

*Redactions applied pursuant to F2133RED.*

1 Tuesday, 7 November 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.01 a.m.

6 PRESIDING JUDGE SMITH: Madam Court Officer, you may 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: Before we continue to hear the evidence  
12 of the Prosecution Witness W03825, the Panel will issue an oral order  
13 on the publicity of the proceedings.

14 Regarding the review of transcripts classification, having  
15 considered the parties' submissions, the Panel orders the parties and  
16 participants to engage in the review of the private sessions of the  
17 transcripts of hearings as follows.

18 Concerning the ongoing review of official transcripts as they  
19 are notified going forward. First, the calling party should send  
20 *inter partes* a proposed lesser redacted transcript within ten days of  
21 the notification of all official transcripts for a witness or where a  
22 transcript includes private session testimony of two or more  
23 witnesses within ten days of the notification date of all official  
24 transcripts for all witnesses concerned by that same transcript.

25 Second, the non-calling party, participants, and Registry should

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1 respond *inter partes*, accepting or challenging any of the proposed  
2 redactions and/or removal thereof within a further ten days.

3 And, third, the calling party shall communicate to the Panel the  
4 outcome of these *inter partes* discussions within a further ten days  
5 from the time when they are received, indications from all of those  
6 concerns. Within the same deadline, the non-calling party and  
7 participants may file any submissions regarding the proposed  
8 redactions, and the Panel will, in turn, make any necessary ruling on  
9 the matter.

10 Concerning the process for review of completed testimony  
11 transcripts up to 18 October 2023, the Panel orders that by December  
12 8, 2023, the SPO communicate *inter partes* its proposals concerning  
13 the private session testimony of the witnesses heard through July  
14 2023.

15 By 19 January 2024, the other parties and participants respond  
16 *inter partes*.

17 And by 16 February 2024, the SPO notify the Panel of the outcome  
18 of the *inter partes* discussion and the other parties and participants  
19 make any necessary submissions.

20 Concerning witnesses heard between August and 18 October 2023,  
21 the Panel orders that by 1 March 2024, the SPO communicate  
22 *inter partes* its proposals for the private session testimony of  
23 witnesses heard between August and 18 October 2023.

24 By 5 April 2024, the other parties and participants respond  
25 *inter partes*.

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1           And by April 30, 2024, the SPO notify the Panel of the outcome  
2           of the *inter partes* discussions, and the parties and participants  
3           will make any necessary submissions.

4           In completing their reviews, the parties' submissions shall take  
5           into account any existing redaction orders. The Panel emphasises  
6           that, as a general rule, any request for redaction of information  
7           must be sufficiently identifying of a protected witness or  
8           confidential information. In evaluating whether this is the case,  
9           the party concerned should duly account for the need to ensure the  
10          greatest amount of publicity of these proceedings compatible with the  
11          effective protection of those who have been granted protective  
12          measures.

13          Lastly, the Panel wishes to implement another measure which  
14          should further foster the publicity of our proceedings. As a matter  
15          of principle, the Panel orders parties and participants to file  
16          simultaneously a public redacted version of their confidential  
17          filing. When there are compelling reasons not to do so, parties and  
18          participants should indicate in the classification section of their  
19          filing the reasons why a public redacted version thereof cannot be  
20          provided at the same time of filing.

21          This concludes the oral order.

22          Now, we will proceed with the witness's testimony. I note that  
23          Mr. Krasniqi is attending today via videolink. The appropriate  
24          waiver was filed yesterday. The other accused are present in court.

25          Today, we will continue hearing the evidence of Prosecution

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1 Witness W03825. We will remain in public session unless called to go  
2 into private session for some acceptable reason.

3 Court Usher, please bring the witness in.

4 [Microphone not activated].

5 MS. MAYER: No, you actually answered it in your remarks,  
6 Your Honour.

7 [The witness takes the stand]

8 PRESIDING JUDGE SMITH: Good morning, Witness.

9 THE WITNESS: Good morning.

10 PRESIDING JUDGE SMITH: I remind you to please try to answer the  
11 questions clearly today with short sentences. If you don't  
12 understand a question, feel free to ask counsel to repeat the  
13 question, or tell them that you don't understand and they will  
14 clarify.

15 Also, please try to indicate the basis of your knowledge of  
16 facts and circumstances upon which you will be questioned.

17 Please note you also continue to be bound by the oath that you  
18 gave at the beginning of your testimony to state the truth.

19 Please also speak into the microphone, and please wait five  
20 seconds before answering and do not cut off any of the questioners.  
21 Wait until they're finished before you say what you have to say.  
22 Speak at a slow pace for the translators to catch up with you.

23 And if you feel the need to take breaks, please make an  
24 indication and we will accommodate you.

25 Madam Prosecutor, you have the floor.

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1 MS. MAYER: Thank you, Your Honour.

2 WITNESS: W03825 [Resumed]

3 [Witness answered through interpreter]

4 Examination by Ms. Mayer: [Continued]

5 Q. Good morning, Witness.

6 A. [In English] Good morning.

7 Q. I want to just loop back to the beginning of your visit to  
8 Qirez. And I asked you yesterday whether or not you gave remarks and  
9 spoke to the population individually or whether you gave speeches.  
10 Did you give speeches to a group of the population while you were  
11 there?

12 A. [Interpretation] That was the purpose of our visit, to talk to  
13 them, to see their problems, their ordeal, their issues within the  
14 Serbian territory under the Serbian tether.

15 Q. And as part of that, did you make speeches that someone recorded  
16 on a cassette recorder?

17 A. It is possible that this was recorded. I did not check that  
18 part.

19 Q. When the KLA came in and first asked you your purpose and asked  
20 you what you had been speaking to people about, did you play the  
21 recording for them to show them what you had talked to the population  
22 about?

23 A. I did not have a recording because we, as a delegation, did not  
24 record anything. Somebody from the reporters, which is permissible,  
25 might have done it. However, the purpose of our visit was

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1 humanitarian.

2 Q. So was the purpose for you to ask the people in Qirez to lay  
3 down their weapons?

4 A. Absolutely not. If I could, I would have provided the KLA with  
5 a nuclear weapon, because the Serbs killed children, women,  
6 handicapped people.

7 Q. Was that the KLA's concern when they stopped you, that you had  
8 been there to tell the population to lay down their weapons?

9 A. I said it yesterday. There were suspicions, but the idea was to  
10 get to the truth. The KLA was right to suspect that one of us, I  
11 mean, this group composed of 30, 40 people, could possibly have such  
12 opinions, but I am -- I speak for myself and take responsibility for  
13 myself.

14 MS. MAYER: I'd ask the Court to pull up 034236 to 034287. And  
15 in the English, it's at page 034242, and in the Albanian it's  
16 starting at the bottom of 034251. If we can go just a little further  
17 down in the English. Thank you.

18 Q. In your 2014 testimony, you were asked by the prosecutor:

19 "Was there any interaction between you and the KLA at that  
20 point?"

21 Your answer was:

22 "Yes, immediately they sat down and they said to someone 'now  
23 switch on that cassette recorder'" --

24 I'm sorry, let me start again:

25 "Yes, immediately they sat down and they said to someone 'now

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1 switch that cassette recorder on' to hear what we had said.

2 According to the propaganda which they repeated later on, they said  
3 we were there to tell people to put down their weapons or arms. But  
4 we went there to talk to the civilians about their humanitarian  
5 needs. That was our mission. They listened to the recording. They  
6 became nervous when they heard the cassette because the recording was  
7 on the level because we did not know they would come and listen to  
8 the recording."

9 Do you recall now, having been read that, that there was a  
10 cassette recording there and that the KLA demanded to listen to it to  
11 hear your remarks?

12 A. First of all, you committed an injustice by summoning me here.  
13 Secondly --

14 Q. Sir, I just need an answer to my question.

15 A. -- I protest because I am first of all responsible to protect my  
16 family, my children, and my life.

17 PRESIDING JUDGE SMITH: Witness, Witness, please answer the  
18 question that's asked of you. That's all. Just answer the question.

19 THE WITNESS: [Interpretation] Honourable Presiding Judge,  
20 honourable Madam Prosecutor, I have the right to protest because I am  
21 responsible for the fate of my children and their children, and this  
22 should be taken into consideration. I have asked and requested in my  
23 exchanges with you that the sessions be held in private in order to  
24 [REDACTED]

25 Now, if the purpose is for you to obtain whatever you want to

1 obtain and while doing so opening new wounds in Kosovo, then let's  
2 proceed this way.

3 PRESIDING JUDGE SMITH: Please answer the question.

4 Repeat the question, please, Madam Prosecutor.

5 MS. MAYER:

6 Q. My question is, Witness, does this -- my having read this  
7 passage refresh your recollection that there was a cassette recording  
8 and that it was played for the KLA when they demanded to hear what  
9 you had said to the population?

10 A. I don't remember.

11 Q. And was the content not to their liking? Did they not like what  
12 they heard on the recording?

13 A. I did not ask them whether they liked it or not, and I don't  
14 know if they did like it or not.

15 Q. I'd like to go back to where we left off yesterday. We were  
16 talking about your release from detention. The delegation, I mean,  
17 when I say "your."

18 You told us that you were moved from the schoolhouse in Baice  
19 because of the Serbian military forces approaching, and that many  
20 vehicles were leaving not just yours. That there were -- everyone,  
21 sort of, was leaving the area because of the Serbian forces, and that  
22 you were driven back to Qirez. Is that right?

23 A. That's correct.

24 Q. And in Qirez, did you hear a discussion that Hashim Thaci had  
25 with others about how the public was reacting to the arrest or to the

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1 detention of your delegation?

2 A. I don't understand which public you're referring to. I said  
3 that.

4 Q. My question is did you hear Hashim Thaci having a conversation  
5 with others about how the Kosovo public was reacting to the detention  
6 of your delegation?

7 A. Hashim Thaci mainly discussed with me and other important people  
8 in the delegation. I saw and noticed constantly that he was  
9 dedicated to complete this conversation with us regarding this  
10 justifiable moment where we were stopped or detained in these  
11 circumstances.

12 MS. MAYER: I'd ask if we can go to 034265, towards the middle  
13 bottom, in English; and 034282 in the Albanian, also middle towards  
14 the bottom.

15 Q. In talking about going back to Qirez, you say to the prosecutor:

16 "Hashim and the others I mentioned. There were others but they  
17 seemed to be most important. Sabit called Adnan Merovci, the adviser  
18 of Rugova, and Enver Maloku, who ran the information centre of  
19 Kosovo. They talked to Adnan on the phone. I do not know what  
20 answers Adnan gave them. They asked Enver how the situation in  
21 Pristina was and what they were saying with regard to our arrest. He  
22 told them that the situation was very tensioned, that people wanted  
23 to organise a protest. The organiser went to Rugova to inform him.  
24 Rugova, with a lot of maturity and wisdom, said no, do not protest."

25 So was that the situation? Was that the conversation that you

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1 heard Hashim Thaci and others have about the situation in Kosovo  
2 reacting to your arrest and detention?

3 A. Hashim Thaci did not talk to anyone in Prishtine.

4 MR. MISETIC: Your Honour, I would also have an objection to the  
5 lack of foundation in certain parts of that in terms of how the  
6 witness would have known what was being told to Mr. Thaci on the  
7 phone.

8 MS. MAYER: I would just say it's very clear from the context,  
9 Your Honour. He identifies when he doesn't hear part of it, and he  
10 gives his opinion. He observed the conversation himself.

11 PRESIDING JUDGE SMITH: The objection is overruled.

12 Go ahead.

13 MS. MAYER:

14 Q. After this conversation that you overheard and the discussion  
15 about a protest, were you then told that you were freed, the group of  
16 you?

17 A. No, we were free when we arrived in Qirez. We were free. As a  
18 matter of fact, we were always free. We were never arrested. We  
19 were never tied up. We were free. The only problem was to find the  
20 best way to go back to Prishtine without encountering the Serbian  
21 forces.

22 Q. I'll just read you the very next question after that description  
23 of the reaction and the potential protest. You were then asked:

24 "What happened" --

25 And this is on the same page, bottom of 034265 in the English,

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1 and 034282 in the Albanian. And in your May 2014 testimony, you were  
2 then asked:

3 "What happened that night in the house on the outskirts of  
4 Qirez?"

5 So not in Baice and not previous. Your answer:

6 "... they said to us that you are free, we have not found  
7 anything to say that you had committed any errors, but we do not know  
8 where to take you and what to do with you."

9 So you were freed after this conversation; is that right?

10 A. I don't know the exact time we were freed. I know that from the  
11 moment we departed from Baice, we were released *de facto*. The only  
12 pending issue was this strategy how to get to Prishtine without  
13 encountering Serbian forces, which were in a position to kill us and  
14 put the blame on the KLA.

15 Q. You told us yesterday that you were then driven from Qirez to  
16 Krajmirovci, and we talked about the car ride, so I'm not going to ask  
17 you about that again. So when you arrived in Krajmirovci, did you --  
18 or did all of the delegates arrive? Because you mention that you  
19 were in the car with Veli Bytyqi and Hashim Thaci, but did all the  
20 other delegates arrive at the same place in Krajmirovci?

21 A. Yes, we arrived at the same time in Krajmirovci and went to the  
22 house of a noble man, generous man of Mehmeti family. We had lunch  
23 there and everything else that I can explain to you at a later stage.

24 Q. You did give us a little bit of a description yesterday, and you  
25 mentioned that people played chess, and you mentioned, I think, that

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1 you were given food. What was the mood when you were there at the  
2 house as compared to prior to your release?

3 A. Everything was normal. It was a brotherly climate, atmosphere.  
4 Some were playing chess, others were having tea, coffee. We had  
5 lunch. Other people got -- cleaned themselves up. And we were  
6 waiting for the same -- for the first opportunity to continue to  
7 Prishtine. First to Cicavica and then on the next day in the morning  
8 to Prishtine.

9 Q. And that was a change from the way that things had been in  
10 detention, right, this relaxed mood? This was a difference because  
11 you were free at this point; is that right?

12 A. Both sides were relaxed because the suspicion doses were  
13 removed, any suspicion regarding any members of our delegation which  
14 allegedly could have been -- would have infiltrated us. So this  
15 suspicion was removed on the KLA side. We, on our side, were  
16 relieved emotionally, morally, and spiritually because there were no  
17 findings of errors that we would have committed, so we were very  
18 happy.

19 The only concern we had was the shelling coming from all  
20 directions from the Serbian forces in the Drenica area, which was  
21 surrounded. And the KLA was concerned and dedicated to taking us  
22 back to Prishtine without encountering any problems.

23 Q. You mention that you had food at this house. Did Hashim Thaci  
24 and Sabit Geci stay there with you and have food with you?

25 A. And on the same table. We call it *sofra*. It's a traditional

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1 round-shaped wooden-made table. We sat down and had a very normal  
2 conversation.

3 Q. And in terms of the food, were you hungry? Had you been given  
4 any food in detention?

5 A. We always shared food that the KLA had, Kosovo liberation had --  
6 sorry, I made a mistake, the glorious Kosovo Liberation Army.

7 MS. MAYER: If we could go to the document that's up on the  
8 screen at 034266 in English, and 034283 towards the bottom in the  
9 Albanian. If we can go down a little further in the English.

10 Q. In your May 2014 testimony, the prosecutor asked you:

11 "While you were detained, were you given any food [or] water?"

12 Your answer was:

13 "It was a disaster. It was very bad. But nobody thought about  
14 getting any food there at all. We felt very bad because of the shame  
15 of the beatings we were subjected to. At this house of Mehmeti, we  
16 were seated around the table with Hashim and Sabit and the others ...  
17 during the course of eating, I was asked by the head of [the  
18 household], Ismail Mehmeti, where I came from."

19 So was the food situation when you were detained very bad and  
20 then it changed when you got to the house in Krajmirovac?

21 A. I see that the provocations against me in this Court never end,  
22 and you can continue. I'm still here. And I thank you for these  
23 provocations.

24 We were not on holidays in Maldives or summer holidays. Drenica  
25 was burning. There was no food even for the children. I described

1 yesterday a child eating a piece of bread taken from the mud.

2 Q. I understand that, sir, and we heard that testimony. I'm asking  
3 you about your words, where you describe in response to a question --

4 A. [In English] Okay.

5 Q. Please let me finish my question.

6 A. [Interpretation] I apologise.

7 Q. Where in response to a question about whether you were given any  
8 food or water, your words are:

9 "It was a disaster. It was very bad. But nobody thought about  
10 getting any food there at all."

11 And I'm not going to re-read the whole answer, but that is my  
12 question, sir.

13 A. In Prishtine we had steaks, we had abundant food. In the  
14 war-torn areas, especially in Drenica, there wasn't food even for the  
15 children. We ate the same food that the KLA members were having. We  
16 obviously didn't like that food because we had been used to better  
17 food, but there was no other food.

18 You're not mentioning here that when we asked for beers, like  
19 when we do in a hotel, they brought us beers in Baice.

20 Q. I think you told us that yesterday.

21 When you were sitting at this table having a meal, did there  
22 come a time when two KLA soldiers entered the room with their weapons  
23 in their hand?

24 A. I don't recall that. 25 years have passed by. You're asking me  
25 about details 25 years ago, which would amount to 2.500 years of

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1 normal life in Europe.

2 MS. MAYER: If we can go, with the document that's on the  
3 screen, to the bottom of page 034266 in English and starting at the  
4 bottom of page 034283 in Albanian.

5 Q. Starting at the bottom, in the middle of that last paragraph on  
6 the page, you say:

7 "While we were eating two young members of the KLA walked into  
8 the room with their weapons in their hands and asked 'who of you is  
9 Agim Krasniqi?' and asked him to come out with them. I said to them  
10 that I am the leader of this group and I am responsible for ..."

11 And it continues on to the top of the next page:

12 "... I am responsible for them and I said that Agim Krasniqi  
13 would not come out."

14 Do you remember now that two members of the KLA --

15 A. I don't remember that after 25 years. But if that were the  
16 case, they would have come only for some conversation or without the  
17 permission or order of anyone. Because we were comfortable, having  
18 lunch, some were playing chess, waiting for the moment to set out for  
19 Cicavica.

20 Q. So, sir, is your testimony that you don't remember it, or that  
21 when these two people entered, they would have been coming for  
22 someone else, despite the fact that --

23 A. [Overlapping speakers] ...

24 Q. Let me -- please let me finish my question, sir.

25 A. [In English] Okay.

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1 Q. That these men came from somewhere else on their own authority  
2 despite the fact that Hashim Thaci and Sabit Geci were sitting with  
3 you together at the table. Which one is it: Do you not remember or  
4 is it the latter?

5 A. [Interpretation] I think that it's not good to involve  
6 Hashim Thaci or [REDACTED] here in this case, because they were  
7 involved in preparing for us to leave, having lunch and without  
8 encountering any Serb forces.

9 PRESIDING JUDGE SMITH: Please answer the question that was  
10 asked.

11 THE WITNESS: [Interpretation] Can you repeat the question,  
12 please? I'm not clear.

13 MS. MAYER:

14 Q. All right. Let me read it back to you from the transcript. My  
15 question was:

16 "Is it that you don't remember, or is it that these men came  
17 from somewhere else on their own authority despite the fact that  
18 Hashim Thaci and Sabit Geci were sitting with you together at the  
19 table?"

20 A. I don't remember.

21 Q. All right. You've told us now, between yesterday and today,  
22 about three different times where Agim Krasniqi was specifically  
23 identified: First when Tahir Desku came and talked to you; then in  
24 the car ride from Qirez to Krajmirov, when Sabit Geci threatened  
25 him; and now there are these two men that came in and asked for Agim

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1 Krasniqi by name.

