

1 Tuesday, 10 October 2023

2 [Open session]

3 [The accused entered the courtroom]

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

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

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

10 PRESIDING JUDGE SMITH: Thank you.

11 Good morning, everyone. The Panel will first address one matter
12 before we continue with the testimony of W03880.

13 It's the Panel's understanding that the Thaci Defence seeks an
14 extension of the word limit to 9.000 words for the Defence's joint
15 response to the SPO Rule 154 motion.

16 The Thaci Defence submits that the extension is necessary in
17 light of the number of witnesses concerned, the complexity of the
18 issues raised, the amount of material tendered, and the need to
19 address both proposed statements and exhibits within the body of the
20 filing.

21 It is also the Panel's understanding that the SPO has no
22 objection to the request.

23 Any party wish to have any other comment on this? It looks like
24 no. Okay.

25 Based on the submissions of the parties, the Panel grants the

1 Thaci Defence request for an extension of the word limit to 9.000
2 words for the Defence's joint response to the SPO's Rule 154 motion,
3 which is F01830.

4 The Panel notes that it does not need a verbatim recitation of
5 the rules in the Defence's joint response and that the submissions
6 should be focused on the issues that are in dispute between the
7 parties.

8 This concludes the Panel's oral order.

9 We are now ready to proceed and to continue with the Thaci
10 cross-examination of the witness.

11 Madam Court Officer, please bring the witness in.

12 MR. KEHOE: If I could have a moment, Judge, before bringing the
13 witness in.

14 PRESIDING JUDGE SMITH: Oh, sure.

15 Wait, Madam Usher, please hold up.

16 MR. KEHOE: And this pertains to disclosures yesterday that we
17 received. Clearly 103 disclosures that we received yesterday
18 concerning the next witness. But it gives me pause concerning the
19 SPO's obligation to disclose 103 material not only for this witness
20 but for other witnesses.

21 I think on the most objective reading possible on the
22 disclosures that were provided yesterday and over the weekend by the
23 SPO, they were clearly Rule 103 disclosures and significant periods
24 of time went by when that has not been disclosed, and, in fact, again
25 were disclosed yesterday, and I believe several over the weekend.

1 It gives me some pause, Judge, given the numerous -- the
2 contacts that this witness that's on the stand has had with the SPO
3 in conjunction with some of his more ludicrous allegations concerning
4 Mr. Thaci being on a tape with Demaci that he comes up with for the
5 first time in 6 October 2023, 25 years after the fact.

6 I don't know what's in the possession of the SPO, and certainly
7 we did not know what was in the -- the Rule 103 material that was in
8 possession of the SPO concerning the next witness until yesterday and
9 a bit over the weekend.

10 However, this still issue is quite salient with regard to this
11 witness who has told any number of versions of stories. So I seek
12 your guidance, Your Honour, as to how we proceed on this given that
13 the understanding of Rule 103 obligations is -- I'm giving this the
14 kindest version possibly, is possibly not as fulsome as it should be
15 under the law.

16 And I raise to discuss this issue with the Chambers because I
17 didn't really have this issue on my mind yesterday, but when these
18 other matters came to our attention, I wanted to bring it to the
19 Court's attention that it has bearing on this witness considering
20 some of the almost alarming recent revelations that he decides to
21 come up with when he's talking to the SPO a few days ago.

22 So I think preliminarily there has to be some fashion of review
23 done by the SPO immediately concerning any remotely considered
24 Rule 103 material before we proceed.

25 And, Your Honour, if there is some reason why these matters

1 should be given to the Court *ex parte in camera* for review as
2 Rule 103 for any number of reasons, certainly the Defence will go
3 along with that and allow the Court to review that *in camera ex parte*
4 to see if there are Rule 103.

5 My issue at this point is, Judge, I just don't know. We just
6 don't know. And as a result of these disclosures that came up
7 yesterday, which are clearly Rule 103 material, concerning the next
8 witness, I raise this issue concerning this witness because I do have
9 some serious questions about the standard upon which the Prosecution
10 makes their Rule 103 determinations.

11 I don't know if my other colleagues have other issues in that
12 regard, but that's basically the position at this point of the Thaci
13 Defence.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. BOYLE: Yes, thank you, Your Honour. Just to start off.
16 The second time in two days that the SPO has had no *inter partes*
17 communication regarding an issue such as this as is required by Your
18 Honours' order. Para 128 of the Order on Conduct of Proceedings
19 clearly identifies that that is the way to proceed.

20 Now, putting that aside, counsel is conflating the issues
21 between two witnesses - the present witness on the stand and another
22 witness that is going to be coming later on.

23 As regards the witness on the stand, the issue that counsel
24 raised regarding the evidence that he provided concerning an
25 intercept regarding Demaci and Thaci was evidence that we did

1 disclose to them, and so there is no 103 information in that regard.
2 That was evidence that we obtained for the first time in the proofing
3 session, and we shared that with counsel. And so anything else
4 beyond that is entirely speculative.

5 And I'm happy to address the other issues as well in relation to
6 the other witness. The disclosures that we made in regards to the
7 other witness, we have been -- fully satisfied our 103 disclosures in
8 that regard. We did make some additional disclosures based on the
9 proofing session that happened very recently, and that, obviously,
10 changed what we are understanding of what our 103 obligations were in
11 that regard, as well as the, I believe, six or seven requests,
12 perhaps more, that we've received from various Defence teams for
13 additional information over the past month or so. We have tried to
14 comply with all of those fully, and we believe we have been fully
15 compliant with those.

16 And so there has been no 103 issues here at all, and any claims
17 to the contrary is entirely speculative. Thank you.

18 MR. KEHOE: May I respond --

19 MR. EMMERSON: [Overlapping speakers] ...

20 PRESIDING JUDGE SMITH: [Microphone not activated]

21 MR. KEHOE: Yes. Oh, I'm sorry. I'm sorry.

22 PRESIDING JUDGE SMITH: [Microphone not activated]

23 MR. EMMERSON: May I just interject. The reason I didn't rise
24 at the appropriate time is because I have nothing to add in relation
25 to the impact of the issues relating to the following witness on the

1 submissions that Mr. Kehoe is making in relation to the present
2 witness. I would respectfully submit that there is a great deal more
3 to be said in relation to what has happened in connection with the
4 follow-on witness, and that this is not the time to hear the
5 Prosecution or to elaborate or in any way to give any indication as
6 to what has or has not adequately been done by the Prosecution in
7 that regard.

8 That is a very serious matter which is going to take some time.

9 MR. KEHOE: Just one response, short response to the
10 Prosecution's comments.

11 Your Honour, we're trying to do the best we can as this
12 information comes across the transom. I understand the need and the
13 desire of the Court for *inter partes* communications, but in this
14 situation, there is simply no time.

15 We just received this information, a little bit over the weekend
16 and yesterday, that, frankly, was quite alarming as it is clearly 103
17 material, which I'm sure Your Honours have reviewed. It is only upon
18 that issue and contemplating that issue that caused me to rise on the
19 potential Rule 103 issues concerning this witness.

20 Now, there was a disclosure on the issue that counsel gave us in
21 the Proofing Note 2. But the question is what else is out there.
22 What else is out there in contacts with these witnesses that we don't
23 know about, that we haven't been provided the information for. We
24 simply don't know.

25 And is there a degree of speculation? Of course. Because I'm

1 not going to stand before Your Honours and say that I know, because I
2 don't know. So that being said, the way to remedy the situation is
3 for the Prosecution to disclose to the Chamber, and they can disclose
4 it *ex parte in camera*, for a review of all contacts with this witness
5 for a determination of its Rule 103 implications. Now, there may be
6 none, but we don't know. And I would not be properly representing my
7 client if I didn't raise this issue with this witness because of some
8 of the alarming disclosures that were given to us yesterday and over
9 the weekend concerning the next witness.

10 [Trial Panel confers]

11 PRESIDING JUDGE SMITH: [Microphone not activated].

12 The request to have us undertake some sort of a search of the
13 Prosecution's database or office and present it to us is the
14 Prosecution's obligation, and they tell us they are ongoing
15 searching, and we're not going to do anything else other than proceed
16 with this witness today. And that's it.

17 MR. KEHOE: Your Honour, I'm not asking -- if I can just maybe
18 clarify my point. I'm not asking the Court to make a search through
19 their files. I --

20 PRESIDING JUDGE SMITH: No, but there's a limit to what we can
21 do. We stand on you and we stand on the Prosecution to tell us the
22 truth. If they find out late about something, don't you want to know
23 if they find out late about something that came up?

24 MR. KEHOE: Of course --

25 PRESIDING JUDGE SMITH: Of course you do. So the fact that they

1 notify you two days before when the witness brings some new
2 information is no excuse for delay.

3 MR. KEHOE: I'm not trying to delay, Your Honour. And let me
4 say this here --

5 PRESIDING JUDGE SMITH: Well, how can we do what you ask without
6 delaying?

7 MR. KEHOE: Well, I would ask if they turn over their contact
8 sheets to you, every contact they've had with this witness to you,
9 and just give it to the Chamber. It won't require the Chamber to
10 review their files. It just is looking at their contact sheets.

11 Now, the information -- and the information concerning the next
12 witness is not recent information. This is not -- the 103
13 information that we received yesterday concerning the next witness
14 isn't 103 information that came up within the past couple of days.
15 This is information that goes back some period of time that has been
16 in the possession of the SPO, which called me to question why --

17 MR. BOYLE: I'm sorry, Your Honour. I believe you ruled on this
18 issue.

19 PRESIDING JUDGE SMITH: You don't have any -- is there some
20 reason that somebody in your office of the scores of people that work
21 there can't pick up the phone and call them?

22 MR. KEHOE: Well --

23 PRESIDING JUDGE SMITH: That's what an *inter partes*
24 communication is, and I don't understand why that doesn't happen.

25 MR. KEHOE: Well, it --

1 PRESIDING JUDGE SMITH: In my experience, that's how you handle
2 issues like this.

3 MR. KEHOE: And, Your Honour, I agree with you 100 per cent.

4 PRESIDING JUDGE SMITH: Well, then do it.

5 MR. KEHOE: Well, the issue, Your Honour, is that when you get
6 this information at the 11th hour concerning the next witness, and
7 then I'm talking to Your Honour about the current witness as to
8 whether or not there's any additional information -- I'm not
9 rehashing Your Honours' order at this point, but I wasn't asking
10 Your Honour to search through the SPO files.

11 PRESIDING JUDGE SMITH: That's what it sounded like.

12 We're going to continue with the cross-examination.

13 Madam Usher, you may bring the witness in.

14 [The witness takes the stand]

15 PRESIDING JUDGE SMITH: Good morning, Witness.

16 THE WITNESS: [Interpretation] Good morning.

17 PRESIDING JUDGE SMITH: Today we will continue with the
18 remainder of the Defence's cross-examination. I remind you to please
19 try to answer the questions clearly with short sentences. If you
20 don't understand a question, feel free to ask counsel to repeat the
21 question or tell them that you don't understand and they will try to
22 clarify.

23 Also, please remember to try to indicate the basis of your
24 knowledge of the facts and circumstances upon which you will be
25 questioned. I remind you that you are still under an obligation to

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1 tell the truth as stated by you in your solemn declaration.

2 Please also remember to speak into the microphones and to wait
3 five seconds before answering so that the translators can keep up
4 with you.

5 If you feel the need to take breaks, let us know and we will do
6 our best to accommodate you.

7 We continue now with Mr. Kehoe's questions of you.

8 Mr. Kehoe, you have the floor.

9 MR. KEHOE: Thank you, Your Honour.

10 WITNESS: W03880 [Resumed]

11 [Witness answered through interpreter]

12 Cross-examination by Mr. Kehoe: [Continued]

13 Q. Good morning, Witness. When we left off yesterday, we were
14 talking about the stop by the KLA on 29 October -- actually,
15 18 October.

16 Now, you told us that you had -- first of all, you told us
17 yesterday, just to put us all in context, that you didn't have any
18 press designations and you didn't have any authorisation from
19 Adem Demaci to travel in KLA areas; is that right?

20 A. Yes.

21 Q. And you knew that Mr. Demaci was providing authorisation to
22 media people to give them permission to travel in KLA areas, didn't
23 you?

24 A. No.

25 Q. So your testimony is that you had no idea in -- 18 October or

1 prior to that, that Mr. Demaci was providing members of the media
2 with authorisation to travel in KLA area, written authorisation. You
3 had no idea about that; is that right?

4 A. That's right. I didn't know. We didn't know.

5 Q. And you were a person who met with other members of the media at
6 the Serbian media centre and discussed what was going on in Kosovo
7 with other members of the media, didn't you?

8 A. Yeah, that's true.

9 Q. Is it -- are you telling this Chamber that --

10 A. As we talked --

11 Q. -- throughout all those discussions you never learned at any
12 time that Mr. Demaci was given written authorisations to members of
13 the media to travel into KLA areas? Is that your testimony?

14 MR. BOYLE: Objection, asked and answered.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MR. KEHOE: Well, it's based on his contacts with the other
17 members of the media, so the question is different.

18 PRESIDING JUDGE SMITH: Go ahead then. Ask it again.

19 MR. KEHOE:

20 Q. So based on your contacts with other members of the media, is it
21 your statement to this Chamber that you never learned from anyone
22 that you had to have written permission from Adem Demaci to travel
23 into KLA areas? Is that your testimony?

24 A. That's exactly what I said to you. No, I did not know.

25 Q. Now, you say that you came up to this group of KLA soldiers and

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1 you drove past or Mr. Dobricic drove past; right?

2 A. Right.

3 Q. And you said to us yesterday, and this is in the temporary
4 transcript at page 92, line 17, that you went some 50 to 100 metres
5 before you turned back. That's incorrect, isn't it?

6 A. Well, I say that it's correct. It was some 50 to 100 metres,
7 then we turned back. There were people on the side of the road and
8 they stopped us.

9 Q. Well, on page 91 of yesterday's transcript, you said, in line 15
10 to 18, and you acknowledged that you drove past the KLA checkpoint
11 about 500 metres and turned around and went back to that checkpoint.
12 And then you answered at line 18:

13 "That's right. That's right."

14 And in your 2012 statement, which I believe is Exhibit 490, you
15 note that:

16 "After 500 metres we realised ... a kind of KLA checkpoint and
17 that consequently we were in territory controlled by the SPO [sic]."

18 So you testified earlier that it was 500 metres, you testified
19 in 2012 it was 500 metres, and then you testified to the SPO that it
20 was 500 metres, didn't you?

21 A. 100, 150, 250, whatever. We came some couple of hundred metres,
22 whatever you please, and then after that we just turned around and
23 went back.

24 Q. Well, after you had gone half a kilometre, you then saw another
25 KLA checkpoint, didn't you?

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1 MR. BOYLE: I believe the witness --

2 THE WITNESS: [Interpretation] No, we did not see any next
3 checkpoint. I've already explained. We understood that as we went
4 further we were entering the territory of KLA, which was under their
5 control, in other words, so we turned around, as I said, went back.
6 And as we would say in Serbian, and then so help us God. And that's
7 what happened. In the end, we were released.

8 Q. Well, let me read to you what you told the SPO --

9 A. [In English] Okay.

10 Q. -- on 6 October on page 2. You noted that -- you clarified that
11 instead of eight to ten KLA members at the checkpoint, there were
12 around 15 to 20 in total, with eight or ten of them on the side of
13 the road where they were stopped and an additional KLA members at a
14 location further uphill.

15 Do you recall telling the SPO that?

16 A. [Interpretation] Yes.

17 Q. So --

18 A. Exactly so.

19 Q. -- let me put this case to you. You're driving past the KLA,
20 you don't have any identification, you don't have any permission from
21 Demaci, you drive past these KLA members. And then as you're driving
22 up the hill, you see another -- additional KLA members at the top of
23 the hill, right, and it's at that point that you come back because
24 you and Mr. Dobricic are caught. There's no place for you to go.
25 That's what happened, isn't it?

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1 A. No. First of all, we were going downhill. We went downhill,
2 not uphill. Ahead we could see a village. We went further these
3 100, 250 metres, whatever you want. So then we turned around. These
4 people were on the side of the road, one group. And above the road
5 on the right-hand side on the hill that I mentioned, there were some
6 four to five additional members of the KLA.

7 Q. So there were, in fact, additional KLA -- there were additional
8 KLA further up the hill that you were travelling; isn't that right?

9 A. Yes. When we returned, we saw them too on the right-hand side.

10 Q. So you're travelling between two different groups of KLA
11 members; isn't that right?

12 A. No.

13 Q. Sir, let's read what you said.

14 A. Let's.

15 Q. You went past the first group. This is what you said to the
16 SPO. This is 6 October.

17 A. That's right.

18 Q. That you were -- on the road where you were stopped and there
19 were additional KLA members at a location further up the hill. So
20 you were caught. You were caught between the KLA members that you
21 had blown past, driven past, and the KLA members that were further up
22 the hill; right? You were caught.

23 A. No, no, no. Obviously, there is a major misunderstanding here.
24 Can I clarify one more time?

25 Q. Sure.

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1 A. We went past the first group of KLA members on the right-hand
2 side of the road. We continued, we went further down, saw this
3 village. After a couple of hundred metres, we turned back, returned
4 past the same group. The first group now was on the left-hand side,
5 but on our way back, as we were returning, there were a few
6 additional members of KLA on the right-hand side a bit up the hill.
7 So we're talking about one and the same group.

8 Q. So you drive past the group. There is another group further up
9 the hill that you see. And it's at that point that you decide you're
10 going to turn around and go back; right?

11 A. No, no. There is no point. Obviously, you don't understand
12 what I'm trying to explain. You keep claiming that there was another
13 group. I told you what happened. It was the same group that I'm
14 talking about the entire time. We went past the first group, we
15 turned back, returned, and we saw -- as we went back, we saw the
16 group that we saw the first time. And as we returned, there was
17 another group almost in the same spot but on -- a little bit up the
18 hill. That's it.

19 PRESIDING JUDGE SMITH: Mr. Kehoe, he's explained this several
20 times. I think the Panel understands it but apparently you don't.
21 He's said the same thing over and over again.

