

*Redactions applied pursuant to F2070.*

1 Monday, 30 October 2023

2 [Open session]

3 [The accused entered the courtroom]

4 [The accused Krasniqi appeared via videolink]

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

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

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

11 PRESIDING JUDGE SMITH: Thank you.

12 Welcome, everyone, to the courtroom. Before we start hearing  
13 the evidence of Prosecution Witness 4753, there are a few preliminary  
14 matters to address.

15 First, I note that the Specialist Prosecutor, Kimberley West, is  
16 present in court today. Madam Specialist Prosecutor, you have asked  
17 permission to introduce yourself, and you have the floor.

18 MS. WEST: Good morning, Your Honours. Good morning, everyone  
19 in and around the courtroom. My name is Kim West. I'm the newly  
20 appointed Specialist Prosecutor, and I recently arrived in The Hague.  
21 I'm pleased to be here. It's an honour to appear before the Court.  
22 And thank you for this opportunity to introduce myself.

23 PRESIDING JUDGE SMITH: Thank you. Welcome to the Court and to  
24 The Hague, Madam Prosecutor. Thank you for taking the time to  
25 introduce yourself to the Panel and the parties and the participants.

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1 We hope to see you in court often, and we wish you well in your work.

2 And now back to the duties for the day.

3 The Panel will make an oral ruling on the request of the SPO for  
4 an extension of the word limit for the SPO's reply to the Defence's  
5 joint response to the third Rule 155 motion. This is filing F01889.

6 The SPO submits that an extension of 1.000 words is necessary as  
7 the Defence response covers a large amount of material and makes  
8 extensive reference to items other than the proposed Rule 155  
9 evidence. It is also the Panel's understanding that the Defence has  
10 no objection to the request.

11 Anybody wish to comment on this? No. All right. Thank you.

12 The Panel grants the SPO's request for an extension of 1.000  
13 words for the reply to the Defence Rule 155 response.

14 And this concludes the Panel's first order of the day.

15 Next, the Panel would like to address at some length the matter  
16 of the publicity of proceedings.

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

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

23 As a preliminary matter, the Panel notes that it has been a  
24 challenge for all parties and for the Panel to find the appropriate  
25 balance between the interests of the public and the right of the

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1 accused to publicity while preserving the integrity of the  
2 proceedings and providing effective protection for witnesses who need  
3 protection in an environment of witness intimidation.

4 The parties have thus far done their best, we feel, to account  
5 for those sometimes competing interests.

6 The Panel welcomes the exchanges that took place, the proposals  
7 made, the agreements reached on some of these proposals, as well as  
8 the efforts made by everyone since then, to secure as much publicity  
9 of proceedings as is possible in the circumstances in this case. We  
10 believe that progress has been made on the front.

11 That said, to further our efforts in maximising the publicity of  
12 the proceedings, the Panel wants to implement a procedure for the  
13 post-testimony review of private sessions of transcripts of hearings.  
14 To do so, the Panel proposes the following: First, the calling party  
15 should send *inter partes* a proposed lesser redacted transcript within  
16 seven days of the notification of the official version of all  
17 transcripts relevant to a witness.

18 Second, the non-calling party, participants, and Registry should  
19 accept or challenge any of the redactions within a further three  
20 days.

21 And, third, the calling party shall seize the Panel on any  
22 agreement reached and any unresolved disputed redactions within a  
23 further ten days for the Panel to rule on.

24 Within the same deadline, the non-calling parties, participants,  
25 and Registry shall file any submissions regarding proposed redactions

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1 which it opposes, stating its reason for the opposition.

2 Our idea is to implement this procedure going forward. For the  
3 completed testimonies, the Panel would like to hear the parties and  
4 participants as to the feasibility of aiming to complete, on a  
5 rolling basis, the review of the transcripts of the completed  
6 testimonies by the end of January 2024.

7 Thank you for your attention, and I'd like your submissions,  
8 starting with the Prosecution.

9 MR. HALLING: Your Honour, it's difficult to estimate the  
10 resources required to do that in the abstract. Is it possible to get  
11 back to you at the beginning of the second session with a  
12 feasibility?

13 PRESIDING JUDGE SMITH: As far as I'm concerned, everyone can  
14 look this over overnight and we can talk about it tomorrow morning so  
15 you have enough time to digest it. If you want to say something now,  
16 you certainly can.

17 MR. KEHOE: Well, I certainly would, Judge. As, obviously, the  
18 submissions that we have made previously bear true. We just don't  
19 have the manpower to do all of this. I mean, this is an enormous  
20 amount of material. We have an enormous amount of material that  
21 we're reviewing going forward, not only for this session but  
22 certainly for the December session.

23 So the strain on personnel to get this done is unwieldily.

24 PRESIDING JUDGE SMITH: Have you got an alternative proposal?

25 MR. KEHOE: I don't have an alternative proposal at this point.

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1 I mean, maybe I'll talk to some of the folks internally as to how  
2 this could get done, be accomplished. But, you know, obviously, the  
3 easiest thing, even moving forward, is to have a lot less -- fewer, I  
4 should say, closed sessions and private session matters. I mean, I  
5 think that -- I don't know what the percentage is, but, frankly, it's  
6 over the top. I mean, most of the witnesses that we have are either  
7 in private session or in closed session.

8 And those of us who have had experience in other tribunals have  
9 not had that experience at all. Having somebody that was with  
10 protective measures in the private or closed session was the  
11 exception, not the rule, and it's just the opposite here.

12 So there are a lot of competing issues here, and I just don't  
13 know how it can get done as a practical matter. But I will, in good  
14 faith, Your Honour, as an officer of the court, talk to the folks on  
15 the staff as to how we can accomplish this.

16 PRESIDING JUDGE SMITH: Anybody else?

17 MR. EMMERSON: May I reserve our position until tomorrow  
18 morning.

19 PRESIDING JUDGE SMITH: Yes.

20 The same for you?

21 MR. ROBERTS: The same for me, Your Honour, yes.

22 PRESIDING JUDGE SMITH: And, Mr. Ellis, the same?

23 MR. ELLIS: The same, Your Honour.

24 PRESIDING JUDGE SMITH: All right. That's a reasonable request.  
25 We will talk about this again tomorrow morning. I know it is an

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1 onerous duty, but it is important to the case that people know what's  
2 been going on. And it is also important to know that part of the  
3 reason for this Court's existence is to deal with the issue of  
4 intimidation, and we are doing our best to do that, and this is part  
5 of that process.

6 Some of these transcripts, you know, are redacted on an ongoing  
7 basis during the trial, during the hearing, so some of them are  
8 already in place. It might shorten up the process a bit. But I do  
9 understand your concerns, Mr. Kehoe. I'm not making light of them.  
10 They are true concerns. And we have to do it. We have to do it in a  
11 timely way. And at some time or another it's going to have to be  
12 done. Otherwise, it will just be us to do it, and there is four of  
13 us. You have more than that. Okay?

14 MR. EMMERSON: Your Honour, before we move on to the next  
15 witness, and to some extent following on from the point that you --  
16 that Your Honour has just dealt with. We would submit that from this  
17 point onwards, each witness for whom there are protective measures,  
18 including the next witness, should be questioned briefly by the Panel  
19 at the outset in private session as to whether the justification put  
20 forward for those measures is supported by the witness.

21 We have reason to believe the next witness, for example, does  
22 not wish to have protective measures. But it would be helpful if  
23 there could be at least some testing by the Panel of the need for  
24 protective measures with witnesses that are currently protected from  
25 the witness's own perspective.

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1           PRESIDING JUDGE SMITH: We won't be doing that with this first  
2 witness just because of the time element, but we will take your  
3 request under consideration and discuss it and make a ruling.

4           So, Madam Court Usher, you may bring the witness into the  
5 courtroom.

6   [The witness entered court]

7           PRESIDING JUDGE SMITH: Please remain standing, Witness.

8           The Court Usher will now provide you with the text of a solemn  
9 declaration which you are asked to take pursuant to Rule 141(2) of  
10 our Rules of Procedure. Please look at the document and then read it  
11 out loud.

12           THE WITNESS: [Interpretation] Yes. Conscious of the  
13 significance of my testimony and my legal responsibility, I solemnly  
14 declare that I will tell the truth, the whole truth, and nothing but  
15 the truth, and that I shall not withhold anything which has come to  
16 my knowledge.

17   WITNESS: W04753

18   [Witness answered through interpreter]

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

20           Thank you for being with us today, Witness. Today we will start  
21 your testimony, which is expected to last approximately 16 hours. As  
22 you may know, the Prosecution will ask you questions first. Once  
23 they are finished, the Defence has the right to ask questions of you,  
24 and the members of the Panel may have some questions for you.

25           The Prosecution estimate for your examination is 1.5 hours. The

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1 Defence estimates that it will need 14.5 hours. As regards each  
2 estimate, we hope and urge counsel to be judicious in the use of  
3 their time. The Panel may allow redirect if conditions for it are  
4 met.

5 Witness, please try to answer the questions clearly with short  
6 sentences. If you don't understand a question, feel free to ask  
7 counsel to repeat the question or tell them that you don't understand  
8 and they will try to clarify it for you. Also, please try to  
9 indicate the basis of your knowledge of facts and circumstances that  
10 you will be asked about.

11 In the event you are asked by the SPO to attest to some  
12 corrections made regarding your statements, you are reminded to  
13 confirm on the record the written statement as corrected by the list  
14 of corrections accurately reflects your declaration.

15 Please also speak into the microphones and wait five seconds  
16 before answering a question, and speak at a slow pace for the  
17 translators to keep up with you.

18 The Panel understands that the text that you have to read on  
19 your screen is sometimes very small and difficult to see. We kindly  
20 ask the Court Officers to bear this in mind.

21 Witness, if you are unable to read a document that is shown to  
22 you on the screen, please let us know.

23 During the next days while you are giving evidence in this  
24 Court, you are not allowed to discuss the content of your testimony  
25 outside the courtroom with anyone until you have finished giving



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1 evidence. If any person asks you questions outside this Court about  
2 your testimony, please let us know.

3 A final caution. Please stop talking if I ask you to do so, and  
4 also stop talking if you see me raise my hand like this because that  
5 means I need to give you a further instruction.

6 Do you understand that?

7 THE WITNESS: [Interpretation] Yes.

8 PRESIDING JUDGE SMITH: If you feel the need to take a break at  
9 any time, let us know and we will try to accommodate you.