2 Do you know why there was such a focus on Agim Krasniqi by the  
3 KLA?

4 A. I cannot know who their focus was on because I didn't ask them,  
5 and they didn't need to answer me since I didn't ask them.

6 MS. MAYER: I'd ask the Court to pull up P303, which is the  
7 Albanian, and P303-ET, which is the English translation. And if we  
8 can go in the English to the next page. And it's going to be in the  
9 Albanian, thank you, on the right side.

10 Q. Do you see that this is a communiqué that says it's published  
11 by -- it's by the KLA Military Police Directorate? It's identified  
12 as No. 4. Do you see that on the top of the -- in the newspaper?

13 A. This is the first time that I'm seeing it. I have no idea.

14 Q. Do you see that it identifies that Agim Krasniqi -- in the  
15 middle, Agim Krasniqi is a member of the LDK presidency who is known  
16 to the KLA, and I'm going to -- it says "intelligence service" or  
17 "*sherbimit informativ*"? Do you see that?

18 A. Yes, I see that.

19 Q. And it says that he is "an inspirer of the special war against  
20 the KLA." Do you know what the special war against the KLA was?

21 A. This is the first time I'm hearing that description from you,  
22 special war against the KLA. There were individuals from different  
23 political parties who have engaged in propaganda against the KLA and  
24 labelling it. Not party or party programmes or leaders but  
25 individuals in the political parties. But as to a special war

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1 against the KLA, this I don't know.

2 Q. I'd like to go back to -- you mentioned that you were waiting  
3 for a way to get back to Prishtine. When you were at the house in  
4 Krajmirovci, did there come a time when you were told to go up  
5 Cicavica mountain?

6 A. Yes, the KLA members had that strategy, because we had no idea.  
7 It was the first time for me to be in that area. I didn't know where  
8 Cicavica was. They had the best idea of ensuring that we arrived  
9 safely first in Cicavica and then in Prishtine, and I am grateful to  
10 them and I thank them for that even now.

11 Q. Did Hashim Thaci talk to you before you left to go up Cicavica  
12 mountain?

13 A. He greeted me. We greeted each other. We shook hands like  
14 friends, like brothers.

15 Q. Did he tell you anything about what you should do when you got  
16 back to Prishtine?

17 A. I have forgotten. Believe me. For me -- maybe for you it's  
18 important, but for me, this is -- everything is irrelevant. I wasn't  
19 interested even in remembering them or -- the important thing was  
20 that we were free. The KLA was clear about everything, and we were  
21 free. The Germans say *Hauptsache*. That was the main issue for me.

22 MS. MAYER: If we can go back to 034236 to 034287. And in the  
23 English, it's page 034267. And in the Albanian, it's starting at the  
24 middle of 034284.

25 Q. And you were asked by -- this is your May 2014 testimony. The

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1 prosecutor says:

2 "Who told you were going to walk up the mountain?"

3 Your answer:

4 "Hashim Thaqi. He grabbed my hand, he shook my hand and said  
5 when you return to Pristina you are going to resign from the position  
6 of Deputy Speaker of the Parliament of Kosovo. You are also going to  
7 resign from the position of the President of the Liberal Party of  
8 Kosovo. I told him I would not resign from any of the positions and  
9 I did not resign. Hashim [Thaqi] said even if you are free now, we  
10 could kill you in Pristina because we have our own people in  
11 Pristina. Then we climbed the mountain."

12 So before you left, when Hashim Thaci shook your hand, as you  
13 described, he told you to resign your positions and threatened you;  
14 is that right?

15 A. No, that's not true, and I don't remember that. We said  
16 goodbye. We greeted one another. We shook hands like men do, like  
17 it should be. The others, I don't remember. And from this  
18 statement -- these statements, in the letter I sent you last year I  
19 distanced myself because, as I said, I gave this statement in a very  
20 serious situation, when I had buried my relatives. I was very upset.  
21 I hope you'll never go through what I went through. And so maybe I  
22 have exaggerated in what I've said.

23 So by going me back -- taking me back to what I said, you are  
24 creating new wounds for me and for Kosovo and preventing the process  
25 of reconciliation.

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. After you had that conversation and were about to head up  
2 Cicavica mountain, did you ask Mr. Mehmeti, the homeowner, for an  
3 escort because you were concerned about your safety?

4 A. No, we didn't know the way. It was a mountain area. We've  
5 never been there before, and we might have taken the wrong way and  
6 fallen into a Serbian trap. So our safety was endangered by the  
7 Serbs, and they have always been our -- the reason for our unsafety.  
8 Even today.

9 MS. MAYER: May I ask if we can go to the same document that's  
10 on the screen to 034267 in the English, and the middle -- oh, it's on  
11 the same page in the Albanian. If we can -- I think it's a little  
12 further higher on the page. That's perfect. Thank you.

13 Q. Towards the top of the page in the bottom of that full paragraph  
14 is part of your answer. You said, in talking about your conversation  
15 with Mr. Mehmeti, you say:

16 "It began to get dark. I told Ismail again, not by law but by  
17 Kanun, you are supposed to give two of your sons with us, because  
18 there we found out that the two young KLA boys were his sons. I told  
19 him that as we walk up the mountain one was supposed to stay at the  
20 start of the column and one at the end because I thought they would  
21 attempt to kill us in the forest."

22 So are you saying that was your fear of the Serbians, not of the  
23 KLA?

24 A. Of the Serbs, of course. The entire Drenica and Kosovo were  
25 endangered, tortured, and violated by the Serbs. The Serbs came from

Witness:W03825 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F2133RED*

Examination by Ms. Mayer (Continued)

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*Redactions applied pursuant to F2133RED.*

1 Serbia to Kosovo. We didn't enter their territory. So they killed  
2 people everywhere they could. Even in Prishtine. Even in prison in  
3 Dubrava, 170 prisoners were killed, and nobody took any  
4 responsibility for that.

5 Q. You've previously said that your phones were taken away. Were  
6 they given back to you at some point?

7 A. Yes, of course. They returned our phones. I said that where we  
8 were there wasn't any signal.

9 MS. MAYER: Your Honour, I'd ask the Court if we can move into  
10 private session briefly for this next series of questions. It  
11 relates to information that was provided under 107 with a caveat that  
12 it be done under seal.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Into private session, please, Madam Court Officer.

15 ~~[Private session]~~ [Open Session] *Reclassified pursuant to*  
*F2133RED*

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

17 PRESIDING JUDGE SMITH: Go ahead.

18 MS. MAYER:

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

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Redactions applied pursuant to F2133RED.

1 [REDACTED]  
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Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

Page 9466

Redactions applied pursuant to F2133RED.

1 [REDACTED]

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12 [REDACTED]

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14 [REDACTED]

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17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

Page 9467

Redactions applied pursuant to F2133RED.

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21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

Page 9468

Redactions applied pursuant to F2133RED.

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21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

Page 9469

Redactions applied pursuant to F2133RED.

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17 [REDACTED]

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19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

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Redactions applied pursuant to F2133RED.

1 [REDACTED]

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10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 MS. MAYER: Your Honours, we can go back to public session.

20 PRESIDING JUDGE SMITH: Please, back to public session,

21 Madam Court Officer.

22 ~~{Open session}~~

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

24 PRESIDING JUDGE SMITH: Go ahead.

25 MS. MAYER:

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. Witness, we spent a lot of time going over what happened, and  
2 I've asked you about your 2014 testimony. I want to go briefly  
3 through another statement that you made. You spoke to UNMIK in 2001  
4 about this incident when they approached you to ask if you had ever  
5 been illegally detained and beaten by the KLA. Do you remember them  
6 coming to talk to you?

7 A. I wish to protest again, vehemently, if I'm allowed, against the  
8 fact that I'm not given the possibility to have a private session  
9 hearing, which I have insistingly requested.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MS. MAYER:

12 Q. Sir, my question is do you remember speaking to UNMIK in 2001  
13 about this incident when they approached you to ask you if you had  
14 ever been illegally detained and beaten by the KLA?

15 A. We had a conversation with the KLA both in Qirez and in Baice.  
16 I already said it, that no one beat me up and no one can beat me up.

17 Q. My question is whether or not UNMIK investigators approached you  
18 in 2001 to ask you about what happened in Qirez in September 1998.  
19 Do you remember that?

20 A. I said that there were all sorts of people in UNMIK, including  
21 people from Russia. And as far as I'm concerned, UNMIK is not  
22 credible at all.

23 PRESIDING JUDGE SMITH: Witness, the question was quite simple:  
24 Were you approached by UNMIK or not? Yes or no?

25 THE WITNESS: [Interpretation] They contacted us. I said it

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 yesterday and in the course of our conversations with you,  
2 Madam Prosecutor, in the last three days, because we had a number of  
3 conversations --

4 PRESIDING JUDGE SMITH: Witness, the question was asked and you  
5 answered yes or no. Which is it? Did they approach you or did they  
6 not?

7 THE WITNESS: [Interpretation] Yes. I said yes. And I said it  
8 yesterday as well.

9 PRESIDING JUDGE SMITH: That's all you need to say.

10 THE WITNESS: [Interpretation] They contacted us.

11 MS. MAYER:

12 Q. And in that conversation, they asked you about what happened in  
13 September 1998 in Qirez, about your detention by the KLA; is that  
14 right?

15 A. Yes, that was the topic of the conversation.

16 Q. And you gave them the details of -- or, rather, you told them --  
17 you confirmed that you had been, in your words, illegally detained by  
18 the KLA -- or in response to their question whether you'd been  
19 illegally detained, you said -- you confirmed that; is that right?

20 A. At that time, I thought it was illegal. Later on, I understood  
21 it was necessary for purposes of clarifications regarding our visit.  
22 We on our side as well, we needed information about the KLA, the  
23 activities of the KLA. We needed accurate, precise information about  
24 the situation and conditions of the civilian population in the area  
25 and the KLA activities because -- in order to align our positions.

1 MS. MAYER: I'd ask the Court to bring up document SITF00055783  
2 to 00055996. And for the English, it's at page SITF00055872; and in  
3 the Albanian, it's the following page, which ends in 873.

4 Q. Sir, that document, that's a document -- did you provide this  
5 document to UNMIK in September 2001 when they came to ask you about  
6 your delegation's detention?

7 A. Yes.

8 Q. And we talked about this a little bit yesterday. You confirmed  
9 that this was your handwriting and that these were the names and the  
10 political parties of the delegates that were on that visit. So not  
11 the journalists but the members of parliament. Is that right?

12 A. Yes, these names were also in the media.

13 Q. But I want to ask you, on the left-hand side, where there are  
14 listed numbers, there are circles around the number for 13 of the  
15 names. And that includes your name, Veli Bytyqi, Agim Krasniqi,  
16 Simon Augustini, Kurtesh Devaja, Milaim Kadriu, Sokol Blakaj, Musa  
17 Binakaj, I think, Hasim Dermaku, Halim Mujku, Qaush Bajrush, Jusuf  
18 Telaku, and Mehdi Bardhi. Those are the names that have circles.

19 What are those circles -- well, did you put those circles there?

20 A. Maybe I did. These are the names of those who were stopped  
21 to -- for this -- to have a conversation. Those -- those whose names  
22 are not circled returned to Prishtine.

23 Q. And to the right of six of those names, Gjergj Dedaj, Agim  
24 Krasniqi, Kurtesh Devaja, Sokol Blakaj, Jusuf Telaku, and  
25 Mehdi Bardhi, did you put those plus signs there to the right?

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 A. I don't know about that. I wouldn't be able to know if I put a  
2 plus or a dot 25 years ago or not.

3 MS. MAYER: I want to keep this up on the screen, but for  
4 counsel and the Court's reference, I'm referring to 034126 to 034127,  
5 and the page numbers in Albanian are the same. And it's on page 1 --  
6 ending in 127.

7 Q. You actually put the plus signs next to the six names of the  
8 individuals that were beaten; is that right?

9 A. I am not aware. I don't know of having put plus signs, and I  
10 distance myself from the wording you used, meaning "beaten up." This  
11 is very insulting to me and, in addition, it endangers my health and  
12 my family. But I believe this is not a concern for you.

13 Q. Well, as you describe it, are these the six individuals who were  
14 involved in a physical altercation in the schoolhouse in Baice?

15 A. Yes.

16 Q. And did the UNMIK investigators ask you to give a statement?

17 A. Maybe they did. This was a very long time ago for me to be able  
18 to remember all details. And I consider this to be a sort of  
19 pressure applied on me.

20 MS. MAYER: I'd ask to pull up ERN 034135 to 034141, going to  
21 page 034138 in the Albanian. And then for the English, there's a  
22 separate document, which is 034138 to 034141-ET, and also on that  
23 first page at the top.

24 Q. Is this the statement that you typed out and that you wrote in  
25 your own handwriting at the top and gave to UNMIK the next day after

1 they first approached you? So on 4 September 2001 you gave them this  
2 typed statement that you had prepared?

3 A. The handwriting here is not mine. With respect to what is the  
4 content of the text there, I can't pre-judge on its value. This was  
5 a tendentious approach, and UNMIK did not perform greatly in Kosovo.

6 Q. So your testimony now is that the handwriting at the top of this  
7 document is not yours? And that date where it says 4 September 2001  
8 and --

9 A. It is mine.

10 Q. -- that signature -- let me finish my question, sir. And that  
11 signature there, that that's not your handwriting?

12 A. This is not what I said. Perhaps you misunderstood me or the  
13 interpretation was erroneous. I didn't say this is not my signature.

14 Q. No, I'm asking you whether the handwriting at the top, so the  
15 material that's written in blue ink in Albanian, is that your  
16 handwriting?

17 A. That's my writing, my handwriting. I've said this before, and I  
18 would never deny it.

19 Q. And so this is a typed statement that you prepared and that you  
20 handwrote at the top and you gave to the UNMIK investigators on the  
21 date that you dated it, which is 4 September 2001?

22 You have to just wait until I'm finished and then provide your  
23 answer. So is that all correct?

24 A. Yes.

25 Q. And I know that you've said you object to the word "arrest," but

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 in your own handwriting it says:

2 "... because of my concern regarding the arrest by the KLA on  
3 20 September 1998 in Drenica."

4 Is that right?

5 A. At the moment when I drafted this immediately after the war in  
6 2001, when we were dealing with other issues, existential matters,  
7 to-be-or-not-to-be matters, family matters, crimes, rehabilitation, I  
8 did not think it properly and made mistakes, exaggerations, which I  
9 repeatedly pointed out here.

10 At a later stage, I had time to go back in time, to remember  
11 things properly, review them, obtain information, and for that  
12 reason, in my letter sent to you in 2022, I entirely distanced myself  
13 from my statements of this period of time. Now it's up to you to  
14 further consider them.

15 They were exaggerated. I was not clear. I was not convinced.

16 Q. But in this statement that you prepared after the investigators  
17 came to speak to you, you did describe what happened with  
18 Hashim Thaci, Rexhep Selimi, Gani Koci, and Sabit Geci leading this  
19 group detaining -- leading the group of KLA that were detaining you  
20 in Qirez; is that right?

21 A. I explained the matter of Qirez yesterday.

22 Q. I apologise. I'll re-ask that question, because you're right.  
23 I'm talking -- when I say "Qirez" here, I mean Qirez and Baice. So I  
24 mean the whole detention.

25 A. I explained everything yesterday.

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. And in your letter, you specifically talk about the treatment  
2 that you received at the school when you were being held in Baice; is  
3 that right?

4 A. I said everything yesterday, and I stand by those statements as  
5 being truthful.

6 Q. Well, you've said multiple times during your testimony yesterday  
7 and today -- or yesterday I believe it was, that you gave a press  
8 conference shortly after your return to Prishtine, and that that has  
9 the accurate account of what happened. Do you remember that  
10 testimony?

11 A. This is a conference which I qualify as historic.

12 Q. But do you recall that testimony yesterday where you told us  
13 about this press conference, and you said that this had been the  
14 accurate account of things?

15 A. Yes, during which I described accurately what happened. And if  
16 possible, we can listen to that conference again.

17 MS. MAYER: I'd ask to go to page, on this document, in the  
18 English at 034141-ET, and the same in the Albanian, the middle -- top  
19 to the middle of the page.

20 Q. In this statement, this typed statement that you prepared and  
21 gave to UNMIK on 4 September 2001, you also discussed that same press  
22 conference; is that right? Is that right?

23 A. I can't see it here that I described it. I've also mentioned  
24 here 27 April 1999, crimes which you never worked on to uncover or  
25 elucidate. I spoke about other things in Drenica as well. I would

1 be interested to relisten to that conference 25 years later.

2 Q. You said that there was -- you "called a press conference in  
3 Prishtina where for safety reasons regarding the lives of the members  
4 of the delegation who were arrested [you] gave a cautious and  
5 balanced statement to the journalists and did not speak at all of the  
6 violence [you] were subjected to because that would have placed  
7 [your] lives at permanent risk."

8 So you said in this letter that the press conference wasn't the  
9 entire truth. That you left out the violence for your own safety  
10 reasons.

11 A. I believe -- I distanced myself from this description that I  
12 gave because we returned to Prishtine, we were in our houses. In  
13 Baice and Qirez, we were in the mountains. In Prishtine we were  
14 endangered by the Serbs every day. On that day, two hours after my  
15 return, if I never had a reason to tell the truth, that was the day,  
16 two hours after I came back from the mountains, to tell the truth,  
17 and I repeat it today in front of you.

18 Q. And then a little further down in the letter, towards the bottom  
19 of the page, you ended by saying:

20 "This is an assessment of the bitter incident that our official  
21 delegation from Prishtina experienced in Drenica in September 1998,  
22 an incident that tarnished our reputation and that of our families.  
23 We would like for the truth to come out, by blaming no one who's done  
24 nothing wrong but [to hold] to account each and every one who is  
25 responsible for the inhumane actions against the Kosovo political

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 activists who were and are at a permanent risk."

2 And then you signed it.

3 So you were concerned about the risk that your delegation was  
4 at; is that right?

5 A. We were at war. And everyone is endangered, at risk during --  
6 when you are at war. With respect to the KLA, I have personally  
7 never been endangered by them. On the contrary, I was protected by  
8 them when needed, and I can prove this with numerous facts.

9 My family and myself have always been endangered, arrested, and  
10 killed by the Serbian forces. I don't want to qualify them fascists  
11 and terrorists and so on, because they committed genocide, which was  
12 not recognised or condemned. However, I had the opportunity  
13 two hours later to express my -- my feelings being upset after the  
14 conversation in Drenica.

15 Q. Well, you've also, sir, said during your testimony that you  
16 exaggerated and that you had political revenge. But in this  
17 statement that I've just read to you, in 2001, you actually say that  
18 all you're seeking is for the truth to come out and that you're not  
19 blaming anyone who's done nothing wrong, that you're only seeking to  
20 hold those responsible accountable.

21 So there's nothing about a revenge or a distaste for any  
22 particular group. You yourself, in your own words, say that all  
23 you're seeking is accountability and the truth; is that right?

24 A. The KLA itself is interested to bring out the truth and to  
25 remove this black cloud in -- fomented and fabricated by Senator

1 Dick Marty and many other Serbian and Russian anti-Kosovo circles.

2 Q. Sir, that is not my question. My question is about your own  
3 words. So is that what you said in 2001, that all you were seeking  
4 was accountability and the truth?

5 A. And I still want the truth to come out and I will always want  
6 this. But, again, I absolutely distance myself from these  
7 exaggerations, words referring to avenge, revenge, unbalanced  
8 wordings. It's unfair to accuse somebody for things they have not  
9 done or committed.