22 MR. KEHOE: Just the problem, Judge, is it diverges from what he
23 told the SPO.

24 PRESIDING JUDGE SMITH: And that's a different matter entirely.

25 MR. KEHOE: That's right, Your Honour.

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1 PRESIDING JUDGE SMITH: But you're asking him if it's true, and
2 he's telling you no, it's not, and he's telling you what the truth in
3 his view is.

4 MR. KEHOE: Understood.

5 PRESIDING JUDGE SMITH: Okay.

6 MR. KEHOE:

7 Q. And when you described this second group, you described --

8 MR. BOYLE: I'm sorry, Your Honour, just to interject, since
9 there is a representation made about what he told the SPO, I don't
10 believe there is any discrepancy with what he told the SPO.

11 MR. KEHOE: He can do that on redirect, Judge.

12 PRESIDING JUDGE SMITH: And he's not saying he saw a second
13 group. He's saying it's the same group --

14 MR. KEHOE: And he --

15 PRESIDING JUDGE SMITH: -- seen twice.

16 MR. KEHOE: Okay.

17 Q. And what you told the SPO is that there were additional KLA
18 members at a location further uphill; isn't that right? An
19 additional KLA members further uphill.

20 A. That's correct.

21 Q. Okay. So --

22 A. In the same spot uphill. We didn't see them all. We passed
23 through. We saw a group on our right-hand side. After the 150, 200,
24 500, if you want, metres, we went back. And as we returned, the
25 group that had been on the right-hand side was now on the left-hand

1 side. They came out onto the road. And on the right-hand side, we
2 saw another group of KLA. Whether a group actually went from side to
3 side of the right or not, I don't know, but it was all the same spot,
4 the same group on the right-hand side of the road some few -- I don't
5 know, a bit up the hill.

6 Q. This --

7 A. Same group.

8 Q. I'm sorry, I didn't mean to cut you off. Did I cut you off? I
9 didn't mean it.

10 Mr. Radosevic, you go past these KLA members. You drive off.
11 You turn around. But you come back. You're in KLA area. You agree
12 with me, sir, that you and Mr. Dobricic were acting suspiciously at
13 the time in a combat area, weren't you?

14 A. Well, if I look at it now, or you, whoever, it is true that we
15 shouldn't have been there. Whether we acted suspiciously? Well, we
16 just got in the car. We were driving. Yes, you are right. Perhaps
17 we shouldn't have been there. But we were just doing our job.

18 Just to make it clear, it was a free country. Anyone could pass
19 anywhere; correct? And there was also the Holbrooke-Milosevic
20 agreement which guaranteed free passage. And I don't know in the end
21 what was suspicious about it. You could see it anyway. I mean, from
22 either side.

23 Q. Tell me, sir, that you and Mr. Dobricic, who were stopped, were
24 out gathering information to write articles, and Mr. Dobricic was
25 supposedly a photojournalist; is that right?

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1 A. For me, Mr. Dobricic was a photojournalist. Now, you can say
2 "supposedly." For me, it was understood. They sent him to me from
3 Tanjug as a photojournalist. And that's right, yes. We went there,
4 and I'm saying primarily he wanted to make a few more photographs of
5 a police vehicle for which we got information that it was located
6 somewhere there and that it was riddled with bullets. He wanted to
7 make another few photos of it.

8 And I repeat. We set out. The OSCE mission was supposed to
9 arrive, and then we went a bit further afield because the mission was
10 late. In order to kill time, as you would say informally. To wait
11 another couple of hours until they were supposed to arrive.

12 Q. Mr. Radosevic, can you tell us one article that you wrote for
13 Tanjug with pictures that were taken by Mr. Dobricic that you filed
14 that we can go back and check in the Tanjug archives? Can you name
15 us articles that you wrote in conjunction with Mr. Dobricic for
16 Tanjug?

17 A. Well, there probably are. We were at various press conferences
18 and all that. He made photos. I wrote. He sent his photographs to
19 those who were in charge, the director that was responsible for the
20 photographs, and that was it. Certainly that there were some. Now,
21 which ones, I've no idea. It may have been a press conference with a
22 focus on agriculture or a press conference held by Mr. Baki
23 Andjelkovic, or it could have been all kinds of press conferences.
24 How would I know what were all the various things that we did in
25 Prishtine and elsewhere? How could I remember what article I wrote

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1 25 years ago? Whether it was about how many students enrolled in the
2 university in that year, for example. There were a thousand
3 articles. You could ask me about something that I wrote several days
4 ago or last month or a year or two ago, but for Tanjug and which
5 photojournalist was involved? I know that in a specific case it was
6 Mr. Dobricic, but which specific articles I wrote? Well, do you know
7 how many articles I wrote not only then but in the last 25 years?

8 I mean, I'm an agency journalist. It's my daily job. Sometimes
9 I write four or five or six articles on various topics.

10 Q. So as you sit here, sir, you can't tell us one article. You
11 can't tell us the articles that you wrote with -- based on your trips
12 with Mr. Dobricic during an armed conflict area between, say, 1996
13 and 1999. You can't tell us what those articles are; is that right?

14 A. First of all, he was not there since 1996 or 1997. I told you
15 that he got there in 1998. He was there a couple of months. After
16 that, we were caught; right? And that was it. Later on I didn't do
17 any work with him again.

18 Q. So the answer is --

19 A. And now you are asking me to tell you which article I wrote. I
20 have no idea which article I wrote. I'm telling you that I've
21 written many. Why would I be aware of any one specific article that
22 I wrote that was accompanied with photographs made by Mr. Dobricic?
23 Why would I know that? I mean, simply saying this was routine work
24 that I did. I would write articles. It would be sent to Belgrade.
25 They would then broadcast it or not if they didn't like it, and that

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1 was it.

2 Q. So let us go back to Mr. Dobricic. We read to you yesterday the
3 fact that Mr. Dobricic had been questioned by an investigative judge,
4 a Serbian investigative judge. Do you recall that, sir?

5 MR. BOYLE: I'm sorry, if I could get a reference to the
6 document?

7 MR. KEHOE: Sure. It is the statement of Mr. Dobricic, and it
8 is W4828, and it is 083812-083822, and the page that we referred to
9 yesterday was page 083813.

10 Q. Now, Mr. Dobricic was interviewed by a Serbian investigative
11 judge in 1999. And it's your testimony that you were never
12 interviewed by a Serb investigative judge; is that right?

13 A. I was only interviewed when we were released. On 27 November,
14 Walker came to get us, and we held a press conference on the
15 following morning around 10.00, 10.30. May I continue?

16 Q. Absolutely.

17 A. Great. Around 10.00, 10.30, somebody knocked on the door in my
18 apartment, and because I was closest to the door -- and then I
19 looked, I looked who that was. Then I didn't recognise them. I
20 called my dad to check. I opened the door finally. Mr. Radosevic --
21 I asked my dad to open the door. "Mr. Radosevic, how are you doing?
22 Is your son here?" "Yes, he is." Because my father was well known,
23 some people knew him, so they recognise him. There were three or
24 four people, three or four men, and they said, "Can you please come
25 to the police station?" "All right." I dressed. I came along with

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 them. I was there for an hour, an hour and a half, and we were
2 questioned precisely about the events that we have been discussing
3 here, the 40 days I spent there.

4 And I remember, for example, what day it was, but never mind. I
5 think that there was a match in the finals between Yugoslavia and
6 Cuba for volleyball. I think it was the world championship. But
7 never mind. I think it was the 28th. And it lasted for an hour, an
8 hour and a half, and then I left. And some colleagues of mine from
9 Tanjug came and they took me out to lunch and we talked about all
10 this. And this was the only occasion when somebody interviewed me
11 about this.

12 Q. That's the only time you were interviewed, the day after you
13 were released, by a local policeman; right? That's your testimony?

14 A. Only then. No one ever asked me anything after that.

15 Q. And your testimony is that you were never brought before an
16 investigative judge, like Mr. Dobricic, to talk to you about what
17 happened in October, November 1998; is that right?

18 A. That's exactly what I'm telling you. On the following day in
19 the morning after we were set free, I went to the police station. I
20 was there for a bit more than an hour. They asked me some questions
21 and that was it.

22 Now, I don't know what investigative judge. Perhaps he was
23 questioned by the same people. Investigative judge? I'm telling you
24 it was only the police, and it was the public security sector.

25 Q. When the policeman was talking to you, you tell him that you had

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 driven past a group of -- at a checkpoint with armed soldiers without
2 stopping, and then that you were subsequently stopped by those
3 people; is that right?

4 A. Of course, yes. Just as I told you. The same.

5 Q. Can you give us any reason why after everything that you spoke
6 about in your SPO statement, a -- Mr. Dobricic would have been called
7 in to talk to an investigative judge and you were not?

8 A. Well, you should ask the investigative judge that. That's all I
9 can tell you.

10 Q. I put to you this, sir. I put to you that you were, in fact,
11 called before an investigative judge, and an investigative judge took
12 your statement, and that statement is now being concealed from this
13 Court. Or the information that you gave to the police on all these
14 issues warranted no further investigation because nothing happened.
15 Isn't that right? Right?

16 A. I don't understand. What do you mean when you say "nothing
17 happened"?

18 Q. Sir --

19 MR. BOYLE: Objection, Your Honour. Foundation. How would the
20 witness know what the investigative authorities had decided?

21 PRESIDING JUDGE SMITH: I don't know. You don't have any
22 foundation for that, do you?

23 MR. KEHOE: Well --

24 PRESIDING JUDGE SMITH: Do you have evidence?

25 MR. KEHOE: -- I do have foundation for that.

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 PRESIDING JUDGE SMITH: Do you have evidence or is this just a
2 claim?

3 MR. KEHOE: It's a claim, Judge. I'm putting this case to him.

4 Q. Sir, after your conversation with the police the day after you
5 were released, nothing happened. All of this information that you
6 talked to the SPO about, about how you abused, a policeman -- were
7 abused. Did you tell all of that to the local policeman?

8 A. Yes, I did, of course. How we were caught and everything else
9 that I told to this side here, I mean the Prosecution, everything
10 that they asked me about. And nothing. I'm telling you. That was
11 it. There were four or five of them, and we sat together. You may
12 find it funny or not or anything, but, *inter alia*, we also watched
13 this volleyball match between Yugoslavia and Cuba or maybe it was
14 Brazil. I don't really know. So, *inter alia*, we watched the match.
15 We were watching the match --

16 Q. Sir, let's move -- let us move along here.

17 A. -- while we were discussing this --

18 Q. The fact of the matter is -- excuse me.

19 A. -- and this was on TV. So you may find it funny but --

20 PRESIDING JUDGE SMITH: You're talking over each other.

21 MR. KEHOE: I'm sorry?

22 PRESIDING JUDGE SMITH: You're talking over each other.

23 MR. KEHOE: Yes, Your Honour.

24 Q. The fact of the matter is that after you talked to this
25 policeman, according to your testimony, no further invest -- you were

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 involved in no further investigation concerning all of the events
2 that you told the SPO; right?

3 A. Yes, precisely. The first time that someone contacted me was in
4 2011 when the EULEX, or whatever you call them, whoever it was, came
5 to see me.

6 Q. So let us stay with that. So let us stay with exactly what
7 transpired. So you tell the -- you told the SPO and -- and for the
8 first time in 2011 and 2012, that you were taken to a location in
9 Sedllar where you were -- a rifle was put in your mouth and then put
10 into your eye; is that right? And what I'm reading is your --

11 A. Yes.

12 Q. -- SPOE00007881 [sic] to 00078819, page 815.

13 THE INTERPRETER: We kindly ask the counsel to read out the
14 numbers a bit slowly as we don't have them.

15 PRESIDING JUDGE SMITH: Just a second. He said "yes" to the
16 question.

17 MR. KEHOE: Yes, Your Honour. I'm just giving a reference to
18 counsel.

19 PRESIDING JUDGE SMITH: Oh, I thought you wanted to show it. It
20 wasn't --

21 MR. KEHOE: Yeah, I just --

22 PRESIDING JUDGE SMITH: -- necessary to show it.

23 MR. KEHOE: No. I --

24 JUDGE METTRAUX: And that is P489, Mr. Kehoe. That is Exhibit
25 P489 for the record.

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 MR. KEHOE: I just got that from my colleague, Your Honour. I
2 apologise. It's Exhibit 489.

3 Q. So 2011 was the first time that you ever told anybody that --
4 about this story about a gun being put in your mouth and a gun being
5 put to your eye; isn't that right?

6 A. Officially, yes. Perhaps I may have stated that in the
7 interview in 1998 on BK Television when we were invited, but I don't
8 have a recording of that TV show, so I can't help you there. It's
9 possible that I did say it then, but who would be able to find it
10 now? And that I told about this to everybody else, my friends and so
11 on, of course I did. But, officially, that's what it is. Just as
12 you said right now.

13 Q. So you say that officially -- did you -- in 2011 did you -- now,
14 you're a journalist during this entire period of time; right?

15 A. Yes.

16 Q. Did you write about it, what happened to you?

17 A. You mean for myself? If I sat down and wrote it down?

18 Q. Well, no --

19 A. Just so I do it for no specific reason. Is that what you're
20 asking me? I didn't write anything if that's what you mean.

21 Q. You gave an interview to Vice in 2018. Prior to your statements
22 in 2011, did you write any articles for Tanjug or any other
23 periodical as to what happened to you?

24 A. No, I didn't.

25 Q. From 1998 until 2011, and 2012 was the first time you said this,

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 did you file a criminal complaint so that the authorities could
2 investigate this matter?

3 A. No, I can explain why. But I simply didn't. That's my answer.
4 No.

5 Q. No. So you didn't.

6 A. No, I didn't.

7 Q. Then it is a fact, sir, that when you were asked about what
8 happened in Sedllar by the interviewer in Vice, and this is at --

9 MR. KEHOE: Let me get the right number, Judge. It is 494.

10 Q. You were asked about your treatment, and you said:

11 "For the most part, it was decent. But not everywhere, and not
12 always. We were given food, cigarettes, and water, two to three
13 [meals] a day. The best treatment was in the ... village, where we
14 spent a [week]. There was no physical violence."

15 Did you tell them that?

16 MR. KEHOE: And that's at page 5 of 15, or it's at page 114279
17 of Exhibit 494.

18 Q. Did you tell them that?

19 A. Yes. And as I put it, it was mostly correct, or something like
20 that. Whatever it says precisely. Mostly. And then I got back to
21 an event, and I told about the man who put the gun in my mouth. So
22 for the most part.

23 Now, you may interpret it as any way you want, but the emphasis
24 was on "for the most part," and I also talked about everything that
25 did happen. I didn't say that nothing happened. For the most part,

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 they were correct.

2 Q. You told, and I quote, you told Vice:

3 "The best treatment was in the first village, where we spent a
4 full three weeks. There was no physical violence."

5 That's what you told him.

6 A. Correct.

7 Q. But now you're telling us, after not filing a complaint, that
8 these other events happen concerning the gun in your mouth and in
9 your eye; is that right?

10 A. I can only answer by asking you who would I file a criminal
11 complaint with? *Inter alia*, who would I file it with?

12 Q. Sir, are you telling this Court as a journalist for Tanjug for
13 decades that you had no knowledge about where you could file a
14 criminal complaint? Is that your testimony?

15 A. No, I'm just saying who would I file it with? For what? With
16 whom? The state was fighting a war with them, so for what would I
17 file a criminal complaint? Against whom? I simply don't understand.
18 To whom, what, and why? What would I say? Say to the state, "Hey,
19 I'm filing a complaint here against the Kosovo Liberation Army
20 because they held me captive for 40 days," but they're waging a war
21 against them.

22 Q. So let me put to you my case, that with this -- this events in
23 Sedllar, that you didn't write a story in Tanjug or anywhere else --
24 let me withdraw that. I assume you had friends in the media; right?
25 Did you not?

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Cross-examination by Mr. Kehoe (Continued)

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1 A. Yes, go on and ask me.

2 Q. Did you have friends in the media?

3 A. Yes, okay.

4 Q. Okay. But you didn't write a story, and you didn't have --

5 A. No, I didn't.

6 Q. -- a friend write a story, and you never told Ambassador Walker
7 about this gun in the mouth and gun to the eye, did you?

8 A. That's what you say, that I told nothing to Ambassador Walker.

9 Q. Did you tell -- you didn't tell Ambassador Walker about someone
10 putting a gun in your mouth in Sedllar, did you?

11 A. Certainly.

12 Q. You did tell him?

13 A. I told him about that and about many other things that happened
14 there. Well, including that or probably -- though, not probably, but
15 that included.

16 Q. So when you were asked about this by the SPO in your proofing
17 note, you said you told him that some things were unpleasant. That's
18 what you told the SPO. You never said that you told him anything
19 about the gun in the mouth and the gun to the eye, did you?

20 A. I don't know if I told him, but I did. I certainly did. I
21 stand by that, that I certainly told him that too. 100 per cent.

22 Q. Okay.

23 A. Okay.

24 Q. So did you -- did you tell the SPO when you were talking to them
25 several days ago, about 6 October, that you had told Ambassador

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 Walker about the events in Sedllar where a gun was put in your mouth
2 and into your eye? Did you tell them that?

3 A. I talked with the Prosecution about that when we were released
4 on the way to Prishtine, and I told them what we discussed on that
5 occasion, including where one could go out in Prishtine, where you
6 could have good food, so all sorts of things that we talked about. I
7 told him that some things were unpleasant, including what you are
8 asking me about now.

9 Then later on we went to see Mr. Walker, and my family members
10 came, and we continued talking about all sorts of things. Then we
11 had a press conference. And in the end, I invited Mr. Walker to come
12 to my home, and he visited me and stayed for a half an hour, he and
13 his aide or whatever I would call him.

14 Q. You can stop, sir. We'll let your document speak for itself.

15 A. And he was happy that we invited him.

16 Q. Now, you then said that you were taken to another basement after
17 you were taken from Sedllar; is that right?

18 A. Right.

19 Q. And you told the SPO that you believe the place was Klecke; is
20 that right?

21 A. Yes. And just to be clear, I said I think. I don't assert. I
22 think that that's where it was. Judging by what I heard on the way
23 there. I may add an explanation, or you can ask me additional
24 questions if you like. So I said I think. I don't claim this.