10 Mr. Prosecutor, you have the --

11 THE WITNESS: [Interpretation] Thank you.

12 PRESIDING JUDGE SMITH: -- floor. You may start.

13 MR. HALLING: Thank you, Your Honour. For the initial questions  
14 identifying the witness, we would ask to move into private session.

15 PRESIDING JUDGE SMITH: Into private session, please,  
16 Madam Court Officer.

17 ~~[Private session]~~[Open Session] Reclassified  
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18 THE COURT OFFICER: Your Honours, we're in private session.

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. HALLING: Thank you.

21 Examination by Mr. Halling:

22 Q. Good morning, Witness. We've met before. I'm Matt Halling.  
23 I'm a Prosecutor with the SPO, and I'll be asking you questions  
24 today.

25 We are currently in private session, which means that no one

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1 outside this courtroom can hear what we are discussing.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 MR. HALLING: Your Honours, we now ask to go into open session.

14 PRESIDING JUDGE SMITH: [Microphone not activated].

15 Back into open session, please.

16 [Open session]

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

18 PRESIDING JUDGE SMITH: Thank you.

19 Go ahead, Mr. Halling.

20 MR. HALLING: Thank you, Your Honours.

21 Q. And, Witness, now we're in open session, which means that what  
22 we're discussing can be heard by the public. My questions are  
23 designed such that they will not identify you.

24 Witness, have you previously been interviewed by the SPO?

25 A. Yes.

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1 MR. HALLING: Could we ask the Court Officer to please pull up  
2 ERN 083285-TR-AT, page 1. Thank you.

3 Q. Witness, what you see now on the screen, is this your SPO  
4 interview?

5 A. Yes, that's it.

6 Q. And have you recently had an opportunity to refamiliarise  
7 yourself with the contents of this interview?

8 A. Yes, last week.

9 Q. In your preparation session, you indicated some changes and  
10 clarifications to your SPO interview; is that correct?

11 A. Yes, that's correct.

12 Q. And these changes were reflected in a note that was read back to  
13 you. Also correct?

14 A. Yes, that's correct.

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

17 A. Yes, it reflects all the changes in full. I confirm that.

18 Q. And so subject to the changes provided in that note, does this  
19 statement accurately reflect what you said and what you would say if  
20 asked again in court today?

21 A. Yes.

22 MR. HALLING: Your Honours, having fulfilled the Rule 154  
23 criteria, and in accordance with decision F01848, the SPO hereby  
24 tenders all of 083285-TR and all its parts in English and Albanian,  
25 along with Preparation Note 1, which is ERN 116645 to 116650.

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1           This also includes the associated exhibits identified at  
2           footnote 265 of decision F01848. For the fuel log addressed in  
3           paragraph 101 of the Rule 154 decision, the SPO is seeking the  
4           admission of the items shown to the witness, which is 083287 to  
5           083349.

6           PRESIDING JUDGE SMITH: [Microphone not activated]

7           MR. KEHOE: The only objection is the associated exhibits. We  
8           have articulated this previously, but for the record, obviously this  
9           witness signed them, but he never saw them before these interviews.  
10          He doesn't know anything about them. He's not the author of them.  
11          The Prosecution, during the course of these sessions, simply gave  
12          these documents to the witness. He hadn't seen any of these  
13          documents before, but, like, you know, just sign this document so we  
14          ensure that you've seen the document. But the reality is that he  
15          he's never seen any of them, he didn't draft any of them, and to the  
16          extent that we haven't objected to that before under our 154  
17          submission, we submit that these documents have not been -- or the  
18          support for these documents have not been presented by the SPO.

19          MR. EMMERSON: I also have an objection specifically to part of  
20          the associated exhibits which is different in its basis to the  
21          objection that's just been raised.

22          Your Honours will recall that there are a number of documents  
23          which have been tendered through other witnesses where the Defence  
24          contend that looking at the originals, and bearing in mind that they  
25          were provided by the Serbian intelligence service, the --

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1 [Trial Panel confers]

2 PRESIDING JUDGE SMITH: [Microphone not activated].

3 If we're going to continue this, we need to do it outside the  
4 presence of the witness.

5 Madam Usher, please take the witness out.

6 [The witness stands down]

7 MR. EMMERSON: I'm so sorry.

8 Amongst the exhibits associated with the proofing note is a  
9 document that was shown to the witness in his proofing session which  
10 has clearly been provided by the Serbian authorities. Although, of  
11 course, you have it only in -- or you'll have both the original and  
12 the printed English translation. But it falls into the same category  
13 as the two sets of documents that we contend and challenge involve  
14 the insertion of data by Serbian intelligence services before the  
15 evidence was provided to the ICTY.

16 And as you know, we've contended that in respect of one  
17 document, it is marked for identification pending litigation about  
18 its submission. And in respect of another that was admitted, it is  
19 pending the same piece of litigation in relation to it having been  
20 admitted and us requesting the Panel to reclassify it as marked for  
21 identification.

22 And the same is true of this one document which was put to the  
23 witness. It's an excerpt from the page range that Mr. Halling has  
24 just given you, and the number is U001-8967 to U001-9121-ET Revised  
25 1. Now, that is another manual which has been provided very clearly

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1 by the Serbian intelligence service, from the language on the front  
2 page. It is an original document, but it contains in the very back  
3 page an addition -- or, rather, I should say it contains an entry --

4 MR. HALLING: Your Honour, I'll object here. This is an  
5 admitted exhibit. This is P11. There is no reason to be discussing  
6 this now.

7 PRESIDING JUDGE SMITH: [Microphone not activated]

8 MR. EMMERSON: Pardon? Well, I'm so sorry. In which case, I've  
9 obviously misspoken myself. Your Honour, just give me one moment.

10 [Microphone not activated].

11 I do apologise. Mr. Halling is quite right. The objection was  
12 misplaced, and I'll return to the issue at a later stage.

13 PRESIDING JUDGE SMITH: [Microphone not activated]

14 MR. HALLING: And at least as regards if we can respond briefly  
15 to the Thaci Defence objections.

16 This is precisely what having Rule 154 litigation in advance of  
17 the witness testifying is for. They've had an opportunity to raise  
18 these same arguments, they did for many of them, and the Panel has  
19 ruled and ruled that they can be admitted as associated exhibits.

20 MR. KEHOE: The obligation of Defence counsel is to continue to  
21 bring before this Court the deficiencies in the documentation  
22 advanced by the Prosecution, and that is what our obligation is and  
23 we will continue to do.

24 This witness has been shown all these documents and knows  
25 nothing about them. Yet, in an effort to try to boost some support

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1 for these documents, they have this witness, as they've done before,  
2 sign the document as if to substantiate it.

3 Now, I understand we have litigated to some of this in a 154  
4 issue, Judge. But, nevertheless - nevertheless - we have to advance  
5 the position, and it's certainly to -- thinking about these exhibits,  
6 that they mean nothing, nothing, to this witness other than a few  
7 comments about the fuel log where his signature might be there.

8 PRESIDING JUDGE SMITH: Thank you, Mr. Kehoe.

9 Mr. Roberts, anything? Mr. Ellis?

10 MR. ROBERTS: Nothing, Your Honour.

11 MR. ELLIS: Only to join those objections, Your Honour.

12 PRESIDING JUDGE SMITH: All right.

13 The objection is overruled. You may continue as soon as we get  
14 the witness back.

15 Madam Usher, you may bring the witness in.

16 [The witness takes the stand]

17 PRESIDING JUDGE SMITH: Just for everybody's consideration, if  
18 you're going to make a long statement, please allow us to excuse the  
19 witness because there may be some material in that argument that he  
20 does not need to hear prior to his testimony. So I leave it to the  
21 lawyers to please notify me. I can't know what's going to happen in  
22 your head, so please let me know.

23 Go ahead, Mr. Halling.

24 MR. HALLING: And, Your Honour, just before continuing, to  
25 confirm that those exhibits tendered are, in fact, admitted?

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1           PRESIDING JUDGE SMITH: [Microphone not activated]

2           MR. HALLING: And does the Court Officer wish to assign exhibit  
3 numbers now?

4           PRESIDING JUDGE SMITH: The ERN 083825-TR-AT, English and  
5 Albanian, being the primary SPO interview, I take it, is admitted  
6 together with the associated exhibits that have been enumerated.

7           Please give everything a number, Court Officer.

8           THE COURT OFFICER: Thank you, Your Honours. I'll start with  
9 the statements.

10           So 083285-TR-AT Part 1 RED2 and its English version will be  
11 Exhibit P653.1. The same ERN Part 2 will be P653.2. Part 3 will be  
12 Exhibit P653.3; Part 4 will be Exhibit P653.4; Part 5 will be  
13 Exhibit P653.5; Part 6 will be Exhibit P653.6; Part 7 will be  
14 Exhibit P653.7; and Part 8 will be Exhibit P653.8.

15           For the Preparation Note 1 under ERN 116645 to 116650, that will  
16 be Exhibit P654.

17           And the items admitted through footnote 265 of the Rule 154  
18 decision, ERN 083286 of 083286 to 083518 RED3 will be Exhibit P655.

19           083287 to 083349-ET RED2 and the Albanian translation at 083287  
20 to 083349 will be Exhibit P656.

21           U001-8666 to U001-8666, both English and Albanian versions, will  
22 be Exhibit P657.

23           U001-7995 to U001-7995, for the English, and page 083505 of  
24 083286 to 083518 RED3 for the Albanian, will be Exhibit P658.

25           Pages 083506 to 083507 and 083521 of 083286 to 083518 RED3 will



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1 be Exhibit P659.

2 Page 083513 of 083286 to 083518 RED3 will be Exhibit P660.

3 Pages 083514 to 083517 of 083286 to 083518 RED3 will be  
4 Exhibit P661.

5 ERN U000-6159 to U000-6159 for both English and Albanian, it's  
6 the same ERN, will be Exhibit 662.

7 And for all those admitted exhibits, the specific portions will  
8 be identified in Legal Workflow. Thank you, Your Honours.

9 PRESIDING JUDGE SMITH: [Microphone not activated]

10 THE COURT OFFICER: The last is P662.

11 PRESIDING JUDGE SMITH: [Microphone not activated]

12 So 653, Parts 1 through 8, through 662 are all admitted and  
13 assigned the numbers as recited.

14 You may go ahead, Mr. Halling.

15 MR. HALLING: Thank you, Your Honour. We do have a short  
16 summary to read into open session. We'd suggest to do it now.

