

*Additional redactions applied pursuant to F2133RED.*

1 Wednesday, 8 November 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The Accused Krasniqi appeared via videolink]

5 --- Upon commencing at 9.00 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: [Microphone not activated].

12 I note that Mr. Krasniqi is attending today's hearing via  
13 videolink. The other accused are present in court.

14 Today we will continue hearing the evidence of Prosecution  
15 Witness W03825. We will remain in public session unless asked to go  
16 into private session for the appropriate reasons.

17 Madam Court Usher, please bring the witness in.

18 MR. MISETIC: Mr. President, one housekeeping matter. With  
19 regard to the next witness, you --

20 PRESIDING JUDGE SMITH: Hold on just a second.

21 MR. MISETIC: One housekeeping matter. With regard to the next  
22 witness, we're reducing our time estimate from three to one hour, so  
23 I think we should have plenty of time to complete the next witness  
24 before the end of this week.

25 PRESIDING JUDGE SMITH: Thank you very much.

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1 Any other updates on timing?

2 MR. STRONG: Just for what it's worth, after hearing the  
3 submissions and the questions from my colleague, we are unlikely to  
4 have any questions for this witness, Your Honours. Yes.

5 PRESIDING JUDGE SMITH: [Microphone not activated]

6 MR. TULLY: I am aiming to be finished in half my time I  
7 indicated to be estimated, so one hour and a half.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 MR. ELLIS: The same as I indicated on Monday, Your Honour.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 Good morning.

13 THE WITNESS: [Interpretation] Good morning to all of you.

14 PRESIDING JUDGE SMITH: I remind you to please try to -- we will  
15 continue with your testimony today. I remind you to please try to  
16 answer the questions clearly with short sentences. If you don't  
17 understand a question, feel free to ask counsel to repeat the  
18 question, or tell them you don't understand and they will clarify.

19 Please try to indicate the basis of your knowledge of facts and  
20 circumstances upon which you will be questioned.

21 I also remind you that you continue to be bound by the oath that  
22 you gave at the beginning of your testimony to state the truth.

23 Please also speak into the microphone and wait five seconds  
24 before answering a question and speak at a slow pace for the  
25 interpreters to catch up. And please wait till the question is

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1 completed by the lawyer before you try to answer it because it makes  
2 it very difficult to get a good translation if you interrupt them.

3 If you feel the need to take breaks, please make an indication  
4 and an accommodation will be had.

5 Thaci Defence, you may continue.

6 MR. MISETIC: Thank you, Mr. President.

7 WITNESS: W03825 [Resumed]

8 [Witness answered through interpreter]

9 Cross-examination by Mr. Misetic: [Continued]

10 Q. Good morning, Witness.

11 A. Good morning.

12 Q. I would like to start today by playing the full video of your  
13 press conference on 23 September 1998.

14 MR. MISETIC: And if we could please call up Exhibit P321,  
15 beginning at the 16 minute and 50 second mark of the video.

16 I'm sorry, Madam Court Officer, I actually need to show a  
17 different video, which is the subtitled video so that it can be  
18 followed in English, DHT01406.

19 [Video-clip played]

20 MR. MISETIC: Can we pause right there.

21 Q. Mr. Dedaj, we're going to start the video of the press  
22 conference now, but I'd ask you to not only pay attention to what you  
23 say, but pay particular attention to yourself in the video. And if  
24 at any time you notice in the video that you exhibit any sign of  
25 discomfort, any grimace, any other indication that you're suffering

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1 from an injury, I'd ask you to tell us to stop the video. Do you  
2 understand that instruction?

3 A. Yes.

4 MR. MISETIĆ: Madam Court Officer, if we can play the video,  
5 please.

6 [Video-clip played]

7 THE INTERPRETER: [Voiceover] "When I arrived in Qirez, after we  
8 travelled a road passing through several villages, and after we were  
9 stopped several times in Serb police checkpoints, sometimes for an  
10 hour and a half, a unit of secret police arrived, as they said, of  
11 Kosovo Liberation Army, who wanted to know who the organiser was, who  
12 the group leader was, who the persons there were. I said we were 30  
13 participants from Prishtine, members of the delegation, including  
14 journalists.

15 "They also had separate conversations with us. They mainly  
16 wanted to know about our political activity, activities of each. I  
17 am referring to conversations they had with me, my political  
18 activity, in my capacity as deputy speaker and as leader of the  
19 Kosovo Liberal Party.

20 "The method we were stopped, we were detained, for me personally  
21 was incomprehensible, unnecessary, because we were not known people  
22 to the -- we were not unknown people to the public. Our activity was  
23 always legal. We will always give it priority.

24 "Yesterday, after a very fierce offensive started, Drenica was  
25 fully sieged, I can say an iron siege in Qirez. And on our way we

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1 saw situation where people were moving around running in different  
2 directions asking each other, 'Where are you going?' 'Where am I  
3 going?' It was a situation when people were at a crossroads, not  
4 knowing what was going on there. A situation that cannot be  
5 described as a consequence. We were very worried.

6 "Until 12 -- 14 hours yesterday, meaning after 48 hours, when  
7 they informed us we were free and that we were kept -- that 'we kept  
8 you in detention for 48 hours.' They were first interested to know  
9 why we had not announced a visit, which I consider we were not going  
10 to announce our visit any time. And we are going to other  
11 territories as well because it is our obligation to go to our people,  
12 our lands.

13 "We were not threatened in the real sense of the word 'threat.'  
14 In my view, it is just that our stopping was senseless. There was no  
15 reason for us to be stopped while we were all public persons. We  
16 were people who the public always knew about, our work, our activity,  
17 because the work was done in a legal way. Therefore, we did not go  
18 there to do any sort of propaganda whatsoever, be it political or  
19 party related or against KLA or pro-KLA. So as I said at the  
20 beginning, our mission was of a humanitarian character.

21 "The forces, the unit that we met, they behaved in a correct  
22 manner with us. While about us other parties being closer to  
23 President Ibrahim Rugova -- I considered that all the political  
24 parties have all due respect for President Rugova, the president of  
25 the Republic of Kosovo, who won the vote of the people of Kosovo in

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1 the last election.

2 "I am not aware of what arguments they had, but I can tell you  
3 publicly that, from all the participants there, it was nowhere said  
4 or written that we are against the Kosovo Liberation Army, against  
5 the institutional organisation of Kosovo."

6 MR. MISETIC: Thank you.

7 Q. Witness, first, did you notice you expressing any signs of  
8 discomfort in the video?

9 A. No.

10 Q. Is everything you said in the video true and accurate to the  
11 best of your knowledge and belief?

12 A. I think -- and I am very sorry that it's not the entire video,  
13 because the conference lasted a little bit more. Among others, I  
14 said, I don't know if it means anything to you now, that the KLA is  
15 protecting our families, our homes, our honour, and I called on the  
16 people of Kosovo to express their solidarity with the KLA. I called  
17 on NATO to solidarise with the KLA and other things.

18 Q. Okay. But in the particular portions of the video that you were  
19 shown here, is everything you said in that video we just played true  
20 and accurate to the best of your knowledge and belief?

21 A. I think yes. Even though, as I said, I appear before the  
22 journalists and -- about two hours after we returned from the war  
23 zones, where we saw terror, terrible terror being exercised by the  
24 Serb forces against Drenica. And our situation, our spiritual  
25 situation was really very heavy.

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1 Q. Okay. Now, you are correct that this is an excerpt of the full  
2 press conference. At a different part of the press conference, as I  
3 mentioned to you yesterday, you mentioned that you had been stopped  
4 by the KLA secret police. And my question to you is did you have any  
5 fear for your family in referencing the KLA secret police at the  
6 press conference?

7 A. I feared for my family only from the Serb forces. I never  
8 feared -- had any fear for myself. I didn't recognise Serb forces  
9 even though they were in Kosovo. [REDACTED]  
10 [REDACTED] inflicted  
11 by the Serb forces.

12 Q. Understood. The room where you gave the press conference was  
13 full of journalists; correct?

14 A. Yes, full of journalists but also political figures.

15 Q. Were there other political figures --

16 A. Yes, there were other political figures.

17 Q. Other than the four of you that were sitting at the table, were  
18 there any other members of the delegation that were in the room?

19 A. I am not very certain, because I was focused on telling the  
20 truth, the accurate truth, because there were also foreign  
21 journalists present who reported for foreign media outlets. So it  
22 was an important press conference, where the importance of which was  
23 clearly seen, even later.

24 But to some individuals present there, my appearance wasn't to  
25 their liking.

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1 Q. You said in the video we just saw to the assembled press that  
2 the KLA had behaved in a correct manner. Did any journalist --

3 A. It is very true. Even the -- even though the conduct -- if the  
4 conduct was not correct, I wouldn't have said it.

5 Q. Did any journalist in the room say to you, "If they behaved in a  
6 correct manner, why do I see an injury on Mr. Blakaj?" or "Why is your  
7 right hand bruised?"

8 A. Nobody touched on this topic or asked such questions.

9 Q. So to the best of your knowledge, no journalist brought to your  
10 attention any visible injuries of any of the four of you seated at  
11 the table?

12 A. No one. No one. Not a single journalist.

13 Q. Yesterday you made this comment, and I'd like you to follow up  
14 on it. You were representing in the press that the KLA behaved in a  
15 correct manner.

16 A. Yes.

17 Q. Do you know or can you recall if you would have called  
18 Mr. Blakaj to sit next to you with an injury if you thought he had --  
19 if you were going to say that the KLA behaved in a correct manner? I  
20 believe you mentioned this yesterday.

21 A. I had no reason to tell Mr. Blakaj not to sit next to us in the  
22 press conference. Whoever wanted to do so was free to do so. Some  
23 went home and didn't come to the press conference. Being the head of  
24 the delegation, I felt my responsibility to report the truth about  
25 the event, which in a way was played up for different purposes mainly



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1 by anti-Albanian, anti-Kosovo circles.

2 Q. You watched the video. You saw portions of the video yesterday  
3 and now today. Did Mr. Blakaj have any visible injury to his nose?

4 A. I -- maybe he had some signs or some injury, bruise. I didn't  
5 notice that. If it's possible, I would kindly ask for a very short,  
6 half a minute, private session.

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MR. MISETIC: I can't hear.

9 PRESIDING JUDGE SMITH: Why do you want a private session?

10 THE WITNESS: [Interpretation] To make it clear. To give -- to  
11 be correct in my explanation.

12 PRESIDING JUDGE SMITH: You can do that without a private  
13 session. Just go ahead.

14 THE WITNESS: Thank you.

15 [Interpretation] Since Sokol Blakaj has passed away, and he was  
16 a friend of mine and a very close collaborator, I didn't want to tell  
17 publicly what I would tell in a private session.

18 MR. MISETIC: Okay.

19 Q. Sir --

20 A. Sorry. But don't forget that we were in the mountains, and we  
21 moved about in the mountains. So that being the case, you might be  
22 inflicted some bruise or something, because it was raining, it was  
23 mud, we were under permanent shelling by the Serb forces, and we  
24 moved about in a mountainous terrain.

25 Q. Witness, I'm only asking you whether you saw any injury in the

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1 video to Mr. Blakaj's nose; yes or no?

2 A. No, I didn't notice that.

3 Q. Thank you.

4 MR. MISETIC: Mr. President, because this video is the one that  
5 we put to the witness, I'd ask that it be admitted into evidence.

6 PRESIDING JUDGE SMITH: [Microphone not activated]

7 THE INTERPRETER: Microphone, please.

8 MS. MAYER: No objection. I believe it's the same. It just has  
9 the subtitles, so no -- is that the only difference?

10 MR. MISETIC: Yes.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 THE INTERPRETER: Microphone, please, Your Honour.

13 PRESIDING JUDGE SMITH: The exhibit will be admitted into  
14 evidence and assigned a number.

15 [Trial Panel and Court Officer confers]

16 PRESIDING JUDGE SMITH: Mr. Misetiç, we are going to link this  
17 one to the previous admitted P. It will show -- have a P number with  
18 it. Is that any problem for you?

19 MR. MISETIC: Not at all.

20 PRESIDING JUDGE SMITH: Okay.

21 MR. MISETIC: As long as it's in evidence, that's fine.

22 THE COURT OFFICER: Your Honours, DHT01406 to DHT01406 will be  
23 Exhibit P321.1.

24 MR. MISETIC: Thank you.

25 PRESIDING JUDGE SMITH: Thank you.

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1 MR. MISETIĆ: Thank you.

2 Q. Witness, let me turn back to an issue I raised with you  
3 yesterday, which was this picture that you brought -- or that EULEX  
4 says you brought to the EULEX interview in 2014. And you'll recall  
5 that I showed you a note where one of the investigators said that the  
6 picture was a picture of you with a swollen face and a bruised arm.  
7 Do you recall that discussion with me yesterday?

8 A. My face was not swollen. It was what it was. And nobody has  
9 ever touched on my face, as it is being alleged here.

10 Q. Yes, I understand. My question to you is this: Just assume  
11 that you did go to the EULEX interview with a picture of yourself  
12 with a swollen face. I know you say that didn't happen, but just  
13 assume that it did. We now know that you didn't have a swollen face  
14 at the press conference. Do you agree with me that that would mean  
15 that you arrived at the EULEX interview with a picture of yourself to  
16 mislead the EULEX investigators about injuries you had suffered at  
17 Qirez if it were true? I'm saying hypothetically.

18 A. I don't remember to have had any picture, and I don't do such  
19 things to mislead anyone. I try to tell the truth as far as I  
20 remember. If I forget something, it's normal. 25 years have passed  
21 by since then, after things which would amount to 2.500 years for  
22 Europe or America of sufferings if we were to convert them. So it is  
23 likely that I have forgotten many things, and they might lead to  
24 misunderstandings. But when the truth is at stake, I never avoid it.

25 Q. Okay. Have you ever suffered injuries to your arm?

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1 A. I said that I fell two, three times. I didn't go there to point  
2 out how many times I fell down. We went there for another mission,  
3 which I have often explained.

4 Q. Let me be more specific. At any time prior to September 20th  
5 1998 or after 23 September 1998, have you ever suffered injuries to  
6 your arm?

7 A. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Q. Was that --

11 A. -- by the Serb forces.

12 Q. [REDACTED]

13 A. [REDACTED] I don't want to tell you everything  
14 about that.

15 MR. MISETIC: Then let's go into, if we can -- to discuss a  
16 medical issue, if we can go into private session, Mr. President.

17 PRESIDING JUDGE SMITH: [Microphone not activated].

18 For purposes of witness's medical privacy, we will go into  
19 private session.

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

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

22 PRESIDING JUDGE SMITH: You may proceed.

23 MR. MISETIC: Thank you.

24 [REDACTED]

25 [REDACTED]

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. Then I went to [REDACTED] with the help of some friends because I  
6 couldn't afford to do it on my own. [REDACTED]

7 [REDACTED]

8 Q. Okay. [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Okay. [REDACTED]

16 A. [In English] Okay. Okay.

17 Q. [REDACTED]

18 A. [Interpretation] I don't remember. As far as dates go, believe  
19 me or not, it's up to you, I find it hard to remember. Sometimes I  
20 forget the birthdays of my own children --

21 Q. Okay. Did -- did --

22 A. -- because our brain and our soul have been destroyed by Serbia.

23 Q. Yes. [REDACTED]

24 MS. MAYER: Objection at this point. I believe the witness's  
25 answer, and this is on 12.5 -- on page 12, starting at line 5, he

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1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 PRESIDING JUDGE SMITH: Overruled.

6 Go ahead.

7 MR. MISETIC: Thank you.

8 Q. Witness, [REDACTED]

9 [REDACTED], do you know if that caused any swelling in your face? Do  
you

10 recall?

11 A. No, no. I don't remember that. I didn't have any swelling in  
12 my face. Maybe I was fatter then. Not in the conference when I  
13 returned from the war zone, not anywhere else did I have any swollen  
14 face. Because if you find anyone in my life to have touched me on my  
15 face other than my family, then I would voluntarily ask you to  
16 sentence me to life.

17 Q. Understood. Do you recall whether any pictures were taken of  
18 your body [REDACTED]

19 A. I don't recall to have had any picture. But I do remember that  
20 I fell when I went to the bathroom in Migjeni school in Baice,  
21 because the bathroom or the toilet was outside in the yard and the  
22 terrain was very bad. It had been raining all night.

23 MR. MISETIC: Mr. President, we can move back into public  
24 session.

25 PRESIDING JUDGE SMITH: Madam Court Officer, back to public

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1 session, please.

2 ~~{Open session}~~

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

4 MR. MISETIÇ:

5 Q. Witness, I'd next like to show you an excerpt from minutes of a  
6 Liberal Party meeting immediately after this incident, which you  
7 produced to the Prosecution in your proofing session.

8 MR. MISETIÇ: And this is 116759 to 116753-ET. And in Albanian,  
9 it's the same. And I'm looking at page 116760.

10 Q. Witness, you produced this to the Prosecution last week. Do you  
11 know -- can you tell us what the document is?

12 A. Yes. I remember the Kosovo Liberal Party held a regular  
13 Friday -- weekly meetings on Fridays. Sometimes it could be more  
14 frequent depending on the situation. However, at the time we did not  
15 have technical equipment like laptops or any other equipment, so we  
16 would keep notes, a record of the meeting for every presidency  
17 meeting. Somebody was in charge, assigned with this task. And I've  
18 kept these records of the meetings to this day. So I offered this to  
19 the -- to Madam Prosecutor, and I can produce the original if needed.

20 So with respect to this meeting, which was held three or four  
21 days after we returned from the war zone, I described the visit or  
22 delegation, and this is the truth as described in here.

23 Q. And when you say three to four days after the visit to the war  
24 zone, you mean three or four days after the events at Qirez and  
25 Baice; correct?

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1 A. In September. And it reads that the meeting was held in  
2 September, and we returned on the 22nd and 23rd September.

3 Q. Okay.

4 A. September 1998.

5 Q. Was this meeting of the steering committee of the Liberal Party  
6 held in public?

7 A. The meeting held with the presidency was a meeting. Then we had  
8 meetings with the National Council. Then we had press conferences.

9 Q. So --

10 A. So we, members of the presidency, held this meeting and  
11 discussed the matter.

12 Q. [Microphone not activated].

13 Let me ask it a different way. Were journalists present for  
14 this meeting?

15 A. No.

16 Q. Were members of the general public present for this meeting?

17 A. No, there weren't. This is a meeting with -- presidency  
18 meeting. Members of the chairmanship presidency discussed about what  
19 happened in Drenica.

20 Q. Okay. So let me start with what's written here, and I'm going  
21 to ask you if it's true. And we start, in the English, in the middle  
22 of the paragraph at the top. It says:

23 "Once we had a chat with the people and fulfilled the  
24 humanitarian objectives, we presented ourselves and they wanted to  
25 know what we talked about, because they had concerns we might have



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1 allegedly asked for the weapons to be handed over. After they  
2 verified the discussions we had, they released the journalists and  
3 the /illegible/ whereas the other /?15/ of us" --

4 A. If you want me, I can read it. It's not illegible.

5 Q. Please, please. Please go ahead and tell us.

6 A. "Once we had a chat with the people and fulfilled the  
7 humanitarian objectives, we presented ourselves and they wanted to  
8 know what we talked about because they had concerns we might have  
9 allegedly asked for the weapons to be handed over. Also after they  
10 verified the discussions we had, they released the journalists and  
11 the women, whereas the other 13 of us were detained, taken to an  
12 unknown location, where they behaved in an appropriate, dignified  
13 manner."

14 Q. Okay. So you told the presidency that they behaved in an  
15 appropriate or dignified manner. At that time, do you recall, would  
16 you have had any fear to tell the presidency the truth about what  
17 happened at Qirez or Baice?

18 A. Honourable counsel, it's not appropriate to speak about these  
19 things, but we members of this delegation had gotten rid of fear in  
20 1991. From that moment onwards, we were ready at any given time and  
21 moment and second to sacrifice our lives, our freedom. In other  
22 words, this Milosevic forces could have arrested us at any time. We  
23 have demonstrated this during the protests and demonstrations. When  
24 the Serbian armed forces would tell me, "If you make another step  
25 forward, we will kill you," and I would make that step.

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1           So this is not -- this was not about fear. We were not afraid.  
2 We did not fear anything, and I do not fear anything today.

3           MR. MISETIĆ: Mr. President, I tender this document into  
4 evidence.

5           MS. MAYER: No objection.

6           PRESIDING JUDGE SMITH: [Microphone not activated].

7           116759 to 116753 -- should that be 763?

8           MR. MISETIĆ: 763, yes.

9           PRESIDING JUDGE SMITH: Yeah, it was mentioned as 53. To  
10 116763-ET, plus the Albanian, is admitted.

11           THE COURT OFFICER: Your Honours, that will be assigned  
12 Exhibit 1D62. And, Your Honours, I note it's marked as confidential.  
13 Should it retain the classification?