25 Q. And the drive that you had from Sedllar to this other location,

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Cross-examination by Mr. Kehoe (Continued)

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1 you told the SPO, and this is in Exhibit 488 Part 1, .1, at page 19,
2 lines 18 to 23, that it was around two- to three-hour drive from
3 there.

4 So you noted -- you told the SPO that when you went to wherever
5 you went to, that was a two- to three-hour drive from --

6 A. Right.

7 Q. -- Sedllar; is that right?

8 A. That's right. But we took some unpaved road, and then an
9 asphalt road, judging by the feeling that you had in the car while
10 you were driven there. So there were different roads. We stopped
11 somewhere for 10 or 15 minutes, and eventually we arrived to our
12 destination after about two to two and a half hours.

13 Q. Did you ever tell the SPO that these were unpaved roads or
14 asphalt roads or is this something that you just made up today?

15 A. I don't understand your question. We were driving. There were
16 different roads. It was not a highway. I'm just telling you that it
17 lasted two to two and a half hours. There were such roads. And why
18 is that important? I'm telling you how long it lasted. Why would I
19 be inventing anything, anyway?

20 Q. Well, let me tell you.

21 MR. KEHOE: Let's go to DHT02672. And it's only one page. It's
22 a Google Map. If we can put that up on the screen.

23 Q. Now, Witness, this is a Google Map that plots the distance
24 between Sedllar and Klecke, and it is 9.7 kilometres, a 15-minute
25 drive. Klecke is a 15-minute drive from Sedllar. And you know that

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 during 1998 this entire area was basically KLA area; right?

2 A. All right.

3 Q. So this 15-minute drive, you are testifying that it took two to
4 three hours to get there; right?

5 A. Can I answer?

6 Q. Of course.

7 A. Super. Let's go back to the first issue. I said that I thought
8 it was Klecke, not that I claim it was. Simply speaking. Why did
9 they drive us around for two or two and a half hours, even it was
10 Klecke? That's a matter for them to answer, not for me. I did not
11 sit in a car and then drive to Klecke in order to get there as fast
12 as I could. They may have had their reason why they took us in such
13 a way if it was Klecke, and I also told you that we made stops on the
14 way that lasted for five minutes, ten minutes.

15 Q. Well, I put this to you, Witness.

16 A. Fine.

17 Q. You wanted to place yourself at Klecke because it's a famous
18 place where people like Fatmir Limaj were accused of killing
19 policemen; isn't that right? You wanted to place yourself in Klecke.
20 I put that to you, sir. And that's the reason why you selected
21 Klecke; right?

22 A. I will tell you about Klecke. While we were driven there, and
23 that's what you could read in the documents, somebody mentioned in a
24 couple of places, not the people who drove us but somebody on the
25 side of the road, because they would stop, talk, and then there was

1 mention of Klecke, Klecke.

2 On the other hand, when I was in the police station which you
3 were asking me about, on the 28th, I said that I had been driven
4 somewhere, and they said the same thing, basically. Well, I think,
5 based on what I know. They said, "Neso, you were probably taken to
6 Klecke." So that's what I'm saying.

7 So my knowledge about this is both based on what I had heard
8 from these guys and also what I was told at the police station. I
9 never claimed that it was Klecke, indeed. I just said that I thought
10 it was.

11 Q. Well, sir, you place yourself in Klecke. And then you also say
12 the place of your detention was like the Yellow House. Didn't you
13 say that?

14 A. I just said that these houses looked similar or looked the same.
15 I did not connect it in any way or manner to a yellow house. I just
16 said they were similar. And if you insist, I can just tell you I
17 probably said, "Well, it looks like that house," and that was yellow.
18 It was a mountain house which differed from Albanian houses in
19 Podujeve where -- which would have a wall around them.

20 This was just a mountain house. There were some stairs going
21 up. And I repeat, I only saw this at around 8.00 or 9.00 p.m., when
22 I took stuff out from the pail where we did our needs. I just -- I
23 would just come out of this house and empty the pail -- well, in any
24 case, just to explain, this was just a regular mountain house. I
25 never connected it to the Yellow House in any way. I just said it

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 looked similar to this house.

2 Q. You did connect it to it. You said it looked -- excuse me.

3 A. No, I did not.

4 Q. Excuse me. You said it looked like the Yellow House, didn't
5 you? Didn't you?

6 A. I didn't say it looked like the Yellow House. I said it looked
7 like all these other houses, all these mountain houses. I didn't say
8 it looked like this Yellow House. There is a difference between
9 these two things. It was -- you could see it there. It was a
10 mountain house, a regular, you could see it anywhere, which looked
11 like that house which happened to be yellow.

12 MR. KEHOE: This is on P488.1, 070725 -- excuse me, this is .2,
13 it's Part 2, my apologies. Page 5 to 19, to page 6 to 6 -- page 6 to
14 line 6.

15 Q. You said -- you told the SPO:

16 "It ... kind of like the Yellow house ..."

17 You told them it looked like the Yellow House, didn't you?
18 That's what you told the SPO of documents that's now in evidence.

19 A. Well, so what's the issue? It's just the Serbian language. You
20 could turn it around any way you want. I didn't say it was that
21 house.

22 Q. Sir, you were trying to connect the Yellow House to the Marty
23 report that you had read prior to giving your interview to the SPO,
24 didn't you? Didn't you?

25 A. No, that's absolutely not correct. I don't agree with what

1 you're saying at all. I just said that it looked like those houses.

2 That's all.

3 Q. Had you ever been to the Yellow House?

4 A. No.

5 Q. Was it a pitched roof or a flat roof? Do you know?

6 A. As far as I can recall, I think it was a pitched roof. But I
7 really can't tell.

8 Q. So --

9 A. I can't. It was just a plain mountain house with a pitch roof,
10 probably.

11 Q. So the house that you say you were held in was a pitched roof;
12 right? Right?

13 A. Yes.

14 Q. Well, you do know that the so-called Yellow House is a flat
15 roof; right?

16 A. Okay. Well, I'm talking about -- I don't know.

17 Q. Sir, let's move on with your period of time that you were in the
18 basement. And in the basement, you maintain that a knife was put to
19 your throat and that you were otherwise abused. Do you recall that?

20 A. Yes.

21 Q. And do you recall saying -- by the way, I mean, again, did you
22 tell this to the local policemen that when you were in the basement
23 this knife was put to your throat? Did you tell them that?

24 A. Yes, I did, on 28 November.

25 Q. Okay. But to your knowledge, there was no further investigation

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 by the investigative judge to investigate this alleged physical
2 assault on you; isn't that right?

3 A. I was not informed about that, that there was any kind of
4 investigation. I spoke with the police.

5 Q. And let me read to you what you said to the SPO.

6 MR. KEHOE: And this is at, again, page 488.1, and the page is
7 page 23, lines 1 to 11.

8 Q. Question:

9 "And the injuries you suffered and Mr. Dobricic suffered in the
10 incident," and they're talking about in the basement, "can you recall
11 and -- any detail? Which parts of your bodies had been" whatever.

12 You answer:

13 "It wasn't anything terrible. He slapped me around. Maybe I
14 was red in the face and ... there was nothing really major that you
15 could see."

16 Did you tell him that?

17 A. Yes.

18 Q. And in the interview that you had in 2012, and this is P490, and
19 this is at page 9205, you were asked, question:

20 "What happened to you in those 16 days?

21 "Answer: Nothing special happened. We were not mistreated.
22 Our hands were free and we were not blindfolded."

23 Did you tell the investigator that?

24 A. What 16 days are you talking about?

25 Q. The days that they're referring to in here. They're referring

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 to the days that you were in the basement after you had been taken
2 from Sedllar.

3 A. Well, that's exactly what I said. We were there. We were free
4 all these 16 days. We even had a candle. And that's -- I don't see
5 any contradiction there. Except those ten minutes or so. After
6 that, we were there just for 16 days --

7 Q. So it is true --

8 A. -- normally. Nobody touched us.

9 MR. KEHOE: I'm sorry, interpreters, for running over you there.

10 Q. So it is true what you told them, that "nothing special
11 happened, we were not mistreated"?

12 A. Except when we first arrived.

13 Q. Well, sir. Then -- and you talk about when you first arrived.
14 You first arrived, you say that that happened. Yet you ultimately
15 told the investigators in 2012 that nothing special happened. That
16 whatever happened with regard to this knife you considered to be
17 nothing special and that you weren't mistreated; right?

18 MR. BOYLE: Objection, misrepresents the evidence.

19 PRESIDING JUDGE SMITH: Overruled.

20 You can answer.

21 THE WITNESS: [Interpretation] I can just repeat. When we
22 arrived, that's what happened. After that, for 16 days, no one laid
23 a hand on us. I don't see what's the contradiction here. The
24 question is -- could also be raised how the question was put to me.

25 MR. KEHOE:

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 Q. The question was -- well, let's move on, sir. I think the point
2 is taken. Let's move on.

3 Now, you then talked about the two policemen that you allegedly
4 saw at this location. And I'll read to you.

5 MR. KEHOE: This is 488.3. And for the page reference, it is
6 page 5, line 19 to line -- excuse me, to page 6, line 10. I'm just
7 going to read a portion of it.

8 Q. Now in this basement, you maintain you gave evidence to the SPO
9 about seeing what had happened to these two policemen; right?

10 A. What do you mean? Could you please explain what you mean by
11 "seeing"? Should I --

12 Q. Well, I'll read to you what you told the SPO.

13 A. Should we continue or should I explain what I saw?

14 Q. Let me read to you what you told the SPO.

15 "Very briefly. We came to the basement. Half an hour later,
16 after we were mistreated. I would say very briefly, I won't go into
17 detail here. They took someone on in front of the house, and we
18 could see through that little window -- we could see several of them,
19 and we could see the legs of this young who was in uniform."

20 Now, in your proofing note, which is Exhibit 490, you noted, and
21 this is proofing note 490, four to five hours later, you saw the legs
22 of a policemen in uniform outside of the window when he was being
23 beaten 30 minutes to an hour after the KLA brought the two policemen
24 upstairs in the house and beat them for approximately three hours.
25 Did you tell them that on two different occasions that you saw

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 through the window the policemen and that you looked outside the
2 window to see these policemen? Did you tell them that?

3 A. Yes, that's exactly what I said. A half an hour later, this
4 young man, the policeman, I saw his legs in the blue police uniform,
5 a camouflage uniform. They were beating him. They asked him why he
6 couldn't speak Albanian and suchlike, and they beat him for about ten
7 minutes there. And then they returned him to the room next to ours
8 in the basement. And then, upstairs, we heard there was another
9 policeman there. So they then beat them for about three hours. We
10 heard their screams from upstairs until they showed up to tell us
11 about something. I don't know. Up there.

12 Q. So -- and you told the SPO this first, and I believe in your
13 interview in December 2019, about seeing through this little window;
14 right?

15 A. Yes, it was a small window. Some 2 to 3 metres up. You could
16 see something. It was dark, but it was -- it was night, but it was
17 light like night can be in the mountains.

18 Q. So do you recall telling -- giving an interview on or about
19 11 February 2000, a little over a year later, where you discuss this
20 matter at the Press Centar Journalists' Association of Serbia that:

21 "How can I say? In disgusting conditions in some basement with
22 no windows."

23 Did you give this interview to the Journalists' Association of
24 Serbia where you said there were no windows a little more than a year
25 after you told this story to the SPO?

Witness: W03880 (Resumed) (Open Session)
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1 A. Where did you get that from? I --

2 Q. Well, let's play it.

3 A. What are you saying?

4 Q. Let's play it.

5 MR. KEHOE: If I can go to DHT02682. And I was mistaken. It's
6 not an interview so much as it's a press conference. And we're going
7 to play -- and I'm sorry, this was in 2020, not 2000. This was
8 posted on 11 February 2020, approximately a little bit more than a
9 year before the first SPO statement.

10 And if we can play, please.

11 [Video-clip played]

12 MR. KEHOE: We're not going to play the whole thing. We're just
13 going to play this portion, Judge.

14 [Video-clip played]

15 THE INTERPRETER: The interpreters have no audio.

16 MR. KEHOE: And what we're going to play in this is from
17 timestamp 23:27 to 24:04.

18 Q. And I was mistaken, Mr. Radosevic - excuse me, before we play
19 this - this was a little over two months after your interview with
20 the SPO in December 2019. This is in February 2020, approximately
21 two months later. And let's listen to what you say.

22 [Video-clip played]

23 THE INTERPRETER: [Voiceover] "Very soon after that, Dobricic and
24 I, because we weren't released right away, right? Well, looking back
25 now, I think it was probably a wrong decision, but at that point in

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 time it seemed the right thing to do for us, to figure out where we
2 were and what our situation was.

3 "For four days, we were on a hunger strike. And then after
4 that, they came to let us know that we were released, that we weren't
5 spies, but that we were captured because we didn't -- we entered the
6 KLA territory without Demaci's permission. And then we were in some
7 mountain, some hills, and we were held in awful conditions. How
8 should I put it? In a basement, no windows, on the ground. There
9 was -- the floor was just" --

10 MR. KEHOE: We can stop.

11 [Video-clip played]

12 THE INTERPRETER: [Voiceover] -- "soil. We were there some 15
13 days."

14 MR. KEHOE:

15 Q. So less than two months after you had told the SPO about this
16 story about seeing the police through these windows, you told this
17 press conference that you were being held in some basement with no
18 windows. Didn't you say that?

19 A. It's an excellent question. Thank you for putting it. No
20 windows means no windows. No glass. It was -- there were just bars.
21 I said that to them, too. I said that both in 2011 and later. There
22 was no glass pane. There was snow coming in. There were no windows.
23 No glass pane.

24 Q. Mr. Radosevic, you told the Prosecutor that you saw this through
25 a window in December 2019, and less than two months later, in a free

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Cross-examination by Mr. Kehoe (Continued)

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1 discussion at a press conference, you said you were in a basement
2 with no windows.

3 MR. BOYLE: Objection.

4 MR. KEHOE:

5 Q. Isn't that right?

6 MR. BOYLE: Asked and answered.

7 PRESIDING JUDGE SMITH: Sustained.

8 THE WITNESS: [Interpretation] That's what I said. I said what I
9 said.

10 PRESIDING JUDGE SMITH: You don't have to answer.

11 MR. KEHOE:

12 Q. Now, you didn't see --

13 A. I won't.

14 Q. -- these two policemen, and you assumed that they were Serb
15 policemen because you had spoken to people in the Serb law
16 enforcement after you were released; isn't that right?

17 MR. BOYLE: Objection, compound question.

18 MR. KEHOE: Compound question? It's a pretty simple question.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Overruled.

21 You can answer the question.

22 Do you want to repeat it, please, Mr. Kehoe.

23 MR. KEHOE: Sure.

24 Q. Mr. Radosevic, you came to your assumption, or you have -- gave
25 this evidence about these two policemen because you had received some

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1 information from the local police after your release that some
2 policemen had been abducted; isn't that right?

3 A. Yes, that part is correct. Yes.

4 Q. And, in fact, upon your release, and in the exhibit that we saw
5 yesterday, I believe it was P93, your colleague, Mr. Dobricic, was
6 asked about other people, and he said:

7 "I didn't see anyone detained here, and I didn't see anyone
8 detained on either side."

9 He told them that, isn't it -- didn't he?

10 A. What he said, that's his problem. I claim that we did not see
11 anyone except those two police officers. When I said "saw," we saw
12 someone being beaten. We saw it through this little window. And
13 then later they beat this guy upstairs. They said, "Oh, you're an
14 elderly man, and this befell you." And then they asked this young
15 man what he was -- what his role was in the police or why he was in
16 the police.

17 So based on all that, I understood that these were two police
18 officers. After that, when I was with these people on the 28th,
19 that's what you're asking me about, I mentioned there that there were
20 two -- that there had been two police there. And from them, I heard
21 that the only two policemen that had been abducted were these two
22 men. That's why I said that they told me. I didn't say that I
23 watched how they -- or whatever it is that I said.

24 This was their police assessment, that these two men were, in
25 fact, the two police who had been abducted. But in the meantime --

Witness: W03880 (Resumed) (Open Session)
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1 Q. Mr. Radosevic, would you -- I'm sorry.

2 A. -- I didn't see anyone else.

3 Q. Mr. Radosevic, you would agree with me that the evidence
4 concerning the beating of Serbian police officers is a very serious
5 matter, isn't it?

6 A. I absolutely agree. That's why I said I saw and heard how they
7 beat a young man, a policeman. And based on when they --

8 Q. I understand. I'm just asking if it was a serious matter.

9 A. -- talked about with them, oh, what did you this and this --
10 PRESIDING JUDGE SMITH: You're talking over each other again.

11 MR. KEHOE: I'm just trying to move this along, Judge.

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 MR. KEHOE:

14 Q. So you agree it's a serious matter; yes or no?

15 A. Absolutely. I absolutely agree. That's why I said this based
16 on what I know. And that's what I said. I said that the police
17 assumed that these were the same two police officers. That's what I
18 said.

19 Q. And after you had told --

20 A. And it is serious.

21 Q. Excuse me, I'm sorry. And after you had spoken to the local
22 police on 28 November, no investigative judge, according to your
23 testimony, ever called you in to inquire about what you had seen and
24 what you had heard about alleged beatings of two Serb police
25 officers. Is that your testimony?

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Cross-examination by Mr. Kehoe (Continued)

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1 MR. BOYLE: Objection, asked and answered.

2 MR. KEHOE: Not with regard to this.

3 PRESIDING JUDGE SMITH: Overruled.

4 Answer. You may answer.

5 THE WITNESS: [Interpretation] I state, and repeat, that I was
6 never asked anything about this from them. Whether the police did
7 their job or not, that's their problem. But I wasn't asked about
8 this. Whether they had found these two men -- but I think these were
9 the two men who were killed based on what they said later. But I am
10 telling you, based on what I know, that I was never asked anything.