10 I did not have time to think about these things in 2001. I had  
11 other matters to deal with, family matters.

12 Q. All right. Sir, at that time, you also gave on 4 September a  
13 number of documents to UNMIK that were related to this whole  
14 incident. And so you provided them. These are documents that you  
15 had. I'm going to show you all of these documents to go through them  
16 and show you each one at a time.

17 MS. MAYER: So if we can bring up 034155 to 034155, and it's the  
18 same in English and Albanian.

19 Q. Sir, do you see this article on the screen?

20 MS. MAYER: And if we can go to the bottom of the Albanian.

21 Q. Your handwriting with the date 4 September 2001 and your  
22 signature?

23 A. These sorts of pieces of paper are completely irrelevant, in my  
24 opinion. This is a party leaflet which was published, was accessible  
25 to anyone. There's nothing secret here or anything important, in my

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 opinion. This was published as a publication of the LDK. I did not  
2 draft it. I did not publish it. I was expecting some sort of  
3 document, but I don't see any document here. These are newspapers.  
4 You can -- you know, Balkan newspaper.

5 Q. Sir, I'm not asking you -- my only question -- and I'd just ask  
6 you to listen to my question and just answer that question so that I  
7 can stay within the time that's allotted to me. All right?

8 All I'm asking is do you see your signature and handwriting on  
9 the bottom of the page, and is this a document that you gave to UNMIK  
10 on 4 September 2001 when you were telling them about the events of  
11 September 1998?

12 A. This is my signature, but this is -- this is a worthless  
13 document. Pieces of newspapers are -- cannot be documents. People  
14 write as they wish and what they want to.

15 PRESIDING JUDGE SMITH: Witness, the question was did you give  
16 it to UNMIK.

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: Thank you.

19 Go ahead.

20 THE WITNESS: [Interpretation] Yes.

21 MS. MAYER:

22 Q. And you did that at the time because you believed it had  
23 information that was relevant to your detention; is that right? I  
24 understand that you have a different opinion now, but at the time,  
25 you gave it to them because you believed it was relevant.

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 A. UNMIK had these documents before I gave them to it, because --

2 Q. Sir, that's not my question.

3 A. -- they were public.

4 Q. That's not my question. My question is, when you gave it to  
5 them, because you already confirmed that you gave it to them, when  
6 you did that it's because you believed it had information that was  
7 relevant to your detention in September 1998. That's why you gave it  
8 to them; is that right?

9 A. Yes. And you are saying that my approach has changed. In fact,  
10 it has been completed and it's become more accurate. When I had time  
11 enough later on to think it over, to collect information from the  
12 ground, from certain individuals, to come to the truth of what  
13 happened.

14 After the war, I didn't have a minute to think about it. I had  
15 other things to attend to, family matters.

16 Q. I understand.

17 MS. MAYER: I'm going to ask that we go to P00319 and that's the  
18 same in Albanian and in English. And in the Albanian, if we can  
19 scroll down to the bottom. Thank you.

20 Q. And this is another document. It's a newspaper article from  
21 *Koha Ditore* on 22 September 1998 that you gave to UNMIK on  
22 4 September 2001. And that's your signature and the date at the  
23 bottom. And you gave it to them because you believed it had relevant  
24 information to your detention; is that right?

25 A. It's my signature. It's a public daily. And UNMIK might have

Witness: W03825 (Resumed) (Open Session)

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 access to it before me, after me. It was accessible for every  
2 citizen of Kosovo or outside of Kosovo. It's a public -- public  
3 letter. Public.

4 Q. I understand. But we can see from this document that they  
5 didn't access it from the public, that they got it from you, because  
6 your handwriting and date and signature is on there. So my question  
7 is if you gave it to them because you believed it was relevant to the  
8 events of September 1998.

9 A. Yes, yes. And it's not at all a mistake. It was just a mere  
10 newspaper. You could get it, buy it everywhere in the street, at a  
11 kiosk.

12 Q. Right. But when you gave it to them, you gave it to them in  
13 September 2001, which was three years after it was published and you  
14 could buy it on the newspaper stand; right? So you had saved this  
15 article in relation to your detention in 1998; is that right?

16 A. I kept several articles, newspaper articles, and I think every  
17 politician does that. And this article, this newspaper was, as I  
18 said, accessible to UNMIK before I gave it to it. And for me, it's  
19 not relevant at all. For me, personally. For you, it's another  
20 matter.

21 MS. MAYER: I'd ask the Court to bring up SITF00055783 to  
22 00055996. And within that document, the English at page 00055883;  
23 and in Albanian, the following page, 00055884. It's around page 100  
24 of the PDF if that's helpful. I think 101. And in the Albanian --  
25 thank you.

1 Q. And speaking of newspaper articles, this is another newspaper  
2 article. This one dated from 2 September 1998, so earlier in the  
3 month. And at the bottom, that's your handwriting as well as the  
4 date, the same date, 4 September 2001, and your signature; is that  
5 right?

6 A. Yes, it's my signature. And it is about the displaced --  
7 Albanian displaced facing a true humanitarian catastrophe about which  
8 few people were interested in.

9 Q. And you also gave this to UNMIK because you thought it was  
10 relevant to what happened in September 1998; is that right?

11 A. It is also a piece of paper that UNMIK might have had and  
12 everybody may have had it. It's a public newspaper.

13 Q. Again, sir, that's not my question. My question is you gave it  
14 to them on this date because you believed it was relevant to the  
15 events of September 1998; is that right?

16 A. I said yes at the beginning. That's my signature. And wherever  
17 I see my signature, I will always say yes, it is my signature. I  
18 will never deny it.

19 Q. And I'm not suggesting that you were denying that. I had a  
20 separate question. It was about why you gave it to them, and it was  
21 that you believed it was relevant to the events of September 1998; is  
22 that right?

23 A. It may be relevant. But my 25 years of struggle against  
24 Milosevic regime, every day and every night, and I paid very dearly  
25 for it in Kosovo, my struggles and my fight during these 25 years

1 consisted of trying to find the truth regarding the conversation we  
2 had in Qirez and Baice. Something that even today my family is  
3 paying a price for. We paid it from my dismissal from the position  
4 of ambassador.

5 MS. MAYER: I'd ask the Court if we can bring up the next  
6 document, which is 034162-034162, and it's the same -- I believe  
7 English translation has an A at the end, so 034162-A-ET.

8 Q. And at the top of the page there, you can see this is a *Bota Sot*  
9 article from 9 July 2000 that you dated 4 September 2001 and signed  
10 and gave to UNMIK; is that right?

11 A. Your Honour, chairman of the Panel, I would kindly ask you to  
12 pass to private session, if possible.

13 PRESIDING JUDGE SMITH: For what reason?

14 THE WITNESS: [Interpretation] I have my own reasons. [REDACTED]  
15 [REDACTED] and I'm  
16 very worried - I'm repeating it - about their fate. Not about my  
17 personal fate. It is not important.

18 PRESIDING JUDGE SMITH: Your request is denied.

19 Go ahead.

20 MS. MAYER:

21 Q. And, sir, did you provide this document as well to UNMIK because  
22 you believed it was relevant to the events of September 1998?

23 A. What relevance does it have when they are public articles?  
24 UNMIK, every one out there could have access to such writings, such  
25 articles in newspapers. Of course, it was me who gave it to UNMIK.

Witness:W03825 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F2133RED*

Examination by Ms. Mayer (Continued)

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*Redactions applied pursuant to F2133RED.*

1 It's my signature. But what -- you are denying me a private session.  
2 This is a direct threat to my family, and I don't think you have the  
3 right to do that. But you can. And go on, do it.

4 MS. MAYER: Your Honour, just based on the last answer, I would  
5 ask briefly for private session to follow up on his last answer.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 THE INTERPRETER: Microphone, please.

8 PRESIDING JUDGE SMITH: Madam Court Officer, into private  
9 session, please.

10 ~~[Private session]~~ [Open Session] *Reclassified pursuant to*  
*F2133RED*

11 THE COURT OFFICER: Your Honours, we're now in private session.

12 MS. MAYER:

13 Q. Sir, you just said this is a threat. Is that because you're  
14 listed here in this article as someone who's under investigation by  
15 the KLA secret service?

16 A. No. This is a threat by the Court, because from the very  
17 beginning I asked for private sessions. I am responsible for the  
18 destiny, for the fate of my children. We live in the Balkans. We  
19 don't live in Finland or in Scandinavian countries, in Europe, or in  
20 America, where law is fully abided for and human rights are  
21 respected.

22 Your mission will end one day. You know when the day is and  
23 those who have ordered the establishment of this mission. [REDACTED]  
24 [REDACTED] It doesn't matter. Every morning I pray to be  
25 dead. Every evening before I go to sleep, I pray that tomorrow or

Witness:W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

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1 the next day I won't wake up alive.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED] No trial panel has that right.

6 MS. MAYER: That was my only follow-up question, Your Honour, so  
7 I don't have anymore questions for private session.

8 PRESIDING JUDGE SMITH: Have you fully stated your reason for  
9 private session?

10 THE WITNESS: [Interpretation] Yes. Yes, I already pointed out  
11 my reasons, my family. You, Presiding Judge, and you, Prosecutor,  
12 these are my reasons. They are not personal reasons --

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 THE INTERPRETER: Microphone, please.

15 PRESIDING JUDGE SMITH: Have you stated fully your request for a  
16 private session; yes or no?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: Thank you.

19 THE WITNESS: [Interpretation] Yes.

20 PRESIDING JUDGE SMITH: There is insufficient information before  
21 the Court to provide for a private session on this line of  
22 questioning, so we will go back to public session, please.

23 ~~{Open session}~~

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

25 PRESIDING JUDGE SMITH: You may proceed.

1 MS. MAYER: All right. If we could bring up -- we're in the  
2 same document -- oh, no, sorry. We're going back to SITF00055783 to  
3 00055996, and then specifically starting at page 00055895 in the  
4 English, and at page 00055897 in the Albanian.

5 Q. And do you see on the bottom of the Albanian -- this is another  
6 article. It's a newspaper article. It looks like the word -- your  
7 handwriting is on the bottom, but it looks like the signature is cut  
8 off. Is that your handwriting at the bottom below the article?

9 A. Yes. Yes, it's my handwriting.

10 Q. And this is an article actually about what you told us about in  
11 your testimony yesterday about your delegation being -- not being  
12 allowed to pass, that you were stopped in Peje so you could not  
13 complete your humanitarian visit; is that right?

14 A. Yes, right.

15 Q. And you gave this article as well because you thought it was  
16 relevant to the events of September 1998; is that right?

17 A. Yes.

18 MS. MAYER: I'd ask the Court to bring up, in this same  
19 document -- oh, no, we have to go to a different document now. It's  
20 on P00320. And it's a multi-language document, so one side is  
21 English -- one page is English, one is Albanian.

22 Q. Now, sir, this one does not have your signature on it or your  
23 handwriting, but it is marked as an exhibit and then -- just in the  
24 same order of all of these other ones, with an XYZ, and then a  
25 number. And it has the same note at the bottom where the same

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*Redactions applied pursuant to F2133RED.*

1 investigator says they received it from you.

2 So do you remember giving this document to UNMIK on 4 September  
3 2001?

4 A. I don't remember that. There is no signature. When there is  
5 not my signature, there may be speculations.

6 Q. Do you remember giving them an appeal that the head of the  
7 parliament had issued while your delegation was still being detained  
8 asking for your release? Do you remember giving them that item?

9 A. I don't remember that.

10 MS. MAYER: I'd ask to go back to the SITF00055783 to 00055996.  
11 Specifically at page SITF00055877 in the English; and SITF00055879 in  
12 the Albanian. And if we could just zoom out in the Albanian so we  
13 can try to see the whole document. Thank you.

14 Q. And, sir, that also -- that document does not have your  
15 signature or your handwriting, but it has an exhibit number in the  
16 top right-hand corner, XYZ-8, which is the same in order. So all of  
17 the earlier ones, there were 2, 3, 4, 5, 6, 7, this is 8. And it has  
18 the same note by the investigator from UNMIK at the bottom where it  
19 says it was received from you on 4 September 2001. And this is about  
20 an earlier visit, the list of delegates that you had from one of the  
21 earlier humanitarian visits.

22 Do you remember giving this document to UNMIK investigators?

23 A. I don't remember. And this is simply a list of the members of  
24 delegation during one of the four visits we had.

25 MS. MAYER: Okay. And then if we can go to -- in the same

1 document that's on the screen, if we can go to page 00055874 in the  
2 English, and 00055876 in the Albanian.

3 Q. And this is, again, the next item in order, XYZ-9 in the top  
4 right, with the same note by the investigator that it was received on  
5 4 September from you, but your signature or date or name, none of  
6 that is on here. Your handwriting is not on here.

7 Do you remember giving -- and that is a list of delegates from  
8 29 August, so a different visit. Do you remember giving the UNMIK  
9 investigators that item?

10 A. I don't think so. I see here names that were not at all during  
11 the visit with us.

12 Q. All right. Going back to the appeal that I showed you from the  
13 head of the parliament. I know you said you didn't see your  
14 signature or handwriting on it, but are you aware that the head of  
15 parliament actually made that appeal to the public while you were in  
16 detention seeking your release?

17 A. To tell you the truth, the former speaker, Idriz Ajeti,  
18 academician, now is no longer alive. And I would have liked to ask  
19 him whether he wrote such a letter. I am not aware of it. He may  
20 have written that, but I cannot confirm it since I don't know.  
21 Otherwise, I respect that person.

22 Q. Okay. I want to go back to your -- when you were in detention,  
23 I asked you yesterday about whether you were offered any medical  
24 care. And this is specifically in the realtime transcript page 93,  
25 lines 13 to 20. I asked you whether or not any members of the

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 delegation were offered medical treatment, and you said:

2 "We didn't need to ... we didn't need [any]."

3 But my question was whether you were offered any.

4 MS. MAYER: So I'm going to ask the Court to bring up 034236 to  
5 034287, and specifically at 034261 in the English and 034278 in the  
6 Albanian. And in the English, if we can go a little further down on  
7 the page. Thank you.

8 Q. Witness, you say there in the middle of the page:

9 "I was questioned."

10 The prosecutor asks:

11 "Who was there?"

12 And your answer is:

13 "Hashim Thaqi and Sabit Geci, and they did not have any rules.  
14 They would come in and out of the room. They did not offer us any  
15 medical help like asking us if we had any pain or providing us with a  
16 doctor."

17 So do you remember that you didn't actually -- you were never  
18 offered any medical care; is that right?

19 A. We didn't ask for any medical care and we didn't need any.

20 Q. And you weren't offered any; is that right?

21 A. I don't know why you should offer any medical aid to someone if  
22 he doesn't ask for it.

23 PRESIDING JUDGE SMITH: Just answer the question, Witness. Just  
24 answer the question. Were you offered any medical care?

25 THE WITNESS: [Interpretation] No. No, because we didn't need

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 it.

2 MS. MAYER:

3 Q. Yesterday, you told us that when you were going up Cicavica  
4 mountain that you fell four times. And this is the first time that  
5 you told --

6 A. Several times.

7 Q. So are you saying that you're not sure how many times now?

8 A. I said maybe it was three, four times that I fell. I described  
9 the mountainous terrain, and in that kind of terrain, it was quite  
10 probable that one might fall.

11 Q. Well, I want to just ask you a few more questions about that.  
12 So when you fell, I want you to describe -- I want to take it one at  
13 a time for the falls that you had.

14 So where were you on your journey up the mountain when you fell  
15 for the first time?

16 A. It is a question that nobody in the world might answer, to know  
17 the exact place where I fell after 25 years.

18 Q. I'm not asking you for coordinates. I'm just asking you where  
19 you were. Since you've told us for the first time that you have a  
20 recollection of falling, I'd like to know the additional details  
21 about what you remember. So can you tell us about that?

22 A. I remember one time accurately. The others I don't remember.  
23 It was possible it was in the schoolyard when I was going to the  
24 toilet. It was outside. It was not inside. There was no bathroom  
25 inside. It was night, and I fell and I got up. But I -- I didn't

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 want to fall down, but I just fell down. What could I say?

2 Q. So you're now telling us about an additional fall that you had  
3 not on Cicavica mountain but at the schoolhouse?

4 A. I fell three, four times, because I was rather heavy physically  
5 and I was not used to walking on a hard terrain, in mountains. We  
6 were focused on the shelling going on. It was night. It was dark.  
7 It was raining. It was a wet terrain. And it's not a crime to fall  
8 down.

9 Q. I'm just looking for the details of these falls. So what do you  
10 remember about the fall? Did you trip --

11 A. [Overlapping speakers] ...

12 Q. Let me finish my question, sir. Did you trip? Did you knock  
13 into somebody? Did you slip? What happened during these falls?

14 A. My foot slipped. The others, I don't know. I don't remember.  
15 Just anybody might trip and fall down or slip.

16 Q. And where did -- how did you land when you fell?

17 A. I used to be a sports person, and I got up very soon without any  
18 problem, and I continued our mission.

19 Q. I'm glad that you got up quickly. My question is how did you  
20 land. Like, what side of your body did you land on? Did you fall  
21 backwards? Did you fall forwards?

22 A. These are questions that I can't answer. I have forgotten how I  
23 fell, on what part. After 25 years, to ask me where I fell down, how  
24 I fell down, I find it hard to answer. It would be a speculation. I  
25 don't like to speculate.

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. And this is just one fall. So can you describe any other falls,  
2 other than this one where you slipped, to us with any other details?

3 A. I already told you. I know you are asking me because it's part  
4 of your duty. I respect that. But to ask me about specific details  
5 after 25 years, it does make no sense to me. I can't remember those  
6 details. I wouldn't remember if it happened yesterday, maybe.

7 PRESIDING JUDGE SMITH: We're time for our morning break.

8 We will take a half-hour break at this time, Witness. The Court  
9 Usher will escort you out of the courtroom.

10 [The witness stands down]

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

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

13 --- On resuming at 11.30 a.m.

14 PRESIDING JUDGE SMITH: Madam Usher, would you please bring the  
15 witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 The Prosecution still has some questions for you, so we will  
19 give the floor to the Prosecutor.

20 MS. MAYER: Thank you, Your Honour.

21 Q. Throughout your testimony, you've mentioned a press conference  
22 that you gave on the date I believe yesterday you testified you  
23 thought could have either been the 22nd or 23rd of September; is that  
24 right?

25 A. That's right.

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. And you gave this press conference after the ICRC drove you back  
2 to Prishtine, but did you go directly to the press conference or did  
3 you go home first?

4 A. Before answering this question, I will again openly protest  
5 against the decision to hold this session in public.

6 With respect to the press conference, I held that conference  
7 two hours after arriving in Prishtine. I first went home and then  
8 from home to the venue of the press conference. I was told that  
9 there were journalists and reporters interested to know more, so I  
10 went to the seat of the LDK where the office of President Rugova was  
11 and offices for -- were there to hold press conferences as well.

12 Q. You said that you went home. What did you do at home?

13 A. I visited my family. I cleaned myself up like any normal person  
14 would do, got ready, and went to the press conference.

15 Q. When you say you cleaned yourself up, so you showered and shaved  
16 and put on fresh clothes?

17 A. No, I only shaved. Because I would always, throughout my  
18 career, shave, when I went to political rallies or demonstrations  
19 or -- I wanted to be ready if I would die. So that's -- it's a  
20 ritual. I shave every day.

