arm from the shoulder down to the fingernails hurts
2 a lot always. This was a permanent injury that I sustained."

3 Do you recall giving that explanation as to the moral injuries
4 and also physical injuries from this treatment at the hands of the
5 KLA?

6 A. The biggest injury I suffered is when I am injured morally.
7 This event that occurred there, this incident, provided for a reason
8 to others, all circles, including those in diaspora, and some media,
9 Facebook artists who were paid to denigrate and humiliate people.
10 They have specific manners to do it and means.

11 Q. Sir, I'm just asking you about your injuries that you received.
12 And what you described then about a moral injury was not about
13 Facebook. It was about the treatment by the KLA. So my question is,
14 is that accurate?

15 A. No, no. The others misused this moment and have caused me
16 injury.

17 Q. What about your physical injuries that you described that I just
18 read to you? Your physical injuries of the injuries to your arm that
19 at the time your arm was black down to your fingernails and that you
20 still have a permanent injury. And you were testifying in 2014, 16
21 years after the incident, and you said that:

22 "... when the weather changes, my right arm from the shoulder
23 down to the fingernails hurts a lot ..."

24 Is that accurate?

25 A. I wasn't injured there, but I stumbled somewhere and fell down

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1 in the mountain, because we didn't use the paved roads. We went to
2 difficult areas, to mountainous areas, and this might have happened.
3 I don't have any problems with that. And the video conference shows
4 that two hours after I return from the mountain.

5 Q. I'm sorry, I don't understand your answer, sir. Are you saying
6 that when you -- that sometime during this incident you fell? Is
7 that your testimony?

8 A. Not only me. The others too. When we were climbing the
9 mountains, we may have fallen down, because we were surrounded by the
10 Serbian forces. You could hear shelling. We are talking about a war
11 zone. I -- maybe I have exaggerated what I -- when I described what
12 happened. If I knew that things would end up in court, we would have
13 been more accurate, more precise, more responsible. But we said this
14 in the course of electoral campaigns, you know, and sometimes we
15 exaggerated.

16 Q. I understand, sir. I just want to focus on what you just said,
17 though, about falling at some point during this incident. So it's
18 your testimony now that you fell at some point during this incident.
19 Is that your testimony?

20 A. Three -- I stumbled three, four times, when we were climbing the
21 mountains. The terrain was very difficult. It was a hilly,
22 mountainous terrain. It was night, day. And we were not used to
23 walking in that terrain. We came from the cities. We lived in the
24 city. It was a very difficult terrain for us.

25 Q. And what happened to you when you fell?

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1 A. Nothing. I got up again. Even though I have been tortured by
2 Serbia, I have -- and I'm still alive. I don't know where I get my
3 strength in my DNA.

4 Q. So, sir, so you fell and you got up. So you were not injured
5 when you fell. Is that your testimony? We were talking about your
6 injuries and you brought up having fallen, so --

7 A. When you fall down, you may get hurt. Even in the city, you may
8 hurt your arm, but it's not a tragedy. It's another thing if you go
9 to the hospital, if you ask for medical assistance. It's -- you are
10 making a big deal out of it. It's nothing for me.

11 Q. Sir, I'm just trying to understand. So you're saying that you
12 fell. And I'm not saying whether you may have gotten hurt. I'm
13 actually asking you about what your recollection is as you sit here
14 today. Did you suffer any injuries when you fell, according to your
15 testimony now?

16 A. Maybe I did suffer. But at that moment, I thought of nothing
17 else other than doing what we were supposed to do as a delegation and
18 to turn back safe and sound in Kosovo like we went there.

19 Q. Sir, again, that's not my question. I'm not asking you to
20 speculate. So when you say "maybe," what I'm asking you is as you're
21 sitting here today telling us for the first time about having fallen
22 as you were going up the mountain, did you injure yourself? That's
23 "yes" or "no." As you sit here today --

24 A. Maybe I was injured. It is possible. If you get down, even
25 when you play, you always get injured. We have professional

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1 footballers that get hurt and then recover again.

2 Q. I understand. But I'm not asking you theoretically if it's
3 possible that you got hurt. I'm actually asking you if you, as you
4 sit here today, recall being injured since you've brought this
5 incident up to us. As you sit here today, do you remember?

6 A. I had my arm a little injured from the fall, but it passed
7 without any consequence.

8 Q. Okay. So now your testimony is you did have a physical injury
9 on your arm; is that right?

10 A. Yes, from the fall, which is quite normal. Not once but four
11 times I remember to have fallen down.

12 Q. And why didn't you include that in your statement to UNMIK in
13 2001?

14 A. First of all, UNMIK was not credible at all, with some
15 exceptions of some authoritative states, but there were also
16 representatives from states that had much more problems in their own
17 countries than here in Kosovo.

18 Q. But you did actually provide a statement to UNMIK. You spoke to
19 them and then you gave them a typed statement. So you did actually
20 provide a statement to them. Why didn't you include this?

21 A. Because I didn't deem it appropriate or necessary to mention
22 that, when I fell, when I had some injuries, or what diseases I have.
23 Even now I do, but I don't think I should tell it to the public.
24 It's a private thing.

25 Q. And when you gave your testimony in 2014 and were told that you

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1 were obligated to tell the truth, and this was a criminal
2 investigation in search of the truth, why didn't you include it then
3 when you testified over those course of two days?

4 A. Then I was questioned about the KLA people actions that we
5 described *vis-à-vis* us. I wasn't asked whether I fell down, where my
6 shoes were pinching me, where I had a headache or earache. I was
7 asked about other issues.

8 Q. Well, sir, the question I just read to you, you were actually
9 asked about your physical injuries, and you didn't give the answer
10 that you just gave in court in response to the same question. You
11 gave the answer that I read to you, which is that it was a result of
12 the beatings. So I'm just asking you again why it is that you didn't
13 share that information back in 2014.

14 A. The injury didn't come about as a result of the beating. And,
15 again, please, I'm kindly asking you for the umpteenth time, because
16 nobody can stop me from keeping silent from now on. You can do
17 everything to me but don't mention the word "beating." Nobody in the
18 world can beat me up. Because you are offending me. You are
19 offending my family, my family code and traditions, our history, our
20 future, my grandchildren, my wife, and my in-laws.

21 Q. I mean no offence, sir. As the Panel instructed you, I have a
22 duty --

23 A. I feel offended.

24 Q. I am sorry that you feel offended. I have a duty to ask my
25 questions, and my aim for this Panel for this Tribunal is to do it in

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1 the most respectful way possible but to ask you the questions that
2 need to be asked, sir.

3 We also met at the end of last week, just a few days ago, and
4 you were given all of your prior statements, and you were asked to
5 make any corrections or clarifications. And we spent quite a bit of
6 time going over those clarifications. And there is a rather lengthy
7 note that was read back to you, and even when we read it back to you,
8 you made some additional clarifications.

9 Why didn't you include this fall that you've told us about or
10 these multiple falls now that you've told us about when we met last
11 week?

12 A. Why should I mention my falls? By you, I was asked about our
13 relationship with the KLA. Why should I be asked whether I fell down
14 or got up? That's not relevant at all. I am informing you, maybe
15 you don't know, that there are some men in Kosovo that nobody can
16 beat up. We can get killed but not to be beaten up.

17 So the word is very, very problematic. You may tell me -- you
18 may ask me, "You want to die and get you into a coffin?" and I am
19 willing to do that but not get beaten. Even when the Serbian police
20 arrested me, the first thing I told them was: "You can kill me but
21 don't touch me." Because we put our life at stake for Kosovo's
22 freedom.

23 Q. All right. Well, just to be clear, sir, when we met, you were
24 giving your statements, and you clarified many things, and you gave
25 new information about many things that was then read back to you. It

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1 wasn't just about questions about your relationship with the KLA.

2 But I'm going to move on.

3 When this physical altercation happened, as you've described it,
4 where was Rexhep Selimi and Hashim Thaci? Were they present?

5 A. None of them were present. I didn't see any of them. I saw
6 Hashim Thaci after some two hours. None of them were present then.
7 If they were, I would have said immediately that they were, but they
8 were not present.

9 Rexhep Selimi very respectfully and politely returned the IDs to
10 us, and I will never forget his kind words. Hashim Thaci appeared
11 after two hours and he was very nervous, with a radio transistor,
12 listening to the news, very upset. And I could see that they didn't
13 have a very good rapport with Person 1. And I think that Person 1
14 was the one that decided on everything.

15 And something else I would like, if you'll allow me. I have a
16 great respect for the Trial Panel. That's why I'm here. Otherwise,
17 I would have killed myself. Nobody would have stopped me. My life
18 is my own. You can have euthanasia in Switzerland for 10.000 euro.
19 But I wanted to come and tell the truth because there are many
20 slanders leveled at KLA. That's why I'm here. And I can stay here
21 as long as you wish me, to answer your question, to shed light on the
22 destiny and reputation of KLA. Because in my opinion, 99 per cent of
23 what is being said regarding KLA are slanders.