11 PRESIDING JUDGE SMITH: That's been made perfectly --

12 THE WITNESS: [Interpretation] After these people from EULEX,
13 nobody asked anything anymore.

14 MR. KEHOE:

15 Q. And to your knowledge, has any case been filed concerning --
16 based on your information given to the police that -- regarding the
17 beating of these two police officers? To your knowledge.

18 A. I'm telling you once again that I have no idea about this.

19 Q. Now --

20 PRESIDING JUDGE SMITH: Let's move on. He's --

21 MR. KEHOE: Understood. We're moving on --

22 PRESIDING JUDGE SMITH: -- answered that several times.

23 MR. KEHOE: -- moving on to this next subject.

24 Q. Now, you then talk about being in the barracks where again you
25 were allegedly assaulted with a knife; is that right?

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Cross-examination by Mr. Kehoe (Continued)

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1 A. No, I think you -- how would I put it? I'm not saying that you
2 are mistaken. I certainly wasn't. But, I mean, you could read it
3 out more precisely or whatever. I wouldn't like to offend you at
4 all. It was not like that in this hut that we were in. In the hut,
5 they treated us nicely.

6 On that day while we were in a hut, it was better than in
7 Sedllar, and nobody mistreated us. We spent one day there, one night
8 and one day. We could wash. I shaved there. We washed our socks.
9 It was warm. New blankets were there. Everything was prepared for
10 10 or 12 people. Everything was fine and nice. So that had nothing
11 to do with any knife or any violence. Nothing happened there. Now
12 if there was some confusion about this there, I apologise to everyone
13 present. May I continue?

14 Q. Absolutely.

15 A. All right. Super. So after the basement, after the stay in the
16 basement, they came in the evening and they took us 1 to 1 and a half
17 kilometres that we had to cross on foot, blindfolded. Our hands were
18 not tied, and we were carrying our bags which we had received from
19 the ICRC while we were still in Sedllar. After a kilometre to a
20 kilometre and a half, walking through snow and so on, it lasted a
21 while, we came to these wooden houses or huts. What I would I call
22 them? And there was a KLA soldier, there was a young man who was
23 wearing jeans and he had a camouflage jacket. Can I go on?

24 Q. Of course.

25 A. May I?

Witness: W03880 (Resumed) (Open Session)
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1 Q. Well, just get to -- the point is that you're now saying that
2 when you were in this area before your release that you were not
3 mistreated at all; is that right?

4 MR. BOYLE: If we could just have a clarification about which
5 area before he's released we're talking about.

6 PRESIDING JUDGE SMITH: Agreed.

7 MR. KEHOE:

8 Q. Tell us about the areas you were in before you were released,
9 sir. Were you abused at any area that you were in after the basement
10 and before your release? Were you in an area -- let me finish the
11 question.

12 A. Yes, yes, yes.

13 Q. Were you abused in any area?

14 A. In another one. Not here in the last location. There is this
15 part of the story that they transported us in a tractor, driving us
16 for about three hours. That was later, after our stay in these huts.
17 We spent one night in this hut, and then for four or five days we
18 were in the last place. And the hut was a kind of intermezzo. I
19 don't know how else I could put it. That's where we washed and we
20 spent the whole day nicely in a warm room.

21 And in the evening, a man came. One of them, a man. And he put
22 us in a tractor, and in this open tractor they took us to the last
23 place, and I've no idea which place that was and nor could I even
24 guess.

25 Q. So the answer to my question is that in both of these locations

1 you were not abused. Is that your testimony?

2 A. In the second place, the second location. May I clarify? We
3 arrived there at about 3.00, 4.00, 5.00 a.m. in the tractor. The day
4 was dawning. And you should take into account that it was in
5 November. So I'm not sure what time it was. But after about three
6 hours' drive through snow in a tractor, we came from the huts to
7 another location. It was quite a big place, which we could see
8 during the next several days.

9 They put us in a house, took us upstairs, and in that place, in
10 that room, there were five or six members of the Kosovo Liberation
11 Army who were sleeping there. A commander and another guy woke them
12 up --

13 Q. Let me stop you, sir.

14 A. -- and made them leave the room and then -- yes, please.

15 Q. Were you abused in that location or not; yes or no?

16 A. In English, you could say sort of. So sort of, yes.

17 Q. "Sort of"?

18 A. May I now explain how and why sort of, or --

19 Q. Yes, please. Explain "sort of."

20 A. -- yes, in a way -- yes, precisely. Precisely. I've attempted
21 to explain.

22 They accommodated us in that room. It was a big room. There
23 were many blankets, even a few pillows. When you enter the room, on
24 the right-hand side they put Dobricic, and I lay or sat in the middle
25 of the room. The room was quite big, 4 to 5 metres. I lay in the

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1 middle of the room, looking directly towards the door. On that day,
2 nothing happened, except that the man who received us there, if I may
3 put it like that, he asked us if we'd like to have coffee. We got
4 food twice. Everything was okay.

5 On the next day or the day after, but the next day in the
6 morning -- the next day, the following day, we could hear some noise
7 and voices, and somebody was coming upstairs towards the room we were
8 in. And then five to six men from the KLA burst into the room. As
9 soon as they got in, one or two saw Kica on the right-hand side and
10 they began to kick him or something -- but not or something. They
11 began to kick him. They yelled at him. And the three others started
12 towards me. They took my blanket and uncovered me.

13 Have I made myself clear up to this point?

14 Q. Yes, sir.

15 A. I hope I have. I'm explaining this to you now. He saw my white
16 socks that were clean. I was clean shaven. So conditionally
17 speaking, I was all spic and span. Not as if I was going out to
18 spend the night on the town, but I was all clean and with clean
19 socks.

20 And there was a distance of around 3 metres between them and me.
21 One put his hand on his pistol, the other one on his knife, they were
22 cursing, and they started towards me. But I could see that this one
23 man was their boss, whatever he may have been. And then I jumped up
24 and stood with my back against the wall, and I said we were *gazetari*,
25 that is to say, in Albanian, journalists. "We're journalists from

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1 Prishtine." The same second he said something in Albanian commanding
2 them to stop.

3 The other two men let Kica alone, and he told me, literally, in
4 Serbian, "Are you Radosevic?" "Yes, I am." "Well, all right,
5 Radosevic, why didn't you say that immediately?"

6 Q. Let me stop you there, sir, in the interest of time.

7 A. And I said, "Well, here I'm telling you now."

8 Q. In the interest of time. In the interest of time. So you're
9 saying that in the second location you were not physically abused;
10 correct?

11 A. Well, I'm saying except for what they did to Kica. And perhaps
12 if I didn't say who I was, and I did say I was a journalist, but this
13 is why I'm explaining that I called this as an incident, because Kica
14 got kicked a few times but nobody laid a hand on me because there was
15 no time and because we sorted things out. And then he said, "Ah, all
16 right. You are Radosevic. All right. Your father is a football
17 player, right?" "Yes, he is." And so on.

18 Q. That's fine, sir. That's fine. In the interests of time. But
19 you do recall from the tape --

20 A. But nobody beat me. There.

21 Q. So you do recall yesterday in the tape that was played - and we
22 can play it again, I believe it was Exhibit 93 - that Mr. Dobricic
23 told the media when you were released that you had not been
24 mistreated. Do you recall that?

25 A. That's exactly what I was saying. It was for the most part

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1 correct. That was the way he put it, too. For the most part
2 correct. I don't see there is a big difference between what I said
3 and what he said. He put it that way, and then we left.

4 I'm saying all along that it was correct for the most part the
5 way they treated us, and I think we are telling the same story.
6 Correct for the most part.

7 There we had this incident where he put a gun in my mouth, and
8 then there was this other man with a knife, and a third potential
9 incident. As far as I'm concerned, I think that the way we were
10 treated was for the most part correct. Well, correct. But here I
11 am --

12 Q. So you would agree --

13 A. -- still alive.

14 Q. -- with Mr. Dobricic's comment on the tape that you were not
15 mistreated; right?

16 A. I don't agree. Correct for the most part, and --

17 Q. Well, you, in fact, told --

18 A. -- this is not the same, that we were not mistreated. It's not
19 the same.

20 Q. You, in fact, told --

21 A. For the most part correct.

22 Q. -- Ambassador Walker that you were not mistreated, didn't you?
23 I'm referring to paragraph 19 of SPO statement. Didn't you? You
24 told Ambassador Walker that you weren't mistreated; right?

25 A. I didn't say that we weren't mistreated. Can you read out what

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1 exactly I said? I could have said that it was decent or that it was
2 correct for the most part, something like that. But you should also
3 realise that they let me go home. It was correct for the most part.

4 I didn't even know where I was, what was happening outside,
5 whether there was any shooting going on, whether the war was raging.
6 So my logic was sit down there and be quiet until you realise what's
7 going on in Kosovo and in Serbia, and so on and so forth. And I told
8 him for the most part correct or for the most part decent.

9 Q. Well, it is --

10 A. And if I need to repeat this for 11, 12 years, until 2011, I
11 didn't tell anything to anyone. And then there was this discussion.
12 Then I told them that there were incidents, and until then I didn't
13 tell anyone anything. Nobody asked me anything, and I didn't feel
14 like saying anything. I didn't want to.

15 So for the most part correct as far as I'm concerned. And so my
16 "for the most part correct" and your interpretation of "for the most
17 part correct" seems to be not exactly the same. It seems to be a
18 matter of perspective.

19 PRESIDING JUDGE SMITH: Thank you, Witness.

20 THE WITNESS: [Interpretation] Thank you.

21 MR. KEHOE:

22 Q. So you would in fact agree that you in fact told Ambassador
23 Walker, in your discussions with Ambassador Walker, that you had not
24 been mistreated; isn't that accurate?

25 A. No, I didn't say that I had not been mistreated, but it was for

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1 the most part correct. This is one thing and this is another, but we
2 didn't discuss that so much. We talked about completely different
3 things. He gave me a satellite phone to make a phone call and to
4 call Tanjug, and other things. I was rather interested in the
5 political situation. I mean, political: Were we going home? When?
6 What was the situation like? Was there a war or not? Was there any
7 shooting from one side to the other? How were you treated? We were
8 treated as we were.

9 PRESIDING JUDGE SMITH: Witness.

10 MR. KEHOE: Let's move on.

11 PRESIDING JUDGE SMITH: I think that's a good idea.

12 MR. KEHOE:

13 Q. Now, you were asked, sir, about -- questions, and these are
14 questions by the SPO in 488.2, about who you knew. And I'm going to
15 read for you in -- this is at Part 2. Again, this is 488.2, page 10,
16 lines 4 to 23. The question is:

17 "Can I ask if you ever investigated or inquired about the people
18 from the KLA who detained you? I mean, try to find their identities
19 and names.

20 "A. No, just the one guy I mentioned, Sokol Bashota. He is the
21 one that released me."

22 By the way, you do realise that it was Adem Demaci who ordered
23 Bashota to release you. Do you know that?

24 A. No, I don't know that. How would I know that?

25 Q. So let's go back to your answer:

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 "No, just the one guy I mentioned, Sokol Bashota. He is the one
2 that released me. And I knew the name -- who knew the Serbian [guy]
3 -- the guy who knew the Serbian language, who stopped me. And, what
4 I know is that Thaci was the Drenice commander, because I was there.
5 And you have to take in the consideration that this is 1998, that the
6 people we knew at the time was Suleyman Selimi - Sultan, and
7 Jakup Krasniqi was the political [commissar]. And, the commander of
8 Podujeve -- what was his name? Rama?

9 "Q. Remi.

10 "A. Remi, yes."

11 THE INTERPRETER: The counsel is kindly asked to read slowly for
12 the purpose of interpretation. We don't have the text. Thank you.

13 MR. KEHOE: My apologies. My apologies.

14 Q. "A. Remi, yes. Those were the famous or the well-known names
15 at the time. And I heard about Thaci, for example. Only when I came
16 out and there was a warrant for him -- Hashim Thaci, known as the
17 snake. And then with the time the other names started coming out,
18 for example Limaj and Haradinaj. Yes, we dealt with that a lot as
19 journalists, but these were simply the names that we knew at the
20 time."

21 This is continuing on on page -- the same exhibit, page 488.2 at
22 11, lines 1 to 5.

23 "Do you understand that any of those, let's call them leading
24 figures, you encountered them personally during your detention?

25 "That is -- that is what I ... tried to tell you. I simply

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 cannot state that."

2 So you had not, to your knowledge, seen any of these individuals
3 during your detention, had you?

4 A. Well, that's how it reads.

5 Q. Well, that's what you said.

6 A. Precisely so. Yes, that's what I'm saying. I didn't see any of
7 them there. As far as I know, I didn't see them. I mean, I did not
8 see any one of them there. At least not that I'm aware of it.

9 Q. And also as an aside, sir, you do know that Thaci was not the
10 Drenica commander. You know that, don't you?

11 A. Well, wait a little. Just a moment. Excuse me. Just to see.
12 Not what it says here but whether it's translated correctly and
13 everything else.

14 What I said -- let me not say that it was -- I heard that -- I
15 heard about Selimi who was a relative of Adem Jashari, then
16 Sokol Bashota, Jakup Krasniqi, Adem Demaci, Remi as the commander of
17 Podujeve. At least that's what we knew.

18 As for Mr. Thaci, I -- as a commander or whatever, not even
19 Drenica, but as a general commander of the KLA, I heard of him first
20 when the police publicly singled out Mr. Thaci as the commander of
21 the Kosovo Liberation Army and not Drenica. I don't know how this
22 turned out to be Drenica.

23 So I'm telling you the first time I heard about this gentleman
24 was at some later point, I had already been released, and when the
25 police issued an arrest warrant saying that he was the main man and

Witness: W03880 (Resumed) (Open Session)
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1 that there were four or five -- his subordinates, Haradinaj, Limaj,
2 whoever the others were, and he was at the top. It seems to me he
3 was at the top. And there was his photo.

4 Q. But he was not --

5 A. So I hope we managed to understand each other.

6 Q. To be clear, he was not the Drenica commander, was he?

7 MR. BOYLE: Objection, foundation.

8 PRESIDING JUDGE SMITH: Overruled. He can answer if he knows.

9 THE WITNESS: [Interpretation] I had no knowledge about that.
10 How would I know whether Hashim Thaci was the commander of Drenica at
11 the time or not? I know Hashim Thaci from the arrest warrant as a
12 KLA commander. It was an arrest warrant that was published in all
13 the newspapers. I did not receive it personally, I want to say, once
14 that it was made public. And then later on, he went as a commander
15 somewhere -- sorry.

16 PRESIDING JUDGE SMITH: You just have to answer the questions
17 directly. We don't need a lot of explanation after the fact unless
18 you feel it's necessary, but please ask for permission.

19 THE WITNESS: [Interpretation] All right.

20 MR. KEHOE:

21 Q. And you never met Thaci, did you?

22 A. Yes, yesterday. I mean, the first time I saw the gentleman was
23 yesterday.

24 Q. The first time you saw him was yesterday. Prior to that, you
25 had never met the man before.

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Cross-examination by Mr. Kehoe (Continued)

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1 Now --

2 A. That's right.

3 Q. So just you've never met him before. You've never seen him
4 during the detention; right? During your detention; right?

5 A. That's right.

6 Q. And you were asked about Thaci -- or you discussed Thaci in the
7 transcript that I just spoke about, which is in P488.2, where you
8 were talking about these leaders, and this was in your discussion
9 with the SPO in December 2019. That's what I just read you. Right?

10 A. All right.

11 Q. Now, through this entire discussion with the SPO, and even
12 before that, going back to your discussions with investigators in
13 2011 or your investigators discussions in 2012 or your interviews at
14 Vice in 2018, and this discussion with the SPO in 2019, you never
15 said anything about major-general -- your relative
16 Major-General Dusan Samardzic telling you about an intercept between
17 Demaci and Thaci, did you?

18 A. I did mention it to my folks, my family. As for the rest, I
19 don't remember that I ever said that in public.

20 Q. I will ask you again. You never said it in 2011 interview. You
21 never said it in the 2012 interview. You never said it in the 2019
22 SPO interview that we've admitted into evidence as 488. You never
23 said it in the Vice interview that we've admitted into evidence as
24 Exhibit P494. You never said in any of those interviews that this
25 General Samardzic told you about an intercept between Thaci and

Witness: W03880 (Resumed) (Open Session)
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1 Demaci. You never said that, did you?

2 A. That's right.

3 Q. So the first time you brought this up was in an interview on
4 6 October 2023, some four days ago; is that right?

5 A. That's right.

6 Q. And this General Samardzic, who is a relative of yours, he was a
7 pretty important figure in Kosovo when you -- at the time you were a
8 journalist in Kosovo, Prishtine, wasn't he?

9 A. That's right.

10 Q. And you talked to General Samardzic during the period of time
11 when he was in command of the VJ during this -- during 1998, didn't
12 you?

13 A. At some point in December 1998 or January 1999. At some point
14 around the new year.

15 Q. I'm talking about the entire time you were there and
16 General Samardzic was in command of the Yugoslav forces in Prishtine.
17 You spoke to General Samardzic during that period of time, and you
18 told him what you were seeing in the field, didn't you?

19 A. We met in Nis, as I told you, around the new year, and then we
20 didn't see each other. I met him once again in the building of the
21 interim executive council when there was a big event and the whole
22 political leadership was gathered there, and that was it.

23 Q. Mr. Radosevic, your relative, General Samardzic, was a Yugoslav
24 military officer with responsibility in Kosovo up till the end of
25 1998 when many of these events were taking place; isn't that right?

Witness: W03880 (Resumed) (Open Session)
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1 A. Perhaps also in 1999. I'm not sure exactly until which point he
2 held this office. But, yes. It doesn't really matter. Yes, he was
3 there. That's true.

4 Q. I can tell you that he was replaced by General Pavkovic early
5 1999 if you need a reference.

6 A. Pavkovic, right.

7 Q. And during this same period --

8 A. Well, there.

9 Q. -- of time when General Samardzic was in command, you were a
10 Tanjug reporter travelling around Kosovo through 1996, 1997, 1998;
11 right?