14           PRESIDING JUDGE SMITH: Any reason to retain that  
15 classification?

16           MR. MISETIĆ: No, not from our side.

17           MS. MAYER: No, Your Honour.

18           PRESIDING JUDGE SMITH: All right. It will be reclassified as  
19 public.

20           Go ahead.

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

22 Q.       Witness, I want to talk to you about the reasons why your  
23 testimony is different from September 1998 to 2001 to 2014 to today.  
24 And you've mentioned some of those reasons already, but I think we  
25 should talk about them a little bit more, about these political

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1 motivations that you've discussed and reasons of revenge. Right?

2 You've mentioned you had a motivation for revenge in giving some  
3 of those statements; is that correct?

4 A. Based on the media, because the media in Kosovo, at least some  
5 of them, are those who make up allegations, indictments, insults, in  
6 particular in the Balkans. So on the occasion of my detention, I was  
7 upset because I was a public person who was committed and dedicated  
8 with all his will to the freedom of Kosovo.

9 Q. Let me direct you to something specific.

10 MR. MISETIĆ: If we could call up 113189-02-TR-ET in the  
11 English, and the same in the Albanian.

12 Q. This is a transcript of the Pressing TV interview where the  
13 video was played.

14 MR. MISETIĆ: And if we could go to page 11 of this document in  
15 both English and in Albanian.

16 I'm told that this is the version that was admitted by the  
17 Prosecution, but we need the original because this has been heavily  
18 redacted.

19 MS. MAYER: This is P321 transcript. The other item is also in  
20 the presentation queue. The full, unredacted transcript is in there.

21 MR. MISETIĆ: Thank you, counsel.

22 And if we could go third paragraph from the bottom in the  
23 English, and the penultimate paragraph in the Albanian.

24 Q. You say to the interviewer:

25 "Look."

Witness: W03825 (Resumed) (Open Session)

Page 9596

Cross-examination by Mr. Miletic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           And you're discussing now why there are changes in your account  
2   of the events, and you say:

3           "Look. It was in the context of -- if we were to go into the  
4   history of my political career, it would be a long history and we  
5   would need a special programme.

6           "I was appointed the Deputy Minister of Infrastructure on  
7   Friday. It was a Friday. I was discharged on Saturday. An audit  
8   was done at that ministry. I don't know why, I have no knowledge  
9   why. It was reported in the news that the Deputy Minister of  
10   Transport was fired, and corruption was being fought at [the]  
11   ministry. I was never there. /it happened/ before I even started  
12   there. Of course, I wanted to -- in a way, I got my revenge. I was  
13   not able to use the Leke Dukagjini Kanun, but I got verbal  
14   revenge ..."

15           Did you say that in the TV programme?

16   A. I would need some time to explain this. President Thaci  
17   appointed me deputy minister of transport, of infrastructure at the  
18   time. It was a Friday. And on Saturday, next Saturday, or Sunday --  
19   anyway, even before I could start work, I was discharged. And the  
20   media reported that Hashim Thaci appointed me on Friday and the same  
21   president, Hashim Thaci, discharged the deputy minister of  
22   infrastructure, Gjergj Dedaj, thus starting the fight against  
23   corruption.

24           I must be made of iron because following these events, I should  
25   have -- my heart should have stopped beating. It I didn't even set

Witness: W03825 (Resumed) (Open Session)

Page 9597

Cross-examination by Mr. Miletic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 foot in the ministry. So somebody else is behind this. I could say  
2 this in a private session, but I don't want to mention names. People  
3 in Kosovo know this. Somebody's behind this and set this up in order  
4 to start a conflict between me and President Thaci.

5 I thought it was indeed President Thaci. If I followed the  
6 Kanun, the traditional body of laws, I would then have used weapons  
7 and killed President Thaci. But I'm a statesman. I'm not that kind  
8 of person. I told to the media that I had decided to give seven days  
9 to President Thaci to summons me and to explain why he appointed and  
10 discharged me within 24 hours. Otherwise, I would pursue this  
11 through legal remedies.

12 I constantly thought it was Hashim Thaci who discharged me, and  
13 I had a deep hatred for that. I would have kept that hatred if it  
14 appeared to be true.

15 Anyway, five or six days later, I met with the prime minister at  
16 the time, President Thaci, as he was referred to, the George  
17 Washington of Kosovo, who told me, "Gjergj, I did not discharge you."  
18 And I said "What?" And he said, "It was not me." And then I asked,  
19 "Who did?" To which he replied, "You must have had coffee with  
20 somebody some day. Somebody must have invited you for a coffee." At  
21 that point, I understood the game. The game was to denigrate him, to  
22 sow discord and create conflict between us two and our families.

23 This is not the only case. There are hundreds of cases where  
24 mistakes, I would even go and say crimes have been committed trying  
25 to involve the name of Hashim Thaci.

Witness: W03825 (Resumed) (Open Session)

Page 9598

Cross-examination by Mr. Miletic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           As a result of all this, things started to make sense. I  
2 started collecting facts and -- also with respect to the alleged  
3 presence of Hashim Thaci in Qirez. So it took me a certain amount of  
4 time to reach to the point where I was fully and absolutely persuaded  
5 that this was not true.

6 Q.    Okay. I appreciate that, but I want to make clear here that in  
7 this statement that's on the screen, what you mean -- or what you  
8 were saying was that you got verbal revenge on Hashim Thaci by making  
9 these statements.

10 A.    Yes.

11 Q.    And by "verbal revenge" --

12 A.    On several occasions.

13 Q.    Yes. But by "verbal revenge," you also meant the testimony you  
14 gave to EULEX in 2014; correct?

15 A.    Yes, everything that happened after the war until the moment I  
16 understood the truth. And this took a long time. Don't forget that  
17 for seven years after the war, I was -- I dealt with the reburial of  
18 my family members. Dozens of them were killed. Thousands of our  
19 fellow countrymen are still disappeared. We're all so disappointed  
20 in the international community who have not worked to elucidate and  
21 bring to justice perpetrators of massacres like that in Dubrava  
22 prison.

23           I brought here a full bag of documents containing facts about  
24 crimes committed by Serbs in Kosovo, but I was told that they were  
25 not needed here.

Witness: W03825 (Resumed) (Open Session)

Page 9599

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 MR. MISETIĆ: Mr. President, I would ask that the transcript  
2 also be admitted into evidence, and I assume it will be the same  
3 procedure to add it to the existing Prosecution exhibit so that we  
4 have the unredacted version as well.

5 MS. MAYER: No objection.

6 PRESIDING JUDGE SMITH: The transcript, in an unredacted  
7 version, will be admitted into evidence and assigned a Defence  
8 exhibit number.

9 THE COURT OFFICER: Your Honours, as the transcripts relate to  
10 P321.1, which was assigned earlier, the transcripts will be P321.1\_ET  
11 for the English and \_AT for the Albanian.

12 PRESIDING JUDGE SMITH: Thank you.

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

14 Q. And you told the SPO this information when you were interviewed  
15 by the SPO.

16 MR. MISETIĆ: And if we could please call up the SPO interview,  
17 which is 049784-TR-ET Part 1 Revised, page 14, lines 12 to 23. And  
18 in the Albanian, it's the same citation except it's page 16,  
19 beginning at line 5 and going on to page 17.

20 Q. You say, beginning at -- if we start at line 12 in the English,  
21 and line, I believe it's 5, in the Albanian. But it says:

22 "I made a statement in 2011 on coalition. I unjustly mentioned  
23 that Hashim Thaci had tortured me. That was not correct. Because  
24 Hashim Thaci hadn't -- didn't torture me, had he tortured me then I  
25 would have known and I would have said so. Many things [have been

Witness: W03825 (Resumed) (Open Session)

Page 9600

Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 said] since the time of that ... press conference and the statement  
2 that I'm making today, were statements made for political purposes  
3 rather campaign ... and I want to distance myself from what -- what I  
4 said during that programme because I was in a very agitated state."

5 Did you tell that to the SPO?

6 A. Yes. However, again, I want to remark that never during these  
7 interviews was I offered or given the possibility to have a lawyer or  
8 an adviser or to consult with someone, so I often just said words and  
9 sentences. However, in my letter sent last year to these respected  
10 Chambers, this was in 2022, I clearly stated that I distance myself.  
11 The reason to this being because these statements were given for  
12 revenge purposes, in an emotional -- heavy emotional state of mind.

13 Afterwards, I went everywhere in Kosovo, I went in Qirez and I  
14 inquired. I wanted to find out who were those four or five  
15 hooligans. I reached the conclusion that I had made immature,  
16 exaggerated, inflated statements.

17 Q. Okay. You mentioned the letter you wrote to the Prosecution in  
18 2022.

19 MR. MISETIC: If we could please call that up. It's Exhibit 108  
20 -- sorry, ERN 108987 to 108990 redacted. The same in the Albanian.

21 Q. Witness, is this the letter you're referring to?

22 A. Yes, this is the letter I mailed last year, November last year,  
23 in [REDACTED], to the Specialist Chambers.

24 MR. MISETIC: And if we could go to page 2 of this document,  
25 please. Towards the bottom of the page.



Witness: W03825 (Resumed) (Open Session)

Page 9601

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 Q. You wrote:

2 "Therefore, I retract from my earlier statements given to EULEX  
3 and the SPO as well as from some public statements where in an unfair  
4 and exaggerated manner I had raised allegations against some of those  
5 who now stand accused at the Specialist Chambers. I was motivated by  
6 rage and political vengeance, by electoral revenge."

7 And then in the next paragraph, you write:

8 "I write this letter on my own free will, under my personal and  
9 legal responsibility and without any solicitation, inducement or  
10 threat by anyone about anything."

11 Does that accurately reflect what you wrote to the SPO in 2022?

12 A. 100 per cent. And I am personally responsible for this letter.  
13 There was no incitement or inducement. It just came from my heart.  
14 And this was a relief for me because I had not slept properly for the  
15 last 25 years. That also due to my family members I lost during the  
16 war. I could have lived in Florida or anywhere else. I dedicated  
17 and committed myself to Kosovo. I'm not a deserter or an asylum  
18 seeker, like some others.

19 Q. Thank you, Witness.

20 MR. MISETIĆ: Mr. President, I tender this document into  
21 evidence.

22 PRESIDING JUDGE SMITH: ERN 108987 --

23 MS. MAYER: No objection.

24 PRESIDING JUDGE SMITH: -- to ERN 108990 is admitted.

25 THE COURT OFFICER: Your Honours, that will be Exhibit 1D63.

Witness: W03825 (Resumed) (Open Session)

Page 9602

Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 And I would ask the same question regarding classification.

2 MR. MISETIC: From our perspective, it can be public.

3 MS. MAYER: I believe that there is some information that was  
4 the subject of private session that would need to be redacted, but  
5 other than that, I have no objection to it being public. So I can  
6 work with counsel on that.

7 MR. MISETIC: I'm happy to work during the break or after court  
8 to agree on a redaction.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 MR. MISETIC: Yeah.

11 Q. Witness, you also said similar things to the Prosecution in the  
12 preparation session last week; correct?

13 A. Yes.

14 MR. MISETIC: If we could call up the Preparation Note, 116768  
15 to 116787.

16 Q. So, for example, paragraph 3 records that you told the  
17 Prosecution:

18 "He added that the truth of the incident that happened in  
19 September 1998 is contained in the statement he made at the press  
20 conference on the day he returned to Prishtine/Pristina and the one  
21 he gave later that day to the Voice of America."

22 Is that correct? That's what you told the Prosecution?

23 A. Yes. And this is the truth, always.

24 MR. MISETIC: Mr. President, I could take him through this, but  
25 in the interests of time, I would just tender this into evidence

Witness: W03825 (Resumed) (Open Session)

Page 9603

Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1       rather than go through all the proofing note issues.

2               PRESIDING JUDGE SMITH: [Microphone not activated]

3               MS. MAYER: No objection. Just again for the classification, I  
4 think it might need some work.

5               MR. MISETIC: I agree.

6               PRESIDING JUDGE SMITH: 116768 to 116787 is admitted.

7               THE COURT OFFICER: Your Honours, that will be assigned  
8 Exhibit 1D64.

9               PRESIDING JUDGE SMITH: Continue.

10              MR. MISETIC: Thank you, Mr. President.

11       Q. Now, it wasn't until -- let me rephrase. You made your  
12 statement at the press conference on 23 September and subsequently to  
13 the party a day or two later that the KLA had treated you correctly,  
14 and it wasn't until 3 September 2001 that you first raised claims to  
15 law enforcement that you had been mistreated in Qirez and Baice by  
16 the KLA; is that correct?

17       A. I explained the reasons a hundred times already. This was  
18 because I was upset, rage, revenge, my personal state, which would  
19 take a month to explain and would still be hard for you to  
20 understand. At some point, I thought, based on the media, the  
21 propaganda, everything that was -- bad things said about the KLA, I  
22 thought at some point that Hashim Thaci was, indeed, the culprit.  
23 But then at a later stage, when I was convinced, I knew the truth.  
24 The truth is what I said on that day during the press conference.

25       Q. Understood. But I just want to establish a fact here. Prior to

Witness: W03825 (Resumed) (Open Session)

Page 9604

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 3 September 2001, you had not approached law enforcement with any  
2 claims that you had been mistreated in Qirez or Baice; is that  
3 correct? Yes or no?

4 A. No, I have never asked to -- I've never reported to any  
5 authorities, any allegations, or anything.

6 Q. Okay. Let me rephrase then.

7 A. They summonsed me without the presence of a lawyer or legal  
8 advice.

9 Q. Yes. Let me rephrase. Prior to 3 September 2001, you had never  
10 made a statement to law enforcement alleging that you had been  
11 mistreated in Qirez and Baice; is that correct?

12 A. I don't think so. I don't remember.

13 Q. I want to look through the chronology of that 2001 statement.

14 MR. MISETIĆ: So if we could please put on the screen  
15 SITF00055783 to 00055996 at page SITF00055803. We do not have a full  
16 translation in Albanian. We have a partial translation that begins  
17 at 034126 to 034127-AT.

18 Q. Witness, this is UNMIK's investigative diary of the beginning of  
19 the investigation by UNMIK into these events. And UNMIK records that  
20 it was first made aware on 1 September 2001 of allegations of  
21 mistreatment of your delegation, and that it was made aware through  
22 confidential informants that had supplied information concerning the  
23 kidnapping and torturing of several Albanians in September 1998. The  
24 officer was told one of the victims names was Gjergj Dedaj, who was  
25 the leader of the PLK party.

Witness: W03825 (Resumed) (Open Session)

Page 9605

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           Now, without revealing any names, do you know who the anonymous  
2 source was?

3           A.    No.

4           Q.    If we --

5           A.    It might have been a Serb, an Albanian. I don't know.

6           Q.    If we go to the next entry of 3 September, we see that it's  
7 recorded that they met with you, and it says, the yellow highlighted  
8 portion:

9           "Gjergj Dedaj informed ... that he was beaten and illegally  
10 detained by the UCK on September 20th 1998 for two nights along with  
11 several other victims and then released. He explained that he had  
12 led a delegation to that village on a humanitarian mission and was  
13 subsequently illegally detained by the UCK."

14           Do you see that?

15           A.    Yes, I see that.

16           Q.    Do you recall that first meeting with the UNMIK investigators?

17           A.    To tell you the truth, it is 2001, that is 22 years after what  
18 happened. And it is hard for me to remember all the details. As far  
19 as Qirez and Baice problem, I made it clear in the press conference I  
20 gave to the VOA, at the meeting of the party presidency, and before  
21 you.

22           MR. MISETIĆ: If we could, in the English, go to the next page.

23           Q.    It says:

24           "Furthermore, Dedaj provided [the investigators] with a list of  
25 names of victims and witnesses that he had written after the illegal

Witness: W03825 (Resumed) (Open Session)

Page 9606

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 detention ... The list was explained to [the investigators] in the  
2 following manner. There are a total of 18 names on the list. This  
3 was the delegation that went on a humanitarian mission to check on  
4 the welfare of Albanians [the] area. Dedaj then circled the  
5 numbers," and there's a list of numbers.

6 "Dedaj explained that these people were told by the UCK not to  
7 leave. Dedaj then place plus signs '+' next to six names. Dedaj  
8 told [the investigators] that these were the people that were beat by  
9 the UCK, including himself. Dedaj mentioned that the persons that  
10 beat him were masked but Hashim Thaci, Rexhep Selimi and Sabit Geci  
11 would periodically open the door to the room and look inside."

12 Do you recall having these conversations?

13 A. It is more of a script for a movie. I already explained what  
14 happened.

15 Q. I'm just asking you if you recall the conversation as it's  
16 recorded; yes or no?

17 A. I don't recall. I can tell you for many, many times I don't  
18 remember what we discussed without a lawyer, without a legal adviser.

19 Q. I want you to help us because the investigators say you were at  
20 the meeting and you already had a list prepared for this meeting.

21 A. I didn't have any list prepared. I said what I had remembered,  
22 and this is what I said. At that period, I wanted to take a revenge.

23 Q. Well, Witness --

24 A. I didn't and I couldn't use our Kanun, that is, customary law.

25 Q. Understood. But I'm interested here -- the investigators

Witness: W03825 (Resumed) (Open Session)

Page 9607

Cross-examination by Mr. Miletic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 recorded that you had given them a list of victims and witnesses that  
2 you had written. And my question is how did you know that the  
3 investigators wanted to discuss Qirez and Baice and you came prepared  
4 with this list to this meeting?

5 A. I could have written the list on the spot because I knew who the  
6 members of the delegation were. And I could have given the list  
7 there. But when they summoned me, to my recollection, they were  
8 not -- they didn't introduce themselves as police or from UNHCR or  
9 whatever organisation. It was -- the office was open to anyone.

10 Q. You provided these names. Did you discuss with any of these  
11 people whose names you were providing? Did you ask -- did you  
12 discuss with them?

13 A. No. No.

14 Q. So you provided their names to UNMIK without ever having asked  
15 them whether they wanted to be participants in a criminal  
16 investigation?

17 A. Look here, maybe I was unjust to them, but I didn't have time  
18 and I wasn't prepared to do what I did. They didn't inform me of the  
19 visit. It was an unheralded -- I mean, unannounced visit without the  
20 presence of a lawyer or legal adviser.

21 Q. Okay. Let's put this in context. This is taking place just as  
22 voter registration was taking place for the first parliamentary  
23 elections in Kosovo which would be held in November 2001; correct?

24 A. Yes, yes.

25 Q. And --

Witness: W03825 (Resumed) (Open Session)

Page 9608

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 A. It was a transitional council where I was a member.  
2 President Thaci, President Rugova were members of it, and all the  
3 chairmen of the political parties. It was a kind of unelected  
4 assembly.

5 Q. Yes, but my question is simple. Elections were held in Kosovo,  
6 the first parliamentary elections, in November 2001; correct?

7 A. I think 2002. I am not sure. Maybe at the end of 2001. After  
8 this transitional council, we had the first election.

9 Q. But I'm representing --

10 A. I don't remember the exact date.

11 Q. I'm representing to you that it was November 2001. And this is  
12 taking place --

13 A. [In English] Okay.

14 Q. These interviews are taking place again in the election period,  
15 election campaign period. Okay? You were a candidate in the  
16 November 2001 elections; correct?

17 A. [Interpretation] I don't remember to have taken part. I'm not  
18 certain. I don't want to speculate.

19 Q. You don't remember having run in the election -- in the first  
20 parliamentary elections in Kosovo?

21 A. No. What I went through, it is completely normal not to  
22 remember things.

23 Q. Do you remember that Mr. Devaja was also participating in the  
24 2001 elections with the PSHDK, the Christian Democratic Party?

25 A. I don't remember about myself let alone for others. I don't



Witness: W03825 (Resumed) (Open Session)

Page 9609

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 remember who ran and who didn't. I'm very frank.

2 Q. Do you recall whether Mr. Devaja's Christian Democratic Party  
3 was closely aligned with your own party?

4 A. Yes, we had brilliant relations with the Christian Democratic  
5 Party because it was also founded in Gjakove on 4 November 2 -- 90,  
6 and I participated in the founding meeting. We are that part of the  
7 Christian democratic liberal electorate from Dukagjini area, and then  
8 we spread out in Drenica, Llap, and other areas of Kosovo.

9 Q. And if we look at the investigative diary, if we scroll down to  
10 the next entry, they interviewed Mr. Devaja the same day they  
11 interviewed you. Do you recall whether you saw Mr. Devaja on the  
12 same day?

13 A. No, this is the first time I'm hearing that from you.

14 MR. MISETIĆ: If we scroll to the next entry in the diary.  
15 Actually, if we go down to 4 September. Or, sorry, let me see. If  
16 we go to SITF00055806, please. Yeah.

17 Q. On 4 September, they interview Agim Krasniqi; is that correct?  
18 Do you have any knowledge of Mr. Agim Krasniqi being interviewed as  
19 part of this process? You have to --

20 A. No. How can I have any knowledge when I didn't know that? I'm  
21 speaking only for myself, and I am responsible only for Gjergj Dedaj.  
22 It's unjust to speculate using other names.