21 Q. But --

22 A. These are what I would probably qualify as unimportant details.

23 Q. When we met last week - and the reference is 116678 to 116787,  
24 specifically at page 116776, paragraphs 34 and 35 - you say that  
25 after the ICRC vehicles arrived and took you back to Prishtine, you

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 went home where you met your family briefly, you shaved, you  
2 showered, you put on fresh clothes, and then you went to the press  
3 conference. And that's what you told us last week, and it was read  
4 back to you, and you confirmed its accuracy.

5 A. With respect to clothes, all I know is that throughout my stay  
6 in Drenica I wore a white shirt and a tie. I went to that press  
7 conference with a white shirt and a tie, and I'm here today wearing a  
8 tie. So I -- but it's for you to ask this question.

9 I want to reiterate that I protest against the fact that you're  
10 discriminating me. You're putting pressure on me, and you're in  
11 particular causing distress to [REDACTED]

12 Q. Sir, my question is just if you told us last week and confirmed  
13 the accuracy when it was read back to you that when you went home,  
14 after getting back to [REDACTED] and before going to the press  
15 conference, that you shaved, you showered, and you put on fresh  
16 clothes. Is that right?

17 A. I wouldn't know about the clothes I put on. If you asked me  
18 what I wore yesterday, I would need to really think about it. It's  
19 just quite interesting, quite an interesting question to me.  
20 However, I indicated that I shaved, which isn't an important detail,  
21 I shave every day, and then I went to the press conference.

22 MS. MAYER: I'd ask the Court to pull up P321, which is a video  
23 that's in evidence. And once it's up, I'd ask to go to timestamp  
24 17:18, please. And I'd ask if you could just play a brief portion  
25 from 17:18 to 17:33, and then pause it at 17:33, please.

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 [Video-clip played]

2 THE INTERPRETER: [Voiceover] "Who's the organiser? Who's  
3 leading the war? We said that we were from Prishtine, 30  
4 participants in the delegation and the journalists."

5 MS. MAYER: Okay.

6 Q. Sir, can you identify the four men that are in that video,  
7 starting from the left side of your screen to the right?

8 A. Sokol Blakaj --

9 Q. I just want to stop you. I want you to start from the left-hand  
10 side of the screen and go to the right. So is Sokol Blakaj the  
11 person with the white hair on the left-hand side of the screen?

12 A. No, that person is Simon Augustini, the person with the white  
13 hair.

14 Q. And then who's next to Mr. Augustini?

15 A. Myself, Gjergj Dedaj.

16 Q. And then who is next to you? Who is immediately to your left?

17 A. Veli Bytyqi and Sokol Blakaj.

18 Q. All right. And these other men, as you previously testified,  
19 were among the people that were detained with you in Qirez and Baice;  
20 is that right?

21 A. We had a conversation with the KLA members in Baice and in  
22 Qirez.

23 Q. And of the four of you that are there, you've previously  
24 identified the six members of the delegation that were involved in  
25 what you've said is a physical altercation. Of those six that were

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 involved in the physical altercation, only two of you are on the  
2 screen here; right? Simon Augustini and Veli Bytyqi were not  
3 involved in the physical altercation; is that right?

4 A. That's right, no. That's right, they were not involved. And in  
5 this parliamentary clash were Sokol Blakaj and myself. I'm referring  
6 to people from this photograph.

7 Q. That's right. So you and Sokol Blakaj were involved in this  
8 physical altercation, and you previously have said in your May 2014  
9 testimony --

10 MS. MAYER: And the reference is 034236-034287, specifically at  
11 page 034261 in English, and 034278 in Albanian.

12 Q. You said, when asked about injuries, that Sokol Blakaj had  
13 injuries on his face. Is that right?

14 A. I don't remember.

15 MS. MAYER: I'd ask the Court to advance to timestamp 20:05.

16 PRESIDING JUDGE SMITH: Madam Prosecutor, just for the record,  
17 this video has previously been classified as confidential. We will  
18 reclassify it as public.

19 MS. MAYER: Thank you, Your Honour. I apologise for not  
20 addressing that at the outset.

21 [Video-clip played]

22 THE INTERPRETER: [Voiceover] "A humanitarian nature" --

23 MS. MAYER: And can you pause it at 20:09.

24 Q. That's a very short clip, and I'm happy to ask the Court to  
25 replay it. Did you see that played on your screen, sir?

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 A. Yes.

2 Q. And you see that it's paused there, and Mr. Blakaj is raising  
3 his left hand towards his face. Do you see that?

4 A. Why? Was it forbidden for him to raise --

5 PRESIDING JUDGE SMITH: Just answer the --

6 A. -- his hand to his face?

7 PRESIDING JUDGE SMITH: -- question, Witness.

8 THE WITNESS: [Interpretation] But we all can see that. I also  
9 raised my hand on several occasions here and there.

10 PRESIDING JUDGE SMITH: Could you replay the video-clip, please.

11 MS. MAYER: Yes. If we could start at 20:05 and pause it at  
12 20:09, so a second before it's paused now. If we could do that.

13 [Video-clip played]

14 MS. MAYER:

15 Q. And I know his head is tilted down, but do you see Mr. Blakaj's  
16 face in that screen?

17 A. Yes, I do. The now deceased Sokol Blakaj.

18 Q. Do you see that area above his left eyebrow --

19 MR. MISETIC: Mr. President, I'm going to object to the leading.  
20 If there's a question to be asked, then she should just ask it, but  
21 not direct him to try to make argument about whether there is or  
22 isn't visible injuries on his face.

23 MS. MAYER: I actually didn't ask that question.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MS. MAYER:

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 Q. Do you see the area above Sokol Blakaj's left eyebrow, that  
2 darkened area? Do you see that?

3 A. I did not notice anything on Sokol Blakaj.

4 Q. I'm not asking you about any previous time. I'm asking you as  
5 you look at the screen right now.

6 A. It's unclear to me what I see. I cannot distinguish. I can see  
7 it's Sokol Blakaj only.

8 Q. Okay. Well, you previously testified in May 2014 that he had an  
9 injury on his face. So my question to you is, is that where he is  
10 injured?

11 A. Maybe I will repeat this a thousand times, that I have distanced  
12 myself from everything I've said from 2001 to 2014 and so on, because  
13 I was in a very severe mental and health and psychological condition  
14 because of my family members and situations. I should leave the dead  
15 rest in peace and not remove their bodies and their corpses 25 years  
16 later.

17 PRESIDING JUDGE SMITH: Please repeat the question for him.  
18 And we expect you to answer the question.

19 MS. MAYER:

20 Q. My question simply, sir, was do you see that area above Sokol  
21 Blakaj's left eyebrow, and is that the area where he was injured?

22 MR. MISETIC: I'm sorry, Mr. President. That wasn't the  
23 previous question.

24 MS. MAYER: Okay, I apologise. My colleague is correct. Let me  
25 read the previous question. I was on the one before that.

1 Q. My question was: You previously testified in May 2014 that he,  
2 Sokol Blakaj, had an injury on his face. So my question to you is,  
3 is that where he is injured?

4 A. I am not a doctor, I was not a doctor there to examine who's  
5 injured or not. It could be -- I see some sort of sign, small sign  
6 there. If Sokol Blakaj were still alive, he would be in a better  
7 position to tell how and where he got that injury. I was not a  
8 doctor, and I was not inspecting or examining them.

9 Q. I'd like to turn to your injuries. And in 2014, you testified  
10 that you were injured when you were asked about your physical  
11 injuries.

12 MS. MAYER: And this is at 034236 to 034287. Specifically in  
13 English 034260.

14 Q. And when asked about your physical injuries, you said:

15 "They were very serious ... for a few days my whole arm became  
16 black all the way to my fingernails and when the weather changes, my  
17 right arm from the shoulder down to the fingernails hurts a lot  
18 always. This was a permanent injury that I sustained."

19 And at that time, you actually showed a photograph to  
20 investigators depicting your injuries; is that right?

21 A. I did not show any photograph. I do not remember having shown  
22 any photograph. I explained that my injury was a result of an  
23 incident when I fell on the ground myself, and I think it's something  
24 that can happen.

25 MS. MAYER: I'd ask on P00321 to please go to timestamp 19:29

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 and to play it until 20:05 and pause it there.

2 [Video-clip played]

3 THE INTERPRETER: [Voiceover] "I think that this -- the detention  
4 in our -- my opinion didn't -- was pointless and there was no reason  
5 for us to be detained because we were public individuals. We were  
6 there because of our activity, our work, and the public opinion knows  
7 we've done things legally. We've always worked legally. We didn't  
8 go there to do any propaganda, be that political or party related or  
9 for or against the KLA. I said it at the outset, our mission was of  
10 a nature."

11 MS. MAYER:

12 Q. Do you see your right hand on the screen, sir?

13 A. Entirely normal. I see I have my both hands. And I see myself  
14 when I was younger.

15 Q. So you're saying that your right hand is not black all the way  
16 down to its fingernails? It's totally normal?

17 A. It's normal. And if it's darkened, I explained. Now, these  
18 questions are -- if I were -- even if I were Einstein or a robot with  
19 a cassette player -- I fell off. It was rainy, slippery. The road  
20 was damaged. We were in the mountains. Now, if I fell on the  
21 ground, or if it rained, you want to blame the KLA for that too.

22 Q. Sir, I'm just asking you if it's -- is it normal or is it black  
23 all the way down to its fingernails?

24 A. I don't see anything darkened. It's normal to me. It's normal.  
25 Maybe I can't see well. And it's better to not see -- not to see

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 everything we experience, we go through.

2 Q. And the fall that you took on Cicavica mountain, you said it was  
3 dark, so it was the night before the press conference; is that right?

4 A. I said that I remember that I fell by the Migjeni school. It  
5 was dark. It was rainy. If you have the possibility to go back in  
6 time and check the weather conditions, you can. So this happened  
7 several metres from the school building. There were holes and  
8 potholes, and it was difficult terrain.

9 What you're showing here now is -- by doing this, you're just  
10 destroying our lives, but you're not gaining anything. To tell the  
11 truth, now I'm -- I've reached the point now where I'd rather go to a  
12 cell, if you have a cell here, or prison, a life term or even death  
13 sentence, instead of -- rather than you putting me through this  
14 emotional, psychological ordeal and damage to my family.

15 PRESIDING JUDGE SMITH: Witness, Witness --

16 THE WITNESS: Okay. If you'll allow me.

17 PRESIDING JUDGE SMITH: Please stop. Please stop.

18 THE WITNESS: Okay.

19 PRESIDING JUDGE SMITH: You're not answering the question.

20 Go ahead.

21 MS. MAYER:

22 Q. I just want to make sure the record is clear. You're not  
23 talking about the falls on Cicavica mountain, because the school was  
24 in Baice, not on the mountain. So you're now telling us there's  
25 another fall --

Witness:W03825 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F2133RED*

Examination by Ms. Mayer (Continued)

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1 A. [Overlapping speakers] ...

2 Q. Sir, let me finish my question. So you're now telling us about  
3 another fall that you took at the school in Baice; is that right?

4 A. [Interpretation] I fell several times. Now, I did not have a  
5 camera to video record myself each time I fell. This is absurd.

6 Now if your intention is something different, then just do it --

7 PRESIDING JUDGE SMITH: Witness.

8 THE WITNESS: [Interpretation] -- and don't mistreat us here --

9 PRESIDING JUDGE SMITH: Witness, you're not answering the  
10 question. You're giving a speech.

11 THE WITNESS: [Interpretation] -- because you're mistreating our  
12 families.

13 PRESIDING JUDGE SMITH: Please answer her questions so that we  
14 can get through your testimony.

15 MS. MAYER:

16 Q. Sir, I just --

17 A. Honourable Presiding Judge, I'm not holding speeches here. I'm  
18 just saying that I fell on several occasions.

19 MS. MAYER: Your Honour, I just have two questions that I'd ask  
20 to move in private session for.

21 PRESIDING JUDGE SMITH: Into private session, please,  
22 Madam Court Officer.

23 ~~[Private session]~~ [Open Session] *Reclassified pursuant to*  
*F2133RED*

24 THE COURT OFFICER: Your Honours, we're in private session.

25 MS. MAYER:

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

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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 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

Examination by Ms. Mayer (Continued)

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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 MS. MAYER: Those were my two questions in private, so I would  
12 move back to public.

13 MR. MISETIC: Just one question, Your Honour. I am not sure why  
14 we went into private session for that. So for my own benefit and for  
15 cross-examination, if we could get an understanding of why that needs  
16 to be in private session.

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 MR. MISETIC: There was no medical care, so that's why I'm --

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 THE INTERPRETER: Microphone, please.

21 PRESIDING JUDGE SMITH: The question was about medical care.

22 MR. MISETIC: Okay. So just for the future, I take it I can go  
23 into this in public because -- since there is no medical record?

24 MS. MAYER: I also believe it's for the dignity of a witness

25 [REDACTED]

Witness:W03825 (Resumed) ~~(Private Session)~~ (Open Session) *Reclassified pursuant to F2133RED*

Examination by Ms. Mayer (Continued)

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1 MR. MISETIC: I would dispute that assertion.

2 PRESIDING JUDGE SMITH: You may explore that in  
3 cross-examination.

4 MR. MISETIC: In public?

5 PRESIDING JUDGE SMITH: Yes.

6 MR. MISETIC: Thank you.

7 PRESIDING JUDGE SMITH: Go ahead, Madam Prosecutor.

8 MS. MAYER: Those were my only two questions in private, so we  
9 can go back into public, Your Honour.

10 PRESIDING JUDGE SMITH: Okay.

11 Madam Court Officer, back into public session, please.

12 ~~{Open session}~~

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

14 PRESIDING JUDGE SMITH: All right.

15 Go ahead, Madam Prosecutor.

16 MS. MAYER:

17 Q. Sir, I just have one last topic I want to ask you, and that is  
18 you said that you went on these visits, these humanitarian visits  
19 because of the terrible conditions in Kosovo at the time; is that  
20 right?

21 A. Not only terrible conditions but a genocide was being  
22 perpetrated in Kosovo that was never acknowledged and condemned by  
23 international community. And instead of that, it's condemning us who  
24 defended our freedom and independence with our blood.

25 Q. And you actually went on several visits in very close

1 succession. So you went on -- you tried to go on four visits, but  
2 you only made it to three until you got to Qirez, and that was in  
3 about less than a month; is that right?

4 A. All the members of the delegation were honourable, dignified men  
5 who were willing to lay down their lives for Kosovo. And the purpose  
6 of the visits, even in Qirez, which was the last one, was to see from  
7 close up with our own eyes the humanitarian condition of the civilian  
8 population, which was subject to constant terror, killings and  
9 murders by the Serbian forces.

10 Q. Right. But after the KLA stopped you and detained your  
11 delegation for two days, you didn't conduct any more of these very,  
12 very important humanitarian visits, did you?

13 A. Look, here I am repeating. The KLA was in its own right to  
14 discuss with us because we were an extended delegation and they might  
15 have had -- their suspicions, grounded or not, are in regard to some  
16 of us. So in order to clarify things, they needed to have a  
17 conversation with us.

18 Q. I understand. But if their point was to stop you from doing  
19 that, it worked; right?

20 MR. MISETIC: Your Honour, I'm going to object to the leading.  
21 I don't believe this is -- relates to a prior inconsistent statement,  
22 so I would object to the leading questions.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 THE INTERPRETER: Microphone, please.

25 PRESIDING JUDGE SMITH: You may answer. The objection is

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Examination by Ms. Mayer (Continued)

*Redactions applied pursuant to F2133RED.*

1 overruled.

2 THE WITNESS: [Interpretation] May I? None of the members of the  
3 KLA never ever told us that from now on you cannot engage in future  
4 visits. When they saw that everything was okay with us, nobody told  
5 us that from now on you cannot have any other visit here or forbid us  
6 to have visits there.

7 MS. MAYER:

8 Q. I understand.

9 MS. MAYER: I have no more questions, Your Honour.

10 I don't have anymore questions, but I do have an application to  
11 admit the items that I used with this witness.

12 PRESIDING JUDGE SMITH: The items?

13 MS. MAYER: The documents that I used with this witness.

14 PRESIDING JUDGE SMITH: Including the --

15 MS. MAYER: I move for the admission --

16 PRESIDING JUDGE SMITH: Including the statements?

17 MS. MAYER: Yes, Your Honour. So I would move for the  
18 admission -- I'll start with just under 138, the exhibits that I  
19 showed to the witness.

20 PRESIDING JUDGE SMITH: Why don't you start with the statements,  
21 if that's --

22 MS. MAYER: Okay.

23 PRESIDING JUDGE SMITH: -- what you're offering.

24 MS. MAYER: That's under a different rule. So I would move  
25 under Rule 143(2)(c), I move for the admission of the witness's 2014

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1 statements, which is 034236 to 034287.

2 PRESIDING JUDGE SMITH: That's the EULEX statement?

3 MS. MAYER: It is, Your Honour. And also the typed statement  
4 from 2001 that this witness prepared, which is 034135 to 034141 RED2.  
5 That's the Albanian version. And the corresponding English is  
6 034138-034141-ET.

7 So I would move for the admission of both of those pursuant to  
8 Rule 143(2)(c). And then I have an application as to the other items  
9 under Rule 138.

10 PRESIDING JUDGE SMITH: So only that one statement, not the  
11 UNMIK statement; is that correct?

12 MS. MAYER: Both of the -- the one UNMIK that is typed,  
13 Your Honour.

14 PRESIDING JUDGE SMITH: What?

15 MS. MAYER: The UNMIK statement that this witness prepared. So  
16 there is one 2014 statement and then one UNMIK typed statement.

17 PRESIDING JUDGE SMITH: All right. Any objection to those?  
18 We'll go on to the others.

19 MR. MISETIC: We don't object to the admission. We have our  
20 continuing objection in terms of how it can be used, and so -- and  
21 that is that anything that's put to him with respect to anything  
22 that's inconsistent with what he said in court can be used for the  
23 truth of the matter asserted.

24 The Thaci Defence's position is that things in those statements  
25 that were not put to him and therefore are not inconsistent with

1 anything he said can't be used for the truth of the matter asserted.

2 But in terms of admission, we -- I hope you were able to follow that.

3 If not, I'm happy to do it later but --

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. MISETIC: But in terms of admission, we don't object.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 MR. STRONG: Sorry, Your Honour. I just wonder -- I think that  
8 there is a number of documents that they are going to propose to be  
9 putting into evidence along with 143 statements, of which I think  
10 there will be some substantive discussion.

11 I wonder if it might be more efficient to do this in writing, to  
12 have them provide a list, and we can then respond in writing.

13 PRESIDING JUDGE SMITH: Well, I don't know if Mr. Miseti would  
14 agree on his cross-examination to have some items that are not yet  
15 offered.

16 MS. MAYER: Also, if I may be heard, I wouldn't be comfortable  
17 concluding my examination after offering evidence on something  
18 that's straightforward --

19 PRESIDING JUDGE SMITH: I understand that.

20 MS. MAYER: -- that doesn't require briefing.

21 PRESIDING JUDGE SMITH: I think we have no choice but to go  
22 through this and get those in that are going to go in. I appreciate  
23 your offer but I don't think it will work.

24 So the EULEX statement is admitted under 143(2)(c), plus the  
25 additional documents mentioned, and should be assigned numbers.

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1 Exhibit numbers, I'm sorry.

2 THE COURT OFFICER: Your Honours, the first statement, under ERN  
3 034236 to 034287 RED, will be Exhibit P680.

4 And, Your Honours, if I can clarify, it's marked as  
5 confidential. Should it remain confidential?

6 MS. MAYER: We don't have an objection to reclassification,  
7 although we would like to see if there's any personal details based  
8 on what we've discussed in court that need to be redacted.