12 A. All right. And?

13 Q. And I put to you, sir, that during that period of time you were
14 reporting to the Yugoslav Army what you, as a Tanjug reporter, were
15 seeing in the field, didn't you? Didn't you?

16 A. No.

17 Q. So your testimony is that you have this close relative in the
18 Yugoslav Army who's seeking information about the KLA, and you're
19 travelling all around Kosovo, and you are the KLA guy for Tanjug, but
20 you are not providing any information to your relative or to his
21 subordinates throughout this period of time? Is that your testimony?
22 About what you see. Is that your testimony?

23 A. Yes, precisely so. Why would he seek information from me?

24 Q. I think you can answer that question for yourself, sir.

25 Now, this alleged intercept that you saw -- that

1 General Samardzic told you about, you never saw this intercept, did
2 you?

3 A. What do you mean see it? You mean in some written form or what?

4 Q. In any form. Did you see it in a written form? Did he let you
5 hear it? Did he give you a report on it? Did he tell you anything?
6 Did you give you any piece of paper to verify this report about
7 alleged -- excuse me, let me finish.

8 A. No, he just told me.

9 Q. That Demaci --

10 A. He told me that there were two things noted there. The day he
11 had an informer in Sedllar who used to come to Prishtine, and then he
12 mentioned that the telephone conversation of Mr. Thaci's was
13 intercepted. And that was the whole story.

14 Q. Sir, you realise -- did General Samardzic tell you when this
15 intercept took place?

16 A. No, he did not specify the date for me.

17 Q. Well, do you realise or do you know that President Thaci was not
18 even in Kosovo at the time of your release and that he had left
19 Kosovo by mid-November 1998? Do you know that?

20 A. No, I don't know. I'm telling you that he told me that the
21 telephone conversation was intercepted. Now, where they were holding
22 this conversation, that's something that I don't know. I'm just
23 conveying to you what this man had told me.

24 Q. So suffice it to say you have no knowledge as to where
25 President Thaci was on the day when you were released, do you?

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 A. Absolutely not. I've been saying so all along. I don't know
2 the man.

3 Q. And you don't have any knowledge, according to you, that it was,
4 in fact, Adem Demaci who ordered your release and he ordered
5 Sokol Bashota to release you? You have no knowledge of that either;
6 is that right?

7 A. Well, I don't know why I would know what Demaci told
8 Sokol Bashota.

9 MR. KEHOE: Your Honour, if I might have a moment.

10 [Specialist Counsel confer]

11 MR. KEHOE:

12 Q. [Microphone not activated] ... that I'm reminded of, sir,
13 concerning your contact with Mr. Thaci. And you said in your
14 interview, and this is 1488 -- 488.2 at page 10, line 18 to 20. You
15 said that:

16 [As read] "I only learned about Thaci only when I came out,
17 there was an -- a warrant for him. Thaci -- Hashim Thaci was the
18 snake."

19 Now, you learned about Thaci after this arrest warrant came out.
20 Do I have your chronology correct?

21 A. Yes.

22 Q. That's the first time you learned about Thaci, when the arrest
23 warrant came out? Is that right?

24 A. Yes, that was the first time I heard of Mr. Thaci as such.

25 Q. And according to you, this arrest warrant came out before your

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 conversation with General Samardzic in, what, December, January 1998
2 and 1999? Is that right?

3 A. Well, I don't know exactly when the arrest warrant was issued.
4 I really don't remember.

5 Q. Well, you told the SPO that the first time you heard about
6 Thaci, and I can read it, "only when [it] came out [that] there was
7 an arrest warrant for him ..."

8 MR. KEHOE: Again, this is P488.2, page 10, lines 18 to 20.

9 Q. That's what you told the SPO; right? The first time you heard
10 about Thaci is when the arrest warrant came out; right?

11 A. All right. Yes.

12 Q. Is that correct? I'm not wanting to put words in your mouth.

13 A. As such, yes. Yes. And that's it.

14 Q. And is it your testimony that you heard about this arrest
15 warrant before you had this alleged conversation about the intercept
16 with your cousin General Samardzic?

17 MR. BOYLE: Objection, asked and answered.

18 PRESIDING JUDGE SMITH: Overruled.

19 Answer the question.

20 THE WITNESS: [Interpretation] Well, I'm not asserting that it
21 might have been sometime before or later. I don't know if the arrest
22 warrant was issued before or after this conversation, and I think it
23 doesn't really matter. It's all the same. I think the arrest
24 warrant was issued before, but I can't remember the date.

25 I did not sit at home and try to compare all the dates. I've

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 come here to tell you all I know, and this is what I'm saying.

2 MR. KEHOE:

3 Q. Well, it matters very greatly because I will put this to you,
4 sir. And I will put this to you: The first time that you ever
5 mentioned this conversation with General Samardzic was four days ago.
6 You told the SPO that the first time you had ever heard of Mr. Thaci
7 was when the arrest warrant came out for him.

8 And I put to you, sir, that the arrest warrant for
9 President Thaci came out in March 1999, months after your alleged
10 conversation with General Samardzic where he told you about this
11 conversation between -- alleged conversation between Thaci and
12 Demaci.

13 So I trust you understand the importance of this chronology, do
14 you not?

15 A. I understand.

16 Q. So --

17 A. Yes, yes.

18 Q. -- you heard --

19 A. I understand.

20 Q. The first time you heard of Thaci was in March 1999. You never
21 had this conversation that you came up with three days ago or four
22 days ago with the SPO concerning your discussion --

23 A. Listen --

24 Q. -- with General Samardzic in December and January of 1998 and
25 1999, did you?

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 A. Or January. Whatever. Yes, that's exactly what I'm telling
2 you. I know what --

3 Q. And I --

4 A. -- General Samardzic told me. Probably Mr. Thaci didn't mean
5 much to me at the time. And I said that officially I heard of him
6 when -- what do you call it? Demaci was more interesting to me at
7 the moment than the man we are discussing right now. And I know
8 about Mr. Thaci from the arrest warrant.

9 If it was issued in March, fine. Then it was in March.

10 Q. So now you're saying --

11 A. But honestly, I thought it had been issued earlier, but I don't
12 really remember.

13 MR. KEHOE: My apologies about the time, Judge. I notice that
14 it's 11.00.

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MR. KEHOE: Yes, Your Honour.

17 PRESIDING JUDGE SMITH: We will break now. We will take a break
18 for a half hour. You will be back here at 11.30. Please join the
19 Court Usher.

20 [The witness stands down]

21 MR. KEHOE: Just in the interest of time, Judge, I have a little
22 bit -- a tiny bit more, or nothing, and I'll just decide on the
23 break.

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 So we're adjourned until 11.30.

1 --- Recess taken at 11.03 a.m.

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

3 PRESIDING JUDGE SMITH: Some more?

4 MR. KEHOE: No, Judge. I just -- in the interest of not
5 cluttering up the record, I have some exhibits --

6 PRESIDING JUDGE SMITH: Oh, you've already cluttered it up.

7 MR. KEHOE: Oh, I know. Further, how about. In the interest of
8 making the record a little leaner - how's that? - I have a lot of
9 exhibits, but as I look through them, there's a lot of extraneous
10 material. For instance, you know, the video that we had, that press
11 conference goes on for God knows how long. And what I would like to
12 do is, with the leave of the Court, just take a little bit more time
13 to narrow down exactly what we're proposing as evidence in this
14 matter with regard to this witness. And then once we have that honed
15 down, resubmit it to the Court for admission.

16 PRESIDING JUDGE SMITH: Fine. And please run it by the
17 Prosecution --

18 MR. KEHOE: Of course.

19 PRESIDING JUDGE SMITH: -- before it gets to us.

20 MR. KEHOE: Of course. Of course.

21 PRESIDING JUDGE SMITH: And don't wave things around in the
22 courtroom.

23 MR. KEHOE: You don't like that, Judge?

24 PRESIDING JUDGE SMITH: I did it one time and revealed a
25 confidential name, so don't do it.

Witness: W03880 (Resumed) (Open Session)
Cross-examination by Mr. Kehoe (Continued)

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1 MR. KEHOE: I apologise. I was told by the Court Officer that I
2 did that, and I do apologise. It's in the spirit of
3 cross-examination, these things happen. But in addition to that, I'm
4 sure Your Honours will be glad to hear that I have no further
5 questions.

6 PRESIDING JUDGE SMITH: Okay.
7 Madam Usher, you may bring the witness in.
8 We are in public session.

9 MR. KEHOE: [Microphone not activated]

10 PRESIDING JUDGE SMITH: You have questions?

11 MR. KEHOE: I was going to --

12 PRESIDING JUDGE SMITH: Pardon me?

13 MR. KEHOE: I was just going to thank the witness and tell him I
14 have no further questions.

15 PRESIDING JUDGE SMITH: That's fine. Let me get him in here
16 first.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: All right, Witness. Mr. Kehoe is -- go
19 ahead, Mr. Kehoe.

20 MR. KEHOE:

21 Q. Mr. Radosevic, thank you very much for coming. I have no
22 further questions. Thank you.

23 PRESIDING JUDGE SMITH: All right. From the Veseli Defence?

24 MS. O'REILLY: We have no questions, Your Honour.

25 PRESIDING JUDGE SMITH: All right.

1 THE WITNESS: [Interpretation] Thank you.

2 MR. TULLY: We also have no questions, Your Honour. Thank you.

3 PRESIDING JUDGE SMITH: All right.

4 Mr. Ellis?

5 MR. ELLIS: I do have some questions, Your Honour.

6 PRESIDING JUDGE SMITH: Yes, go ahead.

7 Cross-examination by Mr. Ellis:

8 Q. Good morning, Witness. My name is Aidan Ellis. I'm
9 representing Mr. Krasniqi. I have a few questions for you this
10 morning I think we can probably get through in 15, 20 minutes.

11 A. Okay.

12 Q. Now, just before the break, Witness, Mr. Kehoe read you a
13 passage from your Prosecution interview about the names that you knew
14 in the Kosovo Liberation Army, and you said there that -- you
15 mentioned Jakup Krasniqi was the political commissioner. Do you
16 remember saying that? Do you remember that being drawn to your
17 attention just before the break?

18 A. Yes, okay. All right.

19 Q. You hadn't actually met Mr. Krasniqi personally, had you?

20 A. No.

21 Q. But it was known publicly --

22 A. Yes, that's correct. It's correct that I have not met him.

23 Q. I understood you well, Witness.

24 A. Okay. Okay.

25 Q. It was clear. It was known publicly, wasn't it, that

1 Mr. Krasniqi was the spokesperson of the KLA?

2 A. Yes, something of the kind, a political commissar or a
3 spokesman, something like Mr. Demaci. Or one was maybe a political
4 representative, and the other was the spokesman. Something of the
5 kind.

6 Q. Right. And he was known in press statements by his own name,
7 Jakup Krasniqi, not a nickname?

8 A. I knew him as Jakup Krasniqi. I'm not aware of any nicknames.

9 Q. That's why you referred to his name when speaking to the
10 Prosecution; correct?

11 A. Yes, I knew him from the media. Nothing more or less than that.
12 I just knew that a Mr. Jakup Krasniqi existed who was a spokesman or
13 something. Just like you put it.

14 Q. I understand. Thank you. Now, speaking about the press
15 statements at the time. You understand as a journalist, don't you,
16 that not every statement made by a party to a conflict is necessarily
17 true? That's right, isn't it?

18 A. Yes, of course. I mean, it should be like that. And it is like
19 that.

20 Q. And in particular, at the time, statements by the KLA tended to
21 exaggerate their level of organisation, didn't they?

22 A. I suppose so.

23 Q. And the way you put it, when you were interviewed, to the
24 Prosecution -- and for those following this is P488.2, at page 18 --
25 sorry, page 19, I think, by this point. And what you said there was:

1 "... they had some statements in the media where they tried to
2 show that something existed, that there was some kind of Court."

3 And what you are saying there was that there was exaggeration in
4 the statements about the level of organisation. That's it, isn't it?

5 A. That's right. Yes.

6 Q. I don't want to go back over in great detail through what you've
7 said already this morning, Witness, about your treatment at the
8 different places where you were detained. We've listened carefully
9 to what you said earlier.

10 What you said is that, for the most part, the treatment of you
11 was correct. That's right, isn't it?

12 MR. BOYLE: Objection, misrepresents the evidence. The witness
13 was quite clear that he stated that there was a number of different
14 incidents.

15 PRESIDING JUDGE SMITH: I'm going to sustain the objection. You
16 might want to ask the question more specific -- specifically about
17 times.

18 MR. ELLIS: Sure.

19 Q. Witness, you said, and I think these were your words, for the
20 most part it was correct. That's right, isn't it?

21 A. Yes, for the most part.

22 Q. And you say that you were in four different locations; is that
23 right? Have I counted correctly?

24 A. Yes. Yes.

25 Q. And in the course of those four locations, you encountered a

1 number of different people who had had contact with you; correct?

2 A. Yes.

3 Q. Some of those were educated men who treated you politely.

4 That's right, isn't it?

5 A. Judging by what I could see, yes. Simply -- yes, sure. Let me
6 not be someone to evaluate. There were educated people. You could
7 see that some of them were educated; others were not. But, yes,
8 there were educated people too. I mean, of course, yes, why wouldn't
9 there be any.

10 Q. Yes. Some of them treated you well and some were bullies who
11 treated you less well. That's it, isn't it?

12 A. Of course.

13 Q. So, for example, when you were first detained and taken, you
14 say, to Sedllar, Shala, there were two people who took you there;
15 correct?

16 A. There were more of them. There would be several in each car.
17 But we can count that there were two men who took us there. There
18 were two who communicated and talked with us. So that is correct,
19 yes.

20 Q. Of the two who communicated with you, talked with you, one of
21 them was polite and asked you questions in a very polite manner, and
22 the other one behaved arrogantly and insulted you. That's right,
23 isn't it?

24 A. Yes. The other one was simply not pleasant. That's how I would
25 put it. I think that describes it best.

Re-examination by Mr. Boyle

1 Q. Different people behaving differently in the circumstances at
2 the time. That's it, isn't it?

3 A. That's right. That's right.

4 Q. Thank you, Witness. We were even shorter than I expected.

5 PRESIDING JUDGE SMITH: Redirect.

6 THE WITNESS: [Interpretation] Thank you.

7 MR. BOYLE: Thank you, Your Honour. I think maybe about 10 or
8 15 minutes redirect.

9 Re-examination by Mr. Boyle:

10 Q. Mr. Radošević, I'd like to start by pulling up an exhibit that
11 you were shown by the Defence.

12 MR. BOYLE: And if the Court Officer could please call up
13 DHT02672. It's a single-page document. And this was addressed
14 earlier today, I think, in the draft transcript around page 29.

15 MR. KEHOE: If I can interrupt just one second just for ease of
16 this, counsel.

17 It may be easier, Judge, if we can just move this into evidence
18 at this point, but that's I don't think the documents that we were
19 talking about that needs some cleaning up. It just might be easier
20 if we have a number for this and you can address it accordingly.

21 PRESIDING JUDGE SMITH: You are tendering it?

22 MR. KEHOE: Yes, Your Honour.

23 PRESIDING JUDGE SMITH: Any objection?

24 MR. BOYLE: No objection.

25 PRESIDING JUDGE SMITH: All right. DHT02672 is admitted and

1 will be assigned a number.

2 THE COURT OFFICER: Your Honours, that will be Exhibit 1D52.

3 PRESIDING JUDGE SMITH: Thank you.

4 MR. BOYLE:

5 Q. And you explained earlier today that some of the roads that you
6 travelled on were not paved and that you also stopped a number of
7 times.

8 If you take a look --

9 MR. BOYLE: Actually, if we could scroll up a bit, I believe
10 that there is a little bit at the top of the document that we can't
11 see right now. Yes.

12 Q. Mr. Witness, do you see the date at the top left of that map
13 where it indicates that it was produced on 7 October 2023?

14 A. Yes, here it is.

15 Q. And do you know whether the roads in Kosovo in 1998 were in the
16 same condition that they were a couple of days ago?

17 A. I really don't know. I couldn't say that. Probably something
18 changed in the course of 25 years.

19 Q. The one point -- the period of time that you estimated that you
20 were discussing that it took to travel from one location to the
21 other, did you have any sort of time-keeping device that you were
22 going by or were you estimating that time?

23 A. No. Of course, I didn't have a watch, nor did I ask anyone. It
24 was simply that I judged it for myself. I guess I knew how much time
25 had passed. It may have been an hour and a half or two or

1 thereabouts. We did not drive for half a day nor just 20 minutes, so
2 it was a while, and my estimate is that it was around two hours.

3 Q. And was it day-time or night-time when you were travelling?

4 A. In the evening.

5 Q. And were you able to see during the drive?

6 A. No, we were blindfolded, and our hands were tied as well at that
7 time.

8 Q. Was it a peaceful drive or did anything occur during the drive
9 to cause you concern or fear?

10 A. Peaceful. Except that once in a while, they would stop. They
11 talked with someone. They cursed our Serbian mothers. There were a
12 few threats voiced by somebody. So a couple of times they stopped,
13 they had a chat with someone, and they shouted these things at us,
14 not by the individuals who were with us in the car but by those
15 others who were outside.

16 MR. BOYLE: In reference to that, I'd like to refer to the
17 statement of yours that's been admitted at P488.2. That's page 2,
18 lines 4 to 10.

19 Q. And this is what you stated at that time, Mr. Witness, that
20 there was "verbal abuse and cursing and so, when they were moving us
21 from Sedlare to that basement and so on ... where other members of
22 the KLA have been banging on the car, who would say they would like
23 to blow us up, to shoot at us, to kill us and so on ..."

24 Is that accurate?

25 A. With a shape-charged grenade, if we want to be precise, that

1 they would perhaps shoot that at us to blow us up. And, yes, there
2 were insults and curses on these two or three occasions when we
3 stopped.

4 Q. And you mentioned that you were blindfolded. Do you know
5 exactly what route you took from Sedllar to the second location?