23 Q. I'm not asking you to speculate. But do you know that Agim  
24 Krasniqi was a member of the LDK who was also running as a candidate  
25 in the November 2001 elections?

Witness: W03825 (Resumed) (Open Session)

Page 9610

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 A. I know that he was an LDK official, member, but I don't recall  
2 whether he ran in that election. I'm being very frank. I am not  
3 sure.

4 Q. Then if we go to the next page. On the same day, they met with  
5 you again. And that's the day that you handed them a written  
6 statement with exhibits. Do you recall that day?

7 A. I don't recall the date, but that event happened. The time, the  
8 date is hard for me to understand.

9 Q. Okay.

10 MR. MISETIĆ: Okay. If we go to the next --

11 THE INTERPRETER: Sorry. "To remember."

12 MR. MISETIĆ: If we go to the next page, please.

13 Q. On 10 September, if we scroll down, investigators met with  
14 Mehdi Bardhi, and he then gave them information. Are you aware that  
15 Mehdi Bardhi was a member of the LDK?

16 A. Yes, Mehdi Bardhi was LDK member. I think he was the chairman  
17 of the LDK branch of Drenas-Gllogoc.

18 Q. Are you aware that after the parliamentary elections  
19 Mehdi Bardhi was a member of the Kosovo Assembly from 2001 to 2004?

20 A. I think yes. I can't be very accurate.

21 MR. MISETIĆ: And if we turn the page. If we scroll down to the  
22 entry for 15 September. Right there.

23 Q. They met with Sokol Blakaj. Now, Sokol Blakaj was the general  
24 secretary of your political party; correct?

25 A. Yes.

Witness: W03825 (Resumed) (Open Session)

Page 9611

Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 Q. And is it fair to say that at this time all of you were  
2 opponents of Mr. Thaci's PDK party? Political opponents.

3 A. Yes, we were opponents.

4 Q. And you were opponent of Mr. Thaci's from the time of the  
5 Provisional Government of Kosovo and its appearance; correct?

6 A. Politically, yes, we were opponents.

7 Q. Yes. So I'd like to ask you just a few questions about that.

8 MR. MISETIĆ: If we could please call up DHT02697 to DHT02706 at  
9 page 3, and it's the same in Albanian.

10 Q. This is a report from 17 August 1999 from Radio Free Europe.

11 MR. MISETIĆ: And if we could go to page 3, please.

12 Q. It starts:

13 "Kosovar legislator wants parliament to meet."

14 MR. MISETIĆ: Scroll down, please. There we go.

15 Q. The report says:

16 "Gjergj Dedaj, who heads the Liberal Party of Kosova, told  
17 RFE/RL on 9 August that he demands a meeting of the shadow-state  
18 parliament. Dedaj said that it was impossible to hold a  
19 parliamentary session in Kosova during the war, but the Serbian  
20 forces are gone now and the legislators should meet. He argues that  
21 shadow-state legislators still have a mandate from parliament [sic],  
22 and that it is difficult to understand why parliament remains idle at  
23 a time when other bodies are involved in efforts to rebuild Kosova  
24 and its institutions. He stressed that parliament and shadow-state  
25 President Ibrahim Rugova are entitled to represent the electorate

Witness: W03825 (Resumed) (Open Session)

Page 9612

Cross-examination by Mr. Miletic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 until new elections take place."

2 Does that accurately reflect your political position in August  
3 1999?

4 A. I was a follower of the then so-called Kosovo government,  
5 because we didn't have any assembly session to elect the government,  
6 to operate in Kosovo, and that every politician that wants to deal  
7 with the Kosovo issue should remain in Kosovo, even though the  
8 assembly was in a way not properly formed because many didn't -- many  
9 people didn't take part in election. I wanted them to come up with  
10 some statement, but they never met. And these were, I would say, the  
11 first splits between myself and the LDK.

12 Q. Okay. But the issue I'm getting at is that you were a person  
13 who believed that the government of Kosova should be the people that  
14 had been previously elected in the elections in 1998 in contrast to  
15 the Provisional Government of Kosovo led by Mr. Thaci whom you  
16 believed did not have electoral legitimacy; correct?

17 A. To be frank, since President Thaci is present in this courtroom  
18 with me, after the provisional government was formed, as deputy  
19 speaker of the assembly of Kosovo, I visited President Thaci, and I  
20 said to him that it would be a good thing until next election for the  
21 provisional government to recognise the assembly and the speaker. To  
22 the parliament I said it would be a good thing to recognise the  
23 provisional government of Thaci, president -- I said the same to  
24 President Rugova.

25 My role was always to make people come closer to work for

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*Additional redactions applied pursuant to F2133RED.*

1 rapprochement of the people and to come to elections, which, for me,  
2 are the most important instrument of democracy that give rise to its  
3 institutions. This is 100 per cent true.

4 Q. Okay.

5 MR. MISETIĆ: Mr. President, I tender that document into  
6 evidence.

7 PRESIDING JUDGE SMITH: [Microphone not activated] ... 55783.  
8 Are you tendering that or not?

9 MR. MISETIĆ: I am, but I'm going to get back to that.

10 PRESIDING JUDGE SMITH: Okay. All right.

11 MR. MISETIĆ: But I can tender it now.

12 PRESIDING JUDGE SMITH: So DHT02697 to 02706 is admitted and  
13 will be assigned a number.

14 THE COURT OFFICER: Your Honours, that will be Exhibit 1D65.

15 PRESIDING JUDGE SMITH: No, you can do this at your own --

16 MR. MISETIĆ: Thank you.

17 PRESIDING JUDGE SMITH: -- speed.

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

19 If we could turn to another article, DHT02707 to DHT02714 at  
20 pages 2 and 3.

21 And it starts:

22 "Will Kouchner expand Transitional Council?"

23 Q. Sir, this is another press report, and it says:

24 "'Koha Ditore' reported on 4 September that UN Special  
25 Representative Bernard Kouchner is planning to expand the advisory

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 Kosovo Transitional Council. The plan envisages the inclusion of  
2 smaller political parties that are represented in the shadow-state  
3 parliament. In addition, Kouchner will add Bardhyl Mahmuti of the  
4 recently-founded Democratic Union Party and Bujar Bukoshi, who is  
5 shadow-state prime minister.

6 "But Gjergj Dedaj from the Liberal Party of Kosova, which has  
7 repeatedly complained about its exclusion from the council, told  
8 RFE/RL: 'I have no information about a possible expansion of the ...  
9 council ... However, I hope that this will happen because only our  
10 own members can represent the Liberals. No other party can do  
11 that.'"

12 Do you recall in September 1999 that you were having -- you were  
13 complaining about your party being excluded from the transitional  
14 council?

15 A. Yes. I had a meeting with Mr. Kouchner, and I expressed my  
16 revolt that my part -- that my party, that the Liberal Party was not  
17 included, which, in fact, was party number one internationally for  
18 Kosovo.

19 MR. MISETIĆ: Mr. President, I ask that this exhibit be tendered  
20 into evidence or admitted into evidence.

21 MS. MAYER: No objection.

22 PRESIDING JUDGE SMITH: No objection being heard, DHT02707 to  
23 DHT02714 is admitted.

24 MR. MISETIĆ: Thank you.

25 Q. Now, Mr. --

Witness: W03825 (Resumed) (Open Session)

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           PRESIDING JUDGE SMITH: Just a second.

2           MR. MISETIĆ: Oh, sorry.

3           THE COURT OFFICER: Your Honours, that will be Exhibit 1D66.

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

5           Q. Now, Witness, you recall that I stopped in the UNMIK  
6           investigative diary at 15 September with the interview of Mr. Blakaj  
7           by UNMIK investigators. And then five days later, after the two  
8           weeks of you and your fellow colleagues being interviewed, I want to  
9           show you a press article that appeared.

10          MR. MISETIĆ: This is SITF00055783 to 00055996 at SITF00055858  
11          to 860. And the Albanian is 562 to -- sorry, 5562 to, I believe, 63.  
12          55862 is the Albanian, sorry.

13          Q. So first, Witness, this article appears in *Bota Sot* on  
14          20 September 2001, so within a few weeks of UNMIK's investigation  
15          starting. And *Bota Sot* is known to be a publication close to the  
16          LDK; is that fair?

17          A. To tell you the truth, if you ask me, I would never like to  
18          comment on such articles. Maybe in a private session I would, but --

19          Q. No need. But you notice that the title says: "Hashim Thaqi  
20          ordered, while Sabit Geci obeyed: 'Arrest the delegation of Kosova!'"

21          And this article appears in the campaign season for parliament.  
22          Do you agree?

23          A. It was a revenge campaign all over because people were  
24          struggling to get political terrain. We didn't have any experience  
25          in democracy.

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           PRESIDING JUDGE SMITH: Witness, just answer the question.

2           THE WITNESS: Thank you.

3           MR. MISETIĆ:

4           Q. Witness, the newspaper article cites anonymous sources. Were  
5 you one of the sources for this newspaper article?

6           A. [Interpretation] No, I never issue anonymous statements. I have  
7 no reason to do that. I am not known for such a person.

8           MR. MISETIĆ: Well, if we go to the last page in the English  
9 version.

10          Q. And the article states, if we go to the bottom, in bold:

11           '"Hashim Thaqi and Sabit Geci are responsible [for our  
12 arrest].'"

13          And then in the last column, it says:

14           "... after the release of 13 Albanian politicians, they held a  
15 [press] conference ... where they underlined that the members of the  
16 KLA were behaved correct with them. Even some of them during" -- it  
17 should say "even though some of them during their [arrestment] were  
18 beaten brutally by them."

19          A. Who said this?

20          Q. Well, this is what the article says, and it doesn't reveal who  
21 the person is who's giving them this information. Do you see that?

22          A. Those who have written this article were not present in Drenica.  
23 What happened in Qirez and Baice, I said -- told what happened there  
24 on the same day that I returned.

25          Q. Yes, but it was -- your statement to UNMIK used similar language



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*Additional redactions applied pursuant to F2133RED.*

1 at the end, that some of you had been beaten in a beastly manner.

2 A. I already explained to you the reasons why.

3 Q. No, no. I'm just wondering why the similarity between the  
4 language in your letter to UNMIK calling -- referring to beastly  
5 beatings and this press article talking about brutal beatings. Are  
6 you sure that you were not one of the sources for this article?

7 A. No, I am not one of the sources. Whatever I said I declared it  
8 publicly. And I am also here declaring things publicly, even though  
9 I am constantly asking for private sessions because during the last  
10 two days I have been receiving insults, and people are being paid to  
11 say things against me, I don't know, just to blemish my figure. I am  
12 here and I am proud for every second of my life for what I have done  
13 for Kosovo. There are others that may be proud but not many like me.

14 I have explained everything, and I don't understand why you are  
15 referring to beastly, brutal, mutilated, when actually we appeared in  
16 press conference two hours afterwards.

17 Q. Okay.

18 MR. MISETIĆ: If we could go back to the UNMIK investigative  
19 diary, SITF00055783 to 55996 at SITF00055810.

20 Q. You say -- sorry, not "you say." It says four days after that  
21 press article appeared, there's a note there that says:

22 "Caution must be used when approaching the LDK victims due to  
23 the suspect is a high-ranking PDK political figure with alleged  
24 organised crime connection. Furthermore, the Kosovo elections are  
25 forthcoming and since Hashim Thaqi is a candidate caution must be

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*Additional redactions applied pursuant to F2133RED.*

1 used when approaching LDK victims. It may be alleged by PDK  
2 supporters that this investigation is purposely done to discredit the  
3 candidate."

4 My question is now, you now agree with that assessment?

5 A. Undoubtedly. I agree there was a fierce war, political war  
6 between opposing political parties, using all means, speculations,  
7 allegations, accurate or not, believable or not.

8 MR. MISETIĆ: Mr. President, I now tender the diplomatic diary  
9 into evidence.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. MISETIĆ: I'm sorry, let me just --

12 PRESIDING JUDGE SMITH: Any objection?

13 MR. MISETIĆ: -- rephrase that. The investigative diary.

14 MS. MAYER: Your Honour, that is a 214-page PDF of which only, I  
15 think, about 10 pages or so have been shown. There is no objection  
16 to the admission of any of the pages that were used with this  
17 witness, but I don't think it's proper to offer the entire 214-page  
18 PDF that is a compilation of documents.

19 MR. MISETIĆ: I actually agree with counsel there, so we only  
20 want the investigative diary portion to be admitted into evidence.

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. MISETIĆ: Just one moment, Mr. President. It's SITF00055803  
23 to 55811.

24 PRESIDING JUDGE SMITH: All right. SITF00055803 to 55811 is  
25 admitted.

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 THE COURT OFFICER: Your Honours, that will be assigned  
2 Exhibit 1D67.

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 MR. MISETIĆ: Thank you.

5 MS. MAYER: If I may, just for a moment. I know with marking,  
6 the Court Officers mark them, but some portions of those pages were  
7 admitted as other exhibits yesterday. So I believe we have P682,  
8 P684, and P686 that are included in that page range that was  
9 provided. Just for the Court to be able to manage that. No, okay.  
10 Thanks.

11 PRESIDING JUDGE SMITH: [Microphone not activated].

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

13 Q. I'm going to ask you some questions about Tahir Desku. You said  
14 that, first of all, Tahir Desku visited you in a room in which you  
15 were held and told you that three members of the delegation were  
16 going to be killed. Do you recall giving that evidence to EULEX?

17 A. This is what he said. Although, I knew Tahir Desku from  
18 Prishtine long before he joined the KLA. He was not a credible,  
19 reliable person. There are also other things I would mention on his  
20 account, but he's now deceased and I will not mention those details.  
21 And, besides, there is -- as I mentioned, we say that -- we only say  
22 good words about the dead.

23 Q. Unfortunately, we do have to mention one thing, which I think  
24 you have already mentioned, was that you knew that Mr. Desku had a  
25 problem with alcohol; correct?

Witness: W03825 (Resumed) (Open Session)

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 A. He did have problems. Everybody in Kosovo knows about it.  
2 Kosovo is a small place. It's like a town.

3 Q. In your EULEX statement in 2014, and this is at 034236 to  
4 034237 -- sorry, 034236 to 034287 redacted. At 034264 you stated:

5 "Tahir Desku was the one who prepared the news with regard to  
6 what the KLA was doing in Drenica."

7 MR. MISETIĆ: And, for the record, that's P680 as well.

8 Q. What do you mean by that, "Tahir Desku was the one who prepared  
9 the news with regard to what the KLA was doing in Drenica"?

10 A. He was some sort of reporter or journalist. To tell the truth,  
11 when I saw him in uniform and carrying an automatic weapon, I  
12 remembered when I had met him once in New York streets drinking beers  
13 during one of my official visits. Now I was confused. I didn't know  
14 who was the real Tahir, the homeless guy sitting on the streets in  
15 New York or the one wearing this uniform.

16 I wouldn't have dealt with this part, but I'm doing it because  
17 you are asking the questions.

18 Q. But he was -- you knew him to be in the KLA and doing something  
19 related to news about the KLA?

20 A. There was news at the time. The Serbian forces were closing  
21 down all Albanian media outlets. There were news broadcast on the  
22 Albanian-speaking television.

23 Q. I'm asking about Tahir Desku's specific role in the KLA. You  
24 were aware that he had a media role within the KLA?

25 A. I think. I think he was responsible for the media, but the KLA

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Cross-examination by Mr. Misetiç (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 knows this. I cannot -- I don't have any hard facts to say that. I  
2 wouldn't know what else could he possibly have done in the KLA,  
3 having known him before.

4 Q. And when -- you said in your statement that he mentioned that  
5 the HQ wanted to kill Agim Krasniqi, Mehdi Bardhi, and you, you don't  
6 know whether he meant the Drenica HQ or he meant some other HQ?

7 A. No, he spoke on -- in his own name. This was 25 years ago. I  
8 don't know what was his intention, his purpose. Why did he say that  
9 to us? I -- when he said that, well, I thought it was a joke, and I  
10 didn't take it seriously. It was like offering or drinking a cup of  
11 coffee. I didn't ...

12 Q. You were shown a press release issued by something purporting to  
13 be the military police administration of the KLA. Do you know if  
14 Tahir Desku himself was the person who participated in drafting that?

15 A. I don't want to speculate. I don't recall.

16 Q. Now, you stated in your EULEX testimony that when you were being  
17 moved and you were going back to Qirez and then you were going to  
18 Krajmirovc, you were put in a van -- sorry, you were in one car, and  
19 others were put in a separate van; is that correct?

20 A. Yes, we were separate. We couldn't fit all of us in the same  
21 car.

22 MS. MAYER: Could I just ask for a page cite.

23 MR. MISETIC: Hang on. Mr. President, I'm going to need a  
24 moment to get in my outline here.

25 JUDGE METTRAUX: Mr. Misetiç, if it helps, I think it's page 12.

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 MR. MISETIĆ: Actually, I'm going to skip this topic and get  
2 back to that in a second.

3 Q. I did want to ask you something else. You were released and you  
4 had communications with Shaun Byrnes; correct?

5 A. On the way up to Cicavica through the forest. There was no  
6 road.

7 Q. And in those communications, did you tell Shaun Byrnes that you  
8 had been beaten?

9 A. No, we didn't talk about it. I met Shaun Byrnes in Prishtine  
10 after the press conference.

11 Q. After the press conference. How far --

12 A. On the next day after the press conference. I held the press  
13 conference upon my return, and on the next day I met  
14 Mr. Shaun Byrnes, a highly respected person in my eyes. I respect  
15 him very much.

16 Q. And on either occasion when you were calling him, as you were  
17 being released or when you met him in Prishtine, you didn't tell him  
18 on those occasions that you had been beaten; is that correct?

19 A. No, I gave the same description, the truthful description, as I  
20 did in front of you here. When I called Shaun Byrnes from the  
21 mountains, we just agreed on the technicalities of our return to  
22 Prishtine safe and sound.

23 Q. And you never told Mr. Byrnes that someone named Hashim Thaci  
24 was the person in charge of your detention; is that correct?

25 A. No, I did not tell him. Again, I met Hashim Thaci after this

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 whole event in Baice, after several hours. I don't know if it was  
2 after one, two, or three hours. I cannot be accurate on that. I did  
3 not keep notes.

4 Q. And is it fair to say that if you had made such comments to  
5 Mr. Byrnes, it would have been well after you had been released?

6 A. Can you please ask the question again because I didn't  
7 understand it.

8 Q. If you didn't tell him on the day of your release, and you  
9 didn't tell him when you met in Prishtine, if you did tell him, it  
10 would have had to have been at some point later; correct?

11 A. Look, I met Mr. Byrnes on several occasions, including after  
12 this event. We had very friendly conversations on various topics. I  
13 do not want to say it here, but Shaun Byrnes valued my position, my  
14 stance, but he also valued and respected the position and the stance  
15 of Mr. Thaci and the KLA. Because the KLA, without NATO, without the  
16 sacrifices of our people, without NATO and America, we would not have  
17 obtained freedom. These are sacred for me and for 99 per cent of the  
18 Albanians in Kosovo.

19 Q. Now, I want to ask you about -- a few questions related to your  
20 EULEX statement.

21 MR. MISETIC: 034504 to 034537, that's P81, at page 034517. I'm  
22 sorry, that's the wrong document.

23 Q. I do want to ask you about your EULEX statement, but let me get  
24 the right citation.

25 There we go. This is it. [Microphone not activated].

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Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 THE INTERPRETER: Microphone, please.

2 MR. MISETIC: Sorry. It is P680 at 034266. So let's start --  
3 oh, sorry. I just need a minute to pull the Albanian version up.  
4 It's 034283 in the Albanian.

5 Q. What it records you saying is as follows, and it's a bit  
6 lengthy, but I want to make sure we get it right. It says:

7 "They put us in vehicles and they took us to Krajmirovç village.  
8 They took us to the house of a person whose surname was Mehmeti.  
9 This was an older person. This was his house and that is how I found  
10 out who the head of that house was. This is very important because  
11 from this house in Krajmirovç, I was put in a vehicle with Veli  
12 Bytyqi, Hashim Thaqi and Sabit Geci. Sabit Geci was the driver and  
13 Veli Bytyqi and I were in the backseat."

14 Is that accurate, Witness?

15 A. Yes, it is.

16 Q. "They had two automatic weapons with them and since they had no  
17 room, they asked if they could put the weapons in the backseat. I do  
18 not know if they wanted to provoke us but we did not do anything with  
19 those weapons. Then they stopped the vehicle. The rest of the group  
20 was in the van I mentioned earlier."

21 When you say "the rest of the group," you mean the rest of the  
22 members of the delegation?

23 A. Yes.

24 Q. So that would mean Agim Krasniqi was in the van?

25 A. All of the others were in the van, with the exception of Veli



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Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 Bytyqi and myself.