24 Q. How did this physical altercation stop?

25 A. Very soon. They told us to go to a classroom. We sat down in

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1 the benches there. Then I saw Sahit Jashari there. To my
2 recollection, he took us to this classroom. Then there was this
3 Tahir Desku that I used to know from Prishtine. And then later, as I
4 said, came Hashim Thaci, the distinguished president of the Republic
5 of Kosovo.

6 MS. MAYER: If we can go to the document that's on the screen at
7 034269 in English, and 034286 in the Albanian towards the bottom.
8 And I think in the English it's a little bit lower as well. Great.

9 Q. Do you recall giving this testimony in regard to how the
10 beatings ended? You said -- the prosecutor:

11 "You said the attack ceased when the person fell on the floor.
12 Did they not fall on the floor when they were first hit?"

13 Your answer:

14 "Not immediately. This was unexpected. They protected
15 themselves with their arms."

16 The prosecutor:

17 "When they fell on the floor, did the attack continue?"

18 Your answer:

19 "Yes, it went on. I told you they were about to kill Sokol.
20 Their aim was to hit and kick, whether they were standing or on the
21 floor."

22 And then the question from the prosecutor:

23 "What made them stop each individual beating?"

24 Your answer:

25 "In my opinion someone must have told them that out of those 13

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1 people, these 6 are to be beaten and after beating them up, you are
2 to stop immediately. It is possible that their aim was to scare us
3 for the future interrogation."

4 Do you recall giving that answer in describing -- or those
5 answers, that series of questions and answers, in describing how the
6 beating stopped?

7 A. Distinguished Ms. Prosecutor, distinguished president of the
8 Court, maybe you have not read the letter I sent you last year.
9 Maybe you have, because you have had to. In that letter, I distanced
10 myself from all the statements I gave after the press conference when
11 we returned. And I feel responsible for what I stated that day at
12 the meeting of the presidency for the VOA and at the press conference
13 and here, for whatever I am saying here.

14 In this letter, I call the Court anti-Albanian, political,
15 one-sided. You are not to blame that this is established. It's
16 because of the Dick Marty report. When Dick Marty, in a Russian,
17 Serbian statement, became invalidated, the Court should have been
18 transferred to Kosovo or closed down.

19 PRESIDING JUDGE SMITH: Once again you're not answering the
20 question.

21 Please repeat the question.

22 MS. MAYER:

23 Q. Sir, I just asked you if after having read that passage back to
24 you, those questions and answers, if that refreshed your memory about
25 how the beatings ended. Does that refresh your memory about how the

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1 beatings stopped?

2 A. I didn't see anyone falling on the floor or lying on the floor.
3 I don't recall to have seen any drop of blood. There absolutely was
4 no one beaten with iron bars or with wooden sticks. I don't remember
5 those. The fact that I distanced myself from that speaks a lot. You
6 can go on with your questions. I am here to answer.

7 Q. I appreciate that. What about the last part of what I read to
8 you, which is you said:

9 "In [your] opinion someone must have told them that out of those
10 13 people, these 6 are to be beaten and after beating them up, you
11 are to stop immediately. It is possible that their aim was to scare
12 us for the future interrogation."

13 Does that refresh your recollection as to what you thought about
14 why they stopped the beating?

15 A. This is a classic case of speculation if I said it so. There is
16 no possibility, even technical one, for me to hear what someone might
17 have said to somebody else or to beat someone. So, you know, this is
18 speculation. This was entirely spontaneous. I described it on many
19 occasions. Although, you have the absolute right to ask me the same
20 question over and over again.

21 Q. After the six of you that were involved in this physical
22 altercation, did you all have any conversation with each other?

23 A. What time are you referring to, Madam Prosecutor?

24 Q. So after this, as you describe it, this physical altercation
25 that involved the six of you - so it involved you and Agim Krasniqi,

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1 Mehdi Bardhi, Sokol Blakaj - after that physical altercation, did you
2 all speak with each other, either just the six of you or all of the
3 delegates?

4 A. I do recall that silence reigned in, and that everyone was
5 thinking or reflecting on why this incident happened.

6 Q. And I missed a name. I only named five. The sixth was Jusuf
7 Telaku. What were you reflecting on? What was it that you were
8 reflecting on?

9 A. We were reflecting, and also then in the meetings I had with the
10 President Thaci, I tried to explain the purpose of our visit. We
11 exchanged about the developments --

12 Q. I want to stick with -- we're going to get to your conversation
13 with Hashim Thaci. My question is you, the delegates together, what
14 were you reflecting on? You just said you were reflecting, so what
15 were you reflecting on?

16 A. It's not -- it's unclear to me. Could you please ask the
17 question again?

18 Q. Sure. I asked initially after this physical altercation if the
19 six of you together, or all 13 delegates, if you had any
20 conversation. And in response to that, you said that you were
21 sitting there and you were reflecting. So my follow-up question is
22 what you were you reflecting on?

23 A. We were thinking, reflecting why this misunderstanding, why this
24 incident. You could put yourself in our shoes. Why this happened?
25 Because this was not only bad for us, it gave a bad reflection on the

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1 KLA, which was not the case. But now, again, we're talking here
2 about a voluntary army, an army which was not systemised. It didn't
3 have a leading structure. Virtually everyone would do anything they
4 wanted to. This could have happened as well.

5 Q. Sir, you just told us you didn't really know much about the KLA,
6 and I'm not asking you about your opinion about their structure. I'm
7 asking you about what you were reflecting on. And what you just told
8 us was because this was bad, both for you but also for the KLA, so
9 that's because they are the ones that did this to you; is that right?
10 This was done by Albanians against you.

11 A. It's a very difficult question. I cannot know what we exactly
12 thought in those moments, which were 25 years ago. Believe me, I
13 don't know what we exactly thought.

14 Q. All right.

15 MS. MAYER: If we could go to the top of page 034262 -- I'm
16 sorry, it starts at the bottom of 034262 in the English, and in the
17 middle of the page 034279 in Albanian. In the English, if you can go
18 down to the bottom. Thank you.

19 Q. And you were asked by the prosecutor in 2014:

20 "What was the discussion between you and your fellow delegates
21 in that room?"

22 MS. MAYER: And then if in English, we can go to the top of the
23 next page.

24 Q. And you answered:

25 "We spoke very little because they were all in an incredible

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1 state. I cannot describe the state we were all in there. It was the
2 first time they were all beaten. It would not have been a problem if
3 we were beaten by the Serbs but we were beaten by Albanians, by those
4 who were supposed to protect us."

5 Is that what you were reflecting on after the physical
6 altercation?

7 A. I personally, because I wouldn't know what the others were
8 reflecting on, I was not in their mind, I was mostly reflecting on
9 the alarming situation in which the civilians were in Drenica and
10 what I saw.

11 Allow me to describe one scene. I saw an abandoned child
12 without parents biting on a piece of bread that he took from the mud.
13 These are things I witnessed and experienced.

14 Now, with respect to the incident, the disagreement with the
15 KLA, this was a minor thing compared to what was going on in Kosovo.
16 Children were being killed. 1.400 children were killed. Women were
17 being raped. Our mothers, including handicapped in their
18 wheelchairs, were being killed. These were matters of concern for
19 us, and these were matters of reflection for us.

20 That child I saw eating a muddy piece of bread, I gave to that
21 child every other possible violation committed by the KLA.

22 MS. MAYER: I just have one last question, Your Honours, if I
23 may. I know we're out of time.

24 Q. Were you or any of the other detainees offered any medical
25 treatment while you were in KLA custody?

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1 A. We didn't need to. None of us. We didn't need to.

2 Q. Okay. That's not my exact question. My question is were you
3 offered any.

4 A. We did not need to. They offered us drinks, if you're referring
5 to the KLA. Whoever wanted beer was offered beer. And those who
6 smoked were offered cigarettes.

7 MS. MAYER: I think this is a good time to break, Your Honour.

8 PRESIDING JUDGE SMITH: Witness, we will break for lunch now for
9 an hour and a half. You'll be back here at 2.30.

10 [The witness stands down]

11 PRESIDING JUDGE SMITH: [Microphone not activated]

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

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

14 PRESIDING JUDGE SMITH: Madam Court Officer, please bring the
15 witness into the courtroom.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Witness, we are ready to continue the
18 direct examination by the Specialist Prosecutor's Office.

19 Madam Prosecutor, you can continue.

20 MS. MAYER: Thank you, Mr. President.

21 Q. I want to pick up where we left off before the break. After the
22 this, as you describe it, physical altercation, were you taken to a
23 classroom or another room?