9 PRESIDING JUDGE SMITH: We can do that within five days or so.  
10 Okay?

11 MS. MAYER: Yes, Your Honour.

12 THE COURT OFFICER: Thank you. And the next statement, under  
13 ERN 034135 to 034141 RED2, and its English translation, 034138 to  
14 034141-ET, will be Exhibit P681.

15 And, Your Honours, that is the same issue with the  
16 classification. If we can get that clarified.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 Have we mentioned all the exhibits that go with that statement?

19 MS. MAYER: No, Your Honour. So these are separate. And I  
20 don't think they are necessary under 143, that's why I wanted to take  
21 them --

22 PRESIDING JUDGE SMITH: All right.

23 MS. MAYER: -- up separately.

24 PRESIDING JUDGE SMITH: Okay.

25 MS. MAYER: There are exhibits that I showed to the witness that

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1 he identified that he provided to UNMIK and have his handwriting.  
2 They are as follows. What was marked by UNMIK as Exhibit XYZ-1, that  
3 document number is ERN SITF00055783 to 00055996 is the full document,  
4 and XYZ-1, the exhibit I am talking about, at the English, is  
5 SITF00055872, and the Albanian is SITF00055873. So that's the first  
6 item, Exhibit XYZ-1.

7 The next is Exhibit XYZ-2, which is a different ERN, not part of  
8 that large document. It's 034155 to 034155-ET in English and  
9 corresponding the same ERN without the ET, so 034155 to 034155 in  
10 Albanian.

11 I'm skipping XYZ-3 because it's already in evidence as P00319.

12 XYZ-4 is in that larger document, SITF00055783 to 00055996. The  
13 English is at SITF00055883, and the Albanian is on the following page  
14 at SITF00055884.

15 The next one is XYZ-5. It's its own ERN. The ERN is 034162 to  
16 034162-A-ET for the English and the same ERN without the -ET in the  
17 Albanian, so 034162 to 034162-A.

18 The next is marked as Exhibit XYZ-6. It's part of that larger  
19 document, SITF00055783 to 00055996. The English is at page  
20 SITF00055895 to 00055896. And the corresponding Albanian is at  
21 SITF00055897.

22 And those are the exhibits. The last -- number 7 is already in  
23 evidence. Number 8 and 9, the witness did not confirm, so I'm not  
24 offering those.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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1 MR. MISETIC: No objection.

2 MR. STRONG: Yes, Your Honour. We'd like to register our  
3 objection to, I think it is, XYZ-5, ERN 034162.

4 Unlike the other documents, this is an article that is written  
5 well outside the indictment period. It has nothing to do with the  
6 events on September 1999. This is an unauthored newspaper article  
7 that appears to be itself extracted from a separate newspaper  
8 article, *Tema*. And the underlying document that the article  
9 speculates about is not provided to the Defence.

10 It is also full of patent errors, including referencing  
11 Bislrim Zyrapi as the head of the secret service. Whereas the article  
12 that it's commenting on clearly provides the accurate description of  
13 Mr. Zyrapi.

14 So we'd say that the probative value is very low. At the same  
15 time, the speculation that the article engages in is highly  
16 prejudicial. It speculates that the underlying document is a tailing  
17 scheme and execution list. That doesn't appear anywhere in the  
18 underlying document, but those are highly prejudicial statements.

19 In the English translation, it adds an additional column, a  
20 third column, where the article has gone and made conclusions about a  
21 list of abbreviations, a list of initials, but there's no explanation  
22 as to how they reached those conclusions.

23 So for those reasons, we think the probative value is quite low.  
24 The prejudicial speculation that the editorial engages in is quite  
25 high. We also note that the underlying document that hasn't been

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1 provided to the Defence appears to be signed by an individual that  
2 the Prosecution seeks to call.

3 And so if a proper foundation is to be laid with this document,  
4 we submit it should be laid with the witness who purports to have  
5 signed the document, and that can be done.

6 Those are the submissions. Thank you.

7 PRESIDING JUDGE SMITH: Okay. I understand your objection.

8 Go ahead, Mr. Ellis.

9 MR. ELLIS: We join that objection, Your Honour.

10 MR. TULLY: We also join the objection, Your Honour. Thank you.

11 PRESIDING JUDGE SMITH: Okay. 1 through 4 and 6 are admitted.

12 The XYZ-1 through 4 and -- as to 5, we'll mark for identification and  
13 we'll take a look at it and rule on it either later today or  
14 tomorrow.

15 Go ahead.

16 MS. MAYER: May I just briefly respond?

17 PRESIDING JUDGE SMITH: Sure. Sure, you may.

18 MS. MAYER: I understand the objection. However, it's not --  
19 there's more to it than that. This witness provided this document to  
20 UNMIK in connection with the questioning, so he draws a relevance and  
21 a connection to it. The probative value is therefore higher than  
22 stated. And under the 138 standard, it satisfies it.

23 It is important what was in his mind, and there has been  
24 testimony about future threats, about the antipathy towards this  
25 witness in particular and other people that were even further singled

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1 out from this delegation. So we think the probative value is  
2 established, and it's beyond just the article itself. And this was  
3 in *Bota Sot*, which was publicly then known, so it goes to the climate  
4 of what happened after this and his statements.

5 PRESIDING JUDGE SMITH: We'll take a look at it.

6 Anything else to offer? Oh, I'm sorry, Madam Court Officer was  
7 stood.

8 Do you have something? Oh.

9 [Trial Panel and Court Officer confers]

10 PRESIDING JUDGE SMITH: Yes, give the numbers to them. Yes.

11 THE COURT OFFICER: Thank you, Your Honour.

12 So the first, under SITF00055877 for the English, and the  
13 corresponding Albanian under SITF00055873, which will be extracted  
14 from the larger ERN SITF00055783 to 00055996, will receive  
15 Exhibit P682.

16 The second document, under 034155 to 034155, and the English  
17 translation under 034155 and 034155-ET, will be Exhibit P683.

18 SITF00055883 for the English and SITF00055884 for the Albanian,  
19 which will also be extracted from the larger ERN quoted earlier, will  
20 be assigned Exhibit P684.

21 034162 to 034162-A, and the English, 034162 to 034162-A-ET, will  
22 be P685 marked for identification.

23 And the last one, SITF00055895 to SITF00055896 for the English,  
24 and SITF00055897 for the Albanian, will be Exhibit P686, Your  
25 Honours. Thank you.

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Cross-examination by Mr. Misetic

*Redactions applied pursuant to F2133RED.*

1           PRESIDING JUDGE SMITH: [Microphone not activated].

2           Those exhibits are all admitted into evidence by the P number  
3 enumerated.

4           Thank you, Madam Prosecutor.

5           Go ahead, Mr. Misetic.

6                           Cross-examination by Mr. Misetic:

7           Q.    Good afternoon, Witness. My name is Luka Misetic. I am counsel  
8 for Mr. Thaci, and I will have some questions for you for the rest of  
9 today and likely into tomorrow morning as well.

10           Before I begin, I just wanted to ask you or instruct you that I  
11 will ask specific questions that will usually require a factual  
12 answer from you, so I'd ask you to keep your answers limited to the  
13 questions I pose, and we can get through this much more quickly if we  
14 proceed on that basis.

15           And I wanted to let you know that if I believe you are moving  
16 beyond what I wanted to ask you, I will raise my hand like this.  
17 It's not intended to be impolite. I just want to let you know that I  
18 think you're going beyond and I'd like you to stop so that we can  
19 refocus on the questions that I have.

20           Do you understand that instruction?

21           A.    Yes, I do.

22           Q.    Thank you very much. So I first want to pick up on something  
23 you said yesterday just by way of background.

24           Yesterday in court you made a comment. You said that even  
25 within the official structures, meaning the structures with

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Cross-examination by Mr. Misetić

*Redactions applied pursuant to F2133RED.*

1 President Rugova, there were people who did not respect the  
2 structures. Do you recall saying that?

3 A. Yes.

4 Q. And just by way of background, after the Dayton Agreement, there  
5 started to be splits within the LDK; is that accurate?

6 A. There were some disagreements, individual splits.

7 Q. And by the end of 1997, is it fair to say that certain people --  
8 that these splits went all the way down to the local LDK structures,  
9 where people were leaving the LDK by the end of 1997?

10 A. Yes, there were, as I said, individuals who had different  
11 thoughts and acted differently.

12 Q. Do you know, for example, if Mehmet Hajrizi had left the LDK by  
13 the end of 1997?

14 A. I don't know the date, but I know that some individuals left the  
15 LDK.

16 Q. What about Gani Krasniqi?

17 A. I think he too left the LDK structures.

18 Q. Gani Koci?

19 A. He too. He -- I'm sure of that. He left the LDK structure and  
20 joined the KLA.

21 Q. And Veton Surroi, he had left as well?

22 A. I don't know if Veton Surroi was a member of LDK. He was more  
23 involved in the civil society.

24 Q. Is it fair to say that these divisions existed before the KLA  
25 emerged in late 1997? The divisions within the LDK structures.

1 A. Yes, there were divisions because some individuals thought that  
2 the Kosovo case couldn't be resolved only through press releases and  
3 conferences with public appearances, and that it was necessary to  
4 have an active organisation. And with the appearance of the KLA in  
5 November 1997, then the situation changed greatly on the grassroots  
6 level.

7 Q. But is it fair to say then that some of those people within the  
8 LDK who wanted a more, let's say, aggressive approach and who had had  
9 these conflicts within the LDK, they brought their LDK conflicts into  
10 the KLA when they joined the KLA?

11 A. I don't know what they brought into the KLA. But I do know that  
12 it was an immediate need to respond to Serbian invasion of Kosovo,  
13 which, as of 1989, when the Kosovo autonomy was suspended, was  
14 engaged in ethnic cleansing, terrorised the population, expelled the  
15 Albanians from their work positions. So it was a response mostly in  
16 self-protection and prevention of ethnic cleansing. In general  
17 lines, this is how it was.

18 Q. Okay. Let's turn to where we began yesterday, which is these  
19 organised humanitarian visits that started in August 1998. There  
20 were four visits total; is that correct?

21 A. Yes, four visits.

22 Q. And prior to the visit to Qirez, had you encountered the KLA on  
23 any of the prior three visits?

24 A. Me personally, no. First encounter was in Pagarushe in the  
25 Malisheve area, and I mentioned it yesterday as well, and I was very

1 happy that I did. Even though the party that I led, in its 1997  
2 congress, after the appearance of KLA in November, in our platform we  
3 had it that every people should have its army, its police, security  
4 forces, to be able to protect the population of the country.

5 Q. Okay. And I noticed the --

6 A. There were also disagreements or cooling off of -- between the  
7 forces that represented politics. Even with the Liberal Party. The  
8 reason was that I had many international meetings, and I was one of  
9 the persons who was very active. And often when I asked for NATO  
10 intervention, they told me that NATO cannot intervene if you invite  
11 it to come through your press conferences.

12 Q. Let me ask you about the visit in Pagarushe. In 2014, you  
13 stated that -- let me just read it to you:

14 "We encountered the KLA for the first time in Pagarushe or in  
15 Senek. They were very grateful and enabled us to contact the  
16 population."

17 Is that accurate?

18 MS. MAYER: I'd just ask for a cite.

19 MR. MISETIC: Yes, it's the 2014 EULEX statement, page 4.

20 THE WITNESS: [Interpretation] Yes.

21 MS. MAYER: I would just ask for an ERN. There are two sections  
22 to that document, so there are two page 4s in the PDF.

23 MR. MISETIC: Okay. It's 034236 to 034287, page 4. And it's  
24 ERN 034239 is the page.

25 Q. So it's accurate that on the visit to Pagarushe, the KLA were

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1 grateful that the delegation had arrived and they were the ones that  
2 enabled you to contact the population? Is that correct?

3 A. Yes, they cooperated with us. They helped us, made sure that we  
4 meet the population to see the alarming situation of the civilian  
5 population in that area.

6 Q. Okay. And then -- do you recall any other contact with the KLA  
7 on any other visits other than the one to Pagarushe?

8 A. I don't recall to have had any other encounter.

9 Q. Okay. Now, let's talk about the visit to Qirez. You informed  
10 the Serbian police of the intention to travel to Qirez; correct?

11 A. I was the head of the delegation in charge to inform only the  
12 international organisations. I even informed Brussels, the liberal  
13 democratic alliance in Brussels where I was a member. I was a member  
14 of the executive committee of this alliance. After the war, I was  
15 the deputy chairman of the international -- liberal international in  
16 London.

17 I informed the international organisations in Prishtine too, the  
18 US observation mission, UNHCR. So I wasn't keen on interesting  
19 others. Maybe some other member, other delegation may have informed  
20 other institutions or -- I am talking what I did myself.

21 Q. Okay. Well, do you know what Police Service 92 is or was?

22 A. I know the service that made our lives miserable, killed our  
23 families.

24 Q. I'd like to show you what is now Exhibit P681.

25 MR. MISETIĆ: And within that document, it's the first page of

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1 the document in English and in Albanian.

2 Q. This is the 2001 letter that you typed to UNMIK.

3 MR. MISETIĆ: And if we go towards the middle of the page and  
4 the paragraph that begins, "In August/September 1998 ..." and if  
5 you -- yeah. Sorry, it's the same document. There is no Albanian.  
6 Or there is, sorry.

7 MS. MAYER: I believe that the English that's in evidence is  
8 actually a different document. It's 0138 -- 034138 to 034141.  
9 That's the item that's in evidence for the English.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. MISETIĆ: Is that P681? Yes.

12 Q. So if you go to the third paragraph from the bottom, it says:

13 "We would give prior notification to the American Office (USIS)  
14 in Prishtine, the UNHCR office, the Observation Mission, the EU  
15 Office, Police Service 92 both for our route and the purpose of our  
16 visit to the civilian population in the conflict areas."

17 Do you see that?

18 A. I did not give notice. I wouldn't do it, and I didn't do it.  
19 No one can ever find a fact establishing that I did give  
20 notification.

21 Q. Sir, to me it's not so relevant whether you did it or somebody  
22 else did it, but you were the head of the delegation and you  
23 obviously know that somebody did it because it's in your letter to  
24 UNMIK. So who then gave notification to Police Service 92?

25 A. I cannot speculate and indicate names because that would be

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1 unfair. Some of the members of the delegation are now deceased, and  
2 I would not want to mention their names here. It is possible,  
3 however, that somebody notified them --

4 Q. Well, let me ask you this.

5 A. -- because they thought --

6 Q. What was your basis for telling UNMIK in this letter that Police  
7 Service 92 was, in fact, informed before you went on these visits?  
8 How do you know that they were informed?

9 A. Maybe this was mentioned in order for the police, Serb, to not  
10 stop us or detain us. They were given notification because our final  
11 purpose was to reach the Albanian civilian population by any means.  
12 We were stopped by the police and threatened, like in Peje. So  
13 whoever gave this notification did it for this reason.

14 I am now speaking for myself. Had I given this notification, I  
15 would admit it to you now. I always informed that person in relation  
16 to international cooperation. I never recognised Serbia, and I do  
17 not recognise it now.

18 Q. Okay. But the point is that the Serb police were notified so  
19 that you would have permission to be able to travel to these areas;  
20 correct?

21 A. I said it. It is possible. However, I do not have facts  
22 regarding somebody in particular that might have informed or given  
23 notification. But it is possible that somebody informed through the  
24 phone or by other means. I cannot say though who exactly could have  
25 done that, because some of the delegation members are now deceased.

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1 I'm not excluding the possibility that somebody did, though.

2 Q. In your EULEX statement, you say --

3 MR. MISETIĆ: And this is 034236 to 034287 at page 4.

4 JUDGE METTRAUX: It's Exhibit P680, Mr. Misetić.

5 MR. MISETIĆ: Yes, I'm trying to assist counsel. As I  
6 understand it, now there's two different portions of it, and I'm  
7 trying to assist her with which of those portions this is.

8 Q. It says:

9 "The delegates were always between 10 and 15 but I was always  
10 the one who led them because I was always the head of the delegation.  
11 We would get stopped by Serb forces many times. I was the one who  
12 would speak to them on behalf of the delegation. I had a tie and the  
13 papers showing our humanitarian mission."

14 Now, these papers that you referred to, this is a fax that you  
15 would send and you would keep a copy of the fax to show the Serbs so  
16 that you would be permitted to go through Serb checkpoints; correct?

17 A. I did not talk to the Serbian forces. They talked to me. They  
18 stopped us. They checked us, inspected us, opened the trunk of our  
19 car, threatened us, insulted us, which was normal behaviour. We  
20 wouldn't have expected less than that.

21 I had a bunch of papers in my hands which I had faxed to  
22 international institutions regarding our mission. So I showed them  
23 in order to convince them for them to allow us to pursue our journey  
24 further.

25 And it's worth knowing how many -- that every time I was taken

1 out of the vehicle, as a leader of the delegation, Madam Nekibe  
2 Kelmendi would come out of the vehicle as well. She's an honourable  
3 person who's deceased now, whose husband and sons were killed by the  
4 Serbian forces. She was a lawyer, because I was not one, and she  
5 would communicate with the Serbs to explain the purpose of our visit.

6 Q. You testified yesterday that you were aware that Adem Demaci had  
7 an office, as the political representative of the KLA, in Prishtine  
8 at the time; correct?

9 A. We were aware that a KLA office existed, was in Prishtine.

10 Q. Yes. And that office --

11 A. I don't know what else I can say in that respect. I don't wish  
12 to say more about that office.

13 Q. And I think you conceded that your delegation did not inform  
14 that office or any other office of the KLA about your intention to  
15 visit Qirez; correct?

16 A. It is true that we did not notify that office. It is true that  
17 we did not notify anyone from the KLA because we were -- if we could  
18 be considered as such, we were members of the parliament of a  
19 country, and we went to an area that had been the most hit and  
20 terrorised area. So we didn't ask for permission to go there because  
21 I didn't deem it reasonable to ask for permission to go and visit  
22 civilian populations in the territory of Kosovo, which is our  
23 country. Maybe it was an omission on our side. However, I don't  
24 think I would have informed the KLA office in Prishtine.

25 Q. Yes. But in your -- and let me just follow up on that. In your

1 meeting with the Prosecutor last week - and this is at paragraph 20  
2 of the preparation note - you told the Prosecutor that:

3 "... looking back after 25 years, it made sense that the KLA  
4 stopped them and that any Army would have done that because the  
5 delegation did not notify the KLA prior to their visit."

6 Is that what you told the Prosecutor last week?

7 A. Yes, yes, and I'm reiterating it. It is absolutely true,  
8 because any army in the world would have done the same thing.  
9 Meaning, to know who are these people with cars, convoy of cars.  
10 Knowing that for a year or two prior to our visit there hadn't been  
11 any cars, civilian cars there. There had been only tanks and empty  
12 casings on the ground. So it is absolutely logical to establish that  
13 they had a reason to stop us and inquire who we were, so -- because  
14 they needed to know.

15 We were either stupid or brave. We were neither -- we were  
16 there to visit the civilian population. So the KLA was absolutely  
17 right to proceed as they did. Had I been a KLA member myself, if I  
18 see civilian cars coming, a convoy like in a wedding, wearing ties, I  
19 would have checked and inspect these people.

20 Q. And, in fact, when you were stopped, they expressly told you  
21 that one of their concerns was that you had not previously announced  
22 your visit to the area; is that correct?

23 A. I think we should have informed them. It would have been the  
24 right thing for us to do.

25 Q. I'm asking now a factual question. Did they tell you, on or

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1 around 20 September, that one of their concerns was that you had not  
2 announced that you were going to visit the area?