2 Q. Okay. Then it talks about:

3 "They switched on the radio to listen to the news and we heard  
4 there that the Minister of Defence Ahmet Krasniqi was assassinated in  
5 Tirana. Hashim and Sabit were very pleased, they were enthusiastic  
6 actually. They talked to each other. We could not understand why  
7 [sic] but they were very happy. Then Sabit told me that not 13 but  
8 12 of you will be going to Pristina. I asked him why and he said  
9 Agim Krasniqi who was in the van, we are going to kill him, said  
10 Sabit. He belonged to Rugova's political party with a military  
11 background and he was the chairman of the security committee of the  
12 Assembly of Kosovo and in their opinion he was the one in line to  
13 become the new Minister of Defence."

14 Now, do you recall that? Is that accurate?

15 A. With respect to enthusiasm and other things and laughs, what's  
16 mentioned here, it's not true. Nothing happened. Nothing like that  
17 happened. This was a revenge. For quite a long time, I considered  
18 these people enemies, opponents. Then it is true that [REDACTED],  
perhaps

19 to provoke us or to intimidate us, I wouldn't know his real purpose,  
20 I couldn't read his mind, he said in relation to Agim Krasniqi  
21 that -- and Hashim -- [REDACTED] left the car, but Hashim and Bytyqi  
did  
22 not.

23 When he stepped out of the car, I did leave the vehicle as well.  
24 He told -- he said to me, "Stay in the vehicle," but I didn't obey.  
25 He probably wanted to provoke us. I don't think he really meant it,

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Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 but I didn't want bad things to happen. I could not read his mind at  
2 the time, and I can't read his mind now. And to be honest --

3 Q. Let me continue.

4 "This was in their thoughts. Sabit got out of the vehicle and  
5 he pulled a handgun out of the vehicle. I also got out of the  
6 vehicle. He told me 'get back in the vehicle or I will kill you  
7 too'. I told him that I was the leader of the group and first you  
8 have to kill me. I told Hashim stop him because these are civilians  
9 who have not done anything wrong. They are all intellectuals."

10 And then it continues, the prosecutor asks:

11 "Had you been set free at that time?"

12 Your answer:

13 "We had been freed but under ... escort.

14 "Then after my insistence, Sabit did not go with the handgun to  
15 the van but he returned the handgun into the vehicle and he said to  
16 Agim Krasniqi 'go and thank the leader of your group because he is a  
17 real leader who even accepted to get killed in order to save you.  
18 Gjergj Dedaj is the one who saved your life and not me'."

19 Is that what you told EULEX?

20 A. Look, I can't recall these details because this happened a long  
21 time ago, and it's a difficult situation. However, I do know that I  
22 appealed, pleaded with President Thaci and asked him, "Stop this man  
23 and take him back in the vehicle."

24 Q. But what you told EULEX was not that President Thaci stopped  
25 him.

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 A. [In English] Okay.

2 Q. You told EULEX that you stopped him, and you stopped him -- let  
3 me finish.

4 A. [Interpretation] No, he did not stop him.

5 Q. Let me finish. You said you stopped him. And Sabit Geci was so  
6 impressed by you stopping him, that he told Agim Krasniqi that it was  
7 you who saved Agim Krasniqi's life. That's what you told EULEX;  
8 correct?

9 A. He said those words. However, I didn't have the actual  
10 possibility there in the mountains to stop [REDACTED] myself, on my  
11 own. But when I'm the leader of a group, friends, my family code  
12 dictates that I will take upon me the risk, even if this includes me  
13 getting killed.

14 As I mentioned earlier, I was ready for this every day. As I  
15 said before, I would shave every day because I could die at any  
16 moment and I wanted to be clean and ready. Then afterwards,  
17 rethinking and reflecting on this, I thought [REDACTED] could have  
18 killed  
19 all of us at any given time. I think this was just a moment of  
20 intimidation and trying to frighten people.

21 I asked kindly President Thaci, "Please stop this man because we  
22 are free now. Everybody knows us in Kosovo. You know us." However,  
23 there are many things you are not mentioning, you are not  
24 underlining, and that's the important thing that needs to be said,  
25 which is they had the absolute right to stop us --

25 Q. We've heard that.

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 A. -- and to check us and to inquire about us when you go to some  
2 area controlled by an army without announcing yourself or without  
3 authorisation.

4 Q. We've heard that. But what I want to stick with is this  
5 incident with Sabit Geci and Agim Krasniqi. Would it surprise you  
6 that Agim Krasniqi in his testimony to EULEX did not recall any such  
7 incident where he had been threatened by Sabit Geci or told by  
8 Sabit Geci that you had saved his life? Does that surprise you?

9 A. It's his right. I wouldn't comment on others, other people's  
10 declarations and statements. I don't know if he stands to gain  
11 anything from it or not. I know he was a man with -- a dignified  
12 person who was ready to accept to be arrested or killed by Serbia.  
13 There were others who didn't want to be included in the list. I will  
14 not comment on what Agim said.

15 I do know one thing, though. If I'm permitted to say it. The  
16 title of this testimony would be that I was the leader of this  
17 delegation, and we were lucky that President Thaci, Hashim Thaci,  
18 happened to be there in Drenica, and we are today safe and sound,  
19 because he was probably travelling in different areas. So these two  
20 people surmounted difficulties and prevented anything bad from  
21 happening during this situation.

22 MR. MISETIĆ: For the record, the reference to the testimony of  
23 Agim Krasniqi was 034504 to 034537 at 034517.

24 And, Mr. President, this is a good time for a break.

25 PRESIDING JUDGE SMITH: Thank you.

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Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1           Witness, we will take our morning break until 11.30. Please do  
2 not speak to anyone about your testimony.

3           THE WITNESS: Thank you.

4                           [The witness stands down]

5           PRESIDING JUDGE SMITH: Something else?

6           MR. MISETIC: Just to alert the Panel that I don't have much  
7 more, so I should be finished hopefully within a half an hour after  
8 the break.

9           PRESIDING JUDGE SMITH: Thank you for letting us know.

10          We are adjourned until 11.30.

11                           --- Recess taken at 11.00 a.m.

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

13          PRESIDING JUDGE SMITH: Madam Court Officer, you may bring the  
14 witness into the courtroom.

15                           [The witness takes the stand]

16          PRESIDING JUDGE SMITH: [Microphone not activated].

17          Still with the Thaci Defence, we will continue with your  
18 cross-examination.

19          Mr. Misetic.

20          MR. MISETIC: Thank you, Mr. President.

21          Q. Witness, you'll be happy to learn I only have a few questions  
22 left for you.

23          First, can you tell us the circumstances by which you were  
24 appointed an ambassador of Kosovo.

25          A. This word, "you'll be happy," it's worthless to me because I

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 don't know what happiness is.

2 With respect to your question, in the end of 2018, based on a  
3 pre-electoral agreement signed with the PDK, Democratic Party of  
4 Kosovo, I was appointed plenipotentiary ambassador of the Republic of  
5 Kosovo and Macedonia.

6 Q. What was the agreement with the PDK?

7 A. Being a liberal in Kosovo is a sacrifice, as my American friends  
8 told me, and it's an adventure, but I did it for certain purposes  
9 which I have already pointed out. Being not able to get a seat in  
10 parliament, because all liberal parties have problems in the Balkans,  
11 I entered into a coalition. And as of 2007, I am in a coalition with  
12 the Democratic Party of Kosovo, and I will be its supporter and voter  
13 for as long as I live.

14 In this agreement, we have specified we are going to have a  
15 deputy minister, adviser, and an ambassador. I have signed it with  
16 the honourable speaker Kadri Veseli.

17 Q. So this is a signed document?

18 A. Yes.

19 Q. And does any part of the agreement involve you changing your  
20 testimony that you gave to EULEX in exchange for an ambassadorship?

21 A. What did you say? Can you repeat, please?

22 Q. Was any part of agreement that you should change your testimony  
23 that you gave to EULEX and in exchange you would be given an  
24 ambassadorship?

25 A. No. Even if I were appointed 1.000 times ambassador,

Witness: W03825 (Resumed) (Open Session)

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Cross-examination by Mr. Misetić (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 prime minister, or president, or even president of Europe, that would  
2 have nothing to do with what we are here for.

3 Q. Thank you. My next question is do you know someone named  
4 Zymber Zymberi?

5 A. Zymber Zymberi?

6 Q. Yes.

7 A. Yes, I do know him.

8 Q. How do you know him?

9 A. He used to work in the former security organ, police security,  
10 before the war, in the 1980s or 1990s.

11 Q. Did you know him personally?

12 A. I know him personally. I think he's known to everyone in  
13 Kosovo. He is very tall. I think one of the tallest men in Kosovo.  
14 If we are talking about the same person, the same Zymber.

15 Q. Yes, we are. Do you know a person named Zoran Stijovic?

16 A. Yes, I know him too because he interrogated me. He arrested me.

17 Q. When did he arrest you?

18 A. When I returned from a demonstration in Bonn, in Germany, I  
19 spoke there. In Bonn. Before the war, yes, before the war, once I  
20 returned to Prishtine, I was arrested and interrogated with his  
21 pistol -- keeping his pistol on the table. And I asked him, "Don't  
22 touch me. You can kill me, but don't touch me."

23 Q. Did you ever have a conversation with either Zymber Zymberi or  
24 Zoran Stijovic about the events at Qirez or Baice?

25 A. No. Absolutely never in my life. I knew Zoran before the war.

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Cross-examination by Mr. Misetic (Continued)

*Additional redactions applied pursuant to F2133RED.*

1 The KLA was not in existence then.

2 Q. When was the last time you saw in person Zoran Stijovic?

3 A. The last time? I saw him in the special court on television.

4 He was involved in a process. I don't know.

5 Q. I'm saying in person, face-to-face, when was the last --

6 A. No, never. I wouldn't like to see him, and I have never seen  
7 him in person.

8 Q. No, you said that he interrogated you. And I'm asking you now  
9 since that interrogation back when you returned from the  
10 demonstration in Bern --

11 A. [In English] In Bonn.

12 Q. In Bonn, sin Bonn, when was the next time you saw Zoran Stijovic  
13 face-to-face?

14 A. [Interpretation] Never.

15 Q. When was the last time you saw Zymber Zymeri face-to-face?

16 A. I see Zymber in [REDACTED] even now. You can see him walking the  
17 streets of [REDACTED]. He looks rather paralysed. I don't have any  
18 private conversation with him. I have never sat down with him.

19 Q. Did Zymber Zymeri ever encourage you to meet with Zoran  
20 Stijovic to discuss the events at Qirez or Baice?

21 A. Never. Look here, what you are putting to me seems like a  
22 Hitchcock movie. I have got nothing to do with that. You can say  
23 anything you want involving me other than the police things, because  
24 Serbs have killed 20 members of my family. I mean young men and men.

25 Q. I understand. So on that note, I will thank you for answering



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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 my questions.

2 MR. MISETIC: And, Mr. President, that concludes my  
3 cross-examination.

4 PRESIDING JUDGE SMITH: Thank you, Mr. Misetiç.

5 Any questions from the Veseli Defence?

6 MR. STRONG: We have no questions at this time, Your Honour.

7 PRESIDING JUDGE SMITH: Mr. Tully.

8 MR. TULLY: Thank you, Your Honour. Yes, I'll -- I'm going to  
9 aim to finish this one in session. I might go a little bit over, but  
10 I'll do my best.

11 PRESIDING JUDGE SMITH: Thank you.

12 MR. TULLY: Thank you.

13 PRESIDING JUDGE SMITH: You can proceed.

14 MR. TULLY: Thank you.

15 Cross-examination by Mr. Tully:

16 Q. Good morning, Witness. My name is Eric Tully, and I represent  
17 Rexhep Selimi. As you heard, I'm going to ask you questions for  
18 maybe the next hour, hour and a half. I'm going to ask  
19 questions that -- and I'll try to be as brief as possible. So we've  
20 heard your testimony for two and a half days now, so where you can,  
21 if you can answer with "yes" or "no" answers to the questions, it  
22 would be much appreciated. And I want you to answer the questions to  
23 the best of your ability. But like Mr. Misetiç, I'll raise my hand  
24 if I feel you've gone the borders of my question. I don't mean that  
25 as a disrespect to you or anything like that. Just for brevity.

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1           And I'm going to give an indication of what each topic I'm going  
2 to speak to you about will be before I ask you questions, but I want  
3 you to be clear on those questions. So if there's anything that you  
4 don't understand, please stop and ask me for clarification.

5           And I've noticed from the prep note that you speak English. So  
6 if you hear or understand -- sorry, I think the witness isn't able to  
7 hear.

8           PRESIDING JUDGE SMITH: [Microphone not activated]

9           MR. TULLY: Yeah.

10          THE WITNESS: [Interpretation] The volume is very low.

11          MR. TULLY:

12          Q. So, Witness, I was saying that from the preparation note, I  
13 noticed that you speak English. So if you hear or understand my  
14 question in English, then please wait for the Albanian translation  
15 before answering.

16                So to give you an idea of how I'm going to proceed with the  
17 questions, I'm going to deal with it in two general sections. First  
18 it's going to be with the events in Qirez and then separately will be  
19 the events in Baice.

20                I will not -- or I do not intend to refer to Person 1, so you  
21 can rest assured that you don't need to be giving answers about him  
22 unless I specifically indicate to.

23                Regarding the first topic, I'm going to deal with your  
24 identification of Mr. Selimi as being the person in the car who you  
25 spoke with on the way from Qirez to Baice. Now, you expressed a

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 feeling on Monday that you weren't sure if the person in the car was  
2 Mr. Selimi or not. And I will suggest to you through the questions  
3 that the person you spoke to in the car, and you subsequently state  
4 was in the school in Baice, was in fact not Mr. Selimi but another  
5 person using that nickname, Guri, that you were told, in the back of  
6 the car, a nickname that Mr. Selimi did not use to refer to himself  
7 during the war.

8 Okay. So before I get into this, I want to ask you a question  
9 which I believe can be answered with a "yes" or "no" answer. And  
10 that is: Prior to September 1998, you had never seen Rexhep Selimi  
11 before; is that right? Yes or no?

12 A. No, never.

13 Q. You had never seen him? Okay. And during the events in Qirez  
14 or Baice in September 1998, nobody introduced themselves to you as  
15 Rexhep Selimi nor were they introduced to you by another person as  
16 Rexhep Selimi; is that yes or no?

17 A. Until Baice, even though he was in the car with me, I didn't  
18 know that he was Rexhep Selimi. He said he was Guri. Until he  
19 returned our IDs.

20 Q. I understand. So when -- I want to read out to you a passage  
21 from Sanija Zeqiraj. She was a member of the delegation in Qirez; is  
22 that correct? Witness, did you hear the question?

23 A. Yes, yes. She was, but she returned to Prishtine.

24 MR. TULLY: Can I have Exhibit 1D39. And page 11439. And I  
25 might not need it on the screen, actually. I can just read it. It's

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 easier.

2 Q. So Sanija Zeqiraj said *[REDACTED]* Pursuant to In-Court Redaction  
Order F1914RED. at the time of the

3 Qirez incident, she did not know who Rexhep Selimi was. The civilian  
4 population did not know him either.

5 Based on what Ms. Zeqiraj has said here, Mr. Selimi was not a  
6 public figure in Kosovo in September 1998. Would you agree with  
7 that?

8 A. I didn't know him, and I have no comment on Ms. Zeqiraj because,  
9 in fact, she and the group of ladies were ordered to return to  
10 Prishtine.

11 Q. So you would agree that Mr. Selimi only came to prominence in  
12 Kosovo's public life towards the end of the war, or even after it,  
13 later in 1999. Would you agree with that?

14 A. I don't know who knew and who didn't know Mr. Selimi. I have my  
15 respect for him. I came to know him only in Baice.

16 Q. But, Witness, is it not after the events in Baice that you  
17 associated the name Rexhep Selimi with the person you met in the car,  
18 after 1998?

19 A. When in the car, I didn't know whether that person was or wasn't  
20 Mr. Selimi because I had never seen him before.

21 Q. And when did you learn the name Rexhep Selimi?

22 A. When in Baice, and I'm repeating, when he very politely and  
23 respectfully, expressing also regret, but he returned the IDs. And I  
24 heard rumours that he was Rexhep Selimi. I didn't know him. I had  
25 never seen him in my life before.

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 Q. You heard rumours that he was Rexhep Selimi, but he didn't  
2 introduce himself as Rexhep Selimi. Is that what you said?

3 A. No, no, he didn't introduce himself. There was no reason why he  
4 should. I don't remember that he introduced himself.

5 Q. And you said you heard rumours. Is that from the other people  
6 who were a part of the delegation?

7 A. There may be -- they may be rumours. I don't know. But I said  
8 what I heard, what I thought, and what I think now.

9 Q. Okay. So after the events then in Baice in September 1998, when  
10 was the next time that you associated the name Rexhep Selimi with a  
11 face? When did you see him?

12 A. Well, after the war, people lived in Prishtine. The main road  
13 where people walk, you can -- people know each other. I don't know  
14 the dates. I didn't need to set -- to write down the dates for when  
15 I met this or that person.

16 Q. That's fine. I don't need it to be exact, but you said after  
17 the war. So when you saw him and associated a name with him, it was  
18 after -- when you -- for certain you -- this was Rexhep Selimi. This  
19 was after the war. So later in 1999, into 2000? Would that be  
20 right?

21 A. I knew him from a distance after the war, but I never had any  
22 contacts with him.

23 Q. I understand. So yesterday speaking with Mr. Misetic -- and I'm  
24 gonna talk now about the events in Qirez itself and talk about the  
25 substance of your evidence.

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1           So yesterday speaking with Mr. Misetic, you mentioned two  
2 individuals in the LDK office and they were Gani Koci and Person 1.  
3 And I don't need another description of what happened in the office,  
4 but do I understand your evidence that these two individuals are the  
5 only two persons who you were able to identify in that LDK office on  
6 20 September 1998?

7           A.    I didn't understand your question.

8           Q.    When you and the other delegation were held in the office, the  
9 other members of the delegation were held in the office in Qirez, the  
10 only two persons who you mentioned when you were speaking to  
11 Mr. Misetic were Gani Koci and Person 1. So am I right in thinking  
12 that these are the only two people who you identify from that office?

13          A.    Yes, right. You are right.

14          Q.    Okay. Thank you. So when you first met the individual who  
15 called himself Guri, this was inside the car that took you from Qirez  
16 to Baice. And I'm going to read out to you, from your testimony on  
17 Monday, and this is transcript from 6 November, page 9357 to 9358,  
18 the question you are asked is:

19                "I understand that you're not sure now. Do you recall  
20 testifying nine years ago in 2014 that you were in the car with  
21 Rexhep Selimi?"

22                And you said:

23                "Maybe it was him. Not because he's here now. Because you  
24 think I am subjective in my statement. But the person who was in the  
25 car with me ... I am not sure it was Rexhep Selimi ..."

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1           Now, I don't need you to comment on that for now, but do you  
2           remember giving that answer to the Prosecutor's question?

3           A.    Yes.

4           Q.    Thank you.  So before I go further, can you clarify for me how  
5           many people were in that car with you, the person who introduced  
6           himself as Guri, and the driver?

7           A.    The driver --

8           Q.    Yeah.

9           A.    -- and the person you are referring to --

10          Q.    Yeah.

11          A.    -- and myself.

12          Q.    So nobody else got into the car and nobody was in the car.  Just  
13          three people.  I have that right?  You didn't stop at any point and  
14          pick up anybody else?  No, okay.

15          A.    I don't recall to.

16          Q.    Okay.  Thank you.  Two days ago you told us that the driver in  
17          the car that you were in on your way to -- from Qirez to Baice was  
18          Sylejman Selimi.  Do you remember saying that?

19          A.    Yes.

20          Q.    And you didn't know who Sylejman Selimi was at that time, did  
21          you?

22          A.    I had heard about him.  He was in the media.  And then I learned  
23          then more from the people that were there with me in Baice during  
24          these 48 hours.  Probably it was Sylejman Selimi.

25          Q.    But you felt, based on seeing Sylejman Selimi later on in life,

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 that you were able to say with some certainty that he was driving  
2 that car; is that right?

3 A. Yes, yes, because after the war I discussed with people who the  
4 person was with me in the car, because I was keen to find it out, as  
5 I am even now. Until I die, I am interested.

6 Q. So you heard rumours from other people that this was  
7 Sylejman Selimi. That's what you based your knowledge on; is that  
8 right?

9 A. It is possible. And I think -- I am sure it was  
10 Sylejman Selimi, but I can't be 100 per cent sure. Even about  
11 myself.

12 MR. TULLY: Madam Court Officer, can I please have [REDACTED]  
13 Pursuant to Post Session Redaction Order F1913. on the  
14 screen, and the ERN is 034318 to 034362, pages 034323. The Albanian  
15 reference is the same ERN and it's at page 034336 to an ERN ending in  
16 7, the next page.