24 A. They took us to one of the classrooms in the school building.

25 Q. Can you describe what was in that classroom?

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1 A. There were beds instead of chairs or desks. There were beds.

2 Q. And did the beds -- were they bare, like, without mattresses or
3 sheets or blankets?

4 A. Bare. Only the structure, because there was -- this was not a
5 hotel. It was a school building.

6 Q. What if anything were you told about whether you would stay
7 there or not?

8 A. They left us in that classroom for a while. Sometimes somebody
9 would come in and check in. Nothing major happened until two hours
10 later when President Thaci came.

11 Q. When you say "sometimes somebody would come in," would they come
12 in and take individuals from the delegation out of the classroom?

13 A. No, they didn't take anyone out of the classroom. And after the
14 physical altercation, we did not have any additional or other
15 problems.

16 MS. MAYER: I'd ask to go to page 034261 in English and 034277
17 in Albanian.

18 Q. In 2014, you said:

19 "After" --

20 And this is at page 261:

21 "After the beatings, they took us to another classroom in which
22 there were some beds, barren with no sheets or blankets and they told
23 us that we were going to stay there."

24 Then there's another question, I'll skip a question, and the one
25 after that is:

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1 "What happened then?"

2 And your answer is:

3 "The individual questioning took place one by one."

4 MS. MAYER: If we go to the next page, page 034262 in the
5 English and 034279 in Albanian. And in the English, if you can
6 scroll down just a little bit further. Perfect.

7 Q. You also then said -- you started by saying:

8 "I am referring to the time before we were individually
9 questioned."

10 The prosecutor then said:

11 "You were beaten up. You were taken to another room with beds
12 without mattresses. You described being taken individually to rooms
13 where you were questioned by Hashim Thaqi? At what point did you
14 write these statements ..."

15 And your answer was:

16 "This was in the room with beds without mattresses, before we
17 were taken to be individually questioned. They put soldiers outside
18 to stop us from leaving."

19 So I want to ask you, Witness, first of all, when you were put
20 into this room with beds and no mattresses, sheets or blankets, did
21 they put a soldier outside to stop you from leaving?

22 A. I don't remember. I am not sure.

23 Q. And did you -- these two passages that I read to you, they both
24 talk about being individually questioned or questioned one by one.
25 Were the delegates, in fact, taken out individually, one by one for

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1 questioning?

2 A. We were not questioned in this sense as we would be questioned
3 by the Serbian police. We had a conversation.

4 Q. Okay. My first question, though, is was that individually, one
5 by one?

6 A. I don't know what happened with others present there. However,
7 I was invited to have a conversation with President Thaci.

8 Q. All right. We'll get to the substance of that conversation in a
9 few minutes. But when you were taken, were you the only one of the
10 delegates? Was it just you yourself individually?

11 A. No, the entire delegation was in that classroom.

12 Q. And when you were in the classroom, were any of the delegates
13 taken out while you still remained in the classroom? Was anyone
14 taken away one by one?

15 A. I don't remember. I don't think they were taken away one by
16 one. I am talking about President Thaci after, when he came. So
17 this was two hours after the whole event, when President Thaci made
18 his first appearance. I am not certain that he spoke to every single
19 one of the persons present there, but I think he spoke to those who
20 had more important roles within the delegation. But I wouldn't want
21 to speculate.

22 Q. All right.

23 MS. MAYER: If we could go to page 261 in the English, and the
24 bottom of 034277 in the Albanian to the top of 278.

25 Q. Witness, in your 2014 testimony you said:

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1 "The individual questioning took place one by one."

2 The prosecutor asks:

3 "Could you explain what happened to you?"

4 Your answer:

5 "I was questioned at a table by Hashim Thaqi."

6 The prosecutor:

7 "In the same room?"

8 Answer:

9 "No, I was taken to another room."

10 Question:

11 "Did Hashim Thaqi take you to the other room or was he waiting
12 for you there?"

13 Your answer:

14 "It was one of the ... soldiers who said 'Gjergj Dedaj, come
15 with me.'"

16 Is that what happened, that you were called by name --

17 A. [Overlapping speakers] ...

18 Q. Let me just finish my question, sir. Is that what happened,
19 that you were called by name by one of the soldiers and taken to
20 another room where Hashim Thaci was waiting for you and then he
21 questioned you at a table?

22 A. Yes, somebody called me and took me to a room where
23 President Thaci was. We sat down and talked, had a conversation.
24 Had a conversation.

25 Q. Were you asked to give your CV, your background?

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1 A. They asked us who we were. In my statements, I have said that
2 the KLA, like every other army, had the right to suspect who we were
3 because most of us in the delegation were not known to them.

4 Q. Sir, as you said earlier to the Court, we don't want you to
5 speculate, and I don't think you know what they knew about you, so
6 I'm going to just ask you to stick with what you knew. Okay?

7 And my question is whether or not that -- when you were called
8 there in terms of questioning, whether or not Hashim Thaci was there
9 and you were questioned by him. That's my question.

10 A. He didn't question me, but we had a conversation together.

11 Q. And I believe my next question was whether you were asked to
12 write your CV or a bio about yourself. Did that happen? Were you
13 asked to write your CV -- or a short CV, I should say?

14 A. I have forgotten. This has not remained with me.

15 Q. All right.

16 MS. MAYER: All right. If we can go to page 034262 in the
17 English and the top of 034279 in Albanian.

18 Q. And does this refresh your memory, then, since you said you
19 don't remember? The prosecutor asks:

20 "When you were seated there, was it just you or were others
21 there?"

22 Your answer:

23 "Just me. We were questioned one by one. We were initially
24 asked to write a short CV stating who we were 'I am Gjergj Dedaj' and
25 afterwards they gathered those statements from all of us."

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1 Does that refresh your memory about providing a written CV?

2 A. I don't remember that but it may have happened. It's not
3 relevant whether they knew -- wanted to know who we were. Not in my
4 case, because they knew who I was, but for the others, they didn't
5 know who they were.

6 Q. And who was there when Hashim Thaci was at the table and you
7 were there? Was anyone else in the room with you?

8 A. Person 1 came and left. But the conversation I had was with
9 President Thaci.

10 Q. And so did Person 1 ask any questions?

11 A. I don't remember. I don't know whether he was capable of asking
12 questions.

13 Q. What do you mean by that?

14 A. The questions we were interested to discuss were political
15 developments in Kosovo. Since I was one of some most important
16 persons regarding international cooperation with Washington,
17 Brussels, NATO, we focused our conversation on the stand of such
18 international institutions *vis-à-vis* Kosovo.

19 So we could have such conversation with President Thaci but not
20 with Person 1.

21 Q. [Microphone not activated]

22 THE INTERPRETER: Microphone.

23 MS. MAYER:

24 Q. About how long did these questions last?

25 A. I would say about an hour. I cannot be precise. If you allow

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1 me, I would like to underline that we had a very normal, quiet
2 conversation, like we were, like, ten years after the war. A
3 collegial, professional conversation, I would say.

4 Q. I understand that you don't remember all the details, but when
5 you had to -- when you gave your information about who you were, did
6 you give information about your party affiliation and your
7 profession?

8 A. Well, I am repeating. If it's necessary, I would repeat it as
9 long as -- as many times as you want. But I was a public figure then
10 and --

11 Q. Sir, that's not my question. I know that you're a public
12 figure. What I'm asking is did you give your information. If you
13 didn't, because you believe people knew it, then you can just say
14 that. But I'm just -- if you can answer, the question is: Did you
15 provide information about your party affiliation and your profession?

16 A. Yes, I spoke also about myself like I'm doing now, which was
17 quite normal. As I already said, myself and the party I led were
18 more advanced in our international relations in the Balkans and with
19 other political parties of Europe and the world.

20 Q. Were you asked about the purpose of your visit to Qirez when you
21 were having this conversation?

22 A. Yes, the reason why we went there. We explained to them that it
23 is an entirely humanitarian reason but also to look at the situation
24 from close up so that when I went abroad to Brussels, Washington, or
25 elsewhere, I would be able to give a fair description of what was

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1 happening in Drenica, which was the most hit region and destroyed,
2 which the Serbian police torched and killed people there. Also in
3 other regions like Dukagjin and others.

4 Q. Were you asked about who organised the trip?

5 A. Yes, whose idea it was. The idea was mine and of
6 President Rugova, who told me that Shaun Byrnes, the chief of US
7 diplomatic mission, whose office was in Kosovo, Fushe Kosove, said it
8 was a good idea. Because everything we did, we did it in
9 partnership, first of all, with the US, and then European Union, and
10 NATO, because that was a joint approach.