6 A. No, I don't know. How could I know? Because I was blindfolded.

7 Q. And so is it possible that you did not take the route that is
8 indicated on the document in front of you?

9 MR. KEHOE: Objection, Your Honour. Speculation. He can't
10 answer that question.

11 PRESIDING JUDGE SMITH: Overruled.

12 Go ahead.

13 THE WITNESS: [Interpretation] I really have no idea which route
14 we took. This is the first time I see this. How would I know how
15 you get from Sedllar to Klecke, if that's where we got. I really
16 don't know. I mean, I could only say if I was really familiar with
17 the roads between various villages in Kosovo, and I'm not.

18 MR. BOYLE:

19 Q. And just one final question on this topic. You mentioned that
20 you stopped on the way. Did you stop one time, multiple times? Are
21 you able to give an estimate of how many times you stopped on the
22 way?

23 A. Two or three times. More than once for sure. Two or three.

24 Q. Thank you.

25 MR. BOYLE: I no longer need this document, Court Officer.

1 Q. Mr. Radosevic, you were also presented yesterday with certain
2 allegations regarding Mr. Dobricic engaging in fighting and arms
3 supplies in the early 1990s outside of Kosovo. And you described,
4 both in your testimony and the statements that have been admitted,
5 the topics that you were questioned on in Sedllar, the only time you
6 stated that you were questioned.

7 So just for the record, the allegations that were put to you
8 that you stated clearly you knew nothing about, were those ever put
9 to you by the KLA in questioning when you were held in Sedllar?

10 MR. KEHOE: Objection, Judge. It's irrelevant. Whether or not
11 the KLA knew that he was a spy or they were spies or not? It's a
12 matter of whether or not they're combatants and whether the
13 Prosecution has proven beyond a reasonable doubt that they were not.
14 It's irrelevant as to what the KLA knew or didn't know.

15 PRESIDING JUDGE SMITH: Overruled.

16 MR. KEHOE: It's the issue of whether or not they have proven
17 beyond a reasonable doubt that these two were civilians and not
18 combatants, and they haven't.

19 PRESIDING JUDGE SMITH: [Microphone not activated]

20 MR. BOYLE:

21 Q. Were any questions put to you in Sedllar when you were
22 questioned by the KLA about Mr. Dobricic potentially engaging in any
23 sort of fighting or arms supplies in areas outside of Kosovo in the
24 early 1990s?

25 A. Let me put it this way, because they discussed this in the

1 meantime and I heard the conversation, what the one and the other
2 said. But perhaps if you could repeat the question.

3 Q. Absolutely. You have told us that you were questioned a single
4 time in Sedllar, and you've told us some of the topics that you were
5 questioned on.

6 My question to you is, when you were questioned by the KLA, did
7 they ever ask you about these events that you heard the Thaci Defence
8 asking you about regarding the allegations that Mr. Dobricic was
9 previously engaged in fighting or in arms supplies? And you have
10 already stated that you don't know anything about those specific
11 allegations.

12 A. I do not know anything, and the KLA did not question me about
13 that.

14 Q. And when you had a chance to speak with Mr. Dobricic about the
15 questioning that he was subject to by the KLA, did he mention to you
16 that they had asked him about any of those events?

17 A. Of course not. He never told me anything about that, and I
18 think I've stated a million times here that what was discussed was
19 politics and Milosevic, and that was what he told me. Now, what he
20 actually discussed with them, I don't know. I know what he told me.
21 And for sure I didn't ask the KLA members what they questioned him
22 about.

23 So to round it off, he never told me anything about this.

24 Q. And were you ever given any opportunity to address any
25 allegations of that sort regarding Mr. Dobricic either before a judge

1 or in a court in regards to your detention or your conviction?

2 A. I've already said I was questioned once by the police on 28
3 November when I was released. Your colleagues interviewed me. I
4 mean, counsel or whatever, in 2011, 2012, and when we met this year.
5 No one ever mentioned this to me, what Mr. Kehoe touched on, if I got
6 his name right, Mr. Kehoe. Nor did anyone question me about the
7 events related to that, so I simply don't know.

8 I could say that here I heard about this for the first time and
9 the documents relating to that. How would I know? And that's it.
10 No one ever questioned me about that. We talked about what happened.
11 I said that he was together with me and that was that.

12 Q. Thank you. I'd like to move on to a slightly different topic.

13 MR. BOYLE: And if the Court Officer could pull up P494. This
14 is the Vice article. Page 5 in the English, and I believe the
15 relevant page is page 7 in the Serbian.

16 Q. Mr. Radosevic, you may remember that earlier today you were
17 asked about the statement in there regarding your claim that there
18 was "no physical violence." Do you recall being asked about that?

19 A. All right.

20 Q. And do you see a bit farther down on the page where you also
21 describe:

22 "On the fourth day, a group of four or five them stormed in, led
23 by one of the KLA commanders. I wouldn't be able to recognise them
24 now, as I didn't have my glasses by that time. The commander came
25 into the room, shouting very aggressively, and he shoved the barrel

1 of a Thompson gun against my mouth, then against my eye, then into my
2 mouth again ...

3 "He forced me to shout 'KLA' while pointing with his finger at
4 the emblem on his uniform.

5 "It is an understatement to say that it was unpleasant."

6 And, Mr. Radosevic, did you state that --

7 THE INTERPRETER: Interpreter's note: We don't have the
8 corresponding text in Serbian.

9 MR. BOYLE: I apologise. I believe that's the correct page in
10 the Serbian is page 7.

11 If I can proceed.

12 PRESIDING JUDGE SMITH: You can. Just if they don't have it,
13 you have to read a lot slower.

14 MR. BOYLE: Understood. And I'm done reading, so I hope that
15 corrects the issue.

16 Q. And, Mr. Radosevic --

17 A. Yes, it's all right. I've understood you. And this is what I
18 said. It's right. He burst into the room, he put the barrel of the
19 gun in my mouth, then he pointed it at my chest. He made me shout
20 "UCK, UCK," and that was the whole story. I've told it already.

21 Q. And then, finally, I'd like to ask you. Earlier today you were
22 asked a question about Mr. Dobricic's statement in the video that we
23 saw when he was -- when both of you were released, and he said that
24 for the most part the treatment was okay and that he hadn't seen
25 anyone detained.

1 I'd like to ask you about your mental state at that time. Did
2 you feel in that moment that you were free to be critical of the KLA?

3 A. Could I just ask for a clarification on your part. Please, what
4 do you mean by a "critical attitude"?

5 Q. Did you feel that you were free to talk about persons who had --
6 the abuse that you had suffered in the time that you were detained in
7 that moment when you were released?

8 A. That's why we said that it was correct for the most part, that
9 there may have been something, but we left it at that. I didn't want
10 to specify then until the first time when your colleagues came to ask
11 me. And at that time, it certainly never even crossed my mind to say
12 that someone abused me in that way or that.

13 I was in there, I didn't know what was happening in Prishtine,
14 whether there was any shooting going on. And it was not in my
15 interest simply to say, "Well, this man beat me up, and this man put
16 a gun into my mouth," and so on and so forth. So this is why I said
17 what I did, and I know what I said at the press conference. I said
18 it was for the most part correct. There were a few incidents, not
19 everything was very pleasant, but that's how it was. Afraid or not
20 afraid, but I was not crazy for sure to expose myself in this manner
21 the very second when I was released. It's difficult to say whether I
22 was exactly afraid, but I didn't want to speak openly about all of
23 this. And I don't see it as a problem.

24 I wonder if I got your question right and if I have provided a
25 sufficient answer.

1 Q. You did get my question right, and I have no further questions.

2 MR. BOYLE: Thank you, Your Honour.

3 THE WITNESS: [Interpretation] So that was it. All right. Thank
4 you.

5 MR. KEHOE: May I just follow up just briefly, Judge?

6 PRESIDING JUDGE SMITH: On what subject?

7 MR. KEHOE: On the two subjects that the SPO just brought up.

8 PRESIDING JUDGE SMITH: All right.

9 Further Cross-examination by Mr. Kehoe:

10 Q. Witness, you noted that you didn't mention anything about
11 Dobricic's activities before you were asked by me yesterday and
12 today. But you knew full well when you reviewed the opening
13 statement by the Thaci Defence that there was information about
14 Dobricic's activities in Croatia and Serbia, didn't you?

15 MR. BOYLE: Objection, foundation, and misrepresents the
16 evidence. The witness stated that he did not review the opening
17 statement.

18 PRESIDING JUDGE SMITH: Sustained.

19 MR. KEHOE: Well, he, in fact, sent a screenshot to the SPO that
20 came from the opening statement.

21 Q. Right? So you knew that the --

22 PRESIDING JUDGE SMITH: Wait a sec. We don't have answer.

23 MR. KEHOE:

24 Q. Is that right?

25 PRESIDING JUDGE SMITH: The question is did you receive a

1 screenshot --

2 MR. KEHOE: No, did he send a screenshot.

3 PRESIDING JUDGE SMITH: -- of the opening statement. Well, if
4 he didn't receive it, it doesn't amount to anything.

5 MR. KEHOE: I agree, Judge. I misspoke. He got the screenshot
6 and he gave it to the SPO.

7 MR. BOYLE: Maybe we could have the document on the screen and
8 then we could address what exactly counsel is referring to.

9 MR. KEHOE: Well, you have it.

10 MR. BOYLE: For everyone's benefit.

11 MR. KEHOE: You have it. I mean, the SPO has it. It hasn't
12 been disclosed. You have it.

13 MR. BOYLE: Yes. And when you were questioning him about it
14 yesterday, it was put on the screen. And I think, Your Honours, that
15 it could also be put on the screen today.

16 MR. KEHOE: Well, we could put it on the screen. It's 1111248
17 [sic] to 1111 -- 112750.

18 Q. You, in fact, did send a screenshot to the SPO, didn't you?

19 A. I don't see anything here. "7. AB explained" -- W8388 -- I
20 don't know what this is.

21 Q. Let's go to the prior page, please. Isn't that the screenshot
22 that you sent to the SPO?

23 A. Just a moment. Okay.

24 Q. And that's at 112749.

25 A. All right.

1 Q. Okay. So you sent a screenshot of the Thaci Defence's opening
2 statement to the SPO prior to your testimony, so you knew that the
3 Defence of President Thaci had information prior -- information about
4 Dobricic's military activities and criminal activities in Croatia and
5 Bosnia-Herzegovina. You knew that, didn't you?

6 MR. BOYLE: Objection, misrepresents the evidence. He -- the
7 screenshot is of a show with a single page that has nothing in that
8 regard.

9 MR. KEHOE: Excuse me, this is -- I mean, I asked the question
10 if he knew it. Whether or not --

11 MR. BOYLE: It doesn't --

12 MR. KEHOE: Whether or not it satisfies the SPO is irrelevant.

13 PRESIDING JUDGE SMITH: Is there something in the screenshot
14 that mirrors what you're saying to him?

15 MR. KEHOE: What I'm saying to you, Judge, is that he's
16 monitoring this -- talking about the detention of the two Serb
17 journalists, and in this discussion is a discussion about Dobricic's
18 activities.

19 THE WITNESS: [Interpretation] Where did I --

20 MR. KEHOE: So what I'm saying is this witness knew that the --
21 that the Thaci Defence had information about Dobricic's --

22 PRESIDING JUDGE SMITH: Ask him --

23 MR. KEHOE: -- criminal activities.

24 PRESIDING JUDGE SMITH: Ask him if he knew.

25 MR. KEHOE: Yes.

1 Q. You knew, you knew before you came here to testify that the
2 Defence, the Thaci Defence, had information about Dobricic's criminal
3 activities in Bosnia-Herzegovina and Croatia, didn't you?

4 A. Let's start from the beginning. I sent this to them. And I
5 explained once already. Your Honour, you've also said that I already
6 explained it once. It's not mentioned here -- is Mr. Dobricic
7 mentioned at all? The two of us are mentioned at a talk show on
8 Radio Television of Serbia.

9 I sent it to them to tell them: Look, I didn't even know that
10 the indictment was public as this and that anyone could see it.
11 You're now telling me that I was following the indictment. I have no
12 idea. I wasn't following it. I wasn't listening to the opening
13 statement nor did I pay attention to what the indictment included.
14 This is all I know in connection with this trial.

15 I sent this to them because I asked them, "Hey, do you know that
16 this is all public?" I had no idea that it was public to such a
17 degree. And what does it matter now, and how can you say that this
18 Dobricic and this? Do you see? I'm sorry, I mean, can you see what
19 I sent them? You now claim that I -- that I was listening to the
20 Defence.

21 Q. Mr. Radosevic, you --

22 A. No, I didn't.

23 Q. Mr. Radosevic, you watched this show at the night of the opening
24 statements, didn't you; yes or no?

25 A. I did not watch the show. One of the colleagues forwarded it to

1 me and said, "Look what's here." So I didn't watch it. I had no
2 idea what it was about. I don't even know when it was, what date it
3 was.

4 Q. One last question, sir.

5 A. We are returning to the one and the same topic again and again.

6 Q. One last question. You told the SPO that you didn't feel when
7 you were released that you were free to criticise, free to talk
8 freely about what had happened to you when you were being released.
9 But you were free to talk to Ambassador Walker, weren't you?

10 A. I already said what I discussed with Mr. Walker in the car. And
11 then I also said that my family arrived, and they were -- that there
12 were at least 20 of us up there, and we were his guests, so to speak.
13 I needed cigarettes. Then he gave me cigarettes and Coca-Cola and
14 milk. I requested milk as well. We talked. Everybody was happy,
15 and so on and so forth.

16 We went to a press conference and I said what I said, that for
17 the most part the treatment was correct. And I have explained why I
18 said that.

19 Q. And, Witness, let me read to you what Ambassador Walker said.

20 Paragraph 19:

21 "The released journalists rode with me back to Prishtine in my
22 armoured vehicle. In the vehicle when they were out of the control
23 of the KLA and out of the glare of the cameras, I had asked them
24 again what they experienced. Both confirmed that they had not been
25 mistreated."

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1 Now, when you were out of the glare of the cameras and away from
2 the KLA and with Ambassador Walker and safe, you, in fact, told him
3 that you had not been mistreated, didn't you? Yes or no?

4 A. I don't know that those were my exact words. I doubt it. I
5 have no idea. If I did say, I said what I said everywhere, here and
6 there and everywhere. Whether he also addressed Dobricic, I don't
7 know. But I don't recall of having said anything to that effect.

8 PRESIDING JUDGE SMITH: Mr. Kehoe.

9 MR. KEHOE:

10 Q. In fact, he said both confirmed that they had not been
11 mistreated.

12 MR. KEHOE: I've no further questions.

13 PRESIDING JUDGE SMITH: Thank you.

14 [Microphone not activated].

15 We have some questions from the Judges, beginning with
16 Judge Mettraux.

17 THE WITNESS: [Interpretation] Oh, there's more questions?

18 JUDGE METTRAUX: Thank you, Judge Smith.

19 Questioned by the Trial Panel:

20 JUDGE METTRAUX: And good afternoon, Witness. I'm sorry you
21 will have some more questions from us, but we're almost there.

22 I want to ask you about the various locations and places to
23 which you were taken during your detention, and I will take you
24 through the chronology. And I apologise in advance. I'm going to
25 ask you to repeat most likely some of the details that you have

1 already given, but I'll try to take it one step at a time.

2 Am I right to understand that you left from Prishtine on
3 18 October 1998; is that right?

4 A. Yes.

5 JUDGE METTRAUX: And do you recall what day of the week that
6 was?

7 A. No. I know that on the following day was my wife's birthday.
8 That's why I left Prishtine. I think it could have been Friday or
9 Saturday. Friday on Saturday, or Saturday on Sunday. But I really
10 am not sure.

11 JUDGE METTRAUX: Can you remember approximately the time when
12 you left Prishtine on that day?

13 A. I believe it was around 11.30 or 12.00 or thereabouts. Or about
14 12.30, 1.00.

15 JUDGE METTRAUX: If I understand your evidence properly, you
16 were driving -- or Mr. Dobricic was driving a Yugo car model Florida;
17 is that right?

18 A. Yes. I can't drive.

19 JUDGE METTRAUX: And can you recall whether the car, as I think
20 you suggested, had registration plates from Belgrade; is that right?

21 A. Yes, they were Belgrade plates. White.

22 JUDGE METTRAUX: And you said you were driving from Prishtine in
23 the general direction of the village -- you were driving from
24 Prishtine in the general direction of the village of Magure; is that
25 correct?

1 A. Yes, yes.

2 JUDGE METTRAUX: So you passed by Prishtine airport towards
3 Magure, turned right towards the village of Sedllar or Shala; is that
4 right?

5 A. Yes.

6 JUDGE METTRAUX: And before you reached Shala, you explained to
7 us already that you were arrested by a group of KLA members at that
8 point. I won't go into the details. But do you remember the name of
9 the locality in which these events happened? And I mean the place
10 where you were stopped by a group of KLA members.

11 A. Well, there was no place or no town. This was on the side of
12 the road. There was nothing around.

13 JUDGE METTRAUX: Does the name Resinoc or Rusinovce ring a bell
14 with you?

15 A. No, it doesn't ring the bell. In other words, I don't really
16 know. It doesn't mean anything to me.

17 JUDGE METTRAUX: And from that place, you were escorted, as I
18 understand it, to a location in Sedllar, Shala, correct, by the KLA?

19 A. That's correct.

20 JUDGE METTRAUX: And how many members of the KLA escorted you on
21 that occasion from the point at which you had been stopped with
22 Mr. Dobricic to the place where you would be detained? How many KLA
23 members escorted you on that occasion?

24 A. Two to three. There were two cars, our car and there was
25 another car which came to pick us up. I was in one car. Dobricic

1 was shoved into another. So there would have been three, four to
2 five men.

3 JUDGE METTRAUX: And you said, I think, that you spent
4 approximately 20 days at that location in Sedllar, Shala; correct?

5 A. Yes, 20 -- 19, 20, or 21. Let's say 20. Let's round it off.

6 JUDGE METTRAUX: And then on what you estimated to be perhaps
7 the fifth day of your detention at that location, the interrogations
8 started, took place; is that right? In terms of timing, that would
9 have been five, six days into your detention?