17 PRESIDING JUDGE SMITH: Yes.

18 MR. HALLING: W04753 was a KLA soldier at Drenoc. He will  
19 primarily testify to the command structure at Drenoc, the role of the  
20 military police there, and persons detained there.

21 Thank you.

22 Now, Your Honours, for the beginning of my questions at this  
23 point, which are about the -- kind of the establishment of the  
24 command at Drenoc, we believe we can stay in open session.

25 Q. So, Witness, with that in mind, I have a few additional

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1 questions for you. We'd like to start with, in the Drenoc area, who  
2 was the commander by the end of May 1998?

3 A. Xheme Gashi, Commander Gjermani.

4 Q. And around when did he arrive in the area?

5 A. It was at the beginning of May 1998.

6 Q. Where is Xheme Gashi from?

7 A. Xheme Gashi is an Albanian of Kosovo, to my knowledge.

8 Q. And where in Kosovo is he from?

9 A. From a village. Sferke, it's called, the village. In the Kline  
10 territory.

11 Q. Who was Xheme Gashi's deputy commander?

12 A. Mahir Hasani. He came later.

13 Q. You said he came later. Around when did he arrive in the Drenoc  
14 area?

15 A. If I'm not mistaken, after 12 May. After the battle that was --  
16 that took place in that zone.

17 Q. And where is Mahir Hasani from?

18 A. I heard that he is from a village near Peje. I don't know  
19 exactly from where.

20 Q. These places, Kline, Peje, is it correct to say that Xheme Gashi  
21 and Mahir Hasani were people from outside the area of Drenoc?

22 A. Yes, they were not from Drenoc.

23 Q. And I understand you yourself don't know who sent them to the  
24 Drenoc area; is that correct?

25 A. I never knew it. Not then, not now.

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1 Q. Witness, I'd like to ask you a question about part of your  
2 statement.

3 MR. HALLING: This is P653.2, page 20 to 21 in the English, and  
4 page 26 in the Albanian. And we'd ask if the Court Officer could  
5 display it on the screen.

6 Q. So, Witness, if you'll bear with us a moment, a page from your  
7 SPO interview is being put on the screen. This isn't being broadcast  
8 to the public. And I have a question about a specific portion.

9 MR. HALLING: So the English, it'll actually go from page 20 to  
10 page 21. So maybe just to scroll down a little more to page 21, line  
11 5.

12 Q. So it was this part of the statement:

13 "Did you actually see Mahir Hasani and Bislum Zyrapi when they  
14 were in Drenoc?

15 "A. Yes, and there were others as well whose names I don't  
16 remember. It was four or five Albanians who were former officers in  
17 the Yugoslav army. It's rumoured that they were spread among other  
18 areas after they came, and Mahir happened to stay with us in our  
19 area."

20 Witness, just as an initial question, this accurately reflects  
21 your evidence; yes?

22 A. Yes, yes. It does.

23 Q. And in conjunction with a part of your preparation note about  
24 this passage, is it understood correctly that of the people that were  
25 in this group, including Mahir Hasani, you heard Bislum Zyrapi was in

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1 it and you heard the names of some of its other members, four or five  
2 names, which you can no longer remember?

3 A. Correct. I never met Bislím Zyrapi. I only heard of him, his  
4 name.

5 Q. I wanted to ask you a question then about the preparation note  
6 admitted into evidence. At P654, and I'll just read this, because  
7 it's only in Albanian, it says, just in part:

8 "As for the group of former officers arriving at the end of May  
9 1998" --

10 MR. KEHOE: Where are you reading from, counsel?

11 MR. HALLING: This is paragraph 7 of P654.

12 Q. "As for the group of former officers arriving at the end of  
13 1998, they stayed for a few days in Zatriq. The witness did not meet  
14 or see the group personally."

15 So, Witness, my question is the statement suggests that you may  
16 have seen them and the preparation note doesn't. Which one is  
17 accurate?

18 MR. KEHOE: Object to the leading, Your Honour. Please.

19 PRESIDING JUDGE SMITH: [Microphone not activated].

20 The objection is overruled.

21 You may answer the question.

22 MR. HALLING:

23 Q. Witness, would you like me to repeat the question?

24 A. I'm clear, sir, Prosecutor.

25 Q. So just to confirm then, did you see them or not?

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1 A. When they came, I didn't see them with my own eyes.

2 Q. Understood. I'd now like to show you a document.

3 MR. HALLING: Could the Court Officer please pull up  
4 SPOE00225777 to SPOE00225777. The Albanian on one half of the  
5 screen, and the English on the other, please. Thank you.

6 Q. Witness, I'm interested in this document and just with the first  
7 sentence, it says:

8 "Mr. Mahir Hasani from Peja was placed at the disposal of the  
9 Drenovc base under the command of Mr. 'Gjermani', by the order of  
10 Messrs. 'Bis' and 'Maxhupi.'"

11 Now, Witness, just at the outset, you hadn't seen this document  
12 before your preparation session, and you don't know yourself who Bis  
13 and Maxhupi are; is that right?

14 A. I never saw him until the day that you showed me that. The  
15 document, I mean.

16 Q. You see that this is dated 31 May 1998. Does that match the  
17 timeframe from your recollection as around when Mahir Hasani was  
18 appointed the deputy commander at Drenoc?

19 A. Yes, it's the same date, 31st. I don't know who wrote that.

20 Q. Understood. And it says the Mahir Hasani from Peja. Is this  
21 the same Mahir Hasani you were referencing previously?

22 A. Yes, it's the same person. The same Mahir Hasani.

23 Q. And it says "under the command of Mr. 'Gjermani'," I believe you  
24 said it already, but just to confirm, who is Mr. Gjermani?

25 A. This is what they said. Commander Gjermani was Xheme Gashi.

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1 MR. HALLING: Your Honours, we would say that there is  
2 sufficient indicia to justify admitting this order concerning Mahir  
3 Hasani dated 31 May 1998. As for where this order comes from, it's  
4 Jakup Krasniqi's house. We tender it for admission.

5 MR. KEHOE: Again, Judge, there is no foundation with this  
6 witness at all. Let him bring somebody in. It's a document that  
7 this witness has never seen before that the SPO is trying to slip in.  
8 It's not signed by anybody. How do we substantiate the foundation of  
9 this?

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. KEHOE: Well, the foundation.

12 PRESIDING JUDGE SMITH: [Microphone not activated]

13 MR. KEHOE: There is absolutely no foundation for this.

14 PRESIDING JUDGE SMITH: [Microphone not activated]

15 MR. ELLIS: Your Honour, we share those objections. This is a  
16 document which is not signed, not stamped. There is no indication of  
17 who wrote it. It's plainly incomplete because there's an entry at  
18 the bottom right that says "Authorised persons," and then two numbers  
19 with nothing written there.

20 The witness cannot do anything to authenticate it because he had  
21 never seen it before. In those circumstances, we would say the test  
22 is not met.

23 [Trial Panel confers]

24 PRESIDING JUDGE SMITH: [Microphone not activated].

25 We'll mark that for identification, please.

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1 THE COURT OFFICER: Your Honours, SPOE00225777 to SPOE00225777  
2 will be marked as P663.

3 PRESIDING JUDGE SMITH: Thank you very much.

4 Go ahead, Mr. Halling.

5 MR. HALLING: And for Your Honours' consideration when  
6 evaluating the admissibility of that document, we would just note  
7 that items seized from the accused's house, we aren't able to ask the  
8 person from where it came from and we are dependent on witnesses like  
9 this to identify core contents of them.

10 MR. KEHOE: Well, that -- that --

11 PRESIDING JUDGE SMITH: We understand the dilemma.

12 MR. KEHOE: Well, that --

13 PRESIDING JUDGE SMITH: We don't need any more comment on it.

14 MR. KEHOE: Your Honour, that's simply not accurate. What  
15 normally happens is the Prosecution puts a witness on that seizes it.  
16 We're supposed to take the SPO's word for this.

17 And by the way, just for the Court Officer, they noted the  
18 exhibit number, but I think it was just noted for identification.

19 THE COURT OFFICER: [Microphone not activated]

20 MR. KEHOE: Okay.

21 PRESIDING JUDGE SMITH: Thank you.

22 MR. HALLING: So, Your Honours, at this point, for the next line  
23 of questioning, we would ask to move into private session.

24 PRESIDING JUDGE SMITH: All right. Court Officer, into private  
25 session, please.





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9 Q. Okay. Witness, I'd now like to take you to your evidence on  
10 Hysen Krasniqi. You talk a lot about Hysen Krasniqi in your  
11 evidence. I'm not going to go through every aspect of the story  
12 again, but I did have a few questions.

13 [REDACTED]

14 [REDACTED] did Hysen Krasniqi visit the Drenoc command on a  
15 previous occasion?

16 A. I don't know if he visited it. I know that he was there. He  
17 gave them weapons, the weapons that he had with a license.

18 Q. He gave them "the weapons that he had with a license," how do  
19 you know about this?

20 A. Because I was told this by Feim Gashi.

21 Q. And it's already clear from your statement, but just to repeat  
22 it again, who is Feim Gashi? It's reflected in the -- yeah, who is  
23 Feim Gashi?

24 A. Who is now or who was then? Can you be more specific, please?

25 Q. So I understand that Feim Gashi is no longer alive, but who was

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1 he? Tell us a little bit about this person.

2 A. He was a fighter of the first moments of the war of the KLA.

3 Q. And he was the one who told you that Hysen Krasniqi had  
4 previously given weapons. Was this to the Drenoc headquarters?

5 A. Yes, this is what he told me. [REDACTED]

6 [REDACTED]

7 Q. Did Feim Gashi tell you whether or not Hysen Krasniqi was  
8 considered a collaborator?

9 A. No, he didn't tell me these words.

10 Q. So, and just to be clear, and this is a passage from Preparation  
11 Note 2 at paragraph 9, it's recorded that Feim Gashi told you that  
12 Hysen Krasniqi was considered to be a Serbian collaborator but had  
13 come to hand over his weapon for which he had a permit.

14 Just to confirm, did he say that to you in some way?

15 A. Bedrush Gashi told me this, not Feim Gashi, Mr. Prosecutor.

16 Q. Understood. So for that particular piece of information, it's  
17 from Bedrush Gashi. Do I understand it correctly?