11 Every time I came from an international visit, I went to meet
12 Shaun Byrnes and informed him of the situation on the ground.

13 Q. Speaking of those other trips, were you asked by Hashim Thaci
14 about those other trips as well?

15 A. No, no. No, he -- there was no reason for him to ask me. As I
16 told you -- I don't know how much you can believe me, but we engaged
17 in a very normal, quiet conversation, without any tension. The
18 reason why we went there I explained to him like I'm doing now.

19 Q. I'm not asking about the tone of the conversation, whether there
20 was tension. That wasn't my question. It's about the content of the
21 conversation.

22 A. The content consisted in finding out the purpose of our visit,
23 but we discussed more at length about political developments in
24 Prishtine, because Prishtine and KLA didn't have very coordinated
25 relationship. Knowing -- President Thaci knowing my role and

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1 influence on US and European diplomacy, he was eager to know the
2 approach of such international hubs, which for us were very, very
3 crucial, very -- and will be so forever, our partnership with US and
4 Europe. Also regarding KLA, how they regarded KLA, that is.

5 Q. Were you asked about any interactions you had with the Serbs on
6 your travel to Qirez? Was that part of the conversation?

7 A. No, because each of us, the KLA and we in Prishtine, every
8 Albanian knew how we were treated by the Serbs.

9 Q. Okay. I'm not asking you for what every Albanian knew. I'm
10 just asking whether you were asked about that. Were you asked about
11 President Rugova?

12 A. I don't remember. We talked about President Rugova.
13 President Rugova and President Thaci are the two main pivotal figures
14 in the history of the Kosovo state.

15 Q. What specifically were you asked or what was the discussion
16 about President Rugova?

17 A. There were speculations. But we are talking about Kosovo at the
18 time when everybody did what they wanted and like, robbed and did
19 what they liked, like Serbs, Russian, or other services, but you are
20 not letting me explain to you.

21 So there was speculation also about Rugova's stand towards KLA.
22 Even though he was never against the KLA, there might have been
23 individuals within his party who had prejudices regarding KLA. But
24 as far as Rugova goes, he was a supporter of the Kosovo Liberation
25 Army.

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1 Q. So my question wasn't about what President Rugova's stance was.
2 It was about what you were asked or what the discussion was about
3 President Rugova. Can you tell the Panel what you were asked about
4 President Rugova?

5 A. In the public opinion then, many things were written and things
6 which were not true. Like President Rugova allegedly is against KLA.
7 There were certain services that did that.

8 Q. Sir, you just said that, and that's not my question.

9 MS. MAYER: Let me go to 034263 in English, and corresponding
10 starting at the bottom of 034279 in the Albanian.

11 Q. The prosecutor asked you:

12 "What specifically were you asked?"

13 Your answer:

14 "We were made to say that we were traitors because we support
15 the policies of Ibrahim Rugova. Actually I asked them a question
16 which irritated them even more. I asked them whether they had
17 problems with Milosevic or with Rugova. I told them that we support
18 Rugova. I said to them that I do not know which side you are on.
19 From that point on, I did not want to go on living. [The] emotional
20 state follows me on a daily basis because I think that we were the
21 people who actually worked for the freedom of Kosovo."

22 Is that what happened? Was that the discussion about
23 President Rugova with Hashim Thaci?

24 A. Not with President Thaci. This was not the conversation we had
25 with President Thaci.

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1 Q. Who was the conversation with?

2 A. You are -- want to make it difficult for me also for the rest of
3 my life. But it's not a problem for me as much as it is for my
4 children and my family members.

5 We mentioned a person with a code. I don't want to have it
6 mentioned often because it is with these persons that we had these
7 problems, and maybe we generalised them. We were also indignant at
8 what had happened. But we discussed this with President Thaci -- we
9 did not discuss this, what you are putting to me now.

10 MS. MAYER: All right. If we can go to 034265 in English, and
11 034281 at the bottom in Albanian.

12 Q. And you're asked by the prosecutor:

13 "During these interrogations, what were you asked by Hashim?"

14 So this is in specific reference to Hashim Thaci, no one else.

15 And your answer is:

16 "The whole idea was to discredit Rugova and the whole political
17 class belonging to him. I got convinced later that these people that
18 did this did not fight for freedom but they fought for power."

19 Do you recall -- is that then the conversation that you had with
20 Hashim Thaci, not with anybody else?

21 A. If I said that -- you have not allowed me to explain why I gave
22 this statement. This is what you want to hear, not what you should
23 hear. I am repeating: With President Thaci, with Rexhep Selimi,
24 Kadri Veseli, the speaker of parliament whom I knew three, four years
25 after the war. I did not know him. I have my respect for them. We

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1 did not have problems.

2 I told you with whom we had problems. Official Prishtine LDK --
3 part of the LDK, some individuals did not have good rapport with KLA
4 and vice versa. There were KLA individuals who hated
5 President Rugova, we -- us, as a political class, because there was
6 no coordination.

7 Q. Sir, my only question was what -- after reading you that
8 passage, is that the conversation that you had with Hashim Thaci. It
9 had nothing to do with your general relationship with anyone else.
10 So after reading that passage, was that your conversation with
11 Hashim Thaci about discrediting President Rugova?

12 A. No, no. Hashim Thaci did not utter a single discrediting word
13 towards Ibrahim Rugova.

14 Q. Were you asked to write or sign a statement while you were there
15 after your being questioned?

16 A. I don't believe I signed any statement. Perhaps we gave a
17 résumé of who we were, what kind of job we do. This was more like
18 information provided because there were people within the delegation
19 whom nobody knew and people I didn't know myself.

20 MS. MAYER: If we can bring up the bottom of page 034261 in
21 English, and 034278 in Albanian. If you go to the very bottom in the
22 English. Great.

23 Q. Witness, in your answer, you're talking about Sokol Blakaj in
24 the beginning, but then you say at the end of this answer:

25 "They asked me to sign a statement there stating that 'Rugova is

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1 a traitor.'" "

2 MS. MAYER: And then at the top of the next page in the English,
3 034262.

4 Q. You then say -- the prosecutor then asked you:

5 "Who asked you to write these statements?"

6 And you answered:

7 "Hashim Thaqi, Sabit Geci and Rexhep Selimi. These are the
8 people that I got to know. After meeting them then I got to know who
9 they were.

10 "Prosecutor: Did you write out a statement in that room?"

11 "Witness: Yes."

12 So were you asked to write a statement that Rugova was a traitor
13 by Hashim Thaci, Sabit Geci, and Rexhep Selimi?

14 MR. MISETIC: May I interrupt for just a second.

15 THE WITNESS: [Interpretation] In no moment --

16 MR. MISETIC: Maybe I'm a mistaken here, but there is a
17 discrepancy between what was read out and what's being shown on the
18 screen.

19 MS. MAYER: So it started at the very bottom of page 261 -- oh,
20 sorry, that was the previous question. It's on page 262, I believe.
21 We were on page 262 for this question. And I think it's towards the
22 top. Oh, sorry, it's at the bottom. I'm so sorry. It says -- it's
23 starting five lines up -- five entries up from the bottom. It starts
24 with:

25 "Who asked you to write these statements?"

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1 And I don't believe there is any discrepancy since I'm reading
2 off of an image of it.

3 MR. MISETIC: I guess my only objection is the context. There
4 is part at the top where he describes the roles, particularly with
5 respect to Mr. Thaci, and then he gets to that conclusion.

6 MS. MAYER: I read it directly in context with the question
7 before and after, so I don't think there's any --

8 PRESIDING JUDGE SMITH: That might be properly asked during
9 cross-examination.

10 [Microphone not activated].

11 MS. MAYER: Just one moment, Your Honour. Let me just make sure
12 we have an answer to this question.

13 Q. So I asked you, Witness, after reading that back to you, are
14 these -- did Hashim Thaci, Sabit Geci, and Rexhep Selimi -- are these
15 the people who asked you to write out a statement in that room?
16 That's my question to you.

17 A. I have never met Hashim Thaci, Rexhep Selimi, and [REDACTED] all
18 together in one place.

19 Q. I appreciate the clarification. Did any of the three of those
20 individuals ask you to write out a statement?

21 A. It is possible that the Person 1 did, but I can't recall
22 precisely. This was a person who didn't really like Rugova and the
23 LDK.

24 Q. Do you know whether the other delegates had similar
25 conversations or questioning by Hashim Thaci?

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1 A. No, I'm not aware. I don't know the content of the
2 conversation, if any, because I was not there and I cannot speculate.

3 Q. How long did this questioning last? I know you said your
4 individual questioning was about an hour, but across the entire
5 group, how long did the questioning last?