10 A. That's correct. Yes.

11 JUDGE METTRAUX: And as I understand your evidence, there were
12 two incidents on that day, and I will summarise them. And please
13 tell me whether that's a correct understanding or if you wish to
14 qualify or add to that.

15 There was a first incident taking place around 1300, 1.00, where
16 an individual came in your room and threatened you with his weapon,
17 putting it in your eyes and mouth. And then there was a second
18 incident following the first one where four individuals came into
19 your room and interviewed you. Is that a correct understanding of
20 the chronology?

21 A. Yes. But this second occasion, I wouldn't really call an
22 incident. People just came to ask us questions, so nobody mistreated
23 me there.

24 JUDGE METTRAUX: And how long after the first incident did the
25 interview with the four persons take place? Was it a matter of

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1 minutes? Was it a matter of hours? How long elapsed between the
2 two?

3 A. 10 to 15 minutes maximum. Thereabouts.

4 JUDGE METTRAUX: And I want to go to what you said in one of
5 your interviews about this incident, and I'll ask you some further
6 details on that.

7 It's Exhibit P489, please. It's for the record SPOE00078810.
8 And if we can go to page 6 of the document, that would be
9 SPOE00078815.

10 So I'll just read briefly what you said, and I'm going to ask
11 you a few follow-up questions. It starts with the words:

12 "On the fifth or sixth day ..."

13 Can you see that?

14 A. Yes.

15 JUDGE METTRAUX: So the English says:

16 "On the fifth or the sixth day the interrogation started. At
17 around 1300 hrs one man entered my room. He was new for me. He had
18 camouflage neat uniform. He was shaved and young. He started
19 yelling at me and put his automatic rifle in my mouth. The rifle was
20 not Kalashnikov type but it was automatic rifle. He pointed his KLA
21 patch and asked do I know what that was. I replied as well as I
22 could having a rifle's barrel in my mouth that it was KLA patch. He
23 asked me to reply in Albanian and I said that it was UCK in Albanian.
24 Then he put the gun in my eye. He asked why I was not fluent in
25 Albanian. I said that I only can speak some Albanian. He left the

1 room laughing."

2 Now, is that a fair summary of the first incident?

3 A. Yes. Yes. That's about it. Yeah.

4 JUDGE METTRAUX: Then it goes on to say this:

5 "Then four men entered the room. One of them was around 25-26
6 years old. He had a neat camouflage uniform, no weapon and for me he
7 looked like a political representative. The other one was even
8 younger, he was local and in civilian clothes."

9 Now, again, is that today a fair and accurate recollection of
10 what you can recall of the individuals who came in the room to
11 interview you?

12 A. Yes, everything that reads here is correct.

13 JUDGE METTRAUX: And no need to show it, but in your interview
14 of 2012, it's P490, at page 4, you described the first individual,
15 the 25-, 26-year-old in this way:

16 "He had a neat camouflage uniform, no weapon, and to me he
17 looked like a political representative. I say so because it was
18 clear from his appearance and way of speaking that he was educated
19 and not a simple soldier. He was the type of person like a political
20 or student representative."

21 Again, is that today your recollection and a fair description of
22 how you remember that man?

23 A. Yes. I've already mentioned a couple of times that he looked
24 like a student, like an educated person. He was cultured looking.
25 He had this uniform, no weapons. That's for sure. So he was the one

1 who spoke with me more or less.

2 JUDGE METTRAUX: And is it correct that by that stage your
3 glasses had been taken away from you; is that right?

4 A. Yes, yes.

5 JUDGE METTRAUX: And a moment ago, you told the Prosecutor that
6 it affected your ability to recognise people; is that correct?

7 A. Well, of course. But I also said that I didn't really observe
8 them very carefully or stare at them, except this man who looked
9 civilised and we just talked. I mean, the student, this young man.

10 JUDGE METTRAUX: And how long, in your estimation, would you
11 have spent speaking to these individuals?

12 A. Well, about 40, 45 minutes or maybe half an hour. Thereabouts.

13 JUDGE METTRAUX: And while that was occurring, were you making
14 eye contacts? Were you looking at them in any particular way, or
15 were you avoiding to do that?

16 A. Well, depends. With this person, I had a normal conversation.
17 The other man that I mentioned later, he too looked at me. And the
18 other two I knew because I had seen them a bit earlier. But I didn't
19 really -- well, with this man, I had a normal conversation.

20 JUDGE METTRAUX: All right. Your statement, and it's still
21 P489, goes on to say:

22 "The third one," so the third individual who came in your room
23 on that occasion, "was older, about 45 years old, and for me he
24 seemed to be authoritative. He had grey hair and a grey moustache.
25 He was mainly observing. And the fourth man, I cannot describe. He

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1 was not important. He was mainly observing. The interrogation
2 lasted 40, 45 minutes. It was mainly a discussion about political
3 aspects."

4 My question here is in what language were you communicating with
5 these individuals?

6 A. In Serbian.

7 JUDGE METTRAUX: And do you remember who it was that was
8 speaking to you in Serbian? Were all four of them speaking in
9 Serbian, or was there one of them who was, in effect, translating
10 what was said?

11 A. This young man, this 20-, 25-year-old man, he spoke with me, and
12 he spoke in Serbian. The grey man, the grey-haired man, also
13 addressed me in Serbian. Although, I only had exchanged a few words
14 with this second man. The other two did not say anything.

15 JUDGE METTRAUX: And you say, and that's the continuation of
16 your statement, that you were asked about your treatment, and then
17 you say that:

18 "After that the grey-haired man remained in the room and others
19 left. He asked me about KLA leaders, if I knew any of them. He told
20 me that nothing would happen to me."

21 Do you recall saying that?

22 A. Yes. I can explain.

23 JUDGE METTRAUX: Please.

24 A. The man said to me, literally, and the Albanians here would
25 know, and also the Serbs who lived or live in Kosovo, he said to me

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1 -- he gave me something that we call a word of honour. In other
2 words, he gave me his *besa*, which is the traditional Albanian term,
3 which means that if somebody gives a *besa* to you, that means that
4 nothing would happen to you. So that's what I was saying, trying to
5 say. He said to me that nothing would happen to me.

6 JUDGE METTRAUX: And there when he was asking you about -- he
7 said -- or you said he said about the KLA leader, he asked you about
8 the KLA leader, who was he talking about? Was he talking about the
9 man who had just been in your room or was he speaking about KLA
10 leaders in general?

11 A. No, it was in general. And that's what I mentioned already.
12 The two or three that I knew of. He also asked me about the kind of
13 music that I liked. I can also tell you what kind of music he liked.
14 And then he said this, that nothing would happen to me. This was a
15 short conversation, four, five minutes.

16 JUDGE METTRAUX: And that grey-haired man, is that the same man
17 as you described as a polite man who spoke Serbian? Is that one and
18 the same man or are they different men?

19 A. I suppose you mean the first man. But this grey-haired man,
20 that's a different man. I saw him on this one occasion and never
21 again. He never showed up again.

22 JUDGE METTRAUX: And then, as I understand your evidence, you
23 said that after about 20 days you saw once again three of these
24 individuals, three of the four individuals who had come to interview
25 you, and they came to tell you that you were not anymore a suspect of

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1 being a spy, but that you had been convicted for travelling without
2 authorisation and without a press sign on your car; is that correct?
3 Those were the same -- or three of the same four men?

4 A. This one for sure, the 25- to 26-year-old. Then the local man
5 that I mentioned, no. There was the third man that I've mentioned
6 who didn't look very important. And there was another person with
7 them. I suppose he was the commander of that building or house. But
8 who -- the man who gave us blankets later. But for the main part, it
9 was the man -- the young man, the 24- or 25-year-old man. He was the
10 main guy. He came later to tell us that it's over.

11 JUDGE METTRAUX: And then you're taken from Shala, Sedllar to a
12 place or location you understood to be at or near Klecke; correct?

13 A. No, no, no. Wait. On the 20th day, we were transferred from
14 Sedllar to this other place that we thought was Klecke, and then the
15 25- or 26-year-old man came and told us that officially we were
16 exonerated and that we would be set free.

17 JUDGE METTRAUX: I see. So that occasion occurred in Klecke,
18 not in Shala; correct?

19 A. That's right.

20 JUDGE METTRAUX: Now, during your trip from Shala to Klecke, how
21 many KLA members, in your estimation, were escorting you on that
22 occasion?

23 A. Two men. One in front, the other one behind. I mean, the
24 driver and the one who was in the passenger seat, and the two of us
25 were sitting in the back of the car with blindfolds on our eyes and

1 with our hands tied.

2 JUDGE METTRAUX: And there you spent, I think, approximately, in
3 Klecke, or the location you believe to be at or near Klecke, you
4 spent approximately two weeks, 16 days; is that right?

5 A. Thereabouts. 15, 16, 14, but, yes, generally speaking.

6 JUDGE METTRAUX: And from there you're taken into a location
7 which you called a hut or a barrack from that location, and your
8 estimation is that you travelled about a kilometre on foot; is that
9 correct?

10 A. Yes.

11 JUDGE METTRAUX: And I think you said it already, but I'll ask
12 you nevertheless. Would you have a sense of where you were at that
13 particular time when you were in the barrack or the hut?
14 Approximately, in what geographical location you were at.

15 A. No. There were woods around us. I don't know what else I could
16 say about it. In some forest at a sort of clearing. And that was
17 that. There was snow.

18 JUDGE METTRAUX: And then as I understand, you spent only the
19 night at that location. And the next day you're taken by car to a
20 private house; correct?

21 A. The following evening by tractor. We spent the whole day in
22 this hut, and then in the evening we were taken on a tractor to this
23 private house.

24 JUDGE METTRAUX: And, again, the same question. Do you have a
25 sense of where that house might have been?

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1 A. Well, I said -- I said. I just know that it was a big place. I
2 don't know which place it was. Because we more or less had some
3 freedom there. The room was on the upper floor. The windows were
4 open. I could sit down, sit on the window and light a cigarette, and
5 look outside to see what was going on. There were people passing
6 around outside somewhere in the distance. It was a hilly area. And
7 there was quite a number of people who were out. So it wasn't a
8 small place. But which one it was, I really don't know. And we were
9 there until the last day.

10 JUDGE METTRAUX: And am I right to understand that there was
11 only one KLA member guarding the house; is it correct?

12 A. In front of our room, yes. And downstairs on the lower floor,
13 there were always some people milling about. But on our floor, yes.

14 JUDGE METTRAUX: And do you know the name of that particular
15 guard, the person who was --

16 A. No, no, no. Of course not. No. No one introduced themselves,
17 so no.

18 JUDGE METTRAUX: And do you know who was the owner of the house?
19 Do you know the name of the person whose house it was?

20 A. No, no, no. No, no. No idea.

21 JUDGE METTRAUX: And so the next day, if I understand correctly,
22 you were told that you would be released; is that right?

23 A. Two days later. A day or two. Two, rather. It depends on how
24 you count it, but I'd say two days.

25 JUDGE METTRAUX: And then you are driven, I think your estimate

1 was between an hour and a half to two hours, to Dragobil; is that
2 right?

3 A. Yes, eventually. We were in one vehicle. Then we stopped at
4 some point. After an hour and a half, an hour and 45 minutes, two
5 hours, we were put into another car. And then ten minutes later,
6 they released us in Dragobil.

7 JUDGE METTRAUX: So you stopped only once on the way?

8 A. Yes, we only stopped once there.

9 JUDGE METTRAUX: And were you blindfolded during this transport?

10 A. Yes, this time we were, with a nice clean gauze, and they asked
11 us if it was not tied too tight. And our hands were free.

12 JUDGE METTRAUX: And can you estimate how many KLA members were
13 escorting you during that particular trip?

14 A. In the car there was a driver, the man in the passenger seat,
15 another man next to me, and Dobricic and myself were in the middle.

16 JUDGE METTRAUX: Thank you, sir.

17 A. Thank you.

18 PRESIDING JUDGE SMITH: Judge Barthe.

19 JUDGE BARTHE: Thank you, Judge Smith.

20 Good afternoon, Witness. I'm afraid I also have a few more
21 questions for you.

22 A. Well, what can we do?

23 JUDGE BARTHE: Yes. And I would like to go back to the time
24 when you and Mr. Dobricic were arrested on 18 October 1998. And my
25 first question is the following: Could you please describe what

1 happened when you and Mr. Dobricic were stopped by the individuals
2 you identified as being KLA soldiers; or, in other words, what did
3 these individuals do and what did they say to you exactly? If you
4 can remember that.

5 A. We stopped in front of them. The man who I've been saying all
6 along was polite with us, the one who spoke Serbian exceptionally
7 well, he came up to us as if - how would I describe it? - as if he
8 was a traffic policeman. As if traffic police had stopped us. He
9 asked for the driving license and the personal identity card, "Please
10 get out of the car." We did. They asked us a few more questions.
11 That lasted for about 20 minutes. They checked our documents. And
12 another car came by, and then they transported us from there to
13 Sedllar.

14 So no one mistreated us or anything. They blindfolded us. They
15 would push us a bit by laying a hand on our heads so that they would
16 make sure we sat in the car, like any police anywhere would do it,
17 and then they transported us to Sedllar. And this is all that I
18 could tell you.

19 JUDGE BARTHE: Did anybody tell you that you or Mr. Dobricic had
20 only stopped the car after a delay; or, in other words, were you
21 asked by anyone why didn't you stop your car earlier? So was that
22 accusation made by the persons who arrested you and Mr. Dobricic at
23 the time?

24 A. I don't remember that anyone accused us of anything. They
25 stopped us nicely. They looked at us. They asked us to open the

1 window. Then they -- then he asked us kindly to leave the car, so we
2 did on either side of the car. Me on one side and Mr. Dobricic on
3 the other.

4 JUDGE BARTHE: I understand. But let me ask you this
5 nevertheless. Have you ever been accused of trying to hide your
6 identity, either you or, as far as you know, Mr. Dobricic, whether at
7 the place of your arrest or later on during your detention?

8 A. Well, no. I wouldn't comment on someone's statement, but, I
9 mean, we produced our personal ID cards, and my colleague, his
10 driver's license, and we also had our journalist ID cards. So I
11 don't know what I could have hidden. They asked us politely what our
12 names were, so we told them.

13 JUDGE BARTHE: Witness, did the soldiers who arrested you and
14 Mr. Dobricic ask you about the license plates of your car?

15 A. No, they didn't ask me anything.

16 JUDGE BARTHE: Thank you. And did you or Mr. Dobricic tell
17 them, the soldiers who arrested you, the purpose of your travel while
18 you were there at the time?

19 A. Yes. We said that we were journalists, that we had come there.
20 We said that exactly. And I think it must be noted somewhere, if
21 they have kept that. That we had simply come just as I've been
22 saying all along. That we had heard that there was some shootout and
23 that we wanted to make a few photographs of the police car that had
24 been riddled with bullets. There was no secret. So we told them
25 openly where we had been and why we had come.

1 JUDGE BARTHE: And what was the soldiers' reaction to that? Did
2 they tell you that they will check whether the information you gave
3 them was true, or did they tell you that you shouldn't go to that
4 place you were heading at?

5 A. Well, they reacted by putting us into the other car and taking
6 us to Sedllar. I apologise. I don't mean to be impolite. But they
7 said, "That's all right. That's all fine. We'll check who you are.
8 But now, please, get into this car." And they allowed us to light a
9 cigarette or something of the kind. Nothing important.

10 JUDGE BARTHE: I understand. My next question or questions
11 pertain to what you told us yesterday, and I refer to page 22 of the
12 provisional transcript, lines 19 to 22, according to which you said
13 the following, and I quote:

14 "Anyhow, there, at that time, some people came to tell us that
15 we were convicted to 60 days of imprisonment because we unlawfully
16 entered the territory of Kosovo and because we didn't have the press
17 decal on the car. That was it."

18 Witness, now my next question or my question is the following:
19 Did the person or the persons actually tell you - actually tell you -
20 that you and Mr. Dobricic were convicted of unlawfully entering the
21 territory of Kosovo, or did they tell you that you unlawfully entered
22 the territory of the KLA?

23 A. The second thing, under KLA control.

24 JUDGE BARTHE: Thank you. The reason why I'm asking that is
25 because you were -- oh, sorry. Continue.

Questioned by the Trial Panel

1 A. No, no, it's all right. I am sorry. I apologise.

2 JUDGE BARTHE: I just wanted to explain the reason why I'm
3 asking that is because you were already in Kosovo. You were based in
4 Prishtine, correct, at the time?

5 A. Yes.

6 JUDGE BARTHE: And my last set of questions. Yesterday, you
7 told us about the time you served in the army before the war in
8 Kosovo. And I refer to page 44 of the provisional transcript,
9 yesterday's provisional transcript, lines 11 to 16, where you said, I
10 quote:

11 "I enrolled previously. I had enrolled before that. I enrolled
12 in university before I served in the army. And then in May of the
13 next year, I joined the army for some personal reasons. And then a
14 year later, I returned and continued with my agriculture studies.
15 After this, I also enrolled in the history college."

16 May I ask you, Witness, what your personal reasons were for
17 joining the army?

18 A. But please don't laugh, all right? I mean, I'm -- I'm telling
19 this to everyone. I enrolled at the university as a part-time
20 student, the Faculty of Agriculture. I did not attend classes
21 regularly, being a part-time student. And in January, I went skiing
22 on Mount Kopaonik. I spent about a fortnight there, and in February
23 or March, I returned. The professor, whose name was Jacinac, and my
24 mother used to be his teacher and the teacher of his children, and
25 the other one was really a poor student, but because he was an

Questioned by the Trial Panel

1 urchin, she found him nice. She saw that he had some potential.

2 I'm sorry, you've asked me, so now I'm telling you about the
3 personal reasons. So I came to see Mr. Jacinac in March or April to
4 take my exam, and the professor told me that I couldn't take the exam
5 because I was not present at a seminar or whatever it was called, a
6 workshop. Something that was compulsory for us part-time students.