18 A. Yes, yes.

19 Q. And, again, just for the benefit of the room, who is Bedrush  
20 Gashi?

21 A. Bedrush Gashi was the brother of Feim Gashi.

22 Q. Was Bedrush Gashi also in the KLA?

23 A. Yes, he was one of the first group of that zone.

24 [REDACTED]

25 [REDACTED]

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1 A. Yes, that day.

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 A. I didn't understand the question.

6 Q. So I've now moved forward in time to the day of the incident  
7 itself, and I'm asking, from the moment that Hysen Krasniqi  
8 encounters the group of KLA, was he free to leave?

9 A. I don't know whether he was or not.

10 Q. So I understand that he's put in a car and he goes with Bedrush  
11 Gashi to the Drenoc headquarters?

12 A. Yes, yes, that's how it was.

13 Q. Could he have not gone to the Drenoc headquarters? Could he  
14 have just gone home?

15 A. I don't know.

16 Q. In your evidence, Hysen Krasniqi is detained once he gets to the  
17 Drenoc headquarters; is this accurate?

18 A. He was questioned.

19 Q. But he was kept at the school in Drenoc. This is your evidence;  
20 correct?

21 A. Yes, that's where he was.

22 Q. So he did not go home after he went to Drenoc on that day?

23 A. No, not -- I don't think he went that day. Maybe later. I  
24 don't know.

25 Q. Was it general knowledge within the KLA at the time that Hysen

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1 Krasniqi had been taken by the KLA?

2 A. The entire zone knew about it.

3 Q. So when you say the "the entire zone," you mean the entire area  
4 around Drenoc and all of the KLA members? Is this what you're  
5 referencing?

6 A. Yes, of course.

7 Q. I'd like to ask you a question about something else that's  
8 recorded in the preparation note.

9 MR. HALLING: And this is in Preparation Note 1, which is P654.  
10 And it's specifically from paragraph 9.

11 Q. And it's about collaborators. It's recorded:

12 "People were labelled as collaborators for reasons stated in  
13 [your] interview (Albanians who had permits for guns and people who  
14 worked for the Serbian administration). [You do] not know who  
15 identified collaborators or gave orders for them to be picked up.  
16 Given the structure in Drenoc/Drenovac, such orders would have come  
17 from Xheme Gashi down through the commander of the Military Police.  
18 [You do] not know who else could have issued such an order.

[REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Witness, again, does this paragraph accurately reflect your  
22 evidence?

23 A. Yes.

24 [REDACTED]

25 [REDACTED]

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11 MR. HALLING: Your Honour, that's our last question.

12 PRESIDING JUDGE SMITH: Thank you.

13 Mr. Kehoe.

14 MR. KEHOE: [Microphone not activated]

15 PRESIDING JUDGE SMITH: We are still in private session.

16 MR. KEHOE: [Microphone not activated]

17 PRESIDING JUDGE SMITH: No problem. No rush.

18 MR. KEHOE: [Microphone not activated]

19 PRESIDING JUDGE SMITH: Go ahead.

20 MR. KEHOE: [Microphone not activated]

21 THE INTERPRETER: Microphone.

22 MR. KEHOE: [Microphone not activated] ... getting my documents  
23 together.

24 I believe, Your Honour, just there are some personal matters to  
25 start with here. To the extent that they're going to reveal the

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1 identity of the witness, probably best to stay in private session.

2 PRESIDING JUDGE SMITH: All right. Go ahead.

3 Cross-examination by Mr. Kehoe:

4 Q. Witness, my name is Gregory Kehoe. I represent President Thaci.

5 And I'm going to ask you a few questions over the next hour or so.

6 Maybe a little longer. And I'm not going to ask you about

7 everything, but I'm going to go back to some of your statements that

8 you had given, and this will encompass more than what was referred to

9 by the Prosecutor this morning.

10 If you don't understand any question that I ask you, please ask

11 me to rephrase it. And if you're answering a question and I

12 interrupt you, I apologise ahead of time, but just tell me you

13 haven't completed your answer. The Court wants to hear all of the

14 evidence, and you can complete your answer.

15 Do we understand each other well, sir?

16 A. Yes, yes.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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23 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 MR. KEHOE: Excuse me, excuse me --

2 MR. HALLING: -- Preparation Note 1 is directly relevant to  
3 that.

4 MR. KEHOE: Excuse me.

5 Q. There was no military structure here was there, sir?

6 MR. HALLING: Objection again. The timeframe should be  
7 specified.

8 PRESIDING JUDGE SMITH: [Microphone not activated]

9 THE INTERPRETER: Microphone.

10 MR. KEHOE:

11 Q. It wasn't an army, and it didn't have a great military  
12 structure, did it?

13 A. Until the first week of June 1998, in that area, in the local  
14 staff of Drenoc, there wasn't a proper structure with a hierarchy.  
15 That is the answer that I would give you. That's a correct answer.

16 Q. And just to continue that quote, you said -- you give an  
17 example, and you say:

18 "... you would go [out] and perform guard duty on the border of  
19 the village but then you would return back home and eat dinner ..."

20 I mean, that's accurate, isn't it?

21 A. Where would I have dinner? We slept in our friend's homes, in  
22 our own homes. That was how it was then.

23 Q. Don't misunderstand me, sir. I am not challenging you. I am  
24 not challenging that you said this, and I'm not saying that it wasn't  
25 completely valid for you to go home and have dinner. Please, I'm

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*Redactions applied pursuant to F2070.*

1 not. I'm just getting an idea -- or giving the Court an idea of what  
2 the KLA was like at the time. And you say you went out and had guard  
3 duty, and when somebody replaced you, you went home to your house and  
4 had dinner; right?

5 A. Yes, we did guard duty, as I have said in my statement.

6 Q. And throughout this period of time, in order to, you know, have  
7 food and have cars and to have a place to stay, you relied on the  
8 local civilian population to help you, didn't you?

9 A. Our families, the Albanian family of that zone. Nobody else  
10 helped us.

11 Q. And correct me if I'm wrong, they gave you food, they gave you  
12 automobiles, they gave you a place to sleep at night, and they fed  
13 you. That's right, isn't it?

14 A. Yes, that's correct. My family, other families did that.

15 Q. And this all happened among the local villagers, isn't it --  
16 didn't it?

17 A. In all that area where we were.

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 Q. I understand, sir. But his punishment was that: You just go  
24 home. Just leave and go home to your house. Right?

25 A. Commander Gani Paqarizi was alive. I don't know the exact

Cross-examination by Mr. Kehoe

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1 punishment that was meted out to him. I only know that he was no  
2 longer part of the army.

3 Q. We'll go back to that in a bit. And the firing of a weapon.  
4 There were a lot of KLA soldiers that didn't know anything about  
5 firing weapons, did they?

6 A. Yes, there were some.

7 Q. So did you know how to shoot a weapon, sir? Fire a weapon?

8 A. You mean in 1998?

9 Q. In 1998.

10 A. Yes, I knew.

11 Q. And who taught you how to fire a weapon?

12 A. The group we were with at the beginning, [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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22 [REDACTED]

23 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) Reclassified Pursuant to F2070

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

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1 Similar to what we discussed about. Slight adjustments for holidays  
2 and things like that. We will e-mail that out to all of you  
3 hopefully by tomorrow. And we will not start in court until  
4 15 January, which is what I think I told you earlier.

5 Number two. I failed to mention this morning that  
6 Mr. Krasniqi - whoops, he's not there at all now - is appearing on  
7 videolink, and the other accused are present in the courtroom. There  
8 he is. Okay.

9 All right. Madam Usher, you may bring the witness in.

10 [The witness takes the stand]

11 PRESIDING JUDGE SMITH: Witness, we will continue now with the  
12 cross-examination, first with Mr. Kehoe.

13 MR. KEHOE: Thank you, Your Honour.

14 Q. Welcome back, Witness. I hope you got a cup of coffee. I think  
15 you told the Prosecution that the military police had, in Drenoc,  
16 started in the beginning of June 1998. That's correct, right?

17 A. Yes, that's correct.

18 PRESIDING JUDGE SMITH: Excuse me. Do you want to be in private  
19 session, Mr. Kehoe?

20 MR. KEHOE: I think so, Judge. I mean, I think it's probably  
21 safer.

22 PRESIDING JUDGE SMITH: All right.

23 MR. KEHOE: I mean, I would prefer not to be, frankly, but if  
24 we're getting into his identity, I think it's probably going to stray  
25 into that area.

Cross-examination by Mr. Kehoe  
*Redactions applied pursuant to F2070.*

1           PRESIDING JUDGE SMITH: Please take us into private session,  
2           Madam Court Officer.

3           MR. KEHOE: My apologies for not flagging that ahead of time.

4                                 ~~{Private session}~~[Open Session] *Reclassified Pursuant*  
*to F2070*

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

6           PRESIDING JUDGE SMITH: All right. You can proceed.

7           MR. KEHOE:

8           Q. And, sir, the establishment of the military police in Drenoc in  
9           early June was preceded by several ambushes where KLA soldiers had  
10           been killed; isn't that right?

11          A. That's what I think, yes. The war was expanding after certain  
12          events.

13          Q. Well, certainly, [REDACTED] do you recall the  
14          ambush on 11 May 1998 where Milaim Krasniqi was killed?

15          A. Yes. That was the first attack launched by the Serbian police  
16          in that area.

17          Q. And you do recall the ambush on 27 May when [REDACTED] Feim  
18          Gashi and others were killed; right?

19          A. Yes, of course I do remember.

20          Q. Yeah. And that was -- they had been ambushed and someone had  
21          set a trap for them; isn't that right?

22          A. Yes, someone had.

23          Q. And immediately after these events is when the military police  
24          was set up; right?

25          A. Yes, a couple of days later. I don't know exactly how many days

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1 later. Maybe three or four.

2 Q. And the issue that the people in the command were very nervous  
3 about collaborators, weren't they?

4 A. I think yes, very.

5 Q. Now, you noted for us or you noted for the SPO that you said  
6 that they -- the command in Drenoc and the command in Ratkoc and --  
7 Ratkovac, they cooperated well together. Do you recall saying that?

8 A. [REDACTED] in June 1998, they did have a good  
9 cooperation. Now as for later what their cooperation was, I don't  
10 know.