6 A. Perhaps they had shorter conversations with the others. Some of
7 them were not that important. Now, what I mean is they all had their
8 own importance, but I had official functions. I was the head of the
9 delegation. So the conversations with the others were shorter. But
10 it was short, anyway.

11 MS. MAYER: If we could go to 034264 in English, and the middle
12 of 034279 in the Albanian. If you could scroll down a little bit in
13 the English. Thank you.

14 Q. Witness, you start -- I'm reading from a section where it says:
15 "It could have been about 11pm the same night we were arrested."
16 The prosecutor asks:

17 "What happened that night and the following day before you were
18 released?"

19 Your answer:

20 "That night and the following day, the interrogations went on."

21 The prosecutor:

22 "Who was conducting those interrogations?"

23 Your answer:

24 "Hashim Thaqi?"

25 "Prosecutor: Anyone else?"

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1 Your answer:

2 "[Individual 1] assisted him but his vocabulary was very bad,
3 using threats. But Hashim used the proper words."

4 So did the interrogations go on that first night and into the
5 following day?

6 A. We were questioned on that night. On the next day, we were
7 free, quiet. We rested. There were no problems whatsoever. I think
8 we explained and clarified the purpose of our visit on that night,
9 and I think the KLA understood our mission as being a humanitarian,
10 fair mission. And on the next day, we did not have any problems.

11 Q. But as you said here, that Hashim Thaci was the one conducting
12 these interrogations; is that right?

13 A. This was not an interrogation. I would like you to rectify
14 this, although I cannot order you to do so. This was a conversation.
15 These were conversations. These were normal conversations between
16 leaders. I was a political leader and, therefore, these are
17 conversations.

18 Q. I understand that's your testimony today, sir, but I'm using
19 your words from 2014 when you're the one who used the word
20 "interrogations." You're the one that says that --

21 A. [Overlapping speakers] ...

22 Q. -- and -- sir, let me finish my question:

23 "That night and the following day, the interrogations went on."

24 That's from your answer. And then the prosecutor says:

25 "Who was conducting those interrogations?"

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1 Using your word. And your answer is:

2 "Hashim Thaqi."

3 So I understand that you have a different word today, but I'm
4 asking you, from your testimony then, did Hashim Thaci conduct the
5 interrogations?

6 A. I have a serious answer today. Again, and for the umpteenth
7 time, I am telling the truth. On the day when I came back from the
8 mountains, I said the truth in Prishtine, and I'm saying the truth
9 today. In between these two moments, I've exaggerated things. I
10 have changed things. The truth is what I said on that very day,
11 two hours after, when I came back to Prishtine. Check the interview
12 on Voice of America, and check the record of the meeting of the
13 presidency of the LDK. Everything else is exaggeration.

14 Q. I want to ask you some questions about President Rugova and the
15 conditions in Kosovo between institutions. Did the KLA recognise
16 President Rugova at the time as far as you understood?

17 A. Look, now we can't talk in general terms about the KLA. There
18 were individuals who did not recognise him. Individuals who were
19 irritated because we were living a normal life in Prishtine. The KLA
20 instead was facing the fourth or fifth army in Europe, which had
21 heavy weaponry, a fascist regime. So they were right to be irritated
22 against us and President Rugova.

23 But we never saw anything that would threaten us in Prishtine.
24 Some individuals did not agree with President Rugova. At times, we
25 ourselves didn't fully agree with him.

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1 Q. Well, my question wasn't about agreement. It was about whether
2 or not the KLA recognised President Rugova, his authority, and you
3 said that some individuals did not. So was Hashim Thaci one of those
4 individuals?

5 A. No. When we went to Rambouillet, two, three, or four months
6 after the event we're referring to, the closest cooperation
7 between -- thanks to the closest cooperation between Rugova and
8 President Thaci, we reached that historical agreement.
9 President Rugova played his own role in his capacity as a president,
10 and President Thaci played his role as an irreplaceable and very
11 important leader.

12 Q. Did the KLA recognise the authority of the Kosovo parliament?

13 MR. MISETIC: Objection, calls for speculation, lack of
14 foundation.

15 PRESIDING JUDGE SMITH: [Microphone not activated].

16 The objection is sustained.

17 MS. MAYER:

18 Q. Witness, you testified this morning when you were talking about
19 your background, and this is realtime transcript page 16, lines 17 to
20 19:

21 "In 1998, we also held some election which in a way was
22 controversial, but we wanted to have an address where internationals
23 came to Kosovo to negotiate."

24 What did you mean by the election in 1998 was controversial?

25 A. Look, one cannot call them Kosovo elections if they're not held

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1 throughout the territory of the Kosovo. There were several
2 municipalities, including the most endangered area, Drenica region,
3 which was not able to organise and hold elections in that part of
4 Kosovo because of the pressure from the terrorist Serbian forces.

5 What we said is that we held these elections in order for the
6 delegations from NATO, Europe, America to have an address where they
7 would go to and find somebody to talk to. This was the purpose and
8 the stance, because that parliament that resulted from those
9 elections was completely non-existent. It didn't adopt laws or
10 any -- it didn't have any legislative functions.

11 Q. And did Person 1 tell you what he thought about the Kosovo
12 parliament?

13 A. You're asking me very tough questions about this Person 1, but
14 you're right and I respect you because you're doing your job. I
15 respect everyone in this courtroom.

16 Now, Person 1 did not know -- I think he didn't even know
17 himself, let alone the Kosovo parliament. Please don't put me on the
18 spot. He is what he is. And don't please create additional problems
19 to me and my family because I've already had hard times and I went
20 through an ordeal, and there is no person in Europe who's gone
21 through what I've gone through the last 25 years.

22 Q. Let me ask in a different way. Did you have any interactions
23 with any members of the KLA where they expressed an opinion that they
24 didn't recognise the parliament of Kosovo in 1998?

25 A. I already said that there were individuals, including within the

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1 KLA, who did not recognise the official institutions in Prishtine.
2 There were individuals also within the political parties in Kosovo
3 who spread negative propaganda, did not recognise the institutions.
4 And as a result of this propaganda, we are here today, which we do
5 not deserve, and we should not be here.

6 Q. Did there come a point after the questioning took place where
7 you had an interaction with a person named Tahir Desku?

8 A. Yes, I remember.

9 Q. Was this after your conversation with Hashim Thaci?

10 A. This took place -- I'm not sure if it was shortly before or
11 shortly after. I really don't know for sure. I don't want to
12 speculate. I do know that he came into the classroom, that classroom
13 where there were beds. And I also knew Tahir Desku from Prishtine.

14 Q. And describe what he was wearing when he came in to the
15 classroom.

16 A. He was a proper soldier wearing a uniform. He entered the
17 classroom, but when I saw it was him, I was surprised because I
18 didn't know he was there.

19 Q. You said that he was in a uniform. Did he have a gun in his
20 hand?

21 A. Yes, he had an automatic weapon in his hands. Because those who
22 didn't really fight, they either took photographs holding weapons
23 or -- so they did this to promote themselves. Tahir was one of
24 those.

25 Q. And did he ask to speak with you privately or go to a corner in

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1 the classroom?

2 A. Before the war, my brother had a restaurant in Prishtine. And
3 for a time -- and to my recollection, now he's passed away, but Tahir
4 often used to come to my brother's restaurant, and he never let him
5 pay because he was in a difficult economic situation, because we are
6 very -- we have great solidarity in Kosovo. Whoever could,
7 solidarised with others. When he saw me, he came directly to me, to
8 the bed where I was sitting, and talked with me.

9 Q. And what did he tell you?

10 A. If he were alive, I wouldn't care to speak ill of him. But if
11 you speak ill of somebody who is dead, that's not good. And we have
12 a saying that you should speak only good words about someone who is
13 dead. But he was not a credible person, and I didn't take him
14 seriously.

15 Q. Can you tell us what he said before you tell us whether you took
16 it seriously or not? Why don't you tell us what he said to you?

17 A. I was sure that -- because I knew him from Prishtine, that he
18 was under the influence of alcohol. He has done some very bad things
19 to KLA, because you cannot drink and also fight.

20 Q. My question, though, is what did he say to you in that
21 classroom? What did he say to you?

22 A. He wanted to scare me. And he said, "Tonight, you are going to
23 get killed, and I am sorry for you." I said to him, "Don't worry.
24 Nobody will kill me." And at the end, I didn't take what he said
25 seriously. My colleague said, "What did he tell you?" And I said,

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1 "Nothing." I didn't want to create panic because I knew Tahir Desku.
2 We just wanted to return to Prishtine and not encounter any Serbian
3 forces, but not that we would have any problems with KLA, and we
4 didn't have after that time. The KLA always supported us.