3 A. It is possible that they told us so, and they were right to tell  
4 us so.

5 Q. Well, you recall and you were shown a portion of the press  
6 conference you held on the 23rd. And I won't play the video for you  
7 at the moment, but you said at that press conference --

8 MR. MISETIĆ: And this is P00321-ET, page 8 of the transcript.

9 Q. You said at the press conference:

10 "... Until 14.00 of yesterday, that is, 48 hours. And then they  
11 told us 'You are now free, and we kept you in for detention for 48  
12 hours.' Their main concern is why we had not warn them of our  
13 visit."

14 A. They wanted to know who we were. I keep repeating this.  
15 Because they could have suspected - rightly so - that somebody from  
16 the delegation members could have -- I wouldn't -- I don't know what.  
17 So they just wanted to know who we were, and they did not make any  
18 mistakes in doing that.

19 Q. Your political party is known as the PLK; is that correct?

20 A. The Kosovo Liberal Party, the first and only political party in  
21 Kosovo which is a member of political parties association in Europe  
22 and in the world. The only in the Balkans, for that matter.

23 Q. I just wanted to know if it was known as PLK.

24 Now, last week when you met with the Prosecutor, you produced a  
25 booklet that was published by the PLK in 2005; is that correct?

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1 A. That's correct. In 2005, on the occasion of the 14th  
2 anniversary of the formation and activities of the party.

3 Q. And I would like to pull up the document you produced to the  
4 Prosecution last week.

5 MR. MISETIĆ: That is DHT02734 to DHT02735-ET, page 1. And in  
6 Albanian, it's 116704 to 116758, page 116722. And in the English,  
7 it's towards the bottom of the page, beginning with the paragraph  
8 that says: "Unfortunately, during this occasion ..."

9 Q. Now, in paragraph 74 of the preparation note, it says you told  
10 the Prosecution that this booklet contains a description of the Qirez  
11 incident, which reflects what you thought at the time; correct?

12 A. Correct.

13 Q. And reading here -- and, I'm sorry, I don't know where exactly  
14 it is on the Albanian portion. But in the English, it says:

15 "Unfortunately, during this occasion of our visit, politics and  
16 clan interest got involved and damaged, misunderstood and misinformed  
17 our plainly humanitarian and sacred mission.

18 "In this occasion, certain misunderstandings with some members  
19 of the KLA were created, which were mostly a product of intentional  
20 intrigues with a political background, but also as a result of a lack  
21 of sufficient coordination of the political factor with the KLA,  
22 which our delegation would pay by spending two other nights at the  
23 elementary school in Bance under difficult circumstances for all  
24 parties and the wider public."

25 Now, you told the Prosecution that this booklet was written by

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1 an editorial board which included you and Sokol Blakaj; correct?

2 A. We had an editorial board because we published some 20 --

3 Q. Yes, but --

4 A. -- such magazines or booklets.

5 Q. But what I want to establish is that you and Sokol Blakaj were  
6 both involved in preparing this booklet?

7 A. We were because we were both involved in this event, and  
8 somebody who had not been involved in the event could not have  
9 written or reported on it.

10 Q. Okay. What does it mean when it says that "politics and clan  
11 interest got involved"? What does that mean?

12 A. Politics, including outside Kosovo, the diaspora, and the  
13 politics in Prishtine. Specific individuals constantly spread  
14 propaganda against the Kosovo Liberation Army, labelling it by all  
15 sorts of names. And when politics get involved with the army, it  
16 results in a problem. So there were intrigues.

17 As I said, individuals who were far from Kosovo, far from the  
18 KLA, living in comfortable conditions, wanted to damage, denigrate  
19 both the purpose of our visit and the KLA itself. This is the  
20 political involvement.

21 Q. Okay. You also say:

22 "In this occasion, certain misunderstandings with some members  
23 of the KLA were created, which were mostly a product of intentional  
24 intrigues with a political background ..."

25 Can you explain what were the intentional intrigues with a

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1 political background that created a misunderstanding with the KLA?

2 A. For example, to this day there are individuals who write and  
3 publish books proclaiming that we allegedly went there to ask people  
4 to lay down weapons, which is absolutely not true. I am personally  
5 telling you that when I saw what was happening to our people, if I  
6 had had the possibility, I would have supplied the KLA with all sorts  
7 of weaponry, including a nuclear weapon. Although, you know very  
8 well in what conditions operated the KLA, with what sorts of  
9 armament, in extremely difficult conditions that a liberation  
10 guerilla army can operate.

11 So for this reason they were right to -- I don't know. Probably  
12 somebody phoned them and said, "Look, somebody is coming to ask  
13 people to lay down weapons," or -- this could have, by the way,  
14 resulted in a fatal conflict that would have been fatal for Kosovo  
15 and for us. And this was the purpose -- and this was the meaning of  
16 what I -- of my statement.

17 Thank -- however, luckily neither the KLA or us fell into this  
18 trap.

19 Q. You announced in advance or you coordinated this trip with  
20 Shaun Byrnes; is that correct?

21 A. I notified him. I informed him. He was not a coordinator. He  
22 did not task me to go there. When I met with President Rugova, he  
23 said it's also a suggestion from Shaun Byrnes that we approach our  
24 positions and align our positions. I mean, the political positions  
25 and those of the KLA. Because I want to make this clear. I don't

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1 want to involve Shaun Byrnes in things he -- I informed him after  
2 every visit I made.

3 When I came from the woods, I was covered with dirt and mud, I  
4 informed him, informed the American mission that was based in  
5 Fushe Kosove, close to Prishtine.

6 Q. After the conflict in Kosovo ended in 1999, did you continue to  
7 have communication with Shaun Byrnes? Did you ever meet with him for  
8 coffee or talk to him?

9 A. I met him rarely. If I remember correctly, he was also in Paris  
10 in the Rambouillet conference. I was also a member of the final  
11 talks before the signature of the Rambouillet agreement. I had the  
12 honour and the privilege to take part in this historic moment.

13 However, I want to say something for the first time. Thanks to  
14 President Hashim Thaci, the conflict in Kosovo ended, and the  
15 Rambouillet agreement was signed.

16 Q. We can get to that. I'm just asking you about Shaun Byrnes  
17 right now. When was the last time you ever saw Shaun Byrnes?

18 A. If I'm not mistaken, it was in Paris, but I'm not certain. I  
19 wouldn't want to speculate, because I have a great deal of respect  
20 for him. I have my -- a great deal of respect for American diplomats  
21 and NATO members.

22 MR. MISETIĆ: If we can move into private session,  
23 Mr. President. Briefly.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 MR. MISETIĆ: I'm sorry?

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1 PRESIDING JUDGE SMITH: [Microphone not activated].

2 To protect the witness from --

3 MR. MISETIĆ: No, it's a -- I'm using a document that can't --

4 PRESIDING JUDGE SMITH: 107 document?

5 MR. MISETIĆ: Yes.

6 PRESIDING JUDGE SMITH: All right.

7 Please, into private session, Madam Court Officer, concerning  
8 the status of certain documents.

9 ~~[Private session]~~ [Open Session] *Reclassified pursuant to  
F2133RED*

10 THE COURT OFFICER: Your Honours, we're in private session.

11 PRESIDING JUDGE SMITH: Go ahead, Mr. Misetić.

12 MR. MISETIĆ: Thank you, Mr. President.

13 Q. Now, one of the purposes of the delegation's trip was to hold  
14 town meetings with the population in order to counterbalance the  
15 influence of the KLA; is that correct?

16 A. Not to counterbalance, but the purpose was that in addition to  
17 visiting the civilian population, we wanted to establish contacts  
18 with the KLA members because we did not have such contacts. There  
19 were allegations raised by the official persons in Prishtine and  
20 other circles, and I was personally interested because we were  
21 bombarded with fake news regarding the KLA.

22 I wanted to see them, to listen to what they had to say in order  
23 to then convey all this to my friends in my international meetings  
24 with the American congress members, European council, and so on.  
25 I've had hundreds and hundreds of meetings.

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

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5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

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18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

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15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 MR. MISETIĆ:

25 Q. Just two quick questions and then we can get out of private

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1 session and go to lunch, Witness.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

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19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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 MR. MISETIĆ: Mr. President, we can go out of private session.

9 PRESIDING JUDGE SMITH: All right.

10 Madam Court Officer, into public session, please.

11 ~~[Open session]~~

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

13 PRESIDING JUDGE SMITH: Thank you.

14 MR. MISETIĆ: Mr. President, this is a good time for a break.

15 PRESIDING JUDGE SMITH: All right.

16 Witness, we will take our lunch break at this time. You will be  
17 back here at 2.30 in order to finish your testimony for today.

18 THE WITNESS: [Interpretation] Thank you very much.

19 PRESIDING JUDGE SMITH: Please join the Court Usher to be  
20 escorted from the room.

21 THE WITNESS: Thank you very much. Thank you.

22 [The witness stands down]

23 PRESIDING JUDGE SMITH: We're adjourned till 2.30.

24 --- Luncheon recess taken at 1.03 p.m.

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

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1           PRESIDING JUDGE SMITH: As to MFI 685, we are going to deny the  
2 admission of that exhibit at this time. There is some question  
3 concerning the relevance and the authenticity, and there is another  
4 witness who is scheduled to testify who may be able to deal with  
5 that.

6           So, Madam Usher, you may bring the witness in.

7   [The witness takes the stand]

8           PRESIDING JUDGE SMITH: Witness, we will continue with the Thaci  
9 Defence cross-examination.

10           Go ahead, Mr. Misetić.

11           MR. MISETIĆ: Thank you, Mr. President.

12           Q. Good afternoon, Witness. I'd like to take a look at another  
13 document.

14           MR. MISETIĆ: And if we could please call up DHT01420-ET, and  
15 the Albanian -- sorry, DHT01418 -- let me start again. That is the  
16 correct -- sorry, 1D0038, full stop. Page 3 in the English. And in  
17 the Albanian, it's page DHT01419-AT.

18           Q. And, sir, this is a newsletter number 23 published by the LDK on  
19 24 September 1998, so one day after your release, and it quotes you.  
20 And if we go to the last page, second paragraph, we see that the  
21 newsletter cites you as saying:

22   "I think that every state, meaning Kosovo too, has [the right]  
23 to have its armed political and military forces, which act within the  
24 framework of legal and legitimate institutions' ..."

25           Do you see that?

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1 A. Yes.

2 Q. Does that statement accurately reflect your position as of on or  
3 around 24 September 1998?

4 A. Yes, I so believe that every country should have that. Kosovo,  
5 too.

6 Q. Okay. As of 24 September 1998, was the KLA a military force  
7 acting within the framework of legal and legitimate institutions, in  
8 your opinion at the time?

9 MS. MAYER: Objection, it still calls for a conclusion that's  
10 within the province of the Court.

11 MR. MISETIĆ: Mr. President, if I may?

12 PRESIDING JUDGE SMITH: Overruled.

13 MR. MISETIĆ: Thank you.

14 PRESIDING JUDGE SMITH: Go ahead.

15 MR. MISETIĆ:

16 Q. Mr. Dedaj, let me repeat it. You made this statement, and I'm  
17 asking you for your -- how we interpret your own statement. So are  
18 we to interpret the statement you made -- let me rephrase.

19 On 24 September 1998, did you think that the KLA was acting  
20 within the framework of legal and legitimate institutions?

21 A. I think that Kosovo institutions in Prishtine were those that  
22 were in favour of peaceful solution to the Kosovo question, and they  
23 didn't provide the necessary cooperation to the KLA for it to be  
24 within the framework of the then institutions of the then Republic of  
25 Kosovo.

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1 Q. Okay. I think I understand your answer. And continuing along  
2 those lines, in your preparation with the Prosecution last week, and  
3 this is in the preparation note at paragraph 29, you told the  
4 Prosecution:

5 "... it was also a mistake of the officials in  
6 Prishtine/Pristina because some officials made disparaging statements  
7 against the KLA."

8 When you said to the Prosecution "officials in Prishtine," did  
9 you mean Kosovo politicians?

10 A. Yes, the Prishtine politicians who often issued very  
11 detrimental, disparaging statements for the KLA.

12 Q. Okay. Would those officials or politicians include politicians  
13 of the LDK?

14 A. Politicians from various parties. For your explanation, part of  
15 the KLA were members of all political parties. Some of them even  
16 laid down their lives. There were individuals and politicians from  
17 various countries. The LDK being the largest party, there were more  
18 members who conducted propaganda against KLA and tried to denigrate  
19 its liberation activity and heroic struggle.

20 Q. Now, when you were stopped by the KLA, one of the things -- and  
21 I think you've confirmed this already, but just to be sure. One of  
22 the things they thought was that somebody had come to Qirez and  
23 advocated for disarming; is that correct?

24 A. Correct. It is possible that someone from the delegation has  
25 referred to this issue, either on orders of someone or out of their

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1 own conviction. I wouldn't rule out this possibility.

2 Q. And the situation in Qirez at the time was desperate because  
3 there was an imminent Serb offensive; is that correct?

4 A. No, the offensives were regular. In Dukagjin and some other  
5 areas where there was permanent terror, the offensives were conducted  
6 on a daily basis.

7 Q. I'm saying within Qirez itself, you were aware that they were  
8 facing an imminent attack on Qirez itself; is that accurate?

9 A. Yes, in Qirez too. You could hear the sounds of the shelling.  
10 It was surrounded. The mosque of the village was shelled.

11 Q. Now, I want to go back to the 2014 EULEX statement. And if I  
12 could -- before we discuss --

13 A. May I? I don't know your procedures. Can I say something?

14 Q. Sure.

15 A. Can you display once again this newsletter that I saw a while  
16 ago?

17 Q. Is there something particular that you want to -- what do want  
18 to see?

19 A. Yes. There is a statement of mine which says that the KLA was  
20 correct in its conduct towards us. You didn't mention this.

21 Q. Believe me, we will get to that in a little while. If not  
22 today, then tomorrow. But certainly --

23 A. Sorry, I apologise.

24 Q. Yes. But let's talk a little bit about the context of your 2014  
25 EULEX statement.

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1           Now, I want to get the date right, but you gave that statement  
2           to EULEX in May 2014, 21 May 2014 to be exact; is that correct?

3           A.    I am not very sure about the date. It may be. I don't remember  
4           the accurate date.

5           Q.    It was 21 May 2014. And do you recall that that EULEX interview  
6           took place right in the middle of an election campaign in Kosovo for  
7           parliament; is that correct?

8           A.    Yes.

9           Q.    And you were a candidate on Mr. Pacolli's list; is that correct?

10          A.    Yes, we were in a coalition. I was on Pacolli's list because  
11          some years after, Pacolli also became a member of the European  
12          liberals, so we wanted to strengthen liberal democracy in Kosovo.

13          Q.    Elections would be held in early June 2014; is that correct?

14          A.    Yes. I don't remember the dates, because many things have  
15          passed through my body and my mind.

16          Q.    Well, do you recall that those were snap elections because  
17          Prime Minister Thaci had called snap elections dissolving a coalition  
18          between his party and Mr. Pacolli's party; is that correct?

19          A.    Yes, they were snap elections.

20          Q.    Yes. And it was the result of a dissolution of a coalition  
21          which included, amongst other parties, Mr. Thaci's party and  
22          Mr. Pacolli's party; correct?

23          A.    Yes.

24          Q.    Yes. And you personally had been dismissed from your position  
25          in that government in 2011; is that correct?

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1 A. Yes. If you allow me, I would like to clarify why I was  
2 spectacularly dismissed. May I?

3 Q. I promise you we will get to that as well.

4 A. Keep your promise.

5 Q. I do promise. So we'll get to that as well. But I just want to  
6 set the context of what's happening around you when you give this  
7 statement, which you now - and you can correct me if I'm wrong - have  
8 told the Trial Panel and the Prosecution you made certain allegations  
9 there with some political motivation; is that correct?

10 A. Yes. But, look, all my statements, from 2001 until I clearly  
11 realised, it took me quite a long time to really understand who  
12 engaged in conversation with me, the group that we had altercation  
13 with. So I don't want to die without knowing the names of those  
14 persons involved, so it took me a long while.

15 I went back to Qirez also to get information in Drenica in order  
16 to have a clear idea who the culprits were. And after a very long  
17 time, not because I want to justify something, I was convinced that  
18 President Hashim Thaci is not at all to blame in any way for what  
19 happened in Qirez.

20 Q. Well, let's try to --

21 A. This is what I want people to understand.

22 Q. Okay.

23 A. If the contrary were the case, I would pinpoint him as the  
24 culprit. Absolutely not. I want to thank him. Had he not been  
25 there, I don't know what we would have come to. This is the truth.

1 Q. Okay. We've heard you on that point, and you've made that point  
2 several times, so I can assure you that the Panel and the parties,  
3 we're -- are going to take that into consideration, so we don't need  
4 to repeat that anymore.

5 A. No, because it makes me sad, very much so, and makes me  
6 sleepless. And last night my children wrote to me, and I have  
7 received hundreds of insults from all sorts of people in Facebook,  
8 also from the office of the so-called president, Osmani, who we all  
9 know how she came to be a president. But these are political issues.

10 Q. Okay.

11 A. I am the one who is suffering, and revenge has been taken also  
12 against my children.

13 PRESIDING JUDGE SMITH: Witness.

14 MR. MISETIĆ: Thank you. Thank you, Mr. President.

15 Q. So, Witness, I understand, but as I told you when I started, we  
16 need to try to get through as many facts as possible in order to keep  
17 this moving more quickly. So let me try to refocus here.

18 Am I correct that when you told the Court and the Prosecution  
19 that there were certain political motivations, that includes the  
20 context of the 2014 elections when you made your EULEX statement; is  
21 that correct?

22 A. Yes. These are purely political statements.

23 Q. And you made certain statements concerning Mr. Thaci in that  
24 2014 EULEX statement in a political context; is that correct?

25 A. Yes.

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1 Q. Okay.

2 A. In the political context, because we were bombarded with lies as  
3 if allegedly Hashim Thaci is guilty and that people have done things  
4 on his behalf and so on. It is true.

5 Q. Okay. Let's take a look at that statement.

6 MR. MISETIĆ: And this is P680, 034236. And, sorry,  
7 specifically 034240 is the page in English. And in Albanian, 034249.

8 Q. First, I want to talk about Serb forces here, but in particular,  
9 how you were able to get across Serb lines. And you were asked some  
10 questions about that. And in English, it starts:

11 "Did you reach Qirez village?"

12 Your answer was:

13 "Yes. I won't tell you everything we went through on the way  
14 there. We were stopped many times by the Serbian forces. We were  
15 prepared to go through everything."

16 Then you're asked:

17 "Each time you managed to get through?"

18 And your answer:

19 "Yes. Our argumentation was very strong. I had all of the  
20 documentation. I had nothing to do with the war. I was going to see  
21 civilians. I was also one of those people advocating an end to the  
22 war. I do not have a military soul."

23 Now, is that correct, at the time you were advocating for an end  
24 to the war?

25 A. At any time I am against any war. And after trying for some ten

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1 years to reach a peaceful settlement, not only it was not --  
2 unsuccessful but it enhanced Serb terror.

3 Q. You also stated in this statement --

4 MR. MISETIĆ: And this is, for the benefit of the parties,  
5 034241, and in Albanian, 034250 to 251.

6 Q. You said before you entered Qirez you were stopped by a vehicle  
7 with KLA members. Do you recall that?

8 A. Yes, we lowered the window and talked with them.

9 Q. Did they prevent you from going into Qirez?

10 A. No, no.

11 Q. So there was no problem, as far as you know, from the KLA side  
12 of allowing the delegation into Qirez; is that correct?