11 Q. Well, out of the Rahovec central command, there were in fact  
12 three companies, weren't there?

13 A. As far as I know, there were two at the outset and became three  
14 later. I don't know.

15 Q. Well, let me show you a document that the SPO has put in  
16 evidence.

17 MR. KEHOE: And this is P67.

18 Q. And this is a report from the Rahovec local operational staff.  
19 And it is dated 15 August 1998, and the Prosecutor maintains that it  
20 was signed by Xheme Gashi.

21 MR. HALLING: Misstates the evidence as to the signature. We'd  
22 also point out that this document doesn't seem to be on the Thaci  
23 Defence's presentation queue. Given that it's an SPO exhibit, we  
24 don't have any objection to it being put.

25 MR. KEHOE: Thank you.

Cross-examination by Mr. Kehoe

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1           PRESIDING JUDGE SMITH: [Microphone not activated]

2           MR. KEHOE:

3           Q.    So let us turn our attention to this document, sir. And I want  
4           to address the issue of cooperation with you among these commands.

5           MR. KEHOE: And if I can turn to the third page in the English.

6           Q.    You're welcome to look at this.

7           MR. KEHOE: And if I can turn to the third page in the English.

8           Q.    And it's noted at the bottom of the page:

9           "On the date of 05 June 1998 the Battalion command would appoint  
10          the Companies' commands, respectively the commanders and their  
11          deputies.

12          "The 1st Company would have Xhelal Hajda from Rahovec as  
13          Commander and Malush Gashi from Drenoc as Deputy Commander."

14          Now, this Xhelal Hajda was nicknamed Toni, wasn't he?

15          A.    Yes, that's what I heard.

16          MR. KEHOE: And if I can turn to the next page.

17          Q.    And if you see in the centre, it says that:

18          "Since Xhelal Hajda did not respond to the duty the Battalion  
19          Command assigned him to, that is, he refused to be the Commander of  
20          the 1st Company, on 07 June 1998 Zenel Berisha from Denji, Rahovec  
21          would be appointed as commander of this company."

22          So that's accurate, isn't it, from what you know, that Toni was  
23          appointed the 1st Company commander and that he refused to take that  
24          post so they had to put Zenel Berisha in from your village?

25          A.    I'm seeing this document for the first time today.

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1 Q. And I understand, sir, that you're seeing this document for the  
2 first time, and I'm just asking you to go back in recollection and  
3 verify that this is, in fact, what happened: Toni refused to take  
4 command, so they then had to put Zenel Berisha in from [REDACTED]  
5 of Dejne. Do you recall that, sir?

6 A. No, I don't recall that. I wasn't part of these appointments.  
7 There was no way I could know about them.

8 Q. Well, I understand that you weren't part of the appointments,  
9 but did you learn about these issues and problems in the command at  
10 Drenoc?

11 A. Maybe I did hear about them, but at this moment I can't recall,  
12 because there was a dispute, misunderstanding to what I heard. Many  
13 things were said after the war, and that's why I'm saying I don't  
14 know. At that time, I didn't know.

15 Q. And, sir, the only thing that the Court is asking of you is to  
16 give to the best of your ability what you recall. Okay? That's all  
17 we're asking.

18 A. I don't recall hearing about this, who appointed who at what  
19 position.

20 Q. So just taking this down. I mean, given the fact that Zenel --  
21 do you know Zenel Berisha from Dejne?

22 A. Yes, [REDACTED]

23 Q. And if you go down to that next paragraph on that page, it says,  
24 after Zenel Berisha was appointed, that:

25 "However, when our forces attacked the Serbian Police's

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1 checkpoint in Kramovik on 14 June 1998, an attack which lasted for  
2 more than 11 hours, Zenel was not at the required level of  
3 responsibility, and on 17 June 1998 he was dismissed, and Qazim Hoti  
4 from Polluzhe, Rahovec, was appointed to the position of Commander of  
5 the 1st Company."

6 Do you recall that, sir, that Zenel Berisha, [REDACTED]  
7 was fired shortly after he had taken over command of the 1st Company?

8 A. By God, I did not hear about his appointment or dismissal.

9 Q. Well, just going -- staying with the 1st Company, you do know  
10 that Toni left Rahovec and opened up or started his own company in  
11 Rahovec, didn't he?

12 A. Yes, I did hear about this in Drenoc [REDACTED]  
13 [REDACTED]

14 Q. And you do know that Toni didn't get along with the command in  
15 Drenoc, did he?

16 A. To what I heard, yes, he did not get along well.

17 Q. And, in fact, when there was an attack on Rahovec --

18 MR. KEHOE: And if we can go to the next page, at the top of the  
19 page.

20 Q. And, in fact, when there was an attack on Rahovec by Toni's  
21 soldiers, even though Toni wasn't there:

22 "... the Rahovec unit entered the city without the knowledge and  
23 order of the Rahovec Local Operational Staff and the foreseen plan  
24 for further action would be impeded by this."

25 You do know that the KLA units in Rahovec attacked Rahovec



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1 without any authorisation from anybody; isn't that right?

2 A. These things, I heard of them after the war. [REDACTED]

3 in end of July, I did hear some things.

4 Q. [REDACTED] the end of July, you heard

5 that Toni's unit, even without Toni, had attacked Rahovec without any  
6 coordination or permission of the command in Drenoc; right?

7 A. More or less. Yes, I don't know without whose permission or  
8 order, but the Rahovec unit did carry out an attack.

9 MR. KEHOE: And can we go back to the prior page.

10 Q. Now, the second -- it says:

11 "The 2nd Company would have Ismail Latifi from Ratkoc as  
12 Commander and Sadik Krasniqi also from Ratkoc as Deputy Commander."

13 Now, during the same period of time, you did know that the  
14 Ratkoc command and Smajl Latifi was not getting along with the Drenoc  
15 command; isn't that right?

16 A. Up until June 20th, I know that they had good relations. I  
17 don't know what kind of relations they had after that date. After  
18 the Rahovec battle, that is, or during this period for that matter.

19 [REDACTED] I don't know whether they had  
20 good or bad relationship.

21 Q. So let me take you back to June 1998 [REDACTED]

22 [REDACTED] Did you know --

23 A. Yes.

24 Q. -- as was stated by Bislum Zyrapli that:

25 [As read] "The reason for me going back there was that we still

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1 had these problems of the local staffs not working or not  
2 cooperating. I think there was an issue with the local staff in  
3 Ratkoc, from what I remember, not working with the staff of Drenoc."

4 Do you recall that, sir?

5 A. Is this what I said?

6 Q. No, this is Bislim Zyrapi's position.

7 A. I don't know what he said. I couldn't possibly know what  
8 Bislim Zyrapi said. How can I comment on his opinion or on his work  
9 with which I'm not familiar?

10 Q. Well, when you were in Drenoc in June 1998, did Bislim Zyrapi  
11 come to Drenoc to mediate a dispute between Xheme Gashi in the Drenoc  
12 command and Smajl Latifi in the Ratkoc command? Do you know that?

13 A. I did not see Bislim Zyrapi while I was in Drenoc, Mr. Counsel.  
14 There is no way I could know whether he was there or not.

15 Q. Well, let's go back to the same page. And we're now talking  
16 about the 3rd Company. That would have Binak Gashi from Gremnik,  
17 Kline, as the commander, and Sali Kastrati from Radoste as the deputy  
18 commander. Do you see that, sir?

19 A. Yes.

20 Q. Now let us turn two pages. And at the top of the page, under  
21 the:

22 "Mixing of competencies - is another problem we [are] facing  
23 throughout this period. The case of appointing the Commander of the  
24 3rd Company after the transfer of Binak Gashi from the General Staff.  
25 Instead of waiting for the decision of the Battalion Command and

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1 allowing the Deputy to carry out the duty of Commander, this company  
2 appointed somebody else -- someone else."

3 Excuse me. So do you know that when Binak Gashi who had been  
4 the 3rd Company commander was transferred out, as opposed to allowing  
5 the deputy commander to take over, that the company essentially  
6 appointed the person that they wanted to appoint? Were you aware of  
7 that?

8 A. No, I wasn't.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 Q. Okay. Let me take you to the prior page, if I can. And under  
16 the problem of --

17 MR. KEHOE: If we can just scroll up a little bit.

18 Q. The "Problems of an organisational nature ..." And this is the  
19 second paragraph of this, and it says:

20 "1. Problems of an organisational nature - which, in addition to  
21 supplying with weapons, includes another phenomenon which is even  
22 more harmful. The failure to respect the Battalion command by the  
23 Command of the 1st and 2nd Companies."

24 Now, at this point, it's Qazim Hoti, he's got the 1st Company,  
25 and Smajl Latifi's got the 2nd.

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1           "Specifically, the soldiers of the 1st Company refused the order  
2 of Mahir Hasanaj to go to Llapushnik for assistance on the date of 26  
3 July 1998."

4           Now, were you aware that, in fact, the soldiers from the 1st  
5 Company refused to follow Mahir Hasani's order to go assist in the  
6 Llapushnik fighting? Were you aware of that?

7           MR. HALLING: Your Honour, for the benefit --

8           THE WITNESS: [Interpretation] No, I wasn't.

9           MR. HALLING: Objection withdrawn.

10          MR. KEHOE:

11          Q.    [REDACTED]

12          A.    Yes, I was.

13          MR. KEHOE: If we can just move down.

14          Q.    With the issue of "Among the people," the next paragraph:

15                "Among the people of these commands who are involved in  
16 protecting the former collaborators and collaborationists of the  
17 occupier are Liman Kastrati from Radoste, as well as Sokol Morina and  
18 Gjoke Gashi from Dobidol, who shot at our police on 06 August 1998,  
19 while Smajl Latifi protected them and didn't allow our police to  
20 investigate ..."

21                Now, were you aware of this shooting incident on 6 August and  
22 that Smajl Latifi didn't allow the military police to investigate?  
23 Were you aware of that?

24          A.    I don't recall this as something that happened.

25          Q.    Let us turn to the next page. In that paragraph beginning:

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1 "On the date of 11 August," about several lines down, they're  
2 talking about some observers being stopped. It says:

3 "The observers were stopped in Ratkoc and were spoken with,  
4 without letting the Battalion Command or the Rahovec Local  
5 Operational Staff know. The bad thing is ... that such conversations  
6 with the foreigners gives them the chance to conclude that there are  
7 no institutional lines in the KLA that we ourselves have to respect  
8 first of all, and that instead everyone acts according to their own  
9 desire."