5 MS. MAYER: If we can go to 034263 at the bottom in the English,
6 and 034280 at the bottom in the Albanian.

7 Q. So you're describing Tahir Desku coming into the room. And in
8 the middle of that paragraph, you describe:

9 "There were tears in his eyes. He said that the HQ had passed a
10 decision. He said that 3 of you are going to be shot and killed
11 tonight. I asked him who. He said you Gjergj, Mehdi Bardhi and Agim
12 Krasniqi."

13 Do you --

14 A. [Overlapping speakers] ...

15 Q. Let me just ask a question.

16 A. [In English] Okay. Sorry, sorry.

17 Q. That's okay. Let me just ask a question now that I've read that
18 to you. So is that the conversation that Tahir Desku told you that
19 HQ had passed a decision, and that it wasn't just you it was three of
20 you - yourself, Mehdi Bardhi, and Agim Krasniqi - who were to be shot
21 and killed?

22 A. [Interpretation] First, I don't think that the headquarters, the
23 staff was in the school. It was a concoction, a lie of Tahir Desku.
24 Were he not dead, I would have given you a very clear qualification
25 as to who he is, but I want to spare him, being dead. If he had

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1 tears in his eyes, that was because of the *raki*, the drink, and
2 someone who drinks can say anything in the name of this or that but
3 that is not true.

4 From that conversation with him, we didn't -- nothing happened.
5 We were not worried. Nobody came to knock on our door. So it's a
6 fabrication on his part.

7 Q. Well, when he said this to you, you answered him by saying that
8 you would stand in front of your friends. You didn't say, "I don't
9 believe you. Go away." You said, and it's at the end of that same
10 paragraph:

11 "... I asked him to write with that pen the treason committed in
12 Kosovo because Gjergj is a man of Kosovo. If you kill Gjergj it
13 means you kill the future of Kosovo. I insisted not to kill my other
14 friends but to kill only me because I was the leader of that group
15 and I wanted to have as few victims as possible."

16 So you didn't say, "I told him because I didn't believe him."
17 You said you wanted as few victims as possible. So you did believe
18 him that night, didn't you?

19 A. No, no, I did not. But I'm saying here now, if I were heading a
20 group and let's say we encountered Serbian forces, I would have told
21 them, "Kill me but not my friends." That's part of my DNA and my
22 family. It's better to sacrifice one person, if that is required,
23 rather than all.

24 But because it was Tahir Desku who told this, I took it with
25 distrust. We are alive, as you see. But nobody came to our door

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1 even to knock, so that was his fabrication. Maybe I thought that
2 they had decided to do that, and I said, "Then kill me and let my
3 friends go, return to Prishtine." But then I realised it was
4 something made up by him. Why he did that? I don't know. He is not
5 alive. But it has got nothing to do with the KLA General Staff.

6 Q. Was that your understanding of what headquarters means, is that
7 that's another word for the KLA General Staff?

8 A. I didn't know the people of the staff. I didn't know where it
9 was based or what it thought. Only one thing I know: That it is the
10 staff that brought Kosovo liberation. Had that staff or the KLA not
11 been in existence, I wouldn't be here, Kosovo would be deprived of
12 Albania, and Kosovo would no longer exist.

13 Q. If we look in that same paragraph -- or towards the bottom of
14 the page there.

15 MS. MAYER: If you can just scroll up a little bit on the
16 English. Thank you.

17 Q. At the end of that paragraph, you also say that after he left,
18 after Tahir Desku left:

19 "... the remaining members of the group of 13 approached me and
20 asked what he had said."

21 They asked what Tahir Desku had said to you. You said, in order
22 to calm people down:

23 "I could not tell them 3" --

24 I'm sorry, let me start again.

25 "... I could not tell them 3 were going to get killed that

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1 night, I told them all was going to be ok and not to worry. As the
2 leader of the group I was forced to take responsibility and act as a
3 leader of that group."

4 So, again, you didn't say you didn't believe them. You actually
5 were focused on calming down the other delegates and not worrying
6 them because you were going to take responsibility and stand in front
7 of them; is that right?

8 A. Knowing the historic mission, that of liberation by the KLA,
9 knowing the suspicious credibility of Desku, and believing on the
10 clean record, if you like, of all the members of the delegation from
11 Prishtine who were willing to get killed for Kosovo but by the Serbs,
12 I thought it like -- I took his words like I was having an espresso
13 coffee.

14 But, however, not to create panic, I told them, "Don't worry,
15 there are good news. Tomorrow we are returning to Prishtine."

16 MS. MAYER: I'd ask the Court if we can bring up what I believe
17 is in evidence as P00158 and it's corresponding P00158-ET.

18 [Microphone not activated].

19 THE INTERPRETER: Microphone, please.

20 MS. MAYER: If we can zoom in in the Albanian on the right side
21 of the screen. And in the English, if we can go to page 2 of the
22 PDF. I believe the ERN at the bottom is 043805. And in the
23 Albanian, it's the opposite side of the document, if you can scroll
24 over to the right. Thank you.

25 Q. Sir, do you see that where there is a press release of the

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1 military police directorate of the Kosovo Liberation Army from
2 23 September 1998? By the way, is that the day that you gave that
3 press conference? Is that the day that you got back to Prishtine,
4 23 September?

5 A. I am not sure whether it was 22nd or 23rd. One of the two.

6 Q. And the title of that is "Investigations continue on three
7 suspicious persons." And it reads:

8 "Based on information from the KLA Intelligence Service on
9 20 September 1998 at about 12:15, the KLA military police arrested 13
10 syndicalists, 'institutionalist' party representatives in the village
11 of Qirez, Drenica, for their divisive, partisan, schismatic,
12 institutionalist, anti-liberation war propaganda for handing over
13 weapons and for a temporary solution of Kosovo's political status
14 within Serbia that they had been conducting on the ground. After
15 conducting investigations in harmony with the customs of war and the
16 KLA military police's regulations of work these representatives were
17 released from their arrest on 23 September 1998 ..."

18 So it says you were released that day.

19 "... whereas, even though Gjergj Dedaj, president of the Kosovo
20 Liberal Party and self-appointed vice-president of the Kosovo
21 Parliament, and Agim Krasniqi and Mehdi Bardhi, senior functionaries
22 of the LDK, were released, investigative procedures will continue
23 against them until a decision is made by the competent organs of the
24 KLA."

25 Those three names, those are the same three names of people that

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1 Tahir Desku came and told you that HQ had said were going to be shot
2 and killed; is that right?

3 A. I don't know who has signed that, and an unsigned document is
4 part of propaganda, media propaganda.

5 Q. Sir, that is not my question. My question is, is it the
6 same three individuals --

7 A. [In English] Sorry, sorry.

8 Q. -- that Tahir Desku said --

9 A. [Overlapping speakers] ...

10 Q. Let me just finish my question again, sir. Is it the same three
11 individuals that Tahir Desku told you that HQ had decided would be
12 killed?

13 A. [Interpretation] If we were to quote Tahir Desku and have him
14 speak on behalf of the staff, it's like having Vucic speak on behalf
15 of the KLA.

16 Q. So is that a yes, that it's the same three members, or a no?

17 A. That is -- the names are the same. We couldn't change the
18 names. They called me Gjergj, which in English is George. That's
19 me. You cannot change, and I don't want to -- I don't wish to change
20 my name.

21 Q. How long were you detained for, the group?

22 A. Two days, 48 hours. Detained but not arrested. And after the
23 conversation we had with Hashim Thaci, everything changed and we
24 didn't have any problems. Then pseudo-patriots from the diaspora
25 sitting at comfortable hotels, and media, and so on, they have --

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1 they may have written what they like. But from what I've seen in
2 Kosovo regarding the weapons, I would have given them nuclear weapons
3 to use because the Serbs violated our women, killed our children, and
4 torched our country.

5 Q. Who was in charge of your detention from your arrest or
6 questioning -- or from the beginning to the questioning?

7 A. I have repeated it. Even during the days we discussed together,
8 I told you what my opinion was about the most important person there
9 who made decisions.

10 MS. MAYER: If we can go back to 034236 to 034287, and
11 specifically in the English at 034262, and in the Albanian, the
12 bottom of 034280. If we can just go up a little bit in the
13 English -- oh, I'm sorry. Up towards the top. Thank you.

14 Q. You say -- the prosecutor asks you:

15 "Who is 'they'?"

16 You say:

17 "Hashim at all times was the leader of that group. Sabit Geci
18 was there as well, he kept coming in and out."

19 The prosecutor then asks:

20 "When you say Hashim was the leader, what do you mean?"

21 Your answer:

22 "He was the leader for the whole event."

23 The prosecutor asks you:

24 "Do you mean from your arrest to the questioning?"

25 Your answer:

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1 "Yes. Since I did not know them I got to know who was the
2 authority there because he was the one deciding, interrogating us all
3 the time, he wanted to discredit us, thinking that we would get
4 scared because of what was happening."