17 Q. And I'm going to show you something on your screen, Witness. I  
18 want you to read it. I'm going to ask you a question afterwards.

19 Apologies, Witness, we're just waiting for some -- yeah, thank  
20 you.

21 MR. TULLY: And on the English, it's down a little bit on the  
22 page. Sorry, I'm -- one second. I think it goes on to the next  
23 page. It's at the bottom, I think. No, on the Albanian.

24 Q. So at the very top here, I want you to follow along what it  
25 says. So I'm going to read from the page before this on the  
Albanian, which it says:



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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 "All of us were put into vehicles. Only the women and the  
2 drivers were excluded. When we were going, he stopped half way. We  
3 changed vehicles. I and Agim went to Sultan's vehicle, I did not  
4 know him at the time."

5 This is a statement from Mehdi Bardhi. The prosecutor asks:

6 "How did you know he was called Sultan?"

7 And Mehdi Bardhi responded:

8 "Everyone knew he was called 'Sulltan'. Agim talked to him. I  
9 am not sure if it was a Mercedes or something like that. Agim talked  
10 to him and he told me that he was the 'Sulltan'. Then we reached  
11 Baice ..."

12 So you don't remember Agim Krasniqi and Mehdi Bardhi getting  
13 into the car with you on the way from Qirez to Baice; is that right?

14 A. No, no.

15 Q. Now, from the passage we've seen here, Mr. Bardhi seems fairly  
16 certain, as you were in your identification, that the individual in  
17 question was Sylejman Selimi. The difference being that he's with  
18 someone who knows Sylejman Selimi and tells him that, in fact, it is  
19 Sylejman Selimi he is talking to. So do you accept then that it's  
20 likely your identification of the driver present in the car might be  
21 mistaken?

22 MS. MAYER: Objection, I don't see what's been read as  
23 identifying Sylejman Selimi at all. There's a name Sultan here and  
24 that's it.

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 MR. TULLY: Go ahead? Sorry, I didn't hear, Your Honour.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MR. TULLY: Okay, thank you.

4 PRESIDING JUDGE SMITH: You may go ahead.

5 MR. TULLY:

6 Q. So from looking at that, Witness, and I'm not suggesting that  
7 you deceived in any way, but do you accept that your identification  
8 of the driver of that car might have been mistaken?

9 A. I never lie.

10 Q. But you can make a mistake, can't you?

11 A. I may forget.

12 Q. But would you accept then, based on this, that your ability to  
13 accurately identify people you didn't know in that car from Qirez to  
14 Baice might not be as accurate as you might have previously believed?

15 A. It is possible. It is human. I was not born and brought up in  
16 the same house with them.

17 Q. I understand. Thank you, Witness. So I'm going to move on then  
18 to the person who called himself Guri in that car. And I'm right in  
19 saying -- and I'm going to keep referring to him as the person who  
20 called himself Guri. But you had never seen this individual before  
21 in your life; is that right?

22 A. No, never in my life.

23 Q. Okay. And for clarity, and I know you've said already that  
24 nobody ever -- that Rexhep Selimi was not introduced to you and he  
25 did not introduce himself as Rexhep Selimi on that day. But

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 similarly, no one in Qirez or Baice said to you Rexhep Selimi's  
2 nickname is Guri?

3 A. No. The person who was in the car with me, the person we are  
4 speaking about, when I asked him, "Who are you?" He said, "I am  
5 Guri." I didn't know then, I don't know now, who Guri is or was.

6 Q. So for -- my Albanian is not -- yes, you can.

7 A. I want to add that he behaved very correctly with me. He even  
8 bought a Coca-Cola for me because I was thirsty. And I thank him for  
9 that. He really behaved very well, whoever he was. Guri or rock or  
10 steel or -- I don't know.

11 Q. Okay, thank you, Witness. I'm going to move on then to the use  
12 of this nickname. I think you've referred to it, my Albanian's not  
13 great, but "Guri" means rock or stone in Albanian; is that right?

14 A. Yes.

15 Q. So I've alluded to it, but are you aware of the fact that Guri  
16 was not a nickname or a *nom de guerre* that was used by Mr. Selimi  
17 during the war? Are you aware of that fact or is this the first time  
18 you're hearing it?

19 A. I don't know that. I don't know who used that name. I don't  
20 deal with nicknames or *noms de guerre*.

21 Q. Okay. Have you prior to coming here had a chance to review the  
22 Prosecution's indictment of the four accused?

23 A. I don't believe I read it.

24 MR. TULLY: And, Madam Court Officer, can I have F00999 Annex 3  
25 to the indictment at paragraph 7 shown on the screen. I don't think

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*Additional redactions applied pursuant to F2133RED.*

1 I need an Albanian for it.

2 Q. Now, you see there under the heading "Rexhep Selimi," that even  
3 under the SPO's case as stated in their indictment where they list  
4 some nicknames for Mr. Selimi, they don't allege that Guri was a *nom*  
5 *de guerre* used by Mr. Selimi during the war. Is that a fact that  
6 surprises you?

7 A. Nor did I say that Guri was Rexhep Selimi. What I said is I  
8 don't know who Guri was and to this day I do not know who that person  
9 is.

10 Q. Okay. And can you look at -- can you also look at the names on  
11 the screen there in paragraph 7. Again, I'll submit to your superior  
12 command of Albanian, but my understanding is that none of those names  
13 even sound like Guri, do they?

14 A. Do you expect an answer?

15 Q. Yeah. Do they sound like -- would they -- could you have  
16 misheard any of those names as Guri?

17 A. No, I don't see Guri in this portion. And I said, based on what  
18 I can remember, things are a bit confused, but the person I talked to  
19 in the car introduced himself as being Guri. It ended there. I  
20 didn't deal with this any longer. I was not interested in it.

21 I thought at the time that this whole thing would be considered  
22 as a minor offence and not that we would reach this dark day for me,  
23 for the KLA, for the country. But these are things we have to go  
24 through, anyway.

25 Q. I don't mean to cut you off, Witness, but I'm just focused on

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*Additional redactions applied pursuant to F2133RED.*

1 this issue and we'll move on, because I don't need to clarify that  
2 part.

3 But I want to show you that this word "Guri" that you were told,  
4 this was a relatively popular nickname in -- within the KLA. Some  
5 located near the area where the events of September 1998 took place  
6 were even used by some units nearby Baice. So you don't have to take  
7 my word for it just now, but I'm just going to show you a series of  
8 documents, not all of them are in Albanian, but I want you to follow  
9 along. And I'll move as quickly as I can, but please follow on your  
10 screen.

11 MR. TULLY: So, Madam Court Officer, can I please have  
12 083221-TR-ET Part 5, page 12. And in the Albanian, it's on page 13,  
13 lines 7 to 14.

14 MS. MAYER: Objection to showing this document to the witness.  
15 I believe it falls under protective measures.

16 MR. TULLY: Oh, well, the name of the witness isn't specified.

17 MS. MAYER: I believe there's other information that identifies  
18 the witness that's not to be revealed to other witnesses.

19 MR. TULLY: Okay. Well, I can perhaps not show it to the  
20 witness, and I can read out the --

21 PRESIDING JUDGE SMITH: Please read it to him.

22 MR. TULLY: Okay.

23 Q. I can read it to you then, Witness. I'm going to read from an  
24 interview with another person in the KLA, and it said:

25 "... I have arrested a person with the surname Guri, who was

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

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*Additional redactions applied pursuant to F2133RED.*

1 chief of intelligence. I have his name here ..."

2 I'm not going to read out the name to you.

3 "He is still alive. He is [still] alive. He was the commander  
4 of the intelligence with the nickname Guri."

5 So you hear that first example of the nickname Guri being used  
6 clearly?

7 A. Yes, the name Guri was used and it's a common name as a root of  
8 family names, Gurakuqi, Gurazio, so there could have been -- there  
9 might have been many people with the nickname Guri within the KLA. I  
10 wouldn't know about that exactly.

11 Q. Okay. I'll skip a little bit ahead, and I want to show you  
12 also -- perhaps we go to --

13 MR. TULLY: Your Honour, perhaps we go to closed session for  
14 this.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MR. TULLY: I'm about to speak about -- use a person's name in  
17 public. I don't know if it's ...

18 PRESIDING JUDGE SMITH: [Microphone not activated].

19 Into private session, please, Madam Court Officer.

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

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

22 MR. TULLY: Okay. Your Honour, it's just out of abundance of  
23 caution for the names I'll read out is the reason I'm doing this.

24 So can I have the -- the next one is 058280-TR-ET Part 6, pages  
25 4 to 5. Yes. So before -- it goes on to the next page, sorry. If

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Additional redactions applied pursuant to F2133RED.

1 you can skip to the next page, my apologies.

2 Q. And there it says:

3 "And I believe that I used a pseudonym Guri at the time."

4 This is an interview with Salih Lajci from the Brigade 136 in  
5 Dukagjin.

6 "And I believe that I used a pseudonym Guri at the time. I  
7 could be wrong. I think that would be on the letter. Maybe you have  
8 it. You can show me if you've got it. I really would whoever to see  
9 what have you.

10 "Okay. The pseudonym Guri --

11 "I used it very rarely."

12 MR. TULLY: And if you can next have R091-4443.

13 THE COURT OFFICER: Can we have the number again.

14 MR. TULLY: R091-4443. And if you can scroll down.

15 Q. Do you see a man by the name of Jetullah Qarri and you see his  
16 alias is listed as Guri? Do you see that, Witness?

17 A. Yes, I do. But I don't know the individual. I don't know who  
18 that person is.

19 Q. That's fine. I'll move quickly to -- I just have two more to  
20 show you.

21 MR. TULLY: So I'm going to go to SPOE00049154 to 49159 at page  
22 49154. Point e). Yeah.

23 Q. And in the final paragraph there it says:

24 "It could be Fadil Qadraku (nickname 'Guri'), from Vrshevc  
25 village, presently living in Pristina Germani road."

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Additional redactions applied pursuant to F2133RED.

1 And you see there another person with the name Guri?

2 A. Yes.

3 MR. TULLY: And, Madam Court Officer, if I can also have ERN  
4 082926 to 083087 at page 082987.

5 Q. And in the middle, where the sentence begins with -- oh, excuse  
6 me. This is from the brother of one Fadil Qadraku, the person we  
7 just spoke about. And he says:

8 "Then I went to /?Baice/ at my uncle Veli Bathetjari's house in  
9 order to tell him that I found my family."

10 So do you see that Fadil Qadraku, who we just spoke about, had  
11 family relations in Baice?

12 A. I can see it, but I have no idea who this person is.

13 Q. That's no problem. And then one final one, Witness. I won't go  
14 further than this, but I have two documents that are connected to  
15 each other, and I'll move on to the -- the conclusion of this topic.

16 There was a unit that was called Guri 1 which encompassed a KLA  
17 platoon in Baice, and it's unit that Mr. Selimi was never involved  
18 in.

19 MR. TULLY: So can I have 095979 to 095989 on the screen at page  
20 095981, and it's the same in Albanian.

21 Q. And at the top of the page, it says:

22 "The Baice and Testernik platoon was also part of 'Guri 1'  
23 company."

24 Do you see that at the top of the screen too? You don't need to  
25 know it. Just you can see that on the screen; right? You can see



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1 that -- yeah? Can you see that? Yeah?

2 A. I have no idea. No, I don't know who these people are.

3 Q. That's fine. And one -- just finally, Witness, just one last  
4 document.

5 MR. TULLY: U000-7775-ET. It's one page.

6 Q. And the commander of this unit is Jahir Domaku and he's  
7 stationed in Baice. Can you see that there?

8 A. Yes, I can see it.

9 Q. Okay. Okay. Okay. I've shown you this series of documents,  
10 Witness, and I apologise for going a bit slow there. But you've seen  
11 on the examples we've seen, and I think you've alluded to it already,  
12 that the Guri nickname appears to be quite popular among KLA members.  
13 And it also referred to at least one unit operating in the area  
14 during the war.

15 So there are numerous possibilities for who this individual was  
16 who was referring to himself as Guri in the back of the car and the  
17 possibility that it was a soldier belonging to a Guri unit or  
18 commanding a Guri unit; isn't that right?

19 A. I never heard the people you introduced to me through these  
20 documents.

21 Q. But my point really is that it's more plausible that a person  
22 who actually went by the nickname Guri or belongs to the unit Guri,  
23 commanded the unit Guri, was the person you spoke in the car rather  
24 than a person who's never used that nickname before or after? Would  
25 you accept that?

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Additional redactions applied pursuant to F2133RED.

1 A. Anything's possible. Whoever the persons you showed on the  
2 screen and mentioned to me, I've never heard about them.

3 Q. That's fine. I'm not asking if you know them or not or if you  
4 heard of them. But do you accept the possibility, then, that the  
5 person you spoke to in that car was not Mr. Selimi?

6 A. I did not say -- I'm not 100 per cent certain even for myself my  
7 physical presence here. This -- I am like in a dream. I, again,  
8 wish to protest that you're conducting this in open session and thus  
9 endangering my family, myself, my future, and this is not very human.  
10 However, we're used to sacrifices and difficulties. But that's  
11 another topic.

12 Q. Okay. Thank you, Witness.

13 MR. TULLY: He remind -- the witness also reminded me we're  
14 still in private session. It's my mistake. We should be in public.  
15 If I can ask to go to public?

16 PRESIDING JUDGE SMITH: Are you finished with private session?

17 MR. TULLY: I am. I am, yeah. Thank you.

18 PRESIDING JUDGE SMITH: Madam Court Officer, please take us to  
19 public session, please.

20 ~~{Open session}~~

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

22 MR. TULLY:

23 Q. Okay, Witness. We're back in open session. So I'm going to  
24 move on to -- I'm going to move on to the events in Baice. Just as a  
25 general comment on your state of mind at that point, when you spoke

Witness: W03825 (Resumed) (Open Session)

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*Additional redactions applied pursuant to F2133RED.*

1 to EULEX - and this is in the -- this is in P680 at page 034259 -  
2 your memory of the specifics at the school in Baice around --  
3 particularly around the altercations you described, you remember  
4 saying that you were in shock. So you were in shock at the time the  
5 altercations took place; is that right?

6 A. Any normal person would be in shock even if it's -- you know,  
7 you give a bad look or say a bad word to that person.

8 Q. And this shock had an effect on your ability to remember details  
9 surrounding that altercation. Isn't that the thrust of your  
10 evidence?

11 A. No. My memory, my soul, and my heart was destroyed by Serbia.  
12 You don't seem to believe it. If you knew exactly how and when, I  
13 think everybody in this courtroom would feel sorry for me.

14 Q. I'm focused on what happened in the school in Baice and the --  
15 your ability to remember those details. Okay? So what I'm going to  
16 quote to you is from your own interview in 2018 with the Prosecution  
17 at page 10. I don't need it to be shown. And you said:

18 "I have never been able to make a precise analysis of those two  
19 minutes." And you're referring to the altercation here. "Because,  
20 sincerely at that time my brain was not working."

21 Is that accurate?

22 A. That's true. And any normal person, even if you had the  
23 physical strength of Mike Tyson, would have a dysfunctional brain.

24 Q. And you've been consistent on this since 2014, because you told  
25 EULEX, and correct me if I'm wrong, and this is from P680 at page

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*Additional redactions applied pursuant to F2133RED.*

1 034259, you said:

2 "... my brain could not grasp all of this and so I cannot tell  
3 you now all that I had seen there."

4 And you're referring to around the time of the altercation. So  
5 you've been consistent on the point since 2014; isn't that right?

6 A. Even today it's hard for me to remember and to give you an  
7 accurate account because it was so fast what happened and it was  
8 getting dark. And such questions in a way are like a pressure being  
9 brought on me and my family.

10 Q. I'm going to move then to the presence of the person who  
11 introduced himself to you as Guri during the altercation and what you  
12 were asked by EULEX and the Prosecutor.

13 So on Monday you were brought to a passage of your EULEX  
14 interview from 2014 where the Prosecutor asked you a question about  
15 something you said in that interview. This is from transcript of 6  
16 November 2023 at page 9372 to 9373, and I'm going to read out what --  
17 exactly what you were asked then. And the Prosecutor said:

18 "You say -- you were asked whether or not Rexhep Selimi was  
19 there, and your answer was:

20 "'He was there as well but I was in shock. I had never been  
21 beaten before.'"

22 And she's referring there to what was in your EULEX interview.  
23 So indicating that you were then -- that you had just been beaten.

24 "'When I saw my friends bleeding. These were members of  
25 parliament as well as members of the steering committees ... my brain

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1 could not grasp all of this so I cannot tell you now all that I had  
2 seen ...'

3 "Is that what happened?"

4 And you gave your answer then after. So my question now is not  
5 an explanation of that just yet. We'll get to that. But do you  
6 remember being referred to this passage of your 2014 EULEX interview  
7 by the Prosecutor on Monday; yes or no?

8 A. Please withdraw the word "beating." Nobody beat me and nobody  
9 can beat me.

10 Q. I understand that, Witness. These are --

11 A. No, you don't understand.

12 Q. I do. These are the words used by the Prosecutor. They're not  
13 by me. So I'm quoting directly.

14 A. Look here, it doesn't matter who said that word, why, in what  
15 context. I said that Rexhep Selimi, if he was Rexhep Selimi,  
16 returned our IDs in Baice --

17 Q. Well, just -- just -- just hold -- hold right --

18 A. No, this is important.

19 Q. No, no, Witness -- Witness --

20 PRESIDING JUDGE SMITH: Witness --

21 MR. TULLY:

22 Q. Witness, excuse me.

23 PRESIDING JUDGE SMITH: Witness, please answer the question.

24 You're adding more information than was asked for.

25 MR. TULLY:

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*Additional redactions applied pursuant to F2133RED.*

1 Q. All I'm asking you is do you remember being brought to the part  
2 of your interview where it was quoted whether you were asked if  
3 Rexhep Selimi was there or not, and you -- you read from the  
4 interview from EULEX that says:

5 "He was there as well but I was in shock."

6 Do you remember being asked that question is all I'm asking for  
7 now.

8 A. Yes.

9 Q. Okay.

10 A. Who wasn't in shock?

11 Q. I understand, Witness. We'll get to it. We'll -- just --  
12 Witness, Witness, Witness --

13 A. [Overlapping speakers] ...

14 Q. Witness --

15 THE INTERPRETER: Interpreter's note: The speakers are  
16 overlapping and have to slow down for the purposes of interpretation.  
17 Thank you. This pace is impossible.

18 PRESIDING JUDGE SMITH: Witness, you have to wait until the  
19 question is asked before you answer. You are cutting off the  
20 speaker.

21 MR. TULLY: Thank you, Your Honour.

22 Q. So for reference, before I move forward, the passage the  
23 Prosecutor was referring to is P680 at page 034259.

24 But on Monday, when the Prosecutor asked you this question, they  
25 didn't bring you to the very next page of that same interview from

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*Additional redactions applied pursuant to F2133RED.*

1 2014 where you were asked the exact same question, and your answer is  
2 quite different from the one you referred to on Monday. So I'm going  
3 to read from that.

4 MR. TULLY: And that's from P680, and it's P034260. And I want  
5 to show this on the screen, please. The Albanian is 34277. And it's  
6 towards the bottom of the page on the English.

7 Q. And this is the question you're asked that you weren't referred  
8 to on Monday. It's said:

9 "Mr. Selimi was in the room at the time?"

10 This is referring to after the altercations took place. And  
11 your answer was:

12 "I am not sure whether he left the room and put a mask on and  
13 came back, I cannot be certain."

14 So, Witness, having seen this --

15 A. Yes.

16 Q. -- isn't it the case -- isn't it the case that you couldn't say  
17 in 2014, just as you can't say today, that the person you identified  
18 as Mr. Selimi was in the room when those altercations took place;  
19 isn't it true?

20 A. No, he was not in the room when the altercation took place. I  
21 said he returned our IDs, and said this yesterday, in the preparatory  
22 session, I don't know where he went. That's what I said. That's the  
23 truth.

24 I also said, maybe you have forgotten, that neither [REDACTED]  
25 nor Rexhep Selimi or Hashim Thaci were part of the group of hooligans

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*Additional redactions applied pursuant to F2133RED.*

1 that behaved badly towards us, and this is 100 per cent true.

2 Q. And that's the next question I'm asking you, because that's  
3 something that UNMIK records you as saying to them in 2001. But when  
4 you were asked that question in 2014 about whether Mr. Selimi was in  
5 the room when the altercations took place, you didn't use an  
6 opportunity then to repeat an allegation that Sabit Geci,  
7 Hashim Thaci, and Rexhep Selimi looked through the door while those  
8 altercations were taking place. You didn't say that in 2014, didn't  
9 you not?

10 A. It took me years, not to say decades, maybe even now I need more  
11 time, to go to the -- to know the truth of this incident that took  
12 place which became -- which was exaggerated. It was a minor incident  
13 like those that happen today in Kosovo's parliament or in the EU  
14 parliament.