10 Now, that pretty much was -- sums up what was going on in that  
11 area, wasn't it, that people were acting according to their own  
12 desire; isn't that right?

13 MR. HALLING: Objection, vague. This is the beginning of a  
14 paragraph that begins on 11 August 1998, and that should be  
15 specified.

16 MR. KEHOE: That's fine.

17 PRESIDING JUDGE SMITH: [Microphone not activated]

18 MR. KEHOE:

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 [REDACTED]

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4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

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25 [REDACTED]

Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 [REDACTED]

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8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED] after the

12 Rahovec battle, the situation -- Gani Paqarizi was dead. It was a  
13 situation, as you say, of complete disorientation, and the KLA, as  
14 you said to the Prosecutor, were on the run; isn't that right?

15 A. More or less this is what the situation was.

16 Q. So when I said to you that people were doing with this -- amidst  
17 this disorientation and people were on the run, people were actually  
18 doing what they wanted to do; isn't that right?

19 MR. HALLING: Objection, asked and answered.

20 PRESIDING JUDGE SMITH: [Microphone not activated].

21 Overruled. You may answer.

22 THE WITNESS: [Interpretation] [REDACTED]

23 [REDACTED] the police commander -- military police commander

24 Gani Paqarizi had been killed. Xheme Gashi, Mahir Hasani, and the  
25 entire command was still there. There were soldiers who had fled,

Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 out of fear or for whatever other reason which I don't know.

2 The 2nd Battalion in Ratkoc, headed by Smajl Latifi, it was  
3 there at the time. What they did, how they acted, I don't know.  
4 This is my answer. If you want a more specific or detailed answer, I  
5 cannot give you such an answer because I don't know.

6 Q. And, sir, I'm just reading back to you the evidence that the SPO  
7 has put in your statement, that the situation was complete -- excuse  
8 me. The situation, it was complete disorientation and the KLA were  
9 on the run; right? [REDACTED]

10 [REDACTED] this was before the September offensive. [REDACTED]

11 [REDACTED]

12 A. Not the entire KLA had left, but some did. The KLA was still  
13 there present. There were soldiers who had fled, but the command  
14 structure was there, Mr. Counsel.

15 Q. Well, let's talk about the command structure, because that all  
16 changed with the September offensive by the Serbs, didn't it?

17 A. It changed with the killing of Gani. There was no longer  
18 military police, but the command was there.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]



Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 A. I was part of the offensive at that time until the last day. I  
2 am talking about the September offensive. And after the offensive,  
3 everybody left from that area, including myself.

4 Q. Understood. I understand. And everybody left. And when you  
5 say "everybody left," the commander, Xheme Gashi, left too, didn't  
6 he?

7 A. Everybody. As far as I know, everybody left.

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 MR. KEHOE: I'm sorry. I think I ran over the interpretation  
8 there, Judge. Did I run over the interpretation?

9 THE INTERPRETER: I think so.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 MR. KEHOE: I should know better, Judge --

12 PRESIDING JUDGE SMITH: Yes.

13 MR. KEHOE: -- and I understand.

14 PRESIDING JUDGE SMITH: Just --

15 MR. KEHOE:

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 note, paragraph 10, that you "did not know anything about the  
2 functioning of the General Staff and did not know of its existence  
3 during the war (he heard mention of it ... after the war). The  
4 highest authorities [that you] knew of in the Drenoc area were Xheme  
5 Gashi and his subordinates."

6 So that's accurate, [REDACTED]

7 [REDACTED] you didn't know anything about the functioning  
8 of the General Staff, did you?

9 A. I had no knowledge who represented, who led it, or if there was  
10 one.

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q. Now, just going back to just cover some points briefly. I think  
17 you told the SPO that you didn't know why Hysen Krasniqi -- and I'm  
18 shifting gears a bit. You don't know why Hysen Krasniqi was picked  
19 up; is that right?

20 A. I said [REDACTED]

21 [REDACTED]

22 [REDACTED] That's all. I don't know anything more about  
23 that, for that time, regarding what Bedrush Gashi told me. As to  
24 whether he was or he wasn't a collaborator, again, I don't know.

25 Q. Understood.

Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 A. Maybe somebody knows. I don't.

2 Q. And you then left -- excuse me. You didn't see anybody  
3 interviewing him or beating him; is that right?

4 A. I didn't see. If I had seen, I would have told you.

5 Q. And during your time in Drenoc, you've told the SPO that you  
6 didn't see anybody being mistreated; is that right?

7 A. During those days I was there, this is true. I didn't see  
8 anything.

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 Q. Now, if I may -- you know, in addition to not seeing anybody  
2 abused, you were asked by the SPO - and this is in, if I may, 653.4 -  
3 whether or not you had heard any screaming or noises coming from the  
4 school area, and you said no; is that right?

5 A. I didn't hear that.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

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9 [REDACTED]

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12 [REDACTED]

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16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Cross-examination by Mr. Kehoe

Redactions applied pursuant to F2070.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 PRESIDING JUDGE SMITH: Witness, Witness.

9 Mr. Kehoe, we've been through this once already.

10 MR. KEHOE: I understand.

11 PRESIDING JUDGE SMITH: We don't need to do it again.

12 MR. KEHOE: I understand, Judge. I didn't want to cut the  
13 witness off, but I will move on.

14 Q. Let's just shift topics here and go back a bit to Xheme Gashi,  
15 and we're just about to wrap up, if we can. And you had said  
16 previously that Xheme Gashi was the Drenoc commander.

17 And you were asked, and this, again, is in 653.8, page 11, line  
18 20, 11 to 20. You were asked this question by the SPO:

19 "On many occasions you said Xheme Gashi had the authority to  
20 give orders. Did you ever see or know of [any] occasion on which  
21 Xheme Gashi took orders from someone?

22 "A. No, I don't know of any. I don't know who he would have  
23 gotten [orders] from."

24 Do you recall that question and answer?

25 A. Yes, I recall that question --

Cross-examination by Mr. Kehoe  
*Redactions applied pursuant to F2070.*

1 Q. And that's true.

2 A. -- asked by the Prosecutor.

3 Q. And that's true, isn't it? That you don't know who Xheme Gashi  
4 would have gotten orders from, do you?

5 A. To tell you the truth, sir, I didn't know then, and I don't know  
6 now to this day. To be accurate, had I known, I would have told you.

7 Q. And, sir, you can just tell us what you know. Okay?

8 A. Okay.

9 Q. We're not asking for anything other than that. And the next  
10 question was:

11 "Do you know to whom Xheme Gashi reported about the activities  
12 for which he was responsible?"

13 "A. I don't know that either. I don't know."

14 That's true as well, that you don't know who Xheme Gashi  
15 reported to you, if anything; isn't that right?

16 A. It's correct. I didn't know then. I don't know now. I would  
17 have told you.

18 Q. Let me turn to again -- I'm staying with your testimony to the  
19 SPO. It's Exhibit P653.8, if I may. Page 12, lines 6 to 22. The  
20 question that was asked of you by the SPO:

21 "Q. What was the link or relationship between Xheme Gashi and  
22 the KLA ... Staff?"

23 "A. The General Staff? I've never met them. I don't know. I  
24 don't even know who they are besides what I've heard. When they  
25 presented themselves as members of the General Staff. I don't know



Cross-examination by Mr. Kehoe

*Redactions applied pursuant to F2070.*

1 who chose them or how they were chosen. I don't know."

2 Moving on to your prep note, which is Exhibit 654, you noted  
3 that you didn't even know anything about the functioning of the  
4 General Staff and did not know of its existence during the war. And  
5 that's accurate, isn't it? You didn't know anything about the  
6 General Staff, you didn't know how it operated, and you didn't know  
7 of its existence during the war; right?

8 A. Right. That's correct. I didn't know anything.

9 Q. And just moving to the detentions. The question -- and this is  
10 653.8, page 17, line 14 to 20. The question was asked of you:

11 "And do you know that the General Staff as an entity gave its  
12 authority to those detentions?"

13 He's talking about detentions of people in Drenoc.

14 Answer:

15 "I've never heard that the General Staff issued any sort of  
16 orders for anything. I don't know that they issued such a thing."

17 That's true as well, isn't it? You never heard anything about  
18 it and you don't know if they ever issued any orders regarding  
19 detentions, do you?

20 A. No, I don't know. If we talk about the local staff in Drenoc,  
21 then I said what I know. But I didn't hear anything about the  
22 General Staff from anyone.

23 Q. And moving to my client, President Thaci, you didn't know  
24 anything about President Thaci during the war and you had never met  
25 him during the war, had you?

Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1 A. Never did I meet him. If I had met him, I would have told you.

2 Q. Understood.

3 MR. KEHOE: If I might have one moment, Your Honour.

4 PRESIDING JUDGE SMITH: Certainly.

5 [Specialist Counsel confer]

6 MR. KEHOE: Your Honour, I moved through this a little bit more  
7 quickly than I thought. That's probably music to your ears, Judge,  
8 more or less, so I have no further questions at this time. Thank  
9 you.

10 PRESIDING JUDGE SMITH: Mr. Emmerson.

11 MR. KEHOE:

12 Q. Thank you, Witness. Thank you for your time.

13 Cross-examination by Mr. Emmerson:

14 Q. Do you remember -- sorry, I should introduce myself. My name is  
15 Ben Emmerson, and I'm representing Kadri Veseli.

16 Do you remember being asked by the Prosecution during your  
17 interviews about Kadri Veseli?

18 A. Yes, I remember.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Emmerson

Redactions applied pursuant to F2070.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 I'm going to just read you a couple of questions and answers  
5 from that passage.

6 MR. EMMERSON: And for those following, it is Part 8 of the  
7 interview transcripts, page 14, line 2 in the English; 15, line 14 in  
8 the Albanian. But, Madam Court Officer, there is no need to call  
9 that up.

10 Q. You were asked:

11 "Q. What about Kadri Veseli? Did you know him during the war?

12 "A. No, I've never -- I never saw him at all.

13 "Q. Do you know what his role in the KLA?

14 "A. Not during the war I didn't know. After the war, I heard  
15 rumours about what role he had, but I [don't] know who he was at that  
16 time. I didn't know who he was or what work he was doing.

17 "Q. Do you associate any nickname with Kadri Veseli?

18 "A. I heard about it after the war, 007, something like that.