5 So was Hashim Thaci the leader of this whole event, in your
6 words?

7 A. I explained to you several times. You are turning me back,
8 asking me the same question. Of course it's your right. I met
9 Hashim Thaci in Baice two hours after we arrived there. And the
10 statements I have given, because of my discharge from the position of
11 deputy minister, my emotional state, and a lot of attacks against me
12 by other people, I thought that it would -- behind them was
13 Hashim Thaci. But later I realised that this was done by other
14 people to discredit Hashim Thaci and me.

15 And these are my arguments and you can prove them. I saw
16 Hashim Thaci only two hours after we arrived in Baice. And I can say
17 in full moral, penal responsibility that it was a good thing that I
18 was chairing the delegation and that President Thaci was there.

19 Q. But you didn't just say that Hashim Thaci was at least one of
20 the people in leadership of this whole event. You said it -- you
21 didn't just say it after your discharge from being a deputy minister.
22 You said it back in 2001 to UNMIK. You said that Hashim Thaci,
23 Sabit Geci, and Rexhep Selimi were the main leaders of this.

24 MS. MAYER: And that's 034135 to 034141 RED2 in the middle of
25 the page on 034140.

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1 Q. And you also said that the individuals that ordered the illegal
2 detention and beating of yourself and other victims were
3 Hashim Thaci, Rexhep Selimi, and Sabit Geci.

4 MS. MAYER: And that's 034126 to 034127, and that's at the
5 bottom of the first page to the top of the second page in both
6 languages.

7 Q. So you didn't just say it after your discharge. You said it all
8 the way back in 2001; is that right?

9 A. From 2001 and after the war, I was misinformed. I'd heard
10 misinformation regarding various important KLA figures. Now, if a
11 lie is repeated over and over again, you may end up believing it.
12 They misled me into thinking that Hashim Thaci could have allegedly
13 been responsible or guilty also of our detention. I never heard or
14 saw Hashim Thaci giving an order.

15 Now, this is in 2001, and you seem to have forgotten I don't
16 understand the context we're dealing with, and we're burying family
17 members and their burned bodies. How can one in such circumstances
18 give credible and reliable statements? You're not taking into
19 account this.

20 Q. When did your detention come to an end?

21 A. 48 hours later. No, sorry, you're not giving me time to
22 explain. On the next day of the second night, an offensive launched
23 by the Serbian forces was progressing towards the school. Now,
24 somebody came into the classroom. I'm not sure whether it was
25 Hashim Thaci or somebody else. In any event, I met with Hashim Thaci

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1 in the courtyard, who -- and he said, "We need to leave as soon as
2 possible because the Serbian forces have attacked the area." And the
3 school was shelled on that very evening.

4 The Serbian forces wanted to catch us alive, kill us, and blame
5 the KLA for that, just like they did in the Panda case café, when
6 they tried to discredit and blame the KLA. So -- and it is because
7 of this process of discrediting and blaming others that we are here
8 today. I have never in my life witnessed, heard, or seen a case
9 where victims are put on trial.

10 Q. All right. So you're saying -- your testimony now is that
11 you're not sure who came into the classroom, but you saw Hashim Thaci
12 in the courtyard? Is that what you're saying now?

13 A. You are viewing this as if this event happened today and if I'm
14 supposed to have all this recorded in my mind. This happened 25
15 years ago, at a time when I was collecting body parts of my family
16 members, of our loved ones. And to this day, we still have over 1700
17 disappeared. And you're expecting us to be flexible, accurate,
18 precise, distant. This is impossible. I'm a human being as well.
19 You might think certain things about Albanians, but I am a human
20 being.

21 I don't know if Hashim Thaci came to the doorstep or came inside
22 or said, "Stand up and leave." But what I do know is Hashim Thaci
23 wanted to protect and save us because he didn't want us to be killed
24 by Serbs and have the KLA blamed -- and blame the KLA for that.

25 This is the essence of it. I cannot know and nobody can know

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1 the exact time, minute after minute, how it happened, and this and
2 that, because there were armoured military vehicles coming towards
3 us, there were tanks shelling us. And I -- I'm grateful to them
4 because they saved us.

5 Q. Sir, do you recall when we met at the end of last week that you
6 actually made a clarification to one of your statements about this
7 very part of what happened?

8 MS. MAYER: And this is at the preparation note, the specific
9 pages 116776, paragraph 31.

10 Q. And you specifically said, as a correction, to make sure that
11 your statement was clear, and it was read back to you, and you
12 confirmed it, that Hashim Thaci came into the classroom and he was
13 very concerned. Thaci told you, "Get up" --

14 A. Yes, this is what I'm explaining.

15 Q. Sir, let me finish my question.

16 A. But you're not letting me speak either.

17 Q. As soon as I'm done, I will absolutely let you speak. Let me
18 just finish my question. I'm reading back to you what you said as
19 your clarification.

20 You said that Hashim Thaci came to the classroom and he was very
21 concerned. Thaci then told you to get up and get ready. "We need to
22 get moving because the Serbs are coming."

23 You didn't say anything about the courtyard and that you may
24 have run into him there. You said specifically that he is the one
25 that came in and told you all to get up and to get ready to leave.

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1 A. Yes. Can I ask you now how is that important if he was 1 metre
2 outside the classroom, by the doorstep, or 10 centimetres inside?

3 The act is important.

4 PRESIDING JUDGE SMITH: Witness, you're not to ask those
5 questions. You're to answer questions.

6 THE WITNESS: [Interpretation] I understand. I will do so,
7 Your Honour.

8 MS. MAYER:

9 Q. In the course of being released and being told to get up and get
10 ready, were you released directly from the schoolhouse in Baice or
11 did you go somewhere else?

12 A. No, we got into vehicles. Civilians were moving in tractors,
13 trailers. Everybody was leaving the area to move away from the
14 Serbian offensive. Then we reached the village of Qirez where we
15 were told, you know, about these investigations and things, and
16 everything was fine. We were all -- everything was in order, and now
17 we were just considering options how to get back to Prishtine.

18 MS. MAYER: If we can go to 034236 -- I'm sorry, the specific
19 page is 034265 in English, and the middle of 034282 in Albanian.

20 Q. So you were asked whether you saw the persons mentioned again,
21 but part of your answer -- you start by saying:

22 "Yes, they were in the column with us but we went in different
23 vehicles. They did not actually release us until that evening. When
24 we were brought back to Qirez ..."

25 So it says they first talked to each other -- I'm sorry.

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1 "They talked to each other then first took us to a house in the
2 outskirts of Qirez."

3 So were you put in vehicles and driven back to Qirez from Baice
4 with Hashim Thaci?

5 A. This was not in the evening, because Baice and Qirez are close
6 to one another. It's a short distance. I cannot be sure, but I
7 think it's between 4 and 5 kilometres. We arrived in Qirez sometime
8 in the morning hours.

9 Q. All right. Well, before we get there, in the vehicle, when you
10 were driven in the vehicle, do you recall any -- well, first of all,
11 who was driving the vehicle?

12 A. I didn't know the drivers. I never -- I had never seen the
13 driver. Sorry, are you referring to the travel from Baice to Qirez?
14 I don't know who was the driver, so that we can be precise.

15 Q. Thank you for that clarification. Then when you got back to
16 Qirez, you said you went to a house on the outskirts of Qirez. And
17 what, if anything, did the KLA tell you about their investigation or
18 what they had found about your delegation?

19 A. They said that everything was fine with us. We were free. And
20 that they were looking into the first most suitable option and
21 possibility for us to return and in order to avoid us falling into
22 the hands of the Serbs, because they were able to manipulate these
23 kind of situations, so -- which they managed to do because they
24 returned us to Prishtine safe and sound.

25 Q. So from Qirez, did they take you directly back to Prishtine, or

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1 did they take you somewhere else?

2 A. No, no. From Qirez we went to a village called Krasmirovç all
3 together. The owner of the house offered us lunch. We rested up.
4 Those who needed to clean up did so. We had coffee, tea, lunch. We
5 had lunch. And those who could play chess, played chess with the KLA
6 members and the members of the delegation.

7 Q. I want to focus before you got to the house in Krasmirovç. I
8 want to talk about the car ride from Qirez to Krasmirovç. Who were
9 you in the car with when -- what vehicle were you in? Who else was
10 in the vehicle with you on that ride?

11 A. President Thaci was in the car with me, and the driver was
12 [REDACTED]. Veli Bytyqi was sitting in the back with me.

13 Q. And what was the conversation as you were on this ride?

14 A. A very free conversation. I don't remember now. Honestly, I
15 wouldn't know even what I talked about yesterday and with whom. But
16 at that moment in time, we were declared free and we were actually
17 free.