15 Q. And finally on this point, in light of we've discussed, it's not  
16 surprising that no one else from the delegation who gave a statement  
17 to authorities states that Mr. Selimi or anybody else was in a room  
18 checking IDs while altercations were taking place between KLA members  
19 and the delegation. That's not surprising to you then, is it?

20 A. It's not surprising. And I am re-emphasising that at that  
21 moment Rexhep Selimi was not present in the room.

22 Q. I'm going to come then to the topic that you've returned to a  
23 few times, and this is the returning of the ID cards. So when you  
24 spoke with EULEX in 2014, you said that the IDs were returned by a  
25 person you thought to be Rexhep Selimi on 20 September in a classroom



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1 where all the delegation were. And yesterday you stated it was this  
2 Guri person who returned your IDs in the lobby of the school before  
3 any altercation happened. Do you remember giving those answers?

4 MS. MAYER: Could I just ask for a page cite?

5 MR. TULLY: Sure. From the EULEX, it's at page 34268 in  
6 English, and 34286 in the Albanian. And, my apologies, I don't have  
7 the cite for the transcript from yesterday, but I'll give it to you  
8 in a second.

9 Q. But do you remember giving those answers, Witness?

10 MS. MAYER: I'm just concerned because I think you used the word  
11 "Guri" in his answer in the testimony and I don't recall that.  
12 That's why I was asking for the page cite. I apologise.

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 Go ahead.

15 MR. TULLY: Yeah.

16 Q. Witness, do you remember giving those answers? And I'm talking  
17 about when -- I'm not talking about who returned them. I'm just  
18 asking about when you say they were returned, in the classroom with  
19 everybody present on 20 September or in the lobby on 20 September?

20 A. In the lobby of the school. And I didn't mention Guri then or  
21 any other nickname. And to my recollection, maybe I am also  
22 mistaken, the person that I mentioned, and I reconfirm now, was very  
23 polite and respectful, with good words he returned our IDs, and I  
24 thought he was Rexhep Selimi. But I didn't mention Guri ever, in the  
25 preparatory session, yesterday, or today, and I will never mention

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1 that.

2 Q. Well, Witness, it's the same person you're talking about that  
3 you spoke in the car with, isn't it? The person who introduced  
4 themselves as Guri. Because you've never said a second person came  
5 in. So the same person you're talking about that returned those IDs  
6 is the person you spoke with in car who introduced themselves as  
7 Guri; isn't that right?

8 A. I think that the same person who was in the car with me, in  
9 addition to the driver, was the one who even in the car was very  
10 polite, the one that very politely returned the IDs to us.

11 Q. That's fine. That's fine. That's what I'm saying. I'm not  
12 saying you said the name Guri in that. I'm saying that this is the  
13 same person, so that's why I'm using that word. It's the only  
14 name -- it's the only name you were positively introduced to this  
15 person as, so that's why I'm using it. That's all.

16 So do I understand correctly that you're saying that the IDs at  
17 this point were returned to all of the delegates, not just -- not in  
18 groups. Everybody got their IDs back at this point; is that what  
19 you're saying?

20 A. Yes. Everybody. All the deputies got their IDs back.

21 Q. All on 20 September 1998, the day you were brought to the  
22 school?

23 A. Yes, when we were in the lobby of the school.

24 Q. So there were other people in the delegation who have given  
25 statements about when their IDs were returned, and I want you to

Witness: W03825 (Resumed) (Open Session)

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*Additional redactions applied pursuant to F2133RED.*

1 remember that we've just discussed about the shock that you were in  
2 and your ability to recall. I'm not accusing of any lying here, but  
3 I want you to bear that in mind when I show you the statements of  
4 other people because -- or when I give the accounts of other people,  
5 because there's nobody else in the delegation who's given a statement  
6 who ever says that IDs were returned in a lobby or in a classroom or  
7 on the 20th September. So first of all, and I'm going to read this  
8 out to you -- I'll give the references at the end -- or I can give  
9 them now.

10 Kurtesh Devaja, who gave a statement, claimed that the IDs were  
11 returned to the group in a meadow on the way to Krajmirovci. That's  
12 at [REDACTED] Pursuant to In-Court Redaction Order F1914RED., page 26.

13 Simon Augustini states that the IDs were handed back in the  
14 courtyard of the school the day the delegation was released. This is  
15 also 22 September. That's 034403 to 34441 at page 34417.

16 And Jusuf Telaku states that the IDs were, in fact, handed back  
17 to the delegation while they were in the house they were taken to in  
18 Krajmirovci, Ismail Mehmeti's house, at the foot of the Cicavica  
19 mountain.

20 So, again, bear in mind I'm not accusing you of deceiving anyone  
21 here, Mr. Dedaj. But these are four different accounts, four  
22 different places, different dates to the ones you were given --  
23 you've given investigators. Would you accept then, having seen this,  
24 would you agree with my proposition that nobody, including you, has a  
25 clear memory as to when and how the IDs were returned? Would you

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*Additional redactions applied pursuant to F2133RED.*

1 accept that?

2 MS. MAYER: Objection as to his opinion about other people's  
3 memories.

4 PRESIDING JUDGE SMITH: Sustained.

5 MR. TULLY: Okay.

6 Q. Would you accept the possibility that you perhaps made a mistake  
7 in your evidence of how and when the IDs were returned?

8 A. Every living person may err, but I am convinced, and this is  
9 what I thought -- think. First, I don't know what the others have  
10 said. I haven't communicated with them. It's the first time I'm  
11 hearing this. But I think that we were returned our IDs in the lobby  
12 of Migjeni school in Baice.

13 Q. Okay. I'll move on then to another point of your testimony  
14 where you describe someone sitting in a teacher's chair at the top of  
15 the classroom.

16 So is it still your evidence that when you were taken to Baice,  
17 that there was a person -- without identifying them, but there was a  
18 person sitting at the top of that classroom with your ID cards?

19 A. Yes, correct.

20 Q. There was. Well, again, would it surprise you then that nobody  
21 else from your delegation describes a man sitting at the top of a  
22 classroom looking through ID cards when you were taken to that  
23 classroom the way you've claimed?

24 A. I speak only for myself, and I am responsible only for my  
25 actions before any law and before any chamber. You can -- I cannot

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*Additional redactions applied pursuant to F2133RED.*

1 interpret others' actions. I have seen someone that sat on a chair  
2 in front of us. We were facing that person. And this is what I can  
3 tell you.

4 Q. Okay.

5 MR. TULLY: Can I have *[REDACTED]* Pursuant to In-Court Redaction  
Order F1914RED. at page 34455 on the screen, please.

6 And the Albanian is 34486 to 34487.

7 Q. And this is a description from Kurtesh Devaja of when you were  
8 taken into the classroom. I'm going to read from it here. It's:

9 "When we got out of the vehicles at the school in Baice, we saw  
10 soldiers wearing black masks. We did not recognise any of them  
11 because they were wearing masks and had KLA emblems on their arms.

12 "Where were you taken?

13 "They put us into a classroom in that school building.

14 "Can you remember what time you arrived?

15 "It was approximately 4pm. It was before it got dark.

16 "What happened when you were in that classroom?

17 "In that classroom we spent some 10 to 15 minutes. We were all  
18 confused and hoping all the time that they were going to let us go.  
19 We all wanted to return during the day light and at the same time  
20 feared contact with the Serbian police."

21 So Mr. Devaja doesn't make any mention of the man at the top of  
22 the room, does he, as you have done?

23 A. It is his right to say what he thinks. You are asking me what I  
24 think and what I know and not Mr. Devaja.

25 Q. I understand, Witness. There were others there with you. I'm

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*Additional redactions applied pursuant to F2133RED.*

1 not going to show the rest on screen. I'll read them out to make  
2 things quicker. So initially with Jusuf Telaku -- this is 034363,  
3 for reference, to 034402 at page 034372. And he's talking about  
4 being taken to Baice. And he says:

5 "Members of the delegation hardly said anything. At some point  
6 someone came into the room and said 'do you know who I am?' No one  
7 said anything. [But] I did not know him. There may have been people  
8 there who recognised him but I did not know him."

9 No mention of the man at the top of the room.

10 And if I can show Agim -- excuse me, I'll read out from Agim  
11 Krasniqi's statement to EULEX, 34504 to 034573 at page 034511. And  
12 Agim Krasniqi said:

13 "Can you tell us what happened when you were in that classroom?"

14 And the witness said:

15 "We were all sat there then a group of persons ... all unknown  
16 to us, all of a sudden they came and stood before us.

17 "Were these people in uniform?"

18 "I believe [they] were [all] dressed in uniform.

19 "KLA?"

20 "Were they armed?"

21 "No."

22 The prosecutor said:

23 "Having said that to you, what happened next?"

24 And Mr. Krasniqi replied:

25 "Yes. The reason for the detention there in that room, they

Witness: W03825 (Resumed) (Open Session)

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*Additional redactions applied pursuant to F2133RED.*

1 stated that we had entered into a territory ... under the supervision  
2 and control of the KLA without any prior information and without any  
3 permit. This was the justification [of] why they had detained us  
4 there."

5 Again, Mr. Krasniqi makes no mention of a man at the top of the  
6 room, does he?

7 A. It is his version.

8 Q. And, finally, one last one. This is Mehdi Bardhi. This is  
9 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

10 at page 034323 to 034324, and he said:

11 "We entered the school in Baice. It was towards the evening  
12 hours?"

13 The prosecutor asked:

14 "Was it dark?"

15 "Witness: I do not recall very well, but it must have been.

16 "Prosecutor: What happened then?"

17 "Witness: We entered the school building ... [we] were brought  
18 into a classroom. Four KLA members with masks and ... guns stood  
19 there. They said 'we are going to interview you, come on, get up'.  
20 I cannot recall if I was first, I think Gjergj was first."

21 Again, he only talks about masked men in a room. He doesn't  
22 mention any man sitting at the top of the room, does he?

23 A. This is also his version.

24 Q. Okay. Well, you've got several others who -- none of whom --

25 A. I am here to provide you with my version.

Q. That's fine, Witness. You have others who were in the room with

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 you all witnessing the same events and not one of them mentions a man  
2 at the top of the room like you do. Would you accept that you might  
3 have been mistaken on this and there was not a man in that room  
4 sitting at the top as you've described?

5 A. I already said we are all human beings, and no one is -- cannot  
6 mistake -- make mistakes. Even the robots make mistakes. I am  
7 saying to you what I remember. I am telling you only what I  
8 remember. You put to me four witnesses that have provided four  
9 different statements.

10 Q. That's true, Witness.

11 PRESIDING JUDGE SMITH: Mr. Tully, please slow down a bit. The  
12 translators are having troubles with your delivery.

13 MR. TULLY: My apologies, Your Honour.

14 Q. Okay, Witness. I'm going to ask you one next set of questions  
15 before I move on to my final topic. And this is, again, still with  
16 the events in Baice.

17 So you made much in your EULEX interview about an interaction  
18 that you claim to have between the person who you said was sitting at  
19 the top of the room who you identified as Rexhep Selimi, and -- I'm  
20 just going to read the passage to you.

21 So this is from your interview of 2014 at 034236 to 034287, page  
22 0348258. And the prosecutor asked you:

23 "When you were in the school, who did you recognise ..."

24 And you said:

25 "They put us into a classroom with chairs. Rexhep Selimi sat at



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*Additional redactions applied pursuant to F2133RED.*

1 the place where usually the teacher sits, with our ID cards. [And]  
2 he said how come you guys ... are all professors, intellectuals, how  
3 did you come here?"

4 And you say you responded by saying:

5 "I told him we had come there as members of a humanitarian  
6 mission and by doing so we had endangered our lives but we thought  
7 our lives would be endangered by the Serbs ... not by the KLA."

8 Do you remember giving that answer to EULEX in 2014?

9 A. Only from the Serbs. Only from the Serbs was our life  
10 endangered. And with your question, you are putting my life in  
11 danger again because the Serbs are ready to do anything and -- like  
12 they did for this Court.

13 Q. All right, Witness. Just -- these are your words in a statement  
14 that was recorded by EULEX. I'm not making these up. I'm just  
15 saying that this is what you said to EULEX. Did you say those words  
16 to EULEX?

17 A. Yes, in -- to EULEX I said we were endangered. We were  
18 endangered by the Serbs. But we knew that the danger was there when  
19 we left.

20 Q. Well, I think you're kind of getting at my point here, because  
21 if you had said to this person -- if that person was at the top of  
22 the room, if you had said to that person that, "We thought our lives  
23 would be endangered by the Serbs and not by the KLA," this would be a  
24 particularly insulting thing to say to that person. It would be  
25 dramatic, wouldn't it? If you had said that.

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 A. Our life was always, as far as I remember, from when I was born  
2 and grew up, the life -- my life and the life of my family was in  
3 danger only by the Serbs.

4 Q. But these words that are recorded, the 2014, if you had indeed  
5 said these words to the person sitting at the top of the classroom,  
6 those would be -- if you had said those words, those would be  
7 insulting words. Those are words that anyone in the room would  
8 remember; right?

9 A. I never said anything other than accurate, good words for the  
10 person who returned our IDs, who showed his sympathy for us. I am  
11 not interested in other speculations.

12 Q. Okay. Well, Witness, we don't need to go back through them  
13 again, but we've gone through the statements of other people from the  
14 delegation. And in support of what you say, that you never actually  
15 said this to the person at the top of the room, there's not a single  
16 other person from the delegation who recalls you having a challenge  
17 with the man at the top of the room as well as not remembering that  
18 man, and they don't remember any interaction between you or anybody  
19 else with a man at the top of the room. Does that surprise you?

20 MS. MAYER: Objection. That actually hasn't been put to him.  
21 We went through the recognition of someone being at the top of the  
22 classroom, but all of the other additional propositions have never  
23 been put to the witness.

24 PRESIDING JUDGE SMITH: Overruled.

25 Continue your questions.

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 MR. TULLY:

2 Q. Witness, would it surprise that you that no one else from the  
3 delegation recalls you or anybody else having an interaction like the  
4 one that's described in your 2014 EULEX statement?

5 A. Nothing would surprise me given the circumstances.

6 Q. It's because this exchange didn't happen; isn't that right?

7 A. It wouldn't surprise me because people might have forgotten. I  
8 don't know. I don't wish to speculate why somebody might have said  
9 this and that. I'm not that kind of person. What I'm saying is that  
10 I think there was a person sitting on a chair in front of us who  
11 politely returned our IDs to us. I think that we received our IDs  
12 back in Baice.

13 Now, this was what I think. Error is a human thing, and it  
14 could be the case that I have forgotten things.

15 Q. And before I move on to my final topic. You've been shown your  
16 2001 UNMIK statement and referred to it a few times. You are then  
17 aware that you don't make any mention of a person sitting at the top  
18 of the classroom or you having exchange of words with that person,  
19 aren't you, in 2001?

20 A. It could be. I have explained and clarified my statements in  
21 2001, 2014, the conditions and circumstances and the reasons for  
22 which these statements were given.

23 Q. I understand, Witness. Okay. I'm going to move on to my last  
24 topic, and I hope to finish just before the lunch break.

25 So Mr. Misetic spoke with you briefly this morning about a

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*Additional redactions applied pursuant to F2133RED.*

1 conversation you said happened between you and Tahir Desku. And  
2 you've made it quite clear that now you wouldn't trust anything he  
3 said because he was an alcoholic.

4 My question to you is that when you recalled this story to the  
5 EULEX prosecutors in 2014, you didn't tell them that Tahir Desku was  
6 unreliable because he was an alcoholic. Why was that?

7 A. I forgot. And the time and the situation in which I gave the  
8 statement, this was after the war. I don't know where you're from  
9 and if you've ever witnessed war, but this is not important. If  
10 you've seen graves being dug, people massacred and burned, I  
11 understand it's irrelevant, this one too. However, what I'm trying  
12 to say is it is extremely difficult for a human being to have a sound  
13 mind and say things as they were given those extraordinary  
14 circumstances.

15 Q. Well, can I ask you then just some details. Who else was in the  
16 room when you had this conversation with Tahir Desku? Were there  
17 other members of the delegation?

18 A. Everybody was in the classroom. Tahir Desku sat at the end of  
19 the classroom with me. When he said to me those things, I didn't  
20 take him seriously at all. Now, if somebody told me, "You'll get  
21 killed at midnight," that seemed ridiculous. You understand that.  
22 However, when Tahir Desku left and my fellow members of the  
23 delegation asked me what did he say, I replied, "He said that we will  
24 go home tomorrow," to reassure them. I'm sorry he's passed away now.  
25 But I didn't take him seriously because, as I explained earlier, I

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*Additional redactions applied pursuant to F2133RED.*

1 knew him from before as well.

2 Q. Well, Tahir Desku was -- I believe you described him as a poet.  
3 He's not a person that was in any position of authority within the  
4 KLA, was he?

5 A. I don't know what his functions were. I was surprised, though,  
6 when he saw -- when I saw Tahir Desku uniformed and carrying an  
7 automatic weapon, knowing that I had seen him in the streets of  
8 New York drunk.

9 Q. When Tahir Desku came into the room, did he at any point address  
10 the other members of the delegation in that room? Did he speak to  
11 anybody else?

12 A. Only to me, because he knew me from Prishtine. I mentioned that  
13 my brother ran a restaurant for a short while before the war, because  
14 it was then closed down, and he would come often and have food there  
15 for free. We didn't charge him. My brother would give food for free  
16 to many people who could not afford to pay for it.

17 MR. TULLY: Can I please have [REDACTED] Pursuant to In-Court  
Redaction Order F1914RED., page 34329, and the Albanian  
18 is 34343, on the screen.

19 Q. And I'm going to show you a passage from Mehdi Bardhi because he  
20 was also in the room, as you've described. And he --

21 MR. TULLY: It's at the end of the page.

22 Q. And he remembers the interaction between Mr. Desku and the  
23 group, and he gives a slightly different account of Mr. Desku coming  
24 into the room. And he says this:

25 "Prosecutor: Is there anything else" --

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 I'll wait for the Albanian. The prosecutor asks:

2 "Is there anything else you remember?"

3 And Mehdi Bardhi said:

4 "No. Only that Tahir Desku, the war commentator at that time,  
5 came to us when we were in Baice ... he was very drunk at the time  
6 and he said I am going to be your lawyer."

7 Now, Mr. Desku wasn't actually a lawyer, was he?

8 A. I hear this for the first time now, that he was a lawyer.

9 Q. Well, isn't it the case, then, based on what Mr. Bardhi is  
10 saying, that Tahir Desku stumbled into the room, very drunk, as he  
11 said, uttering nonsense to anybody who would care to listen to him?  
12 Isn't that what he's describing here?

13 A. To be honest, he was drunk most of the time. This is known.  
14 And you're putting me in an uncomfortable position, because if he  
15 were alive, it would be easier for me to say this, but he's dead, and  
16 I wouldn't want to go into such qualifications.

17 Q. I'm not trying to disrespect him. I'm just giving the account  
18 of what Mr. Bardhi remembers. So what I'm interested then is in,  
19 you've alluded to it, is that others came -- you says others came to  
20 you and they were concerned with what Tahir Desku had said to you in  
21 the corner of the room.

22 MR. TULLY: And the reference is [REDACTED] Pursuant to In-Court  
Redaction Order F1914RED. at page 34263.

23 Q. So my question is, then, if Mehdi Bardhi says Tahir Desku walked  
24 into the room drunk, very drunk, offering to be everyone's lawyer,  
25 how concerned could the other people in the room have been to come to

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Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 you to find out what Tahir Desku said? Not seriously concerned.

2 Wouldn't that be accurate?

3 A. Look, I don't know how concerned they were. I was not concerned  
4 at all because I knew him and I did not take him seriously. He  
5 walked away and members of the delegation asked me, "What did he  
6 say?" And I said, "Everything's fine. Tomorrow we go home." And  
7 that's it.

8 Q. So when you describe -- when EULEX recorded you as saying that  
9 you were calming down the people, it's perhaps an exaggeration to say  
10 that they were seriously concerned about what Tahir Desku had said to  
11 you. Even though you sought to keep everyone calm, they --

12 A. No, I was the leader of the group, and I was constantly trying  
13 to calm down the group, all parties involved, and that we would go  
14 through this without any consequences, which happened. We went back  
15 to Prishtine, resumed our activities, our work, until the realisation  
16 and the liberation of Kosovo.

17 And he deserves all respect. As I've said before, the KLA  
18 deserves the Nobel Peace Prize.

19 MR. TULLY: Your Honour, can I have a -- I think I'm about to  
20 finish. Can I just have one minute to consult?

21 PRESIDING JUDGE SMITH: [Microphone not activated]

22 MR. TULLY: Thank you.

23 [Specialist Counsel confer]

24 MR. TULLY: Your Honour, could I take the time over lunch? It  
25 may be the case I have no more questions, but I reserve the time.