19 "Q. Any other nicknames equivalent to something of the others  
20 you've mentioned, like Celiku for Fatmir Limaj. Did one apply to  
21 Kadri Veseli?

22 "A. I've heard of Luli. I heard after the war he used the  
23 nickname Luli, or 007.

24 "Q. Did there come any time when either an order or a soldier  
25 came to you in any of your operations upon the authority of Luli?"

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1 And you answered:

2 "Not me, no, never."

3 Do you remember that?

4 A. Yes, I remember.

5 Q. Were those answers true?

6 PRESIDING JUDGE SMITH: Could you state that again? There was  
7 an interruption between the translation and your --

8 MR. EMMERSON: I'm sorry.

9 PRESIDING JUDGE SMITH: -- next question.

10 Could we have the translation over again?

11 THE INTERPRETER: The witness said yes.

12 MR. EMMERSON: Yes, I think it's on the transcript.

13 Q. And just to be absolutely clear, the answers you gave to the  
14 Prosecutor were true; correct?

15 A. Yes.

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1 [REDACTED]

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15 [REDACTED]

16 [REDACTED]

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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*Redactions applied pursuant to F2070.*

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*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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*Redactions applied pursuant to F2070.*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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Cross-examination by Mr. Emmerson

Redactions applied pursuant to F2070.

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*Redactions applied pursuant to F2070.*

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*Redactions applied pursuant to F2070.*

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

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23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1 Q. And the deputy commander that you're referring to in that answer  
2 was whom?

3 A. Mahir Hasani.

4 Q. Mahir Hasani. And as far as Selim Krasniqi was concerned,  
5 technically speaking, in the orders that were established in Drenoc,  
6 Selim Krasniqi was the deputy head of the military police; is that  
7 right? The military police.

8 A. I don't know whether he was a deputy chief of police or what  
9 Selim Krasniqi's responsibility was. He was in Drenoc with  
10 Gani Paqarizi together, but I don't know what his responsibilities  
11 were.

12 Q. And how would you describe the role of Gani Paqarizi in relation  
13 to the military police in Drenoc? What name would you put on his  
14 functions?

15 A. He was a commander, the person in charge of the military police.

16 Q. And was Selim Krasniqi part of the military police?

17 A. He was part. But whether he was a deputy commander or not, I  
18 don't know. Maybe he was. You can ask him.

19 Q. I'm just going to read you a passage from your interview, and  
20 this is -- I'm pretty sure -- yes, this is Part 1, interview Part 1,  
21 line 22, for those following. You told the SPO:

22 "Gani Paqarizi was in charge [of the military police] as  
23 commander or however you want to use the terminology. And  
24 Selim Krasniqi was his deputy."

25 Is that not a correct statement of the facts?

Cross-examination by Mr. Emmerson

Redactions applied pursuant to F2070.

1 MR. HALLING: Your Honour, just to point out, this is clarified  
2 in Preparation Note 1, paragraph -- I believe it is 5.

3 MR. EMMERSON: Yes. Let me take you to that.

4 Q. But first off --

5 MR. EMMERSON: And thank you, Mr. Halling.

6 Q. First of all, that's how you put it when you were interviewed by  
7 the SPO. Was that an official -- the official line as you understood  
8 it to be? That officially Gani Paqarizi was in charge and  
9 Selim Krasniqi was his deputy. Is that correctly understood?

10 A. During the translation, there is mention General Staff, whereas,  
11 indeed, I said local staff. I don't think I mentioned Selim Krasniqi  
12 as a deputy. I know that they were together with Gani Paqarizi.  
13 They were friends. But I don't know exactly what his position was.

14 Q. Then perhaps it's clear. Something's got lost in translation is  
15 what you're saying? Yeah. So --

16 PRESIDING JUDGE SMITH: Mr. Emmerson, we're past 1.00.

17 MR. EMMERSON: I'm sorry, yes.

18 PRESIDING JUDGE SMITH: I don't know how much more you have.

19 MR. EMMERSON: Well, I've just got -- I'm just going to take up  
20 Mr. Halling's point and then I'm going to stop for lunch, if that's  
21 okay.

22 PRESIDING JUDGE SMITH: Oh. Go ahead with that. Go ahead with  
23 that.

24 MR. EMMERSON:

25 Q. So when you were asked about that by the Prosecution last week

Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1 in preparing for your evidence, I think you said:

2 "Xheme Gashi arrived earlier in May ... while Mahir Hasani came  
3 later."

4 And you also said, and this is paragraph 5, that you were not  
5 certain whether Selim Krasniqi was Gani Paqarizi's deputy because  
6 your memory is them being more or less on the same level. Is that  
7 your current recollection?

8 A. I don't know if it's of the same level, but they were comrades  
9 in arms who were almost the whole time together. They were friends.  
10 Whether he was his deputy, I don't know. However, Gani Paqarizi was  
11 appointed commander of the military police.

12 Q. So the two of them were very close. They were friends. It  
13 wasn't clear to you which one of them was in command of the other.  
14 Is that correctly understood?

15 A. It was clear to me that it was Gani who was the commander. Now,  
16 whether Selim was his deputy, I don't know. Maybe he was.

17 Q. Right.

18 [REDACTED]

19 [REDACTED]

20 MR. EMMERSON: Your Honour, that would be a convenient moment to  
21 break.

22 PRESIDING JUDGE SMITH: Thank you.

23 Madam Usher, you may escort the witness out.

24 Witness, we will take an hour and a half for lunch. You will be  
25 back here at 2.30 for another one-and-a-half-hour session.

Procedural Matters

*Redactions applied pursuant to F2070.*

1 [The witness stands down]

2 PRESIDING JUDGE SMITH: [Microphone not activated]

3 [Open session]

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

5 PRESIDING JUDGE SMITH: How much?

6 MR. EMMERSON: [Microphone not activated]

7 PRESIDING JUDGE SMITH: You will have a few more questions after  
8 lunch? Okay.

9 MR. EMMERSON: [Microphone not activated]

10 PRESIDING JUDGE SMITH: [Microphone not activated]

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

12 --- On resuming at 2.33 p.m.

13 PRESIDING JUDGE SMITH: Madam Usher, you may bring the witness  
14 in.

15 MR. EMMERSON: Just for the convenience of the Court and the  
16 parties, I'll be very brief.

17 [The witness takes the stand]

18 PRESIDING JUDGE SMITH: All right, Witness. We will continue  
19 with Mr. Emmerson's questions of you.

20 Go ahead, Mr. Emmerson.

21 MR. EMMERSON: Yes, I think we're actually starting in public  
22 session, I think.

23 PRESIDING JUDGE SMITH: [Microphone not activated]

24 MR. EMMERSON: Well, there's no reason to depart from the  
25 practice we've been adopting thus far.

Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1           PRESIDING JUDGE SMITH: Please take us to private session,  
2           Madam Court Officer.

3   ~~{Private session}~~[Open Session] *Reclassified Pursuant*  
4           *to F2070*

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

5           PRESIDING JUDGE SMITH: You may proceed.

6           MR. EMMERSON:

7           [REDACTED]

8           [REDACTED]

9                               [REDACTED]

10           [REDACTED]

11                               [REDACTED]

12           [REDACTED]

13           [REDACTED]

14           [REDACTED]

15           [REDACTED]

16           [REDACTED]

17           [REDACTED]

18           [REDACTED]

19           [REDACTED]

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21           [REDACTED]

22           [REDACTED]

23           [REDACTED]

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25           [REDACTED]

Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

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16 [REDACTED]

17 [REDACTED]

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19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Cross-examination by Mr. Emmerson

*Redactions applied pursuant to F2070.*

1 [REDACTED]

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12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 MR. EMMERSON: Just one moment, Your Honour.

23 Those are my questions.

24 PRESIDING JUDGE SMITH: Thank you.

25 Mr. Roberts, anything?



Cross-examination by Mr. Ellis

*Redactions applied pursuant to F2070.*

1 MR. ROBERTS: Good afternoon, Your Honour. No, in light of the  
2 questions and answers, I have no questions. Thank you.

3 PRESIDING JUDGE SMITH: Mr. Ellis?

4 MR. ELLIS: Your Honour, I have some questions. A little sooner  
5 than I anticipated, so I apologise if the citations are a little  
6 rustic.

7 Cross-examination by Mr. Ellis:

8 Q. Good afternoon, Witness. My name is Aidan Ellis and I'm  
9 representing Mr. Jakup Krasniqi. I have, I think, one question for  
10 you about matters of structure which we could resolve.

11 You said in your interview with the Prosecution that:

12 "Up until September, as I was telling you, we were a unit, but  
13 the brigades were formed after the offensives in September in Kosovo.  
14 Up to that point it was just units ..."

15 Do you recall saying that?

16 A. Yes, I remember. And this is how it was.

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 Q. So during the time when you were involved with the KLA in  
22 Drenoc, it was always referred to as a unit not as a brigade;  
23 correct?

24 A. Yes, as a unit. The units of the villages.

25 Q. Thank you. I want to now ask you a couple of brief questions

Cross-examination by Mr. Ellis

*Redactions applied pursuant to F2070.*

1 about some of the documents you've been shown by the Prosecution in  
2 your interview.

3 MR. ELLIS: The first of those is P657, I think. It was  
4 previously U001-8666. And if we could have that on the screen.

5 Q. You've already told the Prosecution, I think, in Part 5 of your  
6 interview, page 26, around lines 5 to 15 in the English, that you  
7 weren't familiar with this document. You'd never seen a decision  
8 like this before. That's right, isn't it?

9 A. It was in 2019 that I saw this document for the first time in  
10 the offices of the Specialist Prosecutor.

11 Q. Yes. And if I look at the date that appears on the face of  
12 this, it's 7 July 1998. *[REDACTED]*

13 *[REDACTED]*

14 *[REDACTED]*

15 Q. I see. So you wouldn't be able to assist us with this document  
16 at all, would you?

17 A. No. How can I?

18 MR. ELLIS: Could I then have P662 on the screen, please, which  
19 was previously U000-6159.

20 Q. And when you were interviewed by the Prosecution in 2019, what  
21 you had to say is:

22 "I never saw such a statement in my life. This is the first  
23 time I've seen something like this. I'm seeing it for the first  
24 time."

25 Would that remain your evidence, sir, that you saw this for the

Re-examination by Mr. Halling

Redactions applied pursuant to F2070.

1 first time in your Prosecution interview?