18 Q. Do you remember there being news on the radio that the minister
19 of defence, Ahmet Krasniqi --

20 A. Yes, there were. There were.

21 Q. Okay. Just let me finish my question. That the Minister of
22 Defence Ahmet Krasniqi was assassinated in Tirana, and that
23 Hashim Thaci and Sabit Geci were very pleased. They were
24 enthusiastic actually. And they spoke to each other. They talked to
25 each other.

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1 A. Absolutely not. No.

2 PRESIDING JUDGE SMITH: Witness, Witness, you have to wait until
3 the question is finished before you answer.

4 THE WITNESS: [Interpretation] Sorry. My hearing is not that
5 great.

6 MS. MAYER: If we can go to page -- starting at the -- well,
7 let's just go to the top of page 034266 in English, and 034283 in
8 Albanian.

9 Q. So about a third of the way down that paragraph where you say
10 that you were "put in a vehicle with Veli Bytyqi, Hashim Thaci, and
11 Sabit Geci. Sabit Geci was the driver and Veli Bytyqi and I were in
12 the backseat."

13 And then I'm going to skip, just so I don't have to read, we
14 only have three minutes left. Then in the middle of that paragraph
15 where I just asked you about the news on the radio, you say:

16 "They switched on the radio to listen to the news and we heard
17 there that the Minister of Defence Ahmet Krasniqi was assassinated in
18 Tirana. Hashim and Sabit were very pleased, they were enthusiastic
19 actually. They talked to each other. We could not understand what
20 they said but they were very happy."

21 Do you remember that in the car ride?

22 A. I don't remember. I don't think it happened. They might have
23 talked to one another. I don't know the content of that
24 conversation.

25 Q. Okay. So your testimony is you don't know the content of the

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1 conversation between Hashim Thaci and Sabit Geci?

2 A. No, absolutely not. And to tell the truth, I was focused on my
3 thoughts and on how to get back to Prishtine, how to get back to my
4 family. I was not listening to what they were saying. They were
5 part of the war. We were part of the politics. We were sitting in
6 the back. They were in front. I don't remember a single word of
7 their conversation.

8 Q. Okay. Well, how about the conversation that Sabit Geci had with
9 you, where he told you that not 13 but 12 of you would be going back
10 to Prishtine, and that he said Agim Krasniqi would not actually --
11 that he would be killed. Do you recall that, Sabit Geci saying that?

12 A. Now, are you planning on destroying me and my family as a court?

13 PRESIDING JUDGE SMITH: Witness --

14 THE WITNESS: [Interpretation] Are you planning on --

15 PRESIDING JUDGE SMITH: -- just answer the question.

16 THE WITNESS: [Interpretation] Yes, yes.

17 PRESIDING JUDGE SMITH: Just answer the question.

18 THE WITNESS: [Interpretation] Now we are in a closed session
19 now? I want a closed -- I want to be in a closed session now.

20 PRESIDING JUDGE SMITH: About what?

21 THE WITNESS: [Interpretation] Because I do not want to answer
22 publicly about these -- questions involving these persons. I
23 actually asked for this -- for my testimony to be --

24 PRESIDING JUDGE SMITH: We will go into closed session --

25 THE WITNESS: [Interpretation] -- given in private session, and

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1 you denied this request.

2 PRESIDING JUDGE SMITH: We will go into closed session

3 temporarily. [Microphone not activated].

4 ~~{Private session}~~ [Open Session] *Reclassified pursuant to F2133RED*

5 THE COURT OFFICER: Your Honours, we're in private session.

6 PRESIDING JUDGE SMITH: All right, Witness. You are in private

7 session now. Now listen to the question and answer it directly. Do

8 not add other information.

9 THE WITNESS: [Interpretation] Thank you, Your Honour.

10 MS. MAYER:

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 MS. MAYER: [Overlapping speakers] ... page that we're on.

16 Q. And this was because Krasniqi belonged to -- Agim Krasniqi

17 belonged to Rugova's political party and he had a military

18 background? Is that why? Was that your understanding?

19 A. That's right. Yes.

20 Q. And was [REDACTED] concerned that Agim Krasniqi might be in line

21 to be the new minister of defence, having just heard about the

22 assassination of Ahmet Krasniqi?

23 A. According to his opinion. I wouldn't know.

24 Q. And did [REDACTED] in fact pull out a handgun?

25 A. I don't recall about the gun, but he had guns in the vehicle.

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1 Q. Did you get out of the vehicle and he told you to get back in
2 and threatened to kill you?

3 A. [REDACTED] wanted to get out of the vehicle -- or he actually
4 did get out of the vehicle to deal with Agim Krasniqi. I don't know
5 what he was thinking to do with Agim Krasniqi. But I stepped out of
6 the vehicle and said to him, "Do not do anything, because Agim
7 Krasniqi is not the minister of defence and will not become minister
8 of defence."

9 Now, it's another matter that I didn't know who would be
10 appointed minister of defence. I pleaded with Mr. -- President Thaci
11 to interfere, and I'm grateful that he did. [REDACTED] got back into the
12 vehicle, and we continued towards Krasmirovci. I want to express my
13 gratitude today again because my wish, my desire was for all the
14 members of the delegation to be safe and none of them to get killed.
15 And I'm thankful to President Thaci because he pleaded with him.
16 Despite the fact that he was kind of arrogant, he would act on his
17 own and do things without asking others. But everything ended up
18 fine.

19 PRESIDING JUDGE SMITH: It is time to break for the day.

20 MS. MAYER: Could I just ask one last question on this topic --

21 PRESIDING JUDGE SMITH: Yes.

22 MS. MAYER: -- and then I'm done with this paragraph.

23 PRESIDING JUDGE SMITH: Yes.

24 MS. MAYER:

25 Q. So I just want to make sure I understand because you gave a long

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1 answer there. You said that when [REDACTED] got out to deal with
2 Agim Krasniqi and that you got out to stand in the way of Agim
3 Krasniqi, that you appealed to Hashim Thaci to stop [REDACTED] and
4 that he did; is that right?

5 A. Yes. I don't know what he was thinking to do.

6 MS. MAYER: That's my last question for this topic, Your Honour.

7 PRESIDING JUDGE SMITH: All right. That's the end of today's
8 testimony. We will have you back here tomorrow at 9.00.

9 Remember you cannot speak to anybody about your testimony given
10 in court. If anyone tries to approach you or talk to you, please let
11 us know.

12 Thank you for being with us. The Court Officer will escort you
13 out.

14 THE WITNESS: [Interpretation] Thank you. And thank you to
15 everybody. Greetings to President Thaci --

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 THE WITNESS: [Interpretation] -- chairman of the assembly,
18 Mr. Veseli, Jakup Krasniqi, and Rexhep Selimi. And greetings to all
19 you Judges and Prosecutors and people present in this courtroom.
20 Thank you.

21 [The witness stands down]

22 PRESIDING JUDGE SMITH: If we could go back into public session
23 now.

24 ~~{Open session}~~

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

Redactions applied pursuant to F2133RED.

1 PRESIDING JUDGE SMITH: Madam Prosecutor, about how much more of
2 your direct will you have? I'm not pushing you. I just want to
3 know.

4 MS. MAYER: I do think I'm going to take the full time. And, in
5 fact, I was just going to stand and flag for the Court I'm doing
6 everything that I can to stay within my allotted time, including
7 holding my hand up repeatedly to only get an answer. But I am
8 concerned that we might need to run a little bit longer. I will look
9 at everything tonight to see if there is anymore streamlining I can
10 do.

11 PRESIDING JUDGE SMITH: All right. Thank you.

12 Any update on cross-examination from the Defence?

13 MR. MISETIC: It will be at least the five that we have
14 reserved.

15 PRESIDING JUDGE SMITH: From [Overlapping speakers] ...

16 MR. STRONG: We have no change in our estimate. I think we have
17 a half an hour estimated, and we have no change.

18 PRESIDING JUDGE SMITH: Okay.

19 MR. TULLY: Mr. President, we have three estimated. I would
20 hope to cut that down, but we'll see how it goes with the witness.
21 Thank you.

22 PRESIDING JUDGE SMITH: Thank you.

23 Mr. Ellis.

24 MR. ELLIS: Your Honours, we have one hour estimated. I think
25 it's much more likely to be of the order of half an hour.

Redactions applied pursuant to F2133RED.

1 PRESIDING JUDGE SMITH: Okay. Thank you very much.

2 MR. ELLIS: Also half an hour for the next witness after that, I
3 think.

4 PRESIDING JUDGE SMITH: Thank you.

5 All right then. We are adjourned until 9.00 a.m. tomorrow.

6 --- Whereupon the hearing adjourned at 4.06 p.m.

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