13 A. No, no. We went to Qirez, actually. If they made us go back,  
14 we'd have returned.

15 Q. And when --

16 A. As the case was with Serbs in Peje.

17 Q. When you arrived in Qirez, you visited a mosque where thousands  
18 of people were gathered; is that correct?

19 A. Yes.

20 Q. And after that visit to the mosque, you wound up at a community  
21 information office; is that correct?

22 A. Yes.

23 Q. And you say you talked to the person responsible for the  
24 village; is that correct?

25 A. Yes. Apparently they were from LDK. People responsible for

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1 information. I didn't ask him. I wasn't interested in that. But  
2 they were civilians from the village.

3 Q. And the KLA did not prevent you from going and meeting with the  
4 local LDK leader; is that correct?

5 A. No, they did not.

6 Q. Do you have any reason to believe that local LDK people in Qirez  
7 had been mistreated by the KLA prior to the arrival of your  
8 delegation?

9 A. No, no.

10 Q. Did your party have a local branch in Qirez?

11 A. No.

12 Q. Okay.

13 A. After the war, yes, we had branches in Skenderaj and in Drenas,  
14 two municipalities of Drenica and with great sympathisers.

15 Q. Did the KLA prevent you from meeting with people in Qirez?

16 A. No, no. We met people. KLA came almost at the end of our  
17 conversations.

18 Q. And then there was a point in time where certain speeches were  
19 made by members of the delegation; is that correct?

20 A. Yes. And I tried to find the audio cassette of what we said in  
21 those speeches. A journalist had given it to me. We spoke mainly  
22 about humanitarian issues but also to have people solidarise with  
23 KLA, because we were obliged to have this army, to protect our lives,  
24 our children, our families, our honour, to make sacrifices against  
25 Milosevic regime.

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1 Q. Let's talk about the speeches.

2 MR. MISETIĆ: If we could put up on the screen, please,  
3 SITF00055783 to 00055996 at page SITF00055858. And in Albanian, it's  
4 SITF000562 [sic] to 00055863.

5 Q. This is a newspaper article from 22 September 2001 titled  
6 "Hashim Thaqi ordered, while Sabit Geci obeyed: 'Arrest the  
7 delegation of Kosova!'" And in this text in the English, on the third  
8 column about three quarters of the way down -- sorry, yeah, there we  
9 go. The article says:

10 "Albanian politicians of Kosova, with their speech gave them  
11 hope that the freedom was not so far."

12 Do you see that?

13 Now, my question to you is what did they say in their speeches  
14 as to how freedom was going to be achieved?

15 A. We gave them hope that the democratic world, the United States  
16 of America, the European Union, NATO are on our side because they're  
17 on the side of justice. And we spoke about political developments in  
18 Prishtine.

19 Now, I don't recall in details what we said. That's why I said  
20 I would like to listen again to that cassette, because 25 years have  
21 passed from that meeting. But I may say that not for a single  
22 moment, never did I, in my speech, speak about surrender. We only  
23 spoke against genocidal policy of Milosevic in Kosovo and the terror  
24 exercised in those -- at those times, at that time that we were in  
25 Drenica specifically against the civilian population.

1 Q. Were some of the members of the delegation saying that freedom  
2 would be achieved soon by discontinuing the armed struggle and  
3 reaching some sort of an agreement, a peace agreement?

4 A. Listen, we believed in freedom, because the right was on our  
5 side. That's why we sacrificed everything for freedom, even laying  
6 down our lives. And with the appearance of the KLA, we realised -  
7 I'm speaking about myself - that freedom is going to come soon. And  
8 just as I foresaw, it happened, because we had the Rambouillet  
9 process. And thanking the KLA -- thanks to the KLA delegation, we  
10 reached the historic agreement in Rambouillet with the United States,  
11 NATO, the European Union, and the KLA, the four key factors that  
12 brought about Kosovo's freedom.

13 Q. We will return to this article in a little while, but let's  
14 continue on in the story.

15 The speeches are given at the mosque, and then you went to the  
16 local community office; correct?

17 A. Correct.

18 Q. And how many people were in that office?

19 A. I can't give you a number because whatever number I would give  
20 you wouldn't be accurate. But apart from the members of the  
21 delegation, there were present in the room -- as I said, I can't be  
22 accurate in numbers. I can't be accurate. But more than one or two.  
23 There were many people, maybe 10, 20, 30 people.

24 Q. Okay. Was there furniture in the room?

25 A. Yes, we sat down on chairs. There were tables. Journalists

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1 were standing around us.

2 Q. Okay. How big were the tables?

3 A. Small. But we are talking about offices situated in a small  
4 place at a wartime. We can't speak of comfort, comfortable offices.  
5 They were makeshift offices in a way, with some chairs, some small  
6 tables. But I wasn't impressed with the furniture. I was focused on  
7 what I was going to talk to to these people.

8 Q. Was Gani Koci the first person to enter the room from the KLA?

9 A. No, we saw Gani Koci outside at first before we entered the  
10 room. He was somewhere near the mosque, because from the mosque we  
11 walked to this place and around. I used to know Gani Koci in  
12 Prishtine. He was LDK official. And there were some polemics among  
13 the LDK members of the delegation and with Gani Koci. But I didn't  
14 pay much attention to him because, as I said, I had something else on  
15 my mind, I had another mission, to meet the inhabitants, to see what  
16 their problems were, to see what we could do to help them. That was  
17 my concern.

18 Q. And it was Gani Koci who told you that you had to wait for  
19 someone else to arrive; is that correct?

20 A. Now, I am not sure if Gani Koci asked us to wait, but I know  
21 he's the first person we met in Qirez from the KLA.

22 Q. And while you were in that room, is it fair to say that you were  
23 not threatened in the room?

24 A. No one. No threats.

25 Q. And you said the same thing in the press conference on the 23rd.

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1 Let me just quote you there:

2 "We were not threatened, in the sense of the word 'threatened.'"

3 Now, when you said --

4 A. We were not threatened. Their behaviour was very correct. I  
5 mentioned this in the press conference. I reiterated it during my  
6 interview given to Voice of America. I'm surprised you haven't  
7 produced that interview.

8 Q. Was anyone physically mistreated in the office in Qirez?

9 A. No one. No one even raised their voice against us.

10 Q. No one was beaten?

11 A. No one was touched --

12 Q. No one was hit by a gun?

13 A. -- even. No. What guns? Absolutely not, never.

14 Q. Did anyone put a gun in anyone's mouth in that room?

15 A. No. This -- I'm hearing this for the first time. There were no  
16 guns that were even displayed or shown, let alone put in the mouth.  
17 There were no guns or violence there at all.

18 Q. Who collected your IDs?

19 A. You know I've mentioned who that person was. Madam Prosecutor  
20 knows. It was Person 1.

21 Q. Now, the person who told you you were being -- and I'm going to  
22 use your words from today, that you were being stopped, who was that  
23 person?

24 A. Could we please go into private session for this?

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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1 MR. MISETIĆ: Mr. President, I would actually prefer we go into  
2 private session for this.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MR. MISETIĆ: Just to have him answer that one question.

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 Into private session, Madam Court Officer.

7 ~~{Private session}~~ [Open Session] *Reclassified pursuant to  
F2133RED*

8 THE COURT OFFICER: Your Honours, we're in private session.

9 PRESIDING JUDGE SMITH: Go ahead.

10 MR. MISETIĆ:

11 Q. Who told you that you were being stopped?

12 A. [REDACTED] did.

13 MR. MISETIĆ: Okay. We can go out of ...

14 PRESIDING JUDGE SMITH: Back into public session,  
15 Madam Court Officer.

16 ~~{Open session}~~

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

18 MR. MISETIĆ: Thank you.

19 Q. Now, in 2014 you said Mr. Thaci was in that room, and this week  
20 you've said you never saw him in Qirez, and I want to hear again from  
21 you what is the truth. Did you see Mr. Thaci in that room in Qirez?

22 A. I've said it to the media later on when I was convinced that he  
23 was not, because I inquired to this. I also mentioned it during the  
24 three days of the preparation -- during the preparation sessions  
25 here. I said it yesterday and today, and I'm saying it again. I did

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1 not see Mr. Thaci in Qirez. He was not in Qirez.

2 Q. Now, let me ask you about -- some questions about your ability  
3 to identify Mr. Thaci in Qirez, and you were asked some questions  
4 about that in your 2014 EULEX interview.

5 MR. MISETIĆ: And that is, again, P680 at pages 034242 to 034243  
6 and the same in the Albanian. Sorry, 034252 in Albanian.

7 Q. It starts with the portion that says -- I think it's at the  
8 bottom in the English: "I never had any contacts in my life ..." So  
9 you say there:

10 "I never had any contacts in my life with them before that day.  
11 But I knew Hashim Thaqi because a few months before that, he gave an  
12 interview to a newspaper and there was a picture, many pictures, of  
13 him. They used to call him the snake 'Gjarpri'. So I knew he was  
14 the one. Sabit Geci was there too."

15 So your basis for saying you knew who Hashim Thaci was was that  
16 you had seen interviews that had pictures of him and referred to him  
17 as Snake. Which newspapers? Let me just help you there. You gave a  
18 television interview where you said you saw it either in the  
19 newspaper *Dielli* or in the newspaper *Gazeta Shqiptare*. Do you recall  
20 that?

21 A. I don't recall when I gave this interview, which newspaper.  
22 This was 25 years ago. I do remember precisely that Hashim Thaci was  
23 not present there. I know this.

24 Q. Okay. But I just want to establish has anyone ever shown you  
25 any evidence that Mr. Thaci had ever given an interview or had been

1 publicly revealed as Snake before September 20th, 1998? Have you  
2 seen anybody produce any such newspaper interview?

3 A. Maybe it happened that he gave interviews after this event. I  
4 wouldn't know about this, though, because I was not -- this was not  
5 part of the things I would inquire about or follow. My focus at the  
6 time, and today, is who was there present and who was not.

7 Q. That's my focus as well. So what I'm getting at is if you're  
8 now saying it's possible you saw this interview of Mr. Thaci after  
9 20 September, what basis would you have had at the time to even know  
10 who Hashim Thaci was?

11 A. Look, if he gave an interview, if he made appearances on  
12 television, if I saw him in Baice, then I understood who -- in Baice  
13 who Hashim Thaci was, because I met with him in Baice, and we had a  
14 conversation there. But we were talking about Qirez. Your question  
15 was about Qirez, and my answer is accurate, and Hashim Thaci was not  
16 in Qirez.

17 MR. MISETIĆ: If we go to English page 034257, and Albanian page  
18 034273, please.

19 THE WITNESS: [Interpretation] Can I ask you something, sir?  
20 Counsel?

21 MR. MISETIĆ:

22 Q. If it's related to what we're talking about, sure.

23 A. It's related to me, to this process.

24 Q. Sure.

25 A. Could you inform my -- let my family know that these open

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1 sessions are violent to me and they are against my will.

2 Q. Witness, any such complaints you should direct to the  
3 President of the Panel. I'm just here to ask you questions to know  
4 what you do or don't know and if you can assist the Tribunal with  
5 facts. If you have complaints, I would ask you to direct them to the  
6 Trial Panel.

7 A. I asked for a lawyer to be provided to me during my presence  
8 here. I was never given this possibility. I asked for a lawyer when  
9 I met Madam Prosecutor in [REDACTED] and -- because I don't know these  
10 legal proceedings and I needed legal advice. Four lawyers I  
11 contacted in [REDACTED] refused to help me.

12 I also then asked for the court hearings to be held in private.  
13 This was -- this request was denied. And now that the hearings are  
14 held in public session, this represents a danger to my family and to  
15 me and it's unfair.

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 MR. MISETIĆ: Thank you, Mr. President.

18 Q. Witness, I just want to ask you a few more questions on this  
19 topic.

20 MR. MISETIĆ: If we could scroll up, please, in the English so  
21 we can -- no, sorry, down is what I meant. To the previous page.  
22 And then we'll continue to the next page. Yes.

23 Q. "I asked Hashim Thaqi 'are you the snake?' because his nickname  
24 during the war was 'the snake'. I heard this name given to him in  
25 the media. He had given an interview to the media several days or

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1 maybe a month before and his picture was also in the newspaper. This  
2 is why I asked him that question. He asked me 'where do you know  
3 this from?' I told him he had given an interview. I asked him  
4 whether they had a wiser person there ..."

5 And it goes on. Now, that conversation never took place; is  
6 that correct?

7 A. It never took place. I don't remember that it happened, this  
8 conversation.

9 Q. And if it had taken place, then other people would have been in  
10 the room and would have heard; right? Mr. Bardhi would have heard  
11 it; is that correct?

12 A. They were all there.

13 Q. Agron Krasniqi?

14 A. Agim.

15 Q. Agim, sorry, Krasniqi. Dr. Jusuf Telaku?

16 A. There were 13 delegates, MPs.

17 Q. Okay. So other people would have heard Mr. Thaci confirm that  
18 he was there and he is the Snake, correct, if it were true?

19 A. They would have certainly heard had he been there and if this  
20 were true.

21 Q. So you've confirmed that it's not true, and so it wouldn't  
22 surprise you that, for example, Dr. Telaku told EULEX he couldn't  
23 remember Mr. Thaci being present. That doesn't surprise you, does  
24 it?

25 A. No, that doesn't surprise me at all. It can be a surprise to

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1 others but not to me because he was not there.

2 Q. I'd like to show you an article from *Koha Ditore* from  
3 22 September 1998, and it quotes Ms. Sanija Aliu. And Ms. Aliu was  
4 also part of your delegation; is that correct?

5 A. Yes, these were the ladies who were released immediately. They  
6 went back to Prishtine. They know nothing afterwards.

7 Q. And --

8 MR. MISETIĆ: Sorry, if we could call up the document. It is  
9 P319. Yes, page 1 in the English, page 2 in the Albanian.

10 Q. So in this article --

11 MR. MISETIĆ: If we could scroll down, please, in the English --  
12 or to the next page, I'm sorry.

13 Q. It quotes Ms. Aliu in the third paragraph:

14 "'Suddenly, a group of KLA soldiers came into the office, around  
15 10 heavily armed men, and asked everyone present to show their  
16 authorisation documents in order to send them for verification.  
17 After a while, they asked our drivers to go out and one of them, who  
18 introduced himself as the Head of the KLA Secret Service, asked us in  
19 a threatening tone: 'Why did you come here to hold a meeting?',  
20 explained Ms. Aliu, adding that 'they enquired about the purpose and  
21 the person who organised the visit.' 'After they gave us back the  
22 authorisations, they told us that 'all political representatives are  
23 under arrest by the KLA secret police, with the exception of women  
24 and journalists', she affirmed [they] were told by the leader of the  
25 KLA secret police, who had further added that 'all those who speak

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1 and write against the KLA will be arrested.'" "

2 Do you agree with what Ms. Aliu told *Koha Ditore* on or about 22  
3 September 1998, that that's what happened?

4 A. Absolutely not. I don't agree.

5 Q. Which part do you disagree with?

6 A. When she says that a group of 10 armed KLA people. She must  
7 have hallucinated or -- this was not true. In addition to this, the  
8 group which returned to Prishtine immediately are not -- should not  
9 deal with -- with this matter, because they returned immediately. So  
10 they can only speculate. We others who remained there, the 13 of us,  
11 can speak, is their right. But for those who were not there to  
12 speak, it's just having guesses or -- I can't prevent people from  
13 talking, but this is baseless.

14 Q. Well, she was there, wasn't she, when the person arrived?

15 A. Yes.

16 Q. When the --

17 A. Can we go back to private session for a second, please?

18 Q. Is it related to discussion of a certain person?

19 A. Yes.

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. MISETIĆ:

22 Q. Yes, can you just refer to him as Person 1? Go ahead and refer  
23 to him as Person 1.

24 A. I want to go into private session if possible.

25 Q. It's up to the President of the Tribunal.

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) *Reclassified pursuant to F2133RED*

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*Redactions applied pursuant to F2133RED.*

1           PRESIDING JUDGE SMITH: You have to tell us why you want to go  
2 into private session.

3           THE WITNESS: [Interpretation] If I give you the reason in  
4 public, then we don't need to go into private session.

5           PRESIDING JUDGE SMITH: All right. Let's go into private  
6 session.

7           You get one question.

8                           ~~{Private session}~~[Open Session]*Reclassified pursuant to  
F2133RED*

9           THE COURT OFFICER: Your Honours, we're in private session.

10          PRESIDING JUDGE SMITH: Go ahead, Mr. Misetić. You may need to  
11 repeat the question. I think there is a question on the table.

12          MR. MISETIĆ:

13          Q. Ms. Aliu was present when [REDACTED] appeared and asked for IDs;  
14 correct?

15          A. [REDACTED] entered the room with two persons, ones who were  
16 escorting him. They immediately offered him a chair. Another one  
17 offered him a cigarette. The other one lit his cigarette like he was  
18 a sheriff. And he dealt with us. He asked, "Who's the organiser?  
19 Who's in charge?" To which I replied, "Gjergj Dedaj, Deputy Speaker  
20 of the Parliament of Kosovo." He insulted me. He immediately said,  
21 "There's no such thing as a parliament of Kosovo," and so on.

22                 He collected the IDs, then turned to the journalists and to the  
23 women and told them, "You're free to go home." So this is the story.  
24 And I would please ask you to avoid putting me in the situation where  
25 I need to come back to this person again and again. [REDACTED]

Witness: W03825 (Resumed) (~~Private Session~~) (Open Session) Reclassified pursuant to F2133RED

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE SMITH: We will go back to public session.

6 ~~{Open session}~~

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

8 MR. MISETIĆ: Thank you.

9 Q. Now, you see that Ms. Aliu there makes reference to someone  
10 representing themselves as being the head of the KLA secret service.  
11 And I just want to point out that in the transcript of your press  
12 conference - and this is again P321, page 7 in the English - you're  
13 quoted as saying as follows:

14 "A number of members, as they said, of the Secret Police of the  
15 Kosovo Liberation Army arrived, and he asked who the organiser was,  
16 who led the group, who were these people."

17 So do you agree with Ms. Aliu that the person who --

18 A. No, I don't agree with Ms. Aliu. I agree with what I said.

19 Q. So did the person represent themselves to be someone with the  
20 secret police?

21 A. He did not introduce himself. He asked, "Who are you?"

22 Q. Okay. So why would you have said at the press conference on the  
23 23rd, the day you were released, that they said they were from the  
24 secret police of the Kosovo Liberation Army?

25 A. This is the impression we got, because KLA people were outside.

1 This is what was reported in the media. But I did not have  
2 individual knowledge about anyone in particular, what service or who  
3 they were. I considered those who bore KLA insignia as the KLA, who  
4 were fighting and waging a titanic war for the freedom of Kosovo.