*Additional redactions applied pursuant to F2133RED.*

1           PRESIDING JUDGE SMITH: We will break for lunch now, Witness.  
2 We will begin again at 2.30. Please, you may leave with the Court  
3 Usher. Please do not speak to anybody about your testimony.

4           THE WITNESS: [Interpretation] Thank you very much.  
5 [In English] With nobody because I am alone. Thank you.

6                                 [The witness stands down]

7           PRESIDING JUDGE SMITH: We're adjourned till 2 -- oh, Mr. Ellis,  
8 go ahead.

9           MR. ELLIS: Your Honour, in case it's any assistance with  
10 planning, I said half an hour. I'd very much doubt it's going to be  
11 anything like that for my part.

12           PRESIDING JUDGE SMITH: [Microphone not activated]

13           MR. ELLIS: At most.

14           PRESIDING JUDGE SMITH: Okay. Thank you.

15                                 [Microphone not activated].

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

17   --- On resuming at 2.30 p.m.

18           MR. TULLY: Your Honour, I have no more questions for the  
19 witness. But perhaps I can just tell him myself out of courtesy.  
20 Thank you.

21           PRESIDING JUDGE SMITH: Sure.

22           MR. ELLIS: Your Honour, I won't have anything for this witness  
23 either.

24           PRESIDING JUDGE SMITH: I'm sorry?

25           MR. ELLIS: I won't have anything for this witness.



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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 [Trial Panel and Court Officer confers]

2 PRESIDING JUDGE SMITH: Court Usher, you can please bring the  
3 witness back into the courtroom.

4 [The witness takes the stand]

5 PRESIDING JUDGE SMITH: Witness, we are ready to proceed.

6 Mr. Tully.

7 MR. TULLY: Thank you, Your Honour.

8 Q. Witness, just rising to tell you that I have no more questions  
9 for you today. And I thank you for your testimony and wish you a  
10 safe journey home. Thank you.

11 A. Thank you.

12 PRESIDING JUDGE SMITH: And, Mr. Ellis, for the record, any  
13 questions?

14 MR. ELLIS: No, Your Honour. Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 Redirect?

17 MS. MAYER: I have none, Your Honour.

18 PRESIDING JUDGE SMITH: Thank you.

19 Judge Mettraux had some questions.

20 JUDGE METTRAUX: Yes, thank you, Judge Smith.

21 Questioned by the Trial Panel:

22 JUDGE METTRAUX: And good afternoon, Witness.

23 I have a couple of areas that I would like to seek  
24 clarifications from you. The first one has to do with a point of  
25 chronology going from Qirez to Baice.

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1           The first thing is, as I understand it, you yourself were in a  
2           car with two other persons; is that right?

3           A.     That's right.

4           JUDGE METTRAUX: And in your estimation, how many cars were  
5           there that made the trip from Qirez to Baice on that occasion?

6           A.     I am not certain how many exactly. Perhaps three, four, five  
7           vehicles. I am not sure.

8           JUDGE METTRAUX: And would it be correct to suggest that in each  
9           vehicle there would be a mix of members of the KLA and members of  
10          your delegations?

11          A.     It is possible, but I could not -- I did not check this out, but  
12          it's possible.

13          JUDGE METTRAUX: And do you recall who were in the other cars,  
14          or is that too far away from your memory? Do you recall, for  
15          example, in what car Mr. Krasniqi or Mr. Bardhi were, or you can't  
16          remember that?

17          A.     I don't recall. It's impossible for me to say.

18          JUDGE METTRAUX: And is it correct that all the cars that left  
19          Qirez arrived all at the same time in Baice? In other words, all  
20          these three to five cars that you mentioned arrived at the same time  
21          there?

22          A.     I think so.

23          JUDGE METTRAUX: And, again, to the extent you can recall, this  
24          would have been the same people whom you saw in Qirez who arrived in  
25          Baice; right? So the 11 other members of your delegations and

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 members of the KLA whom you've identified.

2 A. As far as I know, there were 13 members of the delegation. The  
3 drivers -- but then we got out of the vehicles and were told to enter  
4 that school building where we waited. I don't know what the others  
5 did.

6 JUDGE METTRAUX: So what I would like to know from you is aside  
7 from those members of your delegations who were sent back to  
8 Prishtine - so the two women parliamentarian, the drivers, and the  
9 journalists - the same group of people who were in Qirez ended up in  
10 Baice as far as you can recall; correct?

11 A. We ended up in Baice, our group composed of 13 members. The  
12 others went from Qirez to Prishtine.

13 JUDGE METTRAUX: And also the members of the KLA whom you saw in  
14 Qirez; correct? In other words, those that you saw -- you said you  
15 saw in Qirez, you saw them again in Baice; correct?

16 A. I saw some of them. Some others just dropped people off there  
17 and returned. I wouldn't know. It was a small village. That was  
18 the first time I was in that village. I didn't know the roads there.

19 JUDGE METTRAUX: I'm not asking for the roads. I'm asking  
20 whether the members of the KLA whom you saw in Qirez, you saw them  
21 again in Baice. Is there anyone that you saw in Qirez that you did  
22 not see in Baice from the KLA?

23 A. There were members we didn't see anymore. Maybe there were  
24 three of them in Baice at that moment. I am not certain. Initially.

25 JUDGE METTRAUX: So people were already in Baice when you

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 arrived; is that correct?

2 A. Correct. People who took us inside the school building, in the  
3 lobby.

4 JUDGE METTRAUX: Now, in your 2001 UNMIK statement, you  
5 indicated that one of the vehicles you saw in Qirez had a military  
6 police sign on it. That's Exhibit P681, page 2.

7 Today, can you still recall seeing one of those vehicles with  
8 the markings of the UCK police?

9 A. At the entrance of Qirez, but not in Baice.

10 JUDGE METTRAUX: My next question is if you can recall  
11 approximately the time of day when you arrived in Baice. Can you  
12 recall that?

13 A. It was in the evening hours. I wouldn't know exactly when.  
14 4.00, 5.00, I am not sure.

15 JUDGE METTRAUX: Well, another member of your delegation put it  
16 at around 1600, before it got dark. Would that be consistent with  
17 your own recollection?

18 A. I think that should be the case.

19 JUDGE METTRAUX: And insofar as you can tell, how long elapsed  
20 between the time when you arrive at the school in Baice, so you're  
21 taken to the school, and the time when you had what you described as  
22 a scuffle or an altercation? How long elapsed between the two?

23 A. It's hard to say exactly because this happened 25 years ago.  
24 Maybe in the region between 15 minutes and half an hour. But, again,  
25 I cannot be accurate on that.

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 JUDGE METTRAUX: And between the time when you had this  
2 altercation, or what you describe as that, and the time when you were  
3 taken for what you described as discussions, how long would elapse  
4 between these two events?

5 A. Maybe less than what I indicated earlier. They took us from the  
6 lobby of that school to a classroom where there were beds. I don't  
7 know how much time exactly this took.

8 JUDGE METTRAUX: But, again, in the same ballpark figure, 10 to  
9 15 minutes, or more?

10 A. Anything I say would be a guess, and trust me, I just don't  
11 know.

12 JUDGE METTRAUX: And let me ask you about something else, then,  
13 that you said, and that has to do with the events in or at the school  
14 and in the room in which you were in. I will try to summarise as  
15 best I can what we've heard over the past couple of days, and you  
16 tell me whether that's accurate or not.

17 The first thing is, as I understand it, your testimony today is  
18 that you were not beaten up or mistreated in Baice, that you did not  
19 see or witness the beating of anyone else, and that you did not incur  
20 any injuries as a result of beatings and did not see anyone else from  
21 your delegation having a sign of injuries incurred as a result of  
22 beatings.

23 Is that a fair summary of what you said over the past two days?

24 A. I said there was a physical altercation, a scuffle. A small  
25 group of persons came inside and shoved us, pushed us, insulted us.

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 There was a scuffle. However, I did not see weapons there. I did  
2 not see anything that we were humiliated with, iron bars or anything  
3 like that. I didn't see any blood there. And we returned to  
4 Prishtine. We, including myself, did not need to ask or seek any  
5 medical help.

6 JUDGE METTRAUX: And, again, I'll try again. But according to  
7 the evidence as we've understood it here, you yourself were not  
8 beaten and you did not see anyone else from your delegation being  
9 beaten up. Is that a correct understanding of your evidence?

10 A. I said that I got involved in that scuffle. I stood up from the  
11 chair because I wanted to calm down the situation. So people were  
12 pushing one another. These were very sudden moments, and our brain  
13 froze --

14 JUDGE METTRAUX: Can you -- sir -- sir --

15 A. -- during those rapid moments.

16 JUDGE METTRAUX: Can you just answer my question. My question  
17 is you -- your evidence, as you've told us over the past two days, is  
18 that you yourself were not beaten up, and you did not see any other  
19 members of your delegation being beaten up. Yes? No?

20 A. No, I was not beaten and I did not see anyone being beaten, with  
21 the exception of people pushing one another. Just things we see in a  
22 football pitch or sometimes in parliament arena. Things that last  
23 very shortly.

24 JUDGE METTRAUX: Now, is it fair to suggest that this is the  
25 exact opposite of what you had earlier told UNMIK and EULEX? Is that

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1 a fair suggestion? In both of your interviews to UNMIK and EULEX,  
2 you had said that you witnessed beatings of others and had been  
3 beaten yourself; correct?

4 A. Yes, and I explained the reason why I stated that, and I gave  
5 these reasons on multiple occasions. I was in a very grave state.

6 JUDGE METTRAUX: Sir, sir, we've heard your reasons.

7 A. You've probably heard of my tragic fate during the war.

8 JUDGE METTRAUX: Yes, we've heard your reason.

9 My question is do you accept, sir, that you gave, according to  
10 the account you're giving us today, then, false and misleading  
11 information to the United Nations investigators? Do you accept that?

12 A. I gave information to them in a very severe state of mind. I  
13 also wanted to take revenge for what had happened on that day.

14 JUDGE METTRAUX: My question was simpler, I think, sir. Do you  
15 accept that, according to the account that you're giving us now here,  
16 the evidence or the information you provided to UNMIK was, according  
17 to today's account, false? Is that what you are telling us?

18 A. They are exaggerated, yes.

19 JUDGE METTRAUX: Well, for example, you claimed in that  
20 statement that you had been beaten, beaten up yourself. Now you're  
21 telling us that you weren't. So the claim that you had been beaten  
22 is, according to your account today, false; is that right?

23 A. I've stated this repeatedly that I have exaggerated things, and  
24 I've given the reasons why I did so, including in my last letter I  
25 sent last year.

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Questioned by the Trial Panel

*Additional redactions applied pursuant to F2133RED.*

1 JUDGE METTRAUX: And you also, I'm suggesting to you, and you  
2 can react, according to the account you give us today, you lied to  
3 the EULEX investigators, correct, because you made claims that you  
4 had been beaten up, you suggested that others had been beaten up, and  
5 so on and so forth. So the information that you gave to EULEX is,  
6 according to the account you give us today, was given falsely and  
7 misleadingly. Do you accept that?

8 A. It was exaggerated.

9 JUDGE METTRAUX: So you don't accept that it was false?

10 A. It can also be false. I told the truth when I came back and  
11 gave that press conference, and I'm telling the truth now. What's in  
12 between doesn't stand.

13 JUDGE METTRAUX: And I just want to be clear. You were aware  
14 that when you were interviewed by EULEX, that failing to tell the  
15 truth to the prosecutor was a criminal offence under Kosovo law as  
16 appears in the record of your interview? You were aware of that;  
17 right?

18 A. I didn't have a lawyer. I didn't have a legal adviser.

19 JUDGE METTRAUX: But you were informed that failing to tell the  
20 truth to the prosecutor was a criminal offence; correct?

21 A. I was informed. But I've never been in courts in my life, and I  
22 did not properly assess this. And I was never given the possibility  
23 to have any lawyer or any legal advice.

24 JUDGE METTRAUX: Can the Registry please take us to private  
25 session, please.



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

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1                   ~~[Private session]~~ [Open Session] Reclassified pursuant to  
F2133RED

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

3           JUDGE METTRAUX: Thank you. Can the Registry please bring up  
4   [REDACTED].

5           So just to situate yourself, sir, this is a statement given by  
6   Kurtesh Devaja on 14 July 2014 to a EULEX prosecutor. I will wait  
7   until the Albanian version is on the screen.

8           While it's coming up, can you just confirm that Mr. Devaja was,  
9   indeed, a member of your delegation and that, like you, he was taken  
10   from Qirez to Baice; correct?

11   A. Yes, correct.

12           JUDGE METTRAUX: And would it be fair to say that, like you, he  
13   is a prominent figure in Kosovo -- was at the time, at least?

14   A. Yes, he was.

15           JUDGE METTRAUX: And I think, I don't want to put words in your  
16   mouth, but you described as a person with whom you shared political  
17   values. Would that be fair?

18   A. Yes, he was a Christian Democratic Party member.

19           JUDGE METTRAUX: And is it someone you would respect as a person  
20   and as a political figure?

21   A. Yes, all the members of the delegation who are with me, I  
22   respect them.

23           JUDGE METTRAUX: And he was another one of those persons, if I  
24   understand your account, who would have been part of what you  
25   describe as this scuffle or altercation; is that right?

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1 A. Yes.

2 JUDGE METTRAUX: Can the Registry please take us to page 16 of  
3 that statement. That's ERN 034457. And in the Albanian, it would be  
4 034488. And if both versions -- yes, thank you. Can be scrolled up  
5 slightly for the Albanian version. Thank you.

6 Now, I'll let you read for yourself, sir, if you can look at  
7 your screen. But if you can look at this, you will see that's what  
8 you today describe as scuffle or an altercation, Mr. Devaja describes  
9 in different terms. First he describes the beating of Mr. Bardhi,  
10 and bruises that were incurred as a result. Can you see that?

11 A. Yes, yes.

12 JUDGE METTRAUX: And then he describes the beating of Agim  
13 Krasniqi, describes it in the same way - insults and violence. Do  
14 you see that?

15 A. Yes.

16 JUDGE METTRAUX: And then if we can continue also to the next  
17 page, he describes his own beating, beating and kicking by the  
18 soldiers. Do you see that?

19 A. Yes.

20 JUDGE METTRAUX: And he describes hearing their screams. Do you  
21 see that? He said:

22 "I did not dare look. We only heard their screams."

23 Do you see that?

24 A. Yes.

25 JUDGE METTRAUX: My first question is did you see any of that,

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1 what Mr. Devaja is describing here? Did you, too, witness any of  
2 this?

3 A. I mentioned the names of the six members of the delegation that  
4 were involved in these scuffles. It's the same names --

5 JUDGE METTRAUX: Sir, sir, I will come to the six names, and I  
6 will ask you about that. I'm not asking you this. What I'm asking  
7 you is did you witness what Mr. Devaja is describing here.

8 A. It was almost dark. And at that moment, you may believe me that  
9 at such moments the mind doesn't function normally and the level of  
10 adrenaline goes up. So at that lightening, let's say, altercation, I  
11 couldn't see, you know, slow -- details with slow motion, identifying  
12 who did what. I couldn't do that.

13 JUDGE METTRAUX: [Microphone not activated]

14 THE INTERPRETER: Microphone, please.

15 JUDGE METTRAUX: The answer to my question is you saw none of  
16 that; correct?

17 A. I saw the scuffles, the altercation. I mentioned it several  
18 times. But I didn't see the details, who hit what. This, I couldn't  
19 observe because, first, it was rather dark, and I was in a state of  
20 shock.

21 JUDGE METTRAUX: Then he goes on to describe your beating, and  
22 it's page 034458, and in the Albanian it's 034489. And I'll read to  
23 you what he says about what happened to you. He says:

24 "After him," being Agim Krasniqi, "Gjergj Dedaj was taken."

25 And the prosecutor asked:

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1 "Did the same thing happen?"

2 And Mr. Devaja said:

3 "Well the same thing happened but apart from that I saw one of  
4 them hit his back with a wooden stick and it actually broke against  
5 his back.

6 "Prosecutor: Were they saying the same sort of things to Gjergj  
7 Dedaj?"

8 "Witness: Same thing, same beating and same insults. I know  
9 that wooden pole broke against his back also."

10 Now, my question is did that happen or did Mr. Devaja --

11 A. [Overlapping speakers] ...

12 JUDGE METTRAUX: Let me finish my question. Did this happen or  
13 did Mr. Devaja tell --

14 A. [Overlapping speakers] ...

15 JUDGE METTRAUX: Let me finish my question, please. Did this  
16 happen or did Mr. Devaja make up that story?

17 A. In all this process, there were exaggerations and scripts for  
18 various films. I didn't see any wooden sticks being broken, any iron  
19 bar, nothing at that moment. I said my mind stopped for one or two  
20 minutes, so I couldn't remember details because we were in a  
21 traumatic state.

22 JUDGE METTRAUX: Do you accept, sir, that the account that I've  
23 just read to you, the account of Mr. Devaja, is, in fact, entirely  
24 consistent with the account that you yourself gave to UNMIK in 2001  
25 and to EULEX in 2014? Do you accept that?

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1 A. It is similar. But the detailed descriptions do not coincide.  
2 I do not know what wooden stick he's referring to because I didn't  
3 see any.

4 JUDGE METTRAUX: Do you accept, for instance, that the six  
5 people that Mr. Devaja mentions as having been beaten up violently,  
6 kicked, and who screamed as this was happening, are the same six  
7 people who you initially identified to UNMIK as having been subject  
8 to beatings? Do you accept that?

9 A. I didn't hear anyone crying. It's the same people that were  
10 involved in this altercation. He has not speculated regarding the  
11 number of people.

12 JUDGE METTRAUX: So if -- and, again, I will try to summarise  
13 what I understand you to have told us over the last two days, and  
14 correct me if that is an unfair summary. But I understand you to be  
15 saying that what you told UNMIK and EULEX about the mistreatment, the  
16 detention was all a lie that you said for -- out of anger and  
17 political vengeance, if I can put it that way.

18 Now, my question is this: Do you have any idea why Mr. Devaja  
19 would tell that story, the story that you had told UNMIK and EULEX,  
20 the same story of mistreatment, of detention of the same six people?  
21 Do you have any explanation?

22 A. I think that it is Devaja, since he's alive, that should give --  
23 should explain or account for why. Because I already explained that  
24 the group that we were stopped by there, I considered a hostile  
25 group, I wanted to take revenge on that group, and I didn't have

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1 other means to use against them, so I used my oral statements. I  
2 wanted to cause harm to them until I came to understand -- to realise  
3 the truth.

4 JUDGE METTRAUX: So, I mean, to the extent you can, and, of  
5 course, if you can't, tell us, but that explanation then would apply  
6 to Mr. Devaja as well? Is that what you're trying to say? Or is it  
7 just a coincidence that he had told the same story to the authorities  
8 at the time?

9 A. I don't know why he said that. And I would kindly ask you to  
10 understand what I'm saying, that I am responsible for what I am  
11 saying. The others may say what they want. You saw from the other  
12 counsel asking me that there were four different people giving  
13 different statements, so it was a something -- an incident that  
14 lasted very little. It was a traumatic experience. It was difficult  
15 to concentrate. So whoever may speak may not hit the mark.

16 JUDGE METTRAUX: Well, I'll ask, then, for you to look at what  
17 he said about Mr. Blakaj. But, first, you confirm that Mr. Blakaj is  
18 someone you considered to be your friend, right, a friend and a close  
19 political associate; correct?

20 A. Yes.

21 JUDGE METTRAUX: So if you can look at -- it's page 17 in the  
22 English, that's ERN 034458, and in the Albanian, it would be 034490.  
23 This is what Mr. Devaja described happened to Mr. Blakaj, who was,  
24 according to his account, of course, taken after your own treatment.  
25 And he's asked whether the same happened to him, and he says:

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1 "Yes, the same place and the same beating."

2 He's asked whether a weapon was used. He said he did not see  
3 that. And then he's asked whether he saw any injuries on Mr. Blakaj.  
4 And then he says:

5 "He was bleeding through his nose. He was begging them not to  
6 hit him anymore because he had problems with his kidneys. He  
7 actually was lying on the ground and leaning against the wall in  
8 order to protect his kidneys because they were kicking him and using  
9 his fists to hit him everywhere. He was horizontally lying on the  
10 floor with his back against the wall."

11 Now, my first question is did you see any of that, the  
12 description that Mr. Devaja is giving about the beating of  
13 Mr. Blakaj? Did you yourself see any of it?

14 A. The way Mr. Devaja described him, they might have -- we might  
15 have required two or three ambulances to take us to hospital, when,  
16 in fact, we appeared at this press conference two hours after. This  
17 doesn't coincide with what happened. Because if someone is in that  
18 condition, the person cannot appear to be normal after such a little  
19 while.

20 So Devaja's description -- I don't know why he has given this  
21 description. You must ask him. I cannot speculate. Because one or  
22 two or three of us should have been dead. They have mentioned wooden  
23 sticks, iron bars. No ambulance was called, nobody ended up in  
24 hospital. You saw my press conference when we returned in Prishtine.  
25 We all -- each and every one of us went on their ways, continued

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1 their work, didn't go to hospital.