7 So -- I don't know how to put it in mildest terms. And I was
8 really mad about all this, and I told my mom, "Well, why did you
9 assist this man, and he won't allow me to take the exam?" And that
10 was the reason why I decided to go and serve the army in the month of
11 May. And let me not use any impolite language, because this really
12 went on my nerves.

13 So I went to the army, I did my compulsory military service, I
14 completed it, and then I continued my studies.

15 JUDGE BARTHE: Thank you. And can you tell us again what
16 exactly you did during your time in the army? In particular, in
17 which unit did you serve and what were your duties? I think you told
18 us in one of your previous interviews that you served in the
19 infantry; is that correct?

20 A. Yes, it was called mechanised infantry. I served the army in
21 the town of Visoko. And just like any infantry would do, we had
22 those exercises. We had to clean our rifles. We didn't even shoot
23 that much. Only when we had practice. Just like any troops would
24 do. So I was there for a few months, and then it was already -- or
25 rather, before that, the service used to be a year and a half or 15

1 months, and then they reduced it, so I had to do 12 months of
2 military service.

3 For the first six months, I had a basic training. Then the next
4 four months I was a corporal or something like that. I had the
5 lowest rank that existed. And then the last four months it was just
6 serving the rest of the army.

7 THE INTERPRETER: Interpreter's correction: It was three times
8 four months in total.

9 THE WITNESS: [Interpretation] So nothing special. I was just a
10 simple soldier in infantry only it was called mechanised infantry, I
11 guess, because we drove around in trucks.

12 JUDGE BARTHE: Thank you. My final question is did you have
13 anything to do with military intelligence at that time or later?

14 A. Who? Me? No. Not then or later.

15 JUDGE BARTHE: Thank you. I have no further questions.

16 THE WITNESS: [Interpretation] Thank you.

17 PRESIDING JUDGE SMITH: Judge Gaynor.

18 JUDGE GAYNOR: No questions. Thank you, Witness.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 Any follow-up questions based upon the Judges' questions?

21 MR. BOYLE: None, Your Honour.

22 PRESIDING JUDGE SMITH: Anything?

23 MR. KEHOE: Just briefly, Your Honour.

24 If we can put back P300 back on the screen, please. I'm just
25 waiting for P300 to come up. Oh, it's up? I'm sorry.

1 PRESIDING JUDGE SMITH: [Microphone not activated]

2 MR. KEHOE: My apologies, Judge. It was on the screen. I had
3 pressed the wrong button. My apologies.

4 Further Cross-examination by Mr. Kehoe:

5 Q. So, sir, you were asked some questions about the stop by the KLA
6 on 18 October. And just looking at this press statement, you would
7 agree with me that you were driving in an unmarked vehicle with no
8 press signs from Belgrade; right?

9 A. Yes.

10 Q. In a KLA area with no permission from Adem Demaci or anybody
11 else from the KLA; right?

12 A. Right.

13 Q. And that you were stopped after a delay, "allowing them to hide
14 their identities." Now, you would agree with me that this sequence
15 of events was more than sufficient grounds for them to suspect --

16 MR. BOYLE: Excuse me, I didn't hear an answer regarding the
17 stopped after a delay point.

18 THE WITNESS: [No interpretation]

19 PRESIDING JUDGE SMITH: He did not give an answer.

20 MR. KEHOE: Oh, I'm sorry.

21 Q. Please answer.

22 PRESIDING JUDGE SMITH: You might want to repeat the question.

23 THE WITNESS: [Interpretation] Yes.

24 MR. KEHOE: Okay, I'll repeat the question.

25 Or, I was actually reading it. I was reading the actual item.

1 PRESIDING JUDGE SMITH: Well, was there a question there?

2 MR. KEHOE: There is a question.

3 Q. Now, it also reads that:

4 [As read] "After giving -- was given the sign for them to stop,
5 they stopped after a delay ... allowing them to hide their
6 identities."

7 Now, you would agree with me, Witness, that this sequence of
8 events was more than sufficient grounds for these KLA soldiers to
9 suspect or be suspicious of the story you were giving about being
10 journalists and that you were just out there touring around.

11 MR. BOYLE: Objection, calls for speculation on behalf of the
12 witness regarding what was the basis that the KLA stopped him on.

13 PRESIDING JUDGE SMITH: Sustained.

14 MR. KEHOE:

15 Q. Well, sir, objectively speaking, you would agree, would you not,
16 that if you were in the position of these KLA soldiers, you too would
17 be suspicious of people like you and Mr. Dobricic travelling in
18 unidentified cars with Belgrade license plates, with no
19 identification concerning your ability to be in that area, and this
20 was after you had blown past the checkpoint and turned around? Now,
21 you would agree if you were a KLA soldier you would be suspicious of
22 that person in a Belgrade car, unmarked, travelling in KLA area,
23 wouldn't you?

24 MR. BOYLE: Objection. The witness was not a KLA soldier so
25 can't answer that.

Witness: W03880 (Resumed) (Open Session)
Further Cross-examination by Mr. Kehoe

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1 PRESIDING JUDGE SMITH: Overruled.

2 You can answer the question.

3 The question is would you be suspicious?

4 MR. KEHOE: Correct.

5 THE WITNESS: [Interpretation] Why? That's his point of view,
6 that we didn't stop properly. They appeared on the road and we
7 stopped then. I don't know what identity I could hide when I
8 produced my ID card and the driver's license and everything else.
9 And they opened the boot of the car. Now, if they said we were
10 suspicious and wanted to convict us, well, I can't comment on that.
11 Probably he found us suspicious. He did.

12 And what I think, whether I would find him suspicious or not,
13 well, this one man found me suspicious.

14 MR. KEHOE: Your Honour, I've no further questions. Thank you.

15 PRESIDING JUDGE SMITH: Thank you.

16 Nothing. Anything, Mr. Tully?

17 MR. TULLY: Nothing, Your Honour.

18 PRESIDING JUDGE SMITH: Anything, Mr. Ellis?

19 MR. ELLIS: No, thank you, Your Honour.

20 PRESIDING JUDGE SMITH: Thank you.

21 Witness, you are finished with your testimony. So we will
22 excuse you now, and you can go home. Thank you for being with us and
23 sharing your information with us. We wish you well in the future.
24 The Court Usher will escort you out of the room.

25 THE WITNESS: [Interpretation] May I say something, or not?

1 PRESIDING JUDGE SMITH: You're finished testifying.

2 THE WITNESS: [Interpretation] I won't -- all right. All right.
3 All right. I just wanted to thank everyone. Nothing else.

4 PRESIDING JUDGE SMITH: That's okay. You may do that. You may
5 do that.

6 THE WITNESS: [Interpretation] Especially the people from -- who
7 took care of me over these few days. I thank everyone present.
8 That's all.

9 I am free now? Yes?

10 PRESIDING JUDGE SMITH: Yes. Thank you, and goodbye.

11 THE WITNESS: [Interpretation] Thank you. Thank you. Have a
12 nice day. Thank you.

13 [The witness withdrew]

14 MR. EMMERSON: May we step briefly into closed session?

15 PRESIDING JUDGE SMITH: [Microphone not activated]

16 MR. EMMERSON: Yes, I simply want to deal with one --

17 PRESIDING JUDGE SMITH: Into private session, please,
18 Madam Court Officer. [Microphone not activated].

19 MR. EMMERSON: No, absolutely.

20 PRESIDING JUDGE SMITH: Okay.

21 [Private session]

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17 [Open session]

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

19 PRESIDING JUDGE SMITH: Thank you. We're adjourned until 2.30.

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

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

22 PRESIDING JUDGE SMITH: Mr. Emmerson, the Panel has, I assure
23 you, read the entire statement of this next witness and all of the
24 notes and the security statement notes and the psychology notes, and
25 I know you want to make a statement. We would like you to wrap it up

1 in five minutes, please.

2 MR. EMMERSON: [Microphone not activated]

3 PRESIDING JUDGE SMITH: I can hear me but I can't hear you.

4 MR. EMMERSON: I apologise.

5 My main concern is the process --

6 MR. PACE: Sorry, Your Honour, before counsel starts. The SPO
7 hasn't been given an opportunity to respond to any of the requests
8 yet, and I just want to make sure that we will have that opportunity.

9 PRESIDING JUDGE SMITH: Don't worry about that.

10 MR. EMMERSON: My main plea at the outset is that we do nothing
11 to rush the situation that the Court is -- that we do nothing to rush
12 the situation that the Court is currently facing because there are a
13 number of unique features to this particular witness, and I'll avoid
14 generalities and hyperbole, which raise some very real difficulties
15 as to how to manage his evidence, particularly having regard to the
16 provisions of the rules and the way in which evidence can and should
17 be elicited.

18 Now, we know from documents that have now been disclosed that it
19 has been the witness's intention --

20 MR. PACE: Sorry, Your Honour, just to note we are in open
21 session, so if any specifics from confidentially disclosed documents
22 are going to be referred to, we should move to private session.

23 MR. EMMERSON: That's absolutely fair enough.

24 PRESIDING JUDGE SMITH: Please take us into private session.

25 [Microphone not activated].

1 MR. EMMERSON: I was going to say can I start my five minutes
2 afterwards.

3 [Private session]

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24 [Open session]

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

1 [The witness entered court]

2 PRESIDING JUDGE SMITH: Good afternoon, Witness. Can you hear
3 me all right?

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

5 PRESIDING JUDGE SMITH: The Court Usher will now provide you
6 with the text of the solemn declaration which you are asked to take
7 pursuant to Rule 141(2) of our rules. So take a look at that and
8 then read it aloud.

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

13 WITNESS: W04577

14 [Witness answered through interpreter]

15 PRESIDING JUDGE SMITH: You can be seated now. Did you
16 understand that solemn declaration?

17 THE WITNESS: [Interpretation] Yes.

18 PRESIDING JUDGE SMITH: And do you agree to follow it?

19 THE WITNESS: [Interpretation] Yes.

20 PRESIDING JUDGE SMITH: Witness, today we will start your
21 testimony, which is expected to last for several days. As you may
22 know, the Prosecution will ask you questions first, Victims' Counsel
23 has decided that he will not ask any questions, and then the Defence
24 has the right to ask questions of you. Members of the Panel might
25 also have questions for you, members of the Judges.

1 The Prosecution estimate for your examination is one hour. The
2 Defence estimates that it will need approximately 15 hours. However,
3 as regards each estimate, we hope that counsel will be judicious in
4 the use of their time. The Panel may allow redirect examination if
5 conditions for it are met.

6 Witness, please try to answer the questions clearly with short
7 sentences. If you don't understand a question, feel free to ask
8 counsel to repeat the question or tell them you don't understand and
9 they will clarify.

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

12 Please also speak into the microphone and wait five seconds
13 before answering a question and speak at a slow pace so the
14 interpreters can stay up with you.

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

19 Final instruction. Please stop talking if I ask you to do so
20 and also stop talking if you see me raise my hand. Witness, can you
21 look up here? If I raise my hand, that means you should stop because
22 it means I need to give you an additional instruction. Understood?

23 THE WITNESS: [Interpretation] Yes, that's fine.

24 PRESIDING JUDGE SMITH: If you feel the need to take a break,
25 please let us know and we will do our best to accommodate you.

1 THE WITNESS: [Interpretation] Okay.

2 PRESIDING JUDGE SMITH: So we will begin with the direct
3 examination by the Prosecution. They will begin over here.

4 THE WITNESS: [Interpretation] Before we can start, Your Honours,
5 with the Prosecutor's side, I have two requests to make, if I may.

6 The first one is --

7 PRESIDING JUDGE SMITH: No, you're just here to answer questions
8 right now. All right? Do you understand? We need to have you
9 concentrate on the questions the Prosecution will ask and then that
10 the Defence will ask. And then when you're finished with that, if
11 you want to make a statement, when we're all finished with that, we
12 will allow that.

13 THE WITNESS: [Interpretation] Okay.

14 PRESIDING JUDGE SMITH: Understood?

15 THE WITNESS: [Interpretation] I did not quite understand it, no.
16 I need a bit of time to be able to understand it properly.

17 PRESIDING JUDGE SMITH: Witness, what I'm telling you is that at
18 this point in the trial, you're going to be asked questions by the
19 Prosecution and by the Defence and even by the Judges. And when
20 you've finished that, if you wish to make a statement, we will allow
21 it. But right now we have to get on with the testimony. Understood?
22 You have to answer "yes" or "no."

23 THE WITNESS: [Interpretation] Yes.

24 PRESIDING JUDGE SMITH: Is there some reason I can't hear any
25 answer?

Witness: W04577 (Open Session)

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Examination by Mr. Pace

1 [Microphone not activated].

2 [Trial Panel confers]

3 PRESIDING JUDGE SMITH: [Microphone not activated]

4 THE INTERPRETER: Microphone for Your Honour, please.

5 PRESIDING JUDGE SMITH: Are you comfortable proceeding now after
6 I have explained it to you?

7 THE WITNESS: [Interpretation] Yes, I am.

8 PRESIDING JUDGE SMITH: All right. Fine.

9 Go ahead, Mr. Pace.

10 MR. PACE: Thank you, Your Honour.

11 Examination by Mr. Pace:

12 Q. Good afternoon, Witness. We've met before. I'll introduce
13 myself again. I'm James Pace, a Prosecutor with the SPO. And I'll
14 be asking you some questions for the next hour or so.

15 Before I ask the Presiding Judge to move into private session to
16 obtain information to establish your identity, I will note that, as I
17 explained during your preparation session last week, rather than
18 asking you questions about every relevant issue you may have
19 information about, it may be possible to admit some of your prior
20 statements containing such information into evidence.

21 In order to do so, there are a number of procedural steps to
22 follow which I will turn to after establishing your identity.

23 MR. PACE: And, Your Honour, we would need to move into private
24 session for a minute or so to establish the witness's identity given
25 his existing protective measures.

Witness: W04577 (Private Session)

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Examination by Mr. Pace

1 PRESIDING JUDGE SMITH: In order to protect the witness's
2 identity and identity of other witnesses, please move us into private
3 session.

4 [Private session]

5 [Private session text removed]

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Witness: W04577 (Private Session)

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Examination by Mr. Pace

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5 [Open session]

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

7 PRESIDING JUDGE SMITH: Thank you.

8 Mr. Pace.

9 MR. PACE: Thank you, Your Honour.

10 And for the Court Officer, none of the items I'll be asking to
11 be called up today are for public broadcast.

12 And, Court Officer, I'd like to start by showing the witness
13 SITF00305130 to 00305135 RED. And that would be the last page,
14 please. And I'll give you another ERN I would like side by side.
15 And the ERN to be on the screen at the side of this item is
16 SITF00305133-00305135-AT RED, and that would also be the same page,
17 page 135, please.

18 Thank you, Court Officer.

19 Q. And, Witness, just to explain again, while you can see these
20 items on your screen, the public cannot. Witness, this refers to an
21 interview with you, and on the pages before you, on the left in
22 English and on the right in Albanian, we see the date is in 2004. Do
23 you recall providing a statement in 2004?

24 A. I need a short pause because I do not feel very well, in order
25 for me to be able to resume testifying.

1 MR. PACE: I'm in your hands, Your Honour.

2 PRESIDING JUDGE SMITH: Do you need a pause here or are you
3 saying you need to go out to the other room?

4 THE WITNESS: [Interpretation] I need to go outside.

5 PRESIDING JUDGE SMITH: You won't go outside. You'll go into
6 the next room.

7 THE WITNESS: [Interpretation] Anyway, it doesn't matter. I need
8 to consult a lawyer in order to assist me with the procedure here
9 because there are a few things that I find difficulty understanding.

10 PRESIDING JUDGE SMITH: Madam Usher, take him out into the other
11 room, please.

12 Stay in public session.

13 [The witness stands down]

14 [Trial Panel confers]

15 PRESIDING JUDGE SMITH: We'll give the witness ten minutes.
16 We'll step aside for that period of time.

17 MR. EMMERSON: I'm sorry, Your Honour. He's made a very clearly
18 expressed desire to have the advice of a lawyer.

19 PRESIDING JUDGE SMITH: Yes.

20 MR. EMMERSON: He has to have one then. Ten minutes is not
21 sufficient for a lawyer to be instructed --

22 PRESIDING JUDGE SMITH: I just want to have him report back what
23 he's doing. I want him to think about a bit --

24 MR. EMMERSON: Okay, fine. But I mean, he's made a very clearly
25 expressed request on the transcript. So --

1 PRESIDING JUDGE SMITH: Yeah, yeah, yeah. Okay.

2 MR. EMMERSON: He was warned about the risk of
3 self-incrimination by Mr. Pace. He's obviously a witness at risk of
4 self-incrimination.

5 PRESIDING JUDGE SMITH: Yeah.

6 MR. EMMERSON: He has to have a lawyer.

7 PRESIDING JUDGE SMITH: I'm not arguing that. I'm just saying I
8 want to give him a chance to think about it.

9 MR. EMMERSON: No problem at all.

10 MR. PACE: Your Honour, just to be heard briefly on what counsel
11 has said. We have not heard anything from the witness that the
12 consultation --

13 PRESIDING JUDGE SMITH: Say -- try to --

14 MR. PACE: Sorry, Your Honour.

15 Just to respond briefly. We have not heard anything from the
16 witness that he would like to consult counsel because of a risk of
17 self-incrimination. As Your Honour and everybody here knows, the
18 witness is called as a witness, not a suspect.

19 PRESIDING JUDGE SMITH: When he comes back, we will ask those
20 questions, Mr. Pace. But right now, I want him just to have an
21 opportunity to think about it.

22 We're adjourned for ten minutes.

23 --- Break taken at 3.11 p.m.

24 --- On resuming at 3.34 p.m.

25 PRESIDING JUDGE SMITH: Could we go into private session,

1 please, Madam Court Officer.

2 [Private session]

3 [Private session text removed]

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Witness: W04577 (Private Session)

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Procedural Matters

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16 [Open session]

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

18 PRESIDING JUDGE SMITH: Thank you.

19 --- Whereupon the hearing adjourned at 3.46 p.m.

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