5 Q. Then after this happened you were put in different vehicles; is  
6 that correct?

7 A. Correct.

8 Q. And you were taken to Baice; correct?

9 A. Correct.

10 Q. And you were taken to the local elementary school?

11 A. Correct.

12 Q. And at the moment you arrived in Baice, Mr. Thaci was not  
13 present?

14 A. I did not see him at all.

15 Q. Now, was anybody wearing masks at the elementary school in  
16 Baice?

17 A. The masked persons arrived later on. We sat in the lobby of the  
18 school, slightly wider. We sat on chairs. They returned our IDs to  
19 us. Rexhep Selimi did this using a very polite language. No  
20 irritation, no concerns, no voice raised. He returned our IDs. He  
21 left for a while. We stayed there a little bit until a group of  
22 hooligans, in my opinion, came in. I never got to know who these  
23 people were, and I would -- wouldn't want to leave this world without  
24 knowing. They were wearing masks. They didn't have KLA insignia.  
25 They were not carrying weapons. And they created this panic, this

1 concern, clashes ensued, and this altercation, which I described  
2 yesterday. And this whole thing lasted a minute or less than a  
3 minute, and then they just left as they came, like ghosts. It was  
4 starting to get dark, so it --

5 Q. So when this incident with what you now say is the hooligans  
6 took place for less than a minute, is it true that Mr. Thaci was  
7 periodically opening the door to the room to look inside?

8 A. No, there was no door. Nobody opened the door. Not Mr. Thaci  
9 or anyone else. Last person we saw was Rexhep Selimi, who returned  
10 our IDs to us. And then those masked individuals, they looked --  
11 they appeared to be young, unarmed, didn't have any KLA insignia.  
12 This is an event that happened and is publicly known.

13 Q. Now, this incident with the hooligans, did it take place in the  
14 same room that you were being held at or in a different room?

15 A. No, they then sent us to the classroom where -- from the lobby  
16 to the classroom where the beds were. So after this, we went to the  
17 classroom, at which point a certain Sahit Jashari came in, Tahir  
18 Desku whom I had known from Prishtine as well.

19 So after a while, after one hour or two hours,  
20 President Hashim Thaci appeared there.

21 Q. Now, you were asked questions by the Prosecutor about your  
22 earlier testimony that six people had been beaten. Do you recall  
23 being questioned about that? I'm just asking if you recall that you  
24 were asked questions about that.

25 A. Yes, yes, I was asked.

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*Redactions applied pursuant to F2133RED.*

1 Q. And the six people that you had identified in 2001 and in 2014  
2 were yourself, Agim Krasniqi, Mehdi Bardhi, Dr. Jusuf Telaku, Sokol  
3 Blakaj, and Kurtesh Devaja. Do you recall being asked questions  
4 about those six people, yourself included?

5 A. Yes.

6 Q. And the Prosecutor asked you about testimony you had given that  
7 described your injuries -- your own injuries as very serious, with  
8 your whole arm becoming black all the way to your fingernails. Do  
9 you recall that the Prosecutor asked you about that testimony?

10 A. Yes, she asked me about that.

11 Q. I would like to put this portion of the EULEX interview on the  
12 screen for you.

13 MR. MISETIĆ: And this is again P680, 034236 to 034287 at page  
14 034260. And in the Albanian it's 034276.

15 Now, if we scroll up in the English -- or down, I should say.  
16 There we go.

17 Q. You're asked this morning questions about this portion of your  
18 statement. You're asked by the prosecutor, EULEX prosecutor:

19 "Did you get hospital or doctor's treatment?"

20 Your answer was:

21 "No. Even if that would have been the very last thing in my  
22 life I would not have gone to a doctor."

23 You're asked:

24 "Why?"

25 The answer was:

1           "The hospitals were controlled by the Serbs. There were no  
2   Albanian doctors available and even if they had been available I felt  
3   ashamed."

4           Now, you repeatedly said that you didn't need a doctor because  
5   there were no injuries, but I just want to ask you some follow-up  
6   questions to that --

7   A.   This is most important. You have to underline the fact that I  
8   didn't need to go.

9   Q.   I promise you I will underline that fact often. But I also want  
10   to point something out to you. One of the six of you, Dr. Telaku,  
11   was himself a medical doctor; correct?

12   A.   Yes, he was a doctor, a highly respected person, who, as he  
13   said, had sent medicaments to the KLA.

14   Q.   Now, he was with you this entire time; right?

15   A.   Yes.

16   Q.   Would have known the truth about whatever happened; correct?

17        MS. MAYER: Objection. He would have known the truth about what  
18   happened?

19        PRESIDING JUDGE SMITH: That's a little speculative.

20        MR. MISETIĆ:

21   Q.   Well, he was present with you and knew exactly what had  
22   transpired?

23        MS. MAYER: Again, I think it's vague, Your Honour.

24        PRESIDING JUDGE SMITH: It's overruled. He can answer.

25        MR. MISETIĆ: Thank you.

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1           PRESIDING JUDGE SMITH: Go ahead.

2           THE WITNESS: [Interpretation] Whoever was present there, if you  
3 leave out forgetfulness, which is human, may know the truth.

4           MR. MISETIĆ:

5           Q. I guess my question is, if you needed medical assistance, you  
6 had a doctor in your group who could have provided you medical  
7 assistance without you feeling any embarrassment; correct?

8           A. We did not even discuss this issue with Mr. Telaku because we  
9 didn't need any medical assistance. None of us did.

10          Q. And so it's not that you were afraid of Serbs or you were  
11 embarrassed or anything like that. You had a doctor in your presence  
12 if you needed medical help, and you just didn't need any medical  
13 assistance. That's the truth, isn't it?

14          A. We didn't need any medical assistance.

15          Q. So it wouldn't surprise you if Dr. Telaku testified to EULEX  
16 that none of you that he saw had any bodily injuries. That wouldn't  
17 surprise you; correct?

18          A. It is true if he said so.

19          Q. And it wouldn't surprise you if Dr. Telaku testified to EULEX  
20 that he has no recollection of any of you ever asking him for any  
21 medical assistance; correct?

22          A. Correct.

23          MR. MISETIĆ: For the record, this is Dr. Telaku's statement,  
24 034363 to 034402.

25          Q. During your EULEX testimony, the Prosecutor directed you today

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1 to a portion where you presented a photograph that you allegedly had  
2 taken immediately after you returned from Baice.

3 MR. MISETIĆ: And we can put this on the screen. This is page  
4 034259 in the English and page 034246 in the Albanian -- 276, sorry.

5 Q. It's the section that starts:

6 "Witness produced a photograph of himself."

7 And you say:

8 "This [photograph] was taken when I went back to Pristina. I  
9 can bring you colour copies of this. I can also submit the original  
10 one. It is my wish that the EULEX Mission hold someone responsible  
11 with regard to what happened to me. For the last 16 years, I have  
12 been carrying parts of [this] picture on my body because I did not  
13 deserve this."

14 And on page 034260, which I guess we're on, you say -- you're  
15 asked:

16 "How long after you were beaten up was the photograph taken?"

17 And the answer is:

18 "Maybe 2 or 3 days."

19 After.

20 A. May I, counsel, ask you to correct the word "beating"? It is a  
21 problematic word for me.

22 Q. Yes.

23 A. If this room, courtroom knows what this sentence would mean to  
24 me, you would never mention it.

25 Q. Let me just --

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1 A. To me and to my family.

2 Q. I can assure you that everyone who is in the courtroom  
3 understands that you do not want that word used. I am obligated to  
4 read exactly what it says on the page, so that's why I am using the  
5 word. But where I can, I will try to accommodate you by using  
6 different words.

7 But I do want to go to another document which is something you  
8 haven't seen but I'm going to ask you to comment on.

9 MR. MISETIĆ: And this is a note. If we could put this up.  
10 This is 100816. And there is no Albanian version.

11 Q. This is a note of a conversation that took place between a  
12 Prosecutor from this Court and someone named Claire Morris who was  
13 present for your 2014 EULEX interview.

14 MR. MISETIĆ: If we can go to paragraph 2, please.

15 Q. Since we don't have the picture that you produced, the  
16 Prosecutor's Office called --

17 A. I have not provided any photo at all to EULEX.

18 Q. Okay. Well, let me just tell you what you EULEX says, and then  
19 we'll give you an opportunity to comment. It says -- this is what  
20 Ms. Morris says:

21 "At one point, Dedaj produced a photograph depicting his  
22 injuries and showed it to Hackett. Ms. Morris saw the photograph and  
23 remembers that it depicted Dedaj with his shirt off, with discoloured  
24 bruising to his shoulder, upper arm, and forearm. In the photo,  
25 Dedaj's face was swollen and he appeared to be exhausted."

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1           Now, I know you say you didn't produce any such photograph to  
2   EULEX, but do you have a photograph at home of yourself with a  
3   bruised arm and a swollen face?

4   A.   No, I don't. I have not given any photograph to them. Had I  
5   had any photograph and given it to them, they were police, they would  
6   have taken it. And as regards bruises, I explained it several times  
7   yesterday and today.

8   Q.   Would you agree with me -- and we'll take a look at the video.  
9   I promise you, we will. But would you agree with me, you've seen the  
10  video many times now, do you have a swollen face in that video?

11  A.   No. I don't know which video you are speaking but --

12  Q.   Let me -- sorry.

13  A.   No, I want to explain. It's very important.

14  Q.   Let me -- it's my mistake, so let me --

15  A.   You should let me speak.

16  Q.   I'm going to let you speak, but I just want to be clear.

17  A.   I am here like I am an accused. You are not letting me speak.  
18  I want to tell the truth.

19  Q.   And I want to hear the truth from you, which is I -- I was wrong  
20  to not tell you which video I am talking about. I am talking about  
21  the video of the press conference.

22  A.   If you knew the truth, you'd never summon me here as a witness.  
23  I am one of the most martyred people --

24  Q.   Okay. Let me reask the question. The video of your press  
25  conference from 23 September, which you saw this morning, do you

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1 believe your face is swollen in that video?

2 A. My face is intact. Nobody has touched my face. Never, never,  
3 never.

4 MR. MISETIĆ: If we could go back to the EULEX statement, P680.  
5 034260 in that document, and 034276 in the Albanian.

6 Q. You're asked by the prosecutor -- sorry, let me get the Albanian  
7 on the screen as well. You're asked by the prosecutor:

8 "Can you describe your injuries."

9 And the first thing you say is:

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

14 Is that accurate?

15 A. When you say "they," what do you mean?

16 Q. Well, they're your words, so you tell us. Did you say this; and  
17 if you did, what did you mean by "they"?

18 A. I don't know who "they" are.

19 Q. Well, were you complaining, perhaps, in Baice about injury to  
20 your moral integrity? Do you recall? Is that possible?

21 A. Yes, the hooligans who injured my identity, my family code. I  
22 mean those hooligans. And I will refer to them as hooligans all my  
23 life.

24 Q. When you talked to Mr. Thaci in Baice, did you complain to him  
25 about the injury to your moral integrity that had been inflicted by

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1 these hooligans?

2 A. Yes.

3 Q. So if Mr. Thaci had told the SPO that he observed your --

4 A. Yes.

5 Q. -- moral or ethical injuries, would that have been accurate?

6 Was he being accurate?

7 MS. MAYER: Objection. He's commenting on a statement that the  
8 accused gave to the SPO's accuracy about what Mr. Thaci perceived.

9 PRESIDING JUDGE SMITH: Overruled.

10 You can go ahead.

11 MR. MISETIĆ:

12 Q. If Mr. Thaci told the SPO that the injuries he saw of you were  
13 your moral or ethical injuries, that would have been accurate?

14 MS. MAYER: I'm going to lodge a different objection. Could we  
15 get a foundation as to how you observe a moral injury before he's  
16 permitted to answer this question?

17 MR. MISETIĆ: Mr. President, the foundation --

18 PRESIDING JUDGE SMITH: Overruled.

19 MR. MISETIĆ: Yeah, okay.

20 PRESIDING JUDGE SMITH: Go ahead.

21 MR. MISETIĆ: Thank you.

22 Q. You may answer.

23 A. If Mr. Thaci said this, it is accurate. When Mr. Thaci came  
24 after two hours, in civilian clothes, with a transistor, listening to  
25 the news, he was very upset when he heard -- I don't know when and

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1 from where he heard what had happened. And he called me and we went  
2 to a room, and we discussed, and he expressed his disillusionment,  
3 his concern. And far from atoning what happened, he opposed it  
4 strongly.

5 Q. Okay. But my point is --

6 A. Maybe there was someone else who decided.

7 Q. But my point is I believe you testified now that it was you who  
8 complained to him about moral and ethical injuries; correct?

9 A. Yes, yes, correct. Even today I would complain. And I wish to  
10 know who these five -- four, five people were.

11 Q. Okay. Now --

12 A. But one thing I want to say. [REDACTED], Rexhep Selimi, or  
13 Hashim Thaci were not there in that group. I don't know about  
14 others, but these three, it would be dishonest on my part to misuse  
15 the situation, and the Court, which I respect greatly -- you cannot  
16 believe how much I respect justice, because I am brought up in a  
17 European spirit. So these three people were not there present.

18 Q. Thank you, Witness. Let's continue with the EULEX statement.

19 MR. MISETIĆ: And if we could turn to 034261, please. And it is  
20 034278 in the Albanian.

21 Q. Now, you're asked -- I believe it's at the bottom of the English  
22 page. You're asked an open question:

23 "Did you or anybody have any visible injuries for example  
24 blood?"

25 Your answer is:

1 "Yes of course. Sokol Blakaj, the general secretary of the  
2 Liberal Party, had injuries on his face ... The others as well had  
3 injuries."

4 Do you see that?

5 A. I don't remember anyone to have been injured. I never saw any  
6 drop of blood. If that were the case, we would have seen something  
7 and some blood drops on our white shirts.

8 And can you raise the volume because I can hardly hear the  
9 interpretation.

10 MR. MISETIĆ:

11 Q. Witness, you were shown this morning some videos of your hand at  
12 the press conference and Mr. Blakaj's forehead. Do you recall seeing  
13 that? And I'm going to actually put it on the screen for you.

14 First, let's take a --

15 A. Yes, I remember those questions.

16 MR. MISETIĆ: If we could please call up 11318902 and move to  
17 the 20:05 mark.

18 THE COURT OFFICER: It's P321, for the record.

19 [Video-clip played]

20 MR. MISETIĆ:

21 Q. Now, Witness, you were asked some questions about your hand and  
22 the colour of your hand. Do you see that? Now, I just want to first  
23 ask you, do you see a shadow to the left of your right arm on the  
24 screen?

25 A. Yes, I see shadow also on the wall.

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1 Q. So there's a shadow on the wall, it goes down your right arm.

2 Does it appear to go on the table as well?

3 A. I don't know what that is. It may have been done later. I  
4 don't know. If I had something on my hand, I wouldn't have appeared  
5 on this press conference. And today we didn't hear -- listen to all  
6 of it.

7 Q. I'm going to play the entire press conference for you. Don't  
8 worry about it. But for right now, for these purposes, because we  
9 only have a few minutes left today, I'd like to play a ten-second  
10 portion of this.

11 Look at your right hand, when we play this portion of this  
12 video, and see if you can see a shadow moving up and down your right  
13 arm.

14 MR. MISETIĆ: If we can go from 18:56 and play it through 19:07,  
15 please.

16 [Video-clip played]

17 MR. MISETIĆ:

18 Q. Do you see a shadow?

19 A. I don't see it. Even if it is, I explained. How many times do  
20 I have to explain? But here I don't distinguish anything.

21 Q. No, let's --

22 A. There are shadows all over, on the wall, on the table.

23 Q. Let's look at a different picture, one of your right hand that  
24 the Prosecutor didn't show you.

25 MR. MISETIĆ: If we can go to 17:05, have a still there.

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1 Q. Do you see your hand there?

2 A. As white as snow.

3 Q. Any distinction between your right and your left-hand there?

4 A. No, no distinction.

5 Q. Let's go to --

6 A. The only one being one is left, one is right.

7 MR. MISETIĆ: Let's go to 18:14 in this video. I guess that's  
8 not the right ...

9 THE WITNESS: [Interpretation] These are the journalists. There  
10 were many journalists.

11 MR. MISETIĆ: One second more. I think we're in between frames  
12 here.

13 [Video-clip played]

14 MR. MISETIĆ: There you go.

15 Q. Any difference in the colour of your hand between your right and  
16 your left?

17 A. No, not in my case.

18 Q. Okay. And let me show you Mr. Blakaj.

19 MR. MISETIĆ: If we look at --

20 THE WITNESS: [Interpretation] Can we please stop here for a  
21 second? Look, some scars on the face of Bytyqi. Some signs. Can  
22 you see them?

23 MR. MISETIĆ:

24 Q. Yes.

25 A. Here and here. Nobody talked with him. They may be signs that

1 one is born with. Veli Bytyqi, nobody discussed with him. He just  
2 sat there.

3 Q. Okay. And if you could just confirm, if you look at yourself on  
4 this video, does your face look swollen there?

5 A. I was quite healthy then, fatter than now. And this is an  
6 insulting question. I understand that you are right to ask it.  
7 Never in my life -- I don't know what else to say. Never in my life  
8 anybody has touched my face, other than my family, my children, my  
9 friends when we have embraced.

10 So every time you ask me this question, I would prefer to be  
11 taken to prison and stay there all my life. I have --

12 Q. Well, that's not my intention. So let's -- let's move on --

13 A. Please, please. Nobody has ever touched my face. Never, never,  
14 never.

15 Q. Okay.

16 MR. MISETIĆ: If we could look at Mr. Blakaj in the video, a  
17 different portion. And this is the 17:35 mark -- sorry, the 20:09  
18 first.

19 Q. And this is what you were shown by the Prosecutor.

20 MS. MAYER: Objection. I believe he was shown a five-second  
21 clip of Sokol Blakaj head on.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. MISETIĆ: This is where we stopped, I believe. And you  
24 asked him -- if I may respond, Mr. President?

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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1 MR. MISETIĆ: I believe this is where it was stopped and where  
2 the questions were asked were on this frame.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 THE INTERPRETER: Microphone.

5 PRESIDING JUDGE SMITH: [Microphone not activated] ... so too.  
6 You can continue.

7 MS. MAYER: I just object to the characterisation, because  
8 before counsel said that "the Prosecutor didn't show you this." So I  
9 want to be clear about what was shown here in court.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. MISETIĆ: I agree. I did not mean to suggest that this  
12 wasn't shown.

13 Q. On the contrary, I'm trying to say that this was shown to you by  
14 the Prosecutor this morning. So do you recall seeing this frame?

15 A. Yes, yes.

16 MR. MISETIĆ: Let's look at 17:35. 17:35.

17 Q. Do you see similar marks on Mr. Blakaj's face here? I  
18 understand it's from a different angle, but do you see any  
19 discolouration on his forehead?

20 A. I see more -- two signs on Mr. Bytyqi, even though he was merely  
21 sitting there. Can I please, just for a second, give an explanation?  
22 It's very important.

23 Q. An explanation of what?

24 A. Regarding Mr. Blakaj.

25 Q. If it's related to his face in this video, yes.

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Cross-examination by Mr. Misetić

*Redactions applied pursuant to F2133RED.*

1 A. I don't want to say it in public because he -- he's dead, and he  
2 was a very good friend. He was the right hand in our Liberal Party.  
3 I respect him and his family very much.

4 Q. Unfortunately, we're out of time, and the Presiding Judge is  
5 instructing me that we have to finish today.

6 A. We can do it tomorrow.

7 Q. Okay. Thank you. We'll see you again tomorrow.

8 A. Thank you very much.

9 PRESIDING JUDGE SMITH: Thank you, Witness.

10 THE WITNESS: [Interpretation] Thank you --

11 PRESIDING JUDGE SMITH: You'll be escorted from --

12 THE WITNESS: [Interpretation] -- very much.

13 PRESIDING JUDGE SMITH: -- the courtroom by the Court Usher.

14 THE WITNESS: [Interpretation] Thank you very much.

15 [The witness stands down]

16 PRESIDING JUDGE SMITH: We're adjourned until 9.00 a.m.

17 tomorrow.

18 --- Whereupon the hearing adjourned at 3.58 p.m.

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