2 JUDGE METTRAUX: So the answer to my question is you saw none of  
3 that; correct?

4 A. I saw the altercation, I said. Like lightning it was. Somebody  
5 must have hit someone, kicked someone, or gave a fist to someone.  
6 But my brain stopped working. It was very fast. Everything happened  
7 so fast. I can't recall the details.

8 JUDGE METTRAUX: And when in 2014 you told EULEX that Mr. Blakaj  
9 had injuries on his face, that was a lie; correct?

10 A. Mr. Blakaj, since we are in a private session, he used to drink  
11 a lot.

12 JUDGE METTRAUX: Sorry, sir. That was not my question. In  
13 200 --

14 A. [Overlapping speakers] ...

15 JUDGE METTRAUX: Let me finish my question and please try to  
16 answer. This is P680, for the record, page 7. That's the record of  
17 your interview with EULEX in May 2014 where you said that Sokol  
18 Blakaj had injuries on his face. My question is was that a lie?

19 A. I don't recall that.

20 JUDGE METTRAUX: Now, in fairness to you, sir, I would like to  
21 put a proposition that Mr. Devaja has in his statement. And that's  
22 at page 26 of his statement in the English version, and that's page  
23 ERN 034467, and in the Albanian it would be 034499. In the Albanian  
24 version, that would be towards -- a bit further down, please. Thank  
25 you.



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1           If I can ask you to focus, Mr. Dedaj, on the last paragraph,  
2           which starts with the words "Ata na." Can you see that?

3           A.    Yes, yes.

4           JUDGE METTRAUX: So, in the English, this is the last paragraph  
5           on the page. If you can please scroll up a bit. Thank you.

6           Mr. Devaja said the following to the EULEX Prosecutor. He said:

7           "They gave us our ID cards, me and the others and Rexhep Selimi  
8           said to Gjergj Dedaj 'you are still under investigation'. I remember  
9           that he said the very same words to Agim Krasniqi, Mehdi Bardhi and I  
10          don't know who else. When he gave me my ID card back, he said 'you  
11          are not under investigation'."

12          My first question to you is whether you recall such a statement  
13          being made to you.

14          A.    The ID cards, to my recollection, were returned -- were given  
15          back to us in the school in Baice. I don't have any other idea about  
16          that. I remember that Rexhep Selimi -- I don't remember  
17          Rexhep Selimi to have said such a thing. They only released us, and  
18          then they took us to Krajmirovç.

19          JUDGE METTRAUX: So the answer is you don't remember any such  
20          statement being made to you. Do I understand that right?

21          A.    I don't recall. 25 years have passed by and this is quite  
22          normal.

23          JUDGE METTRAUX: Can the Registry please bring up Exhibit P158  
24          for a second.

25          Sir, you will recognise the document because you've already seen

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1 it earlier this week. This is a statement or press release issued by  
2 the Military Police Directorate of the KLA, and I think you described  
3 it as propaganda. But there's a couple of things I want to ask you  
4 about.

5 If we can go, please, to the next page. Thank you.

6 So here, sir, this is the same document as you were shown a  
7 couple of days ago. It's a press release of the Military Police  
8 Directorate of the Kosovo Liberation Army. The title is  
9 "Investigations continue on three suspicious persons."

10 And if you read through the text, it says that three members of  
11 the delegations - that is you, Mr. Bardhi, and Mr. Krasniqi, Agim -  
12 are still under KLA investigation upon your release. Do you see  
13 that?

14 A. Yes, I see that.

15 JUDGE METTRAUX: And do you accept that this is consistent with  
16 the statement I've just read to you from Mr. Devaja, that the three  
17 of you continued -- or that there was a claim at least that the three  
18 of you continued to be subject to a KLA investigation? Do you accept  
19 that?

20 A. It's the same, what was said. Devaja said the same thing that  
21 is written here.

22 JUDGE METTRAUX: And what wasn't clear to me when you were asked  
23 about this document is did you ever become aware of it in September  
24 1998, or at a later stage, that you were, allegedly at least, subject  
25 to a KLA investigation or you never learned that?

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1 A. They didn't have any reason to investigate me. I was always  
2 subject of investigations by Serbia. They had no reason whatsoever  
3 to investigate me. I didn't commit any offence that has had worried  
4 me being in contrary to the law. I didn't have anyone calling me,  
5 anyone -- or by -- from the KLA regarding this.

6 JUDGE METTRAUX: That wasn't my question, but my question was  
7 probably not well put.

8 I'm not asking whether they had reason for it. What I'm asking  
9 you is whether you ever became aware that they claimed to be  
10 investigating you. Did you ever become aware of that?

11 A. Maybe I heard from the media. I have forgotten after 25 years.  
12 But it didn't make any difference to me. There was no reason why.

13 JUDGE METTRAUX: Thank you.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 JUDGE GAYNOR: No questions, thank you.

16 JUDGE BARTHE: Thank you, Judge Smith.

17 Good afternoon, Witness.

18 A. Good afternoon.

19 JUDGE BARTHE: I have a few more questions for you, and my first  
20 question is the following. On Monday --

21 PRESIDING JUDGE SMITH: Oh, wait. We're in private session.

22 JUDGE BARTHE: Yes, we can go in public.

23 PRESIDING JUDGE SMITH: Madam Court Officer, into public  
24 session, please.

25 ~~{Open session}~~

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

2 JUDGE BARTHE: Thank you. I'll start again.

3 Good afternoon, Witness. I have a few more questions for you.

4 On Monday during your examination by the Prosecution, you told  
5 us the following, and I quote:

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

12 And for the record, this is from last Monday's transcript page  
13 9394, lines 9 to 14.

14 So, Witness, my first question is the following: Why do you  
15 think that they, Mr. Thaci and Mr. Selimi or the person you believe  
16 to be Mr. Selimi didn't have a very good rapport with Person 1? For  
17 example, did you see them having a discussion or an altercation?

18 A. No. No, I didn't see any altercation. But they didn't have any  
19 collegial conversation. Maybe it was my wrong impression, but there  
20 -- I didn't see any altercation.

21 JUDGE BARTHE: Thank you. My next question is why did you have  
22 the impression that Person 1 was the one who decided everything?

23 A. Because he gave the orders. "Get their ID." "Let them return  
24 to Prishtine." That was the impression we created. I am saying what  
25 I saw, what I remember. I can't say what I didn't see and don't

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1 remember.

2 JUDGE BARTHE: Thank you. Did you see or hear Person 1 giving  
3 orders to either Mr. Thaci or Mr. Selimi or the person you believe to  
4 be Mr. Selimi during the three days you met the two in Qirez and/or  
5 Baice in September 1998?

6 A. In Qirez, I met only Person 1. And I would like to have this  
7 conversation in a private session, because you will be creating  
8 unimaginable problems for me and my -- problems that I do not  
9 deserve.

10 JUDGE BARTHE: I think, Witness, we agreed that we would use and  
11 you can use a pseudonym, Person 1, when you're referring to or when  
12 you want to refer to a specific person. I would suggest that you  
13 continue doing this.

14 A. But when we go into details, it will become clear who Person 1  
15 is. It's like using his name and last name. You will cause me  
16 traumas for myself and for my children. Very great traumas that you  
17 cannot believe.

18 JUDGE BARTHE: I just wanted to know, and I repeat my question,  
19 whether you saw or whether you heard that Person 1 gave orders to  
20 either Mr. Thaci or Mr. Selimi or the person you believe to be  
21 Mr. Selimi at the time during the three days either in Qirez and/or  
22 in Baice?

23 A. I didn't see him giving orders, but I saw him when he gave  
24 orders involving us. And that gave me the impression, maybe it's  
25 just a prejudice or perception, that he is the main person there who

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1 decides.

2 JUDGE BARTHE: Yeah, I understood.

3 Witness, I have another question for you. This morning you were  
4 asked by Mr. Misetic from the Thaci Defence about an injury  
5 Mr. Blakaj may or may not have sustained in September 1998, and you  
6 asked to go into private session because, as you told us, Mr. Blakaj  
7 has passed away and because he was a friend of yours.

8 And you also told us, I quote:

9 "... don't forget that we were in the mountains, and we moved  
10 about in the mountains. So that being the case, you might be  
11 inflicted some bruise or something, because it was raining, it was  
12 mud, we were under permanent shelling by the Serb forces, and we  
13 moved about in a mountainous terrain."

14 And, for the record, this is from today's provisional  
15 transcript, page 9, lines 16 to 20.

16 So could I ask you, Witness, to clarify what you meant by this?  
17 Are you saying that Mr. Blakaj also fell when you were in the  
18 mountains? Did you see him falling?

19 A. I didn't see him falling because it was a group of 13 persons.  
20 Usually I was at the head of them. But it's an absolute truth that  
21 we walked on a mountainous terrain. There were branches of trees,  
22 holes. It was rain, rain and mud. Rain continued all night. So I  
23 cannot say I saw him if I didn't.

24 JUDGE BARTHE: Thank you very much. Those were my questions.

25 PRESIDING JUDGE SMITH: Any questions, follow-up questions from

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Further Cross-examination by Mr. Misetic

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1 the Prosecution?

2 MS. MAYER: No, Your Honour.

3 PRESIDING JUDGE SMITH: Anything? Any follow-up, Mr. Misetic?

4 MR. MISETIC: Yes, Your Honour, briefly.

5 If we may go into private session.

6 PRESIDING JUDGE SMITH: Please, into private session,

7 Madam Court Officer.

8 ~~{Private session}~~[Open Session] Reclassified pursuant to  
F2133RED

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

10 MR. MISETIC: Thank you.

11 Further Cross-examination by Mr. Misetic:

12 Q. Witness, you were asked by Judge Mettraux about certain  
13 comparisons between your EULEX 2014 testimony and the 2014 testimony  
14 of Mr. Devaja. And I'd like to bring up the 2014 testimony of  
15 Dr. Telaku, who was one of the six people who was with you in Baice;  
16 correct? Is that correct?

17 A. That's correct.

18 MR. MISETIC: If we could please have up on the screen 034363 to  
19 034402. And if we could go to 034373 in the English, and 034391 in  
20 the Albanian.

21 Q. He's asked:

22 "Do you remember if anyone was beaten?"

23 He says:

24 "I don't know. I don't remember.

25 "Were you beaten?"

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Further Cross-examination by Mr. Misetić

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1 He says:

2 "No."

3 Do you see that?

4 A. Yes.

5 Q. Okay. You, however, had said that Dr. Telaku was beaten in your  
6 2014 EULEX testimony; correct?

7 A. I said he was involved in the scuffle. I'm referring to my  
8 statement I gave here for a week. This is true. What I said in 2001  
9 and 2014, I explained the reasons why I gave those statements. They  
10 are exaggerated, inflated. And I was angry, I wanted to take  
11 revenge, and I had no other means to do it.

12 MR. MISETIĆ: If we can go to the next page in the English,  
13 please. Now, if we could -- just a little bit more so we can see  
14 more of the bottom of the page.

15 Q. Now, he's a medical doctor, and he said:

16 "When you were in the room all together, did you see if anyone  
17 had any injuries?"

18 His answer is:

19 "I don't know. I didn't notice anything."

20 That's inconsistent with what both you and Mr. Devaja testified  
21 to before EULEX in 2014; correct?

22 A. I think I've answered this question 100 or 200 times. If you  
23 want me, I can keep answering for another month or two, if you need  
24 me to.

25 PRESIDING JUDGE SMITH: Just answer the question.



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1 THE WITNESS: [Interpretation] I've already stated this.

2 PRESIDING JUDGE SMITH: Just answer the question.

3 MR. MISETIĆ: Okay. And if we can go to 034376 in this  
4 document, and page 32 in the Albanian.

5 Q. He's asked by EULEX:

6 "Did you see if any member of the group had injuries?"

7 Answer:

8 "I don't know.

9 "Did anyone complain to you?"

10 "I don't know. I don't remember."

11 Question:

12 "You were the doctor, weren't you?"

13 "Yes, I was the doctor but I don't know, I don't remember if  
14 anyone complained to me."

15 He doesn't recall anyone complaining to him because none of you  
16 actually complained to him about any injuries; correct?

17 A. Correct, we did not complain.

18 Q. Thank you.

19 MR. MISETIĆ: Thank you, Mr. President. I have no more  
20 questions, and we can move out of private session.

21 PRESIDING JUDGE SMITH: Thank you.

22 Out of private session, please.

23 ~~[Open session]~~

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

25 PRESIDING JUDGE SMITH: [Microphone not activated]

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Further Cross-examination by Mr. Tully

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1 MR. STRONG: We have no questions, Your Honour. Thank you.

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 MR. TULLY: Just on one area, Your Honour.

4 PRESIDING JUDGE SMITH: Thank you. Go ahead.

5 MR. TULLY: Thank you.

6 Further Cross-examination by Mr. Tully:

7 Q. I would refer you to questions you were asked by Judge Mettraux  
8 concerning *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*  
9 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.* I  
10 want to quote from your UNMIK statement on 4 September 2001.

11 MR. TULLY: And that's at SITF00055954.

12 Q. And near the top of the page, you describe your journey from  
13 Baice back to Qirez and further to Krajmirovci, and you say:

14 "They put us in a station wagon in Baice, drove us from there  
15 back to Qirez. There in a meadow, they told us we had been freed."

16 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

17 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.* Would that  
18 be

18 right?

19 A. That's right.

20 Q. Then I want to take you to your EULEX statement of 2014 --

21 A. We were freed in Qirez. That's true.

22 Q. Understood. So I want to take you to your EULEX statement of  
23 2014 where -- this is P680 at page 34266. And you refer to what was  
24 said to you. You're talking about a house on the outskirts of Qirez,  
25 but I also believe you're talking about the same place, the place you

Witness: W03825 (Resumed) (Open Session)

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Further Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 were freed, a house on the outskirts of Qirez; is that right? On  
2 22 September.

3 A. There was a courtyard at the house.

4 Q. All right. So the prosecutor asked you:

5 "What happened that night in the house on the outskirts of  
6 Qirez?"

7 And you said:

8 "There they said to us that you are free, we have not found  
9 anything to say [you have] committed any errors, but we don't know  
10 where to take you and what to do with you."

11 When they said to you "we have not found anything to say that  
12 you [have] committed any errors," in 2014, did you believe that those  
13 people, as you described it, were referring to an investigation  
14 carried out into you that had been cleared, on you and the other  
15 people in the delegation?

16 A. I knew we were clean before the investigation started but also  
17 after they completed their investigation, because they had the right  
18 to conduct it and they had the right to be suspicious and to suspect,  
19 like any army in the world. So two days later, 48 hours later, they  
20 came to the conclusion that their suspicions were unfounded. There  
21 was nothing wrong with us. We were freed.

22 Q. I understand. And on Monday at page 9435, you repeated:

23 "They said ... everything was fine with us."

24 And in your prep note, you said "they carried out their  
25 investigation, the delegation did nothing wrong ..."

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Further Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 MR. TULLY: That is at paragraph 32, I believe.

2 Q. You've been consistent on the point, contrary to *[REDACTED]*  
3 *Pursuant to In-Court Redaction Order F1914RED.*

4 said, that an investigation may have been carried out, but whatever  
5 you were told was consistently they found nothing to suggest you did  
6 anything wrong; is that right?

7 A. No mistake. They did not identify the slightest mistake on us,  
8 because we didn't commit any. And for that reason, we just resumed  
9 our political activity as soon as we returned to Prishtine. We  
10 didn't see a doctor. We didn't -- we went out in the streets. And  
11 had I had any swollen faces or bruises, I wouldn't have gone out on  
12 the street.

13 Q. *[REDACTED]* Pursuant to In-Court Redaction Order F1914RED.

14 *[REDACTED]* Pursuant to In-Court Redaction Order F1914RED.

15 A. Correct.

16 MR. TULLY: Can I have P158 on the screen again, please, in both  
17 versions.

18 Q. And can I -- can I draw his attention to the very top right-hand  
19 corner, the *Zeri i Kosoves*. As I understand, that's a widely known  
20 newspaper in Kosovo, a very distributed newspaper in Kosovo, right,  
21 *Zeri i Kosoves*?

22 A. This was mostly distributed in the diaspora abroad, as far as I  
23 know, because I was not one of the readers of this paper. It was  
24 also distributed in Kosovo but not that much. It was not very known.

25 Q. But would you agree, though, that Mr. Devaja, as a journalist  
and an author, that something like this concerning an incident that

Witness: W03825 (Resumed) (Open Session)

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Further Cross-examination by Mr. Tully

*Additional redactions applied pursuant to F2133RED.*

1 he was involved in, this article is unlikely to have escaped his  
2 attention? Would you agree with that proposition?

3 MS. MAYER: Objection as to the foundation. *[REDACTED] Pursuant  
to In-Court Redaction Order F1914RED.*

4 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

5 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

6 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

7 *[REDACTED] Pursuant to In-Court Redaction Order F1914RED.*

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 THE WITNESS: [Interpretation] He was an author, newspaper  
10 analyst. It would perhaps be better to ask him. You're putting me  
11 in an uncomfortable position to ask me about what he said, what he  
12 thought. I'm responsible for my actions, my thoughts, and opinions.

13 MR. TULLY:

14 Q. Thank you, Witness.

15 MR. TULLY: That's all, Your Honours.

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 MR. ELLIS: Nothing arising. Thank you, Your Honour.

18 PRESIDING JUDGE SMITH: Witness, your testimony today is  
19 finished for good, for the entire trial. The Court Usher will escort  
20 you out of the room.

21 THE WITNESS: [Interpretation] Thank you very much. And I pay my  
22 respects to everybody present in this courtroom.

23 [The witness withdrew]

24 [Trial Panel confers]

25 PRESIDING JUDGE SMITH: Thank you to the SPO for having another

*Additional redactions applied pursuant to F2133RED.*

1 witness available, but I don't think we have enough time to do  
2 anything with him, so we will start with that witness tomorrow  
3 morning at 9.00.

4 Anything else to be brought up at this time?

5 MS. MAYER: No, Your Honour. Just as to the exhibits that were  
6 offered today, I would just ask that -- the same period of five days.  
7 We have to get together to make sure that we have the redactions on  
8 them that are going to go from being confidential to public.

9 PRESIDING JUDGE SMITH: We're counting on you getting together  
10 and dealing with that issue. Thank you very much.

11 We will see you tomorrow morning at 9.00. We are adjourned.

12 Oh, I'm sorry, Mr. Ellis had a question.

13 MR. ELLIS: Your Honours, I was only going to ask if there was  
14 any update from the Prosecution as to the witnesses for next week.  
15 There was some issue with the videolink last we heard.

16 PRESIDING JUDGE SMITH: [Microphone not activated]

17 MS. MAYER: My understanding is the videolink has been confirmed  
18 now by the Registry, so I believe the witnesses for next week -- let  
19 me just find the little sticky note.

20 PRESIDING JUDGE SMITH: [Microphone not activated] ... in order  
21 if you have it for us.

22 MS. MAYER: I just -- I don't know if the -- I believe the  
23 videolink was confirmed for Tuesday and Wednesday of next week, so I  
24 just don't know -- I believe that we think the two witnesses that we  
25 had on for this week will probably roll into next week, and that

*Additional redactions applied pursuant to F2133RED.*

1 would be 4043, who will start tomorrow morning at 9.00 a.m., and  
2 following that is 4444, I believe.

3 PRESIDING JUDGE SMITH: That's the order that was previously  
4 given to us, but we just wanted to make sure because of the  
5 timeframes.

6 MS. MAYER: And then I believe we have, after the  
7 Tuesday/Wednesday videolink, the one after that would be W04765.

8 PRESIDING JUDGE SMITH: Okay. Any other questions?

9 MR. KEHOE: [Microphone not activated].

10 Sorry. So the witness that we didn't get to is going to start  
11 the beginning of next week; is that right?

12 MS. MAYER: My understanding is I think they're ready to go in  
13 case the witness tomorrow doesn't take all day, and then I believe  
14 they would be next in order, because the videolink has been confirmed  
15 for not Monday but Tuesday, Wednesday. We're just working around the  
16 videolink, because once that's set, my understanding is it cannot be  
17 moved.

18 MR. KEHOE: [Microphone not activated].

19 My apologies, Judge. You and I are of the same cloth here.

20 So after the videolink, is there a witness scheduled for after  
21 the videolink?

22 MS. MAYER: Yes, I just said that was W04765.

23 MR. KEHOE: Okay. Thank you.

24 PRESIDING JUDGE SMITH: We'll all do our best to get all those  
25 in, so thank you and thank you for your cooperative spirit. We

*Additional redactions applied pursuant to F2133RED.*

1 appreciate it. And we will see you tomorrow morning.

2 We are adjourned.

3 --- Whereupon the hearing adjourned at 3.35 p.m.

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