2 A. Yes. In 2019 was for the first time, today was for the second  
3 time. If you ask me tomorrow, I will say the third time tomorrow.

4 Q. Thank you. And, again, the date on that document appears to be  
5 26 June 1998. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 MR. ELLIS: Thank you, Your Honour. Those are my questions.

11 PRESIDING JUDGE SMITH: Thank you.

12 Any redirect?

13 MR. HALLING: Yes, Your Honour, we do have some redirect. I'll  
14 note at the outset that MFI P663's ruling is still pending. I don't  
15 know if the Court intends to rule on that now. I could ask further  
16 questions about the document if it assists.

17 PRESIDING JUDGE SMITH: We are not going to rule on it now.

18 MR. HALLING: Okay. Then I'll proceed.

19 Re-examination by Mr. Halling:

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1 [REDACTED]  
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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1 [REDACTED]

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8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 MR. HALLING: Your Honour, my question is aimed at something  
12 different. It's about the sequence of --

13 PRESIDING JUDGE SMITH: [Microphone not activated].

14 No, I'm not asking for a response. I'm just saying there is no  
15 connection.

16 What do you have?

17 MR. KEHOE: What I have is that Mr. Halling appears to be  
18 putting himself in place of a -- as a witness, because Mr. Halling  
19 was the one that conducted this examination, and he's now taking  
20 issue with the person that he questioned, and the only person that is  
21 on the other side of this is Mr. Halling, the questioner. So I'm not  
22 sure how that's openly going to play out, but that's certainly on the  
23 decks.

24 PRESIDING JUDGE SMITH: Mr. Ellis, you want to say something  
25 too?

Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1 MR. ELLIS: That's my objection as well, Your Honour. The  
2 problem is we don't have a note of what questions were asked and what  
3 responses were given.

4 PRESIDING JUDGE SMITH: Yeah, I was wondering why you didn't  
5 make additional note if there was some questioning after the  
6 readback.

7 MR. HALLING: Well, the answer to the question was reflected in  
8 the preparation note. It was corrected in the course of the  
9 readback, Your Honour. And the first time that it's become an issue  
10 as to it being in response to a question is just now.

11 MR. KEHOE: Well, that's, of course, Mr. Halling's testimony,  
12 and, you know, he's not in the witness box here.

13 MR. HALLING: Your Honours, I'm happy to move on from this  
14 question.

15 PRESIDING JUDGE SMITH: I think it would be best to move on.

16 MR. HALLING:

17 Q. Witness, why don't we go to part of your statement. This is  
18 P653.7.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

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16 [REDACTED]

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22 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

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22 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

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9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 Q. Witness, I'd now like to go through a series of small facts that  
19 have arisen from your evidence today. First, to confirm, you were  
20 talking about Xheme Gashi and Mahir Hasani being outsiders to the  
21 Drenoc area; correct?

22 A. Yes.

23 Q. And Mahir Hasani was the deputy commander for the Drenoc in that  
24 area?

25 A. Yes.

Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1 Q. And the group with Mahir Hasani, which included Bislim Zyrapi,  
2 was in the Drenoc area around the end of May, the start of June; yes?

3 MR. KEHOE: That's leading, Judge.

4 PRESIDING JUDGE SMITH: [Microphone not activated]

5 MR. HALLING:

6 Q. Witness, can you please answer the question?

7 A. Yes, yes.

8 Q. And Smajl Latifi was the commander for the KLA in the Ratkoc  
9 area; is that right?

10 A. Yes, that's right.

11 Q. Was the military police established around June 1998 in the  
12 area?

13 A. Yes.

14 Q. And you talked about Gani Paqarizi being killed in July 1998.  
15 Would this have been around 18 July; is that correct?

16 A. Yes, that's what is written on his date when he fell, 18 July.

17 Q. Who were the people in the KLA that had access inside the school  
18 area where detainees were kept? I understand that you didn't have  
19 access from your evidence. Who in the KLA did?

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Redactions applied pursuant to F2070.

1 [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 MR. ELLIS: Objection, Your Honour. What part of cross does  
6 that arise from? I don't remember this being cross-examined on.

7 MR. HALLING: Your Honour, I'm happy to explain the reason why  
8 all of the questions in this sequence are being asked, but I can only  
9 do it outside the presence of the witness.

10 PRESIDING JUDGE SMITH: [Microphone not activated]

11 THE INTERPRETER: Microphone for Your Honour.

12 PRESIDING JUDGE SMITH: [Microphone not activated] ... witness  
13 out for a short time.

14 [The witness stands down]

15 MR. HALLING: Thank you, Your Honour.

16 PRESIDING JUDGE SMITH: Go ahead.

17 MR. HALLING: So to explain, this line of questioning is all  
18 actually based on the previous line of questioning.

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Redactions applied pursuant to F2070.

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25 [REDACTED]

Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1           PRESIDING JUDGE SMITH: [Microphone not activated]

2           MR. HALLING: Your Honour -- and if it assists, I think counsel  
3 has actually explained the reason why these questions should be asked  
4 here from their submissions.

5           I only have a couple more of these, and then I'm done with my  
6 redirect examination.

7           PRESIDING JUDGE SMITH: We'll allow the questioning to continue.  
8 Go ahead.

9           MR. HALLING: Thank you, Your Honour.

10          PRESIDING JUDGE SMITH: Bring the witness in.

11                               [The witness takes the stand]

12          PRESIDING JUDGE SMITH: Be seated.

13          Go ahead.

14          MR. HALLING: Thank you, Your Honour.

15          [REDACTED]

16          [REDACTED]

17          [REDACTED]

18          [REDACTED]

19          [REDACTED]

20          [REDACTED]

21          [REDACTED]

22          [REDACTED]

23          [REDACTED]

24          [REDACTED]

25          [REDACTED]

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

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13 [REDACTED]

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15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Re-examination by Mr. Halling

*Redactions applied pursuant to F2070.*

1 [REDACTED]

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5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 MR. HALLING: Nothing further.

24 PRESIDING JUDGE SMITH: [Microphone not activated]

25 JUDGE METTRAUX: Thank you, Judge Smith.



Witness: W04753 (~~Private Session~~) (Open Session) Reclassified Pursuant to F2070

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Questioned by the Trial Panel

Redactions applied pursuant to F2070.

1 Questioned by the Trial Panel:

2 JUDGE METTRAUX: Good afternoon, Witness. I have a couple of  
3 matters of clarifications that I want to ask you about. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

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11 [REDACTED]

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Witness: W04753 (~~Private Session~~) (Open Session) *Reclassified Pursuant to F2070*

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Questioned by the Trial Panel

Redactions applied pursuant to F2070.

1 [REDACTED]

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Questioned by the Trial Panel

Redactions applied pursuant to F2070.

1 [REDACTED]

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5 JUDGE METTRAUX: And just on this. In your understanding, whose  
6 responsibility was it to appoint a replacement for Gani Paqarizi, if  
7 you know?

8 A. I don't know. Gani or Gani together with a commander. We  
9 cannot speak to Gani because he is dead, but maybe with the rest, we  
10 can ask them.

11 JUDGE METTRAUX: Thank you.

12 PRESIDING JUDGE SMITH: Judge Gaynor, anything?

13 JUDGE GAYNOR: No questions. Thank you.

14 PRESIDING JUDGE SMITH: Anything else from the Prosecution?

15 MR. HALLING: Nothing further, Your Honour.

16 PRESIDING JUDGE SMITH: Anything based on the Judges' questions?

17 MR. KEHOE: [Microphone not activated]

18 MR. EMMERSON: Nothing, Your Honour.

19 MR. ELLIS: Nothing. Thank you, Your Honour.

20 PRESIDING JUDGE SMITH: All right.

21 Witness, your time here is concluded. You will be released now  
22 from your duties here in the courtroom. Thank you for being with us  
23 and sharing your knowledge with us. The Court Usher will now escort  
24 you out of the room, and we wish you well.

25 THE WITNESS: [Interpretation] Thank you. I wish you all the

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1 best, too.

2 [The witness withdrew]

3 PRESIDING JUDGE SMITH: Please, into public session.

4 [Open session]

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

6 MR. HALLING: Your Honours, just as an update on the scheduling.

7 That happened much, much faster than was anticipated. The next

8 witness isn't available to commence testifying until Thursday

9 morning.

10 PRESIDING JUDGE SMITH: So nothing tomorrow. Thursday. Do you

11 have another witness after him? Because that doesn't look like it's

12 going to take terribly long.

13 MR. HALLING: Right. So the next witness can start and finish

14 perhaps on this Thursday, and then the following witness would go

15 next Monday.

16 PRESIDING JUDGE SMITH: Okay. Any questions about that

17 schedule?

18 MR. KEHOE: No, Your Honour.

19 MR. EMMERSON: No.

20 PRESIDING JUDGE SMITH: We have to do something about the

21 estimates. This was estimated for 16 hours for this guy. We spent

22 four, you know. And a good deal of that was cross-examination that

23 didn't happen.

24 You had estimated two hours, you used an hour and a half.

25 MR. HALLING: Correct. And we'd estimated 90 minutes before the

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1 hearing.

2 MR. KEHOE: Your Honour, I understand what the issue is.  
3 Obviously, as things went on, we collectively made a decision to cut  
4 back on cross-examination. But when you get this information in the  
5 raw data form, you see a multitude of issues that you're going to  
6 cross on.

7 I understand we should sharpen our cross-examination estimates,  
8 and we will make every endeavour possible to do that.

9 [Trial Panel confers]

10 PRESIDING JUDGE SMITH: We're to the point we're kind of  
11 concerned about this, because we're going to end up going on way too  
12 long in this trial that could be finished, I realise, in a long time,  
13 but shorter than what we've been estimating.

14 Is there nobody you can bring tomorrow?

15 MR. HALLING: From the information I've received, we have no one  
16 who's available to testify before the witness Thursday. Tomorrow was  
17 supposed to be for this witness.

18 PRESIDING JUDGE SMITH: [Microphone not activated] ... get backed  
19 into putting time limits on the Prosecution and time limits on  
20 cross-examination if you all can't do it. So I would suggest you  
21 strongly work on that or that will be our next step, because it isn't  
22 working out very well with everybody just voluntarily doing their  
23 best. So think about that.

24 We are adjourned until Thursday morning at 9.00.

25 --- Whereupon the hearing adjourned at 3.30 p.m.